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Celebrating our Centennial

1913 CALIFORNIA STATE BOARD OF OPTOMETRY CENTENNIAL ONE CENTURY of CONSUMER PROTECTION 2013

The Board is celebrating! One hundred years ago, California became the third state to recognize the profession of optometry and enacted the Optometry Practice Act. Since 1913, the Board has licensed and regulated the profession of optometry to protect the health and safety of California's consumers.

Among the most recent accomplishments over the last 100 years, the Board has:

- 1) Implemented a more streamlined certification process for the treatment of glaucoma, which increased access to care for consumers.
- 2) Established a retired license status and a volunteer retired license status, giving retired optometrists a designation they can be proud of, save them money, and eliminate the risk of going into a delinquent status.
- 3) Implemented Uniform Standards Related to Substance Abuse as directed by the Legislature to better protect consumers from substance abusing licensees.
- 4) Established requirements for the practice of optometry at nursing homes. These much needed requirements clarified the law- and set minimum standards for this new, non-traditional optometric practice setting.
- 5) Started using social media (Facebook and Twitter) to reach more licensees and consumers.
- 6) Participated in the successful accreditation of the new Western University of Health Sciences, College of Optometry.

The Board is excited to continue its longstanding history of ensuring the highest quality care in optometric services and looks forward to the next 100 years.

Advertising Reminders



Despite previous outreach efforts, the bulk of the Enforcement Unit's complaints stem from alleged advertising violations. The following is a refresher of the Board's advertising-related Business and Professions Codes (BPC) and California Code of Regulations (CCR). The codes can be found in their entirety on the Board's Web site, www.optometry.ca.gov/lawsregs/laws.pdf. The Board may cite any optometrist for not complying with these laws; don't put yourself at risk!

Fictitious Name Permit (FNP)

Do you have a catchy business name? Make sure that you have a current Board-issued FNP. If you wish to practice under any name other than your Board-registered name, you must receive a FNP prior to using it; otherwise, you may be in violation of BPC § 3078. Keep in mind that your FNP must contain "Optometry" or "Optometric" in order for it to be approved. Once issued, your FNP must be used in its entirety—no abbreviations or nicknames.

Using Doctor or Dr. Suffix

When using your name after Doctor or Dr. in an advertisement (including business devices), you must remember to notify the public of your profession with "Optometrist," "Opt. D.," or "O.D." immediately following your name (BPC § 3098).

Statement of Licensure (SOL)

Remember that BPC § 3070 has changed! Previous exemptions have been deleted and "Temporary practice" has been defined. If you are practicing at a location other than your principal place of practice for more than five calendar days in a 30-day period or more than 36 days in a calendar year, you must have a current Board issued SOL. Any optometrist who holds a branch office license (BOL) is not required to obtain a SOL to practice at that branch office.

Address Change Notification

Have you recently changed practice locations? Make sure you notify the Board! BPC § 3070 also requires you to notify the Board "of any changes in [your] place of practice." To avoid a potential citation, make sure to notify the Board in writing before engaging in the practice of optometry at your new location. Also, if you had a BOL, SOL or FNP tied to your previous location, remember to cancel those and have new licenses/permits issued as applicable.

Claiming Special Knowledge

Don't do it! Stating that you "specialize" in certain aspects of optometry or claiming specialties such as a "Behavioral Optometrist," "Developmental Optometrist," "Pediatric Optometrist," etc. may violate BPC §§ 3099, 3100, and 651.

"Board Certified"

The Board does not recognize any organization's board certification. If you are certified by an organization, make sure to state the organization certifying you. Otherwise, it could be considered misleading to the public (BPC § 651). Also, be careful not to indicate that you have special knowledge because you have that certification (BPC § 3100). However, if you are TPA, TPL, or TPG certified, you may state that you are TPA, TPL, or TPG certified by the California State Board of Optometry.

Advertising "Free Eye Exams"

Optometrists can advertise free eye exams as long as all contingencies tied to the "free exam" are fully disclosed in the same advertisement (BPC § 3102).

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Renew your SOL, FNP, and BOL

A review of Board records indicates many BOLs, FNPs, and SOLs are delinquent. Make sure yours are current. BOLs expire annually on February 1 (BPC § 3077). FNPs expire annually on January 1 (CCR § 1518) and SOLs expire biennially (BPC § 3152) at the same time as your OPT license.

