

MEMBERS OF THE BOARD

Jeffrey Garcia, O.D., President
Eunie Linden J.D., Vice President
Stacy Bragg, O.D., Secretary
Alex Clemens, Public Member
Paul Hsu, Public Member
Robert Klepa, J.D., Public Member
Joseph Pruitt, O.D.
Sandra D. Sims, J.D., Public Member
Martin Dawson, SLD/CLD
Lillian Wang, O.D.
Vacant Governor Appointee, Professional Member
Gregory Pruden, Executive Officer



**AUGUST 9, 2024
FINAL BOARD MEETING MINUTES**

Physical Location:
Department of Consumer Affairs
El Dorado Room #220
1625 North Market Blvd.
Sacramento, California 95834

Remote attendance via WebEx

Members Present	Staff Present
Jeffrey Garcia, O.D. (In-person)	Gregory Pruden, Executive Officer (In-person)
Eunie Linden, J.D. (In-person)	Randy Love, Administration and Licensing Manager (Remote)
Stacy Bragg, O.D. (In-person)	Erica Bautista, Administrative Coordinator (In-person)
Alex Clemens (In-person)	Brennan Meier, Legal Counsel (In-person)
Robert Klepa, J.D. (Remote)	Harmony DeFilippo, DCA Budget Analyst (Remote)
Joseph Pruitt, O.D. (In-person)	Christina Shultz, California Optometric Association (In-person)
Sandra D. Sims, J.D. (Remote)	Korrina Moreno, DCA Executive Office
Martin Dawson, SLD/CLD (In-person)	
Lillian Wang, O.D. (In-person)	Guests
Paul Hsu (In-person)	On File

Open session of this Board Meeting was webcast.
A recording of the webcast is available at: <https://youtu.be/E1N7ylfQUvo>

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

Audio of Discussion: [0:01](#)

Board President, Dr. Jeffrey Garcia called the meeting to order at 10:00 a.m. He took roll call and a quorum was established. Member Paul Hsu arrived at 10:05 a.m.

Dr. Garcia reviewed the Board's mission, vision, and core values. The Board's mission is to protect the health and safety of California consumers through licensing, registration, education, and the regulation of optometry and opticianry. The Board's vision is to have the highest quality optometric and optical care for the people of California. The core values are consumer protection, integrity, transparency, professionalism, excellence, diversity, equity, inclusion, and belonging.

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: [3:03](#)

There were no requests for public comment on this agenda item.

3. Discussion and Possible Action on Meeting Minutes

A. May 31, 2024 Board Meeting

Audio of Discussion: [3:16](#)

There were no requests for public comment on this agenda item.

Alex Clemens moved to approve the meeting minutes for the May 31, 2024 Board meeting. Lillian Wang 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				
Dr. Bragg	X				
Mr. Klepa	X				
Mr. Hsu	X				
Dr. Pruitt	X				
Ms. Sims	X				
Mr. Clemens	X				
Mr. Dawson	X				

4. Discussion and Possible Action on Department of Consumer Affairs Update

A. Executive Office

B. Budget Office

i. Fund condition

Audio of Discussion: [7:32](#)

Corina Moreno and Debbie Shaw from the Department of Consumer Affairs (DCA) Executive Office provided a DCA update. Harmony DeFilippo, DCA Budget Manager reported on the budget.

- The DCA will be implementing budget reductions, including position eliminations, starting in 2024-25 and ongoing.

- Governor's appointments have been made for the Department of Financial Protection and Innovation.
- A new law requires California employers to develop a workplace violence prevention plan and train employees by July 1, 2024.
- The Board has a structural deficit and spends more than it brings in, resulting in a drop in total resources over time.
- The Board's expenditure projections show a beginning base budget of approximately 4.1 million and a projected spend of just over 2.7 million, creating a reversion to the Board's fund of approximately 1.3 million.
- The current fee increase is bringing in approximately 3.1, but if costs continue to rise, more revenue may be needed.
- A second fund condition statement will be provided to show historical savings and projected savings scenarios.

Action Items:

- Report any phishing attempts or suspicious emails to the Office of Information Security (OIS) immediately.
- Keep the Board updated on the impacts of the cuts and any further developments.
- Monitor and prepare for potential 8% cut to the operating expenses in the future.
- Identify and give up at least one more position due to budget cuts.
- Prepare a visual representation of the budget projection based on actual spending (around \$3 million) rather than the authorized budget (\$4.1 million) for Member Linden,
- Erica will work with the Budget Office to change some numbers in the budget.
- Harmony DeFilippo will provide a second fund condition statement showing historical savings and projected savings.

Public comment was heard from Christine Shultz with the California Optometric Association (COA) who asked when the Board will make a decision on increasing fees further? Mr. Pruden replied that there is no immediate need for a fee increase so there are no plans to increase. Future scenarios will be presented to the Board.

