

2450 Del Paso Road, Suite 105
Sacramento, CA 95834
(916) 575-7170, (916) 575-7292 Fax
www.optometry.ca.gov

To: Board Members **Date:** November 4, 2016

From: Sunset Committee **Telephone:** (916) 575-7170

Subject: **Agenda Item 10 - Discussion and Possible Action on Board's 2016 Sunset Report**

During the May 2016 Board meeting, the Board received an overview of the Sunset Review process and an estimate timeline of key events. To assist staff with report writing, review, recommendations, and presentation to the Legislature, the Board created a Sunset Committee consisting of the President and Vice-President.

The Sunset Committee has met with staff on multiple occasions and provided valuable feedback. In addition, at the Committee's request, the Board scheduled two teleconferences to obtain input from the full Board. Those teleconferences were held on September 23 and October 21.

The feedback from the teleconferences has been incorporated in the October 24, 2016 draft report (Attachment 1). During the October 21 teleconference, the Board elected to provide additional feedback to the Executive Officer by Friday, October 28, 2016. Once that feedback is received, staff will provide another version to the members and the public.

The final report is due to the Legislature on December 1, 2016. At that time, the final report will be posted on the Board's Web site and sent to interested stakeholders. The hearing dates will most likely be scheduled for mid-March 2017.

A complete Sunset Review Process timeline¹ is attached for reference.

Action Requested:

Please review and vote to approve the November 4 Sunset Report. If amendments are made during the November 4 meeting, please delegate authority to the Sunset Committee and Executive Officer to incorporate said amendments and work with legal counsel to make non-substantive changes prior to submitting to the Legislature.

Attachment:

1. **DRAFT** Sunset Report v. 10/24/16
2. Sunset Review Process timeline

¹ This timeline, provided by DCA, represents the typical Sunset Review Process and is subject to change based on the Legislature's availability and operational needs. It is intended to provide an overview of the process for planning purposes rather than exact timeframes.



CALIFORNIA STATE BOARD OF
OPTOMETRY

DRAFT

Sunset Review Report 2016

**Presented to the California Legislature
Senate Committee on Business, Professions and
Economic Development**

October 24, 2016



California State Board of Optometry

Board Members

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

Executive Officer

Jessica Siefertman

Additional copies of this report can be obtained from www.optometry.ca.gov

DRAFT Sunset Review Report Prepared by:
California State Board of Optometry
2450 Del Paso Road, Suite 105
Sacramento, CA 95834
Telephone: (916) 575-7170
Fax: (916) 575-7292

Table of Contents

1

2 **Section 1 - Background and Description of the Board and Regulated Profession** 5

3 History and Function of the Board 5

4 Board Committees 7

5 *Board Member Meeting, Committee, and Workgroup Attendance* 8

6 **Board/Committee Member Roster** 18

7 Major Changes since the Last Sunset Review 18

8 *Internal Changes* 18

9 *Legislative Activity* 20

10 *Regulation Activity* 28

11 Major Studies 30

12 National Association Activity 30

13 **Section 2 – Performance Measures and Customer Satisfaction Surveys**..... 31

14 Quarterly and Annual Performance 31

15 Customer Satisfaction Survey 31

16 **Section 3 – Fiscal and Staff** 44

17 Fiscal Issues 44

18 Staffing Issues 52

19 **Section 4 – Licensing Program** 55

20 Application and Licensure Processing Times 56

21 Applicant Information Verification and Requirements 61

22 Out-of-State Applicant Requirements 62

23 Military Education 63

24 No Longer Interested Notifications 64

25 Examinations 64

26 School approvals 69

27 Continuing Education/Competency Requirements 70

28 **Section 5 –Enforcement Program**..... 72

29 **Section 6 –Public Information Policies** 86

30 **Section 7 – Online Practice Issues** 87

31 **Section 8 – Workforce Development and Job Creation** 88

1 **Section 9 – Current Issues** 89

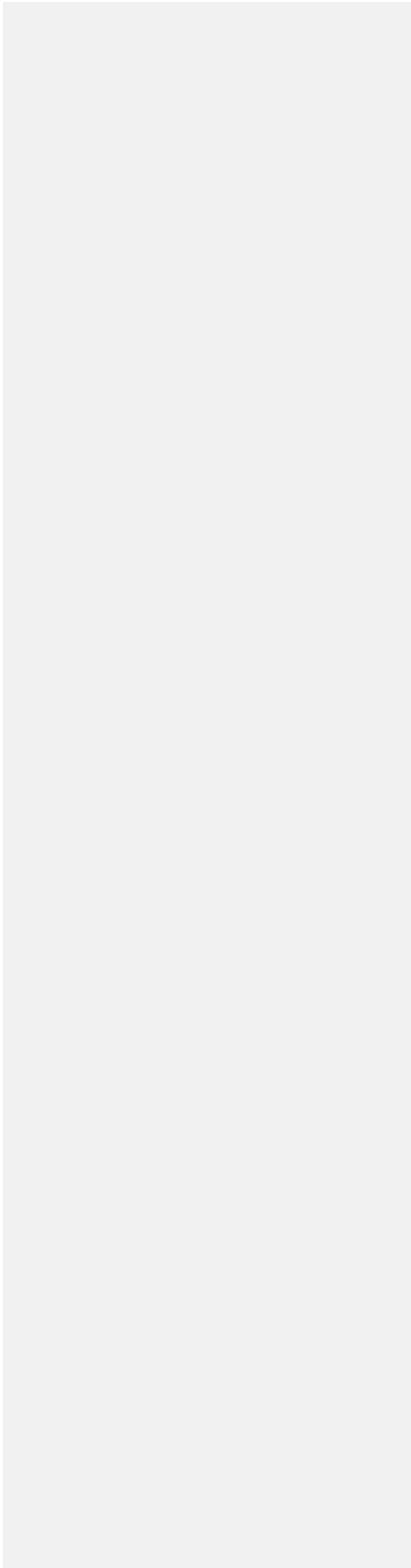
2 **Section 10 – Board Action and Response to Prior Sunset Issues**..... 90

3 **Section 11 – New Issues** 96

4

5

DRAFT



California State Board of Optometry
BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT
REGULATORY PROGRAM
DRAFT
As of October 24, 2016

Section 1 Background and Description of the Board and Regulated Profession

History and Function of the Board

Provide a short explanation of the history and function of the board. Describe the occupations/profession that are licensed and/or regulated by the board (Practice Acts vs. Title Acts).

Overview

Since its inception over 100 years ago, the California State Board of Optometry (Board) has supported and helped consumers by advocating consumer interests before lawmakers, regulating to protect consumers from unlicensed practitioners and guarding our licensees against unfair competition, enforcing laws to protect the consumer and resolving disputers between business and a customer or a consumer and a licensee.

Our authority to protect the health and safety of California patients receiving optometric care through licensing, education, and regulation of the practice of Optometry was expanded on January 1, 2016, when Governor Jerry Brown signed Assembly Bill 684, transferring the practice of optical dispensary from the Medical Board of California to our State Board. Overnight, the Board's regulatory population grew by 50% - expanding its regulatory oversight from 8,000 licensees to roughly 12,000 licensees and registrations.

Today, the Board regulates the largest population of optometrists and dispensers in the United States with over 17,400 licenses, registrations, and permits. The Board is also responsible for issuing optometry certifications for Diagnostic Pharmaceutical Agents, Therapeutic Pharmaceutical Agents, Lacrimal Irrigation and Dilation, and Glaucoma.

With this significant change in population come new, emerging responsibilities. Our Board stands ready and has the capabilities and resources to maintain the same level of accountability, efficiency, effectiveness, integrity and customer service it has delivered since the last Sunset Review. Further, it is in the best interest of California consumers to continue protecting their eye care health and safety through the California State Board of Optometry in its current constituted state – an independent Board that relies on the Department of Consumer Affairs for administrative support. As we continue our evolution – from a Board with challenges in 2002 to a well-functioning Board today – we are poised to meet the regulatory changes, adjust through internal improvements to our organizational structure and set a new path forward through a revised Strategic Plan that better aligns with our evolving consumer protection mandate.

1 Achieving our Mission and Positioned to Move Forward

2
3 The Board's mission is to protect the health and safety of California consumers through licensing,
4 education, and regulation of the practice of Optometry¹. The Board accomplishes its mission through
5 the following responsibilities:

- 6
7
- 8 • Promulgating regulations governing Board procedures, admission of applicants for
 - 9 examination for an optometric license; minimum standards of optometric and dispensing
 - 10 services offered and performed, the equipment and sanitary conditions in all registered
 - 11 locations;
 - 12 • Investigating consumer complaints and criminal convictions including, but not limited to
 - 13 substance abuse, unprofessional conduct, incompetence, fraudulent action, and unlawful
 - 14 activity;
 - 15 • Taking disciplinary action for violations of laws and regulations governing the practice of
 - 16 optometry and dispensing when warranted.
 - 17 • Accrediting schools and colleges of optometry²;
 - 18 • Establishing educational and examination requirements to ensure the competence of
 - 19 candidates for licensure/registration;
 - 20 • Setting and enforcing standards for continued competency of existing licensees;
 - 21 • Establishing educational and examination requirements for optometrists seeking certification to
 - 22 use and prescribe certain pharmaceutical agents and other procedures; and
 - 23 • Issuing branch offices licenses, statements of licensure and fictitious name permits.

24 California became the third state to regulate the optometry profession³ in 1903, and a new Optometry
25 Practice Act⁴, enacted in 1913, created the Board, defined its duties and powers, and prescribed a
26 penalty for violations of the Act. The Act was later incorporated in the Business and Professions Code
27 (BPC)⁵. Empowered with rulemaking authority (BPC Sections 3025 and 3025.5), the Board
28 promulgated the first rule for the practice of optometry in 1923. In the same year, the legislature
29 passed a law⁶ requiring all applicants for licensure to meet certain educational requirements, i.e.,
30 graduate from an accredited school or college of optometry and charged the Board with the
31 responsibility of accrediting these schools. Prior to this time, individuals desiring to practice were not
32 required to have any specific formal education.

33
34 On January 1, 2016, Assembly Bill 684, moved the RDO Program under the Board's
35 jurisdiction, and created a Dispensing Optician Committee, comprised of two public members, two
36 dispensers, and one Board Member to advise the Board on dispensing-related matters and education
37 for registered opticians. Assembly Bill 684 replaced one of the Board's professional members with
38 registered optician.

39

¹ As adopted in the 2012 Strategic Plan; however, the Board recognizes the need to revise its Strategic Plan and incorporate the RDO Program into the Board's mission statement. The Board is currently in this process.

² The Board accepts the schools accredited through

³ Optometry Act of 1903 (California Statutes of 1903, Chapter CCXXXIV) later repealed by Statutes of 1913, Chapter 598

⁴ Statutes of 1913, Chapter 598, derived from the 1903 Act as amended by enactments of 1907 and 1908

⁵ Chapter 7, Division 2, Healing Arts

⁶ Chapter 164, Statutes of 1923

1 The Board is comprised of eleven board members: five licensed optometrists, five public members
 2 and one registered optician. Nine members are appointed by the Governor, one public member is
 3 appointed by the Speaker of the Assembly, and one public member is appointed by the Senate Rules
 4 Committee.

5 **Board Committees**

6 **Describe the make-up and functions of each of the board’s committees.**

7 The Board has the following committees composed of professional and public members:

8
 9 Legislation and Regulation

10 Responsible for recommending legislative and regulatory priorities to the Board and assisting staff with
 11 drafting language for Board-sponsored legislation and recommending official positions on current
 12 legislation. The committee also recommends regulatory additions and amendments.

13
 14 Practice and Education

15 Advises Board staff on matters relating to optometric practice, including standards of practice and
 16 scope of practice issues. Reviews staff responses to proposed regulatory changes that may affect
 17 optometric practice. Also reviews requests for approval of continuing education courses, and offers
 18 guidance to Board staff regarding continuing education issues.

19
 20 Consumer Protection

21 Oversees the development and administration of legally defensible licensing examinations and
 22 consulting on improvements/enhancements to licensing and enforcement policies and procedures.

23
 24 Public Relations – Outreach

25 Assists with the development of outreach and development of educational materials to the Board’s
 26 stakeholders

27
 28 The Board President appoints members to each committee, utilizing their individual strengths and experiences
 29 to best meet the overarching purpose of each committee. In addition, the Board created several workgroups to
 30 focus on specific areas requiring unique attention. Currently, the Board has the following workgroups:

31
 32 Children’s Vision Workgroup

33 SB 402 was created to address the gap in providing eye exams to entry elementary school students as
 34 a result of budgetary cuts in the public school system. Among other things, it mandated that children
 35 entering school receive a comprehensive eye exam in order to combat the one in three school vision
 36 screenings which miss vision problems. Due to the failure of SB 402 to pass out of the Senate
 37 Appropriations Committee, the Board created this workgroup, comprised of two members, tasked with
 38 meeting with stakeholders on this issue and providing legislation recommendations to the Board for
 39 consideration during the 2017 legislative session.

40
 41 Mobile Clinic Workgroup

42 Protecting and providing families’ access to convenient, quality eye care, and support to optometrists
 43 so they continue providing the vision care services Californians need and deserve in many
 44 environments, the Board created the Mobile Clinic Workgroup. Prior to the workgroup, Senate Bill 349
 45 was introduced, which focused on creating guidelines for mobile optometric facilities; however it failed
 46 to pass out of the Senate Committee on Business and Professions in 2015. The workgroup, comprised
 47 of two members, is tasked with meeting with stakeholders on this issue and providing legislation
 48 recommendations to the Board for consideration during the 2017 legislative session.

49
 50 Foreign Graduate Workgroup

Recognizing that California welcomes immigrants from all over the world... or growing population and not enough graduating, whatever the compelling reason is goes here. The Board created this workgroup after Senate Bill 496, introduced by Senator Nguyen and focused on creating a pathway for foreign graduates to become licensed in California, was pulled by the author in 2015. The workgroup, comprised of two members, was tasked to meet with stakeholders, including the accredited schools and colleges of optometry, to provide stronger legislation recommendations to the Board for consideration during the 2017 legislative session.

Dispensing Optician Committee – Development Workgroup

The Board created a DOC Appointments Committee, comprised of two members, to vet potential candidates and make recommendations to the full Board. The DOC will begin meeting in 2017.

Sunsetted Workgroups

Executive Officer Appointment Workgroup

Due to the retirement of the Board's Executive Officer in 2015, this workgroup was created to take the lead in the outreach, advertising, and vetting process to fill the Board's Executive Officer position. The workgroup worked hand in hand with DCA's Office of Human Resources and implemented new hiring techniques in order to perform a nationwide search for the ideal candidate.

The committees and workgroups meet on an "as needed" basis pursuant to the Board Member's Handbook. The current committee and workgroup structure (cf., Section 12, Attachment B) provides multiple opportunities for consumers, licensees, professional organizations, and educational institutions to actively participate and comment on topics before the Board. All committee and workgroup recommendations are presented to the Board for consideration during a publicly noticed Board meeting.

Board Member Meeting, Committee, and Workgroup Attendance

Table 1a. Attendance

CURRENT MEMBERS

| Madhu Chawla, OD, President | | | | |
|------------------------------------|--|---------------------|-------------------------|------------------|
| Date Appointed: | | June 15, 2012 | | |
| Date Reappointed: | | June 5, 2015 | | |
| Term Expires: | | June 1, 2019 | | |
| Meeting Type | | Meeting Date | Meeting Location | Attended? |
| 2016 | Board Meeting | November 4 | Los Angeles | |
| | Board Meeting | October 21 | Teleconference | Y |
| | Legislation and Regulation Committee Meeting | October 14 | Sacramento | N |
| | Board Meeting | September 23 | Teleconference | N |
| | Board Meeting | August 26 | Irvine | Y |
| | Practice and Education Committee Meeting | July 29 | Teleconference | Y |
| | Board Meeting | May 27 | Oakland | Y |
| | Practice and Education Committee Meeting | May 27 | Oakland | Y |
| | Special Board Meeting | May 13* | Teleconference | Y |
| | Practice and Education Committee Meeting | April 215 | Teleconference | Y |
| Board Meeting | February 19 | Los Angeles | N | |

*Special Board meeting held pursuant to Government Code § 11125 – 48 hour noticed meetings.

| | | | | |
|------|--|--------------|-------------------------------|---|
| 2015 | Board Meeting | November 20 | Oakland | Y |
| | Legislation and Regulation Committee Meeting | November 12 | Sacramento | Y |
| | Board Meeting | October 16 | Sacramento | Y |
| | Special Board Meeting | September 9* | Teleconference | Y |
| | Board Meeting | August 28 | Sacramento | Y |
| | Certification Posting Workgroup Meeting | July 23 | Sacramento | Y |
| | Board Meeting | June 12 | Teleconference | Y |
| | Board Meeting | April 27 | Sacramento | Y |
| | Board Meeting | April 23, 24 | Sacramento | Y |
| | Practice and Education Committee Meeting | April 23 | Sacramento | Y |
| | Practice and Education Committee Meeting | March 19 | Teleconference | Y |
| | Board Meeting | February 24 | Western University and Quebec | Y |
| | Board Meeting | January 23 | Van Nuys State Building | Y |
| 2014 | Board Meeting | November 21 | Western University | N |
| | Board Meeting | August 8 | Sacramento | Y |
| | Special Board Meeting | June 23* | Teleconference | Y |
| | Board Meeting | April 11 | Oakland | Y |
| | Board Meeting | January 24 | Western University | Y |
| 2013 | Board Meeting – Strategic Planning | December 2 | Sacramento | Y |
| | Board Meeting | November 1 | Bay Area | Y |
| | Board Meeting | September 13 | Western University | Y |
| | Board Meeting | August 16 | Sacramento | Y |
| | Practice & Education Committee | July 12 | Teleconference | Y |
| | Board Meeting | May 10 | Western University | Y |
| | SB 1111 Regulations Committee | April 30 | Los Angeles | Y |
| | Practice & Education Committee | March 8 | Los Angeles | Y |
| | Board Meeting | March 6 | Teleconference | Y |

| Donna Burke, Vice President | | | | |
|-----------------------------|---|------------------|----------------|---|
| Date Appointed: | October 1, 2010 | | | |
| Date Reappointed: | February 24, 2016 | | | |
| Term Expires: | June 1, 2019 | | | |
| Meeting Type | Meeting Date | Meeting Location | Attended? | |
| 2016 | Board Meeting | November 4 | Los Angeles | |
| | Board Meeting | October 21 | Teleconference | Y |
| | Board Meeting | September 23 | Teleconference | Y |
| | Board Meeting | August 26 | Irvine | Y |
| | Public Relations and Outreach Committee | June 16 | Sacramento | Y |
| | Board Meeting | May 27 | Oakland | N |
| | Special Board Meeting | May 13* | Teleconference | Y |
| | Public Relations and Outreach Committee | April 21 | Teleconference | Y |
| | Board Meeting | February 19 | Los Angeles | Y |
| | Public Relations and Outreach Committee | December 16 | Teleconference | Y |
| 2015 | Board Meeting | November 20 | Oakland | Y |
| | Board Meeting | October 16 | Sacramento | N |
| | Special Board Meeting | September 9* | Teleconference | Y |
| | Board Meeting | August 28 | Sacramento | N |
| | Certification Posting Workgroup Meeting | July 23 | Sacramento | Y |

*Special Board meeting held pursuant to Government Code § 11125 – 48 hour noticed meetings.

| | | | | |
|------|------------------------------------|--------------|-------------------------------|---|
| | Board Meeting | June 12 | Teleconference | Y |
| | Board Meeting | April 27 | Sacramento | Y |
| | Board Meeting | April 23, 24 | Sacramento | Y |
| | Board Meeting | February 24 | Western University and Quebec | Y |
| | Board Meeting | January 23 | Van Nuys State Building | Y |
| 2014 | Board Meeting | November 21 | Western University | Y |
| | Board Meeting | August 8 | Sacramento | Y |
| | Special Board Meeting | June 23* | Teleconference | N |
| | Board Meeting | April 11 | Oakland | Y |
| | Board Meeting | January 24 | Western University | N |
| 2013 | Board Meeting – Strategic Planning | December 2 | Sacramento | Y |
| | Board Meeting | November 1 | Bay Area | Y |
| | Board Meeting | September 13 | Western University | Y |
| | Board Meeting | August 16 | Sacramento | Y |
| | Board Meeting | May 10 | Western University | Y |
| | SB 1111 Regulations Committee | April 30 | Los Angeles | Y |
| | Sunset Review Hearing | March 11 | State Capitol | Y |
| | Board Meeting | March 6 | Teleconference | Y |

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| Lilian Wang, OD, Secretary | | | | |
|-----------------------------------|--|----------------|------------------|-----------|
| Date Appointed: | | March 27, 2015 | | |
| Date Reappointed: | | | | |
| Term Expires: | | June 1, 2018 | | |
| | Meeting Type | Meeting Date | Meeting Location | Attended? |
| 2016 | Board Meeting | November 4 | Los Angeles | |
| | Board Meeting | October 21 | Teleconference | Y |
| | Legislation and Regulation Committee Meeting | October 14 | Sacramento | Y |
| | Board Meeting | September 23 | Teleconference | Y |
| | Board Meeting | August 26 | Irvine | Y |
| | Practice and Education Committee Meeting | July 29 | Teleconference | Y |
| | Board Meeting | May 27 | Oakland | Y |
| | Practice and Education Committee Meeting | May 27 | Oakland | Y |
| | Special Board Meeting | May 13* | Teleconference | Y |
| | Board Meeting | February 19 | Los Angeles | Y |
| 2015 | Board Meeting | November 20 | Oakland | Y |
| | Legislation and Regulation Committee Meeting | November 12 | Sacramento | Y |
| | Board Meeting | October 16 | Sacramento | Y |
| | Special Board Meeting | September 9* | Teleconference | Y |
| | Board Meeting | August 28 | Sacramento | Y |
| | Board Meeting | June 12 | Teleconference | Y |
| | Board Meeting | April 27 | Sacramento | Y |
| Board Meeting | April 23, 24 | Sacramento | Y | |

2

| Cyd Brandvein | | | | |
|----------------------|---------------|------------------|------------------|-----------|
| Date Appointed: | | October 25, 2013 | | |
| Date Reappointed: | | | | |
| Term Expires: | | June 1, 2017 | | |
| | Meeting Type | Meeting Date | Meeting Location | Attended? |
| 2016 | Board Meeting | November 4 | Los Angeles | |
| | Board Meeting | October 21 | Teleconference | Y |

*Special Board meeting held pursuant to Government Code § 11125 – 48 hour noticed meetings.

| | | | | |
|------|--|--------------|-------------------------------|---|
| 2015 | Board Meeting | September 23 | Teleconference | N |
| | Board Meeting | August 26 | Irvine | Y |
| | Practice and Education Committee Meeting | July 29 | Teleconference | Y |
| | Board Meeting | May 27 | Oakland | Y |
| | Practice and Education Committee Meeting | May 27 | Oakland | Y |
| | Special Board Meeting | May 13* | Teleconference | N |
| | Practice and Education Committee Meeting | April 15 | Teleconference | Y |
| | Board Meeting | February 19 | Los Angeles | Y |
| | Board Meeting | November 20 | Oakland | Y |
| | Board Meeting | October 16 | Sacramento | Y |
| | Special Board Meeting | September 9* | Teleconference | Y |
| | Board Meeting | August 28 | Sacramento | Y |
| | Certification Posting Workgroup Meeting | July 23 | Sacramento | Y |
| | Board Meeting | June 12 | Teleconference | Y |
| | Board Meeting | April 27 | Sacramento | Y |
| 2014 | Board Meeting | April 23, 24 | Sacramento | Y |
| | Practice and Education Committee Meeting | April 23 | Sacramento | Y |
| | Practice and Education Committee Meeting | March 19 | Teleconference | Y |
| | Board Meeting | February 24 | Western University and Quebec | Y |
| | Board Meeting | January 23 | Van Nuys State Building | Y |
| 2013 | Board Meeting | November 21 | Western University | Y |
| | Board Meeting | August 8 | Sacramento | Y |
| | Special Board Meeting | June 23* | Teleconference | N |
| | Board Meeting | April 11 | Oakland | Y |
| | Board Meeting | January 24 | Western University | Y |
| 2013 | Board Meeting – Strategic Planning | December 2 | Sacramento | Y |
| | Board Meeting | November 1 | Bay Area | Y |

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| | | | | |
|-------------------------------------|-----------------------|---------------------|-------------------------|------------------|
| Martha Ruby Garcia, CLD, SLD | | | | |
| Date Appointed: | | March 4, 2016 | | |
| Date Reappointed: | | | | |
| Term Expires: | | June 1, 2019 | | |
| Meeting Type | | Meeting Date | Meeting Location | Attended? |
| 2016 | Board Meeting | November 4 | Los Angeles | |
| | Board Meeting | October 21 | Teleconference | Y |
| | Board Meeting | September 23 | Teleconference | Y |
| | Board Meeting | August 26 | Irvine | Y |
| | Board Meeting | May 27 | Oakland | - |
| | Special Board Meeting | May 13* | Teleconference | - |

2

| | | | | |
|----------------------------|--|---------------------|-------------------------|------------------|
| Glenn Kawaguchi, OD | | | | |
| Date Appointed: | | August 10, 2012 | | |
| Date Reappointed: | | May 6, 2015 | | |
| Term Expires: | | June 1, 2018 | | |
| Meeting Type | | Meeting Date | Meeting Location | Attended? |

*Special Board meeting held pursuant to Government Code § 11125 – 48 hour noticed meetings.

| | | | | |
|------|---|--------------|-------------------------------|---|
| 2016 | Board Meeting | November 4 | Los Angeles | |
| | Board Meeting | October 21 | Teleconference | N |
| | Board Meeting | September 23 | Teleconference | Y |
| | Children's Vision Workgroup | September 22 | Sacramento | Y |
| | Board Meeting | August 26 | Irvine | Y |
| | Public Relations and Outreach Committee | June 16 | Sacramento | N |
| | Board Meeting | May 27 | Oakland | Y |
| | Special Board Meeting | May 13* | Teleconference | Y |
| | Children's Vision Workgroup | April 28 | Sacramento | Y |
| | Mobile Clinic Workgroup | April 28 | Sacramento | Y |
| | Public Relations and Outreach Committee | April 21 | Sacramento | Y |
| | Board Meeting | February 19 | Los Angeles | Y |
| 2015 | Children's Vision Workgroup | February 18 | Los Angeles | Y |
| | Public Relations and Outreach Committee | December 16 | Teleconference | Y |
| | Board Meeting | November 20 | Oakland | Y |
| | Board Meeting | October 16 | Sacramento | Y |
| | Special Board Meeting | September 9* | Teleconference | N |
| | Board Meeting | August 28 | Sacramento | Y |
| | Certification Posting Workgroup Meeting | July 23 | Sacramento | Y |
| | Board Meeting | June 12 | Teleconference | N |
| | Board Meeting | April 27 | Sacramento | Y |
| | Board Meeting | April 23, 24 | Sacramento | Y |
| | Board Meeting | February 24 | Western University and Quebec | Y |
| | Board Meeting | January 23 | Van Nuys State Building | Y |
| 2014 | Board Meeting | November 21 | Western University | Y |
| | Board Meeting | August 8 | Sacramento | Y |
| | Special Board Meeting | June 23* | Teleconference | Y |
| | Board Meeting | April 11 | Oakland | Y |
| | Board Meeting | January 24 | Western University | Y |
| 2013 | Board Meeting – Strategic Planning | December 2 | Sacramento | Y |
| | Board Meeting | November 1 | Bay Area | Y |
| | Board Meeting | September 13 | Western University | Y |
| | Board Meeting | August 16 | Sacramento | Y |
| | Board Meeting | May 10 | Western University | Y |
| | Board Meeting | March 6 | Teleconference | Y |

1

| Debra McIntyre, OD | | | | |
|--------------------|-------------------------------|------------------|----------------|---|
| Date Appointed: | March 15, 2016 | | | |
| Date Reappointed: | | | | |
| Term Expires: | June 1, 2017 | | | |
| Meeting Type | Meeting Date | Meeting Location | Attended? | |
| 2016 | Board Meeting | November 4 | Los Angeles | |
| | Board Meeting | October 21 | Teleconference | Y |
| | Consumer Protection Committee | October 13 | Teleconference | Y |
| | Consumer Protection Committee | September 28 | Teleconference | Y |
| | Board Meeting | September 23 | Teleconference | Y |
| | Board Meeting | August 26 | Irvine | Y |
| | Board Meeting | May 27 | Oakland | Y |
| | Special Board Meeting | May 13* | Teleconference | Y |

*Special Board meeting held pursuant to Government Code § 11125 – 48 hour noticed meetings.

