



MEETING MINUTES

August 24, 2009

California State Board of Optometry
Southern California College of Optometry
2575 Yorba Linda Blvd
TVCI Conference Room
Fullerton, CA 92831
and
via telephone at 155 Cadillac Drive, Sacramento, CA 95825

Members Present

Lee Goldstein, OD, MPA
Board President
Susy Yu, OD, MBA, FAAO
Board Vice President
Monica Johnson, Public Member
Board Secretary
Alejandro Arredondo, OD
Katrina Semmes, Public Member
Kenneth Lawenda, OD
Fred Naranjo, MBA, Public Member

Staff Present

Mona Maggio, Executive Officer
Andrea Leiva, Licensing Analyst
Michael Santiago, Staff Counsel

Guest List

On file

Members Absent (Excused)

Edward Rendon, Public Member

FULL BOARD OPEN SESSION

1. Call to Order – Establishment of a Quorum

Board President, Lee Goldstein, OD called the meeting to order at 10:02 a.m.
Dr. Goldstein called roll and a quorum was established.

2. Welcome and Introductions

Dr. Goldstein noted that Edward Rendon, Public member was unable to attend today's meeting and thanked the Southern California School of Optometry for allowing the Board to use their high tech facility. He invited staff and members of the audience to introduce themselves to the Board.

3. Discussion and Possible Action to Adopt California Code of Regulations (CCR) Title 16, Section 1525, Optometrist License Renewal; Section 1525.1, Fingerprint Requirements; and Section 1525.2, Response to Board Inquiry

Mona Maggio, Executive Officer gave an overview of the final rulemaking package to adopt CCR, Title 16, Section 1525, 1525.1 and 1525.2. Last year, Carrie Lopez, former Director of the Department of Consumer Affairs (DCA) directed all healing arts boards, including the Board of Optometry, to do retroactive fingerprinting for all licensees without

a record in the Department of Justice (DOJ) criminal offender record information database. Ms. Maggio indicated that new staff will soon be hired in order to implement this action.

At the February 27, 2009 meeting, the Board approved language and passed a motion to direct staff to initiate the rulemaking process. A Notice of these proposed adoptions was published in the California Regulatory Notice Register on June 26, 2009. On August 11, 2009 a hearing was held in order to receive public comment in regards to the regulations. Public comments were not received at the hearing nor did the Board receive any public comment prior.

Ms. Maggio asked that the Board review the proposed language, make any suggested edits and give final approval to adopt the language and direct staff to move forward with the rulemaking process.

Dr. Goldstein opened the floor to questions. Discussion ensued among the Board members regarding whether these requirements were standard for all Boards, and not just specific to optometry, if individuals could get fingerprinted at their local police station and the cost. Ms. Maggio clarified that yes, the requirements were standard for all Boards since the language for the regulations was developed by the DCA legal counsel and that it would cost \$56 at a local police station, the DOJ and private fingerprinting services. She also clarified that individuals in California could use Live Scan for fingerprinting and out of state optometrists would need to continue using hard cards both of which are also available at a local police station.

Dr. Lawenda inquired whether the Board was able to obtain fingerprint information from optometrists outside of the U.S.A interested in becoming licensed in California. Ms. Maggio was not sure if this was possible, but assured him that she would look into it. Dr. Haine provided that Western University does background checks on foreign students as a requirement for enrollment in their school. Canada is one of these countries, so he assumes it must be possible. Dr. Lawenda was satisfied with the response.

Dr. Ken Lawenda moved to make the final approval to adopt the language as presented and directed staff to move forward with the rulemaking process. Dr. Alex Arredondo seconded. The Board voted unanimously (7-0) to pass the motion.

Member	Aye	No	Abstention
Dr. Goldstein	X		
Dr. Yu	X		
Ms. Johnson	X		
Dr. Arredondo	X		
Dr. Lawenda	X		
Mr. Naranjo	X		
Ms. Semmes	X		

4. Discussion and Possible Action to Approve Draft Language to Commence a Rulemaking to Add Section 1571, Requirements for Glaucoma Certification to Division 16, Title 16 of the CCR

Ms. Maggio provided background and a chronological list of events showing the Board's progress to implement regulations for glaucoma certification pursuant to Senate Bill 1406, Chapter 352, Statutes 2008. Senate Bill 1406 significantly expanded the scope of practice for optometrists licensed in California. A provision of the bill established a means for establishing requirements for glaucoma certification that would: 1) protect glaucoma patients; 2) ensure that optometrists applying for glaucoma certification and are certified on an appropriate and timely basis; and 3) be consistent with the DCA and the Board's exam validation and occupational analysis policies pursuant to subdivision (b) of Section 139.

Chronology:

September 26, 2008 - Governor Arnold Schwarzenegger signs Senate Bill 1406 (Chapter 352, Statutes 2008) making significant changes to Business and Professions Code Section 3041 regarding the scope of practice for optometrists.

November 20, 2008 - The Board appoints the Glaucoma Diagnosis Treatment and Advisory Committee (GDTAC).

