



ISSUE MEMORANDUM

DATE	October 22, 2021
TO	Legislation and Regulation Committee Members
FROM	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 Legislation and Regulation Committee has been tasked with implementing and overseeing the objectives of the following goal area.

Goal Area 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.

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: 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

1.2	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

1.3	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

1.4	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

1.5	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: 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

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

2.3	Continue evaluating the examinations used in the licensure process to prevent barriers to licensure.		
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: 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 2024 & 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: 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		End Date: Q4 2024	
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

3.4	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 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 Measure:	Submission of statutory language in the sunset report at the end of 2025.		
	Major Tasks	Responsible Party	Completion Date
3.4.1	Conduct Optometry statutory review. (Statement of Licensure address, address of record)	Licensing Staff, Policy Analyst, and Lead Enforcement Analyst	Q4 2024
3.4.2	Clarify address of record for practicing outside CA. Re-define statement of licensure.	Licensing Staff	Q1 2025
3.4.3	Separate the laws/regs exam from the application process.	Licensing Lead and Policy Analyst	Q4 2025
3.4.4	Possible expansion of optometrists to be employed by other doctors.	Policy Analyst and EO	Q4 2025
3.4.5	Submit license verification language to sunset committee.	EO	Q4 2025
3.4.6	Submit expiration date synchronization language to sunset committee.	Licensing Staff	Q4 2025

3.5	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 2024	
Success Measure:	Decrease in time frame between when incident occurred and when it is reported.		
	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

4.2	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		End Date: Q1 2023	
Success Measure:	Outside resources for expanding outreach have been evaluated.		
	Major Tasks	Responsible Party	Completion 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	Collaborate with continuing education providers and associations to disseminate updates to legislation and regulations regarding the current state of practice (i.e., training modules specific to Law/Regs, Board quarterly updates to precede trainings).		
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	
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

5.7	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: 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 2022	
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 development to support the growth and retention of staff.		
Start Date: Q3 2022		End Date: Q1 2024	
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: Q1 2022		End Date: Q4 2022	
Success Measure:	Trainings are happening on a regular basis.		
	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: Q3 2022		End Date: Q3 2023	
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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