

**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, Optician Licensed Member



**QUARTERLY BOARD MEETING AGENDA**

Friday, February 26, 2020  
12:00 p.m. until close of business

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

<https://dca-meetings.webex.com/dca-meetings/onstage/g.php?MTID=e9dafcd0d91ebe79ec086ae426d2a8a83>

Event number: 146 613 7546

Event password: CSBO02262021

**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 by August 3, 2020, to [optometry@dca.ca.gov](mailto:optometry@dca.ca.gov) for consideration.

Action may be taken on any item on the agenda.

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**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. Board President's Report**

**4. 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**

- A. Department of Consumer Affairs
- B. Budget Office

**5. Executive Officer's Report**

- A. Enforcement Program
- B. Examination and Licensing Programs
- C. Regulatory Update
- D. 2021 – 2025 Strategic Plan Update
- E. COVID-19 Update
- F. Update on New Federal Contact Lens Rules
- G. Update on Alternative Methods of Verification of Practice Competency

**6. Discussion and Possible Approval of Board Meeting Minutes**

- A. September 18, 2020
- B. October 23, 2020
- C. November 20, 2020
- D. December 11, 2020

**7. Discussion and Possible Action to Initiate Rulemaking Process to Amend Title 16, California Code of Regulations Section 1571 (Glaucoma Grand Rounds Program)**

**8. Future Agenda Items**

**9. 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](mailto:optometry@dca.ca.gov) or mailing a written request to Kristina Eklund at the California State Board of Optometry, 2450 Del Paso Road, Suite 105, Sacramento, CA 95834. Providing your request at least five (5) business days before the meeting will help ensure availability of the requested accommodation.



# ISSUE MEMORANDUM

<b>DATE</b>	February 26, 2021
<b>TO</b>	Members, California State Board of Optometry (CSBO)
<b>FROM</b>	Mark Morodomi, President
<b>SUBJECT</b>	Agenda Item #1 – Call to Order/Roll Call and Establishment of a Quorum

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

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

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



## ISSUE MEMORANDUM

<b>DATE</b>	February 26, 2021
<b>TO</b>	Members, California State Board of Optometry (CSBO)
<b>FROM</b>	Mark Morodomi, Board President
<b>SUBJECT</b>	Agenda Item #2 – Public Comment for Items Not on the Agenda

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

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



## ISSUE MEMORANDUM

<b>DATE</b>	February 26, 2021
<b>TO</b>	Members, California State Board of Optometry (CSBO)
<b>FROM</b>	Mark Morodomi, Board President
<b>SUBJECT</b>	Agenda Item #3 – Board President’s Report

Board President Mark Morodomi will offer the President’s Report.

Attachments:

- 2021 Quarter 1 President’s Message: Join Us in the Hard Work Ahead
- 2021-2025 Board of Optometry Strategic Plan

# PRESIDENT'S MESSAGE



February 2021

## President's Message – Join Us in the Hard Work Ahead

In my fall 2020 President's Message, I noted the startlingly low numbers of African American students entering California optometry schools. I also mentioned academic studies about how this could harm patients' access to eye care and the quality of that care. I received numerous responses and have included some of those comments further in this piece.

I was heartened later in the fall when my California State Optometry Board colleagues wanted to address these issues in our new Strategic Plan. Our Board has committed to "evaluate and create better consumer outcomes such as access to care and addressing patient needs for marginalized populations by implementation of a multi-step action plan educating licensees about concepts of diversity, equity, and inclusion."

This is a big task that requires honest communication, further review of the science, looking to other regulators, industries, and jurisdictions, refinement to the scope and duties of the Board, and finally, development of innovative solutions. This is just one of the tasks we will undertake for optometry and opticianry. You can view all of the objectives in the [Board's Strategic Plan here](#).

I want to communicate our commitment to consumers and these professions, but also to call you to **join us in the hard work ahead**. We need professional and public board members. We enter this year with four vacancies on our Board, and three potential vacancies when terms expire in June of this year. Please consider applying to the Board or encouraging a local community leader to apply.

All the info you need is available [online](#).

Thank you for your input regarding diversity, equity, and inclusion. Here are some ideas and recommendations from within the profession. In the next President's Message, look for a reporting of ideas from the optometry schools.



*“I recommend you look at program called Improving Diversity in Optometric Careers, I-DOC, offered at OSU College of Optometry. It is a four-day program for undergrad ethnically underrepresented minority students to learn about the field of optometry and hopefully be motivated to apply to the college to increase diversity in the students enrolled.”—Dr. P.*

*“It is with enthusiasm to respond to your email message about opening educational opportunities for Blacks and students of minority backgrounds. The California State Society for Opticians, a non-profit 501(c)(3) corporation, has been working with colleges [listed in her letter] on opening several optician programs, with career pathways to become opticians, optometrists, or ophthalmologists . . . . By establishing optician programs, our goal is to encourage students to pursue careers of opticianry, optometry, or ophthalmology. There are many opticians who developed careers into optometrists.” — M. Ruby Garcia, Executive Officer, California State Society for Opticians*

### **Mentoring, Mentoring, and ...**

*“Thank you for highlighting an issue that I first noticed in optometry school 30+ years ago. I had only two Black classmates in my class of 98 students at SCCO and unfortunately that situation hasn't improved. I've made a special effort to recommend the profession of optometry to my Black patients of college age and have referred many of them for further mentorship to the few Black optometrists that I know.” —Dr. P.*

*“A simple approach for recruiting and diversifying the applicant pool for optometry is to hire and **mentor** a minority student at an early age, 15–16 years old, to work in your practice. We used this approach over 25 years ago and she is a very well-rounded optometrist today. (Note: Both mother and the teenager were already patients in the practice).”—Dr. E., Oakland*

*“Somehow, high school students should be made aware of optometry as a career. Local O.D.s might help with that by speaking at schools. I have invited schools' counselors to bring kids to my office, but no response. Students with good potential but maybe not great grades in high school, like me, could be targeted with advice from school counselors. I advanced from academic mediocrity in high school to honors graduate in optometry, smashing hurdles along the way.” —Dr. M., Lodi*

*“I believe we need to reach out to the children before they get into junior high, which is when they join gangs. Then continue the reach out in junior high and high school as a continuous mentoring program: a link to professional optometry. What would be even better would be to work with other professionals, like what Western University has . . . and have a interprofessional club or after-school program that is fun, that would be varied—not just optometry—that the kids would be drawn to, to give them the goals, ambition, and hope in their capability to become a professional . . . I want the best for every single person in our state and in our country, regardless of their race or ethnicity.”—Dr. K.*

### **More Mentoring (But Don't Forget About Financial Aid Too)**

*“I thank you for addressing the lack of diversity in the optometry profession as a whole, including the optometry schools. Addressing the issue is the first step to solving the issue. Optometry schools should look at the applicant pool and provide scholarship opportunities and grants so that a more diverse group of students from various economic backgrounds can afford an education and can benefit from a career in health care as I have. I believe that I have and can make a difference in my own community. I have found that any young individual who works at the office can be inspired to seek a career in optometry and in health care. I would encourage doctors to hire a diverse staff to work in their practice. Provide donations to support education for the younger generation. Mentor young individuals who are looking for guidance. These are small steps each of us can do to make big change in the optometry community.*

*“I really admire you for bringing the issue to the forefront and giving each of us the opportunity to reflect and change the way we practice and set a tone in our professional community for the future generations. I am looking forward to hearing from our fellow colleagues on what steps we can take as a profession to address this stark lack of diversity and inequality of opportunity in our profession.”—  
Dr. R., Los Altos*

Thank you for engaging in this discussion. Please consider applying to the Board or encouraging a local community leader to apply. I welcome the opportunity to include you in this work. Again, the appointment application may be found [online](#).

Sincerely,



Mark T. Morodomi

President, California State Board of Optometry

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

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

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# California State Board of Optometry

## 2021–2025 STRATEGIC PLAN

Completed with the expertise of DCA SOLID Planning  
Board adopted on November 20, 2020



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Lillian Wang—O.D.

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

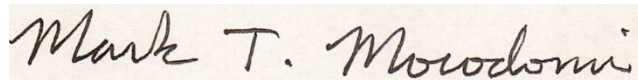
As I write this, it is 2020. Uncertainty and anxiety abound. The nation and the world are in the middle of the greatest pandemic of our lifetimes. Under stay-at-home orders, Californians have forgone primary medical care and procedures. Optometrist and optician offices have shut down for months and are 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 comes 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 optometry<sup>1</sup>.
- 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 profession<sup>2</sup> in 1903, and a new Optometry Practice Act<sup>3</sup>, 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)<sup>4</sup>. 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 law<sup>5</sup> 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.

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<sup>1</sup> The Board accepts schools and colleges of optometry that have received accreditation through the Accreditation Council on Optometric Education (ACOE).

<sup>2</sup> Optometry Act of 1903 (California Statutes of 1903, Chapter CCXXXIV) later repealed by Statutes of 1913, Chapter 598.

<sup>3</sup> 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.

<sup>4</sup> Chapter 7, Division 2, Healing Arts.

<sup>5</sup> 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 that 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 fiscal year 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 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 Evan 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—Led 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.

## **Enforcement**

Optometry Disciplinary Guidelines—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 2021–2022.

## **Outreach and Communication**

In response to the COVID-19 pandemic, 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 and Prevention, was posted.

The Board increased use of social media outlets and completed a series of frequently asked questions 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.

This goal will be led and monitored by the Practice and Education and the 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** Reimagine 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 led and monitored by the Practice and Education and the 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 led and monitored by the Dispensing Optician and the 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 led and monitored by the Consumer Protection and the Public Relations and Outreach Committees.

## 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 "ptician" 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.
- 5.7** Evaluate and create better consumer outcomes such as access to care and addressing patient needs for marginalized populations by implementation of a multi-step action plan educating licensees about concepts of diversity, equity, and inclusion.

This goal will be lead and monitored by the Consumer Protection and the 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 led 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

<b>DATE</b>	February 26, 2021
<b>TO</b>	Members, California State Board of Optometry (CSBO)
<b>FROM</b>	Mark Morodomi, Board President
<b>SUBJECT</b>	Agenda Item #4 – 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

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

- A. Department of Consumer Affairs
- B. Budget Office



## ISSUE MEMORANDUM

<b>DATE</b>	February 26, 2021
<b>TO</b>	Members, California State Board of Optometry (CSBO)
<b>FROM</b>	Mark Morodomi, Board President
<b>SUBJECT</b>	Agenda Item #4 – 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

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

- A. Department of Consumer Affairs
- B. Budget Office



## ISSUE MEMORANDUM

<b>DATE</b>	February 26, 2021
<b>TO</b>	Members, California State Board of Optometry (CSBO)
<b>FROM</b>	Cheree Kimball, Assistant Executive Officer
<b>SUBJECT</b>	Agenda Item #5A – Enforcement Program

### Staff Update

The Board’s Senior Enforcement Analyst, Matthew McKinney, accepted a promotion to serve as an Enforcement Program Manager (SSMI) with the Veterinary Medical Board. Mr. McKinney’s last day with us was February 19, 2021.

As a smaller board with fewer levels of management than larger boards/buearus, we have a unique oppotyunity to help state workers learn and polish skills, gain confidence and experience, and grow in their careers. Unfortunately that can mean saying goodbye so they can continue to grow.

In his tenure with the Board, Mr. McKinney has coordinated the Continuing Education Audit Program and the Expert Witness Program, served as Probation Monitor, Personnel Liaison, Consumer Protection Committee Staff Liaison, and lent his expertise to DCA’s Expert Witness Program. He conducted the most complex and sensitive investigations, testified at hearings, provided training and mentoring to his colleagues, and helped steer the Enforcement Unit through staff shortages and turnover.

Mr. McKinney was a valued member of our team who consistently demonstrated flexibility, diligence, compassion, integrity, reliability, and proficiency.

It’s been a joy to watch Mr. McKinney grow as an analyst. While we are sad to say goodbye for now. Mr. McKinney is staying in the DCA family, and we look forward to opportunities to work with him in the future.

We have begun the process to refill the vacated position and anticipate filling the position by May. In the interim, we plan to hire a Retired Annuitant with experience in regulatory enforcement to alleviate some of the workload.

### Disciplinary Actions

In Quarter 2 of Fiscal Year 2020/2021, the Board approved the following Disciplinary Actions:

- Narbae Vahik Avedian (OPT 15088), Revocation Stayed with Probation, effective January 6, 2021

Agenda Item #5A – Enforcement Program Report  
February 26, 2021

- Filip B. Caliwag (SLD 6243), Revocation of Registration, effective January 6, 2021
- Ara Nalbandyan (SLD 4222, and CLD 1263), Revocation of Registrations, effective January 6, 2021

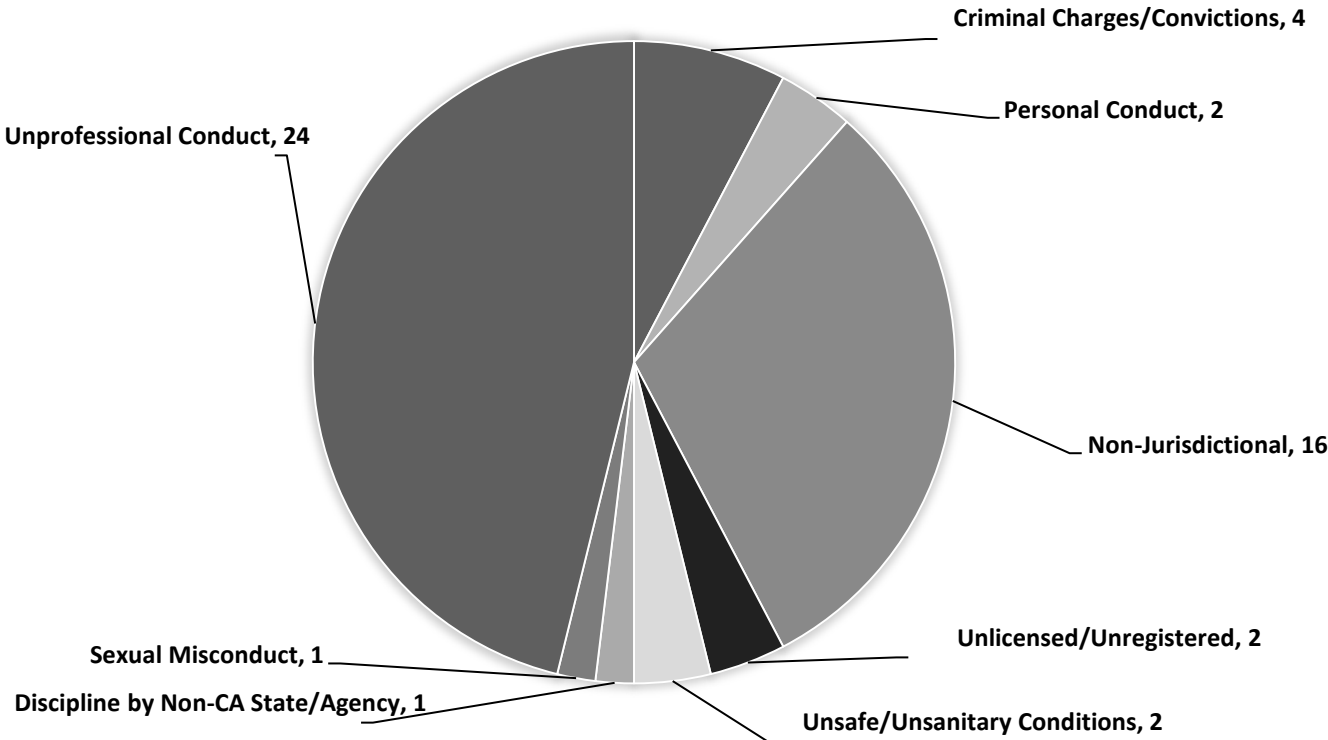
Additionally, the Board granted the following Petitions for Early Termination of Probation:

- Ted Atherton Bailey (OPT 6161), effective January 14, 2021
- Katelyn Terese Nguyen (OPT 12503), effective January 14, 2021

Cases by Priority	Q2 – FY20/21						FY Total	
	Routine		High		Urgent		OPT	OPN
	OPT	OPN	OPT	OPN	OPT	OPN		
Received	52	27	1	1	0	0	108	47
Closed	35	14	1	0	0	0	85	21
Average Age (days) - Closed	85	223	470	0	0	0	147	251
Pending	127	141	10	1	0	0	137	142
Average Age (days) – Pending	581	653	415	24	0	0	567	648
Referred to AG	1	0	2	0	0	0	3	0
Pending at AG	4	28	3	0	0	0	7	28
Final Disciplinary Orders	0	0	0	0	0	0	3	2

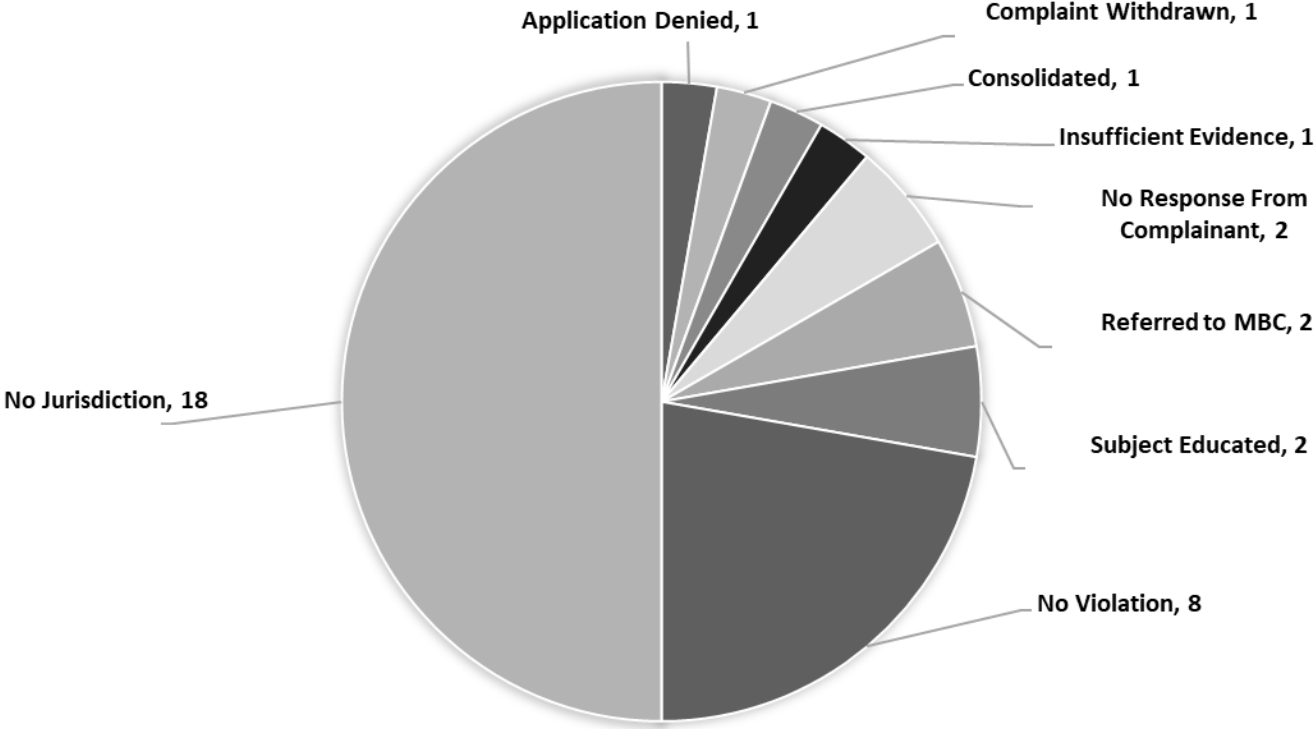
Agenda Item 5A – Figure 1 – Enforcement Statistics Overview, Quarter 2, Fiscal Year 2020-2021

