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**DISPENSING OPTICIAN COMMITTEE  
TELECONFERENCE MEETING AGENDA**

**January 30, 2020**

**10:00 to 1:00 PM**

**(or until completion of business)**

**MEMBERS OF THE COMMITTEE**

Martha "Ruby" Garcia, CLD, SLD, Chair  
William Kysella, Jr, Vice Chair  
Adam Bentley, SLD  
Kanchan Mattoo  
Anna Watts, SLD

**Teleconference Meeting Locations:**

Department of Consumer  
Affairs  
Sequoia Room (1<sup>st</sup> Fl Rm109)  
2420 Del Paso Road  
Sacramento, CA 95826

Charter College – Oxnard  
Campus  
2000 Outlet Center Drive, Suite  
150  
Oxnard, CA 93036

Van Nuys State Building  
6150 Van Nuys Boulevard, Rm  
410  
Van Nuys, CA 91401

San Francisco Public Library  
100 Larkin Street, Stong  
Conference Room  
San Francisco, CA 94102

**ORDER OF ITEMS SUBJECT TO CHANGE. ACTION MAY BE TAKEN ON ANY ITEM ON  
THE AGENDA.**

1. Call to Order/Roll Call
2. Public Comment for Items Not on the Agenda  
*Note: The committee 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 §11125, §11125.7(a)].*
3. Discussion and Possible Approval of Committee Minutes from December 13, 2019
4. Chair's Report
  - A. Potential Invitations to Optician College Administrations
  - B. Potential Invitations to College Advisory Boards
5. Executive Officer's Report
  - A. Optician Licensing Program
  - B. Optician Enforcement Program
  - C. Opticianry Program Fund Condition
  - D. Discussion of Statutorily Mandated Advisory Committee Duties
  - E. Proposed Review of Previous Enforcement Actions
  - F. Committee Member Reappointment Timeline

6. Update, Discussion and Possible Action on Changes to Dispensing Optician Statutes
  - A. Chapter 5.4, Division 2 (Prescription Lens) of the Business and Professions Code
  - B. Chapter 5.45, Division 2 (Nonresident Contact Lens Sellers) of the Business and Professions Code
  - C. Chapter 5.5, Division 2 (Registered Dispensing Opticians) of the Business and Professions Code

7. Future Agenda Items

8. Adjournment

*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.*

*Meetings of the California State Board of Optometry and its committees are open to the public except when specifically noticed otherwise in accordance with the Open Meeting Act. Public comments will be taken on agenda items at the time the specific item is raised. Time limitations will be determined by the Chairperson. The Committee may take action on any item listed on the agenda unless listed as informational only. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum.*

*NOTICE: The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by calling 916-575-7170. Written requests can be mailed to the California State Board of Optometry, 2450 Del Paso Road, Suite 105, Sacramento, CA 95834. Providing your request at least five (5) business days before the meeting will help ensure availability of the requested accommodation.*

**Dispensing Optician Committee  
Friday, December 13, 2019  
Draft Meeting Minutes**

**Teleconference Meeting Locations:**

|   |   |   |
|---|---|---|
| Department of Consumer Affairs,<br>Sequoia Room (1 <sup>st</sup> Fl Rm 109)<br>2420 Del Paso Road<br>Sacramento, CA 95826 | Charter College<br>Oxnard Campus<br>2000 Outlet Center Dr.,<br>Rm 101<br>Oxnard, CA 93036 | Van Nuys State Building<br>6150 Van Nuys Blvd.,<br>Rm 410<br>Van Nuys, CA 91401 |
| Milton Marks Conference Center<br>Benicia Room<br>455 Golden Gate Avenue<br>San Francisco, CA 94102                       |   |   |

| <b>Members Present</b>          | <b>Staff Present</b>                          |
|---------------------------------|---|
| Martha Garcia, CLD, SLD, Chair  | Shara Murphy, Executive Officer               |
| William Kysella, Jr, Vice Chair | Cheree Kimball, Assistant Executive Officer   |
| Adam Bentley, SLD               | Marc Johnson, Policy Analyst                  |
| Kanchan Mattoo                  | Natalia Leeper, RDO Program Licensing Analyst |
| Anna Watts, SLD                 | Alex Juarez, RDO Enforcement Analyst          |
|                                 | Sabina Knight, Legal Counsel                  |
|                                 |   |
| <b>Members Absent</b>           | <b>Guest List</b>                             |
|                                 | On File                                       |

**Link to audio of meeting:** [https://www.optometry.ca.gov/meetings/20190927\\_doc\\_audio.mp3](https://www.optometry.ca.gov/meetings/20190927_doc_audio.mp3)

**1. Call to Order/Roll Call**

*Audio of Discussion: 00:09 / 02:35:40*

Ms. Garcia called the meeting to order at 10:12 a.m. and a quorum was established. Martha Garcia was present at the Oxnard, CA location; Adam Bentley was present at the San Francisco, CA location; Kanchan Mattoo and William (Bill) Kysella were both present at the Van Nuys, CA location; and Anna Watts was present at the Sacramento location. There were several members of the public at the Sacramento location and no members of the public at any teleconference locations.

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

*Audio of Discussion: 03:26 / 02:35:40*

There were no public comments.

### 3. Discussion and Possible Approval of Committee Minutes from September 27, 2019

*Audio of Discussion: 03:48 / 02:35:40*

There were no changes made to the minutes. There were no public comments.

**Kanchan Mattoo moved to approve the September 27, 2019 draft meeting minutes. William Kysella seconded. The Committee voted unanimously (5-0) and the motion passed.**

| Member  | Aye | No | Abstain | Absent | Recusal |
|---------|-----|----|---------|--------|---------|
| Garcia  | X   |    |         |        |         |
| Kysella | X   |    |         |        |         |
| Bentley | X   |    |         |        |         |
| Mattoo  | X   |    |         |        |         |
| Watts   | X   |    |         |        |         |

### 4. Chair's Report

#### A. Update on Developing Optician Education Programs

*Audio of Discussion: 06:05 / 02:35:40*

Ms. Garcia provided an update on optician education programs and announced several colleges in California would be offering certificate and associate's programs. Optometrists and experienced opticians are excited to teach; and there is a surplus of subject matter experts who are successfully teaching the curriculum. Students are being recruited for work after two semesters. Ms. Murphy assured that staff will inquire with the ABO and NCLE regarding what state pass rates are compared to national pass rates to determine if the increased education is contributing to increased pass rates. Mr. Bentley asked Ms. Garcia if she is seeing students who are already working in the industry and are trying to further their education, or are they all primarily new to the industry? Ms. Garcia replied that most individuals are returning to further their education.

There were no public comments.

#### B. 2020 Meeting Schedule

*Audio of Discussion: 12:40 / 02:35:40*

Committee Members discussed meeting locations and schedules for the 2020 year. Ms. Murphy announced that she is being very cautious with the Board's budgeting and in seeking meeting space that will not stretch the budget. January should provide a clearer picture about

what the Board/Committee may spend. She added that the September 2020 meeting will be face-to-face. Mr. Kysella replied that if the budget cannot accommodate the meeting space then the Committee needs to look at increasing the fee for the licensees. Ms. Murphy assured she will add his point to future agenda meetings.

2020 Dispensing Optician Committee (DOC) meeting dates are as follows:

- January 30, 2020
- April 2, 2020
- June 18, 2020
- September 17, 2020 - Burbank – Beginning at 11:30 a.m.

There were no public comments.

**Adam Bentley moved to approve the 2020 meeting calendar. Kanchan Mattoo seconded. The Committee voted unanimously (5-0) and the motion passed.**

| Member  | Aye | No | Abstain | Absent | Recusal |
|---------|-----|----|---------|--------|---------|
| Garcia  | X   |    |         |        |         |
| Kysella | X   |    |         |        |         |
| Bentley | X   |    |         |        |         |
| Mattoo  | X   |    |         |        |         |
| Watts   | X   |    |         |        |         |

## 5. Executive Officer’s Report

### A. Optician Licensing Program

*Audio of Discussion: 17:46 / 02:35:40*

Ms. Leeper provided an update on the Licensing Program. Currently, processing times are still at 6-8 weeks; the goal is to bring them down to 4-6 weeks. Ms. Leeper announced that there is a large portion of spectacle lens and Registered Dispensing Optician (RDO) licensees who are delinquent, and staff is looking into the reason(s) for this. Mr. Kysella asked if someone could transfer a license by simply changing their name. Ms. Leeper explained that the process for name changes includes providing legal documentation that has the name change and a photo copy of their drivers license or state issued ID. Therefore, the likelihood of this occurring is very low.

Mr. Bentley inquired as to whether staff can pull numbers from the ABO to determine how many individuals are certified by the ABO and compare it against the number of opticians registered with the Board? Ms. Leeper replied that she will contact the ABO and investigate obtaining that information. She noted that staff would need to look at both the pass rate and current certifications to obtain an accurate number, because registrants are not required to maintain their ABO certification once registered with the state.

## **B. Optician Enforcement Program**

*Audio of Discussion: 25:45 / 02:35:40*

Mx. Kimball provided trends on the optician enforcement program. The Opticianry (OPN) program receives almost as many new cases every month as the Optometry (OPT) program; the OPN program only has one analyst working on those cases, whereas the OPT program has three. Mr. Juarez reported on the Opticianry Enforcement Program. A total of 50 cases were received during the first quarter of the 19-20 fiscal year. Forty-eight were closed with no action; six cases are currently pending with the Attorney General's Office; staff has processed two disciplinary orders during the first quarter of the fiscal year. Mr. Juarez noted most of the cases received were criminal conviction cases and unprofessional conduct. The remaining cases were unregistered practice, non-jurisdictional cases, and applicant investigation due to prior disciplinary action. Most of the case closures occurred within the first year of receipt of the initial case.

Mr. Kysella requested that a summary of the nature of the disciplinary cases be included in future meeting materials; but noted the DOC is an advisory committee, and does not provide advice specific to the disciplinary actions of opticians. Ms. Knight confirmed this is correct and commented that it is not the role of this subcommittee to take part in this discipline; it is the role of the full Board.

## **C. Subject Matter Expert Workshops**

*Audio of Discussion: 41:52 / 02:35:40*

Mr. Johnson provided an update on the Subject Matter Expert Workshops. The Office of Professional Examination Services (OPES) has completed the Spectacle Lens Dispensing Occupational Analysis Workshop on November 19, 2019. There was great feedback and attendance. OPES should be presenting the report in the Spring of 2020. Mr. Johnson also reported that Unlicensed Assistance Occupational Analysis is pending the Department of Consumer Affairs (DCA) approval of the Board's budget change (BCP) proposal. Staff hopes to receive confirmation in a month or two. If approved, it will likely begin next Summer or Fall with a report due in 2021. Ms. Murphy added that Staff will receive their first look at the Governor's budget in early January and will know if the BCP has been included in the budget. Mr. Johnson noted that staff will be holding Spectacle Lens Dispensing and Contact Lens Dispensing workshops next year with OPES. Those dates have not yet been scheduled. The Committee will be updated as soon as the dates become available.

There were no public comments.

## **6. Update, Discussion and Possible Action on Changes to Dispensing Optician Statutes**

### **A. Chapter 5.4, Division 2 (Prescription Lens) of the Business and Professions Code**

*Audio of Discussion: 45:41 / 02:35:40*

This agenda item is to continue the discussion on updating of the Opticianry statutes. Ms. Leeper began with Chapter 5.4, Division 2 of the Business and Professions Code (BPC). Staff has received a great deal of questions about what exactly an optician in California is, and performed research in response which was inconclusive. Staff proposes a definitions section in §2550.1, which brings together in one place various terms such as “registered dispensing optician” and “fit and adjust”, which are already used throughout existing law. In §2550.1, Mr. Bentley suggested expanding (c) by separately defining “fit” and separately defining “adjust”. Mr. Johnson questioned whether the definition of “fit and adjust” should be added to the definitions section or the SLD section; and he noted that staff may need to consult with Legal Counsel for advice. Mr. Bentley responded that “fit and adjust” should be broken down by definition in §2550 as §2559 is referenced in that section. Mr. Kysella stated his opinion that the definitions may need to be added to both sections with a cross reference.

Ms. Garcia asked if the terms in §2550.1(d) “Dispensing Optician”, “Registered Dispensing Optician” and “Registrant” could be changed as well. Mr. Johnson explained that these are the three terms defined throughout the Act. He suspects it was probably the Legislature’s intention to write it this way; any change to the overall terms would need to be changed throughout the entire Act itself. Mr. Kysella suggested an edit to §2550.1(c) of placing a comma followed by the word “for” to make the text read: “Fit and adjust” and, for “fitting and adjusting” means any prescription for lenses, spectacles, eyeglasses, contact lens, plano contact lens and other ophthalmic devices as specified in §2541.

The committee approved proposed changes to §§2541.1(a), 2541.1(b), 2541.2(a)(1), based on changes made in Federal Rules. Staff proposed a change to §2545 (b)(1), which makes adjustments to lower the floor of fines to \$250 and raise the cap to \$50,000 per violation. Mr. Johnson added that staff is further proposing to include fine levels and repeat offenses into regulation once the optician statute review is complete. Members agreed with this change. Mr. Kysella asked if this would apply in a parallel fashion to optometrists as well. Ms. Leeper clarified that this specifically applies to the prescription lens law; therefore, it would apply to anyone who violates this section of the law. Mr. Bentley asked if the first section of §2545 which states “person” should be changed to “entity” since some Registered Dispensing Opticians (RDO’s) are corporations rather than individuals?” Mr. Johnson noted that staff will need to discuss this with Legal Counsel.

**B. Chapter 5.45, Division 2 (Nonresident Contact Lens Sellers) of the Business and Professions Code**

Ms. Leeper reported this section was relocated into Chapter 5.5, Article 2.5. There were no comments from members regarding this section.

**C. Chapter 5.5, Division 2 (Registered Dispensing Opticians) of the Business and Professions Code**

Mr. Johnson stated this chapter was organized into new articles with existing text relocated into each article. Additionally, numbering was added to each section for clarity. He noted that Mr. Kysella commented at one of the former Committee meetings that one of the difficulties is article construction. Members agreed with this change.

The committee approved a change to §2553(a), which requires that registrants must display their certificate in a clear and conspicuous place, which includes their registration number, name, address of record and expiration date. This requirement is similar to what cosmetologists and barbers are required to display. For §2555, staff proposes text mirrored on BPC §3110 (Optometry), listing all actions which constitute unprofessional conduct and made specific for dispensing opticians. Sections not applicable to opticians such as drug prescriptions, therapeutic procedures and referrals to physicians were removed.

For §2555.1(d), staff proposed text which defines penalties apply only to individuals who are on the business application, and not their stockholders or unaffiliated employees who do not perform optician functions. Members agreed on these proposed text changes.

For §2559.15, Ms. Garcia noted that the word “technician” in the title is not defined. Staff and members agreed it should be changed to “unregistered assistant.” Ms. Leeper asked how many trainees can be directly supervised at one time; at what point does it become too many? Ms. Garcia responded that three is enough. Mr. Johnson reported that the proposed text would place the cap at three registered assistants. Members agreed on placing the cap on three registered assistants. A reference to an exam given at least twice each year was removed from §2559.2(a). For §2564.5, staff proposes text based on federal rules requiring a sink with hot and cold running water, soap and hand dryers separate from a bathroom. Members agree.

Ms. Leeper discussed the new Article 2.5 - Non Resident Ophthalmic Device Dispensers, which incorporates existing Chapter 5.45. Staff and Committee Members agreed that “ophthalmic device” will need to be defined; members also discussed whether the market should be opened to spectacle lens, or whether it is necessary to continue to restrict the ability for a non-resident seller to sell spectacles by virtue of a change of article name.

Mr. Bentley addressed the online companies that are already selling spectacles to California residents. He inquired about the benefit of having outside online sellers register with the Board from a regulatory perspective? Ms. Murphy responded for example, if there were to become an irregularity in materials or production of materials, it provides the Board with some enforcement authority to ensure consumer protection against practices and materials that might be harmful. Ms. Leeper clarified that online businesses that operate within California and ship to California customers, as well as Nevada businesses are required to register with the Board as Registered Dispensing Optician (RDO) businesses. Therefore, this would just encapsulate those online business who are out-of-state to also apply for this license. Members agreed to the name change to “ophthalmic lens”. Staff was directed to research expanding the article to include all ophthalmic lenses.



