

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 630
Department or Agency: Alabama Board of Optometry
Rule No.: 630-X-4-.02
Rule Title: Nominations
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-4-.02 Nominations

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

To allow notices for nominations to the board to be sent by the executive director and to allow for service by electronic mail. To remove the requirement that nominations be notarized, and to remove the process for nominating from the floor at the meeting.

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)

(1) Nominations of persons to be selected at the annual meeting shall be made in the manner herein prescribed and no person shall be a nominee eligible to be selected at the annual meeting unless so nominated.

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(2) The ~~secretary-treasurer~~executive director shall enclose with or attach to the notice required by Rule ~~630-X-4~~630-X-4-.01 of this regulation to be mailed or emailed a brief summary of the qualifications required for appointment to the Board.

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(3) Each licensee holding a current annual registration certificate shall have the right to submit the names of ~~two~~up to five (5) qualified optometrists he would like to be considered for nomination. Each licensee desiring to submit such names shall do so on a form which shall be included with the other material required by this regulation to be mailed. ~~The~~Each form shall be ~~acknowledged as deeds of conveyances are required to be acknowledged under the laws of~~signed by an optometrist licensed in Alabama ~~and shall contain exactly two names to be considered.~~. The form is attached to this regulation as Appendix A.

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(4) Said forms shall be forwarded to the ~~secretary-treasurer by certified mail, return receipt requested,~~executive director in sufficient time for the ~~secretary-treasurer~~executive director to receive the same at least 14 days prior to the date of the meeting. Forms received by the ~~secretary-treasurer~~executive director less than 14 days prior to the date of the meeting ~~or,~~ listing the ~~names~~name of persons not qualified, or listing more ~~or less than two~~five (5) names shall be void.

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(5) Immediately after a date 14 days prior to the date of the meeting, the secretary-treasurer shall then count and tabulate the forms so received and the ten persons qualified for Board membership listed the highest total number of times on valid forms shall be the nominees to be voted on at the annual meeting. In the case of ties, all persons listed a sufficient number of times to create the tie shall be included as a nominee regardless of the number.

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(6) Seven days prior to the meeting, the ~~secretary-treasurer shall mail to each licensed optometrist holding a current annual registration certificate~~executive director shall post on the Board's website a list of persons so nominated to be voted on at the annual meeting. _

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(7) The ~~secretary-treasurer~~executive director shall make available at his office and at the annual meeting all such forms received by him (valid and invalid) for inspection by any optometrist licensed in Alabama, in person or by attorney with written authorization, and shall make no disposition thereof until at least March 1 of the following year.

~~(8) In addition to the method hereinabove prescribed, a qualified person may be nominated at the annual meeting upon the written petition of ten licensed optometrists holding current annual registration certificates and in attendance at the meeting. The form for such petition is attached to this regulation as Appendix B and shall be made available at the meeting by the secretary-treasurer. No vote shall be taken at the annual meeting until 30 minutes after the time specified by the Board for it to convene in order to allow persons to secure and submit the necessary petitions for nominations. In order for such nominations to be valid, the petition must be presented to the secretary-treasurer within 30 minutes after the meeting convenes. Upon the secretary-treasurer verifying that each person signing the petition holds a current annual registration certificate and is in attendance at the meeting and that the nominee is qualified, the name of the person so nominated will be added to those previously nominated.~~_

~~(9)~~(8) Only those persons nominated ~~in one of the ways hereinabove provided~~ shall have their names included on the ballot for voting at the annual meeting.

~~(10)~~_

(9) Any ~~person~~Person who is nominated ~~by either method~~ and who does not wish to be considered, may have ~~his~~their name removed from the list of nominees by request made in ~~person at the meeting or by previous written request to~~writing, which shall be received by the secretary-treasurer prior to submission of the list to the Governor.

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

Statutory Authority: Code of Ala. 1975, §34-24-40.

History: Filed July 9, 1990. Amended: Published ; effective .