

Driven by its mission, the California State Board of Optometry protects the health and safety of California consumers through licensing and regulation of the practices of Optometry and Opticianry.

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**TELECONFERENCE BOARD MEETING AGENDA**  
**Friday, January 31, 2020**  
**12:30 p.m. to 12:45 p.m. (or until conclusion of business)**

**Teleconference Meeting Locations:**

DCA Del Paso – Sequoia Room 2420 Del Paso Road, Room 109 Sacramento, CA 95834	Charter College – Oxnard Campus 2000 Outlet Center Drive, Suite 150 Oxnard, CA 93036	California Eye Professionals 41637 Margarita Rd., Ste. 201 Temecula, CA 92591
Silicon Valley Community Center 2440 West El Camino Real, Suite 300 - Room 3G Mountain View, California 94040	Stevenson Ranch Library – Meeting Room 25950 The Old Road, Stevenson Ranch, CA 91381	Moraga Library 1500 St. Mary’s Rd. Moraga, CA 945814  California Retailers Association 1121 L Street, Suite 607 Sacramento, CA 95814

**ORDER OF ITEMS SUBJECT TO CHANGE. ACTION MAY BE TAKEN ON ANY ITEM ON THE AGENDA. THIS MEETING WILL NOT BE WEBCAST.**

**FULL BOARD OPEN SESSION**

1. **Call to Order/Roll Call and Establishment of a Quorum**
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](#), [11125.7\(a\)](#)]*
3. **Discussion and Possible Action on Changes to California Code of Regulations §§ 1399.270, 1399.271, 1399.272, 1516 and 1517 (Implementation of Assembly Bill 2138)**
4. **Update, Discussion and Possible Action on 2020 Legislation**

**a. Assembly Bill 896 (Low)**

**4. Future Agenda Items**

**5. Adjournment**

*Meetings of the California State Board of Optometry are open to the public except when specifically noticed otherwise in accordance with the Bagley-Keene Open Meeting Act. Public comments will generally be taken on agenda items at the time the specific item is raised. Time limitations will be determined by the Chairperson. The Board may take action on any item listed on the agenda, unless listed as informational only. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum.*

*NOTICE: The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting the Board at 916-575-7170 or mailing a written request the California State Board of Optometry, 2450 Del Paso Road, Suite 105, Sacramento, CA 95834. Providing your request at least five (5) business days before the meeting will help ensure availability of the requested accommodation.*

# ISSUE MEMORANDUM

<b>DATE</b>	January 31, 2020
<b>TO</b>	Members, California State Board of Optometry (CSBO)
<b>FROM</b>	Marc Johnson, Policy Analyst
<b>SUBJECT</b>	Agenda Item #3 - Discussion and Possible Action on Changes to California Code of Regulations §§ 1399.270, 1399.271, 1399.272, 1516 and 1517 (Implementation of Assembly Bill 2138)

## **Summary:**

This proposed regulation implements AB 2138, relating to denial of applications, revocation or suspension of licensure and criminal convictions. The regulatory text was initially approved at the [April 5, 2019 public meeting](#); the rulemaking package was then completed and submitted to DCA and Agency for approval prior to submittal to the Office of Administrative Law (OAL). Subsequently, DCA and Agency approved the rulemaking package but requested several minor changes be made to the text, which requires Board approval prior to submission to OAL for the 45-day comment period.

The proposed changes by Agency (Attachment A) are made for better clarity of the regulation:

- §1399.270(c): The word ‘assault’ was changed to ‘assaultive’; a reference defining assaultive or abusive conduct as defined by Penal Code Section 11160 was added. Additionally, a reference to sexual misconduct, as defined by BPC §726(a) was added.
- §1517(c): The word ‘assault’ was changed to ‘assaultive’; a reference defining assaultive or abusive conduct as defined by Penal Code Section 11160 was added. Additionally, a reference to sexual misconduct, as defined by BPC §726(a) was added.

## **Suggested motion for approval:**

*“I move to approve the amended text for California Code of Regulations Title 16, Sections 1399.270, 1399.271, 1399.272, 1516 and 1517 as presented and discussed here today; and direct staff to submit the text to Office of Administrative Law for posting for a 45 day public comment period; and if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for hearing.”*

## **Attachment A:**

Revised Text of CCR §§ 1399.270, 1399.271, 1399.272, 1516 and 1517

California State Board of Optometry  
Department of Consumer Affairs

Implementation of AB 2138

Title 16, Division 13.5, Article 7, Section 1399.270 is amended as follows:

§ 1399.270 Substantial Relationship Criteria.

