

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, J.D., President
Glenn Kawaguchi, OD, Vice President
Cyd Brandvein, Public Member
Jeffrey Garcia, OD
Eunie Linden, J.D., Public Member
Joseph Pruitt, OD
Sandra D. Sims, J.D., Public Member
David Turetsky, OD
Lillian Wang, OD
Vacant, Public Member
Vacant, Optician Licensed Member



BOARD MEETING AGENDA

Friday, July 9, 2021

Time: 10:00 a.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=e57eccc56d857bc363ab7f99d87f880b>

Event Number: 146 785 0187

Password: Optometry7921

Phone Number: 415-655-0001

NOTICE: Pursuant to Governor Gavin Newsom's Executive Order N-08-21, 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 to optometry@dca.ca.gov no later than seven days prior to the meeting for consideration.

Action may be taken on any item on the agenda.

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. Discussion and Possible Approval of Board Meeting Minutes for May 21, 2021

4. Election of Board Officers

a. President

b. Vice President

c. Secretary

5. Recognition of Service of Dr. Debra McIntyre, O.D.

6. Future Agenda Items

7. Adjournment

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

Meetings of the California State Board of Optometry and its committees are open to the public except when specifically noticed otherwise in accordance with the Bagley-Keene Open Meeting Act. Public comments will generally be taken on agenda items at the time the specific item is raised. Please respect time limits, which the Chairperson may request on an as-needed basis to accommodate all interested speakers and the full agenda. The Board or its committees may take action on any item listed on the agenda. 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 to participate in the meeting may make a request by contacting the Board at 916-575-7170, email: optometry@dca.ca.gov or mailing a written request to Kristina Eklund at the California State Board of Optometry, 2450 Del Paso Road, Suite 105, Sacramento, CA 95834. Providing your request at least five (5) business days before the meeting will help ensure availability of the requested accommodation.



ISSUE MEMORANDUM

DATE	July 9, 2021
TO	Members, California State Board of Optometry (CSBO)
FROM	Mark Morodomi, President
SUBJECT	Agenda Item #1 – Call to Order, Roll Call, and Establishment of a Quorum

Board President Mark Morodomi will call the meeting to order and establish a quorum. 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.

1. Mark Morodomi
2. Glenn Kawaguchi O.D.
3. Cyd Brandvein
4. Jeffrey Garcia, O.D.
5. Eunie Linden
6. Joseph Pruitt, O.D.
7. Sandra D. Sims
8. David Turetsky O.D.
9. Lillian Wang O.D.



ISSUE MEMORANDUM

DATE	July 9, 2021
TO	Members, California State Board of Optometry (CSBO)
FROM	Mark Morodomi, Board President
SUBJECT	Agenda Item #2 – Public Comment for Items Not on the Agenda

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

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))

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MEMBERS OF THE BOARD

Mark Morodomi, JD, President
Glenn Kawaguchi, OD, Vice President
Debra McIntyre, OD, Secretary
Cyd Brandvein
Jeffrey Garcia, OD
Eunie Linden, JD
Sandra D. Sims, JD
David Turetsky, OD
Lillian Wang, OD
Vacant, Public Member
Vacant, Optician Licensed Member



**QUARTERLY BOARD MEETING
BOARD MEETING MINUTES**

Friday, May 21, 2021

This public meeting was held via WebEx Events.

Members Present	Staff Present
Mark Morodomi, President	Shara Murphy, Executive Officer
Glenn Kawaguchi, Vice President	Cheree Kimball, Assistant Executive Officer
Debra McIntyre, Secretary	Marc Johnson, Policy Analyst
Cyd Brandvein	Natalia Leeper, Licensing Coordinator
Jeffrey Garcia, OD	Rebecca Bon, Legal Counsel
Eunie Linden	
Sandra Sims	
David Turetsky, OD	
Lillian Wang, OD	

Link for the audio of discussions:

https://www.youtube.com/watch?app=desktop&t=31&v=wSK_qBDImul&feature=youtu.be

OPEN SESSION

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

Audio of Discussion: [0:31 / 2:50:42](#)

President Morodomi called the meeting to order with all members present, and a quorum was established.

2. Public Comment for Items Not on the Agenda

Audio of Discussion: 03:25 / 05:07:40

There was no public comment.

3. Board President's Report

A. Introduction of New Board Members

B. Calls for Board Officer Nominations

Audio of Discussion: 04:11 / 05:07:40

President Morodomi welcomed two new Board Members and invited the new members to introduce themselves to the Board and the public.

Ms. Linden introduced herself and expressed her excitement to work alongside members and staff. She is an attorney by trade. She looks forward to protecting the public and assisting licensees. Ms. Sims then introduced herself. She has extensive experience as a Human Resource specialist performing duties involved in business management, disciplinary actions, and investigations. She looks forward to serving on the Board in that capacity and providing some equity where needed.