Prescribing Latisse is not allowed

The Board is aware that many optometrists are still offering and/or providing prescriptions for Latisse (a product by Allergan to treat eyelash hypotrichosis). Eyelash hypotrichosis is not a condition optometrists can treat and is considered outside an optometrist's scope of practice (BPC § 3041). Offering and/or providing Latisse prescriptions may be considered unprofessional conduct (BPC § 3110) and is subject to citations or disciplinary action.

Failure to comply with the above may result in a citation or disciplinary action. If you have any questions regarding these or other advertising laws, please contact the Board's Enforcement Unit at (916) 575-7170.

The Board passes Sunset Review

The Board was evaluated in March by the Legislature's Joint Sunset Review Committee. Sunset review is required of all licensing boards every four years, or by the expiration date established by law. The review focuses on the overall necessity of an agency, its cost-effectiveness, and measures its successes and failures. At the conclusion of the review, the Committee may:

- Let the agency expire at the sunset date, or
- Continue the agency; and may
- Make recommendations for improving operations, and/or
- Suggest legislation to aid the agency's mandate.

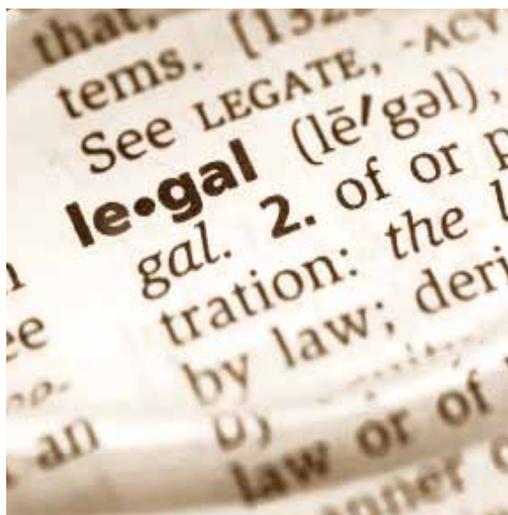
The Board passed with flying colors at its hearing on March 11, 2013, and was commended by the Committee for its hard work in successfully meeting its highest mandate; protection of the public. The Board's sunset date was extended in Senate Bill 305 (Price) from January 1, 2014, to January 1, 2018. The Board had not been evaluated since 2002.

To review the Board's Sunset Review Report, go to the Forms and Publications page at: www.optometry.ca.gov/formspubs/index.shtml.



Disciplinary and Enforcement Actions

The following is a list of disciplinary and enforcement actions taken by the Board in 2013.



Fry, Stephen Eugene (OPT 6220) Chula Vista, CA

On May 9, 2013, an Accusation was filed against the license of Stephen Eugene Fry, alleging violations of BPC § 136(a): Failure to Notify the Board of Change of Mailing Address; BPC § 3007: Failing to Retain Patient Records; BPC § 3070(a): Failing to Notify the Board of a Change of Address; BPC § 3110(b), (c), (q): Unprofessional Conduct-Gross Negligence, Repeated Negligent Acts, Failing to Maintain Adequate and Accurate Records; CCR, title 16 § 1510: Professional Inefficiency for Failing to Keep an Accurate Record of Findings; and BPC § 3110(a): Unprofessional Conduct-Violation of Rules and Regulations Adopted by the Board.

Kwon, Soon Hyung (OPT 11681) Anaheim, CA

On June 12, 2013, an Accusation was filed against the license of Soon Hyung Kwon, alleging violations of BPC § 810(a)(1) and (a)(2): Unprofessional Conduct – Insurance Fraud; BPC § 3105: Altering, Modifying or Creating Medical Record With Fraudulent Intent; BPC § 3106: Unprofessional Conduct – False Documents Related to Optometry; and BPC § 3110(e): Unprofessional Conduct – Fraud, Misrepresentation, Dishonesty or Corruption.

Nguyen, Mai-Anh C. (OPT 11482) San Jose, CA

On February 12, 2013, an Accusation was filed against the license of Mai-Anh Chtn Nguyen, alleging violations of BPC § 810(a)(1) and (a)(2): Unprofessional Conduct: Insurance Fraud; BPC § 3105: Unprofessional Conduct: False Medical Record; BPC § 3106: Unprofessional Conduct: False Document Related to Optometry; and BPC § 3110(e): Unprofessional Conduct: Fraud, Misrepresentation or Dishonesty.

