

**Board of Optometry**

2450 Del Paso Road, Suite 105, Sacramento, CA 95834

P: (916) 575-7170 F: (916) 575-7292 www.optometry.ca.gov



BOARD MEETING ACTION MINUTES
 April 23-24, 2015
 Department of Consumer Affairs, HQ2
 1747 North Market Boulevard
 First Floor Hearing Room
 Sacramento, CA 95834

Members Present	Staff Present
Madhu Chawla, O.D., Vice President, Professional Member	Mona Maggio, Executive Officer
Donna Burke, Board Secretary, Public Member	Jessica Sieferman, Assistant Executive Officer
Cyd Brandvein, Public Member	Nooshin Movassaghi, Policy Analyst
Frank Giardina, O.D., Professional Member	Rob Stephanopoulos, Enforcement Analyst
Glenn Kawaguchi, O.D., Professional Member	Cheree Kimball, Enforcement Analyst
William H. Kysella, Jr., Public Member	Nancy Day, Licensing Technician
Rachel Michelin, Public Member	Claire Yazigi, Legal Counsel
Mark Morodomi, Public Member	
David Turetsky, O.D., Professional Member	
Lillian Wang, O.D., Professional Member	
Excused Absense	Guest List
Alejandro Arredondo, O.D., Board President, Professional Member	On File

Thursday, April 23rd**1:00 p.m.****FULL BOARD OPEN SESSION****1. Call to Order/Roll Call and Establishment of a Quorum**

As Board President, Alex Arredondo was unable to attend the meeting, Vice President, Madhu Chawla called roll and a quorum was established.

2. Public Comment for Items Not on the Agenda

Note: The Board may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting [Government Code Sections 11125, 11125.7(a)]

There were no actions on this agenda item.

3. Petitions for Reduction of Penalty or Early Termination of Probation

The following petitions were heard. Administrative Law Judge, Dian Vorters presided over the Hearings. Deputy Attorney General, Sheila Vasantharam represented the people of the state of California.

A. Mai-Anh Nguyen, OPT 11482

B. Lawrence Young, OPT 8618

FULL BOARD CLOSED SESSION

Pursuant to Government Code Section 11126(c)(3), the Board Will Meet in Closed Session for Discussion and Possible Action on Disciplinary Matters

FULL BOARD OPEN SESSION

4. Review and Possible Approval of Amendments to the Board Member Handbook

Frank Giardina moved to vote whether the Board should set term limits for officers. Dave Turetsky seconded. The Board voted 3-Aye; 6-No; 1-Abstention; the motion did not pass.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Arredondo				X	
Dr. Chawla		X			
Ms. Burke	X				
Ms. Brandvein		X			
Dr. Giardina		X			
Dr. Kawaguchi			X		
Mr. Kysella		X			
Ms. Michelin	X				
Mr. Morodomi		X			
Dr. Turetsky	X				
Dr. Wang		X			

Rachel Michelin moved to direct staff to work with the Board Member Handbook Committee to incorporate the suggestions made at today’s meeting and bring those back to the full Board at the August 28th meeting. Lillian Wang seconded. The Board voted unanimously (10-0) to pass the motion.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Arredondo				X	
Dr. Chawla	X				
Ms. Burke	X				
Ms. Brandvein	X				
Dr. Giardina	X				
Dr. Kawaguchi	X				
Mr. Kysella	X				
Ms. Michelin	X				
Mr. Morodomi	X				
Dr. Turetsky	X				
Dr. Wang	X				

5. Update by the Education and Practice Committee on Accepting Continuing Medical Education and/or Osteopath Continuing Education to Meet Requirements of License Renewal and Possibly Moving Glaucoma Requirements Regarding CE from Title 16, California Code of Regulations (CCR) §1536

Cyd Brandvein moved to add subsection 6 to 1536 (c) to read “any continuing education course approved for category 1 of the American Medical Association or category 1A of the American Osteopathic Association continuing medical education credits that contributes to the advancement or professional skill and knowledge in the practice of optometry and to instruct staff to proceed with formal rulemaking.” Bill Kysella seconded. The Board voted unanimously (10-0) to pass the motion.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Arredondo				X	
Dr. Chawla	X				
Ms. Burke	X				
Ms. Brandvein	X				
Dr. Giardina	X				
Dr. Kawaguchi	X				
Mr. Kysella	X				
Ms. Michelin	X				
Mr. Morodomi	X				
Dr. Turetsky	X				
Dr. Wang	X				

