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**CONSUMER PROTECTION COMMITTEE
APPROVED MEETING MINUTES**

Friday, July 17, 2020

MEMBERS OF THE COMMITTEE

Cyd Brandvein, Chair
Debra McIntyre, OD
David Turetsky, OD

Members Present	Staff Present
Cyd Brandvein, Chair	Shara Murphy, Executive Officer
Debra McIntyre, OD	Cheree Kimball, Assistant Executive Officer
David Turetsky, OD	Marc Johnson, Policy Analyst
	Matt McKinney, Enforcement Analyst
	Will McGuire, Legal Counsel
	Dani Rodgers, Regulatory Legal Counsel

Link to audio of meeting:

<https://www.youtube.com/watch?v=yGUetrN1pQM&feature=youtu.be>

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

Audio of Discussion: [0:36 / 1:01:23](#)

Ms. Brandvein called the meeting to order at 12:00 p.m. and a 3-0 quorum was established.

2. Public Comment for Items Not on the Agenda

Audio of Discussion: [1:38 / 1:01:23](#)

There were no requests for public comment.

3. Discussion and Possible Action on September 13, 2019 Consumer Protection Committee Meeting Minutes

Audio of Discussion: [2:53 / 1:01:23](#)

There were no requests for public comment.

David Turetsky moved to accept the September 13, 2019 Consumer Protection Committee Meeting Minutes as presented. Debra McIntyre seconded. The Committee voted unanimously (3-0) and the motion carried.

Member	Aye	No	Abstain	Absent	Recusal
Ms. Brandvein	X				
Dr. McIntyre	X				
Dr. Turetsky	X				

4. Update, Discussion and Possible Action on Adoption of Title 16, California Code of Regulations section 1399.273 and Optician Disciplinary Guidelines Incorporated by Reference

Audio of Discussion: [4:53 / 1:01:23](#)

Mx. Kimball provided announced that the Disciplinary Guidelines have gone through the Dispensing Optician Committee (DOC), and they have been reviewed by the Board's Legal Counsel. Dr. Turetsky asked if this document includes the comments made; Mx. Kimball responded that this is the full package that would go for submission into regulations which includes the disciplinary document, the memo that accompanies it, and the required forms.

Dr. Turetsky drew attention to page 12, Item number 14 - sale or closure of a dispensary location and asked if the Board has any recourse over an individual who is buying or closing practice and is no longer practicing as an optician; Mx. Kimball responded that for opticians on probation who close or sell their dispensary location without completing the required procedures, it would be considered a violation of their probationary term and the Board could seek revocation of their registration.

Ms. Brandvien directed everyone's attention to page nine, under "Probation Monitoring Costs"; noting that sentence number one speaks to monthly costs; however, it would be good to attribute who those costs would be paid by. She requested that staff provide clarity to pages nine and ten for consistency. On page 13, under "Optional Probation Conditions" 33 items are listed; On page 17 there is a similar list growing which at the bottom state "optional". Ms. Brandvein asked if the lists are firm or if both are considered optional regarding what the Board may do during probation; Mr. McGuire explained that the terms that begin on page 13 items 15-33 are optional. On page 17 the paragraph or sentence that follows the word "optional" the Board has the option to add specific terms after the word "optional".

Dr. Turetsky commented on the optional part which reads "respondents shall not engage in fitting and adjusting Lenses or dispensing" etc. may perhaps need to be more specific such as "prescription eyewear and devices" rather than "lenses". Dr. McIntyre suggested "optical eyewear" or "optical devices". Ms. Murphy asked Mr. Johnson for the definition of fitting and adjusting that were set upon through multiple discussions within the Dispensing Optician Committee (DOC). Mr. Johnson read the proposed text from the optician statutory review aloud.

Ms. Murphy clarified that the definitions and specifications read by Mr. Johnson are proposed changes and not current law. She suggested placing these definitions into the Dispensing Optician Disciplinary Guidelines to be clear since there is nothing to reference because these are suggested changes that the Board will need to put into legislation. Committee agrees.

Ms. Brandvein requested clarification around monitoring costs and type of payment since installments are not necessarily monthly payments. She noted that clarifying language is needed in this section for consistency; Mx. Kimball agreed to analyze the cost recovery and the probation monitoring cost language and ensure that it is clear

what the Board is asking for, and that it is consistent.

There was no public comment.

David Turetsky moved to adopt the amendments as discussed and provide a review by Dr. McIntyre and upon her review and approval pass the document to the full Board for their discussion and potential approval. Cyd Brandvein seconded. The Committee voted unanimously (3-0) and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Ms. Brandvein	X				
Dr. McIntyre	X				
Dr. Turetsky	X				

5. Review, Discussion and Possible Action on Optometry Strategic Plan

A. Presentation by SOLID on Strategic Plan

B. Existing 2017-2020 Optometry Strategic Plan Items

C. Potential 2021 Optometry Strategic Plan Items

Audio of Discussion: [47:29 / 1:01:23](#)

Trish St. Clair with SOLID provided a presentation on the Strategic Plan. She explained that DCA requires that each board have a strategic plan. SOLID planning is a neutral party to handle the strategic planning through team building and organized efforts. SOLID helps the board accomplish success. Strategic planning always begins with where the board is currently; its mission, values and environmental analysis. Next is where the board is going (vision) and then how it will get there (goals and objectives). She announced that staff may begin submitting objectives now. Ms. St. Clair provided the Board's 2017-2020 strategic plan progress.

There was no public comment.

6. Future Agenda Items

Audio of Discussion: [59:24 / 1:01:23](#)

There were no requests for future agenda items. There was no public comment.

7. Adjournment

Meeting adjourned at 1:01 p.m.

