



## ISSUE MEMORANDUM

<b>DATE</b>	February 16, 2024
<b>TO</b>	Board Members, California State Board of Optometry (CSBO)
<b>FROM</b>	Eunie Linden, J.D., Board Secretary
<b>SUBJECT</b>	Agenda Item #3 – Discussion and Possible Action on Meeting Minutes

The following meeting minutes are presented for discussion and possible action:

- A. December 8, 2023 minutes

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

**MEMBERS OF THE BOARD**

Lillian Wang, O.D., President  
 Jeffrey Garcia, O.D., Vice President  
 Eunie Linden, J.D., Secretary  
 Stacy Bragg, O.D.  
 Robert Klepa, J.D., Public Member  
 Joseph Pruitt, O.D..  
 Sandra D. Sims, J.D., Public Member  
 Paul Hsu, Public Member  
 Vacant Governor Appointee, Public Member  
 Vacant Governor Appointee, Professional Member  
 Vacant Governor Appointee, Professional Member  
 Gregory Pruden, Executive Officer



**DECEMBER 8, 2023  
 DRAFT BOARD MEETING MINUTES**

**Physical Location:  
 Department of Consumer Affairs  
 Hearing Room  
 1625 North Market Blvd.  
 Sacramento, California 95834**

**Remote attendance via WebEx**

<b>Members Present</b>	<b>Staff Present</b>
Lillian Wang, O.D. (In-person)	Gregory Pruden, Executive Officer (In-person)
Jeffrey Garcia, O.D. (In-person)	Randy Love, Administration and Licensing Manager (In-person)
Eunie Linden, J.D. (In-person)	Joely Walker, Enforcement Program Manager (In-person)
Stacy Bragg, O.D. (In-person)	Erica Bautista, Administrative Analyst (In-person)
Paul Hsu (in-person)	Elizabeth Coronel, SOLID Co-Facilitator (In-person)
Joseph Pruitt, O.D. (In-person)	Anne Fisher, SOLID Lead Facilitator (In-person)
Robert Klepa, J.D. (remote) – 9:40 a.m.	Brennan Meier, Legal Counsel (In-person)
	Michelle Angus, Legal Counsel (In-person)
<b>Members Absent</b>	<b>Guests</b>
Sandra D. Sims, J.D	On File

**Open session of this Board Meeting was webcast.**

**A recording of the webcast is available at:  
 Part 1 of 2 <https://youtu.be/sk9AsTVeb3Y>  
 Part 2 of 2 <https://youtu.be/y1RsFfYV1fI>**

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

*Audio of Discussion:* [0:05](#)

Board President, Dr. Lillian Wang called the meeting to order at 9:30 a.m. Board Secretary, Eunie Linden took roll call, and a quorum was established. Member Sandra Sims was absent. Member Robert Klepa, who remotely participated in the meeting, arrived later, around 9:40 a.m.

## 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\(a\)](#)].*

*Audio of Discussion: [2:32](#)*

The public did not provide any comments.

## 3. Discussion and Possible Approval of Meeting Minutes

A. August 25, 2023 Board Meeting

*Audio of Discussion: [6:26](#)*

Member Stacy Bragg noted two typographical errors in the draft meeting minutes.

Member Robert Klepa commented on a point noted in the minutes regarding a question he raised during the last meeting, which was why it took so long to close complaints against opticians versus optometrists. The response was that staff would look into the question and respond at a later meeting. Mr. Klepa asked Executive Officer, Gregory Pruden whether this has been done, and if so, when it might be discussed. Mr. Pruden responded that later in this meeting during the enforcement statistics, staff will provide some information.

The public did not provide any comments.

**Eunie Linden moved to approve the August 25, 2023 draft meeting minutes with the inclusion of correction to the typographical errors. Stacy Bragg seconded. The Board voted 6-Aye; 1-Abstention, and the motion passed.**

Member	Aye	No	Abstain	Absent	Recusal
Dr. Wang	X				
Dr. Garcia	X				
Ms. Linden	X				
Dr. Bragg	X				
Mr. Klepa	X				
Mr. Hsu	X				
Dr. Pruitt			X		
Ms. Sims				X	

## 4. Board President's Report

A. Discussion and Possible Action on 2024 Board and Committee Meeting Schedule

*Audio of Discussion: [10:34](#)*

Dr. Wang announced that a proposed 2024 Board and Committee Meeting Schedule has been provided in the Members' materials.

The proposed Board meeting dates for 2024 are as follows:

- March 1
- May 31
- August 9
- December 6

The proposed Committee meeting dates for 2024 are as follows:

- February 2
- April 5
- June 7
- August 23
- October 11

Prior to the COVID-19 pandemic, the Board generally held at least one regular Board meeting at a location other than Sacramento. In 2024 the Board intends to do the same. Staff intends to have the non-Sacramento location at one of the California colleges of optometry during either the August or December meeting.

Member Klepa asked if the Board meetings are required to be held in-person. Mr. Pruden clarified that the law does allow for some flexibility with regards to remote participation in 2024. The preference, however, is to have the majority of Members attend in-person. Member Klepa asked if remote participation may be possible for committee meetings. Mr. Pruden explained that the law in 2024 will have increased flexibility for committee meetings to meet remotely as compared to regular Board meetings; additionally, it is staff's intention to hold the committee meetings in a remote format.

Members and staff discussed meeting date conflicts. Mr. Pruden announced that while this is an 11-member board, we presently only have 8 members appointed to the Board which makes the quorum number 6 - a tight number. Meeting date conflicts were identified: two Members have conflicts for the March 1st meeting and legal counsel had a conflict for the meeting in June. Mr. Pruden asked for proposed modifications to the calendar.

The modified proposed 2024 Board meeting dates are now:

- February 16
- May 31
- August 9
- December 6

The modified proposed 2024 committee meeting dates are now:

- February 2
- April 5
- June 14
- August 23
- October 11

The public did not provide any comments.