(a) For the purpose of denial, suspension, or revocation of the registration of a dispensing optician pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the code, a crime, professional misconduct, or act shall be considered substantially related to the qualifications, functions, and duties of a dispensing optician if to a substantial degree it evidences present or potential unfitness of a dispensing optician to perform the functions authorized by the registration in a manner consistent with the public health, safety, or welfare. ~~Such crimes or acts shall include, but not be limited to, those involving the following:~~

(b) In making the substantial relationship determination required under subdivision (a) for a crime, the board shall consider the following criteria:

- (1) The nature and gravity of the offense;
- (2) The number of years elapsed since the date of the offense; and
- (3) The nature and duties of the registration type sought or held by the person.

(c) For purposes of subdivision (a), substantially related crimes, professional misconduct, or acts shall include, but are not limited to, the following:

- (a) (1) Any violation of the provisions of Article 6, Chapter 1, Division 2 of the code relating to dispensing opticians.
- ~~(b)~~ (2) Any violation of the provisions of Chapter 5.4, Division 2 of the code.
- ~~(c)~~ (3) Any violation of the provisions of Chapter 5.5., Division 2, of the code.
- (4) Any act involving theft, dishonesty, fraud or deceit.
- (5) Any act involving **assaultive** or abusive **section 11160.**
- (6) Any act involving sexual misconduct **as defined in Business and Professions Code section 726(a).**

**Commented [JM1]:** Subsection (5) - Assault to assaultive Behavior changed to conduct as defined by PC 11160

**Commented [JM2]:** Subsection (6) – removed conviction subject to pc 290, changed to BPC 726a

**Commented [JM3]:** Added 726 reference, 11160 PC reference

Note: Authority cited: Sections 481, 493, and 2558, Business and Professions Code. Reference: Sections 141, 480, 481, 488, 490, 493, 726, 2555.1, and 2556, Business and Professions Code, and Section 11160, Penal Code.

Title 16, Division 13.5, Article 7, Section 1399.271 is amended as follows:

§ 1399.271 Criteria for Denial and Reinstatement of Registration.

(a) When considering the denial of a registration under Section 480 of the code on the ground that the applicant was convicted of a crime, or petition for reinstatement under

Section 11522 of the code, if the applicant completed the criminal sentence at issue without a violation of parole or probation, then the board shall consider whether the applicant has made a showing of rehabilitation. In making this determination, the board shall consider the following criteria: the division in evaluating the rehabilitation of the applicant and his or her present eligibility for registration, shall consider the following criteria:

- (1) The circumstances, nature, and gravity of the crimes.
- (2) The length(s) of time that has elapsed since the criminal conduct and the completion of probation.
- (3) Whether the applicant is a repeat offender of the same or similar crime(s), and the total criminal record.
- (4) The terms or conditions of parole or probation and the extent to which they bear on the applicant's rehabilitation and fitness to practice the profession.

(b) If subdivision (a) is inapplicable, or the board determines that the applicant did not make a showing of rehabilitation based on the criteria in subdivision (a), or when considering a petition for reinstatement under Section 11522 of the code, the board shall apply the following criteria in evaluating whether the applicant made a showing of rehabilitation and is presently eligible for a registration:

- ~~(a)~~ (1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.
- ~~(b)~~ (2) Evidence of any act(s) or crime(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial under Section 480 of the Business and Professions Code.
- ~~(c)~~ (3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (b)(a1) or (b)(2b).
- ~~(d)~~ (4) In the case of a denial or revocation based upon the conviction of a crime, the criteria set forth in Section 1399.272. The criteria in subdivision (a)(1) through (a)(4), as applicable.
- ~~(e)~~ (5) Evidence, if any, of rehabilitation submitted by the applicant.

Note: Authority cited: Sections 482 and 2558, Business and Professions Code.  
Reference: Sections 480, 481, 482, 488, 493, 2555.1, and 2556, Business and Professions Code.

**Title 16, Division 13.5, Article 7, Section 1399.272 is amended as follows:**

§ 1399.272. Rehabilitation Criteria for Suspensions and Revocations.

