

The mission of the California State Board of Optometry is to protect the health and safety of California consumers through licensing, registration, education, and regulation of the practice of Optometry and Opticianry.

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



**APRIL 11, 2025
 FINAL BOARD MEETING MINUTES**

**PHYSICAL LOCATION:
 Department of Consumer
 Affairs Hearing Room
 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
Robert Klepa, J.D. (in-person)	Brad Garding, Enforcement Manager (remote)
Martin Dawson, SLD/CLD (in-person)	Brennan Meier, Legal Counsel (in-person)
Lillian Wang, O.D. (in-person)	Elizabeth Dietzen-Olsen, Regulatory Counsel (in-person)
Paul Hsu (in-person)	
Alex Clemens, (in-person)	
Members Absent	Guests
Joseph Pruitt, O.D.	On File

**Open session of this Board Meeting was webcast.
 A recording of the webcast is available at: <https://youtu.be/l4VF5uO6urw>**

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

Audio of Discussion: [0:02](#)

The meeting was conducted in compliance with the Open Meeting Act.

Board President, Dr. Jeffrey Garcia stated the Board's mission, vision and 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 all people of California.
- Values – consumer protections, integrity, transparency, professionalism, excellence, diversity, equity, inclusion, and belonging.

Dr. Garcia called the meeting to order at 10:00 a.m. Secretary, Dr. Stacy Bragg called roll and a quorum was established.

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](#), [11125.3](#), [11125.7\(a\)](#)].

Audio of Discussion: [2:57](#)

The public did not provide any comments.

3. Discussion and Possible Action on Meeting Minutes

A. February 13, 2025, Board Meeting

B. February 14, 2025, Board Meeting

Audio of Discussion: [4:31](#)

The public did not provide any comments.

Alex Clemens moved to approve the February 13, 2025, Board meeting minutes as written. Lillian Wang seconded. The Board voted unanimously (8-0) and the motion passed.

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

The public did not provide any comments.

Lillian Wang moved to approve the February 14, 2025, Board meeting minutes as written. Alex Clemens seconded. The Board voted unanimously (8-0) and the motion passed.

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

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

A. Executive Office

B. Budget Office

i. Fund Condition

Audio of Discussion: [7:35](#)

Leslie Barnby, with the Department of Consumer Affairs (DCA) Executive Office, provided an update. In January, Governor Newsom released his proposed state budget for 2025-2026 which included a proposal to split our current Business Consumer Services and Housing Agency into two agencies (California Housing and Homelessness Agency, and Business and Consumer Services Agency). The Governor's proposed reorganization plan is currently under review. It becomes effective on the 61st day upon being given to the Legislature unless either the Assembly or the Senate adopt, by majority of vote, a resolution to reject the plan.

On March 3, 2025, Governor Newsom issued an executive order for all state agencies and departments to update their hybrid telework policies for employees and increase from 2 to 4 days in office per week beginning on July 1, 2025.

The public did not provide any comments.

From the Budget Office, Suzanne Balkis, Budget Manager and Julian Lux, Budget Analyst were present. Mr. Lux provided the update on the Board's fund condition. The Board's fund condition shows a reversion of approximately \$937,000 or 24.61%. For the current year the Board's projected revenues are 3.349 million dollars with 401 thousand dollars projected from initial license fees, 2.688 million dollars from renewal fees and \$260,000 thousand from the issuance of citations, fines, delinquent fees and other revenues. The Board's 2024-25 expenditures leave a fund balance of approximately 3.055 million dollars or 8.5 months in reserve.

The public did not provide any comments.

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

Audio of Discussion: [19:59](#)

Dr. Garcia reported that the Board is working on implementing QR codes to help licensees track their continuing education (CE) credits and assist staff in performing CE audits. Non-COPE CE courses may also receive QR codes for tracking and compliance purposes. The Board is maintaining a relationship with ARBO (Association of Regulatory Boards of Optometry) and attending their annual meeting.

Dr. Garcia congratulated E.O. Gregory Pruden and announced that Mr. Pruden was awarded the Dr. Ken Lawenda Scholarship to attend the annual ARBO meeting in Minneapolis in July.