President Morodomi made a call for officer nominations. He explained that members can submit their nominations beginning now until the July 9, 2021 Board Meeting. Executive Officer Murphy added that it is the prerogative of the public and stakeholders to provide nominations to the Board. She explained that there is a public nomination period and that within the materials provided to the members there are forms available. Votes will be taken on July 9th. Dr. Turetsky nominated Dr. Wang for President and Dr. McIntyre for Vice President.

There was no public comment.

4. Discussion and Possible Action on Proposed 2021 Legislation and Legislative Items

Audio of Discussion: 14:33 / 05:07:40

A. Review and Approval of Written Responses to the Background Report for the Sunset Review Oversight Hearings (Sunset Review Bill is Tentatively Assembly Bill 1534)

President Morodomi reported that he and Ms. Murphy appeared before the Legislature. He found the Joint Committee to be very interested and encouraging about the Board's work. They were especially complimentary of the Board's fiscal responsibility, desire to promote healthcare access to the underserved, and the Board's position of dedication to consumer protection without overregulating. Additionally, they were quite interested in members' reaction to increases in Attorney General's costs and its impact on enforcement; the topic of telemedicine and Member's recommendations, and the Board's enforcement hurdles.

Ms. Murphy reminded members of the hard deadline to get the materials to the Legislature by next Tuesday. She then opened the floor to questions and/or comments. Dr. Garcia drew attention to Issue #5 where it states that the Registered Dispensing Optician (RDO) program has more than double the caseload of optometry, and he asked what type of things make up the double caseload (licensing, compliance, etc.); Ms. Murphy responded that it is enforcement

cases. She clarified that the Board has only one analyst currently who has the program budget authority to work on opticianry cases; That analyst has a caseload of nearly twice that of the Board's other analyst.

Vice President Kawaguchi directed everyone's attention to Issue #3 regarding the makeup of the Dispensing Optician Committee (DOC). It was his understanding that there was the need for clarification rather than making a major change in substance. He contended that having an RDO is vague because it can be an entity as opposed to a person. President Morodomi asked Ms. Murphy to note this concern and work with counsel to ensure that it is a licensed individual who is appointed and not a representative of a company.

Ms. Linden brought up Issue #11 – Continuing Education, in the background section where it talks about there being a relatively high failure rate for compliance. She asked if the reason for the high failure rate is due to licensees not taking coursework appropriately approved for that purpose? She requested clarification on the connection. Ms. Murphy responded that the most common scenario is that the licensee thought they had taken enough of the required credits and credit types, and later learned that the credits were not approved by the Board or they did not know they needed so much of a credit type such as glaucoma. Ms. Murphy explained that due to limited resources, Board staff has not been able to prioritize CE audits over the last two years; therefore, the Board's audit rate is low.

Dr. Garcia requested clarification on the first sentence of the "Board Response" in Issue #14 and asked if the Board is implying that physical harm is excluded; Ms. Murphy responded that the Board is not implying that and the statement was a direct response to the questions the Board was being asked during the hearing.

Public comment:

- Ryan Perez, Business Analytics Manager with the California Department of Consumer Affairs (DCA). He stated that the Department is supportive of the Board Response to Issue#3 as presented in the materials. The response underscores the precedence that public protection shall take in any resulting recommendation taken from the Dispensing Optician Committee (DOC); rather than the economic interests of various businesses.
- Meghan Loper, on behalf of Luxottica. She expressed her concern regarding Issue #3, sharing that she hopes that a registered RDO (regardless of their practice setting) would have an equal opportunity to participate in the DOC. Therefore, while Luxottica appreciates the discussion about an entity having undue influence they hope that the professionals who chose to practice in those settings would have just a much of a voice to share their professional experiences and expertise.
- Joe Neville on behalf of the National Association of Optometrists and Opticians (NAOO). Mr. Neville mirrored what Ms. Loper said adding that having been intimately involved with the work done on Assembly Bill (AB) 684, he can attest that there has never been any bias against where a DOC Member should come from.

Lillian Wang moved to approve the draft Sunset Report incorporating the changes discussed here today; authorizing the Executive Officer to incorporate those changes; empowering the Executive Officer to make any non-substantive changes as necessary; and provide the Board President an opportunity to review the changes prior to submitting them to the Legislature. Jeffrey Garcia seconded. The Board voted (8-Aye; 1-Abstention) 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				
Ms. Linden	X				
Ms. Sims	X				

B. Proposed Statutory Changes to Chapters 5.4, 5.45, and 5.5 of the Business and Professions Code (Optician Program Updates)

Ms. Leeper asked if members have any comments or questions regarding the recommended changes from staff; Vice President Kawaguchi announced that he has a comment regarding Section 2559.15. He explained that he has firm convictions around the last sentence of this section which states, “and shall not supervise more than three unregistered optician trainees at a time”. He felt there have been many discussions about this section, but he stands firm in his belief that this change is not necessary. Additionally, he was made aware that the optometry program does not have a similar change. He believes the Board is moving forward in attempting to protect the public where protection is not needed. He proposed eliminating the last sentence. President Morodomi replied that his goal is to have a package together by the end of today’s meeting. While there may be differences in perspective, he believes the Board should have a vote on the various issues and have a decision versus sending it back to the Committee or keeping it here with the Board.

