

**Board of Optometry**

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BOARD MEETING ACTION MINUTES
 August 28, 2015
 Department of Consumer Affairs, HQ2
 1747 North Market Boulevard
 First Floor Hearing Room
 Sacramento, CA 95834

Members Present	Staff Present
Madhu Chawla, O.D., President, Professional Member	Jessica Siefertman, Acting Executive Officer
Cyd Brandvein, Vice-President, Public Member	Nooshin Movassaghi, Policy Analyst
Rachel Michelin, Secretary, Public Member	Cheree Kimball, Enforcement Analyst
Frank Giardina, O.D., Professional Member	Brad Garding, Enforcement Technician
Glenn Kawaguchi, O.D., Professional Member	Nancy Day, Licensing Analyst
William H. Kysella, Jr., Public Member	
Mark Morodomi, Public Member	Kurt Heppler, Legal Counsel
David Turetsky, O.D., Professional Member	
Lillian Wang, O.D., Professional Member	
Excused Absences	
Alejandro Arredondo, O.D. Professional Member	Guest List
Donna Burke, Public Member	On File

Friday, August 28, 2015**9:00 a.m.****1. FULL BOARD OPEN SESSION****Call to Order/Roll Call and Establishment of a Quorum**

Board President, Dr. Madhu Chawla, O.D. called the meeting to order. She called roll and a quorum was established.

2. Public Comment for Items Not on the Agenda

Note: The Board may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting [Government Code Sections 11125, 11125.7(a)]

A comment was made by Dr. Pam Miller, O.D. representing the Optometric Society regarding concerns surrounding online refractions.

3. President's Report**A. Welcome and Introductions****B. Solicitation and Possible Appointment of Committees****C. The 2016 Board Meeting Dates**

No action was taken on this agenda item.

4. Approval of the Board Meeting Minutes

- A. January 23, 2015
- B. April 23-24, 2015
- C. June 12, 2015

Cyd Brandvein moved to accept all three of the minutes. Frank Giardina seconded. The Board voted unanimously (9-0) to pass the motion.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Arredondo				X	
Dr. Chawla	X				
Ms. Burke				X	
Ms. Brandvein	X				
Dr. Giardina	X				
Dr. Kawaguchi	X				
Mr. Kysella	X				
Ms. Michelin	X				
Mr. Morodomi	X				
Dr. Turetsky	X				
Dr. Wang	X				

5. Board Member Communications with Interested Parties

No action was taken on this agenda item. The Board requested additional clarification from legal counsel be provided on the parameters of this topic prior to the next meeting.

6. Department of Consumer Affairs Report

Deputy Director of Board and Bureau Relations, Christine Lally presented the Department of Consumer Affairs Report.

No action was taken on this agenda item.

7. Executive Officer's Report

Acting Executive Officer, Jessica Sieferman presented the Executive Officer's Report

- A. BreEZe Database
- B. Strategic Plan
- C. Budget
- D. Personnel
- E. Examination and Licensing Programs
- F. Enforcement Program

Budget Office Manager, Cynthia Dines reported on the Board's budget.

No action was taken on this agenda item.

8. Consideration and Approval of the Board Member Handbook

Madhu Chawla, with the consensus of the Board directed staff and legal counsel to review and bring this item back to the next Board meeting. There was no opposition and this agenda item was tabled to the next meeting.

9. Update and Possible Action on Legislation Impacting the Practice of Optometry

Policy Analyst, Nooshin Movassaghi provided an update on legislation impacting optometry.

- A. **AB595 (Alejo) Registered Dispensing Opticians: Certificates**
- B. **AB684 (Alejo) Healing Arts: Licensees: Disciplinary Actions**
- C. **AB789 (Calderon) Contact Lens Sellers: Fines**
- D. **AB 1253 (Steinorth) Optometry: License: Retired Volunteer Service Designation**
- E. **AB 1359 (Nazarian) Optometry: Therapeutic Pharmaceutical Agents Certification**
- F. **SB 349 (Bates) Optometry: Mobile Optometric Facilities**
- G. **SB 402 (Mitchell) Pupil Health: Vision Examinations**
- H. **SB 496 (Nguyen) Optometry: Graduates of a Foreign University: Examinations and Licensure**
- I. **SB 622 (Hernandez) Optometry**
- J. **SB 800 (Committee on Business, Professions & Economic Development) Healing Arts**

Rachel Michelin requested additional information, including the Board’s positions, be included on future updates to the Board.

Rachel Michelin moved to adopt staff recommendations as presented here except for those pieces of legislation, on which the Board has either sponsored or previously supported, in which the Board will continue on with its previously adopted position. Lillian Wang seconded. The Board voted unanimously (9-0) to pass the motion.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Arredondo				X	
Dr. Chawla	X				
Ms. Burke				X	
Ms. Brandvein	X				
Dr. Giardina	X				
Dr. Kawaguchi	X				
Mr. Kysella	X				
Ms. Michelin	X				
Mr. Morodomi	X				
Dr. Turetsky	X				
Dr. Wang	X				

Public comment was heard from Kathryn Scott with Eye Exams.

Public comment was heard from Kristine Shultz with the California Optometric Association.

Public comment was heard from John Valencia representing VSP Vision Service Plan.

Public comment was heard from Robert Patton, President and CEO of First Sight Vision Services.

