

**WEST VIRGINIA  
SECRETARY OF STATE  
NATALIE E. TENNANT  
ADMINISTRATIVE LAW DIVISION**

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WEST VIRGINIA  
SECRETARY OF STATE

Form #6

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: West Virginia Board of Optometry TITLE NUMBER: 30-8

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 14-9

TITLE OF RULE BEING PROPOSED: Contact Lenses that Contain and Deliver  
Pharmaceutical Agents Certificates

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) HB 2639

SECTION 64-9-8(f), PASSED ON March 18, 2011

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE  
FOLLOWING DATE: August 15, 2011

  
Authorized Signature

TITLE 14  
LEGISLATIVE RULE  
WEST VIRGINIA BOARD OF OPTOMETRY

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SERIES 9  
CONTACT LENSES THAT CONTAIN AND DELIVER PHARMACEUTICAL AGENTS  
CERTIFICATE

**§14-9-1. General.**

1.1. Scope. -- This rule establishes the requirements, procedures and standards for the certification of a licensee with the authority to prescribe and dispense contact lenses that contain and deliver pharmaceutical agents and that have been approved by the Food and Drug Administration as a drug.

1.2. Authority. W. Va. Code §30-8-1 et. seq.

1.3. Filing Date. -- August 12, 2011.

1.4. Effective Date. -- August 15, 2011.

the provisions of this rule may dispense contact lenses that deliver pharmaceutical agents approved by the Food and Drug Administration as a drug from his or her optometric office.

4.2. The licensee shall be permitted to charge reasonable and customary fees for the dispensation of contact lenses that contain and deliver pharmaceutical agents approved by the Food and Drug Administration as a drug.

4.3. Optometrists who are certified to prescribe and dispense contact lenses that contain and deliver pharmaceutical agents may dispense these lenses to their own patients, but not fill prescriptions written by other health care practitioners.

**§14-9-2. Requirement.**

2.1. In order to qualify for certification, a licensee shall successfully complete the requirements for licensure in West Virginia and must have an active practice within the state of West Virginia.

**§14-9-3. Application.**

3.1. The licensee shall submit the Board's prescribed certificate application form to the Board;

3.2. The licensee shall attach a copy of his or license and each physical address from which the optometrist intends to dispense contact lenses that contain and deliver pharmaceutical agents; and

3.3. Shall pay the fee listed in the Board's rule, Schedule of Fees, W.Va. Code of State Rules, §14-5.

**§14-9-4. Dispensation.**

4.1. A licensee with certification under