THE HISTORY OF THE PASSAGE OF LEGISLATION AUTHORIZING THE ALABAMA BOARD OF OPTOMETRIC SCHOLARSHIP AWARDS

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ABSTRACT
This article describes and discusses the passage of legislation that established and funded the Alabama Board of Optometric Scholarship Awards. This board awards two types of scholarships: merit scholarships that do not require repayment and loan scholarships that must be repaid if certain criteria are not met. This unique scholarship is funded by the State of Alabama and awarded on an annual basis to Alabama residents who have been admitted or are students at the UAB School of Optometry. The awardees are selected by the board during its annual July meeting. Several changes have been enacted over the years by the legislature that have, among other changes, resulted in the board’s ability to retain loan funds repaid and have increased the amount of funding contributed by the state.

KEYWORDS
Alabama Board of Optometric Scholarship Awards, Alabama optometry students, optometric scholarship funding by the State of Alabama.

INTRODUCTION
Five years after the legislation enacted by medicine, dentistry, and later nursing, the Alabama Optometric Association (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 such legislation was ever introduced. An article entitled “Proposal for the Development of an Alabama State Optometric Scholarship Loan Program” has been found and presents a rationale for such a program. Although the name of the author is not mentioned, based on the in-depth content of the proposal, it was almost certainly written by Dr. Henry Peters.

Recently another document entitled “Proposal for the Development of an Alabama State Optometric Scholarship Loan Program” was found. Unfortunately, a specific year is not referenced nor is there any attribution as to who the author may have been. It seems likely to have been written for the ALOA and includes a brief history of the legislation that established the Alabama Board of Optometric Scholarship Awards (ABOSA). However, most of the paper addresses the legislation that was passed in 2009. It also discusses the rationale for the original legislation to have been enacted, and other items such as continuing increases in student indebtedness, increases in tuition, students being the first in their family to receive a professional degree, and not possessing a clear understanding of finances. This paper also enumerates the additional sources of support the UAB School of Optometry receives.

In addition to the scholarships provided by the State of Alabama, there are contract positions with surrounding states that admit students at the in-state rate of tuition with the home state paying the difference between the in-state and out-of-state rates. There is also a Professional Development Program that assists students in understanding the importance of not spending more than necessary, as well as numerous annual and endowed scholarships available to assist selected optometry students.

After several years of discussion by the ALOA Board and the Legislative Committee, the proposed legislation was ready to be introduced. The first scholarship bill was introduced by Rep. J. T. “Jabo” Waggoner and Sen. “Sonny” Callahan in 1981 but did not pass out of committee. It seemed evident by the outcome that while the ALOA may have extended some effort in regard to this legislation, it had not discussed this bill with a majority of the members of the legislature.

Other Interests of the ALOA
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 DPAs and at this time period (1982) the ALOA was trying to secure the use of topical pharmaceutical agents (TPAs) for the treatment of eye diseases. However, when the ALOA finally succeeded in passing legislation for the treatment of eye disease in 1995 by optometrists, the law included not only topical but also oral medications as well. In contemporary use today the
abbreviation TPAs is understood to include all forms of therapeutic pharmaceutical agents, except those injected into the eye.

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 were not changed.1,2

Unfortunately by the time the districts were being redrawn, 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 authorized the use of drugs for therapeutic purposes for another 12 years.

Support for ABOSA Legislation

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. Sen. Teague was also aware of the ALOA’s desire to pass legislation establishing an optometry scholarship board. With Bill Baxley as lieutenant governor and Sen. Teague as president pro tem and, therefore, the presiding officer of the Senate, they controlled the flow of legislation in a Democratic controlled legislature. Sen. Teague took it upon himself to pass this bill through the legislature.3

LEGISLATION INTRODUCED IN 1982

Bill S. 52 was sponsored in 1982 by Sen. John Teague from Childersburg, Alabama. It was passed as Act No. 82-460 and approved on May 4, 1982, at 3 p.m.4,5 Rep. “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 Sen. Teague, under the heading of “Introduction of Bills,” introduced bill S. 52. These bills severally read once 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 and awards. 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 optometrists 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 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 professions’ 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 5% 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 recipient be remitted by the board to the state treasurer for credit to the ASETF. 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 within eight 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.

