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MEMBERS OF THE COMMITTEE

Cyd Brandvein, Chair Jeffrey Garcia, OD David Turetsky, OD

CONSUMER PROTECTION AND OUTREACH COMMITTEE TELECONFERENCE MEETING AGENDA

Friday, October 22, 2021 10 a.m. to close of business

This public meeting will be held via WebEx Events. To participate in the WebEx meeting, please log on to this website the day of the meeting using this link:

To access the Webex event, attendees will need to click the following link and enter their first name, last name, email, and the event password listed below: https://dca-meetings.webex.com/dca-meetings/i.php?MTID=m7d98083476b07e9243dbf07a5dc2034b

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NOTE: The Committee will hold this public meeting through teleconferencing and will make this public meeting accessible telephonically to all members of the public seeking to observe and to address the state body, pursuant to Gov. Code § 11133 as added by AB 361. Members of the public may observe or participate using the link above. Due to potential technical difficulties, please consider submitting written comments via email prior to the meeting:

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ORDER OF ITEMS SUBJECT TO CHANGE. ACTION MAY BE TAKEN ON ANY ITEM ON THE AGENDA.

- 1. Call to Order/Roll Call/Establishment of a Quorum
- 2. Public Comment for Items Not on the Agenda

Note: The committee may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting [Government Code §11125, §11125.7(a)].

- 3. Discussion and Possible Action to Adopt February 25, 2021, Consumer Protection & Public Relations and Outreach Committee Meeting Minutes
- 4. Discussion and Possible Action on 2021-2025 Strategic Plan Items Relevant to the Committee
- 5. Future Agenda Items

6. Adjournment

The mission of the <u>California State Board of Optometry</u> is to protect the health and safety of California consumers through licensing, registration, education, and regulation of the practice of Optometry and Opticianry.

Meetings of the California State Board of Optometry and its committees are open to the public except when specifically noticed otherwise in accordance with the Bagley-Keene Open Meeting Act. Public comments will generally be taken on agenda items at the time the specific item is raised. Please respect time limits, which the Chairperson may request on an as-needed basis to accommodate all interested speakers and the full agenda. The Board or its committees may take action on any item listed on the agenda. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum.

The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification to participate in the meeting may make a request by contacting the Board at 916-575-7170, email optometry@dca.ca.gov or mailing a written request to Kristina Eklund at the California State Board of Optometry, 2450 Del Paso Road, Suite 105, Sacramento, CA 95834. Providing your request at least five (5) business days before the meeting will help ensure the availability of the requested accommodation.

MEMBERS OF THE BOARD

Mark Morodomi, President
Glenn Kawaguchi, OD, Vice President
Debra McIntyre, OD, Secretary
Cyd Brandvein
Jeffrey Garcia, OD
David Turetsky, OD
Lillian Wang, OD
Vacant, Public Member
Vacant, Public Member
Vacant, Public Member





MEMBERS OF THE COMMITTEE

Vacant, Licensed Optician Member

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

CONSUMER PROTECTION & PUBLIC RELATIONS AND OUTREACH COMMITTEE

TELECONFERENCED DRAFT MEETING MINUTES

February 25, 2021

Members Present Staff Present		Staff Present
Cyd Brandvein, Chair	Shara Murphy, Executive Officer	
Debra McIntyre, OD	Cheree Kimball, Assistant Executive Officer	
David Turetsky, OD Marc Johnson, Policy And		Marc Johnson, Policy Analyst
	Matt McKinney, Enforcement Analyst	
	Terri Villareal, Lead Enforcement Analyst	
		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: 00:30 / 1:02

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: 01:26 / 1:02

There were no requests for public comment.

3. Discussion and Possible Action on July 17, 2020, Consumer Protection Committee Meeting Minutes

Audio of Discussion: 02:06 / 1:02

David Turetsky asked about a quorum for approving the minutes and if there is a procedure for approving them. Ms. Murphy explained how to approve the minutes with a quorum.

There were no requests for public comment.

David Turetsky moved to accept the July 17, 2020, Consumer Protection Committee Meeting Minutes as presented. Jeff Garcia seconded. The Committee voted unanimously (3-0) and the motion carried.

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

4. Discussion and Possible Action on January 31, 2020, Public Relations and Outreach Committee Meeting Minutes.

Audio of Discussion: 04.19 / 1:02

There were no requests for public comment.

David Turetsky moved to adopt the Minutes. Mr. Garcia seconded. The Committee voted unanimously (3-0) and the motion passed.

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

5. Review, Discussion and Possible Action on Regulations to Implement Assembly Bill 458 (Nazarian, Chapter 425, Statutes of 2019); Possible Referral to Full Board. Audio Discussion: 05:36 / 1:02

Ms. Murphy stated that the Board worked on this bill 2018/2019 with Assemblyman Nazarian's office regarding mobile practice. This allows an optometrist to apply for a certificate to provide in-home care for optometry patients. Ms. Murphy stated that Policy Analyst Marc Johnson and Board member Dr. Turetsky worked together on this bill and Mr. Johnson will be updating the Board.

Mr. Johnson stated that this regulatory proposal implements Assembly Bill (AB) 458 which amended Business and Professions Code section (BPC) 3070.1.

Mr. Johnson continued that he worked on this with Dr. Turetsky and with Dani Rogers, the Legislative/Regulatory Counsel. Bill 3090.1 authorizes a TPA-certified optometrist to treat patients who are unable to obtain optometric services outside of their home due to a mental or physical disability. The optometrist would be required to complete an application, pay a fee, agree to a records retention schedule, and abide by patient disclosure requirements.

An optometrist would be also required to provide a patient notice prescribed by our

Board and be required to complete an authorization if a patient wishes to release patient records to the Board for enforcement purposes.

Mr. Johnson stated that the new section to the California Code of Regulations, Title section 16 1507.5 will amend the existing BPC 1524, which refers to fees. Section 1507.5 creates an initial application for a home residence permit, creates an application for renewal for home residents permit, provides requirements for a patient notice to be provided to the patient and requires an acknowledgment that the patient has received it, and allows for the release of patient medical records for enforcement purposes.

