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MEMBERS OF THE COMMITTEE

Cyd Brandvein, Chair
Jeffrey Garcia, O.D.
David Turetsky, O.D.

**CONSUMER PROTECTION AND OUTREACH COMMITTEE
TELECONFERENCE MEETING AGENDA**

**Friday, February 18, 2022
10 a.m. to close of business**

To access the Webex event, attendees will need to click the following link and enter their first name, last name, email, and the event password listed below:

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=m1e16c7a96417c5590d3381bc546e36be>

If joining using the link above

Webinar number: 2481 042 6330

Webinar password: CSBO02182022

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Access code: 248 104 26330

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Due to potential technical difficulties, please consider submitting written comments via email prior to the meeting: optometry@dca.ca.gov

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

2. Public Comment for Items Not on the Agenda

Note: The committee 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 §11125, §11125.7(a)].

3. Discussion and Possible Approval of October 21, 2021 Meeting Minutes

4. Discussion and Possible Action on 2021-2025 Strategic Plan Items Relevant to the Committee

A. Review of Quarterly Enforcement Bulletin

B. Review of Board Enforcement Trainings

5. Future Agenda Items

6. 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.

Action may be taken on any item on the agenda. Items may be taken out of order to accommodate speakers or to maintain a quorum. 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 meeting is accessible to the disabled. To request disability-related accommodations, use the contact information below. Please submit your request at least five (5) business days before the meeting to help ensure availability of the accommodation.

Contact Person: Kristina Eklund
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**CONSUMER PROTECTION & OUTREACH COMMITTEE
 TELECONFERENCED DRAFT MEETING MINUTES**

Friday, October 22, 2021

This public meeting was held via WebEx Events.

Members Present	Staff Present
Cyd Brandvein, Chair	Shara Murphy, Executive Officer
David Turetsky, O.D.	Cheree Kimball, Assistant Executive Officer
Jeff Garcia, O.D.	Marc Johnson, Policy Analyst
	Terri Villareal, Lead Enforcement Analyst

Link to audio of meeting:

<https://www.youtube.com/watch?v=yGUetrN1pQM&feature=youtu.be>

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

Audio of Discussion: 00:28 / 1:39:43

Committee Chair, Member Cyd Brandvein called the meeting to order at noon and a 3-0 quorum was established.

Roll call was taken and both Dr's. Turetsky and Garcia were present.

Ms. Brandvein called upon Executive Officer Shara Murphy, but Marc Johnson stated that both Executive Officer Murphy and Assistant Executive Officer Cheree Kimball were on a call with the executive office and would join the meeting momentarily. Ms. Brandvein confirmed that Mr. Johnson was in attendance representing the Board.

2. Public Comment for Items Not on the Agenda

Audio of Discussion: 01:48 / 1:39:43

There were no requests for public comment.

3. Discussion and Possible Action on February 25, 2021, Consumer Protection and Outreach Committee Meeting Minutes

Audio of Discussion: 02:40 / 1:39:43

Dr. Turetsky had comments on the minutes. On page 3 the correction to the comment states “Dr. Turetsky stated he knows the consumer notice must be in 14-point font. “I know the Department of Managed Health Care (DMHC) experienced issues when they printed forms that weren’t in the size specified”. The DMHC did not experience issues with the forms; the company for which Dr. Turetsky worked experienced issues with the DMHC as they did not have the proper font in their documents.

Dr. Turetsky continued that Mr. Johnson stated there aren’t size requirements that he is aware of for the application; however, the size requirements are for the actual notice itself. This is for the notice given out to the consumer, not the application. Also, Dr. Turetsky pointed out that on pages 6 and 7 he is referred to as Dr. Turetsky and Mr. Turetsky. The title should be the same throughout the minutes.

Ms. Brandvein asked Dr. Turetsky which he would prefer – to have staff modify the minutes and have Mr. Johnson come off of mute to discuss or we can hold the minutes, have them corrected and approve them at the next meeting. Ms. Brandvein asked what the Board’s preference was. Dr. Turetsky stated he did not see these changes having any real effect, so he recommended we make the modifications and accept the minutes with these modifications. Mr. Johnson stated the Board would make the requested edits to the minutes. Dr. Garcia seconded this suggestion.

Dr. Garcia had no comments on the minutes. There were no requests for public comment.

Ms. Brandvein made a motion to approve the minutes with amendments.

Dr. Turetsky moved to accept the February 25, 2021 minutes with amendments, Consumer Protection and Outreach Committee Meeting Minutes as presented. Dr. Garcia seconded the motion. The Committee voted unanimously (3-0) and the motion carried.

Member	Aye	No	Abstain	Absent	Recusal
Ms. Turetsky	X				
Dr. Garcia	X				
Dr. Brandvein	X				

4. Discussion and Possible Action on 2021-2025 Strategic Plan Items Relevant to the Committee

Audio of Discussion: [08.55 / 1:39:43](#)

Ms. Brandvein the first goal of the strategic plan is Goal 4, Enforcement, and has been assigned to the committee.

“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.”

The second goal is Goal 5 which is primarily Outreach:

“The Board proactively educates, informs, and engages consumers, licenses, students, and other stakeholders about the practices of optometry and opticianry and the laws and

regulations which govern them.”

Ms. Brandvein stated she hopes that we start with these since they are tagged to the committee and then they can hear back from staff at the Board meeting or before the Board meeting relative to how other committees are planning to divvy up task items and key results they would like to achieve. Ms. Brandvein continued the committee should review the objectives and discuss how we would like to move forward so that we have some key results that we achieve annually as well as over the four-year period.

Ms. Brandvein asked for comments on the objectives from Dr.'s Turetsky and Garcia. Dr. Turetsky did not have comments but wanted an update from staff on where we stand on the subsections that should have been completed by now or nearing completion. Dr. Garcia did not have any comments.

Ms. Brandvein said the questions she has for staff are regarding results or objectives listed under the main goals. For example, under 4.1 which is relative to reviewing the communication process and standard practices, will staff be sharing the communication process and standard practices used in enforcement actions for the committee to respond to?

Terri Villareal, Lead Enforcement Analyst stated that staff would like some direction on what the committee wants to see relating to the communication plan. Staff can put together a plan, but direction is required.

Ms. Brandvein asked Ms. Villareal if the Board has any type of communication plan or standard talking points in place regarding speaking with probationers or if a previously approved plan is currently being used as stated in 4.1 of the communication plan. Ms. Villareal said she is not aware of a current or previously approved communication plan. She continued that when staff works with probationers and respondents it is always communicated that the goal is to get them into compliance.

Ms. Brandvein stated that the committee would like to see some standard talking points and the process that is used when staff talks with probationers. If there are no formal talking points and a standard process or procedures that exist, Ms. Brandvein asked staff to create some and put the focus on consumer protection and probationer rehabilitation, not punishment as stated in Goal 4, Enforcement. The committee can take care of part two of 4.1 which is focusing on protection and rehabilitation.

Ms. Brandvein asked Dr.'s Turetsky and Garcia if they had any comments on 4.1. Dr. Garcia had no comments.

Dr. Turetsky stated that he checked the Board's website and realized that there isn't anything on the website that explains to licensees or the public that what we are doing is consumer protection when it comes to citations and enforcement. It makes it look more like a punishment when it comes to probation and rehabilitation relating to citations and enforcement actions. The website requires more explanation to the public and licensees as to what we are doing.

Ms. Brandvein said we have a great opportunity if we can capture talking points to put the process together. We would be at a starting point on what we want to achieve through these kinds of communications as we can formalize and update our website where we share enforcement information.

Ms. Villareal said the Board's website is in line to be updated and reorganized as information is

currently hard to find now. She continued that staff would look into adding a blurb to the citation and enforcement page regarding consumer protection the Board's purpose and mission. Ms. Brandvein stated that the focus relating to this message should be the "why we do what we do" relating to enforcement and probation and not so much on punishment.

Dr. Turetsky stated that in the past when he received mailings from the Board the first thing he and his colleagues would go to was the enforcement actions because people wanted to see what was going on so that other licensees could avoid the same mistakes others may have made. Dr. Turetsky continued "If we are sending out enforcement actions to everybody, we should also explain why we are doing this and what the Board's responsibility is to the public. Enforcement actions will be read as that is something licensees always look at, so they don't make the same mistakes others have made. It's a way to get people's attention. Is that the way it was with you Jeff when you used to get mailings and things of that order?"

Dr. Garcia confirmed that he used to read this document as well but doesn't recall seeing it for years and wasn't sure if the list was still going out. Dr. Turetsky stated that you must dig it up on the Board's website. Now you must go to the Board's website and dig to find a list of the 2021 citations and enforcement actions. Ms. Villareal stated that as a part of the Board's outreach plan, Goal 6, the Board is planning to send communications on ListServ and to utilize social media more to get the word out about compliance. Ms. Villareal also stated that the Board is aware that social media is a big thing right now and is also a part of getting the word out to probationers and licensees to stay compliant. Ms. Villareal continued that staff will be sending out quarterly emails about consequences and infractions of non-compliance as stated in 5.1.1 of the Action Plan.

