

CHAPTER 8

THE HISTORY OF THE PASSAGE OF LEGISLATION AUTHORIZING THE ALABAMA BOARD OF OPTOMETRIC SCHOLARSHIPS

INTRODUCTION

Following by five years, the legislation enacted by medicine, dentistry, and later nursing, the ALOA turned its interest to enacting similar legislation in order to offer a scholarship program to future Alabama optometry students. This type of legislation had been passed by medicine and dentistry in 1977 and discussed for several years by the ALOA Board of Directors after the first Executive Director was hired in 1975. However, no evidence has been found that it was ever introduced. Recently a document entitled "Proposal for the Development of an Alabama State Optometric Scholarship Loan Program" has been found. It was probably written in 1979 although a specific year is not referenced nor is there any attribution as to the author mentioned. It seems likely to have been written for the ALOA and, based on the format, style, and financial amounts provided, may have been authored by Dean Peters. Although not in the form of legislation, the proposal most likely served to provide rationale for such a bill to assist optometry students. It seems probable it may have served as the basis for a bill that was written in 1981. After at least one attempt at passing such legislation, in 1981, legislation establishing a Board of Optometric Scholarships was enacted in 1982.

The first bill was introduced by Representative J. T. "Jabo" Waggoner and Senator "Sonny" Callahan in 1981, but did not pass out of committee. During this same time the ALOA had also been working on passing legislation that would permit the use of topical pharmaceutical agents for the treatment of eye disease. Just a note of clarification regarding the use of abbreviations. Drugs used for diagnostic purposes are as a category usually referred to as DPA's and at this time period (1982) the ALOA was trying to secure the use of topical pharmaceutical agents (TPA's) for the treatment of eye diseases. However, when the ALOA finally succeeded in passing legislation for the treatment of eye disease in 1995 (Chapter 10), the law included not only topical but also oral medications as well. In contemporary use today the abbreviation TPA's is understood to include all forms of therapeutic pharmaceutical agents.

The ALOA had made surprisingly good progress in its effort to pass legislation that would allow the use of topical drugs for the treatment of eye disease, until the federal courts ruled that there must be redistricting, to ensure a fair election. This action allowed the Medical Association of the State of Alabama (MASA) the opportunity to provide financial support to candidates from redrawn districts as well as those from districts that did not change. Unfortunately, by this time the ALOA had exhausted its funds for such legislation. Therefore, it seemed very likely the election of 1983 would result in the election of candidates beholden to medicine. As it turned out, optometry would be locked out of any chance to pass a law that allowed the use of drugs for therapeutic purposes for another 12 years.

A solid supporter of optometry's legislation was Senator John Teague. Knowing of the ALOA's desire and efforts to pass legislation allowing the use of drugs for therapeutic purposes, he knew of the difficulties the ALOA was experiencing. Senator Teague was also aware the ALOA's desire to pass legislation establishing an optometry scholarship board. With Bill Baxley as Lt. Governor and Senator Teague as President Pro-Tem and therefore the Presiding Officer of the

Senate, they controlled the flow of legislation in a Democratic controlled legislature. Senator Teague took it upon himself to pass this bill through the legislature.

LEGISLATION INTRODUCED IN 1982

The Bill S. 52 was sponsored in 1982 by Senator John Teague from Childersburg, AL. It was passed as Act. No. 82-460 and approved on May 4, 1982 at 3:00 P.M (1, 2). Representative “Jabo” Waggoner was an active supporter of this legislation in the House of Representatives. However, Mr. Teague was the President Pro Tem of the Alabama Senate during this year and as presiding officer of the Senate, had significant influence on what legislation was passed.

Senate

The first legislative day of the Regular Session for the Legislature of the State of Alabama was Tuesday, January 12, 1982. On the first day of this session Senator John Teague under the heading of “Introduction of Bills” introduced the bill S. 52. These bills severally read one time, and referred to the appropriate standing committees. This bill was assigned to the Committee on Finance and Taxation.

The purpose of this Act was to create the Alabama Board of Optometric Scholarship Awards. An Appropriation was to be made from the Alabama Special Education Trust Fund (ASETF) to such board for the financing and administration of scholarship loans. This Act had nine sections which governed its composition and function.

