

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

Lillian Wang, OD, President
 Mark Morodomi, Vice President
 Eunie Linden, JD, Secretary
 Cyd Brandvein, Public Member
 Jeffrey Garcia, OD
 Glenn Kawaguchi, OD
 Joseph Pruitt, OD
 Sandra D. Sims, JD, Public Member
 David Turetsky, OD
 Donald Yoo, JD, Public Member
 Vacant, Optician Licensed Member



**QUARTERLY BOARD MEETING
 FINAL BOARD MEETING MINUTES**

Friday, January 7, 2022

This public meeting was held via WebEx Events.

Members Present	Staff Present
Lillian Wang, President	Shara Murphy, Executive Officer
Marc Morodomi, Vice President	Marc Johnson, Policy Analyst
Eunie Linden, Secretary	Terri Villareal, Enforcement Lead
Cyd Brandvein	Natalia Leeper, Lead Licensing Analyst
Joseph Pruitt, OD	Brad Garding, Enforcement Analyst
Sandra Sims, JD	Dani Rogers, Regulatory Counsel
David Turetsky, OD	Rebecca Bon, Legal Counsel
Donald Yoo, JD	
Members Absent	
Jeffrey Garcia, OD	Guests
Glenn Kawaguchi, OD	On File

Link for the audio of discussions: <https://www.youtube.com/watch?v=1vAlnvmPGZ0>

OPEN SESSION

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

Audio of Discussion: [0:02](#)

Board President, Dr. Lillian Wang called the meeting to order at 10:01 am. Board Secretary, Eunie Linden took roll call and a quorum was established. Members Drs. Jeffrey Garcia and Glenn Kawaguchi were absent.

2. Public Comment for Items Not on the Agenda

Audio of Discussion: [1:27](#)

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).)

There were no requests for public comment.

3. Legislation AB 407 and AB 691 – Discussion and Possible Action Regarding Optometrist Authority to Direct Clinical Laboratory Operations

Audio of Discussion: 2:45

Executive Officer, Shara Murphy reported on this legislation. She explained that this item came to staff's attention during the break. Within the changes invoked to authorize optometrists to test for COVID there was an unintended removal of the authority to direct the laboratory testing. Staff do not have much expertise in the prevalence of this authority being used by our licensees. Therefore, Ms. Murphy wishes to ask about the authority and about its use within the professional field; and then gauge whether the Board wishes for staff to research additional options and decipher how we might be able to address this through legislative action.

Ms. Murphy suggested that the Board may read through the memo or just begin asking the professional members about their understanding of optometrists directing laboratory tests or laboratory clinics and how far reaching this authority might be needed.

Dr. David Turetsky commented that he does not know of any optometrist who directs clinical laboratory work; therefore, he does not know how this would impact the Board in any way. He suggested that perhaps someone within the public who has experience with this; perhaps within the California Optometric Association (COA) may be able to provide some background regarding this matter.

President Wang stated that she does not know of any optometrist either who is in charge of a laboratory. Her concern is that since this was already in law taking it away may impact a doctor in the future who may wish to be in charge of a lab. It does not make sense to her to take away what was already in existence. Dr. Wang noted that if COA is a participant she would like to hear from them; otherwise the Board may reach out to COA.

Ms. Murphy responded that staff did speak with the COA about their intent; whether this was an intended consequence of their legislation. There was not discussion about the prevalence; but staff certainly can work with them, to open up discussion with their membership and perhaps perform some type of survey that would gauge the prevalence and provide an understanding of how many licensees the Board may have impacted or how many operations this is occurring within.

Dr. Joseph Pruitt added that although he too has not known of any optometrist actively directing a lab. He noted that in his organizational facility if an optometrist enters into any

administrative positions, they would have their clinical laboratory under their purview. He mirrored President Wang's thought that this could impact an optometrist's plans in the future.

Ms. Cyd Brandvein expressed that she would appreciate more information on this and requested that staff bring back information about what exactly it means, and what the Board is directing. She noted that this will help guide the Board towards the enforcement piece. She would appreciate learning what the Board's responsibility is from a regulatory standpoint and enforcement as well.

Dr. Turetsky asked if staff may send out a blast email to all OD's in case there are a few who are directing labs. Perhaps they will respond, and the Board can learn how this would impact them? Ms. Murphy assured that staff will do this and added that staff will include a survey in its quarterly enforcement bulletin at the end of the month.

Vice President Marc Morodomi advised that considering the Board's limited staff resources, if no one in the profession cares about this he feels we should not make this a high priority for staff. President Wang argued that (as Dr. Pruitt expressed) if an OD is in charge of a larger health clinic or institution where the OD would have purview over a lab we would not want to take that ability away from any optometrist. Her main point is that if this is already in statute, it seems strange to take it away. Mr. Morodomi agreed.