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 area in need 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 grounds 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 to 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 Alabama 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, which list shall be maintained by the board. Such application may be made either by the municipal governing body or by a petition of at least one-twentieth of the qualified electors of the municipality or locality. If the Board of Optometric Scholarship Awards determines that such locality needs 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 therein 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” 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 “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 Rep. 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).

On the 29th day of the session the bill S.B. 52 was amended to insert the word “conditionally” after the word “appropriate” in Section 2, line 12. The bill S.B. 52, as amended, was read a third time at length and passed, 75 Yeas, 1 Nay.

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, had 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 Gov. George C. Wallace on May 4, 1982, at 3 p.m. It was, once approved, known as Act No. 82-460.

Board is Organized

Due to the late nature of the fiscal year (October 1, 1981-September 30, 1982) no awards were likely made until 1984. In fiscal Year 1983-1984 the state was in proration and thus funds for scholarships were not available. In the interim time period,
board members had to be selected as set forth in Section 1 of the legislation and the names selected, submitted for approval to the governor, and on approval, appointed by the Governor. This was not a rapid process due to the many other pressing issues the governor had to address. It is not known when the first board meeting was conducted. Even assuming it was as soon as 1984 the board had to develop policy and procedures related to the nine sections set forth in the legislation in the interval of time between the passage of the law and the board's first meeting. As a result of these matters, it was likely the first scholarship awards were not made, at the earliest, until the 1984-1985 academic year. Since the ABOSA board historically met in July of each year in its early years, in all likelihood, the first awardees were identified by the board in July 1984, but perhaps as much as a year later than this time.6

Additional Board Meeting

After students had received these scholarships for more than two decades it became necessary for the ABOSA to also meet during the time of the fall ALOA meeting. The first of these fall meetings began in 2007. Usually this meeting occurs in November at the Birmingham location of the meeting. It became essential for the board to ensure it was following the rules and regulations as set forth in the law. Among these issues were the composition of the board, student academic performance, repayment of loan scholarships, and matters related to the administration of the board as provided by UAB.6

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. There was a need for substantive changes in future bills.

LEGISLATION INTRODUCED IN 1984

During the years of the early 1980’s there was a downturn in the economy for several years. As a result, proration had been in effect for one, if not, two years. As a consequence, the ALOA was told of the need to again pass legislation renewing funding for the Alabama Board of Optometric Scholarship Awards.

This bill, which was introduced by Rep. 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.7, 8 Dr. Bob Crosby had been contacted by Dean Peters to determine if Dr. Crosby could help restore funding for this important legislation. By the most fortuitous of circumstances Dr. Crosby 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 asked about restoring the funding and, if so, how much funding should be requested. Dr. Jacobs 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.9

Rep. Coburn’s legislation included an annual appropriation for the support, maintenance, and development of public education in Alabama and for debt service and capital improvements for the fiscal year beginning October 1, 1984, and ending September 30, 1985.9

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 scholarship programs.
the ALOA began discussions with the dean of the UAB School of Optometry related to significant changes in the then existing optometry scholarship law that would place optometry in the same category as medicine and later dentistry. This new legislation was introduced in 2006 by Rep. (Dr.) Jim McClendon and Sen. Jack Biddle but failed to pass. It was subsequently introduced by Rep. Richard Lindsey and Sen. Linda Coleman in 2007 and 2008 with similar results.

The duties of the Board of Optometric Scholarship Awards were 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 Rep. McClendon and Sen. Coleman (later Coleman-Madison). 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.

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,” “chair” for “chairmen,” 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:

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.

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, 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 subvention shall also apply to graduate students in vision science, at the discretion of the board.

**Subsection 34-22-63**

Scholarships extended under subdivision (1) of Section 43-22-62 shall be repaid following graduation, 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.

