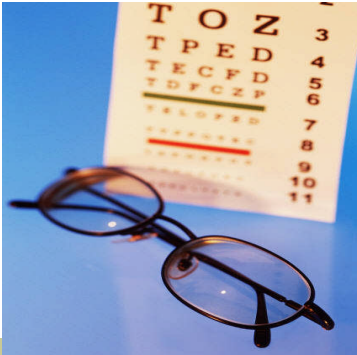


# West Virginia Board of Optometry Visionary



## Special points of interest:

- Dr. Berardi's Opening Word
- Dr. Moore's Parting Remarks
- Winter License Exam
- The Board's Proposed Rules
- WV Health Information Network

*The Board congratulates its new licensees, John Gwinn, Rachel Penney, Caleb Tennant, Alison Webb, Sona Kalra, Timothy Landis, Michelle De Peau, Meghan Elkins, Nagaraju Kemidi, Jeremiah Troyer*



## A Word from the President, Matthew Berardi, O.D.

The West Virginia Board of Optometry has undergone some changes. On June 11, 2010, the newly revised Chapter 30, Article 8 of the W.Va. Code went into effect. It gave this Board the ability to promulgate legislative rules that change your scope of practice. These new abilities come with new responsibilities. The Board of Optometry is now responsible for keeping all licensees aware of changes in scope as well as education requirements for scope expansion.

We have created three new officer positions in an effort to accomplish our new duties. Dr. James Campbell was appointed as Education Officer. He will advise the Board on what new procedures are being taught in Optometry and will work with our association on future education needs. Education on the EpiPen, complete with trainers that were donated by Mylan Pharmaceuticals, will be offered at the upcoming WVOA conference. Dr. Glenn Bailey was appointed as Rules Officer. He will lead our efforts in legislative rule writing. He will be working with our Executive Director, Pamela Carper, who has previous experience in this area. Dr. Greg Moore was appointed as Legislative Liaison, and he will represent the Board before the Legislative Rule Making Review Committee.

Promulgating rules has created a new financial obligation; as a

result, we increased the license renewal fee. Dr. Moore and Pam Carper were able to reduce our spending in many areas last year and we will continue to make efforts to control our budget. Rules must be reviewed by legal staff in order to meet all requirements. This increased financial obligation required an increase in fees.

In redesigning the DLAB-2 form for the Department of Transportation, I referred to forms utilized by other states. I hope to submit a revised version in 2011, so please submit any suggestions to the board office.

On scope of practice I found that the Virginia Board of Optometry has a form on their website listed under the heading "Guidance Documents" titled "LISTING OF CPT CODES DEEMED BY THE VIRGINIA BOARD OF OPTOMETRY TO REFLECT PROCEDURES WITHIN THE SCOPE OF OPTOMETRIC PRACTICE." They began working on this in the 1980s in an effort to help with insurance billing. They continue to update it as new procedures come to their attention. During the time that I am president, I hope to bring a similar document to our website. I believe this will establish a means of keeping you informed of procedures within the scope of optometric practice in West Virginia. This board will rely on optometrists in our state to make us aware of any new procedures they discover. A doctor



recently asked this board if his license allowed him to remove skin tags from eyelids with chemical cauterization. The doctor was told that his license allowed him to administer any drug for topical application to treat conditions of the human eye and its appendages. In Review of Optometry, May 2010, page 87, Dr. Jeff Yunker, OD, describes this procedure. I must admit, I did not realize I could offer my patients this procedure. I believe a list of procedures that reflects our scope of practice will allow us to practice optometry that best serves the needs of our patients.

On behalf of the Board of Optometry, I want to thank those members of the West Virginia Optometric Association for the many hours they spent at the capitol building to ensure passage of Senate Bill 230. Your efforts will impact your profession forever. This board will work to reward your efforts and expand our scope of practice.

**Remember that the license period has changed. It is now from July 1, 2010 - June 30, 2012.**



**“I will forever reflect on my time as President as one of, if not the, highlight of my career.” - Dr. Gregory Moore**

**WOW! What a crazy year!** As you all know the WVOA was very successful in passing legislation that is considered groundbreaking for the government oversight of physician level providers who do not hold an MD degree.

This legislation allows optometrist licensed in WV to achieve the privilege to treat the eye or its appendages with the most minimal restriction in legislative code in history. There are only two things optometrist in WV can not do under legislative code, use therapeutic lasers or inject into the globe of the eye. Anything else may be promulgated through the rules committee by the board provided it is taught at 50% of the accredited schools and colleges of optometry. This is an awesome responsibility for our current and future boards. This was given in no small part because of the oversight and diligence previous boards have provided and proven to the legislature that we are indeed capable of monitoring our own. Rest assured, we will grant no optometrist additional privileges who has not proven themselves to be clinically competent to provide those services.

While that is the change making all the news, I will clarify

## Gregory Moore, O.D., Past President's, Parting Remarks

and point out a few other changes that were accomplished without much attention by the mainstream or industry media.

