

**TENTATIVE AGENDA**  
**LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**  
**Monday, October 22, 2001**  
**4 p.m. to 6 p.m.**  
**Senate Finance Committee Room, M-451**

1. Approval of Minutes - September 17, 2001.
2. Review of Legislative Rules:
  - a. Secretary of State  
*Registry Requirements, 153CSR32*
  - b. Board of Optometry  
*Rule of the West Virginia Board of Optometry, 14CSR1*
  - c. Board of Optometry  
*Expanded Prescriptive Authority, 14CSR2*
  - d. Tax Commissioner  
*Tobacco Products Excise Tax, 110CSR17*
  - e. Division of Labor  
*West Virginia Manufactured Housing Construction and Safety Standards Board, 42CSR19*
  - f. State Rail Authority  
*Valuation of Used Rolling Stock and Equipment, 172CSR2*
  - g. Office of Water Resources  
*Administrative Proceedings and Penalty Assessment Rule, 47CSR1*
  - h. DEP-Director's Office  
*Voluntary Remediation Redevelopment Rule, 60CSR3*
  - i. DEP-Waste Management  
*Hazardous Waste Management Rule, 33CSR20*
  - j. DEP-Division of Air Quality  
*NO<sub>x</sub> Budget Trading Program as a Means of Control and Reduction of Nitrogen Oxides, 45CSR1*

- k. **DEP-Division of Air Quality**  
*No<sub>x</sub> Budget Trading Program as a Means of Control and Reduction of Nitrogen Oxides From Electric Generating Units, 45CSR26*
- l. **Division of Highways**  
*Transportation of Hazardous Wastes Upon the Roads and Highways, 157CSR7*
- m. **Division of Health**  
*Public Water Systems, 64CSR3*
- n. **Division of Health**  
*Public Water Systems Operator Regulations, 64CSR4*
- o. **Division of Health**  
*Reportable Diseases, Events and Conditions, 64CSR7*
- p. **Division of Health**  
*Alzheimer/Dementia Special Care Units and Programs, 64CSR85*
- q. **Division of Health**  
*State Child Fatality Review Team and County Multidisciplinary Investigative Teams, 64CSR20*
- r. **Division of Health**  
*Recreational Water Facilities, 64CSR16*
- 3. **Other Business**
  - a. **Legislation regarding procedural rules**

Monday, October 22, 2001

4 p.m. to 6 p.m.

Legislative Rule-Making  
Review Committee  
(Code §29A-3-10)

Earl Ray Tomblin  
ex officio nonvoting member

Robert "Bob" Kiss  
ex officio nonvoting member

**Senate**

**House**

Ross, Chairman  
Anderson, Vice  
Chairman  
Minard  
Snyder  
Boley  
Minear

Mahan, Chairman  
Wills, Vice Chairman  
Cann  
Kominar  
Faircloth  
Riggs

The meeting was called to order by Mr. Ross, Co-Chairman.

Mr. Ross stated that the rule proposed by the **Tax Commissioner-Tobacco Products Excise Tax, 110CSR17**, had been removed from the agenda.

The minutes of the September 17, 2001, meeting were approved.

Debra Graham, Committee Counsel, stated that the rule proposed by the **Secretary of State-Registry Requirements, 153CSR32**, had been laid over from the Committee's September meeting.

Mr. Riggs moved to modify the proposed rule by removing Section 5 which relates to bonding. The motion was adopted.

Mr. Snyder moved that proposed rule be approved as modified. The motion was adopted.

Ms. Graham explained that the rule proposed by the **Board of Optometry-Rule of the West Virginia Board of Optometry, 14CSR1**, had been laid over from the Committee's September meeting. Dr. Clifton Hyre, President of the Board, distributed information and responded to questions from the Committee.

Mr. Minard moved that the proposed rule be approved as modified. The motion was adopted.

