



ISSUE MEMORANDUM

DATE	August 27, 2021
TO	Members, California State Board of Optometry (CSBO)
FROM	Shara Murphy, Executive Officer <i>prepared by Terri Villareal, Probation Monitor</i>
SUBJECT	Agenda Item #11 – Petition for Early Termination of Probation – Wayne W. Hoeft, O.D. – OPT 4256

Dr. Wayne W. Hoeft, O.D. (Petitioner) was issued Optometrist License No. 4256 on September 22, 1959. On September 8, 2017, the Board filed Accusation No. CC 2014-370 against Petitioner charging them with violations of laws and regulations based on an investigation which determined Petitioner was in violation of Business and Professions Code § 3110(n) and (y). Effective January 23, 2018, Petitioner's license was revoked, the revocation was stayed, and Petitioner's license was placed on two (4) years' probation, subject to certain terms and conditions.

The Petitioner is requesting the Board to grant their Petition for Reduction of Penalty or Early Termination of Probation.

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

1. Petition for Reduction of Penalty and Early Termination of Probation
2. Proposed Decision and Disciplinary Order, Accusation



**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 early 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) (MIDDLE) (LAST)	LICENSE NO.
Wayne W Hoeft	OPT 4256
2. ADDRESS (STREET)	DATE OF BIRTH
[REDACTED]	[REDACTED]
(CITY) (STATE) (ZIP CODE)	TELEPHONE
[REDACTED]	[REDACTED]
3. PHYSICAL DESCRIPTION (HEIGHT) (WEIGHT) (HAIR COLOR) (EYE COLOR)	
[REDACTED]	

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

Los Angeles College of Optometry / So. CA College of Optometry
NAME OF SCHOOL
See above names. NOW = MB Ketchum University

ADDRESS

2575 Yorba Linda Blvd.
(CITY) (STATE) (ZIP CODE)

Fullerton, CA 92831-1615

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
907 N. San Fernando Blvd. Burbank, CA 91504	1984	2018 (January)	Gen. Optometry
1112 W. Burbank Blvd. #204 Burbank, CA 91506	2018 (Jan)	Present	Gen. Optometry

7. Are you or have you 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 § 1203.4 (which includes diversion programs). ☒ YES ☐ NO
11. Are you now on probation or parole for any criminal violations 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 optometry license in this state or any other state? ☒ YES ☐ NO

IF YOU ANSWERED YES TO ANY OF THE ABOVE QUESTIONS, YOU MUST ATTACH 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

6-30-21

Signature

Wayne W. Hoff

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 California State Board of Optometry at 2450 Del Paso Road, Suite 105, Sacramento, California, 95834. This information may be transferred to another government 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 California Civil Code § 1798.3.

YES ANSWERS:

#8. Are you or have you ever suffered from a contagious disease? [REDACTED]
[REDACTED]

#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? In 2012, although I was allowed, as an Optometrist, to prescribe pain medication to a patient who complained of the pain of Chronic Iritis, which she'd had for 10 years, my charges were regarding *"the quantity and duration of the pain medication prescribed"*. She was currently under an MD's care for the Iritis, who had been writing scripts for her pain. She would be seen occasionally in our office; however, the medical eye care was handled by the Ophthalmologist.

Unfortunately, friendship clouding my judgment, I wrote our friend the script. The audit of Desoto Pharmacy found that I had over prescribed for too long a period and that I had not referred her back to her Ophthalmologist who was following her medical problem. When I stopped prescribing this medication, she got her meds from her Internist, instead.

#11. Are you now on probation for any criminal violations or administrative violations in this state or any other state? Yes...see included *"Decision and Order"*.

#12. Have you ever had disciplinary action taken against your optometry license in this state or any other state? Yes...see included *"Cease Practice Order"*.

Petition Request-Questions #13 - #20

#13. List the date of disciplinary action taken against your license and explain fully the cause of the disciplinary action. Although the entire process began, I believe, in September 2017, the actual action date was March 22, 2018. This means that my case should close March 22, 2022. My license was revoked, but it was stayed (or put on hold and put on probation) while I fulfilled the stipulations (financial, educational and otherwise) that have been set in my case.

The cause of the disciplinary action was not due to any inability for me to legally prescribe the pain medication, which I recommended for one particular patient; rather, it was due to the frequency and length of time I prescribed it at the request of the patient's husband, a close friend and Optometric associate of mine.

#14. Explain fully why you feel your license should be restored, or the disciplinary penalty reduced. I have fulfilled all my compliance stipulations (regular & timely payments required, testing, CE, community service). Although I know that my "friendly responses" to my friend were irresponsible, I have learned from these actions that though they weren't meant to be a detriment to the patient, or prescribed with any ill intent or financial gain, they were, indeed, irresponsible. I believe that my compliance to the disciplinary actions serves to show my responsibility to correct my shortcomings shown in my actions.

#15. Describe in detail your activities and occupation since the date of the disciplinary action; include dates, employers, and locations. I have been doing community service at a Christian organization ever since March of 2018. Because of the restrictions of COVID, these were limited to a certain extent. However, when the organization (Grace To You) re-opened, I have been a steady volunteer. Grace To You is an adjunct part of Grace Community Church in Sun Valley, California. The Volunteer agency is located on Harrison Parkway, Valencia, CA...38 miles away from my home.

I also volunteer, along with my wife, every other Sunday at our church, Grace Community Church on Roscoe Boulevard, Sun Valley, CA. In this capacity, we

interview and facilitate new parishioners who desire to become members of our church.

Burbank Family Optometry, of which I used to be a partner with my son, was closed for 3 months due to COVID. I was forced to relinquish my partnership because of my new record with the State in order to apply for financial aid from the State to help with payroll at the office. Therefore, I am now considered an employee...part-time, due to my age of 86 and the risk of COVID to my age group. However, I have been allowed to go in by request from patients who have been with me for many years and are willing to wait to see me. Also, I am the only Optometrist at Burbank Family Optometry who practices LOW VISION, a specialty I've done for over 50 years. I also am the Doctor who reviews all doctors' charts for insurance compliance.

#16. Describe any rehabilitative or corrective measures you have taken since your license was disciplined to support your petition. **As required, I took the California Laws & Regulations Exam, pertaining to Optometry, which included sections on pain management and drugs. I took CE on Opioid Use, Misuse & Abuse when it became available. Since I, myself, have no addiction issues, I believe CE such as this is a reminder of the mistakes to avoid in the future. I have also paid for the investigative costs in full, which of itself is corrective in nature.**

#17. List all post-graduate or refresher courses, with dates, location and type of course, you have taken since your license was disciplined. **See #19 (CE Courses). Other than those virtual courses, I have not done post-graduate courses.**

#18. List all optometric literature you have studied during the last year. **During the last year, I spent considerable time reviewing my career and writing and compiling a chapter in a book, called *Rehabilitation of the Visually Impaired*. I was asked to be one of the contributing doctors, nationally, whose expertise is in the field of LOW VISION. I have included my chapter from this book for Doctors interested in the field of LOW VISION.**

I look at all the Optometric Journals, which are sent to me on a monthly basis to glean new information and insights in the field of Optometry. Included in these is "Optometric Management."

