



Board Meeting

Friday, May 15, 2020

10:00 AM until
close of business



Board Meeting
is in Recess

Will return at:



Board Meeting
is Experiencing Technical
Difficulties

**Working on
returning as
soon as possible**



Board Meeting
is in Closed Session

Will return at:

Notice of Teleconferencing Meeting

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.

Public Comment

- Moderator will
 - Open Q&A feature upon Board President request
 - Take public comments in order they are received
- Public attendees using inappropriate language or usernames will not be called upon and muted



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

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

Board Members:

Mark Morodomi, *Board President*

Glenn Kawaguchi O.D., *Vice President*

Cyd Brandvein

David Turetsky OD

Madhu Chawla OD

Martha “Ruby” Garcia CLD/SLD

Debra McIntyre OD, *Secretary*

Maria Salazar-Sperber

Lillian Wang OD


Rachel Michelin





2. Public Comment for Items Not on the Agenda

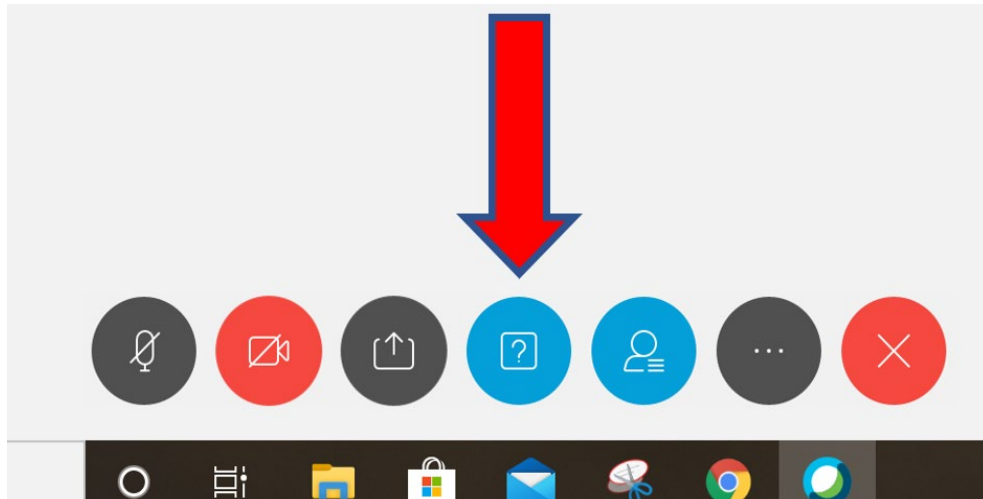
Note: The Board may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting [Government Code Sections 11125, 11125.7(a)]



The Q&A panel is now open.

To make a public comment, please follow these steps:

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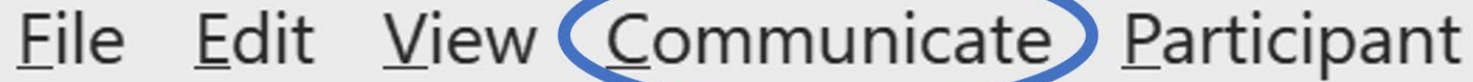


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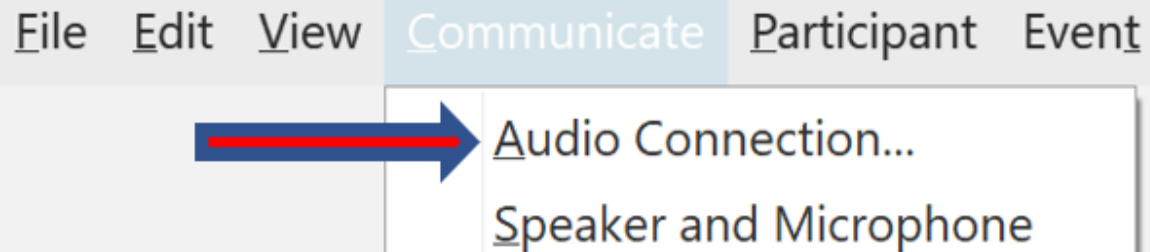
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File Edit View **Communicate** Participant


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Audio Connection...
Speaker and Microphone

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Call in



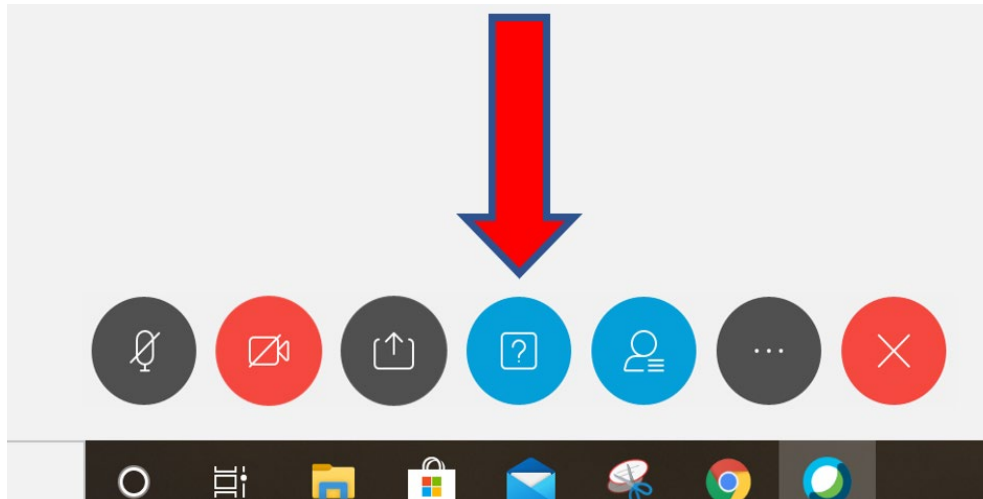
3. Presentation and Discussion of President's Report