5. Discussion and Possible Action on Board President's Report

A. New Committee Assignments

B. Commemorate President Lillian Wang, O.D.

Audio of Discussion: [49:13](#)

Members of committees and work groups were asked to communicate with the Executive Officer about issues and items that need to be addressed.

There were no requests for public comment on this agenda item.

Past President, Dr. Lillian Wang was commemorated by Members and staff.

Members expressed gratitude and sentiments regarding working with Dr. Wang as President. Dr. Wang will continue to serve on the Board until 2026.

There were no requests for public comment on this agenda item.

6. Presentation on the Attorney Generals' Legal Process for Disciplinary Actions- Deputy Attorney General Representative

Audio of Discussion: [1:01:13](#)

The Attorney General's (AG's) legal process for disciplinary actions was postponed due to the need for a closed session. The AG's Office represents the Board in litigation and handles disciplinary cases and any litigation involving the Board.

There were no requests for public comment on this agenda item.

7. Discussion and Possible Action on Executive Officer's Report

- A. Program Update
- B. Enforcement Program
 - i. Statistical Review, Quarter 4, Fiscal Year 2023-2024
 - ii. Continuing Education Audit Statistics
- C. Examination and Licensing Programs
 - i. Statistical Review, Quarter 4, Fiscal Year 2023-2024
- D. Regulatory Update
 - i. Mobile Optometric Office
 - ii. Home Residence Permit
 - iii. Optometry Disciplinary Guidelines
 - iv. Optician Program Omnibus Regulatory Changes
 - v. Dispensing Optician Disciplinary Guidelines
 - vi. Requirements for Glaucoma Certification
 - vii. Radiofrequency Technology and Devices

Audio of Discussion: [1:13:40](#)

A. Program Update

- The administrative analyst position was made permanent, while the enforcement manager position is currently vacant and being recruited for.
- The Board is working on a sunset review report, which will be reviewed at a Board meeting in October.
- The passing rates for the national exam have been dropping, and there is discussion about the reasons behind this.
- The board is considering aligning its CE standards with ARBO's (Association of Regulatory Boards in Optometry) course categories for better compliance.
- Vacancies: Currently the Board is recruiting for two positions, policy analyst and enforcement manager. Other positions may be filled from existing staff.

Action Items:

- Review application for the vacant enforcement manager position and introduce the new manager at the next Board meeting.
- Continue recruiting for the unfilled policy analyst position and review application in the next few weeks.
- Send out communication regarding plans for the October Board meeting on October 11, 2024.
- Executive Officer to apply for travel scholarship for next year's ARBO meeting in Minneapolis.
- Keep the Board updated on CE alignment with COPE categories and the failing pass rates on NBEO exams.

- Obtain the official report from the executive director of the NBEO regarding the establishment of a second test site.

B. Enforcement Program

- The Board only had two subject matter experts (SMEs) so staff engaged in outreach and efforts were implemented to recruit more SMEs. Fortunately, the Board was able to recruit four additional SMEs who are undergoing training and onboarding.
- Enforcement Manager, Joely Walker began working at the Board about two years ago and served her last day on July 30th. Mr. Pruden and staff are grateful for Ms. Walker's contributions to the Board. Staff recruited for this position and was successful in recruiting four additional SMEs who are undergoing training and onboarding.

B.i. Statistical Review, Quarter 4, Fiscal Year 2023-2024

- Complaints increased by 84% with over 50% internally generated from CE audits. The majority of the increase is in unprofessional conduct and unlicensed/unregistered complaints.
- The Board of Optometry has one of the most aggressive investigation targets at DCA, with only a few others having similar time frames. Improvements were made in the average time it took to complete investigations compared to the prior year.

Action Items:

- Report back on the increase in public complaints and the categories they fell into.

B.ii. Continuing Education Audit Statistics

- The Board has seen a 96% improvement in CE audits from the previous year but the pass rate has decreased to 69%.
- Member Bragg praised staff member Cricket Borges for her work on CE audits.

There were no requests for public comment on this agenda item.

C. Examination and Licensing Program

- Efficiencies are being made in the application process for opticianry applicants to eliminate the need for a second application and fee.
- The Board has been working to encourage applicants to take the California Law and Regulations Exam (CLRE) in the Winter to avoid missing out on job opportunities.
- The Initial license volume spikes in May and June due to graduates submitting applications, while the online processing time for optometry initial licenses is close to zero.
- The Board has noticed a decrease in registered dispensing optician (RDO) applications and licensure due to corporate changes at some companies, and there is a low volume of non-resident contact lens sellers getting licensed.

Action Items:

- Implement collapsing the two applications and transactions into one for opticianry applicants to streamline the registration process.

Public comment was heard from Ruby Garcia who stated she likes the idea of combining the two applications and transactions and thanked Executive Officer Pruden.

D. Regulatory Update

D.i. The Mobile Optometric Office

- The mobile optometric office (MOO) regulations are with the Business and Consumer Housing Agency. Following their approval the package will move to the Office of Administrative Law.

