

TITLE 14  
LEGISLATIVE RULE  
WEST VIRGINIA BOARD OF OPTOMETRY

SERIES 2  
EXPANDED PRESCRIPTIVE AUTHORITY ORAL PHARMACEUTICAL CERTIFICATE

**§14-2-1. General.**

1.1. Scope. -- This legislative rule establishes the requirements, procedures and standards for the certification and re-certification of individual optometrists with ~~expanded prescriptive drug formulary~~ expanded prescriptive oral pharmaceutical prescriptive authority, by the West Virginia Board of Examiners in Optometry, regarding prescriptive authority and expanded oral pharmaceutical prescriptive authority, as defined in W. Va. Code ~~§§30-8-2a and 30-8-2b~~ §§30-8-6, 30-8-9 and 30-8-14.

1.2. Authority. -- W. Va. Code ~~§§30-8-2a and 30-8-2b~~ §§30-8-1 et. seq.

1.3. Filing Date. -- .

1.4. Effective Date. -- .

**§14-2-2. Certification Requirements For Oral Pharmaceutical Certificate.**

2.1. In order to be permitted to prescribe oral drugs under the provisions of W. Va. Code ~~§§30-8-2a and 30-8-2b~~ §§30-8-9 and 30-8-14, a ~~registered optometrist~~ licensee shall apply to the Board for certification. In order to qualify for certification, ~~an optometrist~~ a licensee:

2.1.a. Shall have previously attained topical therapeutic certification;

2.1.b. Shall satisfactorily complete, ~~and pass an examination in,~~ a course in clinical pharmacology as applied to optometry. This course shall have particular emphasis on the administration of oral pharmaceutical agents for ~~the purpose of examination of the human eye, and analysis of ocular functions~~ diagnosis and treatment of visual defects or abnormal conditions of the human eye and its ~~adnexa~~ appendages. In addition, the course shall

include instruction on the clinical use of Schedule III, IV, and V agents. This course shall consist of a minimum of thirty (30) hours in clinical systemic pharmacology. The course shall be taught by:

2.1.b.1.~~(4)~~ a school or college of optometry or a medical school, accredited by a regional or professional accreditation organization which is recognized or approved by the council on postsecondary accreditation or by the United States Department of Education;;

2.1.b.2.~~(2)~~ a federally sponsored health education center; or

2.1.b.3.~~(3)~~ other non-profit continuing education agencies in cooperation with appropriate optometry or medical school faculty. All courses of instruction shall be approved by the Board; and

2.1.c. Shall pass an examination relating to the treatment and management of ocular disease, which is prepared, administered, and graded by the West Virginia Board of Optometry or its designee through the National Board of Examiners in Optometry or other nationally recognized optometric organization as approved by the board.

**§14-2-3. Certificate Application.**

3.1. The licensee shall complete the prescribed oral pharmaceutical certificate application form.

3.2. The licensee shall ensure that a certificate of successful completion by the licensee for the course listed in 2.1.b. of this rule will be submitted by the course provider directly to the Board.

3.3. The licensee shall ensure that the

passing score report for the exam listed in 2.1.c of this rule will be submitted by the examiner directly to the Board.

3.4. The licensee shall submit a copy of a liability insurance certificate in an amount of not less than One Million Dollars (\$1,000,000) per occurrence and Three Million (\$3,000,000) aggregate coverage.

3.5. The licensee shall submit the fee listed in the Board’s rule, Schedule of Fees, 14CSR5.

**§14-2-34. Re-certification.**

34.1. Each optometrist licensee applying for re-certification shall have available for the Board, satisfactory evidence that he or she has acquired the continuing education hours required under the Board of Optometry Rule, Rules of the West Virginia Board of Optometry, 14CSR10 and this rule, to renew his or her biennial annual registration license. Of those required hours, an optometrist certified under the provisions of this rule shall furnish the Board satisfactory evidence that at least six (6) hours of the required hours were acquired in educational optometric programs in ocular pathology or therapeutic pharmacological agents.

**§14-2-45. Insurance.**

45.1. All optometrists licensees certified under this rule shall carry liability insurance coverage in an amount of not less than One Million Dollars (\$1,000,000) per occurrence and Three Million Dollars (\$3,000,000) aggregate coverage. No optometrist licensee shall practice under the provisions of this rule unless and until he or she has submitted to the board evidence of the liability insurance coverage in an amount not less than One Million Dollars (\$1,000,000) per occurrence and Three Million Dollars (\$3,000,000) aggregate coverage.