Section 1. The Board will be composed of one optometrist from each of the six component societies of the ALOA whose terms of office shall be staggered; two optometrist for two year terms, two for three-year terms, and two for four-year terms, with each successor optometrist to be elected for a term of four-years; the Secretary of the ALOA or his appointee, who shall serve as the Chairman of the Board; the Dean of the UAB School of Optometry or his designee; the Chairman of the UABSO Admissions Committee; and two community representatives to be appointed by the Governor of the State of Alabama.

Section 2. The sum of \$125,000 is hereby appropriated conditionally from the ASETF to the Alabama Board of Optometric Scholarship Awards. However, unlike the other profession’s programs the monies collected from the loans had to be repaid to the state.

Section 3. Powers and Duties of the Board. This Board has the power and authority to make reasonable rules and regulations not inconsistent with the laws of the state, as necessary for the regulation of its proceedings and for discharge of its duties. It shall receive and review all applications for scholarship loans and awards; make a careful and thorough investigation of the ability and character and qualifications of each applicant; and be responsible for the further administration of the scholarship program subject to the provisions of this act.

Section 4. Types of Scholarships. The Board is charged for establishing two types of scholarships as follows:

(a) A number of loans *equal to 20%* of the number of students enrolled in the UABSO based on economic need and scholastic ability of the applicant in an amount not to *exceed \$3,000 per annum or \$12,000 over a four-year period*. This loan is available to any bona fide resident of Alabama of good character who has been accepted for matriculation by the UABSO. This section may also apply to graduate students in physiological optics, at the discretion of the Board.

(b) A number of non-refundable merit scholarship awards *equal in the number of five percent* of the number of students enrolled in the UABSO in an amount not to exceed \$3,000 per annum each, or \$12,000 over a four year period, shall be available to outstanding students, *one-fourth of which shall be awarded each year to members of the entering class* of the UABSO, who, in the judgment of the Board have the highest scholastic achievement in undergraduate studies, sufficient aptitude, excellence of character, and other pertinent qualifications.

Section 5. Repayment of Loans; Service Contracts. Scholarships extended under Section 4 (a) of this act shall be repaid following graduation, either in cash as is provided in subsection (a) or under terms of a contract to serve in a needy area of Alabama for a term to be specified by the Board. Any monies received from recipients in repayment of a scholarship loan shall upon recipients be remitted by the Board to the Treasurer of the State of Alabama for credit to the ASETF.

- (a) Scholarship loans to be repaid under this subsection shall be repaid to the Board in full at an interest rate of 6% per annum from the date of graduation from optometry school, and payments are to be made annually, the first of which is due one-year after the recipient enters the practice of optometry or one year after completing residency training, whichever comes first. Repayment in full must be completed with 8 years from the initiation of repayment. Any recipient who fails for any reason to continue his optometric education shall repay all loan amounts in accordance with terms and conditions established by the Board, provided that interest rate on such unpaid loan amounts shall be fixed at 6% per annum from the date of his/her departure from optometry school.
- (b) Scholarship loans to be repaid shall be repaid by service in one of the following ways, subject to the approval of the Board, and considering the U. S. Department of Health, Education, and Welfare (HEW) designated optometric manpower shortage areas as one means of determination. (i) Practice for a four-year period in a community of less than 5,000 population which has been deemed to be critically in need of additional optometric practitioners, (ii) Practice for a five-year period in an community of more than 5,000 population and less than 15,000 population which has been deemed to be critically in need of additional optometric practitioners, (iii) Practice for a five-year period in a community of more than 15,000 but less than 100,000 and repayment of

one-half the loan plus 6% simple interest annually for five annual payments, beginning at the end of the first year of practice, (iv) Practice for four years in a position in Alabama in public health or as an optometrist in any state institution approved by the Board of Optometric Scholarship Awards, (v) For loans of less than four years of study, service repayment may be prorated on the basis of one-fourth of the above requirements for each \$3,000 loan.

