MEMBERS OF THE BOARD
Madhu Chawla, OD, President
Donna Burke, Vice President
Lillian Wang, OD, Secretary
Cyd Brandvein
Martha Garcia, CLD, SLD
Glenn Kawaguchi, OD
Debra McIntyre, OD
Rachel Michelin
Mark Morodomi, JD
Maria Salazar Sperber. JD
David Turetsky, OD

CALIFORNIA STATE BOARD OF OPTOMETRY

QUARTERLY BOARD MEETING AGENDA

Friday, November 4, 2016
9:00 A.M. – 5:00 P.M.
(or until conclusion of business)

DoubleTree by Hilton Hotel LAX
1985 East Grand Ave,
El Segundo, CA 90245

ORDER OF ITEMS SUBJECT TO CHANGE

While the Board intends to webcast this meeting, it may not be possible to webcast the entire open meeting due to limitations of resources.

FULL BOARD OPEN SESSION

1. Call to Order/Roll Call and Establishment of a Quorum

2. Public Comment for Items Not on the Agenda
   Note: The Board may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting [Government Code Sections 11125, 11125.7(a)]

3. President's Report
   A. Welcome and Introductions
   B. 2016-2017 Board Meeting Dates and Locations
   C. Committee and Workgroup Structures
   D. Board President Monthly Updates
   E. DCA's Annual Distributed Costs Meeting
   F. DCA Internal Board Audit
   G. Teleconference Procedures and Policies

4. Update, Discussion and Possible Action on Concerns Raised Related to the National Board of Examiners in Optometry (NBEO) Examination and National Board Examinations (Parts I, II, and III); NBEO to Participate Via Telephone

5. Presentation by the Association of Regulatory Boards of Optometry (ARBO) on the Optometric Education (OE) Tracker System

6. Update, Discussion and Possible Action Regarding OE Tracker Requirements and Potential Amendments to CCR § 1536 Continuing Optometric Education; Purpose and Requirements

7. Approval of Board Meeting Minutes
   A. August 26, 2016

8. Update from the Department of Consumer Affairs, Which May Include Updates Pertaining to the Department's Administrative Services, Human Resources, Enforcement, Information Technology, Communications and Outreach, as Well as Legislative, Regulatory and Policy Matters

9. Executive Officer's Report
    A. BreEZe
    B. Budget
    C. Personnel
    D. Examination and Licensing Programs
    E. Enforcement Program

10. Discussion and Possible Action on Board's 2016 Sunset Report

11. Update on RDO Advisory Committee

12. Update on 2016 Legislation Impacting Healing Arts Boards and the Practice of Optometry
    A. SB 482 (Lara) Controlled Substances: CURES Database
    B. SB 622 (Hernandez): Optometry
    C. SB 1039 (Hill) Professions and Vocations

13. Update, Discussion and Possible Action on Recommendations Regarding Children's Vision Legislative Proposal (Formerly SB 402)

14. Update, Discussion and Possible Action on Recommendations Regarding Mobile Clinics and Potential Legislative Proposal

15. Review, Consideration and Possible Action on Consumer Protection Committee Recommendations Regarding the Scope of Practice Educational Outreach

16. Update on Rulemaking Calendar and Possible Action Regarding Regulations Impacting the Practice of Optometry
    A. Amendment to California Code of Regulations (CCR) § 1582 Unprofessional Conduct and Amendment to CCR § 1516 Application Review and Criteria for Rehabilitation Following Disapproval
    B. Amendment to CCR § 1399.260 RDO Fees, § 1399.261 Contact Lens Dispenser Fees, § 1399.263 Spectacle Lens Dispenser Fees
    C. Amendment to CCR § 1523 Licensure Examination Requirements to Update Form 39A-1. Rev. 7-09, Form OLA-2, Rev. 11/07, and Form LBC-4, rev. 2/07
    D. Amendments to CCR § 1536 Continuing Optometric Education; Purpose and Requirements
    E. Proposed Revision to CCR § 1514.1 Co-Location Reporting Requirement
    F. Amendment to CCR § 1502 Delegation of Functions
    G. Amendment to CCR § 1530.1 Qualifications of Foreign Graduates
    H. Amendment to CCR § 1506 Certificates –Posting
    I. Amendment to CCR § 1523.5 Abandonment of Applications
    J. Proposed Addition to CCR § 1503 Relating To Accreditation of Schools and Colleges of Optometry

17. Future Agenda Items

FULL BOARD CLOSED SESSION

18. Pursuant to Government Code Section 11126(c)(3), the Board Will Meet in Closed Session for Discussion and Deliberation on Disciplinary Matters

FULL BOARD OPEN SESSION

19. Adjournment

The mission of the California State Board of Optometry is to protect the health and safety of California consumers through licensing, education, and regulation of the practice of Optometry

Meetings of the California State Board of Optometry are open to the public except when specifically noticed otherwise in accordance with the open meeting act. Public comments will be taken on agenda items at the time the specific item is raised. Time limitations will be determined by the Chairperson. The Board may take action on any item listed on the agenda, unless listed as informational only. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum.

NOTICE: The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Robert Stephanopoulos at (916) 575-7186, emailing a written request to Robert.Stephanopoulos@dca.ca.gov or mailing a written request to that person at the California State Board of Optometry, 2450 Del Paso Road, Suite 105, Sacramento, CA 95834. Providing your request at least five (5) business days before the meeting will help ensure availability of the requested accommodation.

CALIFORNIA STATE BOARD OF OPTOMETRY

Memo

2450 Del Paso Road, Suite 105
Sacramento, CA 95834
(916) 575-7170, (916) 575-7292 Fax
www.optometry.ca.gov

To: Board Members **Date:** November 4, 2016

From: Madhu Chawla, OD
Board President **Telephone:** (916) 575-7170

Subject: **Agenda Item 1 – Call to Order/Roll Call and Establishment of a Quorum**

Dr. Madhu Chawla, O.D., Board President, will call the meeting to order and call roll to establish a quorum of the Board.

Madhu Chawla, OD, President

Donna Burke, Vice President

Lillian Wang, OD, Secretary

Cyd Brandvein

Martha Garcia, CLD, SLD

Glenn Kawaguchi, OD

Debra McIntyre, OD

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To: Board Members **Date:** November 4, 2016

From: Madhu Chawla, O.D.
Board President **Telephone:** (916) 575-7170

Subject: **Agenda Item 2 – Public Comment for Items Not on the Agenda**

The Board may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting [Government Code Sections 11125, 11125.7(a)].

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To: Board Members **Date:** November 4, 2016

From: Madhu Chawla, O.D.
Board President **Telephone:** (916) 575-7170

Subject: Agenda Item 3 - President's Report

The Board's Mission is to protect the health and safety of California consumers through licensing, education, and regulation of the practice of Optometry.

A. Welcome and Introductions

Introductions of Board staff and members of the public (voluntary)

B. 2016 – 2017 Board Meeting Dates

The quarterly board meeting dates are scheduled as follows:

- January 26-27, 2017 – Sacramento
  - January 26, 2017 is for Strategic Planning facilitated by the Department of Consumer Affairs. This is expected to take the full day.
- April 21, 2017 – Oakland
- August 4, 2017 – Sacramento
- November 3, 2017 – Southern California

C. Committee and Workgroup Structures

Committee and Workgroups are being restructured and will be announced during the November 4 meeting.

D. Board President Monthly Updates

In order to increase communication and the flow of information to all members, the Board President will begin sending monthly updates to all members. The monthly messages will be sent at the end of each month and will include updates on Board activities, committee meetings, current issues and/or reminders, staffing announcements, and future activities. While we anticipate doing something similar and publicly distributing via ListServ and social media outlets in the near future, these communications are geared towards providing information specific to Board Members.

E. DCA's Annual Distributed Costs Meeting

On October 27, 2016, Board leadership (President, Vice President, Executive Officer and Assistant Executive Officer) participated in DCA's Annual Distributed Costs meeting. During the meeting, the DCA Budget Office and staff from units within Department's divisions provided an overview of the Department's Distributed Costs ("pro rata").

The purpose of this meeting was to explain how the costs of DCA's two Divisions – the Consumer and Client Services Division and Division of Investigations -- are funded. After the overview, DCA held an open house for programs to ask more specific questions of the services each unit provides within the two Divisions. Subject matter experts from each unit were also available to address any questions.

The DCA's goal of the meeting was for Boards to have a better understanding of the DCA's distributed costs, the services provided by the DCA and to be confident knowing the Boards are receiving the quality customer service we are paying for.

F. DCA Internal Board Audit

Programs subject to the Sunset Review Process (including the Board) have been selected by the DCA Internal Audit Office for an operational audit. The audit will focus on the Board's strategic planning process and core business operations. The Internal Audit Office plans to evaluate the efficiency and effectiveness of selected operations. The audit objectives are to determine whether the Board has:

- A sound strategic planning process to evaluate its operations;
- Established policies and procedures to guide staff in effectively handling operational activities; and,
- Complied with applicable laws and regulations.

During the audit, DCA will periodically update the Executive Officer regarding audit issues they have identified. At the conclusion of the audit, DCA will issue a draft report and request the Executive Officer respond to any audit findings and recommendations. The responses will be included in the final audit report. As part of the audit process, DCA will perform 180- and 360-day follow-up procedures after the final report is issued to determine if proposed corrective actions are being implemented.

G. Teleconference Procedures and Policies

With increased Board teleconferences over the past year and the inherent challenges teleconferences have, many Board Members expressed interest in improving the teleconference process. Some members have recommended limiting the number of locations to ensure multiple members are at each location.

These locations would be secured by staff in Sacramento, the Bay Area and Southern California. Members would be encouraged to attend at one of the set locations whenever possible. If a member is unable to participate at a set location, that member would be responsible for securing an alternative location. To assist in securing a location, staff and legal counsel prepared the attached guidance.

CALIFORNIA STATE BOARD OF OPTOMETRY
www.optometry.ca.gov

TIPS for Holding a Teleconference Meeting

Each teleconference location must be noticed on the meeting agenda and posted 10 full days prior to the meeting (Government Code Section 11125).[1] Please keep in mind the Internet team needs a minimum of 24 hours to post something to the website. In addition, agendas are typically posted during the workday (8 a.m.–5 p.m.), so the first day the agenda is posted does not count for the 10-day notice. Thus, agendas need to be finalized (approved by the Board of Optometry [Board] President and Department of Consumer Affairs' Legal Division) at least 12 days prior to the meeting.

An Acceptable Location

- Choose a location accessible to all members of the public, free of charge.
- Locations that have age and membership restrictions are not acceptable.
- The location must be Americans with Disabilities Act (ADA) compliant. Additionally, authorization to use the location and display the appropriate signage must be secured.
- Make sure the location has a fixed and specific address so attendees can easily find it.
- Pick a location with a meeting room or office with a door. This will help minimize background noise or potential interruptions.
- Avoid coffee shops and restaurants, which tend to get loud during business hours. This can make it difficult for others to hear and may limit public participation.
- If the meeting includes a closed session, the location must have the capacity for the members to hear and deliberate in private on the designated items.
- Keep public perception in mind. Board meetings are governed by state law and need to reflect professionalism at all times—including how the location is noticed on the agenda. Although a local restaurant may be open to all ages, if it contains words such as "pub" in the name, it may be perceived as the Board conducting a meeting at a bar.
- If you are using a cellphone to conduct a meeting, verify that the location's cell service is adequate.
- Find a location with Wi-Fi for easy access to meeting materials. If Wi-Fi is not available, make sure to save the meeting materials to your electronic device or print copies for yourself and the public.

On Meeting Day

- **Make sure there is at least one Board member physically present at the noticed location** (Government Code Section 11123 (b)(1)(F)). If you are the only member at the noticed location and you are unable to attend, please immediately notify the Executive Officer, **as the meeting will need to be canceled**.
- Arrive at least 15 minutes early to test the teleconference line and adjust for any last-minute difficulties.
- Post meeting signs and agendas at the location entrance and where you are sitting. If you are located in a large building, more signs may be needed. Members of the public should be able to quickly and easily find where the meeting is being held.
- Leave sign-in sheets where they will be easily identifiable when entering the meeting.
- Make sure the public will be able to hear the discussion, view meeting materials, and participate during the open session of the meeting.
- Use a landline with a speakerphone, which is preferred. However, if you are using your cellphone, use your speakerphone and/or a Bluetooth speaker.

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OPTOMETRY
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1 Special meetings only require 48-hour notice. However, the same agenda and location requirements apply. In addition, the agenda must be provided to all national press wire services and made available to newspapers of general circulation and radio or television stations (Government Code Section 11125.4(b)).

CALIFORNIA STATE BOARD OF OPTOMETRY

Memo

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www.optometry.ca.gov

To: Board Members **Date:** November 4, 2016

From: Jessica Sieferman
Executive Officer **Telephone:** (916) 575-7170

Subject: **Agenda Item 4 - Update, Discussion and Possible Action on Concerns Raised Related to the National Board of Examiners in Optometry (NBEO) Examination and National Board Examinations (Parts I, II, and III); NBEO to Participate Via Telephone**

At a previous Board meeting, the Board heard and discussed concerns related to the National Board of Examiners in Optometry (NBEO) and their administration of the National Board Examinations. Those concerns centered on NBEO's method used to identify students cheating on the examinations, system malfunctions during the examinations, and the lack of communication between the NBEO and the Board.

In a letter from Board President, Dr. Madhu Chawla, OD, NBEO was notified about the concerns raised at our meeting and invited a NBEO representative to attend the February Board meeting (Attachment 1). The letter, addressed to the NBEO Board President, was also forwarded to all NBEO Board of Directors. The Board has yet to receive a response from NBEO.

NBEO responded to the Board's concerns in a letter dated February 17, 2016 (Attachment 2). However, the Board requested NBEO representatives attend a Board meeting in person to have an open dialogue regarding the concerns raised.

NBEO's Chief Executive Officer, Dr. Jack Terry, OD, expressed NBEO's appreciation for the opportunity of an open dialogue and agreed to attend the November meeting with NBEO's President. Unfortunately, due to unforeseen circumstances, they are unable to attend in person. They will, however, participate by telephone in order to address any additional concerns and answer any questions members may have.

In addition, Dr. Terry recently informed Board staff that Part I of the NBEO (Applied Basic Science) becomes a computer-based test for the next and all succeeding administrations; candidates will take the exam on computers in small cubicles at Pearson VUE centers. Thus, Dr. Terry stated they will no longer need to run detailed forensics. This may remove the concerns the Board has about these types of analyses with Part I (Part II PAM already being CBT).

Attachments

1. Board letter to NBEO
2. Response from NBEO to the Board

STATE BOARD OF OPTOMETRY
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February 3, 2016

William B. Rafferty, O.D.
President
National Board of Examiners in Optometry
200 S. College Street, #2010
Charlotte, NC 28202

RE: National Examinations for Optometric Licensure

Dear Dr. Rafferty,

The California State Board of Optometry (Board) has been contacted by administrators, professors and students from California schools of Optometry regarding various issues involving the National Board of Examiners in Optometry's (NBEO) administration and scoring of their three-part examination. In an effort to resolve these issues, the Board is requesting you or a member of NBEO's Board of Directors to participate in the discussion during this agenda item at our public board meeting on Friday, February 19, 2016 in Los Angeles, California.

Like the NBEO, the Board's mission is to protect the public. We do so through licensing, education and regulation of the practice of Optometry. In keeping with our vision – most notably our second core value of integrity through our commitment to honesty, ethical conduct and responsibility - we have an obligation to the citizens of our state in all matters to make sure that qualified applicants are licensed.

As you are aware, the Board does not administer the national licensing examination. Instead, the Board relies on the NBEO to accurately assess the competence of aspiring optometrists through high quality test development and administration, standard setting and equating, and test innovation as stated in NBEO's mission.

In keeping with our responsibility, the Board is bringing to the NBEO its concerns regarding testing administration in light of events impacting the integrity and fairness of its testing practices. We understand from practitioners and public members alike, through communications and attendance at our public session Board meetings, the NBEO has had computer and software malfunctions during examinations which have contributed to testing cadence irregularities.

Further, the Board has been apprised that NBEO, based upon statistical analyses of examinations results, has suggested that students taking the national examination may be cheating or in some manner subverting the examination. As allegations of cheating are serious, and the subversion of a licensing examination is grounds for the Board to deny a license, it is crucial that the validity and soundness of NBEO's statistical analysis be demonstrated.

These issues may negatively impact the amount of licensed optometrists in California and lead to less patient access to optometric care in California.

Given these significant issues and their potential impact to patient access and the futures of California's optometry students, we are requesting you or a member of NBEO's Board of Directors to participate in the discussion during our February 19, 2016 meeting.

Sincerely,

Madhu Chawla, O.D., President
California State Board of Optometry

cc: NBEO Board of Directors
Jill Martinson-Redekopp, O.D.
Elizabeth Hoppe, O.D., Dr. P.H
Melvin Shipp, O.D., MPH, Dr. P.H.
Alan King, O.D.
Fary Cachelin, Ph.D.
Lewis Reich, O.D., Ph.D.
Jerry Richt, O.D.

NATIONAL BOARD OF EXAMINERS IN OPTOMETRY

200 South College Street, Suite 2010 ♦ Charlotte, NC 28202 ♦ www.optometry.org
Tel: 704.332.9565 ♦ Fax: 704.332.9568 ♦ Email: nbeo@optometry.org

Madhu Chawla, O.D.
President, California State Board of Optometry
2450 Del Paso Rd, Suite 105
Sacramento, CA 95834

February 17, 2016

Dear Dr. Chawla,

The National Board of Examiners in Optometry (NBEO) values the thoughtful comments presented in your February 3, 2016 letter. Although it is not possible to send representatives from NBEO, Pearson VUE, and Caveon to your meeting of February 19, 2016, NBEO has prepared the following information that hopefully your board and stakeholders will find enlightening, responsive, reassuring, and helpful.

The National Board of Examiners in Optometry serves to protect the public and the optometric profession through the development, administration, scoring and reporting of valid examinations that evaluate competence. The NBEO examinations are designed to assure state boards that those candidates who pass all Parts of the exams are competent to practice the profession of optometry as unsupervised healthcare providers. The NBEO takes its responsibility and commitment to the state boards very seriously and works diligently to foster an environment of collegiality and collaboration with each jurisdictional board of optometry.

The primary purpose of the collective NBEO exams is consumer protection, as it directly relates to the caliber of practitioners seeking optometry licensure. Our goal, consistent with the objective of the California State Board of Optometry, is to ensure that individuals who are granted an optometric license possess the knowledge, clinical thinking, and skills (i.e., “expertise”) necessary to practice in a competent manner. This goal is accomplished by differentiating, via board examinations, those who ***do*** have the necessary expertise from those who ***do not***, at the level of the Minimally Qualified Candidate (MQC). Since NBEO examination results are used, in part, for licensure purposes, they must be sufficiently demanding, rigorous, and reflective of the most challenging aspects of the common scope of current optometric practice to meet the “good faith” expectations of state optometry boards responsible for public protection. The National Board acknowledges the high level of accountability to which state boards hold the NBEO to produce reliable and valid examinations.

Please rest assured that the NBEO shares your “value of integrity through our commitment to honesty, ethical conduct and responsibility.” Due to situations that have occurred in recent years that required significant action and resolution, the National

Board has developed an even stronger ethics policy that all exam candidates are required to accept prior to sitting for all NBEO exams:

- http://www.optometry.org/pdf/ethics_policy.pdf

In addition, candidates are required to watch the associated NBEO Ethic video prior to taking any NBEO exam:

- http://www.optometry.org/ethics.cfm.

The NBEO adopted this ***NBEO Ethics Policy*** and produced the ***NBEO Ethics Video*** to establish rules regarding the proper conduct of exam candidates for all NBEO examinations and to protect the confidentiality of all National Board exam items and materials. This absolutely is necessary in order to ensure the validity of candidates' test scores and of the examination process as a whole.

The NBEO utilizes its *Ethics Policy* and the *Candidate Agreement* to remind candidates of the consequences of improper conduct. The NBEO employs a group of highly motivated and trained proctors to monitor candidates and to protect its intellectual property. In addition, subsequent to the unethical practices discovered several years ago, the NBEO contracted with Caveon Test Security (CTS) to perform statistical analyses and data forensics following selected National Board examinations to ensure that the results are trustworthy before releasing them to state boards.

Caveon was founded in 2003 to help protect the items, tests, and reputations of high-stakes test programs like NBEO in all areas of testing, including licensure. Caveon offers proven, practical solutions for test security and test development to dozens of the largest, most important test programs all around the world.

Since Caveon's inception, the company has been trusted by hundreds of organizations to provide practical, measurable enhancements to the protection and integrity of their test programs. As the stakes in testing continue to rise, so do the challenges involved in protecting the testing program. Since NBEO results are of significant importance, someone, somewhere, may be seeking to gain an unfair advantage, compromising the validity of the NBEO program. Through use of Caveon's exam analyses, we are able to return all exam candidates to a level playing field.

Following the administration of every Part I Applied Basic Science (ABS) and Part II Patient Assessment and Management examinations (PAM), the NBEO standard operating procedure now includes an analysis of candidate responses to ensure confidentiality and security of test items and that each candidate's exam score accurately reflects that candidate's actual knowledge and competence. The analysis is conducted to maintain the validity and trustworthiness of the Part I ABS and Part II PAM examinations.

The NBEO has the authority, responsibility, right, and obligation to ensure that the Part I ABS and Part II PAM examinations are administered properly and that the scores arising from the examination are a valid measure of the candidate's knowledge and competence. In order to meet these obligations, the NBEO follows due process and treats all examinees uniformly, fairly, and consistently. The NBEO trains its proctors to report potential testing irregularities. Proctors are trained in many other procedures to protect and preserve the integrity of the examinations.

Despite training and vigilance, it is always possible for a determined individual to copy from a neighbor, or for a pair to collude during the examination. The NBEO exam administrators are not responsible for ethical lapses by students, and, NBEO assumes that all educators uphold the standard of ethical behavior required by those who practice optometry. Subsequently, when Part I ABS exam day arrives, candidates fully understand and are required to follow the ethical standards that are thoroughly defined by the NBEO Ethics Program and reinforced by the NBEO Ethics Video.

The NBEO goes to great lengths and expense to cancel only those scores in which there is a very high likelihood that the scores are untrustworthy. In fact, the minimum criterion for copying and/or collusion is an 'index value' of 7.5. This represents a 1 in 31,622,777 chance that 2 candidates' scores could be similar in a particular, specific pattern of correct and incorrect responses. Seating proximity during the exam is always verified when index values reach this level of improbability.

