

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



**MONDAY, JUNE 9, 2025
QUARTERLY BOARD MEETING
FINAL MINUTES**

PHYSICAL LOCATIONS:

- | | |
|---|---|
| 1. Department of Consumer Affairs Hearing Room 1747 North Market Blvd Sacramento, CA 95834 | 4. MALHY Community Outreach & Protective Services 27555 Ynez Road Suite 110 Temecula, CA 92591 |
| 2. University of California, Berkeley 200 Minor Hall Berkeley, CA 94720 | 5. MOSTUDIO 150 E Colorado Blvd Pasadena, CA 91105 |
| 3. Family Eye Care Optometry 162 West D Street Lemoore, CA 93245 | 6. Cornell College Cole Library Room 326 600 1 st Street SW Mt Vernon, Iowa 52314 |

| Members Present | Staff Present |
|--------------------------------|--|
| Jeffrey Garcia, O.D. (remote) | Gregory Pruden, Executive Officer (in-person) |
| Eunie Linden, J.D. (in-person) | Erica Bautista, Administrative Coordinator (in-person) |
| Stacy Bragg, O.D. (remote) | Brad Garding, Enforcement Manager (remote) |
| Robert Klepa, J.D. (remote) | Brennan Meier, Legal Counsel (remote) |
| Lillian Wang, O.D. (remote) | |
| Paul Hsu (remote) | |
| Joseph Pruitt, O.D. (remote) | |
| | |
| Members Absent | Guests |
| Martin Dawson, SLD/CLD | |
| Alex Clemens | On File |

Link for the audio of discussions: <https://youtu.be/WKhqwXEoQv4>

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

Audio of Discussion: [0:02](#)

The meeting was conducted in compliance with the Open Meeting Act.

President Garcia stated the Board's mission, vision and values:

- Mission - to protect the health and safety of California consumers through licensing, registration, education, and the regulation of optometry and opticianry.
- Vision – to have the highest quality optometric and optical care for all people of California.
- Values – consumer protections, integrity, transparency, professionalism, excellence, diversity, equity, inclusion, and belonging.

Dr. Garcia called the meeting to order at 10:00 a.m. Secretary Bragg called roll and a quorum was established. Member Clemens and Member Dawson 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](#), [11125.3](#), [11125.7\(a\)](#)].

Audio of Discussion: [2:42](#)

The Board took public comment at all locations. The public did not provide any comments.

3. Discussion and Possible Action on Meeting Minutes

a. April 11, 2025, Board Meeting

Audio of Discussion: [4:39](#)

This agenda item was tabled until the July 11, 2025, Board meeting.

4. Discussion and Possible Action Related to, Including Possible Adoption of, Proposed Regulation, Title 16, California Code of Regulations, Article 11.5, Section 1572, Relating to Radio Frequency Technology and Devices, Including

Review of Comments Received During the 15-Day Comment Period to the Modified Text

Audio of Discussion: [4:56](#)

Executive Officer (EO) Pruden reported on this item. on May 31, 2024, the Board approved a regulatory proposal to authorize California-licensed optometrists to use radiofrequency technology on patients suffering from dry eye disease or syndrome caused by meibomian gland dysfunction and directed staff to initiate the rulemaking process. After the conclusion of the 45-day public comment period, on February 14, 2025, the Board agendaized the proposal for the purpose of seeking further public comment to assist the Board with determining how to move forward with the regulation. On April 11, 2025, the board considered and approved a modified proposal, based on feedback from members of the public, including optometrists currently practicing. The modified text makes clear that the RF device used is for the purpose of treating dry eye disease or syndrome, specifies a frequency range, and requires temperature monitoring or temperature presets which limit the temperature, ruling out other devices that use RF and that could potentially ablate the tissue, as these devices are considered electrosurgical units, are used in medicine and are inappropriate to use to treat dry eye disease.

The 15-day public comment period on the proposal began on April 18, 2025, when the Board's Notice of Modified Text and Modified Text were posted on the Board's website and distributed. The comment period ended on May 5, 2025, and the Board received three comments; two of these comments were in opposition.

Member Klepa expressed appreciation for Legal Counsel's work and analysis of the law.

The Board took public comment at all locations. Public comment was received from Lucas Evensen speaking on behalf of the California Medical Association (CMA). The CMA continues to stand by the position stated in its letter and they are opposed to the regulation.

