



**PUBLIC BOARD MEETING  
 DRAFT MEETING MINUTES  
 February 1, 2019**

**Location:**  
**American Career College – Ontario Campus**  
**Room #178**  
**3130 East Sedona Court**  
**Ontario, CA 91764**

**Link to webcast for discussions:**  
<https://www.youtube.com/watch?v=kh2E6JBSneU&feature=youtu.be>

<b>Members Present</b>	<b>Staff Present</b>
Cyd Brandvein, Public Member, President	Shara Murphy, Executive Officer
Dr. David Turetsky, O.D., Vice President	Evan Gage, Assistant Executive Officer
Rachel Michelin, Public Member, Secretary	Marc Johnson, Policy Analyst
Martha Garcia, CLD, SLD	Cheree Kimball, Lead Enforcement Analyst
Dr. Glenn Kawaguchi, O.D.	Arsha Qasmi, Lead Licensing Analyst
Mark Morodomi, J.D., Public Member	Jessica Swan, Administrative Analyst
Maria Salazar Sperber, J.D., Public Member	Mina Hamilton, Legal Counsel
Dr. Lillian Wang, O.D.	
Dr. Madhu Chawla, O.D.	<b>Guest List</b>
Dr. Debra McIntyre, O.D.	On File

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

*Discussion:* <https://youtu.be/kh2E6JBSneU?t=59>

President Brandvein called the meeting to order at 9:15 a.m. Secretary Michelin called the roll. All members were present at the meeting. 10-0 quorum established.

**2. Public Comment for Items Not on the Agenda**

*Discussion:* <https://youtu.be/kh2E6JBSneU?t=163>

No public comments were made for items not on the agenda.

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

The Board went into closed session at 9:20 a.m.

The Board resumed open session at 11:39 a.m.



**4. President’s Report**

Discussion: <https://youtu.be/kh2E6JBsneU?t=375>

**A. Discussion and Possible Action Regarding the Election of 2019 Board Officers**

President Brandvein announced upcoming elections for Board President, Vice President and Secretary, which will be held at next meeting in April.

Public Comment: None.

Discussion: <https://youtu.be/kh2E6JBsneU?t=425>

**B. Discussion of Governor Newsom’s Budgetary Commitments to the Department of Consumer Affairs and Transition Plan**

Chris Castrillo, Deputy Director from the Department of Consumer Affairs (DCA) Executive Office, presented on the item. He set out the information of the Governor’s budgetary announcement and reported that DCA had a teleconference with Boards to outline a budget proposal. Additionally, he noted a Budget Change Proposal (BCP) for the DCA regulatory unit will be moving forward when the Governor’s budget is signed in July. He further said that DCA has also submitted BCPs for the Fi\$Cal unit to improve workload with a faster turnaround time.

Public Comment: None.

**5. Approval of Board Meeting Minutes**

Discussion: <https://youtu.be/kh2E6JBsneU?t=2740>

**A. May 22, 2018**

Dr. Kawaguchi moved to approve the May 22, 2018 Board Meeting Minutes. Dr. Wang seconded. The Board voted unanimously (9-0) and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Ms. Brandvein	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. June 18, 2018**



Dr. Kawaguchi moved to approve the June 18, 2018 Board Meeting Minutes. Dr. Wang seconded. The Board voted unanimously (10-0) and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Ms. Brandvein	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				

**C. June 29, 2018**

Dr. Kawaguchi moved to approve the June 29, 2018 Board Meeting Minutes with the suggested edit made. Dr. Wang seconded. The Board voted (9-Aye, 0-No, 1-Abstention) and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Ms. Brandvein	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				

**D. November 2, 2018**

Dr. Kawaguchi moved to approve the November 2, 2018 Board Meeting Minutes. Dr. Wang seconded. The Board voted (9-Aye, 0-No, 1-Abstention) and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Ms. Brandvein	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: None.

## **6. Executive Officer’s Report**

Discussion: <https://youtu.be/kh2E6JBsneU?t=11682>

### **A. RDO Fingerprint Deficiency Communication**

Executive Officer Shara Murphy reported on the Registered Dispensing Optician fingerprint deficiency communication. Licensees who did not respond to the first notice to complete their fingerprints have received a second notification and had their license placed in delinquent status. Within the following two weeks, each licensee’s employer of record will also a received a notice.

