



CALIFORNIA STATE BOARD OF  
**OPTOMETRY**  
**Sunset Review Report 2016**

**Presented to the California Legislature**

**Senate Committee on Business, Professions and  
Economic Development**

**Assembly Committee on Business and Professions**

December 1, 2016

# California State Board of Optometry

## **Board Members**

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

## **Executive Staff**

Jessica Sieferman, Executive Officer  
Robert Stephanopoulos, Assistant Executive Officer

Additional copies of this report can be obtained from [www.optometry.ca.gov](http://www.optometry.ca.gov)

Sunset Review Report Prepared by:  
California State Board of Optometry  
2450 Del Paso Road, Suite 105  
Sacramento, CA 95834  
Telephone: (916) 575-7170  
Fax: (916) 575-7292

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**California State Board of Optometry**  
**BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT**  
**REGULATORY PROGRAM**  
**As of December 1, 2016**

***Background and Description of the Board and Regulated Profession***

***History and Function of the Board***

Since its inception over 100 years ago, the California State Board of Optometry (Board) has supported and helped consumers by advocating consumer interests before lawmakers, regulating to protect consumers from unlicensed practitioners and guarding our licensees against unfair competition, enforcing laws to protect the consumer and resolving disputes between business and a customer or a consumer and a licensee.

Our authority to protect the health and safety of California patients receiving optometric care through licensing, education, and regulation of the practice of Optometry was expanded on January 1, 2016, when Governor Jerry Brown signed Assembly Bill 684, transferring the practice of optical dispensary from the Medical Board of California (MBC) to our State Board. Overnight, the Board's regulatory population grew by 50% - expanding its regulatory oversight from 8,000 licensees to roughly 12,000 licensees and registrants.

Today, the Board regulates the largest population of optometrists and dispensers in the United States with over 17,400 licenses, registrations, and permits. The Board is also responsible for issuing optometry certifications for Diagnostic Pharmaceutical Agents, Therapeutic Pharmaceutical Agents, Lacrimal Irrigation and Dilation, and Glaucoma.

With this significant change in population come new, emerging responsibilities. Our Board stands ready and has the capabilities and resources to maintain the same level of accountability, efficiency, effectiveness, integrity and customer service it has delivered since the last Sunset Review. Further, it is in the best interest of California consumers to continue protecting their eye care health and safety through the Board in its current constituted state – an independent Board that relies on the Department of Consumer Affairs (DCA) for administrative support.

As we continue our evolution – from a Board with challenges in 2002 to a well-functioning Board today – we are poised to meet the regulatory changes, adjust through internal improvements to our organizational structure and set a new path forward through a revised Strategic Plan that better aligns with our evolving consumer protection mandate.

Achieving our Mission and Positioned to Move Forward

The Board's mission is to protect the health and safety of California consumers through licensing, education, and regulation of the practice of Optometry<sup>1</sup>. The Board accomplishes its mission through the following responsibilities:

- Promulgating regulations governing Board procedures, admission of applicants for examination for an optometric license; minimum standards of optometric and dispensing services offered and performed, the equipment and sanitary conditions in all registered locations;
- Investigating consumer complaints and criminal convictions including, but not limited to substance abuse, unprofessional conduct, incompetence, fraudulent action, and unlawful activity;
- Taking disciplinary action for violations of laws and regulations governing the practice of optometry and dispensing when warranted.
- Accrediting schools and colleges of optometry<sup>2</sup>;
- Establishing educational and examination requirements to ensure the competence of candidates for licensure/registration;
- Setting and enforcing standards for continued competency of existing licensees;
- Establishing educational and examination requirements for optometrists seeking certification to use and prescribe certain pharmaceutical agents and other procedures; and
- Issuing branch offices licenses, statements of licensure and fictitious name permits.

California became the third state to regulate the optometry profession<sup>3</sup> in 1903, and a new Optometry Practice Act<sup>4</sup>, enacted in 1913, created the Board, defined its duties and powers, and prescribed a penalty for violations of the Act. The Act was later incorporated in the Business and Professions Code (BPC)<sup>5</sup>. Empowered with rulemaking authority (BPC Sections 3025 and 3025.5), the Board promulgated the first rule for the practice of optometry in 1923. In the same year, the legislature passed a law<sup>6</sup> requiring all applicants for licensure to meet certain educational requirements, i.e., graduate from an accredited school or college of optometry and charged the Board with the responsibility of accrediting these schools. Prior to this time, individuals desiring to practice were not required to have any specific formal education.

On January 1, 2016, Assembly Bill 684, moved the RDO Program under the Board's jurisdiction, and created a Dispensing Optician Committee, comprised of two public members, two dispensers, and one Board Member to advise the Board on dispensing-related matters and education for registered opticians. Assembly Bill 684 replaced one of the Board's professional members with registered optician.

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<sup>1</sup> As adopted in the 2012 Strategic Plan; however, the Board recognizes the need to revise its Strategic Plan and incorporate the RDO Program into the Board's mission statement. The Board is currently in this process.

<sup>2</sup> The Board accepts schools and colleges of optometry who have received accreditation through the Accreditation Council on Optometric Education (ACOE).

<sup>3</sup> Optometry Act of 1903 (California Statutes of 1903, Chapter CCXXXIV) later repealed by Statutes of 1913, Chapter 598

<sup>4</sup> Statutes of 1913, Chapter 598, derived from the 1903 Act as amended by enactments of 1907 and 1908

<sup>5</sup> Chapter 7, Division 2, Healing Arts

<sup>6</sup> Chapter 164, Statutes of 1923

The Board is comprised of eleven board members: five licensed optometrists, five public members and one registered optician. Nine members are appointed by the Governor, one public member is appointed by the Speaker of the Assembly, and one public member is appointed by the Senate Rules Committee.

## **Board Committees**

The Board has the following committees composed of professional and public members:

### Legislation and Regulation

Responsible for recommending legislative and regulatory priorities to the Board and assisting staff with drafting language for Board-sponsored legislation and recommending official positions on current legislation. The committee also recommends regulatory additions and amendments.

### Practice and Education

Advises Board staff on matters relating to optometric practice, including standards of practice and scope of practice issues. Reviews staff responses to proposed regulatory changes that may affect optometric practice. Also reviews requests for approval of continuing education courses, and offers guidance to Board staff regarding continuing education issues.

### Consumer Protection

Oversees the development and administration of legally defensible licensing examinations and consulting on improvements/enhancements to licensing and enforcement policies and procedures.

### Public Relations – Outreach

Assists with the development of outreach and development of educational materials to the Board's stakeholders

The Board President appoints members to each committee, utilizing individual strengths and experiences to best meet the overarching purpose of each committee. In addition, the Board created several workgroups to focus on specific areas requiring unique attention. Currently, the Board has the following workgroups:

### Children's Vision Workgroup

SB 402 was created to address the gap in providing eye exams to entry elementary school students as a result of budgetary cuts in the public school system. Among other things, it mandated that children entering school receive a comprehensive eye exam in order to combat the one in three school vision screenings which miss vision problems. Due to the failure of SB 402 to pass out of the Senate Appropriations Committee, the Board created this workgroup, comprised of two members, tasked with meeting with stakeholders on this issue and providing legislation recommendations to the Board for consideration during the 2017 legislative session.

### Mobile Clinic Workgroup

Protecting and providing families' access to convenient, quality eye care, and support to optometrists so they continue providing the vision care services Californians need and deserve in many environments, the Board created the Mobile Clinic Workgroup. Prior to the workgroup, Senate Bill 349 was introduced, which focused on creating guidelines for mobile optometric facilities; however, it failed to pass out of the Senate Committee on Business and Professions in 2015. The workgroup, comprised

of two members, is tasked with meeting with stakeholders on this issue and providing legislation recommendations to the Board for consideration during the 2017 legislative session.

Foreign Graduate Workgroup

Recognizing that there was no pathway for foreign graduates to become licensed in California after they pass all required state and national examinations, the Board sponsored Senate Bill 496 (Senator Nguyen). If passed, this would have created the pathway for foreign graduates to become licensed in California; however, it was pulled by the author in 2015 after receiving several equivalency concerns from schools/colleges of optometry and the professional association. In order to determine the best avenue to move forward, the Board created this workgroup, comprised of two members, and tasked it to meet with stakeholders, including the accredited schools and colleges of optometry, to provide stronger legislation recommendations to the Board for consideration during the next legislative session.

Dispensing Optician Committee – Development Workgroup

The Board created a DOC Appointments Committee, comprised of two members, to vet potential candidates and make recommendations to the full Board. The DOC will begin meeting in 2017.

**Sunsetted Workgroups**

Executive Officer Appointment Workgroup

Due to the retirement of the Board's Executive Officer in 2015, this workgroup was created to take the lead in the outreach, advertising, and vetting process to fill the Board's Executive Officer position. The workgroup worked hand in hand with DCA's Office of Human Resources and implemented new hiring techniques in order to perform a nationwide search for the ideal candidate.

The committees and workgroups meet on an "as needed" basis pursuant to the Board Member's Handbook (Attachment A). The current committee and workgroup structure (Attachment B) provides multiple opportunities for consumers, licensees, professional organizations, and educational institutions to actively participate and comment on topics before the Board. All committee and workgroup recommendations are presented to the Board for consideration during a publicly noticed Board meeting.



**Board Member Meeting, Committee, and Workgroup Attendance**

**CURRENT MEMBERS**

<b>Madhu Chawla, OD, President</b>				
Date Appointed:		June 15, 2012		
Date Reappointed:		June 5, 2015		
Term Expires:		June 1, 2019		
<b>Meeting Type</b>		<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
2016	Board Meeting	November 21	Teleconference	Y
	Board Meeting	November 4	Los Angeles	Y
	Board Meeting	October 21	Teleconference	Y
	Legislation and Regulation Committee Meeting	October 14	Sacramento	N
	Board Meeting	September 23	Teleconference	N
	Board Meeting	August 26	Irvine	Y
	Practice and Education Committee Meeting	July 29	Teleconference	Y
	Board Meeting	May 27	Oakland	Y
	Practice and Education Committee Meeting	May 27	Oakland	Y
	Special Board Meeting*	May 13	Teleconference	Y
	Practice and Education Committee Meeting	April 215	Teleconference	Y
2015	Board Meeting	February 19	Los Angeles	N
	Board Meeting	November 20	Oakland	Y
	Legislation and Regulation Committee Meeting	November 12	Sacramento	Y
	Board Meeting	October 16	Sacramento	Y
	Special Board Meeting*	September 9	Teleconference	Y
	Board Meeting	August 28	Sacramento	Y
	Certification Posting Workgroup Meeting	July 23	Sacramento	Y
	Board Meeting	June 12	Teleconference	Y
	Board Meeting	April 27	Sacramento	Y
	Board Meeting	April 23, 24	Sacramento	Y
	Practice and Education Committee Meeting	April 23	Sacramento	Y
	Practice and Education Committee Meeting	March 19	Teleconference	Y
	Board Meeting	February 24	Western University & Quebec	Y
Board Meeting	January 23	Van Nuys State Building	Y	
2014	Board Meeting	November 21	Western University	N
	Board Meeting	August 8	Sacramento	Y
	Special Board Meeting*	June 23	Teleconference	Y
	Board Meeting	April 11	Oakland	Y
	Board Meeting	January 24	Western University	Y
2013	Board Meeting – Strategic Planning	December 2	Sacramento	Y
	Board Meeting	November 1	Bay Area	Y
	Board Meeting	September 13	Western University	Y
	Board Meeting	August 16	Sacramento	Y
	Practice & Education Committee	July 12	Teleconference	Y
	Board Meeting	May 10	Western University	Y
	SB 1111 Regulations Committee	April 30	Los Angeles	Y
	Practice & Education Committee	March 8	Los Angeles	Y
Board Meeting	March 6	Teleconference	Y	

\*Special Board meeting held pursuant to Government Code § 11125 – 48 hour noticed meetings.

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<b>Donna Burke, Vice President</b>				
Date Appointed:		October 1, 2010		
Date Reappointed:		February 24, 2016		
Term Expires:		June 1, 2019		
Meeting Type		Meeting Date	Meeting Location	Attended?
2016	Board Meeting	November 21	Teleconference	N
	Board Meeting	November 4	Los Angeles	Y
	Board Meeting	October 21	Teleconference	Y
	Board Meeting	September 23	Teleconference	Y
	Board Meeting	August 26	Irvine	Y
	Public Relations and Outreach Committee	June 16	Sacramento	Y
	Board Meeting	May 27	Oakland	N
	Special Board Meeting*	May 13	Teleconference	Y
	Public Relations and Outreach Committee	April 21	Teleconference	Y
	Board Meeting	February 19	Los Angeles	Y
2015	Public Relations and Outreach Committee	December 16	Teleconference	Y
	Board Meeting	November 20	Oakland	Y
	Board Meeting	October 16	Sacramento	N
	Special Board Meeting*	September 9	Teleconference	Y
	Board Meeting	August 28	Sacramento	N
	Certification Posting Workgroup Meeting	July 23	Sacramento	Y
	Board Meeting	June 12	Teleconference	Y
	Board Meeting	April 27	Sacramento	Y
	Board Meeting	April 23, 24	Sacramento	Y
	Board Meeting	February 24	Western University & Quebec	Y
Board Meeting	January 23	Van Nuys	Y	
2014	Board Meeting	November 21	Western University	Y
	Board Meeting	August 8	Sacramento	Y
	Special Board Meeting*	June 23	Teleconference	N
	Board Meeting	April 11	Oakland	Y
	Board Meeting	January 24	Western University	N
2013	Board Meeting – Strategic Planning	December 2	Sacramento	Y
	Board Meeting	November 1	Bay Area	Y
	Board Meeting	September 13	Western University	Y
	Board Meeting	August 16	Sacramento	Y
	Board Meeting	May 10	Western University	Y
	SB 1111 Regulations Committee	April 30	Los Angeles	Y
	Sunset Review Hearing	March 11	State Capitol	Y
	Board Meeting	March 6	Teleconference	Y

\*Special Board meeting held pursuant to Government Code § 11125 – 48 hour noticed meetings.

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<b>Lilian Wang, OD, Secretary</b>				
Date Appointed:		March 27, 2015		
Date Reappointed:				
Term Expires:		June 1, 2018		
<b>Meeting Type</b>		<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
2016	Board Meeting	November 21	Teleconference	Y
	Board Meeting	November 4	Los Angeles	Y
	Board Meeting	October 21	Teleconference	Y
	Legislation and Regulation Committee Meeting	October 14	Sacramento	Y
	Board Meeting	September 23	Teleconference	Y
	Board Meeting	August 26	Irvine	Y
	Practice and Education Committee Meeting	July 29	Teleconference	Y
	Board Meeting	May 27	Oakland	Y
	Practice and Education Committee Meeting	May 27	Oakland	Y
	Special Board Meeting*	May 13	Teleconference	Y
	Board Meeting	February 19	Los Angeles	Y
2015	Board Meeting	November 20	Oakland	Y
	Legislation and Regulation Committee Meeting	November 12	Sacramento	Y
	Board Meeting	October 16	Sacramento	Y
	Special Board Meeting*	September 9	Teleconference	Y
	Board Meeting	August 28	Sacramento	Y
	Board Meeting	June 12	Teleconference	Y
	Board Meeting	April 27	Sacramento	Y
	Board Meeting	April 23, 24	Sacramento	Y

\*Special Board meeting held pursuant to Government Code § 11125 – 48 hour noticed meetings.

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<b>Cyd Brandvein</b>				
Date Appointed:		October 25, 2013		
Date Reappointed:				
Term Expires:		June 1, 2017		
Meeting Type		Meeting Date	Meeting Location	Attended?
2016	Board Meeting	November 21	Teleconference	Y
	Board Meeting	November 4	Los Angeles	Y
	Board Meeting	October 21	Teleconference	Y
	Board Meeting	September 23	Teleconference	N
	Board Meeting	August 26	Irvine	Y
	Practice and Education Committee Meeting	July 29	Teleconference	Y
	Board Meeting	May 27	Oakland	Y
	Practice and Education Committee Meeting	May 27	Oakland	Y
	Special Board Meeting*	May 13	Teleconference	N
	Practice and Education Committee Meeting	April 15	Teleconference	Y
	Board Meeting	February 19	Los Angeles	Y
2015	Board Meeting	November 20	Oakland	Y
	Board Meeting	October 16	Sacramento	Y
	Special Board Meeting*	September 9	Teleconference	Y
	Board Meeting	August 28	Sacramento	Y
	Certification Posting Workgroup Meeting	July 23	Sacramento	Y
	Board Meeting	June 12	Teleconference	Y
	Board Meeting	April 27	Sacramento	Y
	Board Meeting	April 23, 24	Sacramento	Y
	Practice and Education Committee Meeting	April 23	Sacramento	Y
	Practice and Education Committee Meeting	March 19	Teleconference	Y
	Board Meeting	February 24	Western University & Quebec	Y
	Board Meeting	January 23	Van Nuys	Y
	2014	Board Meeting	November 21	Western University
Board Meeting		August 8	Sacramento	Y
Special Board Meeting*		June 23	Teleconference	N
Board Meeting		April 11	Oakland	Y
Board Meeting		January 24	Western University	Y
2013	Board Meeting – Strategic Planning	December 2	Sacramento	Y
	Board Meeting	November 1	Bay Area	Y
*Special Board meeting held pursuant to Government Code § 11125 – 48 hour noticed meetings.				

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<b>Martha Ruby Garcia, CLD, SLD</b>				
Date Appointed:		March 4, 2016		
Date Reappointed:				
Term Expires:		June 1, 2019		
<b>Meeting Type</b>		<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
2016	Board Meeting	November 21	Teleconference	Y
	Board Meeting	November 4	Los Angeles	Y
	Board Meeting	October 21	Teleconference	Y
	Board Meeting	September 23	Teleconference	Y
	Board Meeting	August 26	Irvine	Y
	Board Meeting	May 27	Oakland	-
	Special Board Meeting*	May 13	Teleconference	-

\*Special Board meeting held pursuant to Government Code § 11125 – 48 hour noticed meetings.

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<b>Glenn Kawaguchi, OD</b>				
Date Appointed:		August 10, 2012		
Date Reappointed:		May 6, 2015		
Term Expires:		June 1, 2018		
Meeting Type		Meeting Date	Meeting Location	Attended?
2016	Board Meeting	November 21	Teleconference	N
	Board Meeting	November 4	Los Angeles	Y
	Board Meeting	October 21	Teleconference	N
	Board Meeting	September 23	Teleconference	Y
	Children's Vision Workgroup	September 22	Sacramento	Y
	Board Meeting	August 26	Irvine	Y
	Public Relations and Outreach Committee	June 16	Sacramento	N
	Board Meeting	May 27	Oakland	Y
	Special Board Meeting*	May 13	Teleconference	Y
	Children's Vision Workgroup	April 28	Sacramento	Y
	Mobile Clinic Workgroup	April 28	Sacramento	Y
	Public Relations and Outreach Committee	April 21	Sacramento	Y
	Board Meeting	February 19	Los Angeles	Y
	Children's Vision Workgroup	February 18	Los Angeles	Y
2015	Public Relations and Outreach Committee	December 16	Teleconference	Y
	Board Meeting	November 20	Oakland	Y
	Board Meeting	October 16	Sacramento	Y
	Special Board Meeting*	September 9	Teleconference	N
	Board Meeting	August 28	Sacramento	Y
	Certification Posting Workgroup Meeting	July 23	Sacramento	Y
	Board Meeting	June 12	Teleconference	N
	Board Meeting	April 27	Sacramento	Y
	Board Meeting	April 23, 24	Sacramento	Y
	Board Meeting	February 24	Western University & Quebec	Y
Board Meeting	January 23	Van Nuys	Y	
2014	Board Meeting	November 21	Western University	Y
	Board Meeting	August 8	Sacramento	Y
	Special Board Meeting*	June 23	Teleconference	Y
	Board Meeting	April 11	Oakland	Y
	Board Meeting	January 24	Western University	Y
2013	Board Meeting – Strategic Planning	December 2	Sacramento	Y
	Board Meeting	November 1	Bay Area	Y
	Board Meeting	September 13	Western University	Y
	Board Meeting	August 16	Sacramento	Y
	Board Meeting	May 10	Western University	Y
	Board Meeting	March 6	Teleconference	Y

\*Special Board meeting held pursuant to Government Code § 11125 – 48 hour noticed meetings.

*California State Board of Optometry 2016 Sunset Review Report*

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<b>Debra McIntyre, OD</b>				
Date Appointed:		March 15, 2016		
Date Reappointed:				
Term Expires:		June 1, 2017		
<b>Meeting Type</b>		<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
2016	Board Meeting	November 21	Teleconference	Y
	Board Meeting	November 4	Los Angeles	Y
	Board Meeting	October 21	Teleconference	Y
	Consumer Protection Committee	October 13	Teleconference	Y
	Consumer Protection Committee	September 28	Teleconference	Y
	Board Meeting	September 23	Teleconference	Y
	Board Meeting	August 26	Irvine	Y
	Board Meeting	May 27	Oakland	Y
	Special Board Meeting*	May 13	Teleconference	Y

\*Special Board meeting held pursuant to Government Code § 11125 – 48 hour noticed meetings.

*California State Board of Optometry 2016 Sunset Review Report*

<b>Rachel Michelin</b>				
Date Appointed:		October 13, 2014		
Date Reappointed:		June 5, 2015		
Term Expires:		June 1, 2019		
<b>Meeting Type</b>		<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
2016	Board Meeting	November 21	Teleconference	Y
	Board Meeting	November 4	Los Angeles	Y
	Board Meeting	October 21	Teleconference	Y
	Legislation and Regulation Committee Meeting	October 14	Sacramento	Y
	Consumer Protection Committee	October 13	Teleconference	Y
	Consumer Protection Committee	September 28	Teleconference	Y
	Board Meeting	September 23	Teleconference	Y
	Children's Vision Workgroup	September 22	Sacramento	Y
	Board Meeting	August 26	Irvine	Y
	Board Meeting	May 27	Oakland	Y
	Special Board Meeting*	May 13	Teleconference	Y
	Children's Vision Workgroup	April 28	Sacramento	Y
	Mobile Clinic Workgroup	April 28	Sacramento	Y
	Board Meeting	February 19	Los Angeles	Y
Children's Vision Workgroup	February 18	Los Angeles	Y	
2015	Board Meeting	November 20	Oakland	Y
	Legislation and Regulation Committee Meeting	November 12	Sacramento	Y
	Board Meeting	October 16	Sacramento	Y
	Special Board Meeting*	September 9	Teleconference	Y
	Board Meeting	August 28	Sacramento	Y
	Board Meeting	June 12	Teleconference	Y
	Board Meeting	April 27	Sacramento	Y
	Board Meeting	April 23, 24	Sacramento	Y
	Board Meeting	February 24	Western University & Quebec	Y
	Board Meeting	January 23	Van Nuys	Y
2014	Board Meeting	November 21	Western University	Y
*Special Board meeting held pursuant to Government Code § 11125 – 48 hour noticed meetings.				



*California State Board of Optometry 2016 Sunset Review Report*

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<b>Mark Morodomi</b>				
Date Appointed:		April 7, 2015		
Date Reappointed:				
Term Expires:		June 1, 2018		
<b>Meeting Type</b>		<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
2016	Board Meeting	November 21	Teleconference	Y
	Board Meeting	November 4	Los Angeles	Y
	Board Meeting	October 21	Teleconference	N
	Consumer Protection Committee	October 13	Teleconference	Y
	Consumer Protection Committee	September 28	Teleconference	Y
	Board Meeting	September 23	Teleconference	Y
	Board Meeting	August 26	Irvine	Y
	Board Meeting	May 27	Oakland	Y
	Special Board Meeting*	May 13	Teleconference	N
	Board Meeting	February 19	Southern California	Y
2015				

\*Special Board meeting held pursuant to Government Code § 11125 – 48 hour noticed meetings.

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<b>Maria Salazar Sperber, JD</b>				
Date Appointed:		March 4, 2016		
Date Reappointed:				
Term Expires:		June 1, 2019		
<b>Meeting Type</b>		<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
2016	Board Meeting	November 21	Teleconference	Y
	Board Meeting	November 4	Los Angeles	Y
	Board Meeting	October 21	Teleconference	Y
	Legislation and Regulation Committee	October 14	Sacramento	Y
	Board Meeting	September 23	Teleconference	N
	Board Meeting	August 26	Irvine	Y
	Board Meeting	May 27	Oakland	Y
	Special Board Meeting*	May 13	Teleconference	Y

\*Special Board meeting held pursuant to Government Code § 11125 – 48 hour noticed meetings.

*California State Board of Optometry 2016 Sunset Review Report*

<b>David Turetsky, OD</b>				
Date Appointed:		December 18, 2013		
Date Reappointed:				
Term Expires:		June 1, 2017		
<b>Meeting Type</b>		<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
2016	Board Meeting	November 21	Teleconference	Y
	Board Meeting	November 4	Los Angeles	Y
	Board Meeting	October 21	Teleconference	Y
	Consumer Protection Committee	October 13	Teleconference	Y
	Consumer Protection Committee	September 28	Teleconference	Y
	Board Meeting	September 23	Teleconference	Y
	Board Meeting	August 26	Irvine	Y
	Board Meeting	May 27	Oakland	Y
	Special Board Meeting*	May 13	Teleconference	Y
	Board Meeting	February 19	Los Angeles	Y
2015	Public Relations and Outreach	December 16	Sacramento	Y
	Board Meeting	November 20	Oakland	N
	Board Meeting	October 16	Sacramento	Y
	Special Board Meeting*	September 9	Teleconference	Y
	Board Meeting	August 28	Sacramento	Y
	Certification Posting Workgroup Meeting	July 23	Sacramento	Y
	Board Meeting	June 12	Teleconference	Y
	Board Meeting	April 27	Sacramento	Y
	Board Meeting	April 23, 24	Sacramento	Y
	Board Meeting	February 24	Western University & Quebec	Y
	Board Meeting	January 23	Van Nuys	Y
2014	Board Meeting	November 21	Western University	Y
	Board Meeting	August 8	Sacramento	Y
	Special Board Meeting*	June 23	Teleconference	Y
	Board Meeting	April 11	Oakland	Y
	Board Meeting	January 24	Western University	Y

\*Special Board meeting held pursuant to Government Code § 11125 – 48 hour noticed meetings.

*California State Board of Optometry 2016 Sunset Review Report*

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Previous Board Members

<b>Alejandro Arrenondo, OD</b>				
Date Appointed:		November 1, 2007		
Date Reappointed:		June 15, 2012		
Term Expires:		June 1, 2015		
<b>Meeting Type</b>		<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
2015	Board Meeting	November 20	Oakland	Y
	Board Meeting	October 16	Sacramento	N
	Special Board Meeting*	September 9	Teleconference	Y
	Board Meeting	August 28	Sacramento	N
	Certification Posting Workgroup Meeting	July 23	Sacramento	Y
	Board Meeting	June 12	Teleconference	Y
	Board Meeting	April 27	Sacramento	Y
	Board Meeting	April 23, 24	Sacramento	N
	Board Meeting	February 24	Western University & Quebec	Y
	Board Meeting	January 23	Van Nuys State Building	Y
2014	Board Meeting	November 21	Western University	Y
	Board Meeting	August 8	Sacramento	Y
	Special Board Meeting*	June 23	Teleconference	Y
	Board Meeting	April 11	Oakland	Y
	Board Meeting	January 24	Western University	Y
2013	Board Meeting – Strategic Planning	December 2	Sacramento	Y
	Board Meeting	November 1	Bay Area	Y
	Board Meeting	September 13	Western University	Y
	Board Meeting	August 16	Sacramento	Y
	Practice & Education Committee	July 12	Teleconference	Y
	Board Meeting	May 10	Western University	Y
	Practice & Education Committee	March 8	Los Angeles	Y
	Board Meeting	March 6	Teleconference	Y

\*Special Board meeting held pursuant to Government Code § 11125 – 48 hour noticed meetings.

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<b>Fred Dubick, O.D, MBA, FAAO</b>				
Date Appointed:		August 9, 2012		
Date Reappointed:				
Term Expires:		June 1, 2013		
<b>Meeting Type</b>		<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
2013	Board Meeting – Strategic Planning	December 2	Sacramento	Y
	Board Meeting	November 1	Bay Area	Y
	Board Meeting	September 13	Western University	Y
	Board Meeting	August 16	Sacramento	Y
	Practice and Education Committee	July 12	Teleconference	Y
	Board Meeting	May 10	Western University	Y
	SB 1111 Regulations Committee	April 30	Los Angeles	Y
	Practice & Education Committee	March 8	Los Angeles	Y
	Board Meeting	March 6	Teleconference	Y

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<b>Frank Giardina, OD</b>				
Date Appointed:		December 18, 2013		
Date Reappointed:				
Term Expires:		January 28, 2016		
<b>Meeting Type</b>		<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
2015	Board Meeting	November 20	Oakland	N
	Board Meeting	October 16	Sacramento	Y
	Special Board Meeting*	September 9	Teleconference	Y
	Board Meeting	August 28	Sacramento	Y
	Board Meeting	June 12	Sacramento	Y
	Board Meeting	April 27	Sacramento	Y
	Board Meeting	April 23, 24	Sacramento	Y
	Board Meeting	February 24	Van Nuys & Quebec	N
	Board Meeting	January 24	Van Nuys	Y
2014	Board Meeting	November 21	Western University	Y
2013	Board Meeting – Strategic Planning	December 2	Sacramento	N
	Board Meeting	November 1	Bay Area	N
	Board Meeting	September 13	Western University	N
	Board Meeting	August 16	Sacramento	N
	Board Meeting	May 10	Western University	N
	Board Meeting	March 6	Teleconference	Y

\*Special Board meeting held pursuant to Government Code § 11125 – 48 hour noticed meetings.

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<b>Bruce Givner, Esq</b>					
Date Appointed:		September 11, 2013			
Date Reappointed:					
Term Expires:		November 1, 2015			
		<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
2014		Board Meeting	August 8	Sacramento	Y
		Special Board Meeting*	June 23	Teleconference	Y
		Board Meeting	April 11	Oakland	Y
		Board Meeting	January 24	Western University	Y
2013		Board Meeting – Strategic Planning	December 2	Sacramento	Y
		Board Meeting	November 1	Bay Area	Y
*Special Board meeting held pursuant to Government Code § 11125 – 48 hour noticed meetings.					

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<b>Monica Johnson</b>				
Date Appointed:		December 20, 2005		
Date Reappointed:		May 5, 2010		
Term Expired:		June 1, 2013		
<b>Meeting Type</b>		<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
2013	Board Meeting	September 13	Western University	N
	Board Meeting	August 16	Sacramento	N
	Board Meeting	May 10	Western University	Y
	Board Meeting	March 6	Teleconference	Y



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<b>Alexander Kim, MBA</b>				
Date Appointed:		November 1, 2010		
Date Reappointed:				
Term Expires:		June 1, 2014		
<b>Meeting Type</b>		<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
2014	Board Meeting	November 21	Western University	N
	Board Meeting	August 8	Sacramento	Y
	Special Board Meeting*	June 23	Teleconference	Y
	Board Meeting	April 11	Oakland	Y
	Board Meeting	January 24	Western University	Y
2013	Board Meeting – Strategic Planning	December 2	Sacramento	Y
	Board Meeting	November 1	Bay Area	Y
	Board Meeting	September 13	Western University	Y
	Board Meeting	August 16	Sacramento	Y
	Board Meeting	May 10	Western University	Y
	Board Meeting	March 6	Teleconference	N

\*Special Board meeting held pursuant to Government Code § 11125 – 48 hour noticed meetings.

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<b>William Kysella, Jr.</b>				
Date Appointed:		July 25, 2012		
Date Reappointed:				
Term Expires:		June 1, 2015		
<b>Meeting Type</b>		<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
2015	Board Meeting	November 20	Oakland	Y
	Legislation and Regulation Committee Meeting	November 12	Sacramento	Y
	Board Meeting	October 16	Sacramento	Y
	Special Board Meeting*	September 9	Teleconference	Y
	Board Meeting	August 28	Sacramento	Y
	Board Meeting	June 12	Teleconference	Y
	Board Meeting	April 27	Sacramento	N
	Board Meeting	April 23, 24	Sacramento	Y
	Board Meeting	February 24	Western University & Quebec	Y
	Board Meeting	January 23	Van Nuys	Y
2014	Board Meeting	November 21	Western University	Y
2013	Board Meeting – Strategic Planning	December 2	Sacramento	Y
	Board Meeting	November 1	Bay Area	Y
	Board Meeting	September 13	Western University	Y
	Board Meeting	August 16	Sacramento	Y
	Board Meeting	May 10	Western University	Y
	SB 1111 Regulations Committee	April 30	Los Angeles	Y
	Board Meeting	March 6	Teleconference	Y

\*Special Board meeting held pursuant to Government Code § 11125 – 48 hour noticed meetings.

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<b>Kenneth Lawenda, OD</b>				
Date Appointed:		November 1, 2007		
Date Reappointed:		December 2, 2010		
Term Expires:		June 1, 2014		
<b>Meeting Type</b>		<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
2015	Practice and Education Committee Meeting	March 19	Teleconference	Y
	Board Meeting	February 24	Western University & Quebec	Y
	Board Meeting	January 23	Van Nuys	Y
2014	Board Meeting	November 21	Western University	Y
	Board Meeting	August 8	Sacramento	Y
	Special Board Meeting*	June 23	Teleconference	Y
	Board Meeting	April 11	Oakland	Y
	Board Meeting	January 24	Western University	Y
2013	Board Meeting – Strategic Planning	December 2	Sacramento	Y
	Board Meeting	November 1	Bay Area	Y
	Board Meeting	September 13	Western University	Y
	Board Meeting	August 16	Sacramento	Y
	Board Meeting	May 10	Western University	Y
	SB 1111 Regulations Committee	April 30	Los Angeles	Y
	Board Meeting	March 6	Teleconference	Y

\*Special Board meeting held pursuant to Government Code § 11125 – 48 hour noticed meetings.

**Board Member Roster**

<b>Board Member Roster</b>					
<b>Member Name</b>	<b>Date First Appointed</b>	<b>Date Reappointed</b>	<b>Date Term Expires</b>	<b>Appointing Authority</b>	<b>Type (Public or Professional)</b>
Madhu Chawla, OD	06/15/2012	06/5/2015	06/01/2019	Governor	Professional
Donna Burke	10/01/2010	02/01/2016	06/01/2019	Senate	Professional
Lillian Wang, OD	03/27/2015		06/01/2018	Governor	Professional
Cyd Brandvein	10/25/2013		06/01/2017	Governor	Public
Martha Garcia, CLD, SLD	03/04/2016		06/01/2019	Governor	Professional
Glenn Kawaguchi, OD	08/10/2012	05/06/2015	06/01/2018	Governor	Professional
Debra McIntyre, OD	03/15/2016		06/01/2017	Governor	Professional
Rachel Michelin	10/13/2014	06/24/2015	06/01/2019	Governor	Public
Mark Morodomi	04/07/2015		06/01/2018	Governor	Public
Maria Salazar Sperber, JD	03/04/2016		06/01/2019	Assembly	Public
David Turetsky, OD	12/18/2013		06/01/2017	Governor	Professional
<b>Previous Members</b>					
Alejandro Arredondo, OD	11/01/2007	06/15/2012	06/01/2015	Governor	Professional
Fred Dubick, OD	08/09/2012		06/01/2013	Governor	Professional
Frank Giardina, OD	12/18/2013		06/01/2017	Governor	Professional
Bruce Givner, Esq	09/11/2013		11/01/2014	Governor	Professional
Monica Johnson	12/20/2005	05/05/2010	06/01/2013	Governor	Public
Alexander Kim, MBA	11/01/2010		06/01/2014	Governor	Public
William Kysella, Jr.	07/25/2012		06/01/2015	Assembly	Public
Kenneth Lawenda, OD	11/01/2007	12/02/2010	06/01/2014	Governor	Professional

In the past four years, the Board has not canceled any meetings due to a lack of quorum.

## **Major Changes since the Last Sunset Review**

### Reorganization

Since the last sunset review in 2012, the Board has experienced a significant reorganization. Through a reclassification in December 2014, the Board gained a Staff Services Manager I position to serve as the Board's Assistant Executive Officer (AEO). Focusing primarily on program management and staff supervision, the AEO position allows the Executive Officer (EO) to efficiently oversee all Board aspects. While working collaboratively with the Department of Consumer Affairs (DCA), the EO can now focus on interpreting and executing the intent of board policies, meeting Board mandates and executing the Board's Strategic Plan in order to adequately protect the public.

Following an EO change in 2015, Board positions were evaluated, restructured and/or re-classified to meet the Board's operational needs more efficiently with its existing resources. These changes provide a stronger foundation for the Board to provide consumer protection on a much broader scale. For example, the Board is able to increase its continuing education auditing by 15% while using less resources. The Board has also increased its focus on unlicensed practice and implemented quarterly peer review checks in its licensing and enforcement units.

With the passing of AB 684, the Board acquired the Registered Dispensing Optician (RDO) Program from the MBC in January 2016. This move resulted in the Board regulating roughly 50% more licensees<sup>7</sup>. Prior to the move, the RDO Program consisted of a 0.9 (filled at 1.0) Management Services Technician (MST) for processing applications and license maintenance. All other program services (e.g., administration, clerical, enforcement, program oversight, etc) were provided by the MBC and billed to the program. However, with significantly less staff, the Board was unable to absorb many of those services. Therefore, an approved FY 16/17 budget change proposal (BCP) reallocated funds from previously dedicated MBC shared services to authorized positions within the program.

Since the implementation of AB684, the Board has experienced a rise in both the number of applications and complaints received for the RDO program compared to the numbers reported by MBC. Further, as the Board does not have a dedicated call center like MBC, all phone calls for the RDO program are sent directly to the RDO MST for response. These factors lead to an increase in staff demand for the administration of the RDO program.

### Relocation

The Board has been in its present location, 2450 Del Paso Road, Suite 105, Sacramento, California since 2011.

### Change in Leadership

Prior to January 1, 2016, the Board consisted of eleven Board Members: six licensed optometrists and five public members. However, AB 684 replaced one licensed optometrist member with a registered dispenser.

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<sup>7</sup> "License" includes registrations within the RDO Program.

AB 684 also created a mandated Dispensing Optician Committee (DOC) consisting of two public members, a registered dispensing optician, a contact or spectacle lens dispenser and a Board Member. The DOC was created to advise and make recommendations to the Board regarding the regulation of dispensing opticians, spectacle lens dispensers, and contact lens dispensers (BPC § [3020](#)).

Board Members elect a President, Vice President, and Secretary annually. Current Board policy provides that in the event the President of the Board is unable to continue his or her role as President, the Vice President shall immediately assume the duties of the President until the next election of officers.

In September 2015, the Board appointed a new Executive Officer. The previous incumbent, having served since 2008, retired after 30 years of state service. In addition, as specified earlier, the Board gained a staff services manager position to serve as the Board's Assistant Executive Officer.

### Strategic Planning

The Board revised its Strategic Plan in 2014. The revision defined the Board's goals for licensing, examination, laws and regulations, enforcement, outreach, and organizational effectiveness. The Board's mission was revised to the following: *To protect the health and safety of California consumers through licensing, education, and regulation of the practice of Optometry.*

Many of the Strategic Plan objectives have been met and/or are on course for completion in 2018. However, given the significant reorganization and acquiring the RDO Program, the Board decided to re-evaluate its goals in order to adequately protect consumers given its new responsibilities. Therefore, the Board is currently working on revising its Strategic Plan.

### **Legislative Activity**

The following legislative actions were introduced and/or enacted since the last sunset review. For each bill, only the affected sections contained within the Optometry Practice Act [commencing with Business and Professions Code (BPC) section 3000], General Provisions of the Code, or sections of other Codes pertaining to the Board are listed.

1. **Bill Number:** Assembly Bill (AB) 512 (Rendon), Chapter 111, Statutes of 2013  
**Subject Matter:** Healing arts: licensure exemption  
**Sections Affected:** BPC § 901  
**Effective Date:** January 1, 2014  
**Summary:** The law extends the Board's sunset date from January 2014 to January 2018, on existing law permitting qualified, out-of-state health care practitioners to volunteer their services on a limited basis at health care events designed to provide free services for underinsured individuals in California.
2. **Bill Number:** AB 1711 (Cooley), Chapter 779, Statutes of 2014  
**Subject Matter:** Administrative Procedures Act: Economic Impact Assessment  
**Sections Affected:** Government Code (GC) § 11346.2, 11346.3, and 11357  
**Effective Date:** January 1, 2015

Summary: This law requires an economic impact assessment to be included in the initial statement of reasons that a state agency submits to the Office of Administrative Law when adopting, amending, or repealing a non-major regulation.

3. Bill Number: AB 186 (Maienschein), Chapter 640, Statutes of 2014

Subject Matter: Professions & vocations: military spouses: temporary licenses

Sections Affected: BPC § 115.6

Effective Date: January 1, 2015

Summary: This law requires specified boards and bureaus (boards) under the DCA to issue to the spouse or domestic partner of a military member on active duty and who is licensed in another state a temporary license to practice up to 12 months if he or she meets certain requirements.

4. Bill Number: AB 2396 (Bonta), Chapter 737, Statutes of 2014

Subject Matter: Convictions: expungement: licenses

Sections Affected: BPC § 480

Effective Date: January 1, 2015

Summary: This law prohibits boards within the DCA from denying a professional license based solely on a criminal conviction that has been withdrawn, set aside or dismissed by the court.

5. Bill Number: AB 258 (Chávez), Chapter 227, Statutes of 2013

Subject Matter: State agencies: veterans

Sections Affected: GC § 11019.11

Effective Date: January 1, 2014

Summary: This law requires, on or after July 1, 2014, every state agency that requests on any written form or written publication, or through its Internet Website, whether a person is a veteran, to request that information in a specified manner.

5. Bill Number: AB 2720 (Ting), Chapter 510, Statutes of 2014

Subject Matter: State agencies: meetings: record of action taken

Sections Affected: GC § 11123

Effective Date: January 1, 2015

Summary: This law requires a state body to publicly report any action taken or the vote or abstention on that action of each member present for the action.

6. Bill Number: AB 480 (Calderon), Chapter 421, Statutes of 2013

Subject Matter: Service contracts

Sections Affected: BPC § 9855

Effective Date: January 1, 2014

Summary: This law includes optical products in the current definition of retail service contract, which would require agreements for pre-paid services relating to the replacement, maintenance or repair of prescription and non-prescription eyewear to be in a written contract, among other duties.

7. Bill Number: AB 809 (Logue), Chapter 404, Statutes of 2014  
Subject Matter: Healing arts: telehealth  
Sections Affected: BPC § 2290.5  
Effective Date: January 1, 2015  
Summary: This law deletes a requirement that informed consent for telehealth must be made by a provider at the originating site where the patient is located, allows written consent to be provided, rather than requiring consent to be verbal, and clarifies that current telehealth law does not preclude a patient from receiving in-person health care delivery services after agreeing to receive services via telehealth. Contains an urgency clause to ensure that the provisions of this bill go into immediate effect upon enactment.
8. Bill Number: Senate Bill 1159 (Lara), Chapter 752, Statutes of 2014  
Subject Matter: Professions and Vocations: License Applicants: Federal Tax Identification Number  
Sections Affected: BPC § § 30, 135.5, 2103, 2111, 2112, 2113, 2115, 3624, and 6533  
Family Code § 17520  
Revenue and Taxation Code § 19528  
Effective Date: January 1, 2015  
Summary: This law prohibits licensing boards under the DCA from denying licensure to an applicant based on his or her citizenship or immigration status, and requires a licensing board and the State Bar to require, by January 1, 2016, that an applicant for licensure provide his or her individual taxpayer identification number (ITIN) or a social security number (SSN) for an initial or renewal license.
9. Bill Number: Senate Bill 1172 (Steinberg), Chapter 925, Statutes of 2014  
Subject Matter: Pupil health: vision appraisals  
Sections Affected: Education Code § 49455  
Effective Date: January 1, 2015  
Summary: This law deletes the existing vision screening requirements and instead, requires, during the kindergarten year or upon first enrollment or entry in a California school district of a pupil at an elementary school, and in grades 2, 5, and 8, the pupil's vision to be appraised by the school nurse or other authorized person.
10. Bill Number: Senate Bill 305 (Lieu), Chapter 516, Statutes of 2013  
Subject Matter: Healing arts: boards - Optometry Sunset Bill  
Sections Affected: BPC § § 1000, 2450, 2450.3, 2530.2, 2531, 2531.06, 2531.75, 2532.6, 2533, 2570.19, 3010.5, 3014.6, 3046, 3056, 3057, 3110, 3685, 3686, 3710, 3716, and 3765  
Effective Date: January 1, 2014  
Summary: This law extends the sunset, until January 1, 2018, of several licensing boards within the DCA and makes certain statutory changes to those board's responsibilities.



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11. Bill Number: Senate Bill 430 (Wright)  
Subject Matter: Pupil health: vision examination: binocular function  
Sections Affected: Education Code § 49455  
Location/Status: Assembly; Inactive 2013  
Summary: This bill deletes an existing requirement that upon first enrollment in a California school district of a child at an elementary school, and at least every third year thereafter until the child has completed the eighth grade, the child's vision to be appraised by the school nurse or other authorized person, and replaces it with a requirement that, upon first enrollment in a private or public elementary school, a pupil receive a vision examination from a physician, optometrist, or ophthalmologist and requires that screening to include a test for binocular function, refraction, and eye health.
11. Bill Number: Senate Bill 492 (Hernandez)  
Subject Matter: Optometrist: practice: licensure  
Sections Affected: BPC § 3051  
Location/Status: Assembly; Inactive 2014  
Summary: This bill authorizes an optometrist to administer influenza and herpes zoster virus (shingles) immunizations for persons 18 years of age and older after completing a training program.
11. Bill Number: Senate Bill 724 (Emmerson), Chapter 68, Statutes of 2013  
Subject Matter: Liability: charitable vision screenings  
Sections Affected: Civil Code § 1714.26  
Effective Date: January 1, 2014  
Summary: This law provides qualified immunity from liability for damage or injury to a nonprofit charitable organization that provides vision screenings and, if applicable, donated or recycled glasses, as well as participating licensed optometrists, ophthalmologists, or trained volunteers who work with such nonprofit charitable organizations to provide charitable vision screenings under appropriate conditions.
12. Bill Number: Senate Bill 809 (DeSaulnier), Chapter 400, Statutes of 2013  
Subject Matter: Controlled substances: reporting  
Sections Affected: BPC § 08, 209, and 2196.8, Health and Safety Code § 11164.1, 11165, 11165.1, and 11165.5  
Effective Date: January 1, 2014  
Summary: These laws establish a funding mechanism to update and maintain the Controlled Substance Utilization Review and Evaluation System (CURES) and Prescription Drug Monitoring Program (PDMP), requires all prescribing health care practitioners to apply to access CURES information, and establishes processes and procedures for regulating prescribing licensees through CURES and securing private information.

13. Bill Number: Senate Bill 821, Chapter 473, Statutes of 2013  
Subject Matter: Healing arts  
Sections Affected: BPC § 1613, 1915, 1926.2, 3024, 3025, 3040, 3041.2, 3051, 3057.5, 3077, 3093, 3098, 3103, 3106, 3107, 3109, 3163, 4021.5, 4053, 4107, 4980.36, 4980.397, 4980.398, 4980.399, 4980.40, 4980.43, 4980.50, 4984.01, 4984.7, 4984.72, 4989.68, 4992.05, 4992.07, 4992.09, 4992.1, 4996.1, 4996.3, 4996.4, 4996.9, 4996.17, 4996.18, 4996.28, 4999.33, 4999.45, 4999.46, 4999.47, 4999.50, 4999.52, 4999.53, 4999.55, 4999.64, and 4999.100; Welfare and Institutions Code § 14132  
Effective Date: January 1, 2014  
Summary: These laws had several technical and noncontroversial changes to provisions within the BPC related to the regulation of the Board, Dental Board of California (DBC), Board of Behavioral Sciences (BBS), and Board of Pharmacy (BOP), as well as dental hygienists regulated under the Welfare and Institutions Code, as specified.
14. Bill Number: Assembly Bill 684 (Alejo), Chapter 405, Statutes of 2015  
Subject Matter: State Board of Optometry: optometrists: nonresident contact lens sellers: registered dispensing opticians:  
Sections Affected: BPC § 655, 2546.2, 2546.9, 2550.1, 2556.1, 2554, 2556, 2556.2, 2567, 3010.5, 3011, 3013, 3020, 3021, 3023.1  
Effective Date: January 1, 2016  
Summary: These laws transferred the RDO Program from the MBC to the Board, established a RDO Advisory Committee under the Board and replaced an optometrist member with a RDO member. In addition, AB 684 established a three-year transition period for compliance, authorized landlord-tenant relationships between RDOs and optometrists, and granted the Board inspection authority.
15. Bill Number: Assembly Bill 1253 (Steinorth), Chapter 125, Statutes of 2015  
Subject Matter: Optometry: license: retired volunteer service designation  
Sections Affected: BPC § 3151.1  
Effective Date: January 1, 2016  
Summary: This law establishes educational and training requirements for an optometrist seeking a license with retired volunteered service designation (volunteer license) who had not held an active license in more than three years.
16. Bill Number: Assembly Bill 1359 (Nazarian), Chapter 443, Statutes of 2015  
Subject Matter: Optometry: therapeutic pharmaceutical agents certification  
Sections Affected: BPC § 3041.3  
Effective Date: January 1, 2016  
Summary: This law revises criteria for obtaining certification to administer and prescribe therapeutic pharmaceutical agents (TPAs) for licensed optometrists who graduated from an accredited optometry school before or after 1996.

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17. Bill Number: Assembly Bill 2744 (Gordon), Chapter 360, Statutes of 2016  
Subject Matter: Healing Arts: Referrals  
Sections Affected: BPC § 650  
Effective Date: January 1, 2017  
Summary: This law clarifies that certain types of advertising do not constitute a referral when the third party advertiser does not recommend, endorse, or otherwise select a healing arts licensee.
18. Bill Number: Assembly Bill 1057 (Medina), Chapter 693, Statutes of 2013  
Subject Matter: Professions & vocations: licenses: military service  
Sections Affected: BPC § 114.5  
Effective Date: January 1, 2014  
Summary: This law requires every licensing board under the DCA to inquire in every license application if the applicant is serving in, or has previously served in the military, commencing in January 1, 2015.
19. Bill Number: Senate Bill 1195 (Hill)  
Subject Matter: Professions and Vocations: Board Actions: Competitive Impact  
Sections Affected: BPC § 109, 109.5, 116, 153, 307, 313.1, 2708, 4800, 4804.5, 4825.1, 4826.3, 4826.5, 4826.7, 4830, 4846.5, 4846.5, 4848.1, 4853.7, 4904, and 4905; GC § 825 and 11346.5  
Location/Status: Senate; Inactive  
Summary: This bill made various changes that are intended to improve the effectiveness of the Veterinary Medical Board (VMB) and extends the VMB's sunset dates. This bill also authorizes the Director of the DCA to review, veto, or modify actions and decisions of DCA boards to ensure such actions or decisions conform with public policy; and prohibits any board executive officer (EO) from being an actively licensed member of the profession the board regulates.
20. Bill Number: Senate Bill 349 (Bates)  
Subject Matter: Optometry: mobile optometric facilities  
Sections Affected: BPC § 3070.2  
Location/Status: Senate Business, Professions and Economic Development; Inactive 2014  
Summary: This bill would define "mobile optometric facility" as mobile optometric equipment, including, but not limited to, a trailer or van that may be moved. The bill would limit ownership of a mobile optometric facility to a nonprofit or charitable organization, a governmental agency, or a school, as specified. The bill would require a mobile optometric facility, while providing services, to have access to, among other things, sufficient lighting around the perimeter of the work site from which the mobile optometric facility provides those services. The bill would require an owner of a mobile optometric facility to be responsible for certain things, including, but not limited to, maintaining the mobile optometric facility in good repair and in a clean and sanitary manner. The bill would also require the optometrist or owner of a mobile optometric facility to maintain and disclose patient records as specified. The bill would make these provisions operative on January 1, 2017.

