



ISSUE MEMORANDUM

DATE	November 19, 2021
TO	Members, California State Board of Optometry (CSBO)
FROM	Marc Johnson, Policy Analyst Natalia Leeper, Lead Licensing Analyst
SUBJECT	Discussion and Possible Action on Optometry Continuing Education Regulations (Amend Title 16, § 1536)

Summary/History:

In 2019 and 2020, the Board approved a series of changes to CCR Section 1536 (“Continuing Optometric Education; Purpose and Requirements”). The Practice and Education Committee then recommended a series of changes that were subsequently approved by the Board at the August 21, 2020 Board meeting. The Board approved additional changes on August 27, 2021.

The regulatory rulemaking package to implement these changes is complete has been submitted to the Department of Consumer Affairs for review and approval before posting for public comment. However, Legal Counsel has recommended changes to the text and Form CE01. Once approved, the rulemaking process will continue with posting for public comment early next year.

Please refer to comments in Attachment A for proposed changes to Section 1536 and Attachment B for changes to Form CE-01. Changes proposed are highlighted in yellow.

Action Requested:

Approve text of Title 16, California Code of Regulations Section 1536, and Form CE-01 incorporated by reference into the regulation.

Suggested motion:

“I move to approve proposed changes to Title 16, Section 1536 and the Form CE-01 incorporated by reference into the section as presented and discussed here today; and delegate authority to the Executive Officer to make non-substantive changes as needed before submission to the Director of the Department of Consumer Affairs and the Business, Consumer Services and Housing Agency for review; and if no adverse comments are received authorize the Executive Officer to set the matter for hearing.”

California State Board of Optometry

Amend Section 1536 of Article 6.5 of Division 15 of Title 16 of the California Code of Regulations as follows:

New text is underlined, existing text which is removed is ~~strikethrough~~.

§1536. Continuing Optometric Education; Purpose and Requirements.

(a) Except as otherwise provided in Section 1536(b), each licensee shall complete 40 hours of formal continuing optometric education course work within the two years immediately preceding the license expiration date. Such course work shall be subject to Board approval. Up to eight hours of course work may be in the area of patient care management or ethics in the practice of optometry. Business management courses are not accepted by the Board.

(b) An optometrist certified to use therapeutic pharmaceutical agents pursuant to Business and Professions Code Section 3041.3 shall complete a total of 50 hours of continuing optometric education every two years in order to renew his or her license. Thirty-five of the required 50 hours of continuing optometric education shall be on the diagnosis, treatment and management of ocular disease and consistent with Business and Professions Code section 3059, subdivision (e).

(c) Up to ~~20~~ 25 hours of required biennial course work may be accomplished by using any or all of the following alternative methods:

(1) Documented and accredited self-study through correspondence or an electronic medium that is completed by successfully passing a test of the subject matter. The test may include: (1) an interactive test where the licensee submits answers electronically to the educational provider and receives instant feedback on whether the answer chosen by the licensee is correct and why, and whether they have passed the test; or (2) through self-assessment testing (open-book tests that are completed by the licensee, submitted to the provider, graded, and returned to the licensee with correct answers and an explanation of why the answer chosen by the educational provider was the correct answer).

Commented [MJ1]: Removed text “any course which is offered pursuant to this section must include a test component to determine the licensee’s understanding and knowledge of the course”. This section was re-written by legal counsel for better clarity and definition of what a test is, and how it may be completed.

For the purposes of this section, “self-study” means a form of learning that does not offer participatory interaction between the licensee and the instructor during the instructional period. This may be accomplished via the following methods:

- (A) Audio or video pre-recorded teleconferences, webinars, seminars, podcasts, broadcasts, or lectures via the internet.
- (B) CD-ROMs played on a computer.
- (C) Digital video discs.
- (D) Books or materials as part of an independent or home study program.

(E) Programs or applications on a data-enabled device, such as a computer, tablet, or cellular phone specifically designed for this purpose.

(2) Teaching of continuing optometric education courses if attendance at such course would also qualify for such credit, providing none are duplicate courses within the two-year period.

(3) Writing articles that have been published in optometric journals, magazines or newspapers, pertaining to the practice of optometry (or in other scientific, learned, refereed journals on topics pertinent to optometry), providing no articles are duplicates. One hour of credit will be granted for each full page of printing or the equivalent thereof.

(4) A full day's in-person live attendance at a California State Board of Optometry Board meeting as verified by the Board. Every two hours of open session equates to one hour of credit, up to a maximum of four credit hours.

Commented [MJ2]: Minor change to reflect attendance at both in-person and online meetings

(5) Completion of a course to receive certification in cardiopulmonary resuscitation (CPR) from the American Red Cross, the American Heart Association, or other association approved by the Board. Up to four credit hours shall be granted for this course.

