

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

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QUARTERLY BOARD MEETING AGENDA

**Friday, August 27, 2021
10:00 am until the close of business
Public Petition Hearings: Time Certain Start of 2:00 pm**

This public meeting will be held online via WebEx Events. To participate online, please log on to the website the day of the meeting using the links below:

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=mf55068dcfc9fcecd382b11f8ebe275fe>

**Event number: 146 908 0085
Event password: Optometry8272021**

To participate in the meeting by telephone:

**Call 1-415-655-0001
Enter Event number: 146 908 0085
Enter Pass Code: 67866387**

NOTICE: Pursuant to Governor Gavin Newsom's Executive Order N-08-21, in response to the COVID-19 pandemic, the meeting is being held entirely electronically. 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 to optometry@dca.ca.gov no later than seven days prior to the meeting for consideration.

Action may be taken on any item on the agenda.

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. Board President's Report - Formation of and Appointment to Committees

4. Discussion and Possible Approval of July 9, 2021 Board Meeting Minutes

5. Association of Regulatory Boards of Optometry (ARBO) Annual Meeting Report from Lisa Fennell with Comments from Madame President and Board Member Kawaguchi

6. Department of Consumer Affairs Update

- A. Executive Office – Carrie Holmes, Deputy Director of Board and Bureau Relations
- B. Budget Office

7. Executive Officer's Report

- A. Enforcement Program
 - i. Quarterly Statistics
 - ii. Presentation on Enforcement Process
- B. Examination and Licensing Programs
 - i. Quarterly Statistics
 - ii. Presentation on Optometry Initial Licensing Process
- C. Legislative and Regulatory Update
 - i. Assembly Bill 407 (Salas and Low) Optometry: scope of practice
 - ii. Assembly Bill 691 (Chau) Optometry: SARS-CoV-2 vaccinations: SARS-CoV-2 clinical laboratory tests or examinations
 - iii. Assembly Bill 1534 (Committee on Business and Professions) Optometry: mobile optometric clinics: regulations.
 - iv. Senate Bill 509 (Wilk) Optometry: COVID-19 pandemic: temporary licenses
 - v. Optician Program Omnibus Regulatory Changes (Amend Title 16, §§ 1399.200 – 1399.285)
 - vi. Dispensing Optician Disciplinary Guidelines (Amend Title 16, § 1399.273)
 - vii. Implementation of AB 458 (Adopt Title 16, §1507.5; Amend Title 16, § 1524)
 - viii. Implementation of AB 443 (Amend Title 16, § 1524; Adopt Title 16, § 1527)
 - ix. Optometry Continuing Education Regulations (Amend Title 16, § 1536)
 - x. Requirements for Glaucoma Certification (Amend Title 16, § 1571)
 - xi. Optometry Disciplinary Guidelines (Amend Title 16, §1575)
 - xii. Implementation of AB 896 (Adopt Title 16, §§1583 – 1586)
- D. Outreach and Communications Update

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

9. Future Agenda Items

Public Petition Hearing – Time Certain Start of 2:00 pm

10. Petitions for Early Termination of Probation

- Wayne Hoeft (OPT #4256)
- Martin Dawson (SLD #42036, CLD #8596)

11. CLOSED SESSION

- A. The Board Will Meet in Closed Session for Discussion and Deliberation on Disciplinary Matters, Pursuant to Government Code Section 11126(c)(3)
- B. The Board Will Adjourn the Meeting

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.

Meetings of the California State Board of Optometry and its committees are open to the public except when specifically noticed otherwise in accordance with the Bagley-Keene Open Meeting Act. Public comments will generally be taken on agenda items at the time the specific item is raised. Please respect time limits, which the Chairperson may request on an as-needed basis to accommodate all interested speakers and the full agenda. The Board or its committees may take action on any item listed on the agenda. 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 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 the availability of the requested accommodation.



ISSUE MEMORANDUM

DATE	August 27, 2021
TO	Members, California State Board of Optometry (CSBO)
FROM	Terri Villareal, Lead Enforcement Analyst
SUBJECT	Agenda Item #7A – Enforcement Program Review for Fiscal Year 2020/2021

The Enforcement Program has accomplished several milestones in the past fiscal year.

Enforcement staff has created and edited several procedural manuals for many unit tasks that are performed regularly. These manuals are provided to new staff that are hired so they have a better understanding of how the unit operates and the tasks for which they are responsible. The manuals are also a valuable resource for all staff as they include step-by-step instructions for essential tasks.

These same manuals will be used to create videos for future training for Board members. Pursuant to “Goal 4.1: Enforcement” of the 2021-2025 Board Strategic Plan, the board shall “review the communication process and standard practices used in enforcement actions that could result in probation or revocation of a license. Ensure that procedures and processes focus on consumer protection and probationer rehabilitation, not punishment.”

The Board said goodbye to two of its enforcement analysts as they accepted promotions to other boards within DCA. This past December 2020, an enforcement technician was hired who continues to learn and take on more responsibility in the technician role.

The probation monitoring program underwent several changes as staff reviewed existing letters, created a probation monitoring checklist, and reviewed each probationer’s record to identify disparities with documents and probation requirements. Staff is continuing to review forms and processes within the program to ensure continued compliance with all probationers.

On February 25, 2021, the Office of Administrative Law (OAL) approved the Board’s regulatory rulemaking package implementing Assembly Bill 2138 (Chiu, Chapter 995, Statutes of 2018). AB 2138 affects the nearly 8 million Californians with non-violent arrest or conviction records and helps reduce the barriers they face in receiving a professional license, which is required for 30 percent of jobs in the State of California. The Board is now processing applications under these new criteria.

Below are the enforcement and disciplinary actions taken for the fourth quarter 2021. The previous three quarters were reported in past enforcement reports.

Petitions for Early Termination of Probation:

Son, John (OPT 11215)

On November 30, 2020, John S. Son (OPT 11215), with an address of record in Torrance, CA, filed a Petition for Early Termination of Probation (Petition). The Respondent's Optometry license was placed on probation for two years for conviction of a substantially related crime and use of alcohol to an extent or in a manner dangerous or injurious to himself or others (BPC §§490, 3110(k), (l) and CCR title 16 §1517), effective July 18, 2019. A quorum of the California State Board of Optometry heard the Petition on May 21, 2021. The Petition was granted and is effective June 16, 2021.

Lampers, Sarah (SLD 40145, CLD 8011)

On October 12, 2020, Sarah Lampers (SLD 40145, CLD 8011), with an address of record in Riverside, CA, filed a Petition for Early Termination of Probation (Petition). The Respondent's registrations were placed on probation for five years for a Criminal Conviction for DUI (BPC §§490, 2555.1, 2559.3, and 2563), effective April 20, 2018. A quorum of the California State Board of Optometry heard the Petition on May 21, 2021. The Petition was granted and is effective June 16, 2021.

Statement of Issues

George, William (SLD & CLD Applicant)

On June 30, 2021, a Statement of Issues was filed against William George following the denial of his applications for registration as a Spectacle Lens Dispenser and Contact Lens Dispenser. The basis for the denial was Criminal Convictions for First Degree Burglary, Disturbance by Loud/Unreasonable Noise, Dishonest Acts, and Acts if Done by Licentiate (BPC §§475(a)(1), (2), (3), (4), 480(a)(1)(A), 2599.2, and 2561).

Cases by Priority	Q1 – FY20/21						Q2 – FY20/21						Q3 – FY 20/21						Q4 – FY20/21						FY Total	
	Routine		High		Urgent		Routine		High		Urgent		Routine		High		Urgent		Routine		High		Urgent		OPT	OPN
	OPT	OPN	OPT	OPN	OPT	OPN	OPT	OPN	OPT	OPN	OPT	OPN	OPT	OPN	OPT	OPN	OPT	OPN	OPT	OPN	OPT	OPN	OPT	OPN	OPT	OPN
Received	53	19	2	0	0	0	52	27	1	1	0	0	47	18	1	0	0	0	65	12	1	0	0	0	222	77
Closed	47	7	2	0	0	0	35	14	1	0	0	0	45	32	3	0	0	0	41	19	0	0	0	0	174	72
Average Age (days) - Closed	149	307	1038	0	0	0	85	223	470	0	0	0	174	438	242	0	0	0	300	286	633	0	0	0	173	429
Pending	111	128	12	0	0	0	127	141	10	1	0	0	134	113	8	1	0	0	168	107	8	1	0	0	176	108
Average Age (days) – Pending	604	507	370	0	0	0	581	653	415	24	0	0	541	680	531	114	0	0	505	735	507	740	0	0	509	735
Referred to AG	0	3	0	0	0	0	1	0	2	0	0	0	0	0	0	0	0	0	1	1	0	0	0	0	4	4
Pending at AG	3	28	1	0	0	0	4	26	3	0	0	0	3	26	3	0	0	0	4	27	3	0	0	0	7	27
Final Disciplinary Orders	2	2	1	0	0	0	0	0	0	0	0	0	1	2	0	0	0	0	0	0	0	0	0	0	4	4



ISSUE MEMORANDUM

DATE	August 27, 2021
TO	Members, California State Board of Optometry (CSBO)
FROM	Terri Villareal, Lead Enforcement Analyst
SUBJECT	Agenda Item #7Aii – Case Investigation Overview

This presentation is one of several that will be conducted at Board meetings over the next several months. Pursuant to “Goal 4.1: Enforcement” of the 2021-2025 Board Strategic Plan, the board shall “review the communication process and standard practices used in enforcement actions that could result in probation or revocation of a license. Ensure that procedures and processes focus on consumer protection and probationer rehabilitation, not punishment.”

This overview will provide a brief explanation of the following:

- How cases are received;
- What sources they are received from and;
- The high-level processes required for each desk investigations.

The Board’s mission is consumer protection and cases are investigated with this premise in mind. The Enforcement Unit receives complaints in different ways, but all complaints must be received in writing.

Complaints are received through BreZze, the Department’s licensee management system (preferred); by postal service, by email to the Board’s public email address, and by report from the National Practitioner Data Bank (NPDB). Infrequently complaints are received through the Department of Consumer Affairs website or Call Center; these are forwarded by email to the Lead Enforcement Analyst.

Each case received is opened and investigated. While investigations vary case to case, the basic determination is the same – has a violation of the Optometry Practice Act or the laws governing the practice of Opticianry occurred?

The Board also investigates criminal convictions. As part of the application for licensure, applicants are required to submit fingerprints that are processed by the California Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI). Applicants are encouraged, but not required to disclose any convictions that may be substantially-related to the practice of the profession. Licensees are required to disclose any convictions received in the last renewal cycle on their renewal form. Additionally, the Board is notified by DOJ and the FBI Rap Back Program of any arrest, citation, detention or conviction involving a licensee.

At intake, if a complaint includes a request that is outside of the Board's jurisdiction (e.g. the subject is the licensee of another board, request for return of funds or benefits, purported violations of the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule, or questions concerning Personal Protective Equipment (PPE) standards) the complainant is sent a letter explaining which agency they may contact for assistance.

After a case is opened, it is assigned to an analyst for investigation. The analyst reviews the documents that were included with the complaint to determine if other documents are needed for the investigation. Some of those documents can be police reports, court records, notifications from insurance companies, medical records, billings, or any other document the complainant may have to support the allegations. Often, analysts will need to contact the complainant to clarify the details of the complaint submitted in writing. The assigned analyst may also request a signed release of medical records completed by the complainant.

Each case entered into BreEZe receives a "priority" for investigation ranking. Most cases fall under the "routine" priority; meaning, allegations are related to broken or incorrectly made glasses, billing errors, or prescriptions, and copies of medical records not received upon request. The priority of the case (routine or high) will determine several actions the analyst will take regarding the investigation. High-priority cases will receive immediate attention. "High" priority cases are those in which there is patient harm (loss of vision), sexual harassment, or assault.

The Board receives an average of 350 new cases per year. Based on recent calculations, the Board's four enforcement analysts have an average case load of 94 cases with 288 pending cases reported in 2020-21.

Enforcement Analysts work with subject matter expert licensees to determine whether a licensee met the standard of care in cases related to patient care. Enforcement Analysts work with Deputy Attorneys General (DAG) from the California Department of Justice to take disciplinary action when necessary to protect California consumers from unsafe, unlicensed, or unscrupulous providers. Enforcement Analysts also work with DAGs to temporarily suspend a licensee from practice when they present immediate potential harm to consumers and to compel licensees to undergo mental and/or physical health evaluations to determine if a licensee is unsafe to practice due to illness.

In the table below, you will find many of the tasks required for an effective and complete desk investigation.

Enforcement Analyst Tasks (Desk Investigations)	
1)	Review new complaint for jurisdiction and completeness
2)	Review subject's enforcement/licensing history
3)	Review of pending/aged cases
4)	Update BreEZe information

Enforcement Analyst Tasks (Desk Investigations)	
5)	Request additional information from complainant
6)	Communicate with subject by phone/email
7)	Communicate with complainant by phone/email
8)	Request response from subject
9)	Request records from additional providers
10)	Examine case-related correspondence
11)	Check CURES database (if applicable)
12)	Review complainant's response to Board
13)	Review subject's response to Board request
14)	Analyze medical records received from subject
15)	Discuss case with consultant
16)	Refer case to expert for review
17)	Discuss case with management
18)	Draft closing letter to complainant
19)	Draft closing letter to subject
20)	Draft memo to inspections unit for inspection
21)	Draft request for service to Division of Investigation (DOI)
22)	Draft transmittal memo to Attorney General (AG)
23)	Communicate with Deputy Attorney General (DAG) assigned to case
24)	Communicate with DOI investigator
25)	Communicate with inspector and review inspection report
26)	Draft citations
27)	Draft case route slip for management review
28)	Informal Citation Review Conference
29)	Administrative Hearings
30)	Prepare cost certification
31)	Review DAG draft Accusations or Statements of Issues
32)	Prepare citation affirmation/modification
33)	Review mitigation from respondent/attorney
34)	Recommend settlement terms
35)	Monitor ENF Office Technician work to process Board Votes by Mail
36)	Log information/case outcomes into BreEZe
37)	Scan and attach all case documents to BreEZe
38)	Review DOI report
39)	Review Subject Matter Expert Opinion

A recommendation is written for all cases after the investigation has concluded. Recommendations present a case analysis and propose the next action the Board should take. Some of those actions include case closure, referral to DOI or an SME, issuance of a citation, or transmittal to the Attorney General's Office for formal disciplinary action. If cases are sent to DOI or an SME, the analyst will update the recommendation to include those findings after a report is received from DOI or the SME. The analyst's recommendation is reviewed by the lead enforcement analyst and may be revised for clarity or discussed to better communicate the findings of the analyst. Cases are then reviewed by the Assistant Executive Officer (AEO). If the analysis and next step of the analyst is supported, the AEO will request the review of the Executive Officer (EO). If the analysis and next step of the analyst is NOT supported by the AEO, the EO will convene a conference of the AEO, lead enforcement analyst and the enforcement analyst responsible for the recommendation.

Board Meeting Action Requested:

Following the presentation and question-and-answer period, staff requests that the Board provide feedback to improve these trainings and suggests specific concepts or steps within the enforcement and disciplinary processes that could be addressed in future trainings. This series of trainings will support the Board's work to fulfill "Goal 4.2: Enforcement" of the 2021-2025 Board Strategic Plan, the board shall "develop a member-driven training resource that will enable new Board members to understand the enforcement process and the important role of the Board in determining discipline."



ISSUE MEMORANDUM

DATE	August 27, 2021
TO	Members, California State Board of Optometry (CSBO)
FROM	Natalia Leeper, Lead Licensing Analyst
SUBJECT	Agenda Item #7B: Examination and Licensing Programs

California Laws and Regulations Examination

Examination applications have slowed down after the increase of applications due to graduation season. Staff is working to ensure changes made to the BreEZe Examination Application process are working correctly for the upcoming 2022 graduates. These changes should streamline the Examination Application process for applicants.

The pass rate for the 2020 fiscal year is 90.33%, with only 38 applicants having failed.

Optometry

Staff is continuing the processing of applications for recent graduates. Processing time is currently 10 weeks as projected. Staff is working on reducing that time frame so new graduates can enter the workforce as quickly as possible. In total since April 30th, the Board has received 174 applications. A majority of applications are processed by the licensing lead, who is also providing support, retraining and licensure authorization for a minimal number of applications processed by an additional AGPA resource.

Outreach and changes to the Breeze application have made processing applications smoother and have reduced deficiencies overall.

Optometrist Application of Licensure – Part Two of the application has been adjusted so applicants can add their OE tracking number. Previously the application only asked for the date they passed the exams. All applications received after July 14th, 2021 will require the applicant to list the OE tracker number. Staff anticipates that will cause fewer deficiencies for new optometrist applicants and increase the number of applications approved without deficiencies.

Opticianry

The American Board of Opticianry (ABO) and National Contact Lens Examiners (NCLE) exams continue monthly as adopted during the COVID-19 Pandemic in mid-2020. There has been no communication to Candidates or Licensing boards to indicate when or if a return to the quarterly testing schedule will occur.

Processing time has increased due to the lack of staff in the licensing unit. In the last month, the Optometry renewal coordinator began processing the backlog of initial

Registered Dispensing Optician business applications. The licensing lead will be focusing on CLD/SLD applications in addition to new optometry.

We are currently recruiting to fill the vacant Optician Program Technician position. This position processes applications for registration as an Optician and has been vacant for most of the current fiscal year.

Statistics

Attached are the full stats from the 2020 fiscal year. A separate attachment includes the 2021 fiscal year statistics to date.



CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS
 BREEZE SYSTEM
 Licensing Population Statistics
 License Population as of 08/09/2021



License Status (20-45)

License Type	20 - Current	21 - CurrentInactive	22 - CurrTmp FamSupp	28 - Military-Active	31 - Fam Supp Susp	32 - Fam Supp Dend	45 - Delinquent
Optometrist	12	9					21
Optometrist-DPA	98	83					142
Optometrist-TLG	4,095	76		1			212
Optometrist-TPA	1,431	81					251
Optometrist-TPG	957	5					61
Optometrist-TPL	928	54		2			102
Statement of Licensure	1,365						706
Fictitious Name Permit	1,464						252
Registered Dispensing Optician	1,096						392
Registered Spectacle Lens Dispenser	2,845		3		4	2	1,301
Registered Contact Lens Dispenser	1,136		2		1		397
Nonresident Contact Lens Seller	15						3



CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS
 BREEZE SYSTEM
 Licensing Application Volume and Processing Time
 Fiscal Year 2020



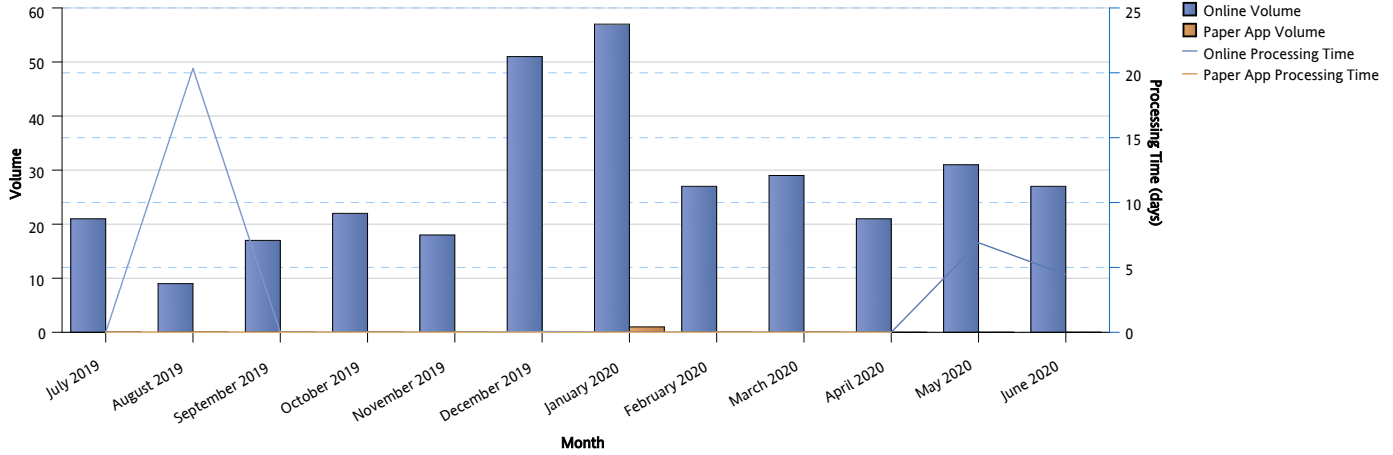
LT - Transaction Description	Online Volume	Average Online Processing Time	Paper App Volume	Average Paper App Processing Time
Optometrist - Exam Request	330	2	1	0
Optometrist - Initial License	247	68	64	34
Statement of Licensure - Issue License	324	1	5	20
Fictitious Name Permit - Issue License	107	30	20	37
Registered Dispensing Optician - Initial Application	103	20	6	6
Registered Dispensing Optician - Initial License	60	4	52	20
Registered Spectacle Lens Dispenser - Initial Application	427	24	18	31
Registered Spectacle Lens Dispenser - Initial License	443	5	14	45
Registered Contact Lens Dispenser - Initial Application	98	26	2	32
Registered Contact Lens Dispenser - Initial License	101	4	3	21
Nonresident Contact Lens Seller - Initial Application	3	9	0	
Nonresident Contact Lens Seller - Initial License	3	24	0	



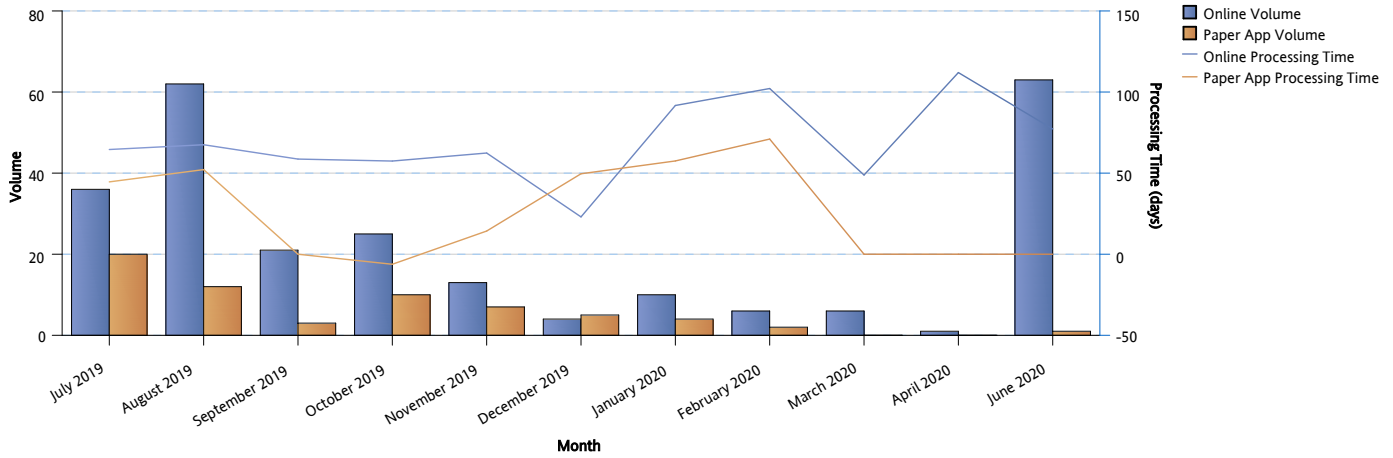
CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS
 BREEZE SYSTEM
 Licensing Application Volume and Processing Time
 Monthly Trend
 Fiscal Year 2020



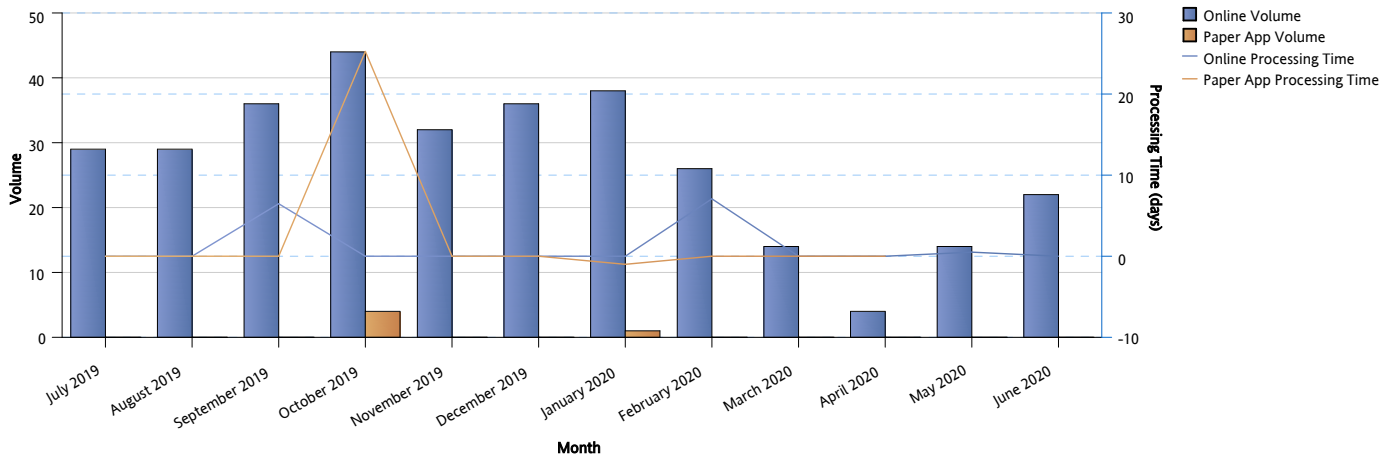
Optometrist - Exam Request



Optometrist - Initial License



Statement of Licensure - Issue License

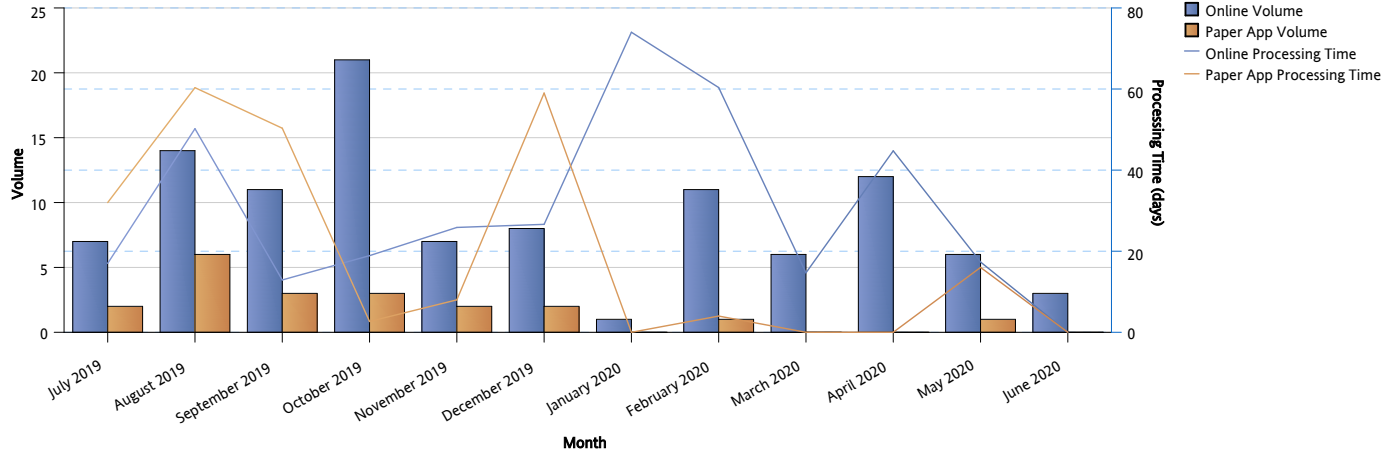




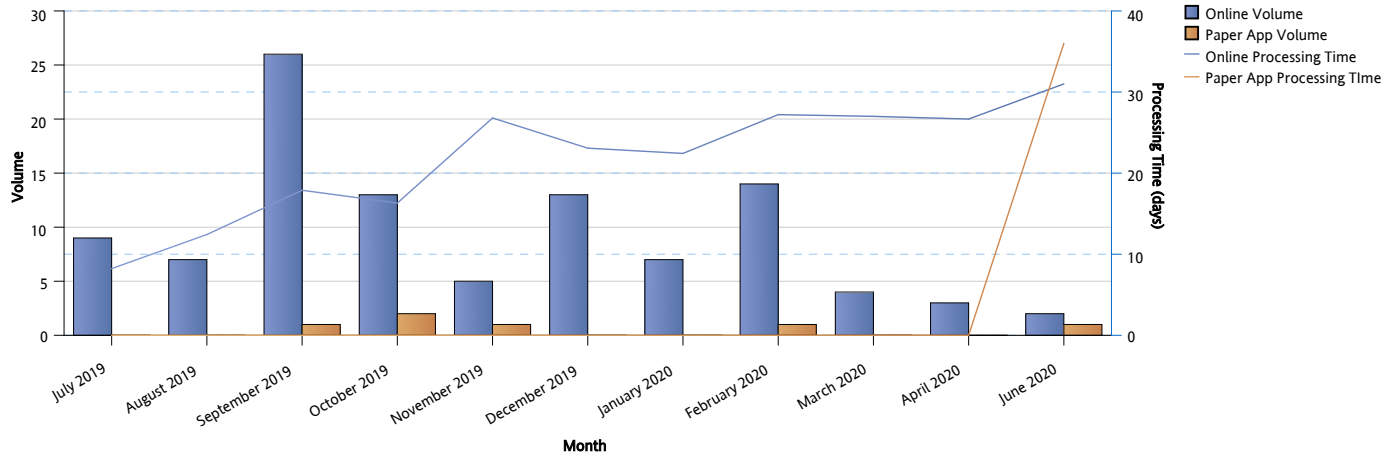
CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS
 BREEZE SYSTEM
 Licensing Application Volume and Processing Time
 Monthly Trend
 Fiscal Year 2020



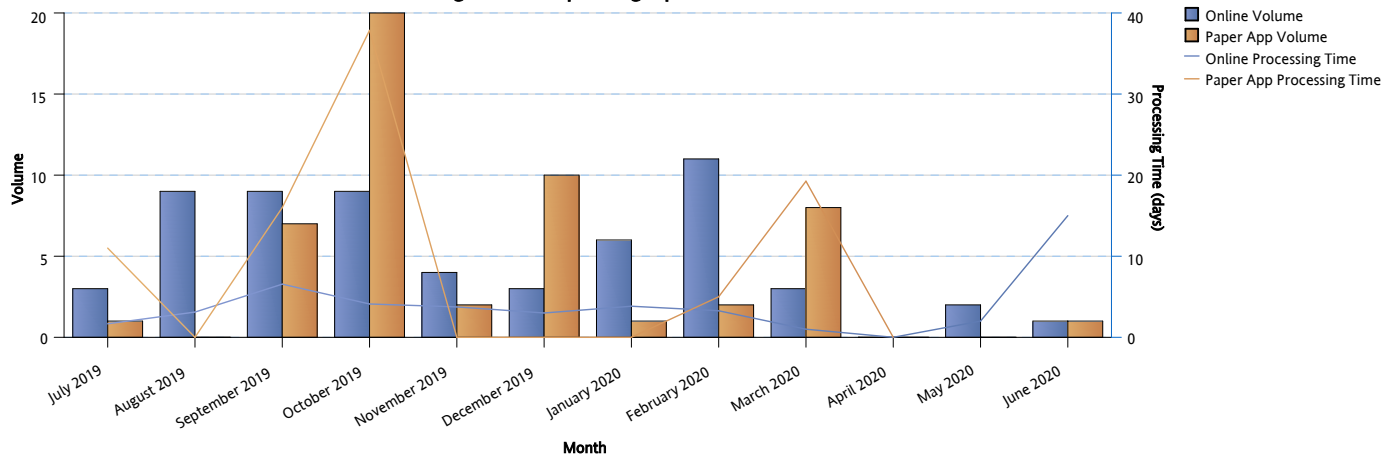
Fictitious Name Permit - Issue License



Registered Dispensing Optician - Initial Application



Registered Dispensing Optician - Initial License

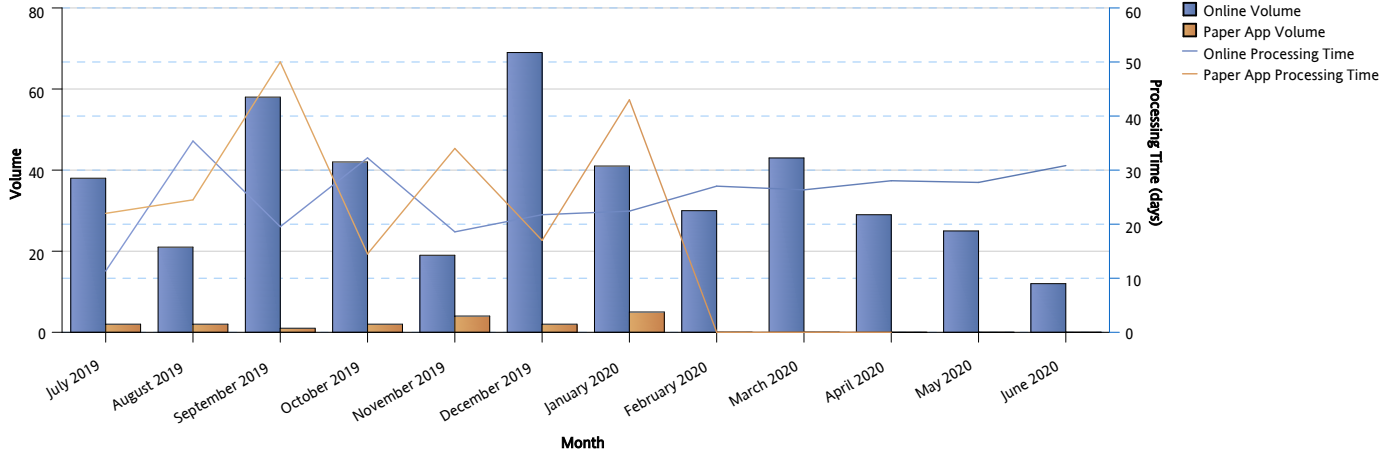




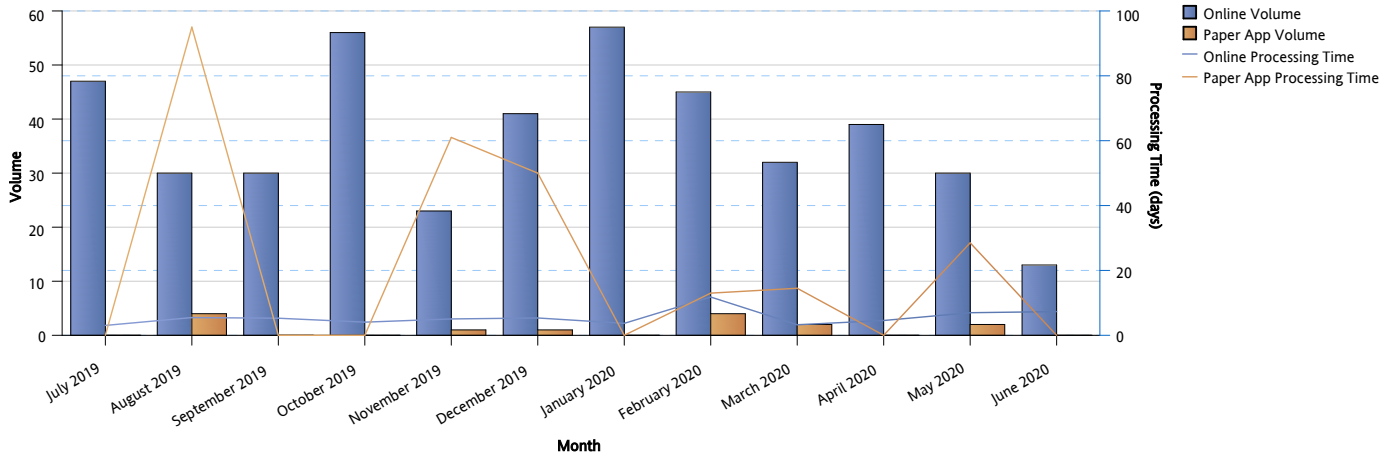
CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS
 BREEZE SYSTEM
 Licensing Application Volume and Processing Time
 Monthly Trend
 Fiscal Year 2020



