



ISSUE MEMORANDUM

DATE	March 17, 2023
TO	Members, California State Board of Optometry (CSBO)
FROM	Eunie Linden, Board Secretary
SUBJECT	Agenda Item #5 – Discussion and Possible Approval of Meeting Minutes

The following meeting minutes are presented for discussion and possible approval:

- A. October 10, 2022
- B. December 9, 2022
- C. January 27, 2023

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

MEMBERS OF THE BOARD

Lillian Wang, O.D., President
 Jeffrey Garcia, O.D., Vice President
 Eunie Linden, J.D., Secretary
 Stacy Hancock, Optician
 Glenn Kawaguchi, O.D.
 Mark Morodomi, J.D., Public Member
 Joseph Pruitt, O.D.
 Jonathon M. Ross, O.D.
 Sandra D. Sims, J.D., Public Member
 Donald Yoo, J.D., Public Member
 Vacant Governor Appointee, Public Member



**QUARTERLY BOARD MEETING
 DRAFT BOARD MEETING MINUTES**

Monday, October 10, 2022

This public meeting was held via WebEx Events.

Members Present	Staff Present
Lillian Wang, O.D., President	Randy Love, Assistant Executive Officer
Jeffrey Garcia, O.D., Vice President	Erica Bautista, Administrative Analyst
Eunie Linden, J.D., Secretary	Brittany Ng, Legal Counsel
Stacy Hancock, Optician	
Glenn Kawaguchi, O.D.	
Mark Morodomi, J.D.	
Joseph Pruitt, O.D.	
Jonathon Ross, O.D.	
Sandra Sims, J.D.	Guests
Donald Yoo, J.D.	On File

Link for the audio of discussion: <https://youtu.be/u6VBOJUreXY>

OPEN SESSION

1. Call to Order / Roll Call and Establishment of a Quorum

Audio of Discussion: [0:03](#)

President Lillian Wang called the meeting to order and took roll call. All Members were present and a quorum was established.

2. Public Comment for Items Not on the Agenda

Note: The Board 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 Sections 11125, 11125.7(a).)

Audio of Discussion: [1:46](#)

There were no requests for public comment.

3. Discussion and Possible Action Regarding Executive Officer (EO) Exempt Level Increase

Audio of Discussion: [2:59](#)

Olivia Trejo, Human Resources Chief with the Office of Human Resources (OHR) at the Department of Consumer Affairs (DCA) explained the process of an exempt level increase. The current level is identified as level O with a salary range of \$8,135 up to \$9,062 monthly. The next level is level N with a salary range of \$8,531 up to \$9,506. The last time a level increase was changed for this exempt position was in 2000. In order to request a level increase, a justification must be submitted identifying the organizational growth, any legislative changes, any additional programs within the Board, and any significant staffing increases since the last level increase.

Dr. Wang noted that the Board discussed the desire to increase the salary level for its Executive Officer (EO) at previous meetings. Additionally, since 2000 the Board has absorbed the opticianry program. Therefore, the number of licensees this Board oversees has doubled.

Dr. Jeffery Garcia asked if there is another level above this that the Board may be eligible for since the number of licensees has increased. Ms. Trejo stated that there is level M, but it is not common practice to skip levels without a significant growth. She added that if the members can articulate and justify that then the Board can request for the next level up (level M). Dr. Garcia asked if (in her opinion) doubling the number of licensees is a justifiable reason for seeking the M level pay scale? Ms. Trejo explained that it may be a reason; the request will go to agency for review, the Governor's Office, and the California Department of Human Resources who will have the final say. If we propose M based on the data the Board has gathered any of those entities may reduce the level to N or deny the request altogether. Therefore, OHR always recommends going to the next level to be fair and consistent with other programs that submit similar requests. Dr. Garcia asked if there would be any harm in requesting level M based on licensees with the understanding that it may be reduced to N by the deciding board. Ms. Trejo responded that there would be no harm.

Public Member, Donald Yoo asked if data exists which might show similar applicants, similar staff budgets that can provide an "apples to apples" type of comparison. Ms. Trejo replied that this is taken into consideration when these requests are put forth through the different entities for review. DCA does have several boards and bureaus that are similar in size, so this is taken into consideration during the review process. Mr. Yoo asked if similar boards are at an M level or lower. Ms. Trejo explained that this varies, however one board recently did get approved for level N from O, which is similar to optometry board.

Public Member, Mark Morodomi questioned if there are any similar boards that have their EOs at the M level. Ms. Trejo explained that she does not have this data in front of her, but she can circle back with that information; so, in the event that the Board does decide to move forward with a level increase, she can provide that information. Mr. Morodomi asked Ms. Trejo if in the past when a board has requested to skip a level, have the approving authorities reduced the increase to level N or have they rejected the request altogether. Ms. Trejo stated that in the few she has seen, they have reduced the increase level. Mr. Morodomi noted that it underscores what she said that there is little risk in requesting the higher increase.

