

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 736
Committee Substitute Reported Without Prejudice 4/20/99

Short Title: Optometry Licensing Law Technical Changes.

(Local)

Sponsors:

Referred to:

March 30, 1999

A BILL TO BE ENTITLED
AN ACT TO MAKE TECHNICAL CHANGES TO THE OPTOMETRY LICENSING LAWS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-115.1(5) is repealed.

Section 2. G.S. 90-116 reads as rewritten:

"§ 90-116. Board of Examiners in Optometry.

In order to properly regulate the practice of optometry, there is established a North Carolina State Board of Examiners in Optometry, which shall consist of five regularly graduated optometrists who have been engaged in the practice of optometry in this State for at least five years and two members to represent the public at large.

No public member shall at any time be a health care provider, be related to or be the spouse of a health care provider, or have any pecuniary interest in the profitability of a health care provider. For purposes of this section, the term "health care provider" shall ~~have the same meaning as provided in G.S. 58-47-5(4).~~ means any (i) licensed health care professional and any agent or employee of any health care institution, health care insurer, health care professional school, or a member of any allied health profession or (ii) any person enrolled in a program in preparation for licensing as a health care provider or

1 allied health professional. The Governor shall appoint the two public members not later
2 than July 1, 1981.

3 The optometric members of the Board shall be appointed by the Governor from a list
4 provided by the North Carolina State Optometric Society. For each vacancy, the society
5 must submit at least three names to the Governor. The society shall establish procedures
6 for the nomination and election of optometrist members of the Board. These procedures
7 shall be adopted under the rule-making procedures described in Article 2, Chapter 150B
8 of the General Statutes, and notice of the proposed procedures shall be given to all
9 licensed optometrists residing in North Carolina. Such procedures shall not conflict with
10 the provisions of this section. Every optometrist with a current North Carolina license
11 residing in the State shall be eligible to vote in all such elections, and the list of licensed
12 optometrists shall constitute the registration list for elections. Any decision of the society
13 relative to the conduct of such elections may be challenged by civil action in the Wake
14 County Superior Court. A challenge must be filed not later than 30 days after the society
15 has rendered the decision in controversy, and all such cases shall be heard de novo.

16 All Board members serving on June 30, 1981, shall be eligible to complete their
17 respective terms. No member appointed to a term on or after July 1, 1981, shall serve
18 more than two complete consecutive five-year terms, except that each member shall serve
19 until his successor is chosen and qualifies.

20 The Governor may remove any member for good cause shown. Any vacancy in the
21 optometrist membership of the Board shall be filled for the period of the unexpired term
22 by the Governor from a list of at least three names submitted by the North Carolina State
23 Optometric Society Executive Council. Any vacancy in the public membership of the
24 Board shall be filled by the Governor for the unexpired term."

25 Section 3. G.S. 90-119 is repealed.

26 Section 4. G.S. 90-122 reads as rewritten:

27 "**§ 90-122. Compensation and expenses of Board.**

28 Each member of the North Carolina State Board of Examiners in Optometry shall
29 receive as compensation for his services in the performance of his duties under this
30 Article a sum not exceeding fifty dollars (\$50.00) for each day actually engaged in the
31 performance of the duties of his office, said per diem to be fixed by said Board, and all
32 legitimate and necessary expenses incurred in attending meetings of the said Board.

33 ~~The secretary treasurer shall, as compensation for his services, both as secretary~~
34 ~~treasurer of the Board and a member thereof, be allowed a reasonable annual salary to be~~
35 ~~fixed by the Board and shall, in addition thereto, receive all legitimate and necessary~~
36 ~~expenses incurred by him in attending meetings of the Board and in the discharge of the~~
37 ~~duties of his office.~~

38 All per diem allowances and all expenses paid as herein provided shall be paid upon
39 voucher drawn by the ~~secretary treasurer of the Board who shall likewise draw voucher~~
40 ~~payable to himself for the salary fixed for him by the Board.~~ Executive Director of the Board
41 in accordance with Board policy.

42 The Board is authorized and empowered to expend from funds collected hereunder
43 such additional sum or sums as it may determine necessary in the administration and

- 1 enforcement of this Article, and employ such personnel as it may deem requisite to assist
2 in carrying out the administrative functions required by this Article and by the Board."
3 Section 5. This act is effective when it becomes law.