

# WEST VIRGINIA CODE: §64-9-15

## §64-9-15. West Virginia Board of Optometry.

(a) The legislative rule filed in the State Register on July 28, 2023, authorized under the authority of §30-8-6 of this code, modified by the West Virginia Board of Optometry to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 16, 2023, relating to the West Virginia Board of Optometry (rules of the West Virginia Board of Optometry, 14 CSR 01), is authorized with the following amendments:

On page 6, by striking out all of subsection 11.1. and inserting in lieu thereof a new subsection 11.1. to read as follows:

11.1. The Board may issue a temporary permit to practice optometry to an applicant who has graduated from an optometry school accredited by the Accreditation Council of Optometric Education or its successor. The applicant shall also meet the requirements of subsections 11.2-11.3. and pay the temporary permit fee required in the Board's rule, Schedule of Fees, W. Va. Code of State Rules, §14CSR5. The temporary permit may be issued before the applicant passes all sections of the prescribed exam administered by the National Board of Examiners in Optometry, its successor or equivalent. A certified copy of the applicant's accredited optometry school transcript indicating successful completion of the requirements for a doctorate degree in optometry must be submitted to qualify for a non-military temporary permit. The provisions of §14-1-18 of this rule establish alternative temporary permit requirements for members of the military and their spouses.;

On page 6, subdivision 11.2.1. by striking out the words "parts I and II of";

On page 6, subdivision 11.2.1. by striking out the words "registration for the exam National Board exam";

On page 7, by striking out all of subsection 11.3 and renumbering the remaining subsections.

And,

On page 9, subsection 16.1. by striking the words "if the spouse" and inserting in lieu thereof the word "and".

(b) The legislative rule filed in the State Register on July 28, 2023, authorized under the authority of §30-8-6 of this code, modified by the West Virginia Board of Optometry to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 15, 2023, relating to the West Virginia Board of Optometry (continuing education, 14 CSR 10), is authorized.

(c) The legislative rule filed in the State Register on July 31, 2023, authorized under the authority of §30-8-6 of this code, modified by the West Virginia Board of Optometry to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 16, 2023, relating to the West Virginia Board of Optometry (injectable pharmaceutical agents certificate, 14 CSR 11), is authorized with the following amendments:

On page 3, after section 7, by adding a new section 8 to read as follows:

“§14-11-8. Reporting.

8.1. The certificate holder shall notify the primary care physician or other health care provider as identified by the patient receiving the medication by injection and shall document in the patient’s record that the patient’s primary care provider was notified of an injection given to the patient. The notification shall include the diagnosis, treatment, any adverse effects of the injection, and the expected results of the injection. In no event shall the reporting be construed as permission or approval of an order for treatment by injection.

8.2. If the patient does not have a primary care provider or refuses to provide written permission to report the injection to his or her primary care provider, the certificate holder may provide a written statement to the patient regarding the injections he or she received to give to his or her current primary care provider or any subsequent primary care provider.

8.3. The certificate holder shall maintain a logbook of all injections and submit it to the Board upon request. The logbook shall include:

8.3.a. The patient’s initials, age, gender and race;

8.3.b. The purpose of the injection;

8.3.c. The name of the medication administered and the type and location of the injection;

8.3.d. The treatment guidelines which were followed and which must be compliant with the guidelines approved by the Board:

8.3.e. The name and certification or licensure level of any persons working in conjunction with the certificate holder to administer medication through injections; and

8.3.f. How the primary care provider was notified that the patient needed an injection.

8.4. The Board may require a certificate holder to supply the complete medical record for any of the patients listed in the logbook for review and may also request an audit of the certificate holder’s full records to ensure compliance with injection certificate requirements.

8.5. If a patient has an adverse reaction to the injection, the certificate holder shall provide the Board with an incident report, within 5 business days, listing the details of the adverse reaction and the measures used to correct that reaction.

8.6. A certificate holder's reports containing patient Protected Health Information (PHI) shall comply with the Health Insurance Portability and Accountability Act (HIPAA) patient privacy requirements.";

And,

Renumbering the following sections accordingly.

(d) The legislative rule filed in the State Register on July 28, 2023, authorized under the authority of §30-8-6 of this code, modified by the West Virginia Board of Optometry to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 15, 2023, relating to the West Virginia Board of Optometry (eyelid procedures, 14 CSR 14), is authorized with the following amendments:

On page 1, subsection 3.1, after the word 'adnexa' by adding the following: 'that do not extend beyond the dermal layer of the skin or mucus membranes';

On page 1, after section 3, by adding a new section 4 to read as follows:

"§14-14-4. Exclusions.

An optometrist may not perform:

- 4.1. Surgery related to removal of the eye from a living human being;
- 4.2. Surgery requiring full thickness incision or excision of the cornea or sclera other than paracentesis in an emergency situation requiring immediate reduction of the pressure inside the eye;
- 4.3. Penetrating keratoplasty (corneal transplant) or lamellar keratoplasty;
- 4.4. Surgery requiring incision of the iris or ciliary body;
- 4.5. Surgery of the eyelid for eyelid malignancies or mechanical repair of blepharochalasis, ptosis, or tarsorrhaphy;
- 4.6. Surgery of the bony orbit, including orbital implants;
- 4.7. Incisional or excisional surgery of the lacrimal system other than lacrimal probing or related procedures; or
- 4.8. Surgery requiring full thickness conjunctivoplasty."