Ms. Brandvein stated that staff should start with messaging – the purpose, the message and we'll review that together with a process and talking points then the committee after its review will ask that we work with staff to update the current site, integrate it into the site version two that were waiting in line for DCA to support us with, and then when we are ready for a social media campaign that is tied to another goal as well where we can blend all this together. Let's take one step at a time with first the "what and why" together with the process and talking points if we could please and then we will revisit this.

Ms. Brandvein stated that first tying enforcement to consumer protection....what is the statement or the point we are trying to make – how is that is tied together so that it is about changing behaviors to better align with protecting consumers versus a straight "here's a list of folks being punished". If staff can pull this information together the committee can better coach and guide.

Ms. Brandvein continued that 4.2 is the member side of things specific to training new Board members...this is important but I would like to get 4.1, if my colleagues agree, as the priority and then 4.2 - training for new Board members...perhaps staff can pull together what that might look like so that the committee can react to it and provide recommendations relative to length, delivery, presentation, timing, etc.

Ms. Brandvein asked Dr. Garcia for his thoughts. Dr. Garcia stated that training is important, as he could speak from experience. When he started with the Board, there was no formalized training and he felt he had to "sink or swim" and reached out to other Board members for help. If there was formalized training for Board members it would benefit as it would bring everyone up to speed faster and make them more effective as members and give them all an equal playing field in terms of information to make them better members. Dr. Garcia said for him this is one of the highest priorities for the Board.

Dr. Turetsky agreed with everything Dr. Garcia was saying. Dr. Turetsky continued that it took him a long time to understand what the Board was tasked with doing. Up-front training should be something that they learn when they first are assigned to the Board and not on-the-job training which will take months or a year or so to get the hang of.

Executive Officer Shara Murphy joined the meeting. She reminded the committee that two Board meetings ago staff started enforcement training as it was the Board's way to have staff develop resources and disburse the information. At the end of the two sessions, we had the opportunity to talk about how the information was presented and what topics we will do next. We have been developing a training resource and if you remember it was the sessions we have been doing during the Board meetings so we are already beginning the progress with the training resources and are trying to do them in tandem.

Ms. Murphy continued, "the what and the why" are clear talking points on why we pursue enforcement to bring about consumer protection...those can be developed and is something we can bring back to the committee. I wanted to remind folks that we are working on those training resources and providing opportunities for new Board members like Dr. Garcia and Ms. Simms to have the dialog with existing members to talk about what is our enforcement process; what does it look like when we decide to do an interim suspension of practice. Ms. Murphy said staff can concurrently look at the changes to the website...the what and the why and the talking points, but you'll also recall we are working on those training resource developments as well.

Ms. Brandvein stated that what we are hearing from the Board is that we need step one first before we walk into a Board meeting and we're given materials and engage in a conversation. New Board members need more than just listening and trying to figure it out. Ms. Brandvein continued that if we could look at a couple of slides, for example, what it is, why types of enforcement actions are taken for what reasons...let's call it a glossary to get started or a sheet to reference so when Board members come to a meeting they are grounded a little more. Ms. Brandvein stated "Dr. Garcia, does this sound right?"

Dr. Garcia stated, "Yes, this is perfect." Ms. Brandvein stated "Dr. Turetsky?" Dr. Turetsky asked Ms. Murphy if we can extract the previous presentations from DCA's telecast and use those as training for new Board members. Ms. Murphy stated yes, as the staff has developed the presentations, we will develop a "deck" that new Board members will be able to look through and I think that you are right; some of those clips will be a great reinforcement tool. Our intention is we are allowing staff to create these decks for the conversations to be had with current Board members.

Ms. Murphy continued that at the end of that process and within the strategic plan we intend to say "Board members, these are the decks that have been created that you have looked through...how do we better package these for new Board members as they step in?"

Ms. Brandvein said moving on to outreach is a natural outgrowth of 4.1 and 4.2. Let's move to Goal 5 – Outreach – "Evaluate outside resources" and right below it is the "utilization and measurement of social media." Ms. Murphy stated to use all opportunities of board brainpower, she suggested bringing a list of resource training in 4.2 and the schedule for which they will be presented to this committee so they can give us some valuable input on what trainings should go next after the initial "hot button" issues like the ability of the Board to immediately suspend a license. It would be helpful for staff to bring to all of you..." this is the schedule of training" to let us know if the flow makes sense and to give your opinion on what trainings are important for staff to present. Is that an okay action item for us for 4.2?

Ms. Brandvein responded “yes; however, it needs to be second; we need a very basic briefing for new Board members about what enforcement is, particularly for the public and professional members, and how it pertains to optometry, so that when training comes up and those trainings have specific titles and subjects, etc. they can correlate it to enforcement overall.

Ms. Murphy stated what she is understanding is that our first quarterly email should appear at the beginning of the year and should include a “what and why”...this is why we do enforcement; it’s about consumer protection, not about punishment; these are the things we tell licensees if they have a complaint filed against them; here are the recent infractions that have been pursued by the Board and here’s this deck that tells you “take a look at this PP presentation or pdf that tells you about the enforcement process. Ms. Murphy stated that the staff has crafted the first email that we should have out at the beginning of the year. Does this sound like something we are looking for? A communication to the public and Board that this is the mindset of the Board when doing enforcement?

Ms. Brandvein stated that this is good, but Board members still need new Board member onboarding material, and this is not an email that goes out at the beginning of the year. This is a packet that is handed to new Board members as almost an appendix like the Board member training they go through that helps them understand what enforcement means for optometry; before we go through all of these details and start providing reports.

Ms. Villareal asked if it would be acceptable if staff put together a PowerPoint presentation for new Board members as was presented at the August 2021 Board meeting? Ms. Villareal continued that staff can add more detail about what enforcement is so that new Board members will understand why the Board does enforcement and what our purpose is.

Ms. Brandvein said yes, but it needs to be simplified so when Board members come to meetings and you get into a specific topic, new Board members understand where that topic stands in the broader scheme of things.

Ms. Villareal stated that the PowerPoint presentations could become a part of the Board member orientation packet. Ms. Brandvein agreed. Ms. Murphy stated that this would become an appendage to our Board member handbook. She also stated staff is developing slides so that we have an enforcement-specific handbook that we can hand to new Board members when they come to be a part of the Board.

Ms. Brandvein stated that if staff could complete all tasks in 4.1 and 4.2 by the next committee meeting that would be great as well. Ms. Brandvein continued regarding 5.1 and 5.2...will staff be ready to report on current practices and baseline metrics for this committee to benchmark and launch from?

Ms. Murphy stated that Marc Johnson, policy analyst, is responsible for outreach and works with office technical staff Mushyal Shabbir who does a great deal of our outreach. Mr. Johnson stated that on 5.1., our first task on 5.1.1, Quarterly Reports on Social Media Posts and Trends, we began to develop this, and it was included in the August 31, 2021 Board meeting packet. It was a part of the “Executive Officer Report” and was called the “Social Media Report.” We did not do a verbal presentation but in that report, we included a list of the various social media posts and what the post was about, and what kind of numbers we had – tweets and retweets received and how many people interacted with our posts.

Mr. Johnson continued that 5.2 appears to cross over into 5.1 to track and engagement on social media websites and again as a part of that first report we gave in August we did include

some of the metrics that are used by Twitter and Facebook as to how much engagement we are getting from our posts so we have begun some of these tasks in 5.1 and 5.2.

Ms. Brandvein said this is a good starting point. 5.2 it's asking us to evaluate those channels of communication with very specific initiatives. It would be helpful to pull together a plan with our initiatives on the left and across the top are the different channels we are using and provide a level of effectiveness based on the metrics gathered from resources such as Twitter etc. Is this something staff can pull together? This broadly helps us with building a communication plan which we would then move through some of these other items that require a plan. Mr. Johnson said this is an excellent idea to get started.

Ms. Brandvein asked for comments from Dr.'s Turetsky and Garcia on 5.1 and 5.2. No comments from the committee members.

Ms. Brandvein stated the action is to start looking at an early stage communication plan and tying our key initiatives or messaging in general to specific channels and being able to gauge the effectiveness through metrics. We should define what those metrics are as it should be similar to what staff pulled from Twitter, etc. that would help the Board overall, and not just the committee, understand how our outreach to the public will evolve over the next four years of the strategic plan period. On 5.3, Collaborate with Continuing Education Providers and Associations, Shara is doing a great job with this as many of the doctors engaged with associations. How does the Board staff want to tackle 5.3 and utilize this committee?