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

- Marshall B. Ketchum University: June 6, 2018 ... 4 CE hours on "Allergies: An Overview to Incorporate the Eye & the Eye Care Provider" ... "Opioid Use, Misuse & Abuse" ... "Fitting Scleral Lenses in 2018: New Knowledge."
- Marshall B. Ketchum University: July 22, 2018 ... 8 CE hours on "Ocular Disease" - part two, including a section on "Ocular Pain Management."
- Marshall B. Ketchum University: January 3, 2019 ... 4 CE hours ... "Pain Management & Controlled Substances."
- Marshall B. Ketchum University: March 9 & 10, 2019 16 CE hours on Ocular Disease: Part One, including "Pain Management & Oral Medications."
- Good Samaritan Hospital: March 17, 2019 ... 8 CE hours on "Retina Update."
- Vista Medical Education, Inc: (Webcast) June 4, 2019 ... 1 CE hour ... "The Dry Eye Patient in Focus: An Expert Panel Review."
- Berg-Feinfield Seminar: October 28, 2019 ... 3 CE hours ... "Ophthalmic Updates in 2019"
- Berg-Feinfield Seminar: April 28, 2020 ... 1 CE hour ... "Optometric COVID-19 Review"
- Commission on Paraoptometric Certification (Staff Preparedness): May 13 & May 14, 2020 ... 2 CE hours on (COA & AOA) ... "Optometric Practice Reactivation Preparedness for Paraoptometric Staff."

- Evolve Medical Education: June 9, 2020 ... 3 CE hours ... “Anterior Segment Outcomes.” (Virtual Part 1)
- Evolve Medical Education: June 14, 2020 ... 3 CE hours ... “Anterior Segment Outcomes.” (Virtual Part 2)
- California Optometric Association: June 22, 2020 ... 2 CE hours ... “Glaucoma Management.”
- Berg-Feinfield Seminar: June 23, 2020 ... 1 CE hour ... “Advice and Lessons Learned After Reopening-COVID-19 Response.”
- Marshall B. Ketchum University: July 18 & 19, 2020 ... 16 CE hours ... “Ocular Disease.” (Live Webinar)
- California Optometric Association: July 20, 2020 ... 2 CE hours ... “Myopia Management.”
- COA – Optowest Virtual: September 23, 2020 ... 6 CE hours ... “Optometric Management.”
- Berg-Feinfield Seminar: October 27, 2020 ... 4 CE hours ... “Ophthalmic Updates in 2020.”
- California Optometric Association: March 9, 2021 ... 2 CE hours ... “Medical Emergencies.”
- California Optometric Association: March 15, 2021 ... 2 CE hours ... “Glaucoma/Retinal Dystrophies.”
- Marshall B. Ketchum University: March 20, 2021 ... 8 CE hours ... “Ocular Disease Part 1.”
- San Fernando Valley Optometric Society: March 21, 2021 ... 5 CE hours ... “Keratitis/Uveitis.”
- Advancing Knowledge in Healthcare (AKH, Inc): March 24, 2021 ... 1.5 CE hours ... “A Global Dry Eye Consensus.”

- California Optometric Association: May 17, 2021 ... 2 CE hours ... "Case Presentations."
- California Optometric Association (Optowest): June 6, 2021 ... 6 CE hours ... "Glaucoma/Cornea/Retina."



Certification of License History

This is to certify that I, Shara Murphy, Executive Officer of the California State Board of Optometry (Board), have custody and control of the official records of the Board and that the following information was obtained from the records of **Wayne Whitmer Hoeft**:

Address of Record:

1112 W. Burbank Blvd., Suite 204
Burbank, CA 91506-1454

**School Graduated from
and Year:**

Southern California College of Optometry, 1959

License Number:

OPT 4256 TPA

Issued:

September 22, 1959

Expiration:

February 28, 2023

Status:

Current, Probation

Prior Discipline:

No

Given under my hand and the seal of the State Board of Optometry, at Sacramento, California, on this 30th day of July 2021.


Shara Murphy, Executive Officer
California State Board of Optometry



CALIFORNIA 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



CERTIFIED, REGULAR, & ELECTRONIC MAIL

May 18, 2018

Dr. Wayne W. Hoeft, O.D.,
[REDACTED]

CEASE PRACTICE ORDER

Dear Dr. Hoeft:

The California State Board of Optometry (Board) is issuing a cease practice order for the following reason:

Condition #9 of your probation terms states, in part, the following:

"If Respondent fails the first examination, Respondent shall immediately cease the practice of optometry until the re-examination has been successfully passed; as evidenced by written notice to Respondent from the Board."

By your admission, you have failed the California Laws & Regulations Examination (CLRE). Pursuant to condition #9, you may not practice optometry from today's date until you have successfully passed the CLRE.

If you have any questions, please contact me at (916) 575-7173 or cheree.kimball@dca.ca.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cheree".

Cheree Kimball
Probation Monitor



CALIFORNIA 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



CERTIFIED, REGULAR, & ELECTRONIC MAIL

December 24, 2018

Dr. Wayne W. Hoefft, O.D.



CEASE PRACTICE ORDER RESCINDED

Dear Dr. Hoefft:

The California State Board of Optometry (Board) is rescinding the cease practice order issued on May 18, 2018.

On December 17, 2018, you successfully passed the California Laws and Regulations Exam (CLRE) as required by Condition #9 of your probation terms. As such, the previously issued Cease Practice Order is rescinded.

If you have any questions, please contact me at (916) 575-7173 or cheree.kimball@dca.ca.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cheree Kimball".