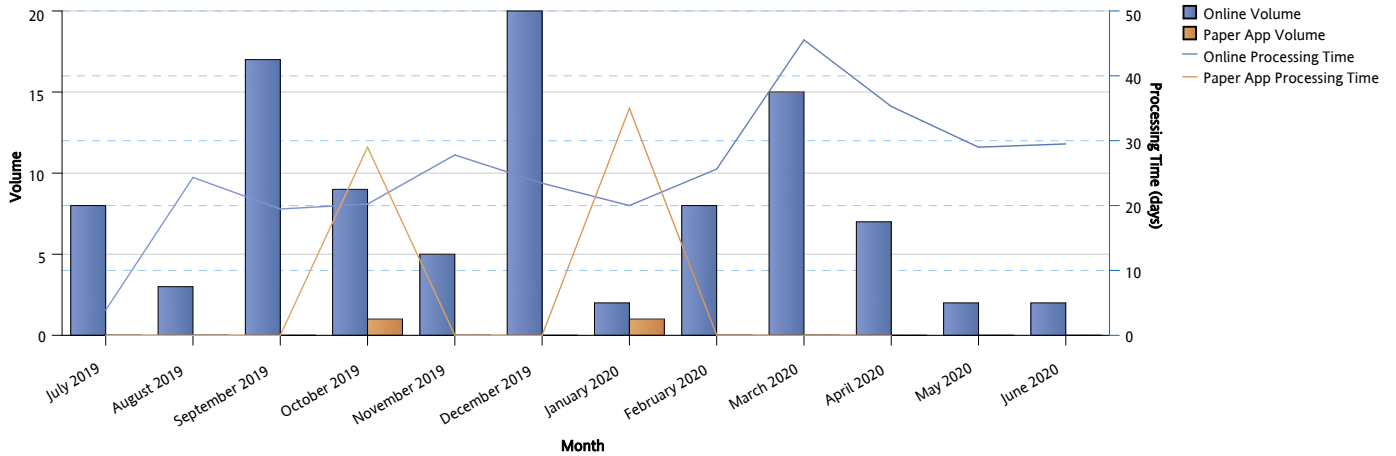
Registered Spectacle Lens Dispenser - Initial Application



Registered Spectacle Lens Dispenser - Initial License



Registered Contact Lens Dispenser - Initial Application

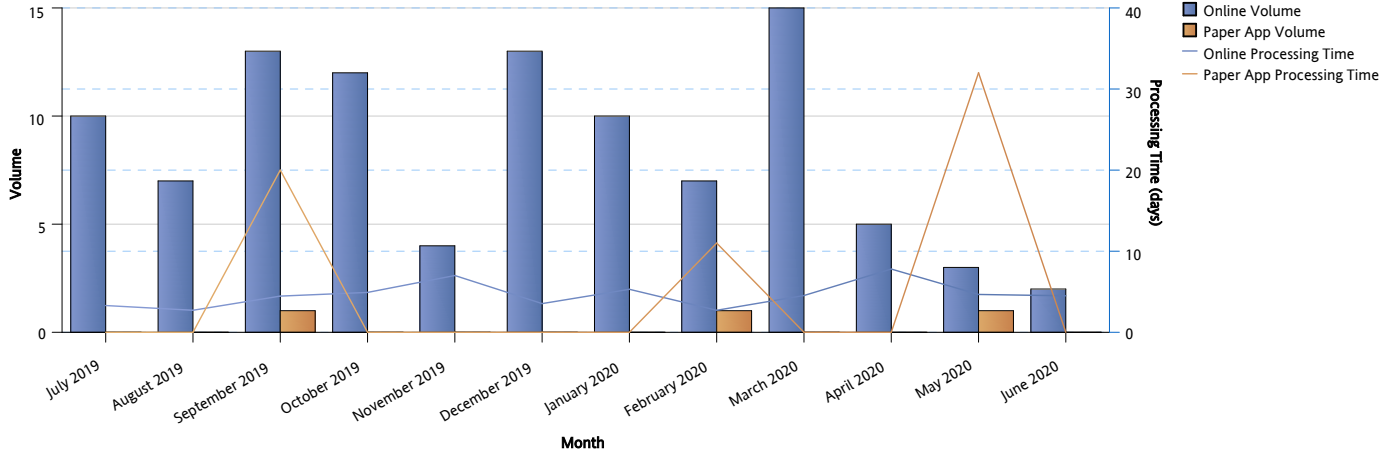




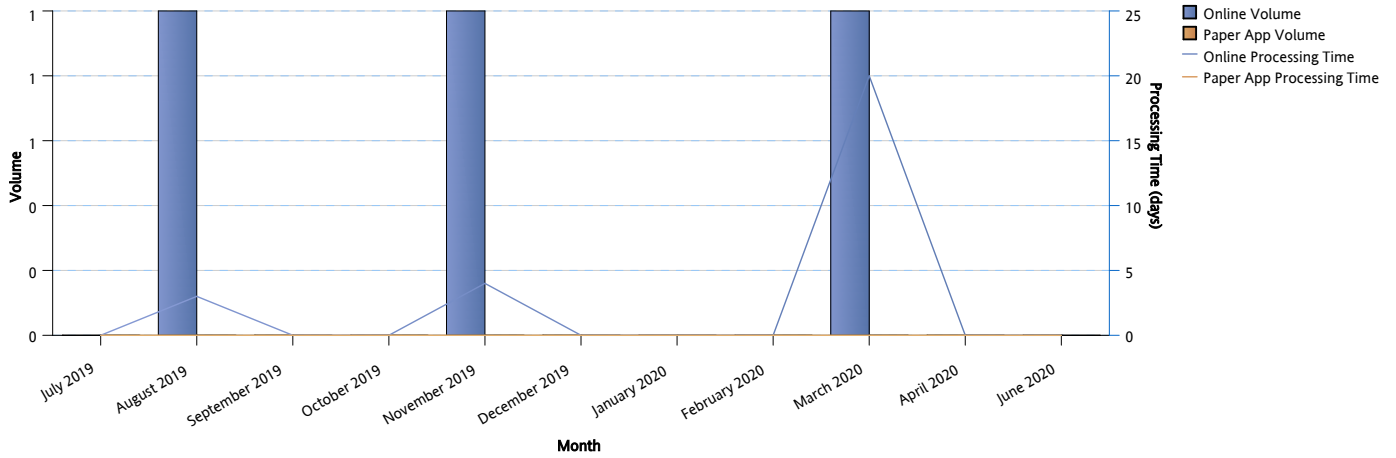
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 BREEZE SYSTEM
 Licensing Application Volume and Processing Time
 Monthly Trend
 Fiscal Year 2020



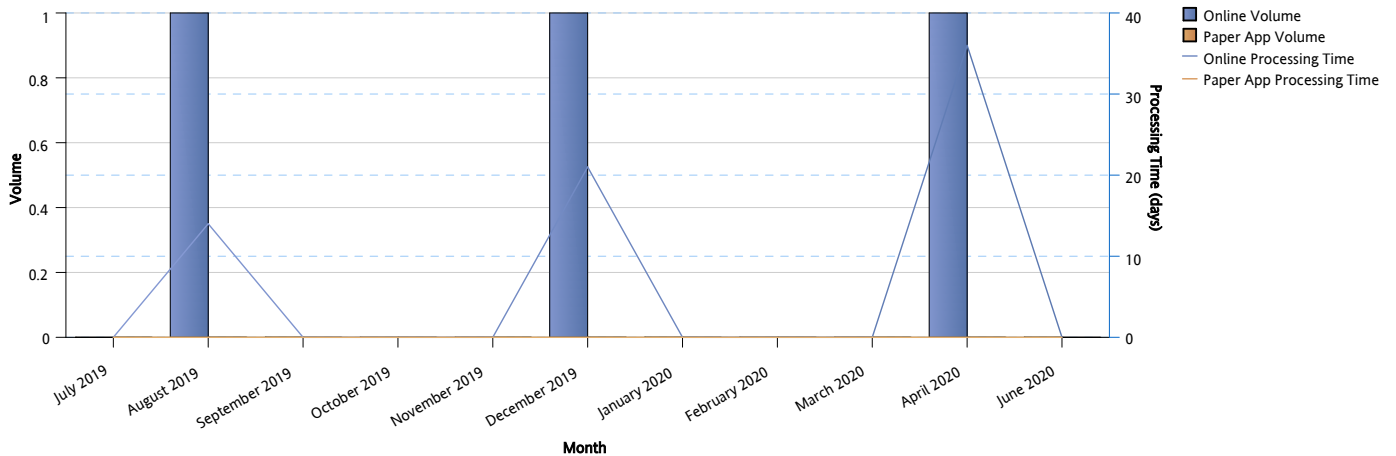
Registered Contact Lens Dispenser - Initial License



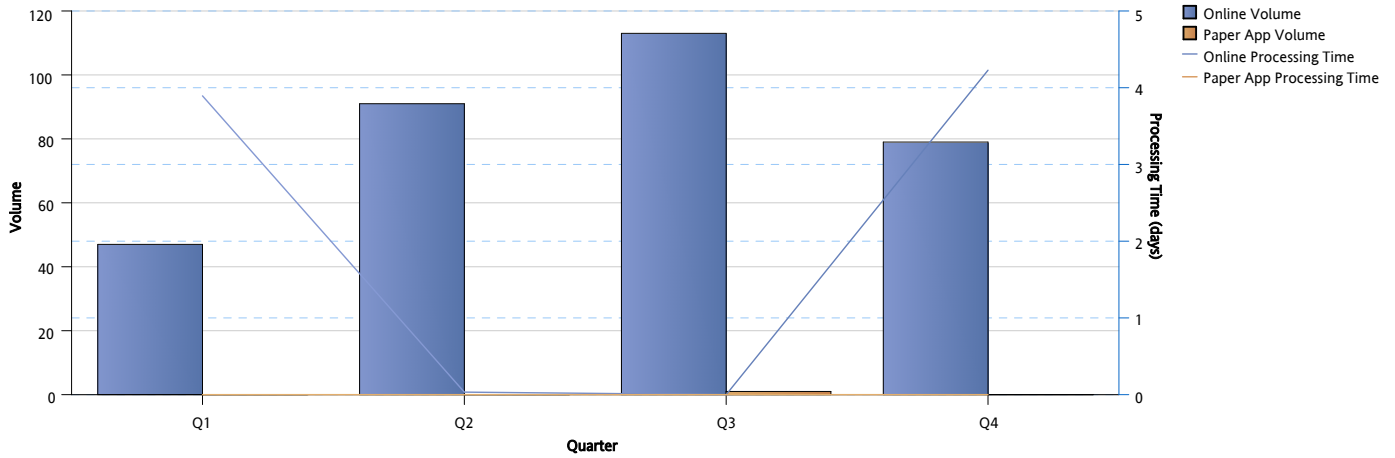
Nonresident Contact Lens Seller - Initial Application



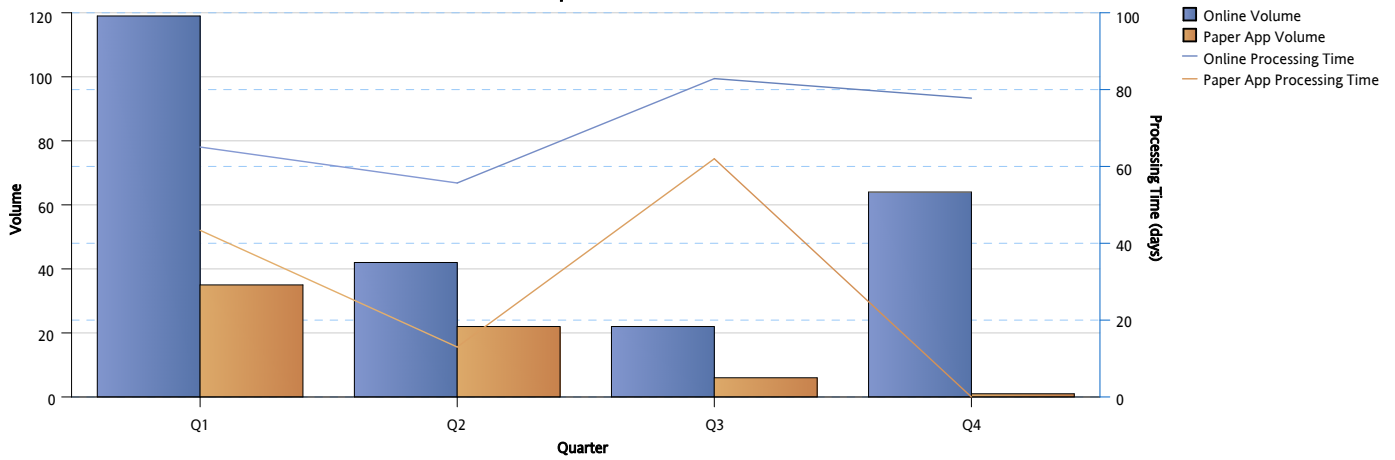
Nonresident Contact Lens Seller - Initial License