(a) When considering the suspension or revocation of a registration on the grounds that the registrant has been convicted of a crime, if the registrant completed the criminal sentence at issue without a violation of parole or probation, then the board division, in evaluating the rehabilitation of such person and his or her present eligibility for a registration shall consider whether the registrant made a showing of rehabilitation. In making this determination, the board shall consider the following criteria:

- (1) The circumstances, nature, and gravity of the crimes.
- (2) The length(s) of time that has elapsed since the criminal conduct and the completion of probation.
- (3) Whether the registrant is a repeat offender of the same or similar crime(s), and the total criminal record.
- (4) The terms or conditions of parole or probation and the extent to which they bear on the registrant's rehabilitation and fitness to practice the profession.

(b) If subdivision (a) is inapplicable, or the board determines that the registrant did not make a showing of rehabilitation based on the criteria in subdivision (a), the board shall apply the following criteria in evaluating whether the registrant made a showing of rehabilitation:

- ~~(a)~~ (1) Nature and severity of the act(s) or offense-crime(s).
- ~~(b)~~ (2) Total criminal record.
- ~~(c)~~ (3) Extent of time that has elapsed since commission of the act(s) or offense crime(s).
- ~~(d)~~ (4) Whether the registrant has complied with any or all terms of parole, probation, restitution or other sanctions lawfully imposed against the registrant.
- (5) The criteria in subdivision (a)(1) through (a)(4), as applicable.
- ~~(e)~~ (6) If applicable, evidence of expungement dismissal proceedings pursuant to Section 1203.4 of the Penal Code.
- ~~(f)~~ (7) Evidence, if any, of rehabilitation submitted by the registrant.

Note: Authority cited: Sections 482 and 2558, Business and Professions Code.  
Reference: Sections 141, 480, 481, 482, 488, 493, 2555.1, and 2556, Business and Professions Code.

**Title 16, Division 13.5, Article 3, Section 1516 is amended as follows:**

§ 1516. Application Review and Criteria for Rehabilitation.

(a) In addition to any other requirements for licensure, whenever it reasonably appears that an applicant may be unable to practice optometry safely because his or her ability to practice may be impaired due to mental or physical illness affecting competency, the Board may require the applicant to be examined by one or more physicians and surgeons or psychologists designated by the Board. The applicant shall pay the full cost of the examination. An applicant's failure to comply with the requirement shall render his or her application incomplete. If after receiving the report of the evaluation the Board determines that the applicant is unable to safely practice, the Board may deny the application. The report of the evaluation shall be made available to the applicant.

(b) When considering the denial of a license under Section 480 of the Code on the grounds that the applicant was convicted of a crime, if the applicant completed the criminal sentence at issue without a violation of parole or probation, then the board shall consider whether the applicant has made a showing of rehabilitation. In making this determination, the board shall consider the following criteria: ~~the Board, in evaluating~~

~~the rehabilitation of the applicant and his or her present eligibility for a license, will consider the following criteria:~~

- (1) The circumstances, nature, and gravity of the crime(s).
- (2) The length(s) of time that has elapsed since the criminal conduct and the completion of probation.
- (3) Whether the applicant is a repeat offender of the same or similar crime(s), and the total criminal record.
- (4) The terms or conditions of parole or probation and the extent to which they bear on the applicant's rehabilitation and fitness to practice the profession.

(c) If subdivision (b) is inapplicable, or the board determines that the applicant did not make the showing of rehabilitation based on the criteria in subdivision (b), then the board shall apply the following criteria in evaluating whether the applicant made the showing of rehabilitation and is presently eligible for a license:

- (1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.
- (2) Evidence of any act(s) or crime(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial under Section 480 of the Code.
- (3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (c)(1) or (c)(2).
- (4) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.
- (5) The criteria in subdivision (b)(1) through (b)(4), as applicable.
- ~~(5-6)~~ Evidence, if any, of rehabilitation submitted by the applicant.

~~(c-d)~~ When considering the suspension or revocation of a license on the grounds that the licensee has been convicted of a crime, if the licensee completed the criminal sentence at issue without a violation of parole or probation, then the board shall consider whether the licensee has made a showing or rehabilitation. In making this determination, the board shall consider the following criteria: in evaluating the rehabilitation of such person and his or her present eligibility for a license, will consider the following criteria:

- (1) The circumstances, nature, and gravity of the crime(s).
- (2) The length(s) of time that has elapsed since the criminal conduct and the completion of probation.
- (3) Whether the licensee is a repeat offender of the same or similar crime(s), and the total criminal record.
- (4) The terms or conditions of parole or probation and the extent to which they bear on the licensee's rehabilitation and fitness to practice the profession.

