

**DRAFT**  
**BOARD OF OPTOMETRY**  
**LEGISLATIVE/REGULATORY REVIEW COMMITTEE MEETING**  
**JULY 22, 2009**

**TIME AND PLACE:** The meeting was called to order at 9:35 a.m. on Wednesday, July 22, 2009 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Room 1, Richmond, Virginia.

**PRESIDING CHAIRMAN:** David H. Hettler, O.D.

**MEMBERS PRESENT:** Jonathan R. Noble, O.D.

**MEMBERS NOT PRESENT:** Jacquelyn S. Thomas, Citizen Member

**STAFF PRESENT:** Elizabeth A. Carter, Ph.D., Executive Director  
Eric A. Gregory, Assistant Attorney General, Board Counsel  
Elaine Yeatts, Senior Regulatory Analyst  
Carol Stamey, Operations Manager

**OTHERS PRESENT:** Gregory Jellenek, O.D.  
Betty Graumlich, NAOO

**QUORUM:** With two members of the Committee present, a quorum was established.

**PUBLIC COMMENT:** No public comment was presented.

**APPROVAL OF MINUTES:** On properly seconded motion by Dr. Noble, the Committee voted unanimously to approve the minutes of the January 29, 2009 meeting.

**DISCUSSION ITEMS:** **Proposed Board of Optometry Bylaws**  
The Committee recommended its proposed draft Bylaws for the Board's consideration. The draft Bylaws are incorporated into the minutes as Attachment 1.

**NEW BUSINESS:** No new business was presented.

**ADJOURNMENT:** The meeting adjourned at 10:00 a.m.

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David H. Hettler, O.D., Chair

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Elizabeth A. Carter, Ph.D., Executive Director

Board of Optometry  
Guidance document:

**DRAFT**

**VIRGINIA BOARD OF OPTOMETRY  
BY-LAWS**

**PART I. OFFICERS**

**Article 1. General**

**A. Number.**

The officers of the Board of Optometry shall be a President, and a Vice-President.

**B. Election.**

At the first meeting of the organizational year, the Board shall elect its officers. Nominations for office shall be selected by open ballot. Voting will be by roll-call ballot and require a majority.

**C. Terms of Office.**

The organizational year for the Board shall be from July 1<sup>st</sup> through June 30<sup>th</sup>. During the first quarter of the organizational year, the Board shall elect its officers with an effective date of the next regularly scheduled Board meeting. The term of office shall be one year.

**D. Vacancies.**

A vacancy occurring in any office shall be filled during the next meeting of the Board.

**Article II. Duties of the Officers**

**A. President.**

The President shall preside at all meetings and formal administrative hearings in accordance with parliamentary rules and the Administrative Process Act, and requires adherence of it on the part of the board members. The President shall appoint all committees unless otherwise ordered by the Board.

**B. Vice-President.**

The Vice-President shall, in the absence or incapacity of the President, perform pro tempore all of the duties of the President.

**C.** In the absence of the President and Vice-President,, the President shall appoint another board member to preside at the meeting and/ or formal administrative hearing.

**D.** The Executive Director shall be the custodian of all Board records and all papers of value. She/He shall preserve a correct list of all applicants and licensees. She/He shall manage the correspondence of the Board and shall perform all such other duties as naturally pertain to this position.

## **PART II. MEETINGS**

### **A. Organizational Year**

The organizational year for the Board shall be from July 1-June 30. The Board shall elect from its members a President and Vice-President. The term of office shall be one year.

### **B. Number.**

For purposes of these Bylaws, the Board schedules full board meetings to take place during each quarter, with the right to change the date or cancel any board meeting; with the exception that one meeting shall take place annually. Board members shall attend all board meetings in person, unless prevented by illness or similar unavoidable cause. A majority of the members of the Board shall constitute a quorum for the transaction of business. The current edition of Robert's Rules of Order, revised, shall apply unless overruled by these bylaws or when otherwise agreed.

Members shall attend all scheduled meetings of the Board and committee to which they serve. In the event of two consecutive unexcused absences at any meeting of the Board or its committees, the President shall make a recommendation about the Board member's continued service to the Director of the Department of Health Professions for referral to the Secretary of Health and Human Resources and Secretary of the Commonwealth.

### **C. Order of Business**

The order of the business shall be as follows:

1. Call to order with statement made for the record of how many and which board members are present and that it constitutes a quorum.
2. Public Comment
3. Approval of minutes.
4. The Executive Director and the President shall collaborate on the remainder of the agenda.

## **ARTICLE IV: COMMITTEES**

There shall be the following committees:

### **A. Standing Committees:**

- 1. Continuing Education Committee**
- 2. CPT Code Committee**
- 3. Credentials Committee**
- 4. Professional Designation Committee**

### **B. Ad Hoc Committees**

There may be Ad Hoc Committees, appointed as needed and shall consist of two or more persons appointed by the Board who are knowledgeable in the particular area of practice or education under consideration by the Board. The committee shall review matters as requested by the Board and advise the Board relative to the matters or make recommendations for consideration by the Board.

## **ARTICLE V.: GENERAL DELEGATION OF AUTHORITY**

1. The Board delegates to Board staff the authority to issue and renew licenses, registrations and certificates where minimum qualifications have been met.
2. The Board delegates to the Executive Director the authority to reinstate licenses, registrations and certificates when the reinstatement is due to the lapse of the license, registration or certificate and not due to previous Board disciplinary action. The Credentials Committee shall consider the reinstatement application if the lapse is for more than one year.
3. The Board delegates to Board staff the authority to develop and approve any and all forms used in the daily operations of the Board business, to include, but not limited to, licensure applications, renewal forms and documents used in the disciplinary process.
4. The Board delegates to the Executive Director the authority to sign as entered any Order or Board-approved Consent Order resulting from the disciplinary process.
5. The Board delegates to the Executive Director, the authority to provide guidance to the agency's Enforcement Division in situations wherein a complaint is of questionable jurisdiction and an investigation may not be necessary. The Executive Director will provide a quarterly report on such situations, if any.

6. The Board delegates to the President the authority to represent the Board in instances where Board "consultation" or "review" may be requested where a vote of the Board is not required, and a meeting is not feasible.

7. The Board delegates to the Department of Health Professions' inspectors the authority to issue a Compliance Notice upon completion of an inspection, and the Board delegates to the Executive Director the authority to issue letters regarding reported deficiencies to the facilities or licensee.

8. The Board delegates an informal fact-finding proceeding to any agency subordinate upon determination that probable cause exists that a licensee may be subject to a disciplinary action. Cases that may not be delegated to an agency subordinate include, but are not limited to, those that involve: intentional or negligent conduct that causes or is likely to cause injury to a patient; mandatory suspension resulting from action by another jurisdiction or a felony conviction; impairment with an inability to practice with skill and safety; sexual misconduct; and unauthorized practice. The Board may delegate to the Executive Director the selection of the agency subordinate who is deemed appropriately qualified to conduct a proceeding based on the qualifications of the subordinate and the type of case being convened.

Delegated tasks should be summarized and reported to the board at each regularly scheduled meeting.

#### **ARTICLE VI. AMENDMENTS**

A board member or staff personnel may propose amendments to these Bylaws by presenting the amendment in writing to all Board members prior to any regularly scheduled meeting of the Board. Such proposed amendment shall be adopted, upon favorable vote of at least two-thirds of the Board members present at said meeting.