

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. CALIFORNIA STATE BOARD OF OPTOMETRY

PROPOSED REGULATORY LANGUAGE
Home Residence Permits

Legend:	Added text is indicated with an <u>underline</u> . Omitted text is indicated by (* * * *) Deleted text is indicated by strikeout .
----------------	---

Adopt section 1507.5 and amend section 1524 of Division 15 of Title 16 of the California Code of Regulations as follows:

§ 1507.5. Home Residence Permits

(a) A licensed optometrist, who is certified to use therapeutic pharmaceutical agents pursuant to Business and Professions Code section 3041.3 and seeks to obtain a home residence permit pursuant to section 3070.1, shall complete an application which shall be accompanied by payment of the fee pursuant to Section 1524 in this Article. The initial home residence permit shall be in effect for two years or until the licensee's optometry license renewal date, whichever comes first. The application shall require the following information:

- (1) First, Middle and Last Name;
- (2) Address of the optometrist's primary business office, that the optometrist maintains pursuant to Business and Professions Code section 3070.1(c)(1);
- (3) Primary business office telephone Number;
- (4) Email address;
- (5) Current license number;
- (6) A declaration by the applicant that the information provided including any accompanying documents is true and accurate, and that the applicant understands and agrees that any misstatements of material facts may be cause for denial of the application and discipline by the board, under the penalty of perjury; and
- (7) A declaration by the applicant under the penalty of perjury that the applicant will comply with all state and federal recordkeeping, reporting, and patient record disclosure requirements, including requirements as set forth in Section 3070.1(c).

(b) A licensed optometrist who seeks to renew a home residence permit shall complete a renewal application which shall be accompanied by payment of the fee pursuant to Section 1524 in this Article. The renewal permit shall expire on the same date the license's optometry license expires. The application shall require the following information:

- (1) First, Middle and Last Name;
- (2) Address of the optometrist's primary business office, which the optometrist maintains pursuant to Business and Professions Code section 3041.3(c)(1);
- (3) Primary business office telephone number;

(4) Email address;

(5) License number;

(6) A declaration by the applicant that the information provided including any accompanying documents is true and accurate, and that the applicant understands and agrees that any misstatements of material facts may be cause for denial of the application and discipline by the board, under the penalty of perjury; and

(7) A declaration by the applicant under the penalty of perjury that the applicant will comply with all state and federal recordkeeping, reporting, and patient record disclosure requirements, including requirements as set forth in Business and Professions Code section 3070.1(c).

(c) Consumer notice.

(1) Each patient shall be issued a consumer notice. A copy of the consumer notice may be provided to each patient or the patient's caregiver either in-person or electronically.

(2) The notice shall be in a minimum of 14-point font and must contain the following information:

(A) The name, license number, email address, telephone number, primary business address and normal business hours of the optometrist;

(B) At a minimum, the additional following information:

CONSUMER NOTICE

The practice of optometry in California is regulated by the California State Board of Optometry. The Board of Optometry receives and investigates all consumer complaints involving the practice of optometry. Complaints or grievances involving a California-licensed optometrist or optician should be directed in writing to:

California Department of Consumer Affairs

Board of Optometry

2540 Del Paso Road, Suite 105

Sacramento, CA 95834

Phone: 1-866-585-2666 or 916-575-7170

Email: optometry@dca.ca.gov

Website: optometry.ca.gov

PRESCRIPTIONS

Optometrists are required to provide patients with a copy of their ophthalmic lens prescriptions as follows:

- Spectacle prescriptions: Release upon completion of exam.
- Contact lens prescriptions: Release upon completion of exam or upon completion of the fitting process.

VOLUNTARY RELEASE OF PATIENT'S MEDICAL INFORMATION

The patient may choose to release their medical information related to the optometrist's provision of optometry services to the Board of Optometry. This authorization is voluntary, and the medical information will only be used to investigate complaints and to conduct the Board of Optometry's enforcement duties under Optometry Practice Act.

(3) Each patient, or the patient's caregiver if applicable, must sign and acknowledge that they have received the consumer notice. The signature must be accompanied by a printed patient or patient caregiver's name. The signed acknowledgement must be retained in the patient's file.

(d) The authorization provided by the optometrist to the patient or patient's caregiver to release the patient's medical information to the Board of Optometry shall be signed separately from the signature required in subdivision (c)(3) above.

Note: Authority cited: Sections 3025 and 3070.1 Business and Professions Code. Reference: Section 3070.1, Business and Professions Code.

§1524. Fees

- (a) Application fee for certificate of registration as an optometrist by examination \$275
- (b) Biennial renewal of a certificate of registration as an optometrist \$500
- (c) Delinquency fee for failing to renew a certificate of registration timely \$50
- (d) Application fee for a branch office license \$75
- (e) Annual renewal of a branch office license \$75
- (f) Penalty fee for failure to renew a branch office license timely \$25
- (g) Issuance fee for a certificate of registration or upon change of name of a person holding a certificate of registration \$25
- (h) Application fee for a fictitious name permit \$50
- (i) Annual renewal of a fictitious name permit \$50
- (1) Delinquency fee for failure to renew a fictitious name permit timely \$25
- (j) Application fee for a statement of licensure \$40
- (1) Biennial renewal of a statement of licensure \$40
- (2) Penalty fee for failure to renew a statement of licensure timely \$20
- (k) Application fee for a certificate to use therapeutic pharmaceutical agents \$25
- (l) Application fee for approval of a continuing education course \$100
- (m) Application fee for a certificate to treat primary open angle glaucoma \$50
- (n) Application fee for a certificate to perform lacrimal irrigation and dilation \$50
- (o) Application fee for a retired license \$25
- (p) Application fee for a retired license with a volunteer designation \$50
- (q) Biennial renewal for a retired license with a volunteer designation \$50
- (r) Application fee for a home residence permit is \$50.
- (s) Renewal fee for a home residence permit is \$50.
- (t) Delinquency fee for a home residence permit is \$25.

Note: Authority cited: Sections 3025, 3041, 3044, 3075, 3152 and 3152.5, Business and Professions Code. Reference: Sections 3041, 3075, 3078, 3151, 3151.1, 3152 and 3152.5, 3070.1, Business and Professions Code.