Ms. Leeper read a statement from Anna Watts, a member of the DOC. In her statement, Ms. Watts wanted to ensure that the Board understands what the DOC was thinking during these discussions and the rationale behind their decisions. Unregistered workers do many different things that could adversely affect somebody; they are not trained in anything; they are merely an assistant to the optician. All three professional members of the DOC agreed that this issue is highly important, and Ms. Watts just wanted to make sure that the Board understood the rationale. Dr. Wang acknowledged that Vice President Kawaguchi repeatedly requested data involving consumer complaints and/or disciplinary actions against unregistered assistants. She noted that it is important for everyone to be aware that if an individual has a problem with their glasses, they will not typically blame the optician; most likely they would assume that something is wrong with the prescription. Therefore, she is unsure that there is

any hard data available. She also contended that this is not just an opinion; it is the professionals in the field who have suggested this three-to-one ratio.

Dr. Turetsky provided a hypothetical scenario. He has gone online and ordered a pair of glasses for himself which are mailed to his house. He has never seen anyone adjust them, to fit them, or to ensure that the specs are correct according to the doctor's prescription. Ms. Leeper confirmed this is addressed in a later section. Dr. Turetsky asked if the 3-person rule being discussed now has had more than just DOC input and has it been discussed with other industry members; Ms. Leeper confirmed staff has had discussions with 1800Contacts, Warby Parker and other industry professionals, and they were all in agreement. Dr. Turetsky concluded that the DOC did their job and made a reasonable suggestion as to how to proceed. He added that he feels uncomfortable with overruling their decision after all the time and effort they put into it.

President Morodomi directed a question to the optometrist members and asked if they receive many complaints about eyeglasses which they determined were caused by mistakes made by the opticians; Dr. Garcia responded that it is not widespread; however, most of the mistakes made occur with those that are made outside of his office. Dr. Wang agreed that most of the patients requesting a recheck come back to the doctor first, and it is typically the optometrists who solve and correct the mistake. Ms. Murphy clarified that it is not typically the opticians who make the errors but rather the retail workers who do not have the training or scholarly knowledge. Vice President Kawaguchi acknowledged that but stated that regardless of their title, it comes down to the quality of the training.

Public comment:

- Meghan Loper, who pointed out that when this was discussed at the last Legislation and Regulation Committee (LRC) meeting, there was some debate amongst the members of whether is needed to go back for further discussion with the DOC or if the DOC could participate in a future LRC meeting. Ms. Loper stated that there was no public comment at the end of that meeting, and she observed that one of the challenges is that, although the agenda is posted in advance, given the number of revisions this document has undergone she is not sure that they knew what to comment on until the materials were posted.
- Joe Neville, who agreed with Vice President Kawaguchi that the ratio goes too far. He added to Ms. Loper's comment stating that the NAOO works very hard to get comments in as quickly as possible, but when a 27-page document does not get posted until Monday or Tuesday before a Friday meeting it takes a few days to analyze the document and get materials in.

Vice President Kawaguchi stated again that the Board is trying to regulate the quality of training unregistered optician trainees receive which cannot be regulated. He feels this is an issue of having staff that is properly trained and it benefits the optometrist to ensure that their staff is fully and properly trained to reduce risk.

David Turetsky moved to approve Section 2559.15 as recommended by the DOC. Debra McIntyre seconded. The Board voted (7-Aye; 1-No; 1-Abstention) 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				
Ms. Linden	X				
Ms. Sims	X				

Lillian Wang moved to approve proposed changes to the text of 5.4, 5.45 and 5.55 of the Business and Professions Code as discussed and presented here today; and to delegate authority to the Executive Officer to make non-substantive changes to the text and submit this proposal to Legislature as a part of the Board’s Sunset AB 1534. Cyd Brandvein seconded. The Board voted (8-Aye; 1-No) 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				
Ms. Linden	X				
Ms. Sims	X				

The meeting went into recess and returned at 11:30 a.m.

C. Currently Tracked Legislation

Policy Analyst Marc Johnson reported on the bills.

- Assembly Bill 29 (Cooper) State bodies: meetings

Mr. Johnson reported this bill was still on suspense. No position was taken.

