

**STATE BOARD OF OPTOMETRY**

2420 Del Paso Road, Suite 255

P [916] 575-7170 F [916] 575-7292 web: [www.optometry.ca.gov](http://www.optometry.ca.gov)



**MEETING MINUTES**

November 20, 2008

Board of Optometry  
Westin LAX  
5400 West Century Boulevard  
Los Angeles, CA 90045  
Room 321

**Members Present**

Lee Goldstein, OD, MPA  
Board President  
Monica Johnson, Public Member  
Board Secretary  
Alejandro Arredondo, OD  
Martha Burnett-Collins, OD  
Kenneth Lawenda, OD  
Fred Naranjo, MBA, Public Member  
Katrina Semmes, Public Member  
Richard Simonds, OD

**Excused Absence**

Susy Yu, OD, MBA, FAAO  
Board Vice President

**Staff Present**

Mona Maggio, Executive Officer  
Margie McGavin, Enforcement Manager  
Krista Eklund, Administrative Assistant  
Jeff Robinson, Licensing Analyst

**Legal Counsel Present**

Don Chang, Supervising Senior Counsel  
Michael Santiago, Board Counsel  
Jennifer Cady, Deputy Attorney General

**Guest List**

On file

**FULL BOARD OPEN SESSION**

**1. Call to Order**

Board President, Lee Goldstein, OD called the meeting to order at 9:10 a.m. Dr. Goldstein called roll and a quorum was established.

Fred Naranjo arrived at 9:12 a.m.

**2. Approval of Minutes**

The Board voted to approve the minutes of the September 3, 2008 Board Meeting.

**Move to approve the minutes as presented. M – Goldstein, S – Johnson; MSP – Unanimous.**

Member	Aye	No	Abstention
Dr. Goldstein (President)	X		
Ms. Johnson (Secretary)	X		
Dr. Arredondo	X		
Dr. Burnett-Collins	X		
Dr. Lawenda	X		
Mr. Naranjo	X		
Ms. Semmes	X		
Dr. Simonds	X		

### **3. President's Report**

The Dr. Goldstein provided a report of recent Board related activities.

Dr. Goldstein thanked Martha Burnett-Collins, O.D. and public members Fred Naranjo, Monica Johnson, and Katrina Semmes for attending the Department of Consumer Affairs (DCA), Professionals Achieving Consumer Trust (PACT) Summit. Each of these members, and Dr. Goldstein talked about the seminars they attended and how beneficial the conference was overall.

Dr. Goldstein Mona Maggio, Margie McGavin, and Legal Counsel, Michael Santiago met with the Office of Examination Resources (OER) to discuss OER's role in the implementation of Senate Bill (SB) 1406.

Dr. Goldstein noted that Dr. Cler, Petitioner for Early Termination of Probation/Reduction of Penalty (Agenda Item 13) withdrew his request to appear before the Board at today's meeting.

Dr. Goldstein ended his report with an excerpt that he wrote when he was asked to comment on the changes in Optometry since the seventies. His reflection was titled, "The Magic of Optometry."

### **4. Legislative Update**

Ms. Maggio provided an update to the bills the Board has been following:

<u>Bill Number:</u>	SB 1406, Chapter 352, Statutes of 2008
<u>Introduced:</u>	February 21, 2008
<u>Author:</u>	Correa
<u>Chapered:</u>	September 26, 2008      Secretary of State
<u>Subject:</u>	Expands the Scope of Practice for Optometrists Licensed in California

This bill specifies changes in the Optometry Practice Act structure, creates the Glaucoma Diagnosis and Treatment Advisory Committee to establish glaucoma certification requirements, and expands prescribing authority for certified optometrists.

<u>Bill Number:</u>	SB 963, Chapter 385, Statutes of 2008
<u>Introduced:</u>	February 22, 2007
<u>Author:</u>	Ridley-Thomas
<u>Chapered:</u>	September 27, 2008      Secretary of State
<u>Subject:</u>	Sunset Review

This bill extends the sunset date on seven Boards: Board of Psychology; Acupuncture Board, Board of Behavioral Sciences; Contractors' State License Board, Board for Geologists and Geophysicists, Court Reporters Board and the State Athletic Commission until January 1, 2011, and establishes a sunset date of January 1, 2013, for the Bureau for Private and Postsecondary Education. The Board of Optometry comes up for review in 2011.

