



**WEST VIRGINIA SECRETARY OF STATE**

**KRIS WARNER**

**ADMINISTRATIVE LAW DIVISION**

**eFILED**

11/19/2025 12:46:20 PM

Office of West Virginia  
Secretary Of State

**NOTICE OF PUBLIC COMMENT PERIOD**

AGENCY: Optometry TITLE-SERIES: 14-07  
RULE TYPE: Procedural Amendment to Existing Rule: Yes Repeal of existing rule: No  
RULE NAME: ADMINISTRATION AND BOARD MEETINGS  
CITE STATUTORY AUTHORITY: W. Va. Code §§30-8 et seq.

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 12/19/2025 1:00

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: LESLEY McCALLISTER

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PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

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

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN THE RULE AND A STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE:

This rule had not been updated since 2003 and includes clean up edits--most notably some of the code sections incorrectly referred to W. Va. Code §30-10, which is the Veterinary Board.

Additionally, member compensation for Board service was increased from \$100.00 to \$200.00 to be in line with legislation passed by the Legislature.

The minimum number of Regular Board meetings was increased from one to two per year.

14-7-4 was added to incorporate Application Interview information that used to be in Rule 14-6, which is being repealed in its entirety by the Board.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

Slight increase in expenses due to increased per diem that is payable by the Board of Optometry. If all seven Board Members attend every meeting, then the increase in cost is \$700 per meeting.

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

0

C. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS:

0

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2025 Increase/Decrease (use "-")	2026 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
<b>1. Estimated Total Cost</b>			
Personal Services			
Current Expenses			
Repairs and Alterations			
Assets			
Other			
<b>2. Estimated Total Revenues</b>			

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

Slight increase in expenses due to increased per diem that is payable by the Board of Optometry. If all seven Board Members attend every meeting, then the increase in cost is \$700 per meeting.

**BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.**

Yes

**Lesley Mccallister -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**

TITLE 14  
PROCEDURAL RULE  
WEST VIRGINIA BOARD OF OPTOMETRY

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 §§30-8 et seq.

1.3. Filing Date. -- ~~August 8, 2003.~~

1.4. Effective Date. -- ~~September 8, 2003.~~

§14-7-2. Administration.

2.1. At the regular annual meeting, defined as the first meeting after July 1st~~in July~~ of each year, the Board shall elect a President and Secretary-Treasurer. 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 meetings of the Board and shall be ex-officio chairman of all committees.

2.3. The Secretary-Treasurer shall approve ~~make and keep~~ records of all meetings, ~~keep records of examination results on the applicants,~~ receive a monthly report of all moneys due income and expenditures of the Board and provide a financial report account with a financial statement at the regular annual meeting ~~in July~~ of each year. ~~In addition to this financial statement report, 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. The Board shall comply with all audit requests from the West Virginia State Auditor and the West Virginia Legislative Auditor's Office.~~

2.4. Member Compensation of members: expenses—Every member of the Board shall receive \$1200.00 for each day actually per day 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 for while performing all activities which are pertinent to~~ regarding the operation and function of the Board, and for all reasonable and necessary expenses incurred ~~in~~ while carrying out the provisions of W. Va. Code §§30-~~108~~-1 et seq.

2.5. The Board may, ~~in its discretion,~~ employ an Executive Secretary/Director, or any other administrative staff member(s) as the Board ~~may consider~~ deems necessary. ~~These Board employees shall be empowered and authorized 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 when directed by the Board to do so.~~

2.6. Office Location of office: the official office of the Board is, unless otherwise designated by the Board, located at the office of the Executive Secretary/Director.

### §14-7-3. Meetings of the Board.

3.1. The Board shall hold a regular meeting at least ~~once twice per year, and at least once~~ a year ~~at which time an applicant examination of for licensure applicants for license shall be given. The time and place of these meetings and examinations shall be determined by the Board President. 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 the Board President, the Board Secretary-Treasurer, or 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. All meetings should be properly noticed with the West Virginia Secretary of State and comply with the West Virginia Open Meetings Act.~~

3.3. Quorums: Before any action can be taken ~~on any matter properly before~~ by the Board, ~~at least~~ a majority of the current members must be in attendance in person or by teleconference 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 period between meetings, the President may submit such matters to all members of the Board by email. and, If a vote is required, members may cast their votes by mail, facsimile, or email ballots, and such votes shall be recorded and shall have the same force and effect as if cast in a regular or special meeting. When there are matters of importance that should be reviewed for informational purposes, the President shall have authority to submit matters to the Board electronically in the interim period between meetings. 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:

3.5.1.(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;

3.5.2.(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;

3.5.3.(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;

~~3.5.4.(d)~~ questions may be asked by any Board member of any guest speaker; the speaker will be recognized for a response;

~~3.5.5.(e)~~ the Board will not enter into a discussion or debate with any guest speaker;

~~3.5.6.(f)~~ the Board President will take the matter(s) presented under advisement, and if appropriate, refer the matter to the ~~Executive Committee~~ the Board for review;

~~3.5.7.(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;

~~3.5.8.(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 W. Va. Code §61-6-19, willful disruption of governmental processes;~~

~~3.5.9.(i) if the guest persists in his/her disruptive behavior, the Board President shall ask that the guest be arrested for violating the W. Va. Code §61-6-19, Willful disruption of governmental processes.~~

#### **§14-7-4. Application Interview.**

4.1. For all license applicants, the Board shall conduct the application interview with a quorum of the Board being present in person or by teleconference during any meeting of the Board.

4.2. The Board members shall question the applicant on any and all topics necessary to evaluate the candidate's competency to practice optometry.

4.3. A quorum of the Board members present at the meeting may evaluate the applicant's successful completion of the interview by consensus.

4.4. The Board may waive an applicant's interview requirement by consensus.

#### **§14-7-45. Severability.**

45.1. If any rule or regulation promulgated pursuant to W. Va. Code §§30-108-1, 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.