

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

To: Board Members

Date: January 26, 2017

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

Rachel Michelin

Mark Morodomi

Maria Salazar Sperber, JD

David Turetsky, OD

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To: Board Members

Date: January 26, 2017

From: Madhu Chawla, OD
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:** January 26, 2017

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

Subject: **Agenda Item 3 – Strategic Planning Session – Discussion and Consideration of Strategic Plan**

The current [Strategic Plan](#) covers the 2014-2018 timeframe. However, given the significant changes impacting the Board in the last year, the Board recognizes the need to revise its Strategic Plan to better align with the Board’s evolving mission and consumer protection mandate.

The Department of Consumer Affairs (DCA) SOLID Planning Solutions team is assisting the Board with this endeavor. This process included interviewing Board Members prior to the planning session to help shape the framework and agenda. SOLID also facilitated a Board staff focus group and created a survey that was distributed to the Board’s stakeholders. Board Member, stakeholder and staff participation provided valuable input that helps the Board understand how it is doing and where it is headed.

Data collected from the interviews, focus group and electronic survey was combined to compile the Environmental Scan. The Environmental Scan helps the Board identify key issues to address in our next strategic plan.

SOLID will facilitate the Board’s strategic planning session. The SOLID facilitator’s primary goal is to ensure active engagement and productive discussion from everyone involved in the strategic planning process.

Using feedback from the planning session, SOLID will draft a Strategic Plan for the Board’s review, comment, and adoption at a future meeting.

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To: Board Members

Date: January 26, 2017

From: Madhu Chawla, OD
Board President

Telephone: (916) 575-7170

Subject: Agenda Item 4 – Recess

The Board will recess until January 27, 2017 at 9:00 am.

2450 Del Paso Road, Suite 105
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To: Board Members

Date: January 27, 2017

From: Madhu Chawla, OD
Board President

Telephone: (916) 575-7170

Subject: **Agenda Item 5 – 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

Rachel Michelin

Mark Morodomi

Maria Salazar Sperber, JD

David Turetsky, OD

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To: Board Members

Date: January 27, 2017

From: Madhu Chawla, O.D.
Board President

Telephone: (916) 575-7170

Subject: **Agenda Item 6 – 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: January 27, 2017

From: Madhu Chawla, O.D.
Board President

Telephone: (916) 575-7170

Subject: Agenda Item 7 - 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. 2017 Board Meeting Dates

The quarterly board meeting dates are scheduled as follows:

- April 21, 2017 – San Diego
- August 4, 2017 – Bay Area
- November 3, 2017 – Riverside

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To: Board Members

Date: January 27, 2017

From: Lillian Wang, O.D.
Board Secretary

Telephone: (916) 575-7170

Subject: **Agenda Item 8 – Approval of Board Meeting Minutes**

- A. September 23, 2016 - Attachment 1
- B. October 21, 2016 - Attachment 2
- C. November 4, 2016 - Attachment 3
- D. November 21, 2016 - Attachment 4



Board of Optometry
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**BOARD MEETING FULL MINUTES
TELECONFERENCE
September 23, 2016**

DRAFT

MAIN LOCATION: 2420 Del Paso Road, Sequoia Room, Sacramento, CA 95834

TELECONFERENCE LOCATIONS

**Cameron Park Community
Service District
Outside Pavilion
2502 Country Club Dr.
Cameron Park, CA 95682**

**Oakland Marriott City Center
1001 Broadway, 2nd fl.
Oakland, CA 94607**

**Sam's Club
Optometrist Office
2401 N. Rose Avenue
Oxnard, CA 93036**

**Moraga Country Club
1600 St Andrews Drive
Moraga, CA 94556**

**Van Nuys State Building
Fourth Floor, Room 410
6150 Van Nuys Blvd.
Van Nuys, CA 91411**

**350 North Broadway
Escondido, CA 92025**

Members Present	Staff Present
Donna Burke, Public Member, Vice President	Jessica Sieferman, Executive Officer
Rachel Michelin, Public Member, Secretary	Joanne Stacy, Policy Analyst
Cyd Brandvein, Public Member	Charles McGirt, Licensing Lead
Martha Garcia, CLD, SLD, Professional Member	Kelly Flores, RDO Coordinator
Glenn Kawaguchi, O.D., Professional Member	Kurt Heppler, Legal Counsel
Debra McIntyre, O.D., Professional Member	
Mark Morodomi, Public Member	
Maria Salazar Sperber, Public Member	
David Turetsky, O.D., Professional Member	Guest List
Lillian Wang, O.D., Professional Member	On File
Excused Members	
Madhu Chawla, Professional Member, President	

Friday, September 23, 2016

3:00 p.m.

FULL BOARD OPEN SESSION

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

Vice President, Donna Burke called roll and a quorum was established.

2. Public Comment for Items Not on the Agenda

There were no public comments.

3. Discussion, Consideration, and Possible Action on Board's 2016 Sunset Report

Ms. Burke opened the floor to comments on the first section.

Section 1 - History and function of the Board

Executive Officer, Jessica Sieferman requested the Board's feedback on the draft report. Minor changes can be forwarded after the meeting. December 1, 2016 is the deadline for submitting the report to the Legislature. The goal is for the Board to adopt the final draft at the November 4, 2016 Board Meeting.

Board Committees

Ms. Burke opened the floor to discussion of workgroups and identifying the Members.

Board Member, Rachel Michelin noted a number of mistakes in the attendance portion which causes her some concern. She is concerned about the appearance of inconsistency causing a red flag. Ms. Sieferman assured Ms. Michelin that staff will review all of the attendance records and correct all mistakes. She explained that in the past, those who were in attendance at various workgroups were not readily identified; therefore staff is researching to identify and confirm who was in attendance at the workgroups. Ms. Burke as well as Ms. Sieferman provided assurance that the records will be corrected and made consistent. Professional Member, Glenn Kawaguchi, O.D. pointed out additional corrections needed with regards to titles and names.

Major Changes since the Last Sunset Review

- **Reorganization**

Dr. Kawaguchi addressed the recent increase in the RDO program and the demand placed upon staff. He feels strongly that a comment needs to be made. The comment should be obvious and placed in a few different sections with *Reorganization* being one of the sections.

- **Change in Leadership**

No comments were made.

- **Strategic Planning**

No comments were made.

Legislative Activity

No comments were made.

Regulation Activity

Dr. Kawaguchi commented that in this section the word *initiated* is repeatedly used giving the impression that nothing has been completed. He questioned whether *initiated* is the appropriate word.

Ms. Sieferman explained the reason for the usage of *initiated*, which is that the Board has accomplished many regulation changes over the last year. The concern is that with usage of the word *effective* the efforts of Board Members and staff over the last year may not be observed by the Legislature. Ms. Michelin agreed with Dr. Kawaguchi. Ms. Sieferman suggested eliminated the words and replacing them with the year. Ms. Michelin agreed.

Major Studies

No comments were made.

National Association Activity

Dr. Kawaguchi noticed an error at the bottom of page 26. Ms. Sieferman confirmed the error, and stated that the incorrect sentence “*and applicants must take the first two parts while still in optometry school*” will be removed from the section.

Dr. Kawaguchi had an additional inquiry. Still under the topic of the National Board of Examiners in Optometry (NBEO), he noticed it states: “the Board may take the following steps:” He questioned whether details of actions taken, or what the Board intends to take action on should be added here. He added that in the last year California optometry schools informed the Board of concerns they have regarding the NBEO. Ms. Sieferman suggested stating that there were some concerns, and the Board is working with NBEO to address the concerns. Ms. Michelin requested adding the Board is working to establish a good working relationship with the NBEO. Dr. Kawaguchi agreed.

Section 2 – Performance Measures and Customer Satisfaction Surveys

Quarterly and Annual Performance

No comments were made.

Customer Satisfaction Survey

Professional Member, David Turetsky, O.D. inquired whether staff is looking into methods for obtaining consumer comments on the performance of staff and the Board as a whole. Ms. Sieferman assured that this information is in this section. The section explains that in this fiscal year consumer comments of the Board’s performance accounts for 39% of the general surveys received in the last six years. She added this demonstrates a significant improvement in responses. 46% of licensing survey results has been captured in the last fiscal year which is still ongoing. This reflects improvement in the Board’s outreach.

Dr. Turetsky inquired about the possibility of consumers being asked if they would like to participate in survey after their call. Members and staff briefly discussed this. The idea would be a new step, and the for the purpose of this Sunset Review the Board needs to address what it has accomplished in this report period. Ms. Sieferman announced that staff is already looking into this idea for both email and telephone inquiries.

Dr. Kawaguchi asked if it is necessary and effective to list all of the individual comments as this can take up an enormous amount of pages. Ms. Michelin and Mr. Heppler agreed; Members agreed. Public Member, Mark Morodomi inquired and Ms. Burke responded that she feels there might be some negative public perception if some comments are included and some are left out. Ms. Burke believes it

should be all or none; include or exclude. Ms. Burke confirmed that all Members are comfortable with excluding.

Section 3 – Fiscal and Staff

Fiscal Issues

Dr. Kawaguchi questioned some of the numbers. Ms. Siefertman stated she will work with Budgets for clarification.

Public Member, Mark Morodomi, questioned the Department's internal review process. Ms. Siefertman assured that she will inquire and obtain this information which will be available at the next teleconference meeting. Additionally Ms. Siefertman explained the Board has its own assigned Budget Analyst from whom the numbers are provided, and that Policy Analyst, Joanne Stacy reviews the Board's Counselor reports, which also contain the Board's numbers. Therefore, staff can compare numbers from Ms. Stacy's reports with numbers received from the Budget Office. Mr. Morodomi asserted the importance of multiple levels of review for the purpose of accuracy. Ms. Michelin expressed her similar concern. Ms. Siefertman agreed and restated that she will reach out to the Board's Budget Analyst, stress the importance of accuracy, and obtain the internal review process information. Ms. Burke confirmed this activity for the Members.

Staffing Issues

Mr. Morodomi questioned why there are only five tables rather than ten as the question asked for. Ms. Siefertman explained that the tables are the tables that were asked for and they came directly from the Committee. Mr. Morodomi requested the committee provide confirmation in writing that ten years are not required. Ms. Burke assured that clarification and confirmation will be obtained.

Ms. Burke opened the floor to a member of the public, Vince, with the Assembly Business and Professions Committee. Mr. Vince stated that more information is always better for the public. Reflecting back to the survey comments, he reported that many boards do include the specific comments, however if the Board's concerned about appearing objective or about certain names, the comments can be redacted and/or categorized. He provided some examples. He stated the public is concerned about consumer service for both complainants' and licensees.

Professional Member, Lillian Wang, O.D. suggested mentioning that the Registered Dispensing Optician (RDO) program was placed under the jurisdiction of the Optometry Board. Ms. Michelin agreed that absorbing the RDO program has had the greatest impact on staff.

Ms. Burke opened the floor to discussion on staff development efforts.

Mr. Morodomi asked and Ms. Siefertman confirmed that she and her assistant, Robert Stephanopoulos revisit the Individual Development Plans (IDPs) of staff. He would like this information added to the report. Ms. Michelin inquired and Ms. Siefertman confirmed the Board can elaborate on the Mentorship Program which staff is participating in.

Mr. Morodomi suggesting adding activities the Board would like to accomplish, but cannot due to a lack of funds. He suggested adding participation in the Association of Regulatory Boards of Optometry (ARBO) events. Ms. Michelin agreed that the Executive Officer and a Member of the Board attending ARBO events definitely needs to be mentioned. Dr. Kawaguchi asked and Ms. Siefertman confirmed that her attendance only is authorized for the next ARBO meeting.

Professional Member, Ruby Garcia, RDO inquired into how many ARBO attendees optometry boards from other states typical have. Ms. Sieferman explained that this varies widely between the states according to the boards', structure, state process, and funding. Some have one attendee while others may have three. Mr. Heppler added that under section: *National Association Activity* the report describes the difficulty the Board has had in obtaining approval for travel. This would be the natural place to include the importance of the Executive Officer's attendance, and how significantly beneficial it would be if the Board President or designee could attend as well.

Dr. Turetsky asked if there exists an equivalent to ARBO for opticians. Ms. Sieferman responded that there is; she can include this information under the *National Association Activity*, and submit travel requests to attend.

Section 4 – Licensing Program

Ms. Burke opened the floor to discussion of the Board's performance Targets/expectations for its licensing program.

Ms. Sieferman provided a quick history of licensing. The Board has never created set targets or any kind of performance goals. Nevertheless, in the last Sunset Report, the Board reported that we were not only meeting but exceeding them. Ms. Sieferman is not quite certain what that comment was referencing to. For this report Ms. Sieferman is acknowledging that the Board has some targets set in statute; these targets need to be revisited. She stated that with the new licensing structure staff is looking at setting appropriate and realistic targets. Staff hopes to have the targets available for the Board's votes at the November meeting.

Mr. Morodomi reminded Ms. Sieferman that sometimes a delay is caused by staff waiting for applicants to get all of their documents submitted. Ms. Sieferman responded explaining that the regulation that sets a timeframe for notifying an applicant of a deficiency is not currently fitting with the processes since they are allowed to apply before they have graduated. Often times, although the timeframe would start at the time the applicant applies, the applicant does not fulfill the requirements for licensure. Ms. Sieferman stated this should be added to the report. Ms. Sieferman would like a comment added stating: "Although a statute in place, it is not a good target in terms of measuring the Board's performance." Public Member, Cyd Brandvein would like the specific targets that were set in statute listed for informational purposes.

Application and Licensure Processing Times

Dr. Kawaguchi questioned and Ms. Sieferman confirmed that this section is still in need of revision. Mr. Morodomi requested staff look at the language regarding average processing time and make certain the language is clear. Staff agreed the paragraph does not read correctly and will be clarified.

Applicant Information Verification and Requirements

Ms. Michelin asked what will be added to question 25 regarding the national databank relating to disciplinary history and why this is a consumer protection issue. Ms. Sieferman explained that she added more information about this under Board Recommendations from the Committee as this is an issue the Committee identified. More detail from that latter section will be added to this section. The consumer protection issue comes into play when optometrists licensed and disciplined in another state fail to inform the Board that they are licensed in that state. The Board does not check applicants who

indicate they are not licensed in other states. This is problematic, since the Board must rely on the applicant's disclosure.

Dr. Turetsky inquired as to how the Board can find out about California licensees who are arrested in another state. Ms. Sieferman explained that although applicants/licensees are background checked through the FBI, the FBI does not perform a continuous query. If a licensee is convicted in this state, the Board would receive a subsequent arrest notification from the DOJ, but the FBI does not function the same way. However, if a licensing/regulatory agency of another state disciplines an O.D., that agency is required by law to notify the Licensing/regulatory agencies in every state for which that O.D. was issued a license. A problem is that oftentimes the other agency does not know the individual is licensed in California, and therefore it fails to inform our Board. Additionally, since a specific timeframe for notifying does not exist, the information our Board does receive, are usually several years after the conviction. But with the Data Bank, the Board would receive immediate notification.

Dr. Turetsky clarified that he is concerned about the double standard of the fact a licensee caught in California will be placed on probation, but if caught in another state the Board will probably never know about the conviction. Ms. Sieferman explained that the FBI has recently begun a system more similar to what the DOJ is using. There is a cost for the service, but staff is researching the details and how the Board may utilize this new system.

Ms. Garcia asked if this applies to the RDO opticians as well. Ms. Sieferman clarified that it only applies to optometrists; she does not believe dispensers are not notified to the Data Bank.

Mr. Morodomi suggested a Legislator may ask why the Board cannot check all applicants with the National Data Bank instead of only checking those who indicate they are licensed in another state. Ms. Sieferman explained this question had been brought up before, and the Board's response has been that we do not have the funds, and the Committee encourages us to work towards securing the resources. Part of staff's efforts to secure those funds is mentioned in Section 10. This will require some statutory changes. Ms. Michelin argued that our effort needs to be made a stronger statement that is repeated multiple times throughout the report.

Dr. Kawaguchi stated that for the purposes of the Sunset Report, it is critical to speak facts. The final draft of the Sunset Report needs to reflect where the Board is at currently in the process. The Board may need to be working on the answer to this question to the end. Ms. Michelin and Ms. Burke agreed.

Ms. Burke opened the floor to question 26. Does the board require primary source documentation?

No comments were made.

Out-of-State Applicant Requirements

No comments were made.

Military Education

Ms. Michelin asked if the Board has answered question of 28 (a)? Does the board identify or track applicants who are veterans? Ms. Sieferman responded this is tracked retroactively. Ms. Michelin asked why this question is not on the application. Ms. Sieferman explained that in February, the Board approved revising the application to include this question. Staff intends to push the rulemaking forward and make certain it is compliant.

No Longer Interested Notifications

No comments were made.

Examinations

Dr. Turetsky inquired about the American Board of Opticianry (ABO) examination, state mandates, and cost of test. Staff will contact the Office of Professional Examination Services (OPES) to obtain information.

Ms. Burke opened the floor to discussion on the pass rates.

Dr. Kawaguchi commented on question 31. It is difficult to understand why the NBEO would not track the pass rate of first time test takers. He also believes the language assumes a high success rate of test takers without any data/figures to substantiate this statement. Dr. Wang assured that the Optometry schools have this information. Ms. Sieferman clarified that the answer to question 31. (d) refers to the state and not the NBEO. The NBEO does have the pass/fail/retake numbers. Dr. Kawaguchi requested that this section be revised to provide better clarity. Ms. Sieferman agreed to provide a response for both the state and national exams and to clarify which one is being addressed.

Dr. Turetsky and Ms. Michelin pointed out some grammatical errors in the answer to question 32.

Dr. Turetsky questioned the statement that the California Laws and Regulations Exam (CLRE) are administered twice a year. Ms. Sieferman explained that the response is misleading. The test is administered at all times, however if an applicant fails the exam, he/she must wait 180 days before taking the exam again. Ms. Sieferman offered to reword the answer to question 32 for better accuracy and clarification. Dr. Turetsky asked whether it is legislation or regulation which states the applicant must wait 180 days to retake the exam. Ms. Sieferman responded that it is neither. As part of the strategic plan, one of the Board's objectives is to increase the frequency of administering the CLRE. Staff has researched this issue and plans to bring their recommendation to the Board at the November meeting. The recommendation will be to not to increase the frequency based upon the information received and the impact. This will all be discussed at the November meeting.

