

SENATE BILL NO. 328

BY SENATOR FRED MILLS

1 AN ACT

2 To amend and reenact R.S. 37:1042(A), (B), the introductory paragraph of (C)(1), and (D),  
3 1045(A), and 1049(1) and to repeal R.S. 37:1055 and 1060, relative to the Louisiana  
4 State Board of Optometry Examiners; to provide for board membership; to provide  
5 for a nomination process; to provide for term limits; to provide for board members  
6 who are also members in an optometrist trade association; to provide for a quorum  
7 of the board; to provide for qualifications and requirements of applicants for  
8 licensure by the board; to repeal laws relative to recording of certain certificates and  
9 issuance of lists of licensed optometrists; to provide for an effective date; and to  
10 provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 37:1042(A), (B), the introductory paragraph of (C)(1), and (D),  
13 1045(A), and 1049(1) are hereby amended and reenacted to read as follows:

14 §1042. Louisiana State Board of Optometry Examiners; appointment; terms of  
15 members; protected action and communication

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

21 B.**(1)** ~~Each~~ **One** licensed optometrist member of the board shall be appointed  
22 by the governor ~~from a list of three names submitted to him by the board~~ **from each**

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

19 **(2) The board districts shall be comprised of the following parishes:**

20 **(a) District One shall be comprised of the parishes of Jefferson, Orleans,**  
21 **Plaquemines, St. Bernard, St. Charles, St. Helena, St. Tammany, Tangipahoa,**  
22 **and Washington.**

23 **(b) District Two shall be comprised of the parishes of Ascension,**  
24 **Assumption, Lafourche, Livingston, St. James, St. John the Baptist, and**  
25 **Terrebonne.**

26 **(c) District Three shall be comprised of the parishes of East Baton**  
27 **Rouge, East Feliciana, Iberia, Iberville, Lafayette, Pointe Coupee, St. Martin,**  
28 **St. Mary, West Baton Rouge, and West Feliciana.**

29 **(d) District Four shall be comprised of the parishes of Acadia, Allen,**  
30 **Avoyelles, Beauregard, Calcasieu, Cameron, Catahoula, Concordia, Evangeline,**

1 Grant, Jefferson Davis, LaSalle, Natchitoches, Rapides, Sabine, St. Landry,  
2 Vermilion, and Vernon.

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

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

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

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

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

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

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

30 (b) In the absence of the secretary, or in the event of his inability or

1 failure to act, the duties of the secretary with respect to the mailing and  
 2 counting of ballots and the certification to the governor shall be performed by  
 3 the president of the board.

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

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

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

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

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

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

17 (e) A representative from District Two to fill a vacancy in a position  
 18 expiring in June 2026.

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

23 \* \* \*

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

1 appointed by the governor from that nomination. A vacancy in the consumer position  
 2 shall be filled with another consumer.

3 (2) No member of the board shall hold an elected or appointed position  
 4 in an optometry professional association at any time during the term of his  
 5 appointment to the board. The provisions of this Paragraph shall not be  
 6 construed to prohibit a member of the board from holding an elected or  
 7 appointed position in an association for regulatory boards of optometry.

8 \* \* \*

9 §1045. Officers; meetings; quorum

10 A. The board shall choose from its membership a president and a  
 11 secretary-treasurer. The board shall hold regular semiannual meetings. ~~Three~~ **Four**  
 12 members shall constitute a quorum for the transaction of business.

13 \* \* \*

14 §1049. Qualifications and requirements of applicants

15 All persons desiring to become licensed to practice optometry shall:

16 (1) Be citizens of the United States; or possess valid and current legal  
 17 authority to reside and work in the United States duly issued by the Citizenship  
 18 and Immigration Services agency of the United States Department of Homeland  
 19 Security, and be of good moral character.

20 \* \* \*

21 Section 2. R.S. 37:1055 and 1060 are hereby repealed.

22 Section 3.(A) The provision of this Act prohibiting a member of the Louisiana State  
 23 Board of Optometry Examiners from serving more than three full terms on the board shall  
 24 only apply to any term that began on or after January 1, 2016. The provisions of this Act  
 25 shall not prohibit any current board members who have served more than three full terms  
 26 from continuing to serve in that position for the remainder of their term or until a successor  
 27 is appointed.

28 (B) No provision of this Act shall be construed to prohibit a board member whose  
 29 term expires in June of 2022 from continuing to serve in that position until a successor is  
 30 appointed in accordance with the provisions of this Act.

1           Section 4. This Act shall become effective upon signature by the governor or, if not  
2 signed by the governor, upon expiration of the time for bills to become law without signature  
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
5 effective on the day following such approval.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_