



ISSUE MEMORANDUM

DATE	February 26, 2021
TO	Members, California State Board of Optometry (CSBO)
FROM	Dr. Debra McIntyre, Board Secretary
SUBJECT	Agenda Item #8 – Discussion and Possible Action on Board Meeting Minutes

The following Board meeting minutes are presented for review and possible approval:

- A. September 18, 2020
- B. October 23, 2020
- C. November 20, 2020
- D. December 11, 2020

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
- Jeffrey Garcia, OD
- David Turetsky, OD
- Lillian Wang, OD
- Vacant, Public Member
- Vacant, Public Member
- Vacant, Public Member
- Vacant, Optician Licensed Member



DRAFT BOARD MEETING MINUTES
Friday, September 18, 2020

This public meeting was held via WebEx Events.

Members Present	Staff Present
Mark Morodomi, President	Shara Murphy, Executive Officer
Debra McIntyre, Secretary	Cheree Kimball, Assistant Executive Officer
Cyd Brandvein	Marc Johnson, Policy Analyst
Jeffrey Garcia, OD	Natalia Leeper, Licensing Coordinator
David Turetsky, OD	Matt McKinney, Enforcement Analyst
Lillian Wang, OD	Rebecca Bon, Legal Counsel
Members Absent	
Glenn Kawaguchi, OD	

Link for the audio of discussion:

<https://www.youtube.com/watch?v=UqqYajHmj10&feature=youtu.be>

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

Audio of Discussion: [0:30 / 4:15:46](#)

President Morodomi called the meeting to order at 1:00 p.m. and a 6-1 quorum was established.

2. Public Comment for Items Not on the Agenda

Audio of Discussion: [2:48 / 4:15:46](#)

Public comment was received from Kristine Schultz with the California Optometric Association (COA), who requested public comment be made after each agenda item.

3. Introduction of New Board Member – Dr. Jeffrey Garcia, O.D.

Audio of Discussion: [4:42 / 4:15:46](#)

President Morodomi welcomed and introduced the newest Board Member, Dr. Jeffrey Garcia, O.D. Dr. Garcia thanked the Members and Staff for their welcoming and their assistance in

getting started. He explained that he has desired to be on this Board panel for over 15 years, but vacancies and life prevented it until now. Dr. Garcia has three optometry practices, and he is an adjunct professor at the Western University of Health Sciences and the Southern California College of Optometry (SCCO).

Public comment was heard from Dr. [Elizabeth Hoppe](#), who expressed her gratitude to Dr. Garcia for his service as a mentor for the students at Western University.

- 4. Presentation by the Office of Professional Examination Services (OPES)**
 - a. NBEO Examinations and California Optometry Laws and Regulations Examination**
 - b. Summary of Policy and Legal Mandates**
 - c. Examples of Other Board Examinations Impacted by COVID-19**
 - d. Examples of DCA Waivers Granted in Response to COVID-19**

Audio of Discussion: [1:07:07 / 4:15:46](#)

[Dr. Heidi Lincer](#), Chief of the Office of Professional Examination Services (OPES) provided a presentation overview of OPES activities. She reported that the NBEO Part I is usually taken during the third year. NBEO Part II is usually taken during the fourth year. NBEO Part III (the subject of concern) is only offered in North Carolina. OPES is the consulting division of DCA. OPES works with various DCA boards and bureaus to ensure licenses are valid and legally defensible. OPES is mandated by Business and Professions (B&P) Code 139 which states that all examinations used for licensure in California must be based on an occupational analysis (OA) which is a detailed study of the profession. The OA is the legally defensible method of determining the content of the examination to ensure that it measures safe and competent entry-level practice. Any alternative licensing process would need to meet the criteria of B&P 139 and be validated by OPES. During the review, OPES determined that the examinations have entry-level content that is necessary for licensure in this state but determined having a single testing site may be problematic. Dr. Lincer reported that not only did the NBEO examinations meet the B&P 139 according to OPES's evaluation, but from a psychometric perspective, these exams are legally mandated, and they ensure that the Board complies with B&P 139. Consequently, should the Board create some alternative form of licensure, it would have to meet B&P 139 criteria as well.

[Tracy Montez](#), DCA Chief of Programs and Policy Review, provided information on the waiver process. As of yesterday, DCA has issued 62 waivers; many of which have been extensions of initial waivers issued during the early stages of the pandemic. It is important to understand that although the Director has the authority to approve waivers, she does have to work within the parameters of established laws and regulations. Although there have been 62 waivers, there has not been a waiver of the examination requirements for any type of licensure under DCA.

President Morodomi asked if the Board of Optometry laws provide have flexibility or time restriction regarding when the exams are taken; Dr. Montez deferred this question to the Board's legal counsel. President Morodomi also asked that if the Board has the authority to create temporary licensure, what step would the Board need to take to allow for the temporary license; Dr. Montez replied that this would depend upon how the Board's regulations are written. A mechanism to receive a temporary license without taking Part III may already be in the Board's regulations. Ms. Murphy noted that it does not appear that the Board's regulations (as written) allow for any type of licensure before completion of all three parts of the national exam and the California Laws and Regulations Exam (CLRE). All four pieces must be completed first. The statutes do not allow the flexibility to create this because there is not a statute to which revised regulations may apply.

President Morodomi asked who has the power to grant waivers; Dr. Montez responded it is the Director who has the power to grant waivers, not the Board of Optometry. He then asked if there are pathways such as those for interns and externs that would allow a graduate to practice optometry without having a license; Ms. Murphy responded that she is not aware of any such statute. Dr. Turetsky asked Ms. Murphy if a person who has not taken Part III can practice optometry with a DPA certification instead of a TPA certification? Ms. Murphy explained that this is one of the pathways that were discussed; however, it is not possible because it would require the removal of a regulation (1523(f)).

Dr. Turetsky noted that individuals given some type of a temporary license, would undoubtedly not be able to be part of any insurance panel. They probably would not be able to get on Medicare or get on Medi-Cal. The optometrists would be limited to eye exams on patients who pay by cash only. Dr. McIntyre commented that anyone with a limited license would not be able to acquire their liability and malpractice insurance. Dr. Wang responded that if they are restricted from getting on panels and restricted from malpractice insurance, their hire-ability would be extremely limited; therefore, it would need to be a regular license for them to practice while waiting to take the NBEO Part III.

Public Comment:

Masha Masoeda explained that she is a fourth-year optometry student at Berkeley. As fourth-year extern students, they do go to a lot of different places, including leaving California for some externships. In these cases, they are working under the liability of another optometrist. So, if this were to continue after graduation and they are trying to get jobs in California working under another optometrist, there are implications for that doctor whose liability they are under. Will that optometrist's insurance rates go up? Will it be common knowledge that they have hired "quasi" externs, "quasi" graduate doctors to work under them? And now they must sign off on all these extra charts when they have not seen the patients in their entirety.

