



ISSUE MEMORANDUM

DATE	May 31, 2024
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. February 16, 2024 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
 Alex Clemens, Public Member
 Vacant Governor Appointee, Professional Member
 Vacant Governor Appointee, Professional Member



Gregory Pruden, Executive Officer

**FEBRUARY 16, 2024
 DRAFT BOARD MEETING MINUTES**

**Physical Location:
 Department of Consumer Affairs
 Ruby Room
 1747 North Market Blvd.
 Sacramento, California 95834**

Remote attendance via WebEx

Members Present	Staff Present
Lillian Wang, O.D.	Gregory Pruden, Executive Officer
Eunie Linden, J.D.	Randy Love, Administration and Licensing Manager
Stacy Bragg, O.D.	Joely Walker, Enforcement Program Manager
Paul Hsu	Erica Bautista, Administrative Analyst
Joseph Pruitt, O.D.	Brennan Meier, Legal Counsel
Robert Klepa, J.D.	
Sandra Sims, J.D. (Remote)	
Alex Clemens	
Members Absent	Guests
Jeffrey Garcia, O.D.	On File

**Open session of this Board Meeting was webcast.
 A recording of the webcast is available at: <https://youtu.be/lQnWinpqx8A>**

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

Audio of Discussion: [0:23](#)

Board President, Dr. Lillian Wang, O.D. called the meeting to order at 10:16 a.m. Board Secretary, Eunie Linden took roll call and a quorum was established. Members Wang, Linden, Bragg, Hsu, Pruitt, Klepa, and Clemens attended the meeting in-person. Member Sims remotely attended the meeting from a private location. Professional Member, Jeffrey Garcia was absent.

2. Public Comment for Items Not on the Agenda

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

Audio of Discussion: [2:46](#)

The public did not provide any comments.

3. Discussion and Possible Approval of Meeting Minutes

A. December 8, 2023 Board Meeting

Audio of Discussion: [3:51](#)

The public did not provide any comments.

Stacy Bragg moved to approve the December 8, 2023 Board Meeting Draft Minutes, as submitted. Joseph Pruitt seconded. The Board voted unanimously, (8-0-1) 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				
Mr. Clemens	X				

4. Discussion and Possible Action on Board President's Report

A. Call for Board Officer Nominations

Audio of Discussion: [5:57](#)

Member Wang welcomed the Board's newest Member, Alex Clemens. Member Clemens was appointed by Governor Newsom nearly a month ago. He is a public affairs professional with a long history of engagement in state and national policy. Mr. Clemens shared personal experiences that have contributed to his dedication to optometry and regulation.

Member Wang announced the opening of the nomination period which will close on March 31, 2024. The nominations are for President, Vice President, and Secretary. Member Wang will be concluding her third term as Board President. No board members were nominated as President, Vice President, and Secretary during this meeting.

Executive Officer, Greg Pruden clarified that the Member's materials provide the timeline of the process. Elected officers will take their seats on July 1, 2024.

The public did not provide any comments.

5. Presentation (including Discussion and Possible Action) from Association of Regulatory Boards of Optometry: Council on Endorsed Licensure Mobility for Optometrists

Audio of Discussion: [12:17](#)

Executive Director of the Association of Regulatory Boards of Optometry (ARBO), Lisa Fennell provided a presentation on the Council on Endorsed Licensure Mobility for Optometrists (CELMO). ARBO is a nonprofit organization whose mission is to assist its member licensing agencies in regulating the practice of optometry for the public welfare. CELMO was started by ARBO about 20 years ago. License mobility provides access to care while maintaining consumer protection. Efforts are being taken to reduce barriers to licensure and issue licenses quicker and more efficiently. Some states are being asked to issue licenses more quickly and reduce processing times. CELMO assists ARBO Member boards in the licensure mobility process. It gathers, authenticates, and stores documentation required for licensure from an optometrist licensed in another jurisdiction. Licensure decisions remain with the member board. It is designed to lessen the burden on license candidates and member jurisdiction/state boards on gathering, authenticating, and storing common documentation. Licensure candidates will still be responsible for complying with unique jurisdiction/state requirements. CELMO's requirements for licensure candidates include the following:

- Have an O.D. degree from an accredited school or college of optometry.
- Engaged in active practice of optometry for 3 of the last 4 years.
- Hold the highest level of prescriptive authority in the state in which they practice.
- Have 50 hours of COPE-accredited continuing education (CE) over a 2-year period.
- Be in good standing with every licensing board from which a license is currently held.
- Report all disciplinary action taken by any licensing board.

