

WEST VIRGINIA
SECRETARY OF STATE
JOE MANCHIN, III
ADMINISTRATIVE LAW DIVISION

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

Form #2

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Board of Optometry TITLE NUMBER: 14

RULE TYPE: Procedural CITE AUTHORITY: Ch 30-8 & T14

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 7

TITLE OF RULE BEING AMENDED: _____

Board Meetings

Administration and

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON July 30, 2003 AT 9:00 a.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

723 Kanawha Blvd., Suite

Charleston, WV 25301-2733

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.


Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

**CIRCUMSTANCES REQUIRING PROCEDURAL RULE AMENDMENT
TITLE 14-SERIES 7-3 MEETINGS OF THE BOARD**

The Board is receiving more requests from guests to address the Board. The proposed amendment outlines a procedure for guests seeking to address the Board.

**SUMMARY OF PROPOSED RULE AMENDMENT, 14-7-3.5
BOARD MEETINGS**

The proposed amendment to the rule adds a new subsection, 14-7-3.5, to outline a procedure for recording attendance of guests and to allow guests to address the Board at meetings.

□
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Meetings of the Board

Type of Rule: Legislative Interpretive Procedural

Agency: WV Board of Optometry

Address: 723 Kanawha Blvd., Suite 804

Charleston, WV 25301-2733

1. Effect of Proposed rule:

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	0	0	0	0	0
PERSONAL SERVICES	0	0	0	0	0
CURRENT EXPENSE	0	0	0	0	0
REPAIRS & ALTERATIONS	0	0	0	0	0
EQUIPMENT	0	0	0	0	0
OTHER	0	0	0	0	0

2. Explanation of Above Estimates:

The Board currently maintains a sign-in sheet for guests. The rule outlines a procedure to allow guests to address the Board at meetings.

3. Objectives of These Rules:

The objective of this rule is to allow guests to address the Board at meetings in an orderly manner.

Rule Title: Meetings of the Board: Procedure to permit guests to address the Board

4. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government:

None

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens:

None

C. Economic Impact on Citizens/Public at Large.

None

Date: 06/23/03

Signature of Agency Head or Authorized Representative:

Jack E. Jeynes

TITLE 14
PROCEDURAL RULE
WEST VIRGINIA BOARD OF OPTOMETRY
SERIES 7
ADMINISTRATION AND BOARD MEETINGS

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SECRETARY OF STATE

14-7-1. General.

1.1. Scope. -- This rule establishes the procedures for the administration and operation of meetings for the West Virginia Board of Optometry.

1.2. Authority. -- W. Va. Code '30-8 et seq.

1.3. Filing Date. -- June 4, 2001.

1.4. Effective Date. -- July 5, 2001.

14-7-2. Administration.

2.1. At the annual meeting in July of each year the Board shall elect a president and secretary. Any vacancy in the officers of the Board may be filled at any duly convened meeting of the Board.

2.2. The president has power to appoint committees from the Board membership and the duties of the committees shall be to consider such matters, pertaining to the enforcement of the Optometry Laws of this State and the rules promulgated in accordance with the laws, as shall be referred to the committees and they shall make recommendations to the Board. The president shall preside over all meeting of the Board and shall be ex officio chairman of all committees.

2.3. The secretary-treasurer shall make and keep records of all meetings, keep records of examination results on the applicants, receive all moneys due the Board and account with a financial statement at the regular annual meeting in July of each year. In addition to this financial statement he or she shall have a regular audit by a representative of the Auditor=s Office of the State of West Virginia every three (3) years or when turning over the records of the secretary=s office to his successor and he or she shall executive a bond as required by law. Under the direction of the president he or she shall serve as chairman of the Committee on Examinations and shall designate the subjects on examinations to members of the Board. He or she shall represent the Board in attempting to eliminate a violation of the Code governing the practice of Optometry and she or she shall perform any other duties that may come with his office. He or she shall also receive office expenses which have been presented and allowed by the West Virginia Department of Finance and Administration.

2.4. Compensation of members: expenses- Every member of the Board shall receive \$100.00 for each day actually spent in attending the sessions of the Board or of its committees and the travel necessary thereto. Every member shall be similarly reimbursed at the stated per diem amount plus expenses for attending all activities approved by the Board and while performing all activities which are pertinent to the operation and function of the Board, and for all reasonable and necessary expenses incurred in carrying out the provisions of W. Va. Code '30-10-1 et seq.