For §2564.74, staff proposed several changes, including a requirement that the board is notified in writing upon any changes to the application; addition of listing of fictitious or assumed name, if applicable, to the non-resident application and requirements for advertising similar to Contractors State Licensing Board's statutes, requiring display of license number along with text identifying it was issued by the board. Members agreed to the proposed changes.

Discussion commenced on proposed section §2564.76. Staff researched Federal Rules for changes to the current communication deadline of 2 p.m. of the next business day and recommends further DOC discussion. Contact Lens Rule 315 requires the patient's information, prescription including manufacturer, contact information of the seller, date of the patient request, and date of the verification request. Prescribers must communicate with the seller within "eight business hours" rather than by 2 pm the next business day. Ms. Garcia commented that some offices are closed during weekends and during their lunch hour - is eight business hours enough time? Ms. Leeper clarified that the contact lens rule states that business hours include Monday through Friday beginning at 9 am., and only includes Saturday when it is known that the location is open on that day. Members agreed to the change to eight business hours.

For §2564.80, staff proposes raising the cap of fines to \$50,000. This will act as a stronger deterrent to registrants and businesses, increasing public protection. The references to Medical Board will be updated to the Optometry Board. Members agreed to these changes.

Ms. Leeper reviewed the new article 3.5 – Registered Dispensing Optician Businesses and explained that there was previous debate about the need to change the name "Registered Dispensing Optician" and what the name should be. Ms. Murphy clarified that these businesses are not performing fitting and adjusting; rather they are dispensing ophthalmic devices. Ms. Leeper and Ms. Murphy noted that seeing the word "optician" in the title is often misleading to the public, as well as to registrants who incorrectly believe they need to apply for the registration. Staff is proposing to add the word "business" to the title for clarification, and to reference what they dispense, as opposed to the professionals they will employ to do the fitting, adjusting and dispensing of those materials. Ms. Leeper asked if the term "Registered Dispensing Ophthalmic Device Business" is an appropriate name for this title.

Ms. Watts and Mr. Kysella suggested that the term "Ophthalmic" is not a term that is known and understood by the general public whereas "Optical" is. Ms. Murphy explained that although there is value about using plain English, there is also something to be said about specificity; as regulators we should be looking at specificity that within that license type gives licensees clarity as to what each registration does. Ms. Murphy asked members if they have observed optician businesses using business names that are misleading to the public by alluding that they perform optometry services rather than supplying the materials or fitting and adjusting of materials? Names such as "Northern California Vision Center," or "Modesto Eyecare" are examples. She asked if members consider this to be an issue in the industry.

Mr. Johnson noted that the Board's advertising regulations for opticians are pretty thin and outdated. If members wish to add in "optical or optician must be included in all advertising," the

Board does have the authority to define this out in regulation. Ms. Murphy noted that for optometry, this is in statute; not regulation. Therefore, if members wish to make symmetry between the professions the Board oversees, it may be reasonable to discuss whether this should go into statutes as opposed to regulations. Ms. Garcia agreed; Mr. Bentley believes that rather than the name itself the marketing requirement regulations are what should be reviewed.

For §2568.1, this section was relocated and includes the requirement that only SLD/CLD registrants can perform optician duties as defined in statute. Staff was directed to work with Legal Counsel if this change would conflict with sections 2559.1 and 2560 which allows registrants to supervise trainees.

Public comment was taken. One commenter asked whether the cap of supervising a maximum of three assistants is coming from any damages having been shown from supervising more than three, or coming from another section of code. Ms. Leeper explained that it comes from the contact dispensing code that only allows three and she believes that it was an oversight that the spectacle lens dispenser did not have the same cap. Staff will investigate what “assistant” should be defined as (i.e. trainee, assistant, apprentice, sales consultant etc.). A second commenter asked if the intention to get this introduced into legislation by the February 2020 bill introduction deadline? Ms. Murphy responded that the intention for this to come back to the Committee at the January 31, 2020 meeting, and then go to the full Board February 28, 2020. Staff does not anticipate this becoming part of the 2020 legislative session.

There were no additional public comments.

**Recess was taken at 12:31 p.m. Meeting resumed at 12:45 p.m.**

#### **7. Update, Discussion and Possible Action on California Code of Regulations §1399.273 and Optician Disciplinary Guidelines Incorporated by Reference**

*Audio of Discussion: 02:25:15 / 02:35:40*

Mr. Juarez provided an update on the Opticianry Disciplinary Guidelines. The DOC was presented with a clean version of the Guidelines at the DOC meeting on March 15, 2019. That version of the Guidelines included various changes made by the Committee at prior meetings. The Committee had no further comments or revisions at the March 15, 2019 DOC meeting. Staff continued to work on the guidelines by making the following changes:

- Pronoun Usage: The California State Assembly enacted the resolution last year, directing the Legislature and state agencies to avoid the use of gendered pronouns. Therefore, Staff eliminated the he/she and him/her pronouns from the guidelines.
- Page 10: Standard Term and Condition 8, Cost Recovery, was revised to require the respondent to pay cost recovery no later than six months prior to the end of probation (changed from three months to six months). The six-month requirement mirrors the

Optometry Disciplinary Guidelines. This will allow the Board more time to take action against the respondent if they fail to pay cost recovery fees.

- Page 7: Model Probationary Orders now includes an option that allows probationers to apply for a second registration. This option allows both registrations to follow the probationary terms imposed by the initial probation.

Mx. Kimball added that this would allow Staff to insert language so that if the registrant applies for a second registration later, it can simply be folded into the existing probationary terms versus having the applicant go through the whole ordeal again.

There were no public comments.

**Kanchan Mattoo made a motion to move the Disciplinary Guidelines, as featured in the materials, to the Board for discussion and approval. Anna Watts seconded. The Committee voted unanimously (5-0) and the motion passed.**

| Member  | Aye | No | Abstain | Absent | Recusal |
|---------|-----|----|---------|--------|---------|
| Garcia  | X   |    |         |        |         |
| Kysella | X   |    |         |        |         |
| Bentley | X   |    |         |        |         |
| Mattoo  | X   |    |         |        |         |
| Watts   | X   |    |         |        |         |

## 8. Future Agenda Items

*Audio of Discussion: 02:31:36 / 02:35:40*

Discussions requested for future agenda items include:

- Advisory Committee duties
- Enforcement staffing increase
- Fee increase discussion

There were no public comments.

## 9. Adjournment

Meeting adjourned at 1:00 p.m.

# ISSUE MEMORANDUM

|                |   |
|----------------|---|
| <b>DATE</b>    | January 30, 2020  |
| <b>TO</b>      | Members, Dispensing Optician Committee (DOC)  |
| <b>FROM</b>    | Martha “Ruby” Garcia, CLD, SLD, Chair<br><i>Prepared by Alexander Juarez, Enforcement Analyst</i> |
| <b>SUBJECT</b> | Agenda Item #4A – Potential Invitations to Optician College Administrations                       |

## **Optician College Administrations Invitation**

The new year will welcome new college opticianry programs throughout California. The Committee may benefit from inviting administrators for new and developing college opticianry programs to future Committee Meetings. The invitation would encourage administrators to give the Committee an outline of their courses and expectations for their Opticianry education programs.

Colleges could have the opportunity to share information about different program types, program lengths, testing requirements, testing outcomes, and post-graduation career opportunities.

The information provided may lend to a better understanding of how colleges plan to test students on the laws and regulations of the profession.

# ISSUE MEMORANDUM

|                |   |
|----------------|---|
| <b>DATE</b>    | January 30, 2020  |
| <b>TO</b>      | Members, Dispensing Optician Committee (DOC)  |
| <b>FROM</b>    | Martha “Ruby” Garcia, CLD, SLD, Chair<br><i>Prepared by Alexander Juarez, Enforcement Analyst</i> |
| <b>SUBJECT</b> | Agenda Item #4B – Potential Invitations to College Advisory Boards                                |

## **College Advisory Boards Invitation**

Many new college Opticianry programs in California will be aided by an Advisory Board. The Advisory Boards are comprised of leaders from the industry that have been invited to provide direction to colleges regarding expectations and requirements. Many Advisory Boards will meet once a year to review outcomes and potential changes to their Opticianry programs.

A College Advisory Board’s Report will be accessible through those college’s webpages. The reports are set out to include information about the program including community outreach.

The Committee may benefit from inviting the Advisory Board members to a future meeting to share information on how colleges are developing educational tools for opticians.

## Optician Program Licensing Statistics – Q1

(B) – Breeze (P) - Paper

### Registered Dispensing Optician

|                              | FY 18/19 | Jul | Aug | Sep | Oct | Nov | Dec | Total/Avg. |
|------------------------------|----------|-----|-----|-----|-----|-----|-----|------------|
| <b>Initial Applications</b>  |          |     |     |     |     |     |     |            |
| <i>Received (P)</i>          | 3        | 0   | 0   | 0   | 0   | 0   | 0   | 0          |
| <i>Received (B)</i>          | 220      | 6   | 13  | 25  | 8   | 8   | 18  | 78         |
| <i>Avg Cycle Time (P)</i>    | 120      | 0   | 0   | 0   | 0   | 0   | 0   | 0          |
| <i>Avg Cycle Time (B)</i>    | 85       | 8   | 15  | 18  | 16  | 27  | 24  | 30         |
| <i>Approved</i>              | 114      | 9   | 7   | 27  | 15  | 6   | 13  | 61         |
| <i>Withdraw or Cancelled</i> | 154      | 1   | 4   | 5   | 0   | 6   | 2   | 18         |
| <i>Pending</i>               | 40       | 36  | 46  | 71  | 83  | 55  | 64  | -          |

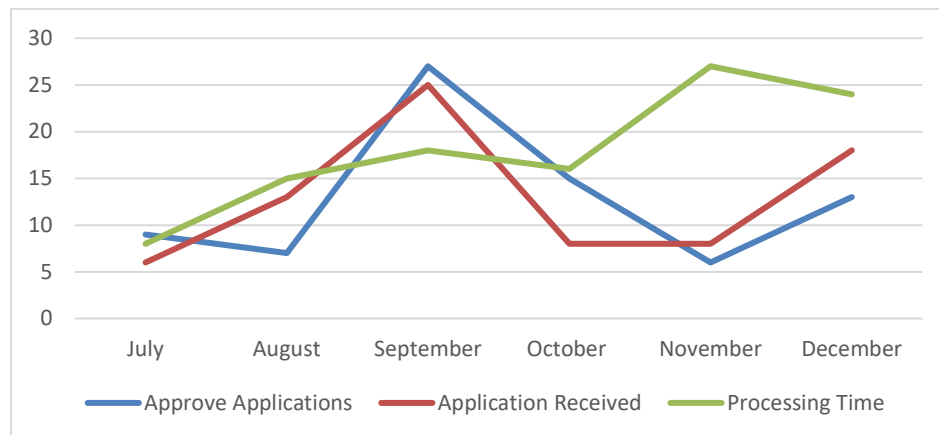
### Initial License

|                            |     |    |   |    |    |   |    |    |
|----------------------------|-----|----|---|----|----|---|----|----|
| <i>Received (P)</i>        | 54  | 5  | 0 | 20 | 0  | 0 | 0  | 25 |
| <i>Received (B)</i>        | 61  | 3  | 9 | 12 | 6  | 4 | 3  | 37 |
| <i>Avg. Cycle Time (P)</i> | 17  | 12 | 0 | 19 | 25 | 0 | 0  | 9  |
| <i>Avg. Cycle Time (B)</i> | 5   | 2  | 3 | 7  | 4  | 4 | 4  | 4  |
| <i>Issued</i>              | 116 | 4  | 9 | 16 | 29 | 6 | 13 | 76 |

### Renewal

|                            |     |    |    |    |    |    |    |     |
|----------------------------|-----|----|----|----|----|----|----|-----|
| <i>Paid Received (P)</i>   | 325 | 7  | 7  | 10 | 24 | 0  | 6  | 54  |
| <i>Avg. Cycle Time (P)</i> | 34  | 13 | 28 | 19 | 17 | 0  | 69 | 25  |
| <i>Paid Received (B)</i>   | 144 | 36 | 37 | 25 | 30 | 27 | 9  | 164 |
| <i>Avg. Cycle Time (B)</i> | 25  | 1  | 5  | 1  | 1  | 6  | 13 | 4   |
| <i>Approved</i>            | 503 | 36 | 46 | 31 | 27 | 34 | 40 | 213 |

|                           |    |   |   |    |    |   |   |    |
|---------------------------|----|---|---|----|----|---|---|----|
| <i>Cancelled Licenses</i> | 82 | 8 | 8 | 18 | 46 | 7 | 5 | 92 |
|---------------------------|----|---|---|----|----|---|---|----|



### Spectacle Lens Dispenser

|                              | FY 18/19 | Jul | Aug | Sep | Oct | Nov | Dec | Total/Avg. |
|------------------------------|----------|-----|-----|-----|-----|-----|-----|------------|
| <b>Initial Applications</b>  |          |     |     |     |     |     |     |            |
| <i>Received (P)</i>          | 48       | 3   | 1   | 4   | 1   | 2   | 3   | 14         |
| <i>Received (B)</i>          | 401      | 38  | 78  | 34  | 19  | 48  | 55  | 150        |
| <i>Avg Cycle Time (P)</i>    | 113      | 22  | 41  | 44  | 14  | 46  | 18  | 31         |
| <i>Avg Cycle Time (B)</i>    | 77       | 15  | 36  | 17  | 18  | 16  | 23  | 21         |
| <i>Approved</i>              | 441      | 40  | 23  | 59  | 44  | 23  | 71  | 260        |
| <i>Withdraw or Cancelled</i> | 54       | 0   | 2   | 0   | 1   | 4   | 0   | 7          |
| <i>Rap Sheets Received</i>   | --       | 11  | 5   | 11  | 4   | 4   | 5   | 40         |
| <i>Pending</i>               | 72       | 67  | 128 | 99  | 79  | 114 | 100 | -          |

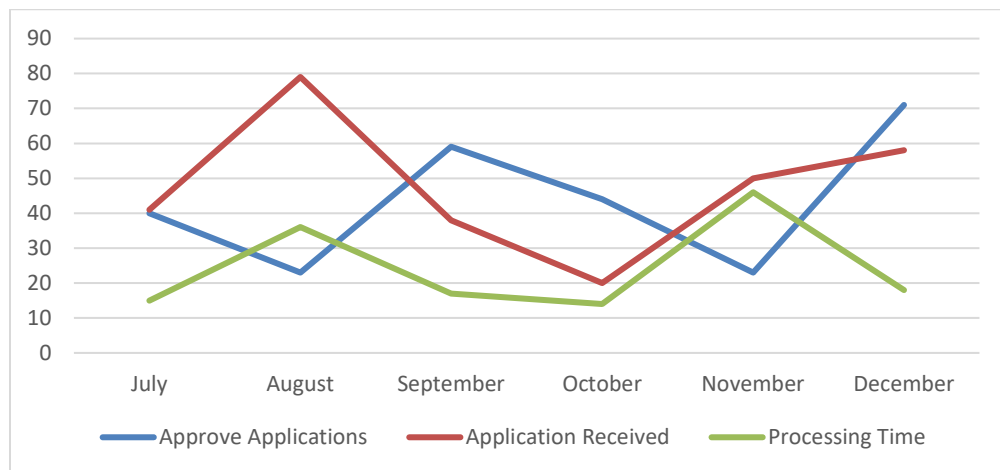
### Initial Licenses

|                            |     |    |    |    |    |    |    |     |
|----------------------------|-----|----|----|----|----|----|----|-----|
| <i>Received (P)</i>        | 42  | 1  | 2  | 0  | 0  | 0  | 1  | 4   |
| <i>Received (B)</i>        | 362 | 52 | 26 | 47 | 43 | 29 | 34 | 231 |
| <i>Avg. Cycle Time (P)</i> | 45  | 0  | 12 | 0  | 0  | 61 | 51 | 21  |
| <i>Avg. Cycle Time (B)</i> | 6   | 3  | 7  | 6  | 5  | 5  | 5  | 5   |
| <i>Issued</i>              | 416 | 47 | 34 | 30 | 56 | 24 | 42 | 233 |