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.

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” Rep. 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 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 30th day of the session, HB 153 was read a third time at length and passed. On this same day, Rep. McClendon offered an amendment to H. 153 by deleting reference to a "retroactivity provision." A 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, H. 153 was introduced in the Senate by Sen. Linda Coleman, read a first time and referred to the Senate Standing Committee on Health.

On March 5, 2009, 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, 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

On May 15, 2009, under the heading of "Message from the Senate," the speaker of the House was informed the Senate had passed 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

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.

(There is some confusion at this point in that, according to the records of the Legislative Services Agency, formerly the Legislative Reference Service, both bills were passed on the 30th legislative day. The House bill passed in the Senate and the Senate bill passed in the House and both bills were sent to the governor for signature. It is apparent the governor chose to sign the House version of the bill).

The bill H. 153 was delivered to the governor at 4:30 p.m. on May 15, 2009.

This bill was approved by Gov. Bob Riley on Thursday, May 21, 2009, at 8:30 a.m. It was to be known as Act No. 2009-648.

It should be noted that Rep. McClendon was able to prevail on the speaker of the House, Seth Hammet, to place this noncontroversial legislation on the consent agenda. This bold move was made over the objections of the House Consent Calendar Subcommittee chair. Bills placed on the Consent Agenda can’t be debated but must be voted up or down. It is very likely this law would not have passed without the personal dedication of Rep. McClendon.

Changes in Scholarship Program

Loan Scholarships

Of further interest is that this new law increased the number of students eligible for loan scholarships from 20% to 25%. By law, these students must be admitted to or enrolled in the professional program or graduate programs of the UAB School of Optometry, be an Alabama resident of good character, and demonstrate economic need and scholastic ability.

As of 2009, for example, 45 students were admitted to the incoming class of the UABSO Professional program. This means that if 174 students were those totally enrolled in this program, 50%, or 87, being from the state of Alabama, then only 25%, or 22 students, would be eligible for loan scholarship consideration. The number of students actually applying for loans would be predicated on a number of potential factors including, but not limited to, the interest rate and the length of payback time. The enactment of the 2009 legislation increased the payback time from eight to 12 years.

Merit Scholarships

In addition, the new law increased the number of nonrefundable merit scholarships from 5% to an amount not to exceed 25% of the number of students admitted to or enrolled in the UAB School of Optometry. The awarding of these scholarships is based on the characteristics as set forth in the law and determined by this board.

As an example, if the total number of students enrolled in the professional program were 174, if funded at the 25% level, the maximum number for this program would be 44 students. However, it would be the responsibility of the board to determine the criteria. If criteria such as the student must be a resident of Alabama and have a 3.5 grade point average this may reduce the number of eligible students significantly. If the board selected four students to receive full tuition that would amount to four times the current full tuition amount. The board could, however, decide whether this amount should be 50% or 25% of the current full tuition amount. The board has great flexibility in determining the selection criteria.

Changes in Scholarship Program

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

Subsection 34-22-61

“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.”

“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 its otherwise becoming law.

Senate

SB 494 was introduced on April 10, 2012, by Sen. Greg Reed, read for 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, under the heading “Motion to Read a Third Time” SB 494 was read at length a third time and passed. On this same legislative day under the heading “Motion to Read a Third Time” SB 494 was read at length, passed and ordered sent forthwith to the House without engrossment.

House

On March 23, 2016, HB 117 was read for the first time and referred to the Senate Committee on Finance and Taxation Education. On April 12, 2016, it was read for a second time and placed on the calendar with 1 substitution. On April 13, it was read a third time and passed. Then seven actions were taken by the Senate. On April 13, 2016, there was a motion to adopt and adoption by roll call. On this same date there was a motion to read a third time and it passed.

