



CALIFORNIA STATE BOARD OF OPTOMETRY
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**QUARTERLY BOARD MEETING
 ACTION MINUTES**

August 3-4, 2017
 Department of Consumer Affairs
 HQ2 - Hearing Room
 1625 North Market Boulevard
 Sacramento, CA 95834

See Webcast for discussions

[August 3, 2017](#)

[August 4, 2017](#)

August 3, 2017

10:00 am

Members Present	Staff Present
Cyd Brandvein, Public Member, President	Jessica Sieferman, Executive Officer
David Turetsky, O.D., Vice President	Robert Stephanopoulos, Assist. Executive Officer
Rachel Michelin, Public Member, Secretary	Kellie Flores, Board Liaison/Enforcement Analyst
Debra McIntyre, O.D.	Mina Hamilton, Legal Counsel
Donna Burke, Public Member	Kurt Heppler, Supervising Legal Counsel
Glenn Kawaguchi, O.D.	
Lillian Wang, O.D.	
Mark Morodomi, JD, Public Member	
Maria Salazar Sperber, JD, Public Member	
Martha Garcia, CLD, SLD	
Excused Absence	Guest List
Madhu Chawla, O.D.	On File

FULL BOARD OPEN SESSION

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

Ms. Brandvein, Board President called the meeting to order. Ms. Michelin, Board Secretary called roll and a quorum was established.

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\(a\)](#)]

There were no public comments.

3. [Discussion Regarding the Provision of Optometric Services from Non-Fixed Locations \("Mobile Clinics" or "Mobile Services"\)](#). *Webcast 0:5:00.*

A. Opening Remarks by Board President and Members.

B. Presentations by Department of Consumer Affairs (DCA) Agencies Currently Regulating Non-Optometric Mobile Services; Discussion.

California Board of Barbering and Cosmetology
 California State Board of Pharmacy
 California Veterinary Medical Board

Presentations on file upon request.

C. Presentations by Entities Currently Providing California Mobile Optometric Services; Discussion.

Marshall B. Ketchum University Southern California College of Optometry
 Prevent Blindness Northern California (See Well to Learn)
 20/20 Onsite
 Vision to Learn
 Vision Services Plan (VSP)
 UC Berkeley College of Optometry

Presentations on file upon request.

D. Review of Optometric Mobile Practice and Location Registration Requirements in Other States.

E. Review of and Possible Action Regarding Mobile Optometric Practice and Related Laws and Regulations: Health and Safety Code § [1765.160](#), Business and Professions Code §§ [3070](#), [3077](#), [3109](#) and California Code of Regulations § [1507](#)

Public Comment: Mr. Jeremy Bornstein, 20/20 Onsite stated, the vast majority of other states that don't regulate mobile optometry hasn't seen a flood gate issue of low quality mobile optometry providers, with lots of complainants to regulatory committees. Mr. Bornstein requested the Board think what is going to be the most expeditious and manageable resolution of this issue, as large of an issue it is it can be a small issue in some ways when looking at the parallels in other states.

Ms. Burke moved to create a work group of two Board members to meet and frame out the next steps with the mobile optometric practice issue. Ms. Garcia seconded. The Board voted 9-Aye; 1-Abstention and the motion passed. Webcast 4:33:20

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

FULL BOARD CLOSED SESSION

4. Pursuant to Government Code Section [11126\(c\)\(3\)](#), the Board Will Meet in Closed Session for Discussion and Deliberation on Disciplinary Matters

FULL BOARD OPEN SESSION

5. Recess

August 4, 2017
9:00 am

Members Present	Staff Present
Cyd Brandvein, Public Member, President	Jessica Sieferman, Executive Officer
David Turetsky, O.D., Vice President	Robert Stephanopoulos, Assist. Executive Officer
Rachel Michelin, Public Member, Secretary	Kellie Flores, Board Liaison/Enforcement Analyst
Debra McIntyre, O.D.	Mina Hamilton, Legal Counsel
Donna Burke, Public Member	Kurt Heppler, Supervising Legal Counsel
Glenn Kawaguchi, O.D.	
Lillian Wang, O.D.	
Madhu Chawla, O.D.	
Mark Morodomi, JD, Public Member	
Martha Garcia, CLD, SLD	
Excused Absence	Guest List
Maria Salazar Sperber, JD, Public Member	On File

FULL BOARD OPEN SESSION

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

Ms. Brandvein, Board President called the meeting to order. Ms. Michelin, Board Secretary called roll and a quorum was established.