### Renewals

|                            |      |     |    |    |    |    |    |     |
|----------------------------|------|-----|----|----|----|----|----|-----|
| <i>Paid Received (P)</i>   | 201  | 0   | 0  | 0  | 0  | 0  | 1  | 1   |
| <i>Avg. Cycle Time (P)</i> | 120  | 184 | 0  | 0  | 0  | 0  | 0  | 31  |
| <i>Paid Received (B)</i>   | 845  | 67  | 82 | 74 | 82 | 80 | 86 | 471 |
| <i>Avg. Cycle Time (B)</i> | 38   | 51  | 12 | 1  | 6  | 7  | 1  | 13  |
| <i>Approved</i>            | 1255 | 74  | 81 | 73 | 83 | 82 | 85 | 478 |

|                           |     |    |    |    |    |    |    |     |
|---------------------------|-----|----|----|----|----|----|----|-----|
| <i>Cancelled Licenses</i> | 187 | 18 | 13 | 17 | 23 | 16 | 16 | 103 |
|---------------------------|-----|----|----|----|----|----|----|-----|



**Contact Lens Dispenser**

|                             | FY 18/19 | Jul | Aug | Sep | Oct | Nov | Dec | Total/Avg. |
|-----------------------------|----------|-----|-----|-----|-----|-----|-----|------------|
| <b>Initial Applications</b> |          |     |     |     |     |     |     |            |
| <i>Received (P)</i>         | 15       | 0   | 0   | 1   | 0   | 0   | 1   | 2          |
| <i>Received (B)</i>         | 133      | 9   | 18  | 11  | 5   | 14  | 9   | 66         |
| <i>Avg Cycle Time (P)</i>   | 102      | 0   | 0   | 0   | 28  | 0   | 0   | 5          |
| <i>Avg Cycle Time (B)</i>   | 67       | 4   | 25  | 18  | 14  | 27  | 24  | 19         |
| <i>Approved</i>             | 190      | 8   | 3   | 17  | 10  | 5   | 20  | 63         |
| <i>Withdrawn/Cancelled</i>  | 23       | 0   | 1   | 1   | 0   | 0   | 0   | 2          |
| <i>Rap Sheets Received</i>  | --       | 11  | 5   | 11  | 4   | 4   | 5   | 40         |
| <i>Pending</i>              | 10       | 11  | 26  | 19  | 13  | 21  | 13  | -          |

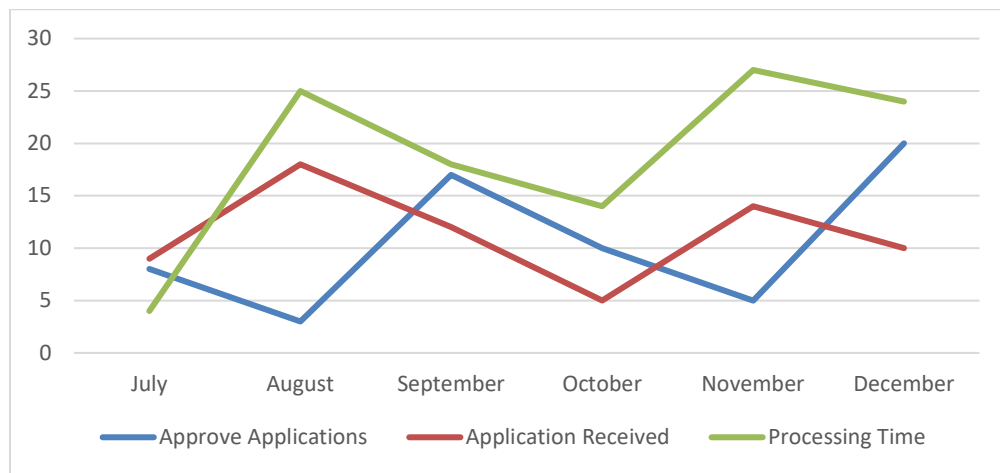
**Initial Licenses**

|                            |     |    |   |    |    |   |    |    |
|----------------------------|-----|----|---|----|----|---|----|----|
| <i>Received (P)</i>        | 13  | 0  | 0 | 1  | 0  | 0 | 0  | 1  |
| <i>Received (B)</i>        | 131 | 11 | 6 | 16 | 10 | 5 | 15 | 63 |
| <i>Avg. Cycle Time (P)</i> | 21  | 0  | 0 | 20 | 0  | 0 | 0  | 3  |
| <i>Avg. Cycle Time (B)</i> | 6   | 4  | 3 | 5  | 5  | 8 | 4  | 5  |
| <i>Issued</i>              | 148 | 10 | 7 | 14 | 12 | 4 | 13 | 60 |

**Renewals**

|                            |     |     |    |    |    |    |    |     |
|----------------------------|-----|-----|----|----|----|----|----|-----|
| <i>Paid - Received (P)</i> | 84  | 0   | 0  | 0  | 0  | 0  | 0  | 0   |
| <i>Avg. Cycle Time (P)</i> | 98  | 267 | 0  | 0  |    |    |    | 45  |
| <i>Paid - Received (B)</i> | 395 | 25  | 34 | 30 | 33 | 30 | 41 | 193 |
| <i>Avg. Cycle Time (B)</i> | 40  | 1   | 15 | 1  | 6  | 17 | 1  | 7   |
| <i>Approved</i>            | 564 | 28  | 36 | 28 | 35 | 32 | 39 | 198 |

|                           |    |   |   |   |   |   |   |    |
|---------------------------|----|---|---|---|---|---|---|----|
| <i>Cancelled Licenses</i> | 58 | 4 | 4 | 8 | 5 | 5 | 5 | 31 |
|---------------------------|----|---|---|---|---|---|---|----|





**Non-Resident Contact Lens Seller**

|                              | FY 18/19 | Jul | Aug | Sep | Oct | Nov | Dec | Total/Avg. |
|------------------------------|----------|-----|-----|-----|-----|-----|-----|------------|
| <b>Initial Application</b>   |          |     |     |     |     |     |     |            |
| <i>Received (P)</i>          | 0        | 0   | 0   | 0   | 0   | 0   | 0   | 0          |
| <i>Received (B)</i>          | 4        | 0   | 1   | 0   | 0   | 0   | 0   | 1          |
| <i>Avg Cycle Time (P)</i>    | 0        | 0   | 0   | 0   | 0   | 0   | 0   | 0          |
| <i>Avg Cycle Time (B)</i>    | 62       | 0   | 3   | 0   | 0   | 0   | 4   | 1          |
| <i>Approved</i>              | 3        | 0   | 1   | 0   | 0   | 1   | 0   | 2          |
| <i>Withdraw or Cancelled</i> | 1        | 0   | 0   | 0   | 0   | 0   | 0   | 0          |
| <i>Pending</i>               | 2        | 2   | 2   | 2   | 2   | 2   | 1   | 1          |

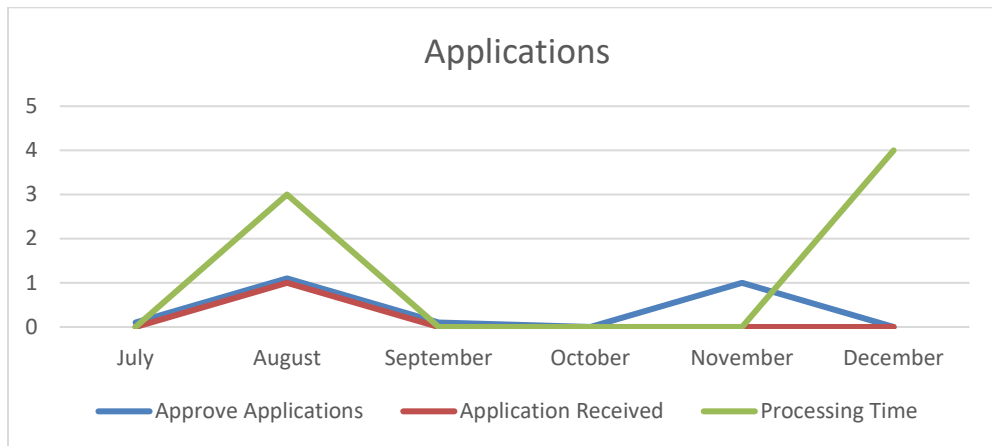
**Initial Licenses**

|                            |   |   |    |   |   |   |    |   |
|----------------------------|---|---|----|---|---|---|----|---|
| <i>Received (P)</i>        | 0 | 0 | 0  | 0 | 0 | 1 | 0  | 0 |
| <i>Received (B)</i>        | 3 | 0 | 1  | 0 | 0 | 0 | 0  | 1 |
| <i>Avg. Cycle Time (P)</i> | 0 | 0 | 0  | 0 | 0 | 0 | 0  | 0 |
| <i>Avg. Cycle Time (B)</i> | 8 | 0 | 15 | 0 | 0 | 0 | 22 | 6 |
| <i>Issued</i>              | 3 | 0 | 1  | 0 | 0 | 0 | 1  | 2 |

**Renewals**

|                            |    |   |   |   |   |   |   |   |
|----------------------------|----|---|---|---|---|---|---|---|
| <i>Paid Received (P)</i>   | 3  | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| <i>Avg. Cycle Time (P)</i> | 68 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| <i>Paid Received (B)</i>   | 3  | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| <i>Avg. Cycle Time (B)</i> | 0  | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| <i>Approved</i>            | 9  | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| <i>Pending Paid</i>        | 0  | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| <i>Pending Unpaid</i>      | 2  | 2 | 2 | 2 | 2 | 2 | 2 | 2 |

|                           |   |   |   |   |   |   |   |   |
|---------------------------|---|---|---|---|---|---|---|---|
| <i>Cancelled Licenses</i> | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|---------------------------|---|---|---|---|---|---|---|---|



# ISSUE MEMORANDUM

|                |  |
|----------------|--|
| <b>DATE</b>    | January 30th, 2019   |
| <b>TO</b>      | Dispensing Opticians Committee (DOC)   |
| <b>FROM</b>    | Shara Murphy, Executive Officer<br><i>Prepared by Natalia Leeper, Opticianry Program Coordinator</i> |
| <b>SUBJECT</b> | Agenda Item 5A – Opticianry Licensing Program Update   |

## **Applications**

Processing time for initial application approvals is now stable at 4-6 weeks if the applications has no defencies. This processing time was maintained even with the peaks caused by ABO testing months.

## **ABO and NCLE Exams**

At the December committee meeting member of the committee asked for the passing rates of the ABO and NCLE exams in California. Staff looked at the August and November Exam results.

The pass rate for the ABO Exam in August was 50% with 163 of 323 passing and for November the pass rate was 48% with 165 out of 341 passing the exam. This is less than the national average which is 63%.

The pass rate for the NCLE Exam in August was 50% with 37 of 74 passing and for November the pass rate was 46% with 35 out of 76 passing the exam. This is less than the national average which is 62%.

## **BreeZe**

Several changes were implement into BreeZe on January 17<sup>th</sup> to prevent applicants from submitting an application for the incorrect license type. Staff has already noticed a decrease in applications submitted for the incorrect license type, saving time that can be used for other tasks.

# ISSUE MEMORANDUM

|                |   |
|----------------|---|
| <b>DATE</b>    | January 30, 2020  |
| <b>TO</b>      | Members, Dispensing Optician Committee (DOC)  |
| <b>FROM</b>    | Shara Murphy, Executive Officer<br><i>prepared by Cheree Kimball, Enforcement Analyst and Alexander Juarez, Enforcement Analyst</i> |
| <b>SUBJECT</b> | Agenda Item #5B – Opticianry Enforcement Program Update   |

## **Statistical Review of Fiscal Year 2019-2020**

In the second quarter of the fiscal year 2019-2020, CSBO Opticianry Enforcement Staff:

- received a total of 34 new cases,
- closed 41 cases with no action,
- has 4 cases pending with the Attorney General’s Office,
- processed 1 disciplinary order, and
- granted one Petition for Early Termination of Probation.

The majority of the cases received by the Opticianry Enforcement Program were criminal conviction cases (44%). The second-largest case complaint type was unlicensed/unregistered cases (29%). The remaining cases included unprofessional conduct (18%) and non-jurisdictional cases (9%).

90% of case closures for the Opticianry program occurred within one year of the receipt of the initial case.

## **Disciplinary and Administrative Actions**

In the second quarter of Fiscal Year 2019-2020, the Board took the following Disciplinary Actions:

### **Chavez, Elizabeth (SLD 40475) Camarillo, CA**

Effective December 4, 2019, the registration of Elizabeth Chavez (SLD 40475), with an address of record in Camarillo, CA was revoked for a Criminal Conviction for DUI (BPC §§ 490, 2555.1, 2559.3 and CCR, title 16 §1399.270). [Click here to obtain a copy of the action or view the doctor's profile.](#)

### **Savage, Rebecca Janine (SLD 6065) Riverbank, CA**

On September 5, 2019, Rebecca Janine Savage (SLD 6065), with an address of record in Riverbank, CA filed a Petition for Early Termination of Probation (Petition). Respondent's Spectacle Lens Registration was placed on probation for three years effective April 20, 2018. A quorum of the California State Board of Optometry heard the Petition on October 25, 2019. The Petition was granted and is effective November 22, 2019. [Click here to obtain a copy of the action or view the doctor's profile](#)

**Statistics Charts for Quarter 2 F/Y 2019-2020**

Attachment 1: Statistical Overview, RDO program cases received by allegation type, and RDO program case closures by case age.

## Statistics Charts for Fiscal Year 2018-2019

### Statistical Overview

| Cases by Priority            | Q1 – FY19/20 |      |        | Q2 – FY19/20 |      |        | FY Total |
|------------------------------|--------------|------|--------|--------------|------|--------|----------|
|                              | Routine      | High | Urgent | Routine      | High | Urgent |          |
|                              | OPN          | OPN  | OPN    | OPN          | OPN  | OPN    | OPN      |
| Received                     | 50           | 0    | 0      | 34           | 0    | 0      | 84       |
| Closed                       | 48           | 0    | 0      | 40           | 1    | 0      | 89       |
| Average Age (days) - Closed  | 170          | 0    | 0      | 140          | 249  | 0      | 155      |
| Pending                      | 116          | 2    | 0      | 104          | 1    | 0      | 105      |
| Average Age (days) – Pending | 361          | 426  | 0      | 449          | 740  | 0      | 451      |
| Referred to AG               | 0            | 0    | 0      | 4            | 0    | 0      | 4        |
| Pending at AG                | 27           | 0    | 0      | 30           | 0    | 0      | 30       |
| Final Disciplinary Orders    | 2            | 0    | 0      | 1            | 0    | 0      | 3        |

Figure 1

### OPN Cases Received by Allegation Type

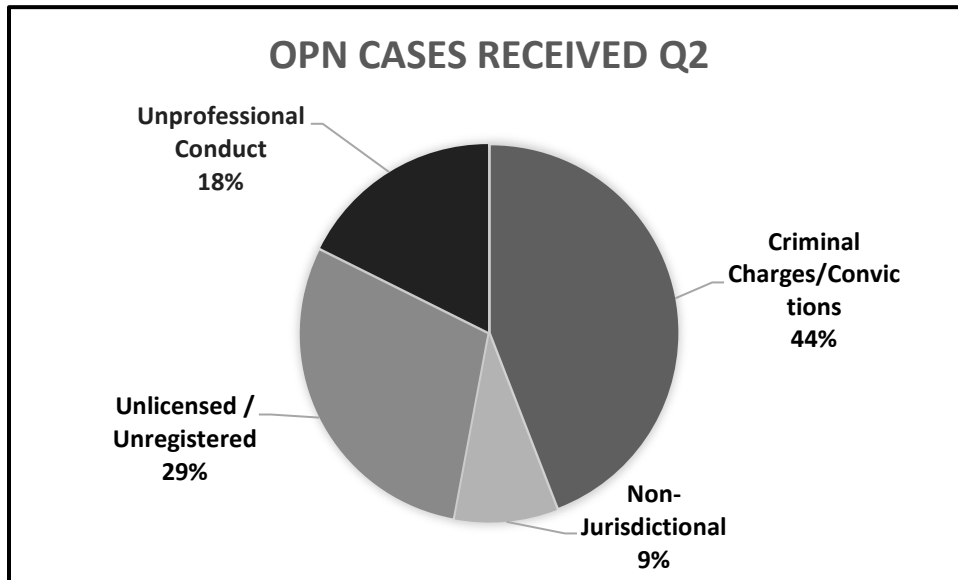


Figure 2

OPN Program Case Closure by Age

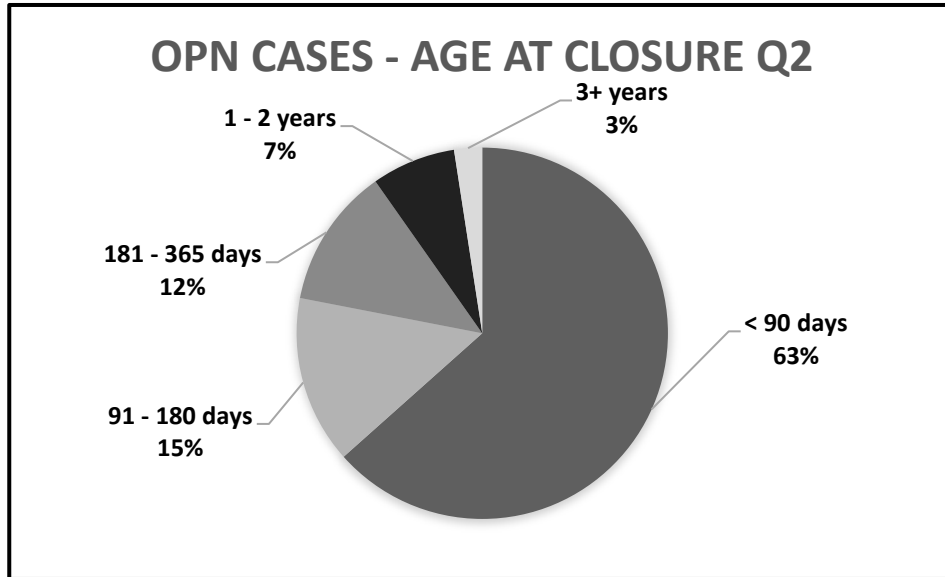


Figure 3

# ISSUE MEMORANDUM

|                |   |
|----------------|---|
| <b>DATE</b>    | January 30, 2020  |
| <b>TO</b>      | Members, Dispensing Optician Committee (DOC)  |
| <b>FROM</b>    | Shara Murphy, Executive Officer<br><i>prepared by Alexander Juarez, Enforcement Analyst</i> |
| <b>SUBJECT</b> | Agenda Item #5D – Discussion of Statutorily Mandated Advisory Committee Duties              |

