

**MEMBERS OF THE BOARD**

Lillian Wang, O.D., President  
 Jeffrey Garcia, O.D., Vice President  
 Eunie Linden, J.D., Secretary  
 Stacy Bragg, O.D.  
 Robert Klepa, J.D., Public Member  
 Joseph Pruitt, O.D.  
 Sandra D. Sims, J.D., Public Member  
 Paul Hsu, Public Member  
 Alex Clemens, Public Member  
 Martin Dawson, SLD/CLD  
 Vacant Governor Appointee, Professional Member  
 Gregory Pruden, Executive Officer



**MAY 31, 2024  
 FINAL BOARD MEETING MINUTES**

**Physical Location:  
 Department of Consumer Affairs  
 Hearing Room  
 1625 North Market Blvd.  
 Sacramento, California 95834**

**Remote attendance via WebEx**

<b>Members Present</b>	<b>Staff Present</b>
Lillian Wang, O.D. (In-person)	Gregory Pruden, Executive Officer (In-person)
Jeffrey Garcia, O.D. (In-person)	Randy Love, Administration and Licensing Manager (In-person)
Eunie Linden, J.D. (In-person)	Joely Walker, Enforcement Program Manager (In-person)
Stacy Bragg, O.D. (In-person)	Erica Bautista, Administrative Coordinator (In-person)
Paul Hsu (In-person)	Brennan Meier, Legal Counsel (In-person)
Joseph Pruitt, O.D. (Remote)	Elizabeth Dietzen-Olsen, Legal Counsel (In-person)
Robert Klepa, J.D. (Remote)	Debi Shaw, DCA Budget Office Staff (In-person)
Sandra D. Sims, J.D. (Remote)	Harmony DeFilippo, DCA Budget Office Staff (In-person)
Alex Clemens (In-person)	Melissa Gear, DCA Budget Office Staff (In-person)
Martin Dawson, SLD/CLD (In-person)	Melissa Barnett, Presenter (In-person)
	<b>Guests</b>
	On File

**Open session of this Board Meeting was webcast.  
 A recording of the webcast is available at: <https://youtu.be/iTsDF6pfo-U>**

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

Audio of Discussion: [0:06](#)

Board President, Lillian Wang, O.D. called the meeting to order at 10:00 a.m. Board Secretary, Eunie Linden took roll call and a quorum was established. All Members were present.

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

*Note: The Board may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting [Government Code Sections [11125](#), [11125.7\(a\)](#)].*

Audio of Discussion: [2:24](#)

A designated time was provided for public comment, with each person limited to 3 minutes per agenda item. The public did not provide any comments.

## 3. Discussion and Possible Approval of Meeting Minutes

### A. February 16, 2024 Board Meeting

Audio of Discussion: [3:46](#)

The public did not provide any comments.

**Alex Clemens moved to accept the February 16, 2024 minutes as written. Stacy Bragg seconded. The Board voted (9-Aye, 0-No, 1-Abstain) and the motion passed.**

Member	Aye	No	Abstain	Absent	Recusal
Dr. Wang	X				
Dr. Garcia			X		
Ms. Linden	X				
Dr. Bragg	X				
Mr. Klepa	X				
Mr. Hsu	X				
Dr. Pruitt	X				
Ms. Sims	X				
Mr. Clemens	X				
Mr. Dawson	X				

## 4. Discussion and Possible Action on Department of Consumer Affairs Update

A. Executive Office

B. Budget Office

i. [Fund condition](#)

Audio of Discussion: [6:07](#)

Department of Consumer Affairs (DCA) and Budget Office staff (Melissa Gear, Harmony DeFilippo, and Debi Shaw) provided an update on DCA operations and the Board's budget and fund condition.

Melissa Gear, DCA Deputy Director for Board and Bureau Relations, began the update and congratulated and welcomed the newest Board Member, Martin Dawson, to the Board and congratulated Member Sandra Sims on her reappointment to the Board. She thanked the Board and its staff for their service.

