



CALIFORNIA STATE BOARD OF OPTOMETRY
Public Board Meeting
Meeting Minutes
Friday, April 5, 2019

Location:
Four Points by Sheraton San Diego
Pacifico Room
3888 Greenwood Street
San Diego, CA 92110

Link to webcast for discussions:
<https://www.youtube.com/watch?v=2uw9RX4IIZU>

Members Present	Staff Present
Cyd Brandvein, Public Member, President	Shara Murphy, Executive Officer
Dr. David Turetsky, O.D., Vice President	Evan Gage, Assistant Executive Officer
Rachel Michelin, Public Member, Secretary	Marc Johnson, Policy Analyst
Dr. Madhu Chawla, O.D.	Cheree Kimball, Lead Enforcement Analyst
Martha Garcia, CLD, SLD	Arsha Qasmi, Lead Licensing Analyst
Dr. Glenn Kawaguchi, O.D.	Jessica Swan, Administrative Analyst
Dr. Debra McIntyre, O.D.	
Mark Morodomi, J.D., Public Member	Anahita Crawford, Deputy Attorney General
Maria Salazar Sperber, J.D., Public Member	Mina Hamilton, Legal Counsel
Dr. Lillian Wang, O.D.	
Dr. Debra McIntyre, O.D.	Guest List
	On File

FULL BOARD OPEN SESSION

1. Call to Order/Roll Call and Establishment of a Quorum

Discussion: [0:17 / 3:27:06](#)

President Cyd Brandvein called the meeting to order at 9:15 a.m. Secretary Rachel Michelin called the roll. All members were present at the meeting. 10-0 quorum established.

2. Public Comment for Items Not on the Agenda

Discussion: [0:41 / 3:27:06](#)

No public comments were made for items not on the agenda.



3. President’s Report

Discussion: [1:34 / 3:27:06](#)

- A. Discussion of Recent President’s Message (distributed March 25, 2019)
- B. Reflections and Thoughts about Service as Board President

Ms. Brandvein thanked the California State Board of Optometry (Board) for entrusting her to serve as Board President for the last two years. She reflected upon navigating organizational changes, passage of legislation, regulatory changes, an increase in service levels and advancement of the Registered Dispensing Opticians (RDO) Committee program.

No public comment was made.

4. Discussion and Possible Action – Board Meeting Minutes from February 1, 2019

Discussion: [4:55 / 3:27:06](#)

A minor change was made on page six from ‘compact’ to contact.

Motion: David Turetsky moved to approve the February 1, 2019 Board Meeting Minutes. Cyd Brandvein seconded. The Board voted unanimously (10-0) and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Ms. Brandvein	X				
Dr. Chawla	X				
Ms. Garcia	X				
Dr. Kawaguchi	X				
Dr. McIntyre	X				
Ms. Michelin	X				
Mr. Morodomi	X				
Ms. Sperber	X				
Dr. Turetsky	X				
Dr. Wang	X				

No public comment was made.

5. Update by Representative(s) of the Department of Consumer Affairs, Which May Include Updates Pertaining to the Department’s Administrative Services, Human Resources, Enforcement, Information Technology, Communications and Outreach, as Well as Legislative, Regulatory and Policy Matters

Discussion: [8:39 / 3:27:06](#)

A. Review and Discussion of Completed Executive Officer Salary Study
B. Update on Substance Abuse Coordination Committee's Revisions of Uniform Standards

Ms. Murphy noted there was no representative from DCA at the meeting, so the issues would be taken up at a future meeting.

No public comment was made.

6. Executive Officer's Report

Discussion: [9:00 / 3:27:06](#)

Ms. Murphy provided the Executive Officer's report.

A. Strategic Plan Update

No update was provided on this item.

B. Enforcement Program

A memo was provided to Board members on this item as part of the meeting materials. Staff was directed to report on trends emerging in the areas which might result in violations.

C. Examination and Licensing Programs

Discussion: <https://youtu.be/2uw9RX4IIZU?t=570>

A memo was provided to Board members on this item as part of the meeting materials. Ms. Qasmi described efforts staff is making to inform applicants about the processing times. Dr. McIntyre asked how the new requirement of statement of licensure (SOL) is being communicated; she noted several of her colleagues were not aware of the need for it. Ms. Qasmi replied that licensees were mailed a letter and have been sent emails regarding the change. Ms. Hamilton will look further into the statute to determine if additional information would need to be sent out, and Dr. Chawla suggested an insert be sent with renewals describing the change with SOLs.

D. Regulatory Update

Discussion: <https://youtu.be/2uw9RX4IIZU?t=1362>

A memo was provided to Board members on this item as part of the meeting materials. Dr. Kawaguchi asked how the Board was communicating changes in regulation to continuing education; Mr. Johnson replied they are in process and not in law yet.

E. Budget Update

Discussion: <https://youtu.be/2uw9RX4IIZU?t=1524>

A memo was provided to Board members on this item as part of the meeting materials. Mr. Morodomi asked for an average in hours spent on attorney general costs and was concerned the Board was paying too much; Ms. Kimball replied that the Board is sent monthly statements for tracking. Ms. Murphy said staff will provide reports in future meetings which will show these hours. Mr. Morodomi raised the question of optometry fund condition and Ms. Murphy noted staff does not see any budget issues and fund reserves are adequate.

F. Outreach Activities

Discussion: <https://youtu.be/2uw9RX4IIZU?t=1877>

A memo was provided to Board members on this item as part of the meeting materials. Ms. Murphy detailed her recent and upcoming visits to optometry schools and professional associations and noted participation at California Optometry Association's recent event. These visits have received good feedback. Dr. Kawaguchi suggested reaching out to professional optometry societies, which staff will do via social media. Ms. Murphy also introduced the Board's new website, which has been streamlined and improved with a new design. She will discuss with DCA linking outside websites, which is currently not allowed.

No public comment was made.

7. Discussion and Possible Action Regarding Board Attendance at Annual Conference of the Association of Regulatory Boards of Optometry

Discussion: [43:40 / 3:27:06](#)

The Board discussed attendance at this year's ARBO conference. There was consensus that the Executive Officer and at least one Board member should attend.

Public comment was made urging the Board to have the Executive Officer participate in the conference, feeling it would be a good opportunity for networking and understanding of the industry.

Rachel Michelin moved to approve expenditure to have the Executive Officer and one other Board Member attend the Association of Regulatory Boards of Optometry Annual Conference in June, and for it to be at the discretion of the new President to decide who the Board representative will be. David Turetsky seconded. The Board voted unanimously (10-0) and the motion passed.



Member	Aye	No	Abstain	Absent	Recusal
Ms. Brandvein	X				
Dr. Chawla	X				
Ms. Garcia	X				
Dr. Kawaguchi	X				
Dr. McIntyre	X				
Ms. Michelin	X				
Mr. Morodomi	X				
Ms. Sperber	X				
Dr. Turetsky	X				
Dr. Wang	X				

FULL BOARD CLOSED SESSION

The Board went into closed session at 10:15 a.m.

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

FULL BOARD OPEN SESSION

The Board resumed open session at 11:30 a.m.

9. Update, Discussion and Possible Action Regarding Board Committee Reports

A. Dispensing Optician Committee

Discussion: <https://youtu.be/2uw9RX4IIZU?t=3668>

Ms. Garcia provided the Dispensing Optician Committee report. She noted the DOC has held previous discussions on DOC priorities. One priority is regarding the unregistered assistant population, which came about while working on the disciplinary guidelines. The concern is that opticians who may be going through Board review for some disciplinary matter might simply go into unregistered status and continue to practice, which is a public protection concern. Ms. Garcia noted it may be beneficial for an occupational analysis to be performed on the unregistered population. The Board raised the issues of occupational analysis costs, certification for an assistant and impacts on prison inmates who often become optician from a prison program. Staff was directed to research the need for an occupational analysis on unlicensed personnel. Another priority raised was the overall cost of becoming a registered optician; staff was directed to research the costs involved.

No public comment was made.

B. Practice and Education Committee

Discussion: <https://youtu.be/2uw9RX4IIZU?t=4808>

Dr. Chawla provided the Practice and Education Committee report and reported the following:

- The PEC discussed webinars and whether they should be considered live or online based learning.
- Steps being taken by staff to make the process better for both the Board and optometrists taking their continuing education by creating a model that more closely resembles COPE (Council on Optometric Practitioner Education) with clearly identifiable course identifier numbers.
- Encouraging providers of continuing education to make certain they clarify to their attendee whether the course is already Board approved or if approval is pending.

Staff was directed to research how other boards handle CE eligibility and determine live versus “webinar” courses.

A public comment was made encouraging the Board to accept CME Level I or Ophthalmology courses.

C. Legislation and Regulation Committee

Discussion: <https://youtu.be/2uw9RX4IIZU?t=5581>

The Legislative and Regulation Committee report was given. Ms. Murphy reported that staff was unsuccessful in finding an author to introduce the text from SB 402 from 2015 but had good interactions with stakeholders and have some consensus language being worked on. Ms. Michelin was concerned that the approach was not the same as what the Board previously envisioned, and that this approach lacks a comprehensive approach. Dr. Kawaguchi notes the approach is shifting towards more education and awareness rather than a mandate for exams. Ms. Murphy is looking to do a legislative staff briefing to find new authors and introduce the consensus language with a new author in the 2020 legislative year.

No public comment was made.

10. Discussion and Possible Action on 2019 Legislation Impacting the Practice of Optometry

Discussion: [2:50:41 / 3:27:06](#)

A. Assembly Bill 458 (Nazarian): Optometrist: Home Residence Certification

Staff was directed to work closely with the author to clarify and amend Section 3097 in the bill.



Rachel Michelin moved to approve the recommendation of the Leg/Reg Committee for a watch on AB 458. David Turetsky seconded. The Board voted (8-Aye; 1-Abstain) and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Ms. Brandvein				X	
Dr. Chawla	X				
Ms. Garcia	X				
Dr. Kawaguchi	X				
Dr. McIntyre	X				
Ms. Michelin	X				
Mr. Morodomi			X		
Ms. Sperber	X				
Dr. Turetsky	X				
Dr. Wang	X				

B. Assembly Bill 613 (Low): Professions and vocations: regulatory fees

Rachel Michelin moved to approve the support recommendation of the Leg/Reg Committee for AB 613. David Turetsky seconded. The Board voted unanimously (9-0) and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Ms. Brandvein				X	
Dr. Chawla	X				
Ms. Garcia	X				
Dr. Kawaguchi	X				
Dr. McIntyre	X				
Ms. Michelin	X				
Mr. Morodomi	X				
Ms. Sperber	X				
Dr. Turetsky	X				
Dr. Wang	X				

C. Assembly Bill 896 (Low): Registered Dispensing Opticians: RDO Fund: Optometry Fund

No action was taken on this item, as a support position was already taken.

D. Assembly Bill 1467 (Salas): Optometrists: scope of practice: delegation of services agreement



David Turetsky moved to take a watch position on AB 1467 and take further action at the next Board Meeting. Maria Sperber seconded. The Board voted unanimously (9-0) and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Ms. Brandvein				X	
Dr. Chawla	X				
Ms. Garcia	X				
Dr. Kawaguchi	X				
Dr. McIntyre	X				
Ms. Michelin	X				
Mr. Morodomi	X				
Ms. Sperber	X				
Dr. Turetsky	X				
Dr. Wang	X				

No public comment was made.

11. Review, Discussion, and Possible Action on Implementing Regulations for Assembly Bill 2138 (Chiu, Chapter 995, Statutes of 2018)

Discussion: [1:40:49 / 3:27:06](#)

Ms. Hamilton opened on the item and noted the implementation of the bill was time sensitive and the Board needed to approve the proposal as soon as possible. She explained there are two program regulatory changes which need to be addressed - the optician program and for the optometry program – using DCA’s legal memo and text as a template. She started with the optician program.

For substantially related crimes in subdivision (c), Ms. Hamilton recommended adding in penal codes relating to sexual abuse, child abuse and fiscal dishonesty; listing them in regulations gives the Board more enforcement authority. Since many optician licensees will often be in direct contact with a patient in close circumstances, it was recommended to add direct references to the codes. Ms. Crawford noted listing these codes means they can be used beyond just conviction of a crime, such as professional misconduct or the act of doing so. Board discussion led to agreement on these additions.

Rachel Michelin moved to edit the language to include all three penal codes. Glenn Kawaguchi seconded. The Board voted unanimously (10-0) and the motion passed.

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



Ms. Garcia	X				
Dr. Kawauchi	X				
Dr. McIntyre	X				
Ms. Michelin	X				
Mr. Morodomi	X				
Ms. Sperber	X				
Dr. Turetsky	X				
Dr. Wang	X				

Ms. Hamilton then asked for a motion to approve the changes to 1399.270.

Lillian Wong moved to approve the proposed regulatory amendments to Section 1399.270, Title 16 of the California Code of Regulations related to substantial relationship criteria with the edits already approved; direct staff to submit the proposed text to the Director of the Department of Consumer Affairs, and the Business Consumer Services and Housing Agency for review and if no adverse comments are received to authorize the Executive Officer to make any non-substantive changes to the rulemaking package and set the matter for Hearing. Madhu Chawla seconded. The Board voted unanimously (10-0) and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Ms. Brandvein	X				
Dr. Chawla	X				
Ms. Garcia	X				
Dr. Kawauchi	X				
Dr. McIntyre	X				
Ms. Michelin	X				
Mr. Morodomi	X				
Ms. Sperber	X				
Dr. Turetsky	X				
Dr. Wang	X				

Ms. Hamilton then referred to proposed amendments for the Optometry Program. She recommended additions of three additional penal codes for substantially related crimes, similar to what was added as part of the Optician program. Board agrees.

David Turetsky moved to accept the optometry substantial relationship criteria proposed edits recommended by the Department of Consumer Affairs Legal office and add the same three additions. Rachel Michelin seconded. The Board voted unanimously (10-0) and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Ms. Brandvein	X				



Dr. Chawla	X				
Ms. Garcia	X				
Dr. Kawaguchi	X				
Dr. McIntyre	X				
Ms. Michelin	X				
Mr. Morodomi	X				
Ms. Sperber	X				
Dr. Turetsky	X				
Dr. Wang	X				

Debra McIntyre moved to approve the optometry proposed regulatory amendments as amended today to section 1517 of Title 16 of the California Code of Regulations substantial relationship criteria; direct staff to submit the proposed text to the Director of the Department of Consumer Affairs and the Business Consumer Services and Housing Agency for review and if no adverse comments are received to authorize the Executive Officer to make any non-substantive changes to the rulemaking package and set the matter for Hearing. Rachel Michelin seconded. The Board voted unanimously (10-0) and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Ms. Brandvein	X				
Dr. Chawla	X				
Ms. Garcia	X				
Dr. Kawaguchi	X				
Dr. McIntyre	X				
Ms. Michelin	X				
Mr. Morodomi	X				
Ms. Sperber	X				
Dr. Turetsky	X				
Dr. Wang	X				

Madhu Chawla moved to approve the proposed regulatory amendments to Section 1399.271 criteria for denial and reinstatement of registration of the California Code of Regulations; Direct staff to submit proposed text to the Director of the Department of Consumer Affairs and the Business of Consumer Services and Housing Agency for review and if no adverse comments are received authorize the Executive Officer to make any non-substantive changes to the rulemaking package and set the matter for Hearing. Lillian Wang seconded. The Board voted unanimously (10-0) and the motion passed.

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



Dr. Kawaguchi	X				
Dr. McIntyre	X				
Ms. Michelin	X				
Mr. Morodomi	X				
Ms. Sperber	X				
Dr. Turetsky	X				
Dr. Wang	X				

David Turetsky moved to approve the proposed regulatory amendments to Section 1399.272 criteria for denial and reinstatement of registration of the California Code of Regulations; Direct staff to submit proposed text to the Director of the Department of Consumer Affairs and the Business of Consumer Services and Housing Agency for review and if no adverse comments are received authorize the Executive Officer to make any non-substantive changes to the rulemaking package and set the matter for Hearing. Rachel Michelin seconded. The Board voted unanimously (10-0) and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Ms. Brandvein	X				
Dr. Chawla	X				
Ms. Garcia	X				
Dr. Kawaguchi	X				
Dr. McIntyre	X				
Ms. Michelin	X				
Mr. Morodomi	X				
Ms. Sperber	X				
Dr. Turetsky	X				
Dr. Wang	X				

Lillian Wang moved to approve the proposed regulatory amendments as amended to Section 1516 of Title 16 of the California Code of Regulations; Direct staff to submit proposed text to the Director of the Department of Consumer Affairs and the Business of Consumer Services and Housing Agency for review and if no adverse comments are received authorize the Executive Officer to make any non-substantive changes to the rulemaking package and set the matter for Hearing. Glenn Kawaguchi seconded. The Board voted unanimously (10-0) and the motion passed.

