

*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**

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.  
Martin Dawson, SLD/CLD  
Lillian Wang, O.D.  
Vacant Governor Appointee, Professional Member  
Vacant Governor Appointee, Public Member  
Gregory Pruden, Executive Officer



**DECEMBER 6, 2024  
FINAL BOARD MEETING MINUTES**

**PHYSICAL LOCATION:**  
**Department of Consumer Affairs**  
**Hearing Room**  
**1625 North Market Blvd.**  
**Sacramento, California 95834**

**Remote attendance via WebEx**

<b>Members Present</b>	<b>Staff Present</b>
Jeffrey Garcia, O.D. (Remote)	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)	Brad Garding, Enforcement Manager (In-person)
Joseph Pruitt, O.D. (In-person)	Brennan Meier, Legal Counsel (In-person)
Martin Dawson, SLD/CLD (In-person)	
Lillian Wang, O.D. (In-person)	
Robert Klepa, J.D. (Remote)	
<b>Members Absent</b>	<b>Guests</b>
Paul Hsu	On File

**Open session of this Board Meeting was webcast. A recording of the webcast is available at: <https://youtu.be/nws0ULZuF04>**

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

*Audio of Discussion:* [0.11](#)

Vice President Eunie Linden began the meeting by reciting the Board's mission, vision, and values. President Jeffrey Garcia was present for the meeting but attending remotely.

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

Ms. Linden called the meeting to order. Secretary Stacy Bragg took roll call and a quorum was established. Member Paul Hsu was 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](#), [11125.3](#), [11125.7\(a\)](#)].*

*Audio of Discussion: [3:25](#)*

The public did not provide any comments.

## **3. Discussion and Possible Action on Meeting Minutes**

A. October 11, 2024, Board Meeting

*Audio of Discussion: [5:40](#)*

The public did not provide any comments.

**Lillian Wang moved to approve the meeting minutes for the October 11, 2024 Board meeting. Martin Dawson seconded. The Board voted (7-Aye, 0-No, 1-Absention) and the motion passed.**

Member	Aye	No	Abstain	Absent	Recusal
Mr. Clemens			X		
Mr. Dawson	X				
Mr. Hsu				X	
Mr. Klepa	X				
Dr. Pruitt	X				
Dr. Wang	X				
Dr. Bragg	X				
Ms. Linden	X				
Dr. Garcia	X				

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

A. Executive Office

B. Budget Office

i. Fund Condition

*Audio of Discussion: [7:31](#)*

Karina Moreno with the Department of Consumer Affairs (DCA) Executive Office provided an update as follows:

- Board members must file their Form 700 electronically through the Fair Political Practices Commission's (FPPC) electronic filing system starting January 1, 2025. Form 700's will no longer be filed via the Net File Portal and paper filings will not be accepted.
- DCA's Diversity, Equity, and Inclusion Steering Committee met on October 25, 2024. The Committee elected Reggie Vargas as Chair and Marlon McManus as Vice Chair.
- New Unconscious Bias Training for board members – The training will be online and self-paced via DCA's Online Learning Management System (LMS). DCA anticipates launching this learning activity in early 2025 and board members will be required to

take it annually.

- Military Licensing Resources Webinar – To support and maximize outreach to our military community, DCA hosted a second live webinar on November 21, 2024 to share information about military licensing resources.
- Season of Giving - DCA is honored to join in the Annual Charitable Campaigns. On November 13<sup>th</sup> DCA held its annual turkey drive collecting over 2,000 lbs. of food, including 110 turkeys. Every year, through the Our Promise Campaign, state employees (including board members) have the opportunity to support the nonprofit causes they are passionate about. The campaign launched on November 18<sup>th</sup> and runs through December 31<sup>st</sup>.

DCA Budget Analyst, Harmony DeFilippo provided a presentation on the Board's revenues, expenditures, and fund condition. The Board is projected to spend just under \$3 million, creating a reversion of approximately \$1.1 million. Future expenditure increases are expected due to personnel service adjustments, and additional resources may be needed in the future.

The Budget Office will continue to monitor the Board's revenue and expenditures and report back to the Board monthly with expenditure projections. The Budget Office will keep a line of communication open with the Board's executive staff for any future needs or expectations. The Budget Office will update the revenue projections after the release of the Governor's budget on January 10<sup>th</sup>. The income from surplus money investments and other revenue categories may change based on updated revenues and beginning balances in future years.