Ms. Graham stated that the rule proposed by the *Board of Optometry-Expanded Prescriptive Authority, 14CSR2*, had been laid over from the Committee's September meeting. Dr. Jack Terry, Board member, distributed information and addressed the Committee. Nancy Tonkin, Executive Director of the West Virginia Academy of Ophthalmology, distributed information and addressed the Committee. Ms. Graham and Dr. Hyre responded to questions from the Committee.

Ms. Mahan moved to amend the proposed rule by retaining all of the drugs on the formulary in the current rule and retaining the limitations on oral corticosteroids and analgesics and by adding antibiotics, non-steroidal anti-inflammatory agents and carbonic anhydrase inhibitors as provided in the proposed rule and by deleting antifibrinolytics, anxiolytics, hypersmotics, immunosuppressants and nutritional supplements that were added in the proposed rule.

Mr. Minard moved that the proposed rule be moved to the foot of the agenda. The motion was adopted.

Ms. Graham explained the rule proposed by the *State Rail Authority-Valuation of Used Rolling Stock and Equipment, 172CSR2*, and stated that the Agency has agreed to technical modifications.

Ms. Boley moved that the proposed rule be approved as modified. The motion was adopted.

Connie Bowling, Associate Counsel, reviewed her abstract on the rule proposed by the *Division of Highways-Transportation of Hazardous Wastes Upon the Roads and Highways, 157CSR7*, and responded to questions from the Committee.

Ms. Mahan moved that the proposed rule be approved. The motion was adopted.

Joseph Altizer, Associate Counsel, explained the rule proposed by the *DEP-Office of Water Resources-Administrative Proceedings and Penalty Assessment Rule, 47CSR1*, and stated that the Agency has agreed to technical modifications. He and Mike Zeto, Chief

Inspector for Environmental Enforcement, responded to questions from the Committee.

Mr. Minard moved to modify the proposed rule by changing the penalty for minor harm to human health or the environment, in Appendix A, Civil Penalty Matrix, from "\$750 to \$1,000" to "\$0 to \$1,000". The motion was adopted.

Ms. Mahan moved that the proposed rule be approved as modified. The motion was adopted.

Mr. Atlizer reviewed his abstract on the rule proposed by the *DEP-Director's Office-Voluntary Remediation Redevelopment Rule, 60CSR3*, stated that the Agency has agreed to technical modifications and responded to questions from the Committee.

Ms. Boley moved that the proposed rule be approved as modified. The motion was adopted.

Ms. Graham explained the rule proposed by the *Division of Labor-West Virginia Manufactured Housing Construction and Safety Standards Board, 42CSR19*, stated that the Agency has agreed to technical modifications and responded to questions. Charlie Critchfield, manufactured home dealer, and Tim Manchin, Board Member, addressed the Committee and responded to questions.

Mr. Faircloth requested that the Board provide information concerning the Board's budget to the Committee.

The meeting was adjourned.

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**Monday, October 22, 2001**  
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**Senate Finance Committee Room, M-451**

1. Approval of Minutes - September 17, 2001.

2. Review of Legislative Rules:

- Approved as modified* a. Secretary of State  
Registry Requirements, 153CSR32
- Approved as modified* b. Board of Optometry  
Rule of the West Virginia Board of Optometry, 14CSR1
- Foot of agenda* c. Board of Optometry  
Expanded Prescriptive Authority, 14CSR2
- Removed* d. ~~Tax Commissioner~~  
~~Tobacco Products Excise Tax, 110CSR17~~
- Laid over* e. Division of Labor  
West Virginia Manufactured Housing Construction and Safety  
Standards Board, 42CSR19
- Approve as modified* f. State Rail Authority  
Valuation of Used Rolling Stock and Equipment, 172CSR2
- Approved as modified* g. Office of Water Resources  
Administrative Proceedings and Penalty Assessment Rule,  
47CSR1
- Approved as modified* h. DEP-Director's Office  
Voluntary Remediation Redevelopment Rule, 60CSR3
- i. DEP-Waste Management  
Hazardous Waste Management Rule, 33CSR20
- j. DEP-Division of Air Quality  
NO<sub>x</sub> Budget Trading Program as a Means of Control and  
Reduction of Nitrogen Oxides, 45CSR1

k. DEP-Division of Air Quality  
No<sub>x</sub> Budget Trading Program as a Means of Control and  
Reduction of Nitrogen Oxides From Electric Generating Units,  
45CSR26