Frank Giardina moved to instruct staff to initiate the formal rulemaking process to move section 1571(b) regarding the continuing education requirements for glaucoma certification to section 1536 for clarification and continuity of continuing education law. Also to correct the non-substantive typo identified above section 1571(b) as recommended. Dave Turetsky seconded. The Board voted unanimously (10-0) to pass the motion.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Arredondo				X	
Dr. Chawla	X				
Ms. Burke	X				
Ms. Brandvein	X				
Dr. Giardina	X				
Dr. Kawaguchi	X				
Mr. Kysella	X				
Ms. Michelin	X				
Mr. Morodomi	X				
Dr. Turetsky	X				
Dr. Wang	X				

6. Discussion and Possible Approval of Recommendations Pertaining to Posting Requirements of a Consumer Notice that Explains the Designations after an Optometrist’s License Number

Rachel Michelin moved direct the Consumer Notice Workgroup to change the documentation language to become more user-friendly and bring these results back to a future Board meeting. Donna Burke seconded. The Board voted 9-Aye; 1-No to pass the motion.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Arredondo				X	
Dr. Chawla	X				
Ms. Burke	X				
Ms. Brandvein	X				
Dr. Giardina		X			
Dr. Kawaguchi	X				
Mr. Kysella	X				
Ms. Michelin	X				
Mr. Morodomi	X				
Dr. Turetsky	X				
Dr. Wang	X				

7. Discussion and Possible Action Pertaining to the Legality of Online Refractions Pursuant to the Laws Governing Optometry in the State of California

Donna Burked moved to direct staff to look into updating regulations to more specifically address how a refractive eye exam is conducted; direct staff to look into updating regulations to more specifically address the requirements for corrective lens prescriptions; direct staff to look into conducting a consumer outreach campaign to educate the public on the importance of regular eye health examinations for maintaining eye health for life; bring these results back to the board at a future Board meeting. Rachel Michelin seconded. The Board voted unanimously (10-0) to pass the motion.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Arredondo				X	
Dr. Chawla	X				
Ms. Burke	X				
Ms. Brandvein	X				
Dr. Giardina	X				
Dr. Kawaguchi	X				
Mr. Kysella	X				
Ms. Michelin	X				
Mr. Morodomi	X				
Dr. Turetsky	X				
Dr. Wang	X				

8. Update on the Supreme Court Decision Regarding the North Carolina Board of Dental Examiners v. the Federal Trade Commission

No action was taken on this agenda item.

9. Update on Rulemaking Pertaining to Title 16, CCR §1516, Applicant Medical Evaluations and §1582, Unprofessional Conduct Defined

No action was taken on this agenda item.

10. Adjournment

Rachel Michelin moved to adjourn the meeting. Frank Giardina seconded. The Board voted unanimously (10-0) to pass the motion.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Arredondo				X	
Dr. Chawla	X				
Ms. Burke	X				
Ms. Brandvein	X				
Dr. Giardina	X				
Dr. Kawaguchi	X				
Mr. Kysella	X				
Ms. Michelin	X				
Mr. Morodomi	X				
Dr. Turetsky	X				
Dr. Wang	X				

Members Present	Staff Present
Alejandro Arredondo, O.D., President, Professional Member	Mona Maggio, Executive Officer
Madhu Chawla, O.D., Vice President, Professional Member	Jessica Siefertman, Assistant Executive Officer
Donna Burke, Board Secretary, Public Member	Rob Stephanopoulos, Enforcement Analyst
Cyd Brandvein, Public Member	Nooshin Movassaghi, Policy Analyst
Frank Giardina, O.D., Professional Member	Pricilla Torres-Fuentes, Receptionist/ Cashier
Glenn Kawaguchi, O.D., Professional Member	Brad Garding, Enforcement Technician
William H. Kysella, Jr., Public Member	Jeff Robinson, Licensing Analyst
Rachel Michelin, Public Member	Nancy Day, Licensing Analyst
Mark Morodomi, Public Member	Kristina Eklund, Licensing Technician
David Turetsky, O.D., Professional Member	Cheree Kimball, Enforcement Analyst
Lillian Wang, O.D., Professional Member	Lydia Bracco, Administrative Assistant
Excused Absences	Guest List
None	On File

Friday, April 24th
8:30 a.m.

FULL BOARD OPEN SESSION

11. Call to Order/Roll Call and Establishment of a Quorum

Board President, Alejandro Arredondo, O.D. called roll and a quorum was established.

