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Temporary Practice Rules Defined

Effective January 1, 2013, the way doctors will be allowed to say they are practicing at a location temporarily is changing.

Under current law (Business and Professions Code section 3070), before engaging in the practice of optometry, a doctor must notify the Board in writing of any addresses where he or she practices optometry, and obtain a Statement of Licensure (SOL) to be placed in all practice locations other than a doctor's principal place of practice. The following locations are exempt from this requirement:

- A facility licensed by the State Department of Public Health;
- A public institution, including, but not limited to, a school, a community college, and Federal, State, and local penal and correctional facilities;
- A mobile unit that is operated by a governmental agency or by a nonprofit or charitable organization;
- The home of a patient who is not ambulatory; and
- The practice location of another optometrist if the other optometrist is ill or on a temporary leave or for any reason approved by the Board. This exception limits temporary practice to seven calendar days during a 30-day period and 84 days during a calendar year.

The new law clarifies that a holder of a Branch Office License is not required to obtain an SOL to practice at those branch offices, deletes all exceptions, and newly defines temporary practice as "the practice of optometry at locations other than the optometrist's principal place of practice for

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not more than five calendar days in a 30-day period, and not more than 36 days in a calendar year.

This limitation on the number of days applies to all practice locations where the doctor is engaged in temporary practice, not each location individually. If you go over the limit, you must obtain an SOL.

This change is intended to let doctors know when they need to notify the Board of a new location and when an SOL is needed. Many doctors found the existing rule unclear and confusing.

In light of this change in law, the Board recommends that you make sure that any SOLs you have are current. By law, SOLs

must be renewed biennially. An expired SOL is reflected under your name on our Web site. If you don't have an SOL and you are practicing at multiple locations other than your principal place of practice, please go to our Web site at www.optometry.ca.gov, Forms/Publications, Licensees, for the Statement of Licensure application form and information. ■

Subject Matter Experts Needed for Exam Workshop

Licensed optometrists can earn up to eight continuing education credits and the opportunity to contribute to their profession by volunteering to be subject matter experts (SMEs).

SMEs have the opportunity to meet and work with other licensed optometrists from around the State on the development, review, and grading of the California Law and Regulation Examination (CLRE). Many professionals who serve as subject matter experts find the experience very rewarding and choose to return year after year.

Workshops are held at the Department of Consumer Affairs' Office of Professional Examination Services (OPES), 2420 Del Paso Road, Suite 265, in Sacramento and are typically conducted from 8:30 a.m. to 5:00 p.m. on Sundays and Mondays. The Board will assist with travel arrangements for those who live 50 miles or more from the workshop site. Airfare is prepaid by the Board. Hotel costs and other travel expenses (meals, mileage, incidentals) will be reimbursed at State government rates. Participants will be paid an honorarium of \$100 per day.

To qualify to serve as a subject matter expert a licensee must:

- Possess a valid optometrist license that is not under suspension or probation;
- Possess up-to-date skills. Those who have been licensed for five years or less are encouraged to apply to ensure the entry-level perspective is maintained;

- Agree not to participate at any time in any licensing examination coaching or preparation courses; and
- Not be a teacher for an optometric program.

OPES enforces a stringent security policy, and workshop participants will be required to sign confidentiality forms. Participants will also be required to enter into a contract with the State to participate and receive reimbursement and per diem (Government Code Section 19130 and Business and Professions Code Section 40).

If you are interested in participating in any of the workshops below, please go to www.optometry.ca.gov to fill out a Subject Matter Expert Registration Form and fax it back to (916) 575-7292, Attention: Andrea Leiva. For additional information please contact Andrea Leiva at (916) 575-7182 or andrea.leiva@dca.ca.gov.

February 3-4, 2013 (Sunday and Monday): Item Writing and Review

Participants write new and review current and new exam questions. They work with a testing specialist and receive training on how to write and review exam questions. **8 CE CREDITS**

April 8, 2013 (Monday): Exam Construction

Participants select questions for the 2013–14 examination from a pool of test questions based on content-related criteria. **4 CE CREDITS**

June 3, 2013 (Monday): Passing Score

Under the guidance of a testing specialist, participants apply minimum competence standards to establish a criterion-referenced passing score for the 2013–14 examination. **4 CE CREDITS**

Retired License Status

Effective January 1, 2013, the Board will be working to offer doctors the opportunity to officially retire from the practice of optometry. Full implementation of these licenses are still a year away, but here is a preview of what to expect when they become available. There will be two types of retired license statuses:

Retired license

- One-time application fee of \$25.
- No renewal.
- No continuing education required.
- Can no longer practice for any reason.
- Can use the titles “retired optometrist” or “optometrist, retired.”
- Provides a process to return to active practice.

