

**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: 14-10

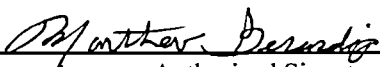
TITLE OF RULE BEING PROPOSED: Continuing Education

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(g), 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

FILED
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OFFICE OF THE CLERK
WEST VIRGINIA
SECRETARY OF STATE

SERIES 10
CONTINUING EDUCATION

§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 -- August 12, 2011.

1.4. Effective Date -- August 15, 2011.

§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, W.Va. Code of State Rules, 14-1, et. seq.

§14-10-3. Continuing Education.

3.1. 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.

3.2. A licensee shall complete a minimum of forty (40) hours of continuing education for each even numbered two (2) year cycle.

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

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

(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;

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.

3.6. All continuing education study must be sponsored by one of the organizations listed in subsection 4.1 of this rule or pre-approved by the Board as outlined in section 5 of this rule.

3.7. In addition to the above listed continuing education requirements, a licensee who holds 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.

14-10-4. Approved Continuing Education Programs.

4.1. 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).

§14-10-5. Pre Approval of Continuing Education Courses or Events.

5.1. A continuing education provider may submit a written request to the Board for continuing education course or event approval 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, W.Va. Code of State Rules, §14-5.

5.2. A request for approval from a 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.

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

5.4. The 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.

5.5. 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 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.

5.6. 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 continuing education provider wishes to pursue Board approval, a new application must

be submitted in compliance with the requirements of this rule.

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

5.8. 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.

§14-10-6. Required Documentation.

6.1. Evidence of attendance by shall be furnished by the continuing education provider or sponsoring organization to each registrant at the program showing the date and place of the meeting or instruction, speaker or instructor, the title of the course, the sponsor of the meeting, and hours in attendance, by correspondence, Internet or other electronic means. The licensee shall maintain evidence of attendance, subject to audit by the Board, for renewal of his or her license.

§14-10-7. Exemptions.

7.1. 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 successfully completing the licensing interview shall be exempt from the requirements of sections §§14-10-3 for a period of time from the date successful completion of the licensing interview to the licensee's first license renewal.

(a) The requirements of §§14-10-3 of this rule shall be required of the licensee listed in subsection 7.1 of this section in all succeeding license renewals.

7.2. Those licensees not covered by the provisions of 7.1 of this section may make a sworn request for exemption from the continuing education requirements listed in §§14-10-3. 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.