

**Board of Optometry**

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**BOARD MEETING ACTION MINUTES**

August 26, 2016

Courtyard Marriott

2701 Main Street

Irvine, CA 92614

Members Present	Staff Present
Madhu Chawla, O.D., President	Jessica Sieferman, Executive Officer
Cyd Brandvein, Public Member, Vice President	Joanne Stacy, Policy Analyst
Rachel Michelin, Public Member, Secretary	Kurt Heppler, Legal Counsel
Donna Burke, Public Member	Debra Perkins, Administrative Law Judge
Martha Garcia, CLD, SLD, Professional Member	Anahita Crawford, Deputy Attorney General
Glenn Kawaguchi, O.D., Professional Member	
Debra McIntyre, O.D., Professional Member	
Mark Morodomi, O.D., Professional Member	
Maria Salazar Sperber, Public Member	
David Turetsky, O.D., Professional Member	Guest List
Lillian Wang, O.D., Professional Member	On File

Friday, August 26, 2016**9:00 a.m.****FULL BOARD OPEN SESSION****1. Call to Order/Roll Call and Establishment of a Quorum**

Board President, Madhu Chawla, O.D. called roll and a quorum was established.

2. Petition for Reduction of Penalty and Early Termination of Probation**A. Dr. Gregory Tom, O.D.**

Administrative Law Judge, Debra Perkins presided over the Hearing. Attorney, Craig Steinberg represented Petitioner, Dr. Gregory Tom. Deputy Attorney General, Anahita Crawford represented the state.

FULL BOARD CLOSED SESSION**3. Pursuant to Government Code Section 11126(c)(3), the Board Will Meet in Closed Session for Discussion and Deliberation on Disciplinary Matters and the Above Petition****FULL BOARD OPEN SESSION****4. 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)]

5. President's Report
A. Welcome and Introductions

No action was taken on this agenda item.

B. 2016-2017 Board Meeting Dates and Locations

No action was taken on this agenda item.

Rachel Michelin moved to move the January Strategic Planning Meeting and the following business meeting to Sacramento on January 26th and 27th. Cyd Brandvein seconded. The Board voted unanimously (11-0) and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Chawla	X				
Ms. Brandvein	X				
Ms. Michelin	X				
Ms. Burke	X				
Ms. Garcia	X				
Dr. Kawaguchi	X				
Dr. McIntyre	X				
Mr. Morodomi	X				
Ms. Sperber	X				
Dr. Turetsky	X				
Dr. Wang	X				

C. Committee and Workshop Structures

No action was taken on this agenda item.

6. Approval of Board Meeting Minutes
A. May 27, 2016

Mark Morodomi moved to approve the May 27, 2016 Board Meeting Action Minutes. Glenn Kawaguchi seconded. The Board voted (10-Aye; 0-No; 1-Absention) and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Chawla	X				
Ms. Brandvein	X				
Ms. Michelin	X				
Ms. Burke			X		
Ms. Garcia	X				
Dr. Kawaguchi	X				
Dr. McIntyre	X				
Mr. Morodomi	X				
Ms. Sperber	X				
Dr. Turetsky	X				
Dr. Wang	X				

7. Department of Consumer Affairs Report

Shelly Jones, with Department of Consumer Affairs (DCA) Board and Bureau Relations provided a report on current DCA activities.

No action was taken on this agenda item.

8. Executive Officer's Report

Executive Officer, Jessica Siefertman provided an update on the following topics:

- A. BreZE**
- B. Budget**
- C. Personnel**
- D. Examination and Licensing Programs**
- E. Enforcement Program**
- F. Strategic Plan**

No action was taken on this agenda item.

9. ARBO Annual Meeting Summary

Ms. Siefertman provided a summary of the Annual Association of Regulatory Boards of Optometry (ARBO).

No action was taken on this agenda item.

10. Update on Occupational Analysis and Audit of NBEO Examination

Ms. Siefertman provided an overview.

Ms. Jones provided brief information regarding independent objective analysis, subject matter experts, and independent vendors.

No action was taken on this agenda item.

11. Update on the Board's 2016 Sunset Report

Ms. Siefertman reported on this agenda item.

No action was taken on this agenda item.

12. Update on RDO Advisory Committee

Ms. Siefertman provided an update.

No action was taken on this agenda item.

13. Discussion and Possible Action on 2016 Legislation Impacting Healing Arts Boards and the Practice of Optometry

Policy Analyst, Joanne Stacy provided an overview of the following legislation:

- A. AB 12 (Cooley) State Government: Administrative Regulations: Review**

No action was taken on this agenda item.

B. AB 2744 (Gordon) Healing Arts: Referrals

No action was taken on this agenda item.

C. SB 1039 (Hill) Professions and Vocations

Rachel Michelin moved given that amendments were all taken, the Board send a letter of support to the author and send a letter to the Governor's Office requesting a signature. Mark Morodomi seconded. The Board voted unanimously (11-0) and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Chawla	X				
Ms. Brandvein	X				
Ms. Michelin	X				
Ms. Burke	X				
Ms. Garcia	X				
Dr. Kawaguchi	X				
Dr. McIntyre	X				
Mr. Morodomi	X				
Ms. Sperber	X				
Dr. Turetsky	X				
Dr. Wang	X				

D. SB 1155 (Morell) Professions and Vocations: Licenses: Military Service

No action was taken on this agenda item.

E. SB 1195, 1194 or Similar Bill; Proposed Legislation Addressing *North Carolina of Dental Examiners Supreme Court Decision*

No action was taken on this agenda item.