Cheree Kimball
Probation Monitor

FYI

Due Dates
Wayne Whitmer Hoeft
CC 2014-370

Quarterly Probation Report <i>Current</i>	Your first quarterly report, covering March 22 nd through March 31, 2018, is due by April 7, 2018 . A sample of the <i>Quarterly Report of Compliance</i> form and your quarterly report schedule is included for your review.
Probation Monitoring Costs <i>Current</i>	Pursuant to Condition #4, your first Probation Monitoring Cost payment, in the amount of \$100.00 is due on April 17, 2018 . Each payment thereafter is due on the first of each month. Each payment shall be made out to Board of Optometry and mailed to the Board at: 2450 Del Paso Road, Suite 105, Sacramento, CA 95834. The memo line of your payment should indicate that it is for Probation Monitoring Costs and should include your case number CC 2014-370
Notice to Employer <i>Done</i>	Pursuant to Condition #6, you "shall provide to the Board the names, physical address, mailing address, and telephone number of all of your employers and supervisors..." Please complete the attached <i>Release of Confidential Information</i> form and submit it by April 17, 2018 . In addition, have your employer complete the <i>Notice to Employer</i> form. Your employer must submit the notice by April 17, 2018 or prior to you returning to work.
Cost Recovery <i>Paid in Full</i>	Pursuant to Condition #8, you shall pay the Board \$10,271.25 in full within six months from the end of your probationary term in a Board-approved payment plan. Please review the attached proposed <i>Cost Recovery Payment Plan</i> . If this is acceptable to you, please complete this form and submit it by April 17, 2018 with your first payment. Each payment shall be made out to Board of Optometry and mailed to the Board at: 2450 Del Paso Road, Suite 105, Sacramento, CA 95834. The memo line of your payment should indicate that it is for Cost Recovery and should include your case number CC 2014-370
California Laws and Regulations Exam (CLRE) <i>Passed</i>	Pursuant to Condition #9, you must take the CLRE by May 21, 2018 . Failure to pass the CLRE by September 22, 2018 will be considered a violation of probation.
Community Service <i>16 hours, monthly</i>	Pursuant to Condition #10, by April 21, 2018 you must submit a community service program in which you provide free non-optometric or professional optometric services on a regular basis to a community or charitable facility or agency, amounting to a minimum of 16 hours per month.
Continuing Education <i>Completed</i>	Pursuant to Condition #18, you must submit for approval a 8-hr (minimum) education program or course in the area of controlled substances and pain management by April 22, 2018 .



CALIFORNIA STATE BOARD OF OPTOMETRY

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



Optometrist
Renewal Notice

LICENSEE NAME
HOEFT, WAYNE W

LICENSE NO.
TPA

EXPIRATION
DATE
02/28/19

This is to notify you that your license is up for renewal.

Please go to www.breeze.ca.gov and log into your Breeze account to renew your license.

Employers and Licensees are encouraged to use the LICENSE SEARCH feature of Breeze at <https://search.dca.ca.gov/> to verify current license status as needed.

DONE
12/17/18

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

In the Matter of the Petition for
Reduction of Penalty or Early
Termination of Probation:

Case No. 420 2016 000666

Dr. Wayne Whitmer Hoeft, O.D.



Optometrist License No. 4256

Petitioner

NOTICE OF HEARING

Gov. Code § 11509

Hearing: Friday, August 27,
2021

YOU ARE HEREBY NOTIFIED that the hearing in this matter will commence on **Friday, August 27, 2021**, at **2 p.m.** before the California State Board of Optometry at its regular quarterly meeting, held via WebEx Events.

To participate in the WebEx meeting, please log on to this website the day of the meeting using this link:

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=mf55068dcfc9fcecd382b11f8ebe275fe>

**Event Number: 146 908 0085
Password: Optometry8272021
(Or join by phone (415-655-0001))**

The hearing will be conducted before the California State Board of Optometry.

If you object to the place of hearing, you must notify the presiding officer within ten (10) days after this notice is served on you. Failure to notify the presiding officer within ten (10) days will deprive you of a change in the hearing place.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are entitled to represent yourself without legal counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents, or other things by applying to the Office of Administrative Hearings, 2349 Gateway Oaks Drive, Suite 200 Sacramento, CA 95833

INTERPRETER: Pursuant to Section 11435.20 of the Government Code, the hearing shall

be conducted in the English language. If a party or a party's witness does not proficiently speak or understand the English language and before commencement of the hearing requests language assistance, an agency subject to the language assistance requirement in section 11435.15 of the Government Code shall provide a certified interpreter or an interpreter approved by the administrative law judge conducting the proceedings. Pursuant to section 11435.25 the cost of providing the interpreter shall be paid by the agency having jurisdiction over the matter if the administrative law judge or hearing officer so directs, otherwise by the party for whom the interpreter is provided. If you or a witness require the assistance of an interpreter, amply advance notice of this fact should be given to the Office of Administrative Hearing so that appropriate arrangements can be made.

CONTINUANCES: Under section 11524 of the Government Code, the agency may grant a continuance, but when an administrative law judge of the Office of Administrative Hearings has been assigned to the hearing, no continuance may be granted except by him or her or by the presiding Administrative Law Judge for good cause. When seeking a continuance, a party shall apply for the continuance within ten (10) working days following the time the party discovered or reasonably should have discovered the event or occurrence, which establishes good cause for the continuance. A continuance may be granted for good cause after ten (10) working days have lapsed only if the party seeking the continuance is not responsible for and has made a good faith effort to prevent the condition or event establishing the good cause.

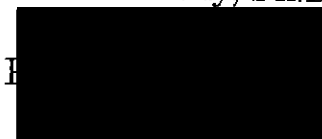
Continuances are not favored. If you need a continuance, immediately write or call the Office of Administrative Hearings, 2349 Gateway Oaks Drive, Suite 200 Sacramento, CA 95833. Phone: 916-263-0550.



DATED: August 3, 2021

Lillian Wang, President
State Board of Optometry
Department of Consumer Affairs
State of California

Beth Omansky, Ph.D.



Hello Dr. Hoeft!

My name was Beth Gordon when you knew me back in the 1970's and 1980's. You were the very first low vision doctor I met, and it is no exaggeration to say you changed the course of my life.

My prior experience with eye specialists was invariably impersonal, depressing, and unhelpful. You were the first to show me that I didn't need to live in the problem of blindness; rather, I could live in the solutions. When I felt self-conscious and reluctant to wear high power reading or telescopic glasses, you told me that seeing was more beautiful than looking beautiful. This gave me courage to learn not to care what other people thought about my vision aids and appliances. I kept your advice close when I learned to use a white cane in the early 1990's.

Since you last saw me, I moved to Virginia where I worked as a baker in a little mom-and-pop pie shop for 1 ½ years, and then returned to college after being away for 28 years. I learned to use access technology, to advocate for myself with the rehabilitation system, and I helped change state policies regarding purchasing computer equipment for college students, an successfully advocated for rule changes at the Virginia rehabilitation center for the blind to make it more humane, less restrictive, and, to serve food to the residents on weekends, for instance. I was appointed to commissions for the blind in Virginia, Tucson, Arizona, and in Portland, Oregon, where I live now.

Along the way, I earned Bachelor's and Master's and Education Specialist degrees in counseling, and in 2007, I earned a Ph.D. in Social Work from The University of Queensland, where I researched the social construction of disability, in general, and blindness, in particular.

My first article was published in the *Washington Post* in 1995, and since then, I've regularly published in academic journals and trade magazines in the U.S., U.K., and New Zealand. I hope you enjoy *Borderlands of Blindness*.

