

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, JD., 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
 DRAFT BOARD MEETING MINUTES**

Friday, May 20, 2022

This public meeting was held via WebEx Events.

Members Present	Staff Present
Lillian Wang, OD, President	Shara Murphy, Executive Officer
Mark Morodomi, JD, Vice President	Randy Love, Assistant Executive Officer
Eunie Linden, JD, Secretary	Terri Villareal, Enforcement Lead
Cyd Brandvein	Eric Phomthevy, Licensing Technician
Jeffrey Garcia, OD	Brad Garding, Enforcement Analyst
Glenn Kawaguchi, OD	Genevieve Sanati, Mobile Optometric Office Coordinator
Sandra Sims, JD	Dani Rogers, Legal Counsel
David Turetsky, OD	
Donald Yoo, JD	
Members Absent	Guests
Joseph Pruitt, OD	On File

Link for the audio of discussions: https://youtu.be/b9ESLw_YAc

OPEN SESSION

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

Audio of Discussion: [4:50](#)

Board President, Dr. Lillian Wang called the meeting to order. Board Secretary, Eunie Linden took roll call, and a quorum was established. Board Member Dr. Joseph Pruitt was absent.

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).)

Audio of Discussion: [6:33](#)

Executive Officer, Shara Murphy announced that the meeting's agenda items will be taken out of order, and Agenda Items #4 and #7 will be heard at a later Board meeting.

Public comment was heard from Meghan Loper, on behalf of Luxottica. Ms. Loper commented that it is great to be back in the field and to meet the new Members face-to-face and she appreciates the opportunity to participate. She stated that Luxottica has been operating in California for nearly 30 years and has approximately more than 240 locations across different brands that include Lenscrafters, Target Optical and Pearl Vision. Luxottica hopes to be a resource for Members and staff and to participate. Ms. Loper looks forward to meeting and working with the new Board members as well.

3. Board President's Report

A. Board Officer Elections

Audio of Discussion: [12:33](#)

Dr. Wang announced that two Board Member's terms are maxing out, which means this meeting will be their last official full Board Meeting. The two Members are Cyd Brandvein and Dr. David Turetsky who were just presented with plaques as a token of the Board's appreciation for their service. Dr. Wang noted that she feels lucky to have served on the Board with Ms. Brandvein and Dr. Turetsky. The expertise and knowledge they have brought to the Board has been immense. Members and staff will miss them and their humor.

Vice President, Mark Morodomi and Ms. Murphy also expressed their appreciation and gratitude for these Members' service. Ms. Murphy announced that nominations will occur next.

There were no requests for public comment.

Nominations received as of May 17, 2022 for the 2022-2023 fiscal year term are as follows:

- Dr. Turetsky nominated Dr. Wang for President
- Dr. Wang nominated Dr. Jeffrey Garcia for Vice President.
- Dr. Wang nominated Ms. Linden for Secretary.

A final call for nominations was made. There were no additional nominations.

There were no requests for public comment.

Cyd Brandvein moved to elect the Board officers as nominated here today - Dr. Lillian Wang for President, Dr. Jeffrey Garcia for Vice President, and Eunie Linden for Secretary - for 2022 – 2023. Mark Morodomi seconded. The Board voted unanimously (9-0), and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Wang	X				
Mr. Morodomi	X				
Ms. Linden	X				

Ms. Brandvein	X				
Dr. Garcia	X				
Dr. Kawaguchi	X				
Dr. Pruitt				X	
Ms. Sims	X				
Dr. Turetsky	X				
Mr. Yoo	X				

The meeting moved to Agenda Item 8.

4. Discussion and Possible Approval of Meeting Minutes
A. March 11, 2022 Board Meeting

This agenda item will be heard at a later Board meeting.

5. Discussion and Possible Action on 2022 Legislation
A. Assembly Bill 2574 (Salas) Optometry
B. Senate Bill 1089 (Wilk) Medi-Cal: eyeglasses: Prison Industry Authority (PIA)
C. Senate Bill 1237 (Newman) Licenses: military service

Audio of Discussion: [1:29:26](#)

Ms. Murphy provided an update on three bills pertinent to the Optometry Board and optometry licensees with the recommendation of support. The Board is currently without a Policy Analyst.

