
UNFINISHED BUSINESS

Bill No: SB 776
Author: Ashby (D)
Amended: 9/2/25 in Assembly
Vote: 21

SENATE BUS., PROF. & ECON. DEV. COMMITTEE: 11-0, 4/28/25
AYES: Ashby, Choi, Archuleta, Arreguín, Grayson, Menjivar, Niello,
Smallwood-Cuevas, Strickland, Umberg, Weber Pierson

SENATE APPROPRIATIONS COMMITTEE: 6-0, 5/23/25
AYES: Caballero, Seyarto, Cabaldon, Grayson, Richardson, Wahab
NO VOTE RECORDED: Dahle

SENATE FLOOR: 39-0, 6/4/25
AYES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear,
Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez,
Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar,
Niello, Ochoa Bogh, Padilla, Pérez, Richardson, Rubio, Seyarto, Smallwood-
Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener
NO VOTE RECORDED: Reyes

ASSEMBLY FLOOR: 60-1, 9/12/25 – Roll call is not available

SUBJECT: Optometry

SOURCE: Author

DIGEST: This bill extends the sunset date for the California Board of Optometry (Board) until January 1, 2030 and makes additional technical changes, statutory improvements, and policy reforms in response to issues raised during the Board's sunset review oversight process.

Assembly Amendments revise the membership of the dispensing optician committee, increase a license and renewal fee and various fee caps, require applicants, registrants and licensees to provide an email address to the Board, if

available, revise the definition of ophthalmic business, reduce and revise the membership on the dispensing optician committee, and make other technical changes.

ANALYSIS:

Existing law establishes the CBO to license and regulate optometrists, registered dispensing opticians, contact lens dispensers, spectacle lens dispensers, nonresident contact lens dispensers, and register MOOs. Sunsets the CBO and its authority to appoint an Executive Officer on January 1, 2026. (Business and Professions Code (BPC) §§ 3010.5, 3014.6)

This bill:

- 1) Requires a prescriber of a contact lens to abide by the rules pertaining to contact lens prescriptions and eye examinations adopted by the Federal Trade Commission, as specified, and deletes any exemption to provide a patient with a copy of a contact lens prescription.
- 2) Requires an applicant for an optometrist license or optician registration who possess a valid email address to report that email address to the Board at the time of application or renewal, as specified.
- 3) Authorizes the Board to issue a probationary registration to a dispensing optician registration applicant, subject to terms and conditions including but not limited to, any of the following:
 - a) Limiting practice to a supervised, structured environment in which the registrant's activities are supervised by another optician registered by the Board, as specified;
 - b) Total or partial restrictions on ophthalmic dispensing privileges;
 - c) Continuing medical or psychiatric treatment, ongoing participation in a specified rehabilitation program, enrollment and successful completion of a clinical training program, or abstention from the use of drugs or alcohol; or,
 - d) Restrictions against engaging in certain types of optician practices; and, any other terms and conditions deemed appropriate by the Board.

- 4) Authorizes the Board to modify or terminate the terms and conditions imposed on the probationary registration if the registrant petitions the Board, as specified.
- 5) Defines “person” for purposes of the optometry act to mean a natural person, partnership, corporation, Limited Liability Company or other organization, or any combination thereof.
- 6) Defines “valid email address” to mean an email address at which the applicant, registrant, or licensee is currently receiving emails at the time of application for licensure, registration or renewal.
- 7) Deletes the cap of 12 on the number of MOOs that an owner or operator can operate during the initial registration period.
- 8) Revises the information a MOO is required to provide to a patient to include a timeframe for when the MOO will return to the service area, and the list of optometrists available for comprehensive care and requires the information be provided to the service locations for two years following the initial date of service.
- 9) Increases various fee caps for registration and renewal fees and increases the renewal and registration fee for a nonresident ophthalmic lens dispenser, as specified.
- 10) Revises the composition of the dispensing optician committee, as specified.
- 11) Makes numerous other technical, clarifying, and conforming changes.