Ms. Villareal stated that Board staff will have to discuss this issue, come up with a plan, and get back to the committee.

Ms. Brandvein stated that is specific to when things change, whether it's is a reg or a law, how are we going to communicate this more broadly to optometrists and opticians and provide some training specific to it. Ms. Brandvein said she sees this as two parts – one is strictly communicating or disseminating and the second is more focused on getting them to understand through training.

Ms. Villareal stated that social media could assist with this issue with perhaps emails to changes in the law for example – staff can use ListServ to alert the changes.

Ms. Brandvein said we could create YouTube videos or something on social media that helps educate the public when we do have laws and regs that have been updated that impact the profession and the professionals. We can also use the Board meeting training slides that have been used for Board member training to educate the public and/or make an announcement specific to law or reg updated. We can also refer new Board members to the Board's website for even more information.

Ms. Brandvein continued that we can think about this one...there are a lot of tasks here between 4 and 5 and she realizes it's over a four year period but once we are done talking through each of these, this committee would like to hear from staff what might be proposed regarding scheduling and timing. The committee isn't asking for everything to be done in Q1 2022. We will need to prioritize once we meet with the other committees to determine how to distribute workload, objectives, and key results. Ms. Brandvein is tasking Ms. Murphy with this as we are only seeing this through our lens right now and not the other committees and aren't sure what the other committees are asking.

Dr. Turetsky wanted to provide comments on 5.3. First, he realizes Ms. Murphy has made

herself readily available to several of the local optometric societies to attend one of their virtual meetings to answer questions and be the Board's representative. Optometrists tend to discuss things going on in their profession and why doesn't the Board do something about these things.

Dr. Turetsky continued that Ms. Murphy has reached out to several societies to say "Hey, I will be at your next virtual meeting to answer questions." There has been very little interest by society members as it would take up meeting time and they would not earn CE credits for attendance. Dr. Turetsky said communication doesn't seem to be getting out to licensees. He stated he recently spoke to a former classmate who had the opportunity to purchase a third practice but couldn't under the current regulation for branch offices as he already owned two practices under the branch office license. This person had no idea the branch office license no longer exists. Folks are not getting the messages about changes in legislation and regulations. We have to get better communication with our licensees regarding what's going on at the Board.

Ms. Brandvein stated that with Ms. Murphy's depth of knowledge and excellent communication and presenting skills maybe she becomes an influencer which is a social media term for someone who speaks on behalf and is a recognized expert. If we're able to promote and bring forward these trainings can CE credits be attained by any of the professional members who attend?

Ms. Villareal said that Ms. Murphy was not in attendance at the moment and continued that the Board's website needs to be more informative and organized so that if a licensee wants a statement of licensure or something else, they can find the information quickly. Ms. Villareal stated that because not all folks are technically savvy, the Board sends emails regarding changes in law, etc. that licensees should be aware of.

Ms. Brandvein said the Board needs to get the message out about changes using something other than the Board's website. Home pages will appeal to some, but as new graduates come on board, they get their information by other means. We will have to think about how we reach those who aren't looking for the home page.

Ms. Villareal stated that new graduates are young, and they get their information from social media as opposed to older individuals who may get their information from the Board's website.

Ms. Brandvein stated that by the time we update the website, the information is old. We need to think of a way to keep the information fresh and it's almost the urgency of getting it out there, particularly as it pertains to regulations. This is a part of the communication plan and perhaps Ms. Villareal can work with Mr. Johnson to think this through. The communication plan should be comprehensive other just updating the website; it will also be more than social media. If organizations and others can give out education credits...if the executive officer hosted a course would that be an opportunity for continuing education credits? It would be something to look at to counter what Dr. Turetsky or Dr. Garcia put forward.

Ms. Brandvein stated the outreach plan touches on opticianry overall and she knows Ms. Murphy has been working on specific action items targeted toward the opticianry community. If we could learn what that outreach plan has been in the past which probably included continuing education, then we can get an idea going forward...all this piggybacks off a heightened communications plan. This population is not used to coming to our website to gather information or maybe are starting to. We should start understanding where they are getting their information which is as important as where do we want to place the information

they can grab now and in the future.

Ms. Brandvein asked for comments from Dr.'s Garcia and Turetsky. Neither had comments.

Ms. Brandvein asked Ms. Villareal to find out where optician applicants are getting their information from. Ms. Villareal stated that we do refer applicants to our website. Ms. Brandvein said the opticianry applicants are probably getting some information from the doctors they work for and said we need to think more broadly on how to communicate with and to them.

Ms. Villareal stated opticianry applicants probably get information from each other because as she answers the phones, she has heard this statement from applicants who have called. Ms. Villareal said we will work on a communication plan for the opticianry community. Dr. Turetsky asked Ms. Villareal if she had contact with Ruby Garcia of the California State Society of Opticians. Dr. Turetsky said Ms. Garcia sends out information to her members regularly by email. Mr. Johnson stated we do communicate with Ms. Garcia regularly and utilize her as a resource and other resources in the optician community.

Ms. Brandvein asked for comments from Dr.'s Turetsky and Garcia and neither had comments.

Ms. Brandvein stated if we look at 5.5, Publish and Disseminate Enforcement Actions to Illustrate the Consequences of Infractions (DUI, malpractice, and unlicensed activity) would staff have an example of enforcement action reporting (not to the Board) but in a way of outreach to the public and the professional population so that the committee could provide input?

Ms. Villareal said we do not but can use social media for getting information out regarding compliance. Ms. Murphy came back to the meeting and said our strategic plan guides to create this communication. To better communicate to licensees, the issues of infractions...we intend to revise the notice process that Dr. Turetsky mentioned earlier which used to go out by mail but now is sent out by email. We support that message by using social media platforms.

Ms. Murphy stated that by January 2022 we will have produced our first quarterly email on enforcement that will be sent out to stakeholders and licensees. What she envisions is creating a new quarterly email starting with why we do enforcement; this is the first thing we tell everyone. We do enforcement for consumer protection as opposed to punishment; we also have a resource where we go out and talk to graduates who will soon be applicants and use a PowerPoint slide that says "don't panic if you get contacted by the Board."

We'll take some of this messaging and we'll talk about how the Board will contact you. If you're asked, please provide the information; be truthful; this allows folks to see the most recent infractions that cause consumer harm. Also included is what licensees have been disciplined for in the last quarter. We'll also say, "We want you to understand the enforcement process so here is a slide deck that we have presented to our Board that shows you the basics of the enforcement process."

This is how we take complaints, this is the follow-up we do to get accurate and correct information from complainants and licensees; these are the options that enforcement staff has to pursue whether it be a citation or a formal discipline, suspension, or probation. Each of those decisions has an approval process. Staff recommends, then it goes to the executive officer, then to the AG's office, and then the Board is the final adjudicator. We will also include the slides decks.

In the next quarter, Q2 2022, we would do another email to licensees...this is why we do enforcement; don't panic when the Board contacts you; these are the things we have recently had to enforce, and here's a reminder to you of the enforcement process. As we have gone through each Board meeting and created new decks we will continue to put the new decks out to the community and the licensed population so they begin to understand the checks and balances of the process and how we ensure it is about consumer protection and not about the punishment of the individual. The fact that we don't have a way of doing that now is a part of developing this as a part of the strategic plan so that we can begin to do what the Board has asked. Ms. Murphy asked if this makes sense and satisfies the questions that are being discussed?

Ms. Brandvein said it does. Ms. Brandvein asked if Dr.'s Turetsky and Garcia had any comments. They did not.

Ms. Brandvein said if we can build off these multi-purpose training decks and other communications it will help reinforce and shift behaviors and gain knowledge, etc. you should be able to accomplish some of these goals. Ms. Murphy said the action plan is how we intend to implement the tasks that the Board has given us within the strategic plan and how staff is going about it. I think this discussion is helpful because we didn't have a plan to communicate and I think that understanding on the part of staff we have we have to better detail to folks that this is about consumer protection and not punishment. It's a process that has many steps and ensures remediation of an infraction is about better licensee behavior and not about punishment.

Ms. Brandvein regarding 5.6, "Developing a Communication Plan Regarding the Importance of Children's Vision, Health and Wellness", has everything gone out from the prior working group's efforts? Is there an update?

Ms. Murphy said staff developed a fact sheet outlining why children need comprehensive eye exams. There's also a video that was developed in partnership with DCA's communications that can be used. Staff are trying to figure out how to use these tools but aren't sure how the committee and Board would like us to use them in an impactful way. We can send them out via ListServ and will add this to our website but as Dr. Turetsky pointed out we are still growing our social media presence. We intend to talk to the committee today about a long-term change in the conversation. How do we go about communicating to our licensee population and the public the importance of this and how should we go about developing this communication plan?