Ms. Murphy reported that last year the COA ran a scope bill that expanded the ability for optometrists to use therapeutic medications that come to market without needing to have the practice act amended for each of the therapeutic treatments. Unfortunately, at the same time the Board removed the authority for an optometrist to be a clinical director. Assembly Bill (AB) 2574 (Salas) reinstates that authority. Additionally with last year's scope bill there was the omission of the authority to stabilize angle closure glaucoma. Dr. Turetsky provided a brief explanation of angle closure glaucoma for the public Members and stakeholders. AB 2574 will restore that authority that was inadvertently removed during last year's scope expansion.

Public comment was received from Ms. Kristine Shultz. Ms. Shultz announced that this is the COA's sponsored legislation, and they appreciate the Board's support on it.

Cyd Brandvein moved to support AB 2574. Sandra Sims seconded. The Board voted unanimously (9-0), and the motion passed.

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

Dr. Pruitt				X	
Ms. Sims	X				
Dr. Turetsky	X				
Mr. Yoo	X				

Ms. Murphy reported on Senate Bill (SB) 1089 (Wilk). This bill would authorize a provider participating in the Medi-Cal program to obtain eyeglasses from the California Prison Industry Authority (PIA) or private entities based on the provider’s assessment of the patient’s needs and of the quality of value.

Dr. Wang noted that many folks have conveyed frustration to her personally over the delay in obtaining their glasses from PIA. The delay is significant. Dr. Garcia agreed stating that even during non-COVID years the wait time is excessive; far beyond that of a private practice or lab.

Dr. Turetsky commented that in 2019 his skilled nursing facility made approximately 20,000 pairs of glasses through the PIA. In general, at that time the average wait was between 6 to 8 weeks. During COVID it dropped to 3 to 4 months for glasses to be produced. If California optometrists can have glasses made without the PIA, they can be produced within a week; two weeks at the most.

Mr. Morodomi questioned the market effect this bill may have on the PIA. Would it kill off the PIA’s glasses manufacturing operation? Dr. Turetsky noted that the industry is running a business that is not providing consumers a quality product in a timely manner. The incorrect prescription rate coming out of the PIA is substantially higher than you would experience in a private lab which causes a whole new set of delays. If the PIA could begin turning glasses around as fast as a regular lab (and there is no reason they should not be able to) there would be no reason to not use the PIA. Mr. Yoo asked if the private reimbursement rate was high enough to actually result in businesses providing these glasses. Dr. Turetsky replied that while there may be a difference in reimbursement rates using a private lab, the real incentive is to provide better customer service with a quick turnaround.

Public comment was received from Ms. Shultz. She stated that the customer service from PIA has always been very poor. The COA does not believe that passing this bill will shut down the PIA.

Jeffrey Garcia moved to Senate Bill 1089. David Turetsky seconded. The Board voted (8-Aye; 0-No) and the motion passed.

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

Mr. Yoo	X				
---------	---	--	--	--	--

Ms. Murphy reported on Senate Bill 1237 (Newman). Currently California law requires licensing boards and bureaus of the DCA to waive renewal requirements for licenses held by members of the United States armed forces of California National Guard during a period in which they are called to active duty. SB 1237 clarifies eligibility for the license waiver program to include all US military personnel serving in an active duty capacity, regardless of their length of active duty or service component (regular active duty, reserve active duty, or National Guard active duty). With this bill they would be able to maintain their license without paying their renewal fee and upon return to California they would be able to practice.

Dr. Garcia who is the subject matter expert on this subject explained that when AB 1588 (Atkins) was put into law it was specific for reservists and guard members that were called into active duty from their civilian practices, and it did protect that population of optometrists. However, an issue has occurred where active-duty optometrists that are stationed abroad or not stationed in California are confused about this law and are applying for waivers that they are technically not eligible to receive. This brought about SB 1237 which would broaden the scope to include all licensees on active duty stationed outside of California. SB 1237 would not exclude reservists; rather it would simply include more service members.

Ms. Murphy added that based upon the Board’s current licensee population, staff expects this would apply to not more than 5 to 10 licenses per year and therefore the waived fees would not have an intense fiscal impact on the Board.

Public comment was heard from Ms. Shultz. The COA is the sponsor of SB 1237. Ms. Shultz expressed appreciation for the Board’s support, and she explained that this bill was amended to clarify that “called to active duty” has the same meaning as “active duty” in statute. This bill simply corrects the interpretation at the DCA so that there is no differentiation between “called to active duty” and “active duty”. These licensees still cannot be in California or practicing optometry.