### OPTOMETRY CASES RECIEVED - Q2, FY 2020/2021



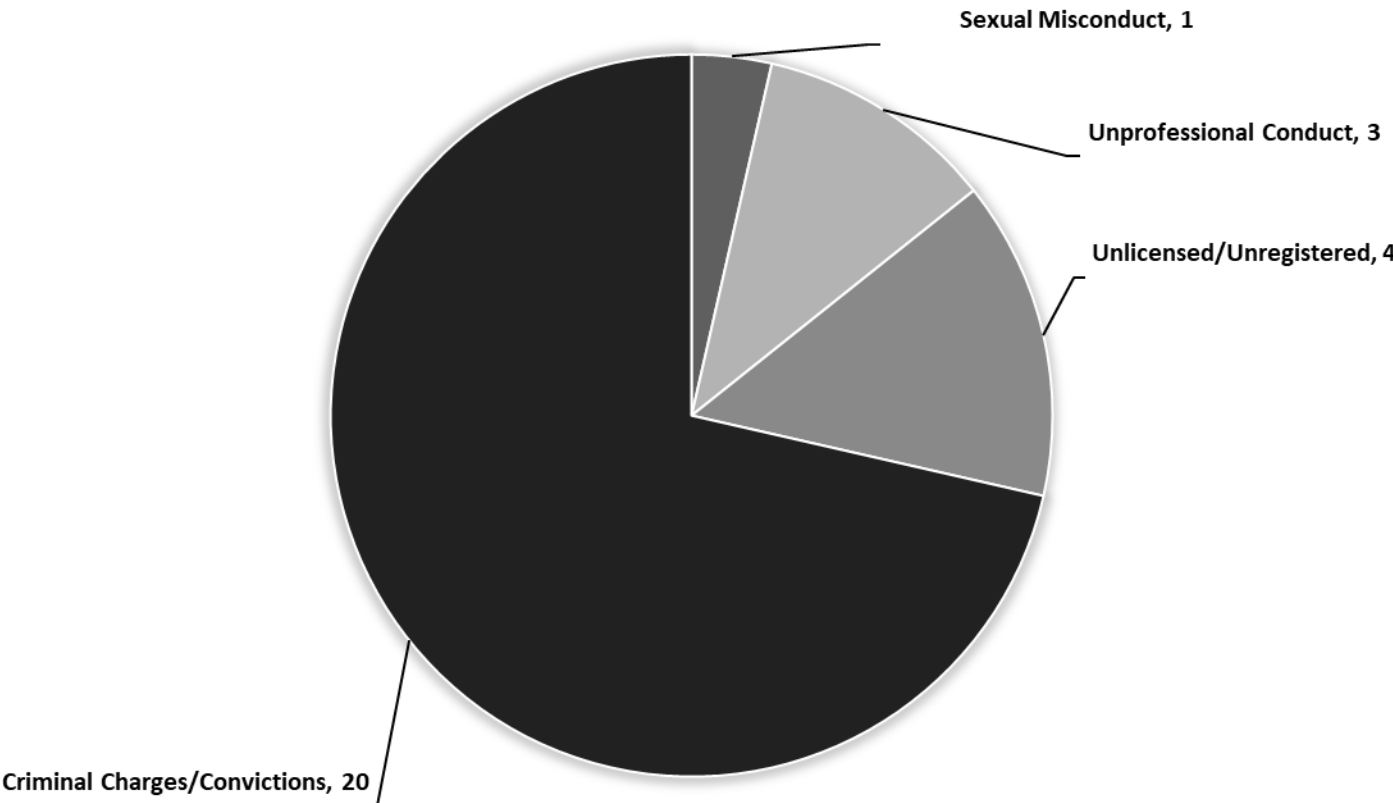
Agenda Item 5A – Figure 2 – Optometry Cases Received by Allegation Type, Quarter 2, Fiscal Year 2020-2021

### OPTOMETRY CASES CLOSED - Q2, FY 2020/2021



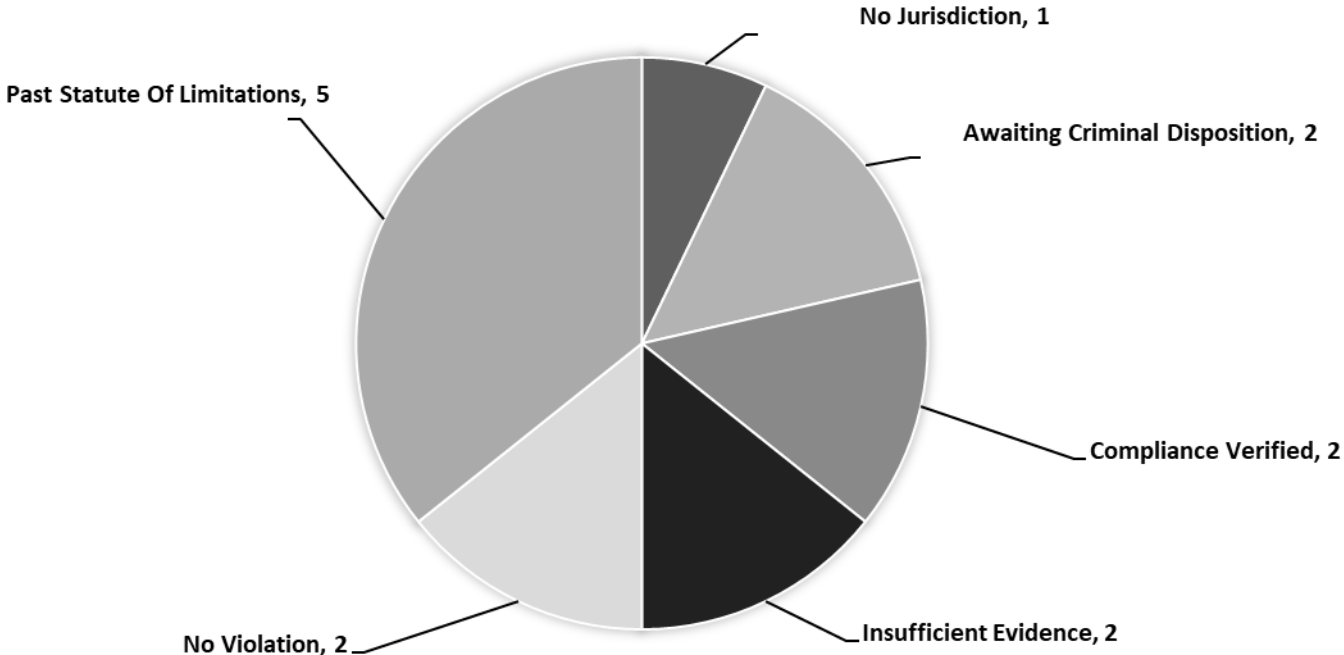
Agenda Item 5A – Figure 3 – Optometry Cases Closed by Closure Type, Quarter 2, Fiscal Year 2020-2021

### OPTICIANRY CASES RECIEVED - Q2, FY 2020/2021



Agenda Item 5A – Figure 4 – Opticianry Cases Received by Allegation Type, Quarter 2, Fiscal Year 2020-2021

### OPTICIANRY CASES CLOSED - Q2, FY 2020/2021



Agenda Item 5A – Figure 5 – Opticianry Cases Closed by Closure Type, Quarter 2, Fiscal Year 2020-2021



# ISSUE MEMORANDUM

<b>DATE</b>	February 26, 2021
<b>TO</b>	Members, California State Board of Optometry (CSBO)
<b>FROM</b>	Natalia Leeper, Lead Licensing Analyst
<b>SUBJECT</b>	Agenda Item #5B: Examination and Licensing Programs

## Examination

Potential 2021 graduates are currently taking their California Laws and Regulations Exam (CLRE). The board staff has responded to emails and phone calls regarding scheduling the exam. We realize that many applicants do not provide email addresses or provide valid “Addresses of Records” to receive test confirmations. Working with the deans of the California optometry schools and colleges, we are communicating this information is needed for communication with the third-party testing vendor (PSI), and timely processing within the licensure process

I am making changes to the exam application to make it clearer to candidates in the future. As a long-term fix, staff will seek approval for a regulatory change that makes a valid email address required for processing applications.

## Optometry

I am preparing for graduation season. The Frequently Asked Questions page has been updated on the Board’s website to provide more answers to new applicants. Staff submitted several Breeze Maintenance and Operations requests (BMOs formerly known as SIRs) to make the application more efficient and easier to understand. The DCA IT Unit has committed to implementing these changes before May and June graduations.

Processing times remain at 6-8 weeks, despite the Spring 2020 loss of staff within the Licensing Unit.

## Opticianry

The ABO and NCLE exams continue to test applicants monthly as adopted during the COVID-19 Pandemic in mid-2020 (the previous schedule was every three months).

Due to staff loss in November—processing times have increased from 4-6 weeks to 6-8 weeks. Management is working to backfill the single OPN licensing position quickly with a Retired Annuitant; the lengthier human resources processes for permanent staffing will run simultaneously. With the approval of the Board’s 2021-2022 Budget Change Proposal (1111-063-BCP-2021-GB), the Licensing Unit will receive an Office Technician dedicated to application pre-processing.





CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS  
 BREEZE SYSTEM  
 Licensing Population Statistics  
 License Population as of 02/18/2021



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	10					24
Optometrist-DPA	104	85					150
Optometrist-TLG	4,002	71		1	1		203
Optometrist-TPA	1,476	82					241
Optometrist-TPG	968	5					43
Optometrist-TPL	948	54		1			99
Statement of Licensure	1,374						634
Fictitious Name Permit	1,278						416
Registered Dispensing Optician	1,109						386
Registered Spectacle Lens Dispenser	2,920		3		4	1	1,238
Registered Contact Lens Dispenser	1,144				1		390
Nonresident Contact Lens Seller	15						3



CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS  
 BREEZE SYSTEM  
 Licensing Application Volume and Processing Time  
 Fiscal Year 2021



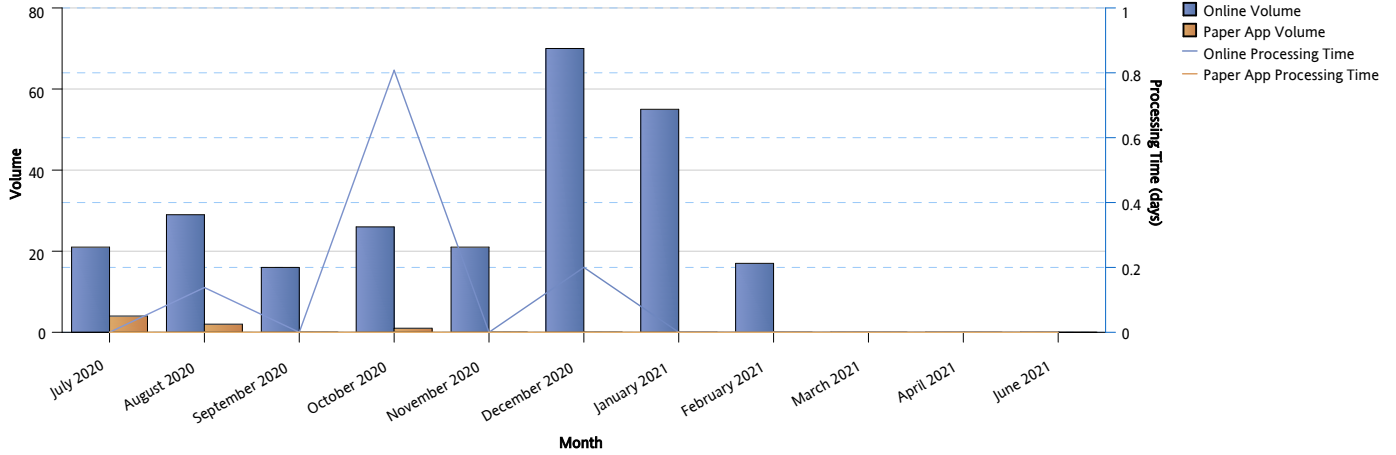
LT - Transaction Description	Online Volume	Average Online Processing Time	Paper App Volume	Average Paper App Processing Time
Optometrist - Exam Request	255	0	7	0
Optometrist - Initial License	193	80	7	78
Statement of Licensure - Issue License	215	0	0	
Fictitious Name Permit - Issue License	53	39	3	66
Registered Dispensing Optician - Initial Application	13	209	0	
Registered Dispensing Optician - Initial License	10	9	0	
Registered Spectacle Lens Dispenser - Initial Application	172	46	6	44
Registered Spectacle Lens Dispenser - Initial License	168	10	1	416
Registered Contact Lens Dispenser - Initial Application	40	49	0	
Registered Contact Lens Dispenser - Initial License	42	11	0	



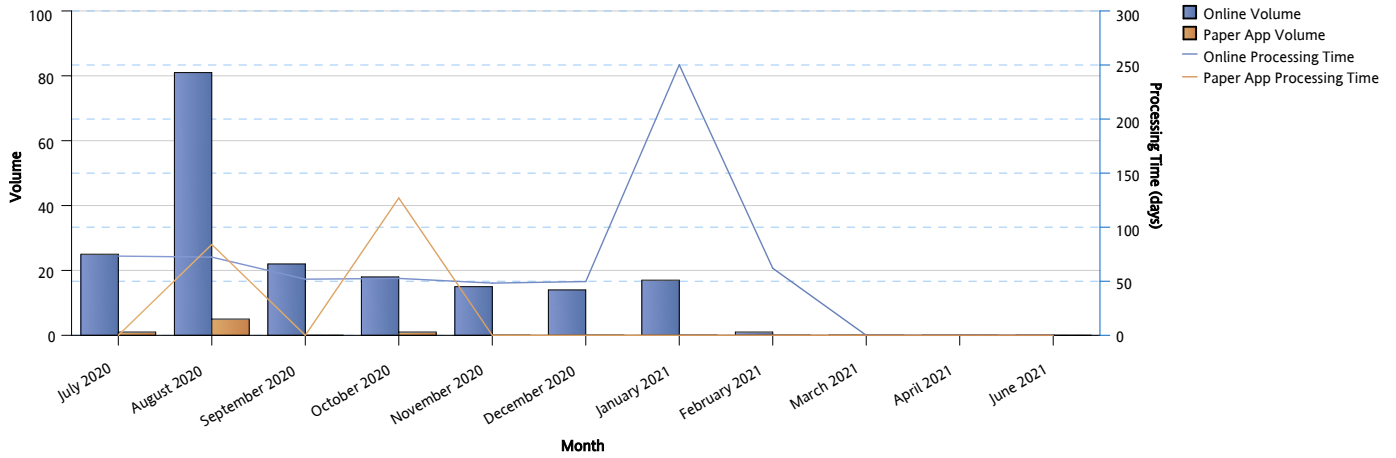
CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS  
 BREEZE SYSTEM  
 Licensing Application Volume and Processing Time  
 Monthly Trend  
 Fiscal Year 2021