### **B. Personnel**

New staff was introduced, including Evan Gage, Assistant Executive Officer; Marc Johnson, Policy Analyst; Natalia Leeper, RDO program technician and Aileen Jones, RDO program technician.

### **C. Status of DCA On-boarding for Executive Officer**

Ms. Murphy noted she had completed her Executive Officer training through DCA.

### **D. Licensee Communication Regarding AB 1753 (Low, 2017-2018, Chapter 479) Controlled substances: CURES database**

Discussion: <https://youtu.be/kh2E6JBsneU?t=10892>

Ms. Murphy explained that there are currently 653 optometry licensees with DEA numbers. This coming year those licensees will need to use serialized prescription pads. Licensees were emailed this notification and staff will answer all questions as received.

### **E. Optometry/RDO Program Annual Budget Meeting Report**

Discussion: <https://youtu.be/kh2E6JBsneU?t=11891>

DCA Fiscal Officer Taylor Schick provided an update on the Board’s fund condition. He explained that Fi\$Cal is the new statewide system for budgets, accounting and procurement. DCA was integrated into Fi\$Cal as of July 1, 2017. He assured that the system is working; revenue is being deposited, contracts are being executed and invoices are being paid; however, there are issues in the system with reconciliation. This is mainly due to the State Controller’s Office still being on the legacy system. The Department has not yet closed out fiscal year 17/18.



Mr. Schick reported that the Board's budget is in good condition and the Budget Office does not have any concerns.

#### **F. Strategic Plan Update**

*Discussion:* <https://youtu.be/kh2E6JBSneU?t=12086>

Board Members were given an update on the Board's Strategic Plan items.

#### **G. Children's Vision Updates**

*Discussion:* <https://youtu.be/kh2E6JBSneU?t=12383>

Ms. Murphy reported that the Board is engaging partners who took part in the legislative process over the last three cycles. Stakeholder meetings were held over the legislative break by Assembly Member Wendy Carrillo; Board staff has been in touch with her office on the issue.

#### **H. Enforcement Program**

*Discussion:* <https://youtu.be/kh2E6JBSneU?t=10153>

Enforcement Lead Analyst Cheree Kimball provided an update on the Enforcement Program. She announced that the Enforcement Unit is now fully staffed. In December, she and Ms. Murphy met with the Department of Investigation (DOI) to obtain complaint referral guidelines from DCA which will begin being implemented. Ms. Brandvein stated that for the next Board Meeting, Members would like to see actionable goals that can be measured over time.

#### **I. Examination and Licensing Programs**

Lead Licensing Analyst Arsha Qasmi provided an update on licensing and examination programs. She noted there has been an increase in optometrist applications with Optometry school graduations taking place. In an effort to absorb the increasing activity, the Board has been able to make changes to the BreZE online application system to improve processing times and reduce phone calls. Processing times for Optometry licensees are currently 4-6 weeks once all documents necessary are received and RDO program processing times are currently at 8-10 weeks. Applicants can now apply to write the exam without receiving prior staff approval, and upon passing the law exam, they can utilize BreZE to finalize their applications. Ms. Qasmi explained that Branch Office licenses have been discontinued and Statement of Licensure applications have taken their place; a notice has been sent to all impacted licensees.

Ms. Qasmi announced that the new Limited-Term position has been filled as of January 20, 2019, which should greatly improve RDO processing times.

Public Comment: None.



**7. Update by Representatives 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**

Discussion: <https://youtu.be/kh2E6JBSneU?t=2293>

**A. Substance Abuse Committee Updates to DCA Uniform Guidelines (DCA Deputy Director Chris Castrillo)**

Mr. Castrillo presented on the Substance Abuse Coordination Committee (SACC). He noted that there is a statutory requirement to review SACC #4 – drug testing frequency. After SACC meetings, it was decided to keep the testing requirements the same, but with added text to approve alternative testing locations. There has been a policy addition to allow healing arts boards to lower the drug testing frequency to not less than 24 times a year if the licensee receives no less than 50% direct supervision (mostly for pharmacy). The SACC committee reported these decisions back to the Legislature. The SACC committee will look at other standards and will convene throughout 2019.

