



What's inside

Optometric education	1
Law examination workshops.....	2
Scams to look out for.....	3
Glaucoma certificate.....	4
Disciplinary and enforcement actions.....	7
Board meetings	8
The Board has moved	8

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New continuing optometric education opportunities available!

The Board has adopted a regulation, effective June 17, 2011, that increases continuing optometric education (CE) opportunities for California optometrists. The Board is hopeful that the following CE will not only keep optometrists current on the practice of optometry, but apprised on new trends in the profession at home and nationwide.

- Up to eight credit hours for course work in ethics in the practice of optometry.
- Up to two credit hours for a full day's attendance of a Board meeting.
- Up to four credit hours for course work to receive certification in cardiopulmonary resuscitation (CPR) from the American Heart Association, the American Red Cross or other association approved by the board.
- The ability for the Board to recognize and utilize the Association of Regulatory Boards in Optometry's (ARBO) Optometric Education (OE) Tracker system as proof of CE course attendance.
- The ability for the Board to grant an extension, in its discretion if good cause exists, to licensees who are unable to complete sufficient hours of CE.

REMINDER: Effective January 8, 2011, in order to renew an "active" license, the law requires licensed optometrists who are TPG or TLG certified to follow the same continuing education requirements as a TPA certified optometrist, with one additional requirement. Pursuant to California Code of Regulations (CCR) section 15711 (b), licensed optometrists that are glaucoma certified are required to complete 10 hours of glaucoma specific continuing education every license renewal period. These 10 hours shall be part of the 35 hours in the diagnosis and treatment and management of ocular disease.

Upcoming law examination workshops

Earn up to eight continuing optometric education credits and the opportunity to contribute to the profession of optometry.



Experts have the opportunity to meet and work with other licensed optometrists from around the State on the development, review, and grading of the California Laws and Regulations Examination. Many experts find the experience very rewarding and choose to return year after year.

To sign up, please go to www.optometry.ca.gov/licensee/workshops.shtml to print out and fill out a registration form. Please contact Andrea Leiva at andrea.leiva@dca.ca.gov for questions regarding the workshops.

November 13-14, 2011 (Sunday and Monday): Item Writing and Review Workshop

Purpose: To review the current questions in the California Laws and Regulations Examination and to write new questions. Participants will receive training on how to write an exam question and will work in conjunction with a testing specialist to develop examination questions.

8 CE CREDITS

December 5, 2011 (Monday): Exam Construction

Purpose: In this workshop, subject matter experts will select potential questions for the 2011-2012 California Laws and Regulations Examination. Participants will evaluate items for each content area included in the examination and select those that best represent the knowledge required for entry into the profession.

4 CE CREDITS

January 23, 2012 (Monday): Passing Score

Purpose: This workshop establishes the passing score of the 2011-2012 California Laws and Regulations Examination. Under the facilitation of a testing specialist, participants will apply minimum competence standards to establish a criterion-referenced passing score.

4 CE CREDITS

February 26-27, 2012 (Sunday and Monday): Item Writing and Review Workshop

Purpose: To review the current questions in the California Laws and Regulations Examination and to write new questions. Participants will receive training on how to write an exam question and will work in conjunction with a testing specialist to develop examination questions.

8 CE CREDITS

March 26, 2012 (Monday): Exam Construction

Purpose: In this workshop, subject matter experts will select potential questions for the 2011-2012 California Laws and Regulations Examination. Participants will evaluate items for each content area included in the examination and select those that best represent the knowledge required for entry into the profession.

4 CE CREDITS

April 23, 2012 (Monday): Passing Score

Purpose: This workshop establishes the passing score of the 2011-2012 California Laws and Regulations Examination. Under the facilitation of a testing specialist, participants will apply minimum competence standards to establish a criterion-referenced passing score.

4 CE CREDITS

Scams to look out for when renewing your fictitious name

Always know who you are dealing with or your renewal may be late!

Optometrists who use a third party business to assist in the renewal of their fictitious name may find that they are paying too much for a relatively inexpensive permit, or that their payments are not reaching the correct State entity at all. The Board has received several complaints from local optometrists who attempted to renew their fictitious name through an outside business, rather than directly with the Board of Optometry or their county recorder. This can result in unnecessary late fees or disciplinary action by the Board due to an expired permit.