The public did not provide any comments.

### **Public Petition Hearing – Time Certain Start of 10:00 a.m.**

#### **5. Petition for Early Termination of Probation**

A. Peter Tien (OPT # 33489)

*Audio of Discussion:* [26:48](#)

Administrative Law Judge, Matt Block presided over the hearing for early termination of probation of Dr. Peter Tien, O.D. Board Case: 4202022000073; Office of Administrative Hearings Case: 2024100661. Deputy Attorney General, Megan Bright was present representing the people of California and assisting the ALJ and the Board in fact finding.

Dr. Tien represented himself.

#### **6. Closed Session**

Pursuant to Government Code, section 11126, subd. (c)(3), the Board Met in Closed Session for Discussion, Deliberation, and Possible Action on Disciplinary Matters

#### **7. Discussion and Possible Action on Board President's Report**

*Audio of Discussion:* [53:09](#)

Dr. Garcia announced the upcoming 2025 meeting dates. He announced a vacancy on the Children's Vision Workgroup. He made a public service announcement recommending annual eye exams for optimal vision and health care noting that treatment outcomes are significantly improved with early diagnosis.

The public did not provide any comments.

## 8. Discussion and Possible Action on Executive Officer's Report

- A. Program Update
- B. Enforcement Program
  - i. Statistical Review, Quarter 1, Fiscal Year 2024-25
  - ii. Continuing Education Audit Statistics
- C. Examination and Licensing Programs
  - i. Statistical Review, Quarter 1, Fiscal Year 2024-25
- 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:* [56:11](#)

Executive Officer Gregory Pruden provided the Executive Officer's Report. He reported on the Program Update. Brad Garding has been promoted to the Enforcement Program Manager position and is recruiting for two enforcement analyst positions. The hold on vacant positions has been lifted, allowing for recruitment of a policy analyst position. Two positions (Office Technician and Management Services Technician) will be removed from the org chart effective July 1, 2025. A new manager and two analyst positions have been added to the enforcement team, with a focus on increasing CE audits.

The 2024 Laws and Regulations book was officially released on December 2<sup>nd</sup> and is posted on the Board's website. Staff intends to update this book annually.

Public comment was heard regarding the Program Update, from Ruby Garcia. She thanked Mr. Pruden for his virtual attendance at the conference to explain licensing for opticians. She expressed gratitude for all his and the Board's assistance. The public did not provide any other comments.

Mr. Pruden reported on the stats for the Enforcement Program. The overall number of complaints received by the Board was substantially higher in fiscal year 23-24 compared to the previous year. The increase was primarily due to internally generated unlicensed activity cases identified by enforcement staff. The current fiscal year, fiscal year 24-25, does not show a similar trend of increased complaints so far.

The pass rate for the continuing education audits is higher than the overall pass rate was last year; however, Mr. Pruden does not feel the pass rate is high enough (ideally 100%).

The public did not provide any comment on the Enforcement Program Statistical Review.

Mr. Pruden reported on the Examination and Licensing Programs. Staff is continuously working with the BreEZe IT team to make updates and changes. The last several months have been focusing on the tickets needed to get the mobile optometric office (MOO) program applications online and on BreEZe. Additionally, a decent amount of time has been spent working on the requirements needed for the Home Residents Permit application.

Staff has also worked on simplifying two of the opticianry applications; the Spectacle Lens Dispensing (SLD) application and the Contact Lens Dispensing (CLD) application. These were previously two separate applications causing unneeded confusion for applicants and

extra work for staff. Now the two transactions have been successfully collapsed into one. Staff looks forward to bringing the same functionality to the other two opticianry applications: the Registered Dispensing Ophthalmic Business application and the Non-Resident Dispensing Lens Dispenser registration.

The Board is doing well on the processing times of all applications.

The public did not provide any public comment on the examination and licensing programs.

Mobile optometric office (MOO) regulations have been approved and took effect on October 9<sup>th</sup>. IT and business implementation for the MOO package is in progress, with anticipated completion by January 2025 for the initial applications and transactions.

Home residents permit regulations have been approved and took effect on October 21<sup>st</sup>, with requirements anticipated to be completed in February. BreEZe releases only occur once a month, every other month, except for November and December. We are limited in what can be changed for every release. BreEZe is shared by half of the Department so there is a lot happening every month from other programs as well.

