

WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

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September 12, 2000

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Ken Hechler, Secretary of State, State Register

TO: Dr. Clifton Hyre
Optometry, WV Board of
115 Wilton Avenue
Elkins, WV 26241

FROM: Legislative Rule-Making Review Committee

Proposed Rule: **Rules of the West Virginia Board of Optometry, 14CSR1**

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

1. Authorize the agency to promulgate the Legislative rule
(a) as originally filed
(b) as modified by the agency
2. Authorize the agency to promulgate part of the Legislative rule;
a statement of reasons for such recommendation is attached.
3. Authorize the agency to promulgate the Legislative rule with
certain amendments; amendments and a statement of reasons
for such recommendation is attached.
4. Authorize the agency to promulgate the Legislative rule as
modified with certain amendments; amendments and a
statement of reasons for such recommendation is attached.
5. Recommends that the Legislative rule be withdrawn; a statement
of reasons for such recommendation is attached.

SECRETARY OF STATE
SEP 13 11 32 AM '00
FILED

ANALYSIS OF PROPOSED LEGISLATIVE RULES

Agency: West Virginia Board of Optometry

Subject: Rules of the West Virginia Board of Optometry, 14CSR1

PERTINENT DATES

Filed for public comment: June 19, 2000
Public comment period ended: July 19, 2000
Filed following public comment period: August 15, 2000
Filed LRMRC: August 15, 2000
Filed as emergency:

Fiscal Impact: None

OFFICE OF THE
SECRETARY OF STATE

AUG 25 2 29 PM '00

FILED

ABSTRACT

The proposed rule amends a current legislative rule. It is being amended to delete provisions relating to the filing of charges and complaints of violations. These provisions are being moved to separate rules as required by House Bill 4062 which passed February 15, 2000.

AUTHORITY

Statutory authority: W.Va. Code, §30-8-3, which provides, in part, as follows:

...The board shall make necessary rules and regulations, subject to the provisions of chapter twenty-nine-a of this code, which are not inconsistent with any other provision or section of this article...

ANALYSIS

I. HAS THE AGENCY EXCEEDED THE SCOPE OF ITS STATUTORY AUTHORITY IN APPROVING THE PROPOSED LEGISLATIVE RULE?

No.

II. IS THE PROPOSED LEGISLATIVE RULE IN CONFORMITY WITH THE INTENT OF THE STATUTE WHICH THE RULE IS INTENDED TO IMPLEMENT, EXTEND, APPLY, INTERPRET OR MAKE SPECIFIC?

Yes.

III. DOES THE PROPOSED LEGISLATIVE RULE CONFLICT WITH OTHER CODE PROVISIONS OR WITH ANY OTHER RULE ADOPTED BY THE SAME OR A DIFFERENT AGENCY?

No.

IV. IS THE PROPOSED LEGISLATIVE RULE NECESSARY TO FULLY ACCOMPLISH THE OBJECTIVES OF THE STATUTE UNDER WHICH THE PROPOSED RULE WAS PROMULGATED?

Yes.

V. IS THE PROPOSED LEGISLATIVE RULE REASONABLE, ESPECIALLY AS IT AFFECTS THE CONVENIENCE OF THE GENERAL PUBLIC OR OF PERSONS AFFECTED BY IT?

Yes.

VI. CAN THE PROPOSED LEGISLATIVE RULE BE MADE LESS COMPLEX OR MORE READILY UNDERSTANDABLE BY THE GENERAL PUBLIC?

No.

VII. WAS THE PROPOSED LEGISLATIVE RULE PROMULGATED IN COMPLIANCE WITH THE REQUIREMENTS OF CHAPTER 29A, ARTICLE 3 AND WITH ANY REQUIREMENTS IMPOSED BY ANY OTHER PROVISIONS OF THE CODE?

Yes.

VIII. OTHER

The proposed rule became effective in 1982 and as such does not conform to current standards for rules. The proposed rule needs to be completely rewritten.