Within BPC section 1524, Fees, \$50 paid when an optometrist applies for the permit, renewal for \$50, and a delinquent fee of \$25.

Attachment A, proposed text for AB 458. Subsection A is the section that will implement BPC 3070.1 which requires an initial application to be a form; this is similar to what was done with AB 443, immunization authorization. Mr. Johnson stated that the form requirements were added within the regulation because it is our intention to upload the form to BreEZe therefore putting the requirements of the form in regulation allows us to do that. The Board will still have the option to create a paper form if they wish.

The form requires some standard information such as the name, address, email address, phone number, and license number of the applicant. The applicant will sign a declaration that states all information provided is true and accurate under penalty of perjury. Mr. Johnson continued that the applicant will be required to follow all state and federal record-keeping requirements and requirements outlined in 3070.1

Section B implements BPC 3070.2 which requires a renewal application to be created. Mr. Johnson asked if anyone had any questions. Dr. Turetsky had questions.

Dr. Turetsky stated that he knows the consumer notice must be in 14-point font. He also asked if the consumer notice had any size requirements that needed to be addressed – for example, does it need to be a size of 8 x 10? Mr. Johnson stated that there are no size requirements that he is aware of regarding the application. Dr. Turetsky stated that he knows that the Department of Management Healthcare experienced issues when they printed their forms which was a size that was not specified in regulations, which caused problems for them.

Turetsky continued that as a business owner, his office provides nursing home vision care and sees 50,000 patients a year which means they would be giving out 50,000 pieces of paper which is not environmentally friendly. Dr. Turetsky asked if the consumer notice could be a part of the prescription pad to save paper and the environment? Dr. Turetsky asked if there were any regulations on how to provide the consumer notice to the patient?

Mr. Johnson said the consumer notice could be issued in person or electronically. Dr. Turetsky stated his patients are elderly and do not have access to a computer or email

and nursing homes are bombarded with emails and would not be willing to have additional emails sent to them to provide to their residents.

Mr. Johnson stated that he thought it would be permissible to include the patient notice as a part of the optometrist's prescription pad. Mr. Johnson deferred to Dani Rogers, the Board's Legislative Counsel to answer this question.

Dr. Garcia stated that he read the consumer notice and it can be provided to the "caregiver". Dr. Turetsky said that was correct; the notice would be provided to the social services director of the facility. Dr. Garcia continued that one notice could be provided to the facility which would cover all residents at the facility. Dr. Turetsky said if you look at the side comment on the document, it says it cannot be one notice per facility and that's it's one notice per person.

Ms. Brandvein stated that if more doctors' offices are moving to electronic tools such as iPads, are we able to have an electronic notice or application that can be completed and added to BreEZe?

Ms. Murphy stated that unfortunately the Board is bound by statute which requires a notice to be issued to each patient. Lengthy discussions regarding this issue concluded that because we're dealing with an at-risk population, an easily referenceable notice should be provided explaining how one could file a complaint if needed.

Dr. Turetsky asked once the regulations are approved, will the Board send out a notice through email to all optometrists informing them of the new law? Dr. Turetsky continued that he is aware of optometrists who would be interested in providing in-home services and they should be made aware of the permit to provide these services instead of potentially providing this service illegally.

Ms. Murphy stated currently optometrists can provide treatments using temporary hours to provide specified services to at-risk individuals, but we want to make sure this is a practice model for the aging population. There are some optometrists that use temporary hours to provide this service.

Ms. Murphy continued this will be a part of our regular communications as well as sending a message using the Board's listserv notification feature. The Board will also utilize social media and will post a message on our website. The new information will also be a part of the President's Message.

Dr. Turetsky said this regulation is not only for the senior population it is also for the disabled where transportation is difficult. Currently, there are optometrists who are interested in providing these services but are afraid to do so because of legal and malpractice insurance issues.

Ms. Brandvein asked for any other comments from the Committee. Mr. Johnson said he wanted to direct members to subsection C to see if there are any additions or

subtractions to this section.

Ms. Brandvein asked for public comment.

There were no public comments.

Ms. Brandvein stated that the above were some of the key calls outs that were in the draft sent to the Board. Ms. Brandvein asked for any other comments. No other comments were provided.

Ms. Brandvein asked Ms. Murphy if the Committee wanted to bring potential edits to the Board, would an actual vote on the suggested edits be required? Ms. Murphy said a vote by the Committee is required to bring this issue to the full Board. Dr. Turetsky motioned to accept the draft regulations with the friendly amendments to bring the comments as written and forward them to the Board for approval.

Dr. Garcia seconded the motion.

There were no requests for public comment.

David Turetsky moved to adopt draft regulations as written and forward them to the full Board for approval. Mr. Garcia seconded. The Committee voted unanimously (3-0) and the motion passed.

Mr. Garcia seconded the friendly amendment.

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

6. Discussion and Possible Action on Regulations to Implement Assembly Bill 896 (Low, Chapter 121, Statutes of 2020)

Audio of Discussion: 25.22 / 1:02

Ms. Murphy stated that negotiations with stakeholders particularly "Vision to Learn" with help from Assembly member Low for offering the bill and then negotiations with the legislative process. This bill allows mobile practice for nonprofit organizations. These regulations that will implement and allow us to track reporting from entities that choose to apply to be a corporation that provides mobile units to make sure process is correct and within the legislation have a charge to complete the regulatory process before the end of this year so that the regulations are enacted in 2022. Ms. Murphy deferred to Mr. Johnson for an explanation of the regulatory package.

Mr. Johnson stated that Assembly bill 896 was signed into law last fall 2020 and that

regulations will be implemented on January 1, 2022. This is being presented as a draft proposal unless the Committee or Ms. Murphy opposes, Mr. Johnson requested comments and said he would work on this internally and perhaps have the committee review it again at a future Committee meeting in a month or two. Legal is still working on the draft and has not provided substantive comments on this.

