

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, November 20, 2020

Time: 10:30 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/q.php?MTID=e152baf71dd486e11542f5038605cf3ab>

Event Number: 146 130 7928 Event Password: CSBO1120

NOTICE: Pursuant to Governor Gavin Newsom's Executive Order N-29-20, in response to the COVID-19 pandemic, the meeting is being held entirely electronically. No physical public location is being made 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

Action may be taken on any item on the agenda.

FULL BOARD 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. **President's Report**
 - A. Recognition of Past Board and Committee Members
4. **Department of Consumer Affairs Update**
 - A. Executive Office
 - B. Budget Office
5. **Update, Discussion, and Possible Action on 2021 – 20XX Optometry Board Strategic Plan**

6. Update, Discussion, and Possible Action on Optometry Board Sunset Review

7. Executive Officer's Report

- A. Examination and Licensing Program
- B. Enforcement Program
- C. Policy and Outreach Update
- D. Update on the Board's Response to COVID-19

8. Discussion and Possible Action on Board Meeting Minutes

- A. August 13 and 14, 2020 Meeting
- B. September 18, 2020 Meeting
- C. October 23, 2020 Meeting

9. 2021 Board Meeting Dates

10. Future Agenda Items

FULL BOARD CLOSED SESSION

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

FULL BOARD CLOSED SESSION

12. 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, unless listed as informational only. Agenda items may be taken out of order to accommodate speakers and 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 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

DATE	November 20, 2020
TO	Members, California State Board of Optometry (CSBO)
FROM	Mark Morodomi, President
SUBJECT	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 WebEx 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

DATE	November 20, 2020
TO	Members, California State Board of Optometry (CSBO)
FROM	Mark Morodomi, Board President
SUBJECT	Agenda Item #2 – Public Comment for Items Not on the Agenda

The Board welcomes public comment for items not on the agenda. Attached are three comments received via email prior to the meeting:

1. Dr. Pam Miller, O.D, regarding the October President’s Message
2. Council on Optometric Practitioner Education (COPE) call for public comment on proposed course category revisions
3. Letter from Hyung Park, General Counsel of Warby Parker, on proposed optician statutory revisions

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))

Please post in materials for comments for items not on the agenda.

Respectfully,
Shara P. Murphy (pronouns: she/her)
Executive Officer

California State Board of Optometry
Department of Consumer Affairs
Direct Phone: (916) 291-4999

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From: Dr Pamela Miller <drpam@omnivision.com>
Sent: Wednesday, November 4, 2020 7:59:04 AM
To: Murphy, Shara@DCA <Shara.Murphy@dca.ca.gov>
Subject: Morodomi letter of October 2020

[EXTERNAL]: drpam@omnivision.com

CAUTION: THIS EMAIL ORIGINATED OUTSIDE THE DEPARTMENT OF CONSUMER AFFAIRS!

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NEVER: provide credentials on websites via a clicked link in an Email.

Shara,

Please distribute to the following CA State Board of Optometry members.

Thank you.

Dr Pam

Pamela J. Miller, OD, FAAO, JD, FNAP

November 4, 2020

Mark Morodomi, President CA State Board of Optometry

Dear President Morodomi:

I am deeply concerned about your October 2020 letter regarding Increasing the Diversity of Optometric Doctors.

The role of the State Board, which is a government entity, funded primarily by the licensed California Doctors of Optometry, has 3 specific functions. They are to:

1. License Doctors of Optometry
2. Enforce the Optometric Laws
3. Protect the California consumer

At no point is the board entitled to address issues outside of these 3 mandates.

Utilizing your politically appointed position to advance a personal agenda, is inappropriate. You are in essence taking a position that does not advance any of the legislated mandates. Furthermore, to specifically espouse greater inclusion of Black and "brown" people is a direct contradiction to your responsibility as the state board president, and most particularly representing the state board.

The ramifications are far reaching, including promoting affirmative action, espousing the exclusion of otherwise qualified applicants by implication and the acceptance of those individuals into the optometric professional schools. This only creates an underlying result of suspicion and non-acceptance of these individuals both by their classmates and ultimately their colleagues. By specifically calling out these two groups (and frankly, I am not certain exactly who "brown" people are) you have further divided the profession.

It is the responsibility and obligation of the professional organizations to espouse the needs of their members. To that end, the National Optometric Association, Asian American Optometric Associations and the American Optometric Association, have a strong and distinct role to play to represent their membership, independent of any state board.

I am further amazed that you did not single out other specific ethnicities, including Middle Eastern, Native American, etc., but specifically called out Blacks and brown (with a small b).

This position has absolutely nothing to do with the current Pandemic illness or death. You very specifically referred to Black, African Americans a number of times, so it would be logical to deduce that this is the only population you are actually concerned with.

Whatever your personal beliefs are or your personal areas of concern and interest, they are just that – your personal beliefs. It is inappropriate to utilize your appointed position as the CA State Board of Optometry president to further your personal agenda. You certainly have a right to your personal opinions and your commitment to further those opinions, as an individual, but not representing the California Doctors of Optometry as a state board individual. This crosses the line and colors your obligation to serve as an independent and impartial board member.

This position does nothing to safeguard the California consumer, aid in licensing or the enforcement of existing laws. I would strongly urge you to revisit your commitment to acting as a member of the CA State Board of Optometry and re-evaluate the issues you speak on both as a political appointee and as a private citizen. It is critical that the line not be crossed if you wish to retain your ability to speak with any authority.

Sincerely,

Pamela Miller, OD, FAAO, JD, FNAP

6836 Palm Ave, Highland, CA 92346

CA State Board Member 1986-1992

Cc: Gavin Newsom, Governor



Association of Regulatory Boards of Optometry, Inc.

Association of Regulatory Boards of Optometry

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Charlotte, NC 28202

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Fax: (888) 703-4848
Email: arbo@arbo.org



Releases Call for Comment on Proposed Course Category Revisions

To: ARBO Member Boards
From: Council on Optometric Practitioner Education (COPE)
Date: November 3, 2020
Re: Proposed Course Category Revisions

As part of COPE's ongoing effort for continuous improvement, the COPE Governing Committee has done an extensive review of the course category definitions. The committee's recommendations for updating and modernizing the course categories are attached. In an effort to streamline the COPE accreditation process, the committee is also recommending combining some categories and eliminating one category. Since many State and Provincial Boards have specific requirements regarding course categories, it is very important that COPE receives your input before moving forward with making any changes.

Comments will be accepted until January 8, 2021. After the comment period closes, all comments will be reviewed by the COPE Governing Committee and the ARBO Board of Directors. Final category changes will be presented to the ARBO Member Boards at the Annual Meeting in June.

This document has been prepared so that you may review the proposed changes and provide your feedback. The document includes the category title in the first column, the current COPE category definition in the second column, and the proposed change in the third column. Changes are shown in **red text**. Comments and explanations are shown in **green italics**.

Please send your comments to Lisa Fennell, ARBO Executive Director, at lfennell@arbo.org. We look forward to receiving your feedback.

Proposed COPE Category Revisions (11/3/2020)

Category	Current Definition	Proposed Revision
Contact Lenses (CL)	All aspects of contact lens applications.	<i>No changes recommended.</i>
Functional Vision/Pediatrics (FV)	Those portions of optometric practice that deal with visual processing and neuro-optometric rehabilitation, including sports vision, binocular vision, and visual training or vision development courses.	Those portions of optometric practice that deal with visual processing and neuro-optometric rehabilitation (acquired brain injury), including sports vision, vision development, binocular vision (strabismus/amblyopia), visual processing and vision therapy or vision development courses.
General Optometry (GO)	Any study in the area of the eye and vision care, which constitutes eye and vision research, or examination, diagnosis and treatment of anomalies of the human eye and visual system. For the purposes of these categories "General Optometry" excludes any other category enumerated here.	<i>No changes recommended.</i>
Low Vision/Vision Impairment & Rehabilitation (LV)	All aspects of low vision devices, care and therapy.	All aspects of low vision devices, care and therapy; including models of care based on a team approach and case management.
Public Health (PB)	Those portions of optometry focused on disease prevention and health promotion at a population level and considering evidence from the fields of biostatistics, environmental health, health policy and management of social and behavioral sciences. Examples: Disease surveillance, vision screening, health disparities, determinants of health, health literacy, health education, environmental optometry, infection control, health services research, health law, health economics, evidence based practice, behavior change communication, cultural competency, etc.	Those portions of optometry focused on disease prevention, epidemiology , and health promotion at a population level and considering evidence from the fields of biostatistics, environmental health, health policy and management of social and behavioral sciences. Examples: Disease surveillance, vision screening, health disparities, determinants of health, health literacy, health education, environmental optometry, infection control, health services research, health law, health economics, evidence based practice, behavior change communication, cultural competency, etc.
Glaucoma (GL)	The study of the etiology, clinical pathophysiology, diagnosis, treatment, management, and the outcomes of therapeutic regimens. Examples: Any course with major emphasis on diagnosis, treatment, and/or surgical and medical	<i>No changes recommended.</i>

	management of glaucoma (i.e., trabeculectomy, laser surgery for glaucoma).	
Injection Skills (IS)	Instruction and clinical training in subcutaneous, intramuscular, and intravenous injection for the purpose of therapeutic diagnosis and treatment of disease or anaphylaxis.	Instruction and clinical training in ocular injection for the purpose of therapeutic diagnosis and treatment of disease or anaphylaxis.
Laser Procedures (LP)	The study and clinical training in the performance of any ophthalmic laser procedure of the anterior segment and adnexa. Examples: SLT, ALT, LPI, YAG, Punctoplasty, etc.	The study and clinical training in the performance of any ophthalmic laser procedure of the anterior segment and adnexa. Examples: SLT, ALT, LPI, Gonioplasty, YAG PC, Iridoplasty, Punctoplasty etc.
Peri-Operative Management of Ophthalmic Surgery (PO)	The study of all aspects of pre- and post-operative management of invasive ophthalmic surgery procedures (excludes Refractive Surgery). Examples: Cataract surgery, blepharoplasty, strabismus surgery, keratoplasty, etc.	<i>Recommendation to combine this category with Refractive Surgery Management (RS)</i> <i>New PO Category Definition–</i> The study of all aspects of pre- and post-operative management of invasive ophthalmic surgery procedures including Refractive Surgery . Examples: Cataract Surgery, blepharoplasty, strabismus surgery, keratoplasty, and courses related specifically to management of PRK, RK and LASIK patients, corneal refractive surgery, etc.
Refractive Surgery Management (RS)	Instruction and/or clinical training in refractive or photorefractive technologies, which may include Perioperative Patient Management: Counseling and evaluation for indications or contraindications in patient selection, including recognition of associated complications and course of action in analysis and treatment. Examples: Courses related specifically to management of PRK, RK and LASIK patients; corneal refractive surgery, etc.	<i>Combine with Peri-Operative Management of Ophthalmic Surgery into one category. See new definition above.</i>

Surgery Procedures (Optometric) (SP)	<p>Instruction and/or clinical training in the performance of ocular surgery procedures.</p> <p>Examples: I&D of lesions, surgical lid lesion excision, suturing techniques, stromal micropuncture, chalazion curettage, etc.</p>	<i>No changes recommended.</i>
Treatment & Management of Ocular Disease: Anterior Segment (AS)	<p>The study of the etiology, clinical pathophysiology, diagnosis, treatment, management, and outcomes of therapeutic regimens for anomalies of the anterior segment of the human eye.</p> <p>Examples: Keratitis, anterior uveitis, conjunctivitis, blepharitis, lid anomalies, foreign body removal, etc.</p>	<p><i>Recommendation to combine this category with Treatment & Management of Ocular Disease: Posterior Segment, into one category called Treatment & Management of Ocular Disease.</i></p> <p><i><u>New Treatment & Management of Ocular Disease Definition:</u></i> The study of the etiology, clinical pathophysiology, diagnosis, treatment, management, and outcomes of therapeutic regimens for anomalies of the human eye.</p>
Treatment & Management of Ocular Disease: Posterior Segment (PS)	<p>The study of the etiology, clinical pathophysiology, diagnosis, treatment, management, and outcomes of therapeutic regimens for anomalies of the posterior segment of the human eye.</p> <p>Examples: Degenerative, infective, and vascular diseases of the retina/choroid/sclera and optic nerve, inclusive of all aspects of surgical care involving the posterior segment of the eye, i.e., retinopathies, neuropathies, retinal laser surgery, retinal detachment surgery, etc.</p>	<p><i>Recommendation to combine this category with Treatment & Management of Ocular Disease: Anterior Segment, into one category called Treatment & Management of Ocular Disease. See new definition above.</i></p>
Neuro-Optometry (NO)	<p>The study of the etiology, clinical evaluation, diagnosis, treatment and management of disease and disorders of the nervous system, both systemically and as it relates directly to the eye and visual system.</p> <p>Examples: Includes all aspects of nervous system conditions involving the brain, cranial nerves, spinal cord, peripheral nerves, and corresponding muscles, i.e., multiple sclerosis, pituitary tumor, brain trauma, Myasthenia Gravis, papilledema, Horner’s Syndrome, etc.</p>	<p>The study of the etiology, clinical evaluation, diagnosis, treatment and management of disease and disorders of the nervous system, both systemically and as it relates directly to the eye and visual system.</p> <p>Examples: Includes all aspects of nervous system conditions involving the brain, cranial nerves, spinal cord, peripheral nerves, and corresponding muscles, i.e., multiple sclerosis, pituitary tumor, traumatic brain injury (TBI), Myasthenia Gravis, papilledema, Horner’s Syndrome, etc.</p>

Oral Pharmaceuticals (OP)	The study of the etiology, clinical evaluation, diagnosis and treatment of ocular disease using the appropriate indications, prescription utilization, and follow-up assessment of the oral medications used for ocular therapy.	<i>Recommendation to combine this category with Pharmacology (PH); feedback from the jurisdictions that require Oral credits is necessary before this change can be made.</i>
Pharmacology (PH)	The study of the interaction of chemical agents with biological systems. Examples: Toxicology; adverse effects of systemic drugs; adverse effects of ocular drugs; control of ocular pain. Any courses related to medications and how they affect the various tissues or their mechanism of actions.	<i>Recommendation to combine this category with Oral Pharmaceutical (OP); feedback from the jurisdictions that require Oral credits is necessary before this change can be made.</i>
Principles of Diagnosis (PD)	The study of the art and science of the process of determining the nature and circumstances of a diseased condition with emphasis on the biological and clinical procedures utilized in medical examination and disease differentiation, and underlying clinical pathophysiology, e.g., corneal topography, visual fields (unless specific to glaucoma); laboratory testing and imaging; fluorescein angiography; gonioscopy.	<i>It is recommended to eliminate this category and categorize future courses into their specific disease related category.</i>
Systemic/Ocular Disease (SD)	The study of the relationship of any anomaly of normal function of the human body and the possible manifestation of such as signs and/or symptoms in the eye or visual system. Examples: General study of diabetes, HIV/AIDS, thyroid disease, etc., along with their ocular manifestations. Vascular diseases both systemic and ocular.	<i>It is recommended to change the title of this category to Systemic Disease –</i> <u>Systemic Disease (SD) Definition:</u> The study of the relationship of any anomaly of normal function of the human body and the possible manifestation of such as signs and/or symptoms in the eye or visual system. Examples: General study of diabetes, HIV/AIDS, thyroid disease, etc., along with their ocular manifestations. Vascular diseases both systemic and ocular, autoimmune disease and non-ocular cancers.
Ethics/Jurisprudence (EJ)	The study of the body of law in the practice of optometry and its relationship to the Medicolegal system. Examples: Any courses related to the rules and practice acts for optometry, or addressing medicolegal issues related to patient treatment, and liability	The study of the body of law in the practice of optometry and its relationship to the Medicolegal system. Examples: Any courses related to the rules and practice acts for optometry, or addressing medicolegal issues related to patient treatment, liability concerns and issues, compliance, and adoption of emerging technologies.

	concerns and issues.	
Practice Management (PM)	The study of management of the business affairs of optometric practice. This includes the concepts of managed care and operations management, courses designed to help market practices, to educate office staff, to improve billing efficiency and coding skills, to improve clinical recordkeeping and to enhance fiscal efficiency. EHR and ICD-10 courses are included in this category. This does not include courses that are intended for personal enhancement or investment prowess.	The study of management of the business affairs of optometric practice. This includes the concepts of managed care and operations management, leadership, marketing, social media, patient communication, as well as courses designed to help market practices, to educate office staff, to improve billing efficiency and coding skills, to improve clinical recordkeeping and to enhance fiscal efficiency. EHR and ICD-10 courses are included in this category. This does not include courses that are intended for personal enhancement or investment prowess.

WARBY PARKER

California State Board of Optometry
Legislation/Regulation Committee
c/o Shara Murphy, Executive Officer

Sent via email: optometry@dca.ca.gov

November 13, 2020

Re: Warby Parker Comments Regarding the Dispensing Optician Committee's Proposed Re-write of the Optician Statutory

Dear Members of the Board,

I am writing on behalf of JAND, Inc. dba Warby Parker ("Warby Parker") regarding the California State Board of Optometry, Dispensing Optician Committee's proposed re-write of the optician statutory sections to the Business and Professions Code.

Warby Parker is a vertically integrated eyewear brand that was founded in 2010 with a mission to provide designer eyewear at affordable prices. We have built a customer base of millions by using technology to conveniently offer prescription eyewear online and in our 120+ stores across the country, including 19 locations across California.

By circumventing traditional channels, designing glasses in-house, and engaging with customers directly, Warby Parker provides higher-quality, better-looking prescription eyewear at a fraction of the going price (starting at just \$95). We cut out the middleman by designing and producing our eyewear and then pass on the savings to customers. Last fall, we launched Scout, our first daily contact lens brand in our stores and online. We also offer contact lenses from other brands, such as Acuvue and Bausch + Lomb.

Regarding the proposed changes to the optician statute, Warby Parker has several concerns about the impact these changes would have on California consumers. Specifically, Section 2559.15 – relating to spectacle lens dispensing – would create burdensome requirements that would limit the services we can offer at our 19 locations and greatly inconvenience our customers.

This section would overturn longstanding practice in California and require that a registered dispenser must always be on the premises for an unregistered assistant to undertake duties, eliminating the "customary absences" permission that existed for decades. The customary absences have included illness or vacation. Warby Parker takes our customers' safety very seriously. To date, we are not aware of any instances arising from when an unregistered technician was fitting or adjusting spectacle lenses in a registered dispenser's absence. These changes are not necessary to protect California consumers.

WARBY PARKER

Connecticut is one of the few states that currently employ this model. We currently operate two retail locations in that state, and due to a shortage of licensed opticians in the state, we cannot run both sites, seven-days-a-week. We believe implementing similar regulations in California will meaningfully and adversely impact our operations and, in turn, our customers as described below.

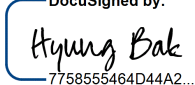
This section also adds a supervision limitation of three unregistered assistants per registrant. We are not aware of any issues that have arisen with a registered optician overseeing more than three assistants. This change would likely force us to either downsize the number of locations that are open at any given time to be sure that we can meet the criteria with sufficient registered dispensers or significantly increase the number of registered dispensers we employ.

If the Board proceeded with making these changes, to maintain our service standard, we would have to employ more opticians to account for emergencies and still be able to provide the service our customers are accustomed to receiving, significantly driving up our costs to operate in California. In addition, we would have to ship glasses more frequently from a store to our customers and incur additional costs and operational burden due to more frequent shipments. Lastly, these regulations would significantly impact our customer satisfaction by preventing, in many instances, the dispense of a pair of frames that were shipped to a store for customer pick up.

We understand the Board's desire to protect the consumer and ensure that optical dispensing is happening safely. We take our customer's safety very seriously and believe we have an exemplary record of customer safety and the proper dispensing of glasses. However, the proposed regulations seem to be a solution in search of a problem and are more likely to increase costs and significantly diminish the customer experience rather than improve safety.

We look forward to discussing this matter with you and are available at your convenience.

Sincerely,

DocuSigned by:

7758555464D44A2...

Hyung Bak
General Counsel and Secretary
Warby Parker



ISSUE MEMORANDUM

DATE	November 20, 2020
TO	Members, California State Board of Optometry (CSBO)
FROM	Mark Morodomi, President
SUBJECT	Agenda Item #3 – President’s Message

A. Recognition of Past Board Members

The Board would like to recognize the following past members of the Board and DOC whose terms expired on June 1, 2020:

- Dr. Madhu Chawla, O.D.
- Martha “Ruby” Garcia, SLD, CLD
- Kanchan Mattoo
- Rachel Michelin

Attachment: Invitation sent to former members dated November 5, 2020.



November 5, 2020

Greetings,

Thank you for your dedication and participation as Board and Committee Members for the California State Board of Optometry (CSBO). Board Executive Officers and CSBO staff sincerely appreciate the time and effort you have given to consumers and the regulation of Optometry and Opticianry.

Please join us for the November 20, 2020 Board meeting, during which we will publicly recognize your service.

Please confirm your attendance for this meeting (by video conference) and provide your physical address for the mailing of your resolution.

Please respond by sending an R.S.V.P. to Marc Johnson of my staff (Marc.Johnson@dca.a.gov) no later than Monday, November 9, 2020. Our goal is for you to have received the resolution by the date of the meeting.

We hope to see you on Friday, November 20, 2020.

Kindly,

Shara P. Murphy
Executive Officer
California State Board of Optometry



ISSUE MEMORANDUM

DATE	November 20, 2020
TO	Members, California State Board of Optometry (CSBO)
FROM	Shara Murphy, Executive Officer
SUBJECT	Agenda Item #4 – Department of Consumer Affairs Update

Representatives from the California Department of Consumer Affairs will offer updates in the following areas:

A. Department of Consumer Affairs

Carrie Holmes, Department of Consumer Affairs Deputy Director, will provide an update.

