



ISSUE MEMORANDUM

DATE	December 8, 2023
TO	Board Members, California State Board of Optometry (CSBO)
FROM	Eunie Linden, J.D., Board Secretary
SUBJECT	Agenda Item #3 – Discussion and Possible Action on Meeting Minutes

The following meeting minutes are presented for discussion and possible action:

- A. August 25, 2023 minutes

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

MEMBERS OF THE BOARD

Lillian Wang, O.D., President
 Jeffrey Garcia, O.D., Vice President
 Eunie Linden, J.D., Secretary
 Stacy Bragg, O.D.
 Robert Klepa, J.D., Public Member
 Joseph Pruitt, O.D.
 Sandra D. Sims, J.D., Public Member
 Paul Hsu, Public Member
 Vacant Governor Appointee, Public Member
 Vacant Governor Appointee, Professional Member
 Vacant Governor Appointee, Professional Member
 Gregory Pruden, Executive Officer



**AUGUST 25, 2023
 DRAFT BOARD MEETING MINUTES**

**Physical Location:
 Department of Consumer Affairs
 Hearing Room
 1625 North Market Blvd.
 Sacramento, California 95834**

Remote attendance via WebEx

Members Present	Staff Present
Lillian Wang, O.D. (In-person)	Gregory Pruden, Executive Officer (In-person)
Jeffrey Garcia, O.D. (In-person)	Randy Love, Administration and Licensing Manager (In-person)
Eunie Linden, J.D. (In-person)	Joely Walker, Enforcement Program Manager (In-person)
Stacy Bragg, O.D. (In-person)	Eric Baustista, Administrative Analyst (remote)
Robert Klepa, J.D. (In-person)	Scott Kerswell, Enforcement Analyst (remote)
Paul Hsu (In-person)	Monica Peterson, Licensing Analyst (remote)
	Brad Garding, Enforcement Analyst (remote)
	Kristen Borges, Enforcement Analyst (remote)
	Kathleen Gregorio, Licensing Technician (remote)
	Kristina Eklund, Admin Support Technician (remote)
	Anthony Pane, Legal Counsel (In-person)
Members Absent	Guests
Sandra D. Sims, J.D.	On File
Joseph Pruitt, O.D.	

**Open session of this Board Meeting was webcast.
 A recording of the webcast is available at: https://youtu.be/gZWpSg5Ha_o**

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

Audio of Discussion: [0:05](#)

Board President, Dr. Lillian Wang called the meeting to order at 10:00 a.m. Secretary, Eunie Linden took roll and a quorum was established. Both Member Sandra Sims and Dr. Joseph Pruitt, OD were absent.

2. Public Comment for Items Not on the Agenda

Audio of Discussion: [2:52](#)

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

Public comment was received from Ruby Garcia, Executive Officer of the California State Society for Opticians (CSSO). The CSSO provides educational resources for optometric assistants, technicians, spectacle lens dispensers (SLDs), and contact lens dispensers (CLDs). She thanked staff for doing a great job with the opticianry licenses. Additionally, she announced that nine colleges have opened up so far for opticians.

Public comment was heard from Dr. Paul Reimers. Dr. Reimers is a retired volunteer optometrist who performs diabetic vision screenings for a free clinic 2-3 times per month. He asked if the Board would consider reducing the number of CE from 50 to 35 for folks like himself. Dr. Wang stated that continuing education will be discussed later during the meeting.

3. Discussion and Possible Approval of Meeting Minutes

A. May 12, 2023 Board Meeting

Audio of Discussion: [6:16](#)

There were no public comments.

Jeffrey Garcia moved to approve the May 12, 2023 minutes as written. Robert Klepa seconded. The Board voted unanimously (6-0) and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Wang	X				
Dr. Garcia	X				
Ms. Linden	X				
Dr. Bragg	X				
Mr. Klepa	X				
Mr. Hsu	X				
Dr. Pruitt				X	
Ms. Sims				X	

4. Board President's Report

A. Welcome New Board Members

B. Discussion on Board Committee Membership

C. 2023 ARBO Meeting Delegate Report from former Board Member Glenn Kawaguchi

Audio of Discussion: [8:18](#)

Dr. Wang introduced the three new Board members (Robert Klepa, Dr. Stacy Bragg, and Paul Hsu) and she welcomed them to the Board. She explained that policy making functions of a Board member are partially fulfilled by sitting on committees.

Dr. Wang provided an overview of the Board's various committees. The Children's Vision Group Committee is currently made up of Member Eunie Linden and Dr. Jeffrey Garcia and was originally created in 2016 in response to legislative efforts to address gaps in providing eye exams to elementary school children. The Consumer Protection, Public Relations, and Outreach Committee assists the Board and staff in developing outreach strategies to further the Board's mission of consumer protection. Member Linden (Chair) and Dr. Garcia currently sit on this committee. Dr. Wang announced that there is one vacant spot for this committee. The Legislation and Regulation Committee is comprised of Members Wang, Linden, and Garcia. This committee assists the Board in policy development and analysis, and there is one vacant spot. Dr. Wang also sits on the NBEO/ARBO Workgroup and there is one vacant spot. The National Board of Examiners in Optometry (NBEO) and the Association of Regulatory Boards of Optometry (ARBO) are national groups that provide exams and assistance to boards as well as continuing education services to licensees. The Optometry and Optician Practice Act Workgroup is currently entirely vacant. It assists the Board with two practice acts which the Board regulates. The Practice and Education Committee reviews and approves all continuing education courses and providers that are not automatically approved pursuant to existing law contained in Business and Professions Code Section 3059 and Title 16, California Code of Regulations 1536. Member Garcia is Chair; Dr. Wang also sits on this committee and there is one vacant position. The last committee is the Telehealth Workgroup. Member Sims sit on this committee, and there is one vacant spot. This committee assist the Board with the topic of telehealth and optometric services. The Board Member Handbook rules require Dr. Wang to solicit interests from the Members during a public meeting. She asked the Members if they have an interest in serving on any of these committees. Member Klepa stated interest in the Consumer Protection and the Legislation and Regulation Committees. Dr. Bragg expressed interest in the Telehealth and the Optometry and Optician Workgroups. Additionally, she is interested in serving on the Legislation and Regulation and Consumer Protection Committees. Dr. Wang explained that she (along with Members Garcia and Linden) and Executive Officer, Greg will take their interests into consideration, and the committee appointments will be announced in the December meeting.

There were no requests for public comment.

Former Member, Glenn Kawaguchi, O.D. attended the annual June 2023 ARBO meeting and he provided the meeting delegate report.