Mr. Johnson continued that 896 does a couple of things - it defines what a mobile optometric office is - the statute says it can be a trailer, van, or other means of transportation in which the practice of optometry is the form and is not affiliated with an approved optometry school. The bill limits ownership of the mobile optometric office to a nonprofit or charitable organization that provides optometric services to patients regardless of their ability to pay; the bill requires the owner-operator of a mobile optometric office to register with the board and provide specified information; it also prohibits the owner-operator from accepting payments for services other than those provided to Medi-cal benefices; it requires the owner-operator of a mobile optometric office to file a quarterly report with the Board and to provide a consumer notice to each patient; it requires the Board to establish regulations and registry and set a registration fee; it requires the owner-operator to maintain records and to make them available to the Board upon inspection; it would require optometrists that provide care under this law to be TPA-certified and also obtain a Statement of Licensure with the owner-operators licensed with the Board which should say "owner-operator".

Dr. Garcia asked if optometrists that visit homeless clinics in the community that is not in a mobile clinic or van or home, would this practice that fall under either of these laws? Ms. Murphy stated no because those clinics such as those that operate in a van, vehicle, or mode of transportation so a community health care event like "Stand Down" do not typically operate in vehicles so this would be outside of the law. Dr. Garcia confirmed if this is outside of the law, 458 and 896? Ms. Murphy confirmed yes.

Dr. Turetsky asked for example you have podiatrists, dentists, and optometrists, or other types of professionals working at a homeless clinic and not in a van or mobile clinic, can an optometrist be cited for operating outside of the law?

Ms. Murphy stated we worked with the authors' office to craft this so that an optometrist can use their temporary hours of work to work with a non-profit. If this goes beyond an optometrist's temporary hours of work or if this is an employment situation or extended service situation or if it does not occur inside of a vehicle, the optometrist could face an enforcement case and possible discipline.

Mr. Turetsky said his concern is that he has worked at charity events before and if he was working outside of the law and there was a professional liability action taken and your performing outside of the law, your insurance carrier will not cover you. This will have a detrimental effect on optometrists trying to do good within their community. Dr. Garcia stated this was his concern in a roundabout way. A lot of optometrists provide this service that doesn't necessarily fall within the two bills but it's not illegal if it's set as an ongoing business practice. Is that the guideline?

Ms. Brandvein wanted clarification on "temporary hours of work". For example, if a doctor who does work outside of the regular nine to five schedule is sitting in their office and has to call back a patient would this be considered temporary hours of work? Ms. Brandvein asked Ms. Murphy for clarification.

Ms. Murphy explained by reading BPC 3070(b) "A licensed optometrist is not required to provide the location described in subdivision A...." Ms. Brandvein stated that if an optometrist wanted to serve their community potentially they would need a tax-exempt, nonprofit status which they are not this regularly, they are for-profit...how do we reconcile this if one of our optometrists wants to be in a mobile optometric office that may or may not be owned by their practice and at the same time they want to do good...Ms. Brandvein agrees with the doctors as this closes some doors at the same time as it opens them.

Dr. Turetsky said he was reading BCP 3070 and it was his understanding, or it could be his misunderstanding that when an optometrist is working at a temporary practice or filling in at another optometrist's office.

Dr. Turetsky stated that It was dealing with a location that is registered with the board in one way or another. For example, so I break my let and am out of commission for two weeks and another optometrist fills in at the practice three days a week; that is a part of his temp practice under his statement of licensure because he is helping out.

Whereas I set up in a campground to see patients on a charity basis this is not a location that is not registered with the board and I always thought that was not permitted under this regulation. Am I wrong? Ms. Murphy said you are not wrong.

Dr. Turetsky asked the question that if an optometrist sets up an optometry office at a campground to see anyone who needs an eye exam but the optometrist doesn't have a van and the location is not registered with the Board, is this legal if done on a temporary basis? Ms. Murphy said this practice would be outside of the law.

Dr. Turetsky said to Mr. Garcia that it sounds like this goes back to what he was saying that if an optometrist wants to set up at a church, hall, or charitable event and if you are not seeing patients in a van registered with the Board it would be illegal and that your malpractice insurance wouldn't cover you if there was an issue.

Dr. Garcia asked Ms. Murphy if this is permitted by law or if this was illegal or something that is just not enforced. Ms. Murphy said there isn't a provision for this practice in the law and it is the responsibility of the Board to investigate any claims brought to us for practice that occurs outside of the law.

Dr. Garcia said so Mr. Turetsky, are you saying that setting up in a KOA campground after a flood does not fall under temporary hours of work stipulation? Mr. Turetsky said that is his understanding. Dr. Garcia continued he understands it as if you are not practicing in your normal location, not necessarily the fact that you're licensed as an

optometrist and I am practicing at your office; I see it as I'm am practicing outside of my office regardless if it is at your office or the school gym.

Ms. Brandvein asked if Legal Counsel were present. Dani Rogers said she needed some time to research this issue.

Ms. Brandvein said the way she understands it is that Dr. Garcia would not be able to go to a campsite or school or under a tent but could go into a mobile facility of some kind. Does it have to be their vehicle or are they allowed to volunteer their time in another entity's vehicle?

Ms. Murphy stated that if a nonprofit is registered as a corporation that can provide mobile clinics and if that van or clinic is registered with the Board as a mobile clinic then an optometrist could give their temporary hours to perform optometry services in that mobile clinic.

Dr. Turetsky said if the mobile van or clinic was registered with the Board. Ms. Murphy stated correct. Dr. Turetsky said for example the Lyon's Club had mobile clinics, they would have to have them registered with the Board if an optometrist wanted to work for the clinic.

Dr. Turetsky said the law has a lot of loopholes. Ms. Murphy said there were a lot of conversations to make sure we closed a loophole in the law. The language of the law focuses narrowly on the modes of transportation.

