

Board of Optometry  
Public Meeting  
November 15, 2007  
Homewood Suites  
10 West Trimble Road  
San Jose, CA 95131

**1. Call to Order**

The meeting was called to order by Dr. Goldstein, O.D. at 9:13 a.m. and a quorum was established. Board members present were public members Katrina Semmes and Fred Naranjo; and Drs. Lee Goldstein, Susy Yu, Richard Simonds, Alejandro Arredondo, Martha Burnett-Collins and Kenneth Lawenda (all optometrists). Also present were the Executive Officer, Taryn Smith; Staff Counsel, Spencer Walker; Deputy Attorney General, Char Sachson; and staff members Margie McGavin, Gary Randolph, and Jeff Robinson.

**2. Approval of Minutes**

The Board was asked to approve the minutes of the August 17, 2007 Board meeting.

**Move to approve the minutes. M – Simonds; S – Lawenda; MSP – Unanimous.**

**3. President's Report**

The President of the Board, Dr. Lee Goldstein, O.D. reported that, on behalf of Governor Schwarzenegger, the Board of Optometry issued an email requesting optometrists to volunteer to help at the Southern California fires. COA sent a similar message as well.

Dr. Goldstein also stated that Board members may receive service inquiries regarding pending business in the board offices. Such inquiries can range from notice that an optometrist is going to retire, the status of an application, or clarification of California laws and regulations. He suggests fellow Board members refer such inquiries to the Executive Officer and that they allow staff to handle the situation. He also suggested that Board members follow up with the person making the inquiry to ensure the issue is handled.

**4. Committee Assignments**

Dr. Goldstein reviewed the purpose of each of the Board's committees and announced the Committee assignments as follows.

Legislation Committee

This committee is responsible for recommending legislative priorities to the Board and assisting staff with drafting language for Board-sponsored legislation and recommending official positions on current legislation.

*Members*

Lee Goldstein, OD  
Monica Johnson  
Richard Simonds, OD  
Susy Yu, OD

Enforcement Committee

In the past, this committee would review enforcement cases prior to board meetings and make recommendations to the board regarding action to be taken on the cases. Committee members have also consulted with staff on enforcement training and procedures. Based on experience, it was determined that review of disciplinary cases prior to Board meetings was not necessary, but expertise and consultation from committee members continues to be necessary.

*Members*

Lee Goldstein, OD  
Fred Naranjo  
Martha Burnett-Collins, OD

Continuing Education Committee

The committee reviews requests for approval of continuing education courses and offers guidance to board staff regarding continuing education.

*Members*

Richard Simonds, OD  
Ken Lawenda, OA  
Alejandro Arredondo, OD

Licensing and Examination Committee

This committee is responsible for overseeing the development and administration of legally defensible licensing examinations and consulting on improvements / enhancements to licensing policies and procedures.

*Members*

Ken Lawenda, OD  
Martha Burnett-Collins, OD

Outreach and Communication

This is a proposed new committee. It is envisioned that members would work with staff to develop educational material, press releases, identify outreach events, etc.

*Members*

Mary Galvan Rosas  
Alejandro Arredondo, OD

Executive Committee

According to the Board’s Administrative Procedures Manual, the Executive Committee shall have overall responsibility for the Board’s strategic planning process. The Vice President shall serve as the Board’s strategic planning liaison with staff and shall assist staff in the monitoring and reporting of the strategic plan to the Board.

*Members*

Lee Goldstein, OD  
Susy Yu, OD  
Monica Johnson

Strategic Planning Sub-Committee

The Board President proposes to establish a Strategic Planning Sub-Committee consisting of the Vice-President and a public member as follows:

*Members*

Susy Yu, OD  
Katrina Semmes

Fiscal Committee

According to the Board’s Administrative Procedure Manual, the Secretary of the Board serves as the Board’s budget liaison with staff and shall assist staff in monitoring and reporting of the budget to the Board. The Board President proposes to establish a Fiscal Committee consisting of the Secretary and a public member as follows:

*Previous Members*

None

*Proposed Members*

Monica Johnson  
Katrina Semmes

**5. Strategic Plan Update**

Dr. Yu provided a report on the Board’s strategic planning process as follows.