Retired license status with volunteer designation

- Application fee of \$50.
- Biennial renewal with fee of \$50.
- Continuing education required with renewal, depending on certification type.
- Can only practice optometry as an unpaid volunteer at health fairs, vision screenings, and public service eye programs.
- Can use the titles “retired optometrist” or “optometrist, retired.”
- Provides a process to return to active, paid practice.

Only doctors with current and active licenses will be permitted to apply for either retired status. The Board will continue to have jurisdiction over retired licensees. The Board will be evaluating each

Tips from the Licensing Unit

Your continuing education may be audited

Have you been selected to participate in a continuing education (CE) audit? Section 1536(j) of the California Code of Regulations requires a doctor to complete not less than 50 hours, for TPA certified, and 40 hours for DPA certified, of approved CE during each two-year period immediately preceding the license expiration date.

Doctors selected for the random audit are notified by mail and are required to submit documents certifying their compliance with the CE requirements. Acceptable documents include letters or certificates of attendance that show your name, practice address, license number, name of the sponsoring organization, course name, location, number of CE units provided, signatures of the course instructors, and date of the course. You may need to contact your CE provider to obtain documents verifying participation. The Board wants photocopies of your documents— not originals.

If you are selected for the audit, you will not be able to renew your license until you provide the requested information.

For more information on CE, visit the Board's Web site at <http://www.optometry.ca.gov/licensee/contedu.shtml> or call the Board at (916) 575-7170.

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application to ensure licensees want to retire, or to volunteer as retirees. If you decide to reactivate a retired license, the following steps must be taken:

Within three years of retirement

A retiree can reactivate his or her license with the Board within three years of obtaining a retired license status by doing the following:

- Complete an application for reactivation;
- Pay all accrued and unpaid reactivation fees determined by the Board;
- Pay all delinquency fees, if any; and
- Submit proof of completion of continuing education for the last two years.

After three years of retirement

A retiree can reactivate his or her license with the Board if they have been retired for more than three years by doing the following:

- Complete an application for reactivation;
- Pay the fee required of a first-time licensee;
- Pass two examinations:
 - 1) the National Board of Examiners in Optometry's Clinical Skills examination or other clinical examination approved by the Board; and
 - 2) the Board's Laws and Regulations Examination; and
- Pay a fee equal to the license renewal fee in effect on the last regular renewal date or a reactivation fee determined by the Board, and any delinquency fees prescribed by the Board.

If your license is not current and active, you will have to first make the license current and active before applying for a retired license status or a retired volunteer license status.

Visit the "What's New" section of our Web site (www.optometry.ca.gov) after January 1, 2013, for a Frequently Asked Questions section on the retired license statuses, and the date these license statuses will be available. ■



Welcome Our New Board Members!

The Board is pleased to welcome **Madhu Chawla, O.D., Fred Dubick, O.D., MBA, Glenn Kawaguchi, O.D., and William Kysella** as its newest members.

Dr. Chawla was appointed by Governor Brown on June 15, 2012. She has been an optometrist at Kaiser Permanente since 2008. She was a managing optometrist at Eye Exam of California from 2005 to 2008 and an optometrist at South Bay Eye Institute from 2004 to 2005. Dr. Chawla also worked at the Office of Glenn P. Kimball from 2000 to 2004, Pearl Vision Center from 2001 to 2004, the Office of Lisa Travies from 1999 to 2000, the Office of Frederick Rose from 1999 to 2000 and the Dimock Community Health Center from 1997 to 1999. Dr. Chawla earned a Doctor of Optometry degree from the New England College of Optometry. Her term expires June 1, 2015.