Mr. Johnson noted that Dr. Turetsky cited the Lyon's Club mobile van example. One extension of the bill would apply to the Lyon's Club. The bill allows for the Lyon's Club to be exempted from the parameters of 896. Dr. Turetsky said the way he understands it is a Lyon's Club van would have to be registered with the Board and would have to go through all of the procedures listed to make it legal to exist and provide services.

Ms. Brandvein stated that in section B is not clear if the permit is for the mobile optometric office and wondered what the relationship is between the Optometrists that want to provide care whether or not they use temporary hours or not and are walking in and delivering a service under the office permit.

Ms. Murphy stated that the individual doctor would hold a Statement of Licensure with a corporation address which would allow them to operate within the permitted mobile optometry vehicle until that is operated by that corporation.

Ms. Brandvein asked if Optometrists would need an additional permit/license. Ms. Murphy said yes if you were going to work for a place as "Vision to Learn", they would need to register for a Statement of Licensure.

Mr. Garcia asked Ms. Murphy that is it only if you seek temporary hours of work five days out of 30 for 36 out of 360? Ms. Murphy said correct.

Dr. Turetsky asked if an organization like Healing California which provides optometric and dental services on a charitable basis will set up clinics at different parts of the state; not at an opt office; at a meeting hall in a church and they provide dental and optometric services on an as-needed basis. Since they aren't in a van and they have Optometrists work for them multiple times throughout the year would this potentially be a violation the way 896 is written?

Ms. Murphy said it would be beneficial to the group to bring specific issues or situations to Legal counsel. If you are this type of organization and you are doing this, we making a regulation for you, or are we not? We cannot get into the legal interpretation. Ms. Murphy stated this discussion shouldn't prevent the group from proceeding with the regulation.

Dr. Turetsky asked if there are any members of the public that do anything from a charitable standpoint, please provide your comments.

No public comments.

Ms. Brandvein said she would not feel comfortable with an action other than having staff pursue more information. We are not ready to bring it to the Board. The stakeholders or COA and others may have comments on this as soon as we flush out more in addition to the mobile optometric community. Ms. Brandvein wants the questions clarified and bring them back to the Committee to see if we get more comments.

Ms. Murphy stated staff will work with Dr. Turetsky and Dr. Garcia to make sure we understand what these instances are, and what organizations you are concerned about and we can also hold some stakeholder meetings if they were not able to attend today or they didn't know we would get into some subset of the regulations. We can actively ask those groups to sit down and ask about those models and what they do and what was missed in this regulation.

Dr. Garcia is concerned that there are some volunteer practice modes that don't fall under 458 or 896 that need to be clarified as he knows a lot of optometrists who do these sorts of things and do not think twice about it so and now that we are talking about it we need to make it legal for them to do this.

Ms. Brandvein said that we can build it in here or somewhere else. Ms. Murphy clarified that our authority to make regulations changes is restricted by the statute. An expansion of this law would be a change to the statute and that is not something we could build within the regulations. It would be a change to the statute that would need to be addressed in another bill.

Dr. Turetsky commented that we need to get as much clarity as possible, so Optometrists are not inadvertently doing something that puts their license at risk. Ms. Brandvein asked Ms. Murphy because we are sending this back to staff, do we need a vote? Ms. Murphy said this is the first time you have seen these regulations and

the Committee needs a good understanding of the law to create regulations in good faith. Ms. Murphy asked is possible to get some feedback on the regs which are in front of you today so we can move that forward with answering the larger question?

Dr. Garcia said in terms of 896 he is good with the language and stated that the intent is not to have commercial optometric services rolling around town. Dr. Garcia asked how much regulation would the Lyon's Club be under regarding 896?

Ms. Murphy stated it would be really important to understand what their business model is so we can compare what's been outlined in statute and we can figure out where we are but also make sure we are not interpreting the statute. We need to be careful that we are not providing legal counsel to individual groups because we cannot do that as the Board. We need to understand what is and not in the statute and what sort of practice should be legalized to what kind of practice warrants enforcement.

Dr. Turetsky stated we aren't prepared to bring something to the board for discussion tomorrow, but will we have to discuss this at the board meeting?

Ms. Murphy stated there is a regulatory update that is a typical part of the Executive Officer's report item number five on the Board meeting agenda. It is listed on the packets we are working on. Let us try and do some quick staff work tonight and tomorrow morning to give you some answers you are looking for. I think it would be helpful and appropriate for the members of the Committee to say we went through these yesterday and have questions about the law and what we are making regulations for and so we have asked staff to go back and help us understand what types of groups or organizations are covered in the statute changes that were made or if they were not.

Mr. Turetsky stated that it was also good as we will have more members of the public to provide comments.

Ms. Brandvein stated that we have gone through the regulatory proposal for the first time and we have asked staff to research some specific questions as they relate to current practices. Let's see what public comments we get from tomorrow's meeting when we have stakeholders in attendance.

Ms. Murphy asked if there are any other comments that we can begin to work on within the test of the regulatory package so we can keep that moving along with the overarching questions.

Ms. Brandvein stated that she understands that staff can continue to move forward with the research on the items identified and obtain information.

7. Future Agenda Items

Audio of Discussions: 1:00 / 1:02

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

8. Adjournment

Meeting adjourned at 1:02 p.m.

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ISSUE MEMORANDUM

DATE	October 22, 2021
ТО	Consumer Protection and Outreach Committee Members
FROM	Terri Villareal, Enforcement Analyst and Marc Johnson, Policy Analyst
SUBJECT	Agenda Item #4 – Discussion and Possible Action on 2021-2025 Strategic Plan Items Relevant to the Committee

Background:

As adopted by the Board at the November 20, 2020 public meeting - 2021-2025 Strategic Plan and each Goal Area will be lead and monitored by a standing committee of the Board.

The Consumer Protection and Outreach Committee has been tasked with implementing and overseeing the objectives of the following goal areas.