CELMO's verification process includes reviewing the following:

- National Practitioner Data Bank (NPDB) self-query provided by the optometrist.
- Healthcare Integrity and Protection Data Bank (HIPDB) report.
- Optometrist degree verification.
- National Board Exam scores.
- 50 hours of COPE-approved CE over a 2-year period.

After verification, a CELMO certificate is issued.

Member Paul Hsu asked, and Ms. Fennell clarified, that optometrists with a CELMO certificate would still have to pay the state's application fee to become licensed in that state. Member Hsu asked how many states are currently CELMO members. Ms. Fennell responded that seven states are currently using this program.

Member Alex Clemens noted a couple areas where CELMO had a typo or where it should clean up or clarify some language. Member Clemens asked Mr. Pruden if Board staff have reviewed this and determined whether there is a need, necessity, or desire to use the CELMO program. Mr. Pruden explained that presently the Board is not using CELMO, and staff would probably need to do some further research to determine whether to use it and whether it would require some codification of statute of regulation.

He noted that the Board is currently averaging less than a week for the initial application for an optometrist, which it has taken down from a 90-day average, to less than one week.

Mr. Pruden explained that BreEZe and the Board's website are the primary source of licensure information, which means the information provided is accurate and used in real-time. Other state's licensing boards may use the Board's online license lookup system and view accurate, up-to-date, and real-time licensee/license information.

Member Pruitt asked if the seven states participating as CELMO members are finding it beneficial considering that many jurisdictions do not require COPE approved continuing education and how many of these licensees will be able to obtain the CELMO certification. Ms. Fennell explained that often times optometrists apply for CELMO prior to obtaining the COPE approved hours. They will have a handful of hours and then see the requirements. After they apply, they have two-years to earn 50 hours of COPE approved CE. Often times they will then take and earn the COPE approved CE hours because they want the certification. It is not really affected by what the state requires; rather it is just up to the optometrist to take that specific accredited CE.

Member Linden asked if licensees with CELMO certification still have the option to use or not use it. Ms. Fennell clarified that this would be up to how the Board writes its rules, but nobody who currently accepts the certificate, requires it. It is simply an option. Member Linden inquired about the likelihood of some of the current requirements for CELMO certification being changed. Ms. Fennell stated that about two-years ago, ARBO restarted the committee to look at the CELMO requirements and determine whether any changes should be made. Part of today's presentation is to obtain feedback regarding whether there are things that could be changed or modernized. It used to be in the CELMO requirement that CE had to be taken live, in-person. This requirement was removed after COVID-19. ARBO is looking at making changes, and if any changes are made, they would be announced to ARBO members ahead of time. As an ARBO member, the Board would have the option of having someone volunteer to sit on the committee and participate in any changes and the process.

Member Linden asked what the average time frame is for someone holding a license in another state. Mr. Pruden explained that the Board does not have reciprocity or an endorsement process. Holding a license in another state does not automatically get an applicant a license in California. Similarly, having a license in another state does not necessarily expedite the application-licensing process in California. One of the most significant components, in terms of processing time, for out-of-state applicants is often spent in acquiring verification of licensure from their home state. Since they are licensed in another state, the Board needs to ensure that their license is in good standing and that they are not fleeing discipline or some criminal issue in the original state of licensure. Therefore, this Board has its own process for an out-of-state applicant. The out-of-state licensee is still required to take the California Law and Regulations Exam (CLRE), and the licensee must still pass all parts of the national exams including TMOD. A change that has been made is that Board staff is now trained to look at the state boards license system to determine if it is the primary source of information, and if it is a download or screenshot can speed up the process. Fortunately, most of the states have an online system that can be utilized in some manner.

The public did not provide any comments.

6. Discussion and Possible Action on Department of Consumer Affairs Update

A. Executive Office

B. Budget Office

i. Fund Condition

Audio of Discussion: [52:27](#)

A. Executive Office

Yvonne Dorantes, Assistant Director of Board and Bureau Relations provided updates. She reported that Governor Newsom appointed Tomiquia Moss as Secretary of the Business, Consumer Services and Housing Agency and on behalf of DCA, extended Ms. Moss a warm welcome.

In December, the Department of Finance issued a budget letter that directs all agencies and departments under the Governor to take immediate action to reduce current year expenditures. Given the current fiscal outlook, the state of California anticipates a significant general fund budget deficit in fiscal years 2023-2024 and 2024-2025. This will require all state entities to take immediate measures to ensure more prudent spending except for time sensitive, emergency related, and mission critical information and needs. The Department has issued further guidance to leadership about exemption requests for purchases, contracts, and travel. DCA appreciates the boards partnership in reducing costs together.