- It has always been illegal for an optometrist in WV to be employed by anyone other than another licensed optometrist. This has not changed. If you are in any type of employment contract with ANY person that is not a WV licensed OD or an entity that is not 100% owned by WV licensed OD's you are in violation of state law. It is important to note that the person violating this law would be the optometrist – not the entity offering employment. As such, the licensed optometrist is the one who would pay any penalty imposed from this violation of the law. Please review those penalties in that they can be substantial

- For those in corporate settings we did take out the language that prohibited leasing from a commercial or mercantile establishment. This would have been hard to defend in court based on the letter of the law. The intent of the law remains the same – no employment or permitting a corporate entity to provide the professional services that only a licensed Optometrist can provide. We enhanced the language with regard to keeping those lease agreements from being de facto employment contracts. Please review those and feel free to contact the board or your attorney if you feel there is a need for clarification.

- For those in ophthalmological practices, it is still illegal for you to be employed by an ophthalmologist. That does not preclude certain working arrangements however; it does preclude you from being an employee of that ophthalmologist. The legislative code for medical doctors also precludes you from employing an ophthalmologist although that is not restricted in the codes governing optometry.

- We now have the legal au-

thority to order any lab testing you may feel appropriate in the treatment and management of eye disease. Most of us were doing this before so it may not seem like a big change, but it is now permissible by legislative code. This should help in any case where insurance companies may deny such a test although we have not had that issue for some time now.

The board now has full authority with regard to expansion of our oral formulary for any new drug or new drug application that we feel pertinent to the treatment and management of eye disease. If you are aware of any oral meds currently not on our formulary please send all information on that medication to Pam for the Board's consideration. The actual policy for this is being defined in the rules process and should be completed in the next legislative session.

Please go to the web site and see all of the proposed rule changes and feel free to ask any board member if you would have a question concerning these. Once we are through that process we will notify each of you how those changes will affect you and your practice.

Now it is time for me to look back on my term as President of the WV Board of Optometry. As with all things in life we can look back and see where we made mistakes and where we made strides. This past year has been no different. In the final analysis, I am confident that the WV Board of Optometry was an integral and effective part of the most significant change in the history of optometry since the 1976 legislation.

The '76 legislation laid the groundwork for expanding scope privileges through changes in legislative code. The 2010 legislation will be remembered as the legislation that laid the groundwork for removing from the legislative codes specific scope issues yet maintaining legislative

oversight by permitting the Board to oversee expansion of practice scope to stay consistent with advancements in science yet maintaining legislative oversight through the rule making process.

I want to personally thank our optometric members: Dr. Glenn Bailey, Dr. Matt Berardi, Dr. Jim Campbell, Dr. David Laughlin and our lay members: Ms. Lori Gemono, and Mr. Ray Kenner, Esq., our general council Nicole Cofer, Esq., and last but certainly not least our Executive Director Pam.

I have no doubt that each of these board members went well above and beyond what is normally expected in these rolls.

As for the other optometrists on the board, I can't even begin to express here how honored I am to serve on a board with these gentlemen. A chain is only as strong as its weakest link and although we all have various backgrounds and practice modalities, there is not a one of them that is anything short of the best possible example of what our profession is and should embody.

In our July meeting our Secretary Treasurer, Dr. Matt Berardi, was elected to the office of President. He has picked up the gavel and has worked tirelessly in his first month. He has incorporated changes to the Board that I would have never thought of. I am sure as each member takes their role as our Board President you will be better served.

I am very proud of the way the WV Board of Optometry handled every situation that arose during my Presidency. I am extremely proud of the effect we were able to impart on the legislation which passed.

It is an honor and a privilege to serve the citizens of WV as a member of the WV Board of Optometry and I will forever reflect on my time as President of this esteemed body as one of, if not the, highlight of my career.

## West Virginia Board of Optometry License Exam Statutory Date is February 13, 2011

The West Virginia Board of Optometry will hold its winter 2011 license exam on February 13 beginning at 9:00 a.m. in the board office at 179 Summers Street, Suite 231, Charleston, WV 25301. The deadline for applications to be received in the board office is January 13, 2011.

The exam is oral and includes questions on pharmacology, laboratory procedures, ocular manifestations of systemic diseases and ophthalmic science (e.g.: optics). There is a written multiple choice exam on jurisprudence administered simultane-

ously. You may also choose to take the jurisprudence exam through the National Board of Examiners in Optometry on its website at [www.optometry.org](http://www.optometry.org). The fee is \$25. Go to "Laws and Regulations Governing Optometry" on our website at [www.wvbo.org](http://www.wvbo.org) to study for the jurisprudence exam.

The requirements for an application are listed in West Virginia Code, §14-1. Some important requirements to remember are:

- A certified, sealed transcript from the applicant's undergraduate and optometry

school must be sent to the Board office.

- The applicant must take and successfully pass the exam from the National Board of Examiners in Optometry (NBEOP) parts I, II, and III including the examination on injections. A copy of the exam results must be sent to the Board office.

- A copy of your birth certificate is to be enclosed.

- Two 2" x 2" color photographs must accompany the application.

- The fee for the exam is \$300.00.

The application may be requested from the board office at 1-800-250-4150, downloaded from the board's web site at [www.wvbo.org](http://www.wvbo.org) or requested by postal mail.