Approved

l. Division of Highways  
Transportation of Hazardous Wastes Upon the Roads and  
Highways, 157CSR7

m. Division of Health  
Public Water Systems, 64CSR3

n. Division of Health  
Public Water Systems Operator Regulations, 64CSR4

o. Division of Health  
Reportable Diseases, Events and Conditions, 64CSR7

p. Division of Health  
Alzheimer/Dementia Special Care Units and Programs, 64CSR85

q. Division of Health  
~~State Child Fatality Review Team and County Multidisciplinary  
Investigative Teams, 64CSR20~~

r. Division of Health  
Recreational Water Facilities, 64CSR16

3. Other Business

a. Legislation regarding procedural rules

Withdrawn -  
revised as procedural

Monday, October 22, 2001

4:00 - 6:00 p.m.

Legislative Rule-Making Review Committee  
(Code §29A-3-10)

Earl Ray Tomblin, ex  
officio nonvoting member

Robert S. Kiss, ex  
officio nonvoting member

Senate

Ross, Chair

Anderson, Vice Chair

Minard

Snyder

Boley

Minear

✓  
✓  
✓  
✓  
✓  
✓

House

Mahan, Chair

Wills, Vice Chair

Cann

Kominar

Faircloth

Riggs

✓  
✓  
✓  
✓  
✓  
✓

Ross called to order

minutes Sept 17, 2001 approved.

SAS - Registry Requirements

I explained it had been laid over

Modify to remove bonding section from proposed rule -  
Section 5.

Riggs  
adopted

Snyder  
adopted

Approve as mod

Optometry - Rules of Bd

Dr Hyre responded to a's of distributed info

Optometry - Drug Formulary

Dr. Jack Terry - distributed info and explained.

Nancy Tomlin - Free Dr WV Act of Ophthalmology

Dr. Hyre responded to questions

I responded to questions

Fast of agenda

Minard  
adopted



State Rail Authority

Baley  
adopted

Approve as mod

Div of Highways - Transp - Hse Waste

Mohan  
adopted

Cornie explained

Approved

Office of Water Resources

Joe explained & responded to q's  
Critchfield

Mike Zeto responded to q's

Approve as mod

Mohan  
adopted

M. Lind  
adopted

Mobility 0-1,000

DEP - Director - Voluntary Remediation

Baley  
adopted

Joe explained & responded to q's

Approve as mod

Labour - Mary Hawing

I explained

Charlie Critchfield responded to q's

Tim Marshin - Bd member addressed C

OCTOBER INTERIM ATTENDANCE  
Legislative Interim Meetings  
October 21, 22 and 23, 2001

Monday, October 22, 2001

4:00 - 6:00 p.m.

Legislative Rule-Making Review Committee  
(Code §29A-3-10)

Earl Ray Tomblin, ex  
officio nonvoting member

Robert S. Kiss, ex  
officio nonvoting member

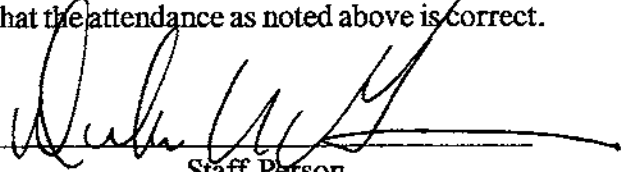
Senate

Ross, Chair ✓  
Anderson, Vice Chair ✓  
Minard ✓  
Snyder ✓  
Boley ✓  
Minear ✓

House

Mahan, Chair ✓  
Wills, Vice Chair ✓  
Cann ✓  
Kominar ✓  
Faircloth ✓  
Riggs ✓

I certify that the attendance as noted above is correct.