Goal Area 4: Enforcement—the Board protects the health and safety of consumers through the active enforcement of laws and regulations governing the safe practice of optometry and opticianry in California.

Goal Area 5: Outreach—the Board proactively educates, informs, and engages consumers, licensees, students, and other stakeholders about the practices of optometry and opticianry and the laws and regulations which govern them.

Subsequently, staff and DCA's SOLID unit held several strategic action planning meetings in the Spring of 2021 to discuss the implementation of each item.

Action Requested:

Discuss specific actions and identify other actions. Develop ways in which committee members might support staff in completing the action plan.

Please refer to Attachment #1 – Action Plan Report.



Action Plan

May 2021



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Goal 1: Licensing and Registration

The Board provides applicants and licensees a method for obtaining and maintaining licensing and registration, business licenses, and certifications for optometry and opticianry in California.

1.1	Review licensing processes to improve staff efficiency as well as licensee and registration compliance.					
Start Date	Start Date: Q2 2021 End Date: Q2 2022 - ongoing					
Success Measure:	Identified ways to quantify reduced processing times.					
	Major Tasks	Responsible Party	Completion Date			
1.1.1	Make improvements to Breeze to improve efficiency.	(TBD after 1.3), Lead Licensing Analyst	Ongoing			
1.1.2	Tracking unusual/outlier applications to better communicate to the board.	All Licensing Staff	Ongoing			
1.1.3	Communication audit – Quantify FNP and renewal issues.	Licensing and MST	Q3 2021			
1.1.4	Transfer tasks to appropriate job classification.	AEO and Lead Licensing Analyst	Q3 2021			
1.1.5	Develop a system to quantify time spent answering calls.	Licensing Office Technician	Q4 2021			
1.1.6	Review processes to eliminate redundant requirements.	All Licensing Staff and OIO	Q2 2022			

Explore the possibility of requiring continuing education for both spectacle and contact lens dispenser registrations to protect consumers and high application standards throughout licensure.

Start Date: Q2 2021 End Date: Q4 2022

Success Measure:	A recommendation to the DOC and the full board.			
	Major Tasks	Responsible Party	Completion Date	
1.2.1	Partnering with the growing education community and get reports to DOC.	OPN Enforcement Analyst	Q2 2021	
1.2.2	Review and report out to DOC and full board CE requirements ABO/ NCLE.	Lead Licensing Analyst and OPN Enforcement Analyst	Q2 2022	
1.2.3	Outline necessary steps in achieving and maintaining ABO/NCLE.	Lead Licensing Analyst and OPN Enforcement Analyst	Q2 2022	
1.2.4	Review and report out to DOC and full board CE requirements in other states.	Policy Analyst	Q3 2022	
1.2.5	Research possible conflicts with statutes in regards to renewal times and fees.	Policy Analyst and Lead Licensing Analyst	Q4 2022	
1.2.6	Research how changes impacts on individual wages and state economic growth.	OPN Enforcement Analyst	Q4 2022	
1.2.7	Quantify and qualify increase of staff work.	Policy Analyst, Lead Analyst, and AEO	Q4 2022	
1.2.8	Create a timeline for potential implementation and legislative sessions.	Policy Analyst	Q4 2022	

Continue exploring opportunities to enhance BreEZe utilization to increase staff productivity and promote licensee compliance with continuing education requirements.

Start Date: Q1 2021 End Date: Q2 2023

Success Measure:	Implementation of 25% of identified Breeze improvements.				
	Major Tasks	Responsible Party	Completion Date		
1.3.1	Participation in Enlightened Licensing Initiative.	Lead Licensing Analyst	Q1 2021 - Ongoing		
1.3.2	Research what other boards do to track their CE requirements and conduct audits.	Policy Analyst and Enforcement Lead	Q2 2022		
1.3.3	Explore reporting on completed CE courses through Breeze.	Lead Licensing Analyst	Q3 2022		
1.3.4	Identify recommendations for Breeze improvements in all areas.	Unit Leads	Q2 2023		

Deliver service excellence that exceeds applicant, licensee, and registrant expectations to improve application turnaround time and safely expedite market entry.

Start Date: Q2 2021 End Date: Q4 2023

Success Measure:	Report to Board.		
	Major Tasks	Responsible Party	Completion Date
1.4.1	Utilize videos provided by Breeze.	Licensing Unit and Policy Analyst	Q3 2021
1.4.2	Create additional FAQs, particularly around the more obscure license types, e.g. retired, reinstatement, inactive, retired volunteer, delinquent	Licensing Unit, Policy Analyst, and EO	Q3 2021
1.4.3	Require license verification with each phone call.	Admin Analyst	Q4 2021
1.4.4	Create a communication survey to give statistics to the Board (deploy before and after).	Enforcement Analyst, Policy Analyst, and Admin Analyst	Q1 2022
1.4.5	Pull Breeze contact information and compare to List Serv.	Policy Analyst and AEO	Q2 2022
1.4.6	Incorporate link to FAQ and Breeze tutorial pages on website.	Policy Analyst	Q3 2022
1.4.7	Create webinar or tutorial on "kill" questions.	Licensing Unit, EO, and OPA	Q2 2023
1.4.8	Create Optometry specific video tutorials for website on application process.	Lead Licensing Analyst, EO, and OPA	Q4 2023

Secure adequate funding to allow for regular occupational analysis and linkage studies of prelicensure examinations to provide a fair and consistent process for applicants and ensure consumers receive the highest quality of care.

Start Date: Q3 2020 End Date: Q3 2022

Success Measure:	Passage of budget act.				
	Major Tasks	Responsible Party	Completion Date		
1.5.1	Complete BCP.	Policy Analyst, EO, and AEO	Q3 2020		
1.5.2	Partner with OPES to develop examination schedule & proposed funding plan.	Policy Analyst and OPES	Q3 2020		
1.5.3	Inclusion in the governor's 2022 budget.	EO	Q1 2021		
1.5.4	Participate in budget subcommittee hearings.	EO	Q3 2021		
1.5.5	Passage of the budget act.	Legislature	Q3 2022		

Goal 2: Examination

The Board works to promote a fair, valid and legally defensible exam process and licensing exam (California Law and Regulation Examination) to ensure that only qualified and competent individuals are licensed or registered to provide optometric or opticianry services in California.