<u>Bill Number:</u>	SB 1441
<u>Introduced:</u>	February 21, 2008
<u>Author:</u>	Ridley-Thomas
<u>Chapered:</u>	September 28, 2008      Secretary of State
<u>Subject:</u>	Establishes the Substance Abuse Coordination Committee

This bill establishes within the Department of Consumer Affairs the Substance Abuse Coordination Committee (SACC) to develop uniform standards and controls for programs dealing with licensees with substance abuse problems. Carrie Lopez, Director, DCA, chairs the SACC and the executive

officers from specified boards comprise the membership of the committee. The SACC is required to develop uniform standards in cited areas for healing arts boards, whether or not they use a diversion program, by January 1, 20210. The SACC will establish standards for using a private sector for diversion services and develop measurable criteria and standards that protect patients from harm while assisting licensees in their recovery.

Staff will continue to monitor the activity of the SACC and will bring forward recommendations to enhance the Board of Optometry's (Board's) Disciplinary Guidelines, as part of the terms and conditions for licensees with substance abuse issues.

## **5. Regulatory Update**

Ms. Maggio provided the current status of the Board's rulemaking files.

Proposed amendments to Sections 1506, 1508 and 1509 - Principal Place of Practice and Statement of Licensure

Subject to their final approval on June 17, 2008, the proposed amendments to Section 1506 and the addition of Sections 1508 and 1509.5 have been forwarded to the DCA legislative unit for review and approval.

---

Proposed amendment to Regulation Section 1524 – Fees increase

**Status:**

07/22/2008	Notice of a proposed amendment to increase optometry fees is filed with the State Office of Administrative Law.
08/01/2008	Notice is published in the California Regulatory Notice Register 09/15/2008 Public hearing held.
09/22/2008	Final package submitted to the Department of Consumer Affairs (DCA).
10/27/2008	Regulatory package approved by DCA offices (Legislative and Policy Review Division, Legal Office, Budget Office, and Executive Office).
10/27/2008	Package forwarded to the State and Consumer Services Agency for approval.
11/07/2008	Package forwarded to the Department of Finance for approval.

The Board's fiscal ability to continue with current programs and staffing are dependent upon this fee increase. The Board has not had a fee increase in fifteen years.

## **6. Discussion and Possible Action Regarding the Appointment of the Glaucoma Diagnosis and Treatment Advisory Committee**

Ms. Maggio explained the Board's authority pursuant to the provisions in SB 1406 to appoint a Glaucoma Diagnosis and Treatment Advisory Committee (GDTAC) with the directive to establish requirements for glaucoma certification, as authorized by Business and Professions Code Section 3041. The Committee is to have its recommendation to the Department of Consumer Affairs' Office of Examination Resources by April 1, 2009.

The Committee is to be comprised of six members meeting the following criteria:

- Each member shall be currently licensed as an optometrist or ophthalmologist in California.
- Each member shall be in active practice in his or her respective professions in California.
- Two members shall be optometrists, certified by the Board to treat glaucoma and who are actively managing glaucoma patients in full-time practice.

- One member shall be a glaucoma-certified optometrist currently active in educating optometric students in glaucoma.
- One member shall be a physician and surgeon Board-certified in ophthalmology with a specialty or subspecialty in glaucoma who is currently active in educating optometric students in glaucoma.
- Two members shall be physicians and surgeons Board-certified in ophthalmology who treat glaucoma patients.

The bill directs the Board to appoint the Committee as soon as practicable after January 1, 2009. The Committee will be appointed from a list of nominees provided by the following organizations:

- The California Optometric Association (COA)
- The California Medical Association (CMA)
- The California Academy of Eye Physicians and Surgeons (CAEPS)

Ms. Maggio explained that due to this short timeframe in which to select a committee, hold meetings, and have the committee's recommendation to OER, staff requested the organizations provide the names of their nominees and a curriculum vitae (CV) for each nominee for the Board's review and discussion at the November 20, 2008 meeting.