Section 6. Contractual Agreement of Recipients; Penalties for Breach. Each recipient of a scholarship loan under the provisions of this act shall enter into a contract with the Board whereby he/she agrees to repay the scholarship loan in a manner prescribed by the Board not inconsistent with any provisions of this act. Breach of contract by the recipient shall make him/her immediately liable for the unpaid balance of the loan and shall constitute a ground for revocation of his/her certificate or license to practice optometry in the State of Alabama. In the event of death or total or permanent disability of the recipient to engage in the practice of optometry, repayment of the loan may be excused by the Board. The Attorney General of Alabama, upon request of the Board, shall institute proceedings in the name of the state for the purpose of recovering any amount due the state under the provisions of the act. The proceedings to have such optometrists' certificate or license revoked shall be commenced upon written complaint of the Board of optometric scholarship awards to the Alabama State Board of Examiners. The proceedings shall be in accordance with the provisions of the Alabama law pertaining to the revocation of license to practice optometry.

Section 7. Localities in need of optometrists. Any incorporated or unincorporated municipality or locality in the state having a population of less than 100,000 desiring additional optometrists and wishing to be designated as a locality needing additional optometrists, may apply to the Alabama Board of Optometric Scholarship Awards to be placed on a list of localities in need of additional optometrists, which list shall be maintained by the Board. Such application may be made either by the municipal governing body or by a petition may be at least one-twentieth of the qualified electors of the municipality or locality. If the Board of Optometric Scholarship Awards determines that such locality is in need of optometrists, it shall place the locality on the list of localities in need of optometrists from which recipients of scholarship awards may upon graduation select an area in which to practice. In compiling and maintaining the list, the board may place any locality thereon which in its opinion need additional optometrists.

Section 8. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Senate

On the fourth legislative day under the heading "Bills on Second Reading" the bill S. 52 was among those bills severally read a second time and passed, Yeas 25, Nays 0.

On the sixth legislative day under the heading "Bills on Third Reading Resumed" the bill S. 52 was read a third time at length and passed, and ordered sent forthwith to the House without engrossment, **Yeas 22, Nays 1.**

House of Representatives

On the eighth legislative day under the heading of "Senate Message" the Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate were severally read one time and referred to the appropriate Standing committees as follows: And the bill S. 52 was assigned to the Committee on Ways and Means.

On the 21st legislative day Representative Owens, Chairman of the Standing Committee on Ways and Means, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit: among these bills was S. 52 (with amendment).

Senate

On the 29th legislative day under the heading "Message from the House" the President of the Senate was informed the House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate, S. 52. On this same legislative day on motion of Senator Teague, the Senate concurred in and adopted the following House amendment to the Bill S.B. 52, the title of which is set out in the foregoing Message from the House, to-wit: under the heading "House Amendment to S.B. 52, amend S. B. 52 on page 2, Section 2, line 12 by inserting after the word "appropriated" the word "conditionally", **Yeas 11, Nays 0.**

The bill S. 52 was approved by the Governor George C. Wallace on May 4, 1982 at 3:00 P.M. It was, once approved, known as Act No. 82-460.

For the sake of brevity only substantive changes to future acts will be discussed in the subsequent acts that passed the legislature and became law regarding the Alabama Board of Optometric Scholarship Awards.

LEGISLATION INTRODUCED IN 1984

This bill, which was introduced by Representative Coburn, was for appropriations for the entire Alabama Special Education Trust Fund, of which a small portion was for the renewal of funding for the Alabama Board of Optometric Scholarship Awards (3, 4). Dr. Bob Crosby had arranged for this funding to be restored in the budget by a contact in the Governor's office. Grover Jacobs, Ph. D., was working on the budget at the very time he was contacted by Dr. Crosby. Dr. Crosby then asked about how much funding should be requested. He advised Dr. Crosby to ask that the original funded amount of \$125,000 be placed in the budget. This amount was placed

in the budget but, nevertheless, it had to be passed by the legislature and approved by the Governor.

To make annual appropriations for the support, maintenance, and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1985.

- Section 1. This act provided support for a variety of programs paid out of funds specified in the act for the fiscal year ending September 30, 1985.
- Section 2. The appropriations provided for in this act shall be paid from funds in the State Treasury to the credit of the ASETF, as well as monies from other trust funds established in support of public education. Included was funding for medicine, nursing, optometry, and for many other such programs.