Senate

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

Senate Bill 494 was approved by Gov. 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 ensured funding in the amount of $125,000 in scholarships for optometry students be maintained.14

Actions of the State of Alabama, Regular Legislature, 2016

House

On February 3, 2016, HB 117 was introduced by Rep. William Poole, read for the first time, and referred to the House Ways and Means Committee. On March 3, 2016, it was read a second time and placed on the calendar with one substitute. On March 8, a third reading passed. Subsequently, there were five more actions taken on this bill in the House. Again, on March 8, 2016, there was a motion to be read a third time and adopted roll call. HB 117 was engrossed.

Senate

On March 23, 2016, HB 117 was read for the first time and referred to the Senate Committee on Finance and Taxation Education. On April 12, 2016, it was read for a second time and placed on the calendar with 1 substitution. On April 13, it was read a third time and passed. Then seven actions were taken by the Senate. On April 13, 2016, there was a motion to adopt and adoption by roll call. On this same date there was a motion to read a third time and it passed.

House

On April 20, 2016, there was House Concurrence Requested. On this same date, there was a motion by Rep. Poole to nonconcur and appoint a conference committee which was adopted by a roll call vote.

Senate

On April 20, Conference Committee Requested. On this same date, Sen. Marsh made a motion to accede which was adopted by roll call.

House

On April 20, 2016, Conference Committee Appointed. On April 21, the House Conference Report considered, the Conference committee on HB 117 2016RS first substitute offered. On this same date, Rep. Poole motion to concur in and adopt adopted by roll call.
Senate
On April 21, 2016, in the Senate Conference Report, Concurrence Requested. On this same date Sen. Orr made a motion to concur in and it was adopted by roll call.

House
On April 21, House Concurred in Conference Report. On this same date, the bill was enrolled.

Senate
Signature requested.

House
On April 21, Clerk of the House Certification and the bill was delivered to the governor at 2:40 p.m. On this same date, this bill was assigned Act No. 2016–199.

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.

HB 117 was received in the Governor’s Office on April 21, 2016, and approved by Gov. Bentley on April 26, 2016, at 4 p.m. The Special Education Trust Fund contained funding for the continuation of the Alabama Board of Optometric Scholarship Awards.

It was during this time the ABOSA decided to adopt different nomenclature with regards to referring to the loans as “scholarships” since the implication of this term had caused some confusion in recipient’s understanding. To some recipients a scholarship did not require repayment although at the time of the award this concept was made clear to recipients.15

LEGISLATION INTRODUCED TO KEEP AND INCREASE FUNDING TO ABOSA
The actions of the Alabama Legislature for FY 2017/2018 ensured that the first increase in the amount of funds the board received annually, since its inception in 1982, remained in the budget. The following 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.15-17

Actions of the State of Alabama, Regular Legislature, 2017

Senate
In 2017, SB 129 was introduced by Sen. Arthur Orr. This legislation was read for a first time on February 9, 2017, and referred to the Senate Committee on Finance and Taxation. It was read a second time on March 15, 2017, and placed on the calendar with one substitute and two amendments.

The Senate then acted on this legislation 23 times, 15 times on March 16, 2019, and 10 times on April 4, 2017, including a motion to read a third time and passed by roll call, then engrossed.

House
SB 129 was read for the first time in the House on April 4, 2017, and referred to the House Committee on Ways and Means. This bill was read for a second time on April 27, 2019, and placed on the House calendar with one substitute. On May 3, 2017, it was read a third time and passed. The House acted on this bill 11 more times in all on May 3, 2017.

Senate
On May 9, 2017, the Senate requested concurrence and on motion of Sen. Orr to Non-Concur and Appoint a Conference Committee adopted by Roll Call.

House
On May 11, 2017, the House requested a Conference Committee, and it was approved by roll call. The House acted on this bill three more times on this date, the last action being a motion by Rep. Clause to accede offered.

Senate
On May 16, 2017, the Senate appointed a conference committee, and a conference report was available on May 17, 2017. The Senate acted on this bill two more times on May 17, 2019, the last being a motion by Sen. Orr to concur in and adopt by roll call.

House
On May 18, 2017, the House requested conference report concurrence and acted two more times on this bill: the last on a motion by Rep. Poole to concur in and adopt by roll call.