- Assembly Bill 407 (Salas and Low) Optometry: scope of practice

This bill will allow a TPA-certified optometrist to diagnose and treat acquired blepharoptosis (drooping eyelids), ametropia (blurry vision), and presbyopia (loss of near-focusing ability) through medical treatment. This bill is sponsored by the California Optometric Association (COA). Mr. Johnson reported no updates on the bill. Public comment was received from Kristine Schultz, from COA, who commented that this is a very important piece of legislation.

Debra McIntyre moved to take a support position on AB 407. Marc Morodomi seconded. The Board voted unanimously (9-0) 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				
Ms. Linden	X				
Ms. Sims	X				

- Assembly Bill 691 (Chau) Optometry: SARS-CoV-2 vaccinations: SARS-CoV-2 clinical laboratory tests or examinations

This bill is currently on consent in the Senate. The bill would expand authorizations for Therapeutic Pharmaceutical Agent (TPA) certified optometrists to perform procedures to include a clinical laboratory test or examination classified as waived under the federal Clinical Laboratory Improvement Amendments of 1988 (CLIA) necessary to detect the presence of SARS-CoV-2. Additionally, it would place the Board’s AB 443 regulatory package, which just completed the 45-day comment period, into law effective upon signing. Licensees still would need to complete an immunization course, complete a form and fulfill other requirements. Mr. Johnson explained that the Leg Reg Committee (LRC) questioned whether the test being performed was a PCR or Antigen test (PCR is typically performed in a laboratory setting); COA confirms the test is only an antigen test. Additionally, concern was raised whether the wording of the law was too limiting to only the COVID-19 virus and no other potential variants which may emerge. Ms. Schultz asked for support for COAs other pieces of legislation. She explained that they cannot expand on AB 691 due to the emergency clause that is tied to this bill. The clause is specific to this emergency.

- Assembly Bill 1236 (Ting) Healing arts: licensee: data collection
- Assembly Bill 1534 (Committee on Business and Professions) Optometry: mobile optometric clinics: regulations.

Lillian Wang moved to approve the LRC positions taken on legislation bills 3 through 5 (AB 691, AB 1236 and AB 1534) and have a discussion on 6. Sandra Sims seconded. The Board voted unanimously (9-0) 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				
Ms. Linden	X				
Ms. Sims	X				

- Senate Bill 509 (Wilk) Optometry: COVID-19 pandemic: temporary licenses

Kristine Schultz addressed Senate Bill (SB) 509 (Wilks). She explained that this legislation is also tied to the COVID emergency because of the urgency statute. It is limited in its application; however, COA considers it to be a very important first step in providing the Board some flexibility in allowing graduates to practice should the NBEO close again. Dr. McIntyre explained that this was discussed at length. Dr. Turetsky recalled that the LRC wanted to bring this before the full Board to discuss the points that Dr. McIntyre just mentioned, including how the new optometrist would get insurance, whether they would be allowed to participate in Medicare, Medi-Cal, and VSP? Ms. Brandvein suggested that going forward perhaps instead of stating “none” comment can be made “the LRC wanted to bring this to the full board”; Dr. Wang suggested discussing with Ms. Shultz to determine if COA has investigated any of these issues. She added that this is currently what all the fourth-year students do. They see patients under the direct supervision of a licensed doctor. Therefore, currently the liability lies with the doctor and not the fourth-year interns.

Dr. Turetsky argued that an individual not knowing what they are doing after four years of school and seeing hundreds of patients does not make sense. He cannot justify denying an individual a license because they cannot travel during a pandemic thereby potentially denying consumers to be served by that person. He also contended that if an individual has received a certificate from one of the optometry schools they should know what they are doing; and if not the school has failed to do its job

Ms. Shultz noted that this concern came to them from the students. This is an attempt to solve the problem; it is not perfect; most of the individuals interviewed said they would not use the exemption. Nevertheless, she felt it was important to have this issue in statute should something similar occur again in the future. Ms. Shultz believes this is a good bill and COA would appreciate the Board’s support.

David Turetsky moved to take a support position for SB 509. Jeffrey Garcia seconded. The Board voted (7-Aye; 1-No; 1-Abstention) and the motion passed.

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

5. Discussion and Possible Action on Regulations

Audio of Discussion: 02:16:49 / 05:07:40

A. Adopt Title 16, Sections 1583, 1584, 1585, 1586 and 1587 of the California Code of Regulations (CCR); Amend CCR, Title 16, Sections 1505 and 1524 (Mobile Optometric Offices, Implementation of Assembly Bill 896 – Low, Chapter 121, Statutes of 2020)

Mr. Johnson reported on the mobile optometric offices regulation. This regulatory proposal would implement BPC Section 3070.2 which allows for nonprofits and charitable organizations to provide optometric services to patients regardless of the patient's ability to pay through mobile optometric offices under a new registration program within the Board. This law requires implementation by January 1, 2022. Mr. Johnson reported that at the February 25, 2021 meeting the Consumer Protection Committee (CPC) noted two concerns. One concern is the ambiguity of certain types of charity care providers and their legal status under Section 3070.2. Additionally, concern was noted that optometry or optician licensees may be operating outside of the optometry practice act by providing such services since the services are not regulated by the Board under BPC 3070.2 or other provisions and not falling in the temporary practice of licensure provision.

