



Board Meeting Materials

Friday, May 15, 2020

10:00 a.m. until close of business

Teleconference

California State Board of Optometry
2450 Del Paso Road, Suite 105
Sacramento, CA 95834
916-575-7170 optometry.ca.gov

MEMBERS OF THE BOARD

Mark Morodomi, JD, President
Glenn Kawaguchi, OD, Vice President
Debra McIntyre, OD, Secretary
Cyd Brandvein
Madhu Chawla, OD
Martha Garcia, CLD, SLD
Rachel Michelin
Maria Salazar Sperber, JD
David Turetsky, OD
Lillian Wang, OD
Vacant, Public Member



QUARTERLY BOARD MEETING AGENDA

Friday, May 15, 2020
Time: 10:00 a.m. until close of business

This public meeting will be held via WebEx Events. To participate in the Webex meeting, please log on to this website the day of the meeting using this link:

<https://dca-ca.webex.com/dca-ca/onstage/q.php?MTID=e87a12ddc5a3463d7090b5e5be43a3b94>

Instructions to connect to the meeting can be found at the end of this agenda.

NOTICE: Pursuant to Governor Gavin Newsom's Executive Order N-29-20, in response to the COVID-19 pandemic, the meeting is being held entirely telephonically. No physical public location is being made available for public participation. Members of the public may observe or participate using the link above. Due to potential technical difficulties, please consider submitting written comments via email by May 10, 2020, to optometry@dca.ca.gov for consideration.

Action may be taken on any item on the agenda.

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. **Presentation and Discussion of President's Report**
4. **Update by Representatives of the Department of Consumer Affairs, Which May Include Updates, Discussion and Possible Action Pertaining to the Department's Administrative Services, Budgetary, Human Resources, Enforcement, Information Technology, Communications and Outreach, as Well as Legislative, Regulatory and Policy Matters**
 - A. Department of Consumer Affairs
 - B. Budget Office
5. **Presentation and Discussion of Executive Officer's Report**

- A. Board Response to COVID-19
 - B. Enforcement Program
 - C. Examination and Licensing Programs
6. **Discussion and Possible Action on Enforcement Policy Change to Toll Public-facing Probation Conditions Impacted by COVID-19 and the Governor’s resulting Stay-at-Home Order**
 7. **Discussion and Possible Action on February 28, 2020 Board Meeting Minutes**
 8. **Update, Discussion and Possible Action on Changes to Title 16, California Code of Regulations, sections 1399.270, 1399.271, 1399.272, 1516 and 1517 (Implementation of Assembly Bill 2138)**
 - A. Adoption of Responses to Comments Received During 45-day Public Comment Period
 - B. Order of Adoption
 9. **Update, Discussion and Possible Action on Changes to Title 16, California Code of Regulations, section 1536 (Continuing Education Regulations)**
 10. **Update, Discussion and Possible Action on Possible Changes to Title 16, California Code of Regulations, sections 1524 and 1572 (Implementation of Assembly Bill 443)**
 11. **Update, Discussion and Possible Action on Changes to Chapters 5.4, 5.45 and 5.5 of the Business and Professions Code (Optician Program Statutes)**
 12. **Presentation and Discussion of Research on Telemedicine**
 - A. Discussion of Additional Sources of Information
 - B. Discussion of Focus Areas for Next Stage of Research
 13. **Update, Discussion and Possible Action on 2020 Legislation**
 - A. Assembly Bill 896 (Low)
 - B. Assembly Bill 1263 (Low)
 - C. Assembly Bill 2028 (Aguiar-Curry)
 - D. Assembly Bill 2185 (Patterson)
 14. **Future Agenda Items**
 15. **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.

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, email optometry@dca.ca.gov or mailing a written request to Kristina Eklund at 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.

HOW TO – Join – DCA WebEx Event



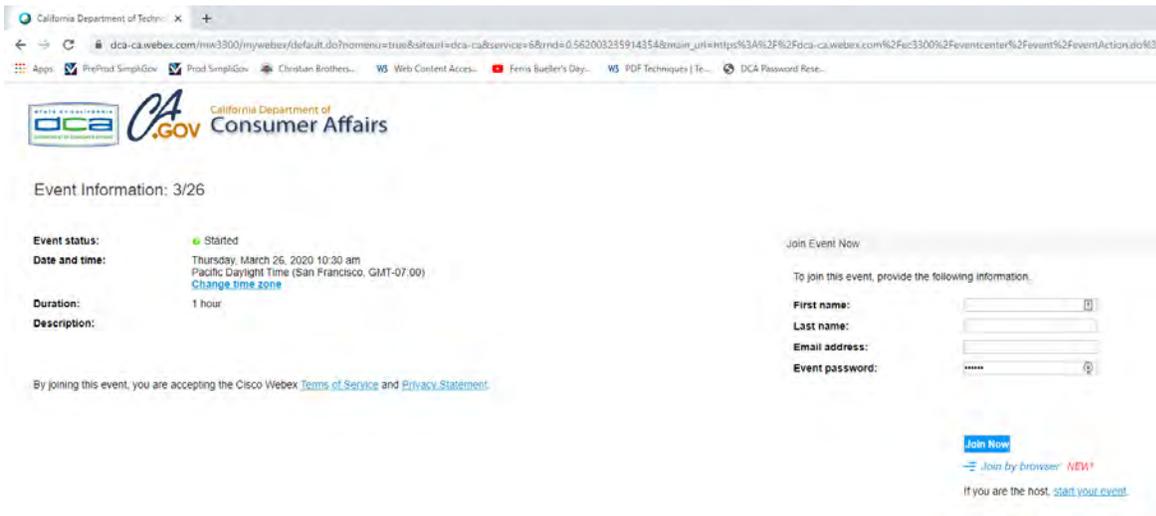
The following contains instructions to join a WebEx event hosted by the Department of Consumer Affairs (DCA).

NOTE: The preferred audio connection to our event is via telephone conference and not the microphone and speakers on your computer. Further guidance relevant to the audio connection will be outlined below.

1. Navigate to the WebEx event link provided by the DCA entity (an example link is provided below for reference) via an internet browser.

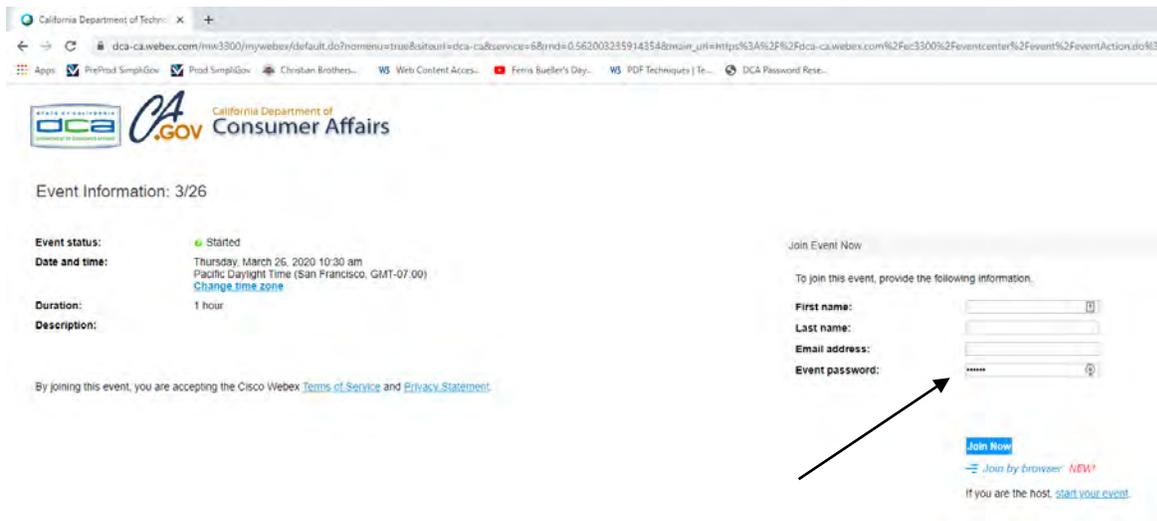
Example link:

<https://dca-ca.webex.com/dca-ca/onstage/g.php?MTID=eb0a73a251f0201d9d5ef3aaa9e978bb5>



2. The details of the event are presented on the left of the screen and the required information for you to complete is on the right.
NOTE: If there is a potential that you will participate in this event during a Public Comment period, you must identify yourself in a manner that the event Host can then identify your line and unmute it so the event participants can hear your public comment. The 'First name', 'Last name' and 'Email address' fields do not need to reflect your identity. The department will use the name or moniker you provide here to identify your communication line should you participate during public comment.

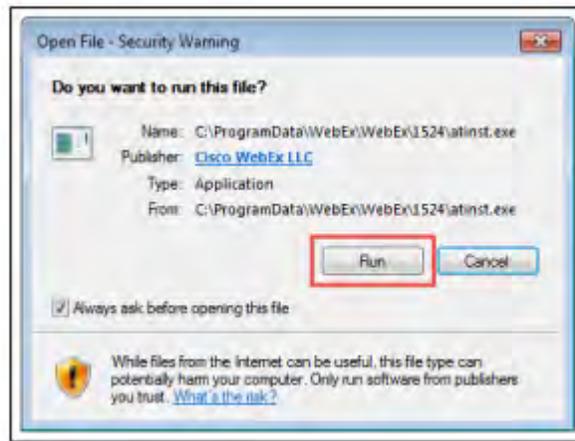
HOW TO – Join – DCA WebEx Event



3. Click the 'Join Now' button.

NOTE: The event password will be entered automatically. If you alter the password by accident, close the browser and click the event link provided again.

4. If you do not have the WebEx applet installed for your browser, a new window may open, so make sure your pop-up blocker is disabled. You may see a window asking you to open or run new software. Click 'Run'.



Depending on your computer's settings, you may be blocked from running the necessary software. If this is the case, click 'Cancel' and return to the browser tab that looks like the window below. You can bypass the above process.

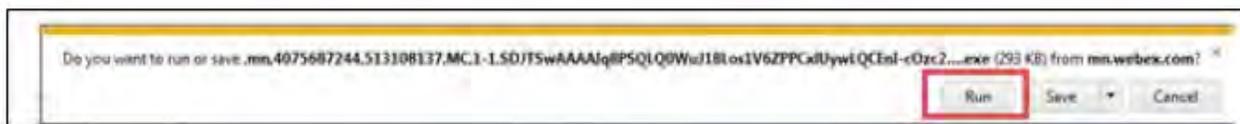
HOW TO – Join – DCA WebEx Event

Starting Webex...



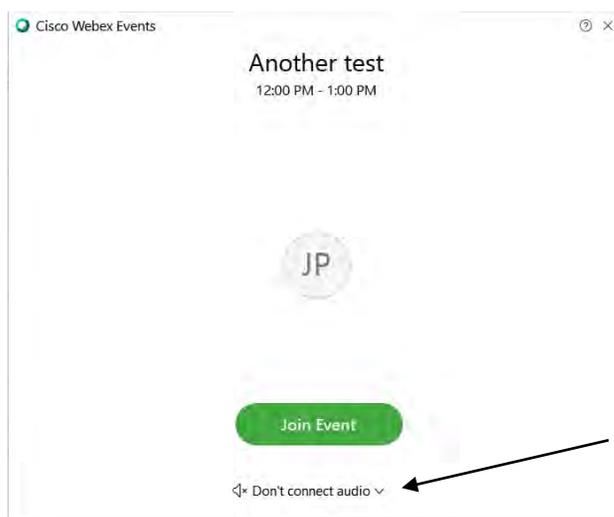
Still having trouble? [Run a temporary application](#) to join this meeting immediately.

5. To bypass step 4, click 'Run a temporary application'.
6. A dialog box will appear at the bottom of the page, click 'Run'.



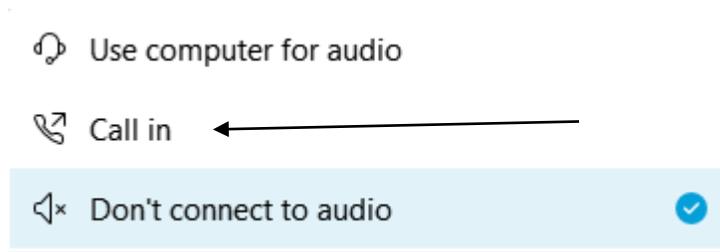
The temporary software will run, and the meeting window will open.

7. Click the audio menu below the green 'Join Event' button.

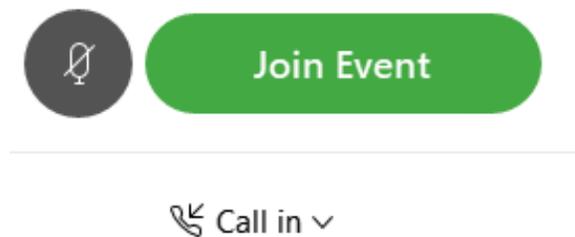


8. When the audio menu appears click 'Call in'.

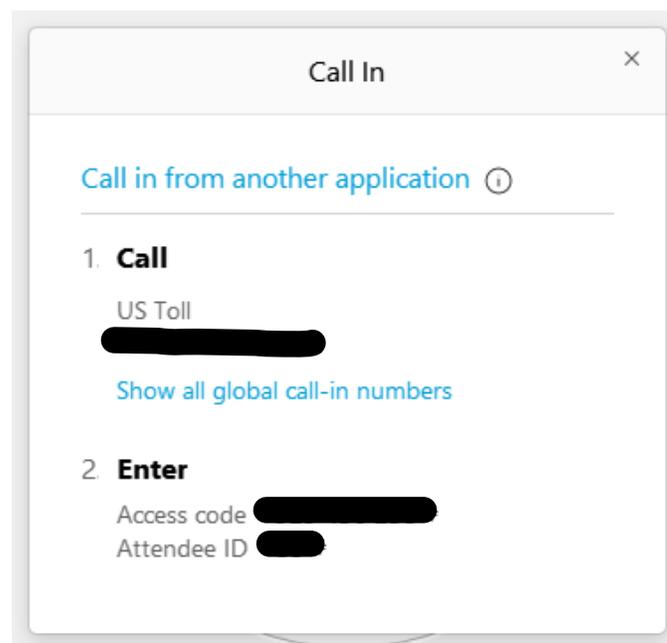
HOW TO – Join – DCA WebEx Event



9. Click 'Join Event'. The audio conference call in information will be available after you join the Event.



10. Call into the audio conference with the details provided.

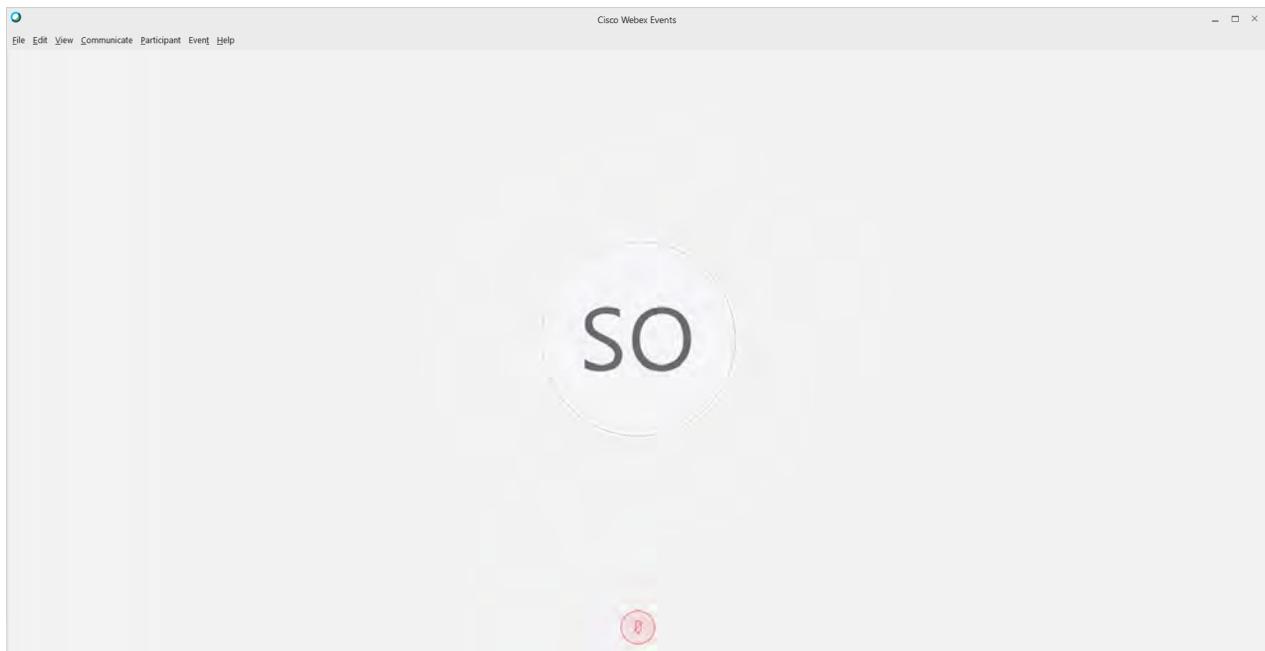


NOTE: The audio conference is the preferred method. Using your computer's microphone and speakers is not recommended.

HOW TO – Join – DCA WebEx Event

Once you successfully call into the audio conference with the information provided, your screen will look like the screen below and you have joined the event.

Congratulations!

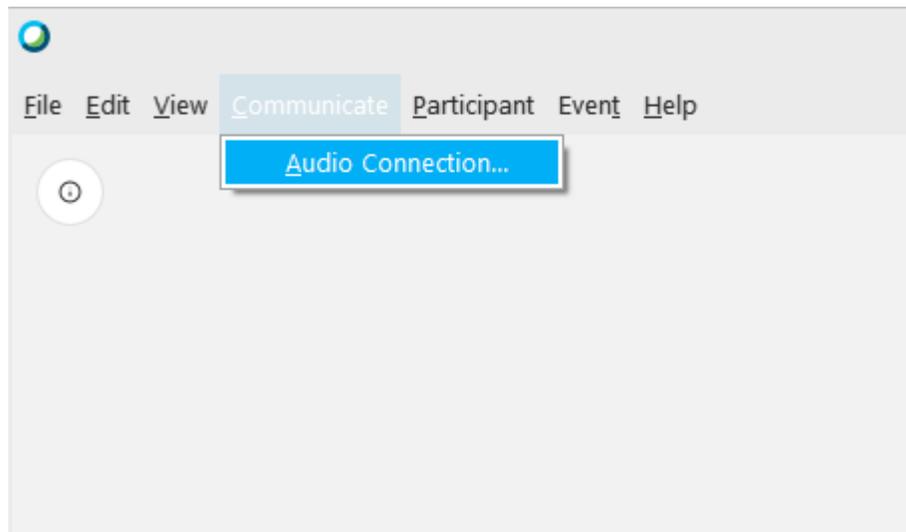


NOTE: Your audio line is muted and can only be unmuted by the event host.

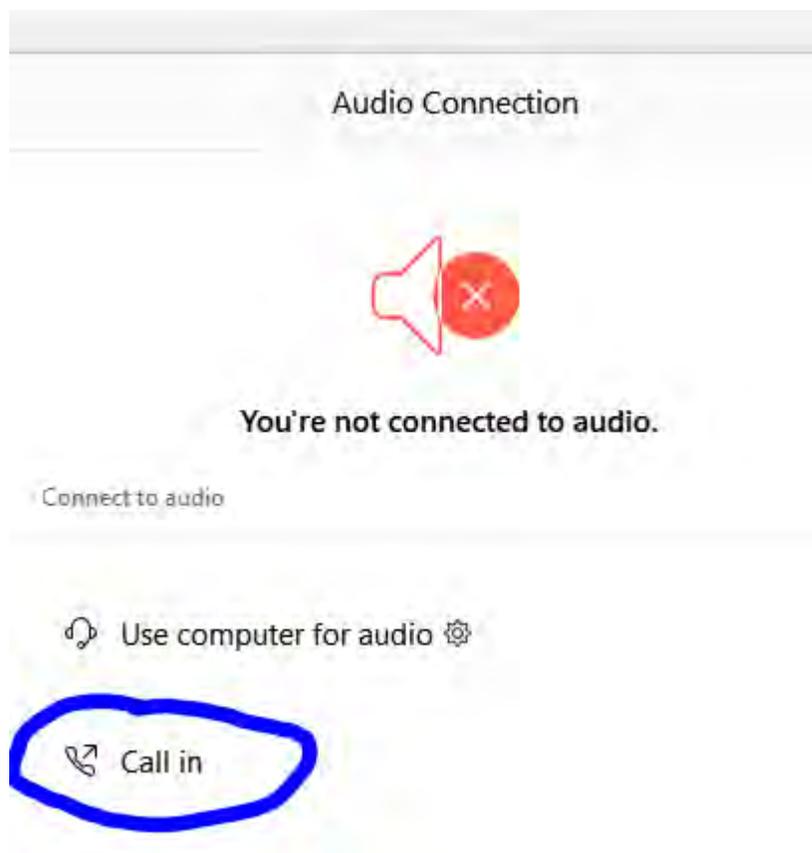
If you join the meeting using your computer's microphone and audio, or you didn't connect audio at all, you can still set that up while you are in the meeting.

Select 'Communicate' and 'Audio Connection' from top left of your screen.

HOW TO – Join – DCA WebEx Event



The 'Call In' information can be displayed by selecting 'Call in' then 'View'



You will then be presented the dial in information for you to call in from any phone.

Participating During a Public Comment Period

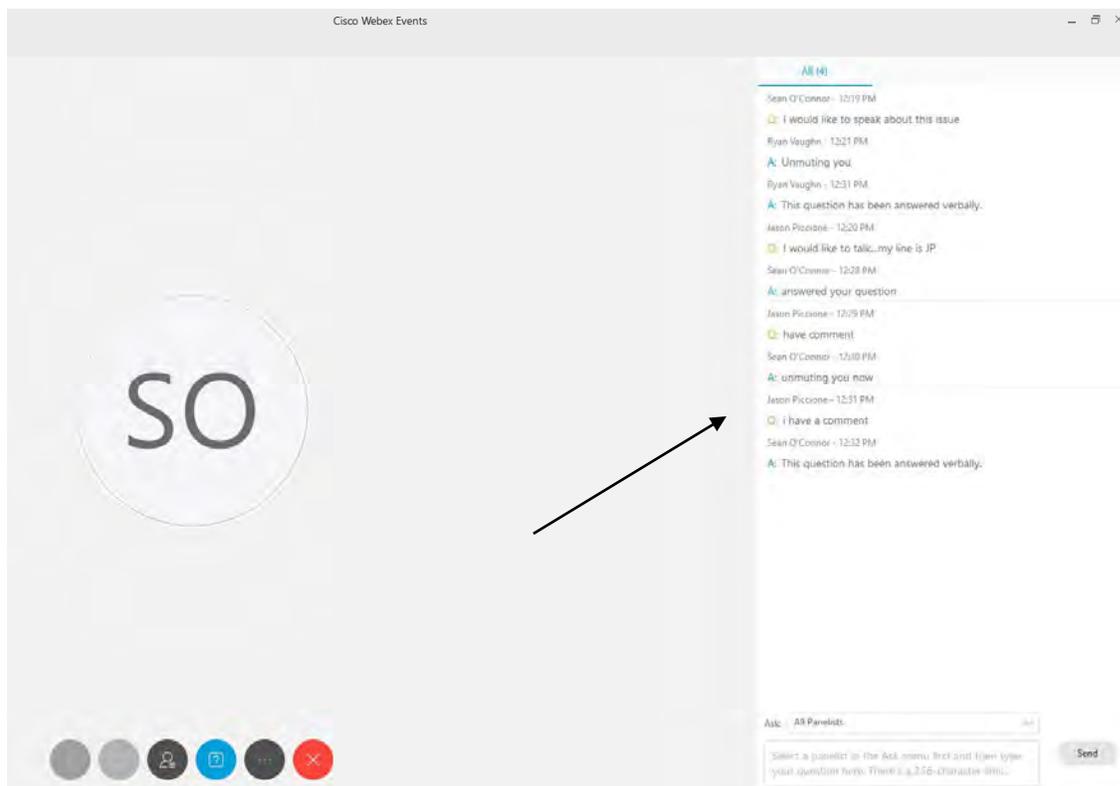
At certain times during the event, the facilitator may call for public comment. If you would like to make a public comment, click on the 'Q and A' button near the bottom, center of your WebEx session.



This will bring up the 'Q and A' chat box.

NOTE: The 'Q and A' button will only be available when the event host opens it during a public comment period.

HOW TO – Join – DCA WebEx Event



To request time to speak during a public comment period, make sure the 'Ask' menu is set to 'All panelists' and type 'I would like to make a public comment'.

Attendee lines will be unmuted in the order the requests were received, and you will be allowed to present public comment.

NOTE: Your line will be muted at the end of the allotted public comment duration. You will be notified when you have 10 seconds remaining.



ISSUE MEMORANDUM

DATE	May 15, 2020
TO	Members, California State Board of Optometry (CSBO)
FROM	Mark Morodomi, President
SUBJECT	Agenda Item #1 – Call to Order/Roll Call and Establishment of a Quorum

Board President Mark Morodomi will call the meeting to order. Please note the date and time for the record. Also please note the meeting being held is via teleconference pursuant to the Governor’s Executive Order NO-29-20.

Board Secretary Debra McIntyre, will call roll to establish a quorum of the Board.

Mark Morodomi
 Glenn Kawaguchi O.D.
 Cyd Brandvein
 David Turetsky OD
 Madhu Chawla OD
 Martha “Ruby” Garcia CLD/SLD
 Debra McIntyre OD
 Maria Salazar-Sperber
 Lillian Wang OD
 Rachel Michelin



ISSUE MEMORANDUM

DATE	May 15, 2020
TO	Members, California State Board of Optometry (CSBO)
FROM	Mark Morodomi, Board President
SUBJECT	Agenda Item #2 – Public Comment for Items Not on the Agenda

The Board welcomes public comment for items not on the agenda.

Please 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))



ISSUE MEMORANDUM

DATE	May 15, 2020
TO	Members, California State Board of Optometry (CSBO)
FROM	Mark Morodomi, Board President
SUBJECT	Agenda Item #3 – Presentation and Discussion of the President’s Report

Board President Mark Morodomi will offer the President’s Report.



ISSUE MEMORANDUM

DATE	May 15, 2020
TO	Members, California State Board of Optometry (CSBO)
FROM	Shara Murphy, Executive Officer
SUBJECT	Agenda Item #4 - Update by Representatives of the Department of Consumer Affairs, Which May Include Updates, Discussion and Possible Action Pertaining to the Department's Administrative Services, Budgetary, Human Resources, Enforcement, Information Technology, Communications and Outreach, as Well as Legislative, Regulatory and Policy Matters

Representatives from the California Department of Consumer Affairs will offer updates in the following areas:

1. Department of Consumers Affairs
2. Budget Office



MEMORANDUM

DATE	May 11, 2020
TO	California State Board of Optometry
FROM	Department of Consumer Affairs Office of Board and Bureau Services
SUBJECT	Report of the Department of Consumer Affairs

Thank you for this opportunity to submit a written update from the Department of Consumer Affairs (DCA) on its current activities to the Court Reporters Board of California (Board).

DCA EFFORTS PERTAINING TO CORONAVIRUS (COVID-19)

Pursuant to the Governor’s Executive Order N-39-20, during the State of Emergency, the DCA director may waive any statutory or regulatory requirements with respect to a professional license issued pursuant to [Division 2](#) of the Business and Professions Code (healing arts boards). In addition, pursuant to Executive Order N-40-20, the director of DCA may waive any statutory or regulatory requirements with respect to continuing education for licenses issued pursuant to [Division 3](#) of the Business and Professions Code (professions and vocational boards). To date, the Director has issued 13 waivers. DCA is working with its boards to identify waivers that balance consumer protection with the purpose of the Executive Order, which was to facilitate the continued provision of care to individuals affected by the COVID-19 outbreak.

On March 31, 2020, Governor Newsom issued a call to action asking those licensed in California to join the fight in battling the COVID-19 pandemic. The Governor launched the [California Health Corps](#) where individuals can go to sign up to be deployed to assist in providing care to those in need. In addition, individuals with a current/active out-of-state license who want to assist with COVID-19 outbreak in California should email Emergency Medical Services Authority (EMSA) at: Covid19@emsa.ca.gov.

DCA is maintaining ongoing efforts to support licensees, support accessibility to healthcare services in California, and protect California’s consumers during this pandemic. DCA and the boards and bureaus within DCA have implemented telework plans to allow individuals who can perform their duties outside of the office to do so and have required physical distancing for those employees who cannot telework.

The licensing and enforcement functions at the boards and bureaus are continuing to take place, though several functions are done remotely. In addition, the manner in which board meetings are being held has changed drastically and DCA is assisting boards with tools such as WebEx. DCA is also working on a plan that will look at staff returning to work and allowing public access, as well as looking at identifying areas where changes could be made on an ongoing basis for some process efficiencies. DCA remains committed to providing ongoing communication and assistance to its boards and bureaus. In addition, up-to-date information on COVID-19, including a full list of issued waivers, is posted on the Department's website, www.dca.ca.gov. DCA has also been providing boards and bureaus information via email and teleconference meetings.

NEW AGENCY AND DCA APPOINTMENTS

On January 22, 2020, Governor Newsom appointed Lourdes Castro Ramirez as the new secretary of the Business, Consumer Services and Housing Agency (Agency). Secretary Castro Ramirez assumed this position effective March 2, 2020. Previously, Secretary Castro Ramirez served as the president of the University Health Systems Foundation.

Former Agency Secretary Alexis Podesta was appointed by Governor Newsom to the State Compensation Insurance Fund Board of Directors. DCA has been very fortunate to have Secretary Podesta serve these past years as her leadership helped guide the Department through many significant changes that helped benefit the consumers of California. DCA wants to thank her for her support and leadership and wishes her the best in her future endeavors.

In addition, on March 5, 2020, Governor Newsom appointed Jennifer Simoes as the Department's Deputy Director of Legislation. Ms. Simoes assumed this position on March 16, 2020, and brings with her a strong background in legislation, having most recently served as the Chief of Legislation at the Medical Board of California since 2010.

Finally, on April 16, 2020, Christine Lally was appointed by Governor Newsom as the Chief Deputy Director of DCA. Ms. Lally most recently served as Deputy Director of the Medical Board of California. Prior to that, Ms. Lally was Deputy Director of Board and Bureau Relations at DCA. Ms. Lally will join DCA at a later date.

DCA is excited to have Ms. Lally's and Ms. Simoes' great experience and expertise on the DCA team!

WEBSITE ADA COMPLIANCE

DCA is continuing its ongoing effort to encourage boards and bureaus to bring all web postings, including meeting materials, into compliance with the American Disabilities Act (ADA). Just like the laws that govern physical accessibility, California Government Code requires state agencies to make websites accessible to people with disabilities. DCA's Office of Information Services (OIS) is continuing to find ways to bring all boards and bureaus into compliance with State law by having all "old" documents converted to ADA-accessible web documents by the end of this year. Further, it is continuing to work with boards'/bureaus' staff to ensure that all documents posted on DCA's websites are compliant moving forward. Currently, OIS is offering ADA remediation training to DCA staff to educate them about the process of converting web documents for ADA accessibility. Accordingly, even while exercising social distancing by teleworking, staff can help contribute to the goal.

BOARD MEMBER ORIENTATION TRAINING

With consideration to COVID-19, DCA cancelled its Board Member Orientation Training that was scheduled for March 25, 2020. To enable board members to meet the mandate of completing this training within one year of appointment and reappointment, DCA will provide a webinar-based training this month. This training will be structured as two, half-day courses taking place May 18, 2020 and May 29, 2020. Board members will be asked to participate in both sessions in order to earn completion credit.

In addition, a Board Member Orientation Training is scheduled to be held on Saturday, June 27, 2020 at the USC Institute of Urology in Los Angeles. At this time, DCA will begin accepting registrations for this training. However, please be advised that the offering of this training is contingent on California's declared State of Emergency and whether public gatherings and travel will be safe and permissible.

To register and for more details about the Board Member Orientation Training, please visit the [DCA Board Member Resource Center](https://www.dca.ca.gov/BoardMemberResourceCenter) located on DCA's Website, www.dca.ca.gov.

Thank you again for your valued partnership. Please let us know if DCA can be of service to the Board. If you have any questions, feel free to contact DCA Board and Bureau Services at MemberRelations@dca.ca.gov.

**State Board of Optometry
FY 2019-20 BUDGET REPORT**

Based on 4/2020 Activity Log

OBJECT DESCRIPTION	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20				
	ACTUAL	ACTUAL	ACTUAL	CY REVISED	CURRENT YEAR	PERCENT	PROJECTIONS	UNENCUMBERED
	EXPENDITURES (Prelim FM12)	EXPENDITURES (Prelim FM12)	EXPENDITURES (Prelim FM12)	BUDGET 2019-20	EXPENDITURES 4/2020 Activity Log	SPENT	TO YEAR END	BALANCE
Salary & Wages (Staff)	427,127	430,734	509,777	535,000	406,350	76%	542,000	(7,000)
Temp Help	80,790	86,159	34,592	41,000	18,759	0%	18,759	22,241
Statutory Exempt (EO)	43,559	36,302	84,839	82,000	68,328	83%	91,104	(9,104)
Board Member Per Diem	13,200	10,400	7,800	7,000	5,900	84%	8,000	(1,000)
Overtime/Retirement Payout	626	0	5	0	0	0%	0	0
Staff Benefits	257,881	279,182	347,278	382,000	279,047	73%	372,000	10,000
TOTALS, PERSONNEL SVC	823,183	842,776	984,291	1,047,000	778,384	74%	1,031,863	15,137
OPERATING EXPENSE AND EQUIPMENT								
General Expense	15,272	16,572	36,646	21,000	11,945	57%	15,000	6,000
Printing	12,713	13,476	7,938	11,000	7,415	67%	15,300	(4,300)
Communication	2,800	2,593	2,683	5,000	2,010	40%	3,015	1,985
Postage	7,388	8,659	4,313	11,000	655	6%	2,700	8,300
Insurance	10	3,067	3,623	0	23	0%	3,623	(3,623)
Travel In State	39,122	28,263	14,944	8,000	3,192	40%	5,200	2,800
Travel, Out-of-State	886	0	0	0	0	0%	0	0
Training	1,383	895	500	1,000	1,655	166%	1,655	(655)
Facilities Operations	112,237	114,026	132,806	59,000	85,252	144%	115,000	(56,000)
C & P Services - Interdept.		41	44	89,000	47	0%	100	88,900
Attorney General	107,998	157,025	218,585	293,000	152,675	52%	233,000	60,000
Office of Administrative Hearings	25,890	35,850	62,277	38,000	55,950	147%	88,000	(50,000)
C & P Services - External	35,340	94,872	93,051	86,000	75,207	87%	92,000	(6,000)
DCA Pro Rata	439,302	460,677	553,628	402,000	301,500	75%	402,000	0
DOI - Investigation	0	236,577	0	328,000	82,000	25%	328,000	0
Interagency Services	0	0	0	0	326	0%	489	(489)
IA w/ OPES	0	0	26,076	0	34,730	0%	54,349	(54,349)
Consolidated Data Center	179	5,807	245	5,000	5,423	108%	7,230	(2,230)
Information Technology	2,565	246	487	1,000	1,178	118%	1,767	(767)
Equipment		9,221	2,746	1,000	171	17%	257	743
TOTALS, OE&E	803,085	1,187,867	1,160,591	1,359,000	821,354	60%	1,368,685	(9,685)
TOTAL EXPENSE	1,626,268	2,030,643	2,144,882	2,406,000	1,599,738	66%	2,400,548	5,452
Sched. Reimb. - Fingerprints	(4,459)	(5,390)	(4,753)	(6,000)	0	0%	(6,000)	0
Sched. Reimb. - Other	(2,820)	(1,175)	(2,115)	0	(14,463)	0%	0	0
Unsched. Reimb. - Other	(14,593)	(22,855)	(27,185)	0	(26,744)	0%	0	0
Internal Distribuion cost	0	0	(64,000)	(86,000)	0	0%	(86,000)	0
NET APPROPRIATION	1,604,396	2,001,223	2,046,829	2,314,000	1,558,531	67%	2,308,548	5,452
SURPLUS/(DEFICIT):								0.2%

**REGISTERED DISPENSING OFFICERS
FY 2019-20 BUDGET REPORT**

Based on 04/6/2020 Activity Log

OBJECT DESCRIPTION	FY 2017-18	FY 2018-19	CY REVISED
	ACTUAL	ACTUAL	BUDGET
	EXPENDITURES (Prelim FM12)	EXPENDITURES (Prelim FM12)	2019-20
Salary & Wages (Staff)	30,659	79,565	109,000
Temp Help	17,620	22,881	0
Statutory Exempt (EO)	0	0	0
Board Member Per Diem	0	0	0
Overtime/Retirement Payout	877	198	0
Staff Benefits	24,857	55,418	59,000
TOTALS, PERSONNEL SVC	74,014	158,062	168,000
OPERATING EXPENSE AND EQUIPMENT			
General Expense	187	98	4,000
Printing	3,964	6,439	2,000
Communication	0	0	1,000
Postage	3,590	2,554	2,000
Insurance	4	696	0
Travel In State	682	437	6,000
Training	0	0	1,000
Facilities Operations	594	0	0
C & P Services - Interdept.	2,400	8,781	86,000
Attorney General	73,842	27,049	67,000
Office of Administrative Hearings	0	0	5,000
C & P Services - External	0	0	4,000
DCA Pro Rata	86,606	40,547	132,000
Interagency Services	0	0	2,000
IA w/ OPES	0	52,620	87,000
Information Technology	0	0	1,000
TOTALS, OE&E	171,868	139,220	400,000
TOTAL EXPENSE	245,882	297,282	568,000
Sched. Reimb. - Fingerprints	0	(882)	0
Sched. Reimb. - Other	0	0	(1,000)
Unsched. Reimb. - Other	0	(17,291)	0
NET APPROPRIATION	245,882	279,109	567,000

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FY 2019-20			
CURRENT YEAR EXPENDITURES 4/62020 Activity Log	PERCENT SPENT	PROJECTIONS TO YEAR END	UNENCUMBERED BALANCE
57,644	53%	72,000	37,000
30,342	0%	40,730	(40,730)
0	0%	0	0
0	0%	0	0
0	0%	0	0
49,021	83%	63,000	(4,000)
137,007	82%	175,730	(7,730)
170	4%	1,055	2,945
4,055	203%	5,900	(3,900)
0	0%	0	1,000
514	26%	3,072	(1,072)
4	0%	696	(696)
0	0%	437	5,563
0	0%	0	1,000
0	0%	0	0
9	0%	6,000	80,000
15,130	23%	26,127	40,873
4,650	93%	8,000	(3,000)
17,991	450%	27,000	(23,000)
99,000	75%	132,000	0
65,250	3263%	87,000	(85,000)
45,372	52%	81,500	5,500
0	0%	0	1,000
252,145	63%	378,787	21,213
389,152	69%	554,517	13,483
(784)	0%	0	0
0	0%	(1,000)	0
(7,429)	0%	0	0
380,939	67%	553,517	13,483
SURPLUS/(DEFICIT):			2.4%

0175 - Dispensing Opticians Fund

Analysis of Fund Condition

Prepared 12.23.2019

(Dollars in Thousands)

Governor's Budget 2020-21

	PY 2018-19	CY 2019-20	Governor's Budget BY 2020-21	BY+1 2021-22
BEGINNING BALANCE	\$ 426	\$ 870	\$ 896	\$ 992
Prior Year Adjustment	\$ 228	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 654	\$ 870	\$ 896	\$ 992
REVENUES AND TRANSFERS				
Revenues:				
4121200 Delinquent fees	\$ 16	\$ 14	\$ 14	\$ 14
4127400 Renewal fees	\$ 381	\$ 438	\$ 438	\$ 438
4129200 Other regulatory fees	\$ 5	\$ 2	\$ 2	\$ 2
4129400 Other regulatory licenses and permits	\$ 226	\$ 166	\$ 166	\$ 166
4163000 Income from surplus money investments	\$ 12	\$ 10	\$ 10	\$ 16
Total Revenues	\$ 640	\$ 630	\$ 630	\$ 636
Total Revenues, Transfers, and Other Adjustments	\$ 640	\$ 630	\$ 630	\$ 636
Total Resources	\$ 1,294	\$ 1,500	\$ 1,526	\$ 1,628
EXPENDITURES				
Disbursements:				
1111 Department of Consumer Affairs Program Expenditures (State Operations)	\$ 398	\$ 567	\$ 502	\$ 517
8880 Financial Information System for California (State Operations)	\$ -	\$ -	\$ -	\$ -
9892 Supplemental Pension Payments (State Operations)	\$ 1	\$ 3	\$ 3	\$ 3
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ 25	\$ 34	\$ 29	\$ 29
Total Expenditures and Expenditure Adjustments	\$ 424	\$ 604	\$ 534	\$ 549
FUND BALANCE				
Reserve for economic uncertainties	\$ 870	\$ 896	\$ 992	\$ 1,079
Months in Reserve	17.3	20.1	21.7	22.7

NOTES:

- A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ON-GOING.
- B. ASSUMES APPROPRIATION GROWTH OF 3% PER YEAR BEGINNING IN BY+1.
- C. ASSUMES INTEREST RATE AT 1.5%.
- D. PY 2018-19 BASED ON BUDGET ACT

0763 - State Optometry Fund

Analysis of Fund Condition

Prepared 12.23.2019

(Dollars in Thousands)

2020-21 Governor's Budget

	Governor's Budget			
	PY	CY	BY	BY+1
	2018-19	2019-20	2020-21	2021-22
BEGINNING BALANCE	\$ 2,863	\$ 2,790	\$ 2,367	\$ 2,186
Prior Year Adjustment	\$ 55	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 2,918	\$ 2,790	\$ 2,367	\$ 2,186
 REVENUES AND TRANSFERS				
Revenues:				
4121200 Delinquent Fees	\$ 12	\$ 14	\$ 18	\$ 18
4127400 Renewal Fees	\$ 1,677	\$ 1,771	\$ 1,942	\$ 1,942
4129200 Other Regulatory Fees	\$ 69	\$ 30	\$ 30	\$ 30
4129400 Other Regulatory Licenses and Permits	\$ 155	\$ 222	\$ 256	\$ 256
4140000 Document Sales	\$ -	\$ 1	\$ 1	\$ 1
4163000 Investment Income - Surplus Money Investments	\$ 51	\$ 36	\$ 7	\$ 7
4171400 Escheat of Unclaimed Checks and Warrants	\$ 2	\$ 1	\$ 1	\$ 1
Total Revenues	<u>\$ 1,966</u>	<u>\$ 2,075</u>	<u>\$ 2,255</u>	<u>\$ 2,255</u>
 Total Revenues, Transfers, and Other Adjustments	<u>\$ 1,966</u>	<u>\$ 2,075</u>	<u>\$ 2,255</u>	<u>\$ 2,255</u>
 Total Resources	<u>\$ 4,884</u>	<u>\$ 4,865</u>	<u>\$ 4,622</u>	<u>\$ 4,441</u>
 EXPENDITURES				
Disbursements:				
1111 Department of Consumer Affairs Program Expenditures (State Operations)	\$ 1,965	\$ 2,314	\$ 2,293	\$ 1,995
8860 FSCU (State Operations)	\$ -	\$ -	\$ -	\$ -
8880 Financial Information System for CA (State Operations)	\$ -	\$ -	\$ -	\$ -
9892 Supplemental Pension Payments (State Operations)	\$ 16	\$ 36	\$ 36	\$ 36
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ 113	\$ 148	\$ 107	\$ 107
Total Expenditures and Expenditure Adjustments	<u>\$ 2,094</u>	<u>\$ 2,498</u>	<u>\$ 2,436</u>	<u>\$ 2,138</u>
 FUND BALANCE				
Reserve for economic uncertainties	\$ 2,790	\$ 2,367	\$ 2,186	\$ 2,303
 Months in Reserve	13.4	11.7	12.3	12.6

NOTES:

- A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ONGOING.
- B. ASSUMES APPROPRIATION GROWTH OF 3% PER YEAR BEGINNING IN BY+1.
- C. ASSUMES INTEREST RATE AT 1.5%.



ISSUE MEMORANDUM

DATE	May 15, 2020
TO	Members, California State Board of Optometry (CSBO)
FROM	Shara Murphy, Executive Officer
SUBJECT	Agenda Item #5 – Presentation and Discussion of Executive Officer’s Report

Executive Officer Shara Murphy and designated staff will offer the Executive Officer’s Report regarding the following topics:

- A. Board Response to COVID-19
- B. Enforcement Program
- C. Examination and Licensing Programs



ISSUE MEMORANDUM

DATE	May 15, 2020
TO	Members, California State Board of Optometry (CSBO)
FROM	Shara Murphy, Executive Officer, and Cheree Kimball, Assistant EO
SUBJECT	Agenda Item #5A – Board Response to COVID-19

Throughout its response to the COVID-19 pandemic and quarantine, the priorities of the Board’s Executive Leadership Team have been:

1. The safety and health of board staff and their families
2. The ongoing provision of essential services to board stakeholders:
 - a. Issuing licenses to ensure those who can work have the appropriate licensure to do so
 - b. Investigating allegations representing a significant or immediate threat of consumer harm

Staff

With the help of DCA’s new Cloud Desktop, Board staff transitioned to working from home in mid-March before the statewide quarantine went into effect. All Board staff currently work from home full time. Management established a rotational schedule to allow staff access to the office during designated times. Staggered schedules limit the number of people who are in the office at one time. Board staff disinfects commonly touched surfaces throughout their shift in the office.

The Board’s office was closed to the public.

Applicants, Licensees, and Consumers

Board staff has fielded numerous phone calls and emails regarding the closures of LiveScan fingerprinting sites and PSI testing centers, and the cancelation or rescheduling of continuing education courses and examinations required for licensure. Board staff worked diligently with external vendors, DCA legal counsel, the Office of Professional Examination Services (OPES), the Department of Justice, and others to have the most up-to-date information on the services available for our applicants and licensees.

Board staff disseminated information as it became available by posting updates to the Board’s website, sending emails to those who have signed up to receive Board updates by email, and sharing the updates on the Board’s social media pages.

Notably, the Board was the first of the 37 boards and bureaus in DCA to post and share information about open LiveScan fingerprinting locations.

Board staff has worked proactively to anticipate potential regulatory, process, or BreEZe changes that may be required to continue our essential work while following telework and quarantine guidelines in the coming months.

Next Steps

Ms. Murphy and Mx. Kimball continue to work closely with DCA's Executive Office, legal team, and Office of Information Services. They are coordinating the delivery of information and services during the quarantine, and as the state of California starts moving into the reopening phases as outlined by [California's Roadmap to Modify the Stay-at-Home Order](#).

Board Communications Related to COVID-19

[Updates on Impacts Related to the Coronavirus](#)

[Updates on PSI Test Sites](#)

[COVID Update](#)

[Guidance Related to Non-Discrimination in Medical Treatment for COVID-19](#)

[DCA Impacts of Executive Order N-39-20](#)

[Access to Licensing Requirements for Optometrist Applicants](#)

[Active Livescan Sites](#)

[Acceptability of Live, Interactive, Online Continuing Education Coursework](#)



California State Board of Optometry - Update on Impacts Related to the Coronavirus

The Optometry Board is aware that Governor Gavin Newsom recently issued a State of Emergency regarding COVID-19 Coronavirus. The Board and the Department of Consumer Affairs (DCA) are committed to protecting consumers, applicants, and licensees regarding the spread of the Coronavirus. Board staff is working closely with DCA and monitoring updates from the Governor's Office and the California Department of Public Health to determine the best course of action for applicants or licensees affected by cancellations related to the Coronavirus.

If you were alerted to the cancellation of your California Laws and Regulations Exam (CLRE) or your continuing education courses, please retain the registration confirmation and the notice of cancellation that you received. The Board may ask you to produce these documents at a later date. The Board is awaiting further guidance from the Governor's office and DCA regarding continuing education extensions, online waivers, and any other changes to the laws and regulations as a result of the Coronavirus. The Board's website will be updated as new information becomes available.

For up to date information and news on the coronavirus, please visit:

Centers for Disease Control: <https://www.cdc.gov/coronavirus/2019-ncov/index.html>

California Department of Public Health's website:
<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Immunization/ncov2019.aspx>



Attention California State Board of Optometry Applicants – Update on PSI Test Sites (Posted 3/19/2020)

The California State Board of Optometry has been notified that PSI has made the difficult decision to close their owned and operated test centers to help reduce the spread of COVID-19.

Please see the message from the PSI CEO related to these closures here:

<https://www.psonline.com/blog/psi-services-ceo-owned-and-operated-test-center-closures-in-the-us>

Effective immediately, candidates can reschedule up to and including the day of testing at no penalty and no documentation required. NOTE: In most cases, candidates can reschedule their examinations on-line and they are encouraged to do so. If a candidate chooses to reschedule through the PSI candidate support call center, hold times are expected to be extensive under the current circumstances. The PSI test sites in the United States will close starting the end of day today, March 19 until April 13.