Staff requested the Board provide its recommendation of committee members to allow staff sufficient time to contact the potential members, tentatively schedule Committee meeting dates, and begin collecting and developing meeting materials. The goal is to have the first committee meeting in early January 2009, and it is anticipated that the committee will hold three public meetings.

The Board reviewed the CVs and letters of interest of the six nominees submitted by the CAEPS, CMA and the COA. Craig Kliger, MD and CAEPS Executive Vice President and Tim Hart, COA Executive Director answered questions and provided recommendations regarding their associations' respective nominees.

Mr. Hart explained the process used by COA to select its nominees to the GDTAC. All the optometrists (ODs) were glaucoma certified under the provisions of SB 929, by co-managing with an ophthalmologist (OMDs), 50 patients diagnosed with glaucoma. The ODs still maintain working relationships with the OMDs.

The Board discussed the diversity of the GDTAC and the lack of public member participation. Dr. Goldstein explained that the Legislature defined the composition of the GDTAC and that the Board could not add or revise the committee structure. Mr. Hart assured the Board that all nominees had many years of treating patients of different cultures and ethnic backgrounds. Dr. Goldstein added that the Board will have an opportunity to review the recommendation from the GDTAC and OER and the Board will set the regulations for glaucoma certification. Public and professional members will have an opportunity to participate during the development of regulations.

The Board appointed the following individuals to the GDTAC:

Peter R. Col, O.D., F.A.A.O.  
 Robert DiMartino, O.D., M.S., F.A.A.O.  
 Joann A. Giacconi, M.D.  
 Martin L. Fishman, M.D., M.P.A.  
 Ronald Morton, M.D., F.A.C.S.  
 Robert Lloyd Shapiro, O.D., F.A.A.O.

Ms. Maggio informed the Board of the tentative location of the three Advisory Committee meetings.

- Sacramento - Department of Consumer Affairs Headquarters.
- Southern California – Location TBD
- Northern California – Location TBD

**The Board moved to approve the recommendations. M – Simonds; S – Lawenda; MSP - Unanimous**

Member	Aye	No	Abstention
Dr. Goldstein (President)	X		
Ms. Johnson (Secretary)	X		
Dr. Arredondo	X		
Dr. Burnett-Collins	X		
Dr. Lawenda	X		
Mr. Naranjo	X		
Ms. Semmes	X		
Dr. Simonds	X		

## **7. Discussion and Possible Action Regarding the Approval of New Schools of Optometry**

The Board discussed the accreditation process for the proposed three new schools of optometry in the United States.

- 1) Western University of Health Sciences College of Optometry, Pomona, CA.  
Accreditation status: Granted "Preliminary Approval" by the Accreditation Council on Optometric Education (ACOE) on February 15, 2008. First class begins Fall 2009
- 2) Midwestern University Arizona College of Optometry, Glendale, AZ.  
Accreditation status: Granted "Preliminary Approval" by the ACOE on October 31, 2008. First class begins Fall 2009
- 3) University of the Incarnate Word, San Antonio, TX.  
Accreditation status: According to Joyce Urbeck, Administrative Director, ACOE, an initial visit by an ACOE site-team has not been scheduled.

Ken Lawenda, OD reported that there is a strong possibility of a new school of optometry opening in British Columbia, Canada.

### Background

Schools of Optometry are accredited through the Accreditation Council on Optometric Education (ACOE) which is the only accrediting body for professional optometric degree (OD) programs, optometric residency programs and optometric technician programs in the United States and Canada. Both the U.S. Department of Education and the Council on Higher Education Accreditation recognize the ACOE as a reliable authority concerning the quality of education of the programs the Council accredits. ACOE accreditation means the programs that have attained accredited status:

- Meet the Council's standards of educational effectiveness; and
- Show a demonstrated commitment to quality assessment and improvement.