Dr. Hoeft, please count me as one of your grateful success stories. Your work with me laid the foundation for how I perceive blindness not as a tragedy or as a hindrance, but as an opportunity to learn and to do things creatively on my own best behalf regardless of what others think blindness is.

I hope the years have been good to you and your family. And, I hope you know deep in your heart how meaningful your life work has been to so many like me.

Sincerely and with great admiration,

A handwritten signature in cursive script, appearing to read 'Beth Omansky'.

Beth Omansky

My visual impairment is due to a condition called Rod-Cone Dystrophy. My vision condition prevented me from learning in school and participating in many daily activities, and sports that many kids enjoy in the summer time. Many times I feared getting around the streets by myself because the sun would blind me so much that it was difficult crossing streets and not knowing what was in front of me.

When I was a young child, my mother did all that she could to find a doctor who could treat my eye condition, the symptoms of which were astigmatism, long and short sightedness, color blindness, and very high sensitivity to sun and all types of bright light. In our quest to find a solution, we came across a medicine man in Mexico who treated my condition with a prayer and rubbed an egg around my eyes. This did not cure my vision problem. Later in my life, my dad took me to a religious ceremony where we were made to believe that anyone in the audience could be healed from prayer chants performed by a religious man on the stage. When the ceremony ended, I still had the same vision condition.

I met Dr. Wayne Hoeft in 1986, and he diagnosed my condition to be Rod-Cone Dystrophy. After having gone through so much in my young life, with no answers, it felt great to finally know the name of my vision condition. I remember the first time when he provided me with my first pair of glasses. I discovered a whole new world in front of me. I have been so fortunate and blessed since he came into my life. I have been very successful in school, work and life in general with the Low Vision solutions he has provided me throughout the years. These include specialized eye wear, contact lenses, vision peripherals, magnifiers, a CCTV for reading, and Low Vision vendors that provided software which magnifies the desktop on my computer. I have truly enjoyed a great quality of life and recommend Dr. Hoeft to anyone with a vision condition which needs specialized solutions.

Thank you Dr. Wayne Hoeft, Dr. Craig Hoeft and staff...**Apolonio Jacobo (Rod-Cone Dystrophy)**

From: Chris Topolovich (friend and retired Burbank Police Officer)
Re: Dr. Wayne Hoeft
Date: October 17, 2017

Character Letter

Our friendship started about 10 years ago when I was introduced to Dr. Wayne Hoeft by a mutual friend, Curt Andersen. We attended the same church and all enjoyed playing golf. Our friendship grew as we attended church and Sunday school together, went to Bible studies, had dinner together with our wives, and he eventually became my Optometrist.

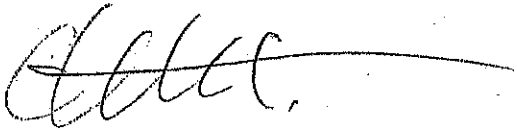
I often told my wife that Dr. Hoeft was one of the most committed friends I had when it came to practicing Biblical truths. He was always putting others first and giving of himself for the good of others; always a good example of putting forth energy to help others in need.

One personal story I would like to share, as an example of Dr. Hoeft's character, took place almost 8 years ago when my half-brother, Sgt. Neil Gunn, took his own life (the story is accessible via Google). I was at such a low point in my life, and thought, "Lord, how will you get me through this devastating time?" Dr. Hoeft, as always, saw a friend with a need and helped me cope. During that trying time in my life I began to lose my sight (over a period of 6 months). I saw the doctors that were covered by my insurance, but they could not find the cause, other than the possibility that it was stress related (from the loss of my brother). Dr. Hoeft asked if he could examine me, and soon discovered that I had cataracts in both eyes. He arranged the surgeries and both were successful, thanks to a dear friend who went the extra mile for my good.

Rather than list all his many character traits, I would simply state, and his friends and family would agree, that he rates a 9.5 out of 10!

If you need to contact me for any further comments please call ([REDACTED])

Chris Topolovich



I met Wayne Hoeft, OD 45 years ago, when he was an invited lecturer at the 20th Anniversary of the Lighthouse Low Vision Service in New York City. I was developing the Low Vision Curriculum for the newly founded State University of New York State College of Optometry. Dr. Hoeft became a valued mentor as well as a respected colleague sharing his wisdom on the management of persons with visual impairment. I came to realize throughout the intervening years, that Dr. Hoeft had also been an inspiration to the students who graduated from the Southern California College of Optometry. He was as well, remarkably esteemed by his professional colleagues when he Chaired: the American Optometric Low Vision Section, the American Academy of Optometry Low Vision Section as well as the American Academy of Optometric Low Vision Diplomate program.

I came to know Dr. Hoeft, in 1976, when we started rooming together at the American Academy of Optometry for our Low Vision Diplomate program. We have continued to be roommates despite being from Burbank and myself from New Jersey for 41 years as co-lecturers, at national professional meetings, as well as supporting our friend Tracy Williams, OD for his annual benefit for his low vision service in Wheaton Illinois.

One comes to intimately recognize the ethics, integrity, and professionalism of an individual whom you have literally spend hundreds of hours in discussion in helping to make your profession better. Dr. Hoeft has been one of the most ethical, concerned, as well as righteous, and moral individuals that I have come to know. Through our breakfasts, lunch, as well as dinners filled with comradery at the benefit, Dr. Hoeft always brings everyone closer together in our group with one of his prayers prior to the meal. He has also become a valued mentor to younger persons who need his counseling.

Dr. Hoeft's social concern has even greater boundaries. He and his wife would go to Romania in order to help those who were unable to obtain any type of corrective lenses. I also learned of his generosity before Christmas in helping to bring comfort as well as food to the less fortunate. He spent years working, as well, with the Kiwanis on selflessly helping others as well.

One of my low vision residents returned to California to pursue low vision. I made sure that she gave Dr. Hoeft a call. She is there to this day in his practice, with glowing reports on how much she has learned.

I have been blessed to come to know Dr. Wayne Hoeft. He is perhaps the most principled, caring, and skilled clinician who's only concern has been to

improve his patient's quality of life. But he has also gone out to the community, as well as the world, to help others.

Sincerely,

Bruce P. Rosenthal, OD

Bruce P. Rosenthal, OD, FAAO

Chief of Low Vision

Lighthouse Guild

&

Adjunct Professor

Mt. Sinai Hospital

Department of Ophthalmology

&

Ret. Distinguished Service Professor

State University of New York

State College of Optometry



Richard E. Feinbloom
Chief Executive Officer and President
Fellow, American Academy of Optometry
PresidentsOffice@dvimail.com



October 17, 2017

California State Board

To Whom It May Concern:

It is my pleasure to give a character reference for Dr. Wayne Hoeft, Burbank Family Optometry, 907 N. San Fernando Boulevard, Suite #1, Burbank, CA 91504.

