

The mission of the California State Board of Optometry is to protect the health and safety of California consumers through licensing, registration, education, and regulation of the practice of Optometry and Opticianry.

**MEMBERS OF THE BOARD**

Mark Morodomi, JD, President  
 Glenn Kawaguchi, OD, Vice President  
 Rachel Michelin, Secretary  
 Cyd Brandvein  
 Madhu Chawla, OD  
 Martha Garcia, CLD, SLD  
 Debra McIntyre, OD  
 Maria Salazar Sperber, JD  
 David Turetsky, OD  
 Lillian Wang, OD  
 Vacant, Public Member



**APPROVED BOARD MEETING MINUTES**

Friday, October 25, 2019  
 Time: 9:00 a.m. – 5:00 p.m.

Location:  
 Department of Consumer Affairs  
 HQ2 Hearing Room  
 1747 North Market Blvd  
 Sacramento, CA

<b>Members Present</b>	<b>Staff Present</b>
Mark Morodomi, JD, Board President	Shara Murphy, Executive Officer
Glenn Kawaguchi, OD, Vice President	Marc Johnson, Policy Analyst
Debra McIntyre, OD, Secretary	Jessica Swan, Board Liaison
Martha Garcia, CLD, SLD	Rebecca Bon, Legal Counsel
David Turetsky, OD	Cheree Kimball, Assistant Executive Officer
Lillian Wang, OD	
<b>Members Absent</b>	
Cyd Brandvein	
Madhu Chawla, OD	
Maria Salazar Sperber, JD	<b>Guest List</b>
Rachel Michelin	On File

Link to webcast for discussions: <https://www.youtube.com/watch?v=lgcxWfZDc58>

**FULL BOARD OPEN SESSION**

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

Audio of Discussion: 0:10 / 2:59:55

Board President Mark Morodomi called the meeting to order and took roll at 9:00 a.m. A 6-4 quorum was established. Members Brandvein, Chawla, Michelin and Sperber were absent.

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

*Audio of Discussion: 1:05 / 2:59:55*

There were no public comments.

## **3. Update by Representatives of the Department of Consumer Affairs, Which May Include Updates, Discussion and Possible Action Pertaining to the Department's Administrative Services, Budgetary, Human Resources, Enforcement, Information Technology, Communications and Outreach, as Well as Legislative, Regulatory and Policy Matters**

*Audio of Discussion: 1:57 / 2:59:55*

Ms. Murphy announced that Board Members have been provided a written report; there have been many staff changes within the Office of Board and Bureau Services. Brian Skewis, DCA Budget Manager, provided a fund update for the Board. He explained that the fund is basically a savings account from which each year's budget is allocated and revenue is deposited; the Board began fiscal year 2020 with just under three million dollars in the fund, equivalent to over 15 months of operating expenses. The Board is currently authorized to spend 2.4 million and is scheduled to collect two million, leaving a gap of approximately \$350,000. Mr. Skewis observed that the Board has a healthy fund balance with enough reserves; however, the Budget Office wants to pay close attention to the Board's current year budgetary expenditures to ensure solvency and ensure the Board remains within the restrictions. A fee increase or other budgetary measures may be needed within two to four years. Mr. Skewis added that the Budget Office is currently working on building the budget for fiscal year (FY) 2020-2021.

Dr. Turetsky asked what the Board will need to do to increase revenues should it be in a deficit in the future? Mr. Skewis replied that there are three ways to balance a budget: Revenues can be increased; expenditures can be decreased; or a combination of the both. The first step for the Board would be to increase fees through regulation. Increasing fees through regulation is typically more streamlined than through legislation because the through regulation a threshold has already been established.

Dr. Kawaguchi asked if the Budget Office receives more data at the end of the fiscal year or just after the end of the fiscal year. Mr. Skewis replied that this depends upon which information is being sought. A conservative estimate of two to four years would be enough time to be able to address this from a legislative perspective. From a regulatory perspective, if a fee audit is needed, the timeline of two to four years would be sufficient to address this. Ms. Murphy noted staff would need to work on regulations in order to reach the cap and then run a fee study to determine whether the fee cap the Board currently has is large enough to accommodate all the Board's expenses. Staff noted that many of the Board's fees in regulation

are at or just below the cap. Mr. Skewis felt that the Board has some room to grow in regulations for renewal fees, which is the largest category of revenue for most programs.

