



# ISSUE MEMORANDUM

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| <b>DATE</b>    | August 27, 2021  |
| <b>TO</b>      | Members, California State Board of Optometry   |
| <b>FROM</b>    | Shara Murphy, Executive Officer<br>Prepared by Natalia Leeper, Licensing Analyst   |
| <b>SUBJECT</b> | Agenda Item #8 - Update, Discussion and Possible Action on Changes to Title 16, California Code of Regulations Section 1536 (Continuing Education Regulations) |

**Summary/History:**

In 2019, the Board approved a series of changes to CCR Section 1536 (“Continuing Optometric Education; Purpose and Requirements”). In response to the COVID-19 coronavirus epidemic, staff proposed further changes including the reinstatement of online courses as live instruction, an increase in self-study hours to 25, and additional requirements for CE providers. At the May 15, 2020 Board meeting, the Board approved these changes and made others, but sent the regulation to the Practice and Education Committee for further discussion. The Practice and Education Committee then recommended a series of changes that were subsequently approved at the August 21, 2020 Board meeting.

The regulatory rulemaking package to implement these changes is complete and is pending review by Legal Counsel before a public comment period, however, the Practice and Education committee is recommending additional changes, detailed below.

**Action Requested:**

Approve text of Title 16, California Code of Regulations Section 1536, and Form CE-01 incorporated by reference into the regulation. If approved, staff will continue the regulatory rulemaking process to put into law, which will take 12-14 months to complete.

Suggested motion:

*“I move to approve proposed changes to Title 16, Section 1536 and the Form CE-01 incorporated by reference into the section as presented and discussed here today; and delegate authority to the Executive Officer to alter and modify the text and Form CE-01 as needed upon recommendation by Legal Counsel prior to submission to the Director of the Department of Consumer Affairs and the Business, Consumer Services and Housing Agency for review; and if no adverse comments are received authorize the Executive Officer to set the matter for hearing.”*

**Proposed Changes to Section 1536 (Attachment A)**

The PEC made the following changes to the text, which are underlined for new text and ~~strikethrough~~ for deleted text and highlighted in **yellow**.

Subsection (f)(3): Staff added additional categories for continuing education courses. Dr. Wang and Dr. Chawla of the Practice and Education Committee expressed an interest to have additional specific categories for the course approvals. Staff requests additional discussion on these categories if needed.

**Proposed Changes to Form CE-01, Rev. 8/17 (Attachment B):**

This form is incorporated by reference into Section 1536. New text is underlined and changes made by staff are highlighted in yellow.

- Added a section that listed the course categories accepted by the Board in a checklist format.
- Added a section that listed the live course options for ensuring participant interaction.
- Removed the question listed on the second page that requested the applicant list the category they were applying for.
- Changed the language of the Course Instructor Information to attachments instead of a sheet of paper for additional instructors.

## California State Board of Optometry

### Amend Section 1536 of Article 6.5 of Division 15 of Title 16 of the California Code of Regulations as follows:

New text is underlined, existing text which is removed is ~~strikethrough~~.

#### **§1536. Continuing Optometric Education; Purpose and Requirements.**

(a) Except as otherwise provided in Section 1536(b), each licensee shall complete 40 hours of formal continuing optometric education course work within the two years immediately preceding the license expiration date. Such course work shall be subject to Board approval. Up to eight hours of course work may be in the area of patient care management or ethics in the practice of optometry. Business management courses are not accepted by the Board.

(b) An optometrist certified to use therapeutic pharmaceutical agents pursuant to Business and Professions Code Section 3041.3 shall complete a total of 50 hours of continuing optometric education every two years in order to renew his or her license. Thirty-five of the required 50 hours of continuing optometric education shall be on the diagnosis, treatment and management of ocular disease and consistent with Business and Professions Code section 3059, subdivision (e).