(6) Any continuing education course approved for category 1 of the American Medical Association or category 1A of the American Osteopathic Association Continued Medical Education credits that contributes to the advancement of professional skill and knowledge in the practice of optometry.

(7) Participation as a subject matter expert in the creation of the Board's California Laws and Regulation Examination. Subject matter experts will receive one hour of continuing education credit for each hour attending a Board sponsored workshop, not to exceed ~~eight~~ twelve credits per renewal cycle.

(d)(1) A credit hour is defined as one classroom hour, usually a 50-minute period, but no less than that.

(2) All remaining hours of continuing optometric education shall be obtained through live and interactive course study. For purposes of this section, live and interactive course study is defined as:

(A) In-person lectures, in-person workshops, in-person demonstrations, or in-person classroom studies which allow participatory interaction between the licensee and the instructor during the instructional period; or

(B) Lectures, webinars, workshops or audio or video conferences delivered via the internet or computer networks in real time, which means online meetings with participatory interaction between the licensee and the

Commented [MJ3]: Subsection (d)(2)(B) re-written for better clarity.

Deleted "and place" as it seems to negate delivery of courses via the internet.

instructor presenting the content during the instructional period at the same time.

(e) Continuing optometric education programs which are approved as meeting the required standards of the Board include the following:

(1) Continuing optometric education courses officially sponsored or recognized by any accredited school or college of optometry. For the purposes of this section, "accredited" means recognition from an accrediting agency recognized by the Secretary of the United States Department of Education.

Commented [MJ4]: Legal counsel raised concern that listing only WASC would narrow selection of courses which might be offered by other optometric programs not accredited by WASC but approved by an accrediting agency recognized by DOE. Proposed text

(2) Continuing optometric education courses provided by any national or state affiliate of the American Optometric Association, the American Academy of Optometry, or the Optometric Extension Program.

(3) Continuing optometric education courses or activities approved by the Association of Regulatory Boards of Optometry committee known as COPE (Council on Optometric Practitioner Education).

Commented [MJ5]: Keeping "courses" as Legal counsel raised concern about just "activities" listed as they felt it may not fully reflect the process COPE uses to approve.

(f) Other continuing optometric education courses shall be approved by the Board as upon meeting the criteria set forth in paragraph (g) below, and after submission of the fee in section 1524, a completed Continuing Education Course Approval Application (Form CE-01, Rev. 5/16 11/21), hereby incorporated by reference, course schedule, topical outline of subject matter and curriculum vitae of all instructors or lecturers involved. Form CE-01 shall be submitted to the Board not less than 45 days prior to the date commencement of the program. The Board may, upon application of any licensee and for good cause shown, waive the requirement for submission of advance information and request for prior approval. Nothing herein shall permit the Board to approve a continuing optometric education course which has not complied with the criteria set forth in paragraph (g) below. Course approvals shall be valid for two years from the date as approved by the Board. Each individual course shall be assigned a course approval number by the Board.

Commented [MJ6]: Removed reference to "credit hours desired for approval, educational category and learning objectives" as these requirements are already listed on the form.

Updated reference to form and fee in Sec. 1524.

(g) The criteria for judging and approving continuing education courses by the Board for continuing optometric education credit will be determined on the following basis:

(1) Whether the program is likely to contribute to the advancement of professional skills and knowledge in the practice of optometry, including the following subject matter areas:

(A) Patient care management,

(B) Ocular signs or symptoms of systemic related disease,

(C) Child abuse detection,

(D) Clinical optometry (use of specific devices or instruments in the practice of optometry),

(E) Ethics in the practice of optometry.

Commented [MJ7]: Relocated from (f)(3).

Based on feedback from legal counsel, the following definitions have been added:

A definition of systemic related disease is not found within regulation. Proposed definition to make it clear diseases within the eye.

Added child abuse detection, consistent with BPC 3059(g)

Added definition of clinical optometry, which is listed on the form.

Added ethics in the practice of optometry

Added elder abuse detection, consistent with BPC 3059(h)

Added definition of pharmacology and drug abuse prevention, consistent with 3059(f)

(F) Elder abuse detection.

(G) Pharmacology/Schedule II Drug Prescribing and Abuse Prevention.

(H) Any categories in the diagnosis, treatment, and management of ocular disease as set forth in Section 3059(e) of the Business and Professions Code.

(2) Whether the instructors, lecturers, and others participating in the presentation are recognized by the Board as being qualified in their field.

(3) Whether the proposed course is open to all optometrists licensed in this State.