Dr. Hoppe wished to follow up on some of the regulations in North Carolina. She noted that their definition of the word "extern" is a little different in the way that their regulation is written; she explained that in NC regulations the word "extern" is used for an unlicensed optometrist. The term "extern" is not for a student in NC; it is for a graduate from an accredited school or college of optometry who is not yet licensed. The period of provisional licensure is 6 months duration and may be applied for renewal up to a total of 3 times. She noted that in North

Carolina Board's description, they have a highly detailed description of what supervision consists of. Their policies are well developed.

[Dr. Jennifer Coyle](#) returned to the conversation on barriers to a candidate's ability to access the examinations. The person she alluded to in her presentation has an identified ADA issue. These are the types of barriers that Dr. Coyle feels have become more complex. Regarding the issue of graduates having to work under another doctor's liability and being unable to get on any insurance panels; She suggested that perhaps a full license, which is temporary in that it expires after a certain amount of time may be considered.

Dr. Garcia asked if the optometry school deans know how many of their students would prefer delaying their board exams during the pandemic versus not delaying and taking them now. Dr. Coyle admitted that she has not polled them for this question, and she will be happy to follow up with this information. Therefore, she believes there will be students who pursue a temporary provisional license. Dr. Flanagan stated that he has not directly polled the Berkeley University students, nevertheless, he would be greatly surprised if many of the graduates did not avail themselves of the opportunity of a temporary license if it was offered to them.

Dr. Turetsky asked if an optometrist makes a mistake while having a temporary license and the mistake cost the patient their eyesight, what would the legal ramifications be when the lawsuit is filed; how would this negatively impact the Board, the DCA, and the Governor if the Governor's Office approves of some alternate license? Ms. Bon replied that it may depend upon what approval means or what mechanism allows the person to practice. When they are, it would be like any other licensee having an issue with meeting the minimum standards. Dr. Turetsky noted that the Board has a couple of applicants who have been unable to get licensed in this state because they failed Part III on several occasions. He asked if these individuals would be able to take advantage of this new way of getting licensed; Ms. Bon responded that without knowing the specifics of how a person would be able to practice without Part III it is difficult to determine.

6. Discussion of Presentation by Optometry College/School Deans and California Optometric Association Regarding Need for Accommodations and Impacts to Students

Audio of Discussion: [10:32 / 4:15:46](#)

Ms. Murphy announced that all three Deans of the California Optometry Colleges are present for this meeting. Each Dean wished to comment.

Dr. Coyle reported that SCCO has significant concerns regarding the conditions and accessibility of the three parts of the National Board of Examiners in Optometry (NBEO) exams that are required for licensure. The class of 2021 were scheduled to take the exams back in March at the Pierson View test centers across California and the nation. Dr. Coyle explained that SCCO is concerned about the November administration because, should there be a resurgence of the COVID virus, would citizens be faced with stay-at-home orders again and those test center openings canceled. They are also concerned about students having access to the Part II exam should the same scenario occur. At the top of the concerns is the students having to travel all the way to Charlotte, North Carolina to take Part III since there is only one

test site in the nation. Dr. Coyle emphasized that the three Deans agree that a temporary path to healthcare licensure that does not require immediate completion of the Board exams would allow these graduates to enter the workforce upon graduation. She noted that SCCO students spend four years in school and undertake a highly rigorous curriculum that includes constant assessment (testing). Students provide direct patient care to over a thousand patients during their third or fourth year, and they are graded on those patient interactions.

[Dr. Elizabeth Hoppe](#), Founding Dean of the College of Optometry at Western University Health Sciences disclosed that she is currently serving as a member of the board of directors for the NBEO, and she has been a member since 2013. Dr. Hoppe added that when making evidence-based decisions, longitudinal data with multiple measures vastly outweighs single measurements made at one single occasion at one point in time. Dr. Hoppe concluded that she and her colleagues would never advocate for a pathway to licensure without testing but asked the Members to recognize the extensive testing already being done by the schools of optometry as being valid, reliable and appropriate indicators of competency to enter the practice of optometry. The creation of a pathway to temporary licensure would allow greater access to essential eye care and essential vision care services for the residents of California.

[Dr. John Flanagan](#) with the Berkeley College of Optometry spoke and disclosed that he is President of the Association of Schools and Colleges of Optometry (ASCO). Dr. Flanagan requests that the Board consider the need for emergency planning for the event of closure and the danger students currently face in needing to travel for their examinations. He noted that the level of clinical competence upon graduation is adequate for consumer protection. He congratulated the NBEO for their efforts in addressing this problem. Dr. Flanagan and the College of Optometry of UC Berkeley believe that in the case of another COVID surge, it is unlikely that the NBEO will be able to control test centers and to maintain access to test centers in the event of increased COVID-19 and further shut-downs across the country. Dr. Flanagan noted that the need for an emergency pathway to temporary licensure is not a national board issue; rather, at this point, it is a state board issue.

[Kristine Schultz](#) representing the California Optometric Association (COA). Ms. Schultz reported that the COA is extremely concerned about forcing students to travel during the COVID-19 pandemic. She asserted that the Board needs to act to protect students from risking their health and their lives. The testing the students receive in school is far more comprehensive than a one-day test. Additionally, students will not graduate the program if they are not competent to practice. COA believes that the easiest way to address this problem is to allow the colleges to attest to a graduate's competency upon graduation and not have to take the NBEO during this crisis. She contended that the fact that students took and passed the NBEO in 2021 is not a reason for inaction as these students had no option. Ms. Schultz proposed that a different reasonable alternative may be to create temporary licensure where the doctor would be allowed to practice under supervision; once they take the NBEO they would be fully licensed. She argued that some states even have the authority to waive the NBEO on a case-by-case basis.

Dr. Flanagan commented that he requested a document from the Association of Regulatory Boards in Optometry's (ARBO's) Executive listing. It is Dr. Flanagan's understanding that

ARBO has a current state of knowledge for every state. Dr. Garcia questioned what colleges in other states are doing to mitigate the risk of testing; Dr. Hoppe replied with three examples (Michigan, Alabama, and Oklahoma). She reported that each of these state's boards has an excellent partnership with the optometry schools in their state. In Michigan, they allowed a pathway for temporary licensure. They made this decision in the early phase of the pandemic and it expired at the end of July. They are currently reviewing whether they should extend it. Alabama also created an opportunity for temporary licensure between the time of graduation and the time of completing state licensure requirements.

Dr. Turetsky followed up on Ms. Shultz's comment about schools attesting to the competency of their recent graduates. He recalls that there was some discussion about this idea at the last Board meeting; and that Dr. Flanagan noted a concern that this could place universities schools in an untenable position should there ever be a liability claim. Dr. Flanagan clarified that although there was discussion that led to him to this concern, it was a different question that he was responding to. Dr. Flanagan added that there is no liability issue with regards to schools attesting to the competency of their graduates if the outcome of the clinical competencies is well documented and proven.

