



**WEST VIRGINIA SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

**eFILED**

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Office of West Virginia  
Secretary Of State

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**NOTICE OF PUBLIC COMMENT PERIOD**

AGENCY: Optometry

TITLE-SERIES: 14-06

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: Interview Evaluation

CITE STATUTORY AUTHORITY: WV Code, 30-8-1, et.seq.

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

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

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Pamela Carper

ADDRESS: 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 sets out procedures for administering the applicant Interview Evaluation. It is a legislative rule because it affects the property rights of licensees.

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

The amendment was written as a result of a review of the changes recommended for the Governor's rule review and repeal initiative. It changes the provision for Board members preparing written questions from "shall" to "may." There is also some technical cleanup language.

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 change in economic practice in the amendment so there will be no impact on revenues.

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

Please see Item A listed above. There will be no impact.

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

Please see Item A listed above. There is no change in economic practices so there will be no impact.

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2023 Increase/Decrease (use "-" )	2024 Increase/Decrease (use "-" )	Fiscal Year (Upon Full Implementation)
<b>1. Estimated Total Cost</b>	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
<b>2. Estimated Total Revenues</b>	0	0	0

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

The amendment makes no changes in economic practices. There will be no economic impact with the amendment.

**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 6  
INTERVIEW EVALUATION

**§14-6-1. General.**

1.1. Scope. -- This rule establishes the procedures that shall be followed in the preparation, administration, and evaluation of the interview by The West Virginia Board of Optometry. West Virginia Code, §29A3-19(b) requires the incorporation of a sunset provision in existing rules which are modified after April 1, 2016.

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

1.3. Filing Date. -- ~~August 12, 2011.~~

1.4. Effective Date. -- ~~August 15, 2011.~~

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect on August 1, 2031.

**§14-6-3. ~~§14-6-2.~~ Preparation.**

~~3.1.~~ 2.1. The President of the West Virginia Board of Optometry ~~shall~~ may appoint members to an Interview Committee consisting of two or more Board members (including the Secretary) to prepare the interview deemed appropriate to evaluate those subject areas necessary to ensure the safe practice of optometry.

~~3.2.~~ 2.2. Each board member ~~shall~~ may prepare questions for the Board interview. The member ~~shall~~ may print each question and follow it with the correct response.

**§14-6-2. ~~§14-6-3.~~ Interview and Anonymity.**

~~2.1.~~ 3.1. The Board shall conduct the interview with a quorum of the Board being present.

~~2.2.~~ 3.2. ~~After the applicants have arrived, the Board or its designee shall have each applicant draw a piece of paper that contains a unique number.~~ Each applicant may be called for the interview using the applicant's preliminary license number. This number shall be used during the interview to ensure anonymity of the applicant.

~~2.3.~~ 3.3. ~~The Board or its designee, as an added safeguard, shall place the applicant's unique number in a sealed envelope along with the applicant's 7 digit telephone number.~~

~~2.4.~~ 3.4. At the beginning of any ~~video-recorded~~ interview, the applicant shall state his or her unique number. The interviewers shall question the applicant on any and all topics necessary to evaluate the candidate's competency to practice optometry.

~~2.5.~~ 3.5. After the interviews have been evaluated the Board or its designee shall ~~provide then open the envelope and match the applicants' numbers with their names.~~ present each applicant's file of credentials for examination.

**§14-6-4. Evaluation.**

4.1. A Board quorum may evaluate the applicant's successful or unsuccessful completion of the interview by consensus.