

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

Form #4

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2010 NOV 24 PM 3: 29

OFFICE OF THE SECRETARY OF STATE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: West Virginia Board of Optometry TITLE NUMBER: §14

CITE AUTHORITY: W. Va. Code §30-8-1, et. seq.

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: §14-10

TITLE OF RULE BEING PROPOSED: Continuing Education

THE ABOVE PROPOSED LEGISLATIVE RULES, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE, IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.

Matthew Beards
Authorized Signature

FILED

TITLE 14
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF OPTOMETRISTS NOV 24 PM 3: 29

SERIES 10
CONTINUING EDUCATION

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 --

(b) a maximum of six (6) hours of study in practice management;

(c) a maximum of ten (10) hours of optometric study may be taken by correspondence, or via the Internet;

~~(d) a minimum of two (2) hours of instruction in administering pharmaceutical agents by injection for those licensees who hold an Injectable Pharmaceutical Agents Certificate.~~

§14-10-2. Definition.

2.1 "Licensee" means an optometrist licensed under the provisions of W. Va. Code §30-8-1 et. seq. and the provisions of the Board's rules, 14CSR-W.Va. Code of Rules, 14-1, et. seq.

3.4 Of the required 40 hours, a licensee who holds an Injectable Pharmaceutical Agents Certificate shall complete two (2) hours of instruction in administering pharmaceutical agents by injection.

3.5 Of the required 40 hours, a licensee who holds an oral pharmaceutical certificate shall complete at least twelve (12) hours of instruction in ocular pathology and therapeutic pharmacological agents.

§14-10-~~23~~ Continuing Education.

~~2.23.1.~~ It is the responsibility of a licensed optometrist to maintain evidence of meeting the continuing education requirements for license renewal for random audit by the Board.

~~(e)3.6.~~ All continuing education study must be sponsored by one of the organizations listed in sub-section ~~34.1~~ of this rule or pre-approved by the Board as outlined in ~~subsection 3.2 section 5~~ of this rule.

~~2.3.3.2.~~ ~~The evidence shall show his or her attendance or time teaching continuing education as a Board approved instructor for A licensee shall complete a minimum of forty (40) hours for each two (2)-year cycle beginning with the dates July 1, 2008 to June 30, 2010. at educational optometric programs covering one or more of the subjects approved by the Board including the following requirements: even numbered two (2) year cycle.~~

~~(f)3.7.~~ In addition to the above listed continuing education requirements, a licensee who hold an Injectable Pharmaceutical Agents Certificate shall obtain and maintain current certification from the American Red Cross, American Heart Association or their successor organizations in basic life support.

3.3. Of the required 40 hours, the licensee shall complete:

14-10-~~34~~. Approved Continuing Education Programs.

(a) a minimum of ~~six~~ twelve (12) hours of study in pharmacology or therapeutics courses;

34.1. 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; and

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

§14-10-45. Pre Approval of Continuing Education Courses or Events.

45.1. A registrant continuing education provider may submit a written request to the Board for continuing education course or event approval ~~if the requirements of §14-10-3 are not met; if the continuing education provider is not listed as an approved sponsor in section §14-10-4 of this rule.~~ Each application shall include payment of the fee established in the Board's rule, 14CSR5-W.Va. Code of Rules, §14-5.

45.2. A request for approval from a ~~registrant continuing education provider~~ 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.

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

45.4. The registrant continuing education provider 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.

45.5. 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 continuing education provider must submit evidence that the conditions have been met prior to the continuing education event for the event to be approved by the Board.

45.6. 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 continuing education provider wishes to pursue Board approval, a new application must be submitted in compliance with the requirements of this rule.

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

45.8. The Board president may designate a committee to recommend approval or disapproval of the continuing education courses submitted. The committee members may or may not be members of the Board. The committee shall report its findings to the Board for action.

§14-10-56. Required Documentation.

56.1. Evidence of attendance shall be furnished by the continuing education provider or sponsoring organization to each registrant at the program ~~signed by the 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.

§14-10-67. Exemptions.

67.1. A licensee who has graduated from an optometry school accredited by the Accreditation Council on Optometric Education or its successor recognized by the U.S. Department of Education within one year of

~~taking and passing the West Virginia Examination~~ successfully completing the licensing interview shall be exempt from the requirements of sections §§~~14-10-23 through 14-10-4~~ for a period of time from the date of ~~passage of the West Virginia Exam~~ successful completion of the licensing interview to the licensee's first license renewal.

(a) The requirements of §§~~14-10-23 through 14-10-4~~ of this rule ~~will~~ shall be required of the licensee listed in subsection ~~67.1~~ of this section in all succeeding license renewals.

~~67.2.~~ Those licensees not covered by the provisions of ~~57.1~~ of this section may make a sworn request for exemption from the continuing education requirements listed in §§~~14-10-23 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 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.