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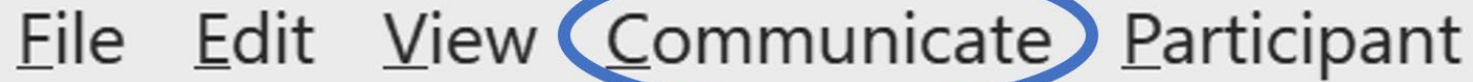


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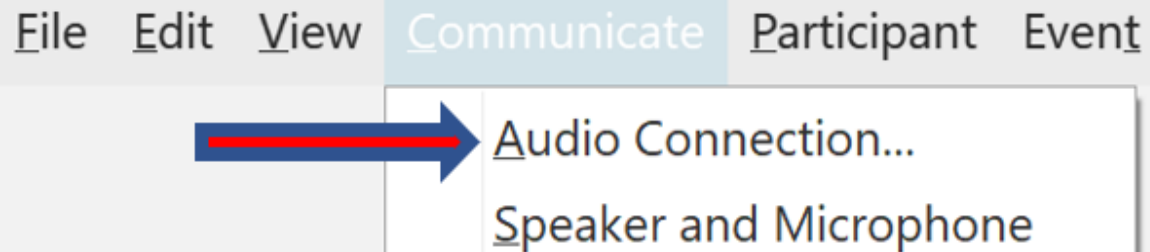
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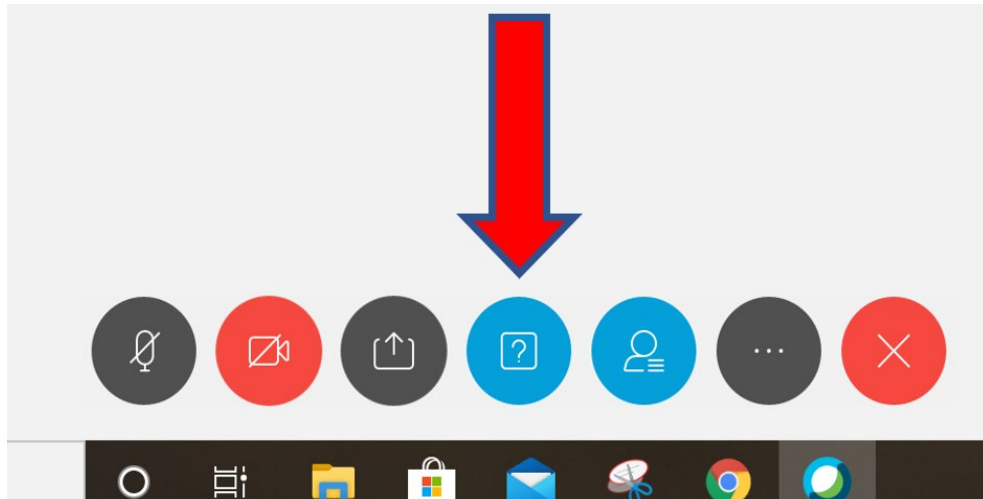
4. Update by Representatives of the Department of Consumer Affairs, Which May Include Updates, Discussion and Possible Action Pertaining to the Department's Administrative Services, Budgetary, Human Resources, Enforcement, Information Technology, Communications and Outreach, as Well as Legislative, Regulatory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

- A. Department of Consumer Affairs
 - B. Budget Office
- 

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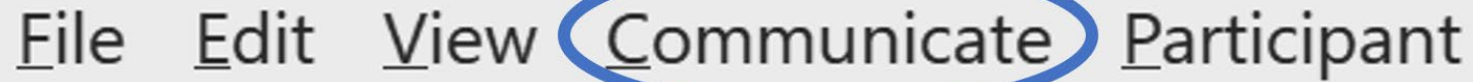


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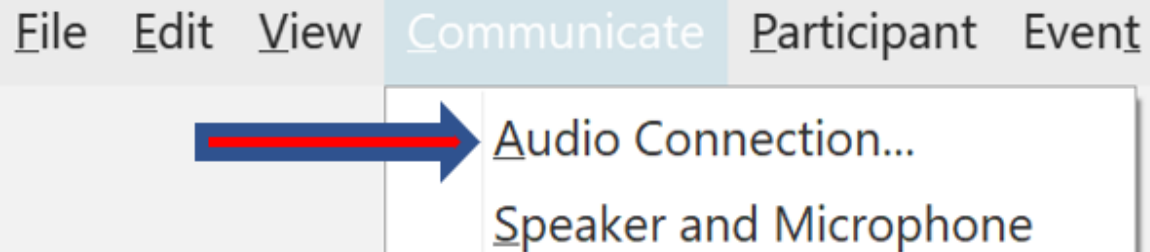
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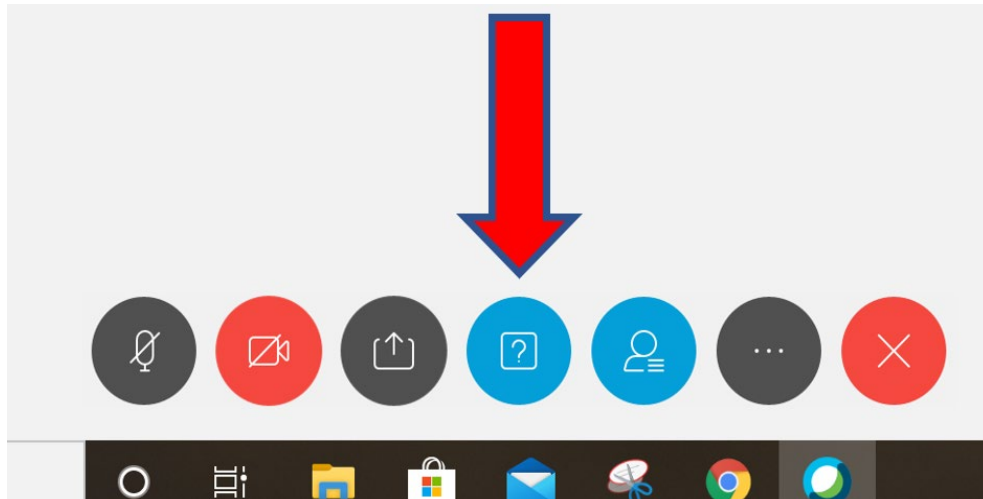
5. Presentation and Discussion of Executive Officer's Report