### ACOE Mission

"The ACOE serves the public by establishing, maintaining and applying standards to ensure the academic quality and continuous improvement of optometric education that reflect the evolving practice of optometry. The scope of the ACOE encompasses professional optometric degree programs, optometric residency programs, and optometric technician programs."

- Professional Optometric Degree programs are courses of study leading to a doctor of optometry (OD) degree.
- Optometric Residency programs of postdoctoral optometry clinical education are designed to advance the Optometric graduate's preparation for patient care services beyond entry-level practice.
- Optometric Technician programs prepare students to work as optometric technicians with a working knowledge and an understanding of the procedures within the current scope of optometric practice. These programs are a minimum of one academic year.

*Composition of ACOE Council*

The ACOE membership includes 11 members:

- Nine AOA members
- Three optometric practitioners nominated by AOA
- Two Optometrists who are state Board members nominated by the Association of Regulatory Board of Optometry (ARBO)
- Three Optometrists affiliated with an Optometric education institution nominated by the Association of Schools and Colleges of Optometry (ASCO) (1 member must be residency trained or be a faculty member or administrator in an accredited residency)
- One optometric technician representative
- Two Public members

The term of appointment for an ACOE member is three years, and an individual may serve a maximum of three terms

*ACOE Accreditation Process*

Accreditation is a process of self-study and external review that ensures that an educational program meets or exceeds predetermined standards. The ACOE is recognized by the United States Department of Education as an authority on the quality of the educational programs it accredits. The ACOE uses the following steps in the accreditation process:

*Development and publication of standards*

The ACOE develops educational standards that are the requirements for programs to be accredited. Prior to adopting standards, the Council seeks input from the higher education community, the profession of optometry and the public at large to ensure that standards reflect requirements that are essential to operating an optometric program. The ACOE publishes the standards of accreditation for each of the three types of programs the ACOE accredits in its accreditation manuals.

*Self-study*

The professional Optometric degree, optometric residency or optometric technician program examines itself in light of how well it achieves its own mission, goals and objectives for the purpose of self-improvement and planning. The self-study also documents how the program meets the standards of the ACOE. The self-study is submitted to the ACOE with a letter of application for accreditation from the chief executive officer of the institution offering the program.

*Invitation for comments about accredited programs*

ACOE's accreditation process includes the consideration of third-party comments. The calendar of site visits contains the accreditation status and the month and year of all site visits currently scheduled for the next year. A calendar of schedule visits is available on the ACOE's website [www.aoa.org](http://www.aoa.org). For those programs that are seeking initial accreditation, the notation of "Initial" is listed. Third party comments must address substantive matters relating to the quality of the

program and the ACOE standards and should be addressed to the administrative director of the Council at ACOE, 243 N. Lindbergh Blvd., St. Louis, MO 63141. Comments must be received 30 days prior to the program's scheduled site visit date. (In cases where the exact date is not yet determined, the month and year of the visit is listed, and the comments must be received by not later than the first day of the month preceding the site visit. All third party comments must be signed.) Comments will be forwarded to the evaluation team and to the appropriate program director for response during the evaluation visit process.

**Evaluation visit**

The ACOE sends a team of evaluators with expertise in optometric education and practice to visit the program to assess its compliance with the ACOE's standards. The team validates the self-study by interviewing students, faculty and administrators, reviewing records and files, and examining the facilities. ACOE strives to ensure that the team is impartial, objective and without conflict of interest.

**Report of visit**

Following the evaluation visit, the team writes a report of its findings that includes the team's findings relating the program's compliance with the ACOE standards. The report is forwarded to the program to review its factual accuracy before the finalized report is presented to the ACOE.

**Determination of accreditation status**

At regularly scheduled meetings, the ACOE reviews accreditation reports to determine if the programs meet the standards of accreditation and to award an appropriate accreditation category. The category of "accredited" means the program generally meets the standards of accreditation. "Accredited," indicates that the program has no major deficiencies that compromise the educational effectiveness of the total program. However, recommendations to address marginal compliance with certain standards and suggestions for program improvement may be included in the evaluation report. The category of "accredited with conditions" indicates major deficiencies or weaknesses in reference to the standards.