These companies, located in the Sacramento and Los Angeles areas, claim to file regulatory paperwork for business owners throughout the State. They typically charge a fee to register or change fictitious names of corporations with the Secretary of State or renew or change the names on city and county business licenses. Unfortunately, they pocket the funds and do not end up turning in anything to any State agency.

To avoid late fees and the expiration of your fictitious name, all applications and renewal fees must be submitted directly to the Board of Optometry at the following address:

California State Board of Optometry

Attn: Licensing Unit
2450 Del Paso Road, Suite 105
Sacramento, CA 95834

Remember, the Board sends renewal notices approximately 60 days before a fictitious name will expire. Applying, renewing or changing a license or corporation name may be done through the Board of Optometry or other appropriate State agency without additional cost. To make sure you are sending your information to the correct location, always call the State agency directly to verify, not the third party business.

If you receive any suspicious mail soliciting fees to act on your behalf or as an intermediary for licensing or changing a business name, contact the Board of Optometry, local police or sheriff's department, and the Better Business Bureau to report the suspected fraud. Complaints can also be filed with the Attorney General's Office. Look for the following text on suspicious mail required by Business and Professions Code section 17533.6 (a) as a key that the document is a scam:

This service has not been approved or endorsed by any government agency, and this offer is not being made by an agency of the Government. The fee for this service is not required to be paid by or to any government agency. This is not a bill. This is a solicitation. You are under no obligation to pay the amount stated, unless you accept the offer.

Board of Optometry Enforcement Program seeks experts

The Board of Optometry Enforcement Program is seeking qualified optometrists with the professional and educational background required to review case materials, prepare written reports, and possibly testify at administrative hearings as an expert witness on behalf of the Board. Expert witnesses must meet the following requirements:

- Possess a current and active California optometric license.
- Have five or more years of experience and expertise in one of the areas listed above AND current employment in that setting.
- No prior or current charges or discipline against any healthcare related license in California or in any other place of licensure.
- No criminal convictions, including any that were expunged or dismissed.

If you meet the requirements and are interested in serving as an expert witness for the Board, please complete the application which can be obtained at www.optometry.ca.gov/formspubs/recruit_experts.pdf and follow the instructions carefully.

Send the application and your resume including your practice history to:

Board of Optometry
Attn: Enforcement Program
2450 Del Paso Road, Suite 105
Sacramento, CA 95834

Glaucoma certificate update and frequently asked questions

The lawsuit filed by the California Medical Association (CMA) and the California Academy of Eye Physicians and Surgeons (CAEPS) challenging the validity of the glaucoma certification regulation has finally come to an end. In the May 2, 2011, ruling, the judge found that: (1) the Board acted within its rulemaking authority under Business and Professions Code Section 3025 and no abuse of discretion was shown; and (2) CMA and CAEPS did not demonstrate standing in their arguments against the regulation. CMA and CAEPS had a 60-day period to appeal the judge's ruling, which ended on July 26, 2011. No appeal was received from either party thus marking the end of the lawsuit. The Board is pleased to be able to continue to certify qualified optometrists who are interested in becoming glaucoma certified, and to have assisted the legislature in protecting the public with these regulations and increasing much needed access to care.

In order to streamline the glaucoma certification process, below are some frequently asked questions regarding the requirements for certification and how to fill out the application and documentation form.

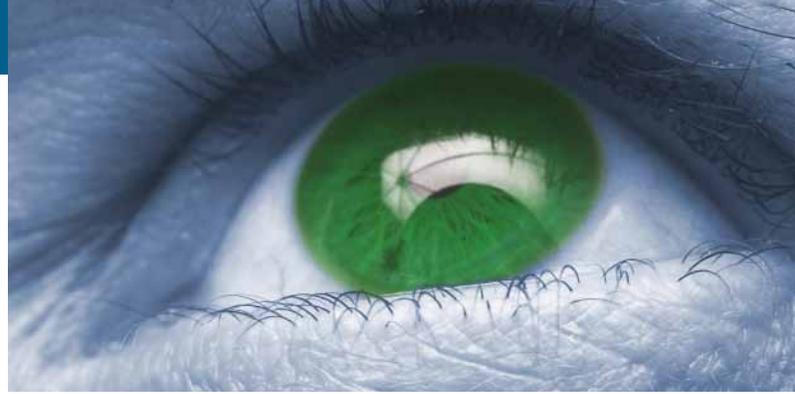
Out of State Optometrists

Q. I am currently certified to treat glaucoma in a state outside of California. If I decide to become licensed by the California State Board of Optometry, would my glaucoma certification be recognized?

