



# Board Meeting Materials

Friday, October 23, 2020

10:00 a.m. until close of business

Online via WebEx Events

California State Board of Optometry  
2450 Del Paso Road, Suite 105  
Sacramento, CA 95834  
916-575-7170 [optometry.ca.gov](http://optometry.ca.gov)

**MEMBERS OF THE BOARD**

Mark Morodomi, JD, President  
Glenn Kawaguchi, OD, Vice President  
Debra McIntyre, OD, Secretary  
Cyd Brandvein  
Jeffrey Garcia, OD  
David Turetsky, OD  
Lillian Wang, OD  
Vacant, Public Member  
Vacant, Public Member  
Vacant, Public Member  
Vacant, Licensed Member



**BOARD MEETING AGENDA**

Friday, October 23, 2020

Time: 10:00 a.m. until the close the business

This public meeting will be held via WebEx Events. To participate in the Webex meeting, please log on to this website the day of the meeting using this link:

<https://dca-meetings.webex.com/dca-meetings/onstage/g.php?MTID=ecea4e6887d4af00eebb47120bc9d3248>

Event Number: 146 745 2518 Password: CSBO102320

**NOTICE:** Pursuant to Governor Gavin Newsom's Executive Orders N-29-20 and N-35-20, in response to the COVID-19 pandemic, the meeting is being held entirely electronically. No physical location will be available for public participation. Members of the public may observe or participate using the link above. Due to potential technical difficulties, please consider submitting written comments via email: [optometry@dca.ca.gov](mailto:optometry@dca.ca.gov)

Action may be taken on any item on the agenda.

**OPEN SESSION**

1. Call to Order / Roll Call and Establishment of a Quorum
2. Public Comment for Items Not on the Agenda  
*Note: The Board may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting [Government Code Sections [11125](#), [11125.7\(a\)](#)]*
3. Petitions for Early Termination of Probation
  - A. Katelyn Nguyen, Optometry License # 12503
  - B. Ted Atherton Bailey, Optometry License # 6161

**CLOSED SESSION**

4. Pursuant to Government Code Section 11126(c)(3), the Board Will Meet in Closed Session for Discussion and Deliberation on Disciplinary Matters

**OPEN SESSION**

- 5. Presentation and Discussion of President's Report**
- 6. Presentation and Discussion of Executive Officer's Report**
- 7. Update, Discussion, and Possible Action on Presentation by DCA's Office of Professional Examination Services (OPES) on the National Board of Examiners in Optometry Linkage Study**
- 8. Update, Discussion, and Possible Action on Recent National Board of Examiners in Optometry Part III Blueprint and Task Force Report**
- 9. Election of Board Officers**
  - A. President
  - B. Vice President
  - C. Secretary
- 10. Future Agenda Items**
- 11. Adjournment**

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

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 contacting the Board at 916-575-7170, email [optometry@dca.ca.gov](mailto:optometry@dca.ca.gov) or mailing a written request to Kristina Eklund at 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.

# ISSUE MEMORANDUM

<b>DATE</b>	October 23, 2020
<b>TO</b>	Members, California State Board of Optometry (CSBO)
<b>FROM</b>	Mark Morodomi, President
<b>SUBJECT</b>	Agenda Item #1 – Call to Order/Roll Call and Establishment of a Quorum

Board President Mark Morodomi will call the meeting to order. Please note the date and time for the record. Also please note the meeting being held is via teleconference pursuant to the Governor’s Executive Order NO-29-20.

Board Secretary Debra McIntyre, will call roll to establish a quorum of the Board.

Mark Morodomi  
Glenn Kawaguchi O.D.  
Cyd Brandvein  
Lillian Wang O.D.  
Jeffrey Garcia, O.D.  
David Turetsky O.D.  
Debra McIntyre O.D.

# ISSUE MEMORANDUM

<b>DATE</b>	October 23, 2020
<b>TO</b>	Members, California State Board of Optometry (CSBO)
<b>FROM</b>	Mark Morodomi, Board President
<b>SUBJECT</b>	Agenda Item #2 – Public Comment for Items Not on the Agenda

The Board welcomes public comment for items not on the agenda.

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

# ISSUE MEMORANDUM

<b>DATE</b>	October 23, 2020
<b>TO</b>	Members, California State Board of Optometry (CSBO)
<b>FROM</b>	Matthew McKinney, Probation Monitor
<b>SUBJECT</b>	Agenda Item #3 – Petitions for Early Termination of Probation

The Board will hear two petitions for early termination of probation.

- Katelyn Nguyen, Optometry License # 12503
- Ted Atherton Bailey, Optometry License # 6161

# ISSUE MEMORANDUM

<b>DATE</b>	October 23, 2020
<b>TO</b>	Members, California State Board of Optometry (CSBO)
<b>FROM</b>	Cheree Kimball, Assistant Executive Officer
<b>SUBJECT</b>	Agenda Item #4 – Closed Session

**Pursuant to Government Code Section 11126(c)(3), the Board Will Meet in Closed Session for Discussion and Deliberation on Disciplinary Matters.**

## ISSUE MEMORANDUM

<b>DATE</b>	October 23, 2020
<b>TO</b>	Members, California State Board of Optometry (CSBO)
<b>FROM</b>	Mark Morodmi, President
<b>SUBJECT</b>	Agenda Item #5 – President’s Message

Attached is the Board President’s message for October 2020. The message was sent to all LISTSERV email subscribers and posted on the Board’s website and social media accounts.



# PRESIDENT'S MESSAGE



October 2020

## President's Message - Increasing the Diversity of Optometric Doctors

Current research reports a higher percentage of brown and Black people than their proportion of the general population are dying from COVID-19. The current pandemic has laid bare the chronic health disparities in America. In a proceeding of the National Academies of Sciences, Engineering, and Medicine, National Academy of Medicine (NAM) President Dr. Victor Dzau remarked that a lack of diversity in the health work force contributes to health disparities.

These disparities include eye health. And according to *Optometric Education: The Journal of the Association of Schools and Colleges of Optometry*, "Health services research has shown that minority health professionals are likely to serve minority and medically underserved populations. The Institute of Medicine recommends increasing the number of minority health professionals as a key strategy for eliminating health disparities."

Unfortunately, the lack of diversity in the optometric profession is stark: According to a [2018 DataUSA report](#) using data from the last U.S. Census, African Americans made up 1.45% of the optometric profession—540 out of a total 37,600 nationwide.

California's numbers are consistent, and it's not getting any better anytime soon. An [Association of Schools and Colleges of Optometry \(ASCO\) survey](#) reports that the 2018-19 second-year class at all California optometry schools included 0% who identified solely as "Black or African American." (Little more than 5% of the second-year class at Western University of Health Sciences identified as "two or more" of any race, which could include African Americans. Less than 4% selected this category at the Marshall B. Ketchum Southern California College of Optometry, 0% at the UC Berkeley School of Optometry.) Two years from now, the new optometry graduates of the most populous state in the union will include 0% African Americans. Proposition 209 continues to prohibit public schools from "granting preferential treatment" to any individual or group based on race, sex, color, ethnicity, or national origin.


Despite this, what are colleges and optometry schools (public and private) doing to encourage diversity in the profession? What are the professional optometric associations doing to address this racial imbalance? Most importantly, what strategies work?

Going from zero to a percentage that will influence patient health disparities will take a long time. In the shorter term, what can be done to address the challenges facing California's Black patients who will sit in optometry chairs now? How should chronic health disparities impact "standard of care" and the Board's role to protect the consumer-patient?

I eagerly await the [National Institutes of Health-funded work of Nao Hagiwara](#), associate professor of health psychology at Virginia Commonwealth University. She hopes to uncover which specific physician communication behaviors during medical interactions are associated with health outcomes among Black patients with type 2 diabetes, such as satisfaction with care, trust in physicians, medication adherence, and diabetes management. These findings could inform strategies for the treatment of Black patients with diabetic retinopathy.

I ask the leaders of the optometric profession and individual optometrists to write to me at [optometry@dca.ca.gov](mailto:optometry@dca.ca.gov) with their ideas and recommendations. I hope this will be a catalyst for an ongoing conversation regarding diversity in the profession, consumer-patient protection, and ensuring an enlightened, unbiased standard of care.

Stay tuned for more in future President's Messages.



Mark T. Morodomi

### **RENEWING YOUR OPTOMETRY OR OPTICIAN LICENSE? RENEW YOUR LICENSE ONLINE!**

To renew your existing license, apply for a new license, or make changes to your information, we strongly encourage you to log onto your BreEZe account at [www.breeze.ca.gov](http://www.breeze.ca.gov). To prevent errors, it is recommended you use a desktop computer with Internet Explorer to access BreEZe.

### **FOLLOW THE BOARD ON FACEBOOK, TWITTER AND LINKEDIN:**

<https://www.facebook.com/CAOptometry/>

<https://twitter.com/caoptometry>

<https://www.linkedin.com/company/state-of-california---board-of-optometry>

# ISSUE MEMORANDUM

<b>DATE</b>	October 23, 2020
<b>TO</b>	Members, California State Board of Optometry (CSBO)
<b>FROM</b>	Shara Murphy, Executive Officer
<b>SUBJECT</b>	Agenda Item #6 – Presentation and Discussion of the Executive Officer’s Report

## **Sunset Review 2021**

After months of delay due to COVID-19 and other factors, the Legislature released the template for the Board’s 2021 Sunset Report on October 9, 2020. The final report is due to the Legislature on January 4, 2021.