Member Klepa moved to adopt the proposed responses to comments to the Modified Text and instruct the Executive Officer to take all steps necessary to complete the rulemaking process, authorize the Executive Officer to make any technical or non-substantive changes to the rulemaking package and adopt section 1572 as noticed in the Modified Text. Member Pruitt seconded. The Board voted unanimously (7-0) and the motion passed.

| Member | Aye | No | Abstain | Absent | Recusal |
|------------------------------|----------|----|---------|----------|---------|
| President Garcia | X | | | | |
| Vice President Linden | X | | | | |
| Secretary Bragg | X | | | | |
| Member Clemens | | | | X | |
| Member Hsu | X | | | | |
| Member Klepa | X | | | | |
| Dr. Pruitt | X | | | | |
| Member Dawson | | | | X | |
| Dr. Wang | X | | | | |

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

A. Update on Current Strategic Plan and Future Strategic Plan

B. Update on New Contact Form and New Fingerprint Request Portal

Audio of Discussion: [14:13](#)

E.O. Pruden reported the following: The Board's current strategic plan (which expires at the end of the year) contains 30 objectives and six goals. It was developed in 2020 and 2021. Following the development of the plan, the Board broke out the objectives within the six goals areas and identified 109 tasks that staff were to work on within the four-year strategic plan period. As of today, staff has completed approximately 72% of the tasks. During the October meeting the Board will conduct a strategic plan development session, facilitated by the DCA SOLID Unit.

The planning session is used by the DCA SOLID team to draft the next strategic plan. When the next strategic plan is formally adopted, staff will work with the DCA SOLID Unit to break out tasks within the goal areas.

To reduce spam and phishing attempts, the Board worked with the Department of Consumer Affairs, Office of Information Services, and removed all email addresses from its website and associated pages and replaced them with a link to the Board's new Contact Form. The new contact form includes a drop-down menu for the commenter to select the reason for their inquiry. The drop-down menu is linked to the Board's various email inboxes that are monitored by staff. When the commenter selects a category and submits their inquiry, the message is delivered to the appropriate email inbox. This change was implemented in May 2025.

Staff is looking forward to implementation of the new fingerprint portal. The Board needs to ensure that the correct people are receiving the correct fingerprint form (Livescan vs. Hard Card). The Board is working with the Department of Consumer Affairs, Office of Information Services, to implement important updates to the fingerprint background check system, via development of a fingerprint request portal. The new fingerprint request portal is modeled after the system used by the Board of Registered Nursing. Applicants will request the appropriate fingerprint form via the portal which will be hyperlinked within the applications available on BreZE. The portal contains a backend system that staff will use to track and process the fingerprint requests more efficiently than the current process.

In calendar year 2024 the Board sent approximately 55 Hard Cards to applicants and in calendar year 2025 to date the Board has sent 26. An additional benefit to this system is that the Board will save costs and staff time by having the applicant print out the Hard Card themselves.

The Board took public comment at all locations. The public did not provide any comments.

6. Discussion, Update, and Possible Action on Board Optometry Sunset Bill

A. SB 776 (Ashby) Optometry: Licensure

Audio of Discussion: [36:30](#)

E.O. Pruden reported the following: SB 776 is the Board's Sunset Bill. The bill requires applicants for a license or registration to provide the Board with a valid email address if they have one, adds a definition of person, permits the Board to issue a probationary registration for a dispensing optician applicant, revises reporting requirements for mobile optometric offices (MOOs) and eliminates the cap on the number of MOOs that can operate during the initial registration period and makes numerous technical and clarifying provisions. The Board submitted its sunset report in January 2025. The sunset review hearing was conducted in March 2025. The sunset bill was heard by the Senate Business, Professions and Economic Development Committee on April 28 and the Executive Officer provided testimony in support of the bill.

As amended May 23, 2025, the bill would update the name of a national examination and would authorize licensees who are current, but not active, (inactive licensees) to acquire the retired license status and make the following substantive changes:

Email Addresses

The Board requested the authority to require applicants and licensees to provide an email address to the Board if they have one.

