

STATE BOARD OF OPTOMETRY

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Meeting Minutes
Friday, October 4, 2010

Southern California College of Optometry
2575 Yorba Linda Boulevard, TVCI Room
Fullerton, CA 92831

And
Via Telephone at

The Department of Consumer Affairs
1625 North Market Boulevard
Sacramento Room S-306, 3rd Floor
Sacramento, Ca 95834

Fullerton

Members Present

Lee Goldstein, OD, MPA, Board President
Alejandro Arredondo, OD, Vice President
Monica Johnson, Secretary, Public Member
Susy Yu, OD, MBA, FAAO
Ken Lawenda, OD

Members Absent

Katrina Semmes, Public Member
Ed Rendon, Public Member

Staff Present

Mona Maggio, Executive Officer
Andrea Leiva, Policy Analyst
Michael Santiago, Legal Counsel

Sacramento

Members Present

Fred Naranjo, MBA, Public Member

Staff Present

Margie McGavin, Enforcement Manager

Guest List

On File

Friday October 4, 2010

9:00 a.m.

FULL BOARD OPEN SESSION

1. Call to Order – Establishment of a Quorum

Board President, Lee Goldstein, OD called the meeting to order at 9:07 a.m.

Dr. Goldstein called roll and a quorum was established. Board members, staff, and members of the audience in Sacramento and Fullerton were invited to introduce themselves.

2. Discussion and Adoption of Modified Text of Title 16, of the California Code of Regulations (CCR), Section 1571, Requirements for Glaucoma

Legal Counsel, Michael Santiago and Policy Analyst, Andrea Leiva provided the background and current status of the rulemaking package, the action requested of the Board at today's meeting, the

next steps and timeline that staff must meet in order to meet the requirements of the Office of Administrative Law (OAL).

Senate Bill (SB) 1406 (Chapter 352, Statutes of 2008, Correa), became effective on January 1, 2009 and expanded the scope of practice of optometrists in California to include, among other things, the treatment of glaucoma. Business and Professions Code (BPC) section 3041.10 established procedures to be followed by the Board in order to make certain that the public would be adequately protected during the transition to full certification for all California licensed optometrists interested in treating and managing glaucoma patients. The timeline of the Board's progress thus far:

- *August 24, 2009* – Board approves the language and initiates a rulemaking.
- *November 6, 2009* – The Notice is published and the 45-day comment period begins.
- *December 21, 2009* – 45-day comment period ends.
- *December 22, 2010* – Regulatory hearing is held, no comments received.
- *March 16, 2010* – Board makes final approval of the modified language after acknowledging all comments received.
- *March 24 – April 8, 2010* - 15-day comment period on modified text.
- *May 11, 2010* – Board makes final approval of the language after acknowledging all comments received and direct staff to complete the rulemaking file.
- *May 17 – August 23, 2010* – Package is approved by the Department of Consumer Affairs, Consumer Services Agency, and the Department of Finance.
- *August 25, 2010* – Staff submits the package for final review to the OAL.
- *September 24, 2010* – The Board votes to withdraw the regulation from the Office of Administrative Law after reviewing the Office's concerns with the regulation.
- *September 27, 2010* – The Board withdraws the regulation.

Ms. Leiva shared the concerns received by OAL pertaining to “clarity” in proposed language regarding the number of patients that must be treated during the case management program, the definition of “treat”, and the use of the phrase “one consecutive year” versus “twelve consecutive months.” Additionally, the CCR Hierarchy was edited to match OAL's preference.

The Board reviewed the modified text as edited by staff. The Board made minor edits for further clarity. The Board also read and made minor edits to the addendum of the Final Statement of Reasons.

Mr. Joe Lang in Sacramento representing the California Academy of Eye Physicians and Surgeons requested that the Board provide him with the email from OAL outlining their concerns for his review. Ms. Leiva indicated that she would provide him with that information.

Additionally, OAL referenced one comment by the Academy of Eye Physicians and Surgeons (CAEPS) in their December 21, 2009 letter, on page 4 that was not responded to after the 45-day comment period. Ms. Leiva informed the Board that this comment will be addressed at the October 22, 2010 meeting, along with any other comments received during the upcoming 15-day comment period.

Ms. Leiva then identified the next steps to be as follows:

- 1) The Modified Text will be posted for a 15-day comment period.
- 2) Comments received will be reviewed and addressed at the Board's October 22, 2010 Board meeting.
- 3) The rulemaking file will be resubmitted to the Department of Consumer Affairs, and then to OAL for final review.

Dr. Kenneth Lawenda moved to approve the proposed revisions to the modified text in order to begin the 15-day comment period. Monica Johnson seconded. The Board voted unanimously (6-0) to pass the motion.

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

Dr. Kenneth Lawenda moved to approve the addendum to the Final Statement of Reasons as modified. Dr. Susy Yu seconded. The Board voted unanimously (6-0) to pass the motion.

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

3. Public comment for Items Not on the Agenda.

There were no comments received.

4. Adjournment

Dr. Kenneth Lawenda moved to approve to adjourn the meeting. Monica Johnson seconded. The Board voted unanimously (6-0) to pass the motion.

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

The meeting adjourned at 10:23 a.m.