

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

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2003 AUG -8 P 4:47

Form #5

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE  
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW

AGENCY: WV Board of Optometry TITLE NUMBER: 14-

CITE AUTHORITY: Chapter 30-8 & 14-7

RULE TYPE: PROCEDURAL  INTERPRETIVE

EXEMPT LEGISLATIVE RULE

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES  NO

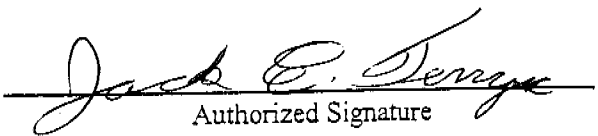
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 14-7

TITLE OF RULE BEING AMENDED: Administration and Board Meetings

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: \_\_\_\_\_

TITLE OF RULE BEING PROPOSED: \_\_\_\_\_

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE  
EFFECTIVE DATE OF THIS RULE IS 9/8/03

  
Authorized Signature

FILED

TITLE 14  
PROCEDURAL RULE  
WEST VIRGINIA BOARD OF OPTOMETRY

2003 AUG -8 P 4: 48

SERIES 7  
ADMINISTRATION AND BOARD MEETINGS

OFFICE WEST VIRGINIA  
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**

**Amendment to  
TITLE 14-7 Administration and Board Meetings  
Comment Period: June 25, 2003 – July 25, 2003**

**Comments**

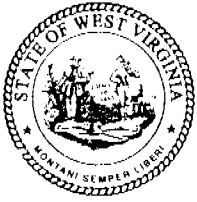
No comments were received.

**Amendments To the Proposed Rule**

No amendments were made to the proposed rule.

**Reasons For the Amendments**

No amendments were made to the proposed rule.



# WEST VIRGINIA BOARD OF OPTOMETRY

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August 8, 2003

Ms. Judy Cooper  
Team Leader, Administrative Law  
The Office of the Secretary of State  
Building 1, Suite 157K  
Charleston, WV 25305-0770

Dear Ms. Cooper:

I have enclosed the final filing package for our amendment of our procedural rule Title 14, Series 7, Administration and Board Meetings. I have also enclosed a disk with an electronic version of the amended rule.

Thank you for your help and patience during my first year of filing rules. I appreciate your courtesy and professionalism.

Sincerely,

Pamela Carper  
Executive Secretary

Enclosures: Rules package for 14-7 and disk

## 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.