## Statutorily Mandated Advisory Committee Duties (BPC § 3020)

The following duties are outlined in [Business and Professions Code § 3020](#):

- Recommending registration standards and criteria for the registration of dispensing opticians, nonresident contact lens sellers, spectacle lens dispensers, and contact lens dispensers.
- Reviewing of the disciplinary guidelines relating to registered dispensing opticians, nonresident contact lens sellers, spectacle lens dispensers, and contact lens dispensers.
- Recommending to the board changes or additions to regulations adopted pursuant to Chapter 5.5 (commencing with Section 2550).
- Carrying out and implementing all responsibilities and duties imposed upon it pursuant to this chapter or as delegated to it by the board.

# ISSUE MEMORANDUM

|                |   |
|----------------|---|
| <b>DATE</b>    | January 30, 2020  |
| <b>TO</b>      | Members, Dispensing Optician Committee (DOC)  |
| <b>FROM</b>    | Shara Murphy, Executive Officer<br><i>prepared by Alexander Juarez, Enforcement Analyst</i> |
| <b>SUBJECT</b> | Agenda Item #5E – Proposed Review of Previous Enforcement Actions                           |

## Proposed Review of Previous Enforcement Actions

An official review of enforcement actions is not within the purview of the Committee. However, the Board President has invited the Committee to review all recent OPN disciplinary actions. The Committee should discuss trends and provide recommendations to the Chair on how to proceed with similar cases going forward.

The following cases are publicly available on the Board's website:

### Pending Accusations

#### **Optics by Arne (RDO 3188) Los Angeles, CA 90064**

On March 26, 2019 an Accusation was filed against the registration of Optics by Arne, (RDO 3188), with an address of record in Los Angeles, CA, alleging Unlicensed Employment of Optometrist by Optician and Unlawful Advertisements. (BPC §§2556(a), 3040, 3041, 3101). [Click here to obtain a copy of the action or view the registrant's profile](#)

### Pending Statement of Issues

#### **Dawson, Martin Earl (SLD and CLD applicant) San Diego, CA**

On August 28, 2019, a First Amended Statement of Issues was filed against Martin Earl Dawson following the denial of his applications for registration as a Spectacle Lens Dispenser and Contact Lens Dispenser. The basis for the denial was a Conviction of Murder and Robbery, and a conviction of Robbery –Acts Involving Dishonesty, Fraud, or Deceit (BPC §§480(a)(1), 480(a)(2), in conjunction with 2559.2(b)). [Click here to obtain a copy of the action](#)

### Petition for Reductions of Penalty or Early Termination of Probation

#### **Savage, Rebecca Janine (SLD 6065) Riverbank, CA**

On September 5, 2019, Rebecca Janine Savage (SLD 6065), with an address of record in Riverbank, CA filed a Petition for Early Termination of Probation (Petition). Respondent's Spectacle Lens Registration was placed on probation for three years effective April 20, 2018. A quorum of the California State Board of Optometry heard the Petition on October 25, 2019. The Petition was granted and is effective November 22, 2019. [Click here to obtain a copy of the action or view the doctor's profile](#)



## Probation

### **Douglas, Donnie Carlton (SLD 41458)**

#### **San Diego, CA**

Effective April 14, 2019, Spectacle Lens Dispenser Application is granted and SLD 41458 is issued to Donnie Carlton Douglas, with an address of record in San Diego, CA, was immediately revoked, the order of revocation stayed, and respondent's registration placed on probation for two years (BPC §§ 475, 480(a)(1), (a)(3)(A), 493, and 2559.3). [Click here to obtain a copy of the action or view the registrant's profile](#)

### **Sanford, Angelica Maria (SLD 41917)**

#### **Azusa, CA**

Effective January 8, 2020, Spectacle Lens Dispenser Application is granted and SLD 41917 is issued to Angelica Maria Sanford, with an address of record in Azusa, CA, was immediately revoked, the order of revocation stayed, and respondent's registration placed on probation for three years for a Conviction of a Substantially Related Crime (BPC §§480(a)(1), 480(a)(3)(A), 480(a)(3)(B) in conjunction with 2559.3). [Click here to obtain a copy of the action or view the registrant's profile](#)

## Revocations

### **Avery, Natalie Julia (SLD 40126)**

#### **San Diego, CA**

Effective March 29, 2019, the registration of Natalie Julia Avery (SLD 40126), with an address of record in San Diego, CA, was revoked for Conviction for Driving with a BAC of .08% (BPC §§490, 2555.1, 2559.3.) [Click here to obtain a copy of the action or view the Spectacle Lens Dispensers Registration.](#)

### **Chavez, Elizabeth (SLD 40475)**

#### **Camarillo, CA**

Effective December 4, 2019, the registration of Elizabeth Chavez (SLD 40475), with an address of record in Camarillo, CA was revoked for a Criminal Conviction for DUI (BPC §§ 490, 2555.1, 2559.3 and CCR, title 16 §1399.270). [Click here to obtain a copy of the action or view the doctor's profile.](#)

### **Guerrero, Adina Cassondra (SLD 6374, CLD 2112)**

#### **Buena Park, CA**

Effective July 18, 2019, registration(s) of Adina Cassondra Guerrero (SLD 6374 CLD 2112.), with an address of record in Buena Park, CA was revoked for Conviction for Driving with a BAC of .08% or more and Evading a Peace Officer (BPC §§490, 2555.1, and 2559.3). [Click here to obtain a copy of the action or view the Spectacle Lens Dispensers Registration.](#)

[Click here to obtain a copy of the action or view the Contact Lens Dispensers Registration.](#)

### **Perez, David (SLD 6776)**

#### **Corona, CA**

Effective July 18, 2019, the registration of David Perez (SLD 6776), with an address of record in Corona, CA, was revoked for Criminal Convictions for DUI (BPC §§490, 2555.1, 2559.3, and CCR Title 16 §1399.270). [Click here to obtain a copy of the action or view the Spectacle Lens Dispensers Registration.](#)

### **Stevens, Megan Danielle (SLD 6520)**

#### **Mira Loma, CA**

Effective April 3, 2019, the registration for Megan Danielle Stevens, (SLD 6520), with an address of record in Mira Loma, CA was revoked for Criminal Convictions for DUI Causing Bodily Injury to Another Person (BPC §§490, 2555.1, 2559.3 and CCR Title 16 §1399.270). [Click here to obtain a copy of the action or view the registrant's profile](#)

# ISSUE MEMORANDUM

|                |   |
|----------------|---|
| <b>DATE</b>    | January 30, 2020  |
| <b>TO</b>      | Members, Dispensing Optician Committee (DOC)  |
| <b>FROM</b>    | Shara P. Murphy, Executive Officer<br><i>Prepared by Marc Johnson, Policy Analyst and Natalia Leeper,<br/>Opticianry Program Coordinator</i>  |
| <b>SUBJECT</b> | Review, Discussion and Possible Action on Potential Changes to Dispensing Optician Statutes: Chapter 5.4 (Prescription Lens) of Division Two of the Business and Professions Code (BPC); Chapter 5.45 (Nonresident Contact Lens Sellers) of Division Two of the BPC; Chapter 5.5 (Registered Dispensing Opticians) of Division Two of the BPC |

## **Summary:**

This agenda item continues the DOC discussion on revisions to the Optician statutes. As previously stated, the intention of this review is to clarify and strengthen existing laws, increase public protection and improve efficiency of the registration process. Most of the changes are non-substantive or clarify existing requirements. It is anticipated this will be the final review by the DOC before sending to the Board for approval. A legislative author and bill will be required to implement changes, likely in the 2021 legislative session.

Previous DOC meetings on the agenda item:

- [December 13, 2019](#)
- [September 27, 2019](#)

If a motion to approve is desired:

*"I motion to recommend to the full board approval of the statutory changes made to Chapters 5.4, 5.45 and 5.5 of the Business and Professions Code based on the discussion and materials presented here today, and direct staff and Legal Counsel to make any further changes prior to presentation to the full board."*

## **Changes to Statutory Text:**

Attachment A contains the Opticianry statutory text, updated after the December 13, 2019 meeting. Where appropriate, proposed new text is underlined and deleted text is ~~struck through~~.

Initial changes, which were discussed and approved by the DOC at the two previous meetings, are **highlighted in yellow**. No further discussion is needed unless the DOC wishes to review or modify the changes again.

Areas highlighted in blue are further changes made after the December 13<sup>th</sup> meeting. Staff requests further DOC discussion and direction, if applicable. Highlights of those changes are set out below:

§2550.1(c): DOC suggested defining fit and adjust separately. Staff requests further discussion on the terms “fit” and “fitting”.

§2550.1(d): Staff requests further discussion on “adjust” and “adjusting”.

§2550.1(f): A definition of ophthalmic lens and ophthalmic device was added, based upon an existing definition in BPC 2541. Placement of this definition into Chapter 5.5 allows a more direct application to a registrant.

§2550.1(g): A basic definition of “unregistered assistant” was added. At the last meeting, the DOC discussed placing definitions into the individual SLD/CLD articles. Staff recommends a basic definition be added in this section, with supervision requirements already somewhat more defined in individual SLD/CLD articles.

Staff requests further DOC discussion on the duties of an unregistered assistant; additionally, the specific duties may be better defined in regulation.

§2559.15: Per DOC discussion, a cap of three unregistered assistants to be supervised by a registered SLD was added. The word “individual” was replaced with “unregistered assistant”, tying in with the definition in §2550.1(g) and better defining between a registered SLD and unregistered assistant under the supervision of an SLD. Further, staff recommends addition of “physically present” on the premises so that a supervisor is required to be nearby while an unlicensed assistant performs their duties.

§2560: The word “individual” was replaced with “unregistered assistant”, tying in with the definition in §2550.1(g) and better defining between a registered CLD and unregistered assistant under the supervision of an CLD. Further, staff recommends addition of “physically present on the premises so that a supervisor is required to be nearby while an unlicensed assistant performs their duties.

#### Article 2.5 – Non-Resident Ophthalmic Lens Dispensers

Based on DOC discussion, the term “Ophthalmic Device” was changed to “Ophthalmic Lens” throughout the article. The intention of this change would be to allow non-resident contact lens dispensers, properly registered with the Board, to now sell spectacle lenses within California.

§2564.76 (old §2546.6(a)(2)): Based on DOC discussion, timeline was changed to eight business hours in place of “next business day”.

#### Article 3.5 – Registered Dispensing Ophthalmic Businesses

Several sections have been relocated into this section which pertain to ophthalmic businesses.

## Agenda Item #6 – Statutory Review – Attachment A

Initial changes by staff, which were discussed and approved by the DOC at the two previous meetings, are highlighted in yellow. No further discussion is needed unless members wish to review or modify the changes again.

Areas highlighted in blue are items the DOC requested additional research or text development. Staff requests further DOC discussion and direction, if applicable.

### **BUSINESS AND PROFESSIONS CODE – DIVISION 2**

#### **CHAPTER 5.4. Prescription Lenses [2540 - 2545]**

**2540.** No person other than a physician and surgeon or optometrist may measure the powers or range of human vision or determine the accommodative and refractive status of the human eye or the scope of its functions in general or prescribe ophthalmic devices.  
*(Amended by Stats. 2006, Ch. 148, Sec. 2. Effective January 1, 2007.)*

**2541.** A prescription ophthalmic device includes each of the following:

- (a) Any spectacle or contact lens ordered by a physician and surgeon or optometrist, that alters or changes the visual powers of the human eye.
- (b) Any contact lens described in paragraph (1) of subdivision (n) of Section 520 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 360j and following).
- (c) Any plano contact lens that is marketed or offered for sale in this state. "Plano contact lens" means a zero-power or noncorrective contact lens intended to change the appearance of the normal eye in a decorative fashion.  
*(Amended by Stats. 2006, Ch. 148, Sec. 3. Effective January 1, 2007.)*

**2541.1.** (a) A spectacle lens prescription shall include all of the following:

- (1) The dioptric power of the lens. When the prescription needed by the patient has not changed since the previous examination, the prescriber may write on the prescription form "copy lenses currently worn" instead.
- (2) The expiration date of the prescription.
- (3) The date of the issuance of the prescription.
- (4) The name, address, telephone number, prescriber's license number, and signature of the prescribing optometrist or physician and surgeon.
- (5) The name of the person to whom the prescription is issued.
- (b) The expiration date of a spectacle lens prescription shall not be less than **two years** ~~to~~ **and shall not exceed** four years from the date of issuance unless the patient's history or current circumstances establish a reasonable probability of changes in the patient's vision of sufficient magnitude to necessitate reexamination earlier than two years, or presence or probability of visual abnormalities related to ocular or systemic disease indicates, the need for reexamination of the patient earlier than two years. In no circumstances shall the expiration date be shorter than the period of time recommended by the prescriber for reexamination of the patient.

Establishing an expiration date that is not consistent with this section shall be regarded as unprofessional conduct by the board that issued the prescriber's certificate to practice.

(c) The prescriber of a spectacle lens shall orally inform the patient of the expiration date of a spectacle lens prescription at the time the prescription is issued. The expiration date of a prescription may be extended by the prescriber and transmitted by telephone, electronic mail, or any other means of communication. An oral prescription for a spectacle lens shall be reduced to writing and a copy of that writing shall be sent to the prescriber prior to the delivery of the lenses to the person to whom the prescription is issued.

(d) A prescriber of a spectacle lens shall abide by the rules pertaining to spectacle lens prescriptions and eye examinations adopted by the Federal Trade Commission found in Part 456 of Title 16 of the Code of Federal Regulations.

(e) An expired prescription may be filled if all of the following conditions exist:

(1) The patient's spectacles are lost, broken, or damaged to a degree that renders them unusable.

(2) Upon dispensing a prescription pursuant to this subdivision, the person dispensing shall recommend that the patient return to the optometrist or physician and surgeon who issued the prescription for an eye examination and provide the prescriber with a written notification of the prescription that was filled.

*(Added by Stats. 1998, Ch. 8, Sec. 1. Effective January 1, 1999.)*

**2541.2.** (a) (1) The expiration date of a contact lens prescription shall not be less than one year ~~to~~ and shall not exceed two years from the date of issuance, unless the patient's history or current circumstances establish a reasonable probability of changes in the patient's vision of sufficient magnitude to necessitate reexamination earlier than one year, or the presence or probability of visual abnormalities related to ocular or systemic disease indicate the need for reexamination of the patient earlier than one year. If the expiration date of a prescription is less than one year, the health-related reasons for the limitation shall be documented in the patient's medical record. In no circumstances shall the prescription expiration date be less than the period of time recommended by the prescriber for reexamination of the patient.

