

The mission of the California State Board of Optometry is to protect the health and safety of California consumers through licensing, registration, education, and regulation of the practice of Optometry and Opticianry.

**MEMBERS OF THE BOARD**

Mark Morodomi, JD, President  
 Glenn Kawaguchi, OD, Vice President  
 Debra McIntyre, OD, Secretary  
 Cyd Brandvein  
 Madhu Chawla, OD  
 Martha Garcia, CLD, SLD  
 Rachel Michelin  
 Maria Salazar Sperber, JD  
 David Turetsky, OD  
 Lillian Wang, OD  
 Vacant, Public Member



**APPROVED TELECONFERENCE BOARD MEETING MINUTES**  
**Friday, January 31, 2020**

**Teleconference Meeting Locations:**

DCA Del Paso  
 2420 Del Paso Road, Room  
 109  
 Sacramento, CA 95834

Charter College  
 Oxnard Campus  
 2000 Outlet Center Drive,  
 Suite 150  
 Oxnard, CA 93036

California Eye Professionals  
 41637 Margarita Road,  
 Suite 201  
 Temecula, CA 92591

Silicon Valley Community  
 Center  
 2440 West El Camino Real,  
 Suite 300 – Room 3G  
 Mountain Valley, CA 94040

Stevenson Ranch Library  
 Meeting Room  
 25950 The Old Road  
 Stevenson Ranch, CA 91381

Moraga Library  
 1500 St. Mary's Road  
 Moraga, CA 945814

California Retailers  
 Association  
 1121 L Street, Suite 607  
 Sacramento, CA 95814

<b>Members Present</b>	<b>Staff Present</b>
Glenn Kawaguchi, OD, Vice President	Shara Murphy, Executive Officer
Rachel Michelin, Secretary	Cheree Kimball, Assistant Executive Officer
Cyd Brandvein	Marc Johnson, Policy Analyst
Madhu Chawla, OD	
Martha Garcia, CLD, SLD	
Debra McIntyre, OD	
David Turetsky, OD	
Lillian Wang, OD	
<b>Members Absent</b>	<b>Guest List</b>
Mark Morodomi, JD, President	On File
Maria Salazar Sperber, JD	

**Link for the audio of discussions:**

[https://www.optometry.ca.gov/meetings/20200131\\_bm\\_audio.mp3](https://www.optometry.ca.gov/meetings/20200131_bm_audio.mp3)

**FULL BOARD OPEN SESSION**

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

*Audio of Discussion: 00:01 / 36:00*

Dr. Kawaguchi called the meeting to order at 12:33 p.m. and took roll. Dr. Kawaguchi and Ms. Garcia were present at the Charter College location; Dr. McIntyre was present at the Temecula Location; Ms. Brandvein was present at the Silicon Valley location; Dr. Chawla was present at the Stevenson Ranch location; Ms. Michelin was present at the California Retailer's Association location; Dr. Turetsky was present at the Del Paso Rd., Sacramento location; Dr. Wang was present at the Moraga Library location. Ms. Salazar-Sperber and Mr. Morodomi were absent. An 8-2 quorum was established. Members of the public were identified at the Sacramento and Temecula locations.

**2. Public Comment for Items Not on the Agenda**

*Audio of Discussion: 03:18 / 36:00*

There were no public comments.

**3. Discussion and Possible Action on Changes to California Code of Regulations §§ 1399.270, 1399.271, 1399.272, 1516 and 1517 (Implementation of Assembly Bill 2138)**

*Audio of Discussion: 03:39 / 36:00*

Policy Analyst Marc Johnson provided an update on AB 2138, which relates to the denial of applications, revocations, and suspensions of licensure and criminal convictions. The Board approved the text at the April 5, 2019 public meeting. Mr. Johnson explained that the regulatory package has made its way through DCA Legal, who made a few simple changes to the text:

- §1399.270(c): The word 'assault' was changed to 'assaultive'; a reference defining assaultive or abusive conduct as defined by Penal Code Section 11160 was added. Additionally, a reference to sexual misconduct, as defined by BPC §726(a) was added.
- §1517(c): The word 'assault' was changed to 'assaultive'; a reference defining assaultive or abusive conduct as defined by Penal Code Section 11160 was added. Additionally, a reference to sexual misconduct, as defined by BPC §726(a) was added.

The changes require board approval. Once approved, this bill will continue with the public comment period, then staff will prepare the rulemaking package for final submission.

There were no board member comments. There were no public comments.

**David Turetsky moved to approve the amended text for California Code of Regulations Title 16, Sections 1399.270, 1399.271, 1399,272, 1516 and 1571 as presented and discussed here today; and direct staff to submit the text to Office of Administrative Law for posting for a 45 day public comment period; and if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for hearing. Debra McIntyre seconded. The Board voted unanimously (8-0-2) 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				

#### 4. Update, Discussion and Possible Action on 2020 Legislation

*Audio of Discussion: 07:58 / 36:00*

##### a. Assembly Bill 896 (Low)

Executive Officer Shara Murphy provided an update on 2020 legislation. The Board originally sponsored AB 896 to merge the optometry and optician funds, but changes were made to include provisions of AB 1714 which codifies Vision to Learn’s (VTL’s) ability to provide mobile vision services without an agreement with an optometric academic institution. The Board reviewed the proposed text to AB 1714 at the August 2, 2019 public meeting, but did not take a position on that bill or the issue itself. Ms. Murphy noted there has been historic support from the Board of VTL’s efforts which align with the Board’s priority of increasing children’s access to comprehensive vision care. She also reported that staff has continued to have discussions with the author’s office, the Legislature and stakeholders. A draft of proposed changes to the text and suggested additions have been provided in the Board materials, which has been shared with interested parties.

Dr. Turetsky commented that a few of the suggestions will be problematic for VTL; additionally, there is the Board’s responsibility to protect the public even for those receiving charitable

services. Ms. Brandvien and Dr. McIntyre expressed a preference for this discussion to come before the full board; and not a special board meeting.

Public comment: Damien Carroll, at the Oxnard location, expressed appreciation for the Board's continuing interest in this bill. He noted VTL is happy to implement most of the changes; however, there are a couple of items that would be problematic. He raised concern about proposed amendments which strike out a provision that makes it clear that a non-profit may accept Medi-Cal reimbursements for the program. Mr. Carroll reported that a pilot study was set up in Los Angeles to determine the impact of public reimbursement on access to care for children which found that 2/3 of the kids whom VTL saw who were Medi-Cal enrollees did not have any vision care in the previous four years before being seen by VTL. His conclusion that the state should be doing everything possible to connect VTL with Medi-Cal reimbursement. VTL and similar programs wants to make certain that the bill does not preclude this possibility.

Mr. Carroll also is concerned that the bill dictates of a third of VTL's membership of governing board being made up of licensed optometrists. Mr. Carroll stated that VTL's governing board does have a licensed optometrist ; however, a requirement of a proportion of the board being licensed optometrists puts VTL in the position of having to recruit medical staff and having to maintain it. He noted VTL is pleased to have an optometrist for its Medical Director providing this professional oversight. However, a requirement for the governing board would be difficult to implement and maintain as a responsible non-profit. Mr. Carroll expressed a hope that this can be passed through this legislative year.

Dr. Kawaguchi asked if the Board initiated a position prior to the last Berkeley meeting. Ms. Murphy replied that a straight support position was taken on the fund merger portion of the bill. Dr. Kawaguchi suggested assigning a workgroup for this issue, and Drs. Wang and Turetsky volunteered for the workgroup. Ms. Knight suggested a position of support if amended will give the workgroup some direction about what those amendments might be, so that an official letter can be submitted with that direction and the conversations may begin. Dr. Kawaguchi asked if the Board can retract their original position and take a watch position? Ms. Knight replied that if the Board wants to have a say in the language, she believes it would be best to provide the workgroup and staff some direction today to work towards amendments; or oppose unless amended.

Ms. Michelin recommended taking a neutral position on the bill and giving direction to the workgroup and staff to continue negotiating. Dr. McIntyre asked (for clarification) if this issue was added to the bill as a means by which these services may be provided? Ms. Murphy confirmed this is correct; there is currently no law that allows non-profits to provide these services; unless tied to an optometry academic institute.

Mr. Carrol spoke briefly to the school of optometry option. VTL has sought an affiliation with the Western University College of Optometry. VTL has successfully signed an MOU with Western that allows for some of VTL's students who are bound through exams to need some additional care to be referred to Western for follow-up care. Since Western University

intersects with VTL's program for the Pomona area solely, they did not feel comfortable with becoming VTL's consenting organization for the entire state.

Dr. Kawaguchi assigned the workgroup consisting of Drs. Wang and Turetsky and asked the workgroup to work with staff regarding AB 896 and come back to the full Board meeting in February with any proposed amendments.

**David Turetsky moved to continue this discussion at the next full Board meeting with input from the workgroup; and change position on AB 896 to a neutral position. Cyd Brandvein seconded. The Board voted unanimously (8-0-2) and the motion passed.**

<b>Member</b>	<b>Aye</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>	<b>Recusal</b>
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				

## **5. Future Agenda Items**

*Audio of Discussion: 35:34 / 36:00*

There were no future agenda items requested.

## **6. Adjournment**

Meeting adjourned at 1:09 p.m.