

**WEST VIRGINIA LEGISLATURE** FILED

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**2016 REGULAR SESSION**

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**ENROLLED**

**House Bill 4428**

(BY DELEGATES HOUSEHOLDER, FAIRCLOTH,

RODIGHIERO, CAMPBELL, PERRY AND B. WHITE)

[Passed on March 12, 2016; in effect ninety days from passage.]

HB 4428

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

**[Passed on March 12, 2016; in effect ninety days from passage.]**

1 AN ACT 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) 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 noninvasive  
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.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

  
.....  
Chairman, House Committee

  
.....  
Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

  
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Clerk of the House of Delegates

  
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Clerk of the Senate

  
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Speaker of the House of Delegates

  
.....  
President of the Senate

The within *is* approved this the *1<sup>st</sup>* day of *April*, 2016.

  
.....  
Governor

**PRESENTED TO THE GOVERNOR**

MAR 23 2013

Time 2:05 pm