12. President’s Report – Welcome and Introductions

No action was taken on this agenda item.

13. Public Comment for Items Not on the Agenda

Note: The Board may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting [Government Code Sections 11125, 11125.7(a)]

No action was taken on this agenda item.

14. Ethics Training Summary by Legal Counsel

No action was taken on this agenda item.

15. Department of Consumer Affairs Report

No action was taken on this agenda item.

16. Executive Officer’s Report

- A. Bagley-Keen-Discussions Between Board Meetings**
- B. BreZE**
- C. Strategic Plan**
- D. Budget**
- E. Examination and Licensing Programs**

Cyd Brandvein moved for the Board to create a workgroup of two Members to look at the need for Departmental approval for out-of-state travel to attend the Association of Regulatory Boards of Optometry (ARBO) annual conference; to take a hard look at how it best aligns with the Board's strategic plan, as well as how it will help the citizens in our state; to look into the possibility of modifying or amending and/or rescinding the request letter that was already submitted for 2016 and possibly prepare a new package for review. Donna Burke seconded. The Board voted unanimously (11-0) to pass the motion.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Arredondo	X				
Dr. Chawla	X				
Ms. Burke	X				
Ms. Brandvein	X				
Dr. Giardina	X				
Dr. Kawaguchi	X				
Mr. Kysella	X				
Ms. Michelin	X				
Mr. Morodomi	X				
Dr. Turetsky	X				
Dr. Wang	X				

F. Enforcement Program

17. Vote on Whether to Approve Board Meeting Minutes

A. November 21, 2014

Rachel Michelin moved to approve the November 21, 2014 meeting minutes. Alejandro Arredondo seconded. The Board voted 8-Aye; 3-Abstention to pass the motion.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Arredondo	X				
Dr. Chawla			X		
Ms. Burke	X				
Ms. Brandvein	X				
Dr. Giardina	X				
Dr. Kawaguchi	X				
Mr. Kysella	X				
Ms. Michelin	X				
Mr. Morodomi			X		
Dr. Turetsky	X				
Dr. Wang			X		

B. January 23, 2015

Draft minutes for the January 23, 2015 are still under review.

Rachel Michelin moved that staff be permitted to revert to action minutes with any recorded public meeting whether by webcast or tape, however in the event a public meeting does not have a webcast or recording staff will revert back to written minutes . Donna Burke seconded. Madhu Chawla moved for a friendly amendment to the motion that if any Board member wishes that his or her comment be included in the minutes, he/she may state that directive and the comment will be added in detail to the minutes. Donna Burke seconded. The Board voted unanimously (11-0) to pass the motion.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Arredondo	X				
Dr. Chawla	X				
Ms. Burke	X				
Ms. Brandvein	X				
Dr. Giardina	X				
Dr. Kawaguchi	X				
Mr. Kysella	X				
Ms. Michelin	X				
Mr. Morodomi	X				
Dr. Turetsky	X				
Dr. Wang	X				

C. February 24, 2015

Madhu Chawla moved to approve the February 24, 2015 minutes as amended. Cyd Brandvein seconded. The Board voted 7-Aye; 4-Abstention to pass the motion.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Arredondo	X				
Dr. Chawla	X				
Ms. Burke	X				
Ms. Brandvein	X				
Dr. Giardina			X		
Dr. Kawaguchi	X				
Mr. Kysella	X				
Ms. Michelin			X		
Mr. Morodomi			X		
Dr. Turetsky	X				
Dr. Wang			X		

18. Election of Officers

Board Members voted for Madhu Chawla or Donna Burke for President. The Board voted 8 – Dr. Chawla; 3 – Ms. Burke; Dr. Chawla will be Board President effective July 1, 2015.

Member	Madhu Chawla, O.D.	Donna Burke
Dr. Arredondo	X	
Dr. Chawla	X	
Ms. Burke		X
Ms. Brandvein	X	
Dr. Giardina		X
Dr. Kawaguchi	X	
Mr. Kysella	X	
Ms. Michelin	X	
Mr. Morodomi	X	
Dr. Turetsky		X
Dr. Wang	X	

Madhu Chawla nominated Cyd Brandvein for Vice President. Board Members voted unanimously (11-0) for Ms. Brandvein. Ms. Brandvein will become Vice President effective July 1, 2015.