B. Budget Office

Marie Reyes, DCA budget officer, will provide an update on the Board’s fund condition and budget. Please see the attached fund spreadsheet.

0763 - OPTOMETRY FUND
Analysis of Fund Condition

	Actual 2019-20	CY 2020-21	BY 2021-22	BY+1 2022-23	BY+2 2023-24
BEGINNING BALANCE	\$2,766	\$2,081	\$1,550	\$1,300	\$940
Prior Year Adjustment	-\$72	\$0	\$0	\$0	\$0
Adjusted Beginning Balance	\$2,694	\$2,081	\$1,550	\$1,300	\$940
REVENUES, TRANSFERS AND OTHER ADJUSTMENTS					
Revenues					
4121200 - Delinquent fees	\$12	\$15	\$34	\$34	\$34
4127400 - Renewal fees	\$1,534	\$1,674	\$2,217	\$2,217	\$2,217
4129200 - Other regulatory fees	\$42	\$13	\$18	\$18	\$18
4129400 - Other regulatory licenses and permits	\$140	\$210	\$474	\$474	\$474
4140000 - Sales of documents	\$1	\$1	\$1	\$1	\$1
4163000 - Income from surplus money investments	\$54	\$12	\$33	\$8	\$6
4171400 - Escheat of unclaimed checks and warrants	\$4	\$1	\$1	\$1	\$1
Totals, Revenues	\$1,787	\$1,926	\$2,778	\$2,753	\$2,751
Transfer from Other Funds					
Transfers of RDO Funds	\$0	\$0	\$0	\$0	\$1,082
TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS	\$1,787	\$1,926	\$2,778	\$2,753	\$3,833
TOTAL RESOURCES	\$4,481	\$4,007	\$4,328	\$4,053	\$4,773

	Actual 2019-20	CY 2020-21	BY 2021-22	BY+1 2022-23	BY+2 2023-24
EXPENDITURES AND EXPENDITURE ADJUSTMENTS					
Expenditures:					
1111 Program Expenditures (State Operations)	\$2,216	\$2,314	\$2,841	\$2,926	\$3,013
8880 Financial Information System for California (State Operations)	\$0	\$0	\$0	\$0	\$0
9892 Supplemental Pension Payments (State Operations)	\$36	\$36	\$39	\$39	\$39
9900 Statewide Pro Rata	\$148	\$107	\$148	\$148	\$148
TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS	\$2,400	\$2,457	\$3,028	\$3,113	\$3,200
FUND BALANCE					
Reserve for economic uncertainties	\$2,081	\$1,550	\$1,300	\$940	\$1,573
Months in Reserve	10.2	6.1	5.0	3.5	5.9

Notes:

Assumes workload and revenue projection are realized in BY + 1 and ongoing.
 Expenditure growth projected at 3% beginning BY + 1
 CY revenue and expenditures are projections.
 BY includes merging of funds.

ISSUE MEMORANDUM

DATE	November 20, 2020
TO	Members, California State Board of Optometry (CSBO)
FROM	Strategic Plan Workgroup: Drs. Glenn Kawaguchi and David Turetsky
SUBJECT	Agenda Item #5 – Update, Discussion, and Possible Action on 2021 – 20XX Optometry Board Strategic Plan

Summary/History:

During the August 13, 2020 meeting of the board, members thoroughly debated the priority of board initiatives for the next few years. *(A summary of this discussion follows in the text of this memorandum.)*

At the direction of President Morodomi, the 2021-20XX DRAFT Strategic Plan was agendized for review by board committees in September 2020. After these opportunities for additional public comment, the Strategic Plan Workgroup performed individual reviews and then met for discussions on October 19, 2020, and November 2, 2020.

The workgroup reviewed all sections of the plan and strived to maintain the intent of each member’s requests, as expressed during the debate. The workgroup further considered staff workload capacity and combined like initiatives. The workgroup determined that the plan should cover 2021-2025. Extending the plan to 2025 will sync strategic planning with the Board’s Legislative Sunset Review schedule, allowing for the objectives of the Legislature as expressed during Sunset Review to inform the next strategic plan.

Spurred by the October 2020 President’s Message, entitled *Increasing the Diversity of Optometric Doctors*, the workgroup suggests a previously undiscussed objective for Goal Area 1: Licensing and Examination. ***The workgroup asks that the board consider the objective’s intent and discuss its inclusion in the approved plan.***

Motion for approval if desired:

“I move to approve the Board’s 2021-2025 Strategic Plan with text as amended during today’s discussion.”

Summary of Strategic Planning Debate *(occurring Thursday, August 13, 2020)*

Web-accessible audio of discussion: [3:41 / 1:45:58](#)

SOLID Strategic Business Analyst and Facilitator Trisha StClair, and Co-Facilitator and Planning Manager Shirley Jones provided an overview of strategic planning.

Strategic planning is performed for compliance with the Department of Finance audit guidelines and serves as guidance to staff. Therefore, the Department of Consumer Affairs (DCA) requires that each board maintain a current strategic plan. DCA's SOLID Planning Unit joined the board to organize the process.

Members discussed the board's mission statement, purpose, values, how the board goes about achieving its purpose, the environmental analysis, vision, and objectives for the board's six goals and areas of focus.

Ms. StClair explained the process. After today's planning session, the strategic plan will be drafted. Once the final draft is completed, the Board Members will vote on it. After it is approved the plan will be posted on the board's website. Action planning is the final stage; in which, Members break each objective into steps. The steps are typically assigned to staff.

Ms. StClair presented the 2020 Environmental Scan stakeholder survey with 563 participants.

Board President Mark Morodomi noted that there were 563 participants who each had one vote. The voting results were from only three consumers and 544 licensees and stakeholders. Mr. Morodomi finds it interesting that the voting is somewhat skewed, particularly when it is external stakeholders, skewed towards licensees as opposed to consumers or members of the public. He asked if this is a correct observation? Ms. StClair confirmed that it is a valid observation.

Ms. StClair explained that the Board staff sends the survey out to the List Serve but has no control over who decides to respond.

There were no comments from the public.

Re-establish Mission, Vision, and Values (SOLID)

Web-accessible audio of discussion: [13:11 / 1:45:58](#)

Ms. St. Clair reported that currently, the Board's Mission Statement is *"to protect the health and safety of California consumers through licensing, registration, education, and regulation of the practices of Optometry and Opticianry."*

Professional Member Debra McIntyre asked what the word "registration" means in this context? Lead Licensing Coordinator Natalia Leeper replied that all members of the optician program are registrants; therefore, they receive registrations instead of licenses. Ms. Murphy added that this is a distinction between licensing (optometry) and registration (opticianry), which staff has made within Board materials under California state law. For the manner in which staff uses them, they are separated as licenses and registrations between the two programs; however, under California state statute, there is no distinction between the two programs; registration and licensure are considered the same thing.

Dr. McIntyre questioned if the board needs two separate terms in this case? Dr. Wang responded that she believes there should be two different terms (especially since opticians do not receive licenses), and the language should clarify that registrations pertain solely to opticians.

Ms. Murphy pointed out that there are different practices of both optometry and opticianry, so to use the singular “practice” makes it sound as if they are the same. She noted that it is important to acknowledge opticianry as its distinct profession to be dignified and respected and regulated appropriately for consumer protection. Dr. Wang suggested changing “practice” to “practices.” Dr. Morodomi agreed. Dr. Kawaguchi responded that this is grammatically correct as is and encompasses what you want it to encompass. Drs. McIntyre and Turetsky prefer to separate; Dr. McIntyre prefers the change to the pleural to “practices” to separate the two a bit more. Dr. Turetsky agreed.

During public comment, Chair of the Dispensing Optician Committee Adam Bentley noted that the board registers both businesses and individuals in opticianry; therefore, he believes that removing “practice” and stating “regulation of optometry and opticianry” is appropriate. Mr. Morodomi supports this idea.

Ms. StClair moved on to the Board’s [Vision Statement](#), which states, “To promote high-quality optometric and optical care for the people of California,” and requested opened the floor to any objections, changes, and/or questions.

Next, Ms. StClair presented the board’s core [Values](#) and requested that the values be considered when crafting the board’s objectives. The five core values are equipped with definitions.

There were no public comments.

1. Objective Development (SOLID)

Web-accessible audio of discussion: [24:28 / 1:45:58](#)

- A. Licensing
- B. Examination
- C. Law and Regulation
- D. Enforcement
- E. Outreach
- F. Board Administration

Ms. StClair provided a definition for each goal area (A through F). Ms. Brandvein questioned if [“licensing”](#) should read *“licensing and registrations.”* Dr. Kawaguchi agreed and added that the very end should be more encompassing. He suggested removing “required to practice optometry” and potentially replace it with “certifications for optometry and opticianry in California?” The text with changes would read, *“The Board provides applicants and licensees a method for obtaining and maintaining licensing and registration, business licenses and certifications for optometry and opticianry in*

California.” Ms. Brandvein suggested changing the title from “*Licensing*” to “*Licensing and Registration*.”

The next goal area, “[Examination](#),” was reviewed and discussed. It reads, “*The Board works to provide a fair, valid and legally defensible licensing exam (California Law and Regulation Examination) and exam process to ensure that only qualified and competent individuals are licensed to provide optometric services in California.*”

Ms. Leeper clarified that the staff does not administer the exam. Adding the American Board of Opticianry (ABO) exam would be the equivalent to the National Board of Examiners in Optometry (NBEO), and staff does not have control over this process. Therefore, the board does not have a law exam for opticianry as it does for optometry.

Goal area “[Law and Regulation](#)” was reviewed next, which reads, “*The Board works to establish and maintain fair and just laws and regulations that provide for the protection of consumer health and safety and reflect current and emerging, efficient and cost-effective practices.*” Members agreed this goal area is good as is.

Goal area “[Enforcement](#)” was reviewed. Dr. Wang suggested adding “*and opticianry*” after “*optometric.*” The revised definition would read, “*The Board protects the health and safety of consumers of optometric and opticianry services through the active enforcement of laws and regulations governing the safe practice of optometry and opticianry in California.*”

There were no requests for public comment.

Dr. Kawaguchi asked if SOLID staff would research the grammatical correctness of having optometric and opticianry twice in the goal statement? SOLID will research this for the Members.

Ms. StClair moved on to the next goal, “[Outreach](#).” Ms. McIntyre noted that this must also state optometry and “*opticianry*,” as well as the law and regulations which govern them. Dr. Turetsky suggested that this might be a good time to use “*practices*” instead of “*practice.*” The amended definition would read, “*The Board proactively educates, informs, and engages consumers, licensees, students, and other stakeholders about the practices of optometry and opticianry, and the laws and regulations which govern them.*”

The last goal area reviewed was “[Organizational Effectiveness](#),” which reads, “*The Board works to develop and maintain an efficient and effective team of professional and public leaders and staff with sufficient resources to improve the Board’s provision of programs and services.*”

A public question was received from Mr. Bentley. He asked if the board has a goal or a section that speaks to educational requirements? Dr. Kawaguchi believes it falls within the statement (under “*Licensing and Registration*”), which states “*maintaining licensing and registration.*” Mr. Bentley agreed.

Ms. StClair explained that there are tools to draw from during the organizational brainstorming process; There is an “*Objectives Worksheet*,” which is equipped with formulas for creating objectives. The last page contains a list of action verbs to begin the objectives with; A 2020 environmental scan that identifies strengths, weaknesses, opportunities, and threats is also available. It is okay to carry forward objectives that have not yet been completed from the previous (or original) plan into the new/current strategic goals. She reminded the board that consumer protection is the board’s mandate.

Ms. StClair provided examples and guidance over the structure and creation process for developing strategic goals.

Next the Members reviewed [resources](#) they have at their disposal while creating objectives and action plans (Objective Worksheet, 2020 Environment Scan, 2017-2020 Strategic Plan, Goals with Statements, and Mission, Vision, and Value Statements. requested that the objectives be created as SMART objectives that can be easily measured and are action oriented and realistic. Ms. StClair also recommended creating 3-6 objectives for every goal area.

Mr. Morodomi believes that in the progress report, objective 101 was to streamline the licensing and renewal processes (including paperless option and synchronizing multiple license renewal dates) to improve licensee compliance. This was completed due to BreEZe. Mr. Morodomi stated the board should keep watch over this process to ensure continuance of staff efficiency and licensee compliance. The benefit is to maintain staff efficiency and licensee compliance.

Mr. Bentley commented that optician registrants must take and pass the ABO exam to become registered with the board. However, California does not have a requirement to keep that certification active. Therefore, the opportunity exists to review and speak to revisiting the idea of keeping a current ABO as part of the educational requirements for renewal.

Members discussed future possibility of syncing CE with the online BreEZe database. Ms. Murphy suggested forming a workgroup to create licensing objectives to determine what areas to pinpoint to make the objectives more actionable.

Members and staff reviewed and discussed the strategic plan goal objectives and decided upon the following:

Licensing and Registration		
Action	Issue	Benefit
<i>Deliver</i>	<i>service excellence that exceeds applicant, licensee, and registrant expectations</i>	<i>Improve application turn-around-time and safely expedite market entry</i>

<i>Secure</i>	<i>Adequate funding to allow for regular occupational analysis and linkage studies of NBEO exam and processes</i>	<i>Provide a fair and consistent process for applicants and ensure consumers receive the highest quality of care</i>
<i>Restructure (move to organizational effectiveness)</i>	<i>Licensing Unit staff</i>	<i>Create redundancies to minimize disruption in service and improve processing times</i>

There were no requests for public comment.

Members and staff reviewed and discussed the strategic plan goal objectives and decided upon the following:

Examination		
Action	Issue	Benefit
<i>Consider (prior 2.4)</i>	<i>Feasibility of developing a state law exam for opticians</i>	<i>To verify their familiarity with California laws</i>
<i>Reimagine</i>	<i>Examination processes</i>	<i>To reflect the states high quality eye care standards and the evolution of test taking at eye care, health, and educational institutions</i>

There were no requests for public comment.

Law and Regulation		
Action	Issue	Benefit
<i>Monitor (prior 3.1)</i>	<i>Federal law to identify methods that will strengthen existing California legislation regarding the sale of contact lenses and eyeglasses</i>	<i>To improve enforcement and enhance consumer protection</i>
<i>Restructure</i>	<i>Board's approach to regulatory sponsorship by leading advocacy</i>	<i>To ensure world-class eye care available to all</i>
		<i>To improve the understanding of the regulation of the</i>

<i>Advocate</i>	<i>Adoption of new opticianry statutes and regulations</i>	<i>profession for the AG Office, Board staff, and licensees</i>
<i>Continue prioritization</i>	<i>Review and updates to existing statutes, legislation, and regulations, for dispensing opticians based upon occupational reviews</i>	<i>To provide better consumer protection for those who are seeking opticianry services</i>

There were no requests for public comment.

Law and Regulation (Cont.)		
Action	Issue	Benefit
<i>Review and explore</i>	<i>Current and emerging methods, opportunities, and technology</i>	<i>To increase access to care while maintaining a world-class standard of optometric care (e.g. scope of practice, mobile clinics, new technology, telemedicine, remote access)</i>
<i>Investigate</i>	<i>Technology for optometrists to perform remote</i>	<i>To enhance consumer access to eye care</i>
<i>Promulgate</i>	<i>Regulations to effectively administer practice within mobile clinics and home settings</i>	<i>To provide better consumer protection for those who are seeking optometry services</i>
<i>Investigate</i>	<i>Feasibility of allowing new graduates to work as an optometrist for a limited period of time under supervision of a licensee, under times of state or local emergencies</i>	<i>To remove barriers to practice</i>
<i>Review and Update</i>	<i>Existing statutes, regulations and terminology</i>	<i>To modernize language and concepts in light of current and future practice</i>
<i>Explore</i>	<i>Feasibility of proposing Legislation</i>	<i>To synchronize the expiration dates of all</i>

		<i>license types for a given individual</i>
<i>Advocate (prior 3.8)</i>	<i>Legislation to merge the RDO and optometry funds</i>	<i>To stabilize the Optometry Board fund condition</i>

There were no requests for public comment.

Enforcement		
Action	Issue	Benefit
<i>Develop (move to outreach)</i>	<i>Proactive methods to inform the public about the dangers of unlicensed sale and distribution of cosmetic contact lenses</i>	<i>To promote consumer safety</i>
<i>Refine</i>	<i>Enforcement processes</i>	<i>To simplify reporting and verify infractions</i>
<i>Consider</i>	<i>When and whether Board staff should consult with a Board approved expert on enforcement actions that could result in probation or revocation of a license</i>	<i>To ensure the process focuses on patient protection and remediation, not punishment</i>

There were no requests for public comment.

Outreach		
Action	Issue	Benefit
<i>Explore</i>	<i>Quarterly Board WebEx education courses on laws and regulations with available Q&A</i>	<i>To expand outreach to licensees</i>
<i>Assemble</i>	<i>Case studies of how enforcement actions can impact a licensee</i>	<i>To show consequences of activities such as DUI, malpractice, unlicensed activity</i>
<i>Collaborate</i>	<i>With CE providers, associates to discuss updates on bills, statutes, and potential regulations</i>	<i>To promote awareness of the current state of practice</i>

<i>Accelerate</i>	<i>Communication plan improving utilization of technology</i>	<i>To enhance communication to reach all Californians</i>
<i>Assess</i>	<i>Resources</i>	<i>To enhance outreach</i>
<i>Maintain</i>	<i>Communication plan</i>	<i>To raise awareness of the importance of children’s vision health and wellness</i>
<i>Conduct (prior 5.9)</i>	<i>In depth review of the board’s website and update information for consumers, licensees, and registrants</i>	<i>To provide up-to-date and accurate information (e.g. seasonal issues, changes in regulations and laws etc.)</i>

Public comment was received from Mr. Bentley. He suggested providing outreach to colleges to bring about a greater awareness of registration. Several new college programs have opened up in California for opticians. Ms. Murphy replied that this is something staff has been working on. Contact was made with the colleges; staff formulated plans for outreach visits but have been hampered by budget and the inability to effectuate any travel. Staff have worked our hardest to provide email information that can be sent out to students in order to alert them to the fact that ABO certification is not California registration.

Mr. Morodomi argued that this issue is particularly important. He asked if this can be noted somewhere in the strategic plan so that it is not forgotten. Dr. Kawaguchi responded that it should be a separate line item. Additionally, he noted that the outreach does not have to be in-person. Ms. Murphy assured that staff has been trying to exactly that (utilizing other methods of communication such as email). Unfortunately, the board needs a resource to draft and then communicate with those institutions; unfortunately, this has not been possible with having one staff resource for the optician program.

Outreach		
Action	Issue	Benefit
<i>Communicate</i>	<i>Opticianry schools regarding California registration requirements to use the title Optician</i>	<i>To enhance compliance with California law and encourage registration</i>

Members and staff reviewed and discussed the strategic plan goal objectives and decided upon the following:

Organizational Effectiveness		
Action	Issue	Benefit

<i>Restructure</i>	<i>Licensing Unit staff</i>	<i>Create redundancies to minimize disruption in service and improve processing times</i>
<i>Provide</i>	<i>Tools and training for staff development</i>	<i>To support the growth and retention of staff</i>
<i>Arrange</i>	<i>Annual in-service training on eye condition, state of practice, education etc. for optometrist and opticians</i>	<i>To ensure staff has understanding of the practice</i>
<i>Research</i>	<i>Visits by staff to various licensed/regulated professional</i>	<i>To ensure staff has an understanding of the practice</i>

Mr. Bentley asked if (in considering the demographics of the board) would it be possible to open two professional optician spots? Mr. Morodomi noted that the strategic plan would be to decide whether the board wishes to discuss this in a future meeting. Dr. Turetsky suggested expanding the board to 13 members and add an additional optician and perhaps an additional public member. Dr. Wang argued that this is already considered one of the largest boards. Mr. Morodomi stated that he is not ready to place this issue in the strategic plan. No further discussion of the issue occurred.

Mr. Morodomi requested volunteers for the Strategic Plan Workgroup. Dr. Turetsky volunteered. Dr. Kawaguchi was appointed to the group at a later date.



2021 – 2025 Strategic Plan



SOLID Planning

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Members of the Board

Mark Morodomi, J.D. - President
Glenn Kawaguchi, O.D. - Vice President
Debra McIntyre, O.D. - Secretary
Cyd Brandvein
Jeffrey Garcia, O.D.
David Turetsky, O.D.
Lillian Wang, O.D.

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Gavin Newsom, Governor
Lourdes M. Castro Ramírez, Secretary, Business, Consumer Services, and Housing Agency
Kimberly Kirchmeyer, Director, Department of Consumer Affairs

Shara Murphy, Executive Officer, California State Board of Optometry

Message from the Board President

As I write this, it is 2020. Uncertainty and anxiety abound. The nation and the world are in the middle of the greatest pandemic of our lifetimes. Under stay-at-home orders, Californians have forgone primary medical care and procedures. Optometrist and optician offices have shut down for months and are slowly reopening. Some of these professionals lost their jobs in the process. Optometry students and optometrists who need continuing education credits are taking all of their classes online. And new graduates are traveling across the country to complete national board examinations, risking their lives to start their careers.

Amid all this, the California State Board of Optometry and its staff are crafting a strategic plan for the next four years when predicting what will happen next month is a challenge. But we can look to our past successes as a guide to the future. Because of the Board's inspiration and efforts, we started the year with a legislative win: the passage and signing into law of AB 458, authored by Assembly Member Adrin Nazarian, which permits optometrists to make house calls to homebound seniors who can only get to optometrists' offices with incredible difficulty.

When the pandemic hit and physical proximity became a concern, we pivoted quickly to recognize interactive, online classes to satisfy optometrists' in-person continuing education requirement. During a time of chaos and uncertainty, the Board has remained calm and stable. From their homes, the Board's staff continues to process licenses and conduct enforcement to protect California consumers.