The Board conducted a strategic planning session on February 7, 2007. Board members, staff and other interested parties participated in the

planning session. The Board adopted the plan, which consisted of mission statement, vision, values and goals. The Board instructed staff to draft objectives for each of the goals. Ms. Smith presented the draft objectives, which the board accepted.

## **6. Legislative Update**

Ms. Smith provided a legislative update as follows:

### Assembly Bill 986 (Eng) – Regulation of Optometry

This is the Board sponsored legislation that was signed by Governor Schwarzenegger on October 5, 2007 and will become effective on January 1, 2008. The bill establishes new maximum fees for licensing services, establishes retention requirements for optometrists' patient records, and permits temporary practice without registering at a practice location.

Implementation Plan:

- The Board will pursue a change in regulation in order to set the increased fees.
- Board staff is working with legal counsel to determine how to define temporary practice.
- Notification of all changes in laws will be posted on the Board's website and included in renewal notices.
- Direct mail notification to licensees will be contingent on budget constraints.

### Assembly Bill 1025 (Bass) – Denial of License

This bill proposed to remove the Board's authority to deny licensure or suspend or revoke a license based on a criminal conviction that has been dismissed on specified grounds. The Board had an "oppose" position for this bill because it would have a negative impact on the protection of the public health, safety, and welfare, as well as individual privacy protection. The Governor vetoed the measure on October 13, 2007. A copy of the veto message is attached.

### Assembly Bill 1044 (Strickland) - Optometrists Regulation

Sponsored by Lenscrafters, this bill contains the same language as AB 986 regarding temporary practice locations. The sponsor indicated that they would move the bill if the success of AB 986 was threatened, and did not occur. Since AB 986 has passed, it is unknown what the sponsor intends to do with this bill. The Board still has a "watch" position on this bill.

### Assembly Bill 1102 (Nakanishi) – Optometric Assistants

This is a spot bill and has not moved since it was introduced. The Board has a "watch" position on this bill.

### Assembly Bill 1224 (Hernandez) – Telemedicine

The Board took a “watch” position on this bill at the May 2007 meeting in anticipation of June 26, 2007 amendments that significantly changed the bill. As amended, this bill will make a licensed optometrist subject to the telemedicine provisions as set forth in the Medical Practice Act and would define collaborating ophthalmologist for purposes of his or her participation in treating primary open angle glaucoma. It was signed by the Governor on October 11, 2007 and will become effective January 1, 2008. Staff will include information regarding this bill in the above-mentioned notification regarding new laws.

## **7. California Code of Regulations**

Ms. Smith provided an update on the status of the proposed change to California Code of Regulations Section 1568 (Therapeutic pharmaceutical agents usage – purpose and requirements) as follows.

The Board instructed staff to begin the rulemaking process to amend California Code of Regulation Section 1568 at the May 17, 2007 meeting. The proposed amendment would address a problem for out-of-state licensed optometrists who graduated prior to January 1, 1996 to meet licensure requirements in California.

Staff began the rulemaking process and during the legal review of the Board’s Initial Statement of Reasons for the proposed regulation, a concern was raised that the State Office of Administrative Law (OAL) may determine that the Board may not have the authority to decide issues of equivalency as proposed in the regulation.

Legal counsel from the Office of Administrative Law agreed to meet with Board staff and its legal counsel in order to make a preliminary determination of the proposed regulation. It was determined that the Board could and should move forward with the proposed regulation.

Staff will issue the Initial Statement of Reasons on November 20, 2007. The hearing will be held on January 14, 2008.

