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David Turetsky, OD
Lillian Wang, OD



**LEGISLATION AND REGULATION COMMITTEE
TELECONFERENCED MEETING AGENDA**

**Friday, January 31, 2020
1:45 PM until conclusion of business**

MEMBERS OF THE COMMITTEE

Lillian Wang, Chair
Glenn Kawaguchi, OD
Rachel Michelin
Maria Salazar-Sperber, JD
David Turetsky, O.D.

Teleconference Meeting Locations:

DCA Del Paso – Sequoia Room
2420 Del Paso Road, Room 109
Sacramento, CA 95834

Moraga Library
1500 St. Mary's Rd.
Moraga, CA 945814

Charter College – Oxnard Campus
2000 Outlet Center Dr, Suite 150
Oxnard, CA 93036

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.**

- 1. Call to Order/Roll Call/Establishment of a Quorum**
- 2. Public Comment for Items Not on the Agenda**
Note: The committee 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 §11125, §11125.7(a)].
- 3. Discussion and Possible Action Regarding Meeting Minutes**
 - A. September 13, 2019 Committee Meeting
- 4. Update, Discussion and Possible Action on 2020 Legislation**
 - A. Assembly Bill 156 (Voepel)
 - B. Assembly Bill 896 (Low)
 - C. Assembly Bill 1467 (Salas and Low)
 - D. Assembly Bill 1616 (Low)
 - E. Senate Bill 53 (Wilk)
- 5. Discussion and Possible Action on Title 16, California Code of Regulations §1536 – Continuing Optometric Education; Purpose and Requirements (concurrent review with Practice and Education Committee)**
- 6. Future Agenda Items**

7. Adjournment

The mission of the [California State Board of Optometry](#) is to protect the health and safety of California consumers through licensing, education, and regulation of the practice of Optometry. Meetings of the California State Board of Optometry and its committees are open to the public except when specifically noticed otherwise in accordance with the Open Meeting Act. Public comments will be taken on agenda items at the time the specific item is raised. Time limitations will be determined by the Chairperson. The Committee 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. Members of the Board who are not members of this committee may be attending the meeting only as observers.

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 916-575-5150 or sending a written request to 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.

**Legislation and Regulation Committee
Friday, September 13, 2019
Draft Meeting Minutes**

Teleconference Meeting Locations:

Department of Consumer Affairs 2420 Del Paso Road, 1 st Floor, (Yosemite Room) Sacramento, CA 95834	Moraga Library 1500 St. Mary's Road Moraga, CA 94556 Senator Hotel 1121 L Street, 1 st Floor Sacramento, CA 95814	Buenaventure Optometry 3301 E. Main Street, Suite 1006 Ventura, CA 93003
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Members Present	Staff Present
Lillian Wang, OD, Chair	Shara Murphy, Executive Officer
Glenn Kawaguchi, OD	Marc Johnson, Policy Analyst
Rachel Michelin	Jessica Swan, Administrative Analyst
David Turetsky, OD	
Maria Salazar-Sperber	Guest List
	On File

Link for audio of meeting: https://www.optometry.ca.gov/meetings/20190913_lrc_audio.mp3

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

Audio of Discussion: 00:24 / 33:20

Dr. Lillian Wang called roll and a quorum was established. Dr. Glenn Kawaguchi was present at the Ventura, CA location; Rachel Michelin was present at the Sacramento, CA , Senator Hotel location; Dr. Wang was present at the Moraga, CA location; Dr. Turetsky was present at the Sacramento, CA Department of Consumer Affairs (DCA) location. Executive Officer Shara Murphy announced that Dawn Clover, with DCA's Legislative Unit, and Anthony Pane with DCA's Legal Affairs Unit are attending the meeting. Two members of the public were at the meeting in Sacramento.

2. Public Comment for Items Not on the Agenda

Audio of Discussion: 01:33 / 33:20

There were no public comments.

3. Discussion and Possible Action Regarding Meeting Minutes

Audio of Discussion: 01:56 / 33:20

There were no public comments.