  
\_\_\_\_\_  
Staff Person

Terri Anderson

REGISTRATION OF PUBLIC  
AT  
COMMITTEE MEETINGS  
WEST VIRGINIA LEGISLATURE

Committee: Legislative Rule-Making Review

Date 10/22/01

Please print or write plainly.

NAME	ADDRESS	REPRESENTING	Please check (X) if you desire to make a statement.
Deborah Phillips	Scott Depot	The Arnold Agency	
Cindy Butler	120 Water Plant Dr. Moorefield	The State Rail Authority	
Jack E. Terry, OD, PhD	1 Pine Hills, Cabell	WV Board of Optometry	
Clifton Hyre, OD	115 Wilton Ave, Elkins	WV Board of Optometry	Re 14-1
Charles Cr. Kfield	14 Foxboro Rd	MAF Housing	



# West Virginia Board Of Optometry

101 Michael Street

Clarksburg, West Virginia 26301-3937

Phone: (304) 627-2106

Fax: (304) 627-2282

e-mail: wvbdopt@westvirginia.net

## MEMORANDUM

TO: Legislative Rule-Making Review Committee    DATE: October 22, 2001  
 FROM: E. Clifton Hyre, President  
 SUBJECT: Title 14- Series 1-Rules of the West Virginia Board of Optometry

Question: Why is the Board discontinuing the annual February Board examinations?

Answer: The Board has had more expenses than income to conduct the examinations in February. The income and expenses for both the February and July examinations are as follows:

### INCOME AND EXPENSES TO CONDUCT BOARD EXAMINATIONS FEBRUARY, 1998 THROUGH JULY, 2001

	<u>Feb., 1998</u>	<u>Feb. 1999</u>	<u>Feb. 2000</u>	<u>Feb. 2001</u>	<u>Income</u>	<u>Expenses</u>
No. of applicants	1	2	5	3		
Application Fee	200	400	1000	600	2200	
Lic. & Certificate	275	550	1375	825	3025	
Travel and Per Die	2989.6	3518.9	2853.39	4586.72		13948.61
Conf Room Rental	106	400	276.22	450		1232.22
	-2610.6	-2968.9	-1754.61	-3611.72	5225	-15,170.83
	<u>July, 1998</u>	<u>Jul-99</u>	<u>Jul-00</u>	<u>Jul-01</u>	<u>Income</u>	<u>Expenses</u>
No. of applicants	11	7	10	11		
Application Fee	2200	1400	2000	2200	7800	
Lic. & Certificate	3475	1650	2200	3650	10975	
Travel and Per Die	3016.4	2270.72	1615.7	4868.32		11771.14
Conf Room Rental	175	150	180	450		955
	2483.6	629.28	2404.3	531.68	18775	12,826.14
Feb Bds Total Loss	-9945.83					
Jul Bds Total Gain	5948.86					

## MISSION STATEMENT

To ensure that all applicants for licensure and all Doctors of Optometry currently licensed, practice their profession in a manner that benefits and protects the public, and to ensure that the highest quality optometric eye and vision care is provided in a professional, competent, and ethical manner.

Delegate Mahan's proposed amendment retains all of the drugs on the formulary in the current rule and retains the limitations on oral corticosteroids and analgesics; it adds antibiotics, non-steroidal anti-inflammatory agents and carbonic anhydrase inhibitors as provided in the proposed rule; and deletes antifibrinolytics, anxiolytics, hyperosmotics, immunosuppressants and nutritional supplements that were added in the proposed rule.