Dr. Turetsky posed a hypothetical situation as follows: He is active duty and practicing on a military base in California. Is he impacted by this bill or is he still following the same statutes and regulations as any other California optometrist? Ms. Shultz stated that she needs to double check this prior to answering the question.

Mr. Donald Yoo asked if all medical professions are treated consistently in this instance and the exception is not created just for optometrists? Mx. Love noted that the bill also applies to people in the California National Guard; therefore, they would assume that being stationed in California would not be a barrier for receiving the waivers. Additionally, this bill struck the language that specifically mentions being stationed outside of California, so that is no longer part of the law’s language. They also noted that this is a DCA law; therefore, it would apply to other California health professionals as well.

Public comment was received from Ms. Shultz. She confirmed that this bill would apply to all health care providers and boards under the DCA and not just optometry.

Cyd Brandvein moved to support SB 1237. David Turetsky seconded. The Board voted (8-Aye; 0-No) and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Wang	X				
Mr. Morodomi	X				
Ms. Linden	X				
Ms. Brandvein	X				
Dr. Garcia	X				
Dr. Kawaguchi			X		
Dr. Pruitt				X	
Ms. Sims	X				
Dr. Turetsky	X				
Mr. Yoo	X				

The meeting moved to Agenda Item 6.

6. Discussion and Possible Action to Initiate a Rulemaking and Possibly Amend Title 16, California Code of Regulations (CCR), Sections 1505 and 1524, and Adopt Sections 1583-1587, Mobile Optometric Office Owner and Permit Program

Audio of Discussion: [2:11:08](#)

Members and staff returned from a lunch break. Ms. Linden took roll call. All Members were present except for Dr. Pruitt and a quorum was established.

Ms. Sanati provided a presentation on the Mobile Optometric Office Owner and Permit Program. This regulatory proposal would adopt regulations for the Board’s mobile optometric office program. This is a unique and the first of package of its kind. This package was carefully constructed to implement regulations for the mobile optometric program. It was borne out of AB 896 and signed into law on September 24, 2020, which created Business and Professions Code (BPC) 3070.2. Further changes were made to the BPCs with the signing of the AB 1534. This allows non-profit and charitable organizations to provide optometric services to patients regardless of the patient’s ability to pay through mobile optometric offices under a new registration program within the Board. With the assistance of the Lead Licensing Analyst and the BreZE Integration Team, Ms. Sanati created the first draft of the application for registration and the first draft for the Board’s website which will host the registration link. The hard forms have been omitted as staff intends to collect the information exclusively via the Board’s online portal. Ms. Sanati directed Members to a cost analysis that was provided in the materials. She announced that the package is ready to move forward, and she is requesting the Board’s approval. Staff work has been completed, stakeholders have been engaged and conversations have been had with the Board’s regulated population to assist with the draft. Additionally, it has been reviewed and approved by the Legal Affairs Division. Staff is ready for the 45-day public comment period followed by the public hearing.

Mr. Morodomi asked if there is anything in this regulation that goes beyond the statute to impose more hurdles than the regulated optometry company must go through; and if so, is there a good reason for imposing the additional steps? Ms. Sanati explained that there are a few items (such as fingerprinting) that are not specifically required in statute.

These regulations were written in prior to her coming on to the review team. She is open to rethinking some of these things, but essentially the Board has an enabling statute to implement what it believes will contribute to the safety of the public. These statutes are written in response to the rising need that has come from care in these mobile clinics. She explained that staff wishes to be guided by the statute and at the same time carefully consider how to optimally protect the public.

Legal Counsel, Dani Rogers clarified that BPC 144 does require the fingerprint check. She explained that Legal has carefully reviewed everything and would never propose anything that is not required by statute. Ms. Murphy added that in building this framework, staff has worked with the process the Board has for Registered Ophthalmic Device Dispensing Businesses. Within that framework for registration the board of directors are also required to submit fingerprints as the representatives of the organization; therefore, there is precedent in which this would occur. Ms. Murphy explained that this regulatory package puts the onus on the owner/operator and not the optometrists themselves.