Rachel Michelin moved to approve the May 28, 2019 Legislation and Regulation Committee Meeting Minutes. Glenn Kawaguchi seconded. The Committee voted (3-Aye, 0-No, 1-Abstention) and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Wang	X				
Dr. Kawaguchi	X				
Ms. Salazar-Sperber				X	
Ms. Michelin	X				
Dr. Turetsky			X		

4. Update, Discussion and Possible Action on Potential 2020 Legislation

Audio of Discussion: 03:07 / 33:20

A. Temporary License for Instructors at Accredited Schools of Optometry

Mr. Johnson provided a presentation for the Committee. He reported that this issue was raised previously by the Board for foreign trained optometrists who teach at one of the three optometry schools in California. Staff was directed to develop possible statutory language for this change, derived from the Medical Board's special faculty permit statute. The intent of the bill is to create a faculty permit for use by instructors in accredited schools of optometry. Additionally, the language sets fees for applications and renewals; requires permit applicants (specifically foreign applicants) to undergo and be approved by the Board upon submission of documentation (i.e. degree, education, etc.). Applicants would be required to pass the jurisprudence exam; a live scan criminal background check; and they would be subject to all laws and regulations pertaining to the practice of optometry and be subject to discipline. The permit would be renewed biennially.

Dr. Kawaguchi requested clarification of the language regarding the California Laws and Regulations Exam (CLRE). Additionally, he asked if we should consider including a doctor who has a PhD versus an OD degree? He stated that he is aware that some doctors with PhD's are teaching optometrists. Dr. Wang responded that her understanding that the only doctors who would be seeing patients are those with a Doctor of Optometry degree or the equivalent in another country. Applicants for the specialty faculty permits are those who have been seeing patients in their own country and have experience in special clinics such as glaucoma or ocular disease.

Dr. Kawaguchi asked if there is a need to specify, in more detail, which school clinics these doctors should be allowed to practice at? He stated that a lot of schools have their main clinic and have additional remote clinics. Mr. Johnson replied that he and Dr. Wang had previous

discussions regarding whether the doctors should be able to practice in the remote locations, or just the main clinics. Based on the discussions, the possibility of seeing patients at remote clinics was not excluded because it gives the doctor more flexibility. Dr. Wang noted in her experience that foreign optometrists are typically only involved in the on-site school clinics or those located nearby. Dr. Turetsky asked about the interns at the Marin Community Clinics. Since these clinics are run by the County, is the County overseeing these optometrists, or is it the school overseeing the optometrists? Dr. Wang clarified that the schools are carrying the malpractice liability for all of the optometrists.

Dr. Wang suggested that during the renewal process, the foreign optometrist be required to submit a declaration of employment with each renewal, proving they are still on faculty. Committee agrees. Dr. Turetsky asked if optometrists from other countries, who were grandfathered in 15 years ago, would have any new requirements? Dr. Wang does not believe this would be retroactive. Mr. Johnson and Ms. Murphy believe this will not be an issue; however, Ms. Murphy stated that staff will research this to ensure there are no foreign licensed optometrists who will have their grandfathered license affected in any way.

Mr. Johnson raised the possibility of how this process would be reviewed and asked if this is something the Board would want to do itself via a delegated committee? Or would the Board be comfortable with staff handling this in conjunction with optometry schools since it would involve such a small number of people? Dr. Wang is comfortable with staff handling the process review.

There were no public comments.

Lillian Wang moved that language changes be recommend to the full Board. David Turetsky seconded. The Committee voted (4-Aye, 0-No, 0-Abstention) and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Wang	X				
Dr. Kawaguchi	X				
Ms. Salazar-Sperber				X	
Ms. Michelin	X				
Dr. Turetsky	X				

Maria Salazar-Sperber arrived immediately after the vote.

B. Other Possible 2020 Legislation

Audio of Discussion: 21:25 / 33:20

Mr. Johnson reported that staff receives approximately 80 requests per month for verification of their California license to be sent to other states licensing agencies. Each one can take the designated staff member approximately 15 minutes to complete. Calculated out this amounts

to approximately 20 hours per month of staff time. Currently, the Board does not charge a fee for this service. Endorsement fees are very common with other boards. The Dental Board charges \$50, not to exceed \$125. Physical Therapy charges \$60, not to exceed \$60. Staff is proposing a fee of \$40, not to exceed \$60 per endorsement to cover staff time, BreEZe usage and mailing. Staff estimates this change would bring a small increase in revenue of about \$38,000 per year. It would also require regulatory changes.

