

STATE BOARD OF OPTOMETRY

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Meeting Minutes

Friday, September 24, 2010

California State Board of Optometry
Western University of Health Sciences, College of Optometry
Health Education Center, Classroom A 1205
309 E. Second Street
Pomona, CA 91766

And

Via telephone at the following locations:

- 9033 Wilshire Blvd., Suite 402 Beverly Hills, CA 90211
- 325 Copa De Oro Drive, Brea, CA 92823
- 329 Bryant Street, Suite C, San Francisco, CA 90211

Pomona

Members Present

Lee Goldstein, OD, MPA, Board President
Monica Johnson, Secretary, Public Member
Susy Yu, OD, MBA, FAAO
Edward Rendon, MPA, Public Member

Members Absent

Katrina Semmes, Public Member

Staff Present

Mona Maggio, Executive Officer
Michael Santiago, Legal Counsel
Margie McGavin, Enforcement Manager
Jessica Siefertman, Probation Monitor
Andrea Leiva, Policy Analyst

Beverly Hills, Brea, and San Francisco

Members Present in Beverly Hills

Ken Lawenda, OD

Members Present in Brea

Alejandro Arredondo, OD, Vice President

Members Present in San Francisco

Fred Naranjo, MBA, Public Member

Guest List

On File

Friday September 24, 2010

9:00 a.m.

FULL BOARD OPEN SESSION

1. Call to Order – Establishment of a Quorum

Board President, Lee Goldstein, OD called the meeting to order at 9:25 a.m.

Dr. Goldstein called roll and a quorum was established. Katrina Semmes was unable to participate due to a work commitment. In the interest of completing a full agenda,

Dr. Goldstein deferred the introductions of Board members, staff, and members of the audience until time of comment.

2. Discussion and Adoption of Amendments to Title 16, of the California Code of Regulations (CCR), Section 1520, Infection Control.

Policy Analyst, Andrea Leiva provided an overview of CCR Section 1520, Infection Control Guidelines.

Ms. Leiva explained that the proposal amends the current language in CCR 1520, Hand Washing Facility, to Infection Control Guidelines, in order to establish infection prevention practices for proper hand hygiene, appropriate use of personal protective equipment, handling of sharp instruments, and appropriate cleaning of patient care equipment, instruments, devices, and environmental care.

Ms. Leiva reported that the final rulemaking package was submitted to the Office of Administrative Law (OAL) on August 3, 2021. On September 3, 2010, the package was withdrawn from OAL after it was brought to staff's attention that there were a few discrepancies found during final review. The issues have been addressed as follows:

1. The proposed language was amended to reflect OAL's recommended CCR hierarchy for regulations subsections.
2. The proposed language was amended for consistency when referring to optometrists and staff.
3. The grammar in the proposed language was amended for consistency and clarity throughout.
4. The proposed language was amended to replace the occurrences of the word "should" with "shall", "must", or "may" in order to reduce ambiguity.

Ms. Leiva invited questions and/or comments from Board members.

Board members and staff discussed the striking of "Face shields" in subsection (2) (G) of the modified text as recommended by OAL. Board members agreed to delete "face shields" from the text.

Dr. Goldstein opened for further discussion.

Monica Johnson questioned the meaning of the word "assistants" in section 1520(a).

Ms. Leiva clarified that "assistants" is defined in the law book as persons who assist an optometrist. The word "staff" refers to administrative staff.

Dr. Kliger referred to subsection (2) (F) noting that the donning of gowns and eyewear, by optometrists and staff, don't protect patients from pathogens transmitted via airborne means. He suggested the Board may not want to regulate something which isn't necessary.

On behalf of all staff, Ms. Leiva requested that the Board review, make any edits necessary, and approve the proposed revisions to the language in order to distribute the modified text and begin the 15-day comment period. Additionally, Ms. Leiva requested that the Board members make a motion to delegate to the Executive Officer the authority to

adopt the modified text at the expiration of the 15-day comment period, provided the Board does not receive any adverse comments directed at the modified text.

Trina Rich, Infection Control Specialist, members of the public, Board members, and staff discussed the use of the word “gloves” in the modified text of subsection (2).

- Should the word “gloves” be added to subsection (2) (F)?
- Or is the use of the word “gloves” in (2) (A) sufficient and broad enough?
- What is the process for making a revision?

Ms. Rich recommended language to further amend Subsection (1) “Proper Hand Hygiene” and Subsection (2) “Use of Personal Protective Equipment”.

Dr. Kenneth Lawenda moved to approve the modified text as amended. Dr. Alejandro Arredondo seconded. The Board voted unanimously (7-0) to pass the motion.

Member	Aye	No	Abstention
Dr. Goldstein	X		
Dr. Arredondo	X		
Ms. Johnson	X		
Dr. Yu	X		
Mr. Rendon	X		
Dr. Lawenda	X		
Mr. Naranjo	X		

3. Discussion and Adoption of Amendments to Title 16, of the CCR Section 1571, Glaucoma Certification.

Michael Santiago provided an update pertaining to this rulemaking file. He reported that the Board has received comments from OAL that OAL cannot approve the rulemaking file with the language as currently proposed due to three areas where additional clarifying language is needed in the case management requirements.

Mr. Santiago explained the Board’s options for the next course of action:

- 1) The Board withdraws the file by October 7, 2010 to address OAL’s concerns and resubmits the package, with all changes, by November 5, 2010.
- 2) OAL disapproves the regulation package before November 6, 2010. Upon receiving OAL’s formal letter of disapproval, the Board has 120 days to address their concerns and resubmit the regulation package. If substantive changes are made after OAL’s disapproval, the Board will have to go out for a “Notice” and hold another hearing after a 45-day comment period.

Board members discussed the two options. Dr. Goldstein recommended withdrawing the package. Kimberly Kirchmeyer, Deputy Director, Department of Consumer Affairs, (DCA) Board/Bureau Support stated that DCA also recommends that the Board withdraw the rulemaking package, make the recommended changes and resubmit by November 5, 2010 to the OAL.

Executive Officer, Mona Maggio requested the Board members commit to holding a meeting on October 4, 2010 to approve the modified text and go out for the 15-day comment period. Regarding the scheduled Board meeting on October 21-22, 2010, Ms. Maggio requested canceling the 21st but holding the meeting on the 22nd to allow the Board time to review comments received from the 15-day comment period, provide feedback, and make any needed modifications before resubmitting to OAL.

Edward Rendon temporarily excused himself from the meeting. There were six Board members present for a quorum.

Dr. Kenneth Lawenda moved to withdraw the rulemaking package. Dr. Susy Yu seconded. The Board voted unanimously (6-0) to pass the motion.

Member	Aye	No	Abstention
Dr. Goldstein	X		
Dr. Arredondo	X		
Ms. Johnson	X		
Dr. Yu	X		
Dr. Lawenda	X		
Mr. Naranjo	X		

4. Public Comment for Items Not on the Agenda

Board members discussed their availability for October 4 and committed to holding the meeting via teleconference.

5. Adjournment

Monica Johnson made a motion to adjourn. Dr. Kenneth Lawenda seconded. The Board voted unanimously (6-0) to pass the motion.

Member	Aye	No	Abstention
Dr. Goldstein	X		
Dr. Arredondo	X		
Ms. Johnson	X		
Dr. Yu	X		
Dr. Lawenda	X		
Mr. Naranjo	X		

The meeting was adjourned at 10:06 a.m.