PSI will be calling all scheduled candidates that are not registered with an email address. A PSI staff person will be calling candidates starting today through Saturday. After that, an automated phone message will be used to contact candidates. The PSI toll-free line is averaging 4,000 calls per hour. Candidates should expect an unprecedented delay in reaching a live person. The online tool is available to candidates for rescheduling.

The closure of these PSI locations will impact Board applicants eligible to take the following examinations:

California Laws and Regulations Examination



March 19, 2020

Dear Licensees and Stakeholders,

While California continues to navigate the uncertainty of Novell Coronavirus (COVID-19) and limit its spread, the State Board of Optometry is committed to supporting our licensees, applicants, and consumers throughout the course of this pandemic and to provide continuity of service at all times. The Board is closely monitoring the COVID-19 situation, coordinating with the state and local governments, and working with our partners to protect the health of Californians.

The Board understands the ability to perform your jobs with a license is a priority. We appreciate your patience as we work on implementing new technologies to work remotely and adhere to social distancing guidelines. We apologize in advance for any delays in reaching our staff or potential delays in our processing times.

We have received a number of inquiries from our licensees. We are providing the below FAQ's in an effort to provide information.

The best general guidance will continue to come from the [California Department of Public Health](#), the [Centers for Disease Control and Prevention](#), and the [World Health Organization](#).

Frequently Asked Questions:

1. Will Continuing Education Requirements Be Postponed or Waived?
At this time the law does not allow this.
2. Are There Fee Waivers Available?
At this time the law does not allow this.
3. Should My Business or Practice Remain Open?
The State Board Optometry does not have authority to close businesses or practices solely as a result of COVID-19. We strongly encourage you to assess whether your business is an essential job function as outlined by the Governor and follow the guidelines from the [Centers for Disease Control and Prevention](#). Check with your local county health department to determine what activities are also considered essential and non-essential.
4. My License is Retired. Can I Renew to Help Combat Coronavirus?
At this time you need to follow requirements on restoring a license.
5. My Exam Was Canceled. What Does that Mean?

The Board will be working to ensure that expedited exam processing will occur when they return and will be looking at ways to mitigate delays. We are actively working to reschedule exams and honoring any fees applied or providing refunds when necessary.

6. I am licensed in a state outside of California. Does California allow licensing reciprocity during the State of Emergency?

If you are a licensed healthcare provider in a state other than California, please visit the Emergency Medical Services Authority (<https://emsa.ca.gov/covid19/>) for information to be able to practice in California. Please visit the “Authorization of Out-Of-State Medical Personnel” section on this website.

The State Board of Optometry reminds all licensees to be particularly mindful and respectful that this is a time of high anxiety for all Californians.

We encourage any other inquiries to be sent through email to optometry@dca.ca.gov as a response time may be faster. Additionally, please continue to monitor the Board’s website for further updates.

Stay safe!

Shara Murphy, Executive Officer
California State Board of Optometry



Guidance Relating to Non-Discrimination in Medical Treatment for Novel Coronavirus 2019 (COVID-19)

March 30, 2020

As the COVID-19 situation continues to evolve, the Departments of Health Care Services (DHCS), Public Health (CDPH), and Managed Health Care (DMHC) continue to closely monitor and assess appropriate next steps as well as release guidance to ensure the safety of Medi-Cal beneficiaries, health plan enrollees, medical providers, and California communities in general.

The State of California understands that people with disabilities are concerned that medical providers might consider an individual's disability status when determining which patients to treat if hospitals or other health care facilities experience a surge of patients needing life-saving care. This joint bulletin reminds health care providers and payers that rationing care based on a person's disability status is impermissible and unlawful under both federal and state law.

Recent Federal Guidance

On March 28, 2020, the federal Office for Civil Rights at the U.S. Department of Health and Human Services issued [guidance](#) reminding covered entities of their federal legal obligations and responsibilities under Section 1557 of the Affordable Care Act and Section 504 of the Rehabilitation Act which "prohibit discrimination on the basis of race, color, national origin, disability, age, sex, and exercise of conscience and religion in HHS-funded programs." That guidance further emphasized that "persons with disabilities should not be denied medical care on the basis of stereotypes, assessments of quality of life, or judgments about a person's relative "worth" based on the presence or absence of disabilities. Decisions by covered entities concerning whether an individual is a candidate for treatment should be based on an individualized assessment of the patient based on the best available objective medical evidence."

California Requires Equal Access To Health Care Services

In addition to these protections under federal law, California law provides that every person is entitled to equal access to services provided in all business establishments and public agencies—including medical clinics and hospitals—without regard for the person's sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status.¹ Furthermore, no person, on the basis of mental, developmental,

¹ California Civil Code section 51 et seq.

intellectual, or physical disability or a perceived disability, may be unlawfully denied full and equal access to state funded programs.² Additionally, California law specifically provides that individuals with developmental disabilities have the same legal rights and responsibilities guaranteed all other individuals by the United States Constitution and laws and the Constitution and laws of the State of California.”³

Treatment of Medi-Cal Beneficiaries

As it relates to treatment of covered Medi-Cal beneficiaries who are diagnosed with COVID-19, especially those who will require hospitalization, DHCS recognizes and appreciates that every Medi-Cal beneficiary’s medical needs are unique and that Medi-Cal providers, beneficiaries and their authorized representatives, and their care team make individualized, clinically appropriate decisions that are based on medical necessity. DHCS reminds providers that no person, on the basis of mental, developmental, intellectual, or physical disability or a perceived disability, may be unlawfully denied full and equal access to the benefits of Medi-Cal services, including the receipt of COVID-19 treatment, in the event of limited hospital or other health care facility resources and/or capacity.

American Medical Association Code of Medical Ethics

Additionally, the [AMA Code of Medical Ethics](#) offers foundational guidance for health care professionals and institutions responding to the COVID-19 pandemic. The guidance provides direction for appropriate allocation of limited resources.

² California Government Code section 11135.

³ Welfare and Institutions Code section 4502, subdivision (a) and (b).



Attention all Optometrist Licensees - DCA Impacts of Executive Order N-39-20

On March 30, 2020 Governor Newsom issued [Executive Order N-39-20](#), authorizing the Director of the Department of Consumer Affairs (DCA) to waive any of the professional licensing requirements relating to healing arts licensees in Division 2 of the Business and Professions Code, and any accompanying regulations. This includes, but is not limited to, the examination, education, experience, and training requirements necessary to obtain and maintain licensure, and requirements governing the practice and permissible activities for licensees.

The California State Board of Optometry (CSBO) is working closely with the Department of Consumer Affairs to determine which licensing requirement waivers would allow individuals to continue assisting with the COVID-19 pandemic and allow licensees regulated by CSBO to maintain and renew a license and remain employed.

Current waivers in place applicable to optometry licensees are:

- For individuals with active licenses that expire between March 31, 2020 and June 30, 2020, continuing education requirements are temporarily waived for purposes of license renewal. Any waived renewal requirements must be met within six months of this order, unless further extended.
- At this time, the waiver for requirements to renew an active or delinquent license is specific to the continuing education requirement and does not include fees or the limitation on the number of hours that can be earned through online or distance CE (currently a maximum of 20 hours).
- For individuals with a license that has been in retired, inactive, or canceled status for less than five years, continuing education requirements and fee requirements are waived to reactivate their license. A license reactivated pursuant to this waiver is valid for a maximum of six months, or when the State of Emergency ceases to exist, whichever is sooner. This does not apply to any licenses canceled due to disciplinary action.

A [full list of waivers](#) will be placed on the DCA website as they are approved. DCA also has an [FAQ](#) with waiver request information.

CSBO encourages licensed optometrists to be part of the workforce to support the medical surge during this time of need. The state is in need of help at quarantine sites, testing sites, and medical surge facilities and needs assistance with pre-hospital triage and pharmacy services. Interested medical and health care professionals are encouraged to visit healthcorps.ca.gov for more information and to register for the California Health Corps.

CSBO thanks licensed optometrists for doing their part during the COVID-19 health emergency.



Attention California State Board of Optometry Applicants and Schools of Optometry – Access to Licensing Requirements (Posted 4/23/2020)

The California State Board of Optometry is committed to supporting those seeking licensure this summer/fall and impacted by stay-at-home orders in reaction to the community spread of COVID-19.

Scheduling of NBEO Part III Clinical Skills Examination:

The National Center of Clinical Testing in Optometry (NCCTO) in Charlotte, NC has extending its temporary closure through May 3, 2020. NCCTO hopes to reopen examinations on Monday, May 4, 2020. Given the nature of the situation, please note that this date is subject to change.

Scores for tests taken in May, June, and July and will be released to the Board no later than September. The Board will work judiciously to process complete application packets (transcripts, passing score on the CLRE, and completed LiveScan) as NBEO scores are received. For questions related to administration of the Part III examination, you may click [here](#) to contact the NCCTO.

The Board implores student applicants to complete quickly the following requirements, which are currently open and available within California. Please follow physical distancing and employ personal protection equipment when appropriate.

Open PSI Testing Sites:

In response to a request from the Board, select PSI testing sites have been opened in response to demand for essential testing. Various days are available at the sites below:

- Atascadero, CA
- Agoura Hills, CA
- El Monte - Santa Fe Springs, CA
- Lawndale, CA
- Redding, CA
- Riverside - Mission Grove, CA
- Sacramento, CA
- San Francisco, CA
- Santa Clara, CA
- Santa Rosa, CA
- Ventura, CA
- Visalia, CA

Please visit the BreEZe website to register for the California Laws and Regulations Exams <https://www.breeze.ca.gov>. The Board is working to shorten processing to 5-business days (rather than the typical 14-business days).

Please note: gatherings of 10 or more are prohibited and mandatory social distancing is being followed. PSI will only have one proctor working and a maximum of 8 candidates testing. One slot will be available for walk in testing at each location.

Active LiveScan Locations:

After successful completion of the law exam, a live scan fingerprint background check is required. A list of active live scan sites can be found here:

https://www.optometry.ca.gov/formspubs/livescan_active.pdf

For further information, please email the Board: optometry@dca.ca.gov

ACTIVE LIVESCAN SITES as of 2020/04/30 at 07:43 am

BUSINESS_NAME	ADDRESS	ZIP	PHONE_NO	SITE_ID
7 DAY LIVESCAN	2687 1 2 PICO BLVD LOS ANGELES 90006	90006	(213)387-0013	FL2
ARCHDIOCESE OF LA	3424 WILSHIRE BLVD LOS ANGELES CA 90010	90010	(213)637-7680	H90
LA DSS	3435 WILSHIRE BLVD STE 200 LA CA 90010	90010	(213)639-5909	TY4
MOADDEL LAW FIRM APC	3435 WILSHIRE BLVD STE 2430 LA CA 90010	90010	(323)933-9500	FG5
PLAZA STATIONERS	3450 WILSHIRE BLVD LOS ANGELES CA 90010	90010	(213)389-1195	R67
AMERICAN LIVE SCAN	3580 WILSHIRE BLVD STE 132 LA CA 90010	90010	(213)386-1038	XS4
R AND D ENTERPRISE	4878 COMPTON AVENUE LOS ANGELES CA 90011	90011	(213)999-5805	PZ7
LA DEPT WATER POWER	111 N HOPE ROOM 511 LOS ANGELES CA 90012	90012	(213)367-5096	GT6
LA CO DIST ATTORNEY	211 W TEMPLE ST 200 LOS ANGELES CA 90012	90012	(213)257-2726	PZ1
LA CO SHERIFFS DEPT	211 W TEMPLE STREET LOS ANGELES CA 90012	90012	(213)229-3115	YD7
MR FINGERPRINTS LLC	617 S OLIVE ST STE 807 LOS ANGELES 90014	90014	(213)761-5883	PB5
A1 LIVE SCN NTRY SRV	631 S OLIVE ST STE 200 LOS ANGELES 90014	90014	(213)489-4559	MG1
A1 LIVE SCN NTRY SRV	631 S OLIVE ST STE 200 LOS ANGELES 90014	90014	(213)489-4559	W53
LAW OFFC S SIDERMAN	1625 W OLYMPIC BLVD LOS ANGELES CA 90015	90015	(310)795-2001	SB7
FINS LIVESCAN NOTARY	3651 S LA BREA AVE LOS ANGELES CA 90016	90016	(213)479-8388	HZ7
LA COMMUNITY COLLEGE	770 WILSHIRE BLVD 4TH FL LA CA 90017	90017	(213)891-2303	739
1 WALIA TX IMMIG LSCN	1037 SOUTH FAIRFAX AVE LOS ANGELES 90019	90019	(323)978-3395	UJ6
DME INSURANCE SRVS	1537 CRENSHAW BLVD LOS ANGELES CA 90019	90019	(323)549-9893	RP7
ATTILA CSUPO RE NOTE	10880 WILSHIRE BLVD STE 122 LA 90024	90024	(877)288-4524	RE3
WELLNESSMART MD	12200 WILSHIRE BLVD LOS ANGELES CA 90025	90025	(805)496-7148	VB3
NESS COUNSEL CTR INC	8512 WITWORTH DR LOS ANGELES CA 90035	90035	(310)360-8512	JF2
A PLUS MAILBOX MORE	644 NORTH FULLER LOS ANGELES CA 90036	90036	(323)456-4262	BJ5
DEPT OF HEALTH SERVS	5701 S EASTERN AVE 400 COMMERCE CA 90040	90040	(323)914-5067	DF1
SUPER COPY	2256 COLORADO BLVD 103 LOS ANGELES 90041	90041	(323)255-5800	PM6
OPTIMIST YTH HMES FS	6957 N FIGUEROA ST RM 209 LA 90041	90041	(323)443-3017	TZ3
HUGO ENRIQUEZ NOTARY	200 JOY ST LOS ANGELES CA 90042	90042	(323)388-7840	LY8
A AND M NTRY LV SVS	5218 YORK BLVD LOS ANGELES CA 90042	90042	(323)259-1511	HH3
LJ BRAGG SECURITY	4830 CRENSHAW BLVD LOS ANGELES CA 90043	90043	(323)210-8653	PT5
CENTURY BUSINESS SVS	6637 CRENSHAW BLVD LOS ANGELES CA 90043	90043	(323)920-7888	DR7
COMMUNITY REFLECTNS	10020 S WESTERN AVE LOS ANGELES CA 90047	90047	(323)756-1347	DX7
DPT VETERANS AFFAIRS	11500 NIMITZ AVE LOS ANGELES CA 90049	90049	(424)832-8224	YA1
BRENTWOOD MAILBOX	11693 SAN VICENTE LOS ANGELS CA 90049	90049	(310)826-0494	TY5
EVAN SEC TRNG ACDMY	2359 W ROSECRANS AVE LOS ANGELES 90059	90059	(424)785-5554	RY3
Y WIRLESS AVALON	12003 S AVALON BLVD STE 107 LA 90061	90061	(323)788-7696	FG4
CULVER MAIL BOX	11209 NATIONAL BLVD LOS ANGELES 90064	90064	(310)478-1050	NN6
ACCURATE BIOMETRICS	12777 W JEFFERSON BLVD D 3111 LA 90066	90066	(916)318-7890	BA4
LIVE SCAN AND MORE	8685 WILSHIRE BLVD BEVERLY HILLS 90211	90211	(310)499-5905	EH8
CULVER MAIL BOX	10866 WASHINGTON BLVD CULVER CITY 90232	90232	(310)839-6245	EY5
EXPRESS FP NTRY SRVS	8280 FLORENCE AVE 220 DOWNEY CA 90240	90240	(562)201-3769	GE7
QUALITY INS AND SVS	9145 MELDAR AVE DOWNEY CA 90240	90240	(323)447-7536	XB6
IMPERIAL PROF SERVCS	7623 FIRESTONE BLVD DOWNEY CA 90241	90241	(562)806-3390	ZJ7
MISHKA NATHANIEL MGT	7841 MELVA STREET DOWNEY CA 90242	90242	(562)760-7847	RJ6
MOORE VENTURES INC	12816 INGLEWOOD AVE HAWTHORNE CA 90250	90250	(424)675-4755	VU7
CERTIFIX	13658 HAWTHORNE BLVD HAWTHORNE CA 90250	90250	(800)710-1934	W94
HERMOSA BEACH PD	540 PIER AVE HERMOSA BEACH CA 90254	90254	(562)345-4400	L21
THE UPS STORE 6489	5924 PACIFIC BLVD HUNTINGTON PRK CA90255	90255	(323)586-0233	GZ5
ALLIED GUARD SRVS	110 S LA BREA AVE 425 INGLEWOOD CA 90301	90301	(323)331-2262	EJ6
NOTARY PUB CNTR CNSA	3227 W CENTURY BLVD INGLEWOOD CA 90303	90303	(310)677-5000	FR5
NTRY PBLC CTR LA	3227 W CENTURY BLVD INGLEWOOD CA 90303	90303	(310)677-5000	KK4

BIG FISH BAIL BONDS	2711 WEST MANCHESTER BLVD INGLEWD 90305	90305 (310)925-1638	RV2
SNTA MNCA NTRY LVSCN	1424 4TH ST STE 214 SANTA MONICA 90401	90401 (310)393-5390	RK2
SAN MONICA MALIBU SD	1615 16TH ST SANTA MONICA 90404	90404 (310)450-8338	645
MAILBOXES GALORE	1820 W CARSON ST 202 TORRANCE CA 90501	90501 (310)320-0220	SZ6
A FINGERPRINTS	27120 S VERMONT AVE TORRANCE 90502	90502 (310)328-8818	EJ8
WELLNESSMART MD	17356 HAWTHORNE BLVD TORRANCE CA 90504	90504 (805)496-7148	RC5
TORRANCE POSTAL SHIP	2100 W REDONDO BEACH C TORRANCE 90504	90504 (310)532-3661	EH6
A NOTARY 2U	3128 PACIFIC COAST HWY TORRANCE 90505	90505 (310)257-6824	DX8
UPS STORE 5115	11721 WHITTIER BLVD WHITTIER CA 90601	90601 (562)908-0799	PN3
INCLUSION SVS LLC	13225 PHILADELPHIA ST E WHITTIER 90601	90601 (562)945-2000	HV5
CERTIFIX	13502 WHITTIER BLVD STE H WHITTIER 90605	90605 (800)710-1934	DP2
SMARTWAY TAX	11422 WASHINGTON BLVD WHITTIER CA 90606	90606 (323)493-7724	MH5
MAIL PLUS MORE	4171 BAIL ROAD CYPRESS CA 90630	90630 (714)995-2062	YD6
CYPRESS PD	5275 ORANGE AVE CYPRESS CA 90630	90630 (714)229-6615	185
VETRANS HOME CALIF	370 E LA HABRA BLVD LA HABRA CA 90631	90631 (707)948-2519	N66
THE UPS STORE 7047	12263 LA MIRADA BLVD LA MIRADA CA 90638	90638 (562)758-3337	TT7
MONTEBELLO PD	1800 WEST BEVERLY BL MONTEBELLO CA 90640	90640 (562)345-4400	L29
LACRIS LA SO	12440 E IMPERIAL HWY NORWALK 90650	90650 (562)345-4400	BA1
CERTIFIX	4615 ROSEMEAD BLVD PICO RIVERA CA 90660	90660 (800)710-1934	JX2
CERTIFIX	11432 SOUTH ST CERRITOS CA 90703	90703 (800)710-1934	Z99
CERTIFIX	10240 ROSECRANS AVE BELLFLOWER 90706	90706 (800)710-1934	JS2
ACCOMPLICENTER	3217 CARSON ST LAKEWOOD CA 90712	90712 (562)444-8076	LG8
ALZ MEDICAL RES NTWK	4152 KATELLA AVE 204 LOS ALAMITOS 90720	90720 (562)888-6500	UZ7
HAPPY MAIL BOX	8001 SOMERSET BLVD PARAMOUNT CA 90723	90723 (562)531-1862	AC6
THE UPS STORE 6721	552 E CARSON ST STE 104 CARSON CA 90745	90745 (424)570-0564	MX6
ADRP INTERVENTN SRVS	637 EAST ALBERTONI ST 109 CARSON 90746	90746 (213)437-6710	CE7
LONG BEACH PD	400 WEST BROADWAY LONG BEACH CA 90802	90802 (562)570-5142	RA1
PROCESS INSURANCE SV	996 REDONDO AVE LONG BEACH CA 90804	90804 (562)433-3303	CJ8
NOTARY LIVE SCAN SVS	6187 ATLANTIC AVE 401 LONG BEACH 90805	90805 (562)337-8283	RN7
F S SERVICES INC	2527 PACIFIC AVE LONG BEACH CA 90806	90806 (562)424-2020	K92
LONG BEACH USD	999 ATLANTIC AVE LONG BEACH CA 90813	90813 (562)435-5708	U12
DAINES TRADNG LSPRT	5532 LENORE AVE ARCADIA CA 91006	91006 (626)485-3844	LX1
MONROVIA PD	140 EAST LIME AVE MONROVIA CA 91016	91016 (562)345-4400	L28
PASADENA PD JUV	207 NORTH GARFIELD AVE PASADENA CA 91101	91101 (562)345-4400	L33
1 2GOLVSCN 2GONOTARY	530 S LAKE AVE STE 164 PASADENA CA 91101	91101 (626)415-8246	UC7
A REALTY COMPANY	1606 E WALNUT ST PASADENA CA 91106	91106 (626)568-1102	UK1
1 STOP REGISTRTRN SVS	2216 E COLORADO BLVD PASADENA CA 91107	91107 (626)765-6234	MF6
FOOTHILL FAMILY SRVS	2500 E FOOTHILL 300 PASADENA CA 91107	91107 (626)993-3000	FZ6
HATHAWAY SYCMRS CFS	100 WEST WALNUT ST 375 PASADENA CA 91124	91124 (626)395-7100	GT3
NOTARY AND SHIP STOR	1146 N CENTRAL AVENUE GLENDALE CA 91202	91202 (818)241-4011	UR4
CALIF HIGHWAY PATROL	5411 N CENTRAL AVE 410 GLENDALE CA 91203	91203 (916)843-3355	F45
CERTIFIX	1125 E BROADWAY GLENDALE CA 91205	91205 (800)710-1934	W96
EAGLE WEST LIVE SCAN	410 S VERDUGO RD GLENDALE CA 91205	91205 (323)557-7810	R68
EXPRESS PACK N SHIP	7657 WINNETKA AVE WINNETKA CA 91306	91306 (818)700-1800	ED6
POSTAL EXPRESS	23705 VANOWEN ST WEST HILLS CA 91307	91307 (818)346-6390	SM4
MY MOBILE NOTARY LA	5446 NEWCASTLE AVE STE 102 ENCINO 91316	91316 (818)468-6197	DS7
ASAP COPY AND PRINT	9250 RESEDA BLVD 6 NORTHRIDGE CA 91324	91324 (818)700-7999	NJ5
SOUTHWEST TRNG CNTR	10285 GLENOAKS BLVD STE 6 PACOIMA 91331	91331 (310)650-6896	YY7
ID CENTER	13071 OTTOMAN ST ARLETA CA 91331	91331 (818)207-1612	R04
MIKES LVSCAN NOTARY	27943 SECO CANYON RD SANTA CLARITA 91350	91350 (661)607-8077	VU6
CA FINGERPRNTNG AUTH	28130 AVE CRCKR STE 306 SNTA CLRTA 91355	91355 (661)294-8325	S44
WELLNESSMART MD	141 DUESENBERG DR STE 3 THSND OAKS 91362	91362 (805)496-7148	MT2

LA COMMUNITY COLLEGE	5854 ETHEL AVE VALLEY GLEN CA 91401	91401 (213)891-2303	CC2
ASAP LVSCN FPRNTG	8741 VAN NUYS BLVD STE 202 LA CA 91402	91402 (818)335-6851	AK3
ADVANCED ACCURATE LS	6931 VAN NUYS BLVD 325 VAN NUYS CA 91405	91405 (818)785-0085	X53
GABBYS SOLUTIONS	15355 SHERMAN WY STE T VAN NUYS CA 91406	91406 (818)571-3296	PH5
VALLEY GUARD TRAINING	16140 COHASSET ST VAN NUYS CA 91406	91406 (818)989-7825	N49
WELLNESS MART MD	17629 SHERMAN WAY VAN NUYS CA 91406	91406 (818)659-7778	CC7
THE UPS STORE 6147	16350 VENTURA BLVD D ENCINO CA 91436	91436 (818)907-0981	GW7
PAK N SHIP ALL	1317 N SAN FERNANDO BLVD BURBANK CA 91504	91504 (818)845-3332	DF5
AR NOTARY	11512 OXNARD STR NO HOLLYWOOD CA 91606	91606 (818)824-3620	LA4
THE UPS STORE 6917	13027 VICTORY BLVD N HOLLYWOOD CA 91606	91606 (818)231-0631	GA5
THE UPS STORE 1304	8790 19TH STREET ALTA LOMA CA 91701	91701 (909)948-3777	EB3
CMC LIVE SCAN NOT SR	134 N AZUSA AVE AZUSA CA 91702	91702 (909)251-5594	W68
BALDWIN PK LSCAN FP	4416 MAINE AVENUE BALDWIN PARK CA 91706	91706 (626)338-3555	LF4
PARKWAY POSTAL	4195 CHINO HILLS CHINO HILLS CA 91709	91709 (909)597-7744	WH3
CA PRIV SEC ACDMY	11674 CENTRAL AVE CHINO CA 91710	91710 (213)725-6173	JX3
ALL STAR LV SCN FGPT	14568 CENTRAL AVENUE CHINO CA 91710	91710 (951)897-2282	VE3
CDCR APP	14901 CENTRAL AVE CHINO CA 91710	91710 (916)358-1206	Z05
THE UPS STORE 6589	6939 SCHAEFER AVE STE D CHINO CA 91710	91710 (909)465-1688	HN6
7 DAYS LIVESCAN	9080 TELSTAR AVE STE 301 EL MONTE 91731	91731 (626)940-5558	LX6
EZ NETWORK SYSTEMS	9251 E GARVEY AVE ST V S EL MONTE 91733	91733 (626)926-9510	UD2
BASHIR HADIB	643 S PASADENA AVE STE 10 GLENDORA 91740	91740 (626)391-2232	RS7
US LIVE SCAN INC	1000 W FOOTHILL BLVD GLENDORA CA 91741	91741 (626)786-1264	PK6
1 ADVANCED LS FPRNTG	1407 FOOTHILL BLVD LA VERNE CA 91750	91750 (909)596-0039	X34
CERTIFIX	1502 FOOTHILL BLVD ST 103 LA VERNE 91750	91750 (800)710-1934	SL1
MONTEREY PARK POSTAL	2168 S ATLANTIC BLVD MONTEREY CA 91754	91754 (909)730-6113	JF8
CHEAP FINGERPRINTS	402 S MILLIKEN AVE STE E3 ONTARIO 91761	91761 (909)268-8873	NK3
FAST MAILBOX PLUS	10292 CNTRL AVE SAN BERNARDINO CA 91763	91763 (909)482-1034	LD4
WELLNESSMART MD	2920 E INLAND EMPIRE 101 ONTARIO 91764	91764 (805)496-7148	CN6
HIGH ROLLERS INS SVS	1305 W HOLT AVE UNIT 104 POMONA CA 91768	91768 (909)622-3999	HC8
OPTIONS INS SERVICES	90369 VALLEY BLVD ROSEMEAD CA 91770	91770 (626)766-1215	SS7
THE UPS STORE	220 E BONITA AVE SAN DIMAS CA 91773	91773 (909)305-0035	HU8
PRESTIGIOUS INV SVS	2436 NORTH EUCLID AVE D UPLAND CA 91784	91784 (909)303-3153	XJ3
THE UPS STORE 3113	154 W FTHL BLVD STE A UPLAND CA 91786	91786 (909)931-1655	VW2
US LIVE SCAN	18760 E AMAR ROAD WALNUT CA 91789	91789 (626)786-7864	LY2
CERTIFIX	385 S LEMON AVE STE E WALNUT CA 91789	91789 (800)710-1934	CK3
THE UPS STORE 5406	1004 WEST COVINA PRKWY WEST COVINA 91790	91790 (951)600-8313	RD6
W COVINA LS FPRINTNG	666 S SUNSET AVE WEST COVINA CA 91790	91790 (626)851-9723	JE1
ALHAMBRA PD	211 SOUTH 1ST STREET ALHAMBRA CA 91801	91801 (562)345-4400	L01
CERTIFIX	51 S GARFIELD AVE ALHAMBRA CA 91801	91801 (800)710-1934	W95
MAIL N PARCELS PLUS	4364 BONITA RD BONITA CA 91902	91902 (619)470-4008	W50
AAA LVSCN CHULA VSTA	126 BROADWAY STE A CHULA VISTA CA 91910	91910 (619)616-5648	TD2
POSTAL ANNEX 16016	1741 EASTLAKE PKWY 102 CHULA VISTA 91915	91915 (619)271-0166	GZ7
POSTAL ANNEX 138	7107 BROADWAY LEMON GROVE 91945	91945 (619)460-4420	EA8
NATIONAL CITY PD	1200 NATIONAL CITY BLVD NATNL CTY 91950	91950 (619)336-4525	KA6
WELLNESS MART MD	1727 SWEETWATER RD 111 NATIONL CTY 91950	91950 (805)496-7148	CP7
BONSALL PHOTO PO CTR	5256 S MISSION RD STE 703 BONSALL 92003	92003 (760)941-9221	N71
AAA LSCAN OF CARLSBD	2945 HARDING ST STE 106 CARLSBAD 92008	92008 (760)480-6900	R91
THE UPS STORE 2506	1155 CAMINO DEL MAR DEL MAR 92014	92014 (858)755-2800	CL8
A1 LIVESCAN	1531 JAMACHA RD STE Z EL CAJON CA 92019	92019 (619)606-0000	AF3
POSTAL ANNEX 241	2514 JAMACHA ROAD 502 EL CAJON CA 92019	92019 (619)660-9874	KX7
AAA LIVE SCAN FPRNTG	126 WEST BRADLEY EL CAJON CA 92020	92020 (619)258-1234	V06
AAA LIVE SCAN ESCOND	431 W GRAND AVE ESCONDIDO CA 92025	92025 (760)480-6900	K34

HLTH HUMAN SRVS CHLD	649 W MISSION AVE ESCONDIDO CA 92025	92025 (858)616-5991	605
POSTAL ANNEX 15	1637 E VALLEY PARKWAY ESCONDIDO CA 92027	92027 (760)747-7828	RZ5
FALLBROOK GOIN POSTL	1374 S MISSION RD FALLBROOK CA 92028	92028 (760)728-1188	HJ5
POSTAL ANNEX 20	7514 GIRARD AVE STE 1 LA JOLLA CA 92037	92037 (858)456-3935	ZL6
LUNA LIVE SCN NOTARY	2170 S EL CAMINO REAL 103 OCEANSIDE 92054	92054 (760)537-5911	UG7
WORKPARTNERS OHS	3156 VISTA WAY STE 401 OCEANSIDE 92056	92056 (760)681-5157	RD4
POSTAL ANNEX 0017	825 COLLEGE BLVD STE 102 OCEANSIDE 92057	92057 (707)414-1090	HK6
SAN DIEGO LIVESCAN	12937 POMERADO RD STE F POWAY CA 92064	92064 (858)842-3838	YW3
PSTAL ANX SVS CTR 28	14781 POMERADO ROAD POWAY CA 92064	92064 (858)668-0777	US6
POSTAL ANNEX 234	197 WOODLAND PRKWY 104 SAN MARCOS 92069	92069 (760)744-9648	YZ6
POSTAL ANNEX 14010	979 WOODLAND PKWY 101 SAN MARCOS 92069	92069 (760)737-0800	ES6
WORKPARTNERS OHS	2365 S MELROSE DR VISTA CA 92081	92081 (760)681-5157	RX5
POSTAL ANNEX 427	3231 BUSINESS PARK DR STE C VISTA 92081	92081 (760)560-0184	ZP7
SAN DIEGO PD	1401 BROADWAY SAN DIEGO CA 92101	92101 (619)531-2148	S69
POSTAL ANNEX 50	2907 SHELTER ISLAND DR 105 SD CA 92106	92106 (619)222-1664	XS7
WELLNESSMART MD	3443 CAMINO DEL RIO SOUTH 123 SD CA92108	92108 (805)496-7148	CR6
POSTAL ANNEX 16	3960 W PT LOMA BLVD H SAN DIEGO CA 92110	92110 (619)224-9930	HH5
S DIEGO HLTH HMN SRV	6950 LEVANT ST RM 9 SAN DIEGO CA 92111	92111 (858)616-5850	939
ADVNCN LVSCN FGPRNT	6161 EL CAJON BLVD STE B SAN DIEGO 92115	92115 (619)286-7888	AB3
CORONADO PD	700 ORANGE AVE CORONADO CA 92118	92118 (619)522-7352	W31
AERO MAIL	8690 AERO DRIVE STE 115 SAN DIEGO 92123	92123 (858)277-4290	NE7
SD COUNTY HEALTH	9400 RUFFIN CT SAN DIEGO CA 92123	92123 (858)616-5930	VY5
SAN DIEGO CO PROB	9444 BALBOA AVE STE 500 SAN DIEGO 92123	92123 (858)514-3158	690
SAN DIEGO LIVESCAN	9590 CHESAPEAKE DR 122 SAN DIEGO 92123	92123 (619)971-0203	VJ5
SAN DIEGO CO SHERIFF	9621 RIDGEHAVEN CT SAN DIEGO CA 92123	92123 (858)974-2362	JP5
SAN DIEGO CO SO	9621 RIDGEHAVEN CT SAN DIEGO CA 92123	92123 (858)974-2111	H04
SAN DIEGO SO	9621 RIDGHAVEN CT SAN DIEGO CA 92123	92123 (858)974-2251	T16
GLOBAL LIVESCAN	17843 SUN WALK CRT SAN DEIGO CA 92127	92127 (858)395-2088	W17
POSTAL ANNEX 106	3830 VALLEY CNTR DR 705 SAN DIEGO 92130	92130 (858)359-1274	RV5
POSTAL ANNEX 4034	4653 CARMEL MOUNTAIN RD 308 SD CA 92130	92130 (858)793-7935	WN6
POSTAL ANNEX 6	555 SATURN BLVD STE B SAN DIEGO CA 92154	92154 (619)424-9800	VC7
RIVERSIDE CO DPSS	44199 MONROE ST INDIO CA 92201	92201 (760)863-2801	N33
CERTIFIX	81944 HWY 111 STE E INDIO 92201	92201 (800)710-1934	AS2
BOWER EVENTS INC	39301 BADGER ST 800 PALM DESERT CA 92211	92211 (760)834-2662	HD7
BLYTHE PD	240 NORTH SPRING ST BLYTHE CA 92225	92225 (760)922-6111	344
CDCR APP	19005 WILEYS WEL RD BLYTHE CA 92226	92226 (916)358-1206	Z22
BRAWLEY PARKS REC	225 A STREET BRAWLEY 92227	92227 (760)344-5675	A94
CALEXICO PD	420 EAST 5TH ST CALEXICO CA 92231	92231 (760)768-2140	D10
PRAGYA CORP	83103 AVENUE 48 STE 1B COACHELLA 92236	92236 (760)863-4645	UR3
THE UPS STORE 5062	14080 PALM DR D DESERT HOT SPRINGS 92240	92240 (760)329-2309	KU5
ONE STOP REG SVS SMG	1450 W COMMERCIAL AVE B EL CENTRO 92243	92243 (760)562-8008	KJ7
SOUTHWEST SECURITY	404 WEST HEIL AVENUE EL CENTRO CA 92243	92243 (760)970-4500	KY7
IMPERIAL CMTY COLLGE	380 E ATEN ROAD IMPERIAL CA 92251	92251 (760)355-6194	UB7
MAIL BAG	74478 HIGHWAY 111 PALM DESERT CA 92260	92260 (760)346-8064	JY3
HI DESERT FDRL LVSCN	57490 TWNTYNINE PLMS HWY STE C 92284	92284 (760)369-6762	YY2
THE UPS STORE 5698	12277 APPLE VALLEY RD APPLE VLY CA 92308	92308 (760)240-4817	DB5
BEAUTIFUL BEGINNINGS	1041 WEST MAIN ST 130 BARSTOW CA 92311	92311 (919)344-5588	FX5
ALL CLEAR BKGRD SOLU	231 EAST MAIN ST BARSTOW CA 92311	92311 (310)779-7475	HS3
SIMPLEX UNITED BUS	1025 CALIMESA BLVD STE 4 CALIMESA 92320	92320 (909)795-4979	JK5
ARRWHEAD REG MED CTR	400 NORTH PEPPER AVE COLTON CA 92324	92324 (909)580-1688	R60
EVELYNS INS AGCY	16616 FOOTHILL BLVD FONTANA CA 92335	92335 (951)203-6561	RR4
JM THOMAS UPS 5778	16155 SIERRA LAKES 160 FONTANA CA 92336	92336 (909)854-0000	HE6

CAPITAL LIVE SCAN	15555 MAIN STREET HESPERIA 92345	92345 (916)456-5260	LM3
REDEEM CPR	7223 CHURCH ST STE A2 HIGHLAND CA 92346	92346 (909)907-1170	JD8
PATTON ST HOSPITAL	3102 E HIGHLAND AVE PATTON CA 92369	92369 (909)425-6103	132
THE UPS STORE 6876	1508 BARTON ROAD REDLANDS CA 92373	92373 (909)335-0132	YF6
THE UPS STORE 0449	700 E REDLANDS U SAN BERNARDINO CA 92373	92373 (909)793-2099	NH5
1 STOP MAIL SHOP	1752 E LUGONIA AVE 117 REDLANDS CA 92374	92374 (909)794-7776	WY6
THE WOODALL GROUP	14359 AMARGOSA RD STE G VCTRVL CA 92392	92392 (760)243-7878	DJ3
UPS STORE 1504	34428 YUCAIPA BLVD,E YUCAIPA CA 92399	92399 (909)790-6400	W22
ELITE LIVE SCAN	560 N ARROWHEAD AVE 10B SAN BERDO 92401	92401 (909)258-2979	EV3
SAN BERDO SO RECORDS	655 EAST 3RD ST SAN BERNARDINO 92415	92415 (909)387-3631	268
RIVRSD HUMAN RES	3450 FOURTEENTH ST RIVERSIDE CA 92501	92501 (951)955-9282	G26
RIVERSDE OFFC EDUC	3958 12TH STREET RIVERSIDE CA 92501	92501 (951)826-6444	657
ARP SERVICES	4505 ALLSTATE DR STE 213 RIVERSIDE 92501	92501 (951)229-5974	JD6
THE UPS STORE 4770	9825 MAGNOLIA AVE STE B RIVERSIDE 92503	92503 (951)354-9877	MD8
CERTIFIX	5198 ARLINGTON AVE RIVERSIDE CA 92504	92504 (800)710-1934	KU2
POST BOX AND MORE	3870 LA SIERRA AVENUE RIVERSIDE CA 92505	92505 (951)351-0531	RE4
QUALITY LIVE SCAN	3610 CENTRAL AVE 433 RIVERSIDE CA 92506	92506 (951)965-8713	TK5
THE UPS STORE 0640	5225 CANYON CREST DR STE 71 RVRSD 92507	92507 (909)463-2817	KM3
WELLNESS MART MD	761 W BLAINE ST RIVERSIDE CA 92507	92507 (310)985-4042	NU8
POSTAL ANNEX 243	19510 VAN BUREN F3 RIVERSIDE CA 92508	92508 (951)653-8080	ZL3
TERRY FOX	21106 SCENIC RIDGE LAKE ELSINORE CA92532	92532 (951)551-5549	ZP4
THE UPS STORE 2706	31500 GRAPE ST STE 3 LAKE ELSINORE 92532	92532 (951)471-0090	MD3
BZ BEEZ TAX	1249 E FLORIDA AVE HEMET CA 92543	92543 (915)929-6500	BH6
UPS STORE 1745	140 E STETSON AVE HEMET CA 92543	92543 (951)765-5658	KK3
HOME INSTD SNR CARE	414 SOUTH PALM AVENUE STE A HEMET 92543	92543 (951)929-1050	NT2
LIVESCAN NOW	910 N STATE ST STE A2 HEMET CA 92543	92543 (800)215-9948	JH8
MT PLAZA MALL PAC SP	43430 E FLORIDA AVE STE F HEMET CA 92544	92544 (951)927-5577	UE1
MAIL DEPOT PLUS	3337 W FLORIDA AVE HEMET CA 92545	92545 (951)925-8384	HT3
POSTAL ANNEX 12005	14910 PERRIS BLVD B MORENO VLY CA 92553	92553 (951)601-6500	HG5
BOW FINGERPRNTG SRVS	15489 ALOSTA LANE MORENO VALLEY CA 92555	92555 (310)531-4698	TN6
MURRIETA PD	2 TOWN SQUARE MURRIETA CA 92562	92562 (951)461-6380	FN2
THE UPS STORE 1439	25060 HANCOCK MURRIETA CA 92562	92562 (951)698-4460	FZ4
MAILWERKZ FIREW CABL	39520 MURRIETA HOT SPR RD 219 MURR 92563	92563 (951)445-4330	YN6
SOS SERVICES	277 E 4TH ST STE F PERRIS CA 92570	92570 (951)259-5578	DC5
BILLY W ELLIS SVS	102 ANCHOR CT SAN JACINTO CA 92583	92583 (951)487-8217	ZD4
THE UPS STORE 5143	26025 NEWPORT RD STE A MENIFEE CA 92584	92584 (951)246-4855	NE6
POSTAL ANEX 102	30141 ANTELOPE RD STE D MENIFEE CA 92584	92584 (951)679-2600	NY3
POSTAL ANNEX 102	30141 ANTELOPE RD STE D MENIFEE CA 92584	92584 (951)679-2600	FB8
THE UPS STORE 571	27475 YNEZ ROAD TEMECULA CA 92591	92591 (949)433-1775	EX8
CERTIFIX	40335 WINCHESTER RD STE E TEMECULA 92591	92591 (800)710-1934	BV3
TEMECULA PD	40820 WINCHESTER RD TEMECULA CA 92591	92591 (951)375-3496	C37
RANCHO COMM CHURCH	31300 RANCHO COMMUNITY TEMECULA CA 92592	92592 (951)303-6789	LA5
THE UPS STORE 0032	14252 CULVER DR STE A IRVINE CA 92604	92604 (949)559-9007	UF7
POSTAL ANNEX 3010	15333 CULVER DR STE 340 IRVINE CA 92604	92604 (949)857-6782	PV6
MAILBOXES IRVINE	4521 CAMPUS DR IRVINE CA 92612	92612 (949)854-8011	MB8
AIM MAIL CENTER	5319 UNIVERSITY DR IRVINE CA 92612	92612 (949)552-5285	WZ6
WELLNESSMART MD	2790 HARBOR BLVD COSTA MESA CA 92626	92626 (805)496-7148	MS6
CAPITAL LIVE SCAN	2262 ASPAN ST 202 LAKE FOREST CA 92630	92630 (916)663-3088	YN4
CASH MY CHECK	24601 RAYMOND ST LAKE FOREST CA 92630	92630 (949)581-2700	CK8
CALIFORNIA LV SCN	18090 BEACH BLVD STE 9 HNTNGTN BCH 92648	92648 (714)787-8765	NA4
DBA UPS STORE 0612	27068 LA PAZ RD ALISO VIEJO CA 92656	92656 (949)831-7933	MH6
SECURE LIVE SCAN	6 JOURNEY 270 ALISO VIEJO CA 92656	92656 (949)633-0948	GX5

SECURE LIVE SCAN	6 JOURNEY STE 270 ALISO VIEJO CA 92656	92656 (949)633-0948	SA2
NOTARY PLUS MOBL SVS	3848 CAMPUS DR 203 NEWPORT BEACH 92660	92660 (949)702-3551	XD7
ACS LVSCN NTRY MORE	3848 CAMPUS DR STE 108 NWPRT BCH 92660	92660 (949)637-5287	MG2
NEWPORT BEACH LVSCAN	3848 CAMPUS DR STE203 NEWPRT BEACH 92660	92660 (949)702-3551	FW5
CAPITAL LIVE SCAN	3857 BIRCH STREET NEWPORT BEACH CA 92660	92660 (916)663-3088	W26
JOHN RESTREPO NOTARY	32302 CAMINO CAPISTRANO SJUAN CPTO 92675	92675 (949)503-1897	BB8
AIM MAIL CENTER 35	30025 ALICIA PRKWY LAGUNA NIGUEL 92677	92677 (949)240-8879	MA7
Y AND G INCOME TAX	14600 GOLDENWEST ST A201 WESTMNSTR 92683	92683 (714)495-1408	RR6
NATIONWIDE LS NOTARY	24000 ALICIA PKWY 17 MISSON VIEJO 92691	92691 (888)871-2722	MT3
AA LS FINGER PRINTS	1633 E 4TH ST STE 138 SANTA MONICA 92701	92701 (310)650-1002	BM8
WESTCLIFF PROPERTIES	211 N SYCAMORE ST SANTA ANA CA 92701	92701 (714)215-7421	DR8
SANTA ANA PD	60 CIVIC CENTER PLAZA SANTA ANA 92701	92701 (714)245-8123	KG1
ORANGE CO SO	320 N FLOWER ST SANTA ANA CA 92702	92702 (714)834-6467	DX3
JANET INSURANCE SRVC	1415-D WEST EDINGER SANTA ANA CA 92704	92704 (714)417-0177	RW7
MAIL SHIPPING ETC	11037 WARNER AVE FOUNTAIN VLY CA 92708	92708 (714)852-3309	VD6
AIM MAIL CENTER 23	16027 BROOKHURST ST STE I FNTN VLY 92708	92708 (714)531-7070	HZ4
E AND J MEDICAL SVS	17024 MAGNOLIA ST FOUNTAIN VALLEY 92708	92708 (714)657-6487	NA6
LOS ANGELES MAIL CTR	9742 MOSS GLAN FOUNTAIN VALLEY CA 92708	92708 (714)654-9292	UP5
CERTIFIX	17602 17TH ST STE 102 TUSTIN CA 92780	92780 (800)710-1934	GV2
UNLIMITED SPEC PROD	360 E FIRST STREET TUSTIN CA 92780	92780 (714)669-0650	BG5
THE UPS STORE 6340	13217 JAMBOREE ROAD TUSTIN CA 92782	92782 (951)317-1213	XU7
POSTAL ANNEX 56	2913 EL CAMINO REAL TUSTIN CA 92782	92782 (714)832-9212	ZT4
ANAHEIM POSTAL PLACE	532 N MAGNOLIA AVENUE ANAHEIM CA 92801	92801 (714)400-4297	WG4
CERTIFIX	675 NORTH EUCLID ST ANAHEIM CA 92801	92801 (800)710-1934	CX2
XCL SERVICES	1671 W KATELLA AVE STE 130 ANAHEIM 92802	92802 (657)229-1040	RS6
OC DOCUMENTS CNTR LS	2311 S MICA CT 124 ANAHEIM CA 92802	92802 (714)296-6048	FV5
ANAHEIM UNION HSD	501 CRESCENT WAY ANAHEIM CA 92803	92803 (714)999-1150	316
THE UPS STORE 5667	174 W LINCOLN AVE ANAHEIM CA 92805	92805 (714)999-1435	RR2
BELMUDEZ TAX SRVS	1917 E LA PALMA AVE ANAHEIM CA 92805	92805 (714)262-3992	ZS6
A LIVSCAN CENTER OC	201 E CENTER STREET 103 ANAHEIM CA 92805	92805 (714)635-6600	JG7
A LVSCN CTR ORNG CTY	903 W LINCOLN AVE 105 ANAHEIM CA 92805	92805 (714)905-6061	SH2
POSTAL ANNEX 13007	751 S WEIR CANYON RD ANAHEIM CA 92808	92808 (714)998-8806	AT5
C9 SERVICES	526 E LAMBERT RD BREA CA 92821	92821 (562)306-2782	FR7
A LATEN IMPRESSION	770 SO BREA BLVD STE 210 BREA CA 92821	92821 (714)990-3304	VJ3
INTERNATIONAL MAILBX	1519 CHAPMAN AVE UNT B FULLERTON CA92831	92831 (714)992-2911	YH4
THE UPS STORE 6253	1105 S EUCLID ST STE D FULLERTON 92832	92832 (714)447-8888	AR4
THE UPS STORE 4097	2271 W MALVERN AVE FULLERTON CA 92833	92833 (949)249-1200	WD6
CA LIVE SCAN DEVICES	1095 N MAIN ST STE D1 ORANGE CA 92867	92867 (714)507-6525	YX5
MICHAELS LIVE SCAN	1542 E COLLINS AVE ORANGE CA 92867	92867 (714)532-5964	FA2
WELLNESSMART MD	2140 W CHAPMAN AVE STE 105 ORANGE 92868	92868 (805)496-7148	CP6
ORANGE CO SOC SRVS	401 THE CITY DR SOUTH ORANGE CA 92868	92868 (714)541-7758	U19
SBS 2075 UPS STORE	8502 E CHAPMAN AVE 800 ORANGE CA 92869	92869 (714)288-1040	FN6
POSTAL MAX	1057 E IMPERIAL HWY PLACENTIA 92870	92870 (408)329-0537	CX8
BRIGGS INTERNATIONAL	1995 LAS COLINAS CIR 303 CORONA CA 92879	92879 (888)667-4021	AG6
DAUGHERTYS ACC IDENT	13534 PHEASANT WAY CORONA CA 92880	92880 (909)241-5097	W46
POSTAL EXPRESS	1240 E ONTARIO AVE STE 102 CORONA 92881	92881 (951)278-8827	WW7
A RIVERA LIVE SCAN	1047 W 6TH ST UNIT D CORONA CA 92882	92882 (951)735-5786	GF4
LIVE SCAN EXPRESS	5450 RALSTON ST STE 106 VENTURA CA 93003	93003 (805)339-0422	FJ2
VENTURA CO ADMIN REC	800 S VICTORIA AVE VENTURA CA 93009	93009 (805)654-3177	X25
VENTURA CO SO LIC	800 S VICTORIA AVE VENTURA CA 93009	93009 (805)654-2371	X26
MOORPARK MAIL N MORE	4215 TIERRA REJADA RD MOORPARK CA 93021	93021 (805)523-8822	JG4
LIVE SCAN PROS	4428 SKYGLEN COURT MOORPARK CA 93021	93021 (805)630-8078	PR7