School Approvals

Ms. Garcia asked if the response to question 34 pertains to optometry schools, to which Ms. Sieferman suggested adding the RDO program. Ms. Garcia announced that in 2017 Moorpark Community College will be opening up a degree programs in opticianry and private colleges will be offering a means of certification. Ms. Burke explained that the Board does not approve the schools and therefore this will have to be researched.

Ms. Michelin noted that the accreditation information for Western University needs to be updated. Ms. Sieferman observed that the entire section needs to be updated. Additional schools were added and the section will be updated to properly reflect the name and number of accredited schools.

Ms. Garcia inquired and Ms. Sieferman explained that currently there are no continuing education requirements for the RDO program. Ms. Sieferman understands Ms. Garcia's concern to have discussion(s) about issue at a future Board meeting(s), but does not recommend including it in this response.

Dr. Kawaguchi made a couple recommendations to the response for question 39. The recommendations were to delete the phrase “more urgent projects,” from the second line, and to expand upon the policy and procedures for conduction CE audits. Ms. Sieferman agreed that additional information needs to be included explaining what the CE audit is and how the Board is working to improve the process.

Section 5 – Enforcement Program

Ms. Sieferman explained that this section relies heavily upon data for which staff has had great difficulty obtaining. She stated there will be data and more applicable narratives at the next teleconference meeting.

Mr. Morodomi commented on the enforcement section. He believes the Board should mention instances where the Board brought enforcement actions because the numbers reflected may not do justice to the Board’s enforcement efforts. Ms. Burke agreed.

Dr. Kawaguchi asked and Ms. Sieferman confirmed that the response to question 49 is not yet complete.

Cost Recovery and Restitution

Mr. Heppler expressed some confusion about the answer to question 58 “As previously reported, the Board has not used FTB for cost recover to date, but will be using it where appropriate in the future depending on order language.” Members and staff agreed this response needs to be reworded.

Ms. Burke inquired about using an example of a time where the Board pursued insurance fraud. Ms. Sieferman explained that by the time the Board is notified, the optometrist has already worked to pay off the debt. Ms. Burke suggested this explanation may suffice.

Section 6 – Public Information Policies

Ms. Michelin noted the statement in question 60 “Since the last sunset report, the Board has created a strong social media presence” is misleading. She checked the number of followers the Board currently has. She suggested changing the wording to: “the Board is utilizing social media.”

Ms. Sieferman agreed, and noted that the Board does have public comment for section 5.

Mr. Morodomi requested and Ms. Sieferman agreed to elaborate on the Board’s restitution process.

Ms. Michelin asked about the 6,000 subscribers; whether the Board knows how many are licensees and how many are consumers or members of the public. Ms. Sieferman offered to research that information.

Ms. Michelin wants to see 2017 meeting dates on the website meeting calendar. Ms. Sieferman will ensure the dates are posted.

Ms. Michelin requested including an explanation that the Board is exploring opportunities to make the online BreZE system more user friendly for Consumers.

Dr. Turetsky asked if any other board list where their providers went to school. Ms. Sieferman responded that most boards provide the minimum like this Board. The exception is the Medical Board which is required to provide more detailed information.

Ms. Garcia inquired and Ms. Sieferman assured that the RDO program is included in the online BreEZe system. She explained that on the Board's website, there exists a link which takes consumers exactly where they need to be to verify registrations. Staff wants to create something similar for the optometrists.

Ms. Michelin wants to make certain there is accuracy with publications stated to be on our website; that those publications are currently on the Board's website. Additionally, she noted that the Board needs to improve on its consumer outreach and education. A newsletter has not been posted since 2013. Ms. Sieferman and Ms. Burke agreed. Ms. Sieferman announced that staff has already expressed an interest in working on a newsletter.

Section 9 – Current Issues

Ms. Sieferman announced that in response to the board's implementation of the Consumer Protection Enforcement Initiative (CPEI) regulations, the Board recently adopted amendments to §1502, Delegate Authority to the Executive Officer to Accept a Stipulated Surrender or Default Decision. This was part of SB1111 and CPEI.

In response to question 74, Ms. Sieferman noted that staff was extremely devoted to participation in the development of BreEZe, and it is important to let the Committee know about all the work the staff did for the program, answer their questions, and show the impact the development of BreEZe had on enforcement in terms of a backlog. It was extremely important to staff that the program be created in a way that would work well for the Board. Unfortunately, the time spent on the project created a backlog, in other duties. Ms. Michelin agreed that it is very important to make the Committee aware of all the work from staff. This response needs to include a lot of detail.

Section 10 – Board Action and Response to Prior Sunset Issues

Occupational Analysis

The Committee's concerns stemmed from the lack of implementing SB 929 (Polanco, Ch. 676 Stats, 2000) which expanded the scope of practice for optometrists and optometric assistants through regulations. During the 2002 Sunset Review hearing, the Committee recommended that the Board take immediate action to conduct the occupational analysis. The Board to date has been unsuccessful in securing funds for the analysis through budget change proposals. Ms. Sieferman announced that she and Policy Analyst, Joanne Stacy met with Sara Huckle from the Committee to express their concerns about the delay and staffs' belief that the main concern can still be accomplished through different means. Staff intends to continue reaching out to the Committee to determine if this is something the Board needs to continue working on. Ms. Sieferman believes the Board can still accomplish addressing the concerns without an occupational analysis specific to optometric assistants.

Enforcement

Ms. Sieferman provided a brief overview. This section delves deeper into the National Practitioner's Databank. It addresses Committee concerns and recommendations, the Board's response, how the process has changed since 2012. Staff believes this should be applied to all optometrists, and not only applicants who indicate they are licensed out of state.

Ms. Michelin wishes to add the consumer protection aspect of the occupational analysis.

Dr. Kawaguchi advised that the wording be considered very carefully to make certain that everything is stated objectively, without assumptions. Ms. Burke assured the Board has taken note of his concern, and will be mindful of this issue when determining language.

Mr. Heppler clarified for Dr. Kawaguchi what is and is not considered a disciplinary action.

Ms. Burke opened the floor to discussion regarding what has led to the time lag in cases referred to the Attorney General. Ms. Sieferman addressed this issue. She explained that the Board would do its investigation then send it to the Attorney General's (AGs) Office; the AGs Office would decide whether or not to take the case, then decide when to set the matter for hearing; they were also setting hearings out a year out creating a lag time . There have been a lot of improvements in communication between the Board, the Office of Administrative Hearings, and the AGs Office. Additionally there has been an increase in the requirements for the AGs Office to report on specific timeframes.

Ms. Burke opened the floor to discussion regarding whether the Board should be granted the authority to inspect an optometrist's practice location.

No comments were made.

Staffing

Ms. Burke moved on to issue #5 regarding the Boards budget change proposal (BCP); why it was denied.

Ms. Sieferman explained that the BCP process is considered confidential. It should only be discussed upon making it into the Governor's budget, which only happens when the BCP is approved. Staff is working with the Department of Consumer Affairs (DCA) budget and legal offices to determine what the appropriate response should be in order to be as responsive as possible without breaking any confidentiality laws.

License Portability

Ms. Michelin requested that staff make this information regarding license portability of military personnel and their spouses easier to locate on the Board's website.

4. Adjournment



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
TELECONFERENCE
October 21, 2016**

DRAFT

MAIN LOCATION: 2420 Del Paso Road, Sequoia Room, Sacramento, CA 95834

TELECONFERENCE LOCATIONS:

Cameron Park Community
Service District
Outside Pavilion
2502 Country Club Drive
Cameron Park, CA 95682

Sam's Club
Optometrist Office
2401 N Rose Avenue
Oxnard, CA 93036

Moraga Country Club
1600 St Andrews Drive
Moraga, CA 94556

University Community Park
Craft Room
1 Beech Tree Lane
Irvine, CA 92612

Van Nuys State Building
Fourth Floor, Room 410
6150 Van Nuys Blvd.
Van Nuys, CA 91411

7488 Shoreline Dr., #B-1
Stockton, CA 95219

350 North Broadway
Escondido, CA 92025

Members Present	Staff Present
Madhu Chawla, O.D., President	Jessica Siefertman, Executive Officer
Donna Burke, Public Member, Vice President	Robert Stephanopoulos, Assistant Executive Officer
Lillian Wang, O.D., Secretary	Joanne Stacy, Policy Analyst
Cyd Brandvein, Public Member	Kurt Heppler, Legal Counsel
Martha Garcia, C.L.D., S.L.D	
Glenn Kawaguchi, O.D.	
Debra McIntyre, O.D.	
Rachel Michelin, Public Member	
Mark Morodomi, Public Member	
Maria Salazar Sperber, Public Member	
David Turetsky, O.D.	

Friday, October 21, 2016

3:00 p.m.

FULL BOARD OPEN SESSION

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

Board President, Dr. Madhu Chawla, O.D. called the meeting to order. Dr. Chawla called roll and a quorum was established.

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)]

No action was taken on this agenda item.

3. Discussion, Consideration, and Possible Action on Board's 2016 Sunset Report

Board Legal Counsel, Kurt Hepler suggested that the Members consider the North Carolina issues and the items in the report to determine how they square with the Board's primary purpose of protecting the public. He advised the Member to tackle these matters at the November 4, 2016 Board meeting.

No action was taken on this agenda item.

4. Adjournment

**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
 Friday, November 4, 2016
 DoubleTree by Hilton Hotel LAX
 1985 East Grand Avenue
 El Segundo, CA 90245

DRAFT

Members Present	Staff Present
Madhu Chawla, O.D., President	Jessica Siefertman, Executive Officer
Donna Burke, Public Member, Vice President	Robert Stephanopoulos, Assistant Executive Officer
Lillian Wang, O.D., Secretary	Joanne Stacy, Policy Analyst
Cyd Brandvein, Public Member	Kurt Heppler, Legal Counsel
Martha Garcia, CLD, SLD	
Glenn Kawaguchi, O.D.	
Debra McIntyre, O.D.	
Rachel Michelin, Public Member	
Mark Morodomi, Public Member, J.D.	
Maria Salazar Sperber, Public Member, J.D.	Guest List
David Turetsky, O.D.	On file

Friday, November 4, 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. 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

Board President, Madhu Chawla provided a report on the following:

A. Welcome and Introduction

Dr. Chawla welcomed everyone in attendance.

B. 2016-2017 Board Meeting Dates and Locations

Possible locations were discussed and Members decided to alternate between Southern and Northern California areas.

C. Committee and Workgroup Structures

Dr. Chawla provided a brief history and rationale for past and current workgroup structures.

Mr. Heppler initiated and discussed with Board Members and staff what to do if it is believed a conflict of interest exists with a Committee member and their workgroup.

D. Board President Monthly Updates

Dr. Chawla announced that monthly updates will be sent to all Members subsequent to this meeting.

Dr. Chawla reported that she and Vice President Donna Burke were scheduled to attend the DCA Annual Distributing Cost Meeting. The meeting was rescheduled and neither Dr. Chawla nor Ms. Burke could attend. In lieu of this meeting, the DCA Budget Office provided a presentation for Ms. Burke.

E. DCA's Annual Distributed Costs Meeting

Having received a presentation from the Department of Consumer Affairs Budget Office, Ms. Burke reported on this matter. Ms. Burke assured Members that the state is doing its due diligence to make certain that all spending allocations are needed and not exceeded. She briefly described the process.

F. DCA Internal Board Audit

Executive Officer, Jessica Siefertman provided an overview of the audit process. Ms. Siefertman wishes to have any issues that are addressed, added to the Board's Strategic Plan in January.

G. Teleconference Procedures and Policies

Ms. Siefertman reported that until the Board is able to obtain Skype, staff will begin using WebEx. She believes this system will significantly help with teleconference meetings.

No action was taken on this 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

Dr. William Rafferty, O.D. and NBEO's Chief Executive Officer, Dr. Jack Terry, O.D. participated in open dialogue with the Board and answered Member's questions.

Discussion ensued regarding the accuracy and methodology of NBEO's forensic system of detecting exam results considered untrustworthy. Members are concerned about the reliability of the number of untrustworthy results detected. Members are disappointed in the lack of adequate communication from the NBEO. Members are concerned about repeated glitches and malfunctions of the electronic exam platform while applicants are testing.

Madhu Chawla moved to create a workgroup to address any and all concerns with the NBEQ. 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				

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

Program Manager for ARBO, Sierra Rice provided a presentation of the OE Tracker System.

No action was taken on this agenda item.

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

Rachel Michelin moved to direct staff to explore multiple options that would allow the State Board of Optometry to better audit CE obtained by optometrist prior to renewal of their license including what other boards are currently utilizing for the same purpose and process; and direct staff to explore ARBO, BreZE and other potential electronic systems for collecting and auditing the CE coursework including the costs involved in implementing such a system for the Board. 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				

7. Approval of Board Meeting Minutes

A. August 26, 2016

Rachel Michelin moved to approve the August 26, 2016 Board Meeting Minutes. Debra McIntyre 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				

8. Update from the Department of Consumer Affairs, Which 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

Ms. Siefertman provided an update for the Board.

No action was taken on this agenda item.

9. Executive Officer’s Report

Assistant Executive Officer, Robert Stephanopoulos

A. BreEZE

Assistant Executive Officer, Robert Stephanopoulos reported on BreEZE.

B. Budget

Ms. Siefertman provided the Budget details for the Board.

C. Personnel

Mr. Stephanopoulos reported on personnel updates.

D. Examination and Licensing Programs

Ms. Siefertman reported on licensing matters.

E. Enforcement Program

Ms. Siefertman reported on the Board’s enforcement program.

No action was taken on this agenda item.

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

Members discussed and decided upon language changes and additions for each section of the report.

Members discussed and decided upon the format for displaying the specific comments or the summary of the comments in the Customer Satisfaction Survey results.

To action was taken on this agenda item.

11. Update on RDO Advisory Committee

Dr. Chawla provided an update on the RDO Advisory Committee.

No action was taken on this agenda item.

12. Update on 2016 Legislation Impacting Healing Arts Boards and the Practice of Optometry

Policy Analyst, Joanne Stacy provided a legislative update on the following bills:

- A. SB 482 (Lara) Controlled Substances: CURES Database**
- B. SB 622 (Hernandez): Optometry**
- C. SB 1039 (Hill) Professions and Vocations**

No action was taken on this agenda item.

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

Ms. Stacy provided an update for the Board.

Professional Member, Glenn Kawaguchi, O.D. led the workgroup discussion.

Cyd Brandvein moved for the Board to sponsor the legislative concept and direction of the children’s vision workgroup and request that workgroup Members together with staff to move forward with introducing the legislation in the 2017 legislative session. Madhu Chawla 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				

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

Ms. Stacy provided an overview of this agenda item.

Ms. Michelin expressed a deep concern regarding the non-existent clarification of what a mobile clinic is. She believes the Board is not currently in a position to make any legislative proposals on this issue. Her recommendation is to begin with a full meeting discussion, and in consideration of the many interested parties that would like to be a part of the discussion. Members agreed.

Professional Member, Dr. Glenn Kawaguchi stated that although he understands the grayness around mobile clinics the Board’s core role is consumer protection now. He asked if there is a possibility of focusing more specifically on current law and current potential enforcement action for which the Board should be paying close attention to.

Ms. Michelin responded that the Board will look better to potential authors having fully vetted this issue.

Professional Member, Ms. Martha Garcia, RDO noted from her perspective that without a clear definition of what a mobile clinic is, how can any enforcement action ensue? Her opinion is that a discussion regarding what constitutes a mobile clinic, is a good place to start.

Mr. Heppler added his opinion that the core building block of what arena defines a mobile clinic is the critical starting point from which following steps can be considered.

Dr. Kawaguchi clarified: he wants to make certain that public perception is not that the Board is not interested in regulating mobile clinics and providing consumer protection.

Members continued to discuss this matter and agree that defining mobile clinics is step one.

Ms. Siefman explained for the Board the two requirements that currently limit mobile clinics which involve Statement of Licensure permits and Branch Office License permits. The two license types are registered to a specific location; the question then becomes would there be a type of exemption for mobile clinic providers to not have to register each location that they go to because the Board would not want the patient’s homes registered and displayed on the Board’s website.

Members decided to have a stand-alone Board meeting for this specific agenda item, and to include this matter in the Board’s Strategic Plan.

No action was taken on this agenda item.

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

Ms. Michelin, Chair of the Consumer Protection Committee provided an explanation of a two-part form-letter the Committee members created. The letter informs optometrists of their scope

of practice, and what their certifications will allow. The Committee would like to have it mailed out to all California optometrist by the end of the year.

Madhu Chawla moved to direct staff to move forward and mail the letter to all optometrists in the state. Lillian Wang seconded.

Members made comments and modification suggestions regarding the letter and accepted a friendly amendment to the previous motion.

Madhu Chawla moved to allow the Executive Officer and Counsel to review and modify the letter as appropriate. 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				

16. 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**

Cyd Brandvein moved to withdraw the rulemaking packet. 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				

- C. Amendment to CCR § 1523 Licensure Examination Requirements to Update Form 39A-1. Rev. 7-09, Form OLA-2m 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

Rachel Michelin moved to prepare regulations C, E, F, G, H, I, J and to accept the tweaks made to E. Lillian Wang 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. Future Agenda Items

Items of discussion for future agenda items are pre-accusation settlement of cases and ARBOs OE Tracker system.

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



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
TELECONFERENCE
November 21, 2016**

DRAFT

STAFF LOCATION: 2420 Del Paso Road, Sequoia Room, Sacramento, CA 95834

TELECONFERENCE LOCATIONS:

Oakland Marriott City Center
1001 Broadway, 2nd Fl.
Oakland, CA 94607

Sam's Club
Optometrist Office
2401 N Rose Avenue
Oxnard, CA 93036

Farmer's Daughter Hotel
115 S Fairfax Avenue
Los Angeles, CA 90036

Eyeglass World
1207 E. Valley Pkwy.
Escondido, CA 92027

Van Nuys State Building
Fourth Floor, Room 410
6150 Van Nuys Blvd.
Van Nuys, CA 91411

7488 Shoreline Dr., #B-1
Stockton, CA 95219

Nugget Market – 2nd Floor
4500 Post Street
El Dorado Hills, CA 95762

Las Lomas Community Park
Craft Room
10 Federation Way
Irvine, CA 92603

Outrigger Reef Waikiki
Beach Resort
Business Center
2169 Kalia Road
Honolulu, HI 96815

Members Present	Staff Present
Madhu Chawla, O.D., President	Jessica Siefertman, Executive Officer
Lillian Wang, O.D., Secretary	Robert Stephanopoulos, Assistant Executive Officer
Cyd Brandvein, Public Member	Joanne Stacy, Policy Analyst
Martha Garcia, C.L.D., S.L.D	Matt Mckinney, Enforcement Analyst
Debra McIntyre, O.D.	Kurt Heppler, Legal Counsel
Rachel Michelin, Public Member	
Mark Morodomi, Public Member	
Maria Salazar Sperber, Public Member	
David Turetsky, O.D.	
Excused Absences	
Donna Burke, Public Member, Vice President	
Glenn Kawaguchi, Professional Member	

**Friday, October 21, 2016
3:00 p.m.
FULL BOARD OPEN SESSION**

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

Board President, Dr. Madhu Chawla, O.D. called the meeting to order. Dr. Chawla called roll and a quorum was established.