2.1	Consider feasibility of developing a state law exam for opticians to verify their familiarity with California laws.						
Start Date	Start Date: Q4 2024 End Date: Q3 2025						
Success Measure:	Report to the board.						
	Major Tasks	Responsible Party	Completion Date				
2.1.1	Research other states exams with Opticians.	Policy Analyst, Licensing Unit, and Enforcement Unit	Q4 2024				
2.1.2	Project possible costs involved with creating exam.	OPES and Policy Analyst	Q1 2025				
2.1.3	Project possible timeline for potential implementation and statute.	Policy Analyst	Q2 2025				
2.1.4	Examine economic impact/barrier to entry.	Policy Analyst	Q2 2025				
2.1.5	Hold stakeholder meeting(s) to gather input.	Policy Analyst and Enforcement Unit	Q3 2025				

Reimagine the examination processes to reflect the state's high-quality eye 2.2 care standards and the evolution of test taking at eye care, health, and educational institutions. Start Date: Q2 2020 **End Date:** Q3 2023 Success Report to board. Measure: Responsible Completion **Major Tasks** Party Date EO and Q2 2020 -2.2.1 Continue to work with NBEO on testing issues. Policy Ongoing Analyst Creation of the Examination Risk Task Force Enforcement 2.2.2 Q2 2022 report and set timeline for report. Analyst Lead Learn NBEO examination process from the Licensing 2.2.3 Q3 2022 student perspective. Analyst and EO OPES, Policy Analyst, and Look into disconnecting the examination from 2.2.4 Lead Q1 2023 the application process. Licensing Analyst OPES, Determine feasibility of reducing retake time Budget 2.2.5 Q3 2023 from 6 months to 3 months. Office, and

Unit Leads

2.3	Continue evaluating the examinations used in the licensure process to prevent barriers to licensure.				
Start Date	Start Date: Q3 2021 End Date: Q4 2025				
Success Measure:	Plan implemented to enact tasks.				
	Major Tasks	Responsible Party	Completion Date		
2.3.1	Work with OPES to initiate statutory change to separate the laws/regs exam from the application process.	Licensing Lead and Policy Analyst	Q3 2021		
2.3.2	Explore possibility of adding to sunset bill.	EO and Policy Analyst	Q3 2021		
2.3.3	Continue the discussion with NBEO regarding secondary testing location.	Lead Licensing Analyst, EO, and TBD Committee	Q4 2025		

2.4	Research the possibility of alternative competency verification of applicants during states of emergency.			
Start Date	Start Date: Q3 2021 End Date: Q4 2025			
Success Measure:	Options to present to the board as alternatives for competency.			
	Major Tasks	Responsible Party	Completion Date	
2.4.1	Contact ARBO.	EO	Q3 2021	
2.4.2	Workplan for twice yearly meetings of taskforce.	Admin Analyst	Q4 2021- Ongoing	
2.4.3	Engage colleges and schools.	EO and Admin Analyst	Q4 2022	
2.4.4	Explore MOU between the board and NBEO.	EO	Q4 2025	

Goal 3: Law and Regulation

The Board works to establish and maintain fair and just laws and regulations that provide for the protection of consumer health and safety and reflect current and emerging, efficient, and cost-effective practices.

3.1	Advocate for the adoption of new opticianry statutes and regulations (using data from occupational analyses) that seek to clarify the principles of the profession and provide better consumer protection for those who are seeking opticianry services.		
Start Date	: Q1 2020	End Date: Q1 20	24 & ongoing
Success Measure:	Report to the Board.		
	Major Tasks	Responsible Party	Completion Date
3.1.1	Conduct survey and analysis of existing laws and regulation to see if they might be guided by federal law.	Policy Analyst, Legal Counsel, and Enforcement Analyst	Q2 2023
3.1.2	Work with Leg Reg Unit to monitor federal legislation/track federal legislation.	Policy Analyst and EO	Q4 2023
3.1.3	Review existing laws to see if they need to be strengthened or added to.	Policy Analyst, Legal Counsel, and Enforcement Analyst	Q1 2024 and ongoing

3.2	Promulgate rulemakings to effectively regulate practice within mobile clinics and home settings to provide better consumer protection for those who are seeking optometric services.			
Start Date	Start Date: Q1 2021 End Date: Q3 2022-Ongoing			
Success Measure:	Successful implementation and administration of the law permits issued.			
	Major Task	Responsible Party	Completion Date	
3.2.1	Implement Assembly Bill 896 regulatory package.	Policy Analyst	Q1 2022- Ongoing	
3.2.2	Implement Assembly Bill 458 regulatory package.	Policy Analyst	Q3 2022- Ongoing	

3.3	Explore current and emerging methods, opportunities, and technology to increase access to care while maintaining a world-class standard of vision care (e.g., scope of practice, delegation of authority, and telemedicine).			
Start Date	: Q1 2023 E	nd Date: Q4 20	24	
Success Measure:	Current and emerging methods explored.			
	Major Tasks	Responsible Party	Completion Date	
3.3.1	Identify telemedicine issues and steps and continue research.	Policy Analyst, Practice and Education Committee, and Enforcement Analyst	Q1 2023	
3.3.2	Holding stakeholder forum identifying new trends in optometry and opticianry practice.	Policy Analyst	Q2 2024	
3.3.3	Review mobile optometric clinics pursuant to AB 896.	Consumer Protection Committee	Q4 2024	

Pursue Sunset Review legislation that modernizes language and concepts in light of current and future practice, that synchronizes the expiration dates of fictitious name permits to align with 3.4 renewals of general licensure and statements of licensure, and that implements a license verification fee to support unfunded staff work. Start Date: Q4 2024 End Date: Q4 2025 Success Submission of statutory language in the sunset report at the end of 2025. Measure: Responsible Completion **Major Tasks** Date **Party** Licensing Q4 2024 Staff, Policy Conduct Optometry statutory review. Analyst, and 3.4.1 (Statement of Licensure address, address of Lead record) Enforcement Analyst Clarify address of record for practicing Licensing Q1 2025 3.4.2 outside CA. Re-define statement of licensure. Staff Licensing Q4 2025 Separate the laws/regs exam from the Lead and 3.4.3 application process. Policv Analyst Policy Q4 2025 Possible expansion of optometrists to be 3.4.4 Analyst and employed by other doctors. ΕO EO Q4 2025 Submit license verification language to sunset 3.4.5 committee. Licensing Submit expiration date synchronization Q4 2025 3.4.6 Staff language to sunset committee.