Stacy Bragg moved to approve the modified Board and committee meeting dates. Robert Klepa seconded. The Board voted unanimously (7-0), and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Wang	X				
Dr. Garcia	X				
Ms. Linden	X				
Dr. Bragg	X				
Mr. Klepa	X				
Mr. Hsu	X				
Dr. Pruitt	X				
Ms. Sims				X	

### 5. Discussion and Possible Action on CSBO Strategic Plan Supplemental Regarding Diversity, Equity, and Inclusion

Audio of Discussion: [22:28](#)

Member Wang offered a few comments regarding diversity, equity, inclusion and belonging (DEIB). In his 2019 inaugural address, Governor Newsom announced his vision for a California for all. He stated that courage is the key ingredient to this vision, which he defined as doing what is right even when it is hard. This vision for a California for all is the promise where the California dream is possible for everyone, and it reflects the diversity of this state, which is one of our greatest assets. The California State Board of Optometry is the first board at the Department of Consumer Affairs (DCA) to follow the Governor’s executive order, which tasks state agencies with embedding equity considerations and analysis into strategic plans. Dr. Wang noted that she is proud to be part of a board that itself is diverse across race, gender, and professional practice. She believes the Board’s staff similarly reflects the diversity of this great state. Within the profession of optometry and opticianry, she believes opportunities exist to do more to help Californians from all backgrounds to access optometric services. As a Board we are doing more to be sensitive to the unique needs of certain patient populations. For example, during the last meeting, the Board passed a legislative proposal that would encourage optometrist licensees to take continuing education courses in DEIB. The Board looks forward to engaging the Legislature on this proposal. The Board’s adopted mission is to protect the health and safety of California consumers through licensing, education, and regulation of optometry and opticianry services. Today our Board can revisit its strategic plan and consider making changes to it from the perspective of DEIB.

DCA strategic planning staff Anne Fisher, Lead Facilitator, and Elizabeth Cornell, Co-Facilitator, provided a DEIB strategic plan presentation for the Board. Ms. Fisher began the presentation explaining that their role is to act as a neutral party. A video presentation was provided followed by a message from DCA’s Director, Kimberly Kirchmeyer.

Ms. Fisher provided a review of the purpose of strategic planning, a review of the DEIB supplemental process and a review of the CSBO DEI Supplemental Environmental Scan 2023 with the Board. During the Environmental Scan, 367 responses from

external stakeholders were received (385 total responses, including from board members and staff) which is a moderately good response rate.

Ms. Fisher asked the Board if any revisions should be made to the Board's mission, vision, values, and goals. Members believe that the Board's Mission Statement is fine the way it is currently written. Under "values," Dr. Wang suggested adding "equity". Dr. Garcia noted that all three (diversity, equity, inclusion) are important and he asked why the Board would choose one or two, or if all three should be added. Mr. Pruden suggested adding "belonging" so that the bullet point added under values reads "Diversity, Equity, Inclusion, and Belonging". Members agreed.

Next Ms. Fisher asked the Members if they wished to make any changes to enhance or edit the vision statement. Ms. Cornell encouraged the Members to think of the vision statement as a picture in the future, something that they are envisioning, so that when they see themselves in the future, they see the vision statement as already accomplished. Members did not see a need for any changes to the vision statement.

Ms. Cornell and Members reviewed the Board's objectives – as well as Members' roles and responsibilities and the Board was provided the opportunity to revise its 2021-2025 strategic objectives.

Goal 1: Licensing and Registration – "The Board provides applicants and licensees a method for obtaining and maintaining licensing and registration, business licenses, and certifications for optometry and opticianry in California." In discussing this goal, additional/alternate pathways to licensure were considered. Members decided to remove "a" and add an "s" to "method" indicating that there is more than one pathway or framework. Objectives 1.1, 1.3, 1.4, and 1.5 have been completed. The Board does not have any objectives in the process of being worked on; however, it does have one that has not been started which is 1.2, which states "Explore the possibility of requiring continuing education for both spectacle and contact lens dispenser registrations to protect consumers and high application standards." In reviewing 1.2, Members agreed to place a period after "consumers" and strike "and high application standards."

Member Linden noted that some of the feedback regarding this issue had to do with potential costs and fees being a barrier to licensure. She asked how this may be addressed – perhaps a sliding fee scale for first time licensees? Ms. Cornell explained that if it is something that can easily be added to the objective itself then it is recommended. Sometimes this is not that easy; however, during the action planning when specific tasks are laid out is when the addition can be made. Ms. Cornell added that if Members do not see a place in the objectives to add this now, then during the action planning when the steps are being built out, strategic planning staff will remind the executive officer and managers to ensure that the cost concerns from the stakeholders are addressed.

Member Klepa noted that there is a concern from some optometrists that the in-person Continuing Education (CE) courses are more expensive than the virtual CE courses. Mr. Pruden clarified that since May 2020, it has been possible for California licensees to obtain all their CE via virtual means. Member Wang further clarified that the CE does have to be live CE as with interactive webinars. Member Klepa suggested that increased outreach regarding this fact may be beneficial.

Member Klepa suggested exploring reciprocity (accepting a licensee from another jurisdiction to practice in the Board's jurisdiction) as a strategic objective. Member Bragg believes this is important and may bypass some of the cost burden optometrists may face when becoming licensed. Mr. Pruden noted that reciprocity involves timing (length of processing time) rather than cost concerns.

Mr. Pruden stated that this Board and other state Boards have been taking certain steps to address the reciprocity question; however, they are not the same thing as using the "other" state issued license as a means of acquiring a California license. Member Wang requested an explanation of the current process. Mr. Pruden explained that an optometrist licensed in another state who is applying for California licensure has the same requirements as someone not licensed in another state with one exception. Staff will want to see the applicant's license verification from the other state. Most states have a primary source online lookup system. Applicants still must pass the California Laws and Regulations Exam (CRLE) and all three parts of the National Board of Examiners in Optometry (NBEO) exam including the TMOD (treatment and management of ocular disease) portion, and they must provide a transcript. The verification of the other state license is the only extra requirement. This is reviewed for the purpose of identifying a possible disciplinary/conviction history that might impact their ability to obtain a California license.