Mr. Morodomi inquired about how the travel budget works. He stated that Members have received messages regarding the desire for the Board's travel expenses to be reduced. This is perplexing given the fact that the Board's fund is so strong. Mr. Skewis explained that DCA has line item budgets for each category of travel expenditures (i.e. travel expense, general expense, employee compensation benefits etc.). However, it is a bottom-line budget, so all those line items add up to a budget of approximately 2.2 million dollars for the optometry fund. If the Board does not over extend that bottom-line authority, it is within the restrictions of its budget. He stated that he is unaware of any current specific restrictions regarding travel.

Ms. Murphy commented that the Board had previous savings in staffing and in expenditures to the Attorney General's Office. However, as the Board has picked up and become fully staffed, and has pursued a fuller case-load, those other pockets of money are no longer available to pull from. Therefore, staff is looking more closely at its line item budgets. Mr. Skewis announced that DCA has control section language in the budget act to augment the programs budgetary line item before Attorney General. This means that as the increases are taking place, if the Board is exceeding its Attorney General budget, DCA can increase the Attorney General line-item.

There were no public comments.

#### **4. President's Report**

*Audio of Discussion: 24:57 / 2:59:55*

##### **A. Discussion on Board Member Handbook**

Mr. Morodomi noted that approximately a year ago the Board passed changes to the Board Member Handbook to say that the Board Members would receive per diem for both board meetings and per diem for preparation of the board meetings. Mr. Morodomi receives requests from Board Members for per diem for trainings they attend. There was no discussion regarding how to handle these types of requests. However, he noted that the handbook gives the president the authority to utilize his discretion to award per diems upon request. He explained that if a Board Member attends an all-day required training, he believes it deserves a full per diem. Dr. Wang commented that her understanding was that a member could request as little as one hour of reimbursement. Staff would keep a record of hours reported and, when a total of 8 hours was completed, reimbursement could be given. Ms. Swan confirmed that staff has a bank of hours on a spreadsheet and several Members have banked hours.

#### **(MOVED UP) 12. Executive Officer's Report**

*Audio of Discussion: 29:26 / 2:59:55*

##### **A. Enforcement Program**

Mx. Kimball updated the enforcement program and reported that for the first quarter of 2019-2020 staff has been working on updating the disciplinary guidelines for both the optometry program and the optician program. The Board was provided a list of disciplinary actions what were taken in the first quarter. Mr. Morodomi asked if there are any time delays on attending to the high priority cases; Mx. Kimball replied that the high priority cases are still worked on prior to other cases; therefore, no time delays exist for the high priority cases. Mr. Morodomi noted that according to the chart provided, the average days to closure of high priority cases is 404 days; is this correct? Mx. Kimball confirmed that it is. Mr. Morodomi questioned whether this number is good, bad or average compared to previous years? Mx. Kimball is uncertain; the average came from two cases and but is difficult to determine.

There were no public comments.

## **B. Examination and Licensing Programs**

Ms. Qasmi presented on the examination and licensing programs. She reported that the licensing unit successfully completed another year of application processing for new graduates. This year's applications were the highest the Board has had in three years (366 applications completed). Despite this increase and staffing concerns, the processing time was still maintained at an eight-week timeframe and the Board issued 154 new licenses since July when the first quarter began. Ms. Qasmi reported processing times have returned to normal as of six weeks. The Board has already received 51 exam requests since the beginning of the first quarter, and due to this increase, staff anticipates this year will be a big year for the licensing unit.

Ms. Qasmi also reported that she is currently working with the Office of Information Services, BreEZe Unit within DCA to streamline application processes for Fictitious Name Permits (FNPs). Staff has observed that many optometrists have applied for FNPs in error this year and correcting this problem has been labor intensive. Ms. Qasmi has been working with the BreEZe Team to make the application instructions much clearer. The changes should be in place around the beginning of next year. Dr. Wang asked if the optometrists erroneously applying for FNPs are new grads or just simply do not understand the application; Ms. Qasmi explained that it's been a 2-prong problem. Dr. Wang noted that when she and others visit Berkeley to welcome the new grads, they can bring this up and educate the new grads on the correct procedures. She believes this will minimize the number of errors. Dr. Kawaguchi admitted that sometimes it is difficult through BreEZe to assess what optometrists may need. He believes that Ms. Qasmi's solution of working with BreEZe to clarify instructions on the BreEZe pages will be the solution to avoid extra work for everyone involved.

