

Date of Hearing: May 5, 2021

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Lorena Gonzalez, Chair

AB 691 (Chau) – As Amended April 5, 2021

Policy Committee: Business and Professions

Vote: 19 - 0

Urgency: Yes

State Mandated Local Program: Yes

Reimbursable: No

SUMMARY:

This urgency bill allows optometrists to administer COVID-19 tests and vaccinations. Specifically, this bill:

- 1) Adds immunization for SARS-CoV-2 (commonly referred to as COVID-19) to the list of immunizations a qualified optometrist is authorized to administer.
- 2) Authorizes optometrists, under their scope of practice, to perform simple laboratory tests for COVID-19

FISCAL EFFECT:

Costs to the Board of Optometry in the Department of Consumer Affairs are expected to be minor and absorbable (Optometry Fund). The board notes if 500 additional optometrists apply for the certificate that allows them to administer immunizations in the first year, and if an 100 additional optometrists apply per year thereafter, it would generate revenues ranging of \$25,000 in year one to \$5,000 per year ongoing.

COMMENTS:

- 1) **Purpose.** This bill is sponsored by the California Optometric Association to authorize optometrists to administer COVID-19 tests and vaccinations. The author argues this bill will help control the pandemic.
- 2) **Vaccines.** On March 30, 2020, the Governor signed an executive order that created a new process for boards and the public to request waivers of requirements related to healing arts professional licensing through the DCA. Through this waiver process, the DCA has issued multiple waivers of law to authorize various healing arts licensees to order and administer the COVID-19 vaccine, including optometrists.

Optometrists are currently authorized under law to offer vaccines for influenza, shingles and pneumococcus, pursuant to an optional additional certification. This bill would add COVID-19 vaccines to the list of authorized vaccines.

- 3) **Testing.** Federal and state law jointly govern the provision of laboratory services. The federal Clinical Laboratory Improvement Amendments statute (CLIA) is the federal framework for laboratory oversight. Simple tests are considered “waived” under CLIA. These tests are cleared by the FDA for home use, employ methodologies that are so simple

and accurate as to render the likelihood of erroneous results negligible or pose no reasonable risk of harm to the patient if the test is performed incorrectly.

CDPH regulates laboratories and laboratory personnel on behalf of the state and federal government. Optometrists can already perform simple laboratory tests considered “waived” under federal law, but only within their scope of practice. Accordingly, this bill adds COVID-19 tests to an optometrist’s scope.

- 4) **Related Legislation.** AB 526 (Wood), an urgency bill pending in this committee, authorizes both dentists and doctors of podiatric medicine to independently prescribe and administer influenza and COVID-19 vaccines and authorizes dentists to administer laboratory tests of low complexity, such as rapid point-of-care tests for COVID-19.
- 5) **Support.** The California Optometric Association (COA) argues this bill is necessary to make the state’s new COVID-19 vaccination authority permanent. COA asserts it makes no sense to require optometrists to undergo 21 hours of vaccine training required by the wavier and then not allow them to administer vaccines when the state of emergency is over, especially as most experts expect ongoing booster shots might be needed. COA also argues more testing by all health care providers will help slow and stop the spread of the virus.
- 6) **Opposition.** The California Association for Medical Laboratory Technology (CAMLT) has an “oppose unless amended” position on this bill. CAMLT argues testing for COVID-19 is not within the scope of optometry and that the scope of optometry should remain restricted to tests necessary for the diagnosis of conditions and diseases of the eye and related areas. CAMLT opposes this bill unless the provisions allowing for optometrists to perform CLIA-waived tests for COVID-19 are removed.

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