

**DEPARTMENT OF CONSUMER AFFAIRS
CALIFORNIA STATE BOARD OF OPTOMETRY**

FINAL STATEMENT OF REASONS

Hearing Date: The Board did not schedule a public hearing, nor was one requested.

Subject Matter of Proposed Regulations: Continuing Optometric Education: Purpose and Requirements

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

Request for Effective on Filing with Secretary of State: The California State Board of Optometry (Board or CSBO) requests that this regulatory proposal become effective on filing with Secretary of State to implement the proposed amendments to CCR 1536, related to continuing education (CE). The Board has not updated this section since 2016, and many CE providers have since changed their approach to offering CE, including using the internet to offer courses. This mode of CE has been shown to save money for CE providers and licensees and increases licensees' access to CE. Additionally, with the COVID-19 pandemic, almost all courses that were previously taught in person have moved entirely online. This proposal seeks to clarify existing renewal requirements for licensees, improve processes for CE providers, further define the parameters of internet/self-study courses, set forth a process for registration of online courses with the Board, and revise a form incorporated by reference used by CE providers to register their classes for approval by the Board. The proposed amendments provide licensees with additional flexibility in completing their required CE by increasing the minimum permissible online CE and other categories. The amendment will also benefit CE providers who will have increased flexibility in how they offer CE. This may encourage a broader array of CE offerings, which will enable optometrists to benefit in their education from more diverse course offerings.

Updated Information: The Initial Statement of Reasons is included in the file and is incorporated herein. The information contained therein is updated as follows:

The regular comment period for this rulemaking began on April 14, 2023 and ran to May 31, 2023. No hearing was scheduled or requested. No comments were received during the public comment period.

Section 1536, subsection (d)(2) was moved to subsection (c)(2). The subsection hierarchy was amended to reflect that change. This was a nonsubstantive change made to connect subsection (c)(1) and subsection (c)(2).

Local Mandate: A mandate is not imposed on local agencies or school districts.

Small Business Impact: The Board has determined that the proposed regulations would have no significant statewide adverse economic impact directly affecting small businesses, including the ability of California businesses to compete with businesses in other states.

Benefits: The proposed amendments provide licensees with additional flexibility in completing their required CE by increasing the minimum permissible online CE and other categories in subdivision (c). The amendment will also benefit CE providers who will have increased flexibility in how they offer CE. This may encourage a broader array of CE offerings, which will enable optometrists to benefit in their education from more diverse course offerings.

INCORPORATION BY REFERENCE: Continuing Education Course Approval Application, Form CE-01, Rev. 8/22. This form was available upon request from the Agency and was reasonably available from a commonly known or specified source: <https://www.optometry.ca.gov/lawsregs/propregs.shtml>

Publication of the incorporated document in full in the CCR would be cumbersome, unduly expensive, or otherwise impractical because the form has particular formatting.

Consideration of Alternatives:

No reasonable alternative to the regulatory proposal 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 or would be more cost effective to affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.

Set forth below are the alternatives which were considered and the reasons each alternative was rejected:

- Do not promulgate these regulations. This alternative was rejected. The Board's current CE regulations date back to 2015 and have not been updated to reflect current industry practices of offering CE online and social distancing due to the COVID-19 pandemic.