Member Linden asked (from a DEIB perspective) if there is a pathway for licensure for an applicant who graduated from another country and passed all examination requirements because the National Board of Optometry does not accredit schools outside of Canada. Mr. Pruden explained that this Board used to have a pathway (sponsorship); however, this Board engaged in an effort a couple years ago to see that legal authority removed. Since this pathway no longer exists within the Board, there are now three schools (on the East Coast) that have opportunities for these folks to engage in an accelerated study program. Member Wang added that the accelerated programs are 2-2.5 years and are mostly clinical work. These foreign graduates must pass all three parts of the NBEO exam. She explained that some of the foreign optometry curriculums are substantially different from what is being taught in the United States and Canada. In order to ensure that everyone has the same basic knowledge and skills, applicants must graduate from an accredited school in either the US or Canada. This was determined after a lot of study and research.

Mr. Pruden believes reciprocity should be added to the objectives as an explore/research item. Since the national conversation is occurring, it is probably appropriate for this Board to at least research and explore study it.

Public comment was heard from Ruby Garcia, Executive Officer for the California State Society for Opticians. She stated that they share in the need for increasing diversity for opticians, and she welcomes conversation regarding education in general for all opticians. She announced that several optician colleges have opened and more are opening. Ms. Garcia invited the Board to provide outreach to the two established conferences (northern and southern California), and one they are working to establish in San Diego.

The Board convened for a 10-minute break and reconvened at 11:00 a.m.

Goal 2: Examination: Objective 2.3. Continue evaluating the examinations used in the licensure process to prevent barriers to licensure. This goal objective was discussed. Mr. Pruden noted that the optician registration process with the Board does not have an exam requirement; he suggested that there may be an opportunity here to make a change to the goal to make it more accurate. It is not required, but is something for the Members to consider. Mr. Pruden noted that an exam requirement could be a barrier to licensure.

Member Klepa asked if there was a Board goal to create an exam at the time this strategic plan was created. Mr. Pruden replied that several of these items are tied together. At the time this overarching strategic plan was created, there was not an expectation to create an exam, but rather the expectation was to research and explore the possibility of creating an exam. Member Klepa asked if other states have exams. Mr. Pruden believes that only half the states require licensure for opticianry. Member Klepa believes leaving this item in place as a “continue to explore and research” is a good idea. Member Linden agreed that it could be helpful. Members agreed to keep this goal and be mindful of the cost.

Objective 2.2. Reimagine the examination processes to reflect the state’s high-quality eye care standards and the evolution of test taking at eye care, health, and educational institutions. Mr. Pruden commented that the exam questions change periodically and the questions are developed by subject matter experts (SMEs). Therefore, in reimagining this goal from a DEIB perspective, the SMEs should be diverse. They should not all be from one population group over another.

Public comment was received from Ms. Garcia, representing the California State Society for Opticians, who emphasized that they are here to support the Board with its opticianry processes. The benefit is for opticians and optometric assistants to understand each other. There are so many gaps in conversations. She stated that she would not worry about fees and that this is something the California State Society for Opticians can completely support the Board with.

Goal 3: Law and Regulation – The Board works to establish and maintain fair and just laws and regulations that provide for the protection of consumer health and safety and reflect current and emerging, efficient, and cost-effective practices. There were no revisions to the definition.

Objective 3.3. Explore current and emerging methods, opportunities, and technology to increase access to care while maintaining a world-class standard of vision care (e.g., scope of practice, delegation of authority, and telemedicine). This one is in process and open for revision.

Member Bragg suggested “increase access to affordable care while maintaining a world-class standard of vision care (e.g., scope of practice, delegation of authority, and telemedicine)”. Member Klepa agreed. Member Garcia noted that affordable care is very important, but access to care in general is even more important. He does not want the Board to lose sight of how important access to care is. Member Garcia suggested that “access to care” is broad enough to include affordability. Dr. Wang agreed. Members agreed to strike “affordable” and keep “access to care.”



Objective, 3.1 – Advocate for the adoption of new opticianry statutes and regulations (using data from occupational analyses) that seek to clarify the principles of the profession and provide better consumer protection for those who are seeking opticianry services. The objective was not yet started. There were no further revisions or objectives, in terms of DEIB, decided upon during this meeting.

Objective 3.4 – Pursue Sunset Review legislation that modernizes language and concepts in light of current and future practice, that synchronizes the expiration dates of fictitious name permits (FNPs) to align with renewals of general licensure and statements of licensure, and that implements a license verification fee to support unfunded staff work. This objective has not yet been started. Mr. Pruden commented that at a staff level he believes it is important to continue exploring how to synchronize the FNPs. No revisions, questions or discussion occurred for this objective.

Objective 3.5 – Monitor changes in federal law to identify methods that will strengthen existing California legislation regarding the sale of contact lenses and eyeglasses to improve enforcement and enhance consumer protection. This objective has not yet been started. Mr. Pruden pointed out that, as a department, we all saw the importance of paying attention to federal law with respect to the action that President Biden took enacting and signing into law the federal Servicemembers Civil Relief Act.

Members discussed child vision testing and why it is important to address. Member Hsu stated that his objective is that kids, at a certain age, receive optometric testing regardless of whether there are any developing issues. He was surprised to learn that universal mandatory testing does not yet exist. Testing is not required unless a parent requests it. Mr. Pruden clarified that it is his understanding that to the extent any testing does occur, it happens in schools at around the 3rd grade level. He agrees with Member Hsu that mandatory testing should occur, and problems should be addressed prior to the 3rd grade. Member Hsu noted that kindergarten or 1st grade would be an appropriate time for the requirement of mandatory vision screenings. Member Wang requested clarification about whether Member Hsu is suggesting a mandate that the schools perform the testing or if this is something to be done outside of the schools, similar to dental screenings. Member Hsu responded that he does not have a preference.