President Morodomi asked if the schools that have a pathway for temporary licensure, have any additional requirements? For example, the temporarily licensed optometrist working under the supervision of a licensed optometrist? Dr. Hoppe answered that in the state of North Carolina regulations were recently adopted for provisional licensure which does require supervision by a licensed optometrist. President Morodomi reported that he viewed the Board's waiver application that was sent to DCA, and he read DCA's response. The official response was that the waiver not be granted because optometrists are not directly involved in the patient care for patients with COVID. Dr. Hoppe added that some research from other countries has indicated the prevalence of ocular symptoms in patients with COVID; particularly in pediatrics. She stated that she currently has students who are out in their fourth-year residency participating in symptom screening, temperature checks, etc. on the front lines as part of an interprofessional approach to battling the virus.

Public Comment:

[Robert Sumner](#) with the Assembly Business and Professions Committee reported that Assembly Member Low would like to echo the urgency of the issue relating to the Part III NBEO and the various implications of a graduate having to travel to North Carolina during the pandemic. He stated that this issue is notably worthy of inclusion in the next Sunset Review.

[Dr. David Cochrell](#) is a state board member in Oklahoma. He stated that they came to the same conclusion as the three deans that the schools are where the rigorous testing takes place; therefore, they asked themselves if there was truly a reason to keep students from moving into practice as they were unable to complete Part III, due to no fault of their own. He explained that they have approximately 30 graduates (annually) who take their boards to do their residency. The Oklahoma board looked at the qualifications of their graduates and worked to create a situation whereby they could waive the national board requirement and begin working as optometrists. They looked heavily at ASCO and the optometry schools to

determine everyone's competency. Dr. Garcia asked if all three parts of the NBEO have been waived or just Part III? Dr. Cochrell replied that all three parts were waived. Ms. Murphy asked Dr. Cochrell how many optometrists Oklahoma currently oversees? Dr. Cochrell responded that their state has a little over 700 licensees; however, they have approximately 50 graduates take their boards each year. President Morodomi asked if the waiver was done by the board or some other body in Oklahoma. Dr. Cochrell responded that their state has the authority to waive therefore, his board waived the requirement.

President Morodomi questioned how the Oklahoma board went about deciding that graduation from the optometry schools was enough; Dr. Cochrell explained that they did three things: 1) they requested information from the Oklahoma Colleges of Optometry. 2) They requested information from ASCO, and 3) they compared the curriculum from the other schools. Although the curriculums were not the same; they were similar enough to provide the same level of competency. He added that the graduates who have the national board requirement waived, all received permanent and full licensure; they do not need to take the NBEO later.

7. Discussion of Alternatives to the NBEO Exam for 2021 Graduates/Licensure Applicants

Audio of Discussion: [1:58:30 / 4:15:46](#)

Ms. Murphy explained that staff wishes to discuss the ideas that have been presented and what pathways would need to be for those to be a workable action plan; particularly a waiver or a temporary license. Ms. Murphy thanked the Deans for the opportunity to get the Board's survey out to the 238 potential graduates. Staff received emailed responses from 143 of those graduates (60% response rate). Staff also received feedback from the Board's psychometrician. She provided a slide presentation of the NBEO Part III Survey – Graduates of 2021. From the survey results, 130 graduates intend to apply for licensure upon graduation; 13 do not. The survey asked questions attempting to gauge the sensitivity these graduates have to the COVID threat and the measures they are taking to protect themselves and their families.

Ms. Murphy reported that 64% of the graduates stated that they would be willing to pay a higher examination fee for the convenience of having a west coast testing location, and they are comfortable with paying 50% more. She also reported that 60% of the 116 graduates who responded to the question would be willing to accept some form of partial or temporary licensure to delay travel during the pandemic. Ms. Murphy explained that staff discussed with legal counsel the Board's opportunity to provide some type of provisional license. She directed Members' attention to California Code of Regulations (CCR) 1523(f). With the waiver of CCR 1523(f), it would be possible for the Board to take action to provide diagnostic licensure (DPA) if deemed necessary during a time of emergency.

President Morodomi announced that in listening to the survey results, he has come up with five fixes the Members may discuss. Each one has pros and cons.

1. Do nothing at all.
2. Just for COVID, take action for a DCA waiver that says graduates do not have to take Part III of the NBEO.

3. Enact a statutory or regulatory change that grants the Board the power (for the next emergency) to grant a suspension of these testing requirements.
4. Create and have in place a mechanism for issuing a temporary or provisional license with a time limit and which requires the completion of the NBEO later.
5. Remove the NBEO Part III by a statute change.

Dr. Wang questioned removing NBEO Part III. She commented that since the national board is taken by optometry graduates in each state, removing it from California requirements may not be the best action in case these California optometrists move to another state at some point. Dr. Wang believes a temporary or provisional license would be ideal. Dr. Turetsky proposed the possibility of issuing a license then immediately revoking it allowing the graduate to practice during a period of probation. Ms. Murphy noted that with the Attorney General's involvement this would be too costly for the Board to absorb. Dr. Turetsky suggested that part of the probation is that the licensee pays all Board fees.

Dr. Wang suggested that the Board could ask for a waiver of 1531(a), then have OPES and the schools work together to come up with an equivalent to Part III? The schools theoretically could create an alternative exam to Part III since they used to provide the clinical examination many years ago. Dr. Montez confirmed that this is a potential solution.

Public Comment:

[Ms. Masoeda](#) requested that one more question be added regarding the purpose of the travel. Regarding a west coast location for the NBEO Part III, Ms. Masoeda proposed an alternative. She suggested that instead of 15,000 students traveling to Charlotte, can the proctors for the exam travel to each of the schools for an "exam week".

Dr. Hoppe expressed her encouragement by the robust discussion. She is inspired by the ideas expressed and the open-mindedness everyone is showing to seek viable solutions. She appreciates that the Board is seeking an emergency solution since time is of the essence. Dr. Hoppe would like to support the possibility of offering an additional certification or additional attestation on a candidate by candidate basis beyond the testing performed as a regular part of the curriculum.

Ms. Schultz stated that it is unlikely that a DCA waiver will occur since it has not been approved for any other profession. Another option would be legislation. Ms. Schultz explained that COA can assist with a legislative solution. She noted that having OPES determine that what the colleges are already testing is equivalent to the NBEO. This would create a pathway for an emergency regulation to waive the NBEO during the pandemic.

Dr. Coyle spoke on behalf of the Southern California College of Optometry (SCCO). She encourages the Board to consider all ACOE accredited schools. She explained that SCCO does attest (for other states) that their students are competent; typically, they are competent in more advanced procedures. Dr. Coyle added that SCCO would be willing to work with the Board and take on any attestation paperwork for this pathway.

Dr. Flanagan stated that they will do everything they can to support an equivalence and/or attestation.

President Morodomi agrees with Ms. Schultz that obtaining a waiver from the Director is not likely; however, he is not against giving it a try anyway. He would like staff and legal counsel to return and tell Members what steps need to be taken; tell Members what changes need to be made in the regulations; what this Board needs to do; and what OPES needs to do before making a final decision. Dr. Turetsky announced that he would like to have a couple of things to present to staff so that they can move forward. He would like to have some definite pathways that Ms. Murphy and staff can begin investigating.