## **8. New Board of Optometry Logo and Website**

Mr. Randolph presented the Board’s redesigned website to the Board and explained the genesis for the redesign as follows.

On October 7, 2005, Senate Bill 796 was signed by the Governor that would enact the “Government Modernization, Efficiency, Accountability, and Transparency Act of 2005, which, among other things, requires every state agency that issues permits or licenses or accepts applications, proposals, bids, or similar requests, to post on a Web site, no later than January 1,

2007, “customer service” links that contain, among other things, specified information for frequently asked questions, forms and applications, and instructions for filing complaints in electronic format via the Internet.

In compliance with SB 796, the redesign of the California Portal (State Web site) was completed on January 22, 2007 which put into place the template from which all other state agencies would pattern their websites.

As with other agencies, departments, commissions and boards within the State Executive Branch, the Board of Optometry was requested to comply with the new design. Board staff worked with programmers in Department of Consumer Affairs Office of Information Services and the new website was launched in mid-November.

Board members provided helpful input on the look and feel of the site as well as improvements in content. Staff stated that they will work with the programmers to implement the suggested changes.

## **9. New California Laws and Regulations**

Mr. Randolph reported on efforts to update the California Laws and Regulations Exam as follows.

The Board requires applicants to pass two exams in order to obtain licensure to practice optometry in California. Those exams are listed below:

- Parts I, II and III of the National Boards of Examination in Optometry (NBEO) Examination
- California Laws and Regulations Examination

Both of these exams must be subjected to the necessary review and analysis to ensure they are psychometrically sound and legally defensible.

The NBEO examination’s, also known as the “National Exams” is developed and administered by the NBEO. The three comprehensive examination parts are designed as a complete set of examinations to assess the cognitive, psychomotor, affective, and communication skills that are essential for entry-level optometric practice.

The California Laws and Regulations examination is developed by the State Board of Optometry and is administered by the NBEO. The purpose of the California Law and Regulations supplemental exam is to identify candidates who are qualified to safely practice optometry in the State of California.

### *History of the California Laws and Regulations Examination*

The Board administered a Laws and Regulations Exam that was not subjected to ongoing development and validation from 1994 – 2007.

In August 2006, Board began working with the Department of Consumer Affairs' Office of Examination Resources (OER) to revise the California Laws and Regulations Examination. In December 2006, Board staff began recruiting licensed optometrists to participate in a series of exam development and validation workshops to be conducted by OER in Sacramento.

The workshops began in on March 5, 2007 and concluded on May 22, 2007. The results of the hard work and dedication put into these examination workshops was a new pool of job related questions, which OER used to construct a brand new exam.

Representatives from OER explained the workshops and resulting new exam to the Board at a teleconference meeting held on July 12, 2007. At that meeting, the Board adopted the exam.

On August 24, 2007 the new exam was administered for the first time at Memphis, Tennessee. OER scoring analysis showed the following:

Candidates sitting for the exam:	35
Candidates who were successful:	31
Passing rate:	86%
Previous passing rate:	91% (April 2007)

Although the Board was advised by OER that the pass rate might drop significantly with the first administration of the new exam, the results of the August 2007 administration did not show any significant drop.

As a result of the efforts described above, the new California Laws and Regulations Examination now meets the requirements of a psychometrically sound exam which consists of reliability (consistency), job relatedness, and validity (accurate).

#### *Candidate Handbook and Study Guide*

The Board has never provided study materials to assist candidates when preparing for the California Laws and Regulations Exam despite significant requests. Currently, candidates advised to review the Optometry Practice Act in order to prepare for the exam. They can download and review the 2006 law book from the Board's web-site or order the 2006 law book from the LexisNexis® on-line bookstore.

However, following the revision of the law exam, Board staff assembled a "Candidate Handbook and Study Guide" which will provide future candidates with sufficient information to effectively study for the exam. The Candidate Handbook also includes information on California licensure requirements and how to apply for licensure. Copies of the handbook will

be sent to the NBEO as well as all of the schools of optometry in the United States and Canada.