(e) If subdivision (d) is inapplicable, or the board determines that the licensee did not make the showing of rehabilitation based on the criteria in subdivision (d), the board shall apply the following criteria in evaluating whether the licensee made a showing of rehabilitation and is presently eligible for a licensee:

- (1) Nature and severity of the act(s) or ~~offense-crime~~(s).
- (2) Total criminal record.
- (3) The time that has elapsed since commission of the act(s) or ~~offense-crime~~(s).
- (4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.
- (5) The criteria in subdivision (d)(1) through (4), as applicable.
- ~~(5)~~ If applicable, evidence of ~~expungement~~ dismissal proceedings pursuant to Section 1203.4 of the Penal Code.
- ~~(7)~~ Evidence, if any, of rehabilitation submitted by the licensee.

~~(d-f)~~ When considering a petition for reinstatement of a license under Section 11522 of the Government Code, the Board shall evaluate evidence of rehabilitation submitted by the petitioner, considering those criteria of rehabilitation specified in subdivision ~~(e-e)~~.

Note: Authority cited: Sections ~~482, 3023,~~ 3025, ~~3025.1,~~ 3056, and 3057, Business and Professions Code. Reference: Sections ~~141, 475, 480, 481, 482, 488, 493,~~ 3056, and 3057, Business and Professions Code; and Section 11522, Government Code.

**Title 16, Division 13.5, Article 3, Section 1517 is amended as follows:**

§ 1517. Substantial Relationship Criteria.

(a) For the purpose of denial, suspension, or revocation of the certificate of registration of an optometrist pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the Code, a crime, professional misconduct, or act shall be considered to be substantially related to the qualifications, functions, and duties of an optometrist if to a substantial degree it evidences present or potential unfitness of an optometrist to perform the functions authorized by his/her certificate of registration in a manner consistent with the public health, safety, or welfare. ~~Such crimes or acts shall include, but not be limited to, those involving the following:~~

(b) In making the substantial relationship determination required under subdivision (a) for a crime, the board shall consider the following criteria:

- (1) The nature and gravity of the offense;
- (2) The number of years elapsed since the date of the offense; and
- (3) The nature and duties of an optometrist.

(c) For purposes of subdivision (a), substantially related crimes, professional misconduct, or acts shall include, but are not limited to, the following:

- ~~(a)~~ (1) Any violation of the provisions of Article 2, Chapter 1, Division 2 of the Code (Sections 525 et seq. of the Code).
- ~~(b)~~ (2) Any violation of the provisions of Article 6, Chapter 1, Division 2 of the Code (Sections 650 et. seq. of the Code) except Sections 651.4 and 654.
- ~~(c)~~ (3) Any violation of the provisions of Chapter 5.4, Division 2 of the Code (Sections 2540 et seq. of the Code).
- ~~(d)~~ (4) Any violation of the provisions of Chapter 7, Division 2 of the Code



(Sections 3000 et seq. of the Code).

(5) Any act involving theft, dishonesty, fraud or deceit.

(6) Any act involving assaultive or abusive conduct as defined in Penal Code section 11160.

(7) Any act involving sexual misconduct as defined in Business Code section 726(a).

**Commented [JM4]:** Same changes as made to §1399.270(c)

Note: Authority cited: Section 493 and 3025, Business and Professions Code.  
Reference: Sections 141, 475, 480, 481, and 482, 490, 493, and 726 Business and Professions Code, and Section 11160, Penal Code.

# ISSUE MEMORANDUM

<b>DATE</b>	January 31, 2020
<b>TO</b>	Members, California State Board of Optometry (CSBO)
<b>FROM</b>	Shara Murphy, Executive Officer
<b>SUBJECT</b>	Agenda Item #4: Update, Discussion and Possible Action on 2020 Legislation: Assembly Bill 896 (Low)

## **Summary/History:**

As introduced, this bill would dissolve the Dispensing Opticians Fund on July 1, 2022 and transfer those funds to the Optometry Fund. Amendments dated August 30, 2019 added the following provisions:

- Definition of an “extended optometric clinical facility” to mean a trailer, van or other means of transportation in which the practice of optometry is conducted and which is not affiliated with an optometry school in California;
- Limit that ownership to a charitable organization;
- Limit that facility to only accepting Medi-Cal payments;
- Require the Board to adopt regulations and fees for registration of such facilities;
- Prohibit the Board from bringing enforcement actions against any charitable organization prior to January 1, 2021.