We will continue to do the work we started before the surge of the COVID-19 virus, for which the pandemic has only accelerated the need: telehealth, children's comprehensive eye examinations (particularly with so many students in front of video monitors for online schooling), and the need to bring optometric services to patients who can't get to doctors' offices. The nationwide discussion about race also requires examining disparities in health care delivery and the diversity—or lack thereof—in the optometric profession.

In this year's ceaseless barrage of challenges, stress, and pessimism, we hope you share the California State Board of Optometry's optimism for a calmer, safer, and brighter future. And we encourage you to read this plan with, in a phrase, your "rose-colored glasses."

Mark T. Morodomi

About the Board

Since its inception more than 100 years ago, the California State Board of Optometry (Board) has supported and helped consumers by advocating consumer interests before lawmakers, regulating to protect consumers from unlicensed practitioners and guarding our licensees against unfair competition, enforcing laws to protect the consumer and resolving disputes between business and a customer or a consumer and a licensee.

Our authority to protect the health and safety of California patients receiving optometric care through licensing, education, and regulation of the practice of Optometry was expanded on January 1, 2016, when Governor Jerry Brown signed Assembly Bill 684, transferring the regulation of Opticianry from the Medical Board of California (MBC) to the Board. Overnight, the Board's regulatory population grew by 50% - expanding its regulatory oversight from 8,000 licensees to roughly 12,000 licensees and registrants.

Today, the Board regulates the largest population of optometrists and dispensers in the United States with over 17,400 licenses, registrations, and permits. The Board is also responsible for issuing opticianry certifications for Nonresident Contact Lens Sellers and businesses that employ dispensing opticians.

With this significant change in population come new, emerging responsibilities. Our Board stands ready and has the capabilities and resources to maintain the same level of accountability, efficiency, effectiveness, integrity, and customer service it has delivered since the last Strategic Plan. Further, it is in the best interest of California consumers to continue protecting their eye care health and safety through the Board in its current constituted state – as an independent Board that relies on the Department of Consumer Affairs (DCA) for administrative support.

As we continue our evolution – from a Board with severe challenges in 2002 to a well-functioning Board today – we are poised to meet the regulatory changes, adjust through internal improvements to our organizational structure, and set a new path forward through a revised Strategic Plan that better aligns with our evolving consumer protection mandate.

Achieving our Mission and Positioned to Move Forward

The Board's mission is to protect the health and safety of California consumers through licensing, education, and regulation of Optometry and Opticianry. The Board accomplishes its mission through the following responsibilities:

- Promulgating regulations governing Board procedures, examination for an optometric licensure, minimum standards of optometric and dispensing services offered and performed, statements of licensure and fictitious name permits, and the equipment in all registered locations;
- Investigating consumer complaints and criminal convictions including, but not limited to substance abuse, unprofessional conduct, incompetence, fraudulent action, and unlawful activity;
- Taking disciplinary action for violations of laws and regulations governing Optometry and Opticianry when warranted;
- Accrediting schools and colleges of optometry¹;
- Establishing educational and examination requirements to ensure the competence of candidates for licensure/registration;
- Setting and enforcing standards for continued competency of existing licensees; communicating with licensees, registrants, and Californians to aid in the understanding of laws and regulations related to delivery of high-quality vision care in the state.

California became the third state to regulate the optometry profession² in 1903, and a new Optometry Practice Act³, enacted in 1913, created the Board, defined its duties and powers, and prescribed a penalty for violations of the Act. The Act was later incorporated in the Business and Professions Code (BPC)⁴. Empowered with rulemaking authority (BPC Sections 3025 and 3025.5), the Board promulgated the first rule for the practice of optometry in 1923. In the same year, the Legislature passed a law⁵ requiring all applicants for licensure to meet specific educational requirements, i.e., graduate from an accredited school or college of optometry, and charged the Board with the responsibility of accrediting these schools. Prior to this time, individuals desiring to practice were not required to have any specific formal education.

On January 1, 2016, Assembly Bill 684 moved the Registered Dispensing Optician Program under the Board's jurisdiction, and created a Dispensing Optician Committee. Assembly Bill 684 also replaced one of the Board's professional members with a registered optician.

¹ The Board accepts schools and colleges of optometry who have received accreditation through the Accreditation Council on Optometric Education (ACOE).

² Optometry Act of 1903 (California Statutes of 1903, Chapter CCXXXIV) later repealed by Statutes of 1913, Chapter 598

³ Statutes of 1913, Chapter 598, derived from the 1903 Act as amended by enactments of 1907 and 1908 5 Chapter 7, Division 2, Healing Arts 6 Chapter 164, Statutes of 1923

⁴ Chapter 7, Division 2, Healing Arts

⁵ Chapter 164, Statutes of 1923

During the creation of this Strategic Plan, seven members comprised the Board: five licensed optometrists and two public members. All are appointees of the Governor's Office.

Per statute, full board membership constitutes a quorum of 11 members. Four seats remain vacant (one public member appointed by the Senate President Pro Tempore, one public member appointed by the Speaker of the Assembly, one public member appointed by the Governor, and one professional licensed within Opticianry and appointed by the Governor.)

Committees

Dispensing Optician Committee (Statutorily mandated)

Tasked by the Legislature to recommend registration standards and criteria for the registration of opticians, the Dispensing Optician Committee is composed of two public members, two California-licensed opticians, and one Board member. For the first time, the Board actively involved this committee in the strategic planning process.

Policy Committees

Under the Board Member Handbook, the Board President appoints members to each policy committee, utilizing individual strengths and experiences to meet the overarching purpose of each committee. The Policy Committees assist the Board staff in development of strategic objectives and work products. In the 2021-2025 strategic planning process, each committee thoroughly reviewed the objectives fitting within their areas of responsibility. Currently, the Board has the following committees composed of board members and public stakeholders:

Legislation and Regulation

Responsible for recommending legislative and regulatory priorities to the Board and assisting staff with drafting language for Board-sponsored legislation and recommending official positions on current legislation. The committee also recommends regulatory additions and amendments.

Practice and Education

Advises Board staff on matters relating to optometric practice, including standards of practice and scope of practice issues. Reviews staff responses to proposed regulatory changes that may affect optometric practice. Also reviews requests for approval of continuing education courses and offers guidance to Board staff regarding continuing education issues.

Consumer Protection

Oversees the development and administration of legally defensible licensing examinations and consulting on improvements/enhancements to licensing and enforcement policies and procedures.

Public Relations and Outreach

Assists with the development of outreach and the development of educational materials for the Board's stakeholders.

In addition to committees formed by statute and the sitting board president, the Board periodically creates workgroups to focus on specific areas requiring targeted attention. Currently, the Board has the following workgroup:

Telemedicine Workgroup

To meet the emerging trends of telemedicine within the practice of Optometry, the Board created a telemedicine workgroup which began work in 2019. The Board enjoyed several presentations from experts on telemedicine in the fall of 2019, and the staff completed thorough research on the topic. The Board discussed the issue at the May 2020 public meeting, and the staff was given additional areas of research to complete. The workgroup will continue its work in developing a comprehensive telemedicine policy that protects California consumers.

Significant Accomplishments

Licensing

Spectacle Lens Dispenser Occupational Analysis - An Occupational Analysis was completed in 2020 and the results presented to the DOC at the June 2020 meeting. The information will be used to help inform decisions made by the DOC and the Board.

Licensing renewal and application times were reduced in FY 2019/2020.

The Board thoroughly discussed the roles of unlicensed individuals working as Optometric Assistants. Working with DCA and the Legislature, the Board obtained budgetary authority to conduct an occupational analysis of the optometric assistant profession.

Legislation and Regulations

AB 458 (Nazarian) – Carried by the Chair of the Assembly Aging and Long-Term Care Committee, this bill Board-sponsored bill requires an optometrist to obtain a home residence permit to engage in the practice of optometry at a residence of a homebound senior, as defined, except for a person engaging in the temporary practice of optometry. The bill was signed by Governor Gavin Newsom in October 2019.

AB 896 (Low) – Board staff worked closely with Assembly Member Low and stakeholders on proposed legislation to combine the optician and optometry funds and to implement reporting and registration requirements for mobile optometric offices. The bill was signed by Governor Gavin Newsom in September 2020.

Implementation of Assembly Bill 2138 (Chiu, Chapter 995, Statutes of 2018) – The Board finalized regulations implementing AB 2138. The rulemaking package will be submitted to OAL for approval this fall.

AB 443 Implementation – The Board approved regulations implementing AB 443 (Salas), which allows optometrists to administer certain immunizations. The rulemaking package is currently being reviewed by DCA before a public comment period.

Adoption of Revised Continuing Education Regulations – Lead by the Practice and Education Committee, the Board approved regulatory language to support the use of interactive, online learning tools for the completion of optometric continuing education. Revised language also clarifies the requirements for board

approval of continuing education courses. The rulemaking package is currently being reviewed by DCA before a public comment period.

Optician Statutory Review – Board staff and committee members, throughout four public meetings, completed a comprehensive review of the Optician Program Statutes (Division 2, Chapters 5.4, 5.45, 5.5) for a potential legislative bill in 2021. These changes will improve consumer protection, improve enforcement processes, and clarify and strengthen existing processes. This proposal will be submitted to the Legislature for a potential bill in 2021 or 2022.

Optician Program Regulatory Updates – the Dispensing Optician Committee (DOC) reviewed and approved Board staff's updates to the Optician Program Regulations with Board approval to follow this fall. These changes will strengthen consumer protection, improve application requirements, and place current processes and procedures into law.

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Enforcement

Optometry Disciplinary Guidelines – the Board staff finalized improvements to the Optometry Disciplinary Guidelines, which were approved by the Board in December. The proposed changes improve disciplinary processes and update terms and conditions of probation. The regulatory rulemaking package is currently being finalized with staff before submittal to DCA.

Optician Disciplinary Guidelines – Board staff and committees finalized the Optician Disciplinary Guidelines, which will be approved by the Board this fall. The proposed changes strengthen disciplinary processes and set out terms and conditions of probation for optician registrants.

Telemedicine – As telemedicine is an emerging delivery model for optometry, especially in light of the COVID-19 pandemic, the Board has been proactive in the discussion of these issues throughout several public and workgroup meetings. Board staff and subject matter experts presented research on telemedicine scenarios, technologies, and best practices within the optometric profession. The Board provided direction for further research and development of a comprehensive telemedicine policy in 2021-22.

Outreach and Communication

In response to the Covid-19 coronavirus, the Board took decisive action to protect consumers and assist the profession. A series of notices and guidance, with updates from the Governor and the federal Centers for Disease Control, was posted.

The Board increased use of social media outlets and completed a series of FAQs for opticians, optometrists and Californians on our website and updated various pages to provide more timely and pertinent information.

Board staff prepared presentations for students at Optometry and Opticianry schools in California and presented them both in person and virtually.

With the expertise of the DCA Communications Unit, the Board produced educational video segments regarding Cosmetic Contact Lens and comprehensive eye exams for young elementary school students.

Organizational Effectiveness

Board staff continued updating procedure manuals and began implementing cross-training of staff.

Board staff moved twice to facilitate the remodel of the Board's office. The remodel reduced the total square footage of the office, allowing for a reduction in the Board's rent.

Board staff completed a wide variety of training sessions, including implicit bias, supervisory, and HR liaison training.

Mission, Vision, and Values

Our Mission

To protect the health and safety of California consumers through licensing, registration, education, and regulation of Optometry and Opticianry.

Our Vision

The highest quality optometric and optical care for the people of California

Our Values

Consumer Protection

We make effective and informed decisions in the best interest and for the safety of Californians.

Integrity

We are committed to honesty, ethical conduct, and responsibility.

Transparency

We hold ourselves accountable to the people of California. We operate openly so that stakeholders can trust that we are fair and honest.

Professionalism

We ensure qualified, proficient, and skilled staff provides excellent service to the State of California.

Excellence

We have a passion for quality and strive for continuous improvement of our programs, services, and processes through employee empowerment and professional development.

Goal 1: Licensing and Registration

The Board provides applicants and licensees a method for obtaining and maintaining licensing and registration, business licenses, and certifications for optometry and opticianry in California.

- 1.1 Review licensing processes to improve staff efficiency as well as licensee and registration compliance.
- 1.2 Explore the possibility of requiring continuing education for both spectacle and contact lens dispenser registrations to protect consumers and high application standards throughout licensure.
- 1.3 Continue exploring opportunities to enhance BreEZe utilization to increase staff productivity and promote licensee compliance with continuing education requirements.
- 1.4 Deliver service excellence that exceeds applicant, licensee, and registrant expectations to improve application turnaround time and safely expedite market entry.
- 1.5 Secure adequate funding to allow for regular occupational analysis and linkage studies of pre-licensure examinations to provide a fair and consistent process for applicants and ensure consumers receive the highest quality of care.
- 1.6 **SUGGESTION FROM WORKGROUP:** Create better consumer outcomes for marginalized populations by implementation of a multi-step action plan educating licensees about concepts of diversity, equity, and inclusion. Go beyond outreach to consider regulation, budget change proposals and content development.

This goal will be lead and monitored by the Practice and Education, and Dispensing Optician Committees.

Goal 2: Examination

The Board works to promote a fair, valid and legally defensible exam process and licensing exam (California Law and Regulation Examination) to ensure that only qualified and competent individuals are licensed or registered to provide optometric or opticianry services in California.

- 2.1** Consider the feasibility of developing a state law exam for opticians to verify their familiarity with California laws.
- 2.2** Re-imagine the examination processes to reflect the state's high-quality eye care standards and the evolution of test-taking at eye care, health, and educational institutions.
- 2.3** Continue evaluating the examinations used in the licensure process to prevent barriers to licensure.
- 2.4** Research the possibility of alternative competency verification of applicants during states of emergency.

This goal will be lead and monitored by the Practice and Education, and Dispensing Optician Committees.

Goal 3: Law and Regulation

The Board works to establish and maintain fair and just laws and regulations that provide for the protection of consumer health and safety and reflect current and emerging, efficient, and cost-effective practices.

- 3.1** Advocate for the adoption of new opticianry statutes and regulations (using data from occupational analyses) that seek to clarify the principles of the profession and provide better consumer protection for those who are seeking opticianry services.
- 3.2** Promulgate rulemakings to effectively regulate practice within mobile clinics and home settings to provide better consumer protection for those who are seeking optometric services.
- 3.3** Explore current and emerging methods, opportunities, and technology to increase access to care while maintaining a world-class standard of vision care (e.g., scope of practice, delegation of authority, and telemedicine).
- 3.4** Pursue Sunset Review Legislation that modernizes language and concepts in light of current and future practice, that synchronizes the expiration dates of fictitious name permits to align with renewals of general licensure and statements of licensure, and that implements a license verification fee to support unfunded staff work.
- 3.5** Monitor changes in federal law to identify methods that will strengthen existing California legislation regarding the sale of contact lenses and eyeglasses to improve enforcement and enhance consumer protection.

This goal will be lead and monitored by the Dispensing Optician, and Legislation and Regulation Committees.

Goal 4: Enforcement

The Board protects the health and safety of consumers through the active enforcement of laws and regulations governing the safe practice of optometry and opticianry in California.

- 4.1** Review the communication process and standard practices used in enforcement actions that could result in probation or revocation of a license. Ensure that procedures and processes focus on consumer protection and probationer rehabilitation, not punishment.
- 4.2** Develop a member-driven training resource that will enable new board members to understand the enforcement process and the important role of the Board in determining discipline.

This goal will be lead and monitored by the Consumer Protection, and Public Relations and Outreach Committees.

DRAFT

Goal 5: Outreach

The Board proactively educates, informs, and engages consumers, licensees, students, and other stakeholders about the practices of optometry and opticianry and the laws and regulations which govern them.

- 5.1** Evaluate outside resources available to expand outreach.
- 5.2** Improve the utilization and measurement of social media and the board website to communicate to consumers, licensees, and registrants; provide accurate information on key initiatives (e.g., children's vision, supervision authority, options for delivery of care, and delegation of duties).
- 5.3** Collaborate with continuing education providers and associations to disseminate updates to legislation and regulations regarding the current state of practice (i.e. training modules specific to Law/Regs, Board quarterly updates to precede trainings).
- 5.4** Create and enact an outreach plan with opticianry programs regarding California registration requirements for the use of the title "Optician" to enhance compliance with California law and encourage registration.
- 5.5** Publish and disseminate enforcement actions to illustrate the consequences of infractions (DUI, malpractice, and unlicensed activity).
- 5.6** Develop the communication plan regarding the importance of children's vision health and wellness.

This goal will be lead and monitored by the Consumer Protection, and Public Relations and Outreach Committees.

Goal 6: Organizational Effectiveness

The Board works to develop and maintain an efficient and effective team of professional and public leaders and staff with sufficient resources to improve the Board's provision of programs and services.

- 6.1** Restructure the licensing unit to increase cross-training and minimize disruptions in service and processing.
- 6.2** Work with DCA Organizational Improvement Office to quantify the Board's staffing shortfall and request spending authority to ensure sufficient personnel resources for the Board to meet its goals and objectives.
- 6.3** Provide resources and training for staff development to support the growth and retention of staff.
- 6.4** Arrange regular, ongoing in-service training by optometrists and opticians on eye conditions, state of practice, education, etc. to increase staff understanding of optometry and opticianry.
- 6.5** Arrange visits to various optometric and optical professionals to increase staff understanding of practice and applications of law.

This goal will be lead and monitored by the Executive Officers of the Board.

Strategic Planning Process

To understand the environment in which the Board operates and to identify factors that could impact the Board's success, the California Department of Consumer Affairs' SOLID Planning unit conducted an environmental scan of the internal and external environments by collecting information through the following methods:

- Interviews were conducted with all board members, committee members, and board management from June through July 2020 to assess the challenges and opportunities the Board is currently facing or will face in the upcoming years.
- An online survey was sent to staff in June, closing on June 30, 2020. In the survey, employees provided anonymous input regarding the challenges and opportunities the Board is currently facing or will face in the upcoming years. A total of seven staff participated in the survey.
- An online survey was sent to board stakeholders the first week in June and closed on June 30, 2020. The survey's purpose was to identify the strengths and weaknesses of the Board from an external perspective. A total of 563 stakeholders completed the survey.

The most significant themes and trends identified from the environmental scan were discussed by the board members and executive team during a strategic planning session facilitated by SOLID Planning on August 13, 2020. This information guided the Board in the review of its mission, vision, and values while directing the strategic goals and objectives outlined in its new strategic plan.



ISSUE MEMORANDUM

DATE	November 20, 2020
TO	Members, California State Board of Optometry (CSBO)
FROM	Shara Murphy, Executive Officer
SUBJECT	Agenda Item #6 - Update, Discussion, and Possible Action on Optometry Board Sunset Review

At the October 21, 2020 public meeting, the Board was presented with the 2021 Sunset Review template as provided by the Legislature on October 9, 2020. A workgroup consisting of Mark Morodomi and Dr. Debra McIntyre was formed to assist staff in the completion of the report, which is due to the Legislature no later than January 4, 2021.

The Sunset review process allows the Legislature to review the laws and regulations pertaining to each board 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. It is expected the actual sunset review hearing will take place in March or April of 2021.

As of November 13, the draft Sunset report is in process but has not been finalized for Board approval. Staff recommends a special Board meeting be held on Friday, December 13, 2020, to review and approve the final sunset report.



ISSUE MEMORANDUM

DATE	November 20, 2020
TO	Members, California State Board of Optometry (CSBO)
FROM	Shara Murphy, Executive Officer
SUBJECT	Agenda Item #7 – Presentation and Discussion of the Executive Officer’s Report

Sunset Review 2021

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. Changes to BreZE and QBIRT reporting permissions for our board have created significant difficulty for staff who need to pull statistics for the report. The staff has requested additional time to rebuild standard reports and cross-check multiple enforcement and licensing data sources.

The staff anticipates delivering the draft report to the Sunset Report Review Workgroup (President Morodomi and Dr. McIntyre, Board Secretary) shortly after Thanksgiving. The staff will present the workgroup-revised draft for adoption during a recently-scheduled December 11, 2020, public meeting (9:00 AM start time).

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

Applicants, Licensees, and Consumers:

In late October, DCA Executive Officer Kim Kirchmeyer issued DCA Waiver DCA-20-64 Waiving In-Person Patient Evaluation Requirement for Optometrists Participating In The Grand Rounds Program. The board staff sponsored this waiver request submitted by Marshall B. Ketchum University, Southern California College of Optometry (SCCO). The waiver allowed SCCO to conduct a Glaucoma Grand Rounds Seminar for 20 optometry

licensees and Drs. Wang, McIntyre, and Chawla on November 8-9, 2020. Initial appraisals have indicated an opportunity to collaborate with SCCO to improve the session but apply for an extension of the waiver. The matter may be brought back to the board in 2021 to consider a rulemaking package that will strike “patients must be evaluated in person” from California Code of Regulations Section 1571B – Grand Rounds Program: Completion.

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. These efforts continue.

Board Communications Related to COVID-19:

[DCA Waiver DCA-20-64 Waiving In-Person Patient Evaluation Requirement for Optometrists Participating In The Grand Rounds Program](#)

[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](#)

Staff:

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. The board invested in technology upgrades to allow more reliable connectivity to the DCA network used for all board business. 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 required 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 November 2020, Board staff has spent a total of 950 hours on COVID-19 related issues. The team estimates approximately \$1,400 will be spent on non-labor expenses, such as productivity software and protective equipment for the office.



ISSUE MEMORANDUM

DATE	November 20, 2020
TO	Members, California State Board of Optometry (CSBO)
FROM	Shara Murphy, Executive Officer <i>Prepared by Natalia Leeper, Interim Lead Licensing Analyst</i>
SUBJECT	Agenda Item #7a – Examination and Licensing Program Report

Optometry Licensing Program:

The graduation rush of applications has subsided. Staff in the optometry program has shifted gears to making modifications to the Breeze system to make things easier for the 2021 graduates. Processing times for initial optometry applications are currently at 6-8 weeks, which is down from the previously established standard processing time of 10 weeks. Staff anticipates this will be the new standard for the processing of these applications in the future.

