

2450 Del Paso Road, Suite 105  
Sacramento, CA 95834  
(916) 575-7170, (916) 575-7292 Fax  
[www.optometry.ca.gov](http://www.optometry.ca.gov)

**To:** Board Members **Date:** April 21, 2017

**From:** Jessica Sieferman **Telephone:** (916) 575-7170  
Executive Officer

**Subject: Agenda Item 10 – Update on Legislative Proposals**

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The Board Approved Legislative Proposals (Attachment 1) were provided to the Joint Oversight Committee as part of the Board's response to the Joint Oversight Hearing Background Paper.

As of April 6, 2017, the amendments were not included in the Board's Sunset Bill (AB 1708). However, staff anticipates these amendments being included in the sunset bill or an omnibus bill this legislative session. Staff will provide any additional updates at the April meeting.

**Attachment**

1. Board Approved Legislative Proposals

### **Inspection Authority**

#### **3030.**

The board, or its designated agent, may at any time inspect the following:

1. Any premises in which ~~optometry~~ optometric services, as defined in section 3041, are provided or reasonably suspected of being provided.
- ~~1.2. Any premises in which the services of dispensing, adjusting, or fitting of contact or spectacle lenses are provided or reasonably suspected of being provided. is being practiced or in which spectacle or contact lenses are fitted or dispensed. The board's inspection authority does not extend to premises that are not registered with the board. Nothing in this section shall be construed to affect the board's ability to investigate alleged unlicensed activity or to inspect premises for which registration has lapsed or is delinquent.~~

### **Unlicensed Practice**

#### **3040.**

It is unlawful for a person to advertise, offer, or provide any services set forth in Section 3041 ~~engage in the practice of optometry or to display a sign or in any other way to advertise or hold himself or herself out as an optometrist~~ without a valid, unrevoked California optometrist license. ~~having first obtained an optometrist license from the board under the provisions of this chapter or under the provisions of any former act relating to the practice of optometry. The practice of optometry includes the performing or controlling of any acts set forth in Section 3041.~~

In any prosecution for a violation of this section, the use of test cards, test lenses, or of trial frames is prima facie evidence of the practice of optometry.

### **Authority for NPDB**

Add to Chapter 7:

(a) The board shall develop an interface with the National Practitioner Data Bank for the purposes of conducting inquiries on applicants for licensure and receiving information on current licensees. The inquiries conducted and the information received by the board shall be limited to the determination of whether a healthcare license or registration held by the applicant or licensee has been subjected to discipline or whether the licensee or applicant has been the subject of an action required to be reported to the Data Bank by federal law or regulation.

(b) On or after July 1, 2018, the Board shall charge an applicant for licensure an additional two dollars (\$2) and a renewing licensee an additional four dollars (\$4) for the purposes of this section.

### **License Barrier**

#### **3057.**

(a) The board may issue a license to practice optometry to a person who meets all of the following requirements:

[...]

(4) Is not subject to disciplinary action as set forth in subdivision (h) of Section 3110. If the person has been subject to disciplinary action, the board shall review that action to determine if it presents sufficient evidence of a violation of this chapter to warrant the submission of additional information from the person or the denial of the application for licensure.

(5) Has furnished a signed release allowing the disclosure of information from the National Practitioner Database and, if applicable, the verification of registration status with the federal Drug Enforcement

Administration. The board shall review this information to determine if it presents sufficient evidence of a violation of this chapter to warrant the submission of additional information from the person or the denial of the application for licensure.

(6) Has never had his or her license to practice optometry revoked or suspended in any state where the person holds a license. This subsection shall remain in effect only until July 1, 2018 and shall be repealed as of that date unless a later enacted statute deletes or extends that date.

(7) (A) Is not subject to denial of an application for licensure based on any of the grounds listed in Section 480.

(B) Is not currently required to register as a sex offender pursuant to Section 290 of the Penal Code. [...]

### **Examination Sponsorship**

#### **Section 3057.5 of the Business and Professions Code is hereby repealed.**

#### **~~3057.5.—~~**

~~Notwithstanding any other provision of this chapter, the board shall permit a graduate of a foreign university who meets all of the following requirements to take the examinations for an optometrist license:~~

~~(a) Is over 18 years of age.~~

~~(b) Is not subject to denial of a license under Section 480.~~

~~(c) Has a degree as a doctor of optometry issued by a university located outside of the United States.~~

### **RDO Program's Registration Expiration and Renewal Authority**

#### **2420.**

The provisions of this article apply to, determine the expiration of, and govern the renewal of, each of the following certificates, licenses, registrations, and permits issued by or under the Medical Board of California: physician's and surgeon's certificates, certificates to practice podiatric medicine, physical therapy licenses and approvals, registrations of research psychoanalysts, ~~registrations of dispensing opticians, registrations of nonresident contact lens sellers, registrations of spectacle lens dispensers, registrations of contact lens dispensers~~, certificates to practice midwifery, and fictitious-name permits.

#### **2423.**

(a) Notwithstanding Section 2422:

(1) All physician and surgeon's certificates, certificates to practice podiatric medicine, ~~registrations of spectacle lens dispensers and contact lens dispensers~~, and certificates to practice midwifery shall expire at 12 midnight on the last day of the birth month of the licensee during the second year of a two-year term if not renewed.

(2) Registrations of dispensing opticians will expire at midnight on the last day of the month in which the license was issued during the second year of a two-year term if not renewed.

(b) The Division of Licensing shall establish by regulation procedures for the administration of a birth date renewal program, including, but not limited to, the establishment of a system of staggered license expiration dates such that a relatively equal number of licenses expire monthly.

(c) To renew an unexpired license, the licensee shall, on or before the dates on which it would otherwise expire, apply for renewal on a form prescribed by the licensing authority and pay the prescribed renewal fee.

Add to Chapter 5.5:

All spectacle and contact lens dispenser registrations shall expire at midnight on the last day of the birth month of the birth month of the registrant during the second year of a two-year term if not renewed.