Ms. Murphy explained that the Director's waiver authority is directly tied to regulation or statute. It is not an authority to add; therefore, it may only be used to waive a current requirement/regulation/ statute. It would not provide authority to add an attestation, or supervision or any other fail-safes. Dr. Turetsky argued that if the Board waives the NBEO requirement, without the attestation from the school, the Board would be potentially opening itself up to waiving the requirement for unqualified applicants. Dr. Wang believes the Board would be wasting time trying to obtain a waiver. The deans have already tried and were denied. She thinks the equivalency option 4 makes the most sense.

Ms. Murphy asked Regulatory Counsel Dani Rogers if staff still needs to surmount the hurdle of regulatory changes to the language that states the NBEO Part III is required for licensure. Ms. Rogers responded that using the emergency regulation hurdle has a specific legal standard statute that must be met. This standard only looks at the needs of the health of the public, and not the benefit of a specific class of people like the students. If staff can gather the data to support the argument that allowing graduates to begin practicing diverts patients away from the ER, there may be a chance; without that data, it will be difficult to proceed via this route. President Morodomi asked the Dean to compile the evidence to support the idea that waiving the requirement is necessary for public safety.

Dr. Hoppe addressed a specific concern of an individual who has made multiple attempts but still has not passed their NBEO exam. She stated that it may be stipulated that this would not be an alternative pathway for someone who did not score well on their exam. She believes any hesitations or limitations may be worked out procedurally. President Morodomi asked how much time staff needs. Ms. Murphy explained with probationer and Sunset Review matters to discuss, she is not able to provide a clear timeline.

Dr. Montez hopes that OPES can provide a written memo and timeline by October or November. President Morodomi hopes for a one-page road map to changing regulations or statutes; from OPES he requests one-page of written standards for declaring an equivalent. Dr. Montez believes OPES can provide a roadmap by November.

8. Discussion of Consumer, Applicant and Employment Impacts and Possible Action to Adopt a Plan for Alternate Competency Verification

Audio of Discussion: [4:05:19 / 4:15:46](#)

There were no requests for public comment.

Lillian Wang moved to direct staff to work with OPES to understand what may be a valid option for equivalency that would then inform the regulatory language that would need to be developed; concurrently, direct staff to work with the schools, colleges and COA to develop a substantive justification for the emergency regulation. Cyd Brandvein seconded. The Board voted (6-Aye; 0-No; 1-Absent) and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal	
Mr. Morodomi	X					
Dr. Kawaguchi				X		
Dr. McIntyre	X					
Ms. Brandvein	X					
Dr. Garcia	X					
Dr. Turetsky	X					
Dr. Wang	X					

9. Adjournment

Meeting adjourned at 5:15 p.m.

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.

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 Vacant, Public Member
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DRAFT BOARD MEETING MINUTES
Friday, October 23, 2020

This public meeting was held via WebEx Events.

Members Present	Staff Present
Mark Morodomi, President	Shara Murphy, Executive Officer
Glenn Kawaguchi, Vice President	Cheree Kimball, Assistant Executive Officer
Debra McIntyre, Secretary	Marc Johnson, Policy Analyst
Cyd Brandvein	Natalia Leeper, Licensing Coordinator
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David Turetsky, OD	
Lillian Wang, OD	

Link for the audio of discussion:

<https://www.youtube.com/watch?v=M0Vc3m7pTf4&feature=youtu.be>

OPEN SESSION

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

Audio of Discussion: [0:05 / 3:52:45](#)

Mr. Morodomi called the meeting to order at 10:00 a.m. All members were present, and a 7-0 quorum was established.

2. Public Comment for Items Not on the Agenda

Audio of Discussion: [1:01 / 3:52:45](#)

There was no public comment.

3. Presentation and Discussion of Executive Officer’s Report

Audio of Discussion: [2:49 / 3:52:45](#)

Ms. Murphy reported that staff is working on developing the Sunset Review Report. A questionnaire was received on October 9th and staff has begun working through the questionnaire with individual staff assignments. President Morodomi and Dr. McIntyre will form a workgroup to assist.

Ms. Murphy provided a summary of staff’s efforts throughout the COVID pandemic; as of October 20th, the Board has spent a total of 894 hours on COVID related matters.

There was no public comment.

4. Presentation and Discussion of President’s Report

Audio of Discussion: [10:28 / 3:52:45](#)

President Morodomi presented his report and explained that he has been researching how vision care is being provided to minority populations in the U.S. during this pandemic. He discovered that the 2018-2019-year class for California schools of optometry included zero percent of students who identified as African American. In a few years, the optometry schools will not have any graduates that are African American. In response to the recent President’s message, Mr. Morodmi was happy to report that he received many responses; not only from California but also from Vermont, Florida, and Texas. He read some of the comments and ideas to members and staff.

Dr. Kawaguchi noted that he and Dr. Turetsky are assigned to the Strategic Planning Committee. He assured that when the final draft is brought before the full Board, the Board (as a whole) will have the opportunity to consider an ad related to this issue. Dr. Turetsky suggested offering a few units of CE credit for cultural diversity – cultural competency courses.

There was no public comment.

5. Election of Board Officers

- A. President
- B. Vice President
- C. Secretary

Audio of Discussion: [25:33 / 3:52:45](#)

David Turetsky moved to continue with Mark Morodomi as President, Glenn Kawaguchi as Vice President, and Debra McIntyre as Secretary for the sake of continuity until the Board can resume elections on a regular basis with nominations beginning in April. Cyd Brandvein seconded. The Board voted unanimously (7-0) and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Mr. Morodomi	X				

Dr. Kawaguchi	X				
Dr. McIntyre	X				
Ms. Brandvein	X				
Dr. Garcia	X				
Dr. Turetsky	X				
Dr. Wang	X				

There was no public comment.

6. Petitions for Early Termination of Probation

[Katelyn Nguyen](#), Optometry License # 12503
[Ted Atherton Bailey](#), Optometry License # 6161

Members heard the two petitions for early termination of probation. The Deputy Attorney General (DAG) was Matthew King. The Administrative Law Judge (ALJ) was Sean Gavin.

Lunch was taken at 12:45 p.m. Meeting resumed at 1:15 pm.

7. Update, Discussion, and Possible Action on Presentation by DCA’s Office of Professional Examination Services (OPES) on the National Board of Examiners in Optometry Linkage Study

Audio of Discussion: [2:21:14 / 3:52:45](#)

Dr. Tracy Montez, Chief of Division of Programs & Policy Review for the Department of Consumer Affairs, provided an update from the Office of Professional Examination Services (OPES’s) review of the linkage study between the Board Optometry Occupational Analysis and the National Board of Examiners in Optometry testing series. She explained that her goal is to ensure that the Board remains in compliance with B&P Code Section 139. Licensing examinations are used to make pass/fail decisions about individuals in terms of competency. They are referred to as “high stake exams” because consumer and patient health and safety issues are related to these decisions. Dr. Montez explained the psychometric review of the NBEO examination series which consists of components and are used whenever analysis of an exam is performed, which is about every five years. She detailed the process to determine exam validity and to determine an exam’s suitability as a competency exam. OPES has determined that the NBEO series meets professional guidelines in testing standards.