Monitor changes in federal law to identify methods that will strengthen existing California legislation regarding the sale of contact lenses and eyeglasses to improve enforcement and enhance consumer protection.

Start Date: Q4 2021 End Date: Q3 2023

Success Measure:	Changes in federal laws are monitored and board is aware.		
	Major Tasks	Responsible Party	Completion Date
3.5.1	Work with DCA Leg Reg on how to track federal legislation.	EO and AEO	Q4 2021
3.5.2	Presentations made by state and national stakeholder groups on federal laws and trends.	Board and Dispensing Optician Committee	Q2 2023
3.5.3	Review existing optometry and optician laws to see how they are guided by federal law.	Policy Analyst, Legal Counsel, and Dispensing Optician Committee	Q3 2023

Goal 4: Enforcement

The Board protects the health and safety of consumers of optometric and opticianry services through the active enforcement of laws and regulations governing the safe practice of optometry and opticianry in California.

4.1	Review the communication process and standard practices used in enforcement actions that could result in probation or revocation of a license. Ensure that procedures and processes focus on consumer protection and probationer rehabilitation, not punishment.		
Start Date	: Q4 2021	End Date: Q4 20	24
Success Measure:	Decrease in time frame between when incident reported.	t occurred and w	vhen it is
	Major Task	Responsible Party	Completion Date
4.1.1	Enlarge or figure more prominently the file a complaint button on website.	Policy Analyst and OIS	Q4 2021
4.1.2	Create an additional step from the renewal process.	Breeze Team, Lead Licensing Analyst, and Enforcement Analyst	Q2 2023
4.1.3	Provide method for licensees to notify/report infractions to Enforcement.	Enforcement Analyst	Q2 2023
4.1.4	Decide whether Board wants licensees to report certain items by a stated number of days.	Lead Enforcement Analyst and Policy Analyst	Q4 2023
4.1.5	Work with SOLID to develop board member training on the full enforcement process and stakeholder responsibilities with judication.	Enforcement Unit and SOLID	Q4 2023
4.1.6	Using Board meetings to present training enforcement modules to the Board.	Enforcement Unit, AEO, and EO	Q4 2024

Develop a member-driven training resource that will enable new Board members to understand the enforcement process and the important role of the Board in determining discipline.

Start Date: Q2 2022 End Date: Q4 2024

Success Measure:	Training resource developed.		
4.2.1	Educate the new board members on full enforcement process and stakeholder responsibilities with judication.	Lead Enforcement Analyst	Q2 2022
4.2.2	Work with SOLID to develop new board member training on the full enforcement process and stakeholder responsibilities with judication.	Enforcement Unit and SOLID	Q4 2023
4.2.3	Using Board meetings to present training enforcement modules to the new board members.	Enforcement Unit, AEO, and EO	Q4 2024
4.2.4	Consumer Protection, Public Relations, and Outreach Committee Committees to develop training courses.	Committee	Q4 2024

Goal 5: Outreach

The Board proactively educates, informs, and engages consumers, licensees, students, and other stakeholders about the practices of optometry and opticianry and the laws and regulations which govern them.

5.1	Evaluate outside resources available to expand outreach.		
Start Date:	Q4 2021 E	nd Date: Q1 20	23
Success Measure:	Outside resources for expanding outreach have been evaluated.		
	Major Tasks	Responsible	Completion
		Party	Date
5.1.1	Quarterly reports on social media posts and trends.	Policy Analyst and Office Technician	Q4 2021
5.1.2	Check with the professional associations to see if CSBO can publish articles in their magazines or newsletters, and blog posts.	Policy Analyst	Q1 2023
5.1.3	Collaborate with stakeholders to determine ideal communication methods.	Policy Analyst	Q1 2023

5.2	Improve the utilization and measurement of social media and the Board website to communicate to consumers, licensees, and registrants; provide accurate information on key initiatives (e.g., children's vision, supervision authority, options for delivery of care, and delegation of duties).		
Start Date:	: Q2 2022	End Date: Q4	2023
Success Measure:	Updated website and accurate social media numbers.		
	Major Tasks	Responsible Party	Completion Date
5.2.1	Establish way to track engagement on social media and website.	OT and Policy Analyst	Q2 2022
5.2.2	Update website to streamline and make more user friendly.	EO and OIS	Q4 2023

5.3	to disseminate updates to the current state of practice	g education providers and associations egislation and regulations regarding (i.e., training modules specific to updates to precede trainings).
tart Date:	· 02 2023	End Date: 04 2023

Start Date: Q2 2023		End Date: Q4 2023	
Success Measure:	List Serv email is sent out.		
	Major Tasks	Responsible Party	Completion Date
5.3.1	Reach out to entities to see what information they would like provided regarding legislation updates and how often they would like this information. Make it regular practice to provide this information.	Lead Licensing Analyst, Practice, and Education Committee	Q2 2023
5.3.2	Develop yearly review of statutory and regulatory changes and provide to CEs Providers and stakeholders.	Policy Analyst and EO	Q4 2023