2.5. The Board may, in its discretion, employ an executive ~~director, administrative~~ secretary, or any other

administrative staff member(s) as the Board may consider necessary. These Board employees shall be empowered to perform those activities and discharge duties required of the Board and the secretary-treasurer of the Board pursuant to West Virginia law and these rules.

2.6. Location of office- The official office of the Board is, unless otherwise designated by the Board, located at the office of the ~~administrative~~ executive secretary.

14-7-3. Meetings of the Board.

3.1. The Board shall hold a regular meeting at least once a year at which time an examination of applicants for license shall be given. This meeting will be held on the second Sunday, Monday and Tuesday of July, unless otherwise directed by the president, but Tuesday is to be applicable when the president of the Board deems it advisable for purpose of further business session or the secretary for purpose of further examination of applicants taking the Board examinations or by majority vote of the members of the Board.

3.2. Special meetings of the Board shall be held upon request of a majority of the members of the Board or upon the call of the secretary as directed by the president. The meetings may be held in person or by teleconference. A minimum of five (5) days notice of such meeting shall be given in writing setting forth the time and place of such meeting.

3.3. Quorums- Before any action can be taken on any matter properly before the Board, at least a majority of the current members must be in attendance at the place and time set for the meeting of the Board. A majority vote of the members in attendance is required before any motion is passed.

3.4. Whenever there are matters requiring action by the Board in the interim between meetings, the president may submit such matters to all members of the Board by mail and, if a vote is required, members may cast their votes by mail, facsimile, or e-mail ballots and such votes shall be recorded and shall have the same force and effect as if cast in a regular or special meeting. The president shall have authority to submit matters to the Board by mail, facsimile, or e-mail at any time, at his discretion, and shall do so upon the written request of one or more members of the Board.

3.5 The following procedure will be followed to permit guests to address the Board at meetings:

(a) all guests will sign the guest sign-in sheet; if there are written materials for the Board members, the guests will leave them on the sign-in table; guests will not distribute materials to Board members;

(b) at the time designated for speakers to address the Board, guests will be called upon to speak one at a time using the guest sign-in sheet;

(c) each guest will be allotted five minutes to speak; a member of the Board may move that additional time be allotted to a guest up to a maximum of an additional ten minutes; if the motion is approved by a majority of the Board, the speaker may proceed for the period of time described in the motion;

(d) questions may be asked by any Board member of any guest speaker; the speaker will be recognized for a response;

(e) the Board will not enter into a discussion or debate with any guest speaker;

(f) the Board President will take the matter(s) presented under advisement, and if appropriate, refer the matter to the Executive Committee for review;

(g) if any guest disrupts the meeting so that orderly conduct of the meeting is compromised, the Board President will ask that the guest be removed from the room;

(h) if any guest continues to interrupt the orderly conduct of the meeting, the Board President will advise the guest that he/she may be arrested for committing a misdemeanor crime with a possible penalty of a \$100 fine an/or imprisonment in the county jail of up to six months as listed in the WV Code 61-6-19, Willful disruption of governmental processes;

(i) if the guest persists in his/her disruptive behavior, the Board President shall ask that the guest be arrested for violating the WV Code 61-6-19, Willful disruption of governmental processes.

14-7-3. Severability.

~~3-5.~~ 3.6 If any rule or regulation promulgated pursuant to W. Va. Code '30-10-1, et seq., or the application thereof to any person or circumstance is held unconstitutional or invalid, unconstitutionality or invalidity shall not affect other provisions or applications of these rules and regulations, and to this end the complete rules and regulations of the Board are severable.



WEST VIRGINIA BOARD OF OPTOMETRY

723 Kanawha Blvd., Suite 804

Charleston, WV 25301

Phone: (304) 558-5901

Fax: (304) 558-5908

e-mail: wvbdopt@verizon.net

June 30, 2003

Judy Cooper
Team Leader, Administrative Law
Office of the Secretary of State
Building 1, Suite 157-K
Charleston, WV 25305

Dear Ms. Cooper:

I have enclosed a clean copy combining both changes needed to Title 14 Series 7. Please let me know if any other material is needed.

Thank you for your time and patience.

Sincerely,

A handwritten signature in cursive script, appearing to read "Pam Carper".

Pam Carper
Executive Secretary

Enclosure: Copy continuing both needed changes for 14-7

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.