Staff has already begun working on the response and the statistical reporting needed. To expedite Board review and responses given the tight timeline, staff proposes a workgroup to provide feedback for the draft report. The workgroup-revised report will be presented to the full Board for adoption at the November 20, 2020 public meeting.

## **Update on the Board’s COVID-19 response**

Throughout its response to the COVID-19 pandemic and quarantine, the priorities of the Board’s Executive Leadership Team have been:

1. The safety and health of board staff and their families
2. The ongoing provision of essential services to board stakeholders:
  - a. Issuing licenses to ensure those who can work have the appropriate licensure to do so
  - b. Investigating allegations representing a significant or immediate threat of consumer harm

### **Staff:**

Enforcement Analyst Brad Garding, who was expected to be assigned to the state’s contact tracing efforts beginning in May, is now back handling his regular duties.

With the help of DCA’s new Cloud Desktop, Board staff transitioned to working from home in mid-March before the statewide quarantine went into effect. Management established a rotational schedule to allow staff access to the office during designated times. Staggered schedules limit the number of people who are in the office at one time. Board staff disinfects commonly touched surfaces throughout their shift in the office,

and high-quality air purifiers have been acquired. The Board's operations continue to function at a high level of customer service.

Reporting of COVID-19 expenses:

As of April 2020, DCA has been requiring Boards to report on COVID-19 related expenses and workload. The purpose of this COVID-19-related cost and funding tracker is to enable Finance and Cal OES to identify potential funding sources for COVID-19-related response and recovery activities—and report on these activities and expenditures to the Legislature and the public as well as the federal government in the instances where federal funding is being used. This information is critical to providing transparency and managing state resources in the most effective manner possible.

As of October 2020, Board staff has spent a total of 894 hours on COVID-19 related issues. Staff estimates approximately \$1,400 will be spent on non-labor expenses, such as productivity software and protective equipment for the office.

Applicants, Licensees, and Consumers:

Board staff disseminated information as it became available by posting updates to the Board's website, sending emails to those who have signed up to receive Board updates by email, and sharing the updates on the Board's social media pages. Notably, the Board was the first of the 37 boards and bureaus in DCA to post and share information about open LiveScan fingerprinting locations.

Board staff has worked proactively to anticipate potential regulatory, process, or BreEZe changes that may be required to continue our essential work while following telework and quarantine guidelines in the coming months. These efforts will continue.

Board Communications Related to COVID-19:

[Updates on Impacts Related to the Coronavirus](#)

[Updates on PSI Test Sites](#)

[COVID Update](#)

[Guidance Related to Non-Discrimination in Medical Treatment for COVID-19](#)

[DCA Impacts of Executive Order N-39-20](#)

[Access to Licensing Requirements for Optometrist Applicants](#)

[Active Livescan Sites](#)

[Acceptability of Live, Interactive, Online Continuing Education Coursework](#)

# Memorandum

**To:** Boards and Bureaus Subject to Sunset Review Oversight by the Legislature in 2020-2021

**From:** Assembly Committee on Business and Professions and Senate Committee on Business, Professions and Economic Development

**Date:** October 9, 2020

**Subject:** Request for Information and Issues to be addressed for 2020-2021 Sunset Review Oversight

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Attached please find the 2020 Oversight Report Form for the upcoming Sunset Review Oversight conducted by the Senate Committee on Business, Professions and Economic Development and Assembly Committee on Business and Professions (Committees).

This comprehensive process allows the Legislature to review the laws and regulations pertaining to each board<sup>1</sup> and evaluate the board's programs and policies; determine whether the board operates and enforces its regulatory responsibilities and is carrying out its statutory duties; and examine fiscal management practices and financial relationships with other agencies. Through Sunset Review Oversight, boards are also evaluated on key performance measures and targets related to the timeliness of action, enforcement and other necessary efforts to serve the needs of California consumers while promoting regulatory efficiency and effectiveness.

Please complete your report based on the attached questionnaire by **January 4, 2021**. Your report provides a snapshot and substantive information about who the board is, who the board licenses, and how the board performs its regulatory functions.

The first sections of your report provide an overview of the board's current regulatory program, and contain pre-formatted tables and charts for you to complete. The latter sections focus on board responses to particular issues you would like to raise or that were raised during the prior Sunset Review Oversight.

Please respond to all questions in the report, including the tables, charts and appropriate statistical information for the fiscal years indicated. In the event that some

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<sup>1</sup> "Board" refers to board, bureau, commission, department, program or committee.

information may not pertain to the board, please note it on your response, but be sure to include information that is relevant to your activities and programs.

In completing your report, please note the following:

Section 10 – Board Action and Response to COVID-19. This should reflect any Board actions taken since March 2020 to address issues related to COVID-19.

Section 11 – Board Action and Response to Prior Sunset Issues. This should reflect responses to each individual issue and recommendation raised during the prior Sunset Review Oversight.

Section 12 – New Issues. This is the board’s opportunity to raise new issues and make recommendations. These can reflect statutory or regulatory changes, administrative improvements and efforts or respond to issues affecting the practice or board. The Sunset Review Oversight process allows the board to work collaboratively with the Legislature on all issues affecting the board and regulated entities.

Your report serves, as the basis for the Background Paper staff will prepare. Recommendations in the Background Paper may include necessary statutory changes, necessary regulatory changes, administrative and operational changes, budget changes and other reforms.

**Each board should submit 4 printed copies of its final Report to each Committee.** Please also submit an electronic copy to each of the Committees (you may submit a PDF version, but we also request a Microsoft Word copy).

We anticipate the announcement of dates for the Sunset Review Oversight hearings in early 2021. Once the hearing dates are set, we request the board to notify its interested parties list of organizations, groups or individuals regarding these public hearings.

If you have any questions about the attached documents or the Sunset Review Oversight process, please do not hesitate to get in touch with Elissa Silva  
Elissa.Silva@sen.ca.gov or 916-651-4104 anytime.

**[BOARD NAME]**  
**BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM**  
**As of [date]**

**Section 1 – Background and Description of the Board and Regulated Profession**

Provide a short explanation of the history and function of the board.<sup>1</sup> Describe the occupations/profession that are licensed and/or regulated by the board (Practice Acts vs. Title Acts).

1. Describe the make-up and functions of each of the board’s committees (cf., Section 12, Attachment B).

<b>Table 1a. Attendance</b>			
[Enter board member name]			
Date Appointed:	[Enter date appointed]		
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Meeting 1	[Enter Date]	[Enter Location]	[Y/N]
Meeting 2	[Enter Date]	[Enter Location]	[Y/N]
Meeting 3	[Enter Date]	[Enter Location]	[Y/N]
Meeting 4	[Enter Date]	[Enter Location]	[Y/N]

<b>Table 1b. Board/Committee Member Roster</b>					
<b>Member Name</b> (Include Vacancies)	<b>Date First Appointed</b>	<b>Date Re-appointed</b>	<b>Date Term Expires</b>	<b>Appointing Authority</b>	<b>Type</b> (public or professional)

2. In the past four years, was the board unable to hold any meetings due to lack of quorum? If so, please describe. Why? When? How did it impact operations?
3. Describe any major changes to the board since the last Sunset Review, including, but not limited to:
  - Internal changes (i.e., reorganization, relocation, change in leadership, strategic planning)
  - All legislation sponsored by the board and affecting the board since the last sunset review.

<sup>1</sup> The term “board” in this document refers to a board, bureau, commission, committee, department, division, program, or agency, as applicable. Please change the term “board” throughout this document to appropriately refer to the entity being reviewed.

- All regulation changes approved by the board the last sunset review. Include the status of each regulatory change approved by the board.
4. Describe any major studies conducted by the board (cf. Section 12, Attachment C).
  5. List the status of all national associations to which the board belongs.
    - Does the board’s membership include voting privileges?
    - List committees, workshops, working groups, task forces, etc., on which board participates.
    - How many meetings did board representative(s) attend? When and where?
    - If the board is using a national exam, how is the board involved in its development, scoring, analysis, and administration?

**Section 2 – Performance Measures and Customer Satisfaction Surveys**

6. Provide each quarterly and annual performance measure report for the board as published on the DCA website
7. Provide results for each question in the board’s customer satisfaction survey broken down by fiscal year. Discuss the results of the customer satisfaction surveys.

**Section 3 – Fiscal and Staff**

**Fiscal Issues**

8. Is the board’s fund continuously appropriated? If yes, please cite the statute outlining this continuous appropriation.
9. Describe the board’s current reserve level, spending, and if a statutory reserve level exists.
10. Describe if/when a deficit is projected to occur and if/when fee increase or reduction is anticipated. Describe the fee changes (increases or decreases) anticipated by the board.

<b>Table 2. Fund Condition</b>						
(Dollars in Thousands)	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20	FY 2020/21	FY 2021/22
Beginning Balance						
Revenues and Transfers						
<b>Total Revenue</b>	\$	\$	\$	\$	\$	\$
Budget Authority						
Expenditures						
Loans to General Fund						
Accrued Interest, Loans to General Fund						
Loans Repaid From General Fund						
<b>Fund Balance</b>	\$	\$	\$	\$	\$	\$



<b>Months in Reserve</b>						
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11. Describe the history of general fund loans. When were the loans made? When have payments been made to the board? Has interest been paid? What is the remaining balance?
12. Describe the amounts and percentages of expenditures by program component. Use *Table 3. Expenditures by Program Component* to provide a breakdown of the expenditures by the board in each program area. Expenditures by each component (except for pro rata) should be broken out by personnel expenditures and other expenditures.

