

State of California

Office of Administrative Law

In re:
Board of Optometry

Regulatory Action:

Title 16, California Code of Regulations

Adopt sections: 1572

Amend sections:

Repeal sections:

**AMENDED NOTICE OF APPROVAL OF
REGULATORY ACTION**

Government Code Section 11349.3

OAL Matter Number: 2025-0715-02

OAL Matter Type: Regular (S)

This action (1) authorizes a Therapeutic Pharmaceutical Agent (TPA)-certified optometrist to use radiofrequency (RF) technology or devices for treatment of dry eye disease or syndrome; (2) requires RF users to have proof of completion of appropriate clinical training; (3) defines methods of acquiring appropriate clinical training; (4) restricts RF use to noninvasive treatment for a documented purpose within the scope of practice; (5) prohibits delegating RF use; (6) requires RF technology or device to meet manufacturers' specifications; (7) requires maintaining of a copy of the manufacturer's instructions for RF technology or device; and (8) prohibits RF use for any purpose outside the scope of practice, such as an aesthetic benefit or RF use after achieving the optometric purpose of treatment.

OAL approved this regulatory action and filed the regulations with the Secretary of State on 8/26/2025 pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 10/1/2025.

Date: August 27, 2025

Mark Storm
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Gregory Pruden, Executive
Copy: Gregory Pruden

NOTICE PUBLICATION/REGULATIONS SUBMISSION

REGULAR

STD. 400 (REV. 10/2019) *

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2024-0730-01	REGULATORY ACTION NUMBER 2025-0715-025	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
OFFICE OF ADMINISTRATIVE LAW Electronic Submission RECEIVED DATE PUBLICATION DATE 07/30/2024 08/09/2024		OFFICE OF ADMIN. LAW 2025 JUL 15 @ 4:59pm	
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY State Board of Optometry			

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

AUG 26 2025

1:49 PM
[Signature]

AGENCY FILE NUMBER (If any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE Radiofrequency Technology and Devices		TITLE(S) 16	FIRST SECTION AFFECTED 1572	2. REQUESTED PUBLICATION DATE August 9, 2024
3. NOTICE TYPE ☒ Notice re Proposed Regulatory Action ☐ Other		4. AGENCY CONTACT PERSON Gregory Pruden	TELEPHONE NUMBER 916-574-7808	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE ☐ Approved as Submitted ☐ Approved as Modified ☐ Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2024,32-2	PUBLICATION DATE 8/9/24

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Optometry; Radio Frequency Technology and Devices; Authorization and Requirements		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT 1572	
TITLE(S) 16		AMEND	
TITLE(S) 16		REPEAL	
3. TYPE OF FILING			
☒ Regular Rulemaking (Gov. Code §11346) ☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. ☐ Emergency Readopt (Gov. Code, §11346.1(h)) ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)			
☐ Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) ☐ Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) ☐ File & Print ☐ Print Only			
☐ Emergency (Gov. Code, §11346.1(b)) ☐ Other (Specify) _____			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1) April 18, 2025 through May 5, 2025			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100) ☒ Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) ☐ Effective on filing with Secretary of State ☐ \$100 Changes Without Regulatory Effect ☐ Effective other (Specify) _____			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY ☐ Department of Finance (Form STD. 399) (SAM §6660) ☐ Fair Political Practices Commission ☐ State Fire Marshal ☒ Other (Specify) Kimberly Kirchmeyer, Director, Department of Consumer Affairs			
7. CONTACT PERSON Gregory Pruden		TELEPHONE NUMBER 916-574-7808	FAX NUMBER (Optional) N/A
		E-MAIL ADDRESS (Optional) Gregory.Pruden@dca.ca.gov	

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <u>Gregory Pruden</u>	DATE 06/13/2025
TYPED NAME AND TITLE OF SIGNATORY Gregory Pruden, Executive Officer	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

AUG 26 2025

Office of Administrative Law

**CALIFORNIA STATE BOARD OF OPTOMETRY
OPTOMETRY; RADIO FREQUENCY TECHNOLOGY AND DEVICES; AUTHORIZATION AND
REQUIREMENTS
ORDER OF ADOPTION**

Add section 1572 in Article 11.5 of Division 15 of Title 16 of the California Code of Regulations to read as follows:

§ 1572. Radiofrequency Technology; Authorization and Requirements

(a) The use of noninvasive medical devices or radiofrequency technology, as defined in this section, for treatment of dry eye disease or syndrome is authorized for use by Board licensed, TPA certified optometrists meeting the requirements of this section.

(b) The following requirements must be met prior to using radiofrequency technology or devices:

- 1) A TPA certified optometrist who uses radiofrequency technology must have proof as specified in this section of the optometrist's completion of appropriate clinical training available on-site for Board inspection and upon request. Proof of appropriate clinical training can be satisfied by the following:

(A) a document signed and dated by an authorized representative of the manufacturer of the applicable medical device showing the optometrist received a training provided by the manufacturer on the use of the applicable radiofrequency technology or medical device of at least one (1) credit hour.

(B) a certificate of completion or other document signed and dated by an authorized representative of a continuing education provider specifying that the optometrist completed a Board-approved continuing education course worth at least one (1) credit hour in radiofrequency technology, or,

(C) original transcripts certified by the appropriate official responsible for the records such as the registrar, showing the optometrist received radiofrequency training at an optometric college as part of the curriculum required to obtain the optometric degree.

- 2) An optometrist shall only use noninvasive radiofrequency technology or devices on patients and only for the optometric purpose of treating dry eye disease or syndrome as documented in the patient's medical record. An optometrist shall not provide radiofrequency treatment to a patient solely for aesthetic benefit or after the optometric purpose for the treatment has been achieved.
- 3) An optometrist shall not delegate the use of the radiofrequency technology or device to any other person, including opticians.
- 4) All equipment or medical devices must be maintained, tested and inspected according to

the manufacturers' specifications. The optometrist must retain a copy of the manufacturer's specifications for the radiofrequency technology or medical device on-site for Board inspection and upon request.

(c) For the purposes of this section, the following definitions shall apply:

1) "Noninvasive medical devices or radiofrequency technology" means the use of noninvasive medical devices, that do not rely on laser technology, that deliver an electromagnetic current or wave to the skin of a patient for the purpose of treating dry eye disease or syndrome. The electromagnetic current or wave frequency used for treating dry eye disease or syndrome shall be between 1 MHz and 6 MHz and the medical device which delivers the electromagnetic current or wave frequency shall contain a built-in temperature sensor which displays in real-time the temperature on the surface of the skin or contain temperature presets which shut down the device if the preset temperature is exceeded. The temperature applied to the surface of the skin shall not exceed 43 degrees Celsius or 109.4 degrees Fahrenheit.

2) "Credit hour" includes the definition prescribed by Section 1536.

3) "Board-approved continuing education course" shall include a course meeting the requirements of Section 1536.

Note: Authority cited: Sections 3025, 3025.5, and 3041, Business and Professions Code.
Reference: Sections 3041 and 3041.1, Business and Professions Code.