Ms. Dorantes provided an update on DCA's Diversity, Equity, and Inclusion (DEI) Steering Committee. The Committee held its quarterly meeting in mid-December, and it drafted its DEI internet web page for employees, reelected its chairperson and vice chairperson for 2024, and discussed additional DEI training. After approval, the Committee announced at the meeting the launch of the DEI internet page to Department staff, which provides a centralized location for DEI related tools and information with real-time updates on the Department's DEI activities for all employees. Providing DEI training opportunities continues to be a priority for the Department and the DEI Steering Committee. DCA is also pleased to offer board members a DEI training on how leaders navigate DEI dialogue in the workplace.

The Department held an active threat assessment training for board and bureau leadership teams on February 2nd. California Highway Patrol officer, Brian Wong provided the training where participants learned about steps that can be taken in the event of an active threat.

On February 2nd, DCA provided guidance on the Bagley-Keen Open Meeting Act amendments to teleconference meeting requirements, which took effect on January 1, 2024. The guidance provides a general overview of traditional in-person teleconference meeting requirements and a detailed discussion of the legal requirements and best practices for conducting meetings using the two new teleconference meeting procedures. The Department is here to help boards and bureaus navigate the new requirements.

The Federal Professional License Portability and State Registration Portal is up and running. It was successfully developed and launched to provide a portal in support of service members and their families following the new federal and state laws that passed

last year. This online portal allows boards and bureaus to accept online requests from military service members (and their spouses) who currently hold a valid license and are in good standing in another state, district, or territory to register their practice in California within the same profession or vocation if they relocate to California due to military orders. Registrations are required to be approved within 30 days of the Board's receipt of all the necessary documentation. Additionally, DCA's military resource web page and board and bureau licensing web pages were updated with the portal.

Senate Bill (SB) 372 was signed by Governor Newsom and became effective this year. The bill requires DCA boards and bureaus to update license records if they receive government documentation demonstrating a legal change of name or gender for gender transition or for domestic violence reasons. This bill allows licensees to request that their prior name not be published online in connection with their license.

Ms. Dorantes announced the presidents' training, which will take place on February 22nd. Board presidents and vice presidents are invited to attend this annual training. Additionally, Board Member Orientation Training (BMOT) is coming up next month on March 27th. Members who were appointed or reappointed within the last year, who have not yet taken the BMOT, are required to take the training.

The public did not provide any comments.

B. Budget Office

Harmony DeFilippo, DCA Budget Manager, provided an update on the Board's expenditure projections and fund condition. The Board began the fiscal year with a beginning base budget of approximately \$4.1 million and is projected to spend approximately \$2.83 million, creating a reversion to the Board's fund of \$1.3 million or approximately 31%. The Board began FY 22-23 with the beginning balance of \$2.015 million; collected \$2.564 million in revenues with \$346,000 from initial license fees; \$2.064 million from license renewals; and \$154,000 was collected from the issuance of citations, fines, delinquency fees, and other revenue. The Board expended \$2.9 million, which includes \$197,000 in direct draws to the fund for statewide pro-rata and pension payments. The Board ended 22-23 with \$1.732 million reserve balance or about 6.8 months in reserve. For current year, FY 23-24, the Board projects revenues of \$2.6 million with approximately \$357,000 projected from initial license fees; \$2.081 million from renewal fees; and \$190,000 from the issuance of citations, fines, delinquency fees, and other revenue. The Board's 23-24 expenditure projections are based on the Governor's budget combined with six months of data, and it is just over \$3 million between authorized expenditures and direct draws to the fund, leaving a fund balance of just over \$2.5 million or 7 months in reserve at the end of FY 23-24. The Budget Office will continue to monitor the Board's revenue and expenditures and report back to the Board monthly. The Board has done an excellent job being fiscally responsible with its budget.

Member Klepa asked and Ms. DeFilippo clarified that the current projections do not include the recently approved fee increase which will be effective, July 1, 2024. The next fund condition at the next Board meeting will reflect that increase, which is estimated to be approximately \$600,000.

Member Sims noted that holding meetings via WebEx saved the Board money and asked if a more hybrid approach is being considered. Mr. Pruden explained that the money the Board saved by meeting almost exclusively virtually was really a drop in the bucket in that it does not address this Board's primary financial expenditures. The Board's travel budget is a very small expenditure; the largest component of the Board's expenses are personnel services. Additionally, the law has changed, and the ability to meeting remotely is not as flexible as it was. There are some challenges with the law that make it more difficult to meet virtually as we did prior to January 1st of this year.