5.4	Create and enact an outreach plan with opticianry programs regarding California registration requirements for the use of the title "optician" to enhance compliance with California law and encourage registration.		
Start Date: Q1 2023 End Date: Q4 2024			024
Success Measure:	Created and enacted outreach plan.		
	Major Tasks	Responsible Party	Completion Date
5.4.1	Determine what type of ListServ associations have and see if possible to use ListServ to disseminate registration requirements for opticians.	Policy Analyst	Q1 2023
5.4.2	Create formalized plan to visit schools and conduct live presentations.	Licensing Staff	Q2 2023
5.4.3	Work with DOC to make registration requirements part of the curriculum being offered to optician students.	EO, AEO, Policy Analyst, and Admin Analyst	Q4 2024

5.5	Publish and disseminate enforcement actions to illustrate the consequences of infractions (DUI, malpractice, and unlicensed activity).		
Start Date: Q1 2022 End Date: Q1 2022-Ongoing			
Success Measure:	Enforcement actions published and disseminated.		
	Major Tasks	Responsible Party	Target Completion Date
5.5.1	Send out quarterly emails that illustrate the consequence of infractions and post on social media.	Enforcement Unit	Q1 2022- ongoing

5.6	Develop the communication plan regarding the importance of children's vision health and wellness.		
Start Date: Q4 2024 End Date: Q4 2024			
Success Measure:	Communication plan developed.		
	Major Tasks	Responsible Party	Target Completion Date
5.6.1	Work with DCA Communications staff to create a communication plan.	Admin Analyst	Q4 2024

Evaluate and create better consumer outcomes such as access to care and addressing patient needs for marginalized populations by implementation of a multi-step action plan educating licensees about concepts of diversity, equity, and inclusion.

Start Date: Q1 2023 End Date: Q2 2024

Success Measure:	Resend original survey and achieve better results.		
	Major Tasks	Responsible Party	Target Completion Date
5.7.1	Collaborate with OPES to send out surveys to consumers regarding their experiences with eye care.	Admin Analyst	Q1 2023
5.7.2	Evaluate database of licensees to identify any gaps in care.	Licensing Analyst and OIS	Q3 2023
5.7.3	Collaborate with Optometry charity care providers to identify areas needing service.	Admin Analyst	Q2 2024
5.7.4	Collaborating with associations to identify areas needing service.	Admin Analyst	Q2 2024

Goal 6: Organizational Effectiveness

The Board works to develop and maintain an efficient and effective team of professional and public leaders and staff with sufficient resources to improve the Board's provision of programs and services.

6.1	Restructure the licensing unit to increase cross-training and minimize disruptions in service and processing.				
Start Date	Start Date: Q3 2021 End Date: Q3 2023				
Success Measure:	Efficient and knowledgeable Licensing Unit Staff.				
	Major Tasks	Responsible Party	Target Completion Date		
6.1.1	Train Lead Licensing Analyst to understand all parts of the program.	All licensing staff	Q3 2021		
6.1.2	Training of new OT in both programs (Optometry & Opticianry).	Licensing Staff and Receptionist OT	Q4 2021		
6.1.3	Completion of probation for opticianry MST.	Lead Licensing Analyst and AEO	Q3 2022		
6.1.4	Successful submission of BCP for Optometry/Opticianry Licensing Coordinator (at SSA classification).	EO and AEO	Q3 2022		
6.1.5	Successful submission of BCP for permanent OT.	EO and AEO	Q3 2023		

6.2	Work with DCA Organizational Improvement Office to quantify the Board's staffing shortfall and request spending authority to ensure sufficient personnel resources for the Board to meet its goals and objectives.		
Start Date:	: Q2 2022	End Date: Q4 20)22
Success Measure:	Submission of BCP for new staff.		
	Major Tasks	Responsible Party	Target Completion Date
6.2.1	Complete process mapping.	All staff with OIO	Q2 2022
6.2.2	Perform desk audits.	OIO	Q3 2022
6.2.3	Develop widget count for each unit.	OIO, EO, and AEO	Q3 2022
6.2.4	Develop BCP to increase staff to cover widget count.	EO and AEO	Q4 2022

6.3	Provide resources and training for staff the growth and retention of staff.	development	to support
Start Date: Q3 2022 End Date: Q1 2024		024	
Success Measure:	Decrease in staff turnover and increase in general staff satisfaction.		
	Major Tasks	Responsible Party	Target Completion Date
6.3.1	Complete optometry staff administrative manual.	AEO and staff	Q3 2022
6.3.2	Create training schedule for all staff for onboarding training and regular update trainings.	AEO and Admin Analyst	Q3 2022
6.3.3	Create IDPs with staff to help them reach their goals.	EO, AEO, and Admin Analyst	Q3 2022
6.3.4	Change limited term positions to permanent positions.	EO and AEO	Q3 2023
6.3.5	Improve employee engagement.	EO and AEO	Q1 2024

6.4	Arrange regular, ongoing in-service training by optometrists and opticians on eye conditions, state of practice, education, etc. to increase staff understanding of optometry and opticianry.		
Start Date	Start Date: Q1 2022 End Date: Q4 2022		
Success Measure:	Trainings are hannening on a regular hasis		
	Major Tasks	Responsible Party	Target Completion Date
6.4.1	Reach out to SMEs to see if they are willing to conduct video trainings for the staff.	Admin Analyst and Lead Enforcement Analyst	Q1 2022
6.4.2	Work with SMEs, board staff, and budget to determine a schedule for classes.	Admin Analyst and Lead Enforcement Analyst	Q4 2022

6.5	Arrange visits to various optometric and optical professionals to increase staff understanding of practice and applications of law.		
Start Date	tart Date: Q3 2022 End Date: Q3 2023		23
Success Measure:	Staff conducts visits.		
	Major Tasks	Responsible Party	Target Completion Date
6.5.1	Brainstorm where to visit.	All Staff	Q3 2022
6.5.2	Work on contacting those places.	Admin Analyst	Q3 2023
6.5.3	Schedule and conduct visits.	Admin Analyst	Q3 2023





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