There has been no further progress on items iii, iv, v, or vi of the regulatory updates.

Regarding the radio frequency technology regulatory package, the comment period ended towards the end of September, and the Board received over 150 comments. The next steps need to be evaluated.

Public comment was received from Ruby Garcia, who expressed gratitude (with the Board Members) for all the work accomplished. The public did not provide any other comments.

The meeting went into recess for lunch and reconvened at 1:40 p.m.

## **9. Update, Discussion, and Possible Action on 2025 Sunset Review Report**

*Audio of Discussion:* [1:45:58](#)

Member Bragg took roll call and a quorum was reestablished.

The draft sunset review report was presented and discussed, and approval is required for transmission to the Legislature. Sunset review hearings will be scheduled in the Spring, with written responses expected within 30 days. Changes to the report include updates on online practice issues, unlicensed activity, tele-optometry, and optical companies.

Section 6, question 57 has to do with online practice and unlicensed activity. The efforts of staff in focusing on this area led to an increase in complaints in the past fiscal year. Information about how the Board attacks unlicensed activity and its goals have been added to this section. This is one of the changes to the report from the October edition that was previously reviewed.

Section 9, Issue 12 has to do with tele-optometry and emerging technologies. Four years ago the Board decided to have its Telehealth Workgroup look at it, study it, and then report back; however, this was not done. Since this work was not done, staff believes the Board's Telehealth and Emerging Technologies Workgroup should study the issue and report back to the Board.

The response for Issue 13 has also changed. Business and Professions Code (BPC)

Section 148 is the statutory code section that give the Board the ability to issue citations for unlicensed activity. BPC Section 149 is a statute that provides an enforcement tool to work with the Public Utilities Commission in California and have a telephone disconnected. The Board has never utilized this tool and should utilize this tool and determine its effectiveness.

The final substantive change compared to what was presented to the Board in October is in New Issue: Number Two, page 101 of the Sunset Report. Compared to what was presented to the Board in October, this is a completely new issue.

Business and Professions Code section 655(f) authorizes an ophthalmologist, or their corporation, to contract with or employ optometrists and unlicensed optometric assistants, and also to enter into a contract or landlord-tenant relationship with a health plan, optical company, or registered dispensing optician. Some optical retail establishments claim their use of corporate structure and contractual relationships eliminate any Board authority to regulate them. The Board does not believe the Legislature intended for this relationship to be exempt from the requirement to register with the Board. Retail establishments, masquerading as optical companies, appear to be offering prescription optometric products to consumers and advertising, and performing optical services for the general public. To make clear that retail entities offering, advertising, and performing optical services for the general public must be registered with the Board, the Legislature may consider amending the law to require registration as a dispensing ophthalmic business for all optical companies that manufacture, sell, or distribute lenses, frames, and other optical or optometric supplies and products, to physicians and optometrists, when the optical company also acts as a landlord and subleases space to the physician or optometrist, and their corporation, and when the optical company offers, advertises, and performs optical services for the general public.

The public did not provide any comments.

**Vice President Eunie Linden moved to approve the Sunset Report and authorize staff to make any non-substantive changes necessary to finalize the report including, but not limited to, clarifying language explaining existing Board processes, programs, and activities making grammatical and technical changes, and incorporating updated financial information, or other data, as it becomes available; staff is directed to finalize the report in accordance with these guidelines and submit it to the Legislature prior to or on January 6, 2025. Lillian Wang seconded. The Board voted unanimously (8-0) and the motion passed.**

Member	Aye	No	Abstain	Absent	Recusal
Mr. Clemens	X				
Mr. Dawson	X				
Mr. Hsu				X	
Mr. Klepa	X				
Dr. Pruitt	X				
Dr. Wang	X				
Dr. Bragg	X				
Ms. Linden	X				
Dr. Garcia	X				

## 10. Future Agenda Items

*Audio of Discussion:* [2:12:20](#)

Mr. Pruden noted Members' interest in visiting one of the Southern California optometry schools during a meeting, as well as visiting an optical training program.

Public comment was heard from Ruby Garcia with the California State Society for Opticians. She announced that an exhibit is being built in their museum (in Ventura County) that is quite interesting and they would love for the Board to come visit during one of its meetings.

The public did not provide any other comments.

## **11. Adjournment**

The meeting entered closed session at 2:12pm and was subsequently adjourned.