



ISSUE MEMORANDUM

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| DATE | November 19, 2021 |
| TO | Members, California State Board of Optometry |
| FROM | Marc Johnson, Policy Analyst |
| SUBJECT | Agenda Item #7 - Discussion and Possible Action on Decision Not to Proceed on Implementation of AB 443 Regulatory Rulemaking (Amend Title 16, § 1524; Adopt Title 16, § 1527) |

On October 25, 2019, the Board approved regulatory text to implement Assembly Bill (AB) 443, which allowed a TPA-licensed optometrist to administer immunizations provided the applicant met certain conditions and training. Staff noticed this rulemaking for a 45-day public comment period beginning on February 27, 2021 and concluding on April 13, 2021. The Board received two non-substantive comments.

On October 8, 2021, the governor signed AB 691 (Chau) as an urgency measure. This bill expands the authorization for a TPA-certified optometrist to perform procedures to include a clinical laboratory test or examination classified as waived under the federal Clinical Laboratory Improvement Amendments of 1988 (CLIA) necessary to detect the presence of SARS-CoV-2. The bill establishes the substance of an application form for the immunization certification and expand the certificate to cover the administration of immunizations for SARS-CoV-2. The bill also establishes an application fee for the immunization certification. Given passage of this bill, there is no longer the need for regulations. Staff has begun the process to implement the bill.

Upon approval by the Board, staff will file a Notice of Decision Not to Proceed with the Office of Administrative Law. The notice will be published in the California Notice Register and posted to the Board's website.

Suggested Motion:

I move to approve a Notice of Decision Not to Proceed for the implementation of Assembly Bill 443 regulatory rulemaking pursuant to Government Code Section 11347, and direct the Executive Officer to file the notice with the Office of Administrative Law and post to the Board's website.