Ms. Brandvein asked if we have partnered with school districts before? Specific to a communication plan; not the actual program implementation that was envisioned early on?

Ms. Murphy said no. We have not ever worked with the Department of Education. The Board has tried to work with them in the past to get a notice that goes out to families with the initial school packet, but that process is very structured and can be bureaucratic.

Ms. Brandvein suggested that we can develop messaging as a pilot program to see how that works. She continued that we need to get the information out to parents; to the decision-makers whether that is through the PTA's the school districts, or boys and girls clubs. Social media might be helpful in this case. Children's vision is a key initiative of ours.

Ms. Murphy said we can poll our professional members to see if there is anyone who will help pilot this idea to the school districts in their vicinity so that we can develop the pilot

program/plan outlining how we will use the PTA, the district, or the boys and girls clubs in the area to start the conversation.

Ms. Murphy asked for comments from the other members. Dr. Garcia agreed with all comments and didn't know of the limitations regarding government agencies or school districts. He continued that it might take a long time to work with these folks and it could be challenging. Instead, he suggested we partner with (California Optometric Association) COA and the private sector to get some funding and utilize multi-media to disseminate the information directly from the Board, COA, or private practices and social media. He said it might be more effective and less expensive while working with the government is inefficient in general.

Dr. Turetsky said we have been talking about this issue for a long time. There have been lots of strategies tried; the COA has reached out on this issue numerous times. Maybe speaking to private entities that are currently doing examinations or vision screenings through schools might have some ideas to communicate the importance of children's vision and eye exams. Dr. Turetsky said this has been an ongoing issue and anything we could try would be great. Cyd asked if anyone had any comments.

Ms. Murphy agreed with Dr. Turetsky to partner with folks who are providing these services. Ms. Murphy stated that now we are going to have mobile practice, how do we use this avenue as a communication for the policy changes, we are seeking? Ms. Murphy asked what private entities the committee members were referring to? She understands the professional agency was one, COA. Dr. Garcia stated that Vision Service Plan (VSP) - insurance companies, frame companies, or private company that has a vested interest. There are programs out there already that are bringing children's awareness.

Ms. Murphy asked the committee members how do we use the expertise of our Board members and the authority of the Board name to help communicate with increased authenticity in partnering with private entities? A communication might look like "It's great that you are talking about your frames but as you are bringing in your 12-year-old, don't forget about your four-year-old because they need to be here as well.

Dr. Garcia stated that the American Optometric Association (AOA) has an infancy program. Dr. Turetsky stated that private and charitable organizations that have good name recognition and good outreach in certain parts of the state. They have good communication with people who can provide some influence on school boards.

Ms. Brandvein said 5.7 is specific to diversity, equity, and inclusion training, (DEI) as we look at better serving underrepresented communities and to make sure we have better outcomes in the future, would DCA's SOLID or the department's HR have the DEI training that has been given to other boards that we could reference and customize for our Board's needs?

Ms. Murphy stated she is not aware of any, but these are two good resources for us to research. We can see if we can find examples staff can implement for our Board and bring those back to the committee for review. Ms. Murphy also said we are educating ourselves in the process. Are there messages that we can relay and transmit to licensees?

Ms. Brandvein said we can identify different target audiences in the broader communications plan because the training will start off similar but will have very focused proposed sections for the audience that we are training. Ms. Brandvein continued that she wondered what kind of support we could get from the Department's SOLID team and HR? Ms. Murphy asked what Ms. Brandvein thought our target audiences would be the Board, the professionals, the service

team, staff. Ms. Brandvein asked for comments from Dr.'s Garcia or Turetsky. No comments were provided.

Ms. Brandvein said this could be a multi-step action plan that is multi-year and will have to be coordinated across the state as this plan will take time. Ms. Murphy said they had some great recommendations from Dr.'s Kawaguchi and Wang after they attended the ARBO conference so we have continued to follow up with the National Association of Optometrists and they have given us some leads that we can rely upon for resources and support concerning samples of training. We'll bring that back to the committee next time and with the progress of the partnerships.

Dr. Garcia asked if we had any data on this issue, is it growing or static? Ms. Murphy said we do not have data as we have not delved into this issue yet. We talked with the National Association of Optometrists, a Black American founded association and they haven't begun this work and have not quantified the issue; they are not yet doing trainings. One of our first action items is to understand the issue...pulling together some of the data that has been compiled, so as a committee, we can discuss and improve so that we have a clear direction for our intent.

Dr. Garcia said in his observation in his volunteer work at the Lion's Club it seems especially since Medi-cal covers adult services; that decreased a lot of the demand. We aren't getting referrals from school nurses or exams and glasses for adult care like we used to. It's affecting the Lions Club program where we have Lions in Sight, etc. where surgeries are performed for the uninsured and people at risk. Those referrals have gone down as well because they are finding coverages in their community. In terms of eye care it is an issue but maybe less of an issue today than it was 10 years ago, so I wondered if there is data that is pushing us in the other direction.

Dr. Turetsky stated that something to consider is if you are a Medi-cal provider and your insurance has been assigned to VSP...VSP mandates annual cultural competency training. If the Board can arrange for cultural competency training and possibly receive CE units, we could get more people interested in taking that type of training. This training covers race, religion, sexual orientation, age, everything that you could think of. There are valuable insights in this training that makes you think of things that you haven't ever thought of before based on your life experiences. It gives you an inside view of other people's life experiences. If licensees could get CE credits out of this and training, we could perhaps get some empathy for the patients they serve.

Ms. Murphy said in our continued search for partnerships we will reach out to VSP and try to understand their cultural competency offerings and potentially bring back some information to the committee.

Dr. Turetsky said if something can go before the Practice and Education Committee (PEC) maybe we can get some additional compliance with taking this kind of CE. Ms. Murphy said we will see what they offer and maybe have a joint meeting between the Consumer Protection & Outreach Committee and the PEC to better understand what their offering is and see if we can develop some CE that would count toward renewal and see what we can do regarding outreach from this committee to advance the discussion.

Ms. Brandvein said what is the problem we are resolving and begin narrowing this down. This takes us through nine separate tasks or results that we are looking towards in the two separate goals where the CPOC and the PEC have been asked to take the lead role. Are there other

conversations Ms. Murphy and team that have been ongoing or any other committee meetings that have been pulled and what we do to support them?

Ms. Murphy said no and that the two committees would discuss this goal and scope. It has not been discussed in the PEC in this free flow way. At the next PEC meeting, we will give them a report as they are going through the same process and say this was also discussed in the CPOC and looked for better framing of the issue and what our thoughts are here and they might suggest that we further research by staff to bring back to the committees. Ms. Brandvein stated that we need to partner with the PEC to avoid redundancy to make sure we are tied together regarding this issue.

Ms. Brandvein asked Ms. Murphy to review the discussion regarding social media to understand the new ways the Board should utilize this feature as Ms. Murphy missed this part of the discussion. Ms. Murphy and Ms. Brandvein will have a conversation offline to discuss the social media plan.

Ms. Brandvein stated based on the discussion today regarding the workload for goals 4 and 5 staff should prioritize the workload to accomplish the goals discussed.

There were no requests for public comment.

7. Future Agenda Items

Audio of Discussions: 1:38 / 1:39:43

Ms. Brandvein asked if any future agenda items should be added for the next meeting. Dr. Garcia stated that he had nothing.

Ms. Brandvein stated that for future agenda items as following up on the strategic plan discussion and the actions for each subtask under the goals for those items where the committee has asked for a report back to help guide.

There were no requests for public comment.

8. Adjournment

Meeting adjourned at 1:39.43 p.m.