Dr. Turetsky asked if staff are hearing from optometrists who are confused about replacement of their former Branch Office Licenses (BOL's) with Statement of Licensures (SOL's); Ms. Qasmi denied this as being an issue due to the diligence of staff in walking licensees through the process step-by-step. Additionally, the BOL application was completely removed from BreEZe, so there was no pathway by which to submit the wrong application.

Ms. Qasmi presented on the Opticianry Program. She noted that in order to address concerns regarding processing times within this program, staff has expended tremendous energy in both August and September of this year auditing and streamlining the processes. Now, applicants are sent deficiency letters within a few days. This has reduced processing times, the volume of phone calls, and the volume of mail sent from the office. Ms. Qasmi reported that as the American Board of Opticianry (ABO) posted its exam results in August and September, the optician program peaked. Nevertheless, staff maintained the 4-6-week processing times.

Ms. Garcia requested that staff educate the Registered Dispensing Opticians (RDO's) about the new process of publishing registrants' license certificates to their BreEZe accounts for quick, easy and continual access. She believes informing the RDOs will, in turn, inform the CLD's and SLD's. Dr. Wang explained that she personally is encountering licensees who are still confused about the renewal processing times. She explained they attempt to renew a week before their expiration and then they are calling and emailing her asking for assistance. Ms. Murphy assured Dr. Wang that staff is looking at process mapping, reviewing procedures, identifying places that can be better automated, and communicating with folks about where they are at in the process. Ms. Murphy expects that in the next year staff will be better able to identify the processes and places where it makes sense to communicate with licensees.

There were no public comments.

Recess was taken at 10 a.m. Meeting resumed at 10:10 a.m.

**5. Petition for Early Termination of Probation – Rebecca Savage – CLD #1994 / SLD #6065**

*Audio of Discussion: 1:00:36 / 2:59:55*

The Board heard the early termination of probation for Rebecca Savage.

**FULL BOARD CLOSED SESSION**

**6. 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 to deliberate on disciplinary matters at 10:40 a.m.

**FULL BOARD OPEN SESSION**

The Board resumed open session at 12:30 p.m.

**(CONTINUED) Executive Officer's Report**

*Audio of Discussion: 1:26:30 / 2:59:55*

**C. Legislative and Regulatory Update**

Mr. Johnson provided an update on legislation. He noted the 2019 legislative session concluded on September 13, 2019 and is scheduled to reconvene on January 6, 2020. He reported the following:

- AB 458 (Nazarian), relating to optometrist home resident permits, was signed into law and will be effective on January 1, 2020. Staff has begun to develop regulations implementing the bill.
- AB 613 (Low), relating to fees, Mr. Johnson reported that the bill was held in committee and is uncertain whether it will be taken up again next year.
- AB 896 (Low), relating to dispensing optician and optometrist merge of funds, Mr. Johnson reported that amendments were added at the last minute, on August 30<sup>th</sup>, which added provisions specific to extended optometric clinical facilities. The amendments would limit ownership to charitable organizations and limit them to accepting only Medi-Cal payments; as well as some other various functions. The bill was held in the Senate Rules Committee and did not make it out of the Legislature. Ms. Murphy noted the Board's support of mobile vision services and assured that staff will continue to work with Vision to Learn (VTL) and other stakeholders to determine a way for the Board enough time to develop a thoughtful regulatory framework. She hopes to have substance to bring back to the Board before the end of the legislative year. Additionally, she explained that the merging of the optician and optometry funds is still a priority; therefore, staff is talking with the author's office about an opportunity to move that provision of the bill forward.

Dr. Turetsky asked if the new language would have any effect on BPC 3070.1 in the same way that the in-home care bill is tied into 3070.1 or does this fall specifically into mobile optometric facilities; Ms. Murphy expressed hesitation to answer one way or the other because discussions are ongoing. Mr. Morodomi requested confirmation that the Board never took a position on the bill which Ms. Murphy confirmed. There were discussions among the Board about support for mobile optometric services with the understanding that the time frame given to the Board in 1714 would not allow for the introduction of a regulatory package. Additionally, it did not provide the Board any leeway to continue any of its current enforcement investigations. Therefore, no position was taken.

- AB 1467 (Salas and Low), relating to optometrists' scope of practice delegation of services agreement. This bill was held in committee and the California Optometric Association is continuing to work on the bill.
- SB 53 (Wilk), relating to open meetings, Mr. Johnson reported the bill was held in committee and did not move forward.