4.5.2. It is the responsibility of each individual optometrist licensee to furnish proof of current liability insurance coverage to the Board upon application for certification and re-certification.

**§14-2-5. Procedures for Certification.**

~~5.1. The educational and training requirements for certification by the Board shall be from taught by a college or university accredited by a regional or professional accreditation organization which is recognized or approved by the council on postsecondary accreditation or by the United States Department of Education.~~

**§14-2-6. Fees.**

~~6.1. The administrative fee for the certification of an individual optometrist for an expanded scope of practice prescriptive authority is \$200.~~

**§14-2-76. Drug Formulary.**

76.1. Optometrists Licensees certified under the provisions of this rule may prescribe the drugs set forth in W. Va. Code §30-8-2a §§30-8-9, 30-8-14 and this section.

76.2. W. Va. Code §30-8-2b §30-8-6, authorizes the Board to develop a formulary of categories of oral drugs to be considered rational to the diagnosis and treatment of visual defects or abnormal conditions of the human eye and its appendages from Schedules III, IV and V of the Uniform Controlled Substances Act. The categories include:

6.2.a. Oral Antibiotics;

6.2.b. Oral Nonsteroidal Anti-inflammatory Drugs;

6.2.c. Oral Carbonic Anhydrase Inhibitors;

76.2.a d. Antihistamines;

76.2.b-e. Oral Corticosteroids, may be prescribed for a duration of no more than six days;

7-6.2.ef. Analgesics, provided that no oral narcotic analgesic may be prescribed for a duration of more than three days; and

76.2.dg. Nutritional Supplements.

6.2.e h. New drugs or new drug indications from Schedules III, IV and V of the Uniform Controlled Substances Act, ~~regardless of their listed categories,~~ which, regardless of their listed classification, have been shown to be effective in the treatment and management of the eye or its appendages may be approved by the Board according to the provisions of W. Va. Code §§30-8-9 and 30-8-14.

6.2.i. A list of approved new drugs and new drug indications proven to be shown to be effective in the treatment of the eye and its appendages will be maintained by the Board for public inspection.

6.2.j. The approval of Schedule I and Schedule II narcotics is prohibited.

#### **§14-2-7. New Drug Approval.**

7.1. The addition of new drugs or drug indications by the Board as cited in subsection 6.2 of this rule may be based on any of the following criteria:

7.1.a. A new or existing drug has been approved by the Food and Drug Administration for the treatment of the eye or its appendages.

7.1.b. A new drug or new drug indication has gained accepted use in the eye care field. Such acceptance may be indicated by its inclusion in the curriculum of an optometry school accredited by the Accreditation Council on Optometric Education or its successor approved by the U.S. Department of Education 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.

#### **§14-2-8. Education and Training on the Use of New Drugs and New Drug Indications.**

8.1. Additional education and training may be required by the Board as it deems appropriate when it adds new drugs or new drug indications.

8.2. This training may be provided through an accredited optometry school or approved post-graduate training.

8.3. A list of Board required training for new drugs or new drug indications will be maintained by the Board for public inspection.

#### **§14-2-89. Restrictions.**

89.1. ~~An optometrist~~ A licensee may not establish a pharmacy in an optometric office or sell oral or topical pharmaceutical agents prescribed in treatment unless there is a licensed pharmacist on staff and present when the prescriptions are filled.

9.1.a. ~~However, n~~Nothing in this section or in any other provision of law prohibits ~~an optometrist~~ a licensee who is properly certified under the provisions of this rule from administering or supplying oral or topical pharmaceutical agents to a patient in his or her office ~~without charge for the pharmaceutical agents, to initiate appropriate treatment~~ . An optometrist may also pass on to the patient a charge for any medications provided to initiate treatment which reflects only the actual amount paid by the optometrist for the agents. In no event shall an optometrist increase the cost of the pharmaceutical agent beyond the wholesale cost of that medication.

89.2. Any ~~optometrist~~ licensee practicing under the authority of this rule shall be held to the same standards of care as that of other health care practitioners providing similar services.

89.3. No ~~optometrist~~ licensee shall practice under the provisions of this rule unless and until he or she submits to the board evidence of satisfactory completion of all of the education and examination requirements of sub-divisions 2.1.a., 2.1.b. and 2.1.c. of this rule and has been certified by the board as educationally qualified.