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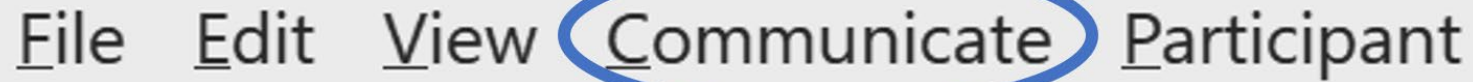


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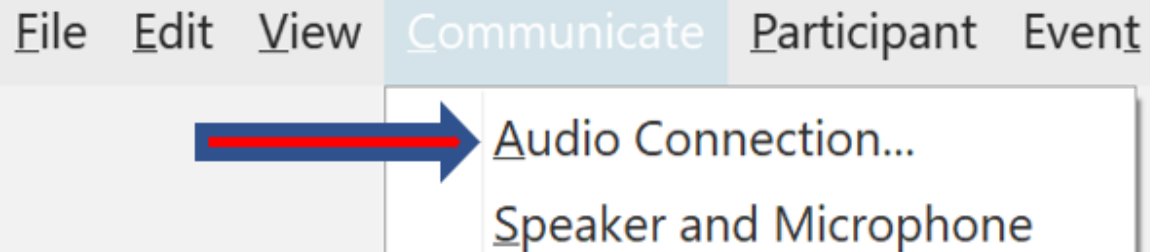
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6. Discussion and Possible Action on Enforcement Policy Change to Toll Public-facing Probation Conditions Impacted by COVID-19 and the Governor's resulting Stay-at-Home Order

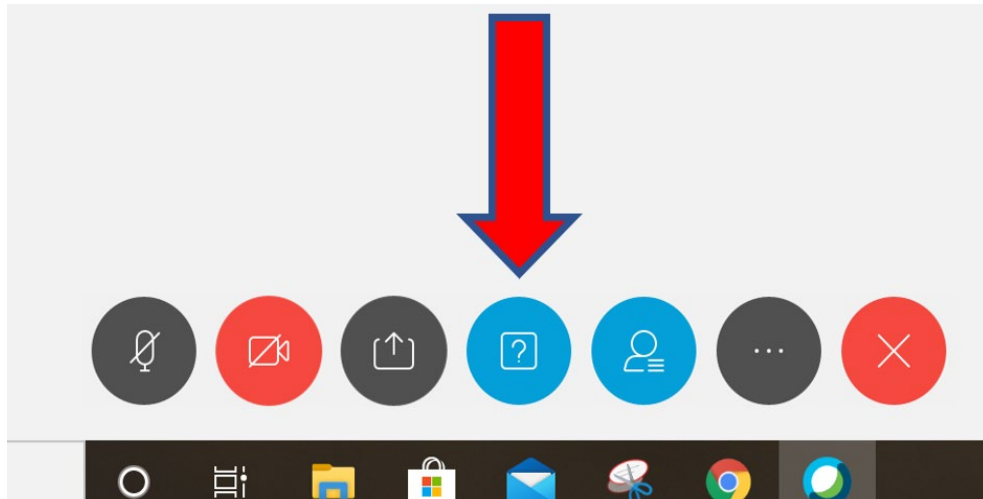
How has the Board handled specific probation terms that are challenging during the Governor's Stay-at-Home Executive Order issued due to COVID-19?

- Specific terms included community service, biological fluid testing, and hours worked per month within the scope of the profession.
- Additionally, probationers may be unable to pay cost recovery and probation monitoring fees if they are unable to work due to the order.
- Board staff worked with DCA legal counsel to review the probation orders for current probationers.
- Board staff is exercising discretion (given by the Disciplinary Guidelines) to work with probationers to find options for complying with their terms.
- The Board staff has the discretion (authorized by the Disciplinary Guidelines) to consider the Governor's Stay-at-Home Executive Order due to COVID-19 when deciding whether to seek further disciplinary action based on a probationer's inability to comply with specific terms of probation.
- Probation orders contain a mechanism by which Board staff can consider financial hardship when a probationer is unable to pay required costs in a given month.