The ARBO customer is the state and jurisdiction boards of optometry in North America. With Dr. Wang's approval, Dr. Kawaguchi attended the annual meeting as a delegate. He is also a director on the ARBO Board of Directors and this Board's liaison for California. The Pandemic spurred many questions regarding access to the national exam for optometry applicants as they were required to travel to Charlotte, North Carolina to take Part III of their national board exams. The question was raised about the possibility of a temporary test location as well as a permanent test location being provided in a western state. The NBEO conducted studies regarding the feasibility of an additional test location. The completed studies on both a temporary and permanent secondary location in the West revealed that this endeavor would not be cost effective

for the program. Consequently the study has been closed, and the NBEO is no longer considering a secondary location. Dr. Kawaguchi explained that Part III of the NBEO exams is called the “clinical skills exam”. The title will be changing to “Patient Encounters and Performance Skills (PEPS) Exam”. Although there is no date set for this change, there are statutory changes that this Board may want to consider. Dr. Kawaguchi noted that Sections 1523 and 1531 may need to be addressed as they mention “clinical skills” exam specifically.

Dr. Garcia stated that although he appreciates that the NBEO considered an additional testing site and performing a study to that end, he believes it would be prudent for the Board to continue pushing for this in the future. He noted that nobody knows when the next pandemic or national disaster will occur. Dr. Kawaguchi offered, as liaison, to see if somebody from the NBEO can attend a future Board meeting and to obtain additional information regarding the decisions that were made.

Dr. Kawaguchi reported that the NBEO created its first Diversity, Equity, and Inclusion (DEI) statement and encourages state boards to consider similar statements. Additionally, a delegate raised the idea of including the subject as a CE requirement in the states.

The Council on Endorsed Licensure Mobility for Optometrists (CELMO) is a program that was established to assist optometry boards in reviewing the licensure applications from practitioners in other jurisdictions. The goal of CELMO is to provide a license mobility vehicle by which the optometry licensing boards can address the difficult task of how to deal with the issue of licensure by endorsement in a uniform and consistent manner. Dr. Kawaguchi currently sits on that committee. He stated that it is currently an under-utilized program. CELMO will be working to improve the program (based on feedback from this meeting) and make it more valuable to state boards and licensees.

Dr. Kawaguchi provided the judicial committee report. During the last meeting the Board discussed the passing of Dr. Kenneth Lawenda who served on the California State Board of Optometry for many years. Additionally he served on many other leadership organizations regarding optometry across North America and Canada. The judicial committee proposed to honor Dr. Lawenda by naming him Honorary President of ARBO for 2023 and 2024. This was passed unanimously by the delegates of ARBO.

Regulatory updates: The main updates that were discussed were around telehealth. Dr. Kawaguchi’s key takeaway was the ARBO council’s recommendation to states working on legislation around telehealth to clarify the in-person exam requirements. Two points to consider are: 1) a need to determine where care is given and 2) care within the statute’s scope of practice. This is “food for thought” to make sure that current statutes are protecting consumers. ARBO had a guest speaker, John White, M.D., M.P.H. from Web MD who provided an overview of telehealth trends. Telehealth usage has been decreasing from the height of the COVID-19 pandemic. The top five telehealth areas used were: COVID, mental health, UTI, Hypertension, and eye disease. Audio only still makes up 40% of telehealth. People under 65 are four times more likely to use telehealth. Affluent people have a higher usage rate. Insurance payment parity is a major force influencing telehealth. Standard of care should be a major aspect of telehealth; however, there is not a lot of discussion regarding this currently. How the usage and responsibility of artificial intelligence (AI) will be handled should be considered. For example, an optometrist using Chat GPT will need to consider the various risks associated with the program and how to address errors.

The next topic discussed during the meeting was current legal issues in optometry. The main issue raised was related to a current lawsuit in the state of Louisiana regarding the state's board of optometry and the Louisiana Optometric Association having staff servicing both entities. The core constituency of a state board is consumers, and the core constituency of an optometric association is optometrists. The question was raised whether this presents a potential conflict of interest. Some states have statutes in place that prevent leadership positions in both entities.

ARBO is currently drafting a model practice act. A model practice act would create an example, provide uniformity and clarity of language to help ease licensure mobility, act as a resource for scope expansion, and address telehealth protections. Additionally, it has wording rationale comments along the side of the draft and may become a resource for California. Some states have a broader scope of practice than California currently; as our Board works through scope expansion, this could be a source of help. The committee working on the draft has requested feedback. Member Klepa asked if (since the Model Practice Act seems to be set up in Legislative format) ARBO will be providing examples or model codes that can be adopted "as is" by the California Legislature if the Board wanted to adopt it. Dr. Kawaguchi confirmed that this is correct.

ARBO had a guest speaker, Dr. Rick Castillo, O.D., D.O., who presented a talk titled "What is Surgery? What counts as surgery and who defines it?". As potential surgical procedures, drugs and treatments continue to evolve, optometrists' abilities continue to expand resulting in scope of practice expansion. Therefore, thoughtful discussions regarding changes to the scope of practice are important and necessary to ensure that optometry boards continue to protect consumers in their states.

Dr. Kawaguchi noted that California has one of the highest populations of optometrists and consumers. He believes it is critical to remain involved with ARBO to learn from the information and services they provide and to provide support to other states. The next meeting will be held June 16th through the 18th in Nashville, Tennessee. He believes it would be of great value to this Board if the president and executive officer attend the ARBO meeting.

There were no requests for public comment.

5. Department of Consumer Affairs Update

A. Executive Office

B. Budget Office

i. Fund condition

C. Presentation from DCA OPES re: Occupational Analysis of the Optometric Assistant Profession and Scope of Practice of Opticianry

Audio of Discussion: [37:47](#)

Representative, Karina Moreno from the Department of Consumer Affairs (DCA), Executive Office provided an update. On behalf of DCA, she welcomed Members Bragg, Klepa, and Hsu to the Board of Optometry and thanked all Members who continue to serve on the Board and protect the public. Ms. Moreno provided an update on DEI. On May 12, 2023, DCA's DEI Steering Committee held its quarterly meeting and elected a chairperson, Yeaphana La Marr, who currently serves as the Department's tribal liaison and is the Chief of Legislation for the Contractors State Licensing Board. Paul Sanchez, Executive Officer for the Speech, Language, Pathology, and Audiology Board was elected as Vice Chairperson. The Committee

discussed training, strategic planning, and activities through the end of the calendar year. Providing employees access to training is a priority for the Steering Committee. In June, DCA began offering three DEI courses, which are available to all DCA employees. The participation response from employees has been significant with high registration and attendance numbers. Outside consultant Dr. Bernard Gibson will provide an in-person training to DCA managers, supervisors, and leaders in October. Additionally, he will provide virtual training to board members on the morning of October 9, 2023. Dr. Gibson has 20 years of corporate experience managing teams and training employees in business effectiveness. He also has extensive teaching experience at various colleges, including serving at the University of Massachusetts for the School of Business and Professional Studies since 2006. Registration information for this virtual event will be sent out soon and for those that cannot make the training, it will be recorded and made available later.

