



ISSUE MEMORANDUM

DATE	May 31, 2024
TO	Board Members, California State Board of Optometry (CSBO)
FROM	Gregory Pruden, Executive Officer
SUBJECT	Agenda Item #9D – Regulatory Update

Purpose: To provide an update on Board-approved regulatory packages

Previously Approved Regulatory Packages:

1. 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 package was noticed for a 45-day public comment period beginning on February 23, 2024, and ending on April 9, 2024. The Board received three adverse comments and has prepared modified text for Board consideration and approval.

2. 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: This package was submitted to the DCA Director on May 2, 2024.

3. 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: Since this text was approved by the Board nearly five years ago, changes in law have occurred that require further changes to the text. Staff intends to bring this item back to the Board at a future meeting to make these changes.

4. 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 which was approved by the Office of Administrative Law on December 27, 2023.

5. Dispensing Optician Disciplinary Guidelines (Amend §1399.273)

Approved by the Board at the August 14, 2020, public meeting.

Subject: The Optician 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. Because this text was approved by the Board nearly four years ago, changes in law have occurred that require further changes to the text. Staff intends to bring this item back to the Board at a future meeting to make these changes.

6. 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 subsection (B), online as a live course. This proposal would remove the in-person patient evaluation requirement from CCR Section 1571 (B).

Comment: The rulemaking package has not been started.