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21. Bill Number: Senate Bill 402 (Mitchell)  
Subject Matter: Pupil Health: Vision Examinations  
Sections Affected: Education Code § 49455  
Location/Status: Senate Appropriations; Inactive 2014  
Summary: This bill requires a pupil's vision to be examined by a physician, optometrist, or ophthalmologist, as specified, and requires the pupil's parent or guardian to provide the results of the examination to the pupil's school. This bill prohibits a school from denying admission to a pupil or taking any other adverse action against a pupil if his or her parent or guardian fails to provide the results of the examination. If the results of the examination are not provided to the school, this bill requires a pupil's vision to instead be appraised pursuant to existing law.
22. Bill Number: Senate Bill 482 (Lara), Chapter 708, Statutes of 2016  
Subject Matter: Controlled Substances: CURES Database  
Sections Affected: Health and Safety Code § 11165, 11165.1, 11165.4  
Effective Date: January 1, 2017  
Summary: This law requires a health care practitioner, as specified, authorized to prescribe, order, administer, furnish, or dispense a controlled substance to consult the Controlled Substance Utilization Review and Evaluation System (CURES) database no earlier than 24 hours before prescribing a Schedule II, Schedule III, or Schedule IV controlled substance for the first time and at least annually thereafter. It further provides that a health care practitioner who knowingly fails to consult the CURES database is subject to administrative sanctions by the appropriate state professional licensing board. This law also exempts a health care practitioner, as specified, or any person acting on behalf of the health care practitioner, from civil or administrative liability arising from false, incomplete, or inaccurate information submitted to or reported by the CURES database or for failure to consult the database.
22. Bill Number: Senate Bill 496 (Nguyen)  
Subject Matter: Optometry: graduates of a foreign university: examinations and licensure  
Sections Affected: BPC § 3057.5 and 3058  
Location/Status: Senate Business, Professions, and Economic Development; Inactive  
Summary: This bill expands and specifies requirements for a graduate of a foreign university to be eligible for California licensure.
23. Bill Number: Senate Bill 622 (Hernandez)  
Subject Matter: Optometry  
Sections Affected: BPC § 3041, 3041.1, 3041.2, 3041.3, 3041.4, 3041.5, 3041.6, 3041.7, and 3041.8  
Location/Status: Assembly Business and Professions; Inactive  
Summary: This bill expands the scope of practice for optometrists to include the use noninvasive, nonsurgical technology to treat a condition authorized by the Optometry Practice Act, perform laser and minor procedures, and administer certain vaccines.

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24. Bill Number: Senate Bill 800 (Committee on Business, Professions & Economic Development), Chapter 426, Statutes of 2016  
Subject Matter: Healing arts,  
Sections Affected: BPC § 28, 146, 500, 650.2, 800, 1603a, 1618.5, 1640.1, 1648.10, 1650, 1695, 1695.1, 1905.1, 1944, 2054, 2401, 2428, 2529, 2650, 2770, 2770.1, 2770.2, 2770.7, 2770.8, 2770.10, 2770.11, 2770.12, 2770.13, 2835.5, 3057, 3509.5, 4836.2, 4887, 4938, 4939, 4980.399, 4980.43, 4980.54, 4984.01, 4989.34, 4992.09, 4996.2, 4996.22, 4996.28, 4999.1, 4999.2, 4999.3, 4999.4, 4999.5, 4999.7, 4999.45, 4999.46, 4999.55, 4999.76, and 4999.100  
Effective Date: January 1, 2017  
Summary: These laws faced several non-controversial minor, non-substantive, or technical changes to various provisions pertaining to the health-related regulatory boards under the DCA.
25. Bill Number: Senate Bill 836 (Committee on Budget and Fiscal Review), Chapter 31, Statutes of 2016  
Subject Matter: State government  
Sections Affected: BPC § 655, 2556.1, 2556.2, 3010.5, 3011, 3013, and 3020 (and other non-pertinent code sections)  
Effective Date: June 27, 2016  
Summary: These laws, notwithstanding any other law and in addition to any action available to the board, authorize the board to issue a citation containing an order of abatement and an order to pay an administrative fine, not to exceed \$50,000, for a violation of law. The bill would also delete the authorization to redact personal information from a lease agreement, and would, therefore, expand an existing crime resulting from imposition of a state-mandated local program.

### ***Regulation Activity***

The following regulatory changes were enacted by the Board since the last sunset review and/or are currently in progress:

1. Subject Matter: Sponsored Free Health Care Events  
Sections Affected: California Code of Regulations (CCR) §1508.1§1508.2. §1508.3  
Effective Date: April 15, 2013  
Summary: This rulemaking packet implemented AB 2699 (Bass) (effective January 1, 2011); the bill provided a regulatory framework for certain health-care events at which free care is offered by volunteer health-care practitioners where those practitioners may include individuals who may be licensed in one or more states but are not licensed in California. However, each individual healing arts board was responsible for promulgating regulations to prescribe the specific requirements for the approval of an out-of-state practitioner and a sponsoring entity.

2. Subject Matter: Uniform Standards Related to Substance Abuse and Disciplinary Guidelines

Sections Affected: CCR § 1575

Effective Date: April 1, 2013

Summary: This rulemaking package implemented SB 1441 by incorporating Uniform Standards in Substance Abuse 1-12 in its Disciplinary Guidelines. The Legislature declared that substance abuse monitoring programs, particularly for health care professionals, must operate with the highest level of integrity and consistency. Patient protection is paramount. The legislation, in part, mandated that the DCA establish a Substance Abuse Coordination Committee comprised of the Executive Officers of the Department's healing arts boards, a representative of the California Department of Alcohol and Drug Programs, and chaired by the Director of the Department of Consumer Affairs. The Committee was charged with developing consistent and uniform standards and best practices in sixteen specific areas for use in dealing with substance abusing licensees, whether or not a Board chooses to have a formal diversion program.

3. Subject Matter: Unprofessional Conduct, Medical Evaluations

Sections Affected: CCR § 1516, 1536, 1582

Status: Submitted to OAL in 2015; Rulemaking file pending

Summary: As part of its continued efforts to reduce the average enforcement completion timelines from three years or more to between 12 and 18 months, the DCA identified nine provisions that could be implemented via regulation. The rulemaking package included; define the failure to comply with a court order as unprofessional conduct. Permit the Board to conduct a psychological or physical evaluation on an applicant if deemed necessary. Define the failure to provide information or cooperate in an investigation as unprofessional conduct. Define as unprofessional conduct the failure to report to the Board within 30 days a felony indictment or charge, and any felony or misdemeanor conviction.

4. Subject Matter: Continuing Optometric Education

Sections Affected: CCR § 1536, 1571

Status: Submitted to OAL in 2016; Rulemaking file pending

Summary: These regulations enable licensees to obtain CME credits for their renewal requirements. The courses approved for Category 1 CME credits by the American Medical Association ("AMA") and Category 1-A CME credits by the American Osteopathic Association ("AOA") would qualify for the optometrists' comprehensive understanding the human body and how systematic health issues, such as diabetes and cardiovascular issues, related to eye health. These proposed regulations would also move the glaucoma CE requirements stated in 16 CCR §1571(b) to 16 CCR §1536(k). The language remains the same; this would only be a clean-up and

allow for the public to have all the CE requirements listed in one section of the CCR.

5. Subject Matter: Certificate Posting  
Sections Affected: CCR § 150  
Status: Board Approved July 2015; Rulemaking file pending  
Summary: After an optometrist has been issued a license to practice optometry in the State of California, he/she may obtain certifications that allow the optometrist to provide certain additional optometric procedures and services. Such certifications are listed immediately to the right of the doctor's license number. The regulation would require the five different certification designations and their meanings be posted in the optometry's office.
  
6. Subject Matter: Qualifications of Foreign Graduates  
Sections Affected: CCR § 1530.1  
Status: Board Approved November 2015; Rulemaking file pending  
Summary: In order for foreign graduates to obtain sponsorship to sit for the National Board of Examiners in Optometry (NBEO) examination, applicants were required to submit the Application for International (Foreign) Graduate Sponsorship. In addition, applicants were required to submit fingerprints and have their education evaluated by a professional credential evaluation service. The rulemaking packet adds the application and additional requirements into regulation.
  
7. Subject Matter: Delegation of Authority  
Sections Affected: CCR § 1502  
Status: Board Approved November 2015; Rulemaking file pending  
Summary: The regulatory revision would also authorize the EO to accept default decisions and stipulated surrenders of a license.
  
8. Subject Matter: Co-Location Reporting Requirements  
Sections Affected: Adding CCR § to implement BPC § 2556.1  
Status: Board Approved November 2015; Amended November 2015  
Summary: Once effective, BPC Section 2256.1 requires optometrists who are in co-located settings with registered dispensing opticians to report that business relationship to the Board.
  
9. Subject Matter: Examination Requirements  
Sections Affected: CCR § 1523  
Status: Board Approved February 2016; Rulemaking pending  
Summary: This rulemaking package adds the application for licensure as an optometrist shall be made on a form incorporated by reference. Also adding an electronic record of fingerprints or, for an out of state applicant, one classifiable set of fingerprints on a form provided by the Board.

10. Subject Matter: Abandonment of Applications  
Sections Affected: CCR § 1523.5  
Status: Board Approved February 2016; Rulemaking pending  
Summary: An application for a license, permit or registration shall be deemed abandoned and the initial license fee forfeited when the applicant fails to complete the application within one year after it is originally received by the board.
11. Subject Matter: Accreditation  
Sections Affected: CCR § 1503  
Status: Board Approved February 2016; Rulemaking pending  
Summary: This rulemaking package codifies the Board's accreditation process through a third party accreditation service. It clarifies the Board only accepts schools and colleges of optometry who have received accreditation through the Accreditation Council on Optometric Education (ACOE).

### **Major Studies**

#### California Board of Optometry Registered Dispensing Opticians Program – Fee Audit (Attachment C)

The Board, in conjunction with the MBC, contracted with a third party vendor to conduct an audit on the RDO program to determine if the current fee structure was adequate to sustain the program. The results of the audit are attached in Section 12, Attachment C. The fee report indicates that the current fee structure is inadequate to support the program. Within this document, it is estimated that without a fee increase the fund will under-recover the program's cost by a significant margin. The Fee Audit recommended immediate action to address the structural imbalance (California Board of Optometry Registered Dispensing Opticians Program – Fee Audit). The audit report concluded that the fees should be increased above the maximum that statute allows. The increase in the RDO fees is being addressed through legislation and regulatory change which is discussed in other parts for this report.

### **National Association Activity**

#### Association of Regulatory Boards of Optometry (ARBO)

ARBO is an international association, providing resources to regulatory boards of optometry since 1919. ARBO's membership consists of 66 regulatory boards throughout the United States, Canada, Australia, and New Zealand. ARBO provides programs to accredit optometric continuing education courses, to track and audit the CE attendance of licensed optometrists and to assist with license mobility. ARBO's goal is also to be a conduit for sharing information among licensing boards to help them increase efficiency and decrease costs.

The Board is a voting member of ARBO. Historically, the Board faced enormous difficulty in obtaining approval due to state travel restrictions. This has hindered the Board's participation in any committees, workshops, work groups or task forces related to its ARBO membership. While the Board's Executive Officer was able to attend the 2013 ARBO Annual meeting, due to an in-state location (San Diego), the Board continued to experience difficulty obtaining approval for the 2014 and 2015 meetings. Fortunately, after collaboratively working with DCA, Business, Consumer



Services and Housing Agency, and the Department of Finance, the Board's Executive Officer was approved to attend ARBO's 2016 meeting in Boston Massachusetts.

Attendance at this meeting is an outstanding avenue for the Board to stay on the inside track of the profession on a national scale, while providing insight into issues directly affecting all regulatory boards. The Board obtained approval to send one attendee to ARBO's 2017 meeting in Washington DC; however, the benefit of attending this meeting will be greatly enhanced if the Board is able to send the president as well as the Executive Officer.

### National Commission of State Opticianry Regulatory Boards (NCSORB)

NCSORB is a not-for-profit organization that exclusively represents the interests and serves the needs of States requiring licensure in Opticianry. The purpose of NCSORB is to provide state opticianry licensing boards a forum for education, assessment, exchange of information, and research that further strengthens licensing laws to lessen the burden of government and operations, and to better serve public needs and further the common welfare and well-being of the community. NCSORB provides a national forum on issues related to opticianry licensure.

The Board is working with NCSORB to become a member and will request approval to participate in future annual meetings. Much like ARBO's annual meetings, these meetings provide a national platform to discuss topics impacting all licensing boards. The 2016 annual meeting included discussion topics covering license mobility, public protection through valid and reliable examinations, performance standards, the National Optician's Practical Examination, struggles facing individual boards.

In addition, some of the member states reported on legislation that would have consolidated state opticianry boards with state optometry boards. They discussed internal challenges they faced and reported that they are still considering the consolidation. The Board may be able to share what it has experienced since the CA consolidation arising from AB684, and be of assistance to other State Boards.

Attending these meetings would allow the Board to strengthen consumer protection on a national level as well as improve consumer protection in California.

## ***Performance Measures and Customer Satisfaction Surveys***

### ***Quarterly and Annual Performance***

Please refer to Section 12, Attachment E for the quarterly and annual performance measures.

### ***Customer Satisfaction Survey***

The Board is committed to providing superior customer service to consumers, licensees/registrants, applicants and other stakeholders. To assist the Board in this commitment, the Board utilizes three customer satisfaction surveys (general, licensing, and enforcement). All responses are anonymous.

From the time the surveys were adopted by the Board in 2009 through FY 14/15, the Board received a relatively low response rate. Surveys were distributed in the following ways:

- Periodically mailed to applicants, licensees, and consumers who interacted with the Board's licensing and enforcement units;
- A link on the Board's website;
- A link on all staff's e-mail signature blocks;
- A link on follow-up e-mails to licensees/consumers, that had been recently assisted by staff, requesting completion of the survey; and
- A link in every e-mail sent to the Board's website subscribers.

Near the end of FY 15/16, in an effort to increase the response rate, the Board revised its email distribution format and survey introduction and began distributing the survey every other month to stakeholder emails stored in the Board's ListServ database. In addition, the survey introduction on the Board's website and signature blocks were revised. Surveys are also emailed to all newly licensed optometrists as well as individuals who interacted with the enforcement unit.<sup>8</sup>

This method of delivery has drastically increased survey responses; the first three months of FY16/17 accounted for 39% of the Board's total general surveys results; 46% of the total licensing survey results; and 43% of the total enforcement survey results.

As reported in the Board's prior Sunset Report and explained above, survey response rates for FY 12/13-15/16 were low compared to the amount of contact the Board has with the public and its licensees. Nevertheless, the General, Licensing, and Enforcement survey results show a trend of increasingly positive results over the past four fiscal years.

Those who utilize these surveys also have the opportunity to provide written comments regarding the different aspects of the Board. These comments provide an opportunity for management to follow up with both the consumer and staff to ensure exceptional customer service.

The Board will continue to research additional methods to increase response rates, and provide excellent service to consumers and licensees. This is an important component to the Board's mission and strategic goals.

Each survey allows individuals to provide additional written comments. Summaries of the comments are listed after each table and organized by fiscal year.

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<sup>8</sup> Surveys are emailed upon enforcement case closure. Not all subjects are sent the survey because not all are aware an enforcement case existed.

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<b>Board General Customer Satisfaction Survey</b>						
<b>Fiscal Years (FY) 12/13 – 16/17*</b>						
<b>Are you a(n):</b>	<b>Answer Options</b>	<b>Response Count</b>				
		<b>FY 12/13</b>	<b>FY 13/14</b>	<b>FY 14/15</b>	<b>FY 15/16</b>	<b>FY 16/17</b>
	Applicant	1	3	0	0	0
	Licensee	8	22	8	11	56
	Consumer	1	0	0	0	1
	Government Agency	0	0	0	0	0
	Optometric Association	0	1	1	0	4
	Other	0	1	0	1	3
<b>Total Respondents</b>	<b>10</b>	<b>27</b>	<b>9</b>	<b>12</b>	<b>64</b>	
<b>On average, how many times do you contact the Board per month?</b>	<b>Answer Options</b>	<b>Response Count</b>				
		<b>FY 12/13</b>	<b>FY 13/14</b>	<b>FY 14/15</b>	<b>FY 15/16</b>	<b>FY 16/17</b>
	0-1 times	10	25	8	12	59
	2-3 times	0	2	1	0	2
	4-5 times	0	0	0	0	2
6 or more times	0	0	0	0	1	
<b>What was your purpose for contacting the Board? Choose all that apply.</b>	<b>Answer Options</b>	<b>Response Count</b>				
		<b>FY 12/13</b>	<b>FY 13/14</b>	<b>FY 14/15</b>	<b>FY 15/16</b>	<b>FY 16/17</b>
	Board Meetings	1	0	1	3	7
	Board Member Contact	0	0	0	1	0
	Executive Officer	0	0	0	0	5
	Forms	4	7	2	3	14
	Laws and Regulations	3	7	4	6	29
	Law Exam Workshops	0	1	1	1	5
	Newsletter	0	1	0	1	6
	Public Records Act Request	0	0	0	0	1
	Request for Information	2	9	2	2	21
	Subject Matter Expert Info	0	1	0	0	3
Other	4	9	3	2	12	
<b>Were you transferred to the appropriate individual if you were unable to get a response from your initial contact with the Board?</b>		<b>Response Percent</b>				
		<b>FY 12/13</b>	<b>FY 13/14</b>	<b>FY 14/15</b>	<b>FY 15/16</b>	<b>FY 16/17</b>
Yes		60%	52%	78%	92%	78%
<b>Based on your contact with the Board, please rate the following:</b>	<b>Answer Options</b>	<b>Rating Average</b> (1=Unacceptable, 5 = Excellent)				
		<b>FY 12/13</b>	<b>FY 13/14</b>	<b>FY 14/15</b>	<b>FY 15/16</b>	<b>FY 16/17</b>
	Staff Courteous/Helpful	3.89	3.59	4.13	4.33	4.06
	Staff Knowledgeable	3.67	3.86	4.13	4.33	4.08
	Staff Accessible	3.22	3.61	4.13	4.25	3.98
	Staff Responsiveness	2.88	3.52	4	4.25	4.02
Overall Satisfaction	3.2	3.39	4.38	4.08	3.85	
<b>Prior to contacting the Board, did you visit the Board's website at <a href="http://www.optometry.ca.gov">www.optometry.ca.gov</a>?</b>		<b>Response Percent</b>				
		<b>FY 12/13</b>	<b>FY 13/14</b>	<b>FY 14/15</b>	<b>FY 15/16</b>	<b>FY 16/17</b>
Yes		70%	93%	44%	75%	77%
<b>Did you receive the service you needed as a result of your contact with the Board?</b>		<b>Response Percent</b>				
		<b>FY 12/13</b>	<b>FY 13/14</b>	<b>FY 14/15</b>	<b>FY 15/16</b>	<b>FY 16/17</b>
Yes		60%	63%	78%	92%	77%

\*Through November 17, 2016

2016/2017

Out of the 64 General Survey responses received, 20% (13) provided additional written comments. Of those, 8% (1) provided positive feedback related to services received by the Board. 77% (10) experienced some level of dissatisfaction with customer service related to staff demeanor and availability. The remaining 15% (2) related to negative experiences involving not enforcing the law and the requirement to post disciplinary actions pursuant to BPC § 27. To improve the Board's customer service, the Board has focused its efforts on additional staff development. Part of this includes having all staff complete all customer service classes offered through DCA's SOLID Training Solutions.

2015/2016

Of the 12 General Survey Responses received, 17% (2) included additional written comments. Both related to the Board posting disciplinary actions, pursuant to Business and Professions Code § 27.

2014/2015

Of the 9 responses received, 22% (2) included additional written comments. One related to the Board's inability to interpret statutes and regulations for individuals and the amount of time to receive a license by mail. The other comment related to the Board not enforcing BPC § 655.

2013/2014

Out of the 30 survey responses received, 43% (13) provided additional written comments. Of those, 69% (9) reported dissatisfaction with staff demeanor, customer service, process and availability. 7% (1) reported positive staff feedback. In addition, 7% (1) reported dissatisfaction with the Board's posting disciplinary actions, pursuant to Business and Professions Code § 27, 7% (1) was reported dissatisfaction with a respondent's enforcement case, and 7% (1) related to the Board not enforcing BPC § 655.

2012/2013

Out of the 10 survey responses received, 20% (2) provided additional written comments. One response expressed dissatisfaction with the Board's inability to accept another Board's Authorization for Medical Records release and the other response provided positive staff feedback.

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<b>Board Licensing Customer Satisfaction Survey</b>						
<b>Fiscal Years (FY) 12/13-16/17*</b>						
<b>Are you a(n):</b>	<b>Answer Options</b>	<b>Response Count</b>				
		<b>FY 12/13</b>	<b>FY 13/14</b>	<b>FY 14/15</b>	<b>FY 15/16</b>	<b>FY 16/17</b>
	Applicant	11	11	4	0	13
	Licensee	6	4	1	1	76
	Consumer	2	1	2	2	1
	Total Respondents	19	16	7	3	90
<b>Based on your initial contact with the Board, please rate the following:</b>	<b>Answer Options</b>	<b>Rating Average</b> (1 = Unacceptable, 5 = Excellent)				
		<b>FY 12/13</b>	<b>FY 13/14</b>	<b>FY 14/15</b>	<b>FY 15/16</b>	<b>FY 16/17</b>
	Staff Courteous/Helpful	4.67	3.73	4.14	5	4.2
	Staff Knowledgeable	4.79	3.87	4.57	5	4.21
	Staff Accessible	4.6	3.73	4.71	5	4.17
	Overall Satisfaction	4.56	3.79	4.29	5	4.11
<b>During your initial contact with the Board, were you transferred to the appropriate individual in the Licensing Unit?</b>	<b>Answer Options</b>	<b>Response Percent</b>				
		<b>FY 12/13</b>	<b>FY 13/14</b>	<b>FY 14/15</b>	<b>FY 15/16</b>	<b>FY 16/17</b>
	Yes	89%	75%	86%	100%	80%
<b>On average, how many times do you contact the Board's Licensing Unit per month?</b>	<b>Answer Options</b>	<b>Response Count</b>				
		<b>FY 12/13</b>	<b>FY 13/14</b>	<b>FY 14/15</b>	<b>FY 15/16</b>	<b>FY 16/17</b>
	0-1 times	16	10	4	3	71
	2-3 times	1	4	2	0	11
	4-5 times	0	1	0	0	4
	6 or more times	0	1	0	0	0
<b>What was your purpose for contacting the Licensing Unit? Choose all that apply.</b>	<b>Answer Options</b>	<b>Response Count</b>				
		<b>FY 12/13</b>	<b>FY 13/14</b>	<b>FY 14/15</b>	<b>FY 15/16</b>	<b>FY 16/17</b>
	Address Change	0	1	1	1	14
	Application for Licensure	5	4	2	0	18
	Application for Licensure (out-of-state)	5	6	2	0	7
	CLRE	2	5	2	0	12
	Business Licenses	1	0	0	0	10
	Laws and Regulations	1	2	0	1	14
	Optometry License Renewal	1	2	0	1	35
	Verification of Licensure	1	2	0	0	10
	Other	6	2	2	2	14
<b>Based on your contact with the Board's Licensing Unit, please rate the following:</b>	<b>Answer Options</b>	<b>Rating Average</b> (1 = Unacceptable, 5 = Excellent)				
		<b>FY 12/13</b>	<b>FY 13/14</b>	<b>FY 14/15</b>	<b>FY 15/16</b>	<b>FY 16/17</b>
	Staff Courteous/Helpful	4.75	3.8	4.5	5	4.26
	Staff Knowledgeable	4.81	3.87	4.67	5	4.26
	Staff Accessible	4.63	3.8	4.83	5	4.27
	Overall Satisfaction	4.56	3.8	4.83	5	4.11
<b>Prior to contacting the Board's Licensing Unit, did you visit the Board's website at <a href="http://www.optometry.ca.gov">www.optometry.ca.gov</a>?</b>	<b>Answer Options</b>	<b>Response Percent</b>				
		<b>FY 12/13</b>	<b>FY 13/14</b>	<b>FY 14/15</b>	<b>FY 15/16</b>	<b>FY 16/17</b>
	Yes	79%	94%	71%	67%	78%
<b>Did you receive the service you needed as a result of your contact with the Board Licensing Unit?</b>	<b>Answer Options</b>	<b>Response Percent</b>				
		<b>FY 12/13</b>	<b>FY 13/14</b>	<b>FY 14/15</b>	<b>FY 15/16</b>	<b>FY 16/17</b>
	Yes	79	56	86	100	81

\*Through November 17, 2016

2016/2017

Of the 90 survey response received, 50% (45) provided additional written comments. Of those, 51% (23) reported positive experiences with licensing staff, processes, timeliness, and the BreEZe system. 22% (10) reported negative experiences with staff and 16% (7) about technical difficulties. 11% (5) included negative experiences outside of the Board's control (e.g., not enforcing laws outside of our jurisdiction, license/certification requirements, etc.).

2015/2016

Of the 3 survey responses received, none contained additional written comments.

2014/2015

Of the 7 survey responses received, 29% (2) provided additional written comments. One reported a positive staff experience and another was unable to reach staff while in a meeting.

2013/2014

Of the 18 survey responses received, 33% (6) provided additional written comments. Of those, 22% (4) reported negative experiences with staff and process timeliness. 11% (2) reported positive staff experiences.

2012/2013

Of the 19 survey responses received, 37% (7) provided additional written comments. Of those, 29% (2) provided feedback to improve the license application and information distribution, 29% (2) reported positive staff experiences and 43% (3) reported negative staff experiences.

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<b>Board Enforcement Customer Satisfaction Survey</b>						
<b>Fiscal Years (FY) 12/13-16/17*</b>						
<b>Are you a(n):</b>	<b>Answer Options</b>	<b>Response Count</b>				
		<b>FY 12/13</b>	<b>FY 13/14</b>	<b>FY 14/15</b>	<b>FY 15/16</b>	<b>FY 16/17</b>
	Applicant	N/A	0	N/A	0	0
	Licensee	N/A	1	N/A	0	18
	Consumer	N/A	0	N/A	1	3
	<b>Total Respondents</b>	N/A	1	N/A	1	21
<b>Based on your initial contact with the Board, please rate the following:</b>	<b>Answer Options</b>	<b>Rating Average</b> (1 = Unacceptable, 5 = Excellent)				
		<b>FY 12/13</b>	<b>FY 13/14</b>	<b>FY 14/15</b>	<b>FY 15/16</b>	<b>FY 16/17</b>
	Staff Courteous/Helpful	N/A	1	N/A	5	3.65
	Staff Knowledgeable	N/A	1	N/A	5	3.5
	Staff Accessible	N/A	1	N/A	5	3.3
	Staff Responsiveness	N/A	1	N/A	5	3.3
	<b>Overall Satisfaction</b>	N/A	1	N/A	5	3.53
<b>During your initial contact with the Board, were you transferred to the appropriate individual in the Enforcement Unit?</b>	<b>Answer Options</b>	<b>Response Percent</b>				
		<b>FY 12/13</b>	<b>FY 13/14</b>	<b>FY 14/15</b>	<b>FY 15/16</b>	<b>FY 16/17</b>
	Yes	N/A	100%	N/A	100%	78%
<b>On average, how many times do you contact the Board's Licensing Unit per month?</b>	<b>Answer Options</b>	<b>Response Count</b>				
		<b>FY 12/13</b>	<b>FY 13/14</b>	<b>FY 14/15</b>	<b>FY 15/16</b>	<b>FY 16/17</b>
	0-1 times	N/A	1	N/A	0	19
	2-3 times	N/A	0	N/A	1	0
	4-5 times	N/A	0	N/A	0	0
	6 or more times	N/A	0	N/A	0	0
<b>What was your purpose for contacting the Licensing Unit? Choose all that apply.</b>	<b>Answer Options</b>	<b>Response Count</b>				
		<b>FY 12/13</b>	<b>FY 13/14</b>	<b>FY 14/15</b>	<b>FY 15/16</b>	<b>FY 16/17</b>
	Disciplinary History	N/A	0	N/A	0	1
	Laws and Regulations	N/A	0	N/A	1	9
	Request to File a Complaint	N/A	0	N/A	0	3
	Pending Complaint	N/A	1	N/A	0	4
	Probation	N/A	0	N/A	0	0
	Other	N/A	0	N/A	0	6
<b>Based on your contact with the Board's Enforcement Unit, please rate the following:</b>	<b>Answer Options</b>	<b>Rating Average</b> (1 = Unacceptable, 5 = Excellent)				
		<b>FY 12/13</b>	<b>FY 13/14</b>	<b>FY 14/15</b>	<b>FY 15/16</b>	<b>FY 16/17</b>
	Staff Courteous/Helpful	N/A	1	N/A	5	3.25
	Staff Knowledgeable	N/A	1	N/A	5	3.31
	Staff Accessible	N/A	1	N/A	5	3.06
	Staff Responsiveness	N/A	1	N/A	5	2.81
	<b>Overall Satisfaction</b>	N/A	1	N/A	5	2.81
<b>Prior to contacting the Board's Enforcement Unit, did you visit the Board's website at <a href="http://www.optometry.ca.gov">www.optometry.ca.gov</a>?</b>	<b>Answer Options</b>	<b>Response Percent</b>				
		<b>FY 12/13</b>	<b>FY 13/14</b>	<b>FY 14/15</b>	<b>FY 15/16</b>	<b>FY 16/17</b>
	Yes	N/A	100%	N/A	100%	84%
<b>Did you receive the service you needed as a result of your contact with the Board Enforcement Unit?</b>	<b>Answer Options</b>	<b>Response Percent</b>				
		<b>FY 12/13</b>	<b>FY 13/14</b>	<b>FY 14/15</b>	<b>FY 15/16</b>	<b>FY 16/17</b>
	Yes	N/A	0%	N/A	100%	47%

\*Through November 17, 2016

2016/2017

Of the 21, 19% (4) provided additional comments. Of those, 50% (2) were enforcement respondents unhappy with the enforcement process and timeliness of staff responses. 25% (1) negative response related to the Board posting disciplinary actions pursuant to BPC § 27, and the other 25% (1) was dissatisfied with enforcement's response time and consumer outreach.

2015/2016

Of the one response received, no additional comments were provided.

2014/2015

The Board received survey no responses for FY 14/15.

2013/2014

The Board received one response from a Respondent for FY 13/14. The Respondent was unhappy about the enforcement process.

2012/2013

The Board received no survey responses for FY 14/15.



**Fiscal and Staff**

**Fiscal Issues**

The Board statutorily has two separate funds: the Optometry Fund (BPC § 3145) and the Dispensing Opticians Fund (BPC § 2567). The Board is not continuously appropriated.

Optometry Fund

The Board ended FY 2015/2016 with a \$1,908,000 reserve balance, which equates to 12 months in reserve. The Board estimates FY 2016/2017 reserve balance to be approximately \$2,827,000 equaling 17.4 months in reserve. The high reserve balance is due to staff vacancies over the last several fiscal years, forced position savings, and the anticipated repayment of \$1 million dollar loan to the General Fund in FY 2011/2012.

Current Board projections indicate a structural deficit with higher expenditures than anticipated revenue, resulting in a decreased reserve. However, the reserve is currently adequate so there are no immediate plans to increase or reduce fees. A fee increase may be needed in the future to maintain core business functions (licensing, enforcement and consumer protection) in the regulatory program, to rebuild the reserve funds, and absorb the anticipated and necessary increases in the operating budget in future years. The Board closely monitors revenue, expenditures and reserve to ensure a fee increase will only be pursued as a last resort. The last fee increase was effective April 28, 2009; prior to that, the Board had not sought a fee increase since FY 1996/1997. The following table reflects the Board’s fund condition by fiscal year.

<b>Optometry Fund Condition</b>						
(Dollars in Thousands)	FY 2012/13	FY 2013/14	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
Beginning Balance	\$961	\$1,270	\$1,438	\$1,517	\$1,902	\$2,823
Revenues and Transfers	\$1,737	\$1,834	\$1,844	\$1,896	\$2,831	\$1,834
<b>Total Revenue</b>	\$1,737	\$1,834	\$1,844	\$1,896	\$1,831	\$1,834
Budget Authority	\$1,694	\$1,895	\$1,851	\$1,835	\$1,889	-
Expenditures	\$1,432	\$1,668	\$1,753	\$1,469	\$1,907	\$1,945
Loans to General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Accrued Interest, Loans to General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Loans Repaid From General Fund	\$0	\$0	\$0	\$0	\$1,000	\$0
<b>Fund Balance</b>	\$1,270	\$1,438	\$1,518	\$1,902	\$2,823	\$2,712
<b>Months in Reserve</b>	9.1	9.8	12.4	11.9	17.4	16.4

Dispensing Opticians Fund

The Dispensing Opticians Fund ended FY 2015/2016 with a \$158,000 reserve balance, which is a 6.1 month reserve. The Board estimates FY 2016/2017 reserve balance to be approximately \$28,000 equaling 1.1 months in reserve. The Dispensing Opticians Fund does not operate under a statutory reserve requirement.

When the RDO Program transferred to the Board, there was a significant structural fund imbalance, with expenditures far exceeding revenue. The fee structure, which had not changed since initially created in 2000, was inadequate to support the program. A third party audit indicated that, without a fee increase, the fund will under recover the program’s cost by a significant margin. The fund is forecasted to be insolvent in FY 2017/2018. The Board requested an appropriate fee structure to ensure adequate consumer protection while endeavoring to make the RDO program self-sustaining.

Senate Bill 1039 (Hill, 2016), effective January 1, 2017, created a new fee structure for the program. The bill specified a minimum and maximum application fee amount for nonresident contact lens sellers, registered dispensing opticians, and spectacle lens dispensers and increased minimum and maximum amounts for already established fees. The following table reflects the Board’s fund condition by fiscal year.

<b>Dispensing Opticians Fund Condition</b>						
(Dollars in Thousands)	FY 2012/13	FY 2013/14	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
Beginning Balance	\$345	\$308	\$249	\$172	\$158	\$28
Revenues and Transfers	\$176	\$177	\$197	\$190	\$180	\$180
<b>Total Revenue</b>	\$176	\$177	\$197	\$190	\$180	\$180
Budget Authority	\$340	\$323	\$336	\$354	\$310	-
Expenditures	\$210	\$237	\$275	\$203	\$310	\$316
<b>Fund Balance</b>	\$308	\$249	\$172	\$ 158	\$28	-\$108
<b>Months in Reserve</b>	15.5	10.9	10.1	6.1	1.1	-4.0

In FY 2011/2012, the Board made a \$1 million dollar loan to the General Fund out of the Optometry fund and has not been repaid. The RDO program did not make any general fund loans.

## **Program Expenditures**

The following tables reflect the Board's expenditures by program component. During the last four fiscal years, on average, the Board's enforcement program accounts for 35.2% of the Board's expenditures and the licensing program accounts for 19.4%. For the RDO Program, 0% of expenditures account for enforcement and 76.9% accounts for licensing. The administration program includes costs for executive staff, board, administrative support, and fiscal services. The Board does not have a Diversion Program.

<b>Optometry Expenditures by Program Component</b>								
(Dollars in Thousands)	FY 2012/13		FY 2013/14		FY 2014/15		FY 2015/16	
	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E
Enforcement	169	375	298	634	158	417	135	156
Examination	0	12	0	45	0	15	0	20
Licensing	196	102	159	84	274	109	233	111
Administration *	291	110	202	62	410	133	346	125
DCA Pro Rata	0	230	0	258	0	306	0	383
<b>TOTALS</b>	<b>\$656</b>	<b>\$829</b>	<b>\$659</b>	<b>\$1,083</b>	<b>\$842</b>	<b>\$980</b>	<b>\$714</b>	<b>\$795</b>

\*Administration includes costs for executive staff, board, administrative support, and fiscal services. Executive staff members provide oversight over all enforcement, Examination, Licensing, and Administrative units.

<b>RDO Expenditures by Program Component</b>								
(Dollars in Thousands)	FY 2012/13		FY 2013/14		FY 2014/15		FY 2015/16	
	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E
Enforcement	0	0	0	0	0	0	0	0
Examination	0	0	0	0	0	0	0	0
Licensing	48	84	71	121	74	149	48	120
Administration *	0	0	0	0	0	0	0	0
DCA Pro Rata	0	78	0	45	0	51	0	34
<b>TOTALS</b>	<b>\$48</b>	<b>\$163</b>	<b>\$71</b>	<b>\$166</b>	<b>\$74</b>	<b>\$200</b>	<b>\$48</b>	<b>\$154</b>

\*Administration includes costs for executive staff, board, administrative support, and fiscal services. Executive staff members provide oversight over all enforcement, Examination, Licensing, and Administrative units.

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**BreEZe Costs and Funding**

The chart below identifies what the Board of Optometry and Registered Dispensing Opticians Program has paid for the system (through FY 2015-16) and what the anticipated costs of the system are through FY 2018-19.

**BreEZe Funding Needs**

	PROJECT								MAINTENANCE	
	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19
	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Budget	Budget	Budget
Total Costs	427,051	1,495,409	5,349,979	6,753,287	14,825,159	16,657,910	27,468,154	23,497,000	22,456,000	21,530,000
Redirected Resources	427,051	1,495,409	3,198,486	4,818,002	5,806,881	7,405,427	7,430,456	2,080,000	2,080,000	2,080,000
<b>Total BreEZe BCP</b>	-	-	<b>2,151,493</b>	<b>1,935,285</b>	<b>9,018,278</b>	<b>9,252,483</b>	<b>20,037,698</b>	<b>21,417,000</b>	<b>20,376,000</b>	<b>19,451,000</b>

	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19
Program	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Budget	Budget	Budget
Optometry	1,482	5,092	19,772	16,661	33,349	64,652	138,369	134,349	135,000	131,000
RDO	527	-	7,053	10,869	22,226	24,089	50,866	49,226	50,000	47,000

**License and Renewal Fees**

Optometry

Current Optometrist and Statement of Licensure renewals are paid biennially based on the licensees' birth month. Fictitious Name Permit and Branch Office License renewals are paid annually on January 31 and February 1 respectively. All other fees for exams and initial license are received and processed on an on-going basis.

<b>Optometry Fee Schedule and Revenue</b>									
	<b>Fee Type</b>	<b>Authority</b>	<b>Current Fee Amount</b>	<b>Statutory Limit</b>	<b>FY 2012/13 Revenue</b>	<b>FY 2013/14 Revenue</b>	<b>FY 2014/15 Revenue</b>	<b>FY 2015/16 Revenue</b>	<b>% of Total Revenue</b>
<b>Initial License Application</b>	Optometrist	BPC § 3044 BPC § 3152 CCR § 1524	\$275	\$275	\$97,900	\$111,100	\$105,875	\$89,209	4.7%
	Optometrist Retired	BPC § 3152 CCR § 1524	\$25	\$25	-	-	\$25	\$750	-
	Optometrist Retired Volunteer	BPC § 3152 CCR § 1524	\$50	\$50	-	-	-	\$500	-
	Statement of Licensure	BPC § 3075 BPC §3152 CCR § 1524	\$40	\$40	\$10,160	\$10,640	\$11,440	\$10,840	0.5%
	Branch Office License	BPC § 3077 BPC §3152 CCR § 1524	\$75	\$75	\$3,300	\$3,675	\$4,575	\$3,450	0.1%
	Fictitious Name Permit	BPC § 3078 BPC §3152 CCR § 1524	\$50	\$50	\$7,500	\$8,350	\$8,850	\$7,950	0.4%
<b>Renewal</b>	Optometrist	BPC § 3152 CCR § 1524	\$425	\$500	\$1,435,811	\$1,492,700	\$1,510,723	\$1,577,978	83.2%
	Optometrist Retired Volunteer	BPC § 3152 CCR § 1524	\$50	\$50	-	-	-	\$50	-
	Statement of Licensure	BPC § 3075 BPC § 3152 CCR § 1524	\$40	\$40	\$15,740	\$15,720	\$16,840	\$15,176	0.8%
	Branch Office License	BPC § 3077 BPC §3152 CCR § 1524	\$75	\$75	\$25,575	\$25,350	\$25,350	\$24,825	1.3%
	Fictitious Name Permit	BPC § 3078 BPC §3152 CCR § 1524	\$50	\$50	\$61,400	\$62,275	\$65,650	\$69,150	3.6%
<b>Delinquent</b>	Optometrist	BPC §3152 CCR § 1524	\$50	\$50	\$6,375	\$7,025	\$7,475	\$6,775	0.3%
	Statement of Licensure	BPC § 3075 BPC § 3152 CCR § 1524	\$20	\$20	\$680	\$660	\$680	\$620	-
	Branch Office License	BPC § 3077 BPC §3152 CCR § 1524	\$25	\$25	\$750	\$625	\$725	\$750	-
	Fictitious Name Permit	BPC § 3078 BPC §3152 CCR § 1524	\$25	\$25	\$1,895	\$1,425	\$1,650	\$2,316	-

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Certification	Therapeutic Pharmaceutical Agent	BPC § 3152.5 CCR §1524	\$25	\$50	\$8,800	\$9,425	\$8,775	\$7,875	0.4%
	Lacrimal Irrigation and Dilation	BPC §3152 CCR §1524	\$25	\$50	\$8,130	\$8,725	\$8,525	\$8,150	0.4%
	Glaucoma	BPC §3152 CCR §1524	\$35	\$50	\$23,870	\$24,220	\$19,495	\$15,670	0.8%
Other	Cite & Fine	BPC §2545, 3145.5	Various	Various	\$2,236	\$23,866	\$17,128	\$6,476	0.3%
	CE Course Provider	BPC §3152	\$50	\$100	\$4,800	\$5,750	\$6,500	\$11,950	0.6%
	Free Care Participant	BPC §901 CCR §1508.2	\$40	\$40	-	\$40	-	\$160	-
	Replacement	BPC §3152	\$25	\$25	\$14,925	\$14,825	\$15,525	\$10,400	0.5%
	Dishonored Check Fee	BPC §3145.5	Various	Various	\$90	\$175	\$300	\$75	-
	Misc. Serv to Public-General	BPC §3145.5	Various	Various	\$2,953	\$2,525	\$2,550	\$225	-
	Miscellaneous Income	BPC §3145.5	Various	Various	\$528	\$237	-	-	-
	Over/Short Fees	BPC §3145.5	Various	Various	\$62	\$20	\$54	\$32	-
	Surplus Money Investment	BPC §3145.5	Various	Various	\$3,595	\$3,632	\$4,349	\$8,621	0.4%
	Cancelled Warrants	BPC §3145.5	Various	Various	\$630	\$775	\$1,560	\$1,636	-
<b>Total Revenue</b>					<b>\$1,737,670</b>	<b>\$1,834,425</b>	<b>\$1,844,208</b>	<b>\$1,895,940</b>	

<b>Optometry Statutory Fee History (Last 10 Years)</b>		
<b>Name of Fee</b>	<b>Date Amended</b>	<b>Date Added</b>
Optometrist Renewal (\$300 to \$500)	01/01/2008	
Optometrist Delinquent Renewal (\$25 to \$50)	01/01/2008	
Lacrimal Irrigation & Dilation Certification (\$50)		01/01/2008
Lacrimal Irrigation & Dilation Certification (\$50)		01/01/2008
Continuing Education Course Approval (\$100)		01/01/2008
Statement of Licensure Application (\$40)		01/01/2008
Statement of Licensure Renewal (\$40)		01/01/2008
Statement of Licensure Delinquent Renewal (\$50)		01/01/2008
Fictitious Name Permit Application (\$50)		01/01/2008
Fictitious Name Permit Renewal (\$50)		01/01/2008
Fictitious Name Permit Delinquent Renewal (\$25)		01/01/2008
Free Care Participant Fee (\$40)		01/01/2014
Retired/Volunteer Application (\$50)		01/01/2015
Retired/Volunteer Renewal (\$50)		01/01/2015
Retired License Application (\$25)		01/01/2015

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RDO Program

Current registration renewals are paid biennially based on the licensees' birth month. All other fees for exams and initial license are received and processed on an on-going basis. There have not been any fee amendments/additions since 2000. Effective January 1, 2017, all registration fees increase.

<b>RDO Fee Schedule and Revenue</b>									
	<b>Fee</b>	<b>Authority</b>	<b>Current Fee Amount</b>	<b>Statutory Limit</b>	<b>FY 2012/13 Revenue</b>	<b>FY 2013/14 Revenue</b>	<b>FY 2014/15 Revenue</b>	<b>FY 2015/16 Revenue</b>	<b>% of Total Revenue</b>
Initial Application	Registered Dispensing Optician	BPC §2565 CCR §1399.260	\$75	\$100	\$5,700	\$4,500	\$6,225	\$6,975	3.6%
	Contact Lens Dispenser	BPC §2565 CCR §1399.261	\$75	\$100	\$7,025	\$4,875	\$5,400	\$6,675	3.6%
	Spectacle Lens Dispenser	BPC §2566.1 CCR §1399.263	\$75	\$100	\$15,225	\$14,775	\$18,023	\$22,275	11.7%
	Non-Resident Contact Lens Dispenser	BPC §2546.9	\$10	\$10	-	-	\$100	\$100	-
Renewal	Registered Dispensing Optician	BPC §2565 CCR §1399.260	\$75	\$100	\$33,800	\$41,400	\$38,775	\$35,825	18.9%
	Contact Lens Dispenser	BPC §2566 CCR §1399.261	\$75	\$100	\$33,725	\$31,422	\$35,450	\$32,125	16.9%
	Spectacle Lens Dispenser	BPC §2566.1 CCR §1399.263	\$75	\$100	\$73,100	\$74,050	\$74,200	\$77,325	40.7%
	Non-Resident Contact Lens Dispenser	BPC §2546.9	\$75	\$100	\$500	\$400	\$400	\$200	-
Delinquent	Registered Dispensing Optician	BPC §2565	\$25	\$25	\$625	\$650	\$1,000	\$700	0.3%
	Contact Lens Dispenser	BPC §2566	\$25	\$25	\$1,350	\$825	\$1,775	\$1,250	0.6%
	Spectacle Lens Dispenser	BPC §2566.1	\$25	\$25	\$3,125	\$3,675	\$4,175	\$4,125	2.1%
	Non-Resident Contact Lens Dispenser	BPC §2546.9	\$25	\$25	-	-	-	\$25	-
Replacement	Registered Dispensing Optician	BPC §2565	\$25	\$25	\$300	\$175	\$275	\$400	0.2%
	Contact Lens Dispenser	BPC §2566	\$25	\$25	\$100	\$125	\$75	\$100	-
	Spectacle Lens Dispenser	BPC §2566.1	\$25	\$25	\$100	\$175	\$150	\$325	0.1%
Other	Citation Fee – RDO	BPC §2556 CCR §1399.275 CCR §1399.276	Varies	Varies	-	-	\$2500	-	-
	Surplus Money Investment	BPC §2567	Various	Various	\$1038	\$689	\$596	\$750	0.3%
	Cancelled Warrants	BPC §2567	Various	Various	\$416	\$350	\$418	-	-
	ICR Probation Monitoring	BPC §2551.1	Various	Various	-	-	\$6,341	-	-
	Other	BPC §2567	Various	Various	\$164	-\$506	\$1029	\$348	0.1%
<b>Total Revenue</b>					<b>\$176,293</b>	<b>\$177,580</b>	<b>\$196,907</b>	<b>\$189,523</b>	

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**Budget Change Proposals**

Annually, the Board reviews all relevant data such as workload statistics to determine if the Board has sufficient staff resources to address the Board's workload. When the Board determines there is a critical need for additional staff, a Budget Change Proposal (BCP) is submitted.

In the past four fiscal years, the Board has submitted BCPs for additional staff resources. The charts below reflect the outcome of the Board's proposed BCPs since the last Sunset Review.

<b>Optometry BCPs (Dollars in Thousands)</b>								
BCP ID #	Fiscal Year	Description of BCP Purpose	Personnel Services				OE&E	
			# Staff Requested	# Staff Approved	\$ Requested	\$ Approved	\$ Requested	\$ Approved
1110-09	12-13	Enforcement Staffing Augmentation	1.0 Office Technician (T)		\$53,000	\$0	\$0	\$0
1110-10	12-13	Rent Augmentation					\$47,000	\$0
	14-15	Licensing	0.5 Management Services Technician		\$29,000	\$0	\$10,000	\$0
	14-15	Occupational Analysis					\$37,000	\$0
	14-15	Operating Equipment & Expenses Augmentation					\$53,000	\$0
	15-16	Enforcement Program	1.0 Staff Services Analyst 1.0 Associate Governmental Program Analyst 1.0 Staff Services Manager I		\$271,000	\$0	\$24,000	\$0
	15-16	Occupational Analysis	0.5 Staff Services Analyst (LT) 0.5 Management Services Technician		\$67,000	\$0	\$90,000	\$0

<b>RDO BCPs (Dollars in Thousands)</b>								
BCP ID #	Fiscal Year	Description of BCP Purpose	Personnel Services				OE&E	
			# Staff Requested	# Staff Approved	\$ Requested	\$ Approved	\$ Requested	\$ Approved
	16-17	AB 684	0.5 Office Technician 0.6 Special Investigator		\$101,000	\$101,000	\$0	\$0



## **Staffing Issues**

Currently, the Board has authorization for 11.4 staff positions, 2.0 temporary help positions, 0.6 blanket positions (BL12-03). While the Board has not received approval for additional staffing in the last four fiscal years, the Board is currently focused on making critical and positive changes to the organizational structure to ensure that the Board's mission and business operational needs are met with existing resources. Year-end organizational charts for the last four fiscal years are attached for reference (Attachment D).

### Registered Dispensing Optician Program Move

The passing of AB684 was a pivotal event for the Board, as it moved the RDO program from the MBC to the Board. This move brought one part time Management Services Technician (MST) to the Board; however, the incumbent chose to stay with MBC. As a result, MBC and the Board partnered to quickly recruit, hire, and train a new staff member to run the RDO Program. While at the MBC, the MST position was solely responsible for processing registration applications. Any phone calls for general questions and license maintenance were routed to MBC's call center.

Now, however, the MST is responsible for maintaining over 4000 RDO registrations, answering all RDO calls, and processing all registration applications. In addition, the Board received 20% more applications for the RDO Program during the last year (FY15/16) than the prior year, and anticipates the growing trend to continue. The RDO Program was approved for a 0.5 Office Technician to answer the phones and perform some clerical duties; once the RDO fund can sustain itself, the position will be filled. The Board will continue to closely monitor the program and may need to submit a BCP in the near future.

### Vacancies and Staff Turnover

During FY 15/16, the Board experienced turnover due to retirement, lateral transfers, and promotions. As a result, the Board faced vacancies for its policy analyst, licensing lead, enforcement lead, and fingerprint coordinator/HR liaison positions - all of whom were singly responsible for his/her duties. These vacancies were reposted multiple times in order for the Board to receive a sufficient candidate pool of qualified applicants who would succeed in these positions.

### Use of Temporary Staff to Meet Operational Needs

During 2015, the majority of licensing and enforcement staff participated in the design, development, and testing of the BreEZe system. This testing was necessary to ensure that data conversion from the Board's legacy databases was accurate and that the system was performing as designed. The absence of BreEZe staff from the office meant remaining office staff took on additional workload whenever possible. The Board utilized a retired annuitant to assist with application processing while staff participated in BreEZe related activities. Although BreEZe is implemented, the retired annuitant assists the licensing unit with applications and will be able to shift focus to developing additional outreach materials for consumers and licensees. In addition, the retired annuitant is able to assist the Enforcement Unit in addressing its pending caseload.

### Reclassification of Positions and Organizational Realignment

Managing a complex, dynamic organization requires the flexibility to adjust the workforce to respond with maximum efficiency to the emerging and changing needs of the organization. Thus, in FY 15/16, the majority of the staff's duty statements were dramatically revised to reflect actual job duties and meet the operational needs of the Board. Each unit faced significant restructuring in order to effectively protect California patients and consumers in the most efficient manner possible. This restructuring included reclassifying two existing Staff Services Analyst (SSA) positions to Associate Governmental Program Analysts within the Enforcement Unit.

### Recruitment and Retention Efforts

Due to recent staff turnover, the Board focused on recruiting exceptional employees who met the Board's operational needs. This included setting more strict criteria on desired experience, qualifications, and working knowledge of related job duties and processes. It also included seeking employees working within the Department of Consumer Affairs whenever possible and conducting in depth reference checks. When the Board received poor candidate responses, the Board reposted the job announcements to increase the candidate pool rather than lowering the desired screening process.

Through meetings, events, and trainings the Board was able to network with potential staff and highlight the Board's focus on its employees. This type of networking allowed management to meet and recruit standout individuals about vacancies within the Board.

Despite the recent turnover, the Board remains committed to retaining its exceptional staff. The Board offers a variety of flexible work schedules, encourages staff development, and focuses on a positive staff environment.

Enforcement and Licensing Units meet monthly to discuss complex cases or licensing issues currently facing the team. Board management and staff work together to continuously improve existing processes. In addition, management meets with staff on a regular basis to assess individual job satisfaction and seek feedback for management to better serve Board employees. Positive recognition is frequently given to staff who are performing well, improving, or have gone above and beyond the existing job duties.

### Succession Planning

Succession planning was largely accomplished during BreZE implementation. The Board worked with DCA's Organizational Change Management team in order to document all enforcement and licensing procedures. This provided the Board with a series of procedure guides, which both new and veteran staff can utilize. In the event the Board loses a staff member, these guides provide the replacement with a quick method to acclimate to the new position.

Staff development and mentoring is vital to succession planning. In addition to the available training, staff recently began cross-training so they are knowledgeable in all positions at the Board.

### Staff Development Efforts

The Board is especially pleased with leadership actions taken by the current Executive Officer Jessica Siefertman and Assistant Executive Officer Robert Stephanopoulos related to improvements in staff development. Staff development is a high priority to the Board and, as part of the restructuring in the latter half of FY 15/16, the Board's focus shifted dramatically to staff training. Since this restructuring, staff training increased over 100% compared to the prior Sunset Review. Roughly 10% of staff time is devoted to formal and informal training, group and one-on-one meetings, and morale building.