Dr. Hoeft and I have known each other both professionally and personally for many years. My father, Dr. William Feinbloom, the world's foremost Low Vision practitioner, introduced me to Wayne when I was 27. I have just recently celebrated my 71st birthday. We formed our friendship through the optometric field of Low Vision. My company, Designs for Vision, Inc., acts as a laboratory to the optometrists who specialize in Low Vision. We make the glasses that they prescribe.

Wayne is from the generation of doctors, i.e. Dr. Robert Gordon, Dr. Bruce Rosenthal, Dr. Paul Freeman, who help shaped the educational foundation of the Low Vision profession.

Dr. Hoeft was among the first of the optometrists to achieve diplomat status. He has served on many Low Vision committees and has been honored by both the American Optometric Association and the American Academy of Optometry.

Over the years, I have personally observed Dr. Hoeft examining many Low Vision patients. His bedside manner is one of the best I have seen. He listens to the patient. He tells them that he wants them "to leave better visually than they came in". His interactions with his patients and how he conducts his exam, has enabled thousands of people to benefit because of his abilities as a Low Vision specialist. To these patients, Dr. Hoeft was their last hope of achieving and maintaining their quality of life.

We have EXPANDED! Please note our NEW ADDRESS:
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I am not talking about only his private patients. Dr. Hoeft has a long history of helping those in need through agencies of the State of California. In addition, Wayne has given back to those less fortunate than himself. For example, for many years at the Academy Meetings, Wayne would ask us to collect the unused soap and shampoo in our rooms so he could donate them to the homeless.

He got me to join his local chapter of the Hollywood Los Feliz Kiwanis Club, where I am a member in good standing for over 25 years. In 1987, Wayne was elected as Governor of the Kiwanis Club for the Tri State area.

Both professionally and personally, I have known of few men like Wayne who have given so much to so many for so long.

Please feel free to contact me if you require any further information.

Sincerely,

Richard E. Feinbloom
President

Dr. Wayne Hoeft has been my Low Vision Dr. since 1981. I have extensive Retinal Degeneration and Choroidal Schlerosis in both eyes. Dr. Hoeft completely understands my eye condition and has always treated me with great sensitivity and compassion. He knows what it means to me to have what I call "Strange Eye Disease." He has always given me the reassurance that I am normal while living with this type of vision loss. Since I was 15, most people didn't believe that I was legally blind. But, Dr. Hoeft has always given me the confidence to "just be myself." With Dr. Hoeft's help, I have been able to work in various jobs through the years. I highly recommend Dr. Wayne Hoeft to anyone who is experiencing vision loss. You will never have it better. I still have my very first pair of low vision glasses I received from Dr. Hoeft in 1981...**Frank Vasquez**

(Retinal Degeneration/Choroidal Schlerosis)

I was diagnosed with Best's Disease at age 6. I remember when the ophthalmologist went over the diagnosis with my parents; I sat in the large examination chair with him on one side and my parents on the other. The ophthalmologist gave the grim prognosis across the chair, speaking over me as if I weren't in the room, and told my parents there was little he could do.

When my father told me he had another optometrist I was going to see, I was unsure, as the first man did not seem to care or to be able to help. Dr. Hoeft was immediately different. He asked me to tell him what was going on. When I looked at my Dad to answer for me Dr. Hoeft said, "No, it's your eyes; WE need to work together to help YOU." That phrase has defined the nearly 30 years I have been a patient of Dr. Hoeft.

Through the proper light filtering glasses, education and maintenance, I have been able to retain a good deal of my vision despite the effects of Best's Disease. I owe it all to Dr. Hoeft's care. He has monitored my vision, educated me on the disease, itself, and shown me the visual aids available for use. I know that he cares about my vision and understands my condition. Even though I am now an Arizona resident, he is still my optometrist.

Thanks to Dr. Hoeft, I have done many things I was previously told I would not do: drive a car, finish a Bachelor's degree as a sighted student, and now I am embarking on a Master's Degree in Physician Assistant Studies. These are all things I was originally told I would not do with Best's Disease. Thank you, Dr. Hoeft! **Gerilyn K. Trulove-Mellor (Best's Disease)**

Testimonial Information

Your name: Alan Alpert

Your visual condition: Macular Degeneration

How long have you been coming to Dr. Hoeft? 42 Years

How has Dr. Hoeft helped you in getting a job, staying in a job, in your daily life?

Dr. Wayne Hoeft has been a godsend and a lifesaver. In 1976 I became the rabbi of Congregation B'nai Israel in Muskegon, Michigan. Over the years, Dr. Hoeft has helped me with his expertise in low vision optometry and with his wise counsel. He has always been encouraging and realistic. Without him I might have been on welfare. Under Dr. Hoeft's tutelage and care I turned my disability into a strength. I am a blessing to my congregation and to the people of Greater Muskegon. I have served on many committees and have been the Chair of Muskegon County Clergy, Communities United in Peace, Westshore Committee for Jewish Christian Dialogue, Co Chair of the Shoah Remembrance Committee of Muskegon and Facilitator of Downtown Muskegon Clergy. I was recently awarded the Sylvia Kaufman Interfaith Leadership Award from the Kaufman Interfaith Institute of Grand Valley State University. Dr. Hoeft has always been a master of all trades. He has been able to find the aids that allow me to function. On occasions he has adapted devices and technologies to assist me. He has even invented low vision aids that are most helpful. I recommend him to anyone with low vision challenges. I am most grateful to him and his wonderful staff.

Alan M. Berg, M.D., Inc.
Neel M. Vyas, M.D.
Mireille P. Haruparian, M.D.
Jannette H. Lee, O.D.



Robert E. Feinfield, M.D., Inc.
Talia Kolin, M.D.
Nelson R. Bates, O.D.
Carol S. Felestan, O.D.

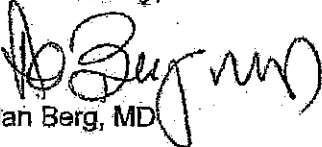
October 15, 2017

To Whom It May Concern:

I have known and witnessed Wayne Hoefft practice optometry for over 30 years. In my experience and working with Wayne, I have only seen the most outstanding professionalism and patient care.

In my opinion his acumen and judgement has never been in question. I believe Wayne Hoefft has been an outstanding example of what an optometrist should be.

Most sincerely,


Alan Berg, MD



Kiwanis

Office of Past International President Nelson Tucker

21218 Merridy Street

Chatsworth, CA 91311 USA

818-224-8603

October 17, 2017

To Whom It May Concern:

It is with honor and respect that I write this letter of recommendation regarding Wayne W. Hoeft, O.D. whom I have known since 1986.

I first became acquainted with Wayne when he served as Governor of the California-Nevada-Hawaii District of Kiwanis International. I was amazed that he was able to dedicate over two years of his time as a top-level volunteer with Kiwanis while maintaining his optometry practice. He did just that and I later became his patient as a result of seeing his dedication to both humanitarian efforts as well as being a fully competent optometrist. I am fortunate that Wayne encouraged me to have laser surgery that took me from being close to virtual blindness to full 20/20 vision which remains after 14 years.

I have followed Wayne's philanthropic endeavors over the past 31 years as he has volunteered his professional services to needy children and the elderly in Romania where he travelled for several years. He continued to impress me as he served as the Chairman of the Kiwanis Rose Parade Committee for many years and Chairman of the Kiwanis District Policy Committee.

When I made a choice to seek the office of Kiwanis International President in 2006-07, Wayne was the primary influence on me to take that step. Not only did he provide me with valuable guidance and counseling, but he assisted me with my public speaking skills which were necessary to handle the responsibilities of the office.

Wayne and his wife, Lyn, have travelled extensively with my wife and me over the past 24 years during which time I have seen first-hand his kindness, compelling personality, and concern for others.

Wayne Hoeft exemplifies the meaning of professionalism, dedication to serving others, and exhibiting true leadership skills.

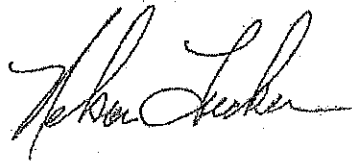
Wayne W. Hoeft, O.D.

October 17, 2017

Page 2

I welcome any questions regarding my relationship with Wayne and my knowledge of his character, integrity and moral fiber.

Respectfully,

A handwritten signature in cursive script, appearing to read "Nelson Tucker".

Nelson Tucker

Past President of Kiwanis International, 2006-07

NT:pc

Peter C. & Dianne E. Horton



October 18, 2017

To whom it may concern,

I am proud to be able to say I have known Dr. Wayne Hoeft for more than 32 years in a number of capacities.

I first met Wayne when he was a candidate for the office of Governor of the California-Nevada-Hawaii District of Kiwanis International. I worked as a volunteer on Governor Wayne's team during 1986-1987 helping to support his efforts in the area of membership. In 1995 I was hired as the Executive Director of the California-Nevada-Hawaii District of Kiwanis International and began working on an even more regular basis with Wayne in his capacity as the chairman of a number of our District committees and most notably as the chairman of the Kiwanis Rose Parade Float.

I consider Wayne to be one of the most moral, honest and ethical individuals I have worked with during my career. Having led an organization of some 65,000 volunteers I have considerable interaction with thousands of personalities over the years. Wayne is one of those individuals who can be relied on in any situation. He has a strong sense of civic values and as long as I've known him he has devoted himself to the needs of others. He volunteered his professional services by traveling at his own expense to Romania on three separate occasions for two weeks each to provide donated glasses to impoverished members of the population who had no access to the services of an optometrist.

I will add that I have been a patient of Wayne's for some thirty years and in this relationship I have known him to be patient, thorough and compassionate. He is able to explain intricate topics in layman's terms to his patients and I've observed him making each patient feel that he is valued and important.


Sincerely,

Pete Horton

I have been under the care of Dr. Hoeft for 35 years. He has been a godsend and a lifesaver for me. I have a congenital type of Macular Degeneration. In 1976, I became the rabbi of Congregation B'nai Israel in Muskegon, Michigan. Over the years, Dr. Hoeft has helped me with his expertise in Low Vision Optometry and with his wise counsel. He has always been encouraging and realistic. Without him I might have been on welfare. Under his tutelage and care, I turned my disability into a strength. I am a blessing to my congregation and to the people of Greater Muskegon. I have served on many committees and have been the Chair of Muskegon County Clergy, Communities United in Peace, Westshore Committee for Jewish Christian Dialogue, Co-Chair of the Shoah Remembrance Committee of Muskegon and Facilitator of Downtown Muskegon Clergy.

Dr. Hoeft has always been a master of all trades, finding the aids that allow me to function. On occasions, he has adapted devices and technologies to assist me. I recommend him to anyone with Low Vision challenges, and I am most grateful to him and his wonderful staff. **Rabbi Alan Alpert** (Congenital Macular Degeneration)

Ron Phillips



Subject: Dr. Wayne Hoeft and my experience as his patient of 5 years.

I have been a patient of Dr. Hoeft since September 2013. Prior to that time, I was a patient of a local Opthamologist for a period of approximately 6 months while being treated for what was, at the time, an unknown and on-going issue with my vision. The services provided by my Opthamologist were very limited, and the information provided by him was vague and very discouraging. He was essentially content to monitor my condition, providing absolutely no additional insight into treatment options. Even after sharing my concerns and fears at his unwillingness to provide additional treatment, my Opthamologist offered nothing more, explaining this was "standard practice" for my condition.

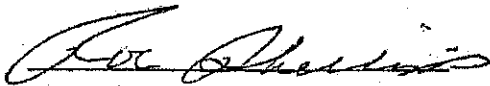
A mutual friend of Dr. Hoeft and I spoke highly of Dr. Hoeft, praising not only his ability as a medical professional, but also his integrity and character, a man who truly is interested in serving those in need. After a conversation with Dr. Hoeft, where we introduced ourselves and discussed the ongoing issues with my vision, I was convinced Dr. Hoeft truly is a man of strong moral character and integrity, and someone I could trust entirely in seeking the cause and treatment of my medical condition.

My first visit to Dr. Hoeft's office was in September 2013. Knowing my history from our previous conversartion, Dr. Hoeft performed a variety of vision tests and examinations, including those evaluating the condition of the inner-eye, retina, fluid, veins, and macula. I'm not a medical professional so cannot speak to all that Dr. Hoeft was looking for, but what I do know from a patient's perspective is that he obviously was very interested in providing me a full and extensive examination, and fully engaged in the process of diagnosing and addressing the cause of my symptoms.

Upon completion of the extensive examination, Dr. Hoeft provided me visual evidence gathered during my examination, supported by his counsel and recommendations on how best to proceed going forward with regard to care and treatment.of my vision. To quickly surmise what this experience meant to me, I must say the feeling of relief and peace at finally understanding my condition was, and is still, beyond measure. What Dr. Hoeft proved to me that day, and during multiple follow-ups over the next 5 years, is his uncompromising commitment to his patients and willingness to honor his profession by serving those who seek his care. I drive 5 hours to receive treatment from Dr. Hoeft, and can say in all sincerity I would travel any distance to continue doing so.

My experience with Dr. Hoeft leaves me without any doubt he fully realizes his level of responsibility to his patients. His humbleness and humility are indicative of his character and integrity, demonstrating not only who he is as a professional, but as a person. I've grown to respect, appreciate and love Dr. Hoeft not only as a professional, but as a personal friend. This is due to my observations of him over the past 5 years, where I've witnessed his chosen profession act as a vehicle to share what he values most, serving his fellow man. Dr. Hoeft is an honor to his profession, community, family and friends.

