



WEST VIRGINIA SECRETARY OF STATE

KRIS WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia  
Secretary Of State

## NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Optometry

RULE TYPE: Legislative

TITLE-SERIES: 14-08

RULE NAME: LICENSURE BY RECIPROCITY

CITE AUTHORITY: W. Va. Code §30-8-13

The above proposed Legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

**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, 2031.

**§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 of the seven 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 current photographs of him or herself not to exceed two inches by two inches.

3.2. The applicant shall submit certification from the National Board of Examiners in Optometry 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 ~~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 board.