Mr. Morodomi explained that in addition to the increase in the number of licensees, the Board had a legislative change to allow for optometric home visits for seniors and the disabled; there was a change in the number of facilities that an optometrist may supervise or own; and a mobile clinic program has been added. All of these changes have increased access to care by consumers, which increases responsibility for Board staff. Ms. Trejo advised that this is very important information to include in the justification to articulate the need for the higher exempt level.

Dr. Glenn Kawaguchi asked if the justification may include staffing levels the Board is approved to have? Or must it be staffing the Board has currently. Ms. Trejo clarified that it would be the positions the Board has currently.

There were no requests for public comment.

Mark Morodomi moved that the Board petition to increase the current exempt level O to a level M or whatever the approving authorities agree to approve above the level O. Donald Yoo seconded. The Board voted unanimously (10-0) and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Wang	X				
Dr. Garcia	X				
Ms. Linden	X				
Ms. Hancock	X				
Dr. Kawaguchi	X				
Mr. Morodomi	X				
Dr. Pruitt	X				
Dr. Ross	X				
Ms. Sims	X				
Mr. Yoo	X				

4. EO Recruitment and Selection Process

- A. Presentation by the Department of Consumer Affairs’ Office of Human Resources on EO Recruitment and Selection Process**
- B. Discussion and Possible Appointment of an EO Search Committee**

Audio of Discussion: [17:23](#)

Ms. Trejo provided an overview on the EO recruitment and selection process. This process will require two members of the Board who will have the time to participate in the selection process of a new EO and work closely with the OHR on the hiring process. It is the plan to formally appoint a Search Committee during today’s meeting, and the committee members will be chosen by the Board to assist with all recruitment activities. The EO position is advertised for 30 days, and it is advertised on the California Department of Human Resources websites. It can also be advertised through Capital Morning Report and other platforms, if the Board so chooses. A designee from the OHR will work directly with the Search Committee to screen applications and determine interview questions, and potential interview dates. Stephanie Louie from the OHR will serve as the contact person on the advertisement and will provide the Search Committee with the applications received each

Friday on a flow basis. The Search Committee will review and screen applications received based on the desirable qualifications to screen candidates for initial or final interviews. Depending upon the number of applications received, if initial interviews are recommended based on a large candidate pool, they will be conducted with the Committee initially. At a next scheduled Board meeting (in closed session) final interviews will be conducted for the top candidates. If it is too far out the Board may hold a special meeting with proper notice for the final interviews. A vote by the Board Members will be required to select a final candidate to serve as the Board's Executive Officer. Upon selection of the finalist, a start date and salary can be determined. Candidate selection must remain confidential until the candidate notification has been completed and accepted, and the unsuccessful candidates have been notified. If the selected candidate is not currently a Board employee, a Criminal Offender Record of Information (CORI) clearance will be required and will be facilitated by the OHR. Once the selected candidate has passed the CORI, the Board can work with Public Affairs to make the formal announcement. On the effective date of the appointment, the oath of office must be administered by any Board Member, the DCA Director or their designee. Direction regarding the administration of the oath will be provided by the OHR.

Mr. Morodomi questioned the salary level the position is being currently advertised at. Ms. Trejo clarified that currently advertisement is at the salary level O; however, a disclaimer was added to the recruitment flyer that the salary level may change. Mr. Morodomi noted that he does not want the disclaimer to give the impression that the salary may decrease. Ms. Trejo acknowledged his concern stating that when OHR and the Committee review the recruitment flyer disclaimer, it can be discussed further to see if any changes are warranted.

Dr. Wang nominated Dr. Garcia and Ms. Linden to be on the EO Search Committee if they would so consider. Dr. Garcia and Ms. Linden accepted their nominations.

There were no requests for public comment.

Lillian Wang moved to appoint Jeffrey Garcia and Eunie Linden to the EO Search Committee. Mark Morodomi seconded. The Board voted unanimously (10-0) and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Wang	X				
Dr. Garcia	X				
Ms. Linden	X				
Ms. Hancock	X				
Dr. Kawaguchi	X				
Mr. Morodomi	X				
Dr. Pruitt	X				
Dr. Ross	X				
Ms. Sims	X				
Mr. Yoo	X				

C. Review and Possible Amendments to EO Duty Statement

The Board discussed the review and possible amendments to the EO duty statement.

Ms. Trejo announced that her office emailed the proposed duty statement changes and the recruitment flyer on the 5th of last week. The changes were cosmetic in nature and are highlighted in yellow. Board members did not request any additional changes nor make any additional comments.

There were no requests for public comment.

Mark Morodomi moved to approve the duty statement as amended by the Office of Human Resources. Jonathon Ross seconded. The Board voted unanimously (10-0) and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Wang	X				
Dr. Garcia	X				
Ms. Linden	X				
Ms. Hancock	X				
Dr. Kawaguchi	X				
Mr. Morodomi	X				
Dr. Pruitt	X				
Dr. Ross	X				
Ms. Sims	X				
Mr. Yoo	X				

D. Review and Possible Approval of EO Recruitment Announcement

Next the Board discussed the review and possible approval of the EO recruitment announcement.

