

2022 Regular Session

SENATE BILL NO. 328

BY SENATOR FRED MILLS

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

1 AN ACT

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

7 Be it enacted by the Legislature of Louisiana:

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

10 §1042. Louisiana State Board of Optometry Examiners; appointment; terms of  
11 members; protected action and communication

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

17 B.(1) ~~Each~~ One licensed optometrist member of the board shall be appointed

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

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

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

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

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

1                   (d) District Four shall be comprised of the parishes of Acadia, Allen,  
2                   Avoyelles, Beauregard, Calcasieu, Cameron, Catahoula, Concordia, Evangeline,  
3                   Grant, Jefferson Davis, LaSalle, Natchitoches, Rapides, Sabine, St. Landry,  
4                   Vermilion, and Vernon.

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

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

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

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

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

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

22                  (4)(a) The secretary of the board shall be charged with the duty of  
23                  forwarding to each licensed optometrist, by United States mail, to the last  
24                  known address indicated in the board's records, a nomination ballot. The ballot,  
25                  or an accompanying communication, shall indicate the date, time, and place, for  
26                  the counting of ballots. At a gathering open to the public, the ballots shall be  
27                  counted openly by the secretary or by one or more individuals designated by the  
28                  president. The secretary shall certify to the governor the names of the three  
29                  nominees receiving the highest number of nominations. From the names

1 submitted to him in this manner, the governor may select and appoint one  
 2 eligible individual to fill the vacancy in question.

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

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

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

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

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

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

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

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

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

26 \* \* \*

27 D.(1) Each appointment by the governor shall be subject to Senate  
 28 confirmation. The term of each member shall be five years, except that no person  
 29 shall be appointed to serve more than three full terms on the board, whether the

1 service is consecutive or not. ~~but vacancies~~ A vacancy occurring during the term  
 2 of a member shall be filled for the unexpired term by an optometrist possessing the  
 3 qualifications for board membership, ~~nominated by the remaining members of the~~  
 4 ~~board~~ and appointed in accordance with Subsection B of this Section. ~~and~~  
 5 ~~appointed by the governor from that nomination.~~ A vacancy in the consumer position  
 6 shall be filled with another consumer.

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

10 \* \* \*

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

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

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#### DIGEST

SB 328 Engrossed

2022 Regular Session

Fred Mills

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))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the original bill

1. Changes the order in which each district will have a representative initially appointed.