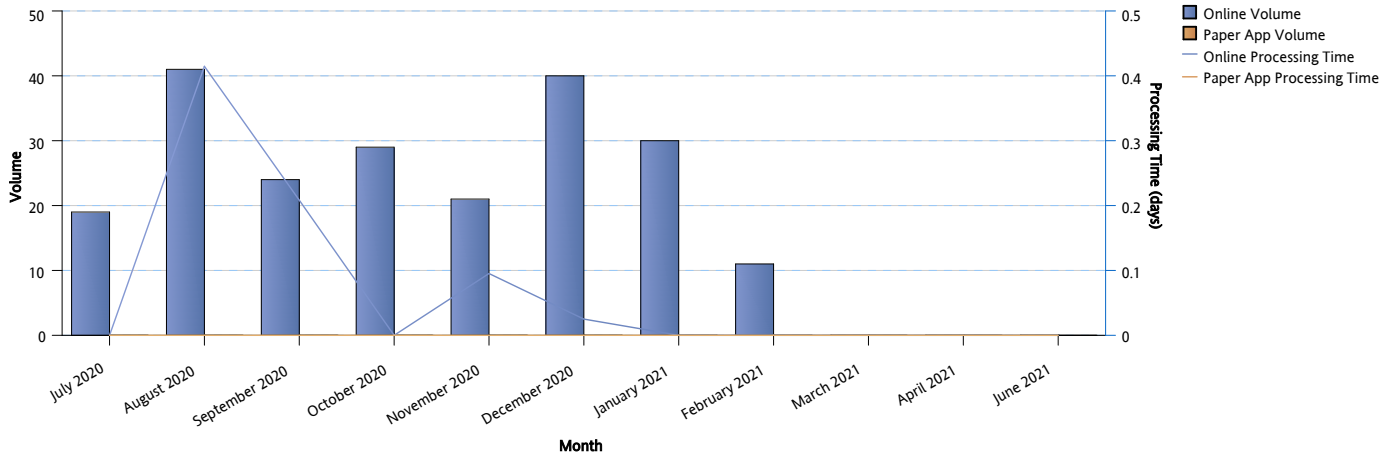
Optometrist - Exam Request



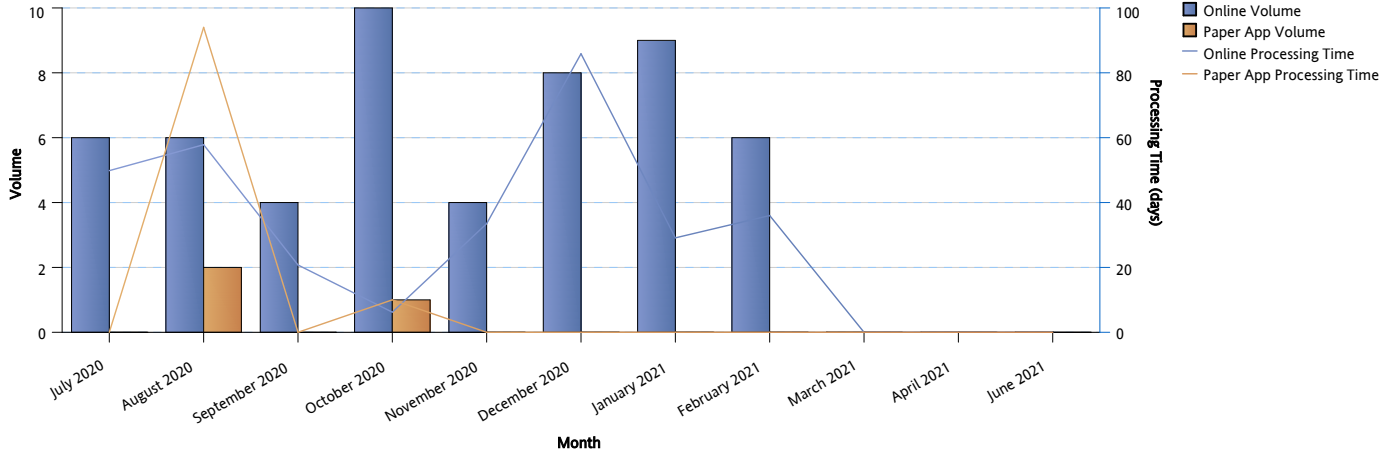
Optometrist - Initial License



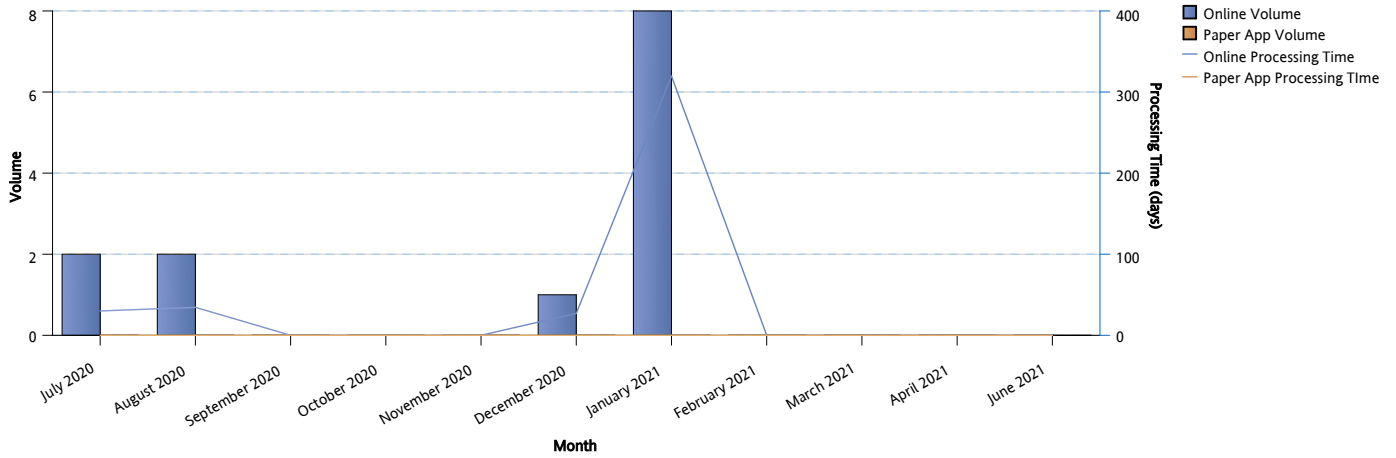
Statement of Licensure - Issue License



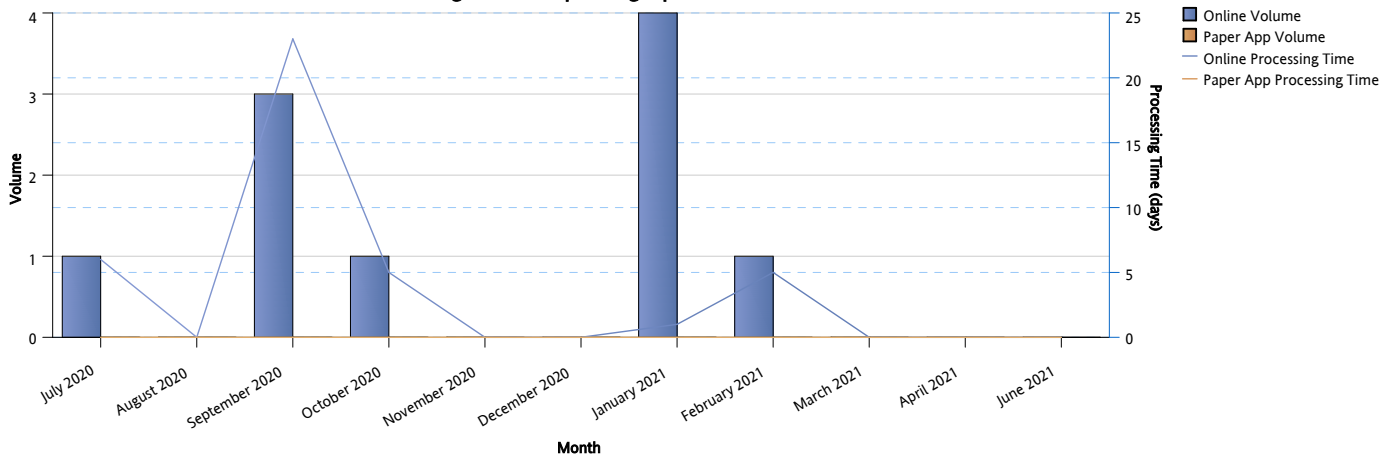
### Fictitious Name Permit - Issue License



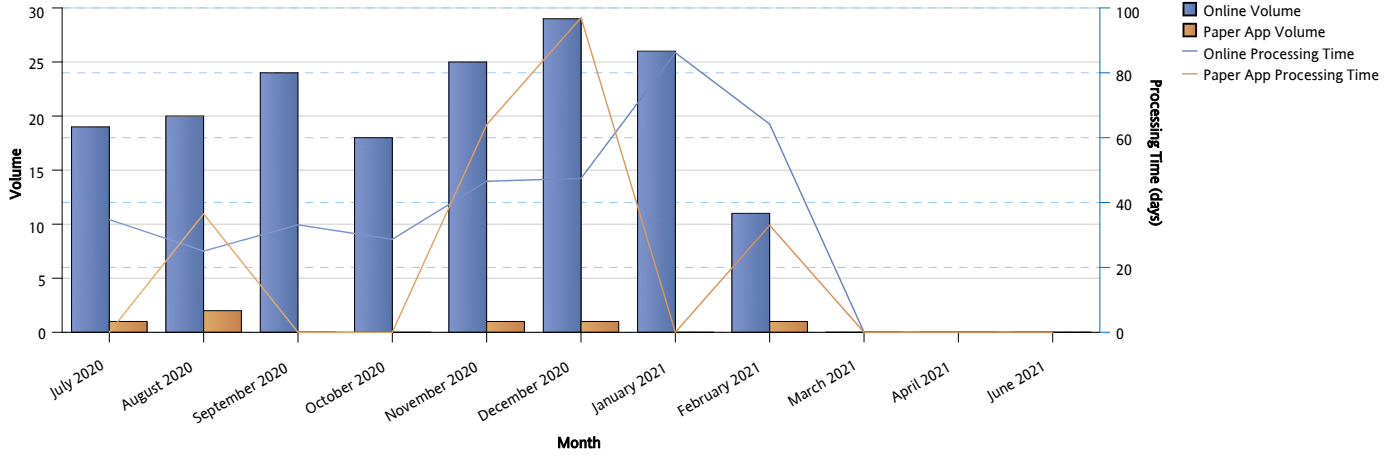
### Registered Dispensing Optician - Initial Application



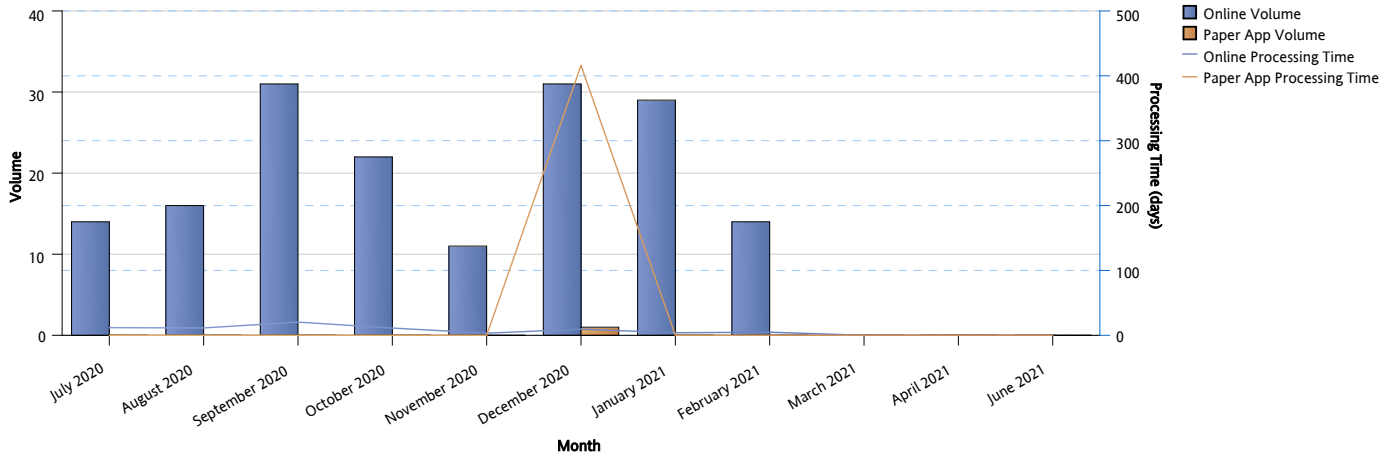
### Registered Dispensing Optician - Initial License



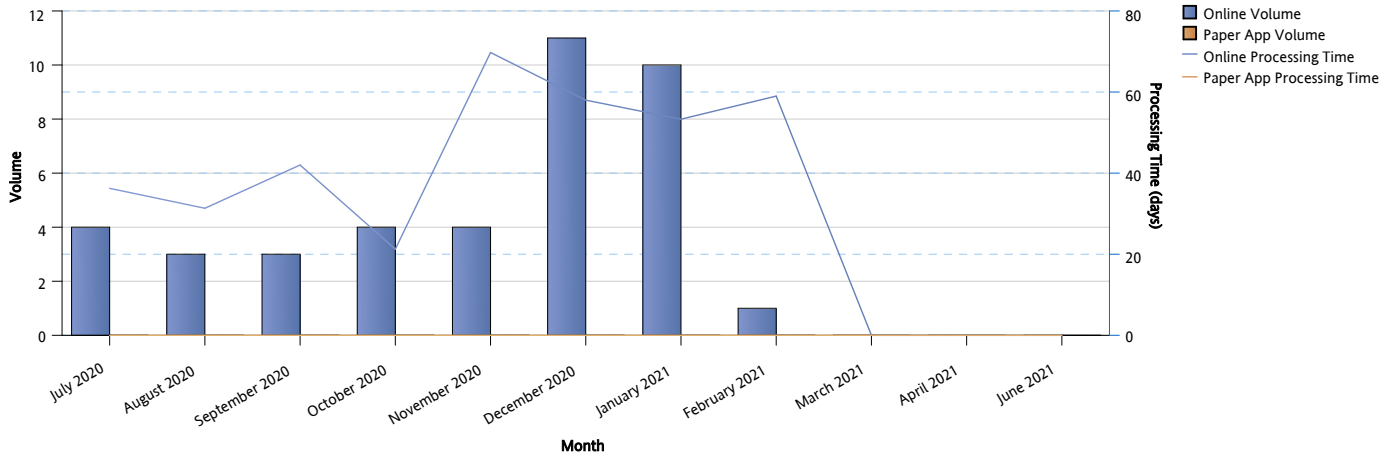
**Registered Spectacle Lens Dispenser - Initial Application**



**Registered Spectacle Lens Dispenser - Initial License**



**Registered Contact Lens Dispenser - Initial Application**

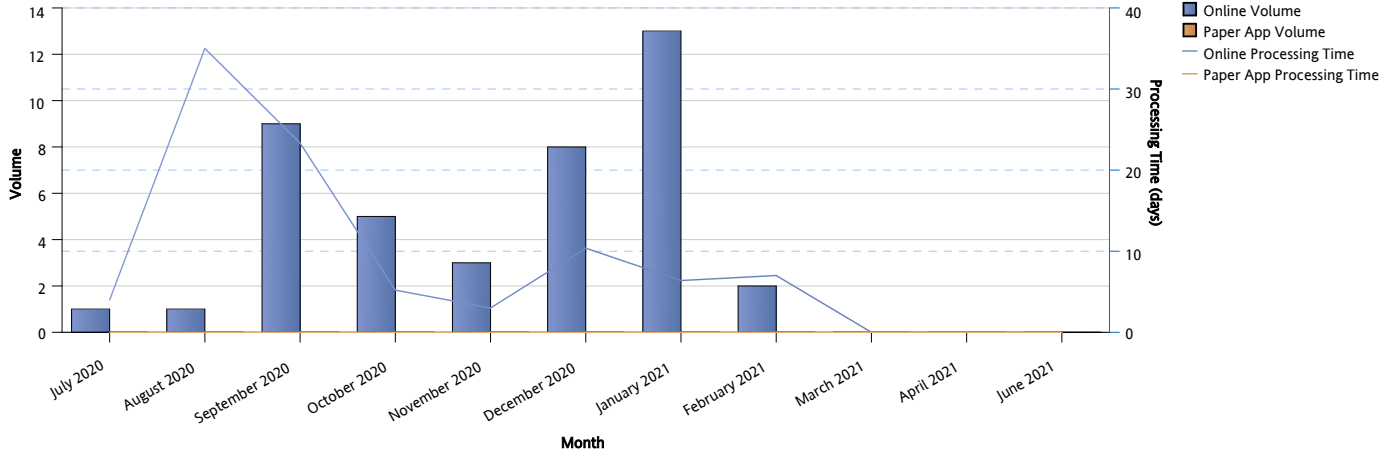




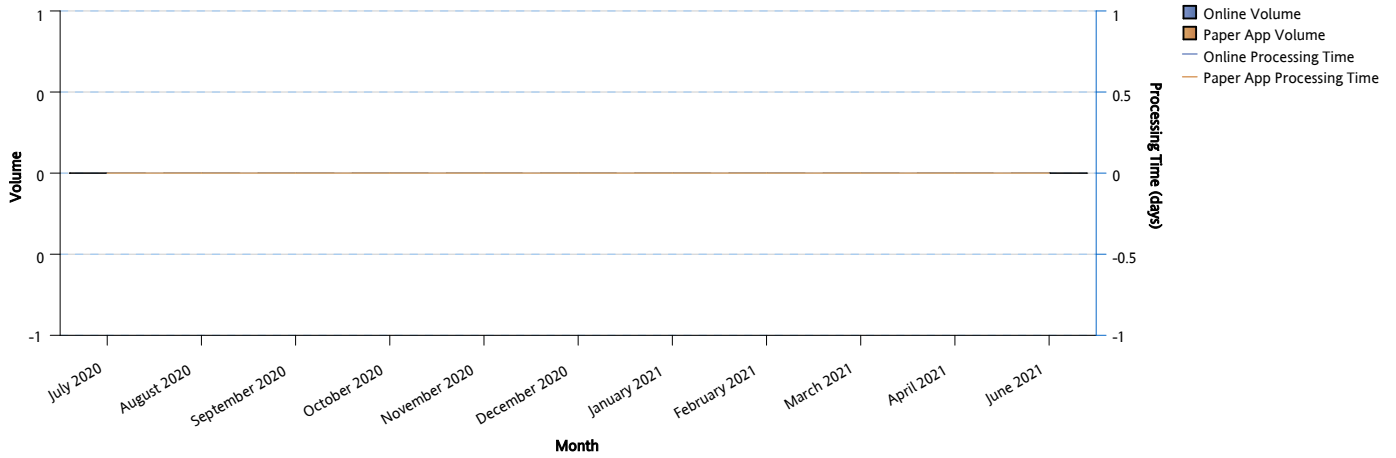
CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS  
 BREEZE SYSTEM  
 Licensing Application Volume and Processing Time  
 Monthly Trend  
 Fiscal Year 2021



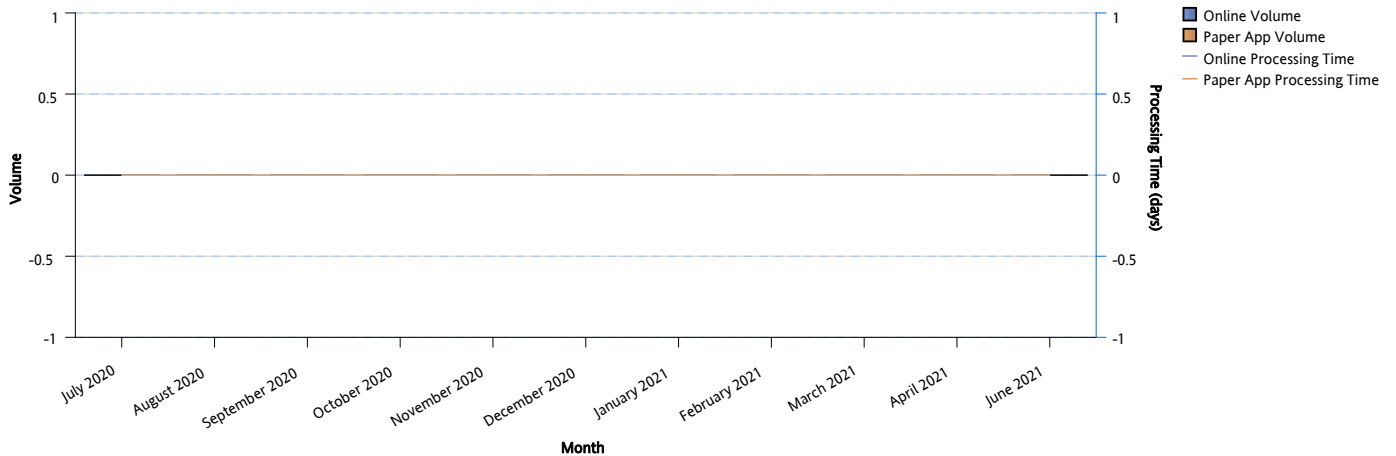
Registered Contact Lens Dispenser - Initial License