Ms. Moreno reported that changes to the Bagley-Keene Open Meeting Act that allowed board members to not have to notice their meeting locations or meet in an ADA accessible location expired on July 1, 2023. Therefore, as of July 1, 2023, public meetings are subject to the traditional pre-COVID requirements for open meetings. DCA boards and bureaus should be prepared to conduct public meetings in compliance with the Bagley-Keene Open Meeting Act. This includes whether a meeting is held at a single centralized location, or at multiple teleconference locations. Each physical meeting location will need to be identified in the meeting public notices and agendas. Board members must attend meetings in-person at the noticed meeting locations. All noticed meeting locations, including locations where a single board member will be, must be ADA accessible, have an agenda posted and be open to the public. The public will be permitted to attend these meetings at any noticed meeting location. Additionally, members of the public need to be able to hear the meeting and participate in public comment from each location. DCA has a Bagley-Keene Open Meeting Guide available and has provided all executive officers or bureau chiefs with a list of available meeting locations throughout the state. The Board and Bureau Relations may be reached out to with any questions or concerns. DCA is committed to helping the boards make this a smooth transition. SB 544, which may allow for some meetings to be held without noticing the location of the board meeting members, thus allowing remote virtual meetings, is still going through the legislation process, and the Department's Division of Legislation Affairs is working with stakeholders and providing updates to the boards and bureaus on the status of this bill.

Next, Ms. Moreno shared an update related to military spouses' and domestic partners' temporary licensure. DCA has worked to implement AB 107 (Salas, 2021) effective July 1, 2023, which requires DCA boards and bureaus, unless otherwise exempt, to grant temporary licensure to the spouse or domestic partner of an active-duty military member stationed in California if the spouse or domestic partner holds a licensure in another state with the same scope of practice as the profession in California for which they would like to practice. DCA's Office of Information Services and Communications Division, have been working to support the implementation. All boards and bureaus were recently provided an outreach toolkit to help share the message of this new benefit to military spouses. DCA has also updated its military resources website to reflect this new benefit as well.

The Enlightened Enforcement Project was the next update by Ms. Moreno. The Department is continuing to work on the Enlightened Enforcement Project that is being

piloted by the Dental Board of California. The Dental Board has walked through their intake complaint processes, citation, and investigation processes. One more walk-through session will cover the discipline and probation processes. The goal is for staff to walk through the processes with subject matter experts so improvement and efficiencies can be found for the Dental Board that can be carried over to other boards, as well. The board also aims to learn best practices between boards and standardized procedures for all the boards and bureaus. The final benefit will also be a template for policies and procedures related to the enforcement process for all boards to utilize.

The data governance project is continuing its efforts to improve its reports regarding licensing and enforcement activities. The Director recently led multiple workgroup meetings, beginning in late April through early July with staff from each board and bureau to update the data metrics, reported in the annual report. The goal is to ensure consistency between the report data, the annual report, DCA's data portal, and board and bureau sunset reports. Future meetings are expected in August to help build new reports or modify existing reports and to provide these metrics for next year's annual report.

In an effort to further the Department's efforts to reach the Californians it serves, DCA will request board and bureaus to translate any press releases that they issue into Spanish. California's top non-English language spoken is Spanish.

Ms. Moreno provided a board member onboarding reminder regarding the oath of office. Board members who have been appointed or reappointed cannot begin their service or perform any official functions without first taking the Oath of Office. Unless otherwise provided, the oath may be taken before any officer authorized to administer the oath. Board members will be required to complete the documents listed on the Board Member Appointment Checklist or HR-5 and return them to the Office of Human Resources no less than 30-days after their appointment or reappointment. Duties cannot be assumed and appointments cannot be processed until documents are received and are accurately completed. Incomplete packets may delay per diem payments and travel reimbursements to the member. There are two mandatory board member trainings for 2023, which are Sexual harassment Prevention (SHP) and Information Security Awareness training. All DCA employees and appointees, including board and advisory council members, will need to complete the SHP this year. Board members must take the 2-hour supervisory training and advisory council members must take the 1-hour non-supervisory training. This training is required every odd number year, and is available online, self-paced and approximately 2 hours. Board members with an assigned email are required to complete the Information Security Awareness Fundamentals training every year. Both of these trainings are available in the Department's Learning Management System (LMS). If board members need assistance, they may reach out to Board and Bureau Relations (BBR).

All state travel arrangement must be made through DCA's authorized travel agency Cal Travel Store or Concur. When traveling by air on official state business, all board members and staff must use the most economical fare as possible. If the flights change, there may be additional charges. Flight changes for personal convenience are not permitted or justified and the traveler is responsible for any associated charges.

Board members must complete the Board Member Orientation Training (BMOT) within one year of their appointment or reappointment. On October 10, 2023, BMOT will be

offered virtually. This will be the last meeting of the year, and members can register for this training via LMS.

Budget Analyst Sarah Hinkle and Budget Officer Karen Munoz provided a budget update for the Board. Ms. Hinkle explained that the annual budget process is a statewide process for how a budget is developed and ultimately enacted into law for state departments to adhere to annually. The first stage of the process is the development of the Governor's budget, which occurs in the fall, and is released on January 10th. The Governor's budget is planned a year in advance so the recent release is for Fiscal Year (FY) 2023-24. During this stage, DCA's Budget Office uses the Board's existing budget as a baseline to incrementally adjust it based on instructions provided by the Department of Finance. Typically these are through budget letters. Examples of adjustments that may impact the Board's appropriation are salaries and benefit adjustments and/or budget change proposals (BCPs). The second stage begins once the Governor's budget is released on January 10th and introduced to the Legislature. At this stage the DCA Budget Office assists the Governor's administration in walking the Legislature through various adjustments that are being proposed. Once the Legislature approves the Governor's proposed budget, the budget is signed into law for the upcoming fiscal year, which is known as the Budget Act. The final stage is the implementation of the budget, and all boards under the DCA are supported by at least one special fund. A special fund is an account which is separate from the state's general fund in which specified revenue is deposited. The main revenue source for most boards are fees assessed to licensees. Additionally, a board's special fund is a source from which all authorized board expenditures are made. Ms. Hinkle noted that a board's fund balance is different from what a board is authorized to spend in any given year. The budget appropriation is the budget approved in the annual Budget Act, which becomes the appropriation for the corresponding fiscal year. Boards are expressly prohibited from making expenditures in excess of this annual appropriation. Any reversions from a board's appropriation (savings from the board's authorized expenditures in the fiscal year) are reverted back to the fund and not rolled over to the next year's appropriation. Board members have a fiduciary responsibility to ensure each board maintains expenditures within their authorized appropriation and can do so by reviewing their respective board's budget reports and expenditure projections on a routine basis.