(c) Up to ~~20~~ 25 hours of required biennial course work may be accomplished by using any or all of the following alternative methods:

(1) Documented and accredited self-study through correspondence or an electronic medium. Any course which is offered pursuant to this section must include a test component to determine the licensee's understanding and knowledge of the course. For the purposes of this section, "self-study" means a form of learning that does not offer participatory interaction between the licensee and the instructor during the instructional period. This may be accomplished via the following methods:

(A) Audio or video pre-recorded teleconferences, webinars, seminars, podcasts, broadcasts or lectures via the internet.

(B) CD-ROMs played on a computer.

(C) Digital video discs.

(D) Books or materials as part of an independent or home study program.

(E) Programs or applications on a data-enabled device, such as a computer, tablet, or cellular phone specifically designed for this purpose.

(2) Teaching of continuing optometric education courses if attendance at such course would also qualify for such credit, providing none are duplicate courses within the two-year period.

(3) Writing articles that have been published in optometric journals, magazines or newspapers, pertaining to the practice of optometry (or in other scientific, learned, refereed journals on topics pertinent to optometry), providing no articles are duplicates. One hour of credit will be granted for each full page of printing or the equivalent thereof.

(4) A full day's ~~in-person~~ substantiated attendance at a California State Board of Optometry Board meeting as verified by the Board. Every two hours of open session equates to one hour of credit, up to a maximum of four credit hours.

(5) Completion of a course to receive certification in cardiopulmonary resuscitation (CPR) from the American Red Cross, the American Heart Association, or other association approved by the Board. Up to four credit hours shall be granted for this course.

(6) Any continuing education course approved for category 1 of the American Medical Association or category 1A of the American Osteopathic Association Continued Medical Education credits that contributes to the advancement of professional skill and knowledge in the practice of optometry.

(7) Participation as a subject matter expert in the creation of the Board's California Laws and Regulation Examination. Subject matter experts will receive one hour of continuing education credit for each hour attending a Board sponsored workshop, not to exceed ~~eight~~ twelve credits per renewal cycle.

(d)(1) A credit hour is defined as one classroom hour, usually a 50-minute period, but no less than that.

(2) All remaining hours shall be obtained through live and interactive course study. For purposes of this section, live and interactive course study is defined as:

(A) In-person lectures, in-person workshops, in-person demonstrations, or in-person classroom studies which allow participatory interaction between the licensee and the instructor during the instructional period; or

(B) Lectures, webinars, workshops or audio or video conferences delivered via the internet or computer networks which allow participatory interaction between the licensee and the instructor presenting the content during the instructional period. Any course which is offered pursuant to section (d)(2)(B) which is not live shall not qualify under this section.

(e) Continuing optometric education programs which are approved as meeting the required standards of the Board include the following:

(1) Continuing optometric education courses officially sponsored or recognized by any Western Association of Schools and Colleges accredited school or college of optometry.

(2) Continuing optometric education courses provided by any national or state affiliate of the American Optometric Association, the American Academy of Optometry, or the Optometric Extension Program.

(3) Continuing optometric education ~~courses~~ activities approved by the Association of Regulatory Boards of Optometry committee known as COPE (Council on Optometric Practitioner Education).

(f) Other continuing optometric education courses approved by the Board as meeting the criteria set forth in paragraph (g) below, after submission of the Continuing Education Course Approval Application (Form CE-01, Rev. ~~5/16~~ 5/20), hereby incorporated by reference) course schedule, topical outline of subject matter, credit hours desired for approval, educational category, learning objectives, and curriculum vitae of all instructors or lecturers involved, to the Board not less than 45 days prior to

the date of the program. The Board may, upon application of any licensee and for good cause shown, waive the requirement for submission of advance information and request for prior approval. Nothing herein shall permit the Board to approve a continuing optometric education course which has not complied with the criteria set forth in paragraph (g) below.

(1) Course approvals shall be valid for two years from the date as approved by the Board. Each individual course shall be assigned a course approval number by the Board. This approval number is required to be listed on the completion certificate.

(2) The approved provider shall not use the Board's letterhead, seal, or logo on any course certificates, advertising, or solicitation.

(3) Continuing education courses under the following categories may be accepted as a continue education course to be approved by the Board.