Consumer Protection and Outreach Committee Meeting - Strategic Plan Goals					
Task	Completion Goal Date	Success Measure?	Committee Discussion/Update	First Progress Report	Goal Met?
5.1 Evaluate outside resources available to expand outreach		Outside resources for expanding outreach have been evaluated.		Q1 2023	
5.1.1 Quarterly reports on social media posts and trends	Q4 2021	Board should see an increase of website hits if social media is increased.	November 19, 2021 presentation to Board shows continuous and greater reach than many other DCA entities.		
5.1.2 Check with the professional associations to see if CSBO can publish articles in their magazines or newsletters, and blog posts	Q1 2023				
5.1.3 Collaborate with stakeholders to determine ideal communication methods	Q1 2023	Knowledgeable Board members relating to the enforcement process.	Develop PowerPoint decks (trainings) explaining enforcement process and how to avoid disciplinary actions. Utilize social media to communicate changes in regulations, updates to optometry and optician professions, and any other changes licensees and registrants should know.	Q2 2022	Continuous
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 deliver of care, and delegation of duties)	Q4 2023	Updated website and accurate social media numbers.		Q4 2023	No
5.2.1 Establish way to track engagement on social media and website	Q2 2022	Number of visits to Board's website should increase; count/measure tweets and retweets on Twitter; look at number of visits to Board's Facebook page.	Continue quarterly report of social media impact @ Board meetings.		
5.2.2 Update website to streamline and make more user friendly	Q4 2023	Comments from users regarding the ease of finding information.	Board in line for website update and reconfiguration. Date has not been identified.	Q4 2023	No
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 Laws/Regs, Board quarterly updates to precede trainings).		ListServ email is sent out.		Q4 2023	
5.3.1 Reach out to entities to see what information they would like provided regarding legislation updates and how often they would like this information. Make it regular practice to provide this information.	Q2 2023		Staff will get the word out by utilizing YouTube videos and an email in ListServ.	Q2 2022	
5.3.2 Develop yearly review of statutory and regulatory changes and provide to CE providers and stakeholders.	Q4 2023		Sunset clean up work group meeting to review ACT and identify content.	Q1 2022	
5.4 Create and enact an outreach plan with opticianry programs regarding California registration requirements for the use of the title "optician" to enhance compliance with California law and encourage registration.		Created and enacted outreach plan.		Q4 2024	
5.4.1 Determine what type of ListServ associations have and see if possible to use ListServ to disseminate registration requirements for opticians.	Q1 2023				
5.4.2 Create formalized plan to conduct live presentations.	Q2 2023			Q2 2022	
5.4.3 Work with Dispensing Optician Committee to make registration requirements a part of the curriculum being offered to optician students.	Q4 2024				
5.5 Publish and disseminate enforcement actions to illustrate the consequences of infractions (DUI, malpractice, and unlicensed activity).		Enforcement actions published and disseminated.		Q1 2022	
5.5.1 Send out quarterly emails that illustrate the consequences of infractions and post on social media.	Q1 2022-ongoing		February 14, 2022 - first edition sent by ListServ and distributed at the COA meeting and COA House of Delegates.	Q2 2022	

5.6 Develop the communication plan regarding the importance of children's vision health and wellness.				Q4 2024	
5.6.1 Work with DCA Communications staff to create a communication plan.	Q4 2024		Possible partnership with local schools, school PTA's, Dept. of Education, boys and girls clubs, contact decision makers for answers.		
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, equality, and inclusion.		Resend original survey and achieve better results.		Q1 2023	
5.7.1 Collaborate with the Office of Professional Examination Services to send out surveys to consumers regarding their experiences with eye care.	Q1 2023		Contact the National Association of Optometrists and Opticians and work with them. OPT's need empathy when working with different cultures and patients. Some patients will have med-i-cal as insurance and some will not speak English.		
5.7.2 Evaluate database of licensees to identify any gaps in care.	Q3 2023				
5.7.3 Collaborate with Optometry charity care providers to identify areas needing service.	Q2 2024				
5.7.4 Collaborating with associations to identify areas needing service.	Q2 2024		Contact private companies - VSP, AOA for collaboration and assistance with developing areas most needing service.		

QUARTERLY ENFORCEMENT BULLETIN

ESSENTIAL COMPLAINT PROCESS INFORMATION AND RECENT ENFORCEMENT ACTIONS



Welcome to our first edition!

What Is the Purpose of Enforcement?

Many in the industry whisper that the Board works to inconvenience or punish licensees.

In fact, the Board ensures optometrists and opticians are prepared to practice and stay aware of best practices and confirmed health science. We ensure that a few bad actors won't spoil the bunch.

In 2020, of the more than 17,890 optometrists and opticians—less than 1.5% of Board licensees—received a consumer complaint (273). Suppose we can enable communication and help find resolution between an aggrieved patient and an optometrist rather than issue a citation or submit a case to the Office of the Attorney General?

We do just that. The Board resolves complaints with the lowest level of enforcement action. And in 2020, less than .5% of licensees were issued a citation, fine, or action against their license (86).

The Board protects the health and safety of California consumers and supports the work of well-meaning professionals. So, if you hear from an enforcement analyst:

Don't panic!
Complaints are **not** public information.

Be cooperative with the Board!

Do your best to show compliance!

Be truthful and accurate!

HOW DO I PREVENT BOARD ENFORCEMENT REVIEW?

Do refer patients to ophthalmologists when appropriate—a failure to refer can be unprofessional conduct or incompetence.

Do not see patients if your license is expired, invalid, or waiting to be renewed.

Do not allow new graduates to see patients before they appear on the DCA License Search (<https://search.dca.ca.gov>).

Do not violate drunk or intoxicated driving laws. Indifference to public safety can be grounds for disciplinary action.

HOW DOES THE BOARD HANDLE COMPLAINTS?

Enforcement analysts investigate complaints and work to identify and substantiate alleged violations. The average investigation takes 186 days and may include reports from

other optometrists and sworn-law enforcement officers. If substantiation is not possible, the case is closed without action.

Analysts recommend substantiated cases for administrative or formal disciplinary action. Possible outcomes include:

- License/registration denial.
- Public reproof and flag within the National Practitioner Database.
- Administrative fine.
- Immediate suspension of practice (PC23, Order to Temporarily Suspend).
- Completion of probation terms.
 - Board members (fellow professionals and members of the public, not state employees) set the length and terms of probation according to the education and time needed to address and correct potential sources of consumer harm. Probation is not a punishment but an opportunity to remember and reintegrate professional standards related to the substantiated facts of the case.

Need Answers? Check Out Some Frequently Asked Questions

Q. I GOT AN ENFORCEMENT LETTER! WHAT DO I DO?

- A.** (1) Carefully read the letter, identify the “respond by” date, and respond in a timely manner.
(2) Check your BreEZe account for license/registration expiration.
(3) Contact the Board to discuss the issue: (916) 575-7170 Monday through Friday, 8 a.m. to 5 p.m.

Q. HOW LONG DOES IT TAKE TO INVESTIGATE A COMPLAINT?

- A.** Case investigation can vary depending on several factors. The average investigation takes 186 days and may include reports from other optometrists and sworn-law enforcement officers. Another factor can be the release of records from individuals, health care providers, insurance companies, and other governmental agencies.

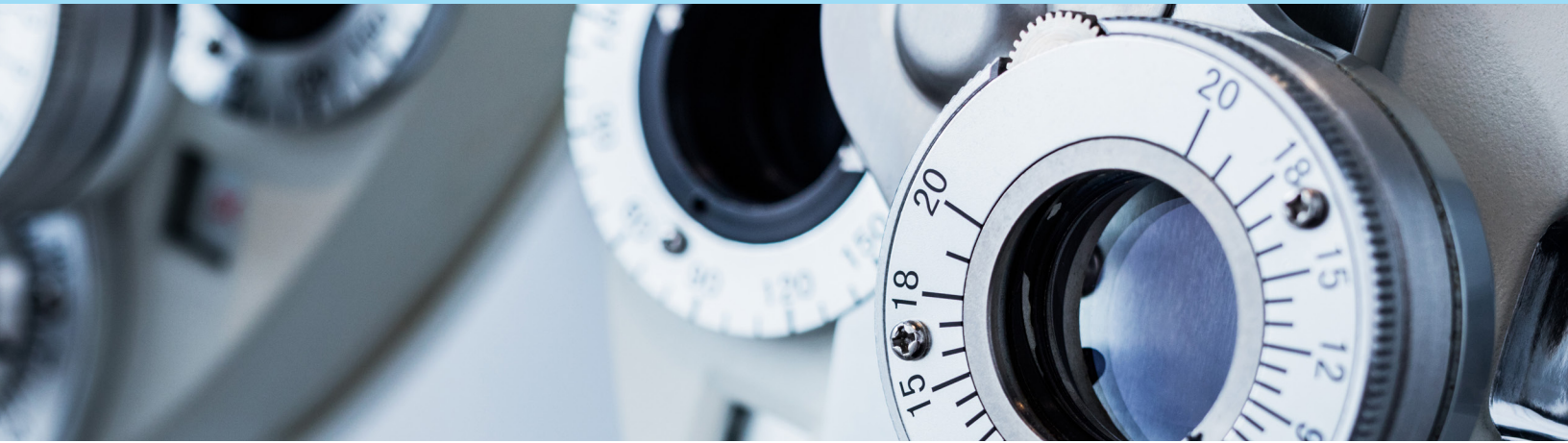
Q. HOW OFTEN ARE FICTITIOUS NAME PERMITS (FNP) RENEWED?

- A.** FNPs are renewed every year on January 31. As a reminder, any name other than your legal name requires an FNP.

Q. I DID NOT RECEIVE A RENEWAL NOTICE FOR MY LICENSE. WHY NOT?

- A.** It is the responsibility of the licensee to maintain their license, including the correct and current address. Always ensure the Board has your correct address of record (AOR) on file. As a reminder, your AOR should not be your home address.

SEE A **HELPFUL SLIDE SHOW** ON THE BOARD’S WEBSITE ABOUT THE DISCIPLINARY PROCESS.