Mobile Optometric Office Reporting and Cap on Number of Offices

The Board had requested that changes be made to the reporting requirements for permitted mobile optometric offices to avoid duplicity, unnecessary information being submitted, and streamline the reporting cycle. Additionally, the existing cap of 12 has been removed, authorizing owners and operators of mobile units to acquire as many permits as resources would allow, expanding access to care to more consumers. Board staff worked with the Legislature and stakeholders on these items.

Mandatory Reserve Level

The Board supported increasing the mandatory reserve level from six months to 24 months, consistent with most boards and bureaus housed within the Department of Consumer Affairs.

Probationary Registration for Opticianry

The Board asked for the authority to issue a probationary registration to optician applicants, the same authority it already has for optometry applicants. The authority is discretionary but represents an important tool to grant licensure to qualified candidates while still maintaining a high-level of consumer protection.

There remain several outstanding policy issues which Board staff is working with stakeholders and legislative staff on. These include the following: optical company registration, new fee levels, citation fine levels, and scope of practice changes.

1-800 Contacts, a nonresident ophthalmic lens dispenser registered with the Board, has submitted a support if amended position to Senator Ashby, the author of the bill. According to their letter, they raise three policy issues:

1. "In 2021, the Optometric Practice Act was amended to include a requirement that a prescriber verify a glasses prescription before an order could be dispensed. We believe this was done in error, replacing "contact lenses" in the original law, with "ophthalmic lenses" in the revised law. Ophthalmic lenses include eyeglass prescriptions under California law. Eyeglass prescriptions are not required to be verified in the same way that contact lens prescriptions are by any other state or under federal law."
2. Additionally, the contact lens rule states that prescribers "provide any person designated to act on behalf of the patient with a copy of the patient's contact lens prescription by electronic or other means within forty (40) business hours of receipt of the request."
1-800 Contacts believes the same provision should apply to glasses prescriptions.
"This would allow a designee, the online seller of glasses or otherwise, to act for the consumer to obtain a copy of the patient's prescription and enable the consumer to shop competitively."
3. "One of the most significant hurdles consumers face ordering glasses online is obtaining their glasses prescription, including the patient's pupillary distance, or PD. This is used to ensure that eyeglass lenses are correctly aligned with the wearer's pupils, optimizing vision clarity and comfort. It is essential for prescription glasses, progressive lenses, and bifocals and helps to prevent eye strain, blurriness, and discomfort."

1-800 Contacts proposes to replace "ophthalmic" with "contact" in Business and Professions Code section 2564.76. Most of the provisions in that section are specific to contact lenses and not eyeglasses.

Member Klepa suggests a 30-day requirement to update email following any changes.

Member Garcia noted that although PD measurements are important there are other measurements equally if not more important and he does not believe PD measurements should be required in exams.

The Board took public comment at all locations.

Public comment was heard from Nick with 1-800 Contacts. He stated that they still believe the request about prescription verification for eyeglasses was done in error. In that when it was changed from contact lenses to ophthalmic lenses, they still maintained some language that directly relates only to contact lenses, including “cannot alter brand manufacturer or physical property of the lens”. This creates a hardship on consumers when ordering eyeglasses online.

Public comment was received from Christine Shultz representing the California Optometric Association (COA). The COA has a support position on the sunset bill because of the provisions, that extend the sunset date and strengthens the enforcement mechanisms to protect public health and safety. The COA opposes the 1-800 Contact proposed amendments. COA can send the Board an updated letter detailing its concerns. The COA agrees with the concerns about PD made by some of the Members today.

Dr. Wang moved to support SB 776 in its current form. Paul Hsu seconded. The Board voted unanimously (7-0) and the motion passed.

| Member | Aye | No | Abstain | Absent | Recusal |
|------------------------------|-----|----|---------|--------|---------|
| President Garcia | X | | | | |
| Vice President Linden | X | | | | |
| Secretary Bragg | X | | | | |
| Member Clemens | | | | X | |
| Member Hsu | X | | | | |
| Member Klepa | X | | | | |
| Dr. Pruitt | X | | | | |
| Member Dawson | | | | X | |
| Dr. Wang | X | | | | |

7. Future Agenda Items

Audio of Discussion: [1:16:23](#)

There were no requests for future agenda items.

The Board took public comment at all locations. The public did not provide any comments.

8. Closed Session

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

There were no closed session items.

ADJOURNMENT

The meeting was adjourned at 11:20 a.m.