

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

To: Board Members

Date: August 4, 2017

From: Rachel Michelin
Board Secretary

Telephone: (916) 575-7170

Subject: Agenda Item 10 – Approval of Board Meeting Minutes

- A. February 22, 2017
- B. April 21, 2017
- C. May 8, 2017

**Board of Optometry**

2450 Del Paso Road, Suite 105, Sacramento, CA 95834
 P: (916) 575-7170 F: (916) 575-7292 www.optometry.ca.gov



SPECIAL BOARD MEETING
 ACTION MINUTES
 February 22, 2017
 2420 Del Paso Road
 Sequoia Room
 Sacramento, CA 95834

DRAFT

and at the following teleconference locations:

4700 Natick Avenue
 Sherman Oaks, CA 91403

Nugget Market – 2nd Floor
 4500 Post Street
 El Dorado Hills, CA 95762

and

Moraga Country Club
 1600 St. Andrews Drive
 Moraga, CA 94556

Las Lomas Community Park
 Craft Room
 10 Federation Way7
 Irvine, CA 92603

Obexer's General Store Café
 5300 West Lake Blvd.
 Homewood, CA 96141

Members Present	Staff Present
Madhu Chawla, O.D., President	Jessica Siefertman, Executive Officer
Donna Burke, Public Member, Vice President	Kurt Heppler, Supervising Legal Counsel
Lillian Wang, O.D., Secretary	
Cyd Brandvein, Public Member	
Martha Garcia, CLD, SLD	
Rachel Michelin, Public Member	
Maria Salazar Sperber, JD, Public Member	
David Turetsky, O.D.	
Excused Absences	
Glenn Kawaguchi, O.D.	
Debra McIntyre, O.D.	
	Guest List
Mark Morodomi, JD, Public Member	On File

February 22, 2017

10:00 a.m.

FULL BOARD OPEN SESSION

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

Board President, Madhu Chawla, O.D. called roll and a quorum was established.

2. Finding of Necessity for Special Meeting (Gov. Code, § 11125.4)

Legal Counselor, Kurt Heppler stated his belief that “given the Board’s Imminent Sunset date and some of the difficulties obtaining product from the joint committee, complying with the 10 day notice requirement would place a substantial hardship on this body. The Board would not have an opportunity to prepare and approve its responses for the Sunset Committee Hearing within the allocated time frame.”

Lillian Wang moved that the 10-day notice requirement would impose a hardship on the Board as they would not be able to meet to prepare an appropriate response to the release of the Sunset Issue Report and resulting legislation prior to the Hearing date of February 27, 2017. Donna Burke seconded. The Board voted unanimously (8-0) and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Chawla	X				
Ms. Brandvein	X				
Ms. Michelin	X				
Ms. Burke	X				
Ms. Garcia	X				
Ms. Sperber	X				
Dr. Turetsky	X				
Dr. Wang	X				

3. Public Comment for Items Not on the Agenda

There were no comments.

4. Discussion of Proposed Responses to Sunset Issues Report and Resulting Legislation; Possible Action

Executive Officer, Jessica Siefertman explained that “staff has not yet received a public version of the report from the Committee. They did provide the four issues the Board is being asked to testify to. A proposed response has been prepared based on prior conversations the Board has had. Staff asks the Members to provide any input considered necessary for Dr. Chawla and Ms. Burke to testify to.”

Dr. Chawla opened the floor to discussion and possible action on the following:

ISSUE # 2: *Should the RDO and Optometry funds be merged? Should the RDO program be merged into the Optometry Practice Act?*

Dr. Chawla stated that from her perspective the main objective is to make it known that the Board is discussing this. “It is on the Board’s radar.” “The Board is discussing what it perceives as the pros and the cons; it is most important to make certain the RDO program is sustaining itself, and that the Board can monitor the program.”

Ms. Burke commented that “the budget team will be a valuable resource to conduct any research the Board may need going forward.

Dr. Lillian Wang commented that “her concern is that both the RDO and optometry programs are self-sustaining, and that the optometry program is not funding the RDO program.”

Dr. Chawla provided a background on the Optometry Practice Act. “The Optometry Practice Act basically outlines what the practice of optometry is in this state.” The Act can be very difficult to interpret at times. Dr. Chawla expressed her view that the language needs to be cleaned up first. Once the language is made easier to interpret, she sees does not see a problem in attempting to merge the RDO problem into the Act.

Her second concern is that the Board knows “what some of the confusion was exactly; and what the scope of practice is for some of these assistants” Some assistants interpreted the Act incorrectly and were operating outside of their scope of practice. This presents a danger to the public. She reiterated that she does not have concerns about the merge in the future however there is a lot of work that must be done before this occurs.