The Board has made it clear that staff members should be given the tools to not only be successful in their current positions, but also receive the training necessary to grow within state service. As a result, staff has been provided with any information and opportunities concerning training, education, and mentoring.

Management currently holds monthly staff meetings in order to review processes which staff feels may be duplicative or unnecessary. Staff is encouraged to bring new ideas on how to address procedural issues they face, giving other staff the opportunity to provide input. These meetings also allow management to go over problematic applications or cases and provide feedback on how to complete the task.

In addition to staff meetings, management holds annual Individual Development Plan session (IDP) with staff. During these meetings, management performs an appraisal of each staff member's performance, after which, new performance objectives are set, along with methods to achieve these objectives. These plans are redone annually, but are revisited every few months in order to monitor performance and update or change objectives.

One-on-one meetings are also held on monthly basis in order to set and revisit goals, review performance, and provide a safe space for staff to voice concerns they may not be comfortable mentioning during staff meetings.

Management also began conducting staff satisfaction surveys, giving staff members the opportunity to express their satisfaction, desires, concerns, etc. with their current position and the Board as a whole. This gives management insight into each staff member, providing for individually tailored plans which fully engage staff based on individual priorities.

In 2016, DCA implemented the mentorship program. This provides a pathway for all DCA employees who are seeking to improve specific skillsets to be paired with a mentor proficient in those skills. Management is actively participating in this program and have encouraged Board staff to seek out mentors who can help them grow. Many staff members have already met with mentors and have found it extremely valuable.

DCA has also begun a series of "brown bag" meetings, in which the Board is involved. These meetings provide management throughout DCA with the opportunity to come together and discuss office challenges and ways to overcome these challenges. This not only gives Board management a snapshot of issues which other Boards face, but it can prepare them for issues which may come up in the future.

In addition, attending the 2016 ARBO meeting served as a unique educational and developmental opportunity for the Board's Executive Officer. This was an excellent opportunity for Executive Directors from other states to come together and discuss ways to better manage their boards. This experience provided the Executive Officer with insight into the similarities between boards, differing approaches to controversial topics, and unexplored methods to meeting the Board's mission.

## **Licensing Program**

### **Licensing Performance Targets**

The Board has consistently met (and exceeded) its licensing targets set in CCR § 1564 (optometrist applications) and § 1564.1 (fictitious name permit applications). These regulations mandate that the Board inform an applicant in writing within 45 from receipt of an application as to whether the application is complete or deficient. They further mandate the Board inform an applicant in writing within 120 days after completion of an application as to whether the application meets the requirements for licensure.

With the recent BreEZe transition and internal restructuring, the Board's licensing unit evaluated its current cycle times and set performance targets and expectations for the licensing program. Optometrist license applications were given a 90 day processing target, while all other application types were given 30 days. These performance targets will be monitored monthly and reported during the Board's quarterly board meetings.

With the consistently growing amount of applicants and licensees taking advantage of BreEZe services, efficiencies have been realized resulting in shorter processing times. In addition, the Board has approved several regulation changes which will greatly improve licensing processes and procedures as well as provide clearer guidance to its licensees. The Board anticipates approving even more regulatory changes over the next few years.

The Board is unaware of any previous performance targets/expectations for the RDO Program. However, the Board has identified a number of opportunities for improvement since the January 2016 transition. Most notably, the RDO Program has yet to be completely available online. In addition, the program remains under the MBC BreEZe domain – resulting in several additional steps and workarounds for the Board to process applications. The Board submitted and received approval of a work authorization to remove the RDO Program from the MBC and reconfigure each transaction in BreEZe and add online capabilities for consumers and applicants.

In addition, many RDO Program improvements require legislation and/or regulatory amendments as well as significant revision to all forms and applications. The Dispensing Optician Committee will focus its efforts on these necessary improvements within the next year.

### **Application and Licensure Processing Times**

The average time needed to issue optometrist licenses largely depends on the receipt of the items required for the issuance of the license which are, for the most part, outside of Board control. Prior to FY 2015/16, the process could take anywhere from 16 to 365 days to complete. The Board's acceptance in 2002 of all parts of the NBEO examination as the Board's licensure examination, greatly streamlined the testing process for applicants. Not having to develop and manage the testing of its own licensure examination permitted the Board to focus on decreasing the processing times to issue an optometric license. In FY 2015-2016, the minimum amount of time needed is 16 days, the median, 99 days, and the maximum, 365 days (this average includes applications from recently graduated optometrists and out-of-state optometrist license applicants). Since the California Laws and Regulations examination (CLRE) can now be taken at almost any time, applicants for licensure

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no longer have to wait for one of the two days the CLRE used to be administered, thereby eliminating a significant portion of the processing time.

**Licensing Activity**

On average, the Board issues 781 optometry licenses and permits each year. The Board renews an average of 5811 optometric licenses each year. The RDO Program issues an average of 344 registrations and 1895 renewals each year. The following tables provide the licensing, registration and renewal activity by fiscal year.

<b>Licensee/Registrant Population*</b>					
		<b>FY 2012/13</b>	<b>FY 2013/14</b>	<b>FY 2014/15</b>	<b>FY 2015/16</b>
<b>Optometrist License</b>	<b>Active</b>	5949	6178	6776	6936
	<b>Current Inactive</b>	1174	1143	730	516
	<b>Out-of-State</b>	820	806	796	747
	<b>Out-of-Country</b>	45	47	47	43
	<b>Delinquent</b>	1492	1502	449	572
<b>Statement of Licensure</b>	<b>Active</b>	976	1019	1098	1011
	<b>Delinquent</b>	188	121	165	217
<b>Branch Office License</b>	<b>Active</b>	354	354	367	353
	<b>Delinquent</b>	42	38	39	64
<b>Fictitious Name Permit</b>	<b>Active</b>	1284	1321	1409	1449
	<b>Delinquent</b>	54	61	63	64
<b>Registered Dispensing Optician</b>	<b>Active</b>	1174	1047	991	1017
	<b>Delinquent</b>	178	N/A	N/A	344
<b>Contact Lens Dispenser</b>	<b>Active</b>	998	921	933	970
	<b>Delinquent</b>	241	353	407	323
<b>Spectacle Lens Dispenser</b>	<b>Active</b>	2331	2110	2143	2261
	<b>Delinquent</b>	762	1064	1227	992
<b>Non-Resident Contact Lens Dispenser</b>	<b>Active</b>	10	6	7	8
	<b>Delinquent</b>	0	N/A	N/A	2

\*Registered Dispensing Optician Program data provided by the MBC

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<b>Optometry Licensing Data by Type</b>						
<b>Fiscal Year</b>			<b>Received</b>	<b>Issued</b>	<b>Total Pending (Close of FY)</b>	<b>Average Cycle Time*</b>
<b>Optometrist License</b>	<b>2013/14</b>	<b>(License)</b>	354	354	103	156
		<b>(Renewal)</b>	3700	3618	754	3
	<b>2014/15</b>	<b>(License)</b>	334	309	128	173
		<b>(Renewal)</b>	3891	3773	872	3
	<b>2015/16</b>	<b>(License)</b>	329	233	224	142
		<b>(Renewal)</b>	3823	3787	908	2
<b>Branch Office License</b>	<b>2013/14</b>	<b>(License)</b>	49	32	3	N/A
		<b>(Renewal)</b>	350	337	20	2
	<b>2014/15</b>	<b>(License)</b>	61	55	9	N/A
		<b>(Renewal)</b>	352	340	32	2
	<b>2015/16</b>	<b>(License)</b>	46	51	4	34
		<b>(Renewal)</b>	371	347	56	1
<b>Statement of Licensure</b>	<b>2013/14</b>	<b>(License)</b>	250	254	3	N/A
		<b>(Renewal)</b>	477	405	170	11
	<b>2014/15</b>	<b>(License)</b>	302	299	6	N/A
		<b>(Renewal)</b>	494	419	245	7
	<b>2015/16</b>	<b>(License)</b>	293	277	22	21
		<b>(Renewal)</b>	567	447	365	5
<b>Fictitious Name Permit</b>	<b>2013/14</b>	<b>(License)</b>	167	132	44	N/A
		<b>(Renewal)</b>	1259	1233	33	1
	<b>2014/15</b>	<b>(License)</b>	177	178	43	N/A
		<b>(Renewal)</b>	1320	1302	51	1
	<b>2015/16</b>	<b>(License)</b>	159	183	19	38
		<b>(Renewal)</b>	1465	1425	91	1

\* Exam application data is incorporated in the license application process.

\*\*Initial Cycle Times were not captured prior to BreEZe. BreEZe Cycle Times are as of January 19, 2016.

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<b>RDO Program Registration Data by Type</b>						
<b>Fiscal Year</b>			<b>Received</b>	<b>Issued</b>	<b>Total Pending (Close of FY)</b>	<b>Average Cycle Time</b>
<b>Registered Dispensing Optician</b>	<b>2013/14</b>	<b>(Registration)</b>	36	55	3	48
		<b>(Renewal)</b>	448	440	506	36
	<b>2014/15</b>	<b>(Registration)</b>	72	63	12	28
		<b>(Renewal)</b>	489	531	464	61
	<b>2015/16</b>	<b>(Registration)</b>	86	81	17	33
		<b>(Renewal)</b>	499	474	489	66
<b>Contact Lens Dispenser</b>	<b>2013/14</b>	<b>(Registration)</b>	47	63	11	52
		<b>(Renewal)</b>	336	433	445	12
	<b>2014/15</b>	<b>(Registration)</b>	74	83	2	39
		<b>(Renewal)</b>	460	474	431	17
	<b>2015/16</b>	<b>(Registration)</b>	86	82	6	26
		<b>(Renewal)</b>	443	424	450	16
<b>Spectacle Lens Dispenser</b>	<b>2013/14</b>	<b>(Registration)</b>	149	186	31	37
		<b>(Renewal)</b>	786	949	1301	11
	<b>2014/15</b>	<b>(Registration)</b>	251	257	25	38
		<b>(Renewal)</b>	992	1019	1274	17
	<b>2015/16</b>	<b>(Registration)</b>	304	279	50	32
		<b>(Renewal)</b>	1020	974	1320	20
<b>Non-Resident Contact Lens Dispenser</b>	<b>2013/14</b>	<b>(Registration)</b>	0	0	0	0
		<b>(Renewal)</b>	3	2	4	37
	<b>2014/15</b>	<b>(Registration)</b>	1	0	1	0
		<b>(Renewal)</b>	5	5	4	104
	<b>2015/16</b>	<b>(Registration)</b>	1	1	1	56
		<b>(Renewal)</b>	3	5	2	123



<b>Total Licensing/Registration Data *</b>			
	FY 2013/14	FY 2014/15	FY 2015/16
<b>Initial Licensing/Registration Data:</b>			
Initial License/Registration Applications Received	1052	1272	1304
Licenses/Registrations Issued	978	1234	1187
<b>Initial License/Registration Pending Application Data:</b>			
Pending Applications (total at close of FY)	198	226	343
<b>Initial License/Registration Cycle Time Data (WEIGHTED AVERAGE):</b>			
Average Days to License/Registration Issued	114	98	52
<b>License/Registration Renewal Data:</b>			
Licenses/Registrations Renewed	7398	7821	7863

\*Based on available data. Initial Cycle Times were not captured prior to BreEZe. BreEZe Cycle Times are as of January 19, 2016.

### ***Applicant Information Verification and Requirements***

School/college transcripts, examination score reports, letters of good standing (if necessary), and fingerprint reviews are sent directly to the Board from the place of origin. Applicants provide information on a form created by the Board, where they declare that, under penalty of perjury under the laws of the State of California, all the information provided is true and correct.

Optometrist and dispenser applicants are required to be fingerprinted and have their prints reviewed and cleared by the California State Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI). In order to check for prior disciplinary history, applicants licensed in another state are required to have that state submit a letter of good standing directly to the Board. The Board also runs out of state applicants' information through the national data bank. All applications involving criminal and/or disciplinary history are forwarded to our Enforcement Unit for further review

### ***Fingerprint Activity***

All applicants are required to submit to fingerprints as part of the licensure/registration process. The application is held until both the DOJ and the FBI have issued fingerprint clearances (BPC § 144).

All current and active licensees/registrants have been fingerprinted. However, licensees/registrants who have renewed in inactive status are not required to be fingerprinted. If and when that licensee/registrator returns to active status, he/she would be required to be fingerprinted.

### **National Databank for Disciplinary Actions**

The National Practitioners Databank (NPDB) is the national databank relating to disciplinary boards. Information contained in the databank is provided by state regulatory agencies and other entities that are required to report disciplinary information.

The Board began checking the NPDB for all out of state applicants in June 2016. Part of this check includes enrolling the applicants into the continuous query feature. Therefore, the Board is notified whenever discipline or other reportable action is reported to the NPDB – similar to subsequent arrest notifications through DOJ.

The Board is currently researching the feasibility of enrolling all applicants and licensees into the NPDB to further its consumer protection mandate. This is a necessary fix, as it eliminates the possibility of the Board having no knowledge of another state's discipline by way of an applicant's failure to disclose that they have been licensed in another state.

### **Primary Source Documentation**

The Board requires primary source documentation for all school/college transcripts, criminal background checks, examination results, and prior disciplinary history: Transcripts are sent directly to the Board from the accredited school/college of optometry; Fingerprint results are submitted directly from FBI and DOJ; Examination results are submitted directly from PSI (state law exam vendor) and NBE0 (national exam vendor); Letters of Good Standing are sent directly from the applicable state board(s) (for out of state applicants).

Similarly for the RDO Program, examination results for the American Board of Opticianry Exam (ABO) and/or National Contact Lens (NCLE) Exam are sent directly to the Board from the American Board of Opticianry, fingerprint results are sent directly from FBI/DOJ, and license verifications are submitted from other state boards (when applicable).

### **Out-of-State and Out of Country Applicant Requirements**

Any optometrist licensed in another state seeking California licensure must satisfy all of the following requirements (BPC § 3057):

- 1) Has a degree as a doctor of optometry issued by an accredited school or college of optometry.
- 2) Has successfully passed the licensing examination for an optometric license in another state.
- 3) Submits proof that he or she is licensed in good standing as of the date of application in every state where he or she holds a license, including compliance with continuing education requirements.
- 4) Is not subject to disciplinary action as set forth in subdivision (h) of Section 3110. If the person has been subject to disciplinary action, the board shall review that action to determine if it presents sufficient evidence of a violation of this chapter to warrant the submission of additional information from the person or the denial of the application for licensure.
- 5) Has furnished a signed release allowing the disclosure of information from the National Practitioner Database and, if applicable, the verification of registration status with the federal Drug Enforcement Administration. The board shall review this information to determine if it presents sufficient evidence of a violation of this chapter to warrant the submission of additional information from the person or the denial of the application for licensure.

- 6) Has never had his or her license to practice optometry revoked or suspended in any state where the person holds a license.
  - a) Is not subject to denial of an application for licensure based on any of the grounds listed in Section 480.
  - b) Is not currently required to register as a sex offender pursuant to Section 290 of the Penal Code.
- 7) Has met the minimum continuing education requirements set forth in Section 3059 for the current and preceding year.
- 8) Has met the certification requirements of Section 3041.3 to use therapeutic pharmaceutical agents under subdivision (e) of Section 3041.
- 9) Submits any other information as specified by the board to the extent it is required for licensure by examination under this chapter.
- 10) Files an application on a form prescribed by the board, with an acknowledgment by the person executed under penalty of perjury and automatic forfeiture of license, of the following:
  - a) That the information provided by the person to the board is true and correct, to the best of his or her knowledge and belief.
  - b) That the person has not been convicted of an offense involving conduct that would violate Section 810.
- 11) Pays an application fee in an amount equal to the application fee prescribed pursuant to subdivision (a) of Section 3152.
- 12) Has successfully passed the board's jurisprudence examination.

### Out of Country Applicants

In order to obtain a license to practice optometry in California, all applicants must have a degree from an accredited school or college of optometry. The Board does sponsor foreign graduates to sit for the NBEO examination, pursuant to BPC § 3057.5 and CCR § 1530.1, but they cannot obtain licensure until meeting all requirements specified in BPC § 3046.

### ***Military Education***

In early 2016, the Board began asking applicants if they are currently serving, or previously served, in the military. Those applications are given priority and expedited as quickly as possible.

In addition, the Board approved language to update its optometrist license applications to include questions relating to military history. Board staff is currently in the rulemaking process to implement the updated application. Further, online applications submitted through the BreZE system contain questions to elicit this information.

The RDO program does not look into this type of training or experience.

To date, the Board has not received an application in which military education, training or experience was submitted towards meeting licensing requirements. Therefore, there does not appear to be a need for the Board to propose any regulatory changes at this time. The Board has very specific requirements for education and experience in its licensing laws. The Board is not aware of any instance in which an individual had military education and/or experience.

The Board has not received any notifications or request to waive renewal fees for any licensees or applicants being called to active duty; therefore board revenues have been unaffected by BPC

§ 114.3. Similarly, the Board has not had any applicants indicate they are currently married to, or in a domestic partnership or other legal union with, an active duty military member; thus, the Board has not been impacted by BPC § 115.5

***No Longer Interested Notifications***

Prior to 2016, the Board sent No Longer Interested (NLI) notifications to DOJ on a seldom basis – typically when the Board received notification of a deceased licensee. However, in 2016 Board identified many licensees who need to be added to the NLI notification list and sent the necessary information to DOJ. To ensure a regular NLI process, the Board runs monthly extracts to identify licensees who would fall into the NLI category and will submit to DOJ. The Board will continue to do this until the automated NLI BreZE feature is enabled. This feature is scheduled to start January 11, 2017.

***Examinations***

The following tables reflect the Board’s examination data. All Board developed examinations (through OPES) are administered through the Board’s testing vendor.

<b>California Laws and Regulations Examination – Optometrist</b>					
<b>Developed by: Office Of Professional Examination Services</b>					
<b>Administered by: PSI, Inc.</b>					
Fiscal Year		Pass	Fail	Pass %	Fail %
<b>2012/13</b>	<b>First Time Test Taker</b>	206	62	69.83 %	21.02 %
	<b>Repeat Test Taker</b>	24	3	8.10 %	1.02 %
	<b>Total</b>	230	65	77.97 %	22.03 %
<b>2013/14</b>					13.10 %
					0.69 %
					13.79 %
<b>2014/15</b>	<b>First Time Test Taker</b>	294	35	83.05 %	9.89 %
	<b>Repeat Test Taker</b>	25	0	7.06 %	0.00 %
	<b>Total</b>	319	35	90.11 %	9.89 %
<b>2015/16</b>					7.49 %
	<b>Repeat Test Taker</b>	23	1	6.63 %	0.29 %
	<b>Total</b>	320	27	92.22 %	7.78 %
Date of Last OA		2009			
Name of OA Developer		Office Of Professional Examination Services			
Target OA Date		2017			

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<b>National Optometrist Examination</b>				
<b>Developed and Administered By: NBEO</b>				
<b>Fiscal Year</b>		<b>Part I</b>	<b>Part II</b>	<b>Part III</b>
		<b>Applied Basic Science</b>	<b>Patient Assessment and Management</b>	<b>Clinical Skills</b>
<b>2012/13</b>	<b># of 1<sup>st</sup> Time Candidates</b>	1601	1592	1548
	<b>Pass %</b>	85%	94%	N/A
	<b>Total Candidates</b>	2191	1797	1968
	<b>Pass %</b>	72%	89%	78.3%
<b>2013/14</b>	<b># of 1<sup>st</sup> Time Candidates</b>	1608	1574	1554
	<b>Pass %</b>	78%	97%	N/A
	<b>Total Candidates</b>	2225	1747	2035
	<b>Pass %</b>	65%	93%	79.3%
<b>2014/15</b>	<b># of 1<sup>st</sup> Time Candidates</b>	1675	1557	1542
	<b>Pass %</b>	77%	91%	N/A
	<b>Total Candidates</b>	2578	1782	1993
	<b>Pass %</b>	63%	86%	82.2%
<b>2015/16</b>	<b># of 1<sup>st</sup> Time Candidates</b>	1680	1651	N/A
	<b>Pass %</b>	77%	88%	96%
	<b>Total Candidates</b>	2689	2069	N/A
	<b>Pass %</b>	62%	81%	N/A
<b>Date of Last Audit</b>		2006		
<b>Name of Review/Auditor</b>		Office of Professional Examination Services		
<b>Target Audit Date</b>		2016		

<b>National Spectacle Examination</b>		
<b>Developed and Administered By: American Board of Opticianry</b>		
<b>2012</b>	<b># of Candidates</b>	4343
	<b>Pass %</b>	58.3%
<b>2013</b>	<b># of Candidates</b>	3935
	<b>Pass %</b>	62.5%
<b>2014</b>	<b># of Candidates</b>	3473
	<b>Pass %</b>	62.7%
<b>2015</b>	<b># of Candidates</b>	3249
	<b>Pass %</b>	55.0%
Date of Last OA		2013
Name of OA Developer		American Board of Opticianry
Target OA Date		-

<b>National Contact Lens Examination</b>		
<b>Developed and Administered By: National Contact Lens Examiners</b>		
<b>2012</b>	<b># of Candidates</b>	1496
	<b>Pass %</b>	66.9 %
<b>2013</b>	<b># of Candidates</b>	1414
	<b>Pass %</b>	53.5%
<b>2014</b>	<b># of Candidates</b>	1320
	<b>Pass %</b>	56.0%
<b>2015</b>	<b># of Candidates</b>	1439
	<b>Pass %</b>	56%
Date of Last OA		2013
Name of OA Developer		National Contact Lens Examiners
Target OA Date		-

Optometrist Examinations

Optometrist applicants are required to pass the CLRE and the national examination developed by the NBEO. The examinations are only offered in English.

CLRE Development Process

The Board works with the DCA’s Office of Professional Examination Services (OPES) to develop the CLRE as required by BPC § 139. OPES provides examination-related services to the DCA’s regulatory boards and bureaus in order to ensure that licensure examination programs are fair, psychometrically sound, valid, and legal. Specific services provided include performing occupational analyses, conducting exam item development, evaluating performance of examinations, and

consulting on matters pertaining to the measurement of minimum competency standards for licensure.

CLRE Administration Process

The CLRE is a computer-based exam administered through an examination vendor, PSI, Inc. An introductory tutorial explains the examination process and computer/keyboard functions. Sample questions are included as part of the tutorial so candidates may practice using the keys, answering questions, and reviewing their answers. Time spent on the tutorial (up to 15 minutes) does not count as part of the examination time. Candidates do not need any typing or computer skills to take the test. The CLRE is administered every day of the year (excluding holidays). However, if a candidate fails the exam, he/she must wait 180 days to take another version of the exam.

The test is administered through PSI centers at the following locations:

<b>California</b>		<b>Out of State</b>	
<i>Anaheim</i>	<i>Sacramento</i>	<i>Albuquerque, NM</i>	<i>Nashville, TN</i>
<i>Atascadero</i>	<i>San Diego</i>	<i>Atlanta, GA</i>	<i>North Orem, UT</i>
<i>Burbank</i>	<i>San Francisco</i>	<i>Boston, MA</i>	<i>North Salt Lake City, UT</i>
<i>Carson</i>	<i>Santa Rosa</i>	<i>Charlotte, NC</i>	<i>Phoenix, AZ</i>
<i>El Monte</i>	<i>Santa Clara</i>	<i>Cherry Hill, NJ</i>	<i>Portland, OR</i>
<i>Fresno</i>	<i>Ventura</i>	<i>Chicago, IL</i>	<i>Richmond, VA</i>
<i>Hayward</i>	<i>Visalia</i>	<i>Cranberry Township, PA</i>	<i>Southfield, MI</i>
<i>Redding</i>	<i>Walnut Creek</i>	<i>Dallas, TX</i>	<i>West Des Moines, IA</i>
<i>Riverside</i>		<i>Houston, TX</i>	<i>West Hartford, CT</i>
		<i>Las Vegas, NV</i>	<i>Woodbury, MN</i>
		<i>Milford, CT</i>	<i>Nashville, TN</i>

CLRE Pass Rates

Please refer to the previous tables for first time vs. retake pass rates. As the CLRE table shows, the CLRE has a high pass rate for first time test takers, averaging 78% over the past four years. When repeat test takers are included, the passing rate increases to 86% over the past four years. The number of test takers varies from year to year, ranging from 230 to 375 since 2012/13.

NBEO Examination Development and Administration Process

The national examination, developed and administered by NBEO, has been required since 2001. Prior to that, the Board administered its own practical/clinical skills exam. Currently, all 50 states, the District of Columbia and Puerto Rico use this examination for licensure.

The Board (through OPES) conducted an audit of the NBEO examination in 2009. The purpose of an audit is to ensure that the examination met professional guidelines and technical standards outlined in the Standards for Educational and Psychological Testing and the DCA Examination Validation Policy. The audit determined the examination met the prevailing standards for validation and use of the examination for licensure in California. However, the Board needs to conduct another audit as soon as funds are secured through the BCP process.

Applicants can apply to take the NBEO examination without applying to the Board. Applicants must take the first two (of three) parts while still in optometry school. Upon applicant request, NBEO electronically submits passing scores to the Board.

Part I of the NBEO is (and has been) computer-based. Part II of the NBEO just moved to computer-based testing, and Part III is performed in person in North Carolina.

### NBEO Pass Rates

Please refer to the previous tables for first time vs. retake pass rates. According to data provided by the NBEO, the pass rates for first time test takers vs. retakes is higher for each part of the test for the past four fiscal years.

### Registered Dispensing Optician Program Examinations

Spectacle Lens Dispenser candidates are required to pass the American Board of Opticianry (ABO) examination and Contact Lens Dispenser candidates are required to take and pass the National Contact Lens Examination (NCLE). Both national examinations are developed and administered by the ABO and are available in English and Spanish. The results are neither divided by language nor tracked by first time vs. retakes.

Currently, RDO Program candidates are not required to pass a state law examination.

Both exams are computer based testing and the exams can be taken at any of the 239 PSI testing sites around the country. Both tests are two hours each and are available to take during a two week period, 4 times a year.

Currently, the Board has not identified any statutes that delay or impede the effective processing of Optometry or RDO examination applications.

### **School Approvals**

BPC § 3023 requires the board to accredit schools, colleges and universities in or out of this state providing optometric education, that it finds giving a sufficient program of study for the preparation of optometrists.

The Board accepts accreditations from the Accreditation Council on Optometric Education (ACOE) to The ACOE is the only accrediting body for professional optometric degree (O.D.) programs, optometric residency programs and optometric technician programs in the United States and Canada. Both the U.S. Department of Education and the Council on Higher Education Accreditation recognize the ACOE as a reliable authority concerning the quality of education of the programs the Council accredits.

The Bureau of Private Post-Secondary Education (BPPE) does not play a role in approving the schools/colleges of optometry; therefore the Board does not work with the BPPE in the approval process.

The ACOE has accredited or pre-accredited 25 schools and colleges of optometry. California has three fully accredited schools:



- University of California, Berkeley, School of Optometry;
- Marshall B. Ketchum University, Fullerton; and
- Western University of Health Sciences, College of Optometry, Pomona.

The Board considers the didactic courses offered by the other 18 schools/colleges of optometry accredited by the ACOE to be equivalent to those in California.

Any schools/colleges of optometry that are in the pre-accreditation process are reviewed each year until the program has its first graduating class at which time it becomes fully accredited. The ACOE conducts a formal reevaluation visit at least every eight years for professional O.D. or optometric residency programs.

All accredited programs are reviewed annually through an annual reporting process, and the ACOE may visit more frequently if deemed necessary through the annual reporting process. The Board receives and reviews the copy of each report prepared by ACOE.

While there are no legal requirements to approve international schools, two are accredited through ACOE and accepted by the Board:

### ***Continuing Education (CE) Requirements***

Registered Dispensing Opticians, Registered Spectacle Lens Dispensers, Registered Contact Lens Dispensers, and Nonresident Contact Lens Sellers are not required to complete CE at this time.

Optometrist CE requirements have not changed since the last review. However, regulatory changes are currently pending OAL approval.

Currently, in order to renew an optometrist license, licensees not certified to use therapeutic pharmaceutical agents must complete 40 CE hours. All other licensees must complete 50 hours of CE, 35 of which must be in the diagnosis, treatment, and management of ocular disease in any combination of the following areas: glaucoma, ocular infection, ocular inflammation, topical steroids, systemic medication, and pain medication. Glaucoma certified licensees must complete 10 (of the 35) hours of glaucoma specific CE.

### **CE Course Approval Policy**

Pre-Approved CE courses include the following:

- Officially sponsored or recognized by any accredited US school or college of optometry,
- Provided by any national or state affiliate of the American Optometric Association, the American Academy of Optometry, or the Optometric Extension Program
- Approved by the Association of Regulatory Boards of Examiners in Optometry committee known as COPE (Council on Optometric Practitioner Education)

Pursuant to CCR §1536(f-g), the Board may, through the Practice and Education Committee, approve additional CE courses who meet the following criteria:

- Whether the program is likely to contribute to the advancement of professional skill and knowledge in the practice of optometry.
- Whether the instructors, lecturers, and others participating in the presentation are recognized by the Board as being qualified in their field.

- Whether the proposed course is open to all optometrists licensed in this State.
- Whether the provider of any mandatory continuing optometric education course agrees to maintain and furnish to the Board and/or attending licensee such records of course content and attendance as the Board requires, for a period of at least three years from the date of course presentation.

CE courses are approved by the Board's Practice and Education Committee. Providers must apply for CE course approval on the Board approved form and pay a \$50 application fee. The application must be accompanied by any course presentation materials and the curriculum vitae of all instructors and/or lecturers involved. Between FY 2012 - 2016, 849 requests for CE approval were submitted. 814 of these submissions were approved. The Board does not currently audit CE providers.

The Board has not reviewed its CE policy for the purpose of moving toward performance based assessments of licensees continuing competence. However, Board staff is currently researching this possibility and will bring it to the Board for consideration during a future Board meeting.

#### CE Review and Audit Process

The Board requires licensees to certify, under penalty of perjury, meeting the CE requirements pursuant to CCR § 1536 each renewal cycle. If a licensee fails to certify completion of the required CE, the license renewal is held until the licensee certifies completion of CE. A licensee may not practice with an expired or delinquent license.

In order to verify completion, the Board conducts random CE audits. The Board recognizes and utilizes the Association of Regulatory Boards in Optometry's Online Optometric Education (OE) Tracker system as proof of CE course attendance (CCR § 1536(h)). Proof of all other CE attendance must be submitted to the Board.

The Board began conducting random CE audits in December 2009; however, due to staffing issues, and time constraints, CE audits have not been consistently conducted. Currently, the CE audits are conducted by an Enforcement Analyst with the assistance of an office technician.

Licensees that fail a CE audit are subject to fines up to \$2,500 (CCR section 1579). If a licensee fails to remediate the deficiencies and/or pay the determined fine, an enforcement hold is placed on the license, making the license ineligible for renewal until all conditions are met.

In the past four fiscal years, a total of 375 CE audits were conducted with a failure rate of less than 10%. The audit failures have been resolved with the submission of additional credits.

As a result of the Board restructuring, additional resources are now available to conduct more audits. The Board is also researching more efficient ways to increase the number of CE audits, strengthening consumer protection.

## **Enforcement Program**

### **Enforcement Performance Targets**

In 2010, DCA developed standard performance measures for each board and bureau to assess the effectiveness of its enforcement program. DCA established an overall goal to complete consumer complaints within 12 to 18 months. Each board and bureau is responsible for determining its performance target for the remaining performance measures to achieve the 12 to 18 month goal. The Board's performance targets are reflected in the next table.

Currently, the Board is meeting all of the performance measures except two: intake and investigation and cases resulting in formal discipline. These increased cycle times are largely due to staffing challenges the Board has faced over the last four years. Enforcement staff spent a significant amount of time in 2015 participating in the design, development, and testing of the BreEZe system. While this was crucial to ensuring accurate and complete data conversion and providing a stronger enforcement foundation, it did impact the pending caseload and average cycle times to case closure.

In addition, the enforcement unit experienced staff turnover in fiscal year 2015/16 – one analyst retired and two of the enforcement staff were promoted to other positions. Thus, for the majority of FY 2015/16, the enforcement unit had only one analyst investigating cases

Further, when the RDO Program transitioned to the Board in January 2016, the RDO enforcement caseload (92 additional cases) transferred to the enforcement unit without any additional enforcement staff. A BCP was approved for a 0.6 enforcement position, but the RDO program's budget is currently unable to sustain the position. As a result, the RDO cases that would be investigated by this position are being absorbed by the Board's current enforcement staff.

### Improvement Plan

In order to address the increased pending caseload and cycle times, the enforcement unit was restructured in 2016. The goal of the restructuring was to use existing resources in the most efficient way possible while streamlining enforcement processes. All analyst duty statements were revised to reflect actual job duties and address specific areas (in addition to cycle times) we needed to improve (e.g., CE audits, building the inspection program, additional consumer outreach). Two enforcement positions were re-classed, recognizing the need for higher level analysts to investigate the more complex cases with increased independence.

The enforcement unit is also working more closely with the Attorney General's office to streamline the formal discipline process. This includes increased communication with the Board's Deputy Attorney General (DAG) liaison prior to sending to discipline to identify and address potential barriers, communicating settlement offers (if warranted) when a case is transmitted rather than waiting until the hearing, and increased follow up with assigned DAGs during the disciplinary process.

Enforcement Procedure Manuals will also be updated to reflect improved case investigation processes and BreEZe efficiencies.

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Performance Measure	Definition	Target	Actual FY 2012/2013		Actual FY 2013/2014		Actual FY 2014/2015		Actual FY 2015/2016	
			OPT	RDO	OPT	RDO	OPT	RDO	OPT	RDO
Volume	Number of complaints and convictions received	-								
Intake	Average cycle time from complaint receipt to the date the complaint was assigned to an investigator	7	7	8	1	1	2	1	1	11
Intake and Investigation	Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General (AG) or other forms of formal discipline	90	191	196	188	80	117	262	220	153
Formal Discipline	Average number of days to complete the entire enforcement process for cases resulting in formal discipline	540	889	738	783	176	797	939	1200	638
Probation Intake	Average number of days from monitor assignment to the date the monitor makes first contact with the probationer	25	1	N/A	1	N/A	1	N/A	1	412
Probation Violation Response	Average number of days from the time a violation is reported to a program, to the time the assigned probation monitor responds.	14	1	1	1	N/A	1	N/A	1	N/A

\*Prior to January 1, 2016 (mid-FY15/16), all enforcement for the RDO Program was conducted by the MBC

**Enforcement Statistics**

<b>Enforcement Statistics</b>						
	<b>FY 2013/14</b>		<b>FY 2014/15</b>		<b>FY 2015/16</b>	
	<b>OPT</b>	<b>RDO</b>	<b>OPT</b>	<b>RDO</b>	<b>OPT</b>	<b>RDO</b>
<b>COMPLAINT</b>						
<b>Intake</b>						
Received	213	53	376	29	238	46
Closed	40	0	59	0	21	4
Referred to INV	174	53	317	29	185	45
Average Time to Close	1	1	2	1	1	11
Pending (close of FY)	0	0	0	0	0	0
<b>Source of Complaint</b>						
Public	110	33	168	26	181	27
Licensee/Professional Groups	0	3	4	3	5	8
Governmental Agencies	68	17	184	0	35	11
Other	35	0	20	0	17	0
<b>Conviction / Arrest</b>						
CONV Received	25	38	28	20	26	46
CONV Closed	26	12	28	36	26	19
Average Time to Close	1	1	3	1	2	4
CONV Pending (close of FY)	0	0	0	0	0	0
<b>LICENSE DENIAL</b>						
License Applications Denied	0	0	0	0	0	4
SOIs Filed	0	0	0	0	0	1
SOIs Withdrawn	0	0	0	0	0	0
SOIs Dismissed	0	0	0	0	0	0
SOIs Declined	0	0	0	0	0	0
Average Days SOI	0	0	0	0	0	56
<b>ACCUSATION</b>						
Accusations Filed	8	7	6	3	0	3
Accusations Withdrawn	1	0	2	0	1	0
Accusations Dismissed	0	0	0	0	0	0
Accusations Declined	1	0	0	0	0	0
Average Days Accusations	499	470	476	611	0	592
Pending (close of FY)	4	1	4	1	1	2

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<b>Enforcement Statistics (continued)</b>						
	<b>FY 2013/14</b>		<b>FY 2014/15</b>		<b>FY 2015/16</b>	
	<b>OPT</b>	<b>RDO</b>	<b>OPT</b>	<b>RDO</b>	<b>OPT</b>	<b>RDO</b>
<b>DISCIPLINE</b>						
<b>Disciplinary Actions</b>						
Proposed/Default Decisions	3	2	2	4	1	3
Stipulations	11	1	2	1	1	0
Average Days to Complete	783	716	797	939	1200	638
AG Cases Initiated	11	5	4	4	5	4
AG Cases Pending (close of FY)	11	7	8	5	8	6
<b>Disciplinary Outcomes</b>						
Revocation	2	2	1	3	0	3
Voluntary Surrender	3	1	2	1	1	0
Suspension	0	0	0	0	0	0
Probation with Suspension	0	0	0	0	0	0
Probation	9	0	1	0	1	0
Probationary License Issued	0	0	0	0	0	0
Other	0	0	0	1	0	0
<b>PROBATION</b>						
New Probationers	9	0	1	0	1	1
Probations Successfully Completed	1	0	1	1	4	0
Probationers (close of FY)	18	1	14	0	7	1
Petitions to Revoke Probation	1	0	1	0	1	0
Probations Revoked	0	0	1	0	1	0
Probations Modified	5	0	5	0	3	0
Probations Extended	0	0	0	0	0	0
Probationers Subject to Drug Testing	7	0	4	0	3	0
Drug Tests Ordered	196	0	355	0	188	0
Positive Drug Tests	7	0	1	0	10	0
Petition for Reinstatement Granted	4	0	0	0	0	1

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<b>Enforcement Statistics (continued)</b>						
	FY 2013/14		FY 2014/15		FY 2015/16	
	<b>OPT</b>	<b>RDO</b>	<b>OPT</b>	<b>RDO</b>	<b>OPT</b>	<b>RDO</b>
<b>INVESTIGATION</b>						
<b>All Investigations</b>						
First Assigned	200	93	343	50	247	95
Closed	262	88	244	71	192	66
Average days to close	188	80	117	262	220	153
Pending (close of FY)	70	54	170	32	184	51
<b>Desk Investigations</b>						
Closed	242	47	240	29	137	44
Average days to close	167	41	106	106	165	99
Pending (close of FY)	48	17	97	15	172	45
<b>Non-Sworn Investigation</b>						
Closed	0	23	0	17	0	9
Average days to close	0	41	0	137	0	341
Pending (close of FY)	0	8	0	6	0	0
<b>Sworn Investigation</b>						
Closed	20	18	4	25	55	13
Average days to close	443	229	799	195	362	330
Pending (close of FY)	22	29	73	11	12	6
<b>COMPLIANCE ACTION</b>						
ISO & TRO Issued	0	0	0	0	0	0
PC 23 Orders Requested	0	0	0	1	1	0
Other Suspension Orders	0	0	0	0	0	0
Public Letter of Reprimand	0	0	0	1	0	0
Cease & Desist/Warning	0	0	0	0	0	0
Referred for Diversion	0	0	0	0	0	0
Compel Examination	1	0	0	0	0	0
<b>CITATION AND FINE</b>						
Citations Issued	13	0	4	0	0	0
Average Days to Complete	345	0	596	0	0	0
Amount of Fines Assessed	\$59,500	0	\$19,000	0	0	0
Reduced, Withdrawn, Dismissed	\$20,500	0	\$11,500	0	0	0
Amount Collected	\$20,380	\$150	\$18,348	\$2500	\$800	\$25
<b>CRIMINAL ACTION</b>						
Referred for Criminal Prosecution	0	2	0	0	0	5

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<b>Enforcement Aging</b>												
	FY 2012/13		FY 2013/14		FY 2014/15		FY 2015/16		Cases Closed		Average %	
	OPT	RDO	OPT	RDO	OPT	RDO	OPT	RDO	OPT	RDO	OPT	RDO
<b>Attorney General Cases (Average %)</b>												
Closed Within:												
1 Year	0%	0%	0%	0%	0%	0%	0%	0%	0	0	0%	0%
2 Years	17%	0%	38%	67%	50%	20%	50%	67%	10	5	36%	42%
3 Years	67%	100%	56%	33%	25%	60%	0%	33%	14	6	50%	50%
4 Years	17%	0%	6%	0%	25%	20%	50%	0%	4	1	14%	0%
Over 4 Years	0%	0%	0%	0%	0%	0%	0%	0%	0	0	0%	0%
Total Cases Closed	6	1	16	3	4	5	2	3	28	12	-	-
<b>Investigations (Average %)</b>												
Closed Within:												
90 Days	46%	20%	39%	55%	58%	28%	45%	48%	456	94	47%	37%
180 Days	21%	38%	32%	13%	28%	28%	20%	15%	249	60	26%	24%
1 Year	16%	28%	13%	18%	11%	28%	14%	15%	129	57	13%	23%
2 Years	14%	15%	12%	13%	3%	15%	16%	17%	110	38	11%	15%
3 Years	2%	0%	4%	2%	0%	0%	4%	5%	25	4	3%	2%
Over 3 Years	1%	0%	0%	0%	0%	0%	1%	0%	6	0	1%	0
Total Cases Closed	276	61	251	55	246	71	192	66	975	253	-	-

Overall, the statistics show a 61% increase in disciplinary actions since the last review. In its last review, the Board reported a total of 17 disciplinary actions over the previous four fiscal years. In the four fiscal years prior to the current review, the Board completed a total of 28 disciplinary actions.

The Board's complaint prioritization policy remains as previously reported. While the Board does follow DCA's Complaint Prioritization Guidelines for Health Care Agencies (August 31, 2009), the vast majority of the complaints received by the Board do not rise to the "Urgent" level as set by DCA's guidelines. The Board prioritizes the following as the most urgent complaints:

- Patient harm
- Potential patient harm
- Fraud
- Convictions
- Unlicensed Practice

***Settlement Reporting Requirements***

The mandatory reporting requirements remains as previously reported. There are three mandatory reporting requirements:

- BPC section 801(a)

Requires every insurer providing professional liability insurance to a person who holds a license, certificate, or similar authority from or under any agency mentioned in subdivision (a) of section 800 shall send a complete report to that agency as to any settlement or arbitration award over three thousand dollars (\$3,000) of a claim or action for damages for death or personal injury caused by that person's negligence, error, or omission in practice, or by his or her rendering of unauthorized professional services. The report shall be sent within 30 days



after the written settlement agreement has been reduced to writing and signed by all parties thereto or within 30 days after service of the arbitration award on the parties.

- BPC section 802

Requires optometrists (or attorney, if represented by counsel) to report any settlement, judgment, or arbitration award over \$3,000 of a claim or action for damages for death or personal injury caused by the licensee's negligence, error or omission in practice, or by rendering of unauthorized professional services.

- BPC section 803

Requires the clerk of the court to report, within 10 days after judgment made by the court in California, any person who holds a license from the Board who has committed a crime or is liable for any death or personal injury resulting from a judgment for an amount in excess of \$30,000 caused by his or negligence, error or omission in practice or by rendering of unauthorized professional services.

Any settlement, judgment, or arbitration award of \$3,000 or more must be reported to the Board. Although these are mandatory reporting requirements, the Board receives a very small number of these reports each year.

During the last four fiscal years, the Board received a total of 18 reports. As the agencies charged with the submission of these reports are largely outside of the authority of the Board, correction of this problem has been challenging. Over the prior four fiscal years, the average dollar amount of settlements reported to the Board is \$189,699.48.

### ***Disciplinary Action Reporting Requirements***

Optometrists are required to disclose any disciplinary actions taken in other states during renewal every two years. State Boards are also mandated by federal law to report disciplinary actions to NPDB and any other state board where the individual holds a license. However, that requires the other states know all states where the individual is licensed. States often, like California, request information of other state licenses on the initial application, but they do not capture information about licenses acquired after licensure.

In addition, insurance companies are mandated by federal law to report any negative actions taken against a provider (e.g., removed or suspended from the panel) to the NPDB, but they are not required to report those actions to the Board.

When the Board does receive a report from an insurance company, licensee, or court clerk, the report oftentimes has already been filed with the NPDB months if not years prior.

The NPDB offers a service through which the Board would automatically receive notifications whenever the NPDB received an action report regarding a licensee submitted by the Board for continuous query. However, the Board has been unsuccessful in securing the funds necessary to submit all of its licensees through the NPDB's continuous query service. As a result, the Board's opportunity to pursue consumer protection based on these reports is inhibited or delayed.

### ***Disciplinary Settlements (Stipulations)***

The licensee/applicant and Board may decide to settle the case at any time during the administrative process. Settlements are generally entered into prior to the date of an administrative hearing. Although settlements prior to the scheduled hearing avoid the expense of a hearing, this is not a reason to settle a case. Settlements are considered in cases where the respondent has presented mitigating information/evidence to demonstrate that he/she may be a good candidate for probation.

The proposed settlement is reduced to a written stipulation and order which sets forth the settlement terms and proposed disciplinary order. The DAG prepares a memo describing the rationale for the proposed settlement. The memo and the written stipulation and order are forwarded to the Board Members for their consideration and decision.

If the Board Members reject the proposed settlement, the case will return to disciplinary process. A new settlement may be submitted to the Board Members at a later time or the case may proceed to an administrative hearing before an Administrative Law Judge (ALJ).

Stipulations executed prior to an administrative hearing also eliminate the six months to one-year delay that may result from attempting to schedule a mutually agreeable hearing date. The public is often better served because the resolution time is reduced, qucecar and lengthy appeals are avoided, and the Board and respondent save time and money. Further, a licensee on probation is monitored closely by the Board.

#### **Determining Settlement Terms**

Stipulations (settlements) are negotiated with the deputy attorney general (DAG) (in consultation with the Executive Officer), the respondent (the licensee/applicant), and his/her legal counsel (if represented). Stipulation terms are provided to the DAG utilizing the Board's Disciplinary Guidelines (*refer to Attachment J*). These guidelines provide the parameters for settlement terms for specific violations of law.

When negotiating a stipulation, the DAG works closely with the Board's Executive Officer to arrive at a stipulation that will be acceptable to the Board. The Executive Officer considers the evidence, the law, witness and subject matter expert testimony, and protection of the public in the decision process.

The following factors are considered when settlement terms are proposed:

- Nature and severity of the act(s), offense(s), or crime(s)
- Actual or potential harm to any consumer or client
- Prior disciplinary record
- Number and/or variety of current violations
- Mitigation evidence
- Rehabilitation evidence
- In the case of a criminal conviction, compliance with terms of sentence and/or court-ordered probation
- Overall criminal record
- Time elapsed since the act(s) or offense(s) occurred
- Whether the respondent cooperated with the Board's investigation, other law enforcement or regulatory agencies, and/or the injured parties

- Recognition by respondent of her or his wrongdoing and demonstration of corrective action to prevent recurrence

The Board's disciplinary guidelines were established to provide consistency in determining settlement terms. Variations or deviations from the guidelines may occur when sufficient mitigating information or evidence warrants a reduction in the term and does not compromise consumer protection.

Enforcement staff considers the disciplinary guidelines when determining whether to seek revocation, suspension, and/or probation of a license. Board Members use the disciplinary guidelines when considering cases during closed sessions. The disciplinary guidelines, which are incorporated by reference in regulation, are updated when necessary and are distributed to DAGs and ALJs who work on Board cases.

A pre-hearing conference may be scheduled to settle the case prior to the administrative hearing. Pre-hearing conferences are a more formal method for developing a stipulated agreement. These hearings involve the Executive Officer, the respondent, respondent's attorney, and an ALJ.

The Board does not have authority to settle a case before an accusation has been filed. In the past four years, 19 cases were settled for Optometry and two for the RDO program. Optometry had four disciplinary decisions resulting from a hearing and the RDO program had two.

Overall, in the past four fiscal years, 68% of Optometry and 17% of RDO disciplinary orders were settled by the Board (or MBC for the RDO Program) rather than an ALJ after a hearing. The majority of RDO cases (66%) have resulted in a default decision.

### ***Statute of Limitations***

Under the Optometry Practice Act, the Board is subject to a statute of limitations under BPC § 3137. An accusation must be filed within three years from the date the Board discovers the alleged act or violation or within seven years from the incident date, whichever occurs first. Cases regarding procurement of a license by fraud or misrepresentation are not subject to the limitations. Specific exemptions pertaining to fraud, willful misconduct, unprofessional conduct and sexual misconduct are provided for in statute.

Since the Board's last report, 38 optometry cases have been closed due to the statute of limitations. Of those, two were based on complaints that were filed over seven years after the alleged incidents had occurred. 15 cases involved convictions prior to licensure that were too old and outside the Board's authority. 21 of the cases were related to convictions and/or subsequent arrest notifications the Board received as part of the 2010 requirement to have licensees re-fingerprinted for purposes of submitting prints to the FBI. All of these cases involved convictions that were old enough to be outside the Board's authority.

Recently, the Board implemented monitoring procedures to ensure that limitation deadlines are identified and that cases are monitored closely through the review and investigation process. This includes a built in alert in BreZE to notify analysts and management of cases approaching the statute of limitations. In addition, if a case is forwarded for formal investigation, the investigator is informed of the limitation deadline and staff frequently follows up with the assigned investigator to track the progress. If violations are confirmed and the case is transmitted to the office of the Attorney

General, the Deputy Attorney General assigned to the case is informed of the limitations deadline to ensure prompt filing of charges.

The RDO Program (not part of the Optometry Practice Act) does not have a statute of limitations. However, the Board recognizes public protection as its highest priority and therefore strives to investigate each complaint as quickly as possible.

### ***Unlicensed Activity/Underground Economy***

The Board's enforcement unit continues to work closely with DCA's, Division of Investigation to investigate allegations of unlicensed activity; this includes undercover sting operations and the investigation of companies outside of California providing unlicensed services to California consumers. In addition, the Board pursues opportunities to advise the public of the potential harm of purchasing and wearing "plano" cosmetic contact lenses without the benefit of an examination and proper fitting by an optometrist, The Board accomplishes this by participating in outreach events, distributing fliers, and creating pamphlets related to the illegal distribution of plano contact lenses.

The Board opened multiple investigations against Halloween and novelty stores, as well as online business who sell cosmetic contact lenses. If the investigation reveals that these business are not registered dispensers and/or are not obtaining prescriptions prior to dispensing these devices, they are provided with the applicable laws and asked to come into compliance. Even after compliance is obtained, Board staff will check in with the business at a later time, to ensure it wasn't temporary compliance. At this time, a citation can be issued to the business owner.

In addition, the Board receives notifications from consumers and licensees regarding the unlicensed practice of optometry by individuals who were licensed optometrists and ophthalmologists in other countries. The Board will request that an investigator visit the individual and obtain an eye exam, after which a misdemeanor citation can be issued. This can be followed by a fine for unlicensed practice.

Frequently, optometrist/dispenser applicants have job offers waiting while their application is being processed. In some cases, these individuals begin practicing optometry or dispensing lenses prior to receiving the required license/registration from the Board. When this type of activity is discovered, the Board may deny the application or take discipline against the license, if it has been issued.

### ***Cite and Fine Program***

#### Optometry Program

Since the last review, the Board issued 20 citations for minor violations of applicable statutes and regulations. Effective June 27, 2016, the statutory fee limit increased for BPC § 655 and BPC § 2556.2 violations (SB 836). Fines issued for these violations are not to exceed \$50,000. Fines for all other violations are still limited to \$5,000 per investigation.

Citations and fines are used to gain compliance for minor violations that did not rise to levels warranting formal discipline (e.g., advertising violations, minor record keeping violations, etc.). Citations and fines are also issued to address unlicensed practice.

Fines are assessed pursuant to CCR § 1579; the fine amount is based on the following classification types:

- Class A  
*Range \$1,500-2,500 per violation*
  - Unlicensed practice, which includes acting, performing, or controlling services defined in the optometric scope of practice (BPC § 3041)
  
- Class B  
*Range \$500-\$2,500 per violation*
  - Statute or regulation violations which would be grounds for discipline by the Board that has caused non-physical financial harm to a person, or
  - Violations falling under Class “C” when multiple Class “C” citations were issued within three prior years
  
- Class C  
*Range \$250-\$2500 per violation*
  - Statute or regulation violations which would be grounds for discipline by the Board that did not cause physical or financial harm to a person.

The five most common violations for which citations are issued are:

- Engaging in practice without a license,
- False representation of facts,
- Substantially related convictions,
- Failure to maintain or provide records, and
- Incompetence.

In the last four fiscal years, the Board has conducted 11 informal citation conferences and has had three Administrative Procedures Act appeals. Of citations that were appealed, the average fines pre appeal was \$6,682, and the average fine post appeal was \$1,682.