Ms. Trejo directed members' attention to the third paragraph which states:

“The Executive Officer is hired by the Board and serves at its pleasure. This position is exempt from civil service and is located in Sacramento, California. Starting salary, raises and the salary range are subject to change and require the approval from the Business, Consumer Services and Housing Agency and the California Department of Human Resources.”

She noted that in addition to possible inclusions to or removals from this language, the Board will also need to identify if there are any other desirable qualifications and experience it would like to include or remove from the flyer. Additionally, the Board needs to identify the number of pages it wants the candidates to submit for the Statement of Qualifications and the number of letters for professional reference that they must include in their application package.

Mr. Morodomi suggested changing the language from “*subject to change*” to “*subject to possible increase*.” Dr. Garcia concurred.

Mr. Morodomi noted that he does not wish to dissuade someone from applying who is not familiar with the laws and rules pertaining to the licensure, practice, and education of licensed optometrists and opticians. His concern is that stating “*optometrists and opticians*” however desirable, may narrow the field too much. Dr. Garcia concurs.

Ms. Trejo proposed “familiar with the laws and rules pertaining to the licensure, practice, and education of licensed individuals.” Ms. Sims, Mr. Morodomi, and Dr. Garcia agreed.

Upon Ms. Trejo’s recommendation regarding the number of pages for the Statement of Qualifications, Board members agreed not to exceed 3 pages.

Based upon Ms. Trejo’s recommendation regarding the number of letters of professional recommendation, Board members decided to change the wording to “no more than 3 letters (each, not to exceed one page) of professional reference.”

There were not requests for public comment.

Mark Morodomi moved to approve the EO recruitment announcement with the following changes: to paragraph 3, sentence 3, that the language subject to change shall be changed to “subject to a possible increase”; Next, that under the “Desirable Qualifications and Experience” (the first bullet point) the language shall be changed from “licensed optometrists and opticians” to “licensed individuals; Third, that the “Interested persons must submit the following” (section) with respect to item 1) “Statement of Qualifications (not to exceed 3 pages)” with the remaining language to remain the same; and with respect to item 4) that the language at that item shall be changed to “no more than 3 letters (each, not to exceed 1 page) of professional reference”. Glenn Kawaguchi seconded. The Board voted unanimously (10-0) and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Wang	X				
Dr. Garcia	X				
Ms. Linden	X				
Ms. Hancock	X				
Dr. Kawaguchi	X				
Mr. Morodomi	X				
Dr. Pruitt	X				
Dr. Ross	X				
Ms. Sims	X				
Mr. Yoo	X				

5. Future Agenda Items

Audio of Discussion: [43:16](#)

There were no requests for public comment.

CLOSED SESSION

6. Pursuant to Government Code Section 11126(a)(1), the Board Will Meet in Closed Session to Discuss and Take Possible Action on Selection Process and Appointing of “Acting” or “Interim” EO

7. Adjournment

Dr. Wang announced that an interim EO has been selected. A special announcement will be forthcoming.

Jonathon Ross moved to adjourn the meeting. Sandra Sims seconded. The meeting was adjourned.

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 Sandra D. Sims, J.D., Public Member
 Donald Yoo, J.D., Public Member
 Vacant Governor Appointee, Public Member

Gregory Pruden, Interim Executive Officer



**QUARTERLY BOARD MEETING
 DRAFT BOARD MEETING MINUTES**

Friday, December 9, 2022

Members Present	Staff Present
Lillian Wang, O.D., President	Gregory Pruden, Interim Executive Officer
Eunie Linden, J.D., Secretary <i>(Remote)</i>	Randy Love, Assistant Executive Officer
Mark Morodomi, J.D. <i>(Remote)</i>	Joely Walker, Enforcement Manager
Stacy Hancock, Optician <i>(Remote)</i>	Erica Bautista, Administrative Analyst <i>(Remote)</i>
Sandra Sims, J.D. <i>(Remote)</i>	Jonathan Gasca, Policy Analyst
Jonathon Ross, O.D.	Terri Villareal, Lead Enforcement Analyst
Donald Yoo, J.D. <i>(Remote)</i>	Brittany Ng, Legal Counsel
Members Absent	Guests
Jeffrey Garcia, O.D., Vice President	
Joseph Pruitt, O.D.	
Glenn Kawaguchi, O.D.	On File

Link for the audio of discussions: <https://www.youtube.com/watch?v=QLwIKqWJQ1E>

OPEN SESSION

1. Call to Order / Roll Call and Establishment of a Quorum

Audio of Discussion: [1:12](#)

President Lillian Wang, OD called the meeting to order. Secretary Eunie Linden took roll call and a quorum was established. Drs. Jeffrey Garcia, Glenn Kawaguchi, and Joseph Pruitt were absent.

