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**CONSUMER PROTECTION & PUBLIC
RELATIONS AND OUTREACH
COMMITTEE**

MEMBERS OF THE COMMITTEE

Cyd Brandvein, Chair
Debra McIntyre, OD
David Turetsky, OD

**TELECONFERENCED DRAFT MEETING
MINUTES**

February 18, 2022

Members Present	Staff Present
Cyd Brandvein, Chair	Shara Murphy, Executive Officer
Jeffrey Garcia, OD	Marc Johnson, Policy Analyst
David Turetsky, OD	Terri Villareal, Lead Enforcement Analyst
	Genevieve Sanati, Licensing Analyst
	Kristen (Cricket) Borges, Enforcement Analyst
	Brad Garding, Enforcement Analyst

Link to audio of meeting:

<https://www.youtube.com/watch?v=yGUetrN1pQM&feature=youtu.be>

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

Audio of Discussion: 00:19 / 1:35:35

Ms. Brandvein called the meeting to order at 10:00 a.m. and a 3-0 quorum was established.

2. Public Comment for Items Not on the Agenda

Audio of Discussion: 02:21 / 1:35:19

Public attendees did not provide any comments.

3. Discussion and Possible Action on October 20, 2021, Consumer Protection Committee Meeting Minutes

Audio of Discussion: 03:45 / 1:35:19

Comment from Chair Brandvein to have action items for minutes only; not a transcription.

Member Turetsky asked for action items instead of a transcription.

Public attendees did not provide any comments.

Dr. Turetsky moved to accept the October 20, 2021, Consumer Protection Committee Meeting Minutes as presented. Dr. Garcia seconded the motion. The Committee voted unanimously (3-0) and the motion carried.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Turetsky	X				
Dr. Garcia	X				
Dr. Brandvein	X				

4. Discussion and Possible Action on 2021-2025 Strategic Plan Items Relevant to the Committee.

Audio of Discussion: [05:00 / 1:35:19](#)

Terri Villareal, Lead Enforcement Analyst stated that this is the first edition of the enforcement bulletin which was created by DCA’s design team. Ms. Villareal explained the thought behind the bulletin – to educate licensees and consumers about enforcement.

Ms. Villareal explained that the bulletin was designed to assist the public, licensees, and probationers with understanding the enforcement process. Dr. Turetsky stated he really liked the bulletin and staff had no idea how much the optometry community has been waiting for something like this to be published. He also asked if the bulletin was sent to the optician program. Ms. Murphy stated that the bulletin was sent to the contact list for opticians.

Dr.’s Turetsky and Garcia both stated that they liked the enforcement bulletin. Dr. Garcia stated that he thinks the bulletin will increase awareness of compliance in the enforcement program. Ms. Brandvein stated she liked the bulletin and the “Ask the Analyst” feature.

Ms. Murphy stated that she recently took the bulletin to a California Optometric Association meeting recently, and the 200 attendees appreciated the bulletin and thought it was a useful tool for the Board. Ms. Murphy also said staff will be pulling snippets from the bulletin and using them for social media.

Ms. Brandvein asked about the task items from the 2021 – 2025 strategic plan. Ms. Villareal stated that we are ahead of schedule on task items.

Ms. Villareal stated that the Board is ahead of schedule on half of the items. For example, in Section 5.1, Evaluate Outside Resources Available to Expand Outreach. The Board is currently posting social media announcements in relation to Section 5.1.

Ms. Brandvein stated the team is on track with Section 5.1 and many of the items under Section 5.1. Ms. Brandvein asked if Ms. Villareal thought staff would hit a roadblock on Section 5.1 and if the board members could help with any of the items.

Ms. Villareal stated that the staff has created two new presentations that will be presented today before they are taken to the Board meeting in March 2022.

Ms. Murphy stated that there will be a temporary roadblock as the Board's policy analyst, Marc Johnson, has accepted a position with another department. Mr. Johnson is in charge of the listserv and reviews all social media. In addition, the Board will be hiring an enforcement manager which will help greatly for the enforcement program.

Ms. Brandvein stated that she noticed the date to revise the Board's website is a couple of years away and asked if the same team that created the enforcement bulletin can work on the Board's website. Ms. Brandvein asked if the Board could reach out to the bulletin team. Ms. Brandvein also stated that the due dates on the timeline for Sections 5.1 through 5.7 of the Strategic Plan look good.