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)]

There were no public comments.

3. Discussion, Consideration, and Possible Action on Board's 2016 Sunset Report

Professional Member, Debra McIntyre, O.D. commented on the "New Issues;" it was difficult for her to understand the differences between the technology and innovation and new and emerging business models. She had to read the section a few times, and she inquired if any other Members experienced the same difficulty.

Public Member, Rachel Michelin, commented that under "New Issues" number 2 – letter C. she would like "if requested." She believes the wording makes the Board sound passive. She argued that if the Board plans to discuss the implications of North Carolina then the Board should make an agenda item to discuss it, but the legislature is not going to request it.

Ms. Michelin agreed with Dr. McIntyre; she had difficulty understanding the difference between technology and innovation as well. Neither Member believes it needs to be rewritten.

Public Member, Cyd Brandvein agreed on removing "if requested" from number 2 letter c.

Professional Member, Lillian Wang, O.D., likes the way the revised edition has been rewritten. However, she noted an incomplete statement. On page 30, second full paragraph it reads: "In September 2015 the Board appointed a new Executive Officer. The previous incumbent having served since 2008, retired after 30 years of state service. In addition, the Board..." Executive Officer, Jessica Siefertman explained that the Board gained a manager position since the last Sunset Review, which was supposed to be included in that sentence. Ms. Siefertman clarified that the sentence will read: "In addition the Board gained a Staff Service Manager position to serve as the Assistant Executive Officer."

Public Member, Mark Morodomi commented on the change Ms. Siefertman made to the question/answer format. He asked if the questions have question numbers. If so, he believes the numbers should be imported under the heading. Ms. Siefertman responded that she asked the Committee members if they had a preference, and they were fine with the heading format.

Karen Corches, on behalf of the California Optometric Association (COA) stated that "they were part of the Governor's Office discussion on the bill that was related to the North Carolina case last year. Many alternatives were brought to the table about how to best address this with the California's board. She stated that changing the Board's composition was not an alternative brought to the table. She recommends leaving the words "if requested" to "New Issues" number 2 letter c. In COA's opinion, changing the Board's composition will not help California's case with North Carolina. Additionally, COA

agrees that optometrists provide a level of technical expertise that is needed for both disciplinary action and consumer protection.”

Dr. Chawla asked the Members one-by-one if they would choose to leave or remove “if requested.” Members expressed their opinions.

Cyd Brandvein moved to accept the report with the addition of the new manager position and Assistant Executive Officer language; to strike out “if requested” from item c; approve the report; delegate authority to the Executive Officer to make any last-minute typographical or formatting changes; then have the report prepared and disseminated to the appropriate parties. Lillian Wang seconded. The Board voted unanimously (9-0) and the motion passed.

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

4. Adjournment

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

To: Board Members

Date: January 27, 2017

From: Madhu Chawla
Board President

Telephone: (916) 575-7170

Subject: **Agenda Item 9 – 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.

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

To: Board Members

Date: January 27, 2017

From: Jessica Siefertman
Executive Officer

Telephone: (916) 575-7184

Subject: Agenda Item 10 – Executive Officer’s Report

A. BreEZe Database

BreEZe usage for Optometrist (OPT) and Statement of Licensure (SOL) applications dropped since last quarter, with 58% of OPTs and 40% of SOLs submitted online. BreEZe usage for Branch Office Licenses (BOL) and Fictitious Name Permit (FNP), however, increased to 71% and 66%, respectively.

Since the first quarter, online OPT and SOL renewals remained consistent, with over 50% being processed through BreEZe. Conversely, only 29% of FNPs and BOLs were submitted online. Board staff is analyzing ways to increase online use, as licensees experience faster processing times than submitting renewals through regular mail.

Licensees submitting online benefit from a one day cycle time for BOLs, SOLs, and FNPs compared to an average range of four to six days for paper renewals. OPT renewals are processed on average seven days quicker than paper renewals.

The DCA BreEZe team and Board staff is writing scripts to use during User Acceptance Testing (UAT). These scripts provide step by step instructions for specific transactions (e.g., submit an online payment) and broad instructions to cover entire processes (e.g., process an optometrist license application from the back end that was submitted online). UAT is scheduled to start February 15, and the RDO Program is set to “Go-Live” April 2017.

B. Budget

During the Board meeting, the DCA Budgets Office will provide an overview of the budget process and review the attached Fund Conditions and Expenditure Reports for the Optometry and RDO programs with the Board Members.

C. Personnel

Board staff continues to stand by their commitment to improve through training. All staff participated in SOLID’s Customer Service Excellence and Myers-Briggs courses while management provided office and phone coverage. This training proved to be great learning experiences for staff and management.

In addition, Enforcement Lead, Cheree Kimball attended DCA training classes on the Rulemaking and Legislative Process to understand the steps involved in getting regulations adopted and

legislation signed into law. This will also pave the way to a valuable cross training opportunity, as Ms. Kimball has shown interest in helping Joanne Stacy with policy-related matters.

D. Examination and Licensing Programs

With the continuing education (CE) regulation amendments in effect, the Board can now offer CE credit to subject matter experts (SME) who participate in workshops. Almost immediately following the initial announcement to stakeholders, the Board was not only able to fill the next workshop, but also had to turn people away and/or recruit them for the next scheduled workshop. Board staff is confident that, with the Board's amended regulation, recruiting SMEs will no longer be a challenge.

In early January, the EO and AEO discussed streamlining licensing processes with the National Board of Examiners in Optometry's (NBEO) Chief Executive Officer, Dr. Jack Terry, OD. One apparent bottleneck in the process is waiting for the NBEO scores to be released to the Board. Currently, NBEO releases pdf score reports to the Board after candidates graduated. Board staff then searches through the pdf to manually enter results into our system. Over the next few months, Board staff is going to work with NBEO to explore the possibility of creating an interface between our two systems. In addition, NBEO may consider changing its policy to release scores to the Board as soon as they are available. These changes would cut the licensing cycle time considerably.

On November 3, 2016, staff met with the Dean and other administrators from Western University College of Optometry's Dean. As briefly mentioned during the last Board meeting, the primary purpose was to discuss the extended care facilities. However, streamlining the licensing process was also discussed. Another delay in the licensing process is waiting for the transcripts to be sent to the Board. An option the Board is exploring is using DCA's secure web cloud server – ideally, the schools would upload the transcripts to the server, and staff would be able to automatically verify receiving the transcript. Staff will work with DCA and the schools over the next several months to identify the best way to implement this process.

Board licensing statistics are attached for review (Attachment 6).

E. Enforcement Program

For the first time in two years, the enforcement unit is fully staffed; it consists of one lead AGPA, one AGPA, one Staff Services Analyst (SSA), and one Office Technician (OT). 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.

On November 4, 2016, the enforcement unit welcomed Matthew McKinney into its vacant Associate Governmental Program Analyst (AGPA) position. Mr. McKinney comes to the Board from the Landscape Architects Technical Committee and has been instrumental in closing, as of December 30, 2016, 96 of the Board's pending cases. In addition to working an investigation case load, Mr. McKinney will be taking over the Board's Continuing Education Audit Program.

Kellie Flores, the enforcement unit's SSA, completed training the Board's new RDO licensing technician and now carries a full case load. Ms. Flores is working on updating the Expert Witness Program procedures, and continues to act as the Board Member Liaison. Ms. Flores is also assisting in the design, testing, and implementation of the RDO program in BreZE.

Brad Garding, the enforcement unit's OT, assisted training Mr. McKinney and Ms. Flores in some of the unit's most essential tasks: opening cases, updating BreZE, and answering questions from consumers, licensees, and other stakeholders. During the two years the enforcement unit was understaffed, Mr. Garding's hard work and support were invaluable in helping to keep the enforcement unit investigating cases and responding to stakeholder inquiries.

As the pending case load decreases, the enforcement unit will begin drafting updated procedures and desk training manuals that reflect changes that have occurred since the implementation of BreZE. Many of these changes have helped increase the effectiveness of case process tracking

as well as providing the opportunity to create less paper waste in the overall investigation process. Documenting these changes in procedures and desk manuals allows the changes to be consistently applied.

In addition, the unit is working with the Deputy Attorney General's Office to identify more ways to streamline the process. The Board's DAG liaison has assisted the unit in updating/creating templates to assist staff and DAG processing. Staff will continue to work with the AG's office to continually look for ways to reduce enforcement cycle times.

As of December 2016, the Enforcement Unit has 236 pending enforcement cases (167 optometrists, 69 RDO Program). Two of these pending cases are designated as high priority, while the remaining are routine priority cases.

Cases by Priority	Q1 – FY16/17						Q2 – FY16/17						FY Total	
	Routine		Expedite		High		Routine		Expedite		High		OPT	RDO
	OPT	RDO	OPT	RDO	OPT	RDO	OPT	RDO	OPT	RDO	OPT	RDO		
Received	79	25	0	0	0	0	57	32	0	0	0	0	136	57
Closed	48	16	0	0	0	0	105	25	0	0	2	0	155	41
Pending	212	60	0	0	4	0	165	69	0	0	2	0	167*	69*
Average Age (days) – Pending	264	214	0	0	681	0	295	240	0	0	660	0	299	240
Referred to AG	1	3	0	0	0	0	2	0	0	0	0	0	3	3
Pending at AG	8	7	0	0	0	0	8	6	0	0	0	0	8	6
Final Disciplinary Orders	1	2	0	0	0	0	2	1	0	0	0	0	3	3

*Pending total includes 3 OPT and 2 RDO cases reopened during Q2

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:

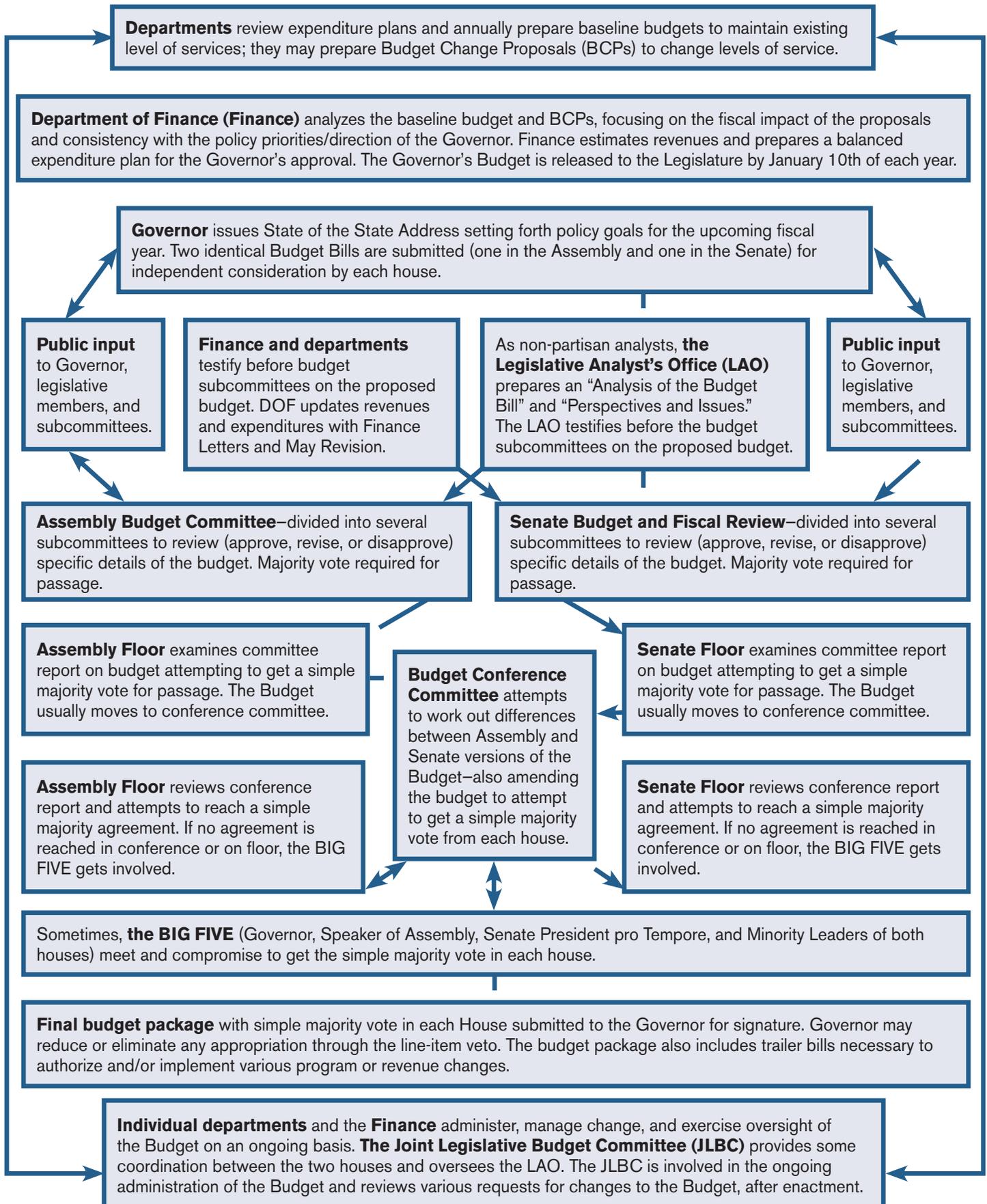
1. Budget Process Overview
2. Optometry Fund Condition
3. Optometry Expenditure Report
4. RDO Fund Condition
5. RDO Expenditure Report
6. Licensing Statistics

BUDGET PROCESS OVERVIEW

The Governor's Budget is the result of a process that begins more than one year before the Budget becomes law. When presented to the Legislature on January 10 of each year, the Governor's Budget incorporates revenue and expenditure estimates based upon the most current information available through mid December. In the event that the Governor wants to change the Budget presented to the Legislature, including adjustments resulting from changes in population, caseload, or enrollment estimates, the Department of Finance (Finance) proposes adjustments to the Legislature during budget hearings through Finance Letters. During late spring, usually in May, Finance submits revised revenue and expenditure estimates for both the current and budget years to the Legislature. This update process is referred to as the May Revision. Finance also prepares monthly economic and cash revenue updates during the fiscal year. Listed below are the key documents used in the budget process.

TITLE	PURPOSE	PREPARED/ISSUED BY	WHEN
Budget Letters and Management Memos	Convey the Administration's guidelines for budget preparation to agencies and departments.	Governor/Finance	January – December
Budget Change Proposals	Documents that propose to modify or change the existing level of service, propose new programs, or delete existing programs.	Agencies and departments submit to Finance analysts	July – September
Governor's Budget	Governor's proposed budget for the upcoming fiscal year.	Governor/Finance	January 10
Governor's Budget Summary	A summary of the Governor's Budget.	Governor/Finance	January 10
Budget Bill	Requests spending authorization to carry out the Governor's expenditure plan (legislative budget decision document).	Finance/ Legislature	January 10
Analysis of the Budget	Analysis of the Budget, including recommendations for changes to the Governor's Budget.	Legislative Analyst	February
May Revision	Update of General Fund revenues, expenditures, and reserve estimates based on the latest economic forecast and changes in population, caseload, or enrollment estimates.	Finance	Mid-May
Budget Act	The primary annual expenditure authorization as approved by the Governor and Legislature, including a listing of the Governor's vetoes.	Legislature/ Governor	Late June or enactment of the Budget
Final Budget Summary	Update of the individual Budget Act items with changes by the Governor's vetoes, including certain budget summary schedules.	Finance	Late July – August or 1-2 months after Budget enactment
Final Change Book	Update of changes to the detailed fiscal information in the Governor's Budget.	Finance	Late July – August or 1-2 months after Budget enactment

ANNUAL BUDGET PROCESS



0763 - State Board of Optometry Analysis of Fund Condition

Prepared 1/10/2017

(Dollars in Thousands)

2017-18 Governor's Budget

	Actual 2015-16	CY 2016-17	BY 2017-18	BY + 1 2018-19
BEGINNING BALANCE	\$ 1,518	\$ 1,903	\$ 2,838	\$ 2,471
Prior Year Adjustment	\$ -39	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 1,479	\$ 1,903	\$ 2,838	\$ 2,471
REVENUES AND TRANSFERS				
Revenues:				
125600 Other regulatory fees	\$ 28	\$ 37	\$ 37	\$ 37
125700 Other regulatory licenses and permits	\$ 160	\$ 153	\$ 154	\$ 154
125800 Renewal fees	\$ 1,687	\$ 1,630	\$ 1,635	\$ 1,635
125900 Delinquent fees	\$ 10	\$ 10	\$ 10	\$ 10
141200 Sales of documents	\$ -	\$ -	\$ -	\$ -
142500 Miscellaneous services to the public	\$ -	\$ -	\$ -	\$ -
150300 Income from surplus money investments	\$ 9	\$ 5	\$ 8	\$ 6
160400 Sale of fixed assets	\$ -	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ 2	\$ 2	\$ 2	\$ 2
161400 Miscellaneous revenues	\$ -	\$ -	\$ -	\$ -
Totals, Revenues	\$ 1,896	\$ 1,837	\$ 1,846	\$ 1,844
Transfers from Other Funds				
Loan Repayment from the General Fund (0001) to the State Optometry Fund (0763), per Item 1110-011-0763 Budget Act of 2011	\$ -	\$ 1,000	\$ -	\$ -
Totals, Revenues and Transfers	\$ 1,896	\$ 2,837	\$ 1,846	\$ 1,844
Totals, Resources	\$ 3,375	\$ 4,740	\$ 4,684	\$ 4,315
EXPENDITURES				
Disbursements:				
1110 Program Expenditures (State Operations)	\$ 1,469	\$ -	\$ -	\$ -
1111 Program Expenditures (State Operations)	\$ -	\$ 1,803	\$ 2,107	\$ 2,149
8880 Financial Information System for CA (State Operations)	\$ 3	\$ 3	\$ 2	\$ -
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ -	\$ 96	\$ 104	\$ 104
Total Disbursements	\$ 1,472	\$ 1,902	\$ 2,213	\$ 2,253
FUND BALANCE				
Reserve for economic uncertainties	\$ 1,903	\$ 2,838	\$ 2,471	\$ 2,062
Months in Reserve	12.0	15.4	13.2	11.3

NOTES:

- A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ON-GOING.
- B. ASSUMES APPROPRIATION GROWTH OF 2% PER YEAR BEGINNING IN BY+1.
- C. ASSUMES INTEREST RATE AT 0.3%.