Candidates who take the targeted March Part I exam and whose scores are deemed untrustworthy have the opportunity to appeal these decisions, and then if necessary, to retake the exam at its next administration, in August, sometimes at no charge. This results in a scenario in which there is no interference in the normal release of these candidates' scores to the state boards. Other than the documented instances of cheating in the 2009-2010 item piracy, no candidate is charged with 'cheating.' Sometimes, scores simply cannot be considered as 'trustworthy.' The NBEO, state boards of optometry, and the public deserve scores that can be meaningfully trusted.

Your February 3, 2016 letter also references testing irregularities that have recently occurred at Pearson VUE testing centers. Established in 1997, Pearson VUE is the global leader in computer-based testing. Pearson VUE partners with over 500 clients to help develop, manage, deliver and mature their testing programs, and to better realize the aspirations of their candidates.

These high-stakes assessments are taken by over 14 million candidates each year in diverse sectors such as medical, financial, information technology (IT), academic and government. Along with its innovative technology, Pearson VUE is renowned for offering the highest levels of exam and candidate security along with best-in-class customer service. Pearson VUE delivers tests through a network of over 5,200 test centers across 175 countries. A few of the organizations, in addition to NBEO, that

Pearson supports are:

American Academy of Implant Dentistry (AAID
American Board of Allergy and Immunology (ABAI)
American Board of Dermatology (ABD)
American Board of Emergency Medicine (ABEM)
American Board of Internal Medicine (ABIM)
American Board of Internal Medicine (ABIM)
American Board of Surgery (ABS)
National Association of Boards of Pharmacy (NABP)
NCLEX Examination - National Council of State Boards of Nursing, Inc. (NCSBN)
American Osteopathic Board of Internal Medicine (AOBIM)

Because the NBEO utilizes Pearson VUE professional centers to administer the Part II PAM/TMOD examinations, ACMO, and CPDO examinations, we are subject to technical issues that crop up during the Pearson examination administration process, exactly as all of the above-listed organizations are vulnerable to these unfortunate occurrences. The NBEO Board of Directors assures you that communication with Pearson VUE management AND with candidates taking exams is intense on a real-time basis when Pearson's unforeseen and regrettable IT issues arise.

In January 2016, the NBEO President of the Board of Directors and three NBEO management-level staff members visited the Pearson VUE global headquarters to meet with the Pearson VUE CEO and management team. Pearson VUE has committed its team to work closely with NBEO staff in the publishing, quality assurance, and delivery phases of its examinations. However, no given NBEO exam administration is immune to another IT incident, within the Pearson VUE testing system or within any other computer-based testing system. Computer glitches happen in the 2016 IT-dependent world and cannot be avoided 100% of the time.

As described by Pearson VUE's Senior Vice President of Technology, the *December 2, 2014* administration of the Part II/PAM examination experienced a 'test publisher error' that affected some candidates' ability to review marked items in the second session. Therefore, the exam ended abruptly as the affected candidates answered the last item in the exam. Pearson VUE was able to correct this issue for the *December 4, 2014* administration. All candidates who were affected were offered a free retake.

Once this retake process was completed, according to intensive analysis by NBEO psychometrics staff and Alpine Testing Solutions, Inc., there was <u>no statistical evidence</u> that the December 2014 Part II PAM/TMOD administration differed from other administrations.

Pearson VUE also explained that the irregularity that struck during the *December 2015* Part II PAM/TMOD administration was caused by their introduction of new security software in the test driver. Unfortunately, there was a defect in memory management that was missed during Pearson's quality assurance testing due to incompatible security

software integration. This problem caused some candidates' computers to freeze up, which required rebooting, sometimes multiple times.
Since this event, Pearson VUE has worked with the vendor of the security software to understand the software bug. A solution to the glitch was developed and successfully tested. Pearson VUE is currently working with the NBEO to develop schedule changes and is adding more system checks prior to test delivery on exam day.

Both NBEO and Pearson VUE are committed to excellence in testing. Attached is a letter from Pearson VUE's CEO, Mr. Bob Whelan as well as the correspondence to candidates from NBEO. As you can see, all December 2015 Part II PAM/TMOD candidates were given the option of a free retest. Those candidates who opt for the free retest in April 2016 will have their scores released at the same time that all scores are routinely released to the state boards, after graduation has been confirmed by the schools/colleges. There will be no delay in any licensure decisions by any state boards, thus minimizing negative effects for candidates and assuring that the public access to high quality optometric services is unfettered.

The NBEO would like to reaffirm its commitment to all state boards and to the mission of public protection through the development, administration, scoring and reporting of valid examinations that evaluate competence.

Once again, the NBEO appreciates your dedication to the competent practice of optometry and to the highest scientific and ethical standards. If there is a future opportunity for NBEO to meet with the California Board, we will make every effort to be available to participate. I invite any additional questions or comments that you may wish to proffer.

Best regards,

William B. Rafferty, O.D.
President, NBEO

Jack E. Terry, O.D., Ph.D.
Chief Executive Officer, NBEO

Memo

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To: Board Members **Date:** November 4, 2016

From: Jessica Sieferman
Executive Officer **Telephone:** (916) 575-7184

Subject: **Agenda Item 5 - Presentation by the Association of Regulatory Boards of Optometry (ARBO) on the Optometric Education (OE) Tracker System**

Sierra Rice, Program Manager at ARBO, will present information to the members about the OE Tracker System.

Pursuant to California Code of Regulations § 1536, the Board currently recognizes ARBO's online OE Tracker system as proof of continuing education course attendance. However, optometrists are not required to use the tracking system.

Additional information about OE Tracker can be found on ARBO's website here.

Association of Regulatory Boards of Optometry

ARBO Mission Statement

The mission of the Association of Regulatory Boards of Optometry is to represent and assist member licensing agencies in regulating the practice of optometry for the public welfare.

ARBO
Association of Regulatory Boards of Optometry, Inc.

ARBO Programs

- **COPE** (Council on Optometric Practitioner Education): Accredits optometric continuing education activities.

- ***OE TRACKER***: Captures and stores continuing education data for optometrists and Licensing Boards.

- **CELMO** (Council on Endorsed Licensure Mobility for Optometrists): License mobility vehicle to assist optometric Licensing Boards in addressing the issue of licensure by endorsement.

ARBO
Association of Regulatory Boards of Optometry, Inc.

OE TRACKER

ARBO
Association of Regulatory Boards of Optometry, Inc.

OE TRACKER

- Electronically capture, verify, and store optometrists' CE attendance data to benefit:
  - Licensing Boards
  - Optometrists
  - CE Administrators/Providers

OE TRACKER

OE TRACKER Statistics*

- Active optometrists – 50,534
- Optometrists with CE Data – 48,172
- Total records of attendance – 3,060,990

- ODs with California license –6433
- CA licensees with CE Data – 5945
- CA licensees registered w/OET – 3648

**As of October 2016*

OE TRACKER

OE TRACKER

- *Value to Optometrists:*
  - 24/7 online access to review CE hours.
  - Reduce paperwork.
  - Review license renewal requirements by jurisdiction.
  - View CE hours earned in current renewal period in all states where licensed.

OE TRACKER

OE TRACKER

Value to Licensing Boards:

- Quickly and easily audit 100% of licensees.
- Reduce administrative efforts.
- Reduce paper and be green!
- Verify CE attendance for an optometrist applying for a license from another state.

OE TRACKER

OE TRACKER

California State Board of Optometry Audit Process

- The CA Board's current process involves auditing around 15 ODs each month and requesting copies of all CE certificates.
- Once all certificates are received, staff logs each certificate into a worksheet to track the total number of hours and how the hours fall under the CE requirements.

OE TRACKER

OE TRACKER

OE TRACKER's Value to the CA Board:

- Free audit services offered through membership to ARBO- 4 standard reports currently available 24/7 that allow you to audit 100% of your licensees in a matter of minutes.
- Possibility to create custom report based on unique CE requirements.

OE TRACKER

OE TRACKER

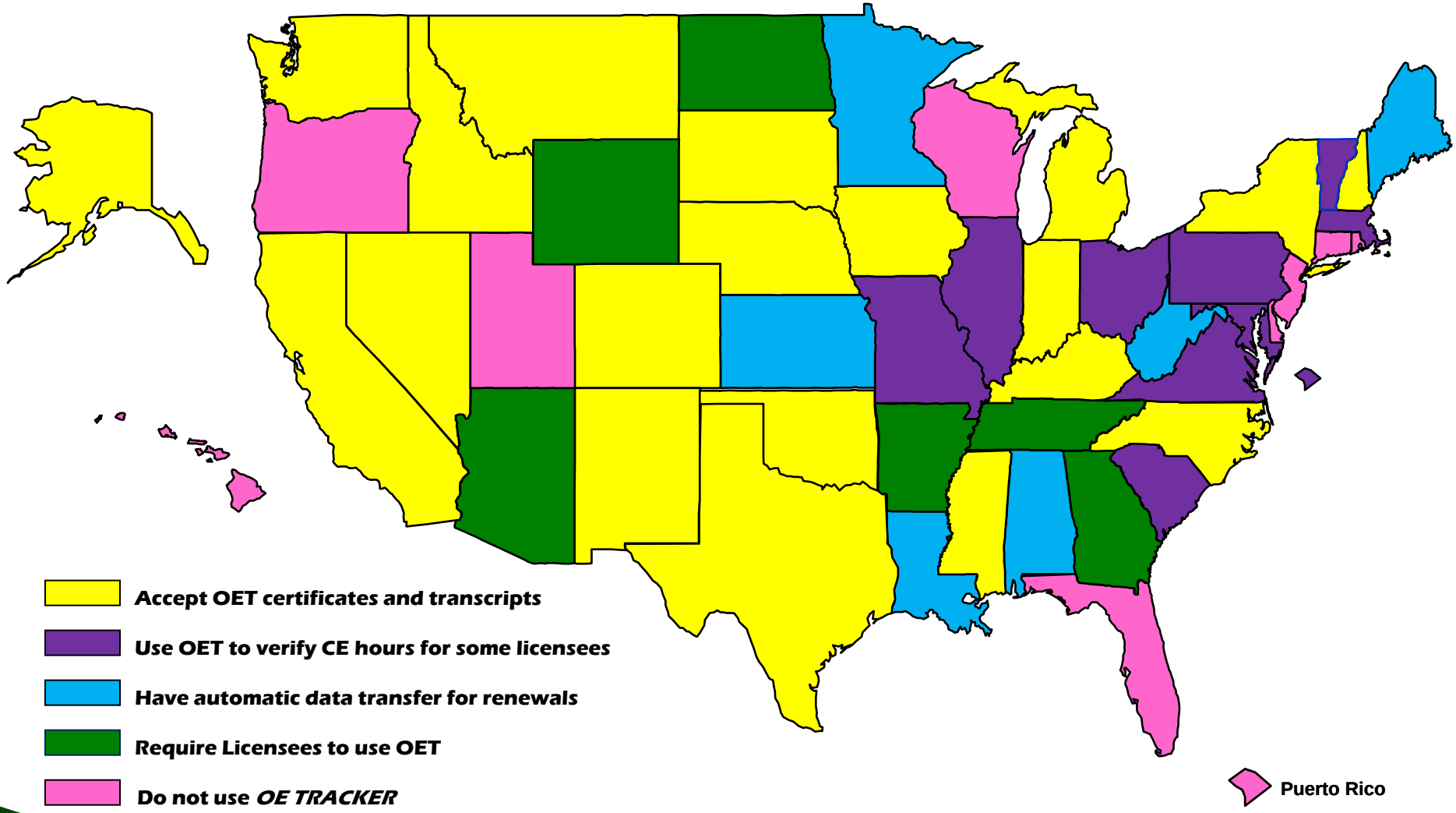
OE TRACKER's Value to the CA Board:

- Reduce administrative efforts and save paper– no longer need to request copies of CE certificates. All CE is in *OE TRACKER* and all reports are electronic.
- Connect your database to *OE TRAKER* via automatic data transfer for online renewals.

OE TRACKER

OE TRACKER U.S. Optometry Board Utilization

Updated 2016



OE TRACKER

Member Board Utilization

- **Alabama Board of Optometry**: Optometrists renew their license online. CE data is automatically transferred from *OE TRACKER* and licensees with the required number of hours do not get audited.
- **Arkansas Board of Optometry**: Uses *OE TRACKER* for100% electronic audit. Licensees are encouraged to use *OE TRACKER* and CE providers are instructed to send their attendance data to *OE TRACKER.*
- **Kansas Board of Optometry**: Optometrists renew their license online. CE data is automatically transferred from *OE TRACKER* and only licensees with the required number of hours can renew.
- **Tennessee Board of Optometry**: Contract with the state to provide web-based continuing education services. All licensees are required to use *OE TRACKER* and CE providers are required to submit attendance to *OE TRACKER*. ARBO does the audit for TN, sending notices to licensees and reports to the Board.
- **College of Optometrists of Ontario:** Requires licensees to have hours in *OE TRACKER* and will perform100% electronic audit at the end of the next 3-year renewal cycle.

OE TRACKER

Member Board Testimonials

"Before *OE TRACKER*, it would take weeks to compile all of the hours submitted by our doctors for license renewal. Due to the extensive time commitment, we would randomly audit about 10% of our doctors. Now we are able to audit all doctors in less than an hour or two."

–Jim Bell, OD, Wyoming Board of Examiners in Optometry

"We began encouraging our licensees to utilize *OE TRACKER* about 3 years ago and have found it to be a highly successful tool for our Board and for our licensees…Nearly all of our licensees are taking advantage of *OE TRACKER* and I would highly recommend this useful reporting tool going forward!"

–Jeff Greene, Executive Director, Ohio State Board of Optometry

OE TRACKER

Member Board Testimonials

"With the use of *OE TRACKER*, not only are renewals a breeze for the optometrists that use it, but it also allows us to audit 100% of continuing education without difficulty."

–Jan Murray, Executive Officer, Kansas Board of Examiners in Optometry

"*OE TRACKER* created a professional bridge for our state's optometrists to quickly and efficiently document their validated continued competency…Last year, 92% of license renewals were completed electronically and we believe the great partnership with the team at *OE TRACKER*, the state CE providers, and our Board is a supporting reason behind that significant number. "

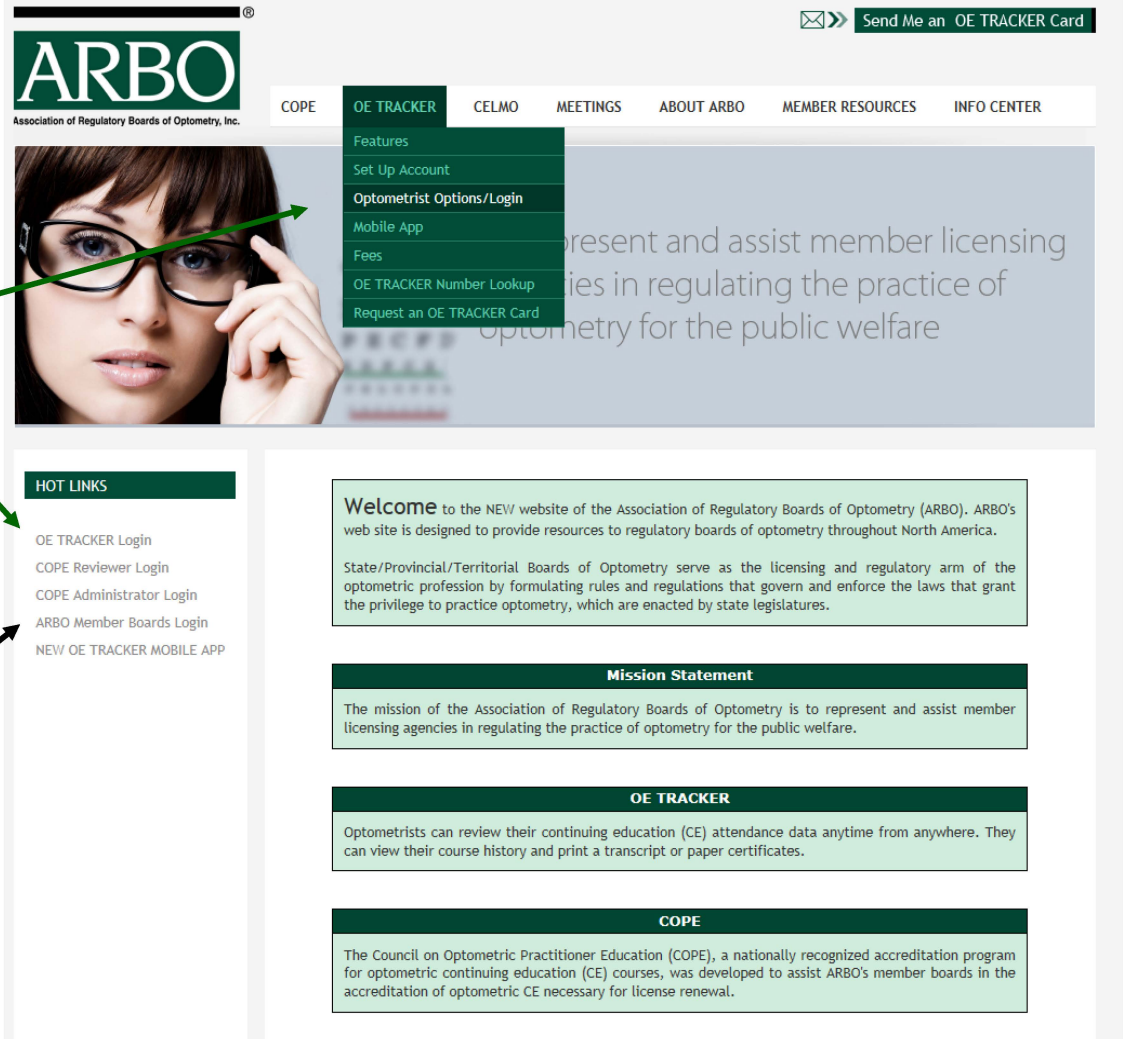
–Randy Snyder, Executive Director, Minnesota Board of Optometry

OE TRACKER

ARBO Website

Optometrists log in to view CE history

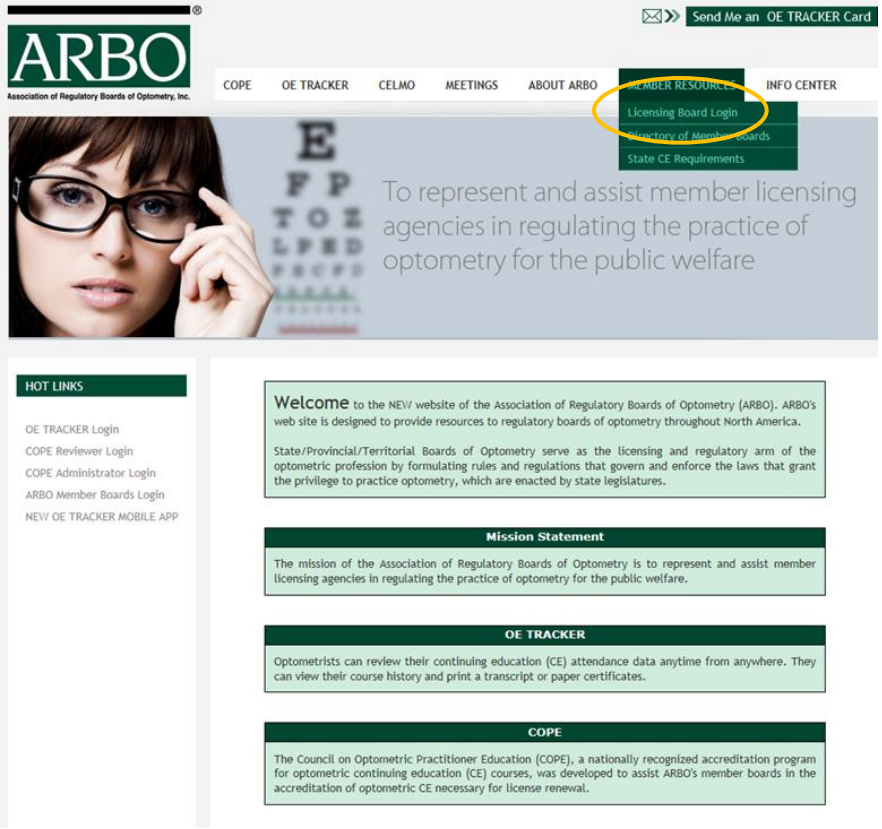
Member Boards log in to audit licensees

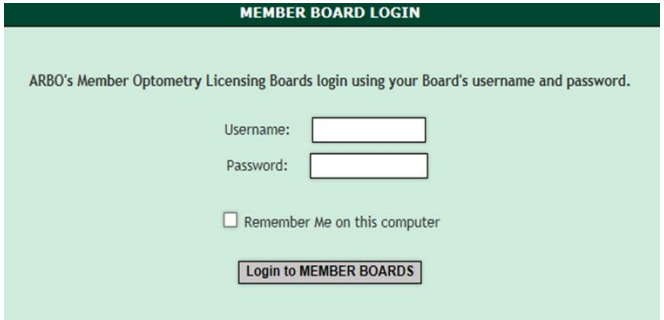


OE TRACKER

Member Board Login

- Each of ARBO's Member Boards has a unique username and password.





OE TRACKER

Member Board Options

ARBO®
Association of Regulatory Boards of Optometry, Inc.

Send Me an OE TRACKER Card

COPE | OE TRACKER | CELMO | MEETINGS | ABOUT ARBO | MEMBER RESOURCES | INFO CENTER

HOT LINKS

- OE TRACKER Login
- COPE Reviewer Login
- COPE Administrator Login
- ARBO Member Boards Login
- OE TRACKER Mobile App
- SUMMER 2016 Greensheet
- OE TRACKER APP Comments
- 2016 COPE Workshop

ARBO Member Boards Home Page

Welcome California Board of Optometry

These programs have been developed by ARBO to assist our Member Boards of Optometry with the license renewal process.

View the ARBO Member Board OE TRACKER Handbook

Look up CE Attendance Data for Licensees in OE TRACKER

Look up OE TRACKER Numbers

Validate a CE Certificate

Automatically transfer CE data from OE TRACKER for your renewal using our XML program.