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| Rachel Michelin | | | | |
|------------------------|--|---------------------|-------------------------------|------------------|
| Date Appointed: | | October 13, 2014 | | |
| Date Reappointed: | | June 5, 2015 | | |
| Term Expires: | | June 1, 2019 | | |
| | Meeting Type | Meeting Date | Meeting Location | Attended? |
| 2016 | Board Meeting | November 4 | Los Angeles | |
| | Board Meeting | October 21 | Teleconference | Y |
| | Legislation and Regulation Committee Meeting | October 14 | Sacramento | Y |
| | Consumer Protection Committee | October 13 | Teleconference | Y |
| | Consumer Protection Committee | September 28 | Teleconference | Y |
| | Board Meeting | September 23 | Teleconference | Y |
| | Children's Vision Workgroup | September 22 | Sacramento | Y |
| | Board Meeting | August 26 | Irvine | Y |
| | Board Meeting | May 27 | Oakland | Y |
| | Special Board Meeting | May 13* | Teleconference | Y |
| | Children's Vision Workgroup | April 28 | Sacramento | Y |
| | Mobile Clinic Workgroup | April 28 | Sacramento | Y |
| | Board Meeting | February 19 | Los Angeles | Y |
| | Children's Vision Workgroup | February 18 | Los Angeles | Y |
| 2015 | Board Meeting | November 20 | Oakland | Y |
| | Legislation and Regulation Committee Meeting | November 12 | Sacramento | Y |
| | Board Meeting | October 16 | Sacramento | Y |
| | Special Board Meeting | September 9* | Teleconference | Y |
| | Board Meeting | August 28 | Sacramento | Y |
| | Board Meeting | June 12 | Teleconference | Y |
| | Board Meeting | April 27 | Sacramento | Y |
| | Board Meeting | April 23, 24 | Sacramento | Y |
| | Board Meeting | February 24 | Western University and Quebec | Y |
| | Board Meeting | January 23 | Van Nuys State Building | Y |
| 2014 | Board Meeting | November 21 | Western University | Y |

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| Mark Morodomi, | | | | |
|-----------------------|-------------------------------|---------------------|-------------------------|------------------|
| Date Appointed: | | April 7, 2015 | | |
| Date Reappointed: | | | | |
| Term Expires: | | June 1, 2018 | | |
| | Meeting Type | Meeting Date | Meeting Location | Attended? |
| 2016 | Board Meeting | November 4 | Los Angeles | |
| | Board Meeting | October 21 | Teleconference | N |
| | Consumer Protection Committee | October 13 | Teleconference | Y |
| | Consumer Protection Committee | September 28 | Teleconference | Y |
| | Board Meeting | September 23 | Teleconference | Y |
| | Board Meeting | August 26 | Irvine | Y |
| | Board Meeting | May 27 | Oakland | Y |
| | Board Meeting | May 13* | Teleconference | N |

*Special Board meeting held pursuant to Government Code § 11125 – 48 hour noticed meetings.

| | | | | |
|------|-----------------------|--------------|---------------------|---|
| 2015 | Board Meeting | February 19 | Southern California | Y |
| | Board Meeting | November 20 | Oakland | Y |
| | Board Meeting | October 16 | Sacramento | Y |
| | Special Board Meeting | September 9* | Teleconference | N |
| | Board Meeting | August 28 | Sacramento | Y |
| | Board Meeting | June 12 | Teleconference | Y |
| | Board Meeting | April 27 | Sacramento | Y |
| | Board Meeting | April 23, 24 | Sacramento | Y |

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| Maria Salazar Sperber, JD | | | | |
|----------------------------------|--------------------------------------|---------------|------------------|-----------|
| Date Appointed: | | March 4, 2016 | | |
| Date Reappointed: | | | | |
| Term Expires: | | June 1, 2019 | | |
| Meeting Type | | Meeting Date | Meeting Location | Attended? |
| 2016 | Board Meeting | November 4 | Los Angeles | |
| | Board Meeting | October 21 | Teleconference | Y |
| | Legislation and Regulation Committee | October 14 | Sacramento | Y |
| | Board Meeting | September 23 | Teleconference | N |
| | Board Meeting | August 26 | Irvine | Y |
| | Board Meeting | May 27 | Oakland | Y |
| | Special Board Meeting | May 13* | Teleconference | Y |

2

| David Turetsky, OD | | | | |
|---------------------------|---|-------------------|-------------------------------|-----------|
| Date Appointed: | | December 18, 2013 | | |
| Date Reappointed: | | | | |
| Term Expires: | | June 1, 2017 | | |
| Meeting Type | | Meeting Date | Meeting Location | Attended? |
| 2016 | Board Meeting | November 4 | Los Angeles | |
| | Board Meeting | October 21 | Teleconference | Y |
| | Consumer Protection Committee | October 13 | Teleconference | Y |
| | Consumer Protection Committee | September 28 | Teleconference | Y |
| | Board Meeting | September 23 | Teleconference | Y |
| | Board Meeting | August 26 | Irvine | Y |
| | Board Meeting | May 27 | Oakland | Y |
| | Special Board Meeting | May 13* | Teleconference | Y |
| | Board Meeting | February 19 | Los Angeles | Y |
| | Public Relations and Outreach | December 16 | Sacramento | Y |
| 2015 | Board Meeting | November 20 | Oakland | N |
| | Board Meeting | October 16 | Sacramento | Y |
| | Special Board Meeting | September 9* | Teleconference | Y |
| | Board Meeting | August 28 | Sacramento | Y |
| | Certification Posting Workgroup Meeting | July 23 | Sacramento | Y |
| | Board Meeting | June 12 | Teleconference | Y |
| | Board Meeting | April 27 | Sacramento | Y |
| | Board Meeting | April 23, 24 | Sacramento | Y |
| | Board Meeting | February 24 | Western University and Quebec | Y |
| | Board Meeting | January 23 | Van Nuys State Building | Y |
| 2014 | Board Meeting | November 21 | Western University | Y |
| | Board Meeting | August 8 | Sacramento | Y |
| | Special Board Meeting | June 23* | Teleconference | Y |

*Special Board meeting held pursuant to Government Code § 11125 – 48 hour noticed meetings.

| | | | |
|---------------|------------|--------------------|---|
| Board Meeting | April 11 | Oakland | Y |
| Board Meeting | January 24 | Western University | Y |

Previous Board Members

| Alejandro Arrenondo, OD | | | | |
|--------------------------------|---|------------------|-------------------------------|-----------|
| Date Appointed: | | November 1, 2007 | | |
| Date Reappointed: | | June 15, 2012 | | |
| Term Expires: | | June 1, 2015 | | |
| Meeting Type | | Meeting Date | Meeting Location | Attended? |
| 2015 | Board Meeting | November 20 | Oakland | Y |
| | Board Meeting | October 16 | Sacramento | N |
| | Special Board Meeting | September 9* | Teleconference | Y |
| | Board Meeting | August 28 | Sacramento | N |
| | Certification Posting Workgroup Meeting | July 23 | Sacramento | Y |
| | Board Meeting | June 12 | Teleconference | Y |
| | Board Meeting | April 27 | Sacramento | Y |
| | Board Meeting | April 23, 24 | Sacramento | N |
| | Board Meeting | February 24 | Western University and Quebec | Y |
| | Board Meeting | January 23 | Van Nuys State Building | Y |
| 2014 | Board Meeting | November 21 | Western University | Y |
| | Board Meeting | August 8 | Sacramento | Y |
| | Special Board Meeting | June 23* | Teleconference | Y |
| | Board Meeting | April 11 | Oakland | Y |
| | Board Meeting | January 24 | Western University | Y |
| 2013 | Board Meeting – Strategic Planning | December 2 | Sacramento | Y |
| | Board Meeting | November 1 | Bay Area | Y |
| | Board Meeting | September 13 | Western University | Y |
| | Board Meeting | August 16 | Sacramento | Y |
| | Practice & Education Committee | July 12 | Teleconference | Y |
| | Board Meeting | May 10 | Western University | Y |
| | Practice & Education Committee | March 8 | Los Angeles | Y |
| | Board Meeting | March 6 | Teleconference | Y |

| Fred Dubick, O.D, MBA, FAAO | | | | |
|------------------------------------|------------------------------------|----------------|--------------------|-----------|
| Date Appointed: | | August 9, 2012 | | |
| Date Reappointed: | | | | |
| Term Expires: | | June 1, 2013 | | |
| Meeting Type | | Meeting Date | Meeting Location | Attended? |
| 2013 | Board Meeting – Strategic Planning | December 2 | Sacramento | Y |
| | Board Meeting | November 1 | Bay Area | Y |
| | Board Meeting | September 13 | Western University | Y |
| | Board Meeting | August 16 | Sacramento | Y |
| | Practice and Education Committee | July 12 | Teleconference | Y |
| | Board Meeting | May 10 | Western University | Y |
| | SB 1111 Regulations Committee | April 30 | Los Angeles | Y |
| | Practice & Education Committee | March 8 | Los Angeles | Y |
| Board Meeting | March 6 | Teleconference | Y | |

| Frank Giardina, OD | | | | |
|---------------------------|--|-------------------|------------------|-----------|
| Date Appointed: | | December 18, 2013 | | |
| Date Reappointed: | | | | |
| Term Expires: | | January 28, 2016 | | |
| Meeting Type | | Meeting Date | Meeting Location | Attended? |

| | | | | |
|------|------------------------------------|--------------|-------------------------|---|
| 2014 | Board Meeting | November 20 | Oakland | N |
| | Board Meeting | October 16 | Sacramento | Y |
| | Special Board Meeting | September 9* | Teleconference | Y |
| | Board Meeting | August 28 | Sacramento | Y |
| | Board Meeting | June 12 | Sacramento | Y |
| | Board Meeting | April 27 | Sacramento | Y |
| | Board Meeting | April 23, 24 | Sacramento | Y |
| | Board Meeting | February 24 | Van Nuys and Quebec | N |
| | Board Meeting | January 24 | Van Nuys State Building | Y |
| 2013 | Board Meeting | November 21 | Western University | Y |
| | Board Meeting | August 8 | Sacramento | Y |
| | Special Board Meeting | June 23* | Teleconference | Y |
| | Board Meeting | April 11 | Oakland | Y |
| | Board Meeting | January 24 | Western University | Y |
| 2013 | Board Meeting – Strategic Planning | December 2 | Sacramento | N |
| | Board Meeting | November 1 | Bay Area | N |
| | Board Meeting | September 13 | Western University | N |
| | Board Meeting | August 16 | Sacramento | N |
| | Board Meeting | May 10 | Western University | N |
| | Board Meeting | March 6 | Teleconference | Y |

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| Bruce Givner, Esq | | | | |
|-------------------|------------------------------------|--------------------|--------------------|-----------|
| Date Appointed: | | September 11, 2013 | | |
| Date Reappointed: | | | | |
| Term Expires: | | November 1, 2015 | | |
| | Meeting Type | Meeting Date | Meeting Location | Attended? |
| 2014 | Board Meeting | August 8 | Sacramento | Y |
| | Special Board Meeting | June 23* | Teleconference | Y |
| | Board Meeting | April 11 | Oakland | Y |
| | Board Meeting | January 24 | Western University | Y |
| 2013 | Board Meeting – Strategic Planning | December 2 | Sacramento | Y |
| | Board Meeting | November 1 | Bay Area | Y |

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| Monica Johnson | | | | |
|-------------------|---------------|-------------------|--------------------|-----------|
| Date Appointed: | | December 20, 2005 | | |
| Date Reappointed: | | May 5, 2010 | | |
| Term Expired: | | June 1, 2013 | | |
| | Meeting Type | Meeting Date | Meeting Location | Attended? |
| 2013 | Board Meeting | September 13 | Western University | N |
| | Board Meeting | August 16 | Sacramento | N |
| | Board Meeting | May 10 | Western University | Y |
| | Board Meeting | March 6 | Teleconference | Y |

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| Alexander Kim, MBA | | | | |
|--------------------|-----------------------|------------------|--------------------|-----------|
| Date Appointed: | | November 1, 2010 | | |
| Date Reappointed: | | | | |
| Term Expires: | | June 1, 2014 | | |
| | Meeting Type | Meeting Date | Meeting Location | Attended? |
| 2014 | Board Meeting | November 21 | Western University | N |
| | Board Meeting | August 8 | Sacramento | Y |
| | Special Board Meeting | June 23* | Teleconference | Y |
| | Board Meeting | April 11 | Oakland | Y |

| | | | | |
|------|------------------------------------|--------------|--------------------|---|
| 2013 | Board Meeting | January 24 | Western University | Y |
| | Board Meeting – Strategic Planning | December 2 | Sacramento | Y |
| | Board Meeting | November 1 | Bay Area | Y |
| | Board Meeting | September 13 | Western University | Y |
| | Board Meeting | August 16 | Sacramento | Y |
| | Board Meeting | May 10 | Western University | Y |
| | Board Meeting | March 6 | Teleconference | N |

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| William Kysella, Jr. | | | | |
|-----------------------------|--|---------------|-------------------------------|-----------|
| Date Appointed: | | July 25, 2012 | | |
| Date Reappointed: | | | | |
| Term Expires: | | June 1, 2015 | | |
| Meeting Type | | Meeting Date | Meeting Location | Attended? |
| 2015 | Board Meeting | November 20 | Oakland | Y |
| | Legislation and Regulation Committee Meeting | November 12 | Sacramento | Y |
| | Board Meeting | October 16 | Sacramento | Y |
| | Special Board Meeting | September 9* | Teleconference | Y |
| | Board Meeting | August 28 | Sacramento | Y |
| | Board Meeting | June 12 | Teleconference | Y |
| | Board Meeting | April 27 | Sacramento | N |
| | Board Meeting | April 23, 24 | Sacramento | Y |
| | Board Meeting | February 24 | Western University and Quebec | Y |
| | Board Meeting | January 23 | Van Nuys State Building | Y |
| 2014 | Board Meeting | November 21 | Western University | Y |
| | Board Meeting | August 8 | Sacramento | Y |
| | Special Board Meeting | June 23* | Teleconference | N |
| | Board Meeting | April 11 | Oakland | Y |
| | Board Meeting | January 24 | Western University | Y |
| 2013 | Board Meeting – Strategic Planning | December 2 | Sacramento | Y |
| | Board Meeting | November 1 | Bay Area | Y |
| | Board Meeting | September 13 | Western University | Y |
| | Board Meeting | August 16 | Sacramento | Y |
| | Board Meeting | May 10 | Western University | Y |
| | SB 1111 Regulations Committee | April 30 | Los Angeles | Y |
| | Sunset Review Hearing | March 11 | State Capitol | |
| | Board Meeting | March 6 | Teleconference | Y |

2

| Kenneth Lawenda, OD | | | | |
|----------------------------|--|------------------|-----------------------------|-----------|
| Date Appointed: | | November 1, 2007 | | |
| Date Reappointed: | | December 2, 2010 | | |
| Term Expires: | | June 1, 2014 | | |
| Meeting Type | | Meeting Date | Meeting Location | Attended? |
| 2015 | Practice and Education Committee Meeting | March 19 | Teleconference | Y |
| | Board Meeting | February 24 | Western University & Quebec | Y |
| | Board Meeting | January 23 | Van Nuys State Building | Y |
| 2014 | Board Meeting | November 21 | Western University | Y |
| | Board Meeting | August 8 | Sacramento | Y |
| | Special Board Meeting | June 23* | Teleconference | Y |
| | Board Meeting | April 11 | Oakland | Y |
| | Board Meeting | January 24 | Western University | Y |
| 2013 | Board Meeting – Strategic Planning | December 2 | Sacramento | Y |
| | Board Meeting | November 1 | Bay Area | Y |
| | Board Meeting | September 13 | Western University | Y |
| | Board Meeting | August 16 | Sacramento | Y |

| | | | |
|-------------------------------|----------|--------------------|---|
| Board Meeting | May 10 | Western University | Y |
| SB 1111 Regulations Committee | April 30 | Los Angeles | Y |
| Board Meeting | March 6 | Teleconference | Y |

Table 1b.

| Board/Committee Member Roster | | | | | |
|--------------------------------------|-----------------------------|-------------------------|--------------------------|-----------------------------|--------------------------------------|
| Member Name | Date First Appointed | Date Reappointed | Date Term Expires | Appointing Authority | Type (Public or Professional) |
| Madhu Chawla, OD | 06/15/2012 | 06/5/2015 | 06/01/2019 | Governor | Professional |
| Donna Burke | 10/01/2010 | 02/01/2016 | 06/01/2019 | Senate | Professional |
| Lillian Wang, OD | 03/27/2015 | | 06/01/2018 | Governor | Professional |
| Cyd Brandvein | 10/25/2013 | | 06/01/2017 | Governor | Public |
| Martha Garcia, CLD, SLD | 03/04/2016 | | 06/01/2019 | Governor | RDO |
| Glenn Kawaguchi, OD | 08/10/2012 | 05/06/2015 | 06/01/2018 | Governor | Professional |
| Debra McIntyre, OD | 03/15/2016 | | 06/01/2017 | Governor | Professional |
| Rachel Michelin | 10/13/2014 | 06/24/2015 | 06/01/2019 | Governor | Public |
| Mark Morodomi, | 04/07/2015 | | 06/01/2018 | Governor | Public |
| Maria Salazar Sperber, JD | 03/04/2016 | | 06/01/2019 | Assembly | Public |
| David Turetsky, OD | 12/18/2013 | | 06/01/2017 | Governor | Professional |
| Previous Members | | | | | |
| Alejandro Arredondo, OD | 11/01/2007 | 06/15/2012 | 06/01/2015 | Governor | Professional |
| Fred Dubick, OD | 08/09/2012 | | 06/01/2013 | Governor | Professional |
| Frank Giardina, OD | 12/18/2013 | | 06/01/2017 | Governor | Professional |
| Bruce Givner, Esq | 09/11/2013 | | 11/01/2014 | Governor | Professional |
| Monica Johnson | 12/20/2005 | 05/05/2010 | 06/01/2013 | Governor | Public |
| Alexander Kim, MBA | 11/01/2010 | | 06/01/2014 | Governor | Public |
| William Kysella, Jr. | 07/25/2012 | | 06/01/2015 | Assembly | Public |
| Kenneth Lawenda, OD | 11/01/2007 | 12/02/2010 | 06/01/2014 | Governor | Professional |

In the past four years, was the board unable to hold any meetings due to lack of quorum? If so, please describe. Why? When? How did it impact operations?

The Board has not canceled any meetings due to a lack of quorum.

Major Changes since the Last Sunset Review

Describe any major changes to the board since the last Sunset Review, including, but not limited to:

Internal Changes

Reorganization

1 Since the last sunset review in 2012, the Board has had a significant reorganization.
 2 Through a reclassification in December 2014, the Board gained a Staff Services
 3 Manager I position to serve as the Board's Assistant Executive Officer (AEO).
 4 Focusing primarily on program management and staff supervision, the AEO position
 5 allows the Executive Officer (EO) to efficiently oversee all Board aspects. While
 6 working collaboratively with the Department of Consumer Affairs (DCA), the EO can
 7 now focus on interpreting and executing the intent of board policies, meeting Board
 8 mandates and executing the Board's Strategic Plan in order to adequately protect
 9 the public.

10 Following an EO change in 2015, Board positions were evaluated, restructured
 11 and/or re-classified to meet the Board's operational needs more efficiently with its
 12 existing resources. These changes provide a stronger foundation for the Board to
 13 provide consumer protection on a much broader scale. For example, the Board is
 14 able to increase its continuing education auditing by 15% while using less resources.
 15 The Board has also increased its focus on unlicensed practice activities and
 16 implemented quarterly peer review checks in its licensing and enforcement units.

17 With the passing of AB 684, the Board acquired the Registered Dispensing Optician
 18 (RDO) Program from the Medical Board of California (MBC) in January 2016. This
 19 move resulted in the Board regulating roughly 50% more licensees⁷. Prior to the
 20 move, the RDO Program consisted of a 0.9 (filled at 1.0) Management Services
 21 Technician (MST) for processing applications and license maintenance. All other
 22 program services (e.g., administration, clerical, enforcement, program oversight, etc)
 23 were provided by the MBC and billed to the program. However, with significantly
 24 less staff, the Board was unable to absorb many of those services. Therefore, an
 25 approved 16/17 BCP reallocated funds from previously dedicated MBC shared
 26 services to authorized positions within the program.

27 Since the implementation of AB684, the Board has experienced a rise in both the
 28 number of applications and complaints received for the RDO program compared to
 29 the numbers reported by MBC. Further, as the Board does not have a dedicated call
 30 center like MBC, all phone calls for the RDO program are sent directly to the RDO
 31 MST for response. These factors lead to an increase in staff demand for the
 32 administration of the RDO program.

33 **Change in Leadership**

34 Prior to January 1, 2016, the Board consisted of eleven Board Members: six
 35 licensed optometrists and five public members. However, AB 684 replaced one
 36 licensed optometrist member and with a registered dispenser.

37 AB 684 also created a mandated Dispensing Optician Committee (DOC) consisting
 38 of two public members, a registered dispensing optician, a contact or spectacle lens
 39 dispenser and a Board Member. The DOC was created to advise and make
 40 recommendations to the Board regarding the regulation of dispensing opticians,
 41 spectacle lens dispensers, and contact lens dispensers (BPC § [3020](#)).

⁷ "License" includes registrations within the RDO Program.

Board Members elect a President, Vice President, and Secretary annually. Current Board policy provides that in the event the President of the Board is unable to continue his or her role as President, the Vice President shall immediately assume the duties of the President until the next election of officers.

In September 2015, the Board appointed a new Executive Officer. The previous incumbent, having served since 2008, retired after 30 years of state service.

Strategic Planning

The Board revised its Strategic Plan in 2014. The revision defined the Board’s goals for licensing, examination, laws and regulations, enforcement, outreach, and organizational effectiveness. The Board’s mission was revised to the following: *To protect the health and safety of California consumers through licensing, education, and regulation of the practice of Optometry.*

Many of the Strategic Plan objectives have been met and/or are on course for completion in 2018. However, given the significant reorganization and acquiring the RDO Program, the Board decided to re-evaluate its goals in order to adequately protect consumers given its new responsibilities. Therefore, the Board is currently working on revising its Strategic Plan.

Legislative Activity

All legislation sponsored by the board and/or affecting the board since the last sunset review.

The following legislative actions were submitted and/or enacted since the last sunset review. For each bill, only the affected sections contained within the Optometry Practice Act [commencing with Business and Professions (B&P) Code section 3000], General Provisions of the B&P Code, or sections of other Codes pertaining to the Board are listed.

1. **Bill Number:** Assembly Bill (AB) 512 (Rendon), Chapter 111, Statutes of 2013
Subject Matter: Healing arts: licensure exemption
Sections Affected: BPC § 901
Effective Date: January 1, 2014
Summary: The law extends the Board’s sunset date from January 2014 to January 2018, on existing law permitting qualified, out-of-state health care practitioners to volunteer their services on a limited basis at health care events designed to provide free services for underinsured individuals in California.

2. **Bill Number:** AB 1711 (Cooley), Chapter 779, Statutes of 2014
Subject Matter: Administrative Procedures Act: Economic Impact Assessment
Sections Affected: Government Code (GC) § 11346.2, 11346.3, and 11357
Effective Date: January 1, 2015
Summary: This law requires an economic impact assessment to be included in the initial statement of reasons that a state

agency submits to the Office of Administrative Law when adopting, amending, or repealing a non-major regulation.

3. Bill Number: AB 186 (Maienschein), Chapter 640, Statutes of 2014

Subject Matter: Professions & vocations: military spouses: temporary licenses

Sections Affected: BPC § 115.6

Effective Date: January 1, 2015

Summary: This law requires specified boards and bureaus (boards) under the Department of Consumer Affairs (DCA) to issue to the spouse or domestic partner of a military member on active duty and who is licensed in another state a temporary license to practice up to 12 months if he or she meets certain requirements.

4. Bill Number: AB 2396 (Bonta), Chapter 737, Statutes of 2014

Subject Matter: Convictions: expungement: licenses

Sections Affected: BPC § 480

Effective Date: January 1, 2015

Summary: This law prohibits boards within the Department of Consumer Affairs (DCA) from denying a professional license based solely on a criminal conviction that has been withdrawn, set aside or dismissed by the court.

5. Bill Number: AB 258 (Chávez), Chapter 227, Statutes of 2013

Subject Matter: State agencies: veterans

Sections Affected: GC § 11019.11

Effective Date: January 1, 2014

Summary: This law requires, on or after July 1, 2014, every state agency that requests on any written form or written publication, or through its Internet Website, whether a person is a veteran, to request that information in a specified manner.

5. Bill Number: AB 2720 (Ting), Chapter 510, Statutes of 2014

Subject Matter: State agencies: meetings: record of action taken

Sections Affected: GC § 11123

Effective Date: January 1, 2015

Summary: This law requires a state body to publicly report any action taken or the vote or abstention on that action of each member present for the action.

6. Bill Number: AB 480 (Calderon), Chapter 421, Statutes of 2013

Subject Matter: Service contracts

Sections Affected: BPC § 9855

Effective Date: January 1, 2014

1 Summary: This law includes optical products in the current definition of
 2 retail service contract, which would require agreements for
 3 pre-paid services relating to the replacement, maintenance
 4 or repair of prescription and non-prescription eyewear to be
 5 in a written contract, among other duties.
 6

7 **7. Bill Number:** AB 809 (Logue), Chapter 404, Statutes of 2014

8 Subject Matter: Healing arts: telehealth

9 Sections Affected: BPC § 2290.5

10 Effective Date: January 1, 2015

11 Summary: This law deletes a requirement that informed consent for
 12 telehealth must be made by a provider at the originating site
 13 where the patient is located, allows written consent to be
 14 provided, rather than requiring consent to be verbal, and
 15 clarifies that current telehealth law does not preclude a
 16 patient from receiving in-person health care delivery services
 17 after agreeing to receive services via telehealth. Contains an
 18 urgency clause to ensure that the provisions of this bill go
 19 into immediate effect upon enactment.
 20

21 **8. Bill Number:** Senate Bill 1159 (Lara), Chapter 752, Statutes of 2014

22 Subject Matter: Professions and Vocations: License Applicants: Federal
 23 Tax Identification Number

24 Sections Affected: BPC § 30, 135.5, 2103, 2111, 2112, 2113, 2115, 3624, and
 25 6533

26 Family Code § 17520

27 Revenue and Taxation Code § 19528

28 Effective Date: January 1, 2015

29 Summary: This law prohibits licensing boards under the Department of
 30 Consumer Affairs (DCA) from denying licensure to an
 31 applicant based on his or her citizenship or immigration
 32 status, and requires a licensing board and the State Bar to
 33 require, by January 1, 2016, that an applicant for licensure
 34 provide his or her individual taxpayer identification number
 35 (ITIN) or a social security number (SSN) for an initial or
 36 renewal license.
 37

38 **9. Bill Number:** Senate Bill 1172 (Steinberg), Chapter 925, Statutes of 2014

39 Subject Matter: Pupil health: vision appraisals

40 Sections Affected: Education Code § 49455

41 Effective Date: January 1, 2015

42 Summary: This law deletes the existing vision screening requirements
 43 and instead, requires, during the kindergarten year or upon
 44 first enrollment or entry in a California school district of a
 45 pupil at an elementary school, and in grades 2, 5, and 8, the
 46 pupil's vision to be appraised by the school nurse or other
 47 authorized person.
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10. Bill Number: Senate Bill 305 (Lieu), Chapter 516, Statutes of 2013
Subject Matter: Healing arts: boards - Optometry Sunset Bill
Sections Affected: BPC § 1000, 2450, 2450.3, 2530.2, 2531, 2531.06, 2531.75, 2532.6, 2533, 2570.19, 3010.5, 3014.6, 3046, 3056, 3057, 3110, 3685, 3686, 3710, 3716, and 3765
Effective Date: January 1, 2014
Summary: This law extends the sunset, until January 1, 2018, of several licensing boards within the Department of Consumer Affairs (DCA) and makes certain statutory changes to those board's responsibilities.

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11. Bill Number: Senate Bill 430 (Wright)
Subject Matter: Pupil health: vision examination: binocular function
Sections Affected: Education Code § 49455
Location/Status: Assembly; Inactive 2013
Summary: This bill deletes an existing requirement that upon first enrollment in a California school district of a child at an elementary school, and at least every third year thereafter until the child has completed the eighth grade, the child's vision to be appraised by the school nurse or other authorized person, and replaces it with a requirement that, upon first enrollment in a private or public elementary school, a pupil receive a vision examination from a physician, optometrist, or ophthalmologist and requires that screening to include a test for binocular function, refraction, and eye health.

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11. Bill Number: Senate Bill 492 (Hernandez)
Subject Matter: Optometrist: practice: licensure
Sections Affected: BPC § 3051
Location/Status: Assembly; Inactive 2014
Summary: This bill authorizes an optometrist to administer influenza and herpes zoster virus (shingles) immunizations for persons 18 years of age and older after completing a training program.

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11. Bill Number: Senate Bill 724 (Emmerson), Chapter 68, Statutes of 2013
Subject Matter: Liability: charitable vision screenings
Sections Affected: Civil Code § 1714.26
Effective Date: January 1, 2014
Summary: This law provides qualified immunity from liability for damage or injury to a nonprofit charitable organization that provides vision screenings and, if applicable, donated or recycled glasses, as well as participating licensed optometrists, ophthalmologists, or trained volunteers who work with such

nonprofit charitable organizations to provide charitable vision screenings under appropriate conditions.

12. Bill Number: Senate Bill 809 (DeSaulnier), Chapter 400, Statutes of 2013

Subject Matter: Controlled substances: reporting
Sections Affected: BPC § 08, 209, and 2196.8, Health and Safety Code § 11164.1, 11165, 11165.1, and 11165.5
Effective Date: January 1, 2014
Summary: These laws establish a funding mechanism to update and maintain the Controlled Substance Utilization Review and Evaluation System (CURES) and Prescription Drug Monitoring Program (PDMP), requires all prescribing health care practitioners to apply to access CURES information, and establishes processes and procedures for regulating prescribing licensees through CURES and securing private information.

13. Bill Number: Senate Bill 821, Chapter 473, Statutes of 2013

Subject Matter: Healing arts
Sections Affected: BPC § 1613, 1915, 1926.2, 3024, 3025, 3040, 3041.2, 3051, 3057.5, 3077, 3093, 3098, 3103, 3106, 3107, 3109, 3163, 4021.5, 4053, 4107, 4980.36, 4980.397, 4980.398, 4980.399, 4980.40, 4980.43, 4980.50, 4984.01, 4984.7, 4984.72, 4989.68, 4992.05, 4992.07, 4992.09, 4992.1, 4996.1, 4996.3, 4996.4, 4996.9, 4996.17, 4996.18, 4996.28, 4999.33, 4999.45, 4999.46, 4999.47, 4999.50, 4999.52, 4999.53, 4999.55, 4999.64, and 4999.100; Welfare and Institutions Code § 14132
Effective Date: January 1, 2014
Summary: These laws had several technical and noncontroversial changes to provisions within the Business and Professions Code (BPC) related to the regulation of the Dental Board of California (DBC), California Board of Optometry (CBO), Board of Behavioral Sciences (BBS), and Board of Pharmacy (BOP), as well as dental hygienists regulated under the Welfare and Institutions Code, as specified.

14. Bill Number: Assembly Bill 684 (Alejo), Chapter 405, Statutes of 2015

Subject Matter: State Board of Optometry: optometrists: nonresident contact lens sellers: registered dispensing opticians:
Sections Affected: BPC § 655, 2546.2, 2546.9, 2550.1, 2556.1, 2554, 2556, 2556.2, 2567, 3010.5, 3011, 3013, 3020, 3021, 3023.1
Effective Date: January 1, 2016
Summary: These laws transferred the RDO Program from the MBC to the Board, established a RDO Advisory Committee under the Board and replaced an optometrist member with a RDO

member. In addition, AB 684 established a three-year transition period for compliance, authorized landlord-tenant relationships between RDOs and optometrists, and granted the Board inspection authority.

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15. Bill Number: Assembly Bill 1253 (Steinorth), Chapter 125, Statutes of 2015
 Subject Matter: Optometry: license: retired volunteer service designation
 Sections Affected: BPC § 3151.1
 Effective Date: January 1, 2016
 Summary: This law establishes educational and training requirements for an optometrist seeking a license with retired volunteered service designation (volunteer license) who had not held an active license in more than three years.
16. Bill Number: Assembly Bill 1359 (Nazarian), Chapter 443, Statutes of 2015
 Subject Matter: Optometry: therapeutic pharmaceutical agents certification
 Sections Affected: BPC § 3041.3
 Effective Date: January 1, 2016
 Summary: This law revises criteria for obtaining certification to administer and prescribe therapeutic pharmaceutical agents (TPAs) for licensed optometrists who graduated from an accredited optometry school before or after 1996.
17. Bill Number: Assembly Bill 2744 (Gordon), Chapter 360, Statutes of 2016
 Subject Matter: Healing Arts: Referrals
 Sections Affected: BPC § 650
 Effective Date: January 1, 2017
 Summary: This law clarifies that certain types of advertising do not constitute a referral when the third party advertiser does not recommend, endorse, or otherwise select a healing arts licensee.
18. Bill Number: Assembly Bill 1057 (Medina), Chapter 693, Statutes of 2013
 Subject Matter: Professions & vocations: licenses: military service
 Sections Affected: BPC § 114.5
 Effective Date: January 1, 2014
 Summary: This law requires every licensing board under the Department of Consumer Affairs (DCA) to inquire in every license application if the applicant is serving in, or has previously served in the military, commencing in January 1, 2015.
19. Bill Number: Senate Bill 1195 (Hill)

1 Subject Matter: Professions and Vocations: Board Actions: Competitive
 2 Impact
 3 Sections Affected: BPC § 109, 109.5, 116, 153, 307, 313.1, 2708, 4800,
 4 4804.5, 4825.1, 4826.3, 4826.5, 4826.7, 4830, 4846.5
 5 4846.5, 4848.1, 4853.7, 4904, and 4905; GC § 825 and
 6 11346.5
 7 Location/Status: Senate; Inactive
 8 Summary: This bill made various changes that are intended to improve
 9 the effectiveness of the Veterinary Medical Board (VMB),
 10 extends the VMB's sunset dates. This bill also authorizes the
 11 Director of the Department of Consumer Affairs (DCA) to
 12 review, veto, or modify actions and decisions of DCA boards
 13 to ensure such actions or decisions conform with public
 14 policy; and prohibits any board executive officer (EO) from
 15 being an actively licensed member of the profession the
 16 board regulates.

17 20. Bill Number: Senate Bill 349 (Bates)
 18 Subject Matter: Optometry: mobile optometric facilities
 19 Sections Affected:
 20 Location/Status: Senate Business, Professions and Economic Development;
 21 Inactive 2014
 22 Summary: This bill would define "mobile optometric facility" as mobile
 23 optometric equipment, including, but not limited to, a trailer
 24 or van that may be moved. The bill would limit ownership of
 25 a mobile optometric facility to a nonprofit or charitable
 26 organization, a governmental agency, or a school, as
 27 specified. The bill would require a mobile optometric facility,
 28 while providing services, to have access to, among other
 29 things, sufficient lighting around the perimeter of the work
 30 site from which the mobile optometric facility provides those
 31 services. The bill would require an owner of a mobile
 32 optometric facility to be responsible for certain things,
 33 including, but not limited to, maintaining the mobile
 34 optometric facility in good repair and in a clean and sanitary
 35 manner. The bill would also require the optometrist or owner
 36 of a mobile optometric facility to maintain and disclose
 37 patient records as specified. The bill would make these
 38 provisions operative on January 1, 2017.
 39

40
 41 21. Bill Number: Senate Bill 402 (Mitchell)
 42 Subject Matter: Pupil Health: Vision Examinations
 43 Sections Affected: Education Code § 49455
 44 Location/Status: Senate Appropriations; Inactive 2014
 45 Summary: This bill requires a pupil's vision to be examined by a
 46 physician, optometrist, or ophthalmologist, as specified, and
 47 requires the pupil's parent or guardian to provide the results
 48 of the examination to the pupil's school. This bill prohibits a

school from denying admission to a pupil or taking any other adverse action against a pupil if his or her parent or guardian fails to provide the results of the examination. If the results of the examination are not provided to the school, this bill requires a pupil's vision to instead be appraised pursuant to existing law.