Senate
On May 18, 2017, the Senate concurred in the conference report.

House
On May 18, 2017, the House requested a signature.

Senate
On May 18, 2017, the Senate enrolled and it was assigned Act No. 2017–335 and forwarded to the governor at 11:26 a.m. this same date. Gov. Bentley signed this bill.

Among the items in this law was a provision for the amount of funding for the ABOSA of $135,000 for the FY 2017-2018.

Actions of the State of Alabama Regular Legislature, 2018

This legislation included funding of $150,000 for optometry scholarships in the Special Education Trust fund for FY 2018-2019. If passed, it would be the second year in a row that funding was increased for optometry scholarships.16

Rep. Poole introduced House Bill 175. On January 11, 2018, it was read for the first time and referred to the House Committee on Ways and Means Education.
The passage of the SETF resulted in the ABOSA receiving $150,000 for FY 2018/2019.

**Action by the State of Alabama Legislature, Regular Session, 2019**

This legislation included an increase in the Special Education Trust Fund for increase in the optometry scholarship fund for FY 2019-2020.16

**House**

On February 8, 2018, the bill was read for the second time and placed on the calendar with one substitute and one amendment. On February 13, 2018, a third reading passed. On this same date, 10 additional actions were taken by the House including a motion to read a third time, then engrossed.

**Senate**

On February 13, 2018, HB 175 was read for a first time in the Senate and referred to the Senate Committee on Finance and Taxation Education. On this same date, it was read for a second time and placed on the calendar with one substitute. On this same date, 18 actions were taken by the Senate, the last being a motion to read a third time and pass by roll call.

**House**

On March 20, 2018, concurrence was requested. On this same date, Rep. Poole put forth a motion to non-concur and appoint a Conference Committee and it was adopted by roll call.

**Senate**

On March 21, 2018, a Conference Committee was requested and on this same date a motion by Sen. Orr to accede was adopted by roll call.

**House**

On March 22, 2018, the House took four actions on the bill. The first being to appoint a conference Committee. On March 27, 2019, the Conference Committee Report was received in the House. On this same date, Rep. Poole made a motion to suspend the rules and it was adopted by roll call. Also, on this same date, Rep. Poole put forth a motion to concur in and adopt the Conference Report and this was adopted by roll call.

**Senate**

On March 28, 2018, a motion was made to Carry Over as Unfinished Business adopted by Voice Vote. On March 29, 2018 the Senate requested Concurrence on the Conference Committee Report and on motion of Senator Orr to Concur in and Adopt the Conference Committee Report was adopted by Roll Call.

**House**

On March 29, 2018, the House concurred in the Conference Report.

**Senate**

On March 29, 2018, the Senate requested a signature by the speaker of the House.

**House**

On March 29, 2018, House bill 175 was enrolled, certified, and assigned Act 2018 – 481. This bill was forwarded to the Governor on March 29, 2018, at 9:57 am. This bill was signed by Gov. Kay Ivey.
House

On May 31, 2019, the signature of the speaker of the House was requested.

Senate

On May 31, 2019, SB 199 was enrolled and assigned Act No. 2019 – 403. The bill was forwarded to the governor on May 31, 2019, at 3:39 p.m. A third reading was received. And the bill was engrossed. This bill was signed by Gov. Kay Ivey.

The passage of the SETF resulted in the ABOSA receiving $165,000.00 for the FY 2019/2020. These legislative actions resulted in an increase in funding to the ABOSA of $40,000 since the ABOSA was established in 1982. The funding of these scholarships is of critical importance to the UABSO, especially in light of the fact that tuition and fees have continue to increase.

OPTOMETRIC SCHOLARSHIP BOARD UNIQUE TO ALABAMA

The law establishing the ABOSA is unique 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 for residents of Illinois who met specific academic criteria. The Alabama Board of Optometric Scholarship Award act provides funds for optometry students in the form of merit and loan scholarships. Initially, the Optometry Scholarship Board offered two merit 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 loan scholarships are required to repay the loans back over an eight-year period. The repayment period was extended to 12 years in 2009.2

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.

