

**§19202. Powers and duties of the board**

The board has the following powers and duties in addition to all other powers and duties imposed by this chapter: [PL 2023, c. 580, §8 (NEW).]

**1. Hearings and procedures.** The power to hold hearings and take evidence in all matters relating to the exercise and performance of the powers and duties vested in the board and the authority to subpoena witnesses, books, records and documents in hearings before the board; [PL 2023, c. 580, §8 (NEW).]

**2. Complaints.** The duty to investigate complaints in a timely fashion, whether filed on the board's own motion or lodged with the board or its representatives, regarding the violation of a provision of this chapter or of rules adopted by the board; [PL 2023, c. 580, §8 (NEW).]

**3. Fees.** The authority to adopt by rules any fees for purposes authorized under this chapter in amounts that are reasonable and necessary for the fees' respective purposes, except that the fee for any one purpose may not exceed \$600; [PL 2023, c. 580, §8 (NEW).]

**4. Budget.** The duty to submit to the commissioner the board's budgetary requirements in the same manner as is provided in Title 5, section 1665. The commissioner shall in turn transmit these requirements to the Department of Administrative and Financial Services, Bureau of the Budget without revision, alteration or change, unless alterations are mutually agreed upon by the department and the board or the board's designee. The budget submitted by the board to the commissioner must be sufficient to enable the board to comply with this chapter; [PL 2023, c. 580, §8 (NEW).]

**5. Adequacy of the budget and staffing.** The duty to ensure that the budget submitted by the board to the commissioner pursuant to subsection 4 is sufficient, if approved, to provide for adequate legal and investigative personnel on the board's staff and that of the Attorney General to ensure that complaints filed pursuant to this chapter can be resolved in a timely fashion; [PL 2023, c. 580, §8 (NEW).]

**6. Clerical and staff personnel; duties.** The power to appoint staff who serve at the pleasure of the board and who shall assist the board in carrying out the board's duties and responsibilities under this chapter; [PL 2023, c. 580, §8 (NEW).]

**7. Authority to delegate.** The power to delegate to staff the authority to review and approve applications for licensure pursuant to procedures and criteria established by rule; [PL 2023, c. 580, §8 (NEW).]

**8. Authority to order a mental or physical examination.** The authority to direct a licensee or license applicant, who by virtue of an application for and acceptance of a license to practice under this chapter is considered to have given consent, to submit to an examination of the board's choice. With respect to a licensee, the board may order that licensee to submit to an examination whenever information is received by the board that would cause the board to reasonably determine that the licensee may be suffering from a mental illness or physical illness that may be interfering with competent practice under this chapter or from the use of intoxicants or drugs to an extent that the use is preventing the licensee from practicing optometry competently and safely. A licensee or license applicant examined pursuant to an order of the board may not prevent the testimony of the examining individual or prevent the acceptance into evidence of the report of the examining individual in a proceeding under this chapter. The board may petition the District Court for immediate suspension of license if the licensee fails to comply with an order of the board to submit to a mental or physical examination pursuant to this subsection; and

[PL 2023, c. 580, §8 (NEW).]

**9. Report.** The duty to submit to the commissioner, on or before August 1st of each year, the board's annual report of its operations and financial position for the preceding fiscal year ending June 30th, together with comments and recommendations the board considers essential.

[PL 2023, c. 580, §8 (NEW).]

#### SECTION HISTORY

PL 2023, c. 580, §8 (NEW).

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