

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 4428

BY DELEGATES HOUSEHOLDER, FAIRCLOTH, RODIGHIERO,
CAMPBELL, PERRY AND B. WHITE.

[Introduced February 8, 2016; Referred
to the Committee on Select Committee on Prevention
and Treatment of Substance Abuse then Health and
Human Resources.]

1 A BILL to amend and reenact §30-8-9 of the Code of West Virginia, 1931, as amended, relating
2 to clarifying that optometrists may continue to exercise the same prescriptive authority
3 which they possessed prior to hydrocodone being reclassified as a Schedule II substance.

Be it enacted by the Legislature of West Virginia:

1 That §30-8-9 of the Code of West Virginia, 1931, as amended, be amended and reenacted
2 to read as follows:

ARTICLE 8. OPTOMETRISTS.

§30-8-9. Scope of practice.

1 (a) ~~An~~ A licensee may:

2 (1) Examine, diagnose and treat diseases and conditions of the human eye and its
3 appendage within the scope established in this article or associated rules;

4 (2) Administer or prescribe any drug for topical application to the anterior segment of the
5 human eye for use in the examination, diagnosis or treatment of diseases and conditions of the
6 human eye and its appendages: *Provided*, That the licensee has first obtained a certificate;

7 (3)(A) Administer or prescribe any drug from the drug formulary, as established by the
8 board pursuant to section six of this article, for use in the examination, diagnosis or treatment of
9 diseases and conditions of the human eye and its appendages: *Provided*, That the licensee has
10 first obtained a certificate;

11 (B) New drugs and new drug indications may be added to the drug formulary by approval
12 of the board;

13 (4) Administer epinephrine by injection to treat emergency cases of anaphylaxis or
14 anaphylactic shock;

15 (5) Prescribe and dispense contact lenses that contain and deliver pharmaceutical agents
16 and that have been approved by the Food and Drug Administration as a drug;

17 (6) Prescribe, fit, apply, replace, duplicate or alter lenses, prisms, contact lenses,
18 orthoptics, vision training, vision rehabilitation;

- 19 (7) Perform the following procedures:
- 20 (A) Remove a foreign body from the ocular surface and adnexa utilizing a nonintrusive
21 method;
- 22 (B) Remove a foreign body, external eye, conjunctival, superficial, using topical
23 anesthesia;
- 24 (C) Remove embedded foreign bodies or concretions from conjunctiva, using topical
25 anesthesia, not involving sclera;
- 26 (D) Remove corneal foreign body not through to the second layer of the cornea using
27 topical anesthesia;
- 28 (E) Epilation of lashes by forceps;
- 29 (F) Closure of punctum by plug; and
- 30 (G) Dilation of the lacrimal puncta with or without irrigation;
- 31 (8) Furnish or provide any prosthetic device to correct or relieve any defects or abnormal
32 conditions of the human eye and its appendages;
- 33 (9) Order laboratory tests rational to the examination, diagnosis, and treatment of a
34 disease or condition of the human eye and its appendages;
- 35 (10) Use a diagnostic laser; and
- 36 (11) A licensee is also permitted to perform those procedures authorized by the board
37 prior to January 1, 2010.
- 38 (b) A licensee may not:
- 39 (1) Perform surgery except as provided in this article or by legislative rule;
- 40 (2) Use a therapeutic laser;
- 41 (3) Use Schedule II controlled substances. However, an oral pharmaceutical certified
42 licensee may prescribe hydrocodone and hydrocodone containing drugs for a duration of no more
43 than three days;
- 44 (4) Treat systemic disease; or

- 45 (5) Present to the public that he or she is a specialist in surgery of the eye.

NOTE: The purpose of this bill is to permit an oral pharmaceutical certified licensee, certified optometrist, to prescribe hydrocodone and hydrocodone containing drugs, for a duration of no more than three days.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.