Dr. Kawaguchi commented that other boards are charging more than our suggested minimum, therefore, why not charge \$50 not to exceed \$100? Ms. Murphy reported that staff is comfortable with this recommendation.

Public Comment: Kristine Shultz, California Optometric Association, questioned how the fees are paid and if an analysis had been done to determine the fees are needed. Ms. Murphy explained that the Board does not have the authority or ability to increase licensing staff at this time. Ms. Shultz suggested there might be some sensitivity to this from the profession.

Glenn Kawaguchi moved to recommend to the full Board to pursue legislation for an endorsement fee in the 2020 legislative session, and direct staff to work with legal counsel to further develop the full statutory language, including our discussion today based on the material presented. David Turetsky seconded. The Committee voted unanimously (5-0) and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Wang	X				
Dr. Kawaguchi	X				
Ms. Salazar-Sperber	X				
Ms. Michelin	X				
Dr. Turetsky	X				

Dr. Turetsky would like to see if there is a way the Board can address the current restrictions on optometrists working for a physician, only if that physician is practicing ophthalmology. He believes it would be beneficial for access and the public if optometrist could work for any physician, M.D. or D.O. even if that individual does not practice ophthalmology specifically. Maria Salazar-Sperber replied that this is worthy of conversation but would definitely be an upward push.

5. Future Agenda Items

Audio of Discussion: 32:44 / 33:20

Committee members did not have any items. There were no public comments.

6. Adjournment

The meeting was adjourned at 9:37 a.m.

ISSUE MEMORANDIUM

DATE	January 31, 2020
TO	Legislation and Regulation Committee
FROM	Shara Murphy, Executive Officer <i>prepared by Marc Johnson, Policy Analyst</i>
SUBJECT	Agenda Item #4: Update, Discussion and Possible Action on 2020 Legislation

The 2019 - 2020 Legislative session resumed on January 6, 2020. Upcoming Legislative deadlines of note:

- January 31, 2020 – Last day for each house to pass bills introduced in that house during the first year of the 2019-20 session
- February 21, 2020 – Last day for new legislation to be introduced
- May 29, 2020 – Last day to pass bills out of the house of origin

Please note: Information below is current as of January 22, 2020. Text and analysis of a bill may change rapidly, links to bill text and committee analyses are provided in the meeting packet rather than possibly outdated hard copies.

Based on previous Board action, staff is currently tracking the following bills:

Unless otherwise noted or the LRC wishes to change the position, staff does not recommend a change in position to these bills.

1. [Assembly Bill 613 \(Low\) Professions and Vocations: regulatory fees.](#)

Board Position: Support

Status as of January 22, 2020: Held in Senate Business, Professions and Economic Development Committee. Two year bill.

Summary: This bill would authorize each board within the Department of Consumer Affairs to increase their fees every 4 years in an amount not to exceed the increase in the Consumer Price Index in the preceding 4 years. Fees increased pursuant to this bill would be exempt from the Administrative Procedure Act.

Comments: It is unclear whether the author plans to move the bill in its current form, or to abandon the issue and use the bill for another use. Staff does not recommend a change in position.

2. [Assembly Bill 896 \(Low\) Registered Dispensing Opticians: dispensing opticians fund: optometry fund.](#)

This bill will be taken up by the full Board at the January 31, 2020 teleconference meeting, so LRC review is not needed at this time.

3. [Assembly Bill 1467 \(Salas and Low\) Optometrists: scope of practice: delegation of services agreement.](#)

Board Position: Watch

Status of January 22, 2020: In Senate Business, Professions and Economic Development Committee. No hearing date set.

Summary: This bill would authorize an optometrist to provide services set forth in a delegation of services agreement between an optometrist and an ophthalmologist, thereby expanding the optometry scope of practice.

Comments: COA advises their discussions with the author and stakeholders are ongoing. Staff does not recommend a change in position.