Ms. Eunie Linden agreed with President Wang and suggested that just to air on the side of caution, this could be attached to any other cleanup bill that may not require much additional resources and time.

Mr. Donald Yoo commented that there should be legislative history whenever something is removed or added. Typically, it would be reflected. He suggested that if someone were to look at the legislative history, the Board could determine fairly quickly if it was inadvertent or intentional. Ms. Murphy replied that staff will look at that as well.

There were no requests for public comment.

4. Regulation: Discussion and Possible Action Regarding the Implementation of the Mobile Optometric Office Program, Pursuant to Chapter 630, Statutes of 2021

Audio of Discussion: [12:19](#)

Ms. Murphy provided a background on item. The Board had two bills, AB 896 and the Sunset Bill AB 1534, both of which provided the parameters for the Board's mobile optometric office program and for their owners and operators providing an opportunity for non-profits not aligned with optometry to be a conduit for services to those who are underserved. Ms. Murphy requested that the Board create a two-person workgroup who may be able to collaborate with staff and more smoothly move the process forward.

Ms. Murphy introduced the Board's new Mobile Optometric Office Coordinator, Genevieve Sanati. Ms. Sanati provided a report on her work with the mobile optometric office program. She reported that she had spent the last couple weeks gaining knowledge of the optometry licensing process while reviewing the two legislative bills establishing the mobile optometric office owner/operator registration and the mobile office permit. Additionally, she reviewed the regulatory package established thus far and will meet with the Board's Regulatory Council, Dani Rogers soon. Ms. Sanati explained that staff agenda is to provide revise mobile optometric office regulations to the Board during the March meeting. Staff anticipates this

timeline will allow compliance with the program's January 1, 2023 statutory implantation date. Additionally, staff are addressing the information technology needed for this new license process. This week Ms. Sanati spent several hours with DCA's technical team to discuss implementing the new registration application in BreZE. Staff are scoping and developing timelines for this IT project which is funded explicitly through the Board's 2021 through 2022 Budget Change Proposal (BCP). Updates will be provided to the Board when available. Ms. Sanati announced that initial communication has been established with the Dental Board of California and the Dental Hygiene Board of California. Both boards regulate mobile service units for their professions. In the coming weeks, Ms. Sanati will engage various stakeholders such as the California Vision Foundation, Lion's Club, and Healing California in order to deconstruct their non-profit volunteer-based events that provide public optometry services. Ms. Sanati added that staff are also working to identify and engage the non-profits who will seek authority under this new program; project timeline includes engaging Vision to Learn whose target population is school children. Staff believe that Vision to Learn will become the predominant service provider, and as such staff strive to create a regulatory framework that most easily addresses the needs of those students and their families after service delivery. She asserts that input from the Members who will serve on the workgroup will be vital as the Board creates and launches a program that will help expand optometric care to underserved populations while fulfilling the Board's mandate in protecting the public.

Vice President Morodomi asked why a workgroup is preferred as opposed to having a committee work on this? Ms. Murphy explained that although staff will bring back regulations to the Board, a workgroup provides an opportunity to hold ad hoc meetings which means that as Ms. Sanati comes up against quandaries, she can call into discussions the non-profits and continue formulating her plan for development.

President Wang asked for volunteers for the workgroup. Ms. Linden and Dr. Turetsky expressed interest and the workgroup was established.

Dr. Turetsky requested a current staff roster phone list. Ms. Murphy assured that she will see to it that they are connected to Ms. Sanati; however, she expressed a concern over the separation of administrative and policy oversight in sharing a full list of extension. Ms. Murphy also announced that staff will soon have an upgrade in the telephone system which will become part of staff laptops accessible via Microsoft Teams. She explained that there will be a transition period in the coming weeks and assured committee members that the phone extensions to their committee liaisons will be made available to them.

Vice President Morodomi noted that January 1, 2023 meeting is solely for the creation of the registry and collection of the fee, and if there are workload issues he believes segments of regulations can be worked on a longer timeline. Ms. Murphy expressed appreciation for his point and assured that staff will focus on the development of the licensing program and anticipates that there will be regulations needed to undergird its development. She added that as the Board begins to move through the program and non-profit entities are licensed and permits are submitted and quarterly reports are provided, she believes there will be much more to discuss on the enforcement end. Ms. Murphy stated that staff will keep his suggestion in mind as the Board moves forward in the process.

There were no requests for public comment.

5. Closed Session

- A. The Board will meet in Closed Session pursuant to Government Code Section 11126(a)(1) to discuss the annual performance evaluation of the Executive Officer**
- B. The Board will adjourn the meeting**