
SENATE BILL 5927

State of Washington

56th Legislature

1999 Regular Session

By Senator Franklin

Read first time 02/16/1999. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to optometry and adding one public member and one
2 licensed ophthalmologist to the board of optometry and one optometrist
3 to the medical quality assurance commission; and amending RCW 18.54.030
4 and 18.71.015.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 18.54.030 and 1984 c 279 s 54 are each amended to read
7 as follows:

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

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

18 The governor may set the terms of office of the initial board at
19 his or her discretion, to establish the following perpetual succession:

1 The terms of the initial board include one position for one year, two
2 for two years and two for three years; and upon the expiration of the
3 terms of the initial board, all appointments are for three years.

4 In addition to the members specified in this section, the governor
5 shall appoint a consumer member of the board, a public member of the
6 board, and an ophthalmologist licensed to practice in this state, who
7 shall serve for a term of three years.

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

11 **Sec. 2.** RCW 18.71.015 and 1994 sp.s. c 9 s 303 are each amended to
12 read as follows:

13 The Washington state medical quality assurance commission is
14 established, consisting of thirteen individuals licensed to practice
15 medicine in the state of Washington under this chapter, two individuals
16 who are licensed as physician assistants under chapter 18.71A RCW, one
17 individual licensed to practice optometry under chapter 18.53 RCW, and
18 four individuals who are members of the public. Each congressional
19 district now existing or hereafter created in the state must be
20 represented by at least one physician member of the commission. The
21 terms of office of members of the commission are not affected by
22 changes in congressional district boundaries. Public members of the
23 commission may not be a member of any other health care licensing board
24 or commission, or have a fiduciary obligation to a facility rendering
25 health services regulated by the commission, or have a material or
26 financial interest in the rendering of health services regulated by the
27 commission.

28 The members of the commission shall be appointed by the governor.
29 Members of the initial commission may be appointed to staggered terms
30 of one to four years, and thereafter all terms of appointment shall be
31 for four years. The governor shall consider such physician and
32 physician assistant members who are recommended for appointment by the
33 appropriate professional associations in the state. In appointing the
34 initial members of the commission, it is the intent of the legislature
35 that, to the extent possible, the existing members of the board of
36 medical examiners and medical disciplinary board repealed under section
37 336, chapter 9, Laws of 1994 sp. sess. be appointed to the commission.

1 No member may serve more than two consecutive full terms. Each member
2 shall hold office until a successor is appointed.

3 Each member of the commission must be a citizen of the United
4 States, must be an actual resident of this state, and, if a physician
5 or optometrist, must have been licensed to practice medicine or
6 optometry, respectively, in this state for at least five years.

7 The commission shall meet as soon as practicable after appointment
8 and elect officers each year. Meetings shall be held at least four
9 times a year and at such place as the commission determines and at such
10 other times and places as the commission deems necessary. A majority
11 of the commission members appointed and serving constitutes a quorum
12 for the transaction of commission business.

13 The affirmative vote of a majority of a quorum of the commission is
14 required to carry any motion or resolution, to adopt any rule, or to
15 pass any measure. The commission may appoint panels consisting of at
16 least three members. A quorum for the transaction of any business by
17 a panel is a minimum of three members. A majority vote of a quorum of
18 the panel is required to transact business delegated to it by the
19 commission.

20 Each member of the commission shall be compensated in accordance
21 with RCW 43.03.240 and in addition thereto shall be reimbursed for
22 travel expenses incurred in carrying out the duties of the commission
23 in accordance with RCW 43.03.050 and 43.03.060. Any such expenses
24 shall be paid from funds appropriated to the department of health.

25 Whenever the governor is satisfied that a member of a commission
26 has been guilty of neglect of duty, misconduct, or malfeasance or
27 misfeasance in office, the governor shall file with the secretary of
28 state a statement of the causes for and the order of removal from
29 office, and the secretary shall forthwith send a certified copy of the
30 statement of causes and order of removal to the last known post office
31 address of the member.

32 Vacancies in the membership of the commission shall be filled for
33 the unexpired term by appointment by the governor.

34 The members of the commission are immune from suit in an action,
35 civil or criminal, based on its disciplinary proceedings or other
36 official acts performed in good faith as members of the commission.

37 Whenever the workload of the commission requires, the commission
38 may request that the secretary appoint pro tempore members of the
39 commission. When serving, pro tempore members of the commission have

1 all of the powers, duties, and immunities, and are entitled to all of
2 the emoluments, including travel expenses, of regularly appointed
3 members of the commission.

4 NEW SECTION. **Sec. 3.** If any provision of this act or its
5 application to any person or circumstance is held invalid, the
6 remainder of the act or the application of the provision to other
7 persons or circumstances is not affected.

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