A. In order to treat glaucoma in the State of California, an out-of-state optometrist must first obtain the following: (1) a license to practice in California (see Business and Professions Code (BPC) section 3057); and (2) TPA certification (see BPC section 3041.3(d)). For glaucoma certification, there is no special "out-of-state" status or category. You will need to meet the requirements for whatever category you fit under in BPC section 3041(f), before you may treat glaucoma in the State of California.

Case Management Course

Q. Can I take the case management course at the Southern California College of Optometry and then take it again at the University of California, Berkeley? I would be taking the course at two different schools, so that should be OK right?



A. No. You are still taking the same course twice and there is no educational value in repeating a course.

Q. Can I take the case management course twice in a row or the grand rounds program twice in a row to meet the 25-patient requirement?

A. No. There would be no educational value in repeating a course.

The following are the Board's recommended combinations to meet the 25-patient case management requirement:

Combination 1:
Case Management Course
Grand Rounds Program

Combination 2:
Case Management Course
Preceptorship Program

Combination 3:
Grand Rounds Course
Preceptorship Program

Combination 4:
Preceptorship Program

Preceptorship Program

Q. Can I use glaucoma suspects in the preceptorship program?

A. No. The patient must be diagnosed with glaucoma.

Q. I noticed that in the proposed regulations, a preceptor can be either an ophthalmologist or a glaucoma certified optometrist. I've just hired an optometrist who graduated this year. Because she is TLG certified, I want to have her be my preceptor so I can become glaucoma certified. Is that OK?

A. No. A glaucoma certified optometrist must have been glaucoma certified for two or more years prior to becoming a preceptor.

Q. Do I have to begin seeing my 25 glaucoma patients on or after January 8, 2011? I've been following glaucoma patients in nursing homes this past year under the supervision of an ophthalmology group so I'm not sure if I can use those residents and their initial dates of treatment since they are earlier than January 8, 2011.

A. Yes, the 25 patients must be seen starting January 8, 2011, or after for 12 consecutive months. Between the dates of January 1, 2010, to January 7, 2011, (about one year) there was no provision in law for California licensed optometrists to become glaucoma certified unless you graduated from one of the schools or colleges of optometry on May 1, 2008, or after. Optometrists who began the co-management program (50 patients for two years with an ophthalmologist) under Senate Bill 929 (Polanco, Chapter 676, Statutes of 2000) between the dates of January 1, 2001, and December 31, 2009, may be given credit for patients that were co-managed with an ophthalmologist. There are two groups of optometrists that can choose to do the preceptorship program:

Group One: Optometrists who began the co-management program (50 patients for 2 years with an ophthalmologist) under SB 929 between the dates of January 1, 2001, and December 31, 2009.

Pursuant to the recently approved regulations California Code of Regulations (CCR) Section 1571 (f), licensees who started the process for certification to treat glaucoma under SB 929 but will not complete the requirements by December 31, 2009, may apply all patients who have been co-managed prospectively for at least 12 consecutive months towards the case management requirement indicated in subsection (a) of CCR Section 1571.

Group Two: Optometrists who have not started any sort of co-management program. This group needs to begin counting patients and 12 consecutive months on January 8, 2011, or after.

Q. I am an optometrist that has been glaucoma certified for three years. There are four other optometrists in my office who are not glaucoma certified and would like me to be their preceptor. Since we all work in the same practice, can we share the same patients?

A. Although the law does not indicate that this is not possible, remember that each optometrist must do all the steps required in the preceptorship program when treating the patient. A minimum of 25 individual patients must each be prospec-

tively treated for a minimum of 12 consecutive months. The preceptorship option is not another version of the Grand Rounds Program. The intention of the preceptorship program is for an optometrist to treat 25 of their own individual patients each in order to maximize the learning experience.

Q. I have an active license in California and Texas, but I currently live and work in Texas. Can I do the preceptorship program in Texas with a Texas glaucoma certified optometrist or ophthalmologist?