22. Bill Number: Senate Bill 482 (Lara), Chapter 708, Statutes of 2016
Subject Matter: Controlled Substances: CURES Database
Sections Affected: Health and Safety Code § 11165, 11165.1, 11165.4
Effective Date: January 1, 2017
Summary: This law requires a health care practitioner, as specified, authorized to prescribe, order, administer, furnish, or dispense a controlled substance to consult the Controlled Substance Utilization Review and Evaluation System (CURES) database no earlier than 24 hours before prescribing a Schedule II, Schedule III, of Schedule IV controlled substance for the first time and at least annually thereafter. It further provides that a health care practitioner who knowingly fails to consult the CURES database is subject to administrative sanctions by the appropriate state professional licensing board. This law also exempts a health care practitioner, as specified, or any person acting on behalf of the health care practitioner, from civil or administrative liability arising from false, incomplete, or inaccurate information submitted to or reported by the CURES database or for failure to consult the database.

22. Bill Number: Senate Bill 496 (Nguyen)
Subject Matter: Optometry: graduates of a foreign university: examinations and licensure
Sections Affected: BPC § 3057.5 and 3058
Location/Status: Senate Business, Professions, and Economic Development; Inactive
Summary: This bill expands and specifies requirements for a graduate of a foreign university to be eligible for California licensure.

23. Bill Number: Senate Bill 622 (Hernandez)
Subject Matter: Optometry
Sections Affected: BPC § 3041, 3041.1, 3041.2, 3041.3, 3041.4, 3041.5, 3041.6, 3041.7, and 3041.8
Location/Status: Assembly Business and Professions; Inactive
Summary: This bill expands the scope of practice for optometrists to include the use noninvasive, nonsurgical technology to treat a condition authorized by the Optometric Act (Act), perform laser and minor procedures, and administer certain vaccines.

24. Bill Number: Senate Bill 800 (Committee on Business, Professions & Economic Development), Chapter 426, Statutes of 2016
Subject Matter: Healing arts,
Sections Affected: BPC § 28, 146, 500, 650.2, 800, 1603a, 1618.5, 1640.1, 1648.10, 1650, 1695, 1695.1, 1905.1, 1944, 2054, 2401, 2428, 2529, 2650, 2770, 2770.1, 2770.2, 2770.7, 2770.8, 2770.10, 2770.11, 2770.12, 2770.13, 2835.5, 3057, 3509.5, 4836.2, 4887, 4938, 4939, 4980.399, 4980.43, 4980.54, 4984.01, 4989.34, 4992.09, 4996.2, 4996.22, 4996.28, 4999.1, 4999.2, 4999.3, 4999.4, 4999.5, 4999.7, 4999.45, 4999.46, 4999.55, 4999.76, and 4999.100
Effective Date: January 1, 2017
Summary: These laws faced several non-controversial minor, non-substantive, or technical changes to various provisions pertaining to the health-related regulatory boards under the Department of Consumer Affairs.

25. Bill Number: Senate Bill 836 (Committee on Budget and Fiscal Review), Chapter 31, Statutes of 2016
Subject Matter: State government
Sections Affected: BPC § 655, 2556.1, 2556.2, 3010.5, 3011, 3013, and 3020 (and other non-pertinent code sections)
Effective Date: June 27, 2016
Summary: These laws, notwithstanding any other law and in addition to any action available to the board, authorize the board to issue a citation containing an order of abatement and an order to pay an administrative fine, not to exceed \$50,000, for a violation of law. The bill would also delete the authorization to redact personal information from a lease agreement, and would, therefore, expand an existing crime resulting from imposition of a state-mandated local program.

Regulation Activity

Comment [D1]: Staff will provide summaries of each regulation.

Regulation changes approved by the board during the last sunset review. Include the status of each regulatory change approved by the board.

The following regulatory changes were enacted by the Board since the last sunset review and/or are currently in progress:

1. Subject Matter: Sponsored Free Health Care Events
Sections Affected: California Code of Regulations (CCR) §1508.1§1508.2. §1508.3
Effective Date: April 15, 2013
Summary:
2. Subject Matter: Uniform Standards Related to Substance Abuse and Disciplinary Guidelines
Sections Affected: CCR § 1575

Effective Date: April 1, 2013

Summary:

3. Subject Matter: Unprofessional Conduct, Medical Evaluations

Sections Affected: CCR § 1516, 1536, 1582

Status: Submitted to OAL in 2015; Rulemaking file pending

Summary:

4. Subject Matter: Continuing Optometric Education

Sections Affected: CCR § 1536, 1571

Status: Board approved March 2015; Rulemaking file pending

Summary:

5. Subject Matter: Certificate Posting

Sections Affected: CCR § 150

Status: Board Approved July 2015; Rulemaking file pending

Summary:

6. Subject Matter: Qualifications of Foreign Graduates

Sections Affected: CCR § 1530.1

Status: Board Approved November 2015; Rulemaking file pending

Summary:

7. Subject Matter: Delegation of Authority

Sections Affected: CCR § 1502

Status: Board Approved November 2015; Rulemaking file pending

Summary:

8. Subject Matter: Co-Location Reporting Requirements

Sections Affected: Adding CCR § to implement BPC § 2556.1

Status: Board Approved November 2015; Amended November 2015

Summary:

9. Subject Matter: Examination Requirements

Sections Affected: CCR § 1523

Status: Board Approved February 2016; Rulemaking pending

Summary:

10. Subject Matter: Abandonment of Applications

Sections Affected: CCR § 1523.5

Status: Board Approved February 2016; Rulemaking pending

Summary:

11. Subject Matter: Accreditation

Sections Affected: CCR § 1503

Status: Board Approved February 2016; Rulemaking pending

Summary:

1
2 **Major Studies**

3 **Describe any major studies conducted by the board** (cf. Section 12, Attachment C).

4 **California Board of Optometry Registered Dispensing Opticians Program – Fee**
5 **Audit**

6 The Board of Optometry, in conjunction with the Medical Board of California, conducted
7 an audit on the RDO program to determine if the current fee structure was adequate to
8 sustain the program. The results of the audit are attached in Section 12, Attachment C.
9 The fee report indicates that the current fee structure is inadequate to support the
10 program. Within this document it is estimated that without a fee increase the fund will
11 under recover the program's cost by a significant margin. The Fee Audit projects, "by
12 the end of fiscal 2016-2017 Optometrists will be subsidizing the RDO program unless
13 immediate action is taken." (California Board of Optometry Registered Dispensing
14 Opticians Program – Fee Audit) The audit report concluded that the fees should be
15 increased above the maximum that statute allows. The increase in the RDO fees is
16 being addressed through legislation and regulatory change which is discussed in other
17 parts for this report.

18 **National Association Activity**

19 **List the status of all national associations to which the board belongs.**

20 **Association of Regulatory Boards of Optometry (ARBO)**

21 ARBO is an international association, providing resources to regulatory boards of
22 optometry since 1919. ARBO's membership consists of 66 regulatory boards
23 throughout the United States, Canada, Australia, and New Zealand. ARBO provides
24 programs to accredit optometric continuing education courses, to track and audit the CE
25 attendance of licensed optometrists and to assist with license mobility. ARBO's goal is
26 also to be a conduit for sharing information among licensing boards to help them
27 increase efficiency and decrease costs.

28 The Board is a voting member of ARBO. Historically, the Board faced enormous
29 difficulty in obtaining approval due to state travel restrictions. This has hindered the
30 Board's participation in any committees, workshops, work groups or task forces related
31 to its ARBO membership.

32 While the Board's Executive Officer was able to attend the 2013 ARBO Annual meeting,
33 due to an in-state location (San Diego), the Board continued to experience difficulty
34 obtaining approval for the 2014 and 2015 meetings. Fortunately, after collaboratively
35 working with DCA, Agency, and the Department of Finance, the Board's Executive
36 Officer was approved to attend ARBO's 2016 meeting in Boston Massachusetts.

37
38 Attendance at this meeting is an outstanding avenue for the Board to stay on the inside
39 track of the profession on a national scale, while providing insight into issues directly
40 affecting all regulatory boards. The Board obtained approval to send one attendee to
41 ARBO's 2017 meeting in Washington DC; however, the benefit of attending this meeting

can only be enhanced if the Board is able to send the president as well as the Executive Officer.

National Commission of State Opticianry Regulatory Boards (NCSORB)

NCSORB is a not-for-profit organization that exclusively represents the interests and serves the needs of States requiring licensure in Opticianry. The purpose of NCSORB is to provide state opticianry licensing boards a forum for education, assessment, exchange of information, and research that further strengthens licensing laws to lessen the burden of government and operations, and to better serve public needs and further the common welfare and well-being of the community. NCSORB provides a national forum on issues related to opticianry licensure.

The Board is working with NCSORB to become a member and will request approval to participate in future annual meetings. Much like ARBO’s annual meetings, these meetings provide a national platform to discuss topics impacting all licensing boards. The 2016 annual meeting included discussion topics covering license mobility, public protection through valid and reliable examinations, performance standards, the National Optician’s Practical Examination, struggles facing individual boards.

In addition, some of the member states reported on legislation that would have consolidated state opticianry boards with state optometry boards. They discussed internal challenges they faced and reported that they are still considering the consolidation.

Attending these meetings would allow the Board to strengthen consumer protection on a national level as well as improve consumer protection in California.

Section 2 Performance Measures and Customer Satisfaction Surveys

Quarterly and Annual Performance

Provide each quarterly and annual performance measure report for the board as published on the DCA website.

Attached

Customer Satisfaction Survey

Provide results for each question in the board’s customer satisfaction survey broken down by fiscal year. Discuss the results of the customer satisfaction surveys.

The Board is committed to providing superior customer service to consumers, licensees/registrants, applicants and other stakeholders. To assist the Board in this commitment, the Board utilizes three customer satisfaction surveys (general, licensing, and enforcement). All responses are anonymous.

From the time the surveys were adopted by the Board in 2009 through FY 14/15, the Board received a relatively low response rate. Surveys were distributed in the following ways:

- Periodically mailed to applicants, licensees, and consumers who interacted with the Board’s licensing and enforcement units;

- A link on the Board’s website;
- A link on all staff’s e-mail signature blocks;
- A link on follow-up e-mails to licensees/consumers, that had been recently assisted by staff, requesting completion of the survey; and
- A link in every e-mail sent to the Board’s website subscribers.

Near the end of FY 15/16, in an effort to increase the response rate, the Board revised its email distribution format and survey introduction and began distributing the survey every other month to stakeholder emails stored in the Board’s ListServ database. In addition, the survey introduction on the Board’s website and signature blocks were revised. Surveys are also emailed to all newly licensed optometrists as well as individuals who interacted with the enforcement unit.⁸

This method of delivery has drastically increased survey responses; the first three months of FY16/17 accounted for 39% of the Board’s total general surveys results; 46% of the total licensing survey results; and 43% of the total enforcement survey results.

As reported in the Board’s prior Sunset Report and explained above, survey response rates for FY 12/13-15/16 were low compared to the amount of contact the Board has with the public and its licensees. Nevertheless, the General, Licensing, and Enforcement survey results show a trend of increasingly positive results over the past four fiscal years.

Consumers who utilize these surveys also have the opportunity to provide written comments regarding the different aspects of the Board. These comments provide an opportunity for management to follow up with both the consumer and staff to ensure exceptional customer service.

The Board will continue to research additional methods to increase response rates, and provide excellent service to consumers and licensees. This is an important component to the Board’s mission and strategic goals.

| Board General Customer Satisfaction Survey Fiscal Years (FY) 12/13 – 15/16 | | | | | |
|---|------------------------|-----------------------|-----------------|-----------------|-----------------|
| Are you a(n): | Answer Options | Response Count | | | |
| | | FY 12/13 | FY 13/14 | FY 14/15 | FY 15/16 |
| | Applicant | 1 | 3 | 0 | 0 |
| | Licensee | 8 | 22 | 8 | 11 |
| | Consumer | 1 | 0 | 0 | 0 |
| | Government Agency | 0 | 0 | 0 | 0 |
| | Optometric Association | 0 | 1 | 1 | 0 |
| | Other | 0 | 1 | 0 | 1 |
| Total Respondents | 10 | 27 | 9 | 12 | |
| On average, how many times do you contact the | Answer Options | Response Count | | | |
| | | FY 12/13 | FY 13/14 | FY 14/15 | FY 15/16 |
| | 0-1 times | 10 | 25 | 8 | 12 |

⁸ Surveys are emailed upon enforcement case closure. Not all subjects are sent the survey because not all are aware an enforcement case existed.

| | | | | | |
|--|--|-----------------|-----------------|-----------------|-----------------|
| Board per month? | 2-3 times | 0 | 2 | 1 | 0 |
| | 4-5 times | 0 | 0 | 0 | 0 |
| | 6 or more times | 0 | 0 | 0 | 0 |
| What was your purpose for contacting the Board? Choose all that apply. | Response Count | | | | |
| | Answer Options | FY 12/13 | FY 13/14 | FY 14/15 | FY 15/16 |
| | Board Meetings | 1 | 0 | 1 | 3 |
| | Board Member Contact | 0 | 0 | 0 | 1 |
| | Executive Officer | 0 | 0 | 0 | 0 |
| | Forms | 4 | 7 | 2 | 3 |
| | Laws and Regulations | 3 | 7 | 4 | 6 |
| | Law Exam Workshops | 0 | 1 | 1 | 1 |
| | Newsletter | 0 | 1 | 0 | 1 |
| | Public Records Act Request | 0 | 0 | 0 | 0 |
| | Request for Information | 2 | 9 | 2 | 2 |
| | Subject Matter Expert Info | 0 | 1 | 0 | 0 |
| | Other | 4 | 9 | 3 | 2 |
| Were you transferred to the appropriate individual if you were unable to get a response from your initial contact with the Board? | Response Percent | | | | |
| | FY 12/13 | FY 13/14 | FY 14/15 | FY 15/16 | |
| | Yes | 60 | 52 | 78 | 92 |
| Based on your contact with the Board, please rate the following: | Rating Average (1=Unacceptable, 5 = Excellent) | | | | |
| | Answer Options | FY 12/13 | FY 13/14 | FY 14/15 | FY 15/16 |
| | Staff Courteous/Helpful | 3.89 | 3.59 | 4.13 | 4.33 |
| | Staff Knowledgeable | 3.67 | 3.86 | 4.13 | 4.33 |
| | Staff Accessible | 3.22 | 3.61 | 4.13 | 4.25 |
| | Staff Responsiveness | 2.88 | 3.52 | 4 | 4.25 |
| Overall Satisfaction | 3.2 | 3.39 | 4.38 | 4.08 | |
| Prior to contacting the Board, did you visit the Board's website at www.optometry.ca.gov? | Response Percent | | | | |
| | FY 12/13 | FY 13/14 | FY 14/15 | FY 15/16 | |
| | Yes | 70 | 93 | 44 | 75 |
| Did you receive the service you needed as a result of your contact with the Board? | Response Percent | | | | |
| | FY 12/13 | FY 13/14 | FY 14/15 | FY 15/16 | |
| | Yes | 60 | 63 | 78 | 92 |

Board General Customer Satisfaction Survey Additional Comments:

Option 1 (Specific Comments):

FY 16/17

- In the manner of no longer displaying the name of many deceased registrants, delete the name of one who has been dead for ten years, and whose license was revoked. Relentless disappointment does not beget satisfaction. The names of many registrants who failed to apply for relicensure [sic] were eventually deleted from the roster. The name and license status of one, whose license was revoked more than a decade ago, no subsequent complaints were filed, and has been deceased not much after the revocation, is continued to published without detailed explanation of the reason for revocation. I cannot imagine what purpose it serves.
- The one person designated to assist me is not in on Mondays.

- 1 • It can require multiple calls to reach someone at the office. However, when I am able to finally
- 2 reach someone, the person is usually very helpful.
- 3 • I don't contact frequently but find staff arrogant and demeaning. Customer service ranks up
- 4 with DMV. they seem to know you have to deal with them and they are the ones with the
- 5 power over your livelihood. Very scary situation. General Website Comments: Convoluted
- 6 government babble. Not written for the non-political consumer
- 7 • Received mismatching info regrading CE hours as a new grad.
- 8 • [Redacted] is not very friendly on the phone. Her answers are always short and in a "shouldn't
- 9 you already know this" tone. She always makes me feel like it is a nuisance to call the Board.
- 10 With all the money I pay in fees, it would be nice if she were a little more friendlier [sic] and
- 11 helpful. Received Services Needed: Yes, but in a rude way.
- 12 • Board staff often gives the impression that they just work at their own pace, regardless of
- 13 upcoming deadlines.
- 14 • I truly felt more like a bother when I was calling
- 15 • The person I spoke with had a sarcastic attitude that belittled me.
- 16 • Unelected buracrates [sic] holding power over licensees with not sense of customer service.
- 17 You rate right up there with the DMV.
- 18 • Great Customer Service- I am applying to NM right now and wish they had the same level of
- 19 service as you all.
- 20 • I wanted to update my license, the board cashed my check but never updated my license.
- 21 • The board refuses to enforce the optometry laws and regulations on a consistent basis

FY 15/16

- 25 • Previously my decision of vindication was on the website after the accusation. Please put my
- 26 decision that vindicates and exonerates me after the accusation the way it had been. Thank
- 27 you. We had wanted the websites to list the two vehicle violations only
- 28
- 29 • There are principles of Board practice regarding license classification which need revising,
- 30 particularly those whose licenses were suspended revoked or where listings are omitted
- 31 because of death, when others are listed as deceased.

FY 14/15

- 36 • It takes too long to receive license in the mail. To apply to an Insurance panel we need copy of
- 37 the state license. The board should be prepared to answer any question regarding current laws
- 38 and regulations, I was told to consult with my attorney once.
- 39 • Why is the CA Board of Optometry not enforcing SB 655

FY 13/14

- 44 • given wrong info by renewal staff and now have to pay twice to fix the problem even though
- 45 both parties made errors. Staff helping with renewals have an attitude and do not take any
- 46 responsibility for errors made by their staff. The manager does not want to be accountable for
- 47 staff. Does not give correct info when statement of licensure renewal not send [sic] and that

1 renewal [sic] has to be done manually and you can not use forms off website to renew. Because
 2 I was early by one month, they would not renew my statement of licensure and made be pay
 3 extra fee because they only renewed it for 1 month till it expired and now I have to pay again.

- 4 • I never contacted the Board. My renewal was up in April 2013 and prior to this year, there was
 5 a 30 day grace period. I typically paid sometime in May but this year, I noticed the grace period
 6 had been taken away and I was charged a late fee. Some notice of this change in policy would
 7 have been VERY much appreciated. I paid it, but was very disgusted by how this change in fee
 8 structure was implemented! Never tried to contact the Board. Felt it was pointless to bring up
 9 my concerns and that the Board likely purposely made the change in fee structure quietly in
 10 order to gain additional revenue. If any attempt was made to inform licensees of the change, it
 11 was lackluster.
- 12 • No one ever answers the phone. I can only leave a message and have up wait for a return call,
 13 Answer the phone. Please enforce and uphold the "double door" law that protects optometry
 14 and patients HIPPA rights. This is not a commerce but ocular health issue.
- 15 • Patients have told me that the optometrist from Lenscrafters and Costco are "employees" for
 16 these stores. They do not feel they are "independent." Confused why Board of Optometry is
 17 not enforcing SB655.
- 18 • The lady answering my questions needs more customer service "happy" training 4No [sic] one
 19 was willing to step outside their boundaries and solve this problem
- 20 • They transferred me to a gentleman, but I needed to speak to someone who could answer my
 21 questions from the jurisprudence exam. If its [redacted], I would rate him excellent, but its not
 22 him who deals with the law examination, so I can't rate. The Examination Policy Analyst sent
 23 me an email saying my scores are fine and by arbitrarily adjusting my scores would jeopardize
 24 the integrity of the licensing process, and consequently the examination. I am not asking my
 25 scores to be adjusted arbitrarily. I want a rationale and answers to my questions.
- 26 • The complaint was asserting that I was incompetent! The board should be aware that I have
 27 been licensed in California for 37 years with maybe one complaint in all those years. The
 28 patient, it turns out, wants a full refund (which we offered anyway), but he refuses to return the
 29 eyeglasses. I sent exam records, have heard nothing since for several weeks. I feel my
 30 relationship with the board is overly adversarial, and it doesn't need to be!
- 31 • I submitted my fictitious business name permit in July. My check cleared July 25. Since it is a
 32 requirement that applicants submit a signed lease to obtain a permit, it is hopefully obvious to
 33 the board that waiting 12 weeks from the date of the check clearing to conduct any business
 34 with that name is stressful as I am paying rent and not conducting business. I have made
 35 several attempts to contact [redacted] who I was told by the front desk that she was the staff
 36 member to talk to about this permit. The staff on several occasions gave me misinformation
 37 about when she would be available. After several attempts I reached [redacted] today. The
 38 point of me calling was to get the following information... Did you receive everything you
 39 needed from me to complete the permit? and secondly can you give me a more accurate time
 40 frame that my permit would be completed as it has been processing for 5 weeks so far. The
 41 [redacted] continually got defensive and told me that she could not approve my permit ahead
 42 of time, which I was not asking her to do and she told me that I was insulting her job and that
 43 she had been working for the board for 17 years. She told me that I was being too direct and
 44 continued to "educate" me on the process of the permit with less than satisfactory customer
 45 service. She told me that she had to go because I was keeping her from completing her work.
 46 Our phone conversation totaled 9 minutes, which was less than the time I invested trying to get
 47 ahold of her. I ended up apologizing and crying on the phone and she continued to be rude

1 and in the end did not even say bye when she hung up the phone. I feel uncomfortable from
 2 these events. Maybe she is a nice person and I caught her at the wrong time. She is obviously
 3 knowledgeable if she has worked there for 17 years and I never meant to insult her or her job. I
 4 have never filled out a complaint for anything including service that I have received. Maybe in
 5 the future that board could implement some online system that would allow applicants to check
 6 on the status of their permits over the course of the 12 week processing time that would
 7 alleviate them from calling into the board and bothering the staff and keeping them from
 8 completing their jobs.

- 9 • Except: In the listing of licentiate's status, Some are current, some deceased, some delinquent
 10 -who are deceased or retired - many are missing without explanation. Yet the one status
 11 revoked, although deceased for many years, must be maintained for seventy-five years. Law is
 12 supposed to be based on reason. I completed this form because it came with the
 13 announcement of a new format and logo.
- 14 • Delayed license renewal. No one was willing to step outside their boundaries and solve this
 15 problem. I contacted my Assembly Persons office, an OD on the CSBO, the Governor's Office,
 16 the CEO and medical director at Sutter Gould Medical Group where I work. I also talked to
 17 numerous people at the CSBO as did our Physician Services Department. Somehow all of this
 18 attention must have expedited things. Had I relied on the CSBO to act based on my situation I
 19 would probably still be rescheduling patients waiting for my license renewal to be processed.
- 20 • Online helpful. Now that I receive updates in my email, I have little need to contact the Board.
- 21 • I changed place of practice. Still waiting for final papers.
- 22 • Does it really take 12wks to process a FNP application?

23 **FY 12/13**

- 26 • The Op Board won't accept the medical board release of information? I have to submit two
 27 different forms to two different boards? Why? They say and ask for the same thing. This is a
 28 waste of government resources, time and the taxpayer's effort. Maybe a link or explanation
 29 [sic] on the medical board web site. I would think if one board received a complaint, it would be
 30 forwarded to another board and the taxpayer wouldn't/shouldn't have to know there is a
 31 difference. Not yet. It's only been three weeks to get a simple request for my medical records
 32 to get to the right "board". I'm not anticipating anything.
- 33 • [Redacted] responded to my email promptly with and answered my questions thoroughly.

35 **Option 2 (Comment Summaries):**

37 **FY 16/17 Additional Comments Summary:**

39 Out of the 64 General Survey responses received in Fiscal Year 16/17 (July 1, 2016-November 4,
 40 2016), 20% (XX) provided additional comments. Of those, 8% (XX) provided positive feedback
 41 related to services received by the Board. 77% (XX) experienced some level of dissatisfaction with
 42 customer service related to staff demeanor and availability. The remaining 15% (XX) related to
 43 negative experiences involving not enforcing the law and the requirement to post disciplinary actions
 44 pursuant to BPC § 27. To improve the Board's customer service, the Board has focused its efforts on
 45 additional staff development. Part of this includes having all staff complete all customer service
 46 classes offered through DCA's SOLID Training Solutions.
 47

FY 15/16 Additional Comments Summary

Of the 12 General Survey Responses received, 17% (2) included additional comments. Both related to the Board posting disciplinary actions, pursuant to Business and Professions Code § 27.

FY 14/15 Additional Comments Summary

Of the 9 responses received, 22% (2) included additional comments. One related to the Board's inability to interpret statutes and regulations for individuals and the amount of time to receive a license by mail. The other comment related to the Board not enforcing BPC § 655.

FY 13/14 Additional Comments Summary

Out of the 30 survey responses received, 43% (13) provided additional comments. Of those, 69% (9) reported dissatisfaction with staff demeanor, customer service, process and availability. 7% (1) reported positive staff feedback. In addition, 7% (1) reported dissatisfaction with the Board's posting disciplinary actions, pursuant to Business and Professions Code § 27, 7% (1) was reported dissatisfaction with a respondent's enforcement case, and 7% (1) related to the Board not enforcing BPC § 655.

FY 12/13 Additional Comments Summary

Out of the 10 survey responses received, 20% (2) provided additional feedback. One response expressed dissatisfaction with the Board's inability to accept another Board's Authorization for Medical Records release and the other response provided positive staff feedback.

| Board Licensing Customer Satisfaction Survey Fiscal Years (FY) 12/13-14/15 | | | | | |
|---|-------------------------|--|-----------------|-----------------|-----------------|
| Are you a(n): | Answer Options | Response Count | | | |
| | | FY 12/13 | FY 13/14 | FY 14/15 | FY 15/16 |
| | Applicant | 11 | 11 | 4 | 0 |
| | Licensee | 6 | 4 | 1 | 1 |
| | Consumer | 2 | 1 | 2 | 2 |
| | Total Respondents | 19 | 16 | 7 | 3 |
| Based on your initial contact with the Board, please rate the following: | Answer Options | Rating Average (1 = Unacceptable, 5 = Excellent) | | | |
| | | FY 12/13 | FY 13/14 | FY 14/15 | FY 15/16 |
| | Staff Courteous/Helpful | 4.67 | 3.73 | 4.14 | 5 |
| | Staff Knowledgeable | 4.79 | 3.87 | 4.57 | 5 |
| | Staff Accessible | 4.6 | 3.73 | 4.71 | 5 |
| | Staff Responsiveness | 4.56 | 3.79 | 4.29 | 5 |
| | Overall Satisfaction | 4.55 | 3.71 | 4.14 | 5 |
| During your initial contact with the Board, were you transferred to the appropriate individual in the Licensing Unit? | Answer Options | Response Percent | | | |
| | | FY 12/13 | FY 13/14 | FY 14/15 | FY 15/16 |
| | Yes | 89 | 75 | 86 | 100 |
| On average, how many times do you contact the Board's Licensing Unit per month? | Answer Options | Response Count | | | |
| | | FY 12/13 | FY 13/14 | FY 14/15 | FY 15/16 |
| | 0-1 times | 16 | 10 | 4 | 3 |
| | 2-3 times | 1 | 4 | 2 | 0 |
| | 4-5 times | 0 | 1 | 0 | 0 |
| | 6 or more times | 0 | 1 | 0 | 0 |
| What was your purpose for | Answer Options | Response Count | | | |
| | | FY 12/13 | FY 13/14 | FY 14/15 | FY 15/16 |

| | | | | | |
|---|--|--|-----------------|-----------------|-----------------|
| contacting the Licensing Unit? Choose all that apply. | Address Change | 0 | 1 | 1 | 1 |
| | Application for Licensure (CA) | 5 | 4 | 2 | 0 |
| | Application for Licensure (out-of-state) | 5 | 6 | 2 | 0 |
| | CLRE | 2 | 5 | 2 | 0 |
| | Business Licenses | 1 | 0 | 0 | 0 |
| | Laws and Regulations | 1 | 2 | 0 | 1 |
| | Optometry License Renewal | 1 | 2 | 0 | 1 |
| | Verification of Licensure | 1 | 2 | 0 | 0 |
| | Other | 6 | 2 | 2 | 2 |
| Based on your contact with the Board's Licensing Unit, please rate the following: | Answer Options | Rating Average (1 = Unacceptable, 5 = Excellent) | | | |
| | | FY 12/13 | FY 13/14 | FY 14/15 | FY 15/16 |
| | Staff Courteous/Helpful | 4.75 | 3.8 | 4.5 | 5 |
| | Staff Knowledgeable | 4.81 | 3.87 | 4.67 | 5 |
| | Staff Accessible | 4.63 | 3.8 | 4.83 | 5 |
| | Staff Responsiveness | 4.56 | 3.8 | 4.83 | 5 |
| Overall Satisfaction | 4.63 | 3.87 | 4.67 | 5 | |
| Prior to contacting the Board's Licensing Unit, did you visit the Board's website at www.optometry.ca.gov? | | Response Percent | | | |
| | | FY 12/13 | FY 13/14 | FY 14/15 | FY 15/16 |
| | Yes | 79 | 94 | 71 | 67 |
| Did you receive the service you needed as a result of your contact with the Board Licensing Unit? | | Response Percent | | | |
| | | FY 12/13 | FY 13/14 | FY 14/15 | FY 15/16 |
| | Yes | 79 | 56 | 86 | 100 |

Board Licensing Customer Satisfaction Survey Additional Comments:

OPTION 1 (Specific Comments)

FY16/17

- [Redacted] from the licensing department was extremely helpful. She replied to all my emails and concerns promptly and professionally which I appreciated very much
- Keeping e-mail response time within 48 hours would be appreciated, however phone response was excellent
- The Board needs to hire more professional and helpful employees. I was made to wait not 8-10 weeks to obtain my initial fictitious name permit, but 4 months!!! She was also extremely rude. The Board needs to fire the current idiot and rude employee that works in the Fictitious Name Permit dept. She was completely rude to me, and was unable to be of any help because she could not look up the status of my fictitious name permit since I had to wait up to 4 months instead of the normal 8-10 weeks to obtain my FNP. It would be very helpful to applicants if the Board would email the status of the applications for FNP apps. Waiting over 8 weeks WITHOUT any communication/update is UNACCEPTABLE!!! I don't know, because all this employee told me was the same rhetoric...wait 8-10 weeks for the processing of your fictitious name permit. She was also extremely rude!!! Again, the employee who helped me did NOT do her job because she couldn't answer any of my questions about the status of my FNP application, which was taking TOO long to process (over 12 weeks, 4 months). How difficult was it to email me the status of my FNP application every 2 weeks?!!! I couldn't even generate any income from my practice because I couldn't use my FNP yet!!!