The Department of Consumer Affairs has continued its Continue Education extension for licensees that expire through December 31st, 2020. ARBO has also continued offering a live CE course through June 30th of 2021. The California Law and Regulations Examination (CLRE) and National Boards are still hindered by COVID-19. Applicants can still schedule their exams, but seats are limited. Staff has been granting extensions on open applications for those that are requesting additional time to take their exams.

Optometry California Laws and Regulations Examination:

PSI has continued to administer the CLRE, with limited capacity. The Board estimates many 2021 applicants have already scheduled to take their exams in the coming months. This is assisting with not only social distancing but spreading out the candidates over time also assists staff in reducing rush times.

Opticianry Licensing Program:

Approval processing time is stable at 4-6 weeks for initial applications without deficiencies. Staff anticipates that this time may lengthen due to a lack of staff. The processing time for future months is projected to be 6-8 weeks.

ABO Testing centers have been operating under limited capacity and only allowing eight candidates to test at a time. Due to demand and limited seating ABO is continually offering the exam every month through the end of the year, which is allowing candidates a large period of time to schedule their exam.

Staff has not noticed a decrease in application volume. Rather, applications come in continuously instead of every three months following the ABO exam. COVID-19 has not prevented candidates from applying for their opticianry licenses.



CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS
 BREEZE SYSTEM
 Licensing Population Statistics
 License Population as of 11/13/2020



License Status (20-45)

License Type	20 - Current	21 - CurrentInactive	22 - CurrTmp FamSupp	28 - Military-Active	31 - Fam Supp Susp	32 - Fam Supp Dend	45 - Delinquent
Optometrist	12	9					28
Optometrist-DPA	106	90					152
Optometrist-TLG	3,961	67		1	1		209
Optometrist-TPA	1,490	81					238
Optometrist-TPG	967	4					48
Optometrist-TPL	959	53		1			101
Statement of Licensure	1,358						639
Fictitious Name Permit	1,520						205
Registered Dispensing Optician	1,121						376
Registered Spectacle Lens Dispenser	2,866		2		4	1	1,260
Registered Contact Lens Dispenser	1,133				1		390
Nonresident Contact Lens Seller	15						3



CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS
 BREEZE SYSTEM
 Licensing Application Volume and Processing Time
 Fiscal Year 2020



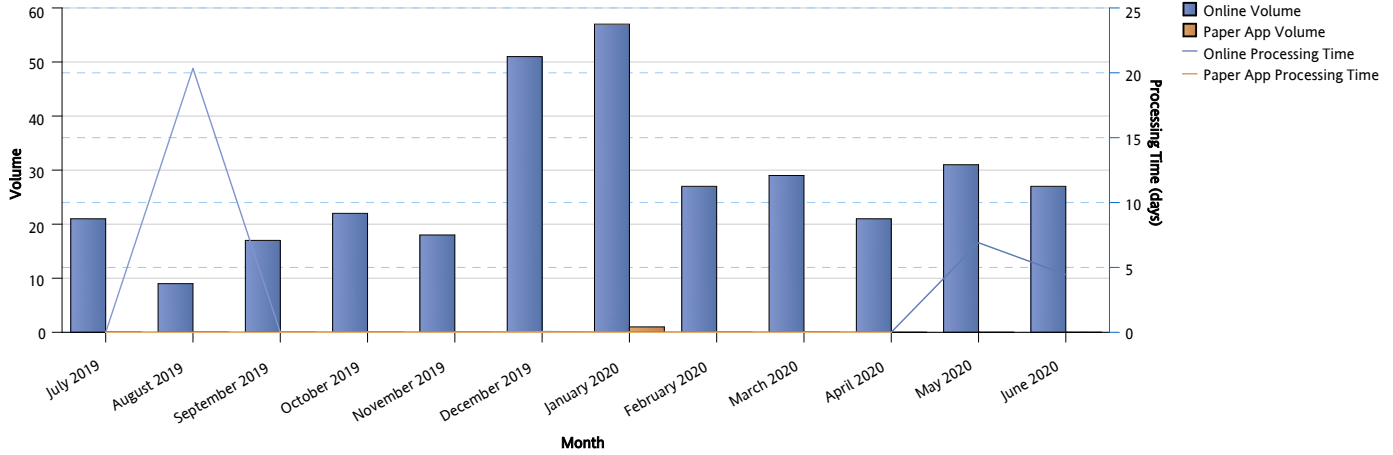
LT - Transaction Description	Online Volume	Average Online Processing Time	Paper App Volume	Average Paper App Processing Time
Optometrist - Exam Request	330	2	1	0
Optometrist - Initial License	247	68	64	34
Statement of Licensure - Issue License	324	1	5	20
Fictitious Name Permit - Issue License	107	30	20	37
Registered Dispensing Optician - Initial Application	103	20	6	6
Registered Dispensing Optician - Initial License	60	4	52	20
Registered Spectacle Lens Dispenser - Initial Application	427	24	18	31
Registered Spectacle Lens Dispenser - Initial License	443	5	14	45
Registered Contact Lens Dispenser - Initial Application	98	26	2	32
Registered Contact Lens Dispenser - Initial License	101	4	3	21
Nonresident Contact Lens Seller - Initial Application	3	9	0	
Nonresident Contact Lens Seller - Initial License	3	24	0	



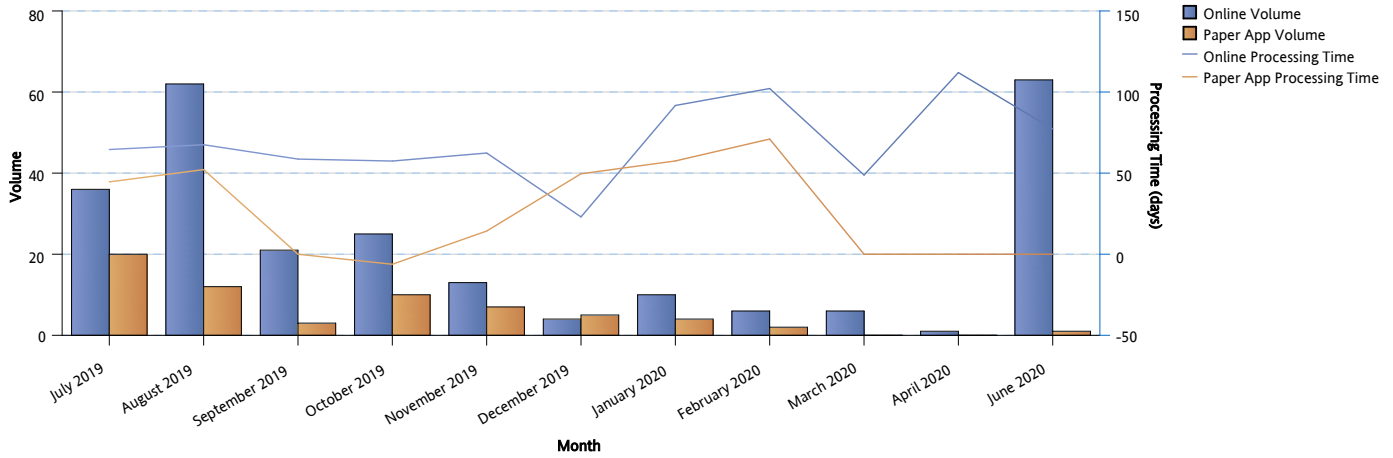
CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS
 BREEZE SYSTEM
 Licensing Application Volume and Processing Time
 Monthly Trend
 Fiscal Year 2020



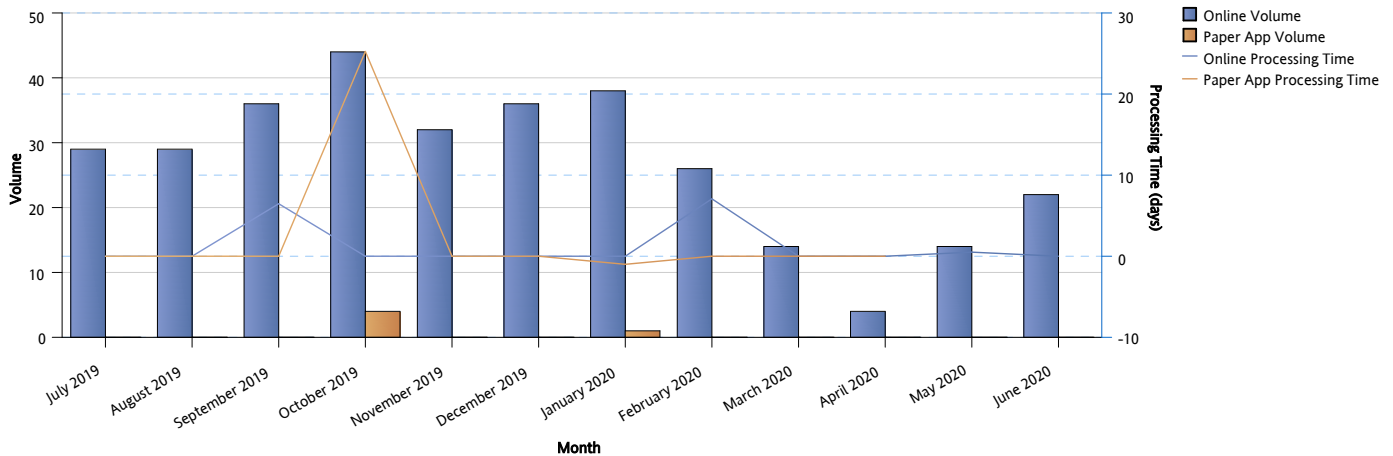
Optometrist - Exam Request



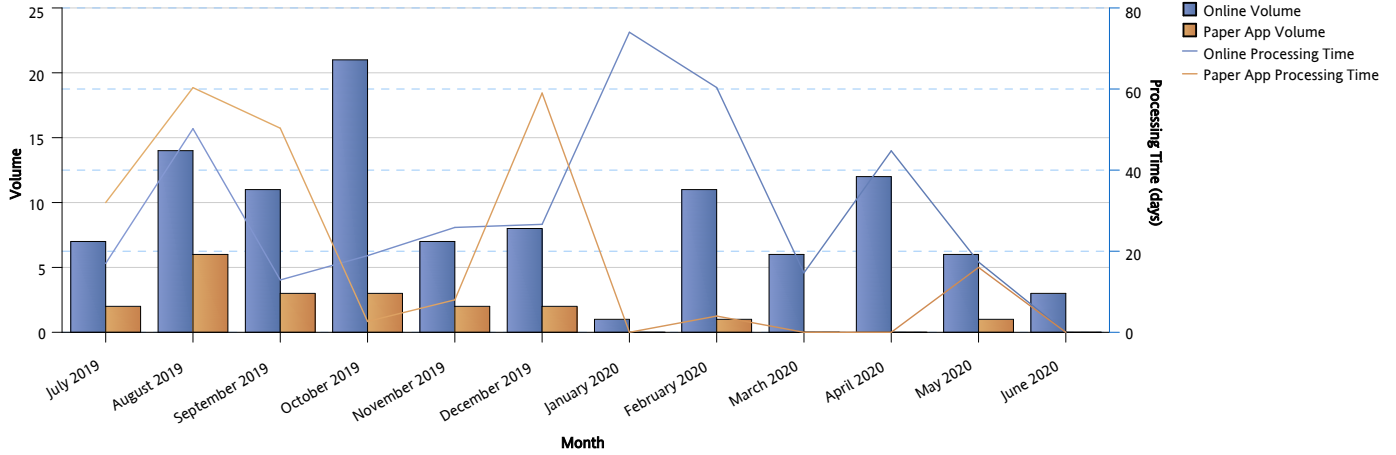
Optometrist - Initial License



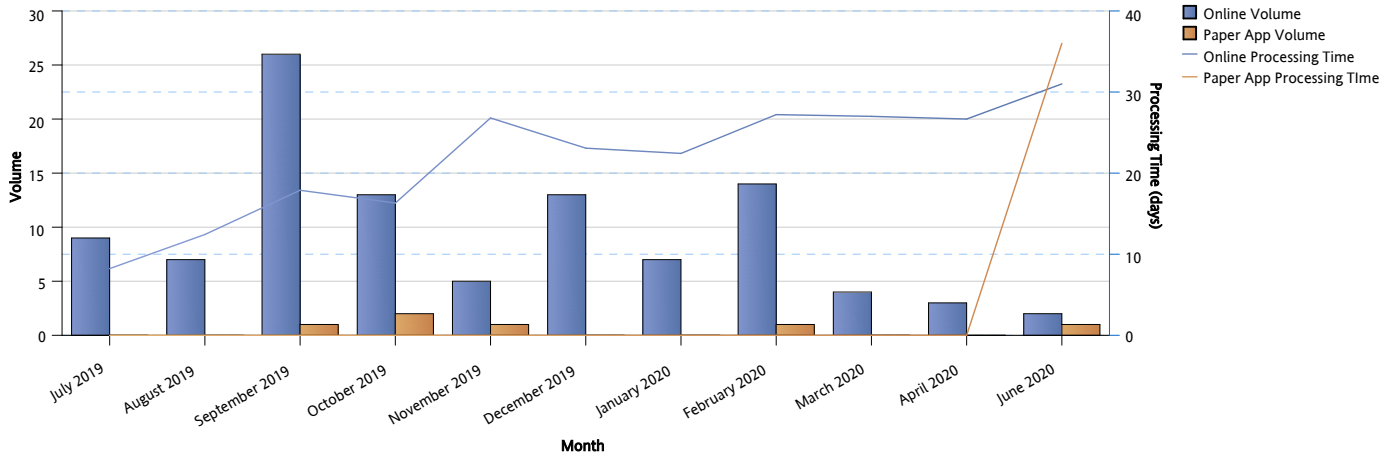
Statement of Licensure - Issue License



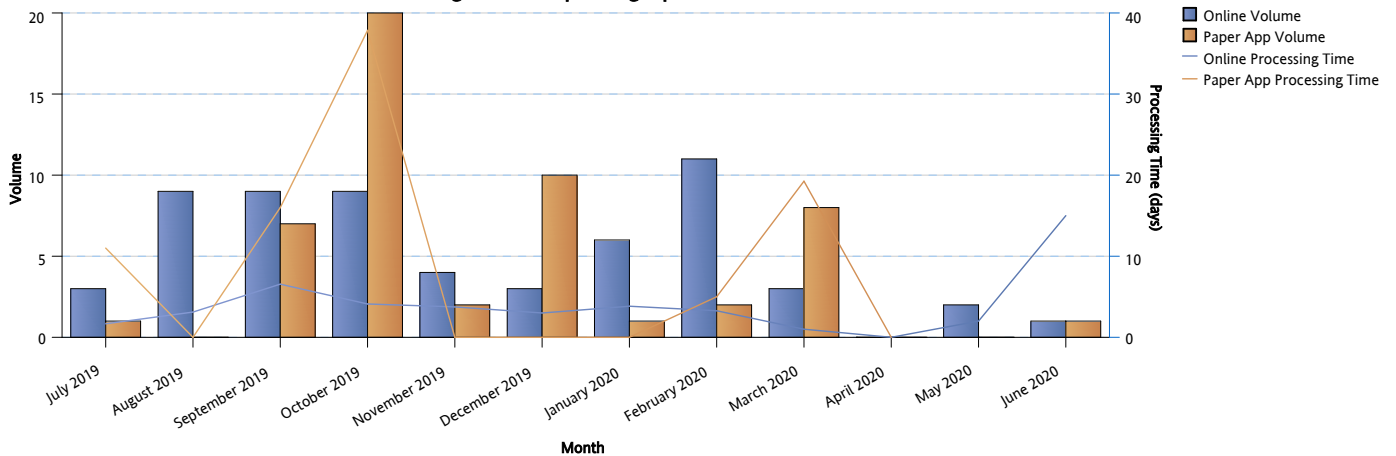
Fictitious Name Permit - Issue License



Registered Dispensing Optician - Initial Application



Registered Dispensing Optician - Initial License

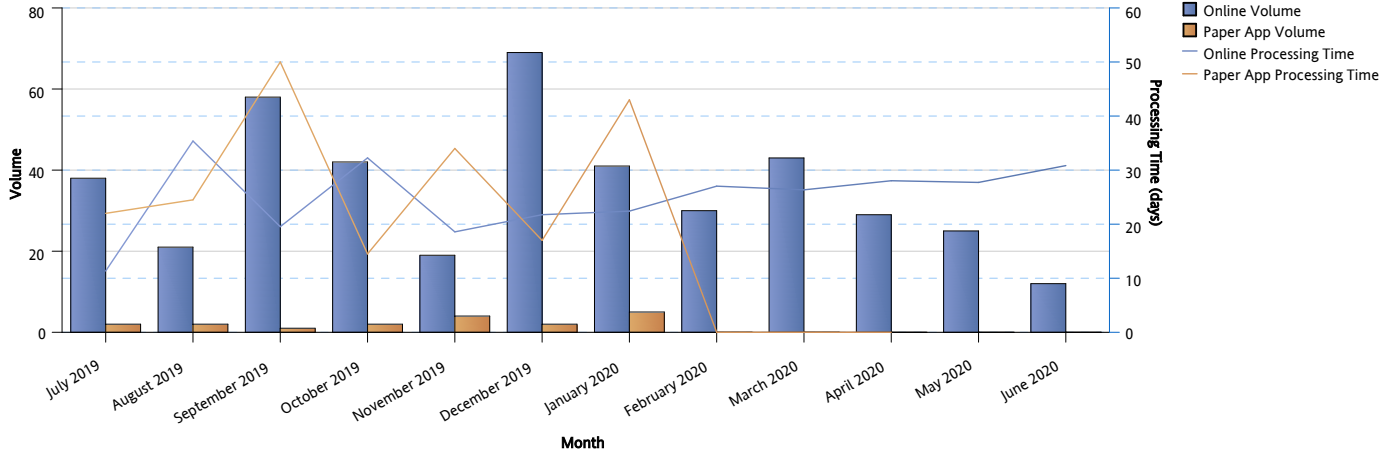




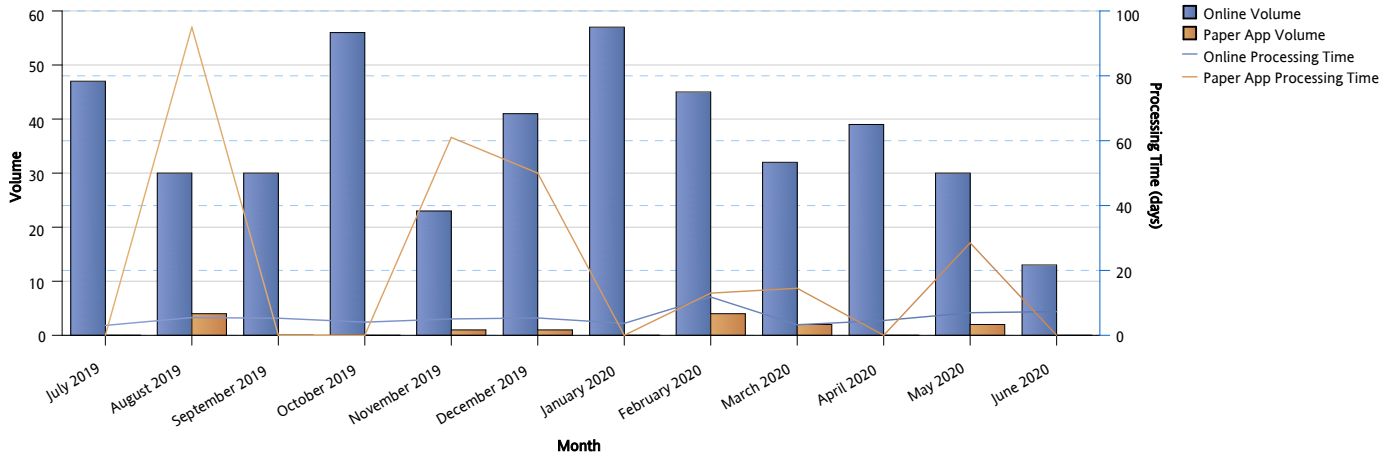
CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS
 BREEZE SYSTEM
 Licensing Application Volume and Processing Time
 Monthly Trend
 Fiscal Year 2020



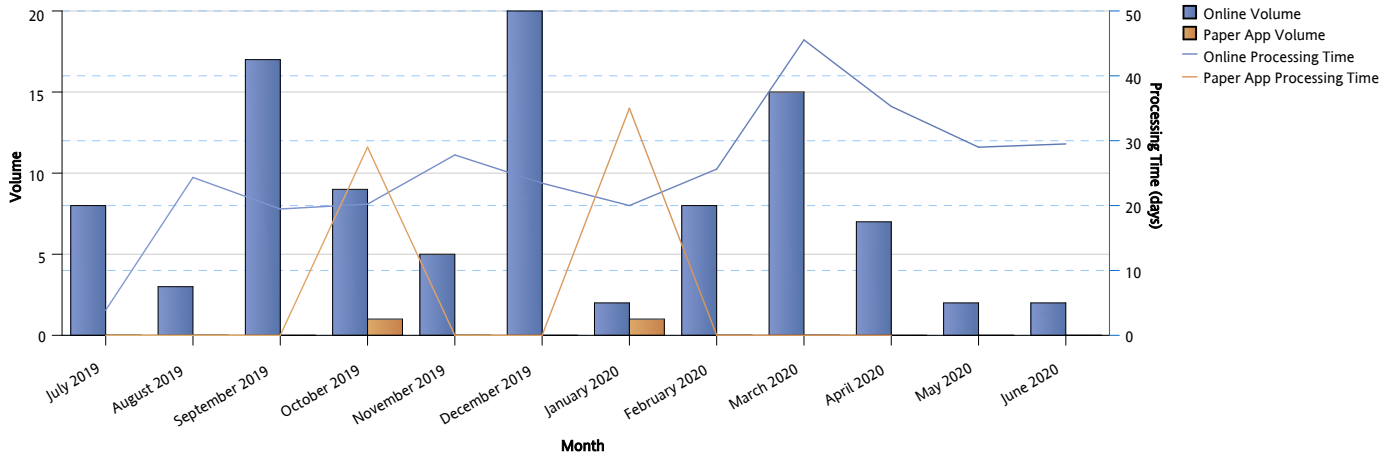
Registered Spectacle Lens Dispenser - Initial Application