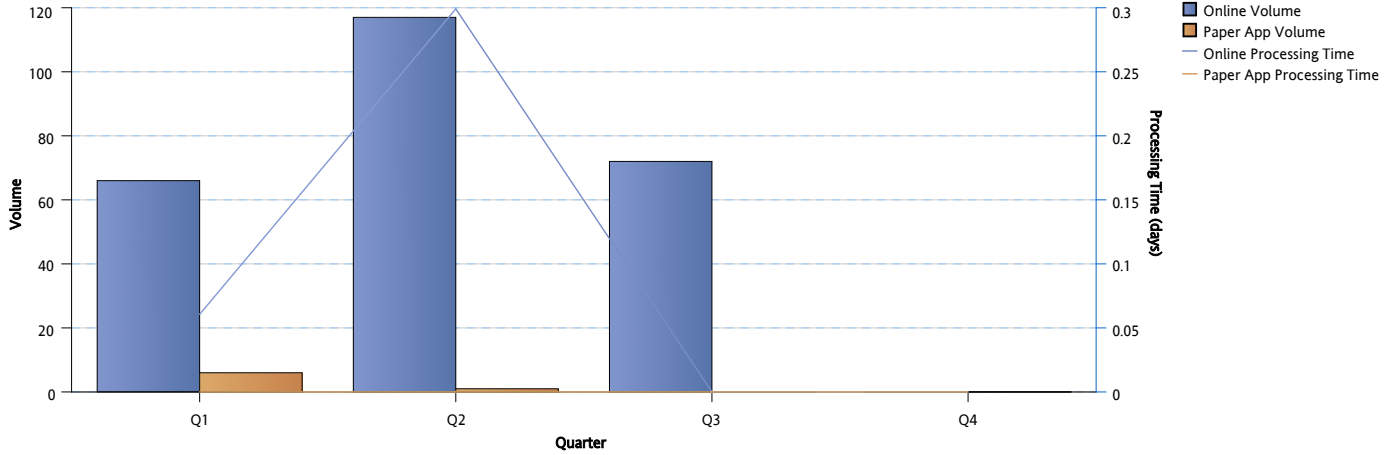
Nonresident Contact Lens Seller - Initial Application



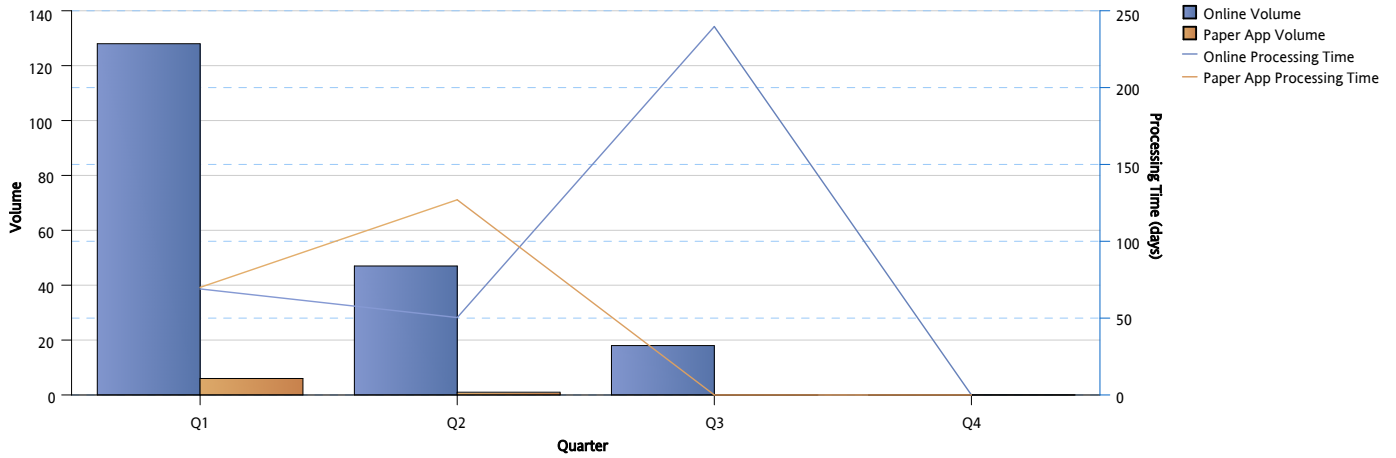
Nonresident Contact Lens Seller - Initial License



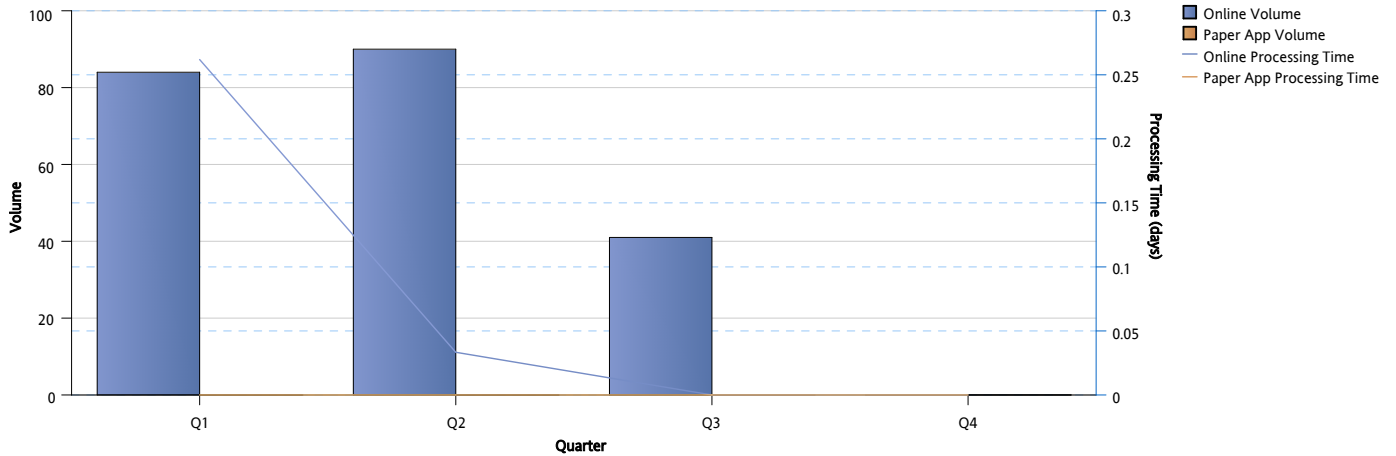
### Optometrist - Exam Request



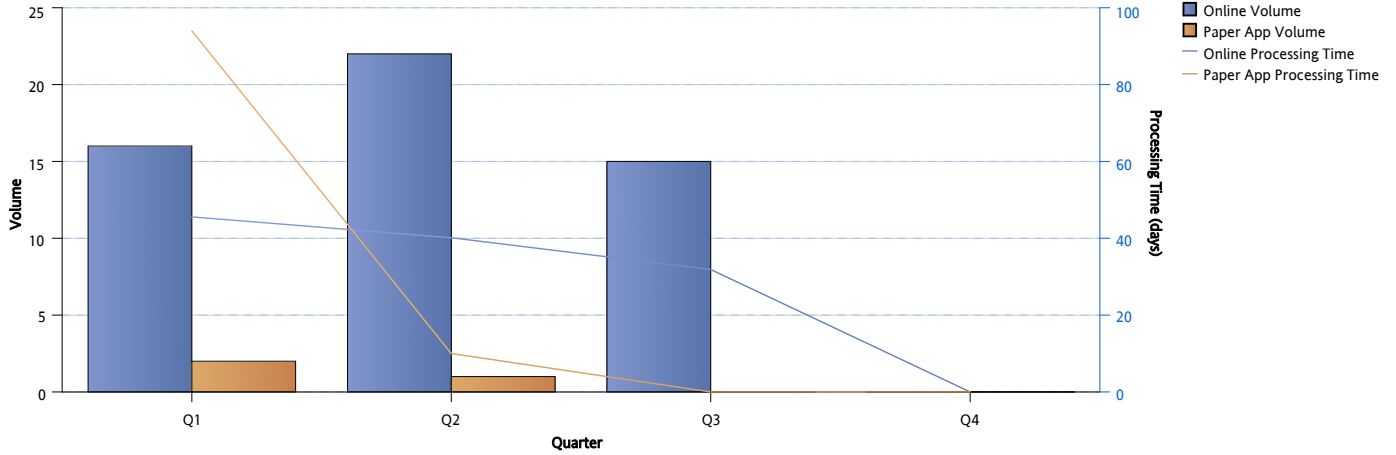
### Optometrist - Initial License



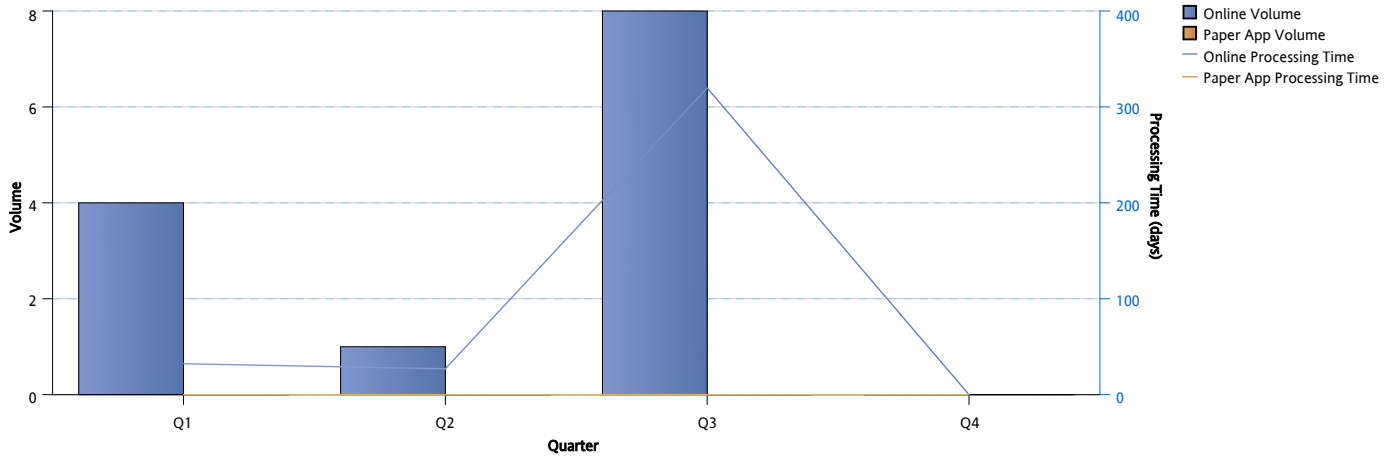
### Statement of Licensure - Issue License



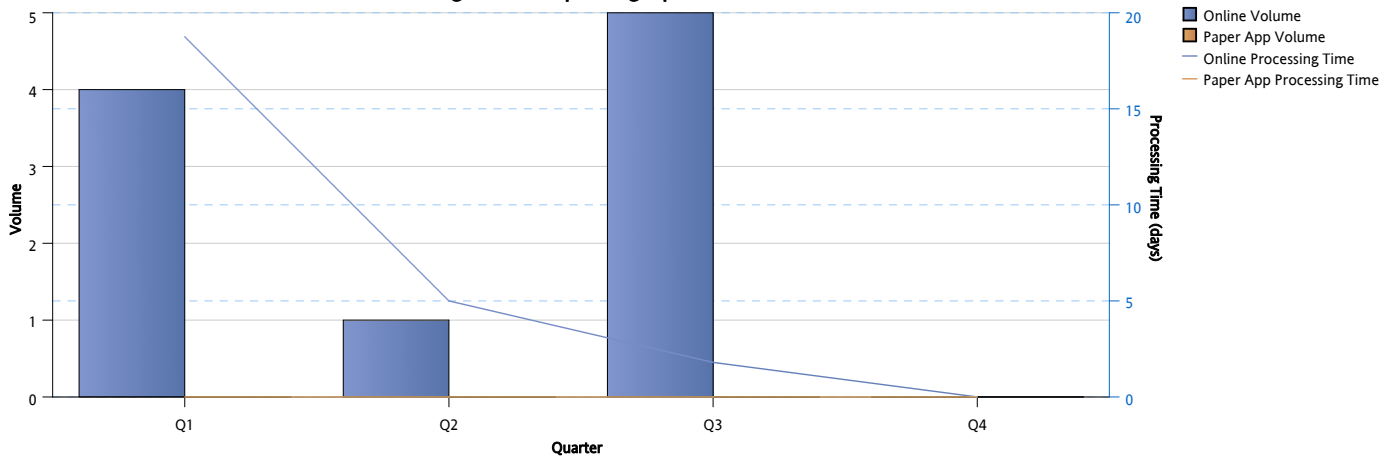
Fictitious Name Permit - Issue License



Registered Dispensing Optician - Initial Application

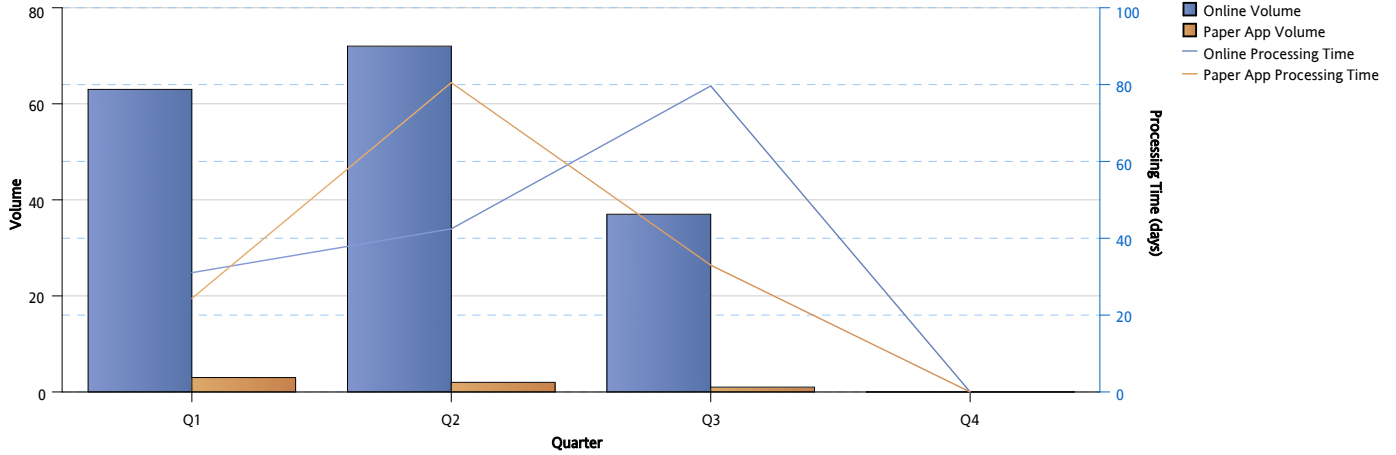


Registered Dispensing Optician - Initial License

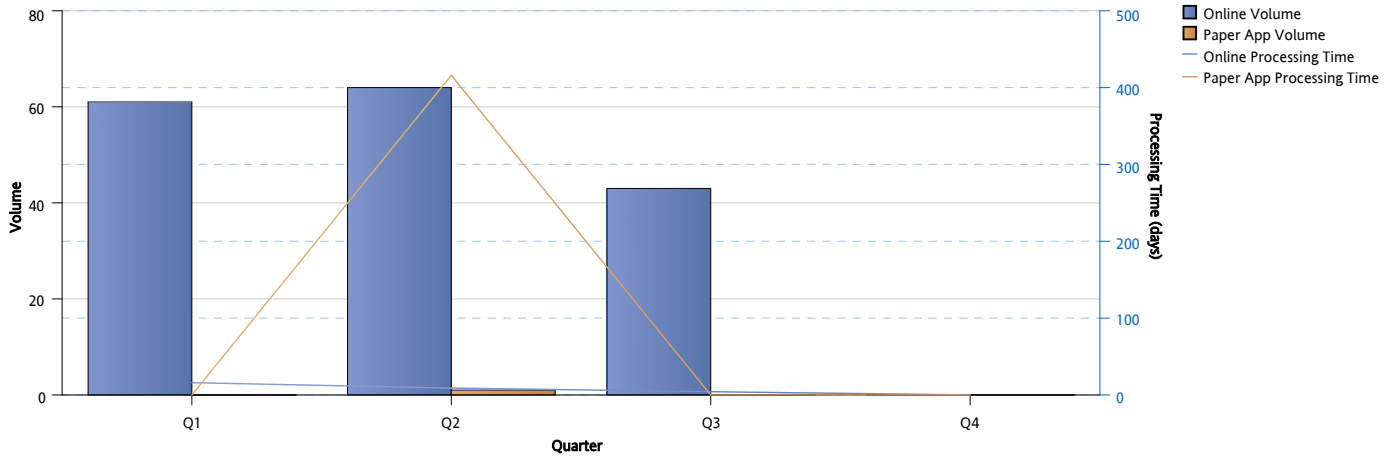




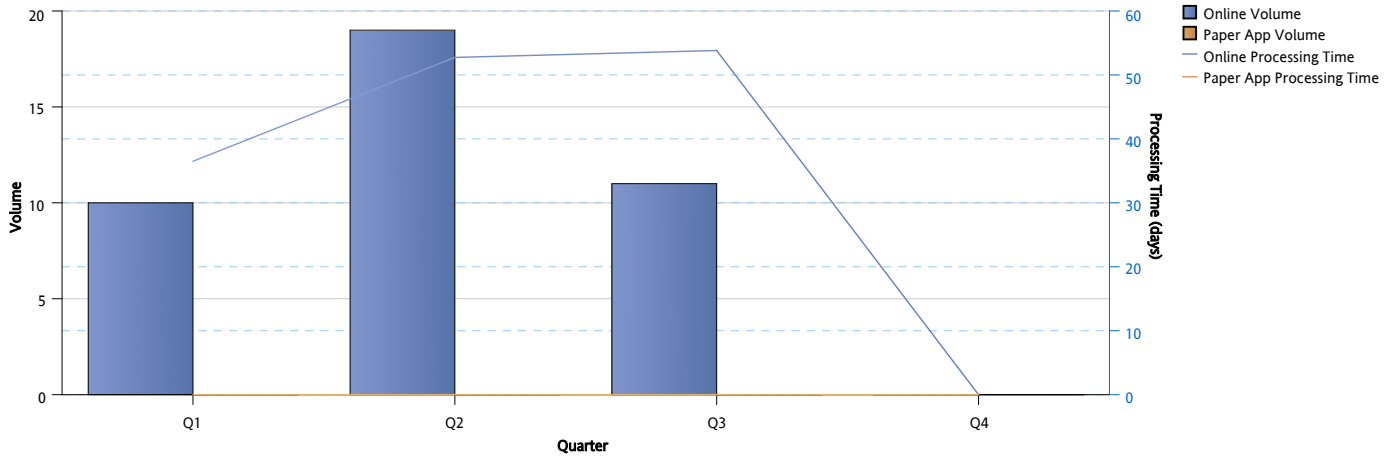
Registered Spectacle Lens Dispenser - Initial Application