<b>Table 3. Expenditures by Program Component</b> (list dollars in thousands)								
	FY 2016/17		FY 2017/18		FY 2018/19		FY 2019/20	
	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E
Enforcement								
Examination								
Licensing								
Administration *								
DCA Pro Rata								
Diversion (if applicable)								
<b>TOTALS</b>	\$	\$	\$	\$	\$	\$	\$	\$

\*Administration includes costs for executive staff, board, administrative support, and fiscal services.

13. Describe the amount the board has contributed to the BreEZe program. What are the anticipated BreEZe costs the board has received from DCA?
14. Describe license renewal cycles and history of fee changes in the last 10 years. Give the fee authority (Business and Professions Code and California Code of Regulations citation) for each fee charged by the board.

<b>Table 4. Fee Schedule and Revenue</b> (list revenue dollars in thousands)							
Fee	Current Fee Amount	Statutory Limit	FY 2016/17 Revenue	FY 2017/18 Revenue	FY 2018/19 Revenue	FY 2019/20 Revenue	% of Total Revenue

15. Describe Budget Change Proposals (BCPs) submitted by the board in the past four fiscal years.

Table 5. Budget Change Proposals (BCPs)								
BCP ID #	Fiscal Year	Description of Purpose of BCP	Personnel Services				OE&E	
			# Staff Requested (include classification)	# Staff Approved (include classification)	\$ Requested	\$ Approved	\$ Requested	\$ Approved

### Staffing Issues

16. Describe any board staffing issues/challenges, i.e., vacancy rates, efforts to reclassify positions, staff turnover, recruitment and retention efforts, succession planning.

17. Describe the board’s staff development efforts and how much is spent annually on staff development (cf., Section 12, Attachment D).

## Section 4 – Licensing Program

18. What are the board’s performance targets/expectations for its licensing<sup>2</sup> program? Is the board meeting those expectations? If not, what is the board doing to improve performance?

19. Describe any increase or decrease in the board’s average time to process applications, administer exams and/or issue licenses. Have pending applications grown at a rate that exceeds completed applications? If so, what has been done by the board to address them? What are the performance barriers and what improvement plans are in place? What has the board done and what is the board going to do to address any performance issues, i.e., process efficiencies, regulations, BCP, legislation?

20. How many licenses or registrations does the board issue each year? How many renewals does the board issue each year?

21. How many licenses or registrations has the board denied over the past four years based on criminal history that is determined to be substantially related to the qualifications, functions, or duties of the profession, pursuant to BPC § 480? Please provide a breakdown of each instance of denial and the acts the board determined were substantially related.

<sup>2</sup> The term “license” in this document includes a license certificate or registration.

Table 6. Licensee Population					
		FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20
[Enter License Type]	Active				
	Delinquent				
	Retired				
	Out of State				
	Out of Country				
[Enter License Type]	Active				
	Delinquent				
	Retired				
	Out of State				
	Out of Country				
[Enter License Type]	Active				
	Delinquent				
	Retired				
	Out of State				
	Out of Country				
[Enter License Type]	Active				
	Delinquent				
	Retired				
	Out of State				
	Out of Country				

Note: 'Out of State' and 'Out of Country' are two mutually exclusive categories. A licensee should not be counted in both.

Table 7a. Licensing Data by Type											
Application Type	Received	Approved	Closed	Issued	Pending Applications			Cycle Times			
					Total (Close of FY)	Outside Board control*	Within Board control*	Complete Apps	Incomplete Apps	combined, IF unable to separate out	
FY 2017/18	(Exam)					-	-	-	-	-	-
	(License)					-	-	-	-	-	-
	(Renewal)			n/a		-	-	-	-	-	-
FY 2018/19	(Exam)										
	(License)										
	(Renewal)			n/a							
FY 2019/20	(Exam)										
	(License)										
	(Renewal)			n/a							

\* Optional. List if tracked by the board.

Table 7b. Total Licensing Data				
		FY 2017/18	FY 2018/19	FY 2019/20
<b>Initial Licensing Data:</b>				
Initial License/Initial Exam Applications Received				

Initial License/Initial Exam Applications Approved			
Initial License/Initial Exam Applications Closed			
License Issued			
<b>Initial License/Initial Exam Pending Application Data:</b>			
Pending Applications (total at close of FY)			
Pending Applications (outside of board control)*			
Pending Applications (within the board control)*			
<b>Initial License/Initial Exam Cycle Time Data (WEIGHTED AVERAGE):</b>			
Average Days to Application Approval (All - Complete/Incomplete)			
Average Days to Application Approval (incomplete applications)*			
Average Days to Application Approval (complete applications)*			
<b>License Renewal Data:</b>			
License Renewed			
Note: The values in Table 7b are the aggregates of values contained in Table 7a. * Optional. List if tracked by the board.			

22. How does the board verify information provided by the applicant?

- a. What process does the board use to check prior criminal history information, prior disciplinary actions, or other unlawful acts of the applicant? Has the board denied any licenses over the last four years based on the applicant's failure to disclose information on the application, including failure to self-disclose criminal history? If so, how many times and for what types of crimes (please be specific)?
- b. Does the board fingerprint all applicants?
- c. Have all current licensees been fingerprinted? If not, explain.
- d. Is there a national databank relating to disciplinary actions? Does the board check the national databank prior to issuing a license? Renewing a license?
- e. Does the board require primary source documentation?

23. Describe the board's legal requirement and process for out-of-state and out-of-country applicants to obtain licensure.

24. Describe the board's process, if any, for considering military education, training, and experience for purposes of licensing or credentialing requirements, including college credit equivalency.

- a. Does the board identify or track applicants who are veterans? If not, when does the board expect to be compliant with BPC § 114.5?
- b. How many applicants offered military education, training or experience towards meeting licensing or credentialing requirements, and how many applicants had such education, training or experience accepted by the board?
- c. What regulatory changes has the board made to bring it into conformance with BPC § 35?
- d. How many licensees has the board waived fees or requirements for pursuant to BPC § 114.3, and what has the impact been on board revenues?
- e. How many applications has the board expedited pursuant to BPC § 115.5?

25. Does the board send No Longer Interested notifications to DOJ on a regular and ongoing basis? Is this done electronically? Is there a backlog? If so, describe the extent and efforts to address the backlog.

**Examinations**

<b>Table 8. Examination Data</b>			
<b>California Examination (include multiple language) if any:</b>			
		License Type	
		Exam Title	
FY 2016/17	# of 1 <sup>st</sup> Time Candidates		
	Pass %		
FY 2017/18	# of 1 <sup>st</sup> Time Candidates		
	Pass %		
FY 2018/19	# of 1 <sup>st</sup> Time Candidates		
	Pass %		
FY 2019/20	# of 1 <sup>st</sup> time Candidates		
	Pass %		
		Date of Last OA	
		Name of OA Developer	
		Target OA Date	
<b>National Examination (include multiple language) if any:</b>			
		License Type	
		Exam Title	
FY 2016/17	# of 1 <sup>st</sup> Time Candidates		
	Pass %		
FY 2017/18	# of 1 <sup>st</sup> Time Candidates		
	Pass %		
FY 2018/19	# of 1 <sup>st</sup> Time Candidates		
	Pass %		
FY 2019/20	# of 1 <sup>st</sup> time Candidates		
	Pass %		
		Date of Last OA	
		Name of OA Developer	
		Target OA Date	

26. Describe the examinations required for licensure. Is a national examination used? Is a California specific examination required? Are examinations offered in a language other than English?

27. What are pass rates for first time vs. retakes in the past 4 fiscal years? (Refer to Table 8: Examination Data) Are pass rates collected for examinations offered in a language other than English?

28. Is the board using computer based testing? If so, for which tests? Describe how it works. Where is it available? How often are tests administered?

29. Are there existing statutes that hinder the efficient and effective processing of applications and/or examinations? If so, please describe.

### **School approvals**

30. Describe legal requirements regarding school approval. Who approves your schools? What role does BPPE have in approving schools? How does the board work with BPPE in the school approval process?
31. How many schools are approved by the board? How often are approved schools reviewed? Can the board remove its approval of a school?
32. What are the board's legal requirements regarding approval of international schools?

### **Continuing Education/Competency Requirements**

33. Describe the board's continuing education/competency requirements, if any. Describe any changes made by the board since the last review.
- a. How does the board verify CE or other competency requirements? Has the Board worked with the Department to receive primary source verification of CE completion through the Department's cloud?
  - b. Does the board conduct CE audits of licensees? Describe the board's policy on CE audits.
  - c. What are consequences for failing a CE audit?
  - d. How many CE audits were conducted in the past four fiscal years? How many fails? What is the percentage of CE failure?
  - e. What is the board's course approval policy?
  - f. Who approves CE providers? Who approves CE courses? If the board approves them, what is the board application review process?
  - g. How many applications for CE providers and CE courses were received? How many were approved?
  - h. Does the board audit CE providers? If so, describe the board's policy and process.
  - i. Describe the board's effort, if any, to review its CE policy for purpose of moving toward performance based assessments of the licensee's continuing competence.

## **Section 5 – Enforcement Program**

34. What are the board's performance targets/expectations for its enforcement program? Is the board meeting those expectations? If not, what is the board doing to improve performance?
35. Explain trends in enforcement data and the board's efforts to address any increase in volume, timeframes, ratio of closure to pending cases, or other challenges. What are the performance barriers? What improvement plans are in place? What has the board done and what is the board going to do to address these issues, i.e., process efficiencies, regulations, BCP, legislation?