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



Mr. Morodomi	X				
Ms. Sperber	X				
Dr. Turetsky	X				
Dr. Wang	X				

12. Review, Discussion, and Possible Action on Implementing Regulations for Assembly Bill 443 (Salas, Chapter 549, Statutes of 2017)

Discussion: [2:26:03 / 3:27:06](#)

The item was previously discussed at the February 1, 2019 public meeting. Ms. Hamilton presented proposed changes to the application for immunization form needed for as part of the implementation of AB 443. Dr. McIntyre noted the form does not have a section for a date of course completion and that training could have been taken over two years ago; Ms. Hamilton added the date specified in the proposed regulation to the form. A minor change was made adding “immunization form” into the signature box at the bottom of the form.

Public comment was made requesting clarification on ACPE certification requirements and the criteria for how many hours are needed for the training program; Ms. Hamilton noted the statute does not set out the required hours but only completion of an approved course.

The Board was presented with the regulatory text; there were no further changes made.

Madhu Chawla moved to approve both the form with the edits discussed as well as approve the proposed regulatory amendments with the edits discussed to add Section 1572 Title 16 of the California Code of Regulations; Direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business of Consumer Services and Housing Agency for review and if no adverse comments are received authorize the Executive Officer to make any non-substantive changes to the rulemaking package and set the matter for Hearing. Cyd Brandvein seconded. The Board voted unanimously (10-0) and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Ms. Brandvein	X				
Dr. Chawla	X				
Ms. Garcia	X				
Dr. Kawaguchi	X				
Dr. McIntyre	X				
Ms. Michelin	X				
Mr. Morodomi	X				
Ms. Sperber	X				
Dr. Turetsky	X				
Dr. Wang	X				



13. Election of Board Officers

Discussion: [2:38:09 / 3:27:06](#)

The Board held elections for President, Vice-President and Secretary for 2019-2020. The terms will be effective as of the next Board meeting.

A. President

For the position of President, nominees were Mark Morodomi and Maria Salazar Sperber. Mr. Morodomi was elected President on a 7-3 vote.

Member	Mr. Morodomi	Ms. Sperber	Abstain	Absent	Recusal
Ms. Brandvein	X				
Dr. Chawla		X			
Ms. Garcia	X				
Dr. Kawaguchi	X				
Dr. McIntyre	X				
Ms. Michelin	X				
Mr. Morodomi	X				
Ms. Sperber		X			
Dr. Turetsky	X				
Dr. Wang		X			

B. Vice-President

For the position of Vice-President, nominees were Glenn Kawaguchi and Lillian Wang. Dr. Kawaguchi was elected Vice-President on a 6-4 vote.

Member	Dr. Kawaguchi	Dr. Wang	Abstain	Absent	Recusal
Ms. Brandvein	X				
Dr. Chawla		X			
Ms. Garcia	X				
Dr. Kawaguchi	X				
Dr. McIntyre		X			
Ms. Michelin	X				
Mr. Morodomi	X				
Ms. Sperber		X			
Dr. Turetsky	X				
Dr. Wang		X			

C. Secretary

For the position of Secretary, nominees were Martha Garcia and Debra McIntyre. The position was not elected due to a tie vote.

Member	Ms. Garcia	Dr. McIntyre	Abstain	Absent	Recusal
Ms. Brandvein	X				
Dr. Chawla		X			
Ms. Garcia	X				
Dr. Kawauchi		X			
Dr. McIntyre		X			
Ms. Michelin	X				
Mr. Morodomi	X				
Ms. Sperber		X			
Dr. Turetsky	X				
Dr. Wang		X			

Rachel Michelin moved to call for a teleconference meeting for late June at which time the Board will allow for a change of Board Members and the appointment of the Senate Pro Tem’s Appointee and take vote on Secretary for the year term. Madhu Chawla seconded. The Board voted 7-Aye; 3-No and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Ms. Brandvein		X			
Dr. Chawla	X				
Ms. Garcia	X				
Dr. Kawauchi	X				
Dr. McIntyre	X				
Ms. Michelin		X			
Mr. Morodomi	X				
Ms. Sperber	X				
Dr. Turetsky		X			
Dr. Wang	X				

There was no public comment.

14. Future Agenda Items

Discussion: [3:25:26 / 3:27:06](#)

Lillian Wang stated she has a request from the foreign graduates at UC Berkeley that a special license be considered whereby they could see patients and supervise students in school clinics only.



There were no future agenda items from the public.

15. Adjournment

Meeting adjourned at 3:15 p.m.