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To: Board Members **Date:** April 21, 2017

From: Practice and Education Committee **Telephone:** (916) 575-7170

Subject: **Agenda Item 11 - Update, Discussion and Possible Action Regarding the Practice and Education Committee Recommendations to Amend CCR § 1536 and Corresponding Application**

Proposed Amendments Related to Child and Elderly Abuse Courses

Business and Professions Code § [3059](#) (g), (h) gives the Board the authority to require courses on child and elderly abuse detection by licensees who are likely to contact abused or neglected children or elderly persons. Consequently, the Practice and Education Committee recommended the following amendments to California Code of Regulations (CCR) § [1536](#) during the August 28, 2015 Board meeting:

- (m) A licensee who, in the scope of professional practice or in the licensee's employment responsibilities, examines, attends, counsels or treats children shall indicate on the renewal application completion of two hours of training in child abuse identification and reporting in the previous five years.
- (n) A licensee who, in the scope of professional practice or in the licensee's employment responsibilities, examines, attends, counsels or treats elder persons shall indicate on the renewal application completion of two hours of training in elder abuse identification and reporting in the previous five years.
- (o) The licensee shall maintain written documentation for five years after mandatory training as identified in sections "l" and "m," including program date(s), content, duration, and proof of participation.

However, upon guidance by legal counsel, the Board referred the language back to the Committee for further deliberation and refinement regarding how these hours would count toward continuing education.

After working with legal counsel, the Committee recommended the following amendments to CCR § 1536 for consideration:

- (m) A licensee who provides or may provide optometric services to children shall complete two hours of coursework relating to the detection of child abuse or neglect and the applicable reporting requirements.
- (n) A licensee who provides or may provide optometric services to elder persons shall complete of two hours of coursework relating to the detection of elder abuse or neglect and the applicable reporting requirements.
- (o) The coursework required by subdivisions (m) and (n) of this section shall be completed within the four years immediately preceding the license renewal date and shall be in addition to the coursework required by subdivisions (a) and (b) of this section, as applicable.

Proposed Amendments Related to Process Change and Application

Recognizing the need to uniform and codify the Continuing Education (CE) Course approval process, the Practice and Education Committee (PEC) made several changes in early 2016.

The PEC revised the application ([here](#)) to include a copy of the course schedule, a detailed course outline and presentation materials (e.g., PowerPoint presentation). In addition, California Code of Regulations (CCR) § [1536](#) was revised to incorporate the application by reference and clarify items required, including a curriculum vitae (CV) for each instructor involved in the course. If one instructor presented on each course, the PEC requested a separate CV attached to each course.

The PEC further instructed staff that it did not want to see any applications that were missing any of the required information.

Since the Board implemented the process changes approved by the PEC, some CE Providers have complained about the cumbersome process. To fully understand the concerns from impacted providers, Board staff is creating a survey to send to each CE provider impacted in the last year as well as other stakeholders. The feedback provided would be brought to the PEC at a future meeting for consideration of additional process improvements.

The PEC decided to review all received applications – regardless of deficiencies to determine if enough information is provided to establish if the criteria set forth in CCR § 1536 (g) is met:

(g) The criteria for judging and approving continuing education courses by the Board for continuing optometric education credit will be determined on the following basis:

- 1) Whether the program is likely to contribute to the advancement of professional skills and knowledge in the practice of optometry.
- 2) Whether the instructors, lecturers, and others participating in the presentation are recognized by the Board as being qualified in their field.
- 3) Whether the proposed course is open to all optometrists licensed in this State.
- 4) Whether the provider of any mandatory continuing optometric education course agrees to maintain and furnish to the Board and/or attending licensee such records of course content and attendance as the Board requires, for a period of at least three years from the date of course presentation.

The PEC would like the following amendments to CCR § 1536 (f):

(f) Other continuing optometric education courses approved by the Board as meeting the criteria set forth in paragraph (g) below, after submission of the Continuing Education Course Approval Application (Form CE-01, Rev. [5/16/17](#)), hereby incorporated by reference, course [schedule/agenda](#), [topical outline](#) of subject matter [learning objectives](#), and curriculum vitae of all instructors or lecturers involved, to the Board not less than 45 days prior to the date of the program. The Board may, upon application of any licensee and for good cause shown, waive the requirement for submission of advance information and request for prior approval. Nothing herein shall permit the Board to approve a continuing optometric education course which has not complied with the criteria set forth in paragraph (g) below.

In addition, the PEC proposes amending the corresponding application to align with the regulation amendments (Attachment 1).

Action Requested:

If the Board approves the PEC Recommendation, please entertain a motion to approve the proposed amendments and delegate authority to the Executive Officer to initiate the rulemaking process.

Attachments:

1. Proposed Amendments to Continuing Education Course Approval Application



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CONTINUING EDUCATION COURSE APPROVAL APPLICATION

\$50 Mandatory Fee

Pursuant to California Code of Regulations (CCR) § 1536, the Board will approve continuing education (CE) courses after receiving the applicable fee, the requested information below and it has been determined that the course meets criteria specified in CCR § 1536(g).

In addition to the information requested below, please attach a copy of the course [schedule agenda](#), [a detailed course outline](#), [subject matter learning objectives](#) and presentation materials (e.g., PowerPoint presentation). Applications must be submitted 45 days prior to the course presentation date.

Please type or print clearly.

Course Title _____	Course Presentation Date <div style="text-align: center;"> <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> </div>
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Course Provider Contact Information

Provider Name <div style="display: flex; justify-content: space-between; width: 80%; margin: 0 auto;"> _____ (First) _____ (Last) _____ (Middle) </div>		
Provider Mailing Address Street _____ City _____ State ____ Zip _____		
Provider Email Address _____		
Will the proposed course be open to all California licensed optometrists?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
Do you agree to maintain and furnish to the Board and/or attending licensee such records of course content and attendance as the Board requires, for a period of at least three years from the date of course presentation?	<input type="checkbox"/> YES <input type="checkbox"/> NO	

Course Instructor Information

Please provide the information below and attach the curriculum vitae for each instructor or lecturer involved in the course. If there are more instructors in the course, please provide the requested information on a separate sheet of paper.

Instructor Name <div style="display: flex; justify-content: space-between; width: 80%; margin: 0 auto;"> _____ (First) _____ (Last) _____ (Middle) </div>		
License Number _____	License Type _____	
Phone Number (____) _____	Email Address _____	

I declare under penalty of perjury under the laws of the State of California that all the information submitted on this form and on any accompanying attachments submitted is true and correct.

Signature of Course Provider

Date