**The  
West Virginia  
Academy of  
Ophthalmology**



*Medical & Surgical Eye Care*

**President**  
Joseph LoCasolo, MD  
Huntington, WV

**Secretary/Treasurer**  
John Linberg, MD  
Morgantown, WV

**Director**  
Steve Powell, MD  
Morgantown, WV

**Past President**  
Rizal Pangilinan, MD  
Wheeling, WV

**Vice President**  
David Faris, MD  
Bridgeport, WV

**Director**  
Lionel Chisholm, MD  
Morgantown, WV

**Director**  
Michael Varley, MD  
Charleston, WV

**Executive Director**  
Nancy S. Tonkin  
Charleston, WV

October 17, 2001

Clifton Hyre, O.D.  
President  
WV Board of Examiners in Optometry  
101 Michael Street  
Clarksburg, WV 26301-3937

Dear Dr. Hyre:

Since the September Interim Legislative session, the West Virginia Academy of Ophthalmology has been consulting with multiple medical organizations regarding the proposed Rule 14-2. This has been a tedious process, but has involved many medical organizations. At the Interim session, some of these medical organizations expressed serious concerns over the addition of new drug classes to the previous list of agreed to medications that were in the original signed agreement. Further concerns were raised by these organizations over the use of some of the medications that are currently on the formulary.

Despite objections to any use of corticosteroids, narcotic analgesics, and carbonic anhydrase inhibitors by optometrists, the medical organizations have agreed to submit to the committee a recommendation for a formulary. If this list is accepted and approved by the committee, the medical organizations will not object to the amendment as it is presented to the legislature. If there is an attempt to amend or change the proposed formulary (enclosed) by the Board of Optometry, the medical organizations will take a unified and active role to defeat such amendments and to readdress the stated concerns of medications currently in medicines proposal. Patient's protection is at the core of the position taken by the medical groups.

While the medical organizations have dealt in good faith with the Board of Optometry in the past, it is clear that the Board of Optometry is not willing to honor the previous

**ADMINISTRATIVE OFFICE**

Suite 220, 2110 Kanawha Blvd., E., Charleston, WV 25311  
304-343-584-Voice/304-344-4139-Fax

Page 2.  
Dr. Hyre

agreements. It is hopeful that the Board of Optometry will accept medical groups final offer for a drug formulary. The medical organizations cannot emphasize enough that patient protections must take precedence over expansion of scope of practice.

While medicine raised concerns in the 2001 Legislative Session that the Board of Optometry would try to expand the scope of practice, the Board reassured the House Government Organization Committee and the Senate Health Committee that was not the case. We must admit that we were shocked at your attempt to grossly expand your list of drugs to prescribe when the Organization Committee simply asked you to rewrite your rule to include the drugs listed in the law.

It is hopeful that the Board of Optometry will accept medicines final offer for a drug formulary. The medical organizations cannot emphasize enough that patient protection must take precedence over expansion of scope of practice. The compromise language is attached on yellow paper.

Sincerely,



Nancy S. Tonkin  
Executive Director

CC: Medical Groups  
Members, Rule-Making Review Committee  
Executive Committee, WVAO

Enclosures: Medical Groups final proposal for amendment to Rule 14-2 (yellow copy)  
Medical Groups in Support of the Amended Rule 14-2

**PROPOSED RULE REVISIONS**

**Title 14  
Legislative Rules  
West Virginia Board of Examiners in Optometry**

**Series 2  
Expanded Prescriptive Authority**

**Submitted by WVSMA/WVAO**



**§14-2-7. Drug Formulary.**

**7.1 The categories of oral drugs to be considered rational to the diagnosis and treatment of the human eye and its appendages shall include:**

**7.1.a. Antihistamines;**

**7.1.b. Oral Corticosteroids for a duration of no more than six days; and for the purpose of treatment of visual defects or abnormal conditions of the human eye and its appendages.**

**7.1.c. Analgesics; provided, that no oral narcotic analgesic shall be prescribed for a duration of more than three days; and for the purpose of treatment of visual defects or abnormal conditions of the human eye and its appendages.**

**7.1.d. Antibiotics**

**7.1.e. Non-steroidal anti-inflammatory agents**

**7.1.f. Carbonic Anhydrase Inhibitors**

**§14-2-8. [NO CHANGES]**

**Title 14 Legislative Rule: WV Board of Examiners in Optometry  
Series 2, Rules for Expanded Prescriptive Authority**

**MEDICAL GROUPS IN SUPPORT OF THE  
AMENDED RULE 14-2**

- 1. West Virginia Academy of Ophthalmology**
- 2. West Virginia School of Osteopathic Medicine**
- 3. West Virginia University School of Medicine**
- 4. West Virginia University Department of  
Ophthalmology**
- 5. West Virginia American Academy of Family  
Physicians**
- 6. West Virginia State Medical Association**
- 7. West Virginia University Residents in Training in  
Ophthalmology**
- 8. American Medical Association**
- 9. American Academy of Ophthalmology**

