



**Legislation and Regulations Committee  
 Tuesday, May 28, 2019  
 ACTION MEETING MINUTES**

**Teleconference Meeting Locations:**

Department of Consumer Affairs, Del Paso Road Location 2420 Del Paso Road, 1 <sup>st</sup> Floor, Rm. 106 (Redwood Room) Sacramento, CA 95834	Moraga Library 1500 St. Mary's Road Moraga, CA 94556	LensCrafters 3855 State Street Santa Barbara, CA 93105
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<b>Members Present</b>	<b>Staff Present</b>
Rachel Michelin, Chair	Shara Murphy, Executive Officer
Glenn Kawaguchi, OD	Evan Gage, Assistant Executive Officer
Maria Salazar-Sperber, JD	Marc Johnson, Policy Analyst
Lillian Wang, OD	Jason Hurtado, Legal Counsel
	Jessica Swan, Board Liaison
<b>Members Absent</b>	<b>Guest List</b>
	On File

1. **Call to Order/Roll Call/Establishment of Quorum**
2. **Public Comment for Items Not on the Agenda**  
*Note: The Committee 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 §11125, §11125.7(a)].*
3. **Discussion and Possible Action Regarding Meeting Minutes**  
 A. **March 8, 2019 Legislation and Regulation Committee Meeting**
4. **Background, Update, Discussion and Possible Recommendations to Full Board Regarding Assembly Bill 458 (Nazarian): Optometrists: home residence certification**

**Audio of Discussion: 00:03 / 28:14**

Shara Murphy explained that the language for residential care facilities is permissive language versus restrictive. Additionally, since the two practice locations are grouped within the bill, she believes there is opportunity to look at modeling the language around the home certificate; around the health facility and residential care facility permissiveness. Ms. Murphy believes that within statute 3070.1 Section C, an amendment may be made to include home residence certificate.

Committee and Staff members discussed having registration process to prevent optometrists from carving out a whole new industry without any regulatory oversight, and what amount of home visits would be considered the maximum? They also discussed the language of permit versus registration, since this industry does not encompass education or training that is certified.

Ms. Murphy noted Dr. Glen Kawaguchi's point that the intent of the Board was to enable practice within a home setting. Staff has worked hard with Committee staff to create greater consumer protection in this vulnerable population within this less traditional care setting.

**Public Comment:** Mr. Mark Morodomi commented on the prohibitory language that states, "an optometrist shall not engage in the practice of optometry at a home location without a certificate." He stated that this language gives the impression that the Board sees a problem home visits, which is the opposite of the intent. The Board's intent is to allow them to perform home visits with some type of certificate. This was the comment by the Attorney General's (AGs) Office. The AGs office is under the impression that the Board wishes to impose a ban on performing home visits which is the opposite of the Board's intent. Mr. Morodomi wants the intent of the Board to be clear in the statute's language. Language needs to be drafted in the positive that we are adding a reoccurring service and we are ensuring consumer safety by requiring a permit.

**5 Update, Discussion and Possible Recommendations to Full Board Regarding Assembly Bill 1467 (Salas): Optometrists: scope of practice: delegation of services agreement**

No discussion was made.

**6. Future Agenda Items**

**Audio of Discussion: 27:46 / 28:14**

No discussion was made.

**7. Adjournment**

**Maria Salazar-Sperber moved to adjourn. Lillian Wang seconded, and the meeting was adjourned.**