President Morodomi asked if an applicant may be allowed to practice temporarily (during the COVID crisis) and take the exam afterward; Dr. Montez replied that the intent of the exam is to ensure that the applicants can practice at entry-level standards. Therefore, the OPES has concerns with temporary licenses that work around examinations and competency standards. She concurred that ideally, the NBEO should consider having additional testing sites. President Morodomi questioned if supervision by a licensed optometrist would alleviate concerns; Dr. Montez responded that it could potentially work, but must fall within the Board’s regulations. Dr. Wang asked if regulation was changed to allow the Board to offer alternative test measures would OPES be involved; Dr. Montez noted she would request to be involved in

any language change to ensure that it is not only legally sound but psychometrically sound as well.

There was no public comment.

8. Update, Discussion, and Possible Action on Recent National Board of Examiners in Optometry Part III Blueprint and Task Force Report

Audio of Discussion: [2:37:02 / 3:52:45](#)

Dr. Jill Bryant, NBEO Executive Director began the update and discussion, noting her appreciation for the opportunity to work with OPES. She stated that the report has been shared with the Board of Directors' and she is certain that there will be a discussion during a future meeting.

[Dr. Brianne Hobbs](#), NBEO Director of Examination Innovation, reported on the historical progress that has been made on the exams, and where the NBEO is currently at with regards to the development of the exam. She explained that the current Part III Clinical Skills Exam will be replaced when NBEO launches the new Part III exam. The new exam is quite different in format and emphasis from the current exam. The new exam will be called "Patient Encounters and Performance Skills (PEPS). The new exam will focus heavily on clinical thinking, synthesis, analysis, and decision making, rather than physically performing the skills. Therefore, patient encounters will form the bulk of the new exam and there will be some evaluation of the candidate's ability to perform specific essential skills as well.

In the Summer of 2019, the NBEO launched the stakeholder survey to determine which skills stakeholders considered most essential for testing. The Task Force consisted of 12 very diverse members of the optometric community to obtain diverse opinions and ensure that all aspects of optometry would be represented. She noted the new exam model was released in the Spring of 2020 and consists of 12 stations (10 standardized patient encounter stations plus 2 skills stations). The blueprint (PEPS) was released during the summer of 2020 and it specifies the components of the exam. All candidates will receive the same mix of patients. The five skills tests consist of Tonometry, Gonioscopy, Biomicroscopy, BIO, and Dilated Biomicroscopy. Dr. Hobbs announced that currently two committees have been formed to work on furthering the development of the exam.

[Dr. Brooke Houck](#) (NBEO Director of Psychometrics and Research), spoke on NBEO's process of test development that the organization has used. The validity of the exam is the most important part of test development. Validity refers to the degree to which evidence and theory support the interpretations of test scores for proposed uses of tests. Designing the test is the next step; it is a structured process to determine and document a test's defining characteristics. Analysis of the domains is performed. This is a review conducted to define and document, knowledge and skills that are relevant to the test. Development of the blueprint is a response to three questions: 1) how many test items/tasks should be devoted to each content area? 2) what item format is most appropriate? 3) how many items should be developed for each cognitive complexity level? Afterward, the development and review of the exam content are performed. The result is a bank of items/tasks that aligns with the blueprint

and the intended interpretations and uses of test scores. Currently, with PEPS they are in the pre-test and analyze phase. After all pilot testing and pre-testing of items are completed the committees and councils work with the exam directors to assemble the items or tasks into one or more test forms. If an appropriate cut score does not exist, a panel of experts reviews the test to establish performance standards for a minimally qualified candidate (MQC) to pass. The performance standards are translated into one cut score for the test. Once a test is developed and put into operational use, it requires ongoing care and attention to improve upon or, at a minimum, maintain valid evidence.

Dr. Wang asked when the new test will be implemented? Dr. Houck replied that she does not expect the new PEPS exam to be implemented before August of 2022.

Dr. Kawaguchi asked what groups were involved in determining that sweeping changes needed to be made to Part III and what the process was like; Dr. Hobbs responded that there was some sentiment within the optometric community to move away from whether the candidate can perform a task, over to critical thinking about the task because ultimately the greatest threat to patient protection is not so much gathering the data as much as it is the actual decision making surrounding it. Dr. Bryant added that NBEO heard received a lot of feedback from stakeholder groups; namely the ARBO and the Association of Schools and Colleges of Optometry (ASCO) about the current Part III exam. A deep analysis was conducted and ultimately the decision was made that the NBEO needed to work towards a restructuring of Part III. Feedback from the stakeholder survey provided information about what potential elements could be removed from the exam and what elements needed to be added to the exam.

Ms. Brandvein noted that the content is terrific, but her question is how are we going to make testing readily available; Dr. Hobbs responded, stating that the NBEO's testing center in Charlotte has been open since mid-May, and over a thousand candidates have taken their exam in Charlotte. According to the percentages, only around 20 California candidates have yet to schedule their exam. Regarding having one testing location, she argued that California is not an outlier in this. The osteopathic medical candidates travel either to Philadelphia or Chicago for their performance exam. Also, podiatry students travel to Philadelphia for their performance exam.

[Dr. Bill Rafferty](#), OD, Executive Director, North Carolina State Board of Optometry provided details on the Task Force approach and validity. The process was comprised of three meetings and the NBEO considered exam validity, reliability, security and candidate and test giver safety as being highly critical and needing to be maintained. Dr. Rafferty assured that the task force spent considerable time looking at the feasibility, and the cost of opening a temporary or permanent testing center on the West coast. Having a second testing center on the West coast would raise fees for all students. The NBEO considers the point of a second testing center as valid. Dr. Hobbs added that the NBEO does hear, understand and care about the requests for a temporary testing center on the West coast and it continues to be a point of ongoing discussions. Recommendations from the task force to pursue a temporary means are being taken seriously.

Public Comment:

- Dr. Patrick O’Neil, OD, President of the American Regulatory Boards of Optometry (ARBO). He noted the important differences between optometry schools and regulatory examinations and why they must remain separate and distinct entities for reasons of validity, defensibility, and conflicts of interest.
- Lisa Fennell, Executive Director of ARBO. She noted that there is a big push for mobility and portability at this time, and having a license in one state that does not allow you to receive a license in any other state seems like a huge barrier to mobility and portability. Additionally, Ms. Fennell explained that ARBO is here to address any concerns and answer any questions; this is ARBO’s purpose.
- Dr. John Flanagan, Dean, Berkeley School of Optometry. Dr. Flanagan clarified that schools are not in any way attempting to move away from the national board examinations: In fact, the deans have spoken very strongly of the need for national examinations and their support for these exams. He noted that what they do want is emergency planning so students can have access to licensure once they have graduated. Mr. Flanagan argued that the national board has been unable to provide emergency planning and alternative routes; therefore, the state Board is where we must attempt to accomplish this task. ARBO does not have regulatory authority; it is the state boards that have regulatory authority.