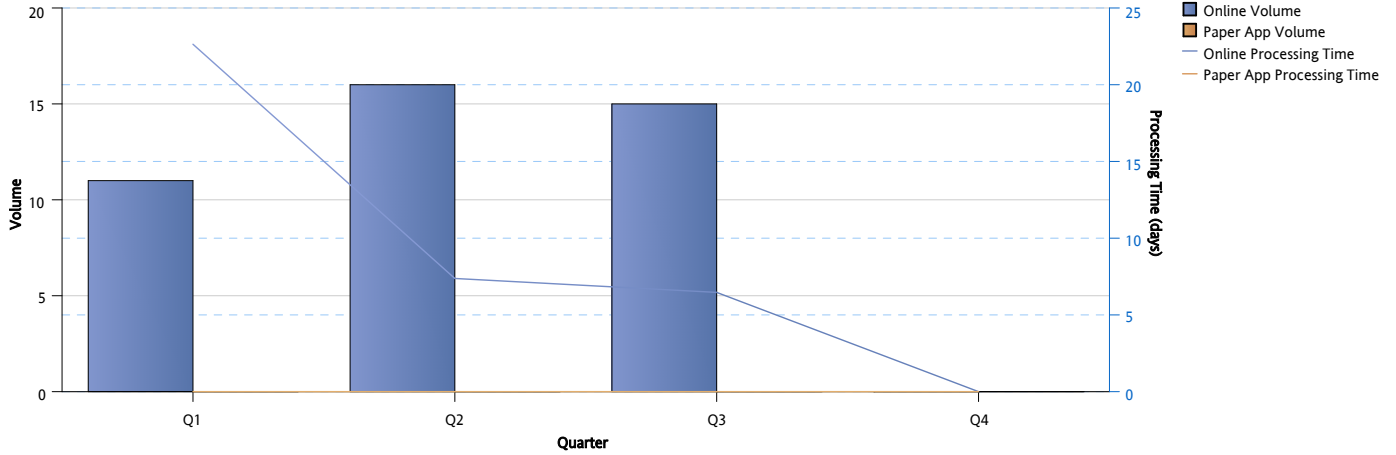
Registered Spectacle Lens Dispenser - Initial License



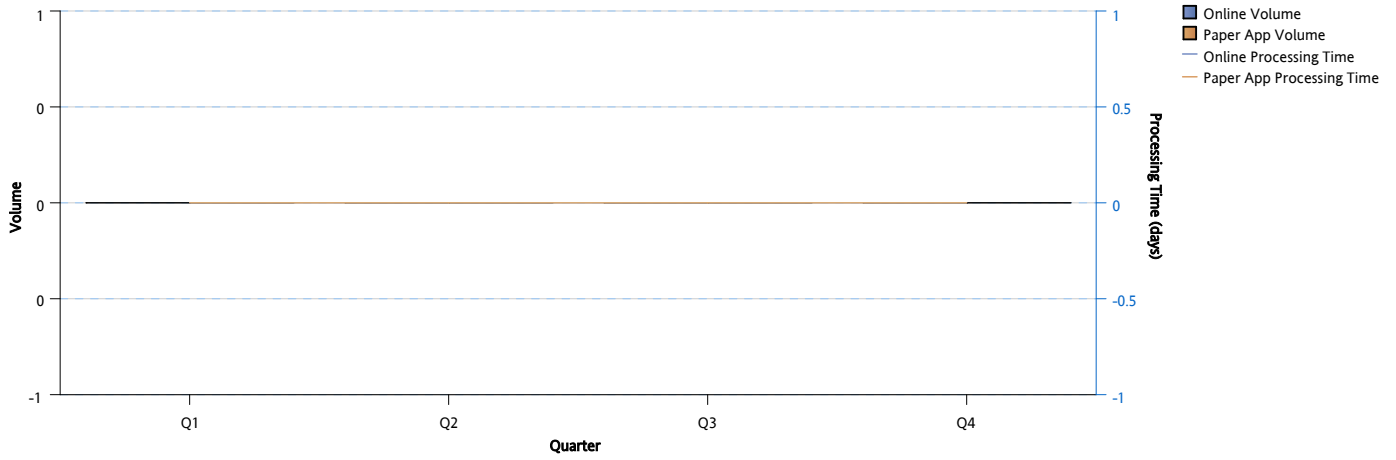
Registered Contact Lens Dispenser - Initial Application



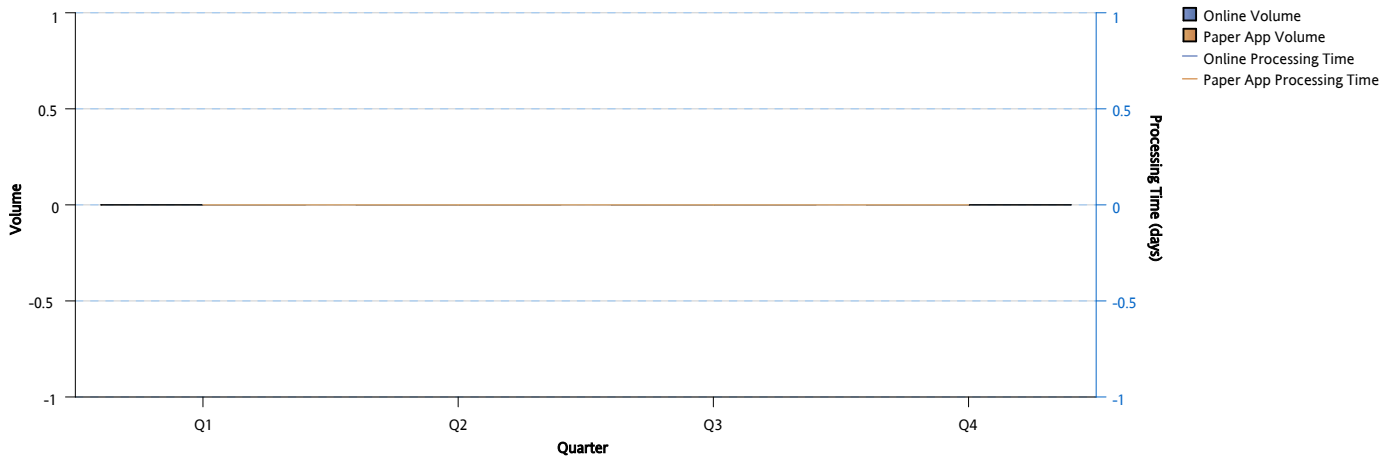
Registered Contact Lens Dispenser - Initial License



Nonresident Contact Lens Seller - Initial Application



Nonresident Contact Lens Seller - Initial License





# ISSUE MEMORANDUM

<b>DATE</b>	February 26, 2021
<b>TO</b>	Members, California State Board of Optometry (CSBO)
<b>FROM</b>	Marc Johnson, Policy Analyst
<b>SUBJECT</b>	Agenda Item #5D: Regulatory 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 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 Business and Consumer Services Agency for pre-file approval before OAL submission for public notice, likely by March 2021.

### ***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 February. Once approved, the regulation should be effective on March 1, 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 BreZze 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.

***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

***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 Spring 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.

**Future Regulatory Packages**

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

***Implementation of AB 896 (Adopt §§1583 – 1586)***

Subject: This proposal will implement AB 896 (Low, Chapter 121, Statutes of 2020), which would allow nonprofit charitable organizations to provide mobile optometry services to patients and receive reimbursement by Medi-Cal. It requires the Board to develop a registry for mobile optometry offices and a consumer notice to be provided to patients. The bill requires regulations to be implemented by January 1, 2021.

Status: Presented to the Consumer Protection Committee on February 25, 2021.

***Requirements for Glaucoma Certification (Amend §1571)***

Subject: CCR Section 1571 sets out the requirements for Glaucoma certification. Due to COVID-19, optometry schools have been offering the Grand Rounds certification program, authorized by subsection (B), online as a live course. This proposal would remove the in-person patient evaluation requirement from CCR Section 1571 (B).

Status: Presented to the Practice and Education Committee and concurrent approval by the Board at the February 26, 2021 public meeting.

***Implementation of AB 458 (Adopt §1507.5 and Amend §1524)***

Subject: This proposal will implement AB 458 (Nazarian, Chapter 425, Statutes of 2019), which allows an optometrist to engage in the practice of optometry at a home residence, provided they meet specific 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: Presented to the Consumer Protection Committee on February 25, 2021.

# ISSUE MEMORANDUM

<b>DATE</b>	February 26, 2021
<b>TO</b>	Members, California State Board of Optometry (CSBO)
<b>FROM</b>	Shara Murphy, Executive Officer
<b>SUBJECT</b>	Agenda Item #5G: Update on Alternative Methods of Verification of Practice Competency

As directed by the Board during the October 23, 2020 meeting—staff and the Office of Professional Examination Services (OPES) engaged in research and analysis regarding optometry school-verification of clinical skills or the development of a state-specific test equivalent to the NBEO Part III.

*Staff Recommendation:* Maintain the national standard for verification of clinical skills. Continue to monitor test-taking rates and first-hand student reports.

	Pros	Cons
<b>California-created Practical Exam</b>	<ul style="list-style-type: none"> <li>Reduces the necessity for applicants to engage in air/bus/train travel</li> </ul>	<ul style="list-style-type: none"> <li>OPES discourages state-run practical exams and is phasing them out.</li> <li>Abandons systems successfully used during COVID-19 Pandemic.</li> </ul>
<b>School or College Verification Program</b>	<ul style="list-style-type: none"> <li>Reduces the individual steps to licensure.</li> </ul>	<ul style="list-style-type: none"> <li>Not accepted by other states</li> <li>Governor/Department of Finance/Legislative Approval for BCP for exam/program</li> <li>2-3 years to create exam; followed by timeline for implementation.</li> <li>Increase staff to administer exam/oversee program (additional cost in BCP).</li> </ul>
<b>NBEO Practical Exam</b>	<ul style="list-style-type: none"> <li>No extra costs to the Board.</li> <li>National Standard.</li> <li>NBEO updates exam to industry standards.</li> </ul>	<ul style="list-style-type: none"> <li>Necessitates air/bus/train travel</li> </ul>



## ISSUE MEMORANDUM

<b>DATE</b>	February 26, 2021
<b>TO</b>	Members, California State Board of Optometry (CSBO)
<b>FROM</b>	Dr. Debra McIntyre, Board Secretary
<b>SUBJECT</b>	Agenda Item #8 – Discussion and Possible Action on Board Meeting Minutes

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

- A. September 18, 2020
- B. October 23, 2020
- C. November 20, 2020
- D. December 11, 2020



## ISSUE MEMORANDUM

<b>DATE</b>	February 26, 2021
<b>TO</b>	Members, California State Board of Optometry (CSBO)
<b>FROM</b>	Marc Johnson, Policy Analyst
<b>SUBJECT</b>	Agenda Item #7: Discussion and Possible Action to Amend Title 16, California Code of Regulations (CCR) Section 1571 (Glaucoma Grand Rounds Program)

**Summary:**

Title 16, CCR Section 1571 sets out the requirements for Glaucoma certification for Optometry licensees. In 2020 of the COVID-19 Pandemic, Southern California School of Optometry at Marshall B. Ketchum University was granted a DCA Directors waiver to offering a Grand Rounds certification program, authorized by subsection (B), online as a live course.

Drs. Chalwa, McIntyre, and Wang attended the online grand rounds courses at Marshall B. Ketchum University and report no issues with instruction or curriculum. Therefore, this proposal would remove the in-person patient evaluation requirement from CCR Section 1571 (B).

The Practice and Education Committee reviewed the proposed regulation at the February 26, 2021 public meeting.

**If a motion to approve is desired:**

*“I move to approve the proposed text for California Code of Regulations Title 16, Section 1571 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.”*

**Amend Section 1571 of Article 11 of Division 15 of Title 16 of the California Code of Regulations as follows:**

Proposed text deletion is ~~strikethrough~~ and highlighted.

§ 1571. Requirements for Glaucoma Certification.

(a) Only optometrists meeting the requirements of this Article may apply for certification for the treatment of glaucoma as described in subdivision (j) of Section 3041, in patients over 18 years of age. The optometrist shall:



- (1) Hold an active license as an optometrist in California in good standing with the State Board of Optometry (Board);
- (2) Be certified to use Therapeutic Pharmaceutical Agents (TPA) pursuant to Section 3041.3;
- (3) Complete a didactic course of no less than 24 hours in the diagnosis, pharmacological and other treatment and management of glaucoma. The following topics may be covered in the course:
  - (A) Anatomy and physiology of glaucoma
  - (B) Classification of glaucoma
  - (C) Pharmacology in glaucoma therapy
  - (D) Diagnosis of glaucoma including risk factors analysis
  - (E) Medical and surgical treatment
  - (F) Participant performance assessment; and
- (4) Complete a Case Management Requirement where a minimum of 25 individual patients are each prospectively treated for a minimum of 12 consecutive months. For purposes of this section, “treat” means properly evaluating the patient, performing all necessary tests, diagnosing the patient, recognizing the type of glaucoma within a licensee's scope of practice, creating a treatment plan with proposed medications and target pressures, ongoing monitoring and reevaluation of the patient's condition, and making timely referrals to an ophthalmologist when appropriate. The following options may be chosen in any combination to fulfill this requirement:
  - (A) Case Management Course: Completion of a 16-hour case management course developed cooperatively by the accredited California schools and colleges of optometry and approved by the Board, with at least 15 cases of moderate to advanced complexity. The course may be conducted live, over the Internet, or by use of telemedicine. One hour of the program will be used for a final competency examination. Although the Case Management Course does not involve treatment of patients, completion of the 16-hour Case Management Course is equivalent to prospectively treating 15 individual patients for 12 consecutive months. Therefore, completion of the 16-hour Case Management Course will count as a 15-patient credit towards the Case Management Requirement. The full course must be completed to receive the 15-patient credit. The course must include the following topics/conditions:
    1. Presentation of conditions/cases that licensees may treat:
      - a. All primary open-angle glaucoma;
      - b. Exfoliation and pigmentary glaucoma.
    2. Presentation of conditions/cases that licensees may not treat, but must recognize and refer to the appropriate physician and/or surgeon such as:
      - a. Pseudoglaucoma with vascular, malignant, or compressive etiologies;
      - b. Secondary glaucoma;
      - c. Traumatic glaucoma;
      - d. Infective or inflammatory glaucoma;
      - e. Appropriate evaluation and analysis for medical or surgical consultation;
      - f. In an emergency, if possible, stabilization of acute attack of angle closure and immediate referral of the patient.
  - (B) Grand Rounds Program: Completion of a 16-hour grand rounds program developed cooperatively by the accredited California schools and colleges of optometry and

approved by the Board, wherein participants will evaluate and create a management plan for live patients. Completion of the 16-hour Grand Rounds Program is equivalent to prospectively treating 15 individual patients for 12 consecutive months. Therefore, the 16-hour Grand Rounds Program will count as a 15-patient credit towards the Case Management Requirement. The full program must be completed to receive the 15-patient credit. **Patients must be evaluated in person.** The program must include the following:

1. Presentation of various patient types such as: glaucoma suspects; narrow angle, primary open angle glaucoma (early, moderate, late); and secondary open angle glaucoma such as pigment dispersion and pseudoexfoliation. Patient data, including but not limited to, visual acuities, intra-ocular pressures, visual fields, imaging, and pachymetry, will be available on-site and presented upon request;
2. Examination of patients, evaluation of data and test results, and commitment to a tentative diagnosis, treatment, and management plan;
3. Participation in group discussion of the cases with instructor feedback;
4. Attendance of follow-up meetings (within the 16-hour program requirement) where the same or different patients will be reviewed via serial data, including but not limited to visual fields and imaging photos.

(C) Preceptorship Program: Completion of a preceptorship program where each patient must be initially evaluated by the licensee and co-managed with a preceptor. Each patient must be prospectively treated for a minimum of 12 consecutive months. A preceptor for purposes of this section is defined as:

1. A California licensed, Board certified ophthalmologist in good standing; or
2. A California licensed optometrist in good standing, who has been glaucoma certified for two or more years.

Preceptors shall confirm the diagnosis and treatment plan, and then approve the therapeutic goals and management plan for each patient. Consultation with the preceptor must occur at appropriate clinical intervals or when the therapeutic goals are not achieved. Clinical data will be exchanged at appropriate intervals determined by the preceptor and the licensee. Telemedicine and electronic exchange of information may be used as agreed upon by the preceptor and the licensee. Each patient that is seen by the optometrist in the program will count as a 1-patient credit towards the Case Management Requirement.

(b) Licensees who completed their education from an accredited school or college of optometry on or after May 1, 2008, are exempt from the didactic course and case management requirements of this Section, provided they submit proof of graduation from that institution to the Board.

(c) Licensees who graduated from an accredited school or college of optometry prior to May 1, 2000, and who have not completed a didactic course of no less than 24 hours will be required to take the 24-hour course indicated in subsection (a). Licensees who graduated from an accredited school or college of optometry after May 1, 2000, are exempt from the didactic course requirement of this Section.

(d) Licensees who graduated from an accredited school or college of optometry prior to May 1, 2008, and who have taken a didactic course of no less than 24 hours, but not completed the case management requirement under SB 929 [Stats. 2000, ch. 676, § 3],

will be required to complete the Case Management Requirement indicated in subsection (a).