Ms. Hinkle reported on the Board's fund condition and expenditure documents. The Board's expenditure projections are based on actual data through fiscal month (FM) 12. The Board's beginning budget was just over \$4 million. As of FM 12, the Board is projected to spend a little over \$2.74 million with a projected reversion of just over \$1.3 million. The Budget Office just received actuals for FY 2023 and an update will be provided to the Board within the next week. The Board's fund condition statement is current as of the 2023 Budget Act. The Board began 2023 with a beginning balance of just over \$2 million, is estimated to collect \$2.6 million in revenue and expended \$2.9 million. The Board has a \$2.8 million reserve fund balance. This means that if the Board were to no longer collect any revenues, it would be able to operate for only 7.8 months. For current year, since we are only in FM 2 and still closing out the prior year, the Budget Office is projecting the Board to bring in approximately \$2.9 million in revenue and have an assumed full budget appropriation of \$4 million. After the assumed expenditures and any direct draws to the fund, the Board has a current year fund balance of just over \$1.3 million or 3.8 months in reserve. The fund condition is a snapshot in time and does not include any future increased licensing or enforcement

expenditures, which could create additional cost pressures to the Board's funding. Additionally, any future legislation or unanticipated events could result in the Board's need for additional resources. This would increase pressures on the fund. The fund condition does not include the regulatory fee increases that the Board had previously approved and which are anticipated to become effective on July 1, 2024. This will increase the Board's fund by approximately \$600,000 reducing the current structural fund imbalance. The Budget Office will continue to monitor the Board's fund condition and keep the lines of communication with Board executive staff for any future needs or expectations. Ms. Hinkle clarified that revenues expected to come in based on FM 12 is almost \$2.6 million; however there is a revenue transfer from the Registered Dispensing Optician (RDO) fund bringing the total revenue total to \$3.7 million. The RDO transfer was a one-time transfer, and the two funds are now merged, so the RDO fund will be completely abolished.

Executive Officer, Gregory Pruden explained for the new Members that the \$1.14 million transfer from the RDO fund is a legacy carry over. Prior to 2017, the program did not exist at the Board of Optometry. It existed as part of the Medical Board and legislation moved the RDO program from the Medical Board to our Board. Consequently, the \$1.14 million already existed in that fund and was transferred so the funds are now merged; there is no new fund nor new revenue transfer expected in future years. This is a one time only occurrence. The Board has a regulatory fee increase proposal that it is working on and is anticipated being effective July 1st of the new FY. If that fee increase proposal is approved the Board will be receiving additional revenues pursuant to that proposal beginning July 1st of next year.

Member Klepa asked (regarding expenditures) if any of the funds are still being expended? Ms. Hinkle explained that the Budget Office keeps fiscal years open for 3 years. Any reversions the Board had in a prior year stays open for 3 years before it is completely closed out just in case additional invoicing comes in for charges incurred in that year, and reversions go back to the fund. It is not money that is transferred to the following year that may increase spending appropriation; rather it simply goes back to the Optometry reserve fund.

Member Linden requested an explanation about the increase in renewal fee revenue from \$2.56 to \$2.877 million between the prior year and the current year. Ms. Hinkle explained that currently the Budget Office is projecting \$2.5 to \$2.6 million for FY 22-23. FY 23-24 is what is being identified currently in the Budget Act. The Budget Office does reassess the Board's revenue projections every year in the fall and will begin doing this actually in the next couple months to see if there have been any trend changes. That number may decrease or increase based on trends, or any increase in revenues; therefore, it is a projection based through last fall's budget building, and it will be adjusted this fall.

Member Bragg asked about the expenditures 1111 which increases from \$2.7 million to \$4.0 million; she asked if this is specifically related to the new regulations for the mobile optometric clinic and its implementation. Mr. Pruden clarified the number represents a 3% growth that the Budget Office calculates, and this is what the Board is authorized to expend. The Board actually spent significantly less than what was authorized for prior years. This is because the Board has a lot of vacancies, which is achieving salary savings. A significant bulk of reversion to the Board's fund is a result of the salary savings. Mr. Pruden does not expect the Board to expend \$4 million in the next fiscal

year given the fact that we know the Board will bring in significantly less than that amount. Staff is trying to manage this while at the same time pursuing the fee increase to help bring in more revenue.

Member Klepa questioned whether the Board still has a deficit even with the fee increase. Mr. Pruden confirmed this is correct. The regulatory proposal the Board is engaged in is to raise its existing fees to cap. The law and statute only authorize the fees to be charged at a ceiling and currently our fees are below that in several categories. The current proposal is to raise those fees that are below their cap to their statutory cap. The increase will only bring the Board up to about what the structural deficit was and will not solve the Board's problem. In addition to the regulatory proposal, the Board will need to engage in a fee study with the Budget Office to determine what future fees should be and to determine whether the current caps in any of the categories need to be adjusted. Staff recognizes that the regulatory proposal will not, on its own, solve the Board's problem.

Mr. Pruden noted, for the new Members that it has been more than a decade on the optometry side and about 6-7 years on the opticianry side since the last fee increase.

Member Klepa asked if staff are looking at which areas of expenditures can be reduced. Mr. Pruden explained that staff are continually looking at where savings can be achieved, but the fact is the Board has very little room to cut costs. The majority of the Board's expenditures are related to personnel (salaries and benefits) so the main tool for saving in this area is to hold a position vacant. Outside of salaries and benefits, a program has little room for making changes to reduce expenditures. Attorney General costs are part of the Board's consumer protection mandate, and those costs eat up a large chunk of many programs' budgets. Staff is trying to reduce costs wherever possible. The Board saved a lot of money with being able to meet in a virtual environment prior to July 1st. The Board saved approximately \$30,000 on its travel budget last year. Other opportunities may be around printing costs and being careful about ordering supplies. Mr. Pruden added, for the new Members, that this time last year this Board was facing about a million-dollar structural deficit, and we ended the year at about \$400,000; this was due largely to salary savings.

There were no requests for public comment.

Dr. Heidi Lincer, DCA Chief of the Office of Professional Examination Services (OPES), and Amy Welsh-Gandy, OPES Research Data Supervisor provided a presentation on the Occupational Analysis (OA) of the Optometric Assistant profession and the scope of practice of opticianry.

Ms. Welsh-Gandy provided an overview. The OPES provides professional consulting services, examination development, and validation to DCA's boards, bureaus, and committees. Recommendations made are designed to conform with professional guidelines and technical standards.

