

TITLE 16. BOARD OF OPTOMETRY

NOTICE IS HEREBY GIVEN that the California State Board of Optometry (“Board”) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed before or at a hearing to be held at:

**Department of Consumer Affairs
2420 Del Paso Road, Yosemite Room
Sacramento, California 95834
Monday, August 17, 2015
10:00 a.m. - noon**

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than noon on Monday, August 17, 2015, or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by the Business and Professions Code (“B&P”) sections 3025 in order to implement, interpret or make specific B&P section 3059, the Board is considering changes to Division 15 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW:

The Board proposes to amend Section 1536 of Article 5 of Division 17 of Title 16 of the California Code of Regulations to update information regarding continuing education (“CE”) required by the Board for optometrists’ license renewal. This adoption is necessary to carry out the purpose of B&P section 3059. The proposed rulemaking allows for optometrists who are certified to use therapeutic pharmaceutical agents (“TPA”), to apply Continuing Medical Education (“CME”) courses toward their CE requirements.

This regulation also moves the glaucoma CE requirement from CCR §1571 Requirements for glaucoma certificate to §1536. There is no change in the language of the existing section; the glaucoma CE requirement is simply being relocated to the regulation that sets forth other CE requirements.

Policy Statement Overview: Allowing CME credits to be applied to CE requirements will increase course variety for optometrists and will help public health and safety by maintaining the high standards of the profession, and assuring that more optometrists take CE units in certain subject matter areas which the Board deems important to the profession.

Anticipated Benefits of Proposal:

The Board has determined that this regulatory proposal will benefit the health and welfare of California residents who seek the services of the Board’s licensees. CME courses address systemic health issues that impact eye health, such as diabetes and high blood pressure. Further, these health issues may be identified via comprehensive eye exams.

CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS:

During the process of developing the amendments to these regulations concerning CE, the

Board has conducted a search of any similar regulations on this topic and has concluded that these are the only regulations that deal with the Board's CE program. Therefore, as to 16 CCR Section 1536, the Board finds that these proposed regulations are consistent and compatible with existing state regulations.

Mandate of Local Agencies or School Districts: This regulatory action does not impose a mandate on local agencies or school districts.

FISCAL IMPACT ESTIMATES:

- A. Cost or Savings to any state agency: NONE
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: NONE
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: NONE
- D. Other nondiscretionary cost or savings imposed on local agencies: NONE
- E. Cost or savings in federal funds to the state: NONE

Effect on housing costs: NONE

Results of Economic Impact Assessment:

Optometrists wishing to renew their license must complete forty (40) hours of CE per renewal cycle (2 years). This CE requirement increases to fifty (50) hours if the optometrist is TPA certified. Further, thirty-five (35) of the fifty (50) hours required shall be on the diagnosis, treatment and management of ocular disease. Thus, while this regulatory proposal affects optometrists, it will not have a significant statewide adverse economic impact directly affecting business, or businesses' ability to compete.

Impact on Jobs/Businesses: The Board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses, the elimination of jobs or existing businesses, or the expansion of businesses in the State of California. CME courses are available to licensed medical doctors. Optometrists taking such classes would not impact jobs or businesses since they are already serving a licensee population in need of such courses.

Benefits of the proposed action: The proposed regulation will benefit California consumers by providing them with the most well rounded optometrist. This regulation will ensure that California licensed optometrists stay up to date with current systemic medical issues that impact eye health, such as diabetes and blood pressure issues. The consumer is protected by receiving a comprehensive eye exam from a professional who can diagnose any ocular diseases and has been trained to do so via CME courses.

Cost Impacts: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Business Report: The proposed regulations do not require a new report to be made. Optometrists are obligated to keep records of their completed hours of CE and those records are sufficient to establish what subject area classes an optometrist has taken.

Effect on Small Businesses: The Board has determined that the proposed regulation would have no economic impact on small businesses, unless those small businesses are CE course providers. Optometrists will now be able to obtain a small number of CE credits for taking

courses that benefit the profession as a whole, and optometrists will not purchase a small number of classes equivalent to the CE credits received. The Board has determined that requiring optometrists take thirty five (35) units of CE within specified subject areas as a part of fulfilling their required biennial fifty (50) hours of CE will not have a significant effect on small businesses.

CONSIDERATION OF ALTERNATIVES:

The Board must determine that no reasonable alternative considered by the Board, or otherwise identified and brought to the Board's attention, would either be 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 than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policies or other provision of law. Any interested person may present statements or arguments in writing relevant to the above determinations to the Board at the address listed for the Contact Person.

INITIAL STATEMENT OF REASONS AND INFORMATION:

The Board has prepared an Initial Statement of Reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL:

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board at 2450 Del Paso Road, Suite 105, Sacramento, California 95834 or by accessing the Board of Optometry's website <http://www.optometry.ca.gov/>.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE:

All the information upon which the proposed regulation is based is contained in the rulemaking file which is available for public inspection by contacting the contact person named below. You may obtain a copy of the Final Statement of Reasons once it has been prepared, by making a written request to the Contact Person named below or by accessing the Board of Optometry's website <http://www.optometry.ca.gov/>.

CONTACT PERSON:

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Nooshin Movassaghi, Policy Analyst
Address: 2450 Del Paso Road, Suite 105
Sacramento, CA 95834
Telephone No.: 916-575-7182
Fax No.: 916-575-7292
E-Mail Address: nooshin.movassaghi@dca.ca.gov

The backup contact person is:

Name: Jessica Sieferman, Acting Executive Officer
Address: 2450 Del Paso Road, Suite 105
Sacramento, CA 95834
Telephone No.: 916-575-7184
Fax No.: 916-575-7292
E-Mail Address: jessica.sieferman@dca.ca.gov