(e) Licensees who started the process for certification to treat glaucoma under SB 929 [Stats. 2000, ch. 676, § 3] but will not complete the requirements by December 31, 2009, may apply all patients who have been co-managed prospectively for at least 12 consecutive months towards the Case Management Requirement indicated in subsection (a).



## ISSUE MEMORANDUM

<b>DATE</b>	February 26, 2021
<b>TO</b>	Members, California State Board of Optometry (CSBO)
<b>FROM</b>	Marc Johnson, Policy Analyst
<b>SUBJECT</b>	Agenda Item #7: Discussion and Possible Action to Amend Title 16, California Code of Regulations (CCR) Section 1571 (Glaucoma Grand Rounds Program)

**Summary:**

Title 16, CCR Section 1571 sets out the requirements for Glaucoma certification for Optometry licensees. In 2020 of the COVID-19 Pandemic, Southern California School of Optometry at Marshall B. Ketchum University was granted a DCA Directors waiver to offering a Grand Rounds certification program, authorized by subsection (B), online as a live course.

Drs. Chalwa, McIntyre, and Wang attended the online grand rounds courses at Marshall B. Ketchum University and report no issues with instruction or curriculum. Therefore, this proposal would remove the in-person patient evaluation requirement from CCR Section 1571 (B).

The Practice and Education Committee reviewed the proposed regulation at the February 26, 2021 public meeting.

**If a motion to approve is desired:**

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## ISSUE MEMORANDUM

<b>DATE</b>	February 26, 2021
<b>TO</b>	Members, California State Board of Optometry (CSBO)
<b>FROM</b>	Mark Morodomi, President
<b>SUBJECT</b>	Agenda Item #10 – Future Agenda Items

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





# ISSUE MEMORANDUM

<b>DATE</b>	February 26, 2021
<b>TO</b>	Members, California State Board of Optometry (CSBO)
<b>FROM</b>	Mark Morodomi, President
<b>SUBJECT</b>	Agenda Item #12 - Adjournment

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

**Dispensing Optician Committee Meeting – Thursday, April 15, 2021**

**Quarterly Committee Meetings – Friday, April 16, 2021**

*The current timing of the Legislative Sunset Oversight Process may require a Board Meeting on this date. The Board would approve responses to the Joint Committee background paper.*

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

**MEMBERS OF THE BOARD**

- 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, Optician Licensed Member



**DRAFT BOARD MEETING MINUTES**  
**Friday, September 18, 2020**

**This public meeting was held via WebEx Events.**

<b>Members Present</b>	<b>Staff Present</b>
Mark Morodomi, President	Shara Murphy, Executive Officer
Debra McIntyre, Secretary	Cheree Kimball, Assistant Executive Officer
Cyd Brandvein	Marc Johnson, Policy Analyst
Jeffrey Garcia, OD	Natalia Leeper, Licensing Coordinator
David Turetsky, OD	Matt McKinney, Enforcement Analyst
Lillian Wang, OD	Rebecca Bon, Legal Counsel
<b>Members Absent</b>	
Glenn Kawaguchi, OD	

**Link for the audio of discussion:**

<https://www.youtube.com/watch?v=UqqYajHmj10&feature=youtu.be>

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

*Audio of Discussion:* [0:30 / 4:15:46](#)

President Morodomi called the meeting to order at 1:00 p.m. and a 6-1 quorum was established.

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

*Audio of Discussion:* [2:48 / 4:15:46](#)

Public comment was received from Kristine Schultz with the California Optometric Association (COA), who requested public comment be made after each agenda item.

**3. Introduction of New Board Member – Dr. Jeffrey Garcia, O.D.**

*Audio of Discussion:* [4:42 / 4:15:46](#)

President Morodomi welcomed and introduced the newest Board Member, Dr. Jeffrey Garcia, O.D. Dr. Garcia thanked the Members and Staff for their welcoming and their assistance in getting started. He explained that he has desired to be on this Board panel for over 15 years, but vacancies and life prevented it until now. Dr. Garcia has three optometry practices, and he is an adjunct professor at the Western University of Health Sciences and the Southern California College of Optometry (SCCO).

Public comment was heard from Dr. [Elizabeth Hoppe](#), who expressed her gratitude to Dr. Garcia for his service as a mentor for the students at Western University.

- 4. Presentation by the Office of Professional Examination Services (OPES)**
  - a. NBEO Examinations and California Optometry Laws and Regulations Examination**
  - b. Summary of Policy and Legal Mandates**
  - c. Examples of Other Board Examinations Impacted by COVID-19**
  - d. Examples of DCA Waivers Granted in Response to COVID-19**

*Audio of Discussion:* [1:07:07 / 4:15:46](#)

[Dr. Heidi Lincer](#), Chief of the Office of Professional Examination Services (OPES) provided a presentation overview of OPES activities. She reported that the NBEO Part I is usually taken during the third year. NBEO Part II is usually taken during the fourth year. NBEO Part III (the subject of concern) is only offered in North Carolina. OPES is the consulting division of DCA. OPES works with various DCA boards and bureaus to ensure licenses are valid and legally defensible. OPES is mandated by Business and Professions (B&P) Code 139 which states that all examinations used for licensure in California must be based on an occupational analysis (OA) which is a detailed study of the profession. The OA is the legally defensible method of determining the content of the examination to ensure that it measures safe and competent entry-level practice. Any alternative licensing process would need to meet the criteria of B&P 139 and be validated by OPES. During the review, OPES determined that the examinations have entry-level content that is necessary for licensure in this state but determined having a single testing site may be problematic. Dr. Lincer reported that not only did the NBEO examinations meet the B&P 139 according to OPES's evaluation, but from a psychometric perspective, these exams are legally mandated, and they ensure that the Board complies with B&P 139. Consequently, should the Board create some alternative form of licensure, it would have to meet B&P 139 criteria as well.

[Tracy Montez](#), DCA Chief of Programs and Policy Review, provided information on the waiver process. As of yesterday, DCA has issued 62 waivers; many of which have been extensions of initial waivers issued during the early stages of the pandemic. It is important to understand that although the Director has the authority to approve waivers, she does have to work within the parameters of established laws and regulations. Although there have been 62 waivers, there has not been a waiver of the examination requirements for any type of licensure under DCA.

President Morodomi asked if the Board of Optometry laws provide have flexibility or time restriction regarding when the exams are taken; Dr. Montez deferred this question to the Board's legal counsel. President Morodomi also asked that if the Board has the authority to create temporary licensure, what step would the Board need to take to allow for the temporary license; Dr. Montez replied that this would depend upon how the Board's regulations are written. A mechanism to receive a temporary license without taking Part III may already be in the Board's regulations. Ms. Murphy noted that it does not appear that the Board's regulations (as written) allow for any type of licensure before completion of all three parts of the national exam and the California Laws and Regulations Exam (CLRE). All four pieces must be completed first. The statutes do not allow the flexibility to create this because there is not a statute to which revised regulations may apply.

President Morodomi asked who has the power to grant waivers; Dr. Montez responded it is the Director who has the power to grant waivers, not the Board of Optometry. He then asked if there are pathways such as those for interns and externs that would allow a graduate to practice optometry without having a license; Ms. Murphy responded that she is not aware of any such statute. Dr. Turetsky asked Ms. Murphy if a person who has not taken Part III can practice optometry with a DPA certification instead of a TPA certification? Ms. Murphy explained that this is one of the pathways that were discussed; however, it is not possible because it would require the removal of a regulation (1523(f)).

Dr. Turetsky noted that individuals given some type of a temporary license, would undoubtedly not be able to be part of any insurance panel. They probably would not be able to get on Medicare or get on Medi-Cal. The optometrists would be limited to eye exams on patients who pay by cash only. Dr. McIntyre commented that anyone with a limited license would not be able to acquire their liability and malpractice insurance. Dr. Wang responded that if they are restricted from getting on panels and restricted from malpractice insurance, their hire-ability would be extremely limited; therefore, it would need to be a regular license for them to practice while waiting to take the NBEO Part III.

#### Public Comment:

Masha Masoeda explained that she is a fourth-year optometry student at Berkeley. As fourth-year extern students, they do go to a lot of different places, including leaving California for some externships. In these cases, they are working under the liability of another optometrist. So, if this were to continue after graduation and they are trying to get jobs in California working under another optometrist, there are implications for that doctor whose liability they are under. Will that optometrist's insurance rates go up? Will it be common knowledge that they have hired "quasi" externs, "quasi" graduate doctors to work under them? And now they must sign off on all these extra charts when they have not seen the patients in their entirety.

Dr. Hoppe wished to follow up on some of the regulations in North Carolina. She noted that their definition of the word "extern" is a little different in the way that their regulation is written; she explained that in NC regulations the word "extern" is used for an unlicensed optometrist. The term "extern" is not for a student in NC; it is for a graduate from an accredited school or college of optometry who is not yet licensed. The period of provisional licensure is 6 months duration and may be applied for renewal up to a total of 3 times. She noted that in North

Carolina Board's description, they have a highly detailed description of what supervision consists of. Their policies are well developed.

[Dr. Jennifer Coyle](#) returned to the conversation on barriers to a candidate's ability to access the examinations. The person she alluded to in her presentation has an identified ADA issue. These are the types of barriers that Dr. Coyle feels have become more complex. Regarding the issue of graduates having to work under another doctor's liability and being unable to get on any insurance panels; She suggested that perhaps a full license, which is temporary in that it expires after a certain amount of time may be considered.

Dr. Garcia asked if the optometry school deans know how many of their students would prefer delaying their board exams during the pandemic versus not delaying and taking them now. Dr. Coyle admitted that she has not polled them for this question, and she will be happy to follow up with this information. Therefore, she believes there will be students who pursue a temporary provisional license. Dr. Flanagan stated that he has not directly polled the Berkeley University students, nevertheless, he would be greatly surprised if many of the graduates did not avail themselves of the opportunity of a temporary license if it was offered to them.

Dr. Turetsky asked if an optometrist makes a mistake while having a temporary license and the mistake cost the patient their eyesight, what would the legal ramifications be when the lawsuit is filed; how would this negatively impact the Board, the DCA, and the Governor if the Governor's Office approves of some alternate license? Ms. Bon replied that it may depend upon what approval means or what mechanism allows the person to practice. When they are, it would be like any other licensee having an issue with meeting the minimum standards. Dr. Turetsky noted that the Board has a couple of applicants who have been unable to get licensed in this state because they failed Part III on several occasions. He asked if these individuals would be able to take advantage of this new way of getting licensed; Ms. Bon responded that without knowing the specifics of how a person would be able to practice without Part III it is difficult to determine.

## **6. Discussion of Presentation by Optometry College/School Deans and California Optometric Association Regarding Need for Accommodations and Impacts to Students**

*Audio of Discussion:* [10:32 / 4:15:46](#)

Ms. Murphy announced that all three Deans of the California Optometry Colleges are present for this meeting. Each Dean wished to comment.

Dr. Coyle reported that SCCO has significant concerns regarding the conditions and accessibility of the three parts of the National Board of Examiners in Optometry (NBEO) exams that are required for licensure. The class of 2021 were scheduled to take the exams back in March at the Pierson View test centers across California and the nation. Dr. Coyle explained that SCCO is concerned about the November administration because, should there be a resurgence of the COVID virus, would citizens be faced with stay-at-home orders again and those test center openings canceled. They are also concerned about students having access to the Part II exam should the same scenario occur. At the top of the concerns is the students having to travel all the way to Charlotte, North Carolina to take Part III since there is only one

test site in the nation. Dr. Coyle emphasized that the three Deans agree that a temporary path to healthcare licensure that does not require immediate completion of the Board exams would allow these graduates to enter the workforce upon graduation. She noted that SCCO students spend four years in school and undertake a highly rigorous curriculum that includes constant assessment (testing). Students provide direct patient care to over a thousand patients during their third or fourth year, and they are graded on those patient interactions.

[Dr. Elizabeth Hoppe](#), Founding Dean of the College of Optometry at Western University Health Sciences disclosed that she is currently serving as a member of the board of directors for the NBEO, and she has been a member since 2013. Dr. Hoppe added that when making evidence-based decisions, longitudinal data with multiple measures vastly outweighs single measurements made at one single occasion at one point in time. Dr. Hoppe concluded that she and her colleagues would never advocate for a pathway to licensure without testing but asked the Members to recognize the extensive testing already being done by the schools of optometry as being valid, reliable and appropriate indicators of competency to enter the practice of optometry. The creation of a pathway to temporary licensure would allow greater access to essential eye care and essential vision care services for the residents of California.

[Dr. John Flanagan](#) with the Berkeley College of Optometry spoke and disclosed that he is President of the Association of Schools and Colleges of Optometry (ASCO). Dr. Flanagan requests that the Board consider the need for emergency planning for the event of closure and the danger students currently face in needing to travel for their examinations. He noted that the level of clinical competence upon graduation is adequate for consumer protection. He congratulated the NBEO for their efforts in addressing this problem. Dr. Flanagan and the College of Optometry of UC Berkeley believe that in the case of another COVID surge, it is unlikely that the NBEO will be able to control test centers and to maintain access to test centers in the event of increased COVID-19 and further shut-downs across the country. Dr. Flanagan noted that the need for an emergency pathway to temporary licensure is not a national board issue; rather, at this point, it is a state board issue.

[Kristine Schultz](#) representing the California Optometric Association (COA). Ms. Schultz reported that the COA is extremely concerned about forcing students to travel during the COVID-19 pandemic. She asserted that the Board needs to act to protect students from risking their health and their lives. The testing the students receive in school is far more comprehensive than a one-day test. Additionally, students will not graduate the program if they are not competent to practice. COA believes that the easiest way to address this problem is to allow the colleges to attest to a graduate's competency upon graduation and not have to take the NBEO during this crisis. She contended that the fact that students took and passed the NBEO in 2021 is not a reason for inaction as these students had no option. Ms. Schultz proposed that a different reasonable alternative may be to create temporary licensure where the doctor would be allowed to practice under supervision; once they take the NBEO they would be fully licensed. She argued that some states even have the authority to waive the NBEO on a case-by-case basis.

Dr. Flanagan commented that he requested a document from the Association of Regulatory Boards in Optometry's (ARBO's) Executive listing. It is Dr. Flanagan's understanding that



ARBO has a current state of knowledge for every state. Dr. Garcia questioned what colleges in other states are doing to mitigate the risk of testing; Dr. Hoppe replied with three examples (Michigan, Alabama, and Oklahoma). She reported that each of these state's boards has an excellent partnership with the optometry schools in their state. In Michigan, they allowed a pathway for temporary licensure. They made this decision in the early phase of the pandemic and it expired at the end of July. They are currently reviewing whether they should extend it. Alabama also created an opportunity for temporary licensure between the time of graduation and the time of completing state licensure requirements.

Dr. Turetsky followed up on Ms. Shultz's comment about schools attesting to the competency of their recent graduates. He recalls that there was some discussion about this idea at the last Board meeting; and that Dr. Flanagan noted a concern that this could place universities schools in an untenable position should there ever be a liability claim. Dr. Flanagan clarified that although there was discussion that led to him to this concern, it was a different question that he was responding to. Dr. Flanagan added that there is no liability issue with regards to schools attesting to the competency of their graduates if the outcome of the clinical competencies is well documented and proven.

President Morodomi asked if the schools that have a pathway for temporary licensure, have any additional requirements? For example, the temporarily licensed optometrist working under the supervision of a licensed optometrist? Dr. Hoppe answered that in the state of North Carolina regulations were recently adopted for provisional licensure which does require supervision by a licensed optometrist. President Morodomi reported that he viewed the Board's waiver application that was sent to DCA, and he read DCA's response. The official response was that the waiver not be granted because optometrists are not directly involved in the patient care for patients with COVID. Dr. Hoppe added that some research from other countries has indicated the prevalence of ocular symptoms in patients with COVID; particularly in pediatrics. She stated that she currently has students who are out in their fourth-year residency participating in symptom screening, temperature checks, etc. on the front lines as part of an interprofessional approach to battling the virus.

Public Comment:

[Robert Sumner](#) with the Assembly Business and Professions Committee reported that Assembly Member Low would like to echo the urgency of the issue relating to the Part III NBEO and the various implications of a graduate having to travel to North Carolina during the pandemic. He stated that this issue is notably worthy of inclusion in the next Sunset Review.

[Dr. David Cochrell](#) is a state board member in Oklahoma. He stated that they came to the same conclusion as the three deans that the schools are where the rigorous testing takes place; therefore, they asked themselves if there was truly a reason to keep students from moving into practice as they were unable to complete Part III, due to no fault of their own. He explained that they have approximately 30 graduates (annually) who take their boards to do their residency. The Oklahoma board looked at the qualifications of their graduates and worked to create a situation whereby they could waive the national board requirement and begin working as optometrists. They looked heavily at ASCO and the optometry schools to

determine everyone's competency. Dr. Garcia asked if all three parts of the NBEO have been waived or just Part III? Dr. Cochrell replied that all three parts were waived. Ms. Murphy asked Dr. Cochrell how many optometrists Oklahoma currently oversees? Dr. Cochrell responded that their state has a little over 700 licensees; however, they have approximately 50 graduates take their boards each year. President Morodomi asked if the waiver was done by the board or some other body in Oklahoma. Dr. Cochrell responded that their state has the authority to waive therefore, his board waived the requirement.

President Morodomi questioned how the Oklahoma board went about deciding that graduation from the optometry schools was enough; Dr. Cochrell explained that they did three things: 1) they requested information from the Oklahoma Colleges of Optometry. 2) They requested information from ASCO, and 3) they compared the curriculum from the other schools. Although the curriculums were not the same; they were similar enough to provide the same level of competency. He added that the graduates who have the national board requirement waived, all received permanent and full licensure; they do not need to take the NBEO later.

## **7. Discussion of Alternatives to the NBEO Exam for 2021 Graduates/Licensure Applicants**

*Audio of Discussion: [1:58:30 / 4:15:46](#)*

Ms. Murphy explained that staff wishes to discuss the ideas that have been presented and what pathways would need to be for those to be a workable action plan; particularly a waiver or a temporary license. Ms. Murphy thanked the Deans for the opportunity to get the Board's survey out to the 238 potential graduates. Staff received emailed responses from 143 of those graduates (60% response rate). Staff also received feedback from the Board's psychometrician. She provided a slide presentation of the NBEO Part III Survey – Graduates of 2021. From the survey results, 130 graduates intend to apply for licensure upon graduation; 13 do not. The survey asked questions attempting to gauge the sensitivity these graduates have to the COVID threat and the measures they are taking to protect themselves and their families.