Mr. Morodomi expressed a concern that the Board not inadvertently create a situation where Vision to Learn is the only organization that can provide this service. He wants to ensure that this service can be provided by more than one company. Ms. Murphy assured that this has been her guide and charge. Although there is currently one operator in this space, staff is developing a regulatory system that will work with any non-profit. Additionally, the system ensures that after children receive their glasses, they have someone in their community to turn to if an issue with their eye ware arises, and they do not have to wait for the van to reappear. Ms. Murphy clarified that this does not create a moat for just one single source. Other non-profits can come in and provide optometric services in the same locale and to a region that is currently underserved.

Dr. Turetsky contended that this statute is going into effect January 1, 2023, regardless of whether the Board has regulations. He assured that the work in the program that Ms. Sanati has overseen provides a good framework for accountability and consumer protection. He is one hundred percent certain that it will come back for fine tuning over the next 5 years. Nevertheless, it is important that as various groups go out to schools and provide services that the Board has put some protective measures in place then make necessary changes as the need is discovered.

Dr. Garcia asked for the definition of a mobile optometric clinic. Ms. Murphy clarified that the statute states it is an office whereby equipment is in an advanced truck or vehicle. The statute does not cover taking the truck or vehicle, with the equipment, to some place, removing the equipment and setting it up inside a conference room at that place.

Dr. Garcia asked about the materials. He explained that Medi-Cal charges for services and materials separately. If the patient wants a second pair of glasses or a contact lens fitting, does this cover materials as well? Ms. Murphy suggested that a definition be created, and if that definition does not contradict what is in statute currently the Board could say that this applies to the inability to charge for either services or materials.

Mr. Yoo asked if after the service and materials issue is worked out, is there a notice requirement where the Board notifies patients that will not have to pay anything out of pocket? Ms. Murphy clarified that the statute does not allow the vendor - the owner-operator to charge for services. She does not believe that it is included within the patient notice that

they cannot be charged for services, but she believes it is an excellent idea and something Board staff needs to take note of. Ms. Murphy assured that this will be a part of the regulatory package brought back to the Board after the 45-day comment period within a public hearing.

Public comment was received from Dr. James Deardoff. Dr. Deardoff stated that they have been working on developing a mobile optometric clinic for six months. He asked if the license is good for the entire state or certain locales? Additionally, he asked if January 1, 2023 is a firm date when the regulations go into effect? Ms. Sanati responded explaining that the license will be good for California only, and the regulations will in fact be implemented on January 1, 2023. Ms. Murphy clarified that staff is working their hardest and as quickly as possible to complete the regulatory process by January 1st; however, approval today does not guarantee that staff will have an enactment by the 1st. January 1, 2023 is the statutory deadline, however the process is very long. Folks currently are providing this service and they are not eligible for any enforcement action. After the 1st, if the Board does not yet have regulations it will not be able to take any enforcement action against a bad actor.

Ms. Murphy announced that staff will communicate information about the 45-day comment period process via the Board ListServe email service.

Glen Kawaguchi moved to approve the proposed regulatory text for Section(s) 1505, 1524, 1583, 1584, 1584.5, 1585, 1586, and 1587, and direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review and if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and amend sections 1505 and 1524, and adopt section(s) 1583, 1584, 1584.5, 1585, 1586 and 1587 as noticed. Sandra Sims seconded. The Board voted unanimously (9-0), and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Wang	X				
Mr. Morodomi	X				
Ms. Linden	X				
Ms. Brandvein	X				
Dr. Garcia	X				
Dr. Kawaguchi	X				
Dr. Pruitt				X	
Ms. Sims	X				
Dr. Turetsky	X				
Mr. Yoo	X				

The meeting moved to Agenda Item 10.

7. Discussion and Possible Action to Amend Title 16, CCR, Section 1536, Optometry Continuing Education

This agenda Item will be heard at a later Board meeting.

8. Department of Consumer Affairs Update

A. Executive Office

B. Budget Office

Audio of Discussion: [24:35](#)