**BOARD OF OPTOMETRY - FUND 0763
BUDGET REPORT
FY 2016-17 EXPENDITURE PROJECTION**

FM 5

OBJECT DESCRIPTION	FY 2015-16		FY 2016-17				
	ACTUAL EXPENDITURES	PRIOR YEAR EXPENDITURES	BUDGET STONE	CURRENT YEAR EXPENDITURES	PERCENT SPENT	PROJECTIONS TO YEAR END	UNENCUMBERED BALANCE
	(MONTH 13)	11/30/2015	16-17	11/30/2016			
PERSONNEL SERVICES							
Salary & Wages (Staff)	376,903	199,027	464,000	162,229	35%	442,902	21,098
Statutory Exempt (EO)	65,840	0	82,000	33,316	41%	80,790	1,210
Temp Help Reg (907)	45,724	14,877	41,000	13,069	32%	39,971	1,029
Board Member Per Diem	7,400	3,400	7,000	1,400	20%	13,300	(6,300)
Overtime	2,348	571					0
Staff Benefits	215,717	94,945	313,000	103,331	33%	282,104	30,896
TOTALS, PERSONNEL SVC	713,932	312,820	907,000	313,345	35%	859,068	47,932
OPERATING EXPENSE AND EQUIPMENT							
General Expense	9,573	5,363	16,000	4,752	30%	9,000	7,000
Fingerprint Report	4,879	1,730	5,000	980	20%	3,000	2,000
Minor Equipment	0	942	3,000	0	0%	3,000	0
Printing	6,624	1,355	8,000	5,722	72%	10,000	(2,000)
Communications	2,799	746	5,000	1,043	21%	3,000	2,000
Postage	10,456	4,789	11,000	3,208	29%	10,000	1,000
Insurance			0	0		0	0
Travel In State	32,431	6,544	8,000	5,827	73%	32,000	(24,000)
Travel, Out-of-State	589		0	0		0	0
Training	983	0	1,000	0	0%	0	1,000
Facilities Operations	111,534	109,661	59,000	109,420	185%	113,931	(54,931)
Utilities			0				0
C & P Services - Interdept.	97	0	3,000	0	0%	0	3,000
C & P Services - External	11,118	15,203	30,000	32,725		32,725	(2,725)
DEPARTMENTAL SERVICES:							
OIS Pro Rata	243,808	121,000	273,000	113,335	42%	273,000	0
Admin Pro Rata	127,865	62,000	127,000	51,250	40%	127,000	0
Interagency Services	0	0	0	0		0	0
IA w/ OPES	17,160	24,784	0	24,720		24,720	(24,720)
DOI-Pro Rata	2,949	1,500	3,000	1,250	42%	3,000	0
Public Affairs Pro Rata	8,000	4,000	20,000	8,335	42%	20,000	0
PCSD Pro Rata	0	0	1,000	415	42%	1,000	0
INTERAGENCY SERVICES:							
Consolidated Data Centers	614	262	5,000	151	3%	500	4,500
DP Maintenance & Supply	3,378	3,378	1,000	2,565	257%	2,565	(1,565)
Statewide Pro Rata	101,246	50,623	0	0		0	0
EXAM EXPENSES:							
C/P Svcs-External Expert Administrative	49	49	0	0		0	0
C/P Svcs-External Subject Matter	1,844		21,000	0		2,000	19,000
ENFORCEMENT:							
Attorney General	74,589	26,275	237,000	55,300	23%	150,000	87,000
Office Admin. Hearings	18,605	3,650	38,000	14,699	39%	45,000	(7,000)
Court Reporters	1,072	314		429		1,200	(1,200)
Evidence/Witness Fees	1,520	0	16,000	0	0%	3,000	13,000
DOI - Investigations	0	0	0	0		0	0
Major Equipment	1,146	0	11,000	0	0%	11,000	0
Other Items of Expense			0			0	0
TOTALS, OE&E	794,928	444,168	902,000	436,126	48%	880,641	21,359
TOTAL EXPENSE	1,508,860	756,988	1,809,000	749,471	41%	1,739,709	69,291
Reimb. - State Optometry Fund							0
Sched. Reimb. - Fingerprints	(4,966)	(588)	(6,000)	(1,274)	21%	(6,000)	0
Sched. Reimb. - Other	(2,350)	(705)		(940)			0
Probation Monitoring Fee - Variable	(9,700)	(3,800)		(2,100)			0
Unsched. Reimb. - Investigative Cost Recove	(22,907)	(14,916)		(2,992)			0
NET APPROPRIATION	1,468,937	736,979	1,803,000	742,165	41%	1,733,709	69,291
SURPLUS/(DEFICIT):							3.8%

0175 - Registered Dispensing Opticians Analysis of Fund Condition

(Dollars in Thousands)

2017-18 Governor's Budget

	ACTUAL 2015-16	CY 2016-17	BY 2017-18	BY + 1 2018-19
BEGINNING BALANCE	\$ 172	\$ 158	\$ 2	\$ 64
Prior Year Adjustment	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 172	\$ 158	\$ 2	\$ 64
REVENUES AND TRANSFERS				
Revenues:				
125600 Other regulatory fees	\$ 1	\$ 1	\$ 1	\$ 1
125700 Other regulatory licenses and permits	\$ 36	\$ 30	\$ 107	\$ 107
125800 Renewal fees	\$ 146	\$ 120	\$ 342	\$ 342
125900 Delinquent fees	\$ 6	\$ 6	\$ 12	\$ 12
150300 Income from surplus money investments	\$ 1	\$ 1	\$ -	\$ -
161400 Miscellaneous revenues	\$ -	\$ -	\$ -	\$ -
Totals, Revenues	\$ 190	\$ 158	\$ 462	\$ 462
Transfers from Other Funds	\$ -	\$ -	\$ -	\$ -
Transfers to Other Funds	\$ -	\$ -	\$ -	\$ -
Totals, Revenues and Transfers	\$ 190	\$ 158	\$ 462	\$ 462
Totals, Resources	\$ 362	\$ 316	\$ 464	\$ 526
EXPENDITURES				
Disbursements:				
1110 Program Expenditures (State Operations)	\$ 203	\$ -	\$ -	\$ -
1111 Program Expenditures (State Operations)	\$ -	\$ 309	\$ 393	\$ 401
8880 Financial Information System for California (State Operations)	\$ 1	\$ -	\$ -	\$ -
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ -	\$ 5	\$ 7	\$ 7
Total Disbursements	\$ 204	\$ 314	\$ 400	\$ 408
FUND BALANCE				
Reserve for economic uncertainties	\$ 158	\$ 2	\$ 64	\$ 119
Months in Reserve	6.1	0.1	1.9	3.5

NOTES:

- A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ON-GOING.
- B. ASSUMES APPROPRIATION GROWTH OF 2% PER YEAR BEGINNING IN BY+1.
- C. ASSUMES INTEREST RATE AT 0.3%.

**REGISTERED DISPENSING OPTICIANS - FUND 0175
BUDGET REPORT
FY 2016-17 EXPENDITURE PROJECTION**

FM 5

OBJECT DESCRIPTION	FY 2015-16		FY 2016-17				
	ACTUAL	PRIOR YEAR	BUDGET	CURRENT YEAR	PERCENT	PROJECTIONS	UNENCUMBERED
	EXPENDITURES (MONTH 13)	EXPENDITURES 11/30/2015	STONE 16-17	EXPENDITURES 11/30/2016	SPENT	TO YEAR END	BALANCE
PERSONNEL SERVICES							
Civil Service-Perm Comm Member (911) Overtime	29,637	14,760	98,000	2,352	2%	34,598 1,000	63,402 (1,000) 0
Staff Benefits	18,529	10,673	50,000	1,391	3%	20,462	29,538
TOTALS, PERSONNEL SVC	48,166	25,433	148,000	3,743	3%	56,059	91,941
OPERATING EXPENSE AND EQUIPMENT							
General Expense	232	9	4,000	0	0%	500	3,500
Fingerprint Reports			0	49		98	(98)
Minor Equipment			0	0			0
Printing	404	10	2,000	137	7%	500	1,500
Communication			1,000	0	0%	0	1,000
Postage	1,015	0	2,000	568	28%	2,000	0
Insurance			0	0		0	0
Travel In State			6,000	0	0%	4,000	2,000
Travel, Out-of-State			0	0		0	0
Training			1,000	0	0%	0	1,000
Facilities Operations			0	0		0	0
Utilities			0	0		0	0
C & P Services - Interdept.			0	0		0	0
C & P Services - External	17,070	3,000	2,000	3,000	150%	3,000	(1,000)
DEPARTMENTAL SERVICES:							
OIS Pro Rata	59,195	30,000	58,000	24,165	42%	58,000	0
Administration Pro Rata	10,988	5,500	24,000	10,000	42%	24,000	0
Interagency Services			0	0		0	0
Shared Svcs - MBC Only	18,536	18,536	0	0		0	0
DOI - Pro Rata			1,000	415	42%	1,000	0
Public Affairs Pro Rata			3,000	1,250	42%	3,000	0
PPRD Pro Rata			0	0		0	0
INTERAGENCY SERVICES:							
Consolidated Data Center			0	0		0	0
DP Maintenance & Supply			1,000	0	0%	0	1,000
Statewide - Pro Rata	15,667	7,834	0	0		0	0
ENFORCEMENT:							
Attorney General	26,501	12,007	50,000	18,473	37%	45,000	5,000
Office Admin. Hearings	1,470		5,000	0	0%	1,500	3,500
Court Reporters							0
Investigative Svcs - MBC Only	3,286	2,604	2,000	0	0%	2,000	0
Major Equipment						0	0
TOTALS, OE&E	154,364	79,500	162,000	58,057	36%	144,598	17,402
TOTAL EXPENSE	202,530	104,933	310,000	61,800	20%	200,657	109,343
Sched. Reimb. - Fingerprints			(1,000)			(1,000)	0
Sched. Reimb. - Other							0
Unsched. Reimb. - ICR				(525)			0
Unsched. Reimb. - ICR - Prob Monitor				(400)			0
NET APPROPRIATION	202,530	104,933	309,000	60,875	20%	199,657	109,343
SURPLUS/(DEFICIT):							35.4%

Optometry Program Applications FY 16/17

		Q1			Q2		
		Jul	Aug	Sep	Oct	Nov	Dec
OPT	Received Apps (Paper) (1010)	4	4	6	3	5	3
	Received Apps (Online) (1010)	12	10	8	5	4	6
	Opened Licensure App (1020)	20	18	13	18	8	13
	Licenses Issued (1020)	107	25	11	16	8	4
	Approved Exam Apps (1010)	14	14	7	15	6	13
	Expired/Withdrawn/Canceled (incl. Exam Apps + License Apps)	1	0	4	3	4	4
	Avg. Cycle Time (Total Days) Exam Apps (1010)	11	7	13	15	17	13
	Avg. Cycle Time (Total Days) License Apps (1020)	107	87	89	106	186	70
	Pending Apps (incl. Exam Apps + License Apps)	128	121	126	118	117	118

		Q1			Q2		
		Jul	Aug	Sep	Oct	Nov	Dec
BOL	Received (Paper)	2	1	2	2	2	2
	Received Online	2	3	4	5	6	4
	Issued	5	0	3	2	5	10
	Expired/Withdrawn/Canceled	0	1	0	2	3	0
	Avg. Cycle Time (Total Days)	21	NA	133	46	60	34
	Pending Apps	4	7	10	13	13	9

		Q1			Q2		
		Jul	Aug	Sep	Oct	Nov	Dec
SOL	Received (Paper)	11	11	7	13	11	9
	Received Online	12	13	13	8	5	9
	Issued	21	14	25	14	23	11
	Expired/Withdrawn/Canceled	10	2	1	2	3	1
	Avg. Cycle Time (Total Days)	26	19	23	19	26	15
	Pending Apps	14	22	16	21	11	17

		Q1			Q2		
		Jul	Aug	Sep	Oct	Nov	Dec
FNP	Received (Paper)	4	4	7	7	1	7
	Received Online	0	6	4	8	15	6
	Issued	11	1	10	6	11	12
	Expired/Withdrawn/Canceled	2	0	0	0	3	1
	Avg. Cycle Time (Total Days)	48	14	68	55	60	55
	Pending Apps	10	19	20	29	31	31

Optometry Program Renewals FY 16/17

		Q1			Q2		
		Jul	Aug	Sep	Oct	Nov	Dec
OPT	Renewals Received (Paper)	127	157	148	145	105	146
	Renewals Received Online	171	166	178	181	179	190
	Renewals Approved	287	302	308	365	323	353
	Avg. Cycle Time (Total Days) Paper Renewals	13	9	15	14	28	8
	Avg. Cycle Time (Total Days) Online Renewals	8	6	7	18	9	2

		Q1			Q2		
		Jul	Aug	Sep	Oct	Nov	Dec
BOL	Renewals Received (Paper)	0	0	0	1	89	50
	Renewals Received Online	0	0	2	0	32	26
	Renewals Approved	0	0	2	2	99	89
	Avg. Cycle Time (Total Days) Paper Renewals	N/A	N/A	N/A	4	4	6
	Avg. Cycle Time (Total Days) Online Renewals	N/A	N/A	1	N/A	1	1

		Q1			Q2		
		Jul	Aug	Sep	Oct	Nov	Dec
SOL	Renewals Received (Paper)	12	15	19	12	13	17
	Renewals Received Online	26	21	18	11	13	21
	Renewals Approved	36	37	41	23	26	39
	Avg. Cycle Time (Total Days) Paper Renewals	10	9	6	5	6	4
	Avg. Cycle Time (Total Days) Online Renewals	5	1	1	1	1	1

		Q1			Q2		
		Jul	Aug	Sep	Oct	Nov	Dec
FNP	Renewals Received (Paper)	0	0	1	1	429	235
	Renewals Received Online	1	0	2	0	166	108
	Renewals Approved	1	0	3	1	507	370
	Avg. Cycle Time (Total Days) Paper Renewals	0	N/A	4	4	4	4
	Avg. Cycle Time (Total Days) Online Renewals	1	N/A	1	N/A	1	1

Registered Dispensing Optician Program FY 16/17

		Q1			Q2		
		Jul	Aug	Sep	Oct	Nov	Dec
RDO	Received	9	23	4	18	11	8
	Issued	3	2	22	4	5	4
	Expired/Withdrawn/Canceled	0	0	0	0	0	0
	Avg. Cycle Time (Total Days)	113	35	48	36	137	71
	Pending Apps	39	60	42	56	62	66

		Q1			Q2		
		Jul	Aug	Sep	Oct	Nov	Dec
CLD	Received	8	6	12	17	1	16
	Issued	3	4	5	3	6	10
	Expired/Withdrawn/Canceled	0	0	0	0	0	0
	Avg. Cycle Time (Total Days)	37	43	54	47	100	70
	Pending Apps	11	13	20	34	29	35

		Q1			Q2		
		Jul	Aug	Sep	Oct	Nov	Dec
SLD	Received	28	36	41	41	30	39
	Issued	16	27	29	16	21	46
	Expired/Withdrawn/Canceled	0	0	0	0	3	0
	Avg. Cycle Time (Total Days)	38	53	77	50	105	79
	Pending Apps	61	70	82	107	113	106

		Q1			Q2		
		Jul	Aug	Sep	Oct	Nov	Dec
NRCLS	Received	0	1	0	1	0	0
	Issued	0	0	0	1	0	0
	Expired/Withdrawn/Canceled	0	0	0	0	0	0
	Avg. Cycle Time (Total Days)	N/A	N/A	N/A	63	N/A	N/A
	Pending Apps	2	3	3	3	3	3

Registered Dispensing Optician Program FY 16/17

		Q1			Q2		
		Jul	Aug	Sep	Oct	Nov	Dec
RDO	Renewals Received	42	28	37	28	17	48
	Renewals Approved	59	45	47	30	8	25
	Avg. Cycle Time (Total Days) Paper Renewals	55	52	54	28	98	11

		Q1			Q2		
		Jul	Aug	Sep	Oct	Nov	Dec
CLD	Renewals Received	34	49	42	35	36	32
	Renewals Approved	39	56	35	33	32	24
	Avg. Cycle Time (Total Days) Paper Renewals	19	15	11	22	19	39

		Q1			Q2		
		Jul	Aug	Sep	Oct	Nov	Dec
SLD	Renewals Received	75	93	101	76	61	73
	Renewals Approved	92	113	89	73	52	60
	Avg. Cycle Time (Total Days) Paper Renewals	20	27	19	34	17	19

		Q1			Q2		
		Jul	Aug	Sep	Oct	Nov	Dec
NRCLS	Renewals Received	0	0	1	0	2	1
	Renewals Approved	0	0	1	0	0	1
	Avg. Cycle Time (Total Days) Paper Renewals	N/A	N/A	22	N/A	N/A	55

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www.optometry.ca.gov

To: Board Members

Date: January 27, 2017

From: Kurt Heppler
Legal Counsel

Telephone: (916) 575-7170

Subject: **Agenda Item 11 – Bagley Keene-Open Meetings Act, Ethics and Conflict of Interest Training Summary**

Please see the attachment from the Board's Legal Counsel, Kurt Heppler, who will provide a presentation during the meeting.

Welcome to the World of Mnemonics

Those little tools we use to help us remember things—
Like how the Open Meeting Act works

The Planets of Solar System?

- **My Very Educated Mother Just Served Us Nachos**
 - Mercury
 - Venus
 - Earth
 - Mars
 - Jupiter
 - Saturn
 - Uranus
 - Neptune

The Seven Continents?

- Always Eat an Apple, Says a Nurse!
 - Asia
 - Europe
 - Australia
 - Africa
 - South America
 - Antarctica
 - North America

A Mnemonic for Complying With the Open Meeting Act ?

- Right Now, Let's Take A Trip to

PIANO CAMP!