Member Garcia noted that exams and screenings are two very different things. Vision screenings are currently performed in schools, but what is needed is a requirement for exams. The challenge is determining who is going to pay for the mandated eye exams for every child in California. Attempts have been made in the past to accomplish this. The California Optometric Society attempted it. Member Garcia does not believe there are any current efforts, and he acknowledged that this would be a very good goal. The requirement for screenings/exams was added to the strategic plan as an “explore” objective. Member Linden expressed that it is difficult to determine how to make access to care actionable when our Board is somewhat limited. Member Joseph Pruitt stated that while he does not want to lose the importance of children’s vision screenings, but keeping in mind all vulnerable populations, he suggested, in a broad sense, “increase equity in vision care” as an objective. Mr. Pruden suggested adding it to 3.3 to say: “increase equity and access to affordable care.” Children’s vision was added as an action item to this goal.

Goal 4: Enforcement – The Board protects the health and safety of consumers through the active enforcement of laws and regulations governing the safe practice of optometry and opticianry in California.

Mr. Pruden proposed changing the word “consumers” to something broader. “Consumers” is narrowly focused to those who purchase something. He noted that “all Californians” would be more encompassing. Member Bragg suggested “all individuals.” Member Garcia noted that the word “consumers” is used in a lot of the Board’s language and questioned whether such a change would affect a lot of other areas where “consumers” is used, including the Board’s Mission Statement. Members agreed to leave the wording as “safety of consumers”.

Objective 4.1 – Review the communication process and standard practices used in enforcement actions that could result in probation or revocation of a license. Ensure that procedures and processes focus on consumer protection and probationer rehabilitation, not punishment. This goal is in process and open to revision.

Member Klepa asked whether free translation services are provided during enforcement hearings for the general public’s ability to understand and follow along in the proceedings. Mr. Pruden stated that he is unsure and deferred this question to legal counsel. Legal counsel, Brennan Meier responded that he would be happy to look into this matter in more detail and get back to Member Klepa. Legal counsel, Michelle Angus added that she believes it would be the Office of Administrative Hearings (OAH) rather than DCA who would be providing translators. She believes this is done automatically if a witness needs the service.

Member Linden suggested that the Board implement a process that prevents certain criminal offenses, that are not related to the profession, from creating an undue hardship or barrier to licensure, to the extent that it still protects the health and safety of consumers. Mr. Pruden noted and explained that this relates to AB 2138 from a couple years ago, which dealt with Business and Professions Code Section 480 which addressed “substantially related criteria.” One of the things this Board did in response this year was the creation of an FAQ for licensees, applicants, and members of the public. Staff receives a lot of questions regarding DUIs, certain criminal convictions, what they might mean, and licensure ability. In response, staff created an FAQ regarding all of these types of questions to help people navigate those waters. Members agreed to add this as an objective to explore for disciplinary guideline purposes.

The public did not provide any comments.

Goal 5: Outreach – The Board proactively educates, informs, and engages consumers, licensees, students, and other stakeholders about the practices of optometry and opticianry and the laws and regulations which govern them.

Objective 5.1 – Evaluate outside resources available to expand outreach. This objective is in process and open to revision. Mr. Pruden proposed to add “diverse” to read “Evaluate diverse resources”. Members agreed.

Objective 5.2 – Improve the utilization and measurement of social media and the Board website to communicate to consumers, licensees, and registrants: provide accurate

information on key initiatives (e.g. children's vision, supervision authority, options for delivery of care, and delegation of duties). The goal has been completed.

Objective 5.3.- Collaborate with continuing education providers and associations to disseminate updates to legislation and regulations regarding the current state of practice (i.e. training modules specific to Law/Regs, Board quarterly updates to precede trainings). This goal has been completed.

Objective 5.4 – Create and enact on outreach plan with opticianry programs regarding California registration requirements for the use of the title “optician” to enhance compliance with California law and encourage registration. This goal has been completed.

Objective 5.5 – Publish and disseminate enforcement actions to illustrate the consequences of infractions (DUI, malpractice, and unlicensed activity). This goal has been completed.

Objective 5.7 – Evaluate and create better consumer outcomes such as access to care and addressing patient needs for marginalized populations by implementation of a multi-step action plan educating licensees about concepts of diversity, equity, and inclusion. This objective is in process and open to revision. Mr. Pruden proposed adding the word “belonging.” Members agreed.

Objective 5.6 – Develop the communication plan regarding the importance of children's vision health and wellness. This objective has not yet started although the Board did create and disseminate an educational video. Mr. Pruden explained that prior to SB 457, emancipated minors could access dental and medical care but not vision care. Some people interpreted medical care to not include vision. SB 457 was signed into law to ensure understanding that this population of people do have the ability to access vision care.

Ms. Fisher announced a couple of placeholders under outreach. One of the placeholders is regarding the live interactive virtual CE's existence and the possibility of more publicization. Some folks who took the survey did not realize that virtual CE is an option. Mr. Pruden stated that this was all addressed and completed in Objective 5.3. He also noted that outreach is an ongoing effort, so while the Board stated in the strategic plan that this was completed, staff still disseminate information and messages around the change. Member Klepa suggested that given that some people were unaware of this change, perhaps it should be re-emphasized in some way. Member Wang suggested placing the information in a more prominent spot on the website. Mr. Pruden proposed bringing back Objective 5.3 stating that it has not been completed but is in progress. He noted that newly licensed folks may not be aware of information disseminated three months prior, so this is something the Board continues to do. He announced that he and staff are developing a list of CE topics in DEIB and plan to disseminate it during the first quarter of 2024. These August revisions to CE can be included again as part of that message.

