

**DISPENSING OPTICIAN COMMITTEE
 MARCH 15, 2019
 MEETING MINUTES**

**Burbank City Hall
 City Council Chambers
 275 E. Olive Ave
 Burbank, CA 91502**

Access Webcast for Discussions: [4:05:16](#)

Members Present	Staff Present
Martha Garcia, CLD, SLD, Chair	Shara Murphy, Executive Officer
Adam Bentley, SLD	Mina Hamilton, Legal Counsel
William Kysella, JD, Public Member	Anahita Crawford, Deputy Attorney General
Kanchan Mattoo, Public Member	Jessica Swan, Administrative Analyst
Anna Watts, CLD, SLD	Natalia Leeper, RDO Licensing Coordinator
Members Absent	Guest List
	On File

1. Call to Order / Roll Call

Audio of Discussion: 0:00 / [4:05:16](#)

Martha Garcia, Committee Chair, called the meeting to order at 10:02 a.m. Roll was taken with all Committee members present and a 5-0 quorum was established.

2. Public Comment for Items Not on the Agenda

Audio of Discussion: [0:35 / 4:05:16](#)

There were no public comments.

3. Approval of Committee Minutes: January 4, 2019

Audio of Discussion: [0:35 / 4:05:16](#)

Bill Kysella moved to approve the January 4, 2019 meeting minutes and authorize staff to make the requested edits. Adam Bentley seconded. The Committee voted unanimously (5-0) and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Garcia	x				
Bentley	x				
Kysella	x				
Mattoo	x				
Watts	x				

4. Executive Officer's Report

A. Introduction of New Program Staff

Audio of Discussion: [2:44 / 4:05:16](#)

B. Registered Dispensing Optician (RDO) Program Fingerprint Delinquency Communication

Audio of Discussion: [3:38 / 4:05:16](#)

Mr. Mattoo asked for clarification on the ratio of delinquent to compliant registrants.

C. Status Update on Contact and Spectacle Lens Dispenser Occupational Analyses

Audio of Discussion: [6:39 / 4:05:16](#)

Ms. Garcia commented on the Committee's reasoning for performing the Contact Lens Occupational Analysis prior to performing the Spectacle Lens Occupational Analysis versus performing both at the same time. She requested clarification whether this matter should return to the Board for full discussion regarding occupational analysis and testing.

D. Overview of Initial Registration Process

Audio of Discussion: [39:46 / 4:05:16](#)

Ms. Garcia questioned the reasoning behind additional registration and application fees for secondary registrations for the same licensee. Ms. Murphy explained that staff looked into whether it would increase processing time efficiency to have applicants pay the full amount for registrations at the front end of the process. The determination was to maintain the two-step process because according to the Board's regulatory authority, refunds of only \$50 are allowed. Ms. Garcia would like the Registered Dispensing Optician licensing program fees to be discussed at a future agenda item.

There were no public comments.

5. Discussion and Possible Action on Future Dispensing Optician Committee Meeting Dates

Audio of Discussion: [50:42 / 4:05:16](#)

The Committee proposed the following dates for future meetings:

June 7, 2019 – Teleconference
Sept. 20, 2019 or Sept. 27, 2019 – Proposed

There were no public comments.

6. Status Report Related to RDO New Applications & Renewals

Audio of Discussion: [1:01:16 / 4:05:16](#)

Mr. Bentley requested a metric to see the number of licensees who are renewing vs. the number who are not renewing.

There were no public comments.

(TAKEN OUT OF ORDER) 7. 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 Recommend to Full Board Approval of Implementing Regulations

Audio of Discussion: [1:08:13 / 4:05:16](#)

Ms. Hamilton provided an overview on AB 2138 and the effects on the Committee's regulations. She started with the substantial relationship criteria, which determines if a crime committed is substantially related to the qualifications or duties of a dispensing optician. AB 2138 sets out three factors which must be considered: the nature and gravity of offense; the number of years elapsed since the crime was committed and the nature and duties of the licensure sought. Ms. Hamilton also noted the proposed text was based upon a template provided by DCA Legal Affairs office to all healing arts boards.

Mr. Kysella raised the necessity of adding additional substantially related crimes into regulation. He wanted to make sure the Board was not adding additional barriers for licensure beyond what was required by AB 2138. Ms. Hamilton pointed out that Physician Assistant Board already has additional crimes listed as substantially related within regulation, as PAs have very close contact with patients. Anahita Crawford, from the Office of the Attorney General, also noted that certain crimes are going to be presumed as substantially related crimes. Ms. Murphy felt the inclusion of certain crimes was important since the optician may have close contact with patients, and the relationship between the crime committed and the duties performed by an optician with patients may be of interest for licensing.

A recess was taken at 11:02 a.m. Committee resumed open session at 11:20 a.m.

Ms. Hamilton next referred to proposed regulations changing the rehabilitation criteria; she reviewed the current law in place and several factors were added into the template by DCA Legal as mandated by AB 2138.

There were no public comments.

Bill Kysella moved to recommend to the Board to begin the regulation process and to include the circumstances, nature and gravity of the crimes in number one; to take those edits as otherwise consistent with the template suggestions to the Board’s meeting in April as the DOC’s recommendation. Kanchan Mattoo seconded. The Committee voted unanimously (5-0) motion and the motion passed.

Member	Aye	No		Abstain	Absent	Recusal
Garcia	x					
Bentley	x					
Kysella	x					
Mattoo	x					
Watts	x					

7. Update and Discussion Regarding Draft Disciplinary Guidelines

Audio of Discussion: [3:13:00 / 4:05:16](#)

The Committee was provided the latest version of the draft disciplinary guidelines for Opticians by Ms. Hamilton. She noted the Guidelines were still a work in progress as several parts of the Uniform Standards were not finalized. The Committee did not have any comments or changes.

There were no public comments.

9. Discussion and Possible Action Regarding Committee Priorities Through Next Strategic Planning Process

Audio of Discussion: [3:14:16 / 4:05:16](#)

Ms. Murphy brought the current strategic plan before the committee for discussion. A memo was provided to the committee summarizing key priorities. Issues discussed included:

- What the initial educational requirements should be for licensees as well as continuing education. California does not have any educational requirements currently. Staff needs to look for the original document regarding this discussion which looked at the educational requirements of other states.
- Review of the shadow industry practicing under optometrists but not registered with the Board. Legislative change is required to create a path to get opticians in private practice under the Board’s jurisdiction.

The Committee directed staff to review the “shadow” industry of unlicensed employees.

There were no public comments.

10. Future Agenda Items

Audio of Discussion: [4:02:20 / 4:05:16](#)

Ms. Garcia would like to have a discussion regarding the cost of becoming registered as a contact lens and/or spectacle lens dispenser, as \$700 is rather high.

Mr. Mattoo would like to discuss how the registration fees affect the Registered Dispensing Optician fund.

There were no public comments.

11. Adjournment

The Committee adjourned at 3:07 p.m.