The Board discussed the budget for the upcoming year, including fee increases and projected revenue. They also discussed the impact of vacancies on the budget and how filling those positions would affect spending. The Board's fee increases which will take effect on July 1st is projected in this update and will be projected in future updates.

The public did not provide any comments.

**5. Discussion and Possible Action on Board President's Report**

**A. Welcome Member Dawson, CLD/SLD**

**B. Board Officer Elections**

**C. Discussion of Board and Committee Composition**

*Audio of Discussion:* [22:59](#)

Dr. Wang welcomed the Board's newest member, Martin Dawson.

The Board moved on to electing new officers, including a president, vice president, and secretary. Vice President, Dr. Jeffrey Garcia, was nominated for president. Secretary Linden was nominated for vice president, and Dr. Stacy Bragg was nominated for secretary.

For the motion to elect Member Bragg as secretary, the public did not provide any comments.

**Robert Klepa moved to elect Stacy Bragg as Board Secretary. Alex Clemens seconded. The Board voted unanimously (10-0) and the motion passed.**

Member	Aye	No	Abstain	Absent	Recusal
Dr. Wang	X				
Dr. Garcia	X				
Ms. Linden	X				
Dr. Bragg	X				
Mr. Klepa	X				
Mr. Hsu	X				
Dr. Pruitt	X				
Ms. Sims	X				
Mr. Clemens	X				
Mr. Dawson	X				

For the motion to elect Member Linden as vice president, the public did not provide any comments.

**Lillian Wang moved to elect Eunie Linden as vice president. Sandra Sims seconded. The Board voted unanimously (10-0) and the motion passed.**

Member	Aye	No	Abstain	Absent	Recusal
Dr. Wang	X				
Dr. Garcia	X				
Ms. Linden	X				
Dr. Bragg	X				

<b>Mr. Klepa</b>	<b>X</b>				
<b>Mr. Hsu</b>	<b>X</b>				
<b>Dr. Pruitt</b>	<b>X</b>				
<b>Ms. Sims</b>	<b>X</b>				
<b>Mr. Clemens</b>	<b>X</b>				
<b>Mr. Dawson</b>	<b>X</b>				

For the motion to elect Dr. Garcia as president, the public did not provide any comments.

**Stacy Bragg moved to elect Jeffrey Garcia as president. Joseph Pruitt seconded. The Board voted unanimously (10-0) and the motion passed.**

<b>Member</b>	<b>Aye</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>	<b>Recusal</b>
<b>Dr. Wang</b>	<b>X</b>				
<b>Dr. Garcia</b>	<b>X</b>				
<b>Ms. Linden</b>	<b>X</b>				
<b>Dr. Bragg</b>	<b>X</b>				
<b>Mr. Klepa</b>	<b>X</b>				
<b>Mr. Hsu</b>	<b>X</b>				
<b>Dr. Pruitt</b>	<b>X</b>				
<b>Ms. Sims</b>	<b>X</b>				
<b>Mr. Clemens</b>	<b>X</b>				
<b>Mr. Dawson</b>	<b>X</b>				

The Board discussed the composition of its committees and workgroups. The election of Dr. Garcia to the president position will take effect on July 1, 2024. Traditionally, the vice president would serve on several committees in their role in keeping the president informed and updated. Additionally, with two recent appointees to the Board, the newly elected Board president may decide to make committee membership changes. Following this meeting and upon term of president beginning July 1<sup>st</sup>, new committee assignments will be announced.

Workgroups are comprised of two members and are not subject to Bagley Keene open meeting requirements. They make recommendations but do not take action on behalf of the Board. The frequency of committee meetings is determined by the chair and executive officer, with some committees meeting quarterly and other once or twice a year or at the discretion of the president.

Members were encouraged to express their interests in serving on committees. Member Clemens expressed interest in the Consumer Protection, Public Relations, and Outreach Committee (CPPROC) and/or the Legislation and Regulation Committee (LRC). Member Dawson volunteered for the Children’s Vision and the Optometry and Opticianry Practice Act workgroups.