Mr. Johnson next provided an update on regulations. The Board is currently working on five primary regulatory issues as follows:

- AB 2138 which relates to denial of applications, revocations and suspensions of licensures in criminal convictions and how those are used. This package is currently with the DCA Director's office. So far, staff has received only positive comments. He anticipates it will be given to the Office of Administrative Law (OAL) within 1-2 months. It will be publicly noticed with a 45-day comment period on the package. If there are no comments, he hopes it will go forward and the Board can meet the statutory implementation date of July 1, 2020. He announced that this Board is a bit ahead of the other boards working on the same regulations.
- AB 443, which allows optometrists to administer immunizations. Mr. Johnson explained that this will be discussed shortly as a part of Agenda Item 9.
- 2019 Optometry Disciplinary Guidelines update. Mr. Johnson announced that this will be discussed shortly as part of Agenda Item 10.
- Dispensing Optician Committee (DOC) Guidelines. The DOC reviewed the latest version of the March 15, 2019 public meeting. Staff has been working internally to update these guidelines and incorporate the changes and add in some other changes. Staff will likely be presenting them to the DOC in December and should be able to move them forward to the full Board early next year.
- Continuing Education Regulations. Mr. Johnson reported that staff is continuing to develop the regulation and are hoping to have potential changes and draft language to the Practice and Education Committee (PEC) next Spring.

Dr. Kawaguchi asked if the changes are regarding the increase in approved online continuing education (CE) hours; Ms. Murphy acknowledged that this is a piece of the package. Dr. Kawaguchi asked if it is necessary to bundle these issues together or if the increase in approved online CE hours could be separated out and moved into regulations more quickly. Ms. Murphy does not believe this will expedite the regulatory process. Dr. Turetsky recalled that an increase to 25 online CE hours was previously voted on and approved by the Board. Mr. Johnson explained that this was voted on and approved but did not make it into the regulatory process due to changes in staffing, particularly with executive staff. Ms. Murphy stated that staff can bring all these CE issues together in one package before the Board in early Spring. Dr. Kawaguchi stated that he wants the increase in CE to 25 online hours to be separate from the other issues. Mr. Morodomi agreed.

Mr. Morodomi recalled a discussion regarding the Optometry Disciplinary Guidelines in relation to the Optician Disciplinary Guidelines, and it was his understanding that the Board planned to pass the optician guidelines first and the optometry guidelines would follow afterwards. He asked why the order changed? Ms. Murphy explained that it made sense to current staff to take the what the Board has with the optometry guidelines, since this process is further along, and then use that as a model.

#### **D. Staff Update**

Ms. Murphy provided a brief staff update. Cheree Kimball was named Assistant Executive Officer. Mr. Morodomi announced that Ms. Murphy has been doing a great job at juggling, running the Board’s programs while interviewing numerous applicants to replace staff being promoted. He noted that Ms. Murphy has been with the Board for one year and is still going through trainings.

There were no public comments.

**7. Update, Discussion and Possible Action on Proposed Board Meeting Dates for Calendar Year 2020**

*Audio of Discussion: 2:00:55 / 2:59:55*

Ms. Murphy reported that this is the second opportunity at looking at the calendar. The suggested calendar for 2020, in the Board Members packets, includes the quarterly meetings, committee meetings, and the statutory Dispensing Optician Committee meetings. The Board has looked at the legislative calendar, the Board’s Sunset Review calendar and Strategic Planning calendar. Mr. Morodomi moved to adopt the calendar as presented, with delegation to the staff to set locations for the meetings.

There were no public comments.

**8. Discussion and Possible Action on Board Meeting Minutes for August 2, 2019**

*Audio of Discussion: 2:06:55 / 2:59:55*

No changes were made. There were no public comments.

**Lillian Wang moved to approve the August 2, 2019 Board Meeting Minutes. Martha Garcia seconded. The Board voted unanimously (6-0-4) and the motion passed.**

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

**9. Update, Discussion and Possible Action on Implementing Regulations for Assembly Bill 443 (Salas, Chapter 549, Statutes of 2017)**

*Audio of Discussion: 2:14:16 / 2:59:55*



Mr. Johnson presented an update on Assembly Bill (AB) 443. Signed into law in 2017 and effective January 1, 2018, AB 443 (Salas) allows a licensed optometrist to perform immunizations after certain conditions have been met. The Board approved the regulatory text and a required form at the April 5, 2019 meeting and directed staff to begin the rulemaking process to implement AB 443. Staff work has been completed and the rulemaking was submitted to DCA; however, DCA Legal has suggested changes which require Board approval. Once approved, the rulemaking process will continue with the changes made.