- 1 • Renewed license online so no interaction with any staff. Renewed online. Did not contact
2 otherwise. Did not interact with a live person. Could not pay for my renewal on my mobile
3 tablet; forced to switch to a laptop.
- 4 • I submitted my application for glaucoma certification in March. Currently I have not heard back
5 from the board with regards to my application. Check has been cashed.
- 6 • Board was very helpful and conscientious to provide duplicates of my misplaced license
7 Greatly appreciated
- 8 • License renewal billed at \$16. Paid 3/7/16. License declare [sic] delinquent 7/16/16 at \$459
9 Requested exclamation. No reply, now apparently delinquent .
- 10 • Wonderful staff! Always helpful and detail oriented. Extremely nice staff
- 11 • Different staff will have different explanation to regulations
- 12 • Always received help that exceeded my reservations.
- 13 • State board "lost" my TMOD scores, had to pay testing agency to resend info. My wife
14 personally went into office to pay license fee well in advance of expiration, however, license
15 was sent postmarked 1 day AFTER expiration [sic] date. Wife paid license fee in person at
16 State Board office, however, office would not release new license and in fact sent license
17 postmarked 1 day AFTER expiration, even though fee and CE certification was submitted 6
18 weeks prior. State Board loss my TMOD scores only found out when I contacted Board on why
19 TPA certification was delayed
- 20 • [Redacted] was so incredible in replying promptly to all my e-mails. I greatly appreciate all her
21 hard work very much. Thank you for everything.
- 22 • [Redacted] is great!! [Redacted] was wonderful to work with
- 23 • I am very satisfied with the staff knowledgeable of what they do and how they respond
24 promptly to customers. Please keep the good job going. Thank you. The organization and
25 everything about the unit is excellent. Good job. Helpful.
- 26 • [Redacted] has been extremely helpful
- 27 • No problems ever for the past 34 years
- 28 • Inability to obtain and renew license online is very inconvenient
- 29 • I had an illness and had a continuing education audit. I thought the board was very reasonable
30 in its expectations under the circumstances.
- 31 • I love BREEZE for renewals. It makes life so much easier. THANK YOU
- 32 • I do not like the new website at all, too difficult to navigate
- 33 • Breeze system is terribly complicated to register and sign in. Old website was much more
34 functional and old licensing invoice was extremely easy. BREEZE is a complicated and
35 unworkable system, the wording and functionality are not clear, signing in and registering is
36 terribly complicated. Dump Breeze system and add a phone line just for Optometrists, or
37 disband the Board. The old web page was simple and intuitive. The new page is complicated. I
38 still have not received my corrected license because the board stubbornly will not mail
39 documents to a home address. Your activities are next to worthless.
- 40 • It would be MUCH BETTER if the license renew notice was sent out earlier that 6 or so weeks
41 before license expiration. New license often arrives barely before expiration date! I think 3-4
42 months of lead time would prevent a lot of stress of waiting for license to show up. thanks!
- 43 • There was a slight mix up with my application renewal but was resolved quickly [sic] and
44 efficiently.
- 45 • I was approved for a license nobody contacted me to let me know date of approval.
- 46 • Get more staff or interns to assist. Not easily to manage. Eventually, I was able to get the
47 information.

- Employee was abrupt, threatening and provided very poor service. She was "training" a new hire and wanted to show her how to be forceful and obnoxious. The board contacted me to get a fictitious [sic] name permit, stating that my corporation license expired 7 years ago and that they sent one notice 7 years ago. I had to provide them with my 160 page lease agreement (mailed not emailed) within 2 days otherwise I would have a penalty. For my 2 phone calls, I was threatened to lose my license and have severe penalties, for something the board sent 1 notice, 7 years ago
- Online Renewal very good!
- I just renewed my license and it has never been more efficient and timely. Thank you!
- Cancel license renewal. No answer was received. Not sure, really if they got the notice.
- I want to know if I can get my License renewed as retired with the ability to practice in NON profit areas at the lowest rate
- My "license" was not legible, due to low ink in the printer! Very poor quality control of a document I'm proud to carry..
- [Redacted] from the licensing unit went above and beyond in assisting me with the matter I contacted the board about (verifying CE courses for renewal of license). She is friendly and kept me updated every day.
- The main contact person, [redacted], went on leave shortly after my initial contact with her. [Redacted] took over, but getting my address updated and getting my Glaucoma Certification processed took a very long time. The info given to me regarding address change was conflicting between the two people as well.
- EXCELLENT OVERALL!
- I was fortunately able to solve my problem on my own.
- I did receive the service needed; however the person on the phone was very rude. It was a very unpleasant experience.
- Had a difficult time figuring out which form to use to update license. They never updated my license correctly yet took my money.
- Board consistently refuses to enforce laws and regs
- Got transferred a lot to different people
- The professionalism and responsiveness by [redacted] was exceptional. Her guidance to help ensure that my file was complete and her follow up on notifying what documents have/have not been received was critical in my application process.
- Generally I am pretty happy with the service that the staff has provided. Thanks for doing a good job and keep up the good work!
- It will be great if we can renew licenses online.

FY 15/16

None Received

FY 14/15

- [Redacted] is always very knowledgeable and helpful. Great Job.
- Person was in meetings for the day

FY 13/14

- 1 • If board staff is overwhelmed with workload from handling duties relating to applicants, please
- 2 find the means to hire more staff to address the concerns of the applicants
- 3 • Still not able to contact; Not able to contact with a person on life to talk to customer service yet
- 4 • I sent 3 emails regarding my license and did not receive any response. I had to call them
- 5 directly to be told they are still processing and have to wait 6-8 wk processing time. The
- 6 personnel was annoyed that I ask to inquire about my license and why it took so long to
- 7 receive it. They didn't know where my application was. I'm still waiting on my license since
- 8 august.
- 9 • Person responsible to answer the questions is neither available nor courteous enough to call
- 10 when left message. He does not have specific hours of operation and is impossible to reach
- 11 him to know application status. For over "400 applications" he is the only one taking care of
- 12 cases with no apparent interdepartmental database to share status of applications for
- 13 telephone operators to help the applicants. To make things even worse, after over three
- 14 months of applications and after several phone calls to contact them knowing the deficiencies
- 15 in applications, I was finally told NBEO scores were not reported and as per NBEO they were
- 16 sent [sic] over 6 months ago, this just suggest Boards have either lost score sheet or cared not
- 17 to even check for them. Either case, it is costing my Job which is pending my licensure after I
- 18 have done everything I could do to process licensure in timely manner.
- 19 • [Redacted] is always very courteous and helpful in working through the application process for
- 20 continuing education. Very helpful that there is a license search so that we can prepare CE
- 21 certificates of attendance.
- 22 • [Redacted] and the operator lady, have been so very patient with me. I called multiple times
- 23 inquiring as to if my license was ready and the tentatively answered all my questions; rarely
- 24 was I on hold for more than a few minutes.

25
26 **FY 12/13**

- 28 • The Application for Licensure has some errors 1. When I type the city of my residence, it
- 29 automatically changes the city of my Optometry school. 2. when i click yes for "successfully
- 30 completing all sections of part 1, 2,3, it automatically changes to yes for passed California Law
- 31 Examination
- 32 • been waiting over a year for an FNP; Had to leave a voice mail [sic] 3 times with no returned
- 33 call...; Had to call back again in about a month.... still not done.... call back in another month!!!
- 34 • [Redacted] is great. Very helpful and responds quickly to email.
- 35 • [Redacted] is very knowledgeable and extremely helpful. Emailed a [redacted] directly
- 36 • I don't know if he was the appropriate individual, but he could not answer the question I had
- 37 • No response regarding my TPL application until I contacted them 2 months later, then I was
- 38 left hanging until I contacted them 2 and a half months after that. Was told the supervising
- 39 doctor that signed off my TPL was not an "ophthalmologist" even though he practices
- 40 ophthalmology in California and is a board certified ophthalmologist.
- 41 • It would be nice to see information presented more systematically.

42
43 **Option 2 (Comment Summaries)**

44
45 **FY 16/17 Additional Comments Summary**

46 Of the 85 survey response received, roughly 50% (42) provided additional feedback. Of those, 48%

47 (XX) reported positive experiences with licensing staff, processes, timeliness, and the BreEZe

1 system. 24% (XX) reported negative experiences with staff and 17% (XX) about technical difficulties.
 2 12% (XX) included negative experiences outside of the Board's control (e.g., not enforcing laws
 3 outside of our jurisdiction, license/certification requirements, etc.).

4
 5 **FY 15/16 Additional Comments Summary**

6 Of the 3 survey responses received, none contained additional feedback.

7
 8 **FY 14/15 Additional Comments Summary**

9 Of the 7 survey responses received, 29% (2) provided additional feedback. One reported a positive
 10 staff experience and another was unable to reach staff while in a meeting.

11
 12 **FY 13/14 Additional Comments Summary**

13 Of the 18 survey responses received, 33% (6) provided additional feedback. Of those, 22% (4)
 14 reported negative experiences with staff and process timeliness. 11% (2) reported positive staff
 15 experiences.

16
 17 **FY 12/13 Additional Comments Summary**

18 Of the 19 survey responses received, 37 % (7) provided additional feedback. Of those, XX% (X)
 19 provided additional feedback to improve the license application and information distribution, XX% (X)
 20 reported positive staff experiences, and XX% (X) reported positive staff experiences.
 21

| Board Enforcement Customer Satisfaction Survey Fiscal Years (FY) 12/13-14/15 | | | | | |
|---|-------------------------|---|----------|----------|----------|
| Are you a(n): | Answer Options | Response Count | | | |
| | | FY 12/13 | FY 13/14 | FY 14/15 | FY 15/16 |
| | Applicant | N/A | 0 | N/A | 0 |
| | Licensee | N/A | 1 | N/A | 0 |
| | Consumer | N/A | 0 | N/A | 1 |
| Total Respondents | N/A | 1 | N/A | 1 | |
| Based on your initial contact with the Board, please rate the following: | Answer Options | Rating Average (1 = Unacceptable, 5 = Excellent) | | | |
| | | FY 12/13 | FY 13/14 | FY 14/15 | FY 15/16 |
| | Staff Courteous/Helpful | N/A | 1 | N/A | 5 |
| | Staff Knowledgeable | N/A | 1 | N/A | 5 |
| | Staff Accessible | N/A | 1 | N/A | 5 |
| | Staff Responsiveness | N/A | 1 | N/A | 5 |
| Overall Satisfaction | N/A | 1 | N/A | 5 | |
| During your initial contact with the Board, were you transferred to the appropriate individual in the Enforcement Unit? | Answer Options | Response Percent | | | |
| | | FY 12/13 | FY 13/14 | FY 14/15 | FY 15/16 |
| | Yes | N/A | 100% | N/A | 100% |
| On average, how many times do you contact the Board's Licensing Unit per month? | Answer Options | Response Count | | | |
| | | FY 12/13 | FY 13/14 | FY 14/15 | FY 15/16 |
| | 0-1 times | N/A | 1 | N/A | 0 |
| | 2-3 times | N/A | 0 | N/A | 1 |
| | 4-5 times | N/A | 0 | N/A | 0 |
| 6 or more times | N/A | 0 | N/A | 0 | |
| What was your purpose for contacting the Licensing Unit? Choose all that apply. | Answer Options | Response Count | | | |
| | | FY 12/13 | FY 13/14 | FY 14/15 | FY 15/16 |
| | Disciplinary History | N/A | 0 | N/A | 0 |
| | Laws and Regulations | N/A | 0 | N/A | 1 |

| | | | | | |
|---|-----------------------------|--|-----------------|-----------------|-----------------|
| | Request to File a Complaint | N/A | 0 | N/A | 0 |
| | Pending Complaint | N/A | 1 | N/A | 0 |
| | Probation | N/A | 0 | N/A | 0 |
| | Other | N/A | 0 | N/A | 0 |
| Based on your contact with the Board's Enforcement Unit, please rate the following: | Answer Options | Rating Average (1 = Unacceptable, 5 = Excellent) | | | |
| | | FY 12/13 | FY 13/14 | FY 14/15 | FY 15/16 |
| | Staff Courteous/Helpful | N/A | 1 | N/A | 5 |
| | Staff Knowledgeable | N/A | 1 | N/A | 5 |
| | Staff Accessible | N/A | 1 | N/A | 5 |
| | Staff Responsiveness | N/A | 1 | N/A | 5 |
| | Overall Satisfaction | N/A | 1 | N/A | 5 |
| Prior to contacting the Board's Enforcement Unit, did you visit the Board's website at www.optometry.ca.gov? | | Response Percent | | | |
| | | FY 12/13 | FY 13/14 | FY 14/15 | FY 15/16 |
| | Yes | N/A | 100% | N/A | 100% |
| Did you receive the service you needed as a result of your contact with the Board Enforcement Unit? | | Response Percent | | | |
| | | FY 12/13 | FY 13/14 | FY 14/15 | FY 15/16 |
| | Yes | N/A | 0% | N/A | 100% |

Board Enforcement Customer Satisfaction Survey Additional Comments:

Option 1 (Specific Comments):

FY 16/17

- Not until multiple requests
- I received a letter from the Board informing me that the Board was investigating me for possible violations of the Optometry Practice Act. The letter threatened disciplinary action and fines if a written response from me along with materials proving that I was in compliance was not received by a certain date. I responded quickly with the requested materials. I requested an email or letter from the Board confirming that the matter had been settled, but received no response. I sent another email, again asking for acknowledgement that the Board was satisfied with the materials I sent and asking for the courtesy of a reply. Still no response to this day. A similar experience happened to me some years ago. I received a threatening letter from the Board, and realized by the practice location that was listed on their letter was for another doctor with my same last name. I sent a letter explaining their mistake, and in response I received a curt letter saying that the matter was closed- no apology for the threatening letter or their false accusation. Be aware that to an optometrist, to receive a threatening letter from the Board of Optometry is intimidating. In both of my encounters, the mistakes were not mine, and yet I was treated rudely. Perhaps the Board should be more thorough in checking the facts before making an accusation, and don't assume the doctor is guilty until he can prove himself innocent.
- Of the 100 who became certificated in 1959, only a few remain on the roster. There is no consistency re the status of those missing, delinquent or deceased. Revocation, even though deceased a decade, persists. Kindness toward the memory of one of blessed memory, who did much good in his lifetime.
- Board is basically unresponsive; outreach to consumer is terrible and inappropriate

1
2 **FY 15/16**

3
4 None Received

5
6 **FY 14/15**

7
8 None Received

9
10 **FY 13/14**

- 11
- 12 • "Enforcers" are uninformed and attempting to entrapment licensees and then allege so-called
 - 13 violations. After 5 correspondence letters and showing proof of compliance you'd think
 - 14 communication would cease. Clearly I was wrong! Enforcement officer didn't explain anything
 - 15 in full and expected that I (a non doctor) know the laws and regulations. When is enough
 - 16 enough?

17
18 **FY 12/13**

19
20 None Received

21
22 **Option 2 (Comment Summaries):**

23
24 **FY 16/17 Additional Comments Summary**

25 Of the 20, 20% (4) provided additional comments. Of those, 50% (2) were enforcement

26 respondents unhappy with the enforcement process and timeliness of staff responses. 25% (1)

27 negative response related to the Board posting disciplinary actions pursuant to BPC § 27, and the

28 other 25% (1) was dissatisfied with enforcement's response time and consumer outreach.

29
30 **FY 15/16 Additional Comments Summary**

31 Of the one response received, no additional comments were provided.

32
33 **FY 14/15 Additional Comments Summary**

34 The Board received survey no responses for FY 14/15.

35
36 **FY 13/14 Additional Comments Summary**

37 The Board received one response from a Respondent for FY 13/14. The Respondent was

38 unhappy about the enforcement process.

39
40 **FY 12/13 Additional Comments Summary**

41 The Board received no survey responses for FY 14/15.

42 **Section 3 Fiscal and Staff**

43
44 ***Fiscal Issues***

1 **Is the board’s fund continuously appropriated? If yes, please cite the statute outlining**
 2 **this continuous appropriation.**

3 The Board is not continuously appropriated.

4 **Describe the board’s current reserve level, spending, and if a statutory reserve level**
 5 **exists.**

6 Optometry Fund

7 At the end of FY 2015/2016, the Board had \$1,908,000 in reserves, equating to 12 operational
 8 months. The Board estimates FY 2016/2017 reserve balance to be approximately \$2,827,000
 9 equaling 17.4 months in reserve. The increase in reserve balance is due to the anticipated
 10 repayment of \$1 million dollar loan to the General Fund in FY 2011/2012. However, the Board
 11 anticipates future decreases to its reserve fund due to expected expenditures being higher
 12 than expected revenue. The Board’s statutory reserve fund limit is six months (BPC section
 13 3145).

14 RDO Program Fund

15 The Registered Dispensing Optician (RDO) program was transferred over January 2016 so the
 16 fiscal data is limited. The fund ended the FY 2015/2016 with \$158,000 reserve balance with is
 17 a 6.1 month reserve and the Board estimates that FY 2016/2017 \$28,000 which is a 1.1 month
 18 reserve. Because of the steep decline in reserve fund the Board sought a fee increase
 19 through the legislature in 2016. No statutory reserve currently exists for the RDO program.

20
 21 **Describe if/when a deficit is projected to occur and if/when fee increase or reduction is**
 22 **anticipated. Describe the fee changes (increases or decreases) anticipated by the**
 23 **board.**

24 Optometry Fund

25 The Board is projecting expenditures higher than revenue, resulting in a decreased
 26 reserve. A fee increase will be needed in the future to maintain core business functions
 27 (licensing, enforcement and consumer protection) in the regulatory program, to rebuild the
 28 reserve funds, and absorb the anticipated and necessary increases in the operating budget
 29 in future years. However, the reserve is currently adequate and a fee increase at present
 30 would not be prudent. The Board closely monitors revenue, expenditures and reserve to
 31 ensure a fee increase will only be pursued as a last resort. The last fee increase became
 32 effective April 28, 2009 and the Board had not sought a fee increase since FY 1996/1997.
 33 The Board does not have immediate plans to increase or reduce fees. (BPC sections 3152,
 34 3152.5, and CCR section 1524)

35 RDO Program Fund

36 The fee structure that was in regulation when the RDO Program was moved from the
 37 Medical Board to the Board of Optometry was inadequate to support the program. A third
 38 party audit indicated that without a fee increase the fund will under recover the program’s
 39 cost by a significant margin. The Fee Audit projects, “by the end of fiscal 2016-2017
 40 Optometrists will be subsidizing the RDO program unless immediate action is taken.”
 41 (California Board of Optometry Registered Dispensing Opticians Program – Fee Audit).
 42 The fund is forecasted to be insolvent in FY 2017/2018. The Board determined that it is
 43 important to impose a fee that will ensure adequate consumer protection while endeavoring

to make the RDO program self-sustaining. The original fee had not changed since it was first created in 2000. The Board supported Senate Bill 1039 (Hill, 2016) which created a new fee structure for the RDO program. The bill specifies a minimum and maximum application fee amount for nonresident contact lens sellers, registered dispensing opticians, and spectacle lens dispensers and increases minimum and maximum amounts for already established fees. The bill authorizes the CBO to periodically revise and fix the fees.

Table 2.

| Fund Condition – Optometry (Dollars in Thousands) | | | | | | |
|--|----------------|----------------|----------------|-----------------|-----------------|----------------|
| (Dollars in Thousands) | FY 2012/13 | FY 2013/14 | FY 2014/15 | FY 2015/16 | FY 2016/17 | FY 2017/18 |
| Beginning Balance | 961 | 1,270 | 1,438 | 1,517 | 1,902 | 2,823 |
| Revenues and Transfers | 1,737 | 1,834 | 1,844 | 1,896 | 2,831 | 1,834 |
| Total Revenue | \$1,737 | \$1,834 | \$1,844 | \$1,896 | \$1,831 | \$1,834 |
| Budget Authority | 1,694 | 1,895 | 1,851 | 1,835 | 1,889 | - |
| Expenditures | 1,432 | 1,668 | 1,753 | 1,469 | 1,907 | 1,945 |
| Loans to General Fund | - | - | - | - | - | - |
| Accrued Interest, Loans to General Fund | - | - | - | - | - | - |
| Loans Repaid From General Fund | - | - | - | - | 1,000 | - |
| Fund Balance | \$1,270 | \$1,438 | \$1,518 | \$ 1,902 | \$ 2,823 | \$2,712 |
| Months in Reserve | 9.1 | 9.8 | 12.4 | 11.9 | 17.4 | 16.4 |

| Fund Condition – RDO (Dollars in Thousands) | | | | | | |
|--|--------------|--------------|--------------|---------------|--------------|---------------|
| (Dollars in Thousands) | FY 2012/13 | FY 2013/14 | FY 2014/15 | FY 2015/16 | FY 2016/17 | FY 2017/18 |
| Beginning Balance | 345 | 308 | 249 | 172 | 158 | 28 |
| Revenues and Transfers | 176 | 177 | 197 | 190 | 180 | 180 |
| Total Revenue | \$176 | \$177 | \$197 | \$190 | \$180 | \$180 |
| Budget Authority | 340 | 323 | 336 | 354 | 310 | - |
| Expenditures | 210 | 237 | 275 | 203 | 310 | 316 |
| Loans to General Fund | - | - | - | - | - | - |
| Accrued Interest, Loans to General Fund | - | - | - | - | - | - |
| Loans Repaid From General Fund | - | - | - | - | - | - |
| Fund Balance | \$308 | \$249 | \$172 | \$ 158 | \$28 | -\$108 |
| Months in Reserve | 15.5 | 10.9 | 10.1 | 6.1 | 1.1 | -4.0 |

Describe the history of general fund loans. When were the loans made? When have payments been made to the board? Has interest been paid? What is the remaining balance?

Optometry Fund

In FY 2011/2012, the Board made a \$1 million dollar loan to the General Fund out of the Optometry fund and has not been repaid.

RDO Program Fund

The RDO program does not have any general fund loans

Describe the amounts and percentages of expenditures by program component. Use Table 3. Expenditures by Program Component to provide a breakdown of the expenditures by the board in each program area. Expenditures by each component (except for pro rata) should be broken out by personnel expenditures and other expenditures.

| Expenditures by Program Component – Optometry | | | | | | | | | (Dollars in Thousands) |
|---|--------------------|--------------|--------------------|----------------|--------------------|--------------|--------------------|--------------|------------------------|
| | FY 2012/13 | | FY 2013/14 | | FY 2014/15 | | FY 2015/16 | | |
| | Personnel Services | OE&E | Personnel Services | OE&E | Personnel Services | OE&E | Personnel Services | OE&E | |
| Enforcement | 169 | 375 | 298 | 634 | 158 | 417 | 135 | 156 | |
| Examination | 0 | 12 | 0 | 45 | 0 | 15 | 0 | 20 | |
| Licensing | 196 | 102 | 159 | 84 | 274 | 109 | 233 | 111 | |
| Administration * | 291 | 110 | 202 | 62 | 410 | 133 | 346 | 125 | |
| DCA Pro Rata | 0 | 230 | 0 | 258 | 0 | 306 | 0 | 383 | |
| Diversion (if applicable) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| TOTALS | \$656 | \$829 | \$659 | \$1,083 | \$842 | \$980 | \$714 | \$795 | |

*Administration includes costs for executive staff, board, administrative support, and fiscal services.

| Expenditures by Program Component – RDO | | | | | | | | | (Dollars in Thousands) |
|---|--------------------|--------------|--------------------|--------------|--------------------|--------------|--------------------|--------------|------------------------|
| | FY 2012/13 | | FY 2013/14 | | FY 2014/15 | | FY 2015/16 | | |
| | Personnel Services | OE&E | Personnel Services | OE&E | Personnel Services | OE&E | Personnel Services | OE&E | |
| Enforcement | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Examination | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Licensing | 48 | 84 | 71 | 121 | 74 | 149 | 48 | 120 | |
| Administration * | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| DCA Pro Rata | 0 | 78 | 0 | 45 | 0 | 51 | 0 | 34 | |
| Diversion (if applicable) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| TOTALS | \$48 | \$163 | \$71 | \$166 | \$74 | \$200 | \$48 | \$154 | |

*Administration includes costs for executive staff, board, administrative support, and fiscal services.

Describe the amount the board has contributed to the BreZE program. What are the anticipated BreZE costs the board has received from DCA?

The chart below identifies what the Board of Optometry and Registered Dispensing Opticians Program has paid for the system (through FY 2015-16) and what the anticipated costs of the system are through FY 2018-19

Comment [D2]: This is still preliminary since the FY 2017-18 and FY 2018-19 amounts are pending the approval of a fall BCP.

**BreZE Costs and Funding
FY 2009-10 through FY 2018-19
(amounts in whole dollars)**

BreEZe Funding Needs

| | PROJECT | | | | | | | MAINTENANCE | | |
|-------------------------|------------|------------|------------|------------|------------|------------|------------|-------------|------------|------------|
| | FY 2009-10 | FY 2010-11 | FY 2011-12 | FY 2012-13 | FY 2013-14 | FY 2014-15 | FY 2015-16 | FY 2016-17 | FY 2017-18 | FY 2018-19 |
| | Actual | Actual | Actual | Actual | Actual | Actual | Actual | Budget | Budget | Budget |
| Total Costs | 427,051 | 1,495,409 | 5,349,979 | 6,753,287 | 14,825,159 | 16,657,910 | 27,468,154 | 23,497,000 | 22,456,000 | 21,531,000 |
| Redirected Resources | 427,051 | 1,495,409 | 3,198,486 | 4,818,002 | 5,806,881 | 7,405,427 | 7,430,456 | 2,080,000 | 2,080,000 | 2,080,000 |
| Total BreEZe BCP | - | - | 2,151,493 | 1,935,285 | 9,018,278 | 9,252,483 | 20,037,698 | 21,417,000 | 20,376,000 | 19,451,000 |

| Program Name | FY 2009-10 | FY 2010-11 | FY 2011-12 | FY 2012-13 | FY 2013-14 | FY 2014-15 | FY 2015-16 | FY 2016-17 | FY 2017-18 | FY 2018-19 |
|--------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| | Actual | Actual | Actual | Actual | Actual | Actual | Actual | Budget | Budget | Budget |
| Optometry | 1,482 | 5,092 | 19,772 | 16,661 | 33,349 | 64,652 | 138,369 | 134,349 | 135,000 | 131,000 |
| RDO | 527 | | 7,053 | 10,869 | 22,226 | 24,089 | 50,866 | 49,226 | 50,000 | 47,000 |

1

2 Describe license renewal cycles and history of fee changes in the last 10 years. Give the fee
 3 authority (Business and Professions Code and California Code of Regulations citation) for
 4 each fee charged by the board.

5 Table 4.

| Fee Schedule and Revenue - Optometry | | | | | | | |
|--|--------------------|-----------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| Fee | Current Fee Amount | Statutory Limit | FY 2012/13 Revenue | FY 2013/14 Revenue | FY 2014/15 Revenue | FY 2015/16 Revenue | % of Total Revenue |
| Duplicate or Replacement | \$25 | \$25 | \$14,925 | \$14,825 | \$15,525 | \$10,400 | 0.5% |
| Cite & Fine | Various | Various | \$2,236 | \$23,866 | \$17,128 | \$6,476 | 0.3% |
| Optometrist License – Application | \$275 | \$275 | \$97,900 | \$111,100 | \$105,875 | \$89,209 | 4.7% |
| Statement of Licensure – Application | \$40 | \$40 | \$10,160 | \$10,640 | \$11,440 | \$10,840 | 0.5% |
| Therapeutic Pharmaceutical Agent Certification - Application | \$25 | \$50 | \$8,800 | \$9,425 | \$8,775 | \$7,875 | 0.4% |
| Lacrimal Irrigation and Dilation Certification – Application | \$25 | \$50 | \$8,130 | \$8,725 | \$8,525 | \$8,150 | 0.4% |
| Over/Short Fees | Various | Various | \$62 | \$20 | \$54 | \$32 | - |

| | | | | | | | |
|---|---------|---------|--------------------|--------------------|--------------------|--------------------|-------|
| Glaucoma Certification – Application | \$35 | \$50 | \$23,870 | \$24,220 | \$19,495 | \$15,670 | 0.8% |
| Fictitious Name Permit – Application | \$50 | \$50 | \$7,500 | \$8,350 | \$8,850 | \$7,950 | 0.4% |
| Branch Office License Application | \$75 | \$75 | \$3,300 | \$3,675 | \$4,575 | \$3,450 | 0.1% |
| Continuing Education Course Provider – Biennial Renewal | \$50 | \$100 | \$4,800 | \$5,750 | \$6,500 | \$11,950 | 0.6% |
| Optometrist License – Biennial Renewal | \$300 | \$300 | \$3,692 | \$9,088 | \$2,272 | \$3,124 | 0.1% |
| Optometrist License – Biennial Renewal | \$425 | \$425 | \$1,432,119 | \$1,483,612 | \$1,508,451 | \$1,574,854 | 83.0% |
| Biennial Renewal-Statement of Licensure | \$20 | \$20 | \$15,740 | \$15,720 | \$16,840 | \$15,176 | 0.8% |
| Fictitious Name Permit – Annual Renewal | \$50 | \$50 | \$61,400 | \$62,275 | \$65,650 | \$69,150 | 3.6% |
| Delinquent Fictitious Name Permit – Annual Renewal | \$25 | \$25 | \$1,895 | \$1,425 | \$1,650 | \$2,316 | - |
| Branch Office License – Annual Renewal | \$75 | \$75 | \$25,575 | \$25,350 | \$25,350 | \$24,825 | 1.3% |
| Delinquent Renewal Branch Office License | \$50 | \$50 | \$750 | \$625 | \$725 | \$750 | - |
| Delinquent Optometrist License – Biennial Renewal | \$50 | \$50 | \$6,375 | \$7,025 | \$7,475 | \$6,775 | 0.3% |
| Delinquent Statement of Licensure – Biennial Renewal | \$20 | \$40 | \$680 | \$660 | \$680 | \$620 | - |
| Retired/Volunteer – Application Fee | \$50 | | - | - | - | \$500 | - |
| Retired License – Application Fee | \$25 | | - | - | \$25 | \$750 | - |
| Free Care Participant Fee | \$40 | | - | \$40 | - | \$160 | - |
| Misc. Serv to Public-General | Various | Various | \$2,953 | \$2,525 | \$2,550 | \$225 | - |
| Income from Surplus Money Investm | Various | Various | \$3,595 | \$3,632 | \$4,349 | \$8,621 | 0.4% |
| Revenue Cancelled Warrants | Various | Various | \$630 | \$775 | \$1,560 | \$1,636 | - |
| Miscellaneous Income | Various | Various | \$528 | \$237 | - | - | - |
| Dishonored Check Fee | Various | Various | \$90 | \$175 | \$300 | \$75 | - |
| Total Revenue | | | \$1,737,670 | \$1,834,425 | \$1,844,208 | \$1,895,940 | |

Fee Schedule and Revenue - RDO

| Fee | Current Fee Amount | Statutory Limit | FY 2012/13 Revenue | FY 2013/14 Revenue | FY 2014/15 Revenue | FY 2015/16 Revenue | % of Total Revenue |
|---------------------------------|--------------------|-----------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| Replacement Certification – RDO | \$25 | \$25 | \$300 | \$175 | \$275 | \$400 | 0.2% |

| | | | | | | | |
|--|---------|---------|------------------|------------------|------------------|------------------|-------|
| Replacement Certification – Contact Lens Dispenser | \$25 | \$25 | \$100 | \$125 | \$75 | \$100 | - |
| Replacement Certification – Spectacle Lens Dispenser | \$25 | \$25 | \$100 | \$175 | \$150 | \$325 | 0.1% |
| Registration Fee for Non-resident Dispensing Opticians | \$10 | \$10 | - | - | \$100 | \$100 | - |
| Citation Fee – RDO | Varies | Varies | - | - | \$2500 | - | - |
| RDO Initial License Fee | \$75 | \$100 | \$5,700 | \$4,500 | \$6,225 | \$6,975 | 3.6% |
| Registered Contact Lens Dispenser | \$75 | \$100 | \$7,025 | \$4,875 | \$5,400 | \$6,675 | 3.6% |
| Spectacle Lens Dispenser Initial Fee | \$75 | \$100 | \$15,225 | \$14,775 | \$18,023 | \$22,275 | 11.7% |
| Renewal Fee Non-resident Dispensing Opticians | \$75 | \$100 | \$500 | \$400 | \$400 | \$200 | - |
| RDO Renewal | \$75 | \$100 | \$33,800 | \$41,400 | \$38,775 | \$35,825 | 18.9% |
| Contact Lens Dispenser Renewal | \$75 | \$100 | \$33,725 | \$31,422 | \$35,450 | \$32,125 | 16.9% |
| Spectacle Lens Dispenser Renewal | \$75 | \$100 | \$73,100 | \$74,050 | \$74,200 | \$77,325 | 40.7% |
| Delinquent Renewal – RDO | \$25 | \$25 | \$625 | \$650 | \$1,000 | \$700 | 0.3% |
| Delinquent Renewal – Contact Lens Dispenser | \$25 | \$25 | \$1,350 | \$825 | \$1,775 | \$1,250 | 0.6% |
| Delinquent Renewal – Spectacle Lens Dispenser | \$25 | \$25 | \$3,125 | \$3,675 | \$4,175 | \$4,125 | 2.1% |
| Delinquent Renewal – Non-resident Dispensing Opticians | \$25 | \$25 | - | - | - | \$25 | - |
| Income from Surplus Money Investment | Various | Various | \$1038 | \$689 | \$596 | \$750 | 0.3% |
| Revenue Cancelled Warrants | Various | Various | \$416 | \$350 | \$418 | - | - |
| ICR Probation Monitoring | Various | Various | - | - | \$6,341 | - | - |
| Other | Various | Various | \$164 | -\$506 | \$1029 | \$348 | 0.1% |
| Total Revenue | | | \$176,293 | \$177,580 | \$196,907 | \$189,523 | |

| Fee - Optometry | | | |
|--|---------------|--------------|------------|
| Name of Fee | Date Repealed | Date Amended | Date Added |
| Renewal of Optometric License (\$300 to \$500) | | 01/01/2008 | |
| Delinquency Fee Renewal of Optometric License (\$25 to \$50) | | 01/01/2008 | |
| Application – Certificate to Treat Lacrimal Irrigation & Dilation (\$50) | | | 01/01/2008 |
| Application – Certificate to Treat Lacrimal Irrigation & Dilation (\$50) | | | 01/01/2008 |
| Application – Approval of Continuing Education Course (\$100) | | | 01/01/2008 |
| Application – Issuance of Statement of Licensure (\$40) | | | 01/01/2008 |
| Biennial Renewal – Statement of Licensure (\$40) | | | 01/01/2008 |
| Delinquency Fee – Statement of Licensure (\$50) | | | 01/01/2008 |
| Application – Fictitious Name Permit (\$50) | | | 01/01/2008 |
| Annual Renewal – Fictitious Name Permit (\$50) | | | 01/01/2008 |
| Delinquency Fee – Fictitious Name Permit (\$25) | | | 01/01/2008 |
| Free Care Participant Fee (\$40) | | | 01/01/2008 |
| Retired/Volunteer – Application Fee (\$50) | | | 01/01/2008 |
| Retired License –Application Fee (\$25) | | | 01/01/2008 |

| Fee - RDO | | | |
|--|---------------|--------------|------------|
| Name of Fee | Date Repealed | Date Amended | Date Added |
| Registered Dispensing Optician Fees (\$75) | | | 12/28/2000 |
| Contact Lens Dispenser Fees (\$75) | | | 12/28/2000 |
| Spectacle Lens Dispenser Fees (\$75) | | | 12/28/2000 |
| Out of State Optician (\$75) | | | 12/28/2000 |

8. Describe Budget Change Proposals (BCPs) submitted by the board in the past four fiscal years.

Annually, the Board reviews all relevant data such as workload statistics to determine if the Board has sufficient staff resources to address the Board’s workload. When the Board determines there is a critical need for additional staff, a Budget Change Proposal (BCP) is submitted.