ACCUPRINTS	7075 CAMPUS RD MOORPARK CA 93021	93021 (805)529-5288	W54
LEND A HAND	2037 MILAGRO PLACE OXNARD CA 93030	93030 (805)509-1842	UT3
5TH ST IMMIGRATION	3151 W 5TH ST E202 OXNARD CA 93030	93030 (805)984-8484	GL6
CERTIFIX	716 N VENTURA RD OXNARD CA 93030	93030 (800)710-1934	AW2
ASAP LIVE SCAN NOTRY	424 W IRIS STREET OXNARD CA 93033	93033 (805)216-3719	EZ3
PORT HUENEME PD	250 N VENTURA RD PORT HUENEME CA 93041	93041 (805)986-6533	X24
POSTAL ANNEX 288	543 COUNTRY CLUB DR B SIMI VLY CA 93065	93065 (805)584-0840	WH6
LORI MOBILE NOTARY	4309 CALLE REAL A SANTA BARBARA CA 93110	93110 (805)895-1591	GL5
SNTA BARBARA SO HQ	4434 CALLE REAL SANTA BARBARA CA 93160	93160 (805)681-4722	H85
CDCR APP	1 KINGS WAY ADMIN BLDG AVENAL CA 93204	93204 (916)358-1206	Z02
COALINGA ST HOSPITAL	24511 W JAYNE AVE COALINGA CA 93210	93210 (559)935-4083	UN4
CDCR APP	4001 KING AVE CORCORAN CA 93212	93212 (916)358-1206	Z10
CDCR APP	900 QUEBEC AVE CORCORAN CA 93212	93212 (916)358-1206	Z13
THE UPS STORE 6623	550 WOOLLOMES AVE STE 103 DELANO 93215	93215 (661)778-0978	HW6
KINGS CO OFFC OF ED	1144 W LACEY BLVD HANFORD CA 93230	93230 (559)589-7079	B55
DEBBIES LEGAL TYPING	1055 W MORTON AVE B PORTERVILLE 93257	93257 (559)781-7704	LZ3
PORTERVILLE DEV CTR	26501 AVENUE 140 PORTERVILLE CA 93257	93257 (559)782-2598	S39
GOLDEN STATE FAMILY	1206 S O STREET TULARE CA 93274	93274 (559)687-1173	FA8
TULARE PD	260 S M STREET TULARE CA 93274	93274 (559)687-7001	DR4
AMDAL IN HOME CARE	318 SOUTH M STREET TULARE CA 93274	93274 (559)686-6611	YU5
COPY PACK N SHIP	4125 WEST NOBLE AVE VISALIA CA 93277	93277 (559)738-8518	GA1
TULARE CO SO	833 S AKERS ST VISALIA CA 93277	93277 (559)782-9650	153
TULARE CO HR AND DEV	2900 WEST BURREL VISALIA CA 93291	93291 (559)636-4900	SJ1
THE UPS STORE 6731	5211 W GOSHEN AVE VISALIA CA 93291	93291 (559)734-4200	MX7
PACKAGE DEPOT	1525 E NOBLE AVE VISALIA CA 93292	93292 (559)734-1150	VV5
KERN SO	1415 TRUXTUN AVE BAKERSFIELD CA 93301	93301 (661)868-5545	Z72
AMERICAN TAX SERVICE	400 CHESTER AVE BAKERSFIELD CA 93301	93301 (661)631-2420	EG8
THE UPS STORE 6021	4208 ROSEDALE HWY STE 302 BKRSFLD 93308	93308 (661)324-8777	TH2
THE UPS STORE 4360	9530 HAGEMAN RD STE B BAKERSFIELD 93312	93312 (661)589-9890	ZU3
UPS STORE 4581	3940 7 BROAD ST SAN LUIS OBISPO 93401	93401 (805)549-0200	FP2
SAN LUIS OBISPO SO	1585 KANSAS AVE SAN LUIS OBISPO CA 93406	93406 (805)781-4565	U55
CDCR APP	HIGHWAY 1 SAN LUIS OBISPO CA 93409	93409 (916)358-1206	Z08
ATASCADERO ST HSPTL	10333 EL CMNO REAL ATASCADERO CA 93422	93422 (805)468-2627	UL4
PERRYS PARCEL GIFTS	7395 EL CAMINO REAL ATASCADERO CA 93422	93422 (805)466-3200	EP5
ATASCADERO PD	5505 EL CAMINO REAL ATASCADERO CA 93423	93423 (805)470-3264	U53
GROVER BEACH PD	711 ROCKAWAY AVE GROVER BEACH CA 93433	93433 (805)473-4507	U62
BOX SHOP	740 N H STREET LOMPOC CA 93436	93436 (805)735-1567	SW4
PASO ROBLES PD	900 PARK ST PASO ROBLES CA 93446	93446 (805)227-7520	U52
CAPITAL LIVE SCAN	791 PRICE STREET PISMO BEACH 93449	93449 (916)663-3088	YP4
LOCAL COPIES ETC INC	1500 SOUTH BROADWAY SANTA MARIA CA 93454	93454 (805)708-5555	NG7
CENTRO DE LATINO SVS	519 S BROADWAY STE B SANTA MARIA 93454	93454 (805)614-7595	VG6
BISHOP PD	207 WEST LIME ST BISHOP 93514	93514 (760)873-5866	173
WILSONS MOBILE LS	44806 ELM AVENUE LANCASTER CA 93534	93534 (661)418-6995	MK5
WESTSIDE BIZ MAIL	718 W AVENUE J STE B LANCASTER CA 93534	93534 (661)418-0153	YT5
AV MAIL N MORE	2851 W AVENUE L LANCASTER CA 93536	93536 (661)722-4555	MN4
CITY OF LANCASTER	44933 N FERN AVE LANCASTER CA 93536	93536 (661)723-6015	D44
MAMMOTH LAKES PD	58 THOMPSONS WAY MAMMOTH LAKES CA 93546	93546 (760)965-3700	CF8
CITY OF PALMDALE	823 E AVENUE Q9 STE B PALMDALE CA 93550	93550 (661)267-5401	HH4
AVENUE P MAIL N MORE	3053 RANCHO VISTA BLVD PALMDALE CA 93551	93551 (661)266-4459	CD5
ADV LSCAN NOTARY SVS	40063 WATFORD WAY PALMDALE CA 93551	93551 (661)886-8212	WS7
MAIL AMERICA 3	37951 47TH STREET A7 PALMDALE CA 93552	93552 (661)285-3000	BZ6
VELOCITY PROF SRVS	139 N BALSAM ST 1400 RIDGECREST CA 93555	93555 (760)977-9139	FM7

CDCR APP	24900 HIGHWAY 202 TEHACHAPI CA 93581	93581 (916)358-1206	Z04
UPS STORE 4042	1865 HERDON AVE STE K CLOVIS CA 93609	93609 (559)323-7555	LX3
POSTAL ANNEX 2010	1187 N WILLOW AVENUE CLOVIS CA 93611	93611 (559)324-7083	KV7
CITY OF CLOVIS	1033 5TH STREET CLOVIS CA 93612	93612 (559)354-2726	ZG5
UPS STORE 5477	1350 E PACHECO STE B LOS BANOS CA 93635	93635 (209)826-3055	DP5
CENTRAL VLY MULTI SV	2446 MCCALL AVE STE 101 SELMA CA 93662	93662 (559)318-9153	BZ8
007 LIVESCAN	2155 N FRESNO STREET FRESNO CA 93703	93703 (559)225-7007	WJ6
GALAXY LIVE SCAN	5550 N PALM AVE FRESNO CA 93704	93704 (559)476-1748	YP5
007 LIVESCAN	1750 E BULLARD AVE 106 FRESNO CA 93710	93710 (559)225-7007	XL6
LIVE SCAN FRESNO	1754 E BULLARD ST STE 105 FRESNO 93710	93710 (559)476-6853	RB2
FRESNO SO CORONER	770 E SHAW AVE STE 300 FRESNO CA 93710	93710 (559)600-8190	NY7
FRESNO SO	1225 M STREET FRESNO CA 93721	93721 (559)600-8123	U05
FRESNO SO	1225 M STREET FRESNO CA 93721	93721 (559)600-8123	U06
CITY OF FRESNO	2600 FRESNO ST FRESNO CA 93721	93721 (559)621-6950	S54
THE POSTAL STN MOBLE	4460 W SHAW AVENUE FRESNO CA 93722	93722 (559)277-9400	LL7
POSTAL ANNEX 8007	6083 N FIGARDEN DRIVE FRESNO CA 93722	93722 (559)274-1644	KU7
ALPHA LIVE SCAN	4005 N BLACKSTONE AVE FRESNO CA 93726	93726 (559)259-0158	EW4
SUNNYSIDE BUSINESS	5510 E KINGS CANYON RD FRESNO CA 93727	93727 (559)981-5333	JF5
THE UPS STORE 6839	1320 S MAIN ST SALINAS CA 93901	93901 (831)449-4999	VH6
MONTEREY CO SO RECRD	1414 NATIVIDAD RD SALINAS 93906	93906 (831)755-3710	71
ALLEGIANT PROTECT	36 QUAIL RUN CIR 100U SALINAS CA 93906	93906 (831)809-9779	EA5
CRML OFC SPLY BS CTR	LINCOLN ST SE OF OCEAN AVE CARMEL 93921	93921 (831)624-1800	NN4
MURRAY MOBILE LV SCN	925 CEDAR STREET PACIFIC GROVE CA 93950	93950 (831)221-3480	VA7
UPS STORE 0426	951-2 OLD COUNTY RD BELMONT CA 94002	94002 (650)598-9611	Z56
FASTLINES SHIPPING	100 LOS OLIVOS AVE DALY CITY CA 94014	94014 (650)993-4445	AU8
POST N MORE	1259 EL CAMINO REAL MENLO PARK CA 94025	94025 (650)326-6245	UY6
THE UPS STORE 1847	650 CASTRO ST STE 120 MNTN VIEW CA 94041	94041 (650)390-8400	ZY1
WELLNESSMART MD	1901 OLD MIDDLEFIELD WY 1 MTN VIEW 94043	94043 (805)496-7148	CS6
HIGO INC	1017 EL CAMINO REAL REDWOOD CITY 94063	94063 (650)557-5577	HH2
A PLUS LIVESCAN SVS	236 EAST AVENUE SAN BRUNO CA 94066	94066 (415)608-7242	KE5
UPS STORE 1468	2268 WESTBOROUGH STE 302 SO SF CA 94080	94080 (650)952-6506	BL2
KR SERVICES LLC	1208 EAST ARQUES AVE SUNNYVALE CA 94085	94085 (408)739-4400	S90
THE UPS STORE 180	1030 E EL CAMINO REAL SUNNYVALE CA 94087	94087 (408)245-1600	XR2
COMPLETE NOTARY SRVS	459 FULTON ST STE 203 SF CA 94102	94102 (415)202-8544	LV7
A FAST PACK AND SHIP	1909 MISSION ST SAN FRANCISCO CA 94103	94103 (415)780-9700	TL4
SAN FRANCISCO PD	850 BRYANT ST SAN FRANCISCO CA 94103	94103 (415)734-3032	SA3
SFPD CARD SCAN EOC	850 BRYANT ST SAN FRANCISCO CA 94103	94103 (415)734-3032	SX3
SAN FRANCISCO PD	850 BRYANT STREET SAN FRANCISCO 94103	94103 (415)553-9230	SK3
SAN FRANCISCO PD	850 BRYANT STREET SAN FRANCISCO CA 94103	94103 (415)734-3032	SB3
SAN FRANCISCO PD	850 BRYANT STREET SAN FRANCISCO CA 94103	94103 (415)734-3032	SC3
A5 PACK AND MAIL CTR	237 KEARNY ST SAN FRANCISCO CA 94108	94108 (415)593-0330	RX1
CATHOLIC CHARITIES	990 EDDY STREET SAN FRANCISCO CA 94109	94109 (415)972-1241	T22
A FOTO VIDEO MAIL	3041 MISSION ST SAN FRANCISCO CA 94110	94110 (415)647-4444	NF5
THE UPS STORE 5568	1770 POST STREET SAN FRANCISCO CA 94115	94115 (415)929-9200	GG2
CERTIFIX	235 WESTLAKE CENTER DALY CITY CA 94115	94115 (800)710-1934	DR2
A11 SHIPPING PHOTO	5432 GEARY BLVD SAN FRANCISCO CA 94121	94121 (415)831-9261	CS5
POSTAL ANNEX	350 BAY ST 100 SAN FRANCISCO CA 94133	94133 (415)772-9022	YP6
CERTIFIX	3790 EL CAMINO REAL PALO ALTO CA 94306	94306 (800)710-1934	AR2
A PLUS MAILBOXES	360 1ST AVE SAN MATEO CA 94401	94401 (415)647-4444	T18
SAN MATEO PD	2000 S DELAWARE ST SAN MATEO CA 94403	94403 (650)522-7628	TM3
MOBILE CERTIFCTN SVS	644 EDGEWATER BLVD 306 FOSTER CITY 94404	94404 (925)808-8801	FZ7
ISLAND NOTARY AND LS	1033 FOUNTAIN STREET ALAMEDA CA 94501	94501 (415)676-8007	MW6

A WELCOME LSCAN SRVS	638 EAGLE AVE ALAMEDA CA 94501	94501 (510)522-6233	BP2
POSTAL ANNEX PLUS	3494 CAMINO TASSAJARA DANVILLE 94506	94506 (925)964-9346	DV8
CERTIFIX	3000 F DANVILLE BLVD ALAMO 94507	94507 (800)710-1934	DD2
ADETRONICS	113 G STREET SUITE 203 ANTIOCH CA 94509	94509 (925)779-0541	K54
E N ASSOCIATES	2213 BUSHANAN RD STE 211 ANTIOCH 94509	94509 (925)427-0752	CS4
DIABLO LIVE SCAN LLC	3721 SUNSET LANE 103 ANTIOCH CA 94509	94509 (925)778-4252	S08
MY FAITH CMTY CNSLNG	3727 SUNSET LANE 105 ANTIOCH CA 94509	94509 (925)350-0151	HF7
CAPITAL LIVE SCAN	836 SOUTHAMPTON STE B BENICIA CA 94510	94510 (916)456-5260	LN3
AVIGNA INC POSTAL164	785 OAK GROVE ROAD E2 CONCORD CA 94518	94518 (925)285-8582	BE6
CERTIFIX	1647 WILLOW PASS RD CONCORD CA 94520	94520 (800)710-1934	LJ2
BETA IDENTIFY	60 ADOBE DRIVE CONCORD CA 94520	94520 (925)826-4922	ZR7
THE UPS STORE 0854	4425 TREAT BLVD STE C CONCORD CA 94521	94521 (925)825-4623	MY6
THE UPS STORE 7094	2741 HILLCREST AVE ANTIOCH CA 94531	94531 (925)470-3770	DA8
POSTAL ANNEX 144	3377 DEER VALLEY RD ANTIOCH CA 94531	94531 (925)706-0166	UW3
ACME LS AND NOTARY	5209 STAR THISTLE WY ANTIOCH CA 94531	94531 (925)237-1475	BN8
SOLANO COUNTY HEALTH	275 BECK AVE FAIRFIELD CA 94533	94533 (707)784-8438	JM2
CAPITAL LIVE SCAN	1371 C OLIVER ROAD FAIRFIELD 94534	94534 (916)663-3088	YU4
THE UPS STORE 3954	5055 BUSINESS CTR DR FAIRFIELD CA 94534	94534 (707)704-1112	W40
POSTAL ANNEX 111	39270 PASEO PADRE PRKWY FREMONT CA 94538	94538 (510)713-8531	MR7
CALIF IMMIGRATN SVS	4127 BAY STREET UNIT 5 FREMONT CA 94538	94538 (408)422-5858	UW7
NICHE BUSINESS CAFE	5178 MOWRY AVE FREMONT CA 94538	94538 (510)791-3030	VX4
THE UPS STORE 1640	40087 MISSION BLVD FREMONT CA 94539	94539 (510)438-9474	MY7
THE UPS STORE 5831	1179 WEST A STREET HAYWARD CA 94541	94541 (510)782-8669	FA6
THE UPS STORE 3796	22568 MISSION BLVD HAYWARD CA 94541	94541 (510)673-6033	PE7
ALAMEDA CO SOC SVS	24100 AMADOR 2ND FLOOR HAYWARD CA 94544	94544 (510)268-2727	WV4
TARRELL LIVE SCAN	27526 TAMPA AVE HAYWARD CA 94544	94544 (510)881-6030	MP5
GARCIAS SECURITY TRN	777 SOUTHLAND DRIVE 220 HAYWARD CA 94545	94545 (510)582-4200	ER1
THE UPS STORE 3043	20885 REDWOOD RD CASTRO VALLEY CA 94546	94546 (510)673-6033	PD7
CURRENCY WORLD USA	20997 REDWOOD RD CASTRO VALLEY CA 94546	94546 (510)463-7766	AA6
AAA LIVE SCAN	1576 2ND ST STE E LIVERMORE CA 94550	94550 (925)594-0648	TB4
LIVERMORE LIVESCAN	4047 1ST ST STE 208 LIVERMORE CA 94551	94551 (925)447-7226	ZS4
CONTRA COSTA SO	2530 ARNOLD DRIVE 170 MARTINEZ CA 94553	94553 (925)335-1573	177
CONTRA COSTA PROB	50 DOUGLAS DR STE 200 MARTINEZ CA 94553	94553 (925)957-2700	V71
PAK MAIL CTR MARTINZ	649 MAIN ST STE 102 MARTINEZ CA 94553	94553 (925)228-6209	DY7
THE UPS STORE 0795	6680 ALHAMBRA AVENUE MARTINEZ CA 94553	94553 (650)743-4138	RG7
PHOTO PRO	1258 TRANCAS ST NAPA CA 94558	94558 (707)255-0772	Y31
NAPA CO SHERIFF	1535 AIRPORT BLVD NAPA 94558	94558 (707)253-4334	N57
INCLUSION SERVICES	550 GATEWAY DR STE 90 NAPA CA 94558	94558 (562)945-2000	XZ7
MAIL N SVS WRLD WRLS	35111 F NEWARK BLVD NEWARK CA 94560	94560 (510)258-4495	RG2
NEWARK PD	37101 NEWARK BLVD NEWARK CA 94560	94560 (510)891-5580	G83
SKSS ENTERPRISES UPS	2120 RAILROAD AVE 103 PITTSBURG CA 94565	94565 (925)634-9405	ZK5
THE UPS STORE 1064	640 BAILEY RD PITTSBURG CA 94565	94565 (925)458-0919	HS4
THE UPS STORE 0345	1807 H SANTA RITA RD PLEASANTON 94566	94566 (925)846-0276	HA2
THE UPS STORE 6291	6754 BERNAL AVE STE 740 PLEASANTON 94566	94566 (925)461-4877	YS6
ALAMEDA SO EDEN TOWN	15001 FOOTHILL BLVD SAN LEANDRO 94578	94578 (510)891-5580	811
ALAMEDA CO PROB DEPT	2300 FAIRMONT LV1 SAN LEANDRO CA 94578	94578 (510)667-3118	V97
VILLAGE POST BUS CTR	15934 HESPERIAN BLVD SAN LORENZO CA94580	94580 (510)566-4933	EM6
THE UPS STORE 3035	2415 SAN RAMON VLY BLVD 4 SAN RAMN 94583	94583 (925)855-4700	DH7
SUISUN CITY PD	701 CIVIC CENTER BLVD SUISUN CITY 94585	94585 (707)421-7362	A41
C DAT LLC	17 TENNESSEE ST VALLEJO CA 94590	94590 (707)643-3894	SZ5
C DAT LLC	17 TENNESSEE STREET VALLEJO CA 94590	94590 (707)643-3894	UM7
BAY RESPITE CARE	3272 SONOMA BLVD STE 4 VALLEJO CA 94590	94590 (707)644-4491	WU3

DUSHYANT DHAWAN INC	55 SPRINGSTOWNE CTR VALLEJO CA 94591	94591 (707)554-2628	XE3
POSTALANNEX 158	1839 B YGNACIO VLLY RD WALNUT CRK 94598	94598 (925)937-4645	HG7
JJH CA CORPORATION	2872 YGNACIO VLY RD WALNUT CREEK 94598	94598 (925)933-2384	BL8
LPG LIVE SCAN	524 7TH STREET OAKLAND CA 94607	94607 (510)680-1033	YT3
THE UPS STORE 4589	2340 POWELL ST EMERYVILLE CA 94608	94608 (510)547-9877	Y21
CALIF HIGHWAY PATROL	3601 TELEGRAPH AVE OAKLAND CA 94609	94609 (916)843-3355	F44
WELLNESSMART MD	1409 WEBSTER STREET OAKLAND 94612	94612 (805)496-7148	RU6
ALLSCAN FPRINTG SRVS	505 14TH ST SUITE 900 OAKLAND CA 94612	94612 (510)409-7463	RM3
BERKELEY PD	2100 MARTIN L KING AVE BERKLEY 94703	94703 (510)981-5580	143
FAST AND EASY LVSCN	2744 BELROSE AVE BERKELEY CA 94705	94705 (925)408-1874	XY4
MAIL BOXES PLUS	2930 DOMINGO AVE BERKELEY CA 94705	94705 (510)548-2321	WB6
BAY LIVE SCAN	828 SAN PABLO AVE STE 101 ALBANY 94706	94706 (510)526-2273	EH4
THE UPS STORE 7242	2163 MEEKER AVE RICHMOND CA 94804	94804 (510)215-1500	CB6
DBA UPS STORE 1896	106 SAN PABLO TOWNE CTR SAN PABLO 94806	94806 (707)554-2628	GM6
TIBURON PD	1155 TIBURON BLVD TIBURON CA 94920	94920 (415)789-2801	R02
AMERIPRINTS LS FPRNT	5685 REDWOOD DR ROHNERT PARK CA 94928	94928 (707)588-9866	R73
THE UPS STORE 2464	936 B 7TH STREET NOVATO CA 94945	94945 (415)899-1686	MF1
VERIFY GROUP	262 E HAMILTON STE A CAMPBELL CA 95008	95008 (408)761-2156	CK2
BAY AREA SOLUTIONS	847 S MCGLINCY LANE CAMPBELL CA 95008	95008 (408)764-6703	ZB5
UPS STORE 285	1840 41ST AVE STE 102 CAPITOLA CA 95010	95010 (831)462-5909	Y28
THE UPS STORE 0119	15466 LOS GATOS BLVD 109 LOS GATOS 95032	95032 (408)245-1600	HT6
POSTAL STOP	105 SERRA WAY MILPITAS CA 95035	95035 (408)946-7678	N98
POST N PARCEL	1765 LANDESS AVE MILPITAS CA 95035	95035 (408)946-6655	X28
THE UPS STORE 0197	305 VINEYARD TOWN CTR MORGAN HILL 95037	95037 (408)778-5858	VS2
HECSCO CORP 14024	2010 EL CAMINO REAL SANTA CLARA CA 95050	95050 (408)247-0139	TR5
CERTIFIX	59 WASHINGTON ST SANTA CLARA CA 95050	95050 (800)710-1934	CU3
POSTAL ANNEX 12018	409 TENNANT STATION MORGAN HILL 95053	95053 (408)776-2892	TR4
SANTA CRUZ LSCAN INC	877 CEDAR ST STE 150 SANTA CRUZ CA 95060	95060 (831)621-5041	UV4
THE UPS STORE 6455	4041 SOQUEL DR BLDG A1 SOQUEL CA 95073	95073 (831)419-3015	WA4
THE UPS STORE	1961 MAIN ST WATSONVILLE CA 95076	95076 (831)728-1919	NB1
THE UPS STORE 5833	2050 GATEWAY PL STE 100 SAN JOSE 95110	95110 (408)573-8788	PT4
SNTA CLRA CO SOC SVS	373 W JULIAN ST SAN JOSE CA 95110	95110 (408)501-6307	MC2
SANTA CLARA CO SO	55 WEST YOUNGER AVE SAN JOSE CA 95110	95110 (408)808-4747	259
ORION SECURITY	675 E GISH ROAD SAN JOSE CA 95112	95112 (408)287-4411	C74
THE UPS STORE 0102	4750 G ALMADEN EXPRS WAY SAN JOSE 95118	95118 (925)525-7641	AM2
CERTIFIX	6081 MERIDIAN AVE STE 70 SAN JOSE 95120	95120 (800)710-1934	CM3
CERTIFIX	2059 CAMDEN AVE SAN JOSE CA 95124	95124 (800)710-1934	EM2
TOTAL LIVE SCAN LLC	1025 LINCOLN AVENUE SAN JOSE CA 95125	95125 (408)907-3991	MN7
LV INSURANCE SVS	1625 FLICKINGER AVE SAN JOSE CA 95131	95131 (408)347-7850	LP2
PT LIVE SCAN SRVS	2526 QUME DRIVE STE 20 SAN JOSE CA 95131	95131 (408)680-6848	NA7
THE UPS STORE 0134	2530 BERRYESSA RD SAN JOSE CA 95132	95132 (408)259-5800	FN3
CERTIFIX	7052 SANTA TERESA BLVD SAN JOSE 95139	95139 (800)710-1934	XU3
POSTAL ANNEX 12011	3277 S WHITE RD SAN JOSE CA 95148	95148 (408)274-1453	DK8
STOCKTON PD	22 EAST MARKET ST STOCKTON CA 95202	95202 (209)937-8049	WK6
STOCKTON PD	22 EAST WEBBER STREET STOCKTON CA 95202	95202 (209)937-7295	832
KRISTYN K WILSON INS	229 E WEBER AVE STE 104 STOCKTON 95202	95202 (209)948-5707	RL7
LINCOLN USD	2010 WEST SWAIN RD STOCKTON CA 95207	95207 (209)953-8733	U66
THE BUILDERS EXCHNGE	4561 QUAIL DR STE B-2 STOCKTON CA 95207	95207 (209)478-1000	YM7
CAPITAL LIVE SCAN	2339 W HAMMER LANE C STOCKTON CA 95209	95209 (916)663-3088	JK4
CDCR DJJ YCF STOCKTN	7650 S NEWCASTLE RD STOCKTON 95215	95215 (209)944-6504	783
CDCR CA HLTH CR FAC	7707 S AUSTIN RD STOCKTON CA 95215	95215 (916)358-1206	LR4
SAN JOAQUIN HUMAN SV	6861 MARY GRAHAM LANE FRENCH CAMP 95231	95231 (209)468-1867	MR6

LODI PACK N SHIP	1040 W KETTLEMAN LANE 1B LODI CA 95240	95240 (209)367-0922	EN6
LIRON INC	201 S GUILD 101 LODI CA 95240	95240 (209)340-8700	EY3
OPTIONS FORWARD	2405 S STOCKTON ST STE 3 LODI CA 95240	95240 (209)327-7677	XU6
CALAVERAS CO SO	1045 JEFF TUTTLE DR SAN ANDREAS CA 95249	95249 (209)754-6570	WJ4
ESCALON PD	1855 AVE ESCALON CA 95320	95320 (209)838-7093	RM1
TPV NOTARY	14537 PINWOOD DR LATHROP CA 95330	95330 (209)814-6969	DZ8
MOBILELIVESCANNOTARY	759 LAKESIDE DR LATHROP CA 95330	95330 (858)442-0210	FT3
LATHROP NOTARY SERVS	93 D ARCY PKWY LATHROP CA 95330	95330 (209)229-5303	BF8
MANTECA PD	1001 W CENTER ST MANTECA CA 95336	95336 (209)456-8101	U42
GUARDCO SECURITY SRV	1360 WEST 18TH STREET MERCED CA 95340	95340 (209)723-4273	D68
MERCED CO HUMAN SERV	2115 WARDROBE AVE MERCED CA 95341	95341 (209)385-3000	A68
MODESTO CITY SCHOOLS	426 LOCUST ST MODESTO CA 95351	95351 (209)492-3115	N86
RIPON PD	259 NORTH EILMA AVE RIPON CA 95366	95366 (209)599-2102	U44
SONORA PD	28 NORTH LOWER SUNSET DR SONORA 95370	95370 (209)532-8141	295
TRACY UNIF SCH DIST	1875 WEST LOWELL AVE TRACY CA 95376	95376 (209)830-3260	Y70
CONVENIENT LS NOTARY	359 W 11TH STREET STE G TRACY CA 95376	95376 (209)814-8056	AT6
TRACY LIVESCN NOTARY	493 E 6TH STREET UNIT J TRACY CA 95376	95376 (408)960-5290	BJ7
CDCR APP	23500 KASSON RD TRACY CA 95378	95378 (916)358-1206	Z19
THE UPS STORE 4445	3220 W MONTE VISTA AVE TURLOCK CA 95380	95380 (209)632-9340	VK5
ACCOLADE SECURITY	2111 GEER RD STE 201A TURLOCK CA 95382	95382 (209)250-1685	XT2
REYES LEGAL DOC SRVC	3558 ROUND BARN BLVD 200 SNTA ROSA 95403	95403 (707)721-2600	KB6
AIRPORT MED CLINIC	3775 BRICKWAY BLVD 110 SANTA ROSA 95403	95403 (707)526-5888	DL7
POSTAL PLUS INC	422 LARKFIELD CENTER SANTA ROSA 95403	95403 (707)528-6400	FJ8
THE CENTRAL OFFICE	1275 4TH ST SANTA ROSA 95404	95404 (707)576-1155	GC8
TRUSCAN FP SVS	2324 4TH ST SANTA ROSA CA 95404	95404 (707)921-9740	YT2
CAPITAL LIVE SCAN	18601 CA-1 FORT BRAGG 95437	95437 (916)663-3088	YW4
THE UPS STORE 5161	371 LAKEPORT BLVD LAKEPORT CA 95453	95453 (707)349-2367	GA4
PRINT YOUR MITTS	683 LESLIE ST UKIAH CA 95482	95482 (707)391-3940	FN8
MENDECINO CO DSS	747 SOUTH STATE STREET UKIAH CA 95482	95482 (707)463-7761	941
HUMBOLDT CO PROB	2002 HARRISON AVE EUREKA CA 95501	95501 (707)268-3313	S66
DPT HEALTH HMN SVS	507 F STREET EUREKA CA 95501	95501 (707)441-5507	T84
CAPITAL LIVE SCAN	728 4TH ST EUREKA CA 95501	95501 (916)663-3088	JL4
HUMBOLDT SO	826 FORTH ST EUREKA CA 95501	95501 (707)268-3605	S67
CDCR APP	5905 LAKE EARL DR CRESCENT CITY CA 95531	95531 (916)358-1206	Z26
CAPITAL LIVE SCAN	900 NORTHCREST DR CRESCENT CITY CA 95531	95531 (916)663-3088	N04
HOME INSTEAD SR CARE	11899 EDGEWOOD RD STE H AUBURN CA 95603	95603 (530)885-3904	GM1
CAPITAL LIVE SCAN	2280 GRASS VALLEY HWY AUBURN CA 95603	95603 (916)663-3088	HJ2
UPS STORE 4149	2945 BELL ROAD AUBURN CA 95603	95603 (707)704-1112	GW2
PARTNERS IN CARE LLC	500 WALL STREET STE A AUBURN CA 95603	95603 (530)268-7423	AW7
CARMICHAEL BOX SHOP	4005 MANZANITA AVE 6 CARMICHAEL CA 95608	95608 (916)484-7363	HN7
THE UPS STORE 0814	6966 SUNRISE BLVD CITRUS HEIGHTS 95610	95610 (916)725-1345	RL2
SALAM US WIRELESS	7451 AUBURN BLVD B CITRUS HEIGHTS 95610	95610 (916)370-1359	DC6
MAILRUN BUSINESS CTR	1077 N WILLOW AVE STE 105 CLOVIS 95611	95611 (559)324-7083	AU5
PDQ FINGERPRINTING	216 F STREET DAVIS CA 95616	95616 (530)756-7084	E79
DAVIS POLICE DEPT	2600 5TH STREET DAVIS CA 95618	95618 (530)747-5472	PM5
ANGELMANS INC	1425 MARKET LANE STE G DIXON CA 95620	95620 (707)693-1947	BV6
CAPITAL LIVE SCAN	7889 LICHEN DR CITRUS HEIGHTS CA 95621	95621 (916)663-3088	HN2
THE UPS STORE 4366	2795 E BIDWELL ST STE 100 FOLSOM 95630	95630 (916)817-2233	KT3
CAPITAL LIVE SCAN	705 E BIDWELL 2 FOLSOM CA 95630	95630 (916)663-3088	N77
CDCR MCGEE CORR TRNG	9850 TWIN CITIES RD GALT CA 95632	95632 (916)358-1206	DA5
JACKSON PD	33-D BROADWAY JACKSON CA 95642	95642 (209)223-1771	Y57
QUICK TAG	149 LINCOLN BLVD STE 205 LINCOLN 95648	95648 (916)532-2872	TE7

CAPITAL LIVESCAN	6100 HORSESHOE BAR ROAD LOOMIS CA 95650	95650 (916)663-3088	Y25
CAPITAL LIVE SCAN	1420 E ROSEVILLE PKY 140 ROSEVILLE 95661	95661 (916)663-3088	HL2
THE UPS STORE 1157	8863 GREENBACK LANE ORANGEVALE CA 95662	95662 (916)988-6302	HX7
GOLD COUNTY LIVESCAN	163 PLACERVILLE DR PLACERVILLE CA 95667	95667 (530)622-6500	PX4
49ER LIVE SCAN	76 MAIN STREET PLACERVILLE CA 95667	95667 (530)903-8444	NZ7
CA DEPT OF JUSTICE	3068 KILGORE RD RANCHO CORDOVA 95670	95670 (916)210-5317	EN8
CDCR APP	100 PRISON RD REPRESA CA 95671	95671 (916)358-1206	S88
WELLNESSMART MD	300 HARDING BLVD 117 ROSEVILLE CA 95678	95678 (805)496-7148	XC3
CAPITAL LIVE SCAN	3450 PALMER DRIVE 4 CAMERON PARK 95682	95682 (916)663-3088	KR2
THE UPS STORE 4155	2010-A HARBISON DR VACAVILLE CA 95687	95687 (707)447-0623	VX6
VACAVILLE PD	660 MERCHANT STREET VACAVILLE CA 95688	95688 (707)449-5200	A42
LIVE SCAN 4 ALL	3440 WEST CAPITOL AVE WEST SAC CA 95691	95691 (916)823-5488	LY7
CALIF HIGHWAY PATROL	601 N 7TH ST SACRAMENTO CA 95811	95811 (916)843-3355	F58
STATE CONTROLLER OFF	300 CAPITOL MALL STE 300 SACTO CA 95814	95814 (916)324-3845	HF5
CA STATE LOTTERY	600 NORTH 10TH RM 294 SACTO CA 95814	95814 (916)822-8235	G43
PACIFIC COAST SRVCS	1900 POINT WEST WY 170 SACRAMENTO 95815	95815 (209)956-2532	AV8
UC DAVIS POLICE DEPT	4200 V STREET SACRAMENTO CA 95817	95817 (530)752-4444	KK5
SAC NOTARY SERVICES	5276 FRUITRIDGE ROAD SACRAMENTO CA 95820	95820 (916)346-8490	HP7
CAPITAL LIVE SCAN	5706 BROADWAY SACRAMENTO CA 95820	95820 (916)663-3088	HM2
CAPITAL LIVE SCAN	5706 BROADWAY SACRAMENTO CA 95820	95820 (916)663-3088	KN2
THE UPS STORE 1018	3335 WATT AVE STE B SACRAMENTO CA 95821	95821 (916)484-0938	PN6
SACRAMENTO PD	5770 FREEPORT BLVD SACRAMENTO CA 95822	95822 (916)808-0780	775
SACTO CO DHHS	7001 A EST PKWY STE 1100F SACTO CA 95823	95823 (916)875-1300	PK1
COMPREHENSIVE MEDICL	3600 POWER INN RD G SACRAMENTO CA 95826	95826 (916)454-1423	EC6
SALAM US WIRELESS	8975 FOLSOM BLVD SACRAMENTO CA 95826	95826 (916)370-1359	NL6
CAPITAL SERVICES	6624 FLORIN ROAD SACRAMENTO CA 95828	95828 (916)427-4321	JB3
RAD TESTING MOB COLL	1435 N MARKET BLVD 11 SACRAMENTO 95834	95834 (916)520-0244	VG7
CERTIFIX	2701 DEL PASO RD STE 130 SAC CA 95835	95835 (800)710-1934	NZ2
IDENTIFIRM	4321 AUBURN BLVD SACRAMENTO CA 95841	95841 (916)912-0544	V11
YUBA CO SO	720 YUBA STREET MARYSVILLE CA 95901	95901 (530)749-7779	X64
BLUE OAK LIVE SCAN	2279 FERN AVE CHICO CA 95926	95926 (530)566-4143	UE5
ARMED GUARD SEC TRNG	500 COHASSET RD STE 27 CHICO CA 95926	95926 (530)751-3218	TN7
BUTTE CO DEPT EMP SS	765 EAST AVE STE 200 CHICO CA 95926	95926 (530)538-6290	MM6
COLUSA CO SO LOBBY	929 BRIDGE STREET COLUSA CA 95932	95932 (530)458-0233	LV3
AFFORDABLE LEGAL SVS	563 BRUNSWICK RD 7 GRASS VALLEY CA 95945	95945 (530)272-5463	ZG7
YUBA CITY PD	1545 POOLE BLVD YUBA CITY CA 95953	95953 (530)822-4795	RA6
BUTTE CO SO	5 GILLICK WAY OROVILLE CA 95965	95965 (530)538-7391	UC6
CAPITAL LIVE SCAN	1000 LINCOLN RD STE H YUBA CITY CA 95991	95991 (916)456-5260	EC3
UPS STORE 5024	1040 LINCOLN ROAD YUBA CITY CA 95991	95991 (707)704-1112	GY2
HOPEWELL HLTHCR SRVS	718 BRIDGE STREET YUBA CITY CA 95991	95991 (916)246-8055	FW7
SUTTER CO SO	1077 CIVIC CENTER DR YUBA CITY 95993	95993 (530)822-4393	251
REDDING PD	777 CYPRESS AVE REDDING CA 96001	96001 (530)225-4244	W76
ACCU PRINT	3404 BECHELLI LANE STE B REDDING CA96002	96002 (530)222-3442	GH1
THE UPS STORE 4305	1095 HILLTOP DRIVE REDDING 96003	96003 (530)226-5192	MA2
CERTIFIX	215 LAKE BLVD REDDING CA 96003	96003 (800)710-1934	MM2
CAPITAL LIVE SCAN	9800 OLD OREGON TRAIL REDDING CA 96003	96003 (916)663-3088	KS2
CAPITAL LIVE SCAN	1299 S MAIN STREET YREKA 96097	96097 (916)663-3088	YV4
SIERRA LIVE SCAN	76671 MEADOW WAY PORTOLA CA 96122	96122 (530)927-8425	FX8
THE UPS STORE 7061	12030 DONNER PASS RD 1 TRUCKEE CA 96161	96161 (530)550-8550	BS8
TRUCKEE FINGERPRNTG	12242 BUSINESS PARK DR TRUCKEE 96161	96161 (530)418-8400	GN5
CAPITAL LIVESCAN	1692 MANGROVE AVE CHICO CA 96928	96928 (916)663-3088	W25
LACRIS LA SO	101 CENTER PLAZA DE MONTEREY PARK CA	(562)345-4400	AZ1

SUNSET FINGERPRINTNG	1050 OPPORTUNITY DR STE 190 ROSEVILLE CA	(530)906-1222	N06
ACCUSCAN LS SERVICES	10604 N TRADEMARK PKWY RANCHO CUCAMONGA	(909)262-7525	CZ8
ALJC OF INLAND EMPRE	10737 LAUREL ST STE 210 RANCHO CUCAMONGA	(951)205-2402	GL8
POSTAL PERFECT	10808 FOOTHILL BLVD RANCHO CUCAMONGA	(909)484-1474	GK8
THE UPS STORE 1614	11230 GOLD EXPRS DR STE 310 GLD RVR CA	(916)852-6390	FE4
ANSHIN MOBL NOTRY LS	113 N SAN VICENTE BLVD 2F BEVERLY HILS	(424)253-8149	KH6
THE UPS STORE 0589	1130 E CLARK AVE STE 150 SANTA MARIA CA	(805)937-6371	PM8
METRO STATE HOSPITAL	11401 BLOOMFIELD AVE 3RD FL NORWALK CA	(562)651-4491	384
CERTIFIX	1142 S DIAMOND BAR BLVD DIAMOND BAR CA	(800)710-1934	NG1
CALIF LIVE SCAN SERV	1151 HARBOR BAY PKWY STE 207F ALAMEDA CA	(510)846-4289	WG7
CERTIFIX	11835 CARMEL MTN RD STE 1304 CARMEL MTN	(800)710-1934	EJ2
CITY OF SAN DIEGO	1200 THIRD AVE STE 300 SAN DIEGO	(619)236-6660	MJ1
ISHA DGNSTCS CA CORP	1207 S PARK VICTORIA DR MILPITAS CA	(408)791-6016	HL8
MAXX ONE SECURITY	121 EAST ORANGEBURG AVE STE 7 MODESTO	(209)499-3885	GG1
SECURITAS	1240 29TH STREET STE 114 SIGNAL HILL CA	(562)427-2737	H47
MILPITAS PD	1275 N MILPITAS BLVD MILPITAS CA	(408)586-2400	N48
CHINO PD	13250 CENTRAL AVE CHINO	(909)334-3096	197
EL DORADO SHERRIFS	1360 JOHNSON BLVD STE 100 S LAKE TAHOE	(530)621-6035	32
CITY ANGELS REAL EST	13827 CALVERT ST VAN NUYS CA 91401-2910	(818)786-4024	MB7
UPLAND PD	1499 W 13TH ST UPLAND CA	(909)946-7624	U79
FINGERPRINTING LLC	1500 NORIEGA ST STE 100 SAN FRANCISCO	(415)661-3665	NX1
WORKPARTNERS OHS	1510 SWEETWATER BLVD STE B NATIONAL CITY	(760)681-5157	HY8
CDCR APP	1515 S STREET RM 556 N SACRAMENTO CA	(916)358-1206	R14
A P MOBILE NOTARY	16689 E FOOTHILL BLVD STE 202 FONTANA CA	(909)471-6952	MP8
MORE THAN A MAILBOX	1750 PRAIRIE CTY RD STE 130 FOLSOM CA	(916)718-2347	X68
JL LIVESCAN FP SRVS	18472 COLIMA RD STE 211 ROWLAND HEIGHTS	(626)810-3370	W82
NEW LEGAL AID	1894 COMMERCTR DR WEST STE 108 SANBERDO	(909)890-2350	NR4
NAPA STAT HOSPITAL	2100 NAPA-VALLEJO HWY NAPA CA 94558-6293	(707)253-5858	R44
OUR LOVE	2126 W EL SEGUNDO BLVD STE 5 GARDENA CA	(310)435-1594	LF8
UPS STORE 1506	2401 E ORANGEBURG AVE STE 675 MODESTO	(209)524-0900	UZ3
MICHAELS	2402 WILSHIRE BLVD SANTA MONICA CA	(310)828-4313	S61
TULARE CO SO	2404 BURRELL CNTY CIVIC CTR VISALIA CA	(559)636-4723	158
SACTO DPT HUM ASSIST	2435 MARCONI AVE SACRAMENTO	(916)875-3762	W28
SACRAMENTO SO	2500 MARCONI AVE SACRAMENTO	(916)876-5757	C64
AAA LIVE SCAN OF SD	2667 CMNO DEL RIO SOUTH STE 310 SN DIEGO	(619)683-2660	W65
AMERPRINTS LS FP SRV	2675 CLEVELAND AVE STE 7 SANTA ROSA CA	(707)566-1929	GL1
THE UPS STORE 7197	27120 EUCALYPTUS AVE STE H MORENO VALLEY	(951)243-0000	MR8
THE UPS STORE 6011	27890 CLINTON KEITH RD STE D MURRIETA	(951)672-6606	ME1
PERFORMANCA PROFFSNL	2831 CAMINO DEL RIO SOUTH 309 SAN DIEGO	(619)546-0446	HJ6
MAIL SERVICES ETC	2892 N BELLFLOWER BLVD LONG BEACH CA	(562)377-1212	LC1
PAJARO VLY USD	294 GREEN VALLEY RD WATSONVILLE CA	(831)786-2145	T35
THE UPS STORE 1184	300 CARLSBAD VLG DR STE 108A CARLSBAD CA	(760)434-9933	WK4
POSTAL ANNEX 98	300 S HIGHLAND SPRNGS AVE STE 6C BANNING	(760)863-4645	PB4
UNIVERSAL PROTECTION	3000 S ROBERTSON BLVD STE 100 LOS ANGELE	(916)265-5897	D25
THE UPS STORE 1329	30251 GOLDEN LANTERN STE E LAGUNA NIGUEL	(949)249-1200	FS6
AIM MAIL CENTER	3031 STANFORD RANCH RD STE 2 ROCKLIN CA	(916)435-3140	MF8
CERTIFIX	3060 EL CERRITO PLAZA EL CERRITO CA	(800)710-1934	SM1
MONTEREY PARK PD	310 WEST NEWMARK AVE MONTEREY PARK CA	(562)345-4400	L30
CDCR DJJ VYCF	3100 WRIGHT ROAD CAMARILLO	(805)278-3702	899
CERTIFIX	31878 DEL OBISPO 118 SAN JUAN CAPISTRANO	(800)710-1934	BU2
VAN LANG IMMGRTRN SVS	32627 ALVARADO BLVD STE A UNION CITY CA	(510)366-5978	PV4
E N ASSOCIATES	327 EAST LELAND RD STE B PITTSBURG CA	(925)427-0752	VL1

SECURITAS SEC SRVS	3325 WILSHIRE BLVD STE 1100 LOS ANGELES	(213)637-5530	F64
BEN CLARK TRAINING CTR	3423 DAVIS AVENUE STE A RIVERSIDE	(909)486-2919	G67
WOODLAKE PD	350 NORTH VALENCIA BLVD WOODLAKE CA	(559)972-8037	FY1
UPS STORE 1129	3505 SONOMA STE 20 VALLEJO CA 94590 2945	(707)704-1112	GX2
WELLNESSMART MD	3511 FAIR OAKS BLVD SACRAMENTO	(805)496-7148	PM3
THE UPS STORE 2623	369 THIRD STREET UNIT B SAN RAFAEL	(415)547-6909	XL3
ONE AMER LS FPRINT	3690 MURPHY CANYON RD STE 102 SAN DIEGO	(619)279-4337	MR1
CJL SECURITY	3700 COLDWATER CANYON NORTH HOLLYWOOD CA	(818)601-3558	W52
SG2073 CONSULTING	3700 HILBORN RD STE 600 FAIRFIELD CA	(707)422-8293	JC8
CDCR APP	4001 HIGHWAY 104 IONE CA	(916)358-1206	Z24
RIVERSIDE CO DA	4075 MAIN STREET FIRST FLOOR RIVERSIDE	(951)955-5673	J09
CAL AUTO LICENSE	41200 MURRIETA HOT SPRINGS RD MURRIETA	(760)752-1072	CE6
1 ALL SAFE SECURE LS	4172 PACIFIC COAST HIGHWAY TORRANCE CA	(310)373-3101	W92
VILLAGE MAIL CALL	419 N LARCHMONT BLVD LOS ANGELES CA	(323)464-1300	R25
WELTY POSTAL CONNECT	42-335 WASHINGTON ST STE F PALM DESERT	(760)345-2211	T36
CERTIFIX	4224 E FIRESTONE BLVD STE A SOUTH GATE	(800)710-1934	NH1
JEWISH FAMILY SRVS	4311 WILSHIRE BLVD STE 209 LOS ANGELES	(323)932-0316	GY1
CDCR APP	44750 60TH STREET WEST LANCASTER CA	(916)358-1206	Z11
LIRON INC	4811 CHIPPENDALE DR STE 606 SACRAMENTO	(916)503-7490	MZ3
THE UPS STORE	4847 HOPYARD RD STE 4 PLEASANTON CA	(925)416-1156	CJ2
ACCURATE BIOMETRICS	4849 N MILWAUKEE AVE STE 101 CHICAGO IL	(916)987-3600	AX4
AKI SECURIY TRAINING	5212 BOLSA AVE UNIT 3 HUNTINGTON BEACH	(714)379-9115	Y02
SOLANO SO FF RECORDS	530 UNION AVE STE 100 FAIRFIELD CA	(707)435-2844	B46
US LIVESCAN	5441 E BEVERLY BLVD STE C LOS ANGELES	(877)765-1428	FN1
LA DEPT MENTAL HLTH	550 S VERMONT AVE 9TH FLR LOS ANGELES	(213)351-7700	ZL1
LA CO DPT PUB HLTH	5555 FERGUSON DR STE 320-50 COMMERCE	(323)869-8505	DS1
CERTIFIX	570 EL CAMINO REAL STE 150 REDWOOD CITY	(800)710-1934	DA2
AA LIVESCAN AND NOTE	5870 MELROSE AVE STE 3 LOS ANGELES	(714)743-5155	V57
ON MY OWN INDP LVNG	6060 SUNRISE VSTA DR 2100 CITRUS HGHTS	(916)726-0792	YF2
ACCUPRINTS	6593 COLLINS DR STE D14 MOORPARK CA	(805)529-5288	KL1
CERTIFIX	6755 MIRA MESA BLVD STE 123 MIRA MESA	(800)710-1934	EL2
LA PERSONNEL DEPT	700 E TEMPLE ST RM 235 LOS ANGELES CA	(213)473-9338	X03
SAN JOAQUIN SO	7000 MICHAEL GANLIS BLVD FRENCH CAMP CA	(209)468-4304	H22
PASADENA LS SERVICE	708 N MARENGO AVE STE A PASADENA CA	(626)449-1583	Y34
POST IT	7511 WATT AVE STE 102 NO HIGHLANDS CA	(916)333-8200	EW1
UNIVERSAL PROTECTION	765 THE CITY DR SOUTH STE 150 ORANGE CA	(916)265-5897	C54
ANDREAS MOBILE LS	77682 COUNTRY CLUB DR STE A2 PALM DESERT	(760)636-2944	AP8
MCGREW AND ASSOC	826 N WINCHESTER BLVD STE 2 H SAN JOSE	(408)246-8585	MH3
THE UPS STORE 6105	855 EL CAMINO REAL STE 13A PALO ALTO	(650)391-9842	MP3
UPS STORE 1040	8698 ELK GROVE BLVD STE 3 ELK GROVE	(916)685-7885	D26
SAN DIEGO LIVESCAN	8900 GROSSMONT BLVD STE 4-2 LA MESA CA	(619)668-9280	AE3
NATNL BGRND SEV SRVS	9092 TALBERT AVE STE 1B FOUNTAIN VALLEY	(714)843-9504	T88
LA CO PROBATION DEPT	9150 E IMPERIAL HWY RM B17 DOWNEY CA	(562)940-3164	DX1
A1 LSCAN NOTARY SHPN	9250 RESEDA BL STE 2B NORTHRIDGE CA	(818)349-4600	S83
A1 LSCAN NOTARY SHPN	9250 RESEDA BLVD STE 2B NORTHRIDGE CA	(818)349-4600	Z96
SAN DIEGO SO	9621 RIDGEHAVEN CT SAN DIEGO	(858)974-2020	Y53



April 29, 2020

Greetings, Optometry Board Licensees, Continuing Education Providers, and other stakeholders within the profession:

Thank you for your patience as the California State Board of Optometry (Board) determined the acceptability of live, interactive coursework mediated by an electronic medium to satisfy continuing education requirements. In doing so, we consulted with Board President Mark Morodomi, Esq., and Practice and Education Committee Chair Dr. Madhu Chawla, O.D.