Dr. Dubick was appointed by Governor Brown on August 8, 2012. He has been the owner of StudioEyes Optometry since 1980. He served as commissioner on the Public Safety Commission of Hidden Hills from 2000 to 2004. Dr. Dubick was the Chief of Eyecare Services for the 1985 Los Angeles Olympic Organizing

Committee. Dr. Dubick earned a Doctor of Optometry degree from the Pennsylvania College of Optometry and a Master of Business Administration degree from the University of Redlands. Dr. Dubick is a Fellow of the American Academy of Optometry, is a Past President of the San Fernando Valley Optometric Society and is currently the President-Elect of the California Optometric Association. His term expires June 1, 2013.

Dr. Kawaguchi was appointed by Governor Brown on August 10, 2012. Dr. Kawaguchi has been a managing optometrist at Eyexam of California since 2011 and was an eye care director at Sears Optical from 2006 to 2011. He worked in multiple positions at Eyexam of California from 1993 to 2006, including regional optometric practices manager and managing optometrist. Dr. Kawaguchi was an associate optometrist for David Sherman O.D. from 1992 to 1993. He earned a Doctor of Optometry degree from the Southern California College of Optometry. His term expires June 1, 2015.

Mr. Kysella was appointed by Assembly Speaker John A. Pérez on July 25, 2012. Mr. Kysella is a Deputy City Attorney

in Los Angeles, where he advises the Department of Water and Power. He has advised the city on elections and government ethics, served as General Counsel to the Department of General Services, and was a prosecutor in Hollywood. Prior to joining the city, Mr. Kysella was an attorney at the U.S. Department of Commerce in the Office of the General Counsel and was a law clerk in the Office of Counsel to the President during the Clinton Administration. His term ends June 1, 2015.

Congratulations and farewells

Congratulations to the Board's new officers, Dr. Alex Arredondo O.D., President of the Board; Monica Johnson, Vice-President of the Board; and Alexander Kim, Secretary of the Board. The Board is confident that their leadership will continue to emphasize consumer protection and providing the best service to its licensees.

The Board gives a heartfelt farewell to Dr. Lee Goldstein, Past President, and Fred Naranjo, Public Member, whose time with the Board ended June 1, 2012. Both members had been part of the Board since 2003 and their input and knowledge will be greatly missed. ■

New Laws Effective January 1, 2013

The following bills affecting the Board and the practice of optometry will become effective January 1, 2013. To view the bills in their entirety, visit the California Legislative Counsel's Web site at www.leginfo.ca.gov or contact the Board at (916) 575-7170.

Assembly Bill 761 (Hernández) – CLIA Testing

This bill would allow doctors of optometry to perform certain diagnostic tests in their office, rather than ordering them from a lab.

Assembly Bill 1588 (Atkins) – Reservist Licensees: Fees and Continuing Education

This bill would require boards under the Department of Consumer Affairs, with certain exceptions, to waive the renewal fees, continuing education requirements, and other renewal requirements as determined by the Board, if any are applicable, of any licensee who is called to active duty as a member of the United States Armed Forces or the California National Guard if certain requirements are met. Practice is prohibited during this waiver, and renewal requirements will be required to reinstate the license upon the discharge from active duty.

Assembly Bill 1896 (Chesbro) – Tribal Health Programs: Health Practitioners

This bill conforms State law to a Federal law that permits health practitioners who are employed by a tribal health programs to be exempt, if licensed in any state, from the licensing requirements of the state in which the tribal health program performs specified services.

Assembly Bill 1904 (Block) – Professions and Vocations, Military Spouses, Expedited Licensure

This bill requires boards under the Department of Consumer Affairs to expedite the licensure process for spouses and domestic partners of military members on active duty in California.

Senate Bill 951 (Hernandez) & Assembly Bill 1453 (Monning) – Essential Health Benefits

These bills set the level of essential health benefits that will be offered by the California Health Benefit Exchange starting in 2014. This bill also follows the Kaiser Foundation Health Plan Small Group HMO 30 plan for most services, except pediatric vision. Pediatric vision essential benefits will be based on the largest vision plan for Federal workers. This bill does not have any impact on payment or contracting rules with providers.