Registered Spectacle Lens Dispenser - Initial License



Registered Contact Lens Dispenser - Initial Application

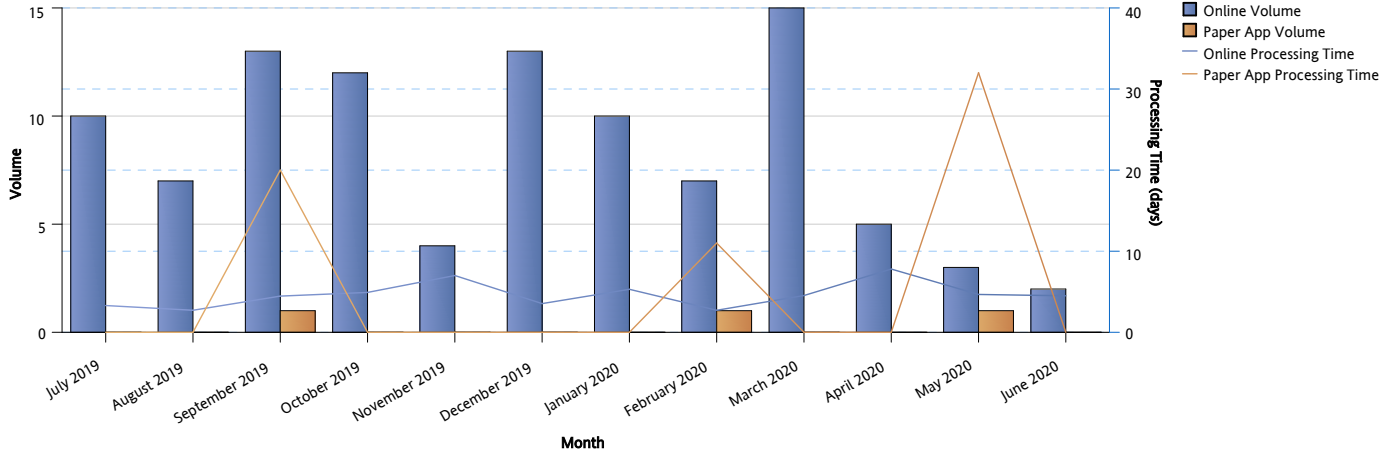




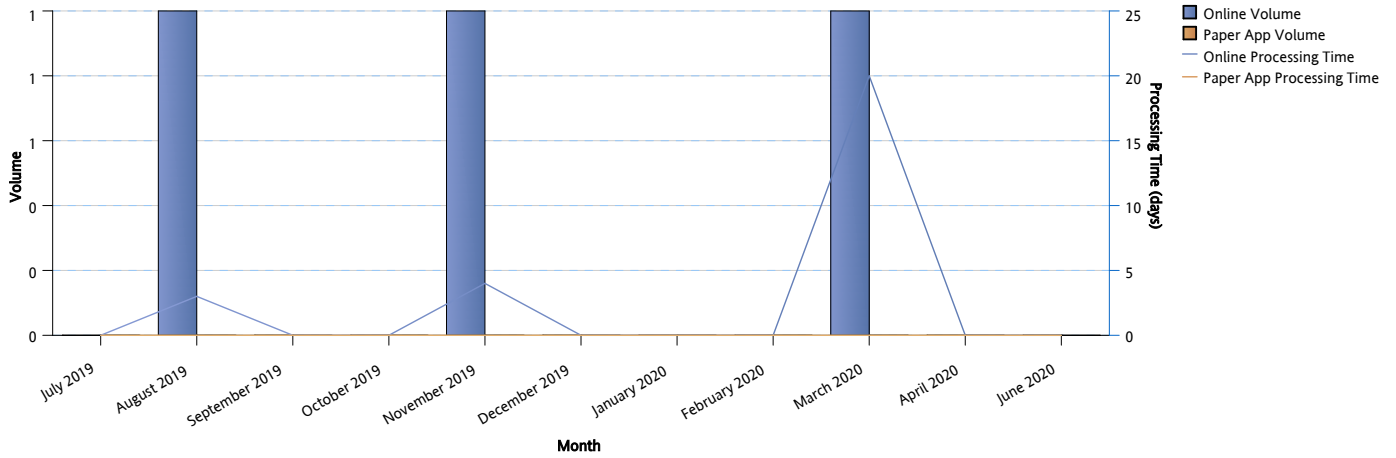
CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS
 BREEZE SYSTEM
 Licensing Application Volume and Processing Time
 Monthly Trend
 Fiscal Year 2020



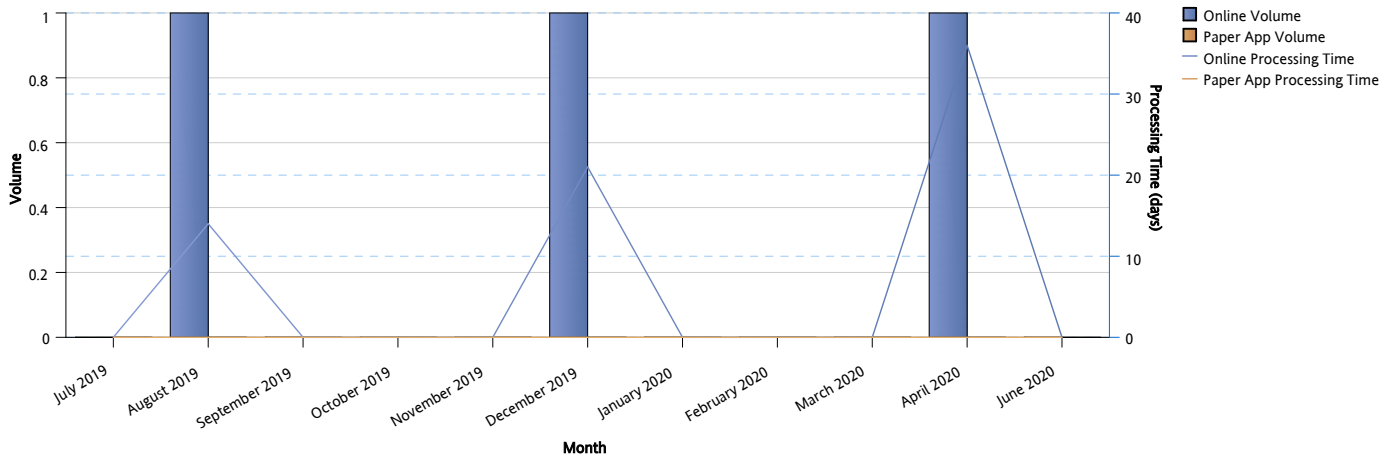
Registered Contact Lens Dispenser - Initial License



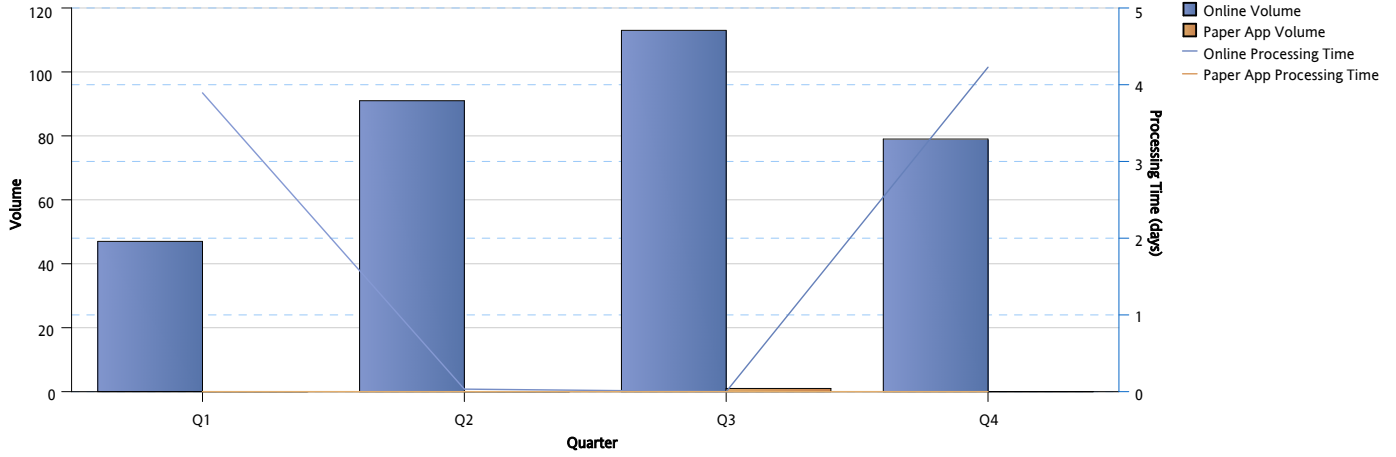
Nonresident Contact Lens Seller - Initial Application



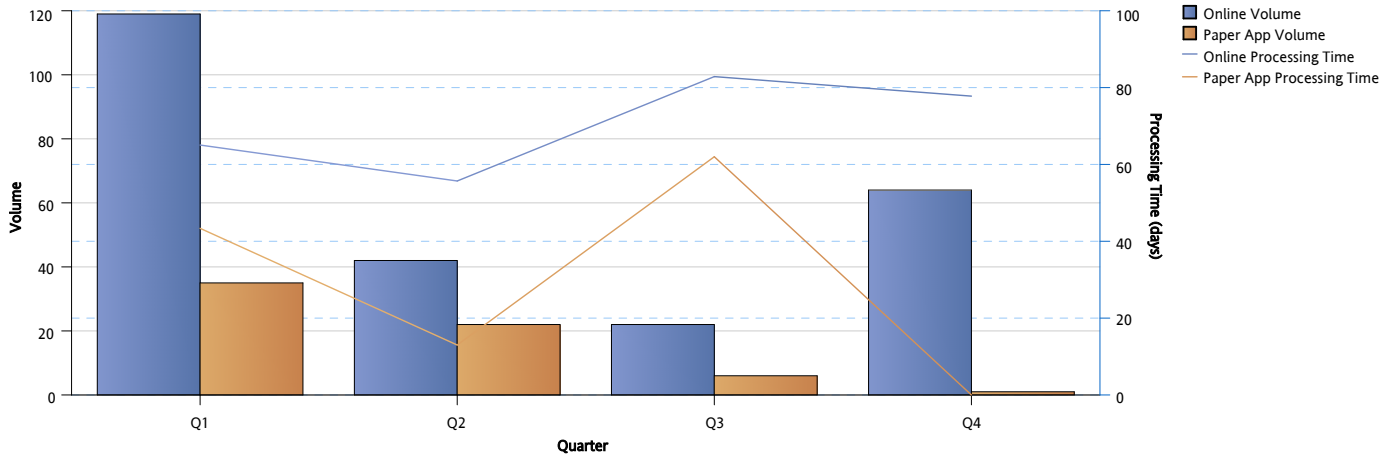
Nonresident Contact Lens Seller - Initial License



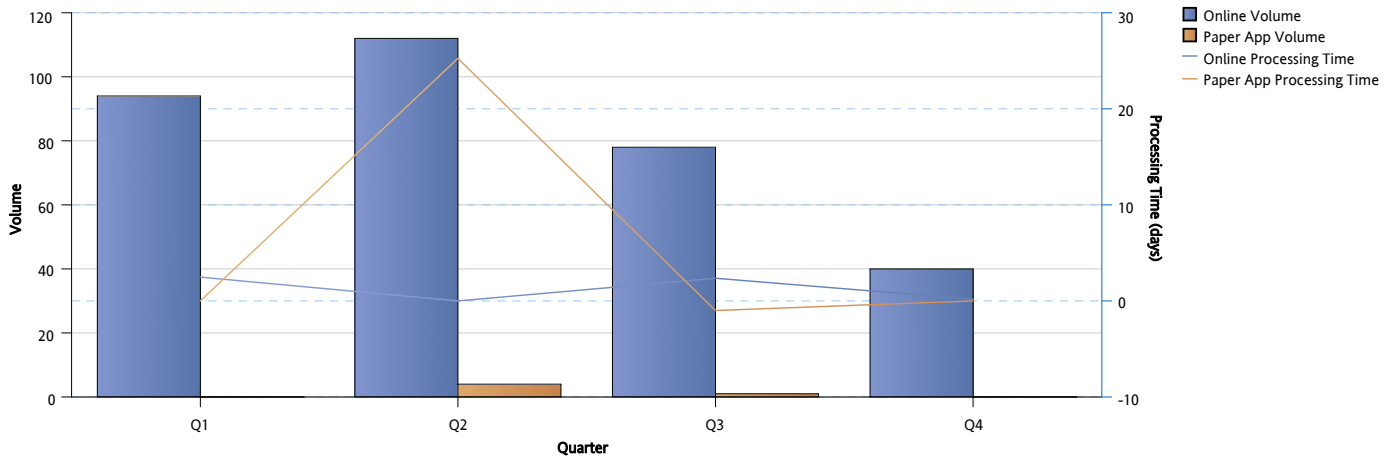
Optometrist - Exam Request



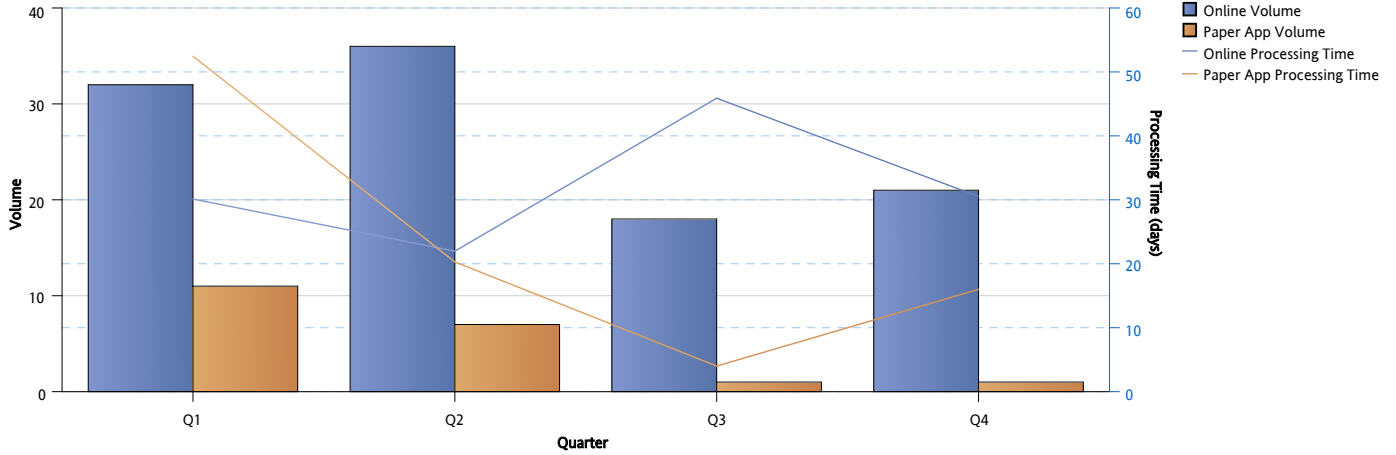
Optometrist - Initial License



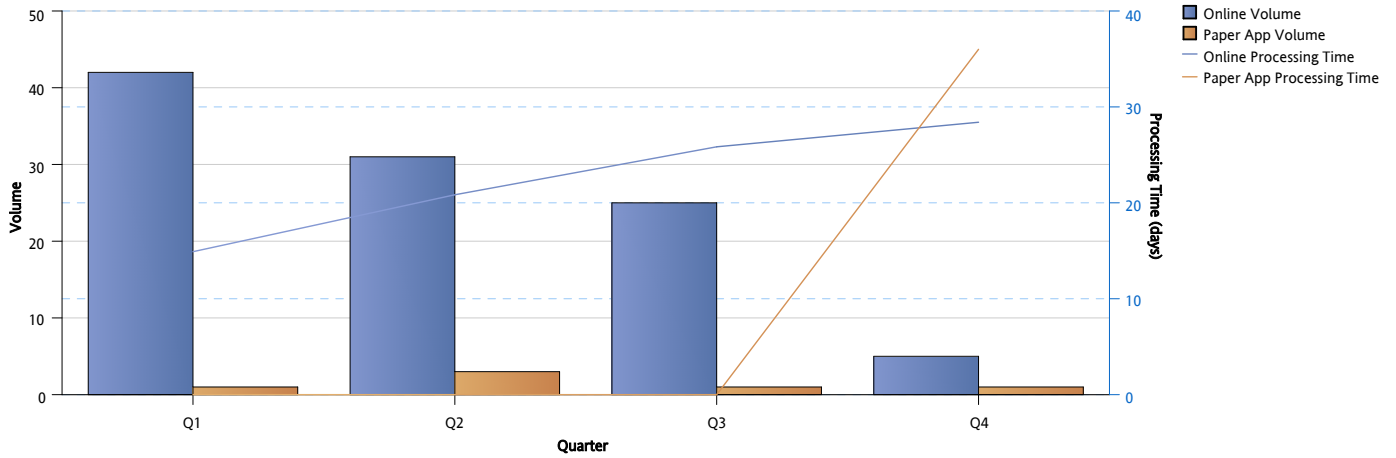
Statement of Licensure - Issue License



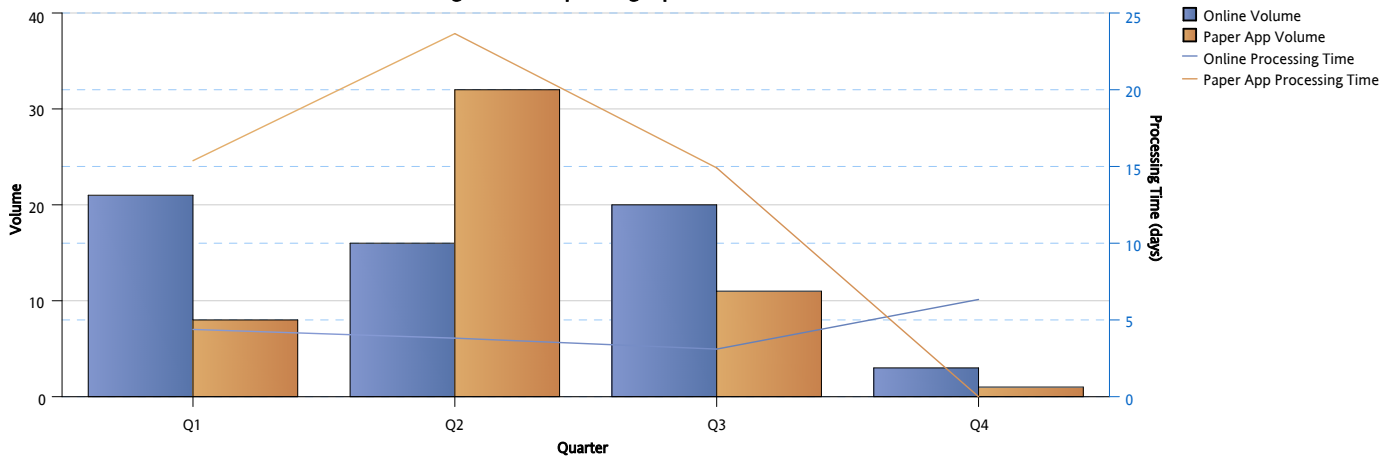
Fictitious Name Permit - Issue License



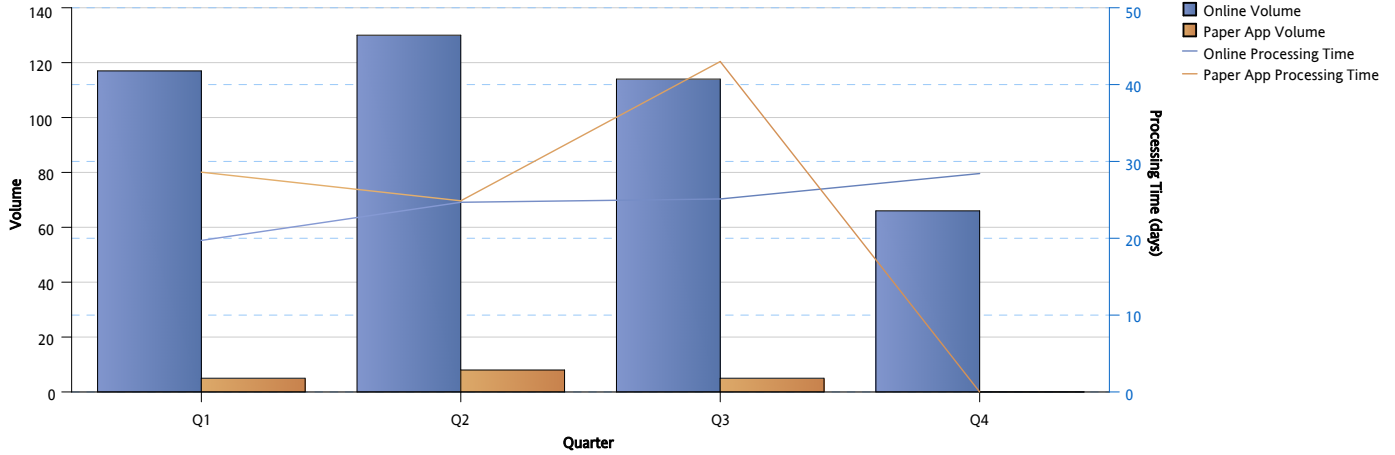
Registered Dispensing Optician - Initial Application



