

MEMBERS OF THE BOARD

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



**OCTOBER 11, 2024
FINAL BOARD MEETING MINUTES**

Physical Location:
Department of Consumer Affairs
El Dorado Room #220
1625 North Market Blvd.
Sacramento, California 95834

Remote attendance via WebEx

Members Present	Staff Present
Jeffrey Garcia, O.D. (In-person)	Gregory Pruden, Executive Officer (In-person)
Eunie Linden, J.D. (In-person)	Randy Love, Administration and Licensing Manager (Remote)
Stacy Bragg, O.D. (In-person)	Erica Bautista, Administrative Coordinator (In-person)
Robert Klepa, J.D. (Remote)	Brad Guarding, Enforcement Manager (In-person)
Joseph Pruitt, O.D. (In-person)	Brennan Meier, Legal Counsel (In-person)
Martin Dawson, SLD/CLD (In-person)	
Lillian Wang, O.D. (In-person)	
Paul Hsu (In-person)	
Members Absent	Guests
Alex Clemens, Public Member	On File

Open session of this Board Meeting was webcast.
A recording of the webcast is available at: <https://youtu.be/1elAdmJ1y1A>

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

Audio of Discussion: [0:10](#)

Board President, Jeffrey Garcia read (out loud) the Board's mission, vision, and core values:

- Mission: To protect the health and safety of California consumers through licensing, registration, education, and the regulation of optometry and opticianry.
- Vision: To have the highest quality optometric and optical care for the people of California.
- Core Values: Consumer protection, integrity, transparency, professionalism, excellence, diversity, equity, inclusion, and belonging.

Dr. Garcia called the meeting to order at 10:23 a.m. Board Secretary, Stacy Bragg took roll call and a quorum was established.

Action Items

- Look into whether the Medical Board is taking any action regarding claims of working with ophthalmologists by certain online retailers.

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: [2:51](#)

Public comment was received from Ruby Garcia who thanked Executive Officer, Gregory Pruden, and Staff. She stated that when the Optician Program became part of the Board, this was the best decision for it.

3. Discussion and Possible Action on Meeting Minutes

A. August 9, 2024 Board Meeting

Audio of Discussion: [4:51](#)

The public did not provide any comments.

Lillian Wang moved to approve the meeting minutes for August 9, 2024. Jeffrey Garcia seconded. The Board voted unanimously (8-0) and the motion passed.

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

4. Board President's Report

A. Discussion and Possible Action on 2025 Board and Committee Meeting Schedule

B. Commemorate Former Board Member Sandra Sims

Audio of Discussion: [6:06](#)

The proposed Board meetings are in April, July, and October with committee meetings, as necessary, in the months of May, August, and November.

As 2025 is the Board's sunset year, it is likely that those legislative hearings will be conducted in March, consistent with the prior three years.

The public did not provide any comments.

Lillian Wang moved to accept the 2025 meeting calendar as proposed. Martin Dawson seconded. The Board voted unanimously (8-0) and the motion passed.

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

Sandra Sims has been appointed to the Baldwin Hills conservancy board, ending her service on the California State Board of Optometry (CSBO). She served on the CSBO with distinction and championed consumer protection and access to care. Dr. Garcia read out loud the commemoration of former member Sandra Sims.

Action Items

- Plan future meeting in Southern California at one of the optometry schools for October 2025.
- Consider the need for an additional meeting in August, depending on sunset review issues.
- Send official commemoration to Sandra Sims.

5. Discussion and Possible Action on Legislative Proposals for Consideration to Include in the Board's 2025 Sunset Review Report

- A. Amend BPC 3040 Regarding the Definition of Person**
- B. Add BPC 2555.6 Regarding Probationary Registrations for Opticianry**
- C. Add BPC 2552.1 and 3029 Regarding Email Address Requirements for Applicants and Licensees**
- D. Amend BPC 3059 Regarding Encouraging Optometrists to Take Continuing Education Diversity, Equity, Inclusion, and Belonging**
- E. Various Nonsubstantive, Technical Changes**

Audio of Discussion: [18:17](#)

Executive Officer, Gregory Pruden reported on the legislative proposals to include in the Board's 2025 sunset review report.

