CALIFORNIA STATE BOARD OF OPTOMETRY

Board Meeting

Friday, September 13, 2013

Western University of Health Sciences
College of Optometry
Pomona, CA

STATE OF CALIFORNIA
dca
DEPARTMENT OF CONSUMER AFFAIRS

MEMBERS OF THE BOARD
Alejandro Arredondo, OD, President
Monica Johnson, JD, Vice President
Alexander Kim, MBA, Secretary
Donna Burke
Madhu Chawla, OD
Fred Dubick, OD, MBA, FAAO
Glenn Kawaguchi, OD
William Kysella, Jr.
Kenneth Lawenda, OD

CALIFORNIA STATE BOARD OF OPTOMETRY

QUARTERLY BOARD MEETING AGENDA

Western University of Health Sciences, College of Optometry
309 E. Second Street
Health Education Center (HEC Building), 2nd Floor, Vision Science Lab 2205
Pomona, CA 91766

And via teleconference at
140 C Tower Street
Beaconsfield, Quebec, H9W682

Friday, September 13, 2013
10:00 a.m. – 4:00 p.m.
(or until conclusion of business)

ORDER OF ITEMS SUBJECT TO CHANGE

FULL BOARD OPEN SESSION

1. Call to Order and Establishment of a Quorum

2. Petitions for Reinstatement of License
   A. Dr. Gregory Tom
   B. Dr. Stephen Schroeder
   C. Dr. Larry Thornton
   D. Dr. Lawrence Young

FULL BOARD CLOSED SESSION

3. Pursuant to Government Code Section 11126(c)(3), the Board Will Meet in Closed Session for Discussion and Possible Action on Disciplinary Matters

FULL BOARD OPEN SESSION

4. Discussion and Possible Action on Newsletter Article Regarding Co-Location and Business and Professions Code Section 655

5. Future Board Meeting Dates and Locations, and Suggestions for Future Agenda Items

6. Public Comment for Items Not on the Agenda
   Note: The Board may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting [Government Code Sections 11125, 11125.7(a)]

7. Adjournment

PUBLIC COMMENTS: Public comments will be taken on agenda items at the time the specific item is raised. Time limitations will be determined by the Chairperson. The Board may take action on any item listed on the agenda, unless listed as informational only. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum.

NOTICE: The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Krista Eklund at (916) 575-7170 or sending a written request to that person at the California State Board of Optometry, 2450 Del Paso Road, Suite 105, Sacramento, CA 95834. Providing your request at least five (5) business days before the meeting will help ensure availability of the requested accommodation.

Memo

2450 Del Paso Road, Suite 105
Sacramento, CA 95834
(916) 575-7170, (916) 575-7292 Fax
www.optometry.ca.gov

To: Board Members **Date:** September 13, 2013

From: Alejandro Arredondo O.D.
Board President **Telephone:** (916) 575-7170

Subject: **Agenda Item 1 – Call to Order and Establishment of Quorum**

Dr. Alejandro Arredondo, O.D., Board President, will call the meeting to order and call roll to establish a quorum of the Board.

Alejandro Arredondo, O.D., Board President, Professional Member

Monica Johnson, ESQ, Board Vice President, Public Member

Alexander Kim, MBA, Board Secretary, Public Member

Donna Burke, Public Member

Madhu Chawla, O.D., Professional Member

Fred Dubick, O.D., MBA, FAAO, Professional Member

Glenn Kawaguchi, O.D., Professional Member

William Kysella, Jr., Public Member

Kenneth Lawenda, O.D., Professional Member

Memo

2450 Del Paso Road, Suite 105
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To: Board Members **Date:** September 13, 2013

From: Jessica Sieferman
Enforcement Lead **Telephone:** (916) 575-7170

Subject: **Agenda Item 2A. In the Matter of the Petition for Reinstatement of Revoked License No. OPT 10427 – Gregory Lawrence Tom**

Dr. Gregory Lawrence Tom, Petitioner, was issued Optometrist License Number 10427 by the Board on September 22, 1994. On March 26, 2007, the Board filed an Accusation against Petitioner charging him with violating laws and regulations of the Optometry Practice Act. The Petitioner entered into a Stipulated Surrender of License, adopted by the Board, effective April 3, 2008.

On or about February 23, 2009, the Petitioner filed a Petition for Reinstatement of License, which the Board granted effective January 1, 2010. Petitioner's license was reinstated, immediately revoked, the revocation was stayed, and the license was placed on probation for five years. The Petitioner filed a Petition for Reduction of Penalty or Early Termination of Probation on November 19, 2010, which the Board denied, effective August 16, 2011.

On or about August 19, 2011, the Board filed a Petition to Revoke Probation against the Petitioner. By Decision and Order effective August 29, 2012, the Board adopted a Proposed Decision granting the Board's Petition. Petitioner's license was revoked effective August 29, 2012.

The Petitioner is requesting the Board to reinstate his Optometrist License. He is not represented by an attorney.

Attached are the following documents submitted for the Board's consideration in the above referenced matter:

1. Petition for Reinstatement with Attachments
2. Copies of Decisions and Orders, Default Decision and Accusation
3. Certification of Non-Licensure

State of California – State and Consumer Services Agency

STATE OF CALIFORNIA
dca
DEPARTMENT OF CONSUMER AFFAIRS

Edmund G. Brown, Governor

Board of Optometry
2450 Del Paso Road, Suite 105
Sacramento, CA 95834
Tel: (916) 575-7170 / (866) 585-2666
www.optometry.ca.gov

PETITION FOR REINSTATEMENT

A person whose certificate of registration has been revoked or suspended for more than one year may petition the Board to reinstate the certificate of registration after a period of not less than one year has elapsed from the date of the revocation or suspension. In determining whether the disciplinary penalty should be set aside and the terms and conditions if any, which should be imposed if the disciplinary penalty is set aside, the Board may investigate and consider all activities of the petitioner since the disciplinary action was taken, the offense for which discipline was imposed, activity during the tim the certificate of registration was in good standing and the petitioner's general reputation for truth, professional ability and good character.

PLEASE TYPE OR PRINT LIGIBLY

1. NAME (FIRST) GREGORY	(MIDDLE) L	(LAST) Tom	CERTIFICATE OF REGISTRATION NO.
2. ADDRESS (NUMBER) (STREET) 202 Aspenwood ct			DATE OF BIRTH 7/16/67
(CITY) San Ramon	(STATE) CA	(ZIP CODE) 94582	TELEPHONE (925) 206 8152
3. PHYSICAL DESCRIPTION	(HEIGHT) 5	(WEIGHT) 10	(EYE COLOR) BRN / (HAIR COLOR) BRN

4. EDUCATION: NAME(S) OF SCHOOL(S) OR COLLEGES) OF OPTOMETRY ATTENDED UC Berkely

NAME OF SCHOOL: UC Berkeley Optometry

ADDRESS (NUMBER) (STREET): 210 Minor Hall

(CITY) Berkely (STATE) CA (ZIP CODE) 94720

5. ARE YOU CURRENTLY LICENSED IN ANY OTHER STATE? YES NO

STATE	LICENSE NO.	ISSUE DATE	EXPIRATION DATE	LICENSE STATUS
CA	10427T	9/94	08/12	NOT PRACTICING

6. List locations, dates, and types of practice for 5 years prior to discipline of your California license.

LOCATION	DATE FROM	DATE TO	TYPE OF PRACTICE
VisionOne 63 W Angela St Pleasanton	1/2010	8/2012	private
20/20 OPTOMETRY 115 W 25th AVE San Mateo	9/94	10/2007	private
20/20 OPTOMETRY 3191 Crow Canyon Rd San Ramon	9/94	10 2007	private

39M-13

7. Are you or have you ever been addicted to the use of narcotics or alcohol? YES NO

8. Are you or have you ever suffered from a contagious disease? YES NO

9. Are you or have you ever been under observation or treatment for mental disorders, alcoholism or narcotic addiction? YES NO

10. Have you ever been arrested, convicted or pled no contest to a violation of any law of a foreign country, the United States, any state, or a local ordinance? you must include all convictions, including those that have been set aside under Penal Code Section 1203.4 (which includes diversion programs) YES NO

11. Are you now on probation or parole for any criminal or administrative violations in this state or any other state? (Attach certified copies of all disciplinary or court documents) YES NO

12. Have you ever had disciplinary action taken against your optometric license in this state or any other state? YES NO

IF YOU ANSWERED YES TO ANY OF THE ABOVE QUESTIONS, YOU MUST ATTACHMENT A STATEMENT OF EXPLANATION GIVING FULL DETAILS.

ON A SEPARATE SHEET OF PAPER PROVIDE THE FOLLOWING INFORMATION

13. List the date of disciplinary action taken against your license and explain fully the cause of the disciplinary action.

14. Explain fully why you feel your license should be restored, or the disciplinary penalty reduced.

15. Describe in detail your activities and occupation since the date of the disciplinary action; include dates, employers and locations.

16. Describe any rehabilitative or corrective measures you have taken since your license was disciplined to support your petition.

17. List all post-graduate or refresher courses, with dates, location and type of course, you have taken since your license was disciplined.

18. List all optometric literature you have studied during the last year.

19. List all continuing education courses you have completed since your license was disciplined.

20. List names, addresses and telephone numbers of persons submitting letters of recommendation accompanying this petition.

I declare under penalty of perjury under the laws of the State of California that the answers and information given by me in completing this petition, and any attachments, are true and I understand and agree that any misstatements of material facts will be cause for the rejection of this petition.

Date 5/1/2013 **Signature** _____

All items of information requested in this petition are mandatory. Failure to provide any of the requested information will result in the petition being rejected as incomplete. The information will be used to determine qualifications for reinstatement, reduction of penalty or early termination of probation. The person responsible for information maintenance is the Executive Officer of the Board of Optometry at 2450 Del Paso Road, Suite 105, Sacramento, California, 95834. This information may be transferred to another governmental agency such as a law enforcement agency, if necessary to perform its duties. Each individual has the right to review the files or records maintained on them by our agency, unless the records are identified confidential information and exempted by Section 1798.3 of the Civil Code.

Date: May 5, 2013

To: California State Board of Optometry
2450 Del Paso Rd
Sacramento, CA 95834

From: Gregory L. Tom, O.D.

Re: Petition for Reinstatement of Optometry License

Dear Members of the Board of Optometry:

I graduated from the UC Berkeley Optometry School in 1994. I was a very good student and one of the top clinicians at the school. I was one of the first students to participate in the externship program in Atlanta, Georgia, one of the top ophthalmology practices in the state. I spent time with patients in need of treatment for severe disease. I stayed late and donated as much time as I could to needy functions and programs.

I also participated in the Lions Sight Saver Foundation meetings, Lions Clubs, the Red Cross, and helped anchor the Mobile Clinic at UC Berkeley. I continued to volunteer my time after graduation with these organizations and added more volunteer efforts, such as performing eye exams on prisoners in the California Penal System and raising funds along with providing glasses for financially challenged college students throughout the Bay Area. The basis for my career in optometry originated from the concept of "providing for others without a concern for financial gain." It is my passion. It also gives me a great deal of personal satisfaction to help others.

I am now petitioning the Board of Optometry for the reinstatement of my license. The inability to practice optometry has been a strong and painful reminder of my past mistakes for which, I am very remorseful. Each day I am somehow reminded of why I am not able to practice my profession. I am embarrassed and humiliated, however, I realize and accept that the consequences were a result of my own actions. The terms of my probationary status were rules that were not for me to interpret on my own. I acknowledge my mistakes and apologize to the Board. I would like the opportunity to regain the Board's trust and I am asking for another chance to practice optometry.

When my license was initially reinstated in January 2010, I promised myself that I would work diligently to fulfill all of my probationary terms. I proceeded to meet with my probation monitor and eagerly met the terms early and regularly (see attached table). I exceeded the required Continuing Education (CE) hours. I doubled the required community service hours and continued performing beyond the required 24-month term. I also communicated via phone and email regularly with the Board monitors.

The one significant failure was the lack of reporting my place of practice at local community colleges. In my introduction paragraph of my initial reinstatement petition of 2008, I described this future activity, so there was no intent of nondisclosure on my part. Upon reinstatement, I visited the community colleges at various locations ten times over a period of a year. However, it was eventually brought to light that I should have informed the Board of my activities with the colleges. The terms of my probation stated that all optometry related activities were to be pre-approved by the Board. I should not have classified the work at the colleges as volunteer work instead of optometric activity, and as a result violated my probationary terms.

I want the Board to know that I accept full responsibility for my actions and that I should have consulted with my probation monitor prior to starting my work with the schools. In my exuberance to give back to the community and prove myself, I made a critical error in judgment.

Once I was aware that I had committed a violation, I voluntarily contacted and met with my probation monitor. I informed her of what I had done and that I had returned all the stipends that I received. I also made non-taxable, deductible donations to each Health Care department at each college I visited. This was one way of making amends for my unintended violation, as I had only wanted to positively impact the lives of students in need.

After losing the ability to practice optometry last year, due to the aforementioned violation, I have been affected in a deeply personal way. I have lost the trust and respect of my family and many of my friends. The loss of my license has prevented me from treating my own parents. My father has gone blind in one eye from a bleed in his retina. My mother suffered a sudden vision loss from anterior uveitis which has now lead to severe optic nerve problems and open angle glaucoma. My grandmother now has ARMD and cataracts. The disgrace of not being able to treat my own family is a scar that I will bear forever. This is among the many reasons I will never forget my mistakes and how I placed financial gain as a priority.

In a karmic twist of fate, putting financial gain above ethical values, has led to financial difficulties in the present. Not being able to secure a full-time job, my wife has had to back to work full-time and I have become the stay-at-home caregiver for our two children. I have depleted a significant portion our savings and we are running in the red each month after paying mortgage and expenses. We lost our condominium property based on not being able to afford the payments and I have ruined our credit. I blame no one but myself. I fully realize the consequences of my actions and the financial and emotional costs to me and my family.

Since August 29, 2012, I have been involved in numerous activities dedicated to serving the community and staying on top of the optometry field that I list and explain below:

1. Community Service

Since my license was revoked on August 8, 2012, I have devoted a great deal of time to my community volunteer services with the First Tee. I made a promise to the organization and its director to continue providing volunteer services beyond my 24 month probationary term. I started this program in July 2009 even prior to my initial license reinstatement on January 2010. I volunteered almost double the hours set forth in my probationary term. I have continued to perform the same amount of hours subsequent to my revocation in August 2012. I work on a completely volunteer basis and have declined any monetary compensation.

I am a First Tee Coach. I educate and coach youth from 5 – 17 years of age in Life Skills and Core Values. The First Tee is a nationally recognized program in every state in the United States. The complete program from start to finish is about 12 years and many are able to receive academic scholarships toward college. I teach different skill level classes and implement the following values in all my lesson plans: Honesty, Respect, Perseverance, Responsibility, Integrity, Courtesy, Judgment, Confidence and Sportsmanship. I teach appropriate cognitive life skills and how to use them in life, school, and sports such as golf. An example of some life skills are: Developing a goal ladder, How to have a "Go To" team, Learning to ask for help, Viewing diversity as a positive, Having respect for one's self and others and Planning for the future.

I am responsible for the students' progression throughout the class. If they require more help understanding a subject or skill then I take extra time outside of class to review with them. Each session entails written exams and performance tests that each student must pass. I am also responsible for administering, correcting and evaluating each student. One of the Life Skills I teach is to develop a "Go To" person. Several students have confided other personal and family matters to me and adopted me as their "Go To" person.

2. Lecturing in underprivileged communities' classrooms

Prior to my initial reinstatement decision in July 2009, I started volunteering at local schools to educate elementary students about eyes. I developed an introductory course in the anatomy and the physiology of the eye. I lectured at schools in under privileged areas in Alameda and Contra Costa counties. Each month I worked in different classrooms. This past year, I have added an additional component, a bovine eye dissection. I had performed this occasionally, but now it will be included in each lesson plan and subsequent visit. I have committed to this volunteer teaching at local schools throughout the 2013 school year and beyond. I have received countless letters from the students who classes I have lectured. They are so appreciative of what they have learned.

3. Continuing Education

I have continued to educate myself and sharpen my knowledge of optometry by attending continuing education (CE) seminars. Prior to and during my probation, I continually attended more CE hours than required by the Board's probationary terms. Prior to my initial reinstatement on January 2010, I attended continuing education seminars, which total over 40 hours. This was to keep my knowledge current and sharpen my skills for optometry practice. Each year, I exceeded the required 40 additional CE hours. In summary, CE hours completed are as follows:

- 2009 – 2010: 89 hours
- 2011 – 2012: 133 hours
- 2013 to date: 42 hours

I am devoted to my profession and I realize the need to stay educated and remain at the forefront. I also continue to read articles and study journals each month to further my knowledge of new developments in the optometry practice (see petition question 19).

4. Volunteer lecturer for STEM

This is a new activity that a local parent asked me to help lecture on various topics. STEM stands for Science, Technology, Engineering and Math. This program is designed to educate kids from 4 to 15 years of age in those fields. The program uses multiple professionals who specialize in camera functions, orthodontics, and optometry to blend current events and professions to explain STEM and how it relates to their field of practice. I am the lead instructor and my job is to introduce the anatomy and the physiology of the eye and how it relates to the science of solar power and the sun.

5. Ethics course (annual)

The initial surrender of my license was related to unprofessional conduct and inappropriate billing. This type of behavior was due to unethical, and, frankly, quite poor decision making. I completed an ethics course as part of my initial probationary term. I have continued to take an ethics course each year (3 hours of CE each year in 2010, 2011 and 2012). I have also successfully passed the required test each year to show proficiency and understanding of the content. My most recent ethics course was completed on September 22, 2012.

6. Volunteer Coaching

For the past three years, I have also volunteered to help the Alameda and Contra Costa counties with their recreation programs. I have coached several teams in baseball,

basketball, soccer, and golf. I also volunteered to serve as a referee. I bring a great deal of my Life Skills and Core Values teachings from the First Tee into these sports. I make sure the children are not just playing but also learning about how to respect themselves, the game, show integrity and good sportsmanship.

The aforementioned activities will continue indefinitely and will be a part of my volunteer services regardless of the status of my optometry license. If given the opportunity to practice optometry again, I assure the Board that I will not make the same mistake again with my probationary terms.

The personal discipline and hard work I have shown in my efforts to reinstate my license is only one component of my rehabilitation. My redeemed outlook is also recognized in those who see me on a regular basis. I know that I want to return and be an optometrist and serve my community. Those around me will attest that I am different from the person who made those earlier poor decisions, as written in their letters of recommendation.

I realize that this journey from surrendering of my license (2007), to the initial reinstatement (01/2010), to the revocation (08/2012) and to my hopeful reinstatement (2013) has been a long process. My dedication, persistence and rehabilitative activities have placed me in a position to succeed and return to optometry. I am ready to start this path. With the support of my spouse, family, friends and peers, I feel well equipped with the tools to succeed.

Even though I am not currently bound by any probationary commitments, I truly enjoy positively impacting young people through my volunteer activities, and working with them has been a great rehabilitative experience for me. It makes me realize that, as a role model, I must exhibit and live by those core values that I teach. I have received many letters of appreciation from students that have attended my presentations, and I am attaching them along with some pictures. I am also constantly reminded of the role an optometrist plays in the community as a trusted and reliable medical professional who takes the community's best interests to heart. My break from optometry, in a surprising way, has allowed me to better tune my moral compass and realize that I can affect people's lives in many ways that I wasn't aware of before. I am now confident enough to know that I will follow the correct course of action if given the opportunity to be reinstated and I will not disappoint the Board.

In closing, I would treasure the opportunity to rebuild my career and more importantly, solidify the foundation for my family.

Respectfully,

Gregory L. Tom

Petition for Reinstatement

August 2013

Introduction and Summary

Gregory Tom, O.D.

Petition for Reinstatement

Answers to questions 12 - 20

Question 12: Have you ever had disciplinary action taken against your optometric license in this state or any other state? Please attach a statement of explanation

Question 13: List the date of disciplinary action taken against your license and explain fully the cause of the disciplenary action.

These questions are very similar both Questions 12 and 13 are addressed below.

Yes, I have had disciplinary action taken against my optometric license in the state of California. I voluntarily surrendered my license in October 2007 and the Board of Optometry accepted this as of April 2008. The result of this surrender stems from findings from the Board of Optometry and Department of Justice, Office of the Attorney General in regards to accusation no 2003-125.

Vision Service Plan, VSP, performed its annual audit at my office locations. My San Mateo office was audited and found to have zero violations. Subsequent audits of the San Ramon and San Jose offices produced several discrepancies with regards to billing on medically necessary contact lenses and glasses over contacts and prescription sunglasses for children.

At these offices, VSP specifically audited only patients that involved the above categories, necessary contacts and sunglasses on children. There were a total of 30 files audited in San Jose and 37 files audited in San Ramon.

I hired an outside consultant, Dr. Daniel Lau, to review all the charts. He agreed with some of the VSP findings and indicated there was evidence of overbilling on contact lens supplies and children's sunglasses. VSP claimed that I owed them approximately $85,000 in fees of which $50,000 was paid immediately at the VSP hearing. Many of the charges were contested with supporting documentation and shown to be correct. VSP, however, never responded to the claims. Several patients were in the middle of their fittings and had yet to return for follow up and they wore contact lenses, yet VSP did not respond to our evidence. The financial difference was withheld from our offices and VSP never provided any means of accounting or explanation of benefits.

Many of the claims were for medically necessary contact lenses. These patients had prescriptions that were -10.00 or worse and met the need for medically necessary under VSP guidelines. The majority of the claims actually met the requirements but for ones that were just under, I wrote the prescription in + cyl form. In this manner, they would meet the requirements. In addition, VSP had always allowed a back up pair of lenses for patients that meet these requirements. However, VSP had changed its rules to eliminate this and only allowed glasses over contacts. I had several patients negatively react to this change. I then would request the lab to remove the lenses and replace them with their full prescription so the patient now had a back up pair. At the time, I felt that the insurance company was not taking care of the patient and I was looking at the loss of revenue. The patient still paid for all their costs and got

their contacts covered also. The billing was for the maximum contact lens service fee and maximum number of contact lenses boxes. We used a prefilled out form from VSP and always got paid the same amount. The fees received were in excess of those charged and in most cases discounted for private paying patients. The patient care and diagnosis was never compromised; however, the patient did receive benefits they would not normally have received under the new guidelines. Thus, the doctor and patient benefited financially. In addition, their children were given in some cases prescription sunglasses and in some cases just non-prescription sunglasses. I understood that VSP did not allow nonprescription lenses. My actions were foolish, irresponsible, and unethical in trying to take something from an insurance company even though it benefited the patient.

When I first obtained my optometry license I worked for a few private VSP doctors and they showed me how sunglasses were approved with just the smallest of prescriptions. I did not feel comfortable in giving prescription lenses to those who did not require it, so I contacted the lab and asked them if there was a way to remove the lenses and provide them with a better lens. They said yes and provided plano polycarbonate grey lenses. These actions were obviously not appropriate and very unprofessional and unethical. At the time, I thought it was a great way to promote sunglasses and get them covered under their insurance and help the parents out who were financially challenged. This method of billing was only done on these select patients. VSP subsequently removed me from its panel without the option for reapplying. Other major insurance companies were made aware of VSP findings but did not remove me and did perform audits but no billing discrepancies were found and I remained in good status until I sold the businesses.

The overbilling accounted for less than 0.5% of the total number of yearly exams. However, this in no way justifies what was done, even if it was just one patient. These occurrences happened during my control of the offices and I am solely responsible for the resulting disciplinary actions, loss of my practices and loss of my license.

14. Explain why you feel your license should be restored, or the disciplinary penalty reduced.

I feel my license should be reinstated because of my atonement and actions over 12 months.

First, the voluntary surrender of my license in October 2007 showed that I was willing to account for my actions. Regardless of differing interpretation, the fact is that I showed poor judgment and did not comply with VSP's rules. As a result, I had to sell my practices and lost the respect and trust of my patients, and even my family. I could no longer help them nor my family. It is a fact that I am reminded of every day and will never forget. Another constant reminder is the inability to care for my family. My mother suffers from glaucoma secondary to a Herpetic infection. My father lost his vision in the right eye secondary to toxoplasmosis. My nephew suffers from a visual processing and learning disability.

August 29, 2012 was the last day I practiced optometry. It was a harsh reminder of what had happened to me in October 2007. The loss of the ability to practice optometry is an unforgettable experience. I became an optometrist because of the impact I could make in someone's life. I have had the distinct experience of losing a life while attending to a patient as well as several sight saving experiences.

During my initial probation, I worked diligently to meet all terms of my probation early. I finished my Ethics class immediately and all the required essays. I traveled to meet with the director to discuss it personally. I paid my restitution to the Board. I exceeded the continuing educational requirements. My community service hours were at least double what was required. I also started my community service 6 months service early. Even after my community service term (24 months) was completed I continued to volunteer. I even sent reports to my probation monitor after my license was revoked on August 29, 2012.

Today, I am still voluntarily performing the community service in excess of the initial probation terms and I have committed to at least another 24 months of service. I have made commitments to the First Tee and its directors and I will impact the lives of the First Tee children in a positive manner.

I also volunteer at local schools to contribute back to the community. I have developed an optometric education program to teach elementary school children in economically challenged areas. I have taught in various classes each month during the year in Alameda and Contra Costa County. I educate the children on the anatomy and functions of the human eye. I have received hundreds of letters from the students who are so appreciative of the time. This is critical in our schools given the lack of funds to do such activities.

In addition, I volunteer at schools to help enhance their science programs by conducting a "cow eye dissection" at various schools in Alameda, Contra Costa, and San Mateo County. All of the schools are lacking the necessary funding for such science projects. I purchase fresh cow eyes from slaughter houses and bring them to the students to learn about the anatomy of the eye.

The students are able to touch the parts and learn and have fund at the same time. It is a priceless experience. It has been so impacting that word is spreading and more teachers want the dissection in their classrooms.

Ethics continuing education is another way in which I feel I deserve my license reinstated. I have taken another 3 hours ethics courses. This continues to remind me of my core values and how my decisions affect those around me. It also reinforces the values I have as an optometrist and my oath to help others. The public trusts their doctors and I believe that I can effectively contribute to my community if given another chance.

Continuing education is another reason for my license reinstatement. Although my clinical skills and diagnostic abilities were never in question, I have continued to keep my knowledge sharp by adhering to all my probationary terms during my probation and even post of my revocation in August 2012. All of the following have been completed since August 29, 2012 (revocation date):

I have attended over 53 hours of continuing education. I completed the Berkeley Practicum (20 hours; January 2013) and Morgan Sarver Symposium (20 hours; April 2013). I also attended the Berkeley Alumni CE Reunion (7 hours; Nov 2012), Retinal update 2012 (4 hours; September 2012), and the Bay Area Optometric meeting (2 hours; Feb 2013).

In summary, I have accepted full responsibility for my poor judgment, and extended volunteer community service, volunteer lecturing, ethic classes, continued education hours, and volunteer science class dissections are a way for me to show that I am committed and ready to returning to optometry and that I am very serious about proving myself to the Board that I can safely practice in and contribute positively to the community.

15. Describe in detail your activities and occupation since the date of the disciplinary action; include dates, employers, and locations.

August 29, 2012 was the last day before my license was revoked. Without the ability to practice optometry, I have spent the past 12 months working with the First Tee and volunteering at local schools and volunteer lecturing on the anatomy of the eye.

I am currently not employed in optometry or any other field. My wife had to return to full-time work to support our family. We are dependent upon her income and I am the main caretaker of our two young children at home.

I have been volunteering at the First tee since July 2009. For the past year, I teach two to three classes each week. One class is called the Target class and it is an introductory class exposing students to early life skills. I teach lesson about Respect, How to ask for help, how to aim, how to get along with others, Safety, and how golf as a sport relates to school and home.

Another class is called Birdie and it is composed of more advanced students. In this class, we are implementing the 9 core values (Honesty, Integrity, Respect, Confidence, Responsibility, Perseverance, Courtesy, Judgment, and Sportsmanship) and life skills (What is a Goal vs. Dream, Goals that are positive, important to you, specific, and under your control, Goal ladders, Dealing with Challenges).

As an aside, these lessons not only teach the students but are a constant reminder to me of my goals and what I must do to overcome the challenges in front of me.

The third class is a more advanced class called Eagle. These students are continuing their mastery of the core values and healthy habits and the life skills (Building a Go to Team, Appreciating Diversity, Dealing with conflicts, and Planning for the future). These are the future leaders and college students. My interaction with them is very important in their planning for their college choice, career choice, and various life decisions at home and at school. I

I have also devoted 2 additional days per week to volunteer coaching in my community for youth sports and development in the cities of San Ramon and Dublin. I have coached basketball, soccer, and soccer. I have implemented a lot of my life skills and core values into these settings. The directors and parents of these other leagues have noticed my unique teaching style and how it relates outside of sports. I have actually been asked to coach other teams and parents are now requesting for me to be their children's coach. I truly believe this is yet another way I am positively impacting youths.

My other days are spent rehabilitating my body as I have recently undergone a lengthy surgical procedure on my left knee for chronic osteoarthritis secondary to meniscus damage and torn ligaments and bone deterioration.

16. Describe any rehabilitative or corrective measures you have taken since your license was disciplined to support your petition.

Part of my rehabilitation measures started in July 2009 while I was looking for a job for the first time in over 15 years. Because of the economy, many optometrists who were going to retire did not retire and returned to work or continued to work longer hours. As a result, obtaining a position as an optometrist was difficult. Corporations were not hiring and private practice jobs were limited at best. I could not find a job. When I did receive an interview, I was often told that I would not be hired even with all of my experience because of my past unprofessional conduct. Many employers did not want the Board of Optometry involved in their practice nor did they want to expose their records to potential investigation. From that point on, I was constantly reminded of the magnitude of my lack of judgment.

Upon my reinstatement in January 2010, I worked diligently to abide by the terms of my probation. I was constantly in contact with both of my probation monitors. My community service was approved and I began it 6 months early and every month I exceeded the requirements by almost doubling the required hours. I also paid my restitution to the Board early. I finished my ethics class, interview, and essays before my probation terms even began and within about 30 days of the Board's initial probation approval (July 2009). Continuing education hours completed from 2009 to 2010 was 89 hours, 2011 to 2012 was 133 hours, and 2013 to date is 42 hours. All these exceeded greatly the hours required. Basically, I did everything possible to show the Board I was committed to meeting all of the terms of my probation.

Since my license was revoked on August 29, 2012, I have continued to perform as if I was still on probation. I continued to attend continuing education seminars and did so on September 16 2012 at the Retinal 2012 update (4 hours) and on November 7, 2012 at the UC Alumni CE conference (7 hours), the BAOC conference in February 2013 (2 hours), Berkeley Practicum on January 12-14 (20 hours), and recently the Morgan/Sarver Symposium on April 26-28 (20 hours). By attending these courses I have kept my knowledge up to date and I want the Board to know that I am still exceeding the terms of my probation.

In addition, I have continued devote time to my community service activities. I have continued to work at the First Tee at a minimum of twice a week. Often, I devote part of my weekends to work with students outside of the scheduled hours as they request additional time for help.

I have continued to educate children at economically challenged schools each month. I developed an introductory course to the human eye for preschool and elementary students. I teach them about the anatomy of the eye and the function of its structures. I have since implemented a "cow dissection" day in which the children participate in the dissection of a bovine eye. I am able to relate this to the human eye and the students are able to see blood vessels, fluid, tissue, muscles, nerves, lens, pupils, and corneas. The response and

overwhelming response from the students is priceless. The teachers are amazed and have asked for additional classes for the next quarter.

In fact, I have also been asked to perform a class on weekends for a STEM program (Science, Technology, Engineering, and Mathematics) on the San Mateo County Peninsula for students 4 to 15 yrs of age. These students are involved in higher education classes and physics. I am teaching them about the anatomy of the eye, the physics of the eye, and the functioning of the eye structures. Their questions are very advanced and it makes me sharp by having to understand all my previous training in optometry school. I have also scheduled a cow dissection day with the parents. This will be a complete surprise for the students.

All this volunteer educational teaching is a great rehabilitation activity as it reminds me how much I enjoy helping people. By using my optometric educational background, I am able to impact others and further their understanding of optometry. I am helping to spread the word about the reaches of optometrist and how much we care about our community. The students and their parents will appreciate what optometrists do for their communities even though they are not patients of mine. It reminds me to be selfless and put others first before my own personal gains. This is critical in the completion of my rehabilitation.

Another form of rehabilitation has been non-optometric community service by working with The First Tee. This is a non-profit that helps introduce inner city and economically challenged children to the game of golf and its unique values. I am responsible for teaching the children life skills and how those skills relate to everyday life and how it will impact them and affect them in a positive manner. There are 9 core values: Honesty, Perseverance, Respect, Sportsmanship, Integrity, Responsibility, Confidence, Judgment, and Courtesy. We teach each of these values and how students can apply these everyday at home and in life.

My probation term was to perform 10 hours per month for 24 months. I have consistently performed greater than this and doubled the required hours. Furthermore, this condition ended on July 2011. I have continued this rehabilitation activity and increased the hours since my revocation on August 29, 2012. I have even traveled outside the state to Arizona and Nevada to further my education and commitment to the First Tee. I have actually passed all my teaching credentials which is about a 3 year + process. I have also committed an additional 24 months of service in which I declined to be compensated monetarily. This is just another way for me to contribute to the community without my optometry license. Each day I am able to impact some student's life and nurture their ethics and values moving in to the future. I am also able to help them plan for the future. This is also rehabilitative towards my future plans as a reinvigorated optometrist willing to positively affect my community with a new set of values and morals. As much as the First Tee needs a mentor instructor, I need the First Tee to guide me through my past and future challenges. The core values and life skills has made me a better person and assisted me in making better decisions moving forward.

17. No courses were taken except for continuing education

18. List all optometric literature you have studied during the last year.

1. Review of Optometry
2. Optometric Physician
3. Optometric Management
4. Eye and Contact Lens Science and Clinical Practice
5. Optometry Today
6. Vision Monday
7. American Journal of Ophthalmology

Here is a sample list of the various articles that I have read and studied in the last 12 months:

Long term Rsik of Glaucoma after Congenital Cataract Surgery
Diabetic Retinopathy
Meibomian Gland Dysfunction
Macular Degeneration and Nutrient Treatment
Prescribing Today premium IOL's
Cataract Extraction and the Outcome of Zonular Insufficiency in RP
Keratoconus and the hybrid lens
Short and long term effects on the visual system of Children following exposure to maternal substance
Corneal Refractive surgery
The value of combining autoflores and OCT in predicting the outcome of macular holes
Physical Testing for Systemic Disease Made Easy
Adventures in Anterior Segment Care
Incidence and progression of epiretinal membranes after cataract surgery
Role of corticosteroids in Orbital cellulitis
Intraocular Pressure and Glaucoma
Collaborative Longitudinal Evaluation of Keratoconus (Clek) Study affects patient care
Contact Lens management of Keratoconus
How does a healthy cornea resist Pseudomonas infection
Foveal thickness in healthy eyes with unilateral macular holes
Stem cell and the eye
Implementing icd 10 coding
Choroidal Nevi and their siblings
Interpreting Visual fields Defects
Pathogenesis Diagnosis, and management of Diabetic Maculopathy
Advanced Glaucoma
Longitudinal study of Stargardt's Disease
Bilateral Disc Edema
What Berkeley taught us about Emmetropization
Hypertensive retinopathy
Challenging the Glaucoma Archetye
What's new in Glaucoma Surgery

19. List all continuing education courses you have completed since your license was disciplined.

1.	Berkeley Practicum Berkeley, CA	January 12-14 2013 (20 hours)
2.	Morgan Sarver Symposium Berkeley, CA	April 2013 (20 hours)
3.	BAOC San Mateo, CA	February 24, 2013 (2 hours)
4.	C/L Tips for Improving Your Success w/ Multfocals*	May 3, 2013 (1 hour)
5.	Contacting a Sol'n to Corneal Staining *	May 4, 2013 (1 hour)
6.	Berkeley Alumni CE Conference Berkeley CA	November 3, 2012 (7 hours)
7.	State of CA Ethics & Real estate Sacramento CA	September 22, 2012 (3 hours)
8.	Retinal 2012 Update Sacramento, CA	September 16, 2012 (4 hours)

* denotes "COPE approved Online" education credits. Certificate will arrive in early of June and this application was given to the Board in the first week of May

20. List names, addresses, and telephone numbers of persons submitting letters of recommendations accompanying this petition.

James Young, O.D.
Probation monitor
1700 Stoneridge Mall Rd, 3rd Floor
Pleasanton, CA 94588
925-737-0126

Honorary Braden C. Woods
Superior Court of CA
County of San Francisco
575 Polk St. – Dept. 8
San Francisco, CA 94102
415-551-3837

Radbert Chin O.D.
President VisionOne Optometry Eyecare, Inc.
63 W Angela St.
Pleasanton, CA 94566
415-336-7201

Michelle Tom, M.D.
Assistant Medical Director, Saddleback Emergency Department
24451 Health Center Dr.
Laguna Hills, CA 92653
310-251-0896

Larry Lee
Director of First Tee of Contra Costa
4050 Port Chicago Hwy
Concord, CA 94529
925-963-0740

Claire Tom, M.B.A.
Communications Analyst - Account Manager
Chevron Information Design & Communications (IDC)
San Ramon ,CA 94582
925-842-0467

Craig Steinberg, J.D
Law office of Craig Steinberg, O.D, J.D.
5737 Kanan Rd #540
Agoura Hills, CA 91301
818-879-7919

Letters of Recommendation

May 2, 2013

RE: Dr. Greg Tom – Petition for Reinstatement

To Whom It May Concern:

My name is Braden Woods and I am a Superior Court Judge based in San Francisco, CA. I have known Dr. Greg Tom since 1985. We met as dorm-mates at U.C. Berkeley and have remained close friends over the past two decades. My wife and I remain close to Greg, his wife, and their two small children, as well as to the Toms' extended family.

Frankly, I could not have written this letter several months ago. I was disappointed and hurt that a friend could do the things that would cost him his license. I am aware of how and why Greg lost his license and how he violated his initial grant of probation. I read the findings by the administrative law judge, and I personally observed the 2012 probation violation hearing.

Since that time, I know that he has completed ethics and continuing education courses and has performed an extraordinary amount of volunteer-community service work. I am also aware of the extreme sorrow and shame he has suffered. It is my opinion that Greg is worthy of a last chance and the opportunity for redemption, and I support his petition for reinstatement. In my job as a judge, I have dealt with repeat offenders as well as individuals who have taken responsibility for their bad behavior, learned from their mistakes, and proven themselves deserving of another chance. Greg is a young man who can and will redeem himself and become a contributing member of society.

There are several things that have impressed me about Greg's road to redemption. First, he realizes he has a problem and, to address that problem, he has taken multiple ethics courses. He has also continued with continuing education to keep abreast of all the latest information in the field. I have seen a summary of the multitude of courses he has taken and it is impressive. Additionally, there is the large amount of unpaid volunteer-community service work he has done and continues to do. Most of it involves working with children, and it is a testament to Greg's character that other parents and adults trust him to educate their children.

Lastly, it would be a shame not to allow Greg one last chance because he is a very talented doctor who puts patients and patient care first. His optometry service and patient care has never been an issue. By all accounts, he has been a trusted physician to his patients, one with strong work ethics, communication skills, and follow-through. My family members have been his patients, including my elderly mother who sees only Dr. Tom when she makes her annual visit from the East coast. I have also recommended him to several acquaintances.

Greg is redeemable and will be a contributing member of society if given a last chance. Please give him that chance. I can be contacted by phone or e-mail if I can provide any additional information.

Regards,

Hon. Braden C. Woods
Superior Court of California
County of San Francisco
575 Polk Street – Dept. 8
San Francisco, CA 94102
(415) 551-3837 - bwoods@sftc.org

LAW OFFICES OF
CRAIG S STEINBERG, O.D.
A PROFESSIONAL CORPORATION

5737 Kanan Road, #540
Agoura Hills, California 91301
craig@odlawyer.com

Telephone
(818) 879-7919

Facsimile
(818) 879-7950

May 6, 2013

California Board of Optometry
2450 Del Paso Road, Suite 105
Sacramento, CA 95834

Re: Gregory Tom, O.D.
Petition for Reinstatement

Dear Members of the Board:

I have had the opportunity to get to know Greg Tom over the past couple of years. I urge the Board to exercise its discretion and reinstate Dr. Tom's license to practice optometry.

Though Dr. Tom clearly made some serious mistakes in judgment in the past, I believe he has fully accepted responsibility for those mistakes, deeply regrets his actions, and is ready to begin a new phase in his life. I have been particularly impressed by his commitment to community service. He does not offer his services to the First Tee and the schools because he has to or needs to, but because he wants to. I believe he is, quite frankly, a changed person as a result of his volunteer activities. He understands that he has become a role model to others, and he takes that responsibility very seriously.

Notwithstanding his mistakes in the past, I believe Dr. Tom today has demonstrated, and will continue to demonstrate, not only fitness to practice optometry competently as a doctor, ethically and honestly, but also that he has the character to represent the profession as an ambassador and educator. Though the concept of "rehabilitation" is, to me, somewhat vague, I believe if anyone has demonstrated that he has truly learned from his mistakes, will not make them again, and has earned another chance it is Greg Tom. I hope you will see fit and I urge you to give him that opportunity.

Very truly yours,

Craig S Steinberg, O.D., J.D.

CA State Board of Optometry
2420 Del Paso Rd
Sacramento, CA 95834

Re: Dr. Gregory Tom (10427 T) - Petition for Reinstatement

May 2, 2013

My name is Radbert Chin and I am Dr. Gregory Tom's last optometric employer prior to the revocation of his license in 2012. He started working at my practice in 2010, and since then I have gotten to know him both inside and outside the walls of my office. Because of this, I am a good judge of Dr. Tom's character and am writing this letter in hope that the Board will consider his petition for reinstatement.

From the beginning of Dr. Tom's employment, I have observed the way he interacts with my patients. He is honest, treats everyone with respect, and has a positive outlook on life, enabling him to create connections with people of all ages. He is a doctor that does not cut corners. Not only does he spend time to ensure that he understands each person's visual and/or ocular complaints, but he also makes it a point to educate all patients to guarantee that they comprehend their current conditions. Before leaving each day, he would ensure that all patient records were accurate, which was confirmed during Dr. James Young's audits.

After his license was revoked, I had the privilege to know Dr. Tom a little better. I was already aware of Dr. Tom's community service involvement with the First Tee as a coach to not only teach children the sport of golf, but to also instill lifelong values like confidence, sportsmanship, and determination. However, it was news to me that he joined a team to professionals to teach a Science, Technology, Engineering, and Mathematics (STEM) Program. It was a photography program taught to middle school children. The goal was to create a fun environment to increase each child's desire to learn and absorb knowledge.

When considering reinstating someone's license, it is important to weigh the amount of good an individual can provide against the risk he or she may pose to a patient and to the practice of optometry. It is also important to review how the individual has spent his time after revocation of license in order to assess one's character and readiness to again practice optometry. I believe Dr. Tom has learned from his previous offenses and that the risk to patients is minimal, especially when under close monitoring by another optometrist. Not only is Dr. Tom an excellent clinician, he also has a passion for educating our children and striving to help make a better tomorrow. Because of Dr. Tom's history of exemplary patient care and devotion to community, I strongly recommend that the Board consider the petition to reinstate Dr. Tom's license.

Sincerely,

Radbert Chin, O.D.
63 W Angela St.
Pleasanton, CA 94566

James Young, OD
1700 Stoneridge Mall Rd, 3rd floor
Pleasanton, CA 94588-3271
925.737.0126

May 2, 2013

To: Board members, Administrative Hearings officials
Re: Petition for reinstatement on #10427T, Tom, Gregory OD

As Dr. Tom's independent probation monitor since late August 2011 for patient recordkeeping and billing integrity, I am pleased to freely provide this reference outlining several factors in support of granting his petition for reinstatement. Please refer to my prior letter of August 21, 2012 in conjunction with this one as you reasonably and carefully reconsider his petition.

1. Dr. Tom demonstrated good chart audit results while employed in Dr. R. Chin's practice. As reported to you August 21, 2012, my review of 149 electronic (Examwriter) charts randomly selected from all eyecare insurance patients Dr. Tom examined since the start of probation found no discrepancy between exam chartings and billings. These clean audit results, I believe, are the first and most important factor in support of Dr. Tom's conscientiousness and acceptance of the serious importance of ethical business practice.
2. Dr. Tom is aware that he likely faces more frequent and/or more closely scrutinized quality assurance audits from eyecare insurers than would providers with a clean history, in addition to the mandated ongoing audits from myself and/or Board investigators if he is allowed to resume practice and be on these insurance panels. This awareness of close monitoring provides a strong *dis*incentive for Dr. Tom to ever repeat past offenses or to do anything that would jeopardize his privileges/future employability.
3. I have observed Dr. Tom as not only easy to work with, but more importantly has that great combination of excellent clinical skills and ability to make that immediate valued human connection/rapport with patients. I witnessed various patients' expressed happiness with Dr. Tom's care in every one of my 5 monitoring visits. Dr. Tom's gift for patient satisfaction has endured over time, my having worked alongside and known Dr. Tom as an outstanding student clinician peer at UCBSO some 20 years ago. While billing fraud is a serious crime in any type of business, the overall facts in this case in my opinion do not warrant completely depriving our community of a highly competent, caring practitioner. Again, close monitoring, whether by myself or others, should serve the profession and public well.
4. Dr.Tom remains committed to maximum professional competence and reputation by voluntarily taking more CE than required and remaining active in professionally relevant community service.

Based on Dr. Tom's clean audit record, attitudes, and actions as outlined above, I sincerely believe he has accepted and learned from the gravity of his offenses and demonstrated genuine readiness to return to ethical practice. The community deserves a highly competent, caring practitioner who never compromises ethics for self-gain and Dr. Tom deserves a second chance to demonstrate such to your satisfaction.

Sincerely,

James Young, O.D.

May 3rd, 2013

To : Board of Optometry

I am writing this letter on behalf of Gregory Tom's reinstatement for his optometry license. I am aware of his past offenses including insurance fraud, and believe the board should reconsider its decision to reinstate his license.

As his sister, I can tell you that Gregory has been committed to helping others since adolescence. As a teenager, he volunteered teaching children in underserved areas. His care and compassion for helping children has persevered to this day as he currently serves as a coach and mentor at the First Tee of Contra Costa.

As an optometrist, he has excellent clinical skills and possesses a wonderful bedside manner. His patient's respect his clinical decisions and his easy going personality have made him very popular. When the Board of Optometry revoked his license, Gregory informed his office and his patient's that he was no longer practicing optometry. There were many tears shed that day. The community not only lost one of its best clinicians but a well respected leader as well.

Gregory is extremely remorseful about what transpired and has learned much from this experience. Unprofessional conduct is a serious offense, and he has not take the matter lightly. I know that his past actions weigh heavily on his shoulders. Not a day goes by that he does not regret his previous transgressions. I think it is important for you to know that Gregory's past actions are out of character for him. He has never previously been associated with any wrong-doing or deceptive practices. It is something that he will have to live with.

Since this matter, Gregory has attempted to continue to stay involved in his local community and worked tremendously hard to regain their trust and respect. I would ask that when you review Gregory's past actions, that you also consider his dedication to the profession and devotion to his community. Please keep in mind that, "Good people make mistakes. Even the best of us. " What is even more important is what you do after the mistake is made.

It is my belief that Gregory Tom would be an invaluable addition to the practice of optometry. I strongly recommend that the Board reconsider reinstating his license.

Sincerely,

Michelle Tom, M.D.
Vice Chair, Emergency Medical Care Committee, Orange County

The First Tee®
Contra Costa

EAST BAY GOLF FOUNDATION

CHARACTER DEVELOPMENT AND LIFE-ENHANCING VALUES FOR YOUTH

May 1, 2013

Board of Optometry
2420 Del Paso Road Ste. 255
Sacramento, Ca. 95834

Dear Board of Optometry,

I am writing to verify that Greg Tom has volunteered his services as required by his probation terms since July 2009. At the end of each quarter, I have sent a community service form in with my signature to verify his hours volunteered. He has consistently volunteered beyond the minimum hours required of his probation and often works additional days at various Contra Costa County locations.

Starting in October 2009, I submitted the Verification of Community Service documentation forms regarding Greg's volunteer hours to the Board and every three months thereafter. This is per the original requirements from the Board dated August 6, 2009 for submitting Greg's volunteer hours with The First Tee.

Greg has continued to progress within our program as a coach and mentor. He has completed all three levels of his coaching requirement which takes over 3 years to complete. He has traveled to other states such as Arizona and Nevada to complete his training which included multiple all day classes and in person training. Greg has been a lead coach for several of our classes for the past year. He develops the lesson plan and integrates the Life Skill and Core Value for each class. He also conducts the player evaluation and testing each session.

Greg Tom has been very reliable and dedicated to impacting these children's lives. His character shows him to be a dedicated, sincere, and selfless individual who is a valuable role model for our students. He is a valuable asset to us and we trust him. We greatly appreciate his time and efforts.

Respectfully,

Larry Lee

Larry Lee
Program Director
The First Tee Contra Costa
925.963.0740
larrylee52@comcast.net

Date: May 5, 2013

To: Board of Optometry

From: Claire Tom

Re: Petition for Reinstatement of Optometry License, Gregory Tom, O.D.

Dear Members of the Board of Optometry:

I am writing to you in regards to my husband, Dr. Gregory Tom's petition for reinstatement of his optometry license.

Dr. Tom has not been practicing for almost a year and deeply misses his ability to care for his patients. He often discusses the possibility of being able to return to practicing optometry, and is eager to put forth his petition for reinstatement to the Board.

I whole heartedly request that the Board will give Dr. Tom serious consideration of his reinstatement. During the time he has not practiced, he has devoted his time to volunteering more hours at the First Tee, a nonprofit organization that uses , "...the game of golf [as] a vehicle to help young people understand and ultimately develop core values like honesty, integrity and judgment." He has been volunteering at the First Tee since July 2009. He will have been working with the First Tee for 4+ years when this letter is read.

He has also spent time volunteering at local schools to teach children about the eyes and has done dissections of cow eyes to educate the children about the eye structure.

Dr. Tom has also spent time volunteering many hours towards coaching kids in basketball and soccer. In short, he has dedicated many hours to the community to mentor young people in good sportsmanship, positive values, and educational optometric experiences.

I believe he has had the time to give much thought to the errors in judgment he made in regards to the guidelines put forth by the Board during his probation, and that he will be more careful to ensure that he has a clear understanding of any future probationary regulations the Board establishes.

I give you sincere thanks for your consideration of his reinstatement.

Claire Tom
Project Manager, M.B.A.
Chevron Corporation

Ethics Class Certification

first tuesday

DRE-Approved Continuing Education Programs • P.O. Box 20069, Riverside, CA 92516 • (800) 794-0494 • Fax (877) 313-8510

ATTENDANCE CERTIFICATE

Gregory Tom
License Number: 01471168
202 Aspenwood Ct
San Ramon, CA 94582-5028

Has successfully completed the following exam(s):

Category: CONSUMER PROTECTION
Title: REAL ESTATE MATTERS
Certification No.: 0473-1113
Hours: THIRTY
Completion Date: 09/12/12

Category: AGENCY
Title: AGENCY
Certification No.: 0473-1120
Hours: THREE
Completion Date: 09/22/12

Category: FAIR HOUSING
Title: FAIR HOUSING
Certification No.: 0473-1118
Hours: THREE
Completion Date: 09/22/12

Category: TRUST FUNDS
Title: TRUST FUNDS
Certification No.: 0473-1119
Hours: THREE
Completion Date: 09/22/12

Category: ETHICS
Title: ETHICS
Certification No.: 0473-1121
Hours: THREE
Completion Date: 09/22/12

Category: RISK MANAGEMENT
Title: RISK MANAGEMENT
Certification No.: 0473-1116
Hours: THREE
Completion Date: 09/22/12

Verifier: Connor Wallmark

Date of issue: 05/06/13
first tuesday - P.O. Box 5707 - Riverside, CA 92517

STATE OF CALIFORNIA
DEPARTMENT OF REAL ESTATE
Real Estate MATTERS!

CONTINUING EDUCATION COURSE VERIFICATION

Read reverse side before completing.

RE 251 (Rev. 12/10)

[redacted]
Gregory Tom
[redacted]

LICENSE IDENTIFICATION NUMBER
01471168

[redacted]
202 Aspenwood Ct. San Ramon, CA 94582

CERTIFICATE NUMBER (8 digits)	DATE COMPLETED Mo Day Yr	COURSE HOURS	DRE Use Only	COURSE TITLE
[redacted]				
0 4 7 3 1 1 1 6	09 22 12	3		RISK MANAGEMENT
0 4 7 3 1 1 1 3	09 12 12	30		REAL ESTATE MATTERS
0 4 7 3 1 1 1 8	09 22 12	3		FAIR HOUSING
0 4 7 3 1 1 1 9	09 22 12	3		TRUST FUNDS
0 4 7 3 1 1 2 0	09 22 12	3		AGENCY
0 4 7 3 1 1 2 1	09 22 12	3		ETHICS
TOTAL COURSE HOURS →		45		

CERTIFICATION

I certify under penalty of perjury that I have taken and completed the courses listed above and will furnish to the Department of Real Estate, upon request, evidence of having taken any or all of the courses listed.

[redacted]

Continuing Education

Greg Tom, OD

Completed the 50-Hour Requirement in

Continuing Education for Therapeutic Pharmaceutical Agents

with a minimum of 35 hours in the following categories:

Glaucoma	*Topical Steroids*
Ocular Infection	*Systemic Medication*
Ocular Inflammation	*Pain Medication*

University of California at Berkeley School of Optometry

January 2009 – January 2010

Dennis M. Levi, OD, PhD
Dean, School of Optometry

Patsy L. Harvey, OD, MPH
Director, Continuing Education

Gregory Tom, OD

Completed the 50-Hour Requirement in

Continuing Education for Therapeutic Pharmaceutical Agents

with a minimum of 35 hours in the following categories:

Glaucoma	*Topical Steroids*
Ocular Infection	*Systemic Medication*
Ocular Inflammation	*Pain Medication*

University of California at Berkeley School of Optometry

July 2010 – July 2012

Dennis M. Levi, OD, PhD
Dean, School of Optometry

Patsy L. Harvey, OD, MPH
Director, Continuing Education

UNIVERSITY OF CALIFORNIA, BERKELEY

BERKELEY • DAVIS • IRVINE • LOS ANGELES • RIVERSIDE • SAN DIEGO • SAN FRANCISCO SANTA BARBARA • SANTA CRUZ

DENNIS M. LEVI, O.D., PH.D.
DEAN

SCHOOL OF OPTOMETRY
BERKELEY, CALIFORNIA 94720-2020

January 15, 2013

To Whom It May Concern:

This is to certify that ***Gregory Tom, OD,*** attended the following lectures on January 12 - 14, 2013, at the 24th Annual Berkeley Practicum. The continuing education program was presented by the School of Optometry, University of California, Berkeley.

State CA License No. 10427T State_____ License No._____

January 12, 2013 **8 TPA Hours**

Rona Silkiss, MD	*Reconstructive Procedures for Cosmetic and Sight-Threatening Conditions*
Michael Drake, MD	*Future Vision*
Blair Lonsberry, OD, MS, MEd	*Physical Testing for Systemic Diseases Made Easy!*
Paul Karpecki, OD	*Adventures in Anterior Segment Care*

January 13, 2013 **8 TPA Hours**

Paul Karpecki, OD	*What Went Wrong With This Patient and Why?*
H. George Tanaka, MD	*What's New in Glaucoma Surgery?*
Blair Lonsberry, OD, MS, MEd	*Ocular Manifestations of Autoimmune Diseases*
Joel Pearlman, MD, PhD	*Retinal Jeopardy*

January 14, 2013 **4 TPA Hours**

Jeffrey Anshel, OD	*Nutrition and Ocular Diseases: Facts and Fiction*
Wayne Verdon, OD, PhD	*What's Your Diagnosis? Case Presentations*

Attendance Certification
University of California
School of Optometry

Patsy L. Harvey, O.D., M.P.H
Continuing Education Director

Website: http://optometry.berkeley.edu *Email: optoCE@berkeley.edu* *Tel: 510 642-6547* *Fax: 510 642-0279*

UNIVERSITY OF CALIFORNIA, BERKELEY

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DENNIS M. LEVI, O.D., PH.D.
DEAN

SCHOOL OF OPTOMETRY
BERKELEY, CALIFORNIA 94720-2020

University of California, Berkeley School of Optometry

62nd Annual All-Alumni Reunion & CE Conference

Saturday, November 3, 2012 8:30am - 4:30pm
Stanley Hall, UC Berkeley Campus

This is to certify that ***Gregory Tom, OD***

State CA License No. 10427T State_____ License No._____

attended the following lectures on **Saturday, November 3, 2012.**

SPEAKER	*LECTURE TITLE*
Don Mutti, OD, PhD	*What Berkeley Taught Us About Emmetropization and Orinda Taught Us About Myopia*
Karla Zadnik, OD, PhD	*How the Collaborative Longitudinal Evaluation of Keratoconus (CLEK) Study Affects Patient Care*
David Yang, OD	*Interpreting Visual Field Defects: Case Studies*
Bernard Dolan, OD, MS	*Pathogenesis, Diagnosis, and Management of Diabetic Maculopathy and Clinical Insights in Glaucoma Management*

Total: 5 TPA, 2 Misc. CE Hours

Attendance Certified
University of California
School of Optometry

Dennis M. Levi

DENNIS M. LEVI, O.D., PH.D.
DEAN

Website: http://optometry.berkeley.edu *E-mail: optoCE@berkeley.edu* *Tel: 510 642-6547*

BAOC 2013 Continuing Education

Attendee Name: Gregory Tyn

License Number: 10427T SSN: 515836762

Program Date/Time: **February 24, 2013 @ 8:00 a.m. – 1:00 p.m.**
Event Title: **COPE 30762-GL: "Challenging the Glaucoma Archetype"**
COPE 33966-PS: "What the Heck Is This and What the Heck Do You Do With It?"

COPE Event ID #105296

Speaker: **Larry Alexander, O.D., F.A.A.O.**
C.E. Credits: **4.0 hours**
Location: **South San Francisco Conference Center**
255 S. Airport Blvd., South San Francisco, CA 94080

Attendance Verification: Elaine Chung OD Date: 02/24/2013
Elaine Chung, O.D.

Please retain this for your records. It is your responsibility to provide proof of attendance to the State Board in cases of auditing.

State of California – State and Consumer Services Agency Edmund G. Brown, Jr., Governor

CALIFORNIA STATE BOARD OF OPTOMETRY

STATE BOARD OF OPTOMETRY
2450 Del Paso Road, Suite 105, Sacramento, CA 95834
P [916] 575-7170 F [916] 575-7292 web: www.optometry.ca.gov

CERTIFICATION OF PARTICIPATION IN CONTINUING EDUCATION

THIS WILL CERTIFY THAT:

Tom GREGORY L

Last Name (**Please Print**) First MI

202 Aspenwood CT

Address (Practice Location) **Street Number and Name**

San Ramon CA 94582

City State Zip Code

California License No. 10427T

Signature of Licensee

ATTENDED: Retina Update 2012
(Course Title)

SPONSORED BY: Retinal Consultants Medical Group, Inc.
(Name of Sponsoring Organization)

AT: The Crocker Art Museum, Sacramento, CA
Location where course(s) were provided

ON: September 16, 2012, FOR: 4 / #9129
Date(s) Hours Course ID #

COURSE INSTRUCTOR(S): Tony Tsai and Margaret Chang

Signature of Instructor Signature of Instructor

NOTE: This ENTIRE form MUST be complete. Please DO NOT send any records of continuing education attendance to the board office unless requested to do so.

Additional Continuing education post 05.01.2013 Reinstatement package

1. UC Berkeley – 20.0 hrs CE (04.29.2013)
2. Pacific College of Optometry – 2.0 hrs CE (05.03.13 and 05.14.13)
3. CEing is Believing Conference – 20 hrs CE (07.17.2013 and 07.18.13)
4. Retinal Update Sacramento, CA – 8 hrs CE (upcoming 09.15.13)

UNIVERSITY OF CALIFORNIA, BERKELEY

BERKELEY • DAVIS • IRVINE • LOS ANGELES • RIVERSIDE • SAN DIEGO • SAN FRANCISCO SANTA BARBARA • SANTA CRUZ

DENNIS M. LEVI, O.D., PH.D.
DEAN

SCHOOL OF OPTOMETRY
BERKELEY, CALIFORNIA 94720-2020

April 29, 2013

To Whom It May Concern:

This is to certify that ***Gregory Tom, OD,*** attended the following lectures on April 26-28, 2013, at the 28th Annual Morgan/Sarver Symposium. The continuing education program was presented by the School of Optometry, University of California, Berkeley.

State CA License No. 10427 T State_____ License No._____

April 26, 2013 **6 TPA Hours**

Carl Jacobsen, OD	*Glaucoma Diagnosis and Management: Traditional and New Technologies*
Todd Severin, MD	*2013 Updates on Detection, Diagnosis, Treatment and Management of Glaucoma*
C. Jacobsen & T. Severin	*Glaucoma Cases*

April 27, 2013 **8 TPA Hours**

Gay Tokumaru, OD	*Ocular Manifestations of Common Systemic Diseases*
Brad Sutton, OD	*Headaches: Applications For Optometric Practices*
Richard Grutzmacher, MD	*External Ocular Diseases: Updates in Diagnoses and Treatments*
Steve Ferrucci, OD	*Age-related Macular Degeneration and Diabetes Updates and Treatments*

April 28, 2013 **8 TPA Hours**

Brad Sutton, OD	*Sleep Apnea: Is There a Connection Between Snoring and Glaucoma?*
Long Tran, OD	*Corneal Dystrophies and Degenerations*
Byron Lee, MD, MS	*Heart to Heart: Understanding Cardiovascular Diseases and Treatments*
Steve Ferrucci, OD	*Posterior Segment Disease: Case Challenges*

Attendance Certification
University of California
School of Optometry

Patsy L. Harvey, O.D., M.P.H
Continuing Education Director

Continuing Education Certificate

THIS DOCUMENT HEREBY CERTIFIES THAT THE BELOW NAMED INDIVIDUAL HAS SUCCESSFULLY COMPLETED THE ONLINE CONTINUING EDUCATION PROGRAM BELOW FOR 1 CE HOUR:

Contacting a Solution to Corneal Staining

Instructor: Marc R. Bloomenstein OD, FAAO
Number of Credits: 1
COPE Course ID: 35783-CL
COPE Event ID #104494

Gregory Tom

State (s) of Licensure : CA

Number of Credits: 1

License #'s: 10427T

OE Tracker #: 53400

202 Aspenwood Ct.

San Ramon,California 94582

Date Taken: 5/4/2013

Score: 70

COPE Administrator:

FirstVisionMediaGroupINC

25 E. Spring Valley Ave., Ste 290, Maywood, NJ 07607

Ed De Gennaro, Director, Professional Content

Sponsor of Post-Course Test

Pennsylvania College of Optometry

SALUS UNIVERSITY

Sponsored by an unrestricted educational grant from CooperVision

This course was not developed or produced by COPE, but has been reviewed and approved for certification credit.

Continuing Education Certificate

THIS DOCUMENT HEREBY CERTIFIES THAT THE BELOW NAMED INDIVIDUAL HAS SUCCESSFULLY COMPLETED THE ONLINE CONTINUING EDUCATION PROGRAM BELOW FOR 1 CE HOUR:

Tips for Improving Your Success with Multifocal Soft Contact Lenses
Instructor: **Mark Andre**
Number of Credits: 1
COPE Course ID: 34981-CL
COPE Event ID: 104187

Gregory Tom

State (s) of Licensure : CA
Number of Credits: 1
License #'s: 10427T
OE Tracker #: 53400

202 Aspenwood Ct.
San Ramon, California 94582

Date Taken: 5/3/2013
Score: 100

COPE Administrator:

FirstVisionMediaGroupINC

25 E. Spring Valley Ave., Ste 290, Maywood, NJ 07607

Ed De Gennaro, Director, Professional Content

Sponsor of Post-Course Test

Pennsylvania College of Optometry
SALUS UNIVERSITY

Sponsored by an unrestricted educational grant from CooperVision

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eyecarepro

COPE CERTIFICATE OF ATTENDANCE

CEB 2013

COPE Administrator Daniel Rostenne, EyeCarePro 55 Douglas Crescent, Toronto Ontario, M4W 2E6 (412) 532-6542 danielr@eyecarepro.net	COPE Event #105777 CEing is Believing – Optometry's Virtual CE Conference Location: Online Dates: 2013-07-17 – 2013-7-18

Attendee Name: **Dr. Gregory Tom**
OE Tracker #: **534000**

Address: **202 Aspenwood Ct**
San Ramon CA, 94582
United States

Date	Course ID	Credit Type	Hours	Course Title/Instructor	Test Result
2013-7-17	31865-PS	Online Interactive	1	AMD: The Cards We're Dealt and the Hand We Play / Jeffrey Gerson, OD	Passed
2013-7-18	38147-PD	Online	1	Advances in OCT Imaging: Retina and Glaucoma / Mark Dunbar, OD	Passed
2013-7-17	38193-GO	Online Interactive	1	ARMD Nutritional Update / Steven Newman, OD	Passed
2013-7-18	37840-RS	Online	1	Challenges With Intra-Ocular Accommodating IOLs / Alan Glazier, OD	Passed
2013-7-18	38143-PS	Online	1	Energize Your Practice with Imaging Technologies that Streamline Patient Care / Joseph Pizzimenti, OD	Passed
2013-7-17	38142-PS	Online Interactive	1	Challenging Cases of Concomitant Glaucoma and Retinal Disease / Diana Schechtman, OD	Passed
2013-7-18	38146-PS	Online	1	Diseases of the Vitreous Humor: No Laughing Matter / Joseph Pizzimenti, OD	Passed
2013-7-18	38270-PM	Online	1	Leveraging Technology in EyeCare to Boost Efficiency & Productivity / Richard Edlow, OD	Passed
2013-7-18	38023-SD	Online	1	Lipiflow Treatment for Evaporative Dry Eye / Alan Glazier, OD	Passed
2013-7-17	29632-SD	Online Interactive	1	Managing the Ocular Surface Disease Manifestations of Systemic Disease / Paul Karpecki, OD	Passed

eyecarepro

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Attendee Name: **Dr. Gregory Tom**
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Address: **202 Aspenwood Ct**
San Ramon CA, 94582
United States

Date	Course ID	Credit Type	Hours	Course Title/Instructor	Test Result
2013-7-18	38243-CL	Online	1	The Magic of Orthokeratology Continues / Cary Herzberg, OD	Passed
2013-7-17	38200-PS	Online Interactive	1	Update on Age Related Macular Degeneration / Steven Ferrucci, OD	Passed
2013-7-18	38129-PM	Online	1	Successful Vendor Management in the Optometric Practice / David Friedfeld	Passed
2013-7-18	38199-GO	Online	1	Prescribing for the Digital World / Thomas Gosling	Passed
2013-7-17	38145-SD	Online Interactive	1	Clinical Ocular Grand Rounds / Blair Lonsberry, OD	Passed
2013-7-17	37405-AS	Online Interactive	1	Collagen Cross Linking (CXL) in the Limelight / Andrew S Morgenstern, OD	Passed
2013-7-21	38148-CL	Online	1	Contact Lenses - Tales From the Trenches / Mile Brujic, OD	Passed
2013-7-21	38201-PD	Online	1	CSI: UVeitis: Using Laboratory Testing for Systemic Associations / Mark Schaeffer, OD	Passed
2013-7-17	38133-GL	Online Interactive	1	Looking For Glaucoma in All the Right Places: The Macula / Ben Gaddie, OD	Passed
2013-7-17	38247-LP	Online Interactive	1	Femtosecond Laser Technology in Modern Eye care / Bill Tullo, OD	Passed

eyecarepro

COPE CERTIFICATE OF ATTENDANCE

CEB 2013

COPE Administrator Daniel Rostenne, EyeCarePro 55 Douglas Crescent, Toronto Ontario, M4W 2E6 (412) 532-6542 danielr@eyecarepro.net	COPE Event #105777 CEing is Believing – Optometry's Virtual CE Conference Location: Online Dates: 2013-07-17 – 2013-7-18

Attendee Name: **Dr. Gregory Tom**
OE Tracker #: **534000**

Address: **202 Aspenwood Ct**
San Ramon CA, 94582
United States

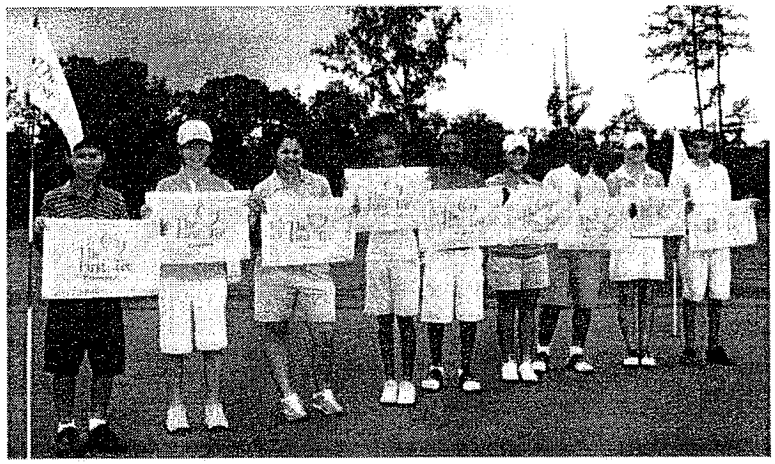
Date	Course ID	Credit Type	Hours	Course Title/Instructor	Test Result
2013-7-22	38244-LV	Online	1	High Tech in Low Vision / Alexis Malkin, OD	Passed
2013-7-17	38260-GL	Online Interactive	1	Medical Management of Glaucoma / Leo Semes, OD	Passed
2013-7-22	38197-PS	Online	1	Preventive Optometry: The Foundation of Optometric Practice / Mary Boname, OD	Passed

First Tee Certificates

Of

Achievement

Certificate of Accomplishment



This is to certify that

Greg Tom

attended

The First Tee Coach Training (Phase I)
San Francisco
September 15-17, 2011

Dedric F. Holmes

Dedric Holmes, Senior Director, Life Skills Education

Joe Louis Barrow, Jr., Chief Executive Officer

Certificate of Accomplishment

This is to certify that

Greg Tom

has attended

The First Tee Coach Training (Level II)
Phoenix, AZ
March 22-24

Dedric F. Holmes

Dedric Holmes, Senior Director, Life Skills Education

Joe Louis Barrow

Joe Louis Barrow, Chief Executive Officer

Certificate of Accomplishment

This is to certify that

Greg Tom

has attended

The First Tee Coach Training (Level III)
Las Vegas, NV
April 3-6, 2013

Dedric F. Holmes

Dedric Holmes, Senior Director, Life Skills Education

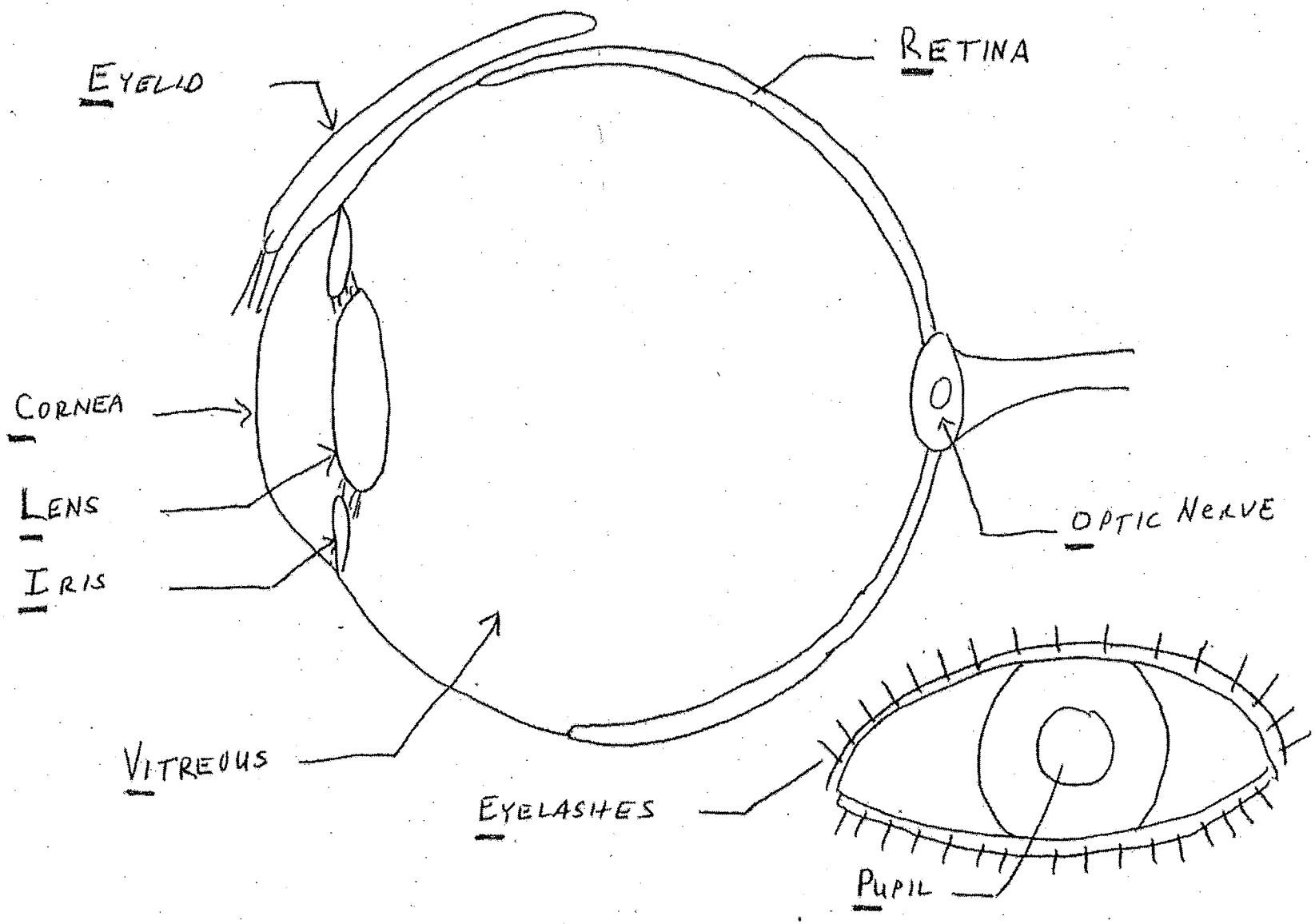
Joe Louis Barrow, Chief Executive Officer

Studying the Parts of the

Bovine "Cow" Eye and Human Eye

(Dissection of Bovine Eye)

MY _____ EYE


EYELID
RETINA
CORNEA
LENS
IRIS
OPTIC NERVE
VITREOUS
EYELASHES
PUPIL

Basic Eye Terms

Eyelashes – protective hairs that grow outwards from your eyelid

Eyelid – the protective skin layer that opens and closes as you blink

Cornea – the outer clear "skin" layer of the eye composed of epithelium

Conjunctiva – clear epithelial cell layer which covers the outside of the white part of the eye and the inside of the eyelids. It produces tears and mucus.

Sclera – the "white" part of the eye that gives the eye its shape and allows muscles to attach to it

Iris – the "colored" part of the eye that is made up of muscles to open (dilator muscles) and close (sphincter muscles)the pupil

Pupil – the round "black hole" in the eye which opens & closes with light

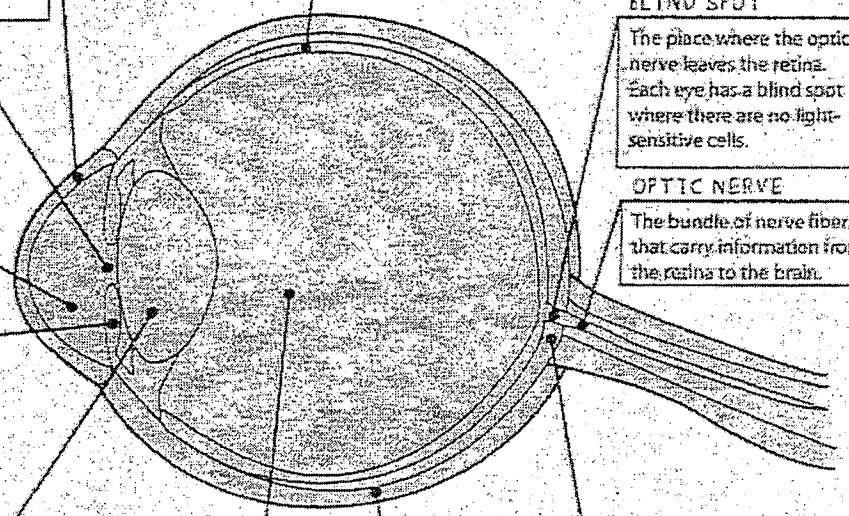
Lens – the clear "magnifying" lens of the eye which is made up of epithelial cells that focus images on the back of the eye

Vitreous – the clear "jello" inside the eye which made up of 99% water, proteins, and sugars. Helps the eye to maintain its round shape.