Ms. Murphy reported that 64% of the graduates stated that they would be willing to pay a higher examination fee for the convenience of having a west coast testing location, and they are comfortable with paying 50% more. She also reported that 60% of the 116 graduates who responded to the question would be willing to accept some form of partial or temporary licensure to delay travel during the pandemic. Ms. Murphy explained that staff discussed with legal counsel the Board's opportunity to provide some type of provisional license. She directed Members' attention to California Code of Regulations (CCR) 1523(f). With the waiver of CCR 1523(f), it would be possible for the Board to take action to provide diagnostic licensure (DPA) if deemed necessary during a time of emergency.

President Morodomi announced that in listening to the survey results, he has come up with five fixes the Members may discuss. Each one has pros and cons.

1. Do nothing at all.
2. Just for COVID, take action for a DCA waiver that says graduates do not have to take Part III of the NBEO.



3. Enact a statutory or regulatory change that grants the Board the power (for the next emergency) to grant a suspension of these testing requirements.
4. Create and have in place a mechanism for issuing a temporary or provisional license with a time limit and which requires the completion of the NBEO later.
5. Remove the NBEO Part III by a statute change.

Dr. Wang questioned removing NBEO Part III. She commented that since the national board is taken by optometry graduates in each state, removing it from California requirements may not be the best action in case these California optometrists move to another state at some point. Dr. Wang believes a temporary or provisional license would be ideal. Dr. Turetsky proposed the possibility of issuing a license then immediately revoking it allowing the graduate to practice during a period of probation. Ms. Murphy noted that with the Attorney General's involvement this would be too costly for the Board to absorb. Dr. Turetsky suggested that part of the probation is that the licensee pays all Board fees.

Dr. Wang suggested that the Board could ask for a waiver of 1531(a), then have OPES and the schools work together to come up with an equivalent to Part III? The schools theoretically could create an alternative exam to Part III since they used to provide the clinical examination many years ago. Dr. Montez confirmed that this is a potential solution.

Public Comment:

[Ms. Masoeda](#) requested that one more question be added regarding the purpose of the travel. Regarding a west coast location for the NBEO Part III, Ms. Masoeda proposed an alternative. She suggested that instead of 15,000 students traveling to Charlotte, can the proctors for the exam travel to each of the schools for an "exam week".

Dr. Hoppe expressed her encouragement by the robust discussion. She is inspired by the ideas expressed and the open-mindedness everyone is showing to seek viable solutions. She appreciates that the Board is seeking an emergency solution since time is of the essence. Dr. Hoppe would like to support the possibility of offering an additional certification or additional attestation on a candidate by candidate basis beyond the testing performed as a regular part of the curriculum.

Ms. Schultz stated that it is unlikely that a DCA waiver will occur since it has not been approved for any other profession. Another option would be legislation. Ms. Schultz explained that COA can assist with a legislative solution. She noted that having OPES determine that what the colleges are already testing is equivalent to the NBEO. This would create a pathway for an emergency regulation to waive the NBEO during the pandemic.

Dr. Coyle spoke on behalf of the Southern California College of Optometry (SCCO). She encourages the Board to consider all ACOE accredited schools. She explained that SCCO does attest (for other states) that their students are competent; typically, they are competent in more advanced procedures. Dr. Coyle added that SCCO would be willing to work with the Board and take on any attestation paperwork for this pathway.

Dr. Flanagan stated that they will do everything they can to support an equivalence and/or attestation.

President Morodomi agrees with Ms. Schultz that obtaining a waiver from the Director is not likely; however, he is not against giving it a try anyway. He would like staff and legal counsel to return and tell Members what steps need to be taken; tell Members what changes need to be made in the regulations; what this Board needs to do; and what OPES needs to do before making a final decision. Dr. Turetsky announced that he would like to have a couple of things to present to staff so that they can move forward. He would like to have some definite pathways that Ms. Murphy and staff can begin investigating.

Ms. Murphy explained that the Director's waiver authority is directly tied to regulation or statute. It is not an authority to add; therefore, it may only be used to waive a current requirement/regulation/ statute. It would not provide authority to add an attestation, or supervision or any other fail-safes. Dr. Turetsky argued that if the Board waives the NBEO requirement, without the attestation from the school, the Board would be potentially opening itself up to waiving the requirement for unqualified applicants. Dr. Wang believes the Board would be wasting time trying to obtain a waiver. The deans have already tried and were denied. She thinks the equivalency option 4 makes the most sense.

Ms. Murphy asked Regulatory Counsel Dani Rogers if staff still needs to surmount the hurdle of regulatory changes to the language that states the NBEO Part III is required for licensure. Ms. Rogers responded that using the emergency regulation hurdle has a specific legal standard statute that must be met. This standard only looks at the needs of the health of the public, and not the benefit of a specific class of people like the students. If staff can gather the data to support the argument that allowing graduates to begin practicing diverts patients away from the ER, there may be a chance; without that data, it will be difficult to proceed via this route. President Morodomi asked the Dean to compile the evidence to support the idea that waiving the requirement is necessary for public safety.

Dr. Hoppe addressed a specific concern of an individual who has made multiple attempts but still has not passed their NBEO exam. She stated that it may be stipulated that this would not be an alternative pathway for someone who did not score well on their exam. She believes any hesitations or limitations may be worked out procedurally. President Morodomi asked how much time staff needs. Ms. Murphy explained with probationer and Sunset Review matters to discuss, she is not able to provide a clear timeline.

Dr. Montez hopes that OPES can provide a written memo and timeline by October or November. President Morodomi hopes for a one-page road map to changing regulations or statutes; from OPES he requests one-page of written standards for declaring an equivalent. Dr. Montez believes OPES can provide a roadmap by November.

## **8. Discussion of Consumer, Applicant and Employment Impacts and Possible Action to Adopt a Plan for Alternate Competency Verification**

*Audio of Discussion:* [4:05:19 / 4:15:46](#)

There were no requests for public comment.

**Lillian Wang moved to direct staff to work with OPES to understand what may be a valid option for equivalency that would then inform the regulatory language that would need to be developed; concurrently, direct staff to work with the schools, colleges and COA to develop a substantive justification for the emergency regulation. Cyd Brandvein seconded. The Board voted (6-Aye; 0-No; 1-Absent) and the motion passed.**

<b>Member</b>	<b>Aye</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>	<b>Recusal</b>	
Mr. Morodomi	X					
Dr. Kawaguchi				X		
Dr. McIntyre	X					
Ms. Brandvein	X					
Dr. Garcia	X					
Dr. Turetsky	X					
Dr. Wang	X					

**9. Adjournment**

Meeting adjourned at 5:15 p.m.

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

**MEMBERS OF THE BOARD**  
 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 Optician Member



**DRAFT BOARD MEETING MINUTES**  
**Friday, October 23, 2020**

**This public meeting was held via WebEx Events.**

<b>Members Present</b>	<b>Staff Present</b>
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
Jeffrey Garcia, OD	Rebecca Bon, Legal Counsel
David Turetsky, OD	
Lillian Wang, OD	

**Link for the audio of discussion:**

<https://www.youtube.com/watch?v=M0Vc3m7pTf4&feature=youtu.be>

**OPEN SESSION**

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

*Audio of Discussion:* [0:05 / 3:52:45](#)

Mr. Morodomi called the meeting to order at 10:00 a.m. All members were present, and a 7-0 quorum was established.

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

*Audio of Discussion:* [1:01 / 3:52:45](#)

There was no public comment.

**3. Presentation and Discussion of Executive Officer’s Report**

*Audio of Discussion:* [2:49 / 3:52:45](#)

Ms. Murphy reported that staff is working on developing the Sunset Review Report. A questionnaire was received on October 9<sup>th</sup> and staff has begun working through the questionnaire with individual staff assignments. President Morodomi and Dr. McIntyre will form a workgroup to assist.

Ms. Murphy provided a summary of staff’s efforts throughout the COVID pandemic; as of October 20<sup>th</sup>, the Board has spent a total of 894 hours on COVID related matters.

There was no public comment.

**4. Presentation and Discussion of President’s Report**

*Audio of Discussion:* [10:28 / 3:52:45](#)

President Morodomi presented his report and explained that he has been researching how vision care is being provided to minority populations in the U.S. during this pandemic. He discovered that the 2018-2019-year class for California schools of optometry included zero percent of students who identified as African American. In a few years, the optometry schools will not have any graduates that are African American. In response to the recent President’s message, Mr. Morodmi was happy to report that he received many responses; not only from California but also from Vermont, Florida, and Texas. He read some of the comments and ideas to members and staff.

Dr. Kawaguchi noted that he and Dr. Turetsky are assigned to the Strategic Planning Committee. He assured that when the final draft is brought before the full Board, the Board (as a whole) will have the opportunity to consider an ad related to this issue. Dr. Turetsky suggested offering a few units of CE credit for cultural diversity – cultural competency courses.

There was no public comment.

**5. Election of Board Officers**

- A. President
- B. Vice President
- C. Secretary

*Audio of Discussion:* [25:33 / 3:52:45](#)

**David Turetsky moved to continue with Mark Morodomi as President, Glenn Kawaguchi as Vice President, and Debra McIntyre as Secretary for the sake of continuity until the Board can resume elections on a regular basis with nominations beginning in April. Cyd Brandvein seconded. The Board voted unanimously (7-0) and the motion passed.**

Member	Aye	No	Abstain	Absent	Recusal
Mr. Morodomi	X				

Dr. Kawaguchi	X				
Dr. McIntyre	X				
Ms. Brandvein	X				
Dr. Garcia	X				
Dr. Turetsky	X				
Dr. Wang	X				

There was no public comment.

**6. Petitions for Early Termination of Probation**

[Katelyn Nguyen](#), Optometry License # 12503  
[Ted Atherton Bailey](#), Optometry License # 6161

Members heard the two petitions for early termination of probation. The Deputy Attorney General (DAG) was Matthew King. The Administrative Law Judge (ALJ) was Sean Gavin.

Lunch was taken at 12:45 p.m. Meeting resumed at 1:15 pm.

**7. Update, Discussion, and Possible Action on Presentation by DCA’s Office of Professional Examination Services (OPES) on the National Board of Examiners in Optometry Linkage Study**

*Audio of Discussion:* [2:21:14 / 3:52:45](#)

Dr. Tracy Montez, Chief of Division of Programs & Policy Review for the Department of Consumer Affairs, provided an update from the Office of Professional Examination Services (OPES’s) review of the linkage study between the Board Optometry Occupational Analysis and the National Board of Examiners in Optometry testing series. She explained that her goal is to ensure that the Board remains in compliance with B&P Code Section 139. Licensing examinations are used to make pass/fail decisions about individuals in terms of competency. They are referred to as “high stake exams” because consumer and patient health and safety issues are related to these decisions. Dr. Montez explained the psychometric review of the NBEO examination series which consists of components and are used whenever analysis of an exam is performed, which is about every five years. She detailed the process to determine exam validity and to determine an exam’s suitability as a competency exam. OPES has determined that the NBEO series meets professional guidelines in testing standards.

President Morodomi asked if an applicant may be allowed to practice temporarily (during the COVID crisis) and take the exam afterward; Dr. Montez replied that the intent of the exam is to ensure that the applicants can practice at entry-level standards. Therefore, the OPES has concerns with temporary licenses that work around examinations and competency standards. She concurred that ideally, the NBEO should consider having additional testing sites. President Morodomi questioned if supervision by a licensed optometrist would alleviate concerns; Dr. Montez responded that it could potentially work, but must fall within the Board’s regulations. Dr. Wang asked if regulation was changed to allow the Board to offer alternative test measures would OPES be involved; Dr. Montez noted she would request to be involved in

any language change to ensure that it is not only legally sound but psychometrically sound as well.

There was no public comment.

## **8. Update, Discussion, and Possible Action on Recent National Board of Examiners in Optometry Part III Blueprint and Task Force Report**

*Audio of Discussion:* [2:37:02 / 3:52:45](#)

Dr. Jill Bryant, NBEO Executive Director began the update and discussion, noting her appreciation for the opportunity to work with OPES. She stated that the report has been shared with the Board of Directors' and she is certain that there will be a discussion during a future meeting.

[Dr. Brianne Hobbs](#), NBEO Director of Examination Innovation, reported on the historical progress that has been made on the exams, and where the NBEO is currently at with regards to the development of the exam. She explained that the current Part III Clinical Skills Exam will be replaced when NBEO launches the new Part III exam. The new exam is quite different in format and emphasis from the current exam. The new exam will be called "Patient Encounters and Performance Skills (PEPS). The new exam will focus heavily on clinical thinking, synthesis, analysis, and decision making, rather than physically performing the skills. Therefore, patient encounters will form the bulk of the new exam and there will be some evaluation of the candidate's ability to perform specific essential skills as well.

In the Summer of 2019, the NBEO launched the stakeholder survey to determine which skills stakeholders considered most essential for testing. The Task Force consisted of 12 very diverse members of the optometric community to obtain diverse opinions and ensure that all aspects of optometry would be represented. She noted the new exam model was released in the Spring of 2020 and consists of 12 stations (10 standardized patient encounter stations plus 2 skills stations). The blueprint (PEPS) was released during the summer of 2020 and it specifies the components of the exam. All candidates will receive the same mix of patients. The five skills tests consist of Tonometry, Gonioscopy, Biomicroscopy, BIO, and Dilated Biomicroscopy. Dr. Hobbs announced that currently two committees have been formed to work on furthering the development of the exam.

[Dr. Brooke Houck](#) (NBEO Director of Psychometrics and Research), spoke on NBEO's process of test development that the organization has used. The validity of the exam is the most important part of test development. Validity refers to the degree to which evidence and theory support the interpretations of test scores for proposed uses of tests. Designing the test is the next step; it is a structured process to determine and document a test's defining characteristics. Analysis of the domains is performed. This is a review conducted to define and document, knowledge and skills that are relevant to the test. Development of the blueprint is a response to three questions: 1) how many test items/tasks should be devoted to each content area? 2) what item format is most appropriate? 3) how many items should be developed for each cognitive complexity level? Afterward, the development and review of the exam content are performed. The result is a bank of items/tasks that aligns with the blueprint



and the intended interpretations and uses of test scores. Currently, with PEPS they are in the pre-test and analyze phase. After all pilot testing and pre-testing of items are completed the committees and councils work with the exam directors to assemble the items or tasks into one or more test forms. If an appropriate cut score does not exist, a panel of experts reviews the test to establish performance standards for a minimally qualified candidate (MQC) to pass. The performance standards are translated into one cut score for the test. Once a test is developed and put into operational use, it requires ongoing care and attention to improve upon or, at a minimum, maintain valid evidence.

Dr. Wang asked when the new test will be implemented? Dr. Houck replied that she does not expect the new PEPS exam to be implemented before August of 2022.

Dr. Kawaguchi asked what groups were involved in determining that sweeping changes needed to be made to Part III and what the process was like; Dr. Hobbs responded that there was some sentiment within the optometric community to move away from whether the candidate can perform a task, over to critical thinking about the task because ultimately the greatest threat to patient protection is not so much gathering the data as much as it is the actual decision making surrounding it. Dr. Bryant added that NBEO heard received a lot of feedback from stakeholder groups; namely the ARBO and the Association of Schools and Colleges of Optometry (ASCO) about the current Part III exam. A deep analysis was conducted and ultimately the decision was made that the NBEO needed to work towards a restructuring of Part III. Feedback from the stakeholder survey provided information about what potential elements could be removed from the exam and what elements needed to be added to the exam.

Ms. Brandvein noted that the content is terrific, but her question is how are we going to make testing readily available; Dr. Hobbs responded, stating that the NBEO's testing center in Charlotte has been open since mid-May, and over a thousand candidates have taken their exam in Charlotte. According to the percentages, only around 20 California candidates have yet to schedule their exam. Regarding having one testing location, she argued that California is not an outlier in this. The osteopathic medical candidates travel either to Philadelphia or Chicago for their performance exam. Also, podiatry students travel to Philadelphia for their performance exam.

[Dr. Bill Rafferty](#), OD, Executive Director, North Carolina State Board of Optometry provided details on the Task Force approach and validity. The process was comprised of three meetings and the NBEO considered exam validity, reliability, security and candidate and test giver safety as being highly critical and needing to be maintained. Dr. Rafferty assured that the task force spent considerable time looking at the feasibility, and the cost of opening a temporary or permanent testing center on the West coast. Having a second testing center on the West coast would raise fees for all students. The NBEO considers the point of a second testing center as valid. Dr. Hobbs added that the NBEO does hear, understand and care about the requests for a temporary testing center on the West coast and it continues to be a point of ongoing discussions. Recommendations from the task force to pursue a temporary means are being taken seriously.



Public Comment:

- Dr. Patrick O’Neil, OD, President of the American Regulatory Boards of Optometry (ARBO). He noted the important differences between optometry schools and regulatory examinations and why they must remain separate and distinct entities for reasons of validity, defensibility, and conflicts of interest.
- Lisa Fennell, Executive Director of ARBO. She noted that there is a big push for mobility and portability at this time, and having a license in one state that does not allow you to receive a license in any other state seems like a huge barrier to mobility and portability. Additionally, Ms. Fennell explained that ARBO is here to address any concerns and answer any questions; this is ARBO’s purpose.
- Dr. John Flanagan, Dean, Berkeley School of Optometry. Dr. Flanagan clarified that schools are not in any way attempting to move away from the national board examinations: In fact, the deans have spoken very strongly of the need for national examinations and their support for these exams. He noted that what they do want is emergency planning so students can have access to licensure once they have graduated. Mr. Flanagan argued that the national board has been unable to provide emergency planning and alternative routes; therefore, the state Board is where we must attempt to accomplish this task. ARBO does not have regulatory authority; it is the state boards that have regulatory authority.

**9. Future Agenda Items**

*Audio of Discussion:* [3:49:11 / 3:52:45](#)

Ms. Brandvein suggested that staff begin the process with OPES of pulling the public documents relative to the process of testing requirements and the study that Ms. Montez referred to for a future meeting.

**CLOSED SESSION**

The Board went into closed session at 3:00 p.m.

**10. Adjournment**

Upon conclusion of closed session, the meeting adjourned.

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

**MEMBERS OF THE BOARD**

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, Optician Licensed Member



**DRAFT BOARD MEETING MINUTES**  
 Friday, November 20, 2020

**This public meeting was held via WebEx Events.**

<b>Members Present</b>	<b>Staff Present</b>
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
Jeffrey Garcia, OD	Rebecca Bon, Legal Counsel
David Turetsky, OD	Matt McKinney, Enforcement Analyst
Lillian Wang, OD	

Link for the audio of discussion: <https://youtu.be/FiBNsfUJHcg>

**OPEN SESSION**

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

*Audio of Discussion:* [0:10 / 1:47:48](#)

President Morodomi called the meeting to order at 10:32 a.m. All members were present, and a 7-0 quorum was established.