The public did not provide any comments.

7. Discussion and Possible Action on Executive Officer's Report

- A. Program Update
- B. Enforcement Program
 - i. Statistical Review, Quarter 2, Fiscal Year 2023-2024
 - ii. Continuing Education Audit Statistics
- C. Examination and Licensing Programs
 - i. Statistical Review, Quarter 2, Fiscal Year 2023-2024
- 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
 - viii. Fees

Audio of Discussion: [1:20:36](#)

A. Program Update

Mr. Pruden provided a program update. The Board's Policy Analyst accepted a position with another state agency. His last day with the Board was November 24, 2023. The position has been advertised twice, and we are trying to establish a full pool of candidates to pull from. Staff has experienced challenges in recruitment for this position. Mr. Pruden anticipates needing to advertise this position for a third time. From a budgetary perspective, the Board is realizing salary savings; however, this is an important position that needs to be filled. The Policy Analyst is involved with statutory review, writing, and analysis.

Mr. Pruden noted that the Board has talked before about how it has been challenged for several years around processing times for optometrist initial licensure. The average time was about 90 days. He explained that the first step an applicant takes towards licensure is signing up to take the CLRE. This is supposed to be a process that is 100% visible to Board staff. A little over a year ago, it was discovered that this process (that was supposed to be handled automatically) was not, due to kinks in the system. Changes to the BreZze system takes about six months on average. The system glitch was called the F-modifier problem, and staff had to come up with a manual workaround while at the same time working with IT folks to get the permanent system fixed. This effort was led by a team member, Kathleen Gregorio. Ms. Gregorio took on the bulk of the work on this (around 10-12 manual clips for each person). The other effort that Ms. Gregorio was instrumental in was helping the Board to reduce the processing time from the 90-day

average down to a 6-day average. Mr. Pruden announced that he has the honor today of publicly recognizing Ms. Gregorio for this work. DCA has a superior accomplishment award. Staff nominated Ms. Gregorio and she won! The Department will publish this in their monthly newsletter. On behalf of the Board, Mr. Pruden congratulated Ms. Gregorio and expressed his gratitude and pride in her great work.

Mr. Pruden announced that staff is in the process of removing some of the open vacancies from the Board. He explained that even when a vacancy is not filled, a program still pays some money out of its fund. The Board received some positions, pursuant to prior legislation that have limited term funding associated with them. Several of these positions will be dropping off the organization chart later in the year which will help improve the Board's budget.

Mr. Pruden explained that the Board has not updated its Laws and Regulations book in four years, and it really should be updated annually. Staff was engaged in the process of securing a contract for this update before the budget letter exemption process announcements were made this year. Mr. Pruden reported that staff worked very closely with DCA and the Budget Office on that budget letter exemption and it was approved; therefore, staff are continuing the work to secure the contract and get the California Laws and Regulations book updated. This is an example of normal processes that may have a slight detour while navigating this current spending freeze.

At the December Board meeting, Member Klepa requested that information come back to the Board regarding eyeglass donation programs and he was specifically interested in learning about ways the Board may be able to foster increased access to these programs. Staff performed research which has uncovered long standing efforts by various community groups doing this exact work (eyeglass donation programs). Lion's Club International is one that has been involved in this work for a very long time with their Lion's Insight Program. There are many other charity providers who are doing similar good work. Lion Insight publishes a listing of their drop off locations and more than 95% of them are located in California in diverse places. Mr. Pruden suggested including an article in the Board's newsletter and including a link to the list of drop off locations. Member Klepa agreed and also suggested adding a link to the article on the Board's website. Member Sims added that perhaps one of the newsletters might include information about where these donations go and show donation recipients.

The Practice and Education Committee met on February 12, 2024. Courses are now being approved for 2-years as opposed to 1-year. This is a change the Board made in its CE regulations last August. Staff will be updating the Board's list of approved courses soon.

Mr. Pruden attended the California Optometric Association (COA) House of Delegates meeting last weekend. One of the topics discussed during the meeting is the Board's need for subject matter experts (SMEs) for CLRE development. The Board conducts this work in partnership with the SMEs and the Department Office of Professional Examination Services. The Board has a need for more SMEs. The Board is in a contractual relationship with these SMEs and there is a workshop occurring today with a few of the Board's SMEs. Mr. Pruden asked anybody listening who may be interested in working as a SME to send the Board an email. Of particular interest are folks that have graduated within the last five years because they have more recent and fresh training.

