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To: Board Members

Date: January 27, 2017

From: Joanne Stacy
Policy Analyst

Telephone: (916) 575-7182

Subject: **Agenda Item 16 - Update, Discussion, and Possible Action on Implementing SB 482 and SB 1478; Proposed Amendments to California Code of Regulations (CCR) § 1525 Relating to License Renewals**

Amendment to California Code of Regulations (CCR) §1525

Background:

[Senate Bill 482](#) modified the reporting requirements CURES, requiring a health care practitioner authorized to prescribe, order, administer, or furnish a controlled substance to consult the CURES database to review a patient's controlled substance history. The bill would make the above-mentioned provisions operative 6 months after the Department of Justice certifies that the CURES database is ready for statewide use. This bill would provide that a health care practitioner who fails to consult the CURES database is required to be referred to the appropriate state professional licensing board for administrative sanctions, as deemed appropriate by that board.

Additionally, [Senate Bill 1478](#), starting July 1, 2017, exempts licensees issued a license placed in a retired or inactive status from the CURES fee requirement from the current CURES fee of \$6 to pay the reasonable costs associated with operating and maintaining CURES for the purpose of regulating those licensees.

The Board is responsible for enforcing the use of the CURES data base when qualified licensees prescribe and dispense of controlled substances. By including a section in the renewal form requiring an optometrist's DEA number, if applicable, the Board will be able to track those who are registered to dispense.

Action Requested:

Staff recommends that the Board amend the existing rulemaking file Licensure Examination Requirements to Update Form 39A-1, Rev. 7-09, Form OLA-2, Rev. 11/07, and Form LBC-4, rev. 2/07, CCR § 1523 (Attachment 1) which updates the application form for in-state and out of state applicants to include the updated renewal form. The update for the rulemaking file is in agenda item 15B. The amendments to CCR §1525 (Attachment 2) are similar and can be included in the same rule making file. The current form (Attachment 3) was last updated in 2010. The new amendments to the form would require the licensee to include

their DEA number, if they are registered to dispense Schedule II, Schedule III, and Schedule IV drugs. Additionally, the changes will allow the Board to incorporate the SB 1478.

Attachments:

1. Draft Language CCR §1523
2. Draft Language CCR §1525
3. R1POPT Rev 3-10
4. Renewal Form 1.17

BOARD OF OPTOMETRY

PROPOSED LANGUAGE

Amend section 1523 in Division 15 of Title 16 of the California Code of Regulations to read as follows:

§1523. Licensure and Examination Requirements.

(a)(1) Application for licensure as an optometrist shall be made on a form prescribed by the Board (Form ~~OLA-2~~[OPT-1](#), Rev. ~~7-095-16~~), which is hereby incorporated by reference, and shall show that the applicant is at least 18 years of age.

~~(2) Application for licensure by an out of state licensed optometrist as defined in Business and Professions Code Section 3057, shall be made on forms prescribed by the Board (Form OLA-2, Rev. 11/07 and Form LBC-4, rev. 2/07), which are hereby incorporated by reference, and shall show that the applicant is at least 18 years of age.~~

(b) An application shall be accompanied by the following:

(1) The fees fixed by the Board pursuant to Section 1524 in this Article.

(2) Satisfactory evidence of graduation from an accredited school or college of optometry approved by the Board, which must be provided by the school or college directly to the Board.

(3) An electronic record of fingerprints or, for an out of state applicant, one classifiable set of fingerprints on a form provided by the Board.

(c) An incomplete application shall be returned to the applicant together with a statement setting forth the reason(s) for returning the application and indicating the amount of money, if any, which will be refunded.

(d) Each applicant must achieve passing grades in all Board required examinations before being granted a license to practice optometry.

(e) Permission to take the California Laws and Regulations Examination (CLRE) shall be granted to those applicants who have submitted a paid application.

(f) Licensure shall be contingent on the applicants passing the Clinical Skills portion of the National Board of Examiners in Optometry examination as provided in Section 1531 in this Article and passing the CLRE.

(g) Admission into the examinations shall not limit the Board's authority to seek from an applicant additional information deemed necessary to evaluate the applicant's qualifications for licensure.

Note: Authority cited: Sections 3025, 3044, 3045 and 3057, Business and Professions Code. Reference: Sections 3044, 3045 and 3057, Business and Professions Code.

BOARD OF OPTOMETRY
PROPOSED LANGUAGE

Amend section 1525 in Division 15 of Title 16 of the California Code of Regulations to read as follows:

§ 1525. Optometrist License Renewal.