**Publishing accreditation status**

The Council publishes lists of accredited programs, which are updated regularly.

**Monitoring accredited programs**

The ACOE monitors accredited programs in between evaluation visits through annual reports, progress reports and, in some cases, interim visits to ensure that the programs address the recommendations to come into compliance with any unmet standards in a timely fashion.

**Accreditation fees**

The ACOE assesses programs seeking accreditation or pre-accreditation an application fee. Application fees for new programs should be submitted with the program's initial self-study and letter of application. The current application fees:

Professional Optometric Degree Programs	\$4,500
Optometric Residency Programs (VA and Non-VA)	\$ 500
Optometric Technician Programs	\$ 500

Annual accreditation fees charged to each accredited program.

Professional Optometric Degree Programs	\$2,250
Optometric Residency Programs at VA facilities**	\$1,050
Optometry Residency Programs Non-VA*	\$ 750
Optometric Technician Programs*	\$ 750

\*Non-VA programs will also be billed for expenses related to site visits. \*\*The annual fees for VA residency programs include a prorated average cost of evaluation visit expenses distributed over a 7-year period. Invoices for annual fees are sent in October, and payment is due to the ACOE by January 1 of each year.

#### Accreditation Classifications

- Preliminary Approval: A pre-accreditation classification granted to a program that has clearly demonstrated it is developing in accordance with Council standards. The program has approval to begin student recruitment, selection and admissions, and to be offering the program. The program is considered fully operational at the 4<sup>th</sup> year with the first graduating class. At that time a determination is made if the program meets the standard to be granted accreditation. The program will have a site team visit each year while it is classified as preliminary approval and must submit a feasibility study, self-study, staff hiring, blueprints of school, timeline for implementation and efforts to meet the timeline. There is ongoing monitoring during the next three years.
- Accredited: A classification granted to a program that generally meets the standards for accreditation.
- Accredited with conditions: A classification granted to a program with major deficiencies or weaknesses with reference to the standards of accreditation. This classification indicates that the educational effectiveness of the program is in jeopardy.

#### Board Accreditation

The Board's authority and role in giving accreditation is based on B&P §3023.

- The Board must wait until the ACOE's final accreditation takes place before taking final action on Board accreditation.
- The Board's criteria is broad. The criteria is to give accreditation to schools with a sufficient program of study for the preparation of Optometrists.

The Board discussed the diversity of the enrollment of students entering schools of optometry. Dr. Burnett-Collins suggested the Board address what schools are doing to enroll under-represented populations of students particularly Latinos and African Americans.

The Board asked staff to contact the National Board of Examiners in Optometry (NBEO) to inquire as to what would happen if a student graduated from a school that did not receive full accreditation? Ms. Maggio responded that if a school does not receive full accreditation by the time the student enters their fourth year, it will become the Board's decision whether or not to accept the decision of the ACOE at that time.

The Board directed staff to find out whether or not schools/colleges of optometry would give credit to students for classes completed at another school (reciprocity).

#### **8. Discussion and Possible Action Regarding Self Disclosure of Criminal History and/or License Discipline as a Condition for License Renewal**

Ms. Maggio reported that on November 4, 2008, DCA Director, Carrie Lopez, notified all health-boards that effective immediately each health-related board shall include on its renewal form a requirement that each applicant disclose any criminal conviction or disciplinary action taken by another government agency within or outside the state. In an effort to ensure uniformity, the DCA Legal Office drafted the language that is being posted to renewal applications.

Ms. Maggio reported that currently, the Board requires self-disclosure of an applicant's criminal history and/or disciplinary actions against a professional license only on the initial application for licensure. Many Boards/Bureaus also require self-disclosure of criminal activity on the license renewal form.

While fingerprints should allow each program to receive information from DOJ and FBI concerning any arrests or convictions, a non-responsive or untruthful answer on a renewal application would provide an additional basis to take appropriate enforcement or disciplinary action.

