

**FINAL MINUTES  
OF THE PUBLIC MEETING  
OF THE BOARD OF OPTOMETRY**

**January 16, 2004**

1. Call to Order  
The meeting was called to order at 9:45 a.m. by Dr. Hernandez. Present were Ms. Noda, Messieurs De La Cruz and Naranjo, and Drs. Goldstein, Hernandez, Kame, Pollack, and Yu. Also present were Staff Members Rex Farmer, Jane Flint, and Taryn Smith, Staff Counsel Don Chang, and the Board's Liaison to the Attorney General's Office, Char Sachson.
2. Approval of Minutes  
**Move to approve the minutes of the September 8, 2003 meeting. M – Goldstein, S – Naranjo, MSP, unanimous.**
3. Federal Regulations to Implement HR 3140  
"Fairness to Contact Lens Consumer Act"  
Don Chang, Staff Counsel, reported on Federal preemption.  
  
Staff was directed to submit written comments encouraging the FTC to emulate California Law with regard to the Federal Regulations to Implement HR 3140. Collette Galvez, representing the Center for Public Interest Law, supported the Boards' directive.
4. Assembly Bill 320 (Correa)  
Professions and Vocations: Licensees:  
Settlement Agreements  
**Move to support Assembly Bill 320. M – De La Cruz, S – Goldstein, MSP, unanimous.**
5. Implementation of Senate Bill 151  
(Chaptered by Secretary of State.  
Chapter 406, Statutes of 2003)  
Controlled Substances  
  
It was agreed that the Board would notify licensees of the changes in California law regarding the prescribing of controlled substances via newsletters.

Dr. Yarwood arrived at 10:40 a.m.

## 6. EO Report

Ms. Smith highlighted the following items from the Executive Officer's Report:

- Licensing program backlog
- Strategic Planning
- Federal Litigation
- Regulation Changes
- Executive Order Regarding Regulations
- Budget
- JLSRC Hearing
- Restasis

## 7. Infection Control Guidelines

The Board voted to proceed with the regulatory process to amend California Code of Regulation section 1520; Infectious Disease Control Standards as presented by Dr. Yarwood at the November 14, 2003 meeting. However, there was some concern expressed as to the necessity of such a regulation as well as an inquiry as to whether other health care boards had such regulations. Staff provided information received from the Board of Registered Nursing, Board of Vocational Nursing, Dental Board and Medical board of California. It was agreed that the Board would move forward with the regulatory process.

## 8. Administrative Procedure Manual

Ms. Rosas asked Dr. Hernandez to consider combining the Enforcement Committee and Enforcement Review Committee to form one committee.

Dr. Goldstein reviewed recommended changes to the Administrative Procedure Manual.

**Move to amend the Administrative Procedures Manual as recommended. M – Goldstein, S – Naranjo, MSP, unanimous.**

## 9. Educational Equivalency of Foreign Graduates Applying for Licensure

At the November 2003 meeting staff was directed to refer graduates of foreign schools of optometry to

credential evaluation services in order to determine educational equivalency before the Board would consider sponsorship to sit for the NBEA examination. The Board was provided with Mala Chopra's Credential Evaluation Report prepared by World Education Services, Inc., for review and determination if the education is equivalent to that which is required for a California license to practice optometry.

**Move to table matter until additional information regarding Ms. Chopra's education is provided. M – Pollack, S – Noda, MSP, Aye- Hernandez, Kame, Naranjo, Noda & Pollack, Nay – De La Cruz, Goldstein, Yarwood & Yu.**

#### 10. Medi-Cal Fraud in Optometry

It was agreed that the Board would continue to work with DHS on coordinating Medi Cal fraud investigations.

#### 11. Optometric Technicians

In 2002, the JLSRC recommended that the Board conduct an occupational analysis of optometric assistants to identify the tasks they will perform and the training and skill level required.

Senator Polanco issued a letter of intent in which he states the Medical Board and the Board of Optometry should adopt clarifying regulations. The Medical Board has issued an "interpretation" of the law but has not adopted clarifying regulations nor do they have plans to do so in the future.

The Board was presented with draft language regarding the training and supervision of optometric assistants.

**Move to move forward with the regulatory process. M – Goldstein, S – Hernandez, MSP, unanimous.** Note: Mr. Naranjo was not in attendance and did not vote on this matter.

12. Future Goals  
It was agreed that the future goals of the Board and possible omnibus bill would be reviewed during the strategic planning process.
13. Public Comment  
None
14. New Business  
Dr. Yu requested that the Board take a position on Federal Legislation H.R. 3473, the Veterans Eye Treatment Safety Act of 2003.
15. Enforcement Actions  
The Board convened into closed session.
- The Board voted to adopt the Proposed Stipulated Settlement in the Matter of the Accusation Against Jerry Rosenstein, O. D.**
- The Board voted to adopt the Proposed Stipulated Settlement in the Matter of the Accusation Against Fed Shorr, O. D.**
16. Open Session  
The Board convened into open session.
17. Adjournment  
The meeting adjourned at 4:00 p.m.

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Page A. Yarwood, O. D., M. S., F.A.A.O.  
Secretary