The Board sent one case to the Franchise Tax Board (FTB) intercept program to collect outstanding fines. Due to the low volume of fines issued, FTB has not been necessary. For those who are licensed, the Board will hold renewal until the fines are paid.

### RDO Program

Since the last review, the MBC did not issue any citations according to its annual reports. This is a decrease from the last review, when they reported issuing 9 citations from FY 2009/10-2011/12. In the last four fiscal years, MBC collected \$3,275 from citations issued prior to FY 2011/12. Of that amount, \$250 was collected in March 2016 through the FTB intercept program for a 2004 citation.

MBC previously reported utilizing its citation authority to address and resolve complaints related to an unregistered practice, stating that the majority of the complaints involved either an unregistered employee working in a registered dispensing location or a business that operated without being registered. Those cases were resolved through an order of abatement requiring registration.

SB 836 had the same impact on the RDOs as it did on optometrists. Thus, the statutory fee limit increased for BPC § 655 and BPC § 2556.2 violations (SB 836). Fines issued for these violations cannot not to exceed \$50,000. Fines for all other violations are still limited to \$5,000 per investigation.

Fine amounts are issued pursuant to CCR § 1399.276 based on specific BPC section violations. The amounts range from \$100-\$2500.

## ***Cost Recovery and Restitution***

### Cost Recovery

The Board seeks recovery of all investigative and prosecution costs in all disciplinary cases (pursuant to BPC § 125.3), because the burden for payment of investigation and disciplinary prosecution should fall upon those whose proven conduct required investigation and prosecution, not upon the profession as a whole. Cost recovery can be ordered as a reinstatement condition of a surrendered or revoked license or as a probation condition.

Payment plans are often implemented if individuals cannot pay the total amount in one lump sum. However, probation cannot be completed and a license cannot be reinstated until cost recovery is paid in full.

Since the last review, enforcement expenditures increased by 62%, ordered cost recovery increased 64%, and collected cost recovery by 16%.

According to Board records, \$231,182 in cost recovery has been ordered for revocations and surrenders. Of that, only 21% (\$49,387.71) is being actively collected through probationers on payment plans. Roughly 79% of that (\$181,794.29) was ordered for revocations, surrenders, and probationers who are tolling and is believed to be uncollectable. These licensees only have to repay their cost recovery upon reinstatement or returning to practice in California. The majority of them never return to practice in California; therefore, they have no desire or requirement to pay their outstanding balance.

The Board seeks cost recovery in most cases. Cost recovery is used as a negotiation tool in stipulated settlements. The board may agree to decrease or eliminate cost recovery if it expedites the disciplinary process through settlement. The board does not have the authority to order cost recovery in cases that result in revocation of registration or licensure by default decision.

To date the Board has not used FTB for cost recovery; since cost recovery is ordered upon reinstatement and/or as part of a probation condition, there has been no need to submit to FTB for collection. The license would either not be reinstated or the licensee would violate probation, which would result in subsequent discipline.

### Restitution

The Board has no jurisdiction to order restitution unless written into a disciplinary order or stipulated settlement. While the Board does not have a formal restitution policy, we have sought restitution in cases involving insurance fraud. In addition, if the Board obtains evidence of substantial financial harm from a consumer by a licensee, the Board would seek restitution at the hearing or in a stipulated settlement.

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Cases involving restitution are rare, however, and many times insurance agencies who discover fraud will allow the optometrist to continue working in order to pay off the debt prior to reporting it to the Board.

Further, in many cases, optometrists will achieve compliance with regard to fee disputes without the need for restitution. Optometrists notified by the Board of a complaint involving a fee dispute over a product or service often make the complainant whole by refunding fees paid. These complaints would not be publicly reported, nor would they be considered restitution.

The MBC did not seek cost recovery or restitution in the RDO Program disciplinary cases.

<b>Cost Recovery</b>								
(Dollars in thousands)	FY 2012/13		FY 2013/14		FY 2014/15		FY 2015/16	
	OPT	RDO	OPT	RDO	OPT	RDO	OPT	RDO
Total Enforcement Expenditures	\$287,801	\$0	\$478,790	\$0	\$345,831	\$0	\$95,786	\$0
Potential Cases for Recovery *	8	1	14	3	5	5	3	3
Cases Recovery Ordered	4	0	12	0	4	0	2	0
Amount of Cost Recovery Ordered	\$33,238.10	\$0	\$57,081.25	\$0	\$23,647	\$491	\$7,975	\$0
Amount Collected**	\$31,539.10	\$0	\$40,604.99	\$0	\$37,016.70	\$1,633	\$11,337	\$0

\* Cases in which disciplinary action has been taken based on violation of the license practice act.

\*\* Reflects Cost Recovery payments received in that fiscal year. Payments for one Cost Recovery Order may span multiple fiscal years.

<b>Restitution</b>								
(Dollars in thousands)	FY 2012/13		FY 2013/14		FY 2014/15		FY 2015/16	
	OPT	RDO	OPT	RDO	OPT	RDO	OPT	RDO
Amount Ordered	\$0	\$0	\$165.20	\$0	\$0	\$0	\$0	\$0
Amount Collected	\$0	\$0	\$165.20	\$0	\$0	\$0	\$0	\$0

## **Public Information Policies**

### **Meeting Materials and Minutes**

The Board's central Internet resource for disseminating information to applicants, licensees, and the public is its Website. The website features links to the Board's laws and regulations, forms and publications, the BreEZe system, disciplinary actions against licensees, Board activities, newsletters, and links to related professions and associations. The website also offers a feature for individuals to enroll in a Subscriber List which provides an e-mail notification to subscribers when new information is added on the website.

Since the last sunset report, the Board has grown its social media presence through Facebook, Twitter, LinkedIn, Snapchat, Instagram, and Google+. These outlets are used to provide useful information to consumers and licensees as well as keep them apprised of the actions of the Board.

In addition, the Board has recently retooled its outreach efforts with regard to its interested parties email list via the ListServ system. This system allows the Board to contact via email its over 6000 subscribers, to inform them of regulatory hearings, meetings, surveys, etc. This system was not used to its full potential previously, as the messages would come across as simple text documents. However, after meeting with the Medical Board and learning some basic html coding, the Board has redesigned its templates to make them much more professional looking.

Quarterly Board meetings materials are posted at the time the agenda is posted, at least ten days prior to the meeting. Not all committee meetings require materials, but when materials are required, they are also posted to the Board's Website. These materials remain on the Board's Website indefinitely.

Draft meeting minutes are not posted to the Board's Website. Final Board meeting minutes are posted after they are approved at a Board meeting. These minutes remain on the Board's Website indefinitely.

All quarterly Board meetings and some committee meetings (depending on resources) are webcast. The majority of teleconference meetings are not webcast. Webcast meetings remain online indefinitely.

### **Meeting Dates**

All quarterly Board meeting dates for the upcoming calendar year are posted to the Board's Website one year in advance. In the event the Board meets outside of its quarterly scheduled meeting, those dates are posted as soon as the dates are known, but no later than ten days prior to the meeting (unless it's a Special Meeting pursuant to Government Code § 11125). Committees meet on an "as needed" basis pursuant to the Board's Administrative Procedure's Manual, and if they are public, are noticed 10 days in advance of the meeting date in compliance with the Administrative Procedures Act.

### **Complaint Disclosure Policy**



The Board's complaint disclosure policy is consistent with DCA's Recommended Minimum Standards for Consumer Complaint Disclosure to the extent that disclosure of any complaint information will not impede or impair current or future investigations and will not discourage or deter the filing of consumer complaints. The Board posts accusations and disciplinary actions consistent with DCA's Website Posting of Accusations and Disciplinary Actions and the provisions of section 27 of the Business and Professions Code.

The Board provides the following information to the public regarding its licensees and registrants:

- licensee's name;
- address of record;
- license status;
- license type;
- issue date;
- expiration date;
- certification; and,
- Disciplinary/enforcement actions.

### ***Consumer Outreach and Education***

The Board reaches consumers via its Website, social media presence, and ListServ. The Board also keeps a list of interested parties to whom it mails physical copies of regulatory and meeting information.

In addition, the Board provides brochures regarding the importance of a comprehensive eye exam, the dangers of illegally sold cosmetic contact lenses, and what to expect at an eye exam. Links to these brochures are available on the Board's Website.

Further, the Board regularly teams up with DCA's Public Affairs Office and the Publications, Design and Editing to disseminate information via DCA WordPress page and the Consumer Connections Magazine.

Moreover the 2016 staff restructuring will enable the Board to devote more resources to consumer outreach, including reinstating the Board's newsletter.

## **Online Practice Issues**

With technological advancements in the last several years, online refractions are being offered to California consumers. However, to date, none of the services appear to be offered or provided by California optometrists. To the Board's knowledge, all services are currently offered and provided by California licensed ophthalmologists. Thus, those services fall under the MBC's jurisdiction. However, the Board continues to monitor this issue closely.

In addition, the Board has investigated several cases involving online illegal sales of cosmetic contact lenses. In the past, the Board's jurisdiction was limited, as it did not oversee the RDO Program and those dispensing lenses without proper registration. Now that the Board oversees the RDO Program, the enforcement unit is able to focus on the "whole picture" rather than small parts, strengthening consumer protection in its entirety.

## **Workforce Development and Job Creation**

### **Workforce Development Actions**

The Board serves a key role in developing the California workforce, as it is the only gateway to applicants seeking to enter the optometric and dispensing professions in California. In order to develop the workforce, the Board focuses on verifying applicants possess the required skills and knowledge to provide services to the diverse population of Californians who seek primary eye care services. These efforts include processing applications timely, working with the schools to identify and resolve student concerns when possible, and annual outreach to the schools and colleges of optometry.

In addition, through BreEZe, the Board is developing reports to identify licensing cycle times and deficiencies in relation to the schools. Based on these results, the Board will be able to provide more specific outreach to schools who may have specific deficiency trends (e.g., untimely transcript submittals, test scores, fingerprint data, etc.). Through increased communication up front, the Board will be able to improve its licensing cycle times, which increases California's workforce quicker and more efficiently.

### **License Barriers**

The Board continues to analyze its licensing and registration requirements (in statute and regulation) to identify any unnecessary barriers to licensure. Removing these barriers equates to increased workforce development and patient access to care. In January 2016, several Board sponsored and/or supported bills took effect, removing some of these barriers. For example, a barrier to obtain a Therapeutic Pharmaceutical Agents (TPA) certification was removed and replaced with an attainable, yet equitable, pathway (Board Sponsored AB 1359). Through SB 800, license barriers to out of state applicants were removed while still ensuring minimum competencies are met and consumer protections remained. Pathways were clarified for retired optometrists seeking to volunteer their services, which enhanced consumer protection (AB 1253).

License mobility (i.e., out-of-state applicants) is another area the Board is analyzing. This national issue was discussed during the 2016 Association for Regulatory Boards of Optometry (ARBO)

meeting. After attending this meeting, the Executive Officer identified other state Boards' policies regarding this issue; the Board will continue to analyze this topic in order to remove barriers while still protecting California consumers.

In relation to the RDO Program, the Board believes an in depth analysis is need of the current statutes and regulations related to registrations under the RDO Program. The majority of the applicable laws have not been updated since their conception several decades ago. Once the Dispensing Optician Committee is filled, it will be tasked with assisting in this effort.

### ***Impact of Licensing Delays***

Licensing/registration delays adversely affect the public's ability to have their eye care needs met in a swift and professional manner by competent eye care professionals, the optometric and dispensing profession, and the individual licensees'/registrants' ability to make a living.

As such, the Board continuously assesses its licensing processes in order to be as efficient as possible and prevent any unnecessary delays. As part of the Licensing Unit restructuring, several process improvements have been implemented and many regulatory changes are pending.

### ***Student Outreach***

As mentioned above, the Board visits California schools and colleges of optometry annually to educate the third year students about licensing requirements, processes, and the Board in general. The Board used to visit fourth year students; however, since many students apply near the beginning of their fourth year, by the time the Board presented, many of them had already started (and nearly completed) the application process. Therefore, the Board believed presenting to the third year students was more effective.

While presenting to California students is important, its effectiveness is limited to California students. In order to improve its educational student outreach, the Board is currently exploring ways to reach students on a broader scale; this includes building strong working relationships with the Association of Schools and Colleges of Optometry (ASCO) as well as schools and colleges throughout the country. The Board is also identifying ways to record presentations and post them online for all students as well as annually distributing to all schools and colleges.

Attending the 2016 ARBO Annual meeting enabled the Executive Officer to start working with deans from other state colleges to enhance the Board's educational student outreach. Participating in ARBO and other national meetings, such as ASCO's meeting, is essential to improving these educational efforts.

### ***Workforce Development Data***

As reported in the last review, the Board does not current collect workforce development data. However, this was another national topic discussed during the 2016 ARBO meeting. After attending, the Executive Officer identified ways to start collecting this data. The Board is currently researching ways to incorporate an optional workforce data survey into the renewal process. Licensees/registrants would have the option to complete the survey as part of their online renewal, but they will not experience any renewal delays should they choose not to participate.

## **Current Issues**

### ***Uniform Standards and Consumer Protection Enforcement Initiative (CPEI)***

The Board has incorporated the Uniform Standards for Substance Abusing Licensee to its disciplinary guidelines. On February 27, 2013 the Office of Administrative Law (OAL) approved the rulemaking package. The regulations become effective on April 1, 2013.

In 2014, the Board approved a portion of the CPEI and moved forward with proposed regulations dealing with unprofessional conduct. The regulatory proposal would give the Board authority to require an applicant to be examined by one or more physicians and surgeons, or psychologists designated by the Board, if it appears that the applicant is unable to practice optometry safely due to a mental or physical illness. The rulemaking file was noticed January of 2015 and has been submitted for approval of the OAL.

During the November 2015 Board meeting, the Board approved the rulemaking package to delegate certain functions to the executive officer, including continuing education course approval, extension/exemption approvals accepting default decisions. Staff is currently working on preparing the rulemaking package for the OAL to publish.

### ***BreEZe Development and Implementation***

The Board was part of Release 2 of the BreEZE project, which went live on January 19, 2016. According to the BreEZe team, the Board had one of the most successful launches into the BreEZE system. This can be directly attributed to the Board's active participation in design, configuration, and testing of the BreEZe system. The Board, along with the BreEZe team, has completed 517 requests, with 54 requests currently pending

The Board will continue to help improve the BreEZe system by soliciting feedback and suggestions from consumers, applicants, licensees, and staff. This will ensure that the system will continue to improve over time.

In addition, the Board is currently processing RDO applications in the BreEZe system under the MBC's domain. DCA's Office of Information Services (OIS) team is working with the Board to move the RDO Program from the MBC to the Board's domain. The effort can best be summarized as a mini-BreEZe Project for DCA and the Board as it involves creating four new license types within the Board – effectively doubling the Board's BreEZe footprint.

This effort is being led by the DCA OIS team with the assistance of the BreEZe vendor. This is the OIS Team's first foray into leading an effort of this scope. The positive progress so far is encouraging and successful completion of this project will represent a major milestone in knowledge transfer from the BreEZe vendor to State staff.

The project is scheduled to complete in April of 2017; however, BreEZe resources are extremely taxed which makes the RDO effort susceptible to delay should critical emergencies arise that divert resources. Once implemented, all applicants will be able to apply and renew online. Cycle times are also expected to decrease significantly.

## **Board Action and Response to Prior Sunset Issues**

### **ISSUE #1: What is the status of the occupational analysis for optometric assistants?**

#### **2012 Committee Concerns and Recommendation:**

The underlying concerns stemmed from the lack of implementing SB 929 (Polanco, Ch. 676 Stats. 2000) which expanded the scope of practice for optometrists and optometric assistants through regulations. In line with the recommendations made during the 2002 Sunset Review hearing, the Committee recommended that the Board take immediate action to conduct the OA.

#### **2012 Board Response:**

The Board agreed with the Committee recommendations, stating it would work with DCA to secure funds for the optometric assistants OA. Expected outcomes included developing regulations to implement the analysis' recommendations, or the need to create a certification process under the Board's oversight for optometric assistants. The latter outcome would require legislation and a permanent SSA.

#### **Board Action and Recommendation:**

The Board was unsuccessful in securing funds through the BCP process. However, the Board requests Committee reconsideration of the occupational analysis of optometric assistants. In light of legislative and regulatory amendments made since SB 929 (described below) and the current pursuit of an OA of optometrists and the NBEO examination, the Board believes there is adequate consumer protection without pursuing an OA specific to optometric assistants.

While it wasn't mentioned in the 2012 Sunset Report, optometric assistants were addressed again in 2010 through AB 2683 (Hernandez). That bill did the following:

- Authorized an assistant to fit prescription lenses and perform those additional duties in any setting where optometry or ophthalmology is practiced, under the direct responsibility and supervision of a physician and surgeon, optometrist, or ophthalmologist, respectively
- Defined "setting" for purposes of this provision to include, without limitation, any facility licensed by the State Department of Public Health or the State Department of Social Services.
- Made conforming changes to related provisions.

The analysis stated the following:

**Use of Assistants.** This bill was amended on May 17, at the request of the California Medical Association to clarify that assistants under the direct oversight of an ophthalmologist or optometrist may carry out certain tasks and functions in any setting where ophthalmology or optometry is practiced. Formerly, the law specified that these assistants may carry out these functions in the office of a physician and surgeon or optometrist.

Writing in support of these amendments, the Chairman of the UC Davis Eye Center states that ophthalmology practices have traditionally employed specialized ophthalmic technicians who

are not usually formally trained as medical assistants, but have training that is specifically relevant to eye care. In order to provide efficient and affordable health care, amendments were made by SB 929 in 2000, which authorized assistants to administer medications under the direct supervision of a physician and surgeon or optometrist. Since that time, however, the Department of Public Health has interpreted that amendment as not applying to practice operating in hospital-based clinics, which are under its licensing jurisdiction. Prohibiting supervised technicians from administering drops under direct supervision “greatly impairs our ability to render care in an efficient and cost-effective manner. Moreover, the nature of the practice in academic health centers which often care for larger numbers of patients with more serious health problems seriously impairs our ability to care effectively.”

“The care delivery activities involved in practicing ophthalmology and optometry are no different when performed in a hospital-based clinic compared with a private office. Given that technicians have been administering these medications for decades in private offices (and indeed in hospital-based clinics for nearly that long until the recent DPH challenge) without known issue, this clarification in law only serves to restore what had reasonably been intended in the first place.”

In addition, optometrists’ scope of practice expanded in 2010 (AB 1164) and 2013 (AB 761), which included additional educational requirements set forth in BPC § 3041 and CCR § 1571. Everything an optometric assistant can perform must be done under the “direct responsibility and supervision of an ophthalmologist or optometrist.” If any violations occur, the optometrist is held accountable. The legislature and the Board have enhanced optometrists’ educational requirements as scope expanded. Further, the Board is currently pursuing funds to perform an occupational analysis of the optometric profession and the NBEO examination. That analysis will include optometrists’ current knowledge and supervision level of optometric assistants. Based on the result of that OA, the Board would have more information to see if the current structure is sufficient or if additional regulations are needed for the optometric assistants.

## ***ISSUE #2: Should the Board check the Health Integrity and Protection Databank (HIPDB) and the National Practitioner Databank (NPDB)?***

### **2012 Committee Concerns and Recommendation:**

The Committee was concerned with the protection of the public and the effective operation of the profession. The Committee believed it was imperative that methods, such as utilizing the NPDB and HIPDB, be employed to thoroughly examine a potential licensee’s professional background and criminal history. As a result, the Committee recommended the Board work with DCA to ensure that it is provided the funds to apply for the NPDB and HIPDB.

### **2012 Board Response:**

The Board agreed with the Committee’s recommendation and stated it would work with DCA’s Budget Office to determine the best method in obtaining the necessary resources – indicated that may include drafting additional BCPs for funds and staffing, or increasing licensing fees which would require statutory and regulatory authority.

The Board stated it would also research if other DCA healing arts board are using these databases and inquire as to funding methods.

In addition, the Board proposed an “interim solution” which was to continue the status quo by subjecting applicants to background and criminal history checks by submitting fingerprints to DOJ and the FBI and requiring a letter of good standing from out-of-state applicants.

**Board Action and Recommendation:**

The Board was unsuccessful in securing funds for the NPDB. However, in May 2013, the HIPDB merged with the NPDB; information previously disclosed through the HIPDB is now collected and disclosed through the NPDB. With this merge, the cost went from \$6.50 per licensee per year to \$3.00.

Although the Board was unsuccessful in securing funds through the BCP process, it began submitting out of state applicants through NPDB’s continuous query (meaning the Board receives automatic notifications for reports rather than a one-time query) in October 2015 and is absorbing the costs. In October 2016, costs will be reduced to \$2.00 per licensee per year.

While the Board is able to absorb the costs for out-of-state applicants now, it believes the public is better protected if all licensees are submitted through NPDB’s continuous query program. Many applicants become licensed in other states *after* receiving a license in California. The Board would not know to submit those individuals to the NPDB. In addition, if an applicant does not disclose he/she is licensed in another state (where they have been disciplined), the Board would not know to check NPDB.

Though reporting agencies are required to notify the Board when an action is taken, that information, it is very rare and it could be years after the action was posted. Further, those agencies would have to know if the optometrists are licensed with the Board. If other states were not notified of licensure in California, they would never know to notify the Board.

Currently, there could be several licensees who have been disciplined in another state without the Board’s knowledge. This poses a threat to public safety, because those optometrists who have been disciplined in another state may be practicing in California, despite having been deemed a threat to public safety in another state.

In the future, in order to fund submitting each applicant and licensee through the continuous query, the Board would need to increase its initial application fee \$2.00 and renewal fee \$4.00.

***ISSUE #3: What has led to the time lag in cases referred to the Attorney General?***

**2012 Committee Concerns and Recommendations:**

The Committee was concerned that the Board’s target timeframes are still being exceeded by a significant quantity. The Committee was also concerned with the potential harm to the public that may be incurred if an unscrupulous licensee continues to practice during a lengthy disciplinary case review by the Attorney General. Therefore, the Committee recommended that the Board specify what additional measures can be taken to expedite processing of enforcement cases.

**2012 Board Response:**

The Board responded by explaining the enforcement process and all instances enforcement cases are out of the Board's hands. In addition, the Board mentioned the difficulty tied to the lack of educated investigators and subject matter experts. The Board also stated it had a "statistical disadvantage" due to the smaller discipline caseload compared to other Boards "wherein one or two abnormally lengthy investigations are not sufficiently balanced by a number of more expedient investigations." The Board explained it created a timeline guide for follow up with agencies it cannot otherwise control. The Board also anticipated transitioning to BreEZe during FY 20/13-14.

**Board Action and Recommendation:**

The Board's Enforcement Unit completely restructured in FY 15/16. While it experienced turnover, vacancies, and participated in BreEZe, the Board's restructure focused on capitalizing on its current resources by dramatically changing duty statements and reclassifying enforcement positions.

***ISSUE #4: Should the Board be granted the authority to inspect an optometrist's practice location?***

**2012 Committee Concerns and Recommendation:**

The Committee agreed that the Board's enforcement unit should be granted the authority to inspect an optometrist's practice location. However, the Committee noted the Board's inability to carry out its current enforcement duties due to budget constraints and a lack of staff. Thus, the Committee requested the Board provide a plan for increasing the workload of its enforcement officers considering the existing budget and staffing constraints.

**2012 Board Response:**

In order for the Board to successfully implement inspections in a way that would benefit public safety, the Board would need to seek statutory authority. That proposal would also need to include a request for a new position. The new position would have to be an inspector classification, and the candidate would need to be an optometrist. The current staff at the Board is not qualified to perform inspection duties because they are not optometrists and are needed to perform the job duties they currently have. If current staff were to attempt to take on this increased workload, it would cause a negative ripple effect on all enforcement activities because current duties would be neglected.

For example, enforcement processing timelines would increase which would result in less public protection. Also, since they are not specialists in practice related issues like an actual optometrist, it would be a waste of resources because they would not be as effective as an optometrist. The Board of Pharmacy uses pharmacists in its investigation program, and the Board would most benefit from following the same model.

If the Board were to receive inspection authority, a BCP would need to be submitted to obtain the inspector position and spending authority, or an augmentation to its budget line to contract with an optometrist to conduct inspections.

In the meantime, the Board plans to continue handling cases that require an investigator the same way they have been handled in the past. That involves enforcement staff conducting a desk



investigation and identifying the types of violations that require an inspection. Then, Board staff requests that investigator be sent into the field from the Department of Investigation (DOI). If DOI needs an optometrist to develop an investigative plan, one of the Board's experts will be called upon to assist. These services are most commonly used when an optometrist is on probation for reasons such as insurance fraud, violation of infection control guidelines, etc., or in the investigation of a complaint. DOI typically needs a subpoena to go into an optometrist's office to inspect in this manner.

The Board will also meet with other healing arts boards that currently have inspection authority to learn about and evaluate their programs. Based on the information collected from other programs, the Board may develop a legislative proposal to obtain inspection authority for the profession of optometry.

The primary intent of exploring this issue further is so that the Board can increase consumer protection; be more efficient and effective; reduce investigation timelines; and remove its dependence on outside agencies for assistance, which oftentimes contribute to increased timelines.

In addition to the areas identified in the background of this issue, the Board has yet to consider other situations that would warrant an inspection, whether inspections will only be conducted when there is cause and substantial evidence is provided, if inspections will be random or scheduled yearly similar to continuing education audits, etc.

**Board Action:**

AB 684 granted the Board inspection authority to inspect locations where an optometrist and RDO were co-located. SB 836 expanded that scope to wherever optometry was being practiced. The Board is researching inspection programs within DCA to determine best inspection implementation methods given its limited resources. In addition, the Board is working with DCA to determine the best way to track inspections within the BreEZe system. One of the enforcement positions was re-classed to a higher level analyst in order to help develop and implement the Board's inspection program.

***ISSUE #5: Why was the Board's budget change proposal (BCP) denied?***

**2012 Committee Concerns and Recommendations:**

The Committee was concerned about the Board's ability to regulate the profession as it had limited staff which prevented them from performing essential tasks that will help ensure consumer protection. The Committee recommended the Board inform the Committee of its plan to continue carrying out its various duties if no additional staff is allocated for the Board. The Committee also suggested exploring the possibility of hiring temporary or part-time staff to assist with completing critical tasks.

**2012 Board Response:**

The Board agreed with the Committee's recommendation to hire temporary or part-time staff to assist in the completion of critical tasks, but stated it already explored this option, but did not have the funding. The Board provided a long list of actions to take, including, but not limited to, allowing overtime, reviewing and reassigning duties, conducting a workload study, assist with BreEZe, and pursue BCPs.

**Board Action:**

As mentioned above, the Enforcement Unit has completely restructured in hopes to maximize efficiencies within the unit. Positions were re-classed, duties were reassigned, and processes were changed. In addition, overtime is being offered to help address the backlog. Once fully staffed and trained, the Board anticipates significant improvements in the Enforcement Unit. This will be demonstrated by fewer pending cases and shorter cycle times.

***ISSUE #6: License portability for military personnel and their spouses.***

**2012 Committee Concerns and Recommendations:**

The Committee encouraged licensing boards to examine their ability to exempt licensees from CE and licensing fee requirements during duty as well as waiving any licensing fees that have accrued upon the end of their duty term. The Committee was also supportive of standards for granting temporary licenses or expediting the licensing process for military spouses. Therefore, the Committee recommended the Board make every attempt to comply with BPC § 115.5 in order to expedite licensure for military spouses. In addition, the Committee recommended the Board consider waiving the fees for reinstating the license of an active duty military licensee.

**2012 Board Response:**

The Board agreed with the Committee and was also supportive of the Federal and State efforts to assist licensed military personnel and their family members. The Board currently complies with BPC § 114 and 115, which requires the Board to reinstate the license of an optometrist without examination or penalty, who's license expired while he or she was on active duty in the California National Guard or the United States Armed Forces. In addition, CCR § 1536(i)(1) requires the Board to exempt licensees in the regular armed forces of the United States from continuing education requirements.

The Board is already complying with BPC §115.5 and has posted on its website information educating licensees about this option. This information was also sent to the Board's interested parties e-mail list and posted on the Board's Facebook and Twitter pages. While these applicants will still need to meet the requirements for licensure and ensure that the application is completed correctly, their applications for licensure will be processed before other pending applicants.

**Board Action:**

Several military bills have passed over the past few years. The Board is working with DCA to implement all new changes in the BreZE system. In addition, the Board's revised license application includes all new military questions for compliance with the applicable bills.

***ISSUE #7: Should the current Board continue to license and regulate ODs?***

**2012 Committee Recommendation:**

The Committee recommended that optometrists continue to be regulated by the current Board and be renewed again in four years.

**2012 Board Response:**

The Board agreed with the Committee's recommendation.

**Board Action and Recommendation:**

The Board recommends optometrists (and registrants within the RDO Program) continue to be regulated by the current Board and be renewed again in four years.

**New Issues**

**Unaddressed Issues from Prior Review**

The Board has addressed all issues from the prior review.

**New Issues Identified by the Board**

The Board has identified the following new issues:

**Organizational Realignment**

- a. On-going operational integration of Registered Dispensing Opticians into the State Board of Optometry structure, such as licensing, enforcement and dispute resolution
- b. Constitute and onboard the Dispensing Opticians Committee, beginning with the launch of the advisory committee and establishing a regular cadence of interaction with the Board
- c. Acknowledge the governance implications of United States Supreme Court's *North Carolina* decision and work with the Legislature to develop an operational framework that honors its consumer protection obligation while retaining a level of technical expertise.
- d. Move the RDO Program's registration expiration and renewal authority from the Medical Practice Act (BPC § 2420 and 2423) to the applicable RDO statutes.  
The Board notes that with the exception of items c and d, these objectives will not require legislation.

**Access to Quality Eye Care**

- a. Sponsor and continue support of the legislation enacting Children's Vision initiative, focusing on eye examinations for children
- b. Develop an understanding of the future role of mobile/portable clinics in meeting the optometric needs of Californians across all demographic and economic reaches
- c. Examine alternative methodologies for the delivery of optometric and dispensing services to promote access to optometric services in the most underserved parts of California

**Technology and Innovation**

- a. In collaboration with other appropriate DCA boards, evaluate online and kiosk refraction practices and other emerging technologies to determine the next steps to promote consumer protection and care.
- b. Assess technological advances in optometric health care with an emphasis on evaluating the operative standard of care wherever these services are provided.
- c. Educate members of the public and Board of Optometry members and staff regarding telemedicine and concierge services in the medical arena as health care insurance programs and others include these services in their plans, including, but not limited to, on-site care at business facilities and locations

**New or Emerging Business Models in Optometric Care**

- a. Develop a better understanding of new business models for the delivering eye care, including mobile/portable clinics, telemedicine products, innovative technology and other practices seeking entry to the California marketplace and how consumer protection may be impacted
- b. Identify potential impacts to consumer health and safety, and explore partnership with other public entities as appropriate to ensure the protection of consumers in the state

**Professional and Technical Excellence**

- a. Review pathways to licensing and remove all unnecessary impediments such that all qualified applicants are licensed promptly.
- b. Develop and implement a real-time electronic database to store continuing education (CE) credits acquired by licensees such that they may renew their licenses quickly and efficiently and the Board can be assured that the necessary credits have been obtained.
- c. Pursue legislative authority to process all licensees/registrants through appropriate consumer protection mechanisms, such as the National Practitioner's Data Bank, to validate disciplinary history pre and post licensure.
- d. Assess and clarify existing statutes, such as BPC § 3030 (effective January 1, 2017), to streamline enforcement process and strengthen consumer protection.
- e. Assess and remove unnecessary license barriers, such as BPC § 3057(a)(6), while still adequately protecting the health and safety of California consumers

***New Issues Not Previously Discussed***

None

***New Issues Raised by the Committees***

Issues pending the Committees' review

***Sunset Attachments***

- A. Board's administrative manual
- B. Current organizational chart showing relationship of committees to the board and membership of each committee
- C. Major studies – Fee Audit
- D. Year-end organization charts for last four fiscal years
- E. Enforcement Quarterly and Annual Performance Measures

State of California  
Business, Consumer Services, and Housing Agency  
Department of Consumer Affairs



CALIFORNIA STATE BOARD OF  
**OPTOMETRY**

# Board Member Handbook



California State Board of Optometry  
2450 Del Paso Road, Suite 105  
Sacramento, CA 95834  
[www.optometry.ca.gov](http://www.optometry.ca.gov)

2016 Edition

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# 1. Introduction

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## Overview

The [California State Board of Optometry](#) (hereafter Board) was created by the California Legislature in 1913 under the Department of Professional and Vocational Standards to safeguard the public's health, safety, and welfare. In 1923, the Board promulgated the first rules for the practice of optometry and the State Legislature first required all applicants for licensure to be graduates of an accredited school or colleges of optometry. The Board is responsible for accrediting these schools. To assure competent and ethical practitioners and protect the public from harm, no person may engage in the practice of optometry in California unless he or she possesses a valid and unrevoked license from the Board.

The Board is one of the boards, bureaus, commissions, and committees within the [Department of Consumer Affairs](#) (DCA), part of the [Business, Consumer Services and Housing Agency](#) under the aegis of the [Governor](#). DCA is responsible for consumer protection and representation through the regulation of licensed professions and the provision of consumer services. While the DCA provides administrative oversight and support services, the Board has policy autonomy and sets its own policies, procedures, and initiates its own regulations.

Protection of the public shall be the highest priority for the Board in exercising its licensing, regulatory and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount (Business and Professions Code (BPC) § [3010.1](#)).

The Board consists of [11 members](#), five of whom shall be public members and one of the nonpublic members shall be an individual registered as a dispensing optician. The registered dispensing optician member shall be registered pursuant to Chapter 5.5. (commencing with Section 2550) and in good standing with the Board. The remaining five members are California licensed optometrists actually engaged in the practice of optometry at the time of appointment or faculty members of a school or college of optometry. No more than two faculty members may be on the Board at any one time and they may not serve as public members. No person except the registered dispensing optician member, including the public members, shall be eligible to membership in the board who is a stockholder in or owner of or a member of the board of trustees of any school of optometry or who shall be financially interested, directly or indirectly, in any concern manufacturing or dealing in optical supplies at wholesale. The public members shall not be licensees or registrants of the Board or of any other Healing Arts Board (BPC § 3011).

The Governor appoints three public members and the six professional members. The [Senate Rules Committee](#) and the [Speaker of the Assembly](#) each appoint one public member. Board Members may serve up to two, four-year terms (BPC § 3013). Board Members are paid \$100 for each day actually spent in the discharge of official duties and are reimbursed travel expenses.

In January 2016, the legislature established a dispensing optician committee under the Board to advise and make recommendations to the Board regarding the regulation of dispensing opticians pursuant to Chapter 5.5 (commencing with Section 2550). The committee shall consist of five members, two of whom shall be registered dispensing opticians, two of whom shall be



public members, and one of whom shall be a member of the board. Initial appointments to the committee shall be made by the board. The board shall stagger the terms of the initial members appointed. The filling of vacancies on the committee shall be made by the board upon recommendations by the committee.

After the initial appointments by the board pursuant to subdivision (a), the Governor shall appoint the registered dispensing optician members and the public members. The committee shall submit a recommendation to the board regarding which board member should be appointed to serve on the committee, and the board shall appoint the member to serve. Committee members shall serve a term of four years except for the initial staggered terms. A member may be reappointed, but no person shall serve as a member of the committee for more than two consecutive terms.

The purpose of this handbook is to provide guidance to Board and Committee Members regarding general processes and procedures involved with their position on the Board and/or Committee. It also serves as a useful source of information for new Board Members as part of the induction process. Board Members are typically asked to create and review policy and administrative changes, make disciplinary decisions, and attend regular and special meetings. This handbook is additive to the Bagley-Keene Open Meeting Act and the Administrative Procedure Act which provide public meeting laws.

## Mission Statement

To protect the health and safety of California consumers through licensing, education and regulation of the practice of Optometry.

## Vision Statement

To ensure excellent optometric care for every Californian.

## Values Statement

**Consumer protection** – We make effective and informed decisions in the best interest and for the safety of Californians.

**Integrity** – We are committed to honesty, ethical conduct, and responsibility.

**Transparency** – We hold ourselves accountable to the people of California. We operate openly so that stakeholders can trust that we are fair and honest.

**Professionalism** – We ensure qualified, proficient, and skilled staff provide excellent service to the State of California.

**Excellence** – We have a passion for quality and strive for continuous improvement of our programs, services, and processes through employee empowerment and professional development.

## Board Responsibilities

With approximately 8,800 licensed optometrists, the largest population of optometrists in the United States, 3,000 branch office licenses, statements of licensure, and fictitious name permits, 24,000 practice certifications, and 4,200 registered dispensing opticians, contact lens dispensers, spectacle lens dispensers, and non-resident contact lens sellers, the Board is charged with the following duties and responsibilities:

- Accrediting the schools and colleges providing optometric education.
- Establishing educational requirements for admission to the examination for a license to practice optometry in California.
- Establishing examination requirements to ensure the competence of individuals licensed to practice optometry in California and administering the examination.
- Setting and enforcing standards for continued competency of existing licensees.
- Establishing educational and examination requirements for licensed optometrists seeking certification to use and prescribe authorized pharmaceutical agents.
- Issuing certifications to diagnose and treat glaucoma for patients over the age of 18.
- Licensing branch offices and issuing fictitious name permits.

- Effective January 1, 2007, the Board no longer registers Optometric Corporations. However, the Board has maintained the authority to regulate those in existence.
- Promulgating regulations governing:
  - Procedures of the Board
  - Admission of applicants for examination for licensure as optometrists
  - Minimum standards governing the optometric services offered or performed, the equipment, or the sanitary conditions
- Registering dispensing opticians, contact lens and spectacle lens dispensers, and nonresident contact lens sellers
- Investigating allegations of substance and patient abuse, unprofessional conduct, incompetence, fraudulent action, or unlawful activity.
- Instituting disciplinary action for violations of laws and regulations governing the practice of optometry and dispensing optician when warranted.

This procedures manual is provided to Board Members as a ready reference of important laws, regulations, DCA policies, and Board policies in order to guide the actions of the Board Members and ensure Board effectiveness and efficiency.

## Definitions

Term	Acronym	Definition
<a href="#">Administrative Law Judge</a>	ALJ	A judge from the <a href="#">Office of Administrative Hearings</a> (OAH) who presides over license denial and discipline cases (the trier of fact) and makes a Proposed Decision to the Board that includes findings of fact, conclusions of law, and a recommended level of discipline.
<a href="#">Administrative Procedure Act</a>	APA	The law that sets out the procedure for license denial and license discipline, to meet constitutional requirements for due process of law.
<a href="#">Bagley-Keene Open Meeting Act</a>	-	Provisions of the public meetings law governing state agencies
Business and Professions Code	BPC	California Law related to business and professions. The majority of DCA entities fall under this code.
<a href="#">Department of Consumer Affairs</a>	DCA	The DCA protects and serves California consumers while ensuring a competent and fair marketplace. The DCA issues licenses in more than 100 business and 200 professional categories, including doctors, dentists, contractors, cosmetologists and automotive repair facilities. The DCA includes 41 regulatory entities (25 boards, nine bureaus, four committees, two programs,

and one commission). These entities establish minimum qualifications and levels of competency for licensure. They also license, register, or certify practitioners, investigate complaints and discipline violators. The committees, commission and boards are semiautonomous bodies whose members are appointed by the Governor and the Legislature. DCA provides them administrative support. DCA's operations are funded exclusively by license fees.

Executive Officer	EO	An individual who serves at the pleasure of, and receives direction from the Board in the areas of program administration, strategic planning, and coordination of meetings. He or she is responsible for the day to day operations of the Board
<a href="#">Office of Administrative Hearings</a>	OAH	The state agency that provides neutral (unaffiliated with either party) judges to preside over administrative cases.
<a href="#">Office of Administrative Law</a>	OAL	The state agency that reviews regulation changes for compliance with the process and standards set out in law and either approves or disapproves those regulation changes.
<a href="#">Regulation</a>	-	A standard that implements, interprets, or makes specific a statute enacted by the legislature. It is enforceable the same way as a statute.
<a href="#">State Administrative Manual</a>	SAM	A reference source for statewide policies, procedures, requirements and information developed and issued by authoring agencies. In order to provide a uniform approach to statewide management policy, the contents have the approval of and are published by the authority of the <a href="#">Department of Finance</a> Director and the <a href="#">Department of General Services</a> Director.
<a href="#">Statute</a>	-	A law passed by the legislature.
Stipulation	STIP	The matter in which a disciplinary or licensing case is settled by negotiated agreement prior to a hearing. The Board's <a href="#">Uniform Standards Related to Substance Abuse and Disciplinary Guidelines</a> are used to guide these negotiated settlements.

## Licenses and Certification Issued by the Board

The following chart provides an overview of the various licenses, certifications, and registrations issued by the Board.

TYPE	DESCRIPTION	Authority
Optometric License (OPT)	Required to practice optometry in California.	<a href="#">BPC § 3040</a> , <a href="#">BPC § 3041</a>
Statement of Licensure (SOL)	Required for each practice location other than the licensee's principal place of practice and other than any Branch Office License Location.	<a href="#">BPC § 3070</a> <a href="#">CCR § 1506(d)</a> .
Branch Office License (BOL)	Required for each location for the practice of optometry and owned by a licensee that is in addition to the licensee's principal place of practice location.	<a href="#">BPC § 3077</a>
Fictitious Name Permit (FNP)	Required if a fictitious name is used in conjunction with the practice of optometry.	<a href="#">BPC § 3078</a> , <a href="#">CCR § 1518</a>
Diagnostic Pharmaceutical Agents (DPA)	Certified to use diagnostic pharmaceutical agents for examination purposes only. <b>Not certified</b> to treat diseases of the eye or its appendages.	<a href="#">BPC § 3041.2</a> , <a href="#">CCR § 1561</a>
Therapeutic Pharmaceutical Agents (TPA) Certification	Certified to use therapeutic pharmaceutical agents to treat certain conditions of the human eye or any of its appendages. May also perform certain procedures on the eye as listed in California Business and Professions Code Section 3041.  TPA is the minimum certification <b>required</b> in order to obtain licensure in California.	<a href="#">BPC § 3041.3</a> , <a href="#">CCR § 1568</a>
Lacrimal Irrigation and Dilation Certification	TPA certified with additional certification to perform lacrimal irrigation and dilation procedures for patients over the age of 12 years.	<a href="#">BPC § 3041(e)(6)</a> , <a href="#">BPC § 3041.3</a>
Glaucoma Certification	TPA certified with additional certification to diagnose and treat primary open angle glaucoma in patients over the age of 18 years.	<a href="#">BPC § 3041(f)(5)</a> , <a href="#">CCR § 1571</a>
Registered Dispensing Optician (RDO)	Registered Dispensing Opticians can fill prescriptions for glasses or contacts.	<a href="#">BPC § 2550-2559</a>
Contact Lens Dispenser (CLD)	A person registered as a contact lens dispenser took and passed the Nation Contact Lens Examiners - Contact Lens Exam, and works for a business that is registered as a dispensing optician filling contact lens prescriptions.	<a href="#">BPC § 2560-2564.6</a>
Spectacle Lens Dispenser (SLD)	A person registered as a contact lens dispenser took and passed the American Board of Opticianry - Spectacle Exam exams, and works for a business that is registered as a dispensing optician.	<a href="#">BPC § 2559.1-2559.6</a>

Non-Resident Contact Lens Seller (NCLS)	The NCLS certificate authorizes a business located outside of California to ship, mail, or deliver in any manner, replacement contact lenses at retail, pursuant to a valid prescription, to a patient at a California address	<a href="#">BPC § 2546-2546.10</a>
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## General Rules of Conduct

The following rules of conduct detail expectations of Board Members. The Board is comprised of both public and professional members with the intention that, together, the Board can collectively protect the public and regulate the Optometry profession.

- Board Members' actions shall serve to uphold the principle that the Board's primary mission is to protect the public.
- Board Members shall recognize the equal role and responsibilities of all Board Members.
- Board Members shall adequately prepare for Board responsibilities.
- Board Members shall not speak or act for the Board without proper authorization.
- Board Members shall maintain the confidentiality of non-public documents and information.
- Board Members shall act fairly, be nonpartisan, impartial and unbiased in their role of protecting the public.
- Board Members shall treat all applicants and licensees in a fair and impartial manner.
- Board Members shall not use their positions on the Board for personal, familial or financial gain.

### **Additional Resources:**

1. California State Board of Optometry: <http://www.optometry.ca.gov/>
2. Department of Consumer Affairs: <http://www.dca.ca.gov/>
3. Business, Consumer Services and Housing Agency: <http://www.bcsh.ca.gov/>
4. Office of Governor Edmund G. Brown, Jr.: <http://gov.ca.gov/home.php>
5. California State Assembly: <http://assembly.ca.gov/>
6. Legislation and Statutes (Business and Professions, Government, Health and Safety, etc.): [http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml)
7. Senate Rules Committee: <http://srul.senate.ca.gov/>
8. Assembly Rules Committee: <http://arul.assembly.ca.gov/>
9. Speaker of the Assembly: <http://asmcd.org/speaker/>
10. California State Board Members: <http://www.optometry.ca.gov/about-us/board-memb.shtml>
11. Administrative Law Judge: <http://www.dgs.ca.gov/oah/GeneralJurisdiction/ALJbio.aspx>
12. Office of Administrative Hearings: <http://www.dgs.ca.gov/oah/Home.aspx>
13. Administrative Procedure Act: [http://www.oal.ca.gov/Administrative\\_Procedure\\_Act.htm](http://www.oal.ca.gov/Administrative_Procedure_Act.htm)
14. Department of General Services: <http://www.dgs.ca.gov/dgs/Home.aspx>

## 2. Board Meeting Procedures

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All Boards, Bureaus and Programs under the Department of Consumer Affairs, including the Board must meet in accordance with the provisions set forth by the [Bagley-Keene Open Meeting Act](#). The Board will use Robert's Rules of Order, to the extent that it does not conflict with state law (e.g., Bagley-Keene Open Meeting Act), as a guide when conducting the meetings.

### Open Meetings

The Bagley-Keene Act of 1967, officially known as the Bagley-Keene Open Meeting Act, implements a provision of the [California Constitution](#) which declares that "the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny", and explicitly mandates open meetings for [California](#) State agencies, Boards, and commissions. The act facilitates accountability and transparency of government activities and protects the rights of citizens to participate in State government deliberations. This is similar to California's Brown Act of 1963, which provides open meeting provisions for county and local government agencies. The Bagley-Keene Act requires that the Board is to provide adequate notice of meetings to be held to the public as well as provide an opportunity for public comment. The meeting is to be conducted in an open session, except where closed session is specifically noted.

### Closed Session ([GC § 11126 et seq.](#))

The Bagley-Keene Act of 1967 also contains specific exceptions from the open meeting requirements where government has a demonstrated need for confidentiality.

Should a Closed Session be authorized by law, the Board must disclose in the open meeting a general statement about the closed session items (i.e. by mentioning it on the agenda). Additionally, all closed sessions must take place at a regularly scheduled or special meeting.

All matters discussed in Closed Sessions must remain confidential.

All Closed Sessions must be held during a regular or Special Meeting (§ 11128). A staff person shall be designated to attend the closed session and record the votes taken and matters discussed.

Closed Sessions may take place in the following instances:

- Personnel matters (i.e. appointments, employment, performance evaluations, etc.) of the Executive Officer.
- Administrative disciplinary and licensing proceedings.
- Examination matters, such as when the Board administers or approves an exam.
- Pending litigation.
- Confidential audit reports.

- Protection of privacy when matters discussed would be an invasion of privacy if conducted in open session.
- Response to a threat of criminal or terrorist activity against personnel, property, buildings, facilities, or equipment.

All information discussed in the closed session is confidential and must not be disclosed to outside parties.

### **Special Meetings** ([GC § 11125 et seq.](#))

A Special Meeting may be held where compliance with a 10-day meeting notice would impose a hardship or when an immediate action would be required to protect the public interest.

Notice for a Special Meeting must be posted on the Internet at least 48 hours prior to the meeting. Upon commencement, the Board must state the specific facts that necessitate special meeting as a finding. This finding must be adopted by a two-thirds vote; failure to adopt the finding terminates the meeting.

The purpose and instructions for Special Meetings are detailed in [GC § 11125.4](#). The notice needs to specify the time, place and purpose of the Special Meeting.

### **Emergency Meetings** ([GC § 11125.5](#))

An Emergency Meeting may be held for an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities. An emergency situation is where work stoppage, crippling disaster, or other activity severely impairs the public health or safety. A determination of an emergency situation must be made by a majority of the board members.

Media outlets on the board's interested parties list must be given at least one hour's notice of the emergency meeting by telephone, if telephone services are functioning. The minutes of a meeting called pursuant to this section, a list of persons who the president or designee notified or attempted to notify, a copy of the roll call vote, and any action taken at the meeting shall be posted for a minimum of 10 days in a public place, and also made available on the Internet for a minimum of 10 days, as soon after the meeting as possible.

### **Committee Meeting Requirements**

Committee Meetings consist of less than a quorum of the members of the full Board. Subcommittee and Task Force Meetings are variations of Committee Meetings.

Board Meetings have historically been required to be noticed and open to the public, except where a Closed Session is authorized. Committee and Subcommittee Meetings, where less than a quorum of the Board is present, are also required to be noticed and open to the public. The only exception is for a committee that consists of fewer than three persons and does not



exercise any authority of a state body delegated to it by that state body. (Note: It is the number of persons on the committee [not the number of Board Members] that is determinative.)

Where a committee of fewer than three persons is to meet, and the meeting is not noticed, other members of the Board should not attend the meeting, as such attendance would clearly be perceived as a Bagley-Keene Open Meeting Act violation. Board staff is not precluded from attending such a meeting.

The law allows attendance by a majority of members at an open and noticed meeting of a standing committee of the Board provided the members of the Board who are not members of the committee attend only as observers. ([GC §11122.5\(c\)\(6\)](#)) The Office of the Attorney General has addressed in a formal opinion a provision in the Brown Act relating to the attendance of "observers" at a Committee Meeting. The Attorney General concluded that "[m]embers of the legislative body of a local public agency may not ask questions or make statements while attending a meeting of a standing committee of the legislative body as observers." The opinion further concluded that such members of the legislative body may not sit in special chairs on the dais with the committee. (81 Ops.Cal.Atty.Gen. 156)

Thus, under the provisions of [GC §11122.5 \(c\)\(6\)](#), and the opinion of the California Attorney General, if a majority of members of the full Board are present at a Committee Meeting, members who are not members of the committee that is meeting may attend that meeting only as observers. The Board Members who are not Committee Members may not sit on the dais with the committee, and may not participate in the meeting by making statements or asking questions.

If a Board schedules its Committee Meetings seriatim, and other Board Members are typically present to ultimately be available for their own Committee Meeting, the notice of the Committee Meeting should contain a statement to the effect that "Members of the board who are not members of this committee may be attending the meeting only as observers."

Subcommittees may be appointed to study and report back to a committee or the board on a particular issue or issues. If the subcommittee consists of three or more persons, the same provisions apply to its meetings as apply to meetings of committees.

Board chairpersons may occasionally appoint a task force to study and report on a particular issue. One or two board members typically serve as task force members, along with a number of other non-board members. When this is the case, the same Open Meeting Act rules that apply to committee meetings apply to task force meetings. Such a formally appointed task force falls under the definition of "state body in [Section 11121\(c\)](#)."

### **Making a Motion at Meetings**

When a decision or action is to be considered, a Board Member should make a motion to propose a decision or course of action.

Upon making a motion, Board Members must speak slowly and clearly as the motion is being voice and/or video recorded. Members who opt to second a motion must remember to repeat the motion in question. Additionally, it is important to remember that once a motion has been made and seconded, it is inappropriate to make a second motion until the initial one has been resolved.

The basic process of a motion is as follows:

- An agenda item has been thoroughly discussed and reviewed.
- The Board President opens a forum for a Member to make a motion to adopt or reject the discussed item.
- A Member makes a motion before the Board.
- Another Member seconds this motion.
- The Board President solicits additional comment from the Board and then the public.
- The Board President puts forth the motion to a vote.
- The vote of each Board Member shall be recorded via roll call vote.
- Upon completion of the voting, the President will announce the result of the vote (e.g. “the ayes have it and the motion is adopted” or “the no’s have it and the motion fails”).

## **Meeting Frequency**

[\(BPC § 3017\)](#)

The Board shall hold regular meetings every calendar quarter. Notice of each meeting and the time and place thereof shall be given to each member in the manner provided by the [Bagley-Keene Open Meeting Act](#).

## **Board Member Attendance at Board Meetings**

(Board Policy)

Board Members shall attend each Board Meeting. If a member is unable to attend a meeting, it is the responsibility of the Board Member to contact the President and the Executive Officer with his or her request for an excused absence.

## **Quorum**

[\(BPC § 3010.1\)](#)

Six Board Members constitute a quorum of the Board for the transaction of business. Either having members in attendance or by teleconference, with proper notice, can meet the requirement for a quorum. The concurrence of a majority of those members of the Board present and voting at a meeting duly held at which a quorum is present shall be necessary to constitute an act or decision of the Board.