A. No. The preceptor must be:

- 1) A California licensed, Board certified ophthalmologist in good standing; or
- 2) A California licensed optometrists in good standing, who has been glaucoma certified for two or more years. (CCR Section 1571 (A)(4)(C))

Q. My preceptor is a glaucoma certified optometrist. Who writes the prescriptions for the patients?

A. Your preceptor must write all prescriptions throughout the preceptorship program. You may only "treat" as defined in CCR Section 1571 (A)(4):

"For purposes of this section, 'treat' means properly evaluating the patient, performing all necessary tests, diagnosing the patient, recognizing the type of glaucoma within a licensee's scope of practice, creating a treatment plan with proposed medications and target pressures, ongoing monitoring and re-evaluation of the patient's condition, and making timely referrals to an ophthalmologist when appropriate."

Didactic Course

Q. If I graduated from the Southern California College of Optometry on May 1, 2003, do I have to take the didactic course?

A. No, you don't have to take the didactic course. According to CCR Section 1571 (d), licensees who graduated from an accredited school or college of optometry after May 1, 2000, are exempt from the didactic course.

Q. Do I have to provide proof of completion of the 24-hour didactic course with my application for glaucoma certification?

A. You don't have to provide a copy of your certificate of completion, but you will have to indicate on the application if you took the course or not, where you took the course and when you completed it. You will also have to sign the application and certify by penalty of perjury that what you are

claiming on the application is true and correct. Be prepared to provide a copy of your certification of completion of the 24-hour didactic course in the event the Board conducts an audit at a later date.

Q. I completed a 24-hour didactic course out of state. Can I apply that to the didactic course requirement or do I need to take it again in California?

A. If you graduated from an accredited school or college of optometry anywhere in the United States on or after May 1, 2000, you would be exempt from the 24-hour didactic course. If you graduated from an accredited school or college of optometry anywhere in the United States but did not take the 24-hour didactic course, then you will have to take the course, and it can be taken in California or anywhere the course is offered.

Q. I am an ophthalmologist who is interested in becoming a preceptor. Can I charge to be a preceptor?

A. At this time there is nothing in law that prevents a preceptor from requesting payment for their services.

Application and Documentation Form

Q. On the documentation of co-management form, regarding the date of initial evaluation, date of diagnosis confirmed and treatment planned approved, and the date of the therapeutic goals and management plan approved, can they all be the same date? My preceptor usually sees the patient and sends out a report that day with confirmation of all of the above.

A. Yes, this is fine, as it does not specify otherwise in CCR section 1571.

Q. For the consultation dates on the documentation of co-management form, do we only indicate the intervals between consultation dates that the preceptor and I have agreed upon as clinically appropriate for the patient? For example, three, or four months?

A. No. You will need to document the actual dates that you consulted with the patient i.e., visit 1 - May 1, 2011; visit 2 - July 1, 2011, etc.

Q. I began the glaucoma certification process established under SB 929 and was only able to treat 45 patients before the process became obsolete on December 31, 2009. I already filled out the old form and application and have been saving them to submit to the Board when the new law came into effect. Can I turn in the old form and application, or do I have to fill out the new documentation form and application?

A. You will have to fill out the new documentation form and application.

General Questions

Q. Now that I am glaucoma certified, I'm thinking about working for a private or HMO plan in California. All I need is my glaucoma certification to bill for my services, right?

A. No. In order to bill for services provided for glaucoma, California private and HMO plans would have to allow optometrists to be on a medical panel. Very few, if any plans, are allowing this at this time. If you treat patients under the Medi-Cal program, you may bill any procedure necessary to treat the patient. Please check with each plan you are a provider for to obtain the full details, as this information may not apply to all private and HMO plans.

Visit the Board's Web site at www.optometry.ca.gov/lawsregs/approvedreg.shtml to view the entire approved regulation.



Disciplinary and enforcement actions

The following is a list of disciplinary and enforcement actions taken by the Board in 2011:

Probation

Dea, Marc (OPT 11124)
San Lorenzo, CA

Stipulated Decision. Displayed unprofessional conduct involving gross negligence, incompetence, failure to refer to (an) appropriate physician, and failure to maintain adequate records. Effective February 18, 2011, respondent's license is revoked, the revocation is stayed, and respondent is placed on three years probation.

McEldowney, Phillip (OPT 9742)
Garden Grove, CA

Adopted Decision. Effective February 18, 2011, respondent's license is revoked, the revocation is stayed, and respondent is placed on five years probation for failure to abide by the following terms and conditions of his previous probation: failure to submit written reports, failure to obtain an approved supervisor, failure to take law portion of licensing examination, and failure to take an ethics course.