(4) Whether the provider of any mandatory continuing optometric education course agrees to maintain and furnish to the Board and/or attending licensee such records of course content, dates and places of the course, course completion certificates as specified in subdivision (h), and attendance as the Board requires, for a period of at least three four years from the date of course presentation.

Commented [MJ8]: Added for clarity

(5) The provider does not use the Board's letterhead, seal, or logo on any course certificates, advertising, or solicitation.

Commented [MJ9]: Relocated from (f)(5)

(6) If the proposed course is live and interactive as defined in subsection (d), whether the proposed course has measures for participatory interaction, including participant attendance reports, in-content quizzes, participant polls, real time participant video requirements, and records of participant log in and log out times.

Commented [MJ10]: Legal counsel added this section to match the "live and interactive" question added and revised on Form CE01, so the board may understand what kind of participatory instruction is being provided during the course.

(h) Proof of continuing optometric education course attendance shall be provided in a form and manner specified in writing by the Board and distributed to all licensed optometrists in this State. Certification of continuing optometric education course attendance shall be submitted by the licensee to the Board upon request, and shall contain the following minimal information:

(1) Name of the sponsoring organization.

(2) Name, signature, practice address, and license number of the attending licensee.

(3) Subject or title of the course.

(4) Number of continuing optometric education hours provided for attending the course.

(5) Date the course was provided.

(6) Location where the course was provided.

(7) Name(s) and signature(s) of the course instructor(s).

(8) Such other evidence of course content or attendance as the Board may deem necessary.

(9) Course approval number as assigned by the Board, if applicable.

(10) Whether the course was pre-recorded or live.

~~Use of a A certificate of course completion generated by the provider provided by the Board is recommended~~ required to be issued to any licensee who completes any continuing optometric education course approved by the Board pursuant to the above. Such forms will be furnished by the Board upon request.

The Board will also recognize and utilize the Association of Regulatory Boards in Optometry's online Optometric Education (OE) Tracker system as proof of continuing education course attendance.

(i) The following licensees shall be exempt from the requirements of this section:

(1) Any licensee serving in the regular armed forces of the United States during any part of the two years immediately preceding the license expiration date.

(2) Any licensee who is renewing an active license for the first time, if he or she graduated from an accredited school or college of optometry less than one year from the date of initial licensure.

(3) Those licensees as the Board, in its discretion, determines were unable to complete sufficient hours of continuing optometric education courses due to illness, incapacity, or other unavoidable circumstances. An extension may be granted if the Board, in its discretion, determines that good cause exists for the licensee's failure to complete the requisite hours of continuing optometric education.

(j) The Board, in its discretion, may exempt from the continuing optometric education requirements of this section licensees who for health reasons or other good cause cannot meet these requirements. Licensees requesting an exemption shall complete a Continuing Education Exemption Request (Form CE-E, Rev 2/2016) and submit it, along with all required supporting information, to the Board for its consideration at least thirty (30) days prior to the expiration of the license.

(1) The Board may deny a request for exemption but at its discretion may grant the licensee an extension of up to one year to obtain the necessary continuing optometric education.

(2) A licensee whose requests for an exemption is denied and an extension is not granted shall otherwise comply with the provision of this section.

(k) The Board may conduct an audit of any licensee's attendance of a continuing optometric education course as a means of verifying compliance with this section. A licensee shall maintain all course completion certificates on file which are used for renewal purposes for a period of four (4) years from the license renewal date and shall provide these records to the Board upon request or in the event of an audit, if requested, within ten (10) days of the date of the Board's written request for such records.

(l) Licensees that are glaucoma certified pursuant to BPC section 1571 shall be required to complete 10 hours of glaucoma specific optometric continuing education every license renewal period. These 10 hours shall be part of the required 35 hours on the diagnosis, treatment and management of ocular disease.

(m) A licensee may not repeat for credit the same course more than once within the two-year renewal timeframe.

Note: Authority cited: Section 3059, Business and Professions Code. Reference: Section 3059, Business and Professions Code.



CONTINUING EDUCATION COURSE APPROVAL APPLICATION

\$50 Mandatory Fee

Pursuant to California Code of Regulations (CCR) section [1536](#), the Board will approve continuing education (CE) courses after receiving the applicable \$50 fee, the requested information below and it has been determined that the course meets criteria specified in CCR §1536(g). Course approvals shall be valid for two years from the date approved by the Board. **A copy of section 1536 is attached for your reference.**

In addition to the information requested below, please attach a copy of the course schedule, a ~~detailed~~ topical course outline or presentation materials (e.g., PowerPoint presentation), and course learning objectives. Applications must be submitted 45 days before the course presentation date. **Please type or print clearly.**

Course Title	Course Date(s)	Course Hours
Course Category (Select One) <input type="checkbox"/> Patient Care Management <input type="checkbox"/> Ocular Signs or Symptoms of Systemic Related Disease <input type="checkbox"/> Child Abuse Detection <input type="checkbox"/> Clinical Optometry (use of specific devices or instruments in the practice of optometry)	<input type="checkbox"/> Ethics in the Practice of Optometry <input type="checkbox"/> Elder Abuse Detction <input type="checkbox"/> Pharmacology/Schedule II Drug Prescribing and Abuse Prevention <input type="checkbox"/> Any categories in the diagnosis, treatment, and management of ocular disease as set forth in Section 3059(e) of the Business and Professions Code.	