Ms. Maggio noted that this change to the renewal application is considered ministerial and regulations are not necessary to implement any needed form modifications. DCA's Office of Information Services is facilitating the form modifications necessary and the change is expected to be complete by mid-November.

Ms. Johnson said she supports this action and sees it as a great form of consumer protection.

Ms. Maggio asked the Board for a motion requiring disclosure of criminal conviction information as a condition for renewal of the license and to direct staff to add the language to all license application forms available on the Board's website.

**Move to add requirement of disclosure to license renewals. M – Johnson; S – Simonds; MSP – Unanimous.**

Member	Aye	No	Abstention
Dr. Goldstein (President)	X		
Ms. Johnson (Secretary)	X		
Dr. Arredondo	X		
Dr. Burnett-Collins	X		
Dr. Lawenda	X		
Mr. Naranjo	X		
Ms. Semmes	X		
Dr. Simonds	X		

Dr. Goldstein welcomed guest, and former Board member, Mary Galvin Rosas. Ms. Rosas is now the Deputy Director of the Department of Consumer Affairs, Consumer and Community Empowerment Division (CCED). Ms. Rosas welcomed the Board to the PACT Summit and encouraged all to participate in the workshops and roundtable events. She shared her enthusiasm for her new role with CCED

#### **9. Executive Officer's Report**

Ms. Maggio highlighted the following topics included in her written report:

- ARBO's 90<sup>th</sup> Annual Meeting is scheduled for June 21-23, 2009, in Washington, D.C. A Board representative will attend. Dr. Lawenda shared that he is planning on attending the meeting.
- The Board currently has two vacancies. Both vacancies are legislative appointments. In September 2008, Mona Maggio contacted the Office of the Speaker of the Assembly, and the Senate Rules Committee, to inform them of the vacant positions on the Board.
- DCA Facilities Management Unit (FMU) is working on a Long Range Facilities Plan that will allow the department to better allocate resources and provide adequate space for each division, board or bureau. The FMU is developing a survey, to be released later this year, to gauge both immediate and long term needs and will use this data to provide recommendations for future facilities projects. Ms. Maggio is working with the FMU regarding immediate space needs for the Board.

- Recruitment efforts are under way to fill the analyst position approved by the 2008-09 Fiscal year Budget Change Proposal. The Board is also recruiting to fill the analyst position vacated when Gary Randolph left the Board. Staff is hopeful the positions will be filled before January 2009.
- Ms. McGavin participated in the first DCA Management Academy. The six-day course was held on September 17-18, October 1-2, and October 15-16. The coursework included components in leadership; strategic thinking and planning; project teamwork; current issues facing DCA; change/adaptability/resilience; power and the political system; decision making and decisiveness; competencies; managing conflict; cultural awareness; ethics and ethical decision-making; and career management. Ms. McGavin shared her DCA Management Academy experience with the Board. The Board applauded and congratulated Ms. McGavin for her successful completion of the program.
- **Web casting**  
The Hearing Room at 1625 North Market is being expanded for web casting. DCA will be able to host meetings and broadcast them over the Internet for expanded viewing and greater public access. Permanent equipment including cameras, microphones in the ceilings, additional video screens, and an expanded control panel will provide high-quality, professional web casting. The new service will benefit both DCA and the consumers of California, especially with the ability to web cast board and advisory committee meetings.
- The following updates were made to the Board's website since the September 2008 Board meeting:
  - **Main Page**  
A "NEWS FLASH!" button has been added to the Board's website. Clicking on this button will link visitors to important information regarding board activities, law changes, and issues that would be of interest to Board stakeholders. The first item posted under the News Flash is a recruitment letter asking licensees to participate in the occupational analysis process.
  - **Board Meetings link**
    - November 20, 2008 Meeting Notice
    - 2008 Board meeting minutes
    - 2008 Board meeting information has been reorganized in ascending date order
  - **Enforcement Program link**
    - Pending Accusations