Dr. David Turetsky agreed that “there needs to be better delineation of portions of the Act, especially as it relates to new and emerging technologies; and maybe incorporate the two professions into one. There needs to be a clear definition of what an optometrist can do versus what a spectacle or contact lens dispenser can do.”

The Members all agreed. There was no public comment.

Donna Burke moved to authorize the Executive Officer to adopt the language that is specified in the recommendation, and work with the Sunset Committee to incorporate The language that Dr. Chawla offered regarding outlining the optometry practice. David Turetsky seconded. The Board voted unanimously (8-0) and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Chawla	X				
Ms. Brandvein	X				
Ms. Michelin	X				
Ms. Burke	X				
Ms. Garcia	X				
Ms. Sperber	X				
Dr. Turetsky	X				
Dr. Wang	X				

ISSUE # 10: *What is the status of the Board's inspection procedures?*

Dr. Turetsky stated that “some entities are skirting around the law. For example, an optical company will contract with an ophthalmology corporation to employ an optometrist; so then theoretically it is a medical office regardless of the fact that no physician has stepped foot in that practice.” Dr. Turetsky asked if the Board would have inspection authority in this case or if it would fall to the Medical Board. Mr. Heppler and Ms. Sieferman clarified that any place where optometry is being practiced, the Board has inspection authority.

Public Member, Cyd Brandvein would like to “have the Legislation and Regulation Committee examine ways that the Board may strengthen some of its rules to ensure that the Board has appropriate inspection authority over all areas and all locations where optometry is being practiced, including the RDO program.”

Donna Burke moved to approve the language that has been recommended and authorize the Executive Officer to work with the Sunset Committee to incorporate the additional language. Martha Garcia seconded. The Board voted unanimously (8-0) and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Chawla	X				
Ms. Brandvein	X				
Ms. Michelin	X				
Ms. Burke	X				
Ms. Garcia	X				
Ms. Sperber	X				
Dr. Turetsky	X				
Dr. Wang	X				

ISSUE #13: RDO Program. What is the status of the RDO Committee?

There were no comments regarding this issue.

Donna Burked moved to accept the language that staff has provided the Sunset Committee to discuss at the Sunset Hearing. Lillian Wang seconded. The Board voted unanimously (8-0) and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Chawla	X				
Ms. Brandvein	X				
Ms. Michelin	X				
Ms. Burke	X				
Ms. Garcia	X				
Ms. Sperber	X				
Dr. Turetsky	X				
Dr. Wang	X				

ISSUE #15: New and Emerging Technologies.

Registered Dispensing Optician (RDO) Martha Garcia expressed concern over the “health aspect of new technologies. With regards to online eye examinations, who is responsible for filling those prescriptions?” Online refractions are too easy to obtain enabling consumers to avoid or overlook their eye/vision health needs. Ms. Garcia believes “the Board needs to have much more discussion and really begin enforce protection for the consumer; reach out to the consumer with information regarding what these services can and cannot provide.”

Ms. Burke suggested adding that “any and all emerging technologies will be investigated by the Board to ensure that the standard of care is met and that statute and regulations are adhered to.”

Ms. Wang pointed out that the new technologies are mostly utilized by younger people, and the Board should find a way of using technology to reach out to the younger generation with

this information. Ms. Michelin agreed. She stated “the Board needs to focus on the target market and not come across as negative towards social media technology.”

Dr. Chawla believes these points can be incorporated.

Ms. Sieferman clarified that “the purpose of asking the Committee to include the background information that they provided was to show the Board the intent of this issue which is basically specific to online refractions.” The Committee has provided a draft issue regarding outreach. Ms. Sieferman suggested that “perhaps information about what the Board plans to do using technology such as Twitter may be better applied to that response.”

Ms. Brandvein explained “that the Board needs to demonstrate that it embraces technology while at the same time providing education and outreach. She believes it is when the Board is in shut-down mode that people try to skirt around its regulations.”

Dr. Chawla suggested language such as “the Board is open to all new technologies and will be looking at them to see which can be incorporated and practiced while continuing to ensure quality patient care and quality patient health.”

Public Member, Maria Salazar is concerned that if the Board is too technical in its response it may be limiting itself.

Members robustly suggested and discussed various language options to address this issue.

Mr. Heppler recommended leading off with language that demonstrates the Board’s openness to emerging technology changes while maintaining its consumer protection obligations. He suggested “the Board recognizes that new technologies are continuously going to emerge in the market place and while the Board is cognitive of these changes it intends to make certain that the standard of care and other obligations are met.”