7. Public Comment for Items Not on the Agenda

There were no public comments.

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\(a\)](#)]

8. Update by a Representative of the Department of Consumer Affairs, Which May Include Updates Pertaining to the Department's Administrative Services, Human Resources, Enforcement, Information Technology, Communications and Outreach, as Well as Legislative, Regulatory and Policy Matters. *Webcast 0:33:30*

New Director, Mr. Dean R. Grafilo of DCA gave introduction.

9. [President's Report](#) *Webcast 0:2:55*
 - A. Welcome, Announcements and Introductions

- B. 2017-18 Board Meeting Dates and Locations
- C. Committee Appointments and Discussion
- D. DCA Director's Meeting
- E. New DCA Per Diem Form
- F. Revised Executive Officer Evaluation Process
- G. Board Member Activities

President's Report on file upon request.

10. [Approval of Board Meeting Minutes](#) Webcast 0:21:07

- A. February 22, 2017
- B. April 21, 2017
- C. May 8, 2017

Dr. Wang moved to approve the February 22, 2017 Board Meeting Minutes as amended. Ms. Burke seconded. The Board voted 6-Aye; 4-Abstention and the motion passed.

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

Ms. Garcia moved to approve the April 21, 2017 Board Meeting Minutes as amended. Ms. Burke seconded. The Board voted 9-Aye; 1-Abstention and the motion passed.

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

Dr. Wang moved to approve May 8, 2017 Board Meeting Minutes, Dr. Kawaguchi seconded. The Board voted unanimously (10-0) and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Ms. Brandvein	X				
Ms. Burke	X				
Dr. Chawla	X				

Ms. Garcia	X				
Dr. Kawaguchi	X				
Dr. McIntyre	X				
Ms. Michelin	X				
Mr. Morodomi	X				
Ms. Sperber				X	
Dr. Turetsky	X				
Dr. Wang	X				

11. [Executive Officer's Report](#) *Webcast 0:44:20*

- A. BreEZe
- B. Budget
- C. Personnel
- D. Examination and Licensing Programs
- E. Enforcement Program

On file upon request.

12. [Update, Discussion and Possible Action on ARBO Annual Meeting Summary; ARBO Survey Request](#) *Webcast 1:34:34*

Mr. Morodomi moved to delegate full authority to the Practice and Education Committee to provide a response to the ARBO Annual Meeting Summary on behalf of the Board. Ms. Burke seconded. The Board voted unanimously (10-0) and the motion passed.

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

13. [Discussion and Possible Action on Paperless Licenses and Renewals](#) *Webcast 2:46:25*

Dr. Wang moved to give the Board's Executive Officer authority to explore the paperless licenses and renewal option. Dr. Kawaguchi seconded. The Board voted unanimously (10-0) and the motion passed.

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

Ms. Sperber				X	
Dr. Turetsky	X				
Dr. Wang	X				

14. [Practice and Education Committee Update](#). *Webcast 3:20:48*

No action was taken on this agenda item.

15. [Public Relations and Outreach Committee Update](#). *Webcast 3:24:00*

Ms. Michelin moved to adopt the communication plan. Dr. Wang seconded. The Board voted unanimously (10-0) and the motion passed.

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

Mr. Morodomi moved to reconsider the Board's outreach plan. Dr. McIntyre seconded. The Board voted unanimously (10-0) and the motion passed.

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

Mr. Morodomi moved to make amendments to the Board's communication plan and give the Executive Officer the authority to work with legal counsel to make those changes. Ms. Michelin seconded. The Board voted unanimously (10-0) and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Ms. Brandvein	X				
Ms. Burke	X				
Dr. Chawla	X				
Ms. Garcia	X				
Dr. Kawaguchi	X				

Dr. McIntyre	X				
Ms. Michelin	X				
Mr. Morodomi	X				
Ms. Sperber				X	
Dr. Turetsky	X				
Dr. Wang	X				

Public Comment: Ms. Kristine Shultz, California Optometric Association(COA), stated COA does have a concern with the Board taking a support position for new technologies, which is mentioned in the Outreach plan.

