

**BOARD OF OPTOMETRY
MODIFIED TEXT**

Changes to the originally proposed language are shown by double underline for new text and underline with strikeout for deleted text.

Adopt Sections 1525, 1525.1 and 1525.2 of Article 5.1 of 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 under this 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 application for licensure as an optometrist shall be made on a form prescribed by the Board (Form R1POPT, Rev. 3-10), which is hereby incorporated by reference, and shall be on the form provided by the board, accompanied by the fee specified in Section 1524 and required information and filed with the Board at its office in Sacramento.

(c) As a condition of renewal, an applicant for renewal shall disclose on the renewal form whether he or she has, in the prior renewal cycle, had any license disciplined by a government agency or other disciplinary body and/or has been convicted, as defined in Section 490, of any violation of the law in this or any other state, the United States or its territories, military court, or other country, omitting traffic infractions under \$300 not involving alcohol, dangerous drugs, or controlled substances.

(d) As a condition of renewal, an applicant for renewal shall disclose on the renewal form whether he or she has completed the required continuing education course hours in the prior renewal cycle, or has been granted an extension or exemption to the continuing education requirements by the board prior to the expiration of the license.

(ce) Failure to provide all of the information required by this section renders any application for renewal incomplete and not eligible for renewal.

(df) 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. Reference: Sections 3440, 3055, 3056, and 3059, and 3110 Business and Professions Code; and Section 11105, Penal Code.

1525.1. Fingerprint Requirements.

(a) As a condition of renewal for a license that expires on or after October 1, 2009, a licensee who was initially licensed prior to January 1, 1998, or for whom an electronic record of the submission of fingerprints no longer exists, such licensee shall furnish to the Department of Justice a full set of fingerprints for the purpose of conducting a criminal history record check and to undergo a state and federal level criminal offender record information search conducted through the Department of Justice.

(1) The licensee shall pay any costs for furnishing the fingerprints to the Department of Justice and conducting the searches.

(2) A licensee shall certify when applying for renewal whether his or her fingerprints have been furnished to the Department of Justice in compliance with this section.

(3) This requirement is waived if the license is renewed in an inactive status, or if the licensee is actively serving in the military outside the country. The board shall not return a license to active status until the licensee has complied with subsection (a).

(4) A licensee shall retain, for at least three years from the renewal date, either a receipt showing the electronic transmission of his or her fingerprints to the Department of Justice or a receipt evidencing that the licensee's fingerprints were taken.

(b) As a condition of renewal, a licensee shall disclose whether, since the licensee last applied for renewal, he or she has been convicted as defined in Section 490, of any violation of the law in this or any other state and, the United States, and its territories, military court, or other country, omitting traffic infractions under \$300 not involving alcohol, dangerous drugs, or controlled substances.

(c) As a condition of renewal, a licensee shall disclose whether, since the licensee last applied for renewal, he or she has been denied a license or had a license disciplined by another licensing authority of this state, of another state, of any agency of the federal government, or of another country.

(d) Failure to comply with the requirements of this section renders any application for renewal incomplete and the license will not be renewed until the licensee demonstrates compliance with all requirements.

(e) Failure to furnish a full set of fingerprints to the Department of Justice as required by this section on or before the date required for renewal of a license is grounds for discipline by the Board.

(f) As a condition of petitioning the board for reinstatement of a revoked or surrendered license or registration, an applicant shall comply with subsection (a)

NOTE: Authority cited: Sections 144, 3010.1, 3010.5, 3024, 3025, Business and Professions Code. Reference: Section 3110, Business and Professions Code; and Section 11105, Penal Code.

1525.2. Response to Board Inquiry.

If the board or its designee asks a licensee to provide criminal history information, a licensee shall respond to that request within 30 days. The licensee shall make available all documents and other records requested and shall respond with accurate information. Failure to comply with the requirements of this section is grounds for discipline by the board.

NOTE: Authority cited: Sections 3010.1, 3010.5, 3024, and 3025, Business and Professions Code. Reference: Sections 144, 3110, 3055, 3056, and 3059, Business and Professions Code; and Section 11105, Penal Code.

DATED: _____

Mona Maggio, Executive Officer
Board of Optometry