9. Future Agenda Items

Audio of Discussion: [3:49:11 / 3:52:45](#)

Ms. Brandvein suggested that staff begin the process with OPES of pulling the public documents relative to the process of testing requirements and the study that Ms. Montez referred to for a future meeting.

CLOSED SESSION

The Board went into closed session at 3:00 p.m.

10. Adjournment

Upon conclusion of closed session, the meeting adjourned.

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
 Jeffrey Garcia, OD
 David Turetsky, OD
 Lillian Wang, OD
 Vacant, Public Member
 Vacant, Public Member
 Vacant, Public Member
 Vacant, Optician Licensed Member



DRAFT BOARD MEETING MINUTES
Friday, November 20, 2020

This public meeting was held via WebEx Events.

Members Present	Staff Present
Mark Morodomi, President	Shara Murphy, Executive Officer
Glenn Kawaguchi, Vice President	Cheree Kimball, Assistant Executive Officer
Debra McIntyre, Secretary	Marc Johnson, Policy Analyst
Cyd Brandvein	Natalia Leeper, Licensing Coordinator
Jeffrey Garcia, OD	Rebecca Bon, Legal Counsel
David Turetsky, OD	Matt McKinney, Enforcement Analyst
Lillian Wang, OD	

Link for the audio of discussion: <https://youtu.be/FiBNsfUJHcq>

OPEN SESSION

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

Audio of Discussion: [0:10 / 1:47:48](#)

President Morodomi called the meeting to order at 10:32 a.m. All members were present, and a 7-0 quorum was established.

2. Public Comment for Items Not on the Agenda

Audio of Discussion: [1:38 / 1:47:48](#)

There was no public comment.

3. President's Report

A. Recognition of Past Board and Committee Members

Audio of Discussion: [5:01 / 1:47:48](#)

President Morodomi recognized the former board and committee members whose terms expired this last year. He demonstrated appreciation for their service by providing them with certificates. The former board and committee members are Madhu Chawla, O.D., Rachel Michelin, Maria Salazar-Sperber and Martha “Ruby” Garcia, SLD, CLD. The former committee member is Kanchan Mattoo.

President Morodomi noted that Dr. Chawla had a significant impact on the Board and the profession. She was appointed in 2012 which may make her the longest-serving president in Board of Optometry history. He commented that Dr. Chawla reformed the processes of the Practice and Education Committee; shepherded numerous amendments to continuing education; and tracked the changes in technology; how they affect the profession and how the Board needs to adapt its laws and regulations.

President Morodomi recognized Ms. Garcia. He commented that she has served on the Board since 2016 and is a founding member of the Dispensing Optician Committee. She tirelessly championed professional education and oversaw the Board’s passage of the (first in history) disciplinary guidelines for optician professionals. He noted that Ms. Garcia was more than a founding member; she was a pioneer. He commented that Ms. Garcia helped mold the regulation and licensing of opticians.

President Morodomi recognized Ms. Michelin. He commented that Ms. Michelin served as Secretary for several years and was appointed by Jerry Brown in 2016. He commented that Ms. Michelin championed the Board’s efforts to expand comprehensive eye exams for California children.

President Morodomi recognized Ms. Sperber. He commented that Ms. Sperber served as the other attorney on the Board. She came to the Board with a long history of advancing health care in her day job. Additionally, she was a wise source of counsel regarding the ways of Sacramento and the Legislature. She was chair of the Public Outreach Committee.

President Morodomi recognized Kanchan Mattoo who was appointed by this Board to the Dispensing Optician Committee (DOC). He noted that Mr. Mattoo was also a founding member of that Committee helping with historic work and creating the new regulations regulating the practice of opticianry.

Dr. Kawaguchi commented that Ms. Garcia is such a visionary and forward thinker. He knows that she will continue to have an impact on our industry and our paths will cross in the future. Dr. McIntyre thanked Dr. Chawla for her guidance and thanked Ms. Michelin for her input at the meetings and her insight into legislation, which will be hard to replace. Dr. Turetsky commented that in his professional career, this has been one of the most enjoyable times he has ever had learning, arguing and gaining perspectives from the other Members. Ms. Brandvien expressed gratitude to everyone for the groundbreaking work in leveling up the education program, posture on the Legislative floor, and regulatory work accomplished.

Ms. Garcia stated that it was an honor to serve on the Board with all these gifted individuals. Ms. Sperber thanked the members and wished everyone the best. Dr. Chawla thanked everyone for the kind words and commented that it was a privilege to work with everyone and serve on the Board. Mr. Mattoo also expressed gratitude to Ms. Garcia for leading the charge.

There was no public comment.

4. Update, Discussion, and Possible Action on 2021 – 20XX Optometry Board Strategic Plan

Audio of Discussion: [22:23 / 1:47:48](#)

Dr. Turetsky noted that the Board attempted to ensure that the Board's input and stakeholder's input was incorporated into the Strategic Plan. Overall, he believes the Board obtained a good consensus and the best manner of presenting the plan to the Legislature and DCA. Dr. Kawaguchi thanked the Board and stated that they made the job easier to refine, execute, and measure success for the consumers.

President Morodomi commented that when the Board first embarked on this process, he was concerned that members may have overextended themselves. He is satisfied that this is not the case. He reminded members that in four years when the Sunset Review comes up, the Board will be evaluated on the accomplishments of its strategic plan. He noted that Drs. Turetsky and Kawaguchi added some language regarding diversity which members should review. President Morodomi asked Ms. Murphy to assign a committee to each of the Strategic Plan goals to become the leaders of the tasks. Dr. Turetsky suggested edit changes about AB 458 (Nazarian) which permits ODs to make house calls to homebound seniors. Dr. Turetsky suggested changing the text from "homebound seniors" to "homebound individuals".

Dr. Kawaguchi asked President Morodomi to look at the workgroup's added suggestion for Goal 1.6. which states *"create better consumer outcomes for marginalized populations by the implementation of a multi-step action plan educating licensees about concepts of diversity, equity, and inclusion. Go beyond outreach to consider regulation, budget change proposals and content development"*. President Morodomi believes this topic needs to be explored further before enacting anything or setting an action plan. He suggested editing the text from "Create better consumer outcomes..." to "Explore and, if necessary, create better consumer outcomes...". Dr. Kawaguchi agreed that continued exploration is needed.

Ms. Brandvein requested a bit more content around the last sentence "Go beyond outreach to consider regulation, budget change proposals and content development". She would like to see clarification of what budget change proposals and content development mean. Dr. Kawaguchi replied that "we do not yet know". This is an area that the Board would like to explore. Ms. Brandvein suggested striking that part and leaving it at "explore" for now. Dr. Turetsky noted that public comments have suggested that since this Board is a consumer protection board, dealing with issues of this nature may be outside of its mandate. He argued that he disagrees with this because part of being a consumer protection board is ensuring that we relate to the patients we are serving regarding cultural diversity and cultural competency.