[Section 1536 of Title 16 of the California Code of Regulations](#) (CCR) regulates the courses that the Board may accept as meeting the requirements for continuing education coursework. The Board approved proposed changes to this regulation before the COVID-19 pandemic but those changes have not yet been approved by the Office of Administrative Law, a necessary step in order for the changes to become law. The Board will again discuss this regulation during its May 15, 2020 Board Meeting by teleconference and encourages licensees to participate in this meeting and help shape the future of this policy.

Under current law, live, interactive, and participatory courses provided over an internet platform do not fit within the plain meaning of “self-study” (i.e. the study of something by oneself, as through books, records, etc., without direct supervision or attendance in a class). Interactive courses offered live over internet platforms such as Zoom, WebEx, BlueJeans, RingCentral or courses being offered by COPE (through the June 30, 2020 deadline) will count towards the 30 hours required of live continuing education course credits.

Conversely, online courses that are recorded and made available for viewing later tend to meet the plain meaning definition of “self-study.” These courses are not live, interactive, or participatory. Thus, these courses will not qualify as live courses and would instead qualify as “self-study.”

Again, the Board will continue to discuss and consider further changes to CCR section 1536, the regulation that defines the qualification of these online courses toward the mandated 30 hours of live continuing education course credits. We encourage licensees and other stakeholders to participate in the May 15, 2020 Board Meeting by teleconference to determine the future qualification of these online courses. This public meeting will be held via WebEx Events. To participate in the WebEx meeting, please log on to this website the day of the meeting using this link: <https://dca-ca.webex.com/dca-ca/onstage/g.php?MTID=e87a12ddc5a3463d7090b5e5be43a3b94>

Please feel free to contact the Board at optometry@dca.ca.gov for further information or clarification if needed.

Stay safe!

A handwritten signature in black ink, appearing to read "S. Murphy". The signature is fluid and cursive, with a large initial "S" and a stylized "M".

Shara Murphy, Executive Officer
California State Board of Optometry



ISSUE MEMORANDUM

DATE	May 15, 2020
TO	Members, California State Board of Optometry (CSBO)
FROM	Cheree Kimball, Assistant Executive Officer <i>prepared by Matt McKinney, Enforcement Analyst</i>
SUBJECT	Agenda Item #15B – Enforcement Program

Enforcement Staff Update

The Enforcement Unit welcomed Terri Villareal to fill the vacant lead enforcement analyst position. Terri comes from the State Controller’s Office and brings experience with process improvements, procedure creation and training, and previous DCA enforcement work. Currently, Terri is working on compiling a complete procedure manual for the Board.

Matt McKinney has taken on the role of probation monitor for the Board. He has been working with probationers to navigate the challenges of being on probation during the current Stay-at-Home order. The staff will report additional details in Agenda Item #6 (Discussion and Possible Action on Enforcement Policy Change to Toll Public-facing Probation Conditions Impacted by COVID-19 and the Governor’s resulting Stay-at-Home Order).

Disciplinary and Administrative Actions

In the third quarter of the Fiscal Year 2019-2020 to date, the Board took the following Disciplinary Actions:

1. Angelica M. Sanford, Spectacle Lens Dispenser Registration. Effective January 8, 2020: registration issued; revoked; stayed; probation.
2. Edward H. Soss, Optometrist. Effective April 1, 2020: license revoked; stayed; probation; cost recovery.
3. Martin E. Dawson, Contact Lens and Spectacle Lens Dispenser Registrations. Effective April 2, 2020: registration issued; revoked; stayed; probation.

Additionally, the Board issued one (1) Administrative Citation (with fines totaling \$2,500) in the third quarter.

Cases by Priority	Q3 – FY19/20						FY Total	
	Routine		High		Urgent		OPT	RDO
	OPT	RDO	OPT	RDO	OPT	RDO		
Received	68	22	2	0	0	0	188	106
Closed	76	32	2	1	0	0	210	121
Average Age (days) - Closed	150	123	252	779	0	0	166	135
Pending	96	102	13	0	0	0	96	102
Average Age (days) – Pending	525	547	389	0	0	0	525	547
Referred to AG	0	0	0	0	0	0	1	4
Pending at AG	5	30	2	0	0	0	6	28
Final Disciplinary Orders	0	2	1	0	0	0	5	5

Fig. 1: Overall Case Statistics, Q3, FY 2019-2020

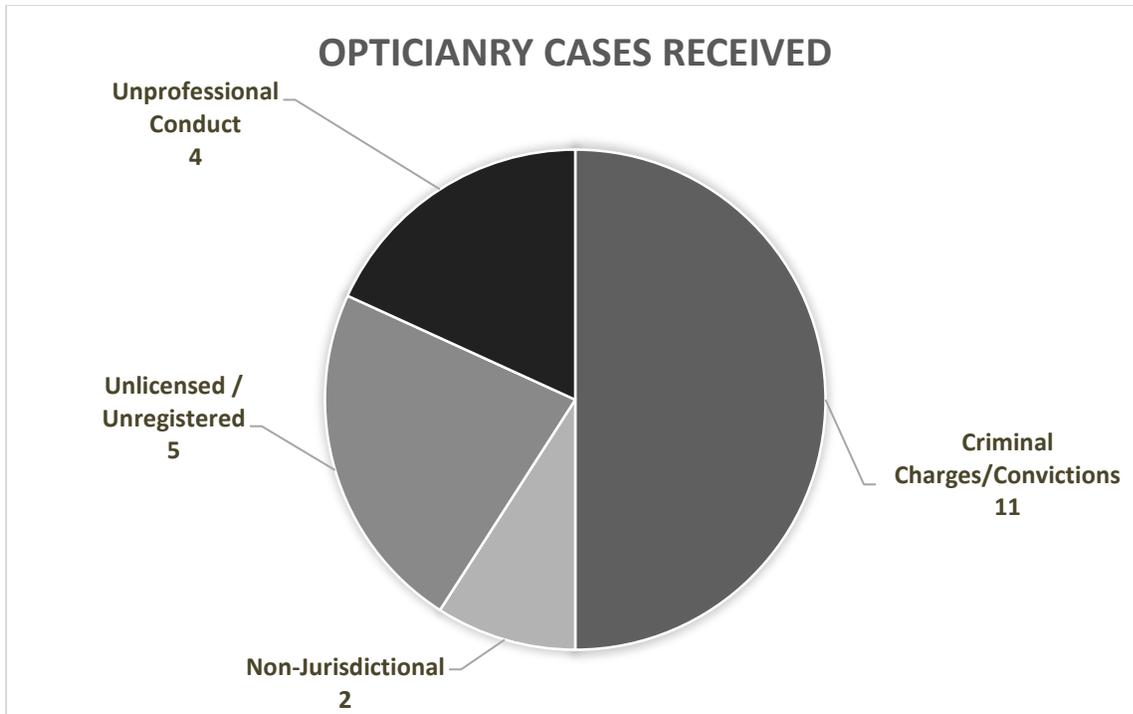


Fig. 2: Opticianry Cases Received by Classification, Q3, FY 2019-2020

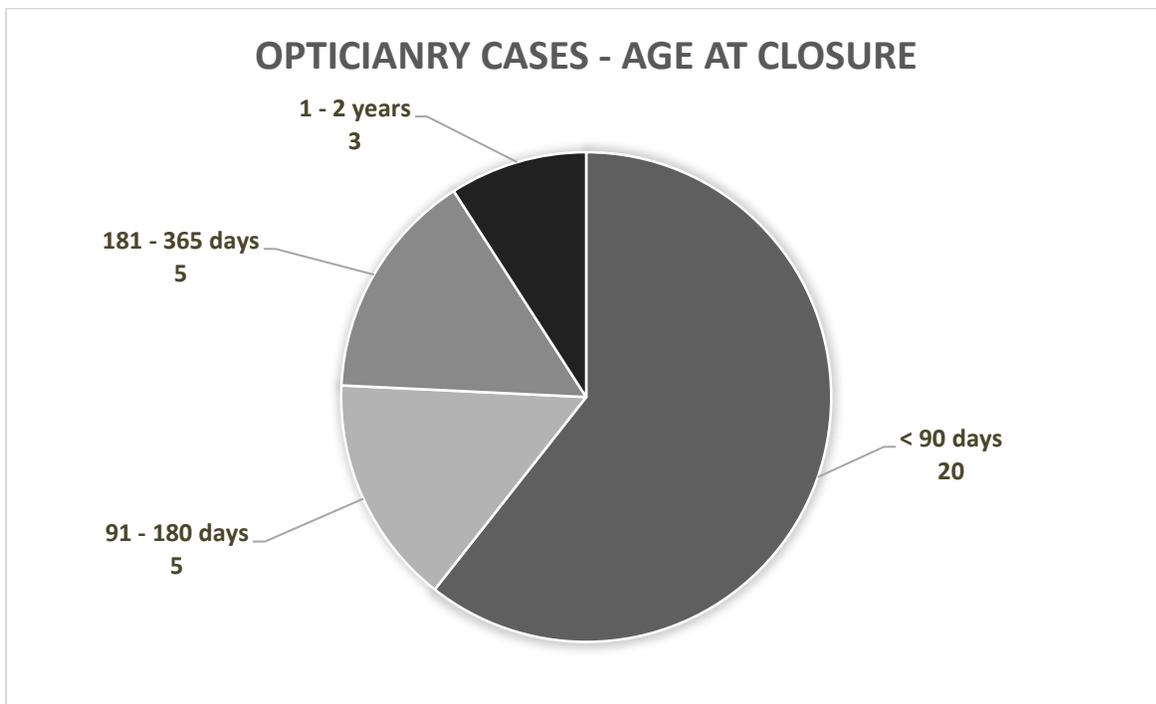


Fig. 3: Opticianry Cases – Age at Closure, Q3, FY 2019-2020

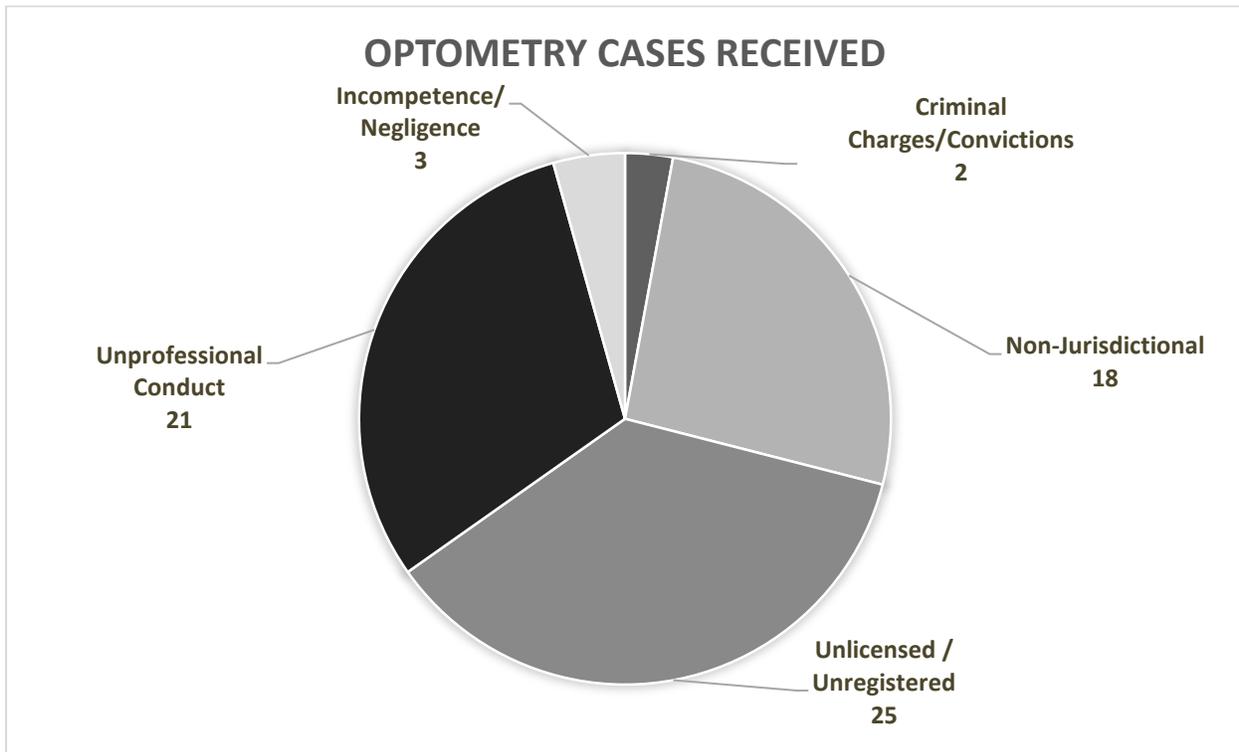


Fig. 4: Optometry Cases Received by Classification, Q3, FY 2019-2020

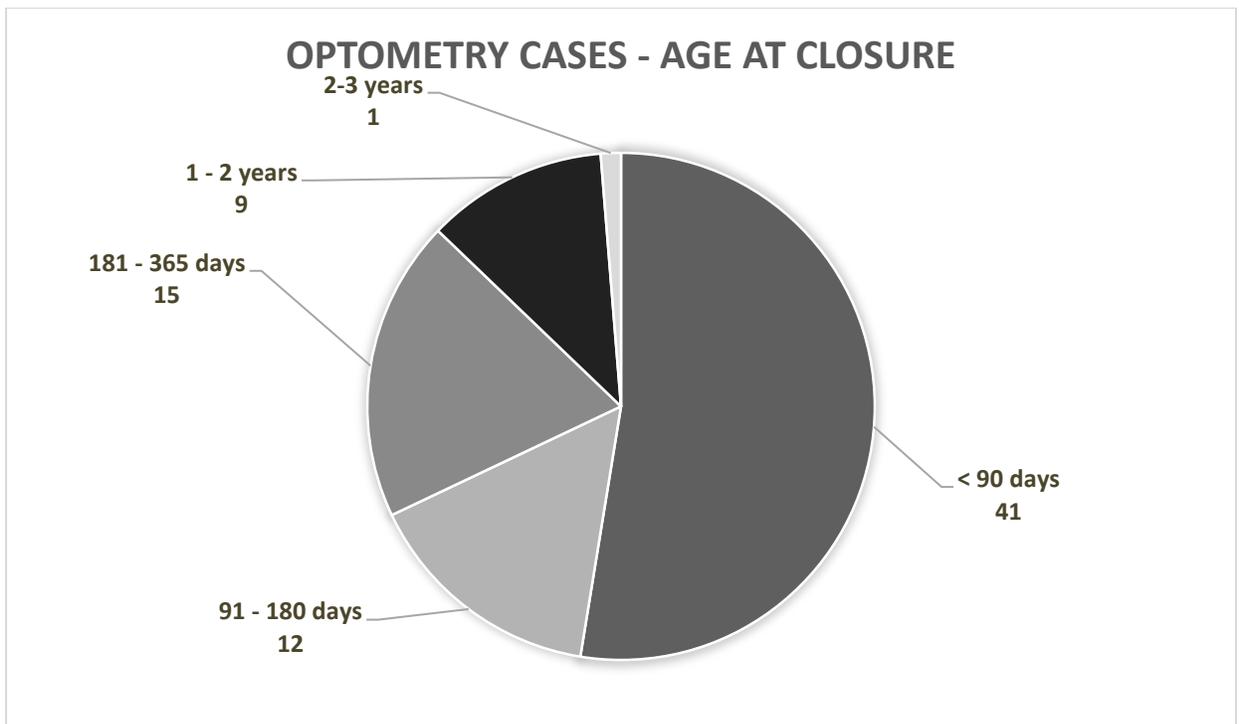


Fig. 5: Optometry Cases – Age at Closure, Q3, FY 2019-2020



ISSUE MEMORANDUM

DATE	May 15, 2020
TO	Members, California State Board of Optometry (CSBO)
FROM	Shara Murphy, Executive Officer <i>Prepared by Natalia Leeper, Opticianry Program Coordinator</i>
SUBJECT	Agenda Item #5C – Examination and Licensing Program Report

Optometry Licensing Program:

Licensing staff has been preparing for the influx of applications for Optometry from new graduates of Berkeley School of Optometry, the Southern California School of Optometry at Marshall B. Ketchum University, and the College of Optometry at Western University of Health Sciences.

Due to the Governor’s Stay-at-Home Executive Order in response to COVID-19, facility closures have limited access to licensing requirements such as LiveScan fingerprinting and the administration of the California Law and Regulations Examination (CLRE) and National Boards.

As of mid-April, only 10% of the 237 potential graduates had active applications with the Board. Since that time, Board management has worked closely with the college and school deans to urge the remaining 90% of potential graduates to begin to file initial requests for the CLRE (the first step of the licensure process).

The schools and college have communicated that transcripts will be distributed to the Board as expected throughout June and July. The National Board of Examiners in Optometry will release national board scores once graduation has been confirmed. Students must have completed NBEO Part III before the pandemic or be scheduled after Monday, May 18, 2020, when testing is scheduled to resume. Students who take Part III as late as July can expect scores to be released in September.

For exisiting applicants (many coming from out-of-state practice or graduated before 2020), processing times have increased and are currently at 12-14 weeks. In response management shifted staff resources (AGPA and MST from Enforcement and Administration Units). Shifted staff are continuing to train in application processing, to process intial exam requests and to reduce the backlog before the influx of new graduates.

Optometry California Laws and Regulations Examination:

PSI examination centers (which administer the CLRE) were closed temporarily due to the Governor’s Stay-at-Home Executive Order in response to COVID-19. At the insistence of the Board, exams reopened on April 13, 2020, with limited capacity. Staff anticipates this may create some delays for 2020 graduates who have not yet passed

the CLRE. The Board encourages 2020 graduates to schedule their exams as soon as possible.

Opticianry Licensing Program:

Spectacle Lens Dispenser and Contact Lens Dispenser application questions have required the disclosure of an employing Registered Dispensing Optician (RDO). This created a barrier to licensure for new applicants and was not supported by regulatory requirements. This requirement has been removed from the application. The application now asks if the applicant has passed the American Board of Opticianry (ABO) or National Contact Lens Examiners (NCLE) exams to determine eligibility.

New applications for registration continue to be processed during the Stay-at-Home order in response to COVID-19. Limited availability of LiveScan locations may lengthen overall processing times for new applicants. To meet the demand of new applicants for licensure as health care professionals, the Department of Justice has begun releasing a list of LiveScan locations that are currently open. The Board has been sending this list to all new applicants, as well as posting the most up-to-date list on the Board's website. The Board was the first in DCA to post and share information about open LiveScan fingerprinting locations. Approval processing time is stable at 4-6 weeks for initial applications without deficiencies.

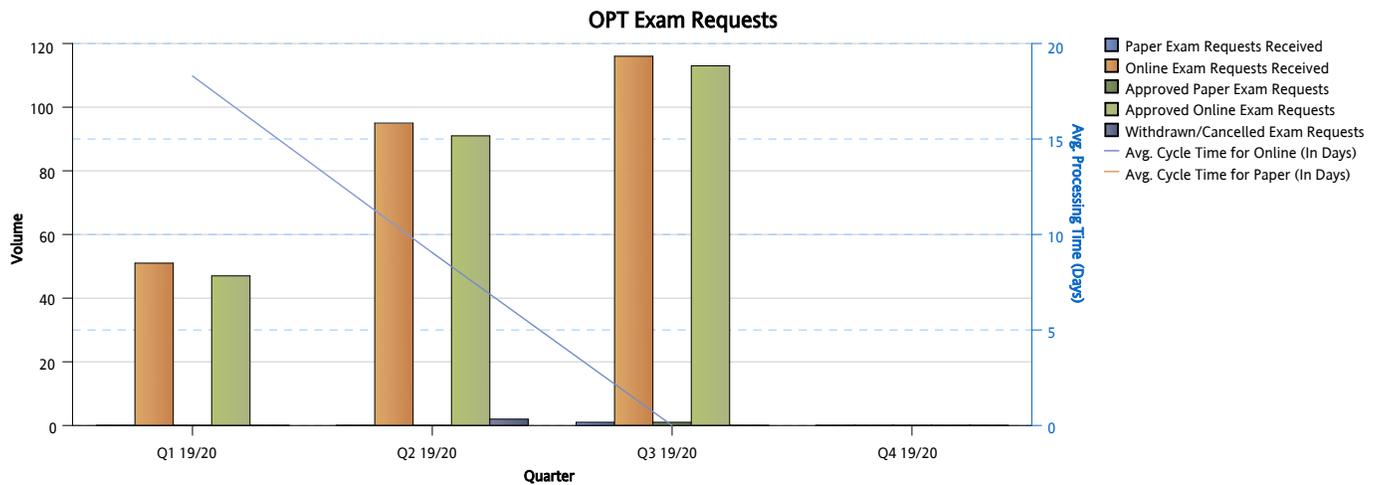
ABO and NCLE exams are scheduled every February, May, August, and November. Board staff has been working closely with ABO staff to determine the availability of testing for May. Currently, the testing centers ABO utilizes will be operating under limited capacity and will only allow eight candidates to test at a time. This may cause some testers to defer their exam until August, which may cause an increase in the number of applications received after the August exam.



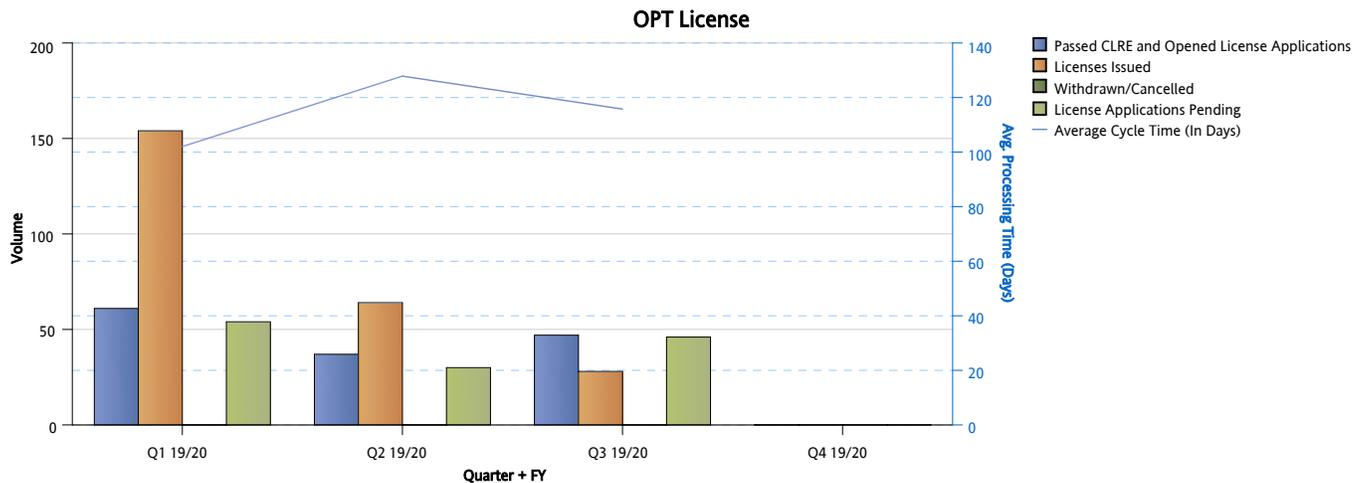
**CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS
BREEZE SYSTEM
Licensing Application Volume and Processing Time
Optometry Program
Start Date: Jul 1, 2019 End Date: Mar 31, 2020**



OPT Exam Requests	Q1 19/20			Q2 19/20			Q3 19/20			Q4 19/20			FY 19/20
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Paper Exam Requests Received	0	0	0	0	0	0	1	0	0	0	0	0	1
Online Exam Requests Received	22	11	18	24	19	52	58	27	31	0	0	0	262
Approved Paper Exam Requests	0	0	0	0	0	0	1	0	0	0	0	0	1
Approved Online Exam Requests	21	9	17	22	18	51	57	27	29	0	0	0	251
Withdrawn/Cancelled Exam Requests	0	0	0	2	0	0	0	0	0	0	0	0	2
Avg. Cycle Time for Paper (In Days)	N/A	N/A	N/A	N/A	N/A	N/A	0	N/A	N/A	N/A	N/A	N/A	0
Avg. Cycle Time for Online (In Days)	0	55	0	27	0	0	0	0	0	N/A	N/A	N/A	9



OPT License	Q1 19/20			Q2 19/20			Q3 19/20			Q4 19/20			FY 19/20
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Passed CLRE and Opened License Applications	23	26	12	18	11	8	9	17	21	0	0	0	145
Licenses Issued	56	74	24	35	20	9	14	8	6	0	0	0	246
Withdrawn/Cancelled	0	0	0	0	0	0	0	0	0	0	0	0	0
License Applications Pending	20	22	12	13	10	7	9	17	20	0	0	0	130
Average Cycle Time (In Days)	78	77	151	96	87	200	117	94	136	N/A	N/A	N/A	115



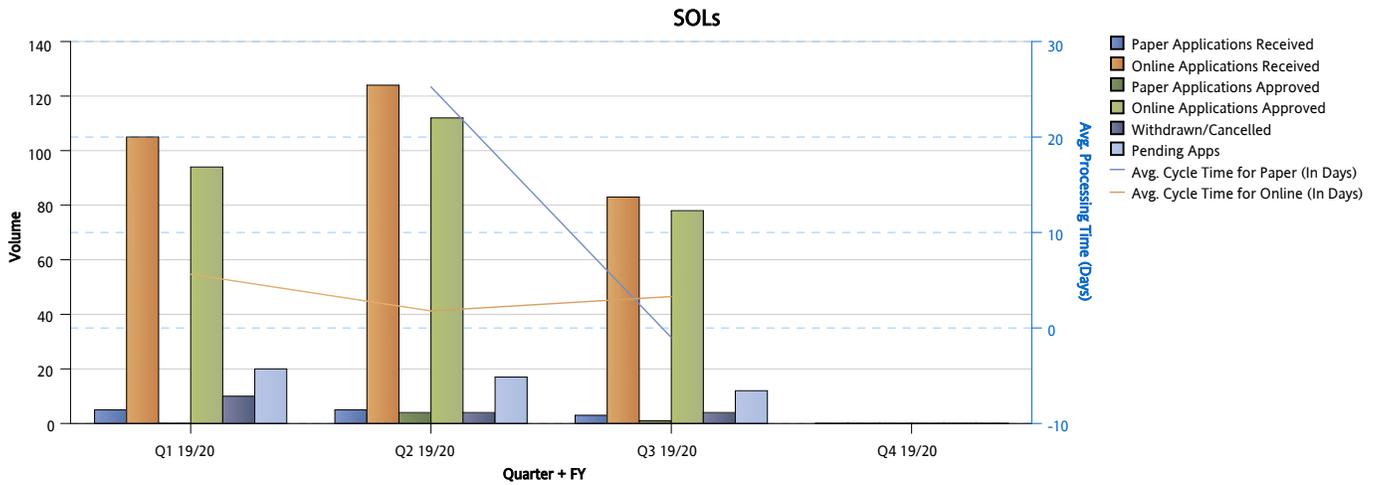
SOLS	Q1 19/20			Q2 19/20			Q3 19/20			Q4 19/20			FY 19/20
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Paper Applications Received	0	0	5	3	1	1	1	0	2	0	0	0	13



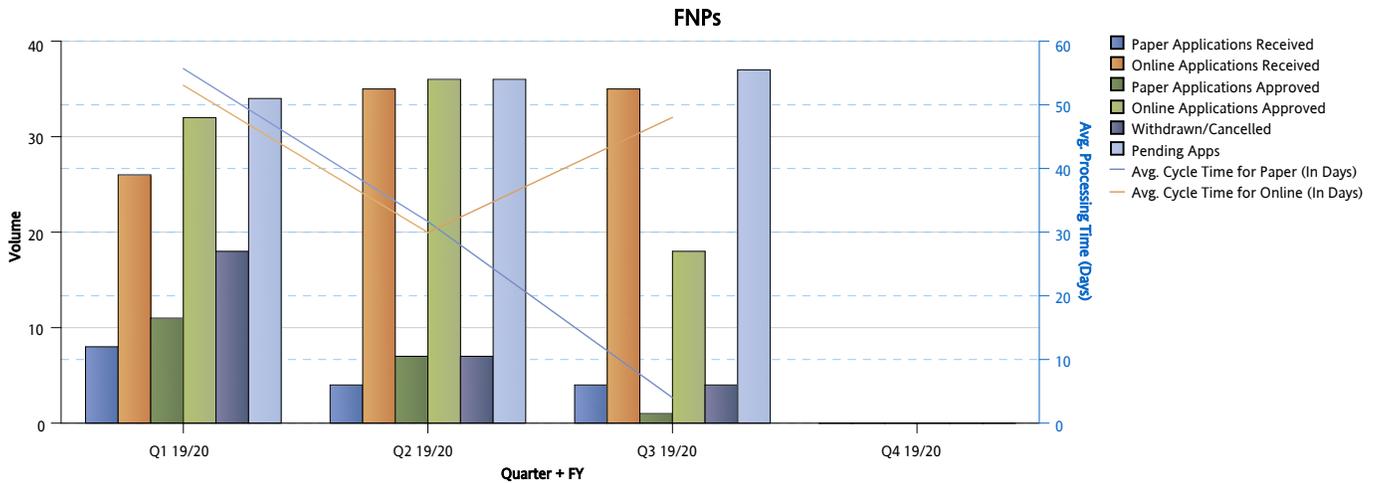
**CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS
BREEZE SYSTEM
Licensing Application Volume and Processing Time
Optometry Program
Start Date: Jul 1, 2019 End Date: Mar 31, 2020**



SOLs	Q1 19/20			Q2 19/20			Q3 19/20			Q4 19/20			FY 19/20
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Online Applications Received	34	35	36	46	36	42	42	24	17	0	0	0	312
Paper Applications Approved	0	0	0	4	0	0	1	0	0	0	0	0	5
Online Applications Approved	29	29	36	44	32	36	38	26	14	0	0	0	284
Withdrawn/Cancelled	0	0	10	4	0	0	0	4	0	0	0	0	18
Pending Apps	6	6	8	5	5	7	6	0	6	0	0	0	49
Avg. Cycle Time for Paper (In Days)	N/A	N/A	N/A	25	N/A	N/A	-1	N/A	N/A	N/A	N/A	N/A	12
Avg. Cycle Time for Online (In Days)	0	0	17	5	0	0	0	10	0	N/A	N/A	N/A	4



FNPs	Q1 19/20			Q2 19/20			Q3 19/20			Q4 19/20			FY 19/20
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Paper Applications Received	3	2	3	2	0	2	2	2	0	0	0	0	16
Online Applications Received	11	11	4	10	9	16	20	6	9	0	0	0	96
Paper Applications Approved	2	6	3	3	2	2	0	1	0	0	0	0	19
Online Applications Approved	7	14	11	21	7	8	1	11	6	0	0	0	86
Withdrawn/Cancelled	1	10	7	5	0	2	1	3	0	0	0	0	29
Pending Apps	14	13	7	10	9	17	22	8	7	0	0	0	107
Avg. Cycle Time for Paper (In Days)	32	60	75	28	8	59	N/A	4	N/A	N/A	N/A	N/A	38
Avg. Cycle Time for Online (In Days)	28	77	54	28	26	36	66	64	15	N/A	N/A	N/A	44

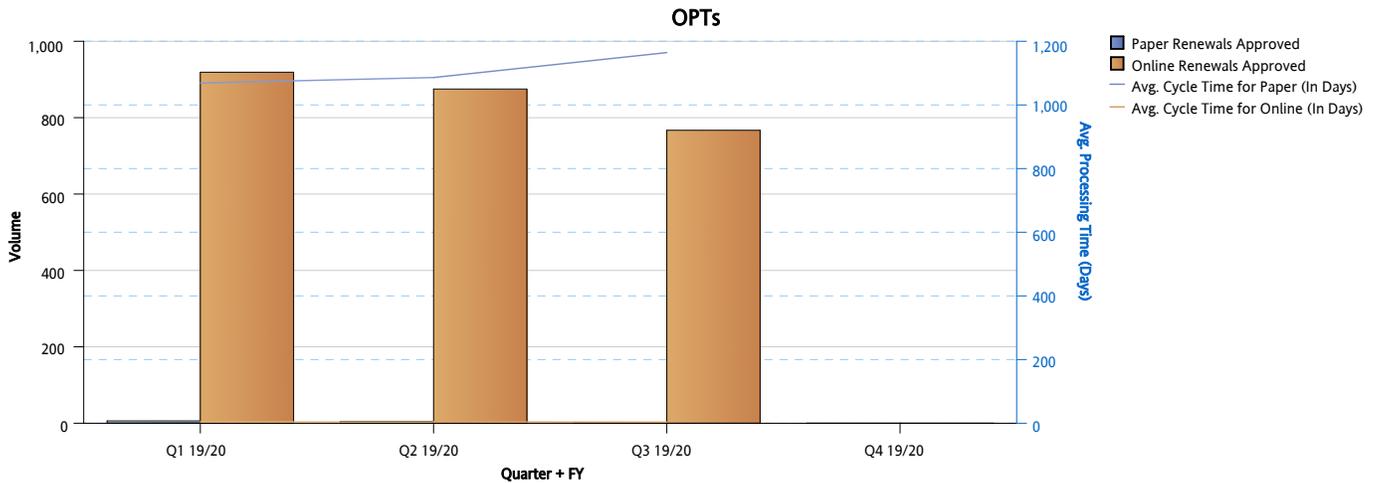




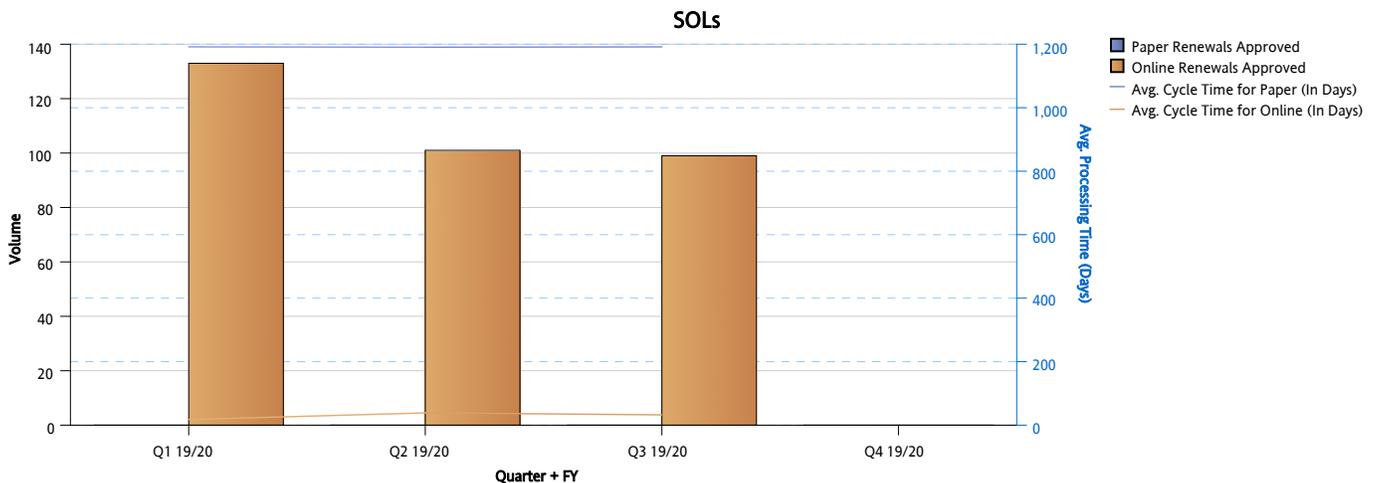
**CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS
BREEZE SYSTEM
Licensing Application Volume and Processing Time
Optometry Program Renewals
Fiscal Year**



OPTs	Q1 19/20			Q2 19/20			Q3 19/20			Q4 19/20			FY 19/20
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Paper Renewals Approved	1	2	3	3	0	2	0	1	0	0	0	0	12
Online Renewals Approved	305	303	311	321	274	280	259	275	233	0	0	0	2,561
Avg. Cycle Time for Paper (In Days)	1,126	1,039	1,041	1,015	1,193	1,050	1,189	1,111	1,193	N/A	N/A	N/A	1,106
Avg. Cycle Time for Online (In Days)	7	2	4	5	4	3	2	7	2	N/A	N/A	N/A	4



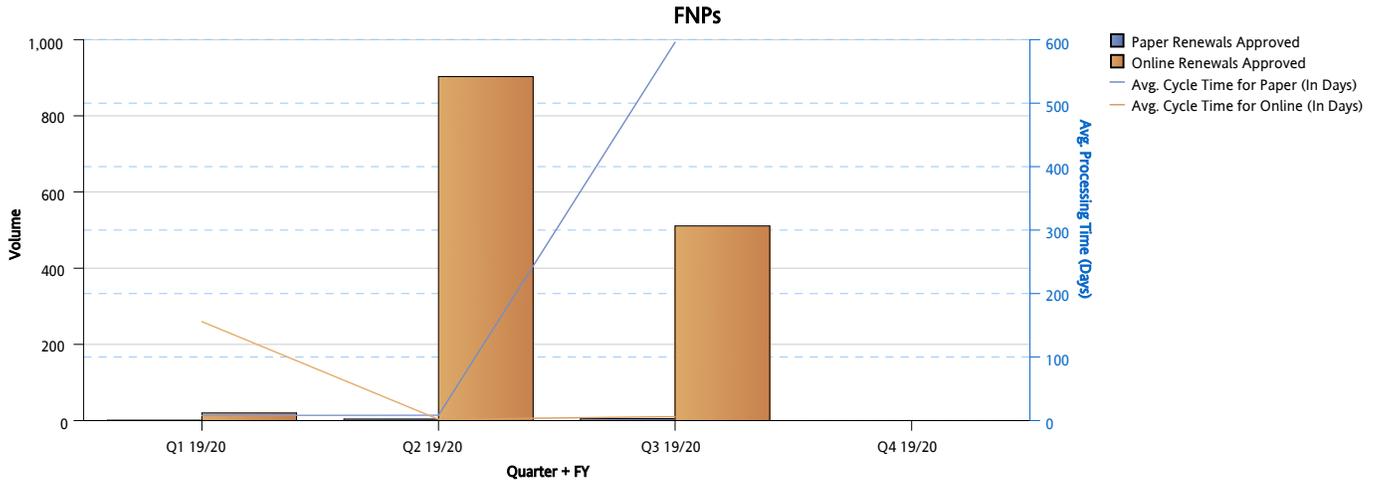
SOLs	Q1 19/20			Q2 19/20			Q3 19/20			Q4 19/20			FY 19/20
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Paper Renewals Approved	0	0	0	0	0	0	0	0	0	0	0	0	0
Online Renewals Approved	46	47	40	30	33	38	32	32	35	0	0	0	333
Avg. Cycle Time for Paper (In Days)	1,192	1,190	1,193	1,188	1,193	1,191	1,189	1,193	1,193	N/A	N/A	N/A	1,191
Avg. Cycle Time for Online (In Days)	25	0	28	56	0	60	0	0	97	N/A	N/A	N/A	30



FNPs	Q1 19/20			Q2 19/20			Q3 19/20			Q4 19/20			FY 19/20
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Paper Renewals Approved	1	0	0	0	0	4	4	1	0	0	0	0	10
Online Renewals Approved	3	9	8	11	601	291	362	66	83	0	0	0	1,434
Avg. Cycle Time for Paper (In Days)	8	N/A	N/A	N/A	0	17	15	1,177	N/A	N/A	N/A	N/A	243
Avg. Cycle Time for Online (In Days)	42	314	111	5	0	1	0	18	1	N/A	N/A	N/A	55



CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS
BREEZE SYSTEM
Licensing Application Volume and Processing Time
Optometry Program Renewals
Fiscal Year

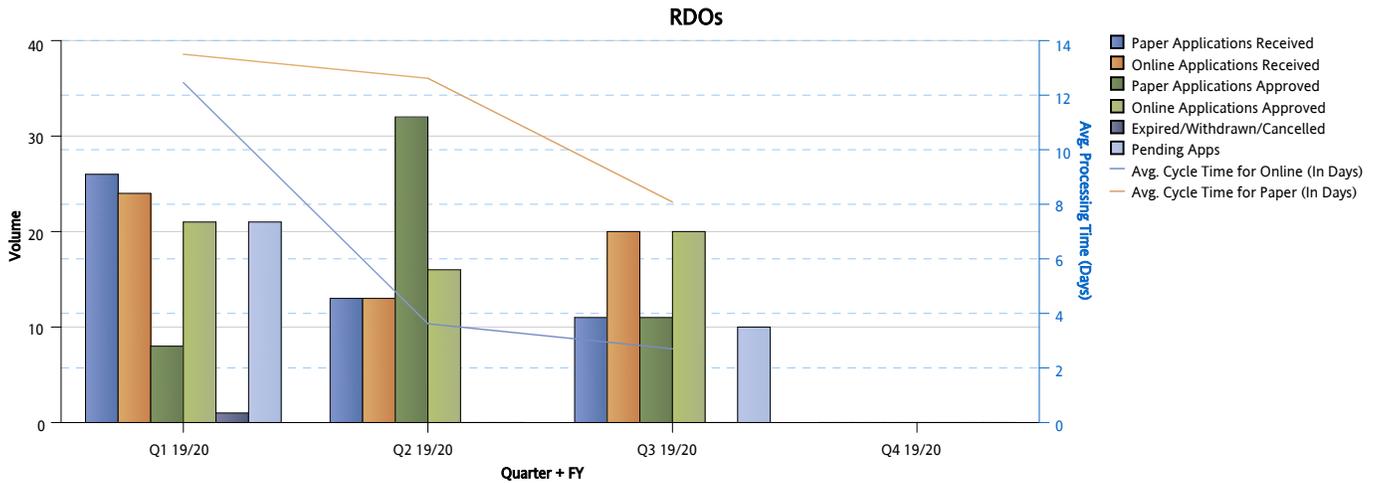




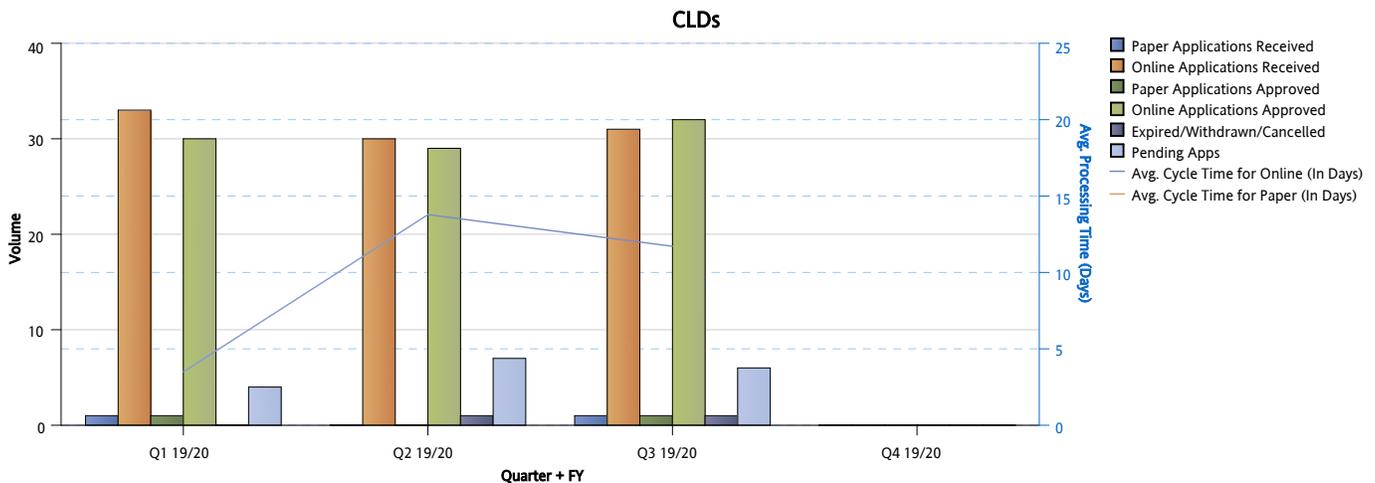
**CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS
BREEZE SYSTEM
Licensing Application Volume and Processing Time
Opticianry Program
Start Date: Jul 1, 2019 End Date: Mar 31, 2020**



RDOs	Q1 19/20			Q2 19/20			Q3 19/20			Q4 19/20			FY 19/20
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Paper Applications Received	5	0	21	1	2	10	2	9	0	0	0	0	50
Online Applications Received	3	9	12	6	4	3	7	10	3	0	0	0	57
Paper Applications Approved	1	0	7	20	2	10	1	2	8	0	0	0	51
Online Applications Approved	3	9	9	9	4	3	6	11	3	0	0	0	57
Expired/Withdrawn/Cancelled	0	0	1	0	0	0	0	0	0	0	0	0	1
Pending Apps	4	0	17	0	0	0	2	8	0	0	0	0	31
Avg. Cycle Time for Paper (In Days)	11	N/A	16	38	0	0	0	5	19	N/A	N/A	N/A	11
Avg. Cycle Time for Online (In Days)	2	3	33	4	4	3	4	3	1	N/A	N/A	N/A	6