2. Public Comment for Items Not on the Agenda

Note: The Board 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 Sections 11125, 11125.7(a).)

Audio of Discussion: [2:43](#)

Public comment was heard from Dr. James Deardorff, O.D. He stated that his organization has developed three completely free vision clinics in Ventura County and Santa Barbara County. They have six non-profit groups working together to provide service to 30 individuals every week. He explained that they have now a little over \$100,000 raised for building a mobile clinic for which they are hoping to get started on soon. He requested that the Board place the mobile eye clinic on the next agenda.

Public comment was received from James Morris, Executive Director and General Counsel for the American Board of Opticianry (ABO) and the National Contact Lens Examiners (NCLE) who provide the Boards licensing exam. Mr. Morris wanted to announce his presence and state that the ABO and NCLE are here to assist the Board in any way possible in representing opticians and ensuring the best care of patients in California.

Public comment was heard from Martha (Ruby) Garcia, Executive Director at the California State Society of Opticians (CSSO), who announced that the CSSO has up to eight optician programs. Six of them are new and have launched this year. The CSSO has a state-wide apprenticeship program providing a solid opticianry base education; additionally, it assists graduates in finding employment. Ms. Garcia looks forward to seeing the Board in the near future to provide more updates.

3. Department of Consumer Affairs Update

A. Executive Office

Audio of Discussion: [9:10](#)

Yvonne Dorantes-Giles, Assistant Deputy Director of the Department of Consumer Affairs (DCA) Board and Bureau Relations (BBR) provided an Executive Office update. Mrs. Dorantes announced the Governor's recent appointments to the DCA's BBR team. Additionally, she announced the appointment of Kathleen Nicholls, Chief of the DCA Division of Investigation.

Ms. Dorantes-Giles announced that DCA Director, Kimberly Kirchmeyer established the Department's first Diversity, Equity, and Inclusion Steering Committee (DEI) to guide the Department in its equity strategy initiative and action plans. The DEI will focus on three core areas which are 1) workforce: to recruit and retain diverse talent, 2) workplace: to actively educate leadership and staff to increase awareness and create an inclusive culture, and 3) marketplace: to serve consumers, applicants, and licensees with sensitivity to their diverse backgrounds and perspectives.

Regarding the update on strategic planning, Ms. Dorantes-Giles explained that in accordance with Governor Newsom's executive order, strategic plans taking effect in July 2023, and beyond, must be developed or updated to more effectively advance equity and drive outcomes that increase opportunity for all. Therefore, in response, DCA is revisiting its strategic planning process to incorporate more inclusive public engagement, data analysis and embedding diversity equity and inclusion into the strategic planning process. By March of 2023, DCA will begin implementing the revised processes and working with the boards in updating existing strategic plans and developing new strategic plans

On November 2, 2022, DCA released its 2022 to 2027 strategic plan. Additionally, the Department released a new logo. The new plan and logo represent the next chapter and future of the Department.

DCA has decided to take part in the annual Our Promise: California State Employees Giving at Work charitable campaign and celebrate 65-years of caring for California. Board members should have received an email from DCA Our Promise Co-Chairs with information about how to give.

As Board member travel resumes, it is important to remember that all state travel arrangements must be made through DCA's approved travel agency Cal Travel Store or Contour. All Board members and staff must use the most economical fares possible when traveling by air on official state business. Flight changes to the day and time for personal convenience are not approved or justified for any reason, and the traveler will be responsible for any associated charges.

Ms. Dorantes-Giles reminded members of their required Board member training. As 2022 ends it is a perfect time to make certain that all required training has been completed and that certificates of completion have been provided to the Executive Officer or to memberrelations@dca.ca.gov. Board members are required to complete the Board Member Orientation Training (BMOT) within the first year of appointment or reappointment; Ethics training must be completed within six months of appointment and repeat every two years. Sexual Harassment Prevention training must be completed within the first year and every two years thereafter. The trainings are offered multiple times a year in various formats for convenience.

DCA is partnering with the State Controller Office (SCO) to share information with consumers and certain licensees about the unclaimed property program. State law requires banks, insurance companies, corporations, and other entities to report and submit their customers' property to the SCO after a period of inactivity (generally 3-years).

B Budget Office

Budget Analyst, Veronica Hernandez provided an update on the Board's expenditure projections and fund condition statement. The Board has a budget of approximately \$3.9 million, which includes the \$93,000 in reimbursement authority. Year-to-Date (YTD) the Board has expended approximately \$848,000 and is projected to spend approximately \$3.2 million, leaving a reserve of approximately \$679,000 or about 17.58%. The fund condition statement shows that the Board's prior year actuals for 2021-2022 adjusted beginning balance was close to \$2.1 million. Approximately 2.5 million was collected in revenue and About \$2.4 million was expended which includes \$176,000 in direct draws to support statewide expenses, such as supplemental pension payments and statewide pro-rata. The Board ended the 2020-2021 with a little over \$2 million reserve balance or 7.2 months in reserve. This balance becomes the beginning balance for the next fiscal year 2022-2023. The Board is projected to receive an estimate of \$2.5 million in revenue. The Board's expenditures for this FY are projected to be approximately 3.1 million with an additional \$195,000 in direct draws for a total projected expenditure of almost 3.4 million. The Board is projected to end the current year with \$2.3 million or 6.8 months in reserve. The Board's fund shows a decline with an estimate fund balance of 3.2 months in reserve by the end of