(A) Patient Care Management

(B) Systemic Related Disease

(C) Any categories as required by Section 3059(e) of the Business and Professions Code.

(g) The criteria for judging and approving continuing education courses by the Board for continuing optometric education credit will be determined on the following basis:

(1) Whether the program is likely to contribute to the advancement of professional skills and knowledge in the practice of optometry.

(2) Whether the instructors, lecturers, and others participating in the presentation are recognized by the Board as being qualified in their field.

(3) Whether the proposed course is open to all optometrists licensed in this State.

(4) Whether the provider of any mandatory continuing optometric education course agrees to maintain and furnish to the Board and/or attending licensee such records of course content, dates and places of the course, course completion certificates, and attendance as the Board requires, for a period of at least ~~three~~ four years from the date of course presentation.

(h) Proof of continuing optometric education course attendance shall be provided in a form and manner specified in writing by the Board and distributed to all licensed optometrists in this State. Certification of continuing optometric education course attendance shall be submitted by the licensee to the Board upon request, and shall contain the following minimal information:

(1) Name of the sponsoring organization.

(2) Name, signature, practice address, and license number of the attending licensee.

(3) Subject or title of the course.

(4) Number of continuing optometric education hours provided for attending the course.

(5) Date the course was provided.

(6) Location where the course was provided.

(7) Name(s) and signature(s) of the course instructor(s).

(8) Such other evidence of course content or attendance as the Board may deem necessary.

(9) Course approval number as assigned by the Board, if applicable.

(10) Whether the course was pre-recorded or live.

Use of a A certificate of course completion provided by the Board is recommended required for any continuing optometric education course approved by the Board pursuant to the above. ~~Such forms will be furnished by the Board upon request.~~ The Board will also recognize and utilize the Association of Regulatory Boards in Optometry's online Optometric Education (OE) Tracker system as proof of continuing education course attendance.

- (i) The following licensees shall be exempt from the requirements of this section:
- (1) Any licensee serving in the regular armed forces of the United States during any part of the two years immediately preceding the license expiration date.
  - (2) Any licensee who is renewing an active license for the first time, if he or she graduated from an accredited school or college of optometry less than one year from the date of initial licensure.
  - (3) Those licensees as the Board, in its discretion, determines were unable to complete sufficient hours of continuing optometric education courses due to illness, incapacity, or other unavoidable circumstances. An extension may be granted if the Board, in its discretion, determines that good cause exists for the licensee's failure to complete the requisite hours of continuing optometric education.

(j) The Board, in its discretion, may exempt from the continuing optometric education requirements of this section licensees who for health reasons or other good cause cannot meet these requirements. Licensees requesting an exemption shall complete a Continuing Education Exemption Request (Form CE-E, Rev 2/2016) and submit it, along with all required supporting information, to the Board for its consideration at least thirty (30) days prior to the expiration of the license.

- (1) The Board may deny a request for exemption but at its discretion may grant the licensee an extension of up to one year to obtain the necessary continuing optometric education.
- (2) A licensee whose requests for an exemption is denied and an extension is not granted shall otherwise comply with the provision of this section.

(k) The Board may conduct an audit of any licensee's attendance of a continuing optometric education course as a means of verifying compliance with this section. A licensee shall maintain all course completion certificates or applicable records on file which are used for renewal purposes for a period of four (4) years from the license renewal date and shall provide these records to the Board upon request or in the event of an audit.

(l) Licensees that are glaucoma certified pursuant to BPC section 1571 shall be required to complete 10 hours of glaucoma specific optometric continuing education every license renewal period. These 10 hours shall be part of the required 35 hours on the diagnosis, treatment and management of ocular disease.

(m) A licensee may not repeat for credit the same course more than once within the two-year renewal timeframe.

Authority cited: Section 3059, Business and Professions Code. Reference: Section 3059, Business and Professions Code.





## CONTINUING EDUCATION COURSE APPROVAL APPLICATION

**\$50 Mandatory Fee**

Pursuant to California Code of Regulations (CCR) §[1536](#), the Board will approve continuing education (CE) courses after receiving the applicable fee, the requested information below and it has been determined that the course meets criteria specified in CCR §1536(g). Course approvals shall be valid for two years from the date approved by the Board.

