



approval of continuing education courses, and preceptor training. The bill was supported by the California Association of Health Facilities and the California Association of Homes for the Aging. SB 1566 was amended twice in Assembly and approved by the Governor in September.

## RECENT MEETINGS:

BENHA met on October 16 in Sacramento and December 10 in Los Angeles. At the October meeting, it was suggested that the Board conform to nationwide testing dates, thus administering licensing exams only four times per year instead of six. It was also suggested that the Board schedule meetings only four times per year to coincide with the examinations. The Board, however, decided that six meetings are necessary to carry on BENHA business, and that six examinations each year are necessary so that applicants do not have to wait to take the exam and begin a career as a nursing home administrator.

BENHA voiced its concern over the fact that some acute care hospitals have authority to operate skilled nursing services and/or intermediate care services without employing licensed nursing home administrators. The Board expressed the opinion that nursing home administrators resent unlicensed persons being allowed to provide skilled nursing and/or intermediate care without having had any training, work experience, or testing for this type of care. In order to determine whether this problem exists in other states, the Board sent questionnaires to the BENHA in ten states.

At a recent meeting, BENHA decided that during 1987 it will propose an amendment to section 3180 of its rules and regulations. The amendment will increase some of the Board's fees and institute three new fees. The Board has not yet determined which fees will be affected or the amount of the increases. A notice of proposed action will be published and a public hearing will be held before the Board makes a decision regarding these fee increases. The Board has not imposed an across-the-board increase in fees since 1972. The fee increases are considered necessary to keep BENHA in operation. No fee increase will go into effect before July 1, 1987.

## FUTURE MEETINGS:

To be announced.

## BOARD OF OPTOMETRY

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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.

## RECENT MEETINGS:

At the Board's October meeting, lengthy discussion focused on the Board's current practice of requiring passage of the national exam by licensee candidates prior to their becoming eligible to take the California practical exam. Currently, no regulation requires the passage of the national exam as a prerequisite to taking the California exam. Because the Board offers the California exam only once per year and the national boards are offered twice per year, candidates who have not received results of the second national board exam prior to the date of the California exam must wait a full year before they may take the California practical exam and begin practicing. While section 3045 of the Optometry Practice Act gives the Board some discretion in determining whether candidates are "eligible" to take the California exam, the Board's present policy may be invalid and unenforceable.

After much debate, the Board decided to offer a second practical exam three months after the second national exam. This schedule will begin as soon as funding is available. In order to implement this decision, the Board must secure emergency funding from the legislature.

The Board also unanimously denied a request to lower its standard for passage on the pharmacology portions of the national exam from 75% to 70%.

The Continuing Education Committee reported on a current proposal which would require forty hours of continuing education every two years for licensed optometrists. The President of the Board suggested that forty hours seems excessive; the Committee will continue to discuss the issue.

At a recent Clearinghouse on Licensure, Enforcement and Regulation (CLEAR) conference which was attended by a Board staff member, the American Association of Retired Persons

(AARP) gave a presentation which allegedly included false statements about California optometry laws. Board president Lawrence Thal volunteered to draft a letter in rebuttal to AARP explaining the true state of California optometry law.

The legality of offering insurance policies to purchasers of contact lenses was also discussed. Complaints have been received from patients who were given verbal assurance or buy written insurance policies on contact lenses which guarantee reduced prices for replacements. These insurance policies are distinguishable from legitimate service contracts under which cleaning and inspection are provided. The Board decided to consult the Department of Insurance as to whether the sale of insurance policies for contact lens replacements by optometrists requires an insurance license.

The Board announced that it will meet with representatives from Pacific Bell Yellow Pages and California Optometric Association to provide Pacific Bell with a list of legal requirements for optometry advertisements.

The California Optometric Association also reported on the issue of vision screening in public schools by school nurses. Members of the public have reportedly complained about such testing, which often includes the performance of a positive lens test by school nurses. Whether or not this procedure may be performed under section 2540 of the Optometry Practice Act has yet to be resolved. The California Optometric Association argued that the administration of such tests constitutes practicing optometry without a license and should be prevented by the Board. The Board decided to table the discussion until further information can be obtained from the Office of Administrative Law regarding the legality of these practices and the authority, if any, of the Board with respect to the nursing profession.

A directory of licensees has been prepared by the Board and is available for \$10 per copy. A 1986 newsletter has been prepared and is also now available from the Board. The executive offices of the Board have moved to 1920 20th Street in Sacramento.

## FUTURE MEETINGS:

To be announced.