In the past four fiscal years, the Board has submitted BCPs for additional staff resources. The chart below reflects the outcome of the Board’s proposed BCPs since the last Sunset Review.

| Budget Change Proposals (BCPs) – Optometry (Dollars in Thousands) | | | | |
|---|--------|----------------|--------------------|------|
| BCP ID | Fiscal | Description of | Personnel Services | OE&E |
| | | | | |

| # | Year | Purpose of BCP | # Staff Requested (include classification) | # Staff Approved (include classification) | \$ Requested | \$ Approved | \$ Requested | \$ Approved |
|---------|-------|---|--|---|--------------|-------------|--------------|-------------|
| 1110-09 | 12-13 | Enforcement Staffing Augmentation | 1.0 Office Technician (T) | | \$53,000 | \$0 | \$0 | \$0 |
| 1110-10 | 12-13 | Rent Augmentation | | | | | \$47,000 | \$0 |
| | 14-15 | Licensing | 0.5 Management Services Technician | | \$29,000 | \$0 | \$10,000 | \$0 |
| | 14-15 | Occupational Analysis | | | | | \$37,000 | \$0 |
| | 14-15 | Operating Equipment & Expenses Augmentation | | | | | \$53,000 | \$0 |
| | 15-16 | Enforcement Program | 1.0 Staff Services Analyst 1.0 Associate Governmental Program Analyst 1.0 Staff Services Manager I | | \$271,000 | \$0 | \$24,000 | \$0 |
| | 15-16 | Occupational Analysis | 0.5 Staff Services Analyst (LT) 0.5 Management Services Technician | | \$67,000 | \$0 | \$90,000 | \$0 |

1

| Budget Change Proposals (BCPs) – RDO (Dollars in Thousands) | | | | | | | | | |
|---|-------------|-------------------------------|--|---|--------------|-------------|--------------|-------------|-----|
| BCP ID # | Fiscal Year | Description of Purpose of BCP | Personnel Services | | | | OE&E | | |
| | | | # Staff Requested (include classification) | # Staff Approved (include classification) | \$ Requested | \$ Approved | \$ Requested | \$ Approved | |
| | 16-17 | AB 684 | 0.5 Office Technician 0.6 Special Investigator | | | \$101,000 | \$101,000 | \$0 | \$0 |

2

3 **Staffing Issues**

4

5 **Describe any board staffing issues/challenges, i.e., vacancy rates, efforts to reclassify**
 6 **positions, staff turnover, recruitment and retention efforts, succession planning.**

7 Currently, the Board has authorization for 11.4 staff positions, 2.0 temporary help positions, 0.6
 8 blanket positions (BL12-03). While the Board has not received approval for additional staffing in
 9 the last four fiscal years, the Board is currently focused on making critical and positive changes to

1 the organizational structure to ensure that the Board's mission and business operational needs
2 are met with existing resources.

3 4 Registered Dispensing Optician Program Move

5 The passing of AB684 was a pivotal event for the Board, as it moved the RDO program from the
6 MBC to the Board. This move brought one part time Management Services Technician to the
7 Board; however, the incumbent chose to stay with MBC. As a result, MBC and the Board
8 partnered to quickly recruit, hire, and train a new staff member to run the RDO Program. This MST
9 is now responsible for over 4000 RDO registrations.

10 11 12 Vacancies and Staff Turnover

13 During FY 15/16, the Board experienced turnover due to retirement, lateral transfers, and
14 promotions. As a result, the Board faced vacancies for its policy analyst, licensing lead,
15 enforcement lead, and fingerprint coordinator/HR liaison positions - all of whom were singly
16 responsible for their duties. These vacancies were reposted multiple times in order for the Board
17 to receive a sufficient candidate pool of qualified applicants who would succeed in these positions.

18 19 Use of Temporary Staff to Meet Operational Needs

20 During 2015, the majority of licensing and enforcement staff participated in the design,
21 development, and testing of the BreEZe system. This testing was necessary to ensure that data
22 conversion from the Board's legacy databases was accurate and that the system was performing
23 as designed. The absence of BreEZe staff from the office meant remaining office staff took on
24 additional workload whenever possible. The Board utilized a retired annuitant to assist with
25 application processing while staff participated in BreEZe related activities. Although BreEZe is
26 implemented, the retired annuitant assists the licensing unit with applications and will be able to
27 shift focus to developing additional outreach materials for consumers and licensees. In addition,
28 the retired annuitant is able to assist the Enforcement Unit in addressing its pending caseload.

29 30 Reclassification of Positions and Organizational Realignment

31 Managing a complex, dynamic organization requires the flexibility to adjust the workforce to
32 respond with maximum efficiency to the emerging and changing needs of the organization. Thus,
33 in FY 15/16, the majority of the staff's duty statements were dramatically revised to reflect actual
34 job duties and meet the operational needs of the Board. Each unit faced significant restructuring in
35 order to effectively protect California patients and consumers in the most efficient manner
36 possible. This restructuring included reclassifying two existing Staff Services Analyst (SSA)
37 positions to Associate Governmental Program Analysts within the Enforcement Unit.

38 39 Recruitment and Retention Efforts

40 Due to recent staff turnover, the Board focused on recruiting exceptional employees who met the
41 Board's operational needs. This included setting more strict criteria on desired experience,
42 qualifications, and working knowledge of related job duties and processes. It also included
43 seeking employees working within the Department of Consumer Affairs whenever possible and
44 conducting in depth reference checks. When the Board received poor candidate responses, the
45 Board reposted the job announcements to increase the candidate pool rather than lowering the
46 desired screening process.

1 Through meetings, events, and trainings the Board was able to network with potential staff and
 2 highlight the Board's focus on its employee. This type of networking allowed management to meet
 3 and recruit standout individuals about vacancies within the Board.

4
 5 Despite the recent turnover, the Board remains committed to retaining its exceptional staff. The
 6 Board offers a variety of flexible work schedules, encourages staff development, and focuses on a
 7 positive environment for staff.

8
 9 Enforcement and Licensing Units meet monthly to discuss complex cases or licensing issues
 10 currently facing the team. Board management and staff work together to continuously improve
 11 existing processes. In addition, management meets with staff on a regular basis to assess
 12 individual job satisfaction and seek feedback for management to better serve Board employees.
 13 Positive recognition is frequently given to staff who are performing well, improving, or have gone
 14 above and beyond their existing job duties.

15
 16 **Succession Planning**

17 Succession planning was largely accomplished during BreEZe implementation. The Board worked
 18 with DCA's Organizational Change Management team in order to document all enforcement and
 19 licensing procedures. This provided the Board with a series of procedure guides, which both new
 20 and veteran staff can utilize. In the event the Board loses a staff member, these guides will allow
 21 their replacement a quick method to acclimate to their new position.

22
 23 Staff development and mentoring is vital to succession planning. In addition to the available
 24 training, staff recently began cross-training so they are knowledgeable in all positions at the
 25 Board.

26
 27 **Describe the board's staff development efforts and how much is spent annually on staff**
 28 **development** (cf., Section 12, Attachment D).

29 Development of staff is a high priority to the Board, and in response to the restructuring of staff in
 30 the latter half of FY 14/15, there has been a wild shift towards training for staff. Since this
 31 restructuring, training by staff has increased over 100% above what was recorded since the
 32 Board's 2012 Sunset Report. It is estimated that over 10% of staff time is devoted to formal and
 33 informal training, group and one-on-one meetings, and morale building.

34 The Board has made it clear that all staff should be given the tools to not only be successful in
 35 their current positions, but also receive the training necessary to grow within state service. As a
 36 result, staff has been provided with any information and opportunities concerning training,
 37 education, and mentoring.

38 Management currently holds monthly staff meetings in order to review processes which staff feels
 39 may be duplicative or unnecessary. Staff is encouraged to bring new ideas on how to address
 40 procedural issues they face, giving other staff the opportunity to provide input. These meetings
 41 also allow management to go over problematic applications or cases and provide feedback on
 42 how to complete the task.

43 In addition to staff meetings, management holds annual Individual Development Plans (IDP) with
 44 staff. During these meetings, management performs an appraisal of each staff member's
 45 performance, after which, new performance objectives are set, along with methods to achieve

1 these objectives. These plans are redone annually, but are revisited every few months in order to
2 monitor performance and update or change objectives.

3 One-on-one meetings are also held on monthly basis in order to set and revisit goals, review
4 performance, and provide a safe space for staff to voice concerns they may not be comfortable
5 mentioning during staff meetings.

6 Management has also began conducting staff satisfaction surveys, giving staff the opportunity to
7 express their satisfaction, desires, concerns, etc. with their current position and the Board as a
8 whole. This gives management insight into each staff member, providing for individually tailored
9 plans which fully engage staff based on their priorities.

10 In 2016, DCA implemented the mentorship program. This provides a pathway for all DCA
11 employees who are seeking to improve specific skillsets to be paired with a mentor proficient in
12 those skills. Management is actively participating in this program and have encouraged Board
13 staff to seek out mentors who can help them grow. Many staff members have already met with
14 mentors and have found it extremely valuable.

15 DCA has also begun a series of “brown bag” meetings, in which the Board is involved. These
16 meetings provide management throughout DCA with the opportunity to come together and discuss
17 office challenges and ways to overcome these challenges. This not only gives Board management
18 a snapshot of issues which other Boards face, but it can prepare them for issues which may come
19 up in the future.

20 In addition, attending the 2016 ARBO meeting served as a unique educational and developmental
21 opportunity for the Board’s Executive Officer. This was an excellent opportunity for Executive
22 Directors from other states to come together and discuss ways to better manage their boards.
23 This experience provided the Executive Officer with insight into the similarities between boards,
24 differing approaches to controversial topics, and unexplored methods to meeting the Board’s
25 mission.

27 Section 4 Licensing Program

28 **What are the board’s performance targets/expectations for its licensing⁹ program? Is the** 29 **board meeting those expectations? If not, what is the board doing to improve performance?**

31 The Board has consistently met (and exceeded) its licensing targets set in California Code of
32 Regulations (CCR) § 1564 (optometrist applications) and § 1564.1 (fictitious name permit
33 applications). These regulations mandate that the Board inform an applicant in writing within 45
34 from receipt of an application as to whether the application is complete or deficient. They further
35 mandate the Board inform an applicant in writing within 120 days after completion of an
36 application as to whether the application meets the requirements for licensure.

37 With the recent BreEZe transition and internal restructuring, the Board’s licensing unit evaluated
38 its current cycle times and set performance targets and expectations for the licensing program.
39 Optometrist license applications were given a 90 day processing target, while all other application

⁹ The term “license” in this document includes a license certificate or registration.

1 types were given 30 days. These performance targets will be monitored monthly and reported
 2 during the Board's quarterly board meetings.

3 With the consistently growing amount of applicants and licensees taking advantage of BreEZe
 4 services, efficiencies have been realized resulting in shorter processing times. In addition, the
 5 Board has approved several regulation changes that will greatly improve licensing processes and
 6 procedures as well as provide clearer guidance to its licensees. The Board anticipates approving
 7 even more regulatory changes over the next few years.

8 The Board is unaware of any previous performance targets/expectations for the RDO Program.
 9 However, the Board has identified a number of opportunities for improvement since the January
 10 2016 transition. Most notably, the RDO Program has yet to be available online through BreEZe.
 11 In addition, the program remains under the MBC BreEZe domain – resulting in several additional
 12 steps and workarounds for the Board to process applications. The Board submitted and received
 13 approval of a work authorization to remove the RDO Program from the MBC and reconfigure each
 14 transaction in BreEZe and add online capabilities for consumers and applicants.

15 In addition, many RDO Program improvements require legislation and/or regulatory amendments
 16 as well as significant revision to all forms and applications. The Dispensing Optician Committee
 17 will focus its efforts on these necessary improvements within the next year.

18
 19 ***Application and Licensure Processing Times***

20 **Describe any increase or decrease in the board's average time to process applications,**
 21 **administer exams and/or issue licenses. Have pending applications grown at a rate that**
 22 **exceeds completed applications? If so, what has been done by the board to address them?**
 23 **What are the performance barriers and what improvement plans are in place? What has the**
 24 **board done and what is the board going to do to address any performance issues, i.e.,**
 25 **process efficiencies, regulations, BCP, legislation?**

26 The average time needed to issue optometrist licenses largely depends on the receipt of the items
 27 required for the issuance of the license which are, for the most part, outside of Board control. Prior
 28 to FY 2015-2016, the process could take anywhere from 16 to 365 days to complete. The Board's
 29 acceptance in 2002 of all parts of the NBEO examination as the Board's licensure examination,
 30 greatly streamlined the testing process for applicants. Not having to develop and manage the
 31 testing of its own licensure examination permitted the Board to focus on decreasing the
 32 processing times to issue an optometric license. In FY 2015-2016, the minimum amount of time
 33 needed is 16 days, the median, 99 days, and the maximum, 365 days (this average includes
 34 applications from recently graduated optometrists and out-of-state optometrist license applicants).
 35 Since the California Laws and Regulations examination (CLRE) can now be taken at almost any
 36 time, applicants for licensure no longer have to wait for one of the two days the CLRE used to be
 37 administered, thereby eliminating a significant portion of the processing time.

38 **How many licenses or registrations does the board issue each year? How many renewals**
 39 **does the board issue each year?**

40 On average, the Board issues 781 optometry licenses and permits each year.. The Board renews
 41 an average of 5811 optometric licenses each year.

42 The RDO Program issues an average of 344 registrations and 1895 renewals each year.

1

| Table 6. Licensee Population | | | | | |
|-------------------------------------|------------------|------------|------------|------------|------------|
| | | FY 2012/13 | FY 2013/14 | FY 2014/15 | FY 2015/16 |
| Optometrist License | Active | 5949 | 6178 | 6776 | 7086 |
| | Current Inactive | 1174 | 1143 | 730 | 516 |
| | Out-of-State | 820 | 806 | 796 | 747 |
| | Out-of-Country | 45 | 47 | 47 | 43 |
| | Delinquent | 1492 | 1502 | 449 | 525 |
| Statement of Licensure | Active | 976 | 1019 | 1098 | 1148 |
| | Delinquent | 188 | 121 | 165 | 217 |
| Branch Office License | Active | 354 | 354 | 367 | 377 |
| | Delinquent | 42 | 38 | 39 | 44 |
| Fictitious Name Permit | Active | 1284 | 1321 | 1409 | 1502 |
| | Delinquent | 54 | 61 | 63 | 62 |
| Registered Dispensing Optician | Active | 1174 | 1047 | 991 | 1017 |
| | Delinquent | 178 | | | 344 |
| Contact Lens Dispenser | Active | 998 | 921 | 933 | 970 |
| | Delinquent | 241 | 353 | 407 | 323 |
| Spectacle Lens Dispenser | Active | 2331 | 2110 | 2143 | 2261 |
| | Delinquent | 762 | 1064 | 1227 | 992 |
| Non-Resident Contact Lens Dispenser | Active | 10 | 6 | 7 | 8 |
| | Delinquent | 15 | | | 2 |

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| Table 7a. Licensing Data by Type | | | | | |
|----------------------------------|-----------|----------|--------|-----------------------------|--------------------|
| Optometrist License | | Received | Issued | Total Pending (Close of FY) | Average Cycle Time |
| FY 2013/14 | (License) | 323 | 355 | 161 | 156 |
| | (Renewal) | 3700 | 3618 | 798 | |
| FY 2014/15 | (License) | 326 | 313 | 174 | 173 |
| | (Renewal) | 3891 | 3773 | 916 | |
| FY 2015/16 | (License) | 319 | 234 | 210 | 142 |
| | (Renewal) | 3823 | 3778 | 908 | |

Note: Exam application data is incorporated in the license application process.

| Branch Office License | | Received | Issued | Total Pending (Close of FY) | Average Cycle Time |
|-----------------------|-----------|----------|--------|-----------------------------|--------------------|
| FY 2013/14 | (License) | 49 | 33 | 19 | |
| | (Renewal) | 350 | 337 | 27 | |
| FY 2014/15 | (License) | 61 | 56 | 24 | |
| | (Renewal) | 352 | 340 | 39 | |
| FY 2015/16 | (License) | 38 | 58 | 4 | 34 |
| | (Renewal) | 371 | 347 | 56 | |

| Statement of Licensure | | Received | Issued | Total Pending (Close of FY) | Average Cycle Time |
|------------------------|-----------|----------|--------|-----------------------------|--------------------|
| FY 2013/14 | (License) | 250 | 252 | 124 | 26 |
| | (Renewal) | 477 | 405 | 189 | |
| FY 2014/15 | (License) | 302 | 301 | 125 | 20 |
| | (Renewal) | 494 | 419 | 264 | |
| FY 2015/16 | (License) | 293 | 278 | 22 | 21 |
| | (Renewal) | 567 | 447 | 365 | |

| Fictitious Name Permit | | Received | Issued | Total Pending (Close of FY) | Average Cycle Time |
|------------------------|-----------|----------|--------|-----------------------------|--------------------|
| FY 2013/14 | (License) | 167 | 131 | 84 | |
| | (Renewal) | 1259 | 1233 | 56 | |
| FY 2014/15 | (License) | 177 | 177 | 84 | |
| | (Renewal) | 1320 | 1302 | 74 | |
| FY 2015/16 | (License) | 114 | 179 | 19 | 38 |
| | (Renewal) | 1465 | 1425 | 91 | |

1

| Registered Dispensing Optician | | Received | Issued | Total Pending (Close of FY) | Average Cycle Time |
|--------------------------------|----------------|----------|--------|-----------------------------|--------------------|
| FY 2013/14 | (Registration) | 36 | 41 | 21 | 48 |
| | (Renewal) | 448 | 434 | 498 | 36 |
| FY 2014/15 | (Registration) | 72 | 62 | 34 | 28 |
| | (Renewal) | 489 | 515 | 457 | 61 |
| FY 2015/16 | (Registration) | 86 | 81 | 17 | 33 |
| | (Renewal) | 497 | 473 | 489 | 66 |

2

| Contact Lens Dispenser | | Received | Issued | Total Pending (Close of FY) | Average Cycle Time |
|------------------------|----------------|----------|--------|-----------------------------|--------------------|
| FY 2013/14 | (Registration) | 47 | 46 | 12 | 52 |
| | (Renewal) | 337 | 430 | 445 | 12 |
| FY 2014/15 | (Registration) | 74 | 81 | 7 | 39 |
| | (Renewal) | 460 | 464 | 415 | 17 |
| FY 2015/16 | (Registration) | 86 | 82 | 6 | 26 |
| | (Renewal) | 444 | 422 | 450 | 16 |

3

| Spectacle Lens Dispenser | | Received | Issued | Total Pending (Close of FY) | Average Cycle Time |
|--------------------------|----------------|----------|--------|-----------------------------|--------------------|
| FY 2013/14 | (Registration) | 149 | 120 | 40 | 37 |
| | (Renewal) | 788 | 939 | 1272 | 11 |
| FY 2014/15 | (Registration) | 251 | 244 | 45 | 38 |
| | (Renewal) | 994 | 1003 | 1192 | 17 |
| FY 2015/16 | (Registration) | 304 | 274 | 50 | 32 |
| | (Renewal) | 1022 | 966 | 1320 | 20 |

4

5

6

7

1

| Non-Resident Contact Lens Dispenser | | Received | Issued | Total Pending (Close of FY) | Average Cycle Time |
|-------------------------------------|----------------|----------|--------|-----------------------------|--------------------|
| FY 2013/14 | (Registration) | 0 | 0 | 0 | 0 |
| | (Renewal) | 3 | 2 | 4 | 37 |
| FY 2014/15 | (Registration) | 1 | 0 | 1 | 0 |
| | (Renewal) | 5 | 5 | 3 | 104 |
| FY 2015/16 | (Registration) | 1 | 1 | 1 | 56 |
| | (Renewal) | 3 | 5 | 2 | 123 |

2

| Table 7b. Total Licensing/Registration Data | | | |
|---|------------|------------|------------|
| | FY 2013/14 | FY 2014/15 | FY 2015/16 |
| Initial Licensing/Registration Data: | | | |
| Initial License/Registration Applications Received | | | |
| Licenses/Registrations Issued | | | |
| Initial License/Registration Pending Application Data: | | | |
| Pending Applications (total at close of FY) | | | |
| Initial License/Registration Cycle Time Data (WEIGHTED AVERAGE): | | | |
| Average Days to License/Registration Issued (All - Complete/Incomplete) | | | |
| License/Registration Renewal Data: | | | |
| Licenses/Registrations Renewed | | | |

3

4

1 ***Applicant Information Verification and Requirements***

2 **How does the board verify information provided by the applicant?**

3 School/college transcripts, examination score reports, letters of good standing (if necessary), and
 4 fingerprint reviews are sent directly to the Board from their place of origin. Applicants provide
 5 information on a form created by the Board, where they declare that, under penalty of perjury
 6 under the laws of the State of California, all the information provided is true and correct.

7 **What process does the board use to check prior criminal history information, prior
 8 disciplinary actions, or other unlawful acts of the applicant?**

9 Optometrist and dispenser applicants are required to be fingerprinted and have their prints
 10 reviewed and cleared by the California State Department of Justice (DOJ) and the Federal
 11 Bureau of Investigation (FBI). If the applicant was licensed in another State, they are required
 12 to have that State submit a letter of verification of their license status and history directly to the
 13 Board. If the applicant's fingerprints or license history are "flagged" because of unlawful acts,
 14 their applications are forwarded to our Enforcement Unit for further review

15 In order to check for prior disciplinary history, the Board requires letters of good standing from
 16 out of state applicants and runs the applicants information through the national data bank.

17 **Does the board fingerprint all applicants?**

18 Yes, the Board and the RDO Program requires all applicants to fingerprint as part of the
 19 licensure/registration process. The application is held until both the DOJ and the FBI have
 20 issued fingerprint clearances (BPC section 144).

21 **Have all current licensees been fingerprinted? If not, explain.**

22 All current and active licensees/registrants have been fingerprinted. However,
 23 licensees/registrants who have renewed in inactive status are not required to be fingerprinted.
 24 If and when that licensee/registrant returns to active status, he/she would be required to be
 25 fingerprinted.

26 **Is there a national databank relating to disciplinary actions? Does the board check the
 27 national databank prior to issuing a license? Renewing a license?**

28 Yes. The National Practitioners Databank (NPDB) is the national databank relating
 29 to disciplinary boards. Information contained in the databank is provided by state regulatory
 30 agencies and other entities that are required to report disciplinary information.

31 The Board began checking the NPDB for all out of state applicants in June 2016. Part of this
 32 check includes enrolling the applicants into the continuous query feature. Therefore, the Board
 33 is notified whenever discipline or other reportable action is reported to the NPDB – similar to
 34 subsequent arrest notifications through DOJ.
 35

36 The Board is currently researching the feasibility of enrolling all applicants and licensees into
 37 the NPDB to further its consumer protection mandate. This is a necessary fix, as it eliminates
 38 the possibility of the Board having no knowledge of another state's discipline by way of an
 39 applicant's failure to disclose that they have been licensed in another state.

40 **Does the board require primary source documentation?**

41 Yes. Optometrist license applicants are required to have the school/college of optometry where
 42 they received their degree as a professional eye care provider submit a transcript to the Board

1 prior to being issued a license. In addition, the Board requires fingerprint results directly from
 2 FBI and DOJ and examination results directly from PSI and NBEO.

3 Optician registration applicants are required to have the American Board of Opticianry submit
 4 their test scores from the American Board of Opticianry Exam (ABO) and/ or National Contact
 5 Lens (NCLE) Exam. In addition, the Board requires fingerprint results directly from FBI/DOJ
 6 and verification of licensure from other state agencies.

7 ***Out-of-State Applicant Requirements***

8 **Describe the board’s legal requirement and process for out-of-state and out-of-country**
 9 **applicants to obtain licensure.**

10 Out of State Applicants

11 The Board does not have reciprocity with any other state licensing board. Any optometrist
 12 licensed in another state seeking California licensure must satisfy all of the following requirements
 13 (BPC § 3057):

- 15 (1) Has a degree as a doctor of optometry issued by an accredited school or college of
 16 optometry.
- 17 (2) Has successfully passed the licensing examination for an optometric license in another
 18 state.
- 19 (3) Submits proof that he or she is licensed in good standing as of the date of application
 20 in every state where he or she holds a license, including compliance with continuing
 21 education requirements.
- 22 (4) Is not subject to disciplinary action as set forth in subdivision (h) of Section 3110. If
 23 the person has been subject to disciplinary action, the board shall review that action to
 24 determine if it presents sufficient evidence of a violation of this chapter to warrant the
 25 submission of additional information from the person or the denial of the application for
 26 licensure.
- 27 (5) Has furnished a signed release allowing the disclosure of information from the National
 28 Practitioner Database and, if applicable, the verification of registration status with the
 29 federal Drug Enforcement Administration. The board shall review this information to
 30 determine if it presents sufficient evidence of a violation of this chapter to warrant the
 31 submission of additional information from the person or the denial of the application for
 32 licensure.
- 33 (6) Has never had his or her license to practice optometry revoked or suspended in any
 34 state where the person holds a license.
- 35 (7) (A) Is not subject to denial of an application for licensure based on any of the grounds
 36 listed in Section 480.
- 37 (B) Is not currently required to register as a sex offender pursuant to Section 290 of the
 38 Penal Code.
- 39 (8) Has met the minimum continuing education requirements set forth in Section 3059 for
 40 the current and preceding year.
- 41 (9) Has met the certification requirements of Section 3041.3 to use therapeutic
 42 pharmaceutical agents under subdivision (e) of Section 3041.
- 43 (10) Submits any other information as specified by the board to the extent it is required
 44 for licensure by examination under this chapter.
- 45 (11) Files an application on a form prescribed by the board, with an acknowledgment by
 46 the person executed under penalty of perjury and automatic forfeiture of license, of the
 47 following:

1 (A) That the information provided by the person to the board is true and correct, to
 2 the best of his or her knowledge and belief.

3 (B) That the person has not been convicted of an offense involving conduct that
 4 would violate Section 810.

5 (12) Pays an application fee in an amount equal to the application fee prescribed pursuant
 6 to subdivision (a) of Section 3152.

7 (13) Has successfully passed the board's jurisprudence examination.
 8

9 **Out of Country Applicants**

10 In order to obtain a license to practice optometry in California, all applicants must have a degree
 11 from an accredited school or college of optometry. The Board does sponsor foreign graduates to
 12 sit for the National Board of Examiners in Optometry (NBEO) examination, pursuant to BPC §
 13 3057.5 and CCR § 1530.1, but they cannot obtain licensure until meeting all requirements
 14 specified in BPC § 3046.

15 ***Military Education***

16 **Describe the board's process, if any, for considering military education, training, and**
 17 **experience for purposes of licensing or credentialing requirements, including college credit**
 18 **equivalency.**

19 **Does the board identify or track applicants who are veterans? If not, when does the board**
 20 **expect to be compliant with BPC § 114.5?**

21 Yes. In 2016, the Board began asking applicants if they are currently serving or has ever
 22 served in the military. Those applications are given priority and expedited as quickly as
 23 possible.

24 In addition, the Board approved language to update its optometrist license applications to
 25 include questions relating to military history. Board staff is currently in the rulemaking process
 26 to implement the updated application. Further, online applications submitted through the
 27 BreEZe system contain questions to elicit this information.

28 The RDO program does not look into this type of training or experience.

29 **How many applicants offered military education, training or experience towards meeting**
 30 **licensing or credentialing requirements, and how many applicants had such education,**
 31 **training or experience accepted by the board?**

32 To date, the Board has not received an application in which military education, training or
 33 experience was submitted towards meeting licensing requirements.

34 **What regulatory changes has the board made to bring it into conformance with BPC §**
 35 **35?**

36 In response to statutory stages, the Board has updated to change the rulemaking package
 37 CCR § 1523 Licensure Examination Requirements to Update Form 39A-1. Rev. 7-09, Form
 38 OLA-2, Rev. 11/07, and Form LBC-4, rev. 2/07.

39 **How many licensees has the board waived fees or requirements for pursuant to BPC §**
 40 **114.3, and what has the impact been on board revenues?**

41 The Board has not had any applicants submit military experience; therefore board revenues
 42 have been unaffected.

How many applications has the board expedited pursuant to BPC § 115.5?

The Board has not had any applicants offer military spouse information or experience towards meeting licensing requirements.

No Longer Interested Notifications

Does the board send No Longer Interested notifications to DOJ on a regular and ongoing basis? Is this done electronically? Is there a backlog? If so, describe the extent and efforts to address the backlog.