Ms. Fisher brought up the other placeholder item regarding the process of publicizing to licensees, renewing licensees, and the public, which enforcement items should not prevent them from participating in the profession. She proposed the possibility of creating a list of examples. Mr. Pruden explained that what makes this difficult for staff

is that the Board does not prejudge anything. Under Business and Professions Code Section 480, there is no criminal conviction for which folks are automatically disqualified for licensure. Therefore, there are no examples to give. He noted that the Board needs to be very careful how it proceeds with this one so as not to violate the law. Mr. Pruden mentioned that the Board has an FAQ that addresses this to inform potential applicants and licensees. Members agreed that a new objective would not be necessary.

Member Klepa commented that some of the survey responses received had to do with mentorship opportunities. He asked if the Board could explore fostering a mentorship program, with experienced licensees mentoring licensees new to the profession.

Member Klepa noted that the executive officer has done outreach to various schools and proposed that Members may want to become involved with that outreach as well.

Additionally, Member Klepa suggested providing recruitment materials about what this Board does for people who may not yet have considered joining the optometry/opticianry professions. Perhaps such materials may be disseminated in Junior colleges or high schools. Ms. Fisher explained that there has been a great deal of discussion amongst other boards as to whether this is the role of a board or the role of a professional association. She provided a cautionary statement that consumer protection is very much the mandate and anything else is optional. Member Wang agreed that mentorship is more appropriate for professional organizations. Mr. Pruden added that his experience has been that many associations are doing a lot of really good work in this area. They have a new OD Boot Camp and have reached out to him personally and Mr. Pruden has participated in a couple events. While he does not consider this to be a Board-led effort, he feels there is opportunity for this Board to partner with organizations who have a more natural interest in this work and are doing this work. Similarly, with the California Optometric Association (COA), staff has been participating in efforts with the California State Society for Opticians, who are doing a lot of very exciting work. Member Linden asked and Mr. Pruden clarified that he is not suggesting a new objective in this area. Nevertheless, he emphasized that there is certainly more opportunity for outreach with this partnership. Member Klepa stated that this does not need to be noted in the strategic plan as an objective; partnering may be a better term if these mentorship programs already exist in outside organizations, and the Board can certainly support them. Members were in agreement. Additionally, Members believe sufficient outreach is currently being made concerning the placeholder items.

Public comment was heard from Ms. Garcia who reiterated support.

Goal 6: Organizational Effectiveness – The Board works to develop and maintain an efficient and effective team of professional and public leaders and staff with sufficient resources to improve the Board’s provision of programs and services. There were no edit suggestions to the goal statement.

Objective 6.1 – Restructure the licensing unit to increase cross-training and minimize disruptions in service and processing. The goal has been completed and/or is in process and it is too late to revise.

Objective 6.2 – Work with DCA Organizational Improvement Office to quantify the Board’s staffing shortfall and request spending authority to ensure sufficient personnel

resources for the Board to meet its goals and objectives. The goal has been completed and/or is in process and it is too late to revise.

Objective 6.3 – Provide resources and training for staff development to support the growth and retention of staff. The goal has been completed and/or is in process and it is too late to revise.

Objective 6.4 – Arrange regular, ongoing in-service training by optometrist and opticians on eye conditions, state of practice, education, etc. to increase staff understanding of optometry and opticianry. The goal is in process and open to revision. Mr. Pruden noted that staff does some of this already, but there is probably opportunity to do a lot more (e.g. DEIB, diversifying training, outreach, optician provided training for staff).

Member Garcia asked if the state requires diversity training annually. Ms. Fisher replied that it will be rolling out; she and Mr. Pruden clarified that they do not believe there is currently a staff mandated training specific to DEIB. No revisions were suggested for this item.

Objective 6.5 – Arrange visits to various optometric and optical professionals to increase staff understanding of practice and applications of law. This goal is in process and open to revision. Mr. Pruden explained that this is also an ongoing process. There is a future opportunity the Board is exploring for staff and Members to visit Sacramento City College's Optical Program. It is not ready to occur yet, but it is being discussed and explored. Member Bragg suggested switching out the word "various" to "diverse". Members agreed.

The public did not provide any comments.

Ms. Fisher explained that once they finish drafting the adjustments Members made today, a draft with the supplements will be provided at the next Board meeting where Members will vote on approving. Once approved, DCA strategic planning staff will work with E.O. Pruden and staff to implement the changes and fine tune them. They will be presented with an action plan tracker so that they can update Members on how things are progressing.

## **6. Discussion and Possible Action Department of Consumers Affairs Update**

A. Executive Office

B. Budget Office

i. Fund condition

*Audio of Discussion:* [1:49:31](#)

Executive staff, Korrinna Moreno provided a Department of Consumer Affairs update. She reported that on November 28, 2023, Governor Newsom appointed Tomiquia Moss as Secretary of the Business Consumer Services and Housing Agency. Secretary Moss has been the founder and CEO of All Homes since 2019. Secretary Moss previously served as the CEO of Hamilton Families from 2017 to 2019. She was Chief of Staff in the Oakland Mayor's Office from 2015 to 2017, Executive Director of Hope SF in San Francisco Mayor's Office from 2013 to 2015, and she is the board president of the nonprofit Housing Association of Northern California.

Ms. Moreno provided a DEI update. On November 7, 2023, Massachusetts consultant, Christopher Veal, provided a virtual training entitled “DEI Dialogue for Leaders” to 173 DCA managers, supervisors, and leaders. The DEI training covered psychological safety and how it affects these conversations, as well as interactive discussions about the challenges that leaders are facing. Participants were given a training survey and feedback was extremely positive. The DEI Steering Committee will hold its quarterly meeting on December 15th. The Committee will review a draft DEI internet webpage that is currently being developed, elect a 2024 chairperson and vice chairperson and discuss the DEI training, as it remains a committee priority. Once operational, the DEI internet page will provide all DCA employees information and resources including DEI hiring principles, which will serve as a guide for those involved in the hiring process. The DEI Steering Committee would like to continue to learn about and showcase the DEI activities of DCA’s boards and bureaus. The latest issue of DCA’s Consumer Connection magazine includes articles with information to consumers including a feature cover story translated in four languages.