- A. The CSBO does not license corporations; it only licenses individuals, but BPC 3040 does not define a “person”. Staff proposes a definition in BPC 3040 that makes it clear that the definition includes business entities but only a natural human being can be licensed to practice optometry.

Public comment was heard from Christine Schultz representing the California Optometric Association (COA) in support of this amendment proposal.

Martin Dawson moved to accept the amendment to BPC 3040 regarding the definition of a person. Lillian Wang seconded. The Board voted unanimously (8-0) and the motion passed.

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

- B. There exists a gap in the current regulations regarding probationary registrations for opticians, and the Board wants to correct it. Currently optometrist applicants have three decisions (approve, deny, or issue probationary license), while opticianry applicants have only two (approve or deny). The Board proposes to mirror the existing optometry statute in the opticianry statutes to allow for the issuance of probationary licenses.

Public comment was heard from Ruby Garcia who noted that this is a great solution since many different candidates come through.

Lillian Wang moved to direct staff to amend the proposal to clarify that the supervising individual is in good standing and is either registered in an equivalent class, or is an optometrist for a physician or surgeon, and approve the proposed language with the proceeding changes. Stacy Bragg seconded. The Board voted unanimously (8-0) and the motion passed.

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

Dr. Pruitt	X				
Dr. Wang	X				

- C. Adding BPC 2552.1 and 3029 proposes to require licensees and applicants to provide an email address if they have one. Several other DCA boards have added email address requirements for applicants and licensees. The proposed change would allow for more efficient communication and faster response times. The email address would be considered confidential and not subject to public disclosure. Member Pruitt, OD raised a question of privacy and data breaches and whether this proposal may open the Board to any liability. Counsel Meier responded that the Board already collects several types of private information and safeguards that information.

The public did not provide any comments.

Lillian Wang moved to accept adding BPC 2552.1 and 3029 to the Board's Business and Professions Code. Martin Dawson seconded. The Board voted (7-Aye, 1-Abstention) and the motion passed.

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

- D. This Board's proposal to amend BPC 3059 regarding encouraging optometrists to take continuing education in diversity, equity, inclusion, and belonging is a proposal that the Board already approved. Staff has brought it back in the context of Sunset Review.

Public comment was heard from Ruby Garcia who noted that it would be great for people who do hiring to also be aware of DEIB.

Martin Dawson moved to add language encouraging optometrists to take CE in DEIB. Stacy Bragg seconded. The Board voted unanimously (8-0) and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Garcia	X				
Ms. Linden	X				
Dr. Bragg	X				
Mr. Clemens				X	
Mr. Dawson	X				

Mr. Hsu	X				
Mr. Klepa	X				
Dr. Pruitt	X				
Dr. Wang	X				

- *E. Various nonsubstantive / technical changes:*
 - The name of the Part III exam has changed from “clinical skills” to “patient encounters and performance skills.”
 - The Board is proposing to delete the phrase “and active” in order to allow current inactive licensees to acquire a retired license.

The public did not provide any comments.

Stacy Bragg moved to accept the amendments. Lillian Wang seconded. The Board voted unanimously (8-0) and the motion passed.

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

Action Items

- Include legislative proposals in the 2025 sunset review report.
- Amend BPC section 3040 to include a definition of person that includes business entities and clarifies that only natural persons can be licensed as optometrists.
- Request the Legislature to approve the proposed amendment.
- Staff to amend the proposal to clarify that the supervising optician is in good standing and is either registered in an equivalent class or is an optometrist or physician or surgeon.
- Add the language to the proposal to require applicants and licensees to provide an email address to the Board if they have one.
- Explore potential changes or clarifications to the laws regarding supervision requirements for opticians and other providers.
- Consideration of the potential liability and risks associated with collecting personal information.
- Possibility of making amendments to the proposed language in future discussions with stakeholders and the Legislature.
- Monitor any concerns or issues raised by stakeholders regarding the amendment and address them if necessary.
- Delete the name “clinical skills” and replace it with “patient encounters and performance skills” in the identified statute.
- Amend the law by deleting the phrase “and active” in relation to retired licenses, allowing current inactive licensees to acquire a retired license.

