



ISSUE MEMORANDUM

DATE	November 19, 2021
TO	Members, California State Board of Optometry (CSBO)
FROM	Terri Villareal, Lead Enforcement Analyst
SUBJECT	Agenda Item # 11A – Enforcement Program Review, Quarter 1, FY 2021 / 2022

The Enforcement Unit is continuing its effort to close older cases or those opened that are still pending from 2017, 2018, and 2019 to improve performance measures. Over the last few months, staff have closed several of these cases and continues to focus in this area of enforcement.

Since the 2016 Sunset Review, the enforcement unit has experienced staff turnovers which has led to increased investigation cycle times. The Lead Enforcement Analyst position or the most-senior analyst was promoted to the Assistant Executive Officer which left this position vacant for approximately 18 months. This position was filled in February 2019. In addition, this past year a senior enforcement analyst and another analyst both departed the Board for promotions. In each of these points, caseloads were redirected to remaining staff which severely extended the time frames for investigations.

The Board issued 21 administrative citations with fines to Stanton Optical for falsely advertising eye exams at these locations. All 21 locations that were issued citations are included in this report.

Enforcement staff have begun providing educational presentations to the Board; in prior board meetings we have covered investigate complaints and how violations are identified. At today's meeting, Enforcement Analyst Brad Garding will deliver a PowerPoint presentation to explain the Discipline process.

September 1, 2021, Enforcement Analyst Cricket (Kristen) Borges joined the enforcement team and has proven to be an excellent addition to the Board. Cricket has worked at several Boards throughout Consumer Affairs but more recently came from the California Acupuncture Board. With her she brought a vast knowledge of all aspects of enforcement. Cricket is assisting staff with working on the older cases and process improvements. Welcome, Cricket!

The Board will be hiring another analyst to work in the Mobile Optometric Office program who will assist the Policy Analyst to finalize regulatory text, develop procedures for the licensing program, and also assist enforcement staff with case investigations until this program is up and running. This position is expected to be filled by the end of this year.

Below are the enforcement and disciplinary actions taken for the first quarter of 2021/2022:

Statement of Issues Filed

Biradar, Tasqeen, Optometry Applicant

On July 30, 2021, a Statement of Issues was filed against Tasqeen Biradar following the denial of her application for licensure as an Optometrist. The basis for the denial was Discipline by Another Licensing Agency (BPC §§475(a)(4), 480(a)(2), and 3110(h).

Disciplinary Orders - Probation

Granstra, Trina Jean Spectacle Lens Dispenser Registration (SLD) Number 6321 and Contact Lens Dispenser (CLD) Number 2176, Redwood Valley, California

Effective September 10, 2021, the SLD 6321 and CLD 2176, with an address of record in Redwood Valley, California, were revoked, the revocation stayed, and respondent's registrations were placed on probation for three years for a Criminal Conviction, (Business and Professions Code §§490, 2559.3, and 2563).

Isbill, Terry Kent, Optometrist License Number 5085, Sacramento, California

Effective August 6, 2021, the license of Dr. Terry Kent Isbill, with an address of record in Sacramento, CA was revoked, the revocation stayed, and the license placed on probation for five years due to Gross Negligence, Incompetence, and Failure to Maintain Adequate and Accurate Records (Business and Professions Code §§ 3110(a), (b), (d), and (q)).

Pending Accusation

Fausset, Thomas Mark Optometrist License Number 8223, Los Angeles, California.

On, August 17, 2021, a Second Amended Accusation was filed against the license of Thomas Mark Fausset, with an address of record in Los Angeles, California, for Failure to Comply with Order to Compel Mental Examination, Convictions of Substantially Related Crimes, and Dangerous Use of Alcohol, Business and Professions Code §§490, 821, 3110(k), (l), and California Code of Regulations, Title 16 §1517).