Vice President Kawaguchi asked if there were key organizations involved in the process early on that would be precluded; Mr. Johnson responded that one of the key organizations and primary stakeholders of this bill was Vision to Learn. The Board has been in contact with them regarding this bill. Vice President clarified his question and asked if there are organizations that do not fall under the non-profit status that wanted to operate a mobile clinic and will currently be precluded; Mr. Johnson answered that he is not aware of any from the organizations he has spoken with; however, there may very well be some. This is one of the grey areas. The Board can recommend that staff research this further and discuss it as possibly a statutory solution down the road.

Ms. Murphy interjected that it is not so much the organization itself; it is the way they run their health fairs. The author chose to keep the scope of the bill narrow to modes of transportation. The organizations' staff is concerned about would be exempted under 501(c)(3) and 501(c)(4). Ms. Murphy used "Healing California" as an example. Healing California does not use a mode of transportation to house their equipment; rather it is a pop-up. They could offer optometric services inside a cafeteria or community center. Currently, the Board can oversee the practice of optometry anywhere; however the statutes say, "within offices" and now "within modes of

transportation”. So, these organizations are certainly included in the exemption; however, this is an issue of the Board’s oversight. The Board would be allowing optometric service to be offered in an area where it does not have jurisdiction under the law.

Dr. Turetsky argued that the way this statute is written means that anyone who is trying to provide free care to people who may need it will potentially be penalized. If some type of malpractice suit was brought against these people, they would be found to be practicing illegally. Their insurance might not cover them. Member Turetsky contended that the wording needs to be changed if the Board is going to allow good people to continue doing their good work under the law. President Morodomi stated that this might involve a legislative solution or perhaps a regulatory solution; whichever the case may be, he does not believe the Board has studied this enough to know how large of an issue this is. Therefore, he prefers to move forward with these regulations.

There was no public comment.

Glenn Kawaguchi moved to approve the proposed text to adopt Title 16, Sections 1583, 1584, 1585, and 1586 and to amend Sections 1505 and 1524 of the California Code of Regulations as presented and discussed here today; to adopt proposed forms ONOP1 and QTR1 as incorporated by reference as presented and discussed here today, and direct staff to submit the text to the Office of Administrative Law for posting for a 45-day comment period; and if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, making any non-substantive changes to the package and set the matter for hearing. Mark Morodomi seconded. The Board voted (8-Aye; 0-no; 1-Abstention) 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				
Ms. Linden	X				
Ms. Sims	X				

B. Amend CCR, Title 16, Sections 1507.5 and 1524 (Home Residence Permits, Implementation of Assembly Bill 458 – Nazarian, Chapter 425, Statutes of 2018)

Mr. Johnson reported that BPC 3070.1 authorizes a TPA-certified optometrist to practice optometry in the residence of an individual who is unable to obtain optometric services outside of their home due to a disabling physical or mental condition, provided they complete a permit application, pay fees, and meet certain record retention and patient disclosure requirements. The Consumer Protection and Public Relations and Outreach Committee reviewed the proposed text at the February 25, 2021 public meeting and recommended the full Board adopt

the proposal.

There was no public comment.

Glenn Kawaguchi moved to approve the proposed text for California Code of Regulations Title 16, Sections 1507.5 and 1524 as presented and discussed here today, and direct staff to submit the text to the Office of Administrative Law for posting for a 45-day comment period; and if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, making any non-substantive changes to the package and set the matter for hearing. David Turetsky seconded. The Board voted unanimously (9-0) 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				
Ms. Linden	X				
Ms. Sims	X				

6. Discussion and Possible Approval of February 26, 2021 Board Meeting Minutes

Audio of Discussion: 02:46:51 / 05:07:40

There was no public comment.

Lillian Wang moved to approve the February 26, 2021 Board Meeting Minutes. Debra McIntyre seconded. The Board voted unanimously (9-0) 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				
Ms. Linden	X				
Ms. Sims	X				

7. Department of Consumer Affairs Update

Audio of Discussion: 02:49:01 / 05:07:40

A. Executive Office

Mr. Perez provided a DCA update. He welcomed and congratulated the new public members and thanked them for their willingness to serve to advance the Board's charge to protect the public. Mr. Perez announced that on May 13th, the Center for Disease Control and Prevention relaxed the mask mandate for fully vaccinated individuals. California will keep the existing mask guidance in place until June 15th when it aims to fully reopen the economy. Mr. Perez stated that DCA is receiving many questions about when and how boards will again be able to meet in person. He explained that the ability of the board to meet remotely is tied to the Governor's executive orders and the state of emergency.