Prior to 2016, the Board sent No Longer Interested (NLI) notifications to DOJ on a seldom basis – typically when the Board received notification of a deceased licensee. However, in 2016 Board identified many licensees who need to be added to the NLI notification list and sent the necessary information to DOJ. To ensure a regular NLI process, the Board runs monthly extracts to identify licensees who would fall into the NLI category and will submit to DOJ. The Board will continue to do this until the automated NLI BreZE feature is enabled.

Examinations

| Table 8. Examination Data | | |
|--|------------------------|---|
| California Laws and Regulations Examination – Optometrist | | |
| Developed by: Office Of Professional Examination Services | | |
| Administered by: PSI, Inc. | | |
| FY 2012/13 | # of Candidates | 331 |
| | Pass % | 94.2% |
| FY 2013/14 | # of Candidates | 354 |
| | Pass % | 89.9% |
| FY 2014/15 | # of Candidates | 425 |
| | Pass % | 78.8% |
| FY 2015/16 | # of Candidates | 412 |
| | Pass % | 78.3% |
| | Date of Last OA | 2009 |
| | Name of OA Developer | Office Of Professional Examination Services |
| | Target OA Date | 2017 |

1

| National Optometrist Examination | | | | |
|--|--|---|--|------------------------|
| Developed and Administered By: National Board of Examiners in Optometry | | | | |
| | | Part I | Part II | Part III |
| | | Applied Basic Science | Patient Assessment and Management | Clinical Skills |
| FY 2012/13 | # of 1st Time Candidates | 1601 | 1592 | 1548 |
| | Pass % | 85% | 94% | N/A |
| | Total Candidates | 2191 | 1797 | 1968 |
| | Pass % | 72% | 89% | 78.3% |
| FY 2013/14 | # of 1st Time Candidates | 1608 | 1574 | 1554 |
| | Pass % | 78% | 97% | N/A |
| | Total Candidates | 2225 | 1747 | 2035 |
| | Pass % | 65% | 93% | 79.3% |
| FY 2014/15 | # of 1st Time Candidates | 1675 | 1557 | 1542 |
| | Pass % | 77% | 91% | N/A |
| | Total Candidates | 2578 | 1782 | 1993 |
| | Pass % | 63% | 86% | 82.2% |
| FY 2015/16 | # of 1st Time Candidates | 1680 | 1651 | N/A |
| | Pass % | 77% | 88% | 96% |
| | Total Candidates | 2689 | 2069 | |
| | Pass % | 62% | 81% | |
| Date of Last OA | | 2006 | | |
| Name of OA Developer | | Office of Professional Examination Services | | |
| Target OA Date | | 2016 | | |

2

| |
|---|
| National Spectacle Examination - Registered Spectacle Lens Dispenser |
| Developed and Administered By: American Board of Opticianry |

| | | |
|----------------------|-----------------|------------------------------|
| 2012 | # of Candidates | 4343 |
| | Pass % | 58.3% |
| 2013 | # of Candidates | 3935 |
| | Pass % | 62.5% |
| 2014 | # of Candidates | 3473 |
| | Pass % | 62.7% |
| 2015 | # of Candidates | 3249 |
| | Pass % | 55.0% |
| Date of Last OA | | 2013 |
| Name of OA Developer | | American Board of Opticianry |
| Target OA Date | | - |

| National Contact Lens Examination – Registered Contact Lens Dispenser | | |
|---|-----------------|---------------------------------|
| Developed and Administered By: National Contact Lens Examiners | | |
| 2012 | # of Candidates | 1496 |
| | Pass % | 66.9 % |
| 2013 | # of Candidates | 1414 |
| | Pass % | 53.5% |
| 2014 | # of Candidates | 1320 |
| | Pass % | 56.0% |
| 2015 | # of Candidates | 1439 |
| | Pass % | 56% |
| Date of Last OA | | 2013 |
| Name of OA Developer | | National Contact Lens Examiners |
| Target OA Date | | - |

Describe the examinations required for licensure. Is a national examination used? Is a California specific examination required? Are examinations offered in a language other than English?

Optometrist Examinations

There are two exams required for Optometry licensure in California – the national test and a state test on California laws and regulations.

Optometry State Test: The Board of Optometry works with the Department of Consumer Affairs' Office of Professional Examination Services (OPES) to develop the law exam as required by the California Legislature and defined in Business and Professions Code Section 139. OPES provides examination-related services to the DCA's regulatory boards and bureaus in order to ensure that licensure examination programs are fair, psychometrically sound, valid, and legal. Specific services provided include performing occupational analyses, conducting exam item development, evaluating performance of examinations, and consulting on matters pertaining to the measurement of minimum competency standards for licensure.

1 Optometry National Test: In 2001, the Board voted to use the National Board of Examiners in
 2 Optometry (NBEO) examination for licensure. This became effective upon the passage of CCR
 3 section 1531 on January 28, 2002. The examination is developed and administered by the
 4 NBEO, which is located in North Carolina. The NBEO was established in 1951 and is an
 5 organization that develops, administers, and scores examinations, and reports the results that
 6 state boards utilize in licensing optometrists to practice eye care. Currently, all 50 states, the
 7 District of Columbia and Puerto Rico use this examination for licensure.

8 The Board conducted an assessment of the NBEO examination in 2001, and again in 2009.
 9 The purpose of the assessments as to ensure that the examination met professional guidelines
 10 and technical standards outlined in the Standards for Educational and Psychological Testing
 11 and the DCA Examination Validation Policy. The Board's assessments determined the
 12 examination meets the prevailing standards for validation and use of the examination for
 13 licensure in California.

14 Applicants for an optometrist license can apply to take the NBEO examination without first
 15 applying to the Board. This is permitted because the NBEO is divided into three parts, and
 16 applicants must take the first two parts while still in optometry school. Upon applying with the
 17 Board, applicants must ensure that the NBEO submits their scores to the Board. The Board
 18 and the NBEO have arranged for the scores to be transmitted electronically for examination
 19 security purposes. There are two administrations of this examination a year, and this takes
 20 place at the NBEO testing center in North Carolina.

21 **Registered Dispensing Optician Program**

22 Spectacle Lens Dispenser candidates are required to take and pass the American board of
 23 Opticianry examination and Contact Lens Dispenser candidates are required to take and pass
 24 the National Contact Lens Examination. Both national examinations are developed and
 25 administered by the American Board of Opticianry and are available in English and Spanish.

26 Currently, there are no registration requirements under the RDO Program to pass a state law
 27 examination.

28 **What are pass rates for first time vs. retakes in the past 4 fiscal years? (Refer to Table**
 29 **8: Examination Data) Are pass rates collected for examinations offered in a language**
 30 **other than English?**

31 For the California Laws and Regulations Exam, the entity that administers the exam
 32 does not track how many attempts the test taker has taken so the board is not able to
 33 track the number or passage rate for first time test takers. The Board has looked at
 34 options to improve passage rate but with the high success of test takers, changes have
 35 not seemed necessary. Currently, the CLRE is only offered in English.

36 According to data provided by the National Board of Examiners in Optometry, the pass
 37 rates for first time test takers vs. retakes is higher for each part of the test for the past
 38 four fiscal years. Currently these exams are only offered in English.

39 The RDO program exam is administered by a national organization which does not
 40 track first time test takers. The results are not divided by language.

41 **Is the board using computer based testing? If so, for which tests? Describe how it**
 42 **works. Where is it available? How often are tests administered?**

1 The California Laws and Regulations exam is taken on the computer. There is a tutorial
 2 for the test takers that explains how the exam will be run. Before the test taker starts
 3 their examination, an introductory tutorial to the computer and keyboard is provided on
 4 the computer screen. The time they spend on this tutorial, up to 15 minutes, DOES NOT
 5 count as part of their examination time. Sample questions are included as part of the
 6 tutorial so that they may practice using the keys, answering questions, and reviewing
 7 their answers. The test takers do not need any typing or computer skills to take the test.

8 The California Laws and Regulations exam is administered twice a year. The test is
 9 taken at PSI centers across the country – locations are below:

10 *Anaheim, CA*
 11 *Atascadero, CA*
 12 *Burbank, CA*
 13 *Carson, CA*
 14 *El Monte, CA*
 15 *Fresno, CA*
 16 *Hayward, CA*
 17 *Redding, CA*
 18 *Riverside, CA*
 19 *Sacramento, CA*
 20 *San Diego, CA*
 21 *San Francisco, CA*
 22 *Santa Rosa, CA*
 23 *Santa Clara, CA*
 24 *Ventura, CA*
 25 *Visalia, CA*
 26 *Walnut Creek, CA*

27
 28 *Out of State:*
 29 *Albuquerque, NM*
 30 *Atlanta, GA*
 31 *Boston, MA*
 32 *Charlotte, NC*
 33 *Cherry Hill, NJ*
 34 *Chicago, IL*
 35 *Cranberry Township, PA*
 36 *Dallas, TX*
 37 *Houston, TX*
 38 *Las Vegas, NV*
 39 *Milford, CT*
 40 *Nashville, TN*
 41 *North Orem, UT*
 42 *North Salt Lake City, UT*
 43 *Phoenix, AZ*
 44 *Portland, OR*
 45 *Richmond, VA*
 46 *Southfield, MI*
 47 *West Des Moines, IA*

West Hartford, CT
Woodbury, MN

Both the ABO and the NCLE exams are computer based testing and the exams can be taken at any of the 239 PSI testing sites around the country. Both tests are administered in the same fashion. The test is two hours long and available to take during a two week period, 4 times a year.

Are there existing statutes that hinder the efficient and effective processing of applications and/or examinations? If so, please describe.

Currently, the Board has not identified any statutes that delay or impede the effective processing of Optometry or RDO applications.

School approvals

Describe legal requirements regarding school approval. Who approves your schools? What role does BPPE have in approving schools? How does the board work with BPPE in the school approval process?

BPC section 3023, Accreditation of Schools, states: "For the purpose of this chapter, the board shall accredit schools, colleges and universities in or out of this state providing optometric education, that it finds giving a sufficient program of study for the preparation of optometrists."

The Board uses the Accreditation Council on Optometric Education (ACOE) to conduct audits and reports of compliance as the approval of the schools/colleges of optometry. The ACOE is the only accrediting body for professional optometric degree (O.D.) programs, optometric residency programs and optometric technician programs in the United States and Canada. Both the U.S. Department of Education and the Council on Higher Education Accreditation recognize the ACOE as a reliable authority concerning the quality of education of the programs the Council accredits.

The Bureau of Private Post-Secondary Education (BPPE) does not play a role in approving the schools/colleges of optometry; therefore the Board does not work with the BPPE in the approval process.

How many schools are approved by the board? How often are approved schools reviewed? Can the board remove its approval of a school?

The ACOE has accredited or pre-accredited 21 schools and colleges of optometry. California has three schools that are fully accredited; The University of California, Berkeley, School of Optometry Marshall B. Ketchum University, Fullerton, and Western University of Health Sciences, College of Optometry, Pomona,...

The Board considers the didactic courses offered by the other 18 schools/colleges of optometry accredited by the ACOE to be equivalent to those in California.

Any schools/colleges of optometry that are in the pre-accreditation process are reviewed each year until the program has its first graduating class at which time it becomes fully accredited. The ACOE conducts a formal reevaluation visit at least every eight years for professional optometric degree (O.D.) or optometric residency programs.

1 All accredited programs are reviewed annually through an annual reporting process, and
 2 the ACOE may visit more frequently if deemed necessary through the annual reporting
 3 process. The Board receives and reviews the copy of each report prepared by ACOE.

4 **What are the board's legal requirements regarding approval of international schools?**

5 The Board has no legal requirement to approve international schools of optometry.

6 ***Continuing Education/Competency Requirements***

7 **Describe the board's continuing education/competency requirements, if any. Describe**
 8 **any changes made by the board since the last review.**

9 The Board's continuing education requirements for Optometrists remain the same as
 10 previously reported. Current law requires all Optometrists licensed by the Board, as a
 11 condition of biennial licensure renewal, to complete continuing education (CE) as required
 12 by the type of certification that the licensee holds. Licensees who are not certified in the
 13 use of therapeutic pharmaceutical agents must complete 40 hours of CE in the two years
 14 prior to the renewal of their certificate to maintain active licensure status. Licensees who
 15 are certified in the use of therapeutic pharmaceutical agents pursuant to BPC section
 16 3041.3 must complete a total of 50 hours of CE in the two years prior to the renewal of the
 17 certificate. Thirty-five of the 50 hours must be in the diagnosis, treatment, and management
 18 of ocular disease in any combination of the following areas: glaucoma, ocular infection,
 19 ocular inflammation, topical steroids, systemic medication, and pain medication.

20 Additionally, licensees certified to diagnose and treat primary open angle glaucoma are
 21 required to complete 10 hours of glaucoma specific CE in each renewal period. These 10
 22 hours shall be part of the 35 hours on the diagnosis and treatment and management of
 23 ocular disease.

24 CE courses which are approved as meeting the required standards of the Board include
 25 those sponsored or recognized by any accredited US school or college of optometry, any
 26 national or state affiliate of the American Optometric Association, the American Academy of
 27 Optometry, or the Optometric Extension Program. Also acceptable are courses approved
 28 by the International Association of Boards of Examiners in Optometry known as COPE
 29 (Council on Optometric Practitioner Education). Licensees can earn a maximum of 20
 30 hours of CE through the completion of acceptably documented and accredited self-study
 31 courses.

32 Statutory changes in 2001(SB 662), 2004(AB 2464), and 2011(SB 1406) further defined the
 33 specific study areas required for CE hours, but did not change the total hours required or
 34 the methods by which the hours could be obtained.

35 Registered Dispensing Opticians, Registered Spectacle Lens Dispensers, Registered
 36 Contact Lens Dispensers, and Nonresident Contact Lens Sellers are not required to
 37 complete CE at this time.

38 **How does the board verify CE or other competency requirements?**

39 Approximately 3,500 Optometrists renew their licenses with the Board every year. All
 40 Optometric licensees are required to complete CE coursework in each renewal cycle. In
 41 order to renew a license as an Optometrist prior to the biennial expiration, a licensee
 42 must certify that he or she has completed the required CE hours. If a licensee fails to
 43 certify completion of the required CE, the license renewal is held until the licensee

certifies completion of CE. A licensee may not practice with an expired or delinquent license.

Does the board conduct CE audits of licensees? Describe the board’s policy on CE audits.

As previously reported, the Board began conducting random CE audits in December 2009; however, due to staffing issues, and time constraints, CE audits have not been consistently conducted. Currently, the CE audits are conducted by an Enforcement Analyst with the assistance of an office technician. CE audits are conducted on a random selection of licensees who have renewed with an active status.

What are consequences for failing a CE audit?

As noted above, licensees that fail to provide proof of completion of CE requirements are subject to fines (CCR section 1579). Depending on the severity of the violation, fines for failure to comply with CE requirements may be levied in an amount up to \$2,500. If a licensee fails to remediate the deficiencies or pay the determined fine, an enforcement hold is placed on the license, making the license ineligible for renewal until all conditions are met.

How many CE audits were conducted in the past four fiscal years? How many fails? What is the percentage of CE failure?

In the past four fiscal years, a total of 375 CE audits were conducted with a failure rate of less than ten percent. The audit failures have been resolved with the submission of additional credits.

As a result of the restructuring of the Board, additional resources will now be available to conduct more CE audits. In addition, the Board is looking at utilizing ARBO’s OE Tracker system for auditing purposes. If implemented as a renewal requirement, OE Tracker could make it so that nearly all active optometrists are audited during each renewal cycle. This would increase consumer protection by ensuring that all optometrists are up to date with continuing education, while shifting the majority of the CE audit burden from staff to the OE Tracker system.

What is the board’s course approval policy?

Pursuant to CCR §1536(f-g), CE course approval criteria is based on whether the course is likely to contribute to the advancement of professional skill and knowledge in the practice of optometry; whether the speakers, lecturers, and others participating in the presentation of the course are recognized by the Board as being qualified in their field; whether the proposed course is open to all California-licensed optometrists; and whether the provider agrees to maintain records of course content and attendance for at least three years from the date of the course presentation.

Who approves CE providers? Who approves CE courses? If the board approves them, what is the board application review process?

CE providers and courses are reviewed by Board licensing staff and finalized by the Board’s Practice and Education Committee. Providers must submit their course on an application provided by the Board along with an application fee. The application must be accompanied by any course presentation materials and the curriculum vitae of all instructors and/or lecturers involved.

1 **How many applications for CE providers and CE courses were received? How many**
 2 **were approved?**

3 Between FY 2012 - 2016, 849 requests for CE approval were submitted. 814 of these
 4 submissions were approved.

5 **Does the board audit CE providers? If so, describe the board's policy and process.**

6 As previously reported, the Board does not currently audit its CE providers but only
 7 accepts those that meet the requirements of CCR section 1536(g-h).

8 **Describe the board's effort, if any, to review its CE policy for purpose of moving toward**
 9 **performance based assessments of the licensee's continuing competence.**

10 Board staff is currently in the process of reviewing a major provider of CE, the
 11 Association of Regulatory Boards of Optometry's (ARBO) Council on Optometric
 12 Practitioner Education's (COPE) performance based assessments of continuing
 13 competence and how it may aid the Board in its quest to provide the same.

14 **Section 5 Enforcement Program**

15 **What are the board's performance targets/expectations for its enforcement program? Is the**
 16 **board meeting those expectations? If not, what is the board doing to improve performance?**

17 As previously reported, board's performance targets/expectations coincide with those standards
 18 created by the DCA's Consumer Protection and Enforcement Initiative (CPEI). They are as
 19 follows:

- 20
- 21 • Intake – Average cycle time from complaint receipt to the date the complaint was assigned to
 22 an investigator. The Board has set a target of seven days for this measure.
 - 23 a. For the 2012-2013 Fiscal Year, the average cycle time was 7 days for Optometry and 8
 24 days for the RDO program
 - 25 b. For the 2013-2014 Fiscal Year, the average cycle time was 1 day for Optometry and 1 day
 26 for the RDO program
 - 27 c. For the 2014-2015 Fiscal Year, the average cycle time was 2 days for Optometry and 1 day
 28 for the RDO program
 - 29 d. For the 2015-2016 Fiscal Year, the average cycle time was 1 day for Optometry and 11
 30 days for the RDO program

31 The performance measures published by DCA, as shown in Section E, reference complaints as
 32 well as conviction investigations and are, therefore, different than the statistics for complaint
 33 intake.

- 34
- 35 • Intake and Investigation – Average cycle time from complaint receipt to closure of the
 36 investigation process. Does not include cases sent to the Attorney General (AG) or other forms
 37 of formal discipline. The Board has set a target of 90 days for this measure.
 - 38 a. For the 2012-2013 Fiscal Year, the average cycle time was 191 days for Optometry and
 39 196 days for the RDO program

- 1 b. For the 2013-2014 Fiscal Year, the average cycle time was 188 days for Optometry and 80
2 days for the RDO program
- 3 c. For the 2014-2015 Fiscal Year, the average cycle time was 117 days for Optometry and
4 262 days for the RDO program
- 5 d. For the 2015-2016 Fiscal Year, the average cycle time was 220 days for Optometry and
6 153 days for the RDO program
- 7 • Formal Discipline – Average number of days to complete the entire enforcement process for
8 cases resulting in formal discipline (Includes intake and investigation by the Board and
9 prosecution by AG). The Board has set a target of 365 days for this measure.
- 10 a. For the 2012-2013 Fiscal Year, the average number of days was 889 days for Optometry
11 and 738 days for the RDO program
- 12 b. For the 2013-2014 Fiscal Year, the average number of days was 783 days for Optometry
13 and 716 days for the RDO program
- 14 c. For the 2014-2015 Fiscal Year, the average number of days was 797 days for Optometry
15 and 939 days for the RDO program
- 16 d. For the 2015-2016 Fiscal Year, the average number of days was 1200 days for Optometry
17 and 638 days for the RDO program
- 18 • Probation Intake – Average number of days from monitor assignment to the date the monitor
19 makes first contact with the probationer. The Board has set a target of six days for this
20 measure.
- 21 a. For the 2012-2013 Fiscal Year, the average number of days was 1 day. The RDO program
22 had no new probationers for this fiscal year.
- 23 b. For the 2013-2014 Fiscal Year, the average number of days was 1 day for Optometry. The
24 RDO program had no new probationers for this fiscal year.
- 25 c. For the 2014-2015 Fiscal Year, the average number of days was 1 day for Optometry. The
26 RDO program had no new probationers for this fiscal year.
- 27 d. For the 2015-2016 Fiscal Year, the average number of days was 1 day for Optometry and
28 412 days for the RDO program
- 29 • Probation Violation Response – Average number of days from the date a violation of probation
30 is reported to the date the assigned monitor initiates appropriate action. The Board has set a
31 target of eight days for this measure.
- 32 a. For the 2012-2013 Fiscal Year, the average number of days was 1 day for Optometry and 1
33 day for the RDO program
- 34 b. For the 2013-2014 Fiscal Year, the average number of days was 1 day for Optometry. The
35 RDO program reported no probation violations for this Fiscal Year.
- 36 c. For the 2014-2015 Fiscal Year, the average number of days was 1 day for Optometry. The
37 RDO program reported no probation violations for this Fiscal Year.
- 38 d. For the 2015-2016 Fiscal Year, the average number of days was 1 day for Optometry. The
39 RDO program reported no probation violations for this Fiscal Year.

1 **Explain trends in enforcement data and the board’s efforts to address any increase in volume,**
 2 **timeframes, ratio of closure to pending cases, or other challenges. What are the performance**
 3 **barriers? What improvement plans are in place? What has the board done and what is the**
 4 **board going to do to address these issues, i.e., process efficiencies, regulations, BCP,**
 5 **legislation?**

6 The biggest challenge the Board has faced regarding performance in the enforcement unit is
 7 staffing. Due to staff promotions, the Board has had only one analyst investigating cases for
 8 most of Fiscal Year 2015/2016. Additionally, enforcement staff spent a significant amount of
 9 time in 2015 participating in the design, development, and testing of the BreEZe system. While
 10 this was crucial to ensuring accurate and complete data conversion from the Board’s legacy
 11 databases to the new BreEZe system, it also resulted in an increase in the volume of pending
 12 cases as well as the average age of cases at closure.

13 In January 2016, the RDO program was transferred to the Board from the Medical Board of
 14 California (MBC). While the program came with a 0.6 enforcement position, the RDO
 15 program’s budget is currently unable to sustain the position. As a result, the RDO cases that
 16 would be investigated by this position are being absorbed by the Board’s current enforcement
 17 staff. For Fiscal Year 2015-2016, this translates to 92 additional cases that are being handled
 18 by the Board’s limited enforcement staff. Despite this, the total case aging of RDO cases is
 19 down to 153 days in Fiscal Year 2015-2016 from 262 days in Fiscal Year 2014-2015. Further,
 20 while the overall average for the intake of complaints in Fiscal Year 2015-2016 is 11 days,
 21 significantly higher than the prior fiscal year’s one day average, the monthly intake average
 22 has dropped drastically from a high of 67 days in July 2015 to just five days in June 2016.

23 The majority of the duty statements for enforcement positions were changed in Fiscal Year
 24 2015/2016 to reflect actual job duties and the needs of the unit and filling the open positions
 25 has been an ongoing task as the Board seeks the most exceptional individuals to add to its
 26 team. With the exception of the RDO program’s enforcement position, the Board anticipates
 27 having a fully staffed enforcement unit by the second quarter of Fiscal Year 2016/2017.

28 Since transitioning to the BreEZe system in January 2016, the Board has been aware of the
 29 need to update procedures and manuals in the enforcement unit to ensure that work is being
 30 done as efficiently as possible within the new system. This update will begin soon and will
 31 include updates not only to the procedures involving the BreEZe system, but any
 32 improvements that can be made to the efficiency of case investigation.

| Table 9a. Enforcement Statistics - Optometry | | | |
|---|------------|------------|------------|
| | FY 2013/14 | FY 2014/15 | FY 2015/16 |
| COMPLAINT | | | |
| Intake | | | |
| Received | 213 | 376 | 238 |
| Closed | 40 | 59 | 21 |
| Referred to INV | 174 | 317 | 185 |
| Average Time to Close | 1 | 2 | 1 |
| Pending (close of FY) | 0 | 0 | 0 |
| Source of Complaint | | | |
| Public | 110 | 168 | 181 |
| Licensee/Professional Groups | 0 | 4 | 5 |
| Governmental Agencies | 68 | 184 | 35 |

| | | | |
|-----------------------------|-----|-----|----|
| Other | 35 | 20 | 17 |
| Conviction / Arrest | | | |
| CONV Received | 25 | 28 | 26 |
| CONV Closed | 26 | 28 | 26 |
| Average Time to Close | 1 | 3 | 2 |
| CONV Pending (close of FY) | 0 | 0 | 0 |
| LICENSE DENIAL | | | |
| License Applications Denied | 0 | 0 | 0 |
| SOIs Filed | 0 | 0 | 0 |
| SOIs Withdrawn | 0 | 0 | 0 |
| SOIs Dismissed | 0 | 0 | 0 |
| SOIs Declined | 0 | 0 | 0 |
| Average Days SOI | 0 | 0 | 0 |
| ACCUSATION | | | |
| Accusations Filed | 8 | 6 | 0 |
| Accusations Withdrawn | 1 | 2 | 1 |
| Accusations Dismissed | 0 | 0 | 0 |
| Accusations Declined | 1 | 0 | 0 |
| Average Days Accusations | 499 | 476 | 0 |
| Pending (close of FY) | 4 | 4 | 1 |

| Table 9a. Enforcement Statistics - RDO | | | |
|---|------------|------------|------------|
| | FY 2013/14 | FY 2014/15 | FY 2015/16 |
| COMPLAINT | | | |
| Intake | | | |
| Received | 53 | 29 | 46 |
| Closed | 0 | 0 | 4 |
| Referred to INV | 53 | 29 | 45 |
| Average Time to Close | 1 | 1 | 11 |
| Pending (close of FY) | 0 | 0 | 0 |
| Source of Complaint | | | |
| Public | 33 | 26 | 27 |
| Licensee/Professional Groups | 3 | 3 | 8 |
| Governmental Agencies | 17 | 0 | 11 |
| Other | 0 | 0 | 0 |
| Conviction / Arrest | | | |
| CONV Received | 38 | 20 | 46 |
| CONV Closed | 12 | 36 | 19 |
| Average Time to Close | 1 | 1 | 4 |
| CONV Pending (close of FY) | 0 | 0 | 0 |
| LICENSE DENIAL | | | |
| License Applications Denied | 0 | 0 | 4 |
| SOIs Filed | 0 | 0 | 1 |
| SOIs Withdrawn | 0 | 0 | 0 |
| SOIs Dismissed | 0 | 0 | 0 |
| SOIs Declined | 0 | 0 | 0 |
| Average Days SOI | 0 | 0 | 56 |
| ACCUSATION | | | |
| Accusations Filed | 7 | 3 | 3 |

| | | | |
|--------------------------|-----|-----|-----|
| Accusations Withdrawn | 0 | 0 | 0 |
| Accusations Dismissed | 0 | 0 | 0 |
| Accusations Declined | 0 | 0 | 0 |
| Average Days Accusations | 470 | 611 | 592 |
| Pending (close of FY) | 1 | 1 | 2 |

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| Table 9b. Enforcement Statistics (continued) - Optometry | | | |
|---|------------|------------|------------|
| | FY 2013/14 | FY 2014/15 | FY 2015/16 |
| DISCIPLINE | | | |
| Disciplinary Actions | | | |
| Proposed/Default Decisions | 3 | 2 | 1 |
| Stipulations | 11 | 2 | 1 |
| Average Days to Complete | 783 | 797 | 1200 |
| AG Cases Initiated | 11 | 4 | 5 |
| AG Cases Pending (close of FY) | 11 | 8 | 8 |
| Disciplinary Outcomes | | | |
| Revocation | 2 | 1 | 0 |
| Voluntary Surrender | 3 | 2 | 1 |
| Suspension | 0 | 0 | 0 |
| Probation with Suspension | 0 | 0 | 0 |
| Probation | 9 | 1 | 1 |
| Probationary License Issued | 0 | 0 | 0 |
| Other | 0 | 0 | 0 |
| PROBATION | | | |
| New Probationers | 9 | 1 | 1 |
| Probations Successfully Completed | 1 | 1 | 4 |
| Probationers (close of FY) | 18 | 14 | 7 |
| Petitions to Revoke Probation | 1 | 1 | 1 |
| Probations Revoked | 0 | 1 | 1 |
| Probations Modified | 5 | 5 | 3 |
| Probations Extended | 0 | 0 | 0 |
| Probationers Subject to Drug Testing | 7 | 4 | 3 |
| Drug Tests Ordered | 196 | 355 | 188 |
| Positive Drug Tests | 7 | 1 | 10 |
| Petition for Reinstatement Granted | 4 | 0 | 0 |
| DIVERSION | | | |
| New Participants | 0 | 0 | 0 |
| Successful Completions | 0 | 0 | 0 |
| Participants (close of FY) | 0 | 0 | 0 |
| Terminations | 0 | 0 | 0 |
| Terminations for Public Threat | 0 | 0 | 0 |
| Drug Tests Ordered | 0 | 0 | 0 |
| Positive Drug Tests | 0 | 0 | 0 |

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| Table 9b. Enforcement Statistics (continued) - RDO | | | |
|---|--|--|--|
|---|--|--|--|

| | FY 2013/14 | FY 2014/15 | FY 2015/16 |
|--------------------------------------|------------|------------|------------|
| DISCIPLINE | | | |
| Disciplinary Actions | | | |
| Proposed/Default Decisions | 2 | 4 | 3 |
| Stipulations | 1 | 1 | 0 |
| Average Days to Complete | 716 | 939 | 638 |
| AG Cases Initiated | 5 | 4 | 4 |
| AG Cases Pending (close of FY) | 7 | 5 | 6 |
| Disciplinary Outcomes | | | |
| Revocation | 2 | 3 | 3 |
| Voluntary Surrender | 1 | 1 | 0 |
| Suspension | 0 | 0 | 0 |
| Probation with Suspension | 0 | 0 | 0 |
| Probation | 0 | 0 | 0 |
| Probationary License Issued | 0 | 0 | 0 |
| Other | 0 | 1 | 0 |
| PROBATION | | | |
| New Probationers | 0 | 0 | 1 |
| Probations Successfully Completed | 0 | 1 | 0 |
| Probationers (close of FY) | 1 | 0 | 1 |
| Petitions to Revoke Probation | 0 | 0 | 0 |
| Probations Revoked | 0 | 0 | 0 |
| Probations Modified | 0 | 0 | 0 |
| Probations Extended | 0 | 0 | 0 |
| Probationers Subject to Drug Testing | 0 | 0 | 0 |
| Drug Tests Ordered | 0 | 0 | 0 |
| Positive Drug Tests | 0 | 0 | 0 |
| Petition for Reinstatement Granted | 0 | 0 | 1 |
| DIVERSION | | | |
| New Participants | 0 | 0 | 0 |
| Successful Completions | 0 | 0 | 0 |
| Participants (close of FY) | 0 | 0 | 0 |
| Terminations | 0 | 0 | 0 |
| Terminations for Public Threat | 0 | 0 | 0 |
| Drug Tests Ordered | 0 | 0 | 0 |
| Positive Drug Tests | 0 | 0 | 0 |

