

**Section 34-22-60**

**Establishment; composition.**

(a)(1) There is established the Board of Optometric Scholarship and Loan Awards which shall establish and award scholarships for academic excellence to provide for and further optometric training in pursuance of an optometric degree and establish and award loans to incentivize students to serve underserved areas of the state.

(2) Awards may be available to qualified applicants for admission to the University of Alabama at Birmingham School of Optometry. Qualified applicants from any other optometric school accredited by the Accreditation Council on Optometric Education of the American Optometric Association are eligible to apply for loans provided through the Alabama Optometric Service Program, created pursuant to Section 34-22-62. The board shall give first priority to students who will attend the University of Alabama at Birmingham School of Optometry.

(b) The board shall be composed of all of the following members:

(1) One optometrist from six components of the nine component societies of the Alabama Optometric Association whose terms of office shall be staggered, two optometrists being elected for a term of two years; two optometrists being elected for a term of three years; and two optometrists being elected for a term of four years, with each successor being elected for a term of four years.

(2) A member of the Alabama Optometric Association, appointed by the board of the Alabama Optometric Association.

(3) The Dean of the University of Alabama at Birmingham School of Optometry, or his or her designee.

(4) The Chair of the University of Alabama at Birmingham School of Optometry Admissions Committee.

(5) The Executive Director of the Alabama Optometric Association.

(6) Two community representatives appointed by the Governor.

(c) The membership of the board shall 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.

(d) Annually, the board shall elect a chair from among its members.

(e) Fifty percent of the members of the board shall constitute a quorum for the transaction of business at meetings.

(f) Members of the board may participate in a meeting of the board by means of telephone conference, video conference, or similar communications equipment by means of which all persons participating in the meeting may hear each other at the same time. Participation by such means shall constitute presence in person at a meeting for all purposes, including constituting a quorum.

*(Acts 1982, No. 82-460, p. 735, §1; Act 2009-648, p. 1988, §1; Act 2022-388, §1.)*

#### **Section 34-22-61**

##### **Powers and duties of board.**

(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 appropriation 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.

*(Acts 1982, No. 82-460, p. 735, §3; Act 2012-476, p. 1319, §1.)*

#### **Section 34-22-62**

##### **Types of scholarships.**

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

(1) A number of loans not exceeding 25 percent of the number of students enrolled in the University of Alabama at Birmingham 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 University of Alabama at Birmingham School of Optometry, shall be available to any bona fide resident of Alabama of good character who has been accepted for matriculation by the University of Alabama at Birmingham School of Optometry. This subdivision 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 percent of the number of students enrolled in the University of Alabama at Birmingham School of Optometry in an amount not to exceed the current annual cost of tuition at the University of Alabama at Birmingham School of Optometry, 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 University of Alabama at Birmingham School of Optometry, who, in the judgment of the board, have the highest scholastic achievement in undergraduate studies, 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.

*(Acts 1982, No. 82-460, p. 735, §4; Act 2009-648, p. 1988, §1.)*

### **Section 34-22-63**

#### **Repayment of loans; service contracts.**

(a) Annual loans extended under subdivision (1) of Section 34-22-62 shall be repaid following graduation, either in cash as is provided in subdivision (1) or under terms of a contract to serve in an area of need in Alabama for a term to be specified by the board as provided in subdivision (2). Any monies received from recipients in repayment of a loan under subdivision (1) or (2), upon receipt, shall be retained by the Board of Optometric Scholarship and Loan Awards to be used for the funding of future scholarships awards and loans. The board shall establish a separate fund for these purposes.

(1) Repayment of annual loans under this subdivision shall be made to the board 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 according to terms established by the board, the first of which is due six months after graduation from optometry school or the completion of residency training, whichever occurs last. Repayment in full shall be completed within eight years from initiation of repayment. Any recipient who fails for any reason to continue his or her optometric education or who fails to practice optometry in this state shall repay all loan amounts in accordance with terms and conditions established by the board. The interest rate on the unpaid loan amounts shall be applied from the date of departure or removal from the optometry school.

(2) Repayment of annual loans under this subdivision shall be made by service in one of the following ways, subject to approval by the board and considering the most current Optometric Shortage Index:

a. 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.

b. Practice for a five-year period in a 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.

c. Practice for a five-year period in a community of more than 15,000 but less than 100,000 population and repayment of one-half the loan plus an interest rate set by the board to be repaid annually in five annual payments, beginning at the end of the first year of practice.

d. Practice for four years in a position in Alabama in public health or as an optometrist in any state institution approved by the board.

e. Part-time service in an area of critical need that is one of the top 50 percent of areas with the highest rate under the most recent Optometric Shortage Index. The loan recipient shall spend an average of 20 hours a week on an annual basis practicing direct patient care in the designated area to receive partial forgiveness up to 50 percent of his or her annual loan amount.

f. 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 loan.

(b)(1) Loans extended under subdivision (3) of Section 34-22-62 shall be repaid under terms of a contract by working in full-time clinical practice as a licensed optometrist in an area of critical need, approved by the board, for six years or as provided in subdivision (2). Each optometrist participating in the Alabama Optometric Service Program shall participate in the state Medicaid program under the terms of the written contract.

(2) If the participant can demonstrate to the board's satisfaction that a qualifying percent of the participant's active patients were indigent or covered by Medicaid during the previous year, the participant shall receive additional service credit based on the following criteria:

a. Three months if at least 20 percent of the participant's active patients were indigent or covered by Medicaid during the previous year.

b. Six months if at least 30 percent of the participant's active patients were indigent or covered by Medicaid during the previous year.

c. One year if at least 50 percent of the participant's active patients were indigent or covered by Medicaid during the previous year.

(3) A participant in the program, subject to approval by the board, may change the area of critical need where he or she will work to repay loans under this program, but in no case shall the participant work in a full-time clinical practice for less than four years in the new area of critical need.

(4)a. An area of critical need shall be any area in this state that is one of the top 30 percent of areas with the highest rate under the most recent Optometric Shortage Index. The board may also consider the percentage of practicing optometrists in a county or shortage area that are over the age of 65 in determining an area of critical need.

b. The board may allow a participant in the Alabama Optometric Service Program to serve part-time in an area of critical need that is one of the top eight percent of areas with the highest rate under the most recent Optometric Shortage Index. The participant must spend an average of 20 hours per week on an annual basis practicing direct patient care in the designated area for a minimum of six years to qualify for full forgiveness of the loan.

*(Acts 1982, No. 82-460, p. 735, §5; Act 2009-648, p. 1988, §1; Act 2022-388, §1.)*

#### **Section 34-22-64**

##### **Contractual agreement of recipients; penalties for breach; institution of legal proceedings.**

Each recipient of a scholarship loan under the provisions of this article shall enter into a contract with the Board of Optometric Scholarship Awards whereby he/she agrees to repay the scholarship loan in a manner prescribed by the board not inconsistent with any provisions of this article. 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 the revocation of his/her certificate or license to practice optometry in the State of Alabama. In the event of death or total and 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 of Optometric Scholarship Awards, shall institute proceedings in the name of the state for the purpose of recovering any amount due the state under the provisions of this article. The proceedings to have such optometrists' certificate or license revoked shall be commenced upon the written complaint of the Board of Optometric Scholarship Awards to the State Board of Optometric Examiners. The proceedings shall be in accordance with the provisions of the Alabama law pertaining to the revocation of licenses to practice optometry.

*(Acts 1982, No. 82-460, p. 735, §6.)*

#### **Section 34-22-65**

##### **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 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 signed by 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 needs additional optometrists.

*(Acts 1982, No. 82-460, p. 735, §7.)*