



**Legislation and Regulation Committee  
 Friday, September 13, 2019  
 Approved Meeting Minutes**

**Teleconference Meeting Locations:**

|   |   |  |
|---|---|--|
| Department of Consumer Affairs<br>2420 Del Paso Road, 1 <sup>st</sup> Floor,<br>(Yosemite Room)<br>Sacramento, CA 95834 | Moraga Library<br>1500 St. Mary's Road<br>Moraga, CA 94556<br><br>Senator Hotel<br>1121 L Street, 1 <sup>st</sup> Floor<br>Sacramento, CA 95814 | Buenaventure Optometry<br>3301 E. Main Street, Suite 1006<br>Ventura, CA 93003 |
|---|---|--|

| <b>Members Present</b>  | <b>Staff Present</b>                 |
|-------------------------|--------------------------------------|
| Lillian Wang, OD, Chair | Shara Murphy, Executive Officer      |
| Glenn Kawaguchi, OD     | Marc Johnson, Policy Analyst         |
| Rachel Michelin         | Jessica Swan, Administrative Analyst |
| David Turetsky, OD      |                                      |
| Maria Salazar-Sperber   | <b>Guest List</b>                    |
|                         | On File                              |

**Link for audio of meeting:** [https://www.optometry.ca.gov/meetings/20190913\\_lrc\\_audio.mp3](https://www.optometry.ca.gov/meetings/20190913_lrc_audio.mp3)

**1. Call to Order/Roll Call/Establishment of Quorum**

*Audio of Discussion: 00:24 / 33:20*

Dr. Lillian Wang called roll and a quorum was established. Dr. Glenn Kawaguchi was present at the Ventura, CA location; Rachel Michelin was present at the Sacramento, CA, Senator Hotel location; Dr. Wang was present at the Moraga, CA location; Dr. Turetsky was present at the Sacramento, CA Department of Consumer Affairs (DCA) location. Executive Officer Shara Murphy announced that Dawn Clover, with DCA's Legislative Unit, and Anthony Pane with DCA's Legal Affairs Unit are attending the meeting. Two members of the public were at the meeting in Sacramento.

**2. Public Comment for Items Not on the Agenda**

*Audio of Discussion: 01:33 / 33:20*

There were no public comments.

**3. Discussion and Possible Action Regarding Meeting Minutes**

*Audio of Discussion: 01:56 / 33:20*

There were no public comments.

**Rachel Michelin moved to approve the May 28, 2019 Legislation and Regulation Committee Meeting Minutes. Glenn Kawaguchi seconded. The Committee voted (3-Aye, 0-No, 1-Abstention) and the motion passed.**

| Member              | Aye | No | Abstain | Absent | Recusal |
|---------------------|-----|----|---------|--------|---------|
| Dr. Wang            | X   |    |         |        |         |
| Dr. Kawaguchi       | X   |    |         |        |         |
| Ms. Salazar-Sperber |     |    |         | X      |         |
| Ms. Michelin        | X   |    |         |        |         |
| Dr. Turetsky        |     |    | X       |        |         |

#### **4. Update, Discussion and Possible Action on Potential 2020 Legislation**

*Audio of Discussion: 03:07 / 33:20*

##### **A. Temporary License for Instructors at Accredited Schools of Optometry**

Mr. Johnson provided a presentation for the Committee. He reported that this issue was raised previously by the Board for foreign trained optometrists who teach at one of the three optometry schools in California. Staff was directed to develop possible statutory language for this change, derived from the Medical Board's special faculty permit statute. The intent of the bill is to create a faculty permit for use by instructors in accredited schools of optometry. Additionally, the language sets fees for applications and renewals; requires permit applicants (specifically foreign applicants) to undergo and be approved by the Board upon submission of documentation (i.e. degree, education, etc.). Applicants would be required to pass the jurisprudence exam; a live scan criminal background check; and they would be subject to all laws and regulations pertaining to the practice of optometry and be subject to discipline. The permit would be renewed biennially.

Dr. Kawaguchi requested clarification of the language regarding the California Laws and Regulations Exam (CLRE). Additionally, he asked if we should consider including a doctor who has a PhD versus an OD degree? He stated that he is aware that some doctors with PhD's are teaching optometrists. Dr. Wang responded that her understanding that the only doctors who would be seeing patients are those with a Doctor of Optometry degree or the equivalent in another country. Applicants for the specialty faculty permits are those who have been seeing patients in their own country and have experience in special clinics such as glaucoma or ocular disease.