- (a) A license issued pursuant to Business and Professions Code Section 3055 expires at midnight on the last day of the licensee's birth month following its original issuance and thereafter at midnight on the last day of the licensee's birth month every two years if not renewed.
- (b) A renewal for licensure as an optometrist shall be made on a form prescribed by the Board (~~Form R1POPT, Rev. 3-10~~ [OPT-R Rev. 1/17](#)), which is hereby incorporated by reference, and shall be accompanied by the fee specified in Section 1524 and filed with the Board at its office in Sacramento.
- (c) Failure to provide all of the information required by this section renders any application for renewal incomplete and not eligible for renewal.
- (d) Failure of a licensee to comply with subdivision (b) is grounds for disciplinary action by the board against the license.

Note: Authority cited: Sections 3010.1, 3010.5, 3024 and 3025, Business and Professions Code, Health and Safety Code 11165 Reference: Sections 3055, 3056, 3059 and 3110, Business and Professions Code; and Section 11105, Penal Code.



OPTOMETRIST LICENSE RENEWAL RECEIPT

PART
1

FILL IN THE FOLLOWING INFORMATION & RETAIN PART 1 FOR YOUR RECORDS & RETURN PARTS 2 & 3 TO THE ADDRESS SHOWN IN PART 2.
 ***** PLEASE REMIT FEE FOR THIS RENEWAL ONLY *****
MAKE CHECK OR MONEY ORDER PAYABLE TO Board of Optometry

R1POPT
 03/26/10

TYPE	LICENSE NO	LICENSE EXPIRES	RENEWAL FEE PAID	DATE RENEWAL MAILED	YOUR CHECK NUMBER
			\$	/ /	

----- License Renewal -----

Failure to properly renew your license prior to the expiration date will cause your license to become delinquent and result in the loss of the right to practice optometry. There is no grace period for delinquency fees. Renewal applications postmarked after the delinquent date must include the delinquency fee. Once expired, your license is delinquent and practice is illegal.

* Payments must be postmarked by the U.S. Postal Service or accepted delivery service (e.g UPS, Fed Ex, etc.) by the due date in order to avoid delinquent licensure.

* Please allow 6-8 weeks to process your renewal.

----- Definitions -----

Active: Is a valid, unrevoked, and unexpired license and entitles licensee to practice optometry. Requires payment of fees and compliance with Business & Professions Code Section 3059 regarding continuing education (CE).

Inactive: Licensee may not practice optometry. Requires payment of fees. CE is not required.

Delinquent/Retired: Licensee may not practice optometry. This is a license which has not been renewed and if left in this status in excess three years will require the licensee to complete licensure examinations before the license will be reinstated to valid or inactive status.

----- Other Renewal Information -----

CE Requirement: In order to renew a license to active status, CE requirements must be completed. CE requirements shall be completed within the 2 years immediately preceding the renewal date of a license.

A therapeutic pharmaceutical agent (TPA) certified optometrist must complete 50 hours of CE. Effective January 1, 2005, 35 of the 50 hours are to be in any combination of the following course topics: Glaucoma, ocular infections, inflammation and topical steroids, systemic medications, and the use of pain medications. A diagnostic pharmaceutical agent (DPA) certified optometrist or those without a certification must complete 40 hours of CE.

CE Audits: Optometrists are subject to random audits of CE compliance. In the event of an audit, you will be required to provide proof of attendance at continuing education programs consistent with the criteria as set forth in CCR section 1536 (h).

CE Exemption & Extensions: CCR section 1536 (i) exempts active military licensees and those renewing for the first time from CE requirements if initial licensure is within one year from optometry school/college graduation. The Board may provide an extension from CE requirements if a licensee could not complete the requirement(s) due to illness, incapacity, or other unavoidable circumstances. Requests for extensions must be submitted in writing prior to the expiration date of the license.

DETACH HERE & RETAIN PART 1 FOR YOUR RECORDS. ALLOW 6-8 WEEKS FOR PROCESSING YOUR RENEWAL.

RETURN THIS FORM WITH ADDRESS IN PART 2 VISIBLE IN THE RETURN ENVELOPE WINDOW. BE SURE TO INCLUDE YOUR CHECK.

PLEASE SEE REVERSE SIDE OF THIS NOTICE FOR CONVICTION AND DISCIPLINE INSTRUCTIONS

PART
2

STATE OF CALIFORNIA
 DEPARTMENT OF CONSUMER AFFAIRS
 P O BOX 942532
 SACRAMENTO CA 94258-0532

----- LICENSE RENEWAL APPLICATION FOR OPTOMETRIST -----

PART
3

Since you last renewed your license, have you had any license disciplined by a government agency or other disciplinary body; or, have you been convicted of any crime in any state, the U S A and its territories, military court or a foreign country?
 PLEASE READ INSTRUCTIONS BEFORE ANSWERING
 G. YES H. NO

DO NOT ALTER THIS STATEMENT

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT I HAVE COMPLETED THE REQUIRED CONTINUING EDUCATION COURSE HOURS, OR THAT I AM EXEMPT FROM CONTINUING EDUCATION REQUIREMENTS.

