

OPTOMETRISTS

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CHAPTER 179
ADMINISTRATIVE AND REGULATORY AUTHORITY
FOR THE BOARD OF OPTOMETRY EXAMINERS

[Prior to 5/18/88, see 470—Chapters 143 and 144]

[Prior to 6/13/01, see 645—Chapter 180]

645—179.1(17A) Definitions.

“*Board*” means the board of optometry examiners.

“*Board office*” means the office of the administrative staff.

“*Department*” means the department of public health.

“*Disciplinary proceeding*” means any proceeding under the authority of the board pursuant to which licensee discipline may be imposed.

“*License*” means a license to practice optometry.

“*Licensee*” means a person licensed to practice as an optometrist in the state of Iowa.

“*Overpayment*” means payment in excess of the required fee. Overpayment of less than \$10 received by the board shall not be refunded.

“*Peer review*” means evaluation of professional services rendered by a professional practitioner.

“*Peer reviewer(s)*” means one or more persons acting in a peer review capacity who have been appointed by the board for such purpose.

645—179.2(17A) Purpose of board. The purpose of the board is to administer and enforce the provisions of Iowa Code chapters 17A, 147, 154 and 272C with regard to the practice of optometry. The mission of the board is to protect the public health, safety and welfare by licensing qualified individuals who provide services to consumers and by fair and consistent enforcement of the statutes and rules of the licensure board. Responsibilities include, but are not limited to:

179.2(1) Licensing qualified applicants by examination, renewal, endorsement, and reciprocity.

179.2(2) Developing and administering a program of continuing education to ensure the continued competency of individuals licensed by the board.

179.2(3) Imposing discipline on licensees as provided by statute or rule.

645—179.3(17A,147,272C) Organization of board and proceedings.

179.3(1) The board is composed of seven members appointed by the governor and confirmed by the senate.

179.3(2) The members of the board shall include five members who are licensed to practice optometry and two members who are not licensed to practice optometry and who shall represent the general public.

179.3(3) The board shall elect a chairperson, vice chairperson, and secretary from its membership at the first meeting after April 30 of each year.

179.3(4) The board shall hold at least one meeting annually.

179.3(5) A majority of the members of the board shall constitute a quorum.

179.3(6) Board meetings shall be governed in accordance with Iowa Code chapter 21, and the board’s proceedings shall be conducted in accordance with Robert’s Rules of Order, Revised.

179.3(7) The professional licensure division shall furnish the board with the necessary facilities and employees to perform the duties required by this chapter, but shall be reimbursed for all costs incurred from funds appropriated to the board.

179.3(8) The board has the authority to:

a. Develop and implement a program of continuing education to ensure the continued competency of individuals licensed by the board.

b. Establish fees.

c. Establish committees of the board, the members of which shall be appointed by the board chairperson and shall not constitute a quorum of the board. The board chairperson shall appoint committee chairpersons.

d. Hold a closed session if the board votes to do so in a public roll-call vote with an affirmative vote of at least two-thirds if the total board is present or a unanimous vote if fewer are present. The board will recognize the appropriate statute allowing for a closed session when voting to go into closed session. The board shall keep minutes of all discussion, persons present, and action occurring at a closed session and shall tape-record the proceedings. The records shall be stored securely in the board office and shall not be made available for public inspection.

e. Investigate alleged violations of statutes or rules that relate to the practice of optometry upon receipt of a complaint or upon the board's own initiative. The investigation will be based on information or evidence received by the board.

f. Initiate and impose licensee discipline.

g. Monitor licenses that are restricted by a board order.

h. Establish and register peer reviewers.

i. Refer complaints to one or more registered peer reviewers for investigation and review. The peer reviewers will review cases and recommend appropriate action. However, the referral of any matter shall not relieve the board of any of its duties and shall not divest the board of any authority or jurisdiction.

j. Perform any other functions authorized by a provision of law.

645—179.4(17A) Official communications.

179.4(1) All official communications, including submissions and requests, may be addressed to the Board of Optometry Examiners, Professional Licensure Division, Fifth Floor, Lucas State Office Building, Des Moines, Iowa 50319-0075.

179.4(2) Notice of change of address. Each licensee shall notify the board of a change of the licensee's current mailing address within 30 days after the change of address occurs.

179.4(3) Notice of change of name. Each licensee shall notify the board in writing of a change of name within 30 days after changing the name.

645—179.5(17A) Office hours. The board office is open for public business from 8 a.m. to 4:30 p.m., Monday through Friday of each week, except holidays.

645—179.6(21) Public meetings. Members of the public may be present during board meetings unless the board votes to hold a closed session. Dates and location of board meetings may be obtained from the board's Web site (<http://www.idph.state.ia.us/licensure>) or directly from the board office.

179.6(1) At every regularly scheduled board meeting, time will be designated for public comment. During the public comment period, any person may speak for up to two minutes. Requests to speak for two minutes per person later in the meeting when a particular topic comes before the board should be made at the time of the public comment period and will be granted at the discretion of the chairperson. No more than ten minutes will be allotted for public comment at any one time unless the chairperson indicates otherwise.

179.6(2) Persons who have not asked to address the board during the public comment period may raise their hands to be recognized by the chairperson. Acknowledgment and an opportunity to speak will be at the discretion of the chairperson.

179.6(3) The person presiding at a meeting of the board or a committee may exclude a person from an open meeting for behavior that obstructs the meeting.

179.6(4) Cameras and recording devices may be used at open meetings provided the cameras and recording devices do not obstruct the meeting. If the user of a camera or recording device obstructs the meeting by the use of such device, the person presiding at the meeting may request the user to discontinue use of the camera or device.

These rules are intended to implement Iowa Code chapters 17A, 21, 147, 154 and 272C.

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⁰ Two or more ARCs

¹ Effective date of 645—180.9(154) delayed 70 days by the Administrative Rules Review Committee at its meeting held February 8, 1993. [The 3/3/93 IAC Supplement also incorrectly showed delay on amendments to rules 180.1, 180.5, 180.10, 180.12, 180.14 and 180.100 (IAB 1/26/93, **ARC 3687A**). This was corrected in IAC Supp. 3/17/93.]