Public

- The Public Has These Rights:
 - Right to attend and record (without being disruptive)
 - Right to comment on Board actions
 - Right to copy and inspect records

Internet

- Meetings Are Webcast with Increasing Frequency
- Plenty of people are watching
- Historical Record of the Proceeding(s) That Never Goes Away
- Does Perception Equal Reality?

Agenda

- Brief but specific description of the matters to be considered
 - The Reasonable Test
- No “Old or New Business”
- A sword and a shield
 - General Rule – If an item isn’t on the agenda, the board can’t talk about it or take action on it

Notice

- Posted at least 10 days in advance of the meeting
- Set forth the time and location of the meeting, as well a contact person in the event more information is needed.
- For a teleconference meeting, locations must be specified and these locations must be accessible to the public and ADA-compliant

Open Session

- Business conducted in open session unless closed session authorized by law
- Reasons for closed session
 - Matters under the Administrative Procedure Act
 - Examinations—prepare, grade, approve, or administer
 - Executive Officer Personnel Matters
 - But Not Because an Item is Controversial or Embarrassing

Communications

- Board Decisions Are Made at Board Meetings
 - Can't use serial or 'hub-and-spoke' communication methodologies to discuss, deliberate or take action on Board business
 - The OMA permits contacts or communications between a member of a state body and one other person
 - A Cautionary Tale of Making New Friends

Ask Your Counsel

- Have a Question?
- You Can Always Ask Us
- In Fact, We WANT You to Ask Us!

Meetings

- It is Complicated
- Definition of a Meeting: “Includes any congregation of a majority of the members of a state body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the state body to which it pertains.”
- But Note: Committees and Subcommittees need to be noticed and open to the public.
- Exception – Advisory Committee with less than three persons without any delegated authority

Penalties

- Decision or Action Invalidated
- Misdemeanor

Some Additional Thoughts

- Recordation Of Votes – A Change
- Technology – The Same but Different
 - Opening Meeting Statement
- Teleconference Meetings
 - Accessibility
 - Signage
 - Authorization

The End

- Questions?
- Comments?

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To: Board Members **Date:** January 27, 2017

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

Subject: **Agenda Item 12 – Update, Discussion and Possible Action on
Recommendations Regarding California Laws and Regulations Examination
Frequency**

The Board works with the Department of Consumer Affairs' (DCA) Office of Professional Examination Services (OPES) to develop the California Laws and Regulations Examination (CLRE) pursuant to Business and Professions Code (BPC) § [139](#).

OPES provides examination-related services to the DCA's regulatory boards and bureaus in order to ensure that licensure examination programs are fair, psychometrically sound, valid, and legal. Specific services provided include performing occupational analyses, conducting exam item development, evaluating performance of examinations, and consulting on matters pertaining to the measurement of minimum competency standards for licensure.

The Board contracts with [PSI](#) to administer the CLRE. PSI provides examinations through a network of computer examination centers in California and ten additional nationwide sites. The CLRE is offered every day of the year excluding major holidays. Exam candidates are able to schedule the CLRE online 24 hours a day.

If a candidate fails an examination, the candidate must wait 180 days before taking the examination again. Since many candidates wait until graduation or shortly thereafter to take the CLRE, this can delay the licensing process – which impacts how quickly candidates can enter the workforce.

Part of the Board's 2012 Strategic Plan (Goal 2, Objective 2.2) was to “evaluate the benefit and cost of increasing the frequency of offering the California Law and Regulations Examination.”

Shortly after the 2012 Strategic Plan adoption, it was reported to the Board that the cost did not outweigh the benefit of increasing exam frequencies. In early 2016, staff met with OPES to re-evaluate the CLRE frequency. After considering the costs and benefits to increase the frequency, staff concurs with the initial report.

In addition, at the Board's request, OPES analyzed the possibility of increasing the number of examinations administered per year in order to reduce the amount of time required before a candidate who failed can retake the examination. The analysis and recommendation is attached.

Should the Board decide to increase the frequency, it has a few options:

- The first option is to have one examination published every three months totaling four examinations per year. If a candidate were to fail the examination then the waiting period would be 90 days before the candidate could retake the exam. This would cost \$46,836¹ per year, which is a \$28,284² increase from the current cost of examination development.
- The second option is to publish two alternate forms every six months which would also total four examinations per year. The waiting period in this case would be a little different. If a candidate were to fail the examination, the waiting period to take the examination again could be determined by the Board. OPES policy is a minimum of 30 days. So, if a candidate were to fail, the initial waiting period could be 30 days and then they could take the alternate form of the examination. In the event that the candidate fails the second form of the examination during that examination cycle, the candidate would then need to wait for the next examination cycle (maximum wait of six months) before taking the exam again. This would cost the same as the first option.
- The third option is to publish one form of the exam every four months totaling three exams per year. In this scenario, if a candidate were to fail, the waiting period to retake the exam is 120 days. The cost associated with publishing an exam three times per year is \$53,088³, which is a \$23,336⁴ increase from the current cost of examination development.

According to the information provided, these options would benefit roughly 10% of candidates per year. If the Board decides to proceed with this route, it would take a minimum of one year to implement.

Action Requested:

Please discuss the information provided and determine the direction the Board would like to take. The Chief of OPES will be present during the meeting to help answer any questions and provide additional information if needed.

Attachment:

1. OPES Memorandum

¹ \$46,836 OPES Costs + \$11,200 Subject Matter Expert (SME) Costs

² \$17,084 OPES Costs + \$11,200 SME Costs

³ \$41,888 OPES Costs + \$11,200 SME Costs

⁴ \$12,136 OPES Costs + \$11,200 SME Costs



OFFICE OF PROFESSIONAL EXAMINATION SERVICES
 2420 Del Paso Road, Suite 265, Sacramento, CA 95834
 P (916) 575-7240 F (916) 575-7291



MEMORANDUM

DATE	January 10, 2017
TO	Jessica Sieferman, Executive Officer State Board of Optometry
FROM	 Heidi Lincer, Ph.D., Chief Office of Professional Examination Services
SUBJECT	Passing rate for first time candidates of the State Board of Optometry California Laws and Regulations Examination

The California State Board of Optometry asked the Office of Professional Examination Services (OPES) to discuss the possibility of increasing the number of examinations that are administered per year in order to reduce the amount of time required before a candidate who failed can retake the examination.

Currently for the Board, OPES conducts examination development to produce two examinations that are administered in six month cycles. There are three one-day workshops that are held each cycle in order to support the development of each exam. The current cost of examination development to sustain two examinations is \$29,752 per fiscal year.

The proposed examination development requested by the Board would require four examinations per year. This examination schedule would consist of the same number of workshops, but it would increase the duration of each workshop to two days for each type of workshop held. The cost for OPES to increase to four examinations is \$46,836 per fiscal year. However, this does not include the costs incurred by the Board for recruiting and paying additional subject matter expert (SME) honorarium and travel expenses.

Should the Board decide to increase the number of examinations held per year, the change would take time to build up the question bank to a level that could support the proposed frequency. Additionally, the Board has historically had difficulty in recruiting the number of SMEs that are necessary to support the current examination development process.

In order to produce an examination that maintains adequate testing standards and is legally defensible, the Board would need to increase SME attendance to 6 to 8 SMEs for each workshop on a consistent basis. If SME attendance improves and the question bank is adequately increased, then the additional forms per year could be developed. This process would take a minimum of one year.

Passing rate for first time candidates

Page 2

The table below shows the pass rate for first time candidates for each administration of the examination starting in April, 2014 and ending in September, 2016. The data show a relatively consistent pass rate for first time candidates. Three of the five administrations have a pass rate over 90%, meaning that a vast majority of candidates are passing the examination on their first attempt. For instance, in the most recent examination cycle (April, 2016 to September, 2016) only 19 candidates failed to pass the examination on their first attempt.

In light of the current pass rate and the added cost of increasing the number of examinations per year, OPES believes it is not feasible at this time to increase the number of examinations offered per year.

If you have any questions about this memo, I can be reached at 916-575-7265.

Pass rate for first time candidates		
04/01/14 to 09/30/14	# of 1 st Time Candidates	223
	Pass %	97.31%
09/30/14 to 04/01/15	# of 1 st Time Candidates	104
	Pass %	73.08%
04/01/15 to 09/30/15	# of 1 st Time Candidates	231
	Pass %	97.40%
09/30/15 to 04/01/16	# of 1 st Time Candidates	76
	Pass %	84.21%
04/01/16 to 09/30/16	# of 1 st Time Candidates	236
	Pass %	91.94%
Total Pass Rate	Total Number of 1 st Time Candidates	870
	Total Average Pass %	91.84%

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To: Board Members **Date:** January 27, 2017

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

Subject: **Agenda Item 13 – 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. The 2015-2016 legislative session has ended; none of the bills carried over into the new session. To view the bill, 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: 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. Additionally, the language of the bill requires that health care practitioner who fails to consult the CURES database is required to be referred to the appropriate state professional licensing board solely for administrative sanctions, as deemed appropriate by that board ([Health and Safety Code 11165.4\(d\)\(1\)](#)). Regulatory update in regards to the new statute is addressed in Agenda Item 16.

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. BreZE configuration changes would need to be done and minor regulations would need to be drafted to fully implement the bill.

Update: The California Optometric Association (COA) indicated in its newsletter that it is “planning on reintroducing legislation to expand the optometric scope of practice in California.”

The newsletter further stated the following: “The bill is needed because the current practice act is very prescriptive and its limitations are becoming a problem for doctors and their patients. For example, the act limits the medications that doctors of optometry can use. If a new medication is developed, optometrists are forced to go back to the Legislature to add the new authority. The scope of practice should be allowed to grow as innovation changes the way eye care is provided. The bill language with the exact details of what is included will be available by February 17. The first committee hearing will be before April 28.”

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To: Board Members

Date: January 27, 2017

From: Robert Stephanopoulos
Assistant Executive Officer

Telephone: (916) 575-7170

Subject: Agenda Item 14 – Legislative Proposals

A. Children’s Vision; [Education Code § 49455](#)

The most recent Children’s Vision bill, 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.

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.

During the November 2016 meeting, the Board passed the following motion:

“The Board sponsor the legislative concept (Attachment 1) and direction of the children’s vision workgroup and ask work group members, together with staff, to moving forward to introducing legislation in the 2017 legislat[ive] session.”

At the time of publications of Board meeting materials there are no updates for Children’s Vision, however, there may be at the Board meeting.

B. Inspection Authority; [BPC § 3030](#)

The Board was granted inspection authority through [SB1039](#). Effective January 1, 2017, the Board's inspection authority is granted by the following section:

"The board may at any time inspect the premises in which optometry is being practiced or in which spectacle or contact lenses are fitted or dispensed. The board's inspection authority does not extend to premises that are not registered with the board. Nothing in this section shall be construed to affect the board's ability to investigate alleged unlicensed activity or to inspect premises for which registration has lapsed or is delinquent."

The intent of this language was to give the Board inspection authority for all locations optometry is being practiced and dispensing is taking place. However, the current language appears to unintentionally limit the inspection authority and, at least, causes confusion as to what exactly the Board's authority is.

Staff Recommendation:

Support a legislative proposal to amend the statute to the following:

The board, [or its designated agent](#), may at any time inspect ~~the~~ [any](#) premises in which optometry is being practiced or in which spectacle or contact lenses are fitted or dispensed. ~~The board's inspection authority does not extend to premises that are not registered with the board. Nothing in this section shall be construed to affect the board's ability to investigate alleged unlicensed activity or to inspect premises for which registration has lapsed or is delinquent.~~

C. Unlicensed Practice; [BPC § 3040](#)

The Board's authority to investigate and take action against unlicensed individuals comes from BPC § [3040](#):

"It is unlawful for a person to engage in the practice of optometry or to display a sign or in any other way to advertise or hold himself or herself out as an optometrist without having first obtained an optometrist license from the board under the provisions of this chapter or under the provisions of any former act relating to the practice of optometry. The practice of optometry includes the performing or controlling of any acts set forth in Section 3041.

In any prosecution for a violation of this section, the use of test cards, test lenses, or of trial frames is prima facie evidence of the practice of optometry."

BPC § [3006](#) defines "advertising" as the following:

As used in this chapter, the term "advertise" and any of its variants include the use of a newspaper, magazine, or other publication, book, notice, circular, pamphlet, letter, handbill, poster, bill, sign, placard, card, label, tag, window display, store sign, radio announcement, or any other means or methods now or hereafter employed to bring to the attention of the public the practice of optometry or the prescribing, fitting, or sale, in connection therewith, of lenses, frames, or other accessories or appurtenances.

When investigating unlicensed practice cases, the Board's Enforcement Unit receives questions from the Division of Investigation, the Deputy Attorney General's Office, attorneys, and others as to whether "advertising" is the same as "offering" services. While the Board is able to take action against unlicensed individuals who offer services set forth in BPC § 3041, Board staff would like to amend the statute to provide clarification – thus reducing confusion and decreasing time spent providing further explanation.

Staff Recommendation:

Support a legislative proposal to amend BPC § 3040 to the following:

~~“It is unlawful for a person to [advertise, offer, or provide any services set forth in Section 3041](#) engage in the practice of optometry or to display a sign or in any other way to advertise or hold himself or herself out as an optometrist without [a valid, unrevoked California optometrist license](#). ~~having first obtained an optometrist license from the board under the provisions of this chapter or under the provisions of any former act relating to the practice of optometry. The practice of optometry includes the performing or controlling of any acts set forth in Section 3041.~~~~

In any prosecution for a violation of this section, the use of test cards, test lenses, or of trial frames is prima facie evidence of the practice of optometry.”

D. NPDB Continuous Query; Eligibility for Licensure; BPC § [3046](#)

The National Practitioners Databank (NPDB) is the national databank relating to disciplinary boards. Information contained in the databank is provided by state regulatory agencies and other entities that are required to report disciplinary information.

As previously reported, the Board began checking the NPDB for all out of state applicants in June 2016. Part of this check includes enrolling the applicants into the continuous query feature. Therefore, the Board is notified whenever discipline or other reportable action is reported to the NPDB – similar to subsequent arrest notifications through DOJ.

However, staff believes that relying solely on the applicants’ self-disclosure of licenses in other states is not in the best interest of consumer protection. Applicants who have been disciplined in another state have the ability to submit an application, choose not to disclose other state licenses, and be issued a license without the Board checking NPDB.

In addition, many optometrists, after becoming licensed in California, seek licensure in other states. Similarly to initial applications, relying on the self-disclosure of prior discipline during the renewal process is also not in the best interest of consumer protection. Likewise, relying on other regulatory agencies to report to the Board is also insufficient. These instances leave ample opportunity for disciplined optometrists to continue providing care to California patients, despite another agency deeming them unsafe to practice.

Staff Recommendation:

Support a legislative proposal to amend existing statute in order to authorize the Board to enroll all applicants and licensees into NPDB’s continuous query system.

E. License Barriers for Out-of-State Licensed Optometrists; BPC § [3057](#)

During a 2016 Little Hoover Commission hearing, the Board was described as having “huge barriers to move across state lines.” The Board’s 2016 Sunset Report identified the following as a new issue for the Board to address:

“Assess and remove unnecessary license barriers, such as BPC § 3057(a)(6), while still adequately protecting the health and safety of California consumers.”

BPC § 3057(a)(6) prohibits the Board from considering an application from any out of state applicant who has ever “had his or her license to practice optometry revoked or suspended in any state where the person holds a license.” This requirement removes all discretionary ability from the Board to evaluate the underlying circumstances or consider any rehabilitation efforts. An out of

state applicant may have faced revocation in another state for a violation that may not even apply to California laws. In addition, another state may have revoked and subsequently reinstated a license after considering rehabilitation efforts (similar to California). However, how the statute is written, that out of state applicant can never become licensed in California.

Staff believes this places an unreasonable barrier to licensure in California and should be struck in statute. The Board has discretion to review discipline by other states through BPC § 3057(a)(4),(5), and (7):

(a) The board may issue a license to practice optometry to a person who meets all of the following requirements:

...

(4) Is not subject to disciplinary action as set forth in subdivision (h) of Section 3110. If the person has been subject to disciplinary action, the board shall review that action to determine if it presents sufficient evidence of a violation of this chapter to warrant the submission of additional information from the person or the denial of the application for licensure.

(5) Has furnished a signed release allowing the disclosure of information from the National Practitioner Database and, if applicable, the verification of registration status with the federal Drug Enforcement Administration. The board shall review this information to determine if it presents sufficient evidence of a violation of this chapter to warrant the submission of additional information from the person or the denial of the application for licensure.

...

(7) (A) Is not subject to denial of an application for licensure based on any of the grounds listed in Section 480.

(B) Is not currently required to register as a sex offender pursuant to Section 290 of the Penal Code.

Thus, staff believes sufficient consumer protections will remain without BPC § 3057(a)(6).

Staff Recommendation:

Support a legislative proposal to strike BPC § 3057(a)(6)

F. Foreign Graduate Pathways; Eligibility for Examinations; BPC § [3057.5](#)

Pursuant to BPC § 3057.5, the Board sponsors foreign graduates to take the National Board of Examiners in Optometry (NBEO). However, BPC § [3046](#) requires, in part, that all applicants graduate from an accredited school of optometry in order to obtain a California optometry license. Thus, even if foreign graduates pass the NBEO, they are still required to obtain an accredited degree.

This sponsorship process takes a significant amount of staff time to review and process, and there is no fee for the sponsorship application. In addition, offering sponsorship has only proven to create confusion among foreign applicants, because they believe this process will lead to licensure in California. However, until foreign graduates obtain a degree from an accredited college of optometry (available through accelerated programs), the Board believes this time-consuming process will never benefit California patients or further develop California's workforce.

In November 2014, the Board approved sponsoring legislation to create a licensure pathway for foreign graduates. However, the bill ([SB 496](#)) died after receiving strong opposition from the Southern California College of Optometry (SCCO) and the California Optometric Association.

SCCO's opposition letter (Attachment 2), asserted that "[t]he clinical (i.e. patient care) experience from a bachelor's or master's degree does not carry the equivalency necessary because the scope

of practice is extremely limited in overseas jurisdictions. For example, it is illegal in some countries to do retinoscopy. Passing an exam question on red eyes is different than the experience of treating patients with red eyes. As a result, the proposed pathway may have the unintended consequence of fostering false hope for patient safety in California.”

NBEO’s examination passing rates of sponsored candidates appear to support these statements, with exam scores up to 47% lower than students enrolled in or graduated from an accredited college of optometry (Attachment 3).

