

Form #2

OFFICE WEST VIRGINIA
SECRETARY OF STATE

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

WEST VIRGINIA BOARD OF OPTOMETRY

14CSR10
Continuing Education

Summary

The rule is written to comply with W.Va. Code, §30-1-7a, requiring continuing education on drug diversion and best practice prescribing of controlled substances.

- The rule increases the total number of required hours per every even-numbered two year cycle from 40 hours to 43 hours.
- The rule requires each person who receives his or her initial license to practice optometry to complete drug diversion and best practice prescribing of controlled substances continuing education within one year of receiving his or her license.
- Beginning in on July 1, 2014 all licensees who hold oral drug prescriptive authority or a higher level of licensure are required to complete drug diversion and best practices prescribing of controlled substances continuing education training.
- Those current licensees who are subject to drug diversion and best practices prescribing of controlled substances continuing education requirements may sign a waiver stating that he or she has not prescribed controlled substances during the entire previous even numbered two year reporting period. Those licensees will be exempt from the new continuing education requirement.

WEST VIRGINIA BOARD OF OPTOMETRY

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Continuing Education

Circumstances

The rule is written to comply with the requirements of W. Va. Code, §30-1-7a, requiring licensees to obtain continuing education training in drug diversion and best practices prescribing of controlled substances.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title:

Continuing Education

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 new continuing education provision is being added to comply with the Governor's Substance Abuse Bill passed in the 2012 Legislative Session. It will have no impact on the state's expenditures. The audit for compliance with the new provision will be folded into the present continuing education audit process. The classes will be provided by Board approved providers, not the Board.

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	0.00	0.00
Personal Services	0.00	0.00	0.00
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	0.00	0.00

Rule Title:

Continuing Education



Rule Title: _____

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

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

There will be no impact on the state's expenditures.

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.

The will be no impact on the state's expenditures.

Date: July 26, 2012

Signature of Agency Head or Authorized Representative

James Campbell

TITLE 14
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF OPTOMETRY
SERIES 10
CONTINUING EDUCATION

FILED

2012 JUL 26 PM 4:30

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. and W.Va. Code 30-1-7a.

1.3. Filing Date --

1.4. Effective Date --

§14-10-2. Definition.

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

2.2. "Controlled Substances" means a drug, substance or immediate precursor listed or described in Schedules I through V of article two, chapter 60A of the West Virginia Code.

~~2.1.~~ 2.3. "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)~~ 43 hours of continuing education for each even numbered, ~~two (2)~~ two-year cycle.

3.3. Of the required 40 ~~forty-three (43)~~ 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. 3.4. Of the required 40 43 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. At least 3 hours of these 12 required hours must be taken in drug diversion training and best practice prescribing of controlled substances as outlined in section 4 of this rule.

3.5. Of the required 43 hours, a licensee who holds an Injectable Pharmaceutical Agents Certificate shall complete 2 hours of instruction in administering pharmaceutical agents by injection.

3.6. 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.

~~3.6.~~ 3.7. All continuing education study must be sponsored by one of the organizations listed in ~~section 4.1~~ subsection 5.1 of this rule or pre-approved by the Board as outlined in section ~~5 6~~ 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. Drug Diversion Training and Best Practice Prescribing of Controlled Substances.

4.1. Each person who receives his or her initial license to practice optometry shall complete 3 hours of continuing education in drug diversion training and best practice prescribing of controlled substances training within one year of receiving his or her license.

4.2. Beginning July 1, 2014, all licensees who hold oral prescriptive authority or a higher level of licensure on that date, unless a licensee has completed and timely provided to the Board a Board-developed certification form and waiver request attesting that he or she has not prescribed a controlled substance during the entire previous even numbered two-year cycle, every licensee shall complete 3 hours of drug diversion training and best practice prescribing of controlled substances training during the previous reporting period as a prerequisite to license renewal. These 3 hours shall be counted as part of the 43 total hours of continuing education required under this rule.

§14-10-4. §14-10-5. Approved Continuing Education Programs.

~~4.1.~~ 5.1. 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 Association of Optometric Physicians Association and other state optometric associations;

(c) the American Academy of Optometry;

(d) post-graduate 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. §14-10-6. Pre Approval of Continuing Education Courses or Events.

~~5.1.~~ 6.1. 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~~ §14-10-5 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.~~ 6.2. A request for approval from a continuing education provider must be received at least ~~thirty (30) days~~ six months prior to the course, meeting or seminar; however, the Board may wave this requirement at its discretion.

~~5.3.~~ 6.3. The Board may approve courses, meetings or seminars either within or without the State of West Virginia.

~~5.4.~~ 6.4. 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.~~ 6.5. 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.~~ 6.6. 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.~~ 6.7. In no event shall the Board consider approval of a continuing education course or event retroactively.

~~5.8.~~ 6.8. 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.~~ §14-10-7. Required Documentation.

~~6.1.~~ 7.1. 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.~~ §14-10-8. Exemptions.

~~7.1.~~ 8.1. 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: Provided, that the initial licensee must complete 3 hours of continuing education training in drug diversion and best practice prescribing of controlled substances within one year of receiving his or her initial license.

(a) The requirements of §14-10-3 of this rule shall be required of the licensee listed in subsection ~~7.1~~ 8.1 of this section in all succeeding license renewals.

~~7.2.~~ 8.2. Those licensees not covered by the provisions of ~~7.1~~ 8.1 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.