House of Representatives

The House Bill H. 231 was sponsored by Representative Coburn.

This law was approved by the Governor on May 17, 1984 at 2:00 P.M. It became Act No. 84-330.

LEGISLATION INTRODUCED IN 2009

It had been 27 years since this law was originally passed to achieve parity with the other health profession's scholarship boards. The scholarship boards of medicine, dentistry, and nursing had been able to *retain repaid loans* from the time their scholarship boards were enacted.

The duties of the Board of Optometric Scholarship Awards was also clarified under the heading of Professions and Businesses, Article 4, the Administrative Code for Sections 34-22-60, 32-22-61, 34-22-62, 34-22-63, 34-22-64, 34-33-65 in May 2009.

House of Representatives & Senate Sponsorship

House Bill 153 was sponsored by Representative Jim McClendon and Senator Linda Coleman (3). It amended Sections 34-22-60, 34-22-62 and 34-22-63, Code of Alabama 1975, relating to the Alabama Board of Optometric Scholarship Awards; to increase the diversity of the membership of the board, to make annual reports to the Legislature by the second legislative day of the Regular Session to the extent the board has complied with the diversity requirements of this subsection, to alter the amount of such scholarships; *to permit the board to retain loan repayments* for purposes of funding future scholarships (5, 6).

This amendment included many changes in wording to further clarify the intent of the act. For example, wording was changed to include the first and second sentences as subsections, substituted "Board of Optometric Scholarships Awards" for "board", gender inclusive wording such as "his or her" instead of "his" and "chair" for "chairmen", were made as well as other changes to further clarify the law.

Section 1. Sections 34-22-60, 34-22-62, and 34-33-63, Code of Alabama 1975, were amended to read as follows:

Subsection 34-22-60

The composition of the members remained the same but the nature of the board was to be inclusive and reflect the racial, gender, geographic, urban/rural and economic diversity of the state. The board shall annually report to the legislature, by the second legislative day of each regular session, the extent to which the board has complied with the diversity requirements of this subsection.

Subsection 34-22-62

The Board of Optometric Scholarships shall establish two types of scholarships as follows:

- (1) A number of loans not exceeding 25% of the number of students enrolled in the UAB School of Optometry based on the economic need and scholastic ability of the applicant, in an amount not to *exceed the current annual cost of tuition at the UABSO*, shall be available to any bona fide resident of Alabama of good character who has been accepted for matriculation by the UABSO. This subsection shall also apply to graduate students in vision science, at the discretion of the board.
- (2) A number of nonrefundable merit scholarship awards *not exceeding 25%* of the number of students enrolled in the UABSO in an amount not to exceed *the current annual cost of tuition at the UABSO*, shall be available to outstanding students who are bona fide residents of Alabama, one-fourth of which shall be awarded each year to members of the entering class at the UABSO, shall be available to outstanding students who are bona fide residents of Alabama, one-fourth of which shall be awarded each year to members of the entering class at UABSO, who, in the judgment of the board, have the highest scholastic achievement in undergraduate students, sufficient aptitude, excellence of character, and other pertinent qualifications. This subdivision shall also apply to graduate students in vision science, at the discretion of the board.

Subsection 34-22-63

- (a) Scholarships extended under subdivision (1) of Section 43-22-62 shall be repaid following graduate, either in cash as is provided under subsection (b) or under terms of a contract to serve in a needy area in Alabama for a term to be specified by the board as provided in subsection (c). *Any moneys received from recipients in repayment of a scholarship loan under subsections (b) and (c) shall upon receipt thereof be retained by the Board of Optometric Scholarship Awards to be used for the funding of future scholarships. The board shall establish a separate fund for these purposes.*
- (b) Scholarship loans to be repaid under this subsection shall be repaid to the Board of Optometric Scholarship Awards in full *at an interest rate determined by the board* from the date of graduation from the optometry school, and payments are to be made

annually, the first of which is due one year after the recipient enters the practice of optometry or one year after completion of residency training, whichever occurs first. Repayment in full shall be completed *within 12 years* from initiation of repayment. Any recipient who fails for any reason to continue his or her optometric education shall repay all loan amounts in accordance with terms and conditions established by the Board of Optometric Scholarship Awards. *The interest rate on such unpaid loan amounts shall be determined by the Board of Optometric Scholarship Awards* and shall be applied from the date of departure from the optometry school.