The public did not provide any comments.

6. Update, Discussion, and Possible Action on Board Responses to Optometry Sunset Review Committee Background Paper

Audio of Discussion: [24:07](#)

On March 4, 2025, President Garcia and E.O. Pruden participated in the joint sunset review hearing conducted by the Assembly Business and Professions Committee and the Senate Business Professions and Economic Development Committee. These committee prepared a background paper for the hearing which identified 19 substantive and 20 overall issues. Staff has prepared draft responses to each of the identified issues.

ISSUE #1

The Dispensing Optician Committee (DOC) has not met for a number of years. Is this committee still necessary?

Committee Recommendation: The Board should advise the Committees as to the necessity of continuing the DOC Committee as a statutorily mandated committee and if so, what is the Board doing to ensure member appointments are a priority?

Member Klepa noted that the response seems to address the concern.

The public did not provide any comments.

ISSUE #2

Should licensees and applicants be required to provide the Board with email addresses?

Staff requests that this authority be given to the Board. Member Klepa agrees wholeheartedly with the recommendation, especially confidentiality.

The public did not provide any comments.

ISSUE #3

(MOBILE OPTOMETRIC OFFICES QUARTERLY REPORTING REQUIREMENTS) Should reporting requirements be streamlined?

Committee Recommendation: The Board should explain to the Committees if there are any places where the reporting requirements as prescribed in BPC 3070.2 can be streamlined to ensure the Board only receives information that is necessary for the regulation and enforcement of MOOs. The Board should advise committees if it believes the prescription requirements for MOOs should be consistent with existing law.

Staff believes there are areas where this reporting requirement can be streamlined. Currently it is a quarterly reporting requirement. The Board believes the existing quarterly report requirement is onerous and would support this requirement being made on an annual basis instead. Additionally, some elements of the report may also be removed, such as the requirement for registrants to report to the Board summaries of all complaints received by each mobile optometric office, their disposition, and any referrals. Staff feels this requirement does not make sense because a consumer notice is given to patients instructing them on how to file a complaint against a provider. The Board wants consumers sending that information directly to staff rather than finding out about complaints months later in a quarterly report. Therefore, Staff recommend removal of this requirement. The third item within this issue deals with prescription requirements. Existing law already requires copies of prescriptions to be given to patients, but the MOO statute also requires a copy of the prescription to be provided upon request of a caregiver or parent. Staff believes this is an important requirement that should stay in law.

There were no comments nor discussion from Members on this issue. The public did not provide any comments.

ISSUE #4:

(PROJECTED FUND DEFICIT) Will the Board seek a fee increase?

Committee Recommendation: The Board should advise the Committees on its current budget projections and whether it believes a fee increase will be necessary.

Staff does not believe that the Board's fund condition is heading to a place that requires a fee increase on licensees at this time. However, our statute has capped fees for optometry since 2009 and has capped fees for opticianry since 2016. Fees have not been statutorily increased since those years. It may make sense to increase the ceiling to a higher number which would give the Board the ability to pursue a fee increase down the road via regulation when economic fund conditions warranted doing such an action.

Member Klepa proposed adding an initial sentence - "The Board believes that raising the ceiling would be an appropriate action to take by the Legislature".

The public did not provide any comments.

Robert Klepa moved that the Board would request that the Legislature enact a higher fee ceiling so that a future fee increase (if needed) would be available to the Board. Stacy Bragg seconded. The Board voted unanimously (8-0) and the motion passed.

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

ISSUE #5:

(MANDATORY RESERVE) Is the current statutorily prescribed fund reserve amount still feasible?

Committee Recommendation: The Board should update the Committees on whether it believes the reserve limit should be increased from six months to 24 months consistent with many other boards and bureaus under the DCA?

Mr. Pruden believes it makes sense to increase the reserve limit.

There were no comments nor discussion, from Members, on this item.

The public did not provide any comments.

ISSUE #6:

(UC FUNDING) A portion of licensee fees is provided to the University of California. Is additional accountability necessary?

Committee Recommendation: The Board should provide an update to the Committees on the total amount provided to the University of California. The Legislature may wish to require an annual report on the expenditure of these funds to determine if the allocation of licensing fees to the University should be continued.