Dr. Turetsky suggested that perhaps in the future the Board might consider adding two continuing education (CE) credits on cultural competency and diversity to the CE requirements. Dr. Wang replied that the request for cultural CE might need to come under “miscellaneous” to be accepted. She is not aware of any CE lectures on cultural diversity so mandating this might make it difficult for many optometrists. Therefore, it may be best for this to be a course that the Board would accept under the “miscellaneous” category.

President Morodomi asked if Members would like to place this under a different goal? Dr. Wang commented that perhaps it would apply best under outreach. Dr. Kawaguchi noted that it could apply under any of the categories. President Morodomi suggested placing it under outreach since the Board would want more input from the public before taking any formalized action. Dr. McIntyre argued that the wording is too vague and suggested adding additional wording such as “creating greater access to care”. Members discussed various ideas for the wording of Goal 1.6. Members reached a consensus on “*Evaluate and create better consumer outcomes such as access to care and addressing patient needs for marginalized populations by the implementation of a multi-step action plan educating licensees about concepts of diversity, equity, and inclusion*”. Members arrived at a consensus to move Goal 1.6 to outreach.

There was no public comment.

Lillian Wang moved to adopt the Board’s 2021-2025 Strategic Plan as amended during today’s discussion which is moving the diversity language from licensing and registration to Goal: 5 – Outreach, along with the language changes that were discussed today. Cyd Brandvein seconded. The Board voted (6-Aye, 1-No) and the motion carried.

Member	Aye	No	Abstain	Absent	Recusal
Mr. Morodomi	X				
Dr. Kawaguchi	X				
Dr. McIntyre	X				
Ms. Brandvein	X				
Dr. Garcia	X				
Dr. Turetsky		X			
Dr. Wang	X				

CLOSED SESSION

The Board went into closed session at 11:35 a.m. Open session resumed at 12:30 p.m.

5. Discussion and Possible Action on Board Meeting Minutes

- A. August 13 and 14, 2020 Meeting**
- B. September 18, 2020 Meeting**
- C. October 23, 2020 Meeting**

Audio of Discussion: [1:01:16 / 1:47:48](#)

President Morodomi brought forth one edit needed in the August 13 and 14, 2020 draft minutes. The September 18, 2020 draft minutes and the October 23, 2020 draft minutes will be addressed at a future meeting.

There were no requests for public comment.

Lillian Wang moved to approve the August 13 and 14, 2020 Meeting Minutes. 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				
Dr. McIntyre	X				
Ms. Brandvein	X				
Dr. Garcia	X				
Dr. Turetsky	X				
Dr. Wang	X				

6. Department of Consumer Affairs Update

A. Executive Office

Audio of Discussion: [1:04:16 / 1:47:48](#)

Carrie Holmes, Department of Consumer Affairs Deputy Director, provided an update. She reported that after temporary closure in March due to state and local stay at home orders, DCA offices remain open with preventative measures to safeguard the health and safety of our employees and visitors. DCA continues to partner with the Governor’s Office and Business and Consumer Services and Housing Agency on statewide efforts related to awareness and enforcement of public health measures. In April, DCA and all boards and bureaus worked to limit expenditures and hiring to those only necessary to support core functions and emergency response activities. Additionally, this week DCA learned the Department will be required to take a 5% permanent budget reduction no later than FY 2021-2022. Each board and bureau will need to develop a plan for a 5% permanent budget reduction. DCA will be working with the board staff immediately to identify a plan that best fits the board’s operational needs.

Ms. Holmes provided an overview of the Board of Optometry appointments. Currently, the Board has four vacancies. She requested that if any of the Members know of any great candidates, or if any members of the public attending the meeting are interested in becoming involved, to please find the link titled “*Board Member Resources*” on DCA’s home page to apply for an appointment.

B. Budget Office

Ms. Murphy announced that the budget report has been submitted within the materials.

There was no public comment.

7. 2021 Board Meeting Dates

Audio of Discussion: [1:17:37 / 1:47:48](#)

Ms. Murphy announced that as of January 2020, it is no longer necessary to approve this calendar; additionally, staff greatly welcome and appreciate feedback from the Members.

There was no public comment.

8. Future Agenda Items

Audio of Discussion: [1:16:08 / 1:47:48](#)

Dr. Kawaguchi asked that the Board seek clarity and understanding for when optometrists, SLDs, and CLDs receive COVID-19 vaccines. The Board may be a conduit of information to licensees and optician registrants. Dr. Kawaguchi also requested discussion around the 5% permanent budget cut.

There was no public comment.

9. Executive Officer's Report

A. Examination and Licensing Program

B. Enforcement Program

C. Policy and Outreach Update

D. Update on the Board's Response to COVID-19

Audio of Discussion: [1:18:56 / 1:47:48](#)

Ms. Leeper reported on the examination and licensing program. Both DCA and the Association of Regulatory Boards of Optometry (ARBO) extended their CE extensions. DCA is accepting CE extensions for CE requirements for licensees who expire December 31, 2020. ARBO has extended offering live online courses through June 30, 2021. PSI locations in California for the California Laws and Regulations Exam (CLRE) is still at limited capacity; however, most 2021 graduates have already applied to take the law exam or plan to do so soon. The current processing time for optometry applications is 6-8 weeks which staff wishes to maintain. The opticianry application processing times are 4-6 weeks, but staff anticipates that this processing time may lengthen due to the loss of a staff member. American Board of Opticians (ABO) testing locations are also offered at limited capacity; however, they are offered continuously rather than quarterly. Staff is still receiving the same number of applications as received in previous years.

President Morodomi asked what the Board's expectation is in obtaining a draft regulation presented to the Board regarding giving the Board power to allow (in emergencies) that graduates do not have to take the Part III immediately upon graduation to practice. Ms. Murphy reminded members that the Board has a few different avenues for action and change within that area. She explained that staff continues to work with stakeholders in developing a case for emergency regulations, and have a conversation with the Senate Business and Professions and Assembly Business and Professions consultants regarding the potential for Sunset Review legislation that will allow the Board greater flexibility within the statute. Additionally,

staff continues to have strategy sessions with the Office of Professional Examination Services (OPES) regarding potential verification outside of the use of the Part III portion of the examination - the use of some substitute deemed appropriate by the Board.

Mr. Garcia asked why the optometry law exam is not offered more often and asked about the pass rate. Ms. Murphy explained that staff is responsible for working with OPES to create text bank questions for utilization. Staff holds Subject Matter Experts (SME's) workshops every six months to create new exams. The Board is working without a line item within the budget for our examination development. Staff would like to have the exam offered more often but it would require substantial investment by the Board in creating new exams every 2 or 3 months to prevent compromise of the test bank. Dr. Wang noted that the other professional health boards (medical, dental, etc.) all offer their exam every six months as well. Dr. Garcia inquired whether his understanding is correct; that if an applicant fails the exam, the applicant must wait six months to retake the exam; Ms. Murphy confirmed that this is correct.