The Board released its Winter edition of 'The Spectacle' newsletter a little over a month ago and are presently working on the Spring edition, which is anticipated to be released in April.

The California Law and Regulations Candidate Information Bulletin has been updated with current information and distributed. Everybody who signs up to take the CLRE receives (when they are authorized to take the exam) this candidate information bulletin. Unfortunately, the document had not been updated for 3+ years when it should be updated annually. This was discovered in the last month or so, and staff immediately got to work correcting inaccurate and confusing information. The updated bulletin has been distributed to the Board's exam contractor and the three California optometric colleges. Staff continues to look for additional ways to get this information out.

Public comment was received from Ruby Garcia. She announced that they are opening up a training center and will also be able to help underserved populations almost on a monthly basis. Their students will be working with optometrists and ophthalmologists to make a pair of glasses for underserved individuals. Also, their store is located in an underserved population area. Ms. Garcia announced an event they will be holding in Alameda County in the month of July. This event will offer assistance with eyeglasses and will also have dental, nursing, and medical professionals participating. She would like to submit this information to the Board for posting in the Board's newsletter. Mr. Pruden asked her to send the information and stated that staff would like to figure out ways to share it.

Next public comment was heard from Dr. James Deardorff, O.D. who asked if mobile optometric office regulations have been discussed yet. Mr. Pruden explained that this issue will be discussed in Item 7D.

B Enforcement Program

Mr. Pruden provided an enforcement update. The enforcement unit has been focused on reducing some of the aging cases. In June 2023 there were 23 cases that were over a thousand days old, and as of today, only two cases are over a thousand days old. These two are in the process of being resolved.

The Board went through Sunset Review a few years ago. The Legislature criticized the Board on its CE audit process. The Board was not doing a sufficient job of performing CE audits, and the limited audits and data the Board had suggested a high fail rate. Consequently, the Board secured two positions (additional resources) and began performing monthly audits. The Board's goal is auditing 5% of its optometrist licensees. Staff has two quarters of data for the current year that are complete. Staff has done a little better in terms of the number of audits performed, but unfortunately, the failure rate is much higher (66%). The Board will undergo the Sunset Review process again next year, and the Legislature will want to know how the Board has improved in this area. If they see a failure rate that appears to be too high, there will likely be a lot of questions asked. The goal is to continue performing audits and incrementally increase the number of audits.

Continuing education may be taken online via online webinars for live credit (as long as they are live and interactive) which makes it significantly easier for licensees to obtain their requirements. The fact that so many optometrists do not appear to be trying to complete their requirements is significant. It would be helpful if more optometrists would

upload all of their certificates into ARBO's CE Tracker system. This would greatly expedite the process; unfortunately, very few audits are able to be passed or failed by the CE Tracker alone as many certificates are not uploaded. SME's may obtain up to 12 CE hours for free; 4 CE hours may be obtained by watching a Board meeting. That is a total of 16 free hours from the Board. Many of the local optometric societies also have free CE opportunities. Mr. Pruden does not believe there is a real challenge in obtaining the requirements; however, the Board does have an exemption form which is published in the newsletter. Staff strongly encourage optometrists to read the Board's newsletter. The Board will accept an exemption for health, medical, or other personal reasons. If additional time is needed to fulfill CE requirements, an exemption request may always be submitted to allow for this.

Member Wang noted that some states require all of their licensees to use the OE Tracker and they audit every single person. The OE Tracker is a subscription – it is not free. There is a free component to it but if non-COPE (Council on Optometric Practice Education) approved courses are taken, the paper certificates must be faxed or emailed, and this service is only available with the paid subscription.

Member Clemens commented that holding a license and serving the public in the healing arts is a privilege and the Board owes it to the public to hold high standards. He has personally held a professional investigator license for over 20 years, and he is shocked by the audit failure rate. Perhaps the consequences are not seen as significant enough. Member Clemens asked why the Board is capped out at a certain fine rate for people who choose to ignore their requirement. Mr. Pruden explained that the Board's California Code of Regulations, Title 16, Section 1582 specifies the fine amounts depending upon the class of the violation. Mr. Pruden stated that staff are not filing accusations against licensees for failing their audits; however, this is a tool that is available to the Board. His hope is that as more audits are performed and more fines are issued, that folks will correct their behavior. The Board is not going to stop performing audits. The way the Board ensures that fines are paid is when the licensee's renewal comes up. If they are not current on their fine payment(s) they will not be able to renew their license. Members and staff discussed ideas about possible ways to make the consequences for non-compliance and failed audits more severe, such as increasing the fine amounts.