- (c) Scholarship loans to be repaid under this subsection shall be repaid in service in one of the following ways (as stated in the original Act). Section 34-22-64 related to contractual agreement of recipients; penalties for breach; institution of legal proceedings and subsection 34-22-65 related to localities in need of optometrists remained unchanged.

House of Representatives

On February 3, 2009 the first legislative day of the Regular Session of the State of Alabama under the heading "Introduction of Bills" Representative McClendon introduced H. 153. The purpose of this bill was to change certain aspects of the law as it pertained to the Alabama Board of Optometric Scholarship Awards as stated in subsections 34-22-60, 34-22-62, and 34-22-63 stated above. On this day under the heading "Introduction of Bills" upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees. This bill was assigned to the Committee on Education Appropriations.

On February 5, 2009 the Chairman of the Committee on Education Appropriations, reported the committee had acted on the bill H. 153 and ordered the same returned to the House with a favorable report, and it was read a second time and placed on the calendar, to-wit:

On February 19, 2009 the bill 153 was read a third time at length and passed. On this same day Representative McClendon offered an amendment to H. 153 by deleting reference to a "retroactivity provision". Under the heading of "Motion to Adopt" the motion to adopt was accepted. Under the heading "Motion to Read a Third Time" the bill H. 153 was read a third time and passed as adopted, and engrossed.

Senate

On February 24, 2009 the bill H. 153 was introduced in the Senate by Senator Linda Coleman, read a first time, and referred to the Senate Standing Committee on Health.

On March 5, 2009 the bill H. 153 received a favorable report of the Committee on Health, read a second time and placed on the calendar, to-wit:

On May 15, 2009 the bill H. 153 was read a third time at length and passed, and ordered sent forthwith to the Senate. On this same legislative day, under the heading of "Motion to Read a Third Time" the bill H. 153 passed the Senate with adoption of the Roll Call.

House of Representatives

On May 15, 2009 under the heading of "Message from the Senate" the Speaker of the House was informed the Senate had passed the bill H. 153 and returns same herewith to the House: the bill H. 153 passed the Second House and was enrolled.

Senate

And the bill 153 was returned to the President of the Senate requesting the signature of the President.

House of Representatives

On this same day under the heading of "Certificate of the Clerk" of the House of Representatives the clerk hereby certifies that the House Bill hereinafter mentioned was delivered to the Executive Department for same.

The bill H. 153 was delivered to the Governor at 4:30 P.M. on May 15, 2009.

This bill was approved by the Governor Bob Riley on May 21, 2009 at 8:30 A.M. It was to be known as Act No. 2009-648.

LEGISLATION INTRODUCED IN 2012

The purpose of this act was to amend Section 34-22-61 of the Code of Alabama 1975, relating to the Board of Optometric Scholarship Awards, to *specify that funds of the board would not revert to the state treasury at the end of the fiscal year*. It amended just one section of the Code of Alabama 1975 (7, 8).

Section 1. Section 34-22-61 of the Code of Alabama 1975, is amended to read as follows:

Subsection 34-22-61

- (a) "The Board of Optometric Scholarship Awards shall have power and authority to make reasonable rules and regulations not inconsistent with the laws of this state, as may be necessary for the regulation of its proceedings and for the discharge of the duties imposed upon it. The board shall receive and review all applications for scholarship loans and awards; shall make a careful and thorough investigation of the ability and character and qualifications of each applicant; and shall be responsible for the further administration of the scholarship program subject to the provisions of this article".
- (b) "Any appropriations made to the Board of Optometric Scholarship Awards or otherwise received by the board remaining at the end of any fiscal year shall remain with the board and shall not revert to any other fund".