Member Bragg suggested expanding the Telehealth Workgroup to include technology (telehealth – tele-technology workgroup).

Guest comment was received from Ruby Garcia who thanked Member Dawson for accepting his appointment and congratulated him as well as all the new nominees.

Director of Optometry at the University of California, Davis, Dr. Melissa Barnett, O.D. was not present for Agenda Item 6 at this time, so the meeting moved to Agenda Item 7.

**6. Presentation from Dr. Melissa Barnett, OD, FAAO, FSLA, FBCLA, Director of Optometry, University of California, Davis, Regarding Ocular Surface Disease: Exploring the Impact of Hormonal Influence**

*Audio of Discussion:* [1:04:50](#)

This Agenda Item was taken up after Agenda Item 7.

Director of Optometry with the University of California Davis, Dr. Melissa Barnett, O.D. provided the Board with a [presentation](#) on ocular surface disease and hormonal influence.

The presentation discussed the impact of hormonal changes on the ocular surface in certain patients and how to evaluate the use of sex hormones as therapeutic agents for refractive error treatment.

Executive Officer Pruden asked Dr. Barnett, OD a question about sex hormones and whether sex hormones are controlled substances. Mr. Pruden elaborated that under current law most licensed optometrists can use drugs that are not controlled substances for rational, off-label purposes.

Dr. Barnett, OD stated that she was unsure and asked if Christine Shultz, representative from the California Optometric Association, who was in the room, might know.

Ms. Shultz provided public comment that she too did not know whether sex hormones were controlled substances.

President Wang, OD, Vice President Garcia, OD and Member Dawson, CLD/SLD both made comments thanking Dr. Barnett, OD for her presentation.

Secretary Linden thanked Dr. Barnett, OD for her comments about whether gender was even necessary to be written on prescriptions. Ms. Linden remarked that the information shared was interesting and refreshing because many medical studies have male bias.

Ruby Garcia, representative with the California State Society for Opticians. Ms. Garcia remarked that opticians would benefit from greater understanding of dry eye and hormones.

**7. Discussion and Possible Action to Initiate a Rulemaking to Adopt Title 16 California Code of Regulations, Article 11.5, Section 1572, Relating to Radio Frequency Technology and Devices**

*Audio of Discussion:* [44:28](#)

A proposed regulation related to radio frequency technology and devices for the treatment of dry eye disease was discussed. The use of radio frequency technology has shown promise in treating dry eye and has been authorized in other states, although it does not have specific FDA approval for use in treating the visual system. The Board has the authority to independently approve noninvasive devices and is considering

approving the proposed regulation. Dry eye is a prevalent condition, affecting millions of adults globally. Hormonal changes, such as those during pregnancy and menopause, can impact the ocular surface and contribute to dry eye. Sex hormones, including estrogen, androgen, and progesterone, can influence the immune system and affect the structure and function of the tear film. Hormone replacement therapy may have varying effects on dry eye depending on factors such as dosage, age, and combination with other hormonal supplements.

Dr. Garcia noted that the technology and treatments for dry eye have been in dermatology and healthcare for many decades. It is just new to optometry, and the efficacy and safety has been well established.

Public comment was heard from Christine Shultz representing the California Optometric Association (COA) who expressed support for the proposed regulation for the reasons that Dr. Garcia explained.

Public comment was received from Randall May who questioned why the regulation is needed. He argued that if the device has been determined safe and effective to use then it would seem to be okay to use. Conversely if it has not been determined safe and effective then it would seem to conflict with federal law to approve its use. Legal counsel, Brennan Meier attested that the Board has authority underneath its practice act to independently approve devices. Executive Officer, Pruden added that radio frequency technology does have FDA approval and clearance. The unique issue is that it does not have FDA clearance and approval specific to the visual system. Under the Board's practice act, the scope of optometry requires items to be specific to the visual system and within a condition that an optometrist is legally authorized to treat.