Business and Professions (BNP) Code Section 139 requires that licensing examinations be based on an OA of the profession and that licensing examinations meet technical standards for validity.

DCA policy OPES 22-01 specifies the 2014 standards published by the American Educational Research Association, American Psychological Association, National Council on Measurement and Education, and the technical standards to be followed when developing licensing examinations.

DCA policy OPES 20-01 provides the information on how subject matter experts are selected to participate in the exam development.

DCA policy OPES 22-01 provides examination security guidelines. The purpose of the scope of practice study was to identify the overlap in scope of practice between CLD, SLD, and optometric assistants. It also aimed at determining whether any health and safety concerns would indicate a change to the three licensing classifications. OPES performed three occupational analyses for each of the three classifications. Occupational analyses capture significant changes in a profession's tasks, job demands, scope of practice, equipment, technology, required knowledge, skills and abilities or laws and regulations governing the profession.

Dr. Lincer provided the study results. When determining whether a specific task should be performed by optometric assistants, CLDs, and SLDs, the subject matter experts (SMEs) considered specific knowledge and training and whether performing the task poses a safety concern to the public. The SMEs identified 25 subset tasks on the optometric assistant description of practice which they believed posed a safety concern and should only be performed by a CLD or SLD. The SMEs noted that many other states require that optometric assistants be registered either with a board or with a department of health. The SMEs believed that Board registration would ensure that optometric assistants work within their scope of practice and perform only those tasks for which they have received appropriate training. In conclusion the study showed that there is some confusion regarding the optometric assistant scope of work. The SMEs, the optometric assistants, the CLDs, SLDs, and the optometrists could not agree on which subset of tasks optometric assistants should and should not be performing. OPES recommends that the Board create a task force or assign a committee to further evaluate these concerns and decide whether an additional license or registration needs to be added and if so, establish a clear scope of work for optometric assistants. OPES can perform more research on what the other states are doing and can assist with clarifying the scope of work.

Member Klepa noted that Dr. Lincer indicated that there were various levels of education earned by various participants who responded from on the job training all the way up to doctorate. He asked if the survey was designed so that they would only provide their highest level of education in the field such as they were using in this profession. Dr. Lincer explained that the survey had boxes where participants were instructed to select their highest level of education which is not necessarily in the field that they are working in. Member Klepa asked for confirmation of his understanding that OPES does not feel that any further surveys or any further foundational information is required at this point, and Dr. Lincer confirmed that this is correct. Mr. Pruden further clarified that these optometric assistants are unlicensed, unregistered, and unknown individuals to the Board. A registry would essentially make them known to the Board but would not necessarily mean that registrations can be designed in different ways. A registration does not necessarily authorize specific practice privileges; it can simply be a notification registry; it is a spectrum, but currently, optometric assistants are completely unknown to the Board.

Dr. Garcia asked if the Board has a historical record of the number of complaints against optometric assistants. Mr. Pruden explained that staff will have to look into this, but he suspects that we do not since optometric assistants are not known to the Board. Dr. Garcia noted that the Dental Board has dental assistants with a similar model, so he wonders if it is even necessary for this Board to pursue registration for optometric assistants. Dr. Lincer noted that this is a good comparison; however, the difference with the Dental Board is their scope of practice. Within their scope of practice it is very clear what the assistants can and cannot do; there is not this overlapping of duties that we see in the optometric profession. She advised that whether this overlapping is a serious public health issue is for the Board to decide. She noted that it is confusing for regulatory purposes and it presents confusion to the public.

Mr. Pruden expressed his thoughts that this issue should probably have continued conversations, particularly around telehealth. He noted that this Board is the only board in the country where optometry and opticianry are combined which makes this Board unique in that respect. Additionally, there is some natural overlap with telehealth which is something we may need to consider.

Public comment was received from Kristine Shultz, Executive Director of the California Optometric Association (COA). She expressed some concerns regarding removing tasks from the purview of optometric assistants. It is difficult for optometrists to find staff currently. The tasks chosen do not seem to impact public safety from the COA's perspective, and requiring certification would create unnecessary barriers to entry into the profession. This would be harmful to many people; not just optometrists looking for staff, but for staff looking for jobs as well. COA would be happy to participate in the staff level and/or committee work around this issue and provide input as appropriate.

Public comment was heard by Ruby Garcia who thanked Dr. Lincer for the completion of the report. It started in 2017 and it was initiated by the Dispensing Committee of Opticians. She agrees with Ms. Shultz that further discussion is needed. The Dispensing Committee saw that there was a lot of confusion about scope of practice, because SLDs and CLDs are required to be licensed with Board oversight but optometric assistants are not, yet they have the same scope of practice. Ms. Garcia expressed excitement about a statewide apprenticeship program that is already in existence and will always be free. Nobody will ever be charged for enrolling and participating in these programs. Currently Sacramento City College has a two-year degree program. It was just recently launched. Additionally, two optometrists who taught at the University of California, Berkeley are in the process of opening up two-year degree programs. She encourages further discussion around the occupational analysis report concerns.

6. Executive Officer's Report

A. Program Update

- i. Statistical Review, Quarter 4, Fiscal Year 2022-2023
- ii. Continuing Education Audit Statistics

C. Examination and Licensing Programs

- i. Statistical Review, Quarter 4, Fiscal Year 2022-2023

D. Regulatory Update

- i. Mobile Optometric Office
- ii. Continuing Education

- iii. Implementation of AB 458
- iv. Optometry Disciplinary Guidelines
- v. Optician Program Omnibus Regulatory Changes
- vi. Dispensing Optician Disciplinary Guidelines
- vii. Requirements for Glaucoma Certification Fees

Audio of Discussion: [2:01:38](#)

Mr. Pruden reported on staffing updates and directed Members' attention to the current organizational chart included as an attachment to the materials where they can visualize the existing vacancies. Staff are recruiting for the vacant Office Technician position for the Administration Unit, as well as recruiting for an Associate Governmental Program Analyst position for the Enforcement Unit. There are no current plans for recruitment on the other vacant positions.

Mr. Pruden provided a historical review of the optometrist new graduate season for the new Members. Historically the Board has faced some challenges in terms of the timeliness of approving applications for licensure for optometrists, specifically for new graduates. Around the country, optometry schools start their graduations in early May. It is an extremely busy time in the months prior to graduation and during the month or two after graduation. During this time period, the Board receives hundreds of documents (transcripts, exam scores, passport photos, verification letters from other states, livescan forms, and fingerprint backgrounds). Optometry students and new graduates are very eager to get licensed; some applications are received from folks on the exact day that they walked across the graduation stage; yet historically, we have not done a quick job in terms of processing the applications. Last year, measured from the beginning of May, staff had not issued our 100th new graduate license until the end of August (80–90-day processing time). During this most recent graduation season, staff has reduced that timeline down to under one week. The Board has seen a massive improvement in its processing time for new graduate of optometry licenses, and staff were able to issue 140 licenses by July 1st. This was accomplished through organization at the intake level. Staff spend considerable time early this year coming up with the system that has shown very positive results. Mr. Pruden is very proud of the staff and the work that they were able to accomplish in organizing the system and processing the applications.