### **Table 9a. Enforcement Statistics**

	FY 2017/18	FY 2018/19	FY 2019/20
<b>COMPLAINT</b>			
Intake			
Received			
Closed			
Referred to INV			
Average Time to Close			
Pending (close of FY)			
Source of Complaint			
Public			
Licensee/Professional Groups			
Governmental Agencies			
Other			
Conviction / Arrest			
CONV Received			
CONV Closed			
Average Time to Close			
CONV Pending (close of FY)			
<b>LICENSE DENIAL</b>			
License Applications Denied			
SOIs Filed			
SOIs Withdrawn			
SOIs Dismissed			
SOIs Declined			
Average Days SOI			
<b>ACCUSATION</b>			
Accusations Filed			
Accusations Withdrawn			
Accusations Dismissed			
Accusations Declined			
Average Days Accusations			
Pending (close of FY)			
<b>DISCIPLINE</b>			
Disciplinary Actions			
Proposed/Default Decisions			
Stipulations			
Average Days to Complete			
AG Cases Initiated			
AG Cases Pending (close of FY)			
Disciplinary Outcomes			
Revocation			
Voluntary Surrender			
Suspension			
Probation with Suspension <sup>1</sup>			
Probation <sup>2</sup>			
Probationary License Issued			
Other			
<b>PROBATION</b>			
New Probationers			
Probations Successfully Completed			
Probationers (close of FY)			
Petitions to Revoke Probation			
Probations Revoked			

Probations Modified			
Probations Extended			
Probationers Subject to Drug Testing			
Drug Tests Ordered			
Positive Drug Tests			
Petition for Reinstatement Granted			
<b>DIVERSION</b>			
New Participants			
Successful Completions			
Participants (close of FY)			
Terminations			
Terminations for Public Threat			
Drug Tests Ordered			
Positive Drug Tests			



<b>Table 9b. Enforcement Statistics (continued)</b>			
	FY 2017/18	FY 2018/19	FY 2019/20
<b>INVESTIGATION</b>			
All Investigations			
First Assigned			
Closed			
Average days to close			
Pending (close of FY)			
Desk Investigations			
Closed			
Average days to close			
Pending (close of FY)			
Non-Sworn Investigation			
Closed			
Average days to close			
Pending (close of FY)			
Sworn Investigation			
Closed			
Average days to close			
Pending (close of FY)			
<b>COMPLIANCE ACTION</b>			
ISO & TRO Issued			
PC 23 Orders Requested			
Other Suspension Orders			
Public Letter of Reprimand			
Cease & Desist/Warning			
Referred for Diversion			
Compel Examination			
<b>CITATION AND FINE</b>			
Citations Issued			
Average Days to Complete			
Amount of Fines Assessed			
Reduced, Withdrawn, Dismissed			
Amount Collected			
<b>CRIMINAL ACTION</b>			
Referred for Criminal Prosecution			

<b>Table 10. Enforcement Aging</b>						
	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20	Cases Closed	Average %
<b>Attorney General Cases (Average %)</b>						
Closed Within:						
0 - 1 Year						
1 - 2 Years						
2 - 3 Years						
3 - 4 Years						
Over 4 Years						
Total Attorney General Cases Closed						
<b>Investigations (Average %)</b>						
Closed Within:						
90 Days						
91 - 180 Days						
181 - 1 Year						
1 - 2 Years						
2 - 3 Years						
Over 3 Years						
Total Investigation Cases Closed						

36. What do overall statistics show as to increases or decreases in disciplinary action since last review?
37. How are cases prioritized? What is the board's compliant prioritization policy? Is it different from DCA's *Complaint Prioritization Guidelines for Health Care Agencies* (August 31, 2009)? If so, explain why.
38. Are there mandatory reporting requirements? For example, requiring local officials or organizations, or other professionals to report violations, or for civil courts to report to the board actions taken against a licensee. Are there problems with the board receiving the required reports? If so, what could be done to correct the problems?
- What is the dollar threshold for settlement reports received by the board?
  - What is the average dollar amount of settlements reported to the board?
39. Describe settlements the board, and Office of the Attorney General on behalf of the board, enter into with licensees.
- What is the number of cases, pre-accusation, that the board settled for the past four years, compared to the number that resulted in a hearing?
  - What is the number of cases, post-accusation, that the board settled for the past four years, compared to the number that resulted in a hearing?
  - What is the overall percentage of cases for the past four years that have been settled rather than resulted in a hearing?
40. Does the board operate with a statute of limitations? If so, please describe and provide citation. If so, how many cases have been lost due to statute of limitations? If not, what is the board's policy on statute of limitations?
41. Describe the board's efforts to address unlicensed activity and the underground economy.

## Cite and Fine

42. Discuss the extent to which the board has used its cite and fine authority. Discuss any changes from last review and describe the last time regulations were updated and any changes that were made. Has the board increased its maximum fines to the \$5,000 statutory limit?
43. How is cite and fine used? What types of violations are the basis for citation and fine?
44. How many informal office conferences, Disciplinary Review Committees reviews and/or Administrative Procedure Act appeals of a citation or fine in the last 4 fiscal years?
45. What are the 5 most common violations for which citations are issued?
46. What is average fine pre- and post- appeal?
47. Describe the board's use of Franchise Tax Board intercepts to collect outstanding fines.

## Cost Recovery and Restitution

48. Describe the board's efforts to obtain cost recovery. Discuss any changes from the last review.
49. How many and how much is ordered by the board for revocations, surrenders and probationers? How much do you believe is uncollectable? Explain.
50. Are there cases for which the board does not seek cost recovery? Why?
51. Describe the board's use of Franchise Tax Board intercepts to collect cost recovery.
52. Describe the board's efforts to obtain restitution for individual consumers, any formal or informal board restitution policy, and the types of restitution that the board attempts to collect, i.e., monetary, services, etc. Describe the situation in which the board may seek restitution from the licensee to a harmed consumer.

<b>Table 11. Cost Recovery</b> <span style="float: right;">(list dollars in thousands)</span>				
	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20
Total Enforcement Expenditures				
Potential Cases for Recovery *				
Cases Recovery Ordered				
Amount of Cost Recovery Ordered				
Amount Collected				
* "Potential Cases for Recovery" are those cases in which disciplinary action has been taken based on violation of the license practice act.				

<b>Table 12. Restitution</b> <span style="float: right;">(list dollars in thousands)</span>				
	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20
Amount Ordered				
Amount Collected				

## Section 6 – Public Information Policies

53. How does the board use the internet to keep the public informed of board activities? Does the board post board meeting materials online? When are they posted? How long do they remain on the board's website? When are draft meeting minutes posted online? When does the board post final meeting minutes? How long do meeting minutes remain available online?
54. Does the board webcast its meetings? What is the board's plan to webcast future board and committee meetings? How long to webcast meetings remain available online?
55. Does the board establish an annual meeting calendar, and post it on the board's web site?
56. Is the board's complaint disclosure policy consistent with DCA's *Recommended Minimum Standards for Consumer Complaint Disclosure*? Does the board post accusations and disciplinary actions consistent with DCA's *Web Site Posting of Accusations and Disciplinary Actions* (May 21, 2010)?
57. What information does the board provide to the public regarding its licensees (i.e., education completed, awards, certificates, certification, specialty areas, disciplinary action, etc.)?
58. What methods are used by the board to provide consumer outreach and education?

## Section 7 – Online Practice Issues

59. Discuss the prevalence of online practice and whether there are issues with unlicensed activity. How does the board regulate online practice? Does the board have any plans to regulate internet business practices or believe there is a need to do so?

## Section 8 – Workforce Development and Job Creation

60. What actions has the board taken in terms of workforce development?
61. Describe any assessment the board has conducted on the impact of licensing delays.
62. Describe the board's efforts to work with schools to inform potential licensees of the licensing requirements and licensing process.
63. Describe any barriers to licensure and/or employment the board believes exist.
64. Provide any workforce development data collected by the board, such as:
- Workforce shortages
  - Successful training programs.

## Section 9 – Current Issues

65. What is the status of the board's implementation of the Uniform Standards for Substance Abusing Licensees?

66. What is the status of the board's implementation of the Consumer Protection Enforcement Initiative (CPEI) regulations?
67. Describe how the board is participating in development of BreEZe and any other secondary IT issues affecting the board.
- Is the board utilizing BreEZe? What Release was the board included in? What is the status of the board's change requests?
  - If the board is not utilizing BreEZe, what is the board's plan for future IT needs? What discussions has the board had with DCA about IT needs and options? What is the board's understanding of Release 3 boards? Is the board currently using a bridge or workaround system?

## **Section 10 – Board Actions and Responses to COVID-19.**

68. In response to COVID-19, has the board implemented teleworking policies for employees and staff?
- How have those measures impacted board operations? If so, how?
69. In response to COVID-19, has the board utilized any existing state of emergency statutes?
- If so, which ones, and why?
70. Pursuant to the Governor's Executive Orders N-40-20 and N-75-20, has the board worked on any waiver requests with the Department?
- Of the above requests, how many were approved?
  - How many are pending?
  - How many were denied?
  - What was the reason for the outcome of each request?
71. In response to COVID-19, has the board taken any other steps or implemented any other policies regarding licensees or consumers?
72. Has the board recognized any necessary statutory revisions, updates or changes to address COVID-19 or any future State of Emergency Declarations?

## **Section 11 – Board Action and Response to Prior Sunset Issues**

Include the following:

- Background information concerning the issue as it pertains to the board.
- Short discussion of recommendations made by the Committees during prior sunset review.
- What action the board took in response to the recommendation or findings made under prior sunset review.
- Any recommendations the board has for dealing with the issue, if appropriate.

