



ISSUE MEMORANDUM

DATE	March 17, 2023
TO	Board Members, California State Board of Optometry (CSBO)
FROM	Gregory Pruden, Interim Executive Officer
SUBJECT	Agenda Item #6D – Regulatory Update

Purpose: At the December 9, 2022, Board meeting the Board requested staff to provide a status update regarding Board-approved regulatory packages.

Previously Approved Regulatory Packages:

1. Mobile Optometric Office Regulations (Adopt §§1583 – 1586)

Approved by the Board at the May 20, 2022 public meeting.

Subject: This proposal will implement AB 896 (Low, Chapter 121, Statutes of 2020), which would allow nonprofit charitable organizations to provide mobile optometry services to patients and receive reimbursement by Medi-Cal. It requires the Board to develop a registry for mobile optometry offices and a consumer notice to be provided to patients. Assembly Bill 1534 (Assembly Committee on Business and Professions) – approved by the Governor on October 7, 2021 and effective January 1, 2022, extends the regulatory implementation date to January 1, 2023 and adds authority for the Board to require registration of individual mobile optometric units by each non-profit.

Comments: No significant work was performed on this regulation following the board's approval at the May 2022 meeting. New policy analyst Jonathan Gasca has begun working on package documents for submission to the Department of Consumer Affairs, which is anticipated to occur by the May 12, 2023 Board meeting.

2. Optometry Continuing Education Regulations (Amend §1536)

Approved by the Board at the August 14, 2020 public meeting, and minor updates to the text were made at the August 31, 2021 public meeting. Additional changes were made at the November 21, 2021 public meeting, and the Board approved updated text at the August 26, 2022 meeting.

Subject: This proposal would make a series of changes to §1536, including allowing all 50 continuing education units to be taken online provided the courses meet certain conditions, an increase in self-study hours to 25, a better definition of self-study hours,

and additional requirements for CE providers. Changes were also made to forms incorporated by reference into the section.

Comment: The initial rulemaking package, containing changes made at the August 22, 2022 meeting, is complete and was sent to the Business, Consumer Services, and Housing Agency on February 27, 2023 for review and approval. Staff anticipates the rulemaking package being sent to OAL for a 45-day public comment period in April.

3. Implementation of AB 458 (Adopt §1507.5 and Amend §1524)

Approved by the Board at the May 21, 2021 public meeting.

Subject: This proposal will implement AB 458 (Nazarian, Chapter 425, Statutes of 2019), which allows an optometrist to engage in the practice of optometry at a home residence, provided they meet specific requirements and submit an application to the Board and pay specified fees. The optometrist would also be required to provide a consumer notice to a patient.

Comment: The rulemaking package is currently under staff preparation for submission to DCA and Agency for pre-file approval with OAL.

4. Optometry Disciplinary Guidelines (Amend §1575)

The full Board approved the regulatory text and Guidelines incorporated by reference at the October 25, 2019, public meeting.

Subject: 2019 update of existing Optometry Board Disciplinary Guidelines. The changes include updates to enforcement processes, terminology used, and implementation of changes made by the Substance Abuse Coordination Committee in Fall 2019.

Comment: The rulemaking package has not been started.

5. Optician Program Omnibus Regulatory Changes (Amend §§ 1399.200 – 1399.285)

Approved by the Board at the August 14, 2020, public meeting.

Subject: This proposal makes minor changes to the existing optician program regulations, limited to placing current initial registration and renewal forms (used with the BreEZe system), aligning current fees with the statute, and making other non-substantive changes. These changes would not affect any existing operations or modify any current processes.

Comment: The rulemaking package has not been started.

6. Dispensing Optician Disciplinary Guidelines (Amend §1399.273)

Approved by the Board at the August 14, 2020, public meeting.

Subject: The Optician Guidelines are used to impose discipline including conditions of probation for licensees that address the violations charged and are modeled after the

Optometry Disciplinary Guidelines, but are modified to meet the needs of the Optician Program.

Comment: The rulemaking package has not been started.

7. Requirements for Glaucoma Certification (Amend §1571)

Approved by the Board at the February 26, 2021, public meeting.

Subject: CCR Section 1571 sets out the requirements for Glaucoma certification. Due to COVID-19, optometry schools have been offering the Grand Rounds certification program, authorized by subsection (B), online as a live course. This proposal would remove the in-person patient evaluation requirement from CCR Section 1571 (B).

Comment: The rulemaking package has not been started.