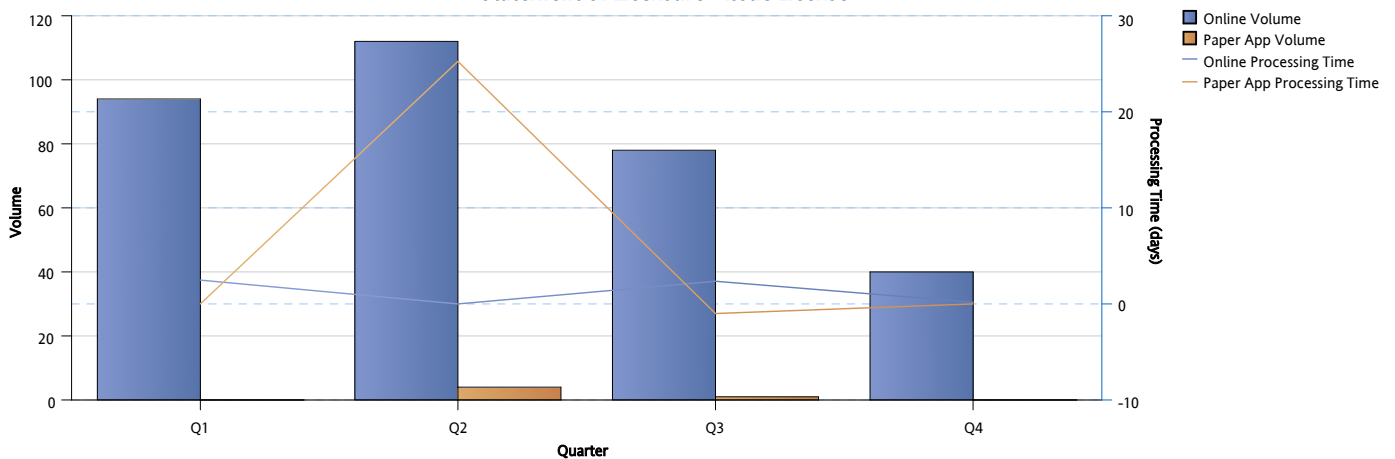
Optometrist - Exam Request



Optometrist - Initial License



Statement of Licensure - Issue License

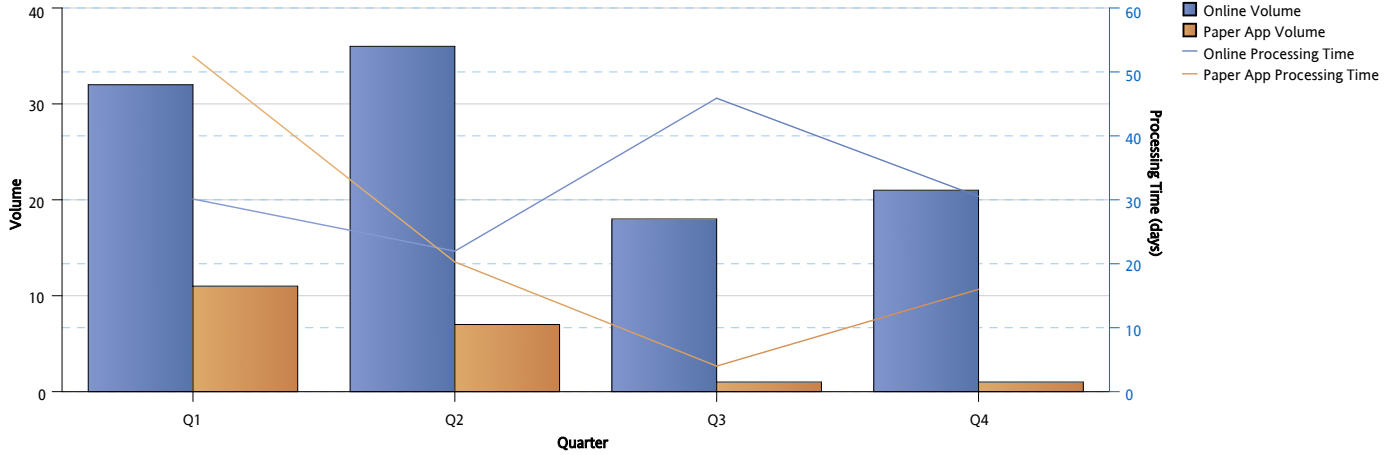




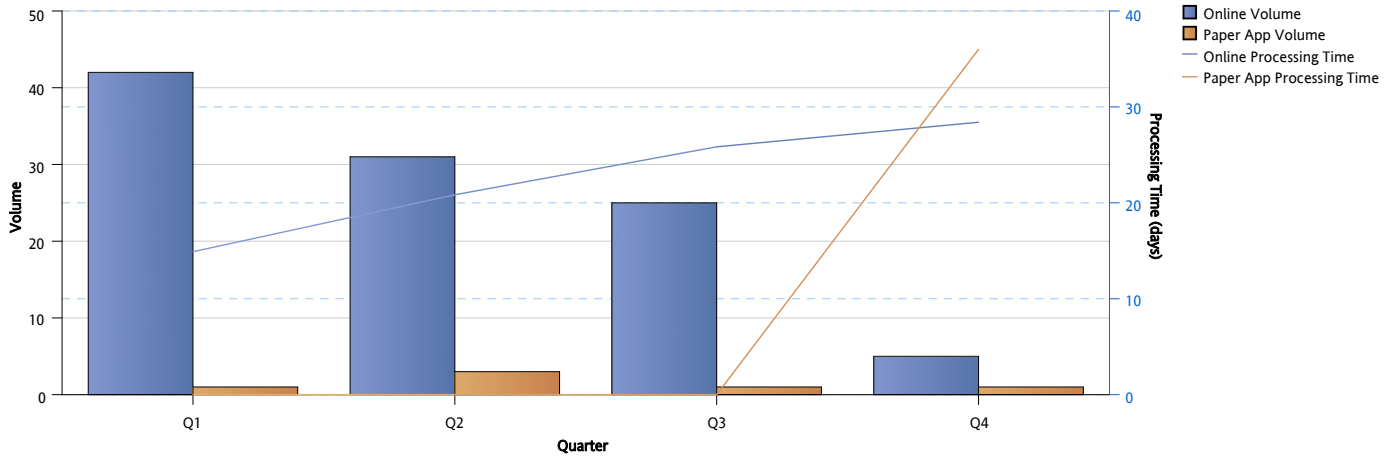
CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS
 BREEZE SYSTEM
 Licensing Application Volume and Processing Time
 Quarterly Trend
 Fiscal Year 2020



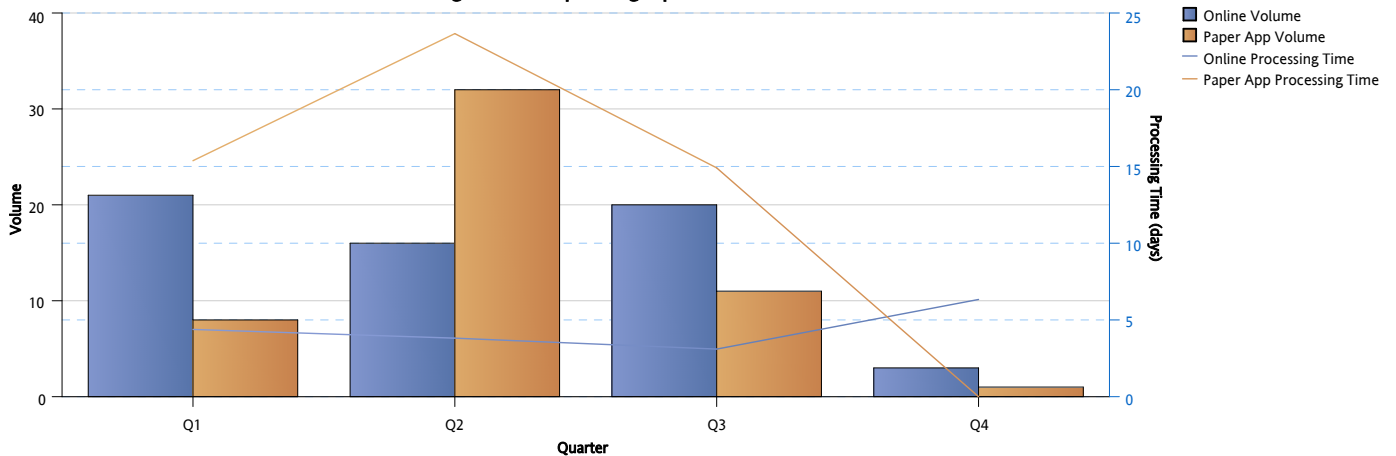
Fictitious Name Permit - Issue License



Registered Dispensing Optician - Initial Application



Registered Dispensing Optician - Initial License

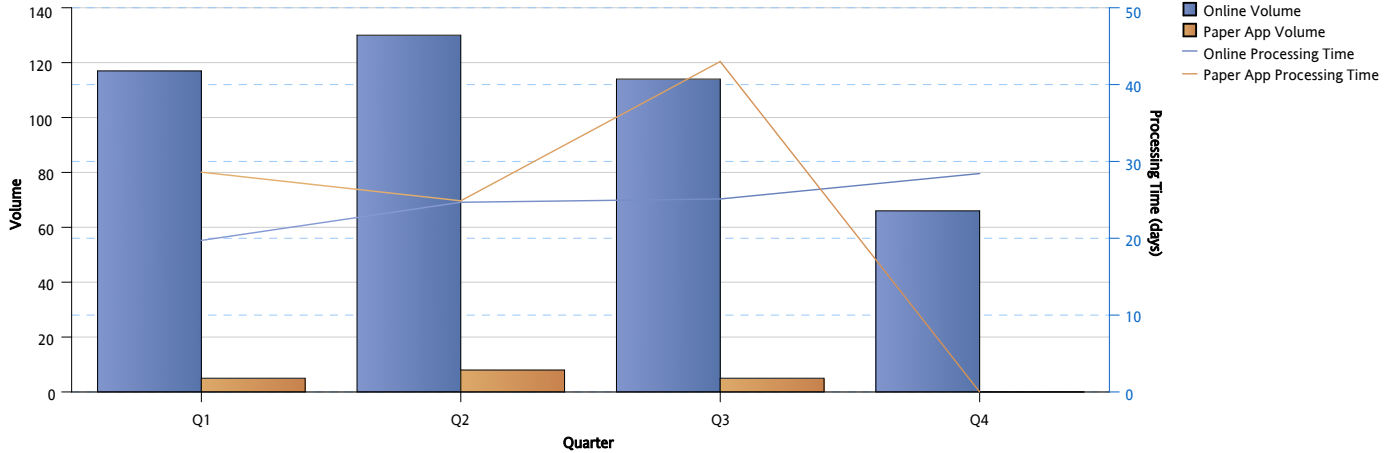




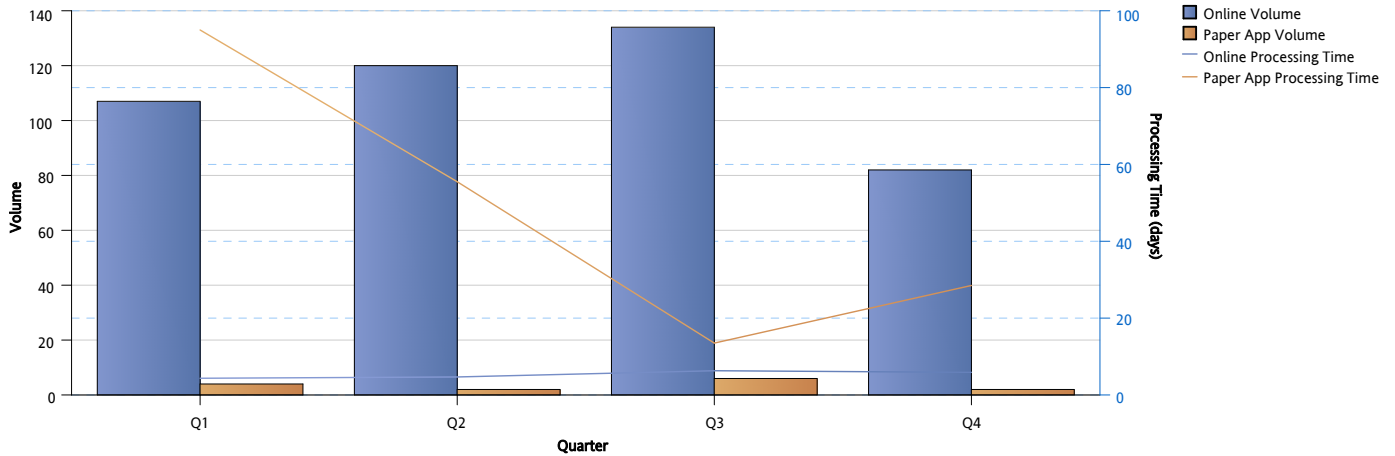
CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS
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 Licensing Application Volume and Processing Time
 Quarterly Trend
 Fiscal Year 2020



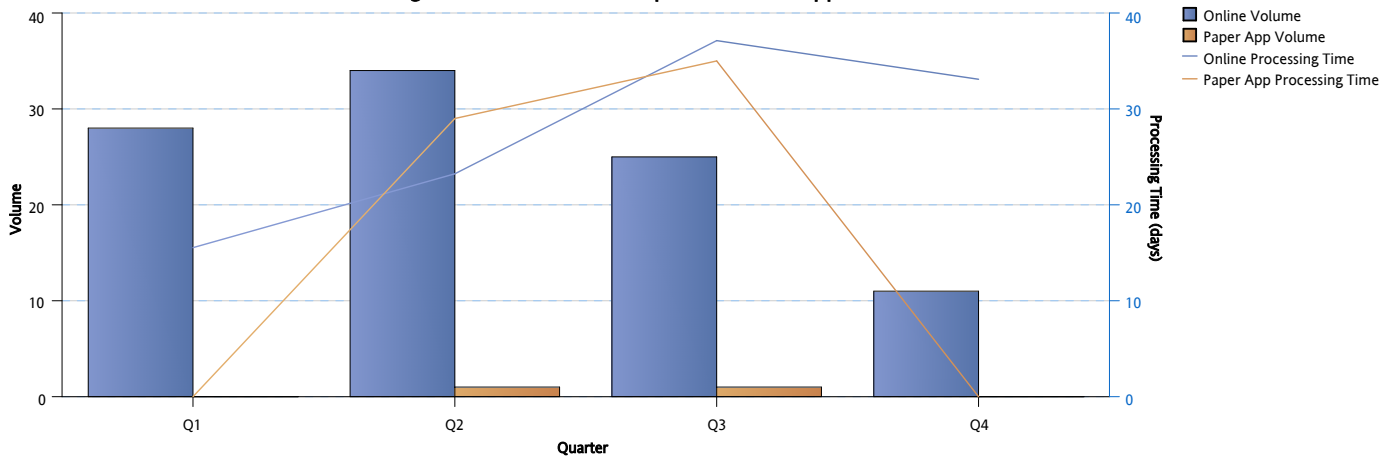
Registered Spectacle Lens Dispenser - Initial Application



Registered Spectacle Lens Dispenser - Initial License



Registered Contact Lens Dispenser - Initial Application

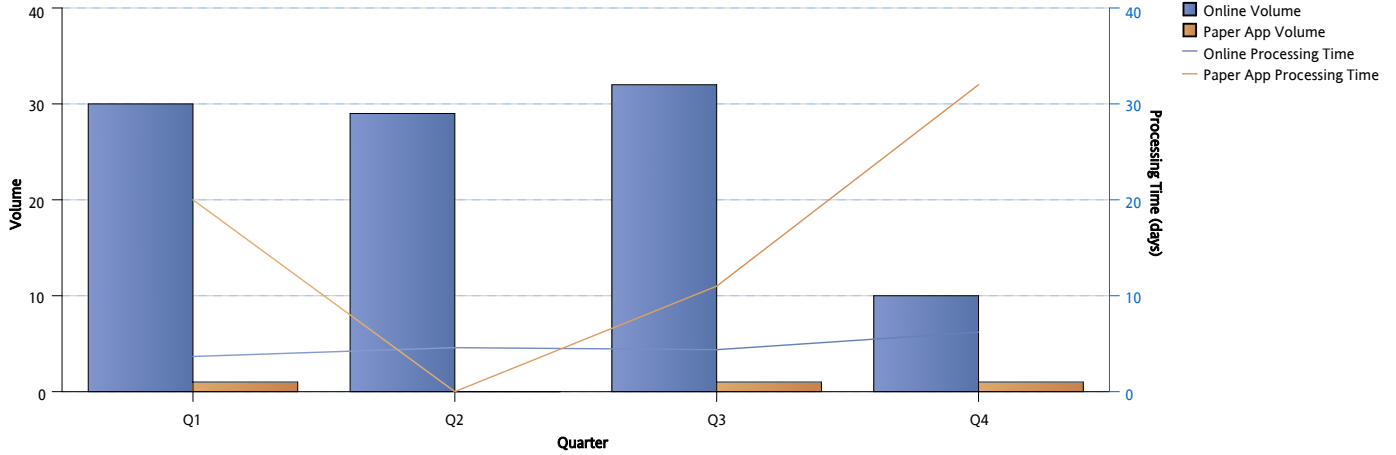




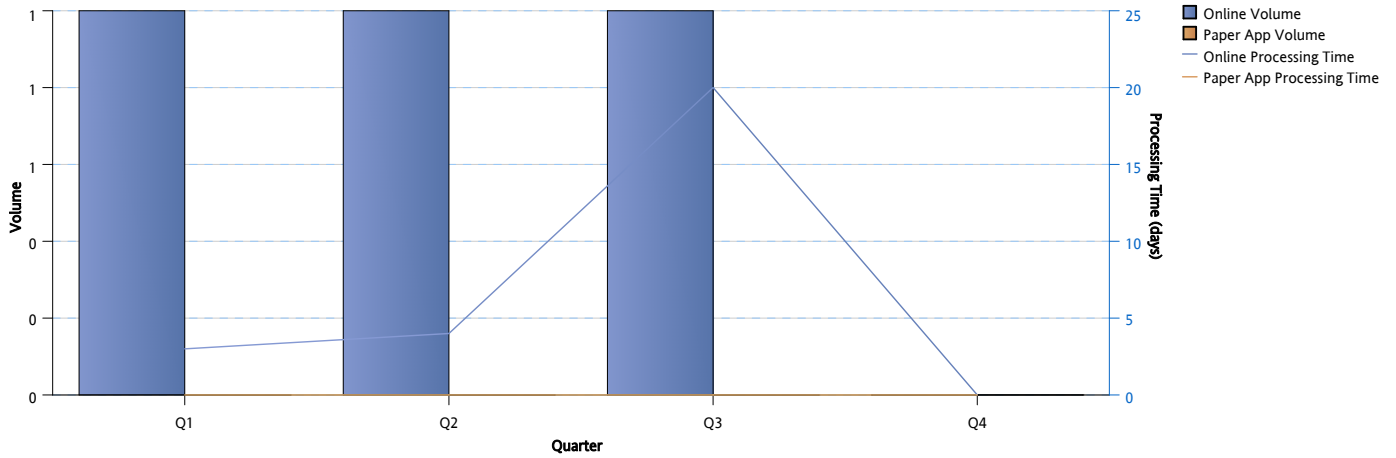
CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS
 BREEZE SYSTEM
 Licensing Application Volume and Processing Time
 Quarterly Trend
 Fiscal Year 2020



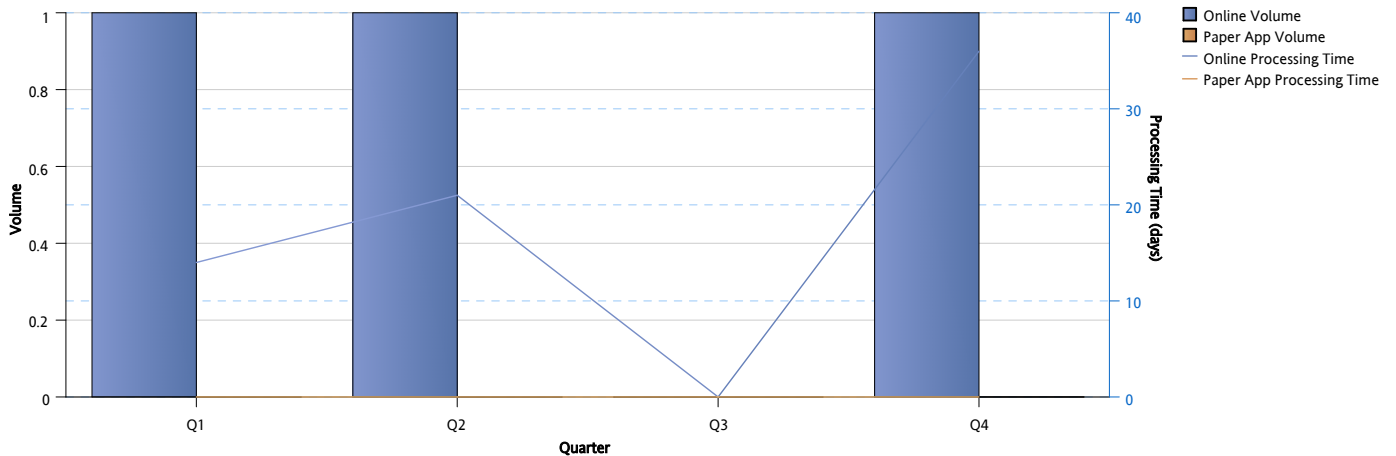
Registered Contact Lens Dispenser - Initial License