Section 2. This act shall become effective immediately following its passage and approval by the Governor, or it's otherwise becoming

Senate

SB 494 was introduced on April 10, 2012, by Senator Greg Reed, read a first time and assigned to the Standing Committee on Health.

On April 19, 2012 SB 494 was read for the second time and ordered placed on the calendar.

On May 3, 2012 SB 494 was read a third time at length and passed, and ordered sent forthwith to the Senate. On this same legislative day under the heading "Motion to Read a Third Time" the bill SB 494 was read at length and passed, and ordered sent forthwith to the House without engrossment.

House of Representatives

On May 3, 2012 the bill SB 494 was read for the first time and referred to the House Standing Committee on Ways and Means.

On May 8, 2012 the bill SB 494 was read for the second time and ordered placed on the calendar.

On May 10, 2012 the bill SB 494 was read a third time at length and passed, and ordered sent forthwith to the House without engrossment. On the same day under the heading "Motion to Read a Third Time" the bill SB 494 was read at length and passed, and ordered sent forthwith to the House without engrossment.

Senate

On May 10, 2012 under the heading "Message from the Senate" the President of the Senate informed the Speaker that the Senate had passed SB 494 and requested it be returned to the House for signature.

House of Representatives

On May 10, 2012 the Speaker of the House signed the bill SB 494.

Senate

On May 10, 2012 the bill SB 494 was enrolled and delivered to the Governor on this same day.

Senate Bill 494 was approved by the Governor Robert Bentley on May 21, 2012 at 4:33 P.M. It was to be known as Act No. 2012-476

LEGISLATION INTRODUCED IN 2016

Legislation was introduced to enact funding for the Alabama Special Education Trust Fund, which contained funding for the Alabama Board of Optometric Scholarship Awards. It contained the first increase in the amount of funding for scholarships awarded to optometry students (9).

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Appropriates funds for support of public education in Alabama for the fiscal year ending September 30, 2017, for debt service, and for capital outlay to be paid out of funds specified in subsection (a) of Section 2 of this act, the amounts specified in subsections (a, b, c, d, and e) of Section 3 of this act. For the purpose specified in subsection (b) of Section 2 of this act, amounts are shown by programmatic area and the total for all amounts is shown so as to include estimated sources of funds other than those listed in subsection (a) of Section 2 of this act.

Section 2. (a) The appropriations provided for this act shall be paid from funds in the State Treasury to the credit of the Education Trust Fund. On page 46 of this act listed as No. 30 is: Optometric Scholarship Awards, Board of: (a) Support of Other Educational Activities Program...To be expended under the provisions of the Code of Alabama 1975, Sections 34-22-60 through 34-22-65. Source of funds...(1) ETF \$135,000. The Total Optometric Scholarship Awards, Board of...\$135,000.

House of Representatives

On February 3, 2016 HB 117 was introduced by Representative Bill Poole and first read in the House Ways and Means for the Education budget. What follows is: ENROLLED, An Act, to make appropriations for the support, maintenance and development of public education in Alabama, for debt service, and for capital outlay for the fiscal year ending September 30, 2017.

The Clerk of the House certified that the Act originated in and was passed by the House March 8, 2016, as amended.

Senate

The bill HB 117 was amended and passed in the Senate on April 13, 2016.

House of Representatives

On April 21, 2016 the HB 117 was passed, as amended by the Conference Committee Report.

Senate

On April 21 2016 the HB 117 was passed, as amended by Conference Committee Report.

The HB 117 was received in the Governor's Office April 21, 2016 and approved by the Governor Bentley April 26, 2016 at 4:00 P.M. It was marked as Act No. 2016-199.

This was the first increase in the amount of funds the Board had received annually since its inception in 1982. The above summary serves to document the changes in the law required to place the Alabama Board of Optometric Scholarship Awards on parity with similar type boards in other health care professions.

OPTOMETRIC SCHOLARSHIP BOARD UNIQUE TO ALABAMA

This is a unique law in that it is the only such state supported scholarship and loan program in the U.S that functions in this manner. The State of Illinois offers a similar type of optometric scholarship program but their board is not permitted to keep loan monies collected. The Alabama Board of Optometric Scholarship act provides funds for optometry scholarships and loans. Initially, the Optometry Scholarship Board offered two scholarships and six loans to students, who were residents of Alabama, and had been admitted to the optometry school at UAB. In order to remain on the scholarship program, the student must maintain a minimum grade point average of 3.0. Students receiving loans are required to repay the loans back over an eight-year period (later extended to 12 years).

