

## BOARD OF OPTOMETRY

### INITIAL STATEMENT OF REASONS

**Hearing Date:** August 16, 2010

**Subject Matter of Proposed Regulations:** Continuing Optometric Education

**Section Affected:** Section 1536 in Division 15 of Title 16 of the California Code of Regulations (CCR).

#### **Specific Purpose of each Adoption, Amendment, or Repeal:**

The main purpose of the proposed amendments to Title 16, CCR section 1536 are to clean up and update the existing regulation's language for informational and clarity purposes. This proposal also adds new continuing optometric education (CE) opportunities, specifically:

- 1) Up to eight credit hours for course work in ethics in the practice of optometry;
- 2) Up to two credit hours for a full day's attendance of a Board meeting;
- 3) Up to four credit hours for course work to receive certification in cardiopulmonary resuscitation (CPR) from the American Heart Association or the American Red Cross;
- 4) The ability for the Board to recognize and utilize the Association of Regulatory Boards in Optometry's (ARBO) Optometric Education (OE) Tracker system as proof of CE course attendance; and
- 5) The ability for the Board to grant an extension, in its discretion if good cause exists, to licensees who are unable to complete sufficient hours of CE.

#### **Factual Basis/Necessity:**

The amendments to Title 16, CCR section 1536 are necessary for the following reasons:

The existing regulation is outdated and does not fully provide important CE opportunities to California licensees. Furthermore, Board staff has found that style and grammatical amendments to the regulation are necessary in order to increase the understanding of what is required of licensees when it comes to their CE. This proposal amends the following sections of the regulation in the following manner:

Sub-section (a) is amended for grammatical, style and clarity purposes. It is also amended to add the option of course work in optometric ethics. Currently, optometrists certified to use therapeutic pharmaceutical agents (TPA) are required to take 50 hours of CE every two years in order to renew their license. Thirty-five of the required fifty hours must be in the diagnosis, treatment and management of ocular disease. This new option to take a course in ethics would be part of the fifteen left over hours needed to complete the fifty hours of CE. Existing law states that licensees may take up to eight hours in patient care management. Board staff has found that adding an additional option to this requirement in sub-section (a) would be beneficial for the practice of optometry if the licensee chooses to do a few hours in ethics. Although it is not required, the licensee should have the option to choose a course in this subject matter.

Board staff has found that adding this opportunity is relevant to the practice of optometry because:

- (1) Our society has seen what occurs when those in positions of leadership, whether in business, political life or healthcare fail to act ethically. It is important that there be assurances and institutional safeguards to ensure that leaders act responsibly;

(2) Licensing Boards, particularly in healthcare, where doctors make decisions that can intimately impact patient's lives, should stress that it is vital that licensees have a framework on which to base those decisions. Society holds optometric physicians and other medical professionals to high standards of conduct and ethical decision making plays a large role in helping physicians to meet those standards;

(3) The increased scope of practice for optometrists in recent years puts them in situations that would not have been contemplated years ago. A course in ethics would be a part of the ongoing knowledge and increased sophistication with which optometrists need to practice; and

(4) The increasing choices and implications in healthcare decision making are becoming more complicated and nuanced. It is imperative that optometrists in California are aware of what is required of them in order to keep patients safe when it comes to making critical decisions regarding their healthcare issues.

Sub-section (b) is amended for grammatical, style and clarity purposes only.

Sub-section (c)(4) is added to the regulation to allow for the option of obtaining up to two CE credits for a full day's attendance at a Board meeting. Currently, very few, if any, licensees attend Board meetings. Board meetings can educate licensees about optometric issues which could affect their practice, as well as how the Board operates. The Board holds four meetings a year at different sites throughout the state. This gives as many licensees as possible the opportunity to attend Board meetings. The licensees are made aware of public meetings approximately ten days prior to the meeting, or they may contact the Board for information. Again, this is another option that is not required, but should be made available. Not only would licensees earn two CE credits for attending, but they would have the opportunity to stay up to date on Board issues and actions, and have a voice on matters important to their profession. Two hours of CE were allotted for this option to allow for variety in a licensee's CE selections.