OE TRACKER

CE Attendance Reports

OE TRACKER Attendance Reports

California Board of Optometry

Get a summary report of licensees with the total number of CE credits in OE TRACKER

Get a detailed report of licensees CE attendance information in OE TRACKER

Get a report of licensees who have no CE credits in OE TRACKER

Search for detailed CE attendance information for one licensee

If you need a custom search or additional reports, please contact us at arbo@arbo.org

OE TRACKER

Download CE Data

Select date range

ARBO MEMBER BOARDS CE Attendance Reports

California Board of Optometry

Get a summary report of licensees with the total number of CE credits in OE TRACKER

Course Date Range:

From: September 01 2015

To: September 01 2016

Sort Results By:
- (●) OE TRACKER Number
- ( ) Last Name
- ( ) License Number

Search OE TRACKER

OE TRACKER

Member Board CE Summary Report

	A	B	C	D	E	F
1	OE NUMBER	FIRST NAME	INITIAL	LAST NAME	LICENSE NUMBER	TOTAL HOURS
2						
3	1234	John	J	Doe	316	**0**
4						
5	1235	John	P	Doe	399	**24**
6						
7	1236	John	A	Doe	334	**0**
8						
9	1237	John	J	Doe	371	**0**
10						
11	1238	John	J	Doe	359	**14**
12						
13	1239	John	C	Doe	391	**0**
14						
15	1240	John	M.	Doe	358	**3**

OE TRACKER

Member Board CE Detail Report

OE NUMBER	FIRST NAME	INITIAL	LAST NAM	LICENSE NUMBER	COURSE TITLE	COPE ID	CATEGORY	FORMAT	CEE	CEE HOURS	COURSE DATE	INSTRUCTOR	PROVIDER	HOURS	CITY	STATE	COUNTRY
9999	John	J	Doe	1234													
					The Ins Out of Cataract Co-Management Patient Educa	45551		Internet/Online			6/23/2015	Justin Schweitzer	Pacific University Colle	1	online		USA
					More Tales From the Grove	47518	General Optometry	Live			1/17/2016	Carole Timpone	Pacific University Colle	2	Lahaina	HI	USA
					Laser Therapy One Step Beyond	47297	Glaucoma	Live			1/19/2016	Nathan Lighthizer	Pacific University Colle	1	Lahaina	HI	USA
					Laser Procedures for the Management of Glaucoma an	45945	Laser Procedures	Live			1/18/2016	Nathan Lighthizer	Pacific University Colle	2	Lahaina	HI	USA
					Neuro Ocular Grand Rounds	39553	Neuro-Optometry	Live			10/23/2015	Anthony Litwak	Minnesota Association	2	Minneapc	MN	USA
					Neuroimaging 101 for the Optometrist	45489	Neuro-Optometry	Live			1/18/2016	Denise Goodwin	Pacific University Colle	1	Lahaina	HI	USA
					Optic Nerve Edema Itis Opathy	41220	Neuro-Optometry	Live			1/20/2016	Denise Goodwin	Pacific University Colle	2	Lahaina	HI	USA
					Optic Nerve Edema Itis Opathy	41220	Neuro-Optometry	Live			1/20/2016	Denise Goodwin	Pacific University Colle	2	Lahaina	HI	USA
					Oral Pharmaceuticals in Optometry Practice	41774	Oral Pharmaceutical	Live			10/23/2015	Marc Bloomenstein	Minnesota Association	2	Minneapc	MN	USA
					Cataract surgery with new laser technology	46260	Peri-Op Mngmt of Opl	Live			10/24/2015	Dan Davis	Minnesota Association	1	Minneapc	MN	USA
					Fundamentals of Gonioscopy	44623	Principles of Diagnosi	Live			1/19/2016	Denise Goodwin	Pacific University Colle	1	Lahaina	HI	USA
					Presbyopia Surgery--The Final Frontier	43615	Refractive Surgery Ma	Live			1/18/2016	Stanley Teplick	Pacific University Colle	1	Lahaina	HI	USA
					Screening Lasik Patients for Corneal Ectasia	44318	Refractive Surgery Ma	Live			1/19/2016	Stanley Teplick	Pacific University Colle	1	Lahaina	HI	USA
					Overview of Corneal Inlays for Presbyopia	46644	Refractive Surgery Ma	Live			1/20/2016	Stanley Teplick	Pacific University Colle	1	Lahaina	HI	USA
					Advanced Interpretation of the OCT	39140	Systemic/Ocular Disea	Live			10/23/2015	Anthony Litwak	Minnesota Association	2	Minneapc	MN	USA
					Ocular Manifestations of Systemic Disease Including D	38061	Systemic/Ocular Disea	Live			10/24/2015	Diana Shechtman	Minnesota Association	2	Minneapc	MN	USA
					Alzheimer Disease An Update with Answers to Comm	47193	Systemic/Ocular Disea	Live			1/20/2016	Leonid Skorin	Pacific University Colle	1	Lahaina	HI	USA
					Anterior Segment Case Challenges	41794	Trt/Mngmnt Anterior	Live			10/23/2015	Marc Bloomenstein	Minnesota Association	2	Minneapc	MN	USA
					Presbyopia Update 2015	46256	Trt/Mngmnt Anterior	Live			10/24/2015	Dan Davis	Minnesota Association	1	Minneapc	MN	USA
					Exposing MGD	46993	Trt/Mngmnt Anterior	Live			1/18/2016	Samuel Kim	Pacific University Colle	1	Lahaina	HI	USA
					Meibography	46826	Trt/Mngmnt Anterior	Live			1/19/2016	Samuel Kim	Pacific University Colle	1	Lahaina	HI	USA
					Review of Dry Eye Diagnostic Management Options	47045	Trt/Mngmnt Anterior	Live			1/19/2016	Samuel Kim	Pacific University Colle	1	Lahaina	HI	USA
					HSV HZO EKC Viral Eye Disease Alphabet Soup	42359	Trt/Mngmnt Anterior	Live			1/20/2016	Nathan Lighthizer	Pacific University Colle	2	Lahaina	HI	USA
					SECO 2014 Presents: Take It to the Limit: Increase Your	39635	Trt/Mngmnt Posterior	Live			10/24/2015	Diana Shechtman	Minnesota Association	2	Minneapc	MN	USA
													Total Hours	35			
9998	Jane	V	Doe	1235													
					Recognize Distinctions in Womens Eye Health	45321	General Optometry	Internet/Online			12/18/2015	Jill Autry	Review Of Optometry	2	online		USA
					From Ordinary to Extraordinary The Rapid Evolution in	46469	Peri-Op Mngmt of Opl	Internet/Online			12/18/2015	Paul Karpecki	Review Of Optometry	2	online		USA
					Ocular health A Matter of the Heart	46879	Systemic/Ocular Disea	Written			12/18/2015	Candice Tolud	Review Of Optometry	2	online		USA
					Going Antiviral How to Bring Herpes to a Halt	44093	Trt/Mngmnt Anterior	Internet/Online			12/18/2015	Michael Lyons	Review Of Optometry	2	online		USA
					Updates in Ocular Surface WellnessPart 2 Dry Eye Proc	40944	Trt/Mngmnt Anterior	Written			12/23/2015	Mile Brujic	Mededicus Llc	2	na		USA
													Total Hours	10			

OE TRACKER

OE TRACKER Certificates

ARBO

Association of Regulatory Boards of Optometry

This Continuing Education (CE)
Certificate of Completion

is awarded to

John M. Doe

For the satisfactory completion of the following course:

True Ocular Emergencies
COPE ID: 20094-SD **Hours:** 2 hours
Category: Systemic/Ocular Disease
Date: 06/07/2008

Course Format:
Live

Digital Validation:
739708803

Provider:
NORTH CAROLINA OPTOMETRIC SOCIETY, INC.

Media Sponsor:

Signature Agreement

By signing this document, I do hereby attest that I personally attended the listed course(s) and the information included is accurate to the best of my knowledge. I understand that the information attested to in this certificate may be shared with relevant optometry licensing boards or other state agency responsible for the licensure and regulation of optometrists.

....
Signature Date

OE TRACKER

Data Submission to *OE TRACKER*

- Attendance data can be submitted in multiple ways:
  - CE Providers
    - electronically send attendance in pre-formatted Excel spreadsheet.
    - use their own barcode scanners and electronically send attendance in pre-formatted Excel spreadsheet.
    - utilize *OE TRACKER* mobile app.
  - Optometrists fax, e-mail or upload individual attendance certificates.

OE TRACKER

Data Submission to *OE TRACKER*

- Data from COPE and Non-COPE courses can be submitted to *OE TRACKER*.
- Once the attendance is uploaded into *OE TRACKER*, the OD is sent a verification email.
- Email contains a link to download a certificate (valid for 14 days.)

OE TRACKER

State Associations that submit attendance to *OE TRACKER* include:

Alabama Optometric Association*	Montana Optometric Association
Arkansas Optometric Association*	Nebraska Optometric Association*
Arizona Optometric Association*	New Jersey Society of Optometric Physicians
Colorado Optometric Association*	North Carolina State Optometric Society
Connecticut Association of Optometrists	North Dakota Optometric Association
Delaware Optometric Association	Ohio Optometric Association*
Florida Optometric Association	Oklahoma Association of Optometric Physicians*
Georgia Optometric Association*	Optometry Association of Louisiana*
Idaho Optometric Physicians*	Pennsylvania Optometric Association*
Indiana Optometric Association	South Carolina Optometric Physicians Association
Iowa Optometric Association*	Tennessee Association of Optometric Physicians*
Kansas Optometric Association*	Utah Optometric Association*
Maine Optometric Association*	Vermont Optometric Association
Maryland Optometric Association*	Virginia Optometric Association
Massachusetts Society of Optometrists	West Michigan Optometric Association*
Michigan Optometric Association*	West Virginia Associaion of Optometric Physicians*
Mississippi Optometric Association*	Wisconsin Optometric Association
Missouri Optometric Association*	Wyoming Optometric Association, Inc.*

*Utilize the *OE TRACKER* Mobile App

OE TRACKER

State Association Testimonials

"The Minnesota Optometric Association has been using the *OE TRACKER* system for about three years now, and we also have in the last year been encouraging use of the *OE TRACKER* app by attendees at our education events. We have found the system to be very good and makes our lives much easier as an association. We don't have to keep all of those paper forms and sort through them continuously for information, attendees get their emails about their classes after an event and can verify everything. It is a great system and the staff at ARBO have always been extremely helpful if there is a question or issue."

–Beth Coleman, Executive Director, Minnesota Optometric Association

OE TRACKER

State Association Testimonials

"…Using the *OE TRACKER* app is so easy! It's easy for our members to download the app on their phone and scan the QR code for the class AND they get an immediate email with the education confirmation! From a staff perspective it's easy as well, all you do is print off the QR code, no downloading data from the scanners and formatting into a spread sheet -- we wish all of our members had smart phones so they could record and track their CE that way! :) Our Association feels that this is a great way for our members to record and track CE so we have elected to pay the *OE TRACKER* subscription fees for them as a member benefit. "

–Jill Gonder, Iowa Optometric Association Consultant

OE TRACKER

State Association Testimonials

"The *OE TRACKER* phone app has made our job of keeping up with attendance records a snap. Our attendees are amazed that they get an immediate e-mail letting them know that their attendance has been recorded, and it takes pressure off of the staff and volunteers to make sure attendance is recorded. We simply put the QR code as the last slide of the presentation for people to scan and their attendance is uploaded instantly. For the few that don't have a device where they can do this, we can have someone at the door with their phone to enter in attendance."

–Vicki Farmer, Executive Director, Arkansas Optometric Association

OE TRACKER

OE TRACKER Fees

- No charge for Member Boards to utilize *OE TRACKER* services.
- No charge to CE Providers to submit attendance data electronically to *OE TRACKER*.
- No charge for CE Providers and optometrists to utilize the *OE TRACKER* mobile app to enter attendance.
- Optometrists pay$25 for 1 year or $60 for 3 years of ***complete*** access to *OE TRACKER*.
- ARBO also offers a group rate to State Boards or State Associations who want to pay for all of their licensees or members.
  - Reduced rate of $15/optometrist/year.

OE TRACKER

More Information

- Presentation on our website shows how *OE TRACKER* can be used by optometrists:

  https://www.arbo.org/oetracker.html

- More information on *OE TRACKER* mobile app also on our website:

  https://www.arbo.org/smart_app.php

OE TRACKER

Questions?

Thank You

CALIFORNIA STATE BOARD OF OPTOMETRY

Memo

2450 Del Paso Road, Suite 105
Sacramento, CA 95834
(916) 575-7170, (916) 575-7292 Fax
www.optometry.ca.gov

To: Board Members **Date:** November 4, 2016

From: Jessica Sieferman
Executive Officer **Telephone:** (916) 575-7184

Subject: **Agenda Item 6 - Update, Discussion and Possible Action Regarding OE Tracker Requirements and Potential Amendments to CCR § 1536 Continuing Optometric Education; Purpose and Requirements**

Business and Professions Code (BPC) § 3059 states, in part, the following:

> "It is the intent of the Legislature that the public health and safety would be served by requiring all holders of licenses to practice optometry granted under this chapter to continue their education after receiving their licenses. The board shall adopt regulations that require, as a condition to the renewal thereof, that all holders of licenses submit proof satisfactory to the board that they have informed themselves of the developments in the practice of optometry occurring since the original issuance of their licenses by pursuing one or more courses of study satisfactory to the board or by other means deemed equivalent by the board."

California Code of California Code of Regulations (CCR) § 1536 specifies the continuing education requirements based on the certification level. In addition, as part of the license renewal process, optometrists certify under penalty of perjury that they have met the continuing education requirements. Further, CCR § 1536 states that "[t]he Board may conduct an audit of any licensee's attendance of a continuing optometric education course as a means of verifying compliance with this section."

Historically, the Board has audited roughly 5% or less of its licensees. This is an extremely time consuming process, and staff is working on researching more efficient methods to perform CE Audits. The Board currently accepts OE TRACKER certificates for audit verification purposes, (CCR 1536(a)(8)), and staff believes OE TRACKER would be the most efficient way to audit licensees. However, until optometrists are required to use OE TRACKER, staff would not be able to fully implement its auditing capabilities.

As discussed during Agenda Item 5, the Optometric Education (OE) TRACKER captures and stores continuing education attendance data for optometrists. The information is retained in the secure ARBO database and can be accessed online by licensees and the Board. OE TRACKER can save time and reduces paperwork by tracking all CE credits electronically.

In August 2013, the Board heard a presentation on the benefits of OE TRACKER (presentation can be viewed here). Those benefits include the ability for staff to quickly verify CE attendance and audit 100% of licensees. During the presentation, some members asked the presenters some questions, but the Board did not discuss any further.

After attending the 2016 ARBO meeting, the Executive Officer reached out to the California Optometric Association (COA) to obtain preliminary information on OE Tracker. COA expressed concerns with OE Tracker, citing the fee to use it, technology complications, and the lack of customer service available on the weekends. These concerns were forwarded to ARBO, and they have taken steps to mitigate those concerns (will be further discussed during Agenda Item 5).

States throughout the country use OE Tracker differently. Attached is a breakdown of how all ARBO Member Boards utilize OE Tracker.

Action Requested:
Please consider the presentation by OE Tracker and discuss whether or not the Board should pursue requiring optometrists to register with OE Tracker.

Attachment
1. Detailed Member Board Usage of OE Tracker

Detailed Member Board Usage of *OE TRACKER* May 2016

- **Alabama Board of Optometry:** Optometrists renew their license online. CE data is automatically transferred from *OE TRACKER* and licensees with the required number of hours do not get audited. Setting this up required programming by the AL Board of Optometry IT staff.

- **Arkansas Board of Optometry:** Uses *OE TRACKER* for100% electronic audit. Licensees are encouraged to use *OE TRACKER* and CE providers are instructed to send their attendance data to *OE TRACKER.*

- **Arizona Board of Optometry:** Require all licensees to use *OE TRACKER* and will complete 100% audit for the next renewal.

- **Georgia Board of Optometry:** Requires all licensees to use *OE TRACKER*. CE hours are verified for all licensees using *OE TRACKER*.
- **Illinois Board of Optometry:** Will be using *OE TRACKER* for future renewals. Licensees with the required number of hours in their *OE TRACKER* account will not be audited.

- **Kansas Board of Optometry:** Optometrists renew their license online. CE data is automatically transferred from *OE TRACKER* and only licensees with the required number of hours can renew. Setting this up required programming by the KS Board of Optometry IT staff.

- **Maine Board of Optometry:** Set up automatic data transfer for license renewal online starting in 2014. Setting this up required programming by the ME Board of Optometry IT staff.

- **Maryland Board of Optometry:** Working towards 100% electronic audit. Licensees are encouraged to use *OE TRACKER* and CE providers are instructed to send their attendance data to *OE TRACKER.*

- **Massachusetts Board of Optometry:** Working towards using *OE TRACKER* for 100% electronic audit.

- **Minnesota Board of Optometry:** Optometrists renew their license online. CE data is automatically transferred from *OE TRACKER* and only licensees with the required number of hours can renew. Setting this up required programming by the MN Board of Optometry IT staff.

- **North Dakota Board of Optometry:** Requires licensees to use *OE TRACKER* and performs 100% electronic audit.

- **Ohio Board of Optometry:** Uses *OE TRACKER* for auditing. Voluntary for licensees. Require all CE providers to submit attendance data.

- **College of Optometrists of Ontario:** Requires licensees to use *OE TRACKER* and will perform 100% electronic audit at end of next 3-year renewal cycle.

- **Tennessee Board of Optometry:** Contract with the state to provide web-based continuing education services. All licensees are required to use *OE TRACKER* and CE providers are required to submit attendance to *OE TRACKER*. ARBO does the audit for TN, sending notices to licensees and reports to the Board. The TN Dept. of Health pays ARBO an additional fee for these services.

- **West Virginia:** Requires licensees to use *OE TRACKER* and performs 100% electronic audit.

- **Wyoming Board of Optometry:** Requires licensees to have hours in *OE TRACKER* for renewal.

Member Boards Considering using *OE TRACKER* for Auditing Purposes:

- British Columbia
- California
- Hawaii
- Idaho
- Kentucky
- Washington
- Wisconsin

Other Member Boards That Accept *OE TRACKER* Certificates/Transcripts and Have Used *OE TRACKER* to Verify OR Audit CE Hours

- Louisiana
- Pennsylvania
- South Carolina
- Vermont
- Virginia
- Washington, DC

Member Boards Accepting *OE TRACKER* Certificates and Transcripts

- Alaska
- California
- Colorado
- Idaho
- Indiana
- Iowa
- Kentucky
- Michigan
- Mississippi
- Montana
- Nebraska
- Nevada
- New Hampshire
- New Mexico
- New York
- North Carolina
- Oklahoma
- South Dakota
- Texas
- Washington

Member Boards Paying Their Licensees' *OE TRACKER* Fees:

- Maine
- West Virginia
- North Dakota
- Tennessee
- Ontario

State Associations Paying Their Members' *OE TRACKER* Fees:

- Colorado Optometric Association
- Iowa Optometric Association

Memo

2450 Del Paso Road, Suite 105
Sacramento, CA 95834
(916) 575-7170, (916) 575-7292 Fax
www.optometry.ca.gov

To: Board Members **Date:** November 4, 2016

From: Lillian Wang, O.D.
Board Secretary **Telephone:** (916) 575-7170

Subject: Agenda Item 7 – Approval of Board Meeting Minutes

A. August 26, 2016

Board of Optometry
2450 Del Paso Road, Suite 105, Sacramento, CA 95834
P: (916) 575-7170 F: (916) 575-7292 www.optometry.ca.gov

BOARD MEETING ACTION MINUTES **DRAFT**
August 26, 2016
Courtyard Marriott
2701 Main Street
Irvine, CA 92614

Members Present		**Staff Present**
Madhu Chawla, O.D., President		Jessica Sieferman, Executive Officer
Cyd Brandvein, Public Member, Vice President		Joanne Stacy, Policy Analyst
Rachel Michelin, Public Member, Secretary		Kurt Heppler, Legal Counsel
Donna Burke, Public Member		Debra Perkins, Administrative Law Judge
Martha Garcia, CLD, SLD, Professional Member		Anahita Crawford, Deputy Attorney General
Glenn Kawaguchi, O.D., Professional Member		
Debra McIntyre, O.D., Professional Member		
Mark Morodomi, O.D., Professional Member		
Maria Salazar Sperber, Public Member		
David Turetsky, O.D., Professional Member		**Guest List**
Lillian Wang, O.D., Professional Member		On File

Friday, August 26, 2016
9:00 a.m.
FULL BOARD OPEN SESSION

1. Call to Order/Roll Call and Establishment of a Quorum

Board President, Madhu Chawla, O.D. called roll and a quorum was established.

2. Petition for Reduction of Penalty and Early Termination of Probation
A. Dr. Gregory Tom, O.D.

Administrative Law Judge, Debra Perkins presided over the Hearing. Attorney, Craig Steinberg represented Petitioner, Dr. Gregory Tom. Deputy Attorney General, Anahita Crawford represented the state.

FULL BOARD CLOSED SESSION

3. Pursuant to Government Code Section 11126(c)(3), the Board Will Meet in Closed Session for Discussion and Deliberation on Disciplinary Matters and the Above Petition

FULL BOARD OPEN SESSION

4. Public Comment for Items Not on the Agenda
Note: The Board may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting [Government Code Sections 11125, 11125.7(a)]

5. President's Report

A. Welcome and Introductions

No action was taken on this agenda item.

B. 2016-2017 Board Meeting Dates and Locations

No action was taken on this agenda item.

Rachel Michelin moved to move the January Strategic Planning Meeting and the following business meeting to Sacramento on January 26th and 27th. Cyd Brandvein seconded. The Board voted unanimously (11-0) and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Chawla	X				
Ms. Brandvein	X				
Ms. Michelin	X				
Ms. Burke	X				
Ms. Garcia	X				
Dr. Kawaguchi	X				
Dr. McIntyre	X				
Mr. Morodomi	X				
Ms. Sperber	X				
Dr. Turetsky	X				
Dr. Wang	X				

C. Committee and Workshop Structures

No action was taken on this agenda item.

6. Approval of Board Meeting Minutes

A. May 27, 2016

Mark Morodomi moved to approve the May 27, 2016 Board Meeting Action Minutes. Glenn Kawaguchi seconded. The Board voted (10-Aye; 0-No; 1-Absention) and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Chawla	X				
Ms. Brandvein	X				
Ms. Michelin	X				
Ms. Burke			X		
Ms. Garcia	X				
Dr. Kawaguchi	X				
Dr. McIntyre	X				
Mr. Morodomi	X				
Ms. Sperber	X				
Dr. Turetsky	X				
Dr. Wang	X				

7. Department of Consumer Affairs Report

Shelly Jones, with Department of Consumer Affairs (DCA) Board and Bureau Relations provided a report on current DCA activities.