Marykate Cruz Jones with the Department of Consumer Affairs (DCA) provided an update on the Executive Office. On April 1st boards and bureaus returned to meeting in accordance with all aspects of the open meeting act, including publicly noticing all meeting locations. There is current legislation, AB 1733 which would permanently allow boards and committees to meet remotely while also providing both virtual and physical location options for members of the public to participate. Unfortunately, this bill was not heard in the policy committee before the deadline and will not move forward this year. It would be helpful if the Board would share this information with the authors and committees. Recently, Board and Bureau Relations distributed to all board and committee members, guidelines, and requirements under the Bagley-Keene Open Meeting Act to adhere to when conducting in-person meetings to reduce the spread of COVID-19. Although state guidance has relaxed mandatory face coverings, the California Department of Public Health strongly recommends that individuals continue to mask in indoor settings. The DCA will be administering service surveys until further notice to capture and track the cost of attendance for all meetings since April 1st, when aspects of the Open Meeting Act resumed. To demonstrate the benefits of conducting remote meetings as allowed under the prior executive order, the DCA has distributed to all board and bureaus a request that they complete the survey within 30 days after each meeting is held. The Board and Bureau Relations Office is here to assist with the appointment and reappointment process. Likewise, if there is interest in advertising for vacancies, the DCA communications team has recently released a new communications toolkit to assist boards with member recruitment and is available in multiple languages.

Ms. Jones announced that the reports of the Enlightened Licensing Project are now available and were distributed last Friday, May 13th. The project was started to streamline and enhance licensing processes by utilizing the knowledge and experience of subject matter experts within boards and bureaus. This project was conducted in partnership with the Board of Registered Nursing (BRN). Upon a thorough assessment of BRN's processes, the project's co-chairs provided recommendations to introduce new ideas and implement best practices for critical licensing activities. It is DCA's goal to provide boards and bureaus effective and efficient licensing activities.

Veronica Hernandez, Budget Analyst with DCAs Budget Office provided an update on the Board's expenditures and fund condition statement. The Expenditure Projection Report is based on actual and projected expenses as of fiscal month 9, or through the end of March 2022. This document provides detailed expenditures year-to-date, as well as projections through the remaining fiscal year. The Board had a beginning budget of almost 3 million. Year-to-date, the Board has expended 1.76 million and is projected to spend approximately 2.4 million leaving a reserve balance of 618,000 or about 20.66%. This is considered a very healthy reserve and the Board has been diligent with its spending this year to manage this overall fund balance.

Ms. Hernandez reported on the Board's Fund Condition Statement. The Board began 2021 with an adjusted beginning balance of close to \$2.1 million, collected approximately 1.8 million in reserve, and expended approximately 1.7 million in direct expenditures. An additional \$143,000 was indirectly drawn from the fund to support statewide expenses such as supplemental pension payments and statewide pro-rata for a total expense of just under 1.9 million. The Board ended 2020-2021 with a little over 2 million reserve balance or about 9.6 months in reserve. For the 21-22 current year an estimate of 2.7 million in revenue is projected. The Board's expenditures for this fiscal year as of fiscal month 9 are projected to be approximately 2.4 million with an additional \$177,000 in direct draws to the fund for a total projected expenditure of 2.5 million. The Board is projected to end the current year with 2.2 million or 6.5 months in reserve. For the budget year and ongoing, revenue is projected to remain stable estimating approximately 3 million in revenue and expenditures, and expenditures show an approximate 3 % increase to capture annual adjustments to benefits and retirement rates as well as assumed salary increases in coming years. The Board's fund remains stable currently showing a fund balance of 4.4 months in reserve by the end of FY 23-24. The Budget Office will continue to monitor the Board's revenue and expenditures and report back to the Board with monthly expenditure projections. Ms. Hernandez noted that the fund condition does not include increased enforcement expenditures which could create additional cost pressures to the Board's fund in coming years.

Mr. Morodomi asked if the Board's enforcement expenditures for this year are in line with what the Board spent last year. Ms. Murphy confirmed that they are in line with what was spent last year, however the last two years have been greatly impacted by the COVID pandemic. Ms. Murphy noted that the Board is in a very different position from when she first came to the Board. This year the Board is looking at a four-to-six hundred-thousand-dollar conversion. She explained that most of those funds are a one-time budget allocation given to the Board for AG costs and for Office of Administrative Hearings costs. Ms. Murphy reported that according to projections, the Board's months in reserve are continuing to decrease and will be under the statutory limit come FY 22-23 with a possible insolvency in FY 23-24. Staff is appreciative of the funds the Board has been able to save due to there being less enforcement activity. This has helped to keep the Board solvent for a bit longer. Nevertheless, there will come a point when discussions must be had about the need to change the influx of revenue to meet the actual output. The Board currently is not bringing in enough revenue to cover daily rates. In the next few months, staff will hear from the Budget Office to discuss options for ensuring that the Board does not become insolvent in FY 23-24.