Ms. Moreno reported on the military portal launch. On November 29th, the Department successfully launched a new process and portal in support of service members and their families, following new federal and state laws passed this year. The Federal Professional Licensed Portability and State Registration Portal is an online portal that allows boards and bureaus to accept online requests from military service members and their spouses who currently hold a valid license, in good standing, in other states, districts, or territories, to register their practice in California within the same profession or vocation if they relocate to California due to military orders. This online portal will allow DCA to properly receive, track, and review requests to ensure compliance with the federal and state law. Additionally, DCA’s military resource web page and board and bureau licensing web pages have been updated with Federal Professional Licensed Portability and State Registration information. It is vital that service members and their families coming to California under military orders are provided with the highest level of customer service and assistance. DCA continues to strongly encourage all boards and bureaus to streamline internal processes, use single points of contact for military licensure requests, and process all military requests as quickly as possible.

Ms. Moreno reported on in-person meetings and the Bagley-Keene Open Meeting Act. She reminded the Board that DCA boards and bureaus may conduct entirely remote public meetings without noticed locations accessible to the public through December 31, 2023, so long as the public is able to participate in the meeting remotely. Commencing on January 1, 2024, four meeting options will be available pursuant to Bagley-Keene Open Meeting Act:

Option number one: traditional single location. This is a meeting where the majority of the members are gathered at one publicly noticed and accessible location. No members are participating remotely, and there is no requirement to allow for remote public participation. Option number two: traditional teleconference option. Board members are located at different publicly noticed and accessible locations, and they are connected via phone or WebEx. Option number three: new teleconference option. A majority of board members are gathered at one publicly noticed and accessible location. The extra board members above a majority may participate remotely from private, non-public sites, and the meeting must allow for remote public participation. Option number four: the new advisory body teleconference option. All members of the advisory body may participate remotely from private, non-public meeting sites. The meeting must have at

least one publicly noticed and accessible location where at least one board or bureau staff member is present and where the public can participate in the meeting. Additionally, the meeting must allow for remote public access. DCA encourages boards to work closely with their board councils to ensure compliance with the Open Meeting Act.

Ms. Moreno announced and explained the two required board member trainings. One is the Sexual Harassment Prevention training and the other is the Information Security Awareness training. All DCA employees and appointees, including board and advisory council members, will need to complete the Sexual Harassment Prevention training by December 31, 2023. Additionally, board members with assigned DCA email addresses are required to complete the Information Security Awareness Fundamentals training. Both trainings are available in the Department's Learning Management System.

Ms. Moreno reported on out-of-state travel. California's restricted states travel list has been eliminated and replaced with a new public awareness project that will consult with the community leaders to promote California's values of acceptance and inclusion of the LGBTQ Community across the country. Over the past year, several out-of-state trips requested by boards were not authorized because the travel was to a state on a restricted travel list. Now out-of-state travel to all states is permitted if the trip is critical to the functions and needs of the board.

Ms. Moreno announced that the DCA Promise State Employee Giving at Work Campaign, in partnership with board members, will continue its tradition of generosity and caring for our communities. This year's campaign is underway and runs through December 31, 2023. Leading DCA's efforts this year are co-chair, Monica Vargas, Deputy Director of Communications and Yvonne Dorantes, Deputy Director of Board and Bureau Relations. This annual campaign gives state employees and board members an opportunity to support non-profits through a one-time donation, or payroll deduction. The annual State Employee Food Drive began this month and runs through January 8, 2024. DCA has distributed collection boxes at headquarters 1, headquarters 2, Contractors State Licensing Board (CSLB), and at Evergreen.

Next, Budget Analyst Sarah Hinkle, from the DCA Budget Office, presented a budget update. Ms. Hinkle reported on the Board's expenditure projections and fund condition statement. Per the Board's expenditure projections, the Board had a beginning base budget of approximately \$4.12 million and is projected to spend a total of \$2.89 million, creating a reversion to the Board's fund of \$1.23 million (a reversion percentage of approximately 30 percent). Per the Board's fund condition statement, the Board began FY 2022-23 with a beginning balance of just over \$2 million. It collected \$2.56 million in revenues with \$346,000 from initial license fees, just over \$2 million from license renewals, and \$154,000 was collected from the issuance of citations, delinquency fees, and other revenue. The Board expended \$2.9 million, which includes \$197,000 in direct draws to the fund for statewide pro-rata and pension payments. The Board ended FY 2022-23 with a \$1.73 million reserve balance or about 6.7 months in reserve. For the current year 2023-24, the Board projects revenues of \$2.83 million with approximately \$337,000 projected from initial license fees, \$2.35 million from renewal fees, and \$148,000 from the issuance of citations, delinquency fees, and other revenue. The Board starts FY 2023-24 with expenditure projections at just over \$3 million between authorized expenditures and direct draws to the fund. This leaves the Board with a fund balance of just under \$2.73 million or 8.3 months in reserve. The Budget Office will

continue to monitor the Board's revenues and expenditures and report back to the Board with monthly expenditure projections as we continue to close fiscal months in the current fiscal year.