(2) For the purposes of this subdivision, the date of issuance is the date the patient receives a copy of the prescription.

(3) Establishing an expiration date that is not consistent with this section shall be regarded as unprofessional conduct by the board that issued the prescriber's license to practice.

(b) Upon completion of the eye examination or, if applicable, the contact lens fitting process for a patient as described in subdivision (f), a prescriber or a registered dispensing optician shall provide the patient with a copy of the patient's contact lens prescription signed by the prescriber, unless the prescription meets the standards set forth in subdivision (c).

(c) A prescriber shall retain professional discretion regarding the release of the contact lens prescription for patients who wear the following types of contact lenses:

(1) Rigid gas permeables.

(2) Bitoric gas permeables.

(3) Bifocal gas permeables.

(4) Keratoconus lenses.

(5) Custom designed lenses that are manufactured for an individual patient and are not mass produced.

(d) If a patient places an order with a contact lens seller other than a physician and surgeon, an optometrist, or a registered dispensing optician, the prescriber or his or her authorized agent shall, upon request of the contact lens seller and in the absence of the actual prescription, attempt to promptly confirm the information contained in the prescription through direct communication with the contact lens seller.

(e) The contact lens prescription shall include sufficient information for the complete and accurate filling of a prescription, including, but not limited to, the power, the material or manufacturer or both, the base curve or appropriate designation, the diameter when appropriate, and an appropriate expiration date. When a provider prescribes a private label contact lens for a patient, the prescription shall include the name of the manufacturer, the trade name of the private label brand, and, if applicable, the trade name of the equivalent national brand.

(f) The contact lens fitting process begins after the initial comprehensive eye examination, and includes an examination to determine the lens specifications, an initial evaluation of the fit of the lens on the patient's eye, except in the case of a renewal prescription of an established patient, and followup examinations that are medically necessary, and ends when the prescriber or registered dispensing optician determines that an appropriate fit has been achieved, or in the case of a prescription renewal for an established patient, the prescriber determines that there is no change in the prescription.

(g) The payment of professional fees for the eye exam, fitting, and evaluation may be required prior to the release of the prescription, but only if the prescriber would have required immediate payment from the patient had the examination revealed that no ophthalmic goods were required. A prescriber or registered dispensing optician shall not charge the patient any fee as a condition to releasing the prescription to the patient. A prescriber may charge an additional fee for verifying ophthalmic goods dispensed by another seller if the additional fee is imposed at the time the verification is performed.

(h) A prescriber shall not condition the availability of an eye examination, a contact lens fitting, or the release of a contact lens prescription on a requirement that the patient agree to purchase contact lenses from that prescriber. A registered dispensing optician shall not condition the availability of a contact lens fitting on a requirement that the patient agrees to purchase contact lenses from that registered dispensing optician.

(i) A prescriber or a registered dispensing optician shall not place on the contact lens prescription, deliver to the patient, or require a patient to sign a form or notice waiving or disclaiming the liability or responsibility of the prescriber or registered dispensing optician for the accuracy of the ophthalmic goods and services dispensed by another seller. This prohibition against waivers and disclaimers shall not impose liability on a prescriber or registered dispensing optician for the ophthalmic goods and services dispensed by another seller pursuant to the prescriber's prescription.

(j) The willful failure or refusal of a prescriber to comply with the provisions of this section shall constitute grounds for professional discipline, including, but not limited to, the imposition of a fine or the suspension or revocation of the prescriber's license. The Medical Board of California and the State Board of Optometry shall adopt regulations, to implement this subdivision, including, but not limited to, standards for processing complaints each receives regarding this subdivision.

(k) For the purposes of this section, “prescriber” means a physician and surgeon or an optometrist.

(l) Nothing in this section shall be construed to expand the scope of practice of a registered dispensing optician as defined in Sections 2542, 2543, and Chapter 5.5 (commencing with Section 2550).

*(Added by Stats. 2002, Ch. 814, Sec. 1. Effective January 1, 2003.)*

**2541.3.** (a) The State Department of Public Health, the State Board of Optometry, and the Medical Board of California shall prepare and adopt quality standards and adopt regulations relating to prescription ophthalmic devices, including, but not limited to, lenses, frames, and contact lenses. In promulgating these rules and regulations, the department and the boards shall adopt the current standards of the American National Standards Institute regarding ophthalmic materials. Nothing in this section shall prohibit the department and the boards from jointly adopting subsequent standards that are equivalent or more stringent than the current standards of the American National Standards Institute regarding ophthalmic materials.

(b) No individual or group that deals with prescription ophthalmic devices, including, but not limited to, distributors, dispensers, manufacturers, laboratories, optometrists, or ophthalmologists shall sell, dispense, or furnish any prescription ophthalmic device that does not meet the minimum standards set by the State Department of Public Health, the State Board of Optometry, or the Medical Board of California.

(c) Any violation of the regulations adopted by the State Department of Public Health, the State Board of Optometry, or the Medical Board of California pursuant to this section shall be a misdemeanor.

(d) Any optometrist, ophthalmologist, or dispensing optician who violates the regulations adopted by the State Department of Public Health, the State Board of Optometry, or the Medical Board of California pursuant to this section shall be subject to disciplinary action by his or her licensing board.

(e) The State Board of Optometry or the Medical Board of California may send any prescription ophthalmic device to the State Department of Public Health for testing as to whether or not the device meets established standards adopted pursuant to this section, which testing shall take precedence over any other prescription ophthalmic device testing being conducted by the department. The department may conduct the testing in its own facilities or may contract with any other facility to conduct the testing.

*(Amended by Stats. 2016, Ch. 489, Sec. 10. (SB 1478) Effective January 1, 2017.)*

**2541.6.** No prescription ophthalmic device that does not meet the standards adopted by the State Department of Public Health, the State Board of Optometry, or the Medical Board of California under Section 2541.3 shall be purchased with state funds.

*(Amended by Stats. 2016, Ch. 489, Sec. 11. (SB 1478) Effective January 1, 2017.)*

**2542.** A registered dispensing optician shall ~~fit, adjust, or~~ dispense contact lenses, including plano contact lenses, only on the valid prescription of a physician and surgeon or optometrist, and acting on the advice, direction, and responsibility of the physician and surgeon or optometrist. The optician shall also comply with the requirements of Section 2560. A registered dispensing optician shall not fit a contact lens or lenses, or a plano contact lens or lenses,

unless the prescription specifically refers to and authorizes contact lenses. A registered dispensing optician shall not fit a generic type of contact lens or mode of wear for a contact lens contrary to the type or mode, if any, referred to in the prescription.  
(Amended by Stats. 1985, Ch. 1139, Sec. 3.)

**2543.** (a) Except as provided in the Nonresident Contact Lens Seller Registration Act (Chapter **5.45 5.5** (commencing with Section **2546 2564.70**), the right to dispense, sell or furnish prescription ophthalmic devices at retail or to the person named in a prescription is limited exclusively to licensed physicians and surgeons, licensed optometrists, and registered dispensing opticians as provided in this division. This section shall not be construed to affect licensing requirements pursuant to Section 111615 of the Health and Safety Code.

(b) It shall be considered a deceptive marketing practice for:

(1) Any licensed physician and surgeon, licensed optometrist, or registered dispensing optician to publish or cause to be published any advertisement or sales presentation relating to contact lenses that represents that contact lenses may be obtained without confirmation of a valid prescription.

(2) Any individual or entity who offers for sale plano contact lenses, as defined in subdivision (c) of Section 2541, to represent by any means that those lenses may be lawfully obtained without an eye examination or confirmation of a valid prescription, or may be dispensed or furnished to a purchaser without complying with the requirements of Section 2562, except as provided in Chapter **5.45 5.5** (commencing with Section **2546 2564.70**).  
(Amended by Stats. 2006, Ch. 148, Sec. 6. Effective January 1, 2007.)

**2544.** (a) Notwithstanding any other provision of law, an assistant in any setting where optometry or ophthalmology is practiced who is acting under the direct responsibility and supervision of a physician and surgeon or optometrist may fit prescription lenses. Under the direct responsibility and supervision of an ophthalmologist or optometrist, an assistant in any setting where optometry or ophthalmology is practiced may also do the following:

(1) Prepare patients for examination.

(2) Collect preliminary patient data, including taking a patient history.

(3) Perform simple noninvasive testing of visual acuity, pupils, and ocular motility.

(4) Perform automated visual field testing.

(5) Perform ophthalmic photography and digital imaging.

(6) Perform tonometry.

(7) Perform lensometry.

(8) Perform nonsubjective auto refraction in connection with subjective refraction procedures performed by an ophthalmologist or optometrist.

(9) Administer cycloplegiacs, mydriatics, and topical anesthetics that are not controlled substances, for ophthalmic purposes.

(10) Perform pachymetry, keratometry, A scans, B scans, and electrodiagnostic testing.

(b) For the purposes of this section, "setting" includes, but is not limited to, any facility licensed by the State Department of Public Health or the State Department of Social Services.

(c) Nothing in this section shall be construed to authorize activities that corporations and other artificial legal entities are prohibited from conducting by Section 2400.

(Amended by Stats. 2010, Ch. 604, Sec. 1. (AB 2683) Effective January 1, 2011.)



**2545.** (a) Whenever any person has engaged, or is about to engage, in any acts or practices which constitute, or will constitute, an offense against this chapter, the superior court in and for the county wherein the acts or practices take place, or are about to take place, may issue an injunction, or other appropriate order, restraining the conduct on application of the State Board of Optometry, the Medical Board of California, the Osteopathic Medical Board of California, the Attorney General, or the district attorney of the county.

The proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure.

(b) (1) Any person who violates any of the provisions of this chapter shall be subject to a fine of not less than ~~two hundred fifty dollars (\$250)~~ ~~one thousand dollars (\$1,000)~~ nor more than ~~two thousand five hundred dollars (\$2,500)~~ ~~fifty thousand dollars (\$50,000)~~ per violation. The fines collected pursuant to this section from licensed physicians and surgeons shall be available upon appropriation to the Medical Board of California for the purposes of administration and enforcement. The fines collected pursuant to this section from licensed optometrists and registered dispensing opticians shall be deposited into the Optometry Fund and the Dispensing Opticians Fund, respectively, and shall be available upon appropriation to the State Board of Optometry for the purposes of administration and enforcement.

(2) The Medical Board of California and the State Board of Optometry shall adopt regulations implementing this section and shall consider the following factors, including, but not limited to, applicable enforcement penalties, prior conduct, gravity of the offense, and the manner in which complaints will be processed.

(3) The proceedings under this section shall be conducted in accordance with the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

*(Amended by Stats. 2016, Ch. 489, Sec. 12. (SB 1478) Effective January 1, 2017.)*

**~~CHAPTER 5.45. Nonresident Contact Lens Sellers [2546 – 2546.10]~~**

Relocated entire Chapter 5.45 into Chapter 5.5, Article 2.5.

**CHAPTER 5.5. Registered Dispensing Opticians [2550 - 2569]**

**Article 1. General Provisions [2550 – 2559]**

**2550.** Individuals, corporations, and firms engaged in the business of filling prescriptions of physicians and surgeons licensed by the Medical Board of California or optometrists licensed by the State Board of Optometry for prescription lenses and kindred products, and, as incidental to the filling of those prescriptions, doing any or all of the following acts, either singly or in combination with others, taking facial measurements, fitting and adjusting those lenses and fitting and adjusting spectacle frames, shall be known as dispensing opticians and shall not engage in that business unless registered with the State Board of Optometry.

*(Amended by Stats. 2016, Ch. 489, Sec. 13. (SB 1478) Effective January 1, 2017.)*

**2550.1.** All references in this chapter to the board shall mean the State Board of Optometry.

**Commented [MW1]:** Moved to new Sec. 2568.2 below to be with other dispensing optician-specific provisions.

For the purposes of this chapter, the following definitions shall apply:

(a) "Board" means the State Board of Optometry.

(b) "Prescription" means any order made by a licensed physician and surgeon or licensed optometrist pursuant to Sections 2541.1 or 2541.2.

(c) "Fit" and "fitting" means doing any or all of the following acts prior to the act of adjusting, either singly or in combination with others, designing, measuring, fitting, or replacing the prescribed optical aids, pursuant and incidental to the filling of any prescription for lenses, spectacles, eyeglasses, contact lens, plano contact lens and other ophthalmic devices as specified in Section 2541, and prescriptions.

**Commented [JM2]:** DOC suggested defining fit and adjust separately. Staff requests more DOC discussion on the term "fit".

(d) "Adjust" and "adjusting" means doing any or all of the following acts, either singly or in combination with others, adapting, adjusting, delivering or replacing the prescribed optical aids, pursuant and incidental to the filling of any prescription for lenses, spectacles, eyeglasses, contact lens, plano contact lens and other ophthalmic devices as specified in Section 2541, and prescriptions.

**Commented [JM3]:** Staff requests more DOC discussion on the term "adjust".

(e) "Dispensing Optician", "Registered Dispensing Optician" and "Registrant" means any individual, corporation or firm who is registered with the board as follows:

**Commented [MW4]:** Re-ordered the clauses of this definition for clarity, accuracy.

(1) "Spectacle Lens Dispenser" means any individual who is registered with the board pursuant to Article 1.5 (commencing with Section 2559.1) of this chapter.

(2) "Contact Lens Dispenser" means any individual who is registered with the board pursuant to Article 2 (commencing with Section 2560) of this chapter.

(3) "Non-Resident Ophthalmic Lens Dispenser" means a business who is registered with the board pursuant to Article 2.5 (commencing with Section 2564.70) which offers, advertises and performs optical services to the general public.

(4) "Registered Dispensing Ophthalmic Business" means a business who is registered with the board pursuant to Article 3.5 (commencing with Section 2568.1) which offers, advertises and performs optical services to the general public.

(f) "Ophthalmic Lens" or "Ophthalmic Device" means any prescription lenses, spectacles, eyeglasses, contact lens, plano contact lens and other ophthalmic devices, ordered by a

**Commented [JM5]:** Definition based on BPC 2541 and restated to directly apply to this chapter.

(g) "Unregistered Assistant" means an individual who is not registered pursuant to this chapter.

**Commented [JM6]:** Added based on DOC discussion. Other boards and states' use of the term "unregistered assistant" is vague. Supervision and duties are somewhat defined in individual SLD/CLD articles. Staff requests further discussion on the duties of an unregistered assistant; may wish to further define in regulation.

**2551.** (a) Individuals, corporations, and firms shall make application for registration and shall

**Commented [JM7]:** Relocated to Section 2568.2

(b) Application for that registration shall be on forms prescribed by the board, shall bear the signature of the individual, or general partners if a partnership, or the president or secretary if a corporation or firm, and shall contain specify the name under which he or she, they or it proposes to do business and the business address.

~~(c) Corporations and firms shall be organized and exist pursuant to the general corporation law and shall be a professional corporation within the meaning of Part 4, Division 3, Title 1 of the Corporations Code.~~

~~(d) If applicable, the application shall include a list of officers in the corporation, firm or partnership and a copy of the articles of incorporation as submitted to the Secretary of State.~~

~~(e) Separate applications shall be made for each place of business and each application must be accompanied by the application fee prescribed by Section 2565.~~

~~(Amended by Stats. 1990, Ch. 1190, Sec. 2.)~~

~~**2552.** (a) Each application shall be verified under oath by the person required to sign the application and shall designate the name, address, and direct business telephone number of the applicant's employee who will be responsible for handling customer inquiries and complaints with respect to the business address for which registration is applied. Any changes to this information shall be reported in writing to the board within 14 days.~~

~~(b) The applicant shall furnish such additional information or proof, oral or written, which the board may request, including information and proof relating to the provisions of Division 1.5 (commencing with Section 475).~~

~~(c) The board shall promptly notify any applicant if, as of the 30th day following the submission of an application under this chapter, the application and supporting documentation are not substantially complete and in proper form. The notification shall be in writing, shall state specifically what documents or other information are to be supplied by the applicant to the board, and shall be sent to the applicant by certified, electronic or registered mail. Within 30 days of the applicant's submission of the requested documents or information to the board, the board shall notify the applicant by certified, electronic or registered mail if the board requires additional documents or information.~~

~~(d) This section shall become operative on January 1, 1988.~~

~~(Amended by Stats. 2016, Ch. 489, Sec. 15. (SB 1478) Effective January 1, 2017)~~

~~**2553.** If the board, after investigation, approves the application, it shall register the applicant and issue to the applicant a certificate of dispensing optician. A separate certificate of registration shall be required for each address where the business is to be conducted.~~

~~A certificate authorizes the applicant, its agents and employees acting therefor to engage in the business defined in Section 2550 provided that the fitting and adjusting of spectacle lenses is performed in compliance with Article 1.5 (commencing with Section 2559.1) and the fitting and adjusting of contact lenses is performed in compliance with Article 2 (commencing with Section 2560). Only individuals registered with the board pursuant to those sections shall perform those functions.~~

~~**2553.1.** (a) If a registered dispensing optician business sells or transfers ownership of his or her place of business, both of the following requirements shall be satisfied:~~

~~(1) The registered dispensing optician business selling or transferring ownership of the business shall return the certificate of registration to the board no later than 10 calendar days after the change of ownership is completed and shall submit a request for cancellation of~~

Commented [JM8]: 2552 relocated to 2568.3

Commented [MW9]: Moved down to new Article 3.5 to be with other related sections on registration of dispensing ophthalmological businesses.

