

**BOARD OF OPTOMETRY  
PUBLIC HEARING  
JANUARY 27, 2005**

**TIME AND PLACE:** The meeting was held at the Department of Health Professions, 6603 West Broad Street, Room 3, at 9:10 a.m.

**CHAIRMAN:** W. Ernest Schlabach, Jr., O.D., Chair

**MEMBERS PRESENT:** Gregory P. Jellenek, O.D.  
Martha Gilbert

**STAFF PRESENT:** Elizabeth A. Carter, Ph.D.  
Elaine Yeatts, Senior Research Analyst  
Carol Stamey, Administrative Assistant

**OTHERS PRESENT:** Pat Jackson, VOA  
Bruce Keeney, VOA  
Cal Whitehead, VA Society of Ophthalmology

**PUBLIC COMMENT:** **Proposed Regulations for Delegation of Informal Fact-Finding to an Agency Subordinate**

No public comment was presented.

Ms. Yeatts informed the Board that written comment could be received through February 11, 2005.

The proposed regulations are incorporated into the minutes at Attachment 1.

**ADJOURNMENT:** The meeting adjourned at 9:12 a.m.

---

W. Ernest Schlabach, Jr., O.D., Chair

---

Elizabeth A. Carter, Ph.D., Executive

Attachment 1

**Board of Optometry**

*(Effective 8/25/04 to 8/24/05)*

**18VAC105-20-41. Criteria for delegation of informal fact-finding proceedings to an agency subordinate.**

A. Decision to delegate.

In accordance with § 54.1-2400 (10) of the Code of Virginia, the board may delegate an informal fact-finding proceeding to an agency subordinate upon determination that probable cause exists that a practitioner may be subject to a disciplinary action.

B. Criteria for delegation.

Cases may be delegated to an agency subordinate upon approval by a committee of the board, except those in which an optometrist may have conducted his practice in such a manner as to endanger the health and welfare of his patients or the public.

C. Criteria for an agency subordinate.

1. An agency subordinate authorized by the board to conduct an informal fact-finding proceeding may include current or past board members and professional staff or other persons deemed knowledgeable by virtue of their training and experience in administrative proceedings involving the regulation and discipline of health professionals.

2. The executive director shall maintain a list of appropriately qualified persons to whom an informal fact-finding proceeding may be delegated.

3. 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 heard.