January 1, 2009 - Senate Bill 1406 becomes effective.

February 5, 2009, February 26, 2006 and March 5, 2009 – GDTAC Public Meetings are held throughout California.

April 1, 2009 – GDTAC submits two separate reports to the Office of Professional Examination Services (OPES) for review.

July 1, 2009 - The final report from OPES is submitted to the Board as directed by Senate Bill 1406.

July 16, 2009 – The Board approves the Report of the OPES pertaining to the recommended curriculum and case management requirements for optometrists licensed in California to diagnose and treat glaucoma.

July 31, 2009 – Representatives from the California schools and colleges of optometry meet to discuss and develop the final curriculum for glaucoma certification and potential regulations based on the recommendations in the report by OPES.

Ms. Maggio indicated that staff took the recommendations given at the meeting on July 31, 2009 and drafted the proposed language for the regulation. Ms. Maggio requested that the Board make changes and/or edits and approve the proposed draft regulatory language to add Section 1571, Requirements for Glaucoma Certification to the CCR. Ms. Maggio also requested that the Board move to direct staff to begin the rulemaking process within the DCA and file the rulemaking file with the Office of Administrative Law (OAL).

For the record, Dr. Goldstein informed the Board that he did attend and moderate the meeting on July 31, 2009 and as indicated by the report there were representatives from

each of the schools present. He clarified that what is being presented is staff's first cut of the regulations based on the summary provided from that meeting.

Dr. Kliger, Executive Director of the California Academy of Eye Physicians and Surgeons directed a question towards Michael Santiago, Legal Counsel about what the steps are from this point forward once the regulation is approved and the rulemaking process is initiated.

Mr. Santiago clarified that today; the Board is considering the proposed language developed by staff to begin the rulemaking process with OAL. If the Board can agree on the language, staff will move forward and submit the regulation to OAL. According to Section 3041, the Board has until January 1, 2010 to implement those regulations.

Dr. Goldstein directed Ms. Leiva to go through the language line by line to make sure the regulation was thoroughly reviewed.

The regulation was discussed at length and edits were made in order to further conform to the recommendations made by OPES and the representatives from the schools and colleges of optometry at the July 31, 2009 meeting.

There were two main concerns that were brought up in the discussion of the regulation by Board members and guests:

1) In regards to the how long the case management requirement would be. Could it be completed in 12 months or in less time?

Response: No, the intent of the case management course is that it be 12 months long and no less. That is what is indicated in the OPES report.

2) In regards to the grand rounds program. Are patients evaluated live?

Response: Yes, patients are evaluated live. Again, that was the intention of the OPES report.

3) Ms. Semmes, Mr. Naranjo and Ms. Monica Johnson had concerns regarding the need for public outreach in connection with these new glaucoma regulations. How will a patient know the optometrist is glaucoma certified? Is it the patient's responsibility to be aware that the certifications are posted on the licenses? How will they know what the letters mean?

Response: Dr. Goldstein assured that all licensees get certificates indicating what they can treat (i.e. TPA, TLG) posted on their license, which, by law, must be visible in their practice. Ms. Johnson would like to see definitions of what each letter means for the public's knowledge. Ms. Maggio clarified that this information is already posted online and there are also informational brochures that the Board can create and possibly distribute in optometrist's offices or by mail. Ms. Semmes inquired whether the brochures could be translated into other languages, maybe Spanish to start. Board staff responded that yes it's possible and they will look into it in the near future.

Dr. Ken Lawenda moved to make the final approval to adopt the language as discussed and directed staff to move forward with the rulemaking process. Katrina Semmes seconded. The Board voted unanimously (7-0) to pass the motion.

Member	Aye	No	Abstention
Dr. Goldstein	X		
Dr. Yu	X		
Ms. Johnson	X		
Dr. Arredondo	X		
Dr. Lawenda	X		
Mr. Naranjo	X		
Ms. Semmes	X		

Ms. Semmes left the meeting at 12:12 p.m.

5. Public Comment Regarding Issues Not on Agenda

There were no comments regarding issues not on the Agenda.

FULL BOARD CLOSED SESSION

6. Pursuant to Government Code Section 11126 (c)(3), to Deliberate on Disciplinary Decisions

A. Stipulated Settlement and Disciplinary Order, Paul Clark Mann, O.D. 5090

The Board deliberated in closed session regarding the Stipulated Settlement and Disciplinary Order for Dr. Paul Clark Mann.

The full Board closed session ended and the Board reconvened to public session.

FULL BOARD OPEN SESSION

7. Adjournment

The meeting was adjourned at 12:35 p.m.

Dr. Yu moved to adjourn the meeting. Monica Johnson seconded the motion. The Board voted unanimously to adjourn the meeting; 6-yes; 0-no.

Member	Aye	No	Abstention
Dr. Goldstein	X		
Dr. Yu	X		
Ms. Johnson	X		
Dr. Arredondo	X		
Dr. Lawenda	X		
Mr. Naranjo	X		