Nonresident Contact Lens Seller - Initial Application



Nonresident Contact Lens Seller - Initial License





CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS
 BREEZE SYSTEM
 Licensing Population Statistics
 License Population as of 08/09/2021



License Status (20-45)

License Type	20 - Current	21 - CurrentInactive	22 - CurrTmp FamSupp	28 - Military-Active	31 - Fam Supp Susp	32 - Fam Supp Dend	45 - Delinquent
Optometrist	12	9					21
Optometrist-DPA	98	83					142
Optometrist-TLG	4,095	76		1			212
Optometrist-TPA	1,431	81					251
Optometrist-TPG	957	5					61
Optometrist-TPL	928	54		2			102
Statement of Licensure	1,365						706
Fictitious Name Permit	1,464						252
Registered Dispensing Optician	1,096						392
Registered Spectacle Lens Dispenser	2,845		3		4	2	1,301
Registered Contact Lens Dispenser	1,136		2		1		397
Nonresident Contact Lens Seller	15						3



CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS
 BREEZE SYSTEM
 Licensing Application Volume and Processing Time
 Fiscal Year 2021



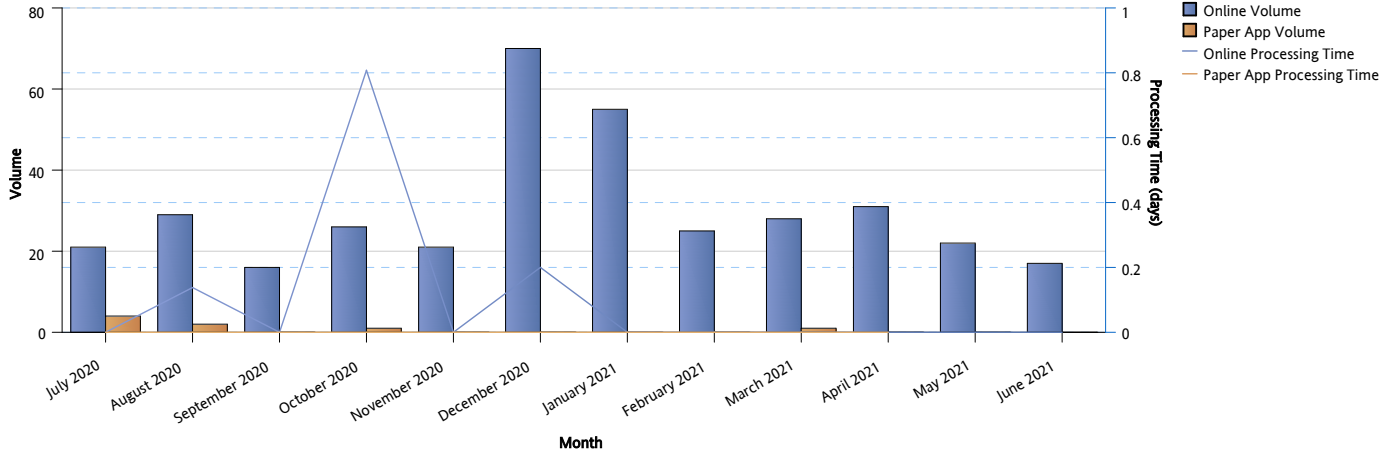
LT - Transaction Description	Online Volume	Average Online Processing Time	Paper App Volume	Average Paper App Processing Time
Optometrist - Exam Request	361	0	8	0
Optometrist - Initial License	248	76	8	68
Statement of Licensure - Issue License	336	0	0	
Fictitious Name Permit - Issue License	86	49	3	66
Registered Dispensing Optician - Initial Application	13	209	0	
Registered Dispensing Optician - Initial License	10	9	0	
Registered Spectacle Lens Dispenser - Initial Application	253	10	10	102
Registered Spectacle Lens Dispenser - Initial License	232	10	2	225
Registered Contact Lens Dispenser - Initial Application	68	57	0	
Registered Contact Lens Dispenser - Initial License	63	15	0	



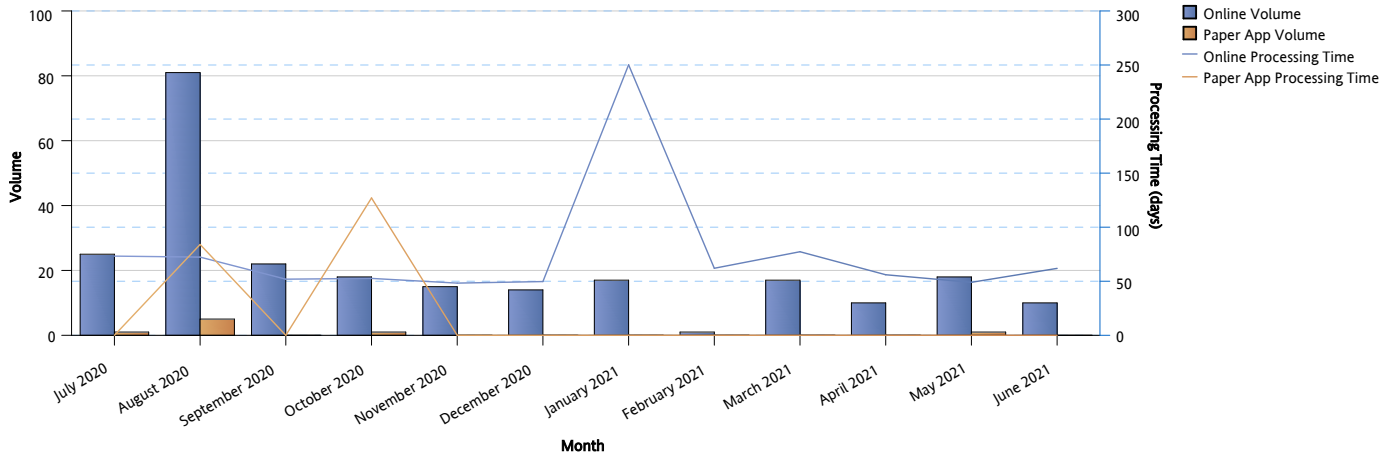
CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS
 BREEZE SYSTEM
 Licensing Application Volume and Processing Time
 Monthly Trend
 Fiscal Year 2021



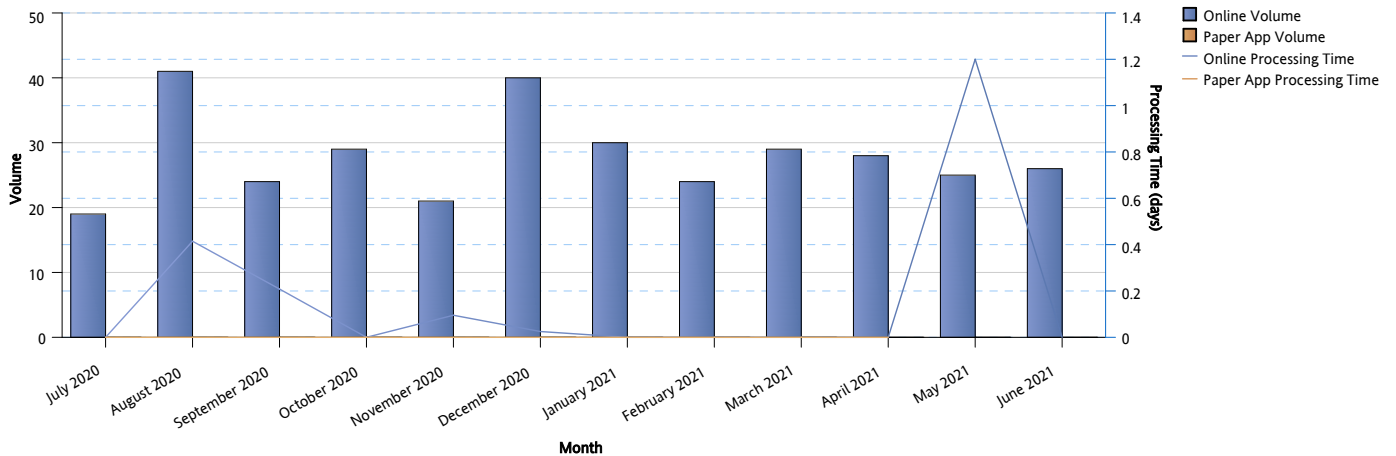
Optometrist - Exam Request



Optometrist - Initial License



Statement of Licensure - Issue License

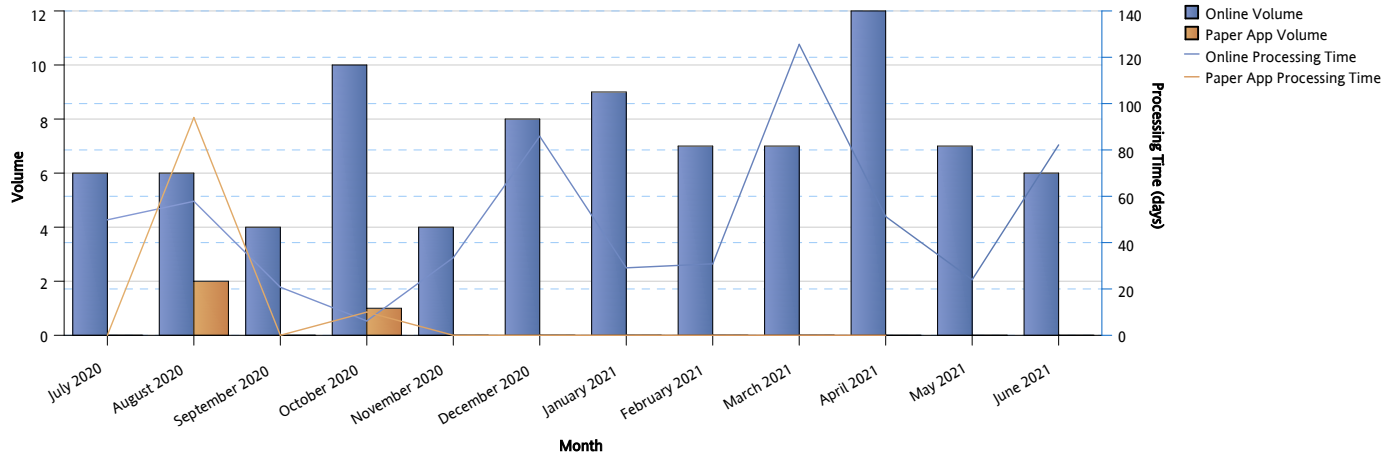




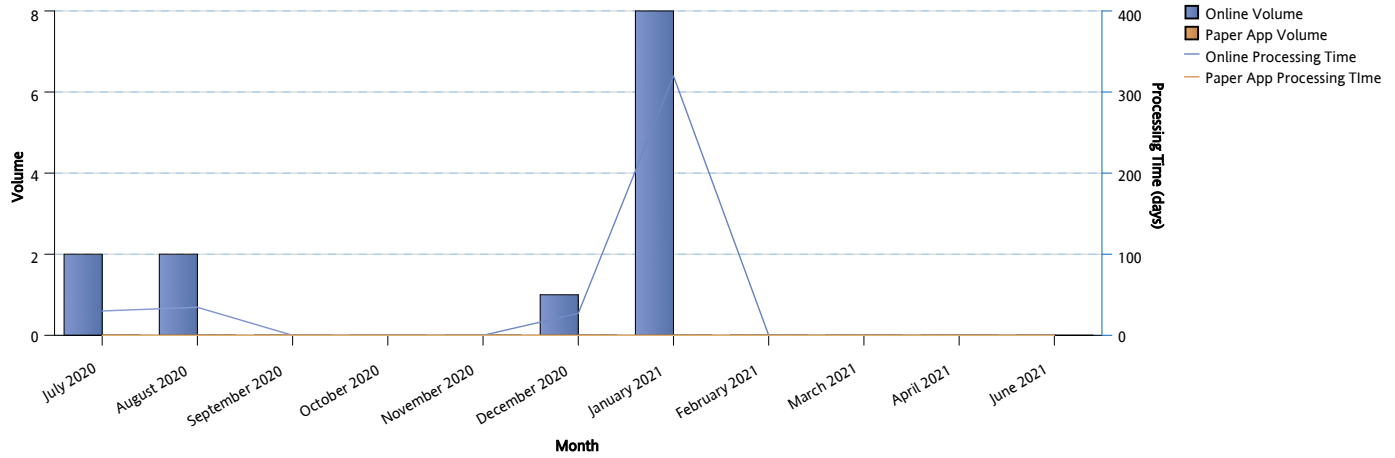
CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS
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 Licensing Application Volume and Processing Time
 Monthly Trend
 Fiscal Year 2021



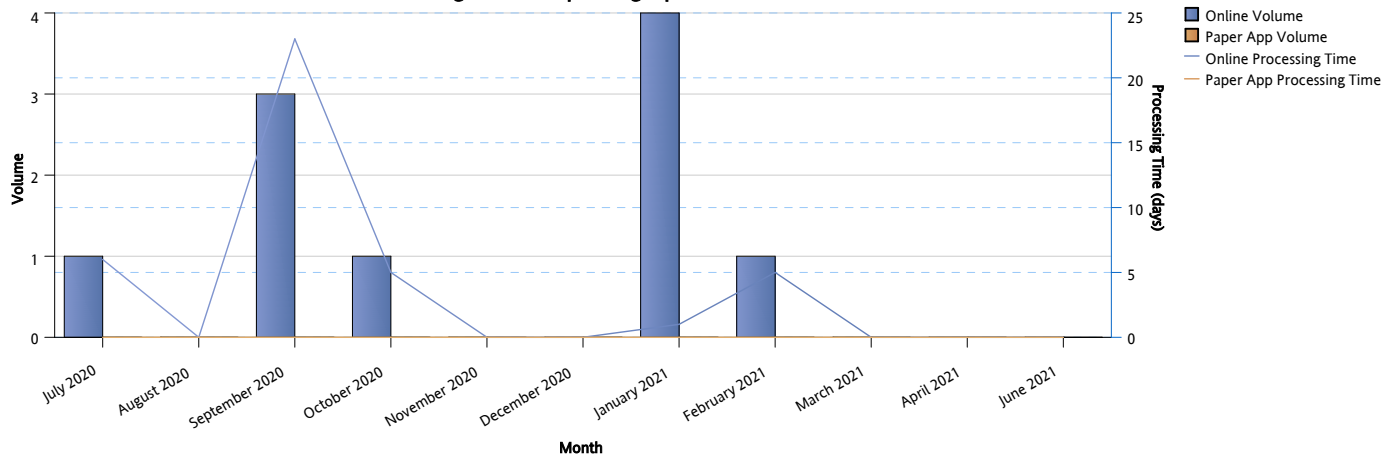
Fictitious Name Permit - Issue License



Registered Dispensing Optician - Initial Application



Registered Dispensing Optician - Initial License

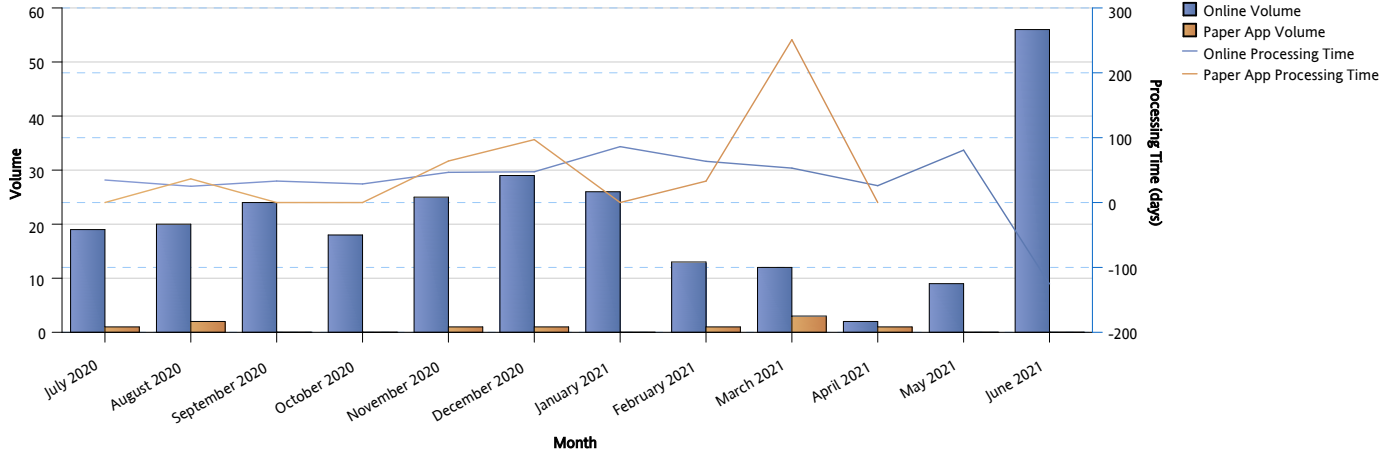




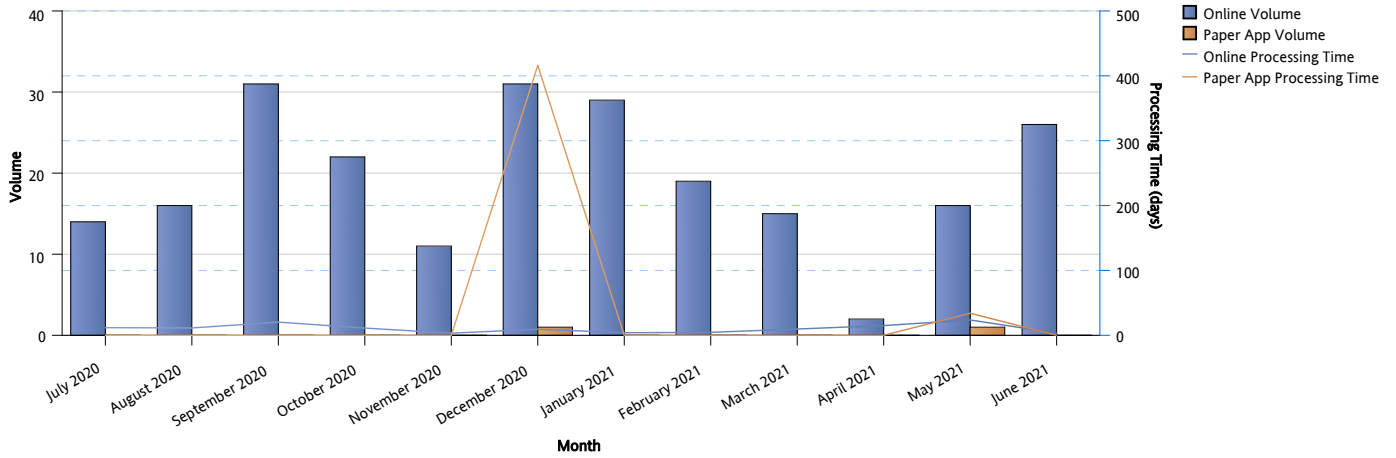
CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS
 BREEZE SYSTEM
 Licensing Application Volume and Processing Time
 Monthly Trend
 Fiscal Year 2021