Please check with the office around December 13 to be sure that the exam date has not been moved due to unforeseen circumstances.

§14-1 on the application process is posted on the web site under "Laws and Regulations."

## The Board's Proposed Legislative Rules

The Board's enabling statute, §30-8, was completely rewritten by Senate Bill 230 effective on June 11, 2010. All of the Board's legislative rules must be re-written to comply with the bill. Some changes were minor, such as re-labeling sections of the rules to match the new legislation.

The Board has added three new rules, §14-9 on Contacts That Contain and Deliver Pharmaceutical Agents, §14-10 on Continuing Education, §14-11 on Injectable Pharmaceutical Agents.

§14-9 sets up a certificate to allow optometrists to prescribe and dispense contact lenses that deliver pharmaceutical agents for a reasonable and customary fee. An optometrist

may not dispense these contacts based on an outside prescription.

§14-10 is on Continuing Education takes CE out of §14-1, Rules of the Board. This will allow the Board to make adjustments to continuing education requirements as the scope of practice increases. It also modernizes the pre-approved sponsor list, and makes the CE approval process and documentation required more clear. A two year period to acquire the required hours in continuing education is retained.

§14-11 sets up requirements to obtain the privilege of administering injectable pharmaceuticals. The Board will keep a list of approved courses for training in injection techniques

and the pharmaceuticals approved for administration. The Board will also maintain a list of approved injection sites and pharmaceuticals permissible for inspection by the public. Those optometrists who gain the privilege must obtain certification from the American Heart Association or American Red Cross in basic life support.

The Board has re-written §14-2 on oral pharmaceutical agents. It now includes the statutory categories of oral antibiotics, oral nonsteroidal anti-inflammatory drugs and oral carbonic anhydrase inhibitors so all oral pharmaceutical categories will be listed in the rule together. It also outlines criteria for the Board to approve new oral drugs. A list of approved new drugs will be maintained by the

Board for public inspection.

§14-1 Rules of the WV Board of Optometry, adds a definition section that clearly defines the two examinations required for licensure, the National Board of Examiners in Optometry Examination and the West Virginia Examination. The rule changes the license renewal period from two years to one year beginning on July 1, 2012. The two year period for acquiring required continuing education hours is retained in proposed §14-10. The rule adds the new forms of permits and licensure required in the new law.

§14-5, Fees, adds new fees for the new permits.

The proposed rules are posted on the web site from the home page and under "Rules and Regulations Governing Optometry."

## The WV Health Information Network for Electronic Health Records

The West Virginia Health Information Network was formed under the oversight of the Health Care Authority to facilitate exchange of health records

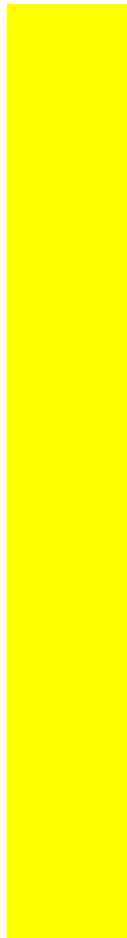
through the use of Electronic Health Records.

You may contact Samantha Stamper, MS at the network at 304-558-4503 or go to the

web site at [www.wvhin.org](http://www.wvhin.org).

Incentives for optometrists who use or want to implement electronic health records are available through a Medicare Incen-

tive Program. You may contact the WV Regional Health Information Technology Extension Center at 877-775-7355 or go to its web site at [www.wvrhitec.org](http://www.wvrhitec.org).



**WV BOARD OF OPTOMETRY MEMBERS:**  
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 DR. MATTHEW BERARDI, PRESIDENT  
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 NICOLE COFER, ASSISTANT ATTORNEY GENERAL  
 PAM CARPER, EXECUTIVE DIRECTOR

**WVBO has a toll free number in WV!**  
 800-250-4150

West Virginia Board of Optometry  
 179 Summers Street, Suite 231  
 Charleston, WV 25301  
 Phone: 304/558-5901  
 Fax: 304/558-5908  
 Email: wvbdopt@verizon.net



## Change of Address/Name Form

Mail form to: West Virginia Board of Optometry  
 179 Summers Street, Suite 231  
 Charleston, WV 25301

You **MUST** keep this office informed of any address or name changes. Faxed or e-mailed copies are not accepted since we must have your original signature authenticating the change you are wanting us to make to your official records.

### CHANGE OF ADDRESS and/or CHANGE OF NAME FORM

NAME OF LICENSEE: \_\_\_\_\_ DATE OF CHANGE: \_\_\_\_\_  
 WV LICENSE NO. \_\_\_\_\_ SSN: \_\_\_\_\_  
 NAME CHANGED TO: \_\_\_\_\_

Please check only one preferred mailing address:

(The preferred mailing address is your address of record and is public information. Telephone numbers are not public information.)

( ) Principal Office Address ( ) Home Address  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Phone: \_\_\_\_\_ Phone: \_\_\_\_\_

Signature: \_\_\_\_\_ (Original Signature of Licensee is Required)  
 Fee for Address Change: \$10.00 Fee for Name Change: \$10.00