Staff does not believe it is necessary for the Board to have a statutory reporting requirement. The Board could commit to reporting this information at Board meetings or via the DCA Annual Report.

The public did not provide any comments.

Robert Klepa moved to include language asking the Legislature to review the current amount of the appropriation and consider whether a reduction would be appropriate. Stacy Bragg seconded. The Board voted unanimously (8-0) and the motion passed.

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

ISSUE #7:

(PRO RATA) Is the Board receiving appropriate services for the amount it pays in Pro Rata?

Committee Recommendation: The Board should update the Committees on the value of services it receives from the DCA to account for its share of pro rata.

The opinion of staff is that the Board receives significant value for its share of pro rata, and no changes are needed nor requested.

There were no comments nor discussion, from Members, on this item.

The public did not provide any comments.

ISSUE #8:

(OPTOMETRIC ASSISTANTS AND UNREGISTERED INDIVIDUALS). Is there any likelihood of consumer harm if the public receives services from individuals who are not regulated?

Committee Recommendation: The Board should advise the Committees on whether or not it has received consumer complaints about unlicensed or unregistered individuals. In addition, the Board should provide the Committees with feedback in response to the OPES study.

Mr. Pruden noted that a reconstituted DOC may be appropriate to consider the OPES study and whether or not any additional policies or recommendations should be made regarding optometric assistants.

There were no comments nor discussion, from Members, on this item.

The public did not provide any comments.

ISSUE #9:

(FICTITIOUS NAME PERMITS) Are there any issues with the current process for issuing a fictitious name permit?

Committee Recommendation: The Board should advise the Committees about any concerns with the current permit program and if there are circumstances where the Board is unable to issue a permit to an applicant.

Mr. Pruden explained that the fictitious name permit (FNP) is the only license type that expires annually (always on January 31st). This causes confusion for some licensees who also hold this permit because its expiration is not co-terminus with their license to practice optometry. There may be an opportunity to align this permit cycle with the 2-year license cycle.

There have been no circumstances where the Board has been unable to issue a permit to an applicant. However, there may be emerging examples (i.e. telehealth) where opportunities to improve the statutory language exist.

There were no comments nor discussion, from Members, on this item.

The public did not provide any comments.

ISSUE #10:

(CONTINUING EDUCATION) Are additional coursework topics necessary?

Committee Recommendation: The Committees may wish to consider amending current law to encourage optometrist licensees to take coursework in DEIB as part of their current CE requirements.

There were no comments nor discussion, from Members, on this item.

The public did not provide any comments.

ISSUE #11:

(ONLINE OPTICAL BUSINESSES: CALIFORNIA REGISTRATION REQUIREMENTS)

What is the prevalence of businesses providing services to California consumers beyond the Board's regulatory framework?

Committee Recommendation: The Board should advise the Committees on the number of entities that may not be in compliance with California's current registration or licensure laws. Does the Board need additional enforcement tools or resources to increase compliance with current registration requirements?

The Board is aware of optical retail entities operating within California which claim to be exempt from all Board oversight. These entities operate a physical storefront where consumers may receive eye exams performed by unlicensed assistants utilizing telehealth technology under the direction of a licensed optometrist or ophthalmologist. The eye exams are then reviewed by a licensed optometrist or ophthalmologist who may not be physically present, and a prescription may be issued. The licensed optometrist or ophthalmologist works for an ophthalmology corporation. Patients may also purchase their prescription eyewear on site. These entities claim to be exempt because the eye exam and all fitting, adjusting, and dispensing occurs in a space subleased to the ophthalmology corporation. The Board believes the retail optical entities should be registered because they are performing optical services for the general public. The Board discusses this issue in more detail in Issue #12.

The number of strictly online entities flagrantly operating in defiance of California law to register when furnishing prescription lenses to patients within California cannot be quantified because the internet marketplace is vast. These entities may be located overseas and obtaining compliance is even more difficult in these scenarios. Tools available are limited and consist of research, education, outreach, and unlicensed activity citations.