Recent Disciplinary Actions Taken by the Board

For the **most current list** of citations issued and disciplinary actions, please visit the Board’s website: Go to www.optometry.ca.gov, click on the “Consumer” tab, then scroll to “Citations and Disciplinary Actions.”

The California State Board of Optometry provides information* regarding administrative disciplinary actions for immediate access and the convenience of interested persons.

You can also access the online license verification at <https://search.dca.ca.gov> to verify if a licensed optometrist has had any disciplinary action taken against their license or to verify the current status of a license.

OPTOMETRY PROGRAM CITATIONS

Huang, Andy Chien Hsun (OPT 11308) Marina Del Rey
Effective December 16, 2021, a \$2,500 citation was issued to Andy Chien Hsun Huang (OPT 11308) for operating business under a fictitious name permit that is expired and practicing optometry under false or assumed names without first obtaining a written permit from the Board. (BPC §§3078 and 3110(a)).

Nabhan, Sara (OPT 33790) Granite Bay
Effective December 16, 2021, a \$1,000 citation was issued to Sara Nabhan (OPT 33790) for actions leading to the unlicensed practice of optometry (BPC § 3110(a)).

OPTICIAN PROGRAM CITATIONS

Alpha Viana Inc. (RDO 71017) El Monte
Effective December 2, 2021, a \$2,500 citation was issued to Alpha Viana Inc., (RDO 71017) for engaging in the practice of optometry without a license (BPC § 3040).

Stanton Optical #31 (RDO 70824) Bakersfield

Effective September 23, 2021, a \$4,500 modified citation was issued to Stanton Optical (RDO 70824) with an address of record in Bakersfield for disseminating misleading and deceptive advertisements, failure to obtain an RDO registration prior to opening for business, advertising optometry services, and for unprofessional conduct: advertising the furnishing of services of an optometrist (BPC §§651, 2551, 2556(a), and CCR §1399.251).

Stanton Optical #76 (RDO 70946) Chula Vista

Effective September 23, 2021 a \$2,500 modified citation was issued to Stanton Optical (RDO 70946) with an address of record in Chula Vista for failure to obtain an RDO registration prior to opening for business (BPC §2551).

Stanton Optical #108 (RDO 70952) East Fresno

Effective September 23, 2021, a \$2,500 modified citation was issued to Stanton Optical (RDO 70952) with an address of record in East Fresno for failing to obtain an RDO registration prior to opening for business (BPC §2551).

* While the Board believes the information to be reliable, human or technical error remains a possibility, as does possible delay in posting or updating information.

Stanton Optical #15 (RDO 7597) Fair Oaks

Effective September 23, 2021, a \$2,400 modified citation was issued to Stanton Optical (RDO 7597) with an address of record in Fair Oaks for disseminating misleading and deceptive advertisements, advertising optometry services, failure to submit an RDO renewal application prior to the expiration date of the RDO registration, and unprofessional conduct: advertising the furnishing of services of an optometrist (BPC §§651, 2556(a), CCR §§1399.222, and 1399.251).

Stanton Optical #18 (RDO 70534) Fresno

Effective September 23, 2021 a \$3,500 modified citation was issued to Stanton Optical (RDO 70534) with an address of record in Fresno for disseminating misleading and deceptive advertisements, advertising optometry services, failure to submit an RDO renewal application prior to the expiration of the RDO registration, and unprofessional conduct: advertising the furnishing of services of an optometrist (BPC §§651, 2556(a), CCR §§1399.222, and 1399.251).

Stanton Optical #67 (RDO 70827) La Mesa

Effective September 23, 2021, a \$4,500 modified citation was issued to Stanton Optical (RDO 70827) with an address of record in La Mesa for disseminating misleading and deceptive advertisements, failing to obtain an RDO registration prior to opening for business, advertising optometry services, and for unprofessional conduct: advertising the furnishing of services of an optometrist (BPC §§651, 2551, 2556(a), and CCR §1399.251).

Stanton Optical #111 (RDO 70985) Lodi

Effective September 23, 2021, a \$2,500 modified citation was issued to Stanton Optical (RDO 70985) with an address of record in Lodi for failure to obtain an RDO registration prior to opening for business (BPC §2551).

Stanton Optical #64 (RDO 70936) Merced

Effective September 23, 2021, a \$2,500 modified citation was issued to Stanton Optical (RDO 70936) with an address of record in Merced for failure to obtain an RDO registration prior to opening for business (BPC §2551).

Stanton Optical #05 (RDO 7570) Modesto

Effective September 23, 2021, a \$4,500 modified citation was issued to Stanton Optical (RDO 7570) with an address of record in Modesto for disseminating misleading and deceptive advertisements, advertising optometry services, failure to submit an RDO renewal application prior to the expiration date of the RDO registration, and for unprofessional conduct: advertising the furnishing of optometry services (BPC §§651, 2556(a), CCR §§1399.222, and 1399.251).

Stanton Optical #79 (RDO 70937) National City

Effective September 23, 2021, a \$2,500 modified citation was issued to Stanton Optical (RDO 70937) with an address of record in National City for failing to obtain an RDO registration prior to opening for business (BPC §2551).

Stanton Optical #89 (RDO 70909) Oceanside

Effective September 23, 2021, a \$2,500 modified citation was issued to Stanton Optical (RDO 70909) with an address of record in Oceanside for failure to obtain an RDO registration prior to opening for business (BPC §2551).

Stanton Optical #13 (RDO 7575) Roseville

Effective September 23, 2021, a \$4,500 modified citation was issued to Stanton Optical (RDO 7575) with an address of record in Roseville for disseminating misleading and deceptive advertisements, advertising optometry services, failure to submit an RDO renewal application prior to the expiration date of the RDO registration, and unprofessional conduct: advertising the furnishing of services of an optometrist (BPC §§651, 2556(a), CCR §§1399.222, and 1399.251).

Stanton Optical #14 (RDO 7572) Sacramento

Effective September 23, 2021, a \$2,200 modified citation was issued to Stanton Optical, (RDO 7572) with an address of record in Sacramento for disseminating misleading and deceptive advertisements, advertising optometry services, failing to obtain an RDO registration prior to opening for business, and unprofessional conduct: advertising the furnishing of the services of an optometrist (BPC §§651, 2556(a), CCR §§1399.222, and CCR §1399.251).

Stanton Optical #63 (RDO 70826) Salinas

Effective September 23, 2021, a \$4,500 modified citation was issued to Stanton Optical (RDO 70826) with an address of record in Salinas for disseminating misleading and deceptive advertisements, failing to obtain an RDO registration prior to opening for business, advertising optometry services, and for unprofessional conduct: advertising the furnishing of the services of an optometrist (BPC §§651, 2551, 2556, and CCR §1399.251).

Stanton Optical #113 (RDO 70958) San Diego

Effective September 23, 2021, a \$2,500 modified citation was issued to Stanton Optical (RDO 70958) with an address of record in San Diego (Stonecrest) for failing to obtain an RDO registration prior to opening for business (BPC §2551).

Stanton Optical #66 (RDO 70951) Santa Maria

Effective September 23, 2021, a \$2,500 modified citation was issued to Stanton Optical (RDO 70951) with an address of record in Santa Maria for failure to obtain an RDO registration prior to opening for business (BPC §2551).

Stanton Optical #62 (RDO 70828) Santee

Effective September 23, 2021, a \$4,500 modified citation was issued to Stanton Optical (RDO 70828) with an address of record in Santee for disseminating misleading and deceptive advertisements, failing to obtain an RDO registration prior to opening for business, advertising optometry services, and unprofessional conduct: for advertising the furnishings of services of an optometrist (BPC §§651, 2551, 2556(a), and CCR §1399.251).

Stanton Optical #32 (RDO 70825) Stockton

Effective September 23, 2021 a \$4,500 modified citation was issued to Stanton Optical (RDO 70825) with an address of record in Stockton for disseminating misleading and deceptive advertisements, failing to obtain an RDO registration prior to opening for business, advertising optometry services, and unprofessional conduct: for advertising the furnishing of services of an optometrist (BPC §§651, 2551, 2556(a), and CCR §1399.251).

Stanton Optical #19 (RDO 70535) Visalia

Effective September 23, 2021, a \$3,500 modified citation was issued to Stanton Optical (RDO 70535) with an address of record in Visalia for disseminating misleading and deceptive advertisements, advertising optometry services, and failure to submit an RDO renewal application prior to the expiration date of the RDO registration, and unprofessional conduct: for advertising the furnishings of services of an optometrist (BPC §§651, 2556(a), CCR §§1399.222, and 1399.251).

Stanton Optical #94 (RDO 70953) Vista

Effective September 23, 2021, a \$2,500 modified citation was issued to Stanton Optical (RDO 70953) with an address of record in Vista for failure to obtain an RDO registration prior to opening for business (BPC §2551).