Mr. Perez noted that (as always) one of the top priorities at the DCA Board and Bureau Relations is appointments. Currently, the Board has two vacancies, a public member and a registered optician member. Additionally, members Brandvein, McIntyre, and Turetsky each have their terms expiring on June 1, 2021, but they do have a grace period that allows for extended service. Mr. Perez also reminded members about required trainings. 2021 is a mandatory Sexual Harassment Prevention training year, which means all employees and board members are required to complete the training during this calendar year.

B. Budget Office

Budget Analyst Bikram Dhaliwal provided a status of the Board's fund and a general budget update. He provided the expenditure projections for fiscal month 9 which accounts for data through March. Based on the projections, the Board will revert about 16.2% of its budget which is roughly \$355,223. This will help the bottom line. Mr. Dhaliwal reported that 69% of the Board's personnel services budget has been expended so there are some savings around \$70,000. A large portion of the Board's budget comes from operating expenses and equipment (OE&E) for a total of \$1,290,000. He noted that \$185,989 of the Attorney General's budget is projected to be reverted which will help balance out over-expenditures in other areas. Typically, line items in the red become absorbed by all the reversions from other line items.

Mr. Dhaliwal stated that the Board is on track to collect around 2.1 million in revenue by the end of the fiscal year. He adjusts the numbers each month as he collects more data. In one week, he should have projections for fiscal month 10. By year-end the Board will have around \$2,082 (2 million, 82 thousand) in reserve; around 8.2 months; which he noted needs to be taken with a bit of a grain of salt because fiscal year 21-22 is when the optometry fund and the optician fund will merge, and some number crunching will occur. He anticipates that in two more board meetings, he may have some number projections to provide from the merge.

There was no public comment.

8. Executive Officer's Report

Audio of Discussion: 03:09:35 / 05:07:40

A. Enforcement Program

Lead Enforcement Analyst Terri Villareal reported on the Enforcement Program. She directed members attention to the enforcement report for the 3rd quarter listed in the Member's materials.

Dr. Turetsky commented on the benefit of the two newest members. He explained that two spectacle lens dispensers are having their licenses revoked. This does not prevent them from working for an optician or optometrist. They just cannot work independently; they must be under supervision. Regarding the first case, the optician was impersonating an optometrist and writing prescriptions for medication. Now they may lose their registration and go to work somewhere else, and there are no repercussions whatsoever. This is something the Board has discussed in the past.

Ms. Villareal directed members' attention to the statistics for quarter three of this fiscal year in their materials which listed cases received and closed, the average number of days to close cases, the number of cases pending, cases referred to the AG, cases pending with the AG, and final disciplinary orders. She stated that the 4th chart is the breakdown of the closed optometry cases. The 5th and 6th charts are the breakdowns of cases received and closed.

B. Examination and Licensing Programs

Ms. Leeper provided a brief overview of the examination and licensing programs. She stated that it is optometry school graduation season and a graduating queue has been creating to process incoming applications. Regarding the California Laws and Regulations Exam (CLRE), Ms. Leeper was happy to announce that changes have been made to the application itself to make it clearer; as well as issue a letter that will tell them when they can apply for Part II after we receive their results.

Ms. Leeper reported that the American Board of Opticianry (ABO) and the National Contact License Examiners (NCLE) seem to be keeping the requirements of testing every month instead of every three months. This seems to be working well for the NCLE and the Board. She also announced that the Board is looking to hire a new Optician Program Technician. Interviews will be scheduled during the beginning of June. The position has been vacant for most of this last fiscal year.

C. Regulatory Update

Board members were referred to the meeting materials. Ms. Murphy announced that the Board passed some of its most important regulatory packages today.

D. 2021 – 2025 Strategic Plan Update

Ms. Murphy was excited to provide the materials for the 2021 – 2025 Strategic Plan update. Staff worked extensively on the action plan with SOLID. Ms. Murphy is grateful to SOLID for all their assistance.

E. COVID-19 Update

Ms. Murphy explained that staff are still working a sliding schedule so that employees are in and out of the office for safe distancing for everyone's health. She announced that the Board is one of the few DCA offices that has not had a COVID outbreak. There was no public comment.

9. Future Agenda Items

Audio of Discussion: 03:20:57 / 05:07:40

Dr. McIntyre asked if the CE requirements for the vaccinations will be discussed at the next Practice and Education Committee (PEC) before coming before the Board. Ms. Murphy responded that this is correct.

There was no public comment.

The Board moved into recess for lunch until 2:00 p.m. Meeting resumed at 2:00 p.m.

10. Petitions for Early Termination of Probation

Audio of Discussion: 03:34:10 / 05:07:40

Administrative Law Judge Ed Washington presided over the hearings for the petitions for early termination of probation. Deputy Attorney General (DAG), Stephanie Alamo-Latif represented the people of the state of California. Both petitioners represented themselves.

