



## ISSUE MEMORANDUM

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| <b>DATE</b>    | August 25, 2023  |
| <b>TO</b>      | Board Members, California State Board of Optometry (CSBO)  |
| <b>FROM</b>    | Gregory Pruden, Executive Officer  |
| <b>SUBJECT</b> | Agenda Item #8 – Consideration and Possible Action on Legislative Proposal to Encourage Optometrist Licensees take Continuing Education in Diversity, Equity, Inclusion, and Belonging (DEIB). |

### Background:

At the August 26, 2022, Board meeting a presentation was given on DEIB by Dr. Ruth Shoge, O.D., the Director of DEIB and Associate Clinical Professor, Herbert Wertheim School of Optometry & Vision Science at the University of California, Berkeley. It was noted at that presentation that the Board does not have a requirement that licensees take cultural competency training. As a possible parallel, it was noted that current law allows and encourages licensees to take courses in child and elder abuse as part of their continuing education requirements, although Board statistics reveal that most licensees gravitate toward taking courses in the statutorily mandated topics. Members expressed interest in this topic being mandated. At the January 27, 2023, Practice and Education Committee, members asked for the topic to be referred both to the Legislation and Regulation Committee (LRC) as well as included as a future agenda item for the next Practice and Education Committee meeting, which was held on March 24, 2023. During that meeting, Board staff provided the Committee with information regarding options for pursuing this topic as a mandated continuing education topic.

During the [April 21, 2023, LRC meeting](#) the committee discussed pursuing a legislative proposal that would encourage optometrists to take continuing education in DEIB. The LRC requested that staff bring to the full Board a legislative proposal for consideration in 2024 to pursue a statutory change which would encourage optometrists to take continuing education courses in DEIB. Today, staff presents that proposal.

### Current Law **with Amendment:**

#### **Business and Professions Code section 3059.**

(a) It is the intent of the Legislature that the public health and safety would be served by requiring all holders of licenses to practice optometry granted under this chapter to continue their education after receiving their licenses. The board shall adopt regulations that require, as a condition to the renewal thereof, that all holders of licenses submit proof satisfactory to the board that they have informed themselves of the developments in the practice of optometry occurring since the original issuance of their licenses by

pursuing one or more courses of study satisfactory to the board or by other means deemed equivalent by the board.

(b) The board may, in accordance with the intent of this section, make exceptions from continuing education requirements for reasons of health, military service, or other good cause.

(c) If for good cause compliance cannot be met for the current year, the board may grant exemption of compliance for that year, provided that a plan of future compliance that includes current requirements as well as makeup of previous requirements is approved by the board.

(d) The board may require that proof of compliance with this section be submitted on an annual or biennial basis as determined by the board.

(e) An optometrist certified to use therapeutic pharmaceutical agents pursuant to Section 3041.3 shall complete a total of 50 hours of continuing education every two years in order to renew his or her certificate. Thirty-five of the required 50 hours of continuing education shall be on the diagnosis, treatment, and management of ocular disease in any combination of the following areas:

(1) Glaucoma.

(2) Ocular infection.

(3) Ocular inflammation.

(4) Topical steroids.

(5) Systemic medication.

(6) Pain medication, including the risks of addiction associated with the use of Schedule II drugs.

(f) The board shall encourage every optometrist to take a course or courses in pharmacology and pharmaceuticals as part of his or her continuing education.

(g) The board shall consider requiring courses in child abuse detection to be taken by those licensees whose practices are such that there is a likelihood of contact with abused or neglected children.

(h) The board shall consider requiring courses in elder abuse detection to be taken by those licensees whose practices are such that there is a likelihood of contact with abused or neglected elder persons.

**(i) The board shall encourage every optometrist to take a course or courses in diversity, equity, inclusion, and belonging as part of their continuing education.**

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

“I move to approve the proposed text for Business and Professions Code section 3059; encouraging optometrist licensees to take a course or courses in diversity, equity, inclusion, and belonging as part of their continuing education; and authorize the Executive Officer to seek a legislative author.”