F. SB 482 (Lara) Controlled Substances: CURES Database

No action was taken on this agenda item.

G. SB 622 (Hernandez): Optometry

No action was taken on this agenda item.

H. SB 836 Registered Dispensing Opticians Program Move (Originally TB 201)

No action was taken on this agenda item.

14. Update and Possible Action on Children's Vision and Mobile Clinic Workgroups

Policy Analyst, Joanne Stacy provided an update.

Karen Corches with the California Optometric Association commended the Board on taking a leading role in children's vision and encouraged the Board to communicate with stakeholders.

No action was taken on this agenda item.

15. Update on Rulemaking Calendar and Possible Action Regarding Regulations Impacting the Practice of Optometry

Ms. Stacy provided an update on the following regulations:

- A. Amendment to California Code of Regulations (CCR) § 1582 Unprofessional Conduct and Amendment to CCR § 1516 Application Review and Criteria for Rehabilitation Following Disapproval**
- B. Amendment to CCR § 1399.260 RDO Fees, § 1399.261 Contact Lens Dispenser Fees, § 1399.263 Spectacle Lens Dispenser Fees**
- C. Amendment to CCR § 1523 Licensure Examination Requirements to Update Form 39A-1, Rev, 7-09, Form OLA-2, Rev. 11/07, and Form LBC-4, rev. 2/07**
- D. Amendments to CCR § 1536 Continuing Optometric Education; Purpose and Requirements**
- E. Proposed Revision to CCR § 1514.1 Co-Location Reporting Requirement**
- F. Amendment to CCR § 1502 Delegation of Functions**
- G. Amendment to CCR § 1530.1 Qualifications of Foreign Graduates**
- H. Amendment to CCR § 1506 Certificates – Posting**
- I. Amendment to CCR § 1523.5 Abandonment of Applications**
- J. Proposed Addition to CCR § 1503 Relating to Accreditation of Schools and Colleges of Optometry**

Cyd Brandvein moved to approve the language and direct staff to commence the rulemaking process, and circulate the language for the required time period. Donna Burke seconded. The Board voted unanimously (11-0) and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Chawla	X				
Ms. Brandvein	X				
Ms. Michelin	X				
Ms. Burke	X				
Ms. Garcia	X				
Dr. Kawaguchi	X				
Dr. McIntyre	X				
Mr. Morodomi	X				
Ms. Sperber	X				
Dr. Turetsky	X				
Dr. Wang	X				

16. Discussion and Possible Action Regarding Minimum Certification Requirements for All Optometrists to Practice in California

Ms. Sieferman presented an update.

Ms. Crawford presented a public comment.

Cyd Brandvein moved to task the Consumer Protection Committee with developing a scope of practice notice to the licensees regarding non-certification of DPA and TPA. Rachel Michelin seconded. The Board voted unanimously (11-0) and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Chawla	X				
Ms. Brandvein	X				
Ms. Michelin	X				
Ms. Burke	X				
Ms. Garcia	X				
Dr. Kawaguchi	X				
Dr. McIntyre	X				
Mr. Morodomi	X				
Ms. Sperber	X				
Dr. Turetsky	X				
Dr. Wang	X				

17. Election of Officers

Ms. Sieferman took the votes.

A member of the public and an optician presented a public comment.

For the position of President, nominees were Madhu Chawla, O.D. and Cyd Brandvein.

David Turetsky nominated Cyd Brandvein for President. Lillian Wang nominated Madhu Chawla for President. Both nominees accepted their nominations. The Board voted 6 for Madhu Chawla and 5 for Cyd Brandvein appointing Madhu Chawla for another term as President.

Member	Dr. Chawla	Ms. Brandvein	Abstain	Absent	Recusal
Dr. Chawla	X				
Ms. Brandvein		X			
Ms. Michelin		X			
Ms. Burke	X				
Ms. Garcia		X			
Dr. Kawaguchi	X				
Dr. McIntyre	X				
Mr. Morodomi	X				
Ms. Sperber		X			
Dr. Turetsky		X			
Dr. Wang	X				

For the position of Vice President, nominee was Donna Burke.

Madhu Chawla nominated Donna Burke for Vice President. Donna Burke accepted the nomination. The Board voted unanimously (11-0) appointing Donna Burke as the new Vice President.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Chawla	X				
Ms. Brandvein	X				
Ms. Michelin	X				
Ms. Burke	X				
Ms. Garcia	X				
Dr. Kawaguchi	X				
Dr. McIntyre	X				
Mr. Morodomi	X				
Ms. Sperber	X				
Dr. Turetsky	X				
Dr. Wang	X				

For the position of Secretary, nominee was Lillian Wang, O.D.

Madhu Chawla nominated Lillian Wang for position as Secretary. Lillian Wang accepted the nomination. The Board voted unanimously (11-0) appointing Lillian Wang as the new Secretary.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Chawla	X				
Ms. Brandvein	X				
Ms. Michelin	X				
Ms. Burke	X				
Ms. Garcia	X				
Dr. Kawaguchi	X				
Dr. McIntyre	X				
Mr. Morodomi	X				
Ms. Sperber	X				
Dr. Turetsky	X				
Dr. Wang	X				

18. Future Agenda Items

No action was taken on this agenda item.

19. Adjournment

Meeting was adjourned at 4:05 p.m.

The full meeting can be viewed at <http://www.optometry.ca.gov/meetings/index.shtml> or by clicking [here](#).