- **Sarah Lynn Lampers, SLD 40145, CLD 8011**

Judge Washington heard the Lampers matter of reduction of penalty or early termination of probation - OAH case number 2021050104 – Board number 8002016023377.

- **John S. Son, OPT 11215**

Judge Washington heard the Son matter of reduction of penalty or early termination of probation – OAH case number 2021050106 – Agency number 4202016000666.

11. Closed Session and Adjournment

The Board went into closed session and adjourned upon completion of closed session.



ISSUE MEMORANDUM

DATE	July 9, 2021
TO	Members, California State Board of Optometry (CSBO)
FROM	Shara Murphy, Executive Officer
SUBJECT	Agenda Item #4 – Elections of Board Officers

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

Pursuant to the [Board's Administrative Manual](#), the Board President is required to solicit nominees not less than 45 days prior to the open election of new Board officers. Staff has compiled nomination forms and the statements from nominated candidates which are attached. The terms of President, Vice President and Secretary shall be effective until July 1, 2022 or a date determined by the Board.

Board President

Dr. Lillian Wang was nominated by Dr. Turetsky.

Dr. Wang's statement:

It is an honor to be nominated for President of the California State Board of Optometry. As a member of the Board, I deal with the intricacies of policy development, advocating consumer interests and enforcing laws to protect the public. During my tenure on the Board, I have been inspired by the dedication of the Board as it continues its pursuit of protecting the health and safety of the California consumer. I value the contributions and perspectives of each Board member and look forward to our continued collaboration as each member contributes his/her unique perspective in our mission to further consumer advocacy.

This past year has been a year of unprecedented challenges for both providers and consumers. It has taught us that we must take proactive measures to ensure that optometry services are available to all those in need, especially the underserved population of seniors and children who often have had the most difficulty in accessing these services. We have had to learn how to adjust to the current climate with COVID, and it is imperative that the Board be flexible and responsive to the needs of the consumers and ensuring that the public will have continued access to quality care in the future.

As a board member I have been an active participant in numerous committees and workgroups. I am currently Chair of both the Legislative and Regulatory Committee and the Practice and Education Committee, as well as an active participant on the National Board of Examiners in Optometry (NBEO) workgroup and the Mobile Clinics workgroup. As a member of the National Board of Examination Review Committee (NBERC) of the Association of Regulatory Boards of Optometry (ARBO) I ensure the continued validity of the national board exams that all optometrists are required to take for licensure. My participation on each of these committees and workgroups has contributed to my knowledge and kept me current on all of the relevant issues arising in the field of optometry. I will continue to use my knowledge and expertise to develop state-wide policy.

My role on the State Board has been a platform for me to establish a network throughout the state on issues paramount to the optometric field. I am currently an Associate Professor of clinical optometry and have been on faculty at the University of California at Berkeley School of Optometry for over 20 years. My daily interaction with patients, students and other providers has given me immediate access to the most current and pressing issues arising in optometry today, as the daily care and welfare of the consumers is our foremost concern in providing these services. I look forward to working with the Board this coming year as we continue our mission of consumer advocacy. Thank you for considering me for Board President.

Board Vice President

Mark Morodomi was nominated by Dr. Wang.

Mark Morodomi's statement:

As a public member of the Board of Optometry, I am deeply honored to be nominated by a fellow member of the Board who has witnessed my past years of service and leadership with the Board. If elected as Vice President, I am committed to supporting the programs of whomever is elected President of the Board and of the full Board.

Mark Morodomi

For Board Secretary:

Eunie Linden was nominated by Dr. Turetsky and Dr. Wang.

Eunie Linden's statement:

I am happy to accept the nomination to serve as Board Secretary. Although I am new to the board, I believe my past legislative and legal experience will help me fulfill the Secretary's parliamentary responsibilities and ensure that proceedings and minutes are reflected accurately. I look forward to the opportunity to serve and thank you for your consideration.

Suggested Motion:

I motion to elect the Board officers as nominated here today – Dr. Lillian Wang for President, Mark Morodomi for Vice President and Eunie Linden for Secretary – for 2021 – 2022.



OFFICER NOMINATION FORM

Please provide a brief description of why you believe this nominee is the best candidate for the selected office. Nominations can be made without any justification. This form may also be submitted in email format to the Executive Officer.

5/24/2021

Nominated Office:

- President
- Vice President
- Secretary

Nominee:

- Cyd Brandvein
- Jeff Garcia, O.D.
- Glenn Kawaguchi, O.D.
- Eunie Linden
- Debra McIntyre, O.D.
- Mark Morodomi
- David Turetsky, O.D.
- Lillian Wang, O.D.
- Sandra D. Sims

Nominated by:

DAVID TURETSKY, OD

Reason for Nomination:

SCOPE EXPANSION WILL BE AN IMPORTANT TOPIC OVER THE NEXT 12-18 MONTHS. DR. WANG HAS EXTENSIVE CPC & PEC COMMITTEE EXPERIENCE AS WELL AS CLOSE TIES TO OPTOMETRIC EDUCATION AS SHE IS A CLINICAL FACULTY MEMBER AT UC BERKELEY. SHE WOULD BE THE RIGHT LEADER AT THE RIGHT TIME.