**B. Implementation of Contact Lens/Spectacle Lens Dispenser Occupational Analysis (Heidi Lincer, Ph.D., Chief - Office of Professional Examination Services)**

Dr. Heidi Lincer presented this item. She explained that the Office of Professional Examination Services (OPES) provides consulting services to DCA's boards, bureaus, and committees; as well as, regulations, professional guidelines and standards related to licensure examinations. She provided an overview of the occupational Analysis (OA) process. The Board's optometry occupational Analysis is complete; OPES is writing the report. Next week, OPES will develop the laws and regulations outline. Review of the national examination, from which the optometry OA will be compared, will begin March 2019.

Dr. Lincer explained that the contact lens occupational analysis is in process; OPES is currently working with the Board and has been successful in recruiting Subject Matter Experts (SMEs) for upcoming workshops.

Staff also noted that recruiting for spectacle lens dispensers would begin within the next few months.

Dr. Chawla, Dr. Wang, and Ms. Garcia discussed whether the examination for contact lens dispensers should be modified to their scope of practice. Drs. Chawla and Wang would like them to be tested to the highest level. Dr. Kawaguchi is concerned that the examination not become a barrier to entry but rather consumer protection.

Public Comment: None.

**8. Update from Representative of the Department of Consumer Affairs and Discussion on Department of Consumer Affairs Salary Study (DCA Deputy Director Chris Castrillo)**

Discussion: <https://youtu.be/kh2E6JBSneU?t=852>

Mr. Castrillo provided a short background and noted that the Director has opened-up lines of communication with DCA/Board meetings; he is very focused on collaboration. He announced that the



DCA annual report is up on DCA's website. He explained that DCA continues to support [AB 2138](#) which affects all DCA's boards and bureaus. DCA has issued a draft timeline of July 2020 Implementation date for this bill.

He noted that mandatory Board Member training is now available. Ms. Murphy will have staff send out reminders for training.

*Discussion:* <https://youtu.be/kh2E6JBsneU?t=1551>

Mr. Castrillo provided an update to the Executive Officer Salary study. A lot of data gathering has occurred up to this point. Initial interviews with Executive Officers have been conducted to identify themes and challenges. DCA's consultant has sent a comprehensive survey to all the Executive Officers. By the end of February, a draft report will be available, and the final study report will be available during the first week of March.

Public Comment: None.

## **9. Update, Discussion and Possible Action Regarding Board Committee Reports**

### **A. Dispensing Optician Committee**

*Discussion:* <https://youtu.be/kh2E6JBsneU?t=5788>

Ms. Murphy shared that the fingerprint hold issue is currently becoming caught up. She reported that 540 letters were sent out to which Staff received about a 50 percent response rate. Of those that failed to respond, a second notice has gone out. Their license is delinquent, and Staff is drafting a letter to go to employers.

Ms. Garcia reported that the Dispensing Opticians Committee reviewed several issues, including the fingerprint delinquency issue; a discussion on the RDO Disciplinary Guidelines and the implementation of AB 2138.

Public Comment: None.

### **B. Practice and Education Committee**

*Discussion:* <https://youtu.be/kh2E6JBsneU?t=5978>

Dr. Chawla reported that the majority of course providers are sending complete and thorough application packages. The Committee is seeing an increase in the number of surgical presentations which can be educational if there is a didactic portion; however, it poses a problem when presentation material is not included.

Dr. Chawla reported on the concern about course providers who send out certificates stating: "approval pending." Licensees receive these and think that they have obtained credit, only to find out when audited that they are short credits. The Board has discussed placing a list of approved courses on the Board's website. The Board is studying and trying to mimic how COPE handles their approval process.



Ms. Qasmi explained that there is confusion among some licensees about how much continuing education is required for licensure. Ms. Murphy assured that this item will come back on an agenda for further discussion with research and regulatory language at the March 8<sup>th</sup> PEC meeting.

Additionally, Members and Staff discussed providing approval numbers for every topic/course versus approving an event. This is for auditing purposes.

Ms. Murphy announced that as part of the remedy, regulatory language could make it unlawful to pass out certificates that say: “approval pending.”

Public Comment: None.

### **C. Consumer Protection Committee**

*Discussion:* <https://youtu.be/kh2E6JBsneU?t=6937>

Mr. Morodomi reported that a percentage of the action group related to the Disciplinary Guidelines are being delayed due to the new work regarding the Uniform Standards Related to Substance Abuse. The delay is expected to last three to six months.

