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**To:** Board Members **Date:** November 4, 2016

**From:** Joanne Stacy **Telephone:** (916) 575-7182  
Policy Analyst

**Subject:** **Agenda Item 12 – Update on 2016 Legislation Impacting Healing Arts Boards and the Practice of Optometry**

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The following bills, as currently written, impact the Board's functions and the practice of optometry. Legislation versions and status change frequently. The information below is current as of August 10, 2016. To view the most recent bill version, status and corresponding analysis, please click on the applicable hyperlinks below.

**A. [Senate Bill 482 \(Lara\) Controlled Substances: CURES Database](#)**

Summary: This bill requires prescribers to consult the Controlled Substances Utilization Review and Evaluation System (CURES) prior to prescribing a Schedule II or III drug to a patient for the first time and delays implementation of this requirement until the Department of Justice (DOJ) certifies that the CURES database is ready for statewide use.

Status: Passed by Senate & Assembly, Signed by the Governor on 9/27

Recent Board Analysis: [08/05/16 – Assembly Floor Analyses](#)

Board Impact: The impact to the Board would be minor. Licensees are already required to register on the CURES system. By adding the requirement to use the system, enforcement may see a slight increase for non-compliance. The Board previously discussed the CURES requirement and expressed frustration with the requirement for licensees to pay for and register in the system but no requirement to actually use the system. At that time, the Board discussed exploring future legislation to mandate optometrists use the system when prescribing controlled substances. Thus, this bill does what the Board believed needed to be done already.

**B. [Senate Bill 622 \(Hernandez\): Optometry](#)**

Summary: This bill would make various expansions in the scope of practice for optometrists and authorize certification in specified laser procedures, minor surgical procedures, and vaccinations.

Status: Pulled by author while in Assembly Business and Professions

Recent Bill Analysis: [07/13/15- Assembly Business and Professions](#)

Potential Board Impact: While this bill increases the scope of optometrists, the way the bill is currently written, the impact to the Board is expected to be minor. BreZE configuration changes would need to be done and minor regulations would need to be drafted to fully implement the bill.

### **C. Senate Bill 1039 (Hill) Professions and Vocations**

Summary: This is an omnibus bill which includes several changes to a number of boards under the Department of Consumer Affairs and also includes specified fee increases for several boards including the Board of Registered Nursing, the Pharmacy Board, the Contractors State License Board and the Court Reporters Board. This measure would also eliminate the current Telephone Medical Advice Services Bureau.

Status: Passed by Senate & Assembly, Signed by the Governor on 9/29

Recent Bill Analysis: [08/01/16 – Assembly Appropriations](#)

Board Impact: The new RDO fee structure has been added with the other entities requesting fee increases.

The previous version of this bill deleted a provision that allows contact lens and spectacle lens dispensing applications to expire. This was unintended consequence of code clean up and had been fixed by legislative council. The bill now keeps the language in the current code section.

Attached is the RDO fee structure the Board approved during the May 2016 meeting and was amended into SB 1039.

#### **Attachment:**

1. Approved RDO Fee Structure

Registered Dispensing Opticians Program - Proposed Fee Increase with New Application Fee (25% increase)

Fee Type	Estimated Population (Per Fee Audit)	Estimated Population (3 year average)	Estimated Population (Board License Counts + 3 year average Initials)	Current Fee	Proposed Fee	Estimated Revenue (Current Fees)	Estimated Revenue (Proposed Fees + Fee Audit Counts)	Estimated Revenue (Proposed Fees + 3 yr average Count)	Estimated Revenue (Proposed Fees + Board License Count)	% Increase to Fees	Proposed Fee Ceiling +25%	Estimated Revenue (Proposed Fees + Board License Count)
Application Fee	396	363	363	\$ -	\$ 150	\$ -	\$ 59,400	\$ 54,450	\$ 54,450	N/A	\$ 200	\$ 72,600
RDO Initial	83	73	73	\$ 75	\$ 200	\$ 6,225	\$ 16,600	\$ 14,600	\$ 14,600	167%	\$ 300	\$ 21,900
CLD Initial	72	77	77	\$ 75	\$ 200	\$ 5,400	\$ 14,400	\$ 15,400	\$ 15,400	167%	\$ 300	\$ 23,100
SLD Initial	240	213	213	\$ 75	\$ 200	\$ 18,000	\$ 48,000	\$ 42,600	\$ 42,600	167%	\$ 300	\$ 63,900
OSC Initial	1	0	0	\$ 100	\$ 200	\$ 100	\$ 200	\$ -	\$ -	100%	\$ 300	\$ -
RDO Renewal	517	507	476	\$ 75	\$ 200	\$ 38,775	\$ 103,400	\$ 101,400	\$ 95,200	167%	\$ 300	\$ 142,800
CLD Renewal	473	447	483	\$ 75	\$ 200	\$ 35,475	\$ 94,600	\$ 89,400	\$ 96,600	167%	\$ 300	\$ 144,900
SLD Renewal	989	984	1118	\$ 75	\$ 200	\$ 74,175	\$ 197,800	\$ 196,800	\$ 223,600	167%	\$ 300	\$ 335,400
OSC Renewal	4	4	5	\$ 100	\$ 200	\$ 400	\$ 800	\$ 800	\$ 1,000		\$ 300	\$ 1,500
RDO Delinq	40	30	18	\$ 25	\$ 50	\$ 1,000	\$ 2,000	\$ 1,500	\$ 900	100%	\$ 75	\$ 1,350
CLD Delinq	71	53	29	\$ 25	\$ 50	\$ 1,775	\$ 3,550	\$ 2,650	\$ 1,450	100%	\$ 75	\$ 2,175
SLD Delinq	167	146	80	\$ 25	\$ 50	\$ 4,175	\$ 8,350	\$ 7,300	\$ 4,000	100%	\$ 75	\$ 6,000
OSC Delinq	0	0	0	\$ 25	\$ 50	\$ -	\$ -	\$ -	\$ -	100%	\$ 75	\$ -
<b>Total</b>						<b>\$ 185,500</b>	<b>\$ 549,100</b>	<b>\$ 526,900</b>	<b>\$ 549,800</b>	<b>196%</b>		<b>\$ 815,625</b>