



WEST VIRGINIA SECRETARY OF STATE

KRIS WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Optometry TITLE-SERIES: 14-10
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: CONTINUING EDUCATION

CITE STATUTORY AUTHORITY: W. Va. Code §30-8-1., et seq. and W Va. Code 30-1-7a.

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/10/2025 04:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

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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:

Senate Bill 565 passed during the 2025 Legislative Session and becomes effective July 9, 2025. This bill expands the scope of practice of Optometry in West Virginia to include laser licensure and certification as the highest level of Optometry license in West Virginia. As such, the Board wants to add a Laser Continuing Education provision to the current requirements.

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

The amendments in his Rule include some minor clean up edits to clarify and/or eliminate things that are no longer needed or no longer exist.

The Board is not increasing the number of Continuing Education hours required but adding a minimum of two (2) hours of study in laser or advanced procedures to reflect the subjects covered in the new legislation affecting the practice of Optometry in West Virginia that becomes effective July 9, 2025.

14-10-3.3 requires ALL licensees to have Basic Life Support Certification at all times, but adds some flexibility to the language regarding Basic Life Support certification so that the Board can evaluate and accept a few more options that are equivalent when deemed appropriate. This would benefit our rural Optometrists who don't always have access to the same resources as those practicing in our cities, but ensures the health and safety of the patients of West Virginia who are receiving care in all areas.

14-10-3.4 gives the Board specific authority to charge a fee to a licensee who fails to submit their Continuing Education hours properly at the time of renewal. This creates additional administrative time to sort through and makes the Licensees Audit harder to perform, so is being presented as another type of late fee specific to Continuing Education, so that the degree of delinquency can be assessed.

14-10-6.6 is eliminated because sometimes a CE course can be applicable to two subject matters and can be approved by the Board after the course is taken so it still counts for the current reporting period.

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

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

There may be a small increase in revenues for the WV Board of Optometry, but the figure will be minimal.

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

There may be a small increase in revenues for the WV Board of Optometry, but the figure will be minimal. Maybe \$1000 per FY if you estimate that five licensees fail to report their number of hours at the time of renewal for the 2026 reporting period ending June 30, 2026.

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

Minimal. Extra \$200 for each licensee that does not properly submit their renewal in even number years.

D. FISCAL NOTE DETAIL:

| Effect of Proposal | Fiscal Year | | |
|------------------------------------|--|--|--|
| | 2025 Increase/Decrease (use "-") | 2026 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 | 1000 |

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

The long-range effect will be minimal as it will only effect a small number of licensees every two years.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Lesley Mccallister -- 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 10
CONTINUING EDUCATION

§14-10-1. General.

- 1.1. Scope -- This legislative rule establishes requirements for continuing education for licensees.
- 1.2. Authority -- W. Va. Code §30-8-1., et seq. and W Va. Code 30-1-7a.
- 1.3. Filing Date -- ~~April 3, 2024~~
- 1.4. Effective Date -- ~~April 3, 2024~~
- 1.5. Sunset Provision -- This rule shall terminate and have no further force or effect on August 1, ~~2029~~2030.

§14-10-2. Definition.

- 2.1. "Board" means the West Virginia Board of Optometry.
- 2.2. "Controlled Substances" means a drug, substance or immediate precursor listed or described in Schedules I through V of Article Two, chapter 60A of the West Virginia Code.
- 2.3. "Licensee" means an optometrist licensed under the provisions of W. Va. Code §30-8-1, et. seq. and the provisions of the Board's rules, W. Va. Code R., 14-1., et. seq.

§14-10-3. Continuing Education.

- 3.1. A licensee shall complete a minimum of forty (40) hours of continuing education for each even-numbered, two (2) year cycle.
- 3.2. Of the required forty (40) hours, the licensee shall complete the following categories of continuing education:
 - 3.2.a1. a minimum of twelve (12) hours of study in pharmacology or therapeutics courses;
 - 3.2.b2. a maximum of ten (10) hours of optometric study may be taken by correspondence, via the Internet or other electronic means;
 - 3.2.e3. a minimum of two (2) hours of study in administering pharmaceutical agents by injection;
 - 3.2.d4. a minimum of two (2) hours of study in laser or advanced procedures continuing education.
- 3.3. In addition to the above-listed continuing education requirements, all licensees are required to a licensee who holds an Injectable Pharmaceutical Agents Certificate shall obtain and maintain current certification from the American Red Cross, American Heart Association, or other certified organization their successor organizations in basic life support recognized and approved by the Board.

