



WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

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December 14, 2010

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Natalie E. Tennant, Secretary of State, State Register

TO: Pamela Carper
WV Board of Optometry
179 Summers Street
Suite 231
Charleston, WV 25301

FROM: Legislative Rule-Making Review Committee

Proposed Rule: Injectable Pharmaceutical Agents Certificate, 14CSR11

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature:

1. Authorize the agency to promulgate the Legislative rule:
 - (A) as originally filed _____
 - (B) as modified by the agency _____
2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached. _____
3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. X
5. Recommends that the Legislature rule be withdrawn; a statement of reasons for such recommendation is attached. _____

WV BOARD OF OPTOMETRY
Oral Pharmaceutical Certificate
14CSR11

The Committee received testimony during the meeting that indicated to better protect the public an optometrist performing an injection should have hands-on supervised clinical training before performing an injection.

The Committee also received testimony about adverse reactions and drug interactions. To minimize those problems the Committee required the optometrist consult a patient's primary care physician before any injection, and added specific injections which an optometrist is prohibited from performing.

WV BOARD OF OPTOMETRY
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The Legislative Rule-Making Review Committee moved to amend the rule on page two, by inserting a new subsection 5.6, to read as follows:

"5.6 The licensee must present proof of hands-on supervised clinical training of a minimum of twenty-five patients for each type of injection and each medication where the licensee actually gave injections to patients under supervision. A log book with dates, medications, route of injection, name of supervising doctor and patient identification by number for review by the Board.";

And,

On page five, by adding a new section eleven to read as follows: "**§14-11-11. Restrictions.**

11.1 A certificate holder may not establish a pharmacy in an optometric office or sell injectable pharmaceutical agents prescribed in treatment unless there is a licensed pharmacist on staff or present when the prescription is filled. Nothing in this rule shall prohibit the optometrist from charging a usual and customary fee for performing the injection.

11.2 A certificate holder may not inject any medication into a child under the age of 18.

11.3 An injection may not be given to a patient without consultation with the patient's osteopathic or allopathic physician

in order to identify and minimize potential adverse reactions and drug interactions.

11.4 Retrobulbar and Periocular injections are prohibited.

11.5 A certificate holder may not inject any of the following drug categories:

- 11.5.1 Chemotherapy drugs;
- 11.5.2 Immunosuppressive drugs;
- 11.5.3 Intravenous steroids;
- 11.5.4 Intravenous dyes;
- 11.5.5 Controlled substances from Schedules II thru V;
- 11.5.6 Antivirals or Antifungal Agents;
- 11.5.7 Propofol (Diprivan);
- 11.5.8 Anesthesia drugs;
- 11.5.9 Edrophonium (Tensilon);
- 11.5.10 Neurotoxins;
- 11.5.11 Insulin or Diabetic drugs;
- 11.5.12 Cardiovascular drugs;
- 11.5.13 Dermatologic fillers;
- 11.5.14 Hyperosmotics;
- 11.5.15. Seizure drugs;
- 11.5.16 Hormones;
- 11.5.17 Antipsychotics;
- 11.5.18 Multiple Sclerosis drugs;
- 11.5.19 Blood thinners;
- 11.5.20 Flu shots;

11.5.21 Hepatitis Vaccines;

11.5.22 Pneumonia Vaccines;

11.5.23 Allergy drugs and testing.".