



STATE BOARD OF OPTOMETRY
 2450 DEL PASO ROAD, SUITE 105, SACRAMENTO, CA 95834
 P (916) 575-7170 F (916) 575-7292 www.optometry.ca.gov



Meeting Minutes

Friday, March 30, 2012
 Southern California College of Optometry
 TVCI Conference Room
 2575 Yorba Linda Boulevard, Fullerton, CA 92831

and via Teleconference at the

California State Board of Optometry
 2450 Del Paso Road, Suite 105, Sacramento, CA 95834

Members Present in Southern California

Lee Goldstein, OD, MPA
 Board President
 Alejandro (Alex) Arredondo, OD
 Board Vice President
 Monica Johnson, Secretary
 Fred Naranjo, MBA, Public Member
 Alexander (Alex) Kim, MBA, Public Member
 Donna Burke, Public Member

Staff Present in Sacramento

Mona Maggio, Executive Officer
 Andrea Leiva, Policy Analyst

Staff Present in Southern California

Jessica Siefertman, Probation Monitor
 Michael Santiago, Senior Staff Counsel

Excused Absence

Kenneth (Ken) Lawenda, OD

Guest List

On File

10:00 a.m.

FULL BOARD OPEN SESSION

1. Call to Order – Establishment of a Quorum

Board President, Lee Goldstein, O.D. called the meeting to order at 10:00 a.m. Dr. Goldstein called roll and a quorum was established.

2. Petition for Reinstatement of License

- A. Dr. Larry Franklin Thornton, O.D.
- B. Dr. Lawrence Edwin Young, O.D.

3. Petition for Reduction of Penalty and Early Termination of Probation

- A. Dr. Edward Rabb Nell, O.D., License Number OPT 6522

Administrative Law Judge, Mark Harman presided over the hearings for agenda items 2 and 3 above.

FULL BOARD CLOSED SESSION

4. Pursuant to Government Code §11126(c)(3), the Board will Meet in Closed Session for Discussion and Possible Action on Disciplinary Matters

The Board convened to close session to deliberate on the petitions in agenda items 2 and 3 above.

FULL BOARD OPEN SESSION

5. Discussion and Possible Action Pertaining to California Code of Regulations (CCR) §1513, §1514, and §1525.1.

Andrea Leiva, Policy Analyst presented this item.

Dr. Goldstein introduced this item and summarized that this regulatory package has been up for discussion at multiple meetings due to the submission of comments focused on CCR §1513 at every public comment period. Again, after the 2nd modified text's 15-day comment period, two comments in opposition were received reiterating that the proposed changes to CCR §1513 are unnecessary and a financial burden to optometrists.

Ms. Leiva provided the members with an overview of the comments received from an individual optometrist and the California Optometric Association (COA). All commentors were concerned about the financial burden that would be placed on optometrists, and COA demonstrated that the Board already has authority in current law through Business and Professions Code §651 to prevent and discipline optometrists from using a completely different name in their advertising.

Ms. Leiva confirmed COA's observations regarding current law, and that the financial effects the proposed regulation would have on optometrists had been underestimated. She proposed to the members to remove CCR §1513 from the regulatory package for further evaluation, and to continue with CCR §1514 and CCR §1525.1, which were approved at the Board's December 2, 2012 meeting.

Ms. Leiva then discussed other options available to the Board to ensure optometrists are complying with advertising laws, such as creating advertising guidelines for optometrists and conducting outreach to consumers on how to best identify their optometrist. The Board could also possibly do a random review of optometrist websites and other public communication to ensure optometrists are complying with current law. She recommended that before another regulatory solution was considered, that the Board take some time to conduct its outreach efforts and work with all stakeholders to find a solution that will better serve consumers and licensees.

Dr. Goldstein and the members agreed that this action would be satisfactory.

Donna Burke moved to accept the comments received during the 2nd 15-day comment period and to withdraw CCR §1513 from the regulatory package in order to permit staff to continue with CCR §1514 and CCR §1525.1. Alexander Kim seconded. The Board voted unanimously (6-0) to pass the motion.

| Member | Aye | No | Abstention |
|---------------|-----|----|------------|
| Dr. Goldstein | X | | |
| Dr. Arredondo | X | | |
| Ms. Johnson | X | | |
| Mr. Naranjo | X | | |
| Mr. Kim | X | | |
| Ms. Burke | X | | |

6. Adjournment

Monica Johnson moved to adjourn the meeting. Donna Burke seconded. The Board voted unanimously (6-0) to pass the motion.

| Member | Aye | No | Abstention |
|----------------------|------------|-----------|-------------------|
| Dr. Goldstein | X | | |
| Dr. Arredondo | X | | |
| Ms. Johnson | X | | |
| Mr. Naranjo | X | | |
| Mr. Kim | X | | |
| Ms. Burke | X | | |

The meeting was adjourned at 1:00 p.m.

Monica Johnson, Board Secretary

Date