**Lillian Wang moved to approve the proposed regulatory text and adoption of Section 1572 as provided in the materials, and direct staff to submit all approved text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review. If the Board does not receive any comments providing objections or adverse recommendations specifically directed at the proposed action or to the procedures followed by the Board in proposing or adopting the action, then the Board authorizes the Executive Officer to take all steps necessary to initiate the rulemaking process, make any technical or non-substantive changes to the package, and set the matter for hearing. If no adverse comments are received during the 45-day comment period or at the hearing, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at Section 1572 as noticed. Martin Dawson seconded. The Board voted unanimously (10-0) and the motion passed.**

Member	Aye	No	Abstain	Absent	Recusal
Dr. Wang	X				
Dr. Garcia	X				
Ms. Linden	X				
Dr. Bragg	X				
Mr. Klepa	X				
Mr. Hsu	X				
Dr. Pruitt	X				
Ms. Sims	X				

Mr. Clemens	X				
Mr. Dawson	X				

At this time the meeting moved back to Agenda Item 6.

**8. Discussion and Possible Action to Approve Modified Text and Responses to Comments and Continue Rulemaking to Amend Title 16 California Code of Regulations Sections 1505 and 1524, and Adopt Sections 1583 – 1587, Mobile Optometric Office Program**

*Audio of Discussion:* [1:33:31](#)

The Board discussed the mobile optometric office (MOO) program and the need for increased access to quality eye care in California, especially for children and vulnerable populations. The program was created in 2020 to allow mobile optometric clinics to provide eye exams, which was previously not allowed except for three schools of optometry. Legislative bills were passed to establish regulations for the program, with modifications being proposed based on public comments and feedback.

Public comment was received from Damien Carroll, National Director of Vision to Learn who thanked the Board Members for their hard work putting together the regulations package. Vision to Learn is the largest provider of student based mobile vision care in California.

**Lillian Wang moved to adopt the proposed responses to comments and the modified text and direct staff to send the modified text out for a 15-day public comment period; If no adverse public comments are received on the modified text, instruct the executive officer to take all steps necessary to complete the rulemaking process; authorize the executive officer to make any technical non-substantive changes to the rulemaking package and amend sections 1505 and 1524, and adopt sections 1583, 1584, 1584.5, 1585, 1586 and 1587 as noticed in the modified text. Sandra Sims seconded. The Board voted unanimously (10-0) and the motion passed.**

Member	Aye	No	Abstain	Absent	Recusal
Dr. Wang	X				
Dr. Garcia	X				
Ms. Linden	X				
Dr. Bragg	X				
Mr. Klepa	X				
Mr. Hsu	X				
Dr. Pruitt	X				
Ms. Sims	X				
Mr. Clemens	X				
Mr. Dawson	X				

**9. Discussion and Possible Action on Executive Officer’s Report**

**A. Program Update**

**B. Enforcement Program**

**i. Statistical Review, Quarter 3, Fiscal Year 2023-2024**

**ii. Continuing Education Audit Statistics**

**C. Examination and Licensing Programs**

**i. Statistical Review, Quarter 3, Fiscal Year 2023-2024**

**D. Regulatory Update**

- i. Mobile Optometric Office**
- ii. Implementation of AB 458**
- iii. Optometry Disciplinary Guidelines**
- iv. Optician Program Omnibus Regulatory Changes**
- v. Dispensing Optician Disciplinary Guidelines**
- vi. Requirements for Glaucoma Certification**

*Audio of Discussion:* [1:49:21](#)

Mr. Pruden provided a staffing update. The Board's policy analyst accepted a position with another state agency. Their last day was just before Thanksgiving last year. The Board is currently recruiting for a policy analyst position and has had difficulty finding qualified candidates.

The Board is going through the sunset review process, which involves submitting a report, participating in a legislative hearing, and collaborating on a legislative bill to extend the Board's existence. The Sunset Review Workgroup has been meeting and a draft report will come before the Board for review and approval prior to being submitted to the Legislature.

Several of the Board's committees met on April 5, 2024, including the Practice and Education Committee which approved several new continuing education courses.