4. [Senate Bill 53 \(Wilk\) Open Meetings.](#)

Board Position: Oppose (version as amended March 5, 2019)

Status of January 22, 2020: Held in Senate Appropriations Committee as of August 30, 2019.

Summary: This bill modifies the Bagley-Keene Open Meeting Act (Bagley-Keene) to require two-member advisory committees of a state body to hold open, public meetings if specified conditions are met.

Comments: This bill was held in Senate Appropriations due to concerns about implementation and high costs to bureaus and boards. It is unclear if the author will attempt to move the bill again in 2020. Staff does not recommend a change in position.

Staff has identified the following bills for LRC review and possible position recommendations to the full Board:

1. [Assembly Bill 1616 \(Low\) Department of Consumer Affairs: board: expunged convictions](#)

Staff recommended position: Watch

Status of January 22, 2020: In Assembly Appropriations Committee. Hearing date not set.

Summary: This bill would require a board within the department that has posted on its internet website that a person's license was revoked because the person was convicted of a crime to, within 6 months of receiving the expungement order for the underlying offense from the person, post notification of the expungement order and the date thereof on the board's internet website if the person applies for licensure or is relicensed, or remove the initial posting on its internet website that the person's license was revoked if the person is not currently licensed and does not reapply for licensure, as specified. The bill would require a person to pay a fee, to be determined by the department, to the board for the cost of administering the bill's provisions.

Comments: Staff estimates the number of revoked licensees who would take advantage of such a process to be very small, and thus impact to the Board would be minimal. Staff recommends a **watch** position.

ISSUE MEMORANDIUM

DATE	January 31, 2020
TO	Members, Practice and Education Committee (PEC)
FROM	Shara Murphy, Executive Officer <i>prepared by Marc Johnson, Policy Analyst and Arsha Qasmi, Lead Licensing Analyst</i>
SUBJECT	Agenda Item #5 - Discussion and Possible Action on Title 16, California Code of Regulations (CCR) §1536 – Continuing Optometric Education; Purpose and Requirements

Summary:

Based upon PEC direction and staff research, staff is proposing amendments to the text of CCR §1536 – continuing optometric education: purpose and requirements. The goal of these changes is to strengthen existing renewal requirements for licensees, improve processes for CE providers, further define what internet/self-study courses are and require which courses cannot be taken online and must be completed in person. This regulation is also being reviewed by the Practice and Education Committee.

History:

At the August 8, 2018 Board meeting, the Board directed staff to draft regulatory language which would change the number of continuing education hours completed via self-study from 20 to 25 hours. Due to the change in staff and Board management, this change has not yet been implemented.

At the January 3, 2019 PEC meeting, the PEC set out areas for staff to research:

- Approval criteria and timeframes for other DCA Boards and Bureaus, the Council on Optometric Practitioner Education (COPE), the American Optometric Association, and other relevant entities to identify current industry practices.
- Inclusion of course numbers on the applications.
- Timeframes of approval for providers.
- Designation of the type of Optometry licensees that can teach certain courses

Subsequently, at the March 8, 2019 PEC meeting, the PEC received updates on these areas and added direction to research possible definitions for live versus self/study internet courses.

Proposed Changes to CCR §1536 (Attachment A):

Subsection (c): As approved by the Board at the August 8, 2018 meeting, this proposed change would allow up to 25 hours, instead of 20, of self-study to be accomplished via alternative methods. This change provides more flexibility to the licensee to complete their required CEUs. Staff requests discussion if this change should be pursued separately as a rulemaking package, as proposed by Dr. Kawaguchi, or if it should be completed with the other changes proposed below as a combined rulemaking package.

Subsection (c)(1): The PEC, at the January and March 2018 meetings, discussed various ways to define the term “self study” and requested staff research possible definitions. This proposed change would further define “self study” to mean a form of “orderly learning” without participatory interaction between licensee and instructor. It would also set out various ways this can be required, such as online courses, internet, DVDs or home study materials such as books. These definitions are based on Veterinary Medical Board.