D.ii. Home Residence Permit

- The Home Residence Permit - This package was noticed for a 45-day, public comment period beginning on July 19, 2024. The comment period will end on September 3, 2024.

D.iii. Optometry Disciplinary Guidelines

- Since this text was approved by the Board nearly five years ago, changes in law have occurred that require further changes to the text. Staff intends to bring this item back to the Board at a future meeting to make these changes.

D.iv. Dispensing Optician Disciplinary Guidelines

- The rulemaking package will have to come back to the Board for revision, as fees, which were part of this package, were separated and became part of the fee's regulation which was approved by the Office of Administrative Law on December 27, 2023

D.v. Dispensing Optician Disciplinary Guidelines

- Since this text was approved by the Board nearly four years ago, changes in law have occurred that require further changes to the text. Staff intends to bring this item back to the Board at a future meeting to make these changes.

D.vi. Requirements for Glaucoma Certification

- Approved by the Board at the February 26, 2021, public meeting.

D.vii. Radiofrequency Technology and Devices

- This package was noticed for a 45-day public comment period beginning on August 9, 2024. The comment period will end on September 23, 2024.

Action Items:

- Continue working on the regulatory packages for items 3,4,5, and 6.
- Finalize the regulations for the mobile optometric office and send them to the Office of Administrative Law for approval.
- Continue working on the IT business process requirements for the mobile optometric office and home residence permit.
- Review and potentially revise the disciplinary guidelines for optometry and dispensing opticians, taking into consideration potential legal issues.

Public comment was heard from Dr. James Deardoff, O.D., who asked if the mobile optometric office processing will be on paper or computer. Mr. Pruden clarified that it will be entirely online.

The Board returned after a 10-minute break. Roll call was taken and a quorum was established.

8. Update and Possible Discussion and Action on 2023-24 Legislation

- a. AB 1991 (Bonta) Licensee and Registrant Records
- b. AB 2327 (Wendy Carrillo) Optometry: mobile optometric offices: regulations

- c. SB 1451 (Ashby) Professions and Vocations
- d. SB 1468 (Ochoa Bogh and Roth) Healing arts boards: informational and educational materials for prescribers of narcotics: federal “Three Day Rule”

Audio of Discussion: [2:21:10](#)

The legislative session is coming to an end and there are four bills on the agenda.

- **AB 1991**, has been amended to only require the national provider identifier (NPI) to be provided.
- **AB 2327**, has been amended to adjust the reporting requirements but does not impact the regulation work.
- The Board decided to take a neutral position on **SB 1451** due to concerns about sanctioning the use of the title “dr.”.
- The Board voted to support **SB 1468**, which addressed substance abuse opioid use disorder licensees.

There were no requests for public comment on AB 1991.

Lillian Wang moved to support AB 1991 as amended on July 2, 2024. Alex Clemens 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				
Dr. Bragg	X				
Mr. Klepa	X				
Mr. Hsu	X				
Dr. Pruitt	X				
Ms. Sims	X				
Mr. Clemens	X				
Mr. Dawson	X				

There were no requests for public comment on AB 2327.

Alex Clemens moved to accept AB 2327 as amended. Lillian Wang 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				
Dr. Bragg	X				
Mr. Klepa	X				
Mr. Hsu	X				
Dr. Pruitt	X				
Ms. Sims	X				
Mr. Clemens	X				
Mr. Dawson	X				

There were no requests for public comment on SB 1451.

Jeffrey Garcia moved to take a support position on SB 1451. Joseph Pruitt 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				
Dr. Bragg	X				
Mr. Klepa	X				
Mr. Hsu	X				
Dr. Pruitt	X				
Ms. Sims	X				
Mr. Clemens	X				
Mr. Dawson	X				

There were no requests for public comment on SB 1468.

Lillian Wang moved to support the June 26, 2024 version of SB 1468. Jeffrey Garcia 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				
Dr. Bragg	X				
Mr. Klepa	X				
Mr. Hsu	X				
Dr. Pruitt	X				
Ms. Sims	X				
Mr. Clemens	X				
Mr. Dawson	X				

Action Items:

- Update the position on AB 1991 to support the bill.
- Update the position on AB 2327 to support the bill.
- Update the Board's position on SB 1451 to a neutral position.
- Update the Board's position on SB 1468 to support the June 26, 2024 version.

9. Future Agenda Items:

Audio of Discussion: [2:43:06](#)

The Board discussed the possibility of holding a meeting in Southern California and visiting optometry schools.

Request for public comment was heard from Ruby Garcia who requested data on the passing rates of the National Contact Lens Examiners (NCLE) and the American Board of Opticianry (ABO) exams.

Action Items:

- Plan a tour of an optometry school in Southern California for a future meeting.
- Look into scheduling an opticianry tour as well.
- Consider a future agenda item regarding the classification of CE courses.
- Gather data on the passing rates of the NCLE and ABO exams for reporting.

ADJOURNMENT

The meeting was adjourned at 1:00 p.m.