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SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1997

ENROLLED

Committee Substitute For
SENATE BILL NO. 524

(By Senators Bailey, Caffen, Deery)

PASSED April 8, 1997

In Effect NINETY Days From Passage

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COMMITTEE SUBSTITUTE
FOR

Senate Bill No. 524

(SENATORS BAILEY, CHAFIN AND DEEM, *original sponsors*)

[Passed April 8, 1997; in effect ninety days from passage.]

AN ACT to amend article eight, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto two new sections, designated section two-a and two-b, relating to expanding the prescriptive authority for optometrists; formulary of drugs to be prescribed; eligibility and certification for prescriptive authority; fees and administration; and proposal of legislative rules.

Be it enacted by the Legislature of West Virginia:

That article eight, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto two new sections, designated section two-a and two-b, to read as follows:

ARTICLE 8. OPTOMETRISTS.**§30-8-2a. Prescriptive authority.**

1 Notwithstanding the provisions of section two of this
2 article, the board of optometry may grant qualified
3 optometrists prescriptive authority for oral antibiotics,
4 oral non-steroidal anti-inflammatory drugs, and oral
5 carbonic anhydrase inhibitors: *Provided*, That the board
6 has proposed rules for legislative approval in accordance
7 with the provisions of article three, chapter twenty-nine-a
8 of this code, defining a certification process for individual
9 optometrists that provide standards for education, train-
10 ing and adequate insurance coverage determined by the
11 board to be conditions precedent to certification authoriz-
12 ing the individual optometrist to prescribe drugs excluded
13 pursuant to the provisions of section two of this article but
14 authorized by this section, and the optometrist desiring to
15 employ the use of these pharmaceutical agents has met the
16 necessary qualifications as established by rule.

§30-8-2b. Expanded prescriptive authority.

1 Notwithstanding the provisions of section two of this
2 article, on or before the thirty-first day of December, one
3 thousand nine hundred ninety-seven, the board of optome-
4 try shall propose rules for legislative approval in accor-
5 dance with the provisions of article three, chapter twenty-
6 nine-a of this code, defining a certification process and
7 drug formulary which is authorized by this section, except
8 that no emergency rules may be proposed. The board shall
9 provide a formulary classifying those categories of oral
10 drugs rational to the diagnosis and treatment of condi-
11 tions or diseases of the human eye and its appendages,
12 which may be prescribed by optometrists from Schedules
13 III, IV and V of the Uniform Controlled Substances Act,
14 article two, chapter sixty-a of this code. The board shall
15 consult with other appropriate boards, including the
16 board of pharmacy, in the development of the formulary.
17 The rules shall further provide for individual certification
18 of optometrists for this expanded scope of prescriptive
19 authority. The rules shall provide standards for education
20 and training determined by the board to be conditions

21 precedent to individual certification authorizing an
22 optometrist to prescribe drugs excluded pursuant to the
23 provisions of section two of this article and included in a
24 drug formulary to be adopted by the board; procedures for
25 certification by the board of education and training
26 courses; procedure standards for certification and
27 recertification of individual optometrists for an expanded
28 scope of practice prescriptive authority, which shall
29 include a continuing education requirement; administra-
30 tive fees necessary for the certification and recertification;
31 procedures and standards for certification and training
32 courses; procedures and standards for determining
33 successful completion of education and training; and
34 standards to ensure adequate insurance coverage, as well
35 as compliance with the provisions of this section.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Kandy Schreiner
.....
Chairman Senate Committee

Nick Tentasia
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage

Carol E. Adams
.....
Clerk of the Senate

Gregory M. Berg
.....
Clerk of the House of Delegates

Carl Kay Tomblin
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within *approved* this the *April 18th*
day of *April*, 1997.

[Signature]
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 4/12/97

Time 4:05 pm