Member Klepa argued that the Board should answer “yes, the Board could use additional enforcement tools to compel compliance”. Member Clemens noted that if the Board was confident that it had additional resources in its investigations and compliance unit, that more unlicensed activity and bad actors would be discovered. He believes this is an appropriate response to the Legislature.

The Board moved on to the next item while legal counsel and Member Klepa worked together to craft a motion; then return to Issue 11.

There were no comments nor discussion, from Members, on this item.

The public did not provide any comments.

Robert Klepa moved to amend the Board’s response to issue 11, request more enforcement tools, and authorize staff to reference any other requests for additional resources made by the Board as well as ask for the Legislature’s guidance for possible additional resources. Alex Clemens seconded. The Board voted unanimously (8-0) and the motion passed.

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

ISSUE #12:

(LANDLORD-TENANT RELATIONSHIPS: REGISTRATION OF OPTICAL BUSINESSES)

Are statutory updates necessary?

Committee Recommendation: The Board should advise the Committees on how the proposed statutory change would encourage or ensure compliance with California laws for optometry and optical business arrangements, and any other potential statutory changes that may be helpful.

Member Linden stated that this is an issue that has affected the Board since the last sunset review. She is hopeful that at this next sunset review cycle, the Board can find solutions to address this issue.

The public did not provide any comments.

ISSUE #13:

(DEFINITION OF PERSON IN BPC § 3040) Is an updated definition necessary?

Committee Recommendation: The Board should advise the Committees on how this change may improve the Board's enforcement capabilities and if there are any similar changes needed for the statutes governing opticians.

There were no comments nor discussion, from Members, on this item.

The public did not provide any comments.

ISSUE #14:

(LIMIT ON THE NUMBER OF MOBILE OPTOMETRIC OFFICES) Does the current cap of 12 offices still make sense?

Committee Recommendation: The Board should advise the Committees on whether it believes the cap of 12 mobile optometric offices for the initial licensure period is necessary or if the cap should be increased during the first renewal period.

Member Bragg noted that the initial cap may be beneficial to the public in terms of creating a reduction of offices while providers get their procedures and policies solidly in place. Mr. Pruden explained that each permit has to be applied for; 12 permits are not automatically provided. All requirements must be met for each permit.

From here the meeting returned to ISSUE #11 for the motion.

ISSUE #15:

(PROBATIONARY REGISTRATION) Should the Board have additional authority to issue probationary registrations?

Committee Recommendation: The Board should advise the Committees on 1) the number of applicants who may benefit from a probationary registration, 2) the number of registrations denied where a probationary registration would have been more appropriate, and 3) if the Board could provide any estimated enforcement cost savings.

This Board has this authority on the optometry side but not on the opticianry side.

There were no comments nor discussion, from Members, on this item.

The public did not provide any comments.

ISSUE #16:

(CITATION AND FINE PROGRAM AND COST RECOVERY) The Board expends significant resources on enforcement efforts that are not always recouped. Are statutory updates necessary?

Committee Recommendation: The Board should update the Committee on any statutory changes that might enhance the citation and fine program or the Board's cost recovery efforts.

Cost recovery is the amount the Board pays for investigatory costs, court reporter cost, administrative hearing cost, and subject matter expert costs.

The Board does not think it makes sense to allow for cost recovery for citations but suggests increasing the cap on citation amounts. Increasing citation amounts would require a regulatory effort and appropriate safeguards should be in place.

Members discussed safeguards to ensure that the cost of citations are appropriate to the egregiousness level of the offense.

The public did not provide any comments.

Alex Clemens moved to amend the Board's response to issue 16 to request the Legislature consider increasing the citation cost caps. Robert Klepa seconded. The Board voted unanimously (8-0) and the motion passed.

There were no requests for public comment on this item.

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

ISSUE #17:

(TELEHEALTH AND EMERGING TECHNOLOGY) Are statutory updates necessary?

Committee Recommendation: The Board should update the Committees on the issues of telehealth and AI, including whether the Board believes any statutory changes may be necessary.

The Board has an emerging technology workgroup. The Board agrees with the Legislature's stance on telehealth and AI, and the workgroup will continue its efforts.

There were no comments nor discussion, from Members, on this item.

The public did not provide any comments.

