

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

Form #2

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2010 JUN 25 AM 11:09

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Board of Optometry TITLE NUMBER: 14-10

RULE TYPE: Legislative CITE AUTHORITY: W. Va. Code 30-8

AMENDMENT TO AN EXISTING RULE: YES xx NO _____

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: §14-10

TITLE OF RULE BEING PROPOSED: Continuing Education

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON July 26, 2010 AT noon ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

West Virginia Board of Optometry
179 Summers Street, Suite 231
Charleston, WV 25301

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.


Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

WEST VIRGINIA BOARD OF OPTOMETRY

14CSR10

Continuing Education

Summary

This new rule brings the Board's rules to into compliance with the passage of Senate Bill 230, W. Va. Code §30-8, passed during the 2010 Legislative Session.

- The rule was developed to house the Board's Continuing Education provisions removed from §14-1 Rules of the West Virginia Board of Optometry.
- The rule eliminates outdated pre-approved organizations for continuing education sponsorship.
- The rule sets up a new pre-approval of continuing education procedure with more requirements to be met by the continuing education provider prior to course approval or rejection.
- It requires more fields in the proof of attendance certificate.
- It also makes requirements for continuing education exemption more clear.

WEST VIRGINIA BOARD OF OPTOMETRY

14CSR10
Continuing Education

Circumstances

The rule is made to house the Board's continuing education provisions removed from §14-1, Rules of the West Virginia Board of Optometry. The Board was advised to remove continuing education from §14-1 to accommodate change as more certificates and procedures are added to the Board's rules.

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Continuing Education, §14-10

Type of Rule: Legislative Interpretive Procedural

Agency: West Virginia Board of Optometry

Address: 179 Summers Street, Suite 231
Charleston, WV 25301

Phone Number: 304-558-5901 Email: wbdopt@verizon.net

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

The only new costs are in the course pre approval provisions.

It is unknown how many providers will submit courses for pre approval. Therefore the Board has chosen to submit the cost for one course pre approval.

It will take the staff approximately 3 hours to prepare the course entry, forward the documentation to the Board Member or President selected reviewer, receive the reviewer's determination and forward the information to the course provider. The staff cost is \$55 (3 x \$18.27 = \$54.81). The cost would be mostly offset by the \$50 Continuing Education Application Fee contained in the Board's proposed rule §14-5, Schedule of Fees.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.00	55.00	55.00
Personal Services	0.00	55.00	55.00
Current Expenses	0.00	0.00	0.00
Repairs & Alterations	0.00	0.00	0.00
Assets	0.00	0.00	0.00
Other	0.00	0.00	0.00
2. Estimated Total Revenues	0.00	50.00	50.00

Rule Title: Continuing Education, §14-10

Rule Title:

Continuing Education, §14-10

3. Explanation of above estimates (including long-range effect):

Please include any increase or decrease in fees in your estimated total revenues.

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It is unknown how many providers will submit courses for pre approval. Therefore the Board has chosen to submit the cost for one course pre approval.

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MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule would not have a fiscal impact, and/or any special issues not captured elsewhere on this form.

Date: _____

9/28/10

Signature of Agency Head or Authorized Representative



TITLE 14
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF OPTOMETRY

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SERIES 10
CONTINUING EDUCATION

OFFICE WEST VIRGINIA
SECRETARY OF STATE

§14-10-1. General.

1.1. Scope -- This legislative rule establishes requirements for continuing education for licensees.

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

1.3. Filing Date --

1.4. Effective Date --

§14-10-2. Continuing Education.

2.2. It is the responsibility of a registered optometrist to maintain evidence of meeting the continuing education requirements for license renewal for random audit by the Board.