Sincerely,



Ron Phillips

10/14/2017

Date

To whom it may concern,

I have known Dr. Hoeft for 12 years. He introduced himself to me after observing me while I was ministering in the church which he attended. He said that he had been watching me and noticed that I was having difficulty in seeing the material on the pulpit as evidenced by my taking my glasses on and off while preaching. I mentioned that I had gotten glasses a few months ago and was having difficulty seeing the pulpit and other close work spaces as I was near-sighted and so would take my glasses off to see my notes. He asked me to come to his office so he could look at my glasses and my eyes which I did. He informed me that I needed bifocal lenses. I replied that I was not sure how I could pay for the glasses and would have to wait until a later date after Dr. Hoeft's associate explained the charges. She left the room and returned a few minutes later to ask if I could pay a meager amount which was less than 20% of the glass cost if the appointment charge was waived. I told her that I could, but that I didn't know when I could pay the rest of the cost to which she replied that Dr. Hoeft would take care of that. Needless to say, I was shocked. Dr. Hoeft came out a few minutes later and told me that he wanted to see my wife and children to check their eyes and not to worry about the costs. Over the next years as I continued in seminary and then in ministry which only provided a modest income Dr. Hoeft continued to offset costs for vision check ups and glasses for my family and me.

This would be an amazing story of kindness and benevolence in and of itself, but this is only the tip of the iceberg. I'm aware of at least five other seminary families including several who were international students who told me that despite their meager to non-existent resources, Dr. Hoeft helped with their eye care needs. This all occurred over the few years in which I was in seminary and there are doubtlessly many more who Dr. Hoeft blessed through his gracious acts.

I also have witnessed Dr. Hoeft caring for many in his community who are poor, elderly, and indigent. Although, I do not know of the financial details of their care I find it peculiar that I don't see these individual in any of my other health care professional's offices. I suspect that like myself and those mentioned above that he is providing reduced or *pro bono* care for these that are in need.

In addition to caring for so many I had the privilege to get to know Dr. Hoeft on a personal level. We began to develop a relationship through his participation in a men's Bible study. During this interaction I found Dr. Hoeft very transparent and to be a man of wonderful integrity. He was quick to acknowledge his new faith which was a big statement for a man in his 60's interacting with a seminary student. As we continued we often discussed his desire to be a man who honored the Lord in his prayer life. I had suggested a book in passing to the Bible study group on prayer during one session. Some weeks later Dr. Hoeft opened his wallet to show me a reduced photocopy of the main diagram from the book which he said he was committing to daily review and practice so as to grow in his prayer life and his walk with the Lord. Since that time I've seen his prayer life grow immensely to the true prayer warrior that he is today.

Dr. Hoeft has always been a man of utmost integrity, humility, truth, and grace. His care for the downtrodden and those unable to pay for his services is an exemplary quality which is almost non-existent in our day and age of the 'all about me' generations. This is a good and kind man

who continues to work because he truly loves caring for people. This too, is becoming a vanishing virtue in our health care system where you're often fortunate if you get five minutes with the actual physician to whom you've paid to see and receive care. Men who love the Lord, stand on truth and integrity, love their work and their patients, and desire to put the care of people above their own financial success need to be applauded. I for one applaud and thankful to God for men like Dr. Wayne Hoeft.

Respectfully submitted,

Dr. Scott L. Basolo
Senior Pastor, Christ Fellowship Baptist Church

October 19, 2017

To Whom It May Concern

I have known Dr Wayne Hoeft for around fifteen years. He is one of my church members and he also is my Optometrist. Wayne has been one of the most faithful and diligent members of our Church Fellowship Group, loyal in attendance and serving faithfully. He often works in those areas that some people ignore because they do not carry a lot of "glory." He is a servant to put it simply but accurately.

As my optometrist, Wayne has always taken time with me and his other patients. One never feels rushed or treated like someone to get in and out. Wayne is patient and kind and gentle. He is simply the best optometrist I have ever had the privilege of knowing.

Wayne is honest and marked by integrity in all he does. Without any hesitation, I have recommended him to others and I will continue to do so.

I count it a special privilege to have known this man and to have served as his pastor. He is a man who knows how to have fun, to relax and unwind on a golf course, and then to faithfully serve his Lord and his friends and patients.

My life has been greatly enriched by knowing Wayne Hoeft.

Sincerely,

William Varner, Ed.D.

Professor, the Master's University, Santa Clarita, CA

Pastor, Grace Community Church, Sun Valley, CA

Rehabilitation —— of the —— Visually Impaired



Compiled by
FRANK W. DI CHIARA, O.D., F.A.A.O.
Diplomate Emeritus in Low Vision

This book is about the visually impaired. It describes the usual elements of low vision—the low-vision examination, the corrective devices, microscopes, telescopes, hand and stand magnifiers, and nonoptical aids. There is so much more, and the book can be a great reference for the social worker, the physical therapist, the occupational therapist, the optometrist and ophthalmologist, and anyone who works with visually impaired individuals. There is a wealth of information that our authors have made available to the reader. The optics are simple to understand. Anyone who works with visually impaired will comprehend the pathology as most will have been exposed to them.

Contributions have been made by prominent men and women such as Dr. Paul Ajamian, Dr. Wayne Hoefft, Dr. Lawrence Kline, Dr. William Padula, Dr. Bruce Rosenthal, Dr. Tracy Williams, and Dr. Norman Weiss. They are some icons in the field of low vision.



\$28.95

Low Vision Through the Eyes of the Patient

Wayne W Hoefft, OD, FAAO

My mentor through my Optometric education was Frank Brazelton, OD, professor at the Los Angeles College of Optometry (LACO). He had a very relaxing way with not only the patients, but also with the students. Frank was patient, kind and listened to both the patient and the clinical student. He taught me well. After graduation from LACO, Frank had me join the faculty, overseeing fourth year students doing vision screenings in local schools in the San Gabriel Valley in Southern California. Early in the 1960's Frank obtained a federal grant to improve the quality of life for visually impaired patients by utilizing optical systems to enhance their visual ability and to allow more visual freedom. Frank hired his best Low Vision student, Ricardo Espinosa, OD, to head his Low Vision Center in downtown Los Angeles. Frank asked me to take one more day out of private practice to help staff his clinic. I told Frank, "I don't know anything about Low Vision!" As students, we were allowed two hours to observe a Low Vision exam from 20 feet away. Frank looked over his readers, smiled and said, "No worry! Dr. William Feinbloom, OD, PhD is coming to Los Angeles to train you." And he did! Over these many years, I have learned that there are two ways to approach Low Vision: as a scientist, or as one who addresses the patient's needs...seeing them as the patient sees them. We could actually re-title this chapter, "*The Simplicity of the Low Vision Exam As Related To Your Patient's Goals.*" So, let's begin!