October 17, 2001

## Supportive Information on Medicine's Position on Rule 14-2

- There has already been an agreement and the appropriate changes were discussed in the 2001 session (Gov. Org in the House; Health in the Senate).
- Eye MDs rarely use the drug classes requested by optometrists, so why could they possibly need them?
- The drug classes requested can have very serious side effects and cause harm to the West Virginia public.
- Legislation should not replace education; legislation is no substitute for an additional four years of intensive supervised medical training.
- The members of the West Virginia Board of Optometry are inexperienced in using these classes of drugs and do not have the ability to monitor appropriate use of such drugs by optometrists.
- The classes of drugs requested and specific drugs mentioned are not new. As the members of the Board of Optometry testified, Rule 14-2 was put in place in case new medications became available.
- If a rare instance occurs when one of the drugs cited might be used, physicians are available to consult with and to prescribe such drugs if necessary, minimizing the risk to the public.
- The medical organizations consulted have expressed serious patient protection concerns about some of the oral medications on the list that was agreed to previously. Despite these concerns, the organizations will honor the previous agreement and not challenge those medication classes in the Rule-Making Committee.
- While the Board of Optometry testified that the previous signed agreement was not legally binding, medicine representatives made an honest and honorable attempt to reach a compromise. Medicine had insisted on a signed document that all were in agreement, so that the Legislature would know that we did in fact compromise. That compromise was to the limit of what medicine is willing to accept, and several of the participating organizations had serious objections at the time. Further expansion is unacceptable.
- Patient Protection is the ultimate factor that should decide the formulary. It is clear that the potential risk is very high and the potential benefit is very low!

October 17, 2001

## WEST VIRGINIA BOARD OF OPTOMETRY

S.B. 524 Amendment to Chapter 30-Article 8. Optometrists

Effective July 7, 1997

30-8-2a. Prescriptive authority.

Notwithstanding the provisions of section two of this article, the board of optometry may grant qualified optometrists prescriptive authority for oral antibiotics, oral non-steroidal anti-inflammatory drugs, and oral carbonic anhydrase inhibitors: *Provided*, That the board ...provide standards for education, training and adequate insurance coverage...

30-8-2b. Expanded prescriptive authority.

... the board of optometry shall propose rules for legislative approval...The board shall provide a formulary classifying those categories of oral drugs rational to the diagnosis and treatment of conditions or diseases of the human eye and its appendages, which maybe prescribed by optometrists from Schedules III, IV and V of the Uniform Controlled Substances Act...The board shall consult with other appropriate boards, including the board of pharmacy, in the development of the formulary...

14-2 Rules for Expanded Prescriptive Authority

Effective April 6, 1998

14-2-7. Drug Formulary.

7.1. The categories of oral drugs to be considered **rational** to the diagnosis and treatment of the human **eye** and its appendages shall include:

7.1.a. **Antihistamines**;

7.1.b. **Oral Corticosteroids** for a duration of no more than six days; and for the purpose of treatment of visual defects or abnormal conditions of the human eye and its appendages.

7.1.c. **Analgesics**: provided, that no oral narcotic analgesic shall be prescribed for a duration of more than three days; and for the purpose of treatment of visual defects or abnormal conditions of the human eye and its appendages.

## WEST VIRGINIA BOARD OF OPTOMETRY

S.B. 524 Amendment to Chapter 30-Article 8. Optometrists

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30-8-2b. Expanded prescriptive authority.

