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**LEGISLATION AND REGULATION COMMITTEE
TELECONFERENCE DRAFT MEETING MINUTES**

MEMBERS OF THE COMMITTEE

David Turetsky, O.D., Chair
Glenn Kawaguchi, O.D.
Eunie Linden, J.D.
Mark Morodomi, J.D.
Sandra D. Sims, J.D.

This public meeting was held via WebEx and attended remotely

**Friday, February 18, 2022
Time: 12:30p until close of business**

Members Present	Staff Present
David Turetsky, O.D., Chair	Shara Murphy, Executive Officer
Glenn Kawaguchi, O.D.	Genevieve Sanati, Licensing analyst
Eunie Linden, J.D.	Marc Johnson, Policy Analyst
Sandra D. Sims, J.D.	
Members Absent	
Mark Morodomi, J.D.	

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

Dr. Turetsky called the meeting to order at 1232 p.m. 4-1 quorum. Mark Morodomi absent.

2. Public Comment for Items Not on the Agenda

No public comment.

3. Discussion and Possible Approval of October 22, 2021 Meeting Minutes

Members had no changes. There was no public comment.

Eunie Linden motioned to accept the minutes as presented. Glenn Kawaguchi seconded. Motion passes 4-0-1.

Member	Aye	No	Abstain	Absent
Turetsky	X			

Kawaguchi	X			
Linden	X			
Morodomi				X
Sims	X			

4. Discussion and Possible Action on 2021-2025 Strategic Plan Items Relevant to the Committee

Item # 3.1 - Policy Analyst Marc Johnson discussed this item which advocates for the adoption for new optician statutes and regulations with goal completion of Quarter 1, 2024.

Item # 3.1.2 – Mr. Johnson noted this item was to track federal legislation. Mr. Johnson noted that staff had reached out to the Department’s legislative unit for guidance and would be working with the Attorney General’s Office to better understand how federal law preempts state law and would report back at a later date. This item was also relevant for Item 3.5

Item # 3.2 – Mr. Johnson noted the mobile optometric office rulemaking package, implementing AB 896, was in progress and staff would be bringing a revised package to the March 11, 2022 meeting, incorporating items from the board’s sunset bill, AB 1534. Mr. Johnson also discussed the continuing education regulatory package.

Item # 3.3 – Mr. Johnson reported to the Committee that staff was continuing research into the telemedicine issue and would be looking at Minnesota and ARBO for information. Mr. Johnson noted that this item had a goal completion date of Quarter 4 of 2024 and staff would continue to look at.

Item # 3.4 – Mr. Johnson reported on staff work to pursue sunset review legislation that modernizes language and concepts in light of current and future practice, that synchronizes the expiration dates of fictitious name permits to align with renewals of general licensure and statements of licensure, and that implements a license verification fee to support unfunded staff work. Mr. Johnson discussed work that staff is doing in preparation of sunset review.

Item # 3.5 – Staff will work with DCA’s legislation and regulation committee to determine if the Board can track federal legislation.

Member Turetsky asked Mr. Johnson to provide more information to the Committee, particularly the public members, about changes to law regarding optometrists working for another doctor.

Mr. Johnson reported to the Committee that recent law changes now allow optometrists to work for any type of licensed physician, whereas previous law only allowed an optometrist to work for an ophthalmologist.

No public comment.

5. Update and Discussion on the Following Rulemaking Packages

Mr. Johnson provided an update on the following Board-approved rulemaking packages:

- a. Mobile Optometric Office Regulations (Adopt Title 16, §§ 1583 – 1587)

- b. Optometry Continuing Education Regulations (Amend Title 16, § 1536)
- c. Implementation of AB 458 (Adopt Title 16, §1507.5; Amend Title 16, § 1524)
- d. Optician Program Omnibus Regulatory Changes (Amend Title 16, §§ 1399.200 – 1399.285)
- e. Optometry Disciplinary Guidelines (Amend Title 16, §1575)
- f. Dispensing Optician Disciplinary Guidelines (Amend Title 16, § 1399.273)
- g. Requirements for Glaucoma Certification (Amend Title 16, § 1571)

Mr. Johnson noted that AB 1534 made several large changes to law and staff is currently working on items related to that bill and incorporating changes into existing regulations.