## **Agenda Items**

(Board Policy and [GC § 11125 et seq.](#))

Agenda items are to align with the Board's mandate to protect the health and safety of California consumers. Any Board Member may submit items for a Board Meeting agenda to the Board President with a copy to the Executive Officer 30 days prior to the meeting, where possible. Members may also recommend agenda items during the meeting under Suggestions for Future Agenda Items. A motion and vote may be taken but is not necessary. The Board President will confer with the Executive Officer and Legal Counsel regarding the future agenda items. It will be a standing item to review the status of future agenda items that have been recommended by Board Members that may not have made the current Board Meeting agenda. An item may be placed on the Board's agenda by the President, the Executive Officer, or by a vote of a majority of the members of the Board

Staff maintains a list of items to research and bring back to a future Board Meeting. Staff may recommend the issue be referred to a Committee first to be vetted. Prior to items being placed on the agenda, staff conducts research to determine if an item is appropriate for Board discussion. This research starts with identifying how the item meets our mandate to protect the health and safety of California consumers. In addition, staff researches potential benefits to the State, identifies the current professional trends and what other states are doing. For items requiring legislative and/or regulatory changes, staff identifies potential concerns by anticipating who would be in support of or in opposition to the bill/rulemaking.

No item shall be added to the agenda subsequent to the provision of the meeting notice. However, an agenda item may be amended and then posted on the Internet at least 10 calendar days prior to the meeting.

If the agenda contains matters that are appropriate for closed session, the agenda shall cite the particular statutory section and subdivision authorizing the closed session.

Items not included on the agenda may not be discussed.

## **Notice of Meeting**

([GC § 11120 et seq.](#))

Regularly scheduled quarterly meeting generally occur throughout the year and address the usual business of the Board. There are no restrictions on the purposes for which a regularly scheduled meeting may be held.

Per the Bagley-Keene Open Meeting Act, the Board is required to give at least ten (10) calendar days for written notice of each Board Meeting to be held.

The meeting notice must include the agenda with a brief description of the item. No changes can be made to the agenda unless the notice is amended accordingly. If this occurs, it must be posted for ten (10) calendar days prior to the meeting.

## **Notice of Meetings to be posted on the Internet**

[\(GC § 11125 et seq.\)](#)

Notice shall be given and also made available on the Internet at least ten (10) calendar days in advance of the meeting and shall include the name, address, and telephone number of any person who can provide information prior to the meeting. However, it need not include a list of witnesses expected to appear at the meeting.

Written notices shall include the address of the Internet site where notices required by this article are available.

## **Record of Meetings**

(Board Policy)

Board action, public comment, and any presenters are recorded by Action Minutes unless the meeting is not audio recorded or webcast. If no recording is available, detailed summary minutes will be recorded. The minutes shall be prepared by Board staff and submitted for review by Board Members before the next Board Meeting. Board Minutes shall be approved at the next scheduled meeting of the Board. When approved, the minutes shall serve as the official record of the meeting.

## **Tape Recording**

(Board Policy)

The meetings may be tape-recorded if determined necessary for staff purposes. Tape recordings will be maintained with the meeting minutes and kept according to the Board's retention schedule.

## **Meeting by Teleconference**

[\(GC § 11123 et seq.\)](#)

Board Meetings held by a teleconference must comply with requirements applicable to all meetings.

The portion of the meeting that is open session must be made audible to the public present at the location specified in the meeting notice. Each teleconference meeting location must be identified in the meeting agenda. The authorized location must be open to the public and ADA accessible. Additionally, each Board Member participating via teleconference must post appropriate signage for the public and ensure public materials are available to the public, either printed or electronic.

Board Policy does not allow Board Members to participate in petition hearings via teleconference. Thus, Board Members would not be able to participate in the petition deliberations and voting during closed session. However, after petition proceedings are final, the Board Member should be contacted to participate in all other closed session deliberations.

Unless it is during a petition hearing, if a Board Member is participating via teleconference, and the call is disconnected, an effort should be made to reconnect the call.

All votes taken during a teleconference meeting shall be by roll call.

### **Use of Electronic Devices During Meetings**

Use of electronic devices, including laptops, during the meetings is solely limited to Board Meeting purposes.

#### **Additional Resources:**

1. Bagley-Keene Open Meeting Act: [http://ag.ca.gov/publications/bagleykeene2004\\_ada.pdf](http://ag.ca.gov/publications/bagleykeene2004_ada.pdf)
2. Office of Administrative Law: <http://www.oal.ca.gov/>
3. State Board of Optometry Regulations (Title 16, Division 15)  
Registered Dispensing Opticians Regulations (Title 16, Division 13.5)  
[https://govt.westlaw.com/calregs/Index?transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Index?transitionType=Default&contextData=(sc.Default))

### 3. Travel & Salary Policies & Procedures

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#### **Travel Approval**

(DCA Memorandum 96-01)

Board Members shall have Board President approval for travel except for regularly scheduled Board and Committee Meetings to which the Board Member is assigned.

#### **Travel Arrangements**

(Board Policy)

Board staff will make travel arrangements for each Board Member as required.

#### **Out-of-State Travel**

(State Administrative Manual § 700 et seq.)

For out-of-state travel, Board Members will be reimbursed for actual lodging expenses, supported by vouchers, and will be reimbursed for meal and supplemental expenses. Out-of-state travel for all persons representing the State of California is controlled and must be approved by the Governor's Office.

#### **Travel Claims**

(State Administrative Manual § 700 et seq. and DCA Travel Guidelines)

Rules governing reimbursement of travel expenses for Board Members are the same as for management-level state staff. All expenses shall be claimed on the appropriate travel expense claim forms. Board Members will be provided with completed travel claim forms submitted on their behalf. The Executive Officer's Assistant maintains these forms and completes them as needed. It is advisable for Board Members to submit their travel expense forms immediately after returning from a trip and not later than two weeks following the trip.

In order for the expenses to be reimbursed, Board Members shall follow the procedures contained in DCA Departmental Memoranda which are periodically disseminated by the DCA Director and are provided to Board Members.

#### **Salary Per Diem**

[\(BPC § 103\)](#)

Compensation in the form of salary per diem and reimbursement of travel and other related expenses for Board and Committee Members is regulated by BPC § 103.

In relevant part, this section provides for the payment of salary per diem for Board and Committee Members "for each day actually spent in the discharge of official duties," and provides that the Board and/or Committee Member "shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties."

Accordingly, the following general guidelines shall be adhered to in the payment of salary per diem or reimbursement for travel:

1. No salary per diem or reimbursement for travel-related expenses shall be paid to Board Members, except for attendance at official Board or Committee Meetings and unless a substantial official service is performed by the Board Member. Attendance at gatherings, events, hearings, conferences or meetings, other than official Board or Committee Meetings, in which a substantial official service is performed, shall be approved in advance by the Board President. The Executive Officer shall be notified of the event and approval shall be obtained from the Board President prior to the Board Member's attendance.
2. The term "day actually spent in the discharge of official duties" shall mean such time as is expended from the commencement of a Board Meeting or Committee Meeting to the conclusion of that meeting. Where it is necessary for a Board Member to leave early from a meeting, the Board President shall determine if the member has provided a substantial service during the meeting and, if so, shall authorize payment of salary per diem and reimbursement for travel-related expenses.
3. Board Members will be provided with a copy of the salary per diem form submitted on their behalf.

For Board -specified work, Board Members will be compensated for actual time spent performing work authorized by the Board President. That work includes, but is not limited to, authorized attendance at other gatherings, events, meetings, hearings, or conferences, and committee work. That work does not include preparation time for Board or Committee Meetings. Board Members cannot claim salary per diem for time spent traveling to and from a Board or Committee Meeting.

**Per Diem Expenses:** Meals, lodging, and all appropriate incidental expenses incurred may be claimed when conducting State business while on travel status.

**Per Diem Process for Board Members:**

Each member must report their days worked on a timesheet and are compensated for each day worked \$100 (per diem).

**Board Member timesheet needs to include:**

- Month claiming per diem
- Dates claiming
- Place: Name of city where per diem is being claimed
- Time: start and end times Board Member conducted board business on that specific date
- Total hours: Total number of hours he/she conducted board business on that date\*
- Service performed: committee meeting(s) attended, Board Meeting(s), etc

The EO must sign-off on the timesheet prior to submission to DCA's Office of Human Resources (OHR). OHR keys in the time and the check is issued (2-3 weeks) after it is keyed in by OHR

Board members are paid the \$100 per diem, in addition to their travel expenses reimbursements.

**Additional Resources**

1. State Administrative Manual: <http://sam.dgs.ca.gov/TOC.aspx>
2. Department of Finance: <http://www.dof.ca.gov/>



## 4. Selection of Officers and Committees

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### Officers of the Board

[\(BPC § 3014\)](#)

The Board shall elect from its members a President, Vice-President, and a Secretary to hold office for one year or until their successors are duly elected and qualified.

### Roles and Responsibilities of Board Officers

(Board Policy)

#### President

- **Board Business:** Conducts the Board's business in a professional manner and with appropriate transparency, adhering to the highest ethical standards. Shall use Roberts Rules of Order as a guide and shall use the provisions of the Open Meeting Act during all Board Meetings.
- **Board Vote:** Conducts roll call vote.
- **Board Affairs:** Ensures that Board matters are handled properly, including preparation of pre-meeting materials, committee functioning and orientation of new Board Members.
- **Governance:** Ensures the prevalence of Board governance policies and practices, acting as a representative of the Board as a whole.
- **Board Meeting Agendas:** Develops agendas for meetings with the Executive Officer and Legal Counsel. Presides at Board Meetings.
- **Executive Officer:** Establishes search and selection committee for hiring an Executive Officer. The committee will work with the DCA on the search. Convenes Board discussions for evaluating Executive Officer each fiscal year.
- **Board Committees:** Seeks volunteers for committees and coordinates individual Board Member assignments. Makes sure each committee has a chairperson, and stays in touch with chairpersons to be sure that their work is carried out. Obtains debrief from each Board Committee chairperson and reports committee progress and actions to Board at the Board Meeting.
- **Yearly Elections:** Solicits nominees not less than 45 days prior to open elections at Board Meeting.
- **Community and Professional Representation:** Represents the Board in the community on behalf of the organization (as does the Executive Officer and Public Outreach Committee).

## Vice President

- **Board Business:** Performs the duties and responsibilities of the President when the President is absent.
- **Board Budget:** Serves as the Board's budget liaison with staff and shall assist staff in the monitoring and reporting of the budget to the Board. Review budget change orders with staff.
- **Strategic Plan:** Serves as the Board's strategic planning liaison with staff and shall assist staff in the monitoring and reporting of the strategic plan to the Board.
- **Board Member On-Boarding:** Welcomes new members to the Board, is available to answer questions, and assist new Board Members with understanding their role and responsibilities. May participate in on-Boarding meeting with staff and new members.

## Secretary

- **Attendance:** Calls roll to establish quorum
- **Board Motions:** Restates the motion prior to discussion.
- **Board Business:** Reviews draft minutes for accuracy.
- **Board Minutes:** Ensures accuracy and availability, including but not limited to date, time and location of meeting; list of those present and absent; list of items discussed; list of reports presented; and text of motions presented and description of their disposition. Reviews and provides edits to draft minutes which have been transcribed by staff following recorded webcasts, note taking and other methods to record public meetings.
- **Yearly Elections:** Reviews template for nominee statements and oversees the compilation of statements for inclusion in Board Meeting Materials.
- **Board Documents:** Maintains copies of administrative documents, e.g., Board Member Handbook, Administrative Law Book, Bagley-Keene Open Meeting Act for reference during Board Meeting.

## Election of Officers

(Board Policy)

The Board elects the officers at the last meeting of the fiscal year. Officers serve a term of one-year, beginning July 1 of the next fiscal year. All officers may be elected on one motion or ballot as a slate of officers unless more than one Board Member is running per office. An officer may be re-elected and serve for more than one term.

## Officer Vacancies

(Board Policy)

If an office becomes vacant during the year, an election shall be held at the next meeting. If the office of the President becomes vacant, the Vice President shall assume the office of the President until the election for President is held. Elected officers shall then serve the remainder of the term.

## **Committee Appointments**

(Board Policy)

Notwithstanding the Dispensing Optician Committee, the President shall establish committees, whether standing or special, as necessary. The composition of the committees and the appointment of the members shall be determined by the Board President in consultation with the Vice President, Secretary and the Executive Officer. In determining the composition of each committee, the president shall solicit interest from the Board Members during a public meeting. The President shall strive to give each Board Member an opportunity to serve on at least one committee. Appointment of non-Board Members to a committee is subject to the approval of the Board.

## **Attendance of Committee Meetings**

([GC § 11122.5](#) (c)(6))

(a) As used in this article, "meeting" includes any congregation of a majority of the members of a state body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the state body to which it pertains.

(b) Except as authorized pursuant to Government Code [§ 11123](#), any use of direct communication, personal intermediaries, or technological devices that is employed by a majority of the members of the state body to develop a collective concurrence as to action to be taken on an item by the members of the state body is prohibited.

(c) The prohibitions of this article do not apply to any of the following:

(1) Individual contacts or conversations between a member of a state body and any other person.

(2) The attendance of a majority of the members of a state body at a conference or similar gathering open to the public that involves a discussion of issues of general interest to the public or to public agencies of the type represented by the state body, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specified nature that is within the subject matter jurisdiction of the state body. This paragraph is not intended to allow members of the public free admission to a conference or similar gathering at which the organizers have required other participants or registrants to pay fees or charges as a condition of attendance.

(3) The attendance of a majority of the members of a state body at an open and publicized meeting organized to address a topic of state concern by a person or organization other than the state body, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within the subject matter jurisdiction of the state body.

(4) The attendance of a majority of the members of a state body at an open and noticed meeting of another state body or of a legislative body of a local agency as defined by § 54951, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled meeting, business of a specific nature that is within the subject matter jurisdiction of the other state body.

(5) The attendance of a majority of the members of a state body at a purely social or ceremonial occasion, provided that a majority of the members do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the state body.

(6) The attendance of a majority of the members of a state body at an open and noticed meeting of a standing committee of that body, provided that the members of the state body who are not members of the standing committee attend only as observers.

## 5. Board Administration and Staff

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### Board Administration

(DCA Reference Manual)

Board Members should be concerned primarily with formulating decisions on Board policies rather than decisions concerning the means for carrying out a specific course of action. It is inappropriate for Board Members to become involved in the details of program delivery. Strategies for the day-to-day management of programs, operations and staff shall be the responsibility of the Executive Officer. Board Members shall not interfere with day-to-day operations of the Board, which is the responsibility of the Executive Officer.

### Board Staff

The Board's essential functions are comprised of ensuring Optometrists, opticians, and dispensers licensed or registered in the State of California meet professional examination requirements and follow legal, legislative and regulatory mandates. The Board is also responsible for enforcement of State of California requirements and regulations as they pertain to the Optometry and Opticianry profession.

- **Licensing:** Staff is responsible for evaluating applications for initial licensure, license renewals, providing certifications, issuing Fictitious Name Permits, monitoring continuing education, and providing license verifications to consumers and customer service to licensees accordingly.
- **Examinations:** Staff assists in the development of the law exam, which is necessary to ensure optometrists understand the California laws and regulations governing their practice. Staff also develops examination procedures.
- **Legislative and Regulatory:** Administrative staff is responsible for monitoring pending legislation impacting the practice of optometry, proposing legislative and regulatory amendments/additions for Board consideration, and assisting in implementing legislative/regulatory changes.
- **Enforcement:** Staff is responsible for ensuring consumer protection predominantly by processing consumer complaints, monitoring probationers, and providing customer service to licensees and consumers by providing information related to Board law.

Employees of the Board, with the exception of the Executive Officer, are civil service employees. Their employment, pay, benefits, discipline, termination, and conditions of employment are governed by a myriad of civil service laws and regulations and often by collective bargaining labor agreements. Because of this complexity, it is most appropriate that the Board delegate all authority and responsibility for management of the civil service staff to the Executive Officer. Board Members shall not intervene or become involved in specific day-to-day personnel transactions or matters.

## **Appointment of Executive Officer**

([BPC § 3027](#))

The Board shall employ an Executive Officer and other necessary assistance in the carrying out of the provisions of the [BPC, Chapter 7](#).

The Executive Officer serves at the pleasure of the Board Members who provide policy direction to the Executive Officer in the areas of program administration, legislative and regulatory development, strategic planning, and coordination of meetings. The Executive Officer shall not be a member of the Board. With the approval of the Director of Finance, the Board shall determine the salary of the Executive Officer. The Executive Officer shall be entitled to traveling and other necessary expenses in the performance of his/her duties as approved by the Board.

## **Executive Officer Evaluation**

(Board Policy)

Board Members shall evaluate the performance of the Executive Officer on an annual basis.

## **Legal Counsel**

Generally, the Office of the Attorney General represents the Board for litigation and represents complainant (the Executive Officer) for licensing and discipline cases. The DCA legal counsel assigned to the Board provides “in-house” counsel, assistance on closed session discipline and licensing matters. It is the Board’s policy to have DCA counsel present in closed sessions held pursuant to government code section 11126(c)(3), including deliberations on petition hearings.

## **Strategic Planning**

(Board Policy)

The Executive Committee shall have overall responsibility for the Board’s strategic planning process. The Vice President shall serve as the Board’s strategic planning liaison with staff and shall assist staff in the monitoring and reporting of the strategic plan to the Board. The Board will update the strategic plan every three years, with the option to use a facilitator to conduct the plan update. At the end of the fiscal year, an annual review conducted by the Board will evaluate the progress toward goal achievement as stated in the strategic plan and identify any areas that may require amending.

## **Board Budget**

(Board Policy)

The Vice President shall serve as the Board’s budget liaison with staff and shall assist staff in the monitoring and reporting of the budget to the Board. Staff will conduct an annual budget briefing with the Board with the assistance of the Vice President.

The Executive Officer or the Executive Officer’s designee will attend and testify at legislative budget hearings and shall communicate all budget issues to the Administration and Legislation.

## **Press Releases**

(Board Policy)

The Executive Officer, in coordination with the DCA's Public Information Office, may issue press releases with the approval of the Board President.

### **Legislation**

(Board Policy)

In the event time constraints preclude Board action, the Board may delegate to the Executive Officer and the Board President and Vice President the authority to take action on legislation that would affect the practice of optometry, opticianry, or responsibilities of the Board. The Board shall be notified of such action as soon as possible.

## 6. Other Policies and Procedures

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### Board Member Orientation and Training

([BPC § 453](#))

Newly appointed members shall complete a training and orientation program provided by DCA within one year of assuming office. This one-day class will discuss Board Member obligations and responsibilities.

([GC § 11121.9](#), [GC § 12950.1](#))

All Board Members shall complete all required training and submit compliance documentation, including but not limited to, the documents specified below:

- [Board Member Orientation Training](#) provided by the DCA (complete within one (1) year of assuming office).
- [Ethics Orientation Training](#) (complete within first six (6) months of assuming office) and every two (2) years thereafter.
- [Conflict of Interest, Form 700](#) (submit annually), within 30 days of assuming office, and upon leaving the Board.
- [Sexual Harassment Prevention Training](#) (complete within first six (6) months of assuming office) and every two (2) years thereafter.
- [Defensive Drive Training](#) (if driving state vehicles, vehicles rented by the state or drive personal vehicles for state business) required once every four years

Upon assuming office, members will also receive a copy of the Bagley-Keene Open Meeting Act, which lists public meeting laws that provide the guidelines for Board Meetings. The current version of this Act can also be found at the following:

[http://www.dca.ca.gov/publications/bagleykeene\\_meetingact.pdf](http://www.dca.ca.gov/publications/bagleykeene_meetingact.pdf)

Additional Board Member resources can be found at <http://www.dcaboardmembers.ca.gov/>. Business cards will be provided to each Board Member with the Board's name, address, telephone and fax number, and website address. A Board Member's business address, telephone and fax number, and email address may be listed on the card at the member's request.

### Board Member Disciplinary Actions

(Board Policy)

The Board may censure a member if, after a hearing before the Board, the Board determines that the member has acted in an inappropriate manner. The President of the Board shall sit as chair of the hearing unless the censure involves the President's own actions, in which case the Vice President of the Board shall sit as chair. In accordance with the Open Meeting Act, the censure hearing shall be conducted in open session.



## **Removal of Board Members**

(BPC §§ [106](#) and [106.5](#))

The Governor has the power to remove from office at any time any member of any Board appointed by him or her for continued neglect of duties required by law or for incompetence or unprofessional or dishonorable conduct. The Governor may also remove from office a Board Member who directly or indirectly discloses examination questions to an applicant for examination for licensure.

## **Resignation of Board Members**

([GC § 1750](#))

In the event that it becomes necessary for a Board Member to resign, a letter shall be sent to the appropriate appointing authority (Governor, Senate Rules Committee, or Speaker of the Assembly) with the effective date of the resignation. State law requires written notification. A copy of this letter shall also be sent to the Director of DCA, the Board President, and the Executive Officer.

## **Conflict of Interest**

([GC § 87100](#))

No Board Member may make, participate in making, or in any way attempt to use his or her official position to influence a governmental decision in which he or she knows or has reason to know he or she has a financial interest. Any Board Member who has a financial interest shall disqualify him or herself from making or attempting to use his or her official position to influence the decision. Any Board Member who feels he or she is entering into a situation where there is a potential for a conflict of interest should immediately consult the Executive Officer or the Board's legal counsel.

## **Contact with Candidates, Applicants and Licensees**

(Board Policy)

Board Members shall not intervene on behalf of a candidate or an applicant for licensure for any reason. Nor shall they intervene on behalf of a licensee. All inquiries regarding licenses, applications and enforcement matters should be referred to the Executive Officer.

## **Communication with Other Organizations and Individuals**

(Board Policy)

Any and all representations made on behalf of the Board or Board Policy must be made by the Executive Officer or Board President, unless approved otherwise. All correspondence shall be issued on the Board's standard letterhead and will be created and disseminated by the Executive Officer.

## **Gifts from Candidates**

(Board Policy)

Gifts of any kind to Board Members or the staff from candidates for licensure with the Board shall not be permitted.

## Request for Records Access

(Board Policy)

No Board Member may access the file of a licensee or candidate without the Executive Officer's knowledge and approval of the conditions of access. Records or copies of records shall not be removed from the Office of the Board.

## Ex Parte Communications

([GC § 11430.10 et seq.](#))

The Government Code contains provisions prohibiting *ex parte* communications. An *ex parte* communication is a communication to the decision-maker made by one party to an enforcement action without participation by the other party. While there are specified exceptions to the general prohibition, the key provision is found in subdivision (a) of § 11430.10, which states:

“While the proceeding is pending, there shall be no communication, direct or indirect, regarding any issue in the proceeding to the presiding officer from an employee or representative of an agency that is a party or from an interested person outside the agency, without notice and an opportunity for all parties to participate in the communication.”

Board Members are prohibited from an *ex parte* communication with Board enforcement staff while a proceeding is pending. Occasionally an applicant who is being formally denied licensure, or a licensee against whom disciplinary action is being taken, will attempt to directly contact Board Members or attend a meeting.

If the communication is written, the person should read only far enough to determine the nature of the communication. Once he or she realizes it is from a person against whom an action is pending, they should reseal the documents and send them to the Executive Officer.

If a Board Member receives a telephone call from an applicant or licensee against whom an action is pending, he or she should immediately tell the person they cannot speak to them about the matter. If the person insists on discussing the case, he or she should be told that the Board Member will be required to recuse him or herself from any participation in the matter. Therefore, continued discussion is of no benefit to the applicant or licensee.

If a Board Member believes that he or she has received an unlawful *ex parte* communication, he or she should contact the Executive Officer promptly.

### **Additional Resources:**

1. Board Member Orientation Training: <http://www.dcaboardmembers.ca.gov/training/orientation.shtml>
2. Ethics Orientation Training: [http://www.dcaboardmembers.ca.gov/training/ethics\\_orientation.shtml](http://www.dcaboardmembers.ca.gov/training/ethics_orientation.shtml)
3. Conflict of Interest, Form 700: [http://www.dcaboardmembers.ca.gov/member\\_info/form\\_700.shtml](http://www.dcaboardmembers.ca.gov/member_info/form_700.shtml)
4. Sexual Harassment Prevention Training: [http://www.dcaboardmembers.ca.gov/training/harassment\\_prevention.shtml](http://www.dcaboardmembers.ca.gov/training/harassment_prevention.shtml)
5. Defensive Driver Training: <http://www.dgs.ca.gov/orim/Programs/DDTOnlineTraining.aspx>
6. DCA Board Member Resource Center: <http://www.dcaboardmembers.ca.gov/>

## 7. Complaint and Disciplinary Process

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The Board conducts disciplinary proceedings in accordance with the Administrative Procedure Act, [GC § 11500](#), and those sections that follow. The Board conducts investigations and hearings pursuant to [Government Code §§ 11180 through 11191](#). The Board also uses its [Uniform Standards Related to Substance Abuse and Disciplinary Guidelines, in regulation](#), as a guide when determining appropriate levels of discipline.

Typically, the disciplinary process begins with a complaint. Complaints can come to the Board via consumers, optometrists, and other agencies. Under Business and Professions Code 800 et seq., civil judgments or settlement against a licensee that exceeds three thousand dollars (\$3,000) must be reported to the Board by an insurer or licensee. These will result in an enforcement investigation.

To begin an investigation, the Board's enforcement staff determines jurisdiction over a complaint case. If jurisdiction has been established, enforcement staff begins its investigation by requesting permission to review the patient's medical file (if pertinent to the complaint) and notifies the optometrist that a complaint has been made.

Enforcement staff determines if a violation of the [Optometry Practice Act](#) or other applicable statutes and regulations has occurred by verifying facts to validate a complaint allegation. This is generally accomplished by gathering statements, patient records, billings, and insurance claims, etc. The Board may also submit the case to the Division of Investigation (DOI) for further investigation as DOI investigators are given authority of peace officers by the Business and Professions Code while engaged in their duties. Therefore, these investigators are authorized more investigative privileges than Board staff.

The Board may also seek the aid of an expert witness when the enforcement team needs an expert opinion to determine if the licensee in question breached the standard of care.

If it is determined that the subject's acts constitute a violation of law, the completed investigative report is submitted to the California Office of the Attorney General. The assigned Deputy Attorney General will review the case to determine if the evidence supports filing of an accusation against the subject for a violation of the law. If it is determined appropriate, an accusation is prepared and served upon the subject and he or she is given the opportunity to request a hearing to contest the charges.

The following is a list of allegations for which the Board may take action:

- Unprofessional conduct;
- Gross negligence;
- Sexual misconduct;
- Conviction of a substantially related crime;
- Substance abuse; and
- Insurance fraud.

After the Board files an accusation, the case may be resolved by a stipulated settlement: which is a written agreement between parties to which the person is charged admits to certain violations and agrees that a particular disciplinary order may be imposed.

Stipulations are subject to adoption by the Board. If a stipulated settlement cannot be negotiated, or if a settlement is rejected, the case proceeds to a hearing before an Administrative Law Judge (ALJ) of the Office of Administrative Hearings. The hearing may last anywhere from one day to several months, depending on the complexity of the case and the defense. During the hearing, both sides may call expert witnesses to support their views. After both sides have argued their case, the judge issues a proposed decision, which is then submitted to the Board for consideration.

If the Board rejects the proposed decision, Board Members obtain a transcript of the hearing, review the decision and decide the matter based upon the administrative record. If dissatisfied with the Board's decision, the respondent may petition for reconsideration or he or she may contest it by filing a writ of mandate in the appropriate superior court.

## **Deciding to Adopt or Reject a Proposed Decision**

Upon being presented with a proposed disciplinary or licensing decision from an ALJ, each Board Member is asked to either adopt or Reject the action. Accordingly, the following should be considered when making a decision:

- Factors for consideration when deciding to adopt an ALJ's proposed decision
  - The summary of the evidence supports the findings of fact, and the findings support the conclusions of law.
  - The law and standards of practice are interpreted correctly.
  - In those cases in which witness credibility is crucial to the decision, the findings of fact include a determination based substantially on a witness' credibility, and the determination identifies specific evidence of the observed demeanor, manner, or attitude of the witness that supports the credibility determination.
  - The penalty fits within the disciplinary guidelines or any deviation from those guidelines has been adequately explained.
  - If probation is granted, the terms and conditions of probation provide the necessary public protection.
- Factors for consideration when deciding to Reject an ALJ's proposed decision
  - The proposed decision reflects the ALJ clearly abused his/her discretion.
  - The ALJ made an error in applying the relevant standard of practice or burden of proof for the issues in controversy at the hearing.
  - The witness's credibility is crucial to the decision and the findings of fact include a determination based substantially on a witness' credibility; but the determination does not identify specific evidence of the observed demeanor, manner, or attitude, of the witness that supports the credibility determination.
  - The ALJ made an error in interpreting the licensing law and/or regulations.

- The ALJ made correct conclusions of law and properly applied the standards of practice but the level of discipline proposed is substantially less than is appropriate to protect the public.

Note: The Board may not increase a cost recovery reward.

## Reviewing the Record and Preparing to Discuss and Render a Decision after Rejection

Should the Board reject a proposed decision by the ALJ must review the factual and legal findings to render a determination. The following guidance is provided to Board Members when reviewing the case record:

- Reviewing the Administrative Record
  - The Accusation
    - Make note of the code §§ charged and brief description of the §§ (e.g. B&P 3110(b) – gross negligence; B&P 3110 (d) – incompetence).
    - Read the facts that are alleged as they stand to prove or disprove the code violations. The burden to prove the violations by “clear and convincing evidence to a reasonable certainty” rests on the Board.
  - The Proposed Decision
    - Factual Findings. Review the factual findings and determine if they and/or testimony prove violations. Note that expert testimony may be necessary to prove the violations.
    - Legal conclusions (determination of issues). Determine if any proven facts constitute a violation of the code §.
    - Order. Review the order and determine if the penalty is appropriate per the violations found and if it is consistent with the Disciplinary Guidelines. If not, determine if there is a basis for which the record deviated from the guidelines.
  - The Transcript
    - Sufficiency of the Evidence. Determine if the evidence introduced is clear and convincing to a reasonable certainty to prove *each* factual allegation.
    - Lay Witnesses. Determine if the testimony provided by witnesses prove factual allegations. Refer back to the ALJ’s credibility findings.
    - Expert Witnesses. Which expert’s testimony was given the most weight by the ALJ? If a Board Member does not agree with the ALJ’s findings, the Board Member must determine which evidence in the record supports their conclusion.
  - Written Arguments received from parties after rejection of a proposed decision.
    - Is the written argument from each party persuasive?

- Do the parties cite to the administrative record/transcript? This is not required, but may bear on the persuasiveness of a party's argument.

### **Additional Resources**

1. Uniform Standards Related to Substance Abuse and Disciplinary Guidelines:  
[http://www.optometry.ca.gov/formspubs/uniform\\_standards.pdf](http://www.optometry.ca.gov/formspubs/uniform_standards.pdf)

## 8. California's Legislative Process

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The California State Legislature consists of two houses: the Senate and the Assembly. The Senate has 40 members and the Assembly has 80 members.

All legislation begins as an idea or concept. Should the Board take an idea to legislation, it will act as its sponsor.

In order to move an idea or concept toward legislation the Board must attain a Senator or Assembly Member to author it as a bill. Once a legislator has been identified as an author, the legislation will proceed to the Legislative Counsel where a bill is drafted. The legislator will introduce the bill in a house (if a Senator authors a bill, it will be introduced to the Senate; if an Assembly Member authors a bill, it will be introduced to the Assembly). This house is called the House of Origin.

Once a bill is introduced on the floor of its house, it is sent to the Office of State Printing. At this time, it may not be acted upon until 30 days after the date that it was introduced. After the allotted time has lapsed, the bill moves to the Rules Committee of its house to be assigned to a corresponding Policy Committee for hearing.

During committee hearing, the author presents the bill to the committee and witnesses provide testimony in support or opposition of the bill. At this time, amendments may be proposed and/or taken. Bills can be amended multiple times. Additionally, during these hearings, a Board representative (Board Chair, Executive Officer, and/or staffer) may be called upon to testify in favor of (or in opposition to) the bill.

Following these proceedings, the committee votes to pass the bill, pass it as amended, or defeat it. The bill may also be held in the committee without a vote, if it appears likely that it will not pass. In the case of the Appropriations (or "Fiscal") Committee, the bill may be held in the "Suspense File" if the committee members determine that the bill's fiscal impact is too great, as weighed against the priorities of other bills that also impact the state's finances. A bill is passed in committee by a majority vote.

If the bill is passed by committee, it returns to the floor of its House of Origin and is read a second time. Next, the bill is placed on third reading and is eligible for consideration by the full house in a floor vote. Bill analyses are prepared prior to this reading. During the third reading, the author explains the bill and members discuss and cast their vote. Bills that raise taxes, take effect immediately or place a proposition on the ballot require a 2/3 vote, which would require 27 votes in the Senate and 54 votes (two-thirds vote) in the Assembly to be passed. Other bills require majority vote. If a bill is defeated, its author may seek reconsiderations and another vote.

Once a bill has been approved by the House of Origin, it is submitted to the second house where the aforementioned process is repeated. Here, if an agreement is not reached, the bill dies or is sent to a two-house committee where members can come to a compromise. However, if an agreement is made, the bill is returned to both houses as a conference report to be voted upon.

Should both houses approve a bill, it proceeds to the Governor who can either sign the bill to law, allow it to become law without signature, or veto it. If the legislation is passed during the course of the regular session, the Governor must act within 12 days. However, the Governor has 30 days to sign bills that are passed during the final days of the legislative year, usually in August or early September. A two-thirds vote from both houses can override the Governor's decision to veto a bill.

Bills that are passed by the legislature and approved by the Governor are assigned a chapter number by the Secretary of State. Chaptered bills typically become part of the California Codes and the Board may enforce it as statute once it becomes effective. Most bills are effective on the first day of January the following year; however, matters of urgency take effect immediately.

For a graphic overview of California's legislative process, see the attached diagram at the end of this section.

### Positions on Legislation

As a regulatory body, the Board can propose its own legislative proposals or take a position on a current piece of legislation.

At Board Meetings, staff may present current legislation that is of potential interest to the Board and/or which may directly impact the Board and the practice of optometry. When the Board attains research on legislation, it can take a position on the matter.

Possible positions include:

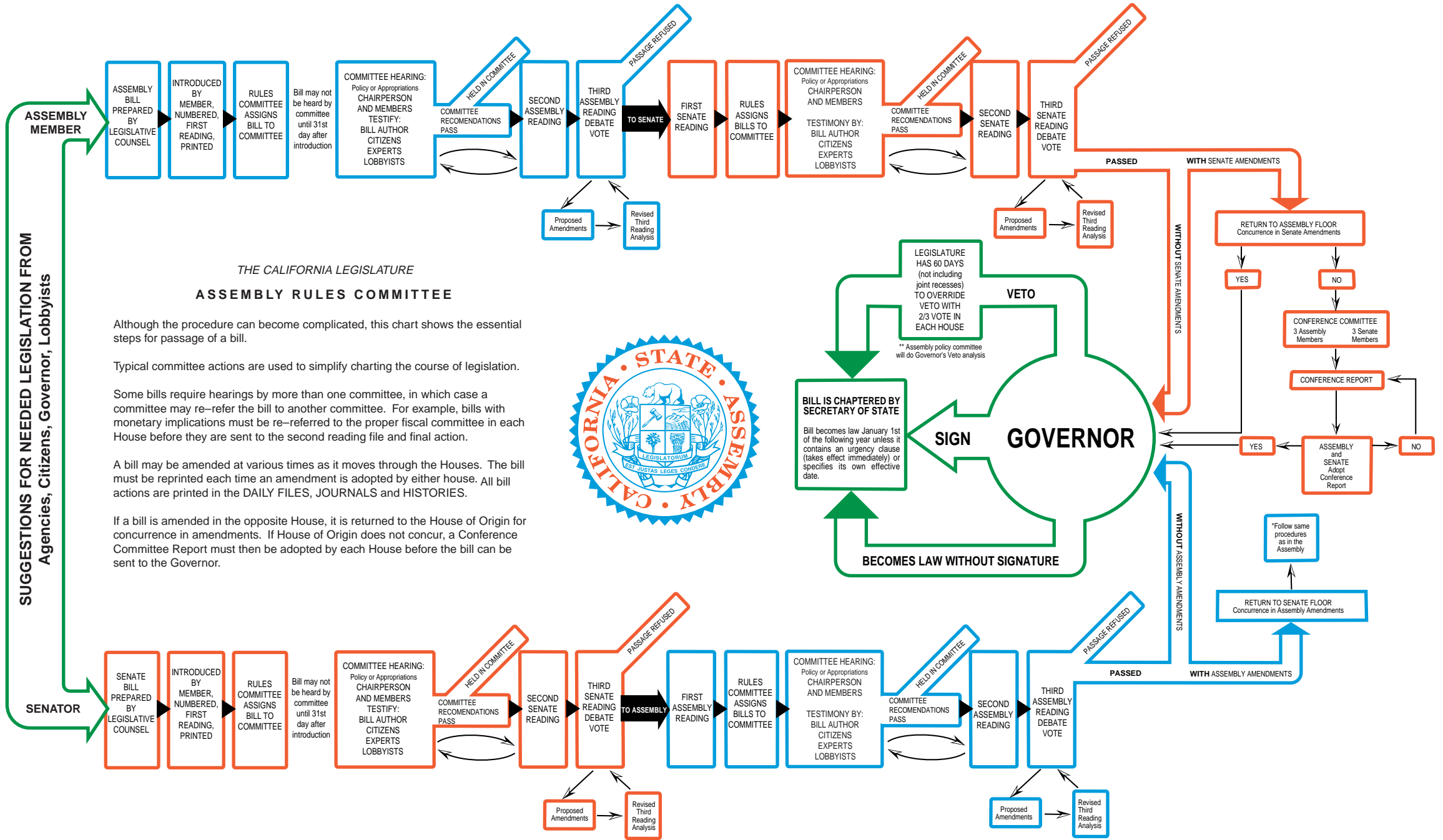
- **No Position:** The Board may decide that the bill is outside the Board's jurisdiction or that it has other reasons to not have any position on the bill. The Board would not generally testify on such a bill.
- **Neutral:** If a bill poses no problems or concerns to the Board, the Board may choose to adopt a neutral position.
- **Neutral if Amended:** The Board may take this position if there are minor problems with the bill but, providing they are amended, the intent of the legislation does not impede with Board processes.
- **Support:** This position may be taken if the Board supports the legislation and has no recommended changes.
- **Support if Amended:** This position may be taken if the Board has amendments and if accepted, the Board will support the legislation.
- **Oppose:** The Board may opt to oppose a bill if it negatively impacts consumers or is against the Board's own objectives.
- **Oppose Unless Amended:** The Board may take this position unless the objectionable language is removed. This is a more common and substantive stance than Neutral if Amended.

Board Members can access bill language, analyses, and vote history at <http://leginfo.legislature.ca.gov/> and watch all legislative hearings online at [www.calchannel.com](http://www.calchannel.com).



# THE LIFE CYCLE OF LEGISLATION

## From Idea into Law



### THE CALIFORNIA LEGISLATURE

#### ASSEMBLY RULES COMMITTEE

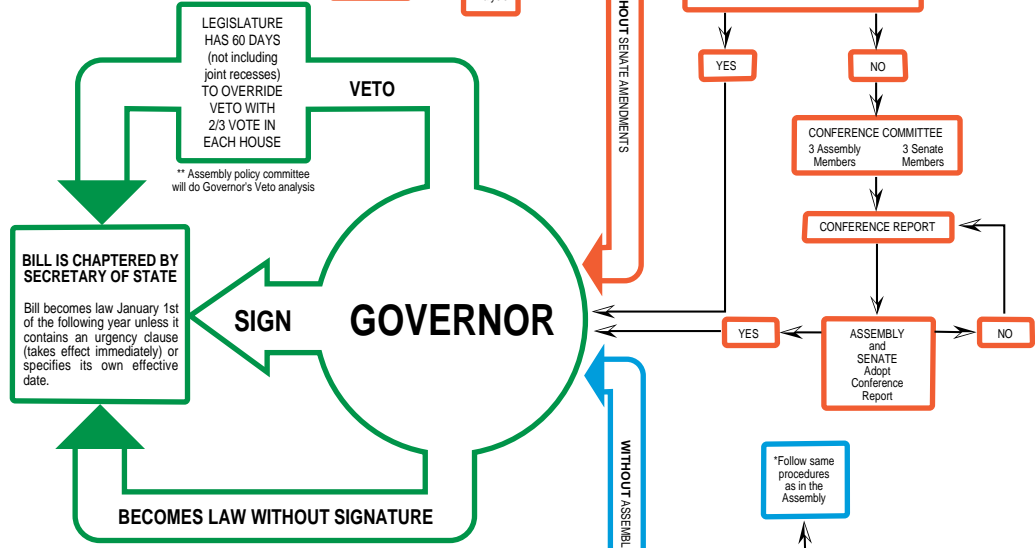
Although the procedure can become complicated, this chart shows the essential steps for passage of a bill.

Typical committee actions are used to simplify charting the course of legislation.

Some bills require hearings by more than one committee, in which case a committee may re-refer the bill to another committee. For example, bills with monetary implications must be re-referred to the proper fiscal committee in each House before they are sent to the second reading file and final action.

A bill may be amended at various times as it moves through the Houses. The bill must be reprinted each time an amendment is adopted by either house. All bill actions are printed in the DAILY FILES, JOURNALS and HISTORIES.

If a bill is amended in the opposite House, it is returned to the House of Origin for concurrence in amendments. If House of Origin does not concur, a Conference Committee Report must then be adopted by each House before the bill can be sent to the Governor.



SUGGESTIONS FOR NEEDED LEGISLATION FROM Agencies, Citizens, Governor, Lobbyists

ASSEMBLY MEMBER

SENATOR

Bill may not be heard by committee until 31st day after introduction

Bill may not be heard by committee until 31st day after introduction

\*\* Assembly policy committee will do Governor's Veto analysis

\*Follow same procedures as in the Assembly

## 9. Regulations

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Regulations and statutes govern the Board. Regulations interpret or make specific laws that are enforced or administered by the Board.

In order to prepare a rulemaking action, the Board is required to: (1) express terms of proposed regulation (the proposed text), (2) determine fiscal impact, (3) create a statement of reasons for that regulation, and (4) post notice of proposed rulemaking.

The issuance of a notice of proposed regulation initiates a rule making action. To do this, the Board creates a notice to be published in the California Regulatory Notice Register and mailed to interested parties. It must also post the notice, proposed text, and statement of reasons for the rulemaking action on its website.

Once the notice has been posted, the Administrative Procedure Act (APA) requires a 45-day comment period from interested parties before the Board may proceed further with the proposed regulation. During this time the Board can also decide if it wants to hold a public hearing to discuss the proposed rulemaking action. However, if it opts against this, but an interested person requests a hearing at least 15 days prior to the end of the written comment period, the Board must offer notice of and hold a public hearing to satisfy public request.

Following the initial comment period, the Board will often decide to revise its proposal. If it chooses to do so, APA procedures require that the agency assess each change and categorize them as (a) non-substantial, (b) substantial and sufficiently related, or (c) substantial and not sufficiently related. Any change that has been categorized as substantial and sufficiently related must be available for public comment for at least 15 days before the change is adopted in the proposal. All comments must then be considered by the Board.

Additionally, if the Board cites new material that has not been available to the public while revising the proposal, these new references must be presented to the public for 15 days.

The Board is also responsible for summarizing and responding on record to public comments submitted during each allotted period. These are to be included as part of the final statement of reasons. By doing so, the agency demonstrates that it has understood and considered all relevant material presented to it before adopting, amending, or repealing a regulation.

After the Board has fulfilled this process, it must adopt a final version of the proposed rulemaking decision. Once this has been accomplished, the rulemaking action must be submitted to the Office of Administrative Law (OAL) for review within a year from the date the notice was published. OAL has 30 days to review the action.

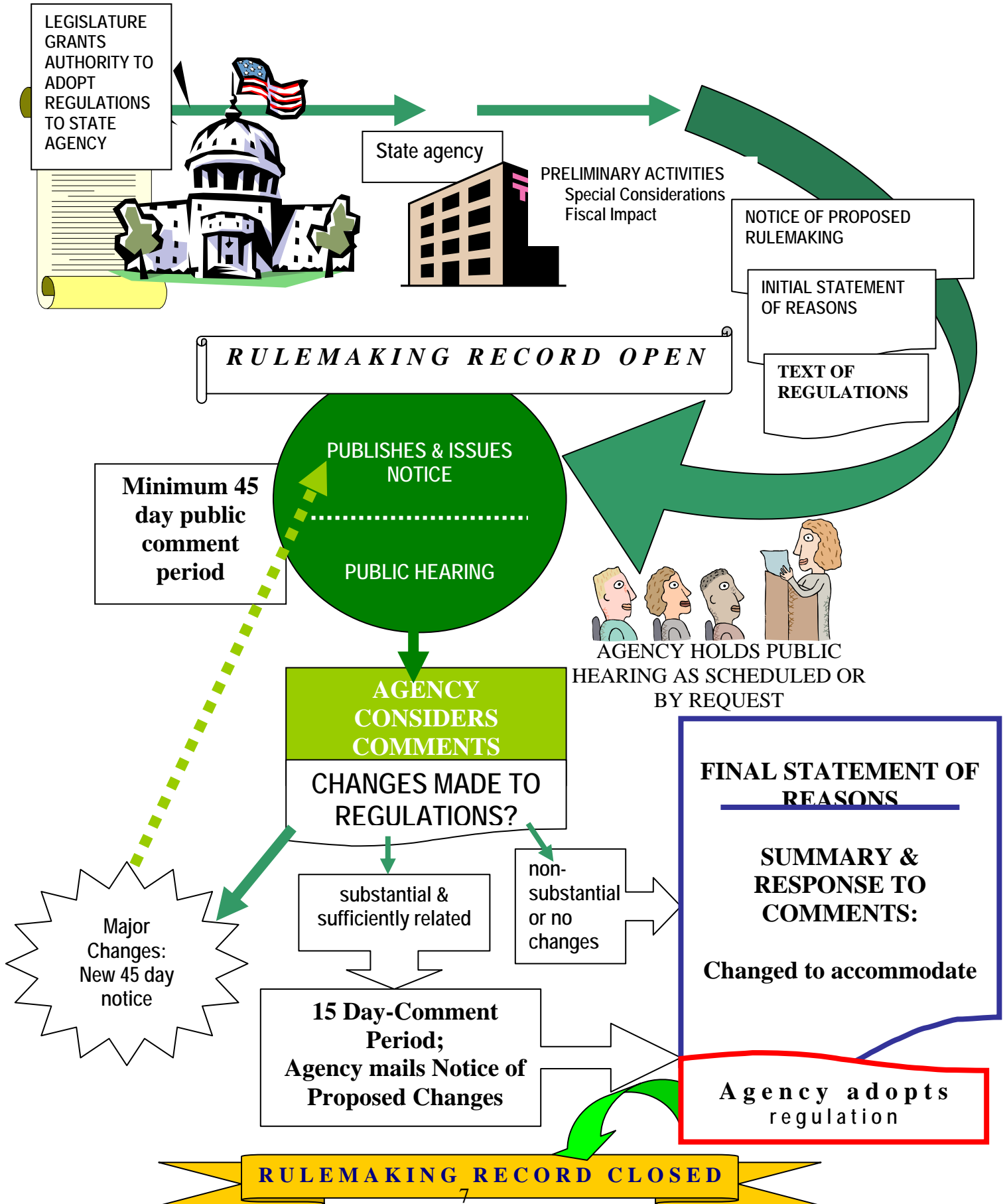
During its review, OAL must determine if the rulemaking action satisfies the standards set forth by APA. These standards are: necessity, authority, consistency, clarity, non-duplication, and reference. It must also have satisfied all procedural requirements governed by the APA.

If OAL deems that the rulemaking action satisfies the aforementioned standards, it files the regulation with the Secretary of State and it is generally effective within 30 days. The regulation is also printed in the California Code of Regulations.

If OAL, however, determines that the action does not satisfy these standards, it returns the regulation to the Board which can revise the text, post notice of change for another comment period, and, finally, resubmit the proposed regulation to OAL for review; or, the Board may appeal to the governor.

Diagrams on the next two pages provide a graphical overview of the rulemaking process.

# The Rulemaking Process



# OAL REVIEW PROCESS

Attachment A

*State agency must submit rulemaking record and adopted regulation text to OAL within 1 year of notice publication*

*OAL has 30 working days to review the record for compliance with:*  
*1) The substantive standards of the APA*  
*2) The procedural standards of the APA*

*Does the rulemaking satisfy the **SUBSTANTIVE** and **PROCEDURAL** requirements of the Administrative Procedure Act?*

**YES**

*OAL files approved regulation text with Secretary of State*

*Regulation text printed in California Code of Regulations (CCR)*

*OAL returns rulemaking record to agency*

*Adopted regulations are effective quarterly unless:*  
*1) Effective date specified by statute*  
*2) Later date requested*  
*3) Good cause given for earlier date*

**NO**

*OAL disapproves rulemaking unless agency withdraws*

**WITHDRAWAL**

*Agency must have sufficient time remaining within 1-year notice period*

*Prior to close of 1-year notice period, agency rectifies text/record deficiencies and resubmits rulemaking to OAL*

*OAL has 30 working days to review re-submitted rulemaking*

**DISAPPROVAL**

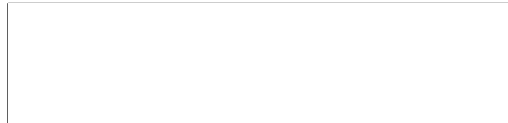
*OAL has 7 calendar days to provide disapproval decision to agency*

*Decision published in California Regulatory Notice Register*

*Within 120 days of disapproval, agency rectifies text/record deficiencies & resubmits rulemaking to OAL*

*Appeal to Governor (Gov. Code, sec. 11349.3)*

**Department of Consumer Affairs  
California State Board of Optometry**



**Board Committees**

**Legislation and Regulation**

Ms. Sperber  
Dr. Wang  
Mr. Morodomi  
Ms. Micheli  
Dr. McIntyre

**Public Relations – Outreach**

Ms. Garcia  
Ms. Burke  
Dr. Kawaguchi

**Practice and Education**

Dr. Wang  
Ms. Burke  
Dr. Chawla

**Consumer Protection**

Mr. Morodomi  
Dr. McIntyre  
Dr. Turetsky

**Dispensing Optician Appointments\***

Ms. Brandvein  
Dr. Chawla

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

**Dispensing Optician Committee**

Public Member  
Public Member  
Dispensing Member  
Dispensing Member  
Board Member

**Workgroups**

**Children’s Vision Workgroup**

Ms. Garcia  
Ms. Michelin  
Dr. Kawaguchi

**Mobile Clinic Workgroup**

Ms. Sperber  
Dr. Wang  
Ms. Brandvein

\*This committee is temporary in order to review, vet and recommend appointments to the full Board

# California Board of Optometry Registered Dispensing Opticians Program – Fee Audit



To ensure excellent Optometric care for every Californian.



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## INTRODUCTION AND SCOPE

The mission of the California Board of Optometry is to protect the health and safety of California consumers through licensing, education, and regulation of the practice of Optometry. Its vision is to ensure excellent optometric care for every Californian. Its core values are:

- Consumer protection;
- Integrity;
- Transparency;
- Professionalism; and
- Excellence.

Given this mission, vision and values, the Board provides a valuable public safety function. The execution of which is to be done in a professional culture of excellence. This project aligns with the values of the Board by developing the resources to fully execute this vision. Without adequate financial resources, the Board cannot meet this important vision.

This report summarizes the processes, procedures, and findings of the Board's fee audit – specifically how it relates to the Registered Dispensing Opticians (RDO) program. It details the analysis that resulted in calculations of cost for individual licenses of the RDO.

As part of its effort to manage its financial resources wisely, the Board engaged Capital Accounting Partners to conduct a cost of service study. This study is important to the long term sustainability of the RDO program and the Board of Optometry as the RDO transitions from the Medical Board of California to the Board of Optometry. In addition, it is our understanding the recent legislation within the State of California may dramatically impact the RDO program. So the RDO is in a position of significant transition. Often this means new opportunities as well as new risks. Having the financial resources to navigate will be critical to the long term sustainability of the program.

The RDO has a mandate to be fully self-supporting so it is vital that the fees charged to dispensing opticians fully recover the costs of the program.

The scope of this study included the following objectives:

- Calculate full cost of processing applications for opticians;
- Calculate the costs for supporting services such as:
  - Enforcement;
  - Technology (Breeze);
  - Cashing;
  - Call center;
  - Other support functions that may apply; and
- Develop revenue projections for 5-10 years.