Mr. Pruden highlighted some of the Bagley-Keene changes related to COVID. The Board was able to meet in a virtual-hybrid environment. While there was always a physical location for Board members here in Sacramento, most of our Members were participating in the meetings virtually. Since those provisions were only in effect until July 1st and not extended, the flexibility that the Board had has been reduced, until such time that the law might provide that flexibility again.

The Board has a couple of outreach events scheduled in September and October where staff will be speaking to both graduates of optician programs and students in optometry school. They will hear about "tips and tricks" they can employ to assist them during the licensure process to make it as smooth as possible for everybody. Additionally, staff received a great presentation from a former Board member, Dr. David Turetsky, on eye conditions and various examination procedures. Mr. Pruden announced that the Board's summer edition of its newsletter "The Spectacle" is expected to be released in September. It will focus on two of our new Members (Dr. Bragg and Member Klepa). Member Hsu will appear in the Fall or Winter newsletter. The summer edition contains

information on advertising laws and telehealth. Additionally, it will mention and celebrate the Centennial for UC Berkeley's Herbert Wortham School of Optometry.

Dr. Wang and Ms. Schultz expression a shout-out of praise and great appreciation to staff for the speed in which they licensed the new graduates this year.

Next Mr. Pruden reported on the fourth quarter FY 22-23 statistics. He pointed out the large increase in citations that were issued as compared to the previous fiscal year. He explained the complaint categories and referral guidelines. Categories 1 (urgent) and 2 (high) involve complaints such as patient harm, sexual misconduct, etc. and they are referred out to the Division of Investigation (DOI). Category 3 complaints are routine cases.

Mr. Pruden provided a background on the continuing education (CE) audit reports, which for many years were performed very sporadically without any consistency to the process. The Board was faulted by the Legislature coming out of the last Sunset Review for its work in this area. The limited audits that were performed suggested that possibly there was a high failure rate, so following the Sunset Review, staff sought legislative resources via a budget change proposal (BCP) to obtain positions and resources for performing this work. Additionally, staff planned to begin reporting out CE audit statistics during Board meetings. He believes this reporting began at the May meeting making this meeting the 2nd CE audit statistic report. Currently, the Board's audit pool is 5%, and staff hopes to increase it to 10% at some point. During this fiscal year, staff performed 72 audits with an 86% pass rate.

Member Klepa asked what is the average current amount of time of an investigation from opening to closing the investigation of a citation. Mr. Pruden responded that he does not have the most current data at hand, but for the concluded fiscal year, July 1, it was 91 days. Member Klepa noted that the average time to closure for the optician program complaints is 852 days, and he inquired as to why it takes so much longer to close complaints in the optician program. Mr. Pruden assured that although he does not have the data at hand to adequately respond, staff will look into this; some preliminary ideas are that the Board inherited this program and may have inherited some legacy complaints; additionally, the programs are very different and there may be some unique complexities at play. Mr. Pruden assured Member Klepa that staff will research this and have a response at a future meeting.

Administration and Licensing Manager, Randy Love provided the report on the administration and licensing programs. They reported that constant adjustments are made to the BreEZe database. Optometrists can now apply for an immunization certificate from their BreEZe dashboard. The Fictitious Name Permit (FNP) application has been revised for better clarity and ease of completion. Staff have significantly reduced the time it takes to approve and FNP application. Coming soon, licensees will be able to order verifications of licensure from their dashboard. Additionally, the retired status applications will be available via BreEZe in the near future. These additions should be effective in October 2023. Mx. Love reported that staff licensed two graduating classes in one fiscal year.

Members congratulated and thanked staff for all the hard work in improving licensing processing time and issuing licenses.

Mr. Pruden provided the regulatory update. Currently, there are eight board-approved regulatory packages in various stages of progress. The Mobile Optometric Office regulations package is a permit program that the Board was supposed to have implemented at the beginning of this year. Additionally, there was an implementation date for the year prior; the Board has not met either of these two implementation dates. The update for this package is that it has been submitted as a draft to the DCA Legal Office. There should be a further update on this package at the December meeting.

The next package is the Optometry Continuing Education regulations. This rule-making package was noticed on April 14th of this year, by the Office of Administrative Law (OAL), and the 45-day public comment period ended on May 31st. The Board did not receive any substantive comments and is moving forward towards finalizing the regulations. The package is with OAL and a formal decision is expected today.

AB 458 established the Home Residence Permit program. Staff is currently researching the accompanying regulatory package.

The Optometry Discipline Guidelines are a package the Board approved, but staff has not commenced work on moving it forward yet. The Dispensing Optician Program Omnibus regulatory changes are in the same status as the Optometry Disciplinary Guidelines package. Mr. Pruden mentioned that the Optician Program Omnibus regulatory changes package will have to be brought back to the Board for a new approval because one of the subjects of this item involves aligning current fees with statute. This package is being worked on by staff. Staff anticipates submitting this package to the DCA Legal Affairs Office in the fall of this year. The Board does not have any disciplinary guidelines on the optician side. The requirements for the Glaucoma Certification package have not been started by staff; it should probably be brought before the Board again since it has been quite some time since it was approved. The last package is the Fees Rulemaking package. The Board approved this package on May 12th and directed staff to initiate the rulemaking process. It is currently out of DCA with our control agency, the Business Consumer Services and Housing Agency. Staff anticipates hearing from them on this package shortly. Barring any substantive edits, staff will continue moving this package forward anticipating having it implemented by July 1, 2024.

Request for public comment was heard from Dr. Paul Reimers, OD who asked if retired volunteer optometrists can have their CE requirements reduced. Mr. Pruden stated that staff and the Board will continue to look at this. It is not something that is currently on the table; however, it will continue to be looked at. Mr. Pruden noted that he believes the reason the CE requirement is the same is because retired volunteers still have an active and current license, which is probably why the law did not make a distinction between the two. He noted that the Practice and Education Committee would be the better place to hold this discussion.

The Board broke for lunch at 12:49 p.m. and reconvened at 1:50 p.m. Member Linden took roll and a quorum was established.