Foreign graduates **do** have a pathway to become licensed in California through an Advanced Standing Program.

An Advanced Standing Program customizes a curriculum based on the foreign graduate transcripts. The curriculum can take between two to four years, and will result in a degree from the accredited school. The following schools offer the Advanced Standing Program:

- New England College of Optometry,
- State University of New York College of Optometry, and
- Salus University Pennsylvania College of Optometry

This existing pathway ensures optometrists providing care to California consumers are held to the same educational requirements.

While this pathway exists, there are no Advanced Standing Programs on the West Coast. California accredited schools have indicated there is not a large demand for the program. However, Western University College of Optometry is interested in administering such a program with input from SCCO and UC Berkeley.

Staff Recommendation:

Support a legislative proposal to repeal BPC § 3057.5

G. RDO Program’s Registration Expiration and Renewal Authority; BPC § [2420](#) and [2423](#)

The RDO registrations expire under the Medical Practice Act (BPC § 2420 and 2423).

Staff Recommendation:

Support a legislative proposal to move the renewal section to the applicable RDO statutes

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 Health¹ 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



Marshall B.
KETCHUM UNIVERSITY

Southern California College of Optometry

Office of the Dean

March 26, 2015

Ms. Mona Maggio
Executive Officer
California State Board of Optometry
2450 Del Paso Rd, Suite 105
Sacramento, CA 95834

RE: SB 496 Pathway to Optometry Licensing

Dear Ms. Maggio:

We are writing in opposition to SB 496 “Pathway to Optometry Licensing” sponsored by Sen. Janet Nguyen.

While foreign graduates have an understandable desire to practice their profession in California, there already exists a clear pathway that recognizes the appropriate education and training of optometrists and assures the delivery of safe and competent care. The typical pathway includes 1) graduation with a doctorate of optometry degree from a school or college of optometry accredited by the Accreditation Council on Optometric Education (ACOE) and 2) passage of the National Board of Examiners in Optometry 3-part examination.

Both steps should be viewed in aggregate. In other words, passage of an examination alone does not constitute an adequate assessment for the safe and effective practice of optometry. Rather, the examination is an opportunity to support that the student and program learning outcomes were achieved by the accredited program. The critical element for the doctorate of optometry is the **clinical education and training** that prepares graduates to practice to the fullest scope as practiced by U.S. optometrists. The clinical (i.e. patient care) experience from a bachelor’s or master’s degree does not carry the equivalency necessary because the scope of practice is extremely limited in overseas jurisdictions. For example, it is illegal in some countries to do retinoscopy. Passing an exam question on red eyes is different than the experience of treating patients with red eyes. As a result, the proposed pathway may have the unintended consequence of fostering false hope for patient safety in California.

An alternative pathway is already available to foreign graduates. The accelerated pathway for obtaining a doctorate of optometry is available at both the New England College of Optometry and Salus University Pennsylvania College of Optometry. Completion of the degree is possible in 2 years rather than the traditional 4 year post-baccalaureate program.

Several more schools recognize some course work to obtain advanced standing at various stages in their program. Clinical training is a key element addressed in this path, and completion of the program leads to the accredited OD degree.

In summary, we believe that optometrists without a doctorate of optometry from an ACOE accredited school are NOT qualified to practice optometry in the United States. The public health and safety are best assured by optometrists having the appropriate education and clinical education verified by accreditation and examination. An individual's desire to practice still has an available pathway after acquiring needed clinical experience and education.

Reference

1. <http://www.arbo.org/faq.php#licensure> FAQ "I am an internationally educated optometrist – how do I get licensed in the U.S.?"
2. <http://www.aoa.org/about-the-aoa/what-is-a-doctor-of-optometry?sso=y>
3. New England College of Optometry <http://www.neco.edu/academics/international>
4. Salus University PCO http://www.salus.edu/od_international/

Sincerely,

Stanley Woo, O.D., M.S., M.B.A., FAAO
Dean
Southern California College of Optometry

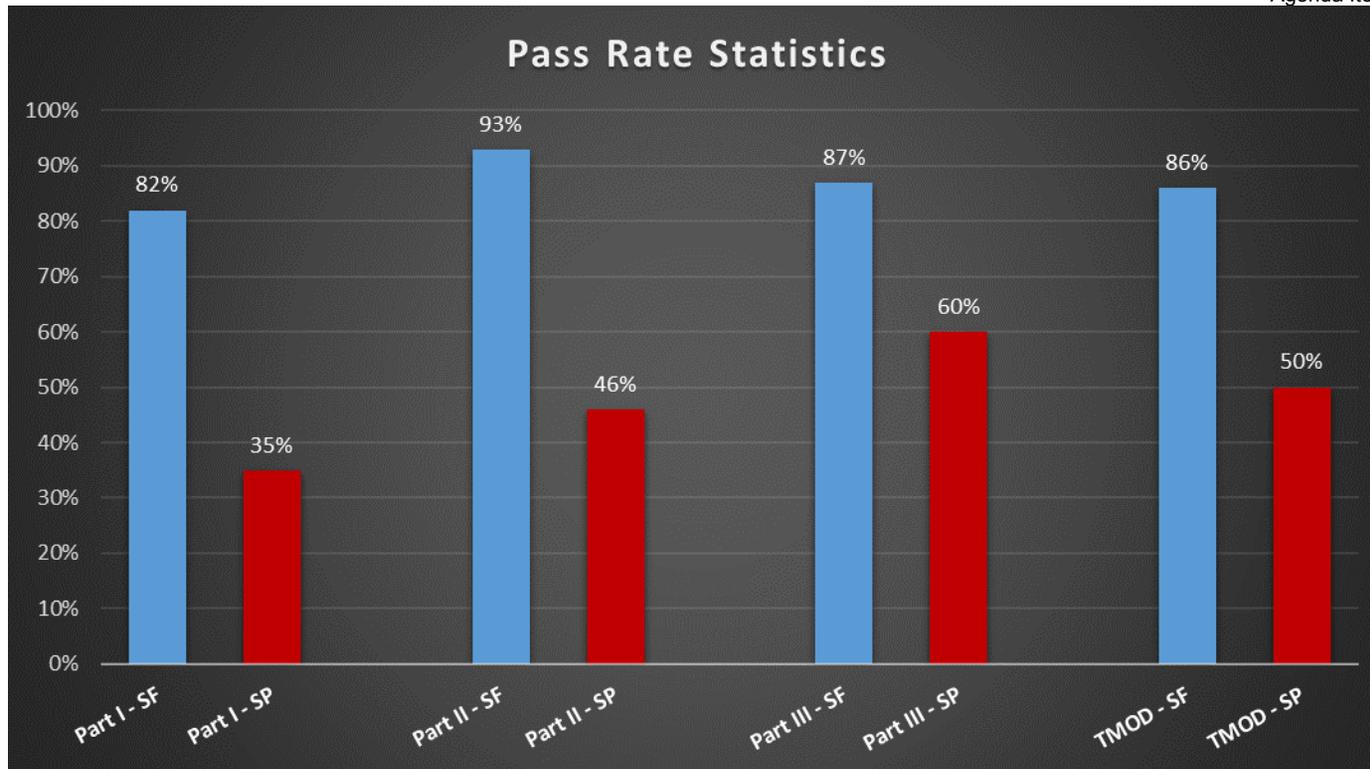
Kevin L. Alexander, O.D., Ph.D.
President
Marshall B. Ketchum University

Cc: Board of Optometry

Alex Arredondo, OD – President; Alexander Kim, MBA; Kenneth Lawenda, OD; Cyd Brandvein; Donna Burke, Secretary; Madhu Chawla, OD – VP; David Turetsky, OD; Glenn Kawaguchi, OD; William H. Kysella, Jr.; Rachel Michelin; Frank Giardina, OD

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***SF – Student First-timer, SP – Sponsored candidate**

****Pass Rates since the restructure of NBEO exams to Part I ABS (03/2009), Part II PAM (12/2009), and Part III CSE (04/2010).**

Candidates Passed / # Total Candidates

Part I (SF): 10,088 / 12,259

Part I (SP): **34 / 97**

Part II (SF): 11,407 / 12,250

Part II (SP): **38 / 82**

Part III (SF): 9,723 / 11,164

Part III (SP): **18 / 30**

TMOD (SF): 10,649 / 12,250

TMOD (SP): **41 / 82**

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To: Board Members **Date:** January 27, 2017

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

Subject: **Agenda Item 15 - 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.

Update: The rulemaking file was submitted to OAL and has been approved. The regulations will go into effect on April 1, 2017. The Order of Adoption Language is attached (Attachment 1).

Action Requested:

None

B. 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 form, OPT 1 Rev. 5-16 Application was approved by the Board and is attached (Attachment 2).

Update:

None

Action Requested:

None

C. 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. The Order of Adoption is attached (Attachment 3).

Update:

The rulemaking file was submitted to OAL and became effective January 1, 2017.

Action Requested:

None

D. Amendment 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 and related form (Attachment 4). 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.

Board staff amended the applicable form and regulatory language to reflect the changes in law made by [SB 836](#).

The Board reviewed, considered, and approved proposed amendments to the co-location from and delegated authority to the Executive Officer to initiate the rule making process and circulate the language for the required time period during the November 2016 meeting.

Update:

None

Action Requested:

None

E. 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 to CCR § 1502 (Attachment 5) and directed staff to prepare the proper rulemaking documents and set the matter for public hearing during the February 2016 meeting.

Update:

None

Action Requested:

None

F. 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 6) and amendments to CCR § 1530.1 (Attachment 7) and directed staff to prepare the proper rulemaking documents and set the matter for public hearing.

Update:

None

Action Requested:

None

G. 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 8) and adopt the Consumer Notice (Attachment 9) and directed staff to prepare the necessary documents to initiate the rulemaking process.

Update:

None

Action Requested:

None

H. 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 10). The Board approved 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.

Update:

None

Action Requested:

None

I. 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 11) 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.

Update:

None

Action Requested:

None

Attachments:

1. Unprofessional Conduct – CCR §1516 and 1582 Order of Adoption
2. OPT 1 Rev. 5-16 Application
3. Continuing Education – CCR § 1536 Order of Adoption
4. Optometrist Registered Dispensing Optician Co-Location Form
5. Delegations of Functions Language CCR Section 1502
6. Foreign Grads Proposed Foreign Sponsorship Application FG-01. Rev 2.16
7. Foreign Grads Language CCR Section 1530.1
8. CCR §1506, Certificates – Posting Language
9. CCR Section 1506 Cert Posting – Notice
10. Abandonment of Applications Language
11. School Accreditation CCR Section 1503

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.

~~(e)~~(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 and~~ 3025, 3025.1, 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: Section 3025, Business and Professions Code. Reference: Sections 480, 3010.1, 3010.5, 3024, 3025, 3090 and 3110, Business and Professions Code.

OPTOMETRIST LICENSE APPLICATION

****Shorten the processing time – Apply online at www.BreEZe.ca.gov****

Fee Schedule	
<i>The application fee is a non-refundable processing fee. Make checks payable to the California State Board of Optometry.</i>	
License Application	\$275
TPA Certification	\$25
TPL Certification	\$25
TPG Certification	\$35

Minimum Requirements:

- Applicable Fee(s)
- Completed Optometrist Application
- Transcripts from College/School of Optometry (*Directly from College/School*)
- Fingerprints:
 - Live Scan Form (CA Only), *or*
 - Two (2) Fingerprint Cards (*\$49 DOJ/FBI Fee*)

California resident applicants must complete the Live Scan fingerprint process. A copy of the completed *Request for Live Scan Service* form must be submitted with your application. Out of state residents may submit two completed fingerprint cards or visit a California Live Scan facility. *Fingerprint cards will be mailed to you once the Board receives your application and appropriate processing fees.* All personal data must be completed on the fingerprint cards. An optometrist license will not be issued until fingerprint results have been received from the Department of Justice and the Federal Bureau of Investigation.

Type or Print Legibly		PERSONAL INFORMATION			
1. Legal Name	Last	First	Middle		
2. Other Names/Aliases Used					
3. Social Security Number/Individual Taxpayer Identification Number			4. Date of Birth (mm/dd/yyyy)		
5. Address of Record (AOR)	Your AOR is public information. Your AOR may be a Post Office (PO) box number or alternate address, instead of your home address.				
Street	City	State	Zip Code	Country	
6. Physical Mailing Address	If you chose a PO Box or alternate address above, please provide a physical address for the Board's internal administrative use and not for public disclosure. A PO box may not be listed in this section.				
Street	City	State	Zip Code	Country	
7. Telephone Numbers	Home #	Work #		Cell #	
8. E-Mail Address					
9. Have you ever applied for a California Optometrist License?				<input type="checkbox"/> Yes <input type="checkbox"/> No	
10. Have you previously held a California Optometrists License? If yes, please provide the license number: _____ Expired:				<input type="checkbox"/> Yes <input type="checkbox"/> No	
11. Are you currently serving in, or have previously served in, the military? If applicable, date honorably discharged:				<input type="checkbox"/> Yes <input type="checkbox"/> No	
12. Is your spouse currently serving in, or have previously served in, the military? If applicable, date honorably discharged:				<input type="checkbox"/> Yes <input type="checkbox"/> No	

EXAMINATIONS

13. List all of the examinations you have taken: **NBEO** (Parts I, II, and/or III *including TMOD*) and/or **CLRE**

Examination	Date (mm/yyyy)	Result (Pass/Fail)

EDUCATION

14. Optometry School of Graduation	Location	Degree Issue Date
	City State	

OPTOMETRIST LICENSE

15. Have you ever held, or do you currently hold an optometrist license in any U.S. State or U.S. territory? If yes, list license information below and attach proof of meeting the minimum TPA requirements set forth in BPC § [3041.3](#) and continuing education requirements set forth in BPC § [3059](#) for the current and preceding year.

(List others on a separate piece of paper if needed.)

Yes No

REQUIRED: A LETTER OF GOOD STANDING MUST BE SENT DIRECTLY FROM EACH STATE BOARD TO THE CALIFORNIA STATE BOARD OF OPTOMETRY

State	License Number	Issue Date	Expiration Date

DEA CERTIFICATION

16. Are you currently registered with the Drug Enforcement Agency (DEA)? Yes No

DEA Number	State of Issue	Expiration Date (mm/yyyy)

DISCIPLINARY HISTORY

These questions refer to discipline by any Military or Public Health Service, State Board, or other Governmental Agency of any U.S. state or territory. For each “yes” response, you must submit a descriptive explanation of the circumstances surrounding the discipline and copies of any documentation (e.g., Accusation, Disciplinary Order) you may have.

17. Have you ever been denied an optometrist or any other healing arts license? Yes No

18. Have you ever had an optometrist or any other healing arts license suspended, revoked, or placed on probation? Yes No

19. Have you ever surrendered an optometrist or any other healing arts license? Yes No

CRIMINAL RECORD HISTORY

Applicants who answer “NO” to the questions below, but have a previous conviction or plea, may have their application denied for knowingly falsifying the application. If in doubt as to whether a conviction should be disclosed, it is best to disclose the conviction on the application.

For each conviction disclosed, you must submit certified copies of the arresting agency report, certified copies of the court documents, including a plea form and court docket, and a signed and dated descriptive explanation of the circumstances surrounding the conviction of disciplinary action (i.e., dates and location of the incident and all circumstances surrounding the incident). If the documents were purged by the arresting agency and/or court, a letter of explanation from these agencies is required. In addition, you may submit evidence of rehabilitation.

<p>20. Have you ever been convicted of, or pled guilty or nolo contendere to ANY offense in the United States or its territories?</p> <p><i>This includes every citation, infraction, misdemeanor and/or felony, including traffic violations. Convictions that were adjudicated in the juvenile court and/or traffic infractions under \$300 that did not involve alcohol, drugs, or controlled substances should NOT be disclosed. Convictions that were later dismissed, expunged from the record of the court, or set aside pursuant to California Penal Code § 1203.4 or equivalent non-California law MUST be disclosed.</i></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>21. Is any criminal action pending against you, or are you currently awaiting judgement and sentencing following entry of a plea or jury verdict?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>22. Are you a registered sex offender?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>

PHOTOGRAPH

Photograph

Attach 2” X 2” Colored Photo Here

Photos must be recent and must be of your head and shoulder areas only.

Altered Photographs are NOT accepted.

DELAYED LICENSE ISSUANCE REQUEST

California Code of Regulations § 1525 specifies that an optometrist license expires at midnight on the last day of the licensee’s birth month following its original issuance and thereafter at midnight on the last day of your birth month every two years if not renewed. If you are licensed in your birth month, your initial license will expire the following year. If you are licensed in a month other than your birth month, the term of your *initial license* will be less than 12-months.

Please indicate your preference by checking one of the options below:

<p><input type="checkbox"/></p>	<p>I would like to wait to be licensed until my birth month.</p>
<p><input type="checkbox"/></p>	<p>I would like to be licensed as soon as my application is processed. I understand and acknowledge that my <i>initial license</i> will be valid for less than 12-months.</p>

DECLARATION

23. I declare, under penalty of perjury under the laws of California, that the answers and information submitted on this form and any accompanying attachments are true and correct. I further declare that my signature on this application authorizes the Data Bank (formerly known as 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 State Board of Optometry.

I UNDERSTAND THAT ANY OMISSION, FALSIFICATION, OR MISREPRESENTATION OF ANY ITEM RESPONSE ON THIS APPLICATION OR ANY ATTACHMENT HERETO IS A SUFFICIENT BASIS FOR DENYING OR REVOKING A LICENSE.

Applicant Signature: _____ Date: _____

IMPORTANT CONTINUING EDUCATION REQUIREMENTS

Any licensee who renews an active license for the first time is exempt from continuing education (CE) requirements if he or she graduated from an accredited school or college of optometry less than one year from the date of initial licensure.

If you graduated more than one year from the date of initial licensure, you are required to meet ALL minimum CE requirements, pursuant to California Code of Regulations § [1536](#). Failure to meet all CE requirements will result in your license not being renewed. It is your responsibility to know all laws governing the practice of optometry.

All terms of information requested are mandatory. Your Social Security Number or Individual Taxpayer Identification Number is required pursuant to Business and Professions Code § 30. 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 eligibility to take the examinations for an optometrist license and receive a California Optometrist License. The official responsible for the maintenance of this information is the Executive Officer. The information may be transferred to other government agencies, and/or law 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 Civil Code.

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 credit 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 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 Course 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) 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.