Ms. Murphy added that the Board's sources of revenue are renewal fees, application and permit fees, and from enforcement activities. Most of the revenue is from renewal fees. There has been an increase in enforcement activity since the Board took on the optician program in 2016, which doubled the Board's number of licensees the Board oversees thereby increasing enforcement action. She explained that licensing and renewal fees fluctuate. Market and education forces that bring folks to the professions will fluctuate.

Ms. Linden asked when the Registered Dispensing Optician (RDO) fund merged with the optometry fund and the additional responsibilities that came with the merge, was the budget then (and the additional responsibilities) in balance or out-of-balance? Ms. Murphy clarified that when the funds merged the fund became more imbalanced. Previously the Board had an allocation transfer from the optician budget to the optometry budget that only covered the licensing and enforcement and did not cover administrative costs. Now that the funds have merged, the funds coming in for the RDO program are coming directly into the Board's pot

and are covering both the administration and licensing/enforcement activity required for that licensing population.

There were no requests for public comment.

The meeting moved to Agenda Item 9.

- 9. Executive Officer's Report**
- A. Enforcement Program**
 - i. Quarterly Statistics**
 - ii. Staff Update**
 - B. Examination and Licensing Programs**
 - i. Quarterly Statistics**
 - ii. Staff Update**
 - iii. Update Regarding Processes for Class of 2022 Graduate Applicant Season**

Audio of Discussion: [52:48](#)

Enforcement Lead, Terri Villareal provided an overview of the Enforcement Program.

Ms. Villareal reported on the quarterly enforcement statistics. Staff is continuing to work on and close older cases, and the 2nd edition of the enforcement bulletin which will come out in June. Staff is pleased with the result. When the 2nd edition is published staff requests feedback from Members about whether this edition meets the Board's needs. Genevieve Sanati has been working on the mobile optometric clinic and has succeeded in getting the program up and running. Staff was able to hire a technician, Eric Phomthevy to assist Ms. Sanati. Mr. Phomthevy has been a great help since he joined the team. He has assisted with enforcement, setting up this meeting and many various tasks. Ms. Villareal stated that staff continues to explore ways of educating licensees on how to avoid enforcement action.

Assistant Executive Officer, Mx. Randy Love presented licensing statistics and current updates. They announced that former licensing analyst, Natalia Leeper has left the Board and accepted a position with the Department of Social Services where she will be assisting in the development of a database to combat medical fraud. Mr. Phomthevy has been helping staff get ready for optometry graduation season. Licensing Analyst, Arsha Quasmi reviews the applications as they come through, and Mr. Phomthevy will obtain the transcripts, photos and NBEO scores. Mx. Love explained that, for this graduation season, an application suitability question was added to the part II application. It asks if the applicant has graduated and if they have received their optometry degree. Applicants cannot proceed with their application until they answer "yes" to the question. This has stopped the influx of applicants applying prior to graduation. Staff hopes that with these measures the 2022 graduation season will be calmer, smoother, and more straightforward for applicants.

Ms. Murphy announced that executive staff is currently working with Human Resources to bring in two retired annuitants to assist with the workload. These are folks with extensive experience in licensing.

Dr. Wang asked Mx. Love on average how long it takes the Board to receive confirmation from schools that the students have graduated? She also asked how long it takes for staff to receive the NBEO scores? Mx. Love explained that they can only provide a partial answer

because they do not know how long it takes from the time the student requests sending of the scores to the time it takes to be processed by the school or the NBEO.

Dr. Garcia questioned the advantage of waiting until applicants have graduated to begin processing applications. Mx. Love explained that if staff begins processing prior to graduation it means that staff must go back and review the application twice; then it becomes a duplication of staff time and effort and takes time away from other tasks such as answering the phone and addressing questions. Mr. Morodomi added to Dr. Garcia's thoughts by asking staff to please let Members and Ms. Murphy know if they come up with any creative ideas that might streamline the process.

Ms. Murphy explained that when the two retired annuitants are hired, they will go through the application review during the Summer and through September of 2023 and assist staff with streamlining the process. These are folks who have been leaders of licensing units with other boards. Staff is hopeful that giving them the opportunity to see this Board's licensing process in action will assist in determining what regulations and new authorities might be needed. Additionally, the DCA has completed the Enlightened Licensing Project which is a manual guidebook regarding streamlining changes that may be utilized.