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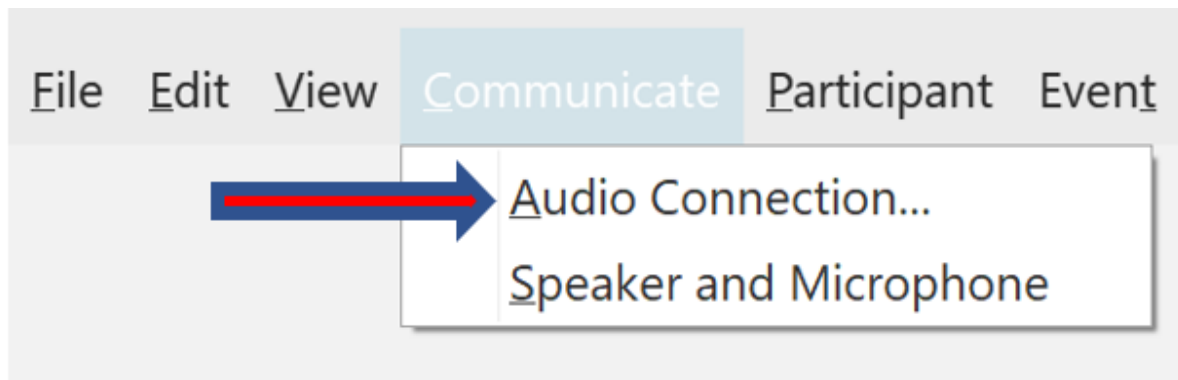
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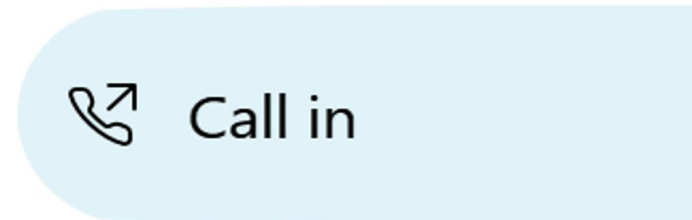
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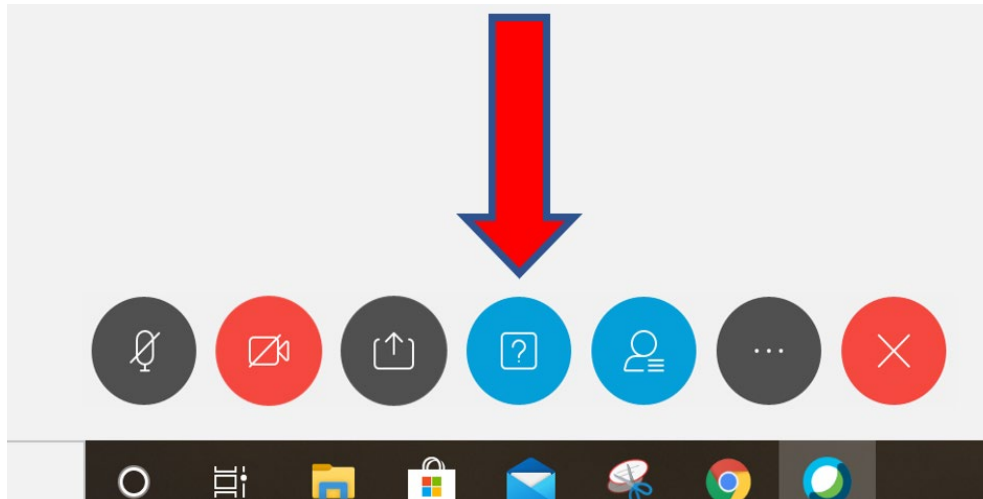
7. Discussion and Possible Action on February 28, 2020 Board Meeting Minutes



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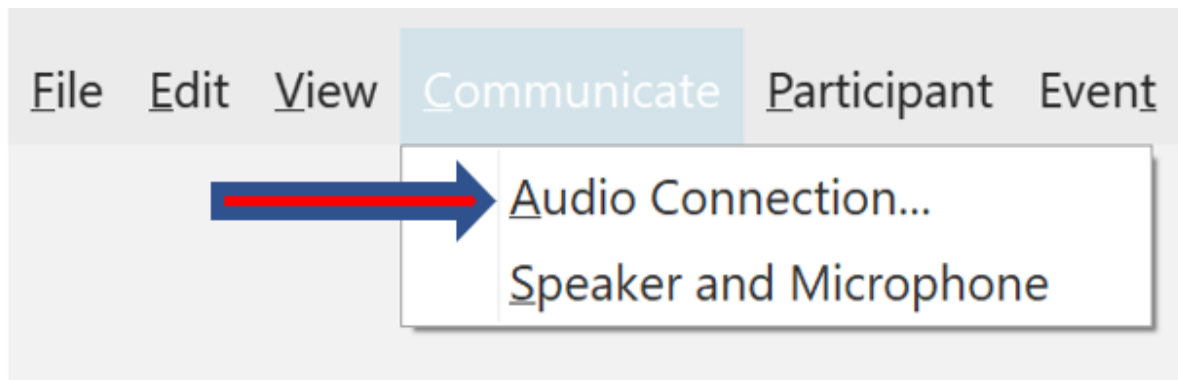
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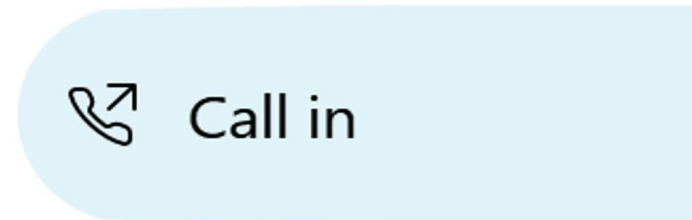
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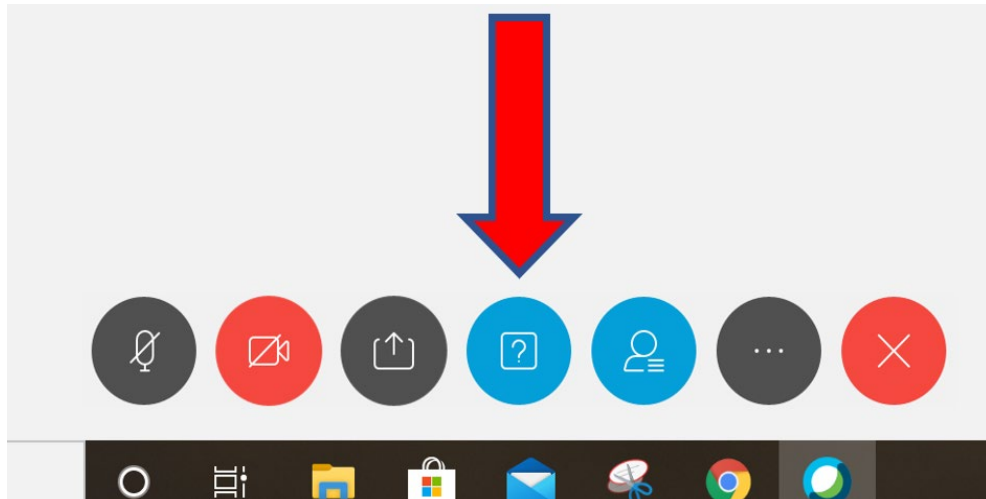
8. Update, Discussion and Possible Action on Changes to Title 16, California Code of Regulations, sections 1399.270, 1399.271, 1399.272, 1516 and 1517 (Implementation of Assembly Bill 2138)