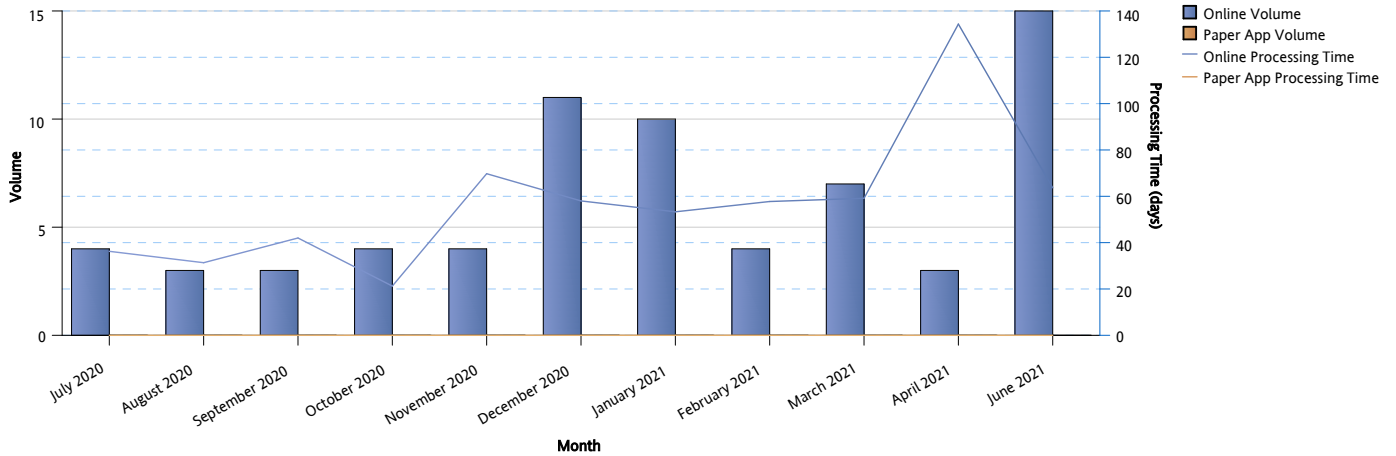
Registered Spectacle Lens Dispenser - Initial Application



Registered Spectacle Lens Dispenser - Initial License



Registered Contact Lens Dispenser - Initial Application

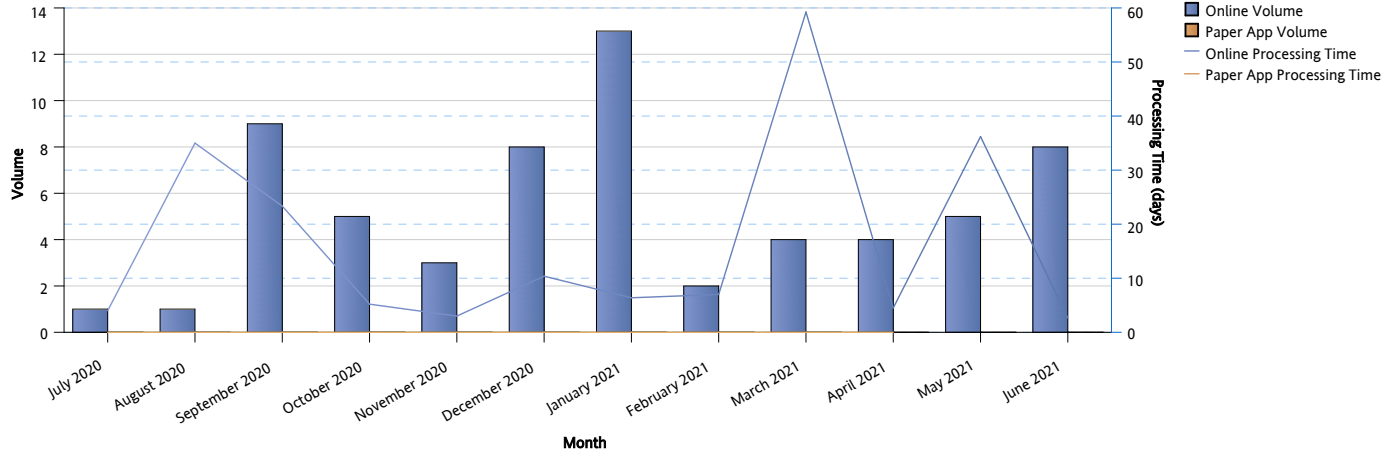




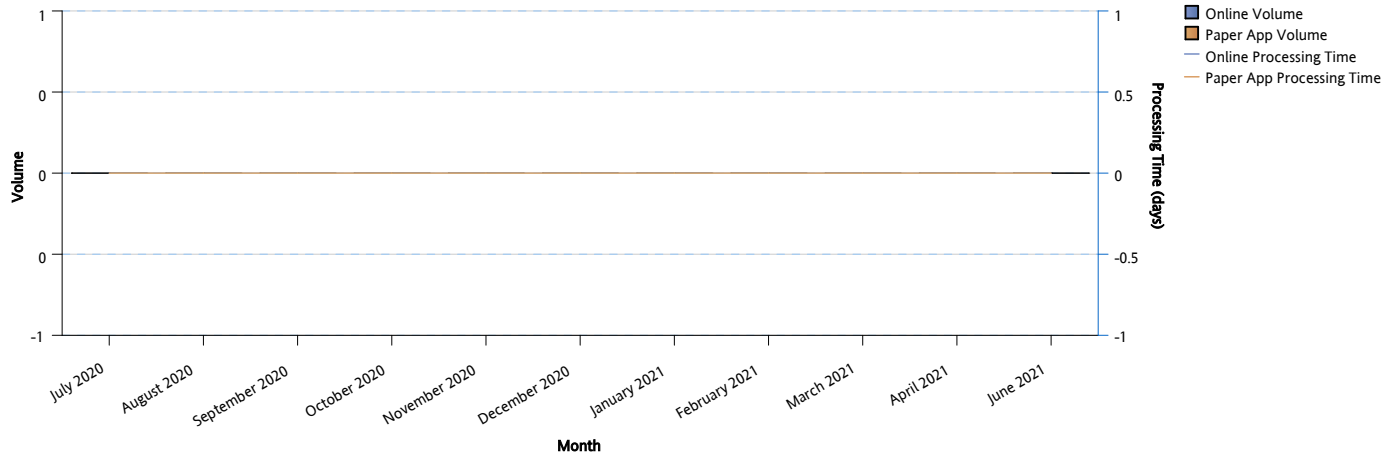
CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS
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 Licensing Application Volume and Processing Time
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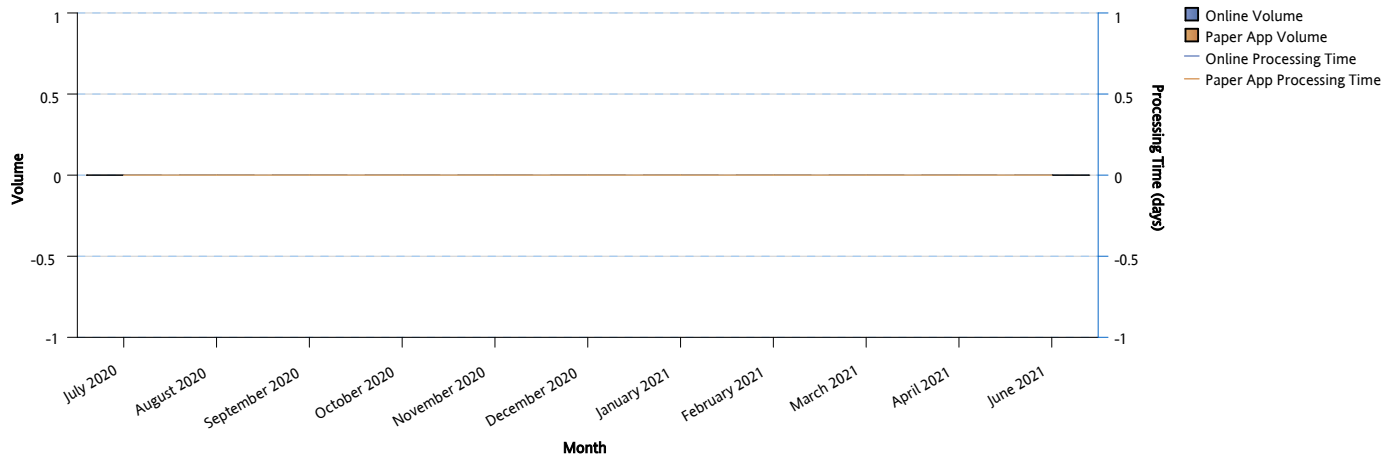
Registered Contact Lens Dispenser - Initial License



Nonresident Contact Lens Seller - Initial Application



Nonresident Contact Lens Seller - Initial License

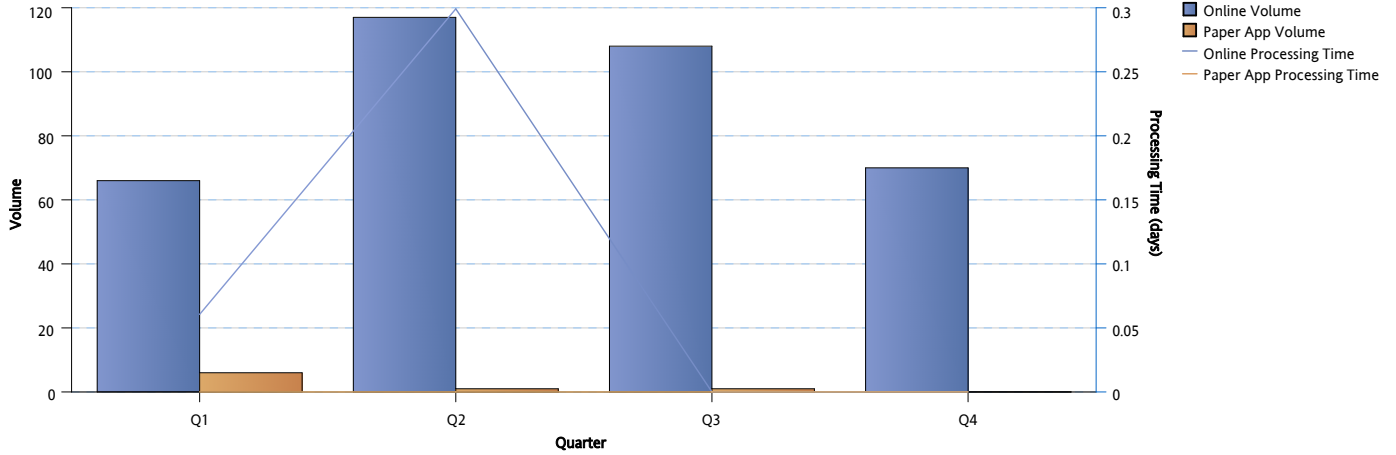




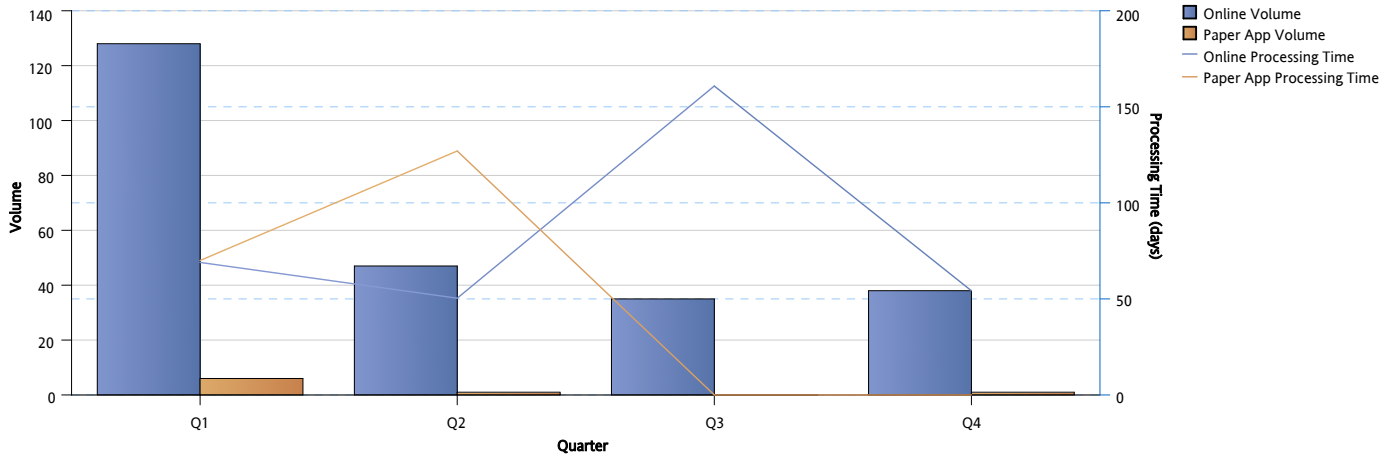
CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS
 BREEZE SYSTEM
 Licensing Application Volume and Processing Time
 Quarterly Trend
 Fiscal Year 2021



