

AMENDED IN ASSEMBLY APRIL 23, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 684**

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**Introduced by Assembly Member Bonilla**  
**(Coauthor: Assembly Member Alejo)**

February 25, 2015

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~~An act to amend Section 4200.3 of the Business and Professions Code, relating to healing arts. An act to add and repeal Sections 655.1 and 2556.1 of the Business and Professions Code, relating to healing arts.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 684, as amended, Bonilla. ~~Pharmacy.~~ *Healing arts: licensees: disciplinary actions.*

*Existing law prohibits a licensed optometrist and a registered dispensing optician from having any membership, proprietary interest, coownership, landlord-tenant relationship, or any profit-sharing arrangement in any form, directly or indirectly, with each other. Existing law prohibits a licensed optometrist from having any membership, proprietary interest, coownership, landlord-tenant relationship, or any profit-sharing arrangement in any form, directly or indirectly, either by stock ownership, interlocking directors, trusteeship, mortgage, trust deed, or otherwise with any person who is engaged in the manufacture, sale, or distribution to physicians and surgeons, optometrists, or dispensing opticians of lenses, frames, optical supplies, optometric appliances or devices or kindred products. Existing law makes a violation of these provisions by a licensed optometrist and any other persons, whether or not a healing arts licensee, who participates with a licensed optometrist subject to a crime.*

*Under existing law, the Medical Board of California is responsible for the registration and regulation of dispensing opticians. Existing law makes the State Board of Optometry responsible for the licensure of optometrists.*

*This bill, until January 1, 2017, would prohibit a registered dispensing optician or optometrist from being subject to discipline by the Medical Board of California, the State Board of Optometry, or other state agency with enforcement authority for engaging in any of the aforementioned business relationships.*

*Existing law makes it unlawful to, among other things, advertise the furnishing of, or to furnish, the services of a refractionist, an optometrist, or a physician and surgeon, or to directly or indirectly employ or maintain on or near the premises used for optical dispensing, a refractionist, an optometrist, a physician and surgeon, or a practitioner of any other profession for the purpose of any examination or treatment of the eyes.*

*This bill, until January 1, 2017, would prohibit a registered dispensing optician from being subject to discipline for engaging in that aforementioned conduct.*

~~Existing law, the Pharmacy Law, provides for the licensure and regulation of pharmacists by the California State Board of Pharmacy within the Department of Consumer Affairs. Existing law authorizes the board to license as a pharmacist an applicant who meets specified requirements, including passage of the North American Pharmacist Licensure Examination. Existing law requires the examination process to meet specified standards and federal guidelines and requires the board to terminate use of that examination if the department determines that the examination fails to meet those standards. Existing law requires the board to report to the now obsolete Joint Committee on Boards, Commissions, and Consumer Protection and the department specified examination pass rate information.~~

~~This bill would instead require the board to report that pass rate information to the appropriate policy committees of the Legislature and the department. The bill would also make nonsubstantive changes to those provisions.~~

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

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

1     *SECTION 1. Section 655.1 is added to the Business and*  
2     *Professions Code, to read:*

3     655.1. (a) *Notwithstanding any other law and on and after*  
4     *January 1, 2016, no dispensing optician registered pursuant to*  
5     *Chapter 5.5 (commencing with Section 2550) or optometrist*  
6     *licensed pursuant to Chapter 7 (commencing with Section 3000)*  
7     *shall be subject to discipline by the Medical Board of California,*  
8     *the State Board of Optometry, or other state agency with*  
9     *enforcement authority for engaging in any business relationship*  
10    *prohibited by Section 655.*

11    (b) *Nothing in this section shall be construed to imply or suggest*  
12    *that a registered dispensing optician or optometrist engaging in*  
13    *any business relationship is in violation of or in compliance with*  
14    *the law.*

15    (c) *This section shall remain in effect only until January 1, 2017,*  
16    *and as of that date is repealed, unless a later enacted statute, that*  
17    *is enacted before January 1, 2017, deletes or extends that date.*

18    *SEC. 2. Section 2556.1 is added to the Business and Professions*  
19    *Code, to read:*

20    2556.1. (a) *Notwithstanding any other law and on and after*  
21    *January 1, 2016, a person registered under this chapter shall not*  
22    *be subject to discipline for engaging in conduct prohibited by*  
23    *Section 2556, except that, a registrant shall be subject to discipline*  
24    *for duplicating or changing lenses without a prescription or order*  
25    *from a person duly licensed to issue the same.*

26    (b) *Nothing in this section shall be construed to imply or suggest*  
27    *that a person registered under this chapter is in violation of or in*  
28    *compliance with the law.*

29    (c) *This section shall remain in effect only until January 1, 2017,*  
30    *and as of that date is repealed, unless a later enacted statute, that*  
31    *is enacted before January 1, 2017, deletes or extends that date.*

32    ~~SECTION 1. Section 4200.3 of the Business and Professions~~  
33    ~~Code is amended to read:~~

34    ~~4200.3. (a) The examination process shall be regularly~~  
35    ~~reviewed pursuant to Section 139.~~

36    ~~(b) The examination process shall meet the standards and~~  
37    ~~guidelines set forth in the Standards for Educational and~~  
38    ~~Psychological Testing and the federal Uniform Guidelines on~~

~~Employee Selection Procedures. The board shall work with the Office of Professional Examination Services of the department or with an equivalent organization who shall certify at minimum once every five years that the examination process meets these national testing standards. If the department determines that the examination process fails to meet these standards, the board shall terminate its use of the North American Pharmacist Licensure Examination and shall use only the written and practical examination developed by the board.~~

~~(e) The examination shall meet the mandates of subdivision (a) of Section 12944 of the Government Code.~~

~~(d) The board shall work with the Office of Professional Examination Services or with an equivalent organization to develop the state jurisprudence examination to ensure that applicants for licensure are evaluated on their knowledge of applicable state laws and regulations.~~

~~(e) The board shall annually publish the pass and fail rates for the pharmacist's licensure examination administered pursuant to Section 4200, including a comparison of historical pass and fail rates before utilization of the North American Pharmacist Licensure Examination.~~

~~(f) (1) The board shall report to the appropriate policy committees of the Legislature and the department as part of its next scheduled review, the pass rates of applicants who sat for the national examination compared with the pass rates of applicants who sat for the prior state examination. This report shall be a component of the evaluation of the examination process that is based on psychometrically sound principles for establishing minimum qualifications and levels of competency.~~

~~(2) This subdivision shall become inoperative on January 1, 2020, pursuant to Section 10231.5 of the Government Code.~~