The Candidate Handbook and Study Guide has been approved for publication by OER and is currently under review by the Department of Consumer Affairs, which is standard for all publications.

*Update on Funding for Ongoing Exam Development and Validation*

On November 27, 2007, the Board received notification that the Department of Finance approved the Board's request for additional funding to conduct an occupational analysis. The approval allows for a one-time cost for the occupational analysis in FY 2008-09, but does not provide for ongoing exam validation costs such as the workshops facilitated by OER. Staff will continue to seek additional funds and/or divert funds in the existing budget to perform the ongoing workshops.

**10. Tamper Resistant Prescription Pads**

Board staff reported that a fact sheet on prescription requirements was under development and would be posted on the website. The new fact sheet would include information on how to comply with the state and federal requirements described below.

New federal legislation requires that effective April 1, 2008, in order for Medi-Cal outpatient drugs to be reimbursable by the federal government, all written, non-electronic prescriptions must be executed on tamper-resistant pads. The tamper resistant prescription pad requirement applies to all outpatient drugs, including over-the-counter drugs. It also applies whether Medi-Cal is the primary or secondary payor of the prescription being filled. All physicians, dentists, optometrists, nurse practitioners, and other providers who prescribe outpatient drugs are impacted by this new law.

This change originates from Section 7002(b) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007 signed into law on May 25, 2007.

Two-Phased Implementation of Federal Law

To be considered tamper-resistant on April 1, 2008, a prescription pad must contain at least one of the following three characteristics:

- 1) one or more industry-recognized features designed to prevent unauthorized copying of a completed or blank prescription form;
- 2) one or more industry-recognized features designed to prevent the erasure or modification of information written on the prescription by the prescriber;
- 3) one or more industry-recognized features designed to prevent the use of counterfeit prescription forms.

By October 1, 2008, to be considered tamper-resistant, a prescription pad must contain all of the foregoing three characteristics.

#### Current State Standards Meet New Federal Standards

The California-required tamper-resistant prescription pads for controlled drugs fully meet the October 1, 2008 federal compliance requirements under the new Medi-Cal requirement. Therefore, *prescribers are encouraged to use the current state-approved pads* in order to fulfill the new federal law, and may order tamper-resistant prescription pads from security prescription printer companies that have been pre-approved to produce the forms by the California Department of Justice (DOJ) and Board of Pharmacy. The directory of approved companies can be found at the DOJ website.

To comply with California statute, regardless of how a provider chooses to procure tamper-resistant prescription pads for all other written Medi-Cal prescriptions, providers must continue to procure tamper-resistant prescription pads for *controlled drugs* from the list of approved security prescription printer companies.

#### Prescriptions that Do Not Meet Federal and State Standards

Pharmacies that are presented with a Medi-Cal prescription on a non-tamper resistant prescription pad may satisfy the federal requirement by calling the provider's office and verbally confirming the prescription with the physician or prescriber. The pharmacy shall document on the original non-compliant prescription form that such communication and confirmation has taken place.

According to California law, faxed prescriptions written on tamper resistant pads will be voided, so the pharmacy will phone the prescriber to verify the prescription.

#### The Federal Requirement Does Not Apply to:

- e-prescriptions transmitted to the pharmacy;
- prescriptions faxed to the pharmacy;
- prescriptions communicated to the pharmacy by telephone by a prescriber;
- the transfer of a prescription between two pharmacies, provided that the receiving pharmacy is able to confirm by facsimile or phone call the authenticity of the tamper-resistant prescription with the original pharmacy;
- written orders prepared in an institutional setting (which include Intermediate Care Facilities and Nursing Facilities), provided that the beneficiary never has the opportunity to handle the written order and the order is given by medical staff directly to the dispensing pharmacy;