This program has had its challenges but on the whole has been of significant value to the school and its students. There have been occasional years when state budgets did not allow for complete funding and perhaps one year when funding was not available at all. However, in other years not all funds were disbursed due to a lack of applicants.

Representative (Dr.) Jim McClendon (now Senator) has been most helpful over the years in getting this law re-enacted, changing the language such that the Board is permitted to keep the monies from the repaid loans, and increased the amount of funds available for disbursement. Senator McClendon has recently been appointed as the Chair of the Senate Health Committee in the Alabama Legislature.

LEADERSHIP OF THE ALABAMA BOARD OF OPTOMETRIC SCHOLARSHIP AWARDS

Since its inception the Alabama Board of Optometric Scholarship Awards has had two chairs. The first chair, Dr. Robert Pharr, served from the time of the Board's inception until his passing in 2008. Since that time Dr. Jim Marbourg has served as the chair of the Board. Dr. Marbourg had served as a member of the board since its inception. According to the minutes of the meeting from April 8, 2008, the day Dr. Pharr died, in an already planned meeting, the meeting was called to order by Vice-Chair Dr. Jim Marbourg. Dr. Marbourg announced Dr. Pharr's passing and then recognized Dr. Tim Nichols, then Secretary of the ALOA Board of Directors. Dr. Nichols immediately appointed Dr. Marbourg as his designee for Chair of the Board replacing Dr. Pharr and Dr. Marbourg accepted this appointment (10).

OUTCOMES ASSESSMENT OF THE EFFECTIVENESS OF THE ALABAMA BOARD OF OPTOMETRIC SCHOLARSHIP AWARDS

The impact of the Board's outcomes on the profession is difficult to assess due to the lack of complete data (11). However, there can be little doubt that this scholarship program has helped many students who otherwise may not have been able to attend the program, or do so without incurring significant debt. In some years, the administrative staff hired by UAB to assist the Board, failed to keep proper records, shredded them, or either misplaced or lost records. This, of course, makes any detailed assessment impossible. Nevertheless, there is some data

available that provides a partial assessment of this success of the scholarship program. Perhaps other data will be forthcoming in the future that will allow for a better assessment of this program.

Merit Scholarships

As regards the awarding of Merit Scholarships, data exists from 2003 forward. In this category incoming first year students who are residents of the State of Alabama that meet the criteria of being in the top 20% in terms of grade point average are invited to apply. These students may apply again the next year for this scholarship provided their grade point average meets the 3.4 grade point average minimum criteria established by the Board. In 2003 four merit scholarships were awarded, 2004 and 2005 none were awarded due to a lack of funding, 2006 two were awarded, 2007 three were awarded, 2008 two were awarded, 2009 and 2010 three were awarded, 2011 through 2014 four scholarships were awarded each year, and 2015 and 2016 five were awarded each year for a total of 43 awards (11).

Loan Scholarships

As the name implies these were loans from the Board of Optometric Scholarship Awards. However, there was some confusion associated with the term “scholarships” and some recipients failed to understand that these ‘scholarships’ were loans that had to be repaid. Information from past due accounts as recently as 2003 indicated there were 72 such loans. Clearly there would have been more loans awarded since some, if not many, did repay their loan. There were no loans made in 2004 and 2005 if there was no funding of this Board. There is some partial data, however, from 2009 four loans were granted, 2011 six, 2012 four, 2012 four, 2013 six, 2014 and 2015 four and 2016 six, for a total of 34 loans made. If this number is added to the 72 from loans that were past-due, then a minimum of 106 loans have been made by the Board.

SUMMARY

Representative, now Senator, Jim McClendon, is primarily responsible for serving as an advocate for the Alabama Board of Optometric Scholarships. His diligence in expanding the scope, responsibility and funding for the ABOS is greatly appreciated by all Alabama optometrists, and in particular members of the ALOA.

