

**Dispensing Optician Committee
Friday, June 7, 2019
MEETING MINUTES**

Teleconference Meeting Locations:

DCA Del Paso – Redwood
Room
2420 Del Paso Road, 1st
Floor
Sacramento, CA 95834

Charter College
2000 Outlet Center Dr. #150
Room 102
Oxnard, CA 93036

Van Nuys State
Building
6150 Van Nuys Blvd.,
Rm #410
Van Nuys, CA 91401

Science, Industry and
Business
Library (SIBL)
188 Madison Avenue
New York, NY 10016

Members Present	Staff Present
Martha “Ruby” Garcia, CLD, SLD, Chair	Evan Gage, Assistant Executive Officer
William Kysella, Jr. Vice Chair	Marc Johnson, Policy Analyst
Kanchan Mattoo	Natalia Leeper, Optician’s Program Coordinator
Anna Watts, SLD	Jessica Swan, Administrative Analyst
Adam Bentley, SLD	Jason Hurtado, Interim Legal Counsel
Members Absent	Guest List
	On File

Link to audio for discussions:

https://www.optometry.ca.gov/meetings/20190607_doc_audio.mp3

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

Audio of Discussion: 00:07 / 01:28:18

Ruby Garcia called the meeting to order at 12:30 p.m. and took roll call. William Kysella was present in Van Nuys, CA; Kanchan Mattoo was present in Van Nuys, CA; Anna Watts was present at the DCA, Sacramento, CA location; Ruby Garcia was present in Oxnard, CA. A 4-1 quorum was established.

There were two public members present – one in Sacramento and one in Oxnard, CA.

Adam Bentley arrived during agenda item 3 in New York, NY, and there were no public members at his location. A 5-0 quorum was established.

2. Public Comment for Items Not on the Agenda

Audio of Discussion: 02:42 / 01:28:18

There were no public comments.

3. Review and Possible Approval of Committee Minutes: March 15, 2019

Audio of Discussion: 03:50 / 01.28.18

No changes were made. There was no public comment.

Motion: William Kysella moved to approve the March 15, 2019 Draft Meeting Minutes. Anna Watts 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

Audio of Discussion: 06:31 / 01:28:18

A. Status Update on Occupational Analyses

Dr. Heidi Lincer, Chief of the Office of Professional Examination Services (OPES), provided an update on the status of the Contact Lens Dispenser Occupational Analysis.

She stated that the project is finished, and the report should be written in a couple of months. She provided a summary of the work they have done. The OPES facilitated two workgroups with Contact Lens Dispensers (CLDs) in February and May of 2019, with a diverse group of Subject Matter Experts (SMEs). OPES also developed a list of task and knowledge statements that describe the CLD profession. This will be compared to the National examination to ensure that the National Examination is accurately measuring what CLDs do and its appropriate use for licensure. The task and knowledge statements were incorporated into a survey that was sent to all licensed CLDs. During the main workshop, the survey results were reviewed and a final description of the CLD profession was developed. The survey results indicated that the CLD work in retail settings was very different from those in private practice. Initially OPES was concerned that individuals working in the two different setting might need different licensure requirements. However, the SMEs felt strongly that the description of CLD practice should be inclusive of the breadth of the profession.

Ms. Garcia questioned, and Ms. Lincer explained that the lower scoring of California applicants in retail settings was not discussed in the workshop. Nevertheless, they believe that having knowledge of the breadth of the profession is important even if the opticians do not use it in their retail settings.

A public member in Oxnard, California questioned, and Ms. Garcia clarified that most of the opticians in the retail settings are not performing the fit of contact lenses.

B. Status Update on RDO applications and Renewals

Natalia Leeper, Optician Licensing Coordinator, presented a status update of the RDO applications and renewals. Ms. Leeper stated that the response time for applications has been reduced to 30 days. They will either receive notice they have been approved within 30 days or they will receive a deficiency notice.

Ms. Leeper further explained that a technical error has come up within the BreEZe system, whereby once an electronic application is submitted and then becomes withdrawn or expired, the applicant is no longer able to submit an electronic application which is moving away from the Board's direction to go paperless. Staff is currently working with the BreEZe team to have this glitch fixed. She further reported that processing times have been reduced by half; approximately 6 to 8 weeks. Staff is currently engaged in outreach with licensees and registrants.

There were no public comments.

C. Enforcement Update

Evan Gage, Assistant Executive Officer, provided the enforcement update. Mr. Gage explained that the Board has been asked to review its enforcement process to remove any identified bottlenecks. Historically, the Department of Consumer Affairs (DCA) has been working with the Board to establish measurable targets for the overall enforcement process. As part of the Consumer Protection Enforcement Initiative (CPEI), Staff continually collaborates with the Office of Information Services (OIS) to determine the best way to analyze the metrics. The processes have been broken down into micro-processes that intake how long it takes to assign a case that has been submitted to the Board for investigation, to complete the investigation and then further measures once it leaves the Board and goes to the Office of the Attorney General for formal discipline and possibly further investigation. This final metric itself is broken down further.