Mr. Johnson mentioned AB 107, which requires all DCA boards issue temporary licenses to military spouses. The bill could require a standalone regulation package which would come before the committee.

Public comment was received from Joe Neville, National Association of Optometrists and Opticians, who asked when will AB 1534 go into place? What is actionable from AB 1534 and what requires regulations? Will the board provide general advice to the public?

Member Turetsky asked Mr. Johnson if AB 1534 was part of Item #6. Mr. Johnson noted that staff would have to discuss with counsel what is consider actionable and what would have to go through the regulation process.

Member Turetsky asked Executive Officer Murphy about a workgroup and sunset cleanup. Executive Officer Murphy noted that AB 1534 implementation happens in three steps as some items took effect on January 1 following the bill being signed, some items took effect on a future date, and some items will need accompanying regulations. Staff will work with legal counsel to differentiate these items and will likely have a message out in the next month or two to inform licensees.

No motion needed, informational update.

6. Discussion and Possible Action on Legislative Proposals and Priorities for 2022

a. Proposed Changes to Business and Professions Code Sections 655, 2559, 3040 and 3094 (Optometry and Optician Practice Acts)

Dr. Turetsky gave a short overview of work he is doing as part of a workgroup with Member Kawaguchi and Board staff. The work is aimed at closing loopholes and improving enforcement.

Executive Officer Murphy referred to materials and noted a legislative author has not been found. Executive Officer Murphy believes this is opportunity for modernization of the practice act, particularly the way in which modern technology and practices are enabling optometrists to provide their services with autonomy.

Member Kawaguchi noted that stakeholders need to be involved as the Board continues to work to improve consumer protection. Member Kawaguchi noted that regulations should have a balancing act and that regulations strike the right balance and don't hand-tie practitioners.

A letter was received for public comment from National Association of Optometrists and Opticians. Member Kawaguchi noted the letter reinforced his comments about maintaining

dialogue with stakeholders and that new laws and regulations are created that flex the best way for the Board to protect consumers in the modern era.

Member Turetsky supported Member Kawaguchi's comments.

Member Kawaguchi mentioned the Board's struggle in that the Dispensing Optician Committee does not have a quorum and is a critical part of working through this issue.

Executive Officer Murphy said the Board is encouraging individuals to apply as the Committee is critical to modernizing the profession and protecting consumers.

No public comments.

b. Other Legislative Proposals and Priorities

Executive Officer Murphy referred to letter in packet received from the Little Hoover Commission— AB 1733. The bill would allow a hybrid meeting environment, in person and virtual, and would not require members to disclose their home address. The Governor's Executive Order only authorizes these meetings through March and this bill would extend it. The Committee recommends support.

Public comment: Mr. Neville commented about how stakeholder meetings will unfold and whether they'll be in person or virtual and how best to engage.

Executive Officer Murphy responded that the Board would be willing to engage in a variety of ways, including meetings and surveys, and valued all of the feedback.

Public comment: Kristine Schultz, California Optometric Association (COA), brought up two scope of practice measures: AB 2236 (Low) in spot form and Salas will author a clean up bill to AB 407 regarding to tests and stabilizing glaucoma patients. They are also looking at a bill to allow optometrists to go outside of the prison industry authority, SB 1089 (Wilk). The last bill is to waive all fees for all active duty licensees, SB 1237 (Newman). To make clear that the waiver is not just for temporary assignments, but also for those who are on permanent or longer term assignment. The COA would also like to be a partner in stakeholder meetings and the sunset process.

Member Kawaguchi and Member Linden want updates on access to care issue and Medi-Cal.

Member Linden believes it would be in the Board's interest to be a co-author and wants an update on military families legislation as a future Board agenda item.

7. Future Agenda Items

Member Sims requested an update/understanding of Medi-cal reimbursements.
No public comment.

Executive Officer Murphy provided information that the Board is working with DCA to bring information forward at the next Board meeting to help the Board potentially partner with COA on military legislation.

Member Kawaguchi thanked Mr. Johnson for his work and wished him well.

Member Sims echoed the sentiment expressed by Member Kawaguchi.

8. Adjournment

Adjourned at 1:24 p.m.