D. SIGNATURE

DATE

AMOUNT DUE NOW

DELINQUENT FEE IF POSTMARKED AFTER

E. COMPLETE ONLY IF A CHANGE IN BUSINESS ADDRESS HAS OCCURRED. PRINT CORRECTION BELOW

PRACTICE LOCATION

CITY STATE ZIP

ENTER YOUR BUSINESS PHONE NUMBER FOR FUTURE REFERENCES

PHONE NUMBER ()

LICENSE STATUS

IF YOU WISH TO CHANGE YOUR STATUS PLEASE CHECK ONE OF THE FOLLOWING BOXES

A. ACTIVE
 B. INACTIVE

OVER

IMPORTANT INFORMATION

Check the box next to "YES" if, since your last renewal, you have had any license disciplined by a government agency or other disciplinary body; or have been convicted or plead guilty to any crime. "Conviction" includes a plea of no contest and any conviction that has been set aside or deferred pursuant to Sections 1000 or 1203.4 of the Penal Code, including infractions, misdemeanor, and felonies. You do not need to report a conviction for an infraction with a fine of less than \$300 unless the infraction involved alcohol or controlled substances. You must, however, disclose any convictions in which you entered a plea of no contest and any convictions that were subsequently set aside pursuant or deferred pursuant to Sections 1000 or 1203.4 of the Penal Code. "License" includes permits, registrations, and certificates. "Discipline" includes, but is not limited to, suspension, revocation, voluntary surrender, probation, or any other restriction.

Check the box next to "NO" if since your last renewal you have not had a license disciplined by another government agency or other disciplinary body and you have not been convicted of a crime or any crime in any state, the USA and its territories, military court or foreign country.



CALIFORNIA STATE BOARD OF OPTOMETRY

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



**Optometrist
Initial Renewal Notice**

LICENSEE NAME	LICENSE NO.	EXPIRATION DATE 12/31/16	AMOUNT DUE NOW \$437.00	AMOUNT DUE IF POSTMARKED AFTER JANUARY 01, 2017 \$487.00
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I. Renewal Instructions

Renew Online at www.BreEZe.ca.gov

(No additional charge to renew online)

Attention:

- Please allow 6-8 weeks for processing your renewal by mail.
- Failure to properly renew your license prior to the expiration date will cause your license to become delinquent and result in the loss of the right to practice optometry. There is no grace period. Renewal applications postmarked after the delinquent date must include the delinquency fee. Once expired, your license is delinquent and practice is illegal.
- **ADDRESS CHANGE:** In order to change your address at the time of renewal, please renew online at www.BreEZe.ca.gov.
- Payments must be postmarked by the U.S. Postal Service or accepted delivery service (e.g. UPS, Fed Ex, etc.) by the due date in order to avoid delinquent licensure. You must pay a delinquent fee if your renewal is postmarked after the expiration date.
- **State Tax Obligation:** Pursuant to Business and Professions Code section 494.5, the State Board of Equalization and the Franchise Tax Board may share taxpayer information with a board. California law requires you to pay your state tax obligation. If you fail to pay your state tax obligation, your license may be suspended.
- **CURES Assessment (TPA, TPL, TPG, TLG):** Pursuant to Business and Professions Code Section 208 (SB 809 - DeSaulnier, Chapter 400, Statutes of 2013), you are assessed \$6 ANNUALLY which is collected at the time of renewal to cover the operation and maintenance of the Controlled Substance Utilization Review and Evaluation System (CURES). The amount of \$12 per renewal cycle is hereby added to the renewal fee.

To Renew by Mail:

- Complete the renewal application in black or blue ink and make a copy for your records.
- Read the renewal requirements on page 2 and then answer the questions on page 3 by checking the appropriate boxes at the bottom of the page.
- Return page 3 with your fee in the enclosed envelope. Make sure the return address shows through the window of the envelope.
- DO NOT SEND CASH. Send a check or money order made payable to: California State Board of Optometry.

II. Renewal Requirements

Definitions of License Status:

Active: Is a valid, unrevoked, and unexpired license and entitles a licensee to practice optometry. Requires payment of fees and compliance with Business & Professions Code Section 3059 regarding continuing education (CE).

Inactive: Licensee may not practice optometry in California. CE is not required. Requires payment of fees.

