



## ISSUE MEMORANDUM

<b>DATE</b>	April 11, 2023
<b>TO</b>	Committee Members, California State Board of Optometry (CSBO)
<b>FROM</b>	Gregory Pruden, Executive Officer
<b>SUBJECT</b>	Agenda Item #4 – Discussion and Possible Action on Adopting Diversity, Equity, Inclusion, and Belonging (DEIB) Continuing Education Requirement

### Issue:

Should the Board consider mandating continuing education courses in DEIB as a condition of license renewal? And, if so, should the mandate be pursued via regulation or statute?

### Background:

At the August 26, 2022, Board meeting a presentation was given on DEIB by Dr. Ruth Shoge, O.D., the Director of DEIB and Associate Clinical Professor, Herbert Wertheim School of Optometry & Vision Science at the University of California, Berkeley. It was noted at that presentation that the Board does not have a requirement that licensees take cultural competency training. As a possible parallel, it was noted that current law allows and encourages licensees to take courses in child and elder abuse as part of their continuing education requirements, although Board statistics reveal that most licensees gravitate toward taking courses in the statutorily mandated topics. Members expressed interest in this topic being mandated.

At the January 27, 2023, Practice and Education Committee, members asked for the topic to be referred both to the Legislation and Regulation Committee as well as included as a future agenda item for the next Practice and Education Committee meeting, which was held on March 24, 2023. During that meeting, Board staff provided the Committee with information regarding options for pursuing this topic as a mandated continuing education topic.

### Analysis:

The statutory requirements for continuing education are specified in Business and Professions Code (BPC) section 3059 and Title 16 California Code of Regulations (CCR) 1536. BPC 3059(e) specifically provides that: “An optometrist certified to use therapeutic pharmaceutical agents pursuant to Section 3041.3 shall complete a total of 50 hours of continuing education every two years in order to renew his or her certificate. Thirty-five of the required 50 hours of continuing education shall be on the diagnosis,

treatment, and management of ocular disease in any combination of the following areas:

- (1) Glaucoma.
- (2) Ocular infection.
- (3) Ocular inflammation.
- (4) Topical steroids.
- (5) Systemic medication.
- (6) Pain medication, including the risks of addiction associated with the use of Schedule II drugs.”

Three other subsections of the statute provide the board some legislative direction on other topics to consider requiring optometrists to take as a condition of renewal:

(f) The board shall encourage every optometrist to take a course or courses in pharmacology and pharmaceuticals as part of his or her continuing education.

(g) The board shall consider requiring courses in child abuse detection to be taken by those licensees whose practices are such that there is a likelihood of contact with abused or neglected children.

(h) The board shall consider requiring courses in elder abuse detection to be taken by those licensees whose practices are such that there is a likelihood of contact with abused or neglected elder persons.

The Board is presently pursuing a regulatory proposal to amend the existing continuing education requirements at 16 CCR 1536. Those Board-approved regulations would for the first time make explicit that part of the criteria for judging and approving continuing education courses is whether the program is in one of the subject matter areas provided for in Business and Professions Code section 3059(e)-(h). The Board-approved regulations do not mandate taking courses in child abuse or elder abuse detection.

Statute is unclear on whether the Board has the legislative direction to pursue requiring via regulation a mandate that optometrists take continuing education courses in DEIB as a condition of renewal.

Several recent efforts to mandate cultural competency or implicit bias training have occurred and impacted DCA boards and bureaus. AB 465 (Chapter 167, Statutes of 2021) requires applicants for a professional fiduciary license to have taken at least one (1) hour of instruction in cultural competency and requires all licensees, as a condition of renewal, to take at least two hours of instruction in ethics, two hours of instruction in cultural competency, or two hours of instruction in both ethics and cultural competency every year. AB 948 (Chapter 352, Statutes of 2021) requires all real estate appraisers to complete cultural competency and elimination of bias training as a condition of renewal. AB 2194 (Chapter 958, Statutes of 2022) requires pharmacists, as a condition of renewal, to take at least one (1) hour of the required 30 hours in cultural competency during the two-year renewal period.

All of the Board’s currently mandated continuing education topics are directly related to the practice of optometry and are specified in Business and Professions Code section 3059. For most optometrists, 35 of the required 50 hours are in mandated topics or areas, with 15 hours left unspecified. A review of Board-approved continuing education courses shows no courses submitted in the areas of elder abuse, child abuse, cultural

competency, implicit bias, or DEIB. A review of ARBO-accredited continued education courses showed approximately 30-40 courses with “diversity” or “equity” in their course title.

The Committee and full Board could consider pursuing this policy change as a legislative proposal. The next opportunity to pursue legislative proposals would be this fall for inclusion in a bill in 2024. Another option for the Board to consider is including this item as a sunset review topic during the sunset review process which will next occur in 2025.

**Recommendation:**

Direct staff to bring to the Board a legislative proposal, for 2024, to encourage optometrists to take courses in DEIB.