

Summer 2009



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What you need to know about **Latisse**



More and more optometrists in California are receiving samples of Latisse, a product by Allergan to treat eyelash hypotrichosis (thin or missing eyelashes). As a result, the question arose whether a licensed optometrist who is certified to use therapeutic pharmaceutical agents (TPA) can prescribe the drug.

After careful consideration and review by the Board, the answer is no. Eyelash hypotrichosis is not listed in the Optometry Act, Business and Professions Code section 3041(b) as a condition a TPA-certified optometrist may diagnose or treat. Therefore, a TPA-certified optometrist may not use or prescribe Latisse for that condition.

Expanded Scope of Practice

What it means for you

On Sept. 26, 2008, Governor Arnold Schwarzenegger signed Senate Bill 1406 (Chapter 352, Statutes of 2008), which became effective January 1, 2009. The bill expands the scope of practice for optometrists relating to treating patients with glaucoma, treating children, prescribing drugs, and ordering laboratory tests. The new law also changes the requirements for consultation with ophthalmologists or an appropriate physician or surgeon.

Optometrists who graduated on or after May 1, 2000, are now certified to perform lacrimal irrigation and dilation (TPL), excluding probing of the nasal tract, for patients over 12 years of age. Those who graduated on or after May 1, 2008, will be certified to perform lacrimal irrigation and dilation, excluding probing of the nasal lacrimal tract, and to treat glaucoma (TLG) as defined under specified certification standards, for patients over 12 years of age.

As exciting as this groundbreaking accomplishment is for California optometrists, it is still important to become familiar with corresponding laws and regulations that are triggered by the new legislation. For example, performing venipuncture for patients suspected of having diabetes triggers quite a few new requirements.

Those interested in performing venipuncture should keep the following in mind:

- Pursuant to section 3041.1 – optometrists diagnosing or treating eye disease shall be held to the same standard of care to which physicians and surgeons and osteopathic physicians and surgeons are held.
- If there is a failure to comply with the standard of care established above, the Board may take action pursuant to section 3110 (a)(w) – Unprofessional conduct.
- The Medical Waste Management Act under the California Department of Public Health as well as California Code of Regulations, Title 8, section 5193 (2009) Blood Borne Pathogens regulated by the California Department of Industrial Relations (Cal/OSHA) now apply to you.

Another result of the passage of SB 1406 is the Glaucoma Diag-



nosis and Treatment Advisory Committee. The Committee held public meetings on February 5 and 26, and March 5, 2009. After many discussions and presentations, the committee members reached agreement on some of the issues, but not on the case management requirements for glaucoma certification.

Two separate reports were submitted for evaluation to DCA's Office of Professional Examination Services (OPES) on April 1, 2009. After a rigorous consulting selection process, OPES hired Dr. Tony Carnivali, O.D., FAAO, of Los Angeles to assist with preparing its final report to the Board. The report and recommendations were submitted to the Board on July 1, 2009, and will be discussed in the July 2009 Board meeting.

If you are interested in observing or participating in future discussions, please feel free to attend! See Board Meeting Dates for locations and times.

For more information on the Medical Waste Management Act and Blood Borne Pathogens, go online to www.cdph.ca.gov, "Certificates & Licenses, Medical Waste." You can also go to the Board's Web site at www.optometry.ca.gov. Remember, patient safety is No. 1!

Changes to renewal form

New: Declaration of Compliance with CE Requirements and Conviction History

To ensure that your renewal is processed promptly, be sure to submit the renewal fee and the completed form as soon as you receive your renewal notice. Notices are mailed 60 days before the expiration date.

The Board of Optometry is now requiring each applicant to disclose on the renewal form any criminal history conviction or disciplinary action taken against him or her by another government agency in or outside of the State. This is a Department of Consumer Affairs' requirement and is being implemented by all health-related boards to provide an additional level of consumer security. The Board's renewal forms have been revised and all criminal activity must be reported within the last biennial renewal cycle.

Below are the most commonly missed boxes and what to expect when filling out a renewal form. Don't hold up your renewal by missing these!

1. Complete the criminal history disclosure information.

Since you last renewed your license, have you had any license disciplined by a government agency or other disciplinary body; or, have you been convicted of any crime in any state, the USA and its territories, military court, or foreign country? Please read instructions before answering.

2. Check your license status.

If you wish to change your status please check one of the following boxes:

- Active
- Inactive

3. Sign the renewal form.

I certify under penalty of perjury under the laws of the State of California that I have completed the required continuing education course hours. Licensees exempt from continuing education requirements must also sign and date this form.



Application fee increases

Fees have gone up. If your license expires in August 2009, or later, you will have to pay the new, higher fees. The fee increases include:

- Biennial renewal, from \$300 to \$425
- Delinquency for failing to renew on time, from \$25 to \$50
- Application for fictitious name permit, from \$10 to \$50
- TPA Certification, from \$0 to \$50

For a complete list of fees, visit www.optometry.ca.gov and click on "Fee Increase Effective April 28, 2009" under "What's New."





2009 Board Meeting Dates

August TBD

Location: TBD

October 22-23

Bay Area

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".

Keep up with the news

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/or law changes
- > Newsletters (Coming soon!)
- > Subject matter expert workshops

To sign up, go to www.optometry.ca.gov and click on the green "Join our Mailing List" icon smack dab in the middle of our home page!

