



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-
MAKING REVIEW COMMITTEE**

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

PRIMARY CONTACT

NAME: Pamela Carper
ADDRESS: 179 Summers Street #231
Charleston, WestVirginia 25301
EMAIL: wvbdopt@frontier.com
PHONE NUMBER: 304-558-5901

CITE STATUTORY AUTHORITY: WV Code, 30-8-6, WV Code 30-8-9, WV Code, 30-8-1, et,seq,

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

Bot WV Code, 30-8-6 and 30-8-9 as well as 30-8-1, et.seq give teh Board of Optometry the authority to write legislative rules for procedures that are taught in 50% of accredited optometry schools. WV Code, 30-8-1, et. seq. lists all authority of the Board.

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/28/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/28/2023

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

Email to Chad Robinson, Exec. Dir. of the WV Association of Optometric Physicians.

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

The rule outlines the qualifications, training, treatment guidelines and restrictions for performing eye lid procedures.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

The rule will allow licensed and certified optometrists to perform eyelid procedures as outlined in the rule. This will give patients more access to such procedures. It will save travel time and give more access for patients and possibly at a lower cost.

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

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

There is no fee attached to the certificate, so there will be no new revenues. There may be a minimal cost of staff time to process the certificate.

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

Minimal staff time only.

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

The rule may save travel and procedure costs for patients.

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 will be no new revenues. There will be a minimal staff time increase. The rule will increase access for patients and possibly on the cost of the procedures. outlines.

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.