ISSUE #18:

(FEDERAL CONTACT LENS RULE AND CONFLICT WITH CALIFORNIA STATUTE)

Committee Recommendation: The Board should advise the Committees on whether it believes California law should be amended to remove any discretion for a prescriber to not

provide a patient's contact.

There were no comments nor discussion, from Members, on this item.

The public did not provide any comments.

ISSUE#19:

(TECHNICAL CHANGES MAY IMPROVE EFFECTIVENESS OF THE ACT AND BOARD OPERATIONS) There are amendments to the Act that are technical in nature but may improve Board operations and the enforcement of the Act.

Committee Recommendation: The Committees may wish to amend the Act to include technical clarifications.

The Act needs some technical non-substantive “clean-up” amendments.

There were no comments nor discussion, from Members, on this item.

The public did not provide any comments.

ISSUE #20:

(CONTINUED REGULATION BY THE BOARD.) Should the licensing and regulation of optometrists and dispensing opticians be continued and be regulated by the current Board membership?

Committee Recommendation: The Board should be continued and reviewed again on a future date to be determined.

Public comment was received from Ruby Garcia who thanked E.O. Pruden, staff and the Board for a great meeting.

Robert Klepa moved to approve the responses including the directed changes approved by the Board at today’s meeting and authorize staff to finalize the responses including making non-substantive changes such as including background information, clarifying language, and making any technical or grammatical changes. Lillian Wang seconded. The Board voted unanimously (8-0) and the motion passed.

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

7. Discussion and Possible Action on 2025 Legislation Impacting the Board, DCA, and/or the Optometry or Opticianry Profession

A. Discussion and Possible Action on 2025 Legislation

- i. AB 667 (Solache) Professions and Vocations: license examinations: interpreters
- ii. SB 351 (Cabaldon) Health facilities
- iii. SB 470 (Laird) Bagley-Keene Open Meeting Act: teleconferencing
- iv. SB 641 (Ashby) Department of Consumer Affairs and Department of Real Estate: states of emergency: waivers and exemptions
- v. SB 776 (Ashby) Optometry: licensure

Audio of Discussion: [1:53:36](#)

E.O. Pruden reported on these bills.

AB 667 no longer impacts the Board due to amendments exempting healing arts boards.

SB 351 aims to limit private equity influence in medical and dental practices, with no current impact on optometry.

Public comment was heard from Kristine Schultz representing the California Optometric Association (COA) who agreed that the bill should be amended to include optometrists.

Robert Klepa moved for the Board to adopt a position of neutral unless amended to add the Optometry Board to this bill allowing the Board to benefit from its elements. Paul Hsu seconded. The Board voted unanimously (8-0) and the motion passed.

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

SB 470 has received an amendment. It now extends the present sunset date of January 1, 2026, out four additional years to January 1, 2030. Additionally, this bill provides for the flexibility of remote participation. Staff recommends a support position.

Member Clemens requested waiting until the next meeting in July to take a position, allowing time to research this matter and understand with greater clarity its opposition.

The public did not provide any comments.

SB 641 is the bill that would give the board the ability to require applicants and licenses to provide email addresses. This bill would also codify waiver authority for all DCA boards and bureaus in the event of an emergency and/or catastrophic loss. The bill does not outline what that process would look like. Staff is requesting to keep watching the bill and perform research on it.

The public did not provide any comments.

SB 776 is the Board's sunset bill is set for hearing on April 28, 2025. It contains two policies this Board suggested (update the name of the national examination and allow for inactive licensees to acquire the retired license status). It is in its introduced form and will continue to evolve as we engage in this sunset review. Staff recommends a support position.

The public did not provide any comments.

Martin Dawson moved to support SB 776. Alex Clemens seconded. The Board voted unanimously (8-0) and the motion passed.

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

From here, the meeting moved to agenda item 10.

8. Discussion and Possible Action to Approve Modified Text and Responses to Comments and Continue Rulemaking to Adopt Title 16 California Code of Regulations, Article 11.5, Section 1572, Relating to Radio Frequency Technology and Devices

Audio of Discussion: [2:38:34](#)

E.O. Pruden provided an update.

