

WEST VIRGINIA DEPARTMENT OF HEALTH  
PROMULGATION HISTORY ABSTRACT

TITLE: Regulations for the Instillation of Medication in the Eyes of the Newborn and the Dissemination of Advice and Information Concerning the Dangers of Inflammation of the Eyes of the Newborn, Chapter 16-12, Series 35 (1983)

RULE TYPE: Legislative

APPROVED FOR PUBLIC HEARING BY BOARD OF HEALTH: November 14, 1981

FILED NOTICE(S) FOR PUBLIC HEARING: December 16, 1981

PUBLIC HEARINGS(S) HELD: January 27, 1982

APPROVED BY BOARD OF HEALTH: February 19, 1982

FILED WITH SECRETARY OF STATE: August 18, 1982

FILED WITH LEGISLATIVE RULE-MAKING REVIEW COMMITTEE: August 18, 1982


ACTION BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE: Approved  
November 9, 1982

LEGISLATIVE ACTION: Authorized in Senate Bill 356, Sections 64-2-16(3)(10) and 64-2-16(3)(12); passed March 9, 1983; effective from passage

FINAL FILED WITH SECRETARY OF STATE: April 29, 1983

EFFECTIVE DATE: May 30, 1983

FILED IN THE OFFICE OF  
A. JAMES MANCHIN  
SECRETARY OF STATE  
THIS DATE 4/29/83  
Administrative Law Division

  
L. Clark Hansbarger, M.D.  
Director of Health

Entered

WEST VIRGINIA LEGISLATIVE RULES  
BOARD OF HEALTH

Regulations for the Instillation of Medication in the Eyes of  
the Newborn and the Dissemination of Advice and Information  
Concerning the Dangers of Inflammation of the Eyes of the Newborn

Chapter 16-12  
Series 35  
(1983)

INDEX

	Page
Section 1. General	1
Section 2. Application and Enforcement	1
Section 3. Appropriate Medications for Instillation in the Eyes of the Newborn - List Established	2
Section 4. Proper Records - Cases Investigated - Annual Report to the Governor	3
Section 5. Severability	3

WEST VIRGINIA LEGISLATIVE RULES  
BOARD OF HEALTH

Chapter 16-12  
Series 35  
(1981)

Subject: Regulations for the Instillation of Medication in the Eyes of the Newborn and the Dissemination of Advice and Information Concerning the Dangers of Inflammation of the Eyes of the Newborn.

---

Section 1. General

1.1. Scope - These legislative rules establish general rules for the instillation of medication in the eyes of the newborn and the dissemination of advice and information necessary for the prompt and effective treatment of inflammation of the eyes of the newborn.

1.2. Authority - These legislative rules are issued under the authority of and are related to Chapter 16, Article 3, Section 12 of the West Virginia Code of 1931, as amended.

1.3. Filing Date - These legislative rules were promulgated on the 16th day of December, 1981 and were filed on the 29th day of April, 1983, in the Secretary of State's office.

1.4. Effective Date - These legislative rules became effective on the 30th day of May, 1983.

Section 2. Application and Enforcement

2.1. Application - These legislative rules shall apply to any physician, surgeon, obstetrician, midwife, nurse, manager or person in charge of a maternity home or hospital or birthing center, parent, relative or person attending upon or assisting at the birth of an infant.

2.2. Enforcement - The enforcement of these legislative rules is vested with the director of health. The director shall report any and all violations of the public health laws or these rules and regulations that may

come to his attention to the prosecuting attorney of the county wherein such violations may have occurred. The director shall assist the prosecuting attorney in any way possible in the prosecution of such violations.

Section 3. Appropriate Medications for Instillation in the Eyes of the Newborn - List Established

3.1. The director of the West Virginia department of health shall establish a list of appropriate medications for the prevention of inflammation of the eyes of the newborn. The list of the approved medications shall be kept current and shall be distributed to appropriate health care facilities and individuals who attend upon or assist at the birth of an infant.

3.2. The director shall periodically publish and promulgate such further advice and information concerning the dangers of inflammation of the eyes of the newborn as is necessary for prompt and effective treatment. Such advice and information may include recommended treatments and particular effects and possible side effects of the approved medications.

3.3. The list of approved medications, together with recommended dosages and the particular effects and possible side effects of the approved medications shall be filed in the State Register. Furthermore, the list shall be reviewed annually to insure the currency of the approved medications. The director may add or remove any approved medications from the list by serving notice upon those health care facilities and those individuals who attend upon or assist at the birth of an infant. Such notice shall contain the reason or reasons for such addition or removal and shall become effective upon filing in the State Register.

3.4. The director shall furnish copies of Chapter 16, Article 3, Sections 7 through 13 of the West Virginia Code of 1931, as amended and a copy of these rules and regulations to all physicians and midwives who may be engaged in the practice of obstetrics or assisting at childbirth. Such distribution shall occur at least biennially. Amendments to the statutory or the regulatory documents shall be distributed, as necessary, to comply with the intent of these regulations. Copies of such statutes and regulations may be obtained at any time, upon request to the director.

Section 4. Proper Records Required Cases Investigated Annual Report to the Governor

4.1. The director shall keep a proper record of any and all cases of inflammation of the eyes of the newborn of which reports are filed pursuant to law, or which may come to his attention in any way. The director shall report such cases to the governor in the director's annual report.

4.2. The director shall cause the county health officer or local health officer pursuant to the provisions of Chapter 16, Article 2, Section 1 of the West Virginia Code of 1931, as amended or of Chapter 16, Article 2A, Section 1 of the West Virginia Code of 1931, as amended to investigate pursuant to law any and all reported cases of inflammation of the eyes of the newborn, and any other cases of newborn eye inflammation that may come to his attention. The county health officer or local health officer shall report the results of such investigation(s) to the director as necessary in a format prescribed by the director.

Section 5. Severability - If any provisions of these rules or the application thereof to any person or circumstance shall be held invalid, such invalidity

thereof shall not affect the provisions or application of these rules which can be given effect without the invalid provisions or application, and to this end the provisions of these rules are declared to be severable.