

ing from that contained in the legislative establishment thereof.

Emergency.

SEC. 4. This act is necessary for the immediate preservation of the public peace, health and safety, and the support of the state government and its existing institutions, and shall take effect immediately.

Passed the Senate February 7, 1963.

Passed the House March 2, 1963.

Approved by the Governor March 9, 1963.

CHAPTER 25.

[S. B. 120.]

OPTOMETRY BOARD ACT.

AN ACT relating to the licensing, regulation and discipline of optometrists; and repealing section 12, chapter 144, Laws of 1919 and RCW 18.53.110.

Be it enacted by the Legislature of the State of Washington:

Regulating optometrists. Definitions.

SECTION 1. Unless the context clearly indicates otherwise, the terms used in this act take their meanings as follows:

- (1) "Board" means the optometry board;
- (2) "License" means a certificate or permit to practice optometry as provided in RCW 18.53.020 as amended from time to time;
- (3) "Members" means members of the optometry board.

Optometry board. Constituted.

SEC. 2. The examining committee, heretofore created pursuant to RCW 43.24.060, is reorganized and reconstituted as the optometry board.

—Membership—
Qualifications—
Terms—
Vacancies.

SEC. 3. The initial composition of the optometry board includes the three members of the examining committee for optometry plus two more optometrists to be appointed by the governor.

The governor must make all appointments to the optometry board. Only optometrists who are citizens of the United States, residents of this state, having been licensed to practice and practicing optometry in this state for a period of at least four years immediately preceding the effective date of appointment, and who have no connection with any school or college embracing the teaching of optometry or with any optical supply business may be appointed.

The governor may set the terms of office of the initial board at his discretion, to establish the following perpetual succession: The terms of the initial board include one position for one year, two for two years and two for three years; and upon the expiration of the terms of the initial board, all appointments are for three years.

In the event that a vacancy occurs on the board in the middle of an appointee's term, the governor must appoint a successor for the unexpired portion of the term only.

SEC. 4. The board must elect a chairman and secretary from its members, to serve for a term of one year or until their successors are elected and qualified.

—Chairman,
secretary,
elected—
Terms.

SEC. 5. The board must meet at least once yearly or more frequently upon call of the chairman or the director of licenses at such times and places as the chairman or the director of licenses may designate by giving three days' notice.

—Meetings—
Notice of.

SEC. 6. Three members constitute a quorum for the transaction of business of the board.

—Quorum.

SEC. 7. The board has the following powers and duties:

—Powers
and duties.

(1) The board shall prepare the necessary lists of examination questions, conduct examinations, either written or oral or partly written and partly

oral, and shall certify to the director of licenses all lists, signed by all members conducting the examination, showing the names and addresses of all applicants for licenses who have successfully passed the examination and a separate list of the names and addresses of all applicants for licenses who have failed to pass the examination, together with a copy of all examination questions used, and the written answers to questions on written examinations submitted by each of the applicants.

(2) The board shall investigate all complaints and charges of unprofessional conduct against any licensed optometrist, and shall hold hearings to determine whether or not such charges are founded.

(3) The board shall take disciplinary action against any optometrist whom the board finds guilty of unprofessional conduct; and may, under appropriate circumstances, order the revocation or suspension of a license to practice optometry by filing a copy of its findings and conclusions with the director of licenses.

(4) The board may employ stenographic and clerical help, investigating officers, attorneys, and such other assistance as may be necessary to enforce the provisions of this act.

“Unprofessional conduct” defined.

SEC. 8. The term “unprofessional conduct” as used in this act means and includes the following acts and omissions, or any one or any combination thereof, as follows:

(1) Any one or more of the acts enumerated as grounds for revocation of a certificate of registration, under the provisions of RCW 18.53.100; or

(2) Any one or more of the acts enumerated as unlawful under the provisions of RCW 18.53.140.

Optometry board. As administrative agency.

SEC. 9. The board is an administrative agency of the state of Washington, and the provisions of the administrative procedure act, chapter 34.04 RCW

as amended from time to time, govern the conduct and proceedings of the board. Nothing in this act shall be construed to give the board the power to set or recommend a minimum schedule of fees to be charged by licensed optometrist.

SEC. 10. The filing by the board in the office of the director of licenses of a certificate or order of revocation or suspension, after due notice, hearing, and findings and conclusions, in accordance with the procedure set forth in this act, certifying that a holder of a license has been found guilty of unprofessional conduct by the board, constitutes revocation or suspension of the license to practice optometry in this state, and it is unlawful for any person to practice optometry contrary to the terms and conditions imposed by the board and embodied in the board's certificate or order of revocation or suspension.

—Effect of board's orders.

SEC. 11. Any person whose license has been revoked or suspended may seek judicial review of the board's action or decision under the provisions of chapter 34.04 RCW as amended from time to time.

—Judicial review of board's action.

SEC. 12. Any person whose license has been revoked or suspended may apply to the board for reinstatement at any time; and the board may hold hearings on such petition, may impose such terms or conditions as are appropriate under the circumstances, and may order a reinstatement.

—Board power of reinstatement.

SEC. 13. Members of the board are entitled to receive their actual and necessary expenses, not exceeding twenty-five dollars per day, plus mileage, for time spent in the performance of their duties as members of the board.

—Members to receive expenses.

SEC. 14. The board may draw from the optometry account created and held pursuant to RCW 18.53.050. on vouchers approved by the director of

—Funds available to board.

licenses, so much money as is necessary to carry into effect, to administer, and to enforce the provisions of this act.

—Powers transferred to board.

SEC. 15. All powers previously vested in the director of licenses under the provisions of RCW 18.53.100 are vested in the optometry board.

Short title.

SEC. 16. This act may be known and cited as the "optometry board act."

Severability.

SEC. 17. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provisions to other persons or circumstances is not affected.

Inapplicable provisions.

SEC. 18. The provisions of RCW 43.24.060, 43.24.110 and 43.24.120 are not applicable to the licensing and regulation of the practice of optometry.

Repeal.

SEC. 19. Section 12, chapter 144, Laws of 1919 and RCW 18.53.110 are each repealed.

Passed the Senate February 14, 1963.

Passed the House March 2, 1963.

Approved by the Governor March 9, 1963.