The public comment period ended on September 23, 2024. The Board received numerous comments in support of the proposal and a few comments in opposition to the proposal. Before the Board today is the modified proposal which includes important modifications that would not have happened without the sincere participation from the public. The modified text makes clear that the RF device used is for the purpose of treating dry eye disease or syndrome, specifies a frequency range, and requires temperature monitoring or temperature presets which limit the temperature, ruling out other devices that use RF and ablate the tissue, as these devices are considered electrosurgical units, are used in medicine, and are inappropriate to use to treat dry eye disease.

Members Bragg and Wang expressed gratitude to the public for their letters of support and letting their voices be heard and to staff for all the work on this proposal. Member Wang commented that she believes RF is a technology this Board needs to support. It will provide significant relief and treatment for sufferers of dry eye.

Public comment was heard from Regulatory Counsel, Elizabeth Olsen who stated that in their opinion and research, they do not believe that RF technology constitutes surgery under the Act. This is from a review of case law, the definitions of the terms, statutes, and just

general definitions.

Public comment was heard from Steve Cattolica, Executive Vice President of the California Academy of Eye Physicians and Surgeons who argued that illegal uses of RF technology for the treatment of dry eye are already taking place. He requested that the Board delay implementation of the proposed regulation until these practices using the technology cease and are investigated and disciplined. He also argued the interpretation of what constitutes “surgical”.

Public comment was received from Kristine Shultz. The COA has had the opportunity to take a look at the revised language with the parameters included and it does not have any objection to the changes to ensure that the devices cannot be used for any kind of surgical procedure.

Public comment was also heard from Micheal Couris, MD, President of the California Academy of Eye Physicians and Surgeons who also argued the definition of “surgery” prohibits the Board from pursuing this regulation.

Public comment was received from Ruby Garcia who is in support of this proposal.

Public comment was heard from Lucas Evansen, on behalf of the California Medical Association (CMA) who are in objection of the proposal.

Robert Klepa 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 Executive Officer to take all steps necessary to complete the rulemaking process; and authorize the Executive Officer to make any technical or non-substantive changes to the rulemaking package and adopt section 1572 as noticed in the modified text. Lillian Wang seconded. The Board voted (7-Aye; 1-Abstain; 0-No) and the motion passed.

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

9. Discussion and Possible Action to Initiate a Rulemaking to Adopt Title 16 California Code of Regulations, Article 7, Section 1399.273 and Optician Disciplinary Guidelines Incorporated by Reference

Audio of Discussion: [3:00:45](#)

E.O. Pruden provided an update on changes made. Significant amendments have been made to the proposed text and disciplinary guidelines. The Board will approve the text and disciplinary guidelines, but more research is needed before formal rulemaking can begin. Staff plans to come back at the July meeting with the package.

Member Klepa asked whether the quarterly report would require the probationer to state whether they have complied with the law or not. The quarterly reporting form for opticians has been removed, but elements of it will still be included.

Member Dawson clarified that probationers are required to report whether they are in compliance with the law.

Member Bragg noted differences between the optometry disciplinary guidelines and the proposed opticianry disciplinary guidelines, including employer notification requirements.

E.O. Pruden explained that the optometry disciplinary guidelines are from 2012, and the Board has approved revised optometry disciplinary guidelines in 2019 and what was approved then will also have to change.

Member Linden noted that opticians are not required to be registered when working directly under an optometrist or ophthalmologist and asked what prevents someone who is licensed and facing discipline from surrendering their license and continuing to work.

E.O. Pruden explained that anyone working under an optometrist or ophthalmologist is not required to be registered and so this scenario is possible. Probation is agreed to by the licensee and they may surrender their license. The scenario always exists for someone to surrender a license and then work illegally.

