



## ISSUE MEMORANDUM

<b>DATE</b>	October 22, 2021
<b>TO</b>	Legislation and Regulation Committee
<b>FROM</b>	Marc Johnson, Policy Analyst
<b>SUBJECT</b>	Agenda Item #7 - Discussion and Possible Action on 2022 Legislative Proposals; Possible Recommendation to Full Board

The 2022 Legislative session is scheduled to convene on January 3, 2022. Prior to this, the Board will need to submit any bill proposals to the Legislature no later than mid-November.

Staff requests LRC discussion on potential legislation for 2022.

### Potential areas of interest:

1. Changes to Business and Professions Code Section 655 – add the words “or entity” to the word “individual” throughout the section to make sure the law applies to entities such as optical companies, not just individuals.
2. Special Faculty Permit - Staff was directed at the August 2, 2019 public meeting to review the possibility of a special permit being granted by the Board for foreign-trained optometrists who teach at a school of optometry in California. This permit would allow holders to perform the full optometry scope of practice within the clinics of the school by which they are employed. At a September 13, 2019 public meeting, the Legislative and Regulatory Committee approved the proposed statutory language with minor changes and recommended it to the full Board, which approved it at the [October 25, 2019 public meeting](#). Staff attempted to find an author for the bill in 2020 but was unsuccessful. The text of proposal is Attachment A.
3. New Suggestions for Legislative Proposals.

**California State Board of Optometry**  
**Proposed Statutory Text – Special Faculty Permits**  
**As approved by Board at the 10-25-19 public meeting**

**Add §3042.55 to Article 4 of Chapter 7 of Division 2 of the Business and Professions Code:**

(a) The Board may issue a special faculty permit for the practice of optometry, as defined in Section 3041, only within an California accredited school of optometry and any affiliated institution in which the faculty permit holder is providing instruction as part of the optometry school’s educational program and for which the optometry school has assumed direct responsibility. The holder of a such a faculty permit shall not engage in the practice of optometry except as provided above.

(1) Any person who meets all of the following eligibility requirements may apply for a special faculty permit:

(A) Holds or has been offered an appointment at the level at the academic rank of professor, associate professor, or clinical professor, except that the status of adjunct or affiliated faculty member shall not be deemed sufficient.

(B) Has a degree as a doctor of optometry issued by an accredited school or college of optometry in another state, country or jurisdiction;

(C) Has successfully passed the licensing examination for an optometric license in another state, country or jurisdiction.

(D) Possesses a current valid license in good standing to practice optometry issued by another state, country, or other jurisdiction. The term “in good standing” means the same as in section 3057, subsection (e).

(E) Meets the requirements of section 3057, subsection (a), paragraphs (4), (5), (7), (9) and (10).

(F) Has successfully passed the board’s jurisprudence examination.

(2) The Board may establish a review committee comprised of two members of the Board, one of whom shall be a licensed optometrist and one of whom shall be a public member. The committee may review and make recommendations to the full Board regarding the applicants applying pursuant to section. Any member of the Board who is currently employed by an accredited school of optometry shall not be appointed to the committee, and may not vote on the recommendation as part of the full Board vote. At the Board’s discretion, an existing subcommittee under the Board may act as the review committee.

(b) Any person who meets the requirements specified above shall complete an application on a form prescribed by the board prior to being issued a special faculty permit. This information shall include, but is not limited to, the following:

(1) A signed statement from the president or dean of the optometry school at which the applicant will be employed describing the applicant’s qualifications and justifying the president’s determination that the applicant satisfies the requirements above.

(2) A signed statement by the president or dean of the optometry school listing every affiliated institution in which the applicant will be providing instruction as

part of the optometry school's educational program and justifying any clinical activities at each of the institutions listed by the president.

(3) An acknowledgment by the person executed under penalty of perjury and automatic forfeiture of license, of the following:

(a) That the information provided by the person to the board is true and correct, to the best of his or her knowledge and belief.

(b) That the person has not been convicted of an offense involving conduct that would violate Section 810.

(4) Any other information the Board deems necessary in order to verify applicant's background and qualifications for the permit.

(c) The applicant shall pay an application fee in an amount prescribed pursuant to subdivision (u) of Section 3152.

(d) A special faculty permit may be denied, suspended, or revoked for any violation that would be grounds for denial, suspension, or revocation of a optometrist license, or for violation of any provision of this article. The holder of a special faculty permit shall be subject to all the provisions of this chapter applicable to the holder of an optometry license.

(e) A special faculty permit expires and becomes invalid at midnight on the last day of the month in which the permit was issued during the second year of a two-year term commencing from the date of issuance, if not renewed. A person who holds a special faculty permit shall show at the time of license renewal that he or she continues to meet the eligibility criteria set forth in subsection (a) and (b)(1) and (b)(2) above.

(f) A person who holds a special faculty permit shall meet the continuing education requirements of section 3059 and shall be renewed in the same manner as an optometrist's license. The fee for renewal shall be an amount prescribed pursuant to subdivision (v) of Section 3152.

(g) The Board shall adopt regulations in furtherance of this section.

**Amend §3152 to Article 7 of Chapter 7 of Division 2 of the Business and Professions Code:**

(u) The application fee for a special faculty permit is five hundred dollars (\$500). The board may increase the fee to not more than six hundred dollars (\$600).

(v) The renewal fee for a special faculty permit is four hundred dollars (\$400). The board may increase the fee to not more than five hundred dollars (\$500).