## Section 12 – New Issues

This is the opportunity for the board to inform the Committees of solutions to issues identified by the board and by the Committees. Provide a short discussion of each of the outstanding issues, and the board's recommendation for action that could be taken by the board, by DCA or by the Legislature to resolve these issues (i.e., policy direction, budget changes, legislative changes) for each of the following:

1. Issues that were raised under prior Sunset Review that have not been addressed.
2. New issues that are identified by the board in this report.
3. New issues not previously discussed in this report.
4. New issues raised by the Committees.

## Section 13– Attachments

Please provide the following attachments:

- A. Board's administrative manual.
- B. Current organizational chart showing relationship of committees to the board and membership of each committee (cf., Section 1, Question 1).
- C. Major studies, if any (cf., Section 1, Question 4).
- D. Year-end organization charts for last four fiscal years. Each chart should include number of staff by classifications assigned to each major program area (licensing, enforcement, administration, etc.) (cf., Section 3, Question 15).

# ISSUE MEMORANDUM

<b>DATE</b>	October 23, 2020
<b>TO</b>	Members, California State Board of Optometry (CSBO)
<b>FROM</b>	Shara Murphy, Executive Officer
<b>SUBJECT</b>	Agenda Item #7 - Update, Discussion, and Possible Action on Presentation by DCA's Office of Professional Examination Services (OPES) on the National Board of Examiners in Optometry Linkage Study

Dr. Tracy Montez, Chief of Division of Programs & Policy Review for the Department of Consumer Affairs, will provide an update on OPES's review of the linkage study between the Board Optometry Occupational Analysis and the National Board of Examiners in Optometry testing series.

# REVIEW OF THE NATIONAL BOARD OF EXAMINERS IN OPTOMETRY (NBEO) EXAMINATION SERIES

October 2020





# Psychometric Review of the National Board of Examiners in Optometry Examination Series

- Occupational Analysis
- Examination Development
- Passing Score Determination
- Examination Administration and Security
- Examination Scoring and Passing Rates
- Information Available to Candidates

# Linkage Study Process

California

- Review 2019 California Optometrist occupational analysis (OA) task and knowledge statements

NAVLE

- Review NBEO examination series outlines

Link

- Link NBEO examination series outlines to California OA task and knowledge statements

Review

- Review results of linkage

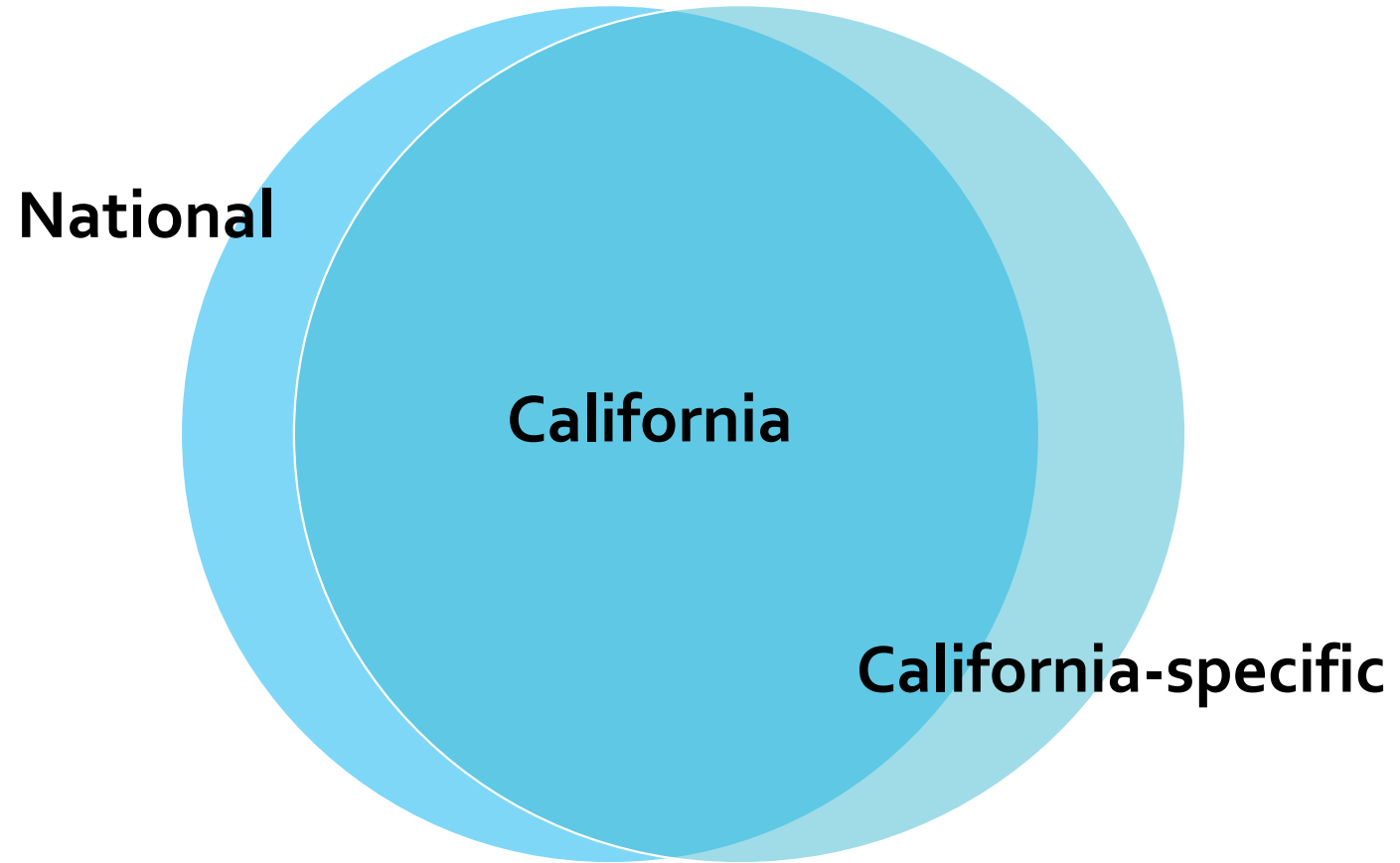
Determine

- Determine need for California-specific exam based on linkage study results

# Linkage Study Results

- NBEO examination series adequately assesses entry-level optometry practice in California
- NBEO series does **NOT** assess all California laws and regulations related to optometry practice

# Linkage Study Results



## OPES Recommendations

- Continue use of the NBEO examination series to assess candidates for entry into California optometry practice
- However, to be fully compliant with DCA Policy OPES 18-01, discontinue use of faculty members and state board members in NBEO examination development. Use in the OA process is acceptable.
- Further, develop a new OA organizational model for NBEO that is clear and easy for candidates, practitioners, and the public to understand.

# ISSUE MEMORANDUM

<b>DATE</b>	October 23, 2020
<b>TO</b>	Members, California State Board of Optometry (CSBO)
<b>FROM</b>	Shara Murphy, Executive Officer
<b>SUBJECT</b>	Agenda Item #8 - Update, Discussion, and Possible Action on Recent National Board of Examiners in Optometry Part III Blueprint and Task Force Report

Dr. Jill Bryant, NBEO Executive Director, with Dr. Brianne Hobbs (NBEO Director of Examination Innovation), Dr. Brooke Houck (NBEO Director of Psychometrics and Research), and Dr. Bill Rafferty (Chair of the Task Force) will provide an introductory presentation.


Attached are two documents for Board review and discussion.

- National Board of Examiners in Optometry – Part III Blueprint Frequently Asked Questions
- National Board of Examiner in Optometry - Report of the Task Force to Review Alternative Testing Methodologies During COVID-19

## Blueprint

The blueprint specifies the major competency domains assessed by the exam. The competency domains represent the related sets of knowledge, skills, and abilities required for the safe and effective practice of optometry. The clinical presentation categories specify the topics of the case scenarios to be included in every version of the exam. The weight of the competency domains and clinical presentations specifies the emphasis of each of these elements on the exam.

Competency Domains	Weight
Clinical Assessment and Interpretation	29
Management and Documentation	25
Skills	22
Patient Education	13
Communication and Professionalism	11
Total	100
Clinical Presentations	Weight
Anterior Segment Disease	17
Posterior Segment Disease	16
Glaucoma	14
Systemic Disease	11
Refraction	11
Neuro-Ophthalmic Disease	9
Contact Lenses	8
Binocular Vision	8
Pediatrics	6
Total	100