The Board originally sponsored AB 896 to merge the optometry and optician funds. Amendments were unexpectedly made on August 30 adding the provisions above to AB 896; due to legislative deadlines the Board was unable to review the bill and take a position. Originally, staff understood the amendments were to be placed into Assembly Bill 1714 (Blanca-Rubio). The Board reviewed the proposed text to AB 1714 at the August 2, 2019 public meeting, but did not take a position on that bill or the issue itself.

## **Discussion:**

Staff has continued to have discussions with the author’s office, the Legislature and stakeholders. A draft of proposed changes to the text and suggested additions are included on ‘Attachment A’. This draft has been shared with the Legislature and stakeholders.

Staff requests Board discussion and direction on the next steps for AB 896.

## Create not for profit optometric corporations (NPOC) under Article 8

- Intent: Governing Board of NPOC must have 1/3<sup>rd</sup> of membership who are licensed optometrists and one licensed SLD/CLD.
- Intent: Executive officer or medical director of program must be a licensed optometrist or ophthalmologist. Medical director shall oversee program and Governing Board shall not interfere with the professional judgement of the Medical Director. Proposed text:

The medical operations of the not for profit optometric corporation shall be directed by a licensed optometrist and in every phase be under the licensed optometrist's exclusive control, including the selection and supervision of optometric staff, the scheduling of patients, the amount of time the optometrist spends with patients, fees charged for optometric products and services, the examination procedures, treatment provided to patients and the follow up care pursuant to this section. The medical operations director shall not concurrently be a member of the governing board.

- Intent: NPOC program shall sunset in 2024.

This section shall remain in effect only until July 1, 2024, and as of that date is repealed.

- Intent: NPOC shall be a not for profit charitable organization as defined in California law and registered as a federal 501c3 charity
- Intent: NPOC shall file a quarterly report with the Board.

The not for profit optometric corporation, on a form prescribed by the board, shall file a quarterly report containing the following information:

(1) A list of all visits made by the mobile optometric offices, including dates of operation, address, care provided and names and license numbers of optometrists who provided care.

(2) A summary of all complaints received by the not for profit optometric corporation, disposition of those complaints and referral information.

(3) An updated and current list of licensed optometrists who are actively providing care for the not for profit optometric corporation

(4) An updated and current list of licensed optometrists who are available for follow up care as a result of a complaint on a volunteer basis or who accept medi-cal payments.

- Intent: NPOC must maintain a contact email, complaint form on website and a toll of active, periodically confirmed licensed optometrists who accept Medi-Cal or volunteer as follow up to complaints received. One potential complaint might be inadequate follow up after the initial visit and lens prescription. This would allow an

NPOC to refer a patient for follow up care to a licensee who would handle that follow

- Intent: NPOC must maintain patient records at main address as prescribed in BPC §3070.1(c)(2) – Proposed text based on 3070.2:

(a) The not for profit optometric corporation maintains or discloses patient records in the following manner:

(1) Records are maintained and made available to the patient in such a way that the type and extent of services provided to the patient are conspicuously disclosed. The disclosure of records shall be made at or near the time services are rendered and shall be maintained at the primary business office specified.

(2) The not for profit optometric corporation complies with all federal and state laws and regulations regarding the maintenance and protection of medical records, including, but not limited to, the federal Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. Sec. 300gg).

(3) Pursuant to Section 3007, the not for profit optometric corporation keeps all necessary records for a minimum of seven years from the date of service in order to disclose fully the extent of services furnished to a patient. Any information included on a printed copy of an original document to a patient shall be certified by the not for profit optometric corporation as being true, accurate, and complete.

(4) If a prescription is issued to a patient, records shall be maintained for each prescription as part of the patient's chart, including all of the following information about the optometrist:

(A) Name.

(B) Optometrist license number.

(C) The place of practice and the primary business office.

(D) Description of the goods and services for which the patient is charged and the amount charged. If no charge was made to the patient, a description of the goods and services provided.

- Intent: Statement of Licensure required for each licensee with address of the NPOC office. If licensee is only working for the NPOC, the NPOC must be listed as the address of record. Proposed text:

Any licensed optometrist who provides patient care in conjunction with a not for profit optometric corporation shall obtain a statement of licensure pursuant to section 3070(a) with the not for profit optometric corporation's address as registered with the board. If the licensee is not practicing optometry at a location other than with the not for profit optometric corporation, then the licensee shall list as their primary address of record the not for profit optometric corporation's address as registered with the board.