CLDs	Q1 19/20			Q2 19/20			Q3 19/20			Q4 19/20			FY 19/20
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Paper Applications Received	0	0	1	0	0	0	1	0	0	0	0	0	2
Online Applications Received	11	6	16	10	5	15	6	9	16	0	0	0	94
Paper Applications Approved	0	0	1	0	0	0	0	1	0	0	0	0	2
Online Applications Approved	10	7	13	12	4	13	10	7	15	0	0	0	91
Expired/Withdrawn/Cancelled	0	0	0	0	0	1	0	0	1	0	0	0	2
Pending Apps	1	0	3	1	2	4	1	2	3	0	0	0	17
Avg. Cycle Time for Paper (In Days)	N/A	N/A	20	N/A	N/A	N/A	N/A	11	N/A	N/A	N/A	N/A	16
Avg. Cycle Time for Online (In Days)	3	3	4	5	7	29	5	3	27	N/A	N/A	N/A	10

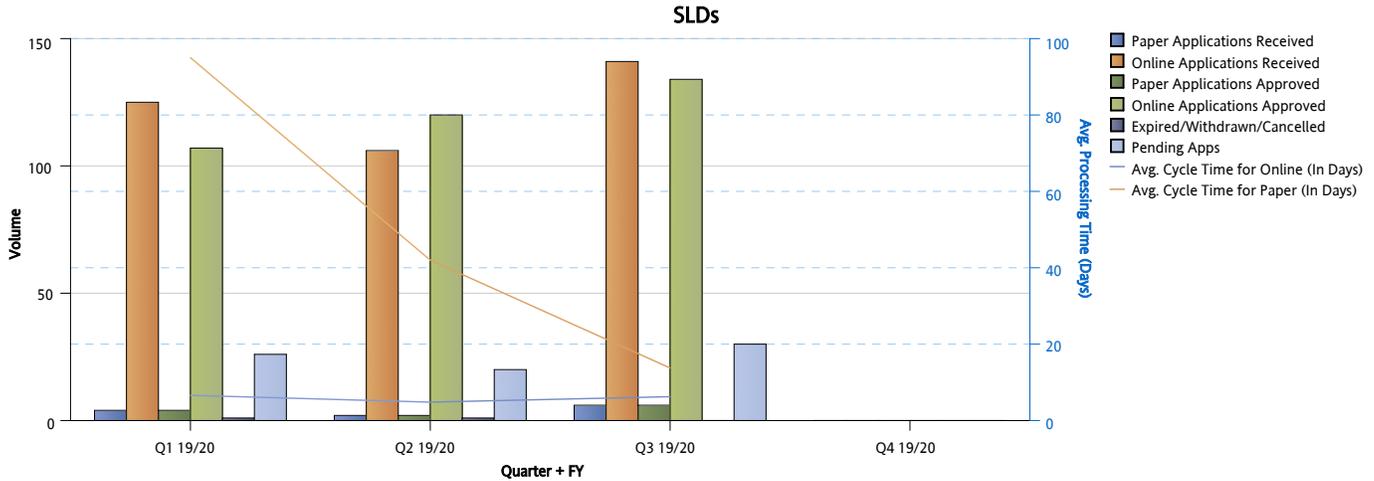




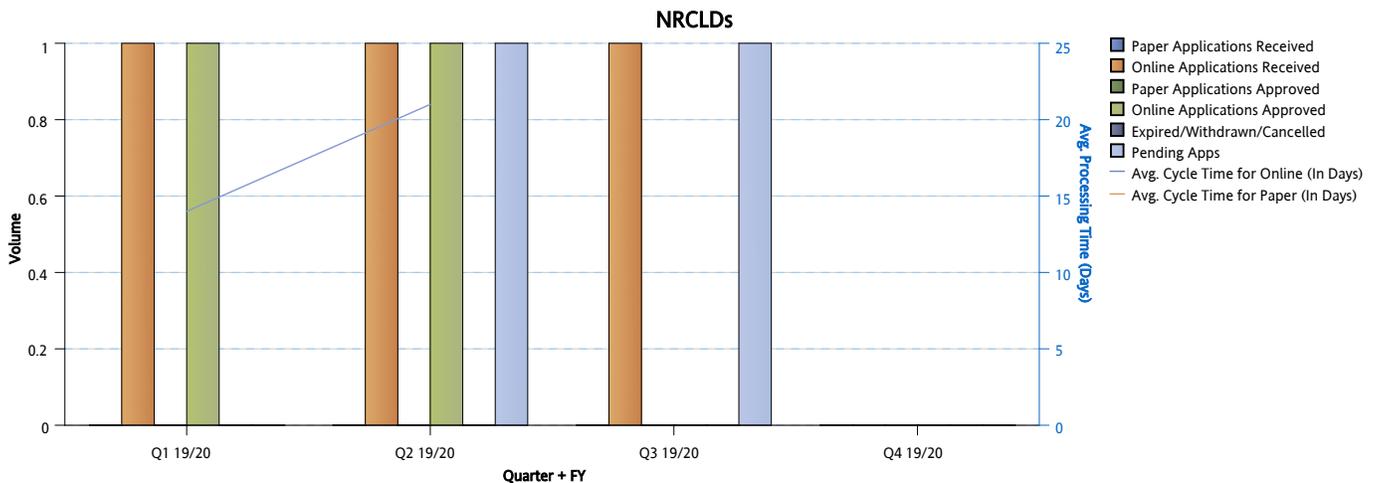
**CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS
BREEZE SYSTEM
Licensing Application Volume and Processing Time
Opticianry Program
Start Date: Jul 1, 2019 End Date: Mar 31, 2020**



SLDs	Q1 19/20			Q2 19/20			Q3 19/20			Q4 19/20			FY 19/20
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Paper Applications Received	1	2	1	1	1	0	4	1	1	0	0	0	12
Online Applications Received	52	26	47	43	29	34	67	35	39	0	0	0	372
Paper Applications Approved	0	4	0	0	1	1	0	4	2	0	0	0	12
Online Applications Approved	47	30	30	56	23	41	57	45	32	0	0	0	361
Expired/Withdrawn/Cancelled	1	0	0	0	1	0	0	0	0	0	0	0	2
Pending Apps	6	1	19	6	11	3	17	4	9	0	0	0	76
Avg. Cycle Time for Paper (In Days)	N/A	95	N/A	N/A	34	50	N/A	13	14	N/A	N/A	N/A	41
Avg. Cycle Time for Online (In Days)	9	5	5	4	5	5	4	12	3	N/A	N/A	N/A	6



NRCLDs	Q1 19/20			Q2 19/20			Q3 19/20			Q4 19/20			FY 19/20
	Jul	Aug	Sep	Nov	Dec	Oct	Mar	Jan	Feb	Apr	May	Jun	Total
Paper Applications Received	0	0	0	0	0	0	0	0	0	0	0	0	0
Online Applications Received	0	1	0	1	0	0	1	0	0	0	0	0	3
Paper Applications Approved	0	0	0	0	0	0	0	0	0	0	0	0	0
Online Applications Approved	0	1	0	0	1	0	0	0	0	0	0	0	2
Expired/Withdrawn/Cancelled	0	0	0	0	0	0	0	0	0	0	0	0	0
Pending Apps	0	0	0	1	0	0	1	0	0	0	0	0	2
Avg. Cycle Time for Paper (In Days)	N/A	N/A	N/A	N/A									
Avg. Cycle Time for Online (In Days)	N/A	14	N/A	N/A	21	N/A	N/A	N/A	N/A	N/A	N/A	N/A	18

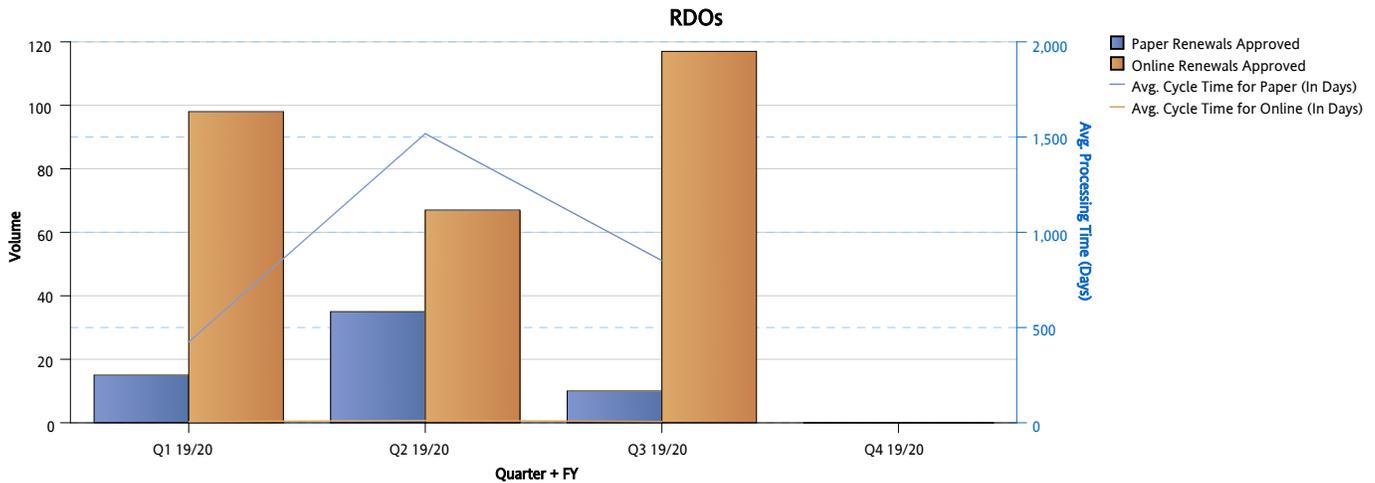




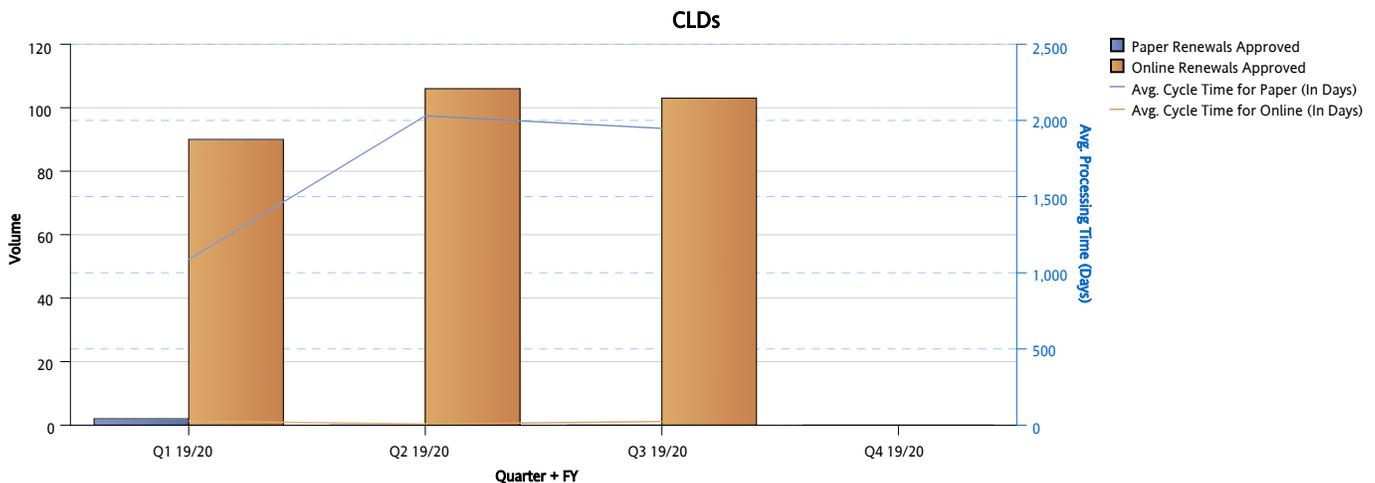
**CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS
BREEZE SYSTEM
Licensing Application Volume and Processing Time
Opticianry Program Renewals
Fiscal Year**



RDOs	Q1 19/20			Q2 19/20			Q3 19/20			Q4 19/20			FY 19/20
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Paper Renewals Approved	2	7	6	10	0	25	5	4	1	0	0	0	60
Online Renewals Approved	34	39	25	17	35	15	17	47	53	0	0	0	282
Avg. Cycle Time for Paper (In Days)	14	28	1,231	2,228	1,949	377	330	776	1,449	N/A	N/A	N/A	931
Avg. Cycle Time for Online (In Days)	12	5	0	0	20	15	0	4	15	N/A	N/A	N/A	8



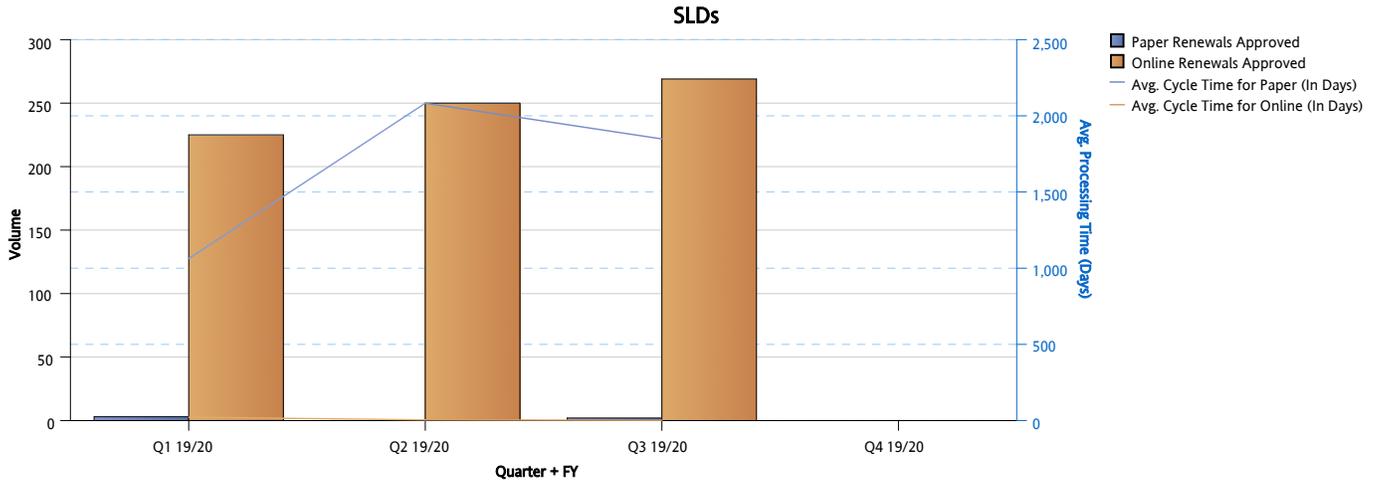
CLDs	Q1 19/20			Q2 19/20			Q3 19/20			Q4 19/20			FY 19/20
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Paper Renewals Approved	2	0	0	0	0	0	0	0	0	0	0	0	2
Online Renewals Approved	26	36	28	35	32	39	42	32	29	0	0	0	299
Avg. Cycle Time for Paper (In Days)	266	N/A	1,909	2,226	1,949	1,915	1,945	1,949	1,949	N/A	N/A	N/A	1,763
Avg. Cycle Time for Online (In Days)	1	15	64	5	17	1	1	4	66	N/A	N/A	N/A	19



SLDs	Q1 19/20			Q2 19/20			Q3 19/20			Q4 19/20			FY 19/20
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Paper Renewals Approved	3	0	0	0	0	0	1	1	0	0	0	0	5
Online Renewals Approved	71	81	73	83	82	85	93	81	95	0	0	0	744
Avg. Cycle Time for Paper (In Days)	184	N/A	1,942	2,371	1,944	1,933	1,775	1,839	1,931	N/A	N/A	N/A	1,740
Avg. Cycle Time for Online (In Days)	52	12	1	6	7	0	3	0	1	N/A	N/A	N/A	9

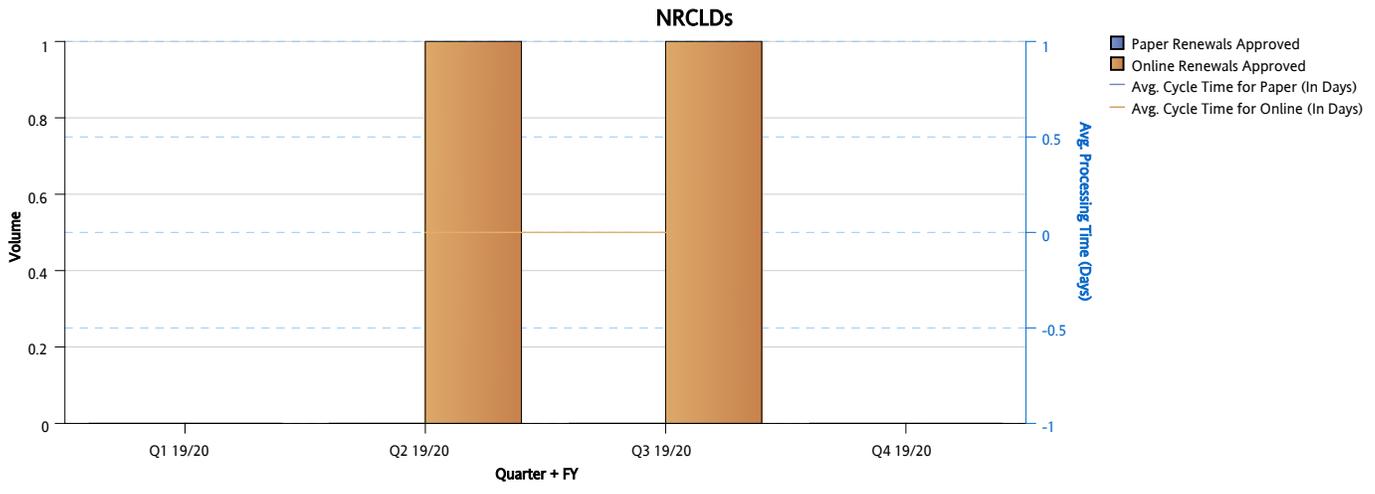


**CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS
BREEZE SYSTEM
Licensing Application Volume and Processing Time
Opticianry Program Renewals
Fiscal Year**



NRCLDs

	Q1 19/20			Q2 19/20			Q3 19/20			Q4 19/20			FY 19/20
	Jul	Aug	Sep	Dec	Oct	Nov	Mar	Jan	Feb	Apr	May	Jun	Total
Paper Renewals Approved	0	0	0	0	0	0	0	0	0	0	0	0	0
Online Renewals Approved	0	0	0	1	0	0	1	0	0	0	0	0	2
Avg. Cycle Time for Paper (In Days)	N/A	N/A	N/A	N/A									
Avg. Cycle Time for Online (In Days)	N/A	N/A	N/A	0	N/A	N/A	0	N/A	N/A	N/A	N/A	N/A	0





ISSUE MEMORANDUM

DATE	May 15, 2020
TO	Members, California State Board of Optometry (CSBO)
FROM	Dr. Debra McIntyre, Board Secretary
SUBJECT	Agenda Item #7 – Discussion and Possible Action of February 28, 2020 Board Meeting Minutes

The February 28, 2020 meeting minutes are presented for discussion and possible action.

The mission of the California State Board of Optometry is to protect the health and safety of California consumers through licensing, registration, education, and regulation of the practice of Optometry and Opticianry.

MEMBERS OF THE BOARD

Mark Morodomi, JD, President
 Glenn Kawaguchi, OD, Vice President
 Debra McIntyre, OD, Secretary
 Cyd Brandvein
 Madhu Chawla, OD
 Martha Garcia, CLD, SLD
 Rachel Michelin
 Maria Salazar Sperber, JD
 David Turetsky, OD
 Lillian Wang, OD
 Vacant, Public Member



**DRAFT BOARD MEETING MINUTES
 Friday, February 28, 2020**

**Location:
 Silicon Valley Community Foundation
 3rd Floor, Redwood Room
 2440 West El Camino Real, Suite 300
 Mountain View, California 94040-1498**

Members Present	Staff Present
Mark Morodomi, President	Shara Murphy, Executive Officer
Glenn Kawaguchi, OD, Vice President	Cheree Kimball, Assistant Executive Officer
Debra McIntyre, OD, Secretary	Marc Johnson, Policy Analyst
Martha Garcia, CLD, SLD	Natalia Leeper, Optician Program Coordinator
Cyd Brandvein	Will Maguire, Legal Counsel
Rachel Michelin	
David Turetsky, OD	
Lillian Wang, OD	
Members Absent	Guest List
Maria Salazar Sperber	On File
Madhu Chawla, OD	

Webcast Link: <https://youtu.be/cm4-a0xufeY>

FULL BOARD OPEN SESSION

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

Audio of Discussion: 0:02 / 3:42:49

Mr. Morodomi called the meeting to order at 9:30 a.m. An 8-2 quorum was established.

2. Public Comment for Items Not on the Agenda

Audio of Discussion: 1:49 / 3:42:49

Comments were made by Dr. Nikki Iravani, OD, regarding her difficulties in changing her license status from inactive back to active. Dr. Iravani requests that the Board put a process in place where doctors on inactive status receive notifications that their license is about to expire. She also recommended institution of a program whereby a doctor with a canceled license can participate in a workshop or take a crash course that will assist them in passing the NBEO Clinical Exam. Mr. Morodomi asked staff to provide an update on the inactive process for a future board meeting. There was no other public comment.

3. President's Report

Audio of Discussion: 16:08 / 3:42:49

No report was given.

4. Presentation by Assembly Member Evan Low, Chair, Assembly Business and Professions Committee

Audio of Discussion: 18:35 / 3:42:49

[Assembly Member Evan Low](#) introduced himself. He explained that this is the first time he has ever appeared and presented before a board. His purpose was to address some matters regarding Vision to Learn (VTL) that relate to Assembly Bill (AB) 896.

Mr. Morodomi explained that patient protection is important and consumer access to care is also extremely important; he believes the two issues can live and work with each other. He stated that this issue (with VTL) and this bill are extremely important to the Board and it is the Board's desire to work with Mr. Low to try to solve the problem of VTL's non-compliance with the laws of California. Dr. Kawaguchi affirmed that the Board is interested in working with Member Low to ensure that the children's VTL services are protected. Dr. Turetsky stated his deepest concern with AB 896 is that it is not far reaching enough. AB 896 is currently worded in such a way that one mode of volunteer practice will be legal and other modes will suddenly be knocked out. Dr. Turetsky would like to see this bill expanded. Assembly Member Low responded that he shares the same optimism about getting to that point. Ms. Michelin commented that she considers this is a great first step in getting the conversation going and urges full Board support of the bill.

Mr. Morodomi explained that the Board deals with issues on telehealth on a regular basis. He asked Assembly Member Low what his thoughts and guidance are concerning the issue of telehealth. Assembly Member Low responded that the dangers of these tech companies bypassing doctors is clear. The Better Business Bureau has over a thousand complaints against these companies that are bypassing doctors altogether. He added that comprehensive eye exams also check the overall health of

the eyes and look for evidence of eye disease. These telehealth companies do not provide comprehensive eye exams and may be doing significant harm. Ms. Murphy noted the Board has a telehealth workgroup working on these issues.

Dr. Turetsky explained that in his practice they see approximately 50,000 Medi-Cal patients a year and feels there is a huge access problem. He is dealing with an enormous number of patients who are covered by Medi-Cal and a limited doctor pool. The individuals who want to treat these folks cannot obtain a Medi-Cal number in a reasonable period of time. Dr. Turetsky requested that if there is anything that Assembly Member Low can do to expedite this system; it would benefit all health care professions greatly and consumers would especially benefit from it. Assembly Member Low promised members from the Business and Professions Committee staff will follow up with Dr. Turetsky on this issue.

There was no public comment.

5. Update by Representatives of the Department of Consumer Affairs, Which May Include Updates, Discussion and Possible Action Pertaining to the Department's Administrative Services, Budgetary, Human Resources, Enforcement, Information Technology, Communications and Outreach, as Well as Legislative, Regulatory and Policy Matters

A. Brian Skewis, Department of Consumer Affairs (*remote participation*)

Audio of Discussion: 48:20 / 3:42:49

Mr. Morodomi announced that Department of Consumer Affairs (DCA) representative Brian Skewis would talk with the Board via Skype regarding problems with the Board's budget that have been uncovered. Dr. Kawaguchi noted Ms. Murphy and Mx. Kimball have done a lot of research in partnership with the finance team culminating in an annual budget meeting that he himself also attended. There are some opportunities uncovered; the key being an imbalance in the authority to spend and what the Board needs to spend for appropriate staffing and Board administration.

Mr. Skewis provided a budget update, explaining that the fund condition statement is essentially a savings account from which each year's budget is allocated and revenue is deposited. While there may be enough cash in the account, the Board is still required to adhere to its annual budget as approved by the Governor and Legislature. The fund condition has three main components: (1) beginning and ending balance; (2) revenues and transfers; and (3) expenditures. He reported that the Board began the fiscal year with approximately \$2.8 million in the fund; is projecting to collect \$2.075 million in revenue and is authorized to spend \$2.31 million. The ending balance is \$2.18 million, which leaves a slight gap causing the fund balance to decline, which Mr. Skewis noted should be monitored; however, no action is required.

He also noted the budget office recently completed the building of the FY 20-21 budget which was released by the Governor's Office in January and the Board submitted a budget change proposal (BPC) for expenditure authority related to an occupational audit. Mr. Skewis explained that the Board's budget is extremely tight, reverting approximately 0.1% of its expenditures. The shortfalls are occurring in four main areas: staffing, facilities, Attorney General and Office of Administrative Hearings, and charges related to the Office of Professional Examination Services. Charges from the Attorney General's (AG) Office and Office of Administrative Hearings (OAH) have increased significantly and consistently over the fiscal years from 2015 to 2020. Part of the increase in these charges is due to an increase in the hourly rate by the AG and OAH. Moving forward, Mr. Skewis recommends Board staff work with the Budget Office to craft specific BCPs centered around these areas with identified deficiencies.

Ms. Brandvein recalled a past board meeting when a detailed accounting and distribution of time and materials billed to the Board was requested. Ms. Murphy confirmed that there was a request made in February of 2019 and staff did provide additional detail in April of last year. Part of the increase is due to a fully staffed enforcement unit; and consequently, more cases being sent to the Office of Administrative Hearings (OAH). Additionally, the significant increase in fees charged by the AG's Office has greatly contributed to the increase in expenditures. Mx. Kimball and Mr. Skewis announced that the hourly rate for the AG office increased from \$170 to \$225 per hour.

Ms. Brandvein recalled another discussion related to finding another mechanism for vetting these cases prior to sending them to the AG to ensure that all possible actions are taken for mitigating costs. She asked about the comment regarding the imbalance in authority to spend. Mx. Kimball addressed the process by which the enforcement unit vets cases and escalates claims to the AG's Office, which involves the entire case investigation process which involves obtaining information, obtaining evidence/documents and testimony. Sometimes staff sends the Department of Investigation (DOI) sworn peace officers out to collect information and/or testimony. If staff decides to take disciplinary action on a case, staff will send the case to an expert witness to determine whether the issue involves standard of care or negligence and incompetency. Prior to making the decision to send a case to the AG's Office, staff weighs whether it would be more appropriate to issue a citation. Cases are sent to the AG's Office only when staff feels revoking the license and/or placing the licensee on probation is the best scenario for consumer protection.

Mr. Morodomi commented that he recalls most of these discussions. He noted that the rate increase accounts for a 30% increase, but the increase in costs involve an 80% increase; therefore, something is askew that the Board should look at. He asked staff to provide the law which requires the Board to engage the AG's Office for stipulation even when the parties agree to a settlement. Ms. Murphy responded that staff works very closely with the AG's Office to determine if there is a fast-track way in which the Board can have a legal aid prepare a document. Ms. Brandvein noted that the rate increases likely did not happen overnight and advised finding out what fee increases the AG's

Office anticipates over the next year just to get it on the Board’s radar. Mr. Skewis explained that DCA was largely unaware of the fee rate increase with the AG but received a letter on June 28th with an effective date of July 1.

Ms. Murphy announced that the Board may have its current BCP submitted for the occupational analysis of unlicensed assistants and hopes it may be approved for the 2021-2022 fiscal year. For discussion on BCPs, Mr. Skewis advised the Board to work with Legal Counsel to determine what is considered for public consumption and what is considered confidential working documents until approved by the Governor.

There was no public comment.

7. Discussion and Possible Action on Board Meeting Minutes (MOVED UP)

- A. October 25, 2019 Board Meeting**
- B. January 31, 2020 Board Meeting**

Audio of Discussion: 1:25:40 / 3:42:49

Ms. Brandvein offered a list of typographical changes to staff. The Board requested more discussion on meeting locations on page 19. There was no public comment.

Lillian Wang moved to adopt both the October 25, 2019 and January 31, 2020 Draft Board Meeting Minutes with the substantive edits discussed and authorize staff to perform any typographical edits as submitted by the Board. Martha Garcia seconded. The Board voted unanimously (8-0) and the motion passed.

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

FULL BOARD CLOSED SESSION

6. Pursuant to Government Code Section 11126 (c)(3), the Board Will Meet in Closed Session for Discussion and Deliberation on Disciplinary Matters

The Board went into closed session at 11:20 a.m.

FULL BOARD OPEN SESSION

The Board resumed open session at 12:45p.m. Ms. Brandvein was no longer present.

10. Update, Discussion and Possible Action on Changes to Title 16, California Code of Regulations §1536 – Continuing Optometric Education; Purpose and Requirements (MOVED UP)

Audio of Discussion: 1:33:04 / 3:42:49

Mr. Johnson presented the proposed changes to CCR §1536 and noted both Practice and Education Committee and Legislative and Regulation committee has reviewed and made changes. He explained that some of the PEC Members wanted staff to define out courses that would be required but would not be considered self-study and Dr. Chawla recommended using the Counsel on Optometric Education (COPE) as a template for the course areas. Staff originally included it in; The LRC recommended removing it because it would create confusion. Mr. Johnson asked if the members wish to add it back in to proposed subsection (n)(2); Dr. Wang noted that the hours optometrists are required to take is already listed per category. Her concern is that this will restrict some of the other possible CE courses that could be taken. Mr. Johnson suggested leaving the list out. Board agrees.

Mr. Johnson continued with the proposed changes. Subsection (c)(1) would define self-study to mean a form of orderly learning without participatory interaction between the licensee and instructor. Although these courses would be mainly accomplished via internet, methods like CD-ROMs, DVDs, books and materials etc. were included. This section would describe what self-study is, which would be something other than live and interactive. Dr. Wang questioned how an individual using home study material without internet interaction can confirm taking the test. She asked if the Board needs to define the testing process for self-study. Mr. Morodomi asked if this is defined somewhere else; Mr. Johnson replied that the criteria for judging courses approve by the Board is found under subsection (g). Ms. Murphy added that within section (h) the Board details out what each licensee needs to maintain in order to have proof of CE attendance.

Mr. Johnson stated that for existing proposed subsection (c)(7) it is proposed that we raise the amount of CE from 8 to 12 hours. Staff and subject matter experts had a very successful two-day workshop recently; they worked for 16 hours but were only give credit for eight hours. Staff believe 12 hours is a good medium. Board agrees with this change. In subsection (d)(2), proposed text based on the Dental Board regulation which further defines what live and in-person interactive means. Additionally, the section sets out that once you have completed your 25 hours of alternative methods, the remaining 25 hours would need to be live and interactive course study, and in theory would not allow these courses to be taught via internet through Skype or something similar. In Subsection (d)(1) a reference was added to Western Association of Schools and Colleges accredited programs. Board agrees with these changes.

Proposed text for subsections (f)(1) and (2) makes consistent with the Board’s new internal policy for assigning provider numbers and requires providers include that on certificates. It 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. This section also changes the 45-day in advance timeline for application submittal to 90 days. Staff believes this will reduce the amount of retroactive approvals the PEC needs to make. Members discussed raising the approval period from one year minus one day to two years minus one day.

Mark Morodomi moved to raise the continuing education course expiration date from one year to two years. Debra McIntyre seconded. The Board voted unanimously (7-0) and the motion passed.

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

Mr. Johnson detailed changes to several more sections. Subsection (g) raises the period of time that a provider must retain all continuing education course records from three-years to four-years, among other requirements. Subsection (f) requires that the providers have and include their course approval numbers provided by the Board (if applicable), and removes the text that states the Board has a certificate. Subsection (k) was modified requiring licensees to maintain their CE course completion certificates or records on file for four-years from the license renewal date, which strengthens staff’s ability to perform CE audits. Subsection (m) prohibits a licensee from taking the same course in the same renewal period. Finally, he referred to changes to the Continuing Education Course Approval Application incorporated by reference into the text. Board agrees with these changes.

There was no public comment.

Mark Morodomi moved to approve the amended text for California Code of Regulations Title 16, Section 1536 and form CE-01 incorporated by reference as presented and discussed here today; to 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. Lillian Wang seconded. The Board voted unanimously (7-0) and the motion passed.

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

11. Update, Discussion and Possible Action on 2020 Legislation (MOVED UP)

A. Assembly Bill 896 (Low): Registered Dispensing Opticians: Dispensing Opticians Fund: Optometry Fund: extended optometric clinical facilities.

Audio of Discussion: 2:01:03 / 3:42:49

Mr. Morodomi introduced Robby Sumner, Chief Consultant to the Assembly Committee on Business and Professions and Gina Frisby, Assembly Member Evan Low’s Chief of Staff. At Ms. Michelin’s request, public comment was made first. Damien Carroll, National Director with Vision to Learn (VTL), thanked everyone in attendance to highlight the importance of this legislation. He stated that this legislation takes a huge step forward for allowing nonprofit providers to provide service free of charge (with the exception of Medi-Cal reimbursement), to be able to operate mobile clinics in the state and to allow VTL to serve tens of thousands of kids in California over the years to come.

Mr. Morodomi noted that he is all about patient access. However, recognizing the Board’s duty to consumer protection, his major concern with this bill is how patients obtain follow-up care. Mr. Sumner responded by noting the work VTL does, but they do not offer themselves up as providing the full continuum of care for optometric services. The hope is to get them into the system in hopes of providing that first initial contact. Mr. Carroll agreed that there still needs to be responsibility for providing follow-up care. The amended bill does require that information be provided about any available follow-up care that could be offered.

Mr. Summer stated he is very willing to contemplate ways to look at having this bill give the Board more authority over the nonprofits and Ms. Frisby added that this is an issue that will be looked at during the sunset review process if it becomes an issue with any of the VTL services. Mr. Morodomi noted that if there is no accountability for the non-profit, there could be risk of the quality of care the optometrist provides being compromised. He felt that optometrists should be accountable for the care they provide; however, he

does not believe they should be solely responsible and feel the bill does not have any kind of shared responsibility. Mr. Summer explained that the reason the model would work as drafted is because there is a Chief Medical Officer responsible for all the professional services and must be an optometrist licensed in California. This will ensure there is somebody subject to the Board's jurisdiction who oversees the overall activities of the non-profit.

Dr. Turetsky commented that his concern is that this bill should not be geared so much towards one specific mode of volunteering that it eliminates other modes from volunteering. He believes some of the language needs to be modified a bit because there are other ways to provide on-site care. Dr. Turetsky asked if the optometrists contracted with VTL are independent contractors. Mr. [Carroll](#) assured this is correct; VTL has historically contracted its optometrists due to the provision in California state law regarding direct employment by a non-optometrist. VTL does have a licensed California optometrist on its governing board; staff are considered independent contractors. Dr. Turetsky expressed concern that if we move on this and get it through, optometrists would still be working outside of the legal framework and in a different part of the law. Mr. Summer acknowledged the independent contractor issue and noted that the ramifications of the Dynamax Decision and AB 5 are being included as boilerplate issue language for each sunset review they have been performing.

Mr. Summer explained that the Assembly Member Low's initial priority for this bill was for a resolution to the shroud of uncertainty surrounding VTL's current program. He also commented that it is always difficult when somebody is out of compliance either technically or otherwise. The Board must determine what action to take both in terms of the intent of the Legislature and enforcement priorities. The Assembly Committee on Business and Professions worked with Board staff to secure technical expertise in advance of the Board meeting to get language into print, demonstrating the fact that they are trying to take the bill in the direction the Board is ready to support. Ms. Michelin asked if the bill has been set for committee hearing yet; Mr. Summer explained it is currently pending in the Senate Rules Committee, which was a result of the amendments being so substantial at the end of last year, but anticipates a referral in the Senate. Ms. Michelin felt the bill was a step in the right direction, and it is farther than the Board has ever gotten with its legislation.

Ms. Murphy asked if would be possible for staff to begin with the nonprofit optometric corporation model, by taking a look at court reporters and figuring out how to provide some sort of base licensure for the nonprofit? Mr. Summer replied that he believes this is absolutely something they can discuss. Ms. Garcia added that Spectacle Lens Dispensers would need to be involved in this as well. Discussion continued on practice responsibility. Mr. Morodomi asked again for clarification if the optometrist would be the one held responsible, and Mr. Summer confirmed this is correct, saying if the issue is something regarding the non-professional services side, it is not necessarily on the optometrist and others may be liable. Mr. Sumner pointed out the important thing is to remember that when the language talks about the judgement that is being made regarding anything that is within the scope of practice of an optometrist, those decisions

should be made by an optometrist. If anybody is above the optometrist for purposes of this nonprofit, that person must also be an optometrist.

Ms. Michelin recommended that the Board change its position to support, because while there are still some concerns regarding the language, she believes that fundamentally what they are trying to accomplish in terms of access can be addressed at the sunset review next year. Ms. Murphy stated that this allows the Board enough time to put two years' worth of regulations in place. Mr. Summer noted that if the Board takes a support position today, they are still happy to work with the Board on continuing to consider other ways to improve the bill.

Mr. Morodomi questioned what would happen will happen to the fund merger if the law sunsets; Mr. Summer explained that this part is not subject to the sunset. He added that the Board is technically getting a sunset on the fund merger because the elimination is not occurring instantly; rather time is being given for finance to migrate all the funds together. Therefore, the Board has an entirely separate set of dates that are for administrative purposes and being able to close out one fund and move its outstanding balance to another. There are repeal dates, effective dates etc. which are separate from the sections dictating the new program for the mobile clinics. Dr. Turetsky noted that staff has made numerous comments about the use of the word "clinic"; can it be modified to something else? The word clinic does not exist anywhere else in the Board's statutes. Mr. Summer responded that what was previously written has just recently been changed to this new phrase but would be happy to entertain new ones.

Dr. Kawaguchi recommended that whatever action the Board decides to take that the Board also maintain a workgroup. Ms. Garcia noted that she does not see clarity for licensed opticians to be a part of this and she believes the Board can hold them accountable. Mr. Summer then noted that taking a support position goes a long way in telling members, especially in the Senate, that the Board is interested in taking this on and is working collaboratively. This is the reason they are respectfully asking for a full support position, even though there are issues to be worked out.

Ms. Murphy clarified that the biggest issue discussed today is the accountability of the nonprofits which was addressed in the amendments brought to the Legislature before today and it has not been addressed. Staff wants to make certain that accountability does not just fall on licensees and a "bad actor" of a nonprofit cannot continue to just run through optometrists, schedule kids at 5 to 10-minute intervals and optometrists be the only persons who are then accountable. This is one of two amendments requested by the Board. Mr. Morodomi asked Mr. Sumner to summarize the two amendments which were not incorporated into the bill. Mr. Sumner explained that one amendment would dictate to composition of the board of directors of a non profit corporation be largely composed on optometrists. This is similar language to that used for regulatory boards where discussion revolves around the proportion of public and professional members. This is not something discussed for nonprofits. The other amendment not taken is requiring there be a website and hotline provided by each nonprofit for them to do their own complaint resolution. It was felt it is more appropriate for the Board to make

determinations about whether the professional services result in an investigation, accusation etc. All complaints received by a nonprofit be reported to the Board. Customer service would also be expected because most folks prefer to resolve a complaint without it having to go to the Board.

There was no public comment.

Rachel Michelin moved to support the bill, continue to have the workgroup work with staff and the Author’s assessment of outstanding issues; And should at any time the workgroup feel the need, they can come back to the Board and request a full Board meeting prior to the first hearing. Glenn Kawaguchi seconded. The Board voted unanimously (7-0) and the motion passed.

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

8. Update, Discussion and Possible Action on Adoption of Title 16, California Code of Regulations §1399.273 and Optician Disciplinary Guidelines Incorporated by Reference (TAKEN OUT OF ORDER)

Audio of Discussion: 2:59:00 / 3:42:49

Mr. Johnson reported that staff would like to continue working on this internally and bring it back to a future Board meeting to provide Legal Counsel additional time to refine details.

There was no public comment.

9. Update, Discussion and Possible Action on Changes to Chapters 5.4, 5.45 and 5.5 of the Business and Professions Code (Optician Program Statutes) (TAKEN OUT OF ORDER)

Audio of Discussion: 3:03:13 / 3:42:49

Mr. Johnson provided an overview. The Dispensing Optician Committee (DOC) has been discussing this issue over three meetings and has provided much input; all the changes have been incorporated. Ms. Murphy noted that staff has brought the individual

pieces together to create a practice act for opticianry and to standardize the term so that it clear when referring to a business who employs those who fit and adjust, and when referring to an individual spectacle or contact lens dispenser who fits and adjust.

Dr. Kawaguchi commented on page 70 which discusses potentially modifying fines. His feedback to the DOC would be to further define what it means versus just globally increasing a fine; additionally, he is not comfortable with the language “allows the board flexibility to assess fines from minor or major violations”. Dr. Kawaguchi believes it should be very clear what a fine will be for a violation and not be vague. Ms. Leeper explained when these statutes were written, the big corporations were not a factor in the original writing statute. It was basically regarding the Mom and Pop businesses. The fine is not currently a deterrent for very large corporations who can simply pay the fine without much impact. Ms. Murphy added that staff has tried to separate out the fines for business and the fines for individuals. The idea is that large corporations like Stanton Optical would incur a larger dollar amount commiserate with the amount of business they do whereas individuals would have fines commiserate with the earning potential within the profession.

Dr. Kawaguchi disagrees with this thought process because as laws have changed in California there are many potential business players in the state and there needs to be consistency in which violations are addressed. He is looking to the DOC to work through what this will look like, but he does not believe a business should be judged based on their business volume or size. Mx. Kimball clarified that fines for various matters will be addressed down the line; what this language does is set out the minimum fine the Board can issue and the maximum fine the Board can issue. It sets the parameters from which the Board can later set what fines are according to violation.

The agenda item was sent to committee for further review.

There was no public comment.

12. Executive Officer's Report

A. Enforcement

Audio of Discussion: 3:16:34 / 3:42:49

Mx. Kimball provided an update on the enforcement program and statistics were provided as part of the meeting materials. Additionally, DCA has begun an expert witness program from various boards and bureaus staff enforcement analysts to work with licensee subject matter experts. Enforcement Analyst Matt McKinney is serving on that panel and hoping to ensure that the Board's needs are addressed. Eventually, a formal training package will be available.

Dr. Turetsky noted that on page 132, 20% of the pie charts are criminal charges and convictions. He asked how many people these charts refer to; Mx. Kimball responded

that she does not have the breakdown. For optometry conviction cases these would be anything from a new applicant who may have had a DUI or something from their younger days, or somebody who has been licensed and has had any number of arrests or convictions occur in the second quarter. The Board received 51 cases in the second quarter; therefore, it would be 20% of 51 cases.

There was no public comment.

B. Examination and Licensing Programs

Audio of Discussion: 3:20:47 / 3:42:49

Ms. Murphy stated that an update on the licensing and examination program and statistics were provided as part of the meeting materials. Dr. Kawaguchi noted that twice as many applications were received from last December and January and views this as a positive. Ms. Leeper added that staff has been implementing changes with BreEZe that will provide the pathway for measuring this timeframe.

There was no public comment.

C. Legislative and Regulatory Update

Audio of Discussion: 3:23:48 / 3:42:49

An update on current regulations and legislation was provided as part of the meeting materials. Mr. Johnson announced that the Board has a new updated 2020 version of its law book soon to be published.

Regarding AB 2138, Mr. Johnson explained this is the bill that would relate to denial of applications, revocation, suspension of licensure and criminal convictions. The regulation is out for public comment which closes on March 9th, and to date no comments have been received. He also reported that staff is currently working on the rulemaking package for the Disciplinary Guidelines and hoping to get it to DCA Legal within the next couple months.

There were no public comments.

D. Associations of Regulatory Boards of Optometry

Audio of Discussion: 3:26:55 / 3:42:49

Ms. Murphy announced that she attended last year's conference. At the 2019 conference there was discussion of continued negotiation between ARBO and the National Board of Examiners in Optometry (NBEO). Staff will come back to the Board to relay the discussion of the viability of ARBO as an organization and its intentions to pursue the creation of its own test.

There were no public comments.

13. Board Committee Minutes

A. Dispensing Optician Committee

Audio of Discussion: 3:31:06 / 3:42:49

Draft meeting minutes were provided as part of the meeting materials. Ms. Garcia announced that the DOC would potentially like to invite the optician college administrators and the college advisory boards to come and talk.

B. Legislation and Regulation Committee

Audio of Discussion: 3:31:06 / 3:42:49

Draft meeting minutes were provided as part of the meeting materials. Board members had no comments.

C. Practice and Education Committee

Audio of Discussion: 3:32:56 / 3:42:49

Draft meeting minutes were provided as part of the meeting materials. Dr. McIntyre commented that the Practice and Education Committee has made short work of most of its approvals of the continuing education courses that were submitted. There were a few questions regarding some providers that were asking for more credit hours than the timeline of their lectures allow; the course credit to lecture time ratio was incorrect. Everything else has been previously discussed earlier today.

D. Public Relations and Outreach Committee

Audio of Discussion: 3:34:04 / 3:42:49

Draft meeting minutes were provided as part of the meeting materials. Board members had no comments.

There were no public comments.

14. Future Agenda Items

Audio of Discussion: 3:35:28 / 3:42:49

The following agenda items were proposed:

- Dr. Turetsky - Discussion regarding development of regulations for AB 458. He wishes to address how licensees can provide care for someone who cannot go to a doctor's office.
- Dr. Turetsky - Discussion regarding how optometrists, opticians and their staff are taking all proper precautions to protect themselves and the public in light of the coronavirus.
- Dr. Kawaguchi – Telehealth workgroup to work with staff to assess the Board's current laws and where the Board is current with regards to regulations.

There were no public comments.

15. Adjournment

Meeting adjourned at 2:14 p.m.



ISSUE MEMORANDUM

DATE	May 15, 2020
TO	Members, California State Board of Optometry (CSBO)
FROM	Dani Rogers, Regulations Counsel Marc Johnson, Policy Analyst
SUBJECT	Agenda Item #8 - Update, Discussion, and Possible Action on Changes to California Code of Regulations (CCR) §§ 1399.270, 1399.271, 1399.272, 1516 and 1517 (Implementation of Assembly Bill 2138) and Comments Received

Summary:

The above-referenced regulations implement Assembly Bill 2138 (Chiu, Chapter 995, Statutes of 2018) (AB 2138). As discussed below, AB 2138 requires boards to amend their existing regulations governing substantially-related crimes or acts, and rehabilitation criteria. Consistent with this statutory mandate, amendments were proposed to Title 16, CCR sections 1399.270, 1399.271, 1399.272, 1516, and 1517. The Board approved the amended regulations text at its April 5, 2019 public meeting, and staff submitted the rulemaking package to the Department of Consumer Affairs (DCA). DCA finalized the package and it was noticed on January 24, 2020. On March 9, 2020, the 45-day comment period ended.

DCA proposes to make certain changes to the text after working with the Office of Administrative Law (OAL) on the Veterinary Medical Board AB 2138 package. If the Board approves the revised text as recommended, certain text changes would be subject to an additional 15-day public comment period. Additionally, the Board received a comment on the AB 2138 package from Community Legal Services in East Palo Alto on March 9, 2020 (“comment”). No other comments were received.

The purpose of this memorandum is (1) to outline DCA’s proposed text changes for your consideration and decision, and (2) to outline Board Staff’s proposed response to the comment for inclusion in the final statement of reasons for the AB 2138 package.

I. Background of AB 2138

Key provisions of AB 2138, which becomes effective on July 1, 2020, are:

- A board may only deny a license on grounds that an applicant has been convicted of a crime or has been subject to formal discipline if either of the following requirements are met (Business and Professions Code (BPC), § 480(a)¹):
 1. The conviction was within 7 years of the date of the application and is substantially related to the qualifications, functions, or duties of the profession. The 7-year limit does not apply to convictions for a serious felony (defined in Penal Code section 1192.7), or for those who must register as a sex offender as described in Penal Code section 290(d)(2) or (3).
 2. The applicant has been subject to formal discipline by a licensing board within the past 7 years for professional misconduct that would have been cause for disciplinary action by the Board and is substantially related to the profession. (The prior disciplinary action cannot be used to deny a license if it was based on a dismissed or expunged conviction.)
- A board may not require an applicant for licensure to disclose information about his or her criminal history. However, a board is permitted to request it for the purpose of determining a substantial relationship or evidence of rehabilitation. In such a case, the applicant must be informed that the disclosure is voluntary and failure to disclose will not be a factor in a board's decision to grant or deny an application. (BPC, § 480(f)(2).)
- A board must develop criteria to determine whether a crime is substantially related to the qualifications, functions, or duties of the profession. These criteria will aid the board when considering the denial, suspension, or revocation of a license. The criteria must include all of the following (BPC, § 481):
 1. The nature and gravity of the offense.
 2. The number of years elapsed since the date of the offense.
 3. The nature and duties of the profession in which the applicant seeks licensure or is licensed.
- A board cannot deny a license based on a conviction without considering evidence of rehabilitation. (BPC, § 481.)
- A Board must develop criteria to evaluate rehabilitation when considering denying, suspending, or revoking a license. A showing of rehabilitation shall be considered if the applicant or licensee has been completed their criminal sentence without a violation of parole or probation, or if the board finds its criteria for rehabilitation has been met. (BPC, § 482.)