Retina – the "film" of the eye which is made up of many layers that contain blood, neurons, rods and cones that allow us to see colors and in the dark.

Macula - the "center" of the retina filled with cones which allows for us to see colors and see our clearest

Optic Nerve – the white "cord" inside the eye where all the nerves leave and enter the brain. Commonly called the 2nd Cranial nerve.



CORNEA

A tough, clear covering over the iris and the pupil that helps protect the eye. Light bends as it passes through the cornea. This is the first step in making an image on the retina. The cornea begins bending light to make an image; the lens finishes the job.

PUPIL

The pupil is the dark circle in the center of your iris. It's a hole that lets light into the inner eye. Your pupil is round. A cow's pupil is oval.

AQUEOUS HUMOR

A clear fluid that helps the cornea keep its rounded shape.

IRIS

A muscle that controls how much light enters the eye. It is suspended between the cornea and the lens. A cow's iris is brown. Human irises come in many colors, including brown, blue, green, and grey. change shape, focusing on objects that are close up and objects that are far away.

LENS

A clear, flexible structure that makes an image on the eye's retina. The lens is flexible so that it can change shape, focusing on objects that are close up and objects that are far away.

VITREOUS HUMOR

The thick, clear jelly that helps give the eyeball its shape.

SCLERA

The thick, tough, white outer covering of the eyeball.

TAPETUM

The colorful, shiny material located behind the retina. Found in animals with good night vision, the tapetum reflects light back through the retina.

RETINA

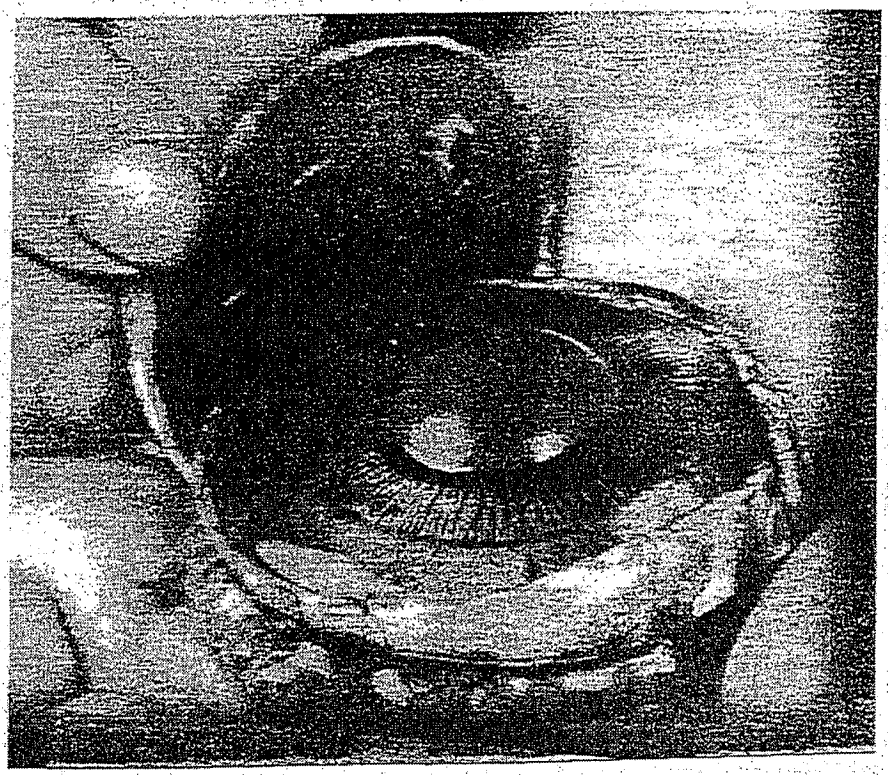
The layer of light-sensitive cells at the back of the eye. The retina detects images focused by the cornea and the lens. The retina is connected to the brain by the optic nerve.

BLIND SPOT

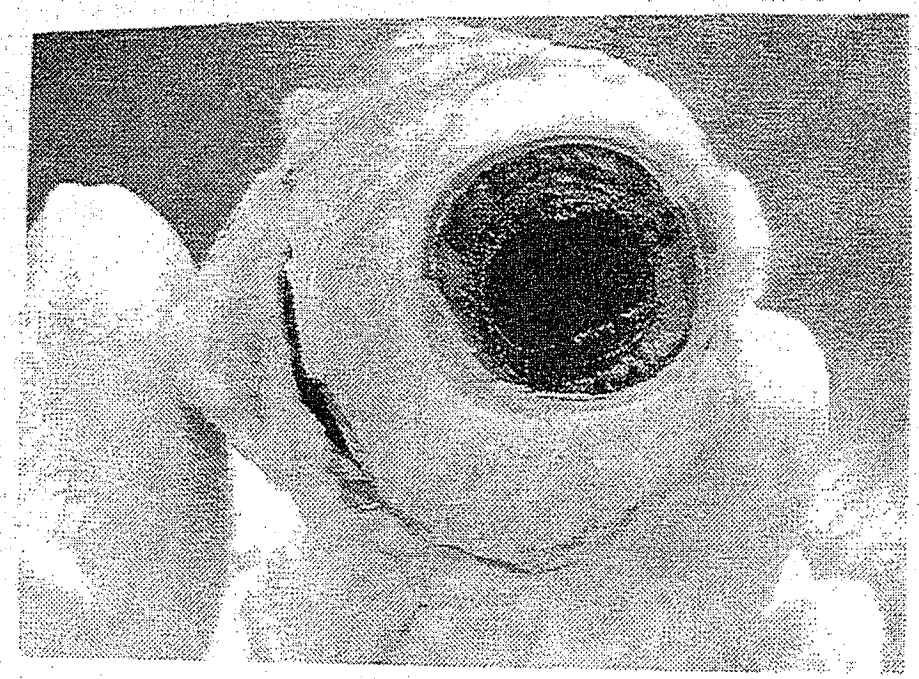
The place where the optic nerve leaves the retina. Each eye has a blind spot where there are no light-sensitive cells.

OPTIC NERVE

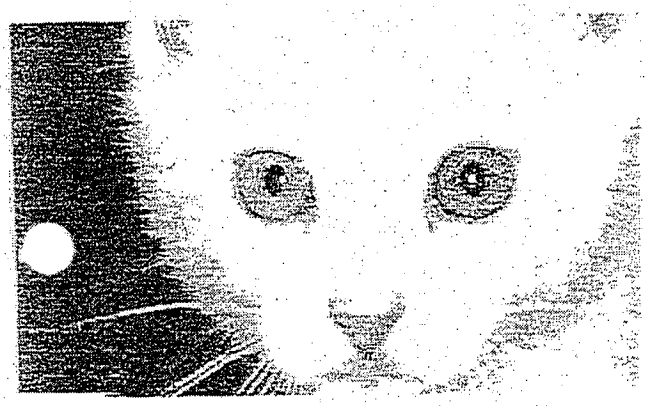
The bundle of nerve fibers that carry information from the retina to the brain.



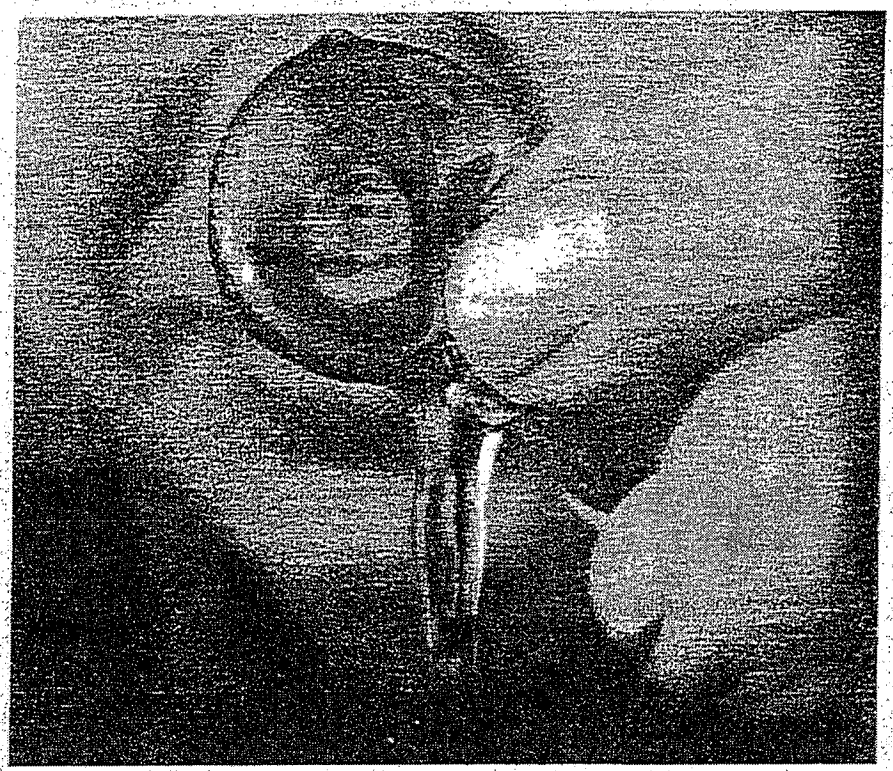
Cow pupil: It is round in shape similar to the human eye.



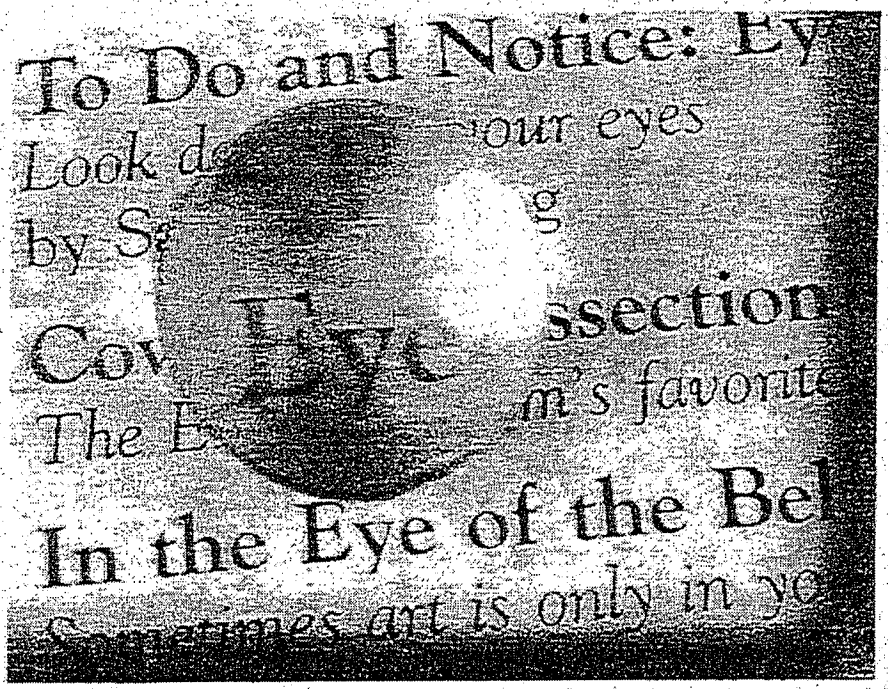
Sheep pupil: It is rectangular in shape



Cat pupil: It is diamond-slit shaped



Lens: The lens works like a magnifying lens and makes images larger. It also makes the images upside down which our brain then makes right side up.


To Do and Notice: Ey
Look de our eyes
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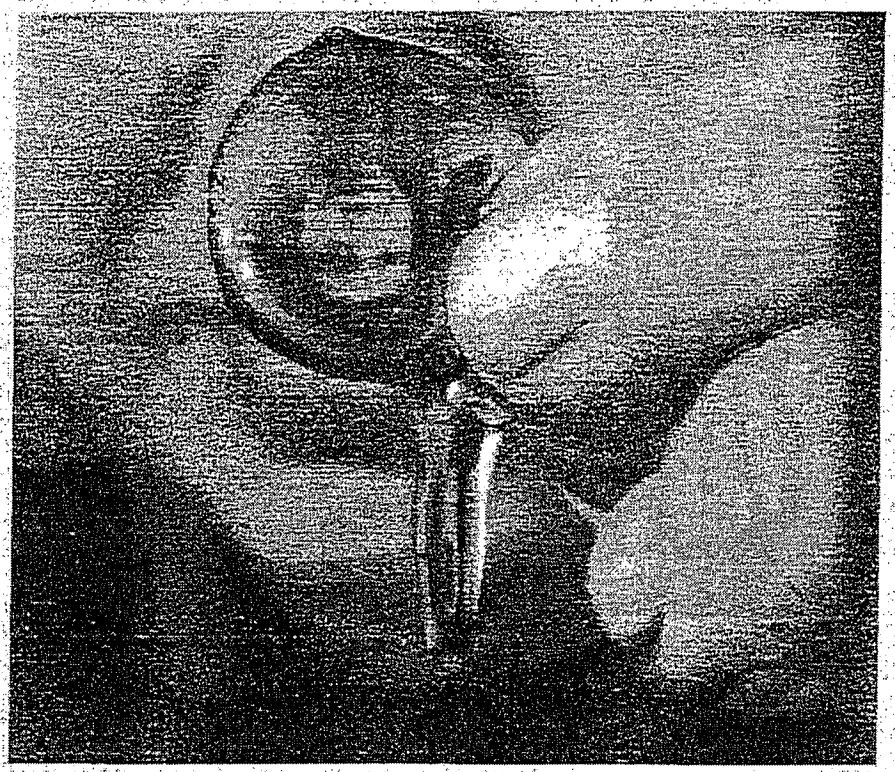
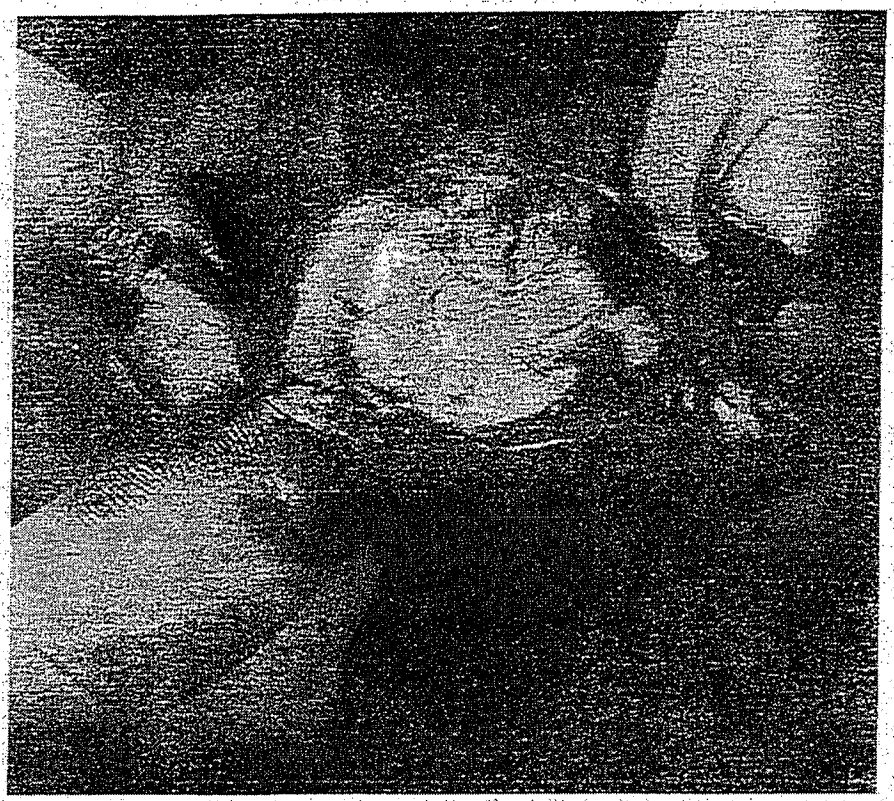
In the Eye of the Bel
Sometimes art is only in ye





Tapetum: It's the shiny blue-green layer behind the retina. Humans don't ave a tapetum but cows and cats do. It helps reflect light to see better at night.

Retina: The retina is made up of many nerves which help you to see. Humans have two types, rods (night vision) and cones (day vision).

Optic Nerve: this is the bundle of nerves that leave the eye and go to the brain. It is also called the blind spot because you cannot see in this area.

Why do cows have and sheep have rectangular shaped pupils?

The narrower the pupil, the more accurate the depth perception of peripheral vision is, so narrowing it in one direction would increase depth perception in that plane. Animals like goats and sheep may have evolved horizontal pupils because better vision in the vertical plane may be beneficial in mountainous environments. Cows have round pupils, like humans, and open and close their pupils with different amounts of light exposure.

Why is the retina blue colored in the cow eye and red colored in the human eye?

The human retina is filled with blood which helps provide the necessary nutrients to keep the nerves healthy to see at night (rods) and color (cones).

The cow eye does not see color just black and white and gray. That is why the retina is blue in color

How many eye muscles do cows and sheep have on their eye?

4 muscles total to move up and down and side to side. They cannot rotate their eyes like humans do. When you are on the monkey bars at the park or at the roller coaster, human eyes rotate in a circular pattern also.

What in the eye is like the skin on your body?

It's the cornea. The cornea is like your skin because it grows and is the protective layer of your eye just like the skin protects your skin. One difference between the skin and the cornea is that the cornea is clear and your skin is not.

REMEMBER: TAKE CARE OF YOUR EYES, YOU ONLY HAVE TWO OF THEM.

THANK YOU

Dr Gregory Tom, O.D.

If you have questions or your parents have questions about their eyes, you can email me at idoc4u2c@yahoo.com and I will answer you or call you personally.

STEM Program

(Science, Technology, Engineering, Math)

Basic Eye Terms

Eyelashes – protective hairs that grow outwards from your eyelid

Eyelid – the protective skin layer that opens and closes as you blink

Cornea – the outer clear "skin" layer of the eye composed of epithelium

Conjunctiva – clear epithelial cell layer which covers the outside of the white part of the eye and the inside of the eyelids. It produces tears and mucus.

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Macula - the "center" of the retina filled with cones which allows for us to see colors and see our clearest

Optic Nerve – the white "cord" inside the eye where all the nerves leave and enter the brain. Commonly called the 2nd Cranial nerve.

Eye Terms and Camera Terms

Eyelids = Lens Cap

Cornea = Lens (primary)

Sclera = Camera body

Conjunctiva = Camera Case

Pupil = Aperature *

Lens (eye) = Elements (inside lenses)

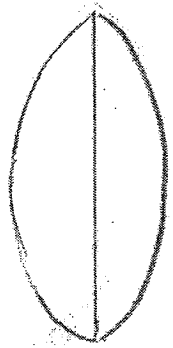
Retina = Film (SD card)

Optic Nerve (to brain) = USB cord (to computer)

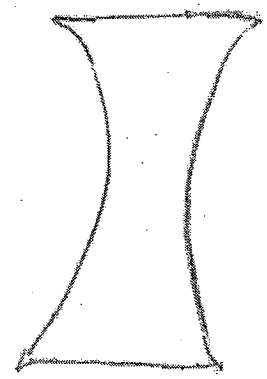
*Aperature is the opening of the shutter in a camera. The size of the aperature is called the *F stop*.

Larger the F stop = more light in = greater depth of focus (better in focus)
Smaller the F stop = less light in = lower depth of focus (less in focus)

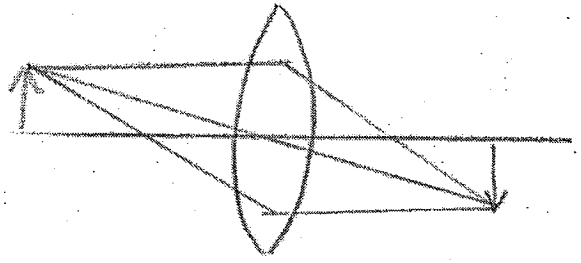
Lens Shapes



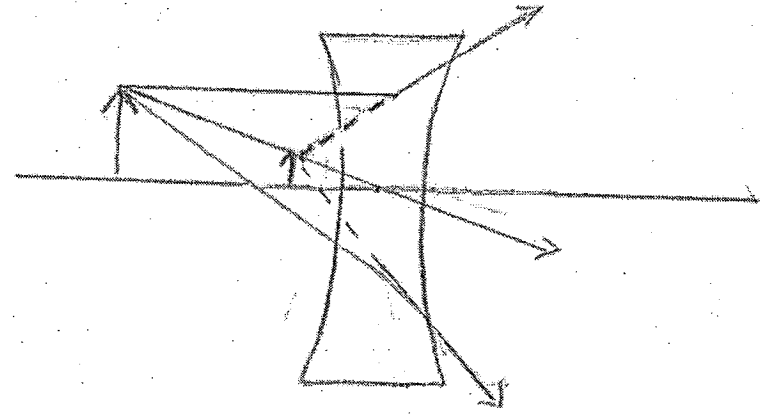
Convex = converging



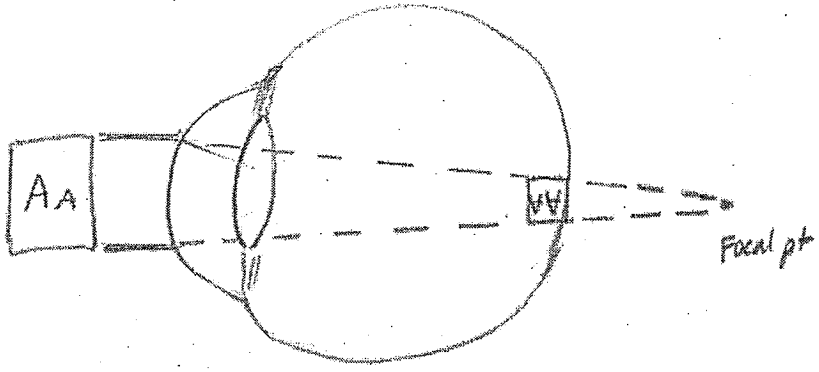
Concave = Diverging

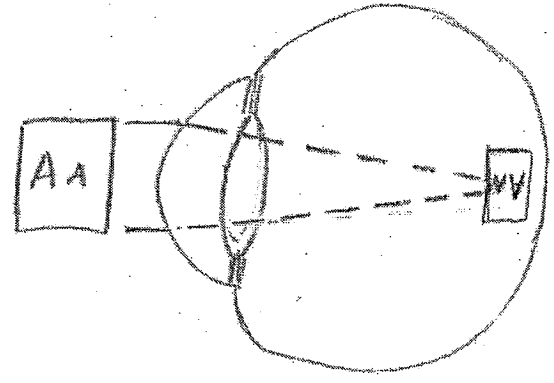


Hyperope = farsighted

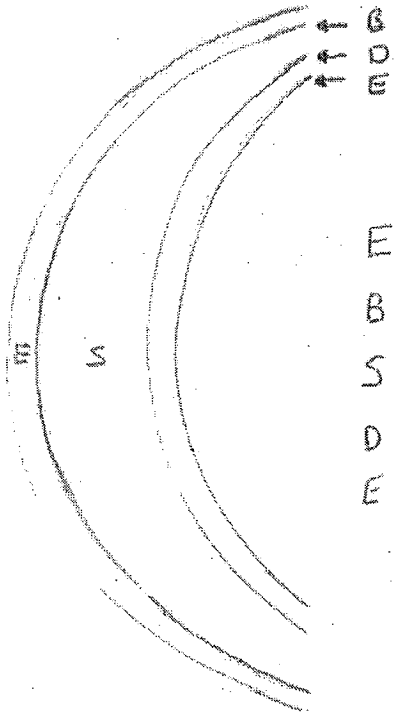


Myope = nearsighted





CORNEAL LAYERS



E = EPITHELIUM

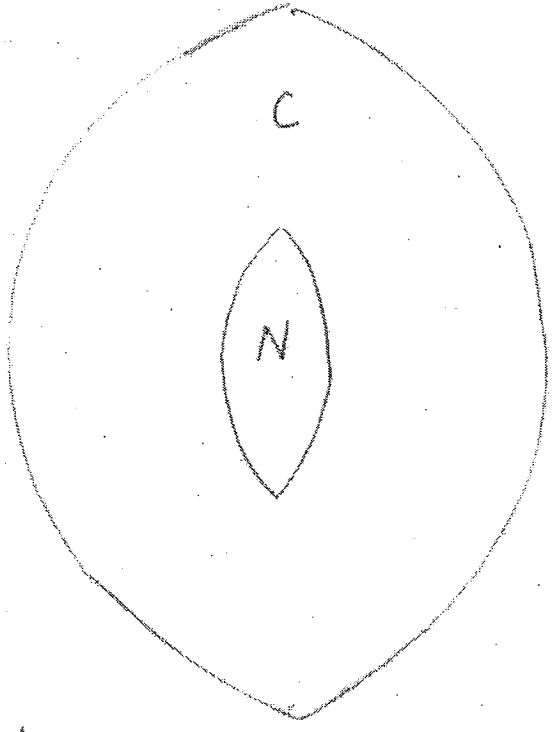
B = BOWMAN'S LAYER

S = STROMA

D = DESCEMET'S MEMBRANE

E = ENDOTHELIUM

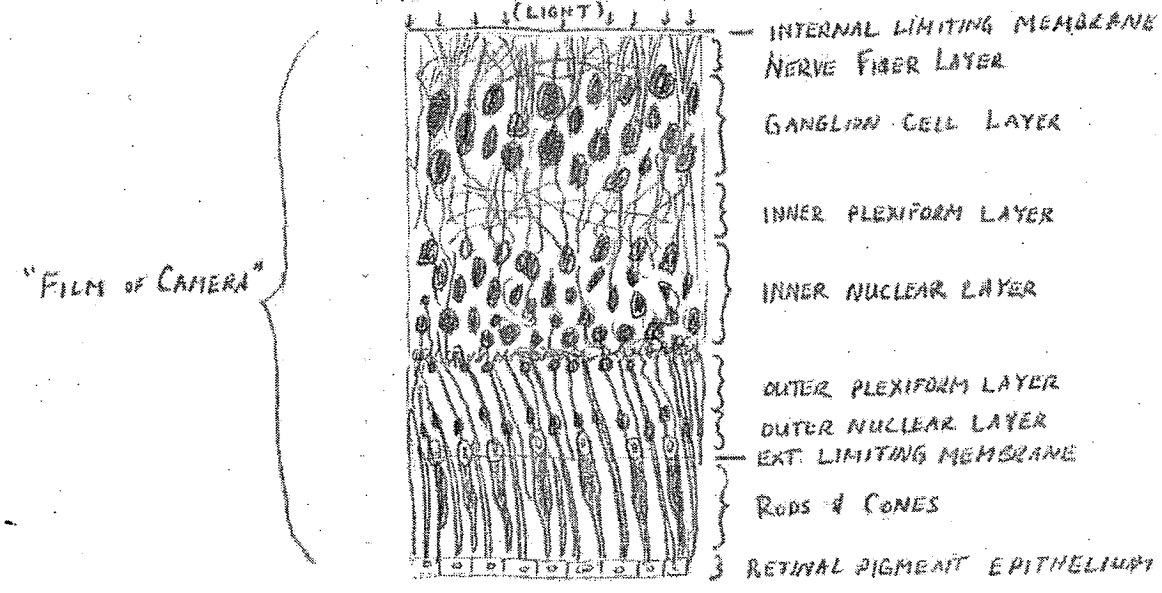
LENS



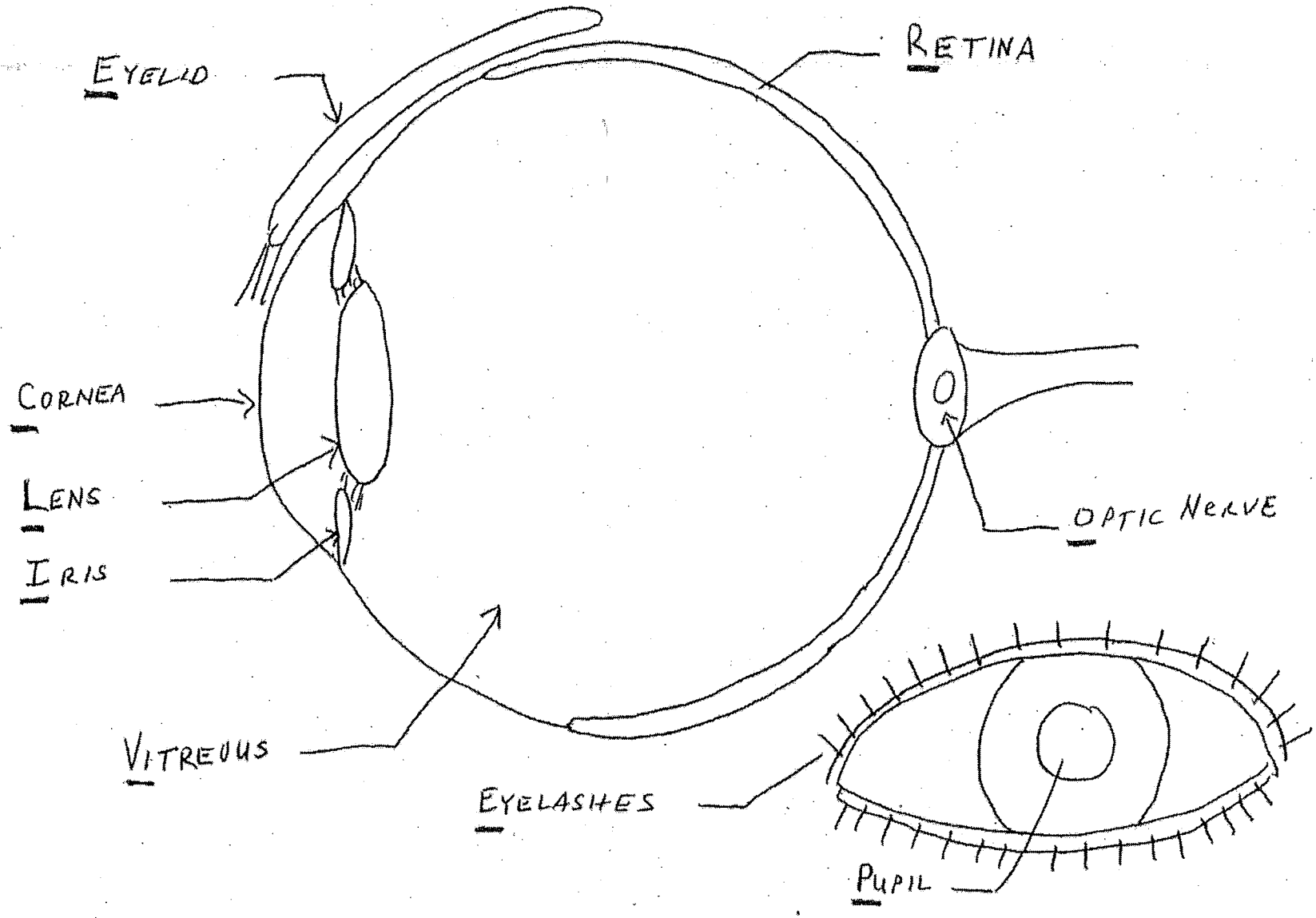
C = CORTEX

N = NUCLEUS

RETINAL LAYERS



MY _____ EYE


EYELID
RETINA
CORNEA
LENS
IRIS
OPTIC NERVE
VITREOUS
EYELASHES
PUPIL

Color of Light and its Gift of Energy

The light that we see every day is called "White Light". Light rays are composed of different wavelengths within the electromagnetic spectrum. In other words, the colors we see are a result of different wavelengths of white light.

White light is made up of (7) primary colors. We call them "ROY G BIV"

R = Red
O = Orange
Y = Yellow
G = Green
B = Blue
I = Indigo
V = Violet

When light is diffracted (bent) or absorbed, then we see a particular color more than another.

Think about day vs. night. It's the same source of light from our sun. As the Earth rotates and our sky changes with clouds and moisture, the white light is diffracted (ROY G end) and sometimes absorbed (IV end) and we see day as being a "blue sky".

The same exact white light at sunset though appears "red sky" or sunset. The earth rotates farther and certain wavelengths diffract more (G BIV end) and we see the red-orange sunset.

What is ENERGY?

A: It is the radiation of white light. Since "Energy = Light "then Light is nature's way of transferring energy through space.

Light transfers energy to us in the form of photons which strike objects and cause charged particles called "electrons" to wiggle and move upwards. When we harness this electron with copper wires, we create electricity.

What is Electricity?

A: It's the energy formed as a result of charged particles like electrons and photons

What is Solar Energy?

A: Energy resulting from harnessing of white light's charged particles, photons and electrons

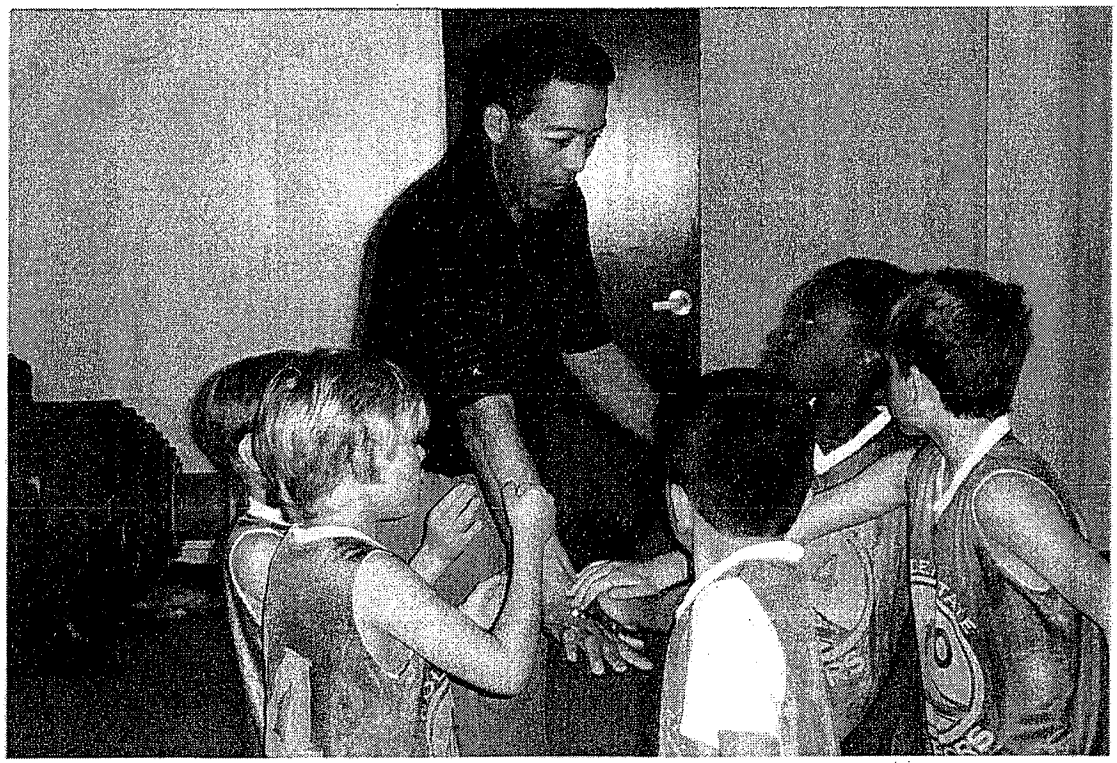
How is a Solar Panel?

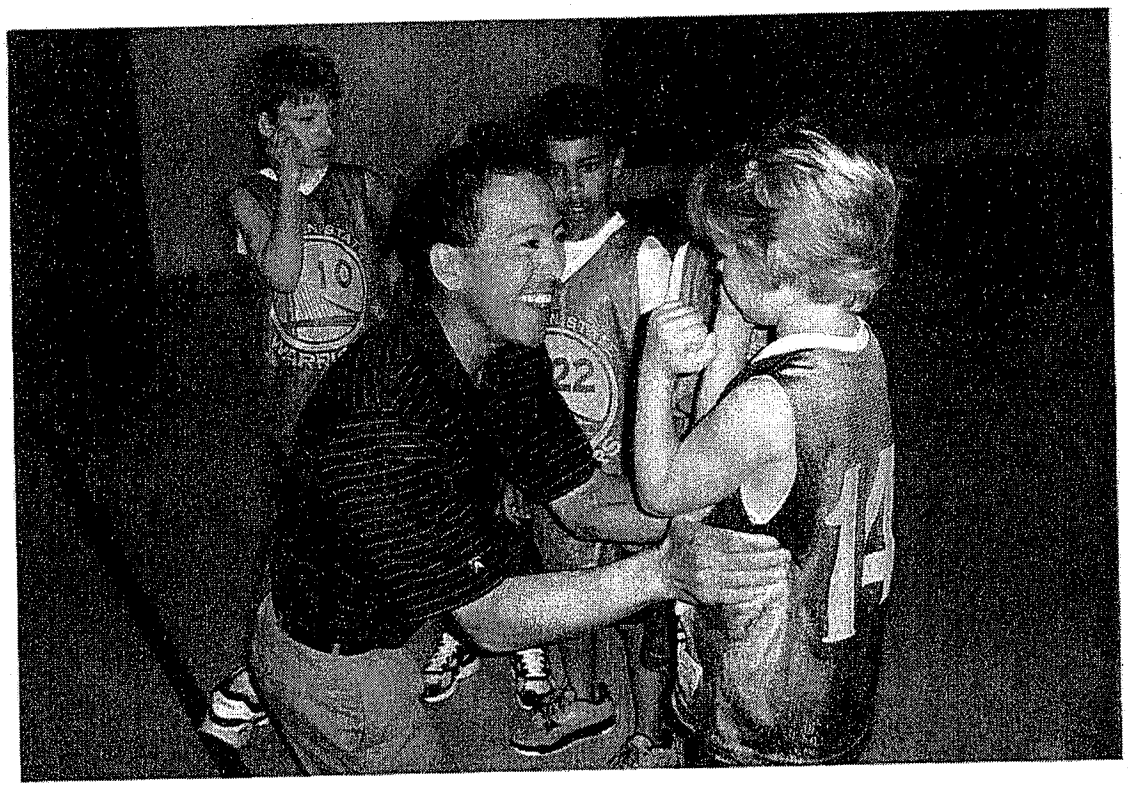
A: Solar Panel is made up of solar cells, which are circular shapes made up of mostly Silicon. Silicon is a hard element which is surrounded by charged particles called electrons

How does the Solar Panel work?

A: White light's photons hit the solar panel and are exposed to the disk of silicon which causes one of its surrounding electrons to separate. When we attach a copper wire to one end, a current is created. As a result, we now have electricity. Now, that is how the solar energy plane, the SOLAR IMPULSE flies without gas.

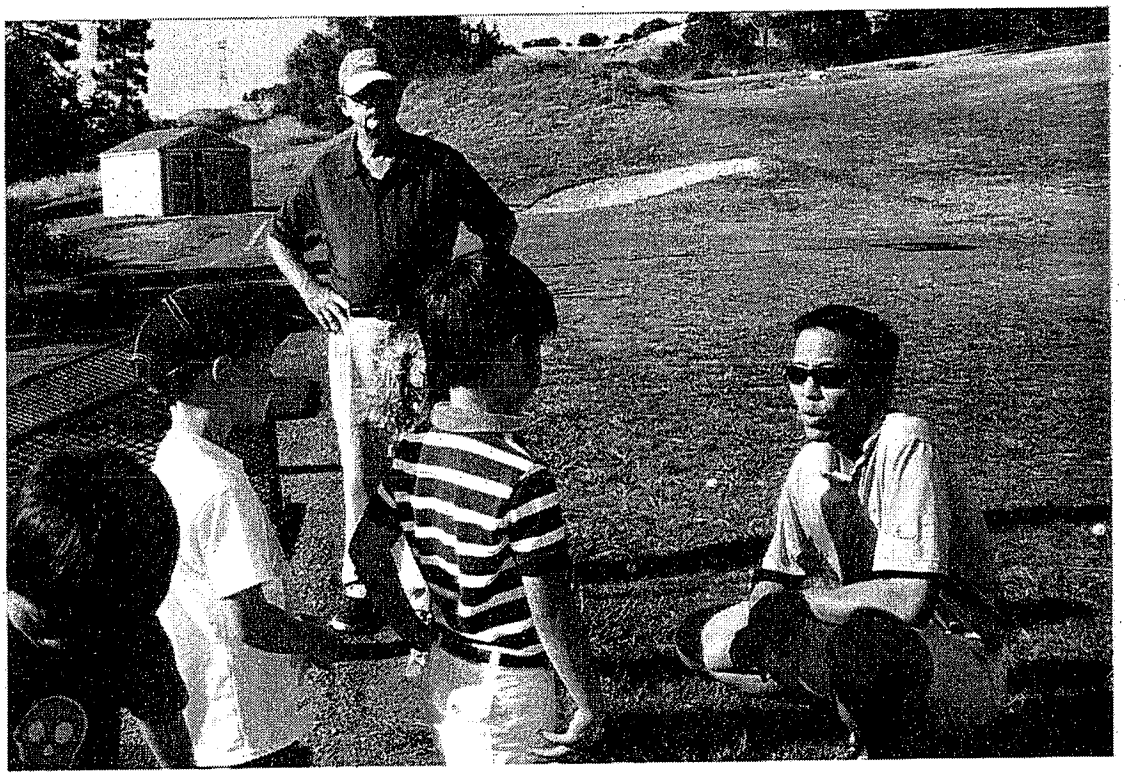
Volunteer Community Coaching

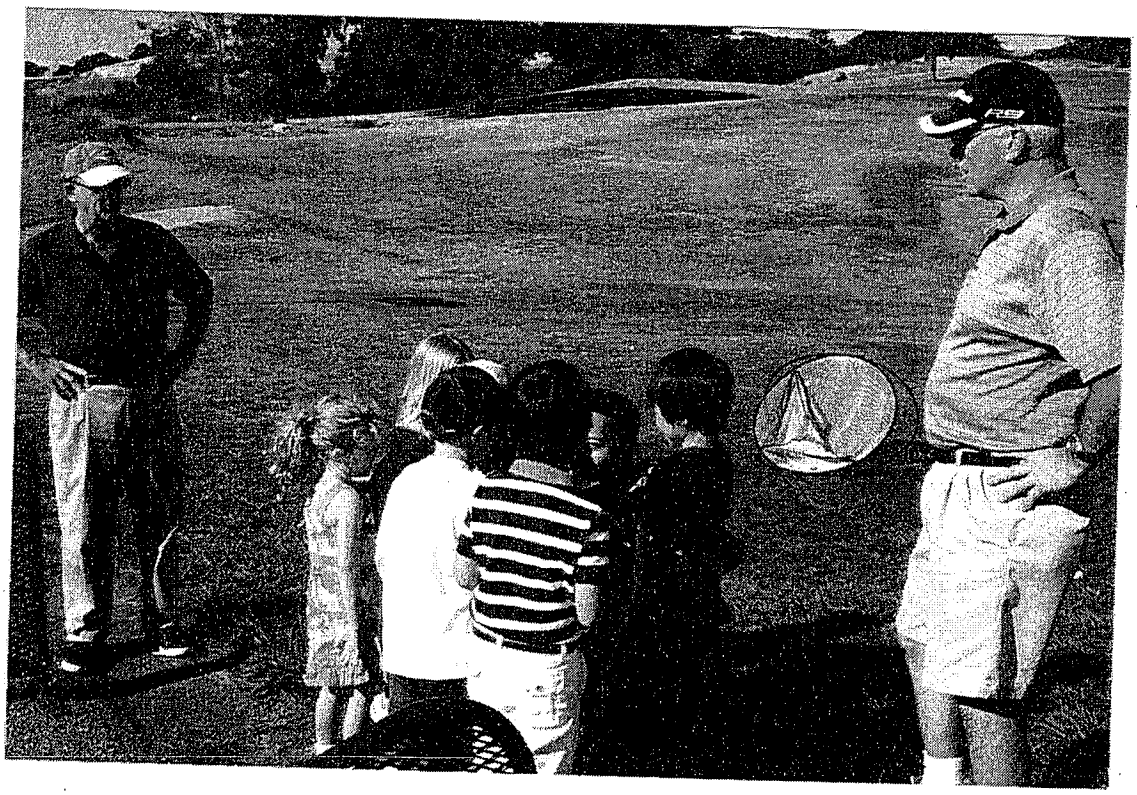




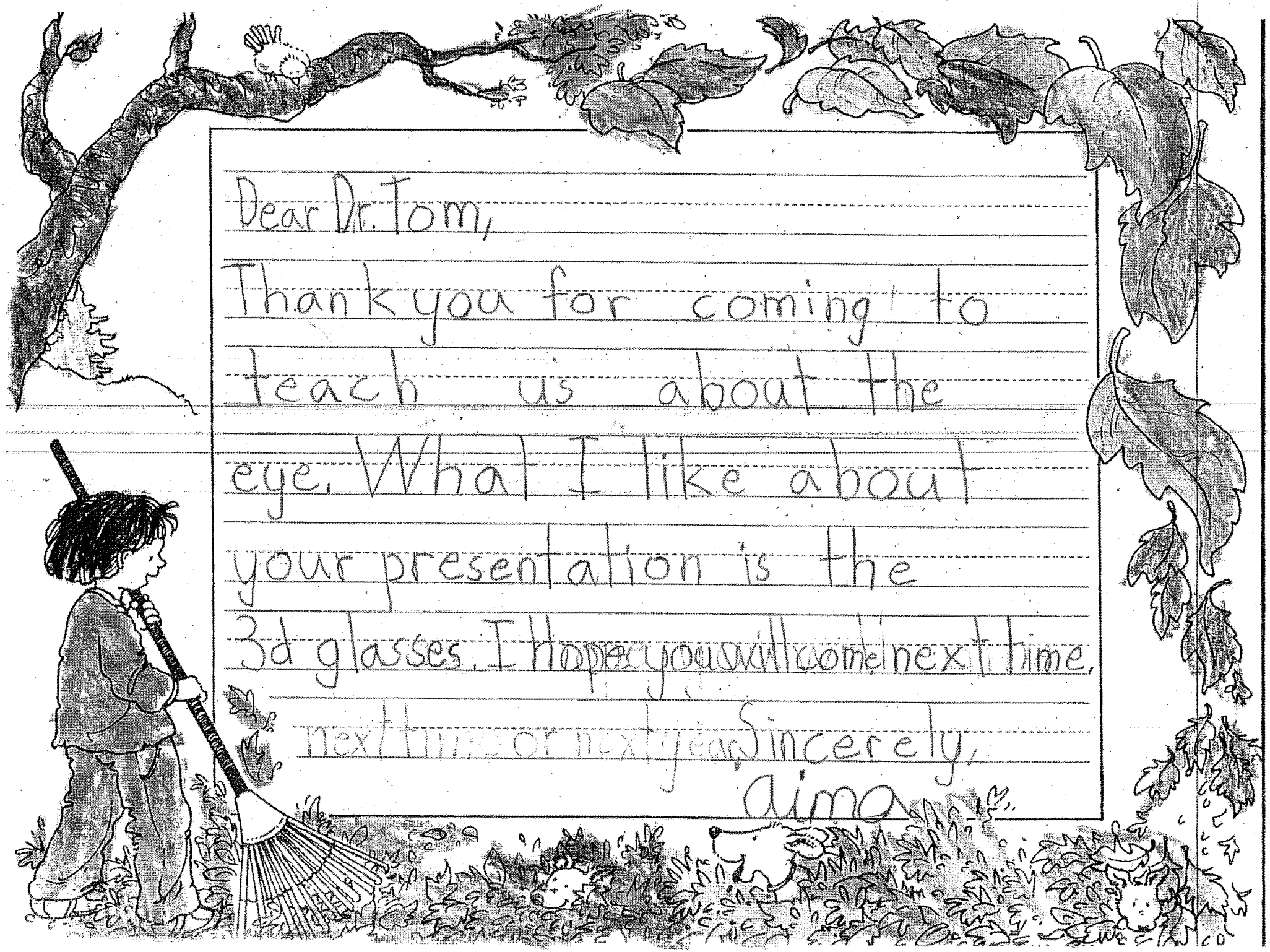
11
4
3

11
5





Student Letters & Pictures



Dear Dr. Tom,

Thank you for coming to teach us about the eye. What I like about your presentation is the 3d glasses. I hope you will come next time, next time or next year.

Sincerely,

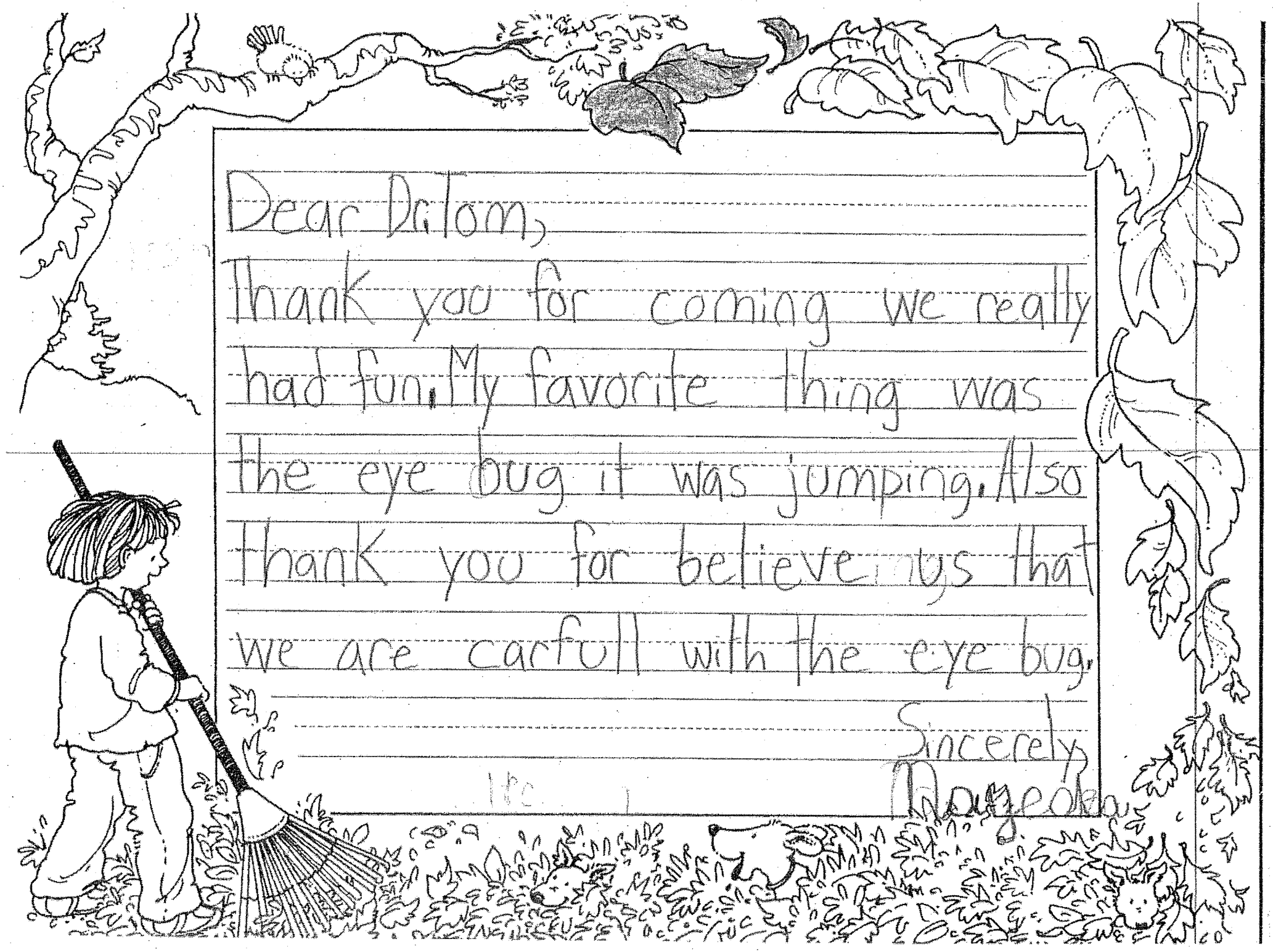
aima

Dear Dr. Tom,

Thank you for coming teach us about the eyes What I like about your presentatino I was went you sayed that yee were going to come again

Sincerely,

[illegible]



Dear Dr. Tom,

Thank you for coming we really had fun. My favorite thing was the eye bug it was jumping. Also thank you for believe us that we are carfull with the eye bug.

Sincerely,

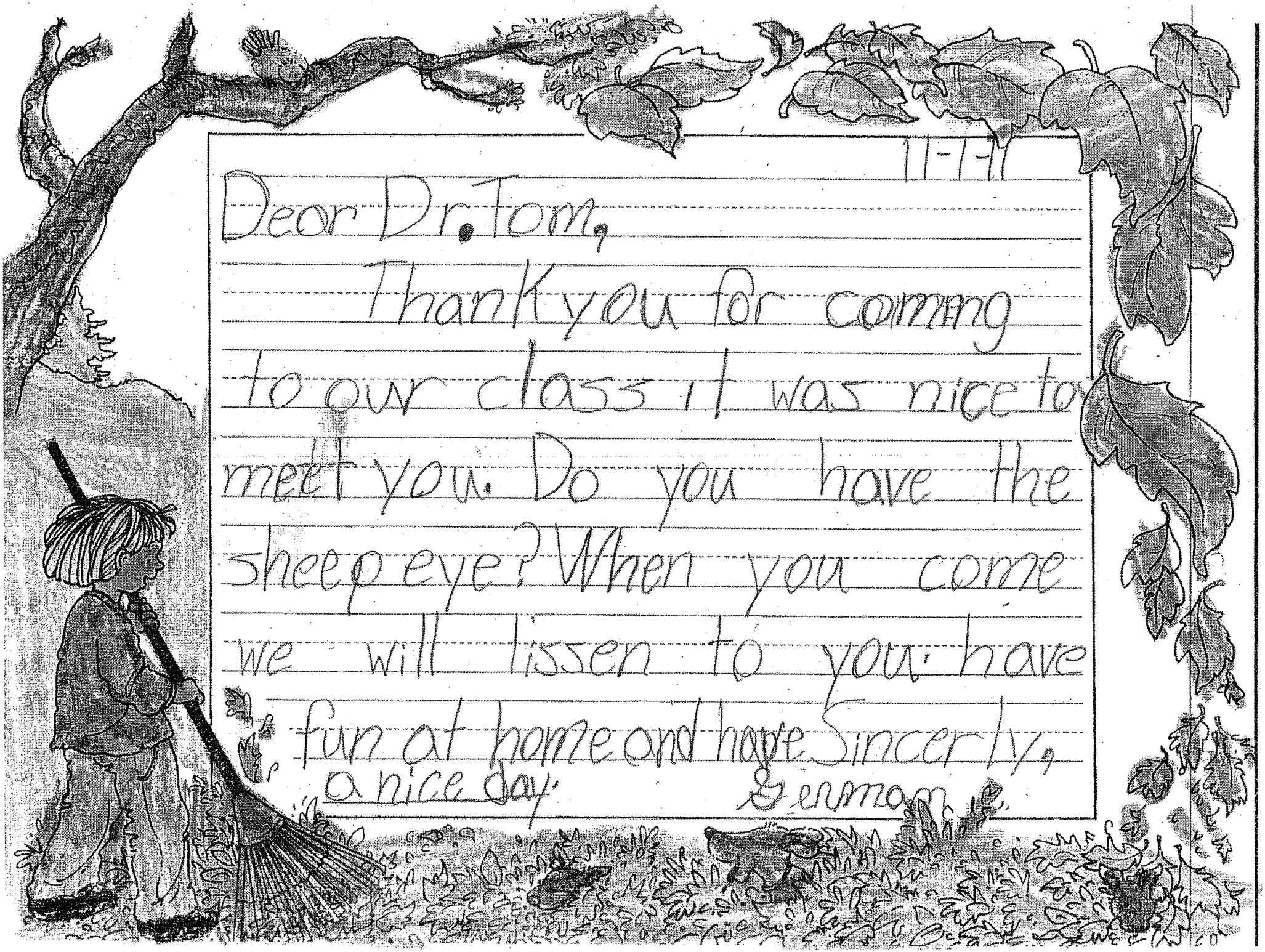
Mayeoka

Dear Dr. Tom,

Thank you for the great presentation. I remember that it is bad when something gets in your eye. I liked the part when I saw the 3D pitcher fly. It was awsome.

Sincerely,
Ariel

Dear Dr. Tom, thank you for
thank you for coming over to
other classroom the other day.
My favorite part was the
3D bug picture. We hope you
come back soon. So we can
learn more stuff. Sincerely,
Benjamin



11-1-11

Dear Dr. Tom,

Thank you for coming to our class it was nice to meet you. Do you have the sheep eye? When you come we will lissen to you. have fun at home and have a nice day.

Sincerly,

German

Dear Dr. Tom,

Thank you for doing an eye lesson with us. If any of us wanted to become an eye docter we will alredy know about the eye. We will like you to come back.

Sincerely,
Daelon

4-10-13

Dear Dr. Tom,

Thank you for coming and doing your presention with us. My favorite part was when you dissected cow eyes. I learned alot of stuff like the vitrious, cornea and the iris.

Sincerly,
William

4-10-13

Dear Dr.Tom,

Thank you for coming and my favorite part was when we touched the cow's eyes. I liked when you taught us about a cow's eyes and the lens of the cow.

Sincerely,

Kenia Ponce

4-10-13

Dear Dr. Tom,

Thank you, for coming. It was a pleasure for you coming. Something I learned was not all animal and people don't hav the same pupil. I was very disgusted about the cows eyes. I am very pleased with the presentation. Sincerely

Amaya Lorry Jackson Lovely

4-10-13

Dear Dr. Tom,

Thank you for bringing in the cow's eye. I learned alot about an eye and my favorite part was that we got to touch the papil, retina, cornea, and the optic nerve, and vitrious. I'm so happy you came. Sincerely,

Elsabel

4-10-13

Dear Dr. Tom, ~~Thank~~

Thank you for coming and teaching us about eyes yesterday. I had fun touching all the parts on the cows eye. Also thank you for letting all of us have a good day.

Sincerely,

Daniah

4-10-13

Dear Dr. TOM,

Thank you for coming to are class. My favorite part was toching the cornea, retina, optic nerve, vitrious, iris, lens, pupil and everything else. it was very fun to have you in our class room. You showed us a lot of things that we can

4-10-B

Dear Dr. Tom,

Thank you for coming and teaching us about a cow's eye. I really learend some important things about peoples eye and cow's eye. I learend that the pupil, iris, vitrious, cornea, optic nerve, retina, and the lens are really important. Some of the parts can protect your eyes.

Sincerly

Alison

4-10-13

Dear Dr. Tom,

Thank for begin the coweye. My favorite part its wind I touch the coweye. Thank you for comeing to our class

Sincerely

Jaones

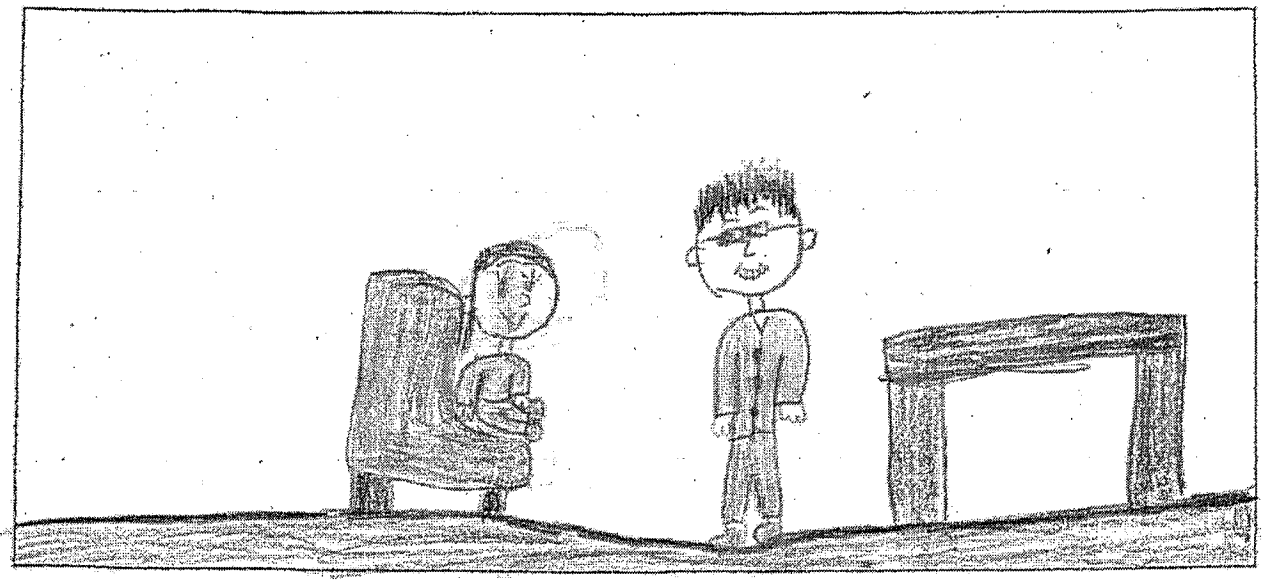
Name David Date

Dear Dr. Tom,

My name is David. I hope I get to meet you. I am a new student. Can you teach me about the eyes? I want you to come back this year! From,

David

Name Noreen Date



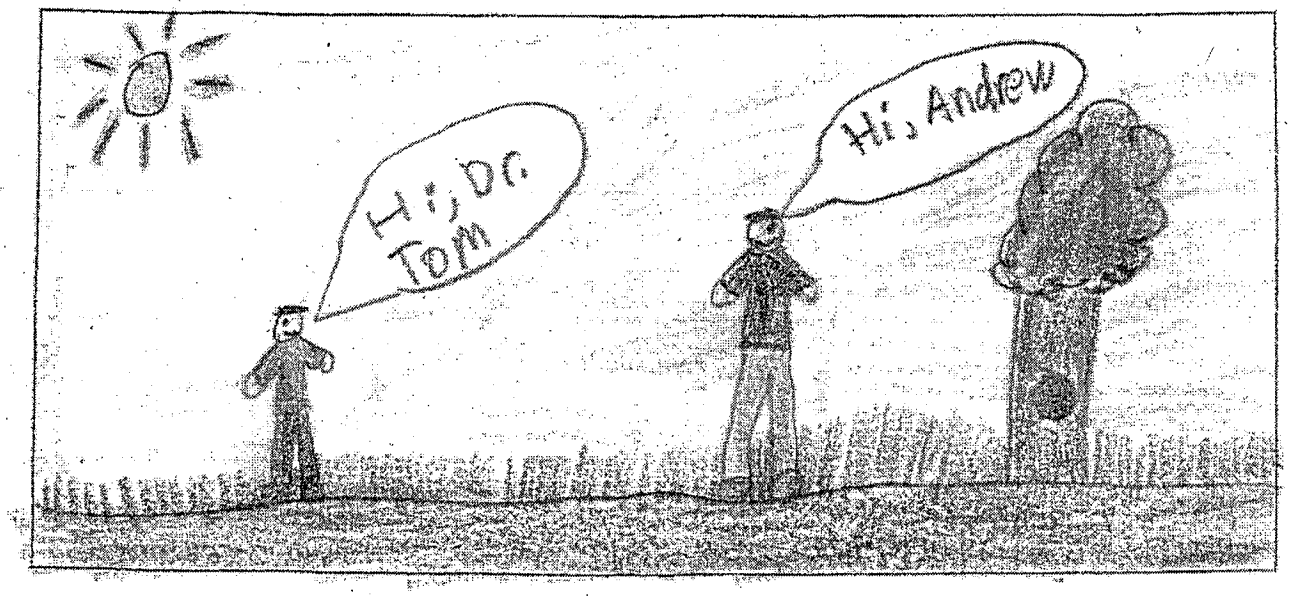
Dear Dr. Tom,

Thank you for being an eye doctor because you are a very good doctor. Can you teach me about my eyes? Would you come next time? We miss you!

Your friend,

Noreen

Name Andrew Date



Dear Dr. Tom,

Can you come back and teach us about the eyes? My name is Andrew. I heard about you in first grade. I am seven years old. I want you to come back this year!

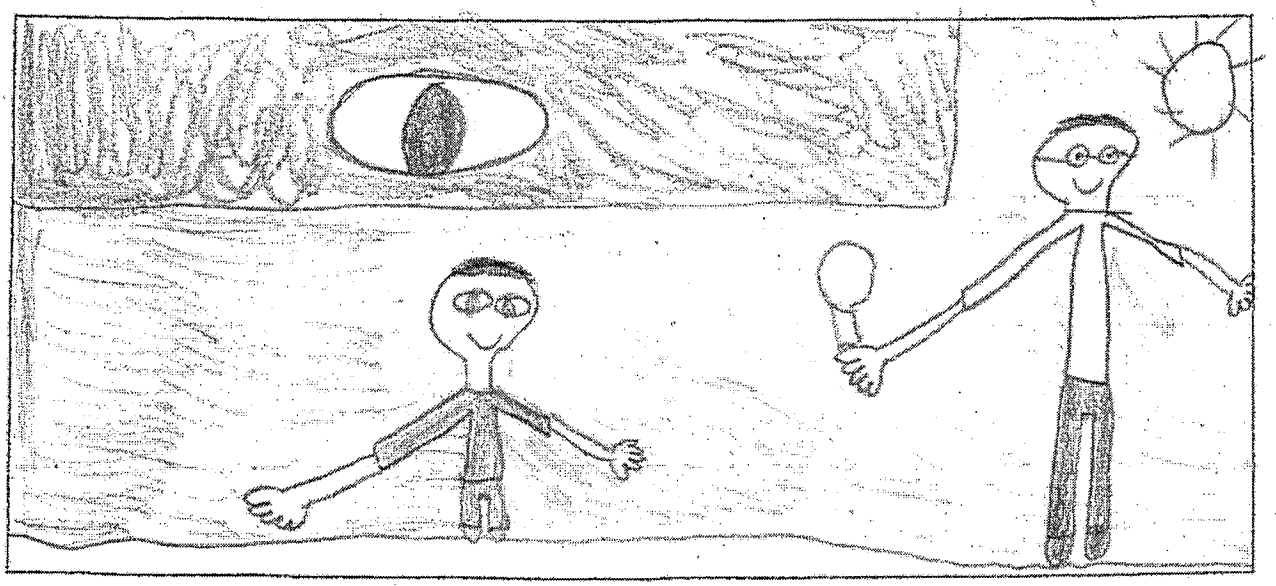
Your friend,
Andrew

Name _____ Date _____

Dear Dr.Tom,

Can you visit us some day? I am one of Mrs. Alexander's student. You are a great eye doctor. I like you so much that I want you to come back.

Name Isaiah Date



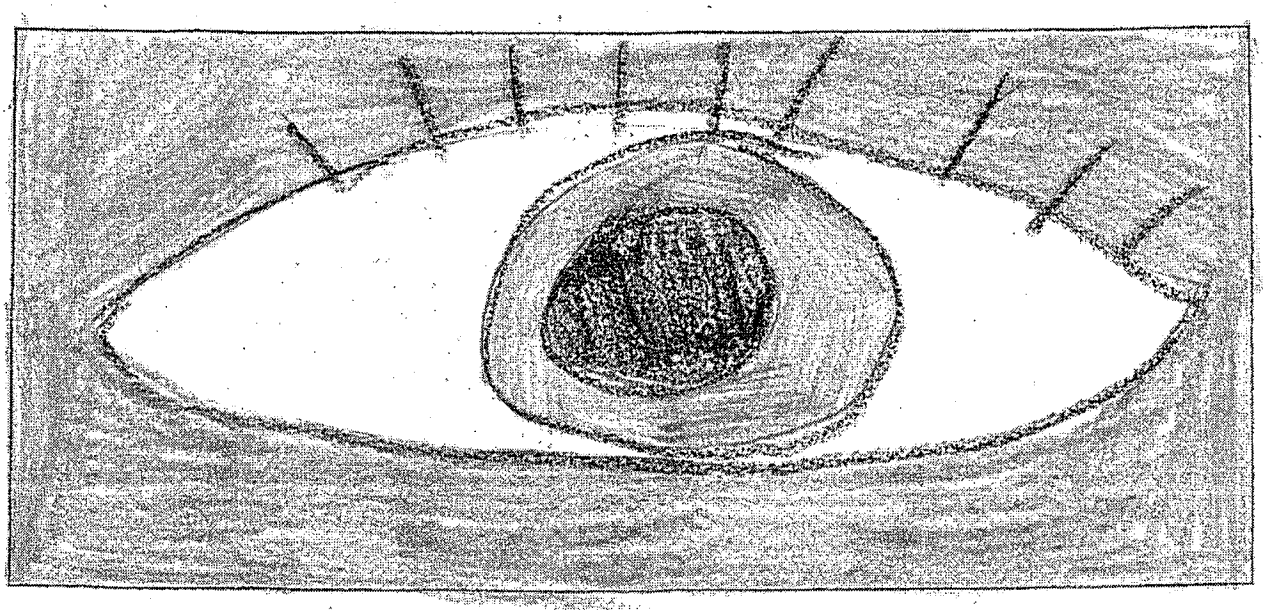
Dear Dr. Tom,

Can you please visit us again to teach us more about our eyes? We would like to see more experiments of yours. We miss you. My name is Isaiah. I hope I will see you soon.

From,

Isaiah

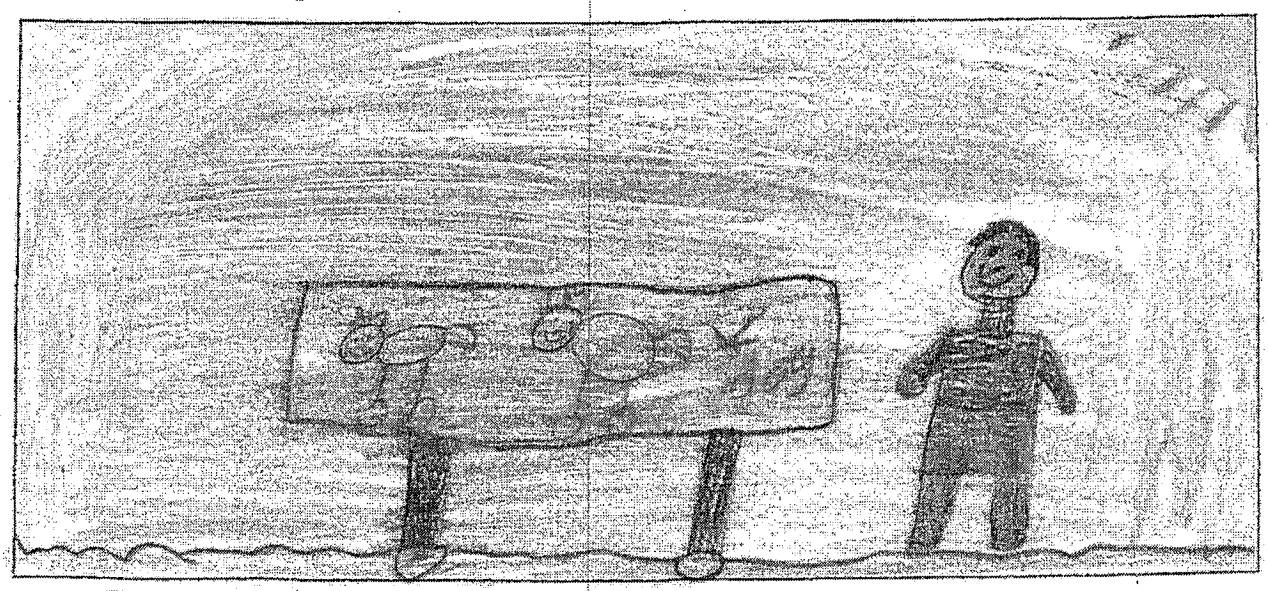
Name _____ Date _____



Dear Dr. Tom,

Having you come to my class last year was fun. I was hoping you could come to my class again. I learned a lot about the eyes last year. You are the

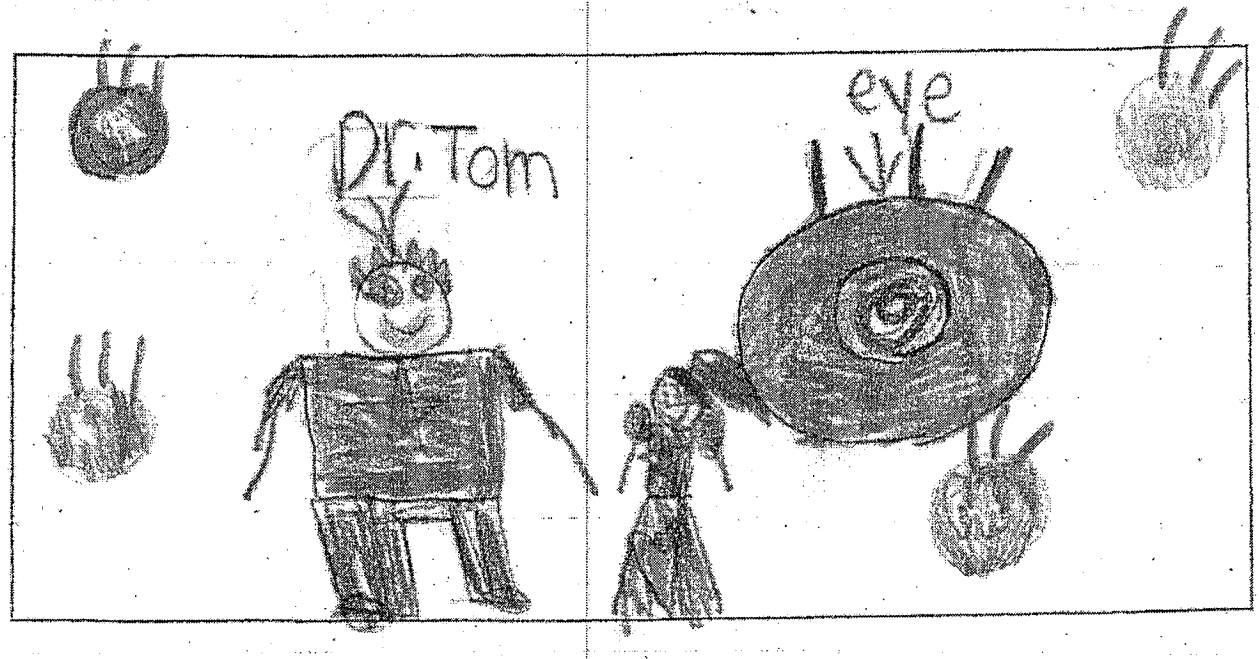
Name Angelina Date



Dear Dr. Tom,

Can you please visit us again? I really want to know more about my eyes. And also animal eyes like cow eyes and cat eyes and dog eyes.

Name _____ Date _____



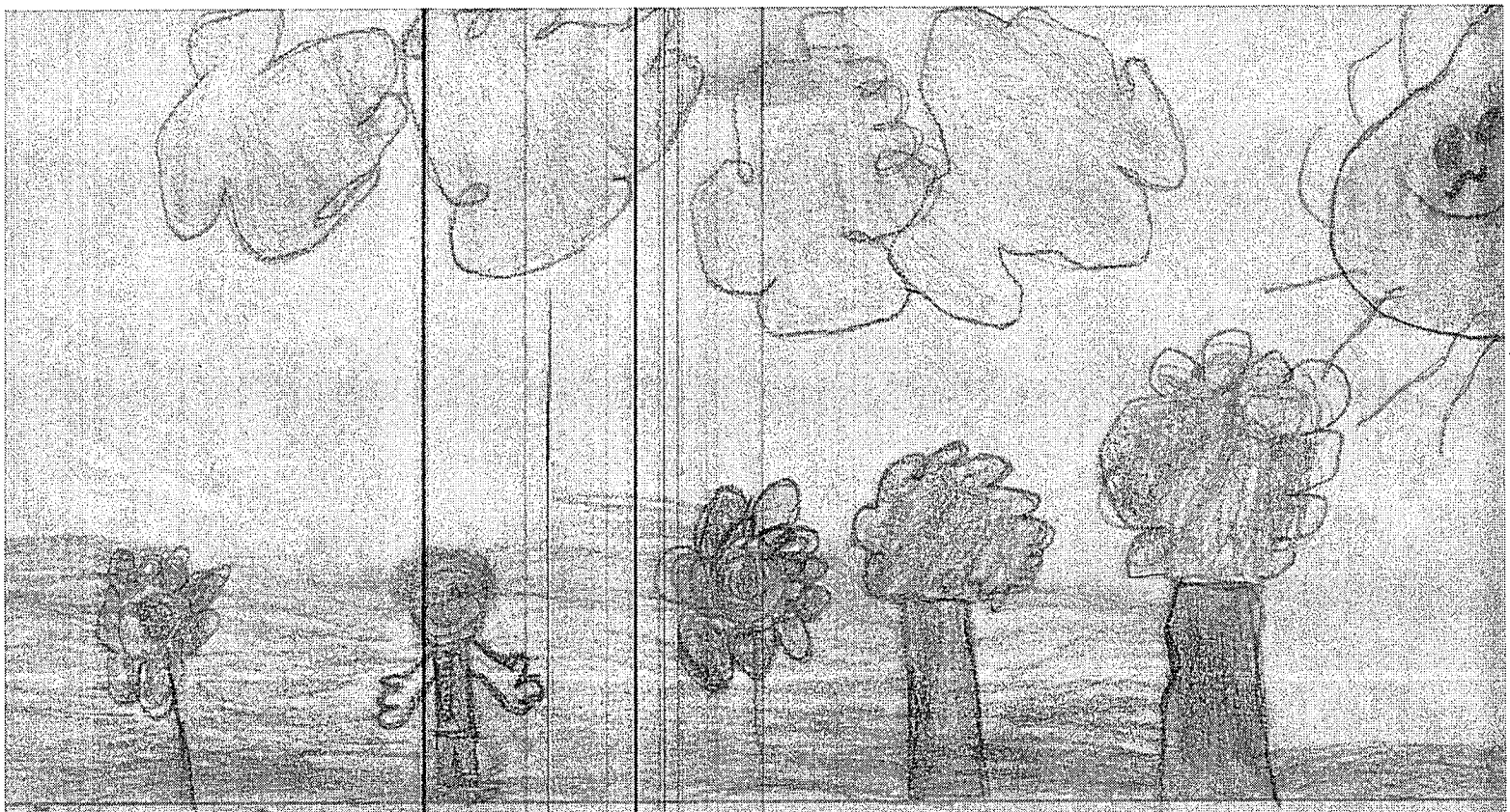
Dear Dr. Tom,

My name is Nadiya.