7. Discussion and Possible Action on Legislation

- A. AB 1028 (McKinnor) Reporting of crimes: mandated reporters
- B. AB 1570 (Low) Optometry: certification to perform advanced procedures

- C. AB 1707 (Pacheco) Health professionals and facilities: adverse actions based on another state's law
- D. SB 340 (Eggman) Medi-Cal: eyeglasses: Prison Industry Authority
- E. SB 457 (Menjivar) Vision care: consent by a minor
- F. SB 544 (Laird) Bagley-Keene Open Meeting Act: teleconferencing

Audio of Discussion: [2:49:31](#)

Mr. Pruden provided a legislative update on the following bills:

- AB 1028 (McKinnor) Reporting of crimes: mandated reporters – The Board's position taken at the May meeting was opposed unless amended to mandate reporting to either law enforcement or social services that are available. The Board's concern was about the change in the mandate. The author's reason for the bill is to ensure that survivors can access health care services by creating a survivor-centered, trauma-informed approach and limit non-consensual and potentially dangerous referrals to law enforcement. This bill would limit a health practitioners' duty to make a report of injuries to law enforcement in instances where the injury by firearm either self-inflicted, where the injury was the result of child abuse or where the injury was a result of elder abuse. The bill would require a health care practitioner who knows or suspects that a patient is experiencing any form of domestic violence or sexual violence to provide brief counseling and/or a referral to a domestic violence or sexual violence advocacy services organization. The amendments made to the bill may not fully address the Board's concerns; however, they do bring into the bill a mandatory reporting for cases of child or elder abuse, which is an important consumer protection measure. Additionally, practitioners of healthcare facilities would be required to report cases of domestic or sexual violence to social services organizations. There is nothing that would prevent a practitioner from reporting cases of domestic or sexual violence to law enforcement. Staff requests that Member discuss this and possibly revise the position.

There were no requests for public comment.

Robert Klepa moved to adopt a neutral position. Jeffrey Garcia seconded. The Board voted unanimously (6-0) and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Wang	X				
Dr. Garcia	X				
Ms. Linden	X				
Dr. Bragg	X				
Mr. Klepa	X				
Mr. Hsu	X				
Dr. Pruitt				X	
Ms. Sims				X	

- AB 1570 (Low) Optometry: certification to perform advanced procedures - This is a scope of practice bill. It is essentially a reintroduction of a bill introduced in 2022 which was AB 2236 also by Assembly Member Low. Today's optometrists are trained to do much more than they are permitted in California. Optometrists in other states are performing minor surgical procedures, including the use of lasers to treat glaucoma with no adverse events and little to no requirements on the training. This bill provides additional training that will be more rigorous than any other state and will ensure that

patients have access to the care they need. This bill is not currently moving forward in this fiscal year; it will be eligible again in 2024. The Board's position on this bill was support if amended, and the amendments were around issues of implementation. The bill would create a new certificate type to allow optometrists to perform advanced laser surgical procedures, excision, or drainage of non-recurrent lesions of the adnexa, injections for treatment of chalazia, and to administer anesthesia and corneal crosslinking procedures. Prior to achieving this certification, optometrists would need to meet specified training, including the passing of an exam as well as complete educational requirements developed by the Board. Staff has worked closely with the COA about efforts to reduce the cost of implementation.

Public comment was received from Ms. Shultz. She thanked the Board for working with the COA on this piece of legislation. She believes everyone's efforts have made this a much stronger bill.

There were no requests for public comment.

- AB 1707 (Pacheco) Health professionals and facilities: adverse actions based on another state's law – The Board took a support position on this bill. Mr. Pruden clarified that the contents of this bill do not directly affect or impact the Board. The bill addresses actions that impact healing arts professionals that perform abortion and gender care type of services.

There were no requests for public comment.

- SB 340 (Eggman) Medi-Cal: eyeglasses: Prison Industry Authority – The Board's position is support. It has become a 2-year bill which means that it will not be moving forward in this legislative year. Much like the scope bill, this bill will not be eligible to be considered by the Legislature until the new calendar year 2024. However, it has been a topic that the Board has engaged in discussions for a couple of years now. SB 340 is similar to SB 1089 by Wilk from 2022 and was sponsored by the COA. The Board took a support position on SB 1089 as well. The reason for this bill according to the author was that current Department of Health Care Services (DHCS) policy (DHCS administers the state's Medi-Cal program) requires that eyeglasses for the Medi-Cal program be obtained through Cal Prison Industry Authority (PIA). Unfortunately, the delivery system is fraught with long delays and quality control issues. Medi-Cal beneficiaries often wait one to two months to receive their eyeglasses and thousands are suffering because they cannot see well enough to perform necessary life functions; over 13 million Californians rely on the Medi-Cal program for health coverage, including over 40% of the state's children, nearly 5.2 million kids. This bill, for purposes of Medi-Cal reimbursement for covered optometric services, would allow a provider to obtain eyeglasses from a private entity as an alternative to a purchase from the PIA. The Board took a support position in May. Subsequent to that position, the bill became a two-year bill. According to the author's office, they intend to take a narrower approach in 2024 owing to concerns expressed by the DHCS that the data provided by PIA showed compliance with the Department's standards. According to the author's office, DHCS is apparently satisfied with that relationship for the time being; therefore, the bill will become narrower next year.

Dr. Garcia noted that one of the challenges around Medi-Cal is with providers accepting the program as it is. If providers could also provide the eyeglass portion of patient care,

it would offer more incentive for optometrists to engage in accepting Medi-Cal patients. The state of California has very few if any Medi-Cal providers which is a crisis. This is one way to potentially help with that. Mr. Pruden asked Dr. Garcia if he has personally witnessed any improvements in the PIA turnaround time. Dr. Garcia responded that it has been better; however, turnaround is still not as good as the other options.

Public comment was heard from Ms. Shultz. She noted that this is an issue that is changing quickly, and the COA has a survey from January that it is basing its information on. Her understanding is that the DHCS is saying that there have been changes more recently. Therefore, the COA is planning another survey of its members to find out more about the time frames and how they have changed. The results will be shared with the Board.

Public comment was received from Dr. David Turetsky. Dr. Turetsky reported that the group with which he is affiliated is one of the largest practices in California. Dr. Turetsky's group sees approximately 50,000 Medi-Cal patients per year in skilled nursing facilities. He can attest in real time that the average turnaround time for a Medi-Cal pair of eyeglasses can go upwards of two months. He argued that when you are dealing with people who are on hospice or have an extremely poor quality of life, two months feels like an eternity. Anything that can be done to improve the turnaround time, either through the PIA or by being able to utilize private labs would be a tremendous benefit to folks who are living in very poor quality of life conditions or are at the end of their life. This would give them some form of enjoyment as least because they could once again read or watch TV.