~~registration on a form prescribed by the Board. This registered dispensing optician business shall be responsible for complying with all laws relating to the optical dispensing business until the notice described in paragraph (2) is received by the board.~~

~~(2) The registered dispensing optician business assuming ownership of the business shall record with the board a written notice of the change of ownership, providing all information required by the board. This notice shall be filed with the board no later than 10 calendar days after the change of ownership is completed.~~

~~(3) The registered dispensing optician business assuming ownership of the business shall apply for a new certificate of registration from the board no later than 10 calendar days after the change of ownership is completed.~~

~~(b) This section does not apply to a change of location of business by a registered dispensing optician.~~

**2553.5.** (a) A registered dispensing optician may fit and adjust spectacle lenses and frames or

(1) A health facility as defined in Section 1250 of the Health and Safety Code for a person admitted to that facility or an employee of that facility.

(2) A business location as defined in subdivision (f) for an employee or independent contractor of the person operating the business at that location.

(3) Any certified place of business pursuant to Section **2553 2568.1.**

(b) A registered dispensing optician who fits and adjusts spectacle lenses at a health facility or business location shall provide to the patient written information disclosing the registrant's regular business address, certificate of registration number, phone number, and the name and phone number of the person designated by the licensee to receive complaints and inquiries, as specified in Section **2554 2568.3.**

registered contact lens dispenser to fit or adjust contact lenses at a health facility or at a business location, as defined in subdivision (f).

(d) A registered spectacle lens dispenser may fit and adjust spectacle lenses at a health facility or at a business location, only if he or she is in personal attendance at a certified place of business pursuant to Section **2553 2568.1** at least 40 percent of his or her regular working hours each week.

~~(e) A registered spectacle lens dispenser who fits and adjusts spectacle lenses at a health facility or at a business location, as defined in subdivision (f), other than on a temporary basis, shall maintain an emergency patient response system. This system shall consist of a telephone answering machine or service or a telephone paging device and the registered spectacle lens dispenser shall respond to patient inquiries received through the emergency system within 24 hours excluding weekends and holidays.~~

~~(e)-(f)~~ "Business location" means the place at which any business employs more than 25 persons at any single business address, but shall not include a health facility, as defined in Section 1250 of the Health and Safety Code, or a certified place of business as specified in Section 2553.

~~(f)-(g)~~ This section shall not affect the requirements regarding fitting and adjusting as set forth in Sections 2559.1 and 2560.

*(Amended by Stats. 1993, Ch. 240, Sec. 1. Effective January 1, 1994.)*

**2553.6. (a)** The board shall deny any application for registration under this chapter if any person licensed under Chapter 5 (commencing with Section 2000), for whom the applicant, in accordance with Section 2550, proposes to fill any prescription, has any proprietary interest, or has designated or arranged for any other person to have any proprietary interest in or with the applicant.

**(b)** The board may, in accordance with Section 2555, suspend, revoke, or refuse to renew the certificate of any individual or firm under this chapter, if such individual or firm, after the effective date of this section, fills, or has filled, while holding a certificate issued pursuant to this chapter, any prescription issued by any person licensed under Chapter 5 (commencing with Section 2000) who has any proprietary interest, or has designated or arranged for any other person to have any proprietary interest, in or with such individual or firm. Such penalties shall be in addition to, and not to the exclusion of, any other remedies or penalties provided by law.

**(1)** "Proprietary interest," for the purposes of this section, means any membership, coownership, stock ownership, legal or beneficial interest, any other proprietary interest, or profit-sharing arrangement, designated or arranged or held, directly or indirectly in any form, in or with any individual or firm applying for registration or registered under this chapter, except stock ownership in a corporation which is listed on a stock exchange regulated by the Securities and Exchange Commission if the stock is acquired in a transaction conducted through such stock exchange.

**(c)** This section shall apply only to a dispensing optician required to be registered pursuant to Chapter 5.5 (commencing with Section 2550) and shall not be construed to modify Section 2557, or to affect the fitting of prescription lenses by an assistant pursuant to Section 2544. *(Amended by Stats. 2010, Ch. 604, Sec. 2. (AB 2683) Effective January 1, 2011.)*

**2553.7.** Registrations of dispensing optician **businesses**, spectacle lens dispensers, and contact lens dispensers shall expire at midnight on the last day of the month in which the license was issued during the second year of a two-year term if not renewed. *(Added by Stats. 2017, Ch. 564, Sec. 1. (AB 1708) Effective January 1, 2018.)*

**2554.** Each registrant shall conspicuously and prominently display at each registered location the following consumer information:

~~"Eye doctors are required to provide patients with a copy of their ophthalmic lens prescriptions as follows:~~

~~Spectacle prescriptions: Release upon completion of exam.~~

~~Contact lens prescriptions: Release upon completion of exam or upon completion of the fitting process. Patients may take their prescription to any eye doctor or registered dispensing optician to be filled.~~

~~Optometrists and registered dispensing opticians are regulated by the State Board of Optometry. The State Board of Optometry receives and investigates all consumer complaints involving the practice of optometry and registered dispensing opticians. Complaints involving a California licensed optometrist or a registered dispensing optician should be directed to:~~

~~California State Board of Optometry  
Department of Consumer Affairs~~

2450-Del Paso Road, Suite 105  
Sacramento, CA 95834  
Phone: 1-866-585-2666 or (916) 575-7170  
Email: [optometry@dca.ca.gov](mailto:optometry@dca.ca.gov)  
Internet Web site: [www.optometry.ca.gov](http://www.optometry.ca.gov)

(Amended by Stats. 2016, Ch. 489, Sec. 17. (SB 1478) Effective January 1, 2017.)

**2555.** Certificates issued hereunder may in the discretion of the board be suspended or revoked or subjected to terms and conditions of probation for violating or attempting to violate this chapter, Chapter 5.4 (commencing with Section 2540) or any regulation adopted under this chapter or, Chapter 5.4 (commencing with Section 2540), or Section 651, 654, or 655, or for incompetence, gross negligence, or repeated similar negligent acts performed by the registrant or by an employee of the registrant. The proceedings shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

The board may take action against any registrant who is charged with unprofessional conduct, and may deny an application for a registration if the applicant has committed unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

(a) Violating or attempting to violate, directly or indirectly assisting in or abetting the violation of, or conspiring to violate any provision of this chapter or any of the rules and regulations adopted by the board pursuant to this chapter.

(b) Gross negligence.

(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions.

(d) Incompetence.

(e) The commission of fraud, misrepresentation, or any act involving dishonesty or corruption, that is substantially related to the qualifications, functions, or duties of a registered optician.

(f) Any action or conduct that would have warranted the denial of a registration.

(g) The use of advertising relating to optometry that violates Section 651 or 17500.

(h) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license, registration or permit by another state or territory of the United States, by any other governmental agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

(i) Procuring his or her registration by fraud, misrepresentation, or mistake.

(j) Making or giving any false statement or information in connection with the application for issuance of a license.

(k) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered dispensing optician, in which event the record of the conviction shall be conclusive evidence thereof.

(l) Administering to himself or herself any controlled substance or using any of the dangerous drugs specified in Section 4022, or using alcoholic beverages to the extent, or in a manner, as to be dangerous or injurious to the person applying for a license or holding a registration under

this chapter, or to any other person, or to the public, or, to the extent that the use impairs the ability of the person applying for or holding a license to conduct with safety to the public the practice authorized by the license, or the conviction of a misdemeanor or felony involving the use, consumption, or self-administration of any of the substances referred to in this subdivision, or any combination thereof.

(m) (1) Committing or soliciting an act punishable as a sexually related crime, if that act or solicitation is substantially related to the qualifications, functions, or duties of an ~~optometrist~~ optician.

(2) Committing any act of sexual abuse, misconduct, or relations with a patient. The commission of and conviction for any act of sexual abuse, sexual misconduct, or attempted sexual misconduct, whether or not with a patient, shall be considered a crime substantially related to the qualifications, functions, or duties of a registrant. This paragraph shall not apply to sexual contact between any person licensed under this chapter and his or her spouse or person in an equivalent domestic relationship when that registrant provides optometry treatment to his or her spouse or person in an equivalent domestic relationship.

(3) Conviction of a crime that requires the person to register as a sex offender pursuant to Chapter 5.5 (commencing with Section 290) of Title 9 of Part 1 of the Penal Code. A conviction within the meaning of this paragraph means a plea or verdict of guilty or a conviction following a plea of nolo contendere. A conviction described in this paragraph shall be considered a crime substantially related to the qualifications, functions, or duties of a registrant.

(n) The failure to maintain adequate and accurate records relating to the provision of services to his or her patients.

(o) Performing, or holding oneself out as being able to perform, or offering to perform, any professional services beyond the scope of the license authorized by this chapter.

(p) The practice of functions defined in this chapter without a valid, unrevoked, unexpired registration.

(q) The employing, directly or indirectly, of any suspended or unregistered optician to perform any work for which an optician registration is required.

(r) Permitting another person to use the registration for any purpose.

(s) Altering with fraudulent intent a registration issued by the board, or using a fraudulently altered license, permit certification or any registration issued by the board.

(t) Except for good cause, the knowing failure to protect patients by failing to follow infection control guidelines of the board, thereby risking transmission of bloodborne infectious diseases from optician to patient, from patient to patient, or from patient to optician. In administering this subdivision, the board shall consider the standards, regulations, and guidelines of the State Department of Public Health developed pursuant to Section 1250.11 of the Health and Safety Code and the standards, guidelines, and regulations pursuant to the California Occupational Safety and Health Act of 1973 (Part 1 (commencing with Section 6300) of Division 5 of the Labor Code) for preventing the transmission of HIV, hepatitis B, and other bloodborne pathogens in health care settings.

(u) Failure to refer a patient to an appropriate optometrist or physician and surgeon if an examination of the eyes indicates a substantial likelihood of any pathology that requires the attention of that optometrist or physician and surgeon.

**2555.1. (a)** In the discretion of the board, a certificate issued hereunder may be suspended or revoked if an individual certificate holder or persons having any proprietary interest who will engage in dispensing operations, have been convicted of a crime substantially related to the qualifications, functions and duties of a dispensing optician. The record of conviction or a certified copy thereof shall be conclusive evidence of the conviction.

**(b)** A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions and duties of a dispensing optician is deemed to be a conviction within the meaning of this article. The board may order the certificate suspended or revoked, or may decline to issue a certificate, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

**(c)** The proceeding under this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein. This section shall become operative on January 1, 1988.

**(d)** This section shall only apply to individuals included on the registration on file with the board and shall not include stockholders or unaffiliated employees. For the purposes of this section, the term "unaffiliated employees" means a person or persons who do not perform the functions of fitting and adjusting of spectacle lenses performed in compliance with Article 1.5 (commencing with Section 2559.1) and the fitting and adjusting of contact lenses performed in compliance with Article 2 (commencing with Section 2560).

*(Amended by Stats. 2016, Ch. 489, Sec. 19. (SB 1478) Effective January 1, 2017.)*

**2556. (a)** Except as authorized by Section 655, it is unlawful for a registered dispensing optician or a person who engages in the business of, or holds himself or herself out to be, a dispensing optician to do any of the following: to advertise the furnishing of, or to furnish, the services of an optometrist or a physician and surgeon, to directly employ an optometrist or physician and surgeon for the purpose of any examination or treatment of the eyes, or to duplicate or change lenses without a prescription or order from a person duly licensed to issue the same. For the purposes of this section, "furnish" does not mean to enter into a landlord-tenant relationship of any kind.

**(b)** Notwithstanding Section 125.9, the board may, by regulation, impose and issue administrative fines and citations for a violation of this section or Section 655, which may be assessed in addition to any other applicable fines, citations, or administrative or criminal actions.

*(Amended by Stats. 2018, Ch. 703, Sec. 22. (SB 1491) Effective January 1, 2019.)*

**2556.1.** All licensed optometrists and registered dispensing opticians who are in a colocated setting shall report the business relationship to the State Board of Optometry, as determined by the board. The State Board of Optometry shall have the authority to inspect any premises at which the business of a registered dispensing optician is colocated with the practice of an optometrist, for the purposes of determining compliance with Section 655. The inspection may



include the review of any written lease agreement between the registered dispensing optician and the optometrist or between the optometrist and the health plan. Failure to comply with the inspection or any request for information by the board may subject the party to disciplinary action. The board shall provide a copy of its inspection results, if applicable, to the Department of Managed Health Care.

*(Amended by Stats. 2016, Ch. 31, Sec. 2. (SB 836) Effective June 27, 2016.)*

**2556.2.** (a) Notwithstanding any other law, subsequent to the effective date of this section and until January 1, 2019, any individual, corporation, or firm operating as a registered dispensing optician under this chapter before the effective date of this section, or an employee of such an entity, shall not be subject to any action for engaging in conduct prohibited by Section 2556 or Section 655 as those sections existed prior to the effective date of this bill, except that a registrant shall be subject to discipline for duplicating or changing lenses without a prescription or order from a person duly licensed to issue the same.

(b) Nothing in this section shall be construed to imply or suggest that a person registered under this chapter is in violation of or in compliance with the law.

(c) This section shall not apply to any business relationships prohibited by Section 2556 commencing registration or operations on or after the effective date of this section.

(d) Subsequent to the effective date of this section and until January 1, 2019, nothing in this section shall prohibit an individual, corporation, or firm operating as a registered dispensing optician from engaging in a business relationship with an optometrist licensed pursuant to Chapter 7 (commencing with Section 3000) before the effective date of this section at locations registered with the Medical Board of California before the effective date of this section.

(e) This section does not apply to any administrative action pending, litigation pending, cause for discipline, or cause of action accruing prior to September 1, 2015.

(f) Any registered dispensing optician or optical company that owns a health plan that employs optometrists, subject to this section, shall comply with the following milestones:

(1) By January 1, 2017, 15 percent of its locations shall no longer employ an optometrist.

(2) By August 1, 2017, 45 percent of its locations shall no longer employ an optometrist.

(3) By January 1, 2019, 100 percent of its locations shall no longer employ an optometrist.

(g) Any registered dispensing optician or optical company that owns a health plan that employs optometrists shall report to the State Board of Optometry in writing as to whether it has met each of the milestones in subdivision (f) within 30 days of each milestone. The State Board of Optometry shall provide those reports as soon as it receives them to the director and the Legislature. The report to the Legislature shall be submitted in compliance with Section 9795 of the Government Code.

(h) (1) Notwithstanding any other law and in addition to any action available to the State Board of Optometry, the State Board of Optometry may issue a citation containing an order of abatement, an order to pay an administrative fine, or both, to an optical company, an optometrist, or a registered dispensing optician for a violation of this section. The administrative fine shall not exceed fifty thousand dollars (\$50,000). In assessing the amount of the fine, the board shall give due consideration to all of the following:

(A) The gravity of the violation.

(B) The good faith of the cited person or entity.

(C) The history of previous violations of the same or similar nature.