#### **Enforcement Program**

- Steps to enhance consumer protection include: 1) Fingerprinting of existing licensees. All health boards under DCA must implement a plan for securing fingerprints from all its licensees irrespective of when the licensee was first licensed. The plan shall ensure that fingerprints will be obtained in a time equal to, or shorter than, the renewal period. 2) DCA is seeking statutory affirmation of its authority in an effort to remove any ambiguity that may exist. 3) All healing arts boards must add to their renewal forms a self-disclosure statement regarding prior conviction history/disciplinary action.
- The Board reviewed the statistics for the Examination and Enforcement Programs.
- Margie McGavin reported on the meeting hosted by the California Optometric Association (COA) to discuss optometric services being provided in nursing homes to ensure consumer protection for the patients and their families. In attendance were representatives from Vision

Some of the topics discussed related to:

- Quality of Care
  - Basic, Intermediate, and Comprehensive Examinations
  - Special Licensing/Certification
- Type of Patient Care Facility
  - Facility Licensing
  - Institutional Setting
  - Home-Style Setting
- Optometric Providers
  - Office Facility
  - Mobile Practice
  - Equipment
  - Records Retention and Access
- Abuse and Consumer Protection
  - OD/Facility Contracts
  - Discriminatory Practices
  - Predatory Practices

It was decided that these representatives would meet again in January 2009 to draft agenda items for discussion at the February meeting of the Board of Optometry. Before this subsequent meeting the following items will be researched:

- Draft language for defining Primary Place of Practice, Mobile Practice and Temporary Practice
- Review the VSP/Provider Contract to review the outlining criteria specified for “approved location”.
- Seek alternatives that would allow facilities to meet the “approved location” criteria for billing purposes.
- Ms. Maggio provided a status on the occupational analysis for the California Law Examination and the subject matter expert recruitment efforts. On November 3, 2008 Ms. Maggio met with Devika Tandan, Test Development Specialist with OER to discuss the status of the OA process. Due to the lateness of the budget being signed the Board’s OA was delayed in proceeding. Another issue impacting the Board going forward with the OA is the that the National Board of Examiners in Optometry (NBEO) still has not supplied OER or the Board with a copy of the national OA. OER needs this information to conduct an audit of the national exam to ensure that the national exam captures the knowledge, skills and abilities (KSAs) required for California licensees. Another issue is that OER is having difficulty getting licensees to participate in the first phase of the OA, a telephone interview to obtain information about different aspects of optometry practice. The statements become the basis of a questionnaire that will be sent to a large sample of licensees throughout the State. The results of the questionnaire will be used to develop a description of practice and/or update the California Law

#### **10. Discussion and Possible Action Regarding Structure of Board Committees**

The Board reviewed the current committee structure and suggested restructuring of the committees presented by staff. Due to the lateness of the day, Dr. Goldstein agreed to have Executive Committee review restructure and agree upon a proposal for presentation at the next board meeting.

**11. Public Comment**

Issues presented for consideration:

- Dr. Keener, OD – concerned that a ruling set by an Administrative Law Judge and the State Board of Optometry may cost consumers in unnecessary referrals. Dr. Goldstein informed Dr. Keener that the Board could not discuss this issue as it was an open disciplinary case.
- Dr. Klinger, MD asked the Board to consider establishing educational standards for optometric practice pertaining to new procedures allowed under SB 1406 Scope of Practice.

**12. Future Meetings**

Future meeting dates were selected as follows:

- February 27, 2007 Bay Area
- May 15, 2009 Southern California
- August 2009 - TBD Sacramento
- November 2009 - TBD Southern California

**13. Petition for Reduction of Penalty and Early Termination of Probation, David Cler, OD**

Dr. Cler withdrew his petition prior to the meeting.

**14. Petition for Reinstatement, Wyman Chan, OD**

The Petition for Reinstatement for Wyman Chan, OD was heard. Deputy Attorney General, Jennifer Cady represented the Board and Administrative Law Judge, Eric Sawyer presided over the hearing.

**15. Adjournment**

The meeting was adjourned at 4:45 p.m.

---

Monica Johnson, Secretary

---

Date