No action was taken on this agenda item.

8. Executive Officer's Report

Executive Officer, Jessica Sieferman provided an update on the following topics:

A. BreEZe
B. Budget
C. Personnel
D. Examination and Licensing Programs
E. Enforcement Program
F. Strategic Plan

No action was taken on this agenda item.

9. ARBO Annual Meeting Summary

Ms. Sieferman provided a summary of the Annual Association of Regulatory Boards of Optometry (ARBO).

No action was taken on this agenda item.

10. Update on Occupational Analysis and Audit of NBEO Examination

Ms. Sieferman provided an overview.

Ms. Jones provided brief information regarding independent objective analysis, subject matter experts, and independent vendors.

No action was taken on this agenda item.

11. Update on the Board's 2016 Sunset Report

Ms. Sieferman reported on this agenda item.

No action was taken on this agenda item.

12. Update on RDO Advisory Committee

Ms. Sieferman provided an update.

No action was taken on this agenda item.

13. Discussion and Possible Action on 2016 Legislation Impacting Healing Arts Boards and the Practice of Optometry

Policy Analyst, Joanne Stacy provided an overview of the following legislation:

A. AB 12 (Cooley) State Government: Administrative Regulations: Review

No action was taken on this agenda item.

B. AB 2744 (Gordon) Healing Arts: Referrals

No action was taken on this agenda item.

C. SB 1039 (Hill) Professions and Vocations

Rachel Michelin moved given that amendments were all taken, the Board send a letter of support to the author and send a letter to the Governor's Office requesting a signature. Mark Morodomi seconded. The Board voted unanimously (11-0) and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Chawla	X				
Ms. Brandvein	X				
Ms. Michelin	X				
Ms. Burke	X				
Ms. Garcia	X				
Dr. Kawaguchi	X				
Dr. McIntyre	X				
Mr. Morodomi	X				
Ms. Sperber	X				
Dr. Turetsky	X				
Dr. Wang	X				

D. SB 1155 (Morell) Professions and Vocations: Licenses: Military Service

No action was taken on this agenda item.

E. SB 1195, 1194 or Similar Bill; Proposed Legislation Addressing *North Carolina of Dental Examiners Supreme Court Decision*

No action was taken on this agenda item.

F. SB 482 (Lara) Controlled Substances: CURES Database

No action was taken on this agenda item.

G. SB 622 (Hernandez): Optometry

No action was taken on this agenda item.

H. SB 836 Registered Dispensing Opticians Program Move (Originally TB 201)

No action was taken on this agenda item.

14. Update and Possible Action on Children's Vision and Mobile Clinic Workgroups
Policy Analyst, Joanne Stacy provided an update.

Karen Corches with the California Optometric Association commended the Board on taking a leading role in children's vision and encouraged the Board to communicate with stakeholders.

No action was taken on this agenda item.

15. Update on Rulemaking Calendar and Possible Action Regarding Regulations Impacting the Practice of Optometry

Ms. Stacy provided an update on the following regulations:

A. Amendment to California Code of Regulations (CCR) § 1582 Unprofessional Conduct and Amendment to CCR § 1516 Application Review and Criteria for Rehabilitation Following Disapproval

B. Amendment to CCR § 1399.260 RDO Fees, § 1399.261 Contact Lens Dispenser Fees, § 1399.263 Spectacle Lens Dispenser Fees

C. Amendment to CCR § 1523 Licensure Examination Requirements to Update Form 39A-1. Rev, 7-09, Form OLA-2, Rev. 11/07, and Form LBC-4, rev. 2/07

D. Amendments to CCR § 1536 Continuing Optometric Education; Purpose and Requirements

E. Proposed Revision to CCR § 1514.1 Co-Location Reporting Requirement

F. Amendment to CCR § 1502 Delegation of Functions

G. Amendment to CCR § 1530.1 Qualifications of Foreign Graduates

H. Amendment to CCR § 1506 Certificates – Posting

I. Amendment to CCR § 1523.5 Abandonment of Applications

J. Proposed Addition to CCR § 1503 Relating to Accreditation of Schools and Colleges of Optometry

Cyd Brandvein moved to approve the language and direct staff to commence the rulemaking process, and circulate the language for the required time period. Donna Burke seconded. The Board voted unanimously (11-0) and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Chawla	X				
Ms. Brandvein	X				
Ms. Michelin	X				
Ms. Burke	X				
Ms. Garcia	X				
Dr. Kawaguchi	X				
Dr. McIntyre	X				
Mr. Morodomi	X				
Ms. Sperber	X				
Dr. Turetsky	X				
Dr. Wang	X				

16. Discussion and Possible Action Regarding Minimum Certification Requirements for All Optometrists to Practice in California

Ms. Sieferman presented an update.

Ms. Crawford presented a public comment.

Cyd Brandvein moved to task the Consumer Protection Committee with developing a scope of practice notice to the licensees regarding non-certification of DPA and TPA. Rachel Michelin seconded. The Board voted unanimously (11-0) and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Chawla	X				
Ms. Brandvein	X				
Ms. Michelin	X				
Ms. Burke	X				
Ms. Garcia	X				
Dr. Kawaguchi	X				
Dr. McIntyre	X				
Mr. Morodomi	X				
Ms. Sperber	X				
Dr. Turetsky	X				
Dr. Wang	X				

17. Election of Officers

Ms. Sieferman took the votes.

A member of the public and an optician presented a public comment.

For the position of President, nominees were Madhu Chawla, O.D. and Cyd Brandvein.

David Turetsky nominated Cyd Brandvein for President. Lillian Wang nominated Madhu Chawla for President. Both nominees accepted their nominations. The Board voted 6 for Madhu Chawa and 5 for Cyd Brandvein appointing Madhu Chawla for another term as President.

Member	Dr. Chawla	Ms. Brandvein	Abstain	Absent	Recusal
Dr. Chawla	X				
Ms. Brandvein		X			
Ms. Michelin		X			
Ms. Burke	X				
Ms. Garcia		X			
Dr. Kawaguchi	X				
Dr. McIntyre	X				
Mr. Morodomi	X				
Ms. Sperber		X			
Dr. Turetsky		X			
Dr. Wang	X				

For the position of Vice President, nominee was Donna Burke.

Madhu Chawla nominated Donna Burke for Vice President. Donna Burke accepted the nomination. The Board voted unanimously (11-0) appointing Donna Burke as the new Vice President.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Chawla	X				
Ms. Brandvein	X				
Ms. Michelin	X				
Ms. Burke	X				
Ms. Garcia	X				
Dr. Kawaguchi	X				
Dr. McIntyre	X				
Mr. Morodomi	X				
Ms. Sperber	X				
Dr. Turetsky	X				
Dr. Wang	X				

For the position of Secretary, nominee was Lillian Wang, O.D.

Madhu Chawla nominated Lillian Wang for position as Secretary. Lillian Wang accepted the nomination. The Board voted unanimously (11-0) appointing Lillian Wang as the new Secretary.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Chawla	X				
Ms. Brandvein	X				
Ms. Michelin	X				
Ms. Burke	X				
Ms. Garcia	X				
Dr. Kawaguchi	X				
Dr. McIntyre	X				
Mr. Morodomi	X				
Ms. Sperber	X				
Dr. Turetsky	X				
Dr. Wang	X				

18. Future Agenda Items

No action was taken on this agenda item.

19. Adjournment

Meeting was adjourned at 4:05 p.m.

The full meeting can be viewed at http://www.optometry.ca.gov/meetings/index.shtml or by clicking here.

Memo

2450 Del Paso Road, Suite 105
Sacramento, CA 95834
(916) 575-7170, (916) 575-7292 Fax
www.optometry.ca.gov

To: Board Members **Date:** November 4, 2016

From: Madhu Chawla, Board President **Telephone:** (916) 575-7170

Subject: **Agenda Item 8 – Update from the Department of Consumer Affairs**

A Department of Consumer Affairs (DCA) representative may present updates pertaining to the DCA's Administrative Services, Human Resources, Enforcement, Information Technology, Communications and Outreach, Legislative, Regulatory and Policy matters.

CALIFORNIA STATE BOARD OF OPTOMETRY

Memo

2450 Del Paso Road, Suite 105
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www.optometry.ca.gov

To: Board Members **Date:** November 4, 2016

From: Jessica Sieferman
Executive Officer **Telephone:** (916) 575-7184

Subject: Agenda Item 9 – Executive Officer's Report

A. BreEZe Database

The Board continues to see positive BreEZe use, with 68% of applicants applying for an optometrist license (OPT) online. In addition, the Board has seen an increase in online applications submitted for other license types. Of applications received, 64% of Branch Office Licenses (BOL), 57% of Statement of Licensures (SOL), and 40% of Fictitious Name Permits (FNP) were submitted online.

Further, online renewals have also increased since the August meeting. Of the renewal applications received, 54% OPTs and 59% SOLs were renewed online. Since FNPs expire January 31 and BOLs expire February 1, most renewals are processed from November – February. However, of the six renewals processed last quarter, only one was submitted paper. Staff anticipates a significant increase in BOL and FNP renewals this quarter.

Registered Dispensing Optician (RDO) Program Integration
The BreEZe team and Board staff are working diligently to move the RDO Program from Medical Board's domain to the Board. Kellie Flores has been instrumental in this process. With her assistance, the BreEZe team created detailed profile reports to ensure all transactions are captured properly and meet the Board's needs. Soon, all registrants under the RDO Program will be able to apply and renew their registrations online. This will streamline the process for applicants, registrants, and the Board.

Board staff continues to educated applicants, licensees, and consumers on the benefits of accessing the BreEZe system. Any suggestions to improve the system and Board processes are always welcomed and encouraged.

B. Budget

The DCA Budgets Office will provide updated Fund Conditions and Expenditure Reports for the Optometry and RDO Funds prior to the Board meeting.

C. Personnel

Board Vacancies
The Board has made conditional offers for the two remaining vacancies (RDO Program - Management Services Technician and Board Enforcement Analyst) and is awaiting final clearance from the Division of Investigation's Special Operations Unit. The Board anticipates these positions to be filled in early November.

Staff Professional Development

Last quarter, the Board's Lead Enforcement Analyst Cheree Kimball and Licensing Lead Charles McGirt attended an advanced week-long training course for the DCA's new Quality Business Interactive Reporting Tool (QBIRT). The course provided valuable demonstrations and hands on training of QBIRT and examples of how QBIRT can be used to create adhoc-type reports. Ms. Kimball and Mr. McGirt will be training the rest of enforcement and licensing staff on QBIRT in the coming weeks.

In September, several staff members attended DCA's customer service training course "Dealing with Difficult People," offered through DCA's SOLID Training Solutions unit. This course teaches techniques to ease tension, open constructive dialogue, and work towards solutions. In addition, staff members joined Toastmasters in order to strengthen communication in various settings. Several staff members also attend DCA's new Lunch and Learn sessions and have found them incredibly valuable for professional development.

In addition, DCA's Director Awet Kidane recognized Ms. Kimball, Robert Stephanopoulos, and Jessica Sieferman for their member contributions to the Disability Advisory Committee (DAC). Among other activities, the DAC aids the Director and DCA by addressing issues related to reasonable accommodation, fair employment practices, and the hiring, retaining, and promoting of qualified persons with disabilities.

Management Development

Management continues to participate in the DCA's mentorship pilot and Brown Bag events. These events are extremely valuable in developing Board management and improving Board processes. In addition, Ms. Sieferman mentors other DCA staff through the mentorship pilot program and looks forward to helping all DCA employees achieve their career goals.

D. Examination and Licensing Programs

Optometry Licensing Program

With the graduation season over, the Board's Licensing Unit's cycle times for optometrist applications reduced by over 30% last quarter. SOL application cycle times decreased; however BOL and FNP cycle times increased over the last quarter due to unanticipated need for medical leave. Paper renewal cycle times remain 1-2 weeks, but the online renewal cycle times are 1-7 days.

RDO Program

The RDO program saw a slight increase in RDO applications in August, but the cycle times were not greatly affected. The number of Contact and Spectacle Lens Dispenser applications received increased by 50% last quarter. Average cycle times for RDO Program renewals ranged from an average of 11-55 days. However, once registrants can renew online, these cycle times should drop dramatically.

The Board's licensing unit recently worked with DCA to identify licensing targets based on prior cycle times. With the unit's restructuring, process improvements, increased staff communication, and monthly meetings, the licensing unit set its targets to improve its cycle times by 5%. The Board will receive licensing performance measure at future meetings.

Board licensing statistics are attached for review (Attachment 1).

E. Enforcement Program

As previously reported, the enforcement unit currently consists of one lead Associate Governmental Program Analyst (AGPA), one Staff Services Analyst (SSA), and one Office Technician (OT). In addition, the Board's vacant enforcement position was reclassified to an AGPA classification in order to obtain a higher level analyst to process a more complex caseload. The Board's

enforcement staff continues to absorb the RDO enforcement workload until the RDO Program's fund condition can support filling the 0.6 Special Investigator position.

Enforcement staff met with special investigators from VSP to learn about VSP's fraud investigation process and gain insight into their work to reduce fraudulent billing. There was also discussion and brainstorming regarding reducing the amount of time it takes for the Board to be notified when VSP takes action against a licensee on their panel, as well as the best ways for VSP to find out when the Board takes action against a licensee on their panel. VSP investigators shared their frustration about an inability to take action regarding fraudulent billing submitted by non-panel licensees.

Fraudulent insurance billing negatively impacts consumers by increasing rates overall as well as potentially limiting insurance benefits. It also negatively impacts licensees by increasing the length of the billing verification process and requirements for submitting invoices for payment.

As of September 2016, the Enforcement Unit has 273 pending enforcement cases (213 optometrists, 60 RDO Program). Four of these pending cases are designated as high priority, while the remainders are routine priority cases.

Once the Enforcement Unit's restructuring process is complete and vacancies are filled, pending caseload and cycle times are anticipated to significantly decrease. In the meantime, licensing staff has teamed up with the Enforcement Unit to help with the pending caseload. This also serves as a cross-training opportunity for staff by allowing them to learn about enforcement processes and challenges.

Optometry Program	Q1 – FY16/17			
Cases by Priority	Routine	Expedite	High	FY Total
Received	79	0	0	79
Closed	49	0	0	49
Pending	209	0	4	213
Average Age (days) – Pending	264	0	681	272
Referred to AG	1	0	0	1
Pending at AG	8	0	0	8
Final Disciplinary Orders	1	0	0	1

RDO Program	Q1 – FY16/17			
Cases by Priority	Routine	Expedite	High	FY Total
Received	13	0	0	13
Closed	15	0	0	15
Pending	60	0	0	60
Average Age (days) - Pending	214	0	0	214
Referred to AG	3	0	0	3
Pending at AG	7	0	0	7
Final Disciplinary Orders	2	0	0	1

F. Strategic Plan

The Board has initiated the process to revise its strategic plan. The strategic planning session, facilitated by DCA's SOLID Training Solutions is scheduled for January 26, 2017.

Attachment:

1. Licensing Statistics

Optometrist License Applications FY 16/17

		Q1		
		Jul	Aug	Sep
OPTs	Received Apps (Paper) (1010)	4	4	6
	Received Apps (Online) (1010)	12	10	8
	Opened Licensure App (1020)	20	18	13
	Licenses Issued (1020)	107	25	11
	Approved Exam Apps (1010)	14	14	7
	Expired/Withdrawn/Canceled (incl. Exam Apps + License Apps)	1	0	4
	Avg. Cycle Time (Total Days)	96	59	60
	Avg. Cycle Time (Total Days) Exam Apps (1010)	11	7	13
	Avg. Cycle Time (Total Days) License Apps (1020)	107	87	89
	Pending Apps (incl. Exam Apps + License Apps)	128	121	126

		Q1		
		Jul	Aug	Sep
BOLs	Received (Paper)	2	1	2
	Received Online	2	3	4
	Issued	5	0	3
	Expired/Withdrawn/Canceled	0	1	0
	Avg. Cycle Time (Total Days)	21	NA	133
	Pending Apps	4	7	10

		Q1		
		Jul	Aug	Sep
SOLs	Received (Paper)	11	11	7
	Received Online	12	13	13
	Issued	21	14	25
	Expired/Withdrawn/Canceled	10	2	1
	Avg. Cycle Time (Total Days)	26	19	23
	Pending Apps	14	22	16

		Q1		
		Jul	Aug	Sep
FNPs	Received (Paper)	4	4	7
	Received Online	0	6	4
	Issued	11	1	10
	Expired/Withdrawn/Canceled	2	0	0
	Avg. Cycle Time (Total Days)	48	14	68
	Pending Apps	10	19	20

Optometrist License Renewals FY 16/17

		Q1		
		Jul	Aug	Sep
OPTs	Renewals Received (Paper)	127	157	148
	Renewals Received Online	171	166	178
	Renewals Approved	287	302	308
	Avg. Cycle Time (Total Days) Paper Renewals	13	9	15
	Avg. Cycle Time (Total Days) Online Renewals	8	6	7

		Q1		
		Jul	Aug	Sep
BOLs	Renewals Received (Paper)	0	0	0
	Renewals Received Online	0	0	2
	Renewals Approved	0	0	2
	Avg. Cycle Time (Total Days) Paper Renewals	N/A	N/A	N/A
	Avg. Cycle Time (Total Days) Online Renewals	N/A	N/A	1

		Q1		
		Jul	Aug	Sep
SOLs	Renewals Received (Paper)	12	15	19
	Renewals Received Online	26	21	18
	Renewals Approved	36	37	41
	Avg. Cycle Time (Total Days) Paper Renewals	10	9	6
	Avg. Cycle Time (Total Days) Online Renewals	5	1	1

		Q1		
		Jul	Aug	Sep
FNPs	Renewals Received (Paper)	0	0	1
	Renewals Received Online	1	0	2
	Renewals Approved	1	0	3
	Avg. Cycle Time (Total Days) Paper Renewals	0	N/A	4
	Avg. Cycle Time (Total Days) Online Renewals	1	N/A	1

Registered Dispensing Optician Applications FY 16/17

		Q1		
		Jul	Aug	Sep
RDOs	Received	9	23	4
	Issued	3	2	22
	Avg. Cycle Time (Total Days)	113	35	48
	Pending Apps	21	42	24

		Q1		
		Jul	Aug	Sep
CLDs	Received	8	6	12
	Issued	3	4	5
	Avg. Cycle Time (Total Days)	37	43	54
	Pending Apps	9	11	18

		Q1		
		Jul	Aug	Sep
SLDs	Received	28	36	41
	Issued	16	27	29
	Avg. Cycle Time (Total Days)	38	53	77
	Pending Apps	60	69	81

		Q1		
		Jul	Aug	Sep
NRCLDs	Received	0	1	0
	Issued	0	0	0
	Avg. Cycle Time (Total Days)	N/A	N/A	N/A
	Pending Apps	1	2	2

Registered Dispensing Optician Renewals FY 16/17

		Q1		
		Jul	Aug	Sep
RDOs	Renewals Received	42	28	37
	Renewals Approved	59	45	47
	Avg. Cycle Time (Total Days) Paper Renewals	55	52	54

		Q1		
		Jul	Aug	Sep
CLDs	Renewals Received	34	49	42
	Renewals Approved	39	56	35
	Avg. Cycle Time (Total Days) Paper Renewals	19	15	11

		Q1		
		Jul	Aug	Sep
SLDs	Renewals Received	75	93	101
	Renewals Approved	92	113	89
	Avg. Cycle Time (Total Days) Paper Renewals	20	27	19

		Q1		
		Jul	Aug	Sep
NRCLDs	Renewals Received	0	0	1
	Renewals Approved	0	0	1
	Avg. Cycle Time (Total Days) Paper Renewals	N/A	N/A	22

CALIFORNIA STATE BOARD OF OPTOMETRY

Memo

2450 Del Paso Road, Suite 105
Sacramento, CA 95834
(916) 575-7170, (916) 575-7292 Fax
www.optometry.ca.gov

To: Board Members **Date:** November 4, 2016

From: Sunset Committee **Telephone:** (916) 575-7170

Subject: **Agenda Item 10 - Discussion and Possible Action on Board's 2016 Sunset Report**

During the May 2016 Board meeting, the Board received an overview of the Sunset Review process and an estimate timeline of key events. To assist staff with report writing, review, recommendations, and presentation to the Legislature, the Board created a Sunset Committee consisting of the President and Vice-President.

The Sunset Committee has met with staff on multiple occasions and provided valuable feedback. In addition, at the Committee's request, the Board scheduled two teleconferences to obtain input from the full Board. Those teleconferences were held on September 23 and October 21.

The draft Sunset Report will be posted to the Board's Web site after all feedback from the October 21 teleconference has been incorporated. The draft will also be available for the public during the November 4 meeting.

The final report is due to the Legislature on December 1, 2016. At that time, the final report will be posted on the Board's Web site and sent to interested stakeholders. The hearing dates will most likely be scheduled for mid-March 2017.

A complete Sunset Review Process timeline[1] is attached for reference.

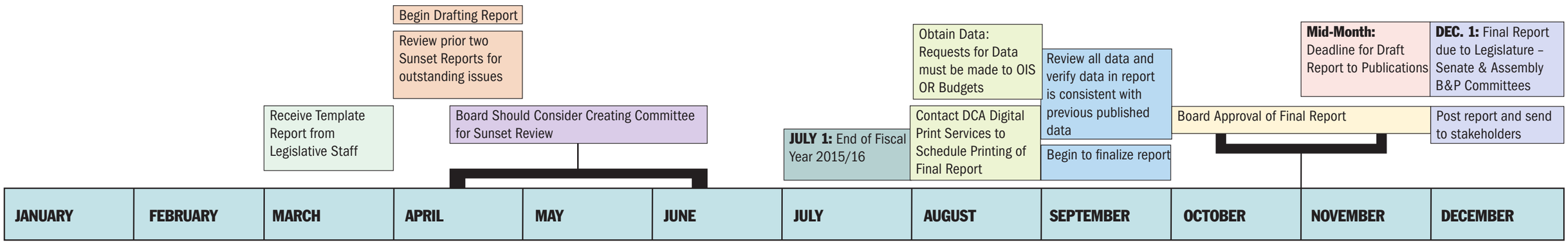
Action Requested:
Please review and vote to approve the November 4 Sunset Report. If amendments are made during the November 4 meeting, please delegate authority to the Sunset Committee and Executive Officer to incorporate said amendments and work with legal counsel to make non-substantive changes prior to submitting to the Legislature.