(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.

(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.

(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 3059, Business and Professions Code. Reference: Section 3059, Business and Professions Code.

BOARD OF OPTOMETRY

ORDER OF ADOPTION

Amend Section 1571 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 16-hour 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 16-hour Case Management Course will count as a 15-patient 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 16-hour 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 1-patient 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.~~

~~(e)~~ 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)~~ 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).

(~~e~~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).

NOTE: Authority cited: Sections 3025, 3041, ~~3041.10~~ and 3059, Business and Professions Code. Reference: Sections 3041 and 3041.3, Business and Professions Code.



STATE BOARD OF OPTOMETRY
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Optometrist/Registered Dispensing Optician Co-Location Form

All licensed optometrists and registered dispensing opticians (RDO) who are in a co-located setting shall report the business relationship to the Board within 30 days of entering into said business relationship (Business and Professions Code §2556.1, California Code of Regulations §1514.1).

Optometrist Information

License Number: _____ Business Name: _____

First Name: _____ Last Name: _____

Address of Record

Street Address: _____ City: _____ State: _____ Zip: _____

Phone Number: _____ Email Address: _____

RDO Information

Registration Number: _____ Business Name: _____

First Name: _____ Last Name: _____

Address of Record

Street Address: _____ City: _____ State: _____ Zip: _____

Phone Number: _____ Email Address: _____

Lease Information

Execution Date: _____ Duration and/or Termination Date: _____

I certify, under penalty of perjury under the laws of the State of California that the forgoing information is true and correct.

Signature: _____ Date: _____

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.



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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 <input style="width: 100%; height: 20px;" type="text"/>	Date of Birth (MM/DD/YYYY) <input style="width: 100%; height: 20px;" type="text"/>
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) <input style="width: 100%; height: 20px;" type="text"/>
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?	<input type="checkbox"/> YES <input type="checkbox"/> 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 ~~3023.4~~, 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~~ 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



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CONSUMER NOTICE

Designations After an Optometrist's Name

Certifications allow an optometrist to provide specific 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.

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.

DPA

Certified to use diagnostic pharmaceutical agents for examination purposes only. **Not certified** to treat diseases of the eye or its appendages.

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.

(Rev. 8/15)

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.

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www.optometry.ca.gov

To: Board Members

Date: January 27, 2017

From: Joanne Stacy
Policy Analyst

Telephone: (916) 575-7182

Subject: **Agenda Item 16 - Update, Discussion, and Possible Action on Implementing SB 482 and SB 1478; Proposed Amendments to California Code of Regulations (CCR) § 1525 Relating to License Renewals**

Amendment to California Code of Regulations (CCR) §1525

Background:

[Senate Bill 482](#) modified the reporting requirements CURES, requiring a health care practitioner authorized to prescribe, order, administer, or furnish a controlled substance to consult the CURES database to review a patient's controlled substance history. The bill would make the above-mentioned provisions operative 6 months after the Department of Justice certifies that the CURES database is ready for statewide use. This bill would provide that a health care practitioner who fails to consult the CURES database is required to be referred to the appropriate state professional licensing board for administrative sanctions, as deemed appropriate by that board.

Additionally, [Senate Bill 1478](#), starting July 1, 2017, exempts licensees issued a license placed in a retired or inactive status from the CURES fee requirement from the current CURES fee of \$6 to pay the reasonable costs associated with operating and maintaining CURES for the purpose of regulating those licensees.

The Board is responsible for enforcing the use of the CURES data base when qualified licensees prescribe and dispense of controlled substances. By including a section in the renewal form requiring an optometrist's DEA number, if applicable, the Board will be able to track those who are registered to dispense.

Action Requested:

Staff recommends that the Board amend the existing rulemaking file Licensure Examination Requirements to Update Form 39A-1, Rev. 7-09, Form OLA-2, Rev. 11/07, and Form LBC-4, rev. 2/07, CCR § 1523 (Attachment 1) which updates the application form for in-state and out of state applicants to include the updated renewal form. The update for the rulemaking file is in agenda item 15B. The amendments to CCR §1525 (Attachment 2) are similar and can be included in the same rule making file. The current form (Attachment 3) was last updated in 2010. The new amendments to the form would require the licensee to include

their DEA number, if they are registered to dispense Schedule II, Schedule III, and Schedule IV drugs. Additionally, the changes will allow the Board to incorporate the SB 1478.

Attachments:

1. Draft Language CCR §1523
2. Draft Language CCR §1525
3. R1POPT Rev 3-10
4. Renewal Form 1.17

BOARD OF OPTOMETRY
PROPOSED LANGUAGE

Amend section 1523 in Division 15 of Title 16 of the California Code of Regulations to read as follows:

§1523. Licensure and Examination Requirements.

(a)(1) Application for licensure as an optometrist shall be made on a form prescribed by the Board (Form ~~OLA-2~~OPT-1, Rev. ~~7-095-16~~), which is hereby incorporated by reference, and shall show that the applicant is at least 18 years of age.

~~(2) Application for licensure by an out of state licensed optometrist as defined in Business and Professions Code Section 3057, shall be made on forms prescribed by the Board (Form OLA-2, Rev. 11/07 and Form LBC-4, rev. 2/07), which are hereby incorporated by reference, and shall show that the applicant is at least 18 years of age.~~

(b) An application shall be accompanied by the following:

(1) The fees fixed by the Board pursuant to Section 1524 in this Article.

(2) Satisfactory evidence of graduation from an accredited school or college of optometry approved by the Board, which must be provided by the school or college directly to the Board.

(3) An electronic record of fingerprints or, for an out of state applicant, one classifiable set of fingerprints on a form provided by the Board.

(c) An incomplete application shall be returned to the applicant together with a statement setting forth the reason(s) for returning the application and indicating the amount of money, if any, which will be refunded.

(d) Each applicant must achieve passing grades in all Board required examinations before being granted a license to practice optometry.

(e) Permission to take the California Laws and Regulations Examination (CLRE) shall be granted to those applicants who have submitted a paid application.

(f) Licensure shall be contingent on the applicants passing the Clinical Skills portion of the National Board of Examiners in Optometry examination as provided in Section 1531 in this Article and passing the CLRE.

(g) Admission into the examinations shall not limit the Board's authority to seek from an applicant additional information deemed necessary to evaluate the applicant's qualifications for licensure.

Note: Authority cited: Sections 3025, 3044, 3045 and 3057, Business and Professions Code. Reference: Sections 3044, 3045 and 3057, Business and Professions Code.

BOARD OF OPTOMETRY
PROPOSED LANGUAGE

Amend section 1525 in Division 15 of Title 16 of the California Code of Regulations to read as follows:

§ 1525. Optometrist License Renewal.

- (a) A license issued pursuant to Business and Professions Code Section 3055 expires at midnight on the last day of the licensee's birth month following its original issuance and thereafter at midnight on the last day of the licensee's birth month every two years if not renewed.
- (b) A renewal for licensure as an optometrist shall be made on a form prescribed by the Board (~~Form R1POPT, Rev. 3-10~~ [OPT-R Rev. 1/17](#)), which is hereby incorporated by reference, and shall be accompanied by the fee specified in Section 1524 and filed with the Board at its office in Sacramento.
- (c) Failure to provide all of the information required by this section renders any application for renewal incomplete and not eligible for renewal.
- (d) Failure of a licensee to comply with subdivision (b) is grounds for disciplinary action by the board against the license.

Note: Authority cited: Sections 3010.1, 3010.5, 3024 and 3025, Business and Professions Code, Health and Safety Code 11165 Reference: Sections 3055, 3056, 3059 and 3110, Business and Professions Code; and Section 11105, Penal Code.



OPTOMETRIST LICENSE RENEWAL RECEIPT

PART
1

FILL IN THE FOLLOWING INFORMATION & RETAIN PART 1 FOR YOUR RECORDS & RETURN PARTS 2 & 3 TO THE ADDRESS SHOWN IN PART 2.
 ***** PLEASE REMIT FEE FOR THIS RENEWAL ONLY *****
MAKE CHECK OR MONEY ORDER PAYABLE TO Board of Optometry

R1POPT
 03/26/10

TYPE	LICENSE NO	LICENSE EXPIRES	RENEWAL FEE PAID	DATE RENEWAL MAILED	YOUR CHECK NUMBER
			\$	/ /	

----- License Renewal -----

Failure to properly renew your license prior to the expiration date will cause your license to become delinquent and result in the loss of the right to practice optometry. There is no grace period for delinquency fees. Renewal applications postmarked after the delinquent date must include the delinquency fee. Once expired, your license is delinquent and practice is illegal.

* Payments must be postmarked by the U.S. Postal Service or accepted delivery service (e.g UPS, Fed Ex, etc.) by the due date in order to avoid delinquent licensure.

* Please allow 6-8 weeks to process your renewal.

----- Definitions -----

Active: Is a valid, unrevoked, and unexpired license and entitles licensee to practice optometry. Requires payment of fees and compliance with Business & Professions Code Section 3059 regarding continuing education (CE).

Inactive: Licensee may not practice optometry. Requires payment of fees. CE is not required.

Delinquent/Retired: Licensee may not practice optometry. This is a license which has not been renewed and if left in this status in excess three years will require the licensee to complete licensure examinations before the license will be reinstated to valid or inactive status.

----- Other Renewal Information -----

CE Requirement: In order to renew a license to active status, CE requirements must be completed. CE requirements shall be completed within the 2 years immediately preceding the renewal date of a license.

A therapeutic pharmaceutical agent (TPA) certified optometrist must complete 50 hours of CE. Effective January 1, 2005, 35 of the 50 hours are to be in any combination of the following course topics: Glaucoma, ocular infections, inflammation and topical steroids, systemic medications, and the use of pain medications. A diagnostic pharmaceutical agent (DPA) certified optometrist or those without a certification must complete 40 hours of CE.

CE Audits: Optometrists are subject to random audits of CE compliance. In the event of an audit, you will be required to provide proof of attendance at continuing education programs consistent with the criteria as set forth in CCR section 1536 (h).

CE Exemption & Extensions: CCR section 1536 (i) exempts active military licensees and those renewing for the first time from CE requirements if initial licensure is within one year from optometry school/college graduation. The Board may provide an extension from CE requirements if a licensee could not complete the requirement(s) due to illness, incapacity, or other unavoidable circumstances. Requests for extensions must be submitted in writing prior to the expiration date of the license.

DETACH HERE & RETAIN PART 1 FOR YOUR RECORDS. ALLOW 6-8 WEEKS FOR PROCESSING YOUR RENEWAL.

RETURN THIS FORM WITH ADDRESS IN PART 2 VISIBLE IN THE RETURN ENVELOPE WINDOW. BE SURE TO INCLUDE YOUR CHECK.

PLEASE SEE REVERSE SIDE OF THIS NOTICE FOR CONVICTION AND DISCIPLINE INSTRUCTIONS

PART
2

STATE OF CALIFORNIA
 DEPARTMENT OF CONSUMER AFFAIRS
 P O BOX 942532
 SACRAMENTO CA 94258-0532

----- LICENSE RENEWAL APPLICATION FOR OPTOMETRIST -----

PART
3

Since you last renewed your license, have you had any license disciplined by a government agency or other disciplinary body; or, have you been convicted of any crime in any state, the U S A and its territories, military court or a foreign country?
 PLEASE READ INSTRUCTIONS BEFORE ANSWERING
 G. YES H. NO

DO NOT ALTER THIS STATEMENT

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT I HAVE COMPLETED THE REQUIRED CONTINUING EDUCATION COURSE HOURS, OR THAT I AM EXEMPT FROM CONTINUING EDUCATION REQUIREMENTS.

D. SIGNATURE

DATE

AMOUNT DUE NOW

DELINQUENT FEE IF POSTMARKED AFTER

E. COMPLETE ONLY IF A CHANGE IN BUSINESS ADDRESS HAS OCCURRED. PRINT CORRECTION BELOW

PRACTICE LOCATION

CITY STATE ZIP

ENTER YOUR BUSINESS PHONE NUMBER FOR FUTURE REFERENCES

PHONE NUMBER ()

LICENSE STATUS

IF YOU WISH TO CHANGE YOUR STATUS PLEASE CHECK ONE OF THE FOLLOWING BOXES

A. ACTIVE
 B. INACTIVE

OVER

IMPORTANT INFORMATION

Check the box next to "YES" if, since your last renewal, you have had any license disciplined by a government agency or other disciplinary body; or have been convicted or plead guilty to any crime. "Conviction" includes a plea of no contest and any conviction that has been set aside or deferred pursuant to Sections 1000 or 1203.4 of the Penal Code, including infractions, misdemeanor, and felonies. You do not need to report a conviction for an infraction with a fine of less than \$300 unless the infraction involved alcohol or controlled substances. You must, however, disclose any convictions in which you entered a plea of no contest and any convictions that were subsequently set aside pursuant or deferred pursuant to Sections 1000 or 1203.4 of the Penal Code. "License" includes permits, registrations, and certificates. "Discipline" includes, but is not limited to, suspension, revocation, voluntary surrender, probation, or any other restriction.

Check the box next to "NO" if since your last renewal you have not had a license disciplined by another government agency or other disciplinary body and you have not been convicted of a crime or any crime in any state, the USA and its territories, military court or foreign country.



CALIFORNIA STATE BOARD OF OPTOMETRY
 2450 Del Paso Road
 Suite 105
 Sacramento, CA 95834
 (916) 575-7170
 www.optometry.ca.gov



Optometrist Initial Renewal Notice

LICENSEE NAME	LICENSE NO.	EXPIRATION DATE 12/31/16	AMOUNT DUE NOW \$437.00	AMOUNT DUE IF POSTMARKED AFTER JANUARY 01, 2017 \$487.00
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I. Renewal Instructions

Renew Online at www.BreEZe.ca.gov

(No additional charge to renew online)

Attention:

- Please allow 6-8 weeks for processing your renewal by mail.
- Failure to properly renew your license prior to the expiration date will cause your license to become delinquent and result in the loss of the right to practice optometry. There is no grace period. Renewal applications postmarked after the delinquent date must include the delinquency fee. Once expired, your license is delinquent and practice is illegal.
- **ADDRESS CHANGE:** In order to change your address at the time of renewal, please renew online at www.BreEZe.ca.gov.
- Payments must be postmarked by the U.S. Postal Service or accepted delivery service (e.g. UPS, Fed Ex, etc.) by the due date in order to avoid delinquent licensure. You must pay a delinquent fee if your renewal is postmarked after the expiration date.
- **State Tax Obligation:** Pursuant to Business and Professions Code section 494.5, the State Board of Equalization and the Franchise Tax Board may share taxpayer information with a board. California law requires you to pay your state tax obligation. If you fail to pay your state tax obligation, your license may be suspended.
- **CURES Assessment (TPA, TPL, TPG, TLG):** Pursuant to Business and Professions Code Section 208 (SB 809 - DeSaulnier, Chapter 400, Statutes of 2013), you are assessed \$6 ANNUALLY which is collected at the time of renewal to cover the operation and maintenance of the Controlled Substance Utilization Review and Evaluation System (CURES). The amount of \$12 per renewal cycle is hereby added to the renewal fee.

To Renew by Mail:

- Complete the renewal application in black or blue ink and make a copy for your records.
- Read the renewal requirements on page 2 and then answer the questions on page 3 by checking the appropriate boxes at the bottom of the page.
- Return page 3 with your fee in the enclosed envelope. Make sure the return address shows through the window of the envelope.
- DO NOT SEND CASH.** Send a check or money order made payable to: California State Board of Optometry.

II. Renewal Requirements

Definitions of License Status:

Active: Is a valid, unrevoked, and unexpired license and entitles a licensee to practice optometry. Requires payment of fees and compliance with Business & Professions Code Section 3059 regarding continuing education (CE).

Inactive: Licensee may not practice optometry in California. CE is not required. Requires payment of fees.

Delinquent: Licensee may not practice optometry. This is a license which has not been renewed and is subject to a delinquency fee.

Continuing Optometric Education (CE) Requirements:

To renew a license to Active status, CE requirements must be completed within the two years immediately preceding the renewal date of a license. Each certification has the following mandatory CE requirements:

Diagnostic Pharmaceutical Agent (DPA): 40 hours.

Therapeutic Pharmaceutical Agent (TPA) and Lacrimal Irrigation and Dilution (TPL): 50 hours. 35 of the 50 hours must be in any combination of the following areas: glaucoma, ocular infections, ocular inflammation, topical steroids, systemic medication and pain medication.

Glaucoma (TPG or TLG): 50 hours. 35 of the 50 hours must be in any combination of the following areas: glaucoma, ocular infections, ocular inflammation, topical steroids, systemic medication and pain medications. For licensees who are glaucoma certified pursuant to CCR section 1571, 10 of the 35 hours must be glaucoma specific.

CE Audits: Optometrists are subject to random audits of CE compliance. In the event of an audit, you will be required to provide proof of attendance at continuing education programs consistent with the criteria as set forth in CCR section 1536 (h).

CE Exemption & Extensions: BPC section 462 exempts inactive licensees from the CE requirement. CCR section 1536 (i) further exempts active military licensees and those renewing for the first time from CE requirements if initial licensure is within one year from optometry school/college graduation. The Board may extend the CE exemption if a licensee could not complete the requirement(s) due to illness, incapacity, or other unavoidable circumstances. Requests for extensions must be submitted in writing prior to the expiration date of the license.

Conviction and Discipline Instructions:

Check the box next to “YES” (item G) on page 3 if since your last renewal you have had a license disciplined by a government agency or other disciplinary body, or if you have been convicted of a crime. “Conviction” includes a plea of guilty or no contest and any conviction that has been set aside or deferred pursuant of Section 1000 or 1203.4 of the Penal Code, including infractions, misdemeanors, and felonies. You do not need to report a conviction for an infraction with a fine of less than \$300 unless the infraction involved alcohol or a controlled substance. You must, however, disclose any conviction in which you entered a plea of guilty, no contest and any convictions that were subsequently set aside or deferred pursuant to Section 1000 or 1203.4 of the Penal Code. “License” includes permits, registrations, and certificates. “Discipline” includes, but is not limited to, suspensions, revocation, voluntary surrender, probation, reprimand, or any other restriction on a license held by you.

Be sure to check the box next to “No” (item H) if, since your last renewal you have not had a license disciplined by another government agency and you have not been convicted of a crime.

III. Renewal Application

(Return entire page. Fold according to instructions on reverse side.)

Question 1: License Status

Your current license status is Active. In what status do you wish to renew your license?

