WEST VIRGINIA CODE CHAPTER 30 ARTICLE 8B

WV Legislature

§30-8B-1. General.

This article establishes requirements, procedures, and standards for the certification of licensees to perform certain laser procedures.

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§30-8B-2. Definitions.

"Laser certificate holder" means a licensee who has met the requirements of this rule and has been issued an Ophthalmic Laser Utilization Certificate by the board.

"Ophthalmic laser" means any of the commercially available light amplification by stimulated emission of radiation (LASER) devices approved by the US Food and Drug Administration for use on the human eye and adnexa.

"Posterior capsulotomy" means the ophthalmic laser technique most commonly used to treat the clouding of the eye’s posterior lens capsule (PCO) that commonly occurs following cataract surgery.

"Peripheral iridotomy" means the standard first-line treatment in angle-closure glaucoma and eyes at risk for this condition most commonly treated utilizing ophthalmic lasers.

"Selective laser trabeculoplasty" means a simple, yet highly effective laser procedure that reduces the intraocular pressure associated with glaucoma that uses short pulses of low-energy light to target the melanin, or pigment, in specific cells of the affected eye. The surrounding, non-pigmented cells are untouched and undamaged.

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§30-8B-3. Certification generally.

(a) A licensee shall meet all the requirements as listed in this article in order to be certified to utilize an ophthalmic laser.

(b) A licensee shall obtain ophthalmic laser utilization certification to utilize ophthalmic lasers in West Virginia.

(c) An applicant for licensure by examination, by reciprocity, or by reinstatement after May 1, 2025, shall only be granted licensure if the applicant meets the requirements for ophthalmic laser utilization certification.

(d) Upon the licensee's successful completion of the requirements and application listed in §30-8B-4 and §30-8B-5 of this code, and approval by the board, an Ophthalmic Laser Utilization Certificate may be issued.

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§30-8B-4. Certification requirements.

To be certified the licensee shall:

(1) Complete the required application form designed by the board; and

(2) Submit proof of attendance and satisfactory completion of education and training, including, but not limited to, a training requirement that at a minimum of five posterior capsulotomy, four peripheral iridotomy and five selective laser trabeculoplasty procedures be supervised for each individual person proposing certification. A licensee shall successfully demonstrate clinical proficiency to perform the procedure or procedures on a living human eye to the proctor's satisfaction. The procedures shall be proctored by an optometrist or ophthalmologist that already meets the above criteria and submitted to the board for review and any additional requirements as established by the board in §30-8B-5 of this code.

(3) A licensee may apply for certification for each approved procedure separately and may receive certification individually for each procedure based upon the above criteria applied individually for each approved procedure.

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§30-8B-5. Education and training.

(a) Any license granted to an applicant who graduated from an accredited school or college of optometry in 2025 or thereafter, and who passed the Laser and Surgical Procedures Examination administered by the National Board of Examiners in Optometry or other equivalent proficiency examination approved by the board shall be deemed to have met the education and training criteria listed in §30-8B-5 of this code.

(b) The board shall accept post graduate courses or training programs for certification that are provided by or through a school or college of optometry accredited by the Accreditation Council on Optometric Education or its successor organization provided, the courses or training programs include the criteria listed in §30-8B-5(c)(1) through §30-8B-5(c)(3);

(c) The board, at its discretion, may approve courses or training programs provided through organizations other than accredited schools or colleges of optometry certifying that the optometrist is competent in the utilization of ophthalmic lasers if, and only if, the courses or training programs meet the following minimum criteria:

(1) Each course or training program shall include indications, contra-indications, techniques, risks, and benefits.

(2) Each course or training program shall include appropriate follow up and management protocols and techniques;

(3) Each course or training program shall teach the procedures in a closely supervised environment with a proficiency assessment.

(d) A list of approved courses or training programs for ophthalmic laser utilization certification will be maintained by the board for public inspection.

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§30-8B-6. Treatment guidelines.

(a) A certificate holder may utilize ophthalmic lasers which are considered rational to the diagnosis and treatment of the human eye or its appendages.

(b) The board will maintain a list of approved treatment indications and shall update the list as new treatments, technologies, and training become available.

(c) Approved treatment indications include:

(1) Posterior capsulotomy;

(2) Peripheral iridotomy; and

(3) Selective laser trabeculoplasty (SLT).

(d) The certificate holder shall follow all applicable Occupational Safety and Health Administration (OSHA) guidelines pertaining to ophthalmic lasers.

(e) The certificate holder shall adhere to generally accepted standards of care and follow established clinical guidelines for utilization of ophthalmic lasers. The certificate holder shall monitor the patient for any adverse reaction and provide appropriate follow up care.

(f) A certificate holder shall report any adverse outcomes related to surgical procedures performed under this article to the board within 10 business days. Such reports shall include the relevant patient records necessary to evaluate the incident, in accordance with applicable privacy laws.

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§30-8B-7. Restrictions.

(a) The licensee shall perform only those ophthalmic laser procedures approved by the board.

(b) New ophthalmic laser procedures may be added to the list of approved procedures by a decision of the board based on the following criteria:

(1) A new or existing ophthalmic laser device or procedure has been approved by the Food and Drug Administration for the treatment of the eye or its appendages; and

(2) A new or existing ophthalmic laser device or procedure has gained accepted use in the eye care field. Such acceptance may be identified by its inclusion in the curriculum of an optometry school accredited by the Accreditation Council on Optometric Education or its successor, or approved post-graduate continuing education, through peer-reviewed, evidence-based research and professional journal articles, or by, inclusion in established standards of practice and care published by professional organizations.

(c) A licensee may not perform a procedure on a pediatric patient. A licensee shall refer a pediatric patient to an ophthalmologist.

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§30-8B-8. Exemption from review requirements.

The addition of therapeutic laser procedures, as set forth in §30-8B-6 of this code, to the scope of practice of a licensee, as defined pursuant to §30-8-3 of this code, is exempt from the requirements of §30-1A-1 *et seq*. of this code.

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