Member	Aye	No
Dr. Arredondo	X	
Dr. Chawla	X	
Ms. Burke	X	
Ms. Brandvein	X	
Dr. Giardina	X	
Dr. Kawaguchi	X	
Mr. Kysella	X	
Ms. Michelin	X	
Mr. Morodomi	X	
Dr. Turetsky	X	
Dr. Wang	X	

Madhu Chawla nominated Rachel Michelin for Secretary. Board Members voted unanimously (11-0) for Ms. Michelin. Ms. Michelin will become Secretary effective July 1, 2015.

Member	Aye	No
Dr. Arredondo	X	
Dr. Chawla	X	
Ms. Burke	X	
Ms. Brandvein	X	
Dr. Giardina	X	
Dr. Kawaguchi	X	
Mr. Kysella	X	
Ms. Michelin	X	
Mr. Morodomi	X	

Dr. Turetsky	X	
Dr. Wang	X	

19. Discussion and Possible Approval of the Revised Executive Officer’s Duty Statement

William Kysella moved to approve the revised Executive Officer’s duty statement. Lillian Wang seconded. The Board voted unanimously (11-0) to pass the motion.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Arredondo	X				
Dr. Chawla	X				
Ms. Burke	X				
Ms. Brandvein	X				
Dr. Giardina	X				
Dr. Kawaguchi	X				
Mr. Kysella	X				
Ms. Michelin	X				
Mr. Morodomi	X				
Dr. Turetsky	X				
Dr. Wang	X				

20. Update on the Recruitment Process and Timeline for Selecting a New Executive Officer

No action was taken on this agenda item.

21. Discussion and Possible Action Regarding Legislation Sponsored by the Board

- a. Assembly Bill 1253 (Steinorth), Retired Volunteer License
- b. Assembly Bill 1359 (Nazarian), Certificate Requirements, Therapeutic Pharmaceutical Agents
- c. Senate Bill 349 (Bates), Mobile Optometric Facility
- d. Senate Bill 402 (Mitchell), Children’s Vision
- e. Senate Bill 496 (Nguyen), Foreign Graduates

No action was taken on this agenda item.

22. Update on the Advisory by the California State Board of Optometry to Licensees Pertaining to Business and Professions Code (BCP) §655, “Prohibition of Business Arrangement Between Optometrists and Opticians or persons in Optical Product Business and BPC §2556, Unlawful Practice

William Kysella moved to direct staff to post a draft statement on the Board’s website as an update to the 2015 statement striking the last sentence of the second paragraph. Mark Morodomi seconded. William Kysella moved for a friendly amendment to his original motion to include directing staff to add the statement that “any legislation related to Section 655 may be found at:” and include a link for legislation information. Mark Morodomi seconded. The Board voted 7-Aye; 2-No; 2-abstention to pass the motion.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Arredondo	X				

Dr. Chawla	X				
Ms. Burke	X				
Ms. Brandvein			X		
Dr. Giardina		X			
Dr. Kawaguchi		X			
Mr. Kysella	X				
Ms. Michelin	X				
Mr. Morodomi	X				
Dr. Turetsky			X		
Dr. Wang	X				

23. Discussion and Possible Action Pertaining to Proposed Legislation (Assembly Bill 595, Alejo), Registered Dispensing Opticians Certificates. Including Discussion and Possible Action Pertaining to Proposed Amendments from the National Association of Opticians and Optometrists (NAOO), the California Optometric Association, and Other Stakeholders to Amend BCP Sections Impacting Business Arrangements Between Optometrists and Registered Dispensing Optician (BCP §655 and §2556)

No action was taken on this agenda item.

24. Discussion and Possible Action Pertaining to Proposed Legislation (SB 622 Hernandez), Impacting the Profession of Optometry; Including BPC §3041, Acts Constituting Practice of Optometry, Including Discussion and Possible Action Pertaining to Proposed Amendments from the California Optometric Association

Mark Morodomi moved to approve staff’s proposed amendments and support if amended. Frank Giardina seconded. The Board voted unanimously (11-0) to pass the motion.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Arredondo	X				
Dr. Chawla	X				
Ms. Burke	X				
Ms. Brandvein	X				
Dr. Giardina	X				
Dr. Kawaguchi	X				
Mr. Kysella	X				
Ms. Michelin	X				
Mr. Morodomi	X				
Dr. Turetsky	X				
Dr. Wang	X				

25. Suggestions for Future Agenda Items

No action was taken on this agenda item.

26. Adjournment

No action was taken on this agenda item. There were no objections and the meeting was adjourned.