Donna Burked moved to authorize the Executive Officer to work with the Sunset Committee to incorporate the language that the Board’s senior attorney has recommended. David Turetsky seconded. The voted 7-Aye; 1-Abstention and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Chawla	X				
Ms. Brandvein	X				
Ms. Michelin			X		
Ms. Burke	X				
Ms. Garcia	X				
Ms. Sperber	X				
Dr. Turetsky	X				
Dr. Wang	X				

5. Adjournment



CALIFORNIA STATE BOARD OF OPTOMETRY
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**SPECIAL BOARD MEETING AGENDA
 TELECONFERENCED MEETING
 ACTION MINTUES
 MAY 8, 2017**

MAIN LOCATION: 2420 Del Paso Road, Sequoia Room, Sacramento, CA 95834

TELECONFERENCE LOCATIONS:

- | | |
|---|---|
| <p>Kaiser Permanente
 Department of Optometry
 5601 De Soto Avenue, Rm 1761
 Woodland Hills, CA 91367</p> <p>Nugget Market - 2nd Floor Lounge
 4500 Post St,
 El Dorado Hills, CA 95762</p> <p>Moraga Country Club
 1600 St Andrews Dr.
 Moraga, CA 94556</p> <p>7488 Shoreline Dr. #B1
 Stockton, CA 95219</p> | <p>Oakland Marriott City Center
 2nd Floor – Lobby
 1001 Broadway
 Oakland, CA 94607</p> <p>Eyeglass World
 1207 E. Valley Pkwy
 Escondido, CA 92027</p> <p>Charter College – Oxnard Campus
 2000 Outlet Center Dr., #150
 Oxnard, CA 93036</p> <p>Sam’s Club
 Optometrist Office
 603 S. Placenta Avenue
 Fullerton, CA 92831</p> |
|---|---|

Members Present	Staff Present
Madhu Chawla, O.D., President	Jessica Sieferman, Executive Officer
Donna Burke, Public Member, Vice President	Kurt Heppler, Supervising Legal Counsel
Lillian Wang, O.D., Secretary	
Martha Garcia, CLD, SLD	
Rachel Michelin, Public Member	
David Turetsky, O.D.	
Glenn Kawaguchi, O.D.	
Debra McIntyre, O.D.	
Mark Morodomi, JD, Public Member	
Excused Absence	Guest List
Cyd Brandvein, Public Member	On File
Maria Salazar Sperber, JD, Public Member	

**May 8, 2017
 2:30 PM**

FULL BOARD OPEN SESSION

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

President, Dr. Madhu Chawla, O.D. called roll and a quorum was established.

2. Finding of Necessity for Special Meeting (Gov. Code, § [11125.4](#))

Ms. Michelin moved that the Board entertain a motion waving the 10-day notice requirement because it would impose a substantial hardship due to the fact that the board recently became aware that the author of AB1110, Ms. Burke has scheduled a meeting on May 10 to discuss the alleged fiscal impact of the board sponsored bill and to hear from the sizable contingents of opponents of the bill. The Board previously authorized one member to attend the stake holders meeting; it is the boards understanding that another member is necessary to represent the board to demonstrate the board’s continued support and sponsorship in light of this fiscal impact and strong opposition. Therefore to comply with the 10 requirement would result in the board to be unable to attend the meeting and explain the provisions of AB1110. Dr. Lillian Wang, O.D. seconded. The Board voted unanimously (9-0) and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Chawla	X				
Ms. Michelin	X				
Ms. Burke	X				
Ms. Garcia	X				
Dr. McIntyre	X				
Mr. Morodomi	X				
Dr. Kawaguchi	X				
Dr. Turetsky	X				
Dr. Wang	X				
Ms. Sperber				X	
Ms. Brandvein				X	

3. 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)]

There were no public comments.

4. Discussion and Possible Action on Board Sponsored Legislation AB 1110 and Related Stakeholder Meeting

Dr. Lillian Wang moved to approve that the childrens vision work group be able to participate in all AB1110 events and stake holder meetings and be reduced in size to two members. Dr. McIntyre, O.D. seconded. The board voted 8-Aye;1-Abstention and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Chawla	X				
Ms. Michelin	X				
Ms. Burke			X		
Ms. Garcia	X				
Dr. McIntyre	X				
Mr. Morodomi	X				
Dr. Kawaguchi	X				
Dr. Turetsky	X				
Dr. Wang	X				
Ms. Sperber				X	
Ms. Brandvein				X	

Ms. Michelin moved to send up to three additional people to the stake holder meeting for AB1110 if the Board can do so without triggering a need for a public notice. Dr. Lillian Wang, O.D. seconded. The Board voted unanimously (9-0) and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Chawla	X				
Ms. Michelin	X				
Ms. Burke	X				
Ms. Garcia	X				
Dr. McIntyre	X				
Mr. Morodomi	X				
Dr. Kawaguchi	X				
Dr. Turetsky	X				
Dr. Wang	X				
Ms. Sperber				X	
Ms. Brandvein				X	

5. Adjournment

Audio Link: http://www.optometry.ca.gov/meetings/20170508_audio.mp3