Background

Board of Optometry and Sunset Review Oversight of the Board. The Board issues licenses to individual optometrists and the business locations at which an optometrist practices, through a Statement of Licensure. In addition, the Board registers MOOs for those non-profit entities providing mobile optometric services. The Board additionally registers four categories of RDOs including: Registered Dispensing Ophthalmic Business; Registered Spectacle Lens Dispenser; Registered Contact Lens Dispenser; and, Nonresident Ophthalmic Lens Dispenser. This bill and the accompanying sunset bills aim to implement legislative changes as recommended by staff of the Committees, which are reflected in the Background

Papers prepared by Committee staff for each agency and program reviewed this year.

Email Addresses. As reported in the Board's *2025 Sunset Review Report*, the Board believes requiring an email address from applicants and its licensing population would be useful. Board-communication via email allows the Board to communicate timely information about licensure renewal and law changes in a more expeditious and cost efficient manner. Emails may help the Board communicate important licensing and emergency response updates to its licensees and registrants more swiftly. This bill requires applicants and licensees to provide an email address to the Board at the time of application or renewal, if an email address is available.

Mobile Optometric Offices Quarterly Reporting. AB 896 established safeguards in order to ensure that the optometric care provided in MOOs is consistent with care provided in traditional optometric practices. MOOs must be owned solely by a nonprofit or charitable organization, they must register with the Board, no more than 12 MOOs can be operated by one owner or operator within the first renewal period, and medical operations are to be directed solely by a licensed optometrist. Additionally, MOOs must provide the Board with details about business operations, including the name and license number of all optometrists, optician registration numbers, a catalog of complaints, dates of operations, and the counties or cities served by the MOO. BPC § 3070.2 requires an owner and operator of a MOO to file a quarterly report with the Board that contains detailed information including the following: a) A list of all visits made by each MOO, including dates of operation, address, care provided, and names and license numbers of optometrists and opticians who provided care. b) A summary of all complaints received by each MOO, the disposition of those complaints, and referral information. c) An updated and current list of licensed optometrists, registered opticians, and any other persons who have provided care within each MOO, since the last reporting period. d) An updated and current list of licensed optometrists who are available for follow-up care as a result of a complaint on a volunteer basis or who accept Medi-Cal payments. e) Any other information the Board deems appropriate to safeguard the public from substandard care, fraud, or other violations of the optometry practice act. Because reports are required quarterly, the owner or operator of a MOO is subject to Board enforcement for any non-compliance.

In addition, current law requires the owner or operator of a MOO to provide each patient, and if applicable, the patient's caregiver or guardian, a consumer notice

prescribed by the Board with specified information including an optometrist's license number, contact information, a statement on how the patient can obtain copy of the medical records, information on follow up care, and upon request a copy of the patient's prescription. Current law already requires an optometrist to provide a copy of a prescription to a patient. The consumer information and reporting requirements for MOOs is vital to the Board's consumer protection mandate; however, current law does not specify what the Board is to do with the quarterly information provided by the MOOs, and it is unclear why duplicative prescription information is needed in statute. This bill requires the reports be submitted annually instead of quarterly. This bill will also revise the information that must be provided to a patient at the time of service and will require a MOO to provide information on the timeframe when the MOO will return to the service area and list of optometrists who may be able to provide comprehensive care following a prescription of glasses to ensure continuity of care and that a patient is able to locate follow up services as needed.

Mandatory Reserve Level. Pursuant to BPC § 3145, the Board is prohibited from maintaining a fund reserve balance that is greater than six months of the appropriated operating expenses of the Board in any Fiscal Year. For other boards and bureaus under the DCA, with the exception of the Contractors State License Board and the Respiratory Care Board, they abide by BPC § 128.5, which prohibits board and bureaus from having a fund reserve greater than two-years operating budget. If the funds have more than two-years, they are to reduce licensing fees. This bill permits the Board to have a reserve level of not more than 24 months, consistent with other licensing boards at the DCA. In addition, this bill increases various fee caps and increases the renewal and initial and application fees for a nonresident ophthalmic lens dispenser registration.

Limit on the Number of Mobile Optometric Offices. In 2021, during the Board's last sunset review, AB 1534 (Low, Chapter 630, Statutes of 2021), among other changes, established an arbitrary limit of 12 for the number of MOOs that a nonprofit corporation or charitable organization could own and operate for the first licensure period. After the first renewal period, the cap of 12 is lifted and the MOO registrant is permitted to own and operate as many MOOs as they choose. This bill removes the cap of 12 during the first initial registration period.

Probationary Registration. As noted in the Board's 2025 Sunset Review Report, the Board requests the authority to issue a probationary registration to optician registrants. This would be consistent with their authority for optometric applicants. This bill creates a probationary registration for dispensing optician applicants.

Federal Contact Lens Rule Under California law, BPC § 2541.2(c), a prescriber is required to retain professional discretion regarding the release of the contact lens prescription for patients who wear the following types of contact lenses: (1) Rigid gas permeables. (2) Bitoric gas permeables. (3) Bifocal gas permeables. (4) Keratoconus lenses. (5) Custom designed lenses that are manufactured for an individual patient and are not mass produced. However, the federal contact lens rule does not permit an exemption for specified types of lenses. As noted in the Board's *2025 Sunset Review Report*, the Board seeks clarification as to whether state and federal law conflict and a potential resolution to conform state law to federal law by deleting the exemption for contact lens dispensers to provide the patient a copy of their prescription. This bill clarifies that licensees and registrants in California are subject to the provisions of the federal contact lens rule, and deletes the current exemption.

Technical Changes May Improve Effectiveness of the Act and Board Operations. Because of numerous statutory changes and implementation delays, code sections can become confusing, contain provisions that are no longer applicable, make references to outdated report requirements, or cross-reference code sections that are no longer relevant. This bill makes numerous technical and clarifying changes, including updates to terminology. In addition, this bill extends the sunset date of the Board and its authority to appoint an executive officer until January 1, 2030.

Comments

1-800 Contacts has a support if amended position on this bill and notes the following, "... One of the most significant hurdles consumers face ordering glasses online is obtaining their glasses prescription, including the patient's pupillary distance, or PD. This is used to ensure that eyeglass lenses are correctly aligned with the wearer's pupils, optimizing vision clarity and comfort. It is essential for prescription glasses, progressive lenses, and bifocals and helps to prevent eye strain, blurriness, and discomfort. "Currently, PD is not a measurement that is given to consumers with their eyeglass prescription parameters. Since it is not required as part of the prescription, providers do not give this necessary measurement, some will charge a fee, while others give the measurement only if the consumer orders glasses from that same clinic. Many patients never receive this vital measurement. Online consumers are placed at a significant disadvantage in obtaining a glasses prescription for themselves and in obtaining PD. Consumers are often frustrated by the hurdles they face buying glasses online and will often succumb to higher prices and reduced options. California glasses customers should be afforded the same prescription portability rights they have received for years as

contact lens consumers...We believe that closing this anti-competitive loophole for consumers enables them to shop more broadly, ultimately driving savings and satisfaction for consumers. Requiring PD on every eyeglass prescription would provide consumers with all the information they need to shop around in the marketplace for the best pricing and most convenient solutions that fit their needs. Additionally, the contact lens rule states that prescribers “provide any person designated to act on behalf of the patient with a copy of the patient's contact lens prescription by electronic or other means within forty (40) business hours of receipt of the request.” We believe this same provision should apply to glasses prescriptions. This allows a designee, the online seller of glasses or otherwise, to act for the consumer to obtain a copy of the patient’s prescription and enables the consumer to shop competitively.”

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Assembly Committee on Appropriations, the Board does not anticipate significant costs to implement provisions of this bill. The Department of Consumer Affairs Office of Information Services estimates absorbable costs of \$1,000 to remove the governing rule that limits the number of mobile optometric offices to 12 during the first two years from its online licensing and enforcement system.

SUPPORT: (Verified 9/11/25)

California State Board of Optometry
National Vision INC.
Vision to Learn

OPPOSITION: (Verified 9/11/25)

None received

ARGUMENTS IN SUPPORT: Supporters note support for the continuation of the Board.

Prepared by: Elissa Silva / B., P. & E.D. / 916-651-4104
9/12/25 20:17:59

**** END ****