Rep. (Dr.) Jim McClendon (now Senator) has been most helpful over the years in getting this law re-enacted, changing the language such that the number of recipients is dependent on a percentage basis of the number of Alabama residents admitted or enrolled, the board is permitted to keep the monies from the repaid loans, and increasing the amount of funds available for disbursement. Dr. McClendon served as chair of the Committee on Health while in the House of Representatives. Dr. McClendon was elected to the Senate in 2014 and served as vice chair of the Committee on Health for several years and appointed as the chair of the Senate Committee on Health and Human Services in 2019. His assistance has been invaluable for the growth of ABOSA.

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. Dr. James Marbourg has served as a board member almost from the inception of the ABOSA. It was requested that Dr. Marbourg serve as chair of the board. 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. James 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.15

This action took place in accordance with the rules and regulations set forth in the legislation.

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.15,16 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, discarded them, misplaced or lost records. This, of course, makes any detailed assessment impossible. Nevertheless, there is some data available that provides for a partial assessment of the success of this scholarship program. Perhaps other data will be forthcoming 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 were residents of Alabama that meet the criteria of being in the top 20% in terms of grade point average were invited to apply. These students could apply for renewal the next year for this scholarship provided their grade point average met 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; in 2009 and 2010, three were awarded; 2011-2014, four scholarships were awarded each year; and in 2015 and 2016, five were awarded each year for a total of 43 awards. The amount of the scholarship awarded changed in 2009 as noted above.

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 that four loans were granted, 2010 six, 2011 four, 2012 four, 2013 six, 2014 and 2015 four each year and 2016 six, for a total of 38 loans made. If this number is added to the 72 from loans that were past-due, then a minimum of 110 loans had been made by the board up to this time. These are approximate numbers and do not reflect the exact number given the passage of time.

SUMMARY

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

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 Scholarship Awards 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 Scholarship Award, were approved by the Alabama Legislature.

A second meeting of the ABOSA was added in 2007 during the time of the ALOA fall meeting.

Sections of the original act were amended in 2009 to ensure diversity of board membership, to alter the percentage of scholarships awarded, 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 Scholarship Awards 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 along with other existing boards/organizations or agencies supported by the ASETF, ensured the continuation of the ABOSA’s funding. There was an increase in the amount of funding for the ABOSA to $135,000 per annum for FY 2017/2018. This amount was increased to $150,000 for FY 2018/2019 and to $165,000 for FY 2019/2020.

The impact of this unique board, and its function, for eligible Alabama students has been significant and provided support for those students needing assistance in attending the UAB School of Optometry.

ACKNOWLEDGMENTS

I want to thank Mr. Frank Caskey and the staff at the Legislative Reference Service (now the Legislative Service Agency) 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. James Marbourg for his leadership of the board and for providing history related to the board’s actions 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 paper 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 partial data related to the number of scholarships awarded by the Alabama Board of Optometric Scholarship Awards. I also thank Amanda Buttenshaw, executive director of the ALOA, for assisting with my understanding of the actions of the Alabama Legislature relative to the ABOSA. Finally, a special debt of gratitude is owed to Sen. Jim McClendon whose interest in, and advocacy for these scholarship awards, have helped this scholarship program remain robust and indeed thrive.
REFERENCES


3. Personal communication, Dr. Catherine S. Amos, April 28, 2017.


5. Act No. 82-460 passed as Senate Bill S. 52 as introduced by Senator 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.

6. Personal communication, Dr. James Marbourg, long-time member of the Board and Chair for 10 years, July 11, 2020. Dr. Marbourg came in possession of Dr. Pharr’s notes on assuming the chair of the ABOSA.


8. 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.


11. 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.


13. 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.

14. 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.

15. Personal communication, Board member for 26 years, Dr. Jim Marbourg April 28, 2017.

16. Personal Communication, Board member for 12 years, Ms. Peggy Striplin April 6, 2017.