16. [Children’s Vision Workgroup Update](#). *Webcast 3:33:00*

No action was taken on this agenda item.

17. [Update, Discussion, and Possible Action Regarding Dispensing Optician Committee Recommendations](#). *Webcast 4:03:12*

Ms. Michelin moved to remove the notary requirement on Registered Dispensing Optician Program applications. Ms. Burke seconded. The Board voted 9-Aye; 1-Abstention and the motion passed.

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

Public Comment: Ms. Katherine Scott, Luxottica, asked the Board to evaluate the application process and make it a high priority.

18. [Presentation by the Department of Motor Vehicles Regarding the Disabled Parking Placard Program and its Recent State Audit](#). *Webcast 2:55:00*

Dr. Kawaguchi moved to have the Practice and Education Committee evaluate whether the laws that pertain to the disabled parking placard vehicle codes need to be included in Optometry’s laws and regulations summary and potentially in the law exam. Ms. Michelin seconded. The Board voted 9-Aye; 1-Recusal and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Ms. Brandvein	X				
Ms. Burke	X				
Dr. Chawla	X				
Ms. Garcia	X				

Dr. Kawaguchi	X				
Dr. McIntyre	X				
Ms. Michelin	X				
Mr. Morodomi					X
Ms. Sperber				X	
Dr. Turetsky	X				
Dr. Wang	X				

19. [Update and Discussion Regarding Florida Board of Optometry Decision Related to National Board of Examiners in Optometry \(NBEO\) Examination Delegated Legislative Authority and Administration; Potential Board Impact.](#) *Webcast 4:15:45*

No action was taken on this item.

20. [Presentation by the Accreditation Council in Optometric Education \(ACOE\) on the Accreditation and Continued Monitoring Process for Optometry Schools and Colleges.](#) *Webcast 2:01:48*

Presentation on file upon request.

No action was taken on this item.

21. [Update and Possible Action on 2016 Legislation Impacting Healing Arts Boards and the Practice of Optometry.](#) *Webcast 4:25:25*

A. AB [443](#) (Salas): Optometry

Dr. Turetsky moved to take a support position on AB 443. Dr. Chawla seconded. The Board voted 9-Aye; 1-No and the motion passed.

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

B. AB [1708](#) (Low): State Board of Optometry: Practice of Optometry: Licensure

Public Comment: Ms. Kristine Shultz, COA, suggested the Board deal with §3040 separately from the sunset bill.

Public Comment: Mr. Rob Patton, First Sight, stated they oppose changes to AB 1708 related to §3040 which makes advertising restrictions much broader than existing law. Mr. Patton asked the Board to remove the amendments from the sunset bill and deal

with this issue separate leaving the existing statue unchanged. Official statement on file upon request.

Ms. Michelin moved to remove §3040 out of the Board’s sunset bill and make it a standalone agenda item at the next meeting as well as outreach to stakeholders to give them an opportunity for public comment. Ms. Burke seconded. The Board voted 9-Aye; 1-Abstention and the motion passed.

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

Ms. Michelin moved to support the Board’s sunset bill. Dr. Chawla seconded. The Board voted unanimously (10-0) and the motion passed.

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

22. [Update, Discussion, and Possible Action Regarding the Board’s 2017-2020 Strategic Plan. Webcast 4:20:30](#)

Dr. Wang moved to adopt the Board’s Strategic Plan as amended. Dr. Turetsky seconded. The Board voted unanimously (10-0) and the motion passed.

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

Ms. Sperber				X	
Dr. Turetsky	X				
Dr. Wang	X				

23. Future Agenda Items

- Update from NBEO
- Legalization of cannabis and the impact it may have on regulatory agencies
- Update on outreach regarding cosmetic contact lenses
- Update regarding online refractions
- Outreach at CE events

24. Adjournment