

2 **Senate Bill No. 297**

3 (By Senators Minard, Snyder, Prezioso,
4 Unger, Boley and K. Facemyer)

5 _____
6 [Introduced January 27, 2011; referred to the Committee on Health
7 and Human Resources; and then to the Committee on the Judiciary.]
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9
10 A BILL to amend and reenact article 9, chapter 64 of the Code of
11 West Virginia, 1931, as amended, relating to authorizing the
12 Board of Optometry to promulgate a legislative rule relating
13 to injectable pharmaceutical agents certificate.

14 *Be it enacted by the Legislature of West Virginia:*

15 That article 9, chapter 64 of the Code of West Virginia, 1931,
16 as amended, be amended and reenacted to read as follows:

17 **ARTICLE 9. AUTHORIZATION FOR MISCELLANEOUS AGENCIES AND BOARDS TO**
18 **PROMULGATE LEGISLATIVE RULES.**

19 **§64-9-1. Board of Optometry.**

20 The legislative rule filed in the state register on the
21 thirtieth day of July, two thousand ten, authorized under the
22 authority of section fifteen, article eight, chapter thirty, of

1 this code, modified by the Board of Optometry to meet the
2 objections of the Legislative Rule-Making Review Committee and
3 refiled in the state register on the twenty-third day of December,
4 two thousand ten, relating to the Board of Optometry (injectable
5 pharmaceutical agents certificate, 14 CSR 11), is authorized with
6 the following amendments:

7 On page two, by inserting a new subsection 5.6, to read as
8 follows:

9 "5.6 The licensee must present proof of hands-on supervised
10 clinical training of a minimum of twenty-five patients for each
11 type of injection and each medication where the licensee actually
12 gave injections to patients under supervision. A log book with
13 dates, medications, route of injection, name of supervising doctor
14 and patient identification by number for review by the Board.";

15 And,

16 On page five, by adding a new section eleven to read as
17 follows: "**§14-11-11. Restrictions.**

18 11.1 A certificate holder may not establish a pharmacy in an
19 optometric office or sell injectable pharmaceutical agents
20 prescribed in treatment unless there is a licensed pharmacist on
21 staff or present when the prescription is filled. Nothing in this
22 rule shall prohibit the optometrist from charging a usual and

1 customary fee for performing the injection.

2 11.2 A certificate holder may not inject any medication into
3 a child under the age of 18.

4 11.3 An injection may not be given to a patient without
5 consultation with the patient's osteopathic or allopathic physician
6 in order to identify and minimize potential adverse reactions and
7 drug interactions.

8 11.4 Retrobulbar and Periocular injections are prohibited.

9 11.5 A certificate holder may not inject any of the
10 following drug categories:

11 11.5.1 Chemotherapy drugs;

12 11.5.2 Immunosuppressive drugs;

13 11.5.3 Intravenous steroids;

14 11.5.4 Intravenous dyes;

15 11.5.5 Controlled substances from Schedules II thru V;

16 11.5.6 Antivirals or Antifungal Agents;

17 11.5.7 Propofol (Diprivan);

18 11.5.8 Anesthesia drugs;

19 11.5.9 Edrophonium (Tensilon);

20 11.5.10 Neurotoxins;

21 11.5.11 Insulin or Diabetic drugs;

22 11.5.12 Cardiovascular drugs;

- 1 11.5.13 Dermatologic fillers;
- 2 11.5.14 Hyperosmotics;
- 3 11.5.15. Seizure drugs;
- 4 11.5.16 Hormones;
- 5 11.5.17 Antipsychotics;
- 6 11.5.18 Multiple Sclerosis drugs;
- 7 11.5.19 Blood thinners;
- 8 11.5.20 Flu shots;
- 9 11.5.21 Hepatitis Vaccines;
- 10 11.5.22 Pneumonia Vaccines;
- 11 11.5.23 Allergy drugs and testing."

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13 NOTE: The purpose of this bill is to authorize the Board of
14 Optometry to promulgate a legislative rule relating to Injectable
15 Pharmaceutical Agents Certificates.

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17 This section is new; therefore, strike-throughs and
18 underscoring have been omitted.