

MEDICAL BOARD STAFF REPORT

DATE REPORT ISSUED: January 12, 2015
ATTENTION: Members, Medical Board of California
SUBJECT: Registered Dispensing Optician Program
STAFF CONTACT: Kimberly Kirchmeyer, Executive Director

REQUESTED ACTION:

After review and discussion, make a motion to keep the Registered Dispensing Optician Program as a program within the Medical Board of California (Board) and inform the Senate Business, Professions, and Economic Development Committee of such decision.

BACKGROUND:

In November 2012, the Board presented the 2012 Sunset Review Report to the Legislature. In the section regarding the Registered Dispensing Optician (RDO) Program, the Board discussed a new issue pertaining to the RDO Program and the indication that the State Board of Optometry (SBO) was interested in having the program transferred to their authority. The reason behind the proposed transfer was that the public may be confused as to where to file a complaint because they may not know the difference between an Optometrist's office and an RDO's office. In addition, two agencies may be investigating the same facility when an Optometrist is in the same office with an RDO. The Board recommended the RDO Program be moved to either the SBO or to another entity within the Department of Consumer Affairs. The latter option was added after representatives from the RDOs indicated to the Board their opposition to having the RDO moved to the SBO.

In the recommendations from the Senate and Assembly Business and Professions Committees to the Board, they pointed out that if the RDO Program were moved, it would demand more staff and escalate costs and registration fees. However, they also pointed out that there had been some successful consolidations of programs over the years at the Department of Consumer Affairs (DCA). The final recommendation was that the Board initiate discussions with DCA, the SBO, stakeholders from each of the interested professional groups and interested consumer representatives to discuss the potential need, usefulness, or problems with transferring the regulation from the Board to another board or program.

In meetings with DCA, SBO, and interested parties to discuss future legislation regarding regulation and investigation of these facilities, the topic of moving the RDO Program to SBO or another entity has been discussed. While all parties understand some of the issues surrounding the entities being under different regulatory boards, the professional groups are very concerned and continue to oppose the movement of the RDO Program to SBO.

Board staff has discussed this issue and believes that at this time, the Board should continue to regulate and provide oversight over the RDO Program. Now that the investigation process of the Board's cases is under the DCA, Division of Investigation, staff believes that a more coordinated effort can be made for the investigation and prosecution of these facilities. In addition, there are currently discussions being held on legislative proposals that would change the laws regarding co-location of an optometrist and an RDO. While it is important to work together on these issues, this can be done without having the two licensees under one board.