- drugs dispensed or administered directly to the beneficiary from or in the physician's office or clinic;
- emergency contraception dispensed by a pharmacist under protocol pursuant to section 4052.3 of the Business and Professions Code.
- written prescriptions dispensed to Medi-Cal beneficiaries who become retroactively eligible after October 1, 2007, provided the prescription was filled on or after October 1, 2007, and before the beneficiary became retroactively eligible for Medi-Cal.
- emergency fills, provided that the prescriber provides a verbal, faxed, electronic, or compliant written prescription within 72 hours;
- refills of written prescriptions presented at a pharmacy before October 1, 2007; or,
- prescriptions paid for by Medi-Cal managed care organizations, provided that the drug is not carved out of managed care. Written prescriptions for drugs carved out of managed care must be executed on a tamper-resistant pad.

Other Circumstances When Tamper Resistant Pads are Required and/or Recommended

As noted above, prescriptions in Medicaid managed care are exempt from this requirement pursuant to section 1927(j) of the Social Security Act. With the exception of Health Plan of San Mateo (HPSM), drugs dispensed within County Organized Health System (COHS) plans fall within the federal definition of a "covered outpatient drug." Therefore, except for HPSM, written prescriptions for COHS plans (CalOptima, Santa Barbara Health Initiative, Partnership Health Plans, and Central Coast Alliance for Health) must comply with the tamper-resistant prescription pad requirements.

Since a prescriber may not know when Medi-Cal fee-for-service is the secondary payor to private insurance, or if a prescribed drug is carved out of managed care, the Department of Health Care Services recommends that prescribers use tamper resistant prescription pads for all Medi-Cal beneficiaries.

Because prescription drugs provided to Family PACT (Planning Access Care and Treatment Program) enrollees and to Medi-Cal beneficiaries through the California Children's Services and Genetically Handicapped Persons Programs meet the federal definition of a covered outpatient drug, prescriptions written for beneficiaries in these programs must also comply with the tamper-resistant prescription pad requirement.

**11. Drug Enforcement Agency Numbers**

Dr. Simonds presented the following information to the Board.

In 2000, the Governor signed Senate Bill 929 (Stats 2000, ch. 676), which authorized optometrists to prescribe a limited class of Schedule III

substances. As a result, the Drug Enforcement Agency (DEA) designated California optometrists with certification to prescribe therapeutic topical agents (TPA) as “mid-level practitioners.” This means they can prescribe, administer, dispense and procure only certain defined drugs. According to California law, those drugs are codeine with compounds and hydrocodone with compounds.

The DEA does not require optometrists to obtain DEA numbers. Nor does the Board of Optometry. However, TPA certification permits optometrists to prescribe certain Schedule III drugs and a DEA number is required to in order to fill a prescription for any Schedule III drug. Therefore, absent a DEA number, optometrists’ prescriptions for medication for which they are authorized to prescribe will not be filled by a pharmacy.

Additionally, patients sometime have difficulties filling prescriptions for which is a DEA number is not required as described below:

- Pharmacies sometimes incorrectly refuse to fill prescriptions written by optometrists who do not have a DEA number. In response, the optometrists must educate the pharmacy regarding the law.
- Optometrists who do not have a DEA number will likely find that their patients will be denied covered benefit payment at the pharmacy. When benefit payment is denied, the prescribing optometrist must work with the patient, the patient's plan, and the pharmacist to get the benefit paid using an "override" number. The California Optometric Association (COA) has published the attached fact sheet regarding DEA override numbers to assist optometrists when their patients’ benefit payments are denied.

The two scenarios listed above can create inefficiencies, which can drive up the cost of healthcare, and delay patient treatment.

An informal survey of other states revealed that none require optometrists to obtain DEA numbers.