Member Klepa noted that according to the projections, the Board is in a good situation all the way through FY 2026-27, where it seems to be in a deficit situation. He asked if this is still the projection at this point, and Mr. Pruden confirmed that it is. Member Klepa asked if this deficit will be addressed by the fee increase discussed at a prior meeting. Mr. Pruden explained that the Board hopes the fee proposal that is in progress addresses the structural deficit in outgoing years. At prior Board meetings, there have been discussions about the fact that the fee increase may not entirely solve that problem. That is a picture that will be filled in most likely over the ensuing months and perhaps a year or so. Mr. Pruden clarified that the projection the Members have in front of them does not incorporate the fee increases because they are not yet enacted.

Member Linden asked and Mr. Pruden explained that in looking at the fund condition statement, in the current year, the \$3.1 million (rounded up) is what the Board is currently projected to spend through the remainder of the fiscal year. The \$4.1 million is what the Board is budgeted to spend, if it is fully expended, fully staffed up. This is what the projection looks like if the Board fully expends its budget.

The public did not provide any comments.

## **7. Discussion and Possible Action on Executive Officer's Report**

- A. Program Update
- B. Enforcement Program
  - i. Statistical Review, Quarter 1, Fiscal Year 2023-2024
  - ii. Continuing Education Audit Statistics
- C. Examination and Licensing Programs
  - i. Statistical Review, Quarter 1, Fiscal Year 2023-2024
- D. Regulatory Update
  - i. Mobile Optometric Office
  - ii. Continuing Education
  - iii. Implementation of AB 458
  - iv. Optometry Disciplinary Guidelines
  - v. Optician Program Omnibus Regulatory Changes
  - vi. Dispensing Optician Disciplinary Guidelines
  - vii. Requirements for Glaucoma Certification
  - viii. Fees

*Audio of Discussion:* [2:11:14](#)

Executive Officer Pruden provided a staffing update and announced that the Board's receptionist position, which was vacant throughout most of the summer, has been filled. He extended a warm welcome to the Board's new receptionist, Deja Littles. Mr. Pruden reported that the vacant enforcement analyst position has recently been filled. Sidney Villareal is the Board's new Enforcement Analyst. The Board is excited to have these new members as part of the team. Mr. Pruden announced and welcomed the Board's new assigned Board counsel, Brennan Meier. In the past few weeks, the Board's Policy Analyst accepted a position with another state agency. Their last day was on November 24th. Recruitment for this position is in progress and the posting for the position closes soon.



Mr. Pruden stated that at the March and May board meetings, he reported to the Board on its partnership with the DCA Organizational Improvement Office (OIO). A mid-status update, for review, is in the Members materials. This project is about identifying opportunities across our various units and building process maps that walk you through from start to finish. The majority of this year focused on administration and licensing. The mid-year status report includes several recommendations, many of which are either in progress or soon will be. Mr. Pruden reported on some of these improvements. The Letter of Verification, Retired license status, Retired Volunteer license status, and Immunization Certification are all now available online via BreEZe.

Regarding outreach, there has been a lot of activity this year, nationally from federal authorities (including dangerous eye drops), and staff has been very active in disseminating this information via List Serve, social media and the Board's home page. Additionally, the home page has been updated to display the button links to applications, renewals, and complaint forms more prominently. The Google translate button will be going away. In its place will be an embedded code so that when you right click on a page it will translate. So, there will still be the ability to translate web pages; however, it will no longer have an affirmative visible button.

Mr. Pruden announced that staff is working on the 2024, winter edition of "The Spectacle" and hopes to have it out soon. The Board's Optician Program Student Brochure was updated, revised, and distributed to all the optician programs in California. The Board's Law and Regulations book has not been updated in over three years. Staff is initiating an effort to get the code book updated and expects to be updating it on an annual basis going forward. Staff hopes to have the code book updated in the first or second quarter of 2024.

The public did not provide any comments.

Enforcement Manager, Joely Walker reported on the Board's enforcement report. The Board's new Enforcement Analyst, Sidney Villareal will be working the more complex, consumer complaints, Division of Investigations (DOI) referrals and working with the Attorney General's Office. She will also be assisting with the Board's statistical reporting (included in Member materials). There are currently seven licensees on probation. Of these probationers, one is not receiving credit towards the completion of probation, one has successfully completed probation, and a petition to revoke probation was filed against one licensee for non-compliance of probation terms. The continuing education audits statistics are included in Board Member materials. Thirteen audits have been completed in the quarter and the pass rate is 62 percent (8 passed).

Per Member Klepa's request, Mr. Pruden shared some timelines regarding citations. Regarding the citation category for optometry, during fiscal year 22-23, 17 citations were issued with an average-days to close of 91. In the present timeline, for quarter 1 statistics, 10 citations were issued and there is a quite sizable number in terms of days to close. Regarding opticianry, 16 citations were issued in fiscal year 22-23 with 852 days to close. In quarter 1, six citations were issued with 375 days to close. There are several reasons why citations may take differing amounts of time to close. As it pertains to optometry, of the 17 citations issued last year, the overwhelming majority of them were for continuing education failed audits. They did not initiate from a complaint. A CE

citation is a much quicker process. Optometrists who are cited for these violations are very motivated to pay them enabling the Board to close them in a quicker time frame. Additionally, there was a process change implemented over the summer regarding how citations are closed. Previously, staff waited until the citation was paid before closing the case. Not all citations are paid; those that go unpaid are then referred to the Franchise Tax Board for potential collection. Staff allowed complaints to remain open during that entire process. Now, staff close the complaint following any appeal time. Cases are kept open while an appeal is still an option, and then closed thereafter. These are a couple of reasons why the optometry side shows a much lower timeline than the opticianry side. It is also important to note that the appeal timeframe for optometrists is twice that for opticians.

Member Klepa asked and Mr. Pruden explained that he does not have a specific time goal, measured in days, for completing citations. These citations are very fact and case specific. While staff wishes to ensure that the administration of justice is timely, staff also needs to ensure that it is fair. Member Klepa feels that a goal based on an average amount of time is something that should be pursued. Mr. Pruden is taking the suggestion under advisement.

The public did not provide any comments.

