

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

Form #2

Do Not Mark In This Box

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2001 APR 26 A 9:24

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Board of Optometry TITLE NUMBER: 14

RULE TYPE: Procedural CITE AUTHORITY: 14-1 Rules of the WV Board of Optometry

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 7

TITLE OF RULE BEING PROPOSED: Administration and Board Meetings

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 May 29, 2001 AT 12:00 Noon ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

WV Board of Optometry

101 Michael Street

Clarksburg, WV 26301-3937

(304) 627-2106

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

C. Clifton News
Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL



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

March 14, 2001

Secretary of State
State of West Virginia
Charleston, WV

Re: Title 14-Series 7

Dear Sir:

Title 14-1 Rules of the West Virginia Board of Optometry were revised to remove the sections on Administration and Board meetings from the legislative rule and subsequent transfer to Title 14-7-7 Administration and Board Meetings Procedural Rule.

I approve of the filing of this procedural rule.

Sincerely,

A handwritten signature in cursive script that reads "Clifton Hyre".

Clifton Hyre, O. D.
President

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.

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule.)

DATE: 4-16-01

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) WV Board of Optometry (304-627-2106)
101 Michael Street
Clarksburg, WV 26301-3937

LEGISLATIVE RULE TITLE: 14-7-Administration and Board Meetings
Procedural Rule

1. Authorizing statute(s) citation 14-1 Rules of the WV Board
Optometry

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:

b. What other notice, including advertising, did you give of the hearing?

Mailings and Newspapers

c. Date of Public Hearing(s) or Public Comment Period ends:

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

14-7 - Administration and Board Meetings Procedural Rule

Attached _____ No comments received _____

e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing:
(be exact)

f. Name, title, address and phone number(s) of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

Barbara L. Palmer (304) 627-2106

Administrative Secretary
101 Michael Street

Clarksburg, WV 26301-3937

g. Name, title, address and phone/fax/e-mail numbers of agency person(s) to receive all written correspondence regarding this rule: (Please type)

Same as above

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

Comment Period

b. Date of hearing or comment period:

14-7 - Administration and Board Meetings -Procedural Rule

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

d. Attach findings and determinations and reasons:

Attached

**CIRCUMSTANCES REQUIRING PROCEDURAL RULE
TITLE 14-SERIES 7-ADMINISTRATION AND BOARD MEETINGS**

Title 14-1 Rules of the West Virginia Board of Optometry were revised to remove the section on administration and Board meetings from the legislative rule and subsequent transfer to Title 14-7-7 Administration and Board Meetings Procedural Rule.

**SUMMARY OF PROPOSED RULE, 14-7
ADMINISTRATION AND BOARD MEETINGS PROCEDURES**

Title 14-1 Rules of the West Virginia Board of Optometry were revised to remove the section on administration and Board meetings from the legislative rule and subsequent transfer to Title 14-7-7 Administration and Board Meetings Procedural Rule.

□
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: TITLE 14-SERIES 7-ADMINISTRATION AND BOARD MEETINGS
PROCEDURES

Type of Rule: Legislative Interpretive X Procedural

Agency: WEST VIRGINIA BOARD OF OPTOMETRY

Address: 101 Michael Street

Clarksburg, WV 26301-3937

1. Effect of Proposed rule:

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	None	None	None	None	None
PERSONAL SERVICES	None	None	None	None	None
CURRENT EXPENSE	None	None	None	None	None
REPAIRS & ALTERATIONS	None	None	None	None	None
EQUIPMENT	None	None	None	None	None
OTHER	None	None	None	None	None

2. Explanation of Above Estimates: None

3. Objectives of These Rules: Title 14-1 Rules of the West Virginia Board of Optometry were revised to remove the section on administration and Board meetings from the legislative rule and transferred to Title 14-7 Administration and Board Meetings Procedural Rule.

Rule Title: 14-7 Administration and Board Meetings

4. Explanation of Overall Economic Impact of Proposed Rule: **None**

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: 4/16/01

Signature of Agency Head or Authorized Representative:

E. S. Hutton, OD

FILED

2001 APR 26 A 9:24

TITLE 14
PROCEDURAL RULES
WEST VIRGINIA BOARD OF OPTOMETRY

OFFICE WEST VIRGINIA
SECRETARY OF STATE

SERIES 7-ADMINISTRATION AND BOARD MEETINGS

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 02 30-8 et seq.
- 1.3. Filing date.—
- 1.4. Effective Date—

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, shall 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 execute 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. The secretary-treasurer shall also be reimbursed 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 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, as the Board may consider necessary. These Board employees shall be empowered to perform those activities and duties required of the Board 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 secretary.

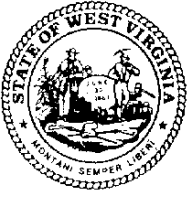
14-7-3. Meetings of the Board

- 3.1. The Board shall hold a regular meeting 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 June, 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- At least a majority of the current members must be in attendance at the place and time set for the meeting of the Board before any action can be taken on any matter before 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 mailed 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 at any time, at

his discretion, and shall do so upon the written request of one or more members of the Board.

3.5. Severability.

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

101 Michael Street

Clarksburg, West Virginia 26301-3937

Phone: (304) 627-2106

Fax: (304) 627-2282

e-mail: wvbdopt@westvirginia.net

April 16, 2001

Secretary of State
State of West Virginia
Building 1, Suite 157K
1900 Kanawha Blvd., East
Charleston, WV 25305-0771

RE: Title 14-Series 7
Administration and Board Meetings

Dear Sir:

Title 14-1 Rules of the West Virginia Board of Optometry were revised to remove the section on Administration and Board meetings from the legislative rule and subsequent transfer to Title 14-7-7 Administration and Board Meetings Procedural Rule.

Please fax us a copy of cover page for this rule when the comment period begins.

Sincerely,

A handwritten signature in cursive script that reads "Clifton Hyre, O.D.".

Clifton Hyre, O. D.
President

Enclosure
CH/blp

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.