The DEA strongly opposes the use of a DEA registration number for any purpose other than the one for which it is intended – to provide certification of DEA registration in transactions involving controlled substances. The use of a DEA number as an identification number for purposes of pharmacy billing and insurance is not considered an appropriate use. Although the DEA has repeatedly made its position known to insurance companies and pharmacy benefit managers, there is no legal basis to prevent these entities from requiring or requesting a practitioner’s DEA number.

In order to facilitate full implementation of the expanded scope of practice that took place in 2000, reduce the level of confusion regarding who must obtain a DEA number, and reduce the bureaucratic red tape described above, Dr. Simonds asked the Board to consider recommending that optometrists with TPA certification obtain and maintain DEA numbers.

Tim Hart, of the California Optometric Association, explained that COA does not make recommendations regarding obtaining DEA numbers. Rather, they educate their members of the difficulties described above.

Dr. Craig Kliger, MD, of the California Academy of Eye Physicians and Surgeons, suggested that the Board should either require or not require a DEA number for optometrists. He said the Board should not simply recommend obtaining a DEA number.

**Move to approve recommend that all licensed optometrists with TPA certification obtain DEA numbers. M – Simonds; S – Arredondo**

There was more discussion, during which Dr. Goldstein stated that the motion does not address a public health issue, nor is it a consumer protection issue. Mr. Walker said the board should not require DEA numbers because the optometrists have discretion as to whether they will prescribe schedule III drgus.

Based on the discussion, Dr. Simonds withdrew his motion.

**12. Report on Settlement in N.A.O.O. vs Brown, et. al.**

The Board's legal counsel, Spencer Walker provided a verbal update on the N.A.O.O. vs Brown, et.al, during which he explained status of the case which is on appeal in the 9<sup>th</sup> Circuit Court of Appeals.

**13. Executuve Officer's Report**

Taryn Smith provided a report on the following subjects:

*Applicant Tracking System (ATS)*

Applicant Tracking System (ATS) is an automated program used to link cashiering and licensing functions that interfaces with the Board's existing automated system for tracking licenses (CAS).

The Board began using ATS on July 1, 2007 (the beginning of Fiscal Year 2007/2008). The Board's cashiering and licensing staff has been working very closely with ATS experts, however, implementation of ATS has been slow. There were programming errors and training was sporadic, which cause delay in issuing licenses. There is no formal training for ATS, so the Board has not yet realized the full benefits of the program.

However, once the programming glitches were corrected and staff became familiar with the ATS system, tracking of cashiering and licensing transactions is much more efficient. Any staff member can access records of individual applicants and licensees to determine the status of their requests. There are limited automated reports available via ATS. Extracting specific data from ATS will require additional training on an “Ad Hoc Reporting” system developed by DCA.

#### Update Printed Licenses

Staff has requested the printed licenses more clearly reflect the different levels of certification (therapeutics, lacrimal irrigation, and/or glaucoma). Currently, licenses are printed with the certification code (TPA, TPL, TLG ) without an explanation of what the codes mean. However, the request has been placed on hold due to upcoming changes in printing services provided by EDD. Staff is scheduled to meeting with EDD liaisons to discuss future services and options for improving printed licenses in December 2007.

Staff is also researching options for improving the original wall certificate that is issued upon licensure.

#### iLicensing

The Board is scheduled to begin implementation of the Department of Consumer Affairs’ iLicensing program, which is an on automated *online* service that accepts credit card payments and requests for the following functions:

- Initial license applications
- License renewal
- Address changes
- Requests for duplicate licenses
- Cashiering and reports

The Board is scheduled to begin implementation in Phase 4, which will take place January – April of 2009. Although the launch date is scheduled three years away, Board staff will be working with DCA staff to identify baseline requirements to be built into the system. The Board’s budget for iLicensing over the next three years is reflected below:

Fiscal Year 2006/07 \$5,000

Fiscal year 2007/08 \$17,000

Fiscal Year 2008/09 \$13,000

#### Enforcement Program

Board staff has been working with Department of Consumer Affairs’ Office of Information on a new report-writing feature in the automated tracking system for enforcement and licensing. The feature is called “Ad Hoc

Reports” and will be useful with extracting data that was previously unattainable.