I was absent when you came to our class. I hope you can come back soon. I want to learn about my eyes.

Love,

Nadiya

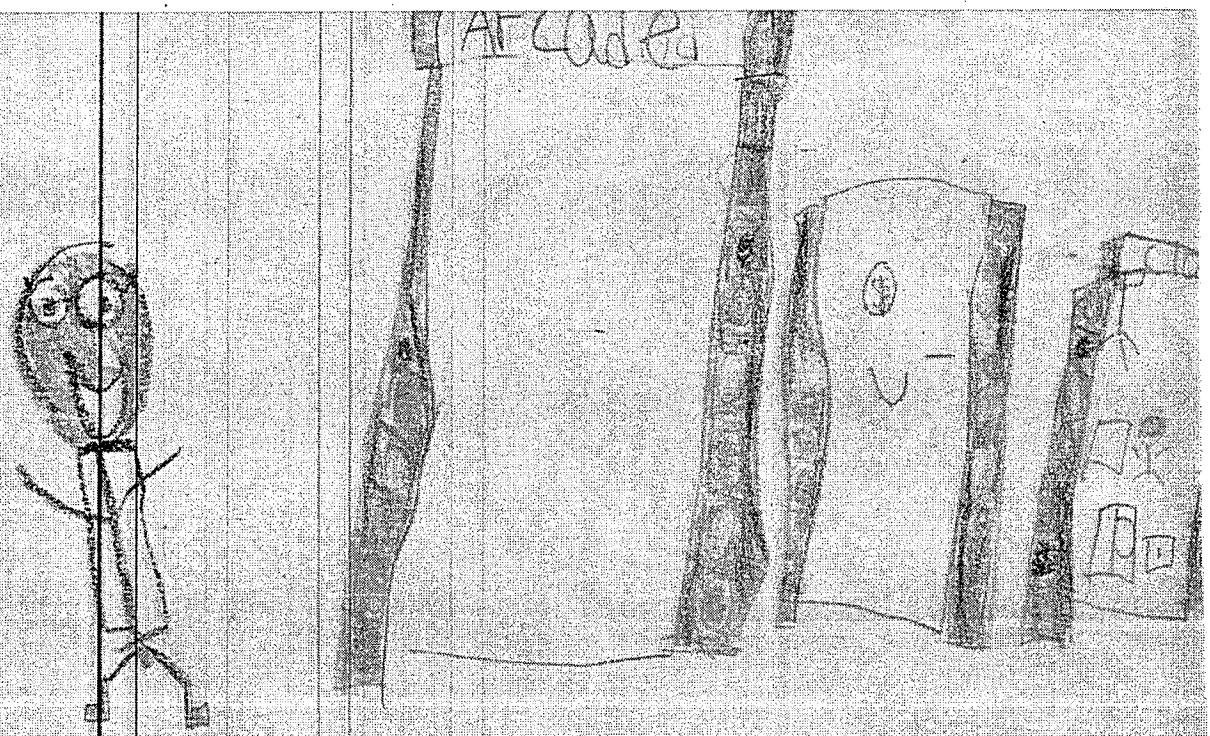


Dear Dr. Tom,

I would like you to come back and teach us about the eyes. I will like to learn more about my eyes.

Dear Dr. Tom,

I would like you to visit us again and teach us about my eyes. Please come and see us again. We miss you very much.



Dear Dragon,

I would like you to come back and teach us about our eyes. I am a new student I would like to learn about my eyes.

From,

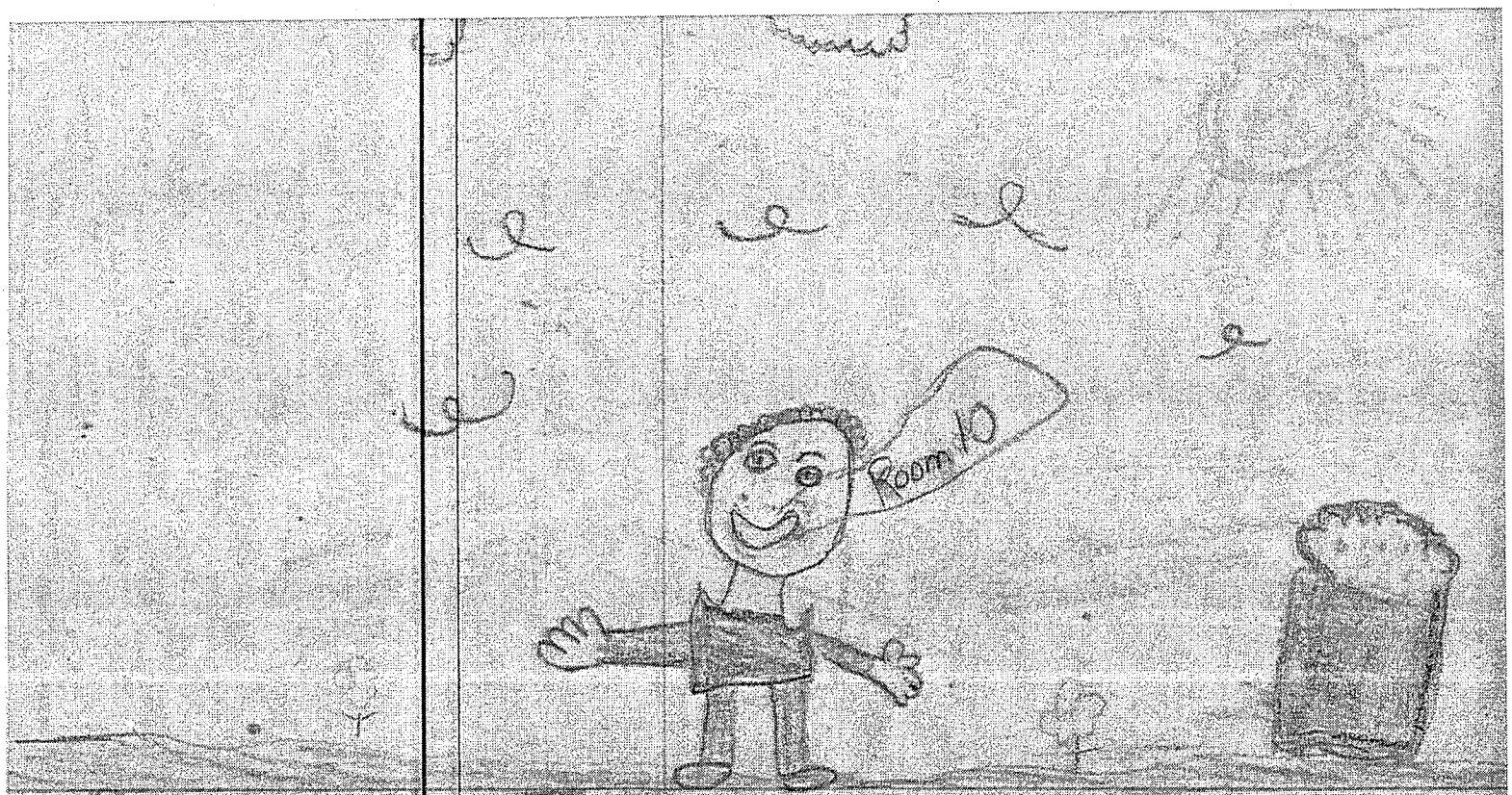
Peter Vu

Dear Dr.Tom,

I would like to learn more about my eyes. And we miss you very much. Please come back soon and see us again.

Love,

Natasha Lofaro

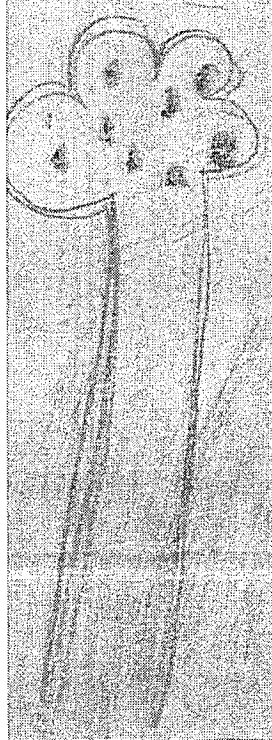


Dear Mr. Tom,

I would like you to come back and teach us about the eyes. We miss you so much. Please come soon.

From,

Mason Fletcher



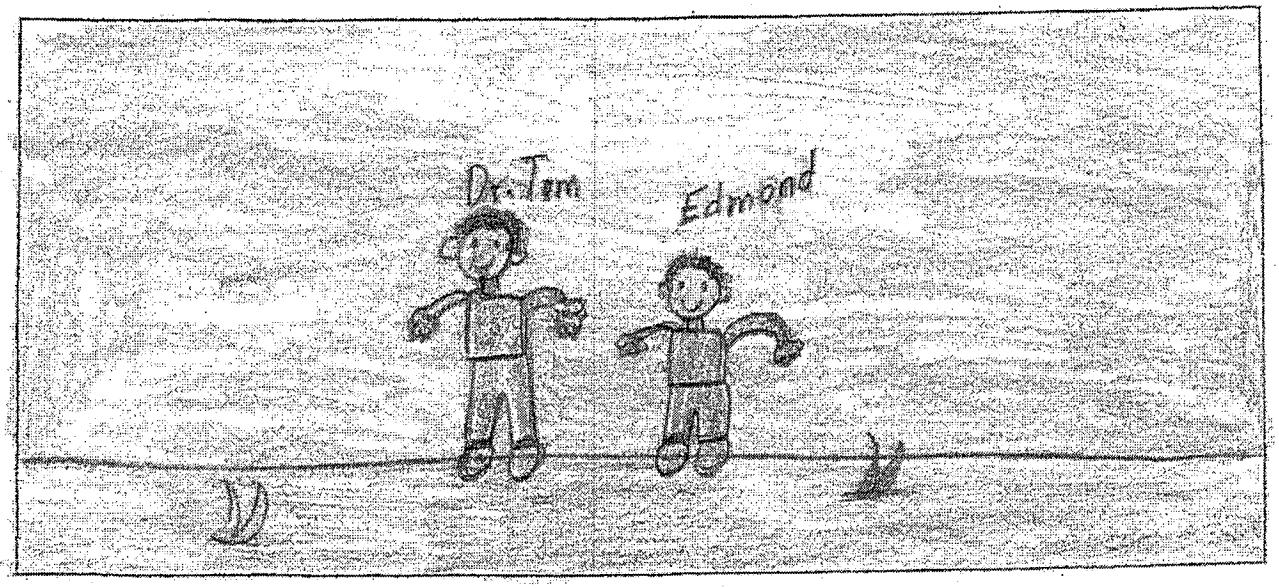
Dear Dr. Tom,

I will like to learn about my eyes. I miss you a lot. Please come back soon and teach us more about our eyes.

Love,

Paola

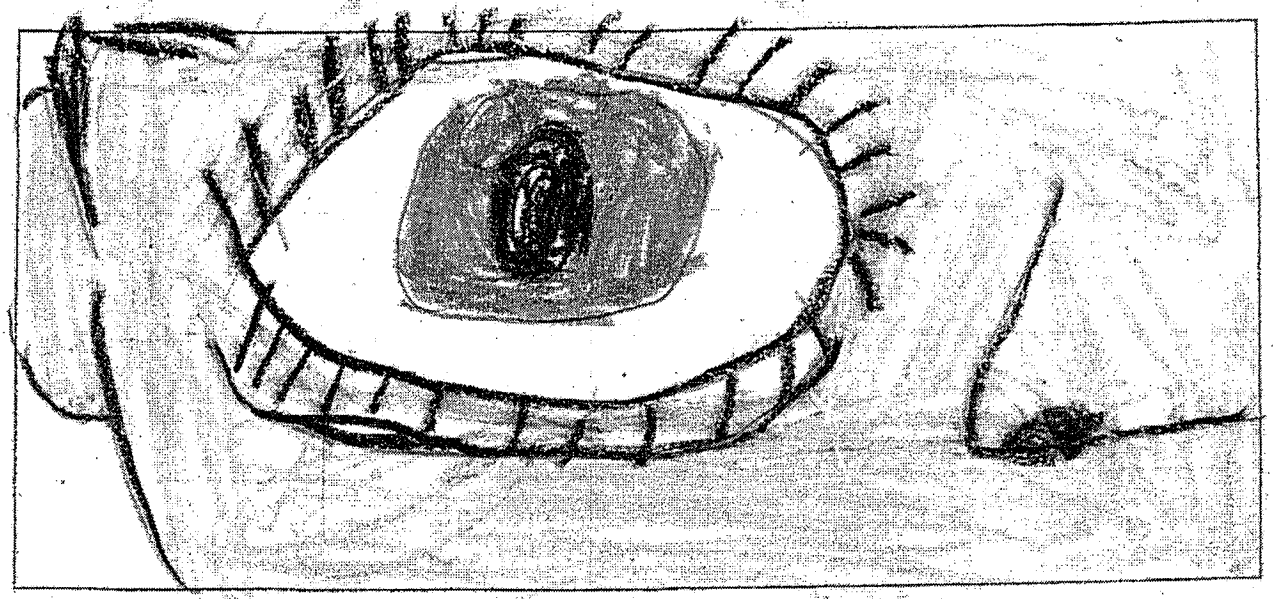
Name Edmond Date 4-18-13



Dear Dr. Tom,

Can you come here so I can learn more about the eyes? I like to learn about my eyes because I will see even better. I miss you a lot! You are the best eye doctor ever! I wish you can

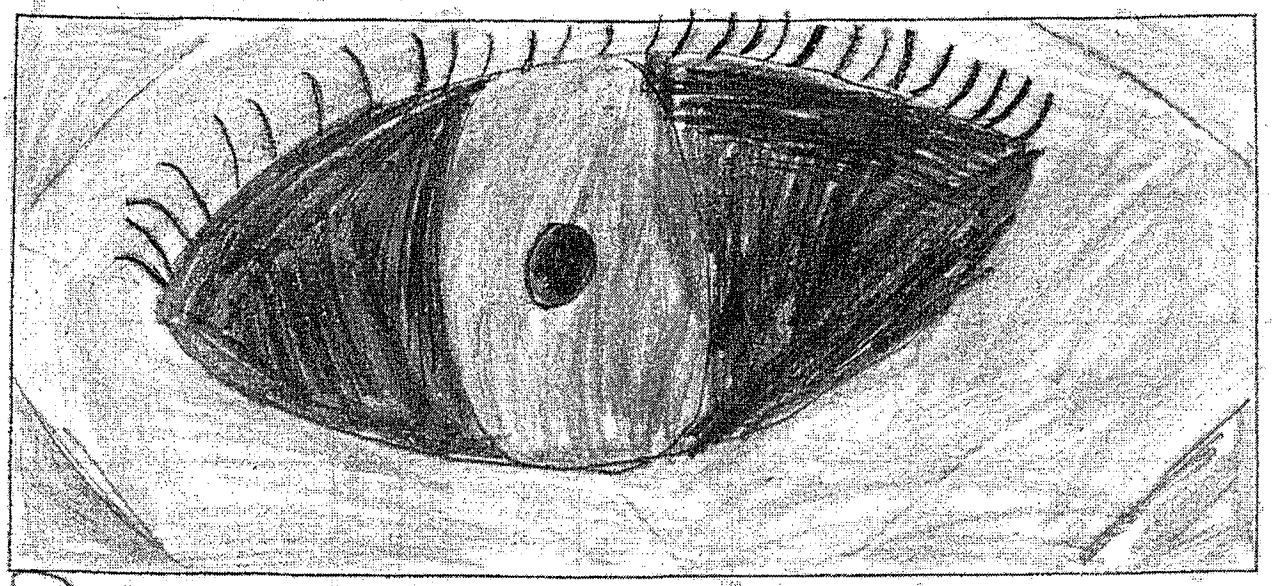
Name Alex Date 4-18-13



Dear Dr. Tom,

When are you coming back to our classroom? My name is Alex. I know you are so awesome and so cool. I would like to learn about my eyes.

Name Quynh Date 4-18-13

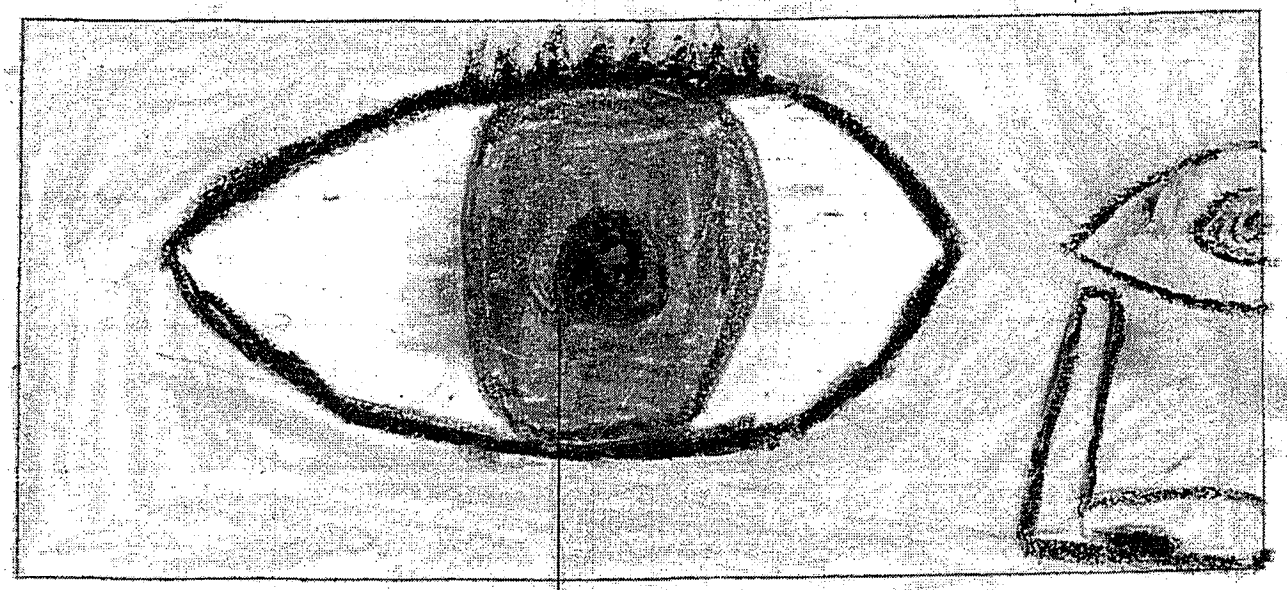


Dear Dr. Tom,

I am a new student. I want to learn about my eyes. I love you.

Your friend,
Quynh

Name Gabor Date 4-18-13



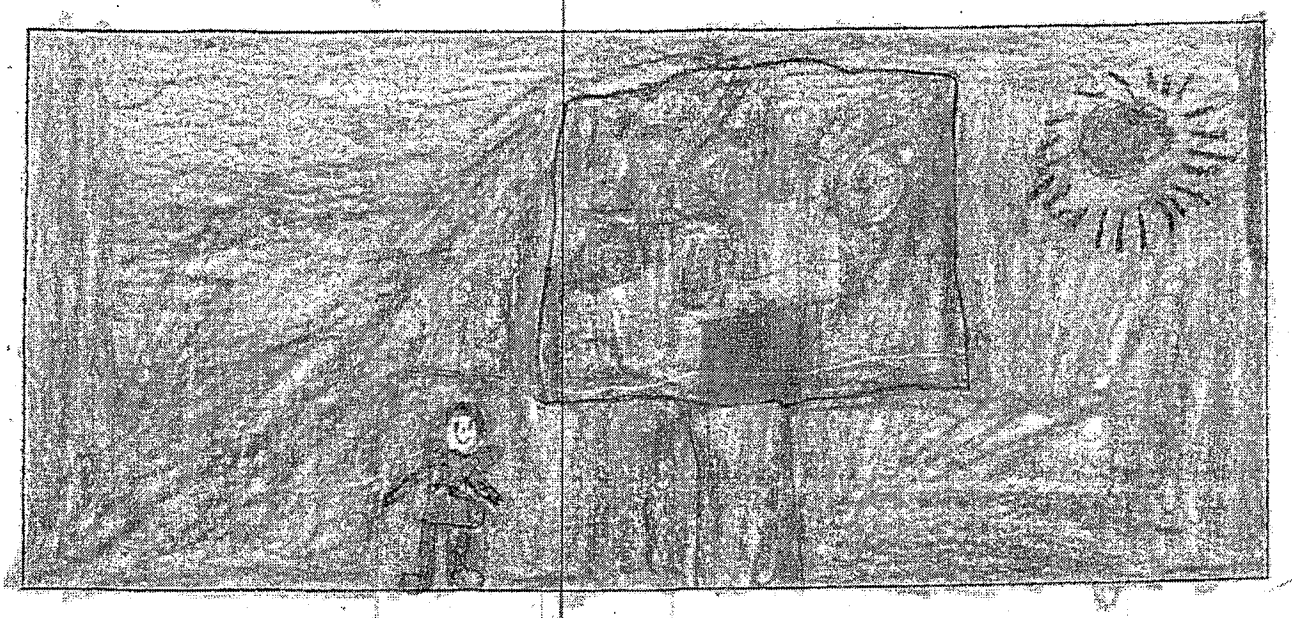
Dear Dr. Tom,

I would like to meet you. I am eight. I would also like to learn all about my eyes. I like you to be here to teach all about eyes.

Love,

Gabor

Name Kai Date 4-18-19



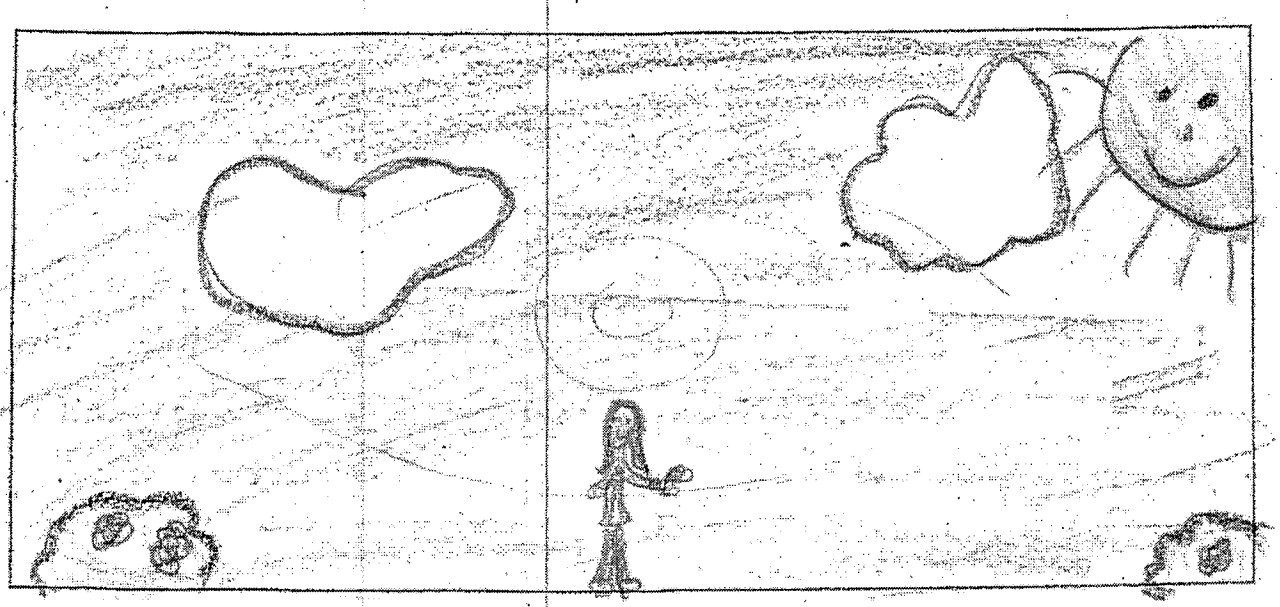
Dear Dr. Tom,

I am a new student. My name is Kai. I heard all about you teaching about the eyes. Will you please come back and visit us? I heard you are a great eye doctor too!

Your friend,

Kai

Name _____ Date 4/18/13



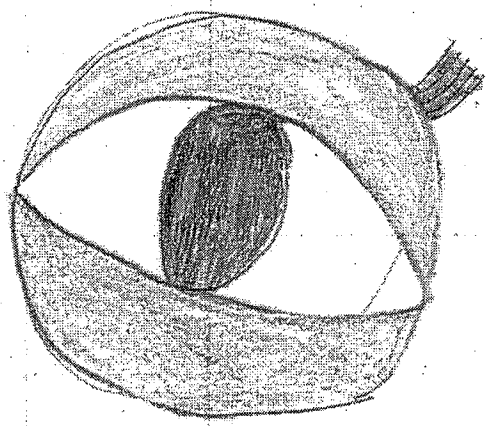
Dear Dr. Tom,

Can you come to see us again? I would like you to teach us about the eyes. We miss you very much. I hope you have a nice day.

Your friend,

Kylie

Name Hanadi Date 4-18-13



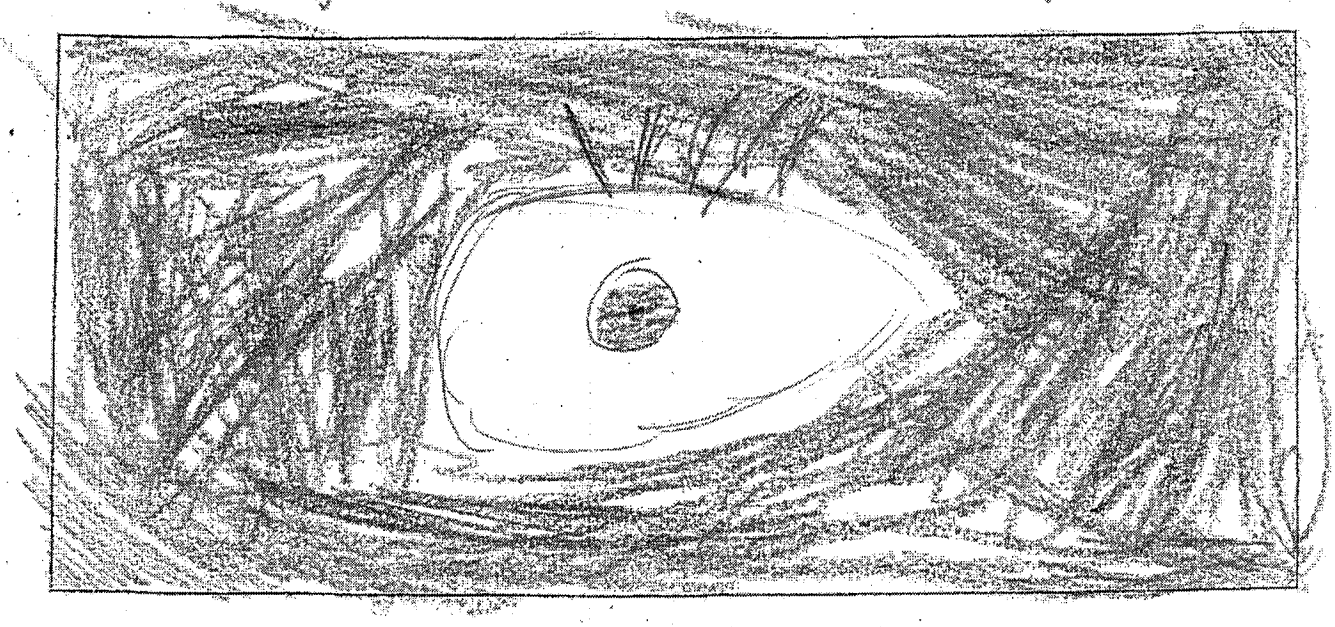
Dear Dr. Tom:

Can you please come to our classroom? I'm a new student. I Know all about you teaching about our eyes. I miss you. I hope you come to our classroom.

Your friend,

Hanadi

Name Angelo Date 4-18-13



Dear Dr. Tom,

I will like to meet you.

I am a new student.

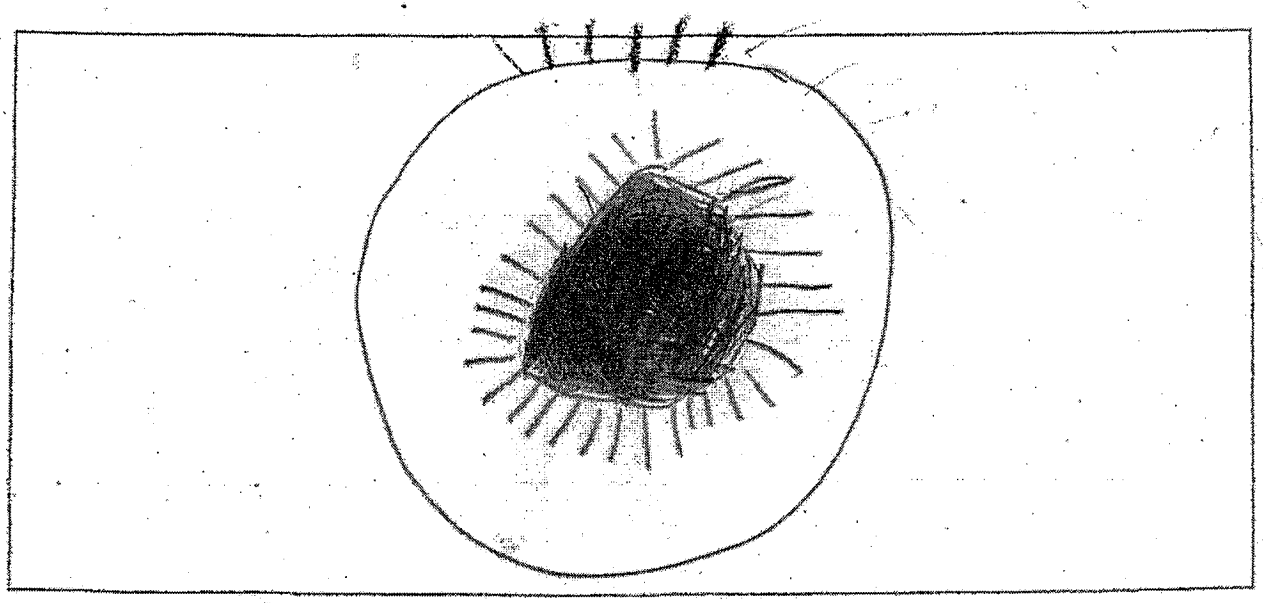
I heard that you were a good eye doctor.

I want to learn about my eyes.

From,

Angelo

Name Nevaeh Date 4-18-13



Dear Dr. Tom,

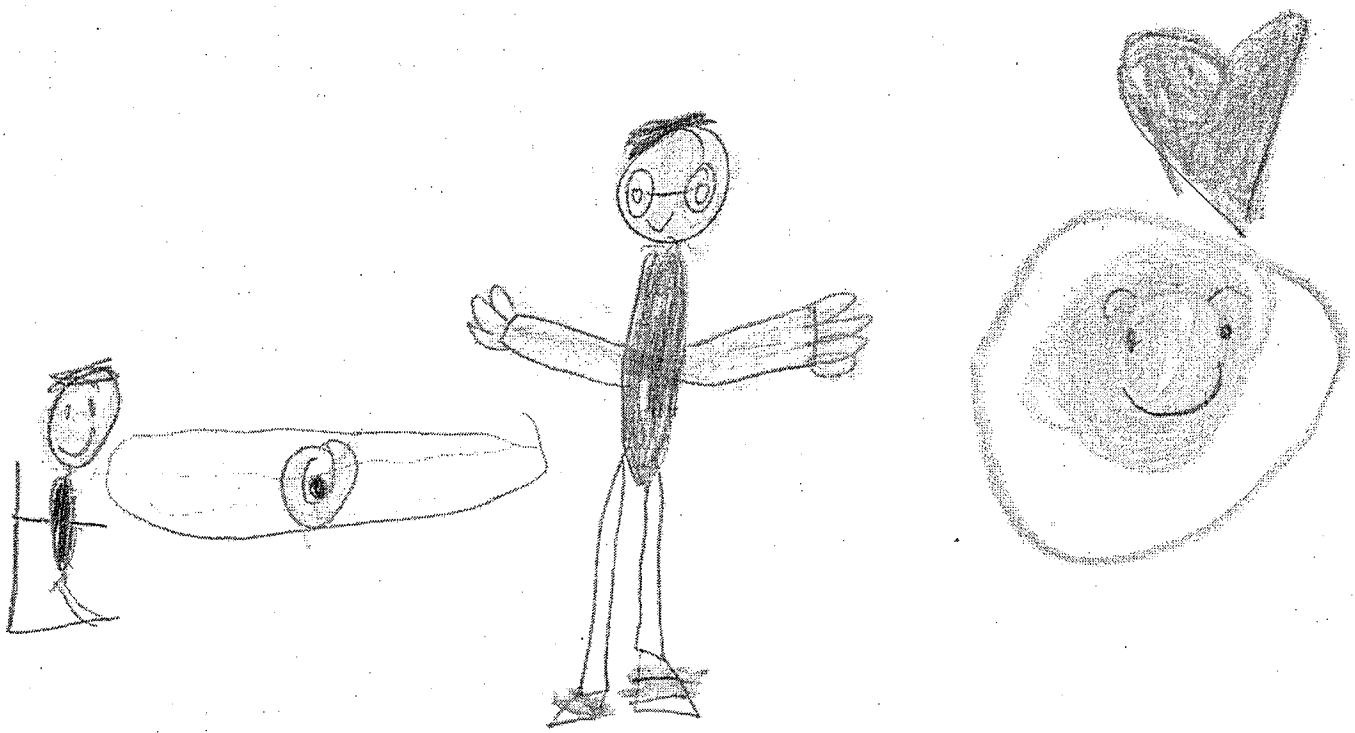
I am a new student.
I want to meet you
You are nice.
I heard you are a great
eye doctor from my
friends. Love,

Nevaeh

I Love you

Dr. Tom

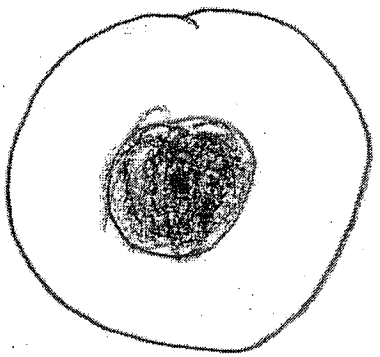
Ramset



Dr. Tom

Thank you

Thank you



Dear Dr. Tomj
Thank you for comig to my classroom
I like the cows eye It was interestin

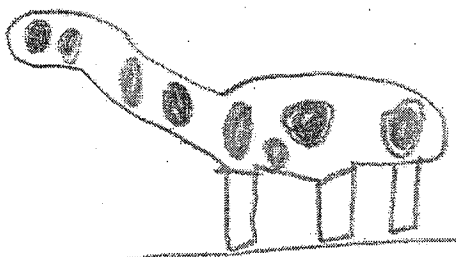
Love,
Malik

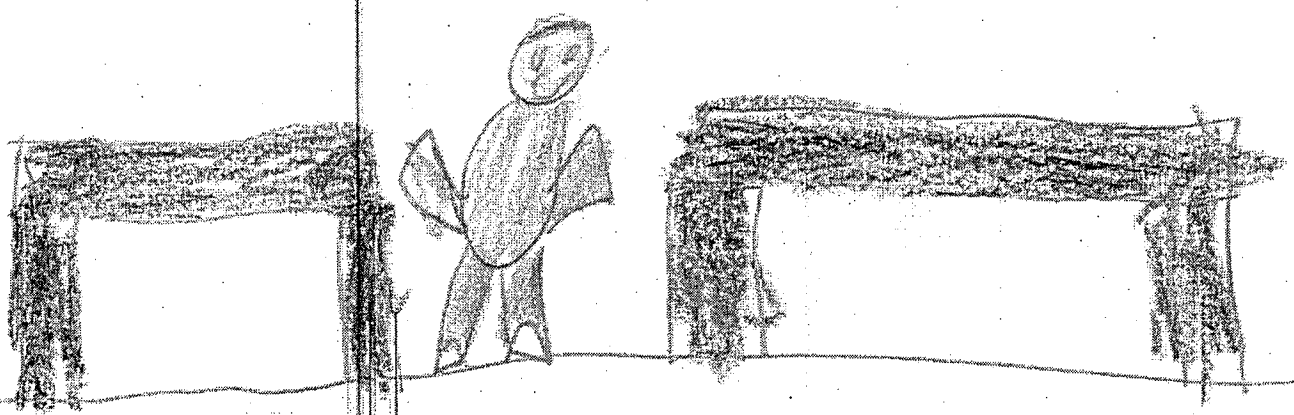
COPY 7
SECOND CARRIER

Dear Dr. Tom,

Thank you for coming to my class. I was fun. I liked it alot. It was very interesting.

Love,
Abraham





Dr. Tom
get well soon

Thank you for coming to my class it was fun. I liked it a lot.

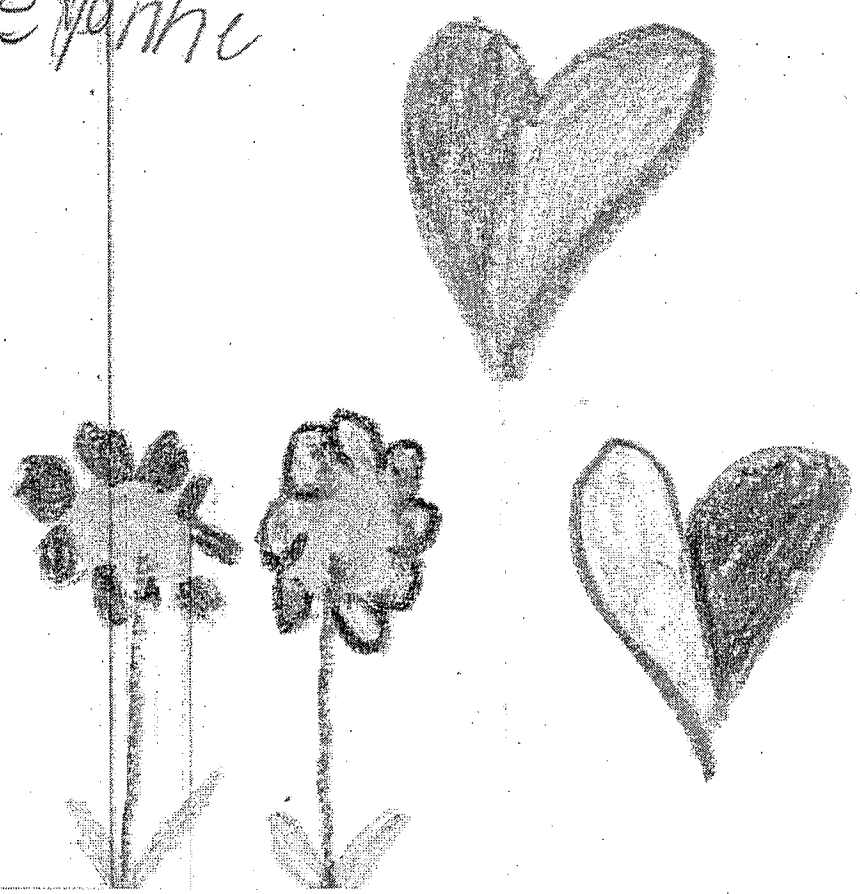
Love,

Yin Hei

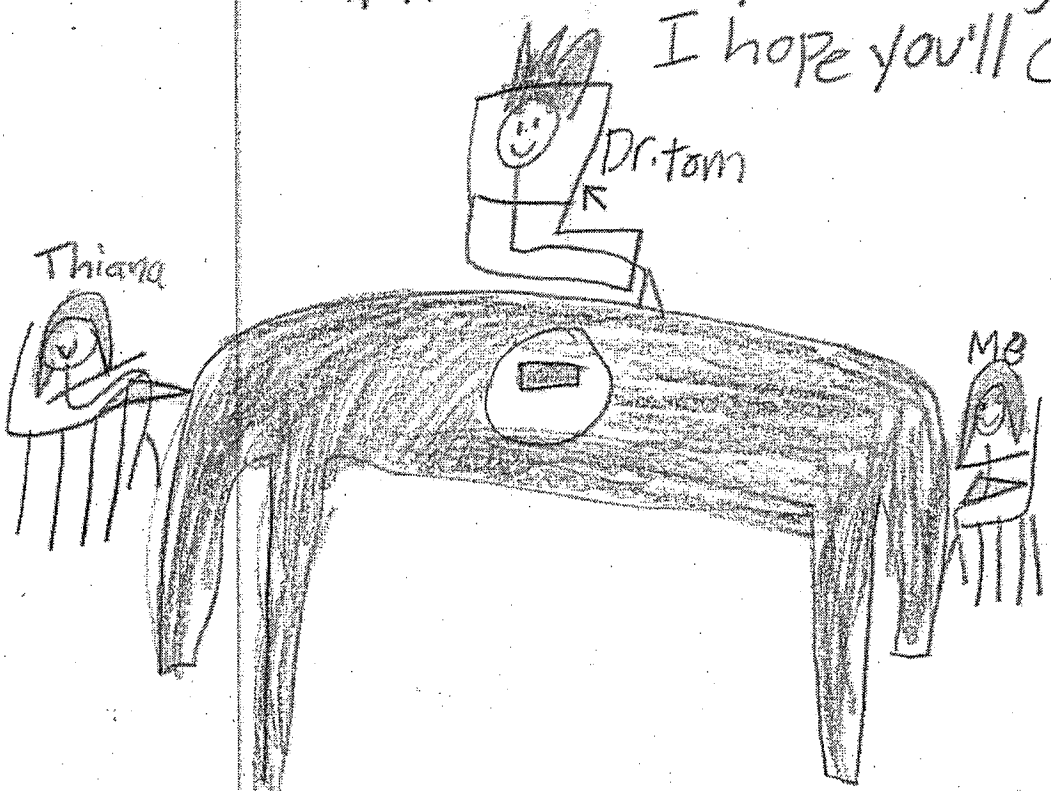
COPY 8
FIRST CARRIER

Dr. Tom, Thank you for com
Thank you for coming to my
Class. It was fun. I liked
it a lot.

Love,
Cheyanne



Thank you for coming to my Class.
It was fun! I liked it atot. It was very interesting.
I hope you'll come again



Dear Dr. Tom
Thank you for to my class
and it was funseeing the
cow eye. Love,

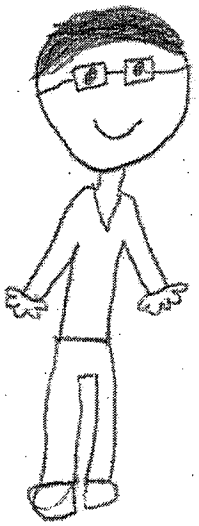
Jordan

2-22-12

Dear Dr. Tom

Thank you for coming to Covallis School. I learned a lot about my eyes. I loved your games.

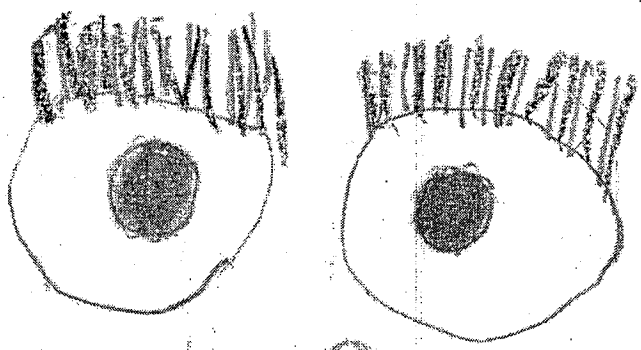
Loves
Emma

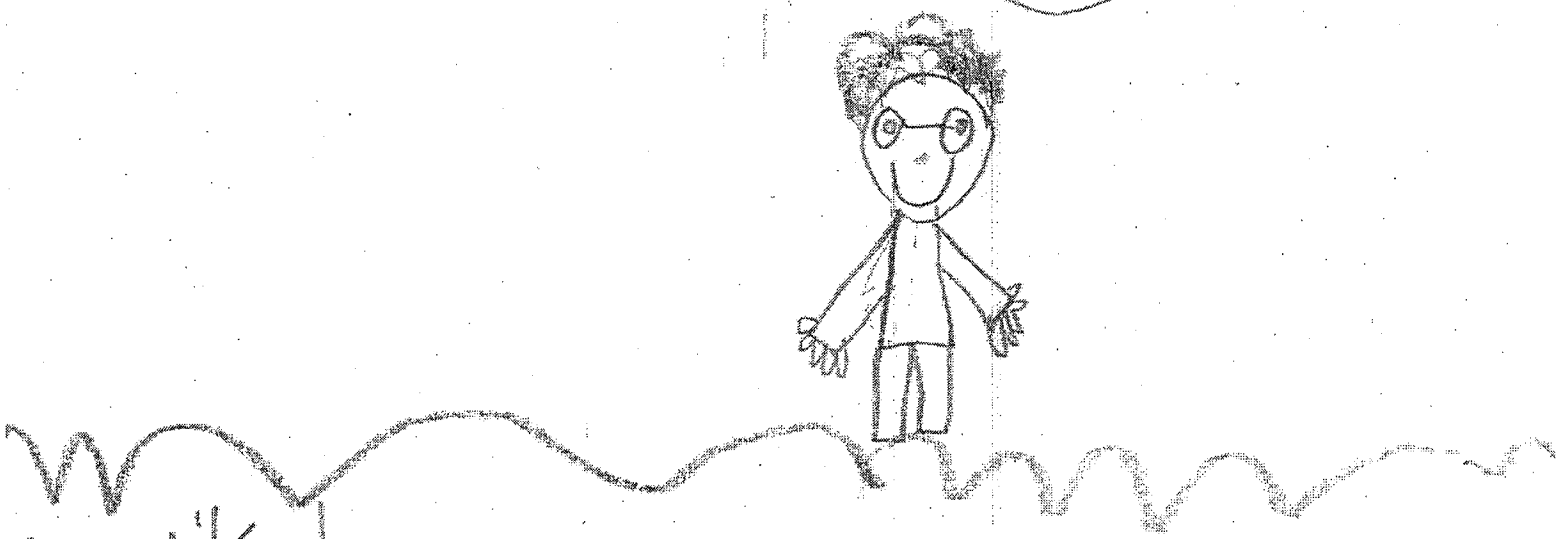


2-25-12

Dear Dr. Tom,
Thank you for coming to Corvallis School.
I learned a lot about my eyes

Lover,
Saul

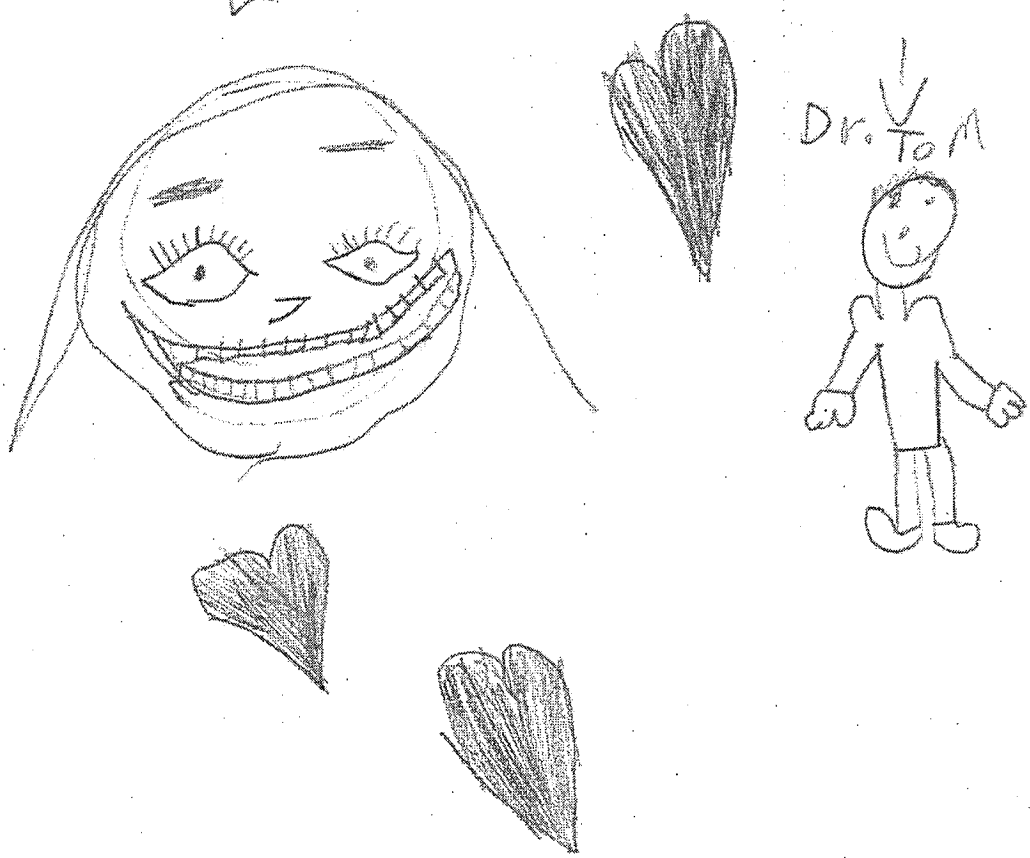




I liked your game.

2-22-11

Dear Dr. Tom
Thank you for coming to
Corvallis School I
learned a lot
about my eyes.
Love, Trinity



COPY 3
ORIGINAL FOR SHIPPER

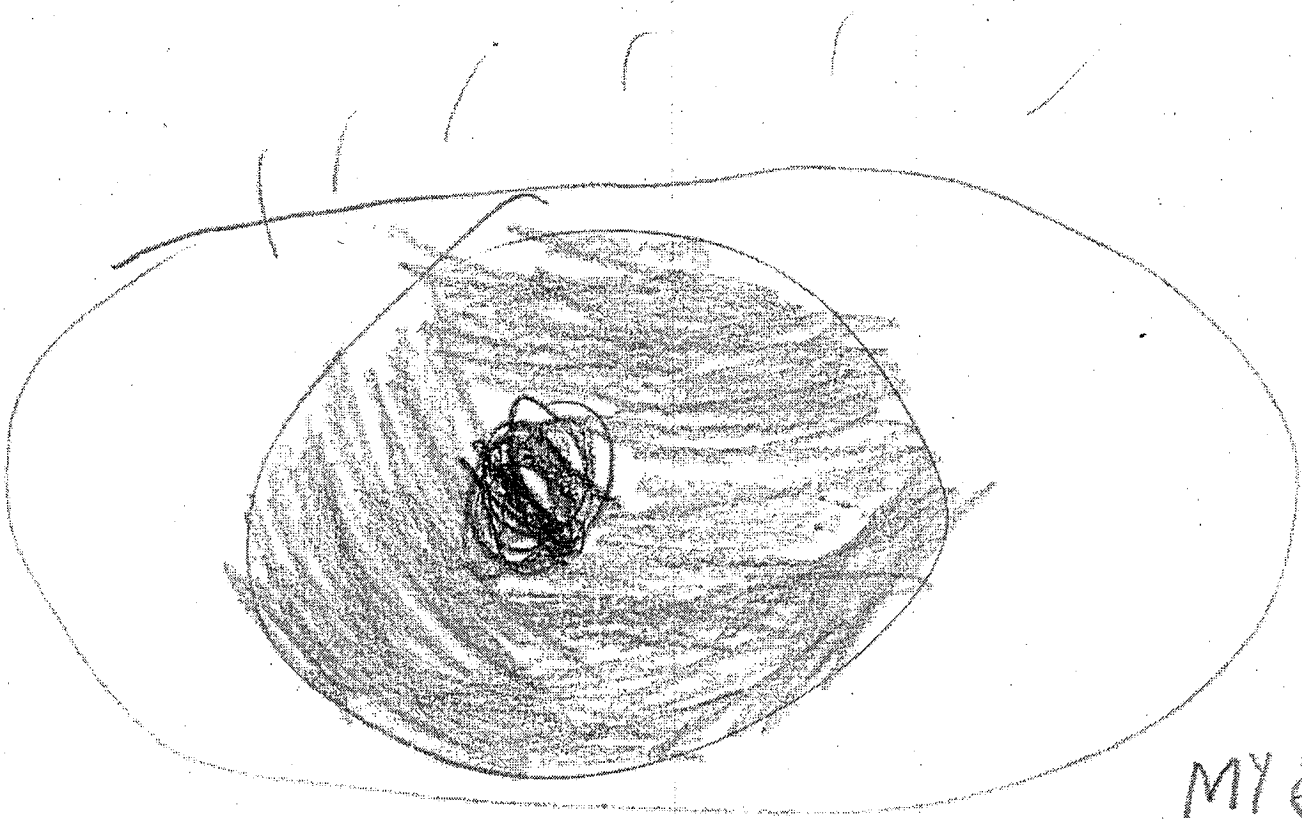
Dear DY TOM 2-22-12

Thak you for teaching

Us about our eyes, I loved

learning about my eyes,

Love) cynthia



MY eye

Dear Dr. Tom, Javier

Thank you for coming to Corvallis School. I learned alot about my eyes.

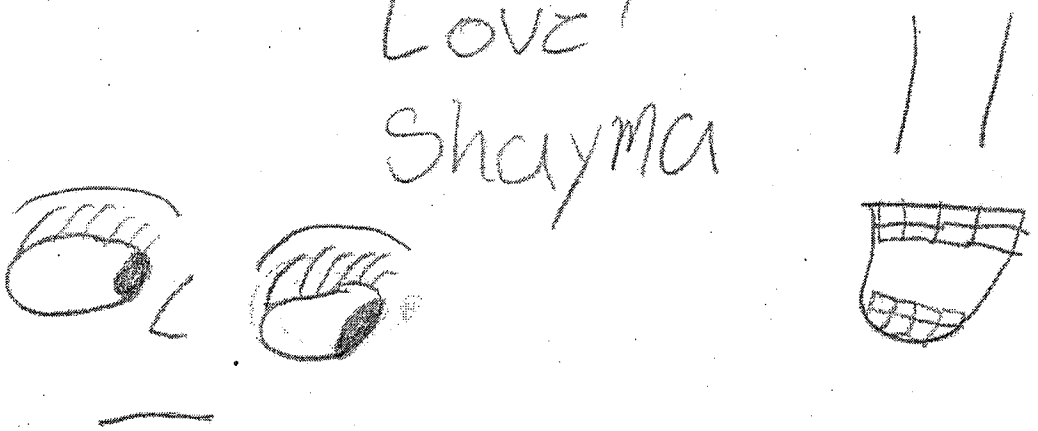
Love,
Javier

2-22-12

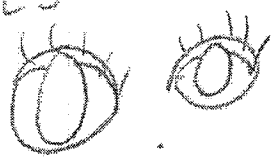
Dear Dr. Tom, Thank you for coming
To Corvallis School! I learned
A lot about my eyes. I
Love your name. It's funny.
And you're funny. You are the besi
Eye doctor.

Sillymilly

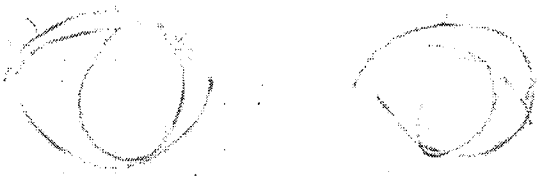
Love
Shayma

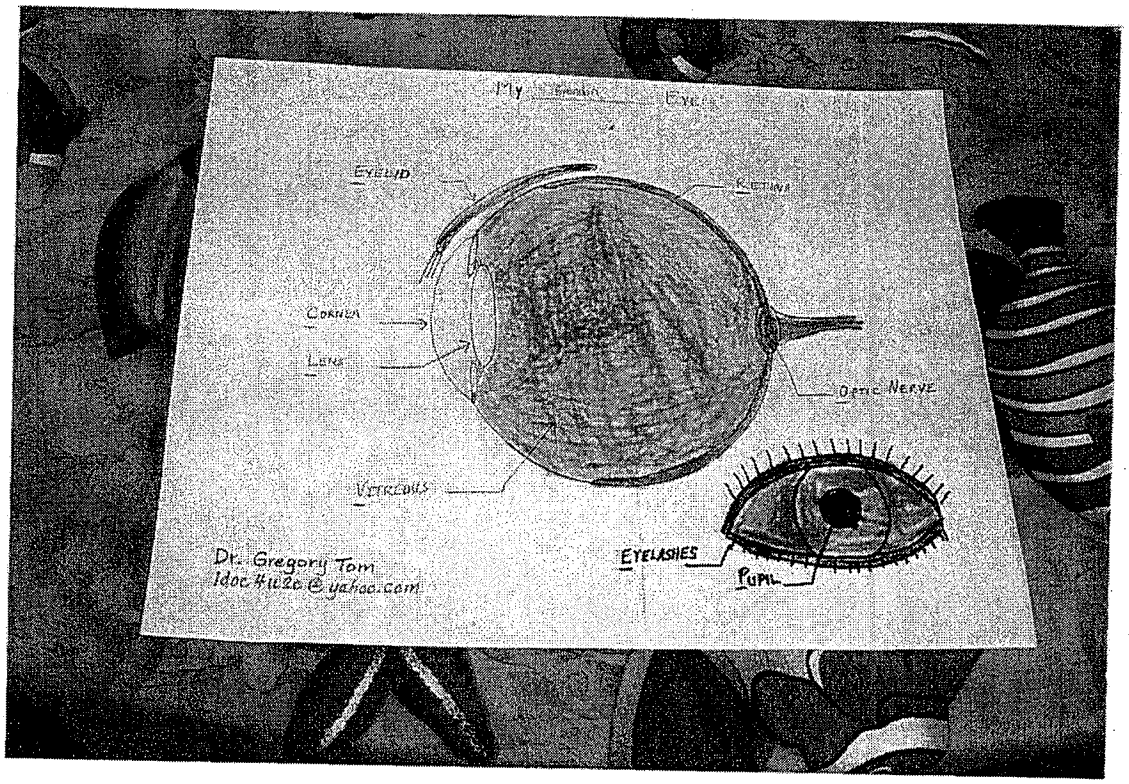


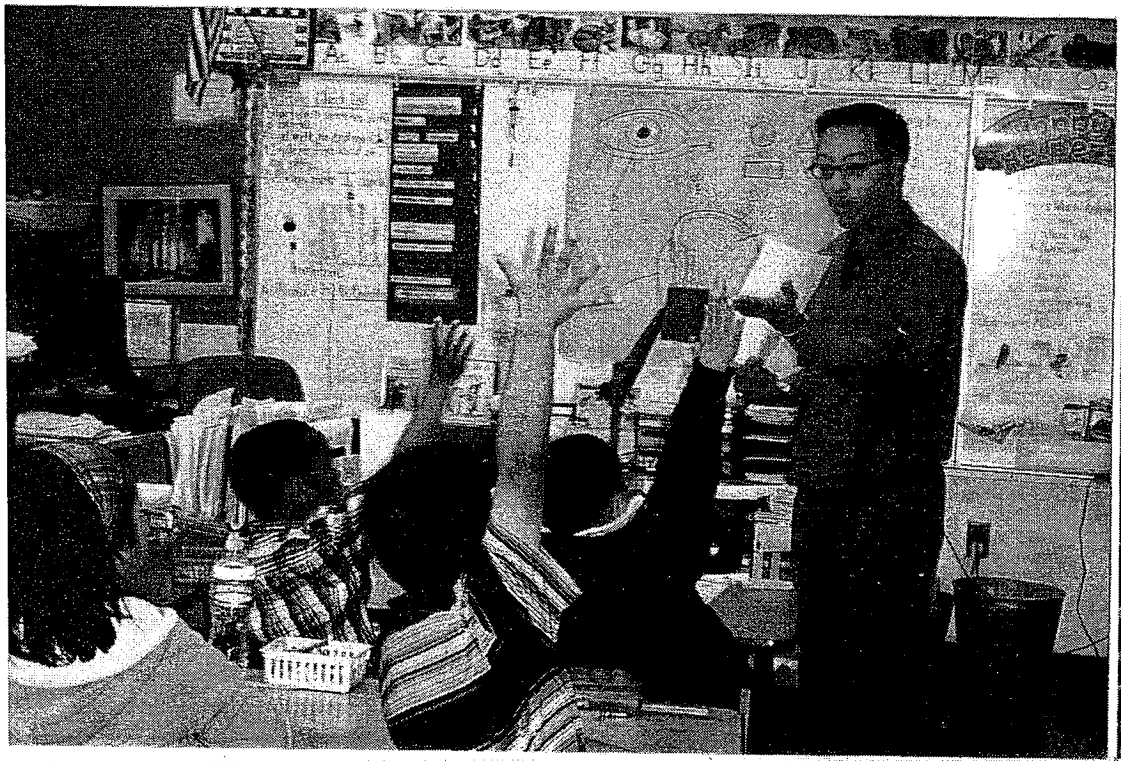
Dear Dr. Tom, Thank you for coming to Corvallis School. I learned a lot about my eyes.

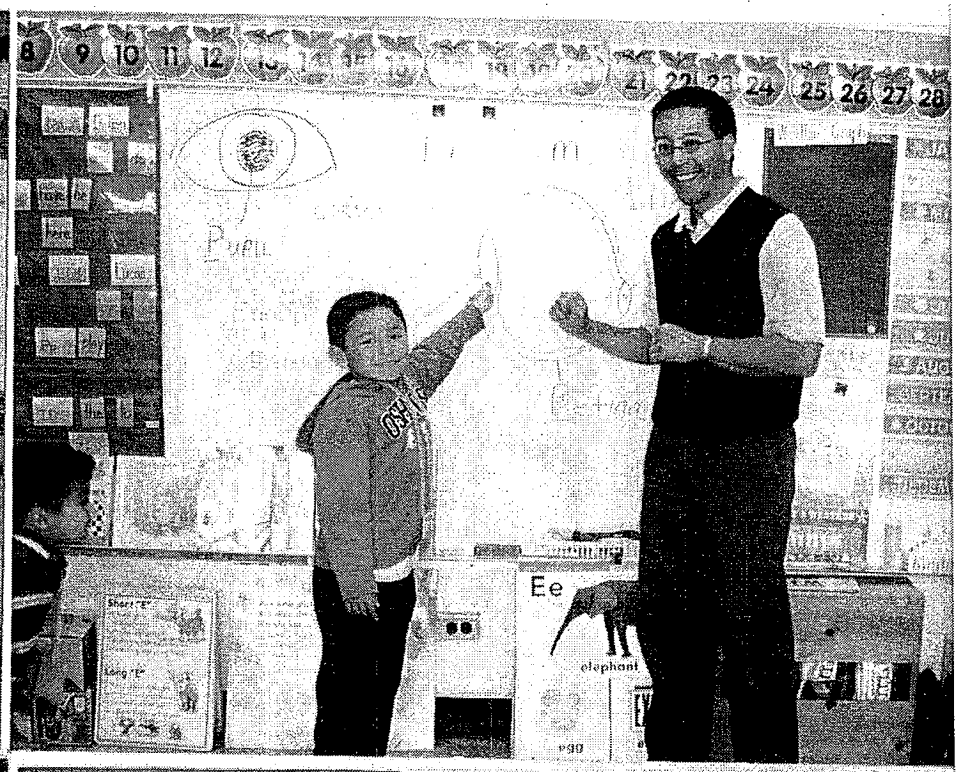


Love,
Tiffany




My Eye
Eyelid
Retina
Cornea
Lens
Optic Nerve
Vitreous
Eyelashes
Pupil
Dr. Gregory Tom
Idoc#1120@yahoo.com

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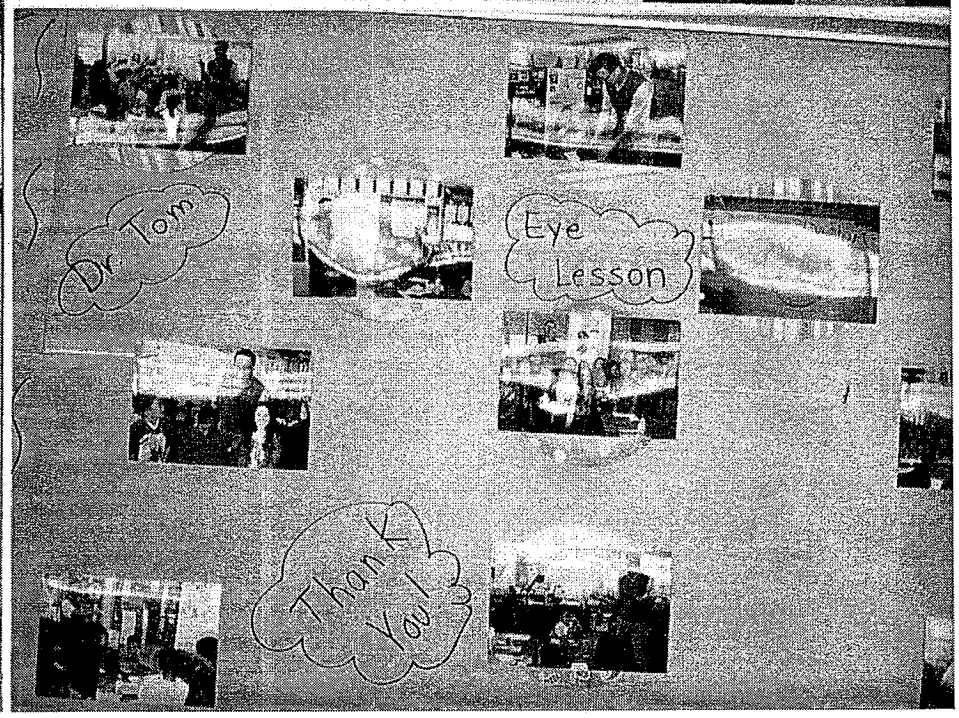
Dr Tom
Eye Lesson
Thank You!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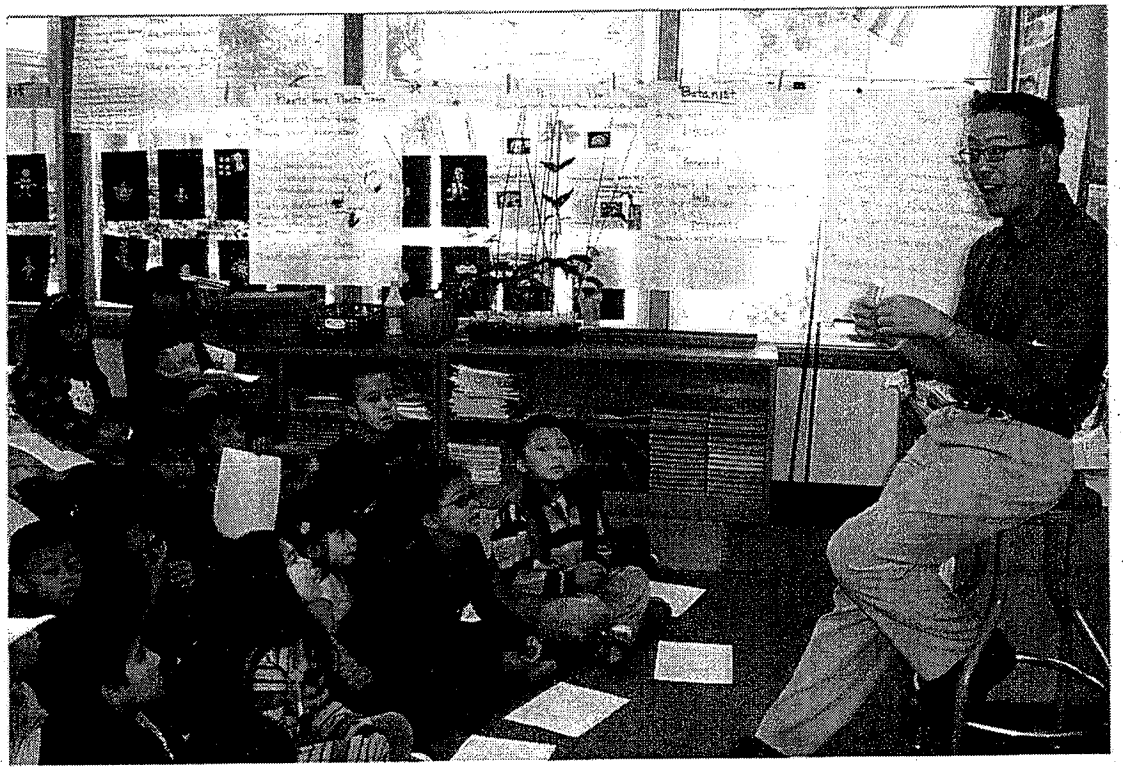

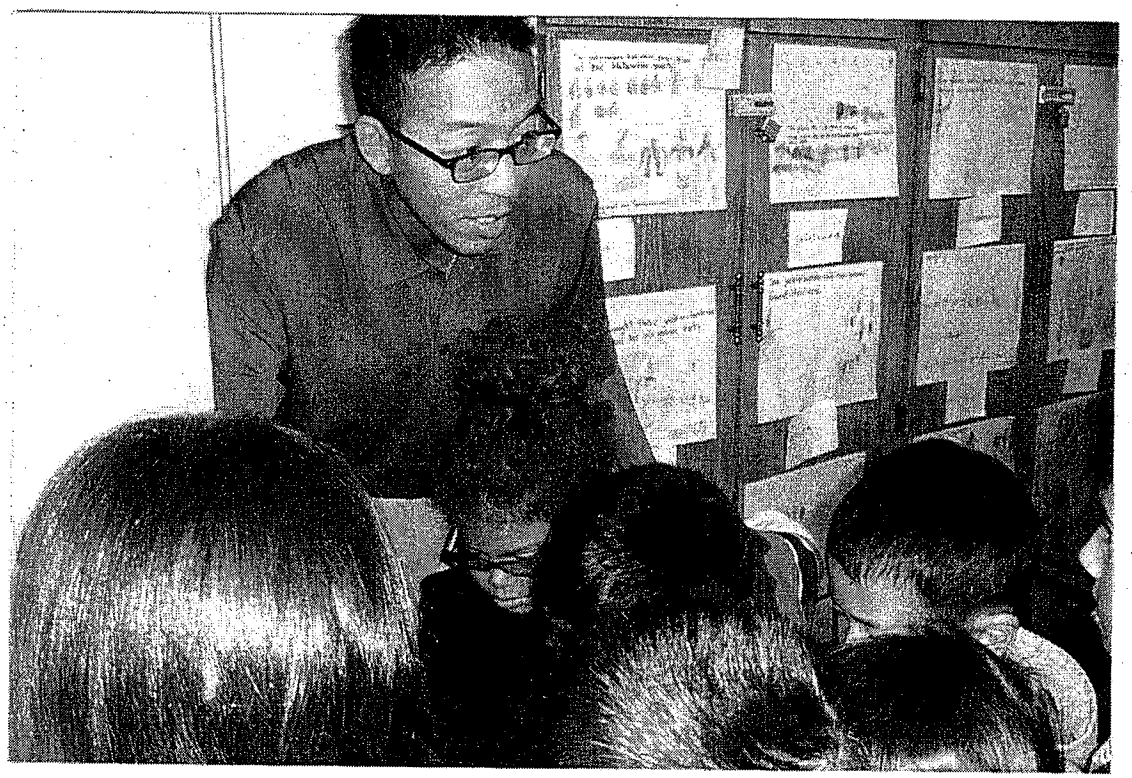

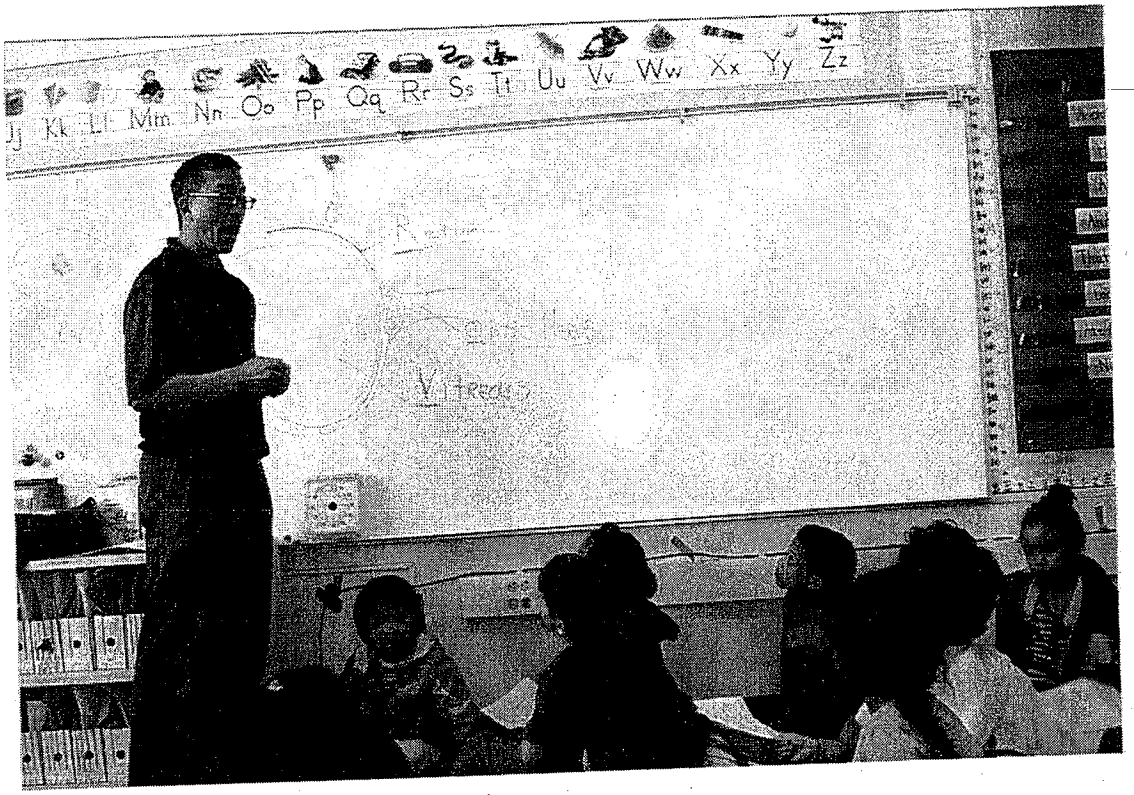
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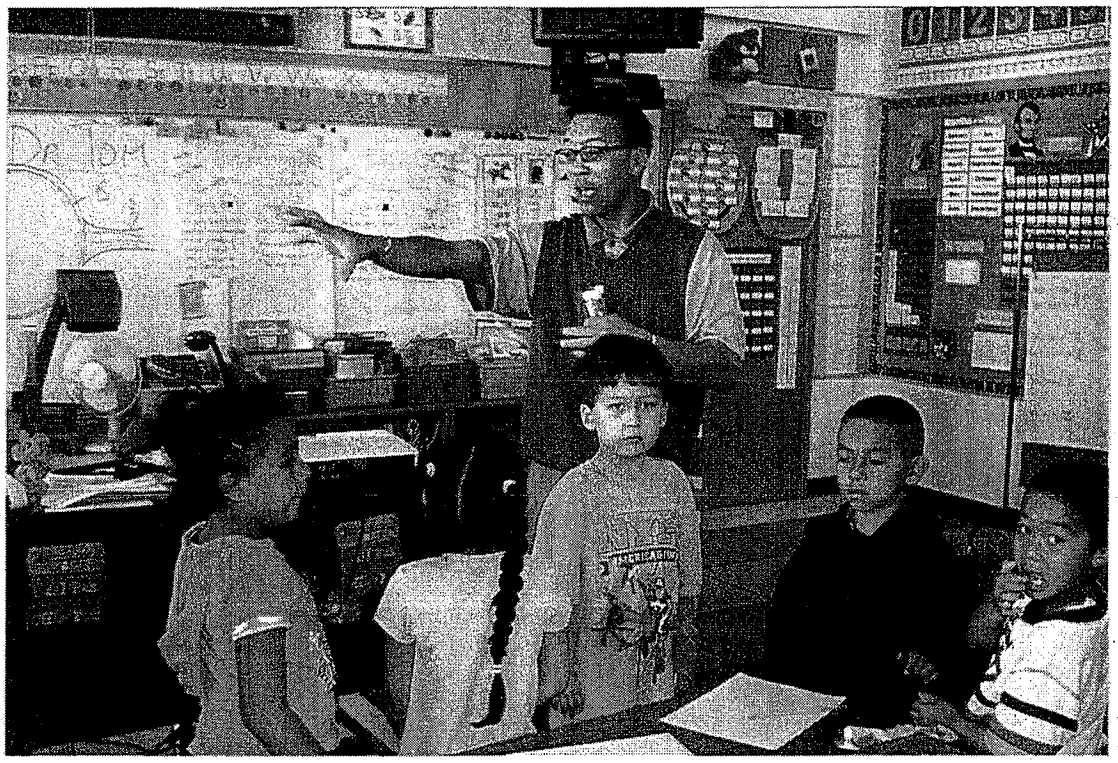

