



STATE BOARD OF OPTOMETRY
2450 DEL PASO ROAD, SUITE 105, SACRAMENTO, CA 95834
P (916) 575-7170 F (916) 575-7292 www.optometry.ca.gov



FREQUENTLY ASKED QUESTIONS ABOUT OPTOMETRIC CORPORATIONS

Q: HOW DO I ESTABLISH AN OPTOMETRIC CORPORATION?

A: California law requires optometric corporations register with the Secretary of State. Questions regarding registration should be directed to the Secretary of State's Office at (916) 657-5448.

As of Jan. 1, 2007, optometric corporations are no longer required to register with the state Board of Optometry.

Q: WHO CAN BE AN OWNER OF A PROFESSIONAL OPTOMETRIC CORPORATION?

A: At least 51 percent of the shares must be owned by a licensed optometrist. The remaining 49 percent may be owned by physicians and surgeons, podiatrists, psychologists, registered nurses, marriage and family therapists, clinical social workers, physician assistants, chiropractors, acupuncturists, naturopathic doctors or any other licensed person as specified in Business and Professions Code section 13401.5. The number of licensed persons cannot exceed the number of optometrists, and cannot exceed a combined share total of 49 percent.

Q: CAN A LAY PERSON BE AN OWNER OR PARTIAL OWNER OF AN OPTOMETRIC CORPORATION?

A: No. A lay or unlicensed person cannot own any shares of an optometric corporation.

Q: WHAT TYPE OF CORPORATION IS LEGAL FOR OPTOMETRY?

A: Optometrists can only incorporate in California as professional optometric corporations. No out-of-state, foreign or general corporations are allowed.

Q: ARE LIMITED LIABILITY PARTNERSHIPS (LLPs) AND LIMITED LIABILITY COMPANIES (LLCs) ALLOWED?

A: No. Optometrists cannot practice optometry as LLPs or LLCs.

Q: DOES A NON-PROFIT CORPORATION NEED TO OBTAIN A FICTITIOUS NAME PERMIT (FNP)?

A: No. Non-profit corporations do not fall under the jurisdiction of the Optometry Board. Only professional optometric corporations are eligible for FNPs.

Q: IF I RECEIVE MY CORPORATE NAME FROM THE SECRETARY OF STATE, AND PLAN ON ADVERTISING UNDER THAT NAME, WHICH IS A FICTITIOUS NAME, DO I NEED TO GET A FNP FROM THE BOARD OF OPTOMETRY?

A: Yes. If it is a fictitious name, approval of the corporate name does not give permission to advertise that name to the public.

Q: DO I NEED A FNP FOR MY CORPORATE NAME IF I RECEIVE A CORPORATE NAME FROM THE SECRETARY OF STATE, AND WILL NOT ADVERTISE WITH THAT NAME?

A: No. A FNP is not required, as long as the corporate name is not seen by the public.

Q: IF MY OPTOMETRIC CORPORATION MUST APPLY FOR A FNP, DO I NEED TO INCORPORATE WITH THE SECRETARY OF STATE BEFORE I APPLY FOR MY FNP?

A: Yes. The board requires a copy of the articles of incorporation to ensure the corporation is an active and professional optometric corporation. If a corporate name is issued by the Secretary of State, and is not available as a fictitious name, the optometrist has the option of amending the corporate name to match the fictitious name. This amendment should be done after the fictitious name has been issued by the board. The corporate name may be different from the fictitious name.

Q: DO I NEED TO INFORM THE BOARD OF OPTOMETRY IF I AMEND MY CORPORATE NAME IN THE FUTURE?

A: No. The board would only need to be notified if there is a complete change of the corporation. This would only apply to optometrists who have a FNP with the board. Any other corporate matters should be addressed with the Secretary of State's office at (916) 657-5448.

Q: DOES IT SPEED UP THE REVIEW PROCESS IF I HAND DELIVER THE APPLICATION?

A: No. The application will be reviewed in the order in which it was received, whether received in the mail or hand delivered.