Executive Officer Pruden traveled to Western University of Health Sciences to visit their laser lab.

The Board's newsletter "The Spectacle," was released in April and included information on eyeglass donation efforts and diversity CE courses. The Laws and Regulations Book is being updated, with a target completion date within six months.

Member Klepa asked about the organizational chart and the vacancies and whether the vacancies were being left open for a reason.

Executive Officer Pruden responded that, yes, the vacancies are being help open to achieve salary savings to assist with the Board's fund condition structural deficit. Except for 2.5 vacancies that the Board had identified to remove, effective July 1, 2024, from it's organizational chart.

The Board discussed the enforcement statistical report, specifically focusing on an increase in complaints on the optometry side. Preliminary information suggests this increase comes from CE audits and unlicensed complaints.

Member Klepa asked a question about Vault Health and what it refers to. Executive Officer Pruden responded that Vault Health is for biologic fluid testing and the Board had no new instances in the last year.

Member Klepa also discussed average days to close cases and noted a positive trend of decreasing average days. Executive Officer Pruden acknowledged that different types of citations can have varying timelines and that formal discipline generally takes longer than issuing citations.



The pass rate for the quarter three continuing education audits was 72%, an improvement from the previous quarter but still below last year's pass rate of 86%.

The licensing process has become more efficient, with an average processing time of under one week. There are updates and improvements being made to the licensing application and renewal processes, including fixing inaccurate error messages, and ensuring clear and accurate information is provided to licensees.

President Wang provided positive comments regarding the improvement in licensing processing times.

Executive Officer Pruden presented the regulatory update. Secretary Linden thanked staff for their hard work implementing Board-approved regulatory packages.

The public did not provide any comments.

The Board temporarily adjourned for lunch at 12:50 pm.

## **10. Update and Possible Discussion and Action on 2023-24 Legislation**

- a. AB 1028 (McKinnor) Reporting of crimes: mandated reporters
- b. AB 1570 (Low) Optometry: certification to perform advanced procedures
- c. AB 1991 (Bonta) Licensee and registrant records
- d. AB 2327 (Wendy Carrillo) Optometry: mobile optometric offices: regulations
- e. AB 3137 (Flora) Department of Consumer Affairs
- f. SB 340 (Eggman) Medi-Cal: eyeglasses: Prison Industry Authority
- g. SB 1310 (Grove) Serious felonies
- h. SB 1451 (Ashby) Professions and Vocations
- i. SB 1468 (Ochoa Bogh and Roth) Healing arts boards: informational and educational materials for prescribers of narcotics: federal "Three Day Rule"
- j. SB 1485 (Gonzalez) Consumer complaints

*Audio of Discussion:* [2:39:33](#)

At 1:51 p.m. the Board took roll call upon returning from lunch. Board Secretary, Eunie Linden called roll and a quorum was established. All Members were present.

Mr. Pruden provided the update on 2023-24 legislation. Only items c, d, h, i, and j have had no prior action taken by the Board.

AB 1991 (Bonta) Licensee and registrant records - Requires all healing arts boards under the Department of Consumer Affairs (DCA) to collect specified workforce data from their licensees and registrants at least biennially as a requirement of license or registration renewal and requires that information to be subsequently provided to the Department of Health Care Access and Information (HCAI). Committee recommendation was a neutral position.

Members Klepa and Linden expressed some concern that the type of information required by this bill may be intrusive and that it would be important for it to be optional and not required as part of having a license.

The Board decided to continue to watch AB 1991 and asked Executive Officer Pruden to research what other healing arts boards are thinking about this bill.

AB 2327 (Wendy Carrillo) Optometry: mobile optometric offices: regulations – Existing law requires the Board to adopt regulations establishing the mobile optometric office (MOO) program by January 1, 2023. This bill is necessary to extend out the date, for adopting the regulations establishing the MOO program, by three years to January 1, 2026. The bill would also extend out the Safe Harbor Prohibition that prevents the Board from bringing enforcement action against a MOO before the date of those regulations based solely on their affiliation with an approved school of optometry. Additionally this bill would extend out the sunset date for the MOO program (presently July 1, 2025) ten years for a July 1, 2035 sunset date. Committee recommendation was support.