In addition to the information requested below, please attach a copy of the course schedule, a detailed course outline or presentation materials (e.g., PowerPoint presentation), and course learning objectives. Applications must be submitted 45 days before the course presentation date. **Please type or print clearly.**

| Course Title  | Course Date  | Course Hours |
|---|--|--------------|
| _____   | _____  | _____        |
| <b>Course Category (Select One)</b><br><input type="checkbox"/> Treatment and Management of Ocular Disease<br><input type="checkbox"/> Glaucoma<br><input type="checkbox"/> Child abuse Detection<br><input type="checkbox"/> Patient Care Management | <input type="checkbox"/> Clinical Optometry<br><input type="checkbox"/> Systemic Related Disease<br><input type="checkbox"/> Ethics in the Practice of Optometry<br><input type="checkbox"/> Elder Abuse Detection |              |

### Course Provider Contact Information

|  |  |  |
|--|--|--|
| <b>Provider Name</b><br>_____<br><div style="display: flex; justify-content: space-around; font-size: small;"> <span>First</span> <span>Last</span> <span>Middle</span> </div>   |  |  |
| <b>Provider Mailing Address</b><br>Street _____ City _____ State _____ Zip _____ Phone _____   |  |  |
| <b>Provider Email Address</b> _____  |  |  |
| <b>Will the proposed course be open to all California licensed optometrists?</b>   | <input type="checkbox"/> YES <input type="checkbox"/> NO |  |
| <b>Do you agree to maintain and furnish to the Board and/or attending licensee such records of course content, dates and places of the course, course completion certificates and attendance as the Board requires, for a period of at least <del>three</del> four years from the date of course presentation?</b> | <input type="checkbox"/> YES <input type="checkbox"/> NO |  |
| <b>Pursuant to CCR §1536 (c)(1), will the course be self-study?</b>  | <input type="checkbox"/> YES <input type="checkbox"/> NO |  |
| <b>If self-study, will a test component be required to determine the licensee's understanding and knowledge of the course?</b>   | <input type="checkbox"/> YES <input type="checkbox"/> NO |  |





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| <b>Is this a live course? If a live course, how will the Provider track individual attendance and participation? Pursuant to 16 CCR §1536(d)(2) these courses must allow for participatory interaction between the licensees and the instructor.</b> |  | <input type="checkbox"/> YES <input type="checkbox"/> NO  |
| <b>If live please check which of these apply to your course.</b>   | <input type="checkbox"/> Participation Auditing<br><input type="checkbox"/> In-Content Quizzes<br><input type="checkbox"/> Polls | <input type="checkbox"/> Video on Required<br><input type="checkbox"/> Time Logs<br><input type="checkbox"/> Post Course Test |
| <b>How many credit hours are desired for approval? Pursuant to CCR §1536(d), a credit hour is defined as one classroom hour, not less than 50 minutes.</b>   |  | _____ hours   |
| <b>List educational category recommended for course. Pursuant to CCR §1536(X-subsection), each course must fit into a category prescribed by the Board.</b>  |  | _____<br>_____  |

### Course Instructor Information

Please provide the information below and attach the curriculum vitae for each instructor or lecturer involved in the course. If there are more instructors in the course, please provide the requested information on a separate attachment sheet of paper.

|  |                            |  |
|--|----------------------------|--|
| <b>Instructor Name</b><br>_____<br><div style="display: flex; justify-content: space-around;"> <span>First</span> <span>Last</span> <span>Middle</span> </div> |                            |  |
| <b>License Number</b> _____  | <b>License Type</b> _____  |  |
| <b>Phone Number (    )</b> _____   | <b>Email Address</b> _____ |  |

***I declare under penalty of perjury under the laws of the State of California that all the information submitted on this form and any accompanying attachments submitted is true and correct.***

\_\_\_\_\_  
**Signature of Course Provider**

\_\_\_\_\_  
**Date**