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| | FY 2013/14 | FY 2014/15 | FY 2015/16 |
|----------------------------|------------|------------|------------|
| INVESTIGATION | | | |
| All Investigations | | | |
| First Assigned | 200 | 343 | 247 |
| Closed | 262 | 244 | 192 |
| Average days to close | 188 | 117 | 220 |
| Pending (close of FY) | 70 | 170 | 184 |
| Desk Investigations | | | |
| Closed | 242 | 240 | 137 |
| Average days to close | 167 | 106 | 165 |

| | | | |
|-----------------------------------|----------|----------|-------|
| Pending (close of FY) | 48 | 97 | 172 |
| Non-Sworn Investigation | | | 2 |
| Closed | 0 | 0 | 30 |
| Average days to close | 0 | 0 | 40 |
| Pending (close of FY) | 0 | 0 | 50 |
| Sworn Investigation | | | 6 |
| Closed | 20 | 4 | 55 |
| Average days to close | 443 | 799 | 362 |
| Pending (close of FY) | 22 | 73 | 12 |
| COMPLIANCE ACTION | | | 9 |
| ISO & TRO Issued | 0 | 0 | 0 |
| PC 23 Orders Requested | 0 | 0 | 101 |
| Other Suspension Orders | 0 | 0 | 0 |
| Public Letter of Reprimand | 0 | 0 | 110 |
| Cease & Desist/Warning | 0 | 0 | 0 |
| Referred for Diversion | 0 | 0 | 120 |
| Compel Examination | 1 | 0 | 0 |
| CITATION AND FINE | | | |
| Citations Issued | 13 | 4 | 0 |
| Average Days to Complete | 345 | 596 | 140 |
| Amount of Fines Assessed | \$59,500 | \$19,000 | 0 |
| Reduced, Withdrawn, Dismissed | \$20,500 | \$11,500 | 150 |
| Amount Collected | \$20,380 | \$18,348 | \$800 |
| CRIMINAL ACTION | | | 16 |
| Referred for Criminal Prosecution | 0 | 0 | 170 |

Table 9c. Enforcement Statistics (continued) - RDO

| | FY 2013/14 | FY 2014/15 | FY 2015/16 |
|--------------------------------|------------|------------|------------|
| INVESTIGATION | | | |
| All Investigations | | | |
| First Assigned | 93 | 50 | 95 |
| Closed | 88 | 71 | 66 |
| Average days to close | 80 | 262 | 153 |
| Pending (close of FY) | 54 | 32 | 51 |
| Desk Investigations | | | |
| Closed | 47 | 29 | 44 |
| Average days to close | 41 | 106 | 99 |
| Pending (close of FY) | 17 | 15 | 45 |
| Non-Sworn Investigation | | | |
| Closed | 23 | 17 | 9 |
| Average days to close | 41 | 137 | 341 |
| Pending (close of FY) | 8 | 6 | 0 |
| Sworn Investigation | | | |
| Closed | 18 | 25 | 13 |
| Average days to close | 229 | 195 | 330 |

| | | | |
|-----------------------------------|----|----|---|
| Pending (close of FY) | 29 | 11 | 6 |
| COMPLIANCE ACTION | | | |
| ISO & TRO Issued | 0 | 0 | 0 |
| PC 23 Orders Requested | 0 | 1 | 0 |
| Other Suspension Orders | 0 | 0 | 0 |
| Public Letter of Reprimand | 0 | 1 | 0 |
| Cease & Desist/Warning | 0 | 0 | 0 |
| Referred for Diversion | 0 | 0 | 0 |
| Compel Examination | 0 | 0 | 0 |
| CITATION AND FINE | | | |
| Citations Issued | 0 | 0 | 0 |
| Average Days to Complete | 0 | 0 | 0 |
| Amount of Fines Assessed | 0 | 0 | 0 |
| Reduced, Withdrawn, Dismissed | 0 | 0 | 0 |
| Amount Collected | 0 | 0 | 0 |
| CRIMINAL ACTION | | | |
| Referred for Criminal Prosecution | 2 | 0 | 5 |

Table 9c. Enforcement Statistics (continued) - RDO

| | FY 2013/14 | FY 2014/15 | FY 2015/16 |
|----------------------------|------------|------------|------------|
| INVESTIGATION | | | |
| All Investigations | | | |
| First Assigned | 93 | 50 | 95 |
| Closed | 88 | 71 | 66 |
| Average days to close | 80 | 262 | 153 |
| Pending (close of FY) | 54 | 32 | 51 |
| Desk Investigations | | | |
| Closed | 47 | 29 | 44 |
| Average days to close | 41 | 106 | 99 |
| Pending (close of FY) | 17 | 15 | 45 |
| Non-Sworn Investigation | | | |
| Closed | 23 | 17 | 9 |
| Average days to close | 41 | 137 | 341 |
| Pending (close of FY) | 8 | 6 | 0 |
| Sworn Investigation | | | |
| Closed | 18 | 25 | 13 |
| Average days to close | 229 | 195 | 330 |
| Pending (close of FY) | 29 | 11 | 6 |
| COMPLIANCE ACTION | | | |
| ISO & TRO Issued | 0 | 0 | 0 |
| PC 23 Orders Requested | 0 | 1 | 0 |
| Other Suspension Orders | 0 | 0 | 0 |
| Public Letter of Reprimand | 0 | 1 | 0 |
| Cease & Desist/Warning | 0 | 0 | 0 |
| Referred for Diversion | 0 | 0 | 0 |
| Compel Examination | 0 | 0 | 0 |
| CITATION AND FINE | | | |
| Citations Issued | 0 | 0 | 0 |
| Average Days to Complete | 0 | 0 | 0 |

| | | | |
|-----------------------------------|---|---|----|
| Amount of Fines Assessed | 0 | 0 | 10 |
| Reduced, Withdrawn, Dismissed | 0 | 0 | 20 |
| Amount Collected | 0 | 0 | 30 |
| CRIMINAL ACTION | | | 4 |
| Referred for Criminal Prosecution | 2 | 0 | 5 |

What do overall statistics show as to increases or decreases in disciplinary action since last review?

In its last review, the Board reported a total of 17 disciplinary actions over the previous four fiscal years. In the four fiscal years prior to the current review, the Board completed a total of 28 disciplinary actions, a 61% increase since the last review.

| Table 10. Enforcement Aging - Optometry | | | | | | |
|---|------------|------------|------------|------------|--------------|-----------|
| | FY 2012/13 | FY 2013/14 | FY 2014/15 | FY 2015/16 | Cases Closed | Average % |
| Attorney General Cases (Average %) | | | | | | |
| Closed Within: | | | | | | |
| 1 Year | 0% | 0% | 0% | 0% | 0 | 0% |
| 2 Years | 17% | 38% | 50% | 50% | 10 | 36% |
| 3 Years | 67% | 56% | 25% | 0% | 14 | 50% |
| 4 Years | 17% | 6% | 25% | 50% | 4 | 14% |
| Over 4 Years | 0% | 0% | 0% | 0% | 0 | 0% |
| Total Cases Closed | 6 | 16 | 4 | 2 | 28 | |
| Investigations (Average %) | | | | | | |
| Closed Within: | | | | | | |
| 90 Days | 46% | 39% | 58% | 45% | 456 | 47% |
| 180 Days | 21% | 32% | 28% | 20% | 249 | 26% |
| 1 Year | 16% | 13% | 11% | 14% | 129 | 13% |
| 2 Years | 14% | 12% | 3% | 16% | 110 | 11% |
| 3 Years | 2% | 4% | 0% | 4% | 25 | 3% |
| Over 3 Years | 1% | 0% | 0% | 1% | 6 | 1% |
| Total Cases Closed | 276 | 251 | 246 | 192 | 975 | |

| Table 10. Enforcement Aging - RDO | | | | | | |
|---|------------|------------|------------|------------|--------------|-----------|
| | FY 2012/13 | FY 2013/14 | FY 2014/15 | FY 2015/16 | Cases Closed | Average % |
| Attorney General Cases (Average %) | | | | | | |
| Closed Within: | | | | | | |
| 1 Year | 0% | 0% | 0% | 0% | 0 | 0% |
| 2 Years | 0% | 67% | 20% | 67% | 5 | 42% |
| 3 Years | 100% | 33% | 60% | 33% | 6 | 50% |
| 4 Years | 0% | 0% | 20% | 0% | 1 | 0% |
| Over 4 Years | 0% | 0% | 0% | 0% | 0 | 0% |
| Total Cases Closed | 1 | 3 | 5 | 3 | 12 | |
| Investigations (Average %) | | | | | | |

| | | | | | | |
|--------------------|-----|-----|-----|-----|-----|-----|
| Closed Within: | | | | | | |
| 90 Days | 20% | 55% | 28% | 48% | 94 | 37% |
| 180 Days | 38% | 13% | 28% | 15% | 60 | 24% |
| 1 Year | 28% | 18% | 28% | 15% | 57 | 23% |
| 2 Years | 15% | 13% | 15% | 17% | 38 | 15% |
| 3 Years | 0% | 2% | 0% | 5% | 4 | 2% |
| Over 3 Years | 0% | 0% | 0% | 0% | 0 | 0 |
| Total Cases Closed | 61 | 55 | 71 | 66 | 253 | |

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How are cases prioritized? What is the board’s compliant prioritization policy? Is it different from DCA’s *Complaint Prioritization Guidelines for Health Care Agencies (August 31, 2009)*? If so, explain why.

The Board’s complaint prioritization police remains as previously reported. While the Board does follow DCA’s Complaint Prioritization Guidelines for Health Care Agencies (August 31, 2009), the vast majority of the complaints received by the Board do not rise to the “Urgent” level as set by DCA’s guidelines. The Board prioritizes the following as the most urgent complaints:

- Patient harm
- Potential patient harm
- Fraud
- Convictions
- Unlicensed Practice

Are there mandatory reporting requirements? For example, requiring local officials or organizations, or other professionals to report violations, or for civil courts to report to the board actions taken against a licensee. Are there problems with the board receiving the required reports? If so, what could be done to correct the problems?

The mandatory reporting requirements remains as previously reported. There are three mandatory reporting requirements.

- BPC section 801(a) requires every insurer providing professional liability insurance to a person who holds a license, certificate, or similar authority from or under any agency mentioned in subdivision (a) of section 800 shall send a complete report to that agency as to any settlement or arbitration award over three thousand dollars (\$3,000) of a claim or action for damages for death or personal injury caused by that person’s negligence, error, or omission in practice, or by his or her rendering of unauthorized professional services. The report shall be sent within 30 days after the written settlement agreement has been reduced to writing and signed by all parties thereto or within 30 days after service of the arbitration award on the parties.
- BPC section 802 requires optometrists (or their attorney, if represented by counsel) to report any settlement, judgment, or arbitration award over \$3,000 of a claim or action for damages for death or personal injury caused by the licensee’s negligence, error or omission in practice, or by rendering of unauthorized professional services.
- BPC section 803 requires the clerk of the court to report, within 10 days after judgment made by the court in California, any person who holds a license from the Board who has committed a crime or is liable for any death or personal injury resulting from a judgment for an amount in

1 excess of \$30,000 caused by his or negligence, error or omission in practice or by rendering of
 2 unauthorized professional services.

3 Although these are mandatory reporting requirements, the Board only receives a very small
 4 number of these reports each year. During the last four fiscal years, the Board received a total of
 5 18 reports. As the agencies charged with the submission of these reports are largely outside of
 6 the authority of the Board, correction of this problem has been challenging. Insurance companies
 7 are mandated by federal law to file these same reports with the National Practitioner Databank
 8 (NPDB). Often, by the time the Board receives a report from an insurance company, licensee, or
 9 court clerk, the report has already been filed with the NPDB. The NPDB offers a service through
 10 which the Board would automatically receive notifications whenever the NPDB received an action
 11 report regarding a licensee submitted by the Board for continuous query. However, the Board has
 12 been unsuccessful in securing the funds necessary to submit all of its licensees through the
 13 NPDB's continuous query service. As a result, the Board's opportunity to pursue consumer
 14 protection based on these reports is inhibited or delayed.

15 What is the dollar threshold for settlement reports received by the board? Any settlement,
 16 judgment, or arbitration award of \$3,000 or more must be reported to the Board.

17 What is the average dollar amount of settlements reported to the board? Over the prior four fiscal
 18 years, the average dollar amount of settlements reported to the Board is \$189,699.48.

19 **Describe settlements the board, and Office of the Attorney General on behalf of the board,**
 20 **enter into with licensees.**

21 **What is the number of cases, pre-accusation, that the board settled for the past four years,**
 22 **compared to the number that resulted in a hearing?**

23 The Board does not have authority to settle a case before an accusation has been filed.

24 **What is the number of cases, post-accusation, that the board settled for the past four years,**
 25 **compared to the number that resulted in a hearing?**

26 Over the past four years, 19 cases were settled for Optometry and two for the RDO program,
 27 while Optometry had four decisions as the result of a hearing and the RDO program had two.

28 **What is the overall percentage of cases for the past four years that have been settled rather**
 29 **than resulted in a hearing?**

30 For Optometry, 68% of disciplinary orders over the past four years were the result of a
 31 settlement. For the RDO program, 17% of disciplinary orders over the past four years were the
 32 result of a settlement. The majority of RDO cases (66%) have resulted in a default decision.

33 **Does the board operate with a statute of limitations? If so, please describe and provide**
 34 **citation. If so, how many cases have been lost due to statute of limitations? If not, what is the**
 35 **board's policy on statute of limitations?**

36 Yes. As previously reported, the Board operates with a statute of limitations under BPC section
 37 3137. In general, the Board has three years from the date the Board discovers the act or seven
 38 years after the act occurs, whichever occurs first. Specific exemptions pertaining to fraud,
 39 willful misconduct, unprofessional conduct and sexual misconduct are provided.

40 Since the Board's last report, 38 cases have been closed due to the statute of limitations.

41 **Describe the board's efforts to address unlicensed activity and the underground economy.**
 42

1
2 As previously reported, the Board's enforcement unit continues to work closely with the DCA,
3 Division of Investigation to investigate allegations of unlicensed activity; this includes undercover
4 sting operations and the investigation of companies outside of California providing unlicensed
5 services to California consumers. In addition, the Board pursues opportunities to advise the public
6 of the potential harm of purchasing and wearing "plano" cosmetic contact lenses without the
7 benefit of an examination and proper fitting by an optometrist. The Board accomplishes this by
8 participating in outreach events, distributing fliers, and creating pamphlets related to the illegal
9 distribution of plano contact lenses.

10
11 The Board has opened multiple investigations against Halloween and novelty stores, as well as
12 online business who sell cosmetic contact lenses. If the investigation reveals that these business
13 are not registered dispensers and/or are not obtaining prescriptions prior to dispensing these
14 devices, they are provided with the applicable laws and asked to come into compliance. Even
15 after compliance is obtained, Board staff will check in with the business at a later time, to ensure it
16 wasn't temporary compliance. At this time, a citation can be issued to the business owner.

17
18 In addition, the Board receives notifications from consumers and licensees regarding the
19 unlicensed practice of optometry by individuals who were licensed optometrists and
20 ophthalmologists in other countries. The Board will request that an investigator visit the individual
21 and obtain an eye exam, after which a misdemeanor citation can be issued. This can then be
22 followed by a fine issued by the Board for unlicensed practice.

23
24 Frequently applicants for optometrist and dispensing licenses will have job offers waiting while
25 their application is being processed. In some cases, these individuals will begin to practice
26 optometry or dispense lenses prior to issuance of their license by the Board. When this type of
27 activity is discovered by the Board, the Board may deny the application or take discipline against
28 the license, if it has been issued.

29
30 **Cite and Fine**

31 **Discuss the extent to which the board has used its cite and fine authority. Discuss any**
32 **changes from last review and describe the last time regulations were updated and any**
33 **changes that were made. Has the board increased its maximum fines to the \$5,000 statutory**
34 **limit?**

35 In the last three fiscal years, the Board has issued a total of 17 citations for violations of the
36 Optometry Practice Act that did not rise to a level that warranted revocation, suspension, or
37 imposition of probationary terms. On June 27, 2016, Governor Brown signed SB 836, which
38 increases the statutory limit for fines related to certain types of violations specific to Business and
39 Professions Code section 655. Fines issued for these violations are not to exceed \$50,000. Fines
40 issued for all other violations are not affected by this change and remain limited to \$5,000.

41 **How is cite and fine used? What types of violations are the basis for citation and fine?**

42 The citation and fine program, as previously reported, provides the Board with an expedient
43 method of addressing violations which do not warrant revocation, suspension, or imposition of
44 probationary terms. The citation and fine program also provides the Board an avenue for
45 addressing unlicensed practice. The types of violations that are the basis for citations and
46 fines include, but are not limited to, the following: engaging in practice without a license, false

1 representation of facts, substantially related convictions, failure to maintain or provide records,
 2 and incompetence.

3 **How many informal office conferences, Disciplinary Review Committees reviews and/or**
 4 **Administrative Procedure Act appeals of a citation or fine in the last 4 fiscal years?**

5 Since July 1, 2012, the Board has conducted 11 informal citation conferences and has had three
 6 citations appealed to hearing per the Administrative Procedures Act.

7 **What are the 5 most common violations for which citations are issued?**

8 The Board's five most common violations for which citations are issued are engaging in practice
 9 without a license, false representation of facts, substantially related convictions, failure to maintain
 10 or provide records, and incompetence.

11 **What is average fine pre- and post- appeal?**

12 Of citations that were appealed, the average fines pre appeal was \$6,682, and the average fine post
 13 appeal was \$1,682.

14 **Describe the board's use of Franchise Tax Board intercepts to collect outstanding fines.**

15 The Board sent one case to FTB to collect outstanding fines. Due to the low volume of fines
 16 issued, FTB has not been necessary. For those who are licensed, the Board will hold renewal until
 17 the fines are paid.

18 **Cost Recovery and Restitution**

19 **Describe the board's efforts to obtain cost recovery. Discuss any changes from the last**
 20 **review.**

21 When cost recovery is ordered, payment plans are implemented unless the probationer can pay
 22 the amount in one lump sum; probationers are not allowed to complete probation until all cost
 23 recovery is received.

24 Since the last review, the Board has had a 62% increase in enforcement expenditures for
 25 Optometry. However, there was also a 63% increase in potential cases for cost recovery resulting
 26 in a 64% increase in cost recovery ordered. The amount of cost recovery collected fell by 16%.
 27

28 **How many and how much is ordered by the board for revocations, surrenders and**
 29 **probationers? How much do you believe is uncollectable? Explain.**

30 According to Board records, \$231,182 in cost recovery has been ordered for revocations,
 31 surrenders and cost recovery. Of that, only 21% (\$49,387.71) is being actively collected through
 32 probationers on payment plans. Roughly 79% of that (\$181,794.29) was ordered for revocations,
 33 surrenders, and probationers who are tolling and is believed to be uncollectable. These licensees
 34 only have to repay their cost recovery upon reinstatement or returning to practice in California.
 35 The majority of them never return to practice in California; therefore, they have no desire or
 36 requirement to pay their outstanding balance.

37 **Are there cases for which the board does not seek cost recovery? Why?**

38 As previously reported, the Board seeks cost recovery in most cases. Cost recovery is used as a
 39 negotiation tool in stipulated settlements. The board may agree to decrease or eliminate cost
 40 recovery if it expedites the disciplinary process through settlement. The board does not have the

1 authority to order cost recovery in cases that result in revocation of registration or licensure by
 2 default decision.

3 **Describe the board’s use of Franchise Tax Board intercepts to collect cost recovery.**

4 To date the Board has not used FTB for cost recovery; however, the Board will use it in the future,
 5 where appropriate.

6 **Describe the board’s efforts to obtain restitution for individual consumers, any formal or**
 7 **informal board restitution policy, and the types of restitution that the board attempts to**
 8 **collect, i.e., monetary, services, etc. Describe the situation in which the board may seek**
 9 **restitution from the licensee to a harmed consumer.**

10 As previously reported, the Board has no jurisdiction to order restitution unless written into a
 11 disciplinary order or stipulated settlement. While the Board does not have a formal restitution
 12 policy, we have sought restitution in cases involving insurance fraud. In addition, if the Board
 13 obtains evidence of substantial financial harm from a consumer by a licensee, the Board would
 14 seek restitution at the hearing or in a stipulated settlement.

15 Cases involving restitution are rare, however, and many times insurance agencies who discover
 16 fraud will allow the optometrist to continue working in order to pay off the debt prior to reporting it
 17 to the Board.

18 Further, in many cases, optometrists will achieve compliance with regard to fee disputes without
 19 the need for restitution. Optometrists notified by the Board of a complaint involving a fee dispute
 20 over a product or service, will make the complainant whole by refunding their fees paid. These
 21 complaints would not be publicly reported, nor would they be considered restitution.

22

| Table 11. Cost Recovery – Optometry | | | | |
|--|-------------|-------------|-------------|------------|
| (list dollars in thousands) | | | | |
| | FY 2012/13 | FY 2013/14 | FY 2014/15 | FY 2015/16 |
| Total Enforcement Expenditures | \$287,801 | \$478,790 | \$345,831 | \$95,786 |
| Potential Cases for Recovery * | 8 | 14 | 5 | 3 |
| Cases Recovery Ordered | 4 | 12 | 4 | 2 |
| Amount of Cost Recovery Ordered | \$33,238.10 | \$57,081.25 | \$23,647 | \$7,975 |
| Amount Collected | \$31,539.10 | \$40,604.99 | \$37,016.70 | \$11,337 |
| * "Potential Cases for Recovery" are those cases in which disciplinary action has been taken based on violation of the license practice act. | | | | |

| Table 11. Cost Recovery – RDO | | | | |
|--|------------|------------|------------|------------|
| (list dollars in thousands) | | | | |
| | FY 2012/13 | FY 2013/14 | FY 2014/15 | FY 2015/16 |
| Total Enforcement Expenditures | | | | \$31,257 |
| Potential Cases for Recovery * | 1 | 3 | 5 | 3 |
| Cases Recovery Ordered | \$0 | \$0 | \$0 | \$0 |
| Amount of Cost Recovery Ordered | \$0 | \$0 | \$491 | \$0 |
| Amount Collected | \$0 | \$0 | \$1,633 | \$0 |
| * "Potential Cases for Recovery" are those cases in which disciplinary action has been taken based on violation of the license practice act. | | | | |

23

| Table 12. Restitution – Optometry | | | | |
|--|--|--|--|--|
| (list dollars in thousands) | | | | |

| | FY 2012/13 | FY 2013/14 | FY 2014/15 | FY 2015/16 |
|------------------|------------|------------|------------|------------|
| Amount Ordered | \$0 | \$165.20 | \$0 | \$0 |
| Amount Collected | \$0 | \$165.20 | \$0 | \$0 |

| Table 12. Restitution – RDO (list dollars in thousands) | | | | |
|--|------------|------------|------------|------------|
| | FY 2012/13 | FY 2013/14 | FY 2014/15 | FY 2015/16 |
| Amount Ordered | \$0 | \$0 | \$0 | \$0 |
| Amount Collected | \$0 | \$0 | \$0 | \$0 |

Section 6 Public Information Policies

How does the board use the internet to keep the public informed of board activities? Does the board post board meeting materials online? When are they posted? How long do they remain on the board’s website? When are draft meeting minutes posted online? When does the board post final meeting minutes? How long do meeting minutes remain available online?

The Board’s central Internet resource for disseminating information to applicants, licensees, and the public is its Web site. The website features links to the Board’s laws and regulations, forms and publications, the BreEZe system, disciplinary actions against licensees, Board activities, newsletters, and links to related professions and associations. The website also offers a feature for individuals to enroll in a Subscriber List which provides an e-mail notification to subscribers when new information is added on the website.

Since the last sunset report, the Board has grown its social media presence through Facebook, Twitter, LinkedIn, Snapchat, Instagram, and Google+. These outlets are used to provide useful information to consumers and licensees as well as keep them apprised of the actions of the Board.

In addition, the Board has recently retooled its outreach efforts with regard to its interested parties email list via the ListServ system. This system allows the Board to contact via email its over 6000 subscribers, to inform them of regulatory hearings, meetings, surveys, etc. This system was not used to its full potential previously, as the messages would come across as simple text documents. However, after meeting with the Medical Board and learning some basic html coding, the Board has redesigned its templates to make them much more professional looking.

The Board posts meeting materials online for both full Board meetings and committee meetings. These materials are posted to the site at least seven days in advance. These materials remain on the Board’s Web site indefinitely.

Draft meeting minutes are not posted to the Board’s Web site. The Board posts final meetings minutes after they have been reviewed by the Board Secretary and approved at the following Board meeting. These minutes remain on the Board Web site indefinitely.

Does the board webcast its meetings? What is the board’s plan to webcast future board and committee meetings? How long to webcast meetings remain available online?

All Board meetings and some committee meetings (depending on resources) are webcast. Available resources permitted, all meetings will be webcast. Webcast meetings remain online indefinitely.

1 Does the board establish an annual meeting calendar, and post it on the board’s web site?

2 Yes. All board meeting dates for the upcoming calendar year are posted to the Board’s Web site
 3 one year in advance. Committees meet on an “as needed” basis pursuant to the Board’s
 4 Administrative Procedure’s Manual, and if they are public, are noticed 10 days in advance of the
 5 meeting date in compliance with the Administrative Procedures Act.

**6 Is the board’s complaint disclosure policy consistent with DCA’s *Recommended Minimum*
 7 *Standards for Consumer Complaint Disclosure*? Does the board post accusations and
 8 disciplinary actions consistent with DCA’s *Web Site Posting of Accusations and Disciplinary*
 9 *Actions (May 21, 2010)*?**

10 Yes, the Board’s complaint disclosure policy is consistent with DCA’s Recommended Minimum
 11 Standards for Consumer Complaint Disclosure, and the Board posts accusations and disciplinary
 12 actions consistent with DCA’s Web Site Posting of Accusations and Disciplinary Actions.

**13 What information does the board provide to the public regarding its licensees (i.e., education
 14 completed, awards, certificates, certification, specialty areas, disciplinary action, etc.)?**

15 Consumers can access a licensee’s information via DCA’s new BreEZe online system. A
 16 consumer or licensee can perform a query within BreEZe by entering a licensee’s name, license
 17 number, business name, city or county. A record will then appear with the licensee’s name,
 18 address of record, license status, license type, issue date, expiration date, certification,
 19 disciplinary actions, public documents, if any, and related licenses.

20 In addition, the Board is researching methods to give consumers an easier method to search for
 21 Board licensees and registrants within the BreEZe online license lookup function.

22 What methods are used by the board to provide consumer outreach and education?

23 The Board reaches consumers via its Web site, social media presence, and ListServ. The Board
 24 also keeps a list of interested parties to whom it mails physical copies of regulatory and meeting
 25 information.

26 In addition, the Board provides brochures regarding the importance of a comprehensive eye
 27 exam, the dangers of illegally sold cosmetic contact lenses, and what to expect at an eye exam.
 28 Links to these brochures are available on the Board’s Website.

29 Further, The Board regularly teams up with DCA publication to disseminate information via DCA
 30 WordPress page and the Consumer Connections Magazine.

31 In spring of 2015, the Board enhanced its focus on unlicensed activity by partnering with the FDA
 32 concerning the unlicensed practice and sales of cosmetic contact lenses.

33 Moreover the 2016 restructuring of staff will enable the Board to devote more resources to
 34 consumer outreach. Staff members have already expressed high interest in refreshing the Board’s
 35 seasonal newsletter.

36 Section 7 Online Practice Issues

**38 Discuss the prevalence of online practice and whether there are issues with unlicensed
 39 activity. How does the board regulate online practice? Does the board have any plans to
 40 regulate internet business practices or believe there is a need to do so?**

1 With technological advancements in the last several years, online refractions are being offered to
 2 California consumers. However, to date, none of the services are being offered or provided by
 3 optometrists. Currently, all services have been offered and provided by California licensed
 4 ophthalmologists. Thus, those services fall under the Medical Board of California’s jurisdiction.
 5 However, the Board monitors this issue closely.

6
 7 In addition, the Board has investigated several cases involving online illegal sales of cosmetic contact
 8 lenses. Now that the Board oversees the RDO Program, the enforcement unit will shift some focus
 9 to

10 **Section 8 Workforce Development and Job Creation**

11
 12 **What actions has the board taken in terms of workforce development?**

13 The Board serves a key role in developing the California workforce, as it is the only gateway to applicants
 14 seeking to enter the optometric and dispensing professions in California. In order to develop the workforce,
 15 the Board focuses on verifying applicants possess the required skills and knowledge to provide services to
 16 the diverse population of Californians who seek primary eye care services. As reported in the last review,
 17 these efforts include processing applications timely, working with the schools to identify and resolve
 18 student concerns when possible, and annual outreach to the schools and colleges of optometry.

19 In addition, through BreEZe, the Board is developing reports to identify licensing cycle times and
 20 deficiencies in relation to the schools. Based on these results, the Board will be able to provide more
 21 specific outreach to schools who may have specific deficiency trends (e.g., untimely transcript submittals,
 22 test scores, fingerprint data, etc.). Through increased communication up front, the Board will be able to
 23 improve its licensing cycle times, which increases California’s workforce quicker and more efficiently.

24 Further, the Board continues to analyze its licensing and registration requirements (in statute and
 25 regulation) to identify any unnecessary barriers to licensure. Removing these barriers equates to
 26 increased workforce development and patient access to care. In January 2016, several Board sponsored
 27 and/or supported bills took effect, removing some of these barriers. For example, a barrier to obtain a
 28 Therapeutic Pharmaceutical Agents (TPA) certification was removed and replaced with an attainable, yet
 29 equitable, pathway (Board Sponsored AB 1359). Through SB 800, license barriers to out of state
 30 applicants were removed while still ensuring minimum competencies are met and consumer protections
 31 remained. Pathways were clarified for retired optometrists seeking to volunteer their services, which
 32 enhanced consumer protection (AB 1253).

33 License mobility (i.e., out-of-state applicants) is another area the Board is analyzing. This national issue
 34 was discussed during the 2016 Association for Regulatory Boards of Optometry (ARBO) meeting. After
 35 attending this meeting, the Executive Officer identified other state Boards’ policies regarding this issue; the
 36 Board will continue to analyze this topic in order to remove barriers while still protecting California
 37 consumers.

38 In relation to the RDO Program, the Board believes an in depth analysis is need of the current statutes and
 39 regulations related to registrations under the RDO Program. The majority of the applicable laws have not
 40 been updated since their conception several decades ago. Once the Dispensing Optician Committee is
 41 filled, it will be tasked with assisting in this effort.

42 **Describe any assessment the board has conducted on the impact of licensing delays.**

43 Licensing/registration delays adversely affect the optometric and dispensing profession,
 44 licensees’/registrants’ ability to make a living, and the public’s ability to have their eye care needs met in a
 45 swift and professional manner by competent eye care professionals. The Board is continuously assessing
 46 it’s licensing processes in order to be as efficient as possible and to prevent licensing delays.

1 **Describe the board’s efforts to work with schools to inform potential licensees of the licensing**
 2 **requirements and licensing process.**

3 As mentioned above, the Board visits California schools and colleges of optometry annually to educate the
 4 third year students about licensing requirements, processes, and the Board in general. The Board used to
 5 visit fourth year students; however, since many students apply near the beginning of their fourth year, by
 6 the time the Board presented, many of them had already started (and nearly completed) the application
 7 process. Therefore, the Board believed presenting to the third year students was more effective.

8 While presenting to California students is important, its effectiveness is limited to California students. In
 9 order to improve its educational student outreach, the Board is currently exploring ways to reach students
 10 on a broader scale; this includes building strong working relationships with the Association of Schools and
 11 Colleges of Optometry (ASCO) as well as schools and colleges throughout the country. The Board is also
 12 identifying ways to record presentations and post them online for all students as well as annually
 13 distributing to all schools and colleges.

14 Attending the 2016 ARBO Annual meeting enabled the Executive Officer to start working with deans from
 15 other state colleges to enhance the Board’s educational student outreach. Participating in ARBO and other
 16 national meetings, such as ASCO’s meeting, is essential to improving these educational efforts.

17 **Describe any barriers to licensure and/or employment the board believes exist.**

18 As previously mentioned above, the Board is currently analyzing potential barriers to licensure. Through
 19 sponsoring legislation, the Board was able to remove barriers for out of state applicants, those seeking a
 20 TPA certification and those wishing to return to the workforce as a volunteer after retirement. The Board is
 21 working to identify additional barriers to in-state and out-of-state applicants for optometrists and
 22 dispensers.