Senate Bill 1215 (Emmerson) – Retired License Statuses and Temporary Practice Defined

This bill, sponsored by the Board, establishes a retired license status and volunteer retired license status. This bill also defines temporary practice and clarifies when a licensee must obtain a Statement of Licensure. ■



Disciplinary and Enforcement Actions

The following is a list of disciplinary and enforcement actions taken by the Board in 2012

Pending Accusations

Anderson, Scott T. (OPT 10279) **Laguna Hills, CA**

Subject to disciplinary action for conviction of a crime substantially related to the qualifications, functions, and duties of an optometrist and using alcohol in a manner dangerous to himself or others.

Blake, Thomas L. (OPT 4626) **Cerritos, CA**

Dr. Blake is subject to disciplinary action based on allegations of insurance fraud, alteration of medical records, and false representation of facts.

Brosnan, David Cameron (OPT 11410) **Daly City, CA**

Dr. Brosnan demonstrated gross negligence, repeated negligent acts, unprofessional conduct, failure to notify the Board of a change of address, failure to retain patient records, failure to maintain adequate and accurate records, failure to comply with a request for records, and failure to allow inspection of records, in conjunction with closing his business.

Lau, George (OPT 11908) **Lake Forest, CA**

Subject to disciplinary action for conviction of a crime substantially related to the qualifications, functions, and duties of an optometrist and using alcohol in a manner dangerous to himself or others.

Monetta, Robert A. (OPT 7529) **San Francisco, CA**

Subject to disciplinary action for failure to diagnose and treat glaucoma resulting in irreversible vision field loss.

Pirmohamed, Salimah M. (OPT 13918) **San Diego, CA**

Subject to disciplinary action for conviction of a crime substantially related to the qualifications, functions, and duties of an optometrist and using alcohol in a manner dangerous to himself or others.

Larson, Larrance Edwin (OPT 6725) **Folsom, CA**

Accusation filed on January 17, 2012, alleging specific violations of the Optometry Practice Act. This case is currently pending.

Wei, Jolyn (OPT 13614) **Los Alamitos, CA**

Accusation Pending. Subject to Disciplinary Action for conviction of a crime substantially related to the qualifications, functions, and duties of an optometrist and using alcohol in a manner dangerous to herself or others.

Probation

Armstrong, Robert (OPT 4890) **Pasadena, CA**

Effective May 10, 2012, respondent's license is suspended; the suspension is stayed and his license is placed on four years probation for unprofessional conduct: gross negligence and failing to refer a patient to a physician.

Fisher, Svetlana (OPT 9936) **West Hollywood, CA**

Effective May 9, 2012, respondent's license is suspended; the suspension is stayed and her license is placed on three years probation for unprofessional conduct: gross negligence, incompetence, failure to maintain adequate and accurate records, and violation of regulations.

Hall, Jeffrey (OPT 6242) **Lake Forest, CA**

Effective April 4, 2012, respondent's license is revoked; the revocation is stayed, and his license is placed on five years probation for unprofessional conduct: gross negligence, incompetence, and failure to maintain adequate and accurate patient records.

Toy, Leland Chung Hong (OPT 6128) **Pleasanton, CA**

Effective October 12, 2012, Respondent's license is revoked; the revocation is stayed and his license is placed on probation for 3 years for gross negligence, failure to maintain adequate records, and failure to refer to an appropriate physician.

Stipulated Surrenders

Vollmer, Arnold (OPT 6375) **Carlsbad, CA**

Effective January 19, 2012, respondent's license is voluntarily surrendered for gross negligence, repeated negligent acts, and incompetence.

To view a printable version of the above accusations and decisions go to the "Citations and Disciplinary Actions" section of the Board's Web site at www.optometry.ca.gov/consumers/2011_disciplinary.shtml

Board Meeting Dates 2013–2014

February 1, 2013

Western University of Health Sciences
School of Optometry

May 10, 2013

Location TBD

August 16, 2013

Location TBD

November 1, 2013

Location TBD

January 10, 2014

Location TBD

For the most current Board Meeting dates and locations, log on to www.optometry.ca.gov and go to “Board Meetings” under “Quick Hits”.



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Are you interested in the Board of Optometry's latest actions?

If so, join our subscriber's list to get e-mail updates of:

- > Meeting agendas
- > Regulation and law changes
- > Newsletters
- > Subject matter expert workshops
- > Disciplinary and enforcement actions

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California State Board of Optometry

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