



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Optometry TITLE-SERIES: 14-13
RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No
RULE NAME: Ophthalmic Laser Utilization Certificate
CITE STATUTORY AUTHORITY: WV Code, 30-8-6, 30-8-9

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/28/2023 9:00

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: WV Board of Optometry
ADDRESS: 179 Summers Street, #231
Charleston, WV 25301
EMAIL: wvbdopt@frontier.com

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:

The rule establishes the Ophthalmic Laser Utilization Certificate outlining the qualifications, training, and restrictions for using an ophthalmic laser.

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

WV Code 30-8-6 and 30-8-9 authorize the WV Board of Optometry to make rules for procedures that are taught in 50% of accredited optometry schools. This rule outlines the qualifications, training, treatment guidelines, and restrictions for optometric use of Ophthalmic Lasers

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

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

No fees are charged for the certificate so no revenue will be derived from issuing the certificate. The cost would be the staff time used to process the certificate applications. The demand for the certificate is undetermined, so the cost cannot be estimated now.

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

Please refer to item A. There is no fee for the certificate so no new revenues will be created. The only cost would be the staff time used to process the applications verify training, etc.

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

The main impact for the state and its residents will be certain added laser procedures available near home for the patients. It is more of a benefit of convenience rather than economic at this point. There may be some cost savings in travel for certain laser procedures.

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	500	500	500
Personal Services	500	500	500
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 fee for the certificate so there will be no revenues. The staff time needed to process applications is difficult to estimate since we do not know how many optometrists would apply for a laser certificate. \$500 is the minimum cost estimated for staff time to process.

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 13
OPHTHALMIC LASER UTILIZATION CERTIFICATE

§14-13-1. General.

1.1. Scope. -- This rule establishes requirements, procedures, and standards for the certification of licensees to perform certain laser procedures.

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

§14-13-2. Definitions

2.1. "Certificate Holder" means a licensee who has met the requirements of this rule and has been issued an Ophthalmic Laser Utilization Certificate by the Board.

2.2. "Ophthalmic Laser" means any of the commercially available light amplification by stimulated emission of radiation (LASER) devices approved by the US Food and Drug Administration for use on the human eye and adnexa.

2.3. "Posterior Capsular Opacification (PCO)" means the clouding of the eye's posterior lens capsule that commonly occurs following cataract surgery and is most commonly treated by optometrists and ophthalmologists by utilizing ophthalmic laser techniques.

2.4. "Peripheral Iridotomy" means the standard first-line treatment in angle-closure glaucoma and eyes at risk for this condition most commonly treated by optometrists and ophthalmologists utilizing ophthalmic lasers.

2.5. "Selective Laser Trabeculoplasty" means a simple, yet highly effective laser procedure that reduces the intraocular pressure associated with glaucoma that uses short pulses of low-energy light to target the melanin, or pigment, in specific cells of the affected eye. The surrounding, non-pigmented cells are untouched and undamaged.

§14-13-3. Certification Generally.

3.1. A licensee shall meet all the requirements as listed in this rule in order to be certified to utilize an ophthalmic laser.

3.2. A licensee shall obtain Ophthalmic Laser Utilization certification to utilize Ophthalmic Lasers in West Virginia.

3.3. An applicant for licensure by examination, by reciprocity, or by reinstatement after March 1, 2024, shall only be granted licensure if the applicant meets the requirements for Ophthalmic Laser Utilization certification.

3.4. Upon the licensee's successful completion of the requirements and application listed in sections 3-5 and approval by the Board, an Ophthalmic Laser Utilization Certificate may be issued.

3.5. 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 "L" for ophthalmic laser utilization.

§14-13-4. Certification Requirements.

To be certified the licensee shall:

4.1. Complete the required application form;

4.2. Submit proof of attendance and satisfactory completion of the Education and Training established by the Board in §14-13-5.

§14-13-5. Education and Training.

5.1. The Board shall accept a course for certification that is provided by or through a school or college of optometry accredited by the Accreditation Council on Optometric Education or its successor organization provided, the course includes the criteria listed in subsections 5.2.a through 5.2.c,

5.2. The Board, at its discretion, may approve courses provided through organizations other than accredited schools or colleges of optometry certifying that the optometrist is competent in the utilization of ophthalmic lasers if, and only if, the course meets the following minimum criteria:

5.2.1. Each course shall include indications, contra-indications, techniques, risks, and benefits.

5.2.2. Each course shall include appropriate follow-up and management protocols and techniques;

5.2.3. Each course shall teach the procedures in a closely supervised environment with a proficiency assessment examination.

5.3. A list of approved courses for Ophthalmic Laser Utilization Certification will be maintained by the Board for public inspection.

5.4. The license granted to an applicant who graduated from an accredited school or college of optometry and who passed the Ophthalmic Laser portion of the National Board Examination in 2024 or thereafter shall be deemed to have met the education and training criteria listed in section 5.

§14-13-6. Treatment Guidelines.

6.1. A certificate holder may utilize ophthalmic lasers which are considered rational to the diagnosis and treatment of the human eye or its appendages.

6.2. The Board will maintain a list of approved treatment indications and shall update the list as new treatments, technologies, and training become available.

6.3. Effective March 1, 2024, approved treatment indications include;

6.3.1. Posterior Capsular Opacification (PCO)

6.3.2. Peripheral Iridotomy

6.3.3. Selective Laser Trabeculoplasty (SLT)

6.4. The certificate holder shall follow all applicable Occupational Safety and Health Administration (OSHA) guidelines pertaining to Ophthalmic lasers.

6.5. The certificate holder shall adhere to generally accepted standards of care and follow established clinical guidelines for utilization of ophthalmic lasers. The certificate holder shall monitor the patient for any adverse reaction and provide appropriate follow-up care.

§14-13-7. Restrictions.

7.1. The licensee shall perform only those ophthalmic laser procedures approved by the Board.

7.2. New ophthalmic laser procedures may be added to the list of approved procedures by a decision of the Board based on the following criteria:

7.2.1. A new or existing ophthalmic laser device or procedure has been approved by the Food and Drug Administration for the treatment of the eye or its appendages.

7.2.2. A new or existing ophthalmic laser device or procedure has gained accepted use in the eye care field. Such acceptance may be indicated by its inclusion in the curriculum of an optometry school accredited by the Accreditation Council on Optometric Education, or its successor approved by the U.S. Department of Education or approved post-graduate continuing education, through peer-reviewed, evidence-based research and professional journal articles, or by inclusion in established standards of practice and care published by professional organizations.

7.3. Except for Post Operative Care of these procedures, the following are excluded from the scope of practice of optometry:

7.3.1. Laser procedures of the Retina, Vitreous, Crystalline Lens, or other structures not specifically designated in this rule or specifically approved by the Board.