2023-2024. However, with any reversions to the fund these months in reserve will increase and the budget office will continue to monitor the Board's revenues and expenditures and report back to the Board with monthly expenditure projections. Ms. Hernandez noted that one of the main factors driving expenditure increases is personnel service adjustments. These include general salary increases as well as employee compensation and retirement rate adjustments. The Budget Office includes an ongoing 3% increase to expenditures on the fund condition statement to account for ongoing incremental adjustments. The fund condition does not include increases to enforcement expenditures. She reminded Members that any future legislation or unanticipated events could result in the Board's need for additional resources which would increase pressure on the fund.

Mark Morodomi asked what a reversion means. Ms. Hernandez explained that the reversion is the remaining amount after expenditures are deducted from the budget.

Mr. Morodomi presented the argument that members relied upon the competence of staff and the expertise of Budget Office analysts and therefore members were unaware of the impending financial catastrophe. He noted that during the March and May Board meetings, nothing whatsoever was mentioned regarding this. In fact, members have consistently asked the budget analysts if there was anything looming on the horizon that the Board should be aware of or concerned about. The answer was always "no, you are looking good." The threat of insolvency was never mentioned. Then suddenly, at the August meeting, the report and tone were very much different. This communication delay caused the Board to lose an entire year where it could have been acting proactively to rectify this financial crisis. Mr. Morodomi does not want anyone to believe that this Board has not been diligent in monitoring its fiscal situation. In his seven years serving on the Board, he has observed very active concern from members. He noted again that members relied upon, in good faith, the professional expert confidence of the Budget Office and Board staff. Mr. Morodomi encouraged and requested that the Budget Office alert the Board immediately if they see any problem.

Karen Munoz, Budget Office Manager, addressed Mr. Morodomi's concern. She explained that she has been working with the Board directly for the last 3-4 years. She stated that there have been some internal communications within the staff regarding some possibilities; however, there has been a lot of reversion back to the Board each fiscal year. Ms. Munoz reassured the Board that she does not believe this Board is too late to enact any kind of correction to the fund or the changing of a fee structure. The Board does have room in regulations to increase fees at this time. She stated that the Board does not have to search for a fee bill immediately and there are options available. She assured that the Budget Office is monitoring the Board's budget every month. She noted that there are some emergency situations that Budget's cannot predict. She assured that the Budget Office is prioritizing this Board monthly to ensure monitoring of any irregular or unanticipated costs. She added that with Interim Executive Officer Gregory Pruden on board they will make sure they find savings within the Board's appropriation this fiscal year and next fiscal year as well as look at what can be done for the Board's fund in the future. Mr. Morodomi appreciated Ms. Munoz's refreshing and encouraging words and the Budget Office's support on budgetary matters. He noted that he was a bit shocked by the approach during the August meeting. He understands that sometimes bureaucrats like to scare board members straight to get them going; however, he did take some offense to it because this Board has been very diligent in its fiscal matters as well as working very cooperatively with the Budget Office. Ms. Munoz clarified that she is not saying that in the future they do not see a decline in the fund; the Budget Office does see the decline; but she reiterated that it is not too late to act.

Ms. Linden echoed what Mr. Morodomi stated. She explained that during the last meeting Members were all shocked at the level of urgency in terms of how quickly the Board needed to address this urgent crisis. Ms. Linden asked if Ms. Munoz could expand on what kind of timeline she sees, and whether the Board should be looking at increasing fees to statutory caps now or is it something that can be pushed off a short while. Ms. Munoz clarified that a regulation can take up to 18 months to two years to get in place. If regulations to increase the fees to statutory caps are started now, it is possible that the regulation could be in effect as early as January 2024 or as late as July 2024. Ms. Linden asked Ms. Munoz if it is her opinion that the Board should begin the process now. Ms. Munoz explained that having not yet had a sit down with the Board, she does not have a study to answer this now. However, she stated that Budgets can schedule a meeting with executive staff sooner rather than later to discuss options. There are several things that have to be analyzed to see how far raising the caps will put the Board out to solvency and if there is a need for a legislative fee increase or any other changes to the structure within the Board's fund. She added that if the Board's expenditures are expected to remain the same, then the fees would need to be increased by 2024-2025.