There were no public comments.

**Glenn Kawaguchi moved to approve both the form with the edits discussed here today; as well as approve the proposed edits to Section 1572 Title 16 of the California Code of Regulations as discussed here today; and direct staff to re-submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services and Housing Agency for review and if no adverse comments are received authorize the Executive Officer to make any non-substantive changes to the rulemaking package and set the matter for hearing. Lillian Wang seconded. The Board voted unanimously (6-0-4) and the motion passed.**

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

**10. Update, Discussion and Possible Action on Changes to California Code of Regulations §1575 and Optometry Disciplinary Guidelines Incorporated by Reference**

*Audio of Discussion: 2:21:33 / 2:59:55*

Mx. Kimball provided an update on the California Code of Regulations (CCR) Section 1575 -- Optometry Disciplinary Guidelines. Staff changes are those that were discussed at the Consumer Protection Committee (CPC) meeting in September 2019. Updated language from the SACC guidelines has been added. Staff has changed gender specific pronouns to gender neutral pronouns according to a directive coming out of the Legislature and the Governor’s Office. Mx. Kimball explained that although there was discussion about changing “worksites monitor” to “practice monitor,” it is listed as “worksites monitor” in the Uniform Standards for Substance Abusing Licensees. Therefore, staff had to leave the language as “worksites monitor.”

Dr. Turetsky argued that under the “Standard Terms and Conditions” of a disciplinary action, “Function as an Optometrist” does not describe all the functions of an optometrist and was vague. He noted that some practitioners perform more administrative functions, some more quality assurance functions, some teaching functions, etc. He asked if he is performing duties other than eye exams, such as administrative duties, is he not functioning as an optometrist? Mx. Kimball replied that the goal of the Board when assigning probation terms is to encourage the probationer to practice the thing/area that he/she was disciplined for but doing it correctly. Dr. Wang suggested that having the vague term is better for interpretation case-by-case. Dr. Turetsky expressed concern over the decision of whether a practitioner is functioning as an optometrist, should be left to the interpretation of the probation monitor. Ms. Murphy shared that if the Board places too fine a point on this, it would tie the Board’s hands and make probation terms less applicable on a case-by-case basis. Dr. Kawaguchi stated that probationers claim it is difficult to even secure a job and therefore an unintended consequence of being overly specific is that the Board may create a burden from which the probationer is unable to overcome. Dr. Turetsky asked who probationers can appeal to should they feel their probation terms were applied unfairly? Mx. Kimball explained the probationer could appeal to the Executive Officer or Assistant Executive Officer. She noted that none of the terms go into effect until they have come to the Board and the Board has adopted the decision.

Dr. Turetsky asked Legal Counsel Rebecca Bon if in her legal opinion, leaving the blanket statement “Function as an Optometrist” leaves it open to much discretion? Ms. Bon replied that the Respondent would then go to Board Probation Monitor and Staff who would apply confirmation of what the term will mean. She added that if the Board is not seeing any problems with this approach currently then she believes discretion is appropriate. Dr. Turetsky asked Mx. Kimball if they have ever experienced in their tenure as Probation Monitor, a time when somebody complained about the term? Mx. Kimball responded that the largest issues they see from their probationers, is difficulty in getting hired. Mr. Morodomi announced that he believes this issue has been sufficiently resolved for now and that this is a place where thorough minutes should be noted.

Ms. Bon asked for clarification on page 22, number 10: (Community Services). She stated that it appears the intent is to say that the probationer would offer optometric or non-optometric services? Ms. Wang confirmed this. Ms. Bon suggested wording it to state: “the probationer would offer either free optometric or free non-optometric services.” Ms. Murphy brought up an additional point regarding the proposed regulatory text for Uniform Standards Related to Substance Abuse and Disciplinary Guidelines. For clause (b), Ms. Murphy asked the Board to consider editing the text to read: “if the conduct found to be a violation involves the use and abuse of drugs and/or alcohol” She believes this will add clarity regarding when biological fluid testing should be a term and condition. For example, a practitioner in trouble for over-prescribing, but who is not a user of drugs or alcohol personally, should probably not have biological fluid testing as a term and condition of probation. This edit would make clear the fact that those standard terms and conditions do not apply to all cases that involve prescribing some drugs. Board agrees.