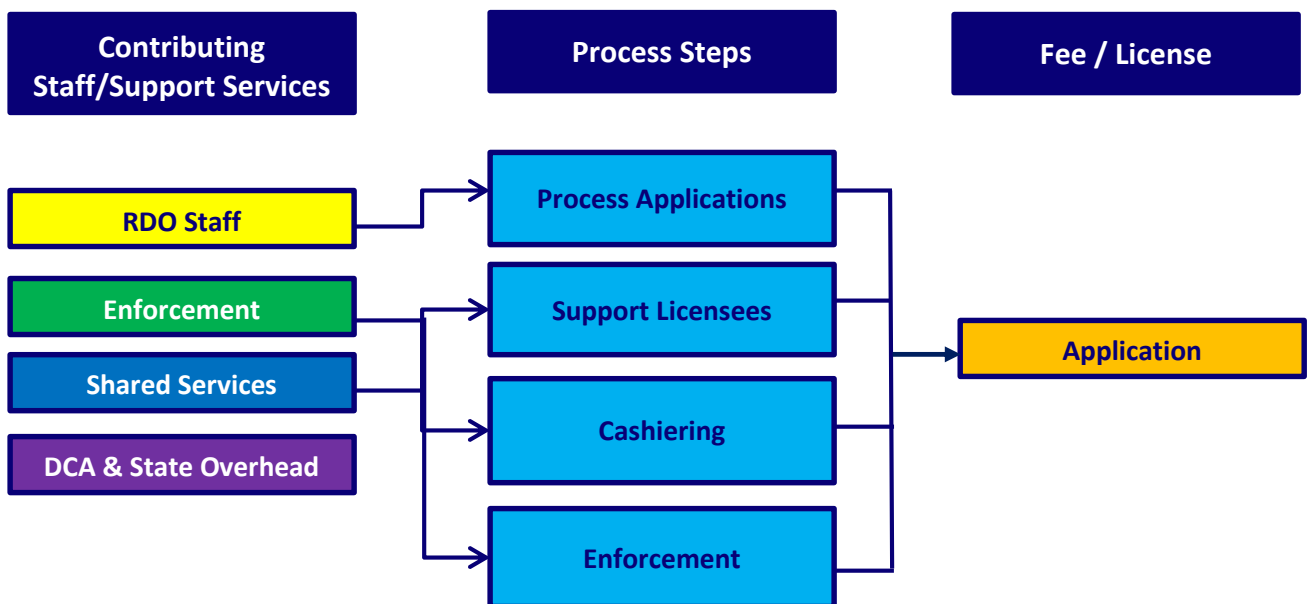
The process used for collecting and analyzing the data required active participation by the RDO's management and staff. We want to take this opportunity to recognize their participation, time, and effort to collect the data and discuss the analysis, results, and recommendations.

## SUMMARY OF COSTING METHODOLOGIES

### DRIVER BASED COSTING MODELS

Developing driver based costing models are a detailed and robust method of calculating the cost of a specific service. It is based on the principles of activity based costing so it seeks to understand cost at an operational level. This means it relies on understanding the time staff invests in core business processes to process certificates and licenses as well as enforcement and administrative services. Graphically, the following figure illustrates this methodology.

Hypothetical Illustration of a Driver Based Costing Model



**Step 1: Collect Data** – This first step involves discussions with staff to identify those positions within each program that provide and support direct services. It also involves collecting program budget and expenditure data, identifying the salary and benefits for each position, and identifying non-personnel expenditures, as well as any program and Board overhead. Specifically, the steps involve the following:



- **Identifying staff positions** – This includes identifying both position titles and names.
- **Calculating the number of productive hours** – For each position, vacation time, sick leave, paid holidays, professional development (training), routine staff meetings, and daily work breaks are deducted from the standard 2,080 annual hours. The result is a range of hours available for each position on an annual basis. This range is typically in the area of 1,600 hours. Factors that influence this range are length of service with the organization and policies for holiday and personal leave time.
- **Identifying and allocating non-personnel costs** – Costs for materials and supplies are allocated to the salary and benefits for each position.
- **Assigning any other expenses that are budgeted in other areas** – There are often expenses that should be included with the total cost of services. Examples of such costs might include amortized capital expenses for vehicles and technology.
- **Identifying core business processes or activities** – This step also involves discussions with staff to understand, at an operational level, the work of the operating unit. Core business processes used to provide services are identified and then defined by the tasks that are involved. Processes are also organized by direct and indirect categories:
- **Direct processes and activities** – Those processes that directly contribute to the processing of an application or certificate are first identified. Examples of a direct activity are initial data entry of certificates and certifications.
- **Indirect processes and activities** – Those processes that support, but do not directly apply to the processing of a specific license or certificate. An example of an indirect activity is customer service or staff training to maintain certifications.

**Step 2: Building cost structures** – This second step involves significant interaction with staff and the development of time estimates for both direct and indirect processes in each program area. Specifically, this step is at the core of the analysis. There are three processes that comprise this step:

- **Gathering time estimates for direct processes** – By interviewing staff in individual and group meetings, an estimate of time was assigned to each service by the process that is indicated. The sum of all the process steps is the total time that is required to provide that specific service.
- **Assigning indirect time** – An annual time estimate is gathered from staff for those indirect or support processes in which they are involved. These include Board as well as program administration, customer service, and IT.
- **Calculating fully loaded hourly rates and the cost of service** – Once the total time for each direct and indirect service is estimated, the cost of service is calculated by using the fully loaded hourly rates for each staff member or position that is involved with the service. The fully loaded hourly rate for each employee is based on the employee's salary and benefit costs plus a share of non-personnel and Board overhead costs divided by the employee's available work hours (i.e. 2,080 hours minus all leave hours). Thus, the direct and indirect cost by activity also includes program and Board overhead as well as non-labor costs.
- **Gathering activity or volume data** – A critical element in the analysis is the number of times a given license or certificate is provided on an annual basis. This is critical data for three reasons:



- It allows a calculated projection of current revenue based on current prices. This is compared with actual revenue to see if there is a close match as the data should match.
- It allows for a calculated projection of revenue at full cost. This is compared to actual expenditures to see if there is a close match as the data should match.
- It allows for a calculation of total hours consumed. Hours consumed must closely match actual hours available.

If any of the three calculations do not approximate actual numbers, then time estimates and/or volume data need to be re-evaluated. These are critical quality checks for costing accuracy.

**Step 3: Allocating Enforcement Activities** – This third step allocates enforcement activities to arrive at the full cost of service for each direct license or certificate. Thus, the final cost layers are brought together to establish the full cost of service. For the RDO, this is a significant step as a high percentage of its costs are centered in enforcement activities. To do this, we calculated a cost per license for enforcement activities.

**Step 4: Set cost recovery policy** – Depending on Board policies and other considerations, the level of cost recovery is a decision that should be made for each type or group of licenses. For example, the Board might want to subsidize one type of licenses with revenues from others.

#### **Step 5: Set fees**

Fees should be based on any cost recovery policy and at a price that will fully recover the Board's cost and provide a sustainable future.



## SUMMARY OF FINDINGS – CURRENT STATE

### TRANSITIONS

In our view, the most important output of any cost of service study is the assurance of long-term sustainability. However, sustainability in and of itself is not enough. Sustainability also means providing a high degree of services to Opticians and value added assurances of quality optometric care for the residents of California. By setting fee levels that fully recover costs and setting policies in place to maintain adequate fees and reserves, the Board of Optometry is better equipped to execute on its vision.

Transitioning from the Medical Board of California to the California Board of Optometry creates both opportunities and risks.

#### OPPORTUNITIES:

This period of transition provides an opportunity to review the RDO's mission, determine where services can be strengthened, and create a new future. This is especially so as the recent legislation comes online that will allow for significant increases in registered opticians.

#### RISKS:

In our view, risks of setting fees too low during periods of transition can threaten the future by focusing on the near term. When fees are set below cost, service levels ultimately collapse. We have seen this recently with one board within the Department of Consumer Affairs. It has not raised its fees in twenty years. Consequently, it has consumed all of its reserves and now it is in a place where its customers are angry, staffing is unstable, and upgrades to systems cannot be acquired.

### SUMMARY OF COSTS

One of the primary objectives of the study was to fully account for all costs as they have occurred by the Medical Board of California (MBC) – the organization managing the RDO up until December of 2015. From our perspective, the MBC did an excellent job allocating overhead and enforcement costs to the RDO. The allocation of cost by the MBC to the RDO is an important function for this reason, the largest component of costs to the RDO is not in the processing of licenses, it is in enforcement. In the 2013-2014 Executive Summary, the total cost for enforcement, including legal and hearing services was a 73% of the total MBC budget. So capturing an appropriate cost for enforcement is a critical step to understanding the full cost structure for the RDO. As part of this study, we spent considerable time working with staff from the MBC reviewing their costs and confirming that we have fully captured all costs that have been consumed by the RDO.

Graphically, the relationship between enforcement related costs to total cost can be seen in the following graphic.



TOTAL COST OF ALL ENFORCEMENT ACTIVITIES, INCLUDING LEGAL & HEARING SERVICES (25%), ENFORCEMENT OPERATIONS (44%), AND PROBATION MONITORING (4%) TOTAL 73% OF THE TOTAL MBC BUDGET

Based on our experience with other boards within the Department of Consumer Affairs, a high proportion of total expenses being consumed in enforcement related activities is the norm.

### CHANGES IN BUDGETED EXPENDITURES

As the RDO transitions to the California Board of Optometry several changes in expenditures are being projected by the DCA budget staff. From our perspective, these all appear to be reasonable. For example, budgeted expenditures for The State Attorney General are being increased. Also, while the RDO program was under the MBC it was charged for a share of support and administrative services. This is being replaced by staff who will be providing these services. In addition, the DCA budget staff have revised the Pro Rata allocations to reflect this new staffing model.

### REVENUES GENERATED FROM THESE COSTS

Excluding delinquent and replacement licenses, the RDO is processing a little more than 2300 licenses for Registered Dispensing Opticians. Actual revenues for fiscal 2014-2015 was \$196,907. However, actual expenses was \$284,466. Therefore, the RDO program was under-recovering its costs by (\$87,559). Thus, fees would have to increase by 30% just to bring them up to full cost based on fiscal 2014-2015 expenditures as they were calculated by the MBC.

### Reserves

It is our understanding that the Board is operating with reserves (or fund balances) but it is unclear if there is a reserve policy. One of our standard recommendations for each of our clients is establishing both a practice of price setting for reserves and policies on how to manage those reserves. We frequently see the impact of organizations that rely on fees as a primary source of revenues that operate without reserves. The impacts are several:

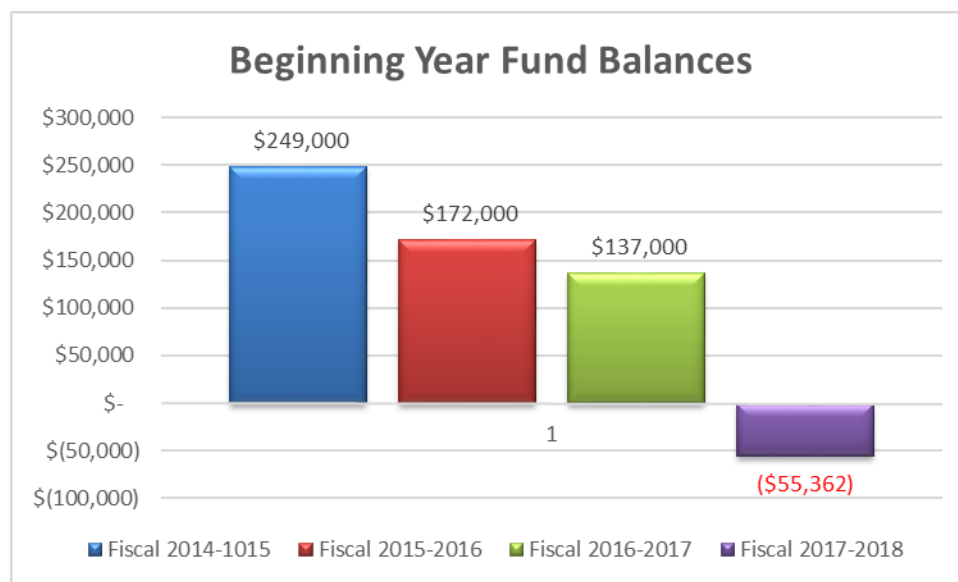
- Delays in acquiring technology to improve customer experience;



## Registered Dispensing Opticians

- Delays in new staffing even though activity levels are escalating;
- Call centers and basic customer service is cut back;
- Unexpected costs (such as California State Attorney General expenses as well as Hearing Officers) consume budgets for technology and staffing;
- Staffing becomes unstable; and
- Revenues are eventually used from other sources.

Based on the projected budget supplied by the DCA for fiscal 2016-1017 there will be \$137,000 in reserves at the beginning of the year. However, this will rapidly disappear with the additional costs being allocated by the DCA budget office. Assuming no increases in fees, and based on the projected expenditures for fiscal 2016-12017 the RDO program will under recover its cost by a significant margin. The following graphic illustrates the projected impact on reserves for the next fiscal year.



**WITH NO ADJUSTMENT TO RDO FEES, THE OPTOMETRISTS WILL BE SUBSIDIZING LICENSING AND ENFORCEMENT OF OPTICIANS.**

Based on the data we have, the projected net revenue to the RDO program will be (\$192,363). This loss will need to come out of the current fund balance. Therefore, by the end of fiscal 2016-2017 Optometrists will be subsidizing the RDO program unless immediate action is taken.

### ESCALATING COSTS OF ENFORCEMENT

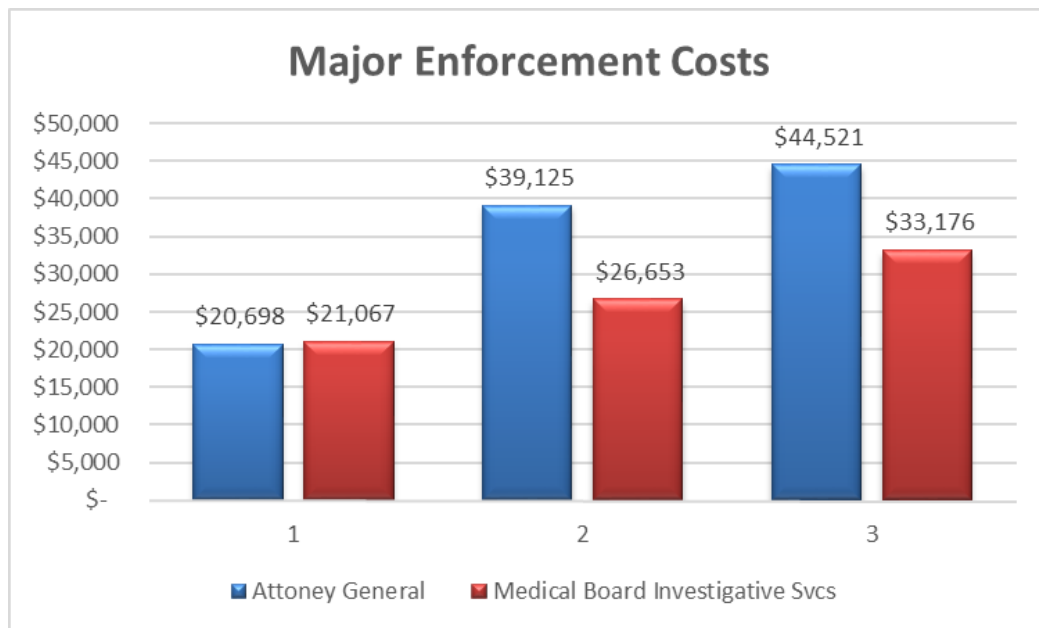
After completing three fee audits for Boards of the California Department of Consumer Affairs we have seen in each of them escalating costs for enforcement activities. These escalating costs have come from two sources:



- 1) Increases in cost from the California State Attorney General (AG); and
- 2) Increases in cost for Administrative Hearings.

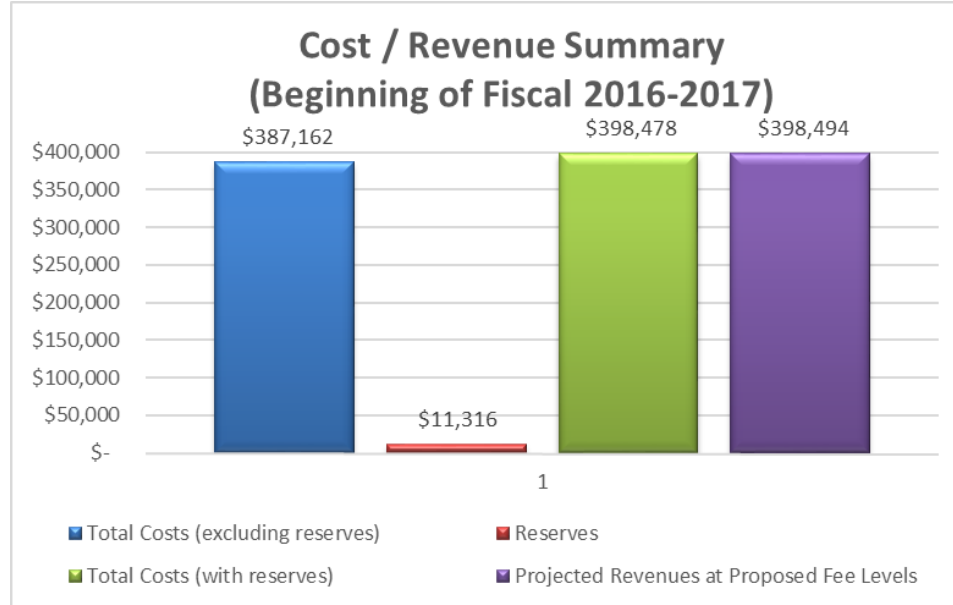
The challenge with these costs is that they can be difficult to budget. A single enforcement action can quickly consume a budget for the AG’s office. In addition, costs assigned from the AG’s office is always in the fiscal year after the action. The same holds true for Administrative Hearings. These are frequently unexpected and difficult to budget for. This is all the more reason to establish a practice of building reserves.

The following is a graphic of costs that have been assigned to the RDO program directly from the California State Attorney General’s Office or Investigative Services provided by MBC. It shows that in the last three years, AG’s costs have escalated by 115% and Investigative Services from the Medical Board has gone up by 57%.



In the fiscal 2016-2017 budget, the DCA budget office has increased the Attorney General’s line item to \$50,000. In our view, this is a reasonable increase in expense. In addition, \$5,000 has been budgeted for the Office of Administrative Hearings. We also find this to be reasonable. While the RDO may go for a long period of time without an Administrative Hearing, when one does occur they can be very costly. The follow graphic illustrates the total expenses beginning in fiscal 2016-2017 and the revenues required to meet these expenses.





For a complete table of individual fee items please see Appendix #1.

## SUMMARY OF FINDINGS - FUTURE STATE

### Building Long Term Sustainability

It is our understanding, that AB 684 made significant changes in the State of California regarding Dispensing Opticians. These changes may require additional legislative and regulatory support and could dramatically increase the number of Opticians registering in the State of California. It is also anticipated that many existing companies in California will expand quickly – also resulting in an increased RDO population. This will have an impact on staffing for processing as well as additional enforcement cost. It is our view that the intent of the new BREEZE program will increase the capacity of processing licenses, but those processes will not be available to applicants online until late 2017. Therefore, any additional increases will result in increased manual workload for existing staff.

In addition, AB 684 created inspection authority for the Board. In the future Board leadership is proposing a formal inspection program that will result in greater public safety. However, without future direction from the legislature the scope of this inspection program cannot be determined. With out of State Optical firms moving into California as a result of recent legislation, Board leadership feels it will be imperative that a high quality inspection program be in place. At a minimum this inspection program will be designed to inspect the following:

- 1) Lease Agreements between RDOs and Optometrists for BPC Section 655 compliance; and
- 2) Each co-located premises for BPC Section 655 compliance.

In addition, it is our understanding that many of the statutes and regulations pertaining to the RDO Program have not been evaluated, updated or amended in over 25 years. Significant legislative and regulatory work will need to be done in order to ensure the RDO Program sufficiently protects California

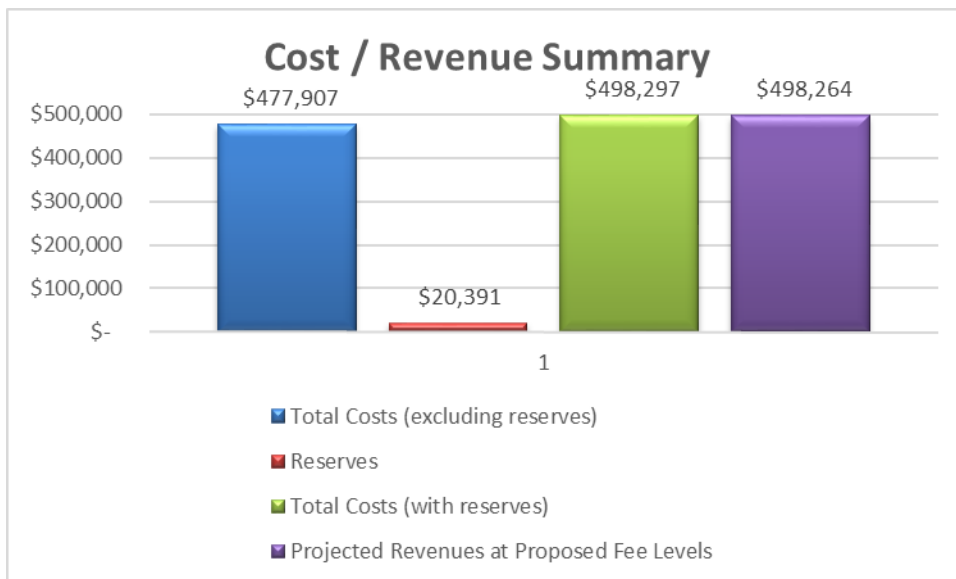


## Registered Dispensing Opticians

consumers by holding RDOs to current practice standards. This work will now be performed by the Optometry Board Policy Analyst. In addition, management oversight and personnel services will be performed by Optometry Board staff. Additional costs that have not be a part of the RDO program include Division of Investigation services for field investigations and inspections.

Therefore, beginning fiscal 2017-2018 additional costs will be coming into the RDO program. In terms of Full Time Equivalent (FTE) staffing, current part time staff will be need to be made full time. This will result in the equivalent of one full time position being added. As stated earlier, additional staffing may be needed to fulfill the demands of the inspection program. What this means, is that total expenditures for the RDO program are expected to increase to \$477,907. This does not include any additional revenues to rebuild reserves and fund balances.

The following graphic illustrates both the total expenses and the revenues required to meet the projected fiscal 2017-2018 expenses as well as an amount to rebuild reserves.





## OBSERVATIONS AND RECOMMENDATIONS

### GENERAL OBSERVATIONS

As stated earlier, we observe that the Medical Board of California has done an excellent job of allocating costs to the RDO. Therefore, we are confident that the costs we have calculated are very much in line with what the Board of Optometry can expect. We also observe two other critical components that the Board of Optometry will need to quickly consider:

- 1) RDO fees have not been adjusted for many years and consequently the program is not recovering its cost by approximately 30%;
- 2) Reserves. We feel strongly in the value of reserves for long term sustainability. There are no reserves and from what we can tell, no reserve policies.

### SPECIFIC RECOMMENDATIONS

#### IMMEDIATE ACTION IS REQUIRED

In our view, immediate action is required to maintain a strong and robust RDO program that will not be subsidized by the larger Optometrists program. This time of transition is requiring additional resources. In addition, more resources will be required as larger corporate interests open up new dispensing operations. At a minimum, immediate action is required to bring fee levels in line with expenses at the fiscal 2016-2017 level. This would require setting the fees at a minimal level as detailed in appendix 1. Without this action, the larger Optometrists program will be subsidizing the RDO by the end of the fiscal year. For the longer time, we would highly recommend setting the maximum fee levels based on a 10 year projection of cost. This will include the additional expenses projected for fiscal 2017-2018 as detailed in appendix 2.

#### SET FEES AT FULL COST

In our view user fees should be set at full cost unless there is a compelling reason not to. A compelling reason is often where compliance is more important than revenue. Another reason is where practical realities will prohibit charging full cost but then other fees need to be adjusted to recover lost revenues. However, it is our recommendation that the Board adopt a policy of setting fees at full cost.

#### ADJUST FEES REGULARLY

One of the most important outcomes of a study of fees is a policy to adjust fees regularly. Staff generally receive regular cost of living adjustments, Opticians generally receive cost of living adjustments, and fees should be adjusted regularly as well.

We understand that the Board must receive approval for setting its caps from the State Legislators. Therefore, our recommendation is to project fees for the next ten years using a simple annual adjustment. Then adjust fees annually for 3-5 years, do another formal cost analysis. We would further recommend this process be set into policy by the Board members. Given the transitions that are currently in place and the addition of a formal inspection program in the near future, we would strongly recommend a formal assessment of fees closer to the three year, rather than five-year planning horizon.

**ESTABLISH A RESERVE POLICY**

Another critical outcome of a study of fees is realizing the need for a reserve policy. We find that reserves are an imperative component of long-term sustainability. In discussing this with staff we set six months of operating expenses as the most ideal target. Further, we determined that building this up over the next five years is a reasonable objective. In our view, setting reserve targets should become a policy of the Board.



## APPENDICES

There are two appendices that follow. In summary, each illustrates the following detail:

- Individual unit costs analysis;
- Individual unit cost analysis with reserve fund calculated;
- Individual unit cost analysis with ten year projection based on a 3.5% annual adjustment;
- A projection of annual revenues for each of the above.

### **#1: UNIT COST CALCULATIONS BASED ON FISCAL 2016-2017 COST STRUCTURE**

### **#2: UNIT COST CALCULATIONS BASED ON ADDITIONAL STAFF AND ENFORCEMENT ACTIVITIES PROJECT FOR FISCAL 2017-2018 AND BEYOND**



California Medical Board  
**RDO Fees (Beginning Fiscal 2017-2018)**



Service #	Fee Name	Actual Work Volume	Unit Cost Summary					Annual Cost Calculations w/o Reserves			Reserve Requirements (Fiscal 2017-2018)		
			Direct Unit Cost	Indirect Unit Allocated Costs	Total Cost Assigned	Current Fee / Revenue	Proposed Fee	Revenue at Proposed Fee Levels	Projection of Revenues at Current Fees	Annual Surplus (subsidy)	6 Months Reserve, 5 yr build up	Proposed Fee Including Reserves	
<b>RDO PROGRAM FEES/CHARGES</b>													
	REPLACEMENT CERTIFICATION - R.D.O	11	\$ -			\$ 25.00	\$ 35.00	\$ 385	\$275	(\$110)	\$ 20,391	\$1.49	\$36.49
	REPLACEMENT CERTIFICATION - C.L.D	3	\$ -			\$ 25.00	\$ 35.00	\$ 105	\$75	(\$30)		\$1.49	\$36.49
	REPLACEMENT CERTIFICATION - S.L.D	6	\$ -			\$ 25.00	\$ 35.00	\$ 210	\$150	(\$60)		\$1.49	\$36.49
	CITATION FEE - RDO - VARIES	33	\$ -			\$ 75.00	\$ 75.00	\$ 2,475	\$2,475			\$3.20	\$78.20
			\$ -					\$ -					
			\$ -					\$ -					
<b>OTHER REGULATORY LICENSES AND PER</b>													
	INITIAL REG FEE-NON RESID(OSC)	1	\$ 267	\$1,866	\$2,133	\$ 100.00	\$ 600.00	\$ 600	\$100	(\$500)		\$25.60	\$625.60
	RDO-INITAL LICENSE	83	\$ 168	\$1,171	\$1,339	\$ 75.00	\$ 298.00	\$ 24,734	\$6,225	(\$18,509)		\$12.72	\$310.72
	REGISTERED CLD	72	\$ 134	\$933	\$1,067	\$ 75.00	\$ 298.00	\$ 21,456	\$5,400	(\$16,056)		\$12.72	\$310.72
	SLD INITIAL REG	180	\$ 134	\$933	\$1,067	\$ 100.00	\$ 298.00	\$ 53,640	\$18,000	(\$35,640)		\$12.72	\$310.72
			\$ -					\$ -					
			\$ -					\$ -					
<b>RENEWAL FEES</b>													
	RDO BIENNIAL REN	517	\$ 10	\$67	\$77	\$ 75.00	\$ 182.50	\$ 94,353	\$38,775	(\$55,578)		\$7.79	\$190.29
	CLD BIENNIAL REN	473	\$ 5	\$34	\$38	\$ 75.00	\$ 182.50	\$ 86,323	\$35,475	(\$50,848)		\$7.79	\$190.29
	SLD BIENNIAL REN	989	\$ 5	\$34	\$38	\$ 75.00	\$ 182.50	\$ 180,493	\$74,175	(\$106,318)		\$7.79	\$190.29
	RENEWALFEE-NON RESID(OSC)	4	\$ 10	\$67	\$77	\$ 100.00	\$ 182.50	\$ 730	\$400	(\$330)		\$7.79	\$190.29
			\$ -					\$ -					
			\$ -					\$ -					
<b>DELINQUENT FEES</b>													
	DELINQUENT RENEWAL - R.D.O.	40	\$ -			\$ 25.00	\$ 44.50	\$ 1,780	\$1,000	(\$780)		\$1.90	\$46.40
	DELINQUENT FEE - CLD	71	\$ -			\$ 25.00	\$ 44.50	\$ 3,160	\$1,775	(\$1,385)		\$1.90	\$46.40
	DELINQUENT RENEWAL - S.L.D.	167	\$ -			\$ 25.00	\$ 44.50	\$ 7,432	\$4,175	(\$3,257)		\$1.90	\$46.40
			\$ -					\$ -					
			\$ -					\$ -					
<b>OTHER FEES</b>													
	ICR - PROBATION MONITORING (revenue)	1	\$ -			\$ 6,341.00		\$ -	\$6,341	\$6,341			
			\$ -					\$ -					
			\$ -					\$ -					
			\$ -					\$ -					
			\$ -					\$ -					
			\$ -					\$ -					
			\$ -					\$ -					

Annual Revenue Impacts		
Revenue at Proposed Fee Levels	Projection of Revenues at Current Fees	Annual Surplus (subsidy)
\$ 477,874	\$ 194,816	(\$283,058)

Annual Revenue Impact	
Proposed Fee Including Reserves	
\$498,264	

California Medical Board  
**RDO Fees (Beginning Fiscal 2017-2018)**



		Ten Year Projection of Fee Requirements (Fiscal 2017 2018 is Year #1)								
Service #	Fee Name	Fiscal 18 19	Fiscal 19 20	Fiscal 20 21	Fiscal 21 22	Fiscal 22 23	Fiscal 23 24	Fiscal 24 25	Fiscal 25 26	Fiscal 26 27
<b>RDO PROGRAM FEES/CHARGES</b>		<b>3.5% Annual Increase</b>								
	REPLACEMENT CERTIFICATION - R.D.O	\$38	\$39	\$40	\$42	\$43	\$45	\$46	\$48	\$50
	REPLACEMENT CERTIFICATION - C.L.D	\$38	\$39	\$40	\$42	\$43	\$45	\$46	\$48	\$50
	REPLACEMENT CERTIFICATION - S.L.D	\$38	\$39	\$40	\$42	\$43	\$45	\$46	\$48	\$50
	CITATION FEE - RDO - VARIES	\$81	\$84	\$87	\$90	\$93	\$96	\$99	\$103	\$107
<b>OTHER REGULATORY LICENSES AND PER</b>										
	INITIAL REG FEE-NON RESID(OSC)	\$647	\$670	\$694	\$718	\$743	\$769	\$796	\$824	\$853
	RDO-INITAL LICENSE	\$322	\$333	\$344	\$357	\$369	\$382	\$395	\$409	\$423
	REGISTERED CLD	\$322	\$333	\$344	\$357	\$369	\$382	\$395	\$409	\$423
	SLD INITIAL REG	\$322	\$333	\$344	\$357	\$369	\$382	\$395	\$409	\$423
<b>RENEWAL FEES</b>										
	RDO BIENNIAL REN	\$197	\$204	\$211	\$218	\$226	\$234	\$242	\$251	\$259
	CLD BIENNIAL REN	\$197	\$204	\$211	\$218	\$226	\$234	\$242	\$251	\$259
	SLD BIENNIAL REN	\$197	\$204	\$211	\$218	\$226	\$234	\$242	\$251	\$259
	RENEWALFEE-NON RESID(OSC)	\$197	\$204	\$211	\$218	\$226	\$234	\$242	\$251	\$259
<b>DELINQUENT FEES</b>										
	DELINQUENT RENEWAL - R.D.O.	\$48	\$50	\$51	\$53	\$55	\$57	\$59	\$61	\$63
	DELINQUENT FEE - CLD	\$48	\$50	\$51	\$53	\$55	\$57	\$59	\$61	\$63
	DELINQUENT RENEWAL - S.L.D.	\$48	\$50	\$51	\$53	\$55	\$57	\$59	\$61	\$63
<b>OTHER FEES</b>										
	ICR - PROBATION MONITORING (revenue)									

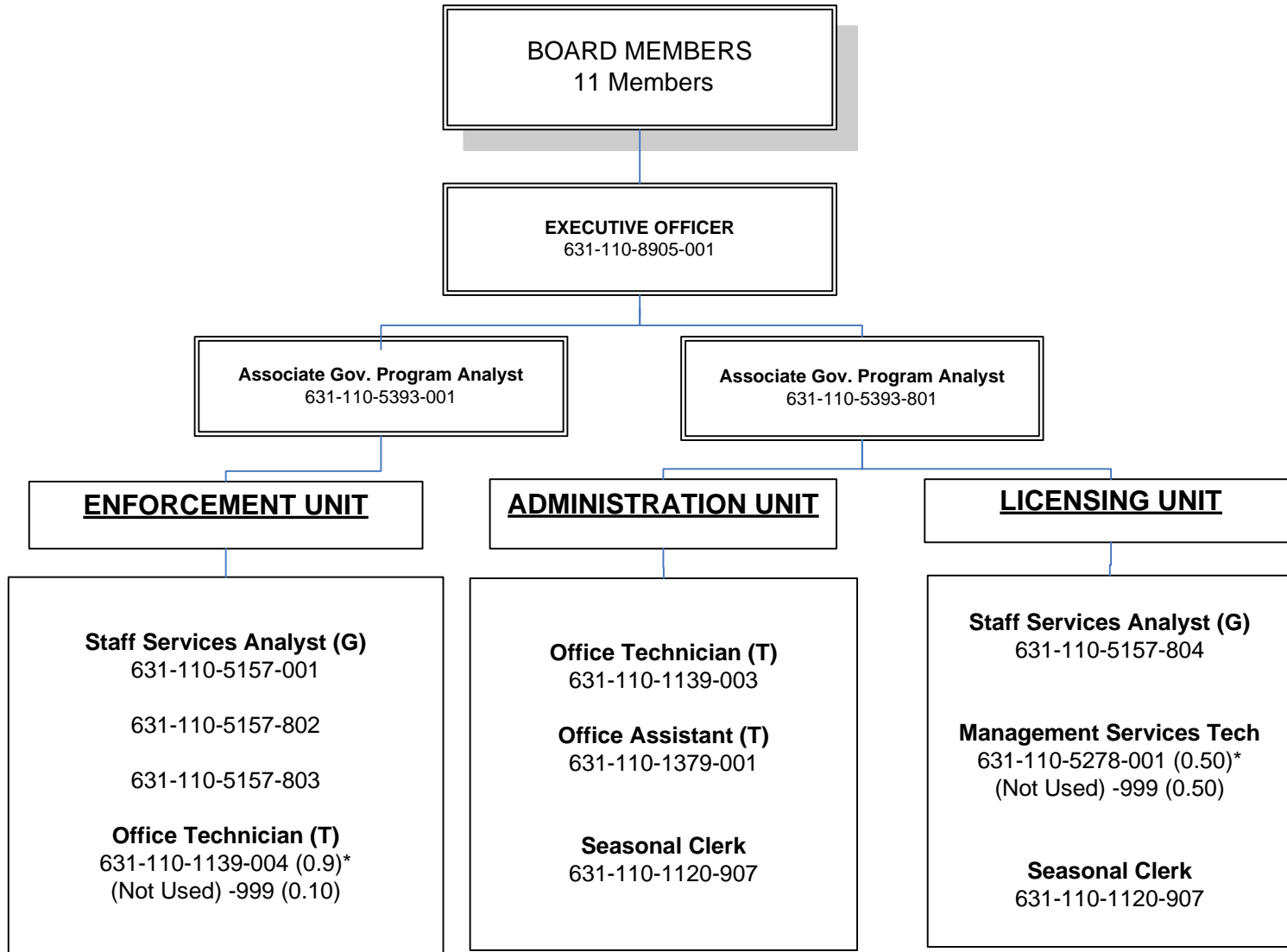
Annual Revenues (Projected)								
Fiscal 18 19	Fiscal 19 20	Fiscal 20 21	Fiscal 21 22	Fiscal 22 23	Fiscal 23 24	Fiscal 24 25	Fiscal 25 26	Fiscal 26 27
\$ 515,703	\$ 533,753	\$ 552,434	\$ 571,770	\$ 591,782	\$ 612,494	\$ 633,931	\$ 656,119	\$ 679,083



**Department of Consumer Affairs  
California State Board of Optometry**

FY 2012-13  
June 30, 2013

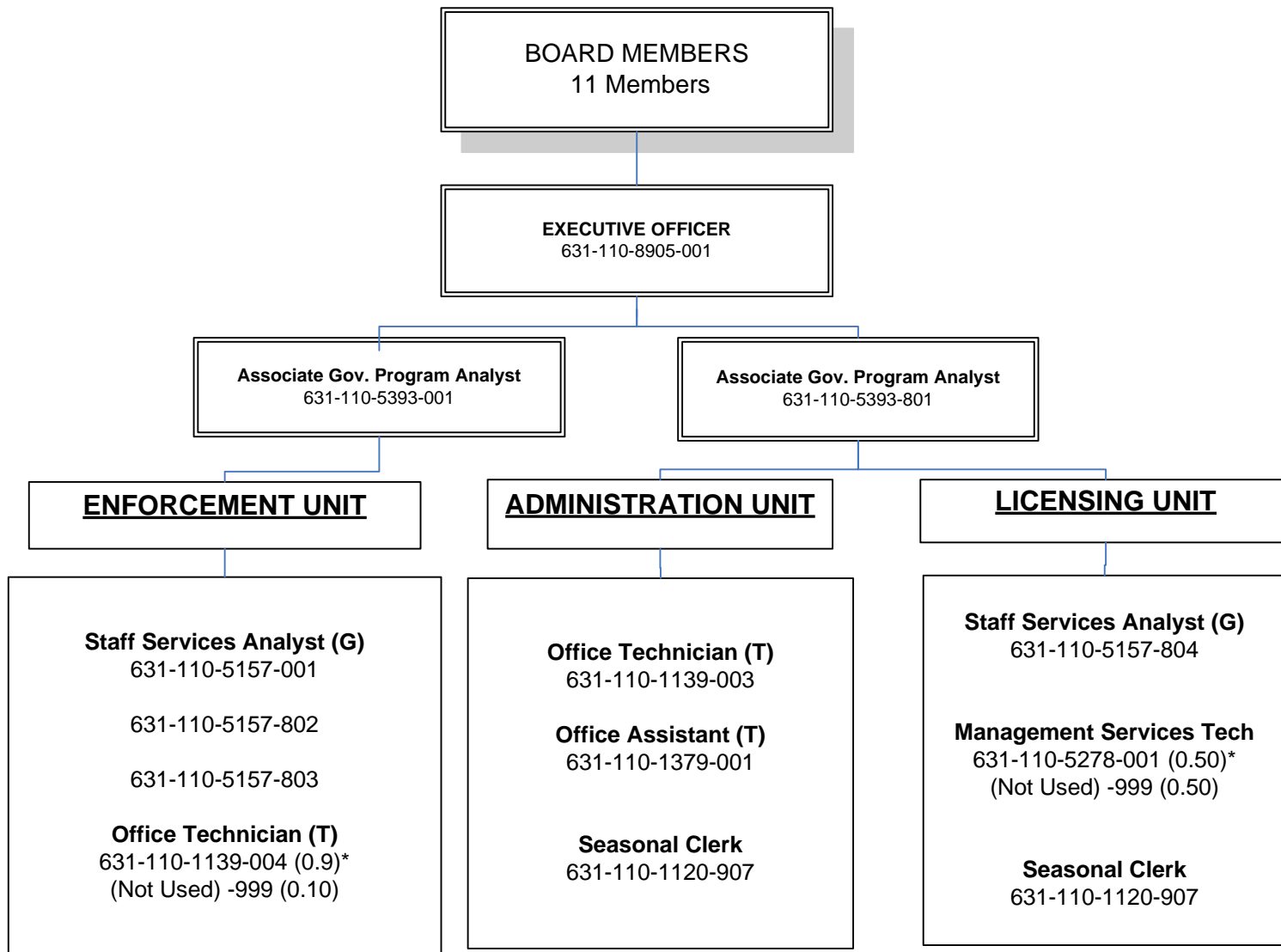
**Year End**  
Authorized Positions: 10.40  
BL 12-03 (999 blanket): 0.60\*  
Temp Help: 2.00



**Department of Consumer Affairs  
California State Board of Optometry**

**Year End**  
Authorized Positions: 10.40  
BL 12-03 (999 blanket): 0.60\*  
Temp Help: 2.00

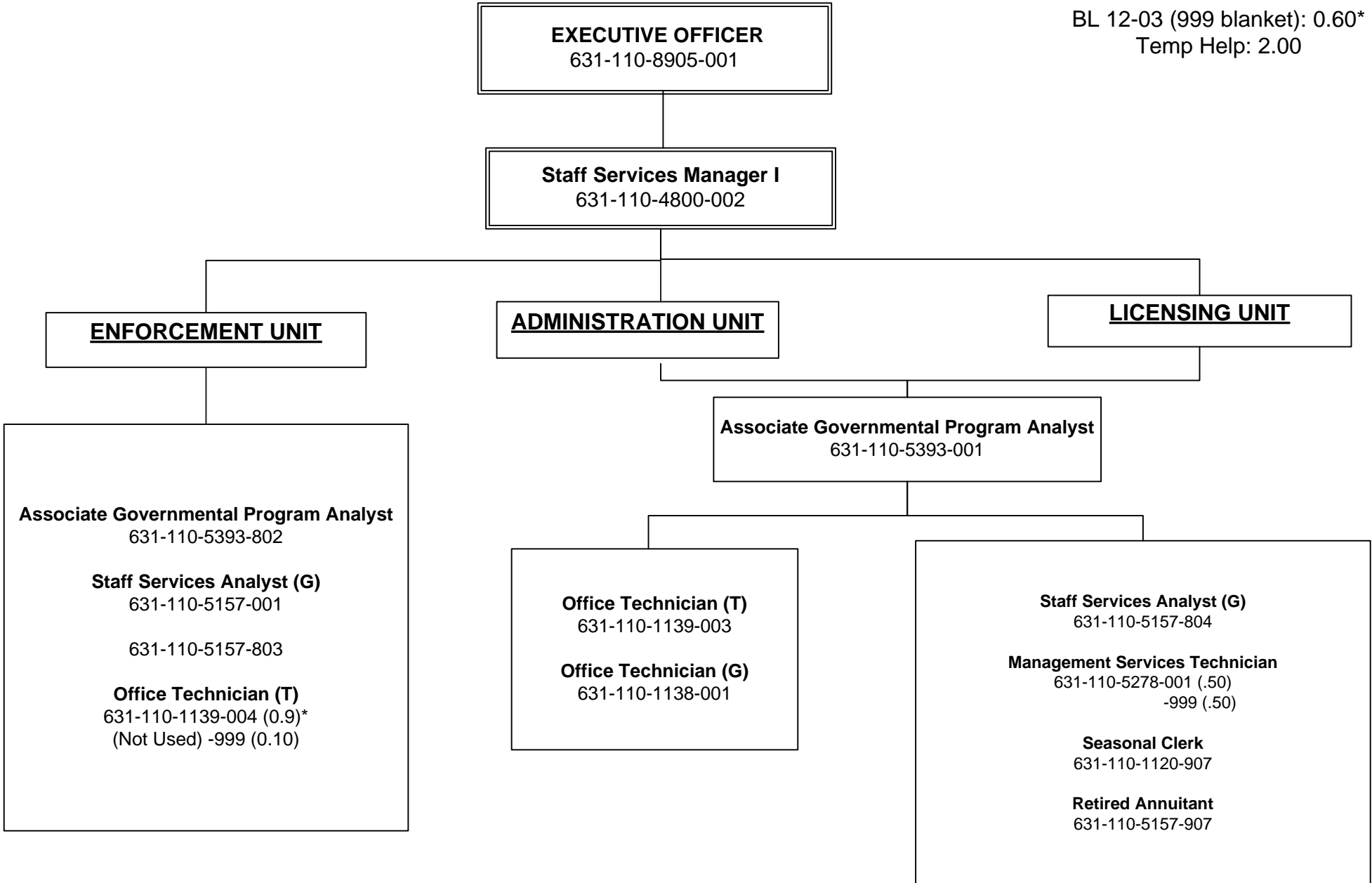
FY 2013-14  
June 30, 2014



June 30, 2015

Department of Consumer Affairs  
Attachment D  
California State Board of Optometry

Year End  
FY 2014-15  
Authorized Positions: 10.40  
BL 12-03 (999 blanket): 0.60\*  
Temp Help: 2.00



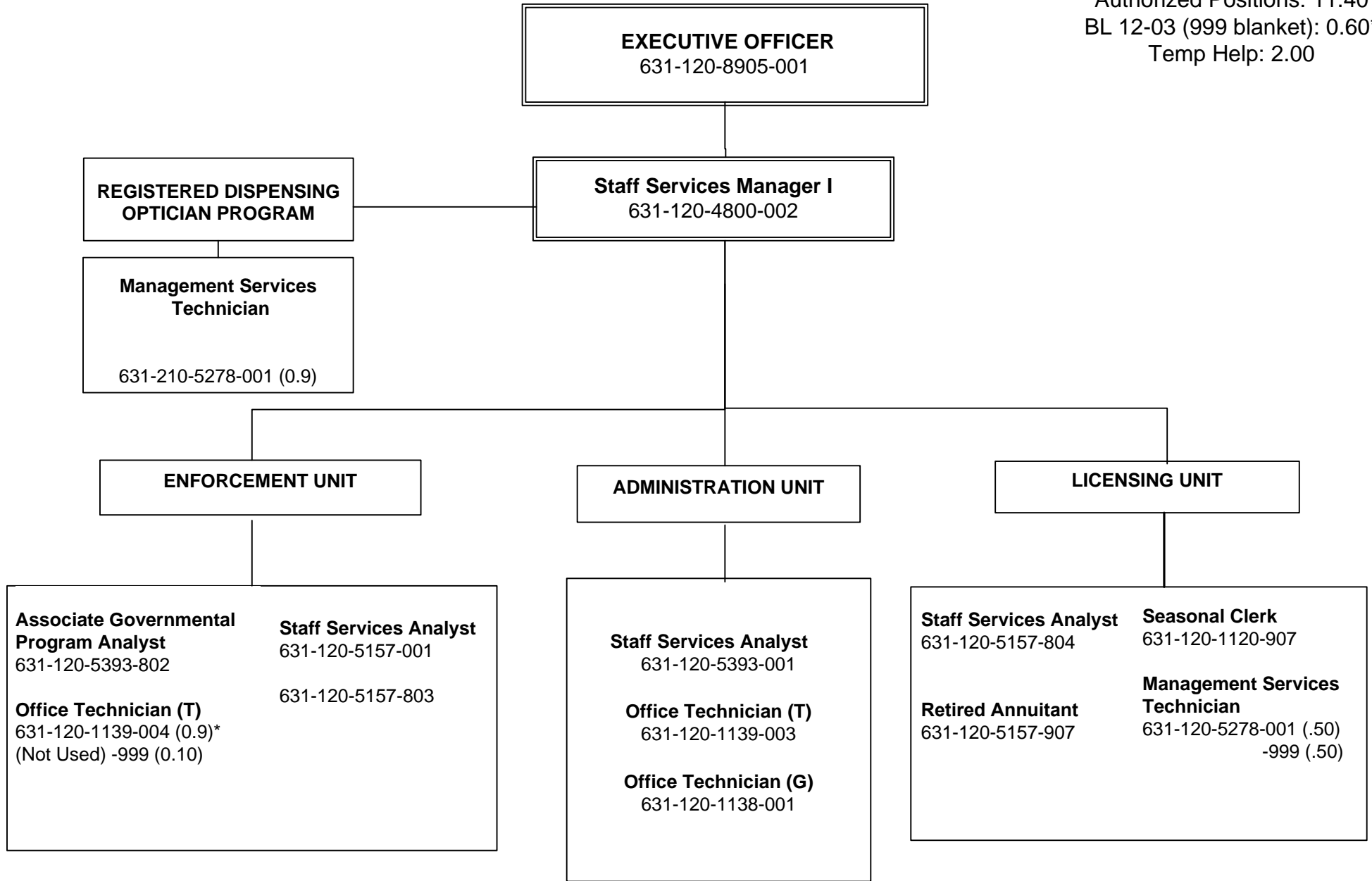
\*Reduced Time base of positions effective 7/1/2012, due to 0.60 salary savings required by BL 12-03.

NOTE: All positions are CORI designated.

June 30, 2016

Department of Consumer Affairs  
Attachment D  
California State Board of Optometry

Year End  
FY 2015-16  
Authorized Positions: 11.40  
BL 12-03 (999 blanket): 0.60\*  
Temp Help: 2.00



NOTE: All positions are CORI designated.

\*Reduced Time base of positions effective 7/1/2012, due to 0.60 salary savings required by BL 12-03.

Department of Consumer  
Affairs

## California State Board of Optometry

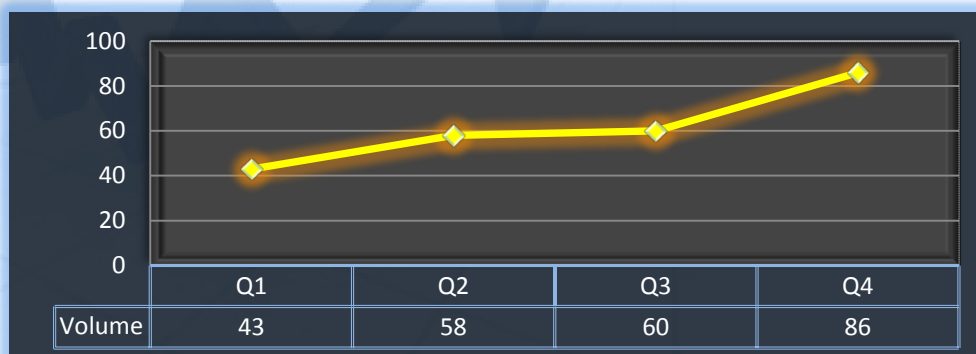
### Performance Measures Annual Report (2012 – 2013 Fiscal Year)

To ensure stakeholders can review the Board's progress in meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures are posted publicly on a quarterly basis.

#### Volume

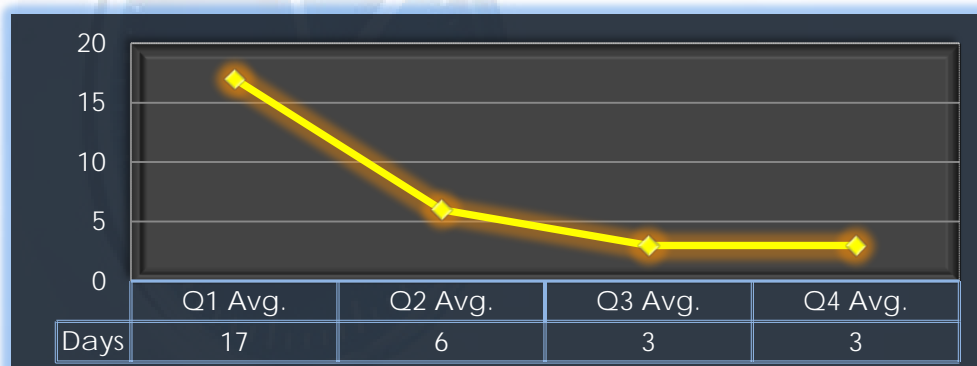
Number of complaints and convictions received.

The Board had an annual total of 247 this fiscal year.



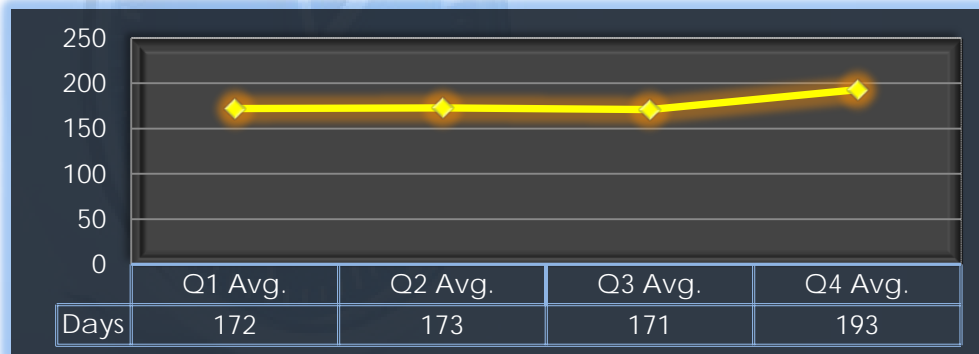
#### Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator. The Board has set a target of 7 days for this measure.