2.3. The evidence shall show his or her attendance or time teaching continuing education as a Board approved instructor for a minimum of twenty (20) hours during the preceding year at educational optometric programs covering one or more of the subjects approved by the Board including the following requirements:

(a) a minimum of six (6) hours of study in pharmacology or therapeutics courses;

(b) a maximum of three (3) hours of study in practice management;

(c) a maximum of five (5) hours of optometric study may be taken by correspondence, or via the Internet;

(d) all continuing education study must be sponsored by one of the organizations listed in sub-section 3.1 of this rule or pre-approved by the Board as outlined in subsection 3.2 of this rule;

(e) In addition to the above listed continuing education requirements, any licensee who has been granted a certificate to administer pharmaceutical agents by injection shall obtain and maintain current certification from the American Red Cross, American Heart Association or their successor organizations or an accredited school or college of optometry or medicine in basic life support.

14-10-3. Approved Continuing Education Programs.

3.1. Educational programs sponsored by the following organizations approved as meeting the minimum standards are:

(a) the American Optometric Association or its affiliated organizations;

(b) the West Virginia Optometric Association and other state Optometric Associations;

(c) the American Academy of Optometry;

(d) Postgraduate courses offered at any accredited School or College of Optometry;

(e) the Southern Council of Optometry or its affiliates;

(f) the Council on Optometric Practitioner Education (COPE);

§14-10-4. Pre Approval of Continuing Education Courses or Events.

4.1. A registrant may submit a written request to the Board for continuing education course or event approval if the requirements listed in §14-10-3 are not met. Each application shall include payment of the fee established in the Board's rule, 14CSR5.

4.2. A request for approval from a registrant must be received at least thirty (30) days prior to the course, meeting or seminar; however, the Board may waive this requirement at its discretion.

4.3. The Board may approve courses, meetings or seminars either within or without the State of West Virginia.

4.4. The registrant shall include a Curriculum Vitae for the instructor as well as a copy of all handouts, power point presentations, or other electronic or non electronic materials that are part of the continuing education course as part of its application for Board approval.

4.5. Upon review the Board may reject the continuing education course, approve the continuing education course or approve the continuing education course conditionally.

(a) If the Board approves the course conditionally, the registrant must submit evidence that the conditions have been met prior to the continuing education event for the event to be approved by the Board.

4.6. All decisions of the Board are final and there is no appeal process. If the Board rejects a continuing education course or event and the registrant wishes to pursue Board approval, a new application must be submitted in compliance with the requirements of this rule.

4.7. In no event shall the Board consider approval of a continuing education course or event retroactively.

4.8. The Board president may designate a committee to review and approve or disapprove continuing education courses whose members may or may not be on the Board.

§14-10-5. Required Documentation.

5.1. Evidence of attendance shall be furnished by the sponsoring organization to each registrant at the program, signed by its secretary or chairman showing the date and place of the meeting or instruction by correspondence, Internet or other electronic means, speaker or

instructor, the title of the course, the sponsor of the meeting, COPE approval number, if applicable, and hours in attendance. The licensee shall maintain evidence of attendance, subject to audit by the Board, for renewal of his or her license.

§14-10-6. Exemptions.

6.1. A licensee who has graduated from an accredited optometry school within one year of taking and passing the West Virginia Examination shall be exempt from the requirements of sections §§14-10-2 through 14-10-4 for a period of time from the date of passage of the West Virginia Exam to the licensee's first license renewal.

(a) The requirements of §§14-10-2 through 14-10-4 of this rule will be required of the licensee listed in subsection 6.1 of this section in all succeeding license renewals.

6.2. Those licensees not covered by the provisions of 5.1 of this section may make a sworn request for exemption from the continuing education requirements listed in §§14-10-2 through 14-10-4. The sworn affidavit shall contain reasons acceptable to the Board for noncompliance with the Board's continuing education requirements and shall be filed with the Board when or before he or she applies for renewal of his or her license.

(a) The Board will review the affidavit and grant or reject the request for exemption.

(b) If the exemption is rejected, the Board may grant the licensee a specified period of time to obtain the remaining required continuing education hours.

(c) The Board shall notify the licensee of its decision by certified mail within thirty (30) days of the receipt of the licensee's request.