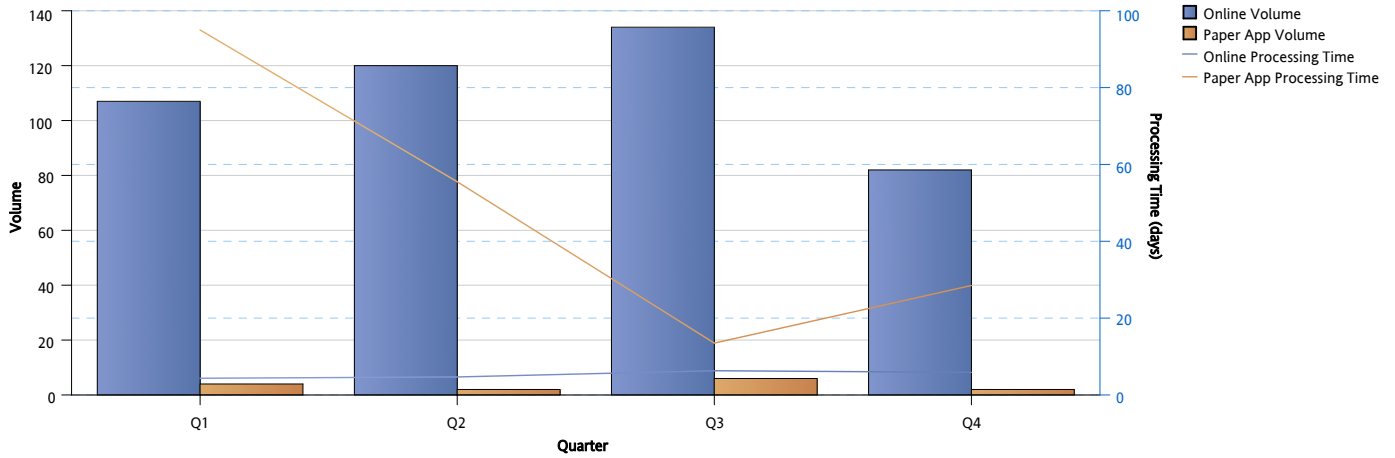
Registered Dispensing Optician - Initial License



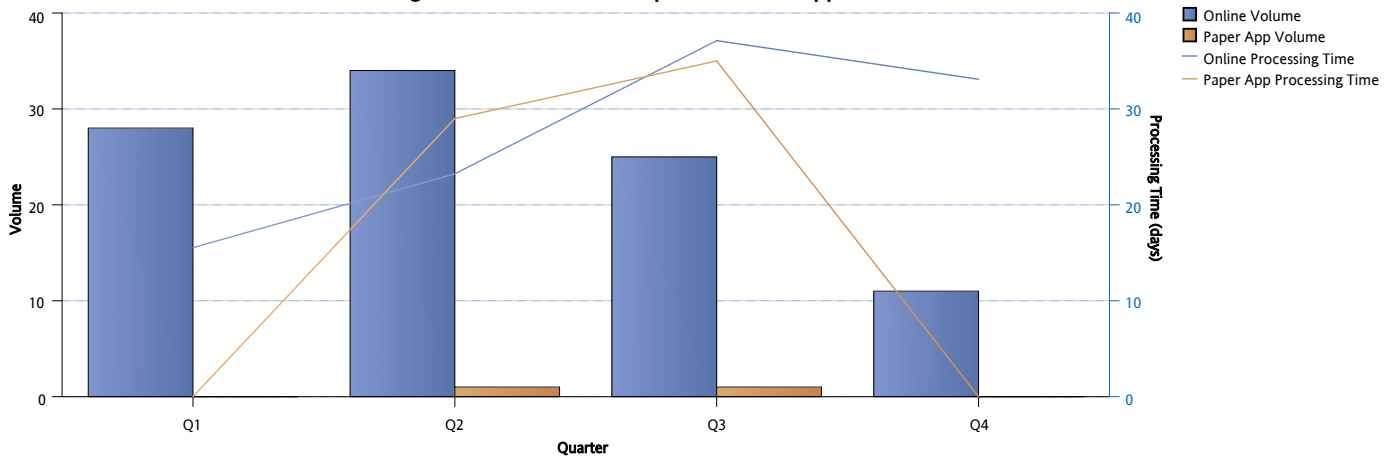
Registered Spectacle Lens Dispenser - Initial Application



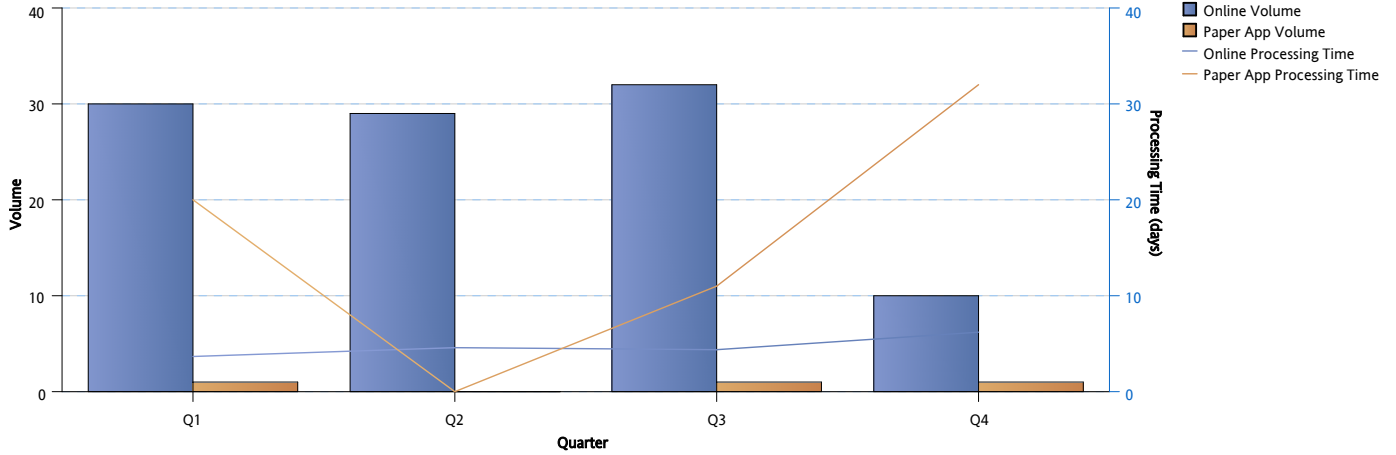
Registered Spectacle Lens Dispenser - Initial License



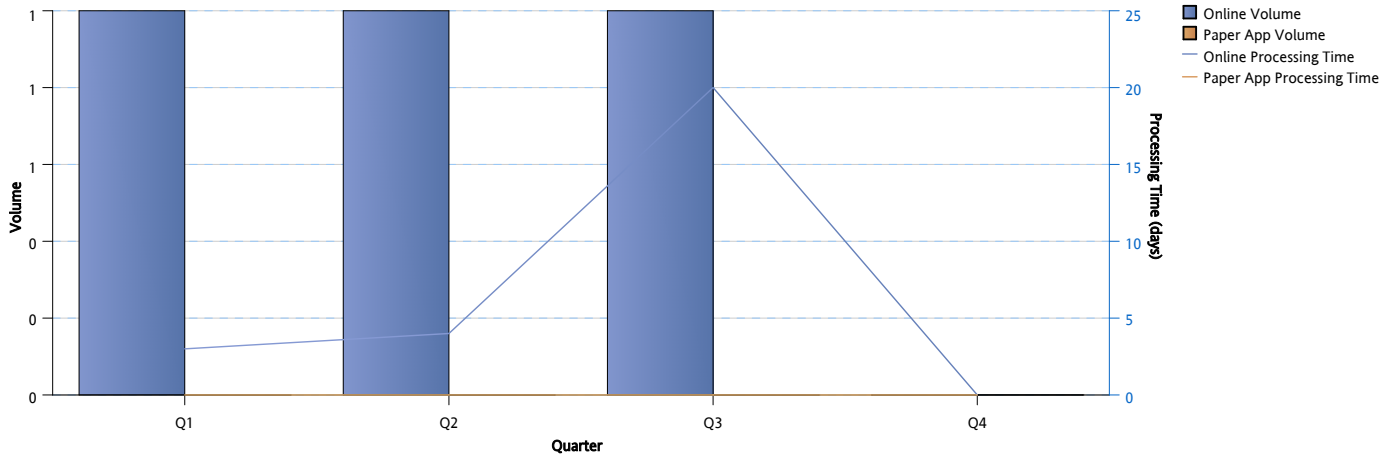
Registered Contact Lens Dispenser - Initial Application



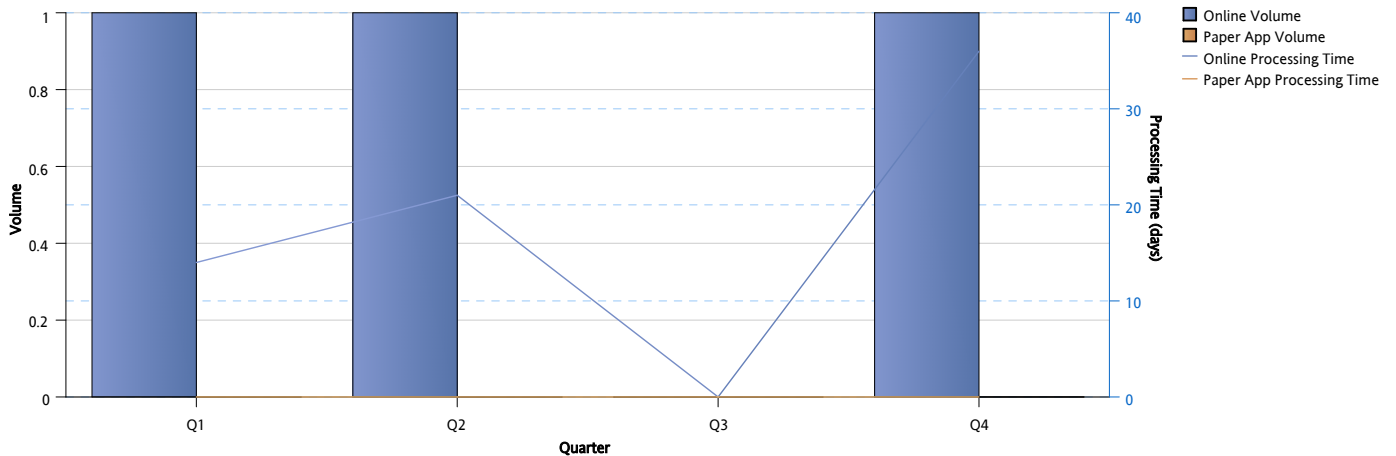
Registered Contact Lens Dispenser - Initial License



Nonresident Contact Lens Seller - Initial Application



Nonresident Contact Lens Seller - Initial License



Executive Office

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Order Waiving In-Person Patient Evaluation Requirement for Optometrists Participating In The Grand Rounds Program

On March 4, 2020, the Governor proclaimed a [State of Emergency](#) to exist in California as a result of the impacts of COVID-19 to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare to respond to an increasing number of individuals requiring medical care and hospitalization as a result of a broader spread of COVID-19.

Pursuant to the Governor's Executive Order [N-39-20](#), during the State of Emergency, the Director of the California Department of Consumer Affairs may waive any statutory or regulatory professional licensing requirements pertaining to individuals licensed pursuant to Division 2 of the Business and Professions Code, including optometrists.

Accordingly, the Director waives California Code of Regulations, title 16, section 1571, subdivision (a)(4)(B) to the extent it requires patients to be evaluated "in person," subject to the condition that such evaluation must be performed via appropriate electronic means.

This order is effective immediately but may be amended as circumstances require.

This order terminates 60 days from the date of the order, unless further extended.

Dated: September 24, 2020

Signature on File

Kimberly Kirchmeyer
Director



ISSUE MEMORANDUM

DATE	November 20, 2020
TO	Members, California State Board of Optometry (CSBO)
FROM	Cheree Kimball, Assistant Executive Officer
SUBJECT	Agenda Item #7B – Enforcement Program

Implicit Bias Training

In early September, members of Enforcement staff, along with other Board staff members, participated in Implicit (Unconscious) Bias Training presented by Dr. Bryan T. Marks, Sr., Chief Equity Officer and Principal Trainer of The National Training Institute on Race & Equity (NTIRE) at Morehouse College.

The training covered what an implicit or unconscious bias is, how those biases impact individuals and groups in the real world and gave insights into some ways we can help reduce or manage implicit bias in our work. The training illustrated a variety of implicit biases and demonstrated how those biases can have negative impacts on health outcomes for individuals, as well as how implicit bias can impact a family for generations.

The training will help enforcement staff when reviewing conviction histories, conducting investigations, and interacting with stakeholders.

Disciplinary Actions

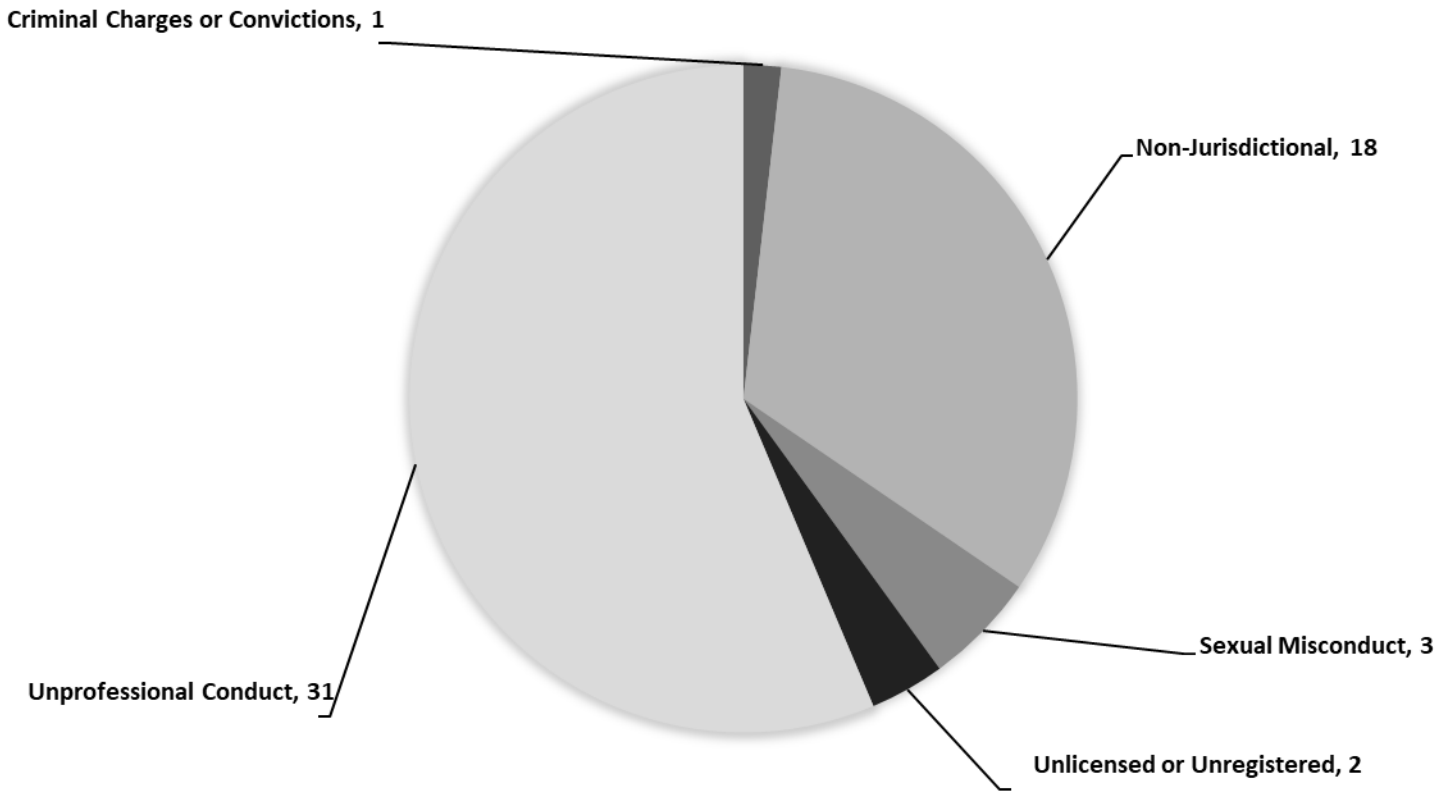
In quarter one (Q1) of the current fiscal year, the Board approved the following disciplinary actions:

- Harold Charles Sivas, OPT 6353, Voluntary Surrender of License, effective September 24, 2020
- Celia Elaine Kulda, OPT 9304, Revocation, effective September 24, 2020
- Jon Elliott Fitzpatrick, OPT 7949, Revocation Stayed with Probation, effective September 13, 2020
- Lisa Antoinette Trippi, SLD 6469, Voluntary Surrender of Registration, effective September 24, 2020
- Steven Wayne Hall, SLD Applicant, Application Denied effective September 24, 2020

	Q1 – FY20/21						FY Total	
	Routine		High		Urgent		OPT	OPN
Cases by Priority	OPT	OPN	OPT	OPN	OPT	OPN		
Received	53	19	2	0	0	0	55	19
Closed	47	7	2	0	0	0	49	7
Average Age (days) - Closed	149	307	1038	0	0	0	185	307
Pending	111	128	12	0	0	0	123	128
Average Age (days) – Pending	604	507	370	0	0	0	584	507
Referred to AG	0	0	0	0	0	0	0	0
Pending at AG	3	28	1	0	0	0	4	28
Final Disciplinary Orders	2	2	1	0	0	0	3	2

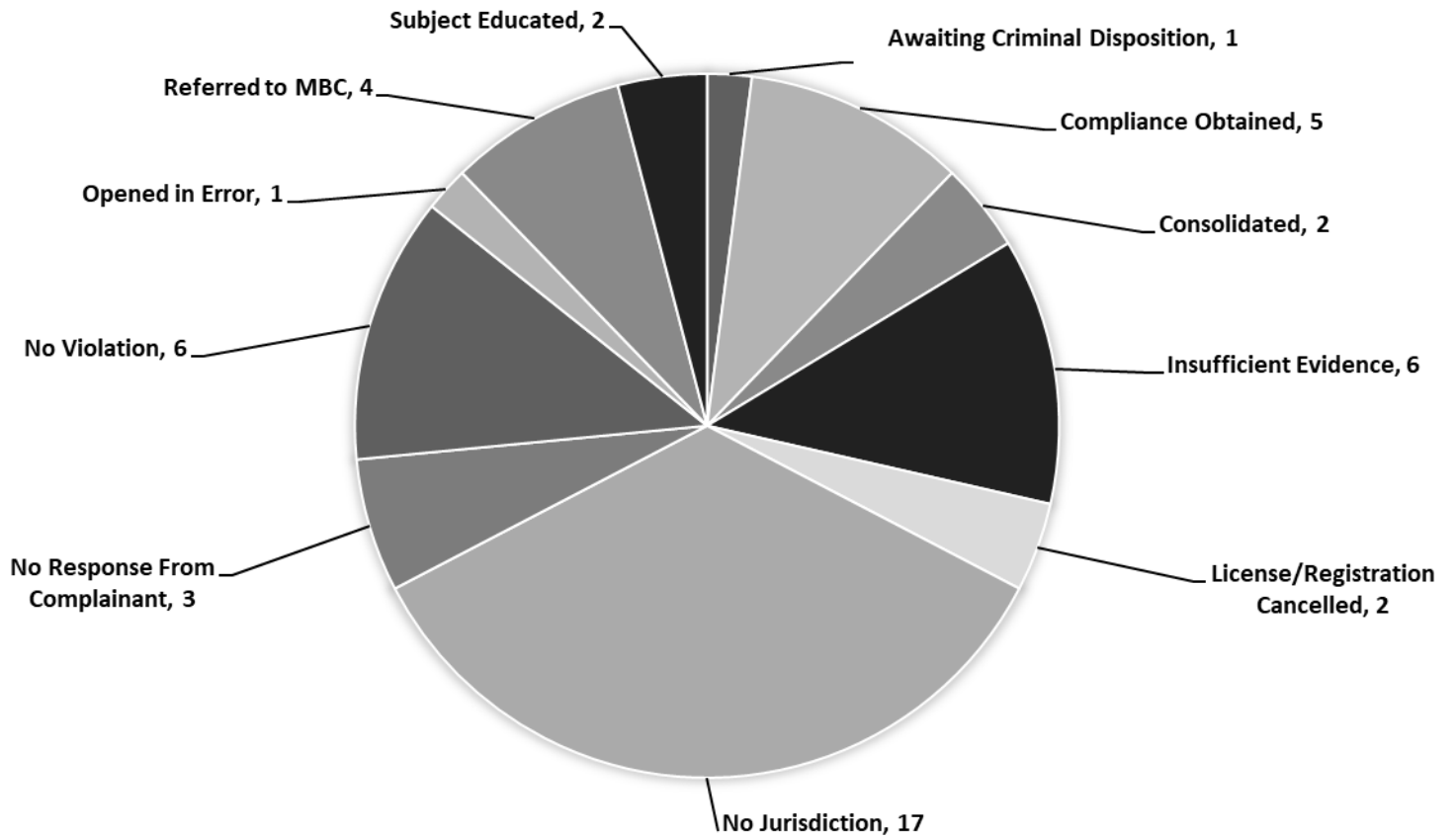
Agenda Item 7B – Enforcement Statistics, Q1 FY 2020-2021