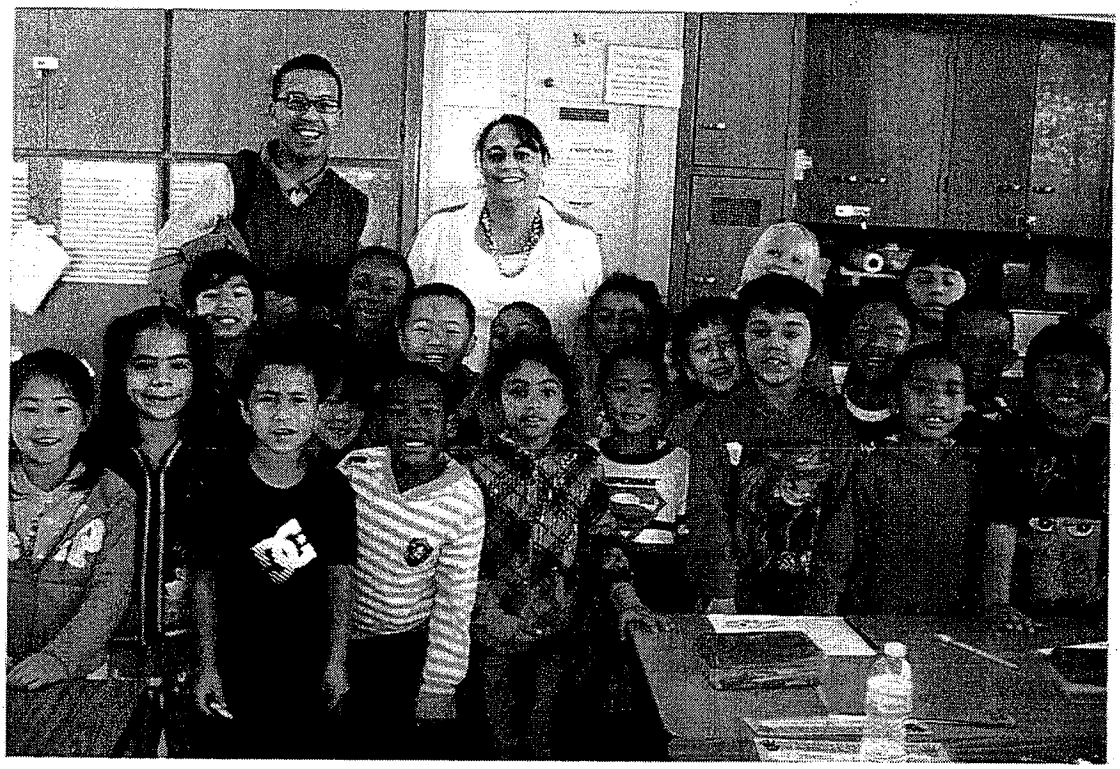

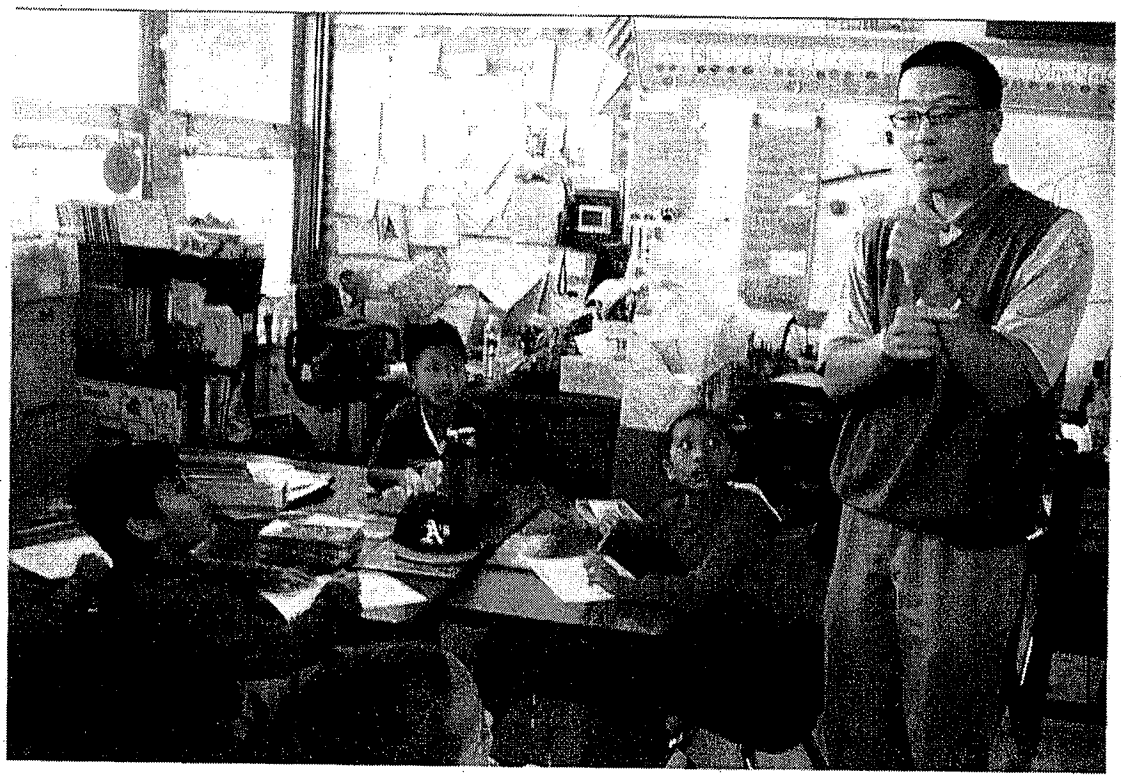

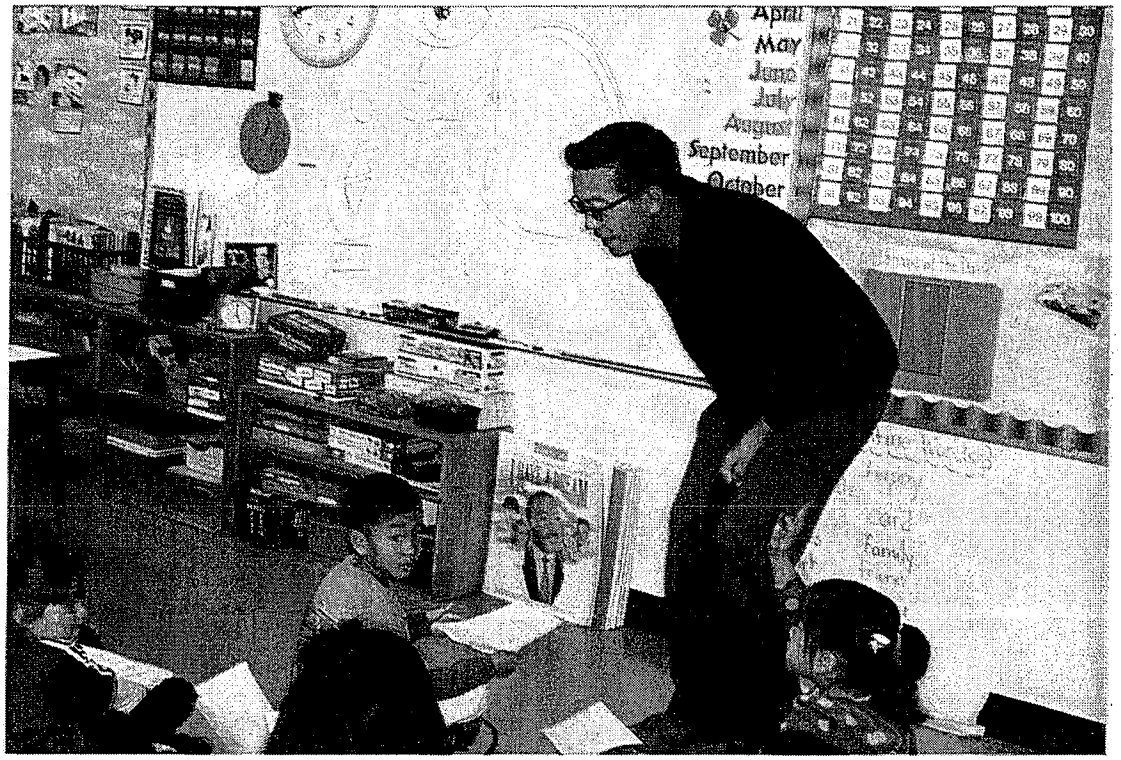
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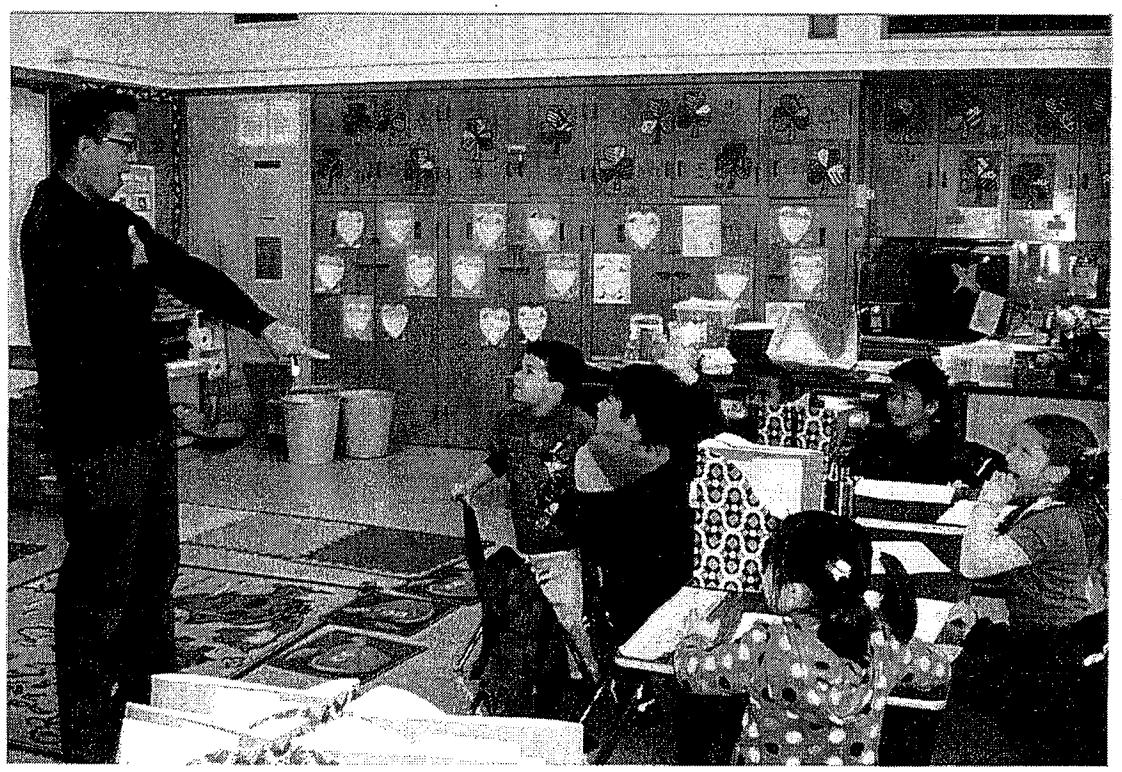
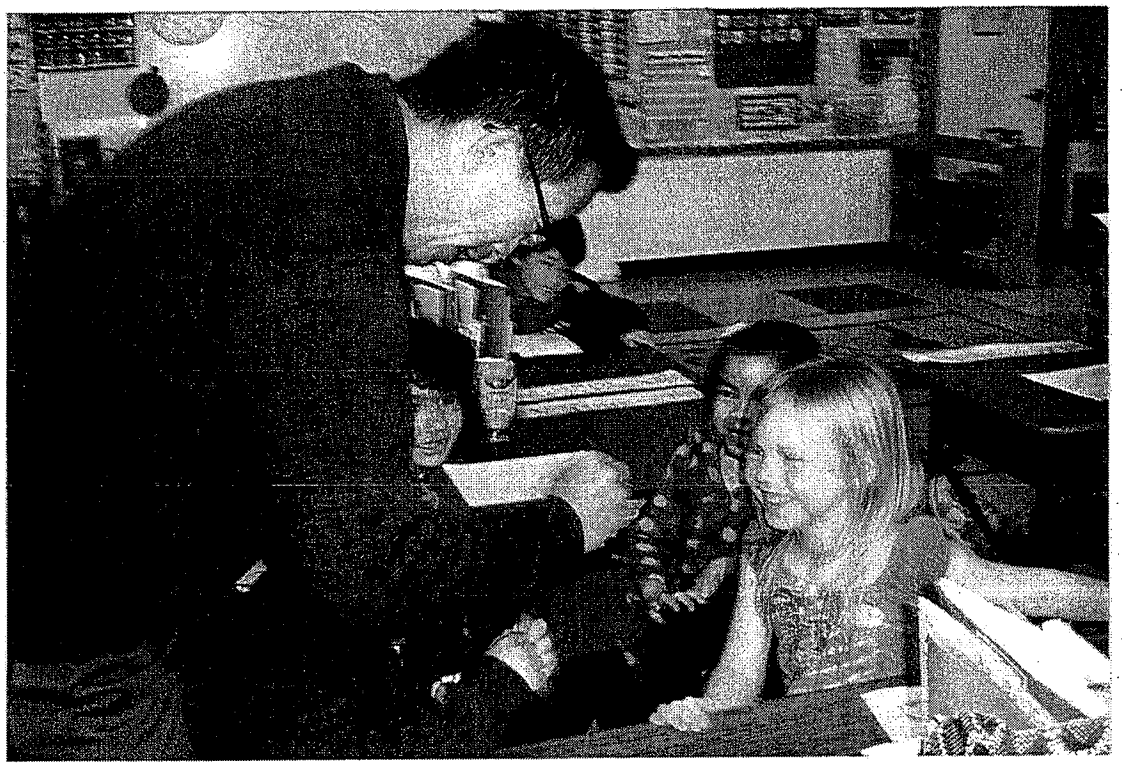
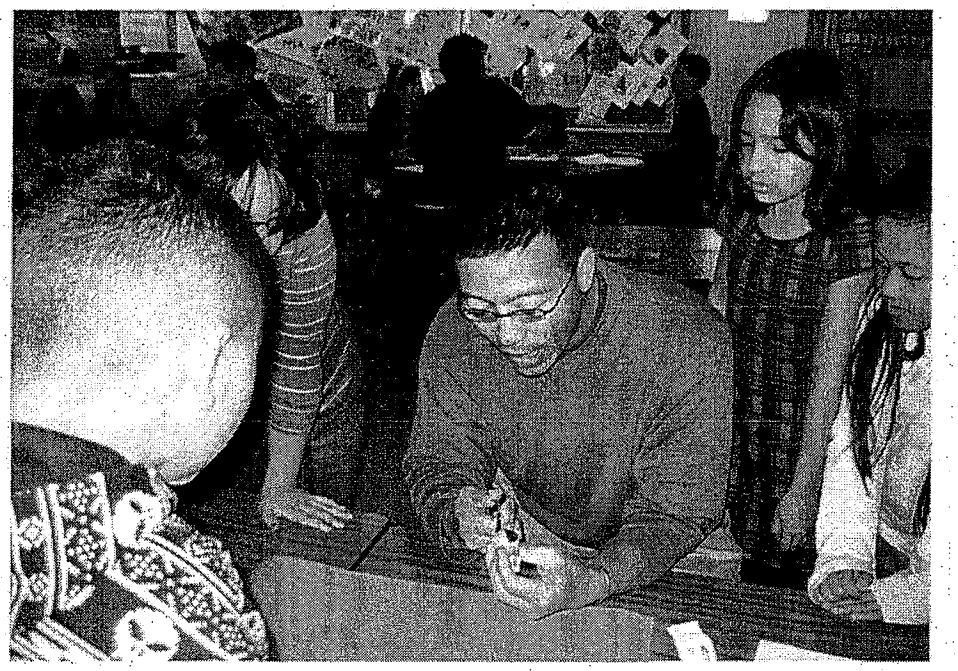
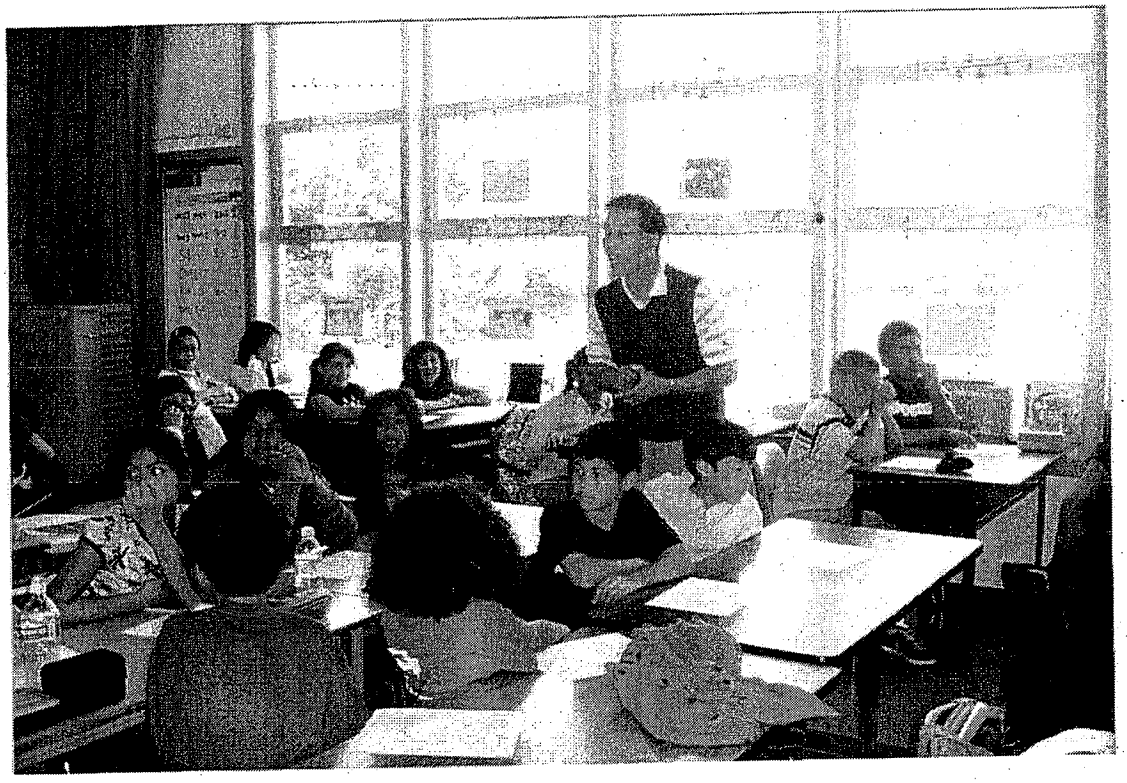
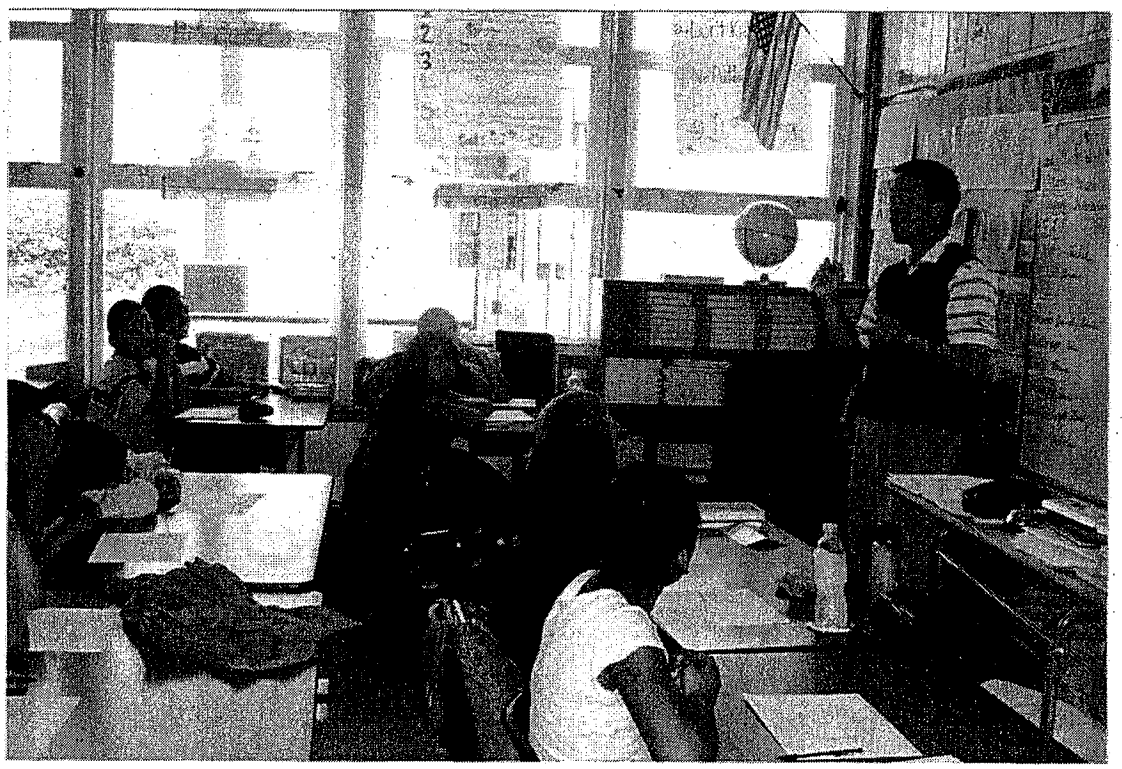
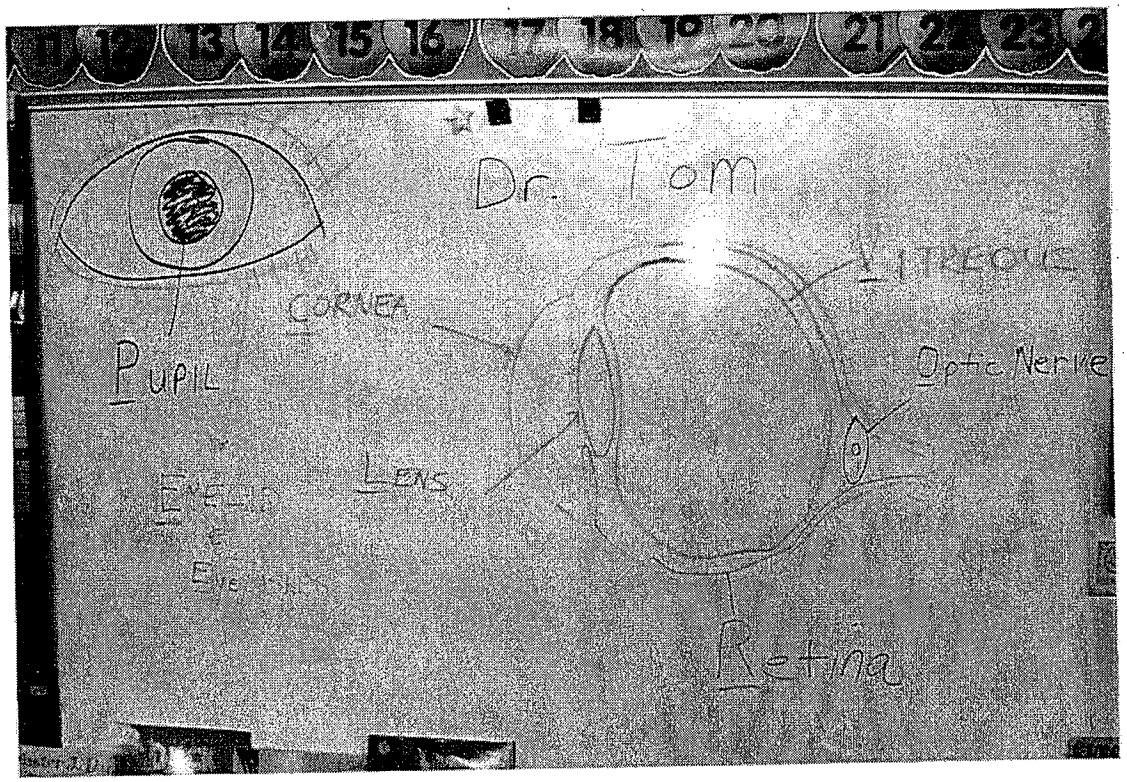


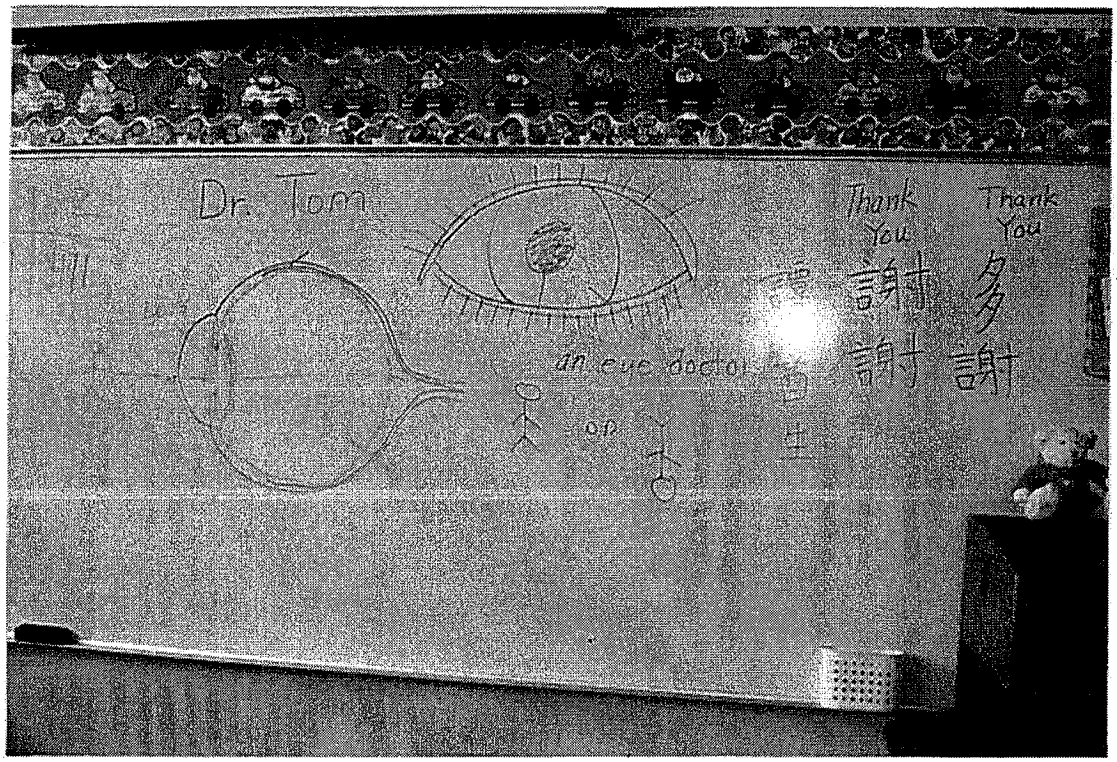









Dr. Tom
CORNEA
PUPIL
LENS
Optic Nerve
Retina


Dr. Tom
an eye doctor
or
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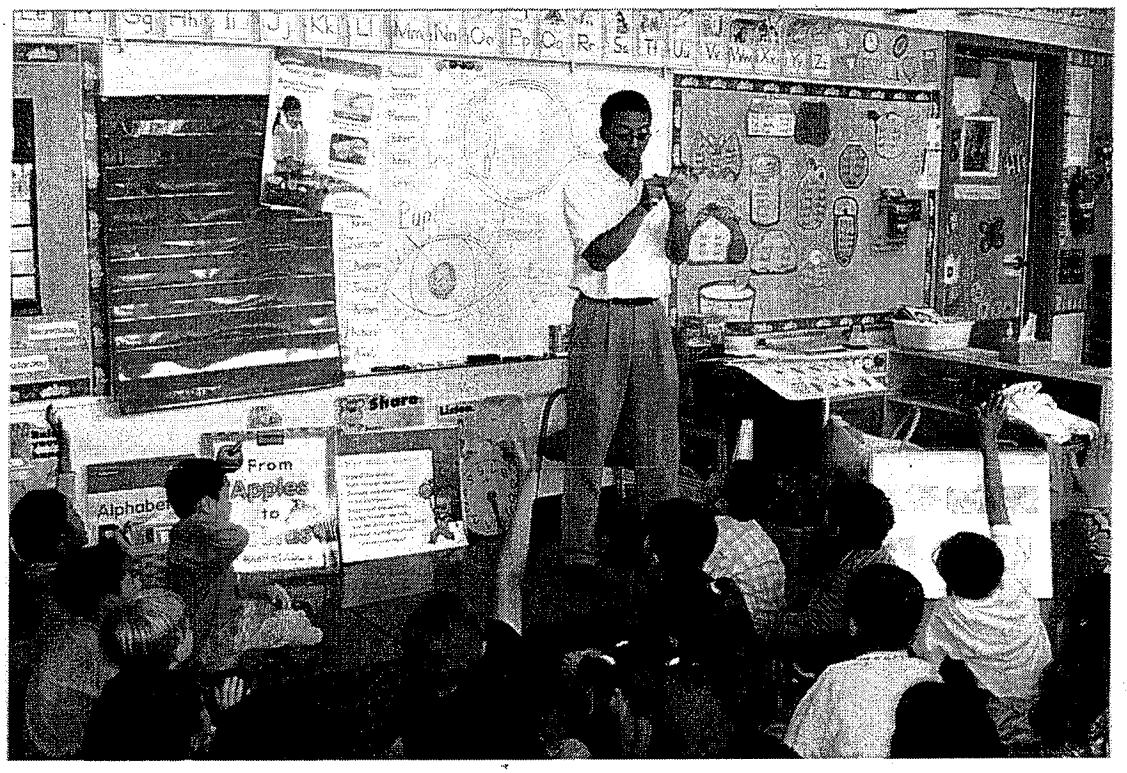
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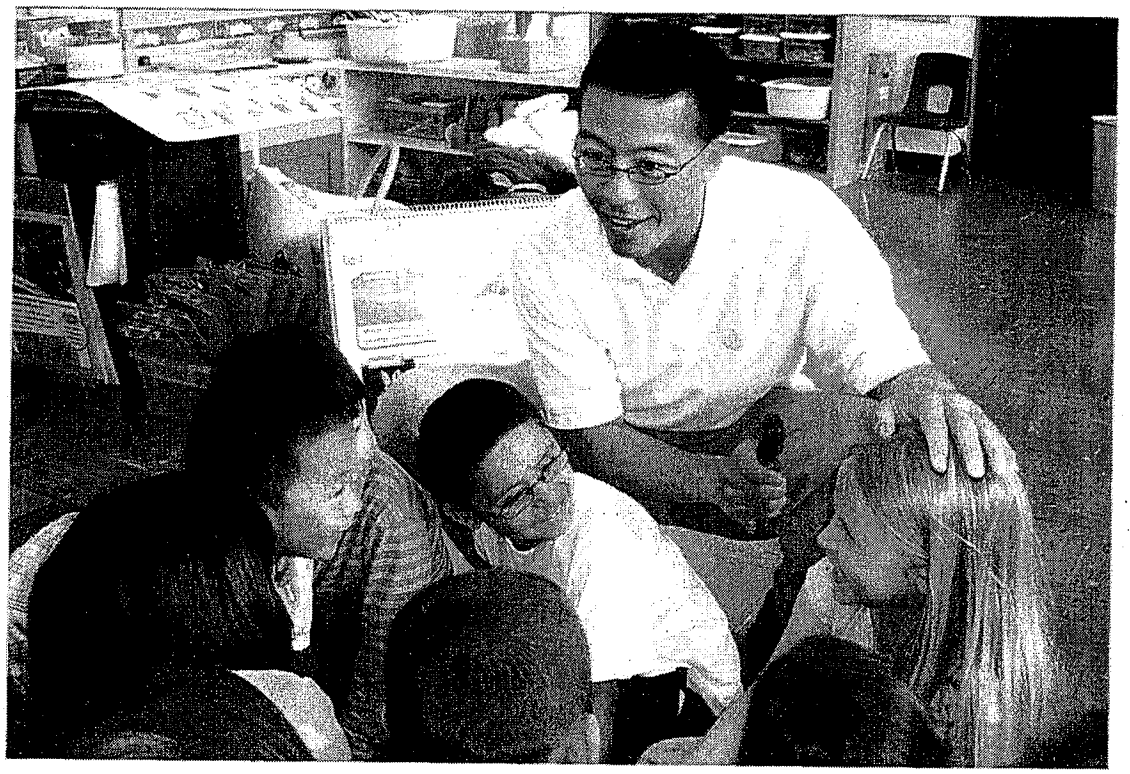
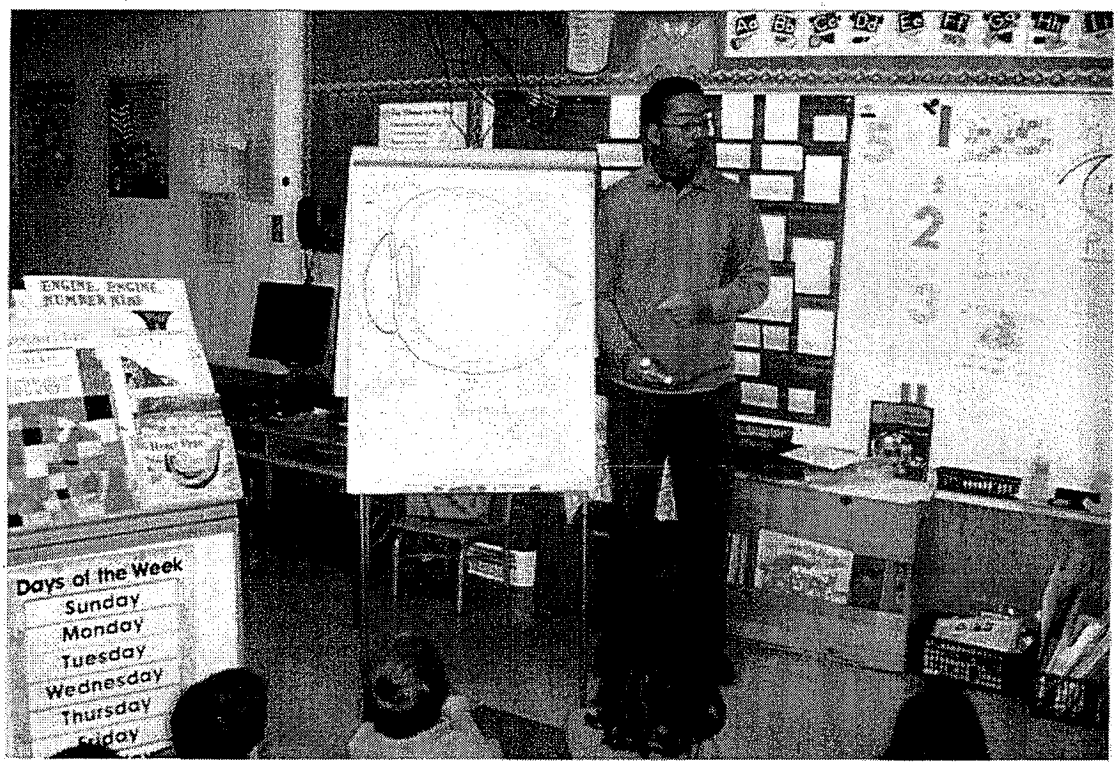
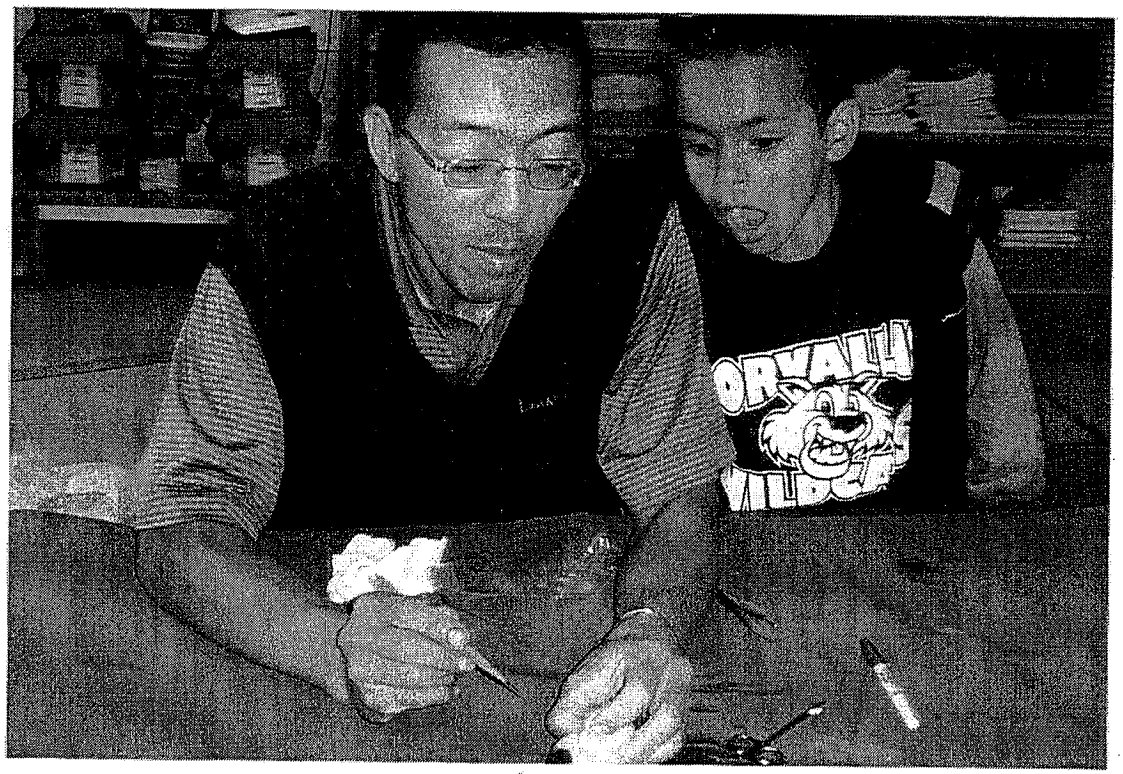



ENGINE, ENGINE
NUMBER NINE
Days of the Week
Sunday
Monday
Tuesday
Wednesday
Thursday

The ABC Song
Adjectiv
Safety Signs
STOP


ORVALL

BEFORE THE
STATE BOARD OF OPTOMETRY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition to Revoke Probation Against: **GREGORY LAWRENCE TOM** 63 W. Angela St. Pleasanton, CA 94566 Optometry License No. 10427 Respondent	Case No. 2003-125 OAH No. 2011080850

DECISION AND ORDER

The attached Proposed Decision is hereby adopted by the State Board of Optometry, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on August 29, 2012.

It is so ORDERED July 30, 2012.

Alejandro Amedondo, OD
FOR THE STATE BOARD OF OPTOMETRY
DEPARTMENT OF CONSUMER AFFAIRS

BEFORE THE
STATE BOARD OF OPTOMETRY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition to Revoke Probation Against: GREGORY LAWRENCE TOM, O.D., Optometry License No. 10427, Respondent.	Case No. 2003-125 OAH No. 2011110025

PROPOSED DECISION

Administrative Law Judge Melissa G. Crowell, State of California, Office of Administrative Hearings, heard this matter on May 10 and 31, 2012, in Oakland, California.

Deputy Attorney General Char Sachson represented Mona Maggio, Executive Officer of the State Board of Optometry.

Craig S. Steinberg, O.D., Attorney at Law, represented respondent Gregory Lawrence Tom, O.D., who was present throughout the proceeding.

The record was left open until June 4, 2012, for complainant to submit a response to respondent's Hearing Brief (Ex. K.). Complainant did not file a response. The record was closed and the matter was submitted for decision on June 4, 2012.

SUMMARY

Following the filing of an accusation against him, and pursuant to a Stipulated Surrender and Order, respondent surrendered his optometry license effective April 3, 2008. Thereafter respondent petitioned the board to reinstate his license, which was granted effective July 15, 2009. The license was reinstated on probation to the board for five years on stated terms and conditions. In this proceeding, complainant seeks to revoke respondent's probation for his failure to comply with six conditions of his probation.

FACTUAL FINDINGS

1. On September 22, 1994, the State Board of Optometry issued Optometrist License No. 10427 to respondent Gregory L. Tom. The license was surrendered effective April 3, 2008, in connection with disciplinary proceedings in Case No. 2003-125. The license was reinstated on probation effective July 15, 2009. The license was in full force and effect during all times relevant to this proceeding. It will expire, unless renewed, on July 31, 2012.

2. On January 13, 1995, the board issued to respondent Fictitious Name Permit No. 2081 ("20/20 Optometry," San Ramon). The permit expired April 14, 2003, and has not been renewed.

3. On May 11, 1995, the board issued to respondent Branch Office License No. 4052. The license was cancelled on April 14, 2003.

4. On May 31, 1995, the board issued to respondent Fictitious Name Permit No. 2155. The permit expired April 14, 2003, and has not been renewed.

5. On June 15, 2001, the board issued to respondent Branch Office License No. 6275. The license expired on February 1, 2004, and has not been renewed.

6. On October 18, 2001, the board issued to respondent Fictitious Name Permit No. 2858 ("20/20 Optometry of Silicon Valley," San Jose). The permit expired on January 31, 2004, and has not been renewed.

Prior Discipline/License Surrender

7. In the prior disciplinary action respondent surrendered his license effective April 3, 2010. The discipline was based on a stipulated Surrender of License and Order in which respondent agreed that there was a factual basis for imposition of discipline based on the allegations in the accusation that he had committed insurance fraud, altered patient records, and made false representation of facts in his optometry practice. In particular, it was alleged, based on an audit of his billings conducted by Vision Service Plan (VSP), that respondent had fraudulently billed VSP, and received payment, in the amount of $84,929.53 over a multiple-year period. Respondent agreed that in the event he were to petition the board to reinstate the license, all the allegations and charges set forth in the accusation would be deemed to be true, correct, and admitted by him. Respondent was ordered to pay the board its costs of investigation and enforcement of $11,284.57 prior to reinstatement of the license. And, under the terms of the agreement, respondent agreed to wait one year after the effective date of the decision before applying for reinstatement.

License Reinstatement on Probation

8. Respondent filed a petition to reinstate his license on February 23, 2009. Although the petition was filed one month early, the board agreed to consider the petition. Among the evidence he presented to the board was evidence of payment of $75,460 in restitution to VSP. The board found that respondent had demonstrated sufficient rehabilitation to warrant his reinstatement on probation. The board commented:

> Petitioner showed a sincere change in attitude and acceptance of responsibility. He submitted evidence of partial restitution. Because of his family support, similar misconduct is not likely to be repeated. The evidence also showed that the public would benefit from Petitioner's medical talent. Conversely, petitioner committed serious misconduct by defrauding insurance provider VSP and altering his patient's medical records, and only one year has passed since the effective date of petitioner's license surrender. Because of the relatively short time since the conduct and the surrender of the license, petitioner must wait an additional period of time before the license is actually reinstated.

Although the effective date of the decision granting respondent's petition for reinstatement was July 15, 2009, the actual reinstatement of his license did not take place until January 1, 2010. The board ordered the reinstated license immediately revoked, stayed the revocation, and placed the license on probation for five years. Among the terms and conditions of probation imposed by the board were Restricted Practice, Reporting, Cooperate with Probation Surveillance, Monitoring, Maintain Records, Community Service, Payment of Costs, and Restitution. In addition, Probation Condition 12 provided that if respondent violated the conditions of his probation, the board may, after giving respondent notice and an opportunity to be heard, set aside the stay order and impose the revocation of respondent's license.

9. Respondent has had two probation monitors. His initial monitor was Margie McGavin. Jessica Sieferman assumed McGavin's caseload in February 2010. Respondent cooperated with both probation monitors, and he communicated with them regularly.

10. With the approval of Probation Monitor McGowan, respondent resumed working as an optometrist in January 2010 under the supervision of Radbirt Jonas Chin, O.D., at VisionOne Optometry in Pleasanton. Respondent worked for Dr. Chin on a part-time basis. Dr. Chin has been satisfied with respondent's performance.

11. Probation Monitor McGowan apparently approved Professor Robert B. DiMartino, O.D., M.S., as respondent's practice monitor. Dr. DiMartino did not submit any probation monitoring reports. The only document Dr. DiMartino provided of his monitoring of respondent, which he called "mentoring," is contained in a letter he wrote directly to board president Lee Goldstein, O.D., dated May 15, 2011. Respondent has a new practice monitor as of August 2011.

12. Respondent complied with all probation requirements associated with payment of cost recovery. Respondent exceeded the requirements for community service and for continuing education. Respondent has been active in a program called First Tee. He also volunteers at schools and at senior homes. At his most recent compliance meeting, no new violations were identified.

Petition to Revoke Probation

13. On August 18, 2011, complainant issued the petition to revoke probation, alleging six violations of probation.

14. At hearing, Paragraph 20 of the petition to revoke probation was amended to allege as the factual basis for the Fourth Cause to revoke probation:

> Respondent failed to submit to the Board and obtain approval of a monitoring plan for his work at the colleges.

THE FIRST, SECOND AND FOURTH CAUSES TO REVOKE PROBATION

15. Probation Condition 2 restricted respondent's employment on probation to a practice under the supervision of an optometrist or ophthalmologist as follows:

> Petitioner is restricted from owning or operating his own optometry private practice. He is restricted to supervised employment by an optometrist or ophthalmologist whose license is in good standing and who has been approved by the Board or its designee prior to petitioner commencing employment.

16. Probation Condition 3 required respondent to report to the board any change in employment as follows:

> Petitioner shall inform the board in writing of any change of *place of practice* and place of residence within fifteen (15) days. (Emphasis added.)

Business and Professions Code section 3005 defines "place of practice," as used in the Optometry Practice Act, to mean "any location where optometry is practiced."

17. Probation Condition 5 required respondent to have a practice monitor. It provided:

> Within 30 days of the effective date of this decision, petitioner shall submit to the board for its prior approval a monitoring plan in which petitioner shall be monitored by another optometrist,

> who shall provide periodic reports to the Board. Petitioner shall bear any cost for such monitoring. If the monitor resigns or is no longer available, petitioner shall, within 15 days, move to have a new monitor appointed, through nomination by petitioner and approval by the board.

18. Respondent did not report to either of his probation monitors that he provided optometry services at community colleges while on probation. Respondent admits that he provided optometry services at Foothill College on January 25 and April 12, 2010; at College of San Mateo on February 8, 2010, March 29, 2010, July 12, 2010, October 6, 2010, and February 7, 2011; and at Canada College on March 1, 2010, November 22, 2010, and March 7, 2011.

Respondent was hired by the schools as an independent contractor, and he received compensation for his services in the form of a stipend. For example at Foothill College, respondent signed an independent contractor agreement, completed invoices for his services, was paid $350 per day for his services, and provided a taxpayer identification number for "Advanced Optometric Eyecare" on a IRS form W-9. Respondent examined 10 to 18 students per day, and prescribed lens where appropriate. Respondent permitted students to obtain single correction lens for $15 and some of the frames for $40. (These were for frames that were either donated or purchased at reduced rates.) Respondent would charge more for lenses with more complicated corrections, and he would charge more for frames other than the ones which were donated or purchased by him at a reduced rate. Respondent handled all the money except a $20 deposit, which the school collected for the examination. If the student purchased glasses, the $20 was applied toward the cost of the glasses. If no glasses were purchased, the deposit was refunded. Respondent would make up the glasses at his office, and then deliver them to the school. If there were problems with the glasses, the students would come into the VisionOne offices and he would fix the problem there.

19. There is no question that respondent was practicing optometry while at the community colleges. As defined by the Optometry Practice Act, that work was included within respondent's "place of practice." (Bus. & Prof. Code, § 3005.) Probation Condition 3 required respondent to report any change of his place of practice to the board. Respondent's failure to advise the board of his employment at the community colleges constituted a violation of Probation Condition 3.

20. Respondent was not supervised by an optometrist or an ophthalmologist in the performance of these services. Respondent's unsupervised employment at the community colleges constituted a violation of Probation Condition 2.

21. Respondent's services were not monitored by his practice monitor. Respondent's unmonitored employment at the community colleges constituted a violation of Probation Condition 6. Respondent's testimony that he told Dr. DiMartino of these services was self-serving, and is not competent evidence that his employment at the community

colleges was monitored. It is noted that Dr. DiMartino did not mention these services in his May 2011 letter to the board president.

22. Probation Monitor Sieferman first learned of respondent's work at the community colleges through a complaint filed with the board by one of the community colleges. She opened an investigation with the Division of Investigation in May 2011. The investigation was conducted by Investigator Andrew Omahen.

23. Probation Monitor Sieferman and respondent met on May 27, 2011. Respondent admitted working at the community colleges at that time, but stated that he believed it was community service. Respondent believed that his work at the community colleges was community service because he had performed this type of service since a student at the School of Optometry at the University of California, Berkeley, in the early 1990's under the supervision of a professor. Respondent continued working with the professor after he graduated for some time. After the professor died in 2002, the professor's wife requested that respondent continue the work, which he did, until he surrendered his license.

24. It never occurred to respondent that his work at the community colleges was employment. He believed it was community service because he could have earned more money working for an optometrist, and because the glasses were provided to the students at such discounted rates. Respondent first learned there was a problem with his service at the schools in an interview with Investigator Omahen on May 14, 2011. Respondent scheduled a meeting to discuss this with his probation monitor in May, as he wanted her to hear from him about his conduct. Respondent returned the stipends he had earned from the schools.

THIRD AND FIFTH CAUSES FOR PROBATION REVOCATION

25. Probation Condition 5 required respondent to cooperate with the board's probation program as follows:

> Petitioner shall comply with the Board's probation surveillance program, including but not limited to allowing access to the probationer's optometric practice and patient records upon request of the Board or its agent.

26. Probation Condition 7 required respondent to maintain record of lens prescriptions he dispensed or administered as follows:

> Petitioner shall maintain a record of all lens prescriptions that he dispensed or administered during his probation, showing all the following: 1) the name and address of the patient; 2) the date; 3) the price of the services and goods involved in the prescription; 4) the visual impairment identified for which the prescription was furnished. Petitioner shall keep these records

in a separate file or ledger, in chronological order, and shall make them available for inspection and copying by the board or its designee, upon request.

27. Investigator Omahen made an unannounced visit at Dr. Chin's offices on May 14, 2011. The investigator requested to review patient records. The patient records maintained by Dr. Chin were kept electronically, and made available for inspection. Respondent did not provide the patient records of the community college students. Respondent did not provide the investigator with a list of patients required to be maintained by Probation Condition 7.

28. A second meeting took place on May 25, 2011. At this meeting respondent provided a list of patients but the list did not include the community college students. Respondent subsequently provided an updated list which included most of the community college students, but it did not include students he examined on two days at Foothill College.

29. Respondent has provided varying accounts to Investigator Omahen and Monitor Sieferman and at hearing about whether he maintained records of the community college students. He testified that he did not maintain the records of the student patients at the community colleges, but rather he gave the records to the colleges at the end of each day for their keeping in the student health record. If the student needed glasses, he kept the record and returned it with the glasses to the school. He also stated that he kept some of the records, but they were kept in a box at Dr. Chin's office and he believes they were destroyed following a fire at the office.

30. Probation Condition 7 required respondent to maintain a record of lens prescriptions he dispensed or administered in a ledger form. Respondent did not maintain such a record while on probation, and did not create one until it was requested by Investigator Omahen. Respondent's conduct constituted a violation of Probation Condition 7.

31. Probation Condition 5 required respondent to cooperate with the board's probation program by providing patient records upon request. Respondent provided the records of patients he saw in Dr. Chin's office, but not those of all the community college students, stating that he had returned them to the community college for their safe keeping. Business and Professions Code section 3007, however, requires an optometrist to retain patient records for a minimum of seven years from the date he or she completes treatment of the patient. It is therefore found that respondent violated Probation Condition 5 by his inability to provide the patient records of the community college students upon the request of the board.

SIXTH CAUSE FOR PROBATION REVOCATION

32. Probation Condition 11 required respondent to provide proof to the board that he had made full restitution to Vision Service Plan. This condition provided:

> Within 90 days of the effective date of this order, Petitioner shall submit to the board proof that he has made full restitution to VSP Vision Care.

33. As alleged in the accusation, a VSP audit of respondent's billings determined that respondent had inappropriately billed and received payment from VSP in the amount of $84,829.53. As of the date of the petition for reinstatement, respondent had paid VSP $75,460 in restitution. Under the terms of Probation Condition 11, respondent was to submit proof of payment of "full restitution" within 90 days of the effective date of the order granting his petition for reinstatement. The order became effective July 15, 2009. Respondent was thus required to submit proof of payment of the full amount of $84,829.53 within three months of that date.

34. Respondent did not provide verification of payment of "full restitution" to VSP within 90 days July 15, 2009. In failing to do so, he violated Probation Condition 11.

35. Respondent eventually paid VSP a reduced amount of $8,785.64 by check dated July 26, 2010, which was more than one year after the effective date of the board's decision. VSP accepted that amount as payment in full of the outstanding restitution amount by letter dated August 9, 2010.

36. Respondent explained his delay as a product of his request for information from VSP which would specify to him the amount he owed. Respondent believed that VSP had withheld money due him during his last six months of panel membership, and without knowing the amount that was withheld he felt he was unable to calculate what he owed VSP. Respondent made numerous requests to VSP for various documents, including "reconciliation statements" for the six-month period and copies of an audio recording and transcript of a December 2003 VSP hearing. According to Respondent, VSP did not respond to any of his inquiries.

On July 26, 2010, respondent requested Probation Monitor Sieferman to send him the amount due VSP. She contacted VSP and was advised by Thomas Jones that the amount owing was $8,758.84. Respondent wrote a check for that amount that day.

LEGAL CONCLUSIONS

1. The standard of proof applied in this proceeding is clear and convincing evidence to a reasonable certainty.

2. Pursuant to Condition 12 of his probation to the board, respondent's may be revoked upon findings that he violated its terms and conditions.

3. By reason of the matters set forth in Factual Findings 15 through 21, it was established that respondent violated Conditions 2, 3 and 5, of his probation to the board in connection with his employment at the community colleges. Cause exists to revoke respondent's probation and to reimpose the stayed discipline (revocation) imposed in Case No. 2003-215.

4. By reason of the matters set forth in Factual Findings 25 through 31, it was established that respondent violated Conditions 5 and 7 of his probation to the board by failing to maintain a ledger of all lens prescriptions associated with his community college employment, and failing to make available all patient records. Cause exists to revoke respondent's probation and to reimpose the stayed discipline (revocation) imposed in Case No. 2003-215.

5. By reason of the matters set forth in Factual Findings 32 through 34, it was established that respondent violated Condition 11 of his probation to the board by reason of his failure to timely provide proof of payment of full restitution to VSP. Cause exists to revoke respondent's probation and to reimpose the stayed discipline (revocation) imposed in Case No. 2003-215.

Disciplinary Considerations

6. The question presented is whether respondent's probation should be extended as he requests, or whether his probation should be revoked as complainant requests.

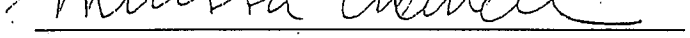
The probationary terms were developed by the board in order to ensure that respondent could practice optometry with safety to the public after having committing serious acts of unprofessional conduct as an optometrist. While all evidence in mitigation has been considered, it is concluded that respondent's lack of compliance with probation is for the most part unmitigated. While respondent believed that his work at the community colleges was community service, he failed to pose the question to his probation monitor with whom he had regular contact. The work was unmonitored and unsupervised, which is exactly what this board forbade under its order reinstating the license. Respondent's failure to maintain a ledger of his work at the community colleges made it impossible for it to be reviewed as well. Respondent was also ordered by this board to make full restitution to VSP in the amount of $84,829.53 within three months of reinstating his license. Instead of complying with that order, respondent choose to quibble with VSP over the remaining amount of restitution he owed, saying that was his right. That was not his right, as the board's order regarding the amount of restitution he owed was a final order, and he had admitted the amount of restitution he owed VSP by virtue of petitioning for reinstatement. Lastly, respondent's inconsistent statements regarding the records of the community college patients raise questions about his candor.

The ultimate goal of licensing generally, and the highest priority of the board in exercising its disciplinary functions, is the protection of the public. (Bus. & Prof. Code, § 3010.1.) Probation is a serious matter, and the conditions of the board are meant to be strictly followed, not interpreted by probationers as it suits them. Respondent's overall performance on probation does little to install confidence that his performance on probation in the future would be different. For this reason, it is concluded that continuing respondent on probation would not be consistent with the public protection.

ORDER.

The petition to revoke probation is granted, and probation is revoked. The stay of the revocation imposed in Case No. 2003-125 (Decision effective July 15, 2008) is lifted and the order of revocation of Optometrist License No. 10427 issued to respondent Gregory Lawrence Tom is imposed.

DATED: June 21, 2012



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Administrative Law Judge
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BEFORE THE
STATE BOARD OF OPTOMETRY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition to Revoke Probation Against, GREGORY LAWRENCE TOM DBA 20/20 OPTOMETRY 3191 Crow Canyon Place, Suite C San Ramon, CA 94583 Optometry License No. 10427 Fictitious Name Permit No. 2081 Fictitious Name Permit No. 2155 Branch Office License No. 6275 Respondent.	Case No. 2003-125 **PETITION TO REVOKE PROBATION**

Complainant alleges:

PARTIES

1. Mona Maggio (Complainant) brings this Petition to Revoke Probation solely in her official capacity as the Executive Officer of the State Board of Optometry, Department of Consumer Affairs.

2. On or about September 22, 1994, the State Board of Optometry issued Optometrist License Number 10427 to Gregory L. Tom (Respondent). The Optometrist License was in effect at all times relevant to the charges brought herein and will expire on July 31, 2012, unless renewed.

3. On or about January 13, 1995, the State Board of Optometry issued Fictitious Name Permit Number 2081 to Gregory L. Tom (Respondent). The Fictitious Name Permit expired on April 14, 2003, and has not been renewed.

4. On or about May 11, 1995, the State Board of Optometry issued Fictitious Name Permit Number 2155 to Respondent. The Fictitious Name Permit expired on April 14, 2003, and has not been renewed.

5. On or about June 15, 2001, the State Board of Optometry issued Branch Office License Number 6275 to Respondent. The Branch Office License expired on February 1, 2004, and has not been renewed.

6. In a disciplinary action entitled "In the Matter of the Accusation Against D.B.A. 20/20 Optometry, Gregory Lawrence Tom, Case No. 2003-125, Respondent surrendered his Optometrist License. The surrender was effective April 3, 2008. On or about February 23, 2009, Respondent petitioned to have his Optometrist License reinstated.

7. In a disciplinary action entitled "In the Matter of Petition for Reinstatement Against Gregory L. Tom," Case No. 2003-125, the State Board of Optometry issued a decision, effective July 15, 2009, in which Respondent's Optometrist License was reinstated, and immediately revoked. However, the revocation was stayed and Respondent's Optometrist License was placed on probation for a period of five (5) years with certain terms and conditions. A copy of that decision is attached as Exhibit A and is incorporated by reference.

JURISDICTION

8. This Petition to Revoke Probation is brought before the State Board of Optometry (Board), Department of Consumer Affairs.

FIRST CAUSE TO REVOKE PROBATION

(Restricted Practice)

9. At all times after the effective date of Respondent's probation, Condition 2 stated:

"Restricted Practice: Petitioner is prohibited from owning or operating his own optometry private practice. He is restricted to supervised employment by an optometrist or ophthalmologist

whose license is in good standing and who has been approved by the Board or its designee prior to petitioner commencing employment."

10. Respondent's probation is subject to revocation because he failed to comply with Probation Condition 2, referenced above. The facts and circumstances regarding this violation are as follows:

11. On or about January 25, 2010 and April 12, 2010, Respondent provided optometry services at Foothill College in Los Altos Hills, California. On or about February 8, 2010, March 29, 2010, July 12, 2010, October 6, 2010, and February 7, 2011, Respondent provided optometry services at College of San Mateo in San Mateo, California. On or about March 1, 2010, November 22, 2010 and March 7, 2011, Respondent provided optometry services at Canada College in Redwood City, California. On unknown dates, Respondent also provided optometry services at City College of San Francisco in San Francisco, California. Respondent was not supervised by a Board-approved optometrist or ophthalmologist as required by Condition 2, and he received compensation for his services. Respondent saw between 10 and 18 students per day while working at the schools.

SECOND CAUSE TO REVOKE PROBATION

(Reporting)

12. At all times after the effective date of Respondent's probation, Condition 3 stated:

"Reporting: Petitioner shall inform the Board in writing of any change of place of practice and place of residence within fifteen (15) days."

13. Respondent's probation is subject to revocation because he failed to comply with Probation Condition 3, referenced above. The facts and circumstances regarding this violation are as follows:

14. Respondent failed to inform the Board in writing that he practiced at Foothill College, College of San Mateo, Canada College and San Francisco City College, as stated above in paragraph 11.

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THIRD CAUSE TO REVOKE PROBATION

(Cooperate with Probation Surveillance)

15. At all times after the effective date of Respondent's probation, Condition 5 stated:

"Cooperation with Probation Surveillance: Petitioner shall comply with the Board's probation surveillance program, including but not limited to allowing access to the probationer's optometric practice and patient records upon request of the Board or its agent."

16. Respondent's probation is subject to revocation because he failed to comply with Probation Condition 5, referenced above. The facts and circumstances regarding this violation are as follows:

17. Respondent failed to comply with Probation Conditions 2, 3, 6, 7 and 11. Additionally, an investigator from the Division of Investigation, acting as the Board's agent, requested access to patient records. Respondent failed to provide access to the requested records.

FOURTH CAUSE TO REVOKE PROBATION

(Monitoring)

18. At all times after the effective date of Respondent's probation, Condition 6 stated:

"Monitoring: Within 30 days of the effective date of this decision, petitioner shall submit to the Board for its prior approval a monitoring plan in which petitioner shall be monitored by another optometrist, who shall provide periodic reports to the board. Petitioner shall bear any cost for such monitoring. If the monitor resigns or is no longer available, petitioner shall, within 15 days, move to have a new monitor appointed, through nomination by petitioner and approval by the board."

19. Respondent's probation is subject to revocation because he failed to comply with Probation Condition 6, referenced above. The facts and circumstances regarding this violation are as follows:

20. Respondent failed to submit to the Board and obtain approval for a monitoring plan.

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FIFTH CAUSE TO REVOKE PROBATION

(Maintain Records)

21. At all times after the effective date of Respondent's probation, Condition 7 stated:

"Maintain Records: Petitioner shall maintain a record of all lens prescriptions that he dispensed or administered during his probation, showing all the following: 1) the name and address of the patient, 2) the date, 3) the price of the services and goods involved in the prescription, and 4) the visual impairment identified for which the prescription was furnished. Petitioner shall keep these records in a separate file or ledger, in chronological order, and shall make them available for inspection and copying by the board or its designee, upon request."

22. Respondent's probation is subject to revocation because he failed to comply with Probation Condition 7, referenced above. The facts and circumstances regarding this violation are as follows:

23. Respondent failed to maintain records of all lens prescriptions that he dispensed or administered during his probation.

SIXTH CAUSE TO REVOKE PROBATION

(Restitution)

24. At all times after the effective date of Respondent's probation, Condition 11 stated:

"Restitution: Within 90 days of the effective date of this order, Petitioner shall submit to the Board proof that he has made full restitution to VSP Vision Care."

25. Respondent's probation is subject to revocation because he failed to comply with Probation Condition 11, referenced above. The facts and circumstances regarding this violation are as follows:

26. Respondent failed to provide the Board with verification of payment of restitution to VSP Vision Care within 90 days of the effective date of the order.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the State Board of Optometry issue a decision:

1. Revoking the probation that was granted by the State Board of Optometry in Case No. 2003-125 and imposing the disciplinary order that was stayed thereby revoking Optometrist License No. 10427 issued to Gregory L. Tom;

2. Revoking or suspending Optometrist License No. 10427, issued to Gregory L. Tom;

3. Revoking or suspending Fictitous Name Permit No. 2081, issued to Gregory L. Tom;

4. Revoking or suspending Fictitious Name Permit No. 2155, issued to Gregory L. Tom;

5. Revoking or suspending Branch Office License No. 6275, issued to Gregory L. Tom.

6. Taking such other and further action as deemed necessary and proper.

DATED: 8/18/2011

Mona Maggio

MONA MAGGIO
Executive Officer
State Board of Optometry
Department of Consumer Affairs
State of California
Complainant

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Exhibit A

Decision and Order

State Board of Optometry Case No. 2003-125

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BEFORE THE
BOARD OF OPTOMETRY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition for Reinstatement of: GREGORY LAWRENCE TOM, O.D. Optometry License No. 10427 Respondent.	Case No. 2003-125 OAH No. 2009040794

DECISION

The attached Decision of the Administrative Law Judge is hereby adopted by the Board of Optometry, Department of Consumer Affairs, as its Decision in the above-entitled matter.

This Decision shall become effective July 15, 2009.

It is so ORDERED June 15, 2009

LEE A. GOLDSTEIN, O.D. MPA
PRESIDENT
BOARD OF OPTOMETRY

BEFORE THE
BOARD OF OPTOMETRY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition for Reinstatement of: GREGORY LAWRENCE TOM, O.D., Optometry License No. 10427 Petitioner.	Case No. 2003-125 OAH No. 2009040794

DECISION

This matter was heard by a quorum of the Board of Optometry (Board) on May 15, 2009, in Fullerton, California. Amy C. Lahr, Administrative Law Judge, Office of Administrative Hearings, State of California, presided. Board members present and participating were Lee A. Goldstein, O.D., President; Alejandro Arredondo, O.D.; Martha Burnett-Collins, O.D.; Monica Johnson; Kenneth Lawenda, O.D.; Fred Naranjo; Edward J. Rendon, M.P.A.; and Susy Yu, O.D.

The record was closed and the matter was submitted for decision. Thereafter, the Board met in an executive session and decided the matter on the day of the hearing.

Gregory Lawrence Tom (petitioner) represented himself.

Erin Sunseri, Deputy Attorney General, California Department of Justice, appeared pursuant to Government Code section 11522.

FACTUAL FINDINGS

1. On or about September 22, 1994, the Board issued Optometry License Number 10427 to petitioner.

2. a. The Board, by Decision and Order effective April 3, 2008, in Case No. 2003-125, adopted a Stipulated Settlement and Disciplinary Order resolving an accusation that had been brought against petitioner.

b. In the Stipulated Surrender of License and Order, petitioner agreed that there was a factual basis for discipline against his license for unprofessional conduct with regard to insurance fraud and alteration of medical records. The facts underlying the

accusation are that from 2001 through 2006, petitioner fraudulently submitted bills to insurance provider Vision Services Plan (VSP), totaling approximately $80,000. Petitioner also committed unprofessional conduct by altering his patients' medical records.

c. Pursuant to the Stipulated Surrender of License and Order, paragraph 22, Petitioner agreed to pay the Board its costs of investigation and enforcement in the amount of $11,284.57, prior to the issuance of a new or reinstated license.

3. a. Pursuant to the Order, petitioner surrendered his license. Petitioner agreed not to petition the Board for reinstatement until one year from the effective date of the Decision and Order; i.e., until April 3, 2009.

b. Petitioner filed the instant petition for reinstatement on February 23, 2009. Although he filed the petition more than one month prior to the earliest agreed upon application date, the Board decided to consider it.

4. Petitioner contends his license should be reinstated because he admitted and accepted responsibility for his wrongful conduct. Petitioner acknowledged that he should not have substituted his own judgment for the insurance company rules. He grasped the gravity of his actions, and recognized how he harmed others. Petitioner believes that he has learned a painful lesson, and he is willing to comply with whatever guidelines the Board deems necessary.

5. Since petitioner surrendered his license, he has worked in the bank industry and has volunteered at a local preschool. Petitioner has completed 63 continuing education hours, and has studied various optometric literature. He also took an ethics class through the Department of Real Estate. In addition, petitioner paid $75,460 restitution to VSP.

6. Petitioner submitted multiple references supporting his petition, including a letter from Robert DiMartino, O.D., Professor of Clinical Optometry at University of California, Berkeley. Dr. DiMartino highlighted petitioner's intellect and talent. He noted that although petitioner's actions demonstrated a lack of judgment, he has the capacity to learn from his error. Dr. DiMartino stated that petitioner's expertise was a great loss to the public, and that ongoing audits would best protect the public.

7. Petitioner's wife, Claire Syn Tom, testified in support of his reinstatement. She reiterated how difficult it has been for petitioner, and their family, to lose his license. Subsequent to the surrender, Mrs. Tom has noticed that petitioner's behavior has changed in numerous ways; for example, before his license was revoked, he focused primarily on his practice, and now he devotes himself to their family. In addition, Mrs. Tom has observed that petitioner has accepted responsibility for his actions, and he possesses more integrity than before this occurred.

LEGAL CONCLUSIONS

1. Cause exists to grant petitioner's petition for reinstatement, pursuant to Business and Professions Code section 11522, as set forth in factual findings 1-7 and legal conclusions 2-4.

2. Petitioner bears the burden to prove, by clear and convincing evidence, that he is sufficiently rehabilitated and entitled to reinstatement. (*Flanzer v. Board of Dental Examiners* (1990) 220 Cal.App.3d 1392, 1398; *Hippard v. State Bar* (1989) 49 Cal.3d 1084, 1092.)

3. California Code of Regulations, title 16, section 1516 provides that the following rehabilitation criteria may be evaluated when considering a petition for reinstatement: (1) the nature and severity of the act(s) or crime(s) under consideration as grounds for denial; (2) evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the Code; (3) the time that has elapsed since commission of the act(s) or crime(s); (4) the extent to which the applicant has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the applicant; and (5) rehabilitation evidence.

4. Petitioner has demonstrated sufficient rehabilitation to warrant his reinstatement on probationary terms. Petitioner showed a sincere change in attitude and acceptance of responsibility. He submitted evidence of partial restitution. Because of his experience and family support, similar misconduct is not likely to be repeated. The evidence also showed that the public would benefit from Petitioner's medical talent. Conversely, Petitioner committed serious misconduct by defrauding insurance provider VSP and altering his patients' medical records, and only one year has passed since the effective date of petitioner's license surrender. Because of the relatively short period of time since the conduct and the surrender of his license, petitioner must wait an additional period of time before the license is actually reinstated. Given the forgoing, the following order adequately protects the public interest while acknowledging petitioner's rehabilitation efforts.

ORDER

Gregory Tom's petition for reinstatement is granted and his certificate of registration to practice optometry shall be reinstated, effective January 1, 2010. The certificate shall be immediately revoked, provided that the revocation shall be stayed, and the certificate shall be placed on probation for five (5) years, upon the following terms and conditions:

1. Obey All Laws: Petitioner shall obey all federal, state and local laws, and all rules governing the practice of optometry in California.

2. Restricted Practice: Petitioner is prohibited from owning or operating his own optometry private practice. He is restricted to supervised employment by an optometrist or ophthalmologist whose license is in good standing and who has been approved by the Board or its designee prior to petitioner commencing employment.

3. Reporting: Petitioner shall inform the Board in writing of any change of place of practice and place of residence within fifteen (15) days.

4. Residency of Practice: The period of probation shall not run during the time petitioner is residing or practicing outside the jurisdiction of California. If, during probation, petitioner moves out of the jurisdiction of California to reside or practice elsewhere, petitioner is required to immediately notify the Board in writing of the date of departure, and the date of return, if any.

5. Cooperate with Probation Surveillance: Petitioner shall comply with the Board's probation surveillance program, including but not limited to allowing access to the probationer's optometric practice and patient records upon request of the Board or its agent.

6. Monitoring: Within 30 days of the effective date of this decision, petitioner shall submit to the Board for its prior approval a monitoring plan in which petitioner shall be monitored by another optometrist, who shall provide periodic reports to the board. Petitioner shall bear any cost for such monitoring. If the monitor resigns or is no longer available, petitioner shall, within 15 days, move to have a new monitor appointed, through nomination by petitioner and approval by the board.

7. Maintain Records: Petitioner shall maintain a record of all lens prescriptions that he dispensed or administered during his probation, showing all the following: 1) the name and address of the patient, 2) the date, 3) the price of the services and goods involved in the prescription, and 4) the visual impairment identified for which the prescription was furnished. Petitioner shall keep these records in a separate file or ledger, in chronological order, and shall make them available for inspection and copying by the board or its designee, upon request.

8. Education Coursework: Within 90 days of the effective date of this decision, and on an annual basis thereafter, petitioner shall submit to the board for its prior approval an educational program or course to be designated by the board, which shall not be less than 40 hours per year, for each year of probation. This program must include at least eight hours of ethics course(s); and the program shall be in addition to the Continuing Optometric Education requirements for re-licensure. Petitioner shall bear all associated costs. Following the completion of each course, the Board or its designee may administer an

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examination to test petitioner's knowledge of the course. Petitioner shall provide written proof of attendance in such course or courses as are approved by the board.

9. Community Service: Within 60 days of the effective date of this decision Petitioner shall submit to the Board, for its approval, a plan for community service, according to which he shall provide free services on a regular basis to an underserved community or charitable facility or agency for at least 10 hours a month, for the first 24 months of probation. Once a year Petitioner shall provide the Board with proof that he has complied with the plan.

10. Payment of Costs: Petitioner must pay to the Board the full amount of the unpaid costs assessed against him, as he agreed in the Stipulated Surrender and Order, totaling $11,284.57. This amount is payable in equal monthly installments during the period of probation, provided that the full amount shall be paid 90 days prior to completion of probation. Petitioner shall commence making payments upon notification by the Board or its designee of the amount of unpaid costs, the monthly installment amount, and the payment schedule. A failure to make timely payments pursuant to the payment schedule shall constitute a violation of probation, although petitioner is free to pay the costs earlier than prescribed in the schedule. If petitioner has not paid the full amount of costs at the end of the five-year period of probation, his probation shall be extended until full payment has been made.

11. Restitution: Within 90 days of the effective date of this order, Petitioner shall submit to the Board proof that he has made full restitution to VSP Vision Care.

12. Violation of Probation: If petitioner violates probation in any respect, the Board, after giving him notice and an opportunity to be heard, may terminate probation and impose the stayed discipline, or such discipline as it deems appropriate. If an accusation or petition to revoke probation is filed against petitioner during probation, the Board shall have continuing jurisdiction and the period of probation shall be extended until the matter is final.

13. Completion of Probation: Upon successful completion of probation, petitioner's certificate will be fully restored.

IT IS SO ORDERED.

Dated: June 15, 2009

LEE A. GOLDSTEIN, O.D., President
Board of Optometry
Department of Consumer Affairs
State of California

BEFORE THE
STATE BOARD OF OPTOMETRY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: D.B.A. 20/20 OPTOMETRY GREGORY LAWRENCE TOM 3191 Crow Canyon Place, Suite C San Ramon, CA 94583 Optometry License No. 10427 Fictitious Name Permit No. 2081 Fictitious Name Permit No. 2155 Branch Office License No. 6275 Statement of Licensure Cert. No. 5181 Respondent.	Case No. 2003-125

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the State Board of Optometry, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on April 3, 2008.

It is so ORDERED March 3, 2008.

FOR THE STATE BOARD OF OPTOMETRY
DEPARTMENT OF CONSUMER AFFAIRS

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of the State of California
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Attorneys for Complainant

BEFORE THE
STATE BOARD OF OPTOMETRY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: GREGORY LAWRENCE TOM D.B.A. 20/20 OPTOMETRY 3191 Crow Canyon Place, Suite C San Ramon, CA 94583 Optometry License No. 10427 Fictitious Name Permit No. 2081 Fictitious Name Permit No. 2155 Branch Office License No. 6275 Statement of Licensure Cert. No. 5181. Respondent.	Case No. 2003-125 STIPULATED SURRENDER OF LICENSE AND ORDER

IT IS HEREBY STIPULATED AND AGREED by and between the parties in this proceeding that the following matters are true:

PARTIES

1. Taryn Smith (Complainant) is the Executive Officer of the State Board of Optometry. She brought this action solely in her official capacity and is represented in this

matter by Edmund G. Brown Jr., Attorney General of the State of California, and by Diann Sokoloff, Deputy Attorney General.

