

AMENDED IN ASSEMBLY MAY 11, 2015

AMENDED IN ASSEMBLY APRIL 30, 2015

AMENDED IN ASSEMBLY APRIL 23, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 684

**Introduced by Assembly ~~Member~~ *Members Alejo and Bonilla*
(~~Coauthor: Assembly Member Alejo~~)**

February 25, 2015

An act to add and repeal Sections 655.1 and 2556.1 of the Business and Professions Code, relating to healing arts, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 684, as amended, ~~Bonilla~~ *Alejo*. 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.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. 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, law,~~ no dispensing optician registered pursuant
- 5 to 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

1 any business relationship is in violation of or in compliance with
2 the law.

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4 and as of that date is repealed, unless a later enacted statute, that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

6 SEC. 2. Section 2556.1 is added to the Business and Professions
7 Code, to read:

8 2556.1. (a) Notwithstanding any other ~~law and on and after~~
9 ~~January 1, 2016, law~~, a person registered under this chapter shall
10 not be subject to discipline for engaging in conduct prohibited by
11 Section 2556, except ~~that~~, *that* a registrant shall be subject to
12 discipline for duplicating or changing lenses without a prescription
13 or order from a person duly licensed to issue the same.

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

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18 and as of that date is repealed, unless a later enacted statute, that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

20 SEC. 3. This act is an urgency statute necessary for the
21 immediate preservation of the public peace, health, or safety within
22 the meaning of Article IV of the Constitution and shall go into
23 immediate effect. The facts constituting the necessity are:

24 In order to protect various businesses, opticians, and optometrists
25 who engage in a business relationship that is prohibited by Section
26 655 *or* 2556 of the Business and Professions Code from discipline
27 by the Medical Board of California, the State Board of Optometry,
28 or other state agency with enforcement authority while the
29 Legislature, with the assistance of appropriate regulatory agencies,
30 develops a model that will allow California businesses to provide
31 services to patients and also protect the interests of practitioners,
32 it is necessary that this act take effect immediately.