OPTOMETRY CASES RECEIVED - Q1, FY 20-21



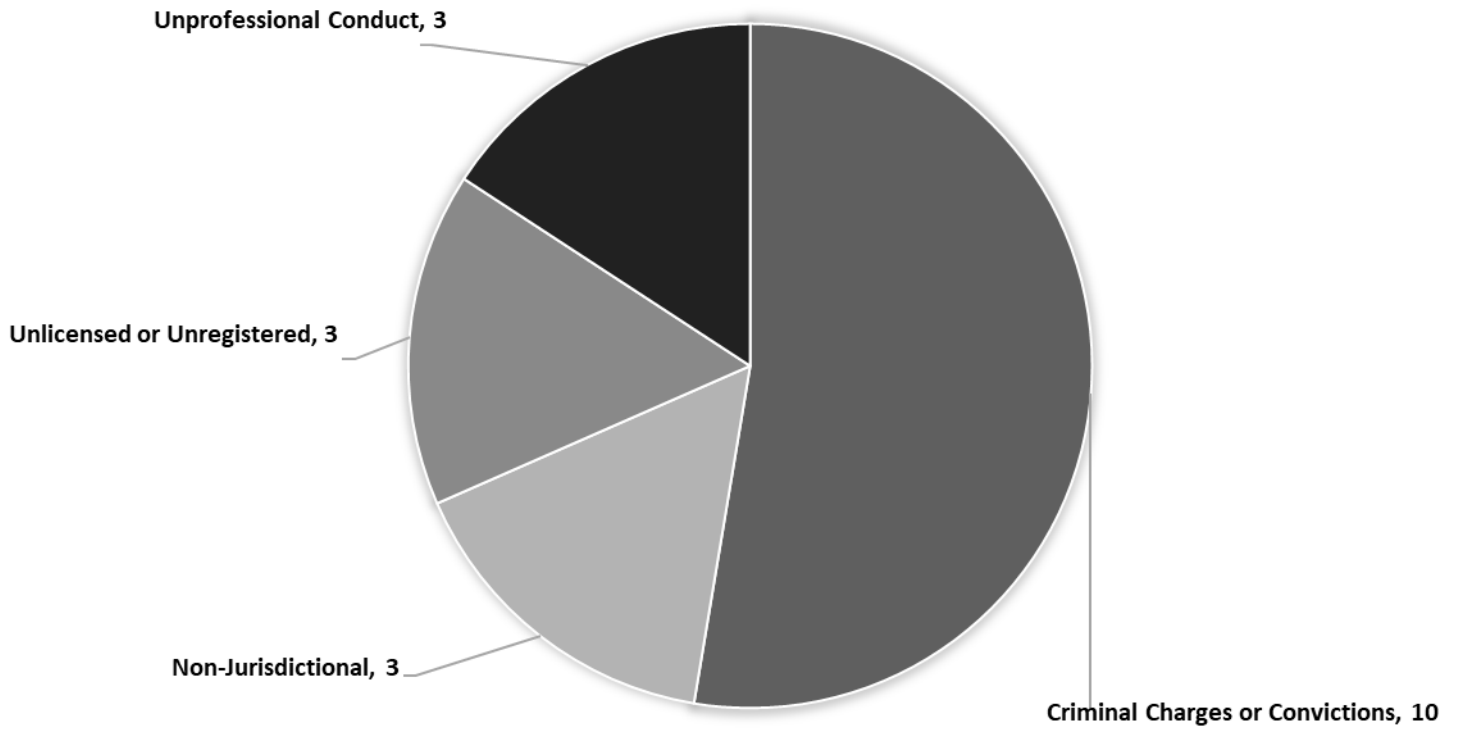
Agenda Item 7B, Chart 1 – Optometry cases received, quarter one, fiscal year 2020-2021

OPTOMETRY CLOSURES - Q1, FY 20/21



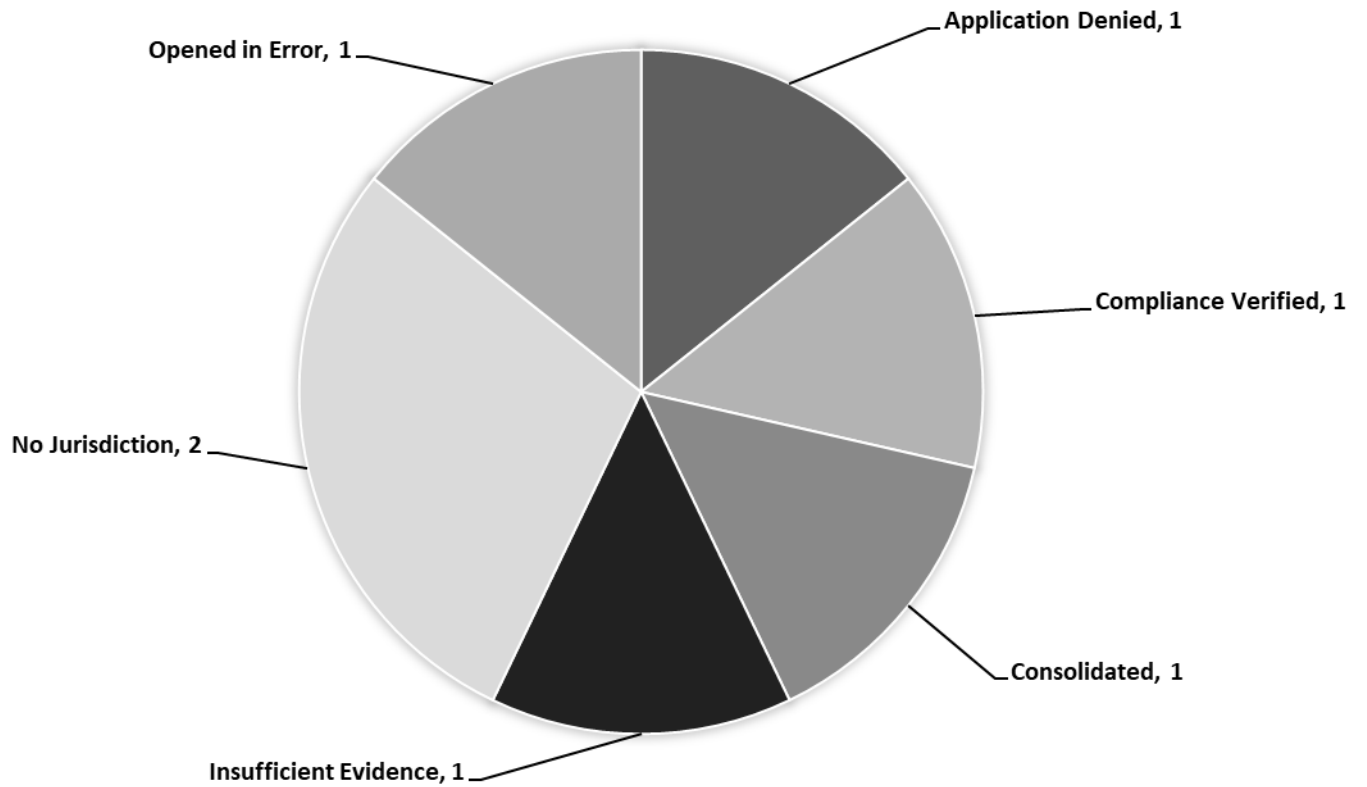
Agenda Item 7B, Chart 2 – Optometry cases closed, quarter one, fiscal year 2020-2021

OPTICIAN CASES RECEIVED - Q1, FY 20-21



Agenda Item 7B, Chart 3 – Opticianry cases received, quarter one, fiscal year 2020-2021

OPTICIAN CLOSURES - Q1, FY 20-21



Agenda Item 7B, Chart 4 – Opticianry cases closed, quarter one, fiscal year 2020-2021



ISSUE MEMORANDUM

DATE	November 20, 2020
TO	Members, California State Board of Optometry (CSBO)
FROM	Marc Johnson, Policy Analyst
SUBJECT	Agenda Item #7C – Presentation and Discussion of Executive Officer’s Report: Policy and Outreach Update

Policy Update – Status of Existing Regulatory Packages

Staff is currently working on the following regulatory packages which have been approved by the Board:

Implementation of AB 2138 (Amend §§1399.270, 1399.271, 1399.272, 1516, 1517)

Subject: This proposal would implement AB 2138, relating to denial of applications, revocation, or suspension of licensure and criminal convictions for optometry and opticianry program applicants.

Status: Submitted to Office of Administrative Law; expected approval by end of November. Once approved, the regulation should be effective January 1, 2020.

Implementation of AB 443 (Amend §1524; Adopt §1527)

Subject: This proposal would implement AB 443, which allows a TPA-licensed optometrist to administer immunizations provided the applicant meets certain conditions and training.

Status: Currently with DCA Legal and Agency for pre-file approval before OAL submission for public notice, likely in early 2021.

Dispensing Optician Disciplinary Guidelines (Amend §1399.273)

Subject: The Optician Guidelines are used to impose discipline including conditions of probation for licensees that address the violations charged and are modeled after the Optometry Disciplinary Guidelines but are modified to meet the needs of the Optician Program.

Status: Approved by the Board at the August 14, 2020, public meeting; rulemaking package undergoing staff preparation for submission to DCA and Agency for pre-file approval with OAL by spring 2021.

Optician Program Omnibus Regulatory Changes (Amend §§ 1399.200 – 1399.285)

Subject: This proposal makes minor changes to the existing optician program regulations, limited to placing current initial registration and renewal forms (used with

the BreEZe system), align current fees with the statute and make other non-substantive changes. These changes would not affect any existing operations or modify any current processes.

Status: Approved by the Board at the August 14, 2020, public meeting; rulemaking package undergoing staff preparation for submission to DCA and Agency for pre-file approval with OAL by summer 2021.

Optometry Disciplinary Guidelines (Amend §1575)

Subject: 2019 Update of existing Optometry Board Disciplinary Guidelines. The changes include updates to enforcement processes; terminology used and implementation of changes made by the Substance Abuse Coordination Committee in fall 2019.

Status: The Consumer Protection Committee reviewed the guidelines at the September 13, 2019, public meeting. The full Board approved the regulatory text and Guidelines incorporated by reference at the October 25, 2019, public meeting. This rulemaking package is undergoing staff preparation for submission to DCA and Agency for pre-file approval with OAL by summer 2021.

Optometry Continuing Education Regulations (Amend §1536)

Subject: This proposal would make a series of changes to §1536, including allowing all 50 continuing education units to be taken online provided the courses meet certain conditions, an increase in self-study hours to 25, better definition of self-study hours and additional requirements for CE providers. Changes were also made to forms incorporated by reference into the section.

Status: Approved by the Board at the August 14, 2020, public meeting; rulemaking package undergoing staff preparation for submission to DCA and Agency for pre-file approval with OAL by summer 2021.

Policy Update – Future Regulatory Packages

Staff anticipates beginning work on the following regulatory packages for Board approval in 2021.

Implementation of AB 458 (Nazarian, Chapter 425, Statutes of 2019)

Subject: This proposal will implement AB 458, which allows an optometrist to engage in the practice of optometry at a home residence, provided they meet certain requirements and submit an application to the Board and pay specified fees. The optometrist would also be required to provide a consumer notice to a patient.

Status: Staff has begun work on draft text and anticipates be presented to Consumer Protection Committee for review by February 2021.

Implementation of AB 896 (Low, Chapter 121, Statutes of 2020)

Subject: This proposal will implement AB 896, which would allow nonprofit charitable organizations to provide mobile optometry services to patients and be reimbursed by

Medi-Cal. It requires the Board to develop a registry for mobile optometry offices and for a consumer notice to be provided to patients. The bill requires regulations to be implemented by January 1, 2021.

Status: Staff anticipates draft text will be presented to the Consumer Protection Committee for review by February 2021.

Outreach Update

Board staff has been ramping up outreach efforts, especially in light of the COVID-19 pandemic, on social media. Staff has also been making regular use of ListServ email system.

Currently, the Board three social media accounts - [Twitter](#), [Instagram](#), and [Facebook](#). A fourth, LinkedIn, is being developed. All social media accounts are updated weekly or biweekly with various types of content depending on what the board must share with the public. The content varies, but may consist of:

- Meeting reminders for committee and board meetings;
- Licensing and BreEZe reminders;
- Census posts encouraging our followers to fill out their census;
- Covid posts, with images and text sent from DCA with specific hashtags such as #youractionssavelives;
- Safety reminders and campaigns, such as Halloween contacts and Cosplay

Compared to other consumer protection boards, the Board enjoys a decent number of followers on our social media platforms - about 800 Twitter followers and 409 Facebook followers. Most followers on Instagram are not active; most views are via Twitter or Facebook.

These efforts are gaining traction. As an example, a post made on October 2nd, with the hashtag #youractionssave lives, reached 215 people on Twitter and 90 people on Facebook. On October 6th, the Board President's message on increasing diversity reached 140 people on Facebook but over 444 people on Twitter. A series of Halloween Contact Lens posts reached an average of 80-90 people on Facebook and approximately 120 people on Twitter.

Staff is preparing a more comprehensive social media strategy plan for 2021 and will be bringing it to the Board at a future meeting.



ISSUE MEMORANDUM

DATE	November 20, 2020
TO	Members, California State Board of Optometry (CSBO)
FROM	Dr. Debra McIntyre, Board Secretary
SUBJECT	Agenda Item #8 – Discussion and Possible Action on Board Meeting Minutes

The following Board meeting minutes are presented for review and possible approval:

- A. August 13 and 14, 2020 Meeting
- B. October 23, 2020 Meeting

MEMBERS OF THE BOARD
 Mark Morodomi, J.D., President
 Glenn Kawaguchi, O.D., Vice President
 Debra McIntyre, O.D., Secretary
 Cyd Brandvein
 Jeffrey Garcia, O.D.
 David Turetsky, O.D.
 Lillian Wang, O.D.
 Vacant, Public Member
 Vacant, Public Member
 Vacant, Licensed Member
 Vacant, Licensed Member



**QUARTERLY BOARD MEETING
 DRAFT MEETING MINUTES**

This public meeting was held via WebEx Events.

Thursday, August 13, 2020

Members Present	Staff Present
Mark Morodomi, President	Shara Murphy, Executive Officer
Glenn Kawaguchi, Vice President	Cheree Kimball, Assistant Executive Officer
Debra McIntyre, Secretary	Marc Johnson, Policy Analyst
Cyd Brandvein	Natalia Leeper, Licensing Coordinator
David Turetsky, OD	Will Maguire, Legal Counsel
Lillian Wang, OD	Matt McKinney, Enforcement Analyst

Link for the audio of 8/13/20 discussion: Part 1 of 2

<https://www.youtube.com/watch?v=JOsFXhQ8MHg&feature=youtu.be>

Link for the audio of 8/13/20 discussion: Part 2 of 2:

<https://www.youtube.com/watch?v=7fcCjL2drEY&feature=youtu.be>

Full Board Open Session

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

Audio of Discussion: [0:05 / 1:45:58](#)

Dr. McIntyre called the meeting to order at 10:00 a.m. and took roll. All members were present via WebEx events and a quorum was established.

2. Public Comment for Items Not on the Agenda

Audio of Discussion: [1:15 / 1:45:58](#)

There were no public comments.

Closed Session

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

The Board went into closed session at 10:07 a.m.

Open Session

The Board resumed open session at 11:30 a.m.

4. Strategic Planning Overview (SOLID)

Audio of Discussion: [3:41 / 1:45:58](#)

A. Introductions

B. Strengths, Weaknesses, Opportunities, and Threats (SWOT) Analysis

C. Environmental Scan

SOLID Strategic Business Analyst and Facilitator Trisha St. Clair and Co-Facilitator and Planning Manager Shirley Jones provided an overview of the strategic planning. Strategic planning is performed because during the Department of Finance audits, they look to ensure that boards have a current strategic plan. Therefore, the Department of Consumer Affairs (DCA) requires that each board maintain a current strategic plan. DCA invited SOLID Planning to organize the process and assist the Board in achieving success. Ms. St. Clair explained the process. After today's planning session the strategic plan will be drafted. Once the final draft is completed, members will vote on it. After it is approved the plan will be posted on the Board's website. Action planning is the final stage in which members break each objective into steps. The steps are assigned to staff.

Ms. St. Clair presented the 2020 Environmental Scan stakeholder survey with 563 participants. Mr. Morodomi noted that there were 563 participants who each had one vote. The voting results were from only three consumers and 544 licensees. Mr. Morodomi finds it interesting that the voting is somewhat skewed particularly when it is external stakeholders; skewed towards licensees as opposed to consumers or members of the public. He asked if this is a correct observation; Ms. St. Clair confirmed that is correct Ms. St. Clair explained that when the Board sends the survey out to the List Serve, it requires people to respond, and staff does not have control over who decides to respond.

There were no public comments.

5. Re-establish Mission, Vision, and Values (SOLID)

Audio of Discussion: [13:11 / 1:45:58](#)

The Board reviewed the mission statement: *“to protect the health and safety of California consumers through licensing, registration, education, and regulation of the practices of Optometry and Opticianry”*.

The Board reviewed the vision statement: “To promote high quality optometric and optical care for the people of California”.

The Board reviewed the values statement, the five core values are equipped with definitions.

There were no public comments.

6. Objective Development (SOLID)

Audio of Discussion: [24:28 / 1:45:58](#)

Board members had discussions of the following topics to help identify new strategic goals and objectives for the upcoming strategic planning period:

- Licensing
- Examination
- Law and Regulation
- Enforcement
- Outreach
- Board Administration

Staff will work with SOLID to finalize the strategic plan and submit the draft strategic plan to a workgroup of Mr. Morodomi and Dr. Turetsky. The Board will then review and potentially approve the strategic plan at the next Board meeting.

Public comment was made by Adam Bentley. He suggested providing outreach to colleges to bring about a greater awareness of optician registrations. Ms. Murphy replied that this is something staff has been working on and contact was made with the colleges; staff formulated plans for outreach visits but have been hampered by budget and the inability to effectuate any travel. Mr. Morodomi argued that this issue is particularly important. He asked if this can be noted somewhere in the strategic plan so that it is not forgotten. Further, Mr. Bentley asked if would it be possible to open two professional optician spots? President Morodomi noted that the strategic plan would be to decide whether the Board wishes to discuss this in a future meeting. Dr. Turetsky suggested expanding the Board to 13 members and add an additional optician and perhaps an additional public member. Dr. Wang argued that this is already considered one of the largest boards. President Morodomi stated that he is not ready to place this issue in the strategic plan.

7. Future Agenda Items

Audio of Discussion: <https://youtu.be/7fcCjL2drEY?t=10378>

Board members had no items. There was no public comment.

The Board went to closed session at 5:04 p.m. Upon adjournment of closed session, recess was taken until Friday, August 14, 2020.

Friday, August 14, 2020

Members Present	Staff Present
Mark Morodomi, President	Shara Murphy, Executive Officer
Glenn Kawaguchi, Vice President	Cheree Kimball, Assistant Executive Officer
Debra McIntyre, Secretary	Marc Johnson, Policy Analyst
Cyd Brandvein	Natalia Leeper, Licensing Coordinator
David Turetsky, OD	Will Maguire, Legal Counsel
Lillian Wang, OD	Matt McKinney, Enforcement Analyst
	Dani Rogers, Legal Counsel

Link for the audio of 8/14/20 discussion: Part 1 of 2:
<https://www.youtube.com/watch?v=toXswEH99Bo&feature=youtu.be>

Link for the audio of 8/14/20 discussion: Part 2 of 2:
<https://www.youtube.com/watch?v=CZ1R65-4aPM&feature=youtu.be>

Full Board Open Session

1. Call to Order / Roll Call and Re-establishment of a Quorum

Audio of Discussion: [0:05 / 2:09:40](#)

Dr. McIntyre called roll at 10:00 a.m. and a 6-0 quorum was re-established.

2. Public Comment for Items Not on the Agenda

Audio of Discussion: [1:21 / 2:09:40](#)

There was no public comment.

3. Board President’s Report

Audio of Discussion: [2:22 / 2:09:40](#)

Due to a change to the past Board members, President Morodomi deferred this report to the next meeting.

There was no public comment.

4. Call for Nominations for Board Officer Elections

Audio of Discussion: [2:38 / 2:09:40](#)

Dr. McIntyre reported that nomination ballots have been distributed and must be received by Monday, August 31st. Open elections will be held at the next Board meeting on October 23rd to 2020. The positions for nomination are President, Vice President, and Secretary.

President Morodomi asked if there is a possibility of the Sunset Review being postponed due to COVID? Ms. Murphy replied that confirmation has been received that the Board will be receiving sunset review in the spring of next year.

There was no public comment.

5. Discussion and Possible Action on Appointment of Non-Board members to Board Committees

Audio of Discussion: [9:34 / 2:09:40](#)

Dr. Madhu Chawla, OD to Practice and Education Committee

President Morodomi appointed Dr. Chawla to the Practice and Education Committee (PEC). Dr. Turetsky asked how long the appointment will last and if this method should be considered for all Board committees; Mr. Morodomi responded that he does not believe an announcement or process is required. Additionally, in regards of “term of office”, he will need to consult with Legal Counsel. President Morodomi believes the term is either for one year, or they may serve at the pleasure of the President. After one-year reappointment is required. Dr. Turetsky questioned what training is required of an appointee who has not been formerly trained to sit on a committee? Ms. Murphy explained the difference between the Board’s issue committees and the Board’s statutorily mandated committees.

Ms. Brandvein asked if there is a fair and equitable application process and asked if prior Board members bypass the application process and does the Board then just vet those people who have never served on the Board; Ms. Murphy reminded Members that the process is very scripted for the Dispensing Optician Committee (DOC) because it is statutorily mandated and requires appointment by the Governor.

President Morodomi requested to set this as a future agenda item. Although he has appointed Dr. Chawla to the PEC out of dire necessity, he has not had the opportunity to consider the implications and the necessity of procedures if the Board is to start appointing to other committees.

There was no public comment.

Lillian Wang moved to move the appointment of Madhu Chawla to the Practice and Education Committee. Debra McIntyre seconded. The Board voted unanimously (6-0), and the motion carried.