Donald Yoo asked what the Board's fees are currently and the maximum amount that they can be raised. Mr. Pruden explained that although he does not have those exact numbers in front of him, he can share that the main revenue driver for the Board is the optometry renewal fee, and this is one of the fees that currently has room to be raised via the regulatory process. He believes the cap is \$500 and the Board is currently at \$425. Raising the optometry renewal fee \$75 to bring it to cap would be one of the current options in terms of what has room in terms of fees that are not at its cap yet. Mr. Yoo asked if there are other sources of revenue besides renewal fees that the Board may be able to rely upon. Mr. Pruden believes that there are other small line items that can be increased; however, the bulk of the Board's revenue comes from licensure and renewal fees. Ms. Munoz confirmed this. Mr. Yoo requested a breakdown of all the Board's potential sources of revenue to determine which ones require a regulatory review versus the sources that can be increased without a lengthy regulatory process. Ms. Munoz has a breakdown that she will send to Mr. Pruden. Mr. Pruden assured that this information will be received and ready to discuss at the next Board meeting. He added that staff looks forward to working with the Budget Office and Members to get a better sense of exactly where the Board is spending money and where money is coming from. Staff looks forward to having more conversations with the budget team and bringing this item back at a future meeting for a more robust discussion.

There were no requests for public comment.

4. Board President's Report

A. 2023 Board and Committee Meeting Schedule

Audio of Discussion: [48:56](#)

Dr. Wang officially welcomed the Board's Interim Executive Officer, Gregory Pruden. He is a wonderful addition to the Board. Mr. Pruden expressed his honor to be a part of this Board.

Board Members discussed potential meeting dates for the 2023 Board and Committee meeting schedule. Mr. Pruden announced that through July 1, 2023, legislation is in place to enable the continuation of hybrid meetings.

Dr. Wang provided an update on the Board's search for an Executive Officer. Applications closed on December 5, 2022, and there are four candidates. The EO Search Committee will

review each resume and meet with the candidates, then decide whom they wish to extend an invitation for an interview with the full Board. She anticipates the Board will meet the candidates at the next quarterly meeting tentatively scheduled for March.

There were no requests for public comment.

5. Discussion and Possible Approval of August 26, 2022 Board Meeting Minutes

Audio of Discussion: [53:42](#)

There was some discussion as to whether members and staff who participated remotely need to be designated as such on the minutes. Legal Counsel advised that although she does not believe that minutes are required to reflect remote attendance, it can certainly be added.

There were no requests for public comment.

Jonathan Ross moved to approve the August 26, 2022 Board meeting minutes with the amendments discussed. Sandra Sims seconded. The Board voted (6-Aye; 1-Abstain) and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Wang	X				
Dr. Garcia				X	
Ms. Linden	X				
Ms. Hancock	X				
Dr. Kawaguchi				X	
Mr. Morodomi			X		
Dr. Pruitt				X	
Dr. Ross	X				
Ms. Sims	X				
Mr. Yoo	X				

6. Executive Officer's Report
A. Enforcement Program
i. Statistical Review, Quarter 1, Fiscal Year 2022-2023

Interim Executive Officer Mr. Pruden provided the Executive Officer's Report. Lead Enforcement Analyst Terri Villareal reported on **Item 6.A.i. the Board's Enforcement Program**. She reported that enforcement continues to work on older complaints and continues to strive to improve its numbers. Additional enforcement staff will be hired in the coming months. Ms. Villareal announced that staff is expanding the newsletter to include a licensing enforcement report containing citations and pending enforcement action. This information is on the Board's website and it will also be included in the upcoming winter newsletter.

Ms. Villareal presented enforcement statistics. Mr. Pruden interjected that he believes there are some areas of the statistics that may need to be refined a bit. He noted that the quarter 1 number appears to be compared to the year-to-date total from the prior year. He suggested that the Board may want to look at making this a comparison of quarter 1 with quarter 1 of the prior year so that it does not appear that the Board has a 73% drop in the number of complaints received.

Mr. Morodomi noted that he is aware that the metrics include how long cases have been pending, but he impressed upon the Executive Officer and staff that cases that involve recent public harm need the expenditure of staff resources because these are a higher priority than old cases. Ms. Villareal assured that staff always makes those types of cases the first priority.

There were no requests for public comment.

ii. Enforcement Process Presentation

Enforcement Manager, Joely Walker provided a presentation **Item 6.A.ii., the Enforcement Process**. Under Business and Professions Code (BPC) sections 3010.1, protection of the public is the Board's highest priority in exercising its licensing, regulatory, and disciplinary functions. Enforcement staff is responsible for responding to complaints, conducting investigations, and monitoring the disciplines imposed. Complaints are primarily received from consumers, patients, family members, friends of the patient, licensees, government agencies, law enforcement, and anonymously. Complaints are triaged as soon as they are received. They range from sexual misconduct, unprofessional conduct, fraud, and DUIs. Staff also receives complaints for which the Board does not have jurisdiction, such as those that include the behavior of personnel staff in the optometrist office, insurance problems, and HMO problems. Complaints that are triaged as high priority include urgent complaints like sexual misconduct, drugs and alcohol, and all physical and mental impairment. When performing a review of allegations, enforcement staff engages in a review of the licensee to determine if there has been any prior history of complaints or similar allegations. Once it has been determined that enforcement will proceed with a complaint, staff requests authorization to obtain medical records and the licensee is informed that the complaint review has been completed, a case has been opened, and the Board requests a response regarding the care and treatment that he/she provided to the patient. Additionally, once all information is received, staff determines whether the case needs review by technical experts. This is typically needed in cases that involve a medical diagnosis or misdiagnosis. The case would then be sent to the expert for review. Upon receiving the report from the medical expert, staff can close the case if the allegations are determined to be unfounded. A citation may be