2. Gregory Lawrence Tom (Respondent) is represented in this proceeding by attorney Richard Tamor, whose address is 1901 Harrison Street, 9th Floor, Oakland, CA 94612.

3. On or about September 22, 1994, the State Board of Optometry issued Optometry License No. 10427 to Gregory Lawrence Tom, doing business as 20/20 Optometry. The License was in full force and effect at all times relevant to the charges brought in Accusation No. 2003-125 and will expire on July 31, 2008, unless renewed.

4. On or about December 12, 2006, the State Board of Optometry issued a Statement of Licensure Certificate No. 5181 to Gregory Lawrence Tom, doing business as 20/20 Optometry. The license was in full force and effect and at all times relevant to the charges brought in Accusation No. 2003-125 and will expire on July 31, 2008, unless renewed.

5. On or about January 13, 1995, the State Board of Optometry issued Fictitious Name Permit No. 2081 to Gregory Lawrence Tom, doing business as 20/20 Optometry. The Permit expired on April 14, 2003, and has not been renewed.

6. On or about May 11, 1995, the State Board of Optometry issued Fictitious Name Permit No. 2155 to Gregory Lawrence Tom, doing business as 20/20 Optometry. The Permit expired on April 14, 2003, and has not been renewed.

7. On or about June 15, 2001, the State Board of Optometry issued Branch Office License No. 6275 to Gregory Lawrence Tom, doing business as 20/20 Optometry. The Permit expired on February 1, 2004, and has not been renewed.

JURISDICTION

8. Accusation No. 2003-125 was filed before the State Board of Optometry (Board), Department of Consumer Affairs, and is currently pending against Respondent. The

Accusation and all other statutorily required documents were properly served on Respondent on March 26, 2007. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 2003-125 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

9. Respondent has carefully read, discussed with counsel, and fully understands the charges and allegations in Accusation No. 2003-125. Respondent also has carefully read, discussed with counsel, and fully understands the effects of this Stipulated Surrender of License and Order.

10. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

11. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

12. Respondent, without making specific admissions, stipulates that there is a factual basis for imposition of discipline and agrees that cause exists for discipline based on the allegations in Accusation No. 2003-125, and hereby surrenders his Optometry License No. 10427 for the Board's formal acceptance.

13. Respondent without making specific admissions, stipulates that there is a factual basis for imposition of discipline and agrees that cause exists for discipline based on the

allegations in Accusation No. 2003-125, and hereby surrenders his Statement of Licensure Certificate No. 5181 for the Board's formal acceptance.

14. Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his Optometry License and Statement of Licensure Certificate without further process.

CONTINGENCY

15. This stipulation shall be subject to approval by the State Board of Optometry. Respondent understands and agrees that counsel for Complainant and the staff of the State Board of Optometry may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

OTHER MATTERS

16. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

17. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that the surrender of Optometry License No. 10427, and Statement of Licensure Certificate No. 5181 issued to Respondent Gregory Lawrence Tom, doing business as 20/20 Optometry, is accepted by the State Board of Optometry.

18. The surrender of Respondent's Optometry License and Statement of Licensure Certificate, and the acceptance of the surrendered license, permits, and certificate by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

19. Respondent shall lose all rights and privileges as an optometrist in California as of the effective date of the Board's Decision and Order.

20. Respondent shall cause to be delivered to the Board his Optometry License No. 10427, his Statement of Licensure Certificate No. 5181, and his wall and pocket license certificates on or before the effective date of the Decision and Order.

21. Respondent fully understands and agrees that if he ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 2003-125 shall be deemed to be true, correct, and admitted by Respondent when the Board determines whether to grant or deny the petition.

22. Respondent shall pay the Board its costs of investigation and enforcement in the amount of $11,284.57 prior to issuance of a new or reinstated license.

23. Respondent shall not apply for licensure or petition for reinstatement for one year from the effective date of the Board's Decision and Order.

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ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Richard Tamor. I understand the stipulation and the effect it will have on my Optometry License, Fictitious Name Permits, and Branch Office License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the State Board of Optometry.

DATED: 12/7/07

GREGORY LAWRENCE TOM
Respondent

I have read and fully discussed with Respondent Gregory Lawrence Tom the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 12/6/07

RICHARD TAMOR
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the State Board of Optometry of the Department of Consumer Affairs.

DATED: 12/20/07

EDMUND G. BROWN JR., Attorney General
of the State of California

WILBERT E. BENNETT
Supervising Deputy Attorney General

DIANN SOKOLOFF
Deputy Attorney General

Attorneys for Complainant

EDMUND G. BROWN JR., Attorney General
of the State of California
WILBERT E. BENNETT
Supervising Deputy Attorney General
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Deputy Attorney General
California Department of Justice
1515 Clay Street, 20th Floor
P.O. Box 70550
Oakland, CA 94612-0550
Telephone: (510) 622-2212
Facsimile: (510) 622-2270

Attorneys for Complainant

BEFORE THE
STATE BOARD OF OPTOMETRY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: GREGORY LAWRENCE TOM DBA 20/20 OPTOMETRY 3191 Crow Canyon Place, Suite C San Ramon, CA 94583 Optometry License No. 10427 Fictitious Name Permit No. 2155 Fictitious Name Permit Number 2081 Branch Office License Number 6275 Respondent.	Case No. ACCUSATION

Complainant alleges:

PARTIES

1. Taryn Smith (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the State Board of Optometry, Department of Consumer Affairs.

2. On or about September 22, 1994, the State Board of Optometry issued Optometry License Number 10427 to Gregory Lawrence Tom (Respondent). The Optometry License was in full force and effect at all times relevant to the charges brought herein and will expire on July 31, 2008, unless renewed.

3. On or about January 13, 1995, the State Board of Optometry issued Fictitious Name Permit Number 2081 to Gregory Lawrence Tom, DBA 20/20 Optometry (Respondent). The Fictitious Name Permit expired on April 14, 2003, and has not been renewed.

4. On or about May 11, 1995, the State Board of Optometry issued Fictitious Name Permit Number 2155 to Gregory Lawrence Tom, DBA 20/20 Optometry (Respondent). The Fictitious Name Permit expired on April 14, 2003, and has not been renewed.

5. On or about June 15, 2001, the State Board of Optometry issued Branch Office License Number 6275 to Gregory Lawrence Tom, DBA 20/20 Optometry (Respondent). The Branch Office License expired on February 1, 2004, and has not been renewed.

JURISDICTION

6. This Accusation is brought before the State Board of Optometry (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

8. Section 3105 of the Code states: "Altering or modifying the medical record of any person, with fraudulent intent, or creating any false medical record, with fraudulent intent, constitutes unprofessional conduct. In addition to any other disciplinary action, the State Board of Optometry may impose a civil penalty of five hundred dollars ($500) for a violation of this section."

9. Section 3106 of the Code states: "Knowingly making or signing any certificate or other document directly or indirectly related to the practice of optometry that falsely represents the existence or nonexistence of a state of facts constitutes unprofessional conduct."

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10. Section 3110 of the Code states:

"The board may take action against any licensee who is charged with unprofessional conduct, and may deny an application for a license if the applicant has committed unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

"(a) Violating or attempting to violate, directly or indirectly assisting in or abetting the violation of, or conspiring to violate any provision of this chapter or any of the rules and regulations adopted by the board pursuant to this chapter.

"(b) Gross negligence.

"(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions.

"(d) Incompetence.

"(e) The commission of fraud, misrepresentation, or any act involving dishonesty or corruption, that is substantially related to the qualifications, functions, or duties of an optometrist.

"(f) Any action or conduct that would have warranted the denial of a license.

. . .

"(q) The failure to maintain adequate and accurate records relating to the provision of services to his or her patients.

11. Section 810 of the Code states:

"(a) It shall constitute unprofessional conduct and grounds for disciplinary action, including suspension or revocation of a license or certificate, for a health care professional to do any of the following in connection with his or her professional activities:

"(1) Knowingly present or cause to be presented any false or fraudulent claim for the payment of a loss under a contract of insurance.

"(2) Knowingly prepare, make, or subscribe any writing, with intent to present or use the same, or to allow it to be presented or used in support of any false or fraudulent claim.

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FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct-Insurance Fraud)

12. Respondent is subject to disciplinary action under sections 810(a)(1) and 810(a)(2), in conjunction with section 3110, in that between March 23, 2002 and June, 2003, respondent fraudulently submitted bills to Vision Service Plan (VSP).

13. VSP conducted an audit of respondent's San Ramon and San Jose offices on July 28-29, 2003. A sample of respondent's insurance claims were selected and reviewed. Fifty-five (55) claims from both his San Jose and his San Ramon offices were audited. The audit disclosed that thirty seven (37) claims or 67% of the claims that were reviewed from his San Jose office, and forty-four (44) claims or 80% of the claims reviewed from his San Ramon office were billed inappropriately or could not be substantiated because the patient record could not be located. The audit further found that inappropriate billing patterns were also found to have occurred with some of the same patients' services from previous years dating back to 2001 and 2002. As a result of the audit, VSP terminated respondent from membership status on October 24, 2003, and determined that the amount improperly paid to respondent by VSP was $84,829.53. In general, the audit revealed the following inappropriate billing patterns: (1) billing for medically necessary contact lenses when none were provided; (2) providing prescription lenses for use without contact lenses when authorization was given only for spectacle lenses for use over contact lenses; (3) providing plano gray-3 lenses when a prescription lens was ordered and billed to VSP; (4) inflating amounts billed to VSP for medically necessary contact lenses, and (5) committing other infractions, including double billing for medically necessary contact lenses, double billing insurance plans, switching dates of service, changing patients' dates of birth to support billing, billing an intermediate exam for a comprehensive exam, inflating the wholesale frame costs, overcharging patients for options, and billing plano sunglasses as frame only.

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14. Respondent's fraudulent billing submissions to VSP included the following:

a. In some cases (patients 5, 14, 15, 32, 49, and 51) the VSP materials and Interim Benefits Pre-Certification Request Forms (Pre-Cert) for medically necessary contact lenses (MNCL) i.e., contact lenses that are required by the patient as defined by VSP and do not include elective, cosmetic contact lenses, were filled out for patients using + cylinder formats for the Spectacle Rx (prescription), when the patient record showed - cylinder format on the examination findings. The cylinder on the Pre-Cert Forms was not marked + or -; this often made it appear that there was a significant change in the patient's Rx when that was not true. Pre-Cert Forms were filled out with a different spectacle Rx than that which was documented on the patient's record.

b. In one case (patient 28), MNCL were pre-certified by VSP but the Patient Survey (the survey sent by VSP to patients who have received services and materials under VSP plans, and filled out by the patients and returned to VSP) stated that he/she did not wear or receive contact lenses. (Respondent billed VSP for these services and he was paid the maximum allowance under the coverage.)

c. In some cases (patients 15, 23, 25, 49 and 50), VSP was routinely billed for spectacle lenses to be worn on top of the MNCL. Respondent provided prescription lenses for use without contact lenses when authorization was given only for spectacle lenses with use over contacts. The Rx of these lenses was routinely a +0.50 D for each eye. There was no apparent therapeutic objective for these Rxs. The Rxs were given without any documentation on the patient record of near-point testing to establish a need for this type of help; it appeared to be done solely for the purpose of inflating the VSP billing.

d. In some cases (patients 1, 3, 10, 17, 20, 21, 28, 29, 41, 53, 55 and 58), children as young as 18 months were given Rxs for glasses when the findings were unreliable - as would be expected at that age. The resulting Rx given to the children, and billed to VSP, were not therapeutically significant; the documented examination findings did not establish any need for the correction.

e. In some cases (patients 57 and 58), where spectacle lenses for use over contact lenses and spectacle lenses for young children were prescribed, and billed to VSP, the VSP Patient Surveys that were filled out by the patients or their parents showed that no lenses were supplied to the patient by Dr. Tom's office.

f. In some cases (patients 10, 17, 21, 21, 29, 33, 36, 41, 46, 48), where spectacle lenses for use over MNCL and spectacle lenses for young children were prescribed, the VSP Patient Surveys that were filled out by the patients or their parents showed that non-prescription sunglasses were supplied to the patient instead of the Rx lenses billed to VSP.

g. In some cases (patients 1, 3, 4, 10, 17, 20, 21, 48 and 62), the documentation on the "Laboratory Instructions" part of the spectacle lens orders instructed the laboratory to ship plano (non-prescription) sunlenses (Gray 3 planes) to Dr. Tom's office instead of the Rx spectacle lenses specified on the billings to VSP for that patient.

h. In some cases (patients 4, 5, 7, 10, 17, 20, 21, 26, 29, 30, 33, 38, 41, 46, 48, 50, 60, 61 and 62), the billings to VSP routinely stated that dilation of the patient was performed on almost every patient, but inspection of the individual patient records reviewed showed that nineteen of those patients did not receive a dilated examination.

i. In one case (patient 24), Dr. Tom's office billed VSP for MNCL and spectacle lenses for use over the contacts. The patient had Lasik surgery 18 months before the billing took place; Dr. Tom was the co-managing optometrist on the surgery and filled out forms documenting that the patient had 20/20 acuity without Rx 12 months before his office executed the billing in question to VSP.

j. In some cases (patients 3 and 60), the Rx on VSP Doctor Service Report (IDC) was not supported by the patient record.

15. Incorporating by reference the allegations in paragraphs 12 through 14, respondent's conduct in knowingly presenting false and fraudulent claims to VSP for payment constitutes unprofessional conduct within the meaning of Code sections 810 (a)(1) and 810(a)(2) and provides grounds for disciplinary action under Code section 3110.

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SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct-Alteration of Medical Records)

16. Respondent is subject to disciplinary action under section 3105, in conjunction with section 3110, in that between March 23, 2002, and June, 2003, respondent fraudulently submitted bills to Vision Service Plan (VSP).

17. Incorporating by reference the allegations in paragraphs 12 through 14, respondent's conduct in fraudulently submitting bills to VSP necessarily involved altering and modifying the medical records of some of his patients with fraudulent intent and creating a false medical record with fraudulent intent. This conduct constitutes unprofessional conduct within the meaning of Code section 3105 and provides grounds for disciplinary action under Code section 3110.

THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct-False Representation of Facts)

18. Respondent is subject to disciplinary action under section 3106, in conjunction with section 3110, in that between March 23, 2002, and June, 2003, respondent fraudulently submitted bills to Vision Service Plan (VSP).

19. Incorporating by reference the allegations in paragraphs 12 through 14, respondent's conduct in fraudulently submitting bills to VSP necessarily involved knowingly creating paperwork directly related to his practice of optometry that falsely represented facts regarding several of his patients constitutes unprofessional conduct within the meaning of Code section 3106 and provides grounds for disciplinary action under Code section 3110.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the State Board of Optometry issue a decision:

1. Revoking or suspending Optometry License Number 10427, issued to Gregory Lawrence Tom, DBA 20/20 Optometry;

2. Revoking or suspending Fictitious Name Permit Number 2155, issued to Gregory Lawrence Tom, DBA 20/20 Optometry.

3. Revoking or suspending Fictitious Name Permit Number 2081, issued to Gregory Lawrence Tom, DBA 20/20 Optometry.

4. Revoking or suspending Branch Office License Number 6275, issued to Gregory Lawrence Tom, DBA 20/20 Optometry.

5. Ordering Gregory Lawrence Tom to pay the State Board of Optometry a civil penalty of five hundred dollars ($500) for a violation of Code section 3105.

6. Ordering Gregory Lawrence Tom to pay the State Board of Optometry the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

7. Taking such other and further action as deemed necessary and proper.

DATED: 3/26/07

TARYN SMITH
Executive Officer
State Board of Optometry
Department of Consumer Affairs
State of California
Complainant

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CALIFORNIA STATE BOARD OF OPTOMETRY

STATE BOARD OF OPTOMETRY
2450 DEL PASO ROAD, SUITE 105, SACRAMENTO, CA 95834
P (916) 575-7170 F (916) 575-7292 www.optometry .ca.gov

Certification of Non-Licensure

The undersigned, Mona Maggio hereby certifies as follows:

> *That she is the duly appointed, acting and qualified Executive Officer of the California State Board of Optometry (Board), and that in such capacity she has custody of the official records of the board.*

On this twenty-ninth day of August 2013, the Executive Officer examined said official records of the Board and found that **GREGORY LAWRENCE TOM** graduated from the University of California in Berkeley, School of Optometry in 1994. The Certificate of Registration to Practice Optometry No. 10427 was granted to him effective September 22, 1994 and was revoked effective August 29, 2012. The current address of record for said Certificate of Registration is 63 W. Angela St., Pleasanton, California 94566.

Said records further reveal that on or about January 13, 1995, Fictitious Name Permit No. 2081 was issued to **GREGORY LAWRENCE TOM** and **ALAN TOMIO NAKANISHI** authorizing the use of the fictitious name "20/20 Optometry" in conjunction with optometric practice located at 3191-C Crow Canyon Place, San Ramon, California 94583. Said Fictitious Name Permit expired January 31, 2004.

Said records further reveal that on or about May 11, 1995, Branch Office License No. 4052 was issued to **GREGORY LAWRENCE TOM** and **ALAN TOMIO NAKANISHI** authorizing his practice at 115 West 25th Avenue, San Mateo, California 94403. Said Branch Office License expired on February 1, 2004.

Said records further reveal that on or about May 31, 1995, Fictitious Name Permit No. 2155 was issued to **GREGORY LAWRENCE TOM** and **ALAN TOMIO NAKANISHI** authorizing the use of the fictitious name, "20/20 Optometry" in conjunction with optometric practice located at 115 West 25th Street, San Mateo, California 94403. Said Fictitious Name Permit expired on January 31, 2004.

Said records further reveal that on or about August 6, 1996 **GREGORY LAWRENCE TOM** became certified to utilize Therapeutic Pharmaceutical Agents pursuant to Business and Professions Code Section 3041.3.

Said records further reveal that on or about June 15, 2001, Branch Office License No. 6275 was issued to **GREGORY LAWRENCE TOM** authorizing him to practice at 2555 North First Street, San Jose, California 95131. Said Branch Office License was cancelled on December 1, 2003.

Said records further reveal that on or about October 18, 2002, Fictitious Name Permit No. 2858 was issued to **GREGORY LAWRENCE TOM** and **JEANETTE LEE** authorizing the use of fictitious name "20/20 Optometry of Silicon Valley" in conjunction with the optometric practice located at 2555 North First Street, San Jose, California 95131. Said Fictitious Name Permit expired on January 31, 2004.

Said records further reveal that on or about December 12, 2006, Statement of Licensure No. 5181 was issued to **GREGORY LAWRENCE TOM** authorizing him to practice at 115 West 25th Street, San Mateo, California 94403. Said Statement of Licensure was surrendered on April 3, 2008.

Said records further reveal that on or about March 26, 2007, the Board filed an Accusation against **GREGORY LAWRENCE TOM**. The Board, by Decision and Order effective April 3, 2008 adopted a Stipulated Surrender of License and Order resolving said Accusation. Optometry License No. 10427 and Statement of Licensure No. 5181 were surrendered.

Said records further reveal that on or about February 23, 2009, **GREGORY LAWRENCE TOM** filed a Petition for Reinstatement. The Board, by Decision and Order effective July 15, 2009 granted said Petition. Optometry License No. 10427 was reinstated effective January 1, 2010. Said license was immediately revoked, the revocation was stayed and the license was placed on probation for five (5) years.

Said records further reveal that on or about November 19, 2010, **GREGORY LAWRENCE TOM** filed a Petition for Reduction of Penalty or Early Termination of Probation. The Board, by Decision and Order effective August 16, 2011, denied said Petition.

Said records further reveal that on or about August 19, 2011, **GREGORY LAWRENCE TOM** filed a Petition for Reconsideration. The Board, by Order effective September 30, 2011, denied said Petition.

Said records further reveal that on or about August 18, 2011, the Board filed a Petition to Revoke Probation against **GREGORY LAWRENCE TOM**. The Board, by Decision and Order effective August 29, 2012 adopted a Proposed Decision resolving said Petition. Said Decision and Order granted the revocation of probation and lifted the stay of revocation that was effective on January 1, 2010. Optometry License No. 10427 was **revoked effective August 29, 2012.**

Said records further reveal that on or about August 27, 2012, **GREGORY LAWRENCE TOM** filed a Petition for Reconsideration. The Board, by Order effective August 29, 2012, denied said Petition.

Given under my hand and the seal of the State Board of Optometry, in Sacramento, California, on this twenty-ninth day of August 2013.

Mona Maggio, Executive Officer

Memo

2450 Del Paso Road, Suite 105
Sacramento, CA 95834
(916) 575-7170, (916) 575-7292 Fax
www.optometry.ca.gov

To: Board Members **Date:** September 13, 2013

From: Jessica Sieferman
Enforcement Lead **Telephone:** (916) 575-7170

Subject: **Agenda Item 2B. In the Matter of the Petition for Reinstatement of Revoked License No. OPT 8321 – Stephen G. Schroeder**

Dr. Steven G. Schroeder, Petitioner, was issued Optometrist License Number 8321 by the Board on September 15, 1985. On February 20, 2007, the Board filed an Accusation against Petitioner charging him with violating laws and regulations of the Optometry Practice Act. The Board, by Decision and Order effective June 18, 2007, adopted a Stipulated Settlement and Disciplinary Order, which revoked Petitioner's license. The revocation was stayed and the license was placed on probation for five years.

On or about July 15, 2008, the Board filed an Accusation and Petition to Revoke Probation against Petitioner. The Board, by Decision and order effective October 3, 2008, adopted a Stipulated Revocation of License and Order resolving said Accusation and Petition. Petitioner's license was revoked.

The Petitioner is requesting the Board to reinstate his Optometrist License. He is not represented by an attorney.

Attached are the following documents submitted for the Board's consideration in the above referenced matter:

1. Petition for Reinstatement with Attachments
2. Copies of Decisions and Orders, Default Decision and Accusation
3. Certification of Non-Licensure

STATE OF CALIFORNIA
dca
DEPARTMENT OF CONSUMER AFFAIRS

RECEIVED BY THE BOARD OF OPTOMETRY
2013 AUG -1 AM 11:57

Board of Optometry
2450 Del Paso Road, Suite 105
Sacramento, CA 95834
Tel: (916) 575-7170 / (866) 585-2666
www.optometry.ca.gov

Edmund G. Brown, Governor

PETITION FOR REINSTATEMENT

A person whose certificate of registration has been revoked or suspended for more than one year may petition the Board to reinstate the certificate of registration after a period of not less than one year has elapsed from the date of the revocation or suspension. In determining whether the disciplinary penalty should be set aside and the terms and conditions, if any, which should be imposed if the disciplinary penalty is set aside, the Board may investigate and consider all activities of the petitioner since the disciplinary action was taken, the offense for which discipline was imposed, activity during the time the certificate of registration was in good standing and the petitioner's general reputation for truth, professional ability and good character.

PLEASE TYPE OR PRINT LIGIBLY

1. NAME (FIRST) (MIDDLE) (LAST) Stephen Gerard Schroeder	CERTIFICATE OF REGISTRATION NO. 8321
2. ADDRESS (NUMBER) (STREET) 2088 E. Lakeshore Dr. #626	DATE OF BIRTH 5/9/59
(CITY) (STATE) (ZIP CODE) Lake Elsinore, CA 92530	TELEPHONE (951) 219-6261

3. PHYSICAL DESCRIPTION	(HEIGHT)	(WEIGHT)	(EYE COLOR)	(HAIR COLOR)
	6'1"	235	GRN	BLD

4. EDUCATION: NAME(S) OF SCHOOL(S) OR COLLEGES) OF OPTOMETRY ATTENDED

NAME OF SCHOOL
Southern California College of Optometry

ADDRESS (NUMBER) (STREET)
2575 Yorba Linda Blvd.

(CITY) (STATE) (ZIP CODE)
Fullerton, CA 92831

5. ARE YOU CURRENTLY LICENSED IN ANY OTHER STATE? YES (NO)

STATE	LICENSE NO.	ISSUE DATE	EXPIRATION DATE	LICENSE STATUS
CA	8321	1985	2008	Revoked

6. List locations, dates, and types of practice for 5 years prior to discipline of your California license.

LOCATION	DATE FROM	DATE TO	TYPE OF PRACTICE
Mission Optometrist	1987	2006	Private Practice
Canyon Lake Optometrist	2007	2008	Private Practice

7. Are you or have you ever been addicted to the use of narcotics or alcohol? YES NO

8. Are you or have you ever suffered from a contagious disease? YES NO

9. Are you or have you ever been under observation or treatment for mental disorders, alcoholism or narcotic addiction? YES NO

10. Have you ever been arrested, convicted or pled no contest to a violation of any law of a foreign country, the United States, any state, or a local ordinance? you must include all convictions, including those that have been set aside under Penal Code Section 1203.4 (which includes diversion programs) YES NO

11. Are you now on probation or parole for any criminal or administrative violations in this state or any other state? (Attach certified copies of all disciplinary or court documents) YES NO

12. Have you ever had disciplinary action taken against your optometric license in this state or any other state? YES NO

IF YOU ANSWERED YES TO ANY OF THE ABOVE QUESTIONS, YOU MUST ATTACHMENT A STATEMENT OF EXPLANATION GIVING FULL DETAILS.

ON A SEPARATE SHEET OF PAPER PROVIDE THE FOLLOWING INFORMATION

13. List the date of disciplinary action taken against your license and explain fully the cause of the disciplinary action.

14. Explain fully why you feel your license should be restored, or the disciplinary penalty reduced.

15. Describe in detail your activities and occupation since the date of the disciplinary action; include dates, employers and locations.

16. Describe any rehabilitative or corrective measures you have taken since your license was disciplined to support your petition.

17. List all post-graduate or refresher courses, with dates, location and type of course, you have taken since your license was disciplined.

18. List all optometric literature you have studied during the last year.

19. List all continuing education courses you have completed since your license was disciplined.

20. List names, addresses and telephone numbers of persons submitting letters of recommendation accompanying this petition.

I declare under penalty of perjury under the laws of the State of California that the answers and information given by me in completing this petition, and any attachments, are true and I understand and agree that any misstatements of material facts will be cause for the rejection of this petition.

Date July 26, 2013 **Signature** [signature]

All items of information requested in this petition are mandatory. Failure to provide any of the requested information will result in the petition being rejected as incomplete. The information will be used to determine qualifications for reinstatement, reduction of penalty or early termination of probation. The person responsible for information maintenance is the Executive Officer of the Board of Optometry at 2450 Del Paso Road, Suite 105, Sacramento, California, 95834. This information may be transferred to another governmental agency such as a law enforcement agency, if necessary to perform its duties. Each individual has the right to review the files or records maintained on them by our agency, unless the records are identified confidential information and exempted by Section 1798.3 of the Civil Code.

7. Are you or have you ever been addicted to the use of narcotics?

I first began drinking alcohol in high school my junior year in a small farm town in North Dakota.
I drank socially then my eight years of college and continued thereafter during my practice of optometry and 10 years of marriage.
I never considered myself an abusive drinker nor did I ever create hardship to myself or anyone else with drinking. Drug use was never an option.

I divorced in 2001 and worked 6 days a week in my private practice. I continued drinking like a gentleman 2 days a week and met all my obligations as both a parent and business owner.

It was the end of 2003 I began experimenting with methamphetamine use not realizing the claws of addiction were being implanted in my brain.
In 2004 I found myself ingesting methamphetamine on nearly a daily basis. By mid 2004 I found myself In full denial of my daily methamphetamine use. Reasoning I handled it fine and it was helping me fend through my 6 day work week. I kidded myself, I was a functioning addict not a filthy drug head who brought harm to family and friends around him.

My practice was highly successful which blinded me to the fact my life was spinning out of control.
I was living a life of lies and dishonest behavior. As 2005 was rolling along with the claws deeply dug into my back, 7 days a week of methamphetamine use was my life.
My house was raided and shortly after that, I was arrested for felony possession of methamphetamine.
As an addict I blamed everyone but myself and I would not accept that I had an addiction and needed to stop the drug use.

I was scared straight for a few months into a "sober" sane life, Completing my PC 1000 drug diversion program in 2006. I fooled myself I no longer had a drug use problem since I was not taking drugs.
The problem with that thinking was that I hadn't yet surrounded to the fact I truly was a drug addict and needed to recover.
I relapsed at the end of 2006. I fooled myself I would only do the drug for a night, But those nights turned into days, Those days turned into weeks.
I cleaned up here and there with rehab long enough to address my optometry board affairs in 2007.

I continued to take shortcuts along with denial of my bad behavior. Never taking a true road to recovery, Until September 2010.
September 2010 is when I met an old patient of mine who had 25+ years of recovery that would change my life.
Through his early direction and with a solid founded 12 Step Program accompanied by outpatient rehabilitation I now surrendered to the fact of my addiction and accepted my new Life of Recovery.
Through this brotherhood and help of others along with listening. I began to see the changes in my behavior, thinking and acting. I was promised blessings from this new lifestyle and soon they exceeded all my expectations.

Today I live a sober life, The obsession of using is gone and my family has found new trust in me by the example I live and walk.

9. Are you or have you ever been under observation or treatment for mental disorders, alcoholism or narcotic addiction?

Yes I have been in drug and alcohol addiction programs and am still under observation by my addiction doctor. My first introduction to treatment and observation was a 16 week PC1000 program called the High Road program in Riverside, CA.
I entered this program on May 11, 2006 and successfully completed it on August 7, 2006.
This was a court appointed program consisting of weekly group sessions. We discussed drug and alcohol addiction and were drug tested. Once completed I returned back to Riverside court on December 8, 2006 to show my completion and expunge my conviction. I completed this program, With my own "strings attached". Instead of getting true rehabilitation from it I remained clean but not fully in recovery.

My first induction to a structured in-house rehabilitation program was in March of 2006.
I self placed myself into "A Better Tomorrow in Temecula, CA. This is an accredited in-house structured living program with a certified outpatient drug and alcohol treatment component. It was a 14 day agreed upon in-house stay consisting of one on one sessions with staff therapists, daily group therapy, stress and anger management, feeling group, family issues and process groups. Daily 12 step meetings accompanied by staff. Upon completion of this program. I was given a 6 week outpatient weekly program with a staff therapist.

October 2010 I entered the Riverside Recovery Resources. It is Alcohol & Drug Education, prevention and treatment. It is a 12 week outpatient treatment twice weekly. This consisted of 4 hour long sessions of group therapy and one on one sessions of treatment, drug testing and recovery.
When this was completed I elected to continue with weekly group for an additional 6 weeks under my own volition..
It was during this time when I met Bernie Truaxx who would give me my strong foundation to 12 step living and recovery. The true life changing event that taught me how to become the man I've always wanted to be. During my recovery at Riverside Recovery Resources I began seeing Dr. John Harsany, diplomat of the American Board of Addiction in Hemet, CA. for treatment and ongoing observation every 2-3 months. I'm currently still under his care for the physical and behavioral treatment I need to stay accountable for my addiction. Under Dr. Harsany's care I was involved with Dr.Jack Henke, A clinical psychologist specializing in drug and alcohol addictions. My sessions with Dr. Henke were one on one for a period of approximately 12 weeks.

10. Have you ever been arrested, convicted or pled no contest to a violation of any law of a foreign country, the United States, any state, or a local ordinance? You must include all convictions, including those that have been set aside under Penal Code Section 1203.4 (which includes diversion programs)

In mid- 2002 I was arrested for DUI in Riverside County, CA.
I plead guilty and completed a diversion program and paid all fines.

Early 2006 I plead guilty to a felony possession of a controlled substance, methamphetamine.
This was a result of a search of my house in October 2005. A warrant was served and I was arrested, released on bail. I was ordered to complete a PC1000 drug diversion program which I completed to have the felony expunged form my record

12. Have you ever had disciplinary action taken against your optometric license in this state or any other state?

On June 18, 2007 my case of accusation # CC 2005141 was when my optometric license #8321 was revoked and stayed. My license was placed on a 3 year probation with terms and conditions to meet. This was a result of my felony possession charge in 2006, Court Case #SWF 013967, Riverside County. I admitted to all facts and circumstances and agreed to a stipulated settlement and disciplinary order.

June 2008 Accusation and petition was filed based on the conduct of methamphetamine drug abuse, fraudulently showing completion of community service hours and 12 step meeting attendance, and practicing optometry without a license from June 20-25th.
Petition to revoke probation was filed and in July, I met with Lorrette West, Deputy Attorney General, admitting my guilt to all violations with no trial.
Probation was agreed upon. I was fined $18, 330.00 dollars and my certificate to practice optometry # 8321 was surrendered.

13. List the date of disciplinary action against your license and explain fully the cause of the disciplinary action.

June 18, 2007 Disciplinary action entitle "Matter of Accusation" case # CC 2005-141.conviction for a My license was revoked and stayed. I was placed on probation for three years. This initial disciplinary action was delivered after a 2006 conviction for a felony possession of a controlled substance, methamphetamine, in Riverside County court. This arrest revolved around circumstances surrounding search of my residence on October 19, 2005 in which 1.4grams of methamphetamine and paraphernalia to smoke methamphetamine was found. I admitted to all facts and circumstances of the accusation and a stipulated and disciplinary order was signed. I was subject to unprofessional conduct under Business and Professional code and self administering a controlled substance, methamphetamine.

July 15, 2008 Accusation and petition to revoke probation # CC 2008-13 was filed.
This was brought on by an investigation of myself in March 2008 by probation monitor Margie McGavin. The first cause for failing an undercover drug screen under the terms of my probation.
April 14, 2008 Brian Slatic came to my office under the direction of consumer affairs. I willfully submitted to a drug test in which I knew I would fail.
The second cause was false and fraudulent misrepresentation to the board.
I turned in false records showing my weekly attendance to a 12 step meeting as agreed to in my probation. I faxed false records and signed notes stating I attended NA meetings at First Presbyterian church in Wildomar, CA. I did not attend any of these meetings and was still in my use and addictive to methamphetamine. I was also dishonest in my community service I was to provide to the board as part of my probation. I took advantage of a patient who worked at the police department of Lake Elsinore. She falsified my involvement in The cops for kids program. I did not and had not at anytime performed this community service.
The third cause of discipline was practicing without a valid license between June 20th-25th while my license was placed on suspension on June 18th. Through arrogance and defective character I ignored the board suspension and continued practicing and seeing the patient I had scheduled and "tie-up ends" before I met with deputy Attorney General, Loretta West in July.

I admitted guilt to all action of my fraudulent, selfish and unprofessional conduct. Revoking of my probation was granted an the imposing disciplinary order was stayed, thus revoking my certificate of practice # 8321. I was also ordered to pay reasonable costs of the investigation and enforcement in the amount of $18,330.00

July 3, 2008 at the office of Administration Hearings in San Diego. I admitted the truth of all charges and allegations to revoke my probation. A stipulated revocation of license and order was explained to me if agreed so by the Board of Optometry.

14. Explain fully why you feel your license should be restored, or the disciplinary penalty reduced.

I feel I have regained the trust, professionalism and ethical standards back in my community, church and family the past three years of sobriety. The trust and change of my behavior in all walks of life are a result of day to day growth in my 12 step family and the rehabilitation of my honor, humility and acceptance. I have remained educated in both the current laws and legislations of optometry along with current diagnosis and treatment modalities. I face the debauchery of my past head-on now with no fear or resentments. I practice a sober life style with no conditions or strings attached to my staying clean and sober. I have taken full responsibility for my past actions and hold only myself accountable of past and future outcomes. My actions and thinking are spiritually based today and I accept God's will not mine to receive the plan he has set forth for me.

With the financial hardship I have placed upon myself I have kept myself current in the optometric field through the literature I have studied and the opportunity of mentoring with Dr. Berwyn Smith. This "eyes on" education has given me a great deal of knowledge in the medical and technology end of eye care. I have addressed and faced the defects of my character I posses. Made amends with people and family I have hurt. Through the grace of God I have regained much trust and respect.

If one tries to attack an addiction with denial, conditions, resentments and fear like I once did, you will not succeed to grow, to become the person you were meant to be in God's eyes.

Today I lead by example, giving to others and not myself is truly a huge step for me to have myself prepared to reenter the field of optometry. Feelings of anger, envy and resentments no longer suffocate the life out of me. Moral certitude is my foundation today and I will continue this behavior regardless of the result I receive of this petition.

I have done the work to achieve what I strove for, no longer only wishing for it, or only waiting for the result I want to happen. Facing this petition was once a great fear for me, to address my past. The courage I have developed made it a great rewarding awakening.

I look forward to continue building bridges in all aspects of my life and no longer putting up walls.

You will know you have learned a lesson when your actions change.
Today my actions have changed me to the man I want to be in and out of optometry.

15. Describe in detail your activities and occupation since the date of the disciplinary action; include dates, employers and locations.

June 2007-

-License Revoked Stayed with probation.
-Completed 14 Day in-house rehabilitation and recovery at "A Better Tomorrow"
-Continued outpatient care for eight (8) weeks.

October- November 2007-

- Worked for Steve Hilz,OD at Perris Valley Vision Center
  136 W. Nuevo Rd.
  Perris, CA. 92571

November-December 2007-

- Constructed and opened Lake Vision at Canyon Hills
  25321 Railroad Canyon Road
  Lake Elsinore, CA. 92532

Single parenting my two sons 10 and 18 years at this time.

January 2008-

- Relapsed to methamphetamine abuse.
- Completed ethics class for probation.
- Fraudulently issued information to board on my 12 step classes and community Service in regards to my probation.
- Practicing solo 6 days a week at my new location.

April-June 2008-

June- I failed drug test by consumer affairs department.
- Practicing 6 days a week.
- Discontinued drug abuse without recovery program. Still in denial.

June-2008 - License suspended until formal hearing in July (2008)
-Practiced without license June 20th-25th, 2008

July 2008-

- I met with assistant Attorney General Deputy Loretta West and admitted guilt to All accusations.
- Sold my practice, Lake Vision at Canyon Hills

(August 2008-Present)

- Went on private disability with New York Life with a monthly income of $4,400.00
- Took care of my financial obligations with Orange County Child support services.
- I am currently in good standing with my child support obligations.)

January-December 2009

- Relapsed to methamphetamine addiction.
- Continued parenting my sons.
- Living on disability and living a life of sloth - Golfing, bowling, gambling.

February 2010-

- Returned to a " A Better Tomorrow" for outpatient treatment program.
  P.O. Box 893507
  Temecula, CA 92589
- Began a recovery process there, But left the program that resulted in a complaint, which I Issued with the State Board of Drug and Alcohol Abuse.
- Still in denial I relapsed a third time.

September 2010-

- Accepted and Surrendered to my addiction. My clean date began September 1st, 2010. I remain clean to this date today.
- Began and completed outpatient program at Riverside Recovery Resources.
  600 3rd Street
  Lake Elsinore, CA 92530
- Continued parenting my two sons.
- Taking my recovery one day at a time, On a day to day basis.

October 2010-Present -

- Met an old patient of mine, Bernie Truax, and was introduced to a solid 12 step recovery Family and Program.
- Did 90 AA/NA meetings in 90 days. I learned acceptance and surrendering of my Addiction.

2011-Present-

- Focused on recovery and rehabilitation
- Parenting my two sons
- Completed a four month Phlebotomy class.
- Became active with my church and the Knights of Columbus.
- Study of on-line and printed journal educational materials to keep current and Learn.

July 2012-Present-

- Began mentoring and observation two days a week with ophthalmologist, Dr. Berwyn Smith 41877 Enterprise Circle North #110
  Temecula, CA 92590

September 2011-Present-

- Under the care and observation of Dr. John Harsany, M.D.
  Diplomat of American Board of Addiction
  371 North Weston Place
  Hemet, CA 92543

September 2010-Present-

- Parenting and maintaining a clean, sober and sane life through a well founded 12 step Family and program a daily work in progress.

16. Describe any rehabilitative or corrective measures you have taken since your license was disciplined to support your petition.

May-August 2006-

-High Road Program
3579 Arlington Ave Suite 200
Riverside, CA. 92506
951-781-6762
High Road Program:
16 weeks of drug counseling program to develop awareness of use and
Misuse of mind and mood altering drugs and to eliminate the negative consequences of substance
Use and abuse.
-PC 1000 Diversion program to expunge felony methamphetamine charge.

March-May 2006-

-A Better Tomorrow
P.O. Box 893507
Temecula, CA. 92589
800-517-4849
A Better Tomorrow:
Structured in-house living program with continued outpatient drug and alcohol treatment facility.

April-2010-

-Returned to A Better Tomorrow for outpatient program with group and one-on-one therapy
And counseling.
-Riverside Recovery Resources (RRR)
600 3rd Street
Lake Elsinore, CA. 92530
951-674-5354
Riverside Recovery Resources:
Structured living and outpatient treatment center for drug and alcohol abuse.
Completed 16 week outpatient program with group and one-on-one therapy sessions with
Certification.

Present-

-Dr. John Harsany, M.D. Diplomat of American Board of Addiction, Medical Director
371 North Western Place
Hemet, CA. 92543
Dr. Harsany:
One on One care, Therapy and medical treatment, psychological therapy and drug treatment.
Held accountable for sobriety on a 2-3 month visit through medical treatment and counseling.

June 2010-Present-

-Strongly founded in 12 step meetings along with monthly book study to complete the steps of
AA/NA 12 step program.
Action and work done to fulfill each step of he 12 steps.
Making peace and acceptance with God, Ourselves and others that I have affected during my drug
Use.

April-2011-Present-

-Knights of Columbus
Serving church and community through St. Frances of Rome, Lake Elsinore, CA.

17. List all post-graduate or refresher courses, with dates, location and type of course, you have taken since your license was disciplined.

I have not taken any formal optometric refresher courses; However I would like to submit the following for your consideration.

My continuing observation and mentoring with Dr. Berwyn Smith, Ophthalmologist.
Director of Temecula Valley Medical Eye Center.

I approached Dr. Smith, who has been a colleague for 25 years, to come into his practice and shadow him two days a week. He graciously agreed.
July 2012, I was given the opportunity to sit in and follow more then 50 glaucoma patients, with drug treatment, HRT,OCT and visual fields.
-Well over 100 cases of pre and post-op cataract care and treatment, lasik patients, trauma and emergency cases.
-Numerous anterior segment cases, ranging from iritis, keratitis and conjunctivitis
-Dry eye and MGD cases with treatment and follow up.
-Posterior segment cases including diabetes, optic nerve disorders and vitreal retinal complications.

18. List all optometric literature you have studied during the last year.

-Optometric Review: Monthly Issues
-Optometric Review Annual Guides:

Retinal Disease
Ocular Disease Management
Anterior Segment
Ocular Allergy
Corneal and Contact Lenses
Presbyopia Report
Annual Refractive Surgery Report
Corneal Atlas
Dry Eye Annual

-The Wills Eye Manual
Office and Emergency room diagnosis and treatment of eye diseases. 6th Edition
* Used and studied in conjunction with Dr. Berwyn Smith

-Optometric Management Monthly Issues
I approach and take on the journals in my own structured study program.
Studying 2-3 hours a week with these monthly issues

19. List all continuing education courses you have completed since your license was disciplined.

Other then the undocumented Optometric Review literature tests and assessments I completed, I have not taken any formal continuing education courses, such as ones presented at vision expo or other live optometric conventions or meetings.

20. List names, addresses and telephone numbers of persons submitting letters of recommendation accompanying this petition.

Mr. Bernard Truax
Riverside Recovery Resources (RRR)
600 3rd Street
Lake Elsinore, CA 92530
951-852-1604

Mr. Kenneth Young
Riverside County Superintendent of Schools
3939 13th Street
Riverside, CA 92502-0868
951-852-0933

W. Berwyn Smith, M.D.
Temecula Eye Medical Center
41877 Enterprise Circle North Suite 110
Temecula, CA.92590
951-296-2244
951-256-3445

Steve Hilz, O.D.
Perris Valley Vision Center
136 W. Nuevo Road
Perris, CA 92571
951-544-7123

CALIFORNIA STATE BOARD OF
OPTOMETRY

STATE BOARD OF OPTOMETRY
2450 DEL PASO ROAD, SUITE 105, SACRAMENTO, CA 95834
P (916) 575-7170 F (916) 575-7292 www.optometry .ca.gov

California Code of Regulations
§ 1516. Criteria for Rehabilitation.

(a) When considering the denial of a certificate of registration under Section 480 of the Code, the Board, in evaluating the rehabilitation of the applicant and his/her present eligibility for a certificate of registration, will consider the following criteria:

(1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.

(2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the Code.

(3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).

(4) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.

(5) Evidence, if any, of rehabilitation submitted by the applicant.

(b) When considering the suspension or revocation of a certificate of registration on the grounds that the registrant has been convicted of a crime, the Board, in evaluating the rehabilitation of such person and his/her present eligibility for a license, will consider the following criteria:

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or offense(s).

(4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

(6) Evidence, if any, of rehabilitation submitted by the licensee.

(c) When considering a petition for reinstatement of a certificate of registration under Section 11522 of the Government Code, the Board shall evaluate evidence of rehabilitation submitted by the petitioner, considering those criteria of rehabilitation specified in subsection (b).

Note: Authority cited: Sections 3023, 3023.1 and 3025, Business and Professions Code. Reference: Sections 475, 480, 481 and 482, Business and Professions Code; and Section 11522, Government Code.

Kennyoung3@netscape.net

BEFORE THE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation and Petition to Revoke Probation Against: STEPHEN G. SCHROEDER, O.D. 25321 Railroad Canyon Rd. #503 Lake Elsinore, CA 92532 Certificate of Registration No. OPT 8321 Respondent.	)	Agency Case No. 2008-13

DECISION

The attached Stipulated Revocation of License and Order is hereby adopted by the Board of Optometry, Department of Consumer Affairs, as its Decision in the above-entitled matter.

This Decision shall become effective October 3, 2008.

It is so ORDERED September 3, 2008

LEE A. GOLDSTEIN, O.D. MPA
PRESIDENT
BOARD OF OPTOMETRY

RECEIVED BY
STATE BOARD OF OPTOMETRY

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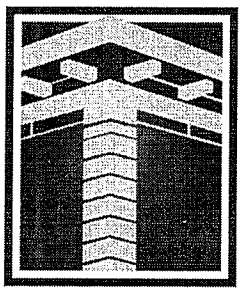


TRUAX DEVELOPMENT, INC.

August 2, 2013

State Board of Optometry
2450 Del Paso Road
Suite 105
Sacramento, CA 95834
ATTN: Jessica, Probation Department
Re: Stephen Schroeder, OD, License 8321

Esteemed Board Members,

I am writing in regards to Stephen Schroeder, our family optometrist and trusted brother in our 12 Step Family. Over the past three years, I have shared in his determined willingness to recovery from addiction. I have earnestly witnessed his growth and maturation process to accomplish this recovery and new life on a week to week basis. As a patient of his for several years, it was at Riverside Recovery Resources, Inc, a substance abuse organization I am Chairman and CEO, that Stephen and I first crossed paths during his recovery. He exhibited courage to approach me that day and share with me his challenges he had been going through. I have 26 years in recovery and I was excited to offer Stephen direction to a new lifestyle and spiritual growth to living in recovery.

Stephen has shown me willingness and acceptance to trust God now in his new life of 12 Step Living. It has been a long term maturation and faith journey, which I insisted he take on to become the man God wants him to be in both community and in his profession. Today, Stephen is an honorable and trusted man in our brotherhood and has exhibited the courage and maturity required to meet his goals in sober living. I have been sharing with Stephen his excitement and determination to return to his optometry practice. I would not in any way, put my stamp of approval on this process if I had felt his honor and trust he must exhibit in all walks of life weren't exemplified to me.

Please feel free to contact me with any questions regarding Stephen Schroeder on my personal cell (951) 852-1604.

Sincerely,

Bernard L. Truax

41923 Second Street, Temecula, CA 92590 :: Phone 951.693.2008 :: Fax 951.693.2007 :: www.truaxdevelopment.com

RECEIVED BY
STATE BOARD OF OPTOMETRY
2013 AUG -5 AM 8: 19

July 29, 2013

State Board of Optometry
Attention: Jessica
2450 Del Paso Rd. Suite 205
Sacramento, CA 95834

RE: Licensure of Steven Schroeder

To Whom it May Concern:

I appreciate this opportunity to write a letter in behalf of Dr. Steve Schroeder as it relates to his efforts to obtain a license to practice optometry in the State of California.

My name is Kenneth Young, I have lived in Riverside County for 33 years, and I am currently serving as the elected Riverside County Superintendent of Schools. I have known Dr. Schroeder for approximately 15 years. During that time he served for almost a decade as my personal optometrist and the optometrist for my wife and our five children. In additional this, he has become a close personal friend. Through all of our interactions with Dr. Schroeder, he has displayed the utmost professionalism, respect and courtesy for us as his patients and as his friends.

I am aware that Dr. Schroeder does not currently have a license to practice optometry. I want to provide my endorsement on his behalf to the State Board of Optometry for their consideration of reissuing him a license to practice.

Respectfully,

Kenneth M. Young
30356 Ainsworth Place.
Lake Elsinore, CA 92530

RECEIVED BY
STATE BOARD OF OPTOMETRY
2013 AUG 19 AM 8:24

PERRIS VALLEY
VISION CENTER
OPTOMETRY
DR. STEVEN H. HILZ, P.C.
136 W. NUEVO RD., STE. E & F • PERRIS, CA 92571 • 951-943-4949 • FAX 951-943-1067

State Board of Optometry
2450 Del Paso Road, Suite 105
Sacramento, CA. 95834

Attention: Jessica

In the matter regarding: Stephen Schroeder, OD, license # 8321

Dear Members of the Board,

I am honored to write this letter of recommendation for Dr. Stephen Schroeder. We have been colleagues and friends since entering The Southern California of Optometry in 1981.

I know he is looking forward to the process of regaining his license. I have witnessed his exceptional growth and dedicated work required to accomplish this.

We live in the same community and practice in the neighboring areas of Perris and Lake Elsinore. His community and patients have long trusted and supported him.

His long time practice in Lake Elsinore for more then 20 years is proof of his professionalism, trust and integrity. His slide into addiction disheartened me; now with the courage and strength of family support, along with his strong will, it is enlightening to see his growth through recovery.

Now he leads by example. The honesty and trust he exhibits to retain a healthy, spiritual and sober lifestyle, is an inspiration.

I welcome any phone calls to give more information or testimony.

Sincerely,

Dr. Steven H. Hilz, OD

Temecula Eye Medical Center, Inc.

W. Berwyn Smith, M.D.
Cataract and Intraocular Lens Surgery
Diseases and Surgery of the Eye

Richmond E. Roeske, M.D.
Cataract and Refractive Surgery
General Ophthalmology

August 11, 2013

State Board of Optometry
Attention: Jessica
2450 Del Paso Road, Suite 105
Sacramento, CA 95834

Dear Sirs:

I was recently asked by Dr. Steven Schroeder to write a Letter of Recommendation for Dr. Schroeder in his attempt to regain his optometric license.

I have known Dr. Schroeder for over 20 years in the eye care community. He has co-managed patients in our referral network. He has always had a very professional relationship with our patients and we have trusted him with them wholeheartedly.

Dr. Schroeder approached me in the latter part of 2012 with the proposition that he would like to come and observe our clinic and upgrade his knowledge of medical diseases and treatment. He was very forthright with his past history and his recent addiction problems. We felt it would be helpful for his recovery and well being. He has continued to come to our office 1-2 days a week and has actually entered in some of our medical discussions with the care of our patients. We are hopeful this will help in his recovery role and the possibility of him being reinstated with his optometric license.

In summary, to this date he has kept his commitment to us. He continues to have an interest in learning. He also continues to have a very excellent rapport with patients, and he is extremely liked by the employees at our office.

If you have any questions do not hesitate to notify me.

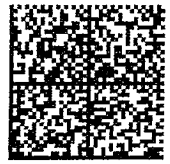
Sincerely,

W. Berwyn Smith, M.D.

WBS:TM/cs

41877 Enterprise Circle N., Suite 110 • Temecula, CA 92590
951•296•2244 FAX 951•296•5734

Temecula
Eye Medical Center, Inc.
41877 Enterprise Circle North, Suite 110
Temecula, CA 92590



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State Board of Optometry
Attention: Jessica
2450 Del Paso Road, Suite 105
Sacramento, CA 95834

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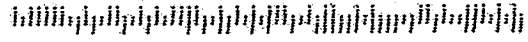

BEFORE THE
BOARD OF OPTOMETRY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation and Petition to Revoke Probation Against: STEPHEN G. SCHROEDER, O.D. 25321 Railroad Canyon Rd. #503 Lake Elsinore, CA 92532 Certificate of Registration No. OPT 8321 Respondent.	)	Agency Case No. 2008-13

DECISION

The attached Stipulated Revocation of License and Order is hereby adopted by the Board of Optometry, Department of Consumer Affairs, as its Decision in the above-entitled matter.

This Decision shall become effective October 3, 2008.

It is so ORDERED September 3, 2008

LEE A. GOLDSTEIN, O.D. MPA
PRESIDENT
BOARD OF OPTOMETRY

EDMUND G. BROWN JR., Attorney General
of the State of California
LINDA K. SCHNEIDER
Supervising Deputy Attorney General
LORETTA A. WEST, State Bar No. 149294
Deputy Attorney General
110 West "A" Street, Suite 1100
San Diego, CA 92101

P.O. Box 85266
San Diego, CA 92186-5266
Telephone: (619) 645-2107
Facsimile: (619) 645-2061

Attorneys for Complainant

BEFORE THE
BOARD OF OPTOMETRY
STATE OF CALIFORNIA

In the Matter of the Accusation and Petition to Revoke Probation Against: STEPHEN G. SCHROEDER 25321 Railroad Canyon Rd. #503 Lake Elsinore, CA 92532 Certificate of Registration to Practice Optometry, No. 8321 Respondent.	Case No. CC 2008-13 **STIPULATED REVOCATION OF LICENSE AND ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties in this proceeding that the following matters are true:

PARTIES

1. Mona Maggio (Complainant) is the Executive Officer of the Board of Optometry. She brought this action solely in her official capacity and is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Loretta A. West, Deputy Attorney General.

2. Stephen G. Schroeder (Respondent) is representing himself in this proceeding and has chosen not to exercise his right to be represented by counsel.

LICENSE HISTORY

3. On or about September 15, 1985, the Board of Optometry issued Certificate of Registration to Practice Optometry Number 8321 to Stephen G. Schroeder (Respondent). The Certificate of Registration to Practice Optometry (hereinafter referred to as "optometry license") is currently suspended, as described below, and will expire on May 31, 2009, unless renewed.

4. On or about June14, 2008, the Department of Consumer Affairs, Child Support Services Division, suspended Respondent's optometry license, pursuant to California Family Code section 17520, because Respondent had failed to provide child support payments as ordered by the Superior Court of Orange County.

5. On or about November 27, 2007, the Board of Optometry issued Fictitious Name Permit Number 3424 to Stephen G. Schroeder doing business as Lake Vision Optometric Corporation. The Fictitious Name Permit will expire on January 31, 2009, unless renewed.

PRIOR PROCEEDINGS

6. On or about June 18, 2007, in a disciplinary action entitled "In the Matter of the Accusation Against Stephen G. Schroeder a.k.a. Stephen Gerard Schroeder," Case No. CC 2005 141, Respondent's optometry license was revoked. However, the revocation was stayed and Respondent's optometry license was placed on probation for a period of three (3) years with certain terms and conditions.

7. On or about June 20, 2008, the Office of Administrative Hearings granted Complainant's ex parte Petition for Interim Order of Suspension and, effective June 23, 2008, suspended Respondent's optometry license, pursuant to Business and Professions Code section 494. A formal, noticed hearing on said Interim Order of Suspension was scheduled to occur on July 3, 2008, at the Office of Administrative Hearings.

8. On or about June 23, 2008, in the matter entitled "Petition for Interim Order of Suspension Against Stephen Gerard Schroeder," Case No. CC 2005 141, Respondent's

optometry license was suspended until the effective date of the Board's final decision on this Accusation and Petition to Revoke Probation Against Stephen G. Schroeder. This suspension was pursuant to an Order, from the Office of Administrative Hearings, that incorporated a stipulation between Complainant and Respondent.

JURISDICTION

9. On or about July 15, 2008, Accusation and Petition to Revoke Probation No. CC 2008-13 was filed before the Board of Optometry, and is currently pending against Respondent. The Accusation and Petition to Revoke Probation and all other statutorily required documents were properly served on Respondent on July 15, 2008. A copy of said Accusation and Petition to Revoke Probation is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

10. Respondent has carefully read, and understands the charges and allegations in the Accusation and Petition to Revoke Probation. Respondent also has carefully read, and understands the effects of this Stipulated Revocation of License and Order.

11. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation and Petition to Revoke Probation; the right to be represented by counsel, at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

12. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

ADMISSIONS

13. Respondent admits the truth of each and every charge and allegation in Accusation and Petition to Revoke Probation No. CC 2008-13 including, but not limited to, the following: he illegally self-administered the illicit controlled substances methamphetamine and

amphetamine, on or about April 15, 2008; he made misrepresentations and submitted false and fraudulently produced documents to the Board in his attempt to cover-up the fact that he had failed to comply with several terms and conditions of his probation; and, he violated several terms and conditions of his probation including, but not limited to, Condition No. 1 (Obey All Laws), Condition No. 2 (Comply With the Board's Probation Program), Condition No. 4 (Attend Rehabilitation Meetings), and Condition No. 14 (Provide Community Service).

14. Respondent agrees that cause exists for discipline of his optometry license and revocation of his probation thereby instituting the revocation of his optometry license that was stayed. Respondent agrees to the revocation of his optometry license by the Board.

15. Respondent understands that by signing this stipulation he enables the Board of Optometry to order the revocation of his probation, and the revocation of his optometry license, without further process.

CONTINGENCY

16. This stipulation shall be subject to approval by the Board of Optometry. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

17. The parties understand and agree that facsimile copies of this Stipulated Revocation of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

18. In consideration of the foregoing admissions and stipulations, the parties agree that the Board of Optometry may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Certificate of Registration to Practice Optometry No. 8321 and Fictitious Name Permit No. 3424, issued to Respondent Stephen G. Schroeder is revoked by the Board of Optometry.

IT IS FURTHER ORDERED THAT:

1. The probation, that was granted to Respondent by the Board of Optometry in Case No. CC 2005 141, is revoked, and stay of the disciplinary order of revocation is lifted, such that the Certificate of Registration to Practice Optometry No. 8321 issued to Stephen G. Schroeder is revoked;

2. Respondent shall lose all rights and privileges as an optometrist in California as of the effective date of the Board's Decision and Order in this matter.

3. Respondent shall cause to be delivered to the Board both his wall and pocket license certificate on or before the effective date of the Decision and Order;

4. Respondent shall pay to the State Board of Optometry the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3, in the amount of $18,130.00 (eighteen thousand one hundred thirty dollars) prior to the reinstatement of his license;

5. Should Respondent ever file an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation and Petition to Revoke Probation No. CC 2008-13 shall be deemed to be true, correct and admitted by Respondent when the Board of Optometry determines whether to grant or deny the petition.

6. Should Respondent ever apply or reapply for a new license or certification, or petition for reinstatement of a license, issued by any other health care or other licensing agency in the State of California, all of the charges and allegations contained in Accusation and Petition to Revoke Probation No. CC 2008-13, shall be deemed to be true, correct, and admitted by

Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

ACCEPTANCE

I have carefully read the Stipulated Revocation of License and Order. I understand the stipulation and the effect it will have on my Certificate of Registration to Practice Optometry and Fictitious Name Permit. I enter into this Stipulated Revocation of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Optometry.

DATED: July 21, 08.

STEPHEN G. SCHROEDER
Respondent

ENDORSEMENT

The foregoing Stipulated Revocation of License and Order is hereby respectfully submitted for consideration by the Board of Optometry.

DATED: July 28, 2008.

EDMUND G. BROWN JR., Attorney General
of the State of California

LINDA K. SCHNEIDER
Supervising Deputy Attorney General

Loretta A. West
LORETTA A. WEST
Deputy Attorney General

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Attorneys for Complainant

BEFORE THE
BOARD OF OPTOMETRY
STATE OF CALIFORNIA

In the Matter of the Accusation and Petition to Revoke Probation Against: STEPHEN G. SCHROEDER 25321 Railroad Canyon Rd. #503 Lake Elsinore, CA 92532 Certificate of Registration to Practice Optometry, No. 8321 Respondent.	Case No. **ACCUSATION AND PETITION TO REVOKE PROBATION**

1. Mona Maggio (Complainant) brings this Accusation and Petition to Revoke Probation solely in her official capacity as the Executive Officer of the Board of Optometry and alleges the following:

LICENSE HISTORY

2. On or about September 15, 1985, the Board of Optometry issued Certificate of Registration to Practice Optometry Number 8321 to Stephen G. Schroeder (Respondent). The Certificate of Registration to Practice Optometry (hereinafter referred to as "optometry license") is currently suspended, as described below, and will expire on May 31, 2009, unless renewed.

3. On or about June 14, 2008, the Department of Consumer Affairs, Child Support Services Division, suspended Respondent's optometry license, pursuant to California Family Code section 17520, because Respondent had failed to provide child support payments as ordered by the Superior Court of Orange County.

4. On or about November 27, 2007, the Board of Optometry issued Fictitious Name Permit Number 3424 to Stephen G. Schroeder doing business as Lake Vision Optometric Corporation. The Fictitious Name Permit will expire on January 31, 2009, unless renewed.

PRIOR PROCEEDINGS

5. On or about June 23, 2008, in the matter entitled "Petition for Interim Order of Suspension Against Stephen Gerard Schroeder," Case No. CC 2005 141, Respondent's optometry license was suspended until the effective date of the Board's final decision on this Accusation and Petition to Revoke Probation Against Stephen G. Schroeder. This suspension was pursuant to an Order, from the Office of Administrative Hearings, that incorporated a stipulation between Complainant and Respondent. A copy of said Order is attached hereto as Exhibit A and incorporated herein by reference.

6. On or about June 20, 2008, the Office of Administrative Hearings granted Petitioner's ex parte Petition for Interim Order of Suspension and, effective June 23, 2008, suspended Respondent's Certificate of Registration to Practice Optometry Number 8321, pursuant to Business and Professions Code section 494. A formal, noticed hearing on said Interim Order of Suspension was scheduled to occur on July 3, 2008, at the Office of Administrative Hearings. A copy of said petition and supporting documents is attached hereto as Exhibit B and incorporated by reference.

7. On or about June 18, 2007, in a disciplinary action entitled "In the Matter of the Accusation Against Stephen G. Schroeder a.k.a. Stephen Gerard Schroeder," Case No. CC 2005 141, Respondent's optometry license was revoked. However, the revocation was stayed and Respondent's optometry license was placed on probation for a period of three (3) years with certain terms and conditions. A copy of that decision is attached as Exhibit C and incorporated by reference.

A. The underlying Accusation No. CC 2005 141 was based upon Respondent's 2006 conviction for violation of Penal Code section 11377, subdivision (a), a felony (possession of a controlled substance (methamphetamine)) in Riverside County Superior Court Case No. SWF013967 entitled *People of the State of California v. Stephen G. Schroeder.*

B. The circumstances surrounding the conviction are that on or about October 19, 2005, Riverside County Sheriff's deputies searched Respondent's residence as authorized by a search warrant. In a safe located in the closet of Respondent's master bedroom, the sheriff's deputies found a plastic bag containing approximately 1.40 grams of a white crystal substance, which field-tested positive for methamphetamine, two glass pipes consistent with those used for smoking methamphetamine, and Respondent's California Driver's License. The sheriff's deputies also found nineteen (19) firearms including, rifles, revolvers, shotguns and semi-automatic pistols, in various safes located in the closet of Respondent's master bedroom.

C. Respondent has previously admitted all facts and circumstances alleged in Accusation No. CC 2005 141 and described above. (See, Exhibit C, Stipulated Settlement and Disciplinary Order, at page 2, paragraph 8.)

JURISDICTION

8. This Accusation and Petition to Revoke Probation is brought before the Board of Optometry, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

9. Section 118, subdivision (b), states:

> The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board of by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.

10. Section 3090 of the Code states:

> Except as otherwise provided by law, the board may take action against all persons guilty of violating this chapter or any of the regulations adopted by the board. The board shall enforce and administer this article as to licenseholders, and the board shall have all the powers granted in this chapter for these purposes,

including, but not limited to, investigating complaints from the public, other licensees, health care facilities, other licensing agencies, or any other source suggesting that an optometrist may be guilty of violating this chapter or any of the regulations adopted by the board.

11. Section 3106 of the Code states:

Knowingly making or signing any certificate or other document directly or indirectly related to the practice of optometry that falsely represents the existence or nonexistence of a state of facts constitutes unprofessional conduct.

12. Section 3110 of the Code states:

The board may take action against any licensee who is charged with unprofessional conduct, and may deny an application for a license if the applicant has committed unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

(a) Violating or attempting to violate, directly or indirectly assisting in or abetting the violation of, or conspiring to violate any provision of this chapter or any of the rules and regulations adopted by the board pursuant to this chapter.

. . . .

(e) The commission of fraud, misrepresentation, or any act involving dishonesty or corruption, that is substantially related to the qualifications, functions, or duties of an optometrist.

(f) Any action or conduct that would have warranted the denial of a license.

. . . .

(l) Administering to himself or herself any controlled substance or using any of the dangerous drugs specified in Section 4022, or using alcoholic beverages to the extent, or in a manner, as to be dangerous or injurious to the person applying for a license or holding a license under this chapter, or to any other person, or to the public, or, to the extent that the use impairs the ability of the person applying for or holding a license to conduct with safety to the public the practice authorized by the license, or the conviction of a misdemeanor or felony involving the use, consumption, or self administration of any of the substances referred to in this subdivision, or any combination thereof.

. . . .

(s) The practice of optometry without a valid, unrevoked, unexpired license.

13. Section 480 of the Code states:

(a) A board may deny a license regulated by this code on the grounds that the applicant has done one of the following:

. . . .

(2) Done any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another; or

(3) Done any act which if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions or duties of the business or profession for which application is made.

14. California Code of Regulations, title 16, section 1517 states:

For the purpose of denial, suspension, or revocation of the certificate of registration of an optometrist pursuant to Division 1.5 (commencing with Section 475) of the Code, a crime or act shall be considered to be substantially related to the qualifications, functions, and duties of an optometrist if to a substantial degree it evidences present or potential unfitness of an optometrist to perform the functions authorized by his/her certificate of registration in a manner consistent with the public health, safety, or welfare. Such crimes or acts shall include, but not be limited to, those involving the following:

. . . .

(d) Any violation of the provisions of Chapter 7, Division 2 of the Code (Sections 3000 et seq. of the Code).

15. Section 482 of the Code states:

Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

(a) Considering the denial of a license by the board under Section 480; or

(b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

16. California Code of Regulations, title 16, section 1516 states:

(a) When considering the denial of a certificate of registration under Section 480 of the Code, the Board, in evaluating the rehabilitation of the applicant and his/her present eligibility for a certificate of registration, will consider the following criteria:

(1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.

(2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the Code.

(3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).

(4) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.

(5) Evidence, if any, of rehabilitation submitted by the applicant.

(b) When considering the suspension or revocation of a certificate of registration on the grounds that the registrant has been convicted of a crime, the Board, in evaluating the rehabilitation of such person and his/her present eligibility for a license, will consider the following criteria:

1) Nature and severity of the act(s) or offense(s).

2) Total criminal record.

3) The time that has elapsed since commission of the act(s) or offense(s).

4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

6) Evidence, if any, of rehabilitation submitted by the licensee.

(c) When considering a petition for reinstatement of a certificate of registration under Section 11522 of the Government Code, the Board shall evaluate evidence of rehabilitation submitted by the petitioner, considering those criteria of rehabilitation specified in subsection (b).

17. Section 492 of the Code states:

Notwithstanding any other provision of law, successful completion of any diversion program under the Penal Code, or successful completion of an alcohol and drug problem assessment program under Article 5 (commencing with section 23249.50) of Chapter 12 of Division 11 of the Vehicle Code, shall not prohibit any agency established under Division 2 ([Healing Arts] commencing with Section 500) of this code, or any initiative act referred to in that division, from taking disciplinary action against a licensee or from denying a license for professional misconduct, notwithstanding that evidence of that misconduct may be recorded in a record pertaining to an arrest.

This section shall not be construed to apply to any drug diversion program operated by any agency established under Division 2 (commencing with Section 500) of this code, or any initiative act referred to in that division.

COST RECOVERY

18. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

///

CONTROLLED SUBSTANCE

19. Methamphetamine is a Schedule II controlled substance as defined in Health and Safety Code section 11055, subdivision (d)(2), and is categorized as a dangerous drug pursuant to Business and Professions Code section 4022 of the Business and Professions Code.

ACCUSATION ALLEGATIONS

FIRST CAUSE FOR DISCIPLINE

(Self Administration of Controlled Substances - Methamphetamine and Amphetamine)

20. Respondent is subject to disciplinary action for unprofessional conduct under Business and Professions Code section 3110, subdivisions (a), (f), and (l), and Code section 480, subdivision (a)(3), in that he self-administered the controlled substances methamphetamine and amphetamine, as described below.

21. On or about March 7, 2008, Respondent's Board appointed probation monitor requested an investigation of him by the Division of Investigation, including an undercover unannounced drug screen on Respondent, as authorized by the terms and conditions of his probation. Petitioner's request was based, in part, upon Respondent's fraudulent conduct and misrepresentations to his probation monitor during his unsuccessful attempts to satisfy the terms and conditions of his probation, as described in detail below at paragraphs 27 through 29, and incorporated herein by reference.

22. On April 14, 2008, Brian Slatic, Senior Investigator for the Division of Investigation working undercover as a patient, telephoned Respondent's practice, Lake Vision Optometric Center, and made an eye examination appointment with Respondent for the following day at 1:00 p.m.

23. On April 15, 2008, Investigator Slatic arrived at approximately 1:00 p.m. at Respondent's practice and identified himself only as a representative of the Board of Optometry.

24. After waiting for awhile, at approximately 1:15 p.m., Investigator Slatic informed Respondent's receptionist that he was actually, also, the "patient" who was scheduled to receive an eye examination from Dr. Schroeder during a 1:00 p.m. appointment that day.

25. At approximately 1:45 p.m., Respondent arrived at his practice. Investigator Slatic informed Respondent that he was there to collect a random urine sample from him. Respondent provided a urine sample under Investigator Slatic's supervision. Inspector Slatic packaged the sample in the materials provided by Quest Diagnostics, and took it to the Board's Ontario Field Office for pick-up and processing by Quest.

26. On May 6, 2008, Quest Diagnostics faxed to Investigator Slatic a copy of the results of Respondent's drug screen. Respondent tested positive for methamphetamine and amphetamine.

SECOND CAUSE FOR DISCIPLINE

(False and Fraudulent Misrepresentation to the Board)

27. Respondent is subject to disciplinary action under Business and Professions Code section 3110, subdivisions (a), (e), and subdivision (f), Code section 480 subdivisions (a)(2) and (3), and Code section 3106, in that he provided to his Board of Optometry probation monitor, false and fraudulently produced documentation in order to feign compliance with terms and conditions of his probation when, in fact, he had violated several terms and conditions of his probation, as described below at paragraphs 31 through 39, and incorporated by reference.

A. Respondent Provided Fraudulent Documentation to the Board Re: Failure To Attend Weekly 12-Step Meetings

28. On July 7, 2007, Respondent and his Board of Optometry probation monitor agreed that by or before August 1, 2007, he would provide his probation monitor with the name, location, and contact person of his weekly 12-step program. After additional oral and written requests, Respondent faxed the required information to his probation monitor on or about October 18, 2007. Page one of Respondent's fax contained a handwritten note stating he attended Narcotics Anonymous meetings weekly at the First Presbyterian Church in Wildomar and that the "Contact Person/Support Person Secretary" of the meetings was L. S. and a telephone number was provided. Page two of Respondent's fax contained an alleged attendance verification form, initialed weekly by "LS," indicating that Respondent had attended a Narcotics

Anonymous meeting at the church every week since June 21, 2007, and through October 10, 2007. In fact, there were no Narcotics Anonymous meetings available at said location, L.S. was Respondent's girlfriend who had been living with him since mid-2005, and L.S. was not the contact person for the alleged Narcotic Anonymous meetings identified by Respondent.

B. Respondent Provided Fraudulent Documentation to the Board Re: Failure To Complete Community Service Hours

29. On or about October 18, 2007, Respondent provided his Board of Optometry probation monitor with a completed Verification of Community Service form stating that he had completed a total of sixty six (66) hours of community service for the Riverside County Sheriff's "Cops for Kids" program. In fact, Respondent did not and had not, at any time whatsoever, performed community service for the Cops for Kids program.

THIRD CAUSE FOR DISCIPLINE

(Practice of Optometry Without A Valid License)

30. Respondent is subject to disciplinary action for unprofessional conduct under Business and Professions Code section 3110, subdivisions (a), (e), (f), and (s), and Code section 480 subdivisions (a)(2) and (3), in that from approximately June 14 through June 20, 2008, he practiced optometry at his office while his license was under suspension and he did not have a valid optometry license. Said suspension is described above at paragraph 3, which is incorporated by reference.

PETITION TO REVOKE PROBATION ALLEGATIONS

FIRST CAUSE TO REVOKE PROBATION

(Failure to Obey All Laws: Violation of Probation Condition No. 1)

31. At all times after the effective date of Respondent's probation, Condition No. 1 stated:

> **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by the respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, respondent shall submit completed fingerprint forms and fingerprint fees within 45 days of

the effective date of the decision, unless previously submitted as part of the licensure application process.

32. Respondent violated Condition No. 1 of his probation in that he self-administered methamphetamine and amphetamine, in violation of Business and Professions Code section 3110 (f), among other laws. Respondent's urine sample, collected on April 15, 2008, was analyzed and tested positive for methamphetamine and amphetamine, which are controlled substances, dangerous drugs and illicit drugs. The facts and circumstances regarding this alleged violation of Condition No. 1 of probation, are described in detail above in paragraphs 20 through 26, which are incorporated by reference.

33. Respondent also violated Condition No. 1 of his probation in that he violated Business and Professions Code section 3110, subdivision (s) and Code section 480, subdivisions (a)(2) and (a)(3), by practicing optometry at his office, from approximately June 14 through June 20, 2008, while his license was under suspension and he did not possess a valid optometry license. Said suspension is described above at paragraph 3, which is incorporated by reference.

SECOND CAUSE TO REVOKE PROBATION

(Failure to Comply With Probation Program: Violation of Probation Condition No. 2)

34. At all times after the effective date of Respondent's probation, Condition No. 2 stated:

> **Comply with the Board's Probation Program.** Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the respondent's compliance with the Board's Probation Program. Respondent shall, at his own expense, report in person to the Board's headquarters in Sacramento within three (3) months of the effective date of the Board's decision, and as the Board deems necessary if it is determine that respondent may not be compliant with any of the terms or conditions of his probation. Respondent shall inform the Board in writing within no more than 15 days of any change of residence address and prior to making any change in practice location. Respondent shall at all times maintain an active, current license status with the Board, including during any period of suspension.

35. Respondent's probation is subject to revocation because he failed to comply with several conditions and terms of his probation including, but not limited to,

Condition No. 1, Condition No. 2, Condition No. 12, and Condition No. 14, as described in detail at paragraphs 20 through 34 above, and paragraphs 36 through 39 below, which are incorporated by reference. Respondent has failed to obey all laws, in violation of Probation Condition Nos. 1 and 2, in that he illegally used methamphetamine and amphetamine, as indicated by his urinalysis and positive drug screen on April 15, 2008. Respondent also violated Condition No. 1 of his probation in that he practiced optometry while his license was suspended, as described above at paragraph 30. Respondent has failed to participate in a rehabilitation program or attend weekly 12-step program meetings, in violation of Probation Conditions Nos. 2 and 12, as indicated by the fraudulent nature of the documentation he submitted regarding his alleged attendance at weekly Narcotics Anonymous meetings. Respondent has failed to provide community service, in violation of Probation Conditions Nos. 2 and 14, as indicated by the fraudulent nature of the documentation he submitted to feign compliance. Respondent has failed to comply with the Board's Probation Program to such a degree that he is not capable of safely practicing optometry while on probation and his optometry license must be revoked to protect the public health, safety and welfare.

THIRD CAUSE TO REVOKE PROBATION

(Failure To Attend 12-Step Meetings: Violation of Probation Condition No. 12)

36. At all times after the effective date of Respondent's probation, Condition No. 12 stated:

> . . . .
>
> Based on Board recommendation, each week respondent shall be required to attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous, Alcoholics Anonymous, etc.) as approved and directed by the Board. Respondent shall submit dated and signed documentation confirming such attendance to the Board during the entire period of probation. Respondent shall continue with the recovery plan recommended by the treatment/rehabilitation program or a licensed mental health examiner and/or other ongoing recovery groups.