23 **Provide any workforce development data collected by the board, such as:**

24 **Workforce shortages**

25 **Successful training programs.**

26 As reported in the last review, the Board does not current collect workforce development data. However,
 27 this was another national topic discussed during the 2016 ARBO meeting. After attending, the Executive
 28 Officer identified ways to start collecting this data. The Board is currently researching ways to incorporate
 29 an optional workforce data survey into the renewal process. Licensees/registrants would have the option
 30 to complete the survey as part of their online renewal, but they will not experience any renewal delays
 31 should they choose not to participate.
 32

33 **Section 9 Current Issues**

35 **What is the status of the board’s implementation of the Uniform Standards for Substance**
 36 **Abusing Licensees?**

37 The Board has incorporated the Uniform Standards for Substance Abusing Licensee to its
 38 disciplinary guidelines. On February 27, 2013 the Office of Administrative Law approved the
 39 rulemaking package. The regulations become effective on April 1, 2013.

40 **What is the status of the board’s implementation of the Consumer Protection Enforcement**
 41 **Initiative (CPEI) regulations?**

42 Previously the Consumer Protection Enforcement Initiative regulations were included in the
 43 rulemaking package that included the Uniform Standards Related to Substance Abuse and

1 Disciplinary Guidelines, however, the Board voted to split the rulemaking package into two
 2 parts. This would allow staff to fully focus on the regulations that were mandatory. During the
 3 November 2015 Board meeting, the Board approved the rulemaking package to delegate
 4 certain functions to the executive officer, including continuing education course approval,
 5 extension/exemption approvals accepting default decisions. Staff is currently working on
 6 preparing the rulemaking package for the Office of Administrative Law to publish.

7 **Describe how the board is participating in development of BreEZe and any other secondary IT**
 8 **issues affecting the board.**

9 **Is the board utilizing BreEZe? What Release was the board included in? What is the status of**
 10 **the board's change requests?**

11 The Board was part of Release 2 of the BreEZE project, which went live on January 19, 2016.
 12 According to the BreEZe team, the Board had one of the most successful launches into the
 13 BreEZe system. This can be directly attributed to the active participation of the Board in the
 14 design, configuration, and testing of the BreEZe system. The Board, along with the BreEZe
 15 team, has completed 514 requests, with 23 requests currently pending

16 The Board will continue to help improve the BreEZe system by soliciting feedback and
 17 suggestions from consumers, applicants, licensees, and staff. This will ensure that the system
 18 will get better with time, and will increase the methods in which it can facilitate Board
 19 processes.

20 In addition, with the passage of AB684, the Board had to begin processing RDO applications in
 21 the BreEZe system via the MBC's domain. This is only temporary, however, and the Board,
 22 along with the BreEZe team has begun the task of designing and configuring the RDO
 23 program to function directly under the Board within BreEZe. This also allows the Board to
 24 revamp licensing procedures and eliminate duplicative or unnecessary processes.

25 **If the board is not utilizing BreEZe, what is the board's plan for future IT needs? What**
 26 **discussions has the board had with DCA about IT needs and options? What is the board's**
 27 **understanding of Release 3 boards? Is the board currently using a bridge or workaround**
 28 **system?**

29 The Board is currently utilizing the BreEZe system.

30 **Section 10**

31
 32 Include the following:

- 33 1. Background information concerning the issue as it pertains to the board.
- 34 2. Short discussion of recommendations made by the Committees during prior sunset review.
- 35 3. What action the board took in response to the recommendation or findings made under prior
 36 sunset review.
- 37 4. Any recommendations the board has for dealing with the issue, if appropriate.

38 **OCCUPATIONAL ANALYSIS**

39 **ISSUE #1: What is the status of the occupational analysis for optometric assistants?**

1 **2012 Committee Concerns and Recommendation:** The underlying concerns stemmed from
 2 the lack of implementing SB 929 (Polanco, Ch. 676 Stats. 2000) which expanded the scope of
 3 practice for optometrists and optometric assistants through regulations. In line with the
 4 recommendations made during the 2002 Sunset Review hearing, the Committee
 5 recommended that the Board take immediate action to conduct the occupational analysis.

6 **2012 Board Response:** The Board agreed with the Committee recommendations, stating it
 7 would work with DCA to secure funds for the occupational analysis of optometric assistants.
 8 Expected outcomes included developing regulations to implement the analysis'
 9 recommendations, or the need to create a certification process under the Board's oversight for
 10 optometric assistants. The latter outcome would require legislation and a permanent Staff
 11 Services Analyst.

12 **Board Action and Recommendation:** The Board was unsuccessful in securing funds through
 13 the BCP process. However, the Board requests Committee reconsideration of the occupational
 14 analysis of optometric assistants. In light of legislative and regulatory amendments made
 15 since SB 929 (described below) and the current pursuit of an OA of optometrists and the
 16 National Board of Examiners in Optometry (NBEO) examination, the Board believes there is
 17 adequate consumer protection without pursuing an OA specific to optometric assistants.
 18

19 While it wasn't mentioned in the 2012 Sunset Report, optometric assistants were addressed
 20 again in 2010 through AB 2683 (Hernandez). That bill did the following:

- 21 • Authorized an assistant to fit prescription lenses and perform those additional duties in
 22 any setting where optometry or ophthalmology is practiced, under the direct
 23 responsibility and supervision of a physician and surgeon, optometrist, or
 24 ophthalmologist, respectively
- 25 • Defined "setting" for purposes of this provision to include, without limitation, any facility
 26 licensed by the State Department of Public Health or the State Department of Social
 27 Services.
- 28 • Made conforming changes to related provisions.

29
 30 The analysis stated the following:

31 **Use of Assistants.** This bill was amended on May 17, at the request of the California
 32 Medical Association to clarify that assistants under the direct oversight of an
 33 ophthalmologist or optometrist may carry out certain tasks and functions in any setting
 34 where ophthalmology or optometry is practiced. Formerly, the law specified that these
 35 assistants may carry out these functions in the office of a physician and surgeon or
 36 optometrist.
 37

38 Writing in support of these amendments, the Chairman of the UC Davis Eye Center
 39 states that ophthalmology practices have traditionally employed specialized ophthalmic
 40 technicians who are not usually formally trained as medical assistants, but have training
 41 that is specifically relevant to eye care. In order to provide efficient and affordable
 42 health care, amendments were made by SB 929 in 2000, which authorized assistants to
 43 administer medications under the direct supervision of a physician and surgeon or
 44 optometrist. Since that time, however, the Department of Public Health has interpreted
 45 that amendment as not applying to practice operating in hospital-based clinics, which
 46 are under its licensing jurisdiction. Prohibiting supervised technicians from
 47 administering drops under direct supervision "greatly impairs our ability to render care in

1 an efficient and cost-effective manner. Moreover, the nature of the practice in academic
 2 health centers which often care for larger numbers of patients with more serious health
 3 problems seriously impairs out ability to care effectively.”
 4

5 “The care delivery activities involved in practicing ophthalmology and optometry are no
 6 different when performed in a hospital-based clinic compared with a private office.
 7 Given that technicians have been administering these medications for decades in
 8 private offices (and indeed in hospital-based clinics for nearly that long until the recent
 9 DPH challenge) without known issue, this clarification in law only serves to restore what
 10 had reasonably been intended in the first place.”
 11

12 In addition, optometrists’ scope of practice expanded in 2010 (AB 1164) and 2013 (AB 761),
 13 which included additional educational requirements set forth in BPC § 3041 and CCR § 1571.
 14 Everything an optometric assistant can perform must be done under the “direct responsibility
 15 and supervision of an ophthalmologist or optometrist.” If any violations occur, the optometrist
 16 is held accountable. The legislature and the Board have enhanced optometrists’ educational
 17 requirements as scope expanded.

18 Further, the Board is currently pursuing funds to perform an occupational analysis of the
 19 optometric profession and the National Board of Examiners in Optometry (NBEO) examination.
 20 That analysis will include optometrists’ current knowledge and supervision level of optometric
 21 assistants. Based on the result of that OA, the Board would have more information to see if
 22 the current structure is sufficient or if additional regulations are needed for the optometric
 23 assistants.
 24

25 **ENFORCEMENT**

26
 27 **ISSUE #2: Should the Board check the Health Integrity and Protection Databank**
 28 **(HIPDB) and the National Practitioner Databank (NPDB)?**

29 **2012 Committee Concerns and Recommendation:** The Committee was concerned with the
 30 protection of the public and the effective operation of the profession. The Committee believed
 31 it was imperative that methods, such as utilizing the NPDB and HIPDB, be employed to
 32 thoroughly examine a potential licensee’s professional background and criminal history. As a
 33 result, the Committee recommended the Board work with DCA to ensure that it is provided the
 34 funds to apply for the NPDB and HIPDB.

35 **2012 Board Response:** The Board agreed with the Committee’s recommendation and stated
 36 it would work with DCA’s Budget’s Office to determine the best method in obtaining the
 37 necessary resources – indicated that may include drafting additional BCPs for funds and
 38 staffing, or increasing licensing fees which would require statutory and regulatory authority.

39 The Board stated it would also research if other DCA healing arts board are using these
 40 databases and inquire as to their methods for funding.

41 In addition, the Board proposed an “interim solution” which was to continue the status quo by
 42 subjecting applicants to background and criminal history checks by submitting fingerprints to
 43 DOJ and the FBI and requiring a letter of good standing from out-of-state applicants.

1 **Board Action and Recommendation:** The Board was unsuccessful in securing funds for the
 2 NPDB. However, in May 2013, the HIPDB merged with the NPDB; information previously
 3 disclosed through the HIPDB is now collected and disclosed through the NPDB. With this
 4 merge, the cost went from \$6.50 per licensee per year to \$3.00.

5 Although the Board was unsuccessful in securing funds through the BCP process, it began
 6 submitting out of state applicants through NPDB's continuous query (meaning the Board
 7 receives automatic notifications for reports rather than a one-time query) in October 2015 and
 8 is absorbing the costs. In October 2016, costs will be reduced to \$2.00 per licensee per year.

9 While the Board is able to absorb the costs for out-of-state applicants now, it believes the
 10 public is better protected if all licensees are submitted through NPDB's continuous query
 11 program. Many applicants become licensed in other states *after* receiving a license in
 12 California. The Board would not know to submit those individuals to the NPDB. In addition, if
 13 an applicant does not disclose he/she is licensed in another state (where they have been
 14 disciplined), the Board would not know to check NPDB.

15 Though reporting agencies are required to notify the Board when an action is taken, that
 16 information, it is very rare and it could be years after the action was posted. Further, those
 17 agencies would have to know if the optometrists are licensed with the Board. If other states
 18 were not notified of licensure in California, they would never know to notify the Board.

19 Currently, there could be several licensees who have been disciplined in another state without
 20 the Board's knowledge. This poses a threat to public safety, because those optometrists who
 21 have been disciplined in another state may be practicing in California, despite having been
 22 deemed a threat to public safety in another state.

23 In the future, in order to fund submitting each applicant and licensee through the continuous
 24 query, the Board would need to increase its initial application fee \$2.00 and renewal fee \$4.00.

25
 26 **ISSUE #3: What has led to the time lag in cases referred to the Attorney General?**

27 **2012 Committee Concerns and Recommendations:** The Committee was concerned that the
 28 Board's target timeframes are still being exceeded by a significant quantity. The Committee
 29 was also concerned with the potential harm to the public that may be incurred if an
 30 unscrupulous licensee continues to practice during a lengthy disciplinary case review by the
 31 Attorney General. Therefore, the Committee recommended that the Board specify what
 32 additional measures can be taken to expedite processing of enforcement cases.

33 **2012 Board Response:** The Board responded by explaining the enforcement process and all
 34 instances enforcement cases are out of the Board's hands. In addition, the Board mentioned
 35 the difficulty tied to the lack of educated investigators and subject matter experts. The Board
 36 also stated it had a "statistical disadvantage" due to the smaller discipline caseload compared
 37 to other Boards "wherein one or two abnormally lengthy investigations are not sufficiently
 38 balanced by a number of more expedient investigations." The Board explained it created a
 39 timeline guide for follow up with agencies it cannot otherwise control. The Board also
 40 anticipated transitioning to BreEZe during FY 20/13-14.

41 **Board Action and Recommendation:** As discussed in more detail in Section 5, the Board's
 42 Enforcement Unit completely restructured in FY 15/16. While it experienced turnover,
 43 vacancies, and participated in BreEZe, the Board's restructure focused on capitalizing on its

1 current resources by dramatically changing duty statements and reclassifying enforcement
 2 positions.

3 *Will add more*

4
 5 **ISSUE #4: Should the Board be granted the authority to inspect an optometrist's**
 6 **practice location?**

7 **2012 Committee Concerns and Recommendation:** The Committee agreed that the Board's
 8 enforcement unit should be granted the authority to inspect an optometrist's practice location.
 9 However, the Committee noted the Board's inability to carry out its current enforcement duties
 10 due to budget constraints and a lack of staff. Thus, the Committee requested the Board
 11 provide a plan for increasing the workload of its enforcement officers considering the existing
 12 budget and staffing constraints.

13 **2012 Board Response:** In order for the Board to successfully implement inspections in a way
 14 that would benefit public safety, the Board would need to seek statutory authority. That
 15 proposal would also need to include a request for a new position. The new position would have
 16 to be an inspector classification, and the candidate would need to be an optometrist. The
 17 current staff at the Board is not qualified to perform inspection duties because they are not
 18 optometrists and are needed to perform the job duties they currently have. If current staff were
 19 to attempt to take on this increased workload, it would cause a negative ripple effect on all
 20 enforcement activities because current duties would be neglected. For example, enforcement
 21 processing timelines would increase which would result in less public protection. Also, since
 22 they are not specialists in practice related issues like an actual optometrist, it would be a waste
 23 of resources because they would not be as effective as an optometrist. The Board of
 24 Pharmacy uses pharmacists in their investigation program, and the Board would most benefit
 25 from following the same model. If the Board were to receive inspection authority, a BCP would
 26 need to be submitted to obtain the inspector position and spending authority, or an
 27 augmentation to its budget line to contract with an optometrist to conduct inspections.

28 In the meantime, the Board plans to continue handling cases that require an investigator the
 29 same way they have been handled in the past. That involves enforcement staff conducting a
 30 desk investigation and identifying the types of violations that require an inspection. Then,
 31 Board staff requests that investigator be sent into the field from the Department of Investigation
 32 (DOI). If DOI needs an optometrist to develop an investigative plan, one of the Board's experts
 33 will be called upon to assist. These services are most commonly used when an optometrist is
 34 on probation for reasons such as insurance fraud, violation of infection control guidelines, etc.),
 35 or in the investigation of a complaint. DOI typically needs a subpoena to go into an
 36 optometrist's office to inspect in this manner. The Board will also meet with other healing arts
 37 boards that currently have inspection authority to learn about and evaluate their programs.
 38 Based on the information collected from other programs, the Board may develop a legislative
 39 proposal to obtain inspection authority for the profession of optometry.

40 The primary intent of exploring this issue further is so that the Board can increase consumer
 41 protection; be more efficient and effective; reduce investigation timelines; and remove its
 42 dependence on outside agencies for assistance, which oftentimes contribute to increased
 43 timelines. In addition to the areas identified in the background of this issue, the Board has yet
 44 to consider other situations that would warrant an inspection, whether inspections will only be

1 conducted when there is cause and substantial evidence is provided, if inspections will be
 2 random or scheduled yearly similar to continuing education audits, etc.

3 **Board Action:** AB 684 granted the Board inspection authority to inspect locations where an
 4 optometrist and RDO were co-located. SB 836 expanded that scope to wherever optometry
 5 was being practiced. The Board is researching inspection programs within DCA to determine
 6 best inspection implementation methods given its limited resources. In addition, the Board is
 7 working with DCA to determine the best way to track inspections within the BreEZe system.
 8 One of the enforcement positions was re-classed to a higher level analyst in order to help
 9 develop and implement the Board's inspection program.

10
 11 **STAFFING**

12
 13 **ISSUE #5: Why was the Board's budget change proposal (BCP) denied?**

14 **2012 Committee Concerns and Recommendations:** The Committee was concerned about
 15 the Board's ability to regulate the profession as it had limited staff which prevented them from
 16 performing essential tasks that will help ensure consumer protection. The Committee
 17 recommended the Board inform the Committee of its plan to continue carrying out its various
 18 duties if no additional staff is allocated for the Board. The Committee also suggested exploring
 19 the possibility of hiring temporary or part-time staff to assist with completing critical tasks.

20 **2012 Board Response:** The Board agreed with the Committee's recommendation to hire
 21 temporary or part-time staff to assist in the completion of critical tasks, but stated it already
 22 explored this option, but did not have the funding. The Board provided a long list of actions to
 23 take, including, but not limited to, allowing overtime, reviewing and reassigning duties,
 24 conducting a workload study, assist with BreEZe, and pursue BCPs.

25 **Board Action:** As mentioned above, the Enforcement Unit has completely restructured in
 26 hopes to maximize efficiencies within the unit. Positions were re-classed, duties were
 27 reassigned, and processes were changed. In addition, overtime is being offered to help
 28 address the backlog. Once fully staffed and trained, the Board anticipates significant
 29 improvements in the Enforcement Unit. This will be demonstrated by lower pending cases and
 30 shorter cycle times.

31
 32 **LICENSE PORTABILITY**

33
 34 **ISSUE #6: License portability for military personnel and their spouses.**

35 **2012 Committee Concerns and Recommendations:**

36 The Committee encouraged licensing boards to examine their ability to exempt licensees from
 37 CE and licensing fee requirements during duty as well as waiving any licensing fees that have
 38 accrued upon the end of their duty term. The Committee was also supportive of standards for
 39 granting temporary licenses or expediting the licensing process for military spouses.
 40 Therefore, the Committee recommended the Board make every attempt to comply with BPC §
 41 115.5 in order to expedite licensure for military spouses. In addition, the Committee

1 recommended the Board consider waiving the fees for reinstating the license of an active duty
 2 military licensee.

3 **2012 Board Response:** The Board agreed with the Committee and was also supportive of the
 4 Federal and State efforts to assist licensed military personnel and their family members. The
 5 Board currently complies with BPC § 114 and 115, which requires the Board to reinstate the
 6 license of an optometrist without examination or penalty, who's license expired while he or she
 7 was on active duty in the California National Guard or the United States Armed Forces. In
 8 addition, California Code of Regulations (CCR) section 1536(i)(1) requires the Board to exempt
 9 licensees in the regular armed forces of the United States from continuing education
 10 requirements.

11 The Board is already complying with BPC §115.5 and has posted on its website information
 12 educating licensees about this option. This information was also sent to the Board's interested
 13 parties e-mail list and posted on the Board's Facebook and Twitter pages. While these
 14 applicants will still need to meet the requirements for licensure and ensure that the application
 15 is completed correctly, their applications for licensure will be processed before other pending
 16 applicants.

17 **Board Action:** Several military bills have passed over the past few years. The Board is
 18 working with DCA to implement all new changes in the BreEZe system. In addition, the
 19 Board's revised license application includes all new military questions for compliance with the
 20 applicable bills.

21
 22 **Continued Regulation of the Profession by the**
 23 **Current Members of the Board**

24
 25 **ISSUE #7: Should the current Board continue to license and regulate ODs?**

26 **2012 Committee Recommendation:** The Committee recommended that ODs continue to be
 27 regulated by the current Board and be renewed again in four years.

28 **2012 Board Response:** The Board agreed with the Committee's recommendation.

29 **Board Action and Recommendation:** The Board recommends optometrists (and registrants
 30 within the RDO Program) continue to be regulated by the current Board and be renewed again
 31 in four years.

32
 33
 34 **Section 11 New Issues**

35 This is the opportunity for the board to inform the Committees of solutions to issues identified by the
 36 board and by the Committees. Provide a short discussion of each of the outstanding issues, and the
 37 board's recommendation for action that could be taken by the board, by DCA or by the Legislature to
 38 resolve these issues (i.e., policy direction, budget changes, legislative changes) for each of the
 39 following:
 40

1. Issues that were raised under prior Sunset Review that have not been addressed.

None

2. New issues that are identified by the board in this report.

Organizational Realignment

- a. On-going operational integration of Registered Dispensing Opticians into the State Board of Optometry structure, such as licensing, enforcement and dispute resolution
- b. Constitute and advance the Dispensing Opticians Committee, beginning with the launch of the advisory committee and establishing a regular cadence of interaction with the Board

Comment [D3]: These issues have not been discussed by the Board. They are recommendations from the Sunset Committee and Staff to help initiate thoughtful discussion. Board members are encouraged to provide feedback and suggest any issues not contained in this. Board members may also wish to remove certain issues from this list.

Access to Quality Eye Care

- a. Advance and continue support of the Children’s Vision initiative, focusing on eye examinations for children
- b. Understand the future role of mobile clinics in meeting the needs of Californians across all demographic and economic reaches
- c. Examine different models of vision care to look for ways to ensure access to optometric services in the most underserved parts of California

Technology and Innovation

- a. In collaboration with other DCA boards, evaluate online and kiosk refraction practices and determine next steps to promote consumer protection and care, including partnerships or legislative action.
- b. Assess technological advances in health care, beginning defining standards of care that is inclusive of technological advances and future operating practices
- c. Educate members of the public and Board of Optometry members and staff regarding telemedicine and concierge services in the medical arena as health care insurance programs and others include these services in their plans, including, but not limited to, on-site care at business facilities and locations

Economic Development

- a. Develop a better understanding of new business models for the delivering eye care, including mobile clinics, telemedicine products, innovative technology and other practices seeking entry to the California marketplace
- b. Identify potential impacts to consumer health and safety, and explore partnership with other public entities as appropriate to ensure the protection of consumers in the state

Professional and Technical Excellence

- a. Review pathways to licensing, including the potential admission of foreign graduates and curriculum given through accredited schools or colleges outside of the state or country with the goal of a more streamlined process that provides a pathway for the profession and protects the consumer
- b. Consider requests for continuing education credits from public and private teaching sources to ensure licensees in the state are up to date on the most advanced research and methods in order to protect consumers
- c. Utilize intra- and inter-government databases to facilitate checks, reviews and validation of prior practices, hearings and disciplinary actions both in California and nationally

**Brown Administration, accomplishments and noteworthy statements
from his home page biography.**

Under Brown, California has cut its unemployment rate in half and added more than 2 million new jobs, while enacting sweeping public safety, immigration, workers' compensation, health care, water, pension and economic development reforms. California has also established nation-leading targets to protect the

1 environment and fight climate change, and by 2030 the state will: reduce greenhouse gas emissions 40
 2 percent below 1990 levels, generate half of its electricity from renewable sources, double the rate of energy
 3 efficiency savings in its buildings and reduce today's petroleum use in cars and trucks by up to 50 percent.
 4

5 **National Practitioner Data Bank (NPDB)**

6 As discussed in prior sections, the Board began enrolling out of state applicants into NPDB's continuous
 7 query system. This enables the Board to receive notification every time an enrollee is reported to the
 8 NPDB.
 9

10 However, relying solely on the applicants' self-disclosure of licenses in other states is not in the best
 11 interest of consumer protection. Applicants who have been disciplined in another state have the ability to
 12 submit an application, choose not to disclose other state licenses, and be issued a license without the
 13 Board checking NPDB.
 14

15 In addition, many optometrists, after becoming licensed in California, seek licensure in other states.
 16 Similarly to initial applications, relying on the self-disclosure of prior discipline during the renewal process is
 17 also not in the best interest of consumer protection. Likewise, relying on other regulatory agencies to report
 18 to the Board is also insufficient. These instances leave ample opportunity for disciplined optometrists to
 19 continue providing care to California patients, despite another agency deeming them unsafe to practice.
 20

21 To rectify this consumer protection issue, the Board would need legislation authorizing the Board to enroll
 22 all applicants and licensees into NPDB's continuous query system.
 23

24 **Inspection Authority**

25 As previously mentioned, the Board was granted inspection authority through AB 684 and SB 836.
 26 Effective January 1, 2017, the Board's inspection authority is granted by the following section:
 27

28 "The board may at any time inspect the premises in which optometry is being practiced or in which
 29 spectacle or contact lenses are fitted or dispensed. The board's inspection authority does not extend to
 30 premises that are not registered with the board. Nothing in this section shall be construed to affect the
 31 board's ability to investigate alleged unlicensed activity or to inspect premises for which registration has
 32 lapsed or is delinquent.
 33

34 The intent of this language was to give the Board inspection authority for all locations optometry is being
 35 practiced and dispensing is taking place. However, the Board believes the current language unintentionally
 36 limits the inspection authority and, at least, causes confusion as to what exactly the Board's authority is.
 37

38 Therefore, the Board would like the statute amended to the following:
 39

40 The board, or its designated agent, may at any time inspect any premises in which optometry is being
 41 practiced or in which spectacle or contact lenses are fitted or dispensed.
 42

43 **Mobile Clinics**

44 Under Health and Safety Code (HSC) 1200 et seq., mobile health care units may operate in California after
 45 meeting specific requirements, one of which requires the licensee to "[h]ave written policies established by
 46 the governing body of the licensee, to govern the services that the mobile unit provides." For optometrists,
 47 the Board serves as the "governing body," but the Board does not have established written policies "to
 48 govern the services that the mobile unit provides." In addition, pursuant to CCR § 1507 (e), "[m]obile
 49 optometric facilities may only function as a part of a school teaching program as approved by the Board."
 50

1 During the 2015 legislative session, the Board sponsored SB 349 to established requirements allowing a
 2 nonprofit or charitable organization, a governmental agency or a school to own and operate mobile
 3 optometric facilities in California. After strong opposition, the bill was pulled by the author.
 4

5 Despite having an unclear legal pathway, many nonprofit/charitable organizations are operating mobile
 6 optometric clinics throughout California, providing optometric care to low income families in need. In
 7 addition, more seniors are choosing to remain in their homes rather than entering residential care facilities
 8 or nursing homes. The Board recognizes the need to reevaluate mobile clinic.
 9

10 With consumer protection remaining paramount, the Board will continue to analyze this issue carefully and
 11 may propose legislation addressing this issue in the near future.
 12

13 **Foreign Graduate Sponsorship for the NBEO Examination**

14 Although there foreign graduates cannot obtain a license to practice optometry anywhere in the United
 15 States without first obtaining a degree from an accredited school/college of optometry, BPC § 3057.5 and
 16 CCR § 1530.1 mandates that the Board permit foreign grads to take the licensure examinations. This
 17 process is done by offering foreign graduates "sponsorship" to take the national exam after meeting certain
 18 requirements. Only two states offer sponsorship: California (sponsoring the vast majority of foreign
 19 graduates) and New York (sponsoring relatively few).
 20

Comment [D4]: Define what sponsorship means

21 This sponsorship process takes a significant amount of staff time to review and process, and there is no
 22 fee for the sponsorship application. In addition, offering sponsorship has only proven to create confusion
 23 among foreign applicants, because they believe this process will lead to licensure in California. However,
 24 until foreign graduates obtain a degree from an accredited college of optometry (available through
 25 accelerated programs), the Board believes this time-consuming process will never benefit California
 26 patients or further develop California's workforce.
 27

28 Therefore, the Board believes BPC § 3057.5 should be repealed.
 29

30 **License Mobility**

31 During a 2016 Little Hoover Commission hearing, the Board was described as having "huge barriers to
 32 move across state lines." The Board is currently analyzing the out of state license requirements to identify
 33 and remove any unnecessary barriers while still ensuring minimum competencies are met and consumer
 34 protections remain. As previously mentioned, SB 800 removed a license barrier to out of state applicants
 35 requiring 5,000 practice hours prior to obtaining licensure in California. This requirement originally was in
 36 lieu of passing a portion of the national exam; however, it became unnecessary in 2012 when all applicants
 37 were required to pass all portions of the national exam.
 38

39 Another license mobility barrier has been identified in BPC § 3057(a)(6) which prohibits the Board from
 40 considering an application from any out of state applicant who has ever "had his or her license to practice
 41 optometry revoked or suspended in any state where the person holds a license." This requirement
 42 removes all discretionary ability from the Board to evaluate the underlying circumstances or consider any
 43 rehabilitation efforts. An out of state applicant may have faced revocation in another state for a violation
 44 that may not even apply to California laws. In addition, another state may have revoked and subsequently
 45 reinstated a license after considering rehabilitation efforts (similar to California). However, how the statute
 46 is written, that out of state applicant can never become licensed in California.
 47

48 The Board believes this places an unreasonable barrier to licensure in California and should be struck in
 49 statute. The Board has discretion to review discipline by other states through BPC § 3057(a)(4),(5), and
 50 (7):
 51

1 (a) The board may issue a license to practice optometry to a person who meets all of the following
 2 requirements:

3 ...
 4 (4) Is not subject to disciplinary action as set forth in subdivision (h) of Section 3110. If the
 5 person has been subject to disciplinary action, the board shall review that action to determine if
 6 it presents sufficient evidence of a violation of this chapter to warrant the submission of
 7 additional information from the person or the denial of the application for licensure.

8 (5) Has furnished a signed release allowing the disclosure of information from the National
 9 Practitioner Database and, if applicable, the verification of registration status with the federal
 10 Drug Enforcement Administration. The board shall review this information to determine if it
 11 presents sufficient evidence of a violation of this chapter to warrant the submission of additional
 12 information from the person or the denial of the application for licensure.

13 ...
 14 (7) (A) Is not subject to denial of an application for licensure based on any of the grounds listed
 15 in Section 480.

16 (B) Is not currently required to register as a sex offender pursuant to Section 290 of the Penal
 17 Code.

18 Thus, the Board believes sufficient consumer protections will remain without BPC § 3057(a)(6).
 19

20
 21 Moreover, the Board is currently researching licensure by endorsement – a service offered by a branch of
 22 the Association of Regulatory Boards of Optometry called the Council on Endorsed Licensure Mobility for
 23 Optometrists (CELMO). CELMO was created to assist ARBO's member optometry boards in reviewing
 24 applications for licensure from established practitioners in other jurisdictions. The goal of the CELMO
 25 program is to provide a license mobility vehicle by which the optometry licensing boards can address the
 26 difficult task of how to deal with the issue of licensure by endorsement in a uniform and consistent manner.
 27

28 **RDO Program**

29 The majority of the statutes pertaining to the RDO program have not been reviewed or amended in
 30 decades. The Board believes an in depth review and analysis of all registration requirements, policies, and
 31 procedures needs to be completed to ensure adequate consumer protections exist.
 32

33 **RDO Program Renewals**

34 The RDO registrations expire under the Medical Practice Act (BPC § 2420 and 2423). The Board believes
 35 these sections should be move to the applicable RDO statutes.
 36

37 **3. New issues not previously discussed in this report.**

38 None

39 **4. New issues raised by the Committees.**

40 Issues pending Committees review.
 41

42 Please provide the following attachments:

- 43 A. Board's administrative manual.
- 44 B. Current organizational chart showing relationship of committees to the board and membership
 45 of each committee (cf., Section 1, Question 1).
- 46 C. Major studies, if any (cf., Section 1, Question 4).

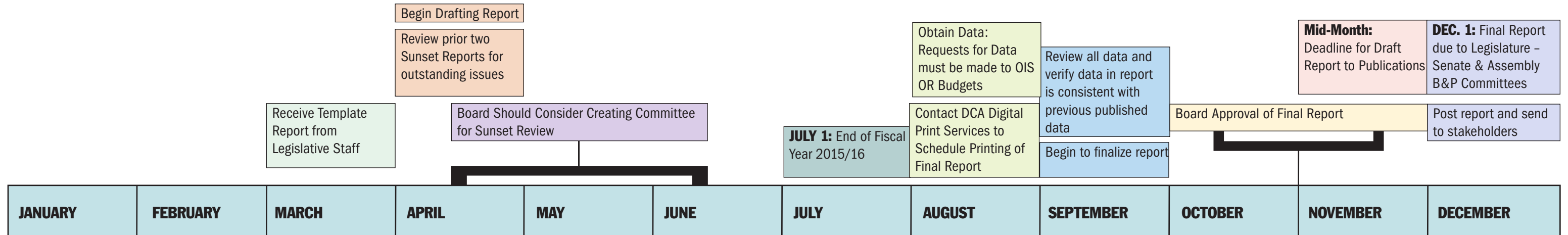
- 1 D. Year-end organization charts for last four fiscal years. Each chart should include number of
2 staff by classifications assigned to each major program area (licensing, enforcement,
3 administration, etc.) (cf., Section 3, Question 15).

DRAFT



SUNSET REVIEW PROCESS

2016



2017