Subsection (c)(7): Staff proposes raising the amount of CEU that can be obtained by participating in a Board workshop as an SME from eight to 12 hours, as the Board will often hold two day workshops totaling 16 hours. However, a total of 12 hours would not overlap with the 35 hours required for the diagnosis, treatment and management of ocular disease whereas a total of 16 hours may.

Subsection (f): Makes consistent with the Board’s new internal policy for assigning provider numbers and requires providers include that on certificates. Limits approvals to one year, mirroring COPE standards. It also restricts use of the Board’s letterhead, seal or logo to be used on certificates or advertising which will help to prevent fraud and illegal advertising of courses which are not Board approved.

Subsection (g)(4): Staff proposes text which further specifies the records a providers must keep, such as dates and places of the course and the completion certificates. It also requires providers to keep records on file for four years instead of three.

Subsection (h)(9): Addition of text requiring the Board’s course approval number, which will assist licensees and staff to track courses consistent with the Board’s CE course list. Staff also proposes modification of text from “use of” to “A” certificate is required for any CE course. Additionally, deletion of text specifying “supplied by the Board” and “such forms will be furnished by the Board upon request”, since the Board does not produce such a document. These changes will make clear that all licensees must have a completion certificate for their CEUs.

Subsection (k): Staff recommends addition of text requiring licensees to keep their course completion certificates on file for four years for auditing and enforcement purposes. Similar to other Boards, it would also codify the Board’s “recommendation” as listed on the website to keep files for four years, and make it actionable if a licensee fails to do so during an audit or other action.

Subsection (m): Staff proposes a new subsection (m) which would prohibit a licensee repeating courses during a two year renewal period, making it actionable for enforcement purposes if discovered during an audit or via complaint. During audits in 2018-19, it was discovered multiple licensees were claiming repeat credit during their two year renewal period.

Subsection (n): Staff proposes a new subsection (n), which is based on a Dental Board regulation. It would require that any hours obtained outside of the 25 hours of the alternative methods as defined in subsection (c) must be live, in person and interactive, and would further define what such a course is and how it is taught via participatory interaction. As currently written, this would not allow these courses to be taught via the internet (ex. Skype or web meeting) even if the internet course allowed for such participatory interaction.

Further, staff proposes that the remaining 25 live in-person hours must be in specific areas of study directly related to optometry and patient care. The courses listed are modeled on COPE's categories for CEU.

Attachment:
Proposed Changes to CCR §1536 (Attachment A)

California State Board of Optometry

Amend Section 1536 of Article 6.5 of Division 15 of Title 16 of the California Code of Regulations as follows:

§1536. Continuing Optometric Education; Purpose and Requirements.

(a) Except as otherwise provided in Section 1536(b), each licensee shall complete 40 hours of formal continuing optometric education course work within the two years immediately preceding the license expiration date. Such course work shall be subject to Board approval. Up to eight hours of course work may be in the area of patient care management or ethics in the practice of optometry. Business management courses are not accepted by the Board.

(b) An optometrist certified to use therapeutic pharmaceutical agents pursuant to Business and Professions Code Section 3041.3 shall complete a total of 50 hours of continuing optometric education every two years in order to renew his or her license. Thirty-five of the required 50 hours of continuing optometric education shall be on the diagnosis, treatment and management of ocular disease and consistent with Business and Professions Code section 3059, subdivision (e).

(c) Up to **20 25** hours of required biennial course work may be accomplished by using any or all of the following alternative methods:

(1) Documented and accredited self study through correspondence or an electronic medium. For the purposes of this section, "self study" means a form of orderly learning that does not offer participatory interaction between the licensee and the instructor during the instructional period. This may be accomplished via the following methods:

(A) Audio or video pre-recorded or non-live teleconferences, webinars, seminars, podcasts, broadcasts or lectures online or via the internet.

(B) CD-ROMs played on a computer.

(C) Digital video discs.

(D) Books or materials as part of an independent or home study program.

(E) Programs or applications on a computer, tablet or cellular phone specifically designed for this purpose.

(2) Teaching of continuing optometric education courses if attendance at such course would also qualify for such credit, providing none are duplicate courses within the two-year period.

(3) Writing articles that have been published in optometric journals, magazines or newspapers, pertaining to the practice of optometry (or in other scientific, learned, refereed journals on topics pertinent to optometry), providing no articles are duplicates. One hour of credit will be granted for each full page of printing or the equivalent thereof.