37. Respondent's probation is subject to revocation because he failed to comply with his probation Condition No. 12 in that he failed to attend any weekly

12-Step program meetings. Nevertheless, Respondent attempted to feign compliance with this Probation Condition No. 12 by providing false and fraudulently produced documents to his probation monitor, as described above in paragraph 29, which is incorporated by reference.

FOURTH CAUSE TO REVOKE PROBATION

(Failure To Provide Community Service: Violation of Probation Condition No. 14)

38. At all times after the effective date of Respondent's probation, Condition No. 14 stated:

> **Community Service.** Within 60 days of the effective date of this decision, respondent shall submit to the board for its prior approval a community service program in which respondent shall provide free **non-optometric services** on a regular basis to a community or charitable facility or agency for at least 20 hours a month for the first 24 months of probation.

39. Respondent's probation is subject to revocation because he failed to comply with his probation Condition No. 14 in that he failed to provide any community service. However, Respondent attempted to perpetrate fraud upon the Board and thereby feign compliance with this Probation Condition No. 14, as described above in paragraph 30, which is incorporated by reference.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Optometry issue a decision:

1. Revoking the probation that was granted by the Board of Optometry in Case No. CC 2005 141 and imposing the disciplinary order that was stayed, thereby revoking Certificate of Registration to Practice Optometry No. 8321 issued to Stephen G. Schroeder;

2. Revoking Certificate of Registration to Practice Optometry No. 8321, issued to Stephen G. Schroeder;

3. Revoking Fictitious Name Permit No. 3424 issued to Stephen G. Schroeder doing business as Lake Optometric Vision Center;

4. Ordering Stephen G. Schroeder to pay the State Board of Optometry the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

5. Taking such other and further action as deemed necessary and proper.

DATED: 7/15/08

MONA MAGGIO
Executive Officer
Board of Optometry
State of California
Complainant

SD2008801325: 80243595.wpd

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Attorneys for Complainant

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of the Petition for Interim Order of Suspension Against: **STEPHEN GERARD SCHROEDER** 25321 Railroad Canyon Rd. #503 Lake Elsinore, CA 92532 Certificate of Registration to Practice Optometry No. 8321 Respondent.	Case No. CC 2005 141 OAH No. 2008060826 **STIPULATION TO SUSPENSION OF LICENSE and ORDER** Hearing Date: July 3, 2008 Hearing Time: 10:00 a.m. Hearing Location: San Diego at: Office of Administrative Hearings 1350 Front Street, Ste. 6022 San Diego, CA 92101

1. This **STIPULATION TO SUSPENSION OF LICENSE AND ORDER** ("Stipulation and Order") arises from a Petition for an Interim Order of Suspension ("Petition"), under Business and Professions Code section 494, in the above-referenced proceeding to suspend the Certificate of Registration to Practice Optometry No. 8321 ("hereinafter referred to as "optometry license") issued to Respondent STEPHEN GERARD SCHROEDER (hereafter, "Respondent Schroeder"). The Petition alleged violations of the following sections of the

Business and Professions Code ("Code"): Respondent Schroeder violated section 3110, subdivision (l) of the Code in that he self-administered controlled substances e.g., methamphetamine and amphetamine; Respondent Schroeder violated section 3110, subdivision (e), and section 3106, of the Code in that he provided to his Board of Optometry probation monitor, a false and fraudulently produced verification of sixty six hours of community service for Cops for Kids, Inc., when, in fact, Respondent Schroeder had completed zero hours of community service for said organization; Respondent Schroeder also violated section 3110, subdivision (e), and section 3106, of the Code in that he provided to his Board of Optometry probation monitor, a false and fraudulently produced verification of his weekly attendance at required Narcotics Anonymous meetings, when, in fact, Respondent Schroeder had attended zero Narcotics Anonymous meetings and there were no Narcotics Anonymous meetings available at the location alleged by Respondent Schroeder.

PARTIES

2. Margie McGavin is the duly appointed and serving Interim Executive Officer of the Board of Optometry. She enters into this Stipulation and Order solely in her official capacity and is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Deputy Attorney General Loretta West.

3. Respondent Schroeder is representing himself in this proceeding and has chosen not to exercise his right to be represented by counsel.

JURISDICTION

4. The Board of Optometry ("Board") is the state agency charged with administering and enforcing the practice of optometry as set forth in Business and Professions Code section 3000 et seq. The Petitioner is authorized to enter into this Stipulation and Order on behalf of and for the Board in furtherance of the Board's statutory duties.

5. The Board issued Certificate of Registration to Practice Optometry Number 8321 to Respondent Schroeder on September 15, 1985. Said license will expire on May 31, 2009, unless renewed.

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6. On or about June 14, 2008, the Department of Consumer Affairs, Department of Support Services, suspended Respondent Schroeder's optometry license, pursuant to Family Code section 17520, because Respondent Schroeder failed to pay court-ordered child support.

7. On or about June 20, 2008, the Office of Administrative Hearings granted Petitioner's ex parte Petition for Interim Order of Suspension and, effective June 20, 2008, suspended Respondent Schroeder's optometry license, pursuant to Business and Professions Code section 494. A formal, noticed hearing on said Interim Order of Suspension is scheduled to occur on July 3, 2008, at the Office of Administrative Hearings.

ADVISEMENT AND WAIVERS

4. Respondent Schroeder has carefully read, and understands the charges and allegations in the Petition for Interim Order of Suspension No. CC 2005 141. Respondent Schroeder also has carefully read, and understands, the effects of this Stipulation.

8. Respondent Schroeder is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Petition for Interim Order of Suspension; the right to be represented by counsel, at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

9. Respondent Schroeder voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

10. The parties have met and conferred on the allegations described in paragraph 1 above, and in the Petition for Interim Order of Suspension, and in all supporting declarations and papers.

11. Respondent Schroeder understands that by signing this stipulation he agrees that the Interim Suspension Order issued by the Office of Administrative Hearings on

June 20, 2008, shall remain in effect until further order of the Board, and that there will be no further hearing on the Petition for Interim Order of Suspension. Said suspension shall remain in effect until a final order has been issued and is effective in the, yet to be filed, matter of the Accusation and Petition to Revoke Probation against Respondent Schroeder.

12. Respondent Schroeder understands that an Accusation and Petition to Revoke Probation will be filed against him based upon the conduct alleged in the Petition for Interim Order of Suspension, as well as based upon any subsequent violations of law or probation alleged to have been committed by Respondent Schroeder.

13. Respondent Schroeder further understands that by signing this stipulation, the Office of Administrative Hearings will take the hearing on this matter, currently scheduled to occur on July 3, 2008, off calendar and there will be no further hearing on the matter of the Petition for Interim Order of Suspension.

ORDER

Margie McGavin, in her official capacity as Interim Executive Officer of the Board of Optometry, and Stephen Gerard Schroeder agree that the following Order will be issued by the Office of Administrative Hearings:

A. Respondent Schroeder's Certificate of Registration to Practice Optometry Number 8321 ("optometry license"), is hereby suspended, pending further order by the Board. Respondent Schroeder shall not, directly or indirectly, practice optometry while his optometry license is suspended or while he does not have a valid optometry license.

B. The Office of Administrative Hearings will take the hearing on this matter, currently scheduled to occur on July 3, 2008, off calendar and there will be no further hearing on the matter of the Petition for Interim Order of Suspension;

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C. Suspension of Respondent Schroeder's optometry license shall remain in effect until a final order has been issued and is effective in the, yet to be filed, matter of the Accusation and Petition to Revoke Probation against Respondent Schroeder.

DATED: June 26, 2008

MARGIE McGAVIN
Interim Executive Officer
Board of Optometry
Department of Consumer Affairs
State of California
Petitioner

DATED: June 26, 2008

STEPHEN GERARD SCHROEDER
Respondent

ORDER

IT IS SO ORDERED.

DATE: _____, 2008.

PRESIDING ADMINISTRATIVE LAW JUDGE ALAN ALVORD
Office of Administrative Hearings
San Diego

C. Suspension of Respondent Schroeder's optometry license shall remain in effect until a final order has been issued and is effective in the, yet to be filed, matter of the Accusation and Petition to Revoke Probation against Respondent Schroeder.

DATED: _____, 2008

MARGIE McGAVIN
Interim Executive Officer
Board of Optometry
Department of Consumer Affairs
State of California
Petitioner

DATED: _____, 2008

STEPHEN GERARD SCHROEDER
Respondent

ORDER

IT IS SO ORDERED.

DATE: June 30, 2008.

PRESIDING ADMINISTRATIVE LAW JUDGE ALAN ALVORD
Office of Administrative Hearings
San Diego

FILED
JUN 23 2008
OAH SD

BEFORE THE
STATE BOARD OF OPTOMETRY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition to Revoke Probation Against: STEPHEN GERARD SCHROEDER 25321 Railroad Canyon Road # 503 Lake Elsinore, CA 92532 Certificate of Registration to Practice Optometry No. 8321 Respondent.	Case No. CC 2005-141 OAH No. 2008060826 INTERIM ORDER PURSUANT TO BUSINESS & PROFESSIONS CODE SECTION 494 Date: June 20, 2008 Time: 1:00 p.m. Location: OAH- San Diego 1350 Front Street, Ste. 6022 San Diego, CA 92101

TO: Stephen Gerard Schroeder:

THE OFFICE OF ADMINISTRATIVE HEARINGS, having read and considered the Petition for Interim Order, supporting memorandum of points and authorities, declarations and exhibits filed in the above-entitled matter;

IT IS HEREBY ORDERED AND ADJUDGED THAT:

1. This is a proper case for the issuance of an interim order of suspension in that permitting respondent Stephen Gerard Schroeder, to continue to engage in the practice of optometry will endanger the public health, safety, and welfare;

2. Serious injury will result to the public before this matter can be heard on notice; and

3. Therefore, pending further order from the Office of Administrative Hearings, Certificate of Registration to Practice Optometry No. 8321, which was issued to respondent Stephen Gerard Schroeder, shall be, and hereby is immediately suspended, and respondent Stephen Gerard Schroeder is hereby immediately prohibited from practicing optometry in the State of California.

IT IS FURTHER ORDERED that the noticed hearing on the Petition for Interim Order will be heard at the Office of Administrative Hearings, 1350 Front Street, Ste. 6022, San Diego, California 92101, on the third (3rd) day of July, 2008, beginning at 10:00 a.m., or as soon thereafter as the matter can be heard.

This Interim Order of Suspension shall be forwarded to respondent by 24-hour delivery service.

Any response to the Petition for Interim Suspension, and supporting papers, not already filed by respondent shall be filed by respondent with the Office of Administrative Hearings, and served on petitioner through its attorney of record, Loretta West, Deputy Attorney General, not less than five (5) court days before the date set for the hearing on the Interim Order of Suspension.

Any reply to the response filed by respondent may be submitted by petitioner in writing at the hearing on the interim order or presented orally at the hearing itself.

IT IS SO ORDERED this twenty-third (23rd) day of June, 2008.

JUDGE ALAN ALVORD
PRESIDING ADMINISTRATIVE LAW JUDGE

EDMUND G. BROWN JR., Attorney General
of the State of California
LINDA K. SCHNEIDER
Supervising Deputy Attorney General
LORETTA A. WEST, State Bar No. 149294
Deputy Attorney General
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Telephone: (619) 645-2107
Facsimile: (619) 645-2061

Attorneys for Complainant

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of the Petition For Interim Order of Suspension Against: **STEPHEN GERARD SCHROEDER** 25321 Railroad Canyon Rd. #503 Lake Elsinore, CA 92532 Certificate of Registration to Practice Optometry No. 8321 Respondent.	Case No. CC 2005 141 **PETITION FOR INTERIM ORDER OF SUSPENSION; MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATIONS WITH EXHIBITS** [Bus. and Prof. Code, §494] Date: June 20, 2008 Time: 1:00 p.m. Location: San Diego

Margie McGavin (Petitioner) respectfully petitions the Office of Administrative Hearings for an Interim Order of Suspension under Business and Professions Code section 494, suspending Stephen Gerard Schroeder (Respondent Schroeder) from practicing as an optometrist, and respectfully advises the Administrative Law Judge as follows:

1. Petitioner is the duly appointed and serving Interim Executive Officer of the Board of Optometry (Board), and makes this petition solely in her official capacity.

2. The Board is the state agency charged with administering and enforcing the practice of optometry as set forth in Chapter 7, Division 2 of the Business and Professions Code, commencing with section 3000. As Interim Executive Officer of the Board, Petitioner is authorized to make this petition on behalf of and for the Board in furtherance of the Board's statutory duties.

3. Under Business and Professions Code (Code) section 494, the Office of Administrative Hearings, acting on behalf of the Board may, on petition, issue an interim order suspending any licentiate or imposing licensing restrictions if both of the following conditions exist: (1) The licentiate has engaged in acts or omissions constituting cause for discipline under the Code or has been convicted of a crime substantially related to the licensed activity; and (2) permitting the licentiate to continue to engage in the licensed activity or permitting the licentiate to continue in the licensed activity without restrictions would endanger the public health, safety, or welfare.

4. Code section 494 allows the petitioner to seek this order without providing notice to the licentiate if it appears from the petition and supporting documents that serious injury would result to the public before the matter can be heard on notice, and provides that petitioner has the burden to prove the need for the order by a preponderance of the evidence. Therefore, Petitioner is seeking an interim order of suspension without notice, except for twenty-four (24) hours notice required by Title 1, California Code of Regulations section 1012. The Petitioner has notified Respondent Schroeder of her intent to seek this interim suspension order. (See, Declaration of Loretta West, attached hereto as Exhibit 1.)

5. The Board issued Certificate of Registration to Practice Optometry Number 8321 to Respondent Schroeder on September 15, 1985. On or about July 24, 2007, the Department of Consumer Affairs suspended Respondent Schroeder's optometry license and issued him a temporary optometric license, pursuant to Family Code section 17520, because Respondent Schroeder failed to pay court-ordered child support. Said temporary license will expire on June 14, 2008. (See, Certification of License History, attached hereto as Exhibit 2.)

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6. In a disciplinary action entitled "In the Matter of the Accusation Against Stephen Gerard Schroeder," Case No. CC 2005 141, the Board of Optometry issued a decision, effective June 18, 2007, in which Respondent Schroeder's Certificate of Registration to Practice Optometry was revoked. However, the revocation was stayed and Respondent Schroeder's Certificate of Registration to Practice Optometry (hereinafter referred to as "optometry license") was placed on probation for a period of three (3) years with certain terms and conditions. (See, copy of said decision attached as Exhibit 1 to the Declaration of Margie McGavin.)

a. The underlying Accusation No. CC 2005 141was based upon Respondent Schroeder's 2006 conviction for violation of Penal Code section 11377, subdivision (a), a felony (possession of a controlled substance (methamphetamine)) in Riverside County Superior Court Case No. SWF013967 entitled *People of the State of California v. Stephen G. Schroeder.*

b. The circumstance surrounding the conviction are that on or about October 19, 2005, Riverside County Sheriff's deputies searched Respondent Schroeder's residence as authorized by a search warrant. In a safe located in the closet of Respondent Schroeder's master bedroom the sheriff's deputies found a plastic bag containing approximately 1.40 grams of a white crystal substance, which field-tested positive for Methamphetamine; two glass pipes consistent with those used for smoking methamphetamine, and Respondent Schroeder's California Driver's License. The sheriff's deputies also found nineteen (19) firearms consisting of rifles, revolvers, shotguns and semi-automatic pistols, in various safes located in the closet of Respondent Schroeder's master bedroom.

c. Respondent Schroeder has previously admitted all facts and circumstances described above in paragraphs 6(a) and 6(b). (See, Exhibit 3, at page 2, paragraph 8, of the Stipulated Settlement and Disciplinary Order.)

7. Respondent Schroeder's Optometry License has been renewed through May, 31, 2009. However, on or about January 11, 2008, the Department of Consumer Affairs, Child Support Services Division, sent to Respondent Schroeder a 150-day Notice of Intent to Suspend his optometry license, pursuant to California Family Code section 17520, because Respondent Schroeder had failed to provide child support payments as ordered by the Superior

Court of Orange County. Said 150-day notice immediately interrupted Respondent's license to practice optometry, and simultaneously issued to Respondent Schroeder a temporary 150-day license to practice optometry, that is not eligible for renewal, pursuant to Family Code section 17520. Said Temporary License expired on June 14, 2008, and cannot be renewed. Respondent Schroeder's optometry license may be returned to active status as soon as he complies with his court-ordered child support payment schedule, and provides documentation of such to the Department of Consumer Affairs, Child Support Services Division. Accordingly Respondent does not hold a valid and active license to practice optometry, and since June 14, 2008, he has been prohibited from practicing optometry.

I. RESPONDENT TESTED POSITIVE FOR METHAMPHETAMINE/AMPHETAMINE

8. On or about March 7, 2008, Petitioner requested an investigation of Respondent Schroeder by the Division of Investigations, including an undercover unannounced drug screen on Respondent Schroeder, as authorized by the terms and conditions of Respondent Schroeder's probation. Petitioner's request was based, in part, upon Respondent Schroeder's fraudulent conduct and misrepresentations to his Board of Optometry probation monitor during his unsuccessful attempts to satisfy the terms and conditions of his probation, as described in detail below and incorporated herein by reference.

9. On April 14, 2008, Brian Slatic, Senior Investigator for the Division of Investigation working undercover as a patient, telephoned Respondent Schroeder's practice, Lake Vision Optometric Center, and made an eye examination appointment with Respondent Schroeder for the following day at 1:00 p.m.

10. On April 15, 2008, Investigator Slatic arrived at approximately 1:00 p.m. at Respondent Schroeder's practice and identified himself only as a representative of the Board of Optometry.

11. At approximately 1:15 p.m., on April 15, 2008, Investigator Slatic informed Respondent Schroeder's receptionist that he was actually, also, the "patient" who was scheduled to receive an eye examination from Dr. Schroeder during a 1:00 p.m. appointment that day.

12. At approximately 1:45 p.m. on April 15, 2008, Respondent Schroeder arrived at his practice. Investigator Slatic informed Respondent Schroeder that he was there to collect a random urine sample from Respondent Schroeder. Respondent Schroeder provided a urine sample under Investigator Slatic's supervision. Inspector Slatic packaged the sample in the materials provided by Quest Diagnostics, and took it the Board's Ontario Field Office for pick-up and processing by Quest.

13. On May 6, Quest Diagnostics faxed to Investigator Slatic a copy of the results of Respondent Schroeder's drug screen. Respondent Schroeder tested positive for methamphetamine and amphetamine. (See, Declaration of Brian Slatic, and Exhibit 1 attached thereto.)

II. RESPONDENT PROVIDED FRAUDULENT DOCUMENTATION TO BOARD

14. Respondent Schroeder has attempted to perpetrate fraud on the Board by making fraudulent and false misrepresentations to his probation monitor and thereby feign compliance when, in fact, Respondent Schroeder has consistently violated several terms and conditions of his probation throughout the entire period of his probation, as described in detail below.

A. RESPONDENT PROVIDED FRAUDULENT DOCUMENTATION TO BOARD RE: HIS ATTENDANCE AT 12-STEP MEETINGS

15. On July 7, 2007, Respondent Schroeder and his Board of Optometry probation monitor agreed that by or before August 1, 2007, Respondent Schroeder would provide his probation monitor with the name, location, and contact person of his weekly 12-step program. (See, Declaration of Margie McGavin, at paragraph No. 8, and Exhibit 2 attached thereto.) After additional oral and written requests, Respondent Schroeder faxed the required information to his probation monitor on or about October 18, 2007. (See, Declaration of Margie McGavin, at paragraph No. 9, and copy of said fax attached thereto as Exhibit 4.) Page one of Respondent Schroeder's fax contained a handwritten note stating he attended Narcotics Anonymous meetings weekly at the First Presbyterian Church in Wildomar and that the "Contact Person/Support Person Secretary" of the meetings was "Lesli Sly. Phone: 951- 796-1183." Page two of

Respondent Schroeder's fax contained an alleged attendance verification form, initialed weekly by "LS," allegedly Leslie Sly, indicating that Respondent Schroeder had attended a Narcotics Anonymous meeting at the church every week since June 21, 2007, and through October 10, 2007. In fact, there were no Narcotics Anonymous meetings available at said location, Leslie Sly was Respondent Schroeder's girlfriend who had been living with Respondent Schroeder since mid-2005, and Leslie Sly was not the contact person for the alleged Narcotic Anonymous meetings identified by Respondent Schroeder. (See, Declaration of Margie McGavin, at paragraphs Nos. 10 through 13; and Incident Report attached thereto as Exhibit 8, at page 6, paragraph 3.)

B. RESPONDENT PROVIDED FRAUDULENT DOCUMENTATION TO BOARD RE: COMPLETION OF COMMUNITY SERVICE HOURS

16. On or about October 18, 2007, Respondent Schroeder provided his Board of Optometry probation monitor with a completed Verification of Community Service form stating that Respondent Schroeder had completed a total of sixty six (66) hours of community service for the Riverside County Sheriff's "Cops for Kids" program. In fact, Respondent Schroeder "does not and has not, at any time whatsoever, performed community service for [the] organization, Cops for Kids, Inc." (See, Declaration of Margie McGavin, at paragraphs Nos. 4 through 7, and letter from Cops for Kids, Inc., attached thereto as Exhibit 6.)

III. CONCLUSION

17. The Declarations and Exhibits submitted with this Petition for Interim Order of Suspension demonstrate that Respondent Schroeder is continuing to use and abuse illicit drugs and therefore is a threat to the public health, safety, and welfare. Respondent's past history of illegal drug use (methamphetamine) and his documented recent use of methamphetamine and amphetamines present an intolerable risk of public harm from Respondent being under the influence of illegal drugs while treating patients. The depth and breadth of Respondent Schroeder's fraudulent misrepresentations to the Board clearly indicates additional risks to the public health, safety, and welfare, in that Respondent Schroeder is fundamentally dishonest and willing to commit acts of moral turpitude for his own benefit. Respondent Schroeder is not

eligible to possess the public trust embodied in his license to practice optometry on the public. Furthermore, Respondent Schroeder's unprofessional conduct while on probation illustrates he is not capable of complying with the Board's probation program and presents additional risks that he is not capable of practicing optometry without endangering the public health, safety, and welfare.

WHEREFORE, Petitioner prays the Administrative Law Judge make an order:

1. Temporarily suspending Respondent Schroeder from directly or indirectly practicing as an optometrist in California until an administrative hearing can be held, the charges in the Accusation and Petition to Revoke Probation can be heard, and a decision issues and becomes effective from the Board, determining whether Stephen Girard Schroeder should continue to hold a license to practice to practice optometry, and, if so, under what conditions; and,

2. Granting Petitioner such other and further relief as may be deemed appropriate.

DATED: June 19, 2008

Respectfully submitted,

Margie McGavin
Interim Executive Officer
Board of Optometry

Petitioner

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SD2008801325

BEFORE THE
STATE BOARD OF OPTOMETRY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:	Case No. CC 2005 141
STEPHEN GERARD SCHROEDER 25321 Railroad Canyon Rd. #503 Lake Elsinore, CA 92532 Certificate of Registration to Practice Optometry No. 8321 Respondent.	OAH No. 2007040285

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Optometry, as its Decision in this matter.

This Decision shall become effective on June 18, 2007.

It is so ORDERED May 17, 2007.

FOR THE BOARD OF OPTOMETRY

EDMUND G. BROWN JR., Attorney General
of the State of California
MARC D. GREENBAUM
Supervising Deputy Attorney General
ANNE HUNTER, State Bar No. 136982
Deputy Attorney General
California Department of Justice
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 897-2114
Facsimile: (213) 897-2804

Attorneys for Complainant

BEFORE THE
STATE BOARD OF OPTOMETRY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: STEPHEN GERARD SCHROEDER 25321 Railroad Canyon Rd. #503 Lake Elsinore, CA 92532 Certificate of Registration to Practice Optometry No. 8321 Respondent.	Case No. CC 2005 141 OAH No. 2007040285 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-entitled proceedings that the following matters are true:

PARTIES

1. Complainant Taryn Smith is the Executive Officer of the Board of Optometry. She brought this action solely in her official capacity and is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Anne Hunter, Deputy Attorney General.

2. Respondent Stephen Gerard Schroeder is representing himself in this proceeding and has chosen not to exercise his right to be represented by counsel.

3. On or about September 15, 1985, the Board of Optometry issued

respondent Certificate of Registration to Practice Optometry No. 8321. The Certificate of Registration was in full force and effect at all times relevant to the charges brought in Accusation No. CC 2005 141 and will expire on May 31, 2007, unless renewed.

JURISDICTION

4. Accusation No. CC 2005 141 was filed before the Board of Optometry, and is currently pending against respondent. The Accusation and all other statutorily required documents were properly served on respondent on February 27, 2007. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. CC 2005 141 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. CC 2005 141. Respondent has also carefully read, and fully understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. CC 2005 141.

9. Respondent agrees that his Certificate of Registration to Practice Optometry is subject to discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

CIRCUMSTANCES IN MITIGATION

10. Respondent has no prior disciplinary history. He is admitting responsibility at an early stage in the proceedings.

CONTINGENCY

11. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by respondent. By signing the stipulation, respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect; except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

DISCIPLINARY ORDER

In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

IT IS HEREBY ORDERED that Certificate of Registration to Practice Optometry No. 8321 issued to respondent Stephen Gerard Schroeder is revoked. However, the revocation is stayed and respondent is placed on probation for three (3) years on the following terms and conditions.

Severability Clause: Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other

applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by the respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, respondent shall submit completed fingerprint forms and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

Criminal Court Orders: If respondent is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation. Respondent shall obey all federal, state and local laws, and all rules governing the practice of optometry in California.

2. **Comply with the Board's Probation Program.** Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the respondent's compliance with the Board's Probation Program. Respondent shall, at his own expense, report in person to the Board's headquarters in Sacramento within three (3) months of the effective date of the Board's decision, and as the Board deems necessary if it is determine that respondent may not be compliant with any of the terms or conditions of his probation. Respondent shall inform the Board in writing within no more than 15 days of any change of residence address and prior to making any change in practice location. Respondent shall at all times maintain an active, current license status with the Board, including during any period of suspension.

Respondent shall comply with the Board's probation surveillance program, including but not limited to allowing access to the respondent's optometric practice(s) and patient records upon request of the Board or its agent.

Respondent shall pay the monitoring costs associated with the Board's probation surveillance program each and every year of probation, as designated by the Board, which may be

adjusted on an annual basis. Such costs shall be payable to the Board of Optometry and delivered to the Board or its designee no later than January 31 of each calendar year. Failure to pay costs within 30 calendar days of the due date is a violation of probation.

Upon successful completion of probation, respondent's license shall be fully restored.

3. **Residency, Practice, or Licensure Outside of State.** Periods of residency or practice as an optometrist outside of California shall not apply toward a reduction of this probation time period. Respondent's probation is tolled, if and when he resides outside of California. The respondent must provide written notice to the Board within 15 days of any change of residency or practice outside the state, and within 30 days prior to re-establishing residency or returning to practice in this state.

Respondent shall provide a list of all states and territories where he has ever been licensed as an optometrist. Respondent shall further provide information regarding the status of each license and any changes in such license status during the term of probation. Respondent shall inform the Board if he applies for or obtains a new optometry license during the term of probation.

Within 30 days of the effective date of the decision, respondent shall provide a copy of the Board's decision and order to the optometry board of any other state where he is currently licensed or becomes licensed to practice optometry.

4. **Submit Written Reports.** Respondent, during the period of probation, shall submit or cause to be submitted such written reports/declarations and verification of actions under penalty of perjury, as required by the Board. These reports/declarations shall contain statements relative to respondent's compliance with all of the conditions of the Board's Probation Program. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives.

Respondent shall provide a copy of this decision to the optometric regulatory agency in every state and territory in which he or she has an optometry license.

5. **Function as an Optometrist.** Respondent, during the period of probation, shall engage in the practice of optometry in California for a minimum of 24 hours per week for 6 consecutive months, within each year of probation, or as determined by the Board.

For purposes of compliance with the section, "engage in the practice of optometry" may include, when approved by the Board, volunteer work as an optometrist, or work in any non-direct patient care position that requires licensure as an optometrist.

If respondent has not complied with this condition during the probationary term, and the respondent has presented sufficient documentation of his good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of the respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation shall apply.

6. **Employment Approval And Reporting Requirements.** Respondent shall obtain prior approval from the Board before commencing or continuing the practice of optometry. Respondent shall cause to be submitted to the Board any available performance evaluations and other employment related reports as an optometrist upon request of the Board.

If working as an employee, respondent shall provide a copy of this decision to his or her employer and immediate supervisors prior to commencement of the practice of optometry.

In addition to the above, respondent shall notify the Board in writing within seventy-two (72) hours after he obtains any optometric employment. Respondent shall notify the Board in writing within seventy-two (72) hours after he is terminated or separated, regardless of cause, from any optometric employment with a full explanation of the circumstances surrounding the termination or separation.

7. **Employment Limitations.** Respondent shall not work in any health care setting as a supervisor of optometrists. The Board may additionally restrict respondent from supervising technicians and/or unlicensed assistive personnel on a case-by-case basis.

Respondent shall not work as a faculty member in an approved school of optometry or as an instructor in a Board approved continuing education program.

Respondent shall work only on a regularly assigned, identified and predetermined worksite(s) and shall not work in a float capacity.

If the respondent is working or intends to work in excess of 40 hours per week, the Board may request documentation to determine whether there should be restrictions on the hours of work.

8. **Complete Optometry Course(s).** Respondent, at his own expense, shall enroll and successfully complete 40 hours of continuing education course(s) per year for each year of probation that are relevant to the practice of optometry. These courses shall be in addition to the courses required for license renewal. At least one of the courses shall be on ethics. Respondent shall obtain prior approval from the Board before enrolling in the ethics course. The courses are to be completed no later than six months prior to the end of his probationary term.

Respondent shall submit to the Board the original transcripts or certificates of completion for the above required course(s). The Board shall return the original documents to respondent after photocopying them for its records.

9. **Cost Recovery.** Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code Section 125.3 in the amount of $3,895.50. Respondent shall be permitted to pay these costs in a payment plan approved by the Board, with payments to be completed no later than six months prior to the end of the probation term.

If respondent has not complied with this condition during the probationary term, and respondent has presented sufficient documentation of his good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of the respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation will apply.

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10. **Violation of Probation.** If a respondent violates the conditions of his probation, the Board, after giving the respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation) of the respondent's license.

If, during the period of probation, an accusation or petition to revoke probation has been filed against respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against the respondent's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board.

11. **License Surrender.** During respondent's term of probation, if he ceases practicing due to retirement or health reasons, or is otherwise unable to satisfy the conditions of probation, respondent may surrender his license to the Board. The Board reserves the right to evaluate respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances, without further hearing. Upon formal acceptance of the tendered license and wall certificate, respondent will no longer be subject to the conditions of probation.

Surrender of respondent's license shall be considered a disciplinary action and shall become a part of respondent's license history with the Board. An optometrist whose license has been surrendered may petition the Board for reinstatement no sooner than one year from the effective date of the disciplinary decision.

12. **Participate in Treatment/rehabilitation Program For Chemical Dependence.** Respondent, at his expense, shall successfully complete during the probationary period or shall have successfully completed prior to commencement of probation a Board-approved treatment/rehabilitation program of at least six months duration. The Board will accept proof of successful completion of the court-ordered drug diversion program respondent is currently enrolled in through Orange County Superior Court Case No. SWF013967 to satisfy this term. As required, reports shall be submitted by the program on forms provided by the Board. If respondent has not completed a Board-approved treatment/rehabilitation program prior to commencement of probation, respondent, within 45 days from the effective date of the decision,

shall be enrolled in a program. If a program is not successfully completed within the first nine months of probation, the Board shall consider respondent in violation of probation. Respondent shall sign a Release of Information allowing the program to release to the board all information the board deems relevant.

Based on Board recommendation, each week respondent shall be required to attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous, Alcoholics Anonymous, etc.) as approved and directed by the Board. Respondent shall submit dated and signed documentation confirming such attendance to the Board during the entire period of probation. Respondent shall continue with the recovery plan recommended by the treatment/rehabilitation program or a licensed mental health examiner and/or other ongoing recovery groups.

13. **Submit to Tests and Samples.** Respondent, at his expense, shall participate in a random, biological fluid testing or a drug screening program which the Board approves. The length of time and frequency will be subject to approval by the Board. The respondent is responsible for keeping the Board informed of respondent's current telephone number at all times. Respondent shall also ensure that messages may be left at the telephone number when he is not available and ensure that reports are submitted directly by the testing agency to the Board, as directed. Any confirmed positive finding shall be reported immediately to the Board by the program and the respondent shall be considered in violation of probation.

In addition, respondent, at any time during the period of probation, shall fully cooperate with the Board or any of its representatives, and shall, when requested, submit to such tests and samples as the Board or its representatives may require for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other controlled substances.

If respondent has a positive drug screen for any substance not legally authorized and not reported to the Board or its representataives, and the Board files a petition to revoke probation or an accusation, the Board may suspend respondent from practice pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

Respondent shall immediately submit to biological fluid testing, at respondent's cost, upon the request of the board or its designee.

14. **Community Service.** Within 60 days of the effective date of this decision, respondent shall submit to the board for its prior approval a community service program in which respondent shall provide free **non-optometric services** on a regular basis to a community or charitable facility or agency for at least 20 hours a month for the first 24 months of probation.

ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Certificate of Registration to Practice Optometry. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Optometry.

DATED: 5/3/07.

STEPHEN GERARD SCHROEDER
Respondent

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Optometry.

DATED: May 3 2007

EDMUND G. BROWN JR., Attorney General
of the State of California

MARC D. GREENBAUM
Supervising Deputy Attorney General

ANNE HUNTER
Deputy Attorney General

Attorneys for Complainant

DOJ Matter ID: LA2006601158
60210506.wpd

EDMUND G. BROWN JR., Attorney General
of the State of California
MARC D. GREENBAUM
Supervising Deputy Attorney General
ANNE HUNTER, State Bar No. 136982
Deputy Attorney General
California Department of Justice
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 897-2114
Facsimile: (213) 897-2804

Attorneys for Complainant

BEFORE THE
STATE BOARD OF OPTOMETRY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: STEPHEN G. SCHROEDER, a.k.a. STEPHEN GERARD SCHROEDER 32245 Mission Trail D-4 Lake Elsinore, CA 92330 Certificate of Registration No. 8321 Respondent.	Case No. **ACCUSATION**

Complainant alleges:

PARTIES

1. Complainant Taryn Smith brings this Accusation solely in her official capacity as the Executive Officer of the State Board of Optometry, Department of Consumer Affairs.

2. On or about September 15, 1985, the State Board of Optometry issued Certificate of Registration No. 8321 to Stephen G. Schroeder, a.k.a. Stephen Gerard Schroeder (respondent). On or about October 29, 1997, respondent became certified to utilize Therapeutic Pharmaceutical Agents. On or about May 23, 2002, respondent obtained approval to perform lacrimal irrigation and dilation. The Certificate of Registration to Practice Optometry was in full

force and effect at all times relevant to the charges brought herein and will expire on May 31, 2007, unless renewed.

3. On or about September 10, 2004, the State Board of Optometry issued Optometric Corporation Registration No. COR 1032 for Stephen G. Schroeder, OD, Inc., located at 32245 Mission Trail D-4, Lake Elsinore, California 92530. The corporate registration will expire on May 31, 2007, unless renewed.

4. On or about July 11, 2005, the State Board of Optometry issued Fictitious Name Permit No. 3088 to respondent authorizing the use of the Fictitious Name "Mission Optometric Eye Care Center. Said Fictitious Name permit will expire on or about January 31, 2007, unless renewed.

5. On or about July 11, 2005, the State Board of Optometry issued Branch Office License No. 6461 to Respondent for a secondary practice location at 31740 Railroad Canyon Road #4, Canyon Lake, California 92587. Said Branch Office License expired on or about February 1, 2006, and has not been renewed.

6. On or about July 11, 2005, the State Board of Optometry issued Fictitious Name Permit No. 3087 was issued to Respondent, authorizing the use of the Fictitious Name "Canyon Lake Vision Center Optometry." Said Fictitious Name permit expired on or about January 31, 2006, and has not been renewed.

JURISDICTION

7. This Accusation is brought before the State Board of Optometry (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

8. Section 118, subdivision (b), states:

"The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board of by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any

ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground."

9. Section 3090 of the Code states:

"Except as otherwise provided by law, the board may take action against all persons guilty of violating this chapter or any of the regulations adopted by the board. The board shall enforce and administer this article as to licenseholders, and the board shall have all the powers granted in this chapter for these purposes, including, but not limited to, investigating complaints from the public, other licensees, health care facilities, other licensing agencies, or any other source suggesting that an optometrist may be guilty of violating this chapter or any of the regulations adopted by the board."

10. Section 3110 of the Code states:

"The board may take action against any licensee who is charged with unprofessional conduct, and may deny an application for a license if the applicant has committed unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

"(a) Violating or attempting to violate, directly or indirectly assisting in or abetting the violation of, or conspiring to violate any provision of this chapter or any of the rules and regulations adopted by the board pursuant to this chapter.

. . . .

"(k) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of an optometrist, in which event the record of the conviction shall be conclusive evidence thereof."

11. Section 490 of the Code states:

"A board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to

take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code."

12. California Code of Regulations, title 16, section 1517 states:

"For the purpose of denial, suspension, or revocation of the certificate of registration of an optometrist pursuant to Division 1.5 (commencing with Section 475) of the Code, a crime or act shall be considered to be substantially related to the qualifications, functions, and duties of an optometrist if to a substantial degree it evidences present or potential unfitness of an optometrist to perform the functions authorized by his/her certificate of registration in a manner consistent with the public health, safety, or welfare. . . ."

13. Health and Safety Code section 11173, subdivision (a), states:

"No person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure the administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact."

14. Section 125.3 of the Code provides, in pertinent part, that the Board may ask the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

15. <u>CONTROLLED SUBSTANCE</u>

a. Methamphetamine is a Schedule II controlled substances as defined in Health and Safety Code section 11055, subdivision (d)(2), and is categorized as a dangerous drug pursuant to Business and Professions Code section 4022 of the Business and Professions Code.

FIRST CAUSE FOR DISCIPLINE

(Conviction of a Substantially Related Crime)

16. Respondent is subject to disciplinary action under sections 3090, 3110, subdivision (k), and 490 of the Code, as defined in California Code of Regulations, title 16,

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section 1517, in that respondent was convicted of a crime substantially related to the qualifications, functions and duties of an optometrist. The circumstances are as follows:

a. On or about May 8, 2006, respondent was convicted by his plea of guilty to one count of violating Health and Safety Code section 11377, subdivision (a), a felony (possession of controlled substances), in Riverside County Superior Court Case No. SWF013967, entitled *The People of the State of California v. Stephen Gerard Schroeder.*

b. The circumstance surrounding the conviction are that on or about October 19, 2005, Riverside County Sheriff's deputies searched respondent's residence as authorized by a search warrant. In a safe located in the closet of respondent's master bedroom the sheriff's deputies found a plastic bag containing approximately 1.40 grams of a white crystal substance, which field-tested positive for Methamphetamine; two glass pipes consistent with those used for smoking methamphetamine, and respondent's California Driver's License. The sheriff's deputies also found nineteen (19) firearms consisting of rifles, revolvers, shotguns and semi-automatic pistols in various safes located in the closet of respondent's master bedroom.

SECOND CAUSE FOR DISCIPLINE

(Possession of a Controlled Substance)

17. Respondent is subject to disciplinary action under Code sections 3090 and 3110, subdivision (a), for unprofessional conduct for violating Health and Safety Code section 11173, subdivision (a), in that on or about May 8, 2006, respondent was convicted of a controlled substance, to wit Methamphetamine, as more fully set forth in paragraph 16, above.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the State Board of Optometry issue a decision:

1. Revoking or suspending Certificate of Registration No. 8321, issued to Stephen G. Schroeder, a.k.a. Stephen Gerard Schroeder;

2. Revoking or suspending Optometric Corporation Registration No. COR 1032, issued to Stephen G. Schroeder for Stephen G. Schroeder, OD, Inc.;

3. Revoking or suspending Fictitious Name Permit No. 3088 issued to Stephen G. Schroeder;

4. Revoking or suspending Branch Office License No. 6461 issued to Stephen G. Schroeder;

5. Revoking or suspending Fictitious Name Permit No. 3087 issued to Stephen G. Schroeder;

6. Ordering Stephen G. Schroeder to pay the State Board of Optometry the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

7. Taking such other and further action as deemed necessary and proper.

DATED: 2/20/07

TARYN SMITH
Executive Officer
State Board of Optometry
Department of Consumer Affairs
State of California
Complainant

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CML

CALIFORNIA STATE BOARD OF OPTOMETRY

STATE BOARD OF OPTOMETRY
2450 DEL PASO ROAD, SUITE 105, SACRAMENTO, CA 95834
P (916) 575-7170 F (916) 575-7292 www.optometry .ca.gov

Certification of Non-Licensure

The undersigned, Mona Maggio hereby certifies as follows:

> *That she is the duly appointed, acting and qualified Executive Officer of the California State Board of Optometry (Board), and that in such capacity she has custody of the official records of the board.*

On this twenty-ninth day of August 2013, the Executive Officer examined said official records of the Board and found that **STEPHEN G. SCHROEDER** graduated from the Southern California College of Optometry in 1985. The Certificate of Registration to Practice Optometry No. 8321 was granted to him effective September 15, 1985, and was revoked effective October 3, 2008. The current address of record for said Certificate of Registration is 25321 Railroad Canyon Rd Ste 503, Lake Elsinore, CA 92532.

Said records further reveal that on or about October 29, 1997, **STEPHEN G. SCHROEDER** became certified to utilize Therapeutic Pharmaceutical Agents pursuant to Business and Professions Code Section 3041.3.

Said records further reveal that on or about February 20, 2007, the Board filed an Accusation against **STEPHEN G. SCHROEDER,** in Case No. 2005-141. The Board, by Decision and Order effective June 18, 2007, adopted a Stipulated Settlement and Disciplinary Order resolving said Accusation. Optometry License No. 8321 was revoked, the revocation was stayed and the license was placed on probation for three (3) years.

Said records further reveal that on or about November 27, 2007, Fictitious Name Permit No. 3424 was issued to **STEPHEN G. SCHROEDER** authorizing the use of the fictitious name "Lake Optometric Vision Center" in conjunction with optometric practice located at 25321 Railroad Canyon Road, Lake Elsinore, CA 92532. Said Fictitious Name Permit was revoked October 3, 2008.

Said records further reveal that on or about June 19, 2008, the Board filed an ex parte Petition for Interim Order of Suspension against **STEPHEN G. SCHROEDER,** in Case No. 2005-141. On or about June 20, 2008, the Office of Administrative Hearings granted the Board's ex parte Petition, and, by Order effective June 30, 2008, Optometry License No. 8321 was suspended.

Said records further reveal that on or about July 15, 2008, the Board filed an Accusation and Petition to Revoke Probation against **STEPHEN G. SCHROEDER,** in Case No. 2008-13. The Board, by Decision and Order effective October 3, 2008, adopted a Stipulated Revocation of License and Order resolving said Accusation and Petition. Optometry License No. 8321 and Fictitious Name Permit No. 3424 were **revoked effective October 3, 2008.**

Given under my hand and the seal of the State Board of Optometry, in Sacramento, California, on this twenty-ninth day of August 2013.

Mona Maggio, Executive Officer

Memo

2450 Del Paso Road, Suite 105
Sacramento, CA 95834
(916) 575-7170, (916) 575-7292 Fax
www.optometry.ca.gov

To: Board Members **Date:** September 13, 2013

From: Jessica Sieferman
Enforcement Lead **Telephone:** (916) 575-7170

Subject: **Agenda Item 2C. In the Matter of the Petition for Reinstatement of Revoked License No. OPT 6369 – Larry Franklin Thornton**

Dr. Larry Franklin Thornton, Petitioner, was issued Optometrist License Number 6369 by the Board on October 3, 1977. On December 31, 2002, the Board filed an Accusation against Petitioner charging him with violations of laws and regulations based on disciplinary action taken against Petitioner by the Kentucky Board of Optometric Examiners. Petitioner did not file a Notice of Defense and his license was revoked by a Default Decision on July 14, 2003.

This is Petitioner's fourth Petition for Reinstatement of his revoked license. The first was filed in 2006. On February 17, 2007, the Board denied his Petition for Reinstatement after a hearing before the Board on November 16, 2006. The denial was based upon the Board's finding that Petitioner failed to establish cause for the Board to grant the Petition for Reinstatement of his revoked license.

The second Petition for Reinstatement was filed in 2008. On October 10, 2008, the Board denied his Petition for Reinstatement after a hearing before the Board on September 3, 2008. The denial was based upon the Board's finding that Petitioner failed to establish cause for the Board to grant the Petition for Reinstatement of his revoked license.

The third Petition for Reinstatement was filed in 2011. On July 10, 2012, the Board denied his Petition for Reinstatement after a hearing before the Board on May 18, 2012. The denial was based upon the Board's finding that Petitioner failed to establish cause for the Board to grant the Petition for Reinstatement of his revoked license.

The Petitioner is requesting the Board to reinstate his Optometrist License. He is not represented by an attorney.

Attached are the following documents submitted for the Board's consideration in the above referenced matter:

1. Petition for Reinstatement with Attachments
2. Copies of Decisions and Orders, Default Decision and Accusation
3. Certification of Non-Licensure

State of California – State and Consumer Services Agency

Edmund G. Brown, Governor

STATE OF CALIFORNIA
dca
DEPARTMENT OF CONSUMER AFFAIRS

Board of Optometry
2450 Del Paso Road, Suite 105
Sacramento, CA 95834
Tel: (916) 575-7170 / (866) 585-2666
www.optometry.ca.gov

PETITION FOR REINSTATEMENT

A person whose certificate of registration has been revoked or suspended for more than one year may petition the Board to reinstate the certificate of registration after a period of not less than one year has elapsed from the date of the revocation or suspension. In determining whether the disciplinary penalty should be set aside and the terms and conditions, if any, which should be imposed if the disciplinary penalty is set aside, the Board may investigate and consider all activities of the petitioner since the disciplinary action was taken, the offense for which discipline was imposed, activity during the time the certificate of registration was in good standing and the petitioner's general reputation for truth, professional ability and good character.

PLEASE TYPE OR PRINT LIGIBLY

1. NAME (FIRST) (MIDDLE) (LAST) LARRY FRANKLIN THORNTON	CERTIFICATE OF REGISTRATION NO. #6369
2. ADDRESS (NUMBER) (STREET) 1041 S.W. LAKE AVE. 90006	DATE OF BIRTH 06-20-53
(CITY) (STATE) (ZIP CODE) LOS ANGELES CA	TELEPHONE (424) 558-6544
3. PHYSICAL DESCRIPTION (HEIGHT) (WEIGHT) (EYE COLOR) (HAIR COLOR) 5'9.5" 170 DARK BROWN DARK-BROWN	
4. EDUCATION: NAME(S) OF SCHOOL(S) OR COLLEGES) OF OPTOMETRY ATTENDED	
NAME OF SCHOOL INDIANA University School of optometry	
ADDRESS (NUMBER) (STREET) AT WATER AVE	
(CITY) (STATE) (ZIP CODE) Bloomington, INDIANA 47401	
5. ARE YOU CURRENTLY LICENSED IN ANY OTHER STATE? YES NO	

STATE	LICENSE NO.	ISSUE DATE	EXPIRATION DATE	LICENSE STATUS
KENtucky	860 DT	JAN - 1977	—	UN-ACTIVE

6. List locations, dates, and types of practice for 5 years prior to discipline of your California license.

LOCATION	DATE FROM	DATE TO	TYPE OF PRACTICE
Not Applicable			

39M-13

7. Are you or have you ever been addicted to the use of narcotics or alcohol? YES NO
Explained during the 2012 petition

8. Are you or have you ever suffered from a contagious disease? YES NO

9. Are you or have you ever been under observation or treatment for mental disorders, alcoholism or narcotic addiction? YES NO

10. Have you ever been arrested, convicted or pled no contest to a violation of any law of a foreign country, the United States, any state, or a local ordinance? you must include all convictions, including those that have been set aside under Penal Code Section 1203.4 (which includes diversion programs) YES NO

11. Are you now on probation or parole for any criminal or administrative violations in this state or any other state? (Attach certified copies of all disciplinary or court documents) YES NO

12. Have you ever had disciplinary action taken against your optometric license in this state or any other state? Explained & understood from previous petition YES NO

IF YOU ANSWERED YES TO ANY OF THE ABOVE QUESTIONS, YOU MUST ATTACHMENT A STATEMENT OF EXPLANATION GIVING FULL DETAILS.

ON A SEPARATE SHEET OF PAPER PROVIDE THE FOLLOWING INFORMATION

13. List the date of disciplinary action taken against your license and explain fully the cause of the disciplinary action.
Explained on the previous petition - 2012

14. Explain fully why you feel your license should be restored, or the disciplinary penalty reduced.
I have full-filled all the demands the optometry board requested

15. Describe in detail your activities and occupation since the date of the disciplinary action; include dates, employers and locations. No employment ... Income from sales designer high end frames that are not available without a 5-7 thousand dollar account Retirement account

16. Describe any rehabilitative or corrective measures you have taken since your license was disciplined to support your petition. Study of Theology

17. List all post-graduate or refresher courses, with dates, location and type of course, you have taken since your license was disciplined. Presented in the 2012 petition

18. List all optometric literature you have studied during the last year.
Listed Journals in the 2012 petition.

19. List all continuing education courses you have completed since your license was disciplined.
Listed within the 2012 petion

20. List names, addresses and telephone numbers of persons submitting letters of recommendation accompanying this petition. Already submitted

I declare under penalty of perjury under the laws of the State of California that the answers and information given by me in completing this petition, and any attachments, are true and I understand and agree that any misstatements of material facts will be cause for the rejection of this petition.

Date 8-6-2013 **Signature** [signature]

All items of information requested in this petition are mandatory. Failure to provide any of the requested information will result in the petition being rejected as incomplete. The information will be used to determine qualifications for reinstatement, reduction of penalty or early termination of probation. The person responsible for information maintenance is the Executive Officer of the Board of Optometry at 2450 Del Paso Road, Suite 105, Sacramento, California, 95834. This information may be transferred to another governmental agency such as a law enforcement agency, if necessary to perform its duties. Each individual has the right to review the files or records maintained on them by our agency, unless the records are identified confidential information and exempted by Section 1798.3 of the Civil Code.

1-6-2013

LARRY F THORNTON O.D.
1041 S.W LAKE AVE.
LOS ANGELES, CA.
90006

Enclosed is the 100 hours and course grade for T.P.A. certification.

There are no more T.P.A certifications for "grandfathers" to be certified for T.P.A.'s.

May I successfully pass the national boards to be certified, I utilized T.P.A' for 20 years in an urban private practice in Kentucky.

Please advise.

Larry F. Thornton O.D.
Lic. # 6369

1200 West Godfrey Avenue
Philadelphia, Pa. 19141
215 424 5900

Center for Continuing and
Post Graduate Education

Pennsylvania College of Optometry

The Eye Institute
1201 West Spencer Street
Philadelphia, Pa. 19141

January 25, 1984

Larry F. Thornton, O.D.
301 West Broadway
Louisville, KY 40402

This certifies that the above named individual has satisfactorily passed the examination and fulfilled the lecture and clinic requirements of the course listed below:

Eleanor C. Haight
Eleanor C. Haight
Coordinator

Course Title:	Ocular Therapy for the Optometric Practitioner
Course #:	750B
Location:	Louisville, Kentucky/Philadelphia, Pennsylvania
Dates Presented:	September 24 - December 18, 1983
Total Clock Hours:	100
Grade:	79

Sent to:

Dr. Edward H. Gersh, Secretary/Treasurer
Kentucky Board of Optometric Examiners
4507 Dixie Highway
Louisville, KY 40216

BEFORE THE
BOARD OF OPTOMETRY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition for the Reinstatement of the Revoked License of: LARRY FRANKLIN THORNTON, Petitioner.	Case No. CC 2011-165 OAH No. 2012030109

DECISION

This matter was heard before a quorum of the Board of Optometry (Board) on May 18, 2012, in Sacramento, California. The members of the Board present were: Lee A. Goldstein, O.D., President, presiding; Alejandro Arredondo, O.D., Vice President; Donna Burke; Fred J. Naranjo; Alexander Kim; Edward Rendon; and Kenneth Lawenda, O.D. Administrative Law Judge Danette C. Brown, Office of Administrative Hearings, State of California, sat with the Board.

Larry Franklin Thornton (petitioner) was present and represented himself.

Anahita Crawford, Deputy Attorney General, appeared on behalf of the Department of Justice, State of California.

Evidence was received, the record was closed, and the matter was submitted for decision on May 18, 2012.

FACTUAL FINDINGS

1. On or about October 3, 1977, the Board issued a Certificate of Registration to Practice Optometry No. 6369 to petitioner. The Board revoked petitioner's Certificate of Registration, effective July 14, 2003, as a result of disciplinary action taken by the Board in Case No. CC 2001-142.

Accusation against Petitioner, December 31, 2002, Board Case No. CC 2001 142

2. An accusation was filed against petitioner on December 31, 2002. The accusation alleged unprofessional conduct in connection with discipline that had been imposed by the Kentucky Board of Optometric Examiners in March 2000 against petitioner's Kentucky optometrist's license, based on the Kentucky Board's findings that petitioner took money from clients "and did nothing to improve or care for their vision," and that his "failure to provide paid-for services . . . handicapped the clients in the conduct of their daily activities, deceived the public who expected eyeglasses or contacts in exchange for the money they paid, and damaged the profession by smudging its reputation for honest service. [Petitioner] took the money from too many patients without providing glasses or contacts for his malfeasance to be a mistake, negligence, or oversight. Further he has put himself outside the reach of these patients who have no means of being reimbursed. . . . [Petitioner] simply abandoned those patients who depended upon him."

3. The Board issued a Default Decision and Order effective July 14, 2003, as a result of petitioner's failure to file a Notice of Defense within 15 days after service on him of the accusation. Pursuant to Government Code section 11520, the Board found petitioner in default, deemed petitioner's default to constitute express admissions of the accusation's allegations, and revoked petitioner's license.

Petition for Reinstatement, October 12, 2006, OAH No. L2006100659

4. On October 12, 2006, petitioner filed with the Board a Petition for Reinstatement (2006 petition). On November 16, 2006, a quorum of the Board convened to hear the 2006 petition. The Deputy Attorney General appeared on behalf of the Department of Justice. Petitioner failed to appear. The Board heard the matter and denied the 2006 petition. The Board concluded that cause was not established under the applicable burden and standard of proof to grant the petition to reinstate petitioner's license. In particular, petitioner's response to Question 9 of the 2006 petition that he had not been under observation or treatment for mental disorders, alcoholism, or narcotic addiction was inconsistent with the reference in his handwritten statement to drug and alcohol rehabilitative efforts. Ultimately, the 2006 petition raised important questions as to petitioner's suitability for reinstatement. The Board concluded that letters of reference submitted on petitioner's behalf and the other documents submitted with the 2006 petition were insufficient to meet petitioner's burden of proof by clear and convincing evidence that his license should be reinstated.

Petition for Reinstatement, July 28, 2008, OAH No. 2018080180

5. On July 28, 2008, petitioner filed with the Board a second Petition for Reinstatement (2008 petition). On September 3, 2008, a quorum of the Board convened to hear the 2008 petition. Petitioner asserted that it was appropriate to reinstate his license because he had sufficiently rehabilitated from the Kentucky action. The Deputy Attorney General asserted that the public would be unsafe if petitioner's license was reinstated. The Board concluded that petitioner failed to meet the requisite burden of proof to warrant

reinstatement of the license. Petitioner's lack of genuine remorse, his lack of forthrightness with the Board regarding drugs and rehabilitation programs, and his admission of unlicensed practice of optometry in California resulted in the Board's decision to deny reinstatement. The Board suggested steps petitioner should take in preparation for future petitions to reinstate, including psychological evaluations, drug testing, and 100 hours of continuing education.

Present Petition for Reinstatement, December 11, 2011, OAH No. 2012030109

6. On December 11, 2011, petitioner filed with the Board a third Petition for Reinstatement (petition). A quorum of the Board was convened on May 18, 2012, to hear the petition. In support of his petition, petitioner submitted a letter of explanation, a newspaper clipping announcing his 1976 graduation from optometry school, and proof of continuing education coursework in the field of optometry. In his letter of explanation, petitioner stated that, at an unspecified point in the past, he was the victim of a hit-and-run accident which resulted in medical bills amounting to $70,000. Petitioner asserted that his financial circumstances necessitated the reinstatement of his license in order to pay back his medical bills. Petitioner further asserted that he has met the Board's demands, but failed to state what those demands were. Neither the letter nor the newspaper clipping showed any progress on the part of petitioner toward rehabilitation. As a result, little weight was given to either.

7. Petitioner requested that the Board certify his purported completion of 100 hours of continuing education credits. Petitioner submitted certificates of completion for the courses taken. Petitioner accumulated continuing education credits over a span of 17 years at various optometric colleges. The majority of certificates show completion dates in 2004 and 2005. At his 2008 petition hearing, the Board recommended that petitioner complete 100 hours two years prior to submitting a new petition for reinstatement. Petitioner applied for reinstatement in December 2011. Petitioner completed the following courses, which meet the Board's recommended timeline:

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Date	Course	Optometric Institution	Hours
08/03/2009	Seizing Profits in the Treatment and Management of Ocular Allergy	Pennsylvania College of Optometry	1
02/14/2010	Celebration of Lifetime Achievement of Dr. Michael Rouse CE Program	Southern California College of Optometry (SCCO)	7
04/18/2010	Cornea & Cataract CE Program and Optometric Boot Camp	SCCO	7
08/22/2010	Potpourri of CE with a Focus on Primary Care	SCCO	7
08/24/2010	Providing Optimal Optics	University of Alabama, School of Optometry	1
11/14/2010	Fall Optometry Update	SCCO	7
		Total Hours	30

The courses listed above amount to 30 hours of credits, far short of the 100 hours recommended by the Board. Petitioner's prior coursework was taken too far in the past to be relevant with respect to petitioner's current rehabilitative efforts. Petitioner failed to comply with the Board's recommendation that he complete 100 hours of continuing education during a two-year period prior to the present petition.

8. Question 10 of the petition asked that petitioner disclose if he had ever been arrested. Petitioner answered "NO." Petitioner's answer was false in that he admitted at hearing that he had been arrested and jailed several times when he practiced in Kentucky. Petitioner testified that the policemen were "pinpointing and picking at [him]," forcing him to "pull himself out of the financial situation to the point I had no money..." In addition, Question 12 asked if petitioner's license had ever been subject to disciplinary action. Petitioner answered "NO." Petitioner's answer was false in that the Kentucky Board suspended his optometry license in that state. Petitioner showed repeated dishonesty on his petition.

9. At hearing, the Deputy Attorney General asked petitioner what assurances he could give the Board that the action taken in Kentucky would not recur in California. Petitioner responded:

> You can't compare California and Kentucky. It's A to Z different in Kentucky... It's ok for Caucasians, it's ok for Chinese, but it's not the thing to do... You can't equate

> Kentucky and California... It's hard to answer the question. It's like Asia and here... I don't think that policemen will pull me over and demand funds to get me out of jail.

Additionally, Petitioner offered to give a "sample of [his] aptitude for psychological testing." Petitioner stated:

> As optometrists we know that light goes from left to right... from physics. We also know that the world turns from left to right. We all love life and we try to live. We know that there is good and evil... But more importantly, we love life and live... But if we take that same positive phrase... and we spell it in reverse, it's just like Satan. We get evil. But it's beautiful. It's love, life, and live. In reverse, it's 'evil.' Just a sample of my psychological aptitude.

Petitioner's bizarre, rambling responses were unrelated to the Deputy Attorney General's question. Petitioner failed to provide any assurances that he will not repeat the instances of misconduct that occurred in Kentucky.

10. When asked by the Board whether he felt remorse for the Kentucky incident, petitioner was evasive and non-responsive. He stated:

> When you are incarcerated for ten years, you are sorry anyways. You can say "Dr. Goldstein, do that." He knows... It's so understood as a person. It's there, but maybe you can't see that through my person.

At several points, the Deputy Attorney General and the Board asked if petitioner would ever take money from clients should financial stress occur in the future. Petitioner replied:

> Once you pass away, you can't do anything. I am dead in jail... And then all my customers were asking "When will I get my glasses?" And I started getting threats. It was nerve-wracking. What would you do? I had to love myself.

Petitioner did not take responsibility for the choices he made, nor did he apologize for his actions in Kentucky. Petitioner's unintelligible and convoluted responses indicated a lack of remorse.

11. Petitioner indicated an unwillingness to undergo psychological evaluation and drug testing. Petitioner has testified that he has not undergone psychological evaluation or drug testing, as suggested by the Board at the 2008 petition hearing. With regard to both conditions, petitioner stated:

> It was no problem, but I wanted to qualify it. I don't mind once, but I want to rest. If I don't have to go there, I don't want to go there. And with regard to psychological testing, I don't want to go there... It's just all these added demands...

Petitioner's refusal to undergo psychological evaluation and drug testing indicate petitioner's unwillingness to abide by the Board's recommendations and a failure to recognize the need for such evaluation and testing.

12. The Board asked petitioner about his 2006 citation for practicing without a license in an office on Pico Boulevard in West Los Angeles. Petitioner acknowledged that his license was not active in California at the time. Petitioner's acquaintance, an optician, asked Petitioner to "fill in" for a sick optometrist in order to make some extra money. When petitioner noted that his license was not active, the optician told him "Just get your money and get your license and figure it out..." Petitioner further testified:

> If [the optician] wasn't so ruthless to the patient, it wouldn't have come to light... 15 minutes with the patient and he would say "Thornton, he's got to go." The patient didn't like that and that's how the complaint came up.

Petitioner was aware that he should not have been practicing without his license, but chose to do so anyway, and may have gotten away with doing so if the patient had not complained to the Board. This awareness was indicative of petitioner's willingness to dishonestly circumvent the law in times of financial stress.

13. Petitioner asserted that he is now eligible to apply for reinstatement of his Kentucky license but has chosen not to do so for both financial reasons and because he does not wish to return to Kentucky.

LEGAL CONCLUSIONS

1. Government Code section 11522 provides, in pertinent part:

> A person whose license has been revoked or suspended may petition the agency for reinstatement or reduction of penalty after a period of not less than one year has elapsed from the effective date of the decision or from the date of the denial of a similar petition. The agency shall give notice to the Attorney General of the filing of the petition and the Attorney General and the petitioner shall be afforded an opportunity to present either oral or written argument before the agency itself. The agency itself shall decide the petition, and the decision shall include the reasons therefor, and any terms and conditions that

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the agency reasonably deems appropriate to impose as a condition of reinstatement. This section shall not apply if the statutes dealing with the particular agency contain different provisions for reinstatement or reduction of penalty.

2. In a proceeding to restore a revoked license, petitioner bears the burden to prove by clear and convincing evidence to a reasonable certainty that the Board should grant the reinstatement. (*Flanzer v. Board of Dental Examiners* (1990) 220 Cal.App.3d 1392, 1398; *Housman v. Board of Medical Examiners* (1948) 84 Cal.App.2d 308, 315-316.)

3. Based on Findings 6 through 13, petitioner failed to meet his burden of proof. Evidence provided by petitioner showed little, if any, effort to rehabilitate himself since his last hearing. Findings 6 and 7 show that the documentary evidence submitted by petitioner added very little substance. Cause was not established by clear and convincing evidence to reinstate petitioner's license to practice.

4. Petitioner's dishonesty on his application and his conduct in practicing without a license (Findings 8 and 13) show that the safety of the public cannot be ensured if petitioner is reinstated.

5. Petitioner failed to express remorse or regret regarding the incident in Kentucky. Petitioner's responses to questions were confusing and he was unable to focus on the issue of rehabilitation. Petitioner's ability to effectively administer optometric care to patients is severely in doubt. It is recommended that petitioner undergo psychological evaluation and drug testing before he applies for reinstatement in the future.

6. When all is the evidence is weighed and balanced, in order to protect the public, reinstatement is not warranted at this time.

ORDER

Petitioner Larry Franklin Thornton's Petition for the Reinstatement of Revoked Optometry License No. OPT 6369 is DENIED.

DATED: July 10, 2012

LEE GOLDSTEIN, O.D., President
California Board of Optometry
Department of Consumer Affairs
State of California

BEFORE THE
BOARD OF OPTOMETRY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition for Reinstatement Regarding: LARRY FRANKLIN THORNTON, Optometrist License No. OPT 6369, Petitioner.	OAH No. L2008080180

DECISION

A quorum of the Board of Optometry (the California Board) heard this matter on September 3, 2008, in Pomona, California. The members of the Board present were Lee A. Goldstein, O.D., President; Susy Yu, O.D., Vice President; Alex M. Arredondo, O.D.; Fred Naranjo; Richard K. Simonds, O.D.; Monica Johnson; Ken Lawenda, O.D.; Martha Burnett-Collins, O.D.; and Katrina Semmes.

Margie McGavin, the Board's Enforcement Manager, was also present during the proceedings.

Daniel Juárez, Administrative Law Judge with the Office of Administrative Hearings was present at the hearing and during the consideration of the case, in accordance with Government Code section 11517.

Larry Franklin Thornton (Petitioner) represented himself.

Char Sachson, Deputy Attorney General, represented the Attorney General of the State of California, pursuant to Government Code Section 11522.

The parties submitted the matter for decision, and the Board decided the case in executive session on September 3, 2008.

FACTUAL FINDINGS

1. On July 28, 2008, Petitioner filed the Petition for Reinstatement, his second such petition (Factual Finding 5 describes the first petition). Petitioner seeks the reinstatement of his revoked optometrist license; he contends it is appropriate to reinstate his license because he is sufficiently rehabilitated from earlier transgressions he committed in another state.

2. The California Attorney General contends the public would be unsafe if the Board were to reinstate Petitioner's license.

3. The California Board licensed Petitioner (optometrist license number OPT 6369) on October 3, 1977. At the time of his original licensure by the California Board, Petitioner already possessed an optometrist license, issued by the Kentucky Board of Optometric Examiners (the Kentucky Board), in February 1977.

4(a). On or about January 15, 2003, the California Board's then-Executive Officer filed an Accusation against Petitioner, alleging cause to revoke or otherwise discipline Petitioner's California optometrist license (*In the Matter of the Accusation Against Larry Franklin Thornton, O.D.*, case number CC 2001 142). The Complainant in that case alleged that Petitioner was subject to disciplinary action because, in March 2000, the Kentucky Board had suspended Petitioner's Kentucky optometrist license for six years.[1] The Kentucky Board took disciplinary action against Petitioner because it concluded that Petitioner had violated Kentucky statutes and administrative regulations, committing the following acts: "grossly unprofessional or dishonorable conduct;" "obtaining fees by fraud or misrepresentation;" "conduct likely to deceive or defraud the public;" receipt of fees for services not rendered;" "knowingly making a false statement regarding a prescription;" "presenting a prescription for a controlled substance in violation of the law;" "failing to give visual care to patients who sought care, paid for that care, and had every expectation of receiving that care;" and "associated or shared an office or fees with a person engaged in the unauthorized practice of optometry."

4(b) The Kentucky Board's findings were generally described in the underlying (California) Accusation as follows:

> [Petitioner's] clients came to him expecting to receive professional and fair treatment with resulting proper vision care. Instead [Petitioner] took their money and did nothing to improve or care for their vision . . . The failure to provide paid-for services deceived the public who expected eyeglasses or contacts in exchange for the money they paid, and damaged the profession by smudging its reputation for honest service. [Petitioner] took the money from

[1] Despite the six-year suspension ending in March 2006, Petitioner still does not have his Kentucky optometrist license reinstated; he believes he will be eligible for reinstatement in that state sometime in 2009.

too many patients without providing glasses or contacts for his malfeasance to be a mistake, negligence, or oversight. Further he has put himself outside the reach of these patients who have no means of being reimbursed. [¶] [¶] . . . [Petitioner] simply abandoned those patients who depended upon him.

4(c). Based on the Kentucky Board's conclusions and ultimate suspension, the Complainant in the California Board's underlying Accusation cited Business and Professions Code sections 3090, subdivision (b) and 141, subdivision (a) (unprofessional conduct and disciplinary action by another state) as the bases to discipline Petitioner's California optometrist license.

4(d). Petitioner failed to file a notice of defense within 15 days after service of the Accusation, and thus waived his right to a hearing on the merits. The Board issued a Default Decision and Order, effective July 14, 2003, revoking Petitioner's optometrist license.

5. On October 12, 2006, Petitioner filed an earlier Petition for Reinstatement (*In the Matter of the Petition for the Reinstatement of the Revoked License of Larry Franklin Thornton*, case number CC 2005 117). On November 16, 2006, a quorum of the Board convened to hear Petitioner's case. The Deputy Attorney General in the instant matter represented the Office of the Attorney General in the first petition for reinstatement. Neither Petitioner nor anyone representing Petitioner appeared at the hearing. Nevertheless, the Board heard the matter and denied the petition. Among other things, the Board noted a significant inconsistency in Petitioner's assertions. The Board cited Petitioner's denial of any drug or alcohol problems, on the one hand, but noted Petitioner's reference to having taken steps toward drug and alcohol rehabilitation, on the other hand. Additionally, the Board found that, in September 2006, Petitioner had been cited for practicing optometry without a license.

6. At the instant hearing, in response to a direct question from the Board, Petitioner asserted he did not have a drug or alcohol addiction or problem. However, as part of the Petition for Reinstatement, Petitioner submitted an informational document regarding the Crenshaw Christian Center Alcohol and Drug Abuse Program. He initially told the Board that he attended the program solely to attend a bible study component that is offered as a part of the rehabilitation program. However, upon further questioning by the Board, Petitioner admitted that he attends and intends on continuing to participate in the drug rehabilitation program and that he has taken drugs before.

7. In his Petition for Reinstatement, Petitioner described his optometric work as consisting of a solo practice from March 2001 to April 2002, and a group practice between June 2003 and approximately April 2004. He also admitted that since losing his license, he practiced optometry without a license for approximately one year (though the evidence did not conclusively establish the time period in which this occurred). In his Petition documents, he wrote, "[s]ince my license has been revoked, I worked at an optometry office at 8920 West Pico Boulevard, Los Angeles.

However, I was cited for practicing without a license." He acknowledged that his actions were contrary to the laws governing the practice of optometry.

8. Currently, according to Petitioner, he receives public assistance (welfare) in the form of subsistence level monthly monetary payments through the County General Relief program. He provided no evidence to support that assertion. Petitioner also claimed to be current in continuing education course requirements, but provided no evidence to support that assertion.

9. Petitioner completed 22 hours of community service time, working for the Salvation Army, between August 2007 and June 2008. He provided no evidence explaining any imposed community service requirement.

LEGAL CONCLUSIONS

1. Cause exists to deny Petitioner's Petition for Reinstatement, pursuant to Business and Professions Code section 11522, as set forth in Factual Findings 1-9, and Legal Conclusions 2-6.

2. Petitioner bears the burden to prove, by clear and convincing evidence to a reasonable certainty, that the Board should grant his petition for reinstatement. (*Flanzer v. Board of Dental Examiners* (1990) 220 Cal.App.3d 1392, 1398; *Housman v. Board of Medical Examiners* (1948) 84 Cal.App.2d 308, 315-316.)

3. Government Code section 11522 states in pertinent part:

> A person whose license has been revoked or suspended may petition the agency for reinstatement . . . after a period of not less than one year has elapsed from the effective date of the decision or from the date of the denial of a similar petition. The agency shall give notice to the Attorney General of the filing of the petition and the Attorney General and the petitioner shall be afforded an opportunity to present either oral or written argument before the agency itself. The agency itself shall decide the petition, and the decision shall include the reasons therefor, and any terms and conditions that the agency reasonably deems appropriate to impose as a condition of reinstatement.

4. California Code of Regulations, title 16, section 1516, states in pertinent part:

[¶] . . . [¶]

(b) When considering the suspension or revocation of a certificate of registration on the grounds that the registrant has been convicted of a crime, the Board, in evaluating the rehabilitation of such person and his/her present eligibility for a license, will consider the following criteria:

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or offense(s).

(4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

(6) Evidence, if any, of rehabilitation submitted by the licensee.

(c) When considering a petition for reinstatement of a certificate of registration under Section 11522 of the Government Code, the Board shall evaluate evidence of rehabilitation submitted by the petitioner, considering those criteria of rehabilitation specified in subsection (b).

5. Petitioner did not prove, by clear and convincing evidence to a reasonable certainty, that reinstatement of his license is warranted. Petitioner provided little, if any, evidence of rehabilitation. He failed to express genuine remorse for his earlier transgressions, transgressions that were serious in nature. Saliently, he was not forthright with the Board, first asserting no problems with drugs, then admitting to using drugs and participating in a rehabilitation program. Significantly, Petitioner provided similarly contradictory evidence at the last petition for reinstatement. (See Factual Finding 5.) This, together with his admitted unlicensed practice of optometry provided evidence of dishonesty and unprofessional behavior. There was no evidence establishing Petitioner's honesty or integrity, nor was there evidence of any effort by Petitioner to repair his tarnished professional reputation. Petitioner's overall fitness to practice optometry remains questionable; thus, the public's safety cannot be assured if the Board were to reinstate him.

6. In the future, if Petitioner chooses to seek reinstatement, the Board would ~~likely~~ require two psychological evaluations of Petitioner (by psychologists chosen by the Board), the completion of 100 hours of continuing education (completed within the last two years prior to a new petition), on-going drug testing, and the completion of an ethics course. Furthermore, to consider possible reinstatement in the future, the Board would expect to see no additional instances evidencing Petitioner's dishonesty, any violations of law, or a lack of professional judgment and discretion.

ORDER

Larry Franklin Thornton's Petition for Reinstatement of his optometrist license, number 6369, is denied.

Dated: 10/10/2008

Lee A. Goldstein, O.D., President
California Board of Optometry

BEFORE THE
BOARD OF OPTOMETRY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition for the Reinstatement of the Revoked License of: LARRY FRANKLIN THORNTON, O.D. 4074 Leimert Blvd. Los Angeles, CA 90008 Respondent.	Case No. CC 2005 117 OAH No. L2006100659

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Optometry as its Decision in the above-entitled matter.

This Decision shall become effective February 17, 2007.

It is so ORDERED January 17, 2007.

LEE GOLDSTEIN, O.D.
PRESIDENT
BOARD OF OPTOMETRY

BEFORE THE
BOARD OF OPTOMETRY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition for the Reinstatement of the Revoked License of: LARRY FRANKLIN THORNTON, Petitioner.	Case No. CC 2005 117 OAH No. L2006100659

DECISION

On November 16, 2006, in San Diego, California, a quorum of the California Board of Optometry, Department of Consumer Affairs, State of California heard and decided the Petition for Reinstatement of the Revoked License of Larry Franklin Thornton.

Present at the hearing were Board President Lee Goldstein, O.D., Board Vice President Susy Yu, O.D., and Board Members Monica Johnson, Daniel Pollack, O.D., Mary Rosas, Richard Simonds, O.D., and Roberto Vallenowith.

Administrative Law Judge Donald P. Cole, Office of Administrative Hearings, State of California, conducted the administrative proceeding.

Deputy Attorney General Char Sachson appeared on behalf of the Office of the Attorney General, State of California.

Neither petitioner nor any individual representing petitioner appeared at the hearing.

Following the receipt into evidence of the petition for reinstatement and supporting documentation, the matter was submitted and decided by the Board in Executive Session.

FACTUAL FINDINGS

1. On or about October 3, 1977, the Board of Optometry issued Optometry License No. OPT 6369 to petitioner Larry Franklin Thornton. The license was in full force

and effect as of December 31, 2002, and was then due to expire on June 30, 2003, unless renewed.

2. On December 31, 2002, the accusation in Board Case No. CC 2001 142 was filed against petitioner. The accusation alleged unprofessional conduct, in connection with discipline that had been imposed by the Kentucky Board of Optometric Examiners in March 2000 against petitioner's Kentucky optometrist's license, based on the Kentucky Board's findings that respondent took money from clients "and did nothing to improve or care for their vision," and that his "failure to provide paid-for services . . . handicapped the clients in the conduct of their daily activities, deceived the public who expected eyeglasses or contacts in exchange for the money they paid, and damaged the profession by smudging its reputation for honest service. [Petitioner] took the money from too many patients without providing glasses or contacts for his malfeasance to be a mistake, negligence, or oversight. Further he has put himself outside the reach of these patients who have no means of being reimbursed. . . . [Petitioner] simply abandoned those patients who depended upon him."

3. Petitioner did not file a notice of defense within 15 days after service on him of the accusation. Accordingly, on June 14, 2003, the Board issued a default decision and order, which became effective July 14, 2003, in which, pursuant to Government Code section 11520, the Board found petitioner in default, deemed petitioner's default to constitute express admissions of the accusation's allegations, and revoked petitioner's license.

