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**LEGISLATION AND REGULATION COMMITTEE  
MEETING MINUTES**

**Friday, February 26, 2021**

**This public meeting was held via WebEx events.**

**MEMBERS OF THE COMMITTEE**

Lillian Wang, OD, Chair  
Glenn Kawaguchi, OD  
Mark Morodomi  
David Turetsky, OD

<b>Members Present</b>	<b>Staff Present</b>
Lillian Wang, OD, Chair	Shara Murphy, Executive Officer
Glenn Kawaguchi, OD	Cheree Kimball, Assistant Executive Officer
Mark Morodomi	Marc Johnson, Policy Analyst
David Turetsky, OD	Natalia Leeper, Lead Licensing Analyst
	Rebecca Bon, Legal Counsel

Link to webcast of meeting: <https://www.youtube.com/watch?v=MNRY0sKOJ1A>

**1. Call to Order/Roll Call/Establishment of a Quorum**

Dr. Wang called the meeting to order at 10:30 am. A 4-0 quorum was established.

**2. Public Comment for Items Not on the Agenda**

There was no public comment.

**3. Discussion and Possible Action on September 18, 2020 Legislation and Regulation Committee Meeting Minutes**

No changes were made. There was no public comment.

David Turetsky moved to approve the September 18, 2020 minutes Glenn Kawaguchi seconded. The Committee voted 3-0-1 and the motion passed.

<b>Member</b>	<b>Aye</b>	<b>N</b>	<b>Abstain</b>	<b>Absent</b>	<b>Recusal</b>
Wang	X				
Morodomi			X		
Turetsky	X				
Kawaguchi	X				

#### **4. Discussion and Possible Action on Changes to Chapters 5.4, 5.45 and 5.5 of the Business and Professions Code (Optician Program Statutes).**

Dr. Wang opened on the item and asked for comments on the proposal.

Dr. Kawaguchi started with Section 2541.2(g) regarding when an optician may charge a fee for service; he noted the attempt is to make the section clearer. Ms. Murphy pointed out the text is taken from federal statute. This section was not changed.

Mr. Morodomi raised the concern about understanding of the wording within the statute. Do the changes promote confusion from federal law which may be poorly drafted to begin with? He cautioned against changing the text to make it more confusing to readers. Ms. Bon noted Board staff may see confusion from licensees in understanding the statute, hence the proposed changes.

Dr. Kawaguchi next referred to Section 2545.1. He raised concerns about the over-regulation of opticians and the changes possibly being a barrier to entry; specifically, he asked if there could be separate fines for RDOs versus SLD/CLD registrants. Ms. Bon responded she was unsure if such fines would be a barrier but agreed the language might need to be relocated for better clarification. She noted the Board's focus is not on punishment and such fines would not be necessarily applied to an individual registrant. Ms. Murphy suggest adding "or corporation who violates these provisions" throughout; committee agrees.

On page 27 of the text, for Section 2559.15, Dr. Kawaguchi noted there are unregistered, trained employees who are dispensing and the DOC has been hearing discussions with the optician programs about encouraging registration and that many graduates are choosing not to become registered. He felt this proposed change were not needed and may serve as a barrier to entry; there may be some circumstances where such a registration is not needed. Dr. Kawaguchi also does not agree with changing of Section 2559.2 from five to three years as there has not been sufficient date to support the change.

Ms. Murphy noted that some opticians may not wish to become registered due to the costs involved; she also noted the DOC had concerns about unregistered individuals being supervised while working. Dr. Kawaguchi also felt the DOC may have made some changes without data being provided; Mr. Morodomi agreed and felt it was the purview of the Board if enough information was provided to make a change. He asked if an option of three or five years can be provided to the Board; committee agrees. Dr. Wang proposed having DOC members could be invited to the next meeting to be discuss this proposal but felt that a requirement to retake the ABO exam after only three years would be a deterrent.

Regarding Section 2559.2, Dr. Turetsky wondered if a manager of a optical chain, who is not actively fitting and adjusting but is maintaining their ABO license; would they be required to re-take the ABO exam in order to renew their registration? Ms. Leeper

replied that the person may be required to depending on the circumstances unless they maintain their ABO license which requires continuing education. There is concern that the current wording might create an unneeded barrier; staff will review the wording with Legal Counsel.

Referring to Section 2559.15, Dr. Kawaguchi asked if a loophole exists in current law for glasses being sold online and sent directly to consumers - no in person fitting – then consumers bring into physical location to get fitted; Mr. Morodomi replied it might be needed for the DOC to discuss. Dr. Kawaguchi suggested bringing the proposal to the full Board once the language has been finalized by the committee. The committee then discussed the logistics of holding a joint LRC-DOC meeting.

There was no public comment.

## **5. Future Agenda Items**

Members had no items. There was no public comment.

## **6. Adjournment**

Meeting adjourned at 11:41 pm.