**PART III EXAM**

**Patient Encounters  
and  
Performance Skills  
(PEPS)**

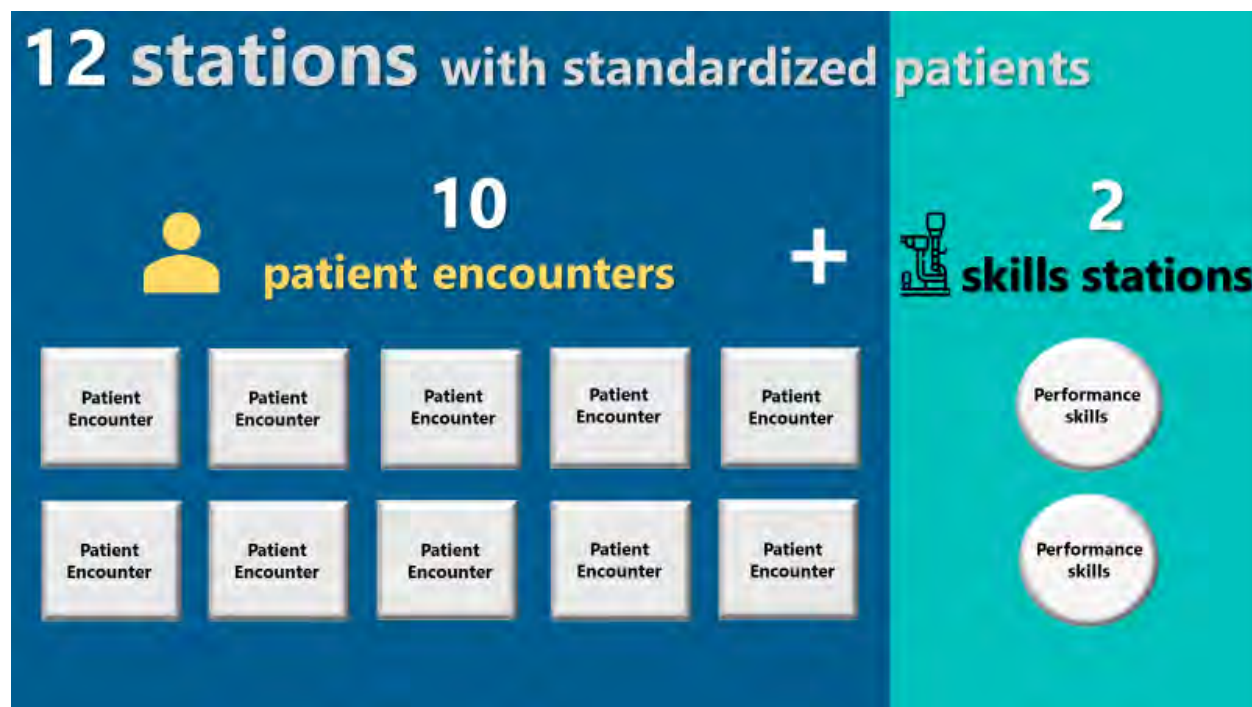
**BLUEPRINT**

The blueprint includes five competency domains and nine clinical presentations which will be assessed on the Part III exam. The domain that carries the most emphasis is Clinical Interpretation and Assessment (29%) followed by Management and Documentation (25%). Functionally, this means the ability to interpret and synthesize clinical data will be prioritized over the collection of data or the physical performance of skills. These two domains will be evaluated through the creation of an electronic SOAP note, which will capture clinical decision-making and the generation of a treatment plan. The Skills domain (22%) will be evaluated through the physical performance of five skills on a standardized patient; no patient scenario will be included in these skills-only stations. Patient Education will comprise 13% of the exam and the candidate will be evaluated on the ability to provide information to the patient in a clear and understandable manner. Communication and Professionalism (11%) includes treating the patient with respect, sharing and receiving information in an effective manner, and collaborating with the patient and other professionals to provide optimal care for the patient.

The clinical presentation categories represent the major groups of diagnoses that an optometrist should be proficient in treating in order to protect the public. Both frequency and criticality were considered in the designation and weighting of the clinical presentations. Additionally, priority was given to those conditions that are life- or vision-threatening if not properly detected and managed.

## Exam Model

The exam model is the functional depiction of the exam and represents how the blueprint will be operationalized. Although multiple versions of the exam will be used, each version will fulfill the requirements set forth in the blueprint. Each competency domain will be addressed by multiple stations, and the clinical presentations will serve as topics for the patient encounters.



The exam will consist of twelve stations. At each of the twelve stations, candidates will interact with a standardized patient. In ten of the stations, candidates will be presented with a clinical scenario in which they will be expected to perform a focused case history, interpret and synthesize clinical data, and generate a management plan. Each candidate will assess patients with conditions which fall into the nine clinical presentation categories included in the blueprint: anterior segment disease, posterior segment disease, glaucoma, refraction, systemic disease, neuro-ophthalmic disease, contact lenses, binocular vision, and pediatrics.

In the remaining two stations, each candidate will perform the following skills on a standardized patient:

- Gonioscopy
- Tonometry
- Biomicroscopy
- Dilated Biomicroscopy
- Binocular Indirect Ophthalmoscopy (BIO)

Additional information regarding details of the stations will be published in the candidate guide, which is currently under development.



## Frequently Asked Questions

### Why is the Part III exam changing?

The Part III exam has historically focused on the physical performance of the skills that comprise an eye exam; however, it is natural that the exam evolves as the profession changes. Based on feedback from stakeholders, and to remain current with contemporary optometry, the Part III exam will shift away from the focus on motor skills to a more comprehensive measurement of optometric practice.

### What are the biggest changes to the Part III exam?

The purpose of the exam is the same—to discern if candidates are competent to enter the safe and effective, independent practice of optometry—but the emphasis of the exam is changing substantially. The exam will focus on the analysis and synthesis of clinical data, and the incorporation of that data into patient management decisions. The majority of the exam (ten of the twelve stations) will focus on clinical scenarios. In the remaining two stations, the candidates will physically perform five essential skills on standardized patients: gonioscopy, tonometry, biomicroscopy, dilated biomicroscopy and binocular indirect ophthalmoscopy (BIO).

### How do we know this new exam will be valid?

Evidence from other testing organizations and best practices within the psychometric community have guided the process of exam development. At every step, the best available evidence was used to make decisions, and extensive attention was given to including diverse perspectives in every decision. The process of pilot testing is central to ensuring the exam is both reliable and valid, and an extensive period of pilot testing is planned.

### How was it determined which skills should be physically performed on the exam?

The process of determining which skills should be performed included many different perspectives from various optometric communities. The stakeholder survey was distributed to members of ARBO and ASCO and identified which skills were valued most highly by stakeholders. The focused job task analysis also provided information about how frequently a select number of skills were performed. The task force, comprised of 12 members who provided broad representation from optometry, discussed the results of the stakeholder survey and the focused job task analysis, and produced a final list of skills to be performed on the exam, which was approved by the Board of Directors.

### When will the new exam be implemented?

The new exam will be initiated at the beginning of an administration cycle (August). The **earliest** the new exam would be implemented is August 2022, but the number and duration of pilot tests required will impact determination of the precise date when the exam will begin. The NBEO will communicate the implementation date as soon as it is finalized.

### Will the current exam be offered concurrently with new exam?

Once the new exam begins administration, the current Part III exam will no longer be offered.



# NATIONAL BOARD OF EXAMINERS IN OPTOMETRY

## Report of the Task Force to Review Alternative Testing Methodologies During COVID-19



September 14, 2020

## **Introduction**

In March 2020, the United States began mass closures through businesses, schools, and organizations of all types in response to a global pandemic, COVID-19. NBEO candidates faced sudden closures within Pearson Professional Centers utilized for computer-based testing and a temporary suspension of testing at the National Center of Clinical Testing in Optometry (NCCTO). Candidates scheduled for the March Part I ABS and April Part II PAM/TMOD examinations were impacted by Pearson VUE's decision to close their testing centers throughout the country. The NCCTO in Charlotte, NC suspended testing from March 17 through May 17, 2020. Slightly over 250 candidates needed to be rescheduled for Part III CSE testing due to the two-month testing suspension. Upon reopening on May 18, 2020, NBEO provided over 300 potential exam appointments for Part III CSE through the end of June. This allowed all candidates from the graduating class of 2020 the opportunity to take the examination.

During the temporary testing suspension NBEO began research efforts to review various alternative testing methods while simultaneously creating alternative testing plans for the Part I ABS and Part II PAM/TMOD examinations with Pearson VUE. The NCCTO reopened mid-May with a multitude of safety measures in place for candidate testing. After listening to concerns from stakeholder groups, NBEO coordinated with the Association of Regulatory Boards in Optometry (ARBO) to convene a Task Force. The charge of this Task Force was to explore alternative testing methods for candidates seeking the NBEO exam series (Parts I, II, and III) used for licensure by jurisdictional regulatory boards.

## **Members of the Task Force**

Bill Rafferty, OD (chair) – State Board Executive Director/ ARBO/NBEO

Larry Davis, OD – UMSL Dean/ASCO/NBEO

Donovan Crouch, OD – ARBO/NBEO

Jerry Richt, OD – NBEO Board Member/ ARBO

Patricia Bennett, MSW – ARBO Board Member/State Board Executive Director

Ron Hopping, OD, MPH –State Board Member/ARBO (NBERC)

Annabelle Storch, OD – recent AOSA President

Larissa Smith, PhD - NBOME Psychometrician

John Sicotte, MBA - NBEO Board Member

Lisa Fennell – ARBO Executive Director

Jill Bryant, OD, MPH – NBEO Executive Director

Patrick O'Neill, OD – ex-officio, ARBO President

Lewis Reich, OD, PhD – ex-officio, NBEO President/SCO President/ASCO

## **Advisory to Task Force**

Dennis Maynes, CESP – Caveon Chief Scientist, Data forensics

Brooke Houck, PhD -- NBEO Psychometrician

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## Executive Summary

After listening to concerns from stakeholder groups amidst the mass closures of business, school, and organizations due to the global pandemic that began in earnest in the United States in March 2020, NBEO coordinated with the Association of Regulatory Boards in Optometry (ARBO) to convene a Task Force. Coordination with ARBO was critical considering that their member regulatory boards are dependent upon the NBEO examinations for licensure. The Task Force purpose was to discuss potential alternative testing methods for NBEO licensure exams. The Task Force met for three sessions of approximately 2 hours each using videoconferencing.

