

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1967

ENROLLED

SENATE BILL NO. 109

(By Mr. Miller and Mr. Swyers)

PASSED February 24, 1967

In Effect July 1, 1967 ~~Passage~~

FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 3-9-67

109

ENROLLED

Senate Bill No. 109

(By MR. MILLER and MR. SAWYERS)

[Passed February 24, 1967; in effect July 1, 1967.]

AN ACT to amend and reenact sections three, seven and eight, article eight, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the profession and practice of optometry; the duties of the West Virginia board of optometry; providing for the promulgation of rules and regulations by the board; relating to the renewal fee; and providing that a violation of a rule or regulation governing the ethical practice of optometry promulgated by the board will permit the suspension or revocation of a certificate to practice said profession.

Be it enacted by the Legislature of West Virginia:

That sections three, seven and eight, article eight, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 8. OPTOMETRISTS.

§30-8-3. Board of optometry; duties.

There shall be a state board of examiners in optometry,
2 known as the "West Virginia Board of Optometry", which
3 shall consist of five optometrists, who shall be appointed
4 by the governor, by and with the advice and consent of
5 the Senate. Each member of the board, at the time of his
6 appointment, shall have been a resident and a registered
7 practicing optometrist of this state for a period of three
8 years or more immediately preceding his appointment.

9 The members of the board in office on the date this
10 section takes effect shall, unless sooner removed, continue
11 to serve until their successors have been appointed and
12 have qualified. On or before the first day of July fol-
13 lowing the date on which this section takes effect, and
14 annually thereafter, as their respective terms expire, the

15 governor shall appoint their successors so that one year
16 he shall appoint one member and in each of the two suc-
17 ceeding years he shall appoint two members, each for
18 a term of three years commencing on the first day of
19 July. Any member shall be eligible for reappointment.

20 The board shall make necessary rules and regulations,
21 subject to the provisions of chapter twenty-nine-a of this
22 code, which are not inconsistent with any other provision
23 or section of this article:

24 (a) For the performance of its duties;

25 (b) To govern the ethical practice of optometry for
26 the safety, protection and welfare of the public; and

27 (c) To govern the time, place and manner of con-
28 ducting examinations in optometry, and the manner and
29 form in which applicants for such examination shall be
30 filed.

§30-8-7. Annual renewal of registration.

Every registered optometrist who desires to continue
2 in active practice or service shall, annually, on or before
3 the first day of August, of each year, renew his certificate
4 of registration and pay an annual renewal fee of twenty
5 dollars. Every certificate of registration which has not

6 been renewed during the month of August in any one year
7 shall expire on the first day of September of that year.
8 A registered optometrist whose certificate of registration
9 has expired may have the same restored only upon pay-
10 ment of the required renewal fee. Any registered op-
11 tometrist who retires from the practice of optometry for
12 more than five years may renew his certificate of registra-
13 tion upon payment of all lapsed renewal fees.

**§30-8-8. Refusal to issue, suspension or revocation of certifi-
cate; false and deceptive advertising.**

The board may either refuse to issue, or may refuse
2 to renew, or may suspend or revoke any certificate of
3 registration for any one, or any combination, of the fol-
4 lowing causes: Violation of a rule or regulation gov-
5 erning the ethical practice of optometry promulgated by
6 the board under the authority granted by this article;
7 conviction of a felony, as shown by a certified copy of
8 the record of the court wherein such conviction was
9 had; the obtaining of, or the attempt to obtain, a certifi-
10 cate of registration, or practice in the profession of op-
11 tometry, or money, or any other thing of value, by fraudu-

12 lent misrepresentation; gross malpractice; continued prac-
13 tice by a person knowingly having an infectious disease;
14 habitual drunkenness, or addiction to the use of morphine,
15 cocaine, or other habit-forming drugs; advertising, prac-
16 ticing, or attempting to practice under a name other than
17 one's own; advertising by means of knowingly false or
18 deceptive statements. All advertising, whether by means
19 of newspapers, or in any manner, whatsoever, of the
20 following statements, or statements of similar import,
21 that are "false and deceptive" within the meaning
22 of this law, shall be prohibited. False and deceptive adver-
23 tising shall include but not be limited to the following: (a)
24 Advertising of complete glasses, that is to say, lenses and
25 frames or mountings, at a stated price, either alone or in
26 conjunction with professional services; (b) advertising
27 "free examination of eyes", or "free consultation", or
28 "free advice", or words of similar import and meaning;
29 (c) advertising frames or mountings for glasses, by adver-
30 tisement which does not accurately describe the same in
31 all its component parts (all such advertisements shall
32 state clearly, in type equal in size to the price figures

33 given, that such price does not include cost of lenses, or
34 professional services in examining of eyes), and, (d)
35 advertising a particular sum or sums of money required
36 as a "down" or cash payment, or any definite amount or
37 amounts of future payments, or when the same shall
38 be paid.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Tompos
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1967.

Howard Meyer
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Howard Roberson
President of the Senate

H. Laban White
Speaker House of Delegates

The within approved this the 9
day of March, 1967.

Hueett C. Smith
Governor



**PRESENTED TO THE
GOVERNOR**

Date 3-4-67

Time 11:10 AM