Attachment:
1. Sunset Review Process timeline

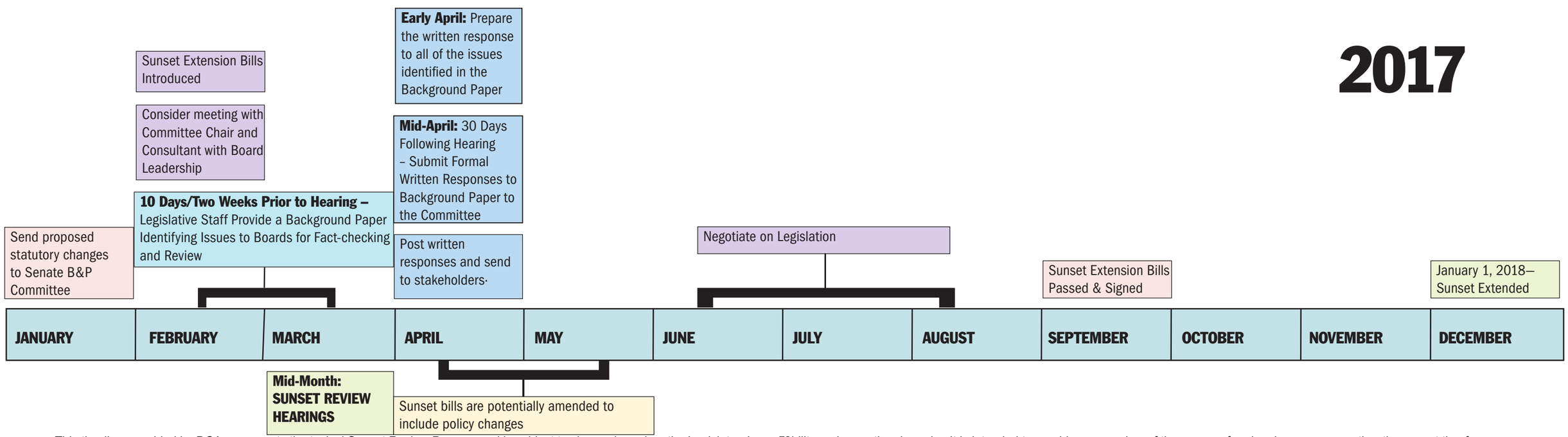
[1] This timeline, provided by DCA, represents the typical Sunset Review Process and is subject to change based on the Legislature's availability and operational needs. It is intended to provide an overview of the process for planning purposes rather than exact timeframes.

SUNSET REVIEW PROCESS

2016



2017



This timeline, provided by DCA, represents the typical Sunset Review Process and is subject to change based on the Legislature's availability and operational needs. It is intended to provide an overview of the process for planning purposes rather than exact timeframes.

CALIFORNIA STATE BOARD OF OPTOMETRY

Memo

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Sacramento, CA 95834
(916) 575-7170, (916) 575-7292 Fax
www.optometry.ca.gov

To: Board Members **Date:** November 4, 2016

From: Appointment Committee **Telephone:** (916) 575-7170

Subject: Agenda Item 11 – Update on RDO Advisory Committee

As previously reported, during the May 2016 Board meeting, the Board provided input on the Dispensing Optician Committee (DOC) Interest Form, process and distribution methods.

The approved form (Attachment 1) was emailed to interested parties encouraging highly qualified candidates to apply (Attachment 2). Board Members were also encouraged to use their various public outreach networks to distribute the form and solicit interest. Board staff hand delivered the form, accompanied with a letter from the Board President (Attachment 3), to members of the legislature and the Governor's Appointments Office. In addition, the letter and form was mailed to all registered dispensing opticians, spectacle lens dispensers, and contact lens dispensers.

The application deadline was August 12, 2016. However, no applications were received from the public by the deadline. As of October 19, 2016, the Board received one application from the public. Therefore, the Appointments Committee developed a public outreach strategy to recruit business professionals interested in serving state government.

The Committee re-focused the messaging to appeal to public professionals. The new strategy included working more closely with the Governor's Appointments Office to identify individuals who are interested in public service, teaming with the DCA Publication Office to create a publicly enticing flyer that accompanies the application and broadening the public outreach.

This includes reaching out to the following groups:

- Women Corporate Directors
- Association of Environmental Professionals
- Women in Transportation Seminar
- Consulting Engineers and Land Surveyors of California
- American Institute of Architects
- California State Bar
- National Association of Corporate Directors, LA/Orange County, Bay Area, etc. chapters

The flyer will be approved for distribution shortly. At that time, Board Members will be encouraged to utilize their various public outreach networks to assist in reaching qualified candidates.

The Committee anticipates holding candidate interviews prior to the January Board meeting.

Attachments:

1. Board approved form
2. Interested Parties Email
3. Cover Letter from the Board President

STATE BOARD OF OPTOMETRY
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Dispensing Optician Committee Interest Form

Thank you for your interest in the California State Board of Optometry (Board) Dispensing Optician Committee (DOC). Pursuant to Assembly Bill 684, the Registered Dispensing Optician Program and its registrants are now under the authority of the Board. AB 684 established the DOC to advise and make recommendations to the Board regarding the regulation of dispensing opticians.

The Board seeks expressions of interest to fill the positions on this newly established advisory committee consisting of 5 members: 2 registered dispensing opticians and 2 public members and a Board Member.

To be considered, please submit this DOC Expression of Interest Form and a current resume/curriculum vitae to the address below or email to Optometry@dca.ca.gov no later than **August 12, 2016** at 5 pm PST.

California State Board of Optometry
2450 Del Paso Road, Suite 105
Sacramento, CA 95834
FAX: (916) 575-7292

You may also include personal, professional, and organizational letters of recommendation (not to exceed three letters).

Time and Travel Commitment: The DOC is mandated to meet a minimum of twice per year; however, it is anticipated the DOC will need to meet more frequently during the first few years. DOC members will need to travel to Northern and Southern California. Members are eligible to receive a $100 per diem for DOC participation.

If you have any questions, please contact the RDO Program at (916) 575-7186.

Type or Print Legibly	PERSONAL INFORMATION		
1. Legal Name	Last	First	Middle
2. Position Sought	☐Registered Dispensing Member ☐Public Member		
3. Are you willing to waive per diem?	☐Yes ☐No		
4. Residence Address			
Street	City	State	Zip Code	Country
5. Business Address			
Street	City	State	Zip Code	Country
6. Telephone Numbers	Home #	Work #	Cell #
7. E-Mail Address			

EDUCATIONAL HISTORY

8. Please provide your complete educational history starting with the most recent. Dates can be approximate. (Leave Blank if there is no history)

College/Law School Attended	Degree Received	City	Major	Date Degree Conferred

WORK HISTORY

9. Please provide your complete professional work history, starting with the most recent. Be sure to include any past gubernatorial appointments. Dates can be approximate

Name of Employer			☐OK to contact
Title		From (MM/DD/YYY)	To (MM/DD/YYY)
Address			
Street	City	State	Zip Code	Country
Type of Business		**Type of Partnership**	☐Full Partner ☐Partnership ☐N/A
Supervisor Name		**Supervisor Phone**	
Summary of Job Duties			

Name of Employer			☐OK to contact
Title		From (MM/DD/YYY)	To (MM/DD/YYY)
Address			
Street	City	State	Zip Code	Country
Type of Business		**Type of Partnership**	☐Full Partner ☐Partnership ☐N/A
Supervisor Name		**Supervisor Phone**	
Summary of Job Duties			

Name of Employer			☐OK to contact
Title		From (MM/DD/YYY)	To (MM/DD/YYY)
Address			
Street	City	State	Zip Code	Country
Type of Business		**Type of Partnership**	☐Full Partner ☐Partnership ☐N/A
Supervisor Name		**Supervisor Phone**	
Summary of Job Duties			

Name of Employer			☐OK to contact
Title		From (MM/DD/YYY)	To (MM/DD/YYY)
Address			
Street	City	State	Zip Code	Country
Type of Business		**Type of Partnership**	☐Full Partner ☐Partnership ☐N/A
Supervisor Name		**Supervisor Phone**	
Summary of Job Duties			

Name of Employer			☐OK to contact
Title		From (MM/DD/YYY)	To (MM/DD/YYY)
Address			
Street	City	State	Zip Code	Country
Type of Business		**Type of Partnership**	☐Full Partner ☐Partnership ☐N/A
Supervisor Name		**Supervisor Phone**	
Summary of Job Duties			

Name of Employer			☐OK to contact
Title		From (MM/DD/YYY)	To (MM/DD/YYY)
Address			
Street	City	State	Zip Code	Country
Type of Business		**Type of Partnership**	☐Full Partner ☐Partnership ☐N/A
Supervisor Name		**Supervisor Phone**	
Summary of Job Duties			

PROFESSIONAL LICENSES & CERTIFICATES

10. List all licenses/certificates you have received. Include dates. Leave blank if none.

License/Certificate Name			
Details		Date Issued (MM/DD/YYY)	Expiration Date (MM/DD/YYY)
License/Certificate Name			
Details		Date Issued (MM/DD/YYY)	Expiration Date (MM/DD/YYY)
License/Certificate Name			
Details		Date Issued (MM/DD/YYY)	Expiration Date (MM/DD/YYY)

ORGANIZATIONS AND SOCIETY MEMBERSHIPS

11. List all current organizations and societies of which you are a member. Include dates. Leave blank if none.

Name			
Details		From (MM/DD/YYY)	To (MM/DD/YYY)
Name			
Details		From (MM/DD/YYY)	To (MM/DD/YYY)
Name			
Details		From (MM/DD/YYY)	To (MM/DD/YYY)

MISCELLANEOUS

12. Have you ever been a registered lobbyist or have you lobbied at any government?	☐Yes ☐No
If yes, please explain. Include Dates.	
13. Do you own real property, personal property, financial holdings or receive income from any source which might present a potential conflict of interest or appearance of conflict of interest with your requested appointment?	☐Yes ☐No
If yes, please explain. Include Dates.	
13. Have you ever been disciplined or cited for a breach of ethics or unprofessional conduct or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group?	☐Yes ☐No
If yes, please explain. Include Dates.	

EXPRESSION OF INTEREST

14. Please explain why you wish to serve on the Dispensing Opticians Committee.

15. Please explain your experience working on a committee.

16. Do you have any time commitments that will impact your ability to attend DOC meetings that may be in person or via conference call held at a public space and meet all Bagley-Keene Open Meeting Act Public Noticing Requirements?	☐Yes ☐No

If yes, please explain

SIGNATURE

Applicant Signature: _____ Date: _____

DISCLOSURE: Providing this information is strictly voluntary. The personal information requested on this form is being collected for DOC appointment consideration. This information will be reviewed by Board Members and staff. This form will be retained in the RDO Program files. This position is voluntary and will require future time commitments.

Dispensing Optician Committee – Open Positions

The California State Board of Optometry (Board) is looking for highly qualified candidates for the newly created Dispensing Optician Committee (DOC). This advisory committee will consist of 5 members: 2 registered dispensers, 2 public members and a member of the Board. The DOC will advise and make recommendations to the Board regarding the regulation of the Registered Dispensing Optician Program within the Board. This program consists of registered dispensing opticians, contact lens dispensers, spectacle lens dispensers and non-registered contact lens dispensers.

The committee members will have the opportunity to work with registered dispensers, Board Members and other civic leaders from around the state. Civic engagement promotes successful and satisfying impact on the health and welfare of California. Being a DOC member is a great way to strengthen consumer protection by assisting in the regulation of registered dispensers.

To be considered for the DOC, interested applicants must mail, email, or fax the DOC Expression of Interest Form and a current resume/curriculum vitae to:

California State Board of Optometry
2450 Del Paso Road, Suite 105
Sacramento, CA 95834
optometry@dca.ca.gov
Fax: 916-575-7292

Please submit the form no later than **August 12, 2016** at 5 pm PST. The interested applicant may also include personal, professional, and organizational letters of recommendation (please no more than three total letters). If you have any questions, please contact the RDO Program at (916) 575-7186.

Board of Optometry
2450 Del Paso Road, Suite 105
Sacramento, CA 95834
Tel: (916) 575-7170
Fax: (916) 575-7292
www.optometry.ca.gov

June 29, 2016

Assembly member XXX
California State Assembly
Room 5175
Sacramento, CA 95814

RE: Dispensing Optician Committee – Open Positions

Dear Assembly member XXX,

The California State Board of Optometry is looking for highly qualified candidates for the newly created Dispensing Optician Committee. This advisory committee will consist of consisting of 5 members: 2 registered dispensing opticians and 2 public members and a member of the Board of Optometry. The Dispensing Optician Committee will advise and make recommendations to the Board of Optometry regarding the regulation of dispensing opticians.

The committee members will have the opportunity to meet and work with licensed dispensing opticians, members of the Board of Optometry and other civic leaders from around the state. Civic engagement promotes successful and satisfying impact on the health and welfare of California. Being a member of the Committee is a great way to strengthen consumer protection by assisting in the regulation of dispensing opticians.

To be considered for the committee, the interested applicants are asked to please submit the DOC Expression of Interest Form, found at http://www.optometry.ca.gov/formspubs/doc_interestform.pdf and a current resume/curriculum vitae to California State Board of Optometry 2450 Del Paso Road, Suite 105 Sacramento, CA 95834 or email to Optometry@dca.ca.gov no later than August 12, 2016 at 5 pm PST. The interested applicant many also include personal, professional, and organizational letters of recommendation.

Please pass the information about Dispensing Optician Committee under the California State Board of Optometry to your constituents. If you have any questions, please contact the RDO Program at (916) 575-7186.

Sincerely,

Dr. Madhu Chawla, OD
Board President
California State Board of Optometry

CALIFORNIA STATE BOARD OF OPTOMETRY

2450 Del Paso Road, Suite 105
Sacramento, CA 95834
(916) 575-7170, (916) 575-7292 Fax
www.optometry.ca.gov

Memo

To: Board Members **Date:** November 4, 2016

From: Joanne Stacy, Policy Analyst **Telephone:** (916) 575-7182

Subject: **Agenda Item 12 – Update on 2016 Legislation Impacting Healing Arts Boards and the Practice of Optometry**

The following bills, as currently written, impact the Board's functions and the practice of optometry. Legislation versions and status change frequently. The information below is current as of August 10, 2016. To view the most recent bill version, status and corresponding analysis, please click on the applicable hyperlinks below.

A. Senate Bill 482 (Lara) Controlled Substances: CURES Database

Summary: This bill requires prescribers to consult the Controlled Substances Utilization Review and Evaluation System (CURES) prior to prescribing a Schedule II or III drug to a patient for the first time and delays implementation of this requirement until the Department of Justice (DOJ) certifies that the CURES database is ready for statewide use.

Status: Passed by Senate & Assembly, Signed by the Governor on 9/27

Recent Board Analysis: 08/05/16 – Assembly Floor Analyses

Board Impact: The impact to the Board would be minor. Licensees are already required to register on the CURES system. By adding the requirement to use the system, enforcement may see a slight increase for non-compliance. The Board previously discussed the CURES requirement and expressed frustration with the requirement for licensees to pay for and register in the system but no requirement to actually use the system. At that time, the Board discussed exploring future legislation to mandate optometrists use the system when prescribing controlled substances. Thus, this bill does what the Board believed needed to be done already.

B. Senate Bill 622 (Hernandez): Optometry

Summary: This bill would make various expansions in the scope of practice for optometrists and authorize certification in specified laser procedures, minor surgical procedures, and vaccinations.

Status: Pulled by author while in Assembly Business and Professions

Recent Bill Analysis: 07/13/15- Assembly Business and Professions

Potential Board Impact: While this bill increases the scope of optometrists, the way the bill is currently written, the impact to the Board is expected to be minor. BreEZe configuration changes would need to be done and minor regulations would need to be drafted to fully implement the bill.

C. Senate Bill 1039 (Hill) Professions and Vocations

Summary: This is an omnibus bill which includes several changes to a number of boards under the Department of Consumer Affairs and also includes specified fee increases for several boards including the Board of Registered Nursing, the Pharmacy Board, the Contractors State License Board and the Court Reporters Board. This measure would also eliminate the current Telephone Medical Advice Services Bureau.

Status: Passed by Senate & Assembly, Signed by the Governor on 9/29

Recent Bill Analysis: 08/01/16 – Assembly Appropriations

Board Impact: The new RDO fee structure has been added with the other entities requesting fee increases.

The previous version of this bill deleted a provision that allows contact lens and spectacle lens dispensing applications to expire. This was unintended consequence of code clean up and had been fixed by legislative council. The bill now keeps the language is the current code section.

Attached is the RDO fee structure the Board approved during the May 2016 meeting and was amended into SB 1039.

Attachment:

1. Approved RDO Fee Structure

Registered Dispensing Opticians Program - Proposed Fee Increase with New Application Fee (25% increase)

Fee Type	Estimated Population (Per Fee Audit)	Estimated Population (3 year average)	Estimated Population (Board License Counts + 3 year average Initials)	Current Fee	Proposed Fee	Estimated Revenue (Current Fees)	Estimated Revenue (Proposed Fees + Fee Audit Counts)	Estimated Revenue (Proposed Fees + 3 yr average Count)	Estimated Revenue (Proposed Fees + Board License Count)	% Increase to Fees	Proposed Fee Ceiling +25%	Estimated Revenue (Proposed Fees + Board License Count)
Application Fee	396	363	363	$ -	$ 150	$ -	$ 59,400	$ 54,450	$ 54,450	N/A	$ 200	$ 72,600
RDO Initial	83	73	73	$ 75	$ 200	$ 6,225	$ 16,600	$ 14,600	$ 14,600	167%	$ 300	$ 21,900
CLD Initial	72	77	77	$ 75	$ 200	$ 5,400	$ 14,400	$ 15,400	$ 15,400	167%	$ 300	$ 23,100
SLD Initial	240	213	213	$ 75	$ 200	$ 18,000	$ 48,000	$ 42,600	$ 42,600	167%	$ 300	$ 63,900
OSC Initial	1	0	0	$ 100	$ 200	$ 100	$ 200	$ -	$ -	100%	$ 300	$ -
RDO Renewal	517	507	476	$ 75	$ 200	$ 38,775	$ 103,400	$ 101,400	$ 95,200	167%	$ 300	$ 142,800
CLD Renewal	473	447	483	$ 75	$ 200	$ 35,475	$ 94,600	$ 89,400	$ 96,600	167%	$ 300	$ 144,900
SLD Renewal	989	984	1118	$ 75	$ 200	$ 74,175	$ 197,800	$ 196,800	$ 223,600	167%	$ 300	$ 335,400
OSC Renewal	4	4	5	$ 100	$ 200	$ 400	$ 800	$ 800	$ 1,000		$ 300	$ 1,500
RDO Delinq	40	30	18	$ 25	$ 50	$ 1,000	$ 2,000	$ 1,500	$ 900	100%	$ 75	$ 1,350
CLD Delinq	71	53	29	$ 25	$ 50	$ 1,775	$ 3,550	$ 2,650	$ 1,450	100%	$ 75	$ 2,175
SLD Delinq	167	146	80	$ 25	$ 50	$ 4,175	$ 8,350	$ 7,300	$ 4,000	100%	$ 75	$ 6,000
OSC Delinq	0	0	0	$ 25	$ 50	$ -	$ -	$ -	$ -	100%	$ 75	$ -
Total						**$ 185,500**	**$ 549,100**	**$ 526,900**	**$ 549,800**	**196%**		**$ 815,625**

CALIFORNIA STATE BOARD OF OPTOMETRY

Memo

2450 Del Paso Road, Suite 105
Sacramento, CA 95834
(916) 575-7170, (916) 575-7292 Fax
www.optometry.ca.gov

To: Board Members **Date:** November 4, 2016

From: Joanne Stacy
Policy Analyst **Telephone:** (916) 575-7182

Subject: **Agenda Item 13 – Update, Discussion and Possible Action on Recommendations Regarding Children's Vision Legislative Proposal (Formerly SB 402)**

Previous Legislation: Senate Bill 402 (Mitchell) Pupil Health: Vision Examinations
Senate Bill 402, introduced by Senator Mitchell, would have required (with an opt-out option) a pupil's vision to be examined by a physician, optometrist, or ophthalmologist, as specified, and required the pupil's parent or guardian to provide the results of the examination to the pupil's school. This bill prohibited a school from denying admission to a pupil or taking any other adverse action against a pupil if his or her parent or guardian fails to provide the results of the examination. If the results of the examination were not provided to the school, this bill required a pupil's vision to instead be appraised pursuant to existing law, as specified.

The bill passed out of both Senate Education Committee and Senate Health Committee with no "no" votes. However, the bill was placed on suspense and did not pass out of Senate Appropriations Committee. This is the farthest the bill has gotten.

Workgroup History and Update: As previously reported, the Board created a workgroup to work with stakeholders on this issue and present stronger legislation for the next legislative session. The workgroup, comprised of Rachel Michelin and Dr. Kawaguchi, met on February 18, April 28 and September 22 with stakeholders. Educators, optometrists, nurses, insurance agencies, legislative staffers and youth advocates came together to discuss important issues facing children's vision and looked for ways we could collaborate to be successful in passing this important policy initiatives. During discussions, various data collection models were discussed and the work group looked at other state's that have this time of exam in current law. The work group believed it was an easy to understand format, but would like to work with staff and stakeholders to customize it for students and parents in California.

Legislation and Regulation Committee Recommendation:
After thoughtful discussion, the committee recommends the board support the legislative concept and direction of the Children's Vision Workgroup (Attachment 1), and asks workgroup members and staff to move forward with introducing legislation in the 2017 legislative session.