The public did not provide any comments.

**Robert Klepa moved to adopt the committee recommendation of a support position, extending the Mobile Optometric Office Program out ten years allowing for sufficient time for the program to exist, providing clarity to providers operating mobile optometric offices. Joseph Pruitt seconded. The Board voted, unanimously (10-0) and the motion passed.**

Member	Aye	No	Abstain	Absent	Recusal
Dr. Wang	X				
Dr. Garcia	X				
Ms. Linden	X				
Dr. Bragg	X				
Mr. Klepa	X				
Mr. Hsu	X				
Dr. Pruitt	X				
Ms. Sims	X				
Mr. Clemens	X				
Mr. Dawson	X				

SB 1451 (Ashby) Professions and Vocations - Existing law makes it a misdemeanor for a person who is not licensed as a physician and surgeon under the act, except as specified, to use certain words, letters, and phrases or any other terms that imply that the person is authorized to practice medicine as a physician and surgeon. This bill would add the initials "D.O." to the list of prohibited terms under that provision. The bill would also prohibit a person from using the words "doctor" or "physician," the letters or prefix "Dr.," the initials "M.D." or "D.O.," or any other terms or letters indicating or implying that the person is a physician and surgeon, physician, surgeon, or practitioner in a health care setting that would lead a reasonable patient to determine that the person is a licensed "M.D." or "D.O.".

Board staff identified this bill because it may have impacted how optometrists referred to themselves. Executive Officer Pruden reported that the author had committed to future amendments that if taken would remove any negative impact to optometrists.

Member Klepa asked whether SB 1451 might have any impact to those who hold a PhD. Executive Officer Pruden responded that this bill does not impact those who hold a PhD because there are no title protections that exist for those who hold a PhD.

The public did not provide any comments.

#### Action Item

- Continue to watch this bill.

SB 1468 (Ochoa Bogh and Roth) Healing arts boards: informational and educational materials for prescribers of narcotics: federal "Three Day Rule" - Requires each health professional licensing board that licenses a prescriber to develop informational and educational material regarding the federal Drug Enforcement Administration's "Three Day Rule," as codified in subsection (b) of Section 1306.07 of Title 21 of the Code of Federal Regulations, in order to ensure prescriber awareness of existing medication-assisted treatment pathways to serve patients with substance use disorder and shall disseminate the informational and educational material to licensees annually; as well as to be posted on each board's website. The material can be distributed electronically. Authorizes the Department of Consumer Affairs and health professional licensing boards to consult with other state agencies as necessary to implement these provisions. Requires MBC to disseminate the informational and educational material it develops to each acute care hospital in the state biannually.

Executive Officer Pruden informed the Board that we would not anticipate developing this material on our own, but would look to partner with DCA and other healing arts board to collaborate in tandem on the material.

The public did not provide any comments.

#### Action Item

- Continue to watch this bill.

Mr. Pruden announced that SB 1485 (Gonzalez) Consumer complaints is no longer being considered and will not move forward; therefore, no discussion is necessary.

The public did not provide any comments.

### **11. Future Agenda Items**

*Audio of Discussion:* [3:28:07](#)

Member Klepa expressed desire to tour a school of optometry as part of a future board meeting.

Executive Officer Pruden informed the Board that historically the Board would do this, and he and staff looks forward to planning this item in the future.

Public comment was heard from registered optician, Ruby Garcia who announced the future opening of a museum (in two years) as well as a current mock museum; a beautiful optician training center in Ventura County; and possible upcoming DEI training courses.

### **12. Closed Session**

A. Pursuant to Government Code, section 11126, subd. (c)(3), the Board Will Meet in Closed Session for Discussion, Deliberation, and Possible Action on Disciplinary Matters

## **ADJOURNMENT**

Upon the conclusion of closed session the meeting was adjourned.