Delinquent: Licensee may not practice optometry. This is a license which has not been renewed and is subject to a delinquency fee.

Continuing Optometric Education (CE) Requirements:

To renew a license to Active status, CE requirements must be completed within the two years immediately preceding the renewal date of a license. Each certification has the following mandatory CE requirements:

Diagnostic Pharmaceutical Agent (DPA): 40 hours.

Therapeutic Pharmaceutical Agent (TPA) and Lacrimal Irrigation and Dilution (TPL): 50 hours. 35 of the 50 hours must be in any combination of the following areas: glaucoma, ocular infections, ocular inflammation, topical steroids, systemic medication and pain medication.

Glaucoma (TPG or TLG): 50 hours. 35 of the 50 hours must be in any combination of the following areas: glaucoma, ocular infections, ocular inflammation, topical steroids, systemic medication and pain medications. For licensees who are glaucoma certified pursuant to CCR section 1571, 10 of the 35 hours must be glaucoma specific.

CE Audits: Optometrists are subject to random audits of CE compliance. In the event of an audit, you will be required to provide proof of attendance at continuing education programs consistent with the criteria as set forth in CCR section 1536 (h).

CE Exemption & Extensions: BPC section 462 exempts inactive licensees from the CE requirement. CCR section 1536 (i) further exempts active military licensees and those renewing for the first time from CE requirements if initial licensure is within one year from optometry school/college graduation. The Board may extend the CE exemption if a licensee could not complete the requirement(s) due to illness, incapacity, or other unavoidable circumstances. Requests for extensions must be submitted in writing prior to the expiration date of the license.

Conviction and Discipline Instructions:

Check the box next to “YES” (item G) on page 3 if since your last renewal you have had a license disciplined by a government agency or other disciplinary body, or if you have been convicted of a crime. “Conviction” includes a plea of guilty or no contest and any conviction that has been set aside or deferred pursuant of Section 1000 or 1203.4 of the Penal Code, including infractions, misdemeanors, and felonies. You do not need to report a conviction for an infraction with a fine of less than \$300 unless the infraction involved alcohol or a controlled substance. You must, however, disclose any conviction in which you entered a plea of guilty, no contest and any convictions that were subsequently set aside or deferred pursuant to Section 1000 or 1203.4 of the Penal Code. “License” includes permits, registrations, and certificates. “Discipline” includes, but is not limited to, suspensions, revocation, voluntary surrender, probation, reprimand, or any other restriction on a license held by you.

Be sure to check the box next to “No” (item H) if, since your last renewal you have not had a license disciplined by another government agency and you have not been convicted of a crime.

III. Renewal Application

(Return entire page. Fold according to instructions on reverse side.)

Question 1: License Status

Your current license status is Active. In what status do you wish to renew your license?

- If **Active**, check box “A,” below.
- If **Inactive**, check box “B,” below.

Question 2: Continuing Optometric Education (CE)

Do you certify that you have completed the required hours of CE during your last license period or are exempt from the CE requirement pursuant to BPC section 462 or CCR section 1536 as described above?

- If **Yes**, check Box “C,” below.

Question 3: Conviction Disclosure

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

- If **Yes**, check Box “G,” below.
- If **No**, check Box “H,” below.

Question 4: DEA Number

Do you have a DEA Number?

- If **No**, check Box “I,” below.
- If **Yes**, precede to question 5

Question 5: DEA Number Part II (Mark only one box)

- If (autopopulated DEA number from our records) is correct, check Box “J,” below.
- If your DEA number is inactive or no longer current, or you need to add, or correct your DEA number check Box “K”, below and fill in your new number, or write “inactive” on the back side of this form.

(DO NOT DETACH)

California State Board of Optometry – Optometrist Initial Renewal

LICENSEE NAME	DEA No. _____	LICENSE NO.	EXPIRATION DATE	AMOUNT DUE NOW	AMOUNT DUE IF POSTMARKED AFTER JANUARY 01, 2017
			12/31/16	\$437.00	\$487.00

LICENSEE MUST CHECK CORRECT BOXES

“A” Renew Active

“B” Renew Inactive

“C” Completed Continuing Education

“G” Conviction Disclosure – Yes

“H” Conviction Disclosure – No

“I” DEA Number – No

“J” DEA Number – Correct

“K” DEA Number – Change

“D” SIGNATURE REQUIRED

I declare under penalty of perjury under the laws of the State of California that all responses I have provided in this renewal application are true and correct.

Signature _____ Date _____

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RETURN ADDRESS



STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
PO BOX 942532
SACRAMENTO CA 94258-0532

FOLD HERE



DEA Number

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