The public did not provide any comments.

[C. Examination and Licensing Programs](#)

Mr. Pruden reported that the Board uses the examinations developed by the National Board of Examiners in Optometry (NBEO) to determine a candidate's competency to practice. Prospective optometrists take these examinations during the time they are in optometric school. In California, applicants are required to take and pass the following NBEO examinations:

- Part I – Applied Basic Science
- Part II – Patient Assessment and Management
- Part III – Clinical Skills
- Treatment and Management of Ocular Disease (TMOD)

The NBEO has announced the new Part III Patient Encounters and Performance Skills (PEPS) examination which will launch in August 2024 and replace the current Part III

Clinical Skills exam. According to the NBEO, the new Part III exam will evaluate essential skills and measure a candidate's ability to apply evidence-based knowledge to patient care. Board staff expects no negative impacts to board application or licensing processes and is disseminating this information for board member and public awareness. There will need to be some clean up to areas in current law that reference the clinical skills exam; but in terms of processing applications for licensure, staff expects no challenges to the process.

Member Bragg noted that the PEPS exam is modeled after the North Carolina Board of Optometry which historically has a higher failure rate. Her concern is that the number of applications may dip a bit in percentage as a result of increase exam failure. Member Wang responded that the NBEO knows that this is a new format so in preparation they will be offering practice exams to demonstrate what the exam will be like. Also, applicants can take the exam more than one time. It will pose some hardship to California applicants as the exam is located solely in North Carolina, so California applicants will have to travel to take their exam. Mr. Pruden added that most of the students are taking their NBEO exams and the CLRE before they graduate. Applicants cannot open the part II application until they pass part I and have graduated from their program.

Mr. Pruden reported on BreZE updates that have been made. Staff has been spending a significant amount of time getting ready for mobile optometric office applications which has been taking up a lot of present resources. On July 1, 2024, the fee increase update is coming. Licensing statistics have been provided in Member materials. Mr. Pruden noted the big spike in December and January regarding the optometrist exam request. Staff has been encouraging applicants to sign up for the CLRE in December and January. The reason is because if they fail that exam, they have to wait to re-take the exam. For example, if an applicant graduates in May and plans to get licensed soon after, if they waited until April to take their exam and then failed their exam, they would not be able to re-take the CLRE until October.

The public did not provide any comments.

The meeting broke for lunch and reconvened at 2:00 p.m. Member Linden took roll call and a quorum was established. Member Klepa returned to the meeting at 2:02 and the entire quorum was intact.

[D. Regulatory Update](#)

Mr. Pruden provided the regulatory update.

Mobile Optometric Office Regulations (Adopt §§1583 – 1586): Approved by the Board at the May 20, 2022, public meeting.

Subject: This proposal will implement AB 896 (Low, Chapter 121, Statutes of 2020), which would allow nonprofit charitable organizations to provide mobile optometry services to patients and receive reimbursement by Medi-Cal. It requires the Board to develop a registry for mobile optometry offices and a consumer notice to be provided to patients. Assembly Bill 1534 (Assembly Committee on Business and Professions), approved by the Governor on October 7, 2021, and effective January 1, 2022, extends the regulatory implementation date to January 1, 2023, and adds authority for the Board to require registration of individual mobile optometric units by each non-profit.

Comments: This regulation has been approved by the Business Consumer Services and Housing Agency. It has been filed with the Office of Administrative Law (OAL) and should be publicly noticed, beginning the 45-day comment period, on February 23rd.

Implementation of AB 458 (Adopt §1507.5 and amend §1524): Approved by the Board at the May 21, 2021 public meeting.

Subject: This proposal will implement AB 458 (Nazarian, Chapter 425, Statutes of 2019), which allows an optometrist to engage in the practice of optometry at a home residence, provided they meet specific requirements and submit an application to the Board and pay specified fees. The optometrist would also be required to provide a consumer notice to a patient.

Comment: Staff has prepared a draft regulatory package which is in review with the Executive Officer.

Optometry Disciplinary Guidelines (Amend §1575): The full Board approved the regulatory text and Guidelines incorporated by reference at the October 25, 2019, public meeting.

Subject: 2019 update of existing Optometry Board Disciplinary Guidelines. The changes include updates to enforcement processes, terminology used, and implementation of changes made by the Substance Abuse Coordination Committee in Fall 2019.

Comment: The rulemaking package is currently under staff preparation for submission to DCA and Agency for pre-file approval with OAL.

Optician Program Omnibus Regulatory Changes (Amend §§ 1399.200 – 1399.285): Approved by the Board at the August 14, 2020, public meeting.