Sub-section (c)(5) is added to the regulation to allow licensees the opportunity to get up to four CE credits for receiving certification at a course in cardiopulmonary resuscitation (CPR) from the American Red Cross or the American Heart Association. Effective January 1, 2007, Senate Bill 579 (Aanestad, Chapter 302, Statutes of 2007) eliminated CPR certification as a condition for renewal of an optometric license. Thus, optometric licenses that expired on or after January 1, 2007 were no longer required to maintain a CPR certification. Although this course is no longer required, the Board feels this CE opportunity should be made available, since CPR is a vital skill for a health practitioner to have. Four hours were allotted for this option because CPR certification courses are typically a rigorous 10-13 hours. It would not be beneficial for licensee to have so many hours in one topic. The intent of adding a variety of CE options is to increase a licensee's knowledge to make them a more effective health practitioner, not simplify the accumulation of CE credits by allowing almost all credit hours to be obtained in one course.

Sub-sections (e)(1-3), (f), (g)(14), and (h)(1-8) are amended for grammatical, style and clarity purposes only.

Sub-section (h) is amended to allow the Board to recognize and utilize ARBO's OE Tracker system as proof of continuing education. Existing law requires Board staff to request that licensees mail in hard copies of certificates of completion of CE courses. Often times this may result in additional, unnecessary paperwork for Board staff. Also, many optometrists lose their certificates of completion, making it difficult to obtain proof of attendance, consequently causing the hold of license renewals and potentially unneeded enforcement action.

ARBO's OE Tracker is designed to capture and verify optometrists' CE data for easy access by licensing Boards and optometrists. The information is stored in the secure ARBO database and can be retrieved by the licensing Boards to instantly track and audit the CE attendance of their

licensees online. Benefits include:

- Verify CE attendance electronically;
- Save staff time by increasing efficiency;
- Reduce paperwork;
- Make CE auditing easier;
- Reduce CE reporting errors; and
- Eliminate the need for retention of paper CE certificates.

CE attendance data is only accepted and uploaded into OE Tracker if it is documented by the course administrator. To ensure the integrity of data, individual optometrists do not input CE hours themselves. The proposed acceptance of this tracking tool, which is free to Boards and licensees, will improve the Board's continuing education program.

Sub-section (i)(1) is amended for grammatical, style and clarity purposes only.

Sub-section (i)(2) is amended for grammatical, style and clarity purposes. It is also amended to allow the Board to provide extensions, at its discretion if good cause exists, to qualifying licensees who are unable to complete sufficient hours of CE. Existing law only allowed the Board to completely exempt the licensee from the CE requirement if they were ill, incapacitated, or there was an unavoidable circumstance. Board staff has found that this is not practical and each situation should be handled on a case by case basis. Often, licensees only need more time to complete their full 50 hours of CE, and this proposal will give them the opportunity to do so.

Sub-sections (i)(3) and (i) is amended for grammatical, style and clarity purposes.

Sub-section (k) is completely removed since, effective January 1, 2007, Senate Bill 579 (Aanestad, Chapter 302, Statutes of 2007) eliminated CPR certification as a condition for renewal of an optometric license.

Note: Authority cited section is amended to remove section 3023.1. This statutory authority was repealed in 2004 and thus, no longer applies.

#### **Underlying Data:**

1. OE Tracker Informational Handout
2. CPR Certification Course Descriptions

#### **Business Impact**

The Board has made an initial determination that the proposed regulatory actions will not have any significant adverse economic impact on businesses.

#### **Specific Technologies or Equipment**

The adoption of these regulations does not mandate the use of specific technologies or equipment.

#### **Consideration of Alternatives**

No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the Board would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulations.