

**Board of Optometry**

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**BOARD MEETING ACTION MINUTES**

February 19, 2016

Ronald Reagan State Building

Auditorium

300 S. Spring St.

Los Angeles, CA 90013

<b>Members Present</b>	<b>Staff Present</b>
Cyd Brandvein, Vice-President, Public Member	Jessica Siefertman, Acting Executive Officer
Rachel Michelin, Secretary, Public Member	Robert Stephanopoulos, Assistant Executive Officer
Glenn Kawaguchi, O.D., Professional Member	Kurt Heppler, Legal Counsel
William Kysella, Public Member	
David Turetsky, O.D., Professional Member	
Lillian Wang, O.D., Professional Member	
Donna Burke, Public Member	
<b>Excused Absences</b>	
Madhu Chawla, O.D. President, Professional Member	<b>Guests</b>
Alejandro Arredondo, Professional Member	On File

**Friday, February 19, 2016****9:00 a.m.****FULL BOARD OPEN SESSION****1. Call to Order/Roll Call and Establishment of a Quorum**

In Board President, Dr. Madhu Chawla's absence, Vice President, Cyd Brandvein called the meeting to order. Roll was called, and a quorum was established.

Donna Burke and Mark Morodomi arrived at later times during the meeting.

**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)]**

No action was taken on this agenda item.

**3. President's Report****A. Welcome and Introductions****B. 2016 Board Meeting Dates and Locations**

No action was taken on this agenda item.

**4. Approval of the Board Meeting Minutes**

**A. November 20, 2015**

Lillian Wang moved to approve the November 20, 2015 Board Meeting Minutes. William Kysella seconded. The Board voted 5-Aye, 0-No, 1-Abstain to pass the motion.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Chawla				X	
Ms. Brandvein	X				
Ms. Michelin	X				
Dr. Arredondo				X	
Ms. Burke				Not present	
Dr. Kawaguchi	X				
Mr. Kysella	X				
Mr. Morodomi				Not present	
Dr. Turetsky			X		
Dr. Wang	X				

**5. Department of Consumer Affairs Report**

Jonathan Burke with Department of Consumer affairs reported on the transition to the new BreZE system, Form 700 (conflict of interest) new process, the Little Hoover Commission, new staff, and required board member training.

**6. Executive Officer’s Report**

- A. BreZE**
- B. Budget**
- C. Personnel**
- D. Examination and Licensing Programs**
- E. Enforcement Program**
- F. Registered Dispensing Optician (RDO) Program**

Taylor Shick, Budget Officer for DCA provided an overview of the Board’s budget and the RDO program.

Kathryn Scott with Lenscrafters and EyeExam spoke to the Board about RDO program fees and requested that all increases be done according to cost rather than an arbitrary increase across the board.

**No action was taken on this agenda item.**

**7. Consideration and Approval of RDO Advisory Committee Application and Creation of RDO Appointments Committee**

William Kysella moved that the Committee develop the criteria and present the finalists at the next meeting. Rachel Michelin seconded. The Board voted unanimously (8-0) and the motion passed.

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

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

**8. Presentation by Capital Accounting Partners, LLC Regarding the Registered Dispensing Optician Program Fee Audit Results**

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. Discussion and Possible Action on Legislation Impacting the Practice of Optometry**

**A. SB 402 (Mitchell) Pupil health: vision examinations**

**B. SB 496 (Nguyen) Optometry: graduates of a foreign university: examinations and licensure**

A foreign graduate spoke to the Board regarding her immigration from Syria with her family; her struggle regarding obtaining a license in California, and a request for the Board to create a pathway for her in obtaining an optometry license.

**C. SB 349 (Bates) Optometry: mobile optometric facilities**

Rachel Michelin moved for the Board to take the action suggested and commence a meeting of the Legislation and Regulations Committee quickly to tackle this issue. Lillian Wong seconded. The Board voted unanimously (8-0) and the motion passed.

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

**D. SB 622 (Hernandez): Optometry**

No action was taken on this issue.

**E. TB 201 Registered Dispensing Opticians Program Move**

William Kysella moved to direct the Executive Officer to work with the Administration on providing a viable and defensible ceiling and floor for the sustainable operation of the RDO program allowing flexibility to make changes to the fees by regulation. Cyd Brandvein seconded. The Board voted 1-abstention, 7-Ayes to pass the motion.

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

Lillian Wong moved to direct staff to take the language of the Draft Inspection Authority, add it to the language of the Trailer Bill, Issue 201 language and submit the packet to the Governor’s Office. Rachel Michelin seconded. The Board voted: 7-Aye, 1-No and the motion carried.

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

**10. Discussion and Possible Action on Regulations Impacting the Practice of Optometry and  
A. Proposed Revisions to California Code of Regulations (CCR) § 1582 Unprofessional Conduct  
Amendment to CCR § 1516 Application Review and Criteria for Rehabilitation Following  
Disapproval**

Legal Counsel, Kurt Heppler provided an update and his suggestion on CCR § 1582.

William Kysella moved to approve both the addendum to the ISR and the revised text; to authorize the Executive Officer to send it out for 15 days, and in the absence of any adverse comments to complete the rulemaking packet; additionally, to authorize the Executive Officer to request an extension should one become necessary. Rachel Michelin seconded. The Board voted unanimously (8-0) and the motion passed.

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

**B. Proposed Amendment to CCR § 1399.260 RDO Fees, § 1399.261 Contact Lens Dispenser Fees, § 1399.263 Spectacle Lens Dispenser Fees**

Lillian Wong moved to direct staff to proceed with noticing the rulemaking documents for the fee increase. Mark Morodomi seconded. The Board voted unanimously (8-0) and the motion carried.

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

**C. Proposed Addition to CCR § 1514.1 Co-Location Reporting Requirement and Form**

No action was taken on this item.

**D. Proposed Amendment to CCR § 1536 Continuing Optometric Education; Purpose and Requirements – Update Request for Continuing Optometric Exemption/Extension Form, Update CE Course Approval Form and Incorporate Forms by Reference**

Donna Burke moved to approve the revised form and proposed amendments to CCR § 1536, and to direct staff to prepare the rulemaking packet, and set the matter for public hearing. Dave Turetsky seconded. The Board voted unanimously (8-0) and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Dr. Chawla				X	
Ms. Brandvein	X				
Ms. Michelin	X				

Dr. Arredondo				X	
Ms. Burke	X				
Dr. Kawaguchi	X				
Mr. Kysella	X				
Mr. Morodomi	X				
Dr. Turetsky	X				
Dr. Wang	X				

**E. Proposed Amendment to CCR § 1502 Delegation of Certain Functions to include Continuing Education (CE) Course Approval, CE Extension/Exemption Approvals, Accepting Default Decisions and Stipulated Surrenders to Executive Officer**

Dr. Susy Yu, O.D., presented a report/overview on ARBO (Association of Regulatory Boards in Optometry) and the Council on Optometric Practitioner Education (COPE) created by ARBO to accredit continuing education on behalf of optometric licensing boards.

For subsection (b):

**William Kysella moved to accept staff’s recommendations, however to strike “approving continuing education courses and course providers and” in subsection (b); and to hold separate discussions of (a) and (b), with subsection (b) discussed first. Rachel Michelin seconded. The Board voted unanimously (8-0) and the motion passed.**

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

For subsection (a):

**Mark Morodomi moved to approve the recommended language with an additional sentence at the end stating “provided the Board is given copies of completed decisions and agreements at the next scheduled Board meeting.” Lillian Wong seconded. The Board voted unanimously (8-0) and the motion carried.**

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

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

**F. Proposed Amendment to CCR § 1523 Licensure Examination Requirements to Update Form 39A-1, Rev. 7-09, Form OLA-2, Rev. 11/07, and Form LBC-4, rev. 2/07**

No action was taken on this item.

**G. Proposed Amendment to CCR § 1530.1 Qualifications for Foreign Graduates; Revision of Authorization (Sponsorship) Form**

William Kysella moved to adopt the revised form, and to direct staff to ensure that the conviction statement is consistent with state and federal law. Lillian Wong seconded. The Board voted unanimously (8-0) and the motion carried.

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

**H. Proposed Addition of CCR Section 1523.5; Abandonment of Applications**

Mark Morodomi moved to provide authority for staff to abandon applications that have not resulted in issuance within one year. William Kysella seconded. The Board voted unanimously (8-0) and the motion passed.

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

Dr. Wang	X				
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**11. Review, Consideration, and Possible Action on Public Relations and Outreach Committee’s Recommendations Regarding Online Refraction and the Laws Governing Optometry in the State of California**

Ms. Burke provided an overview.

Dr. Pam Miller, O.D. addressed the Board on behalf of the Optometric Society, regarding the standard of care and the question of whether the standard of care is being violated by online refractions.

**Lillian Wang moved to direct staff to work with communications and outreach, and bring recommendations back to the Board. Rachel Michelin seconded. The Board voted unanimously (8-0) and the motion passed.**

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

**12. Discussion and Possible Action Regarding Minimum Certification Requirements for All Optometrists to Practice in California**

Dr. Miller shared with the Board, her perspective on the certification issue.

**Rachel Michelin moved to approve the option of legislation; to direct staff to research the regulatory process, and then delegate to the Public Relations Committee to find a way of reaching impacted optometrists and informing them that this change is forthcoming. Dave Turetsky seconded. The Board voted 5-Aye; 3-Abstain, and the motion passed.**

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



Dr. Turetsky	X				
Dr. Wang	X				

**13. Update and Possible Action on Concerns Raised Related to the National Board of Examiners in Optometry (NBEO) and National Board Examinations (Parts I, II, and III)**

No action was taken on this agenda item.

**14. Presentation by the Association of Regulatory Board of Optometry (ARBO) Regarding Current ARBO Activities and the Council on Optometric Practitioner Education (COPE) Accreditation Standard Changes**

A representative of the Association of Regulatory Boards of Optometry provided a presentation on current activities and COPE accreditation changes.

**15. Future Agenda Items**

No action was taken on this agenda item.

**FULL BOARD CLOSED SESSION**

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

**FULL BOARD OPEN SESSION**

**17. Adjournment**

Rachel Michelin moved to adjourn the meeting. William Kysella seconded. The Board voted unanimously (8-0) and the motion passed.

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