### Unlicensed BCP

The Department of Consumer Affairs is pursuing a budget change proposal (BCP) on unlicensed activity to establish a three-year pilot outreach program to education consumers on the importance of using licensed professionals. Each board and bureau will obtain an increased appropriation for their share based on their number of licensees. Meetings with board executive officers and bureau chiefs are scheduled to review the BCP.

### Staff Training

Board staff is scheduled to attend the following training classes:

Krista Eklund	Put Your Best Voice Forward	November 29, 2007
Margie McGavin	Investigation Training	December 10-12, 2007
Gary Randolph	Into to Power Point	December 13, 2007
Michelle Linton	Intro to Power Point	December 13, 2007

### Board Events

August 21 – 22, 2007	Licensing Exam	Various
November 16, 2007	Board Meeting	San Jose
November 16 – 18, 2007	Monterey Symposium	Monterey, Ca.
February 11 or 12, 2008	SCCO Site Visit	Fullerton, Ca.
March 13 – 16, 2008	OptoWest	Long Beach, Ca.
April 7 – 8, 2008	Licensing Exams	Various
May 19, 2008 (week of)	UCB Site Visit	Berkeley
June 22 – 24, 2008	ARBO Annual Meeting	Seattle, Wa.

### Web Updates

The Governor’s Chief Information Officer issued a memo on January 22, 2007 that all state agencies should comply with new look and feel standards for their websites by November 2007. Those standards include:

- Logo and banner – A new logo and banner have been established that use less space and facilitate co-branding. The header helps signify to users that they are on an official State site, and is a required element for every State web site.
- Tabs – The primary navigation will transition to tabs, versus left hand sub-navigation.
- Footer – The footer will appear at the bottom of all State pages. The footer contains links to the policies of [www.ca.gov](http://www.ca.gov) contact information, and other information.

Board staff provided a demonstration of the Board’s new website.

### Telephone System

Board staff have experience bad connection on incoming and outgoing calls to the Board office. The typical problem has been when the connection “breaks up” and we hear only parts of what the caller is saying. This creates frustration on the part of callers as well as staff. Worse yet, voicemail messages have been intelligible and we have not been able to return calls.

After copious testing by representatives from the Department of Consumer Affairs’ Office of Information Services, it was determined that there was a problem with the network configuration. The problem was corrected on November 8, 2007. Staff will continue to monitor the problem.

### Publications

Board staff have developed and published new fact sheets on the following topics, which are attached:

- Fingerprinting – Criminal Background Checks
- Inactive License
- Prescribing Controlled Substances
- Overview of License Requirements

#### **14. Future Agenda Items**

Board members requested the following items for future board meetings.

- Establish and issue a retired license
- Issue a deceased license to surviving family member(s)

#### **15. Future Meeting Dates**

The Board will schedule meeting dates for 2008 as follows:

- March 3, 2008 (Mon) in Sacramento.
- June 4, 2008 (Wed) - Location to be determined.
- September 3, 2008 (Wed) - Location to be determined.
- December 3, 2008 (Wed) – Location to be determined.

#### **16. Public Comment**

There was no public comment.

#### **17. Petition for Reinstatement of Licensure.**

A Petition for Reinstatement of Licensure, Dr. Wyman Chan, O.D. was scheduled to be heard. However, Dr. Chan cancelled the hearing after the agenda was published.

#### **18. Closed Session – Disciplinary Cases**

The Board voted to adopt the following:

- Proposed stipulated settlement and disciplinary order in the matter of the accusation against Fredrick A. Huizar, OD

**19. Closed Session – Performance Evaluation of the Executive Officer**

**20. Adjournment**

The meeting was adjourned at 3:00 p.m.

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**Monica Johnson, Secretary**

\_\_\_\_\_  
**Date**