



**WEST VIRGINIA SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

**eFILED**

5/9/2024 10:59:09 AM

Office of West Virginia  
Secretary Of State

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
BY THE WEST VIRGINIA LEGISLATURE**

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, 30-8-1, et.al.

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) HB4110

Section 64-9-15(d) Passed On 3/9/2024 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

May 9, 2024

This rule shall terminate and have no further force or effect from the following date:

August 01, 2029

**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.**

14CSR14  
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. -- May 9, 2024

1.4. Effective Date. -- May 9, 2024

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 that do not extend beyond the dermal layer of skin or mucus membranes 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.

## 14CSR14

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.

### **§14-14-4. Exclusions**

- 4.1. Surgery related to removal of the eye from a living human being;
- 4.2. Surgery requiring full-thickness incision or excision of the cornea or sclera other than paracentesis in an emergency situation requiring immediate reduction of the pressure inside the eye;
- 4.3. Penetrating keratoplasty (corneal transplant), or lamellar keratoplasty;
- 4.4. Surgery requiring incision of the iris and ciliary body;
- 4.5. Surgery of the eyelid for eyelid malignancies or mechanical repair of blepharochalasis, ptosis, and tarsorrhaphy;
- 4.6. Surgery of the bony orbit, including orbital implants;
- 4.7. Incisional or excisional surgery of the lacrimal system other than lacrimal probing or related procedures;
- 4.8. Surgery requiring full thickness conjunctivoplasty with graft or flap;