



# REGULATORY AGENCY ACTION

to the legislature by January 1, 1992. This bill is pending in the Assembly Ways and Means Committee.

**AB 3624 (Hannigan)**, as amended, would require a nursing home to reimburse or replace patients' lost or stolen property when the facility fails to make reasonable efforts to safeguard resident property. AB 3624 would establish a rebuttable presumption that a facility has made reasonable efforts to safeguard resident property and exempt it from citations by DSS for violation of the provisions in this bill, if certain conditions of a theft and loss program have been met by the facility. This bill would also make unlawful any provision of a contract of admission which requires or implies a lower standard of responsibility for the personal property of residents of nursing homes than is required by law. AB 3624 passed the Assembly on June 9.

#### FUTURE MEETINGS:

To be announced.

### BOARD OF OPTOMETRY

*Interim Executive Officer:*

*Karen Ollinger*

*(916) 739-4131*

The Board of Optometry establishes and enforces regulations pertaining to the practice of optometry. The Board is responsible for licensing qualified optometrists and disciplining malfeasant practitioners. The Board's goal is to protect the consumer patient who might be subjected to injury resulting from unsatisfactory eye care by inept or untrustworthy practitioners.

The Board consists of nine members. Six are licensed optometrists and three are members of the community at large.

#### MAJOR PROJECTS:

*Regulatory Changes.* Proposed regulatory changes which were the subject of a public hearing on October 29, 1987, have been approved by the Director of the Department of Consumer Affairs (DCA). At this writing, the Board is preparing the filing for submission to the Office of Administrative Law (OAL). (For background information, see CRLR Vol. 8, No. 2 (Spring 1988) p. 70.)

The Board is currently proposing the adoption and amendment of two sections of Chapter 15, Title 16 of the California Code of Regulations (CCR). Proposed section 1533.1 would codify an appeals procedure under which licensure applicants failing the examination would be permitted to appeal to the Board. The

proposed regulation outlines the requirements and limitations of an appeals process which is presently employed by the Board.

Section 1561(b), dealing with examination requirements for optometrists who use topical pharmaceutical agents, would be amended. The section currently requires successful completion of the National Board Examination in Optometry (NBEO) pharmacology examination. The proposed change provides that successful completion of an equivalent pharmacology examination administered by the Board or by an accredited school of optometry is acceptable as an alternative to the NBEO examination.

Comments received at a May 25 hearing on these regulations resulted in several changes to the proposed language, which resulted in a reopening of the public comment period for fifteen days. Interim Executive Officer Karen Ollinger anticipates that the regulations will be ready for OAL review by summer's end.

On March 21, the OAL approved the repeal of sections 1541 and 1542 of Chapter 15, Title 16 of the CCR. The two sections repealed concerned optometric corporations. (See CRLR Vol. 8, No. 2 (Spring 1988) p. 71 for background information.)

*Recruitment of Permanent Executive Officer.* The Board was to review applications of finalists seeking appointment as its Executive Officer at its July 7 meeting. (For background information, see CRLR Vol. 8, No. 2 (Spring 1988) p. 71.)

#### LEGISLATION:

**AB 2824 (Polanco)** would allow specified licensed persons, other than optometrists, to be minority shareholders, officers, directors, and professional employees of optometric corporations. The bill was passed by the Assembly on March 17, and has been referred to the Senate Committee on Insurance, Claims and Corporations.

**SB 2103 (McCorquodale)**, as amended May 18, would prohibit any licensed optometrist, physician and surgeon, or registered contact lens dispenser, from selling or dispensing a contact lens by mail unless the licensee has personally fitted the lens to the patient. The bill remains in the Senate Committee on Business and Professions.

The following is a status update on bills discussed in CRLR Vol. 8, No. 2 (Spring 1988) at page 71:

**AB 32 (Bane)**, which would enact as state law several federal trade regulations which prohibit optometrists from engag-

ing in certain acts in connection with the performance of eye examinations, remains in the Senate Committee on Business and Professions. (See CRLR Vol. 7, No. 2 (Spring 1987) p. 63 for additional information.)

**AB 573 (Bates)**, which would require the Board of Optometry to hold its licensure examination at least twice per year, remains on the Senate floor in the inactive file. (See CRLR Vol. 8, No. 1 (Winter 1988) p. 68 for additional information.)

**AB 3549 (Jones)**, which would allow the Board of Optometry to recover its costs from the respondent when the Board prevails in an administrative disciplinary action, was passed by the Assembly on April 28. It has been referred to the Senate Committee on Business and Professions.

**AB 3551 (Jones)**, which would allow a person licensed to practice optometry in another state to be registered as a licensed optometrist in California by reciprocity, remains pending in the Assembly Health Committee.

**AB 3738 (Jones)**, which would attempt to fashion a more specific standard than now exists for approval of fictitious name permits for optometric practices, remains pending in the Assembly Health Committee.

#### FUTURE MEETINGS:

To be announced.

### BUREAU OF PERSONNEL SERVICES

*Chief: Jean Orr*

*(916) 920-6311*

The Bureau of Personnel Services was established within the Department of Consumer Affairs to regulate those businesses which secure employment or engagements for others for a fee. The Bureau regulates both employment agencies and nurses' registries. Those businesses which place applicants in temporary positions or positions which command annual gross salaries in excess of \$25,000 are exempt from Bureau regulation. Under AB 2929 (Chapter 912, Statutes of 1986), employer-retained agencies are also exempt from such oversight. AB 2929 became effective on July 1, 1987. The number of licensees regulated by the Bureau decreased as a result with a major decline occurring in April 1988, which was the renewal date for many now-exempt licenseholders. At that time, the number of Bureau licensees dropped by 58%, to approximately 800. (For