In summary the law establishing the Alabama Board of Optometric Scholarships follows the chronology as set forth:

- Enacted on May 4, 1982 by the Alabama Legislature, the elements of the nature and duties of the Alabama Board of Optometric Scholarships were described in nine sections of the law. Funds for these types of scholarship programs for health care professions are from the Alabama Special Education Trust Fund (ASETF) and appear as a line item in the budget.

- Extended in 1984, appropriations for the support of public education, including such programs as the Alabama Board of Optometric Scholarships, were approved by the Alabama legislature.
- Sections of the original act were amended in 2009 relating to diversity of board membership, to alter the number of scholarships awarded and to increase the amount of scholarship funding to equal the cost of tuition, and to permit the board to retain loan repayments for purposes of funding future scholarships.
- Amended in 2012, the section relating to the Alabama Board of Optometric Scholarships, specified that such funds collected by the board would not revert to the state treasury at the end of the fiscal year.
- Enacted in 2016, an appropriations bill that among other existing boards/organizations or agencies supported by the ASETF, increased the amount of funding for the Board of Optometric Scholarship Awards to \$135,000 per annum for FY 2017 and 2018, \$150,000 for FY 2019 and for FY 2020 the amount will be \$165,000.
- The impact of this unique Board, and its function, for eligible Alabama students has been significant and has provided support for those students needing assistance in attending the UAB School of Optometry.

April 28, 2017

June 11, 2018, Reviewed and revised

December 8, 2018, Reviewed and revised

June 6, 2019, Reviewed and revised

ACKNOWLEDGMENT

I want to thank Mr. Frank Caskey and the staff at the Legislative Reference Service of the State of Alabama for making available the Journals of the House of Representatives and Senate. Copies of journal entries pertaining to the years these bills were introduced and enacted have been of great value. I also want to thank Dr. Jim Marbourg for his leadership of the Board and for providing history related to the Board's action during its formative years and, especially the years following the passing of Dr. Robert Pharr. I also want to thank Dr. Marbourg for reading this chapter and offering suggestions to clarify certain topics. Likewise, I am indebted to Ms. Peggy Striplin, a member of the board, for reviewing her records to make available the data related to the number of scholarships awarded by the Alabama Board of Optometric Scholarships.

REFERENCES

- 1) Journals of the House and Senate, State of Alabama Regular Legislative Session, 1982.
- 2) Act No. 82-460 passed as Senate Bill S. 52 as introduced by Senate Teague. This bill was approved May 4, 1982 establishing the Alabama Board of Optometric Scholarship Awards with funds from the Alabama Special Education Trust Funds. State of Alabama Legislative Reference Service.
- 3) Journals of the House and Senate, State of Alabama Regular Legislative Session, 1984.
- 4) Act No. 84-330 passed as H. 321 as introduced by Representative Coburn. This bill was approved May 17, 1984 to make annual appropriations for support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1985.
- 5) Journals of the House and Senate, State of Alabama Regular Legislative Session, 2009.
- 6) Act No. 2009-648 passed as HB 153 as introduced by Representative Jim McClendon and Senator Linda Coleman. This bill was approved May 21, 2009 and was related to increasing the membership of the Board, to alter the amount of such scholarships; to permit the Board to retain loan repayments for purposes of funding future scholarships.
- 7) Journal of the House and Senate, State of Alabama Regular Legislative Session, 2012.
- 8) Act No. 2012-476 passed as SB 494 as introduced by Senator Reed. This bill was approved May 15, 2012 and amended section 34-22-61 relating to the Board to specify that funds of the board would not revert at the end of the fiscal year.
- 9) Act No. 2016-199 passed as HB 117 as introduced by Representative Poole. This bill was to make appropriations for the support, maintenance, and development of public education in Alabama, for debt service, and for capital outlay for the fiscal year ending September 30, 2017.
- 10) Personnel communication from Dr. Jim Marbourg April 28, 2017.
- 11) Personnel Communication from Ms. Peggy Striplin April 6, 2017.
- 12) Personnel communication from Ms. Amanda Buttenshaw and Dr. James Marbourg, June 6, 2019.