(4) A full day's in person attendance at a California State Board of Optometry Board meeting as verified by the Board. Every two hours of open session equates to one hour of credit, up to a maximum of four credit hours.

(5) Completion of a course to receive certification in cardiopulmonary resuscitation (CPR) from the American Red Cross, the American Heart Association, or other

Commented [JM1]: Change made at the 8/3/18 Board meeting. Staff requests discussion if this change should be pursued separately as a rulemaking package, or if it should be completed with the other changes proposed as a combined rulemaking package.

Commented [JM2]: Defines what self study is and the methods that may be used to fulfill it. Based on Vet Medical and Board of Behavioral Science definitions.

association approved by the Board. Up to four credit hours shall be granted for this course.

(6) Any continuing education course approved for category 1 of the American Medical Association or category 1A of the American Osteopathic Association Continued Medical Education credits that contributes to the advancement of professional skill and knowledge in the practice of optometry.

(7) Participation as a subject matter expert in the creation of the Board's California Laws and Regulation Examination. Subject matter experts will receive one hour of continuing education credit for each hour attending a Board sponsored workshop, not to exceed ~~eight~~ twelve credits per renewal cycle.

(d) A credit hour is defined as one classroom hour, usually a 50-minute period, but no less than that.

(e) Continuing optometric education programs which are approved as meeting the required standards of the Board include the following:

(1) Continuing optometric education courses officially sponsored or recognized by any accredited school or college of optometry.

(2) Continuing optometric education courses provided by any national or state affiliate of the American Optometric Association, the American Academy of Optometry, or the Optometric Extension Program.

(3) Continuing optometric education courses approved by the Association of Regulatory Boards of Optometry committee known as COPE (Council on Optometric Practitioner Education).

(f) Other continuing optometric education courses approved by the Board as meeting the criteria set forth in paragraph (g) below, after submission of the Continuing Education Course Approval Application (Form CE-01, Rev. 5/16), hereby incorporated by reference, course schedule, topical outline of subject matter, and curriculum vitae of all instructors or lecturers involved, to the Board not less than 45 days prior to the date of the program. The Board may, upon application of any licensee and for good cause shown, waive the requirement for submission of advance information and request for prior approval. Nothing herein shall permit the Board to approve a continuing optometric education course which has not complied with the criteria set forth in paragraph (g) below.

(1) Course approvals shall be valid for one year from the date as approved by the Board. Each individual course shall be assigned a course approval number by the Board. This approval number is required to be listed on the completion certificate.

(2) The approved provider shall not use the Board's letterhead, seal or logo on any course certificates, advertising or solicitation.

(g) The criteria for judging and approving continuing education courses by the Board for continuing optometric education credit will be determined on the following basis:

(1) Whether the program is likely to contribute to the advancement of professional skills and knowledge in the practice of optometry.

Commented [JM3]: Current workshops can run 16 hours total. Staff proposes 12 total, so as not to overlap with the 35 CEU requirement for glaucoma.

Commented [JM4]: Makes consistent with our new internal policy for assigning provider numbers and requires providers include that on certificates. Limits approvals to one year, mirroring COPE standards.

(2) Whether the instructors, lecturers, and others participating in the presentation are recognized by the Board as being qualified in their field.

(3) Whether the proposed course is open to all optometrists licensed in this State.

(4) Whether the provider of any mandatory continuing optometric education course agrees to maintain and furnish to the Board and/or attending licensee such records of course content, **dates and places of the course, course completion certificates** and attendance as the Board requires, for a period of at least **three four** years from the date of course presentation.

Commented [JM5]: Strengthens what the provider must keep on file and for how long.

(h) Proof of continuing optometric education course attendance shall be provided in a form and manner specified in writing by the Board and distributed to all licensed optometrists in this State. Certification of continuing optometric education course attendance shall be submitted by the licensee to the Board upon request, and shall contain the following minimal information:

(1) Name of the sponsoring organization.

(2) Name, signature, practice address, and license number of the attending licensee.

(3) Subject or title of the course.