- A. Adoption of Responses to Comments Received During 45-day Public Comment Period
 - B. Order of Adoption
- 

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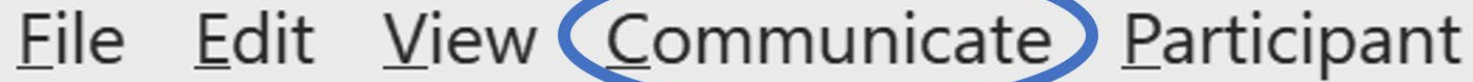


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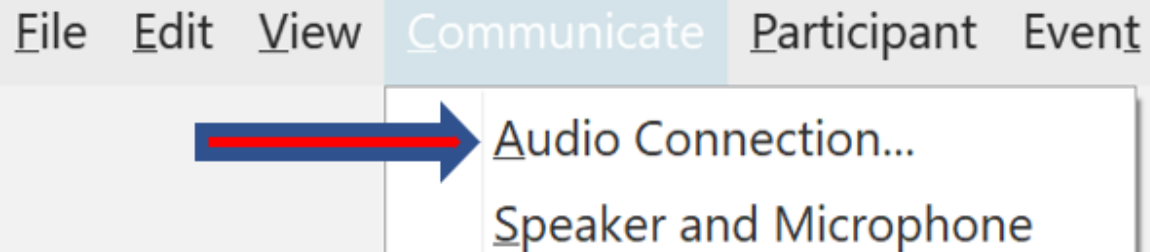
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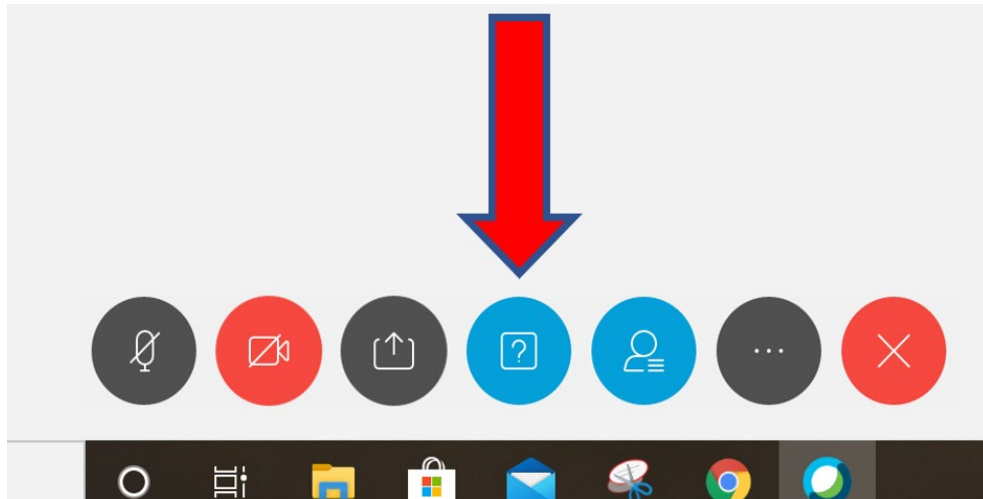
9. Update, Discussion and Possible Action on Changes to Title 16, California Code of Regulations, section 1536 (Continuing Education Regulations)