Mr. Morodomi raised the removal of the 30-day suspension requirement; it has been changed to just “suspension.” The argument in favor of removal of the 30-days allows the Board more

flexibility over determining the length of the suspension. The argument against this change is that it allows for suspension of less than 30-days for some of the Board’s possibly more egregious violations. He deferred this issue to the professional members to decide whether there are violations where it should absolutely be 30-days or more, and not allow room for the ALJ to make it less than 30. Ms. Bon suggested possibly examining each of the infractions and determining what the minimum should be.

Ms. Murphy explained that the reasoning behind not prescribing a minimum is because the appropriate minimum is truly significant on a case-by-case basis; the specifics of each probationers’ case depend upon how long should that person not be practicing. Mr. Morodomi noted the violations he and/or staff determined to be severe violations are: excessive prescribing, gross negligence, fraud, unlawful solicitation, unlawful referrals, employing cappers or steerers, and fraudulently altering medical records. He asked if the Board wishes to prescribe a minimum of a 30-day suspension for these noted major violations? Dr. Turetsky believes there can be many exceptions to these. Ms. Bon suggested that if the Board begins seeing cases come back from the ALJ with less time suspensions then it deems appropriate, that may be the time to begin fine tuning the language. She added that on a case-by-case basis the Board can reject a proposed decision.

There were no public comments.

**Lillian Wang moved to approve the changes to the disciplinary guidelines with the edits made here today. Debra McIntyre seconded. The Board voted (5-Aye, 1-No, and 0-Abstention) and the motion passed.**

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

**11. Update, Discussion and Possible Action on Potential 2020 Legislation**

**A. Temporary License for Instructors at Accredited Schools of Optometry**

Mr. Johnson presented on proposed text for temporary license for instructors at an accredited school of optometry, which is based on a similar statute used by the Medical Board. This permit would allow holders to perform the full optometry scope of practice within the clinics of the school by which they are employed, provided they meet certain requirements, pass the laws and regulations exam and complete a criminal background check. The text would require

a legislative author during the 2020 session. The words “or dean” were added to subsection (b). Board members had no further changes.

There were no public comments.

**Lillian Wang moved to direct the Executive Officer to pursue legislation for a special faculty permit in the 2020 Legislative session based on the proposed text and materials presented here today, pending review by Legal Counsel, and delegate the authority to the Executive Officer to make any technical, non-substantive changes to the text as needed. David Turetsky seconded. The Board voted unanimously (6-0-4) and the motion passed.**

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

## **B. Endorsement Fee**

Mr. Johnson reviewed the proposed statutory text for an endorsement fee. The proposed text would allow the Board to charge up to \$50 per license endorsement for another state. If approved, staff would seek a legislative author for a bill in the 2020 session. Board Members had no comments. There was no public comment.

**David Turetsky moved to direct the Executive Officer to pursue legislation for an endorsement fee in the 2020 Legislative session based on the proposed text and materials presented here today, pending review by Legal Counsel, and delegate the authority to the Executive Officer to make any technical, non-substantive changes to the text as needed. Lillian Wang seconded. The Board voted unanimously (6-0-4) and the motion passed.**

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

<b>Ms. Sperber</b>				X	
<b>Dr. Turetsky</b>	X				
<b>Dr. Wang</b>	X				

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

**a. Dispensing Optician Committee**

Ms. Garcia provided an update on the DOC meeting from September 27, 2019. A memo as part of meeting materials was provided to the Board. No action was taken.

**b. Legislation and Regulation Committee**

Dr. Wang provided an update on the LRC meeting from September 13, 2019. A memo as part of meeting materials was provided to the Board.

**c. Practice and Education Committee**

No report was made. A memo as part of meeting materials was provided to the Board.

**d. Consumer Protection Committee**

Ms. Brandvein provided an update on the CPC from September 13, 2019. A memo as part of meeting materials was provided to the Board.

There were no public comments.

**14. Future Agenda Items**

Dr. Turetsky requested preliminary discussion of implementation of AB 458 at the February meeting.

A public comment was made requesting an increase in fees for the optician program and to make them more reasonable.

**15. Adjournment**

The Board adjourned at 2:50 p.m.