**Move proposed BPC §3070.2 into Article 8 – proposed changes in strikethrough or underline:**

(a) As used in this section, ~~“extended optometric clinical facility”~~ “mobile optometric office” means a trailer, van, or other means of transportation in which the practice of optometry, as defined in Section 3041, is performed and which is not affiliated with an approved optometry school in California.

(1) The not for profit optometric corporation shall maintain accurate records of the mobile optometric offices, including vehicle registration numbers, year and model of the trailer or van.

(2) Any person who is employed by the not for profit optometric corporation to drive or transport the vehicle shall possess a valid driver’s license.

(b) This section shall not apply to the following:

(1) Optometric services provided remotely by an approved optometry school in California that meets the requirements of Section 1507 of Title 16 of the California Code of Regulations.

(2) A licensee engaged in the practice of optometry at a facility as defined in sections 3070.1(a)(1) (a)(2), (a)(3).

(c) The ownership of a mobile optometric office shall be limited to a ~~charitable organization~~ not for profit optometric corporation that is providing optometric services to patients regardless of the patient’s ability to pay. A mobile optometric office shall register with the board. A mobile optometric office shall not accept payment for services ~~other than those provided to Medi-Cal beneficiaries.~~

(d) The not for profit optometric corporation owner of the mobile optometric office registering with the board pursuant to subdivision (c) shall provide the following information to the board:

(1) The ~~scope of the practice~~ description of services to be rendered by the facility mobile optometric office.

(2) The names and license numbers of optometrists providing patient care. All exams performed at a mobile optometric office must be performed by a licensed optometrist.

(3) The dates of operation and ~~geographical areas~~ cities or counties served.

(4) A description of how follow up care will be provided. The not for profit optometric corporation shall provide a website with a complaint form, email and a toll free contact number for patients to make follow up complaints. All complaints shall be responded to within one business day.

(5) A summary of all complaints received by the not for profit optometric corporation and the disposition of those complaints.

(e) The owner of the mobile optometric office shall notify the board in writing of any change to the information provided to the board pursuant to subdivision (d) within seven (7) days.

(f) (1) A mobile optometric office shall provide each patient and, if applicable, the patient's caregiver or guardian, a consumer notice ~~approved~~ prescribed by the board that includes the following:

(A) The name, license number, and contact information for the optometrist.

(B) ~~Information for filing a complaint with the board~~ A notice that the non for profit optometric corporation and the optometrist is regulated by the board, and the contact information for filing a complaint with the board.

(C) Information on how to obtain a copy of the patient's medical information.

(D) Any other information the board deems appropriate to safeguard the public from substandard optometric care, fraud, or other violation of this chapter.

(E) Information on follow up care available for the patient, including a list of available medi-cal or volunteer optometrists.

(2) The optometrist shall maintain a copy of the consumer notice described in paragraph (1) in the patient's medical record.

(3) Upon request by the patient's caregiver or guardian, a copy of the prescription made for the patient.

(g) By January 1, 2022, the board shall adopt regulations establishing a registry for mobile optometric offices and shall set a registration fee at an amount not to exceed the reasonable regulatory costs of administration.

(h) The board may adopt regulations to conduct quality assurance reviews for optometrists engaging in the practice of optometry at a mobile optometric office.

(i) The board shall not bring an enforcement action against a ~~charitable organization not for profit optometric corporation~~ for a violation of affiliation with an approved optometry school that is not affiliated with an ~~approved optometry school~~ in California for ~~remotely~~ providing optometric services as defined in this article before January 1, 2021.

#### **Amend BPC 3109 – proposed text:**

Directly or indirectly accepting employment to practice optometry from any person not having a valid, unrevoked license as an optometrist or from any company or corporation unless authorized by this chapter constitutes unprofessional conduct. Except as provided in this chapter, no optometrist may, singly or jointly with others, be incorporated or become incorporated when the purpose or a purpose of the corporation is to practice optometry or to conduct the practice of optometry.

#### **Amend BPC 3077 (a):**

- **Intent: Amend 'office' to include, but not limited to, vans, trailers or mobile equipment owned and operated by an NPOC.**

**Add in – faculty permit text**

**Budget items - authority to hire in FY 2021 – additional needs to support AB 896:**

- Funding for one AGPA for NPOC program oversight, registration, complaint review and actions – 36 month limited term and full time
- Funding for one OT for NPOC administrative issues and complaint processing – 36 month limited term and full time