6. Update, Discussion, and Possible Action on 2025 Sunset Review Report

Audio of Discussion: [1:20:00](#)

Section One:

The Board is undergoing a sunset review process, which involves preparing a report, obtaining board approval, submitting the report to the legislature, and participating in a legislative hearing. The Board formed a workgroup to coordinate the sunset review process and has been meeting regularly to review and finalize the draft report. The report will be submitted to the legislature by January 6, 2025, and the Board will present testimony and answer questions during legislative hearings in Spring 2025.

The public did not provide any comments.

Action Items

- Update attendance records in the draft sunset review report.
- Review and correct errors in the report, such as inaccurate information about exam durations and requirements.
- Change “assistant” to “associate” in Dr. Wang, O.D. bio.
- Spell out “OE” as “optometric education”.
- Change “statutory caps” to “statutory limits” in the fees’ regulation section.
- Update the effective date of the mobile optometric office program to October 9, 2024.

Section Two:

Section two of the report focuses on the fiscal and staff aspects, including the structural deficit and staffing issues. The report discusses the fund condition and when a deficit is expected to occur if the appropriation is fully expanded. There is mention of budget change proposals (BCPs), fee schedules, and staff development efforts in this section.

The public did not provide any comments.

Section Three:

Performance targets for applications are being exceeded, with processing times reduced to under a week.

Out-of-country applicants face challenges in obtaining a license, with limited pathways available for accreditation.

The waiting period for retaking exams will be reduced from 6 months to 3 months, benefitting applicants. Pass rates on exams have been declining, raising questions about the reasons behind the drop.

The Board has increased the rate of CE audits and sought additional resources to address previous shortcomings.

Complaints have increased by 85% in the last fiscal year due to internal and unlicensed activity work.

No CE citations or other citations at all were issued in fiscal year 2021, but 61 citations were issued last year.

Investigation closure times have significantly improved, with average times brought down to 122 days on the optometry side and 236 days on the opticianry side.

The public did not provide any comments.

Action Items

- Work with the Legislature to seek statutory changes for the proposed legislative amendments.
- Collaborate with stakeholders California Optometric Association (COA) and the California State Society for Opticians (CSSO) on the report in the Spring.
- Monitor the impact of mandated position removal on the budget outline.
- Note the formatting issue on page 35 and ensure it is fixed.
- Highlight the significant reduction in processing times for optometry applications.
- Correct the typo on page 33 for the maximum processing time.
- Reduce the wait period for retaking exams from 180 days to 3 months.
- Address the declining pass rates on exams and investigate reasons for the drop.
- Provide information and address questions about the in-person exam offered only in North Carolina.
- Prepare for potential questions from the Legislature regarding the impact of COVID on exams and future plans.

Section Four:

This section covers enforcement.

Noted for record: At approximately 12:42 p.m. the meeting paused briefly due to a technical difficulty. The meeting continued at 12:47 p.m. once the technical difficulty was fixed.

Complaints have increased by 85% in the last fiscal year due to internal and unlicensed activity work.

No CE citations or other citations at all were issued in fiscal year 2021, but 61 citations were issued last year.

Investigation closure times have significantly improved, with average times brought down to 122 days on the optometry side and 236 days on the opticianry side.

The public did not provide any comments.

The meeting went into recess at 12:58 p.m. p.m. and returned at 1:30 p.m. A quorum was reestablished.

Action Items

- Make further improvements in intake and investigation timelines.
- Update regulations to address inconsistencies in citation and fine programs for optometry and opticianry.
- Sync appeal rights for optometrists and opticians.

- Continue efforts to meet aggressive targets for enforcement.

Section Five:

This section discusses how the Board keeps the public informed through list serves, social media, and webcasting.

Member Klepa suggested adding email as a communication method for renewal notifications.