3.4. The licensee shall maintain evidence of meeting the continuing education requirements for a period of four (4) years. Required documentation of compliance with continuing education requirements is subject to audit by the Board. A licensee who fails a Board audit of continuing education records may be subject to disciplinary action and will be assessed a Delinquent Continuing Education at Renewal Fee established by the Board's rule, Schedule of Fees, W. Va. Code of State Rules, §14CSR5.

3.5. All continuing education study must be sponsored or approved by one of the organizations listed in ~~subsection 5.1,~~ W. Va. Code R. §14-10-5.1 or pre-approved by the Board as outlined in ~~section 6~~ W. Va. Code R. §14-10-6.

3.6. The Board reserves its right to assign the category of credit granted for each continuing education course in accordance with W.Va. Code R., §14-10-3.2. through W. Va. Code R., §14-10-3.45.

§14-10-4. Drug Diversion Training and Best Practice Prescribing of Controlled Substances.

4.1. A person who receives his or her initial license to practice optometry shall complete two (2) hours of continuing education in drug diversion training and best practice prescribing of controlled substances training within one year-of receiving his or her license.

§14-10-5. Approved Continuing Education and Accreditation Programs.

5.1. Educational programs sponsored or approved by the following organizations are approved by the Board:

5.1.a1. the American Optometric Association (AOA) or its affiliated organizations;

5.1.b2. the West Virginia Association of Optometric Physicians (WVAOP) and other state optometric associations;

5.1.e3. the American Academy of Optometry (AAO);

5.1.d4. post-graduate courses offered at any accredited school or college of optometry;

5.1.e5. the Southern Council of Optometry or its affiliates; and

5.1.f6. the Council on Optometric Practitioner Education (COPE).

§14-10-6. Pre-approval of Continuing Education Courses or Events.

6.1. A continuing education provider not listed in section §14-10-5. of this rule may submit a written request to the Board for continuing education course or event approval. Each application shall include payment of the fee established in the Board's rule, W. Va. Code R., §14-5-1., et. seq.

6.2. A request for approval from a continuing education provider must be received at least ninety (90) days prior to the course, meeting or seminar; however, the Board may waive this requirement at its discretion.

6.3. The continuing education provider shall include a Curriculum Vitae for the instructor as well as a copy of all handouts, power point presentations, or other electronic or nonelectronic materials that are part of the continuing education course as part of its application for Board approval.

6.4. Upon review the Board may reject the continuing education course, approve the continuing education course or approve the continuing education course conditionally.

6.4.a1. If the Board conditionally approves the course, the continuing education provider must submit evidence that the conditions have been met prior to the continuing education event for the event to be approved by the Board.

6.5. All decisions of the Board are final and there is no appeal process. If the Board rejects a continuing education course or event and the continuing education provider wishes to resubmit the request for Board approval, a new application must be submitted in compliance with the requirements of this rule.

~~6.6. The Board shall not approve a continuing education course or event retroactively.~~

6.7. The Board president may designate a committee to recommend approval or disapproval of the continuing education courses submitted. The committee members may or may not be members of the Board. The committee shall report its findings to the Board for action.

§14-10-7. Required Documentation.

7.1. Evidence of attendance shall be obtained and maintained by the licensee. The evidence of attendance shall include the date and place of the meeting or instruction, speaker or instructor, the title of the course, the sponsor of the meeting, COPE or other approved program number if applicable, hours in attendance, the method of instructional delivery which may include, but is not limited to, live on-site presentation, correspondence, Internet or other electronic means.

7.2. The Board may require use of the Association of Regulatory Boards of Optometry's OE Tracker system or other evidence of attendance as the Board deems appropriate.

§14-10-8. Exemptions.

8.1. A licensee who has graduated from an optometry school accredited by the Accreditation Council on Optometric Education or its successor recognized by the U.S. Department of Education within one year of successfully completing the license interview evaluation shall be exempt from the requirements of section §14-10-3. for a period of time from the date of successful completion of the license interview evaluation to the licensee's first license renewal. The initial licensee shall complete two (2) hours of continuing education training in drug diversion and best practice prescribing of controlled substances pursuant to W. Va. Code R., §14-10-4.1.

8.2. Those licensees not covered by the provisions of 8.1. of this section may make a sworn request for exemption from the continuing education requirements listed in W. Va. Code R., §14-10-3. The sworn affidavit shall contain reasons acceptable to the Board for noncompliance with the Board's continuing education requirements and shall be filed with the Board before he or she applies for renewal of his or her license.

8.2.a1. The Board will review the affidavit and grant or reject the request for exemption.

8.2.b2. If the exemption is rejected, the Board may grant the licensee a specified period of time to obtain the remaining required continuing education hours.

8.2.e3. The Board shall notify the licensee of its decision by certified mail within thirty (30) days of the receipt of the licensee's request.