- (D) Evidence that the violation was or was not willful.
- (E) The extent to which the cited person or entity has cooperated with the board's investigation.
- (F) The extent to which the cited person or entity has mitigated or attempted to mitigate any damage or injury caused by the violation.
- (G) Any other factors as justice may require.
- (2) A citation or fine assessment issued pursuant to a citation shall inform the cited person or entity that if a hearing is desired to contest the finding of a violation, that hearing shall be requested by written notice to the board within 30 days of the date of issuance of the citation or assessment. If a hearing is not requested pursuant to this section, payment of any fine shall not constitute an admission of the violation charged. Hearings shall be held pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.
- (3) The board shall adopt regulations to implement a system for the issuance of citations, administrative fines, and orders of abatement authorized by this section. The regulations shall include provisions for both of the following:
- (A) The issuance of a citation without an administrative fine.
- (B) The opportunity for a cited person or entity to have an informal conference with the executive officer of the board in addition to the hearing described in paragraph (2).
- (4) The failure of a licensee to pay a fine within 30 days of the date of assessment, unless the citation is being appealed, may result in disciplinary action being taken by the board. Where a citation is not contested and a fine is not paid, the full amount of the assessed fine shall be added to the fee for renewal of the license. A license shall not be renewed without payment of the renewal fee and fine.
- (5) Notwithstanding any other law, if a fine is paid to satisfy an assessment based on the finding of a violation, payment of the fine shall be represented as satisfactory resolution of the matter for purposes of public disclosure.
- (i) Administrative fines collected pursuant to this section shall be deposited in the Dispensing Opticians Fund. It is the intent of the Legislature that moneys collected as fines and deposited in the fund be used by the board primarily for enforcement purposes.
- (Amended by Stats. 2016, Ch. 31, Sec. 3. (SB 836) Effective June 27, 2016.)*

**2556.5.** Any person who holds himself out as a “dispensing optician” or “registered dispensing optician” or who uses any other term or letters indicating or implying that he is registered and holds a certificate under the terms of this law without having at the time of so doing a valid, unrevoked certificate, as provided in this chapter, is guilty of a misdemeanor.

*(Added by Stats. 1953, Ch. 1144.)*

**2557.** This chapter shall not affect any person licensed as an optometrist under Chapter 7 of Division II of this code, or any physician and surgeon licensed under Chapter 5 of Division II of this code. Such exemption shall not apply to any optometrist or physician and surgeon exclusively engaged in the business of filling prescriptions for physicians and surgeons. This chapter does not prohibit the sale of goggles, sun glasses, colored glasses, or occupational protective eye devices if they do not have refractive values nor do the provisions of this chapter prohibit the sale of complete ready-to-wear eyeglasses as merchandise.

(Added by Stats. 1939, Ch. 955.)

**2557.1. (relocated from 2563)** A certificate issued to a registered spectacle lens or contact lens dispenser may in the discretion of the board be suspended or revoked for violating or attempting to violate any provision of this chapter or any regulation adopted under this chapter, or for incompetence, gross negligence, or repeated similar negligent acts performed by the certificate holder. A certificate may also be suspended or revoked if the individual certificate holder has been convicted of a felony as provided in Section 2555.1. Any proceedings under this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

**2558.** Any person who violates any of the provisions of this chapter is guilty of a misdemeanor 10 days nor more than one year, or by a fine of not less than two hundred dollars (\$200) nor more than one thousand dollars (\$1,000) or by both such fine and imprisonment. The board may adopt, amend, or repeal, in accordance with the Administrative Procedure Act, any regulations as are reasonably necessary to carry out this chapter.  
(Amended by Stats. 2016, Ch. 489, Sec. 20. (SB 1478) Effective January 1, 2017.)

**2558.1 (relocated from 2559.6)** No spectacle lens or contact lens prescription that is issued on or after January 1, 1999, shall be dispensed unless the prescription meets the requirements of Section 2541.1. No spectacle lens prescription shall be dispensed after the expiration date of the prescription unless authorized pursuant to subdivision (e) of Section 2541.1. A person violating this section shall not be guilty of a misdemeanor pursuant to Section 2558. A violation of this section shall be considered unprofessional conduct by the board that issued the dispenser's certificate to practice. A registered dispensing optician may defend this proceeding by establishing that the expiration date of the prescription was not established consistent with Section 2541.1. Nothing in this section shall be construed to authorize a registered dispensing optician to fill a prescription after the expiration date or to make any judgment regarding the appropriateness of the expiration date.

**2559.** Whenever any person has engaged, or is about to engage, in any acts or practices which constitute, or will constitute, a violation of any provision of this chapter, or Chapter 5.4 (commencing with Section 2540), the superior court in and for the county wherein the acts or practices take place, or are about to take place, may issue an injunction, or other appropriate order, restraining such conduct on application of the board, the Attorney General, or the district attorney of the county. The proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure.  
(Amended by Stats. 2016, Ch. 489, Sec. 21. (SB 1478) Effective January 1, 2017.)

#### **Article 1.5. Spectacle Lens Dispensing [2559.1 – 2559.6]**

**2559.15.** On and after January 1, 1988, no individual may fit and adjust spectacle lenses

individual is a duly registered spectacle lens dispenser as provided in Section 2559.2 or (2) the individual unregistered assistant performs the fitting and adjusting under the direct responsibility and supervision of a duly registered spectacle lens dispenser whose certificate of registration is then conspicuously and prominently displayed on the premises. A supervising registered dispenser shall be physically present on the registered premises when an unregistered technician assistant fits and adjusts spectacle lenses, allowing for usual and customary absences including illness and vacation, and shall not supervise more than three unregistered assistants at a time.

*(Added by Stats. 1986, Ch. 773, Sec. 12. Section operative January 1, 1988, pursuant to Section 2559.5.)*

**Commented [JM10]:** Added "physically present" – requires SLD to be on site when spectacles are fitted

**Commented [JM11]:** Staff recommends keeping at three unregistered assistants. Research of other boards such as Pharmacy or PT was inconclusive.

**2559.2.** (a) An individual shall apply for registration as a registered spectacle lens dispenser on forms prescribed by the board. The board shall register an individual as a registered spectacle lens dispenser upon satisfactory proof that the individual has passed the registry examination of the American Board of Opticianry or any successor agency to that board. In the event the board should determine, after hearing, that the registry examination is not appropriate to determine entry level competence as a spectacle lens dispenser or is not designed to measure specific job performance requirements, the board may thereafter prescribe or administer a written examination that meets those specifications. If an applicant for renewal has not engaged in the full-time or substantial part-time practice of fitting and adjusting spectacle lenses within the last five three years then the board may require the applicant to take and pass the examination referred to in this section as a condition of registration. Any examination prescribed or administered by the board shall be given at least twice each year on dates publicly announced at least 90 days before the examination dates. The board is authorized to contract for administration of an examination.

(b) The board may deny registration where there are grounds for denial under the provisions of Division 1.5 (commencing with Section 475).

(c) The board shall issue a certificate to each qualified individual stating that the individual is a registered spectacle lens dispenser.

(d) Any individual who had been approved as a manager of dispensing operations of a registered dispensing optician under the provisions of Section 2552 as it existed before January 1, 1988, and who had not been subject to any disciplinary action under the provisions of Section 2555.2 shall be exempt from the examination requirement set forth in this section and shall be issued a certificate as a registered spectacle lens dispenser, provided an application for that certificate is filed with the board on or before December 31, 1989.

(e) A registered spectacle lens dispenser is authorized to fit and adjust spectacle lenses at any place of business holding a certificate of registration under Section 2553, a licensed ophthalmologist, or a licensed optometrist provided that the certificate of the registered spectacle lens dispenser is displayed in a conspicuous place at the place of business where he or she is fitting and adjusting. The registered spectacle lens dispenser must report this location to the board within 14 days of its display of the certificate.

*(Amended by Stats. 2016, Ch. 489, Sec. 22. (SB 1478) Effective January 1, 2017.)*

**2559.3.** A certificate issued to a registered spectacle lens dispenser may, in the discretion of the board, be suspended or revoked for violating or attempting to violate any provision of this chapter or any regulation adopted under this chapter, or for incompetence, gross negligence, or repeated similar negligent acts performed by the certificate holder. A certificate may also be suspended or revoked if the individual certificate holder has been convicted of a felony as provided in Section 2555.1.

Any proceedings under this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

*(Amended by Stats. 2016, Ch. 489, Sec. 23. (SB 1478) Effective January 1, 2017.)*

**2559.4.** This article shall not apply to an assistant fitting spectacle lenses pursuant to Section 2544 if the assistant is acting under the direct responsibility and supervision of a physician and surgeon or optometrist who engages in the practice of fitting spectacle lenses for his or her patients.

*(Amended by Stats. 2010, Ch. 604, Sec. 3. (AB 2683) Effective January 1, 2011.)*

**2559.5.** This article shall become operative on January 1, 1988. However, the board may, prior to that date, accept and process applications, including the collection of fees, and perform other functions necessary to implement this article.

~~**2559.6.** No spectacle lens prescription that is issued on or after January 1, 1999, shall be dispensed unless the prescription meets the requirements of Section 2541.1. No spectacle lens prescription shall be dispensed after the expiration date of the prescription unless authorized pursuant to subdivision (e) of Section 2541.1. A person violating this section shall not be guilty of a misdemeanor pursuant to Section 2558. A violation of this section shall be considered unprofessional conduct by the board that issued the dispenser's certificate to practice. A registered dispensing optician may defend this proceeding by establishing that the expiration date of the prescription was not established consistent with Section 2541.1. Nothing in this section shall be construed to authorize a registered dispensing optician to fill a prescription after the expiration date or to make any judgment regarding the appropriateness of the expiration date.~~

## **ARTICLE 2. Contact Lens Dispensing [2560 - 2564.6]**

**2560.** No individual may fit and adjust contact lenses, including plano contact lenses, unless the registration requirement of Section 2550 is complied with, and unless (a) the individual is a duly registered contact lens dispenser as provided in Section 2561 or (b) ~~the individual an~~

supervision of a duly registered contact lens dispenser who is then            present on the registered premises. In no event shall a registered contact lens dispenser supervise more than three contact lens dispenser ~~trainees-unregistered assistants.~~

*(Amended by Stats. 1994, Ch. 26, Sec. 44. Effective March 30, 1994.)*

**Commented [JM12]:** Supervision aligns with article 1.5 – uses definition of unregistered assistant as set out in 2550.1

**2561.** (a) An individual shall apply for registration as a registered contact lens dispenser on forms prescribed by the board.

(b) The board shall register an individual as a registered contact lens dispenser upon satisfactory proof that the individual has passed the contact lens registry examination of the National Committee of Contact Lens Examiners or any successor agency to that committee. In the event the board should ever find after hearing that the registry examination is not appropriate to determine entry level competence as a contact lens dispenser or is not designed to measure specific job performance requirements, the board may thereafter from time to time prescribe or administer a written examination that meets those specifications.

(c) If an applicant for renewal has not engaged in the full-time or substantial part-time practice of fitting and adjusting contact lenses within the last five years then the board may require the applicant to take and pass the examination referred to in this section as a condition of registration.

(d) Any examination administered by the board shall be given at least twice each year on dates publicly announced at least 90 days before the examination dates. The board is authorized to contract with the National Committee of Contact Lens Examiners or any successor agency to that committee to provide that the registry examination is given at least twice each year on dates publicly announced at least 90 days before the examination dates.

(e) The board may deny registration where there are grounds for denial under the provisions of Division 1.5 (commencing with Section 475).

(f) The board shall issue a certificate to each qualified individual stating that the individual is a registered contact lens dispenser. A registered contact lens dispenser may use that designation, but shall not hold himself or herself out in advertisements or otherwise as a specialist in fitting and adjusting contact lenses.

*(Amended by Stats. 2016, Ch. 489, Sec. 25. (SB 1478) Effective January 1, 2017.)*

**2562.** Upon satisfactory completion of the fitting of contact lenses, but in no event more than 60 days after receipt of the prescription, a registered contact lens dispenser shall direct the person named in the prescription to return to the prescribing physician and surgeon or optometrist for an evaluation.

*(Added by Stats. 1982, Ch. 418, Sec. 8.)*

~~**2563.** A certificate issued to a registered contact lens dispenser may in the discretion of the board be suspended or revoked for violating or attempting to violate any provision of this chapter or any regulation adopted under this chapter, or for incompetence, gross negligence, or repeated similar negligent acts performed by the certificate holder. A certificate may also be suspended or revoked if the individual certificate holder has been convicted of a felony as provided in Section 2555.1.~~

~~Any proceedings under this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.~~

**2564.** The provisions of this article shall not apply to an assistant fitting contact lenses while acting under the direct responsibility and supervision of a physician and surgeon or optometrist who engages in the practice of fitting contact lenses for his or her patients under Section 2544.

**Commented [MW13]:** See new Section 2557.1, including discipline for contact lens dispensers and spectacle lens dispensers.

(Amended by Stats. 2010, Ch. 604, Sec. 4. (AB 2683) Effective January 1, 2011.)

**2564.5.** A registered dispensing optician fitting contact lenses shall maintain accessible contact lenses. For the purposes of this section, “accessible handwashing facilities” means a clean and sanitary sink with hot and cold running water, disinfectant soap, and adequate

**2564.6.** A registered dispensing optician shall comply with the applicable provisions of Section

### **Article 2.5. Non-Resident Ophthalmic Lens Dispensers**

**Placeholder section numbers listed; new section numbers to be determined by Legislative Counsel**

**2564.70.** This act may be cited as the “Nonresident Contact Lens Seller Registration Act.”

**2564.71.** (a) On and after January 1, 1997, no person located outside California shall ship, mail, furnish or deliver in any manner, contact lenses at retail to a patient at a California address unless registered with the ~~Division of Licensing of the Medical Board of California.~~ **State Board of Optometry.**

(b) With regard to any person subject to registration pursuant to this section, only replacement contact lenses provided pursuant to a valid prescription as described in Section **2564.76** may

(Added by Stats. 1995, Ch. 853, Sec. 1. Effective January 1, 1996.)

**2564.73.** The **State Board of** [redacted] may adopt, amend, or repeal any rules and

(Added by Stats. 1995, Ch. 853, Sec. 1. Effective January 1, 1996.)

**2564.74.** (a) Application for registration as a nonresident ~~contact-ophthalmic~~ lens seller shall be made on forms prescribed by the **State Board of Optometry**, accompanied by the fee prescribed by this chapter, and shall bear the signature of the individual, or individuals if a co-partnership, or the president or secretary if a corporation, and shall contain the name **or fictitious or assumed name, if applicable,** under which the person proposes to do business, location of the business, **registration number as issued by the board** and the designation of an agent for service of process in California.

(b) The board shall be notified **in writing** within 30 days of any change of name, **fictitious or assumed name,** location of business, corporate officer, or agent of service.

**Commented [MW14]:** Deleting the confusing definition above of “division” as “State Board of Optometry” instead just replaced two uses of “division” in this Article as “State Board of Optometry.”

**Commented [JM15]:** Definitions from section 2559.1 would apply here

**Commented [JM16]:** Definitions from section 2559.1 would apply here

(c) Advertising, including but not limited to U.S. Mail, websites, electronic communications such as email, facsimile transmissions, directories, and newspaper and magazine ads must contain the following:

(1) The registration number issued by the board, along with text identifying the registration number as being issued by the board.

(Added by Stats. 1995, Ch. 853, Sec. 1. Effective January 1, 1996.)

**2564.75.** In order to obtain and maintain registration, a nonresident contact ophthalmic lens seller shall:

(a) Be in good standing and either registered or otherwise authorized in the state or jurisdiction in which the selling facility is located and from which the contact lenses are sold.

(b) Comply with all directions and requests for information made by the board as authorized under this chapter.

(c) Maintain records of contact ophthalmic lenses shipped, mailed, furnished or delivered to patients in California for a period of at least three years.

(d) Provide a toll-free telephone service for responding to patient questions and complaints during the applicant's regular hours of operation, but in no event less than six days per week and 40 hours per week. The toll-free number shall be included in literature provided with each mailed \_\_\_\_\_ lens prescription. All questions relating to eye care for the lens

(e) Provide the following or a substantially equivalent written notification to the patient whenever contact lenses are supplied:

WARNING: IF YOU ARE HAVING ANY UNEXPLAINED EYE DISCOMFORT, WATERING, VISION CHANGE, OR REDNESS, REMOVE YOUR LENSES IMMEDIATELY AND CONSULT YOUR EYE CARE PRACTITIONER BEFORE WEARING YOUR LENSES AGAIN.

(f) Disclose in any price advertisement any required membership fees, enrollment fees, and indicate that shipping costs may apply unless the advertisement specifically and clearly states otherwise.

(g) Provide a toll-free telephone number, facsimile line, and electronic mail address that are dedicated to prescribers and their authorized agents for the purposes of confirmation of contact ophthalmic lens prescriptions. These numbers, along with an electronic mail address,

contact lens prescription.