The group reviewed issues raised by stakeholders including, but not limited to the following: regulatory boards' needs to keep exams valid and reliable for the issuance of licenses, concerns for the safety of candidates traveling to fulfill examination requirements, safety of the testing environment for candidates taking exams and NBEO staff administering exams. The task force discussed possible alternative testing methods for the computer-based examinations (Part I & Part II) given at Pearson Professional Centers throughout the United States, its territories, and Canada as well as the Part III Clinical Skills Exam provided at the National Center of Clinical Testing in Optometry (NCCTO) in Charlotte, NC.

The first meeting of the Task Force focused on the Part III Clinical Skills Exam. The second meeting focused on the computer-based exams. During the final meeting, the Task Force synthesized information presented and discussed and composed recommendations.

The Task Force ultimately recommended the following guidance to the NBEO Board of Directors:

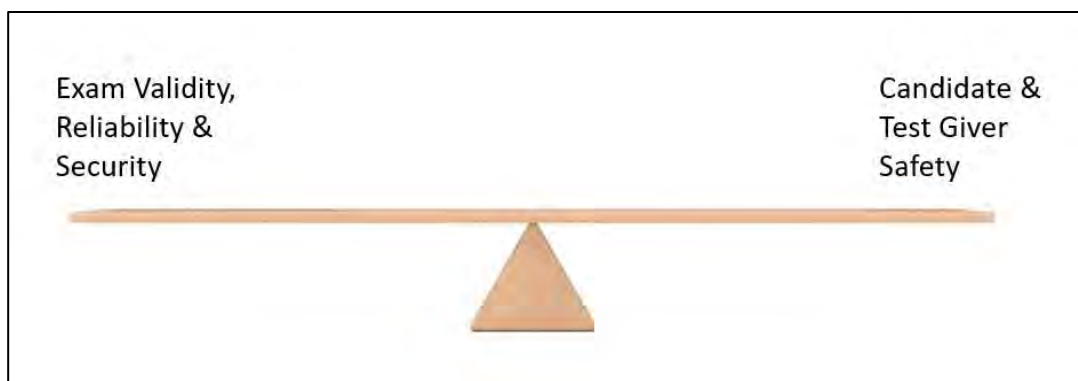
1. Examination integrity, reliability, and validity must be maintained;
2. Any changes to testing should be able to be implemented within a 3-month time frame;
3. NBEO should make accommodations in the Part III CSE testing schedule to accommodate group travel of students from schools and colleges;
4. NBEO further investigate the feasibility of a temporary testing site on the west coast
5. Consider outreach for potential advocacy efforts by other organizations; and
6. NBEO should continue to negotiate scheduling options for the computer-based examinations with Pearson VUE.

## Charge of Task Force

The charge of this Task Force was to explore alternative testing methods for candidates seeking the NBEO exam series (Parts I, II, and III) used for licensure by jurisdictional regulatory boards.

### Task Force Goal

The charge of the Task Force presented a substantial challenge. The goal of the group was established during the first meeting: to attempt balancing the need to preserve the integrity of the exam process and the safety and well-being of all involved (candidates and test givers). The Task Force Chair encouraged objectivity and creativity to create viable alternatives to the current testing methodologies.



### Summary of Recognized Issues

The Task Force convened with several known issues established.

1. NBEO Parts I, II, and III are high stakes examinations that have been thoroughly vetted regarding standardization, validity, and defensibility.
2. These examinations are used by state and provincial boards to determine minimal competency regarding licensing optometrists.
3. Most state and provincial boards require by statute that licensee candidates pass all parts of the NBEO exam sequence.
4. Regulatory boards require that the examinations reflect current testing standards and that the examination be unbiased in its development and execution.
5. The COVID-19 (Coronavirus) pandemic has severely restricted travel around the world. Air travel has been especially hard hit due to safety concerns of spreading/contracting the virus.
6. The pandemic has raised concerns regarding the risks associated with taking NBEO examinations and the question has been raised if there is a safer, yet reliable model in which the examinations can be administered.
7. There are concerns by stakeholders regarding the safety of air travel to Charlotte, NC where the NCCTO is located.

8. NBEO has implemented many safety measures consistent with public health guidance at the NCCTO.

## Task Force Process and Meetings

The Task Force held a series of three meetings to review potential alternative test delivery methods. This included review and discussion of potential alternatives for both the NBEO computer-based examinations delivered at Pearson VUE Professional Centers across the country and the performance examinations delivered at NCCTO in Charlotte, NC. Throughout each meeting the Task Force Chair encouraged creativity and active dialogue.

What follows are the agenda and topics discussed from each meeting of the Task Force.

### Meeting 1

Date: July 23, 2020 7:00-9:00pm EST

- Welcome and Introductory Comments - Bill Rafferty, OD
- Discussion of Task Force Purpose and Objectives
- Parameters to Consider (Exam Validity, Reliability & Security vs Candidate/Staff Safety, Travel Considerations)
- Potential Alternative Models for Exploration
  - Part III - CSE & ISE Exams (focus for July 23 meeting)
  - Part I ABS and Part II PAM/TMOD
- Models for consideration
  - Models included in attached document
  - Open discussion for additional models
- Formulate Recommendations to NBEO Board of Directors/Generate Task Force Report once Task Force work completes

### Meeting 2

Date: July 30, 2020 7:00-9:00pm EST

- Welcome – Bill Rafferty, OD
- Executive Session
- Computer-Based Exam Alternative Models for Exploration
  - Models included below
  - Open discussion for additional models
- Follow-up items from July 23 call
  - Provisional license update – Lisa Fennell
  - Charter plane/bus cost breakdown – Jill Bryant, OD

## Meeting 3

Date: August 13, 2020 7:00-9:00pm EST

- Welcome – Bill Rafferty, OD
- Report on State Board Query – Lisa Fennell and/or Pat O’Neill, OD
- Update from meeting with Pearson VUE leadership – Jerry Richt, OD and Jill Bryant, OD
- Review of alternate testing in NCCTO
  - Update
- Review of alternate computer-based testing methods
- Potential Advocacy Efforts—Jerry Richt, OD
- Formulate recommendations

## Summary

The table below summarizes the advantages and disadvantages of each testing methodology considered by the Task Force.

Testing Idea	Advantages	Disadvantages
	<b><u>Clinical Skills Examination</u></b>	
Continue National Center of Clinical Testing in Optometry (NCCTO) testing in accordance with public health and governmental safety guidelines	<ul style="list-style-type: none"> <li>• Safety measures in place</li> <li>• Allows for the same high fidelity, standardized examination experience for all candidates</li> <li>• Examination protocols remain intact</li> <li>• Candidates self-select an examination appointment over a 1-year period</li> </ul>	<ul style="list-style-type: none"> <li>• Requires travel to Charlotte, NC – issue at concern</li> </ul>
Suspend all NCCTO testing for 1 year	<ul style="list-style-type: none"> <li>• Eliminates concerns about travel to Charlotte, NC</li> </ul>	<ul style="list-style-type: none"> <li>• Presents significant licensure issues for Class of 2021</li> <li>• If state boards accept candidates for licensure without Part III CSE, candidates that do not meet the minimally competent standard will potentially gain licensure (normal Part III CSE pass rate ~85%)</li> <li>• Risk to NBEO in not fulfilling its mission</li> <li>• NBEO faces loss of revenue with staff layoffs and budget cuts</li> </ul>
Modified version of Part III limited to essential skills only given at the schools and colleges	<ul style="list-style-type: none"> <li>• Limiting to 2 stations (normally 4 in full exam) -- reduces the number of</li> </ul>	<ul style="list-style-type: none"> <li>• Cost of examination delivered remotely would be increased due to NBEO costs</li> </ul>



of optometry while maintaining operations at NCCTO for Part III CSE	<p>examiners and patients necessary to interact with candidates decreasing potential viral exposure</p> <ul style="list-style-type: none"> <li>• Addresses travel concerns to Charlotte for most (only unsuccessful candidates or those seeking licensure in a state that requires NCCTO exam would travel to Charlotte)</li> <li>• Provides more choice to candidates</li> </ul>	<p>(standard setting, IT resources/requirements for scoring, examiner and patient expenses, administrative costs, school capitation fees)</p> <ul style="list-style-type: none"> <li>• Decreases exam validity, reliability, and security</li> <li>• Uncertainty if licensing boards will accept</li> <li>• Uncertainty regarding governmental restrictions in each geographic location of the schools/colleges—could make planning initiatives challenging</li> </ul>
NBEO upfits RV/buses/vans with standardized examination lanes, standardized patients, NBEO trained examiners to travel to each School and College of Optometry	<ul style="list-style-type: none"> <li>• Eliminates concerns about travel to Charlotte, NC</li> </ul>	<ul style="list-style-type: none"> <li>• Cost prohibitive</li> <li>• Timeline not sufficient for need</li> <li>• Likely to increase risk of virus spread as a result of small, closed spaces</li> </ul>
<b><u>Computer-Based Examinations</u></b>		
Paper and Pencil Testing	<ul style="list-style-type: none"> <li>• Possible decreased travel for candidates</li> <li>• Rescheduling less dependent on Pearson VUE</li> </ul>	<ul style="list-style-type: none"> <li>• Time prohibitive</li> <li>• Cost prohibitive</li> <li>• Complex logistics if governmental closures have shut down Pearson VUE centers; likely testing locations also shut down</li> <li>• Uncertainty around variables of breaking contract with Pearson VUE</li> </ul>
Remote Proctoring	<ul style="list-style-type: none"> <li>• Eliminates candidate travel</li> </ul>	<ul style="list-style-type: none"> <li>• Decreases exam validity, reliability, and security</li> <li>• Uncertainty if licensing boards will accept</li> <li>• Time prohibitive</li> <li>• Cost prohibitive</li> <li>• Fairness issue (not all candidates have same level of internet access and technology)</li> </ul>
Utilize computer labs at schools for exam administration	<ul style="list-style-type: none"> <li>• Diminishes travel for candidates (potentially, but based on location of externship)</li> </ul>	<ul style="list-style-type: none"> <li>• Decreases exam validity, reliability, and security</li> <li>• Time prohibitive (exam files not easily transferrable from Pearson VUE format to other software format)</li> <li>• Uncertainty around variables of breaking contract with Pearson VUE</li> <li>• Uncertainty regarding governmental restrictions in each geographic location of</li> </ul>