Stensland, Stig Eric (OPT 9172) Stockton, CA

On March 25, 2013, an Accusation was filed against the license of Stig Eric Stensland, alleging violations of BPC § 3110(k): Crime Conviction; and 3110(l): Use of Alcohol to an Extent or in a Manner Dangerous or Injurious.

Tran, Danh L. (OPT 13824) Oxnard, CA

On April 2, 2013, an Accusation was filed against the license of Danh Le Tran, alleging violations of BPC § 3090 and 726: Sexual Abuse/Misconduct.

Jackson, Karen A. (OPT 14224) Grass Valley, CA

On February 12, 2013, an Accusation was filed against the license of Karen Annmarie Jackson, alleging that respondent's ability to practice her profession safely may be impaired due to mental and/or physical illness per BPC § 822.

Pending Accusations

Bradley, David Alan (OPT 7747) Yuba City, CA

On July 2, 2013, an Accusation was filed against the license of David Alan Bradley, alleging violations of BPC § 3110(b): Gross Negligence; BPC § 3110(d): Incompetence; BPC § 3110: Unprofessional Conduct; and BPC § 3110(y): Failure to Refer.

Bui, Duc (OPT 11044) Laguna Hills, CA

On February 12, 2013, an Accusation was filed against the license of Duc Bui, alleging violations of BPC § 810(a)(1) and (a)(2), in conjunction with § 3110(a), (e) and (f): Unprofessional Conduct-Insurance Fraud; BPC § 3110(a) and (e) in conjunction with Code § 3105: Unprofessional Conduct-Alteration of Medical Records; BPC § 3106 in conjunction with Code § 3110(e): Unprofessional Conduct-False Representation of Facts.



Petitions to Revoke Probation

Armstrong, Robert D. (OPT 4890) **Pasadena, CA**

On February 12, 2013, a Petition to Revoke Probation was filed against the license of Robert Davern Armstrong, alleging violations of Probation Conditions 2. Quarterly Reports, 8. Cost Recovery, 17. Education Course, and 4. Probation Monitoring Costs.

Surrendered

Lau, George M. (OPT 11908) **Lake Forest, CA**

Effective May 8, 2013, George Ming Lau's license is voluntarily surrendered for violations of BPC § 3110(k): Conviction of Driving Under the Influence of Alcohol/Drugs Causing Bodily Injury; and BPC § 3110(l): Using Alcohol in a Manner Dangerous to Himself and Others.

Petition for Reduction of Penalty or Early Termination of Probation

Fisher, Svetlana (OPT 9936) **West Hollywood, CA**

On March 27, 2013, Svetlana Fisher filed a Petition for Reduction of Penalty or Early Termination of Probation (Petition). Respondent's optometry license was placed on probation effective May 8, 2012 by stipulated settlement for a violation of BPC § 3110(q): Failure to Maintain Adequate and Accurate Records. A quorum of the California State Board of Optometry heard the Petition on May 10, 2013. The Petition was granted and is effective August 1, 2013.

Gibson, Brent Lee (OPT 10198) **Long Beach, CA**

On August 28, 2012, Brent Lee Gibson filed a Petition for Reduction of Penalty or Early Termination of Probation. Respondent's optometry license was placed on probation effective August 4, 2011 by stipulated settlement for violations of BPC § 490 and 3110(k): Criminal Convictions; and BPC § 3110(l): Unprofessional Conduct – Dangerous Use of Controlled Substances. A quorum of the California State Board of Optometry heard the petition on June 10, 2013. The Petition for Early Termination of Probation was denied. The Petition for Reduction in Penalty was granted subject to certain terms and conditions of probation. The decision of the Board is effective July 10, 2013.

To view a printable version of the above accusations and decisions go to the "Citations and Disciplinary Actions" section of the Board's Web site, <http://www.optometry.ca.gov/consumers/disciplinary.shtml>.

2013 Board Meeting Dates

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

September 13, 2013 – enforcement only:

Western University of Health Sciences

November 1, 2013:

Southern CA

January 10, 2014:

Location: TBD



Keep up with the Board 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 workshop
- > Disciplinary and enforcement actions

To sign up, go to www.optometry.ca.gov and select the Join Our Mailing List icon in the highlights section of the home page.

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