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To: Board Members **Date:** November 3, 2017

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Subject: **Agenda Item 13 – Update and Possible Action on 2017 Legislation Impacting Healing Arts Boards and the Practice of Optometry**

A. AB 443 (Salas) Healing Arts: Optometry: Required Examination: Notice
Status: Chaptered by Secretary of State - Chapter 549, Statutes of 2017

Summary: This bill revised the optometry scope of the practice of by adding habilitative optometric services, authorizing TPA certified optometrists to perform skin testing to diagnose ocular allergies and to treat and diagnose hypotrichosis and blepharitis, and to administer immunizations if the optometrist meets certain requirements, including certification in basic life support, certification in administering immunizations, and the payment of a fee not to exceed \$50.

In addition, this bill removed several specific instances when referrals must be made and required an optometrist to consult with and, if necessary, refer to a physician and surgeon or other appropriate health care provider when a situation or condition occurs that is beyond the optometrist’s scope of practice. The bill required all consultations, referrals, and notifications be documented in the patient record.

Implementation Plan:

In order to implement AB 443, the Board will need to develop an application for the immunization certification, determine the appropriate fee (if any), and adopt regulations to incorporate the form by reference. Staff will work with legal to bring recommended language and the application for Board consideration at its January meeting. Once the regulation is effective, staff will work with DCA to create an online transaction for eligible licensees to easily apply for the certification.

In addition, in order to approve “any other topical or oral therapeutic pharmaceutical agent, which is not a controlled substance, or noninvasive medical device or technology that is not expressly authorized...”, the Board would need to adopt regulations and “require a licensee to successfully complete an appropriate amount of clinical training to qualify to use each topical or oral therapeutic pharmaceutical agent or noninvasive medical device or technology...”

Currently, staff is unaware of any agents, devices, or technologies that need to be approved by the Board. However, if members are aware of any that may warrant regulations, the Board is encouraged to discuss them and decide if/when to pursue regulations.

**B. AB [1708](#) (Committee on Business and Professions)
(BOARD SUNSET BILL)**

Status: Chaptered by Secretary of State - Chapter 564, Statutes of 2017

Summary: This bill extended the board operation and the authority to appoint an executive officer to January 1, 2022. In addition, this bill enhanced its inspection authority, removed unnecessary licensing barriers, repealed the Board's mandate to sponsor foreign graduates to take examinations, and gave the Board authority to enroll all applicants and licensees into the National Practitioner Data Bank (NPDB) for the purpose of conducting inquiries on applicants for licensure, applicants for renewal of licensure, and current licensees.

Implementation Plan

Staff is working with DCA to create the interface with NPDB, add new fee codes, and fully implement in BreZE. Staff anticipates being able to fully implement NPDB by its effective date (July 1, 2018). Applicants after July 1 will be charged \$2 for the NPDB; all licensees renewing after July 1 will be charged \$4 and subsequently enrolled into the NPDB. Information will be provided on the Board's website, social media accounts, mass email distribution and our newsletters about the increase.