Administrative Hearing Decision on Citation Appeal

1. Stanton Optical #05 Registered Dispensing Optician (RDO) Registration Number 7570, Modesto, CA

Effective September 23, 2021, a \$4,500 modified citation was issued to Stanton Optical with an address of record in Modesto, CA, for disseminating misleading and deceptive advertisements, advertising optometry services, failure to submit an RDO renewal application prior to the expiration date of the RDO registration, and for

unprofessional conduct: advertising the furnishing of optometry services (BPC §§651, 2556(a), CCR §§1399.222, and 1399.251).

2. Stanton Optical #13, RDO 7575, Roseville, CA

Effective September 23, 2021, a \$4,500 modified citation was issued to Stanton Optical with an address of record in Roseville, CA, for disseminating misleading and deceptive advertisements, advertising optometry services, failure to submit an RDO renewal application prior to the expiration date of the RDO registration, and unprofessional conduct: advertising the furnishing of services of an optometrist (BPC §§651, 2556(a), CCR §§1399.222, and 1399.251).

3. Stanton Optical #14, RDO 7572, Sacramento, CA

Effective September 23, 2021, a \$2,200 modified citation was issued to Stanton Optical, with an address of record in Sacramento, CA, for disseminating misleading and deceptive advertisements, advertising optometry services, failing to obtain an RDO registration prior to opening for business, and unprofessional conduct: advertising the furnishing of the services of an optometrist (BPC §§651, 2556(a), CCR §§1399.222, and CCR §1399.251).

4. Stanton Optical #15, RDO 7597, Fair Oaks, CA

Effective September 23, 2021, a \$2,400 modified citation was issued to Stanton Optical with an address of record in Fair Oaks, CA, for disseminating misleading and deceptive advertisements, advertising optometry services, failure to submit an RDO renewal application prior to the expiration date of the RDO registration, and unprofessional conduct: advertising the furnishing of services of an optometrist (BPC §§651, 2556(a), CCR §§1399.222, and 1399.251).

5. Stanton Optical #18, RDO 70534, Fresno, CA

Effective September 23, 2021 a \$3,500 modified citation was issued to Stanton Optical with an address of record in Fresno, CA, for disseminating misleading and deceptive advertisements, advertising optometry services, failure to submit an RDO renewal application prior to the expiration of the RDO registration, and unprofessional conduct: advertising the furnishing of services of an optometrist (BPC §§651, 2556(a), CCR §§1399.222, and 1399.251).

6. Stanton Optical #19, RDO 70535, Visalia, CA

Effective September 23, 2021, a \$3,500 modified citation was issued to Stanton Optical with an address of record in Visalia, CA, for disseminating misleading and deceptive advertisements, advertising optometry services, and failure to submit an RDO renewal application prior to the expiration date of the RDO registration, and unprofessional conduct: for advertising the furnishings of services of an optometrist (BPC §§651, 2556(a), CCR §§1399.222, and 1399.251).

7. Stanton Optical #31, RDO 70824, Bakersfield, CA

Effective September 23, 2021, a \$4,500 modified citation was issued to Stanton Optical with an address of record in Bakersfield, CA, for disseminating misleading

and deceptive advertisements, failure to obtain an RDO registration prior to opening for business, advertising optometry services and for unprofessional conduct: advertising the furnishing of services of an optometrist (BPC §§651, 2551, 2556(a), and CCR §1399.251).

8. Stanton Optical #32, RDO 70825, Stockton, CA

Effective September 23, 2021 a \$4,500 modified citation was issued to Stanton Optical with an address of record in Stockton, CA, for disseminating misleading and deceptive advertisements, failing to obtain an RDO registration prior to opening for business, advertising optometry services, and unprofessional conduct: for advertising the furnishing of services of an optometrist (BPC §§651, 2551, 2556(a), and CCR §1399.251).

9. Stanton Optical #57, RDO 70945, Yuba City, CA

September 23, 2021, a \$2,500 modified citation was issued to Stanton Optical with an address of record in Yuba City, CA, for failing to obtain an RDO registration prior to opening for business (BPC §2551).

10. Stanton Optical #62, RDO 70828, Santee, CA

Effective September 23, 2021, a \$4,500 modified citation was issued to Stanton Optical with an address of record in Santee, CA, for disseminating misleading and deceptive advertisements, failing to obtain an RDO registration prior to opening for business, advertising optometry services, and unprofessional conduct: for advertising the furnishings of services of an optometrist (BPC §§651, 2551, 2556(a), and CCR §1399.251).