Subject: This proposal makes minor changes to the existing optician program regulations, limited to placing current initial registration and renewal forms (used with the BreZE system), aligning current fees with the statute, and making other non-substantive changes. These changes would not affect any existing operations or modify any current processes.

Comment: The rulemaking package will have to come back to the Board for revision, as fees, which were part of this package, were separated and became part of the fee's regulation.

Dispensing Optician Disciplinary Guidelines (Amend §1399.273): Approved by the Board at the August 14, 2020, public meeting.

Subject: The Dispensing Optician Disciplinary Guidelines are used to impose discipline including conditions of probation for licensees that address the violations charged and are modeled after the Optometry Disciplinary Guidelines but are modified to meet the needs of the Optician Program.

Comment: This package was intended to be submitted to DCA Legal in December 2023, however there was additional unanticipated work that needed to be done which

delayed submission. The package is expected to be submitted by the end of quarter 3 (March 2024).

Requirements for Glaucoma Certification (Amend §1571): Approved by the Board at the February 26, 2021, public meeting.

Subject: CCR Section 1571 sets out the requirements for Glaucoma certification. Due to COVID-19, optometry schools have been offering the Grand Rounds certification program, authorized by CCR Section 1571, subsection (a)(4)(B), online as a live course. This proposal would remove the in-person patient evaluation requirement from CCR Section 1571, subsection (a)(4)(B).

Comment: The rulemaking package has not been started.

Fees (Amend § 1399.260, 1399.261, 1399.263 and 1524) Approved by the Board at the May 12, 2023, public meeting.

Subject: CCR Section 1524 sets out fees for optometrist renewal and associated fees. CCR Sections 1399.260, 1399.261, and 1399.263 set out fees for registered dispensing ophthalmic businesses, contact lens dispensers, and spectacle lens dispensers.

Comment: The rulemaking package was approved by the Office of Administrative Law on December 27, 2023, effective July 1, 2024.

8. Update and Possible Discussion and Action on 2023-24 Legislation

- A. AB 1028 (McKinnor) Reporting of crimes: mandated reporters.
- B. AB 1570 (Low) Optometry: certification to perform advanced procedures.
- C. SB 340 (Eggman) Medi-Cal: eyeglasses: Prison Industry Authority.

Audio of Discussion: [2:58:14](#)

Mr. Pruden reported on three bills that the Board took action on in the last year. He explained that California operates under a two-year legislative cycle and this Board is in the second year of that two-year cycle. The legislature reconvened on January 3, 2024 and are introducing new bills until the 21st.

A. AB 1028 (McKinnor) Reporting of crimes: mandated reporters

There is no update to this bill. It was held last year in the Senate Appropriation Committee's Suspense File which means that the Legislature does not need to pick the work on this bill back up until later on in the year. In December, the Board's position on this bill was neutral. This bill would, on and after January 1, 2025, no longer require a health practitioner to report injuries suspected to be caused by abusive conduct and limit a health practitioner's duty to make a report of injuries to law enforcement to instances where the injury is by a firearm, self-inflicted; the result of child abuse; or the result of elder abuse. This bill also requires a health care practitioner, who in their professional capacity or within the scope of their employment, knows or reasonably suspects that their patient is experiencing any form of domestic violence or sexual violence, to provide brief counseling and offer a referral to domestic violence or sexual violence advocacy services before the end of the patient visit, to the extent that it is medically possible.

B. AB 1570 (Low) Optometry: certification to perform advanced procedures.

This bill is now dead. It did not pass the legislative vote that it needed. The bill was held up in the Assembly Appropriations Committee and since it was held up in the second year of a two-year session, it is not eligible to advance. This was the scope bill, which was very substantially similar to a prior bill in 2022 (AB 2236). The bill would expand the scope of practice of optometry in California to allow for more advanced procedures which are generally already part of the education provided to optometrists in their schools. It would create a new certificate type to allow optometrists to perform advanced laser surgical procedures, excision or drainage of nonrecurrent lesions of the adnexa, injections for treatment of chalazia and to administer anesthesia, and corneal crosslinking procedures. Prior to certification, optometrists would be required to meet specified training, pass an examination, and complete education requirements to be developed by the Board. It would also require optometrists to report any adverse treatment outcomes to the Board and require the Board to review these reports in a timely manner. The Board's position was "support if amended". The Board's concerns were around implementation and costs. The bill is dead for the moment.