Attachment:
1. Legislative Concept and Direction

Children's Vision Leg Proposal
v. 10.20.2016

1. Comprehensive eye exam within 6 months prior to initial enrollment in a California public school. Comprehensive eye examination shall include tests for distance and near visual acuity, binocular vision (including convergence ability, eye alignment, and depth perception), accommodation, objective and subjective refraction, pupil assessment, color vision, and eye health evaluations..
2. California Children's Vision Form: Documentation demonstrating completion of comprehensive eye exam to include; Name of Physician or Optometrist, date of exam, recommendations by attending doctor, signature of attending doctor, signature of parent/guardian releasing info (not sure if needed), opt out of comprehensive eye exam statement for parent/guardian including signature, and opt out at school vision screening including parent/guardian signature. This form to be distributed by California Public School with enrollment materials In summary, this form will serve multiple functions:
    a. Documentation demonstrating completion of comprehensive eye exam
    b. Opt out option for comprehensive eye exam by parent/guardian
    c. Opt out option for vision screening in that school year if proof of comprehensive eye exam within 6 months prior to new school year and waived by parent/guardian.
    d. Information from attending doctor on special vision needs.
3. School screenings:
    a. If documentation demonstrating completion of a comprehensive eye examination is not provided to the school, then during the kindergarten year or upon first enrollment or entry, and in grades 2, 5, and 8, the pupil's vision shall be appraised by the school nurse or other person authorized under Section 49452.
4. If documentation demonstrating completion of comprehensive exam within 6 months is provided to school, parent may waive school vision screening for that school year by filling out, signing, and submitting California Children's Vision Form to school prior to school vision screening.
5. Allow information on completed California Children's Vision Form to be shared with a child's assigned teacher/s.
6. Schools will annually distribute, receive back, summarize/tally data into the following categories:
    a. Total number students enrolled
    b. Total number of forms received
    c. Documentation demonstrating completion of comprehensive eye exam completed within 6 months
    d. Opt out of comprehensive eye exam
    e. Opt out of vision screening
    f. Total number of school screenings
7. This information shall be submitted to the California Dept. of Health[1] prior to the end of school year of the reporting period. California Dept. of Health will summarize data received annually prior to the end of the calendar year in which the school year ended and report that information to the California State Board of Optometry.

[1] This may be Dept. of Education or CDPH; will research and clarify if necessary

CALIFORNIA STATE BOARD OF OPTOMETRY

Memo

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www.optometry.ca.gov

To: Board Members **Date:** November 4, 2016

From: Joanne Stacy
Policy Analyst **Telephone:** (916) 575-7182

Subject: Agenda Item 14 – Update, Discussion and Possible Action on Recommendations Regarding Potential Mobile Clinic Legislative Proposal

---

Previous Legislation: Senate Bill 349 (Bates) Optometry: Mobile Optometric Facilities

Senator Bates introduced SB 349 in 2015 which would have created guidelines for mobile optometric facilities, in order to help secure the availability of quality vision care services for patients who receive care in remote or underserved areas. This bill would have established standards for the operation of mobile optometric facilities, including physical requirements, ownership limitations, and record-keeping protocols. The bill did not make it out of Senate Committee on Business and Professions.

Workgroup History and Update:

During the November 2015 Board Meeting, the Board created a workgroup and delegated it to work with stakeholders on this issue and present legislation next session. The Board President appointed Ms. Rachel Michelin and Dr. Lilian Wang, OD to the workgroup. The workgroup held its first meeting with stakeholders in April 2016. The workgroup heard several concerns related to the initial bill language and decided the best option was continue working with stakeholders to draft new language rather than work to fix the previous bill.

During its October 14, 2016 meeting, the Legislation and Regulation Committee discussed this topic and received feedback from various stake holders around the country about the different facets of mobile clinics.

Legislation and Regulation Committee Recommendations:

After thoughtful discussion, the committee made the following recommendations for the Board's consideration:

- Discuss mobile clinics among the full Board to help determine the direction that should be taken;
- Include mobile clinics in the Board's Strategic Plan;
- Research a possible pilot program to narrow the focus of possible legislation; and,
- Direct staff to look for possible authors in case the Board decides to introduce 2017 legislation

CALIFORNIA STATE BOARD OF OPTOMETRY

Memo

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Sacramento, CA 95834
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www.optometry.ca.gov

To: Board Members **Date:** November 4, 2016

From: Joanne Stacy
Policy Analyst **Telephone:** (916) 575-7182

Subject: **Agenda Item 15 Review, Consideration and Possible Action on Consumer Protection Committee Recommendations Regarding the Scope of Practice Educational Outreach**

During the August 26, 2016 Board meeting minimum certification requirements for all optometrists to practice in California was discussed. Some concerns were expressed that optometrists might not be aware of changes in scope of practice since they were licensed. The Board directed the Consumer Protection Committee compose an education letter to be sent out to optometrists as a reminder of the scope of practice with each certification.

Consumer Protection Committee
The Consumer Protection Committee met on September 28 and October 13 to discuss the educational letter (Attachment 1) that was drafted by staff. The letter would be sent out to all optometrist practicing in California as a scope of practice reminder. Also, the committee directed staff to add Frequently Asked Questions Regarding Practicing with Various Levels of Optometric Certification to the Board's website to supplement the letter. The staff will be modeling its frequently asked questions off of the Medical Board's Frequently Asked Questions - Medical Assistants.

Action Requested:
The Consumer Protection Workgroup requests the Board consider and approve the educational letter and ask staff to distribute to the Board's licensees. In addition, please delegate authority to the committee chair to work with staff and legal counsel to make any non-substantive changes needed.

Attachment:
1. Educational outreach letter

STATE BOARD OF OPTOMETRY
2450 DEL PASO ROAD, SUITE 105, SACRAMENTO, CA 95834
P (916) 575-7170 F (916) 575-7292 www.optometry.ca.gov

Date

Name
Address
City, CA Zip

Dear Dr. Name:

The California State Board of Optometry strives to educate licensees on the current laws, regulations and scope of practice for California optometrists. During a recent meeting, the Board discussed the evolution of healthcare and the practice of optometry. The initial scope of practice, several decades ago, did not include any certifications; now, the scope has evolved to include services such as dilation, performing lacrimal irrigation, and diagnosing and treating glaucoma. An increased scope of practice allows optometrists to offer more services to California patients in need.

With the ever changing landscape in the optometry profession, the Board wanted to offer clarifications regarding what certifications are available, what scope of practice each certification entails and encourage those interested in providing additional optometric services to California patients to contact the Board.

Certification Scope of Practice*

	No Certification	DPA	TPA	TPL	TPG	TLG
Conduct exams for the overall health of the eyes and screen for disease	X	X	X	X	X	X
Prescribing any optical device in connection with ocular exercises, visual training, vision training, or orthoptics	X	X	X	X	X	X
Perform dilation		X	X	X	X	X
Prescribe/dispense lubricating eye drops			X	X	X	X
Prescribe/recommend over the counter allergy medications (ex. Claritin) or over the counter allergy eye drops			X	X	X	X
Prescribe/recommend lid scrub			X	X	X	X
Prescribe/recommend nutritional supplements			X	X	X	X
Perform testing to evaluate/rule out potential tear film problems			X	X	X	X
Perform Lacrimal Irrigation				X		X
Diagnose and treat gluacoma					X	X

*This chart includes examples and should not be considered a complete list of scope of practice

The certification designations and their meanings are listed below. For further details about the certification please reference Business and Professions Code § 3041 (a)(1-5) and California Code of Regulations § 1561.

No Designation	No designation indicates the optometrist is licensed to conduct exams for the overall health of the eyes and screen for disease, but not certified to use diagnostic pharmaceutical agents and not certified to treat diseases of the eye or its appendages.
DPA	Certified to use diagnostic pharmaceutical agents for examination purposes only. Not certified to treat diseases of the eye or its appendages.
TPA	Certified to use therapeutic pharmaceutical agents to treat certain conditions of the human eye or any of its appendages. May also perform certain procedures on the eye as listed in California Business and Professions Code Section 3041.
TPL	TPA certified with additional certification to perform lacrimal irrigation and dilation procedures for patients over the age of 12 years.
TPG	TPA certified with additional certification to diagnose and treat primary open angle glaucoma in patients over the age of 18 years.
TLG	TPA certified with additional certification to diagnose and treat primary open angle glaucoma in patients over the age of 18 years as well as certification to perform lacrimal irrigation and dilation procedures for patients over the age of 12 years.

More information can be found at http://www.optometry.ca.gov/. In addition, a Frequently Asked Questions section will be added to the Board's Web site soon! Make sure to subscribe to the Board's email server by going to https://www.dca.ca.gov/webapps/optometry/subscribe.php in order to stay up to date on Board activities and information impacting the optometry profession.

If you have any questions please contact the Board at (916)575-7170 or email optometry@dca.ca.gov.

Sincerely,

Dr. Madhu Chawla, OD
Board President
California State Board of Optometry

CALIFORNIA STATE BOARD OF OPTOMETRY

Memo

2450 Del Paso Road, Suite 105
Sacramento, CA 95834
(916) 575-7170, (916) 575-7292 Fax
www.optometry.ca.gov

To: Board Members **Date:** November 4, 2016

From: Joanne Stacy
Policy Analyst **Telephone:** (916) 575-7182

Subject: **Agenda Item 16- Update on Rulemaking Calendar and Possible Action Regarding Regulations Impacting the Practice of Optometry**

A. Amendment to California Code of Regulations (CCR) § 1582 Unprofessional Conduct and Amendment to CCR § 1516 Application Review and Criteria for Rehabilitation Following Disapproval

Background:

At its August 16, 2013 meeting, the Board voted to initiate a rulemaking to give the Board authority to compel an applicant to submit to a psychological or physical examination, and further define unprofessional conduct. The rulemaking action was printed in the California Regulatory Notice Register on October 18, 2013, and the 45-day comment period for the public started on October 18, 2013 and ended on December 2, 2013. The hearing was to be held December 2, 2013 in Sacramento at the Department of Consumer Affairs. However, due to the Executive Officer's absence for medical leave and the loss of the Board's Policy Analyst, the hearing was not held.

Due to time constraints, and at the recommendation of the Department of Consumer Affairs' Legal Division, the Board restarted the process concerning the rulemaking package pertaining to CCR Section 1516. On August 1, 2014, a Notice of Decision Not to Proceed was printed in the California Regulatory Notice Register in order to withdraw the Board's October 18, 2013 Notice. Staff resubmitted the unchanged rulemaking package to the Office of Administrative Law, which was printed in the California Regulatory Notice Register on August 8, 2014. A 45-day public comment period began on August 8, 2014 and concluded on September 22, 2014.

The rulemaking action was printed in the California Regulatory Notice Register December 12, 2014, and the 45-day comment period for the public started on December 12, 2014 and ended on January 26, 2015. The hearing was held on January 26, 2015. There were no comments or public speakers at the hearing. The rulemaking package was approved by the Department of Consumer Affairs and Agency.

On December 4, 2015, the Board received a Decision of Disapproval of Regulatory Action for the rulemaking package. In order to resolve all issues, Board counsel prepared an Addendum to the Initial Statement of Reasons and Modified Text which must be available

for a 15 calendar day public comment period. Any comments made regarding the addendum must be presented to the Board for consideration and be summarized and responded to in the Final Statement of Reasons.

The Board approved the Addendum and Modified Text and directed staff to send it out for the required 15-day comment period. In the absence of any adverse comments, direct staff to resubmit the rulemaking packet to OAL for approval, and request an extension from the appropriate agency if necessary.

The rulemaking package has been finished by staff and is going through the check and approval process at DCA. The order of adoption is (Attachment 1). It was necessary to request a deadline extension from the Office of Administrate Law (OAL) to allow for internal approval. The deadline extension was granted making the packet due to OAL October 25, 2016.

Update: The rulemaking package is at DCA for approval.

Action Requested:
None

B. Amendment to CCR § 1399.260 RDO Fees, § 1399.261 Contact Lens Dispenser Fees, § 1399.263 Spectacle Lens Dispenser Fees

Background:
During the November 20, 2015 Board meeting, the Board voted to adopt proposed amendments to the applicable CCR sections, raising each fee to its statutory cap, in order to temporarily address the RDO Programs current fund condition (Attachment 2).

Update:
Senate Bill 1039 passed out of the Legislature on August 30, 2016 and was sent to the Governor. The bill became law on September 30, 2016 and will go into effect on January 1, 2017. SB 1039 included the new fee structure for the RDO program that the Board approved during the May 27, 2016 meeting. The bill sets the fees at the floor of the fee structure.

Action Requested:
Staff recommends that the Board vote to withdraw the rulemaking package from the approved regulation packages.

C. Amendment to CCR § 1523 Licensure Examination Requirements to Update Form 39A-1. Rev. 7-09, Form OLA-2, Rev. 11/07, and Form LBC-4, rev. 2/07

Background:
Currently, the Board utilizes two separate optometrist applications for those seeking licensure in California - a standard application and an out of state application. However, staff has found these applications caused confusion for applicants, resulting in applicants completing the wrong form. In addition, the license application needs to be updated to reflect current law requiring the Board to inquire if the individual applying for licensure is serving in, or has previously served in, the military. Further, staff found one of the most frequent questions from new grads relates to the length of initial license period.

After a thorough review of licensing laws and processes, Board staff recommends consolidating the two forms into one and updating the form to reflect current law. Board staff believes this will help clarify requirements, streamline the licensing process and decrease licensing cycle times. The forms were approved and are attached. Form 39A-1. Rev. 7-09 (Attachment 3), Form OLA-2, Rev. 11/07 (Attachment 4), and Form LBC-4, rev. 2/07.

Update:
Staff is preparing this rule making package for notice.

Action Requested:
None

D. Amendments to CCR § 1536 Continuing Optometric Education; Purpose and Requirements

Background:
In August 2013, the Board approved the Continuing Optometric Exemption/Extension Form for licensees requesting CE exemptions/extensions, pursuant to CCR § 1536. However, the form needs to be updated to accurately reflect current law and incorporated by reference.

Similarly, CCR § 1536 allows the Board to approve continuing education courses meeting the criteria set in CCR § 1536 (g). Currently, CE Providers seeking course approval submits a completed CE Course Approval form and the applicable fee. However, the form should be updated to reflect current law, approved by the Board, and incorporated by reference.

Based on the above, staff drafted the proposed amendments to CCR § 1536. The Board approve the revised forms and proposed amendments to CCR § 1536 and directed staff to prepare the proper rulemaking documents and set the matter for public hearing.

Staff has completed the packet and sent it to DCA for internal check and approval. The packet was due to the Office of Administrative Law (OAL) on September 25, 2016. OAL has 30 working days to approve or disapprove the rule making packet. Regulations go into effect quarterly; if the packet is approved then it will go into effect January 1, 2017. (Attachment 5)

Update:
This rulemaking package has been submitted to OAL for approval. The decision is due November 9, 2016.

Action Requested:
None

E. Proposed Revision to CCR § 1514.1 Co-Location Reporting Requirement

Background:
During the November 20, 2015 Board meeting, the Board voted to adopt the proposed addition to CCR § 1514.1 (Attachment 6) and related form (Attachment 7). However, the Board also requested the Administration's assistance in amending BPC Section 2556.1 to expand the reporting requirement to registered dispensing opticians.

In response to the Board's request, the Administration included the requested amendment in the SB 836, which is has passed and is now in effective.

Update:
Board staff amended the applicable form and regulatory language to reflect the changes in law made by SB 836.

Action Requested:
Please review, consider, and vote to approve the proposed amendments. If approved, please delegate authority to the Executive Officer to initiate the rule making process and circulate the language for the required time period.

F. Amendment to CCR § 1502 Delegation of Functions

Background:
CCR § 1536 allows the Board to approve continuing education courses meeting the criteria set in CCR § 1536 (g) and approve CE extension requests. In order for staff to approve these courses and CE extension requests, the Executive Officer (EO) should be given the delegated authority from the Board. Otherwise, the way the regulation is currently written, each course and request for CE extension would have to go before the Board for approval.

The proposed regulatory revision would also authorize the EO to accept default decisions and stipulated surrenders of a license. In May 2013, the Board voted against delegating authority to accept default decisions and stipulated surrenders based on the low volume of disciplinary matters it receives and the belief that delegating such authority prevented the Board from weighing in on disciplinary decisions. However, given the addition of several new license types and imperfect information regarding the potential volume of licensing and disciplinary actions, Board legal counsel has suggested that the Board may want to revisit this decision.

As a consumer protection agency, the Board is obligated to protect California consumers and patients. Please note that in cases of defaults, the respondent, applicant or cited person has two mechanisms available to get to a hearing on the merits. In cases of stipulated surrenders, the respondents, often times represented by attorneys, have agreed to no longer practice in California. Here, the issue is timing, as any delay may allow respondents with admitted alcohol/drug addictions to continue treating patients and/or allow those who admitted to providing gross negligent, incompetent and/or substandard care to continue providing said care. The Board voted to approve the proposed amendments (Attachment 8) to CCR § 1502 and directed staff to prepare the proper rulemaking documents and set the matter for public hearing during the February 2016 meeting.

Action Requested:
None

G. Amendment to CCR § 1530.1 Qualifications of Foreign Graduates

Background:
In order for foreign graduates to obtain sponsorship to sit for the National Board of Examiners in Optometry (NBEO) examination, applicants were required to submit the Application for International (Foreign) Graduate Sponsorship. In addition, applicants were required to submit fingerprints and have their education evaluated by a professional credential evaluation service. However, the application and additional requirements need to be updated to reflect current law, approved by the Board, and incorporated by reference. The Board approved the proposed form (Attachment 9) and amendments (Attachment 10) to CCR § 1530.1 and directed staff to prepare the proper rulemaking documents and set the matter for public hearing.

Action Requested:
None

H. Amendment to CCR § 1506 Certificates – Posting

Background:
During the November 21, 2014 meeting, Dr. David Turetsky, O.D. requested the Board consider a consumer notice requirement (signage) that would educate consumers about the different certifications an optometrist can obtain and what the designations after the license number mean.

Then Board President, Dr. Alejandro Arredondo, asked Dr. Turetsky, Ms. Donna Burke, and Ms. Cyd Brandvein to work on the consumer notice. Dr. Turetsky and Ms. Burke met with then Executive Officer, Mona Maggio, for the workgroup's initial meeting; Ms. Brandvein was unavailable to participate at that time.

The workgroup reviewed and revised the fact sheet "What Do the Letters after an Optometrist's License Mean?" for clarity and added a category for optometrists with "No Designation" for the optometrists who continue to practice with no certifications.

The workgroup recommended the Consumer Notice become part of Title 16, California Code of Regulations (CCR), §1506, Certificates – Posting. Requiring at each office there shall be posted in a conspicuous place, next to the optometrist's posted license, a notice which shall clearly state the certification designations and definitions for the purpose of consumer education.

After discussing the consumer notice during the April 23-24, 2015 Board Meeting, the Board voted (9-Aye; 1-No) to send the notice back to the workgroup, make it more "user-friendly," and bring it back to a future Board meeting.

On July 23, 2015, the workgroup revised the Consumer Notice and developed proposed amendments to CCR §1506 for Board consideration. In addition, staff recommended amendments to clarify existing language. The Board voted to amend CCR §1506 (Attachment 11) and adopt the Consumer Notice (Attachment 12) and directed staff to prepare the necessary documents to initiate the rulemaking process.

Action Requested:
None

I. Amendment to CCR § 1523.5 Abandonment of Applications

Background:
Currently, the Board does not have the authority to abandon any license/permit applications. In order to issue licenses/registrations/permits, the Board must receive the necessary information, documentation, and/or other materials. Some applicants, however, may apply and never submit the required information even after frequent requests from staff for the missing items.

Consequently, the Board maintains application files that may never be issued and will always be reported as "pending" workload; these files are in a sort of perpetual holding pattern, which is neither efficient nor productive. Staff must store and monitor these files and keep them open even though the application may have been sitting dormant for years. The Board appears to be one of the few DCA entities who do not have this authority.

To rectify this, Board legal counsel has provided proposed language for the addition of CCR § 1523.5 (Attachment 13). Please note that the abandonment of files is not something that is taken likely - staff would warn applicants that abandonment may occur if the applicant does not supply the necessary information. The Board approve the proposed addition to CCR § 1523.1 during the February 19, 2016 meeting and directed the staff to prepare the proper rulemaking documents and set the matter for public hearing.

Action Requested:
None

J. Proposed Addition to CCR § 1503 Relating To Accreditation of Schools and Colleges of Optometry

Background:
Business and Professions Code (BPC) § 3023 mandates the Board "accredit schools, colleges, and universities in or out of this state providing optometric education, that it finds giving a sufficient program of study for the preparation of optometrist."

BPC § 3025.2 allows the Board, through regulation, to "… recognize, accept, or adopt the advice, recommendation, accreditation or approval of a nationally recognized accrediting agency or organization." However, the Board does not have any such supporting regulation.

The Board only accepts schools and colleges of optometry who have received accreditation through the Accreditation Council on Optometric Education (ACOE). As stated on their website, ACOE "is the only accrediting body for professional optometric degree (O.D.) programs, optometric residency programs and optometric technician programs in the United States and Canada.

Both the U.S. Department of Education and the Council on Higher Education Accreditation recognize the ACOE as a reliable authority concerning the quality of education of the programs the Council accredits. ACOE accreditation means the programs that have attained accredited status: "Meet the Council's standards of educational effectiveness; and show a demonstrated commitment to quality assessment and improvement."

The Board approve the proposed language (Attachment 14) during the August 26, 2016 Board meeting and delegated authority to the Executive Officer to initiate the rule making process and circulate the language for the required time period.

Action Requested:
None

Attachments:
1. Unprofessional Conduct – 1516, 1582 Order of Adoption
2. RDO Fee Increase - 1399 Language
3. Form 39A-1 Rev. 7-09
4. Form OLA-2
5. CCR § 1536 Proposed Language
6. CCR § 1514.1 Amendments – Will be provided at the meeting
7. Co-location Form – Will be provided at the meeting
8. Amendment to CCR § 1502 Delegation of Certain Functions
9. International (Foreign) Graduate Sponsorship Application
10. Amendment to CCR § 1530.1 Qualifications of Foreign Graduates
11. Amendment to CCR §1506, Certificates – Posting
12. Consumer Notice
13. Addition to CCR § 1523.5; Abandonment of Applications
14. Addition to CCR § 1503. Accreditation

BOARD OF OPTOMETRY

ORDER OF ADOPTION

(1) Amend Section 1516 in Division 15 of Title 16 of the California Code of Regulations to read as follows:

1516. Application Review and Criteria for Rehabilitation.

(a) In addition to any other requirements for licensure, whenever it reasonably appears that an applicant may be unable to practice optometry safely because his or her ability to practice may be impaired due to mental or physical illness affecting competency, the Board may require the applicant to be examined by one or more physicians and surgeons or psychologists designated by the Board. The applicant shall pay the full cost of the examination. An applicant's failure to comply with the requirement shall render his or her application incomplete. If after receiving the report of the evaluation the Board determines that the applicant is unable to safely practice, the Board may deny the application. The report of the evaluation shall be made available to the applicant.