In response to Dr. Garcia's question, Ms. Murphy explained that after students have taken their California Law and Regulations Exam (CLRE) they are responsible for providing the live scan and photo to staff. The rest of the materials come from outside sources. NBEO scores come from the NBEO, transcripts come directly from the optometry professional school etc. When staff allowed applicants to continue to move through the process immediately after taking the CRLE they expected that something would happen right away when in fact staff did not yet have their transcripts and NBEO scores. There is not much processing time lost with the stop gap in place. When applicants can finish submitting their application, they are able to provide their fingerprints and photo and their NBEO scores and transcripts have been received, meaning that staff can assess the applications once with everything needed being available at that time. This also better communicates to applicants the required steps and timelines needed for issuance of their license.

Dr. Garcia asked how the Board is communicating better than previously that the wait period does not begin until after everything is received? Ms. Murphy explained that staff has had the opportunity to meet with the California Optometric Association (COA) and their incoming professionals. She spent about two hours with approximately 80 applicants having a Q&A. Ms. Murphy added that staff are providing these same presentations to the optometry schools for the third- and fourth-year students. During the beginning of June staff will begin regular email and social media communication as well.

Dr. Kawaguchi questioned the volume of applicants in last year's graduation season. From the data he reviewed it appears that the number of applicants was lower last year than what the Board would typically see. Ms. Murphy replied that this is not what staff reported when they were processing last year's applications. There were discussions about it being an unprecedented year with more applications than usual. Ms. Murphy explained that staff is trying to ensure that the data is correct. Having two retired annuitants will give staff the opportunity to pull reports weekly so it is known what it is coming in and going out. This was not possible last year. Last year a spreadsheet was used to track applications. She added that this year staff will be better able to track applications and provide better numbers due to having weekly reports.

Public comment was heard from Executive Director of the COA, Ms. Kristine Shultz. Ms. Shultz thanked Ms. Murphy for all of work in addressing this problem proactively.

The meeting moved to Agenda Item 5.

10. Future Agenda Items

Audio of Discussion: [2:48:16](#)

Ms. Brandvein suggested that at the same time Members think about elections, Members should also think about initiating the EO annual performance evaluation period. The process of engaging with the DCA with the Board's evaluation should be started now so that the EO can receive a performance-based raise and increase.

In looking at the term ends for the Dispensing Optician Committee (DOC) Mr. Morodomi asked if the DOC will have just one Member? Dr. Wang confirmed that the DOC has not met because of a lack of a quorum. Ms. Murphy added that the Board will still be able to appoint the Board classification; whatever Board member is appropriate at that time. The other four positions on the DOC are now authorized by appointment of the Governor.

Dr. Wang clarified that the Board would need four new Members for the DOC, and when Ms. Brandvein and Dr. Turetsky leave three more Members will be needed. Ms. Murphy noted that the Board must remember Dr. Kawaguchi is within his grace period as of the beginning of June. Therefore, he will also leave the Board unless another appointment is made.

Mr. Morodomi questioned if there is anything that should be placed on an agenda to help facilitate a DOC-type action and keep the regulation of opticianry from grinding to a halt? Ms. Murphy assured that staff has been doing some recruiting, and she asked Members, who may have opticians where they receive services from, to please talk with them about applying for gubernatorial appointment. Additionally, discussion and research will likely be needed to determine whether there is an issue with the Board reviewing and passing measures specific to the DOC without the review of the statutory mandate of the DOC. She will have conversations with Board legal counsel to ensure the Board remains in compliance and is not locked into having no movement on opticianry matters, if we do not have a fully staffed DOC.

Dr. Kawaguchi suggested a future agenda item regarding new pharmaceuticals coming to market. He imagines there may be some confusion amongst practitioners, and he wants to ensure that the Board offers clarity to practitioners on what they can prescribe or not prescribe based on licensure level. Ms. Murphy assured that there is enough staff direction and understanding to agendize this discussion at a future meeting.

There were no requests for public comment.

The meeting moved to Agenda Item 11 – Closed Session.

11. CLOSED SESSION

A. The Board Will Meet in Closed Session for Discussion and Deliberation on Disciplinary Matters, Pursuant to Government Code §11126(c)(3)

- B. 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**
- C. The Board Will Adjourn the Meeting**

The meeting adjourned after closed session.