10. Discussion and Possible Action on Executive Officer's Report

A. Program Update

i. Sunset Review Update

B. Enforcement Program

i. Statistical Review, Quarter 3, Fiscal Year 2024-25

ii. Continuing Education Audit Statistics

C. Examination and Licensing Programs

i. Statistical Review, Quarter 3, Fiscal Year 2024-25

D. Regulatory Update

i. Optometry Disciplinary Guidelines

ii. Optician Program Omnibus Regulatory Changes

iii. Dispensing Optician Disciplinary Guidelines

iv. Requirements for Glaucoma Certification

v. Radiofrequency Technology and Devices

Audio of Discussion: [2:18:20](#)

E.O. Pruden reported on the Executive Officer's Report. The Board is currently recruiting for one Enforcement Analyst position. On April 1, 2025, Valerie James joined Board staff as an Enforcement Analyst. Valerie has been an enforcement analyst for the chiropractic

board for several years. Effective April 30, 2025 Randy Love will retire from the Board and state service. Randy has worked for the state for 23 years and the Board since 2009. They have held the following positions: Enforcement Analyst, Lead Enforcement Analyst, Assistant Executive Officer and they presently serve as the Administration and Licensing Manager. Mr. Pruden gave a public acknowledgement to Mx. Love and the all the work they have done. Their experience in enforcement and licensing has served the Board well.

The Board's current strategic plan runs through the end of the year. Because it is ending the Board will need to engage in the development of a new plan.

The Consumer Protection and Public Relations and Outreach Committee met on February 21, 2025 to discuss social media outreach efforts. Following the meeting several changes have been implemented. QR codes will be added to renewal notices via BreEZe and the Board's email management system (Listserv) has been refreshed.

The Telehealth and Emerging Technologies Workgroup met on April 2, 2025. The workgroup discussed the Board's existing brochure (Online Refractions - Not a Comprehensive Eye Exam) and tasked itself with proposing updates and revisions to this brochure which was created nine years ago. The workgroup also discussed the Board's existing consumer notice and whether it needs to be updated to include other information regarding refractions, vision screenings, and comprehensive eye exams to better assist consumers in making informed decisions. Additionally the workgroup discussed the emergence of optometric and optical kiosks which have been deployed in some states including possible California. The workgroup and staff will be researching how these models of eyecare delivery fit within the regulatory landscape the Board presently enforces.

The Spring newsletter edition of "The Spectacle" is in review with the Department, expected to be released later this month.

On May 17th Mr. Pruden will be traveling to the Herbert Wertheim School of Optometry, Vision, and Vision Science at UC Berkeley. He and Dr. Wang will give a presentation to the third-year optometry students.

In the Enforcement Program there has been a promotion. Scott Kerswell was recently promoted from Staff Services Analyst to Associate Governmental Program Analyst.

Complaints on the optometry side are trending to be consistent, may slightly lower than last year. Citations are trending similarly. The cycle time for closing investigations and complaints is occurring at a faster pace than last year. Statistics on the opticianry side are fairly similar, although with one quarter to go, there will likely be an increase in complaints this fiscal year compared to the last fiscal year. Similar to optometry the cycle time has improved. The overall pass rate for continuing education audits still needs to improve significantly. It is still far too low.

Updates on the examination and licensing programs include recent BreEZe updates around the Mobile Optometric Office Program and the Home Resident Permit Program and reducing the retake period for applicants who fail the California Law and Regulations Exam (CLRE); the time has been cut down in half. This is probably the most important change that has recently been achieved. Additionally a few security updates were made to the Statement of Licensure application. Later this month, the Home Resident Permit application will be available in BreEZe.

There were no comments nor discussion, from Members, on this agenda item.

There were no requests for public comment on this agenda item.

The meeting went into recess for lunch and reconvened at 1:30 p.m. From here the meeting moved to agenda item 8.

11. Future Agenda Items

Audio of Discussion: [3:38:41](#)

Member Klepa asked about a future board meeting in Southern California.

Ruby Garcia requested a discussion regarding the possibility of implementing a state exam and a law exam for opticians. She requested a discussion about the difference between dispensing contact lens fitters and those who dispense boxes of contacts. Additionally, she would like a discussion exploring the licensing of technicians and assistants. She has seen an increase in enrollment of optometric assistants from private practices and technicians from ophthalmologists taking their programs. They are passing the national exams but they are concerned about the licensing fees being so high. Lastly, they are seeing optometrists who are interested in writing an exam for optometrist.

The Board entered into a short break to return into closed session at 2:40 p.m. and then adjourned out of closed session.

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