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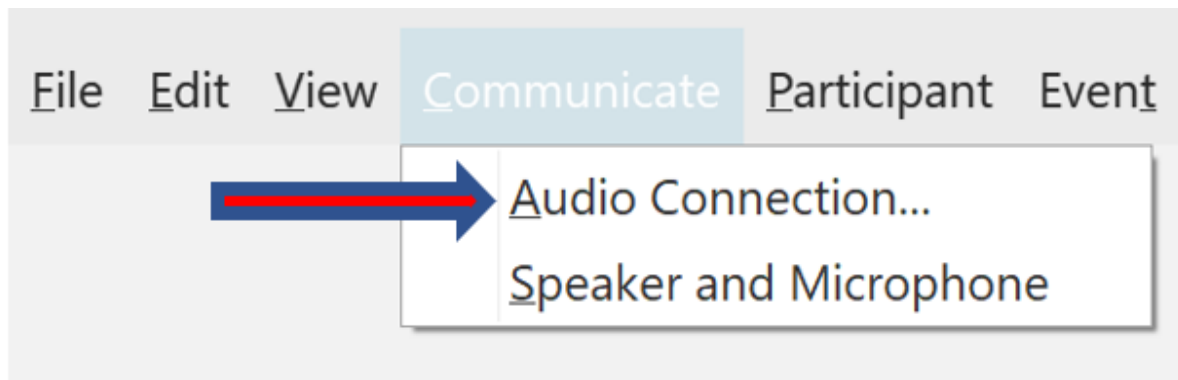
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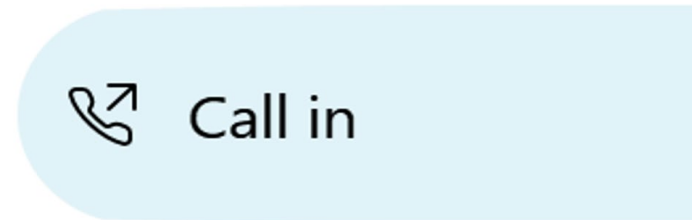
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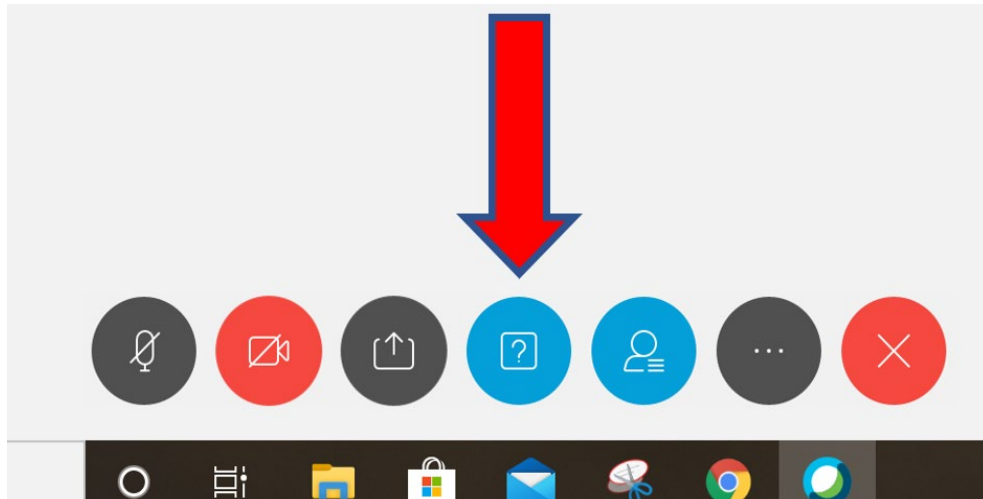
10. Update, Discussion and Possible Action on Possible Changes to Title 16, California Code of Regulations, sections 1524 and 1572 (Implementation of Assembly Bill 443)



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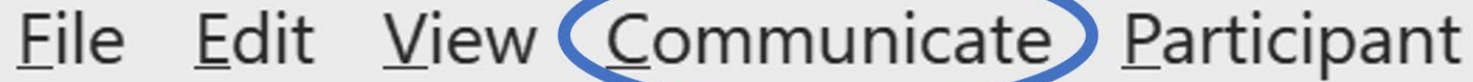


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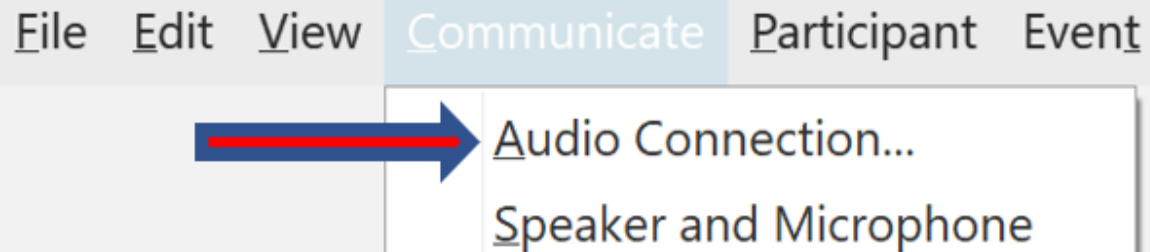
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11. Update, Discussion and Possible Action on Changes to Chapters 5.4, 5.45 and 5.5 of the Business and Professions Code (Optician Program Statutes)

National Association of Optometrists and Opticians sent a comment letter on 5/14/20, with three main points on Item #11:

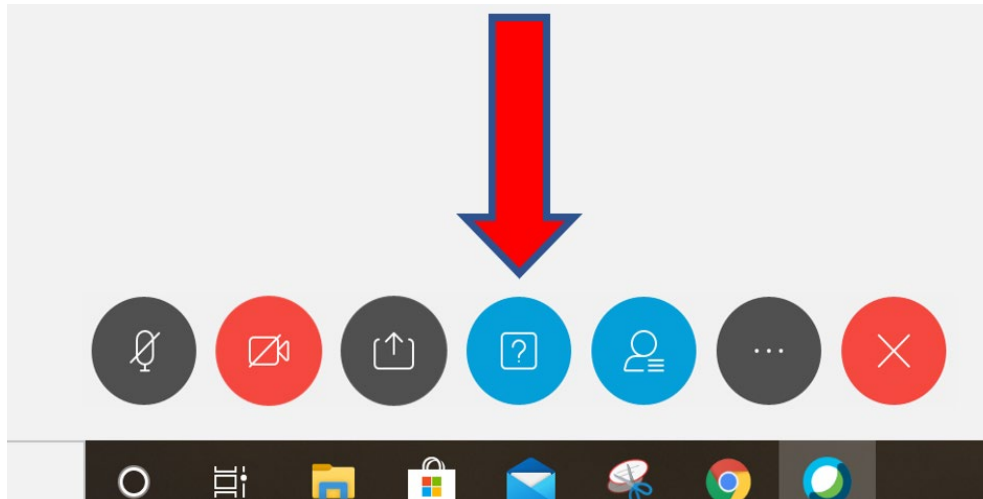
1. Proposed statutory changes needed to flow better. For example they say “applications, certificates and registrations are mentioned but there is nothing that sets forth the requirement to obtain such...until one gets to the end of the document.”
2. NAOO is concerned with what it “perceive[s] to be discriminatory intent regarding the imposition of fines on larger companies.
3. Asks Board to clarify whether the term “unregistered assistants” includes the assistants that are working for optometrists as well as those who work for registered dispensing opticians, and if not, why not.

Board recommends sending this item back to Committee for further consideration as this is the first public comment received on this statutory proposal.

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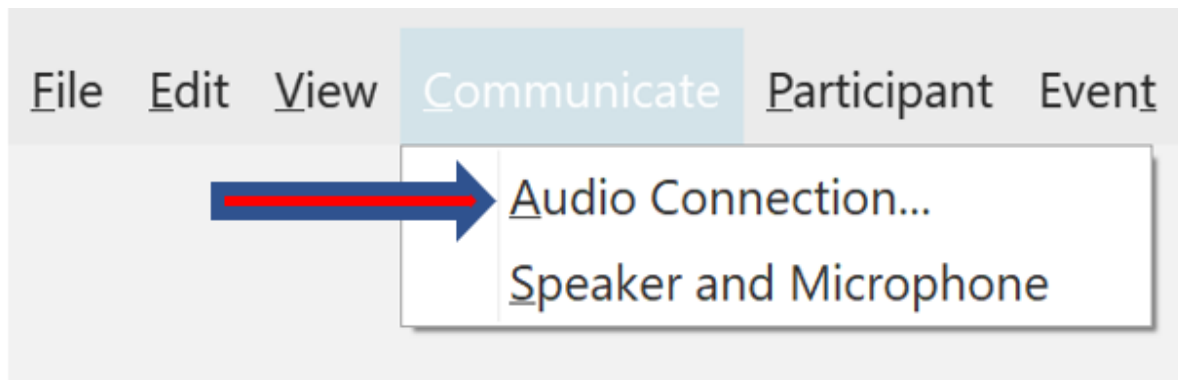
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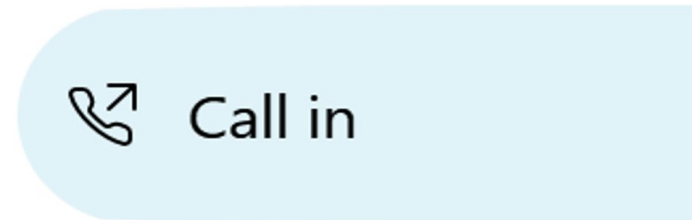
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12. Presentation and Discussion of Research on Telemedicine

- A. Discussion of Additional Sources of Information
- B. Discussion of Focus Areas for Next Stage of Research

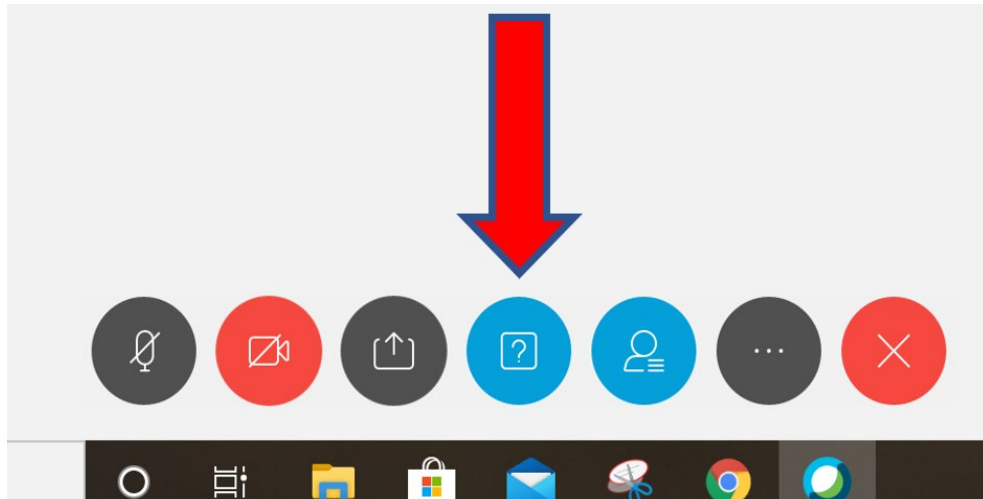
National Association of Optometrists and Opticians sent a comment letter on 5/14/20, with four main points on Item #12:

1. Agrees that refraction (and relatedly, prescribing corrective eyewear) should be seen as a separate issue versus performing a comprehensive eye exam.
2. Board should evaluate the frequency of the need for correction of visual acuity as well as the frequency and demographic distribution of eye health risks and problems
3. Board should be more forthcoming about the nature of the “low, but rising” number of complaints related to telemedicine. Is the basis of the complaint related to the patient’s health and safety or economic?
4. COVID-19 pandemic has led many states to loosen old restrictions on telemedicine. It will be useful to evaluate what has happened as a result. Recommend that the Board have an open mind about its use and allow the licensed optometrist to use their professional judgment (as medical boards typically allow physicians to do) in deciding what forms of telemedicine to use and on what patients.