Ms. Brandvein asked for comments from Dr.'s Turetsky and Garcia on the outreach plan Sections 5.1 through 5.7.

Public attendees did not provide any comments on the Strategic Plan Timeline.

Presentation by Cricket Borges, Enforcement Analyst – Citation Presentation

Dr. Turetsky asked what appeal rights a subject has if he doesn't agree with the decision. Ms. Borges explained that the subject does have appeal rights. Dr. Turetsky asked if a subject can appeal all the way to the superior court level. Ms. Borges stated that one could appeal to the superior court. Ms. Borges stated that staff is preparing a citation flow chart that will be presented in the next packet to the Committee.

Mr. Brad Garding presented the Advertising presentation.

Ms. Brandvein thanks Mr. Garding for his presentation. Dr. Turetsky asked if this presentation would be going to any other groups. Mr. Garding said the Board would receive the presentation at the next meeting. Dr. Turetsky asked about the rules for using "O.D.". Dr. Turetsky wanted to make sure we are saying the correct thing when we present to others. Dr. Turetsky asked that we change the pronouns to make them gender neutral.

Dr. Garcia stated it was an excellent presentation. It was clear and will help licensees with requirements and regulations. He said there is a lot of confusion about what ODs are allowed to do and what they are not allowed to do. The laws and rules vary from state to state and are confusing.

Dr. Garcia stated that he spoke to Ms. Murphy before today's meeting to ask if he could share his experience with being issued a citation. Dr. Garcia stated he knew very little about citations. He said things may have been different a couple of years ago when he was issued a citation for advertising as his violations were in relation to Facebook and also a violation with his practice name which is common in the optometry community. His website was in violation as well as he did not have the "O.D." listed each time he used the word "Dr.". He said there was no intent to deceive but didn't know he was in violation. Also, he was not aware of the rules of Fictitious Name Permits. He does now because of the citation and abatement he was issued.

Dr. Garcia said some may think being issued a citation is benign, but they are really not because the citation shows up when obtaining insurance or applying for an equipment loan. And it gets reported to the National Practitioners database. It does follow the licensee for five years after the case is closed.

Mr. Garding stated that citations are on the Board's website for five years.

Ms. Villareal stated that we can add a section to the newsletter that states, "Did You Know" and talk about the repercussions of a citation.

Ms. Murphy stated that our intention is not to be punitive or draw money out of licensees and not to inhibit them from advancing in their profession. Ms. Murphy also stated that we try to educate our licensees letting them know this is what we have seen, and this is how you fix it. We are trying to help consumers so that they are not deceived or defrauded.

Ms. Murphy also stated that staff tries very hard when we approach enforcement cases, to educate licensees about the law. She also stated that licensees should know that citations do show up in the National Practitioner Database, when licensees file for insurance, apply for a loan, and in other areas which will affect their license in the future.

Ms. Murphy stated that we should add more slides to the advertising presentation regarding the effects of receiving a citation so that licensee can be aware of the implications of receiving one.

Ms. Murphy thanked Dr. Garcia for his honesty in speaking up and providing his experience with being issued a citation.

Ms. Brandvein stated that she is seeing a shift in how the Board and staff communicate with licensees and that the tone in our presentations and newsletters is softer as we are conveying our message a little better than we have in the past. Ms. Brandvein liked adding more slides to the advertising presentation as Ms. Murphy suggested.

The moderator asked for Public Comments. There were no public comments.

5. Future Agenda Items

Audio of Discussions: 1:29 / 1:35

The Board Members raised several issues for future discussion.

Dr. Turetsky stated that it seems like a minor violation such as forgetting to add your business name on an advertisement should be able to be corrected with a simple phone call instead of a citation. He asked how can the Board implement this issue to minimize the impact on licensees who are doing good with their practices?

Dr. Brandvein will let the Executive Officer decide what committee this should be sent to, or whether this is a discussion for a Board meeting.

Dr. Garcia brought up the specialty classification in optometry. There are different levels of specialties of education in the optometry profession and the term “specialty” should be used in the profession of optometry in California.

There was no public comment.

6. Adjournment

The meeting adjourned at 1:35:19 p.m.