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

*Audio of Discussion:* [1:38 / 1:47:48](#)

There was no public comment.

**3. President’s Report**

**A. Recognition of Past Board and Committee Members**

*Audio of Discussion:* [5:01 / 1:47:48](#)

President Morodomi recognized the former board and committee members whose terms expired this last year. He demonstrated appreciation for their service by providing them with certificates. The former board and committee members are Madhu Chawla, O.D., Rachel Michelin, Maria Salazar-Sperber and Martha “Ruby” Garcia, SLD, CLD. The former committee member is Kanchan Mattoo.

President Morodomi noted that Dr. Chawla had a significant impact on the Board and the profession. She was appointed in 2012 which may make her the longest-serving president in Board of Optometry history. He commented that Dr. Chawla reformed the processes of the Practice and Education Committee; shepherded numerous amendments to continuing education; and tracked the changes in technology; how they affect the profession and how the Board needs to adapt its laws and regulations.

President Morodomi recognized Ms. Garcia. He commented that she has served on the Board since 2016 and is a founding member of the Dispensing Optician Committee. She tirelessly championed professional education and oversaw the Board’s passage of the (first in history) disciplinary guidelines for optician professionals. He noted that Ms. Garcia was more than a founding member; she was a pioneer. He commented that Ms. Garcia helped mold the regulation and licensing of opticians.

President Morodomi recognized Ms. Michelin. He commented that Ms. Michelin served as Secretary for several years and was appointed by Jerry Brown in 2016. He commented that Ms. Michelin championed the Board’s efforts to expand comprehensive eye exams for California children.

President Morodomi recognized Ms. Sperber. He commented that Ms. Sperber served as the other attorney on the Board. She came to the Board with a long history of advancing health care in her day job. Additionally, she was a wise source of counsel regarding the ways of Sacramento and the Legislature. She was chair of the Public Outreach Committee.

President Morodomi recognized Kanchan Mattoo who was appointed by this Board to the Dispensing Optician Committee (DOC). He noted that Mr. Mattoo was also a founding member of that Committee helping with historic work and creating the new regulations regulating the practice of opticianry.

Dr. Kawaguchi commented that Ms. Garcia is such a visionary and forward thinker. He knows that she will continue to have an impact on our industry and our paths will cross in the future. Dr. McIntyre thanked Dr. Chawla for her guidance and thanked Ms. Michelin for her input at the meetings and her insight into legislation, which will be hard to replace. Dr. Turetsky commented that in his professional career, this has been one of the most enjoyable times he has ever had learning, arguing and gaining perspectives from the other Members. Ms. Brandvien expressed gratitude to everyone for the groundbreaking work in leveling up the education program, posture on the Legislative floor, and regulatory work accomplished.

Ms. Garcia stated that it was an honor to serve on the Board with all these gifted individuals. Ms. Sperber thanked the members and wished everyone the best. Dr. Chawla thanked everyone for the kind words and commented that it was a privilege to work with everyone and serve on the Board. Mr. Mattoo also expressed gratitude to Ms. Garcia for leading the charge.

There was no public comment.

#### **4. Update, Discussion, and Possible Action on 2021 – 20XX Optometry Board Strategic Plan**

*Audio of Discussion:* [22:23 / 1:47:48](#)

Dr. Turetsky noted that the Board attempted to ensure that the Board's input and stakeholder's input was incorporated into the Strategic Plan. Overall, he believes the Board obtained a good consensus and the best manner of presenting the plan to the Legislature and DCA. Dr. Kawaguchi thanked the Board and stated that they made the job easier to refine, execute, and measure success for the consumers.

President Morodomi commented that when the Board first embarked on this process, he was concerned that members may have overextended themselves. He is satisfied that this is not the case. He reminded members that in four years when the Sunset Review comes up, the Board will be evaluated on the accomplishments of its strategic plan. He noted that Drs. Turetsky and Kawaguchi added some language regarding diversity which members should review. President Morodomi asked Ms. Murphy to assign a committee to each of the Strategic Plan goals to become the leaders of the tasks. Dr. Turetsky suggested edit changes about AB 458 (Nazarian) which permits ODs to make house calls to homebound seniors. Dr. Turetsky suggested changing the text from "homebound seniors" to "homebound individuals".

Dr. Kawaguchi asked President Morodomi to look at the workgroup's added suggestion for Goal 1.6. which states *"create better consumer outcomes for marginalized populations by the 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"*. President Morodomi believes this topic needs to be explored further before enacting anything or setting an action plan. He suggested editing the text from "Create better consumer outcomes..." to "Explore and, if necessary, create better consumer outcomes...". Dr. Kawaguchi agreed that continued exploration is needed.

Ms. Brandvein requested a bit more content around the last sentence "Go beyond outreach to consider regulation, budget change proposals and content development". She would like to see clarification of what budget change proposals and content development mean. Dr. Kawaguchi replied that "we do not yet know". This is an area that the Board would like to explore. Ms. Brandvein suggested striking that part and leaving it at "explore" for now. Dr. Turetsky noted that public comments have suggested that since this Board is a consumer protection board, dealing with issues of this nature may be outside of its mandate. He argued that he disagrees with this because part of being a consumer protection board is ensuring that we relate to the patients we are serving regarding cultural diversity and cultural competency.

Dr. Turetsky suggested that perhaps in the future the Board might consider adding two continuing education (CE) credits on cultural competency and diversity to the CE requirements. Dr. Wang replied that the request for cultural CE might need to come under “miscellaneous” to be accepted. She is not aware of any CE lectures on cultural diversity so mandating this might make it difficult for many optometrists. Therefore, it may be best for this to be a course that the Board would accept under the “miscellaneous” category.

President Morodomi asked if Members would like to place this under a different goal? Dr. Wang commented that perhaps it would apply best under outreach. Dr. Kawaguchi noted that it could apply under any of the categories. President Morodomi suggested placing it under outreach since the Board would want more input from the public before taking any formalized action. Dr. McIntyre argued that the wording is too vague and suggested adding additional wording such as “creating greater access to care”. Members discussed various ideas for the wording of Goal 1.6. Members reached a consensus on “*Evaluate and create better consumer outcomes such as access to care and addressing patient needs for marginalized populations by the implementation of a multi-step action plan educating licensees about concepts of diversity, equity, and inclusion*”. Members arrived at a consensus to move Goal 1.6 to outreach.

There was no public comment.

**Lillian Wang moved to adopt the Board’s 2021-2025 Strategic Plan as amended during today’s discussion which is moving the diversity language from licensing and registration to Goal: 5 – Outreach, along with the language changes that were discussed today. Cyd Brandvein seconded. The Board voted (6-Aye, 1-No) and the motion carried.**

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

**CLOSED SESSION**

The Board went into closed session at 11:35 a.m. Open session resumed at 12:30 p.m.

**5. 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**

Audio of Discussion: [1:01:16 / 1:47:48](#)

President Morodomi brought forth one edit needed in the August 13 and 14, 2020 draft minutes. The September 18, 2020 draft minutes and the October 23, 2020 draft minutes will be addressed at a future meeting.

There were no requests for public comment.

**Lillian Wang moved to approve the August 13 and 14, 2020 Meeting Minutes. Debra McIntyre seconded. The Board voted unanimously (7-0) and the motion passed.**

<b>Member</b>	<b>Aye</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>	<b>Recusal</b>
Mr. Morodomi	X				
Dr. Kawaguchi	X				
Dr. McIntyre	X				
Ms. Brandvein	X				
Dr. Garcia	X				
Dr. Turetsky	X				
Dr. Wang	X				

## **6. Department of Consumer Affairs Update**

### **A. Executive Office**

*Audio of Discussion:* [1:04:16 / 1:47:48](#)

Carrie Holmes, Department of Consumer Affairs Deputy Director, provided an update. She reported that after temporary closure in March due to state and local stay at home orders, DCA offices remain open with preventative measures to safeguard the health and safety of our employees and visitors. DCA continues to partner with the Governor’s Office and Business and Consumer Services and Housing Agency on statewide efforts related to awareness and enforcement of public health measures. In April, DCA and all boards and bureaus worked to limit expenditures and hiring to those only necessary to support core functions and emergency response activities. Additionally, this week DCA learned the Department will be required to take a 5% permanent budget reduction no later than FY 2021-2022. Each board and bureau will need to develop a plan for a 5% permanent budget reduction. DCA will be working with the board staff immediately to identify a plan that best fits the board’s operational needs.

Ms. Holmes provided an overview of the Board of Optometry appointments. Currently, the Board has four vacancies. She requested that if any of the Members know of any great candidates, or if any members of the public attending the meeting are interested in becoming involved, to please find the link titled “*Board Member Resources*” on DCA’s home page to apply for an appointment.

### **B. Budget Office**

Ms. Murphy announced that the budget report has been submitted within the materials.

There was no public comment.

## **7. 2021 Board Meeting Dates**

*Audio of Discussion:* [1:17:37 / 1:47:48](#)

Ms. Murphy announced that as of January 2020, it is no longer necessary to approve this calendar; additionally, staff greatly welcome and appreciate feedback from the Members.

There was no public comment.

## **8. Future Agenda Items**

*Audio of Discussion:* [1:16:08 / 1:47:48](#)

Dr. Kawaguchi asked that the Board seek clarity and understanding for when optometrists, SLDs, and CLDs receive COVID-19 vaccines. The Board may be a conduit of information to licensees and optician registrants. Dr. Kawaguchi also requested discussion around the 5% permanent budget cut.

There was no public comment.

## **9. 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**

*Audio of Discussion:* [1:18:56 / 1:47:48](#)

Ms. Leeper reported on the examination and licensing program. Both DCA and the Association of Regulatory Boards of Optometry (ARBO) extended their CE extensions. DCA is accepting CE extensions for CE requirements for licensees who expire December 31, 2020. ARBO has extended offering live online courses through June 30, 2021. PSI locations in California for the California Laws and Regulations Exam (CLRE) is still at limited capacity; however, most 2021 graduates have already applied to take the law exam or plan to do so soon. The current processing time for optometry applications is 6-8 weeks which staff wishes to maintain. The opticianry application processing times are 4-6 weeks, but staff anticipates that this processing time may lengthen due to the loss of a staff member. American Board of Opticians (ABO) testing locations are also offered at limited capacity; however, they are offered continuously rather than quarterly. Staff is still receiving the same number of applications as received in previous years.

President Morodomi asked what the Board's expectation is in obtaining a draft regulation presented to the Board regarding giving the Board power to allow (in emergencies) that graduates do not have to take the Part III immediately upon graduation to practice. Ms. Murphy reminded members that the Board has a few different avenues for action and change within that area. She explained that staff continues to work with stakeholders in developing a case for emergency regulations, and have a conversation with the Senate Business and Professions and Assembly Business and Professions consultants regarding the potential for Sunset Review legislation that will allow the Board greater flexibility within the statute. Additionally,



staff continues to have strategy sessions with the Office of Professional Examination Services (OPES) regarding potential verification outside of the use of the Part III portion of the examination - the use of some substitute deemed appropriate by the Board.

Mr. Garcia asked why the optometry law exam is not offered more often and asked about the pass rate. Ms. Murphy explained that staff is responsible for working with OPES to create text bank questions for utilization. Staff holds Subject Matter Experts (SME's) workshops every six months to create new exams. The Board is working without a line item within the budget for our examination development. Staff would like to have the exam offered more often but it would require substantial investment by the Board in creating new exams every 2 or 3 months to prevent compromise of the test bank. Dr. Wang noted that the other professional health boards (medical, dental, etc.) all offer their exam every six months as well. Dr. Garcia inquired whether his understanding is correct; that if an applicant fails the exam, the applicant must wait six months to retake the exam; Ms. Murphy confirmed that this is correct.

Dr. Kawaguchi continues to feel that the numbers provided are not an accurate reflection of the speed at which staff can process an application once all documents and information are received by staff. He is aware that, in the processing forum, that many applicants will start their process before they are even able to submit all their documents. He noted that the appearance is that staff can process paper applications more quickly than applications via BreEZe. Dr. Kawaguchi wants licensees to have an accurate understanding of the Board's efficiencies and the benefits of BreEZe. Ms. Murphy explained that staff continues to look for a way in which BreEZe can assist staff in delineating those times; however, there has been a great change in licensing staff.

President Morodomi announced that he will be appointing Ms. Brandvein as chair of the Outreach Committee. He suggests merging the Consumer Protection Meeting with the Outreach Committee due to their overlapping purposes.

There was no public comment.

## **10. Update, Discussion, and Possible Action on Optometry Board Sunset Review**

This item was not taken up.

### **Adjournment**

Meeting adjourned at 1:18 p.m.



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

**MEMBERS OF THE BOARD**  
 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, Optician Licensed Member



**DRAFT BOARD MEETING MINUTES**  
 December 11, 2020

This public meeting was held via WebEx Events.

<b>Members Present</b>	<b>Staff Present</b>
Mark Morodomi, President	Shara Murphy, Executive Officer
Glenn Kawaguchi, Vice President	Cheree Kimball, Assistant Executive Officer
Debra McIntyre, Secretary	Marc Johnson, Policy Analyst
Jeffrey Garcia, OD	Natalia Leeper, Licensing Coordinator
David Turetsky, OD	Rebecca Bon, Legal Counsel
Lillian Wang, OD	Matt McKinney, Enforcement Analyst
<b>Members Absent</b>	
Cyd Brandvein	

**Link for the audio of discussion:**

<https://www.youtube.com/watch?v=QaaPqjQI7JE&feature=youtu.be>

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

*Audio of Discussion:* [0:02 / 44:26](#)

Mr. Morodomi called the meeting to order at 10:00 a.m. A 6-1 quorum was established. Ms. Brandvein was absent.

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

*Audio of Discussion:* [1:18 / 44:26](#)

There were no requests for public comment.

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

*Audio of Discussion:* [3:51 / 44:26](#)

Ms. Murphy invited comments, and thoughts about the report, and its reflection on the Board. She expressed her gratitude for all the work that was dedicated to its development.

Dr. Kawaguchi noted that each time the Board undergoes a Sunset Review, it amazes him how much the Board has accomplished (especially over this past year). He considers this a testament to members and staff. He conveyed his gratitude to everyone for their part in the Board's accomplishments. Dr. Garcia echoed these thoughts.

Ms. Murphy explained that the purpose of the Sunset Review is to show that the Board is still relevant and needed in overseeing the professions of optometry and opticianry. During each Sunset, the Board is provided a "check-up" by the Legislature, which comments on what the Board has done and what the Board should be looking at going forward. That information is then incorporated into the Board's daily activities to push those goals forward. The plan will need to be submitted to the Legislature by January 4<sup>th</sup>.

Dr. McIntyre commented that she is impressed by the sheer amount of information in the report and does not have any additions or amendments. Dr. Turetsky noted that on page 74 a notation was made showing that roughly 31 percent of CE audits fail. If this were to come up with the Legislature, members should consider having a response ready should this issue be brought up. Dr. Turetsky noted that this is an outreach issue. He also commented on the inspection program on page 79 where it talks about the Board having inspection authority of optometric and opticianry practices. He noted that this would be labor-intensive and expensive and wondered if, rather than utilizing Board resources, there was any way the Board could be notified of or be privy to audit information obtained by other agencies, such as VSP or Medi-Cal. Additionally, Dr. Turetsky pointed out the sheer amount of work state employees perform. Perhaps something can be placed on the board website acknowledging their hard work and dedication to consumer protection.

Public Comment:

[Joe Nevel](#). Mr. Nevel congratulated staff on the remarkable work done on the Strategic Plan document. He pointed out a couple of errors relating to opticians for the sake of accuracy.

President Morodomi noted that on page 88 - line 33, he does not understand what it is saying. Ms. Murphy explained that staff did not receive explicit instructions and that there will be some reshuffling of the new issues section. The new issues previously discussed in this report will be moved to new issues that are identified by the Board. Assembly Bill (AB) 655 will move to the new issues identified by the Board in this report.

President Morodomi opened the floor for a second comment. There were no requests for public comment.

**Glenn Kawaguchi moved to approve the 2020 Sunset Review Report as presented and delegate authority to the Executive Officer and Sunset Review Workgroup to make any**

**needed changes prior to submission. Lillian Wang seconded. The Board voted 6-Aye; 1-Absent and the motion passed.**

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

**4. Future Agenda Items**

*Audio of Discussion:* [30:56 / 44:26](#)

Dr. Kawaguchi stated that based on letters received from the NBO and the California optometry Deans, he believes the Board needs to make certain that the next agenda discusses a path to licensure for new graduates. This issue continues to be complicated. Perhaps research is needed to discover whether there will be an access problem to optometry if this is not corrected. Dr. Wang noted that Part II of the NBEO was partially canceled due to the new shelter in place order from the Governor. 50 percent of the graduates who were canceled were not able to get rescheduled. Something is wrong with the testing situation.

President Morodomi suggested a possible discussion regarding where the optometric profession is regarding vaccinations. Dr. Kawaguchi replied that there are two parts needed for this discussion; (1) optometrists’ ability to vaccinate patients and having an extended scope of practice that may include the COVID-19 vaccination; and (2) where optometrists and opticians are in California’s rollout tier for the COVID-19 vaccination.

Public comment:

- Kristine Schultz, California Optometric Association (COA). She was asked to provide an update legislatively. COA is looking at a couple of legislative bills next year; one is related to the NBEO testing issue. COA is currently looking for an author for this bill. Regarding testing and immunizations, COA intends to pursue legislation next year. Ms. Schultz added that she believes the Board is in Sub Tier 3 under the type of facility; therefore, optometry is in Phase 1A; however, the COA believes there will not be enough of the vaccine to include all the public health providers in the first tier. They believe optometrists are alongside dentists and other specialty clinics. COA is seeking clarity from the Guidelines Committee to specifically list optometrists so that it is not unclear about when they will be provided the vaccine.
- Another public comment was heard from [Tiffany Witherspoon](#), Director of Continuing Education at Western University. She asked if there has been an update to glaucoma grand rounds? Ms. Murphy replied that this issue will appear on an additional agenda. Staff has been undergoing a review of the program which appears to have been

successful. The findings will be brought back to the Practice and Education Committee (PEC) and then to the Board for the next agenda.

## **5. Adjournment**

Meeting adjourned at 10:47 a.m.