Dr. Kawaguchi asked if there is a need to specify, in more detail, which school clinics these doctors should be allowed to practice at? He stated that a lot of schools have their main clinic and have additional remote clinics. Mr. Johnson replied that he and Dr. Wang had previous

discussions regarding whether the doctors should be able to practice in the remote locations, or just the main clinics. Based on the discussions, the possibility of seeing patients at remote clinics was not excluded because it gives the doctor more flexibility. Dr. Wang noted in her experience that foreign optometrists are typically only involved in the on-site school clinics or those located nearby. Dr. Turetsky asked about the interns at the Marin Community Clinics. Since these clinics are run by the County, is the County overseeing these optometrists, or is it the school overseeing the optometrists? Dr. Wang clarified that the schools are carrying the malpractice liability for all of the optometrists.

Dr. Wang suggested that during the renewal process, the foreign optometrist be required to submit a declaration of employment with each renewal, proving they are still on faculty. Committee agrees. Dr. Turetsky asked if optometrists from other countries, who were grandfathered in 15 years ago, would have any new requirements? Dr. Wang does not believe this would be retroactive. Mr. Johnson and Ms. Murphy believe this will not be an issue; however, Ms. Murphy stated that staff will research this to ensure there are no foreign licensed optometrists who will have their grandfathered license affected in any way.

Mr. Johnson raised the possibility of how this process would be reviewed and asked if this is something the Board would want to do itself via a delegated committee? Or would the Board be comfortable with staff handling this in conjunction with optometry schools since it would involve such a small number of people? Dr. Wang is comfortable with staff handling the process review.

There were no public comments.

**Lillian Wang moved that language changes be recommend to the full Board. David Turetsky seconded. The Committee voted (4-Aye, 0-No, 0-Abstention) and the motion passed.**

| Member              | Aye | No | Abstain | Absent | Recusal |
|---------------------|-----|----|---------|--------|---------|
| Dr. Wang            | X   |    |         |        |         |
| Dr. Kawaguchi       | X   |    |         |        |         |
| Ms. Salazar-Sperber |     |    |         | X      |         |
| Ms. Michelin        | X   |    |         |        |         |
| Dr. Turetsky        | X   |    |         |        |         |

Maria Salazar-Sperber arrived immediately after the vote.

## **B. Other Possible 2020 Legislation**

Audio of Discussion: 21:25 / 33:20

Mr. Johnson reported that staff receives approximately 80 requests per month for verification of their California license to be sent to other states licensing agencies. Each one can take the designated staff member approximately 15 minutes to complete. Calculated out this amounts

to approximately 20 hours per month of staff time. Currently, the Board does not charge a fee for this service. Endorsement fees are very common with other boards. The Dental Board charges \$50, not to exceed \$125. Physical Therapy charges \$60, not to exceed \$60. Staff is proposing a fee of \$40, not to exceed \$60 per endorsement to cover staff time, BreEZe usage and mailing. Staff estimates this change would bring a small increase in revenue of about \$38,000 per year. It would also require regulatory changes.

Dr. Kawaguchi commented that other boards are charging more than our suggested minimum, therefore, why not charge \$50 not to exceed \$100? Ms. Murphy reported that staff is comfortable with this recommendation.

Public Comment: Kristine Shultz, California Optometric Association, questioned how the fees are paid and if an analysis had been done to determine the fees are needed. Ms. Murphy explained that the Board does not have the authority or ability to increase licensing staff at this time. Ms. Shultz suggested there might be some sensitivity to this from the profession.

**Glenn Kawaguchi moved to recommend to the full Board to pursue legislation for an endorsement fee in the 2020 legislative session, and direct staff to work with legal counsel to further develop the full statutory language, including our discussion today based on the material presented. David Turetsky seconded. The Committee voted unanimously (5-0) and the motion passed.**

| Member              | Aye | No | Abstain | Absent | Recusal |
|---------------------|-----|----|---------|--------|---------|
| Dr. Wang            | X   |    |         |        |         |
| Dr. Kawaguchi       | X   |    |         |        |         |
| Ms. Salazar-Sperber | X   |    |         |        |         |
| Ms. Michelin        | X   |    |         |        |         |
| Dr. Turetsky        | X   |    |         |        |         |

Dr. Turetsky would like to see if there is a way the Board can address the current restrictions on optometrists working for a physician, only if that physician is practicing ophthalmology. He believes it would be beneficial for access and the public if optometrist could work for any physician, M.D. or D.O. even if that individual does not practice ophthalmology specifically. Maria Salazar-Sperber replied that this is worthy of conversation but would definitely be an upward push.

## 5. Future Agenda Items

Audio of Discussion: 32:44 / 33:20

Committee members did not have any items. There were no public comments.

## 6. Adjournment

The meeting was adjourned at 9:37 a.m.