



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

6/28/2023 8:26:26 AM

Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Optometry TITLE-SERIES: 14-14
RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No
RULE NAME: Eyelid Procedures

CITE STATUTORY AUTHORITY: WV Code 30-8-6 and WV Code 30-8-9

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/27/2023 9:00 AM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Pamela Carper
ADDRESS: 179 Summers Street, #231
179 Summers Street, #231
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PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

This rule gives more detail for procedures authorized by WV Code, 30-8-9 regarding non-malignant growths on eyelids.

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN THE RULE AND A STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE:

This rule adds detail to a procedure authorized in the scope section, WV Code, 30-8-9. It further defines the adnexa and proper treatment guidelines, notification, and referral requirements regarding non-malignant eyelid growths.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

There is no fee associated with this rule. There is no new certification required, so there will be no staff time dedicated to this rule.

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

There is no fee associated with 14-14 and no new certification for the staff to process, so the impact is zero.

C. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS:

There may be savings for patients with less travel time to have an eyelid growth removed. The savings cannot be calculated at this time.

D. FISCAL NOTE DETAIL:

| Effect of Proposal | Fiscal Year | | |
|------------------------------------|---|---|--|
| | 2023 Increase/Decrease (use "-") | 2024 Increase/Decrease (use "-") | Fiscal Year (Upon Full Implementation) |
| 1. Estimated Total Cost | 0 | 0 | 0 |
| Personal Services | 0 | 0 | 0 |
| Current Expenses | 0 | 0 | 0 |
| Repairs and Alterations | 0 | 0 | 0 |
| Assets | 0 | 0 | 0 |
| Other | 0 | 0 | 0 |
| 2. Estimated Total Revenues | 0 | 0 | 0 |

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

There is no cost to the public or state government. No fee is associated with this rule, so no revenues will be generated and no additional staff time is required.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Pamela P Carper -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

TITLE 14
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF OPTOMETRY

SERIES 14
EYELID PROCEDURES

§14-14-1. General.

1.1. Scope. -- This rule establishes certain eyelid procedures as included within the scope of practice of optometrists.

1.2. Authority. -- W. Va. Code §30-8-1 et. seq., W.Va. Code, 30-8-6, W.Va. Code 30-8-9.

1.3. Filing Date. --

1.4. Effective Date. --

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect on August 1, 2029.

§14-14-2. Definitions.

2.1. “Optometrist” means a person who practices optometry as defined in W. Va. Code §30-8-3.

2.2. “Ocular Adnexa” means the eyelids and structures adjacent to the eye.

2.3. “Malignant growth” means abnormal growth of tissue that may invade nearby tissue or spread to other parts of the body.

2.4 “Non-malignant growth” means abnormal growth of tissue that is unlikely to spread to other parts of the body, commonly referred to as benign.

§14-14-3. Scope of Practice.

3.1. The removal, biopsy, and treatment of non-malignant growths of the ocular adnexa shall be included in the description of the practice of optometry and shall be included in the definition of an optometrist’s scope of practice.

3.2. An optometrist shall adhere to generally accepted standards of care and follow established clinical guidelines for removal, biopsy, and treatment of abnormal tissue growth from the ocular adnexa. The optometrist shall monitor the patient for any adverse reaction and provide appropriate follow-up care.

3.3. If malignant growth is suspected or confirmed through biopsy, an optometrist shall take appropriate measures to promptly refer the patient to an appropriate specialist in the treatment of malignant growth.

3.4. This rule pertains strictly to the ocular adnexa and does not address procedures involving any other part of the eye or human body.