The public did not provide any comments.

Action Items

- Add email as a mode of communication in question 51.
- Consider adding narrative about the email ledge proposal and capturing email addresses for better information dissemination.
- Remove the word “primary” from questions 51 and 56.

Section Six:

This section addresses unlicensed activity in online practice and the need for clearer regulation.

Executive Officer Pruden discussed the history of Board regulation and oversight of out-of-state sellers of spectacle and contact lens, authority received a few years ago. The Board is also aware of retail spaces that are unregistered with the Board who utilize the services of unlicensed persons working directly under the authority of a licensed person. This exemption and the use of ophthalmology corporations may provide the store an exemption from the registration requirement.

Member Pruitt, O.D. asked if the Medical Board of California was doing anything about the ophthalmology aspect of this. Executive Officer Pruden responded that he was unaware of what they are doing.

Member Bragg, O.D. informed the Board that she has actually been a patient of a business who utilizes this model. Member Bragg, O.D. described the experience and level of care provided.

Public comment was heard from Ruby Garcia who stated that some other states do not require opticians to be licensed.

Action Items

- Investigate the issue of unlicensed activity in retail spaces and clarify the role of optometrists and ophthalmologists.
- Address the issue of defining direct responsibility and supervision in the context of optometry laws and regulations.

Section Seven:

This section covers workforce development. The Board has taken steps to improve workforce development, including timely licensing and encouraging DEIB continuing education.

Executive Officer Pruden discussed barriers to optometry practice in California including limited scope of practice and low reimbursement rates.

Mr. Pruden reported that he and staff visited the Sacramento City Optical Training Program and it was amazing. He looks forward to bringing Members to tour this program.

The public did not provide any comments.

Action Items

- Monitor and advocate for higher reimbursement rates under social assistance programs for optometrists.
- Analyze and address barriers to entry into the optometry profession in California.
- Continue collecting demographic data from optometrists and work with the Department of Healthcare Access and Innovation to publish it.

Section Eight:

Section eight covers the BreEZe system. Currently, there are no plans to change the system.

The public did not provide any comments.

Section Nine:

This section covers Board action in response to prior sunset issues identified four (4) years ago during the last sunset review.

Executive Officer Pruden discussed the prior issues and prior and current board responses to those issues.

The draft sunset report needs edits and additional information before being brought back to the Board in December for approval.

Action Items

- Consider clarifying the new response to prior issue #6.

The public did not provide any comments.

Section Ten:

This section covers new issues identified by the Board. The Board has identified the following new issues, as discussed in the Sunset Report:

- Authorizing Contemporary Optometric Practice in California
- Direct Supervision and Consumer Protection
- Definition of Person in Business and Professions Code section 3040
- No Probationary Registration Exists for Opticianry
- Email Address Requirement for Applicants and Licensees
- Existing Law Caps Number of Physical and Mobile Offices
- State and Federal Law Conflict
- Encourage Optometrists to Take DEIB CE
- Technical and No substantive Amendments

Member Klepa offered technical edits for New Issue #2.

Member Pruitt, OD made a comment about New Issue #1 and New Issue #2. Regarding New Issue #1, Member Pruitt, OD stated he has a license issued by Oklahoma and does enjoy expanded scope privileges with that license compared to California. Member Pruitt, OD also stated he has experience with telehealth, both good and bad, and he would like to continue this conversation.

President Garcia, OD made a comment about a perceived increase in recent California graduates leaving the state for licensure opportunities elsewhere. Low reimbursement rates and the scope of practice are likely contributing factors. This impacts access to care, especially in areas of the state such as the Central Valley. President Garcia, OD also stated that the passage of the recent Proposition #35 may negatively impact optometry reimbursement rates.

The public did not provide any comments.

7. Future Agenda Items:

Audio of Discussion: [3:41:19](#)

The future of the Dispensing Optician Committee (DOC), which has not met in years, will be discussed at a future meeting.

Plan a visit to an optical training program likely in early 2025.

The public did not provide any comments.

8. 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

The meeting was adjourned at 2:50 p.m.