

WEST VIRGINIA CODE: §30-8-6

§30-8-6. Rulemaking.

(a) The board shall propose rules for legislative approval, in accordance with the provisions of article three, chapter twenty-nine-a of this code, to implement the provisions of this article, including:

- (1) Standards and requirements for licenses, certificates and permits;
- (2) Procedures for examinations and reexaminations;
- (3) Requirements for third parties to prepare and/or administer examinations and reexaminations;
- (4) Educational and experience requirements;
- (5) The passing grade on the examinations;
- (6) Standards for approval of courses and curriculum;
- (7) Procedures for the issuance and renewal of licenses, certificates and permits;
- (8) A fee schedule;
- (9) A prescription drug formulary classifying those categories of oral drugs rational to the diagnosis and treatment of visual defects or abnormal conditions of the human eye and its appendages, which may be prescribed by licensees from Schedules III, IV and V of the Uniform Controlled Substances Act. The drug formulary may also include oral antibiotics, oral nonsteroidal anti-inflammatory drugs and oral carbonic anhydrase inhibitors;
- (10) Requirements for prescribing and dispensing contact lenses that contain and deliver pharmaceutical agents that have been approved by the Food and Drug Administration as a drug;
- (11) Continuing education requirements for licensees;
- (12) The procedures for denying, suspending, revoking, reinstating or limiting the practice of licensees, certificate holders and permittees;
- (13) Requirements for inactive or revoked licenses, certificates or permits;
- (14) Requirements for an expanded scope of practice for those procedures that are taught at fifty percent of all accredited optometry schools; and
- (15) Any other rules necessary to effectuate the provisions of this article.

(b) All of the board's rules in effect on July 1, 2010, shall remain in effect until they are amended or repealed, and references to provisions of former enactments of this article are interpreted to mean provisions of this article.

(c) The board shall promulgate procedural and interpretive rules in accordance with section eight, article three, chapter twenty-nine-a of this code.