- If **Active**, check box “A,” below.
- If **Inactive**, check box “B,” below.

Question 2: Continuing Optometric Education (CE)

Do you certify that you have completed the required hours of CE during your last license period or are exempt from the CE requirement pursuant to BPC section 462 or CCR section 1536 as described above?

- If **Yes**, check Box “C,” below.

Question 3: Conviction Disclosure

Since you last renewed your license, have you had a license disciplined by a government agency or other disciplinary body; or, have you been convicted of any crime in any state, the USA and its territories, military court or other country?

- If **Yes**, check Box “G,” below.
- If **No**, check Box “H,” below.

Question 4: DEA Number

Do you have a DEA Number?

- If **No**, check Box “I,” below.
- If **Yes**, precede to question 5

Question 5: DEA Number Part II (Mark only one box)

- If (autopopulated DEA number from our records) is correct, check Box “J,” below.
- If your DEA number is inactive or no longer current, or you need to add, or correct your DEA number check Box “K”, below and fill in your new number, or write “inactive” on the back side of this form.

(DO NOT DETACH)

California State Board of Optometry – Optometrist Initial Renewal

LICENSEE NAME	DEA No. _____	LICENSE NO.	EXPIRATION DATE	AMOUNT DUE NOW	AMOUNT DUE IF POSTMARKED AFTER JANUARY 01, 2017
			12/31/16	\$437.00	\$487.00

LICENSEE MUST CHECK CORRECT BOXES

“A” Renew Active

“B” Renew Inactive

“C” Completed Continuing Education

“G” Conviction Disclosure – Yes

“H” Conviction Disclosure – No

“I” DEA Number – No

“J” DEA Number – Correct

“K” DEA Number – Change

“D” SIGNATURE REQUIRED

I declare under penalty of perjury under the laws of the State of California that all responses I have provided in this renewal application are true and correct.

Signature _____ Date _____

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RETURN ADDRESS



STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
PO BOX 942532
SACRAMENTO CA 94258-0532

FOLD HERE



DEA Number

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

To: Board Members **Date:** January 27, 2017

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

Subject: **Agenda Item 17 – Update, Discussion, and Possible Action on Implementing AB 1359; Proposed Amendments to CCR § 1568 Relating to Therapeutic Agents Certification Requirements**

[Assembly Bill 1359 \(Nazarian\)](#), which passed in 2015, changed some of the requirements for a therapeutic pharmaceutical agents (TPA) certification. The bill deleted certain requirements for an applicant for a TPA certification who graduated from a California accredited school of optometry, prior to January 1, 1996. Previously, applicants were split into 3 categories based upon when they graduated from an accredited school of optometry – prior to January 1, 1992, January 1, 1992 to January 1, 1996 and after January 1, 1996.

The bill removed the categories and created a cutoff at graduating prior to January 1, 1996 and most notably, removed completing a didactic course of at least 80 classroom hours requirement. The bill would require an applicant to complete a preceptorship of at least 65 hours, with either a TPA-certified optometrist in good standing or a physician and surgeon board-certified in ophthalmology in good standing, and requires the applicant to complete a minimum of 100 hours of directed and accredited education in ocular and systemic diseases course.

Previously, optometrist who graduated from an accredited school of optometry on or after January 1, 1992, and before January 1, 1996, were exempt from the didactic course of at least 80 classroom hours. AB 1359 would delete the distinction for an optometrist who graduated from an accredited school of optometry on or after January 1, 1992, and before January 1, 1996, and instead require such an applicant to meet the requirements for the issuance of a TPA certification that apply to an applicant who graduated from a California accredited school of optometry, prior to January 1, 1996.

Also, before the passage of SB 1359 the Board is authorized to grant TPA certification to an applicant who graduated from a California accredited school of optometry, on or after January 1, 1996, and is licensed as an optometrist in the state if certain requirements are met, including completing 10 hours of experience with a board certified ophthalmologist. This bill would delete certain requirements for an applicant for a therapeutic pharmaceutical agents certification who graduated from a California accredited school of optometry, on or after January 1, 1996, and is licensed as an optometrist in the state, and would instead require such an applicant to pass all sections of the National Board of Examiners in Optometry's national board examination or its equivalent, as determined by the board, in order to be granted a therapeutic pharmaceutical agents certification.

The TPA certification application (Attachment 1) which is incorporated by reference is outdated due to the changes in statute. The form still includes the requirements prior to the passage of AB 1359 and has not been updated since 1996. Additionally, the [California Code of Regulations \(CCR\) Section 1568](#) restates the original statute – this makes the CCR redundant to [B&P §3041.3](#) in addition to being incorrect. Amended language (Attachment 2) removed the redundancies and updates the form (Attachment 3) to reflect the changes from AB 1359.

Action Required:

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

Attachments:

1. TPA Certification_TPA-1 Rev 4.96
2. CCR §1568 Language
3. TPA Certification_TPA-1 Rev 1.17



BOARD OF OPTOMETRY
400 R STREET, SUITE 1070, SACRAMENTO, CALIFORNIA, 95814-6200
TELEPHONE: (916) 323-8720



APPLICATION FOR TPA CERTIFICATION

The information is required under Sections 3041.3 and 3152.5 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 in determining qualification for TPA licensure. The official responsible for the maintenance of this information is the Executive Officer. The information may be transferred to other interagency or inter governmental 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 confidential information and exempted in Section 1798.3 of the Information Practices Act.

FOR OFFICIAL USE ONLY
Receipt Number

APPLICATION FEE \$25.00

PLEASE TYPE OR PRINT LEGIBLY

1. Name: (First) (Middle) (Last)
2. Address: (Number and Street) CA Optometry License No.:
(City) (State) (Zip) Telephone
3. Education: Name of school or college, or residency review committee in ophthalmology, at which you completed the didactic course (80 hours minimum) in the diagnosis, pharmacological, and other treatment and management of ocular disease. Certification of course completion and passage of the final examination must be received by the board from the institution attended.
(Name of Institution):
(Address of Institution):
(Course Completion Date):
4. Self Directed Education: Have you completed at least 20 hours of self-directed education as required under Section 3041.3 (b) (3)?
Yes No If no, your application will be rejected as incomplete.

I declare under penalty of perjury under the laws of the State of California that the information given by me in completing this application, and any attached information, is true and I understand and agree that any misstatements of material facts herein may be cause for denial of this application or for subsequent suspension or revocation of my certificate of registration to practice optometry in California.

DATE: SIGNATURE OF APPLICANT:



BOARD OF OPTOMETRY
400 R STREET, SUITE 1070, SACRAMENTO, CALIFORNIA, 95814-6200
TELEPHONE: (916) 323-8720



**INFORMATION AND INSTRUCTIONS FOR CALIFORNIA LICENSED OPTOMETRISTS
APPLYING FOR THERAPEUTIC PHARMACEUTICAL AGENTS (TPA) CERTIFICATION**

Following you will find a checklist of requirements along with instructions for completing your application package:

(1) APPLICATION FEE: \$25.00 The \$25 application fee must accompany your application and is not refundable.

***(2) TPA DIDACTIC COURSE & FINAL EXAMINATION:** If you graduated from an accredited school or college of optometry prior to January 1, 1992, you must successfully complete a didactic course of at least 80 classroom hours in the diagnosis, pharmacology, and other treatment and management of ocular disease offered by an accredited school or college of optometry or recognized ophthalmological residency review committee **in California** and given after July 1, 1992. Certification of course completion and passage of the final examination must be received by the board from the institution attended to satisfy this requirement.

***(3) TMOD EXAMINATION:** If you graduated from an accredited school or college of optometry prior to January 1, 1992, you must successfully pass the National Board of Examiners in Optometry (NBEO) TMOD examination administered after July 1, 1992. A copy of your TMOD scores must be submitted to the board office. You should contact the office of the NBEO at (301) 652-5192 to request that a copy of your TMOD scores be sent to the board.

(4) PRECEPTORSHIP: All applicants must complete a preceptorship of no less than 65 hours in no less than two-months nor more than one-year in an ophthalmologist's office or optometric clinic. *Preceptor's service shall be authorized by an accredited school or college of optometry, or recognized ophthalmological residency review committee in California. Preceptors shall be board (ABMS)- certified ophthalmologists and must be in good standing with the Medical Board.* The board's "Preceptor Completion Verification" form provided by the school or college of optometry, or residency review committee, must be submitted to the applicable institution upon completion of the preceptorship for endorsement and forwarding to the board office.

(5) SELF DIRECTED EDUCATION: All applicants must successfully complete a minimum of 20 hours of self-directed education. You must indicate whether you have fulfilled this requirement by checking the appropriate box in item # 4 of the attached application.

Those requirements marked "*" do not apply to applicants who graduated from an accredited school or college of optometry after January 1, 1992 and were licensed in California prior to January 1, 1996.

**Title 16. California State Board of Optometry
Department of Consumer Affairs**

Proposed Language

Amend Sections § 1568 of Division 15 of Title of 16 of the California Code of Regulations to read:

§ 1568. Therapeutic Pharmaceutical Agents Usage -Purpose and Requirements.

Only those optometrists meeting the requirements of this Article may apply for TPA Certification to use Therapeutic Pharmaceutical Agents. The Application for TPA Certification (Form TPA-1 Rev. ~~4/96~~1/17), which is hereby incorporated by reference, may be obtained from the Board's Headquarters office. ~~Requirements for TPA certification are as follows:~~

~~(a) If the applicant is licensed to practice optometry in California and graduated from an accredited school of optometry prior to January 1, 1992:~~

~~(1) Completion of an 80-hour TPA didactic course provided either by the University of California at Berkeley School of Optometry or the Southern California College of Optometry or recognized ophthalmological residency review committee or at an accredited school or college located outside of California as provided in Section 1570 in this Article.~~

~~(2) Pass the examination given at the conclusion of the TPA course.~~

~~(3) Pass the TMOD component of the NBEO administered after July 1, 1992.~~

~~(4) Complete 20 hours of self directed study in the treatment and management of ocular, systemic disease.~~

~~(5) Complete a 65-hour preceptorship service as defined in Section 1567 in this Article.~~

~~(b) If the applicant is a licensed optometrist in California and graduated from an accredited school of optometry after January 1, 1992 but before January 1, 1996:~~

~~(1) Complete 20 hours of self directed study in the treatment and management of ocular, systemic disease.~~

~~(2) Complete a 65-hour preceptorship service as defined in Section 1567 in this Article.~~

~~(c) If the applicant is a graduate from an accredited school of optometry after January 1, 1996:~~

~~(1) Obtain a California optometrist license.~~

~~(2) Be certified by an accredited school of optometry that the applicant is competent in the diagnosis, treatment, and management of ocular, systemic disease.~~

~~(3) Be certified by an accredited school of optometry that the applicant has completed 10 hours of experience with an ophthalmologist.~~

~~(d) If the applicant is licensed outside California and graduated from an accredited school of optometry before January 1, 1992:~~

~~(1) Obtain a California optometrist license.~~

~~(2) Completion of an 80-hour TPA didactic course provided either by University of California at Berkeley School of Optometry or Southern California College of Optometry or recognized ophthalmological residency review committee or at an out-of-state school as provided in Section 1570 in this Article.~~

~~(3) Pass the examination given at the conclusion of the TPA course.~~

~~(4) Pass the TMOD component of the NBEO administered after July 1, 1992.~~

~~(5) Complete 20 hours of self directed study in the treatment and management of ocular, systemic disease.~~

~~(6) Complete a 65-hour preceptorship service as defined in Section 1567 in this Article.~~

~~(e) If the applicant is licensed outside California and graduated from an accredited school of optometry after January 1, 1992 but prior to January 1, 1996:~~

~~(1) Obtain a California optometrist license.~~

~~(2) Complete 20 hours of self directed study in the treatment and of management of ocular, systemic disease.~~

~~(3) Complete a 65-hour preceptorship service as defined in Section 1567 in this Article.~~

~~(f) If the applicant is licensed in a state outside of California, graduated from an accredited school of optometry prior to January 1, 1992 and has practiced in that state, or on a reservation or a facility supported and maintained by the United States government with a TPA license:~~

~~(1) Obtain a California optometrist license.~~

~~(2) Pass the TMOD component of the NBEO administered after July 1, 1992.~~

~~(3) Complete a 65-hour preceptorship service as defined in Section 1567 in this Article.~~

~~(g) If the applicant is licensed in a state outside of California, graduated from an accredited school of optometry after January 1, 1992 but before January 1, 1996 and~~

~~has practiced in that state or on a reservation or a facility supported and maintained by the United States government with a TPA license:~~

~~(1) Complete 20 hours of self-directed study in the treatment and of management of ocular, systemic disease.~~

~~(2) Complete a 65-hour preceptorship service as defined in Section 1567 in this Article.~~

~~(h) All TPA-certified optometrists pursuant to this Article must complete 50 hours of continuing education in order to renew licensure. Thirty-five of the required hours shall be in the diagnosis, treatment and management of ocular, and systemic disease consistent with Business and Professions Code section 3059, subdivision (f).~~

(ia) If the applicant is licensed in a state outside of California and requests that the 65-hour preceptorship service requirement contained in subdivisions (e), (f) and (g) be waived based on their optometric practice experience using TPA in another state, the Board, as authorized under Business and Professions Code Section 3041.3(d)(1), shall deem the experience as equivalent to the 65-hour preceptorship service required in California provided the following conditions are met:

1. Applicant is licensed in good standing in their state of licensure.
2. Applicant has graduated from an accredited school of optometry before January 1, 1996.
3. Applicant has met the requirements to treat with therapeutic pharmaceutical agents in their state of licensure.
4. Applicant has been practicing optometry in their state of licensure using therapeutic pharmaceutical agents for 5 continuous years immediately preceding the submission of their application.

Note: Authority cited: Sections 3025, 3041.2, and 3041.3 Business and Professions Code. Reference: Sections 3059, Business and Professions Code.



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 TPA CERTIFICATION

FEE: \$25

Cashiering and Board Use Only			
Receipt #	Payer ID #	Beneficiary ID #	Amount

All items of information requested are mandatory. Information provided will be used in determining qualification for TPA certification. Failure to provide any of the requested information will result in the application being rejected as incomplete.

<p>1. NAME:</p> <p>_____ Opt# _____</p> <p style="text-align: center;">Last First</p>
<p>ADDRESS:</p> <p>_____ () _____</p> <p style="text-align: center;">Number & Street City State Zip Telephone</p>
<p>2. PRECEPTORSHIP: Indicate whether you have completed the 65-hour preceptorship as required under B&P Code section 3041.3 (b)(1)</p> <p style="text-align: center;"><input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>If you completed the 65-hour preceptorship service , please submit original school documentation of completion</p>
<p>3. SELF DIRECTED STUDY: Indicate whether you completed at least 100 hours of self-directed education as required under B&P Code section 3041.3 (b)(2)</p> <p style="text-align: center;"><input type="checkbox"/> YES <input type="checkbox"/> NO</p>
<p>4. TMOD EXAMINATION: Indicate whether you passed the TMOD component of the NBEO exam as required under B&P Code section 3041.3 (b)(3)</p> <p style="text-align: center;"><input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>If you passed the TMOD component, please have the NBEO submit your official score report.</p>
<p>I declare under penalty of perjury under the laws of the State of California that the information given by me in completing this application, and any attached or submitted information, is true. I further understand that any misstatements of material facts herein may be cause for denial of this application or for subsequent suspension or or revocation of my certificate of registration to practice optometry in California.</p> <p>_____</p> <p>SIGNATURE OF APPLICANT DATE</p>

**INFORMATION AND INSTRUCTION FOR CALIFORNIA LICENSED OPTOMETRISTS
APPLYING FOR THEIR THERAPEUTIC PHARMACEUTICAL AGENTS (TPA)
CERTIFICATION**

The following is a checklist of requirements along with instructions for completing the “Application for TPA Certification:”

- (1) **APPLICATION FEE: \$25.00.** The \$25.00 application fee must accompany your application and is **not** refundable.
- (2) **TMOD EXAMINATION:** If you graduated from an accredited school or college of optometry prior to January 1, 1996, you must successfully pass the National Board of Examiners in Optometry’s (NBEO) TMOD examination administered after July 1, 1996. You must request that a copy of your TMOD score be sent directly to the Board office by the NBEO.*
- (3) **PRECEPTORSHIP:** All applicants must complete a preceptorship of no less than 65 hours in no less than two months nor more than one year in an ophthalmologist’s office or optometric clinic. *Preceptor’s service shall be authorized by an accredited school or college of optometry or recognized ophthalmological residency review committee in California. Preceptors shall be ophthalmologists certified by the American Board of Medical Specialties (ABMS) in good standing with the Medical Board of California.* The Board’s “Preceptor Completion Verification” form, provided by the Board, the school or college of optometry or residency review committee, must be submitted to the applicable institution or the Board’s office upon completion of the preceptorship.
- (4) **SELF DIRECTED EDUCATION:** All applicants must successfully complete a minimum of 100 hours of self-directed education. You must indicate that you have fulfilled these requirements by checking the appropriate box in item #4 of the application.

*** Requirements 2, 3 & 4 do not apply to applicants who graduated from an accredited school or college of optometry after January 1, 1996.**

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

To: Board Members

Date: January 27, 2017

From: Madhu Chawla, OD
Board President

Telephone: (916) 575-7170

Subject: Agenda Item 18 – 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
- Dispensing Optician Committee Appointments
- Online Refractions Outreach Campaign
- Continuing Education Requirements for Registered Dispensing Opticians, Registered Spectacle Lens Dispensers, and Registered Contact Lens Dispensers
- Public Participation During Board Meetings via Teleconference
- Pre-Accusation Settlements – Identification of Statutes
- Breeze/ARBO with OE Tracker

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

To: Board Members

Date: January 27, 2017

From: Board Staff

Telephone: (916) 575-7170

Subject: **Agenda Item 19 - Pursuant to Government Code Section [11126\(c\)\(3\)](#), the Board Will Meet in Closed Session for Discussion and Deliberation on Disciplinary Matters**

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

To: Board Members

Date: January 27, 2017

From: Board Staff

Telephone: (916) 575-7170

Subject: **Agenda Item 20 – Pursuant to Government Code Section 11126(a)(a), the Board Will Meet in Closed Session to Conduct an Evaluation of the Executive Officer**

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

To: Board Members

Date: January 27, 2017

From: Madhu Chawla, OD
Board President

Telephone: (916) 575-7170

Subject: Agenda Item 21 – Adjournment