11. Stanton Optical #63, RDO 70826, Salinas, CA

Effective September 23, 2021 a \$4,500 modified citation was issued to Stanton Optical with an address of record in Salinas, CA, for disseminating misleading and deceptive advertisements, failing to obtain an RDO registration prior to opening for business, advertising optometry services, and for unprofessional conduct: advertising the furnishing of the services of an optometrist (BPC §§651, 2551, 2556, and CCR §1399.251).

12. Stanton Optical #66, RDO 70951, Santa Maria, CA

Effective September 23, 2021, a \$2,500 modified citation was issued to Stanton Optical with an address of record in Santa Maria, CA, for failure to obtain an RDO registration prior to opening for business (BPC §2551).

13. Stanton Optical #64, RDO 70936, Merced, CA

Effective September 23, 2021, a \$2,500 modified citation was issued to Stanton Optical with an address of record in Merced, CA, for failure to obtain an RDO registration prior to opening for business (BPC §2551).

14. Stanton Optical #67, RDO 70827, La Mesa, CA

Effective September 23, 2021, a \$4,500 modified citation was issued to Stanton Optical with an address of record in La Mesa, CA, for disseminating misleading and deceptive advertisements, failing to obtain an RDO registration prior to opening for business, advertising optometry services, and for unprofessional conduct: advertising the furnishing of services of an optometrist (BPC §§651, 2551, 2556(a), and CCR §1399.251).

15. Stanton Optical #76, RDO 70946, Chula Vista, CA

Effective September 23, 2021 a \$2,500 modified citation was issued to Stanton Optical with an address of record in Chula Vista, CA, for failure to obtain an RDO registration prior to opening for business (BPC §2551).

16. Stanton Optical #79, RDO 70937, National City, CA

Effective September 23, 2021, a \$2,500 modified citation was issued to Stanton Optical with an address of record in National City, CA, for failing to obtain an RDO registration prior to opening for business (BPC §2551).

17. Stanton Optical #89, RDO 70909, Oceanside, CA

Effective September 23, 2021, a \$2,500 modified citation was issued to Stanton Optical with an address of record in Oceanside, CA, for failure to obtain an RDO registration prior to opening for business (BPC §2551).

18. Stanton Optical #94, RDO 70953, Vista, CA

Effective September 23, 2021, a \$2,500 modified citation was issued to Stanton Optical with an address of record in Vista, CA, for failure to obtain an RDO registration prior to opening for business (BPC §2551).

19. Stanton Optical #108, RDO 70952, East Fresno, CA

Effective September 23, 2021, a \$2,500 modified citation was issued to Stanton Optical with an address of record in East Fresno, CA, for failing to obtain an RDO registration prior to opening for business (BPC §2551).

20. Stanton Optical #111, RDO 70985, Lodi, CA

Effective September 23, 2021, a \$2,500 modified citation was issued to Stanton Optical with an address of record in Lodi, CA, for failure to obtain an RDO registration prior to opening for business (BPC §2551).

21. Stanton Optical #113 RDO 70958, San Diego, CA

Effective September 23, 2021, a \$2,500 modified citation was issued to Stanton Optical with an address of record in San Diego (Stonecrest), CA, for failing to obtain an RDO registration prior to opening for business (BPC §2551).

Cases by Priority	Q1 – FY21/22						F
	Routine		High		Urgent		
	OPT	OPN	OPT	OPN	OPT	OPN	OPT
Received	30	10	0	0	0	0	30
Closed	40	33	2	0	0	0	42
Average Age (days) - Closed	290	240	690	0	0	0	268
Pending	160	113	6	1	0	0	166
Average Age (days) – Pending	449	703	593	338	0	0	452
Referred to AG	1	0	0	0	0	0	1
Pending at AG	4	2	3	0	0	0	7
Final Disciplinary Orders	1	1	0	0	0	0	1

Y Total
OPN
10
33
308
114
697
0
2
1