



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: 14-06
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: 14-06 License Interview Evaluation

PRIMARY CONTACT

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CITE STATUTORY AUTHORITY: 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:

WV Code, 30-8-1, et. seq. gives the Board of Optometry to propose legislative rules.

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: 6/27/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/27/2023

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., 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 procedure for administering an applicant's license interview. The changes to the rule were primarily technical in nature. No rights were abridged.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

Technical review of the rule.

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

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

No impact on revenues or costs,

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

none

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

none

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):

This rule has no economic impact.

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 June 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.~~ 3.3. 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- 3.4.~~ 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.