¹ All references herein are to the Business and Professions Code sections that become effective on July 1 2020.

II. Proposed Text Changes.

The proposed text changes are attached to this memorandum as Attachment A. The text highlighted in light blue represents changes that would be considered non-substantial, and if adopted, would not require a 15-day public comment period. The text highlighted in yellow represents changes that would be considered substantial, and if adopted, would require an additional 15-day public comment period if you approve the change.

Amendments previously approved by the Board to the regulatory language are shown in single underline for new text and ~~single strikethrough~~ for deleted text. Modifications to the proposed regulatory language are shown in double underline for new text and ~~double strikethrough~~ for deleted text.

The comment balloons (adjacent to the text) set forth the rationale for each proposed text change.

Motion # 1 – Changes to Text:

Direct staff to take all steps necessary to complete the rulemaking process, including sending out the modified text presented here today with these changes for an additional 15-day public comment period. If after the 15-day public comment period, no further comments are received, authorize the Executive Officer to make any non-substantive changes to the proposed regulation, and adopt the proposed regulations as described in the modified text notice.

III. Response to Comment.

On March 9, 2020, the Board received via email a letter (Attachment B) from Katrina Logan, Director of the Economic Advancement Program from Community Legal Services in East Palo Alto (CLSEPA) commenting on the proposed text. Below is a summary of each comment and staff's recommended response, prepared in consultation with the Executive Officer and Regulations Counsel.

Comment #1: General Statement/ Purpose of the Letter

Summary: The comment states that the proposed regulations leave gaps in the regulatory scheme given the amendments to the Business and Professions Code (BPC). It asserts that the regulations fail to meet and implement sections 480, 481, 482, and 493, and fall short of the bill's intent, to combat discrimination against people with records who have demonstrated rehabilitation and are seeking a professional career.

Proposed Response: The Board rejects this comment. The purpose of the proposed regulations is to clarify substantial relationship criteria and criteria for

rehabilitation, as required by AB 2138. (BPC, § 481.) In particular, consistent with the requirements enacted by AB 2138, these regulations propose to adopt all of the following criteria, which would assist the Board with a balanced approach to evaluating an applicant's eligibility for licensure:

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 profession in which the applicant seeks licensure or is licensed.

Clarifying how to determine whether a crime is substantially related and the factors that will be considered when evaluating rehabilitation should assist applicants and licensees with demonstrating their rehabilitation.

Accordingly, the Board is making no changes to the proposed regulations in response to this comment.

Comment #2

Summary: This comment states that the proposed language must include the seven-year washout period for consideration of convictions or discipline which are not statutorily considered serious felonies under the Penal Code. (BPC, § 480, subd. (a)(1), effective July 1, 2020.)

Proposed Response: The Board rejects this comment. Regulations should not indiscriminately incorporate statutory language. (Gov. Code, § 11349, subd. (f).)

The seven-year period during which a board can deny a license for a conviction or formal discipline is fully described in BPC section 480(a)(1), effective July 1, 2020. As this is already included in statute, adding this provision is duplicative of section 480(a)(1). Therefore, it is not necessary to repeat it in the regulations.

Accordingly, the Board is making no changes to the proposed regulations in response to this comment.

Comment #3

Summary: This comment states that the proposed language should provide that a denial cannot occur if it was based on an expunged conviction, if the person has provided evidence of rehabilitation, or was granted clemency or pardon for an arrest that led to a disposition other than a conviction. (BPC, §480, subds. (b)-(d).)

Proposed Response: The Board rejects this comment. Regulations should not indiscriminately incorporate statutory language. (Gov. Code, § 11349, subd. (f).) BPC section 480(c), effective July 1, 2020, already states that a license may not be denied based on a conviction, or on the basis of the underlying acts, if it has been dismissed

pursuant to Penal Code sections 1203.4, 1203.4a, 1203.41, 1203.42, or 1203.425, or otherwise dismissed or expunged. In addition, BPC section 480(b), effective July 1, 2020, prohibits license denial if the applicant has obtained a certificate of rehabilitation, was granted clemency or a pardon, or has made a showing of rehabilitation per BPC section 482. BPC section 480(d), effective July 1, 2020, prohibits license denial based on an arrest that resulted in something other than a conviction, such as an infraction, citation, or juvenile adjudication. Since these provisions are already addressed in statute, restating them in regulation would be duplicative.

Accordingly, the Board is making no changes to the regulations in response to this comment.

Comment #4

Summary: This comment states that the intent of AB 2138 was not to incorporate mere probation or parole reports into the occupational licensing determinations. The letter states that rehabilitation can and does take many forms that extend beyond law enforcement supervision. Therefore, CLSEPA recommends that the Board consider adding the following rehabilitation criteria:

- Volunteer service;
- Successful employment in a related field;
- Unpaid work in the community;
- Furthered education;
- Abstinence from controlled substances and/or alcohol;
- Stability of family life, fulfillment of parental and familial responsibilities;
- New and different social and business relationships from those which existed at the time of the underlying charges at issue;
 - Change in attitude of the applicant as evidenced by:
 - Personal testimony,
 - Evidence of rehabilitation submitted by the applicant,
 - Evidence from family, friends, and/or other persons familiar with the applicant's previous behavior patterns and subsequent attitude and behavioral changes; and
- Other markers of rehabilitation.

Proposed Response:

The Board rejects this comment. BPC section 482, effective July 1, 2020, requires boards to develop criteria to evaluate rehabilitation and to consider whether an applicant or licensee has made a showing of rehabilitation if either the criminal sentence has been completed without violation of probation or parole, or if the board otherwise finds the applicant rehabilitated.

The final text for proposed sections 1399.271, 1399.272, and 1516 articulates a two-step process for evaluating rehabilitation:

1. First, the Board must determine if the completion of the criminal sentence with no violations constitutes rehabilitation. Consistent with the direction in AB 2138, to consider rehabilitation if an applicant completes the criminal sentence at issue without a violation of parole or probation, specific criteria are being added to sections 1399.271, 1399.272, and 1516 to help the Board determine whether sentence completion demonstrates rehabilitation. Criteria include the circumstances, nature, and gravity of the crimes, the length(s) of time that has elapsed since the criminal conduct and the completion of probation, whether the applicant is a repeat offender of the same or similar crime(s), and the total criminal record, and the terms or conditions of parole or probation and the extent to which they bear on the applicant or registrant's rehabilitation and fitness to practice the profession. If the Board finds rehabilitation, no further information needs to be provided.
2. The second step, if rehabilitation is not demonstrated based on sentence completion, requires the Board consider certain other criteria to evaluate rehabilitation. A general category permitting submission of any rehabilitation evidence allows an applicant to offer evidence relating to the proposed categories suggested above. As the Board can and already does give serious consideration to these factors when considering whether an applicant or registrant is rehabilitated, the Board believes that the proposed language is consistent with legislative intent.

Accordingly, the Board is making no changes to the regulations in response to this comment.

Comment #5

Summary: This comment states that the proposed regulation language does not mention that obtaining a certificate of rehabilitation, dismissal, or having arrest which merely led to an infraction/citation or juvenile adjudication means that a person shall not be denied a license.

Proposed Response: The Board rejects this comment. BPC section 480(b), (c), and (d) expressly prohibit denial of a license in these circumstances. Stating these facts in the regulation would be duplicative of the statute. (Gov. Code, § 11349, subd. (f).)

Accordingly, the Board is making no changes to the regulations in response to this comment.

Comment #6

Summary: The comment states that the proposed regulations fail to state the requirements set forth in BPC section 480(g)(2), effective July 1, 2020, including, that a board retain the number of applicants with a criminal record who received notice of

denial or disqualification of licensure, the number of applicants with a criminal record who provided evidence of mitigation or rehabilitation, and the final disposition and demographic information.

Proposed Response: The Board rejects this comment. These requirements are already set forth in statute. (BPC, § 480, subd. (g)(2), effective July 1, 2020.) Stating them in regulation would be duplicative of the statute. (Gov. Code, § 11349, subd. (f).)

Accordingly, the Board is making no changes to the regulations in response to this comment.

Comment #7

Summary: This comment states that the regulations fail to provide that the Board shall not require an applicant to disclose any information or documentation regarding the applicant's criminal history. (BPC, § 480, subd. (f)(2).)

Proposed Response: The Board rejects this comment. Section 480(f)(2), effective July 1, 2020, provides that a board cannot require an applicant for licensure to disclose any information or documentation regarding the applicant's criminal history. As this is already provided by statute, adding this provision is duplicative of section 480(f)(2). Therefore, it is not necessary to repeat it in the regulations.

Accordingly, the Board is making no changes to the proposed regulations in response to this comment.

Comment #8

Summary: This comment states that the proposed language fails to include that the board must notify the applicant in writing if the applicant is denied a license or is disqualified from licensure. The comment states that the Board must provide procedures describing the process for an applicant to challenge a decision or request consideration, a procedure stating that the applicant has a right to appeal the Board's decision, and provide a process for requesting a complete conviction history. (BPC, § 480, subd. (f)(3).)

Proposed Response: The Board rejects this comment. BPC sections 480(f)(3), 485 through 487, and the Administrative Procedure Act, at Government Code section 11500, *et seq.*, already contain these requirements, including requirements for providing the legal and factual basis for the denial, service of the denial on the applicant, and notice to the applicant regarding the opportunity to request a hearing to challenge the decision. Restating these requirements would be duplicative of the statutes. (Gov. Code, § 11349, subd. (f).)

Accordingly, the Board is making no changes to the regulations in response to this comment.

Motion # 2 – Board Responses to Comments Received:

Direct staff to reject the proposed comments, provide the responses to the comments as indicated in the meeting materials and complete the regulatory process as authorized by motion at the Board's January 13, 2020 meeting.

**California State Board of Optometry
Department of Consumer Affairs**

MODIFIED TEXT

Proposed amendments to the regulatory language are shown in single underline for new text and ~~single strikethrough~~ for deleted text.

Modifications to the proposed regulatory language are shown in double underline for new text and ~~double strikethrough~~ for deleted text.

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 141.1, ~~or~~ Division 1.5 (commencing with Section 475), or Section 2555.1 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 conduct as defined in Penal Code section 11160.
- (6) Any act involving sexual misconduct as defined in Business and Professions Code section 726(a).

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.

Commented [RD1]: The cited section refers to a ground for suspension or revocation for "substantially related" offenses. It is proposed to be added here so that references to substantial relationship are addressed together in one regulation.

The OAL would view this change as substantial. This kind of change is subject to a 15 day notice and comment period, and would require a Board vote to approve it.

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 has been 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 the applicant has not completed the criminal sentence at issue without a violation of parole or parole or probation, the board determines that the applicant did not make a showing of rehabilitation based on the criteria in subdivision (a), the denial is based on professional misconduct, or the denial is based on one or more of the grounds in 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), professional misconduct, or crime(s) under consideration as grounds for denial.
- ~~(b)~~ (2) Evidence of any act(s), professional misconduct, 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), professional misconduct, 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.

Commented [RD2]: This change would be viewed as non-substantial.

Commented [RD3]: OAL viewed the stricken text highlighted in light blue to be unclear in specifying the circumstances when the regulation would apply. OAL changed the text from a catch-all approach to an approach where each application is specified in the regulation. OAL views the changes highlighted in blue to be non-substantial.

Commented [RD4]: OAL believes that the term "eligible" is unclear, in that OAL believed it could be viewed as referring to other eligibility requirements for licensure, rather than referring to fitness or suitability for licensure. This change would be viewed as non-substantial.

Commented [RD5]: OAL viewed the addition of "professional misconduct" to be a non-substantial conforming change necessitated by the changes to paragraph (b)(2).

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 the registrant has not completed the criminal sentence at issue without a violation of parole or probation, the board determines that the registrant did not make the showing of rehabilitation based on the criteria in subdivision (a), the suspension or revocation is based on a disciplinary action as described in Section 141 of the code, or the suspension or revocation is based on one or more of the grounds specified in Sections 2555, 2555.1, 2559.3, or 2563 of the code. 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), **disciplinary action(s)**, or offense crime(s).
- (b) (2) Total criminal record.
- (c) (3) Extent of time that has elapsed since commission of the act(s), **disciplinary action(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**, 2555.1, ~~and~~ 2556, **2559.3**, **and 2563**, Business and Professions Code.

Commented [RD6]: The same rationale for the changes to section 1399.271 applies here. OAL views all of the underscore and strike through changes in blue highlight to paragraph (b) to be non-substantive.

With respect to the yellow highlighted portion, OAL views this as an expansion of the proposed regulation's application and, consequently, a substantial change. The cited provisions are an exhaustive list of the sections in the Board's practice act that authorize the Board to discipline a license.

Commented [RD7]: The same rationale for adding "professional misconduct" to section 1399.271 applies to the addition of "disciplinary action(s)" here.

OAL considered the addition of "disciplinary action(s)" to be a non-substantive conforming change necessitated by the changes to paragraph (b).

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) Denial of a license.

~~(b1)~~ When considering the denial of a license under Section 480 of the Code on the grounds that the applicant ~~was has been~~ 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:~~

- ~~(4A)~~ The circumstances, nature, and gravity of the crime(s).
- ~~(2B)~~ The length(s) of time that has elapsed since the criminal conduct and the completion of probation.
- ~~(3C)~~ Whether the applicant is a repeat offender of the same or similar crime(s), and the total criminal record.
- ~~(4D)~~ 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.

~~(e2)~~ If the applicant has not completed the criminal sentence at issue without a violation of parole or probation, the board determines that the applicant did not make the showing of rehabilitation based on the criteria in subdivision (b)(1), the denial is based on professional misconduct, or the denial is based on one or more of the grounds specified in Sections 3091 or 3110 of the code, ~~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:~~

- ~~(4A)~~ The nature and severity of the act(s), ~~professional misconduct,~~ or crime(s) under consideration as grounds for denial.

Commented [RD8]: This change just adds a subdivision for clarity, and would be viewed as non-substantial by OAL, therefore not requiring a Board vote and 15 day notice period.

Commented [RD9]: This change would be viewed as non-substantial.

Commented [RD10]: OAL viewed the stricken text highlighted in light blue to be unclear in specifying the circumstances when the regulation would apply. OAL changed the text from a catch-all approach to an approach where each application is specified in the regulation. OAL views the changes highlighted in blue to be non-substantial.

With respect to the portion highlighted in yellow, OAL views this as an expansion of the proposed regulation's application and, consequently, a substantial change. The cited code sections are in the Board's practice act and authorize the Board to deny a license.

Commented [RD11]: OAL believes that the term "eligible" is unclear, in that OAL believed it could be viewed as referring to other eligibility requirements for licensure, rather than referring to fitness or suitability for licensure.

This change would be viewed as non-substantial.

Commented [RD12]: OAL viewed the addition of "professional misconduct" to be a non-substantial conforming change necessitated by the changes to paragraph (b)(2).

~~(2B)~~ Evidence of any act(s), professional misconduct, or crime(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial under Section 480 of the Code.

~~(3C)~~ The time that has elapsed since commission of the act(s), professional misconduct, or crime(s) referred to in subdivision ~~(e)(4)(A)~~ or ~~(e)(2)(B)~~.

~~(4D)~~ The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.

~~(5E)~~ The criteria in subdivision (b)(1)(A) through ~~(b)(4)(D)~~, as applicable.

~~(5-6F)~~ Evidence, if any, of rehabilitation submitted by the applicant.

(c) Suspension or revocation of a license.

~~(e-1)~~ 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:~~

~~(4A)~~ The circumstances, nature, and gravity of the crime(s).

~~(2B)~~ The length(s) of time that has elapsed since the criminal conduct and the completion of probation.

~~(3C)~~ Whether the licensee is a repeat offender of the same or similar crime(s), and the total criminal record.

~~(4D)~~ 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.

(e2) If the licensee has not completed the criminal sentence at issue without a violation of parole or probation, the board determines that the licensee did not make a showing of rehabilitation based on the criteria in subdivision (c)(1), the suspension or revocation is based on a disciplinary action as described in Section 141 of the code, or the suspension or revocation is based on one or more of the grounds specified in Sections 3090.5, 3097, 3100, or 3110 of the code. 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 license:

~~(4A)~~ Nature and severity of the act(s), disciplinary action(s), or ~~offense~~ crime(s).

~~(2B)~~ Total criminal record.

~~(3C)~~ The time that has elapsed since commission of the act(s), disciplinary action(s), or ~~offense~~ crime(s).

~~(4D)~~ Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

Commented [RD13]: This change just adds a subdivision for clarity, and would be viewed as non-substantial by OAL, therefore not requiring a Board vote and 15 day notice period.

Commented [RD14]: The same rationale for the changes to subdivision (b)(2) applies here. OAL views all of the underscore and strike through changes in blue highlight to paragraph (2) to be non-substantive.

With respect to the yellow highlighted portion, OAL views this as an expansion of the proposed regulation's application and, consequently, a substantial change. The cited provisions are an exhaustive list of the sections in the Board's practice act that authorize the Board to discipline a license.

Commented [RD15]: Same rationale as above.

Commented [RD16]: The same rationale for adding "professional misconduct" to subdivision (b)(2) applies to the addition of "disciplinary action(s)" here.

OAL considered the addition of "disciplinary action(s)" to be a non-substantive conforming change necessitated by the changes to paragraph (c)(2).

~~(5E)~~ The criteria in subdivision ~~(4C)~~(1)(A) through ~~(4D)~~, as applicable.

~~(5F)~~ If applicable, evidence of ~~expungement dismissal~~ proceedings pursuant to Section 1203.4 of the Penal Code.

~~(7G)~~ 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)~~ ~~(c)(2)~~.

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, 3090.5, 3097, 3100, and 3110, 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 ~~Section 141, or~~ Division 1.5 (commencing with Section 475), or Section 3110 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).

Commented [RD17]: The cited section refers to one of the grounds for discipline listed in the Board's practice act for "substantially related" offenses. It is proposed to be added here so that references to substantial relationship are addressed together in one regulation.

The OAL would view this change as substantial. This kind of change is subject to a 15 day notice and comment period, and would require a Board vote to approve it.

(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).

Note: Authority cited: Section 493 and 3025, Business and Professions Code.
Reference: Sections 141, 475, 480, 481, and 482, 490, 493, and 726, and 3110,
Business and Professions Code, and Section 11160, Penal Code.

**COMMUNITY
LEGAL SERVICES
IN EAST PALOALTO**

March 9, 2020

Via Email and Facsimile

California Department of Consumer Affairs
California State Board of Optometry
ATTN: Marc Johnson and Shara Murphy
2450 Del Paso Road, Suite 105
Sacramento, CA 95834
Facsimile: (916) 575-7292
marc.johnson@dca.ca.gov
shara.murphy@dca.ca.gov

RE: Comments in Response to Dept. of Consumer Affairs, State Board of Optometry Regulatory Action Concerning the Implementation of AB 2138, Proposal to Amend Sections 1399.270, 1399.271, 1399.272, 1516, and 1517 of Title 16, Division 13.5, Articles 3 and 7 of the California Code of Regulations

Marc Johnson and Shara Murphy:

Thank you for the opportunity to submit comments to the Department of Consumer Affairs ("DCA"), State Board of Optometry regarding proposed regulations to implement AB 2138.

Community Legal Services in East Palo Alto ("CLSEPA") is a non-profit legal organization offering free legal services that improve the lives of low-income families throughout the region specializing in immigration, housing, workers' rights, criminal records dismissal, and consumer protection. CLSEPA supports formerly incarcerated workers who strive to obtain permanent, stable, and living wage jobs - many jobs that disproportionately require licensure, clearance, or oversight by a governing body. This oversight, while intended to protect public safety, disproportionately impacts people of color, low-income, and indigent communities of people.

These communities have been impacted by over-policing and over-criminalization resulting in contacts with law enforcement that bar these applicants from later obtaining the licensure they require to pursue employment under DCA's regulation. Moreover, applicants have been deterred by the lengthy process, lack of clarity, and obstacles to obtaining licensure - problems that AB 2138 seeks to rectify to offer a fair chance to all people.

ECONOMIC ADVANCEMENT • HOUSING • IMMIGRATION
1861 BAY ROAD • EAST PALO ALTO, CA 94303
Phone: (650) 326.6440 • Fax: (866) 688.5204 • www.clsepa.org • info@clsepa.org

Thanks to the passage of AB 2138 in 2018, the roughly 1 in 3 or 8 million Californians with arrest or conviction records will face fewer barriers to employment and will help to fill the much needed occupational employment gaps in the State.

CLSEPA commends the Board for its action to implement AB 2138 and thereby reduce discrimination against people of color in California, who are disproportionately denied job opportunities because of occupational licensing-related conviction background checks. We support amendments to Sections 1399.270, 1399.271, 1399.272, 1516, and 1517 of Title 16, Division 13.5, Articles 3 and 7 of the California Code of to reflect the passage of Assembly Bill 2138, Chiu, but believe the proposed amendments should be clarified and go further in order to fully implement the intention and spirit of the AB 2138 text.

However, these proposed regulations leave some gaps in the regulatory scheme under the changes to CA Business and Professions Code sections 480,481,482, and 493 as modified by AB 2138. These proposed regulations fail to meet and implement CA B&P Code sections 480, 481, 482, and 493 and are not, as currently written, valid. The proposed regulations also fall short of the intent of the bill, which includes combating discrimination against people with records that have demonstrated rehabilitation and seek to establish themselves professionally.

Commented [MJ1]: Comment #1

We urge the Board to incorporate the full extent of AB 2138 by including the following provisions:

- The proposed regulations must include the 7 year washout period for consideration of convictions or discipline which are not statutorily considered serious felonies under the Cal. Penal Code. 1192.7. See Cal Business and Professions Code section 480(a).
- The proposed regulations should provide that a denial cannot occur if it is based on a dismissed ("expunged") conviction, if the person has made a showing of rehabilitation, was granted clemency/pardon, or for an arrest that led to a disposition other than a conviction. See Cal Business and Professions Code section 480(b)-(d).
- The intent of AB 2138 was not to incorporate mere probation or parole reports into the occupational licensing determinations. Merely looking to law enforcement will not adequately show how an applicant would do on the job. Rather, rehabilitation can and does take many forms that extend beyond mere law enforcement supervision. To better define rehabilitation, we recommend that the board provide examples of evidence of mitigating circumstances and rehabilitation efforts to assist both the Board and licensing applicants.

Commented [MJ2]: Comment #2

Commented [MJ3]: Comment #3

Commented [MJ4]: Comment #4

For instance, the Board should consider adding the following rehabilitation criteria:

- o Volunteer service;
 - o Successful employment in a related field;
 - o Unpaid work in the community;
 - o Furthered education;
 - o Abstinence from controlled substances and/or alcohol;
 - o Stability of family life, fulfillment of parental and familial responsibilities;
 - o New and different social and business relationships from those which existed at the time of the underlying charges at issue;
 - o Change in attitude of the applicant as evidenced by:
 - Personal testimony,
 - Evidence of rehabilitation submitted by the applicant,
 - Evidence from family, friends, and/or other persons familiar with the applicant's previous behavior patterns and subsequent attitude and behavioral changes, and;
 - o Other markers of rehabilitation.
-
- The proposed regulations do not mention that obtaining a Certificate of Rehabilitation, dismissal per Penal Code section 1203.4, 1203.4a, 1203.41, or 1203.42, or an arrest which led to an infraction/citation or a disposition other than a conviction, or juvenile adjudication means that a person shall not be denied a license. See Cal Business and Professions Code section 480(b)-(d).
 - The proposed regulations fail to include any mention of requirements to obtain statistical information on the number of applicants with a criminal record who apply and receive notice of denial/disqualification of licensure, provided evidence of mitigation or rehabilitation, the final disposition of the application, and demographic information. See Cal Business and Professions Code section 480(g).
 - The proposed regulations fail to include that the board shall not require an applicant to disclose any information or documentation regarding the applicant's criminal history. See Cal Business and Professions Code section 480(f)(2).
 - The proposed regulations fails to include that the board shall notify the applicant in writing if the applicant is denied or disqualified from licensure. The Board must provide procedures describing the process for the applicant to challenge the decision or to request re-consideration, that the applicant has a right to appeal the board's decision, and the

Commented [MJ5]: Comment #5

Commented [MJ6]: Comment #6

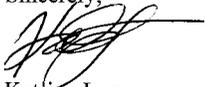
Commented [MJ7]: Comment #7

process of requesting a complete conviction history. See Cal Business and Professions Code section 480(f)(3).

Commented [MJ8]: Comment #8

Adequate implementation of the changes to California Business and Professions Code sections 480,481,482, and 493 will go a long way toward restoring hope and opportunity for the nearly 1 in 3 or 8 million Californians who have an arrest or conviction record. Thank you for your consideration.

Sincerely,



Katrina Logan

Director
Economic Advancement Program



ISSUE MEMORANDIUM

DATE	May 15, 2020
TO	Members, California State Board of Optometry
FROM	Shara Murphy, Executive Officer <i>prepared by Marc Johnson, Policy Analyst</i>
SUBJECT	Agenda Item #9 – Update, Discussion and Possible Action of Changes to Title 16 California Code of Regulations § 1536 (Continuing Education Regulations)

Summary/History:

In 2019, the Board approved a series of changes to 16 CCR section 1536 (“Continuing Optometric Education; Purpose and Requirements”). Staff then began work on the regulatory rulemaking package to be submitted to DCA and then the Office of Administrative Law (OAL) for a public comment period. In response to the COVID-19 coronavirus epidemic, staff is proposing further amendments to the text of section 1536. The existing regulation, which requires 50 hours of continuing education (CE), is proposed to be amended to allow up to 25 self-study hours instead of the existing 20 hours. An additional change would allow all 50 hours of required CE to be taken online, provided the courses meet specified requirements. Additional changes to the self-study requirement are also proposed.

If approved, staff will continue the regulatory rulemaking process to put into law, which will take 12-14 months to complete.

Motion for approval if desired:

“I move to approve the amended text for California Code of Regulations Title 16, Section 1536 and form CE-01 incorporated by reference 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.”

Proposed Changes to Section 1536 (Attachment A):

Proposed changes are double underlined and highlighted in yellow.

Subsection (c)(1): This proposed change would require any self-study course offered include a test component to determine the licensee’s understanding and knowledge of the course. The methods by which self-study may be accomplished are specified, and the term “data enabled device” has been added to (E) to further define how a program or application may access or connect for the data.

Subdivision (d)(2): Originally based on the Dental Board’s regulation, legal counsel has re-written this section for clarity. This subdivision would allow courses taken outside of the self-study requirements to be taken online, enabling a licensee to complete the biennial 50-hour CE requirement entirely online. Remaining hours are required to be obtained through “live and interactive course study.” The regulation defines what course formats meet this definition and requires participatory instruction between the licensee and the instructor. A proposed change divides live and interactive course study into two categories:

- In-person lectures, workshops, demonstrations or classrooms studies
- Lectures, webinars, workshops, or audio or video conferences delivered via the internet or computer networks that allow participatory interaction between the licensee and the instructor. Courses that are not live but prerecorded would not qualify under subdivision (d)(3).

Subsection (m): The words “for credit” have been added for clarity.

Proposed Changes to Continuing Education Course Approval Application (Form CE-01 - Rev 2/20) incorporated by reference into section 1536 (Attachment B):

The updated form is incorporated by reference into subdivision (f) and reflects the proposed changes to section 1536. Changes highlighted in yellow include:

- The words “by no later than” have been added for clarity.
- A question to ascertain whether the course will be self-study, and if so, whether the course will contain a test component pursuant to section 1536, subdivision (c)(1).
- A question to ascertain the nature of participation and attendance tracking for “live” courses pursuant to section 1536, subdivision (d)(2), with a requirement that a description be provided.

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:

New text is underlined, existing text which is removed is ~~strikethrough~~. Text proposed for 5/15/2020 meeting is double underlined.

§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. Any course which is offered pursuant to this section must include a test component to determine the licensee's understanding and knowledge of the course.

For the purposes of this section, "self study" means a form of 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 teleconferences, webinars, seminars, podcasts, broadcasts or lectures 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 data-enabled device, such as 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 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)(1) A credit hour is defined as one classroom hour, usually a 50-minute period, but no less than that.

(2) All remaining hours shall be obtained through live and interactive course study. For purposes of this section, live and interactive course study is defined as:

(A) In-person lectures, in-person workshops, in-person demonstrations, or in-person classroom studies which allow participatory interaction between the licensee and the instructor during the instructional period; or

(B) Lectures, webinars, workshops or audio or video conferences delivered via the internet or computer networks which allow participatory interaction between the licensee and the instructor during the instructional period. Any course which is offered pursuant to section (d)(2)(B) which is not live or is prerecorded shall not qualify under this section.

(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 Western Association of Schools and Colleges 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~~ 5/20), 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~~ 90 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 two years 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.

(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.

(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.

(10) Whether the course was pre-recorded or live.

~~Use of a~~ 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.~~ 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 or applicable records 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.
- (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 **for credit** the same course more than once within the two-year renewal timeframe.



CONTINUING EDUCATION COURSE APPROVAL APPLICATION

\$50 Mandatory Fee

Pursuant to California Code of Regulations (CCR) §[1536](#), the Board will approve continuing education (CE) courses after receiving the applicable fee, the requested information below and it has been determined that the course meets criteria specified in 16 CCR section 1536(g). Course approvals shall be valid for two years from the date approved by the Board.

In addition to the information requested below, please attach a copy of the course schedule, a detailed course outline and presentation materials (e.g., PowerPoint presentation). Applications must be submitted 45 **by no later than** 90 days prior to the course presentation date. **Please type or print clearly.**

Course Title	Course Presentation Date	Course Hours
_____	_____	_____

Course Provider Contact Information

Provider Name _____ <div style="display: flex; justify-content: space-around; font-size: small;"> First Last Middle </div>	
Provider Mailing Address Street _____ City _____ State _____ Zip _____ Phone _____	
Provider Email Address _____	
Will the proposed course be open to all California licensed optometrists?	<input type="checkbox"/> YES <input type="checkbox"/> NO
Do you agree to maintain and furnish to the Board and/or attending licensee such records of course content, <u>dates and places of the course, course completion certificates</u> and attendance as the Board requires, for a period of at least three <u>four</u> years from the date of course presentation?	<input type="checkbox"/> YES <input type="checkbox"/> NO
<u>Pursuant to CCR §1536 (c)(1), will the course be self study?</u>	<input type="checkbox"/> YES <input type="checkbox"/> NO
<u>If self study, will a test component be required to determine the licensee's understanding and knowledge of the course?</u>	<input type="checkbox"/> YES <input type="checkbox"/> NO
<u>If a live course, how will the Provider track individual attendance and participation? Pursuant to 16 CCR §1536(d)(2) these courses must allow for participatory interaction between the licensees and the instructor.</u>	<u>Please describe in supplemental attachment.</u>



Course Instructor Information

Please provide the information below and attach the curriculum vitae for each instructor or lecturer involved in the course. If there are more instructors in the course, please provide the requested information on a separate sheet of paper.

Instructor Name	
_____	_____
First	Last
_____	_____
License Number _____	License Type _____
Phone Number () _____	Email Address _____

I declare under penalty of perjury under the laws of the State of California that all the information submitted on this form and any accompanying attachments submitted is true and correct.

Signature of Course Provider

Date

Public Comment Received from Anthony Bullum, OD on March 26, 2020.

Thank you for your recent reply. I am attaching a summary that I would like to have read into the record at the next Board meeting, if there is provision for public comment .

Regards,

Anthony Bullum OD

#8412T

Online CE Should be Available for All Required Renewal Credits

Education Online: The Future of Education

Continuing Education Online Is The Evolution Of Society

The Advantages of Continuing Education Online

Continuing Education Online: The Future of Education

One might argue that taking CE online is a negative because it's "easier." In reality, classes are now not only within more optometrists reach, but because of the retention exams included in online courses, they represent future of optometric education.

Continuing Education Online Is the Evolution Of Society

From the moment Silicon Valley started putting out mass access to computers, our world began to entirely change. As years passed, people started to worry that the advent of hand-written communication, as well as paper entirely, will soon go by the wayside. And, while it's been a slow process, it's been a continued practice. School children now have district-provided laptops that are assigned to them for the sole purpose of turning them into capable employees as they enter the workforce. Suddenly, industries are moving away from using office products in the formation of documents and they're leaning toward online word processors. The students are following suit, with project submissions being through Google Docs and other online sources. e Books are on the rise because of their lower price points and faster readability. With all of this technological prosperity, one could turn an eye to the institution of online courses.

Advantges of Continuing Education Online

Modern life is complicated, and if the majority of optometrists are maintaining a busy practice, they probably have other responsibilities besides showing up for a class, and sitting through it. In a recent live class I attended, I could not help but notice the sheer number of attendees cramped into the room, getting up to take frequent breaks, looking at their I phones, and otherwise not engaging with the class or material being presented. Due to the economy and other factors, most employers no longer provide benefits - especially for CE participation. This means taking the time off work and

losing income. It also means no patients can be seen that day. This puts an undue burden on both optometrist and patient. This makes the option to take online classes, and study on the optometrist's time extremely important. In fact, quite a few venues, including one I recently participated in were having trouble accommodating the number of students who were required to participate in person. Many now turn to online courses as the answer. The fact of the matter is: it **IS** the answer.

The state of Oregon, since 2015, has allowed online courses for **ALL** units required for license renewal.

Self-Motivated Individuals Will Prosper

While it can be acknowledged that online learning isn't for everyone, this is certainly not true for professionals. For those who prefer live courses, they will still have the option of taking those as well. If a practitioner has the self-teaching skills, organizational skills and overall time management that have probably pulled from years of experience in an optometric career, then an individual can prosper. The parallel between self-motivation, however, is the exact same. People who can self-motivate can get things done whether it's on their own time or while in class.

The Best Part

It can cost less than in-person classes do. In fact, there are a number of free online courses available, so the emphasis is on education, not collecting revenue. This is another relief of an undue burden on the optometrist. Education course prices have been steadily rising. I'm certain you've heard all of the complaints from various new grads talking about the rate of inflation in relation to the rate of professional school tuition growth. Bearing that in mind, online continuing education courses have come as a breath of fresh air. A live class that wouldn't include the textbook will be considerably less expensive through an online portal. Why? It takes less manpower to run an online class

Since online continuing education institutions offer their services remotely to anyone who can access the site, the many physical costs of sitting in a chair in an uncomfortable surrounding are eliminated.

More Time For the Practitioner

Many folks like to iterate that old adage that "time is money." In reality, we all know that time is worth far more than monetary equivalence. Just because an OD may make \$50/hour does not mean that their time is worth only that. As a species that ages, time is actually far more valuable than just money. So when time is saved by taking a class that does not require spending time entering a class (and traveling to it), then doing it again sometime later, a person is saving much more than money. Time is the one resource that is completely non-renewable—Instead there is an option to tap into your powerful self-motivation, and go through an online continuing education course that can contribute to preserving a valuable resource.

Self-Discipline Skills

One of the less noted major benefits of an online class is the self-discipline skills it helps you build. On the regular day-to-day routine, we sometimes forget about important psychological health factors, like self-discipline. In truth, it's an incredibly important skill in any workplace and can really make the difference in your morale and overall happiness level as you go through the drudgery of everyday life. By practicing self-discipline by guiding yourself through learning programs, you can easily improve your own motivational strategies that you can then apply to your life and work and adjust how you approach other tasks.

Optimal Environment

Many people forget how difficult it is to go back to school. Not because of the work, but more because of the environment of in-person classes. They can often be somewhat crowded, or hosted in less than favorable rooms. There is a clear advantage to learn in the comfort of your own home. Strictly speaking, you can learn in whatever way you choose, in absolute comfort.

Scheduling Convenience Means Better Focus

While some people are inclined to disagree, choosing your own time to study does improve your productivity and your ability to focus. As a rule, some people work better during the evening hours and others during the morning hours. Having the liberty to dictate when you want to focus something that requires attention to detail, like learning, can greatly increase your output and comprehension. Plus, there's the flexibility to consider, that will make your life much easier. If you're feeling sick and can't focus, you don't have to work on the class. If you're too tired from a long day at work and sleep deprivation, then you don't need to be doing class work. If you can't focus during a certain time of the day, don't fret, try another time window to start doing class work so that you can focus easier. You may take the opportunity to complete online courses to put yourself in the right environment and the right mindset.

What It Means For a Career

In one swift stroke, online courses have started to position themselves as the most efficient way for individuals to enhance their career and remain in compliance.

As we look into the convenience of online courses, a clearer picture forms that are irrefutable. Online Continuing Education may become the superior way of learning in the future.

In light of the recent COVID pandemic, it is imperative that this be initiated on an immediate basis.



ISSUE MEMORANDUM

DATE	May 15, 2020
TO	Members, California State Board of Optometry (CSBO)
FROM	Marc Johnson, Policy Analyst
SUBJECT	Agenda Item #10 – Update, Discussion and Possible Action on Possible Changes to Title 16, California Code of Regulations sections 1524 and 1572 (Implementation of Assembly Bill 443 (AB 443))

Summary/History:

Effective January 1, 2018, AB 443 (Salas) allows a licensed optometrist to perform specified immunizations after meeting specific requirements. The Board approved the regulatory text and the accompanying required form in 2019 and directed staff to begin the rulemaking process to implement AB 443. After a change in legal counsel in late 2019, DCA reviewed the rulemaking package for the first phase of approval. DCA Legal has suggested changes to the proposed regulation, which will require Board adoption. Once adopted by the Board at this meeting, the board staff will submit the regulation to the Office of Administrative Law for a 45-day public comment period.

Although the Board’s Executive Office has requested a fast-tracking of this regulation to address the looming need to immunize against COVID-19, DCA legal counsel has opined that this regulation **does not** presently qualify as an emergency regulation under Government Code section 11342.545. (“Emergency” means a situation that calls for immediate action to avoid serious harm to the public peace, health, safety, or general welfare.”)

Action Requested:

Discuss and potentially approve recommended changes to the text of Title 16, California Code of Regulations section 1572 and the accompanying form incorporated by reference.

Suggested motion:

“I move to approve the form incorporated by reference in section 1572, Title 16 of the California Code of Regulations with the edits discussed here today as well as approve the proposed edits to the text of Section 1572, Title 16 of the California Code of Regulations as discussed here today; and direct staff to re-submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services and Housing Agency for review and if no adverse comments are received authorize the Executive Officer to make any non-substantive changes to the rulemaking package and set the matter for hearing.”

Changes to the text of Title 16, CCR section 1572 (Attachment A):

DCA Legal has recommended the following changes, highlighted in yellow, to the previously approved text.

Section 1572(a)(5): This new subdivision adds a declaration by the applicant that they will comply with all state and federal recordkeeping and recording requirements, provide documentation to the patient’s primary care provider, and enter information in the appropriate immunization registry. DCA Legal Counsel added this subdivision to ensure compliance with BPC section 3041, subdivision (g)(1)(C).

Changes to the Application for Optometrists to Administer Immunization Shots (Attachment B):

See text additions highlighted in yellow.

- In the introduction, the text was added defining “immunization” per BPC section 3041, subdivision (g)(2).
- Grammatical and minor changes were made throughout the form for clarity.
- A declaration by the applicant that they will comply with all state and federal recordkeeping and recording requirements, provide documentation to the patient’s primary care provider, and enter information in the appropriate immunization registry was added, mirroring the new requirement of subdivision (a)(5).

Attachments:

1. Revised text of Title 16, CCR section 1572.
2. Revised Application for Optometrists to Administer Immunization Shots.

**TITLE 16. CALIFORNIA STATE BOARD OF OPTOMETRY
PROPOSED REGULATORY LANGUAGE**

Amend Section 1524 of Division 15 of Title 16 of the California Code of Regulations to read as follows:

16 CCR § 1524. Fees

- (a) Application fee for certificate of registration as an optometrist by examination \$275
- (b) Biennial renewal of a certificate of registration as an optometrist \$425
- (c) Delinquency fee for failing to renew a certificate of registration timely \$50
- (d) Application fee for a branch office license \$75
- (e) Annual renewal of a branch office license \$75
- (f) Penalty fee for failure to renew a branch office license timely \$25
- (g) Issuance fee for a certificate of registration or upon change of name of a person holding a certificate of registration \$25
- (h) Application fee for a fictitious name permit \$50
- (i) Annual renewal of a fictitious name permit \$50
- (1) Delinquency fee for failure to renew a fictitious name permit timely \$25
- (j) Application fee for a statement of licensure \$40
- (1) Biennial renewal of a statement of licensure \$40
- (2) Penalty fee for failure to renew a statement of licensure timely \$20
- (k) Application fee for a certificate to use therapeutic pharmaceutical agents \$25
- (l) Application fee for approval of a continuing education course \$50
- (m) Application fee for a certificate to treat primary open angle glaucoma \$35
- (n) Application fee for a certificate to perform lacrimal irrigation and dilation \$25
- (o) Application fee for a retired license \$25
- (p) Application fee for a retired license with a volunteer designation \$50
- (r) Application fee for an immunization certification \$50.

Note: Authority cited: Sections 3025, 3041, 3044, 3075, 3152 and 3152.5, Business and Professions Code. Reference: Sections 3041, 3075, 3078, 3151, 3151.1, 3152 and 3152.5, Business and Professions Code.

Add Section 1572 of Division 15 of Title 16 of the California Code of Regulations to read as follows:

16 CCR § 1572. Immunization Certificate Applications

(a) A licensed optometrist, certified pursuant to Section 3041.3 of the Business and Professions Code, seeking to be certified to administer immunizations as defined in section 3041, subdivision (g)(2) of the Code, shall complete and submit to the Board an application for an immunization certificate. The application shall include the following information:

(1) First, Middle and Last Name;

(2) Email address;

(3) License number;

(4) A declaration by the applicant that the information provided including all accompanying documents or other requested proof of completion is true and accurate, and that the applicant understands and agrees that any misstatements of material facts may be cause for denial of the application and discipline by the board, under the penalty of perjury; and

(5) A declaration by the applicant under the penalty of perjury that the applicant will comply with all state and federal recordkeeping and reporting requirements, including providing documentation to the patient's primary care provider and entering information in the appropriate immunization registry designated by the immunization branch of the California State Department of Public Health.

Commented [DR1]: This is needed to verify compliance with subd. (g)(1)(C).

(b) The application shall be accompanied by the following:

(1) The application fee of \$50 fixed by the Board pursuant to Section 1524 in this Article;

(2) A certificate or other document proving completion of an immunization training program endorsed by the federal Centers for Disease Control and Prevention or the Accreditation Council for Pharmacy Education. Proof of completion that meets these requirements and shows completion after September 10, 2018 is acceptable; and

(3) A certificate or other documents proving certification in basic life support.

(c) In order to be eligible for and maintain an immunization certificate, an optometrist must meet and maintain all requirements set forth in Section 3041, subdivision (g) of the Code.

Note: Authority cited: Sections 3025 and 3041, Business and Professions Code.

Reference: Section 3041, Business and Professions Code.



Application for Optometrists to Administer Immunization Shots¹

Cashiering and Board Use Only			
Receipt #	Payor ID #	Beneficiary ID #	Amount

Fee: \$50

Per California Business and Professions Code §3041(g), you must have a current California Optometrist License and have a Therapeutic Pharmaceutical Agents (TPA) license type to be eligible for a certificate to administer immunizations. "Immunization" means the administration of immunizations for influenza, herpes zoster virus, and pneumococcus in compliance with individual Advisory Committee on Immunization Practices (ACIP) vaccine recommendations published by the Centers for Disease Control (CDC) for persons 18 years of age or older.¹

If eligible, you must also meet and maintain the following requirements for an immunization certificate:

- 1. Complete an immunization training program endorsed by the CDC or the Accreditation Council for Pharmacy Education that, at a minimum, includes hands-on injection technique, clinical evaluation of indications and contraindications of vaccines, and the recognition and treatment of emergency reactions to vaccines, and maintain that training.*
- 2. Be certified in basic life support.*
- 3. Comply with all state and federal recordkeeping and reporting requirements, including providing documentation to the patient's primary care provider and entering information in the appropriate immunization registry designated by the immunization branch of the California State Department of Public Health.*
- 4. Apply for an immunization certificate on **this** form.*

To apply for an immunization certificate, submit this completed form, and provide documentation for items #1 and #2 above with your application. All documentation must be provided, or the application will be rejected.

First, Middle, and Last Name:	
Email address:	
License #:	
<p><i>1. I declare under penalty of perjury under the laws of the State of California that the information provided on this form and the attached documents or other requested proof of completion is true and accurate. I understand and agree that any misstatements of material facts may be cause for denial of the Application for Optometrists to Administer Shots and disciplinary action by the California State Board of Optometry.</i></p>	

¹ Bus. & Prof. Code, § 3041, subd. (g).

AND

2. I declare under of perjury under the laws of the State of California that I will comply with all state and federal recordkeeping and reporting requirements, including providing documentation to the patient's primary care provider and entering information in the appropriate immunization registry designated by the immunization branch of the California State Department of Public Health.

Optometrist Signature:

Date:

ISSUE MEMORANDUM

DATE	May 15, 2020
TO	Members, California State Board of Optometry
FROM	Shara P. Murphy, Executive Officer <i>Prepared by Marc Johnson, Policy Analyst and Natalia Leeper, Opticianry Program Coordinator</i>
SUBJECT	Agenda Item #11: Review, Discussion and Possible Action on Potential Changes to Dispensing Optician Statutes: Chapter 5.4 (Prescription Lens) of Division Two of the Business and Professions Code (BPC); Chapter 5.45 (Nonresident Contact Lens Sellers) of Division Two of the BPC; Chapter 5.5 (Registered Dispensing Opticians) of Division Two of the BPC (BPC)

Summary/History:

As part of the Dispensing Optician Committee’s (DOC) statutorily mandated duties under [BPC §3020](#), the DOC is charged with recommending registration standards and criteria for the registration of dispensing opticians, nonresident contact lens sellers, spectacle lens dispensers, and contact lens dispensers. Throughout several meetings, the DOC reviewed and discussed proposed changes made to statute by members, stakeholders and staff. This agenda item is the culmination of those changes. The intent of these changes is to improve public protection, clarify and enhance registrant reporting requirements, update definitions and terminology, and re-organize the statutes for clarity and organization. Larger issues, such as optician training program requirements, continuing education requirements, fee increases or a jurisprudence exam are not proposed as part of these changes.

Previous DOC meetings on the agenda item:

- [January 30, 2020](#)
- [December 13, 2019](#)
- [September 27, 2019](#)

Although the DOC thoroughly reviewed and made changes, the Board referred this issue to the Legislation and Regulation Committee (LRC) at the February 28, 2020, public meeting for further consideration before final approval. Due to the COVID-19 outbreak and the Governor’s “Stay at Home” Executive Order—the proposed text was sent to the LRC by email and response was requested by a deadline. Committee members did not submit consistent changes that warranted a change to the language provided on 02/28/2020.

After Board review and approval, staff will seek out a legislative author for a future legislative session.

Current Law:

The RDO statutes are set out within Division Two of the Business and Professions Code:

- [Chapter 5.4 \(Prescription Lens\)](#)
- [Chapter 5.45 \(Nonresident Contact Lens Sellers\)](#)
- [Chapter 5.5 \(Registered Dispensing Opticians\)](#)

Changes to the text of Chapter 5.4, 5.45 and 5.5 (Attachment A):

The text of Chapters 5.4, 5.45 and 5.5 are set out in full below. Where appropriate, proposed new text is underlined and deleted text is ~~struck through~~ and **highlighted in yellow**.

Global changes include an update from “medical board” to “state board of optometry”; various grammar fixes; inclusion of new section numbers for better article construction and the use of “ophthalmic” in place of “optician” where appropriate. Throughout the text, proposed new section numbers are used, however, final section numbering will be determined by the Legislature. Major changes:

Chapter 5.4 Prescription Lens – BPC §§2540 – 2545

§2541.1(b): Section changed for clarity - two to four years from the date of issuance” may be confusing.

§2541.2(a)(1): Section changed for clarity – “one to two years from the date of issuance” may be confusing.

§2542: “Fit, adjust” removed as optician businesses do not perform these functions, and the definition of fit and adjust only applies to CLD/SLD registrants as defined in §2550.1.

§2545(b)(1): Proposed raising and lowering of fine caps. This change allows the Board more flexibility to assess fines for a minor or major violation and act as a stronger deterrent to larger businesses that violate the law. Since most optical businesses are larger businesses, the new amounts would act as an actual deterrent against violations. Regulations to include fine levels and repeat offenders can be implemented after the statute is in law.