(h) It shall be considered a deceptive marketing practice for any nonresident contact ophthalmic lens seller to publish or cause to be published any advertisement or sales presentation relating to contact ophthalmic lenses representing that contact ophthalmic lenses may be obtained without confirmation of a valid prescription.

(Amended by Stats. 2002, Ch. 814, Sec. 4. Effective January 1, 2003.)

**2564.76** (a) contact Ophthalmic lenses may be sold only upon receipt of a written prescription or a copy of a written prescription and may be sold in quantities consistent with the prescription's established expiration date and the standard packaging of the manufacturer or



vendor. If the written prescription or a copy of it is not available to the seller, the seller shall confirm the prescription by direct communication with the prescriber or his or her authorized agent prior to selling, shipping, mailing, or delivering any lens, and maintain a record of the communication. A prescription shall be deemed confirmed upon the occurrence of one of the following:

(1) The prescriber or the prescriber's agent confirms the prescription by communication with the seller.

(2) The prescriber fails to communicate with the seller **by 2 p.m. of the next business day within eight (8) business hours** after the seller requests confirmation, or the prescriber fails to communicate with the seller by the next business day on or before the same time of day that the seller requested confirmation, whichever is sooner. For purposes of this paragraph, "business day" means each day except a Sunday or a federal holiday.

(b) If a prescriber communicates with a seller before the time period described in paragraph (2) of subdivision (a) elapses and informs the seller that the contact lens prescription is invalid, the seller shall not fill the prescription. The prescriber shall specify in the communication with the seller the basis for invalidating the prescription.

(c) A seller shall not alter any of the specifications of a **contact-ophthalmic** lens prescription other than the color or substitute a different manufacturer, brand, or other physical property of the lens.

**(d)** Notwithstanding the provisions of this **section**, if the contact lens is manufactured by a company, but sold under multiple private labels by that same company to individual providers, the seller may fill the prescription with a contact lens manufactured by that company if the contact lens prescription and the related parameters are not substituted, changed, or altered for a different manufacturer or brand.

*(Amended by Stats. 2002, Ch. 814, Sec. 5. Effective January 1, 2003.)*

**2564.77.** (a) A certificate may be denied, suspended, revoked, or otherwise subjected to discipline for any of the following:

(1) Incompetence, gross negligence, or repeated similar negligent acts performed by the registrant or any employee of the registrant.

(2) An act of dishonesty or fraud.

(3) Committing any act or being convicted of a crime constituting grounds for denial of licensure or registration under Section 480.

(4) Any violation of Section 2546.5 or 2546.6.

(b) The proceedings shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the division shall have all powers granted therein.

*(Added by Stats. 1995, Ch. 853, Sec. 1. Effective January 1, 1996.)*

**2564.78** Every registration issued to a nonresident **contact-ophthalmic** lens seller shall expire 24 months after the initial date of issuance. To renew an unexpired registration, the registrant shall, before the time at which the license would otherwise expire, apply for renewal on a form prescribed by the division, and pay the renewal fee prescribed by this chapter.

*(Added by Stats. 1995, Ch. 853, Sec. 1. Effective January 1, 1996.)*

**Commented [JM17]:** Separates out provision relating to multiple private labels for contact lens only

**2564.79** The amount of fees prescribed in connection with the registration of nonresident

- (a) The application fee for a nonresident \_\_\_\_\_ lens seller shall be a minimum of \_\_\_\_\_
  - (b) The initial registration fee shall be a minimum of two hundred dollars (\$200) and shall not exceed three hundred dollars (\$300).
  - (c) The renewal fee shall be a minimum of two hundred dollars (\$200) and shall not exceed three hundred dollars (\$300).
  - (d) The delinquency fee shall be a minimum of fifty dollars (\$50) and shall not exceed seventy-five dollars (\$75).
  - (e) The fee for replacement of a lost, stolen, or destroyed registration shall be twenty-five dollars (\$25).
  - (f) The State Board of Optometry may periodically revise and fix by regulation the fees specified in subdivisions (a), (b), (c), and (d), and these revised fees shall not exceed the reasonable regulatory cost.
  - (g) The fees collected pursuant to this chapter shall be deposited in the Dispensing Opticians Fund, and shall be available, upon appropriation, to the State Board of Optometry for the purposes of this chapter.
- (Repealed and added by Stats. 2016, Ch. 799, Sec. 5. (SB 1039) Effective January 1, 2017.)*

**2564.80.** (a) Any person who violates any of the provisions of this chapter shall be subject to a fine of not less than one thousand dollars (\$1,000) nor more than ~~two thousand five hundred~~ \_\_\_\_\_

implementing this section and shall consider the following factors, including, but not limited to, applicable enforcement penalties, prior conduct, gravity of the offense, and the manner in which complaints will be processed.

(c) The proceedings under this section shall be conducted in accordance with the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

*(Added by Stats. 2002, Ch. 814, Sec. 6. Effective January 1, 2003.)*

### **ARTICLE 3. Fiscal Provisions [2565 - 2568]**

**2565.** The amount of fees prescribed in connection with the registration of dispensing ophthalmic businesses shall be as set forth in this section.

- (a) The application fee for registration shall be a minimum of one hundred fifty dollars (\$150) and shall not exceed two hundred dollars (\$200).
- (b) The initial registration fee shall be a minimum of two hundred dollars (\$200) and shall not exceed three hundred dollars (\$300).
- (c) The renewal fee shall be a minimum of two hundred dollars (\$200) and shall not exceed three hundred dollars (\$300).

(d) The delinquency fee shall be a minimum of fifty dollars (\$50) and shall not exceed seventy-five dollars (\$75).

(e) The fee for replacement of a lost, stolen, or destroyed certificate shall be twenty-five dollars (\$25).

(f) The State Board of Optometry may periodically revise and fix by regulation the fees specified in subdivisions (a), (b), (c), and (d), and these revised fees shall not exceed the reasonable regulatory cost.

*(Repealed and added by Stats. 2016, Ch. 799, Sec. 7. (SB 1039) Effective January 1, 2017.)*

**2566.** The amount of fees prescribed in connection with certificates for contact lens dispensers is as follows:

(a) The application fee for a registered contact lens dispenser shall be a minimum of one hundred fifty dollars (\$150) and shall not exceed two hundred dollars (\$200).

(b) The initial registration fee shall be a minimum of two hundred dollars (\$200) and shall not exceed three hundred dollars (\$300).

(c) The biennial fee for the renewal of certificates shall be a minimum of two hundred dollars (\$200) and shall not exceed three hundred dollars (\$300).

(d) The delinquency fee shall be a minimum of fifty dollars (\$50) and shall not exceed seventy-five dollars (\$75).

(e) The division may by regulation provide for a refund of a portion of the application fee to applicants who do not meet the requirements for registration.

(f) The State Board of Optometry may periodically revise and fix by regulation the fees specified in subdivisions (a), (b), (c), and (d), and these revised fees shall not exceed the reasonable regulatory cost.

(g) The fee for replacement of a lost, stolen, or destroyed certificate is twenty-five dollars (\$25).

*(Repealed and added by Stats. 2016, Ch. 799, Sec. 9. (SB 1039) Effective January 1, 2017.)*

**2566.1.** The amount of fees prescribed in connection with certificates for spectacle lens dispensers shall be as set forth in this section:

(a) The application for registration fee shall be a minimum of one hundred fifty dollars (\$150) and shall not exceed two hundred dollars (\$200).

(b) The initial registration fee shall be a minimum of two hundred dollars (\$200) and shall not exceed three hundred dollars (\$300).

(c) The renewal fee shall be a minimum of two hundred dollars (\$200) and shall not exceed three hundred dollars (\$300).

(d) The delinquency fee shall be a minimum of fifty dollars (\$50) and shall not exceed seventy-five dollars (\$75).

(e) The fee for replacement of a lost, stolen, or destroyed certificate is twenty-five dollars (\$25).

(f) The State Board of Optometry may periodically revise and fix by regulation the fees specified in subdivisions (a), (b), (c), and (d), and these revised fees shall not exceed the reasonable regulatory cost.

*(Repealed and added by Stats. 2016, Ch. 799, Sec. 11. (SB 1039) Effective January 1, 2017.)*

**2566.2.** Every registration issued to a dispensing ophthalmic business, contact lens dispenser, and spectacle lens dispenser shall expire 24 months after the initial date of issuance or

renewal. To renew an unexpired registration, the registrant shall, before the time at which the license would otherwise expire, apply for renewal on a form prescribed by the board, and pay the renewal fee prescribed by this chapter.

*Added by Stats. 2017, Ch. 775, Sec. 102. (SB 798) Effective January 1, 2018.)*

**2567.** (a) The provisions of Article 19 (commencing with Section 2420) and Article 20 (commencing with Section 2435) of Chapter 5 which are not inconsistent or in conflict with this chapter apply to the issuance and govern the expiration and renewal of certificates issued under this chapter. All fees collected from persons registered or seeking registration under this chapter shall be paid into the Dispensing Opticians Fund, and shall be available, upon appropriation, to the State Board of Optometry for the purposes of this chapter. Any moneys within the Contingent Fund of the Medical Board of California collected pursuant to this chapter shall be deposited in the Dispensing Opticians Fund.

(b) The board may employ, subject to civil service regulations, whatever additional clerical assistance is necessary for the administration of this chapter.

*Amended by Stats. 2015, Ch. 405, Sec. 10. (AB 684) Effective January 1, 2016.)*

**2568.** The board shall report to the Controller at the beginning of each month for the month preceding the amount and source of all revenue received by it pursuant to this chapter, and shall pay the entire amount thereof to the Treasurer for deposit in the Dispensing Opticians Fund, which fund is created to carry out the provisions of this chapter.

*(Amended by Stats. 2005, Ch. 74, Sec. 6. Effective July 19, 2005.)*

**ARTICLE 3.5. Registered Dispensing ~~Optician-Ophthalmic~~ Businesses [2568.1 – 2568.5]**  
**(New article; contains various relocated sections)**

**Placeholder section numbers listed; new section numbers to be determined by Legislative Counsel**

**2568.1 (relocated from 2550).** Individuals, corporations, and firms engaged in the business of

optometrists licensed by the State Board of Optometry **for prescription lenses and kindred products**, and, as incidental to the filling of these prescriptions, doing any or all of the following acts, either singly or in combination with others, taking facial measurements, fitting and adjusting these lenses and fitting and adjusting spectacle frames, shall be known as dispensing **ophthalmic businesses** and shall not engage in that business unless registered with the State Board of Optometry.

**2568.2. (relocated from 2551) (a)** Individuals, corporations, and firms shall make application for registration and shall not engage in that business defined in Section 2550 or 2550.1 prior to being issued a certificate of registration.

**(b)** Application for that registration shall be on forms prescribed by the board, shall bear the

corporation **or firm**, and shall \_\_\_\_\_ the name under which he or she, they or it

**Commented [MW19]:** Moved this up and re-numbered so the logical process from application to application approval flows more sequentially.

(c) Corporations and firms shall be organized and exist pursuant to the general corporation law and shall be a professional corporation within the meaning of Part 4, Division 3, Title 1 of the Corporations Code.

(d) If applicable, the application shall include a list of officers in the corporation, firm or partnership and a copy of the articles of incorporation as submitted to the Secretary of State.

(e) Separate applications shall be made for each place of business and each application must

(Amended by Stats. 1990, Ch. 1190, Sec. 2.)

**2568.3 (relocated from 2552)** (a) Each application shall be verified under oath by the person required to sign the application and shall designate the name, address, and direct business telephone number of the applicant's employee who will be responsible for handling customer inquiries and complaints with respect to the business address for which registration is applied. Any changes to this information shall be reported in writing to the board within 14 days.

(b) The applicant shall furnish such additional information or proof, oral or written, which the board may request, including information and proof relating to the provisions of Division 1.5 (commencing with Section 475).

(c) The board shall promptly notify any applicant if, as of the 30th day following the submission of an application under this chapter, the application and supporting documentation are not substantially complete and in proper form. The notification shall be in writing, shall state specifically what documents or other information are to be supplied by the applicant to the board, and shall be sent to the applicant by certified, electronic or registered mail. Within 30 days of the applicant's submission of the requested documents or information to the board, the board shall notify the applicant by certified, electronic or registered mail if the board requires additional documents or information.

(d) This section shall become operative on January 1, 1988.

(Amended by Stats. 2016, Ch. 489, Sec. 15. (SB 1478) Effective January 1, 2017.)

#### **2568.4 (relocated from 2553)**

If the board, after investigation, approves the application, it shall register the applicant and issue to the applicant a certificate of dispensing ophthalmic business. A separate certificate of registration shall be required for each address where the business is to be conducted.

A certificate authorizes the applicant, its agents and employees acting therefor to engage in the business defined in Section 2550 or 2550.1 provided that the fitting and adjusting of spectacle lenses is performed in compliance with Article 1.5 (commencing with Section 2559.1) and the fitting and adjusting of contact lenses is performed in compliance with Article 2 (commencing with Section 2560). Only individuals registered with the board pursuant to those

(a) Each certificate shall be at all times displayed in a conspicuous place at the certified place of business. The certificate shall not be transferable, but on application to the board there may be registered a change of address of the certificate. The certificate displayed must include the registration number issued by the board, the applicant's name, address of record and certificate expiration date.

**Commented [MW20]:** This is not new language, it is the original Section 2553, which had been moved to Section 2550, I'm moving it back to this newly created Article 3.5 so the logical process from application to application approval flows more sequentially.

**Commented [JM21]:** Per DOC discussion, proposed text which only allows SLD/CLD registrants to perform those duties at a business. Does this conflict with 2559.1 and 2560 which allows a registrant to supervise trainees?

**Commented [MW22R21]:** I don't think there's a conflict. 2559.1 and 2560 say a registrant can supervise a trainee. This new section says the same. I added the word "supervisory" for clarity.

(b) Each registrant shall conspicuously and prominently display at each registered location the following consumer information:

"Eye doctors are required to provide patients with a copy of their ophthalmic lens prescriptions as follows:

Spectacle prescriptions: Release upon completion of exam.

Contact lens prescriptions: Release upon completion of exam or upon completion of the fitting process. Patients may take their prescription to any eye doctor or registered dispensing ophthalmic business to be filled.

Optometrists and registered dispensing opticians are regulated by the State Board of Optometry. The State Board of Optometry receives and investigates all consumer complaints involving the practice of optometry and registered dispensing ophthalmic business. Complaints involving a California-licensed optometrist or a registered dispensing ophthalmic business should be directed to:

California State Board of Optometry  
Department of Consumer Affairs  
2450 Del Paso Road, Suite 105  
Sacramento, CA 95834

Phone: 1-866-585-2666 or (916) 575-7170

Email: [optometry@dca.ca.gov](mailto:optometry@dca.ca.gov)

Internet Web site: [www.optometry.ca.gov](http://www.optometry.ca.gov)"

(Amended by Stats. 2016, Ch. 489, Sec. 16. (SB 1478) Effective January 1, 2017.)

**2568.5 (relocated from 2553.1):** (a) If a registered dispensing optician ophthalmic business sells or transfers ownership of his or her place of business, both of the following requirements shall be satisfied:

(1) The registered dispensing optician ophthalmic business selling or transferring ownership of the business shall return the certificate of registration to the board no later than 10 calendar days after the change of ownership is completed and shall submit a request for cancellation of registration on a form prescribed by the Board. This registered dispensing optician ophthalmic business shall be responsible for complying with all laws relating to the optician ophthalmic dispensing business until the notice described in paragraph (2) is received by the board.

(2) The registered dispensing optician ophthalmic business assuming ownership of the business shall record with the board a written notice of the change of ownership, providing all information required by the board. This notice shall be filed with the board no later than 10 calendar days after the change of ownership is completed.

(3) The registered dispensing optician ophthalmic business assuming ownership of the business shall apply for a new certificate of registration from the board no later than 10 calendar days after the change of ownership is completed.

(b) This section does not apply to a change of location of business by a registered dispensing ophthalmic business.

(Added by Stats. 2011, Ch. 389, Sec. 1. (SB 824) Effective January 1, 2012.)

**ARTICLE 4. Review [2569- 2569.]**

**2569.** Notwithstanding any other law, the powers and duties of the board, as set forth in this chapter, shall be subject to review by the appropriate policy committees of the Legislature. The review shall be performed as if this chapter were scheduled to be repealed as of January 1, 2018.