issued for technical violations or the case may be referred to investigations if negligence and/or incompetence may be an issue. Possible investigation outcomes are closing the case, issuing a citation and fine, referring the case to a local district attorney for criminal action, issuance of a public letter of reprimand, and referring for disciplinary actions and interim actions. Ms. Walker explained the disciplinary process as follows:

- Accusation or Statement of Issues filed,
- First public document pursuing formal action,
- Notice of Defense filed by the Respondent.

If staff finds that the allegations warrant an emergency action and Interim Suspension Order (ISO) may be issued. There are three types of possible decisions as follows:

- 1) Stipulated settlement (enforcement settles the case before it goes to a full hearing)
- 2) Proposed decision (issued by an Administrative Law Judge)
- 3) Default decision (if Respondent is not able to respond)

All disciplinary decisions are either brought to the Board during a Board meeting (in closed session) for a vote or via an email ballot. Possible disciplinary actions are:

- Revocation or surrender of license,
- Probation and the terms and conditions (e.g., continuing education courses, biological fluid testing, practice restrictions etc.)

The appeals process includes an Order to Vacate where they can petition the Board for reconsideration, taking their case to the Superior Court with the Writ of Mandate, or to the Court of Appeals and eventually to the California Supreme Court. Ms. Walker reported that staff reports to the National Practitioners' Databank, News Bulletin, and to the Board's website once the final discipline has occurred.

Mr. Morodomi expressed great appreciation to Ms. Walker for her presentation.

Ms. Linden concurred. She asked about cases where the Board does not have jurisdiction over the complaint, and whether they ever direct that consumer to another body or organization that can take those complaints. Ms. Walker assured that staff does refer and some complaints are referred to other boards. The complaint is sent to the other board with a copy to the complainant informing them where their complaint has landed.

There were no requests for public comment.

B. Examination and Licensing Programs

i. Statistical Review Quarter 1, Fiscal Year 2022-2023

Assistant Executive Officer, Randy Love reported on Item **6.B.i. the Examination and Licensing Programs Statistical Review, Quarter 1**. The licensing unit has spent the last several months licensing the 2022 graduation season applicants. Currently, everyone who graduated in 2022 and completed an application has been licensed. Therefore, the licensing units focus has shifted to the backlog of Fictitious Name Permit (FNP) applications. There are about 100 that are currently waiting for review. Staff will work through those applications this month and they should be completed by the end of the year. Mx. Love reported that staff is working to fill vacancies over the next couple of months. She explained that BreZE is working on fixing a glitch so that BreZE can send letters to the licensees' and registrants'

mailing address in lieu of their address of record (AOR) and have it not become public information. Mx. Love provided the statistics for the first quarter of the current fiscal year. 183 optometrists were licensed in the first quarter. This will represent the majority of the Board's 2020 graduates.

There were no requests for public comment.

C. Legislative Update

i. Assembly Bill 2574 (Salas) Optometry ophthalmic and optometric assistants

Mr. Pruden provided the legislative update for **Agenda Item 6.C.i Assembly Bill 2574 (Salas) Optometry ophthalmic and optometric assistants**. The first day of the 2023-2024 regular session of the California Legislature began on December 5th. The first day of session is typically organization and focused on the swearing in of new members. There were at least a few races yet to be decided upon at that time, and normal legislative action is not anticipated to pick back up until the members return in the new year. Mr. Pruden reported that Assembly Bill (AB) 2574 restores statutory authorities that were erroneously removed by AB 407 from 2021. It authorizes an optometrist to independently administer immunizations if they are immunization certified, and to diagnose and stabilize patients with acute angle closure glaucoma. The intent of this bill is to clean up and clarify statutory authorities that were accidentally removed. AB 2574 was signed by the Governor and will take effect on January 1, 2023.

ii. Assembly Bill 2236 (Low) Optometry certification to perform advanced procedures

Audio of Discussion: [1:00:14](#)

Mr. Pruden provided the legislative update for **Agenda Item 6.C.ii. Assembly Bill 2236 (Low) Optometry certification to perform advanced procedures**. This bill would have created a new certificate type that allows optometrists to perform three advanced laser surgical procedures, excision or drainage of non-recurrent lesions of the adnexa, injections for the treatment of Chalazia, and to administer anesthesia and corneal cross-linking procedures after meeting specified training, passing an exam, and completing education requirements promulgated by the Board. AB 2236 would have also required that optometrists report any adverse treatment outcomes to the Board and would have required that the Board review these reports in a timely manner. AB 2236 was passed by the Legislature, sent to the Governor's Office, and was ultimately vetoed by the Governor.