~~(a)~~(b) When considering the denial of a ~~certificate of registration~~ license under Section 480 of the Code, the Board, in evaluating the rehabilitation of the applicant and his~~/~~ or her present eligibility for a ~~certificate of registration~~ license, will consider the following criteria:

(1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.

(2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the Code.

(3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).

(4) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.

(5) Evidence, if any, of rehabilitation submitted by the applicant.

~~(b)~~(c) When considering the suspension or revocation of a ~~certificate of registration~~ license on the grounds that the ~~registrant~~ licensee has been convicted of a crime, the Board, in evaluating the rehabilitation of such person and his~~/~~ or her present eligibility for a license, will consider the following criteria:

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or offense(s).

(4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

(6) Evidence, if any, of rehabilitation submitted by the licensee.

~~(c)~~(d) When considering a petition for reinstatement of a ~~certificate of registration~~ license under Section 11522 of the Government Code, the Board shall evaluate evidence of rehabilitation submitted by the petitioner, considering those criteria of rehabilitation specified in subsection ~~(b)~~ (c).

Note: Authority cited: Sections 3023, 3023.1, 3025, 3056 and 3057 Business and Professions Code. Reference: Sections 475, 480, 481, ~~and~~ 482, 3056, and 3057 Business and Professions Code; and Section 11522, Government Code.

(2) Adopt Section 1582 in Division 15 of Title 16 of the California Code of Regulations to read as follows:

1582. Unprofessional Conduct.

In addition to the conduct described in Section 3110 of the Code, "unprofessional conduct" also includes, but is not limited to the following:

(a) Failure to cooperate and participate in any Board investigation pending against the licensee. This includes, but is not limited to, failure to respond to a Board request for information or evidence within 15 days of receipt of the request or within the time specified in the request, whichever is later, unless the licensee is unable to provide the information within this time period for good cause. This subsection shall not be construed to deprive a licensee of any privilege guaranteed by the Fifth Amendment to the Constitution of the United States, or any other constitutional or statutory privileges. This subsection shall not be construed to require a licensee to cooperate with a request that would require the licensee to waive any constitutional or statutory privilege or to comply with a request for information or other matters within an unreasonable period of time in light of the time constraints of the licensee's practice. Any exercise by a licensee of any constitutional or statutory privilege shall not be used against the licensee in a regulatory or disciplinary proceeding against the licensee.

(b) Failure to report to the Board, within 30 days, any of the following:

(1) The bringing of an indictment or information charging a felony against the licensee.

(2) The conviction of the licensee, including any verdict of guilty, or pleas of guilty or no contest, of any felony or misdemeanor.

(3) Any disciplinary action taken by another licensing entity or authority of this state or of another state or an agency of the federal government or the United States military that is related to the practice of optometry.

(c) Failure or refusal to comply with a court order, issued in the enforcement of a subpoena, mandating the release of records to the Board.

NOTE: Authority cited: Sections 3090 and 3110, Business and Professions Code. Reference: Sections 480, 3010.1, 3010.5, 3024, and 3025, Business and Professions Code.

BOARD OF OPTOMETRY

PROPOSED LANGUAGE

Amend Section 1399 of Division 13.5 Title 16 of the California Code of Regulations to read as follows:

§ 1399.260. Registered Dispensing Optician Fees.
(a) The initial registration fee shall be ~~$75.00~~ $100.00.
(b) The renewal fee shall be ~~$75.00~~ $100.00.
Note: Authority cited: Section 2558, Business and Professions Code. Reference: Section 2565, Business and Professions Code.

§ 1399.261. Contact Lens Dispenser Fees.
(a) The initial registration fee shall be ~~$75.00~~ $100.00.
(b) The biennial renewal fee shall be ~~$75.00~~ $100.00.
Note: Authority cited: Section 2558, Business and Professions Code. Reference: Section 2566, Business and Professions Code.

§ 1399.263. Spectacle Lens Dispenser Fees.
(a) The initial registration fee shall be ~~$75.00~~ $100.00.
(b) The renewal fee shall be ~~$75.00~~ $100.00.
Note: Authority cited: Section 2558, Business and Professions Code. Reference: Section 2566.1, Business and Professions Code.

CALIFORNIA STATE BOARD OF OPTOMETRY

STATE BOARD OF OPTOMETRY
2450 DEL PASO ROAD, SUITE 105, SACRAMENTO, CA 95834
P (916) 575-7170 F (916) 575-7292 www.optometry.ca.gov

APPLICATION FOR LICENSURE AS AN OPTOMETRIST

Cashiering and Board Use Only			
Receipt #	**Payor ID #**	**Beneficiary ID #**	**Amount**

APPLICANTS FOR LICENSURE WHO GRADUATED FROM AN ACCREDITED SCHOOL OR COLLEGE OF OPTOMETRY ON OR AFTER MAY 1, 2008 ARE ELIGIBLE FOR LICENSURE IN THE STATE OF CALIFORNIA AS A LICENSED OPTOMETRIST WITH CERTIFICATION TO USE THERAPEUTIC PHARMACEUTICAL AGENTS (TPA); CERTIFICATION TO PERFORM LACRIMAL IRRIGATION AND DILATION (TPL); AND CERTIFICATION TO DIAGNOSE AND TREAT PRIMARY OPEN ANGLE GLAUCOMA (TLG).

PLEASE READ THOROUGHLY, THE ENCLOSED ***INSTRUCTIONS FOR COMPLETING THE APPLICATION FOR OPTOMETRIST LICENSE*** BEFORE YOU BEGIN TO COMPLETE THE APPLICATION FORM. MAKE YOUR CHECK PAYABLE TO THE BOARD OF OPTOMETRY. PLEASE NOTE THAT THE REQUIRED FEE IS AN EVALUATION/PROCESSING FEE THAT IS NON-REFUNDABLE. PLEASE ALLOW 6 – 8 WEEKS FOR PROCESSING.

Total Fee Required $360.00

Fee Itemization:
License Application Fee $275.00
TPA Certification Fee $25.00
TPL Certification Fee $25.00
TPG Certification Fee $35.00

Please type or print clearly.

SOCIAL SECURITY NUMBER
☐☐☐-☐☐-☐☐☐☐

DATE OF BIRTH (MONTH/DATE/YEAR)
☐☐/☐☐/☐☐☐☐

NAME (LEGAL NAME ONLY)

_____ (LAST) _____ (FIRST) _____ (MIDDLE)

Other name(s) you are known by: _____

ADDRESS:
_____ (STREET) _____ (CITY) _____ (STATE) _____ (ZIP CODE)

PHONE NUMBER (____) _____ CELL PHONE NUMBER (____) _____

EMAIL ADDRESS:
_____

EDUCATION:
_____
NAME OF SCHOOL/COLLEGE OF OPTOMETRY

DATE DEGREE CONFERRED (MONTH/DATE/YEAR)
☐☐/☐☐/☐☐☐☐

LOCATION OF SCHOOL
_____ (CITY) _____ (STATE) _____ (COUNTRY)

HAVE YOU SUCCESSFULLY COMPLETED (PASSED) ALL SECTIONS (PARTS I, II, III) OF THE NBEO EXAMINATION? ☐ Yes ☐ No

PLEASE PROVIDE THE MONTH AND YEAR THAT YOU COMPLETED EACH OF THE EXAMINATIONS.

PART I (BASIC SCIENCE) _____ (MONTH) _____ (YEAR)

PART II (CLINICAL SCIENCE) _____ (MONTH) _____ (YEAR)

PART III (PATIENT CARE) _____ (MONTH) _____ (YEAR)

HAVE YOU SUCCESSFULLY COMPLETED (PASSED) THE CALIFORNIA LAW EXAMINATION? ☐ Yes ☐ No
PLEASE PROVIDE THE MONTH AND YEAR THAT YOU COMPLETED THE EXAMINATION. _____ _____
(MONTH) (YEAR)

HAVE YOU PREVIOUSLY APPLIED FOR LICENSURE TO PRACTICE OPTOMETRY IN CALIFORNIA? ☐ YES ☐ NO
IF YES, PLEASE PROVIDE THE MONTH AND YEAR OF THE APPLICATION: _____ _____
(MONTH) (YEAR)

DO YOU NOW OR HAVE YOU EVER HELD A LICENSE TO PRACTICE OPTOMETRY IN ANY OTHER STATE?
IF YES, PLEASE LIST EACH STATE AND LICENSE NUMBER BELOW: ☐ YES ☐ NO

_____ _____ _____
(State) (License #) (State) (License #) (State) (License #)

Important Notice: A letter of good standing must be sent directly to the California Board of Optometry from each State Licensing Board where you have held or currently hold a license.

HAVE YOU EVER BEEN DENIED A PROFESSIONAL LICENSE, HAD A PROFESSIONAL LICENSE PRIVILEGE SUSPENDED, REVOKED, OR OTHERWISE DISCIPLINED, or HAVE YOU EVER VOLUNTARILY SURRENDERED ANY SUCH LICENSE IN CALIFORNIA OR ANY OTHER STATE OR TERRITORY OF THE UNITED STATES, OR BY ANY OTHER GOVERNMENTAL AGENCY? ☐ YES ☐ NO

If YES, attach your detailed explanation of the circumstance surrounding the arrest/conviction or disciplinary proceedings taken by another state or governmental agency and attach any documentation (i.e., arrest report/court documents/accusations) that you may have.

HAVE YOU EVER BEEN CONVICTED OF, PLED GUILTY TO, OR PLED NOLO CONTENDERE TO ANY MISDEMEANOR OR FELONY? ☐ YES ☐ NO

If YES, attach your explanation and related documents as described in the REPORTING PRIOR CONVICTION(S) section of the instructions. You must disclose all convictions even if previously reported to the Board. However, it is not necessary for you to re-submit documentation previously on file, you may simply provide a written statement indicating that you believe the information is already on file.

(Convictions dismissed under Section 1203.4 of the Penal Code must be disclosed. You need not include offenses prior to your 18th Birthday. You may omit traffic infractions under $300 that did not involve alcohol, dangerous drugs, or controlled substances.

I declare under penalty of perjury under the laws of the State of California that all the information submitted on this form and on any accompanying attachments submitted is true and correct.

_____ _____
Signature of Applicant ***Date***

ATTACH ONE 2 X 2 COLOR PHOTOGRAPH TAKEN OF YOU WITHIN THE LAST 60 DAYS.

ATTACH COLOR PHOTO HERE

PHOTO IS TO BE HEAD AND SHOULDERS ONLY And of PASSPORT QUALITY

STATE BOARD OF OPTOMETRY
2450 DEL PASO ROAD, SUITE 105, SACRAMENTO, CA 95834
P (916) 575-7170 F (916) 575-7292 www.optometry.ca.gov

Cashiering and Board Use Only			
Receipt #	**Payor ID #**	**Beneficiary ID #**	**Amount**

APPLICATION FOR LICENSURE BY AN OUT OF STATE LICENSED OPTOMETRIST

FEE: $275

The following information is required under Sections 3044, 3045 & 3046 of the Business and Professions Code. All terms of information requested are mandatory. Failure to provide any of the requested information will result in the application being rejected as incomplete. The information provided will be used to determine qualification for licensure. The official responsible for the maintenance of this information is the Executive Officer. The information may be transferred to other interagency or intergovernmental agency, and/or enforcement agencies. Each individual has the right to review the files or records maintained on them by the agency, unless the records are identified as exempt from access as provided in Section 1798.40 et seq. of the Information Practices Act of the Civil Code.

All applicants are subject to fingerprinting for criminal background checks. If you are having your prints taken in California, you must use a Live scan form. You can download this form from the Board's web-site or you can request this form by marking √ the box titled "Live Scan Form." If you are having your prints taken outside of California, you must use a fingerprint card. If you need a fingerprint card, please mark √ the box titled "Fingerprint Card".

☐ Live Scan Form (California Only) ☐ Fingerprint Card (Out of State)

PLEASE TYPE OR PRINT CLEARLY

1. Name: (FIRST) (MIDDLE) (LAST)

Other name/s used: E-mail address: (_____)

2. Address: (NUMBER & STREET)

(CITY) (STATE) (ZIP) (TELEPHONE)

3. Date of Birth: (Mandatory)

_____
mm / dd / yyyy

4. Section 30 of the Business and Professions Code and Public Law 94-455 (42 USCA 405 (c)(2)(C) authorize collection of your SSN. Your SSN will be used exclusively for tax enforcement purposes, for purposes of compliance with any judgement or order for family support in accordance with Section 11350.6 of the Welfare and Institutions Code, or for verification of licensure or examination status by a licensing or examination entity that utilizes a national examination and where licensure is reciprocal with the requesting state. If you fail to disclose your SSN, you will be reported to the Franchise Tax Board, which may assess a $100 penalty against you.

☐ ☐ ☐ - ☐ ☐ - ☐ ☐ ☐ ☐ (Mandatory)

5. Education: Name(s) of School(s) or College(s) of Optometry attended

(NAME OF SCHOOL)

(DATE ENTERED) (DATE DEGREE CONFERRED)

6. Have you sat for the California Laws and Regulations Examination?
If yes, please provide the month and year of test administration. _____ _____ ☐ Yes ☐ No
mm yyyy

7. Please list the name, month and year of the examination administered to qualify you for licensure:

_____ _____
Name of Examination mm/yyyy

8. Please list all states in which you are licensed to practice optometry:

State: _____ Lic. No.: _____ ; State: _____ Lic. No.: _____

State: _____ Lic. No.: _____ ; State: _____ Lic. No.: _____

NOTE: A LETTER OF GOOD STANDING MUST BE SENT FROM EACH STATE BOARD IN WITH WHICH YOU ARE LICENSED DIRECTLY TO THE CALIFORNIA BOARD.

9. Please indicate if you have ever had a license to practice optometry denied, suspended, or subject to disciplinary action

☐ Yes ☐ No (If you marked "Yes, provide full details including charge(s), where (state or territory) and final Disposition on separate piece of paper and attach to this application.)

10. Please indicate if you, as a juvenile or adult, have ever been convicted of or plead nolo contendere to any violation of a U.S. statute, state statute or local ordinance, other than vehicle code offenses in which fines levied were less than $50.00 (Convictions dismissed pursuant to Section 1203.4 of the Penal Code must be disclosed)

☐ Yes ☐ No (If you marked "Yes", provide the full details of each offense, including nature, location and date of final disposition. Submit on a separate piece of paper with this application.

11. Please indicate whether you have met the 5,000 hours of practice requirement set forth in section 3057 of the California Business and Professions Code in five of the seven consecutive years preceding the date of this application.

☐ Yes ☐ No (If "Yes", you must fill out the Certification of 5,000 Practice Hours form (LBC-4) and submit along with this application)

12. Please indicate whether you have met TPA requirements set forth in section 3041.3 of the California Business and Professions Code.

☐ Yes ☐ No (If you marked "Yes", please refer to page two of the instructions for submitting documentation.)

13. Please indicate whether you have met the minimum continuing education requirements set forth in section 3059 of the California Business and Professions Code for the current and preceding year.

☐ Yes ☐ No (If you marked "Yes", please refer to page two of the instructions for submitting documentation.)

14. I declare under penalty of perjury under the laws of the State of California that the answers and information given by me in completing this application, and any attached sheets, are true and I understand and agree that any misstatements of material facts herein may be cause for the denial of this application or for subsequent suspension or revocation of a certificate of registration to practice optometry in California if one is granted to me. I further declare that my signature on this application authorizes the National Practitioner Data Bank, the Federal Drug Enforcement Agency, and any other law enforcement agency or jurisdictional entity to release any and all information required by the California Board of Optometry.

Signature of Applicant: _____ Date: _____

PHOTOS MUST HAVE BEEN TAKEN WITHIN THE LAST SIX MONTHS
USE TAPE DO NOT STAPLE

ATTACH
2" x 2"
PHOTOGRAPH
HERE

BOARD OF OPTOMETRY

ORDER OF ADOPTION

Amend Section 1536 of Division 15 Title 16 of the California Code of Regulations to read as follows:

§ 1536. Continuing Optometric Education; Purpose and Requirements.

(a) Except as otherwise provided in Section 1536(b), each licensee shall complete 40 hours of formal continuing optometric education course work within the two years immediately preceding the license expiration date. Such course work shall be subject to Board approval. Up to eight hours of course work may be in the area of patient care management or ethics in the practice of optometry. Business management courses are not accepted by the Board.

(b) An optometrist certified to use therapeutic pharmaceutical agents pursuant to Business and Professions Code section 3041.3 shall complete a total of 50 hours of continuing optometric education every two years in order to renew his or her license. Thirty-five of the required 50 hours of continuing optometric education shall be on the diagnosis, treatment and management of ocular disease and consistent with Business and Professions Code section 3059, subdivision (e).

(c) Up to 20 hours of required biennial course work may be accomplished by using any or all of the following alternative methods:

(1) Documented and accredited self study through correspondence or an electronic medium.

(2) Teaching of continuing optometric education courses if attendance at such course would also qualify for such credit, providing none are duplicate courses within the two-year period.

(3) Writing articles that have been published in optometric journals, magazines or newspapers, pertaining to the practice of optometry (or in other scientific, learned, refereed journals on topics pertinent to optometry), providing no articles are duplicates. One hour of credit will be granted for each full page of printing or the equivalent thereof.

(4) A full day's in person attendance at a California State Board of Optometry Board meeting as verified by the Board. Every two hours of open session equates to one hour of credit, up to a maximum of four hours. ~~Up to two credit hours shall be granted for a full day.~~

(5) Completion of a course to receive certification in cardiopulmonary resuscitation (CPR) from the American Red Cross, the American Heart Association, or other association approved by the Board. Up to four credit hours shall be granted for this course.

(6) Any ~~CE~~ continuing education course approved for category 1 of the American Medical Association or category 1A of the American Osteopathic Association Continued Medical Education credits that contributes to the advancement of professional skill and knowledge in the practice of optometry.

(7) Participation as a subject matter expert in the creation of the Board's California Laws and Regulation Examination. Subject matter experts will receive one hour of continuing education credit for each hour attending a Board sponsored workshop, not to exceed eight credits per renewal cycle.

(d) A credit hour is defined as one classroom hour, usually a 50-minute period, but no less than that.

(e) Continuing optometric education programs which are approved as meeting the required standards of the Board include the following:

(1) Continuing optometric education courses officially sponsored or recognized by any accredited school or college of optometry.

(2) Continuing optometric education courses provided by any national or state affiliate of the American Optometric Association, the American Academy of Optometry, or the Optometric Extension Program.

(3) Continuing optometric education courses approved by the Association of Regulatory Boards of Optometry committee known as COPE (Council on Optometric Practitioner Education).
(f) Other continuing optometric education courses approved by the Board as meeting the criteria set forth in paragraph (g) below, after submission of the Continuing Education Approval application (Form CE-01, Rev. 5/16), hereby incorporated by reference, ~~a~~ course~~,~~ schedule, topical outline of subject matter, and curriculum vitae of all instructors or lecturers involved, to the Board not less than 45 days prior to the date of the program. The Board may, upon application of any licensee and for good cause shown, waive the requirement for submission of advance information and request for prior approval. Nothing herein shall permit the Board to approve a continuing optometric education course which has not complied with the criteria set forth in paragraph (g) below.
(g) The criteria for judging and approving continuing education courses by the Board for continuing optometric education credit will be determined on the following basis:
(1) Whether the program is likely to contribute to the advancement of professional skills and knowledge in the practice of optometry.
(2) Whether the instructors, lecturers, and others participating in the presentation are recognized by the Board as being qualified in their field.
(3) Whether the proposed course is open to all optometrists licensed in this State.
(4) Whether the provider of any mandatory continuing optometric education course agrees to maintain and furnish to the Board and/or attending licensee such records of course content and attendance as the Board requires, for a period of at least three years from the date of course presentation.
(h) Proof of continuing optometric education course attendance shall be provided in a form and manner specified in writing by the Board and distributed to all licensed optometrists in this State. Certification of continuing optometric education course attendance shall be submitted by the licensee to the Board upon request, and shall contain the following minimal information:
(1) Name of the sponsoring organization.
(2) Name, signature, practice address, and license number of the attending licensee.
(3) Subject or title of the course.
(4) Number of continuing optometric education hours provided for attending the course.
(5) Date the course was provided.
(6) Location where the course was provided.
(7) Name(s) and signature(s) of the course instructor(s).
(8) Such other evidence of course content or attendance as the Board may deem necessary.
Use of a certificate of course completion provided by the Board is recommended for any continuing optometric education course approved by the Board pursuant to the above. Such forms will be furnished by the Board upon request.
The Board will also recognize and utilize the Association of Regulatory Boards in Optometry's online Optometric Education (OE) Tracker system as proof of continuing education course attendance.
(i) The following licensees shall be exempt from the requirements of this section:
(1) Any licensee serving in the regular armed forces of the United States during any part of the two years immediately preceding the license expiration date.
(~~2~~) (3) Those licensees as the Board, in its discretion, determines were unable to complete sufficient hours of continuing optometric education courses due to illness, incapacity, or other unavoidable circumstances. An extension may be granted if the Board, in its discretion, determines that good cause exists for the licensee's failure to complete the requisite hours of continuing optometric education.
~~(3)~~ (2) Any licensee who is renewing an active license for the first time, if he or she graduated from an accredited school or college of optometry less than one year from the date of initial licensure.

(j) The Board, in its discretion, may exempt from the continuing optometric education requirements of this section licensees who for health reasons or other good cause cannot meet these requirements. Licensees requesting an exemption shall complete a Continuing Education Exemption Request (Form CE-E, Rev 2/2016) and submit it, along with all required supporting information, to the Board for its consideration at least thirty (30) days prior to the expiration of the license.
(1) The Board may deny a request for exemption but at its discretion may grant the licensee an extension of up to one year to obtain the necessary continuing optometric education.
(2) A licensee whose requests for an exemption is denied and an extension is not granted shall otherwise comply with the provision of this section.
~~(j)~~(k) The Board may conduct an audit of any licensee's attendance of a continuing optometric education course as a means of verifying compliance with this section.
~~(k)~~(l) Licensees that are glaucoma certified pursuant to BPC section 1571 shall be required to complete 10 hours of glaucoma specific optometric continuing education every license renewal period. These 10 hours shall be part of the required 35 hours on the diagnosis, treatment and management of ocular disease.

NOTE: Authority cited: Section 3025, Business and Professions Code. Reference: Section 3059, Business and Professions Code.