		the schools/colleges— challenge to planning
NBEO purchase laptops and administer exam at venue near schools	<ul style="list-style-type: none"> <li>• Diminishes travel for candidates</li> </ul>	<ul style="list-style-type: none"> <li>• Three weekends required to deliver exams (1/3 of schools each weekend, purchase of 750 laptops)</li> <li>• Increasing beyond 1/3 of schools at time—cost prohibitive</li> <li>• Complex logistics if governmental closures have shut down Pearson VUE centers; likely testing locations also shut down</li> <li>• Uncertainty around variables of breaking contract with Pearson VUE</li> <li>• Decreases exam validity, reliability, and security</li> </ul>
Pearson VUE Professional Centers (PPCs)	<ul style="list-style-type: none"> <li>• Highest level of exam standardization and security</li> <li>• Options to increase seat availability to candidates</li> <li>• Temporary centers functioning as Pearson Professional Centers</li> <li>• Increase exam windows</li> <li>• Short-term strategy to increase examination windows</li> <li>• Long-term strategy to increase examination windows</li> <li>• Alternative exam administrations</li> </ul>	<ul style="list-style-type: none"> <li>• Pearson VUE could be impacted by governmental closures again</li> <li>• Difficulty finding seats in desired locations for candidates due to backlog at Pearson VUE and PPCs operating at 50% capacity</li> </ul>

## Recommendations

The variables considered in considering a different methodology involved four essential factors: cost, risk, time, and exam validity. In all methods, each factor was considered. Major changes in testing methods would more than double examination costs with a minimum of 3-4 months of development time, and cause a significant decrease in examination validity while only moderately altering the safety risk profile. After much discussion throughout the three meetings of the Task Force and considering the mission of the NBEO, the following recommendations are hereby given to the Board of Directors of the National Board of Examiners in Optometry:

1. Any alternative testing methodologies used should not compromise examination integrity, reliability, or validity.

2. Any alternative testing methodologies used must be able to be implemented within a 3-month period due to the uncertainty around the future regarding COVID-19 status.
3. The NBEO should make scheduling adjustments for schools and colleges of optometry who wish to send candidates traveling together as a group for testing.
4. The Task force recommends that NBEO further explore the development of a rapid response alternate site to administer the CSE examinations. A location in one of the western states would offer the additional benefit of more equitable travel requirements, for all candidates, during a crisis.
5. Consider outreach for potential advocacy efforts by other organizations.
6. The NBEO should continue to negotiate scheduling options with Pearson VUE for the Part I and Part II examinations.
  - a. The Task Force recognizes that NBEO created an increased window for examinations during COVID-19 increasing Part I ABS window from 4 days to 3 weeks administered during July-August 2020 and 3 weeks in November.
  - b. The Task Force recommends that NBEO continue current efforts to develop short-term plans to increase examination windows beyond 3 weeks if necessary.
  - c. The Task Force recommends that NBEO continue current efforts to develop long-term contingency plans that would allow more flexibility in scheduling.
  - d. Task Force recognizes NBEO work to create “essential services” classification within Pearson VUE providing increased protection to NBEO candidates in scheduling.

## Concluding Remarks

The Task Force would like to thank all members for their service, their candor, and their efforts. We would also like to thank and recognize external partners who served on the Task Force to provide additional expertise in the testing field: Dennis Maynes from Caveon Test Security and Dr. Larissa Smith from National Board of Osteopathic Medicine Examiners. We would also like to thank Dr. Jill Bryant, Executive Director of NBEO for her diligent efforts to forge a path for NBEO candidates and stakeholders through this unprecedented challenge. Lastly, we thank the staff of NBEO for their thorough research into feasibility and costs of the various ideas discussed by the Task Force.

# ISSUE MEMORANDUM

<b>DATE</b>	October 23, 2020
<b>TO</b>	Members, California State Board of Optometry (CSBO)
<b>FROM</b>	Mark Morodomi, Board President
<b>SUBJECT</b>	Agenda Item #9 – Elections of Board Officers

[Business and Professions Code § 3014](#) states that the board shall elect from its membership a president, a vice president, and a secretary who shall hold office for one year or until the election and qualification of a successor. All officers may be elected on one motion or ballot as a slate of officers unless more than one Board member is running per office. An officer may be re-elected and serve for more than one term.

Pursuant to the [Board's Administrative Manual](#), the Board President is required to solicit nominees not less than 45 days prior to the open election of new Board officers. Staff has compiled nomination forms and the statements from nominated candidates which are set out below.

The terms of President, Vice President and Secretary shall be effective until July 1, 2021. The Board will then nominate officers for 2021-2022 at the May 2021 public meeting.

## **For Board President:**

Mark Morodomi was nominated by Dr. Turetsky, Dr. Kawaguchi, and Cyd Brandvein.

## **For Board Vice President:**

Dr. Glenn Kawaguchi was nominated by Dr. Turetsky and Cyd Brandvein.

## **For Board Secretary:**

Dr. Debra McIntyre was nominated by Dr. Kawaguchi.



## OFFICER NOMINATION FORM

### Nominated Office:

- President**
- Vice President
- Secretary

### Nominee:

- Cyd Brandvein
- Glenn Kawaguchi, O.D.
- Debra McIntyre, O.D.
- Mark Morodomi**
- David Turetsky, O.D.
- Lillian Wang, O.D.
- 

Nominated by:

### Reason:

Our delayed elections are six months into a cycle that was to have started last April. Finishing out this shortened election term with leadership continuity and consistency from President Mark Morodomi and Dr. Glenn Kawaguchi enables the Board to close out its strategic planning process, complete the legislative session and carry over pandemic priorities with DCA. We will hear from each what their vision is for the six months ahead.



## OFFICER NOMINATION FORM

### Nominated Office:

- President
- Vice President
- Secretary

### Nominee:

- Cyd Brandvein
- Glenn Kawaguchi, O.D.
- Debra McIntyre, O.D.
- Mark Morodomi
- David Turetsky, O.D.
- Lillian Wang, O.D.
- 

### Nominated by:

Cyd Brandvein

### Reason:

Our delayed elections are six months into a cycle that was to have started last April. Finishing out this shortened election term with leadership continuity and consistency from President Mark Morodomi and Dr. Glenn Kawaguchi enables the Board to close out its strategic planning process, complete the legislative session and carry over pandemic priorities with DCA. We will hear from each what their vision is for the six months ahead.

## **Nominee Statement from Mark Morodomi**

October 12, 2020

Dear Fellow Board Members,

I would appreciate your support to allow me to serve a second year as Board President.

You first elected me in July 2019. This past term – 2020 – seems more like ten years, rather than one.

We started off with an historic success – the passage of and signing into law of Assembly Bill 458. That law and its upcoming regulatory framework allow optometrists to make house calls to home-bound seniors and other patients.

Then Covid-19 hit. We adjusted to board meetings via WebEx. We scrambled to ensure our regulations allow for more online continuing education. We lost experienced board members due to term limits. We had to donate staff to help in the state's crisis response and contact tracing.

But mostly I'm proud to say that relative to the chaos in other parts of America, the Board of Optometry has been calm and stable. Calm is something that we didn't value enough pre-Covid. It is such a cherished thing today.

We have some hard work ahead this year. We must go through sunset reporting and review before the Legislature. We have recent graduates enduring and suffering through a limbo because of the NBEO exam location. Covid-19 looms over everything we do.

I can't predict what new chaos will arise. All I can do is to promise to work hard to ensure the Board of Optometry remains drama free and stable for the consumers and the professions.

/s/ Mark T. Morodomi  
Board President

## **Nominee Statement from Dr. Debra McIntyre**

October 14, 2020

I am honored to accept the nomination to act as the Secretary of the Board of Optometry for an additional term. I have appreciated the opportunity I have had over the last year to participate more fully as a member. The position of the Secretary has been helpful in that it has strengthened my understanding of the issues through my editorial contribution. I look forward to continue serving as the Secretary of the State Board of Optometry.

Debra McIntyre, OD



## ISSUE MEMORANDUM

<b>DATE</b>	October 23, 2020
<b>TO</b>	Members, California State Board of Optometry (CSBO)
<b>FROM</b>	Mark Morodomi, President
<b>SUBJECT</b>	Agenda Item #10 – Future Agenda Items

The Board may wish to discuss items to be placed on a future agenda. As the board received comment regarding items not on the agenda, Agenda Item #10 does not require public comment.

# ISSUE MEMORANDUM

<b>DATE</b>	October 23, 2020
<b>TO</b>	Members, California State Board of Optometry (CSBO)
<b>FROM</b>	Mark Morodomi, President
<b>SUBJECT</b>	Agenda Item #11 - Adjournment

If adjournment is made, please note the time for the record and announce any future public Board meetings:

- November 20, 2020 WebEx Board Meeting, during which we will honor those board and committee members whose service ended in 2020.