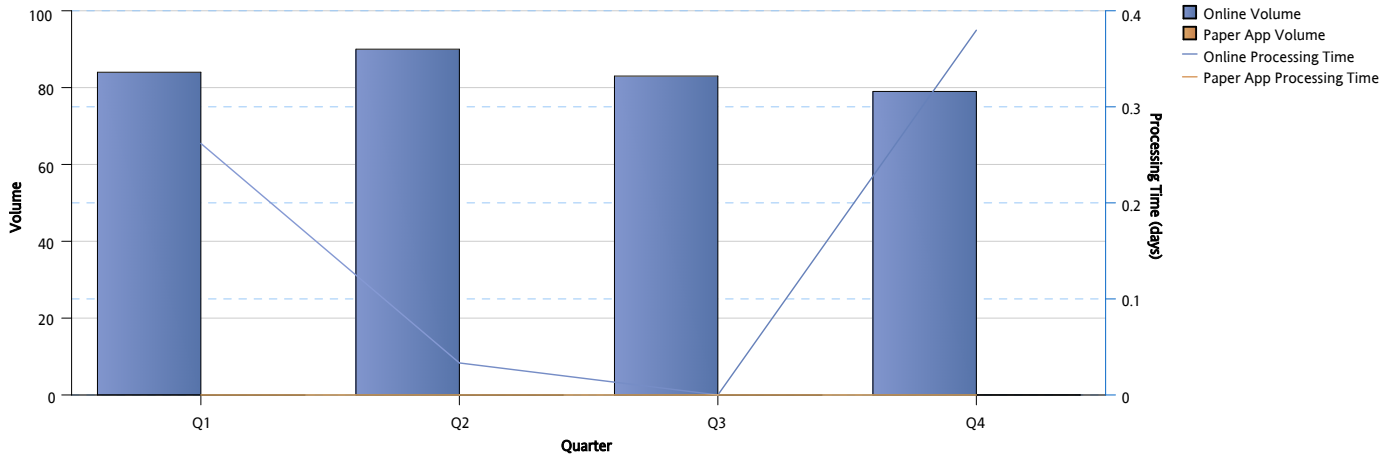
Optometrist - Exam Request



Optometrist - Initial License



Statement of Licensure - Issue License

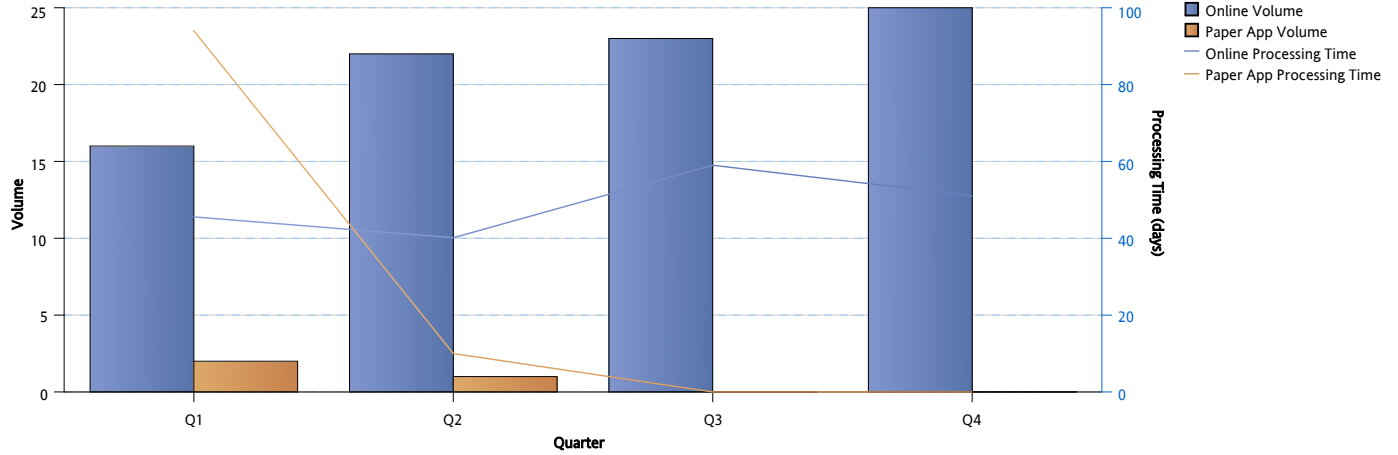




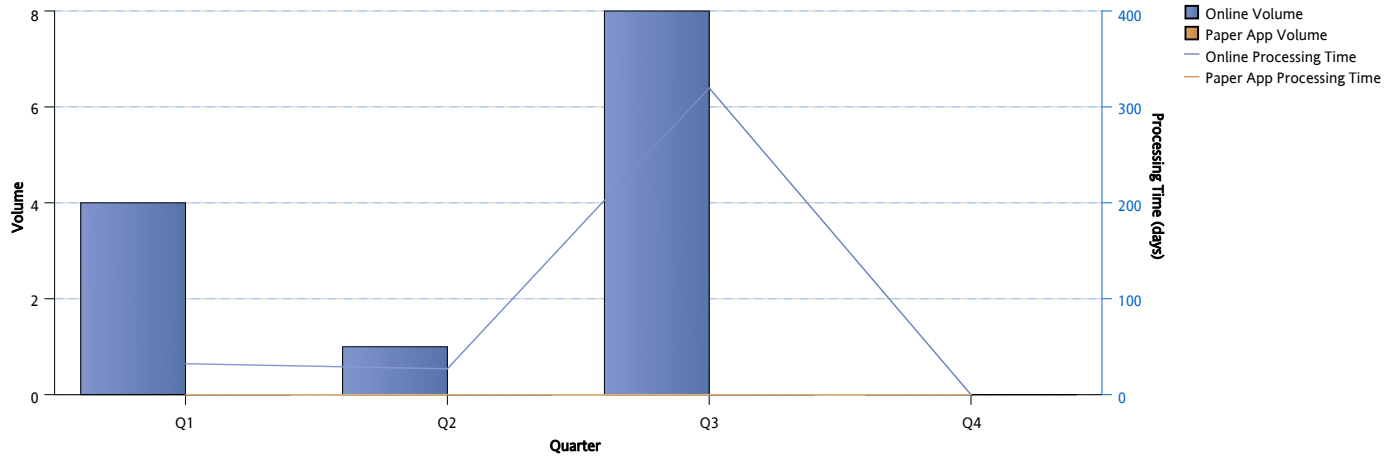
CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS
 BREEZE SYSTEM
 Licensing Application Volume and Processing Time
 Quarterly Trend
 Fiscal Year 2021



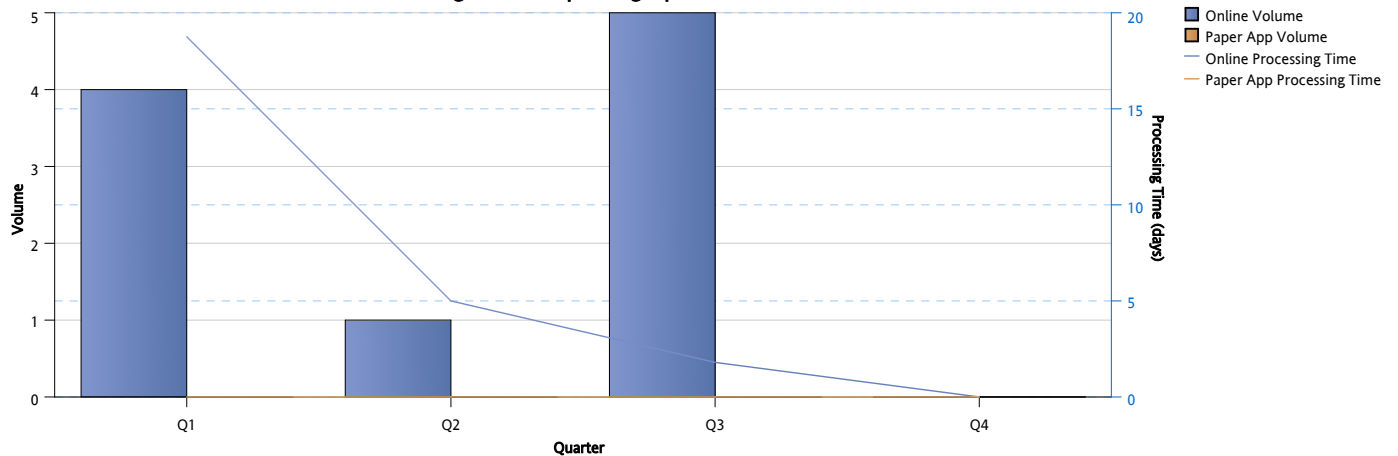
Fictitious Name Permit - Issue License



Registered Dispensing Optician - Initial Application



Registered Dispensing Optician - Initial License

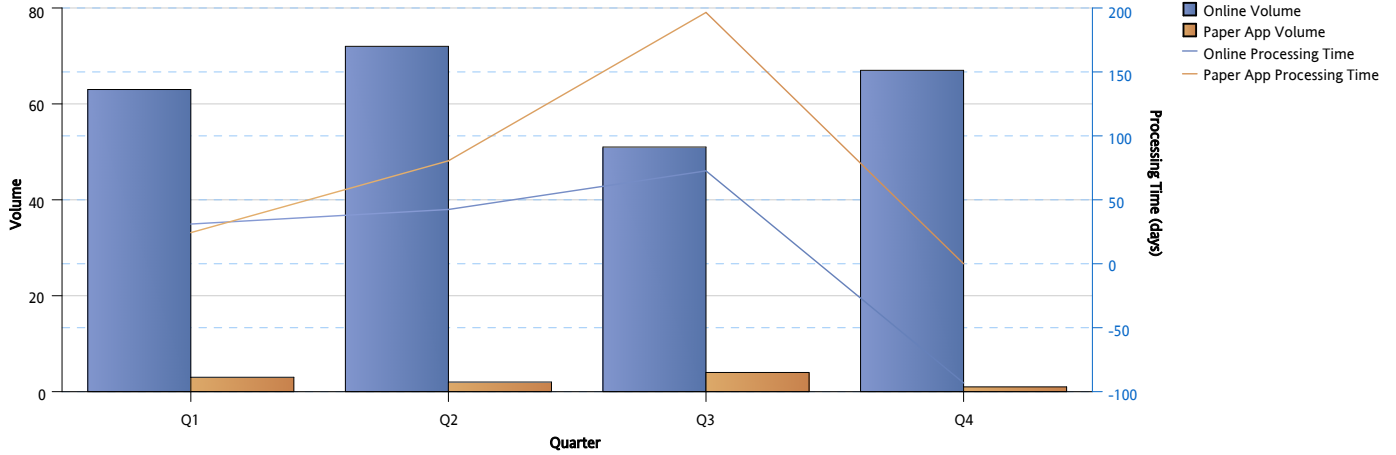




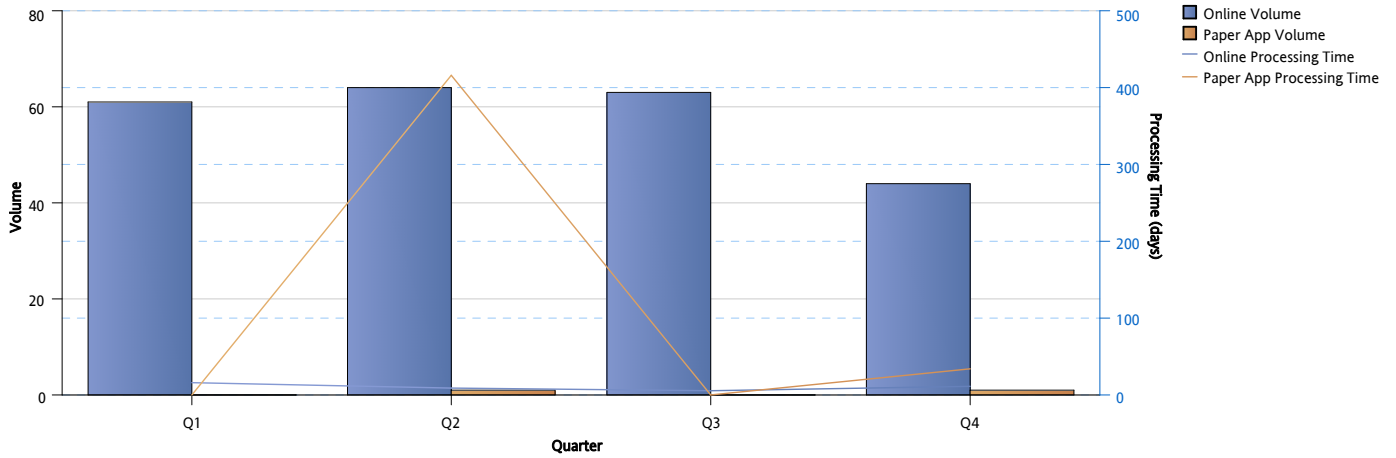
CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS
 BREEZE SYSTEM
 Licensing Application Volume and Processing Time
 Quarterly Trend
 Fiscal Year 2021



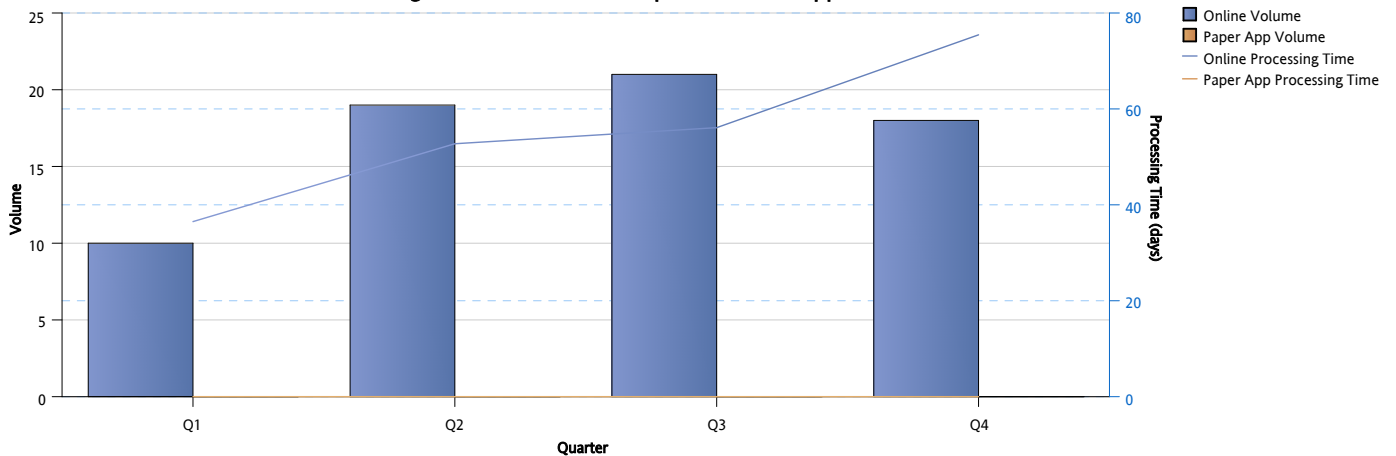
Registered Spectacle Lens Dispenser - Initial Application



Registered Spectacle Lens Dispenser - Initial License



Registered Contact Lens Dispenser - Initial Application

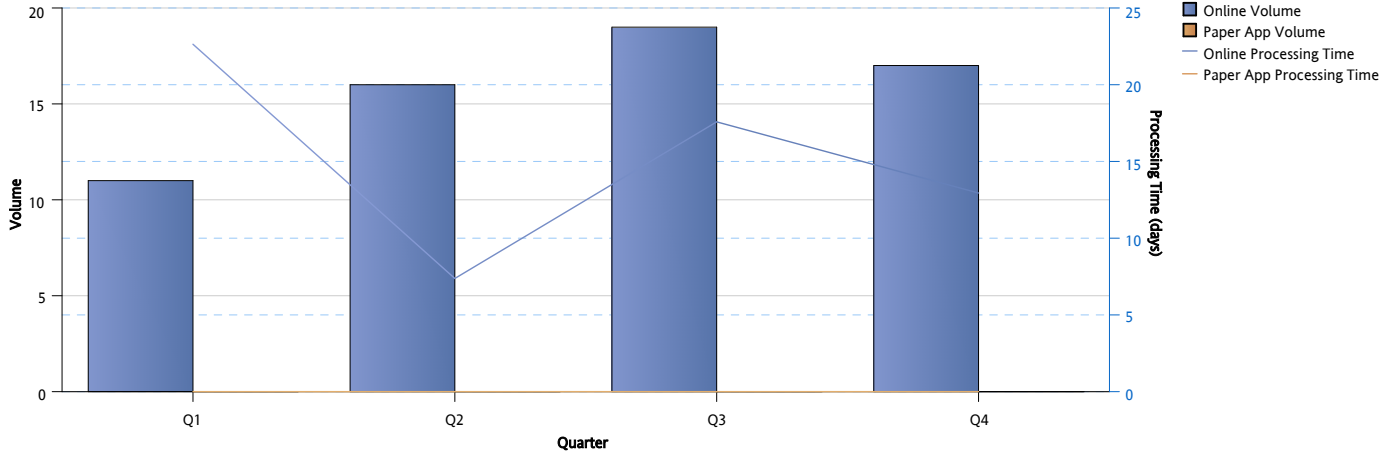




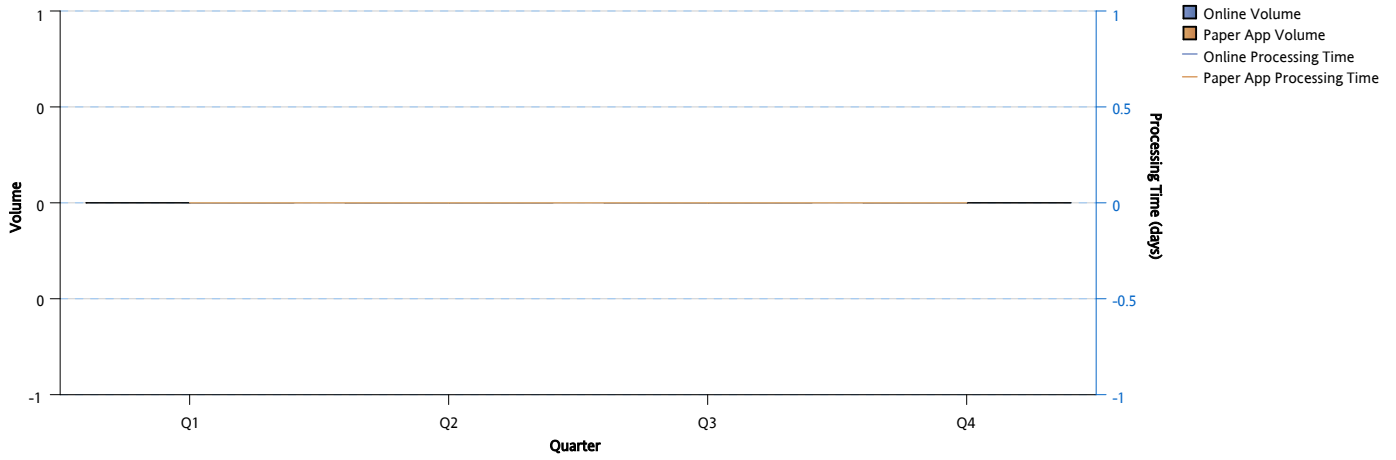
CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS
BREEZE SYSTEM
Licensing Application Volume and Processing Time
Quarterly Trend
Fiscal Year 2021



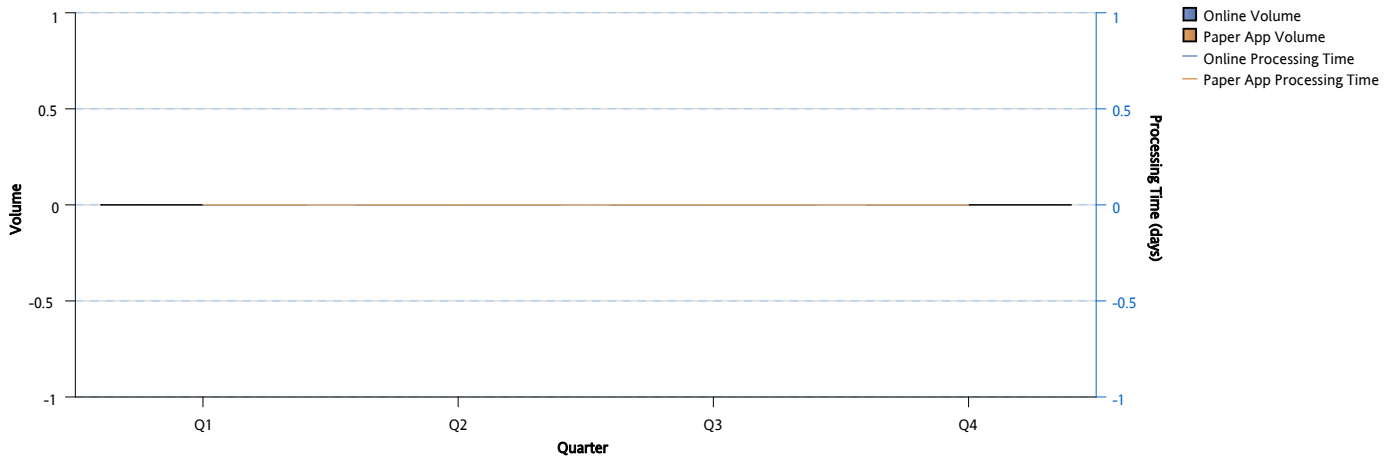
Registered Contact Lens Dispenser - Initial License