Chapter 5.45. Nonresident Contact Lens Sellers – BPC §§2546 - 2546.10

Proposed relocation of this entire chapter into Chapter 5.5, Article 2.5, to put all license types which the Board regulates under one chapter.

Chapter 5.5 Registered Dispensing Opticians – BPC §§2550 - 2569

Staff proposes reorganizing this section into the following articles to better denote the purpose of each section and move existing chapters into the new section to better specify which statutes apply to which license types. These changes will provide clarity to the purpose of each article and ease of reading.

Article 1 – General Provisions. Existing article which incorporates various sections that applies to all registrants.

§2550: This section was partially relocated into §2568.1 and §2550.1 for clarity.

§2550.1: This proposed section provides definitions of basic functions of what an optician does and brings together various terms used throughout Chapter 5.5. During the DOC meetings, several parts of the discussion focused on further defining terms used throughout the statutes which refer to opticianry. The DOC directed staff to research multiple state and federal sources; widely variant meanings were discovered. For example, two state agencies use the terms “ophthalmic lens” and ophthalmic dispensing” but descriptions were missing or inconclusive in California law. At the federal level, definitions varied or were not defined at all. Several other states, such as [Florida](#) and Washington, better define the terms “optician” and “optical dispensing”. Based on this inconclusive research, staff and the DOC proposes definitions based on existing text elsewhere within the chapter and re-stated into a logical format. These additions will provide a better reference in the statute to the various functions and certificates used. Examples:

- The DOC defined and separated “fit” and “adjust” based on industry terms and text from BPC §2541.
- Definition for an unregistered assistant working in an optical shop or business. The term is currently undefined in the statute. Ties in with duties defined in §2559.15 and §2560.
- A provision was added which makes clear the chapter only applies to RDO registrants and assistants at RDO business, and not for an unlicensed individual working directly under optometrist/ophthalmologist license via §2544.

§2551: This section was relocated into §2568.2. as the sections mostly apply to businesses.

§2552: Changes to this section improve reporting requirements and add electronic mail to communications. Electronic mail is not prohibited and is already done by staff.

§2553: The first two paragraphs were relocated to §2568.4, as they appear to refer mostly to businesses. The remaining section now requires that registrants must display their certificate in a clear and conspicuous place, which includes their registration number, name, address of record and expiration date. This requirement is similar to what cosmetologists and barbers are required to display.

§2553.1: This section was relocated into §2568.5, as the provisions apply mostly to businesses.

§2553.7: Section modified to apply to all registrants licensed by the Board.

§2555: Per DOC direction, proposed text mirrored on [BPC §3110 \(Optometry\)](#), listing all actions which constitute unprofessional conduct and made specific for dispensing opticians. Sections not applicable to opticians such as drug prescriptions, therapeutic procedures and referrals to physicians were removed. Staff recommends further discussion on any additional terms which need to be removed or added.

§2555.1(d): Proposed section would define that penalties apply only to individuals who are on the business application, and not their stockholders or unaffiliated employees who do not perform optician functions.

§2557.1: This section was relocated from §2563 into general provisions to make clear it applies to all registrants.

§2558.1: This section was relocated from §2559.6 into general provisions to make clear it applies to all registrants.

Article 1.5 – Spectacle Lens Dispensing. This new article incorporates various sections throughout Chapter 5.5 pertaining to SLD registrants.

§2559.15: The DOC made several changes to this section:

- The word “individual” was replaced with “unregistered assistant”, tying in with the definition in §2550.1(g) and better defining between a registered SLD and unregistered assistant under the supervision of an SLD.
- Addition of “physically present” on the premises so that a supervisor is required to be nearby while an unlicensed assistant performs their duties.
- Removal of the words “usual and customary absences” which reduces a loophole some businesses may be using to allow supervising SLDs to not be on premises when unregistered assistants are working
- Based on DOC discussion and staff research, a cap of three unregistered assistants added for public protection. Mirrors the CLD requirement in §2560.

§2559.2: Several changes were made to this section. An individual whose registration is more than three years old and canceled is now required to take the NCLE/ABO exam to become eligible for a new registration. Additionally, a requirement of 14 days was added to notify the Board of their place of practice.

Article 2 – Contact Lens Dispensing. An existing article that incorporates various sections pertaining to CLD registrants.

§2560: Similar to §2559.15, the word “individual” was replaced with “unregistered assistant”, tying in with the definition in §2550.1(g) and better defining between a registered CLD and unregistered assistant under the supervision of a CLD. Addition of “physically” present on the premises so that a supervisor is required to be nearby while an unlicensed assistant performs their duties.

§2563: This section was relocated to §2557.1 to apply to all registrants listed in Chapter 5.5.

§2564: DOC recommends the further definition of “accessible handwashing facilities” – text based on Federal rules.

Article 2.5 – Non Resident Ophthalmic Lens Dispensers. This new article incorporates Chapter 5.45 and other various sections throughout Chapter 5.5 and pertains to out of state ophthalmic device dispenser registrants.

Based on DOC discussion, the term “contact” was changed to “ophthalmic” throughout the article. The potential effect of this change would be to allow non-resident contact lens dispensers, properly registered with the Board, to now sell spectacle lenses within California. The word “seller” has been replaced with “dispenser” to more accurately describe and align with definitions in §2550.1.

§2564.74: Changes were made to tighten up reporting requirements to the Board, such as fictitious or assumed name, registration number or reporting changes in writing within 30 days. DOC also recommends the addition of (c) which would strengthen laws to prevent fraud in advertising.

§2564.76 (a)(2): DOC recommends a change of prescription confirmation to align with current federal prescription rules of eight business hours.

§2564.80: Proposed raising of the fine cap to \$50,000 per violation. Similar to §2545(b)(1), this change allows the Board more flexibility to assess fines for minor or major violations and act as a stronger deterrent to larger businesses that violate the law. Since most non-resident dispensers are larger businesses, the new amounts may act as an actual deterrent against violations. Regulations to include fine levels and repeat offenders can be implemented after the statute is in law.

Article 3 – Fiscal Provisions. No change to these sections.

Article 3.5 – Ophthalmic Lens Dispensing Businesses. This new article pertains to ophthalmic businesses and incorporates various sections from Chapter 5.5.

§2568.1: This section was relocated from §2550 as the provisions have been modified to refer to dispensing ophthalmic businesses.

§2568.2: This section was relocated from §2551 as the provisions mostly apply to businesses. Subsection (c) the DOC added that all ‘corporations and firms’ be required to operate as professional corporations, as defined by Corporations Code Section 13401. All businesses must adhere to the Corporations Code, but this change will clarify the requirement within the Optician Practice Act. Staff discovered many optician businesses were operating as LLCs in violation.

§2568.3: This section was relocated from §2552 as the provisions appear to refer to dispensing ophthalmic businesses. Any changes to the application must be made in writing to the Board within 14 days.

§2568.4: This section was relocated from §2553, so the logical process from application to approval flows more smoothly.

§2568.5: This section was relocated from §2553.1 as the provisions have been modified to refer to dispensing ophthalmic businesses. Applicants will now need to cancel their registration using a form prescribed by the Board, and a new business must apply for a new registration

within 10 calendar days. This provides more specificity about requirements for new business owners of an optician business.

Article 4 – Review. No changes to this section.

BUSINESS AND PROFESSIONS CODE – DIVISION 2

CHAPTER 5.4. Prescription Lenses [2540 - 2545]

2540. No person other than a physician and surgeon or optometrist may measure the powers or range of human vision or determine the accommodative and refractive status of the human eye or the scope of its functions in general or prescribe ophthalmic devices.
(Amended by Stats. 2006, Ch. 148, Sec. 2. Effective January 1, 2007.)

2541. A prescription ophthalmic device includes each of the following:

- (a) Any spectacle or contact lens ordered by a physician and surgeon or optometrist, that alters or changes the visual powers of the human eye.
- (b) Any contact lens described in paragraph (1) of subdivision (n) of Section 520 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 360j and following).
- (c) Any plano contact lens that is marketed or offered for sale in this state. “Plano contact lens” means a zero-power or noncorrective contact lens intended to change the appearance of the normal eye in a decorative fashion.
(Amended by Stats. 2006, Ch. 148, Sec. 3. Effective January 1, 2007.)

2541.1. (a) A spectacle lens prescription shall include all of the following:

- (1) The dioptric power of the lens. When the prescription needed by the patient has not changed since the previous examination, the prescriber may write on the prescription form “copy lenses currently worn” instead.
- (2) The expiration date of the prescription.
- (3) The date of the issuance of the prescription.
- (4) The name, address, telephone number, prescriber’s license number, and signature of the prescribing optometrist or physician and surgeon.
- (5) The name of the person to whom the prescription is issued.
- (b) The expiration date of a spectacle lens prescription shall not be less than **two years** ~~to and~~ shall **not exceed** four years from the date of issuance unless the patient’s history or current circumstances establish a reasonable probability of changes in the patient’s vision of sufficient magnitude to necessitate reexamination earlier than two years, or presence or probability of visual abnormalities related to ocular or systemic disease indicates, the need for reexamination of the patient earlier than two years. In no circumstances shall the expiration date be shorter than the period of time recommended by the prescriber for reexamination of the patient. Establishing an expiration date that is not consistent with this section shall be regarded as unprofessional conduct by the board that issued the prescriber’s certificate to practice.
- (c) The prescriber of a spectacle lens shall orally inform the patient of the expiration date of a spectacle lens prescription at the time the prescription is issued. The expiration date of a prescription may be extended by the prescriber and transmitted by telephone, electronic mail, or any other means of communication. An oral prescription for a spectacle lens shall be reduced to writing and a copy of that writing shall be sent to the prescriber prior to the delivery of the lenses to the person to whom the prescription is issued.

Commented [JM1]: Changed for clarity – “two to four years from the date of issuance” may be confusing

(d) A prescriber of a spectacle lens shall abide by the rules pertaining to spectacle lens prescriptions and eye examinations adopted by the Federal Trade Commission found in Part 456 of Title 16 of the Code of Federal Regulations.

(e) An expired prescription may be filled if all of the following conditions exist:

(1) The patient's spectacles are lost, broken, or damaged to a degree that renders them unusable.

(2) Upon dispensing a prescription pursuant to this subdivision, the person dispensing shall recommend that the patient return to the optometrist or physician and surgeon who issued the prescription for an eye examination and provide the prescriber with a written notification of the prescription that was filled.

(Added by Stats. 1998, Ch. 8, Sec. 1. Effective January 1, 1999.)

2541.2. (a) (1) The expiration date of a contact lens prescription shall not be less than one year ~~to and shall not exceed~~ two years from the date of issuance, unless the patient's history or current circumstances establish a reasonable probability of changes in the patient's vision of sufficient magnitude to necessitate reexamination earlier than one year, or the presence or probability of visual abnormalities related to ocular or systemic disease indicate the need for reexamination of the patient earlier than one year. If the expiration date of a prescription is less than one year, the health-related reasons for the limitation shall be documented in the patient's medical record. In no circumstances shall the prescription expiration date be less than the period of time recommended by the prescriber for reexamination of the patient.

(2) For the purposes of this subdivision, the date of issuance is the date the patient receives a copy of the prescription.

(3) Establishing an expiration date that is not consistent with this section shall be regarded as unprofessional conduct by the board that issued the prescriber's license to practice.

(b) Upon completion of the eye examination or, if applicable, the contact lens fitting process for a patient as described in subdivision (f), a prescriber or a registered dispensing optician shall provide the patient with a copy of the patient's contact lens prescription signed by the prescriber, unless the prescription meets the standards set forth in subdivision (c).

(c) A prescriber shall retain professional discretion regarding the release of the contact lens prescription for patients who wear the following types of contact lenses:

(1) Rigid gas permeables.

(2) Bitoric gas permeables.

(3) Bifocal gas permeables.

(4) Keratoconus lenses.

(5) Custom designed lenses that are manufactured for an individual patient and are not mass produced.

(d) If a patient places an order with a contact lens seller other than a physician and surgeon, an optometrist, or a registered dispensing optician, the prescriber or his or her authorized agent shall, upon request of the contact lens seller and in the absence of the actual prescription, attempt to promptly confirm the information contained in the prescription through direct communication with the contact lens seller.

(e) The contact lens prescription shall include sufficient information for the complete and accurate filling of a prescription, including, but not limited to, the power, the material or manufacturer or both, the base curve or appropriate designation, the diameter when appropriate, and an appropriate expiration date. When a provider prescribes a private label

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contact lens for a patient, the prescription shall include the name of the manufacturer, the trade name of the private label brand, and, if applicable, the trade name of the equivalent national brand.

(f) The contact lens fitting process begins after the initial comprehensive eye examination, and includes an examination to determine the lens specifications, an initial evaluation of the fit of the lens on the patient's eye, except in the case of a renewal prescription of an established patient, and followup examinations that are medically necessary, and ends when the prescriber or registered dispensing optician determines that an appropriate fit has been achieved, or in the case of a prescription renewal for an established patient, the prescriber determines that there is no change in the prescription.

(g) The payment of professional fees for the eye exam, fitting, and evaluation may be required prior to the release of the prescription, but only if the prescriber would have required immediate payment from the patient had the examination revealed that no ophthalmic goods were required. A prescriber or registered dispensing optician shall not charge the patient any fee as a condition to releasing the prescription to the patient. A prescriber may charge an additional fee for verifying ophthalmic goods dispensed by another seller if the additional fee is imposed at the time the verification is performed.

(h) A prescriber shall not condition the availability of an eye examination, a contact lens fitting, or the release of a contact lens prescription on a requirement that the patient agree to purchase contact lenses from that prescriber. A registered dispensing optician shall not condition the availability of a contact lens fitting on a requirement that the patient agrees to purchase contact lenses from that registered dispensing optician.

(i) A prescriber or a registered dispensing optician shall not place on the contact lens prescription, deliver to the patient, or require a patient to sign a form or notice waiving or disclaiming the liability or responsibility of the prescriber or registered dispensing optician for the accuracy of the ophthalmic goods and services dispensed by another seller. This prohibition against waivers and disclaimers shall not impose liability on a prescriber or registered dispensing optician for the ophthalmic goods and services dispensed by another seller pursuant to the prescriber's prescription.

(j) The willful failure or refusal of a prescriber to comply with the provisions of this section shall constitute grounds for professional discipline, including, but not limited to, the imposition of a fine or the suspension or revocation of the prescriber's license. The Medical Board of California and the State Board of Optometry shall adopt regulations, to implement this subdivision, including, but not limited to, standards for processing complaints each receives regarding this subdivision.

(k) For the purposes of this section, "prescriber" means a physician and surgeon or an optometrist.

(l) Nothing in this section shall be construed to expand the scope of practice of a registered dispensing optician as defined in Sections 2542, 2543, and Chapter 5.5 (commencing with Section 2550).

(Added by Stats. 2002, Ch. 814, Sec. 1. Effective January 1, 2003.)

2541.3. (a) The State Department of Public Health, the State Board of Optometry, and the Medical Board of California shall prepare and adopt quality standards and adopt regulations relating to prescription ophthalmic devices, including, but not limited to, lenses, frames, and contact lenses. In promulgating these rules and regulations, the department and the boards

shall adopt the current standards of the American National Standards Institute regarding ophthalmic materials. Nothing in this section shall prohibit the department and the boards from jointly adopting subsequent standards that are equivalent or more stringent than the current standards of the American National Standards Institute regarding ophthalmic materials.

(b) No individual or group that deals with prescription ophthalmic devices, including, but not limited to, distributors, dispensers, manufacturers, laboratories, optometrists, or ophthalmologists shall sell, dispense, or furnish any prescription ophthalmic device that does not meet the minimum standards set by the State Department of Public Health, the State Board of Optometry, or the Medical Board of California.

(c) Any violation of the regulations adopted by the State Department of Public Health, the State Board of Optometry, or the Medical Board of California pursuant to this section shall be a misdemeanor.

(d) Any optometrist, ophthalmologist, or dispensing optician who violates the regulations adopted by the State Department of Public Health, the State Board of Optometry, or the Medical Board of California pursuant to this section shall be subject to disciplinary action by his or her licensing board.

(e) The State Board of Optometry or the Medical Board of California may send any prescription ophthalmic device to the State Department of Public Health for testing as to whether or not the device meets established standards adopted pursuant to this section, which testing shall take precedence over any other prescription ophthalmic device testing being conducted by the department. The department may conduct the testing in its own facilities or may contract with any other facility to conduct the testing.

(Amended by Stats. 2016, Ch. 489, Sec. 10. (SB 1478) Effective January 1, 2017.)

2541.6. No prescription ophthalmic device that does not meet the standards adopted by the State Department of Public Health, the State Board of Optometry, or the Medical Board of California under Section 2541.3 shall be purchased with state funds.

(Amended by Stats. 2016, Ch. 489, Sec. 11. (SB 1478) Effective January 1, 2017.)

2542. A registered dispensing optician shall **fit, adjust, or** dispense contact lenses, including plano contact lenses, only on the valid prescription of a physician and surgeon or optometrist, and acting on the advice, direction, and responsibility of the physician and surgeon or optometrist. The optician shall also comply with the requirements of Section 2560. A registered dispensing optician shall not **fit a dispense** contact lens or lenses, or a plano contact lens or lenses, unless the prescription specifically refers to and authorizes contact lenses. A registered dispensing optician shall not fit a generic type of contact lens or mode of wear for a contact lens contrary to the type or mode, if any, referred to in the prescription.

(Amended by Stats. 1985, Ch. 1139, Sec. 3.)

2543. (a) Except as provided in the Nonresident **Contact Ophthalmic Lens Dispenser Seller** Registration Act (Chapter ~~5.45~~ 5.5 (commencing with Section ~~2546~~ **2564.70**), the right to dispense, sell or furnish prescription ophthalmic devices at retail or to the person named in a prescription is limited exclusively to licensed physicians and surgeons, licensed optometrists, and registered dispensing opticians as provided in this division. This section shall not be construed to affect licensing requirements pursuant to Section 111615 of the Health and Safety Code.

Commented [JM3]: Removed as RDO businesses do not perform these functions, and definition of fit and adjust only applies to CLD/SLD registrants as defined in 2550.1 below.

Commented [JM4]: Global change: "Nonresident Ophthalmic Lens Dispenser" and reference to placement of act.

(b) It shall be considered a deceptive marketing practice for:

(1) Any licensed physician and surgeon, licensed optometrist, or registered dispensing optician to publish or cause to be published any advertisement or sales presentation relating to contact lenses that represents that contact lenses may be obtained without confirmation of a valid prescription.

(2) Any individual or entity who offers for sale plano contact lenses, as defined in subdivision (c) of Section 2541, to represent by any means that those lenses may be lawfully obtained without an eye examination or confirmation of a valid prescription, or may be dispensed or furnished to a purchaser without complying with the requirements of Section 2562, except as provided in Chapter ~~5-45 5.5~~ (commencing with Section ~~2546 2564.70~~).
(Amended by Stats. 2006, Ch. 148, Sec. 6. Effective January 1, 2007.)

2544. (a) Notwithstanding any other provision of law, an assistant in any setting where optometry or ophthalmology is practiced who is acting under the direct responsibility and supervision of a physician and surgeon or optometrist may fit prescription lenses. Under the direct responsibility and supervision of an ophthalmologist or optometrist, an assistant in any setting where optometry or ophthalmology is practiced may also do the following:

- (1) Prepare patients for examination.
- (2) Collect preliminary patient data, including taking a patient history.
- (3) Perform simple noninvasive testing of visual acuity, pupils, and ocular motility.
- (4) Perform automated visual field testing.
- (5) Perform ophthalmic photography and digital imaging.
- (6) Perform tonometry.
- (7) Perform lensometry.
- (8) Perform nonsubjective auto refraction in connection with subjective refraction procedures performed by an ophthalmologist or optometrist.
- (9) Administer cycloplegiacs, mydriatics, and topical anesthetics that are not controlled substances, for ophthalmic purposes.
- (10) Perform pachymetry, keratometry, A scans, B scans, and electrodiagnostic testing.

(b) For the purposes of this section, “setting” includes, but is not limited to, any facility licensed by the State Department of Public Health or the State Department of Social Services.

(c) Nothing in this section shall be construed to authorize activities that corporations and other artificial legal entities are prohibited from conducting by Section 2400.

(Amended by Stats. 2010, Ch. 604, Sec. 1. (AB 2683) Effective January 1, 2011.)

2545. (a) Whenever any person has engaged, or is about to engage, in any acts or practices which constitute, or will constitute, an offense against this chapter, the superior court in and for the county wherein the acts or practices take place, or are about to take place, may issue an injunction, or other appropriate order, restraining the conduct on application of the State Board of Optometry, the Medical Board of California, the Osteopathic Medical Board of California, the Attorney General, or the district attorney of the county. The proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure.

(b) (1) Any person who violates any of the provisions of this chapter shall be subject to a fine of not less than ~~two hundred fifty dollars (\$250) one thousand dollars (\$1,000)~~ nor more than two

~~thousand five hundred dollars (\$2,500)~~ **fifty thousand dollars (\$50,000)** per violation. The fines

upon appropriation to the Medical Board of California for the purposes of administration and enforcement. The fines collected pursuant to this section from licensed optometrists and registered dispensing opticians shall be deposited into the Optometry Fund and the Dispensing Opticians Fund, respectively, and shall be available upon appropriation to the State Board of Optometry for the purposes of administration and enforcement.

(2) The Medical Board of California and the State Board of Optometry shall adopt regulations implementing this section and shall consider the following factors, including, but not limited to, applicable enforcement penalties, prior conduct, gravity of the offense, and the manner in which complaints will be processed.

(3) The proceedings under this section shall be conducted in accordance with the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(Amended by Stats. 2016, Ch. 489, Sec. 12. (SB 1478) Effective January 1, 2017.)

~~**CHAPTER 5.45. Nonresident Contact Lens Sellers [2546 – 2546.10]**~~

Relocated entire Chapter 5.45 into Chapter 5.5, Article 2.5.

CHAPTER 5.5. Registered Dispensing Opticians [2550 - 2569]

Article 1. General Provisions [2550 – 2559]

~~**2550.** Individuals, corporations, and firms engaged in the business of filling prescriptions of physicians and surgeons licensed by the Medical Board of California or optometrists licensed by the State Board of Optometry for prescription lenses and kindred products, and, as incidental to the filling of those prescriptions, doing any or all of the following acts, either singly or in combination with others, taking facial measurements, fitting and adjusting those lenses and fitting and adjusting spectacle frames, shall be known as dispensing opticians and shall not engage in that business unless registered with the State Board of Optometry.~~
(Amended by Stats. 2016, Ch. 489, Sec. 13. (SB 1478) Effective January 1, 2017.)

~~**2550.1.** All references in this chapter to the board shall mean the State Board of Optometry. For the purposes of this chapter, the following definitions shall apply:~~

~~(a) "Board" means the State Board of Optometry.~~

~~(b) "Prescription" means any order made by a licensed physician and surgeon or licensed optometrist pursuant to Sections 2541.1 or 2541.2.~~

~~(c) "Fit" and "fitting" means doing any or all of the following acts prior to the act of adjusting, either singly or in combination with others, designing, the taking of measurements to determine the size or shape or specifications, or replacing the prescribed optical aids, pursuant and incidental to the filling of any prescription for lenses, spectacles, eyeglasses, contact lens, plano contact lens and other ophthalmic devices as specified in Section 2541, and prescriptions.~~

Commented [JM5]: Allows Board more flexibility to assess fines for a minor or major violations and act as a stronger deterrent to larger businesses who violate the law. Regulations to include fine levels and repeat offenders can be implemented after statute in law.

Commented [JM6]: As Nonresident CLS are considered a registration type, relocated into Chapter 5.5.

Commented [JM7]: Staff proposes reorganizing this chapter into the following articles to better denote the purpose of each section, and move existing chapters into the new section, in order to better specify which statutes apply to which license types. These changes will provide clarity to the purpose of each article and ease of reading.

Commented [JM8]: Partially relocated into 2568.1 RDO businesses and into 2550.1 definitions.

Commented [JM9]: Definitions of basic functions of what an optician does and brings together various terms used throughout chapter 5.5. Most new text is taken from existing language. Staff also performed taxonomy searches with NPI and CMS, state databases and industry websites.

Commented [JM10]: The DOC defined and separated "fit" and "adjust" based on industry terms and text from BPC §2541

(d) "Adjust" and "adjusting" means doing any or all of the following acts, either singly or in combination with others, adapting, delivering or replacing the prescribed optical aids, pursuant and incidental to the filling of any prescription for lenses, spectacles, eyeglasses, contact lens, plano contact lens and other ophthalmic devices as specified in Section 2541, and prescriptions.

(e) "Dispensing Optician", "Registered Dispensing Optician" and "Registrant" means any individual, corporation or firm who is registered with the board as follows:

- (1) "Spectacle Lens Dispenser" means any individual who is registered with the board pursuant to Article 1.5 (commencing with Section 2559.1) of this chapter.
- (2) "Contact Lens Dispenser" means any individual who is registered with the board pursuant to Article 2 (commencing with Section 2560) of this chapter.
- (3) "Nonresident Ophthalmic Lens Dispenser" means a business who is registered with the board pursuant to Article 2.5 (commencing with Section 2564.70) which offers, advertises and performs optical services to the general public.
- (4) "Registered Dispensing Ophthalmic Business" means a business who is registered with the board pursuant to Article 3.5 (commencing with Section 2568.1) which offers, advertises and performs optical services to the general public.

(f) "Ophthalmic Lens" or "Ophthalmic Device" means any prescription lenses, spectacles, eyeglasses, contact lens, plano contact lens and other ophthalmic devices, ordered by a physician and surgeon or optometrist, that alters or changes the visual powers of the human eye.

(g) "Unregistered Assistant" means an individual who is not registered with the board pursuant to this chapter. The unregistered assistant may perform the following:

- (1) Fitting and adjusting of spectacle lenses under the direct responsibility and supervision of a duly registered spectacle lens dispenser pursuant to section 2559.15.
- (2) Fitting and adjusting of contact lenses under the direct responsibility and supervision of a duly registered contact lens dispenser pursuant to section 2560.
- (3) The selection of frame designs, the actual sales transaction, and the transfer of physical possession of lenses, spectacles, eyeglasses, contact lenses, and other optical devices subsequent to performance of all services of the dispensing optician.

Commented [JM11]: Based on DOC direction, staff added definition for an unregistered assistant working in an optical shop or business. Term is currently undefined in statute. Ties in with duties defined in 2559.15 and 2560.

The provisions of this chapter shall not apply to an individual in any setting where optometry or ophthalmology is practiced who is acting under the direct responsibility and supervision of a physician and surgeon or optometrist, pursuant to section 2544 of the business and professions code.

(Amended by Stats. 2016, Ch. 489, Sec. 14. (SB 1478) Effective January 1, 2017.)

2551. (a) Individuals, corporations, and firms shall make application for registration and shall not engage in that business prior to being issued a certificate of registration.

(b) Application for that registration shall be on forms prescribed by the board, shall bear the signature of the individual, or general partners if a partnership, or the president or secretary if a

Commented [JM12]: Relocated to Section 2568.2

corporation or firm, and shall contain specify the name under which he or she, they or it proposes to do business and the business address.

~~(c) Corporations and firms shall be organized and exist pursuant to the general corporation law and shall be a professional corporation within the meaning of Part 4, Division 3, Title 1 of the Corporations Code.~~

~~(d) If applicable, the application shall include a list of officers in the corporation, firm or partnership and a copy of the articles of incorporation as submitted to the Secretary of State.~~

~~(e) Separate applications shall be made for each place of business and each application must be accompanied by the application fee prescribed by Section 2565.~~

~~(Amended by Stats. 1990, Ch. 1190, Sec. 2.)~~

2552. (a) Each application shall be verified under oath by the person required to sign the

the applicant's employee who will be responsible for handling customer inquiries and complaints with respect to the business address for which registration is applied. Any changes to this information shall be reported in writing to the board within 14 days.

(b) The applicant shall furnish such additional information or proof, oral or written, which the board may request, including information and proof relating to the provisions of Division 1.5 (commencing with Section 475).

(c) The board shall promptly notify any applicant if, as of the 30th day following the submission of an application under this chapter, the application and supporting documentation are not substantially complete and in proper form. The notification shall be in writing, shall state specifically what documents or other information are to be supplied by the applicant to the board, and shall be sent to the applicant by certified, electronic or registered mail. Within 30 days of the applicant's submission of the requested documents or information to the board, the board shall notify the applicant by certified, electronic or registered mail if the board requires additional documents or information.

(d) This section shall become operative on January 1, 1988.

(Amended by Stats. 2016, Ch. 489, Sec. 15. (SB 1478) Effective January 1, 2017

2553. ~~If the board, after investigation, approves the application, it shall register the applicant and issue to the applicant a certificate of dispensing optician. A separate certificate of registration shall be required for each address where the business is to be conducted.~~

~~A certificate authorizes the applicant, its agents and employees acting therefor to engage in the business defined in Section 2550 provided that the fitting and adjusting of spectacle lenses is performed in compliance with Article 1.5 (commencing with Section 2550.1) and the fitting and adjusting of contact lenses is performed in compliance with Article 2 (commencing with Section 2560).~~

(a) Each certificate shall be at all times displayed in a conspicuous place at the certified place of business. The certificate shall not be transferable, but on application to the board there may be registered a change of address of the certificate. The certificate displayed must include the

certificate expiration date.

Commented [JM13]: Changes to this section improve reporting requirements and add electronic mail to communications. Electronic mail is not prohibited and is already done by staff.

Commented [JM14]: First two paragraphs relocated to 2568.4

Commented [JM15]: This requires that registrants must display their certificate in a clear and conspicuous place, which includes their registration number, name, address of record and expiration date. This requirement is similar to what cosmetologists and barbers are required to display.

~~2553.1. (a) If a registered dispensing optician business sells or transfers ownership of his or her place of business, both of the following requirements shall be satisfied:~~
~~(1) The registered dispensing optician business selling or transferring ownership of the business shall return the certificate of registration to the board no later than 10 calendar days after the change of ownership is completed and shall submit a request for cancellation of registration on a form prescribed by the Board. This registered dispensing optician business shall be responsible for complying with all laws relating to the optical dispensing business until the notice described in paragraph (2) is received by the board.~~
~~(2) The registered dispensing optician business assuming ownership of the business shall record with the board a written notice of the change of ownership, providing all information required by the board. This notice shall be filed with the board no later than 10 calendar days after the change of ownership is completed.~~
~~(3) The registered dispensing optician business assuming ownership of the business shall apply for a new certificate of registration from the board no later than 10 calendar days after the change of ownership is completed.~~
~~(b) This section does not apply to a change of location of business by a registered dispensing optician.~~

Commented [JM16]: Relocated to new section 2568.5

2553.5. (a) A registered dispensing optician may fit and adjust spectacle lenses and frames or take facial measurements in any of the following locations:
(1) A health facility as defined in Section 1250 of the Health and Safety Code for a person admitted to that facility or an employee of that facility.
(2) A business location as defined in subdivision (f) for an employee or independent contractor of the person operating the business at that location.
(3) Any certified place of business pursuant to Section **2553 2568.1.**

business location shall provide to the patient written information disclosing the registrant's regular business address, certificate of registration number, phone number, and the name and phone number of the person designated by the licensee to receive complaints and inquiries, as specified in Section **2554 2568.3.**

(c) Nothing in this section shall be deemed to permit a registered dispensing optician or registered contact lens dispenser to fit or adjust contact lenses at a health facility or at a business location, as defined in subdivision (f).
(d) A registered spectacle lens dispenser may fit and adjust spectacle lenses at a health facility or at a business location, only if he or she is in personal attendance at a certified place of business pursuant to Section **2553 2568.1** at least 40 percent of his or her regular working hours each week.
~~(e) A registered spectacle lens dispenser who fits and adjusts spectacle lenses at a health facility or at a business location, as defined in subdivision (f), other than on a temporary basis, shall maintain an emergency patient response system. This system shall consist of a telephone answering machine or service or a telephone paging device and the registered spectacle lens dispenser shall respond to patient inquiries received through the emergency system within 24 hours excluding weekends and holidays.~~

Commented [JM17]: Removed - obsolete

(e)-(f) “Business location” means the place at which any business employs more than 25 persons at any single business address, but shall not include a health facility, as defined in Section 1250 of the Health and Safety Code, or a certified place of business as specified in Section 2553.

(f)-(g) This section shall not affect the requirements regarding fitting and adjusting as set forth in Sections 2559.1 and 2560.

(Amended by Stats. 1993, Ch. 240, Sec. 1. Effective January 1, 1994.)

2553.6. (a) The board shall deny any application for registration under this chapter if any

accordance with Section 2550, proposes to fill any prescription, has any proprietary interest, or has designated or arranged for any other person to have any proprietary interest in or with the applicant.

(b) The board may, in accordance with Section 2555, suspend, revoke, or refuse to renew the certificate of any individual or firm under this chapter, if such individual or firm, after the effective date of this section, fills, or has filled, while holding a certificate issued pursuant to this chapter, any prescription issued by any person licensed under Chapter 5 (commencing with Section 2000) who has any proprietary interest, or has designated or arranged for any other person to have any proprietary interest, in or with such individual or firm. Such penalties shall be in addition to, and not to the exclusion of, any other remedies or penalties provided by law.

(1) “Proprietary interest,” for the purposes of this section, means any membership, coownership, stock ownership, legal or beneficial interest, any other proprietary interest, or profit-sharing arrangement, designated or arranged or held, directly or indirectly in any form, in or with any individual or firm applying for registration or registered under this chapter, except stock ownership in a corporation which is listed on a stock exchange regulated by the Securities and Exchange Commission if the stock is acquired in a transaction conducted through such stock exchange.

(c) This section shall apply only to a dispensing optician required to be registered pursuant to Chapter 5.5 (commencing with Section 2550) and shall not be construed to modify Section 2557, or to affect the fitting of prescription lenses by an assistant pursuant to Section 2544. (Amended by Stats. 2010, Ch. 604, Sec. 2. (AB 2683) Effective January 1, 2011.)

2553.7. Registrations of ~~registrants dispensing opticians, spectacle lens dispensers, and contact lens dispensers~~ shall expire at midnight on the last day of the month in which the

(Added by Stats. 2017, Ch. 564, Sec. 1. (AB 1708) Effective January 1, 2018.)

2554. Each registrant shall conspicuously and prominently display at each registered location the following consumer information:

“Eye doctors are required to provide patients with a copy of their ophthalmic lens prescriptions as follows:

Spectacle prescriptions: Release upon completion of exam.

Contact lens prescriptions: Release upon completion of exam or upon completion of the fitting process. Patients may take their prescription to any eye doctor or registered dispensing optician to be filled.

Optometrists and registered dispensing opticians are regulated by the State Board of Optometry. The State Board of Optometry receives and investigates all consumer complaints involving the practice of optometry and registered dispensing opticians. Complaints involving a California-licensed optometrist or a registered dispensing optician should be directed to:

California State Board of Optometry
Department of Consumer Affairs
2450 Del Paso Road, Suite 105
Sacramento, CA 95834
Phone: 1-866-585-2666 or (916) 575-7170
Email: optometry@dca.ca.gov
Internet Web site: www.optometry.ca.gov

(Amended by Stats. 2016, Ch. 489, Sec. 17. (SB 1478) Effective January 1, 2017.)

2555. Certificates issued hereunder may in the discretion of the board be suspended or revoked or subjected to terms and conditions of probation for violating or attempting to violate this chapter, Chapter 5.4 (commencing with Section 2540) or any regulation adopted under this chapter or, Chapter 5.4 (commencing with Section 2540), or Section 651, 654, or 655, or for incompetence, gross negligence, or repeated similar negligent acts performed by the registrant or by an employee of the registrant. The proceedings shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

The board may take action against any registrant who is charged with unprofessional conduct, and may deny an application for a registration if the applicant has committed unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

- (a) Violating or attempting to violate, directly or indirectly assisting in or abetting the violation of, or conspiring to violate any provision of this chapter or any of the rules and regulations adopted by the board pursuant to this chapter.
- (b) Gross negligence.
- (c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions.
- (d) Incompetence.
- (e) The commission of fraud, misrepresentation, or any act involving dishonesty or corruption, that is substantially related to the qualifications, functions, or duties of a registered optician.
- (f) Any action or conduct that would have warranted the denial of a registration.
- (g) The use of advertising relating to optometry that violates Section 651 or 17500.
- (h) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license, registration or permit by another state or territory of the United States, by any other governmental agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.
- (i) Procuring his or her registration by fraud, misrepresentation, or mistake.
- (j) Making or giving any false statement or information in connection with the application for issuance of a license.

Commented [JM19]: Per DOC direction, proposed text mirrored on [BPC §3110 \(Optometry\)](#), listing all actions which constitute unprofessional conduct and made specific for dispensing opticians. Sections not applicable to opticians such as drug prescriptions, therapeutic procedures and referrals to physicians were removed. Staff recommends further discussion on any additional terms which need to be removed or added.

(k) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered dispensing optician, in which event the record of the conviction shall be conclusive evidence thereof.

(l) Administering to himself or herself any controlled substance or using any of the dangerous drugs specified in Section 4022, or using alcoholic beverages to the extent, or in a manner, as to be dangerous or injurious to the person applying for a license or holding a registration under this chapter, or to any other person, or to the public, or, to the extent that the use impairs the ability of the person applying for or holding a license to conduct with safety to the public the practice authorized by the license, or the conviction of a misdemeanor or felony involving the use, consumption, or self-administration of any of the substances referred to in this subdivision, or any combination thereof.

(m) (1) Committing or soliciting an act punishable as a sexually related crime, if that act or solicitation is substantially related to the qualifications, functions, or duties of an optometrist optician.

(2) Committing any act of sexual abuse, misconduct, or relations with a patient. The commission of and conviction for any act of sexual abuse, sexual misconduct, or attempted sexual misconduct, whether or not with a patient, shall be considered a crime substantially related to the qualifications, functions, or duties of a registrant. This paragraph shall not apply to sexual contact between any person licensed under this chapter and his or her spouse or person in an equivalent domestic relationship when that registrant provides optometry treatment to his or her spouse or person in an equivalent domestic relationship.

(3) Conviction of a crime that requires the person to register as a sex offender pursuant to Chapter 5.5 (commencing with Section 290) of Title 9 of Part 1 of the Penal Code. A conviction within the meaning of this paragraph means a plea or verdict of guilty or a conviction following a plea of nolo contendere. A conviction described in this paragraph shall be considered a crime substantially related to the qualifications, functions, or duties of a registrant.

(n) The failure to maintain adequate and accurate records relating to the provision of services to his or her patients.

(o) Performing, or holding oneself out as being able to perform, or offering to perform, any professional services beyond the scope of the license authorized by this chapter.

(p) The practice of functions defined in this chapter without a valid, unrevoked, unexpired registration.

(q) The employing, directly or indirectly, of any suspended or unregistered optician to perform any work for which an optician registration is required.

(r) Permitting another person to use the registration for any purpose.

(s) Altering with fraudulent intent a registration issued by the board, or using a fraudulently altered license, permit certification or any registration issued by the board.

(t) Except for good cause, the knowing failure to protect patients by failing to follow infection control guidelines of the board, thereby risking transmission of bloodborne infectious diseases from optician to patient, from patient to patient, or from patient to optician. In administering this subdivision, the board shall consider the standards, regulations, and guidelines of the State Department of Public Health developed pursuant to Section 1250.11 of the Health and Safety Code and the standards, guidelines, and regulations pursuant to the California Occupational Safety and Health Act of 1973 (Part 1 (commencing with Section 6300) of Division 5 of the Labor Code) for preventing the transmission of HIV, hepatitis B, and other bloodborne pathogens in health care settings.

(u) Failure to refer a patient to an appropriate optometrist or physician and surgeon if an examination of the eyes indicates a substantial likelihood of any pathology that requires the attention of that optometrist or physician and surgeon.

2555.1. In the discretion of the board, a certificate issued hereunder may be suspended or

engage in dispensing operations, have been convicted of a crime substantially related to the qualifications, functions and duties of a dispensing optician. The record of conviction or a certified copy thereof shall be conclusive evidence of the conviction.

(b) A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions and duties of a dispensing optician is deemed to be a conviction within the meaning of this article. The board may order the certificate suspended or revoked, or may decline to issue a certificate, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

(c) The proceeding under this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein. This section shall become operative on January 1, 1988.

(d) This section shall only apply to individuals included on the registration on file with the board and shall not include stockholders or unaffiliated employees. For the purposes of this section, the term "unaffiliated employees" means a person or persons who do not perform the functions of fitting and adjusting of spectacle lenses performed in compliance with Article 1.5 (commencing with Section 2559.1) and the fitting and adjusting of contact lenses performed in compliance with Article 2 (commencing with Section 2560).

(Amended by Stats. 2016, Ch. 489, Sec. 19. (SB 1478) Effective January 1, 2017.)

2556. (a) Except as authorized by Section 655, it is unlawful for a registered dispensing optician or a person who engages in the business of, or holds himself or herself out to be, a dispensing optician to do any of the following: to advertise the furnishing of, or to furnish, the services of an optometrist or a physician and surgeon, to directly employ an optometrist or physician and surgeon for the purpose of any examination or treatment of the eyes, or to duplicate or change lenses without a prescription or order from a person duly licensed to issue the same. For the purposes of this section, "furnish" does not mean to enter into a landlord-tenant relationship of any kind.

(b) Notwithstanding Section 125.9, the board may, by regulation, impose and issue administrative fines and citations for a violation of this section or Section 655, which may be assessed in addition to any other applicable fines, citations, or administrative or criminal actions.

(Amended by Stats. 2018, Ch. 703, Sec. 22. (SB 1491) Effective January 1, 2019.)

2556.1. All licensed optometrists and registered dispensing opticians who are in a colocated setting shall report the business relationship to the State Board of Optometry, as determined

Commented [JM20]: Would define that penalties apply only to individuals who are on the business application, and not their stockholders or unaffiliated employees who do not perform optician functions.

by the board. The State Board of Optometry shall have the authority to inspect any premises at which the business of a registered dispensing optician is colocated with the practice of an optometrist, for the purposes of determining compliance with Section 655. The inspection may include the review of any written lease agreement between the registered dispensing optician and the optometrist or between the optometrist and the health plan. Failure to comply with the inspection or any request for information by the board may subject the party to disciplinary action. The board shall provide a copy of its inspection results, if applicable, to the Department of Managed Health Care.

(Amended by Stats. 2016, Ch. 31, Sec. 2. (SB 836) Effective June 27, 2016.)

2556.2. (a) Notwithstanding any other law, subsequent to the effective date of this section and until January 1, 2019, any individual, corporation, or firm operating as a registered dispensing optician under this chapter before the effective date of this section, or an employee of such an entity, shall not be subject to any action for engaging in conduct prohibited by Section 2556 or Section 655 as those sections existed prior to the effective date of this bill, except that a registrant shall be subject to discipline for duplicating or changing lenses without a prescription or order from a person duly licensed to issue the same.

(b) Nothing in this section shall be construed to imply or suggest that a person registered under this chapter is in violation of or in compliance with the law.

(c) This section shall not apply to any business relationships prohibited by Section 2556 commencing registration or operations on or after the effective date of this section.

(d) Subsequent to the effective date of this section and until January 1, 2019, nothing in this section shall prohibit an individual, corporation, or firm operating as a registered dispensing optician from engaging in a business relationship with an optometrist licensed pursuant to Chapter 7 (commencing with Section 3000) before the effective date of this section at locations registered with the Medical Board of California before the effective date of this section.

(e) This section does not apply to any administrative action pending, litigation pending, cause for discipline, or cause of action accruing prior to September 1, 2015.

(f) Any registered dispensing optician or optical company that owns a health plan that employs optometrists, subject to this section, shall comply with the following milestones:

(1) By January 1, 2017, 15 percent of its locations shall no longer employ an optometrist.

(2) By August 1, 2017, 45 percent of its locations shall no longer employ an optometrist.

(3) By January 1, 2019, 100 percent of its locations shall no longer employ an optometrist.

(g) Any registered dispensing optician or optical company that owns a health plan that employs optometrists shall report to the State Board of Optometry in writing as to whether it has met each of the milestones in subdivision (f) within 30 days of each milestone. The State Board of Optometry shall provide those reports as soon as it receives them to the director and the Legislature. The report to the Legislature shall be submitted in compliance with Section 9795 of the Government Code.

(h) (1) Notwithstanding any other law and in addition to any action available to the State Board of Optometry, the State Board of Optometry may issue a citation containing an order of abatement, an order to pay an administrative fine, or both, to an optical company, an optometrist, or a registered dispensing optician for a violation of this section. The administrative fine shall not exceed fifty thousand dollars (\$50,000). In assessing the amount of the fine, the board shall give due consideration to all of the following:

(A) The gravity of the violation.

- (B) The good faith of the cited person or entity.
 - (C) The history of previous violations of the same or similar nature.
 - (D) Evidence that the violation was or was not willful.
 - (E) The extent to which the cited person or entity has cooperated with the board's investigation.
 - (F) The extent to which the cited person or entity has mitigated or attempted to mitigate any damage or injury caused by the violation.
 - (G) Any other factors as justice may require.
- (2) A citation or fine assessment issued pursuant to a citation shall inform the cited person or entity that if a hearing is desired to contest the finding of a violation, that hearing shall be requested by written notice to the board within 30 days of the date of issuance of the citation or assessment. If a hearing is not requested pursuant to this section, payment of any fine shall not constitute an admission of the violation charged. Hearings shall be held pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.
- (3) The board shall adopt regulations to implement a system for the issuance of citations, administrative fines, and orders of abatement authorized by this section. The regulations shall include provisions for both of the following:
- (A) The issuance of a citation without an administrative fine.
 - (B) The opportunity for a cited person or entity to have an informal conference with the executive officer of the board in addition to the hearing described in paragraph (2).
- (4) The failure of a licensee to pay a fine within 30 days of the date of assessment, unless the citation is being appealed, may result in disciplinary action being taken by the board. Where a citation is not contested and a fine is not paid, the full amount of the assessed fine shall be added to the fee for renewal of the license. A license shall not be renewed without payment of the renewal fee and fine.
- (5) Notwithstanding any other law, if a fine is paid to satisfy an assessment based on the finding of a violation, payment of the fine shall be represented as satisfactory resolution of the matter for purposes of public disclosure.
- (i) Administrative fines collected pursuant to this section shall be deposited in the Dispensing Opticians Fund. It is the intent of the Legislature that moneys collected as fines and deposited in the fund be used by the board primarily for enforcement purposes.
- (Amended by Stats. 2016, Ch. 31, Sec. 3. (SB 836) Effective June 27, 2016.)*

2556.5. Any person who holds himself out as a “dispensing optician” or “registered dispensing optician” or who uses any other term or letters indicating or implying that he is registered and holds a certificate under the terms of this law without having at the time of so doing a valid, unrevoked certificate, as provided in this chapter, is guilty of a misdemeanor.
(Added by Stats. 1953, Ch. 1144.)

2557. This chapter shall not affect any person licensed as an optometrist under Chapter 7 of Division II of this code, or any physician and surgeon licensed under Chapter 5 of Division II of this code. Such exemption shall not apply to any optometrist or physician and surgeon exclusively engaged in the business of filling prescriptions for physicians and surgeons. This chapter does not prohibit the sale of goggles, sun glasses, colored glasses, or occupational

protective eye devices if they do not have refractive values nor do the provisions of this chapter prohibit the sale of complete ready-to-wear eyeglasses as merchandise.
(Added by Stats. 1939, Ch. 955.)

2557.1. (relocated from 2563) A certificate issued to a registered spectacle lens or contact lens dispenser may in the discretion of the board be suspended or revoked for violating or attempting to violate any provision of this chapter or any regulation adopted under this chapter, or for incompetence, gross negligence, or repeated similar negligent acts performed by the certificate holder. A certificate may also be suspended or revoked if the individual certificate holder has been convicted of a felony as provided in Section 2555.1. Any proceedings under this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

2558. Any person who violates any of the provisions of this chapter is guilty of a misdemeanor 10 days nor more than one year, or by a fine of not less than two hundred dollars (\$200) nor more than one thousand dollars (\$1,000) or by both such fine and imprisonment. The board may adopt, amend, or repeal, in accordance with the Administrative Procedure Act, any regulations as are reasonably necessary to carry out this chapter.
(Amended by Stats. 2016, Ch. 489, Sec. 20. (SB 1478) Effective January 1, 2017.)

2558.1 (relocated from 2559.6) No spectacle lens or contact lens prescription that is issued on or after January 1, 1999, shall be dispensed unless the prescription meets the requirements of Section 2541.1. No spectacle lens prescription shall be dispensed after the expiration date of the prescription unless authorized pursuant to subdivision (e) of Section 2541.1. A person violating this section shall not be guilty of a misdemeanor pursuant to Section 2558. A violation of this section shall be considered unprofessional conduct by the board that issued the dispenser's certificate to practice. A registered dispensing optician may defend this proceeding by establishing that the expiration date of the prescription was not established consistent with Section 2541.1. Nothing in this section shall be construed to authorize a registered dispensing optician to fill a prescription after the expiration date or to make any judgment regarding the appropriateness of the expiration date.