Stanton Optical #57 (RDO 70945) Yuba City

Effective September 23rd, 2021, a \$2,500 modified citation was issued to Stanton Optical (RDO 70945) with an address of record in Yuba City for failing to obtain an RDO registration prior to opening for business (BPC §2551).

UNLICENSED PRACTICE CITATIONS

Sire's Crown, Luxury Eco Optical LLC dba Sire's Eyewear (Unlicensed) Baldwin Park

Effective October 27, 2021, a \$5,000 citation was issued to Sire's Crown, Luxury Eco Optical LLC dba Sire's Eyewear (Unlicensed), for failure to obtain an RDO registration before opening for business, failure to display each certificate in a conspicuous place at the certified place of business, and for engaging in the business of filling prescriptions of physician and surgeons or optometrists prior to obtaining a registration (BPC §§2551, 2553, and 2556.5).

PENDING ACCUSATIONS

Fausset, Thomas Mark (OPT 8223) Los Angeles

On August 17, 2021, a second amended accusation was filed against the license of Thomas Mark Fausset (OPT 8223), with an address of record in Los Angeles for failure to comply with order to compel mental examination, convictions of substantially related crimes, and dangerous use of alcohol (BPC §§490, 821, 3110(k), (l), and CCR title 16 §1517).

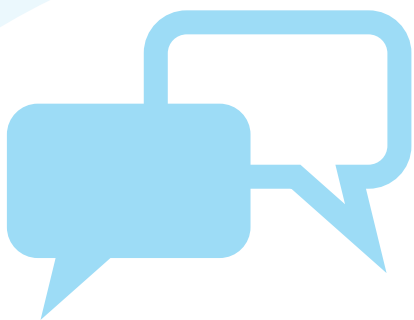
Haghverdian, Argina (OPT 33807) Northridge

On July 30, 2021, an accusation was filed against the license of Argina Haghverdian (OPT 33807), with an address of record in Northridge for unprofessional conduct and employing unlicensed optometrist (BPC §§ 3110 (a) and (t)).

Ask an Analyst Is Here!

Do you have a general question?

Submit your questions to optometry@dca.ca.gov and look for the answer in the next edition of the *Enforcement Bulletin*! Be sure to include *Enforcement Bulletin* in the subject line.



How Are We Doing?

The California State Board of Optometry strives to provide the best possible customer service. Please help us by taking a few minutes to complete our brief customer service satisfaction survey [here](#). Your participation is greatly appreciated.



California State Board of
Optometry

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STATE OF CALIFORNIA
dca
DEPARTMENT OF CONSUMER AFFAIRS





California State Board of Optometry

Committee Meeting

Friday, February 18, 2022

Enforcement Presentation – Citations



Enforcement Program

A Presentation to the Committee about Administrative Citations

Presented by Cricket Borges, Enforcement Analyst



What is an Administrative Citation?

- An Administrative Citation is an enforcement action that is not discipline, does not seek to suspend or revoke a license; merely imposes a monetary fine and/or an order of abatement.
- They are public and posted to website



Authority to Issue Administrative Citations

Business and Professions Code section 125.9 authorizes agencies within the Department of Consumer Affairs to issue citations for violations of their respective licensing laws or regulations.

These citations may include an administrative fine up to \$5,000.



CA State Board of Optometry Authority

Optometry Program:

- B&P section 2556.2 (h)(1)
- B&P section 3095
- CCR section 1576 – licensed optometrist
- CCR section 1577 - unlicensed practice of optometry



CA State Board of Optometry Authority

Opticianry Program:

- B&P section 2556.2 (h)(1)
- CCR section 1399.275 – registered opticians
- CCR section 1399.278 – unlicensed practice of opticianry



Issue an Administrative Citation When:

Citations bridge the gap between education letters and the initiation of formal disciplinary action when:

- There is no real potential for client/patient harm
- The act does not demonstrate potential unfitness to practice
- Violation may not be an ongoing
- Minor or technical violations



Minor or Technical Violations

- Failed to register fictitious name
- Failed to apply for a Statement of Licensure
- Failed to notify Board of address of record change w/in 30 days
- Failed to cooperate with board investigation
- Failed to post license in public view
- Practicing with an expired license/registration
- Failed to provide prescription
- Failed to provide a receipt for services rendered
- Advertising
- Misrepresentation – using “Dr.” without using “OD”
- Failing a continuing education audit



Burden of Proof

The burden of proof to issue a citation is the preponderance of evidence.

- Preponderance of evidence is the standard required in most civil cases. The standard is met if the assertion of fact is more likely to be true than not. (more than 50%)
- Enforcement staff, as a rule, try to meet the burden of proof at the level of clear and convincing evidence which is substantially more likely to be true than not. (more than 70%)



Fine Amounts

Optometry Program:

Range from \$250 - \$5000

Opticianry Program:

Range from \$100 - \$5000



What is the Process

- Draft Citation for the Executive Officer's (EO) review/signature
 - Citations identify the codes that allegedly were violated
 - Contain a summary of the events and circumstances surrounding the alleged violation
 - Include a fine only, an abatement order only , or both a fine and abatement order

- Service of the Citation
 - Sent via First Class (Regular) and Certified Mail to Address of Record
 - Track Citation for compliance or appeal
 - Cited individual has 30 days to:
 1. Pay fine imposed
 2. Comply with any abatement order
 3. Appeal the citation



Compliance/Non-Compliance

➤ Compliance:

- Fine paid – case closed
- Abatement order - compliance is met – case closed
- Both fine paid and abatement order complete – case closed

➤ Noncompliance:

- Fine not paid
 1. A hold is placed on the subject's license renewal
 2. Series of Demand for Payment letters is initiated
 3. Referred to the Franchise Tax Board for intercept of outstanding fine
- Abatement order not completed
 1. Transmit to the Attorney General's office for failure to comply with the Abatement Order. (then follows disciplinary process)



Appeal Options

➤ Three options to appeal a citation:

1. Request an informal conference with the EO
2. Request an administrative hearing before an Administrative Law Judge
3. Request both an informal conference and an administrative hearing



Conclusion of Citation Overview

- Thank you for your time.
- Feedback to improve these trainings is helpful and encouraged.





California State Board of Optometry Committee Meeting

Friday, February 18, 2022

Enforcement Presentation – Advertising Violations



Enforcement Program

A Presentation to the Board about Advertising Violations

Presented by Brad Garding, Enforcement Analyst



What is Advertising?

- Advertising is any form of public communication used to bring the practice of optometry or opticianry to the attention of the public. Advertisements may be found in:
 - Store signs, radio, television, etc.
 - Any representation on the Internet



Advertising Laws - Optometry

- Practicing under a false or assumed name (FNP)
- All O.D.'s listed on an FNP must be included in any advertising
- Use of Dr. requires use of "O.D."
- Holding oneself out as a specialist in eye disease
- Claiming special knowledge of optometry
- Advertising without certificates
- Free exams / price advertisements
- An optometrist is not a "physician"
- False or misleading statements generally
- Notice of practice locations (SOL)
- Registered name only



1. False Advertising

False or misleading advertising:

- Any public communication that contains a false, fraudulent, misleading, or deceptive statement, claim, or image for the purpose of or likely to induce, directly or indirectly, the rendering of professional services or furnishing of products in connection with the professional practice or business for which he or she is licensed.



2. Fictitious Names

Fictitious Names require a Fictitious Name Permit (FNP) when:

- The word “Optometry” or “Optometric” is used
- Advertising the use of the name as it is issued on the FNP
- Any advertisement or public representation of the practice must include all O.D.’s listed on the FNP application



3. Practice Name Violations

- Registered Names Only (CCR title 16 §1513)
 - Signs, cards, stationery or other advertising must clearly and prominently identify the individual optometrist or optometrists.



Optician Advertising Laws

Registered Dispensing Opticians (RDO's) cannot link their advertising to an Optometry practice.

- In a sublease arrangement, an RDO may only state there is an independent doctor of optometry located in the leased space
- Price advertisements must disclose any fees associated

Advertising eye exams

- RDO's are not allowed to advertise or collect fees for eye exams
- RDO's are not allowed to furnish eye exams
- Spectacle Lens Dispensers and Contact Lens Dispensers may not advertise, nor provide optician services, apart from an RDO



How does the Board address advertising violations?

- An enforcement case is opened
- An enforcement analyst sends a letter to the subject alerting them of the violations
- A due date is provided for compliance
- A follow up letter or email is sent as a final warning
- If compliance is obtained the case is closed
- If compliance is not obtained, an administrative citation may be issued



- Thank you for your time. More trainings will be provided at future meetings.
- Feedback to improve these trainings is helpful and encouraged.





