

APA-1

TRANSMITTAL SHEET FOR NOTICE  
OF INTENDED ACTION

Control: 630

Department or Agency: Alabama Board of Optometry

Rule No.: 630-X-3-.09

Rule Title: Discovery

Intended Action Amend

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? NA

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer

Fred Wallace, O.D.  
Fred Wallace, O.D.

Date

Thursday, June 19, 2025

REC'D & FILED  
JUN 20, 2025  
LEGISLATIVE SVC AGENCY

ALABAMA BOARD OF OPTOMETRY

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Optometry

RULE NO. & TITLE: 630-X-3-.09 Discovery

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

To extend the time prior to the hearing for filing witness lists and to remove reference to subpoenas for inclusion in the subpoena rule 630-X-3-.10.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Email comments or views to fred.wallace@optometry.alabama.gov or attend the Board's meeting on August 29, 2025, 3:00 pm at 621 South Hull St., Montgomery, AL 36104.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Friday, August 29, 2025

CONTACT PERSON AT AGENCY:

Fred Wallace

*Fred Wallace, O.D.*

---

Fred Wallace, O.D.

(Signature of officer authorized  
to promulgate and adopt  
rules or his or her deputy)

At least ~~five~~thirty (30) days prior to the date of the hearing, the Board's legal counsel and the accused person shall each prepare a list of the names and post office addresses of any witnesses ~~the Board's legal counsel desires to subpoena for the hearing and shall also prepare a list of books, records, papers, and other documents that counsel desires said witnesses to produce and make available at the hearing. At least five days prior to the hearing, the Board's legal counsel will forward to the accused person and/or said accused person's legal counsel, if known to the Board or its counsel, a list of the witnesses who will testify~~from whom each intends to elicit testimony at the hearing ~~in behalf of~~on the charges. \_

**Author:** ~~Dr. Larry Carter~~Wallace D. Mills

**Statutory Authority:** Code of Ala. 1975, §§ 34-22-8, 41-22-12.

**History:** Filed July 9, 1990. **Amended:** Filed August 28, 1995; effective October 2, 1995. Amended: Published ; effective  
\_\_\_\_\_.