



WEST VIRGINIA SECRETARY OF STATE

KRIS 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: 14-08
 RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
 RULE NAME: 14-08 Licensure by Reciprocity

PRIMARY CONTACT

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CITE STATUTORY AUTHORITY: W. Va. Code §30-8-13

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:

30-8-5(b)19: Propose rules in accordance with the provisions of article three, chapter twenty-nine-a of this code to implement the provisions of this article; and

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: 6/10/2025

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/10/2025

COMMENTS RECEIVED: Yes

(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?

Posted on our website for all licensees and the public.

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

Senate Bill 565 passed during the 2025 Legislative Session and becomes effective July 9, 2025. This bill modernizes 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.

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.

Under W. Va. Code §30-8B-4, in order to obtain a full laser certification, licensees must perform a certain number of procedures under the supervision of an approved proctor. Licensees would not be able to perform any procedures if not first licensed to practice Optometry in West Virginia. Therefore the amendment to Section 14-1-3.9 is needed as soon after the effective date as possible, otherwise the West Virginia Board of Optometry would not be able to issue any new or reciprocity licenses until the conclusion of the 2026 Legislative Session.

No modifications were made following the public comment period.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

The most important amendment to this Rule (that hasnt been updated since 2011) is 14-8-4.2.2.a is the elimination of the word therapeutic so that reciprocity applicant requirements are the same as those for new applicants applying for the highest level of licensure and certification in West Virginia.

This is consistent with the Emergency request for Rule 14-1 updating Section 14-1-3.9 to clarify that applicants qualified for the highest level of licensure can be granted an Optometry license in the state, which allows incorporation of the new laser certification process outlined in the new W. Va. Code §30-8B, et al.

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 may be an initial increase in revenues for the WV Board of Optometry, but the figure cannot be estimated at this time because we do not know the exact demand for this new license level and how many License by Reciprocity candidates we may receive.

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

There may be an initial increase in revenues for the WV Board of Optometry if more Optometrists want to come to West Virginia because of the modernized scope of practice, but the figure cannot be estimated at this time because we do not know the exact demand for this license.

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

We do not know the demand of current residents so cannot estimate the figure at this time.

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	0

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

The long-range effect may be neutral since we will naturally lose some active licensees to retirement while issuing new licensees. The short-term effect may be a slight increase since West Virginia is one

of 13 states that will incorporate laser certification in Optometry licenses. We cannot estimate an amount at this time since we do not know the demand.

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 8
LICENSURE BY RECIPROCITY

§14-8-1. General.

1.1. Scope. -- This rule establishes requirements of the West Virginia Board of Optometry for licensure by reciprocity for doctors of optometry.

1.2. Authority. -- W. Va. Code §30-8-13.

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, 2030.

§14-8-2. Requirements for Licensure by Reciprocity.

2.1. An applicant for licensure by reciprocity shall be of good moral character and hold a current optometry license in good standing from another state or states which requirements are substantially equivalent to those required in this state.

2.2. Unless waived by the Board, an applicant for licensure by reciprocity shall:

2.2.a~~1~~. Apply for the highest level of ~~therapeutic~~ licensure in this state;

2.2.b~~2~~. Be current in the continuing education requirements of his or her current states of licensure;

2.2.c~~3~~. Have engaged in the active practice of optometry (or on the faculty of a school or college of optometry or in active federal service) for at least five (5) of the seven (7) years immediately preceding his or her application;

2.2.d~~4~~. Have not committed any act that would constitute grounds for disciplinary action under the W. Va. Code §30-8-18 or rules of the Board; and

2.2.e~~5~~. Not be subject to any unresolved disciplinary action.

2.2.f~~6~~. At the option of the Board, an applicant for licensure by reciprocity may be required to take the National Board Examination.

§14-8-3. Application for Licensure by Reciprocity.

3.1. The applicant shall submit the prescribed application and include two (2) current photographs of him or herself not to exceed two (2) inches by two (2) inches.

3.2. The applicant shall submit certification from the National Board of Examiners in Optometry (NBEO) or its successor or equivalent Council on Endorsed Licensure Mobility for Optometrists, a

~~subdivision of the Association of Regulatory Boards of Optometry, or~~

3.2.~~a~~1. The applicant shall arrange for an official license verification from each state or jurisdiction where he or she holds, has ever held, or ever applied for a license be sent directly to the Board ~~proof from the optometry board in each state where he or she holds or has ever held a license to be submitted directly to the Board.~~

3.3. The applicant shall arrange for an official current copy of his or her record from the National Practitioner Data Bank (NPDB) ~~and the Healthcare Integrity & Protection Data Bank (HIP-DB)~~ to be ~~submitted~~ sent directly to the Board.

3.4. The applicant shall supply written evidence that he or she has met all criteria for the highest level of licensure as listed in W. Va. Code §30-8-1, et. seq. and the rules of the Board.

3.5. In the application the applicant shall state that he or she shall abide by the laws of this State regulating the practice of optometry and by the rules adopted by the Board.

3.6. The application shall be subscribed by the applicant and sworn by him or her- with ~~H~~his or her signature ~~shall be witnessed and notarized by a notary public.~~

3.7. The Board shall deny the right to licensure by reciprocity to any applicant furnishing false information in the application, or if the applicant has been licensed before it is made known to the Board of the falseness of the information, the license is subject to suspension, revocation or cancellation.

3.8. The applicant shall pay the fee established by the Board's rule, Schedule of Fees, W. Va. Code of State Rules, §14CSR5.

3.9. The board may require an applicant to interview with the ~~b~~Board.