



Assemblymember Rudy Salas, 32nd District
ASSEMBLY BILL 2574 – CALIFORNIA OPTOMETRIC PRACTICE ACT
FACT SHEET

BACKGROUND

Clinical Laboratory Improvement Amendments (CLIA) waived testing was added to the optometric scope of practice in 2012 with AB 761 (R. Hernandez). CLIA waived tests are simple, in-office tests like finger sticks for blood glucose. To administer these tests, an optometrist must obtain a license the California Department of Public Health (CDPH) to be a lab director for CLIA waived tests. Unfortunately, the authority to “direct” the CLIA waived tests was inadvertently deleted from BCP 3041 due to drafting errors in AB 407 (Salas), last year.

The law related to testing has changed code sections and was slightly re-worded. The law now says optometrists can “utilize” CLIA waived tests. Because of the mistake, the California Department of Public Health (CDPH) has concerns that it no longer has the authority to license labs that list optometrists as directors, because its authority to direct a waived lab no longer exists. This means optometrists will no longer be able to perform point-of-care testing to diagnose eye conditions. It will also prohibit administration of COVID-19 tests for unvaccinated optometric staff. The authority to direct CLIA waived labs needs to be restored immediately so that optometrists can continue to use point-of-care testing to diagnose many kinds of eye conditions.

Additionally, the authority to stabilize a patient with acute angle-closure glaucoma was added in 2008 with SB 1406 (Correa) and was accidentally deleted in the end-of-session amendments to AB 407.

ISSUE

In 2021, AB 407 (Salas) was signed into law. This bill revised the Optometric Practice Act. Two technical mistakes were made in the drafting of that legislation and AB 2574 is needed to restore the law in two areas to what was allowed before AB 407.

EXISTING LAW

The Optometry Practice Act provides for the licensure and regulation of the practice of optometry by the State Board of Optometry. The act prohibits engaging in the practice of optometry without an optometrist license from the board. The act establishes the scope of practice for licensed optometrists. The act authorizes an optometrist certified to use therapeutic pharmaceutical agents to utilize certain techniques and instrumentation necessary for the diagnosis of conditions and diseases of the eye and adnexa, including laboratory tests or examinations performed in an office classified as waived under the federal Clinical Laboratory Improvement Amendments of 1988.

THIS BILL

AB 2574 corrects drafting errors by restoring the authority for an optometrist to direct waived labs performing CLIA waived testing; and restoring the ability of an optometrist to stabilize a patient with acute angle closure glaucoma.

SUPPORT

California Optometric Association (sponsors)

FOR MORE INFORMATION

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