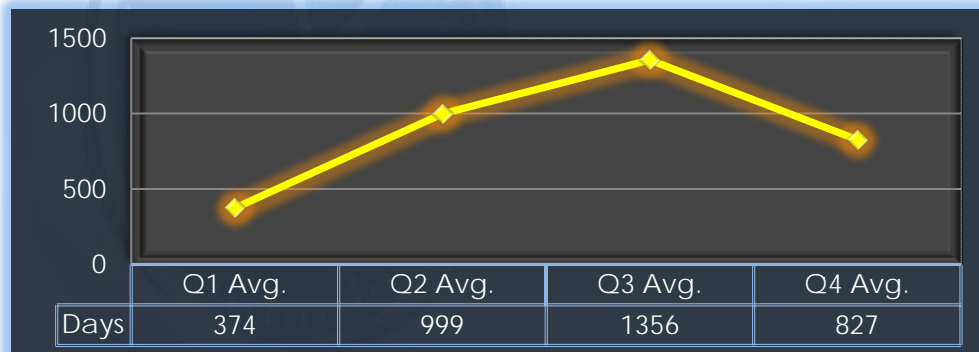
## Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline. The Board has set a target of 90 days for this measure.



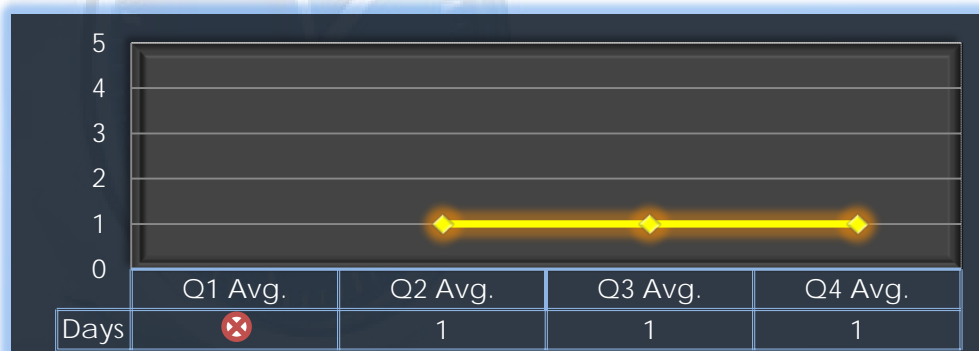
## Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG). The Board has set a target of 540 days for this measure.



## Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer. The Board has set a target of 10 days for this measure.



## Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action. The Board has set a target of 10 days for this measure.



Department of Consumer Affairs  
 California State Board of  
 Optometry

## Performance Measures

### Q1 Report (July - September 2012)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

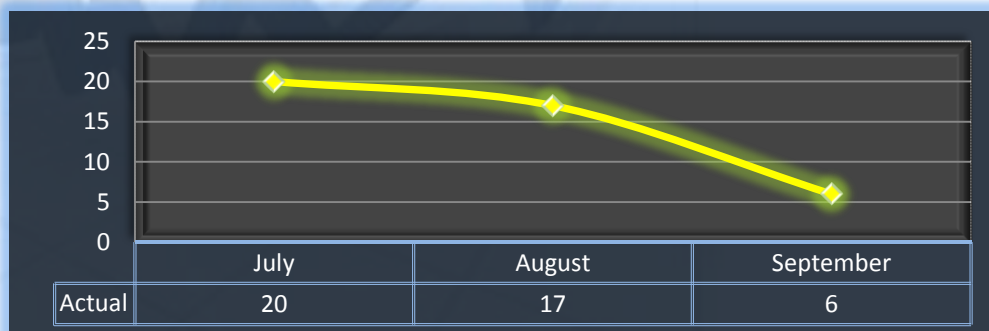
#### Volume

Number of complaints and convictions received.

**Q1 Total: 43**

*Complaints: 28 Convictions: 15*

**Q1 Monthly Average: 14**

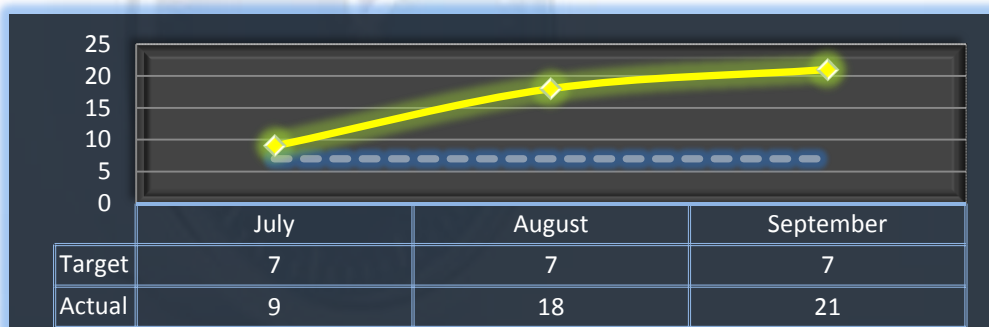


#### Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

**Target: 7 Days**

**Q1 Average: 17 Days**



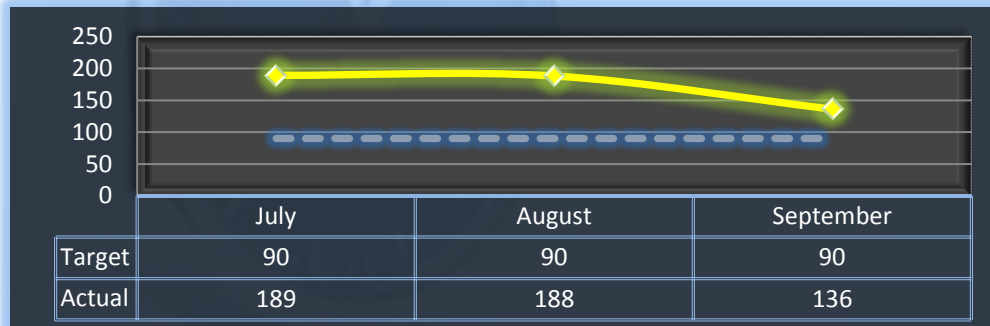


## Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

**Target: 90 Days**

**Q1 Average: 172 Days**

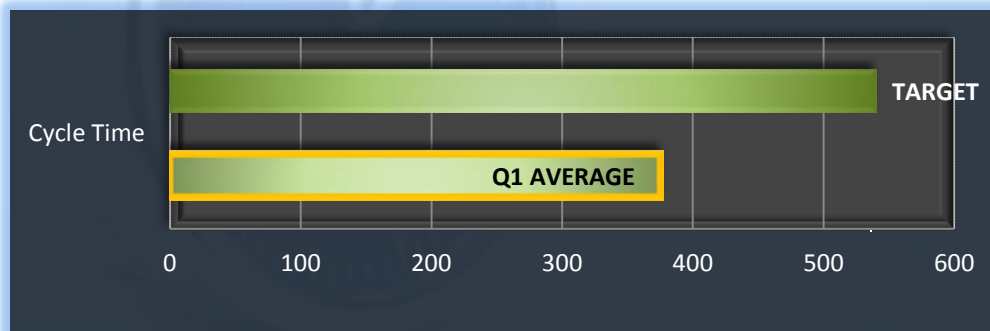


## Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board, and prosecution by the AG)

**Target: 540 Days**

**Q1 Average: 374 Days**



## Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

**Target: 6 Days**

**Q1 Average: N/A**

*The Board did not contact any new probationers this quarter.*

## **Probation Violation Response**

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

**Target: 8 Days**

**Q1 Average: N/A**

*The Board did not handle any probation violations this quarter.*

Department of Consumer Affairs  
**California State Board of  
 Optometry**

## Performance Measures

### Q2 Report (October - December 2012)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

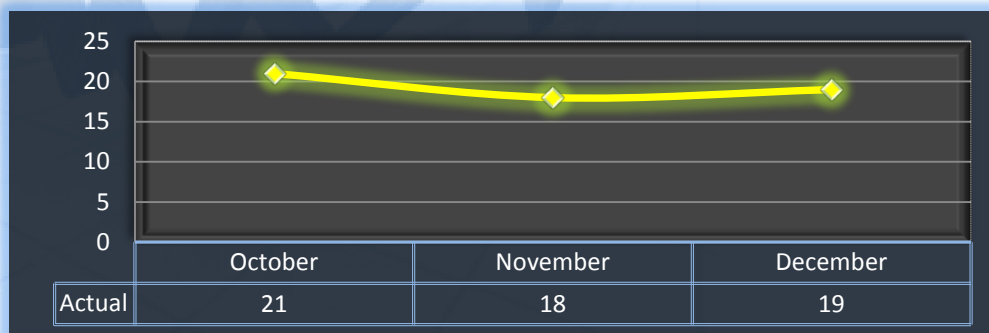
#### Volume

Number of complaints and convictions received.

**Q2 Total: 58**

*Complaints: 43 Convictions: 15*

**Q2 Monthly Average: 19**

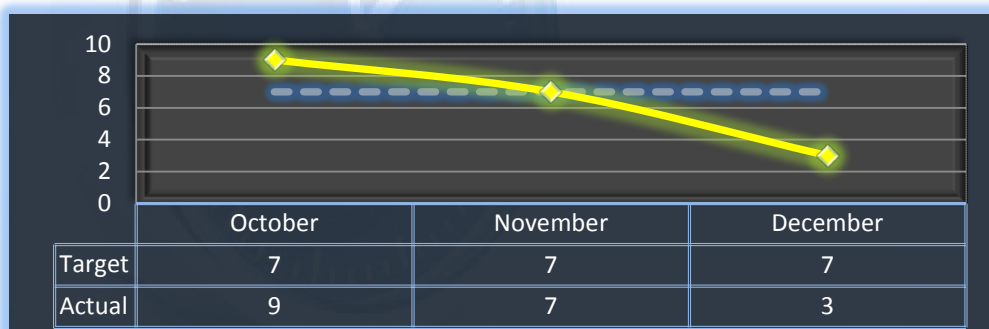


#### Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

**Target: 7 Days**

**Q2 Average: 6 Days**

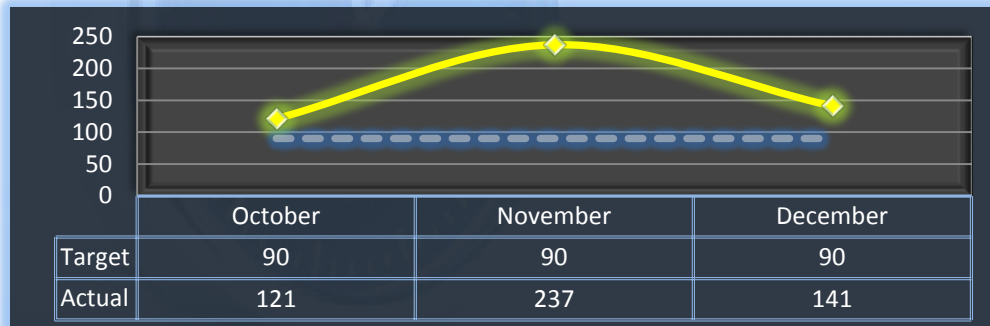


## Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

**Target: 90 Days**

**Q2 Average: 173 Days**

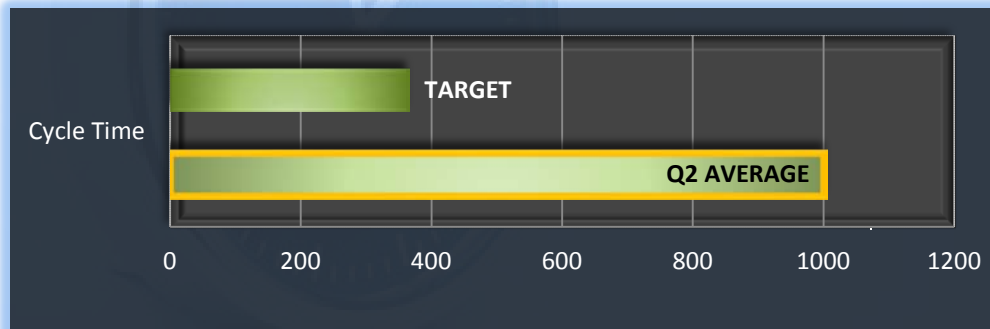


## Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board, and prosecution by the AG)

**Target: 365 Days**

**Q2 Average: 999 Days**

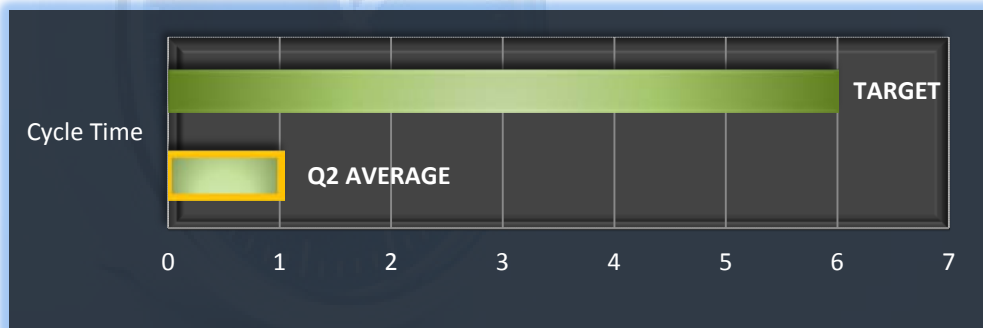


## Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

**Target: 6 Days**

**Q2 Average: 1 Day**

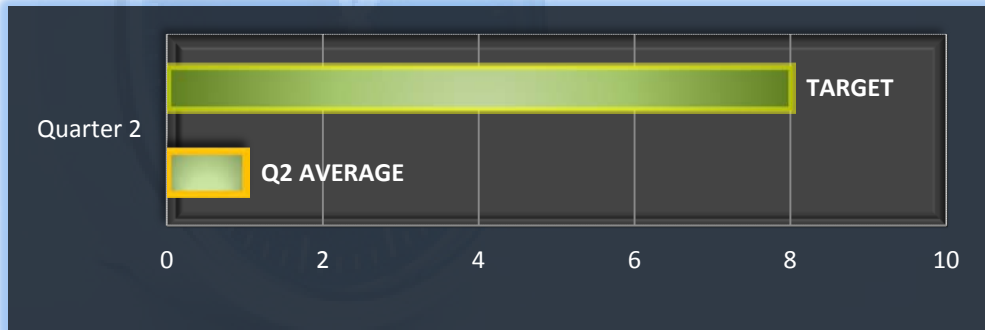


## Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

**Target: 8 Days**

**Q2 Average: 1 Day**



Department of Consumer Affairs  
 California State Board of  
 Optometry

## Performance Measures

### Q3 Report (January - March 2013)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

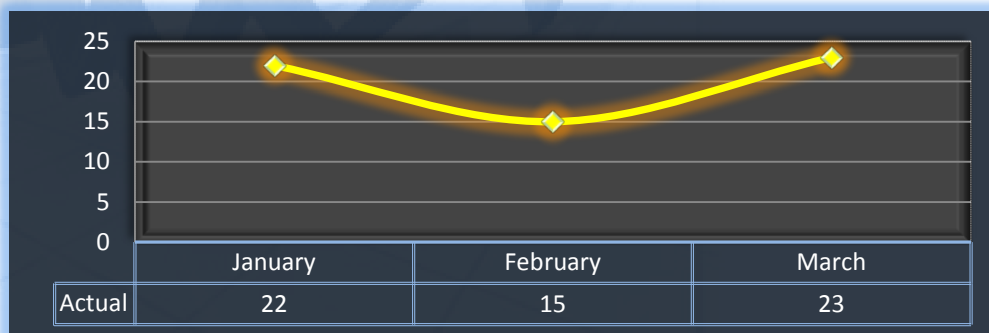
#### Volume

Number of complaints and convictions received.

**Q3 Total: 60**

*Complaints: 53 Convictions: 7*

**Q3 Monthly Average: 20**

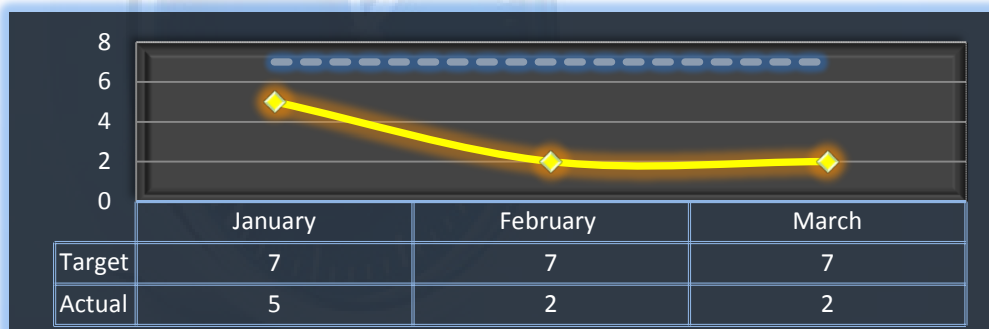


#### Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

**Target: 7 Days**

**Q3 Average: 3 Days**

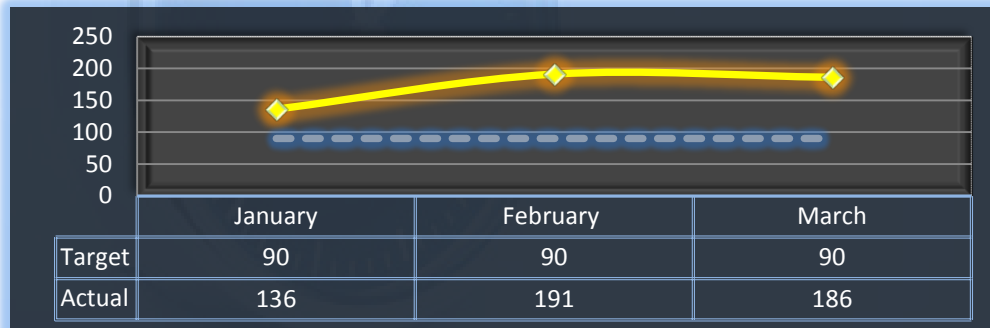


## Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

**Target: 90 Days**

**Q3 Average: 171 Days**

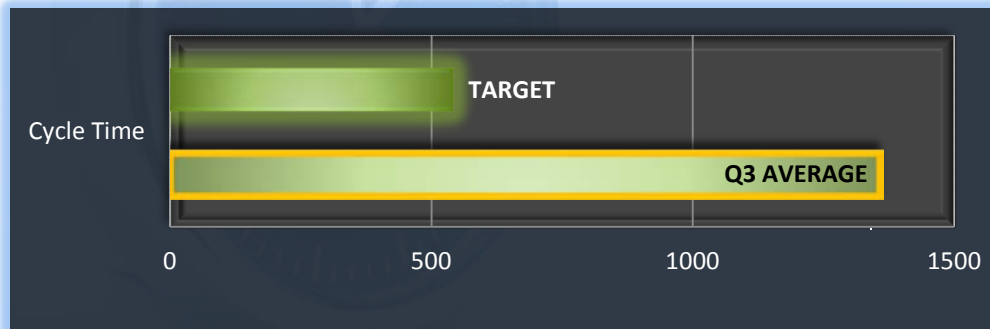


## Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board, and prosecution by the AG)

**Target: 540 Days**

**Q3 Average: 1,356 Days**

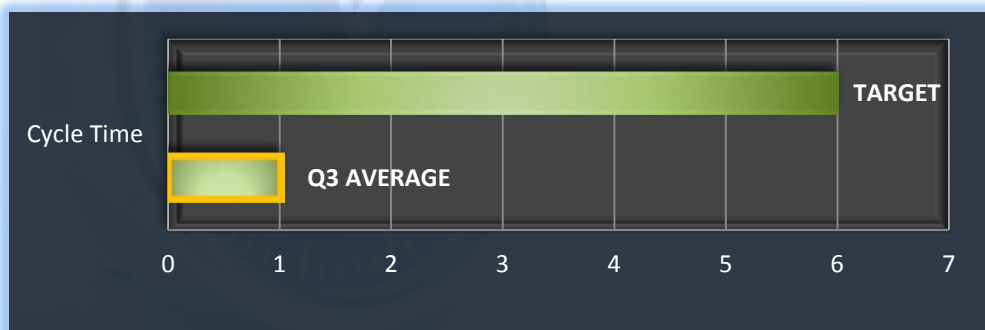


## Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

**Target: 6 Days**

**Q3 Average: 1 Day**



## Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

**Target: 8 Days**

**Q3 Average: N/A**

*The Board did not handle any probation violations this quarter.*



Department of Consumer Affairs  
 California State Board of  
 Optometry

## Performance Measures

### Q4 Report (April - June 2013)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

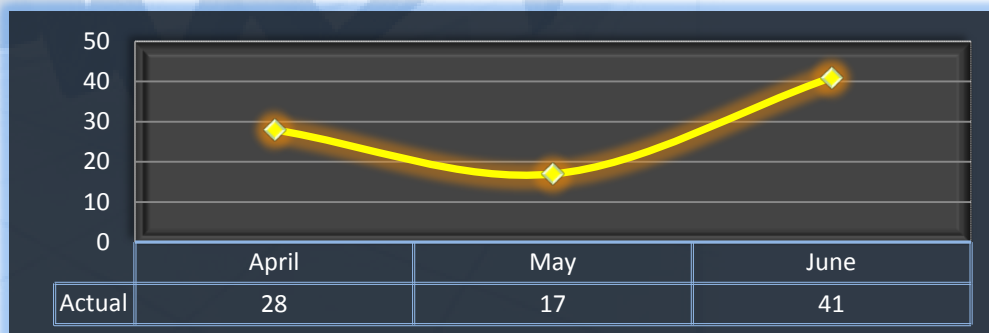
#### Volume

Number of complaints and convictions received.

**Q4 Total: 86**

*Complaints: 72 Convictions: 14*

**Q4 Monthly Average: 29**

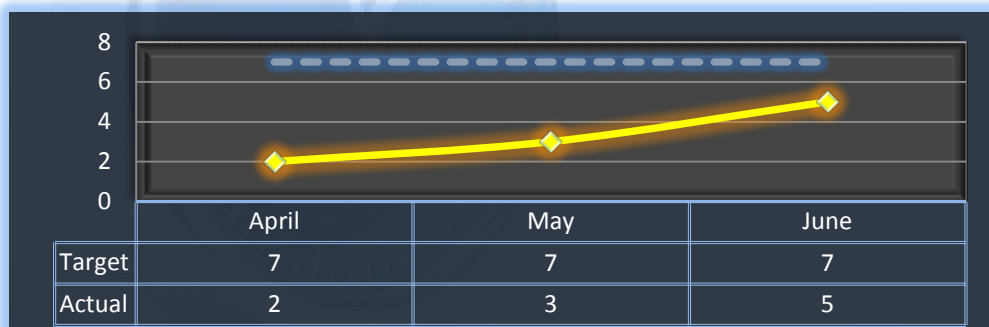


#### Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

**Target: 7 Days**

**Q4 Average: 3 Days**

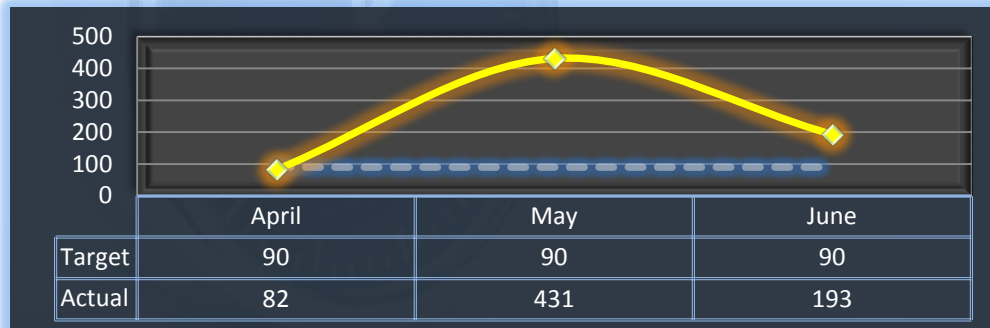


## Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

**Target: 90 Days**

**Q4 Average: 193 Days**

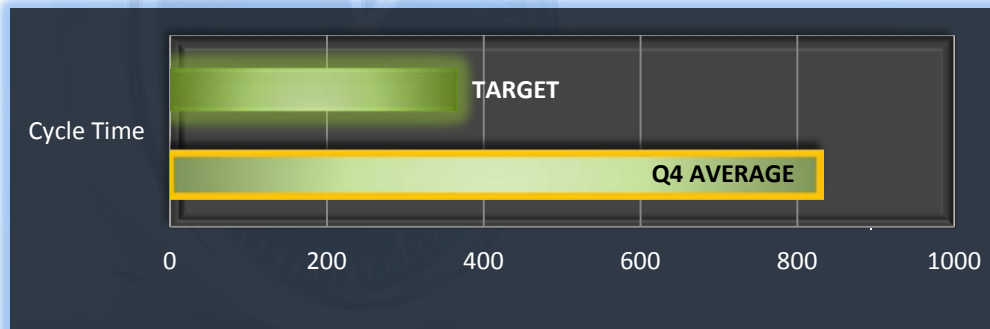


## Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board, and prosecution by the AG)

**Target: 365 Days**

**Q4 Average: 827 Days**

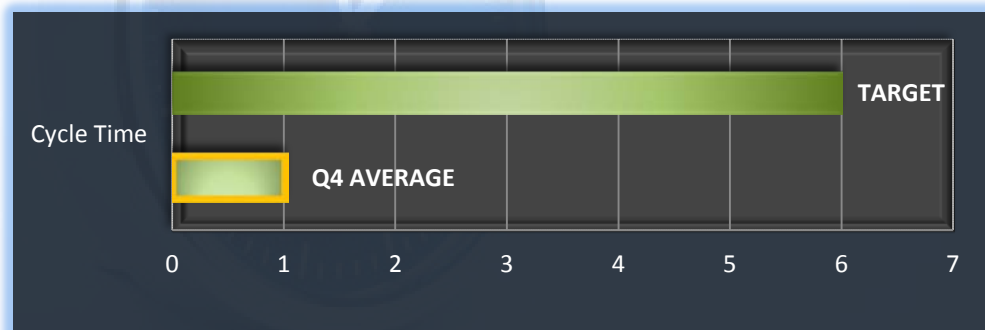


## Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

**Target: 6 Days**

**Q4 Average: 1 Days**



## Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

**Target: 8 Days**

**Q4 Average: N/A**

*The Board did not report any probation violations this quarter.*

## Board of Optometry

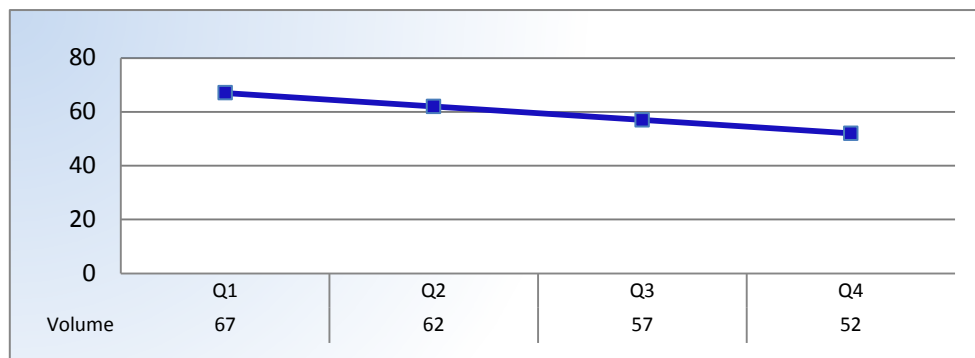
## Performance Measures

### Annual Report (2013 – 2014 Fiscal Year)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly and annual basis.

#### PM1 | Volume

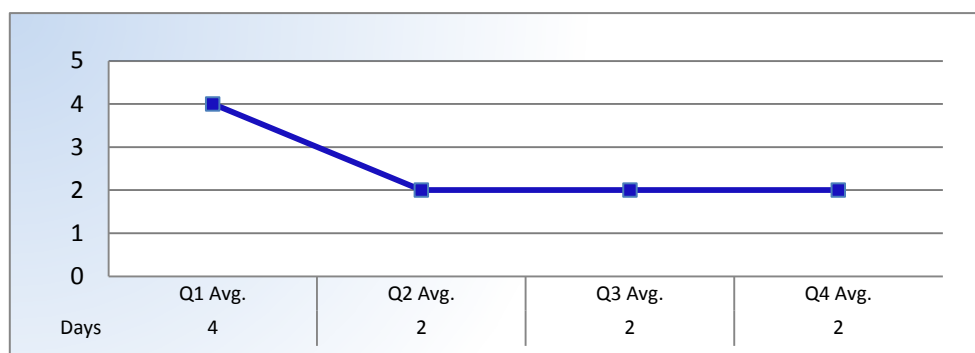
Number of complaints and convictions received.



**Fiscal Year Total: 238**

#### PM2 | Intake

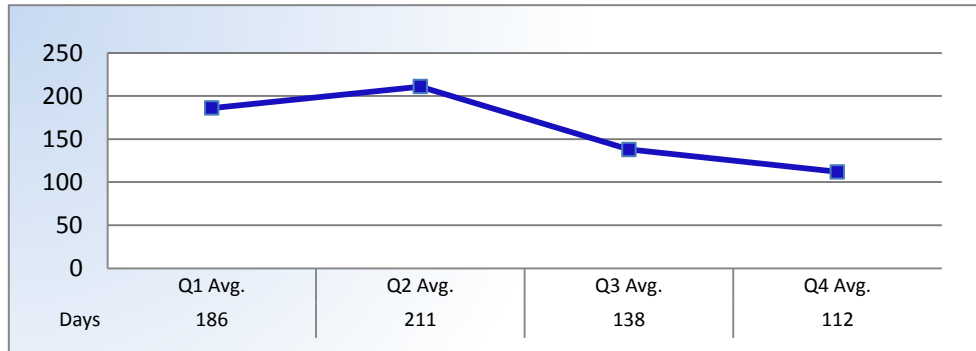
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



**Target Average: 7 Days**

### PM3 | Intake & Investigation

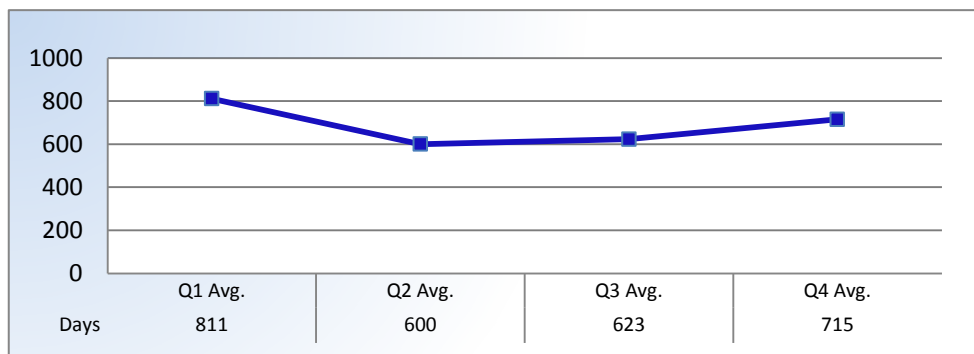
Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



**Target Average: 90 Days**

### PM4 | Formal Discipline

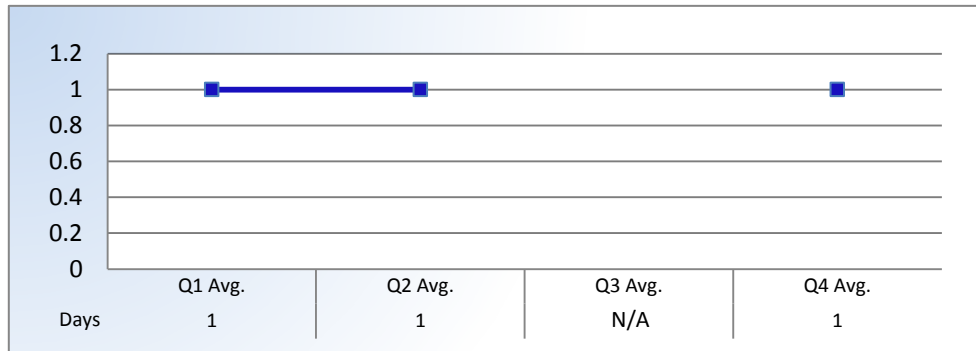
Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG).



**Target Average: 540 Days**

### PM7 | Probation Intake

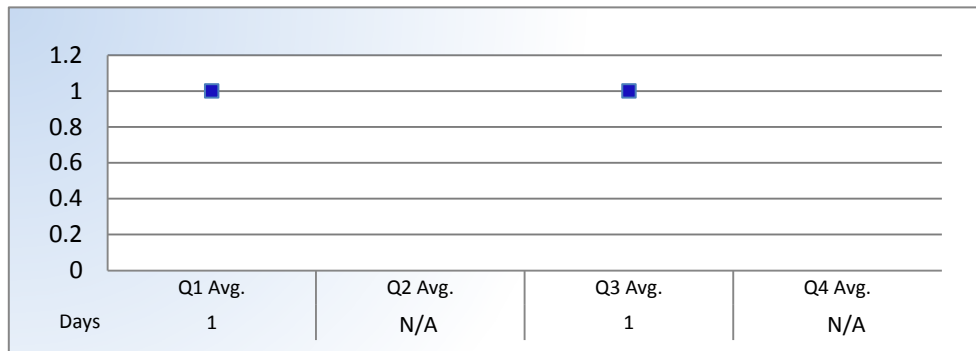
Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



**Target Average: 6 Days**

### PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.



**Target Average: 8 Days**

## Board of Optometry

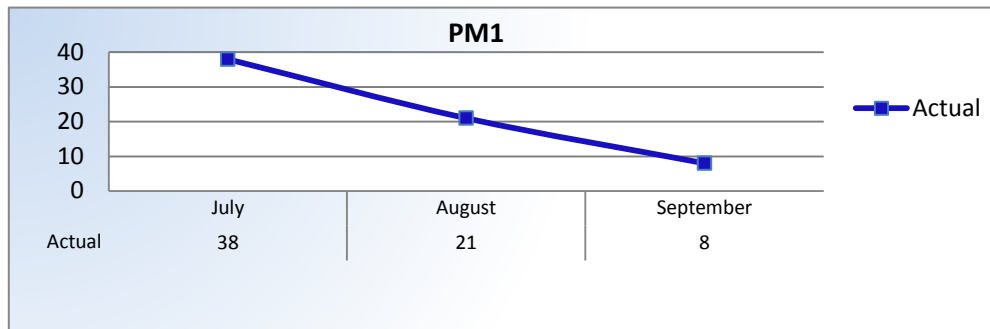
## Performance Measures

### Q1 Report (July - September 2013)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

#### PM1 | Volume

Number of complaints and convictions received.

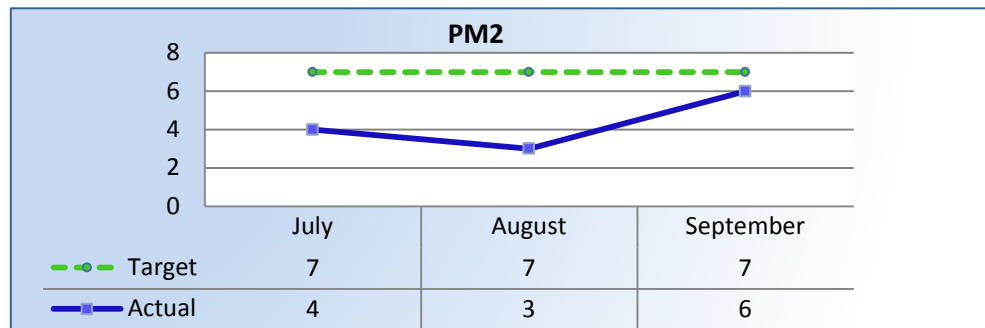


Total Received: 67 Monthly Average: 22

**Complaints: 59 | Convictions: 8**

#### PM2 | Intake

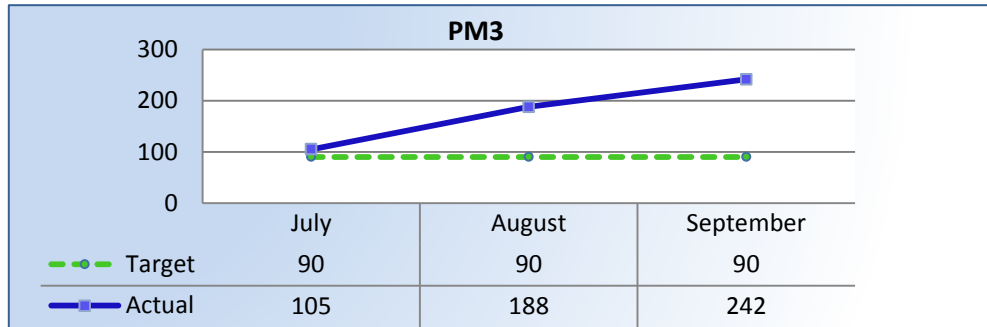
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



**Target Average: 7 Days | Actual Average: 4 Days**

### PM3 | Intake & Investigation

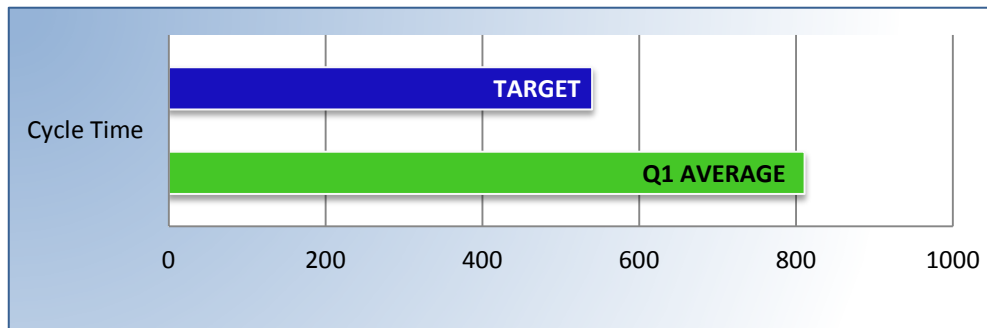
Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



**Target Average: 90 Days | Actual Average: 186 Days**

### PM4 | Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG).

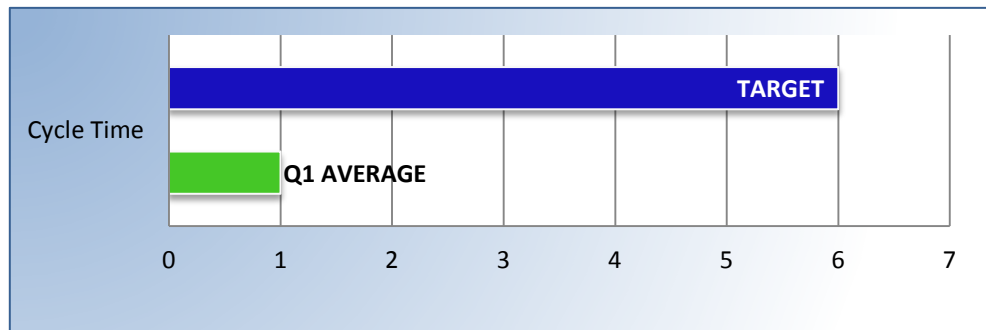


**Target Average: 540 Days | Actual Average: 811 Days**



### PM7 | Probation Intake

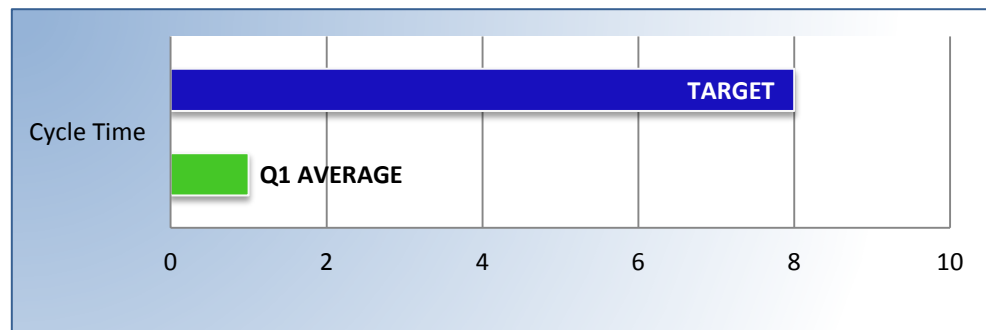
Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



**Target Average: 25 Days | Actual Average: 1 Day**

### PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.



**Target Average: 14 Days | Actual Average: 1 Day**

## Board of Optometry

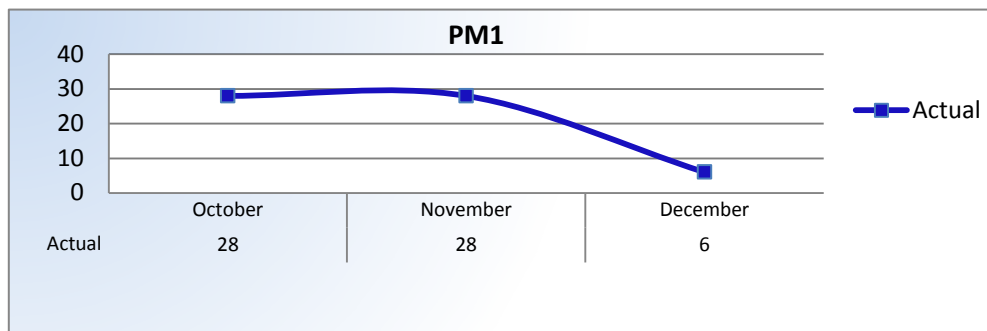
## Performance Measures

### Q2 Report (October - December 2013)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

#### PM1 | Volume

Number of complaints and convictions received.

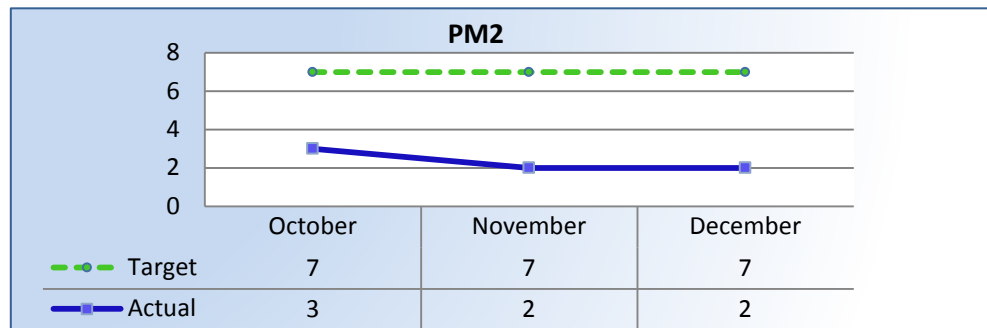


Total Received: 62 Monthly Average: 21

**Complaints: 56 | Convictions: 6**

#### PM2 | Intake

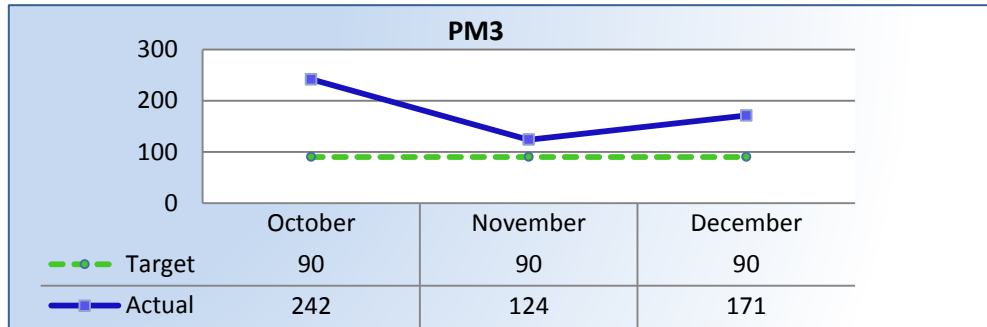
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



**Target Average: 7 Days | Actual Average: 2 Days**

### PM3 | Intake & Investigation

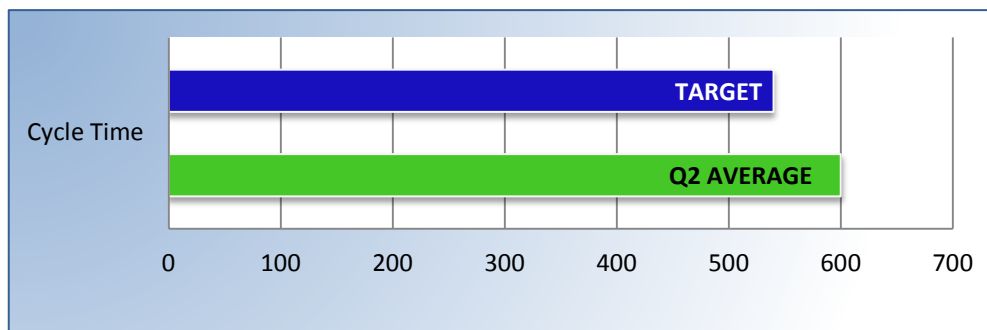
Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



**Target Average: 90 Days | Actual Average: 211 Days**

### PM4 | Formal Discipline

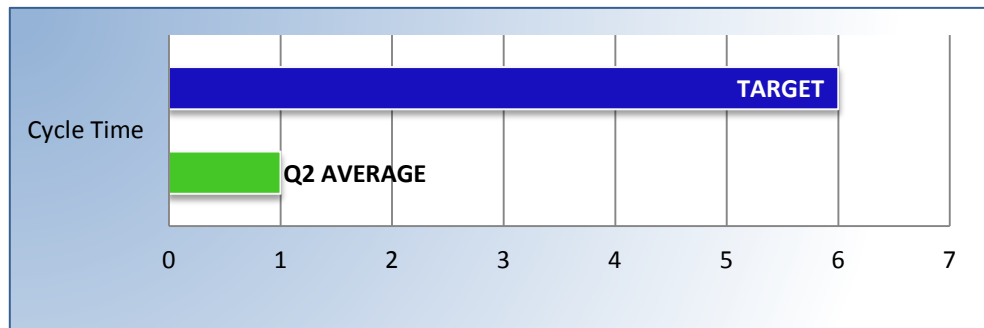
Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG).



**Target Average: 540 Days | Actual Average: 600 Days**

### PM7 | Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



**Target Average: 6 Days | Actual Average: 1 Day**

### PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

*The Board did not report any new probation violations this quarter.*

**Target Average: 14 Days | Actual Average: N/A**

## Board of Optometry

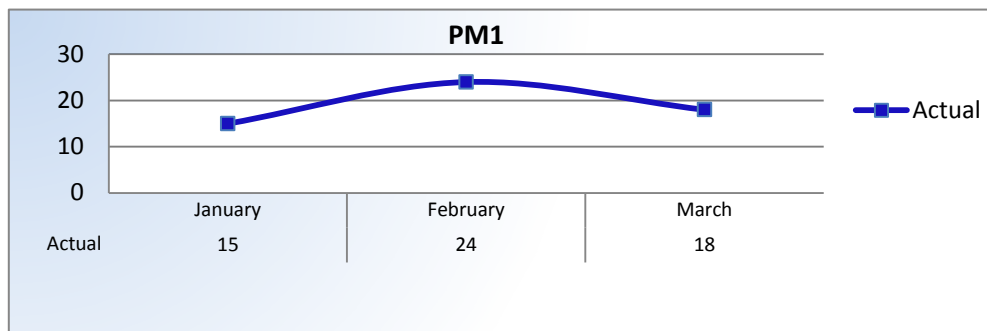
## Performance Measures

### Q3 Report (January - March 2014)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

#### PM1 | Volume

Number of complaints and convictions received.

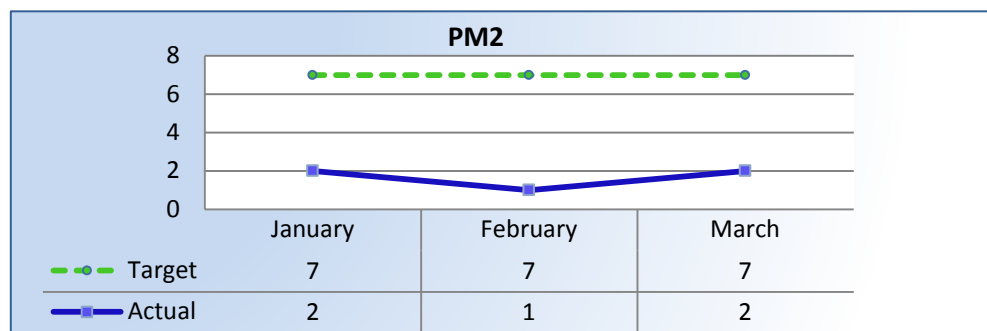


Total Received: 57 Monthly Average: 19

**Complaints: 55 | Convictions: 2**

#### PM2 | Intake

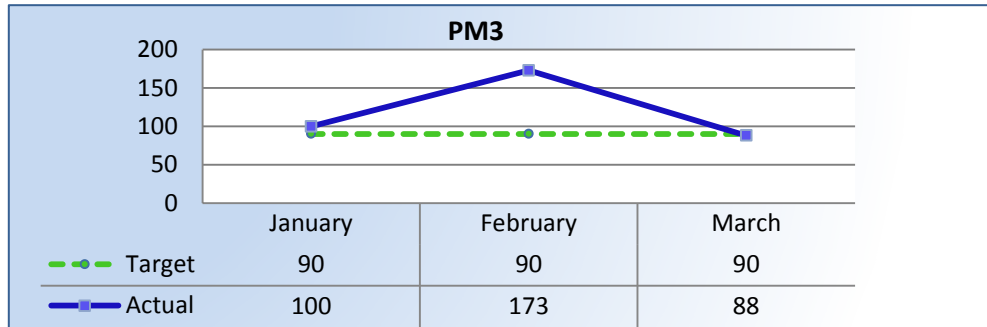
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



**Target Average: 7 Days | Actual Average: 2 Days**

### PM3 | Intake & Investigation

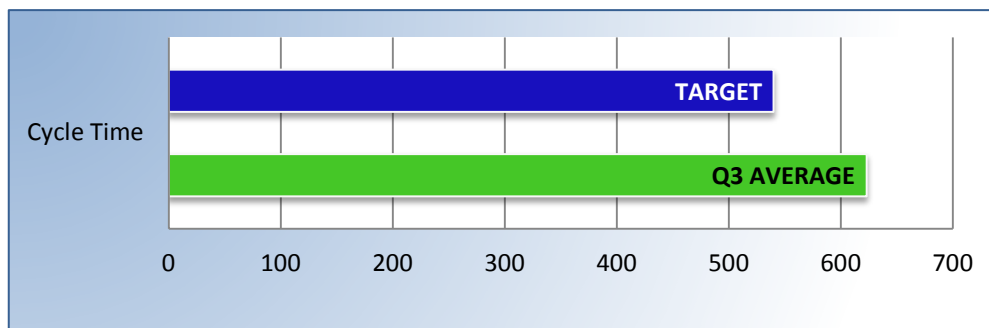
Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



**Target Average: 90 Days | Actual Average: 138 Days**

### PM4 | Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG).



**Target Average: 540 Days | Actual Average: 623 Days**

### PM7 | Probation Intake

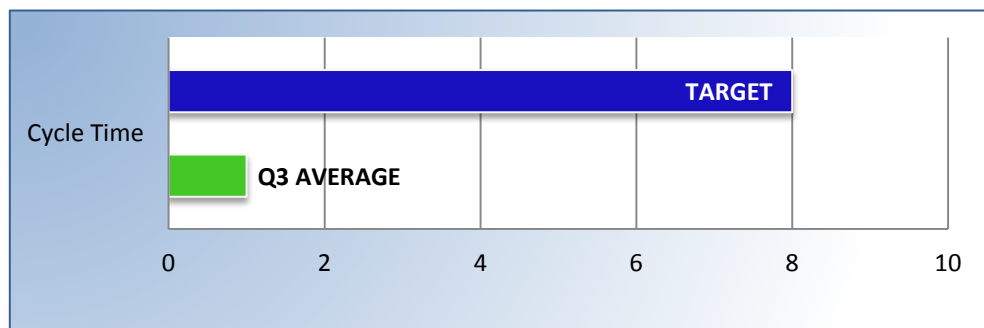
Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

*The Board did not contact any new probationers this quarter.*

**Target Average: 6 Days | Actual Average: N/A**

### PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.



**Target Average: 8 Days | Actual Average: 1 Day**

## Board of Optometry

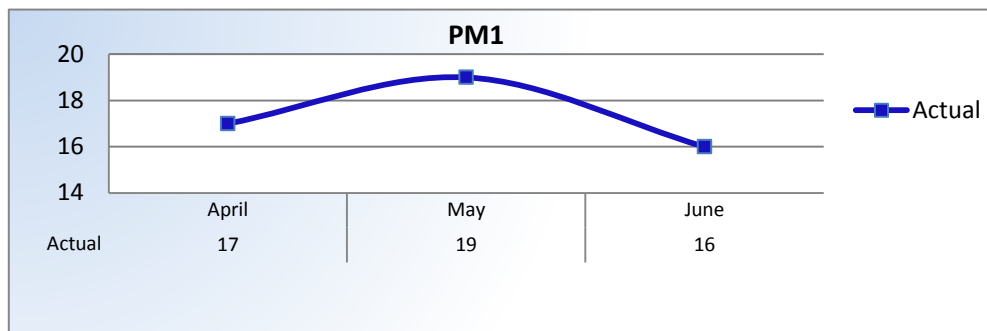
## Performance Measures

### Q4 Report (April - June 2014)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

#### PM1 | Volume

Number of complaints and convictions received.

