

AMENDED IN SENATE APRIL 6, 2015

**SENATE BILL**

**No. 496**

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**Introduced by Senator Nguyen**

February 26, 2015

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An act to amend Section 3057.5 of, *and to add Section 3058 to*, the Business and Professions Code, relating to healing arts, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 496, as amended, Nguyen. Optometry: graduates of a foreign university: ~~examinations~~. *examinations and licensure*.

Existing law, the Optometry Practice Act, creates the State Board of Optometry, which licenses optometrists and regulates their practice. Existing law provides that the State Board of Optometry is required, by regulation, to establish educational and examination requirements for licensure to ensure the competence of optometrists to practice. Existing law requires an applicant for licensure to submit an application that is provided under oath and to pay a prescribed fee. All fees are deposited in the Optometry Fund, which is continuously appropriated to the board to administer the act. Any violation of the act is a crime.

Existing law authorizes the board to permit a graduate of a foreign university who meets specified requirements to take the examinations for an optometrist license.

This bill would revise the license examination requirements for a graduate of a foreign university to, among other things, require submission of an application and payment of a prescribed fee. *This bill would also authorize the board to issue a license to a graduate of a foreign university who meets specified requirements, including requirements that the applicant have permission to take the examinations*

*for an optometrist license, submit an application on a form approved by the board, and pay a prescribed fee for an application for licensure.* By increasing the amount of moneys deposited into a continuously appropriated fund, this bill would make an appropriation. Because the application would be required to be provided under oath, this bill would expand the scope of an existing crime and create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: yes.

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

- 1 SECTION 1. Section 3057.5 of the Business and Professions
- 2 Code is amended to read:
- 3 3057.5. (a) Notwithstanding any other provision of this chapter,
- 4 the board shall permit a graduate of a foreign university who meets
- 5 all of the following requirements to take the examinations for an
- 6 optometrist license:
- 7 (1) Is over 18 years of age.
- 8 (2) Is not subject to denial of a license under Section 480.
- 9 (3) Has obtained any of the following:
- 10 (A) A degree as a doctor of optometry issued by a university
- 11 located outside of the United States.
- 12 (B) A degree from a school of optometry program located
- 13 outside of the United States that has a minimum of a four year or
- 14 equivalent curriculum leading to an optometry license in the
- 15 country where the program is located.
- 16 (C) A degree from a school of medicine located outside of the
- 17 United States and completed the necessary requirements to practice
- 18 in the field of ophthalmology in the country where the school of
- 19 medicine is located.
- 20 (4) Submits an application to obtain a letter of sponsorship on
- 21 a form approved by the board.
- 22 (5) Pays to the board the fee for an application for licensure
- 23 prescribed in subdivision (a) of Section 3152.

(b) (1) A graduate of a foreign university shall provide to the board any supporting documents requested by the board to establish that the requirement of paragraph (3) of subdivision (a) has been met. These supporting documents may include, but are not limited to, a curriculum vitae, official examination score, certificate of optometric or medical education, official school transcript, certified copy of optometric or medical diploma, official English translation, certificate of completion of postgraduate training, and certificate of clinical training.

(2) Every document provided pursuant to this subdivision shall be in English or translated into English by a certified United States translation service approved by the board.

(c) The board shall require a graduate of a foreign university to obtain an evaluation of his or her official school transcript by an education evaluation service approved by the board. The board shall determine from the evaluation whether the applicant has met the educational requirements that are reasonable and necessary to ensure that an optometrist has the knowledge to adequately protect the public health and safety.

(d) Notwithstanding paragraph (3) of subdivision (a), if a graduate of a foreign university does not meet the educational requirements that are reasonable and necessary to ensure that an optometrist has the knowledge to adequately protect the public health and safety, the board may establish alternative education requirements for the graduate of a foreign university to meet in order to ensure this knowledge. A graduate of a foreign university shall provide any supporting documents requested by the board to establish that these requirements are met.

(e) The board shall issue a letter of sponsorship, or its equivalent, required by the National Board of Examiners in Optometry, or its equivalent, to permit a graduate of a foreign university to take all examinations required for licensure. This letter of sponsorship shall expire two years from the date of issuance.

*SEC. 2. Section 3058 is added to the Business and Professions Code, to read:*

*3058. (a) The board may issue a license to practice optometry to a person who meets all of the following requirements:*

*(1) Has obtained permission to take the examinations for an optometrist license pursuant to Section 3057.5.*

*(2) Has successfully passed the required examinations.*

1     (3) *Is not subject to denial of a license under Section 480.*

2     (4) *Has met the requirements described in paragraphs (1) to*  
3 *(5), inclusive, of subdivision (b) of Section 3041.3.*

4     (5) *Has provided the board with any other information requested*  
5 *by the board to the extent necessary to determine that the person*  
6 *has met the requirements for licensure under this chapter.*

7     (6) *Has submitted an application on a form approved by the*  
8 *board.*

9     (7) *Pays the fee for an application for licensure prescribed in*  
10 *subdivision (a) of Section 3152.*

11     (8) *Has no physical or mental impairment related to drugs or*  
12 *alcohol and has not been found mentally incompetent by a licensed*  
13 *psychologist or licensed psychiatrist so that the person is unable*  
14 *to undertake the practice of optometry in a manner consistent with*  
15 *the safety of a patient or the public.*

16     (b) *A license issued pursuant to this section shall expire as*  
17 *provided in Section 3146 and may be renewed as provided in this*  
18 *chapter, subject to the same conditions as other licenses issued*  
19 *under this chapter.*

20     ~~SEC. 2.~~

21     SEC. 3. No reimbursement is required by this act pursuant to  
22 Section 6 of Article XIII B of the California Constitution because  
23 the only costs that may be incurred by a local agency or school  
24 district will be incurred because this act creates a new crime or  
25 infraction, eliminates a crime or infraction, or changes the penalty  
26 for a crime or infraction, within the meaning of Section 17556 of  
27 the Government Code, or changes the definition of a crime within  
28 the meaning of Section 6 of Article XIII B of the California  
29 Constitution.