

**State of California
Office of Administrative Law**

In re:
Board of Optometry

Regulatory Action:

Title 16, California Code of Regulations

Adopt sections:

Amend sections: 1523, 1531, 1561

Repeal sections:

**NOTICE OF APPROVAL OF CHANGES
WITHOUT REGULATORY EFFECT**

California Code of Regulations, Title 1,
Section 100

OAL Matter Number: 2026-0408-03

OAL Matter Type: Nonsubstantive (N)

This Section 100 action filed by the California State Board of Optometry pursuant to California Code of Regulations, title 1, section 100, updates the name for a section of the licensing exam that is prepared by the National Board of Examiners in Optometry.

OAL approves this change without regulatory effect as meeting the requirements of California Code of Regulations, title 1, section 100.

Date: May 19, 2026



Robert Roth
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Gregory Pruden, Executive
Copy: Serena St. Mary

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 10/2019)

NONSUBSTANTIVE

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2026-0408-03N	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

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

MAY 19 2026

Billie PM
2:12 NG

OFFICE OF ADMIN. LAW
2026 APR 8 PM 1:34

AGENCY WITH RULEMAKING AUTHORITY California State Board of Optometry	AGENCY FILE NUMBER (if any)
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A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	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 Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) NBEO Part III Exam Name	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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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
	AMEND
	REPEAL
TITLE(S) 16	<u>1523, 1531, 1561</u> per agency request RDL

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<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"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input checked="" type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> 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)

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 checked="" type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON Serena St. Mary	TELEPHONE NUMBER 279-895-1466	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) serena.stmary@dca.ca.gov
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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 <i>Gregory Pruden</i> <small>Gregory Pruden (Apr 3, 2026 15:47:43 PDT)</small>	DATE 04/03/2026
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

MAY 19 2026

Office of Administrative Law

**DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
DIVISION 15, CALIFORNIA STATE BOARD OF OPTOMETRY**

PROPOSED REGULATORY LANGUAGE

NBEO Part III Examination Name Change

Changes to the regulatory language are shown in ~~single strikethrough~~ for deleted text
and single underline for added text.

Amend sections 1523 of article 5, section 1531 of article 6, and section 1561 of article 8 of title 16 of the California Code of Regulations as follows:

Article 5

Application for Licensure Application

§1523. LICENSURE AND EXAMINATION REQUIREMENTS.

- (a) (1) Application for licensure as an optometrist shall be made on a form prescribed by the Board (Form 39A-1, Rev. 7-09), which is hereby incorporated by reference, and shall show that the applicant is at least 18 years of age.
- (2) Application for licensure by an out of state licensed optometrist as defined in Business and Professions Code Section 3057, shall be made on forms prescribed by the Board (Form OLA-2, Rev. 11/07 and Form LBC-4, rev. 2/07), which are hereby incorporated by reference, and shall show that the applicant is at least 18 years of age.
- (b) An application shall be accompanied by the following:
- (1) The fees fixed by the Board pursuant to Section 1524 in this Article.
- (2) Satisfactory evidence of graduation from an accredited school or college of optometry approved by the Board.
- (3) One classifiable set of fingerprints on a form provided by the Board.
- (c) An incomplete application shall be returned to the applicant together with a statement setting forth the reason(s) for returning the application and indicating the amount of money, if any, which will be refunded.
- (d) Each applicant must achieve passing grades in all Board required examinations before

- being granted a license to practice optometry.
- (e) Permission to take the California Laws and Regulations Examination (CLRE) shall be granted to those applicants who have submitted a paid application.
 - (f) Licensure shall be contingent on the applicants passing the Clinical Patient Encounters and Performance Skills portion of the National Board of Examiners in Optometry examination as provided in Section 1531 in this Article and passing the CLRE.
 - (g) Admission into the examinations shall not limit the Board's authority to seek from an applicant additional information deemed necessary to evaluate the applicant's qualifications for licensure.

Note: Authority cited: Sections 3025, 3044, 3045 and 3057, Business and Professions Code. Reference: Sections 3044, 3045 and 3057, Business and Professions Code.

Article 6 Examinations

§1531. LICENSURE EXAMINATION.

- (a) The licensure examinations are composed of:
 - Section I – Applied Basic Science written cognitive examination approved by the Board and developed by the National Board of Examiners in Optometry (NBEO).
 - Section II – ~~Patient Assessment and Management/Treatment and Management of Ocular Disease~~ examination developed by the NBEO.
 - Section III – Clinical Patient Encounters and Performance Skills Examination developed by the NBEO.
 - Section IV – California Laws and Regulations Examination developed and administered by the Board or its contractor.
- (b) All examinations for licensure developed by the NBEO and the Board prior to January 2010 may be accepted on a case by case basis in the evaluation of an applicant's qualifications for licensure.

Note: Authority cited: Sections 3025, 3041.2 and 3053, Business and Professions Code. Reference: Sections 3041.2 and 3053, Business and Professions Code.

Article 8
Topical Pharmaceutical Agents

§1561. TOPICAL PHARMACEUTICAL AGENTS USAGE—PURPOSE AND REQUIREMENTS.

- (a) The purpose of this article is to implement Business and Professions Code Section 3041.2, as added to said code by chapter 418 of the 1976 statutes. Only those optometrists meeting the requirements of this article may use topical pharmaceutical agents in the examination of human eyes.
- (b) In order to use topical pharmaceutical agents in the examination of human eyes, an optometrist must:
- (1) complete a course in pharmacology approved by the Board or have equivalent experience satisfactory to the Board; and
 - (2) provide evidence of taking and passing either:
 - (A) both the Applied Basic Science and ~~Clinical Patient Encounters and Performance Skills~~ sections of the NBEO examination as it was constituted beginning in January 2010; or
 - (B) a pharmacology examination equivalent to subdivision (b)(1) above and administered by an accredited school or college of optometry.
- (c) The Board will issue a Diagnostic Pharmaceutical Agents certification to optometrists fulfilling the requirements of subsection (b) authorizing them to use topical pharmaceutical agents.

Note: Authority cited: Sections 3025, 3041.2 and 3053, Business and Professions Code.
Reference: Sections 3041 and 3041.2, Business and Professions Code.