- SB 457 (Menjivar) Vision care: consent by a minor – The Board's position at the prior meeting was support. Mr. Pruden believes that in the last couple days this bill has gone to the Governor's desk and awaits his signature. The reason for this bill is that for minors affected by homelessness, accessing vision care can be a challenge. Existing law clearly states when an unaccompanied minor can consent to certain medical, dental, reproductive, and sexual health treatments, but it is ambiguous on an unaccompanied minor's ability to consent to vision care. A child's ability to see and access regular eye exams are foundational needs that are vital to a child's learning and reading comprehension. This bill would authorize minors not living with their parents or guardians to consent to their own vision care and would authorize optometrists to advise the parent or guardian under the same conditions applicable to the provision of medical and dental care. The bill also defines vision care in language that is very consistent with what exists in the Board's Business and Professions Code, section 3041.

There were no requests for public comment.

- SB 544 (Laird) Bagley-Keene Open Meeting Act: teleconferencing – The Board's position was support taken at the May meeting. This bill has subsequently been amended with those amendments just recently going into print earlier this month. The flexibility allowances (in response to COVID) to the Bagley-Keene Open Meeting Act were only in effect until July 1st of this year and were not extended. This meant that on July 2nd and after we were all reverted back to the pre-COVID Bagley-Keene rules and laws. This does not mean that the Board cannot meet in a virtual hybrid environment with Members and telecommerce locations throughout the state, but it does make it more difficult to do so. Any Board member (under the current requirements) who was

attending a meeting and participating in it from a virtual location, would have to have that location teleconferenced and open and accessible to the public. This bill would extend some of those provisions. The Board took a support position on it; however it has been amended in two ways. One of those amendments means the bill now has a sunset clause on it; it will only be in effect until a certain date, at which point, it would revert back to the old law, unless a subsequent law further extended that date. This bill provides for this sunset to occur on January 1, 2026. The more substantive amendment which occurred on August 14, 2023, is that this bill would now require a majority of the members of a state body to be physically present at the same location for at least one half of that state body's meetings during that year. This means that if the Board wishes to meet in the more flexible teleconference virtual environment, it will need to have some kind of tracking and reporting system to ensure that we remain in compliance with the 50% requirement. There is no urgency clause and this bill would not take effect until January 1, 2024, should the Governor sign it. Mr. Pruden added that last year the Board saved somewhere around \$30,000 yearly on its travel budget. However, if the Board has to start meeting physically, then the travel budget will increase naturally.

Member Klepa commented that he is in support of any bill that allows the Board to meet virtually at least part of the time. He questioned if there is an option for the Board to say, "we will take what you can give us, but we prefer a better bill". Mr. Pruden clarified that the bill was heard in June or July in the committee, and the reason it got out of the committee is because the author agreed to take the amendments; therefore, he does not believe that there is any real possibility of these amendments being meaningfully changed at all. Member Klepa stated that, with this being this case, his opinion is to remain with a support position.

There were no requests for public comment.

8. Action on Legislative Proposal to Encourage Optometrist Licensees to take Continuing Education in Diversity, Equity, Inclusion, and Belonging.

Audio of Discussion: [3:29:49](#)

Mr. Pruden provided a background on this item. One year ago the Board received a presentation on this topic from Dr. Ruth Shogi, and it was noted during that presentation that the Board does not have a requirement that licensees take cultural competency training or diversity, equity, inclusion, and belonging (DEIB) training. As a current parallel it was also noted that the Board encourages licensees to take courses in child and elder abuse as part of their continuing education requirements. Board statistics reveal that most licensees gravitate towards taking courses in the statutory mandated topics. Members at that time expressed interest in the topic being mandated. At the January 27, 2023, Practice and Education Committee meeting, Members asked for the topic to be referred both to the Legislation and Regulation Committee (LRC) and the next Practice and Education Committee (PEC) meeting (as an agenda item). That PEC meeting was held in March of this year. During that meeting, staff provided the Committee with additional information regarding options for pursuing this topic as a mandated continuing education (CE) topic. During the April 21, 2023 LRC meeting the Committee discussed pursuing a legislative proposal that would encourage optometrists to take DEIB courses. The Committee requested that staff bring to the full Board a legislative proposal for consideration in 2024 to pursue a statutory change. At the May meeting the full Board adopted the entirety of the LRC's recommendation. What is being presented today is that proposal.

Member Klepa asked (since he was not privy to the presentations) if any of his professional colleagues could speak to this and indicate whether they believe there would be any downside to this proposal being enacted. Dr. Garcia responded that he does not believe there would be a downside. There are CE's specific to these categories already available.

Dr. Garcia noted that the proposal does not mandate that they take an hour or two; it just encourages enrollment in the courses.

Member Linden asked for an explanation of what "encouragement" would look like. Mr. Pruden explained that he is not aware of how CEs in child or elder abuse were encouraged in the past; however, regarding the DEIB CE courses he does not believe the Board necessarily needs to take a regulatory route. When the LRC and PEC met earlier this year, they looked at what existing courses are already available. ARBO is one of the providers of CE that is deemed by the Board as already approved. As staff looked into ARBO's course offerings at that time, it was discovered that ARBO has around 30-50 courses in subject areas touching on DEIB. Mr. Pruden believes that the Board can encourage enrollment in these courses via developing a social media campaign and use the Board's "The Spectacle" newsletter to publish those courses and inform our licensees. This would be an easy way of getting the information out.

There were no requests for public comment.

Eunie Linden moved 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 to authorize the Executive Officer to seek a legislative author. Stacy Bragg seconded. The Board voted unanimously (6-0) and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Wang	X				
Dr. Garcia	X				
Ms. Linden	X				
Dr. Bragg	X				
Mr. Klepa	X				
Mr. Hsu	X				
Dr. Pruitt				X	
Ms. Sims				X	

9. Future Agenda Items

Audio of Discussion: [3:40:27](#)

Member Klepa noted an item he saw in the prior minutes about a tour of the Sacramento City College's new Optical Technology Lab. He asked how he may avail himself of this tour. Mr. Pruden responded that he is certain that upon the conclusion of this meeting, Ruby Garcia would be very happy to spend five minutes with him getting his tour coordinated. Ms. Garcia confirmed this.

Member Klepa stated that he passed on an article about recalled eye drops. He believes the Board may wish to discuss this at a future meeting. Mr. Pruden agreed and responded that there have been some further FDA recalls just this week. He explained that the Board has on its webpage a consumer alert, regarding the FDA recall from earlier this year; staff are also working on website updates and social media posts.

There were no requests for public comment.

CLOSED SESSION

10. Pursuant to Government Code §11126(c)(3), the Board Will Meet in Closed Session for Discussion and Deliberation on Disciplinary Matters

ADJOURNMENT