

**DEPARTMENT OF CONSUMER AFFAIRS
CALIFORNIA STATE BOARD OF OPTOMETRY**

FINAL STATEMENT OF REASONS

Hearing Date: The Board did not schedule a public hearing, nor was one requested.

Subject Matter of Proposed Regulations: Home Residence Permit

Sections Affected: Adopt Title 16, California Code of Regulations (CCR), CCR Section 1507.5 and Amend CCR Title 16 1524.

Request for Effective on Filing with Secretary of State: The California State Board of Optometry (Board or CSBO) requests that this regulatory proposal become effective on filing with the Secretary of State to implement the proposed adoption of CCR 1507.5 and amendment to CCR 1524, related to the issuance of Home Residence Permits. The initial legislation authorizing the issuance of a home residence permit was enacted in 2019.

Home residence permits directly benefit Californians who are unable to leave their residence due to health or other incapacities. By allowing optometrists to treat patients where they are, the program addresses a critical healthcare gap, ensuring that vulnerable populations have access to essential vision services. According to the 2024 California Master Plan on Aging, by 2030, one in four Californians will be age 60 or older. The number of people aged 60 and over in California will grow to more than 14 million by 2050, an increase of 128% from 2010. Statistically, more than 1 million of these people will be housebound and in need of home-based care.

Additionally, many of those people may not have access to regular eye care screenings and services, especially in rural and underserved areas. Access to optometric care has the potential to significantly improve the health outcomes of individuals in these underserved populations. Both the Centers for Disease Control and the National Institutes for Health have noted the importance of eye health and the role of vision impairment as a serious health concern, especially in older adults.

This proposal aligns with regulatory requirements and prioritizes public safety, efficient administration, and, most importantly, the health and well-being of Californians in need. This initiative represents a significant step towards ensuring equitable access to high-quality optometric care for all.

Updated Information: The Initial Statement of Reasons is included in the file and is incorporated herein. The information contained therein is updated as follows:

The regular comment period for this rulemaking began on July 19, 2024, and ran to September 3, 2024. No hearing was scheduled or requested. No comments were received during the public comment period.

During the OAL final review period, the Board made non-substantive technical changes to the text that were clarifying. The Board also removed Business and Professions Code Section 3041 from the authority and reference citation of Section 1524. Business and Professions Code Section 3041 establishes the scope of practice for optometrists in California and is not related to fees.

Local Mandate: A mandate is not imposed on local agencies or school districts.

Small Business Impact: The Board made the initial determination that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses including the inability of California businesses to compete with businesses in other States. This initial determination is based on the following: The Home Residence Permit program is exclusive to California-licensed optometrists. Optometrists opting to obtain a home residence permit will be required to apply for licensure and pay applicable fees, including:

- Home Residence Permit Application Fee (\$50)
- Home Residence Permit Renewal Fee (\$50)
- Home Residence Permit Delinquency Fee (\$25)

The Board anticipates up to 20 licensees will opt to apply for the initial home residence permit per year and will renew biennially with costs ranging from approximately \$1,000 to \$5,000 per year and up to \$30,000 over a ten-year period as follows:

CA State Board of Optometry													
Home Residence Permit - Economic Impact (Costs)													
Registration Type	Fee Amount	Applicants Per Year	Years Ongoing										Total
			1	2	3	4	5	6	7	8	9	10	
Home Residence Permit - Initial	\$50	20	20	20	20	20	20	20	20	20	20	20	200
		Sub-total:	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$10,000
Home Residence Permit - Renewal (biennial)	\$50	Various	-	-	20	20	40	40	60	60	80	80	400
		Sub-total:	-	-	\$1,000	\$1,000	\$2,000	\$2,000	\$3,000	\$3,000	\$4,000	\$4,000	\$20,000
		Total Costs:	\$1,000	\$1,000	\$2,000	\$2,000	\$3,000	\$3,000	\$4,000	\$4,000	\$5,000	\$5,000	\$30,000

Benefits: The anticipated benefits of home residence permits are significant, positively impacting both regulatory alignment and public welfare. Here are the key advantages: The proposed changes aim to align Title 16 CCR section 1524 with BPC 3070.1, ensuring that the program is in full regulatory compliance. This alignment sets a solid foundation for seamless integration and operation. Introducing new section 1507.5 establishes comprehensive guidelines for home residence permit applications, renewals, notice and recordkeeping requirements. Application guidelines for the home residence permit set

compliance standards for applicants. This ensures that only qualified and capable individuals are entrusted with providing optometric care. The institution of fees for the home residence permit enables the Board to efficiently administer the program. This financial structure ensures that the program remains sustainable and well-supported. Home residence permits directly benefit Californians who are unable to leave their residence due to health or other incapacities. By allowing optometrists to treat patients where they are, the program addresses a critical healthcare gap, ensuring that vulnerable populations have access to essential vision services.

INCORPORATION BY REFERENCE: There are no forms or documents incorporated by reference.

Consideration of Alternatives:

The Board has determined that no reasonable alternative to the regulatory proposal would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the adopted regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

No reasonable alternatives were considered because BPC 3070.1 authorizes the Board to adopt regulations determining the “form and manner” by which licensed optometrists may apply for a home residence permit to treat patients within the confines of their own home.