... the board of optometry shall propose rules for legislative approval...The board shall provide a formulary classifying those categories of oral drugs rational to the diagnosis and treatment of conditions or diseases of the human eye and its appendages, which maybe prescribed by optometrists from Schedules III, IV and V of the Uniform Controlled Substances Act...The board shall consult with other appropriate boards, including the board of pharmacy, in the development of the formulary...

14-2 Rules for Expanded Prescriptive Authority

Effective April 6, 1998

14-2-7. Drug Formulary.

7.1. The categories of oral drugs to be considered rational to the diagnosis and treatment of the human eye and its appendages shall include:

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7.1.b. Oral Corticosteroids for a duration of no more than six days; and for the purpose of treatment of visual defects or abnormal conditions of the human eye and its appendages.

7.1.c. Analgesics: provided, that no oral narcotic analgesic shall be prescribed for a duration of more than three days; and for the purpose of treatment of visual defects or abnormal conditions of the human eye and its appendages.

#### **14-2-7. Drug Formulary.**

7.1. The 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 shall include:

~~\*7.1.a. Analgesics: provided, that no oral narcotic analgesic shall be prescribed for a duration of more than three days; and for the purpose of treatment of visual defects or abnormal conditions of the human eye and its appendages.~~

\*7.1.b. Antibiotics.

7.1.c. Antifibrinolytics. (OMIT THIS CATEGORY)

\*7.1.d. Antihistamines.

7.1.e. Anxiolytics (ADD: "as a single dose only for a diagnostic or treatment procedure").

\*7.1.f. Carbonic anhydrase inhibitors.

~~\*7.1.g. Oral Corticosteroids. for a duration of no more than six days; and for the purpose of treatment of visual defects or abnormal conditions of the human eye and its appendages;~~

7.1.h. Hyperosmotics.

7.1.i. Immunosuppressants. (OMIT THIS CATEGORY)

\*7.1.j. Non-steroidal anti-inflammatorys.

7.1.k. Nutritional Supplements.

\*Already in Code or Rule.

**14-2-7. Drug Formulary.**

7.1. The 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 shall include:

~~\*7.1.a. Analgesics: provided, that no oral narcotic analgesic shall be prescribed for a duration of more than three days; and for the purpose of treatment of visual defects or abnormal conditions of the human eye and its appendages.~~

\*7.1.b. Antibiotics.

7.1.c. Antifibrinolytics. (OMIT THIS CATEGORY)

\*7.1.d. Antihistamines.

7.1.e. Anxiolytics (ADD: "as a single dose only for a diagnostic or treatment procedure").

\*7.1.f. Carbonic anhydrase inhibitors.

~~\*7.1.g. Oral Corticosteroids. for a duration of no more than six days; and for the purpose of treatment of visual defects or abnormal conditions of the human eye and its appendages;~~

7.1.h. Hyperosmotics.

7.1.i. Immunosuppressants. (OMIT THIS CATEGORY)

\*7.1.j. Non-steroidal anti-inflammatorys.

7.1.k. Nutritional Supplements.

\*Already in Code or Rule.

“Free product” refers to a regulated substance that is present as a nonaqueous phase liquid (e.g., liquid not dissolved in water) (EPA,1988). These substances include liquid petroleum products such as gasoline, kerosene, diesel fuel, or oil, and any hazardous substance either listed in Section 101(14) of CERCLA or defined as such under RCRA. For petroleum hydrocarbons, the term nonaqueous phase liquid includes both liquid phase and residual phase hydrocarbons. Liquid phase product is capable of flowing downward and/or laterally into wells or excavations. Typically it exists as a pool or mound floating on the water table or resting on an impermeable soil layer. Residual phase product does not generally flow as a liquid; it occurs as globules within fractures or pores of soil or bedrock (EPA, 1996).

EPA, 1988. 40 CFR Part 280 Underground Storage Tanks; Technical Requirements and State Program Approval; Final Rules. Vol. 53, No. 185, p. 37195.

EPA, 1996. How to Effectively Recover Free Product at Leaking Underground Storage Tank Sites – Guide for State Regulators. EPA 510-R-96-001.