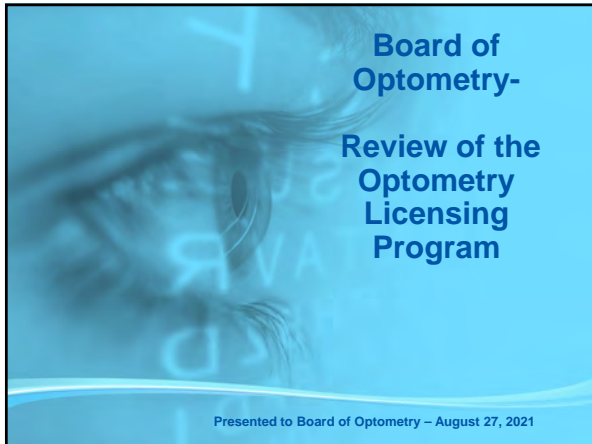


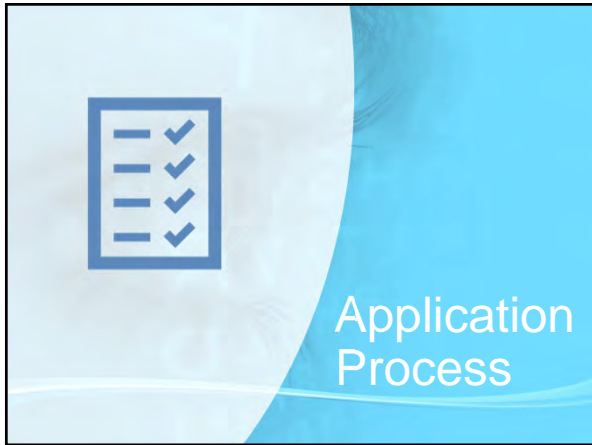
Nonresident Contact Lens Seller - Initial Application



Nonresident Contact Lens Seller - Initial License







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BreEZe

Use BreEZe to:

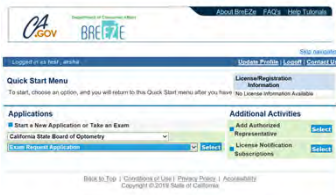
- Apply for California License
- Update or renew California licenses
- Pay with a credit card in a secure environment
- Apply for additional licenses or certification types
- Obtain real time licensure information
- Apply for Renewal

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Starting the Application

- Use their BreEZe account to start a New "Exam Request Application"
- Staff encourages applicant to include a phone number and email for easy contact.



Header information goes here

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Scheduling the Exam

- After submittal of application, PSI will contact the applicant to schedule the exam. Either via email or mail.
- The application will be contacted within 2 weeks of the submission of the application
- PSI locations are located all over the US.
- Study guides are sent to applicants with information on how to take the exam
- If applicants fail the exam they will need to wait 6 months to retake it.
- The exam is valid for 5 year after applicants pass.



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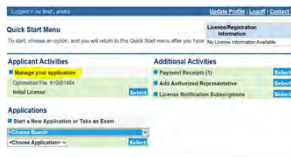
Page X of X

Passing the CLRE!

- Applicants must Log back into their BreEZe account to complete the "Initial License Application- Part 2".

Required documents before submittal:

- Transcripts
- NBEO scores



Header information goes here

Page X of X

Application Review

Once the Initial License Application is submitted and the required documents received, the application will be reviewed.

If applications meets the requirements, the license will be issued.

If the application is missing items or information, staff will contact the applicant to let the applicant know what is outstanding

Licenses cannot be issued until the application meets all requirements



Header information goes here

License Requirements

All applicants:

- Graduation from and accredited School of Optometry,
- Pass all Parts of NBEO and TMOD
- Passport Style Photo
- Live Scan fingerprinting



Out Of State Applicants:

- Letters of Good Standing From all licensed states
- Hard Card Fingerprinting (replaces LiveScan)

Renewal Process



Header information goes here

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What are Renewals?

- Licenses are active for two years and will expire if it is not renewed.
- Licenses will expire the end of the month it was issued.
- Licensees are not required to complete continuing education (CE) for your initial renewal if your license was issued within one year of graduation.
- You are required to complete 50 hours of CE. 10 of which must be glaucoma.
- 20 of the 50 hours can be self-study.



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Renewal Process

- All renewals are processed on Breeze
- Renewals are automatic unless there are deficiencies on the application.



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Renewal Notices

With the implementation of Breeze renewal notices are sent automatically.

The first 90day day before expiration

The second is sent if the application is expired. Letting the licensee know they did not renew on time.



Header information goes here

Page X of X

Renewal Deficiencies

Deficiencies are caused by answers to application questions. These include:

- Incomplete CE
- Missing Fees

Inactive to active licensees:

- Fingerprints



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Page X of X

Satisfying Renewal Deficiencies

Licensees that are consider deficient are required to provided proof of completion of the items that are missing.

Those missing CE must provide certificate or provide their OE Tracker number.

Missing fees must be paid.

Fingerprints must be completed before renewal.



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Expired Licensees

If a licensee does not renew their license before their expiration date they must provide proof of CE and the fees appropriate for the amount time expired, up to two renewal cycles.

Expired application that are not renewed with in 3 years the licenses enter cancelled status.







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Process



- License enter the cancelled status when a license has been expired for 3 years.
- Cancelled licenses can be brought back to current by completing the restoration/reinstatement process.
- Restoration/Reinstatement process is governed by Business and Professions Code 3147.6
- Process was reviewed in June of 2020 to ensure staff was requiring the right items for reinstatement.





Header Information goes here Page X of X


Requirements

- New Application fees totaling 364 for the application fees and the renew fees that were due at time of cancelation.
- Passing the California Laws and Regulations Exam
- Passing the National Board of Examiners in Optometry's Clinical Skills Examination



1. When an optometrist inquires about reinstating the Board informs the applicant of the NBEO Part 3 Requirement. Staff encourages the licensees to complete it before applying for restoration.
2. When the licensee has passed Part III they pay the \$279 application and are eligible to take the Laws and Regulations Exam
3. Upon passing they are required to pay the renewal fess and certificate fees.
4. Licensees are also required to complete new fingerprints. This can be done anytime during the process.





ISSUE MEMORANDUM

DATE	August 27, 2021
TO	Members, California State Board of Optometry (CSBO)
FROM	Marc Johnson, Policy Analyst
SUBJECT	Agenda Item #7c: Legislative and Regulatory Update

Legislative Update

The 2020-2021 legislative session is scheduled to conclude on September 10, 2021. Upcoming legislative deadlines of note:

- August 27: Last day for fiscal committees to meet and report bills.
- August 30 – September 10: Floor session only.
- October 10: Last day for Governor to sign or veto bills.

The information below is current as of August 18, 2021. Text and analysis of a bill may change rapidly; links to the bill text and committee analyses are provided in the meeting packet rather than possibly outdated hard copies.

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

AB-407 (Salas and Low) Optometry: scope of practice. (CSBO – Support)
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB407&search_keywords=optometry
 Version as amended 7/7/21

This bill would permit an assistant to perform nonsubjective autorefractometry, to perform preliminary subjective refraction procedures in connection with finalizing subjective refraction procedures performed by an ophthalmologist or optometrist, subject to certain conditions, and to perform A scan and B scan ultrasound testing. This bill would revise what comprises the practice of optometry, including specific practices a certified optometrist may engage in, and would specify exceptions or limitations to that practice. The bill would permit a certified optometrist to use or prescribe topical and oral prescription and nonprescription therapeutic pharmaceutical agents that are not controlled substances and are not antiglaucoma agents or otherwise limited or excluded, as described. The bill would permit a certified optometrist to administer authorized immunizations after meeting the immunization certification requirements.

Comments: Sponsored by COA. This bill would allow additions to the scope of practice for an optometrist, such as expanded pharmaceutical treatments and diagnostic tests and procedures. Further, assistants under the direct supervision of a licensee are now

able to perform additional refractive tests upon completion of 45 hours of training (training likely monitored by the supervising OPT). If approved, this bill would codify the Board's AB 443 regulatory rulemaking proposal, currently in final approval.

Projected Board Impact: These changes may generate additional complaint volume and may also require regulatory implementation. Separately, the deeper scope of practice will allow for additional opportunities for continuing education to be offered in those subject areas. The Board will need to monitor and approve those courses if submitted for Board approval. Staff estimates .25 AGPA would be needed to cover the additional workload generated by these provisions.

AB-691 (Chau) Optometry: SARS-CoV-2 vaccinations: SARS-CoV-2 clinical laboratory tests or examinations (CSBO- Support)

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB691&search_keywords=optometry

Version as amended 8/18/2021 – urgency clause

This bill would expand the authorization for a TPA-certified optometrist to perform procedures to include a clinical laboratory test or examination classified as waived under the federal Clinical Laboratory Improvement Amendments of 1988 (CLIA) necessary to detect the presence of SARS-CoV-2. The bill would establish the substance of an application form for the immunization certification and expand the certificate to cover the administration of immunization for SARS-CoV-2. Under the bill, the form would include required declarations under penalty of perjury, thereby imposing a state-mandated local program by expanding the crime of perjury. The bill would establish an application fee for the immunization certification. This bill would declare that it is to take effect immediately as an urgency statute.

Comments: This bill codifies DCA's waiver for TPA-certified licensees to administer the COVID vaccine and allows OPTs to order lab tests and administer vaccinations for COVID. Additionally, it would place a form for registration with the board directly into law, meaning we can create a form based on the statute and accept it immediately rather than go through the regulatory process to implement, which is currently underway. It also sets a fee of \$50 for the application.

Projected Board Impact: Staff projects approximately 700 current licensees may register. The bill would establish a \$50 certification fee, which would see \$35,000 in initial revenue for the Board. New optometry school graduates, who already have this training and are applying for licensure, would likely take advantage. With 300 new applicants a year, the Board would see \$15,000 a year in potential revenue ongoing. However, staff anticipates a significant increase in license processing workload. Based on the projected new and renewal applications, staff projects a .50 FTE AGPA would be needed to assist with the workload generated by this bill.

AB-1534 (Committee on Business and Professions) California State Board of Optometry: optometry: opticianry. (CSBO – Support)

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB1534&search_keywords=optometry

Version as amended 6/30/21

Due to length, please refer to the bill text for changes.

Comments: This is the Board's Sunset Bill for 2021. Executive Officer Shara Murphy will provide a verbal update on the bill.

Links to original optometry changes:

https://www.optometry.ca.gov/meetings/materials/20210521_bm_4a.pdf

Links to original optician statutory review:

https://www.optometry.ca.gov/meetings/materials/20210521_bm_4b.pdf

Projected Board Impact: For enforcement, we anticipate the need for an additional 1.0 FTE AGPA to handle the increased workload created by a strengthened optician practice act and additional optometry enforcement provisions. Licensing would require 1.0 AGPA and 1.0 MST to handle the increasing workload. OIS impact is projected at \$90,000, but according to OIS this is considered absorbable through existing pro-rata although may require additional resources in the future.

SB-509 (Wilk) Optometry: COVID-19 pandemic: temporary licenses (CSBO-Support)

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB509

Version as amended 6/21/21 – urgency clause

This bill would establish provisions for temporary licensure. The bill would require the board to issue a temporary license to practice optometry to any person who applies for and is eligible for licensure under existing law, but who is unable to immediately take the required examination for licensure due to the state of emergency. The bill would require that a temporary licensee practice under the direct supervision of a supervising optometrist, as described. The bill would require the supervising optometrist to submit to the board any violations of the act committed by the temporary licensee within a certain timeframe. The bill would provide that the board is not required to adopt regulations to carry out these provisions. The bill would require the board to enforce and administer its enforcement provisions against holders of a temporary license.

Comments: Sponsored by COA.

Potential Board Impact: Staff believes the proposed \$100 fee is insufficient to cover the processing of temporary license and maintenance of application files while the exams are being completed. A temporary license requirement might add about 600 hours of staff time per year to implement. Additionally, staff would need additional time to implement BreEZe requirements and respond to applicant inquiries. Therefore, staff estimates the need for a .50 FTE AGPA position to implement. If this bill would become

law, the current processing times would dramatically increase without additional staff. Additionally, enforcement workload would likely increase due to a rise in complaints and more in-depth investigations may be needed for the temporary license type. COA feels fiscal impact is lower than staff projections.

Regulatory Update

Staff is currently working on the following regulatory packages which have been approved by the Board:

Optician Program Omnibus Regulatory Changes (Amend §§ 1399.200 – 1399.285)

Subject: This proposal makes minor changes to the existing optician program regulations, limited to placing current initial registration and renewal forms (used with the BreEZe system), align current fees with the statute and make other non-substantive changes. These changes would not affect any existing operations or modify any current processes.

Status: Approved by the Board at the August 14, 2020, public meeting; rulemaking package undergoing staff preparation for submission to DCA and Agency for pre-file approval with OAL by fall 2021.

Dispensing Optician Disciplinary Guidelines (Amend §1399.273)

Subject: The Optician Guidelines are used to impose discipline including conditions of probation for licensees that address the violations charged and are modeled after the Optometry Disciplinary Guidelines but are modified to meet the needs of the Optician Program.

Status: Approved by the Board at the August 14, 2020, public meeting; rulemaking package undergoing staff preparation for submission to DCA and Agency for pre-file approval with OAL by spring 2022.

Implementation of AB 458 (Adopt §1507.5 and Amend §1524)

Subject: This proposal will implement AB 458 (Nazarian, Chapter 425, Statutes of 2019), which allows an optometrist to engage in the practice of optometry at a home residence, provided they meet specific requirements and submit an application to the Board and pay specified fees. The optometrist would also be required to provide a consumer notice to a patient.

Status: Approved by the Board at the May 21, 2021 public meeting. The rulemaking package currently under staff preparation for submission to DCA and Agency for pre-file approval with OAL.

Implementation of AB 443 (Amend §1524; Adopt §1527)

Subject: This proposal would implement AB 443, which allows a TPA-licensed optometrist to administer immunizations provided the applicant meets certain conditions and training.

Status: 45-day public notice period concluded on April 13, 2021. Two non-substantive comments were received. This regulatory package could be preempted by the passage of AB-691 (Chau) Optometry: SARS-CoV-2 vaccinations: SARS-CoV-2 clinical laboratory tests or examinations.

Comments: Assembly Bill 691 (Chau), currently awaiting the Governor's signature, would codify this regulatory package into statute. Regulations for further implementation would likely no longer be required.

Optometry Continuing Education Regulations (Amend §1536)

Subject: This proposal would make a series of changes to §1536, including allowing all 50 continuing education units to be taken online provided the courses meet certain conditions, an increase in self-study hours to 25, a better definition of self-study hours and additional requirements for CE providers. Changes were also made to forms incorporated by reference into the section.

Status: Approved by the Board at the August 14, 2020, public meeting. Rulemaking package completed and sent to DCA Legal for review before 45-day public comment period, expected by fall 2021. Staff is proposing minor updates to the regulation at today's meeting.

Requirements for Glaucoma Certification (Amend §1571)

Subject: CCR Section 1571 sets out the requirements for Glaucoma certification. Due to COVID-19, optometry schools have been offering the Grand Rounds certification program, authorized by subsection (B), online as a live course. This proposal would remove the in-person patient evaluation requirement from CCR Section 1571 (B).

Status: Approved by the Board at the February 26, 2021, public meeting. The rulemaking package is undergoing staff preparation for submission to DCA and Agency for pre-file approval with OAL by spring 2022.

Optometry Disciplinary Guidelines (Amend §1575)

Subject: 2019 Update of existing Optometry Board Disciplinary Guidelines. The changes include updates to enforcement processes; terminology used, and implementation of changes made by the Substance Abuse Coordination Committee in fall 2019.

Status: The Consumer Protection Committee reviewed the guidelines at the September 13, 2019, public meeting. The full Board approved the regulatory text and Guidelines incorporated by reference at the October 25, 2019, public meeting. This rulemaking package is undergoing staff preparation for submission to DCA and Agency for pre-file approval with OAL by spring 2022.

Implementation of AB 896 (Adopt §§1583 – 1586)

Subject: This proposal will implement AB 896 (Low, Chapter 121, Statutes of 2020), which would allow nonprofit charitable organizations to provide mobile optometry services to patients and receive reimbursement by Medi-Cal. It requires the Board to

develop a registry for mobile optometry offices and a consumer notice to be provided to patients. Current statute requires regulations to be implemented by January 1, 2021.

Status: Approved by the Board at the May 21, 2021 public meeting. Rulemaking package undergoing staff preparation for submission to DCA and Agency for pre-file approval with OAL.

Comments: Assembly Bill 1534 (Assembly Committee on Business and Professions) – currently awaiting the Governor's signature – would extend the regulatory implementation date to January 1, 2022 and adds authority for the Board to require registration of individual mobile optometric units by each non-profit.