Amend Section 1536 of Division 15 Title 16 of the California Code of Regulations to read as follows:

§ 1571. REQUIREMENTS FOR GLAUCOMA CERTIFICATION

(a) Only optometrists meeting the requirements of this Article may apply for certification for the treatment of glaucoma as described in subdivision (j) of Section 3041, in patients over 18 years of age. The optometrist shall:
(1) Hold an active license as an optometrist in California in good standing with the State Board of Optometry (Board);
(2) Be certified to use Therapeutic Pharmaceutical Agents (TPA) pursuant to Section 3041.3;
(3) Complete a didactic course of no less than 24 hours in the diagnosis, pharmacological and other treatment and management of glaucoma. The following topics may be covered in the course:
(A) Anatomy and physiology of glaucoma
(B) Classification of glaucoma
(C) Pharmacology in glaucoma therapy
(D) Diagnosis of glaucoma including risk factors analysis
(E) Medical and surgical treatment
(F) Participant performance assessment; and
(4) Complete a Case Management Requirement where a minimum of 25 individual patients are each prospectively treated for a minimum of 12 consecutive months. For purposes of this section, “treat” means properly evaluating the patient, performing all necessary tests, diagnosing the patient, recognizing the type of glaucoma within a licensee's scope of practice, creating a treatment plan with proposed medications and target pressures, ongoing monitoring and reevaluation of the patient's condition, and making timely referrals to an ophthalmologist when appropriate. The following options may be chosen in any combination to fulfill this requirement:
(A) Case Management Course: Completion of a 16hour case management course developed cooperatively by the accredited California schools and colleges of optometry and approved by the Board, with at least 15 cases of moderate to advanced complexity. The course may be conducted live, over the Internet, or by use of telemedicine. One hour of the program will be used for a final competency examination. Although the Case Management Course does not involve treatment of patients, completion of the 16-hour Case Management Course is equivalent

to prospectively treating 15 individual patients for 12 consecutive months. Therefore, completion of the 16hour Case Management Course will count as a 15patient credit towards the Case Management Requirement. The full course must be completed to receive the 15-patient credit. The course must include the following topics/conditions:

1. Presentation of conditions/cases that licensees may treat:

a. All primary open-angle glaucoma;
b. Exfoliation and pigmentary glaucoma.

2. Presentation of conditions/cases that licensees may not treat, but must recognize and refer to the appropriate physician and/or surgeon such as:

a. Pseudoglaucoma with vascular, malignant, or compressive etiologies;
b. Secondary glaucoma;
c. Traumatic glaucoma;
d. Infective or inflammatory glaucoma;
e. Appropriate evaluation and analysis for medical or surgical consultation;
f. In an emergency, if possible, stabilization of acute attack of angle closure and immediate referral of the patient.

(B) Grand Rounds Program: Completion of a 16-hour grand rounds program developed cooperatively by the accredited California schools and colleges of optometry and approved by the Board, wherein participants will evaluate and create a management plan for live patients. Completion of the 16-hour Grand Rounds Program is equivalent to prospectively treating 15 individual patients for 12 consecutive months. Therefore, the 16-hour Grand Rounds Program will count as a 15-patient credit towards the Case Management Requirement. The full program must be completed to receive the 15-patient credit. Patients must be evaluated in person. The program must include the following:

1. Presentation of various patient types such as: glaucoma suspects; narrow angle, primary open angle glaucoma (early, moderate, late); and secondary open angle glaucoma such as pigment dispersion and pseudoexfoliation. Patient data, including but not limited to, visual acuities, intra-ocular pressures, visual fields, imaging, and pachymetry, will be available on-site and presented upon request;
2. Examination of patients, evaluation of data and test results, and commitment to a tentative diagnosis, treatment, and management plan;
3. Participation in group discussion of the cases with instructor feedback;
4. Attendance of follow-up meetings (within the 16hour program requirement) where the same or

different patients will be reviewed via serial data, including but not limited to visual fields and imaging photos.

(C) Preceptorship Program: Completion of a preceptorship program where each patient must be initially evaluated by the licensee and co-managed with a preceptor. Each patient must be prospectively treated for a minimum of 12 consecutive months. A preceptor for purposes of this section is defined as:

1. A California licensed, Board certified ophthalmologist in good standing; or
2. A California licensed optometrist in good standing, who has been glaucoma certified for two or more years.

Preceptors shall confirm the diagnosis and treatment plan, and then approve the therapeutic goals and management plan for each patient. Consultation with the preceptor must occur at appropriate clinical intervals or when the therapeutic goals are not achieved. Clinical data will

be exchanged at appropriate intervals determined by the preceptor and the licensee. Telemedicine and electronic exchange of information may be used as agreed upon by the preceptor and the licensee. Each patient that is seen by the optometrist in the program will count as a 1patient credit towards the Case Management Requirement.

~~(b) Licensees that are glaucoma certified pursuant to this Section shall be required to complete 10 hours of glaucoma specific optometric continuing education every license renewal period. These 10 hours shall be part of the required 35 hours on the diagnosis, treatment and management of ocular disease.~~

(~~c~~b) Licensees who completed their education from an accredited school or college of optometry on or after May 1, 2008, are exempt from the didactic course and case management requirements of this Section, provided they submit proof of graduation from that institution to the Board.

(~~d~~c) Licensees who graduated from an accredited school or college of optometry prior to May 1, 2000, and who have not completed a didactic course of no less than 24 hours will be required to take the 24-hour course indicated in subsection (a). Licensees who graduated from an accredited school or college of optometry after May 1, 2000, are exempt from the didactic course requirement of this Section.

(~~e~~d) Licensees who graduated from an accredited school or college of optometry prior to May 1, 2008, and who have taken a didactic course of no less than 24 hours, but not completed the case management requirement under SB 929 [Stats. 2000, ch. 676, § 3], will be required to complete the Case Management Requirement indicated in subsection (a).

(~~f~~e) Licensees who started the process for certification to treat glaucoma under SB 929 [Stats. 2000, ch. 676, § 3] but will not complete the requirements by December 31, 2009, may apply all patients who have been co-managed prospectively for at least 12 consecutive months towards the Case Management Requirement indicated in subsection (a).

Authority cited: Sections 3025, 3041, 3041.10 and 3059, Business and Professions Code.
Reference: Sections 3041 and 3041.3, Business and Professions Code.
History
1. New section filed 12-9-2010; operative 1-8-2011 (Register 2010, No. 50).

Proposed Amendment to CCR § 1502 Delegation of Certain Functions

16 CCR § 1502
§ 1502. Delegation of Certain Functions.

(a) The power and discretion conferred by law upon the Board to receive and file accusations; issue notices of hearing, statements to respondent and statements of issues; receive and file notices of defense; determine the time and place of hearings under Section 11508 of the Government Code; issue subpoenas and subpoenas duces tecum; set and calendar cases for hearing; accept default decisions and approve settlement agreements for the surrender or interim suspension of a license, and perform other functions necessary to the business-like dispatch of the business of the Board in connection with proceedings under the provisions of Sections 11500 through 11528 of the Government Code, prior to the hearing of such proceedings; and the certification and delivery or mailing of copies of decisions under Section 11518 of said code are hereby delegated to and conferred upon the executive officer.

(b) The authority of the Board to approve continuing education courses and course providers and grant extensions and exemptions from the continuing education requirements in section 1536 is hereby delegated to the executive officer or his or her designee.

Note: Authority cited: Section 3025, Business and Professions Code. Reference: Section 3027, Business and Professions Code.

CALIFORNIA STATE BOARD OF OPTOMETRY

STATE BOARD OF OPTOMETRY
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FOREIGN GRADUATE SPONSORSHIP APPLICATION

Requirements:

Pursuant to Business and Professions Code (BPC) § 3057.5, the Board will authorize (sponsor) a graduate of a foreign university who meets all of the following requirements to take the examinations for an optometrist license:

- Over 18 years of age;
- Not subject to denial of a license under BPC § 480.
- Holds a degree as a doctor of optometry issued by a university located outside of the United States.

Applicants who meet the above requirements will be authorized to take the examination upon furnishing satisfactory evidence that the course of instruction completed is reasonably equivalent, as determined by the Board, to the course of instruction given by a school accredited by the Board; provided, however, that an applicant who is unable to furnish satisfactory evidence of equivalency may take those courses or subjects, in an accredited school or in another program of instruction acceptable to the Board, which would remedy areas of deficiency (California Code of Regulations § 1530.1).

In order to determine equivalency, an evaluation of the applicant's professional optometric education from a professional credential evaluation service must be sent directly to the Board from the evaluation service.

Please type or print clearly.

Social Security Number or Individual Identification Number ☐☐☐/☐☐/☐☐☐☐	Date of Birth (MM/DD/YYYY) ☐☐/☐☐/☐☐☐☐
Name (First, Middle, Last)	
Address (Street) (City) (State) (Zip Code)	
Telephone Number	**Email Address**:
Education (Degree Type) (University Name)	**Date Degree Obtained** (MM/DD/YYYY) ☐☐/☐☐/☐☐☐☐
School Location (City) (State) (Country)	
HAVE YOU EVER BEEN DENIED A PROFESSIONAL LICENSE, HAD A PROFESSIONAL LICENSE PRIVILEGE SUSPENDED, REVOKED, OR OTHERWISE DISCIPLINED, OR HAVE YOU EVER VOLUNTARILY SURRENDERED ANY SUCH LICENSE IN CALIFORNIA OR ANY OTHER STATE OR TERRITORY OF THE UNITED STATES, OR BY ANY OTHER GOVERNMENTAL AGENCY?	☐ YES ☐NO
If YES, attach your detailed explanation of the circumstance surrounding the arrest/conviction or disciplinary proceedings taken by another state or governmental agency and attach any documentation (i.e., arrest report/court documents/accusations) that you may have.	
THIS IS NOT AN APPLICATION FOR LICENSURE. ONLY APPLICANTS MEETING THE REQUIREMENTS UNDER BPC §§ 3046, 3056, OR 3057 ARE ELIGIBLE FOR A LICENSE TO PRACTICE OPTOMETRY IN CALIFORNIA.	

HAVE YOU EVER BEEN CONVICTED OF, PLED GUILTY TO, OR PLED NOLO CONTENDERE TO ANY MISDEMEANOR OR FELONY?	☐ YES ☐ NO

*If YES, attach your explanation and related documents as described in the REPORTING PRIOR CONVICTION(S) section of the instructions. You must disclose all convictions even if previously reported to the Board. However, it is not necessary for you to re-submit documentation previously on file; you may simply provide a written statement indicating that you believe the information is already on file. (**Convictions dismissed under Section 1203.4 of the Penal Code must be disclosed. You need not include offenses prior to your 18th birthday. You may omit traffic infractions under $300 that did not involve alcohol, dangerous drugs, or controlled substances.)***

I declare under penalty of perjury under the laws of the State of California that all the information submitted on this form and on any accompanying attachments submitted is true and correct.

Signature of Applicant ***Date***

ATTACH ONE 2 X 2 COLOR PHOTOGRAPH TAKEN OF YOU WITHIN THE LAST 60 DAYS.

ATTACH COLOR PHOTO HERE

PHOTO IS TO BE HEAD AND SHOULDERS ONLY And of PASSPORT QUALITY

All terms of information requested are mandatory. Failure to provide any of the requested information will result in the application being rejected as incomplete. The information provided will be used to determine qualification to take the examinations for an optometrist license. The official responsible for the maintenance of this information is the Executive Officer. The information may be transferred to other interagency or intergovernmental agency, and/or enforcement agencies. Each individual has the right to review the files or records maintained on them by the agency, unless the records are identified as exempt from access as provided in Section 1798.40 et seq. of the Information Practices Act of the Civil Code.

THIS IS NOT AN APPLICATION FOR LICENSURE. ONLY APPLICANTS MEETING THE REQUIREMENTS UNDER BPC §§ 3046, 3056, OR 3057 ARE ELIGIBLE FOR A LICENSE TO PRACTICE OPTOMETRY IN CALIFORNIA.

Proposed Amendment to CCR § 1530.1 Qualifications of Foreign Graduates to Update Foreign Sponsorship Application and Incorporate Form by Reference

16 CCR § 1530.1

§ 1530.1. Qualifications of Foreign Graduates.

(a) An individual who meets the requirements of section 3057.5 of the Code and seeks authorization (sponsorship) from the Board to take the national optometric licensing examination shall complete the Foreign Graduate Examination Sponsorship application (Form FG-01, Rev. 2/16), hereby incorporated by reference, and filed with the Board at its Sacramento office.

(b) The applicant shall supply the Board with a full set of fingerprints for the purpose of conducting a criminal history record check and to undergo a state and federal criminal offender record information search conducted through the Department of Justice.

(c) Applicants who meet the requirements of Section 3057.5 of the Code shall be admitted to the examination upon furnishing satisfactory evidence that the course of instruction completed is reasonably equivalent, as determined by the Board, to the course of instruction given by a school accredited by the Board; provided, however, that an applicant who is unable to furnish satisfactory evidence of equivalency may take those courses or subjects, in an accredited school or in another program of instruction acceptable to the Board, which would remedy areas of deficiency.

(1) For the purposes of determining equivalency, an applicant shall cause to have directly submitted to the Board an evaluation of his or her resident course of professional optometric instruction, as performed by a professional credential evaluation service.

Note: Authority cited: Sections ~~3023.1~~, ~~and~~ 3025, 3025.1, and 3025.2, Business and Professions Code. Reference: Sections 3023.1, 3025, 3047, 3050 and 3057.5, Business and Professions Code.

Committee recommended insertion is underlined in bold green.

Staff's recommended insertions are underlined in blue **and deletions in** ~~red strikethrough.~~

§1506. LICENSES AND CONSUMER NOTICE ~~CERTIFICATES –~~ POSTING

(a) A current license (previously referred to as a certificate of registration)~~certificate of registration, i.e., original wall certificate, is an original certificate of registration and license~~ is a license to practice optometry in the State of California granted by the Board to a natural person who has qualified for the same pursuant to the provisions of Chapter 7 of Division 2 of the Code. ~~and~~ ~~I~~it may not be assigned or transferred to another person but shall; notwithstanding whether it is a replaced ~~by a certification of the issuance of a certificate of registration~~license~~, i.e., duplicate wall certificate, as provided by subdivision (b) of this section~~; remain valid and in force unless it is revoked or suspended and not reinstated or it is expired and not renewed or restored.

(b) A replacement license may be issued by the Board ~~certification of the issuance of a certificate of registration is a certification by the Board that the person named thereon to whom it is conveyed is the holder of the certificate of registration designated thereon and shall be issued to such person as prima facie evidence that such person is the holder of such certificate of registration designated thereon and to replace the same or a previous certification of the issuance of a certificate of registration issued~~ to the same person, provided that there is payment of the fee prescribed by Section 3152(h) of the code for the issuance of a license and one of the following applies:

(1) There is furnished proof satisfactory to the Board of a change in name authorized by law of such person or of the loss of, destruction of or severe damage to such ~~certificate of registration~~license or previous certification of the issuance of such ~~certificate of registration~~license.

(2) Such ~~certificate of registration~~license or previous certification of the issuance of such ~~certificate of registration~~license is, unless it is lost or destroyed, surrendered to the Board.

~~(3) There is payment of the fee prescribed by Section 3152(h) of the code for the issuance of a certification of registration.~~

(c) The principal place of practice of an optometrist shall be deemed by the Board to be that office, other than ~~his/her~~the optometrist branch office or offices~~, wherein he/she owns, singly or jointly with any others, the practice of optometry, provided however~~unless:

(1) ~~Where t~~The optometrist does not own a practice, singly or jointly with any others, but practices optometry in a single office as an employee, that office shall be ~~his/her~~the optometrist's principal place of practice.

(2) ~~Where t~~The optometrist does not own a practice, singly or jointly with any others, but practices optometry in two or more offices as an employee, ~~he/she~~the optometrist shall inform the Board in

writing as to which of such offices shall be deemed ~~his/her~~the optometrist's principal place of practice.

(d) "Evidence of licensure" is a current license to practice optometry, a Statement of Licensure, or a Branch Office License. ~~When the optometrist owns, singly or jointly with any others, the practice of optometry in more than one office or is employed to practice optometry in more than one office and it is infeasible to have his/her certificate posted in more than one of such offices, he/she shall have a numbered statement of licensure issued~~ Evidence of licensure and the Consumer Notice (rev. 8/15) issued by the Board ~~and signed by its executive officer~~ shall be conspicuously posted in each ~~of such additional~~ office(s) wherein ~~he/she~~the optometrist ~~owns, singly or jointly with any others, the practice of optometry or wherein he/she~~ practices optometry. ~~as an employee, provided that: (1) He/she shall first send a written request to the Board for such statement of licensure or statements of licensure and shall include in such request the exact location of the office wherein it or each of them is to be posted in lieu of his/her certificate. (2) He/she shall not have a statement of licensure posted in any office other than as authorized by such statement of licensure. (3) A statement of licensure~~ Evidence of licensure shall not be altered. ~~or assigned. (4) A statement of licensure~~Evidence of licensure ~~is to be immediately~~shall be surrendered to the Board ~~by the optometrist to whom it is issued upon the occurrence of~~whenever the license ~~any of the following: (A) His/her certificate becomes expired~~expires, is suspended or is revoked. Further, a Statement of Licensure or a Branch Office License shall be surrendered to the Board whenever the optometrist ceases practice at that location or terminates . ~~(B) He/she terminates ownership of the practice or his/her employment to practice optometry in the office wherein he/she is authorized by such statement of licensure to post the same in lieu of his/her certificate. (C) The office wherein he/she is authorized by such statement of licensure to post the same becomes the only office wherein he/she has~~ ownership of the practice. ~~and/or practices optometry as an employee.~~

Authority cited: Section 3025, Business and Professions Code

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY GOVERNOR EDMUND G. BROWN JR.

CALIFORNIA STATE BOARD OF OPTOMETRY

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CONSUMER NOTICE

Designations After an Optometrist's Name

Certifications allow an optometrist to provide ~~certain~~ specific ~~additional~~ optometric procedures and services. Certifications are listed immediately to the right of the doctor's license number. The certification designations and their meanings are listed below. All optometrists may prescribe lenses.

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TPA

Certified to use therapeutic pharmaceutical agents to treat certain conditions of the human eye or any of its appendages. May also perform certain procedures on the eye as listed in California Business and Professions Code Section 3041.

TPL

TPA certified with additional certification to perform lacrimal irrigation and dilation procedures for patients over the age of 12 years.

~~**TLG**~~

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~~The **TLG** designation indicates that, in addition to the optometric services described in the TPA section below, the optometrist is also certified to perform lacrimal irrigation and dilation procedures for patients over the age of 12 years and diagnose and treat primary open angle glaucoma in patients over the age of 18 years.~~

TPG

~~The **TPG** designation indicates that, in addition to the optometric services described in the TPA section below, the optometrist is~~TPA certified with additional certification to ~~also certified to~~ diagnose and treat primary open angle glaucoma in patients over the age of 18 years.

TLG

TPA certified with additional certification to diagnose and treat primary open angle glaucoma in patients over the age of 18 years as well as certification to perform lacrimal irrigation and dilation procedures for patients over the age of 12 years.

~~TPL~~

~~The **TPL** designation indicates that, in addition to the optometric services described in the TPA section above, the optometrist is also certified to perform lacrimal irrigation and dilation procedures for patients over the age of 12 years.~~

~~TPA~~

~~**TPA** is the baseline for the scope of optometry in California. The TPA designation indicates that the optometrist is certified to use therapeutic pharmaceutical agents and the optometrist may treat certain conditions of the human eye, or any of its appendages, with therapeutic pharmaceutical agents. The optometrist may also perform certain procedures on the eye. The therapeutic pharmaceutical agents that may be prescribed, the conditions of the eye, and the authorized procedures are listed in California Business and Professions Code Section 3041.~~

DPA

~~The **DPA** designation indicates that the optometrist is c~~Certified to use diagnostic pharmaceutical agents for examination purposes only. **Not certified** to treat diseases of the eye or its appendages.

No Designation

~~An optometrist with no~~No designation indicates ~~he/she~~the optometrist is licensed to conduct exams for the overall health of the eyes and screen for disease, but **not certified** to use diagnostic pharmaceutical agents and **not certified** to treat~~not treat~~ diseases of the eye or its appendages~~.~~. ~~The also prescribe corrective lenses.~~

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Proposed Addition to CCR § 1523.5; Abandonment of Applications

a) An application for a license, permit or registration shall be deemed abandoned and the initial license fee forfeited when the applicant fails to complete the application within one year after it is originally received by the board.

b) An application submitted subsequent to the abandonment of a previous application shall be treated as a new application.

Proposed Addition to CCR § 1503. Accreditation

150x . For the purposes of the Optometry Practice Act, those colleges and universities offering optometric educational programs leading to the issuance of a Doctor of Optometry degree and accredited by the Accreditation Council on Optometric Education (ACOE) shall be deemed accredited by the board. Accreditation under this section shall automatically terminate upon termination of the program's accreditation by ACOE.

Memo

2450 Del Paso Road, Suite 105
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www.optometry.ca.gov

To: Board Members

Date: November 4, 2016

From: Madhu Chawla, OD
Board President

Telephone: (916) 575-7170

Subject: **Agenda Item 17 – Future Agenda Items**

The Board may discuss and decide whether to place a matter on the agenda of a future meeting. Future agenda items currently include, but are not limited to, the following:

- Staff Outreach at CE Events
- Control over scope of practice – what other states are doing
- Revising Business and Profession Code Section 3077: Branch Office License
- Strategic Plan
- Sunset Report
- Dispensing Optician Committee Appointments
- Online Refractions Outreach Campaign
- Evaluation of the Executive Officer
- Consideration of Increasing California Laws and Regulations Exam Administration Frequency
- Accelerated Graduation Program for Foreign Graduates
- Continuing Education Requirements for Registered Dispensing Opticians, Registered Spectacle Lens Dispensers, and Registered Contact Lens Dispensers
- Public Participation During Board Meetings via Teleconference

Memo

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To: Board Members **Date:** November 4, 2016

From: Board Staff **Telephone:** (916) 575-7170

Subject: **Agenda Item 18 - Pursuant to Government Code Section 11126(c)(3), the Board Will Meet in Closed Session for Discussion and Deliberation on Disciplinary Matters**

CALIFORNIA STATE BOARD OF OPTOMETRY

Memo

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To: Board Members

Date: November 4, 2016

From: Madhu Chawla, OD
Board President

Telephone: (916) 575-7170

Subject: **Agenda Item 19 – Adjournment**