(4) Number of continuing optometric education hours provided for attending the course.

(5) Date the course was provided.

(6) Location where the course was provided.

(7) Name(s) and signature(s) of the course instructor(s).

(8) Such other evidence of course content or attendance as the Board may deem necessary.

(9) Course approval number as assigned by the Board, if applicable.

Commented [JM6]: Makes consistent with the Board's new CE course list and approval number now assigned by staff.

Use of a certificate of course completion provided by the Board is recommended required for any continuing optometric education course approved by the Board pursuant to the above. Such forms will be furnished by the Board upon request.

Commented [JM7]: Removes the Board's certificate, since we do not produce such a document, and requires that licensees must have certificates for any courses taken.

The Board will also recognize and utilize the Association of Regulatory Boards in Optometry's online Optometric Education (OE) Tracker system as proof of continuing education course attendance.

(i) The following licensees shall be exempt from the requirements of this section:

(1) Any licensee serving in the regular armed forces of the United States during any part of the two years immediately preceding the license expiration date.

(2) Any licensee who is renewing an active license for the first time, if he or she graduated from an accredited school or college of optometry less than one year from the date of initial licensure.

(3) Those licensees as the Board, in its discretion, determines were unable to complete sufficient hours of continuing optometric education courses due to illness, incapacity, or other unavoidable circumstances. An extension may be granted if the Board, in its discretion, determines that good cause exists for the licensee's failure to complete the requisite hours of continuing optometric education.

(j) The Board, in its discretion, may exempt from the continuing optometric education requirements of this section licensees who for health reasons or other good cause

cannot meet these requirements. Licensees requesting an exemption shall complete a Continuing Education Exemption Request (Form CE-E, Rev 2/2016) and submit it, along with all required supporting information, to the Board for its consideration at least thirty (30) days prior to the expiration of the license.

(1) The Board may deny a request for exemption but at its discretion may grant the licensee an extension of up to one year to obtain the necessary continuing optometric education.

(2) A licensee whose requests for an exemption is denied and an extension is not granted shall otherwise comply with the provision of this section.

(k) The Board may conduct an audit of any licensee's attendance of a continuing optometric education course as a means of verifying compliance with this section. **A licensee shall maintain all course completion certificates on file which are used for renewal purposes for a period of four (4) years from the license renewal date and shall provide these records to the Board upon request or in the event of an audit.**

Commented [JM8]: Similar to what other boards already do. Codifies "recommendation" as listed on the website to keep certificate on file for audit purposes.

(l) Licensees that are glaucoma certified pursuant to BPC section 1571 shall be required to complete 10 hours of glaucoma specific optometric continuing education every license renewal period. These 10 hours shall be part of the required 35 hours on the diagnosis, treatment and management of ocular disease.

(m) A licensee may not repeat the same course more than once within the two-year renewal timeframe.

Commented [JM9]: Staff recommendation. During audits it was discovered multiple licensees were claiming repeat credit during their two year renewal period. Proposed text would prohibit it, making it actionable for enforcement purposes if discovered during an audit or via complaint.

(n) In the event that a portion of a licensee's hours have been obtained through alternative methods, as defined in section (c) above and not exceeding 25 hours per renewal period, all remaining hours shall be obtained through live and interactive course study. For the purposes of this section, such courses are defined as live in-person lecture, live in-person workshop demonstrations, or live in-person classroom studies, which allows participatory interaction between the licensee and the instructor during the instructional period. These courses shall be in the following areas:

Commented [JM10]: Taken from Dental Board regs. Would require that any units obtained outside of the 25 hours of self study must be live, in person and interactive. This would not allow these courses to be taught via the internet (ex. Skype or web meeting) with interactions. Staff requests further discussion on this issue.

(1) Systemic / Ocular Disease

(2) Anterior Segment

(3) Posterior Segment

(4) Pharmacology

(5) Glaucoma

(6) Public Health

(7) Pain medication, including the risks of addiction associated with the use of Schedule II drugs

(8) Diagnosis and Treatment

(9) Functional Vision

(10) Neuro-Optometry

Commented [JM11]: Remaining in person units would be required in these general categories, based on COPE's current course list.