[C. SB 340 \(Eggman\) Medi-Cal: eyeglasses: Prison Industry Authority.](#)

This bill, for purposes of Medi-Cal reimbursement for covered optometric services, would authorize a provider to obtain eyeglasses from a private entity, as an alternative to a purchase of eyeglasses from the Prison Industry Authority (PIA). The bill would condition implementation of this provision on the availability of federal financial participation. This bill is substantially similar to SB 1089 (Wilk, 2022), which was sponsored by the California Optometric Association. The Board considered that bill in 2022, and took a support position on it. That bill was ultimately gut-and-amended into an entirely different topic, and the language the Board had considered was not enacted. The Board had a support position on this bill. No present action is needed at this time.

Public comment was heard from Dr. Doug Major, O.D. representing the California Children's Vision Now Coalition. He commented on SB 340 stating that the Coalition is still performing behind-the-scenes work and they recently got a needs assessment from the Imperial College of London. Their main concern is that California is now the main provider for children's vision care in the state (almost seven million children). They are required to provide equal care yet there are no surveillance metrics in the system currently. The only metrics comes from the California State Department of Corrections and Rehabilitation. The Imperial College of London performed a needs assessment and issued a report showing that California is the worst in the nation for access to care. Dr. Major noted that their main concern with SB 340 is what happens when you take away the power of giving glasses. This has happened in the coastal counties. When this occurs you lose access to care. He stated that it would be nice to ask the Department of Health Care Services to include surveillance metrics with no priority other than to care of these children. Dr. Major felt that this is something the Board should be aware of. Mr. Pruden stated that he would very much like to see that information and asked Dr. Major to email the report to him.

9. Discussion and Possible Action on CSBO Amended Strategic Plan Supplemental Regarding Diversity, Equity, Inclusion, and Belonging

Audio of Discussion: [3:13:03](#)

Member Wang share the draft of the 2021 through 2025 CSBO administrative strategic plan for discussion and approval. This work was initiated last summer, following the Governor's Executive Order N-16-22, which directed State agencies and departments

(including boards like ours) to take additional actions to embed equity analysis and considerations into our policies and practices, including but not limited to the strategic process. The Board carries this work out by soliciting feedback from stakeholders via a survey which was compiled into an environmental scan.

Member Clemens stated that he read through this trying to ground himself in what happened previously. The organization of the document does not strike him as the right way to go, but he does not know the background, and he is curious about the reasoning for this. Mr. Pruden replied that there is no particular rhyme or reason except for that is how the draft was put together. He noted that since it is a draft for approval, part of what the Members can do is decide how they may want to reorient it. Member Clemens suggested removing the prior president’s message and just having the current President’s message at the top. Mr. Pruden responded that whether it would be appropriate or not to delete something is an issue he would probably take back to the DCA SOLID team and probably work with legal counsel as well. He believes it is fine to move things around and otherwise make notations, perhaps about the former president, or even include the years when that individual serviced in that role. Member Clemens asked to move Mark Morodomi’s message to the end as an appendix to prevent any public confusion regarding the Board’s current president.

The public did not provide any comments.

Stacy Bragg moved to adopt to the strategic plan with the following specified changes: 1) update the language on page 8 to reflect the current membership of the Board, indicate that President Morodomi is a former president of the Board and move former president Morodomi’s statement to the end; 2) on page 10 add a period after California under the heading ‘Our Vision’; and (3) on page 13 under goal 3.4, add a footnote indicating that goal 3.4 has been completed. Alex Clemens seconded. The Board voted unanimously (8-0-1) 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				
Mr. Clemens	X				

10. Future Agenda Items

Audio of Discussion [3:31:56](#)

There was a request for future guidance regarding workgroups that have been established, such as frequency and goals.

There was a request for follow up on Children’s Vision Care and to have a meeting scheduled for the Board’s Children’s Vision Work Group, so the workgroup can have something to present and discuss at the next Board meeting.

Member Clemens asked and Mr. Pruden clarified the difference between committees and work groups. Work groups are two member committees, and they are not subject to the same Bagley-Keene requirements that committees are. Therefore, they have a bit more flexibility.

A request for public comment was received from Ruby Garcia who noted that there still appears to be some confusion with the opticians who believe that taking the exam is their only and final requirement to be able to practice. In situations where a license/registration is required she is uncertain as to how clarification may be addressed. This is something to consider.

The meeting moved into closed session and adjourned at the conclusion of Agenda Item 11.

CLOSED SESSION

Pursuant to Government Code, section 11126, subd. (c)(3), the Board will Meet in Closed Session for Discussion, Deliberation, and Possible Action on Disciplinary Matters

11. Closed Session

ADJOURNMENT