Mr. Pruden reported that there are currently no new bills impacting the Board.

There were no requests for public comment.

7. Future Agenda Items

Audio of Discussion: [1:31:35](#)

Ms. Sims requested that a discussion regarding mobile clinics be added to the March agenda.

Ms. Linden requested a regulatory update regarding packages that are pending and fee study. Additionally, she would like to hear more about vision care for children under Medi-Cal and what the Board may be able to do to support these issues and increase vision services for children under Medi-Cal.

Mr. Morodomi requested that whatever needs to be placed on the agenda for the Board to get its regulatory fees and stopgap measures done sooner rather than later for the Board's budgetary problems to be added. Additionally, Mr. Morodomi announced to the regulated public that if any folks are having difficulty getting staff to respond to their inquiries (email or telephone) to let the Board know in the public comment period of the Board's quarterly meetings. Mr. Pruden added that customer service is part of what the Board does. He is happy to provide his direct email and encourages anybody to send inquiries to his direct email address (gregory.pruden@dca.ca.gov). He assured their concerns will be handled in a timely fashion and he looks forward to hearing from folks.

Mr. Donald Yoo asked if staff keeps records of customer service complaints. Mr. Pruden explained that he is not sure if these are tracked on a case-by-case basis; however, there is always more that can be done to improve the Board's customer service. This is something staff can explore.

Dr. Ross commented that during the PEC meetings the Committee has been discussing the potential link between the OE Tracker and the BreZE system. He is hoping to obtain more information and he suggested that this may be a discussion item for the next full Board meeting.

There were no requests for public comment.

8. Petition for Early Termination of Probation

A. Trina Jean Granstra (SLD #2176, CLD# 6321)

Audio of Discussion: [1:39:56](#)

Administrative Law Judge, Sean Gavin presided over the Hearing.

CLOSED SESSION

9. Closed Session

A. The Board Will Meet in Closed Session for Discussion and Deliberation on Disciplinary Matters, Pursuant to Government Code §11126(c)(3)

B. The Board Will Adjourn the Meeting

The meeting moved into closed session for a decision on Agenda Item 8.

The meeting adjourned at 4:00 p.m.

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

MEMBERS OF THE BOARD

Lillian Wang, O.D., President
 Jeffrey Garcia, O.D., Vice President
 Eunie Linden, J.D., Secretary
 Stacy Hancock, Optician
 Glenn Kawaguchi, O.D.
 Mark Morodomi, J.D., Public Member
 Joseph Pruitt, O.D.
 Jonathon M. Ross, O.D.
 Sandra D. Sims, J.D., Public Member
 Donald Yoo, J.D., Public Member
 Vacant Governor Appointee, Public Member



Gregory Pruden, Interim Executive Officer

BOARD MEETING DRAFT MINUTES

All Members, Staff, and Guests Attended Remotely

Members Present	Staff Present
Lillian Wang, O.D., President	Gregory Pruden, Interim Executive Officer
Jeffrey Garcia, O.D., Vice President	Randy Love, Administration and Licensing Manager
Eunie Linden, J.D., Secretary	Joely Walker, Enforcement Manager
Mark Morodomi, J.D., Public Member	Arsha Qasmi, Lead Licensing Analyst
Joseph Pruitt, O.D.	Brad Garding, Enforcement Analyst
Jonathon Ross, O.D.	Erica Bautista, Administrative Analyst
Donald Yoo, J.D., Public Member	Kathleen Gregorio, Application Technician
	Monica Peterson, Application Technician
	Pink Crosby, Enforcement Technician
	Brittany Ng, Legal Counsel
Members Absent	
Stacy Hancock, Optician: 2:07 p.m. – 3:02 p.m.	
Glenn Kawaguchi, O.D.	Guests
Sandra Sims, J.D.	Sean Gavin, Administrative Law Judge

Link for the audio of discussion: https://youtu.be/w_c3T881tRc

1. Call to Order / Roll Call / Establishment of a Quorum

Audio of Discussion: [0:11](#)

President Lillian Wang, O.D. called the meeting to order at 2:00 p.m. Secretary, Eunie Linden called roll call and a quorum was established. Stacy Hancock, Dr. Glenn Kawaguchi, and Sandra Sims were absent.

2. Public Comment for Items Not on the Agenda

Note: The Board 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 Sections [11125](#), [11125.7\(a\)](#).)

Audio of Discussion: [1:17](#)

There were no requests for public comment.

3. Future Agenda Items

Audio of Discussion: [2:02](#)

There were no requests for future agenda items.

Closed Session

4. The Board Will Meet in Closed Session for Discussion and Deliberation on Disciplinary Matters, Pursuant to Government Code § 11126 (c)(3)

5. Adjournment

The meeting adjourned following closed session.