

**State of California
Office of Administrative Law**

In re:
Board of Optometry

Regulatory Action:

Title 16, California Code of Regulations

Adopt sections:

Amend sections: 1399.260, 1399.261,
1399.263, 1524

Repeal sections:

**CORRECTED NOTICE OF APPROVAL OF
REGULATORY ACTION**

Government Code Section 11349.3

OAL Matter Number: 2023-1114-01

OAL Matter Type: Regular (S)

This action raises opticianry-related initial application and renewal fees. It raises certain optometry-related certificate fees and the fee for continuing education course approval. The action also adopts new opticianry-related initial registration fees and delinquency fees (for late renewals).

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 7/1/2024 pursuant to Government Code section 11343.4(b)(2).

Date: December 27, 2023



Dale P. Mentink
Assistant Chief Counsel

For: Kenneth J. Pogue
Director

Original: Gregory Pruden, Executive
Officer

NOTICE PUBLICATION/REGULATORY ACTION SUBMISSION

STD. 400 (REV. 10/2019)

REGULAR

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER Z- 2023-0901-01	REGULATORY ACTION NUMBER 2023-1114-01	EMERGENCY NUMBER S
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

OFFICE OF ADMIN. LAW
2023 NOV 14 PM 4:46**ENDORSED - FILED**
in the office of the Secretary of State
of the State of California**DEC 26 2023**

1:45 pm

AGENCY WITH RULEMAKING AUTHORITY
State Board of Optometry

AGENCY FILE NUMBER (if any)

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

1. SUBJECT OF NOTICE Fees		TITLE(S) 16	FIRST SECTION AFFECTED 1399.260	2. REQUESTED PUBLICATION DATE September 15, 2023
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON Gregory Pruden	TELEPHONE NUMBER 916-574-7808	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER 2023-37-Z	PUBLICATION DATE 9/15/23	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Fees		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	
TITLE(S) 16		AMEND 1399.260, 1399.261, 1399.263, 1524	
3. TYPE OF FILING		REPEAL	
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) <input type="checkbox"/> 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. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____ <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only			
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) N/A			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100) <input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> §100 Changes Without Regulatory Effect <input checked="" type="checkbox"/> Effective other (Specify) July 1, 2024			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY <input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM §660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input checked="" type="checkbox"/> Other (Specify) Kimberly Kirchmeyer, Director, Department of Consumer Affairs			
7. CONTACT PERSON Gregory Pruden		TELEPHONE NUMBER 916-574-7808	FAX NUMBER (Optional) 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

Gregory Pruden

DATE

11-3-2023

TYPED NAME AND TITLE OF SIGNATORY

Gregory Pruden, Executive Officer, California State Board of Optometry

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED**DEC 26 2023****Office of Administrative Law**

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. CALIFORNIA STATE BOARD OF OPTOMETRY

PROPOSED REGULATORY LANGUAGE
Fees

Legend:	Added text is indicated with an <u>underline</u> . Omitted text is indicated by (* * * *) Deleted text is indicated by strikeout .
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Amend sections 1399.260, 1399.261, and 1399.263 of Division 13.5 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.260. ~~Registered Dispensing Optician Fees~~ Registered Dispensing Ophthalmic Business Fees

- (a) The initial registration application fee shall be ~~\$75.00.~~ \$200.
- (b) The initial registration fee shall be \$300.
- ~~(b)~~ (c) The biennial renewal fee shall be ~~\$75.00.~~ \$300.
- (d) The delinquency fee shall be fifty dollars (\$50).

NOTE: Authority cited: Section 25582567, Business and Professions Code. Reference: Section 2565, Business and Professions Code.

§ 1399.261. Contact Lens Dispenser Fees.

- (a) The initial registration application fee shall be ~~\$75.00.~~ \$200.
- (b) The initial registration fee shall be \$300.
- ~~(b)~~ (c) The biennial renewal fee shall be ~~\$75.00.~~ \$300.
- (d) The delinquency fee shall be fifty dollars (\$50).

NOTE: Authority cited: Section 25582567, Business and Professions Code. Reference: Section 2566, Business and Professions Code.

§ 1399.263. Spectacle Lens Dispenser Fees.

- (a) The initial registration application fee shall be ~~\$75.00.~~ \$200.
- (b) The initial registration fee shall be \$300.
- ~~(b)~~ (c) The biennial renewal fee shall be ~~\$75.00.~~ \$300.
- (d) The delinquency fee shall be fifty dollars (\$50).

NOTE: Authority cited: Section 25582567, Business and Professions Code. Reference: Section 2566.1, Business and Professions Code.

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. CALIFORNIA STATE BOARD OF OPTOMETRY

PROPOSED REGULATORY LANGUAGE
Fees

Legend:	Added text is indicated with an <u>underline</u> . Omitted text is indicated by (* * * *) Deleted text is indicated by strikeout .
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Amend section 1524 of Division 15 of Title 16 of the California Code of Regulations to read as follows:

§ 1524. Fees The following fees are established:

- (a) Application fee for certificate of registration as an optometrist by examination \$275
- (b) Biennial renewal of a certificate of registration as an optometrist \$425-\$500
- (c) Delinquency fee for failing to renew a certificate of registration timely \$50
- (d) Application fee for a branch office license \$75
- (e) Annual renewal of a branch office license \$75
- (f) Penalty fee for failure to renew a branch office license timely \$25
- (g) Issuance fee for a certificate of registration or upon change of name of a person holding a certificate of registration \$25
- (h) Application fee for a fictitious name permit \$50
- (i) Annual renewal of a fictitious name permit \$50
- (1) Delinquency fee for failure to renew a fictitious name permit timely \$25
- (j) Application fee for a statement of licensure \$40
- (1) Biennial renewal of a statement of licensure \$40
- (2) Penalty fee for failure to renew a statement of licensure timely \$20
- (k) Application fee for a certificate to use therapeutic pharmaceutical agents \$25
- (l) Application fee for approval of a continuing education course \$50-\$100
- (m) Application fee for a certificate to treat primary open angle glaucoma \$35-\$50
- (n) Application fee for a certificate to perform lacrimal irrigation and dilation \$25-\$50
- (o) Application fee for a retired license \$25
- (p) Application fee for a retired license with a volunteer designation \$50
- (q) Biennial renewal for a retired license with a volunteer designation \$50

NOTE: Authority cited: Sections 3025, 3044, 3075, 3152 and 3152.5, Business and Professions Code. Reference: Sections 3075, 3078, 3151, 3151.1, 3152 and 3152.5, Business and Professions Code.