

**ASSEMBLY BILL**

**No. 935**

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**Introduced by Committee on Business and Professions (Eng (Chair),  
Emmerson (Vice Chair), Bass, Carter, Hayashi, Hernandez,  
Horton, Maze, Price, and Torrico)**

February 22, 2007

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An act to amend Section 3077 of the Business and Professions Code,  
relating to optometrists.

LEGISLATIVE COUNSEL'S DIGEST

AB 935, as introduced, Committee on Business and Professions.  
Optometrists: branch offices.

Existing law, the Optometry Practice Act, creates the State Board of  
Optometry, and makes it responsible for the issuance of a certificate of  
registration authorizing the practice of optometry and for the regulation  
of optometrists. Under the act, an optometrist with more than one office,  
as specified, is required to notify the board and obtain a branch office  
license.

This bill would make nonsubstantive changes to this provision  
pertaining to branch offices.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 3077 of the Business and Professions
- 2 Code is amended to read:
- 3 3077. As used in this section "office" means ~~any~~ *an* office or
- 4 other place for the practice of optometry.

- 1 (a) No person, singly or in combination with others, may have
- 2 an office unless he or she is registered to practice optometry under
- 3 this chapter.
- 4 (b) An optometrist, or two or more optometrists jointly, may
- 5 have one office without obtaining a further license from the board.
- 6 ~~(c) On and after October 1, 1959, no~~ No optometrist, and no
- 7 two or more optometrists jointly, may have more than one office
- 8 unless he or she or they comply with the provisions of this chapter
- 9 as to an additional office. The additional office, for the purposes
- 10 of this chapter, constitutes a branch office.
- 11 ~~(d) Any optometrist who has, or any two or more optometrists,~~
- 12 ~~jointly, who have, a branch office prior to January 1, 1957, and~~
- 13 ~~who desire to continue the branch office on or after that date shall~~
- 14 ~~notify the board in writing of that desire in a manner prescribed~~
- 15 ~~by the board.~~
- 16 ~~(e) On and after January 1, 1957, any~~
- 17 (d) An optometrist, or any two or more optometrists, jointly,
- 18 who desire to open a branch office shall notify the board in writing
- 19 in a manner prescribed by the board.
- 20 ~~(f) On and after January 1, 1957, no~~
- 21 (e) No branch office may be opened or operated without a branch
- 22 office license. Branch office licenses shall be valid for the calendar
- 23 year in or for which they are issued and shall be renewable on
- 24 January 1st of each year thereafter. Branch office licenses shall be
- 25 issued or renewed only upon the payment of the fee therefor
- 26 prescribed by this chapter.
- 27 ~~On or after October 1, 1959, no~~
- 28 No more than one branch office license shall be issued to ~~any~~
- 29 an optometrist or to any two or more optometrists, jointly.
- 30 ~~(g) Any~~
- 31 (f) A failure to comply with the provisions of this chapter relating
- 32 to branch offices or branch office licenses as to any branch office
- 33 shall ~~work~~ cause the suspension of the certificate of registration
- 34 of each optometrist who, individually or with others, has a branch
- 35 office. A certificate of registration so suspended shall not be
- 36 restored except upon compliance with those provisions and the
- 37 payment of the fee prescribed by this chapter for restoration of a
- 38 certificate of registration after suspension for failure to comply
- 39 with the provisions of this chapter relating to branch offices.
- 40 (h)

1 (g) The holder or holders of a branch office license shall pay  
2 the annual renewal fee therefor in the amount required by this  
3 chapter between the first day of January and the first day of  
4 February of each year. The failure to pay the fee in advance on or  
5 before February 1st of each year during the time it is in force shall  
6 ipso facto ~~work~~ cause the suspension of the branch office license.  
7 The license shall not be restored except upon written application  
8 and the payment of the penalty prescribed by this chapter, and, in  
9 addition, all delinquent branch office fees.

10 (i)

11 (h) Nothing in this chapter shall limit or authorize the board to  
12 limit the number of branch offices that are in operation on October  
13 1, 1959, and that conform to this chapter, nor prevent an  
14 optometrist from acquiring any branch office or offices of his or  
15 her parent. The sale ~~after October 1, 1959~~, of any branch office  
16 shall terminate the privilege of operating the branch office, and  
17 no new branch office license shall be issued in place of the license  
18 issued for the branch office, unless the branch office is the only  
19 one operated by the optometrist or by two or more optometrists  
20 jointly.

21 Nothing in this chapter shall prevent an optometrist from owning,  
22 maintaining, or operating more than one branch office if he or she  
23 is in personal attendance at each of his or her offices 50 percent  
24 of the time during which the office is open for the practice of  
25 optometry.

26 (j)

27 (i) The board shall have the power to adopt, amend, and repeal  
28 rules and regulations to carry out the provisions of this section.

29 (k)

30 (j) Notwithstanding any other provision of this section, neither  
31 an optometrist nor an individual practice association shall be  
32 deemed to have an additional office solely by reason of the  
33 optometrist's participation in an individual practice association or  
34 the individual practice association's creation or operation. As used  
35 in this subdivision, the term "individual practice association" means  
36 an entity that meets all of the following requirements:

37 (1) Complies with the definition of ~~an~~ a professional optometric  
38 corporation in Section 3160.

39 (2) Operates primarily for the purpose of securing contracts  
40 with health care service plans or other third-party payers that make

1 available—~~eye/vision~~ *eye or vision* services to enrollees or  
2 subscribers through a panel of optometrists.

3 (3) Contracts with optometrists to serve on the panel of  
4 optometrists, but does not obtain an ownership interest in, or  
5 otherwise exercise control over, the respective optometric practices  
6 of those optometrists on the panel.

7 Nothing in this subdivision shall be construed to exempt an  
8 optometrist who is a member of an individual practice association  
9 and who practices optometry in more than one physical location,  
10 from the requirement of obtaining a branch office license for each  
11 of those locations, as required by this section. However, an  
12 optometrist shall not be required to obtain a branch office license  
13 solely as a result of his or her participation in an individual practice  
14 association in which the members of the individual practice  
15 association practice optometry in a number of different locations,  
16 and each optometrist is listed as a member of that individual  
17 practice association.