Member	Aye	No	Abstain	Absent	Recusal
Mr. Morodomi	X				
Dr. Kawaguchi	X				
Dr. McIntyre	X				
Ms. Brandvein	X				
Dr. Turetsky	X				
Dr. Wang	X				

6. Discussion and Possible Action Regarding Which Board Member Should be Appointed to Serve on the Dispensing Optician Committee Pursuant to Business and Professions Code Section 3020

Audio of Discussion: [35:25 / 2:09:40](#)

President Morodomi asked Dr. Kawaguchi if he would be willing to serve on the DOC and if Dr. McIntyre would be okay with him being the appointee; Dr. Kawaguchi said he would like to serve on the DOC and Dr. McIntyre agreed.

Cyd Brandvein moved to appoint Glenn Kawaguchi to the Dispensing Optician Committee. David Turetsky seconded. The Board voted unanimously (6-0), and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Mr. Morodomi	X				
Dr. Kawaguchi	X				
Dr. McIntyre	X				
Ms. Brandvein	X				
Dr. Turetsky	X				
Dr. Wang	X				

7. Discussion and Possible Action on Presentation by the National Board of Examiners in Optometry for Additional Test Locations

Audio of Discussion: [37:29 / 2:09:40](#)

Dr. Jill Bryant, OD and Dr. Brook Houck, PhD shared a PowerPoint presentation with the Board on behalf of the National Board of Examiners (NBEO) regarding additional test locations. They provided the NBEO Mission Statement and just like the Optometry Board the overall purpose of NBEO exams is to protect the public. The NBEO accomplishes this purpose by spending the majority of time working with criteria for the Minimally Qualified Candidate (MQC). The exams must be sufficiently demanding and rigorous in order to meet the good faith expectations of public protection for licensure.

Dr. Bryant described the NBEO’s security plans (social distancing, masks, and disinfecting practices for protecting against COVID-19). She also addressed long-term considerations, contingency planning, and second-wave shutdown for future crisis scenarios. Rescheduling challenges and the NBEO’s action steps were also addressed.

Both a short-term and long-term strategy are in the works. Dr. Houck provided an overview on remote proctoring, paper and pencil testing, computer-based testing at the schools, standardization, key points, the decision to move to one testing site, choosing Charlotte, NC, and psychometric perspective on multiple test sites.

Dr. Turetsky asked if they ever been challenged by anyone regarding Americans with Disabilities Act for the reason of having just one test site. Dr. Bryan replied that they have had a few candidates request accommodations during their part III of the exam; for which the accommodations were made. The NBEO has been able to manage mobility issues quite well. She added that it is more common to receive requests for the computer-based exams than it is for the NBEO's performance-based exams.

Public comment:

- Kristine Schultz, Interim Executive Director for the California Optometric Association (COA). Ms. Schultz stated that she is present to request that the Board hold a separate regulatory hearing to find a solution that will ensure that students do not have to travel across the country during a pandemic. Several other states have waived the NBEO test during this time. She felt California laws need to be changed to allow the colleges to test competency during an emergency; no other profession in California has just one test center all the way across the country for their clinical skills test.
- Dr. John Flanagan (representing the California Optometry schools) commented. His plea is to the state Board to plan for crisis. He noted that the class of 2020 has experienced problems as far as being able to retake examinations and getting fingerprinted in time and urged the Board to not underestimate the cost of those issues. Dr. Flanagan's primary concern is the class of 2021 and hopefully not, but possibly 2022. Dr. Flanagan clarified that he is not suggesting graduates not take the California exam, but he is advocating for crisis planning for a temporary ability to recognize clinical competence. He is advocating for a temporary waiver of part III.

Dr. Turetsky questioned the possibility of a school sponsoring a new graduate in the event that traveling to the test center is not possible? Dr. Flanagan doubts that the legal counsel on each of the campuses would accept that liability even on a temporary basis. Nevertheless, it is certainly worth being explored. Another idea would be or the National Board to issue a temporary certificate based upon graduation hurdle. Dr. Kawaguchi questioned why if graduation equals competence, why do graduates sometimes not pass Part III? Dr. Flanagan replied that he suspects this is part of the reason why the exam is being revised. The NBEO Part III exam really only tests technical competence. Dr. Wang commented that temporarily waiving the NBEO Part III is an interesting proposition.

- Tracy Montez, Divisions Chief of Programs and Policy with the Department of Consumer Affairs (DCA). She shared that while she greatly supports and appreciates all of the steps the NBEO has taken to ensure standardization and

reliability of their exams, she would like them to again consider alternate locations. She emphasized that this is in compliance with Business and Profession Code (BPC) Section 139. One of the requirements with DCA boards and the examinations is to ensure meeting the highest level of standards possible while balancing and addressing any barriers to licensure. Dr. Montez asserted that having only one examination site on the east coast certainly does appear to present a barrier to licensure. Additionally, she encourages the Board to explore whether the clinical examination is needed, based on comments received today, and that it is not just an add-on requirement.

Dr. Wang requested that a special meeting be held to discuss this issue versus waiting until the October meeting. Members agreed.

8. Discussion and Possible Approval of May 15, 2020 Board Meeting Minutes

Audio of Discussion: [1:57:57 / 2:09:40](#)

Board Members had no changes. There were no public comments.

Lillian Wang moved to approve the May 15, 2020 Board Meeting Minutes. David Turetsky seconded. The Board voted unanimously (6-0), and the motion carried.

Member	Aye	No	Abstain	Absent	Recusal
Mr. Morodomi	X				
Dr. Kawaguchi	X				
Dr. McIntyre	X				
Ms. Brandvein	X				
Dr. Turetsky	X				
Dr. Wang	X				

9. Update by Representatives of the Department of Consumer Affairs, Which May Include Updates, Discussion and Possible Action Pertaining to the Department’s Administrative Services, Budgetary, Human Resources, Enforcement, Information Technology, Communications and Outreach, as Well as Legislative, Regulatory and Policy Matters

Audio of Discussion: [2:01:39 / 2:09:40](#)

A. Department of Consumer Affairs

Carrie Holmes, Deputy Director of Board and Bureau Relations for DCA, provided a presentation on DCA activities and the budget office. She explained that her job is to be a point of contact and a resource, and to assist with the training of board appointments. She assured the Members that she is working closely with the Governor’s Office, and this Board is a priority for appointments. President Morodomi shared his concern about appointments by the Speaker and the Pro Tem which have been pending for a

tremendously long time. He requested assurance that this issue is a priority; Ms. Holmes assured President Morodomi that this is on her radar.

B. Budget Office

Budget Analyst Marie Reyes provided a brief update on the Board's budget. She noted last year's optometry and RDO budgets which were analyzed quite conservatively.

There were no public comments.

Recess was taken at 12:10 p.m. Meeting resumed at 1:10 p.m.

9. Update, Discussion and Possible Action on Assembly Bill 896 (Low)

Audio of Discussion: [13:15 / 2:38:26](#)

Mr. Johnson provided a summary of the latest changes to AB 896, which is currently working its way through the Senate process. He announced all Board concerns have been addressed. Dr. Kawaguchi requested that Mr. Johnson speak about the amendment regarding additional waivers for certain organizations. Mr. Johnson explained that the AB 896 workgroup had raised concerns regarding certain groups such as Lions Club, community clinics, religious-based clinics that have established models. To ensure that these groups were exempted a text was included that exempts nonprofit or charitable organizations that use volunteer optometrists engaged in the temporary practice of optometry. Vision Service Plan (VSP) is comfortable with the changes as well.

Dr. Turetsky recalled one issue regarding one entity who contracts with optometrists to provide services. This entity hires optometrists as per diem contractors. He asked if there is language in the bill that will exempt these specific groups from AB 5; Mr. Johnson was unsure if the bill addresses this issue.

There was no public comment.

10. Update, Discussion and Possible Action on Changes to Title 16, California Code of Regulations Section 1536 (Continuing Education Regulations)

Audio of Discussion: [20:43 / 2:38:26](#)

Mr. Johnson reported the Board approved some changes to California Code of Regulations Section 1536 and sent it back to the PEC for additional discussion on a couple of items. The PEC had their discussions, made their changes, and returned it to the Board. Mr. Johnson noted changes to the following sections:

Subsection (c)(1): The Board requested further discussion on a required test as part of self-study courses for CE credit. The PEC concurred.

Subsection (c)(1)(F): Proposed subsection (F), which would have added “any other technology the Board chooses to adopt as adequate to accomplish this purpose”, was removed by Legal Counsel as being too vague as to future technologies.

Subsection (c)(4): Staff recommends striking “in person” from the requirement for continuing education course credit obtained by participation in a board meeting. DCA is developing technology to track attendance in WebEx teleconference sessions and has encouraged boards to use teleconference meeting as a best practice following the resolution of the COVID-19 pandemic

Subsection (d)(2)(B): The PEC recommends the addition of “presenting the content” to allow a course that may be pre-recorded but DOES allow for live Q&A during or after the content with the instructor who presented the material. The words “or is prerecorded” have been removed to align with this intent.

President Morodomi inquired (hypothetically) what if 1 out of 5 instructors are available for the Q&A; does this satisfy the legal requirement or do all 5 instructors have to be on the Q&A? Ms. Murphy replied that the intention of the PEC is to ensure that the instructor who presents the material is the person who answers the Q&A; therefore, if 5 instructor present the lecture then those same 5 instructors all need to be available for the Q&A and the small changes to the language ensures that this is understood.

Subsection (e)(3): The Board changed “courses” to “activities” to better reflect the procedures used by COPE to approve their CEs. The PEC concurs with this change.

Subsection (f): Staff recommends the addition of “credit hours desired for approval” for each course and the “educational category” that the course may fall under. The PEC recommends keeping the course submission requirement at 45 days instead of 90, to accommodate real-world conditions of scheduling and preparations made by CE providers.

Members and staff discussed the options for providing a copy of COPE’s educational category codes to assist providers with choosing their course categories correctly. They also discussed the difference between pre-recorded courses that are self-study and those that are still considered “live”. President Morodomi asked Ms. Rogers if the Board can approve the regulation and leave it to her and Board staff to insert the appropriate language expressing intent; Ms. Rogers replied they can.

There was no public comment.

David Turetsky moved to approve proposed changes to Title 16, Section 1536 and the Form CE-01 as presented and discussed here today; and direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services and Housing Agency for review and if no adverse comments are received authorize the Executive Officer to make any non-substantive changes to the rulemaking package and set the matter for hearing. Glenn

Kawaguchi seconded. The Board voted unanimously (6-0), and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Mr. Morodomi	X				
Dr. Kawaguchi	X				
Dr. McIntyre	X				
Ms. Brandvein	X				
Dr. Turetsky	X				
Dr. Wang	X				

11. Update, Discussion and Possible Action on Changes to Title 16 California Code of Regulations Sections 1399.270 – 1399.285 (Optician Program Statutes)

Audio of Discussion: [47:58 / 2:38:26](#)

Mr. Johnson reported that the Board has been working on proposed statutory changes to the optician statutes for well over a year now; in that same spirit, staff wishes to propose some changes to the regulations for the optician program. He noted that these changes will be restricted to simply placing current initial registration and registration renewal forms that are used exclusively within the BreZE system into regulation and to align current fees with the statute; as well as make a couple of other non-substantive changes.

Mr. Johnson reviewed the proposed language changes for the following California Code of Regulations (CCR) sections, subsections, and articles:

- Section 1399.220(b) – Contact Lens Dispenser (CLD) initial application.
- Section 1399.220(c) – Spectacle Lens Dispenser (SLD) initial application.
- Section 1399.220(d) – Non-Resident Contact Lens Dispenser (NCLD) initial application.
- Section 1399.222 – Requirements for renewal of a registration.
- Section 1399.222(a) – Requirements for an RDO renewal application.
- Section 1399.222(b) – Requirements for the SLD renewal application.
- Section 1399.222(c) – Requirements for the CLD renewal application.
- Section 1399.222(d) – Requirements for the NRCLD renewal application.
- Section 1399.260 – RDO fees.
- Section 1399.261 – CLD fees.
- Section 1399.262 – Deletion of the application refund fee. These fees are not refunded anymore per DCA policy.
- Section 1399.263 – SLD fees.
- Section 1399.264 – NRCL fees.

Public comment:

- [Joe Neville](#) with the National Association of Optometrists and Opticians (NAOO). He noted that Section 1399.220(a)(12) requires the name and registration numbers of the CLD or SLD who will be filling prescriptions for the RDO. He recalled that this was discussed several years ago, and it was labeled the

“decoupling conversation”. When an optical firm is planning to open a business, it will frequently apply for its RDO registration well in advance of the time that it knows who the SLD or CLD will be. The decision that was made 3 years ago was that this information would not be requested in the initial application rather they would be required to supply the information once they hired someone. Ms. Leeper responded that she would be okay with making it optional, but there are quite a few businesses that apply after they have already opened.

The Board discussed what language change(s) would be needed to make it optional. They decided upon adding “when available” to the end of (12) so that it reads “Name(s) and registration number(s) of the contact lens dispenser or the spectacle lens dispenser who will be filling prescriptions for the registered dispensing optician when available”.

- Adam Bentley suggested language that requests the information prior to the business opening so that a time frame exists, and the Board is supplying an expectation for the receipt of the applicant’s information. President Morodomi replied that he does not wish to hold up this regulation by wordsmithing. President Morodomi asked about the NRCLD fees; If a person does not reside in California and they wish to sell contact lenses, they must pay this fee? Ms. Leeper confirmed that this is correct.

Glenn Kawaguchi moved to approve proposed changes to Title 16, Sections 1399.220 through 1399.285 of the California Code of Regulations as presented and discussed here today, including but not limited to the initial RDO application changes; and direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business Consumer Services and Housing Agency for review and if no adverse comments are received authorize the Executive Officer to make any non-substantive changes to the rulemaking package and set the matter for hearing. Cyd Brandvein seconded. The Board voted unanimously (6-0), and the motion carried.

Member	Aye	No	Abstain	Absent	Recusal
Mr. Morodomi	X				
Dr. Kawaguchi	X				
Dr. McIntyre	X				
Ms. Brandvein	X				
Dr. Turetsky	X				
Dr. Wang	X				

12. Update, Discussion and Possible Action on Changes to Title 16, California Code of Regulations Section 1399.273 and Optician Disciplinary Guidelines Incorporated by Reference

Audio of Discussion: [1:18:34 / 2:38:26](#)

Mx. Kimball provided an overview of the changes. The Dispensing Optician Committee (DOC) began a review of the Guidelines in August 2017 and completed the review in December 2019. Between 2017 and 2019, staff made minor revisions and restructured the Guidelines where appropriate based in part on the advice of the DOC. The DOC moved to send the Guidelines to the full Board for discussion and approval at the December 2019 meeting. Although agendaed at the February 28, 2020 Board meeting, staff requested additional review via the Consumer Protection Committee (CPC), which reviewed the proposal at the July 17, 2020 public meeting.

The words “when available” were added to condition #12. Additionally, the use of non-binary references throughout was added throughout the document as a non-substantive change.

There was no public comment.

Glenn Kawaguchi moved to approve the proposed text for California Code of Regulations Title 16, Section 1399.273; the Optician Disciplinary Guidelines and forms optc-ne1 and optc-qr1 incorporated by reference as presented and discussed here today; and direct staff to submit the text to Office of Administrative Law for posting for a 45 day public comment period; and if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for hearing. David Turetsky seconded. The Board voted unanimously (6-0), and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Mr. Morodomi	X				
Dr. Kawaguchi	X				
Dr. McIntyre	X				
Ms. Brandvein	X				
Dr. Turetsky	X				
Dr. Wang	X				

13. Update, Discussion and Possible Action on Changes to Chapters 5.4, 5.45 and 5.5 of the Business and Professions Code (Optician Program Statutes)

Audio of Discussion: [1:32:03 / 2:38:26](#)

At the May 15, 2020 Board Meeting, the full Board reviewed the proposed changes to the dispensing optician statutes. After discussion of the item, the Board directed the DOC to further review certain sections of the proposal, as well as consider feedback received at the meeting from individual board members and stakeholders. The DOC reviewed the Board’s suggestions at the June 18, 2020 public meeting and returned with their comments and suggestions.

Dr. Kawaguchi feels that the Board is trying to move this forward when it is not ready. His recommendation is to not move forward with the Legislative currently.

Public Comment:

- Joe Neville felt more conversation is needed on several issues. For example, a provision in 2555(u) requires that an optician refer customers who do not have a current prescription. His concern is that he does not see how this would be monitored and regulated and lawsuits that may result. There are a few other concerns that need to be discussed at the next DOC meeting.

President Morodomi is not sure that this step would be productive. He views the next step as full Board discussion on the statutory proposal. Ms. Brandvein recommended postponing moving forward and engage in a joint conversation between the Legislation and Regulation Committee (LRC) and the DOC. Clarity in the language needs to be brought forward now rather than assuming clarity will come while going through the process.

Dr. McIntyre directed attention to page number 105, Section 2564.76(c). Her intention was for this section to be reworded such that a dispenser could not substitute a different manufacturer brand or physical property of the lens. In the rewording it makes it sound as though the color may not be altered but a different manufacturer brand or other physical property may be substituted.

Mark Morodomi moved to approve the proposed changes presented and discussed here today to the text of Chapters 5.4, 5.45 and 5.5 of the Business and Professions Code, and direct the Executive Officer to pursue legislation in the 2021 legislative session and delegate the authority to the Executive Officer to make any technical, non-substantive changes to the text as needed. The motion died for lack of a second.

Dr. Kawaguchi's opinion is that it would be helpful to send this to the LRC. It would not be valuable to send it back to the DOC. Dr. Wang believes it should go to both LRC and DOC.

14. Executive Officer's Report

Audio of Discussion: [2:03:47 / 2:38:26](#)

A. Enforcement Program

[Mr. McKinney](#) provided the Enforcement Report, noting the report contains work performed over the last fiscal year (FY), charts and attachments, which contain statistics for the final quarter of fiscal year 2020 as well as for the full fiscal year. Mr. McKinney reported that there are currently 3 analysts investigating optometry enforcement cases with an average caseload of 54 cases per analyst; and there is 1 opticianry analyst with an average caseload of 73 cases. During the previous Board meeting, members asked enforcement staff to provide information on probationers in consideration of the current pandemic. Currently, there are 14 active probationers; of these staff have received

requests to accommodate conditions; 6 of which is function as an optometrist or optician and condition 10 for community services for the probationers. Staff received one request to accommodate condition 4 which is probation monitoring costs and 8 cost recovery for one probationer.

Mr. Morodomi requested that a summary (of what is happening with probationers under COVID) be included in the next Executive Officer's Report.

B. Examination and Licensing Programs

[Ms. Leeper](#) provided a brief overview of the examination and licensing programs.

C. Regulatory Update

Mr. Johnson provided an update on the Board's current regulatory packages.

- Assembly Bill (AB) 2138 deals with denial of applications, revocation, suspension of licenses, and criminal convictions. The package just came back from DCA and Agency; they have both approved the package. The next step is to send it to the Office of Administrative Law (OAL) which Mr. Johnson will do next week. They will have 30 days to provide the Board with an approval or denial. He hopefully anticipates that this package may be enacted into law around the end of the year.
- Implementation of AB 443 which allows a therapeutic certified optometrist to administer immunizations. DCA is currently reviewing the package. Staff is looking to make this an emergency regulation due to some changes brought about by the COVID-19; especially since the Center for Disease Control (CDC) has ordered more than twice the historical volume of influenza vaccinations and is developing programs to expand methods to get those vaccinations out to the public. DCA is requesting a justification as to why this needs to be an "emergency regulation"; therefore, staff is working on that currently.
- 2019 Optometry Disciplinary Guidelines update: This package is currently being assembled by staff and anticipates sending it to DCA Legal early in the Fall.

There were no public comments.

15. Future Agenda Items

Audio of Discussion: [2:33 / 2:38:26](#)

The following items were added to a future meeting:

- Review of the strategic plan draft that was put together on August 13, 2020. On October 23, 2020, the draft will come back to the full Board for discussion and refinement.
- Stakeholder appointments to the policy committees; research by Legal and staff on the processes of other boards.

- A special Board meeting for alternative validations of competency to practice within optometry.

Dr. Turetsky commented that statutes still state that an optometrist can only seek employment from a physician and surgeon who practices the specialty of ophthalmology versus just being employed by a physician and surgeon. This was changed about 40 years ago to reflect that prior to that time it just said: “*physician and surgeon*”, and it restricts the ability of patients to receive care under specialized circumstances. He strongly feels that it is time for the Board to update this so that an optometrist can work for any physician if that physician and that physician’s patients would benefit from the services of an optometrist. The language is found in BPC 3109.

There was no public comment.

15. Adjournment

Meeting adjourned at 3:48 p.m.



ISSUE MEMORANDUM

DATE	November 20, 2020
TO	Members, California State Board of Optometry (CSBO)
FROM	Mark Morodomi, Board President
SUBJECT	Agenda Item #9 – 2021 Board Meeting Dates

As 2021 is just around the corner, the Board may wish to discuss and set meeting dates for 2021. It is expected online WebEx meetings will continue indefinitely.

2021 CSBO Proposed Meeting Calendar

Yellow – Board Meetings

Blue – Committee Meetings

Green – DOC Meetings

JANUARY

S	M	T	W	T	F	S
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FEBRUARY

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NOVEMBER

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DECEMBER

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ISSUE MEMORANDUM

DATE	November 20, 2020
TO	Members, California State Board of Optometry (CSBO)
FROM	Mark Morodomi, President
SUBJECT	Agenda Item #10 – Future Agenda Items

The Board may wish to discuss items to be placed on a future agenda.

As the board has already received public comment for items not on the agenda, Agenda Item #10 does not require public comment.



ISSUE MEMORANDUM

DATE	November 20, 2020
TO	Members, California State Board of Optometry (CSBO)
FROM	Cheree Kimball, Assistant Executive Officer
SUBJECT	Agenda Item #11 – 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

DATE	November 20, 2020
TO	Members, California State Board of Optometry (CSBO)
FROM	Mark Morodomi, President
SUBJECT	Agenda Item #12 - Adjournment

If adjournment is made, please note the time for the record.