



BOARD OF OPTOMETRY  
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The Board of Optometry announces upcoming changes in the California Optometric Practice Act that will become effective January 1, 2007. The changes in law are summarized below for your convenience.

#### Senate Bill 579 - Advertising Free Eye Exams

- Eliminates the general prohibition on advertising free eye exams. The change makes it unlawful to advertise as being free or without cost the furnishing of optometric services where the services are contingent upon payment or other exchange of consideration that are not fully disclosed.
- Establishes "licensure by endorsement" for out of state licensees to gain licensure in California. The California State Board of Optometry is in the process of developing procedures for obtaining licensure by endorsement. Once adopted, the procedures will be posted on the Board's website at [www.optometry.ca.gov](http://www.optometry.ca.gov).
- Eliminates CPR certification as a condition for renewal of an optometric license. Optometric licenses that expire on or after January 1, 2007 will no longer be required to maintain CPR certification.

#### Assembly Bill 2256 - Certificate of Registration for Optometric Corporations Repealed

- Deletes provisions requiring an optometric corporation to obtain certificate of registration from the California State Board of Optometry and file specified reports with the Board. Optometric corporations will continue to be required to register with the Secretary of State and obtain fictitious name permits (when appropriate) from the Board. Optometrists who hold certificates of registration for optometric corporations will receive additional information regarding this change in law directly from the Board in the coming months.

#### Assembly Bill 1382 - Deceptive Marketing Practices

- Makes it a deceptive marketing practice for any individual or entity who offers for sale plano contact lenses to represent by any means that those lenses may be lawfully obtained without an eye examination or confirmation of a valid prescription, or may be dispensed or furnished to a purchaser without complying with prescribed requirements.

The Board also recently amended Title 15, of the California Code of Regulations as follows:

Section 1579 establishes the Board's authority to assess administrative fines when issuing citations for violation of laws and/or regulations pertaining to the practice of optometry in California. The revised regulations establish three different categories of citations as follows:

- Class A citations are those involving unlicensed practice. Class A violations are subject to fines ranging from \$1,500 to \$2,500 for each violation.
- Class B citations are those involving a violation that caused non-physical financial harm to a person or multiple Class C violations within the past three years. Fines for Class B violations range from \$500 to \$2,500 for each violation.

- Class C citations involve a violation of any statute or regulations that did not cause physical or financial harms to a person. Fines for Class C citations range from \$250 to \$2,500 for each violation.

Finally, the Board now has the authority to assess administrative fines up to \$5,000 under very specific circumstances that include the following:

- There is a violation that has an immediate relationship to the health and safety of another person;
- The cited person has a history of two or more prior citation of the same or similar violations;
- The citation involves multiple violations that demonstrate a willful disregard of the law,
- The citation involves a violation perpetrated against a senior citizen or disabled person; and
- The citation involves fraudulent billing submitted to an insurance company, or Medi-Cal or Medi-Care programs fraud.

The Board also recently modified the language in the Consumer Notice to reflect both the changes in law regarding providing prescriptions to patients and the Board's new office address and contact information. California Code of Regulations Sections 1566 and 1566.1 now require the following:

The Consumer Notice must be posted in each optometrist's office in a conspicuous place. The Notice must clearly state the legal requirements regarding the release of all corrective lens prescriptions. Optometrists may customize the Consumer Notice in a style to blend into the office décor but it must, at a minimum, contain the following information:

#### Consumer Notice

Eye doctors are required to provide patients with a copy of their ophthalmic lens prescriptions as follows:

- Spectacle prescriptions: Release upon completion of exam.
- Contact lens prescriptions: Release upon completion of exam or upon completion of the fitting process.

The Board of Optometry regulates the practice of optometry in California. The Board of Optometry receives and investigates all consumer complaints involving the practice of optometry. Complaints or grievances involving a California-licensed optometrist should be directed to:

Board of Optometry  
Department of Consumer Affairs  
2420 Del Paso Road, Suite 255  
Sacramento, CA 95834  
Phone: 1-866-585-2666 or (916) 575-7170  
E-mail: [Optometry@dca.ca.gov](mailto:Optometry@dca.ca.gov)  
[www.optometry.ca.gov](http://www.optometry.ca.gov)

The "California Laws and Regulations Related to the Practice of Optometry" includes the complete text of related laws and may be acquired from LexisNexis by calling 1-800-533-1637 or on-line at [www.lexisnexis.com/bookstore](http://www.lexisnexis.com/bookstore). The handbook includes a CD-ROM and is available for \$14.00.