Randy Love reported on licensing unit updates and stats. Board staff continually work with DCA to update BreEZe and improve functionality. Updates to BreEZe are put into production once a month, and each update can only include a limited number of changes. So far, updates for the first quarter of the fiscal year include the ability for optometrists to apply for letters of verification from their BreEZe dashboard; 35 applications have been received in the first quarter. Mx. Love explained that the disciplinary information has been revised to ensure that the status is correctly displayed. The BreEZe applications for the retired statuses have been enabled, as well as the ability for optician registrants to order duplicate registrations and certificates from their BreEZe dashboard. They announced that staff is beginning a project to review and potentially revise all the letters that are distributed to applicants and licensees via BreEZe. Anything that needs updating will be an individual change on BreEZe, and they will be prioritized in the order of mostly used. Staff will be working on increasing mailing address functionality. Anything that BreEZe sends will automatically go to a mailing address if one is provided. Mx. Love directed Members' attention to the statistical attachments in the meeting materials, which contain the number of licenses by license type and license status, and the number of applications processed with the average processing time.

The public did not provide any comments.

Mr. Pruden provided the regulatory update. These regulations are previously Board-approved regulatory packages, which means that Members have directed staff to commence work on the rulemaking.

- I. Mobile Optometric Office regulations – This package is in review with DCA.
- II. Continuing Education regulations – This became effective on August 23, 2023.
- III. Implementation of AB 458 – This is referred internally as the home residence permit. Staff has prepared a draft of this regulatory package, which is currently in review.

- IV. Optometry Disciplinary Guidelines regulations – This package is still under preparation.
- V. Optician Program Omnibus regulatory changes – This package will need to come back to the Board for revision. The fees component was taken out, separated, and has become part of the Board’s fee regulation package.
- VI. Dispensing Optician Disciplinary Guidelines regulations – This package was submitted to DCA Legal this month.
- VII. Requirements for Glaucoma Certification regulations – This package has not yet been started.
- VIII. Fees regulations – The fees were noticed on September 15th for a 45-day comment period. No adverse comments were received. Staff immediately moved to finalize the package which is currently with the Office of Administrative Law (OAL)

Member Klepa asked and Mr. Pruden clarified that the idea is to max out the fees that the Board is currently allowed to charge. It is the raising of that limit which will require a study followed by separate legislation.

Member Linden thanked staff for the progress on these multiple legislations.

The public did not provide any comments.

## **8. Update and Possible Discussion and Action on 2023**

- A. AB 1028 (McKinnor) Reporting of crimes: mandated reporters
- B. AB 1570 (Low) Optometry: certification to perform advanced procedures
- C. AB 1707 (Pacheco) Health professionals and facilities: adverse actions based on another state’s law
- D. SB 340 (Eggman) Medi-Cal: eyeglasses: Prison Industry Authority
- E. SB 457 (Menjivar) Vision care: consent by a minor
- F. SB 544 (Laird) Bagley-Keene Open Meeting Act: teleconferencing

*Audio of Discussion:* [2:37:50](#)

Mr. Pruden provided updates to these bills.

- A. AB 1028 – This bill is currently being held in the Senate Appropriations Suspense File. It will be coming back in 2024. No action is anticipated for the Board and the Board’s position is neutral.
- B. AB 1570 – Our Board position is support if amended. Concerns are around cost. This bill is still moving; staff have had productive conversations with the California Optometric Association (COA), and ideas have been exchanged to reduce some cost impacts. This bill will have a very aggressive timeline to move forward in 2024. The Legislature will come back around January 3rd and it will need to move by January 12, 2024. No action is required currently.
- C. AB 1707 – Board position is support. The bill was signed into law on September 27, 2023, and takes effect on January 1, 2024. This law prohibits the Board and all healing arts boards under DCA from denying an application, or imposing discipline on a licensee solely on the basis of a civil judgment or criminal conviction in another state that is based on the application of the other state’s law.
- D. SB 340 – There is no update since the August meeting. This is still a two-year bill. According to the Author’s office, they plan to attempt a narrower approach in 2024 given concerns expressed by the Department of Health Care Services. Our Board position is support. No action is needed at this time.

- E. SB 457 – This bill was supported by the Board. It was signed into law on September 1, 2023, and takes effect on January 1, 2024. It authorizes minors who are not living with their parents to consent to their own vision care, and authorizes an optometrist to advise the parent or guardian under the same conditions applicable to the provision of medical and dental care. This law also includes a definition of vision care very similar to language in the Board’s Practice Act.
- F. SB 544 – The Board was in support of this bill and it was signed into law on September 22, 2023, and takes effect on January 1, 2024. The main beneficial change this law provides this Board is the increased flexibility for teleconferencing committee meetings.

The public did not provide any comments.

## **9. Future Agenda Items**

*Audio of Discussion:* [2:46:53](#)

Member Klepa requested that the Board consider exploring and supporting a donation program (such as Costco does) to help financially less fortunate individuals obtain eyeglass frames at a reduced or no-cost option. Mr. Pruden stated that staff would be happy to bring information on this topic to a future meeting.

Ms. Ruby Garcia requested that the dispensing optician program come back to a future meeting. Mr. Pruden announced openings on the Dispensing Optician Committee and explained that meetings have not been held because that Committee has not had members on it.

The public did not provide any comments.

## **CLOSED SESSION**

### **10. Closed Session**

- A. Pursuant to Government Code section 11126(a)(1), the Board will conduct the annual performance evaluation and consider the salary of its Executive Officer.
- B. Pursuant to Government Code section 11126, subdivision (e), the Board will convene and confer with, or receive legal counsel regarding the following litigation:
  - i. Sacramento County Superior Court, Case No. 23CV004237
  - ii. United States District Court – Central District of California, Case No. LA CV 23-02068-MEMF-(MARx)

## **ADJOURNMENT**

The Board adjourned at 4:30 p.m.