4. On October 12, 2006, petitioner filed with the Board under penalty of perjury a Petition for Reinstatement.

5. In the petition, petitioner responded to a number of questions that appeared on the petition form. Question 9 asked, "Are you or have you ever been under observation or treatment for mental disorders, alcoholism or narcotic addiction?" Petitioner answered "no" to this question.

6. Petitioner submitted a one-page handwritten statement dated September 9, 2006, in support of the petition, in which he wrote that he had maintained professional skills and knowledge through continuing education, that he was "working within an optical establishment, if 'off limits' is understood," that beginning later that month, he planned to attend and complete a 40-hour Red Cross blood donor program and 20 hours of "alcohol and drug rehabilitative efforts," and that "unfortunately the petitioner did not comply with all law and regulations and was cited in September 2006 for filling in for an ill 80-year-old optometrist," who "returned the following week after I was cited."

7. The petition was accompanied by: an American Red Cross certificate, which stated that petitioner had completed the requirements of adult, infant and child CPR training on August 11, 2005; three reference letters (two from professional colleagues), recommending that petitioner's license be reinstated; continuing education course certificates and related documentation issued to petitioner by the Pennsylvania College of Optometry, the New England College of Optometry, the Southern California College of Optometry

reflecting course work undertaken between February 2004 and August 2005; and a criminal action report reflecting that petitioner received a citation on September 22, 2006 for the unlicensed practice of optometry.

LEGAL CONCLUSIONS

1. In a proceeding to restore a revoked license, the burden rests on the petitioner to prove that he has rehabilitated himself and that he is entitled to have his license restored. (*Flanzer v. Board of Dental Examiners* (1990) 220 Cal.App.3d 1392, 1398.)

An individual seeking reinstatement must present strong proof of rehabilitation which must be sufficient to overcome the former adverse determination. The standard of proof is clear and convincing evidence. (*Housman v. Board of Medical Examiners* (1948) 84 Cal.App.2d. 308, 315-316.)

2. Government Code section 11520 provides in pertinent part:

> "A person whose license has been revoked or suspended may petition the agency for reinstatement or reduction of penalty after a period of not less than one year has elapsed from the effective date of the decision or from the date of the denial of a similar petition. The agency shall give notice to the Attorney General of the filing of the petition and the Attorney General and the petitioner shall be afforded an opportunity to present either oral or written argument before the agency itself. The agency itself shall decide the petition, and the decision shall include the reasons therefor, and any terms and conditions that the agency reasonably deems appropriate to impose as a condition of reinstatement. This section shall not apply if the statutes dealing with the particular agency contain different provisions for reinstatement or reduction of penalty."

3. California Code of Regulations, title 16, section 1516 provides in pertinent part:

> "(b) When considering the suspension or revocation of a certificate of registration on the grounds that the registrant has been convicted of a crime, the Board, in evaluating the rehabilitation of such person and his/her present eligibility for a license, will consider the following criteria:
>
> (1) Nature and severity of the act(s) or offense(s).
>
> (2) Total criminal record.
>
> (3) The time that has elapsed since commission of the act(s) or offense(s).

(4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

(6) Evidence, if any, of rehabilitation submitted by the licensee.

(c) When considering a petition for reinstatement of a certificate of registration under Section 11522 of the Government Code, the Board shall evaluate evidence of rehabilitation submitted by the petitioner, considering those criteria of rehabilitation specified in subsection (b)."

4. There are "[t]wo purposes for the Legislature mandating a statement of reasons for the decision of an agency proceeding under section 11522 . . . . *First*, a statement of reasons enables a reviewing court to determine *why* [it] did what it did and, in that light, examine the administrative record to ascertain whether there is substantial evidence to support the decision. *Second*, a statement of reasons advises the rejected petitioner for reinstatement what his deficiencies are and, therefore, tells him what he should do to make a subsequent petition meritorious." (*Crandell v. Fox* (1978) 86 Cal.App.3d 760, 765.)

5. Based on Factual Findings 1 through 7 and Legal Conclusions 1 through 4, cause was not established under the applicable burden and standard of proof to grant the petition to reinstate petitioner's license. In particular, petitioner's response to question nine of the petition that he had not been under observation or treatment for mental disorders, alcoholism, or narcotic addiction seemed inconsistent with the reference in his handwritten statement to drug and alcohol rehabilitative efforts. Further, petitioner was cited on September 22, 2006, for practicing without a license. Petitioner in fact admitted, in an apparent reference to this citation, that he "did not comply with all law and regulations." It is noted as well that petitioner's handwritten statement appears to end with a subheading (E)(1), which raises a question as to whether there were other matters that were intended to be part of the statement, but which for some reason were not submitted to the Board. Ultimately, the petition raises important questions as to petitioner's suitability for reinstatement. Yet, since petitioner neither appeared at the hearing nor notified the Board as to the reason for his non-appearance, these questions cannot be answered. In light of these factors, the letters of reference submitted in petitioner's behalf and the other documents submitted with the petition were insufficient to meet petitioner's burden of proof by clear and convincing evidence that his license should be reinstated.

ORDER

Petitioner Larry Franklin Thornton's Petition for Reinstatement of Revoked Optometry License No. OPT 6369 is denied.

Dated: January 17, 2007

LEE GOLDSTEIN, O.D., President
California Board of Optometry
Department of Consumer Affairs
State of California

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Attorneys for Complainant

BEFORE THE
BOARD OF OPTOMETRY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:	Case No. CC 2001 142
LARRY FRANKLIN THORNTON, O.D. 2146 W. Sunset Boulevard Los Angeles, California 90026 Optometrist License Number OPT 639 Respondent.	**DEFAULT DECISION AND ORDER** [Gov. Code, §11520]

FINDINGS OF FACT

1. On or about January 15, 2003, Complainant Lucinda Ehnes, in her official capacity as the Interim Executive Officer of the Board of Optometry, Department of Consumer Affairs, filed Accusation No. CC 2001 142 against Larry Franklin Thornton (Respondent) before the Board of Optometry.

2. On or about October 3, 1977, the Board of Optometry (Board) issued Optometrist License Number OPT 6369 to Respondent. The license was in full force and effect at all times relevant to the charges herein, and will expire on June 30, 2003, unless renewed.

3. On or about January 15, 2003, an employee of the Department of Justice, served by Certified and First Class Mail a copy of the Accusation No. CC 2001 142, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is 2146 W. Sunset Boulevard, Los Angeles, California 90026. A copy of the Accusation, the

related documents, and Declaration of Service are attached as Exhibit "A", and are incorporated herein by reference.

3. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c).

4. On or about February 2003, the aforementioned certified mailing documents were returned by the U.S. Postal Service marked "Undeliverable as Addressed. Forwarding Order Expired." A copy of the postal returned documents is attached hereto as exhibit B, and are incorporated herein by reference.

5. Government Code section 11506 states, in pertinent part:

"(c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

6. Respondent failed to file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No. CC 2001 142.

7. California Government Code section 11520 states, in pertinent part:

"(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent."

8. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on Respondent's express admissions by way of default and the evidence before it, contained in exhibits A and B finds that the allegations in Accusation No. CC 2001 142 are true.

9. The total costs for investigation and enforcement are $2,653.75 as of March 26, 2003.

///

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Larry Franklin Thornton has subjected his Optometrist License Number OPT 6369 to discipline.

2. A copy of the Accusation and the related documents and Declaration of Service are attached.

3. The agency has jurisdiction to adjudicate this case by default.

4. The Board of Optometry is authorized to revoke Respondent's Optometrist License Number OPT 6369 based upon the following violations alleged in the Accusation:

a. Business and Professions Code sections 3090(b) and 141(a): Unprofessional conduct - disciplinary action by another state.

ORDER

IT IS SO ORDERED that Optometrist License Number OPT 6369, heretofore issued to Respondent Larry Franklin Thornton, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on July 14, 2003.

It is so ORDERED June 14, 2003

FOR THE BOARD OF OPTOMETRY
DEPARTMENT OF CONSUMER AFFAIRS

Attachments:

Exhibit A: Accusation No.CC 2001 142, Related Documents, and Declaration of Service
Exhibit B: Postal Return Documents

BILL LOCKYER, Attorney General
of the State of California
ANNE HUNTER, State Bar No. 136982
Deputy Attorney General
California Department of Justice
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 897-2114
Facsimile: (213) 897-2804

Attorneys for Complainant

BEFORE THE
BOARD OF OPTOMETRY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:	Case No. CC 2001 142
LARRY FRANKLIN THORNTON, O.D. 2146 W. Sunset Boulevard Los Angeles, California 90026 Optometrist License No. OPT 6369 Respondent.	**ACCUSATION**

Complainant alleges:

PARTIES

1. Karen L. Ollinger (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Optometry, Department of Consumer Affairs.

2. On or about October 3, 1977, the Board of Optometry issued Optometrist License No. OPT 6369 to Larry Franklin Thornton, O.D. (Respondent). The Optometrist License was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2003, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Optometry (Board), under the authority of the following sections of the Business and Professions Code (Code).

4. Section 3090 of the Code states:

The certificate of registration of any person registered under this chapter, or any former act relating to the practice of optometry, may be revoked or suspended for a fixed period by the board for any of the following:

. . . .

"(b) Unprofessional conduct."

5. Section 141(a) of the Code states:

"(a) For any licensee holding a license issued by a board under the jurisdiction of the department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or another country shall be conclusive evidence of the events related therein."

6. Section 118(b) of the Code provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Disciplinary Action by Another State)

8. Respondent is subject to disciplinary action under Code sections 3090(b) and 141(a) of the Code, on the grounds of unprofessional conduct, in that Respondent's Kentucky optometrist's license was disciplined by the Kentucky Board of Optometric Examiners (hereinafter "Kentucky Board"). On March 21, 2000, the Kentucky Board, in a case entitled, "Kentucky Board of Optometric Examiners v. Larry Thornton,"Administrative Action No. 99-KBOE-0672, in its Findings of Fact, Conclusions of Law, Final Order, and Notice of Appeal Rights (hereinafter "Kentucky Findings of Fact"), suspended Respondent's Kentucky optometry license for six years (until March 21, 2006). The Kentucky Board found Respondent to be in violation of the following Kentucky Revised Statutes ("KRS") and Kentucky Administrative Regulation ("KAR"):

a. KRS 320.310(1)(f) (grossly unprofessional or dishonorable conduct);

b. KRS 320.310(1)(g) (obtaining fees by fraud or misrepresentation);

c. KRS 320.310(1)(n) (conduct likely to deceive or defraud the public);

d. KRS 320.310(1)(r) (receipt of fees for services not rendered);

e. KRS 218A.140 (1)(d) (knowingly making a false statement regarding a prescription);

f. KRS 218A.140(f) (presenting a prescription for a controlled substance in violation of the law);

g. 201 KAR 5:040, Section 5 (failing to give visual care to patients who sought care, paid for that care, and had every expectation of receiving that care); and

h. 201 KAR 5:040, Section 3(2) (associated or shared an office or fees with a person engaged in the unauthorized practice of optometry).

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The Kentucky Board made the following findings in support of the discipline:

> "Thornton's clients came to him expecting to receive professional and fair treatment with resulting proper vision care. Instead Thornton took their money and did nothing to improve or care for their vision. . . . The failure to provide paid-for services . . . handicapped the clients in the conduct of their daily activities, deceived the public who expected eyeglasses or contacts in exchange for the money they paid, and damaged the profession by smudging its reputation for honest service. Thornton took the money from too many patients without providing glasses or contacts for his malfeasance to be a mistake, negligence, or oversight. Further he has put himself outside the reach of these patients who have no means of being reimbursed. [¶] [¶] . . . Thornton simply abandoned those patients who depended upon him." (Kentucky Findings of Fact, p. 9.)

A copy of the Kentucky Board's Findings of Fact, Conclusions of Law, Final Order, and Notice of Appeal Rights is attached to this Accusation as exhibit A, and is incorporated herein by reference.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Optometry issue a decision:

1. Revoking or suspending Optometrist License No. OPT 6369, issued to Larry Franklin Thornton, O.D.;

2. Ordering Larry Franklin Thornton, O.D. to pay the Board of Optometry the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: December 31, 2002

KAREN L. OLLINGER
Executive Officer
Board of Optometry
Department of Consumer Affairs
State of California
Complainant

03581110-LA2002AD1481

CALIFORNIA STATE BOARD OF OPTOMETRY

STATE BOARD OF OPTOMETRY
2450 DEL PASO ROAD, SUITE 105, SACRAMENTO, CA 95834
P (916) 575-7170 F (916) 575-7292 www.optometry .ca.gov

Certification of Non-Licensure

The undersigned, Mona Maggio hereby certifies as follows:

> *That she is the duly appointed, acting and qualified Executive Officer of the California State Board of Optometry (Board), and that in such capacity she has custody of the official records of the board.*

On this twenty-seventh day of August 2013, the Executive Officer examined said official records of the Board and found that **LARRY FRANKLIN THORNTON** graduated from the Indiana University School of Optometry in 1976. The Certificate of Registration to Practice Optometry No. 6369 was granted to him effective October 3, 1977, and was revoked effective July 14, 2003. The current address of record for said Certificate of Registration is 3359-1 Wilshire Blvd, Los Angeles, CA 90010.

Said records further reveal that on or about December 31, 2002, the Board filed an Accusation against **LARRY FRANKLIN THORNTON,** in Case No. 2001-142. The Board, by Decision and Order effective July 14, 2003 adopted a Default Decision and Order resolving said Accusation. Optometry License No. 6369 was **revoked effective July 14, 2003**.

Said records further reveal that on or about October 12, 2006, **LARRY FRANKLIN THORNTON** filed a Petition for Reinstatement of the Revoked License, in Case No. 2005-117. The Board, by Decision and Order effective February 17, 2007, denied said Petition.

Said records further reveal that on or about July 28, 2008, **LARRY FRANKLIN THORNTON** filed a Petition for Reinstatement, in Case No. 2005-117. The Board, by Decision and Order effective October 10, 2008, denied said Petition.

Said records further reveal that on or about December 11, 2011, **LARRY FRANKLIN THORNTON** filed a Petition for Reinstatement of the Revoked License, in Case No. 2011-165. The Board, by Decision and Order effective July 10, 2012, denied said Petition.

Given under my hand and the seal of the State Board of Optometry, in Sacramento, California, on this twenty-seventh day of August 2013.

Mona Maggio

Mona Maggio, Executive Officer

Memo

2450 Del Paso Road, Suite 105
Sacramento, CA 95834
(916) 575-7170, (916) 575-7292 Fax
www.optometry.ca.gov

To: Board Members **Date:** September 13, 2013

From: Jessica Sieferman
Enforcement Lead **Telephone:** (916) 575-7170

Subject: **Agenda Item 2D. In the Matter of the Petition for Reinstatement of Revoked License No. OPT 8618 – Lawrence Edwin Young**

Dr. Lawrence Edwin Young, Petitioner, was issued Optometrist License Number 8618 by the Board on October 2, 1986. On March 26, 2007, the Board filed an Accusation against Petitioner charging him with violating laws and regulations in the Optometry Practice Act. Petitioner did not file a Notice of Defense and his license was revoked by a Default Decision; however, after filing a motion to vacate the Default Decision and Order, the Board stayed the effective date of said Decision and order and ultimately vacated said Decision and Order effective August 17, 2007.

By Decision and Order effective April 3, 2008, the Board adopted a Stipulated Settlement and Disciplinary Order revoking Petitioner's license. The revocation was stayed and the Petitioner's license was placed on probation for three years.

On January 27, 2010, the Board filed an Accusation and Petition to Revoke Probation against the Petitioner. Effective February 12, 2011, the Board adopted a Proposed Decision and Order granting said Accusation and Petition. The Petitioner's license was revoked.

This is the Petitioner's second Petition for Reinstatement of his revoked license. The first was filed on February 2, 2012. On July 9, 2012, the Board denied his Petition for Reinstatement after a hearing before the Board on March 30, 2012. The denial was based upon the Board's finding that the Petitioner failed to establish cause for the Board to grant the Petition for Reinstatement of his revoked license.

The Petitioner is requesting the Board to reinstate his Optometrist License. He is not represented by an attorney.

Attached are the following documents submitted for the Board's consideration in the above referenced matter:

1. Petition for Reinstatement with Attachments
2. Copies of Decisions and Orders, Default Decision and Accusation
3. Certification of Non-Licensure

RECEIVED BY
STATE BOARD OF OPTOMETRY
2013 AUG 28 AM 11:18

Lawrence E. Young, OD
2400 Nova Court
Rowland Heights, CA 91748

August 26, 2013

State Board of Optometry

2450 Del Paso Road, Suite 105

Sacramento, CA 95834

RE: Reinstatement of License (8618T)

Dear Sirs:

Enclosed you will find my petition for reinstatement of my optometry license. In March 2012, I appeared before the Board and was denied reinstatement due to lack of compelling evidence of rehabilitation. I actually feel that the Board made an appropriate decision at that time. The denial was a very humbling experience for me and I vowed to do whatever was necessary to have a positive outcome this year. Many things have changed for the better. I have maintained continuous employment with Dr. Casimiro Gonzalez since February, 2012. Dr. Gonzalez is looking to expand his practice and has indicated that upon reinstatement of my license, I will become his staff optometrist. In addition to working with Dr. Gonzalez, I am now working a second job as well. I am an instructor for Revolution Prep. Revolution Prep is one of the largest test prep companies in the country. This company provides test preparation courses (SAT, ACT, ISEE, SSAT, etc.) and academic tutoring services to students across the country. I am now one of the busiest, and most sought out, instructors in the entire company. I have enclosed a recent printout of my classes and tutoring students. I provided instruction 7 days a week. Between the 2 jobs I generally work 12-14 hours per day, 7 days per week.

I have completed 31 hours of continuing education (documentation enclosed). I will be once again attending Vision Expo in October and will be taking 23 hours of education. If my license is reinstated, I will also be enrolling in the February 2014 16 hour Glaucoma Certification course at SCCO. I am fully committed to far exceeding my continuing education requirements. It is my intent to complete 50 hours annually from this point forward.

Community service is a very special component of my life. I have been actively involved in Community service for the past 25 years. I constantly seek out opportunities to "get involved". You will see that from the enclosed emails, I have been actively pursuing community service. I recently met with the Director for Bright Prospect in Pomona, and I will begin volunteering there very soon. A meeting with the Executive Director is being set up so as to determine precisely

what I will be doing. Bright Prospect is a 501 c.3 non-profit organization which provides a variety of services to local high school students from very low income families, and who desire to attend college. The program focuses on non-academic skills such as leadership skills, life skills, group dynamics, and counseling services. I bring to them a new facet of providing academic services for both academic tutoring and test preparation (SAT, ACT). I stated clearly that I never want to be compensated for my time.

As you can see, I have put my money where my mouth is. Unlike last year where my only compelling evidence of rehabilitation was my word, it is now documented action. I respectfully ask that my license be reinstated so that I can return to the profession that I sincerely love.

Sincerely,

Lawrence E. Young, OD

CALIFORNIA STATE BOARD OF OPTOMETRY

STATE BOARD OF OPTOMETRY
2450 DEL PASO ROAD, SUITE 105, SACRAMENTO, CA 95834
P (916) 575-7170 F (916) 575-7292 www.optometry.ca.gov

PETITION FOR REDUCTION OF PENALTY OR EARLY TERMINATION OF PROBATION

No petition for reduction of penalty or early termination of probation will be entertained until one year after the effective date of the Board's disciplinary action. The decision of the petition will be made by the full Board and in accordance with the attached standards for reinstatement or reduction of penalty. Early release from probation or a modification of the terms of probation will be provided only in exceptional circumstances, such as when the Board determines that the penalty or probationary terms imposed have been excessive, considering both the violation of law charged and the supporting evidence, or when there is substantive evidence that there is no more need for the degree of probationary supervision as set forth in the original terms and conditions. As a rule, no reduction of penalty or early termination of probation will be granted unless the probationer has at all times been in compliance with the terms of probation.

PLEASE TYPE OR PRINT LEGIBLY

1. NAME (FIRST) Lawrence	(MIDDLE) Edwin	(LAST) Young		CERTIFICATE OF REGISTRATION NO. 86181
2. ADDRESS (NUMBER) (STREET) 2400 Nova Ct.				DATE OF BIRTH 03/22/1959
(CITY) Rowland Heights	(STATE) CA	(ZIP CODE) 91748		TELEPHONE (909) 964-6958
3. PHYSICAL DESCRIPTION	(HEIGHT) 5'10"	(WEIGHT) 220	(EYE COLOR) hazel	(HAIR COLOR) gray
4. EDUCATION: NAME(S) OF SCHOOL(S) OR COLLEGE(S) OF OPTOMETRY ATTENDED				
NAME OF SCHOOL University of Houston, College of Optometry				
ADDRESS (NUMBER) (STREET)				
(CITY) Houston	(STATE) TX	(ZIP CODE)		
5. ARE YOU CURRENTLY LICENSED IN ANY OTHER STATE? ☐ YES ☑ NO				

STATE	LICENSE NO.	ISSUE DATE	EXPIRATION DATE	LICENSE STATUS

6. List locations, dates, and types of practice for 5 years prior to discipline of your California license.

LOCATION	DATE FROM	DATE TO	TYPE OF PRACTICE
10004 Sierra Ave., Fontana, CA	1/1/1989	12/1/2010	Private
		2010	

7. Are you or have you ever been addicted to the use of narcotics or alcohol? ☐ YES ☑ NO

8. Are you or have you ever suffered from a contagious disease? ☐ YES ☑ NO

9. Are you or have you ever been under observation or treatment for mental disorders, alcoholism or narcotic addiction? ☐ YES ☑ NO

10. Have you ever been arrested, convicted or pled no contest to a violation of any law of a foreign country, the United States, any state, or a local ordinance? you must include all convictions, including those that have been set aside under Penal Code Section 1203.4 (which includes diversion programs) ☐ YES ☑ NO

11. Are you now on probation or parole for any criminal or administrative violations in this state or any other state? (Attach certified copies of all disciplinary or court documents) ☐ YES ☑ NO

12. Have you ever had disciplinary action taken against your optometric license in this state or any other state? ☑ YES ☐ NO

IF YOU ANSWERED YES TO ANY OF THE ABOVE QUESTIONS, YOU MUST ATTACHMENT A STATEMENT OF EXPLANATION GIVING FULL DETAILS.

ON A SEPARATE SHEET OF PAPER PROVIDE THE FOLLOWING INFORMATION

13. List the date of disciplinary action taken against your license and explain fully the cause of the disciplinary action.

14. Explain fully why you feel your license should be restored, or the disciplinary penalty reduced.

15. Describe in detail your activities and occupation since the date of the disciplinary action; include dates, employers and locations.

16. Describe any rehabilitative or corrective measures you have taken since your license was disciplined to support your petition.

17. List all post-graduate or refresher courses, with dates, location and type of course, you have taken since your license was disciplined.

18. List all optometric literature you have studied during the last year.

19. List all continuing education courses you have completed since your license was disciplined.

20. List names, addresses and telephone numbers of persons submitting letters of recommendation accompanying this petition.

I declare under penalty of perjury under the laws of the State of California that the answers and information given by me in completing this petition, and any attachments, are true and I understand and agree that any misstatements of material facts will be cause for the rejection of this petition.

Date 8-26-13 Signature [illegible]

All items of information requested in this petition are mandatory. Failure to provide any of the requested information will result in the petition being rejected as incomplete. The information will be used to determine qualifications for reinstatement, reduction of penalty or early termination of probation. The person responsible for information maintenance is the Executive Officer of the Board of Optometry at 2420 Del Paso Road, Suite 255, Sacramento, California, 95834. This information may be transferred to another governmental agency such as a law enforcement agency, if necessary to perform its duties. Each individual has the right to review the files or records maintained on them by our agency, unless the records are identified confidential information and exempted by Section 1798.3 of the Civil Code.

Buena Vista Eye Medical Center, Inc

May 30, 2013

California Board of Optometry

4566 E Florence Ave #3

Cudahy, CA 9020

Re: Lawrence Young, O.D.

(323) 562-0055

To whom it may concern;

This letter is in regards to Dr. Lawrence Young's reinstatement to the California Board of Optometry. He has worked under my direct supervision as an ophthalmic medical assistant for the past 18 months and has proven to be an ethical and knowledgeable ophthalmic clinician. He has excellent diagnostic skills and is able to make sound clinical decisions based on presenting signs and symptoms. He continues to advance his knowledge base under my direct supervision in the ophthalmic medical and surgical arena. He is well liked by staff and patients alike and I endorse his reinstatement without reservation.

Sincerely,

Casimiro Gonzalez, M.D.

Board Certified Ophthalmologist

American Board of Ophthalmology

BEFORE THE
BOARD OF OPTOMETRY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition for Reinstatement of License of:	OAH No. 2012030110
LAWRENCE EDWIN YOUNG, O.D.	Agency Case No. CC 2004-59
Optometrist License No. 8618,	
Petitioner.	

DECISION

A quorum of the Board of Optometry (Board) heard this matter on March 30, 2012, in Fullerton, California. The members of the Board present were Lee A. Goldstein, O.D., President; Alejandro M. Arredondo, O.D., Vice President; Donna Burke; Monica Johnson; Alexander Kim; and Fred Naranjo.

Michael Santiago, Senior Staff Counsel for the Department of Consumer Affairs, and Jessica Sieferman, the Board's Enforcement staff, were present during the proceedings.

Mark Harman, Administrative Law Judge with the Office of Administrative Hearings was present at the hearing and during the consideration of the case, in accordance with Government Code section 11517.

Lawrence Edwin Young, O.D., (Petitioner) represented himself.

Katherine M. Messana, Deputy Attorney General, represented the Attorney General of the State of California, pursuant to Government Code Section 11522.

The parties submitted the matter for decision, and the Board decided the case in executive session on March 30, 2012.

FACTUAL FINDINGS

1. On or about February 2, 2012, Petitioner filed a Petition for Reinstatement, seeking reinstatement of his revoked optometrist license. He contends that he has been rehabilitated and is prepared to meet his commitments to the Board.

2. The California Attorney General contends the public would be unsafe if the Board were to reinstate Petitioner's license.

3. The Board issued optometrist license number 8618 to Petitioner on or about October 2, 1986.

Background

4. In approximately April 2007, the California Attorney General's Office filed an Accusation against Petitioner. While this Accusation was pending, Petitioner entered into a Stipulated Settlement and Disciplinary Order (Probation Order), which was adopted by the Board as its Decision and which became effective on April 3, 2008. Pursuant to the Probation Order, the Board revoked Petitioner's license, stayed the revocation and placed Petitioner on probation for three years on specified terms and conditions. In reaching this settlement, Petitioner agreed to abide by the discipline imposed by the Probation Order.

5. On January 27, 2010, the Board's Executive Officer filed an Accusation and Petition to Revoke Probation, alleging that Petitioner had violated provisions of the Optometry Practice Act and had failed to comply with several terms and conditions imposed under the Probation Order. Following a hearing on this Accusation and Petition, the Board adopted the Administrative Law Judge's Proposed Decision and revoked Petitioner's license, effective February 12, 2011. Specifically, the Board found that Petitioner had engaged in unprofessional conduct in failing to comply with the Board's request for patient records, had failed to provide written quarterly reports (Condition 6 of the Probation Order), had failed to function as an optometrist for the minimum required hours (Condition 7 of the Probation Order), had failed to complete the required 40 hours of optometry courses (Condition 11 of the Probation Order), and had failed to obtain Board pre-approval for community service (Condition 12 of the Probation Order), and had failed to pay any costs (Condition 13 of the Probation Order). These violations were persistent and willful.

6. Petitioner asserts that he has gone through substantial changes since revocation of his license. He testified, "I have been humbled. I am here to comply, not to fight." Petitioner said that, since December 2010, he lost his business and his home. He was unemployed for nine months in 2011, and could not find regular work. In October 2011, he was hired to work as a cashier at Chick-fil-A. In November 2011, he and his wife filed for protection under Chapter 7 of the Bankruptcy Code. In February 2012, he secured a position as a technician in a busy ophthalmologic practice, in which he conducts initial interviews and gathers information from about 300 patients per week. This work does not involve the practice of optometry.

7. Petitioner asserts that he takes full responsibility for the revocation. During his probation, he lost many patients and could not afford to take the continuing education courses. He failed to secure prior approval for his community service activities, although he alluded to his longstanding work for the Diamond Bar food store operation, and cited the

100's of hours of service to the Boosters Club of Diamond Bar High School, for which he volunteered for nine years while his children were attending there.

8. Petitioner's family dynamic has changed; his children have left the home, one is attending college, and Petitioner and his supportive wife are getting back on track with their finances. Petitioner has not completed any continuing education courses in the past few years. Because he is employed, he now can afford to pay for the continuing education classes and has submitted a list of proposed courses to the Board's staff. He reads optometry articles online on a regular basis. He testified that, because he has a stable job and home life, he can commit to completing the community service requirements, as well. He believes that the cost recovery requirement has been discharged through the bankruptcy proceedings.

9. Petitioner failed to submit any letters of support or character reference letters.

LEGAL CONCLUSIONS

1. Cause exists to deny Petitioner's Petition for Reinstatement, pursuant to Government Code section 11522, as set forth in factual finding numbers 1-9, and legal conclusion numbers 2-5.

2. Petitioner bears the burden to prove, by clear and convincing evidence to a reasonable certainty, that the Board should grant his petition. (*Flanzer v. Board of Dental Examiners* (1990) 220 Cal.App.3d 1392, 1398; *Housman v. Board of Medical Examiners* (1948) 84 Cal.App.2d 308, 315-316.)

3. Government Code section 11522 states in pertinent part:

> A person whose license has been revoked or suspended may petition the agency for reinstatement . . . after a period of not less than one year has elapsed from the effective date of the decision or from the date of the denial of a similar petition. The agency shall give notice to the Attorney General of the filing of the petition and the Attorney General and the petitioner shall be afforded an opportunity to present either oral or written argument before the agency itself. The agency itself shall decide the petition, and the decision shall include the reasons therefor, and any terms and conditions that the agency reasonably deems appropriate to impose as a condition of reinstatement.

4. California Code of Regulations, title 16, section 1516, states in pertinent part:

> [¶] . . . [¶]
>
> (b) When considering the suspension or revocation of a certificate of registration on the grounds that the registrant has been convicted of a crime, the Board, in evaluating the rehabilitation of such person and his/her present eligibility for a license, will consider the following criteria:

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or offense(s).

(4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

(6) Evidence, if any, of rehabilitation submitted by the licensee.

(c) When considering a petition for reinstatement of a certificate of registration under Section 11522 of the Government Code, the Board shall evaluate evidence of rehabilitation submitted by the petitioner, considering those criteria of rehabilitation specified in subsection (b).

5. Petitioner failed to meet his obligations under the Probation Order, which resulted in the revocation of his license. In this proceeding, Petitioner did not prove, by clear and convincing evidence to a reasonable certainty, that reinstatement is warranted. Although Petitioner has made some changes in his life since revocation of his license, he has failed to demonstrate that he has made any substantial effort to maintain his skills and knowledge necessary to re-enter practice, such as through continuing education courses. He also failed to demonstrate that he has been involved in community activities other than high school boosters. Petitioner's assertions, not actions, comprise the bulk of the evidence he presented to establish his rehabilitation. The Board believes Petitioner must actually engage in appropriate activities on his own initiative before it may be concluded that he is serious about reinstatement. In sum, Petitioner failed to provide persuasive evidence of rehabilitation.

ORDER

Lawrence Edwin Young's Petition for Reinstatement is denied.

Dated: July 9, 2012

Lee A. Goldstein, O.D., President
California Board of Optometry

International Vision Expo West Conference 2012

Certificate of Professional Achievement

Presented for completion for a total of 23 hours to

Lawrence E. Young O.D.

For outstanding achievement in maintaining the highest level of professional standards through participation in the International Vision Expo education program.

Kirk L. Smick, OD

Kirk L. Smick, OD, FAAO

INTERNATIONAL VISION EXPO & CONFERENCE LAS VEGAS

EXHIBITION: September 6 - 8, 2012 | EDUCATION: September 5 - 8, 2012
Sands Expo & Convention Center, Las Vegas, Nevada

Course Attendance Verification

09/26/2012

LAWRENCE E. YOUNG
OD
LAWRENCE E. YOUNG, OD
2400 NOVA CT
ROWLAND HEIGHTS, CA 91748-3998

ID# 261711

Dear LAWRENCE E. YOUNG,

Thank you for attending the International Vision Expo West 2012 Conference.

This document verifies successful attendance of the course(s) listed and should be submitted by the conferee to the applicable State Board of Optometry/Opticianry or National Accreditation Agency for license renewal.

International Vision Expo is recognized by the New York State Education Department's State Board for Ophthalmic Dispensing as an approved sponsor of ophthalmic dispensing continuing education.

SUCCESSFULLY COMPLETED COURSES

Course Title	Course #	Date	Time	Room #	Lecturers	Credit Hours	CE Approvals
OCT in the Contemporary Practice	11902V	09/05/2012	12:15 PM 1:15 PM	902-V	Joseph Sowka	1.0	COPE 32859-PS
Ocular Emergencies	12503V	09/05/2012	1:30 PM 3:30 PM	503-V	April Jasper	2.0	COPE 27699-GO
Clinical Challenges in Uveitis	131005V	09/05/2012	3:45 PM 5:45 PM	1005-V	David Sendrowski	2.0	COPE 34882-CL
Clinicians Guide to Glaucoma: Therapeutic Strategies to Success	21503V	09/06/2012	8:30 AM 9:30 AM	503-V	Joseph Sowka	1.0	COPE 34966-GL
Retinal and OCT Grand Rounds	221001V	09/06/2012	9:45 AM 11:45 AM	1001-V	Steve Ferrucci	2.0	COPE 34895-PS
Corneal Topography and Tomography in Ophthalmic Practice	23505V	09/06/2012	2:45 PM 3:45 PM	505-V	Bill Tullo	1.0	COPE 31918-AS
Clinical Decisions in the Medical Management of Glaucoma	241001V	09/06/2012	4:00 PM 6:00 PM	1001-V	Rob Wooldridge	2.0	COPE 35610-GL
Diabetes and Eye Diseases	31905V	09/07/2012	8:30 AM 10:30 AM	905-V	Michael Stewart	2.0	
Imaging and AMD	32503V	09/07/2012	10:45 AM 11:45 AM	503-V	Jay Haynie	1.0	COPE 34871-PS
Cardiovascular Disease and the Eye	33505V	09/07/2012	2:45 PM 4:45 PM	505-V	Dorothy Hitchmoth	2.0	COPE 33822-SD
Understanding Corneal Diseases	34905V	09/07/2012	5:00 PM 6:00 PM	905-V	Michael Stewart	1.0	
Using the OCT Beyond the Macula	411001V	09/08/2012	8:30 AM 9:30 AM	1001-V	Diana Shechtman	1.0	COPE 32710-PD
Board Certification Review- Pharmacotherapy of Ocular Disease	42801V	09/08/2012	9:45 AM 11:45 AM	801-V	Carlo Pelino Joe Pizzimenti	2.0	COPE 31399-OP
Ocular Manifestations of Systemic Disease	43905V	09/08/2012	1:45 PM 3:45 PM	905-V	Vince Young	2.0	
OCT Interpretation: Utilization of Pattern Recognition of SD OCT Images Facilitates Diagnosis	441001V	09/08/2012	4:00 PM 5:00 PM	1001-V	Jerry Sherman	1.0	COPE 29058-PS

If you have any questions, please contact Client Services at 800-811-7151 or 203-840-5610.

Reed Exhibitions

THE VISION COUNCIL

SOUTHERN CALIFORNIA COLLEGE OF OPTOMETRY
Continuing Education Department
2575 Yorba Linda Boulevard
Fullerton, CA 92831-1699
714/449-7442 • FAX 714/992-7809
Email: satkinson@scco.edu

Lawrence Young, O.D.
2400 Nova Ct.
Rowland Heights CA 91748

CERTIFICATION OF CONTINUING EDUCATION CREDIT

This will certify that: **Lawrence Young, O.D.** Opt. License No.: **8618T**

Attended: **Cornea & Contact Lens Program**

Instructor(s): **Drs. , Bierwerth, Edrington, Jaynes, Kwan, Myung Lee & Weissman**

Date: **April 14, 2013**

Course No.: **COE 1829**

Sponsored and Administered by: **Continuing Education Department**
Southern California College of Optometry
2575 Yorba Linda Blvd., Fullerton, CA 92831

Total Continuing Education Credits Earned: **7**

Susan J. Atkinson
Director, Continuing Education Deparment
Southern California College of Optometry

This course meets all the requirements of the California State legislation, SB929

Gmail by Google

Lawrence Young <lyoungod2@gmail.com>

SCCO/Vision West Online CE Credit Certificate: Ethics in the Clinical Practice of Optometry

1 message

Lyoungod2@gmail.com <Lyoungod2@gmail.com> Mon, May 20, 2013 at 2:52 PM
To: ce@scco.edu, vendordata@weye.com, Lyoungod2@gmail.com

SOUTHERN CALIFORNIA COLLEGE OF OPTOMETRY

Office of Continuing Education
2575 Yorba Linda Blvd · Fullerton, CA 92831-1699
Tel: 714.449.7442 · Fax: 714.992.7809 · Email: satkinson@scco.edu

Lawrence Young

CERTIFICATION OF CONTINUING EDUCATION CREDIT

This will certify that: Lawrence Young

Opt. License No: 8618T

Completed: Ethics in the Clinical Practice of Optometry

Author(s): Tony Camevali, O.D., F.A.A.O.

Date: 5/20/2013 2:52:14 PM

Southern California College of Optometry

Fullerton, CA

Sponsored and Administered by: The Department of Continuing Education

Southern California College of Optometry

Total Continuing Education Credits Earned: 2

Sue Atkinson

Director, Department of Continuing Education

Southern California College of Optometry

Lawrence Young <lyoungod2@gmail.com>

Decision

1 message

Lawrence Young <lyoungod2@gmail.com> Mon, Jul 9, 2012 at 1:11 PM
To: "Sieferman, Jessica@DCA" <Jessica.Sieferman@dca.ca.gov>

Jessica,
As you can only imagine, I am deeply sadenned by the decision of the Board. However, it does not deter my willingness and desire to do what is necessary to get reinstated. I do want some clarifications though so that I can proceed with some reassurance that I am doing things in an acceptable manner. First, I take it that my next opportunity to petition for reinstatement is July of next year. Second, as I am taking various CE courses, do I need to obtain preapproval from the Board for each course or should I just keep the CE certificates and submit them with my next petition. I take it that it would be a really good idea to include character reference letters next time. I did ask you this time and you only indicated that it was optional and that some petitioners do and some don't. Clearly I should have. As for community service, it seems that working hundreds of hours as a non-paid volunteer for a 501 (c) 3 non profit organization was not adequate. I will become involved with an organization as a volunteer as soon as the Board can tell me that what an acceptable form of community service is. Also, how should it be documented so that there is no questioning that I actively performed the service. As far as the cost recovery is concerned, it was indeed discharged with my Chapter 7 bankruptcy. The cost recovery was considered a reimbursement to the Board for the expenses incurred in their investigation, etc., and not a fine. As such the debt was qualified for the discharge. Had the Board wanted to challenge that ruling they did have an opportunity to filie an adversarial petition, which they did not. Please respond in a timely fashion with answers to the above questions and I will do what is necessary to make everyone happy.
Sincerely,
Dr. Young

Gmail by Google

Lawrence Young <lyoungod2@gmail.com>

unanswered question

1 message

Lawrence Young <lyoungod2@gmail.com> Wed, Aug 29, 2012 at 10:08 PM
To: "Sieferman, Jessica@DCA" <Jessica.Sieferman@dca.ca.gov>
Cc: "Maggio, Mona@DCA" <Mona.Maggio@dca.ca.gov>

Dear Ms. Sieferman,
On July 9 I sent to you a very specific question regarding community service. It has been over 6 weeks and I still don't have a reply. How can the Board determine the suitability of one's choice of community service if it is unable to define what is acceptable? The following is from my email to you:

" As for community service, it seems that working hundreds of hours as a non-paid volunteer for a 501 (c) 3 non profit organization was not adequate. I will become involved with an organization as a volunteer as soon as the Board can tell me what an acceptable form of community service is. Also, how should it be documented so that there is no questioning that I actively performed the service?"

I do not think that this is a question that has no answer. I have been patiently waiting for direction from you or someone else from the State Board on this specific issue for long enough. On the final page of the Board's decision the following statement was made: "The Board believes Petitioner must actually engage in appropriate activities on his own initiative before it may be concluded that he is serious about reinstatement." As you can see from my inquiry above, I engaged in hundreds of hours of community service, on my own initiative, and clearly it was brushed off as a non-event. Tell that to the students and staff of Diamond Bar High School who reaped the benefits of my efforts. Over $2 million was raised and donated to the school during my involvement. I spent countless hours directly involved in the Boosters and their weekly Bingo Program. I was involved with the Pathways Communication Academy as a mentor to high school juniors in a fully structured program with very tangible benefits for the students and ultimately the community. A parent volunteer is performing service to their community. No one can question that, except apparently the Board. That is exactly why I need some direction so that there will be no shadow of a doubt that I am anything other than dead serious about reinstatement.

Please note that I have registered and paid for 23 hours of CE at Vision Expo next week. I will forward the info so that you can document and record this. Per the probation that I was on I needed to complete 100 hours of CE. This will complete nearly 25% of that. I will have at least 50 hours or more completed by next summer.

I stated during my hearing that I have no sense of entitlement, and that I know that I have to earn my reinstatement. I am doing just that, but I don't want any hint of a question or some hazy gray area that is left up to interpretation. Please provide me direction and I will do the work.

I await your prompt reply.

Respectfully,
Dr. Young

Gmail by Google

Lawrence Young <lyoungod2@gmail.com>

typo

1 message

Lawrence Young <lyoungod2@gmail.com> Sun, Jan 13, 2013 at 7:09 PM
To: Ramit@revolutionprep.com

Hello Ramit,
My name is Lawrence Young. I am a brand new instructor with Revolution Prep. I am looking forward to my first SAT Prep class which starts in a couple of weeks. I was reviewing the student workbook through my dashboard and I noticed a typo. It may seem trite but as a fan of math I don't want to see confused students. On page 140 the section is describing the FOIL method. The third of three examples shows (x+y)(x+y)= xx-yy, of course it should be (x+y)**(x-y)**=xx-yy. In the instructor's manual it is presented correctly. By chance are there any other typo's in either manual? Certainly, I will pass on any others if I come across them. I recall back in high school I frequently challenged the teacher about the answer key printed in our algebra text book and I was right every single time. I am quite confident that my students are going to do quite well in math. They will, of course, improve in their critical reading and their writing as well. I do look forward to meeting you and Jake at some point. I am absolutely thrilled that I can take part in positively impacting the lives of today's youth. I also have an idea for a community service commitment that I would like to make which dovetails with your scholarship program. I do want to get my first teaching assignment under my belt and then I will share with you and Jake for approval. Thanks for this great opportunity!

Regards,
Lawrence (Larry) Young
Lyoungod2@gmail.com

Gmail by Google

Lawrence Young <lyoungod2@gmail.com>

Community Service idea

1 message

Lawrence Young <lyoungod2@gmail.com> Tue, Apr 23, 2013 at 4:00 PM
To: Ramit Varma <Ramit@revolutionprep.com>

Hello Aaron and Ramit,
I just saw your email about some new course offerings in July in Santa Ana for low income students. I am guessing that these students may be recipients of scholarships from Revolution Prep which would offset their costs or perhaps eliminate them altogether. You are both aware that I am an ambitious one who likes to work. I have had a work ethic all of my life. I began working at the age of 12 and I have never stopped since. I have been blessed to get an education and ultimately became an eye doctor. From day one community service has been a core characteristic of mine. When I had my private optometry practice I started a program for children with no financial means to pay for services or for glasses. I called it the Fontana Vision Project. Each year I set aside a day near Christmas and had school nurses refer to me low income children without insurance and I provided them with free eye exams and glasses. We had Santa there, face painting, goodie bags, raffles, tons of balloons and a whole lot of happy and grateful parents. I would typically see 30-40 children on that day each year and provided $4000-$5000 worth of services all at no charge.

For 9 years I also volunteered at Diamond Bar High School and I served as a mentor for students in the Pathways Communication Academy and I sat on the Executive Board for the Brahma Booster organization which operates a weekly Bingo program 52 weeks per year. During my involvement we were able to donate over $2 million to the school.

My tenure with the Boosters ended a couple of years ago as my last child had graduated and it was time to pass the torch. I have been searching high and low for the right opportunity to provide more community service while at the same time doing something that I enjoy. I feel that I have found a niche with Revolution Prep. I am having a blast working with these students. I now see an opportunity to give back. With Ramit's and Jake's blessings only, I would like to take the Friday/Sunday class in Santa Ana and do it without pay. Furthermore, I would like to set a personal goal of providing at least 100 hours each year providing free services for qualifying students.

In addition, I would like to challenge all of the other Revolution Prep instructors to dovetail with the Revolution Prep Scholarship Program and agree to offer a certain number of hours gratis for those students. I think that this would make a great program even better. You could call this program "Rev Prep Cares". I believe that altruistic endeavors are the most rewarding. If anyone ever asks me what I want to be when I grow up the answer would be a philanthropist.

Please let me know if I can take on that class and get back into "giving back".

Most Cordially,
Larry
Lyoungod2@gmail.com
cell (909) 964-6958

Gmail by Google

Lawrence Young <lyoungod2@gmail.com>

ACT and questions

5 messages

Lawrence Young <lyoungod2@gmail.com> Tue, Jul 9, 2013 at 6:57 PM
To: Aaron Horowitz <Aaron.Horowitz@revolutionprep.com>

Hi Aaron,
I hope all is well with you. I did want to let you know that I am officially certified to take on ACT students and/or classes. I completed my training with Laurel last week.

You had indicated that you were soon to be assigning in-person classes. Where do we stand on that? I am awaiting the assignment(s) before I take on too many tutoring students.

Finally, I do still have my question about donating some of my time for financially strapped students. This is a very important issue to me as I am compelled to give back to the community whenever I am able. Is there a way to run this by Ramit and Jake? I would enjoy discussing this with them even if I need to drive out to Santa Monica. At some point in time I would love to see the home office and meet the people like you who make this company come to life.

I will await your reply. Thanks for all that you do!
Larry

Aaron Horowitz <Aaron.Horowitz@revolutionprep.com> Wed, Jul 10, 2013 at 8:41 AM
To: Lawrence Young <lyoungod2@gmail.com>
Cc: Heather Simons <Heather.Simons@revolutionprep.com>

Hi Larry,

I am well, thanks, and I hope the same for you! Good to know that you are ACT certified. I will keep this in mind as I begin fall course staffing. I am still awaiting the go-ahead for that, which I believe will be next week. I will be touching base with you (and all instructors I intend to staff to courses) as soon as I can staff.

As for donating your time, it is still somewhat up in the air. There are several complicated factors, such as what to do with hybrid students, or anyone requesting more of your time than the class entails, or the fact that the students/school pays us for the class in advance, so your time would only be donated, per se, to Revolution Prep, rather than the students. I will let you know once Heather and I have a chance to discuss this thoroughly, and have assessed what the next steps are. Let me know if you have any questions.

Best,

Aaron

Aaron Horowitz | Regional Coordinator | Revolution Prep

1337 Third Street Promenade, Second Floor, Santa Monica, CA 90401

Direct: 424.214.2393 |**Office:** 877.738.7737 |**Mobile:** 424.280.0580

aaron.horowitz@revolutionprep.com | www.revolutionprep.com

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From: Lawrence Young [mailto:lyoungod2@gmail.com]
Sent: Tuesday, July 09, 2013 6:57 PM
To: Aaron Horowitz
Subject: ACT and questions

[Quoted text hidden]

Lawrence Young <lyoungod2@gmail.com> Wed, Jul 10, 2013 at 1:00 PM
To: Aaron Horowitz <Aaron.Horowitz@revolutionprep.com>

Hey Aaron,
Thank you for the reply and update on the course staffing. As for donating time, I am guessing that you have not had this kind of request before. I personally have no interest in being average. I seek out opportunities to do something special for others. For what it is worth, If a school is paying for their students, Revolution Prep could donate the proceeds to a charity of their choosing. If a student adds hours and is paying out of pocket, the dollars collected could be used to offset other students obligations if they are in a financial bind. Just a thought.
I will patiently wait for direction on that matter. Have a great day!
Larry
[Quoted text hidden]

Aaron Horowitz <Aaron.Horowitz@revolutionprep.com> Wed, Jul 10, 2013 at 3:13 PM
To: Lawrence Young <lyoungod2@gmail.com>
Cc: Heather Simons <Heather.Simons@revolutionprep.com>

Hi Larry,

I appreciate the earnest desire here. Unfortunately there are many more legal issues associated with donating time for a for-profit company. It will take our HR department time to get back to us, but I will let you know once I have a conclusion.

Best,

Aaron

Aaron Horowitz | Regional Coordinator | Revolution Prep

1337 Third Street Promenade, Second Floor, Santa Monica, CA 90401

Direct: 424.214.2393 **|Office:** 877.738.7737 **|Mobile:** 424.280.0580

aaron.horowitz@revolutionprep.com | www.revolutionprep.com

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From: Lawrence Young [mailto:lyoungod2@gmail.com]
Sent: Wednesday, July 10, 2013 1:00 PM
To: Aaron Horowitz
Subject: Re: ACT and questions

[Quoted text hidden]

Lawrence Young <lyoungod2@gmail.com> Wed, Jul 10, 2013 at 5:06 PM
To: Aaron Horowitz <Aaron.Horowitz@revolutionprep.com>

I understand. If it is too much of a problem just let me know. I do not want to be a distraction.
Larry

[Quoted text hidden]

Gmail by Google

Lawrence Young <lyoungod2@gmail.com>

Wesley

6 messages

Lawrence Young <lyoungod2@gmail.com> Wed, Jul 31, 2013 at 12:39 PM
To: Morgan Waltrip <Morgan.Waltrip@revolutionprep.com>

Hi Morgan,
I did want to let you know that I held my first session with Wesley and we have our next session scheduled. He did indicate that they had mailed the workbook and tests back to Rev Prep and now he needs them again. Can you arrange for him to get those items? I had no problem establishing a rapport with him and I think that he will do just fine.
Larry

Morgan Waltrip <Morgan.Waltrip@revolutionprep.com> Wed, Jul 31, 2013 at 2:25 PM
To: Lawrence Young <lyoungod2@gmail.com>

Larry,

The next book you need shipped to you will now say, Larry "God Amongst Men" Young. Thank you SO MUCH for being diligent and persistent. It has been 2 months and 11 days since they signed up with us. Everyone was on board except Wesley and he wouldn't talk to me, Jake, Ramit, or ANYONE. The regional manager was in touch with the counselor at school trying to gain insight...all she said was the counselor was aware there seems to be disrespect from both parties towards each other but didn't have any other details. During the retreat I told the regional manager about all of your efforts and that we were making progress but it would all come down to that first session with you. I started jumping up and down when I read this email saying how amazing you are. Everyone is already in agreement that you are the example of what a Revolution instructor should be or aspire to be. I'm not sure what your career ambitions might be with us but I'll be sure to send kudos to those who should hear about amazing feats like this. :) And just know you are appreciated by SO MANY! I'll try and convince them to invite you to the next retreat!

THANK YOU!

Also I've overnight the books again (SAT & ACT) So They should be there by Friday at the latest!

Morgan Waltrip | Revolution Prep
Program Consultant
1337 Third Street Promenade Second Floor, Santa Monica, CA 90401
Direct: 424.214.2386|Office : 877.738.7737
email: Morgan.Waltrip@revolutionprep.com | web: www.revolutionprep.com
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[Quoted text hidden]

Lawrence Young <lyoungod2@gmail.com> Wed, Jul 31, 2013 at 3:16 PM
To: Morgan Waltrip <Morgan.Waltrip@revolutionprep.com>

Morgan,
Thank you for the kind words. I don' t feel as if I have done anything special, but I am glad that it is perceived by others as such. The motto that I have lived by is simple: there's always a solution. I choose to believe that this is always true. My glass is always half full. Have a great day!

Lawrence Young <lyoungod2@gmail.com>

tutoring with John K.

1 message

Daniel Pierson <Daniel.Pierson@revolutionprep.com> Mon, Aug 19, 2013 at 3:35 PM
To: "Lyoungod2@gmail.com" <Lyoungod2@gmail.com>

Larry,

I'm really sorry for all the back and forth but John is really insistent on working with you. He was really inspired after your first session and wants to continue with you no matter what. He is willing to meet at literally and time of day this week as often as possible. I know you are extremely swamped but if there's any way you could squeeze in a couple sessions that would be great. If you don't mind calling me during your break at 424-214-2387 that would be great.

Thank you so much,

Daniel Pierson | Senior Academic Advisor | Revolution Prep

1337 Third Street Promenade, Second Floor, Santa Monica, CA 90401

[illegible]: 424.214.2387

Daniel.Pierson@Revolutionprep.com **web:** www.revolutionprep.com

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Enrolled Programs

PROGRAM	LOCATION	INSTRUCTOR
Instructor Training		Laurel Reese

Group Courses

SUBJECT	KIDS	LOCATION
Third Party SAT	31	Bright Prospect
SAT	25	Ayres Hotel
SAT	9	Diamond Bar High School
SAT	2	Fossil Ridge High School
SAT	2	Wylie East High School
SAT	2	Lake Travis High School

Private Tutorings

SUBJECT	STUDENT	LOC
Standard SAT	Nathan Rodriguez — 3.0 unscheduled hours	In F
Standard Multiple Subjects*	Joanna Schneider — 8.0 unscheduled hours	In F
Standard SAT	Joe Kiblen — 1.0 unscheduled hour	In F
Standard SAT	Kenneth McGill — 4.0 unscheduled hours	Onl
Standard SAT	Christian Younes — 4.0 unscheduled hours	In F
Standard SAT	John Pisacreta — 20.0 unscheduled hours	Onl
Standard SAT	Christian Gayle — 16.0 unscheduled hours	In F
Standard SAT	Ahmed Hussain — 18.0 unscheduled hours	Onl
Standard SAT	Rachel Colarullo — 20.0 unscheduled hours	Onl
Standard SAT	Simon Le — 30.0 unscheduled hours	Onl

SUBJECT	STUDENT	LOC
Standard SAT	Vraj Desai — 13.0 unscheduled hours	Onl
Standard SAT	Jack Good — 26.0 unscheduled hours	Onl
Standard SAT	Spencer Lehrer — 15.0 unscheduled hours	Onl
Standard SAT	James Iofe — 8.0 unscheduled hours	Onl
Standard SAT	Paul Holtzman — 9.5 unscheduled hours	Onl
Standard SAT	Conder Shou — 36.0 unscheduled hours	Onl
Hybrid SAT	Yianni Alevizos — 2.0 unscheduled hours	Onl
Standard SAT	Zahra Vasaya — 6.0 unscheduled hours	Onl
Standard SAT	Dylan patel — 4.0 unscheduled hours	Onl
Standard ACT	Cristiana Behnken — 102.0 unscheduled hours	Onl
Standard ISEE/SSAT	Jameson Lehrer — 12.0 unscheduled hours	Onl
Standard SAT	Andrew Hanna — 11.0 unscheduled hours	Onl
Standard SAT	Melissa Harari — 26.0 unscheduled hours	Onl
Standard SAT	Oscar Franco — 16.0 unscheduled hours	Onl
Standard SAT	Neal Baranosky — 10.0 unscheduled hours	Onl
Standard SAT	Nicholas Young — 20.0 unscheduled hours	Onl
Premium SAT	Wesley O'steen — 98.0 unscheduled hours	Onl
Standard SAT	Bradford Jamieson — 40.0 unscheduled hours	Onl
Standard SAT	Stephen Schaap — 4.0 unscheduled hours	In F
Standard SAT	Jackson Selby — 10.0 unscheduled hours	Onl
Hybrid SAT	Matthew Gibbons — 4.0 unscheduled hours	Onl
Standard Multiple Subjects*	Bayleigh Bogan — 20.0 unscheduled hours	Onl
Standard SAT	John Kowalewski — 14.0 unscheduled hours	Onl
Standard SAT	Joanna Schneider — 4.0 unscheduled hours	Onl
Standard ACT	Rhys McIntyre — 16.0 unscheduled hours	Onl
Standard SAT	Jacob Colbert — 4.0 unscheduled hours	Onl
Standard SAT	Parth Upadhyay — 20.0 unscheduled hours	Onl

SUBJECT	STUDENT	LOC
Standard SAT	Tennice Ford — 18.0 unscheduled hours	Onl
Standard SAT	Connor Walton — 38.0 unscheduled hours	Onl

Sun	Mon	Tue	Wed	T
28	29	30	31	1
4	5	6	7	8
11	12	13	14	15
18	19	20	21	22
25	26	27	28	29
1	2	3	4	5

7:00a-9:00aLive Online Classroom Online Tutoring with Wesley O'steen

Take attendance

10:00a-1:00pLive Online Classroom Class 6

12:00p-2:00pLive Online Classroom Online Tutoring with Zahra Vasaya

Take attendance

12:00p-2:00pLive Online Classroom Online Tutoring with Jack Good

Take attendance

1:00p-3:00pLive Online Classroom Online Tutoring with Neal Baranosky

4:00p-6:00pLive Online Classroom Online Tutoring with Conder Shou

6:30p-8:30pLive Online Classroom Online Tutoring with Oscar Franco

9:00a-11:00aLive Online Classroom Online Tutoring with Dylan patel

2:00p-4:00pLive Online Classroom Online Tutoring with Andrew Hanna

4:00p-6:00pLive Online Classroom Online Tutoring with Jameson Lehrer

4:00p-6:00pLive Online Classroom Online Tutoring with Andrew Hanna

11:00a-12:00pLive Online Classroom Online Tutoring with Spencer Lehrer

6:00p-8:00pLive Online Classroom Online Tutoring with Spencer Lehrer

6:00p-8:00pLive Online Classroom Online Tutoring with James Iofe

Take attendance

7:30p-9:30pLive Online Classroom Online Tutoring with Jack Good

Take attendance

7:00a-9:00aLive Online Classroom Online Tutoring with Conder Shou

8:00a-10:00aLive Online Classroom Online Tutoring with Dylan patel

12:00p-2:00pLive Online Classroom Online Tutoring with Zahra Vasaya
Take attendance
6:00p-9:00pBright Prospect (305) Class 1
Take attendance
10:00a-12:00pLive Online Classroom Online Tutoring with Melissa Harari

2:30p-4:30pIn-Person Tutoring with Stephen Schaap
Take attendance
6:00p-8:00pLive Online Classroom Online Tutoring with Melissa Harari

2:00p-4:00pLive Online Classroom Online Tutoring with Spencer Lehrer

8:00p-10:00pLive Online Classroom Online Tutoring with Oscar Franco

8:00p-10:00pLive Online Classroom Online Tutoring with Jack Good
Take attendance
4:00p-6:00pLive Online Classroom Online Tutoring with Jameson Lehrer
Take attendance
7:00a-9:00aLive Online Classroom Online Tutoring with John Pisacreta
Take attendance
12:00p-2:00pLive Online Classroom Online Tutoring with Zahra Vasaya
Take attendance
1:00p-3:00pLive Online Classroom Online Tutoring with Neal Baranosky

2:00p-4:00pLive Online Classroom Online Tutoring with Spencer Lehrer
Take attendance
3:00p-5:00pLive Online Classroom Online Tutoring with Conder Shou
Take attendance
6:00p-8:00pLive Online Classroom Online Tutoring with Jack Good
Take attendance
9:00a-11:00aLive Online Classroom Online Tutoring with Noah Dziedzic
Take attendance
2:00p-4:00pLive Online Classroom Online Tutoring with John Kowalewski
Take attendance
4:00p-6:00pLive Online Classroom Online Tutoring with Andrew Hanna
Take attendance
4:00p-6:00pLive Online Classroom Online Tutoring with Rhys McIntyre
Take attendance
6:00p-9:00pBright Prospect (305) Class 4
Take attendance
8:00p-10:00pLive Online Classroom Online Tutoring with Oscar Franco

11:00a-1:00pLive Online Classroom Online Tutoring with Dylan patel

4:00p-5:00pLive Online Classroom Online Tutoring with Joanna Schneider

Take attendance

6:00p-8:00pLive Online Classroom Online Tutoring with Jack Good

Take attendance

1:15p-3:15pIn-Person Tutoring with Stephen Schaap

Take attendance

5:00p-7:00pLive Online Classroom Online Tutoring with Spencer Lehrer

Take attendance

6:00p-9:00pBright Prospect (305) Class 3

Take attendance

7:00a-9:00aLive Online Classroom Online Tutoring with Vraj Desai

Take attendance

8:00a-10:00aLive Online Classroom Online Tutoring with Jacob Colbert

Take attendance

12:00p-2:00pLive Online Classroom Online Tutoring with Zahra Vasaya

Take attendance

11:00a-1:00pLive Online Classroom Online Tutoring with Joanna Schneider

12:00p-2:00pClass 1 Instructor Training with Laurel Reese

Join

2:00p-4:00pLive Online Classroom Online Tutoring with John Pisacreta

6:00p-9:00pBright Prospect (305) Class 5

Take attendance

9:00a-11:00aLive Online Classroom Online Tutoring with Jacob Colbert

Take attendance

10:30a-12:30pIn-Person Tutoring with Stephen Schaap

Take attendance

2:00p-4:00pLive Online Classroom Online Tutoring with Melissa Harari

Take attendance

2:00p-4:00pLive Online Classroom Online Tutoring with Dylan patel

2:00p-4:00pLive Online Classroom Online Tutoring with John Pisacreta

6:00p-9:00pBright Prospect (305) Class 6

1:00p-3:00pLive Online Classroom Online Tutoring with Vraj Desai

Take attendance

4:00p-6:00pLive Online Classroom Online Tutoring with Jack Good

Take attendance

4:00p-6:00pLive Online Classroom Online Tutoring with James Iofe

4:00p-6:00pLive Online Classroom Online Tutoring with Jack Good

6:00p-7:00pLive Online Classroom Online Tutoring with Joanna Schneider

Take attendance

3:30p-5:30pLive Online Classroom Online Tutoring with Joanna Schneider

Take attendance

7:00p-9:00pLive Online Classroom Online Tutoring with Oscar Franco

6:00p-8:00pLive Online Classroom Online Tutoring with Parth Upadhyay

Take attendance

6:00a-8:00aLive Online Classroom Online Tutoring with John Kowalewski

8:00a-10:00aLive Online Classroom Online Tutoring with Jacob Colbert

7:00a-9:00aLive Online Classroom Online Tutoring with Parth Upadhyay

12:00p-2:00pLive Online Classroom Online Tutoring with Zahra Vasaya

1:00p-3:00pLive Online Classroom Online Tutoring with Spencer Lehrer

3:00p-5:00pLive Online Classroom Online Tutoring with Conder Shou

6:00p-9:00pDiamond Bar High School (255) Class 1

10:00a-12:00pIn-Person Tutoring with Stephen Schaap

9:00a-11:00aLive Online Classroom Online Tutoring with John Kowalewski

2:00p-4:00pLive Online Classroom Online Tutoring with Dylan patel

3:00p-5:00pLive Online Classroom Online Tutoring with Rhys McIntyre

6:00p-8:00pLive Online Classroom Online Tutoring with Spencer Lehrer

12:00p-2:00pLive Online Classroom Online Tutoring with James Iofe

11:00a-1:00pLive Online Classroom Online Tutoring with Oscar Franco

4:00p-6:00pLive Online Classroom Online Tutoring with Conder Shou

6:00p-9:00pAyres Hotel (Boardroom) Class 1

2:00p-4:00pLive Online Classroom Online Tutoring with John Kowalewski

6:00p-8:00pLive Online Classroom Online Tutoring with Parth Upadhyay

8:00a-10:00aLive Online Classroom Online Tutoring with Jacob Colbert

7:00a-9:00aLive Online Classroom Online Tutoring with John Kowalewski

12:00p-2:00pLive Online Classroom Online Tutoring with Zahra Vasaya

1:00p-3:00pLive Online Classroom Online Tutoring with Rhys McIntyre

4:00p-6:00pLive Online Classroom Online Tutoring with Oscar Franco

5:30p-7:30pLive Online Classroom Online Tutoring with John Kowalewski

6:00p-9:00pDiamond Bar High School (255) Class 2

10:00a-12:00pIn-Person Tutoring with Stephen Schaap

2:00p-4:00pLive Online Classroom Online Tutoring with Parth Upadhyay

3:00p-5:00pLive Online Classroom Online Tutoring with Parth Upadhyay

1:00p-3:00pLive Online Classroom Online Tutoring with Rhys McIntyre

4:00p-6:00pLive Online Classroom Online Tutoring with John Kowalewski

6:00p-9:00pAyres Hotel (Boardroom) Class 2

3:00p-5:00pLive Online Classroom Online Tutoring with Connor Walton

Online Session In-Person SessionThe calendar displays in your computer's time zone.

Times shown in PDT, currently 10:13 AM PDT – Send Feedback

Eye doctor gives children gift of sight for Chris

By EMILY SACHS
Staff Writer

FONTANA — There were small toys, candy canes and cookies in the office, but the most important gift Dr. Lawrence Young freely gave out this year was sight.

At Tuesday's 5th annual Vision Project Day at Young's Family Eye Care practice, 30 school-age children from the Inland Empire received free eye exams and glasses just in time for Christmas.

Vision screeners and school nurses referred the children to the program based on their need and inability to pay.

"These are kids who have kind of fallen through the cracks. No public assistance, no insurance. These kids need help," Young said.

The Sierra Avenue office donates between $4,000 and $5,000 in glasses and services for the one-day event.

"I don't think twice of it," Young said. "I look forward to it."

The young patients got a regular eye exam and then were fitted for glasses, most of which were made in Young's on-site lab and given to the children Tuesday.

Ten-year-old Evelyn Alejo, a fifth-grader at Locust Elementary in Fontana, was getting her second-ever pair of glasses. She had a choice of two trendy frames and a fetching pair of tortoiseshell and gold frames, which she utimately chose.

"I looked funny in the others," she said.

Seeing the impact of good sight on their children drives home the importance of regular eye exams, Young said. When they get back on their feet financially or get insurance, many of the parents bring their children back for more, he said.

Evelyn's father, Jose, was so surprised with the goodwill offer that he even stopped at the front counter to make sure he didn't have to pay for the exam. He didn't.

In many cases, Young is the first eye doctor to ever examine some of the patients, such as 10-year-old Yehoshua Flores Acosta of Fontana.

Although her son never complained about not seeing well, mom Elizabeth Acosta said the fifth-grader always sits in the front of his classes at Randall-Pepper School in Fontana.

Lately he's been complaining about headaches and she was planning on bringing him to a doctor to check his eyes as soon as she could get the money together.

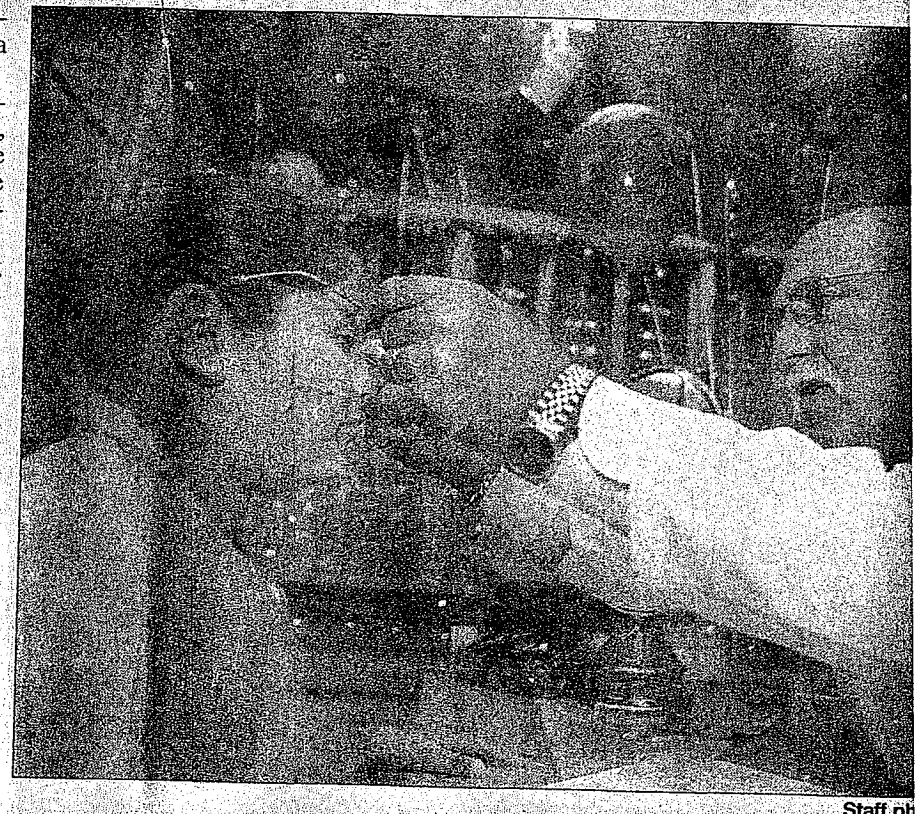
"I'm going through very hard times. It's a blessing," she said of the vision program.

As Yehoshua slipped on the modern square frames, the difference was immediate.

"Hey, everything looks better now! Even things that were up close," he said.

This is Young's reason for helping.

"It's the most gratifying thing you can do," Young said. "If you can enhance a child's vision, you know you can help them in school . . . you're going to help them succeed."



Staff ph

Optician Joseph Diaz fits a pair of glasses on Evelyn Alejo, 10, to see if she lik frames during the Vision Day Project at Dr. Lawrence Young's eye care practice on Tuesday.

Associated Students president makes diversity a top con

By GINA BOTHNER
Staff Writer

REDLANDS — To promote diversity at the University of Redlands, Jim Gilio, president of the Associated Students of the University of Redlands, hopes to

b r a h a m , Mass., said she and Gilio have found their styles meshing more

on Diversity Week. For the first time, attendance was mandatory for Greek organizations.

"Some people weren't too happy about that," said Gilio, a member of the Phi Sigma Tau

really matters."

Another of Gilio's goals is raising student awareness and involvement in the political process, said the Associated Students leader, who worked on

Through the student organization, Gilio and other members helped students register to vote and drove students to the polls.

Associated Students also has been involved in a campus

newspapers to th dents, Gilio said.

Melanie Rotz dent leadership a said Gilio has

Gmail by Google

Lawrence Young <lyoungod2@gmail.com>

meeting

1 message

Lawrence Young <lyoungod2@gmail.com> Mon, Aug 19, 2013 at 10:23 AM
To: Annette Monge-Hermosillo <annette@brightprospect.org>

Hi Annette,
I would like to know if I would be able to meet with you and Kendra to discuss volunteer opportunities. I am teaching the final SAT class on Friday at 6. I could go over there at 5 to meet with you prior to the class. Please let me know if that would work. Thanks!
Dr. Young

Our Mission

Bright Prospect empowers high potential, low-income students to gain admission, succeed and graduate from four-year colleges and universities by providing a comprehensive counseling and support system throughout their high school and college years.

Watch our vide0: "Bright Prospect – Empowering students to and through college." from Bright Prospect on Vimeo.

Latest News

Summer Academy Session 2 (PUSD) Welcomes 150 Students

Thursday, August 15, 2013

Bright Prospect held the second session of the 8th annual Summer Academy at Harvey Mudd on August 5-...[**read more**]

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Thursday, August 15, 2013

Bright Prospect students were invited to return to Pomona First Baptist Church to conduct a two-day ...[**read more**]

Five Things that I learned from interviewing Andy Hill

Wednesday, August 14, 2013

By Juan Madrigal Andy Hill is one of the most interesting people that I have ever met. When I first ...[**read more**]

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The Challenge

- The cycle of poverty that pervades too many of our communities erodes the very fabric of our nation. Economic disenfranchisement leads to crime, drugs and dependency—a waste of many smart young students who mistakenly perceive they are trapped in a world without opportunity and give up in despair.
- For youth in poverty-stricken communities, education is the only viable way out. College graduates earn an average of one million dollars more over their lives than high school graduates. That not only provides better lives for them and their families, it also equates to a million dollars of increased economic contribution each college graduate will make to society.

- In America's low-income schools, only a small fraction of students start college, and of those who do start, only 1 in 9 actually achieves a Bachelor's Degree within six years.

Our Success

- In 11 years, Bright Prospect has grown from 12 students to 1,500.
- 100% of our high school students matriculate to college.
- 91% of our college students graduate with a Bachelor's Degree.
- 25% of our college graduates continue on to an advanced degree.
- Bright Prospect students have graduated from 13 of the 15 highest-ranked universities in the nation (among them Harvard, Yale, Princeton, Stanford, MIT and Dartmouth), and 21 of the top 25 liberal arts colleges (among them Amherst, Swarthmore, Bowdoin, Wellesley, Pomona and Williams). Others attend or have graduated from a University of California or California State University campus while a smaller proportion get their start at a community college and then transfer to UC or Cal State.
- The Bright Prospect program is open to all students in the high schools we serve. Wherever our students attend college, Bright Prospect supports them through to graduation.
- We accomplish all of this for an annual cost of less than $1,000 per student per year. This cost-effective program is scalable and we intend to replicate it throughout California and across the nation.

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About Us

5 Guiding Principles

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"My life changed the day I was called into my high school counselor's office and introduced to Bright Prospect."

– Joanna Hernandez
Occidental College

At the high schools we serve Bright Prospect is open to any student who is committed to going to college.

The Five Guiding Principles of Success

- **Gaining Commitment to College Graduation.** The Bright Prospect program instills in our students a deep, personal commitment to the goal of graduating from college and supporting one another in achieving that goal. Our programming and mentoring services continue throughout each student's high school and college years until they fulfill their goal of achieving a college degree.
- **Developing Life Skills and Positive Attitudes.** Our program focuses on developing a comprehensive set of attitudes and life skills that our students need to succeed in academics and life. We emphasize the importance of building healthy, positive attitudes, including responsibility, accountability, perseverance, integrity and trust, as well as, skills in leadership, teamwork and building and maintaining healthy relationships.
- **Creating A Stable and Supportive Environment.** Within an environment of unswerving integrity and commitment, our students build deep trust in each other and our staff and grow willing to speak openly-seeking and giving help to solve the formidable challenges they face each day. The enduring bonds our students form with staff and each other encourage them to persevere and overcome the obstacles they encounter to achieve success in school and life.
- **Fostering Student Leadership and Peer Support.** Through our novel CREWS™ system (College Readiness, Retention and Engagement with Students), many aspects of our program are student-led which helps to keep costs low. Our small staff is then free to support a larger number of students, focus on helping them develop leadership, teamwork and interpersonal skills, and establishing constructive attitudes and productive behaviors.
- **Educating Our Students' Parents.** Most parents of our students have less than a high school education and many speak little or no English. They are unfamiliar with college options, have little access to information about college admission and are unaware that financial aid exists. As a result, they are unprepared to support their children in applying to and succeeding in college. Throughout the program, we educate our students' parents to become familiar and comfortable with the college application process enabling them to be more supportive to their sons and daughters.

These guiding principles inform our activities and infuse our culture. Bright Prospect encourages our students to grow beyond their comfort zones, set and work toward personal goals, and develop as young adults. Our staff are trusted mentors, passionate advocates, personal coaches and positive role models to these remarkable young men and women who join Bright Prospect in the ninth grade and continue through to college graduation and beyond into our Alumni Network.

Gmail by Google

Lawrence Young <lyoungod2@gmail.com>

Volunteer Opportunity

1 message

Lawrence Young <lyoungod2@gmail.com> Mon, Aug 26, 2013 at 9:04 AM
To: Annette Monge-Hermosillo <annette@brightprospect.org>

Hi Annette,
I want to thank both you and Kendra for taking time to meet with me regarding my desire to provide volunteer service to Bright Prospect. As we discussed, I have been providing volunteer service for many years and I feel compelled to continue doing so. Your organization is an ideal fit for me as I am very comfortable working with high school students and helping them achieve their goals. I want to reiterate that I do not want any compensation. I am looking forward to meeting with the Executive Director of Bright Prospect and identifying exactly what services and assistance I can provide for the students. I am at your service!
Sincerely,
Dr. Young

My recent class of Students
at Bright Prospect Aug. 2013

BEFORE THE
BOARD OF OPTOMETRY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition for Reinstatement of License of:	OAH No. 2012030110
LAWRENCE EDWIN YOUNG, O.D.	Agency Case No. CC 2004-59
Optometrist License No. 8618,	
Petitioner.	

DECISION

A quorum of the Board of Optometry (Board) heard this matter on March 30, 2012, in Fullerton, California. The members of the Board present were Lee A. Goldstein, O.D., President; Alejandro M. Arredondo, O.D., Vice President; Donna Burke; Monica Johnson; Alexander Kim; and Fred Naranjo.

