

FINAL MINUTES
OF THE PUBLIC MEETING
OF THE BOARD OF OPTOMETRY
FEBRUARY 17, 2005

1. Call to Order

The meeting was called to order at 9:45 a.m. by Dr. Hernandez. Present were Mr. Naranjo, and Mrs. Noda and Rosas, and Drs. Goldstein, Hernandez, Kame, Pollack, Yarwood, and Yu. Also present Were Staff Members Krista Eklund, Jane Flint, Rex Farmer and Taryn Smith, and Staff Counsel Don Change and Char Sachson.

2. Approval of Minutes

Move to approve the minutes of the November 5, 2004 meeting. M – Goldstein, S- Yarwood, MSP - Unanimous.

Move to check on Mary's arrival time at November meeting. M – Goldstein, S – Yarwood, MSP – Unanimous.

3. Election of Officers

The Board elected to make Dr. Yarwood Vice President and Mrs. Noda Secretary.

Move to make Dr. Yarwood Vice President. M – Goldstein, S – Yu, MSP - Unanimous.

Move to make Mrs. Noda Secretary. M – Hernandez, S – Kame, MSP - Unanimous.

4. Discussion and Possible Action Regarding Governor's Re-Organization Plan to Eliminate State Boards and Commissions.

Present was Guest Speaker: Nancy Hall, Deputy Director of Department of Consumer Affairs' Board Relations, who informed the Board that the Governor decided not to go forward with the re-organization plan at this time.

5. Report on Status of Board Sponsored Legislation.

The Board has approved language to amend the Article 5 (Revocation and suspension) and Article 6 (Offenses against the Chapter) Article 7 (Revenue) of the Optometry Practice act. The Board will sponsor a bill to be authorized by Assembly Member Rudy Bermudez. The Board approved amendments have been submitted to the Legislative Counsel's Office to be drafted into bill form.

6. Discussion and Possible Action to Amend Business and Profession Code

The Board has been discussing laws and regulations pertaining to restrictions on Optometric advertising as specialists.

Move to reschedule Section 3096.5 related to advertising as a specialist in eye disease. M – Hernandez, S – Goldstein, MSP – Unanimous.

Move to continue Section 3099 (Related to advertising special knowledge) to next meeting. M – Hernandez, S – Goldstein, MSP – Unanimous.

Regarding Section 3129 (Related to advertising free eye exams), Board agreed with concept.

Move to proceed with legislative Process and to work together with COA on language. M – Goldstein, S – Yarwood, MSP – Unanimous.

Regarding Section 3076 (related to receipt requirements), the Board agreed on language.

Move to adopt language by Revision to 3076. M – Goldstein, S – Rosas, MSP – Unanimous.

Regarding Sections 3152, 3161, 3162 and 3075 (related to fees), Board agreed for direction.

Move to give Board President and staff direction to obtain fee increase in the easiest manner possible - Omnibus bill or path of least resistance. M - Rosas, S - Noda, MSP - Unanimous.

7. Update and Possible Action on Pending Amendments to California Code of Regulations. At the January 2004 Public meeting, the Board approved proposed regulatory language for a new California Code of Regulation Section 1508 defining supervising optometrist responsibilities vis-à-vis optometric assistants and authorized staff to proceed with the rule making process.

At the January 2004 public meeting the Board approved proposed regulatory language to establish a California Code of Regulations section 1522 to provide infection control guidelines for licensees to utilize in their optometric practices.

At the November 2004 public meeting the Board approved proposed regulatory language to amend California Code of regulations sections 1566 and 1566.1 to reflect changes in federal law concerning the release of contact lens prescriptions and update Board contact information for an existing consumer notice posting requirement in optometric practices.

Regarding section 1508 (Optometric Assistants)

Move to adopt and proceed with Language. M - Rosas, S - Goldstein, MSP - Unanimous.

Regarding section 1522, infection control guidelines, the Board requested that staff rewrite and bring back for approval.

Move to revisit. M - Naranjo, S - Yarwood, MSP - Ayes - Kame, Naranjo, Noda, Pollack, Rosas, and Yarwood. Nays - Goldstein. Abstention - Hernandez and Yu. Motion carried.

Regarding section 1566 and 1566.1 (Consumer Notice):

Move to adopt language, M - Naranjo, S - Yu, MSP - Unanimous.

At the November 5, 2004 public Meeting the Board approved proposed Regulatory language to amend the California Code of Regulations section 1579 to facilitate the existing citation and fine program by eliminating specified statutory violations and establishing general categories for class-type violations and setting new "caps" for fine assessments.

Regarding Section 1579 (Citation and Fines)

Move to approve language with changes - editorial, non-substantive changes. M - Goldstein, S - Rosas, MSP - Unanimous.

8. MOU:

The Board has instructed staff to work more closely with the Department of Health Services (DHS) to identify and investigate suspected Medi-Cal fraud among licensed optometrists.

Memorandum of Understanding with Department of Health Services

Move to approve pending significant changes. M - Naranjo, S - Goldstein, MSP - Unanimous.

9. Report on Strategic Plan

10. Executive Officer's Report

11. Enforcement Committee Report

12. Petition for Reduction of Penalty or Early Termination of Probation.

Move to adopt withdrawal. Motion carried.

13. Discuss and Possible Action on Disciplinary Matter(s)

Closed Session

14. Open Session

15. Public Comment

16. New Business

17. Adjournment