



California State Board of Optometry Meeting

Friday, November 19, 2021

Agenda Item #11ii - Enforcement Presentation -
Discipline



Enforcement Program

A Presentation to the Board about the Disciplinary Process

Presented by Brad Garding, Enforcement Analyst



How It Begins

- A complaint is received and investigated by the Board
- Alleged violations are identified and substantiated
- Case is transmitted to the Attorney General's Office for formal disciplinary action
- Accusation or Statement of Issues is filed
- Settlement vs. Administrative Hearing
- Board Members vote
- Decision and Order



What are Considered Serious Violations?

- Gross Negligence - Patient harm
 - Incompetence
- Sexual misconduct or sexual harassment
 - Misdiagnosis or Failure to Refer
 - Fraudulent Billing
- Criminal Conviction (ex: driving under the influence of drugs or alcohol, fraud)



Formal Discipline Process begins when:

- A Transmittal memo is prepared and sent to the Attorney General's Office requesting disciplinary action
- Accusations are filed against licensees/registrants
- Statement of Issues are filed when:
 1. The applicant's application has been denied and;
 2. The applicant has appealed the denial



Possible Outcomes of Discipline

- License / registration granted / denied
- License suspension
- Probation
- Public Reproval
- Interim Suspension Order/ PC23 Order (suspension)
- Surrender of license
- License/Registration Revocation



Probation Terms Enhance Consumer Protection

- Probation is the application of discipline to a licensee/ registrant
- Probation attempts to directly address and correct potential sources of consumer harm appropriate to what has been proven
- The length of probation should be of appropriate length to address the consumer protection concerns that led to the discipline



Types of Subsequent Discipline

- Once placed on probation, the following actions can be taken to Discipline the licensee or registrant, if warranted:
 - A. Petition to Revoke Probation
 - B. Accusation and Petition to Revoke Probation



Discipline Process Overview

- Thank you for your time. More trainings will be provided at future Board meetings.
- Feedback to improve these trainings is helpful and encouraged.