Certified & Regular Mail

Date

Dr. Respondent, O.D.
Address
City, State zip code

Re: Case Number:

Dear Dr. Respondent:

The California State Board of Optometry (Board) is investigating possible violations of the Optometry Practice Act.

The Board has received information that you are advertising on your website as “Fake Name Optometry”, while not having a current and valid Fictitious Name Permit (FNP). Please note that advertising as such is a violation of Business and Professions Code (BPC) [§3078\(b\)](#).

Also on your website, on the “SERVICES” page you claim to offer “laser vision correction” indicating that you perform eye surgery, while not having a medical license to do so, is a violation of BPC [§651](#).

On the “ABOUT” page you state that your office “specializes in optometry” which is another violation of BPC [§3099](#) and [3100](#). Further, your name is being displayed using the prefix “Dr.” without the suffix “O.D.” which is a violation of BPC [§3098](#).

Please provide the following no later than **Date**:

- A detailed response to this letter;
- Proof that you are in compliance with all cited statutes and regulations and your plan for compliance; and
- An original business card and copies of your business devices (i.e. prescription pads, invoices, stationary, signage, advertisements) so that the Board may review them for regulatory compliance.

Failure to respond to this letter by **Date** may result in an enforcement action. If you have any questions, you may contact me at phone number or email (email address).

Sincerely,

Name
Enforcement Analyst



Certified, Regular and Electronic Mail

Date

Respondent
Address
City, state zip code

Re: Control Number: 420 2022 000000

Dear Respondent:

The California State Board of Optometry (Board) has received a complaint filed against you by _____ regarding services you provided to them.

In the complaint, the patient states that on or about (Date), he/she/they presented to your office for a patient eye exam for bifocal glasses. Following the exam, the patient went to another dispenser to have the bifocal prescription filled and discovered that the “add power” portion of the bifocal measurement was not on the prescription. The prescription is incomplete.

Please respond with the following:

- A detailed response to the allegations, and
- A complete copy of the patient’s medical record, including billing history.

Failure to respond to the Board by **Date**, may result in enforcement action.

Sincerely,

Enforcement Analyst



PROBATION ORIENTATION MEETING CERTIFIED MAIL and ELECTRONIC

Date

Respondent's Name
Address
City, State Zip

Re: Case No. 420 000 000000

Dear Respondent:

This letter will serve as a notice to you of your probation orientation and will provide you with information and requirements regarding your probation.

Your probation orientation has been scheduled for DATE, @ **9:30 A.M.** and will take place virtually via Microsoft Teams. Please allow two hours for the orientation. You will need to download the Microsoft Teams application to attend the meeting. An email invitation will be sent to the email address we have on record for you, which is _____. If this email is not correct, contact us immediately so we may correct the error.

To expedite the probation orientation, the enclosed documents need your immediate attention. Please complete all documents and submit them on the dates specified on the attached list of "Due Dates". You will need to email or mail all forms to email address. Please note that all forms **must** be received one week (DATE) before your scheduled orientation noted above. If all forms are not received by DATE, the scheduled probation meeting will be rescheduled, and you could be in violation of your probation.

Please feel free to contact the Board with any questions or concerns at phone number.

Sincerely,

Probation Monitor
CA Board of Optometry

Enclosures



Date

Respondent name
Respondent address
City, State, Zip

RE: Complaint Number 420 2021 000000

Dear Respondent:

The California State Board of Optometry (Board) is currently processing your Application for Registration as a Spectacle Lens Dispenser, Registered Dispensing Optician, Contact Lens Dispenser.

On your application and in response to the question “Have you ever been convicted of or plead nolo contendere to a crime?” you checked the box corresponding with the answer “Yes”. The Department of Justice reported the following convictions:

Conviction one;
Conviction two.

While the Board conducts its review of your application, you may present any mitigating information regarding your criminal convictions. Be advised that any evidence submitted subsequent to this request shall be considered voluntary and will be considered to determine your fitness for registration. The following is an example of mitigating evidence you may include:

- A detailed description of the underlying circumstances which lead to each conviction;
- Proof that you are in compliance with your current probation (if applicable);
- Proof that you have completed any court-ordered programs (if applicable);
- An explanation of your efforts at rehabilitation; and
- Certified court and police records.

Please respond to this letter no later than **Date.**

If you have any questions, you may contact me at phone number or email address.

Sincerely,

Enforcement Analyst
Phone Number



CERTIFIED, REGULAR, AND ELECTRONIC MAIL

[REDACTED]

[REDACTED]

Citation Number [REDACTED]

This citation is being issued in accordance with the California Code of Regulations (CCR) § [1399.278](#) which authorizes the executive officer of the California State Board of Optometry (Board) to issue citations containing orders of abatement and/or administrative fines for unregistered practice. Business and Professions Code (BPC) § [125.9](#) authorizes sanctions for each inspection made with respect to a violation.

BPC § [2546.1](#) provides that no person located outside California shall ship, mail, or deliver in any manner contact lenses at retail to a patient at a California address unless registered with the Board. (\$5,000 fine).

CITATION

An investigation into your business activity at the location identified above has been conducted by the Board. It is determined that, on or about and prior to [REDACTED], [REDACTED], began advertising contact lenses at retail to patients [REDACTED], in violation of BPC § [2546.1](#). The Board conducted two separate inspections of registration status with respect to the violation. [REDACTED] attempted to come into compliance by [REDACTED] however the application expired [REDACTED]. As of this citation, [REDACTED] does not hold a valid registration [REDACTED].

ORDER

(1) Order of Abatement:

The Board orders you to:

Cease and desist unregistered practice.

Obtain and maintain a current, valid, and active registration to practice as a Nonresident Contact Lens Seller at any time that you are engaged in the practice of selling contact lenses to patients with an address in California.

Comply with all statutes and regulations governing the practice of opticianry.

(2) Order to Pay an Administrative Fine:

The Board orders you to pay an administrative penalty (fine) in the amount of \$10,000, within thirty (30) days from the date of this citation but no later than [REDACTED]. This penalty is consistent with BPC § [125.9](#).

Payment of the administrative penalty must be submitted to

The California State Board of Optometry
2450 Del Paso Road, Suite 105
Sacramento, CA 95834

Note the citation number on the check or money order and complete the enclosed Citation Receipt Acknowledgment and Fine Payment.

You may contest this citation or any portion thereof, by requesting either a formal Administrative Hearing or an Informal Citation Conference. If you request a formal Administrative Hearing before an Administrative Law Judge, it will be held pursuant to the Administrative Procedure Act (Chapter 5 (commencing with Section [11500](#)) of Part 1 of Division 3 of Title 2 of the Government Code); no Informal Citation Conference will be held. If you request an Informal Citation Conference, the Executive Officer shall either, affirm, modify or dismiss the citation. If the citation is affirmed or modified, you may contest it by filing a request for a formal Administrative Hearing before an Administrative Law Judge.

Your request for a hearing or conference must be submitted in writing to the Board no later than [REDACTED]. You may withdraw your request at any time prior to the hearing or conference. Unless contested, this citation shall become a final order of the Board. Compliance with the order of abatement and fine payment is due on or before [REDACTED]. Payment of any fine shall not constitute an admission of the charged violations (BPC § [125.9](#)).

DATED: [REDACTED]

Shara Murphy, Executive Officer
Executive Officer
California State Board of Optometry
Department of Consumer Affairs
State of California
Complainant



Probationer Name
Address
City, State Zip

RE: Probation Complete – Case Number 420 000 000 000

CONGRATULATIONS!

You have successfully completed your probationary! You are no longer required to submit documentation on a regular basis, biological fluid test results, or abide by any other requirements of probation.

You are reminded that while your probation is over, you must continue to abide by all rules and regulations that accompany the reinstatement of your license.

If you have any questions, you may contact me directly at phone number.

Sincerely,

Analyst Name
Title
Phone number



Certified & Regular Mail

Date

Respondent
Address
City, state zip code

Re: Control Number 420 2022 000000

Dear Respondent:

The California State Board of Optometry (Board) has received a notification from the California Department of Justice indicating you were arrested for violating VC §23152(a) – DUI Alcohol on Date.

Pursuant to Business and Professions Code §490, conviction of a crime constitutes grounds for suspension or revocation of your registration to dispense lenses/license to practice optometry.

Please provide the following information to the Board regarding the below incident(s):

- A detailed description of the underlying circumstances that led to your arrest;
- Proof that you are in compliance with your current probation (if applicable);
- Proof that you have completed any court-ordered programs (if applicable);
- A detailed explanation of your efforts at rehabilitation or changes you have made to prevent further occurrences; and
- Certified police and court records.

Failure to respond to the Board by Date may result in an enforcement action. If you have any questions you may contact me at (916) 575-7170 or by email, (email address).

Sincerely,

Name
Enforcement Analyst
Phone Number