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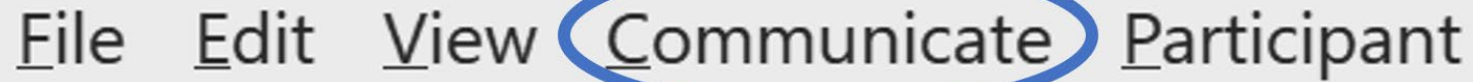


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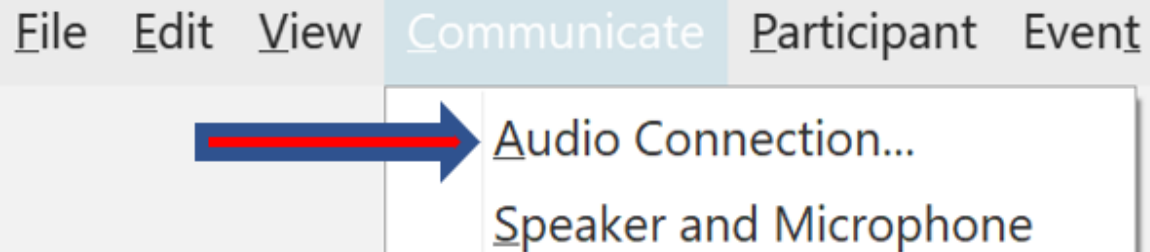
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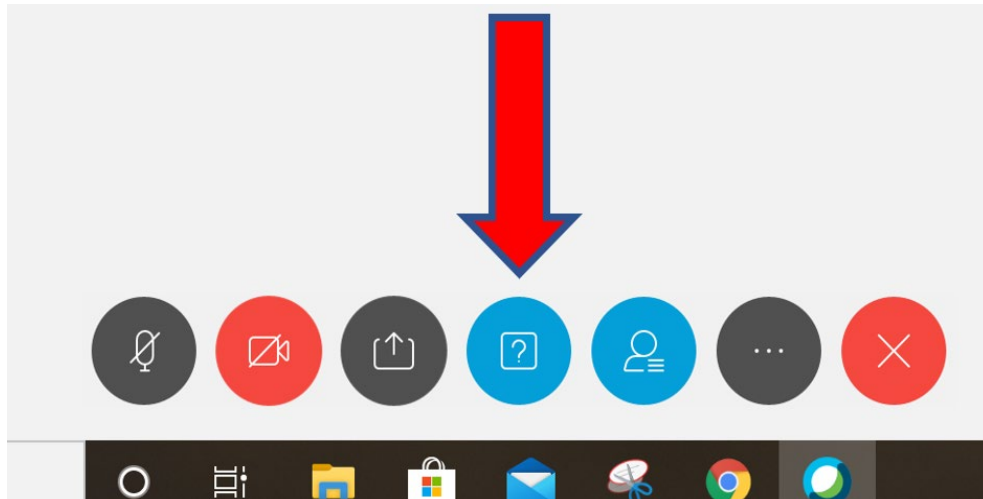
13. Update, Discussion and Possible Action on 2020 Legislation

- A. Assembly Bill 896 (Low)
 - B. Assembly Bill 1263 (Low)
 - C. Assembly Bill 2028 (Aguiar-Curry)
 - D. Assembly Bill 2185 (Patterson)
- 

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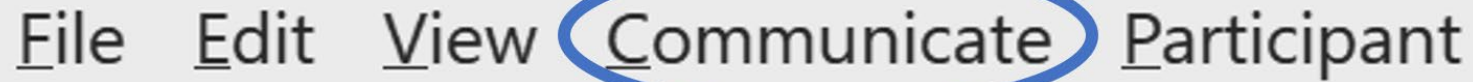


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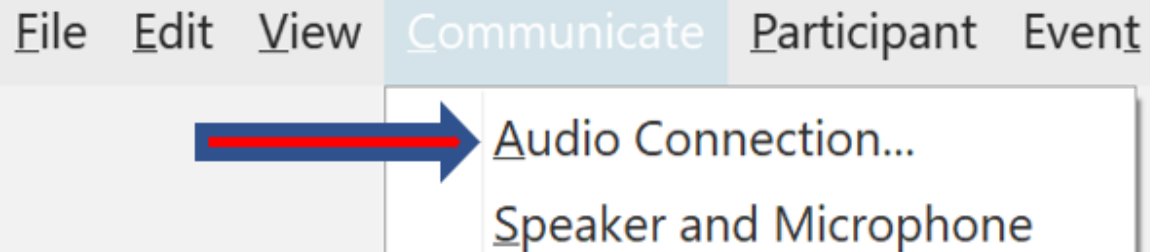
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14. Future Agenda Items

15. Adjournment