Mr. Gage added that an overall goal has been set in place legislatively, for a target average of 540 days for the entire process beginning with intake and ending with imposed discipline. Mr. Gage ensured that staff strives continually to bring the times down as close as possible to a 540-day average.

Mr. Kysella asked if this goal includes both optometrist enforcement cases and RDO cases, and Mr. Gage confirmed that it includes both.

There were no public comments.

5. Review of Staff Research Regarding Unlicensed Optical Assistants

Audio of Discussion: 32:41 / 01:28:18

Marc Johnson, Policy Analyst, reported on staff research into unlicensed optometric assistants. During the last Committee meeting in March, upcoming priorities were discussed. The Committee requested that staff research the “shadow industry” of unlicensed optometric assistants. In April the full Board directed staff to research these issues.

Mr. Johnson reported on the key points of that research. The Legislature in 2002 and 2012 asked the Board to research this issue by means of an Occupational Analysis (OA). The Board applied for a Budget Change Proposal (BCP) in 2003 to fund the OA which was denied, and then again in 2012, as part of the Sunset Review, which was also rejected due to budgetary reasons. Now that the Board’s budget is more fiscally healthy, it may be something the Committee and the Board may want to revisit.

Mr. Johnson also noted the current laws which set out the duties an optometric assistant may perform. Since the Board does not register optometric assistants it does not track complaints against them. However, staff did conduct a review of various complaints against optometrists and did identify approximately seven complaints that may have pertained to unlicensed or unregistered associated staff.

Mr. Kanchan Mattoo asked and Ms. Leeper answered that according to the enforcement chart of the last fiscal year, the RDO program received 133 complaints and opened 133 cases. Mr. Kysella commented that in an optometric practice, where an optometric assistant may be performing subpar, there is an intermediary body to appeal to which is the doctor running the office, which may account for less complaints.

Ms. Garcia inquired of Adam Bentley and Anna Watts, regarding the list of set outlines that an optometrist assistant is following in their scope of practice, if in their experience there are additional duties the optometric assistant might be performing. Mr. Bentley suggested the fitting and dispensing of contact lenses and glasses. Ms. Watts and Ms. Garcia agree. Ms. Watts shared that in her personal experience, optometric assistants are using OCT machines to look at the visual field, but do not have a full understanding of the purpose and use of the equipment. Additionally, optometric assistants at times write prescriptions for the doctors. Ms. Watts has witnessed mistakes in the prescriptions.

Mr. Johnson reported that in looking at various boards, the Dental Board does license dental assistants and have a Dental Assistant Committee. Their requirements are extensive with types of exams and laws and ethics. The Pharmacy Board licenses pharmacy technicians, and they are required to meet certain course work requirements, pass a board approved exam. Their duties include critical duties such as writing prescriptions and filling medications. The Medical Board has medical assistants. They are unlicensed and perform basic general tasks

under the direction of the medical doctor. Physical therapy assistants are not required to have a special license, however there are requirements in regulation for the basic duties they can perform.

Mr. Johnson added he was not able to find other states that license optometric assistants. Some will define basic requirements. In looking at a professional definition, Mr. Johnson reported that he the only one he could find is the American Optometric Association which calls their program Para Optometrics; they have certification program and a study guide. According to their website, they have 180 in California and 6,700 in the United States.

Mr. Kysella inquired and Ms. Leeper clarified that in California we only license optometric assistants in the retail setting, New York licenses opticians across the board in hospitals, private practice, retail stores, etc. Mr. Kysella noted that we should have a good analysis of the New York model. He believes the Board should either regulate everyone the same or not regulate it at all. Ms. Watts noted that with technology changes many professionals who call themselves opticians do not really understand opticianry. Therefore, she believes in agreement with Mr. Kysella that having licensing across the board would be beneficial.

Committee Members shared their concerns regarding the inability to track and maintain enforcement of opticians when licensure is not required.

Ms. Lincer added that similar comments were heard from CLDs in the workshops: Concerns about optometric assistants who are not required to take the licensing exams and may be able to perform the tasks but not having knowledge of why or how the equipment works. Concerns that they would not be able to answer patient questions. Mr. Mattoo suggested moving ahead with the occupational analysis to obtain direction. Ms. Garcia agreed and believes the Board will see the good reasoning for having the occupational analysis.

A public comment was made expressing that the term optician should not be used in a medical doctor's office or an optometrist's office. He explained that around 75% in his opinion do not have the necessary optical experience to be called an optician.

Motion: William Kysella moved to recommend that the Board of Optometry request an occupational analysis of optometric assistants in furtherance of the Board and this Committee's work to determine whether all people performing tasks like CLDs and SLDs should have some form of license or whether SLDs and CLDs should require no licensure because others performing the same tasks do not require a central license. Kanchan Mattoo 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				
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6. Future Agenda Items

Audio of Discussion: 01:23:10 / 01:28:18

Members did not have any items. A public comment was made requesting further discussion of contact lens dispensing referral laws.

7. Adjournment

Committee adjourned at 1:58 p.m.