Nell, Edward (OPT 6522)
Santa Clara, CA

Stipulated Decision. Displayed unprofessional conduct involving conviction of a crime substantially related to the qualifications, functions, or duties of an optometrist; and using alcoholic beverages in a manner dangerous to oneself or others. Effective February 18, 2011, respondent's license is revoked, the revocation is stayed, and he is placed on five years probation following certain terms and conditions.

Nguyen, Huyen (OPT 10148)
Sacramento, CA

Stipulated Decision. Stipulated Decision. Effective May 18, 2011, respondent's license is revoked, the revocation is stayed, and respondent is placed on five years probation for failure to abide by the following terms and conditions of her previous probation: failure to obey all laws, failure to submit timely written reports, failure to comply with supervision requirements, and failure to comply with cost recovery program.

Gibson, Brent (OPT 10198)
Long Beach, CA

Stipulated Decision. Effective August 4, 2011, respondent's license is revoked; the revocation is stayed and his license is placed on three years probation for conviction of felony possession of a controlled substance and misdemeanor theft.

Pending Accusations

Armstrong, Robert (OPT 4890)
Woodland Hills, CA

Accusation Pending. Demonstrated gross negligence for failure to properly refer a patient to a physician. The California State Board of Optometry proposes that Dr. Armstrong's license be revoked or suspended.

Accusation Dismissed

Millie, Elise (OPT 13430)
Tampa, FL

Effective August 10, 2011, the first amended accusation against respondent is dismissed.

Revoked

Cornelison, Brett (OPT 9861)
Porterville, CA

Default Decision. Effective May 19, 2011, respondent's license is revoked for failure to abide by the following terms and conditions of his probation: failure to comply with Probation Surveillance Program, failure to appear at orientation interview, failure to provide an explanation of noncompliance, failure to submit a plan for another optometrist to monitor his practice, failure to maintain contact with the California Board of Optometry, and failure to submit a plan of reimbursement to the Board.

Metcalf, Tina (OPT 11705)
Via Princessa, CA

Revocation of License by Default. Displayed unprofessional conduct for two convictions of a blood-alcohol content of 0.8 percent or higher and dangerous use of alcoholic beverages. Effective April 7, 2011, respondent's license is revoked.

Vaughan, Collin (OPT 12990)
Merced, CA

Adopted Decision. Displayed unprofessional conduct involving conviction of a crime substantially related to the qualifications, functions, or duties of an optometrist; and using alcoholic beverages in a manner dangerous to oneself or others. Effective February 25, 2011 respondent's license is revoked.

Young, Lawrence (OPT 8618)
Fontana, CA

Adopted Decision. Effective February 12, 2011, respondent's license is revoked for failure to abide by the following terms and conditions of his probation: failure to submit patient records, failure to obey all laws, failure to provide written quarterly reports, failure to function as an optometrist, failure to complete (an) optometry course, failure to comply with community services provision, and failure to comply with the cost recovery agreement.

Surrendered

Matson, Christine (OPT 7990)
Brea, CA

Stipulated Surrender of License. Effective July 29, 2011, respondent surrendered her license because she was unable to satisfy the conditions of her four-year probation for a conviction of driving with a blood-alcohol level at or greater than 0.08 percent and demonstrating unprofessional conduct by self-administering controlled substances and/or dangerous drugs.

Weinberg, Scott (OPT 8136)
Walnut Creek, CA

Stipulated Surrender of License. Demonstrated unprofessional conduct. Convicted of six counts of arson. Effective February 17, 2011, respondent's license is voluntarily surrendered.

2011 tentative board meeting dates

December 2, 2011

Location | [Southern California College of Optometry](#)

The Board is working with schools and colleges of optometry to hold Board meetings on their campuses. The Board would like to take those opportunities to interact with California's future optometrists and would like to invite all interested optometrists and individuals to attend.

For the most current Board Meeting dates and locations, log on to www.optometry.ca.gov and go to "Board Meetings" under "Quick Hits"



The Board of Optometry has moved!

As of August 4, 2011, the Board of Optometry's address has changed to:

**2450 Del Paso Road, Suite 105
Sacramento, CA 95834**

Keep up with the news

Are you interested in the Board of Optometry's latest actions? If so, join our subscriber's list to get e-mail updates of:

- > Meeting agendas
- > Regulation and law changes
- > Newsletters
- > Subject matter expert workshops

To sign up, go to www.optometry.ca.gov and select the green "Join Our Mailing List" button.



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