

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

Form #2

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2012 JUL 19 PM 4:16

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE**

AGENCY: WV. Board of Optometry TITLE NUMBER: 14

RULE TYPE: Legislative 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: 14-12

TITLE OF RULE BEING PROPOSED: Expanded Therapeutic Procedures Certificate

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 August 20, 2012 AT 4:00 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

WV 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

**14CSR12**

**Expanded Therapeutic Procedures Certificate**

Summary

The rule is written to establish a certificate of licensure for expanded therapeutic procedures that meet the criteria listed in W. Va. Code, §30-8-1, et. seq.

- The rule establishes requirements for a certificate to perform expanded therapeutic procedures.
- It establishes education and training requirements.
- The rule sets up an application procedure.
- It also sets up treatment guidelines.

WEST VIRGINIA BOARD OF OPTOMETRY

**14CSR12**

**Expanded Therapeutic Procedures Certificate**

Circumstances

The rule is written to establish requirements, procedures and standards for the certification of a licensee to perform expanded therapeutic procedures that meet the criteria listed in W. Va. Code, §30-8-1, et. seq.

APPENDIX B

**FISCAL NOTE FOR PROPOSED RULES**

Rule Title: Expanded Therapeutic Procedures Certificate

Type of Rule:  Legislative  Interpretive  Procedural

Agency: WV Board of Optometry

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

Phone Number: 304-558-5901 Email: wvbdopt@frontier.com

**Fiscal Note Summary**

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

The Board estimates that approximately 100 licensees will apply for an Expanded Therapeutic Procedures Certificate. It will take approximately 6 hours per applicant to set up policies, procedures, forms, process the applications, verify training, and set up systems for the record keeping portion of the rule. There will associated current expense costs involved as well.

**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	9,451.00	9,451.00	18,902.00
Personal Services	5,250.00	5,250.00	12,402.00
Current Expenses	3,250.00	3,250.00	6,500.00
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	10,000.00	10,000.00	20,000.00

Rule Title:

Expanded Therapeutic Procedures Certificate

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

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

It would take staff approximately 6 hours per applicant in personnel costs to set up policies, procedures, process each application and set up reporting and tracking components. Current expenses include \$40 for printing, certificates and filing materials for each applicant. Improvements to the web site would cost about \$2500.

**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: July 19, 2012

Signature of Agency Head or Authorized Representative

James Connelly

FILED

TITLE 14  
LEGISLATIVE RULE  
WEST VIRGINIA BOARD OF OPTOMETRY

2012 JUL 19 PM 4: 16

SERIES 12  
EXPANDED THERAPEUTIC PROCEDURES CERTIFICATE

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

§14-12-1. General.

1.1. Scope. -- This rule establishes the requirements, procedures and standards for the certification of a licensee to perform expanded therapeutic procedures which are considered rational to the diagnosis and treatment of the human eye and its appendages.

1.2. Authority. -- W. Va. Code §30-8-6 and §30-8-9.

1.3. Filing Date. --

1.4. Effective Date. --

14-12-2. Definitions.

2.1. "Accredited Optometry School" means an optometry school accredited by the Accreditation Council on Optometric Education or its successor organization recognized by the U.S. Department of Education.

2.2. "Appendages" means the eyelids, the eyebrows, the conjunctiva and the lacrimal apparatus.

2.3. "Board" means the West Virginia Board of Optometry.

2.4. "Certificate Holder" means a licensee who has met the requirements of this rule and has been issued an Expanded Therapeutic Procedures Certificate by the Board.

2.5. "Procedures," "Therapeutic Procedures" "Expanded Therapeutic Procedures" or "Approved Procedures" are procedures approved by the West Virginia Board of Optometry that meet the criteria of this rule. All expanded therapeutic procedures must meet the criteria listed in W.Va. Code, §30-8-1, et. seq.

§14-12-3. Certification Generally.

3.1. A licensee shall complete a Board approved application and meet all requirements as listed in this rule in order to be certified to perform expanded therapeutic procedures.

3.2. A licensee shall obtain injectable pharmaceutical agents certification prior to application for certification to perform expanded therapeutic procedures.

3.3. An applicant for licensure by examination, by reciprocity, or by reinstatement after a date to be determined by the Board shall only be granted licensure if the applicant meets the requirements for expanded therapeutic procedures.

§14-12-4. Certification Requirements.

To be certified the licensee shall:

4.1. Complete the required application form;

4.2. Submit proof of injectable pharmaceutical agents certification;

4.3. Submit proof of attendance and satisfactory completion of the required training in expanded therapeutic procedures. The Board shall verify successful completion of the approved training directly with the provider;

4.5. Submit the Expanded Therapeutic Procedures Fee as listed in the Board's rule, W. Va. Code of Rules, §14-5.

14-12-5. Education and Training.

5.1. The Board shall accept training for certification in expanded therapeutic procedures

that is provided by or through a school or college of optometry accredited by the Accreditation Council on Optometric Education or its successor organization.

5.2. The Board, at its discretion, may approve courses provided through organizations or individuals other than accredited schools or colleges of optometry, provided, that the training meets the criteria established by the Board.

5.3. The Board may accept expanded therapeutic procedures training used to obtain licensure for expanded therapeutic procedures from another state or states: Provided, that the other state or states have requirements that are substantially equivalent to the training required by this state.

#### **§14-12-6. Certification.**

6.1. Upon the licensee's successful completion of the requirements listed in sections 3 through 5 and approval by the Board or its designee an expanded therapeutic procedures certificate may be issued.

6.2. Upon issuance of the certificate, the licensee's license number shall be changed. The license number will be followed by a dash and the initial "E" for expanded therapeutic procedures.

#### **14-12-7. Treatment Guidelines.**

7.1. A certificate holder may perform Board approved expanded therapeutic procedures which are considered rational to the diagnosis and treatment of the human eye or its appendages.

7.2. Any pharmaceutical agent which may be administered while performing approved procedures shall be selected from the agents the certificate holder is authorized to prescribe or administer under his or her topical, oral or injectable pharmaceutical agents certification granted by W.Va. Code, §30-8-1, et. seq. and the provisions of W.Va. Code of Rules, §14-2, Oral Pharmaceutical Certificate, and W.Va. Code of Rules, §14-11 Injectable Pharmaceutical Agents Certificate;

7.3. The certificate holder shall follow all applicable Occupational Safety and Health Administration (OSHA) and Centers for Disease Control (CDC) guidelines pertaining to performance of expanded therapeutic procedures.

7.4. The certificate holder shall adhere to generally accepted standards of care and follow established clinical guidelines for approved procedures. The certificate holder shall monitor the patient for an adverse outcome and provide appropriate follow up care for patients treated by expanded therapeutic procedures.

#### **§14-12-8. Recertification.**

A certificate holder shall meet the following requirements for recertification:

8.1. The certificate holder shall submit proof of current certification in life support for the professional rescuer or for medical providers from the American Red Cross or American Heart Association or their successors.

8.2. The certificate holder shall submit proof of a minimum of two (2) hours of continuing education instruction in performing expanded therapeutic procedures per two year continuing education cycle as listed in W. Va. Code of Rules, §14-10, Continuing Education.

8.3. The certificate holder shall submit the recertification fee as listed in the W. Va. Code of Rules, §14-5.