Michael Santiago, Senior Staff Counsel for the Department of Consumer Affairs, and Jessica Sieferman, the Board's Enforcement staff, were present during the proceedings.

Mark Harman, Administrative Law Judge with the Office of Administrative Hearings was present at the hearing and during the consideration of the case, in accordance with Government Code section 11517.

Lawrence Edwin Young, O.D., (Petitioner) represented himself.

Katherine M. Messana, Deputy Attorney General, represented the Attorney General of the State of California, pursuant to Government Code Section 11522.

The parties submitted the matter for decision, and the Board decided the case in executive session on March 30, 2012.

FACTUAL FINDINGS

1. On or about February 2, 2012, Petitioner filed a Petition for Reinstatement, seeking reinstatement of his revoked optometrist license. He contends that he has been rehabilitated and is prepared to meet his commitments to the Board.

2. The California Attorney General contends the public would be unsafe if the Board were to reinstate Petitioner's license.

3. The Board issued optometrist license number 8618 to Petitioner on or about October 2, 1986.

Background

4. In approximately April 2007, the California Attorney General's Office filed an Accusation against Petitioner. While this Accusation was pending, Petitioner entered into a Stipulated Settlement and Disciplinary Order (Probation Order), which was adopted by the Board as its Decision and which became effective on April 3, 2008. Pursuant to the Probation Order, the Board revoked Petitioner's license, stayed the revocation and placed Petitioner on probation for three years on specified terms and conditions. In reaching this settlement, Petitioner agreed to abide by the discipline imposed by the Probation Order.

5. On January 27, 2010, the Board's Executive Officer filed an Accusation and Petition to Revoke Probation, alleging that Petitioner had violated provisions of the Optometry Practice Act and had failed to comply with several terms and conditions imposed under the Probation Order. Following a hearing on this Accusation and Petition, the Board adopted the Administrative Law Judge's Proposed Decision and revoked Petitioner's license, effective February 12, 2011. Specifically, the Board found that Petitioner had engaged in unprofessional conduct in failing to comply with the Board's request for patient records, had failed to provide written quarterly reports (Condition 6 of the Probation Order), had failed to function as an optometrist for the minimum required hours (Condition 7 of the Probation Order), had failed to complete the required 40 hours of optometry courses (Condition 11 of the Probation Order), and had failed to obtain Board pre-approval for community service (Condition 12 of the Probation Order), and had failed to pay any costs (Condition 13 of the Probation Order). These violations were persistent and willful.

6. Petitioner asserts that he has gone through substantial changes since revocation of his license. He testified, "I have been humbled. I am here to comply, not to fight." Petitioner said that, since December 2010, he lost his business and his home. He was unemployed for nine months in 2011, and could not find regular work. In October 2011, he was hired to work as a cashier at Chick-fil-A. In November 2011, he and his wife filed for protection under Chapter 7 of the Bankruptcy Code. In February 2012, he secured a position as a technician in a busy ophthalmologic practice, in which he conducts initial interviews and gathers information from about 300 patients per week. This work does not involve the practice of optometry.

7. Petitioner asserts that he takes full responsibility for the revocation. During his probation, he lost many patients and could not afford to take the continuing education courses. He failed to secure prior approval for his community service activities, although he alluded to his longstanding work for the Diamond Bar food store operation, and cited the

100's of hours of service to the Boosters Club of Diamond Bar High School, for which he volunteered for nine years while his children were attending there.

8. Petitioner's family dynamic has changed; his children have left the home, one is attending college, and Petitioner and his supportive wife are getting back on track with their finances. Petitioner has not completed any continuing education courses in the past few years. Because he is employed, he now can afford to pay for the continuing education classes and has submitted a list of proposed courses to the Board's staff. He reads optometry articles online on a regular basis. He testified that, because he has a stable job and home life, he can commit to completing the community service requirements, as well. He believes that the cost recovery requirement has been discharged through the bankruptcy proceedings.

9. Petitioner failed to submit any letters of support or character reference letters.

LEGAL CONCLUSIONS

1. Cause exists to deny Petitioner's Petition for Reinstatement, pursuant to Government Code section 11522, as set forth in factual finding numbers 1-9, and legal conclusion numbers 2-5.

2. Petitioner bears the burden to prove, by clear and convincing evidence to a reasonable certainty, that the Board should grant his petition. (*Flanzer v. Board of Dental Examiners* (1990) 220 Cal.App.3d 1392, 1398; *Housman v. Board of Medical Examiners* (1948) 84 Cal.App.2d 308, 315-316.)

3. Government Code section 11522 states in pertinent part:

> A person whose license has been revoked or suspended may petition the agency for reinstatement . . . after a period of not less than one year has elapsed from the effective date of the decision or from the date of the denial of a similar petition. The agency shall give notice to the Attorney General of the filing of the petition and the Attorney General and the petitioner shall be afforded an opportunity to present either oral or written argument before the agency itself. The agency itself shall decide the petition, and the decision shall include the reasons therefor, and any terms and conditions that the agency reasonably deems appropriate to impose as a condition of reinstatement.

4. California Code of Regulations, title 16, section 1516, states in pertinent part:

> [¶] . . . [¶]
>
> (b) When considering the suspension or revocation of a certificate of registration on the grounds that the registrant has been convicted of a crime, the Board, in evaluating the rehabilitation of such person and his/her present eligibility for a license, will consider the following criteria:

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or offense(s).

(4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

(6) Evidence, if any, of rehabilitation submitted by the licensee.

(c) When considering a petition for reinstatement of a certificate of registration under Section 11522 of the Government Code, the Board shall evaluate evidence of rehabilitation submitted by the petitioner, considering those criteria of rehabilitation specified in subsection (b).

5. Petitioner failed to meet his obligations under the Probation Order, which resulted in the revocation of his license. In this proceeding, Petitioner did not prove, by clear and convincing evidence to a reasonable certainty, that reinstatement is warranted. Although Petitioner has made some changes in his life since revocation of his license, he has failed to demonstrate that he has made any substantial effort to maintain his skills and knowledge necessary to re-enter practice, such as through continuing education courses. He also failed to demonstrate that he has been involved in community activities other than high school boosters. Petitioner's assertions, not actions, comprise the bulk of the evidence he presented to establish his rehabilitation. The Board believes Petitioner must actually engage in appropriate activities on his own initiative before it may be concluded that he is serious about reinstatement. In sum, Petitioner failed to provide persuasive evidence of rehabilitation.

ORDER

Lawrence Edwin Young's Petition for Reinstatement is denied.

Dated: July 9, 2012

Lee A. Goldstein, O.D., President
California Board of Optometry

BEFORE THE
BOARD OF OPTOMETRY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation/Petition to Revoke Probation Against: LAWRENCE EDWIN YOUNG, Respondent.	No. CC 2004-59 OAH No. 2010060231

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Optometry, Department of Consumer Affairs, as its Decision in the above-entitled matter.

This Decision shall become effective February 12, 2011.

IT IS SO ORDERED January 13, 2011.

By _____

TR:

BEFORE THE
BOARD OF OPTOMETRY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation and Petition to Revoke Probation Against: LAWRENCE EDWIN YOUNG, O.D. Optometrist Certificate No. OPT 8618, Respondent.	Case No. CC 2004-59 OAH No. 2010060231

PROPOSED DECISION

This matter was heard by Julie Cabos-Owen, Administrative Law Judge with the Office of Administrative Hearings, on December 1, 2010, in Los Angeles, California. Complainant was represented by Randy Mailman, Deputy Attorney General. Lawrence Edwin Young, O.D. (Respondent), was present and represented himself.

At the hearing, the Administrative Law Judge (ALJ) was provided with Respondent's Exhibit D, which contained the names of numerous patients and was too lengthy to redact. On her own motion, the ALJ ordered that, following the use of the document in preparation of the Proposed Decision, Respondent's Exhibit D would be placed under seal. Exhibit D shall remain under seal and shall not be opened, except by order of the Office of Administrative Hearings, the Board of Optometry or by a reviewing court.

Oral and documentary evidence was received, and argument was heard. The record was closed, and the matter was submitted for decision on December 1, 2010.

FACTUAL FINDINGS

1. On January 27, 2010, Complainant Mona Maggio filed the Accusation and Petition to Revoke Probation while acting in her official capacity as the Executive Officer of the State Board of Optometry (Board), Department of Consumer Affairs, State of California. On February 10, 2010, the Accusation and Petition to Revoke Probation was served on Respondent.

2. On October 2, 1986, the Board issued Optometrist Certificate Number OPT 8618 to Respondent. That certificate is in full force and effect and will expire on March 31, 2012, unless renewed.

3. In a Decision and Order, effective April 3, 2008, in Case No. CC 2004-59 (Prior Decision) adopting a Stipulated Settlement and Disciplinary Order, the Board revoked Respondent's certificate, stayed the revocation and placed Respondent on probation for three years on specified terms and conditions, which included the following:

[¶] . . . [¶]

2. **Obey all Laws.** Respondent shall obey all federal, state and local laws, and all rules governing the practice of optometry in California.

3. **Comply With The Board's Probation Program.** Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the Respondent's compliance with the Board's Probation Program.

Respondent shall, at his own expense, report in person to the Board's headquarters in Sacramento within three (3) months of the effective date of the Board's decision, and as the Board deems necessary if it is determined that Respondent may not be compliant with any of the terms or conditions of his probation.

Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

Respondent shall comply with the Board's probation surveillance program; including, but not limited to, allowing access to the probationer's optometric practice(s) and patient records upon request of the Board or its agent.

Respondent shall pay the monitoring cost associated with the Board's probation surveillance program each and every year of probation, as designated by the Board, which may be adjusted on an annual basis. Such costs shall be payable to the Board and delivered to the Board or its designee no later than January 31 of each calendar year. Failure to pay costs within 30 calendar days of the due date is a violation of probation.

Upon successful completion of probation, Respondent's license shall be fully restored.

[¶] . . . [¶]

6. **Submit Written Reports.** Respondent, during the period of probation, shall submit or cause to be submitted such written reports/declarations and verification of actions under penalty of perjury, as required by the Board. These reports/declarations shall contain statements relative to Respondent's compliance with all the conditions of the Board's Probation Program. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives. Respondent shall provide a copy of this decision to the optometric regulatory agency in every state and territory in which he has an optometry license.

7. **Function as an Optometrist.** Respondent, during the period of probation, shall engage in the practice of optometry in California for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board. For the purposes of compliance with this section, "engage in the practice of optometry" may include, when approved by the Board, volunteer work as an optometrist, or work in any non-direct patient care position that requires licensure as an optometrist. If Respondent has not complied with this condition during the probationary term, and Respondent has presented sufficient documentation of his good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of the Respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation shall apply.

[¶] . . . [¶]

11. **Complete Optometry Course.** Respondent, at his own expense, shall enroll and successfully complete courses relevant to the practice of optometry, including, but not limited to, a course in ethics. Respondent shall obtain approval from the Board before enrolling in the ethics course. These courses shall be in addition to the courses required for license renewal. Respondent shall complete forty (40) hours of course work per year for each year of probation.

12. **Community Services – Free Services.** Within 60 days of the effective date of this decision, Respondent shall submit to the Board for its prior approval a community service program in which Respondent shall provide free <u>non-optometric services</u> on a regular basis to a community or charitable facility or agency for at least 400 hours over the course of the period of probation.

13. **Cost Recovery**. Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of $10,000. Respondent shall be permitted to pay these costs in a payment plan approved by the Board, with payments to be completed no later than six months prior to the end of the probation term.

If Respondent has not complied with this condition during the probationary term, and Respondent has presented sufficient documentation of his or her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of the Respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation will apply.

[¶] . . . [¶]

15. **Violation of Probation**. If Respondent violates probation in any respect, the Board, after giving Respondent notice and opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

4(a). When Respondent was placed on probation in April 2008, he was required to meet in person with a Board representative in Sacramento to go over the terms and conditions of his probation. However, due to his medical issues, the Board allowed him to conduct his initial probation interview by phone. In July 2008, Respondent and a Board representative spoke by telephone and discussed all of the terms and conditions of his probation.

4(b). On that date, Respondent signed a written acknowledgment indicating that he understood and would abide by the terms of his probation. This acknowledgment was forwarded to the Board.

4(c). On that date, Respondent also signed a Cost Recovery Payment Plan, wherein he agreed to pay the $10,000 in costs in monthly payments as follows: one payment of $357.22 by July 30, 2008, and 27 payments $357.14 on the 30th of each month thereafter, until paid in full. The executed Cost Recovery Payment Plan was forwarded to the Board.

5. In August 2009, the Board received a complaint from one of Respondent's patients. On August 25, 2009, the Board sent a letter to Respondent requesting that, within 14 days, he provide the Board with a copy of the patient's records. The Board's request was

accompanied by the patient's written authorization for release of records to the Board. Respondent received the request, but did not send a reply.

6. On September 25, 2009, the Board sent Respondent another letter, requesting that, within 14 days, he provide the Board with a copy of the patient's records. Respondent received the request, but did not send a reply.

7. To date, Respondent has failed to provide the Board with the requested patient records. This is a violation of Business and Professions Code section 3110, subdivision (x).

8. Respondent's violation of Business and Professions Code section 3110 constitutes a violation of his probationary term number 2 (Obey all Laws).

9. To date, Respondent has failed to submit <u>any</u> written quarterly probation reports. This constitutes a violation of his probationary term number 6 (Submit Written Reports).

10(a). To date, Respondent has failed to provide evidence to the Board that he has functioned as an optometrist for a minimum of 24 hours per week for six consecutive months.

10(b). At the administrative hearing, Respondent attempted to establish that he had functioned as an optometrist as required. However, despite his assertions that he had been seeing patients regularly, the totality of the evidence failed to demonstrate that Respondent's practice had been operating at the number of hours required. Respondent acknowledged that, due to the probation, he "lost numerous vision care contracts . . . for a majority of programs that provide [his] livelihood." He also admitted that his office telephone line had been disconnected for an unspecified period of time, and that it had been difficult for patients to call in to make appointments. However, he "was able to scrape together enough money to reconnect [the phone line] in January 2010." He also admitted that the office electricity had been turned off for "at least 24 hours." Furthermore, at one point, he had to layoff all of his employees, and it took some time to settle all payroll amounts in arrears.

10(c). Respondent has failed to establish that he functioned as an optometrist for a minimum of 24 hours per week for six consecutive months. This constitutes a violation of his probationary term number 7 (Function as an Optometrist).

11. Respondent failed to complete 40 hours per year of optometry courses, in addition to the courses required for license renewal. This constitutes a violation of his probationary term number 11 (Complete Optometry Course).

12(a). Respondent has failed to obtain prior approval for any community service program providing 400 hours of non-optometric services.

12(b). Respondent did inform the Board that he volunteers for a high school booster club. He was instructed by the Board to submit confirmation from the booster club's program coordinator in order to obtain Board pre-approval. Respondent agreed several times to do so, but failed to submit confirmation from the program coordinator for pre-approval.

12(c). Respondent's failure to obtain pre-approval for his community service program constitutes a violation of probationary term number 12 (Community Service).

13. Respondent has failed to pay any portion of the cost recovery, and has made no effort to do so. This is a violation of probationary term number 13 (Cost Recovery).

14. On August 28, 2009, the Board sent Respondent a Notification of Non-Compliance of Terms and Conditions of Probation, informing him of his failure to comply with probationary terms numbers 3, 6, 7, 11, 12 and 13. The Board enclosed a blank copy of a Quarterly Report of Compliance for him to complete and submit. Respondent did not respond to the letter or submit any quarterly report.

15. At the administrative hearing, Respondent stated that he understood everything that was addressed at the hearing and apologized for the time and effort expended by the Board. Although he blamed the failure to pay costs or complete coursework on financial woes, he had no explanation for his failure to submit quarterly reports or failure to provide requested patient records. He stated, "You have gotten my attention. These things will never happen again." However, this assertion was implausible, given Respondent's failure to attempt <u>any</u> compliance during his two years, eight months of probation, particularly after written requests for compliance and the service of an Accusation 10 months ago.

LEGAL CONCLUSIONS

1. Cause exists to revoke Respondent's Optometrist Certificate, pursuant to Business and Professions Code sections 3090 and 3110, subdivision (x), for unprofessional conduct in failing to comply with the Board's requests for patient records, as set forth in Factual Findings 5 through 7.

2. Cause exists to revoke Respondent's probation and impose the stayed revocation of Respondent's Optometrist Certificate for failure to comply with Condition 2 of his probation, by failing to obey all laws, specifically by reason of his violation of Business and Professions Code section 3110, subdivision (x), as set forth in Factual Findings 3 through 8.

3. Cause exists to revoke Respondent's probation and impose the stayed revocation of Respondent's Optometrist Certificate for failure to comply with Condition 6 of his probation, by failing to provide written quarterly reports, as set forth in Factual Findings 3, 4 and 9.

4. Cause exists to revoke Respondent's probation and impose the stayed revocation of Respondent's Optometrist Certificate for failure to comply with Condition 7 of his probation, by failing to function as an optometrist for the minimum required hours, as set forth in Factual Findings 3, 4 and 10.

5. Cause exists to revoke Respondent's probation and impose the stayed revocation of Respondent's Optometrist Certificate for failure to comply with Condition 11 of his probation, by failing to complete the required 40 hours of optometry courses per year, as set forth in Factual Findings 3, 4 and 11.

6. Cause exists to revoke Respondent's probation and impose the stayed revocation of Respondent's Optometrist Certificate for failure to comply with Condition 12 of his probation, by failing to obtain Board pre-approval for community service, as set forth in Factual Findings 3, 4 and 12.

7. Cause exists to revoke Respondent's probation and impose the stayed revocation of Respondent's Optometrist Certificate for failure to comply with Condition 13 of his probation, by failing to pay any costs, as set forth in Factual Findings 3, 4 and 13.

8. Respondent knowingly stipulated to the discipline imposed on his optometrist certificate. He again agreed to abide by the probationary terms and conditions when they were explained to him in July 2008. Nevertheless, Respondent unreasonably failed to comply with numerous probationary terms for over two years, eight months of his three year probation. This failure to comply persisted, despite written requests for compliance and the service of an Accusation 10 months ago. Although Respondent now insists he will comply with his probationary terms, his past actions bode poorly for the likelihood of his future compliance. Furthermore, other than this hollow assurance, Respondent has failed to take any action which would demonstrate his willingness to begin complying with his probationary terms. Respondent has been given more than ample time and opportunities to demonstrate that he was serious about compliance, but has made no effort to do so. Given the foregoing, the public health, safety and welfare cannot be protected by any discipline short of revocation.

ORDER

WHEREFORE, THE FOLLOWING ORDER is made:

Optometrist Certificate Number OPT 8618, issued to Respondent, Lawrence Edwin Young, is hereby revoked.

DATED: December 22, 2010

JULIE CABOS-OWEN
Administrative Law Judge
Office of Administrative Hearings

EDMUND G. BROWN JR.
Attorney General of California
GLORIA A. BARRIOS
Supervising Deputy Attorney General
SCOTT J. HARRIS
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State Bar No. 238437
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Facsimile: (213) 897-2804
Attorneys for Complainant

BEFORE THE
STATE BOARD OF OPTOMETRY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation and Petition to Revoke Probation Against, **LAWRENCE EDWIN YOUNG** 10004 Sierra Avenue Fontana, CA 92335 Optometrist Certificate No. OPT 8618 Respondent.	Case No. CC 2004-59 **ACCUSATION** **AND** **PETITION TO REVOKE PROBATION**

Complainant alleges:

PARTIES

1. Mona Maggio (Complainant) brings this Accusation and Petition to Revoke Probation solely in her official capacity as the Executive Officer of the State Board of Optometry, Department of Consumer Affairs (Board).

2. On or about October 2, 1986, the Board issued Optometrist Certificate No. OPT 8618 to Lawrence Edwin Young (Respondent). The Optometrist Certificate was in effect at all times relevant to the charges brought herein and will expire on March 31, 2010, unless renewed.

3. In a disciplinary action entitled "In the Matter of Accusation Against Lawrence Edwin Young," Case No. CC 2004-59, the Board issued a decision, effective April 3, 2008, in which Respondent's Optometrist Certificate was revoked. However, the revocation was stayed

and Respondent was placed on probation for a period of three (3) years with certain terms and conditions, as more fully outlined below. A copy of the Board's Decision and Order in Case No. CC 2004-59 is attached as Exhibit A and incorporated herein by reference.

JURISDICTION

4. This Accusation and Petition to Revoke Probation are brought before the Board, Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

5. Section 3070, subdivision (a), states:

"Before engaging in the practice of optometry, each licensed optometrist shall notify the board in writing of the address or addresses where he or she is to engage, or intends to engage, in the practice of optometry and, also, of any changes in his or her place of practice. The practice of optometry is the performing or the controlling of any of the acts set forth in Section 3041."

6.Section 3090 states:

"Except as otherwise provided by law, the board may take action against all persons guilty of violating this chapter or any of the regulations adopted by the board. The board shall enforce and administer this article as to licenseholders, and the board shall have all the powers granted in this chapter for these purposes, including, but not limited to, investigating complaints from the public, other licensees, health care facilities, other licensing agencies, or any other source suggesting that an optometrist may be guilty of violating this chapter or any of the regulations adopted by the board."

7. Section 3110 states, in pertinent part:

"The board may take action against any licensee who is charged with unprofessional conduct, and may deny an application for a license if the applicant has committed unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

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"(a) Violating or attempting to violate, directly or indirectly assisting in or abetting the violation of, or conspiring to violate any provision of this chapter or any of the rules and regulations adopted by the board pursuant to this chapter.

. . . .

"(x) Failure or refusal to comply with a request for the clinical records of a patient, that is accompanied by that patient's written authorization for release of records to the board, within 15 days of receiving the request and authorization, unless the licensee is unable to provide the documents within this time period for good cause."

COST RECOVERY

8. Section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

ACCUSATION

FIRST CAUSE FOR DISCIPLINE

(Failure to Provide Patient Records to the Board)

9. Respondent is subject to discipline pursuant to Code sections 3090 and 3110, subdivision (x), on the grounds of unprofessional conduct, in that Respondent failed to comply with the Board's August 25, 2009, and/or, September 25, 2009, request for clinical records of a patient in regard to Complaint No. CC 2009-11. The Board's requests were accompanied by the patient's written authorization for release of records to the board.

PETITION TO REVOKE PROBATION

10. Effective April 3, 2009, pursuant to the Board's Decision and Order in Case No. CC 2004-59, Respondent was placed on three (3) years probation, and subject to terms and conditions of probation, including, but not limited to the following:

> **2. Obey All Laws.** Respondent shall obey all federal, state and local laws, and all rules governing the practice of optometry in California.

3. **Comply With The Board's Probation Program.** Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the Respondent's compliance with the Board's Probation Program.

Respondent shall, at his own expense, report in person to the Board's headquarters in Sacramento within three (3) months of the effective date of the Board's decision, and as the Board deems necessary if it is determined that Respondent may not be compliant with any of the terms or conditions of his probation.

Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

Respondent shall comply with the Board's probation surveillance program; including, but not limited to, allowing access to the probationer's optometric practice(s) and patient records upon request of the board or its agent.

Respondent shall pay the monitoring cost associated with the Board's probation surveillance program each and every year of probation, as designated by the Board, which may be adjusted on an annual basis. Such costs shall be payable to the Board of Optometry and delivered to the Board or its designee no later than January 31 of each calendar year. Failure to pay costs within 30 calendar days of the due date is a violation of probation.

Upon successful completion of probation, respondent's license shall be fully restored.

6. **Submit Written Reports.** Respondent, during the period of probation, shall submit or cause to be submitted such written reports/declarations and verification of actions under penalty of perjury, as required by the Board. These reports/declarations shall contain statements relative to Respondent's compliance with all the conditions of the Board's Probation Program. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives. Respondent shall provide a copy of this decision to the optometric regulatory agency in every state and territory in which he has an optometry license.

7. **Function as an Optometrist.** Respondent, during the period of probation, shall engage in the practice of optometry in California for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board. For purposes of compliance with the section, "engage in the practice of optometry" may include, when approved by the Board, volunteer work as an optometrist, or work in any non-direct patient care position that requires licensure as an optometrist. If Respondent has not complied with this condition during the probationary term, and the Respondent has presented sufficient documentation of his good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of the Respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation shall apply.

11. **Complete Optometry Course.** Respondent, at his own expense, shall enroll and successfully complete courses relevant to the practice of optometry, including, but not limited to, a course in ethics. Respondent shall obtain approval from the Board before enrolling in the ethics course. These courses shall be in addition to the courses

required for license renewal. Respondent shall complete forty (40) hours of course work per year for each year of probation.

12. **Community Services - Free Services.** Within 60 days of the effective date of this decision, Respondent shall submit to the Board for its prior approval a community service program in which Respondent shall provide free non-optometric services on a regular basis to a community or charitable facility or agency for at least 400 hours over the course of the period of probation.

13. **Cost Recovery.** Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code Section 125.3 in the amount of $10,000.00. Respondent shall be permitted to pay these costs in a payment plan approved by the Board, with payments to be completed no later than six months prior to the end of the probation term.

If Respondent has not complied with this condition during the probationary term, and Respondent has presented sufficient documentation of his or her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of the Respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation will apply.

15. **Violation of Probation.** If Respondent violates probation in any respect, the Board, after giving Respondent notice and opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

FIRST CAUSE TO REVOKE PROBATION

(Failure to Obey All Laws)

11. Respondent's probation is subject to revocation pursuant to Probation Condition No. 2 (Obey All Laws), in that Respondent failed to obey all laws by violating provisions of the Optometry Practice Act, as more fully discussed in paragraph 9, above, which is herein incorporated by reference as set forth in whole.

SECOND CAUSE TO REVOKE PROBATION

(Failure to Provide Written Quarterly Reports)

12. Respondent's probation is subject to revocation pursuant to Probation Conditions No. 3 (Comply with Probation Program), and No. 6 (Submit Written Reports), in that during the course of his probation, Respondent has failed to provide Quarterly Compliance Reports to the Board.

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THIRD CAUSE TO REVOKE PROBATION

(Failure to Function as an Optometrist)

13. Respondent's probation is subject to revocation under Probation Conditions No. 3 (Comply with Probation Program), and No. 7 (Function as an Optometrist), in that Respondent has failed to evidence a minimum of twenty-four (24) practice hours per week during a six (6) consecutive month period. On or about August 28, 2009, the Board sent Respondent a letter regarding his non-compliance with probation, requesting that he provide the Board with evidence of his practice hours. Respondent has failed to provide any patient records or other documentation to support the requirements of his minimum practice hours.

FOURTH CAUSE TO REVOKE PROBATION

(Failure to Complete Optometry Course)

14. Respondent's probation is subject to revocation under Probation Conditions No. 3 (Comply with Probation Program), and No. 11 (Complete Optometry Course), in that Respondent failed to complete forty (40) hours of optometry courses, in addition to courses required for license renewal, in or between April 3, 2008 and April 3, 2009. In addition, Respondent has failed to provide evidence of enrollment and successful completion of any of the forty (40) hours of education courses related to the practice of optometry for the April 3, 2009 to April 3, 2010 probation year, and/or, a Board pre-approved ethics course.

FIFTH CAUSE TO REVOKE PROBATION

(Failure to Comply with Community Services' Provision)

15. Respondent's probation is subject to revocation under Probation Conditions No. 3 (Comply with Probation Program), and No. 12 (Community Services - Free Services), in that Respondent failed to submit a community service program and Community Service Verification Form to the Board for pre-approval, and has not evidenced completion of any hours of Community Service – Free Services to the Board during the course of his probation.

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SIXTH CAUSE TO REVOKE PROBATION

(Failure to Comply with Cost Recovery Agreement)

16. Respondent's probation is subject to revocation under Probation Conditions No. 3 (Comply with Probation Program), and No. 13 (Cost Recovery), in that Respondent has failed to pay any of the $10,000 cost recovery ordered by the Board. Respondent signed an agreement for a payment plan, consisting of an initial month's payment of $357.22, due July 30, 2008, and 27 subsequent monthly payments of $357.14. Respondent failed to make his initial payment and all other payments thereafter.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

1. Revoking the probation that was granted by the Board in Case No. CC 2004-59 and imposing the disciplinary order that was stayed, thereby revoking Optometrist Certificate No. OPT 8618, issued to Respondent Lawrence Edwin Young;

2. Revoking or suspending Optometrist Certificate No. OPT 8618, issued to Respondent Lawrence Edwin Young;

3. Ordering Respondent Lawrence Edwin Young to pay the State Board of Optometry the reasonable costs of the investigation and enforcement of this case pursuant to section 125.3; and

4. Taking such other and further action as deemed necessary and proper.

DATED: 01/27/2010

MONA MAGGIO
Executive Officer
State Board of Optometry
Department of Consumer Affairs
State of California
Complainant

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BEFORE THE
BOARD OF OPTOMETRY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: LAWRENCE EDWIN YOUNG 10004 Sierra Avenue Fontana, CA 92335 Optometrist Certificate No. OPT 8618 Branch Office License No. 6397 Respondent.	Case No. CC 2004-59

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the State Board of Optometry, as its Decision in this matter.

This Decision shall become effective on April 3, 2008.

It is so ORDERED March 3, 2008.

FOR THE STATE BOARD OF OPTOMETRY

RECEIVED BY
STATE BOARD OF OPTOMETRY

2008 FEB 28 PM 4:25

EDMUND G. BROWN JR., Attorney General
of the State of California
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Attorneys for Complainant

BEFORE THE
BOARD OF OPTOMETRY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: LAWRENCE EDWIN YOUNG 10004 Sierra Avenue Fontana, CA 92335 Optometrist Certificate No. OPT 8618 Branch Office License No. 6397 Respondent.	Case No. CC 2004-59 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER**

In the interest of a prompt and speedy settlement of this matter, consistent with the public interest and the responsibility of the State Board of Optometry (Board) the parties hereby agree to the following Stipulated Settlement and Disciplinary Order which will be submitted to the Board for approval and adoption as the final disposition of the Accusation.

PARTIES

1. Taryn Smith (Complainant) is the Executive Officer of the Board. She brought this action solely in her official capacity and is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Scott J. Harris, Deputy Attorney General.

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2. Respondent Lawrence Edwin Young is represented in this proceeding by attorney Steven J. Cote, whose address is 19138 Walnut Drive, Suite 100, Rowland Heights, California, 91748.

3. On or about October 2, 1986, the Board issued Optometrist Certificate Number OPT 8618 (Certificate) to Respondent. The Certificate expired on or about March 31, 2004. On or about June 2, 2004 the Certificate was renewed. The Certificate will expire on March 31, 2008, unless renewed.

4. On or about February 17, 2004, the Board issued Branch Office License No. 6397 to Respondent. The License expired on February 1, 2006, and has not been renewed.

JURISDICTION

5. Accusation No. CC 2004-59 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on April 12, 2007. Respondent was found to be in default by the Board on or about May 17, 2007, for failure to timely file a Notice of Defense, which was to become effective on or about June 18, 2007. On or about August 17, 2007, the Board issued an Order Vacating Default Decision after Respondent submitted a motion seeking to vacate the original Default Decision and Order and a Notice of Defense contesting the Accusation. A copy of Accusation No. CC 2004-59 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. CC 2004-59. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to

reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

9. Respondent admits the truth of each and every charge and allegation in Accusation No. CC 2004-59, except for the allegation and charge of his unlicenced practice of optometry between June 25, 2004 and December 17, 2004, as more fully discussed in paragraph 18, lines 22-23, on page 6 of Accusation No. CC 2004-59, which herein is withdrawn by the Board.

10. Respondent agrees that his Optometrist Certificate is subject to discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

CONTINGENCY

11. This stipulation shall be subject to approval by the State Board of Optometry. Respondent understands and agrees that counsel for Complainant and the staff of the State Board of Optometry may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw from this agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, and, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

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13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Optometrist Certificate No. OPT 8618, issued to Respondent Lawrence Edwin Young, is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years pursuant to the terms and conditions of probation contained below.

SEVERABILITY CLAUSE. East condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

1. **Actual Suspension.** Optometrist Certificate No. OPT 8618, issued to Respondent Lawrence Edwin Young, is suspended for a period of fifteen (15) days.

2. **Obey All Laws.** Respondent shall obey all federal, state and local laws, and all rules governing the practice of optometry in California.

3. **Comply With The Board's Probation Program.** Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the Respondent's compliance with the Board's Probation Program.

Respondent shall, at his own expense, report in person to the Board's headquarters in Sacramento within three (3) months of the effective date of the Board's decision, and as the Board deems necessary if it is determined that Respondent may not be compliant with any of the terms or conditions of his probation.

Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

Respondent shall comply with the Board's probation surveillance program; including, but not limited to, allowing access to the probationer's optometric practice(s) and patient records upon request of the board or its agent.

Respondent shall pay the monitoring cost associated with the Board's probation surveillance program each and every year of probation, as designated by the Board, which may be adjusted on an annual basis. Such costs shall be payable to the Board of Optometry and delivered to the Board or its designee no later than January 31 of each calendar year. Failure to pay costs within 30 calendar days of the due date is a violation of probation.

Upon successful completion of probation, respondent's license shall be fully restored.

4. **Report in Person**. Respondent, during the period of probation, shall appear in person at interviews/meetings as directed by the Board or its designated representatives.

5. **Residency, Practice, or Outside of State**. Any period of residency or practice as an optometrist outside of the State of California shall not apply toward a reduction of this probation time period. Respondent's probation is tolled any time he resides outside of California. Respondent must provide written notice to the Board within 15 days of any change of residency or practice outside California, and within 30 days prior to re-establishing residency or returning to practice in California. Respondent shall provide a list of all states and territories where he has ever been licensed as an optometrist. Respondent shall further provide information regarding the status of each license and any changes in such license status during the term of probation. Respondent shall inform the Board if he applies for or obtains a new optometry license during the term of probation. Within 30 days of the Board's Decision, Respondent shall provide a copy of the Board's Decision and Order to the Optometry Board of any other state where he is currently licensed or becomes licensed to practice optometry.

6. **Submit Written Reports**. Respondent, during the period of probation, shall submit or cause to be submitted such written reports/declarations and verification of actions under penalty of perjury, as required by the Board. These reports/declarations shall contain

statements relative to Respondent's compliance with all the conditions of the Board's Probation Program. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives. Respondent shall provide a copy of this decision to the optometric regulatory agency in every state and territory in which he has an optometry license.

7. **Function as an Optometrist.** Respondent, during the period of probation, shall engage in the practice of optometry in California for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board. For purposes of compliance with the section, "engage in the practice of optometry" may include, when approved by the Board, volunteer work as an optometrist, or work in any non-direct patient care position that requires licensure as an optometrist. If Respondent has not complied with this condition during the probationary term, and the Respondent has presented sufficient documentation of his good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of the Respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation shall apply.

8. **Employment Approval and Reporting Requirements**. Respondent shall obtain prior approval from the Board before commencing or continuing any employment, paid or voluntary, as an optometrist. Respondent shall cause to be submitted to the Board all performance evaluations and other employment related reports as an optometrist upon request of the Board.

If working as an employee, Respondent shall provide a copy of this decision to his employer and immediate supervisors prior to commencement of any optometric or other health care related employment. In addition to the above, Respondent shall notify the Board in writing within seventy-two (72) hours after he obtains any optometric or other health care related employment. Respondent shall notify the Board in writing within seventy-two (72) hours after he is terminated or separated, regardless of cause, from any optometric, or other health care

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related employment with a full explanation of the circumstances surrounding the termination or separation.

9. **Supervised Environment**. Within 60 days of the effective date of this decision, Respondent shall submit to the Board, for its prior approval, the name and qualifications of one or more proposed supervisors and a plan for each such supervisor by which Respondent's practice would be supervised. Respondent shall not practice until receiving notification of Board approval of Respondent's choice of a supervisor. The plan of supervision shall be general and not require the physical presence of the supervising optometrist during the time optometric procedures are performed, but does require an occasional random check of the work performed on the patient. Additionally, the supervisor shall have full and random access to all patient records of Respondent. Each proposed supervisor shall be a California licensed optometrist who shall submit written reports to the Board on a quarterly basis verifying that supervision has taken place as required and include an evaluation of Respondent's performance. It shall be Respondent's responsibility to assure that the required reports are filed in a timely manner. The supervisor shall be independent, with no prior business or professional relationship with Respondent and the supervisor shall not be in a familial relationship with or be an employee, (including independent contractor) partner or associate of Respondent. If the supervisor terminates or is otherwise no longer available, Respondent shall not practice until a new supervisor has been approved by the Board. All costs of the supervision shall be borne by the Respondent.

10. **Employment Limitations**. Respondent shall not work in any health care setting as a supervisor of optometrists. The Board may additionally restrict Respondent from supervising technicians and/or unlicensed assistive personnel on a case-by-case basis. Respondent shall not work as a faculty member in an approved school of optometry or as an instructor in a Board approved continuing education program. Respondent shall work only on a regularly assigned, identified and predetermined worksite and shall not work in a float capacity. If the respondent is working or intends to work in excess of 40 hours per week, the Board may request documentation to determine whether there should be restrictions on the hours of work.

11. **Complete Optometry Course.** Respondent, at his own expense, shall enroll and successfully complete courses relevant to the practice of optometry, including, but not limited to, a course in ethics. Respondent shall obtain approval from the Board before enrolling in the ethics course. These courses shall be in addition to the courses required for license renewal. Respondent shall complete forty (40) hours of course work per year for each year of probation.

12. **Community Services - Free Services.** Within 60 days of the effective date of this decision, Respondent shall submit to the Board for its prior approval a community service program in which Respondent shall provide free **non-optometric services** on a regular basis to a community or charitable facility or agency for at least 400 hours over the course of the period of probation.

13. **Cost Recovery**. Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code Section 125.3 in the amount of $10,000.00. Respondent shall be permitted to pay these costs in a payment plan approved by the Board, with payments to be completed no later than six months prior to the end of the probation term.

If Respondent has not complied with this condition during the probationary term, and Respondent has presented sufficient documentation of his or her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of the Respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation will apply.

14. **License Surrender.** During Respondent's term of probation, if Respondent ceases practicing due to retirement or health reasons, or is otherwise unable to satisfy the conditions of probation, Respondent may surrender his license to the Board. The Board reserves the right to evaluate Respondent's request and to exercise its discretion whether or not to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances, without further hearing. Upon formal acceptance of the tendered license and wall

certificate, Respondent will no longer be subject to the conditions of probation, except he may be subject to reimbursing the Board for its costs of investigation and prosecution upon a petition for reinstatement.

15. **Violation of Probation.** If Respondent violates probation in any respect, the Board, after giving Respondent notice and opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Steven J. Cote. I understand the stipulation and the effect it will have on my Optometrist Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the State Board of Optometry.

DATED: 2-8-08.

LAWRENCE EDWIN YOUNG
Respondent

I have read and fully discussed with Respondent Lawrence Edwin Young the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 2-18-08.

STEVEN J. COTE
Attorney for Respondent

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the State Board of Optometry.

DATED: 2/22/08

EDMUND G. BROWN JR., Attorney General
of the State of California

GLORIA A. BARRIOS
Supervising Deputy Attorney General

SCOTT J. HARRIS
Deputy Attorney General

Attorneys for Complainant

DOJ Matter ID: LA2007600189
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BEFORE THE
STATE BOARD OF OPTOMETRY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: LAWRENCE EDWIN YOUNG 10004 Sierra Avenue Fontana, CA 92335 Optometrist Certificate No. OPT 8618 Branch Office License No. 6397 Respondent.	Case No. CC 2004-59

ORDER VACATING DEFAULT DECISION AND ORDER

The Default Decision and Order revoking Optometrist Certificate No. OPT 8618 and Branch Office License Number 6397, both issued to respondent Lawrence Edwin Young, was made on May 17, 2007, to become effective on June 18, 2007.

Upon respondent's motion to vacate the Default Decision and Order, on May 29, 2007, the State Board of Optometry issued an order staying the effective date of said decision and order until August 24, 2007.

Good Cause having been shown pursuant to Government Code section 11520, subdivision (2), the Default Decision and Order entered herein is hereby vacated and respondent shall be granted a hearing on the merits in the above-entitled matter.

IT IS SO ORDERED this 17 day of August, 2007.

DATED: 08/17/2007

Lee A. Goldstein, OD, MPA - President
STATE BOARD OF OPTOMETRY

BEFORE THE
STATE BOARD OF OPTOMETRY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

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In the Matter of the Accusation Against: LAWRENCE EDWIN YOUNG 10004 Sierra Avenue Fontana, CA 92335 Optometrist Certificate No. OPT 8618 Branch Office License No. 6397 Respondent.	Case No. CC 2004-59

ORDER STAYING EFFECTIVE DATE OF DECISION

Upon respondent's request to vacate the Default Decision and Order herein made on May 17, 2007, to become effective on June 18, 2007,

IT IS HEREBY ORDERED that the effective date of said decision be stayed until August 24, 2007 for the purpose of allowing the Board to evaluate and consider respondent's request.

DATED: May 29, 2007

Lee A. Goldstein, OD, MPA - President
STATE BOARD OF OPTOMETRY

EDMUND G. BROWN JR., Attorney General
of the State of California
GLORIA A. BARRIOS
Supervising Deputy Attorney General
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Attorneys for Complainant

BEFORE THE
BOARD OF OPTOMETRY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: LAWRENCE EDWIN YOUNG 10004 Sierra Avenue Fontana, CA 92335 Optometrist Certificate No. OPT 8618 Branch Office License No. 6397 Respondent.	Case No. CC 2004-59 **DEFAULT DECISION AND ORDER** [Gov. Code, §11520]

FINDINGS OF FACT

1. On or about March 26, 2007, Complainant Taryn Smith, in her official capacity as the Executive Officer of the Board of Optometry, filed Accusation No. CC 2004-59 against Lawrence Edwin Young (Respondent) before the Board of Optometry (Board).

2. On or about October 2, 1986, the Board issued Optometrist Certificate Number OPT 8618 (Certificate) to Respondent. The Certificate expired on or about March 31, 2004. On or about June 2, 2004 the Certificate was renewed. On or about June 25, 2004, the Board deemed the renewal invalid. On or about December 17, 2004, the Board renewed the Certificate. The Certificate will expire on March 31, 2008, unless renewed. .

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3. On or about February 17, 2004, the Board issued Branch Office License Number 6397 to Respondent. The Branch Office License expired on February 1, 2006, and has not been renewed.

4. On or about April 12, 2007, Anna A. Carpenter, an employee of the Department of Justice, served by Certified and First Class Mail a copy of the Accusation No. CC 2004-59, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is 10004 Sierra Avenue, Fontana, CA 92335. A copy of the Accusation, the related documents, and Declaration of Service are attached as Exhibit A, and are incorporated herein by reference.

5. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c).

6. Business and Professions Code (Code) Section 118, subdivision (b) provides, in pertinent part, that the expiration, or forfeiture by operation of law, of a license issued by a board...or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee.

7. Government Code section 11506 states, in pertinent part:

"(c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

8. Respondent failed to file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No. CC 2004-59.

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9. California Government Code section 11520 states, in pertinent part:

"(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent."

10. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on the evidence before it, finds that the allegations in Accusation No. CC 2004-59 are true.

11. The total costs for investigation and enforcement are $9,923.25 as of May 14, 2007.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Lawrence Edwin Young has subjected his Optometrist Certificate No. OPT 8618 and Branch Office License Number 6397 to discipline.

2. A copy of the Accusation and the related documents and Declaration of Service are attached as Exhibit A.

3. The agency has jurisdiction to adjudicate this case by default.

4. The Board is authorized to revoke Respondent's Optometrist Certificate and Branch Office License based upon the following violations alleged in the Accusation:

a. Code sections 3078, subdivisions (c) and (d), 3090, 3106, 3110, subdivisions (e) and (f), and 480, (a)(2) and (a)(3), in that Respondent committed unprofessional conduct by knowingly altering a certificate of registration issued by the Board in a material respect, as more fully discussed in paragraph 15 of Accusation No. CC 2004-59.

b. Code sections 119, subdivision (a)(2), 3078, subdivisions (c) and (d), 3090, 3110, subdivision (e) and (f), 3107 and 480, subdivisions (a)(2) and (a)(3), in that Respondent committed unprofessional conduct by using and submitting a materially altered certificate of registration a medical group's credentialing department, as more fully discussed in paragraph 15 of Accusation No. CC 2004-59.

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c. Code sections 3078, subdivisions (c) and (d), 3090, 3110, subdivision (e) and (f), and 480, subdivisions (a)(2) and (a)(3), in that Respondent committed unprofessional conduct and acts of dishonesty, as more fully discussed in paragraph 15 of Accusation No. CC 2004-59.

d. Code sections 3078, subdivision (c) and (d), 3090 and 3110, subdivision (s), and 3040, in that Respondent committed unprofessional conduct by engaging in the unlawful practice of optometry in or between March 31, 2004 and June 10, 2004; and, in or between June 25, 2004 and December 17, 2004, as more fully discussed in paragraph 18 of Accusation No. CC 2004-59.

e. Code sections 3078, subdivisions (c) and (d), 3090, 3106, 3110, subdivisions (e) and (f), and 480, subdivisions (a)(2) and (a)(3), in that Respondent committed unprofessional conduct and an act of dishonesty by knowingly misrepresenting and submitting a forged letter to the Board in connection with the certification of his continuing education requirements, as more fully discussed in paragraph 19 of Accusation No. CC 2004-59.

f. Code sections 3078, subdivisions (c) and (d), 3090 and 3110, in that Respondent committed unprofessional conduct through his acts as more fully discussed in paragraphs 15, 18 and 19 of Accusation No. CC 2004-59.

LOCATION OF RECORDS

The record upon which this Default Decision and Order is based is located at the Sacramento office of the Board.

* * *

ORDER

IT IS SO ORDERED that Optometrist Certificate No. OPT 8618, and Branch Office License Number 6397, heretofore issued to Respondent Lawrence Edwin Young, are revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on June 18, 2007.

It is so ORDERED May 17, 2007

FOR THE BOARD OF OPTOMETRY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

60217308.wpd
DOJ docket number:LA2007600189

Attachments:

Exhibit A: Accusation No. CC 2004-59, Related Documents, and Declaration of Service

Exhibit A

Accusation No. CC 2004-59,
Related Documents and Declaration of Service

EDMUND G. BROWN JR., Attorney General
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Attorneys for Complainant

BEFORE THE
BOARD OF OPTOMETRY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: LAWRENCE EDWIN YOUNG 10004 Sierra Avenue Fontana, CA 92335 Optometrist Certificate No. OPT 8618 Branch Office License No. 6397 Respondent.	Case No. CC 2004-59 **A C C U S A T I O N**

Complainant alleges:

PARTIES

1. Taryn Smith (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Optometry (Board).

2. On or about October 2, 1986, the Board issued Optometrist Certificate Number OPT 8618 (Certificate) to Lawrence Edwin Young (Respondent). The Certificate expired on or about March 31, 2004. On or about June 2, 2004 the Certificate was renewed. On or about June 25, 2004, the Board deemed the renewal invalid. On or about December 17, 2004, the Board renewed the Certificate. The Certificate will expire on March 31, 2008, unless renewed.

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3. On or about February 17, 2004, the Board issued Branch Office License Number 6397 to Respondent. The Branch Office License expired on February 1, 2006, and has not been renewed.

JURISDICTION

4. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

5. Section 3090[1/] of the Code states:

"Except as otherwise provided by law, the board may take action against all persons guilty of violating this chapter or any of the regulations adopted by the board. The board shall enforce and administer this article as to license holders, and the board shall have all the powers granted in this chapter for these purposes, including, but not limited to, investigating complaints from the public, other licensees, health care facilities, other licensing agencies, or any other source suggesting that an optometrist may be guilty of violating this chapter or any of the regulations adopted by the board."

6. Section 3078 of the Code states, in pertinent part:

...

"(c) A permit issued under this section may be revoked or suspended at any time that the board finds that any one of the requirements for original issuance of a permit.

"(d) If the board revokes or suspends the license to practice optometry of an individual optometrist...to whom a permit has been issued under this section, the revocation or suspension shall also constitute revocation or suspension, as the case may be, of the permit."

7. Code section 119, subdivision (a)(2), states, in pertinent part,

"Any person who does any of the following is guilty of a misdemeanor:

"(a) Displays or causes or permits to be displayed or has in his or her possession either of the following:

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1. Code section 3090 was repealed and [re]added by Stats.2005, c. 393 (A.B.488), § 4.

...

(2) A fictitious license or any document simulating a license or purporting to be or have been issued as a license."

8. Section 3040 of the Code states:

"It is unlawful for a person to engage in the practice of optometry or to display a sign or in any other way to advertise or hold himself or herself out as an optometrist without having first obtained a certificate of registration from the board under the provisions of this chapter or under the provisions of any former act relating to the practice of optometry. "

9. Code section 3106[2/] states that, "knowingly making or signing any certificate or other document directly or indirectly related to the practice of optometry that falsely represents the existence or nonexistence of a state of facts constitutes unprofessional conduct."

10. Code section 3107[3/] states: "It is unlawful to use or attempt to use any license issued by the board that has been purchased, fraudulently issued, counterfeited, or issued by mistake, as a valid license."

11. Code section 3110[4/] states, in pertinent part: "The board may take action against any licensee who is charged with unprofessional conduct, and may deny an application for a license if the applicant has committed unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

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2. Former Code section 9096.6 was renumbered Code section 3106 and amended by Stats.2005, c. 393 (A.B.488). §12.

3. Former Code section 3124 was renumbered Code section 3107 and amended by Stats.2005, c. 393 (A.B.488), § 30. Former Code section 3124 stated that is was unlawful to use any certificate that was *materially altered.*

4. Former Code section 3090, subdivision (b), was renumbered Code section 3110 and amended by Stats.2005, c. 393 (A.B.488), § 28. Former Code section 3090, subdivision (b), allowed the Board to discipline a licensee for *general unprofessional conduct.*

"(e) The commission of fraud, misrepresentation, or any act involving dishonesty or corruption, that is substantially related to the qualifications, functions, or duties of an optometrist;

"(f) Any action or conduct which would have warranted the denial of a license.

...

"(s) The practice of optometry without a valid, unrevoked, unexpired license[5];

...

"(v) Altering with fraudulent intent a license issued by the board, or using a fraudulently altered license, permit certification or any registration issued by the board.[6]"

12. Code section 480, states, in pertinent part:

"(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

"(2) Done any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another; or

"(3) Done any act which if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license."

13. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

14. Section 118, subdivision (b) of the Code provides, in pertinent part, that the expiration, or forfeiture by operation of law, of a license issued by a board...or its surrender without the written consent of the board, shall not, during any period in which it may be renewed,

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5. Code section 3127 was repealed by Stats.2005, c. 393 (A.B.488), § 33, and renumbered Code section 3110, subdivision (s).

6. Code section 3123 was repealed by Stats.2005, c. 393 (A.B.488), § 29, and renumbered Code section 3110, subdivision (v). Former Code section 3123 required that the alteration be *material*, but did not require fraudulent intent.

restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee.

FIRST CAUSE FOR DISCIPLINE

(Material Alteration of Certificate of Registration)

15. Respondent's Optometrist Registration and Branch Office License are subject to discipline pursuant to Code sections 3078, subdivisions (c) and (d), 3090, 3106, 3110, subdivisions (e) and (f), and 480, (a)(2) and (a)(3), in that Respondent committed unprofessional conduct by knowingly altering a certificate of registration issued by the Board in a material respect. The circumstances are as follows:

a. On or about March 31, 2004, Respondent's Certificate of Registration, with Receipt No. 07400002 expired. On or about December 1, 2004, a complaint was filed with the Board by Med Advantage/Epic Management, which is affiliated with Pinnacle Medical Group, with whom Respondent once provided contracted optometry services. On or about April 27, 2004, Epic Management's Credentialing Department received a facsimile from Respondent for credentialing purposes containing a falsified certificate of registration. The certificate of registration contained the following information: Respondent's License No. OPT 8618; Respondent's name and address of record; an expiration date of March 31, 2006; and, Receipt No. 07401882.

b. A review of the Board's records indicated that Respondent was never issued a Certificate of Registration with Receipt No. 07401882; and, in fact, no such receipt number exists. A further review of the Board's records indicated that the Respondent was not validly licensed in the State of California in or between March 31, 2004 and June 10, 2004, and June 25, 2004 and December 17, 2004, as more fully discussed in paragraph 18, below.

c. On or about January 31, 2005, a Senior Investigator with the Department of Consumer Affairs (Investigator) interviewed the Respondent regarding the allegations that he had fraudulently altered the renewal certificate and submitted it to a health care provider as proof

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of active status. Respondent stated that, "I may have done something for insurance company purposes, pending my license renewal. I had a lot of problems during this period of time."

SECOND CAUSE FOR DISCIPLINE

(Use of Counterfeited of Materially Altered Certificate of Registration)

16. Respondent's Optometrist Registration and Branch Office License are subject to discipline pursuant to Code sections 119, subdivision (a)(2), 3078, subdivisions (c) and (d), 3090, 3110, subdivision (e) and (f), 3107 and 480, subdivisions (a)(2) and (a)(3), in that Respondent committed unprofessional conduct by using and submitting a materially altered certificate of registration to Epic Management's Credentialing Department, as more fully discussed in paragraph 15, above.

THIRD CAUSE FOR DISCIPLINE

(Acts of Dishonesty)

17. Respondent's Optometrist Registration and Branch Office License are subject to discipline pursuant to Code sections 3078, subdivisions (c) and (d), 3090, 3110, subdivision (e) and (f), and 480, subdivisions (a)(2) and (a)(3), in that Respondent committed unprofessional conduct and acts of dishonesty, as more fully discussed in paragraph 15, above.

FOURTH CAUSE FOR DISCIPLINE

(Unlicenced Practice of Optometry)

18. Respondent's Optometrist Registration and Branch Office License are subject to discipline pursuant to Code sections 3078, subdivision (c) and (d), 3090 and 3110, subdivision (s), and 3040, in that Respondent committed unprofessional conduct by engaging in the unlawful practice of optometry in or between March 31, 2004 and June 10, 2004; and, in or between June 25, 2004 and December 17, 2004. The circumstances are as follows:

a. On or about March 31, 2004, Respondent's Certificate of Registration expired. On or about June 2, 2004, Respondent's renewal payment was received, and was processed by the Board on or about June 10, 2004, on which date the Board issued Respondent Renewal Certificate Receipt No. 00001425. However, on or about June 24, 2005, Respondent's renewal payment check was dishonored. On or about June 25, 2004, the Board notified

Respondent that Renewal Certificate Receipt No. 00001425 was no longer valid. On or about October 27, 2004 the Board sent a cease and desist letter to Respondent as a result of Respondent's failure to pay renewal fees, and his failure to prove completion of his continuing education requirements. On or about November 22, 2004, the Board received a cashiers check from Respondent for his renewal fees. On or about December 17, 2004, the Board reinstated Respondent's Certificate of Registration with Receipt No. 00000533.

FIFTH CAUSE FOR DISCIPLINE

(Act of Dishonesty, Misrepresentation - Continuing Education)

19. Respondent's Optometrist Registration and Branch Office License are subject to discipline pursuant to Code sections 3078, subdivisions (c) and (d), 3090, 3106, 3110, subdivisions (e) and (f), and 480, subdivisions (a)(2) and (a)(3), in that Respondent committed unprofessional conduct and an act of dishonesty by knowingly misrepresenting and submitting a forged letter to the Board in connection with the certification of his continuing education requirements. The circumstances are as follows:

a. On or about December 13, 2004, the Board received a letter dated December 10, 2004, via facsimile from the Respondent, indicating that he had met all of his continuing education requirements. Included in the facsimile was a letter from Dr. Curtis Hog[g]arth, President of the Inland Empire Optometric Society, which certified that Respondent had completed twenty-eight hours of continuing education.

b. On or about February 8, 2005, the Investigator interviewed Dr. Curtis Hoggarth. Dr. Hoggarth indicated that he had not drafted or signed the letter in question. Dr. Hoggarth further stated that he signs his name with his middle initial 'C' and, that his last name is spelled with two 'G's.' The signature on the December 10, 2004 letter submitted by Respondent does not include a middle initial 'C', and, Dr. Hoggarth's last name is incorrectly spelled with only one 'G'.

c. On or about February 25, 2005, the Investigator interviewed Respondent. Respondent admitted that Dr. Hoggarth provided him with a list of continuing education courses he had completed. Respondent further admitted that he had, in fact, drafted and signed the

December 10, 2004 letter; and, that he had not obtained permission from Dr. Hoggarth to draft, and/or, sign a letter addressed to the Board. At that time, the Investigator had Respondent initial and date the December 10, 2004 letter next to the signature in order to verify that Respondent had prepared and signed the letter without Dr. Hoggarth's approval.

SIXTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

20. Respondent's Optometrist Registration and Branch Office License are subject to discipline pursuant to Code sections 3078, subdivisions (c) and (d), 3090 and 3110, in that Respondent committed unprofessional conduct through his acts as more fully discussed in paragraphs 15, 18 and 19, above.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Optometry issue a decision:

1. Revoking or suspending Optometrist Certificate Number OPT 8618, issued to Respondent Lawrence Edwin Young.

2. Revoking or suspending Branch Office License Number 6397, issued to Respondent Lawrence Edwin Young.

3. Ordering Respondent Lawrence Edwin Young to pay the Board of Optometry the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

4. Taking such other and further action as deemed necessary and proper.

DATED: 3/26/07

TARYN SMITH
Executive Officer
Board of Optometry
State of California
Complainant

CALIFORNIA STATE BOARD OF OPTOMETRY

STATE BOARD OF OPTOMETRY
2450 DEL PASO ROAD, SUITE 105, SACRAMENTO, CA95834
P (916) 575-7170 F (916) 575-7292 www.optometry .ca.gov

Certification of Non-Licensure

The undersigned, Mona Maggio hereby certifies as follows:

> *That she is the duly appointed, acting and qualified Executive Officer of the California State Board of Optometry (Board), and that in such capacity she has custody of the official records of the board.*

On this sixth day of September 2013, the Executive Officer examined said official records of the Board and found that **LAWRENCE EDWIN YOUNG** graduated from the University Of Houston College Of Optometry in 1986.The Certificate of Registration to Practice Optometry No. 8618, was granted to him effective October 2, 1986, and was revoked effective February 12, 2011. The current address of record for said Certificate of Registration is 2400 Nova Ct.Rowland Heights, CA 91748.

Said records further reveal that on or about February 17, 2004, Branch Office License No. 6397 was issued to **LAWRENCE EDWIN YOUNG** authorizing him to practice at 515 Grand Avenue Suite H, Walnut, CA 91789. Said Branch Office License expired on February 1, 2006.

Said records further reveal that on or about June 6, 2005, **LAWRENCE EDWIN YOUNG** became certified to utilize Therapeutic Pharmaceutical Agents pursuant to Business and Professions Code Section 3041.3.

Said records further reveal that on or about March 26, 2007, the Board filed an Accusation against **LAWRENCE EDWIN YOUNG,** in Case No. 2004-59. The Board, by Decision and Order effective June 18, 2007 adopted a Default Decision and Order resolving said Accusation. Optometry License No. 6369 and Branch Office License No. 6397 were revoked.

Said records further reveal that on or about May 29, 2007, **LAWRENCE EDWIN YOUNG** filed a written motion to vacate the Default Decision and Order, in Case No. 2004-59. The Board, by Order effective June 18, 2007 stayed the effective date of said Decision and Order until August 24, 2007.

Said records further reveal that on or about August 17, 2007, the Board, by Order effective August 17, 2007 vacated the Default Decision and Order, in Case No. 2004-59. The Board, by Decision and Order effective April 3, 2008, adopted a Stipulated Settlement and Disciplinary Order resolving said Accusation. Optometry License No. 8618 was revoked, the revocation was stayed and the license was placed on probation for three (3) years.

Said records further reveal that on or about January 27, 2010, the Board filed an Accusation and Petition to Revoke Probation against **LAWRENCE EDWIN YOUNG,** in Case No. 2004-59. The Board, by Decision and Order effective February 12, 2011, adopted a Proposed Decision and Order resolving said Accusation and Petition. Optometry License No. 8618 was **revoked effective February 12, 2011.**

Said records further reveal that on or about February 2, 2012, **LAWRENCE EDWIN YOUNG** filed a Petition for Reinstatement, in Case No. 2004-59. The Board, by Decision and Order effective July 9, 2012, denied said Petition.

Given under my hand and the seal of the State Board of Optometry, in Sacramento, California, on this sixth day of September 2013.

Mona Maggio, Executive Officer

Memo

2450 Del Paso Road, Suite 105
Sacramento, CA 95834
(916) 575-7170, (916) 575-7292 Fax
www.optometry.ca.gov

To: Board Members

Date: September 13, 2013

From: Jessica Sieferman
Enforcement Lead

Telephone: (916) 575-7184

Subject: **Agenda Item 3 – Full Board Closed Session**

Pursuant to Government Code Section 11126(c)(3), the Board Will Meet in Closed Session for Discussion and Possible Action on Disciplinary Matters.

Memo

2450 Del Paso Road, Suite 105
Sacramento, CA 95834
(916) 575-7170, (916) 575-7292 Fax
www.optometry.ca.gov

To: Board Members **Date:** September 13, 2013

From: Andrea Leiva
Policy Analyst **Telephone:** (916) 575-7170

Subject: **Agenda Item 4 – Discussion and Possible Action on Newsletter Article Regarding Co-Location and Business and Professions Code Section 655**

Action Requested: It is requested that the Board consider a new version of the educational article regarding prohibited business relationships allowing control of an optometrist's practice. The new version was written by the Department of Consumer Affairs (Department). After discussion, it is requested that the Board either vote to approve the new version of the article, make edits to the new article, or continue to use the current version of the article. The Board could also refer this issue to its Public Relations/Outreach committee which is composed of members Alexander Kim and Donna Burke.

Background: On the week of August 26, 2013, the Department relayed to the Board that the Administration had requested that the Board remove from its website the article summarizing the litigation that affected the Board's authority to enforce Business and Professions Code (BPC) section 655. On August 29, 2013, the Board complied with this request and the Department offered to re-write the article.

Regardless of what form the article will take, this information is extremely important and must be disseminated to consumers and licensees as soon as possible. It has been informally estimated that about half of the Board's licensee population (4,500) are impacted because they are either directly or indirectly employed by or contracting with optical retailers. Furthermore, because many optical retailers have hundreds of chain stores throughout California, a large amount of consumers are impacted because they are receiving eye care from optometrists working in these businesses. At this time, it cannot be revealed when the Board will start taking disciplinary action on optometrists that are not in compliance with BPC section 655 because all Board investigations are confidential (Government Code section 6254 (f)).

Attached:
1) Original Article – "Prohibited business relationships allowing control of the optometrist's practice"
2) New article written by the Department of Consumer Affairs

Prohibited business relationships allowing control of the optometrist's practice

By Alejandro Arredondo, O.D, Board President
and Mona Maggio, Executive Officer

The Board of Optometry has received a variety of inquires regarding the recent conclusion of litigation that affected the Board's authority to enforce Business and Professions Code (BPC) § 655, which prohibits business and financial relationships between optometrists and registered dispensing opticians, and between optometrists and optical companies that engage 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. On June 13, 2012, BPC § 655 was upheld as constitutional by the Ninth Circuit Court of Appeals in Nat'l Ass'n of Optometrists & Opticians v. Harris, 682 F.3d 1144 (9th Cir. 2012). The optical industry plaintiffs then petitioned the Supreme Court of the United States for certiorari review, but on February 19, 2013, the Court declined to hear the case, and the Ninth Circuit decision upholding the law became final. (Nat'l Ass'n of Optometrists & Opticians v. Harris, 133 S.Ct. 1241 (2013).) As a result, the Board may once again enforce BPC § 655.

Due to these recent developments, optometrists are encouraged to discuss their optometric practices and business structure with knowledgeable legal experts, as the Board cannot advise individual optometrists on the propriety of their business relationships. However, be advised that the Board may take disciplinary action against optometrists who do not comply with the law.

The highest priority of the Board is protection of the public. The intent of BPC § 655 is the same as it was when it was enacted in 1969 - to prevent interference with the optometrist-patient relationship by optical companies and retailers, and to ensure that all medical decisions are made by the licensed optometrist. The optometrist-patient relationship is built on trust that should not be abused. The Board is mandated to prevent that from happening.

BPC § 655, subdivision (a) prohibits an optometrist from having a membership, proprietary interest, co-ownership, landlord-tenant relationship, or profit-sharing arrangement in any form, directly or indirectly, with a registered dispensing optician. The same relationships, plus those involving stock ownership, interlocking directors, trusteeship, mortgage, trust deed, or others between optometrists and optical companies are also prohibited under subdivision (c). Pursuant to BPC § 652, the Board may take disciplinary action for unprofessional conduct against an optometrist who violates § 655, and by its terms an optometrist may also be found guilty of a misdemeanor for its violation.

BPC § 655 has also been interpreted broadly to prohibit any relationship where a registered dispensing optician exerts control over an optometrist's practice. (California Assn. of Dispensing Opticians v. Pearle Vision (1983) 143 Cal.App.3d 419, 429.) This is

in line with California's long-standing public policy against permitting lay persons to practice any of the medical arts or to exercise control over decisions made by healing arts practitioners. (Painless Parker v. Board of Dental Exam (1932) 216 Cal. 285, 296.)

An optometrist may also be disciplined for unprofessional conduct under BPC § 3110, subdivision (a) for "directly or indirectly assisting in or abetting the violation of, or conspiring to violate any provision of [the Optometry Practice Act]." Under BPC § 3070, the practice of optometry is the performing or the controlling of any of the acts set forth in BPC § 3041, which describes the acts authorized by an optometry license and includes the prescribing of contact and spectacle lenses. Aiding and abetting the unlicensed practice of optometry by allowing a registered dispensing optician or optical company to have any control over an optometrist's prescribing of ophthalmic devices constitutes unprofessional conduct under BPC § 3110 (a).

Under limited circumstances, California Code of Regulations, title 16, § 1514 allows an optometrist to lease space from a retailer (commercial, mercantile concern), but BPC § 655 and 2556 still prohibit the optometrist from being a tenant of an optical company or registered dispensing optician. In addition, under regulation § 1514, the optometrist is prohibited from allowing the retailer to control any aspect of the optometrist's practice. The practice must be owned by the optometrist and in every phase be under his or her exclusive control. The rented space must be definite and apart from space occupied by other occupants of the premises. All signs and advertising must be separate and distinct from that of any other occupant and may not have any legends, such as "Optical Department," "Optometrical Department," "Optical Shoppe," or others of similar import, and there may be no linking of the optometrist's name, or practice, in advertising or in any other manner with that of the commercial (mercantile) concern from whom he or she is leasing space.

BPC § 3109 also prohibits optometrists from being directly or indirectly employed by anyone who is not a licensed optometrist or by any company or corporation, except that an optometrist may be employed by a licensed ophthalmologist or by a Knox-Keene plan licensed under the Health and Safety Code. Under BPC § 655 and 3109, an optometrist may not be employed, directly or indirectly, by a registered dispensing optician or by an optical company and allowing control of the optometrist's practice is considered aiding and abetting the unlicensed practice of optometry, which is prohibited by BPC § 3110, subdivision (a). An optometrist may not be employed by a Knox-Keene Health Care Service Plan that is owned by a registered dispensing optician or an optical company, as such employment is a violation of § 655 and 3110, subdivision (a).

From the Board's perspective, the following types of optometric practice ownership and operating structures are prohibited:

- An optometrist working for a business owned or operated by a non-optometrist.
- An optometrist operating an optometric practice as a limited liability company, limited liability partnership, or general corporation. Moscone-Knox professional corporations are appropriate.

- An optometrist engaging a management service organization to arrange for, advertise, or provide optometric services rather than only provide administrative services for an optometrist's practice (non-optometrist exercising control over an optometrist's practice, even where an optometrist owns and operates the business).
- An optometrist acting as “optometric director” other than for an optometry practice.
- An optometrist receiving incentives directly or indirectly from a registered dispensing optician or optical company for examining a particular number of patients per day or writing a particular volume of prescriptions for eyewear.
- An optometrist working inside an optical retail store owned by a registered dispensing optician.
- An optometrist employed by a Knox-Keene plan that is owned by a registered dispensing optician or optical company.
- An optometrist employed by a Knox-Keene plan that has interlocking directors with an optical company, or where an optical company has oversight of the Knox-Keene vision care plan.

An optometrist is responsible for the ultimate overall care of the patient, including treatment options available to the patient. From the Board's perspective, the following health care decisions should be made by a licensed optometrist and would constitute the unlicensed practice of optometry if determined or controlled by an unlicensed person:

- How much time to spend with a patient.
- Which diagnostic tests should be administered to a patient or the need for retinal photographs.
- Determining the need for referrals to, or consultation with, an ophthalmologist or other specialist.
- Whether to prescribe corrective lenses for a patient, and whether a patient needs more than one pair of corrective eyewear.
- What kinds of products to prescribe for a patient, whether proprietary products of an optical company, stock on hand, or ordering specific products.

In addition, from the Board’s perspective, the following "business" or "management" decisions resulting in control over an optometrist's practice, should be made by a licensed optometrist and not by an unlicensed person or entity:

- Determining the hours and days of the week that the optometrist’s office will be open to see patients.
- Determining how many patients an optometrist will see in a given period of time or how many hours an optometrist will work.
- In what intervals to schedule patients.
- Whether to accept patients on a walk-in basis without an appointment.
- The number of eye exams to be given per day, week, or month.
- Whether to dispense prescription eyewear or not.
- The selection, hiring, or firing of optometrists and optometric assistants.

- Approving of the selection of optometric equipment and supplies for the optometry practice.
- Determining whether to enter into contractual relationships with third-party payers.
- How to advertise the professional optometric practice.
- Ownership of the optometric records of patients is an indicator of control, including determining the contents thereof, and should be retained by a licensed optometrist.

The types of decisions and activities described above cannot be delegated to an unlicensed person, including, for example, management service organizations. While an optometrist may consult with unlicensed persons in making the "business" or "management" decisions described above, the optometrist must retain the ultimate responsibility for, or approval of, those decisions.

In the examples above, non-optometrists would be engaged in the unlicensed practice of optometry, and the Board may take disciplinary action against an optometrist that has aided and abetted the unlicensed practice of optometry. During the time that BPC § 655 was not enforced, several optical retailers established relationships with optometrists that may be prohibited by BPC § 655 or otherwise.

Many optical retailers that directly or indirectly employ or contract with optometrists are currently engaged in discussions with representatives of the Attorney General's Office to evaluate the legality of their ongoing operations. Optometrists may wish to contact the commercial or retail entities they have relationships with to inquire whether they are engaged in such discussions or whether any changes are being made to comply with the law.

To view the full history of the litigation in Nat'l Ass'n of Optometrists & Opticians v. Harris, BPC § 655 and other pertinent provisions of law, please visit the Board's Web site at www.optometry.ca.gov.

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LONG

What the resolution of *National Association of Optometrists & Opticians v. Harris* means to you

The Board of Optometry has received a number of inquiries regarding the recent conclusion of *National Association of Optometrists and Opticians v. Harris,* and what it means to some of our licensees.

This litigation upheld the constitutionality of Business and Professions Code Sections 655 and 2556. B & P Code Section 655 prohibits business and financial relationships between optometrists and registered dispensing opticians, and between optometrists and optical companies that manufacture, sell, or distribute lenses, frames, or other such appliances. (To view the full history of the litigation in *Nat'l Ass'n of Optometrists & Opticians v. Harris*, B & P Code Section 655 and other pertinent provisions of law, please visit the Board's Web site at www.optometry.ca.gov and look under the "What's New" section.)

Now that the litigation has concluded, the Board's priority is to ensure compliance with the law and to help our licensees find pathways to compliance. Many optical retailers that directly or indirectly employ or contract with optometrists are currently engaged in discussions with representatives of the Attorney General's Office to evaluate the legality of their ongoing operations. Our licensees may wish to contact the commercial or retail entities they have relationships with to inquire as to whether or not they are engaged in such discussions or whether they are making changes to comply with the law. We realize that full compliance will not occur overnight but we hope that our licensees are making a good faith effort in working toward compliance.

As always, the highest priority of the Board is protection of the public. The intent of B & P Code Section 655 is to prevent interference with the optometrist-patient relationship by optical companies and retailers and to ensure that all medical decisions are made by the licensed optometrist. In ensuring compliance, a good first step would be for optometrists to ensure that they are the ones making health care decisions for their patients. There are some decisions that constitute the unlicensed practice of optometry if they are determined to be controlled by someone who is unlicensed. These include but are not limited to determining:

- How much time to spend with a patient;
- Which diagnostic tests should be administered to a patient or the need for retinal photographs;
- The need for referrals to, or consultation with, an ophthalmologist or other specialist;
- Whether to prescribe corrective lenses for a patient, and whether a patient needs more than one pair of corrective eyewear; and
- What kinds of products to prescribe for a patient, whether proprietary products of an optical company, stock on hand, or ordering specific products.

Another step optometrists can take is to ensure that they control certain business or management decisions about their practices. These include but are not limited to having control over:

- The hours and days of the week that the optometrist's office will be open to see patients, how many patients will be seen in any given period of time, the number of eye exams to be given per day, week or month, and how many hours an optometrist will work;
- Whether to accept patients on a walk-in basis, without an appointment;
- Whether to dispense prescription eyewear or not;
- The selection, hiring, or firing of optometrists and optometric assistants;
- The selection and approval of optometric equipment and supplies for the optometry practice;
- Whether to enter into contractual relationships with third-party payers;
- How to advertise the professional optometric practice; and
- Ownership and retention of the optometric records of patients.

Ensuring compliance with B & P Code Section 655 with respect to business relationships is likely to raise the most questions.

Several optical retailers that directly or indirectly employ or contract with optometrists have been in discussions with the Attorney General's Office to evaluate the legality of their ongoing operations. Optometrists who currently have relationships with commercial or retail entities may wish to contact them to inquire if they are engaged in such discussions. They may also wish to discuss their practices with knowledgeable legal experts.

While the Board cannot advise individual optometrists on the propriety or legality of their business relationships, we can state in broad general terms the types of ownership, operating structures, and operating practices that are prohibited under B & P Code Section 655. They include, but are not limited to:

- An optometrist working for a business owned or operated by a non-optometrist;
- An optometrist operating an optometric practice as a limited liability company, limited liability partnership, or general corporation (Moscone-Knox professional corporations are appropriate);
- An optometrist working inside an optical retail store owned by a registered dispensing optician;
- An optometrist employed by a Knox-Keene plan that is owned by a registered dispensing optician or optical company;
- An optometrist employed by a Knox-Keene plan that has interlocking directors with an optical company, or where an optical company has oversight of the Knox-Keene vision care plan; and
- An optometrist acting as "optometric director" other than for an optometry practice

The Board realizes that *Nat'l Ass'n of Optometrists & Opticians v. Harris* will mean that some of our licensees may have to make difficult choices. We are anxious to help our licensees make the transition, and will be posting additional information as necessary on our Web site as issues arise.

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SHORT

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- The hours and days of the week that the optometrist's office will be open to see patients, how many patients will be seen in any given period of time, the number of eye exams to be given per day, week or month, and how many hours an optometrist will work;
- Whether to accept patients on a walk-in basis, without an appointment;
- Whether to dispense prescription eyewear or not;
- The selection, hiring, or firing of optometrists and optometric assistants;
- The selection and approval of optometric equipment and supplies for the optometry practice;
- Whether to enter into contractual relationships with third-party payers;
- How to advertise the professional optometric practice; and
- Ownership and retention of the optometric records of patients.

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The Board realizes that *Nat'l Ass'n of Optometrists & Opticians v. Harris* will mean that some of our licensees may have to make difficult choices. We are anxious to help our licensees make the transition, and will be posting additional information as necessary on our Web site as issues arise.

Memo

2450 Del Paso Road, Suite 105
Sacramento, CA 95834
(916) 575-7170, (916) 575-7292 Fax
www.optometry.ca.gov

To: Board Members **Date:** September 13, 2013

From: Alejandro Arredondo O.D.
Board President **Telephone:** (916) 575-7170

Subject: **Agenda Item 5 – Future Board Meeting Dates and Locations, and Suggestions for Future Agenda Items**

Future Board Meeting Dates and Locations:

- October 25, 2013; Sacramento – STRATEGIC PLANNING ONLY
- November 1, 2013; TBD
- January 10, 2014; TBD

Members of the Board and the public may suggest items for staff research and discussion at future meetings.

Memo

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www.optometry.ca.gov

To: Board Members **Date:** September 13, 2013

From: Alejandro Arredondo O.D.
Board President **Telephone:** (916) 575-7170

Subject: **Agenda Item 6 – Public Comment for Items Not on the Agenda**

The Board may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting [Government Code Sections 11125, 11125.7(a)].

Memo

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To: Board Members

Date: September 13, 2013

From: Alejandro Arredondo O.D.
Board President

Telephone: (916) 575-7170

Subject: **Agenda Item 7 – Adjournment**