2559. Whenever any person has engaged, or is about to engage, in any acts or practices which constitute, or will constitute, a violation of any provision of this chapter, or Chapter 5.4 (commencing with Section 2540), the superior court in and for the county wherein the acts or practices take place, or are about to take place, may issue an injunction, or other appropriate order, restraining such conduct on application of the board, the Attorney General, or the district attorney of the county. The proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure.
(Amended by Stats. 2016, Ch. 489, Sec. 21. (SB 1478) Effective January 1, 2017.)

Article 1.5. Spectacle Lens Dispensing [2559.1 – 2559.6]

2559.15. On and after January 1, 1988, no individual may fit and adjust spectacle lenses

individual is a duly registered spectacle lens dispenser as provided in Section 2559.2 or (2) the individual unregistered assistant performs the fitting and adjusting under the direct

registration is then conspicuously and prominently displayed on the premises. A supervising registered dispenser shall be physically present on the registered premises when an unregistered technician assistant fits and adjusts spectacle lenses, allowing for usual and customary absences including illness and vacation, and shall not supervise more than three unregistered assistants at a time.

(Added by Stats. 1986, Ch. 773, Sec. 12. Section operative January 1, 1988, pursuant to Section 2559.5.)

2559.2. (a) An individual shall apply for registration as a registered spectacle lens dispenser on

lens dispenser upon satisfactory proof that the individual has passed the registry examination of the American Board of Opticianry or any successor agency to that board. In the event the board should determine, after hearing, that the registry examination is not appropriate to determine entry level competence as a spectacle lens dispenser or is not designed to measure specific job performance requirements, the board may thereafter prescribe or administer a written examination that meets those specifications. If an applicant for renewal has not engaged in the full-time or substantial part-time practice of fitting and adjusting spectacle lenses within the last five three years then the board may require the applicant to take and pass the examination referred to in this section as a condition of registration. Any examination prescribed or administered by the board shall be given at least twice each year on dates publicly announced at least 90 days before the examination dates. The board is authorized to contract for administration of an examination.

(b) The board may deny registration where there are grounds for denial under the provisions of Division 1.5 (commencing with Section 475).

(c) The board shall issue a certificate to each qualified individual stating that the individual is a registered spectacle lens dispenser.

(d) Any individual who had been approved as a manager of dispensing operations of a registered dispensing optician under the provisions of Section 2552 as it existed before January 1, 1988, and who had not been subject to any disciplinary action under the provisions of Section 2555.2 shall be exempt from the examination requirement set forth in this section and shall be issued a certificate as a registered spectacle lens dispenser, provided an application for that certificate is filed with the board on or before December 31, 1989.

(e) A registered spectacle lens dispenser is authorized to fit and adjust spectacle lenses at any place of business holding a certificate of registration under Section 2553, a licensed ophthalmologist, or a licensed optometrist provided that the certificate of the registered spectacle lens dispenser is displayed in a conspicuous place at the place of business where he or she is fitting and adjusting. The registered spectacle lens dispenser must report this

Commented [JM23]: The word "individual" was replaced with "unregistered assistant", tying in with the definition in §2550.1(g) and better defining between a registered SLD and unregistered assistant under the supervision of an SLD.

Commented [JM24]: Staff recommends addition of "physically present" on the premises so that a supervisor is required to be nearby while an unlicensed assistant performs their duties.

Commented [JM25]: Removal of this text reduces a loophole some businesses may be using to allow supervising SLDs to not be on premises when unregistered assistants are working

Commented [JM26]: Based on DOC discussion and staff research, cap of three unregistered assistants added for public protection. Mirrors CLD requirement in 2560.

Commented [JM27]: Reduced to three for public protection

Commented [JM28]: Tightens requirements for address change

2559.3. A certificate issued to a registered spectacle lens dispenser may, in the discretion of the board, be suspended or revoked for violating or attempting to violate any provision of this chapter or any regulation adopted under this chapter, or for incompetence, gross negligence, or repeated similar negligent acts performed by the certificate holder. A certificate may also be suspended or revoked if the individual certificate holder has been convicted of a felony as provided in Section 2555.1.

Any proceedings under this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

(Amended by Stats. 2016, Ch. 489, Sec. 23. (SB 1478) Effective January 1, 2017.)

2559.4. This article shall not apply to an assistant fitting spectacle lenses pursuant to Section 2544 if the assistant is acting under the direct responsibility and supervision of a physician and surgeon or optometrist who engages in the practice of fitting spectacle lenses for his or her patients.

(Amended by Stats. 2010, Ch. 604, Sec. 3. (AB 2683) Effective January 1, 2011.)

2559.5. This article shall become operative on January 1, 1988. However, the board may, prior to that date, accept and process applications, including the collection of fees, and perform other functions necessary to implement this article.

~~**2559.6.** No spectacle lens prescription that is issued on or after January 1, 1990, shall be dispensed unless the prescription meets the requirements of Section 2541.1. No spectacle lens prescription shall be dispensed after the expiration date of the prescription unless authorized pursuant to subdivision (e) of Section 2541.1. A person violating this section shall not be guilty of a misdemeanor pursuant to Section 2558. A violation of this section shall be considered unprofessional conduct by the board that issued the dispenser's certificate to practice. A registered dispensing optician may defend this proceeding by establishing that the expiration date of the prescription was not established consistent with Section 2541.1. Nothing in this section shall be construed to authorize a registered dispensing optician to fill a prescription after the expiration date or to make any judgment regarding the appropriateness of the expiration date.~~

Commented [JM29]: Relocated to 2558.1

ARTICLE 2. Contact Lens Dispensing [2560 - 2564.6]

2560. No individual may fit and adjust contact lenses, including plano contact lenses, unless the registration requirement of Section 2550 is complied with, and unless (a) the individual is a duly registered contact lens dispenser as provided in Section 2561 or (b) ~~the individual an~~

~~the fitting and adjusting under the direct responsibility and supervision of a duly registered contact lens dispenser who is then physically present on the registered premises. In no event shall a registered contact lens dispenser supervise more than three contact lens dispenser trainees-unregistered assistants.~~

(Amended by Stats. 1994, Ch. 26, Sec. 44. Effective March 30, 1994.)

2561. (a) An individual shall apply for registration as a registered contact lens dispenser on forms prescribed by the board.

Commented [JM30]: The word "individual" was replaced with "unregistered assistant", tying in with the definition in §2550.1(g) and better defining between a registered CLD and unregistered assistant under the supervision of an CLD.

Commented [JM31]: Staff recommends addition of "physically" present on the premises so that a supervisor is required to be nearby while an unlicensed assistant performs their duties.

(b) The board shall register an individual as a registered contact lens dispenser upon satisfactory proof that the individual has passed the contact lens registry examination of the National Committee of Contact Lens Examiners or any successor agency to that committee. In the event the board should ever find after hearing that the registry examination is not appropriate to determine entry level competence as a contact lens dispenser or is not designed to measure specific job performance requirements, the board may thereafter from time to time prescribe or administer a written examination that meets those specifications.

(c) If an applicant for renewal has not engaged in the full-time or substantial part-time practice of fitting and adjusting contact lenses within the last five years then the board may require the applicant to take and pass the examination referred to in this section as a condition of registration.

(d) Any examination administered by the board shall be given at least twice each year on dates publicly announced at least 90 days before the examination dates. The board is authorized to contract with the National Committee of Contact Lens Examiners or any successor agency to that committee to provide that the registry examination is given at least twice each year on dates publicly announced at least 90 days before the examination dates.

(e) The board may deny registration where there are grounds for denial under the provisions of Division 1.5 (commencing with Section 475).

(f) The board shall issue a certificate to each qualified individual stating that the individual is a registered contact lens dispenser. A registered contact lens dispenser may use that designation, but shall not hold himself or herself out in advertisements or otherwise as a specialist in fitting and adjusting contact lenses.

(Amended by Stats. 2016, Ch. 489, Sec. 25. (SB 1478) Effective January 1, 2017.)

2562. Upon satisfactory completion of the fitting of contact lenses, but in no event more than 60 days after receipt of the prescription, a registered contact lens dispenser shall direct the person named in the prescription to return to the prescribing physician and surgeon or optometrist for an evaluation.

(Added by Stats. 1982, Ch. 418, Sec. 8.)

~~**2563.** A certificate issued to a registered contact lens dispenser may in the discretion of the board be suspended or revoked for violating or attempting to violate any provision of this chapter or any regulation adopted under this chapter, or for incompetence, gross negligence, or repeated similar negligent acts performed by the certificate holder. A certificate may also be suspended or revoked if the individual certificate holder has been convicted of a felony as provided in Section 2555.1.~~

~~Any proceedings under this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.~~

2564. The provisions of this article shall not apply to an assistant fitting contact lenses while acting under the direct responsibility and supervision of a physician and surgeon or optometrist who engages in the practice of fitting contact lenses for his or her patients under Section 2544.

(Amended by Stats. 2010, Ch. 604, Sec. 4. (AB 2683) Effective January 1, 2011.)

Commented [JM32]: Relocated to new section 2557.1

2564.5. A registered dispensing optician fitting contact lenses shall maintain accessible contact lenses. **For the purposes of this section, “accessible handwashing facilities” means a drying devices such as a towel or electric hand dryer, which is physically separate from a lavatory or bathroom and is accessible to all relevant persons.**
(Added by Stats. 1982, Ch. 418, Sec. 8.)

Commented [JM33]: DOC recommends further definition of “accessible handwashing facilities” – text based on Federal rules

2564.6. A registered dispensing optician shall comply with the applicable provisions of Section 2541.2.

Article 2.5. Nonresident Ophthalmic Lens Dispensers
(New article; contains provisions from Chapter 5.45)

Placeholder section numbers listed; new section numbers to be determined by Legislative Counsel

2564.70. (relocated from 2546) This act may be cited as the “Nonresident **Contact Ophthalmic Lens Dispenser** Registration Act.”
(Added by Stats. 1995, Ch. 853, Sec. 1. Effective January 1, 1996.)

Commented [JM34]: Based on DOC discussion, the term “Ophthalmic Device” was changed to “Ophthalmic Lens” throughout the article. The potential effect of this change would be to allow non-resident contact lens dispensers, properly registered with the Board, to now sell spectacle lenses within California.

2564.71. (relocated from 2546.1) (a) On and after January 1, 1997, no person located outside California shall ship, mail, **furnish** or deliver in any manner, contact lenses at retail to a patient at a California address unless registered with the **Division of Licensing of the Medical Board of California. State Board of Optometry.**
(b) With regard to any person subject to registration pursuant to this section, only replacement contact lenses provided pursuant to a valid prescription as described in **Section 2546.6** 2564.76 may be shipped, mailed, or delivered directly to a patient.
(Added by Stats. 1995, Ch. 853, Sec. 1. Effective January 1, 1996.)

2564.72 (Relocated from 2546.2) All references in this chapter to the division shall mean the State Board of Optometry.

2564.73. (relocated from 2546.3) The **division State Board of Optometry** may adopt, amend, or repeal any rules and regulations that are reasonably necessary to carry out this chapter.
(Added by Stats. 1995, Ch. 853, Sec. 1. Effective January 1, 1996.)

2564.74. (relocated from 2546.4) (a) Application for registration as a nonresident **contact ophthalmic lens dispenser seller** shall be made on forms prescribed by the **State Board of Optometry**, accompanied by the fee prescribed by this chapter, and shall bear the signature of the individual, or individuals if a co-partnership, or the president or secretary if a corporation, and shall contain the name **or fictitious or assumed name, if applicable,** under which the person proposes to do business, location of the business, **registration number as issued by the** and the designation of an agent for service of process in California.

Commented [JM35]: Global change: dispenser in place of ‘seller’

(b) The board shall be notified **in writing** within 30 days of any change of name, **fictitious or assumed name,** location of business, corporate officer, or agent of service.

Commented [JM36]: Changes to 2564.74 tighten up reporting requirements for applications.

(c) Advertising, including but not limited to U.S. Mail, websites, electronic communications such as email, facsimile transmissions, directories, and newspaper and magazine ads must contain the following:

- (1) The registration number issued by the board, along with text identifying the registration number as being issued by the board.
- (2) Any other information the board deems necessary.

2564.75. (relocated from 2546.5) In order to obtain and maintain registration, a nonresident ~~contact ophthalmic~~ lens dispenser seller shall:

- (a) Be in good standing and either registered or otherwise authorized in the state ~~or jurisdiction~~ in which the selling facility is located and from which the contact lenses are sold.
- (b) Comply with all directions and requests for information made by the board as authorized under this chapter.
- (c) Maintain records of ~~contact ophthalmic~~ lenses shipped, mailed, ~~furnished~~ or delivered to patients in California for a period of at least three years.
- (d) Provide a toll-free telephone service for responding to patient questions and complaints during the applicant's regular hours of operation, but in no event less than six days per week and 40 hours per week. The toll-free number shall be included in literature provided with each mailed ~~contact ophthalmic~~ lens prescription. All questions relating to eye care for the lens prescribed shall be referred back to the ~~contact ophthalmic~~ lens prescriber.
- (e) Provide the following or a substantially equivalent written notification to the patient whenever contact lenses are supplied:

WARNING: IF YOU ARE HAVING ANY UNEXPLAINED EYE DISCOMFORT, WATERING, VISION CHANGE, OR REDNESS, REMOVE YOUR LENSES IMMEDIATELY AND CONSULT YOUR EYE CARE PRACTITIONER BEFORE WEARING YOUR LENSES AGAIN.

- (f) Disclose in any price advertisement any required membership fees, enrollment fees, and indicate that shipping costs may apply unless the advertisement specifically and clearly states otherwise.
- (g) Provide a toll-free telephone number, facsimile line, and electronic mail address that are dedicated to prescribers and their authorized agents for the purposes of confirmation of ~~contact ophthalmic~~ lens prescriptions. These numbers, along with an electronic mail address, shall be included in any communication with the prescriber when requesting confirmation of a contact lens prescription.
- (h) It shall be considered a deceptive marketing practice for any nonresident ~~contact ophthalmic~~ lens ~~dispenser seller~~ to publish or cause to be published any advertisement or sales presentation relating to ~~contact ophthalmic~~ lenses representing that ~~contact ophthalmic~~ lenses may be obtained without confirmation of a valid prescription.
(Amended by Stats. 2002, Ch. 814, Sec. 4. Effective January 1, 2003.)

2564.76 (relocated from 2546.6) (a) ~~contact Ophthalmic~~ lenses may be sold only upon receipt of a written prescription or a copy of a written prescription and may be sold in quantities consistent with the prescription's established expiration date and the standard packaging of the manufacturer or vendor. If the written prescription or a copy of it is not available to the

~~dispenser-seller~~, the ~~dispenser-seller~~ shall confirm the prescription by direct communication with the prescriber or his or her authorized agent prior to selling, shipping, mailing, or delivering any lens, and maintain a record of the communication. A prescription shall be deemed confirmed upon the occurrence of one of the following:

- (1) The prescriber or the prescriber's agent confirms the prescription by communication with the ~~dispenser-seller~~.
- (2) The prescriber fails to communicate with the ~~dispenser-seller~~ by 2 p.m. of the next business

of this paragraph, "business day" means each day except a Sunday or a federal holiday.

(b) If a prescriber communicates with a ~~dispenser-seller~~ before the time period described in paragraph (2) of subdivision (a) elapses and informs the ~~dispenser-seller~~ that the contact lens prescription is invalid, the ~~dispenser-seller~~ shall not fill the prescription. The prescriber shall specify in the communication with the ~~dispenser-seller~~ the basis for invalidating the prescription.

(c) A ~~dispenser-seller~~ shall not alter any of the specifications of a ~~contact ophthalmic~~ lens prescription other than the color or substitute a different manufacturer, brand, or other physical property of the lens.

(d) Notwithstanding the provisions of this ~~section~~, if the contact lens is manufactured by a company, but sold under multiple private labels by that same company to individual providers, the ~~dispenser-seller~~ may fill the prescription with a contact lens manufactured by that company if the contact lens prescription and the related parameters are not substituted, changed, or altered for a different manufacturer or brand.

(Amended by Stats. 2002, Ch. 814, Sec. 5. Effective January 1, 2003.)

2564.77. (relocated from 2546.7) (a) A certificate may be denied, suspended, revoked, or otherwise subjected to discipline for any of the following:

- (1) Incompetence, gross negligence, or repeated similar negligent acts performed by the registrant or any employee of the registrant.
- (2) An act of dishonesty or fraud.
- (3) Committing any act or being convicted of a crime constituting grounds for denial of licensure or registration under Section 480.
- (4) Any violation of Section 2546.5 or 2546.6.

(b) The proceedings shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the division shall have all powers granted therein.

(Added by Stats. 1995, Ch. 853, Sec. 1. Effective January 1, 1996.)

2564.78 (relocated from 2546.8) Every registration issued to a nonresident ~~contact ophthalmic lens dispenser-seller~~ shall expire 24 months after the initial date of issuance. To renew an unexpired registration, the registrant shall, before the time at which the license would otherwise expire, apply for renewal on a form prescribed by the division, and pay the renewal fee prescribed by this chapter.

(Added by Stats. 1995, Ch. 853, Sec. 1. Effective January 1, 1996.)

2564.79 (relocated from 2546.9) The amount of fees prescribed in connection with the registration of nonresident ophthalmic lens dispenser-seller is that established by the following schedule:

- (a) The application fee for a nonresident contact-ophthalmic lens dispenser-seller shall be a minimum of one hundred fifty dollars (\$150) and shall not exceed two hundred dollars (\$200).
 - (b) The initial registration fee shall be a minimum of two hundred dollars (\$200) and shall not exceed three hundred dollars (\$300).
 - (c) The renewal fee shall be a minimum of two hundred dollars (\$200) and shall not exceed three hundred dollars (\$300).
 - (d) The delinquency fee shall be a minimum of fifty dollars (\$50) and shall not exceed seventy-five dollars (\$75).
 - (e) The fee for replacement of a lost, stolen, or destroyed registration shall be twenty-five dollars (\$25).
 - (f) The State Board of Optometry may periodically revise and fix by regulation the fees specified in subdivisions (a), (b), (c), and (d), and these revised fees shall not exceed the reasonable regulatory cost.
 - (g) The fees collected pursuant to this chapter shall be deposited in the Dispensing Opticians Fund, and shall be available, upon appropriation, to the State Board of Optometry for the purposes of this chapter.
- (Repealed and added by Stats. 2016, Ch. 799, Sec. 5. (SB 1039) Effective January 1, 2017.)*

2564.80. (relocated from 2546.10) (a) Any person who violates any of the provisions of this

~~two thousand five hundred dollars (\$2,500)~~ fifty thousand dollars (\$50,000) per violation. The fines collected pursuant to this section shall be available upon appropriation to the Medical Board of California State Board of Optometry for the purposes of administration and enforcement.

- (b) ~~Medical Board of California~~ The State Board of Optometry shall adopt regulations implementing this section and shall consider the following factors, including, but not limited to, applicable enforcement penalties, prior conduct, gravity of the offense, and the manner in which complaints will be processed.
 - (c) The proceedings under this section shall be conducted in accordance with the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.
- (Added by Stats. 2002, Ch. 814, Sec. 6. Effective January 1, 2003.)*

Commented [JM39]: Similar to 2545(b)(1), this change allows the Board more flexibility to assess fines for a minor or major violations and act as a stronger deterrent to larger businesses who violate the law. Since most non-resident dispensers are larger businesses, the new amounts may act as an actual deterrent against violations.

ARTICLE 3. Fiscal Provisions [2565 - 2568]

2565. The amount of fees prescribed in connection with the registration of dispensing ophthalmic businesses shall be as set forth in this section.

- (a) The application fee for registration shall be a minimum of one hundred fifty dollars (\$150) and shall not exceed two hundred dollars (\$200).
- (b) The initial registration fee shall be a minimum of two hundred dollars (\$200) and shall not exceed three hundred dollars (\$300).

- (c) The renewal fee shall be a minimum of two hundred dollars (\$200) and shall not exceed three hundred dollars (\$300).
- (d) The delinquency fee shall be a minimum of fifty dollars (\$50) and shall not exceed seventy-five dollars (\$75).
- (e) The fee for replacement of a lost, stolen, or destroyed certificate shall be twenty-five dollars (\$25).
- (f) The State Board of Optometry may periodically revise and fix by regulation the fees specified in subdivisions (a), (b), (c), and (d), and these revised fees shall not exceed the reasonable regulatory cost.
(Repealed and added by Stats. 2016, Ch. 799, Sec. 7. (SB 1039) Effective January 1, 2017.)

2566. The amount of fees prescribed in connection with certificates for contact lens dispensers is as follows:

- (a) The application fee for a registered contact lens dispenser shall be a minimum of one hundred fifty dollars (\$150) and shall not exceed two hundred dollars (\$200).
- (b) The initial registration fee shall be a minimum of two hundred dollars (\$200) and shall not exceed three hundred dollars (\$300).
- (c) The biennial fee for the renewal of certificates shall be a minimum of two hundred dollars (\$200) and shall not exceed three hundred dollars (\$300).
- (d) The delinquency fee shall be a minimum of fifty dollars (\$50) and shall not exceed seventy-five dollars (\$75).
- (e) The division may by regulation provide for a refund of a portion of the application fee to applicants who do not meet the requirements for registration.
- (f) The State Board of Optometry may periodically revise and fix by regulation the fees specified in subdivisions (a), (b), (c), and (d), and these revised fees shall not exceed the reasonable regulatory cost.
- (g) The fee for replacement of a lost, stolen, or destroyed certificate is twenty-five dollars (\$25).
(Repealed and added by Stats. 2016, Ch. 799, Sec. 9. (SB 1039) Effective January 1, 2017.)

2566.1. The amount of fees prescribed in connection with certificates for spectacle lens dispensers shall be as set forth in this section:

- (a) The application for registration fee shall be a minimum of one hundred fifty dollars (\$150) and shall not exceed two hundred dollars (\$200).
- (b) The initial registration fee shall be a minimum of two hundred dollars (\$200) and shall not exceed three hundred dollars (\$300).
- (c) The renewal fee shall be a minimum of two hundred dollars (\$200) and shall not exceed three hundred dollars (\$300).
- (d) The delinquency fee shall be a minimum of fifty dollars (\$50) and shall not exceed seventy-five dollars (\$75).
- (e) The fee for replacement of a lost, stolen, or destroyed certificate is twenty-five dollars (\$25).
- (f) The State Board of Optometry may periodically revise and fix by regulation the fees specified in subdivisions (a), (b), (c), and (d), and these revised fees shall not exceed the reasonable regulatory cost.
(Repealed and added by Stats. 2016, Ch. 799, Sec. 11. (SB 1039) Effective January 1, 2017.)

2566.2. Every registration issued to a dispensing ophthalmic business, contact lens dispenser, and spectacle lens dispenser shall expire 24 months after the initial date of issuance or renewal. To renew an unexpired registration, the registrant shall, before the time at which the license would otherwise expire, apply for renewal on a form prescribed by the board, and pay the renewal fee prescribed by this chapter.

Added by Stats. 2017, Ch. 775, Sec. 102. (SB 798) Effective January 1, 2018.)

2567. (a) The provisions of Article 19 (commencing with Section 2420) and Article 20 (commencing with Section 2435) of Chapter 5 which are not inconsistent or in conflict with this chapter apply to the issuance and govern the expiration and renewal of certificates issued under this chapter. All fees collected from persons registered or seeking registration under this chapter shall be paid into the Dispensing Opticians Fund, and shall be available, upon appropriation, to the State Board of Optometry for the purposes of this chapter. Any moneys within the Contingent Fund of the Medical Board of California collected pursuant to this chapter shall be deposited in the Dispensing Opticians Fund.

(b) The board may employ, subject to civil service regulations, whatever additional clerical assistance is necessary for the administration of this chapter.

Amended by Stats. 2015, Ch. 405, Sec. 10. (AB 684) Effective January 1, 2016.)

2568. The board shall report to the Controller at the beginning of each month for the month preceding the amount and source of all revenue received by it pursuant to this chapter, and shall pay the entire amount thereof to the Treasurer for deposit in the Dispensing Opticians Fund, which fund is created to carry out the provisions of this chapter.

(Amended by Stats. 2005, Ch. 74, Sec. 6. Effective July 19, 2005.)

ARTICLE 3.5. Registered Dispensing Ophthalmic Businesses [2568.1 – 2568.5]
(New article; contains various relocated sections)

Placeholder section numbers listed; new section numbers to be determined by Legislative Counsel.

2568.1 (relocated from 2550). Individuals, corporations, and firms engaged in the business of filling prescriptions of physicians and surgeons licensed by the Medical Board of California or optometrists licensed by the State Board of Optometry for prescription lenses and kindred products shall be known as dispensing ophthalmic businesses and shall not engage in that business unless registered with the State Board of Optometry.

2568.2. (relocated from 2551) (a) Individuals, corporations, and firms shall make application for registration and shall not engage in that business defined in Section 2550 or 2550.1 prior to being issued a certificate of registration.

(b) Application for that registration shall be on forms prescribed by the board, shall bear the signature of the individual, or general partners if a partnership, or the president or secretary if a corporation or firm, and shall contain specify the name under which he or she, they or it proposes to do business and the business address.

(c) Corporations and firms shall be organized and exist pursuant to the general corporation law and shall be a professional corporation within the meaning of Part 4, Division 3, Title 1 of the Corporations Code.

(d) If applicable, the application shall include a list of officers in the corporation, firm or partnership and a copy of the articles of incorporation as submitted to the Secretary of State.

(e) Separate applications shall be made for each place of business and each application must be accompanied by the application fee prescribed by Section 2565.

(Amended by Stats. 1990, Ch. 1190, Sec. 2.)

2568.3 (relocated from 2552) (a) Each application shall be verified under oath by the person required to sign the application and shall designate the name, address, and direct business telephone number of the applicant's employee who will be responsible for handling customer inquiries and complaints with respect to the business address for which registration is applied. Any changes to this information shall be reported in writing to the board within 14 days.

(b) The applicant shall furnish such additional information or proof, oral or written, which the board may request, including information and proof relating to the provisions of Division 1.5 (commencing with Section 475).

(c) The board shall promptly notify any applicant if, as of the 30th day following the submission of an application under this chapter, the application and supporting documentation are not substantially complete and in proper form. The notification shall be in writing, shall state specifically what documents or other information are to be supplied by the applicant to the board, and shall be sent to the applicant by certified, electronic or registered mail. Within 30 days of the applicant's submission of the requested documents or information to the board, the board shall notify the applicant by certified, electronic or registered mail if the board requires additional documents or information.

(d) This section shall become operative on January 1, 1988.

(Amended by Stats. 2016, Ch. 489, Sec. 15. (SB 1478) Effective January 1, 2017.)

2568.4 (relocated from 2553)

If the board, after investigation, approves the application, it shall register the applicant and issue to the applicant a certificate of dispensing ophthalmic business. A separate certificate of registration shall be required for each address where the business is to be conducted.

A certificate authorizes the applicant, its agents and employees acting therefor to engage in the business defined in Section 2550 or 2550.1 provided that the fitting and adjusting of spectacle lenses is performed in compliance with Article 1.5 (commencing with Section 2559.1) and the fitting and adjusting of contact lenses is performed in compliance with Article 2 (commencing with Section 2560). Only individuals registered with the board pursuant to those sections shall perform those supervisory functions.

2568.5 (relocated from 2553.1): (a) If a registered dispensing optician ophthalmic business sells or transfers ownership of his or her place of business, both of the following requirements shall be satisfied:

(1) The registered dispensing optician ophthalmic business selling or transferring ownership of the business shall return the certificate of registration to the board no later than 10 calendar days after the change of ownership is completed and shall submit a request for cancellation of

Commented [JM40]: DOC added that all 'corporations and firms' be required to operate as professional corporations, as defined by Corporations Code Section 13401. All businesses must adhere to the Corporations Code, but this change will clarify the requirement within the Optician Practice Act. Staff discovered many optician businesses were operating as LLCs.

Commented [JM41]: Relocated from 2553. Added so the logical process from application to application approval flows more sequentially.

registration on a form prescribed by the Board. This registered dispensing optician ophthalmic business shall be responsible for complying with all laws relating to the optician ophthalmic dispensing business until the notice described in paragraph (2) is received by the board.

(2) The registered dispensing optician ophthalmic business assuming ownership of the business shall record with the board a written notice of the change of ownership, providing all information required by the board. This notice shall be filed with the board no later than 10 calendar days after the change of ownership is completed.

(3) The registered dispensing optician ophthalmic business assuming ownership of the business shall apply for a new certificate of registration from the board no later than 10 calendar days after the change of ownership is completed.

(b) This section does not apply to a change of location of business by a registered dispensing ophthalmic business.

(Added by Stats. 2011, Ch. 389, Sec. 1. (SB 824) Effective January 1, 2012.)

ARTICLE 4. Review [2569- 2569.]

2569. Notwithstanding any other law, the powers and duties of the board, as set forth in this chapter, shall be subject to review by the appropriate policy committees of the Legislature. The review shall be performed as if this chapter were scheduled to be repealed as of January 1, 2018.

Commented [JM42]: Businesses must apply for a new registration within 10 calendar days. This provides more specificity about requirements for new business owners of an optician business.



ISSUE MEMORANDUM

DATE	May 15, 2020
TO	Members, California State Board of Optometry
FROM	Dr. Madhu Chawla and Dr. Debra McIntyre CSBO Telemedicine Workgroup
SUBJECT	Agenda Item #12: Presentation and Discussion of Research on Telemedicine – Summary of Workgroup Meeting

The Board’s Telemedicine Workgroup met via teleconference on Tuesday, May 5, 2020, to discuss staff research. Executive Officer Shara Murphy, Policy Analyst Marc Johnson, and Enforcement Analyst Brad Garding also participated. The workgroup discussed the accompanying staff research memo.

Both Drs. Chawla and McIntyre felt these points were vital to further discussion:

1. Dr. Chawla identified (and Dr. McIntyre concurred) the need to focus on overall eye health.
2. Refraction is a small part of the comprehensive eye exam. A patient experiences a quick “fix” to a symptom (difficulty seeing near or far) with a test and a pair of glasses. Most patients do not understand the full scope of practice for optometrists and discount the need for health assessment through a comprehensive eye exam.
3. The existing technology to perform optometric telemedicine is not robust enough for a comprehensive exam. Convenient appointments using telehealth erase the benefit of trained optometrists to their patients’ health. Protecting a patient’s eye health requires an in-person comprehensive exam.
4. Dr. McIntyre stressed (and Dr. Chawla concurred) the need for the Board to issue guidelines for the use of telemedicine under the current Optometry Practice Act.



ISSUE MEMORANDUM

DATE	May 5, 2020
TO	Members, Telemedicine Work Group California State Board of Optometry
FROM	Shara Murphy, Executive Officer and Marc Johnson, Policy Analyst
SUBJECT	Agenda Item #12: Presentation and Discussion of Initial Staff Research

Summary:

Over the last few years, telemedicine has had an increasing presence in the medical profession. It is being used in multiple settings to provide expanded access to eye care services, including refractions. Key legislators, stakeholders, and licensees indicate clarity in telemedicine as critical. With the novel coronavirus forcing physical distancing—telemedicine is being explored to save optometry practices. The Board’s mandate to maintain standard-of-care requires that the Board understand emerging service delivery methods. At the same time, one of the primary goals of telehealth is to expand health care access to convenient and quality care to maintain or improve the physical and economic health of all communities, especially those who are medically underserved.

This memo sets out preliminary research and potential considerations. Staff requests suggestions for additional sources of information and direction on focus areas for the next stage of research.

Optometry Board & Telemedicine Recent History:

Although not raised by the Legislature in the 2016 Sunset Hearing, the Board identified in the 2016 Sunset Report the need to evaluate emerging technologies in telehealth specific to optometry and ways to ensure consumer protection. Unbeknownst to current staff, in 2017, an “emerging technologies” outreach campaign was developed, but not implemented. Additionally, Board staff also met with the Medical Board of California in 2017 in a potential partnership on changes to Business and Professions Code §2290.5. No known action resulted from those meetings.

In 2019 (at the prompting of Assembly Member Evan Low and with stakeholders), Board staff began to monitor the issue closely. At the August 2, 2019, public meeting, a [presentation on the practice of optometry via telemedicine](#) (Item #7, beginning on page 36) featured Dr. Melissa Bailey and Dr. Jorge Cuadros. Their comments are summarized [on August 2, 2019, meeting minutes starting on page four](#). President Morodomi created the workgroup of Drs. Chalwa and McIntyre, and staff began research in the fall of 2019.

As introduced, [Assembly Bill 156 \(Voepel, 2019\)](#) would prohibit a person from operating an “assessment mechanism” to conduct an eye assessment or to generate a prescription for

contact lenses or visual aid glasses to a patient at a California residence except for under certain conditions. The bill sought to define “assessment mechanism” as an automated or virtual equipment, application, or technology designed to be used on a telephone, a computer, or an internet-based device that may be used either in person or remotely to conduct an eye assessment and includes artificial intelligence devices and any equipment that is used to perform an eye assessment. Assembly Business and Professions Committee staff amended the bill to another issue. In the analysis of the legislation as introduced, the Assembly Business and Professions consultant stated:

“In light of the persistent uncertainty regarding the appropriate policy for regulating remote eye assessment products and technology platform-based vision tests, this bill may be premature and discussions should continue both federally and within California before enacting any comprehensive new laws on the topic. The author should identify other ways of empowering the State of California in its efforts to promote safe, effective vision care in lieu of pursuing a new policy in a space that remains the topic of productive debate.”

At present, the Board receives a low, but rising, number of complaints related to telemedicine.

Telemedicine Definitions and Process

Many define telemedicine as the use of electronic information and telecommunication technologies to support long-distance clinical health care, patient and professional health-related education, public health, and health administration. Technologies include video conferencing, the internet, store-and-forward imaging, streaming media, terrestrial and wireless communications, mobile health applications, and remote patient monitoring. Telemedicine is a tool in medical practice, not a separate form of medicine.

For telemedicine guidance, [BPC §3041\(j\)](#) of the Optometry Practice Act refers to [BPC §2290.5](#) in the statutes governing the Medical Board of California:

- Defines “Asynchronous store and forward” as the transmission of a patient’s medical information from an originating site to the health care provider at a distant site without the presence of the patient.
- Defines “Distant Site” as a site where a health care provider is located while providing services via a telecommunications system.
- Defines “Originating Site” as a site where a patient is located at the time health care services are provided via a telecommunications system or where the asynchronous store and forward transfer occurs.
- Defines “telehealth” as the mode of delivering health care services and public health via information and communication technologies to facilitate the diagnosis, consultation, treatment, education, care management, and self-management of a patient’s health care while the patient is at the originating site and the health care provider is at the distant site. States that telehealth facilitates patient self-management and caregiver support for patients and includes synchronous interactions and asynchronous store and forward transfers.

Similarly, the [American Telemedicine Association](#) sets out a list of the services provided and the mechanisms used to provide these services:

- **Live videoconferencing (synchronous)** – the delivery of a live, interactive consultation between Primary care and specialist health services. This may involve a primary care or allied health professional providing a consultation with a patient, or a specialist assisting the primary care physician in rendering a diagnosis.
- **Store and forward (asynchronous)** – the use of store and forward transmission of diagnostic images, vital signs and/or video clips along with patient data for later review that enables a primary care or allied health professional providing a consultation the ability to render a diagnosis.
- **Remote patient monitoring (RPM)** – including home telehealth, uses devices to remotely collect and send data to a home health agency or a remote diagnostic testing facility (RDTF) for interpretation. Such applications might include a specific vital sign, such as blood glucose or heart ECG or a variety of indicators for homebound consumers. Such services can be used to supplement the use of visiting nurses.
- **Mobile health (mHealth)** – Consumer medical and health information includes the use of the internet and wireless devices for consumers to obtain specialized health information and online discussion groups to provide peer-to-peer support.

Other Healing Arts Boards:

Staff reviewed other healing arts boards within California whose licensees generally provide direct, in-person patient care as a primary care provider and found a limited amount of telehealth policies. Typically, the policies maintain standard-of-care. Most policies retain the same responsibilities of providing informed consent, ensuring the privacy of medical information, and any other duties associated with practicing medicine regardless of whether they are practicing via telehealth or face-to-face, in-person visits.

Medical Board of California (MBC): Governed by [BPC §2290.5](#). Maintains a [webpage about practicing medicine](#) via telehealth.

Dental Board of California: Statutes refer to [BPC §2290.5](#) of the Medical Board of California.

Board of Psychology: Provides [notice to consumers](#). Website links to the [American Psychological Association's Guidelines for Practice of Telepsychology](#). Practice Act makes licensees subject to BPC §2290.5.

Naturopathic Medicine Committee: Practice Act makes licensees subject to BPC §2290.5.

Other State Optometry Boards:

Policies on optometric telemedicine vary widely from state to state. No two jurisdictions are alike in definition or regulation. Some boards maintain specific laws and regulations; others have general statutes applicable to all healing arts licensees in place.

Colorado: in 2019, the Colorado State Board of Optometry issued a [policy statement](#) (Page 7, #30-12) on the appropriate use of telehealth technologies based on a [position statement by American Optometric Association \(AOA\)](#).

Florida: Florida passed [Telehealth, Chapter 2019-137, Laws of Florida](#), which establishes standards of practice for telehealth services, including patient evaluations, record-keeping, and controlled substances prescribing. The law also authorizes out-of-state health care practitioners to perform telehealth services for patients in Florida upon meeting specific eligibility requirements and registering with the department of health. The Florida Optometry Board is currently working on the implementation of regulations for the law.

Washington: In 2017, the Washington Board of Optometry [issued telehealth guidelines](#) to clarify appropriate use and to outline the Washington Board's expectations of optometric physicians when using telehealth. Additionally, 2020 legislation—[House Bill 2003](#)—would allow an optometrist to provide a prescription for corrective lenses if the optometrist meets certain conditions such as standard of care, patient relationship, and continuity of care. The equipment and apps for use must have U.S. Food and Drug Administration (FDA) approval and comply with HIPPA requirements. In 2018, the Federal Trade Commission (FTC)'s Office of Policy argued against the bill, stating, “we are concerned that the Bill may reduce competition, access, and consumer choice in eye care and might also raise costs for consumers.” Companies working in the remote eye assessment technology space also opposed Washington HB 2003.

Federal Law/Agencies:

Generally, federal agencies are supportive of telemedicine as a way to decrease costs and widen patient access. Because of the breadth of federal laws and agencies, consensus policies are challenging to identify at this time.

Code of Federal Regulations: Procedures for telemedicine and practitioner credentialing (for use by hospitals and staff) are set out in Sections [482.12](#), [482.22](#), and [485.616](#) of Title 42.

U.S. Food and Drug Administration (FDA): As the lead federal agency [regulating software and applications that constitute medical devices](#), the FDA must approve:

- Use of a sensor attached to a mobile platform or tools within the mobile platform itself to record, view, or analyze eye movements for use in the diagnosis of balance disorders (i.e., nystagmograph). Possible product code GWN (21 CFR 882.1460).
- Devices intended to process images for diagnostic review may be regulated as a picture archiving and communications system. Possible product code LLZ, (21 CFR 892.2050).

Additionally, the FDA held [a workshop](#) on October 23, 2017, to discuss ophthalmic “digital” healthcare. Reports of this workshop generally portrayed the FDA in favor of providing eye care through digital means to expedite care.

Medicare and Medicaid: Not specific to ophthalmologic telehealth, as of [September 2019](#), “telehealth” was covered only for a limited number of Part B services delivered by an approved provider to a Medicare beneficiary. The beneficiary must be in an approved “originating site”

(physicians' or practitioners' offices, hospitals, clinics/federally qualified health centers, hospital-based renal dialysis centers (including satellites), skilled nursing facilities, and community mental health centers). Services must be delivered using live video conferencing. In 2020, [Medicare Advantage Plans](#) are expanding to be available [the location of the patient](#) (e.g., at home instead of going to a health care facility).

Centers for Disease Control (CDC): In 2019, the CDC issued grants to the [University of Alabama Birmingham](#), the University of Michigan, and Columbia University to improve the remote detection and management of glaucoma and other eye diseases in high-risk populations. These studies are ongoing.

Professional Associations:

American Academy of Ophthalmology: Offers a [reference page on “teleophthalmology”](#) primarily related to practice management. Additionally, produced a series [of presentations on telemedicine](#) and remote glaucoma detection, conducted in 2019.

American Optometric Association (AOA): Recently [released a guide to telehealth](#) during the coronavirus epidemic. AOA released a [position statement](#) in February 2017, outlining the criteria of responsible optometric telehealth, and seeking to maintain services provided during an in-person eye exam. Critical points are:

1. The standard-of-care provided to the patient must stay the same;
2. Telehealth is not appropriate for establishing the doctor-patient relationship, an initial diagnosis, or other types of care which designate face-to-face interaction;
3. Patients must be made aware of the limitation of telehealth services. Regulatory entities should protect in-person care when preferred by a consumer;
4. Eye doctors must abide by state licensure laws and regulations when delivering telehealth services;
5. At its current stage of development, telehealth is not capable of replacing all elements of an in-person, comprehensive eye exam conducted by an eye care professional.

Also, the AOA has an active [“Ethics Forum.”](#) where participants discuss telemedicine issues. A survey asked, “Are you concerned that state boards or regulatory bodies may be putting patients at risk by not properly enforcing laws related to telehealth technology applications?” The majority response was “yes.”

American National Standards Institute (ANSI): ANSI is a private, non-profit organization that sets out standards for more than 270,000 companies and organizations and represents 30 million professions worldwide. The California State Board of Optometry applies the 1972 ANSI standards for *ophthalmic lenses and the measurement thereof* when reviewing enforcement cases. [ANSI supports the use of telehealth technology](#) as it keeps patients closer to home, encourages the proliferation of micro-hospitals and long-term acute care hospitals, provides specialist access to rural hospitals, and reduces provider travel and on-call times.

American Telemedicine Association (ATA): As mentioned by Dr. Cuadros at the August 2, 2019 meeting, the ATA is a [non-profit association](#), based in Washington D.C., focused on accelerating the adoption of telehealth. The ATA now includes more than 400 industry organizations focused on transforming health and care through enhanced, efficient delivery. The ATA maintains a comprehensive website of news, events and policies on federal and state-level telehealth issues. They also maintain [specific interest groups](#) that are dedicated to a particular telehealth issue or focus area, such as ocular telemedicine.

Specific to Optometry, the ATA published a [2019 brief on ocular telehealth modalities](#), specifically on platforms that test for refractive error and visual acuity for eyeglass or contact lens prescribing. The ATA noted that 24% of counties in the United States do not have access to proper eye care, and concluded that ocular telehealth may provide a viable method to improve access to eye care.

Association of Regulatory Boards of Optometry (ARBO): No public statement.

California Optometric Association: COA is currently developing a white paper on telemedicine and optometry, partially based on AOA's position statement.

NBEO: No public statement.

Considerations:

The Board may wish to consider the following:

1. Currently, California law does not require face-to-face visits between patients and optometrists. Many professional associations argue that intermediary technology inhibits the establishment of the patient/optometrist relationship. Opponents of this claim say that face-to-face interaction is unnecessary. Many tout the reliability of the technology as most important to maintaining standard-of-care.
2. Telemedicine has extended to eye exams performed via cellphone, kiosk, VR unit, personal computer, or tablet. Vendors use the misnomers remote autorefractometry, autorefractometry, and kiosk eye exam, among other variations. While the equipment and process may vary from provider to provider, there are similarities between many. Typically, assistants document the patient's medical history and conduct pre-testing. Next, a technician will facilitate the refraction process, either in-person or through a live video link. There may be images taken of the retina and other structures of the eye. Finally, a vision professional reviews history, images, and testing information. If appropriate, a corrective lens prescription is issued and signed by the eye care professional. An optician produces materials detailed in the prescription.
3. The role of opticians and opticianry is essential to the intersection of vision care and telehealth, but the profession has conducted little research in this field.
4. A bureaucratic regulatory body has difficulty in maintaining oversight of rapidly changing technology.

5. Conversely, financial limitations relegate underserved populations to older technology, and poor internet access (especially in rural and urban areas most in need of access).



ISSUE MEMORANDUM

DATE	May 15, 2020
TO	Legislation and Regulation Committee
FROM	Shara Murphy, Executive Officer <i>prepared by Marc Johnson, Policy Analyst</i>
SUBJECT	Agenda Item #13: Update, Discussion and Possible Action on 2020 Legislation

The 2019 - 2020 Legislative session resumed on January 6, 2020, with May 29, 2020, the last day to pass bills out of the house of origin. Due to the impacts of the novel coronavirus, the Legislature has been not meeting on a regular schedule, and bills relating to the coronavirus, budget, and fiscal matters are being prioritized. Some authors have indicated they will pursue their bills, but it is unclear as of May 6th if any of these bills will be moving forward.

Please note: Text, location, and analysis of a bill may change rapidly; as a result, links to the bill text and committee analyses are provided in the meeting packet rather than possibly outdated hard copies.

The Board may wish to take positions on the following bills not already tracked:

1. [**AB 1263 \(Low\) Contracts: consumer services: consumer complaints**](#)

Staff Recommended Position: Support

Summary: This bill would prohibit a contract or proposed contract involving the provision of a consumer service by a licensee regulated by a licensing board from including a provision limiting the consumer’s ability to file a complaint with that board or to participate in the board’s investigation into the licensee. The bill would specify that a waiver of these provisions is contrary to public policy and is void and unenforceable. The bill would provide that a violation of these provisions by a licensee constitutes unprofessional conduct subject to discipline by the licensee’s regulatory board.

Comments: This bill was introduced in response to the Dental Board’s 2019 Sunset Review when it was uncovered that certain companies offering direct-to-consumer orthodontics products were providing dental services using a lesser standard of diagnostic review than traditional dental offices. Presumably, as a way of preventing consumers from making complaints about any adverse outcomes relating to this service model, one of the larger companies was requiring customers who sought a refund to sign an agreement that they would not disparage the company. Staff is not aware of any optometric companies or licensees who have operated in this manner.

2. AB 2028 (Aguiar-Curry) State agencies: meetings

Staff Recommended Position: Oppose

Summary: This bill would, except for closed sessions, require that this notice include all writings or materials provided for the noticed meeting to a member of the state body by staff of a state agency, board, or commission, or another member of the state body, that are in connection with a matter subject to discussion or consideration at the meeting. The bill would require these writings and materials to be made available on the internet at least 10 days in advance of the meeting. The bill would provide that a state body may only distribute or discuss these writings or materials at a meeting of the state body if it has complied with these requirements.

Comments: The author has indicated the bill will move forward in this session. Although staff makes every effort to provide materials well in advance of a meeting, the requirements of this bill would make it impossible to provide changes made to materials after the 10-day deadline. Last minute changes, especially to legislative and regulatory issues, are extremely common. This bill would reduce board flexibility in decision making and policy changes and would create delays in critical decision making.

3. AB 2185 (Patterson) Professions and vocations: applicants licensed in other states: reciprocity

Staff Recommended Position: Watch

Summary: This bill would require each board within the Department of Consumer Affairs to issue a license to an applicant, whom is married to or in a domestic partnership or other legal union with, in the discipline for which the applicant applies if the person currently holds a license in good standing in another state in the discipline and practice level for which the person applies and if the person meets specified requirements, including that the person has held the license and has practiced in the licensed field in the other state for at least 3 of the last 5 years and pays all applicable fees.

Comments: It is unclear if this bill will move forward this year. Staff estimates the number of applicants taking advantage of such a waiver to be very small and recommends a watch position.

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

1. Assembly Bill 613 (Low) Professions and Vocations: regulatory fees.

Board Position: Support

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.

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

Board Position: Support (version as amended February 25, 2020)

Summary: This bill would combine the Dispensing Opticians Fund and the Optometry Fund. The bill would also allow nonprofit charitable organizations to provide mobile optometry services to patients and be reimbursed by Medi-Cal. This bill will be discussed separately.

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

Board Position: Watch

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: It is unclear if this bill will move forward this year. COA advises their discussions with the author and stakeholders are ongoing.

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

Board Position: Support (version as amended January 23, 2020)

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: Board took a support position at the February 28, 2020, public meeting. 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.

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

Board Position: Oppose (version as amended March 5, 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: The author has indicated this bill will not move forward this year. 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.



ISSUE MEMORANDUM

DATE	May 15, 2020
TO	Members, California State Board of Optometry (CSBO)
FROM	Dr. Debra McIntyre, O.D., Secretary
SUBJECT	Agenda Item #14 – Future Agenda Items

The Board may wish to discuss items to be placed on a future agenda, as proposed by board members, staff or the public.



ISSUE MEMORANDUM

DATE	May 15, 2020
TO	Members, California State Board of Optometry (CSBO)
FROM	Mark Morodomi, President
SUBJECT	Agenda Item #15 - Adjournment

If adjournment is made, please note the time for the record and announce any future public Board meetings:

- June 17, 2020 Dispensing Optician Committee
- June 18, 2020 Board Committee Meetings