From: Lillian L Wang OD
Sent: Monday, June 21, 2021 11:14:53 AM
To: Murphy, Shara@DCA
Subject: Nomination

CAUTION: THIS EMAIL ORIGINATED OUTSIDE THE DEPARTMENT OF CONSUMER AFFAIRS!
DO NOT: click links or open attachments unless you know the content is safe.
NEVER: provide credentials on websites via a clicked link in an Email.

Hi Shara,
I know it's really late but I would like to nominate mark Morodomi for the position of Vice President for the July 2021 election.
Thanks

--

Lillian L. Wang O.D.
Associate Clinical Professor
UC Berkeley School of Optometry
200 Minor Hall
Berkeley, CA

From: Lillian L Wang OD
Sent: Tuesday, June 8, 2021 9:49:12 AM
To: Murphy, Shara@DCA
Subject: nomination for secretary

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Good Morning Shara,
I would like to nominate Eunie Linden for secretary.
Thank you and sorry for the late nomination.

--

Lillian L. Wang O.D.
Associate Clinical Professor
UC Berkeley School of Optometry
200 Minor Hall
Berkeley, CA



ISSUE MEMORANDUM

DATE	July 9, 2021
TO	Members, California State Board of Optometry (CSBO)
FROM	Mark Morodomi, Board President
SUBJECT	Agenda Item #5 – Recognition of Service of Dr. Debra McIntyre, O.D.

The Board will recognize the service of Dr. Debra McIntyre, O.D., who served on the Board from March 15, 2016 until June 1, 2021.

Biography:

Debra McIntyre was appointed by Governor Brown as a professional member on March 15, 2016. McIntyre has been an optometrist at West Coast Eyecare since 2013, and from 2002 to 2003. She was chief executive officer and an optometrist at Accent on Eyes Optometry from 2003 to 2013. Previously, she was chief executive officer and an optometrist at Paradise Optical in Florida from 1999 to 2002. While in Florida, she served on the board of the Florida Keys Optometric Society. McIntyre is a member of the Escondido Sunrise Rotary and participated in various vision and eye health screening programs in Mexico and Haiti to serve the underprivileged. She earned her Doctor of Optometry degree from the Marshall B. Ketchum University, Southern California College of Optometry.

Statement from Dr. McIntyre:

Dear Board Members and Staff of the California Board of Optometry,

I would like to express my appreciation for the opportunity to serve the Board in several capacities over the last five years. As a Board member, I have had the privilege to serve on various committees as well as functioning as Board Secretary twice. These positions have raised my awareness of the magnitude of the responsibility we have to not only protect consumers and patients of California, but to find ways to improve their access to care.

When I was first appointed to the Board in 2016, I was very excited about the opportunity to start addressing the subject of telemedicine/telehealth and online refractions. Once on the Board, I realized how many issues the Board must contend with on a continuing basis. From legislation to enhance or provide children's vision, mobile optometry and home health care, our plate has been full. Add in Covid-19 and its

subsequent challenges for both the profession, patients, and optometric students, and we were barely able to scratch the surface of telemedicine, which will undoubtedly be afforded a greater portion of our attention in the future.

At this time, I would like to specifically express my appreciation for my fellow Board Members and the supporting staff. Every person I have had the honor to work with has been kind, considerate, objective and thoughtful in their position and duties. It has been my honor to serve alongside these wonderful people.

Finally, I hope to continue involvement in our state's optometric regulation in some capacity. As a subject matter expert, I may be able to address my preferred subject in greater depth and help guide the profession carefully and safely into the world of advancing technology.

Again, thank you for allowing me to participate and serve. I wish the best of luck to new members and will happily provide support when and where it is needed.

Sincerely,

Dr. Debra McIntyre



ISSUE MEMORANDUM

DATE	July 9, 2021
TO	Members, California State Board of Optometry (CSBO)
FROM	Mark Morodomi, President
SUBJECT	Agenda Item #6 – 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, this agenda item does not require public comment.



ISSUE MEMORANDUM

DATE	July 9, 2021
TO	Members, California State Board of Optometry (CSBO)
FROM	Mark Morodomi, President
SUBJECT	Agenda Item #7 - Adjournment

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

Dispensing Optician Committee Meeting – Thursday, July 22, 2021

Quarterly Committee Meetings – Friday, July 23, 2021

Regular Board Meeting – Friday, August 27, 2021