

**State of California
Office of Administrative Law**

In re:
Board of Optometry

Regulatory Action:

Title 16, California Code of Regulations

Adopt sections: 1507.5
Amend sections: 1524
Repeal sections:

NOTICE OF APPROVAL OF REGULATORY
ACTION

Government Code Section 11349.3

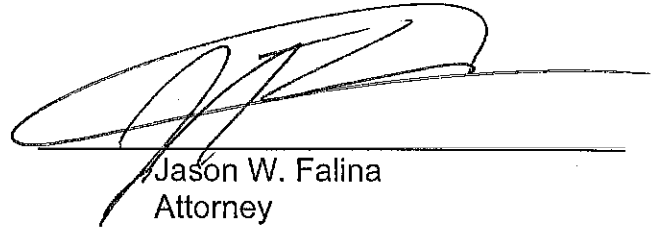
OAL Matter Number: 2024-0911-05

OAL Matter Type: Regular (S)

This regular rulemaking action by the California State Board of Optometry adopts a new regulation providing the requirements to apply for a home residence permit and the disclosure requirements for providing such services. This action also amends existing regulation to include the applicable fees for application, renewal, and delinquency of a home residence permit.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 10/21/2024.

Date: October 21, 2024



Jason W. Falina
Attorney

For: Kenneth J. Pogue
Director

Original: Gregory Pruden, Executive
Copy: Gregory Pruden

REGULAR

STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 10/2019)

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER Z- 2024-0708-02	REGULATORY ACTION NUMBER 2024-0911-05	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

OCT 21 2024

3:07 PM
[Signature]

OFFICE OF ADMIN. LAW
2024 SEP 11 4:45:23

AGENCY WITH RULEMAKING AUTHORITY
State Board of Optometry

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE Home Residence Permit	TITLE(S) 16	FIRST SECTION AFFECTED 1507.5	2. REQUESTED PUBLICATION DATE July 19, 2024
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON Gregory Pruden	TELEPHONE NUMBER 916-574-7808	FAX NUMBER (Optional)
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER 2024, 29-2	PUBLICATION DATE 7/19/24	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Home Residence Permits	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT 1507.5
	AMEND 1524
TITLE(S) 16	REPEAL
3. TYPE OF FILING	
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§ 11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Emergency Rereadout (Gov. Code, §11346.1(h))
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)
	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
	<input type="checkbox"/> File & Print <input type="checkbox"/> Print Only
	<input type="checkbox"/> Other (Specify) _____
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1) N/A	
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11345.1 (d); Cal. Code Regs., title 1, §100)	
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> \$100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY	
<input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6650)	<input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal
<input checked="" type="checkbox"/> Other (Specify) <u>Kimberly Kirchmeyer, Director, Department of Consumer Affairs</u>	
7. CONTACT PERSON Gregory Pruden	TELEPHONE NUMBER (916) 574-7808
FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) gregory.pruden@dca.ca.gov

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

Gregory Pruden

9-11-2024

TYPED NAME AND TITLE OF SIGNATORY

Gregory Pruden, Executive Officer

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

OCT 21 2024

Office of Administrative Law

CALIFORNIA STATE BOARD OF CALIFORNIA
Home Residence Permits
ORDER OF ADOPTION

Adopt section 1507.5 of Article 2 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 until the licensee's optometry license renewal date. 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, under the penalty of perjury, 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; 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, under the penalty of perjury, 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; 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, and if applicable the patient's caregiver, shall be issued a consumer notice. A copy of the consumer notice may be provided 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, and if applicable the 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.

Amend section 1524 of Article 5 of Division 15 of Title 16 of the California Code of Regulations to read as follows:

§1524. Fees

The following fees are established:

- | | |
|---|-------|
| (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 certificate to operate as an owner and operator of a mobile optometric office	\$360
(s) Biennial renewal fee for a certificate to operate as an owner and operator of a mobile optometric office	\$360
(t) Delinquency fee for failure to renew a certificate to operate as an owner and operator of a mobile optometric office	\$150
(u) Application fee for a mobile optometric office permit	\$472
(v) Biennial renewal fee for a mobile optometric office permit	\$472
(w) Delinquency fee for failure to renew a mobile optometric office permit	\$150
<u>(x) Application fee for a home residence permit is</u>	<u>\$50</u>
<u>(y) Renewal fee for a home residence permit is</u>	<u>\$50</u>
<u>(z) Delinquency fee for a home residence permit is</u>	<u>\$25</u>

Note: Authority cited: Sections 3025, 3044, 3075, 3152 and 3152.5, Business and Professions Code. Reference: Sections 163.5, 3055, 3070.1, 3070.2, 3075, 3078, 3151, 3151.1, 3152 and 3152.5. Business and Professions Code.