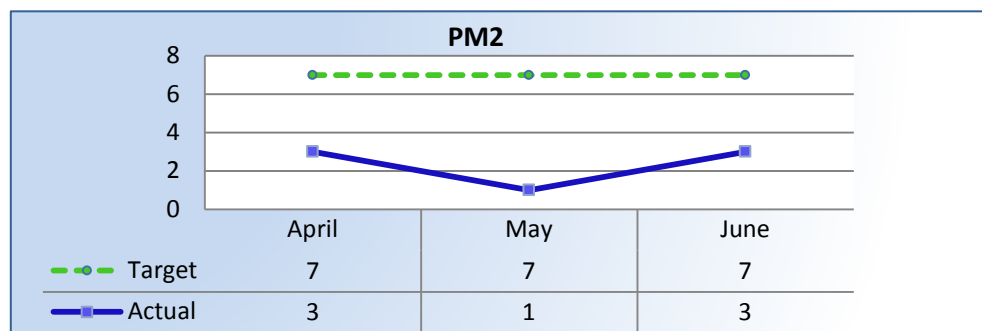


Total Received: 52 Monthly Average: 17

**Complaints: 43 | Convictions: 9**

#### PM2 | Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

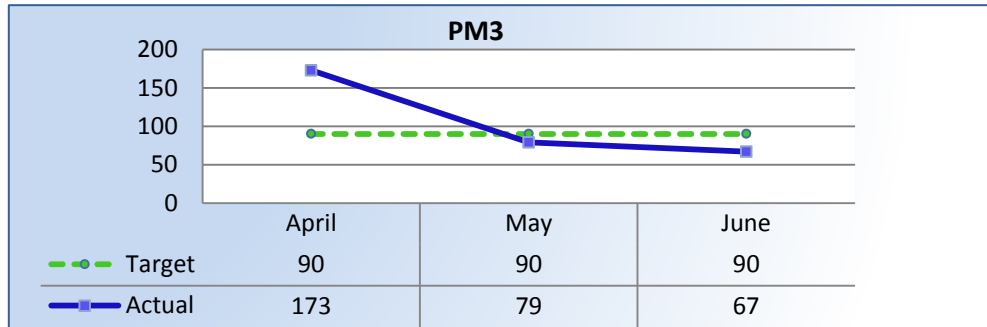


**Target Average: 7 Days | Actual Average: 2 Days**



### PM3 | Intake & Investigation

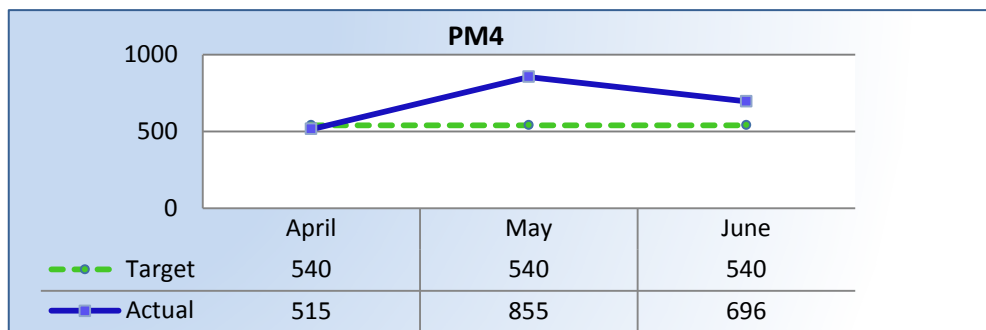
Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



**Target Average: 90 Days | Actual Average: 112 Days**

### PM4 | Formal Discipline

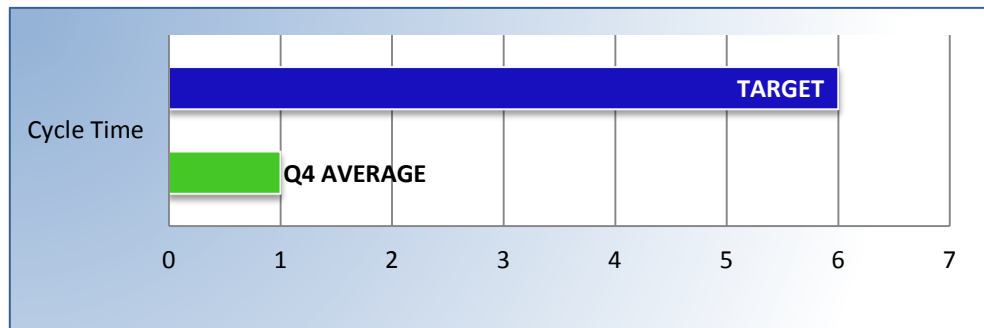
Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG).



**Target Average: 540 Days | Actual Average: 715 Days**

### PM7 | Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



**Target Average: 6 Days | Actual Average: 1 Day**

### PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

*The Board did not report any probation violations this quarter.*

**Target Average: 8 Days | Actual Average: N/A**

## Board of Optometry

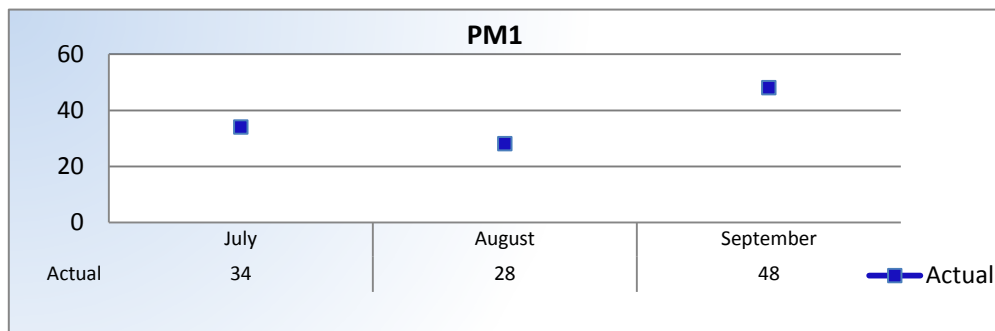
## Performance Measures

### Q1 Report (July - September 2014)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

#### PM1 | Volume

Number of complaints and convictions received.

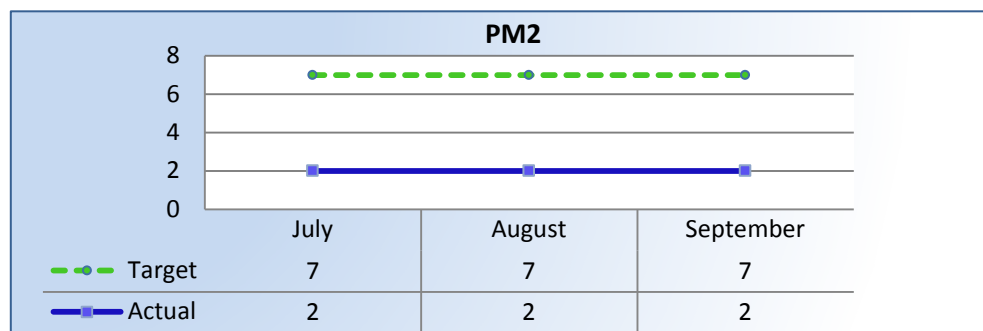


Total Received: 110 Monthly Average: 37

**Complaints: 98 | Convictions: 12**

#### PM2 | Intake

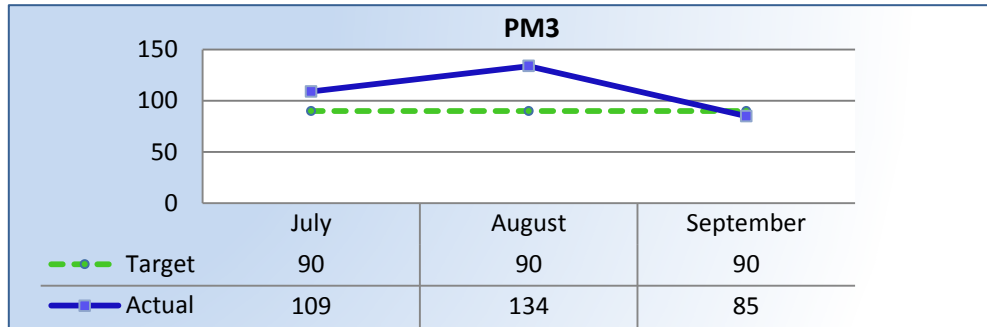
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



**Target Average: 7 Days | Actual Average: 2 Days**

### PM3 | Intake & Investigation

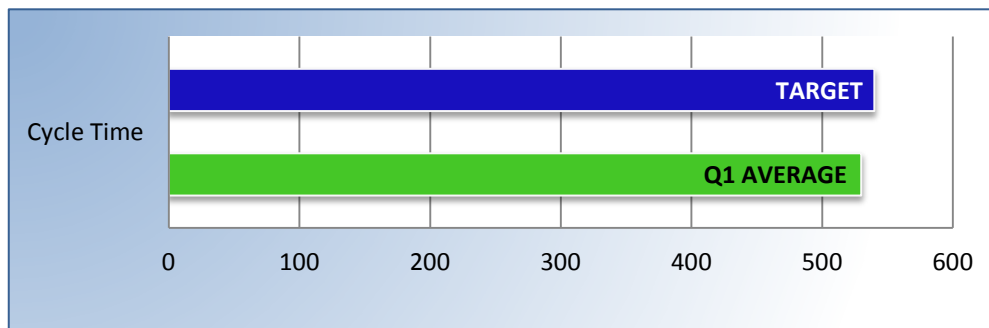
Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



**Target Average: 90 Days | Actual Average: 101 Days**

### PM4 | Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG).



**Target Average: 540 Days | Actual Average: 530 Days**

### **PM7 | Probation Intake**

**Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.**

*The Board did not contact any new probationers this quarter.*

**Target Average: 25 Days | Actual Average: N/A**

### **PM8 | Probation Violation Response**

**Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.**

*The Board did not report any new probation violations this quarter.*

**Target Average: 14 Days | Actual Average: N/A**

## Board of Optometry

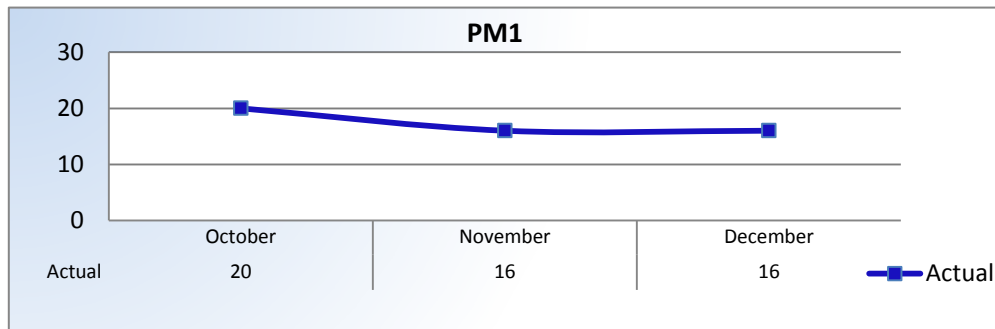
## Performance Measures

### Q2 Report (October - December 2014)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

#### PM1 | Volume

Number of complaints and convictions received.

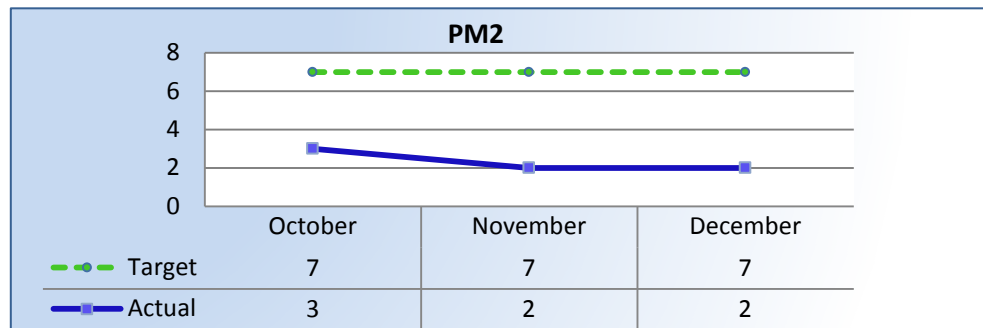


Total Received: 52 Monthly Average: 17

**Complaints: 48 | Convictions: 4**

#### PM2 | Intake

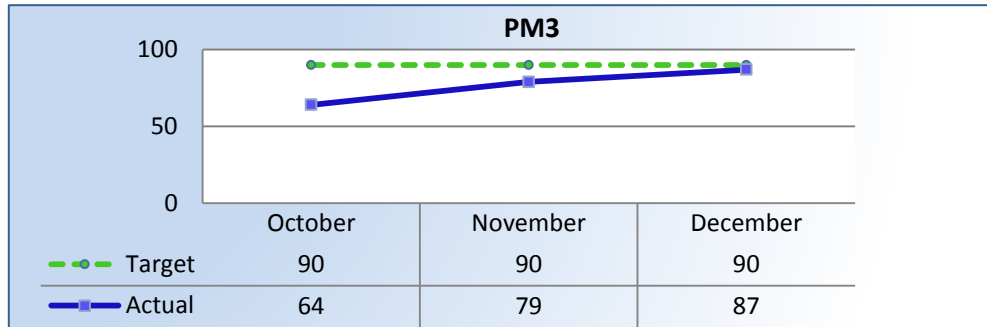
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



**Target Average: 7 Days | Actual Average: 2 Days**

### PM3 | Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



**Target Average: 90 Days | Actual Average: 80 Days**

### PM4 | Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG).

*The Board did not have any cases closed in formal discipline this quarter.*

**Target Average: 540 Days | Actual Average: N/A**

### **PM7 | Probation Intake**

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

*The Board did not contact any new probationers this quarter.*

**Target Average:** 25 Days | **Actual Average:** N/A

### **PM8 | Probation Violation Response**

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

*The Board did not report any new probation violations this quarter.*

**Target Average:** 14 Days | **Actual Average:** N/A



## Board of Optometry

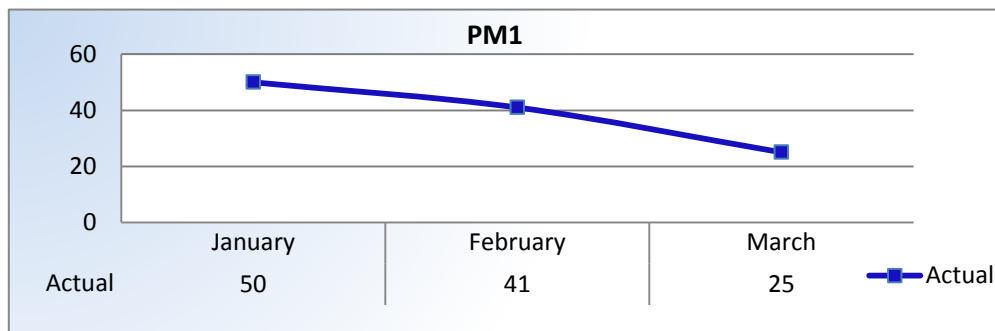
## Performance Measures

### Q3 Report (January - March 2015)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

#### PM1 | Volume

Number of complaints and convictions received.

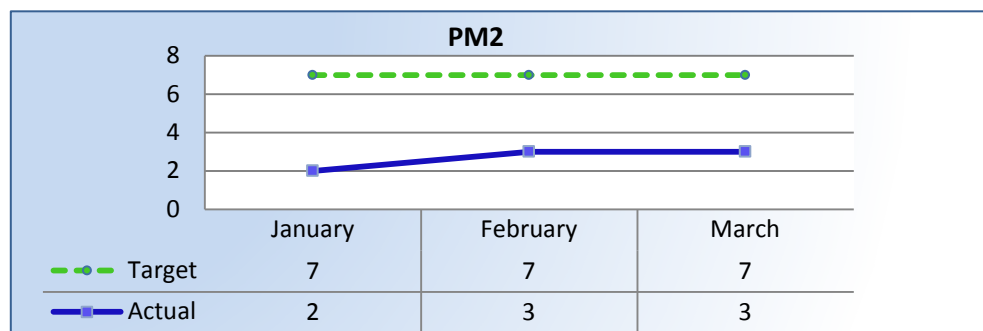


Total Received: 116 Monthly Average: 39

**Complaints: 110 | Convictions: 6**

#### PM2 | Intake

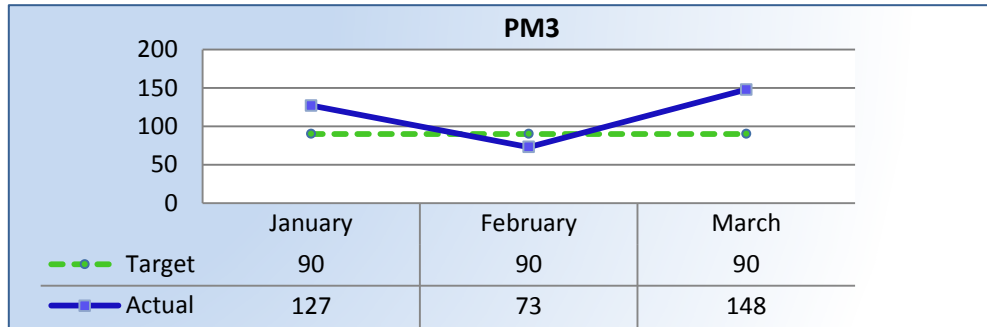
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



**Target Average: 7 Days | Actual Average: 2 Days**

### PM3 | Intake & Investigation

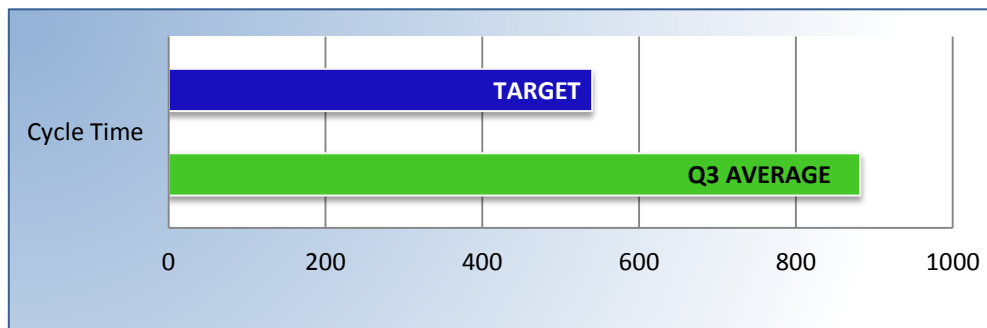
Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



**Target Average: 90 Days | Actual Average: 115 Days**

### PM4 | Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG).



**Target Average: 540 Days | Actual Average: 882 days**

### **PM7 | Probation Intake**

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

*The Board did not contact any new probationers this quarter.*

**Target Average:** 25 Days | **Actual Average:** N/A

### **PM8 | Probation Violation Response**

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

*The Board did not have any new probation violations this quarter.*

**Target Average:** 14 Days | **Actual Average:** N/A

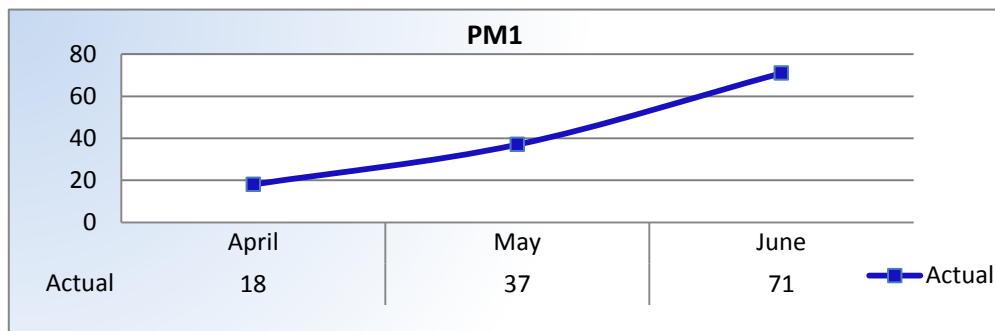
## Performance Measures

### Q4 Report (April - June 2015)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

#### PM1 | Volume

Number of complaints and convictions received.

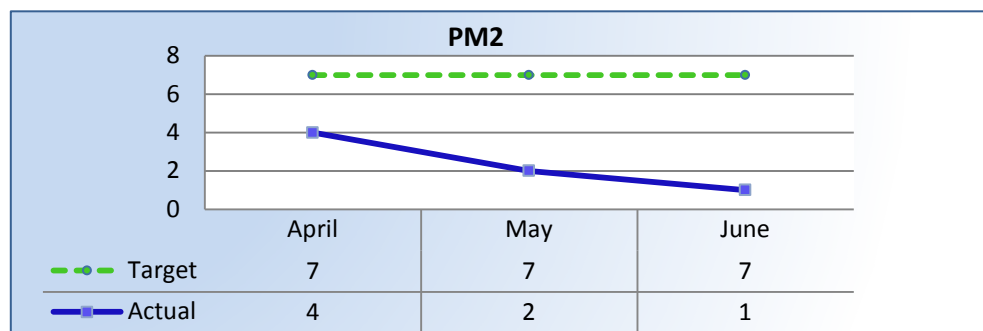


Total Received: 126 Monthly Average: 42

**Complaints: 120 | Convictions: 6**

#### PM2 | Intake

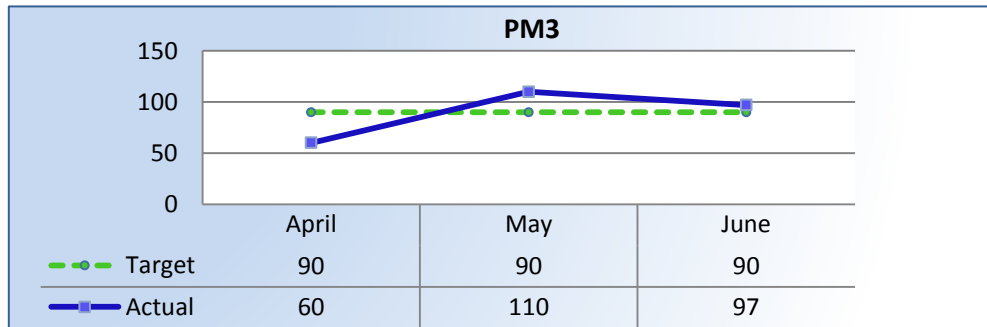
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



**Target Average: 7 Days | Actual Average: 2 Days**

### PM3 | Intake & Investigation

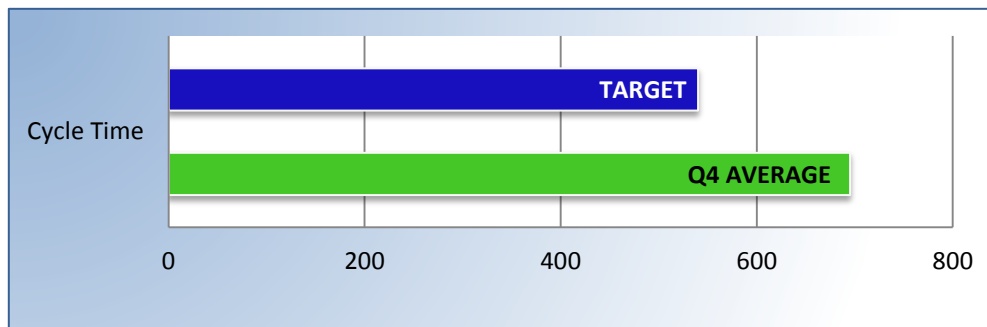
Average number of days to complete the entire enforcement process for cases not transmitted to the AG. (Includes intake and investigation)



**Target Average: 90 Days | Actual Average: 97 Days**

### PM4 | Formal Discipline

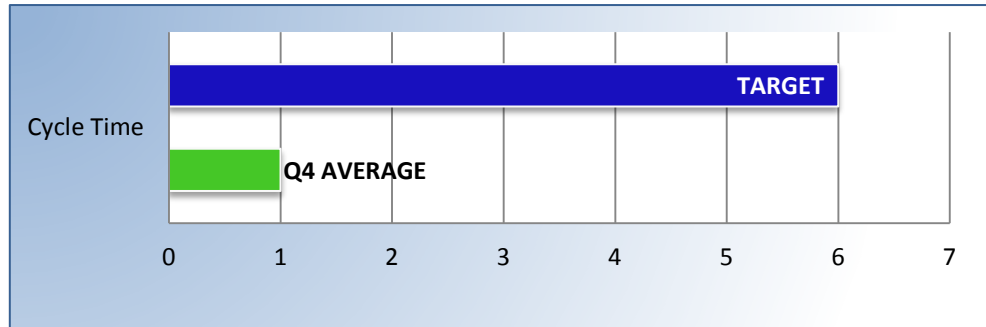
Average number of days to complete the entire enforcement process for cases transmitted to the AG for formal discipline. (Includes intake, investigation, and transmittal outcome)



**Target Average: 540 Days | Actual Average: 695 days**

### PM7 | Probation Intake

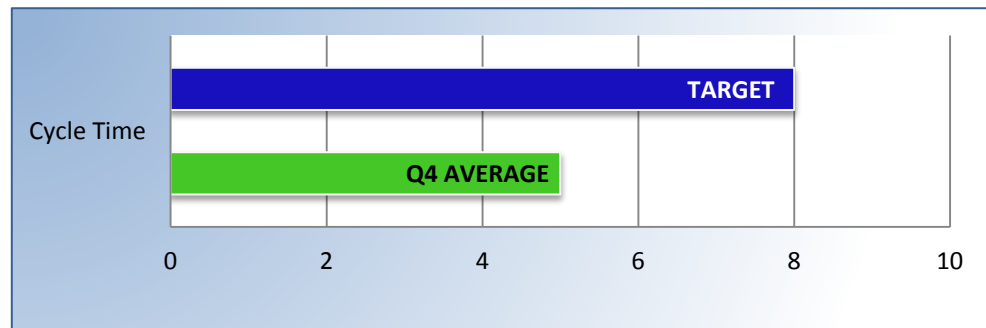
Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



**Target Average: 25 Days | Actual Average: 1 Day**

### PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.



**Target Average: 14 Days | Actual Average: 5 Days**

## Board of Optometry

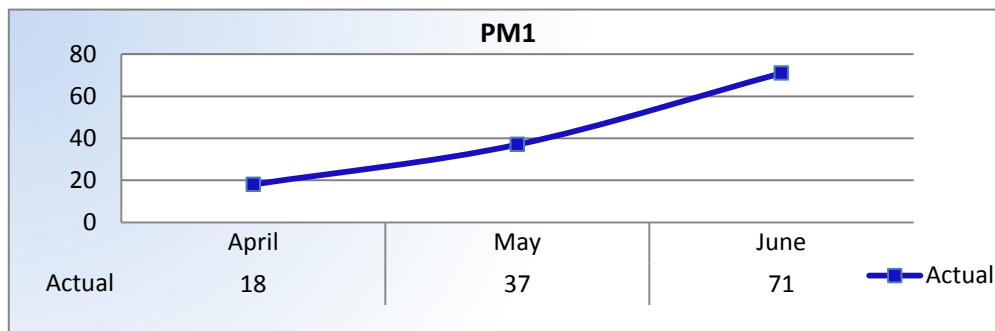
## Performance Measures

### Q1 Report (July - September 2015)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

#### PM1 | Volume

Number of complaints and convictions received.

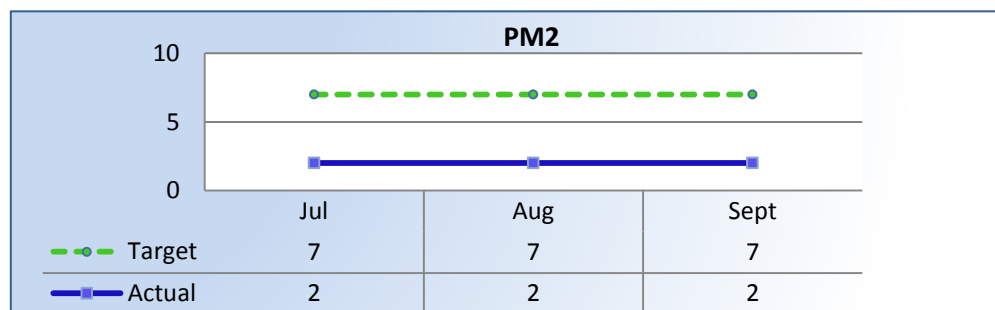


**Total Received: 62 Monthly Average: 21**

**Complaints: 52 | Convictions: 10**

#### PM2 | Intake

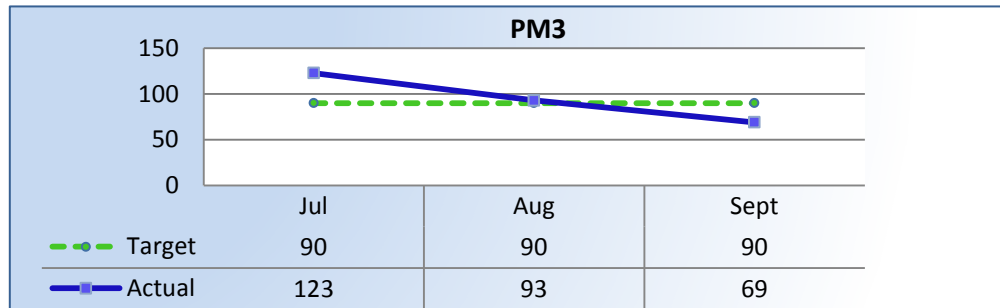
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



**Target Average: 7 Days | Actual Average: 2 Days**

### PM3 | Intake & Investigation

Average number of days to complete the entire enforcement process for cases not transmitted to the AG. (Includes intake and investigation)



**Target Average: 90 Days | Actual Average: 89 Days**

### PM4 | Formal Discipline

Average number of days to complete the entire enforcement process for cases transmitted to the AG for formal discipline. (Includes intake, investigation, and transmittal outcome)

*The Board did not have any cases closed in formal discipline this quarter.*

**Target Average: 540 Days | Actual Average: N/A**



### **PM7 | Probation Intake**

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

*The Board did not contact any new probationers this quarter.*

**Target Average:** 25 Days | **Actual Average:** N/A

### **PM8 | Probation Violation Response**

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

*The Board did not have any probation violations this quarter.*

**Target Average:** 14 Days | **Actual Average:** N/A

## Board of Optometry

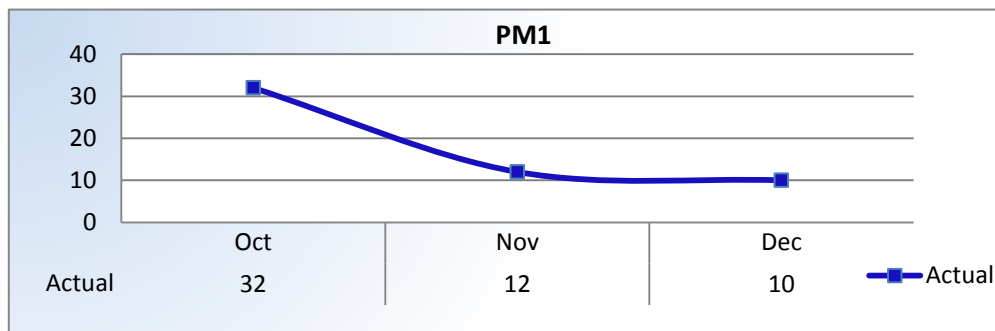
## Performance Measures

### Q2 Report (October - December 2015)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

#### PM1 | Volume

Number of complaints and convictions received.

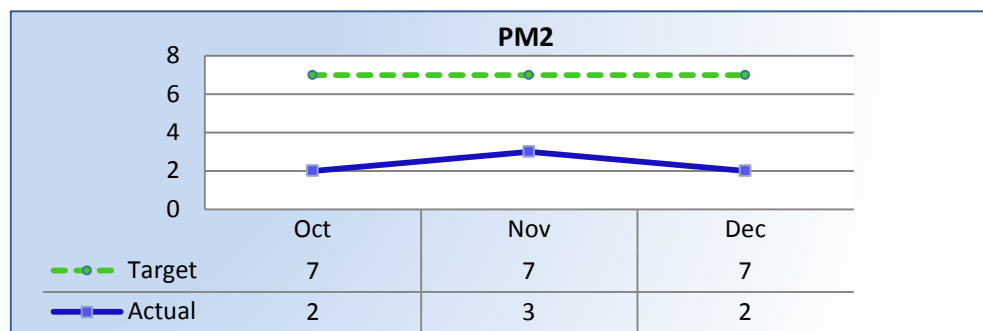


**Total Received: 54 Monthly Average: 18**

**Complaints: 50 | Convictions: 4**

#### PM2 | Intake

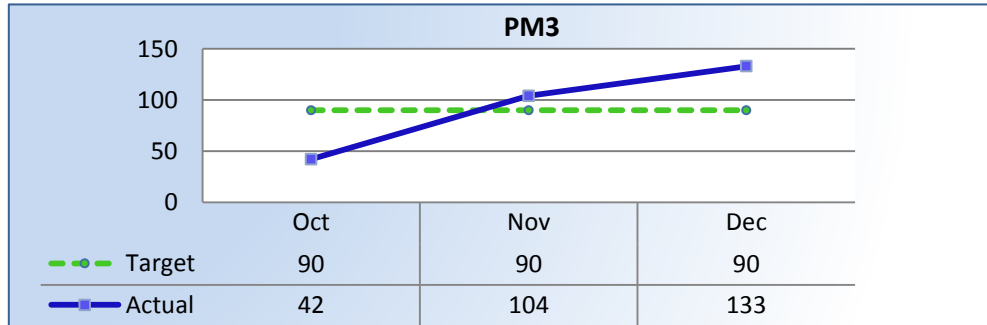
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



**Target Average: 7 Days | Actual Average: 2 Days**

### PM3 | Intake & Investigation

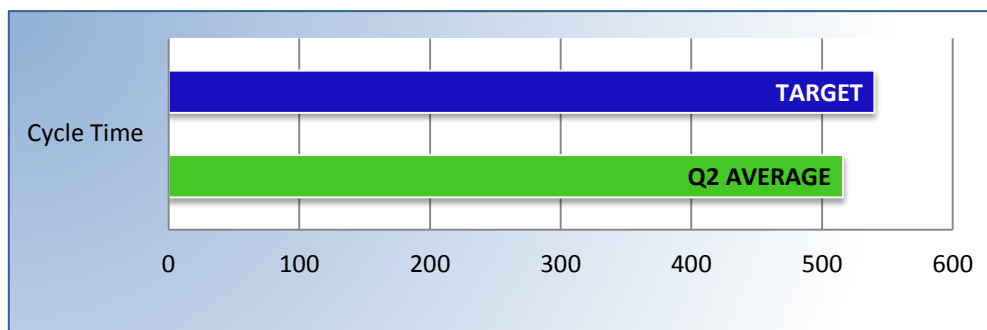
Average number of days to complete the entire enforcement process for cases not transmitted to the AG. (Includes intake and investigation)



**Target Average: 90 Days | Actual Average: 84 Days**

### PM4 | Formal Discipline

Average number of days to complete the entire enforcement process for cases transmitted to the AG for formal discipline. (Includes intake, investigation, and transmittal outcome)



**Target Average: 540 Days | Actual Average: 516 Days**

### PM7 | Probation Intake

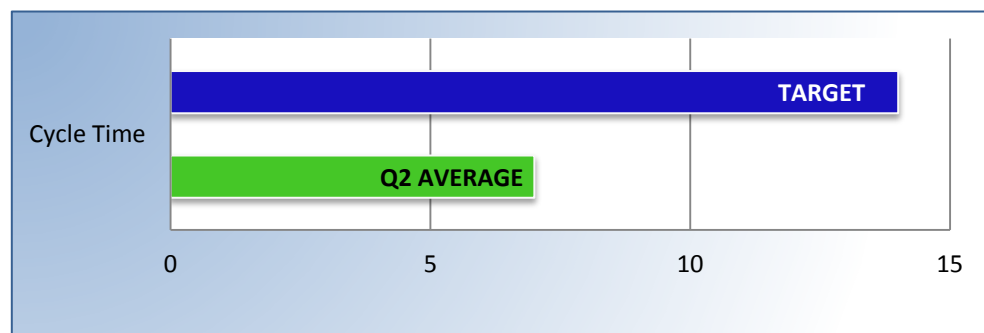
Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

*The Board did not contact any new probationers this quarter.*

**Target Average: 25 Days | Actual Average: N/A**

### PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.



**Target Average: 14 Days | Actual Average: 7 Days**

## Board of Optometry

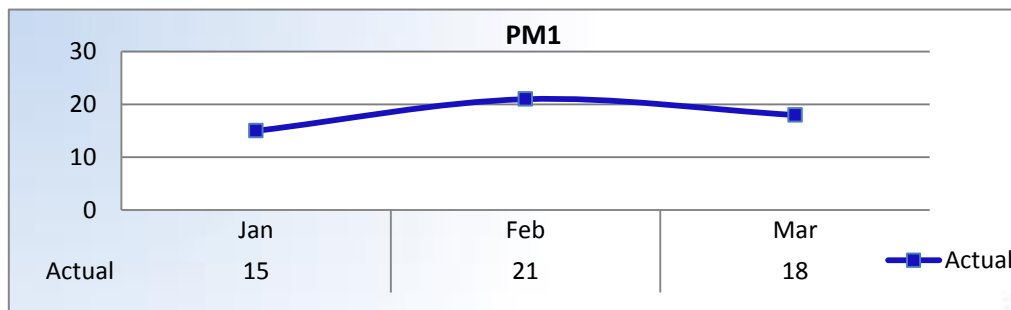
## Performance Measures

### Q3 Report (January – March 2016)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

#### PM1 | Volume

Number of complaints and convictions received.

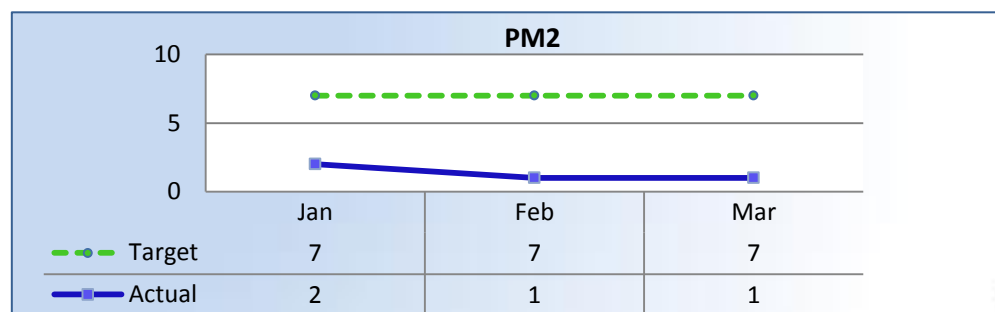


**Total Received: 54 Monthly Average: 18**

**Complaints: 52 | Convictions: 2**

#### PM2 | Intake

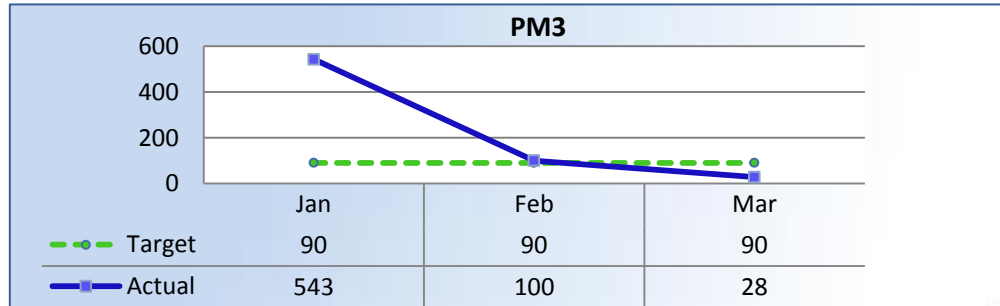
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



**Target Average: 7 Days | Actual Average: 1 Day**

### PM3 | Intake & Investigation

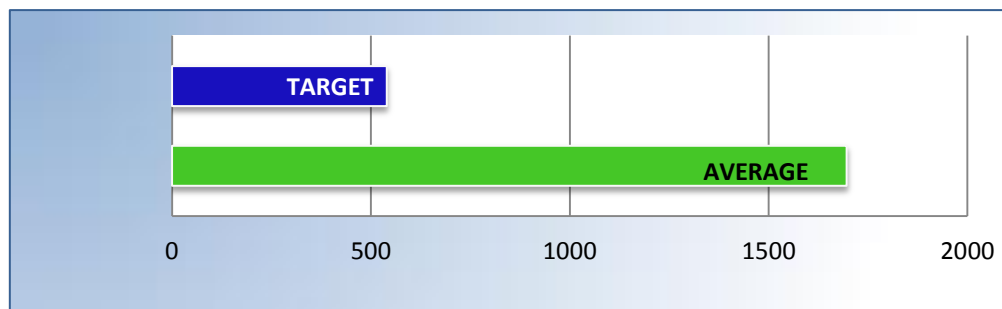
Average number of days to complete the entire enforcement process for cases not transmitted to the AG. (Includes intake and investigation)



**Target Average: 90 Days | Actual Average: 412 Days**

### PM4 | Formal Discipline

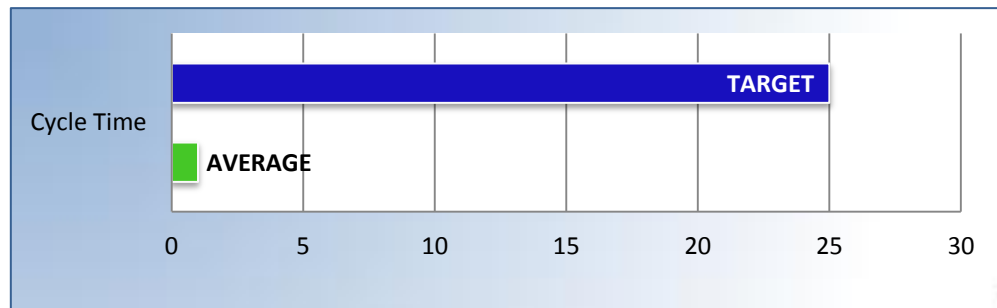
Average number of days to complete the entire enforcement process for cases transmitted to the AG for formal discipline. (Includes intake, investigation, and transmittal outcome)



**Target Average: 540 Days | Actual Average: 1,696 Days**

### PM7 | Probation Intake

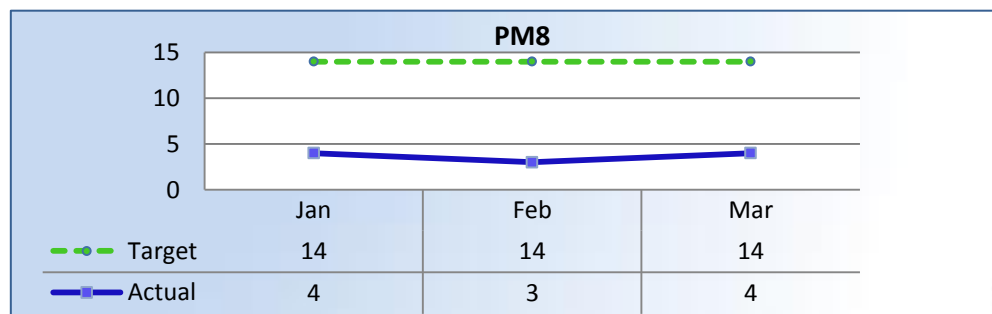
Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



**Target Average: 25 Days | Actual Average: 1 Day**

### PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.



**Target Average: 14 Days | Actual Average: 3 Days**

## Board of Optometry

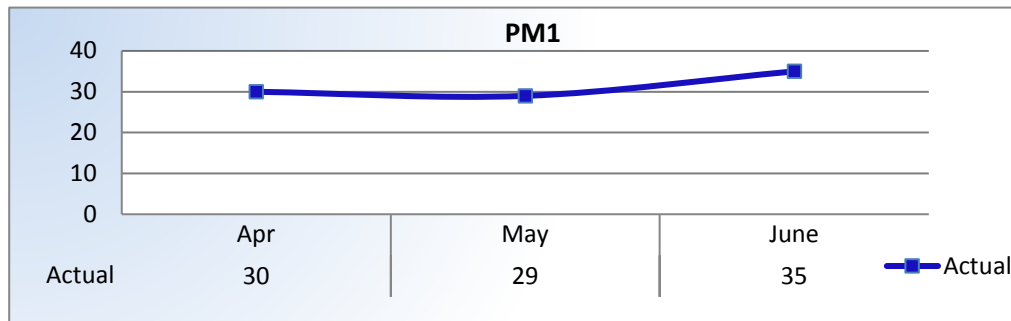
## Performance Measures

### Q4 Report (April - June 2016)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

#### PM1 | Volume

Number of complaints and convictions received.

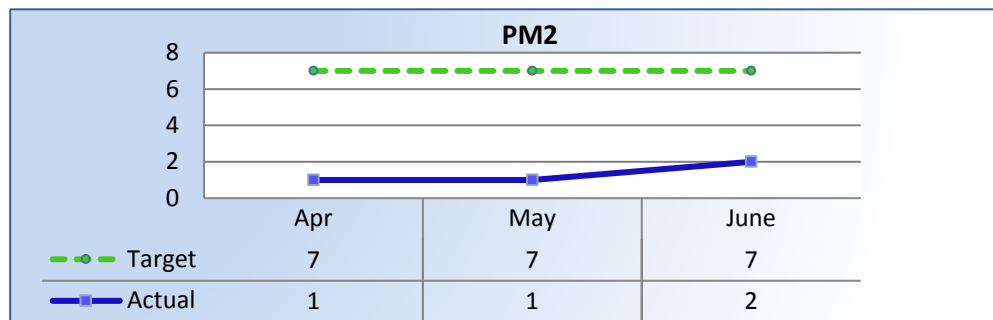


**Total Received: 94 Monthly Average: 31**

**Complaints: 84 | Convictions: 10**

#### PM2 | Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

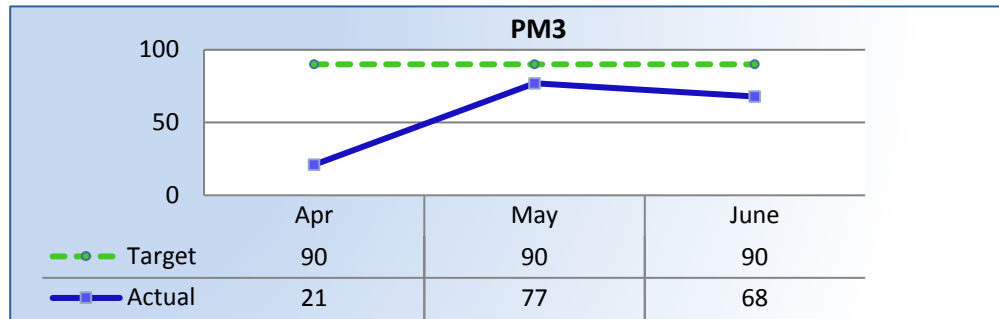


**Target Average: 7 Days | Actual Average: 1 Day**



### PM3 | Intake & Investigation

Average number of days to complete the entire enforcement process for cases not transmitted to the AG. (Includes intake and investigation)



**Target Average: 90 Days | Actual Average: 56 Days**

### PM4 | Formal Discipline

Average number of days to complete the entire enforcement process for cases transmitted to the AG for formal discipline. (Includes intake, investigation, and transmittal outcome)

*The Board did not have any cases closed in formal discipline this quarter.*

**Target Average: 540 Days | Actual Average: n/a**

### **PM7 | Probation Intake**

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

*The Board did not contact any new probationers this quarter.*

**Target Average: 25 Days | Actual Average: n/a**

### **PM8 | Probation Violation Response**

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

*The Board did not have any probation violations this quarter.*

**Target Average: 14 Days | Actual Average: n/a**

Department of Consumer Affairs  
 Board of Optometry -  
 Registered Dispensing  
 Optician Program

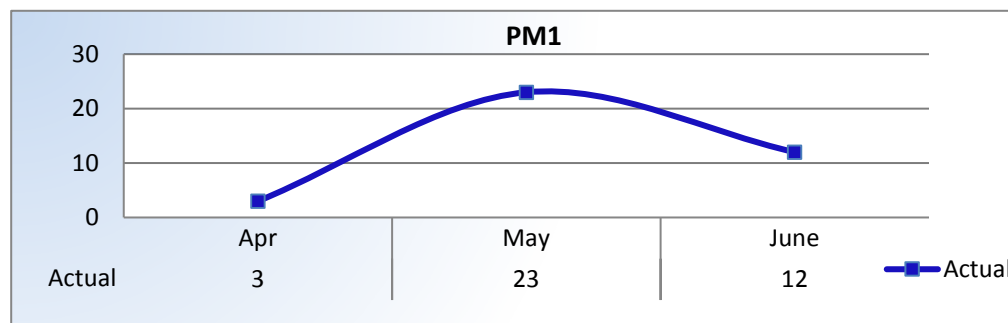
## Performance Measures

### Q4 Report (April - June 2016)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

#### PM1 | Volume

Number of complaints and convictions received.

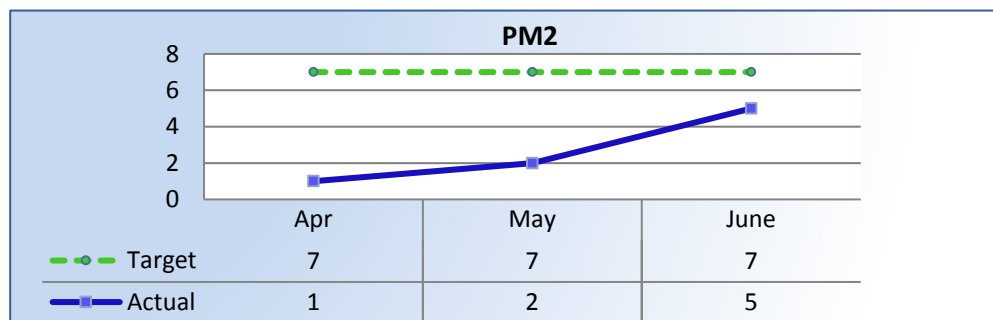


**Total Received: 38 Monthly Average: 13**

**Complaints: 13 | Convictions: 25**

#### PM2 | Intake

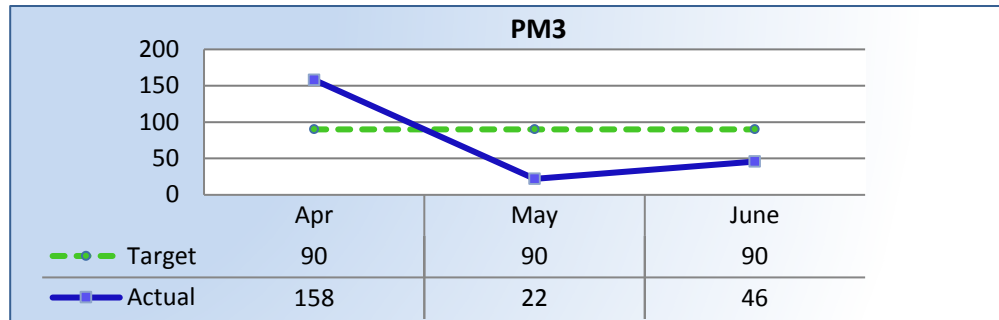
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



**Target Average: 7 Days | Actual Average: 3 Days**

### PM3 | Intake & Investigation

Average number of days to complete the entire enforcement process for cases not transmitted to the AG. (Includes intake and investigation)



**Target Average: 90 Days | Actual Average: 82 Days**

### PM4 | Formal Discipline

Average number of days to complete the entire enforcement process for cases transmitted to the AG for formal discipline. (Includes intake, investigation, and transmittal outcome)

*The Program did not have any cases closed in formal discipline this quarter.*

**Target Average: 540 Days | Actual Average: n/a**

### **PM7 | Probation Intake**

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

*The Program did not contact any new probationers this quarter.*

**Target Average: 25 Days | Actual Average: n/a**

### **PM8 | Probation Violation Response**

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

*The Program did not have any probation violations this quarter.*

**Target Average: 14 Days | Actual Average: n/a**