Lillian Wang moved to adopt a watch position on AB 684 and look for any developments. Cyd Brandvein seconded. Lillian Wang and Cyd Brandvein accepted friendly amendment to the previous motion to not take any position until further information becomes available. The Board voted (2-Aye, 6-No, and 1-abstention). The motion did not pass.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Arredondo				X	
Dr. Chawla		X			
Ms. Burke				X	
Ms. Brandvein	X				
Dr. Giardina	X				
Dr. Kawaguchi			X		
Mr. Kysella		X			
Ms. Michelin		X			
Mr. Morodomi		X			
Dr. Turetsky		X			
Dr. Wang		X			

David Turetsky moved to oppose unless amended with opposition to the concept of a moratorium and in search of a more comprehensive solution. Madhu Chawla seconded. The Board voted (7-Aye, 1-No, 1-Abstain) to pass the motion.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Arredondo				X	
Dr. Chawla	X				
Ms. Burke				X	
Ms. Brandvein	X				
Dr. Giardina		X			
Dr. Kawaguchi			X		
Mr. Kysella	X				
Ms. Michelin	X				
Mr. Morodomi	X				
Dr. Turetsky	X				
Dr. Wang	X				

10. Update and Possible Action on California Code of Regulations (CCR)

A. Consideration of Recommendations to Amend CCR §1506 – “Certificates Posting” to Include Certification Explanations after Optometrist License Number and Clarify Existing Language

Public comment was heard from Kara Corches on behalf of the California Optometric Association.

Glen Kawaguchi moved to accept all of the amendments provided and instruct staff to prepare the proper rulemaking documents and set the matter for public hearing. David Turetsky seconded. The Board voted (8-Aye, 1-No, 0-Abstain) to pass the motion.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Arredondo				X	
Dr. Chawla	X				
Ms. Burke				X	
Ms. Brandvein	X				
Dr. Giardina		X			

Dr. Kawaguchi	X				
Mr. Kysella	X				
Ms. Michelin	X				
Mr. Morodomi	X				
Dr. Turetsky	X				
Dr. Wang	X				

B. Rulemaking Pertaining to CCR §1516, Applicant Medical Evaluations and CCR §1582, Unprofessional Conduct Defined

William Kysella moved to approve the modified text with the changes proposed by legal counsel, circulate the approved text for 15 days and in the absence of any adverse comments, delegate to the Executive Officer to complete the rulemaking file and submit for approval to the proper agencies. Frank Giardina seconded. The Board voted (8-Aye, 0-No, 1-Abstain) to pass the motion.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Arredondo				X	
Dr. Chawla	X				
Ms. Burke				X	
Ms. Brandvein	X				
Dr. Giardina	X				
Dr. Kawaguchi	X				
Mr. Kysella	X				
Ms. Michelin	X				
Mr. Morodomi	X				
Dr. Turetsky			X		
Dr. Wang	X				

C. Rulemaking Pertaining to CCR §1536: Consideration of Proposed Revisions to Add Continuing Education Credits for Subject Matter Experts Participating in Law Examination Workshops, Child and Elderly Abuse Detection Courses, and Increase Amount Accepted for Board Meeting Participation

Frank Giardina moved to adopt staff recommendations to reject all three comments. Rachel Michelin seconded. The Board voted (8-Aye, 0-No, 0-Abstain) to pass the motion.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Arredondo				X	
Dr. Chawla	X				
Ms. Burke				X	
Ms. Brandvein	X				
Dr. Giardina	X				
Dr. Kawaguchi	X				
Mr. Kysella	X				
Ms. Michelin	X				
Mr. Morodomi				X	

Dr. Turetsky	X				
Dr. Wang	X				

Frank Giardina moved to approve the modified text of numbers 4 and 7 on page 190 of §1536 Continuing Optometric Education; Purpose and Requirements including the suggestions made by legal counsel, to circulate for 15 days and in the absence of any adverse comments delegate to the Executive Officer to complete the rulemaking file and submit for approval to the proper agencies. Rachel Michelin seconded. The Board voted (8-Aye, 0-No, 1-Abstain) to pass the motion.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Arredondo				X	
Dr. Chawla	X				
Ms. Burke				X	
Ms. Brandvein	X				
Dr. Giardina	X				
Dr. Kawaguchi	X				
Mr. Kysella	X				
Ms. Michelin	X				
Mr. Morodomi			X		
Dr. Turetsky	X				
Dr. Wang	X				

William Kysella moved to refer the proposed language of l, m, and n regarding concept of reporting on page 191 back to the committee for further deliberation and refinement. Cyd Brandvein seconded. The Board voted (8-Aye, 0-No, 1-Abstain) to pass the motion.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Arredondo				X	
Dr. Chawla	X				
Ms. Burke				X	
Ms. Brandvein	X				
Dr. Giardina	X				
Dr. Kawaguchi	X				
Mr. Kysella	X				
Ms. Michelin			X		
Mr. Morodomi	X				
Dr. Turetsky	X				
Dr. Wang	X				

11. Future Agenda Items

No action was taken on this agenda item.

12. Petition for Reduction of Penalty or Early Termination of Probation

A. Duc Bui, OPT 11044

Board Members heard the Petition for Reduction of Penalty or Early Termination of Probation for Dr. Duc Bui, O.D. Administrative Law Judge, Ed Washington, with the Office of Administrative Hearings preceded over the Hearing. Deputy Attorney General, Stephanie Alamo-Latif represented the state. The Petitioner was not present.

13. FULL BOARD CLOSED SESSION

A. Pursuant to Government Code Section 11126(c)(3), the Board Will Meet in Closed Session for Discussion and Possible Action on Disciplinary Matters and the Above Petition

B. Pursuant to Government Code Section 11126(a)(1), the Board Will Meet in Closed Session to Interview Candidates for and Consider Appointment of an Executive Officer

14. RETURN TO OPEN SESSION

15. Adjournment

No action was taken on this agenda item.