OPTOMETRY. Provides relative to the Louisiana State Board of Optometry Examiners. (8/1/22)

AN ACT

To amend and reenact R.S. 37:1042(A), (B), the introductory paragraph of (C)(1), and (D), relative to the Louisiana State Board of Optometry Examiners; to provide for board membership; to provide for a nomination process; to provide for term limits; to provide for board members who are also members in an optometrist trade association; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:1042(A), (B), the introductory paragraph of (C)(1), and (D) are hereby amended and reenacted to read as follows:

§1042. Louisiana State Board of Optometry Examiners; appointment; terms of members; protected action and communication

A. The Louisiana State Board of Optometry Examiners is created within the Louisiana Department of Health and is subject to the provisions of R.S. 36:803. The board shall consist of five members who shall be actively licensed optometrists in good standing with the board and who have practiced optometry in this state for seven years and one consumer member.

B. (1) Each licensed optometrist member of the board shall be appointed
by the governor from a list of three names submitted to him by the board from each
of the five board districts in accordance with this Subsection. The governor shall
ensure that his appointments demonstrate race, gender, ethnic, and geographical
diversity. For the purpose of preparing the list of three names, the board shall
conduct an annual meeting on a date in June set by the board annually, at which all
optometrists licensed under the laws of Louisiana shall have the right to attend,
nominate and vote. The board shall have the authority to regulate and prescribe the
place and hour of the meeting, the method of nomination, and the manner of voting.
Each optometrist in attendance shall have the right to vote for those persons duly
nominated and no cumulative or proxy voting shall be permitted. Each optometrist
voting must vote for three nominees in order for his ballot to be valid, and any ballot
indicating votes for more or less than three nominees shall be null and void. The
three persons receiving the greatest number of votes of those in attendance at the
meeting shall be the three persons whose names shall be submitted to the governor
for appointment to the board. At least thirty days prior to the meeting the board shall
mail notices to each optometrist licensed under the laws of Louisiana at the address
shown in his current registration notifying each optometrist of the exact date, place
and hour of the meeting, the purpose of the meeting and of his right to attend and
vote. The consumer member may apply directly to the office of the governor.

(2) The board districts shall be comprised of the following parishes:
(a) District One shall be comprised of the parishes of Jefferson, Orleans,
Plaquemines, St. Bernard, St. Charles, St. Helena, St. Tammany, Tangipahoa,
and Washington.
(b) District Two shall be comprised of the parishes of Ascension,
Assumption, Lafourche, Livingston, St. James, St. John the Baptist, and
Terrebonne.
(c) District Three shall be comprised of the parishes of East Baton
Rouge, East Feliciana, Iberia, Iberville, Lafayette, Point Coupee, St. Martin, St.
Mary, West Baton Rouge, and West Feliciana.
(d) District Four shall be comprised of the parishes of Acadia, Allen, Avoyelles, Beauregard, Calcasieu, Cameron, Catahoula, Concordia, Evangeline, Grant, Jefferson Davis, LaSalle, Natchitoches, Rapides, Sabine, St. Landry, Vermilion, and Vernon.

(e) District Five shall be comprised of the parishes of Bienville, Bossier, Caddo, Caldwell, Claiborne, DeSoto, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Red River, Richland, Tensas, Union, Webster, West Carroll, and Winn.

(3) When a vacancy occurs in the membership of the board representing one of the five districts for any reason, including expiration of term, removal, resignation, death, disability, or disqualification, the following nominating process shall be followed:

(a) The optometrist making the nomination shall be a resident of the district where the vacancy occurs.

(b) The optometrist nominee shall be a resident of the district where the vacancy occurs.

(c) Nomination ballots shall be returned to the board office at least sixty days prior to a vacancy occurring by an expiring term.

(d) Nomination ballots shall be returned to the board office at least thirty days following a vacancy occurring by death, resignation, inability to act, or other cause.

(4)(a) The secretary of the board shall be charged with the duty of forwarding to each licensed optometrist, by United States mail, to the last known address indicated in the board's records, a nomination ballot. The ballot, or an accompanying communication, shall indicate the date, time, and place, for the counting of ballots. At a gathering open to the public, the ballots shall be counted openly by the secretary or by one or more individuals designated by the president. The secretary shall certify to the governor the names of the three nominees receiving the highest number of nominations. From the names
submitted to him in this manner, the governor may select and appoint one eligible individual to fill the vacancy in question.

(b) In the absence of the secretary, or in the event of his inability or failure to act, the duties of the secretary with respect to the mailing and counting of ballots and the certification to the governor shall be performed by the president of the board.

(5) The successor to each member of the board appointed from a board district shall be appointed from the district having the same number designation as the district from which the member who is being replaced was appointed.

(6) District representatives shall be initially appointed as follows:

(a) A representative from District One to fill a vacancy in the position expiring in June 2022.

(b) A representative from District Two to fill a vacancy in the position expiring in June 2023.

(c) A representative from District Three to fill a vacancy in the position expiring in June 2024.

(d) A representative from District Four to fill a vacancy in the position expiring in June 2025.

(e) A representative from District Five to fill the vacancy in a position expiring in June 2026.

C.(1) The consumer member shall be selected from the state at large and appointed by the governor. Any person interested in serving as the consumer member may apply directly to the office of the governor. The consumer member of the board shall possess all of the following qualifications:

* * *

D.(1) Each appointment by the governor shall be subject to Senate confirmation. The term of each member shall be five years, except that no person shall be appointed to serve more than three full terms on the board, whether the
service is consecutive or not, but vacancies A vacancy occurring during the term of a member shall be filled for the unexpired term by an optometrist possessing the qualifications for board membership, nominated by the remaining members of the board and appointed in accordance with Subsection B of this Section, and appointed by the governor from that nomination. A vacancy in the consumer position shall be filled with another consumer.

(2) No member of the board shall hold an elected or appointed position in an optometry professional association for the term of the member's appointment to the board.

* * *

Section 2. The provision of this Act prohibiting a member of the Louisiana State Board of Optometry Examiners from serving more than three full terms on the board shall only apply to any term that began on or after January 1, 2016. The provisions of this Act shall not prohibit any current board members who have served more than three full terms from continuing to serve in that position for the remainder of their term or until a successor is appointed.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Brandi Cannon.

DIGEST

Present law provides for the La. State Board of Optometry Examiners within the La. Dept. of Health, comprising five licensed optometrists who have practiced optometry in this state for seven years and one consumer member. Proposed law retains present law and provides that the optometrists must be actively licensed and in good standing with the board.

Present law provides that each licensed optometrist member of the board shall be appointed by the governor from a list of three names submitted to him by the board. Proposed law provides for five board districts with one licensed optometrist member representing each district.

Present law provides that the term of each member shall be five years. Proposed law retains present law and provides that no person shall be appointed to serve more than three full terms, whether the service is consecutive or not.

Proposed law provides that no member of the board shall hold an elected or appointed position in an optometry professional association for the term of the member's appointment to the board.

Proposed law shall only apply to any term that began on or after January 1, 2016, and shall
not prohibit any current board members who have served more than three full terms from continuing to serve in that position for the remainder of their term or until a successor is appointed.

Effective August 1, 2022.

(Amends R.S. 37:1042(A), (B), (C)(1)(intro para), and (D))