Public Comment: None.

## **10. Update and Possible Action on 2019 Legislation Impacting the Practice of Optometry**

*Discussion:* <https://youtu.be/kh2E6JBsneU?t=5193>

### **A. Assembly Bill 156 (Voepel) – Eye care: remote assessment**

Policy Analyst Marc Johnson reported on [AB 156](#). The Board has received word from the author that this is a 2-year bill, and it may be dropped altogether. Mr. Johnson noted staff will continue to monitor the issue.

### **B. Optometry and Optician Fund Merger – Staff research**

Mr. Johnson reported that there are different issues with keeping the Registered Dispensing Optician (RDO) and optometry program funds separate. This creates somewhat of a disconnect in reporting and planning. Mr. Johnson presented some existing legislative solutions. Board Staff used text from [AB 177](#) as a template for how to merge the two programs funds. Ms. Murphy announced that if staff is not successful in getting this introduced more quickly, an author will be sought.

Public Comment: None.

## **11. Update, Discussion and Possible Action Regarding Potential Regulations Implementing AB 443 Specific to Immunization Training Programs**

*Discussion:* <https://youtu.be/kh2E6JBsneU?t=7144>





Mr. Johnson presented on [AB 443](#) which relates to the Board’s scope of practice. The bill authorizes optometrists who are certified to use therapeutic pharmaceutical agents to administer immunizations if they meet certain requirements. It also authorizes the Board to charge a fee of up to \$50 for licensees to obtain the certification. The Board discussed the proposed regulatory language and elements of the required form.

Ms. Michelin noted that when this is rolled out and ODs can apply for this certification it is extremely important for the form to be available on BreZEz.

**David Turetsky moved to approve the proposed regulatory text in 16 CCR Section 1572 and Section 1524 with amendments in Section 1524 to delete d, e, and f, from the text and any other text that is no longer valid; and to approve the form that has been submitted with amendments to delete the requirement for applicants to have places of practice listed; and to amend the fee section to just have fee without parentheses or check or money order; and to direct staff to submit the text in corporate form to the Director of Consumer Affairs and to the Business of Consumer Services and Housing Agency for review and if no adverse comments are received authorize the Executive Officer to take all steps necessary to initiate the rulemaking process and any non-substantive changes to the packet and set the matter for Hearing. Dr. Wang seconded.**

Bill Howe with the California Optometric Association noted two technical observations and that the Board may consider amending its motion. One observation is that of complying with record keeping requirements; there is not any documentation that an optometrist can give the Board. The second observation is that of providing appropriate form for certification which is redundant. The COA does not know if the form needs these two items.

**Recess for lunch was taken at 2:10 p.m. Board resumed at 2:40 p.m.**

Bonnie Delatoire, Continuing Education Director with Marshall B Ketchum University, questioned whether optometrists who want to take the national pharmacy-based immunization program will be able to receive a retro-active certification once the form is completed. The Board Members agreed that these optometrists will be able to receive their certification.

Dr. Turetsky withdrew his motion. Dr. Kawaguchi asked that the Practice and Education Committee take up the issue of obtaining CE credit for the immunization certification as a future agenda item; Board agrees.

**Madhu Chawla moved to direct the Executive Officer to work with Legal Counsel to finalize the text and form of the Application for Immunization Certification. Rachel Michelin seconded. The Board voted unanimously (10-0) and the motion passed.**

Member	Aye	No	Abstain	Absent	Recusal
Ms. Brandvein	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				

**12. Review, Discussion, and Consideration of Requirements for Board’s Implementation of AB 2138 (Chapter 995), Statutes of 2018, Chiu; Denial of Applications Based Upon Criminal Convictions) and Possible Action to Approve Implementing Regulations**

Discussion: <https://youtu.be/kh2E6JBsneU?t=12756>

Legal Counsel Hamilton reported on the proposed text for Board’s implementation of AB 2138 and made several recommendations. Staff was directed by the Board to continue work on developing this regulation, preferring option one for application review and rehabilitation criteria.

Public Comment: None.

**13. Future Agenda Items**

Discussion: <https://youtu.be/kh2E6JBsneU?t=13404>

Board members had no future agenda items.

Public Comment: None.

**14. Adjournment**

The meeting was adjourned at 3:55 pm.