Dr. Kawaguchi continues to feel that the numbers provided are not an accurate reflection of the speed at which staff can process an application once all documents and information are received by staff. He is aware that, in the processing forum, that many applicants will start their process before they are even able to submit all their documents. He noted that the appearance is that staff can process paper applications more quickly than applications via BreEZe. Dr. Kawaguchi wants licensees to have an accurate understanding of the Board's efficiencies and the benefits of BreEZe. Ms. Murphy explained that staff continues to look for a way in which BreEZe can assist staff in delineating those times; however, there has been a great change in licensing staff.

President Morodomi announced that he will be appointing Ms. Brandvein as chair of the Outreach Committee. He suggests merging the Consumer Protection Meeting with the Outreach Committee due to their overlapping purposes.

There was no public comment.

10. Update, Discussion, and Possible Action on Optometry Board Sunset Review

This item was not taken up.

Adjournment

Meeting adjourned at 1:18 p.m.

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
 Jeffrey Garcia, OD
 David Turetsky, OD
 Lillian Wang, OD
 Vacant, Public Member
 Vacant, Public Member
 Vacant, Public Member
 Vacant, Optician Licensed Member



DRAFT BOARD MEETING MINUTES
December 11, 2020

This public meeting was held via WebEx Events.

Members Present	Staff Present
Mark Morodomi, President	Shara Murphy, Executive Officer
Glenn Kawaguchi, Vice President	Cheree Kimball, Assistant Executive Officer
Debra McIntyre, Secretary	Marc Johnson, Policy Analyst
Jeffrey Garcia, OD	Natalia Leeper, Licensing Coordinator
David Turetsky, OD	Rebecca Bon, Legal Counsel
Lillian Wang, OD	Matt McKinney, Enforcement Analyst
Members Absent	
Cyd Brandvein	

Link for the audio of discussion:

<https://www.youtube.com/watch?v=QaaPqjQI7JE&feature=youtu.be>

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

Audio of Discussion: [0:02 / 44:26](#)

Mr. Morodomi called the meeting to order at 10:00 a.m. A 6-1 quorum was established. Ms. Brandvein was absent.

2. Public Comment for Items Not on the Agenda

Audio of Discussion: [1:18 / 44:26](#)

There were no requests for public comment.

3. Update, Discussion, and Possible Action on Optometry Board Sunset Review

Audio of Discussion: [3:51 / 44:26](#)

Ms. Murphy invited comments, and thoughts about the report, and its reflection on the Board. She expressed her gratitude for all the work that was dedicated to its development.

Dr. Kawaguchi noted that each time the Board undergoes a Sunset Review, it amazes him how much the Board has accomplished (especially over this past year). He considers this a testament to members and staff. He conveyed his gratitude to everyone for their part in the Board's accomplishments. Dr. Garcia echoed these thoughts.

Ms. Murphy explained that the purpose of the Sunset Review is to show that the Board is still relevant and needed in overseeing the professions of optometry and opticianry. During each Sunset, the Board is provided a "check-up" by the Legislature, which comments on what the Board has done and what the Board should be looking at going forward. That information is then incorporated into the Board's daily activities to push those goals forward. The plan will need to be submitted to the Legislature by January 4th.

Dr. McIntyre commented that she is impressed by the sheer amount of information in the report and does not have any additions or amendments. Dr. Turetsky noted that on page 74 a notation was made showing that roughly 31 percent of CE audits fail. If this were to come up with the Legislature, members should consider having a response ready should this issue be brought up. Dr. Turetsky noted that this is an outreach issue. He also commented on the inspection program on page 79 where it talks about the Board having inspection authority of optometric and opticianry practices. He noted that this would be labor-intensive and expensive and wondered if, rather than utilizing Board resources, there was any way the Board could be notified of or be privy to audit information obtained by other agencies, such as VSP or Medi-Cal. Additionally, Dr. Turetsky pointed out the sheer amount of work state employees perform. Perhaps something can be placed on the board website acknowledging their hard work and dedication to consumer protection.

Public Comment:

[Joe Nevel](#). Mr. Nevel congratulated staff on the remarkable work done on the Strategic Plan document. He pointed out a couple of errors relating to opticians for the sake of accuracy.

President Morodomi noted that on page 88 - line 33, he does not understand what it is saying. Ms. Murphy explained that staff did not receive explicit instructions and that there will be some reshuffling of the new issues section. The new issues previously discussed in this report will be moved to new issues that are identified by the Board. Assembly Bill (AB) 655 will move to the new issues identified by the Board in this report.

President Morodomi opened the floor for a second comment. There were no requests for public comment.

Glenn Kawaguchi moved to approve the 2020 Sunset Review Report as presented and delegate authority to the Executive Officer and Sunset Review Workgroup to make any

needed changes prior to submission. Lillian Wang seconded. The Board voted 6-Aye; 1-Absent and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Mr. Morodomi	X				
Dr. Kawaguchi	X				
Dr. McIntyre	X				
Dr. Garcia	X				
Dr. Turetsky	X				
Dr. Wang	X				
Ms. Brandvein				X	

4. Future Agenda Items

Audio of Discussion: [30:56 / 44:26](#)

Dr. Kawaguchi stated that based on letters received from the NBO and the California optometry Deans, he believes the Board needs to make certain that the next agenda discusses a path to licensure for new graduates. This issue continues to be complicated. Perhaps research is needed to discover whether there will be an access problem to optometry if this is not corrected. Dr. Wang noted that Part II of the NBEO was partially canceled due to the new shelter in place order from the Governor. 50 percent of the graduates who were canceled were not able to get rescheduled. Something is wrong with the testing situation.

President Morodomi suggested a possible discussion regarding where the optometric profession is regarding vaccinations. Dr. Kawaguchi replied that there are two parts needed for this discussion; (1) optometrists' ability to vaccinate patients and having an extended scope of practice that may include the COVID-19 vaccination; and (2) where optometrists and opticians are in California's rollout tier for the COVID-19 vaccination.

Public comment:

- Kristine Schultz, California Optometric Association (COA). She was asked to provide an update legislatively. COA is looking at a couple of legislative bills next year; one is related to the NBEO testing issue. COA is currently looking for an author for this bill. Regarding testing and immunizations, COA intends to pursue legislation next year. Ms. Schultz added that she believes the Board is in Sub Tier 3 under the type of facility; therefore, optometry is in Phase 1A; however, the COA believes there will not be enough of the vaccine to include all the public health providers in the first tier. They believe optometrists are alongside dentists and other specialty clinics. COA is seeking clarity from the Guidelines Committee to specifically list optometrists so that it is not unclear about when they will be provided the vaccine.
- Another public comment was heard from [Tiffany Witherspoon](#), Director of Continuing Education at Western University. She asked if there has been an update to glaucoma grand rounds? Ms. Murphy replied that this issue will appear on an additional agenda. Staff has been undergoing a review of the program which appears to have been

successful. The findings will be brought back to the Practice and Education Committee (PEC) and then to the Board for the next agenda.

5. Adjournment

Meeting adjourned at 10:47 a.m.