Commented [MJ1]: Added and reorganized categories to mirror proposed text from section 1536 (g)(1)

Applicant Course Provider Contact Information

Provider Company / Medical Group Name		
Provider Name Point of Contact		
First	Last	Middle
Provider Mailing Address		
Street	City	State Zip Phone
Provider Email Address		
Will the proposed course be open to all California licensed optometrists?		<input type="checkbox"/> YES <input type="checkbox"/> NO

Commented [MJ2]: Additional contact info added for clarity and to reflect some providers may be companies



Do you agree to maintain and furnish to the Board and/or attending licensee such records of course content, <u>dates and places of the course, course completion certificates, and attendance as the Board requires, for a period of at least three <u>four</u> years from the date of course presentation?</u>		<input type="checkbox"/> YES <input type="checkbox"/> NO
<u>Based on the definition in section 1536(c)(1), will the course be self-study?</u>		<input type="checkbox"/> YES <input type="checkbox"/> NO
<u>If self-study, will a test component as defined in section 1536(c)(1) be required to determine the licensee's understanding and knowledge of the course?</u>		<input type="checkbox"/> YES <input type="checkbox"/> NO
<u>Based on the definition in section 1536(d)(2), is this a live and interactive course?</u>		<input type="checkbox"/> YES <input type="checkbox"/> NO
<u>Does the provider agree to not use the Board's letterhead, seal or logo on any course certificates, advertising or solicitation?</u>		<input type="checkbox"/> YES <input type="checkbox"/> NO
<u>If live and interactive, which measures of participatory interaction apply to your course?</u>	<input type="checkbox"/> Participant Attendance Reports <input type="checkbox"/> In-Content Quizzes <input type="checkbox"/> Participant Polls	<input type="checkbox"/> Participant Video Required <input type="checkbox"/> Record of Participant Log for In and Out Times <input type="checkbox"/> Post-Course Test
<u>How many credit hours are desired for approval? Pursuant to section 1536(d), a credit hour is defined as one classroom hour, not less than 50 minutes.</u>		____ hours

Commented [MJ3]: Added as listed in (g)(6)

Commented [MJ4]: Added as listed in (g)(5)

Commented [MJ5]: This section was re-written by legal counsel for clarity, so applicants can denote which kind of participatory instruction is occurring during the course.

Course Instructor Information

Please provide the information below and attach the curriculum vitae for each instructor or lecturer involved in the course. If there are more instructors in the course, please provide the requested information on a separate attachment sheet of paper.

Instructor Name		
_____	_____	_____
First	Last	Middle
License Number _____	License Type	
	<input type="checkbox"/> Check this box if the instructor does not have a license.	
Phone Number () _____	Email Address _____	

Commented [MJ6]: Added to reflect that some instructors may not hold a healing arts license (such as PhD)

I declare under penalty of perjury under the laws of the State of California that all the information submitted on this form and any accompanying attachments submitted are true and correct.

 Signature of Course Provider Date



BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR

DEPARTMENT OF CONSUMER AFFAIRS • CALIFORNIA STATE BOARD OF OPTOMETRY

2450 Del Paso Road, Suite 105, Sacramento, CA 95834

P (916) 575-7170 | Toll-Free (866) 585-2666 | www.optometry.ca.gov



NOTICE OF COLLECTION OF PERSONAL INFORMATION

The information requested on this form is mandatory pursuant to Business and Professions Code section 3059 and Title 16 CCR section 1536. The information provided will be used to determine compliance with BPC section 3059 and Board's requirements for approval of continuing education courses. The information may be provided to other governmental agencies, or in response to a court order, subpoena, or public records request. You have a right of access to records containing personal information unless the records are exempted from disclosure by the Information Practices Act, including Civil Code section 1798.40. Individuals may obtain information regarding the location of their records by contacting the Executive Officer of the California State Board of Optometry at 2450 Del Paso Road, Suite 105, Sacramento, CA 95834, telephone number 916-575-7170.

Commented [MJ7]: Standard text about collection of personal information added.