Low Vision is easy. You already have all the optometric and optical skills to address your patients' goals. Bill Feinbloom taught me that. It is possible that the scientist in you may not see improvement through the eyes of the patient. Yes, I know this will rile many of you, but read on!

First of all, who is the Low Vision patient? Here is my definition: Low Vision (congenital or acquired) handicaps the patient from visually doing what a family member, classmate, business associate or close friend can do. Low Vision is a 4-letter word: TIME. Most of your time should be spent listening to your patient's visual concerns. It should take very little time to gather your patient's data and best corrected distance acuity under normal lighting conditions. The actual Low Vision exam is covered in another chapter. Now you have time to address your patient's concerns as a clinician, not as a scientist. Finding the best acuity requires success-oriented charts

which your patient can see, and to which they can respond positively. Testing with large print distance charts at 10 feet, 5 feet or closer, allows the patient to give a positive response, rather than having them say, "I can't see that."



20/300 size number at 10 feet



20/300 size number at 5 feet

Concentrate on the better eye whenever possible. Binocularity at near is over-rated. Keep it simple!...better known as KISS! The legendary song writer, Hoagie Carmichael, wrote a song saying, *Accent the Positive, Eliminate the Negative, and Don't Mess with Mr. In-between*. So be positive. The United States has become very diversified with many languages. Be sure you can do your near testing in your patient's own language. This builds confidence.

There are many articles on Low Vision refraction, including in this book. Let me just add the following to all the great articles included: use large lens changes. For example, if your BVA is 20/200, give the patient a choice of 2 lenses: +1.00 and -1.00 for a "just noticeable difference" (JND) of 2 Diopters, the denominator of the BVA at 20 feet. Your BVA may have been 5/50 (20/200)...use a change of 2 Diopters to refine your refraction. For high cylinder, use the exaggerated cylinder technique. Rotate (Rock) the trial lens cylinder until the number or letter on

the test chart appears straight and not distorted. Be sure to take the time to listen to your patient's responses. You already are a great refractive clinician. So, what are your patient's goals?

Most patients tell me they want to read small print again. So, let's find out what system allows comfort and the ability to read small print. Did the patient bring the print they want to read? You all know how to calculate the near reading lens, but here is a review: assuming your patient's BVA in the better eye is 20/200, most clinicians agree that R.S. 50 (Reduced Snellen) is a good starting near point goal:

- Divide R.S. 50 into the denominator of the BVA: $200/50 = 4$.
- We need to move the print four times closer to the patient to be able to see R.S. 50.
- If working in centimeters, starting at 40 cm, you move in 4 times closer to 10 cm (Relative Distance Magnification).
- If working in inches, starting at 16", move in 4 times closer to 4".
- So, what lens focuses at 10 cm or 4"? A +10 lens.
- Multiply 2.5 times the relative distance required to get R.S. 50 which was 4.
- The starting ADD in this example, would be a +10.
- Use a hand or stand magnifier, a microscope over the better eye or a Prism Reader. Be sure to add in the refractive error.

Now, it's time to listen to your patient again. They are always right! They might respond:

- The book is too close
- My hand shakes
- The reading area is too small
- It's too heavy
- Does it have to look like this?

These are a few of the comments the Low Vision clinician hears on a daily basis. Remember, accent the positive. Over 80% of your patients' goals can be improved for reading, TV and seeing faces. However, this old saying holds true... "You can lead the horse to water, but you can't make them drink." If your patient notices improvement in their visual quality of life in a specific area of concern and is happy with your optical recommendation, move on to another goal.

Quite often, you'll get the question, "What about my bad eye?" The patient and the family seem to be more concerned about the weaker of the two eyes. This is where you need to focus your time, caring and counseling on the positive aspects of optical systems for the better eye. The patient has two options: reset their expectations and learn new options to improve their visual goals, or continue to complain that they can't read. Ultimately, they leave your office knowing that they were able to read small print in their own language. Let them know that no decisions need to be made today. You might suggest that they consult with family or friends.

Remember to address the patient's reason (their primary goal) for being referred to you for this evaluation. If your patient notices improvement in their visual quality of life in a specific area and is happy with your optical recommendation, move on to another goal. You can then explore other visual needs...television, church, driving, sports, travel (bus, street signs), sewing, etc. One common issue Low Vision patients deal with, but often neglect to mention, is glare. How many times have you held your hand up over your eyes to block out glare? We take it for granted. Sometimes we reach for our sun glasses. Your patient may give you a big smile when you reduce their glare sensitivity with a glare-reducing blue blocker filter even though they did not complain of glare problems.

William Feinbloom is, in my opinion, the Father of Low Vision. I believe that he and my aforementioned mentor, Frank Brazelton, through his Low Vision grant, marked the beginning of this field as it is successfully practiced today. Their attitudes in the exam room radiated success. I realized that I needed to give the resident and intern positive direction to help them achieve the patients' goals. So, I created "Hoeft's Aphorisms" to make the Low Vision evaluation flow more smoothly.

- Hardening of the Attitudes: Your patients might want to see better on their own terms and might not yet be ready to accept change.
- Inform before you perform: Explain the working distance, lighting, improvement for the better eye. It takes 60 seconds.
- Solve the patient's main complaint: Chances are, all visual goals will not be addressed in one office visit. The more you do, the more confusion arises. Address their reason for the visit, today.
- No magic glasses: Wow, this is the tough one. "Just make my bifocals a little stronger so I can read my Bible." Patient's BVA is 10/225. I don't think so! Time to explain optical limitations. Quite often your patient will not want to hear what you are saying. Back to our first aphorism "Hardening of the Attitudes."
- Multiple Aids Are the Rule, Not the Exception: I can read with this lens, but I can't take it shopping. I can't write with it. Can I watch TV? Back to "No Magic Glasses." The patient is always right. Time to council/explain that this aid (microscope) is for reading small print, and a second magnifier is for shopping and prices. A third aid (possibly prism readers, lower power) would be for writing or signing checks.
- Aids to Show and Aids to Go: If they like it, order one (better yet, deliver one). If not sure, loan one and review their progress at their next visit, where you will address their secondary visual goals.
- The Older the Patient, the Simpler the Aid: Back to hardening of the attitudes. When working with young, congenital Low Vision patients, it's almost impossible to find something they don't like or can't find a use for. They are like a sponge...they absorb it all. Now, back to reality and our geriatric Low Vision population. The majority of older patients reject having to hold reading material closer. OK, hand magnifiers, stand magnifiers or video magnification may be the next best option. Again, their choice.
- If It Ain't Broken, Don't Fix It: Getting to know your patient and vice versa takes time. Hardening of the attitudes, no magic glasses, the patient's goals (main complaint) need to

be taken into consideration. After reviewing options with the patient, STOP! Give them time to go home and think about the various options you presented to them.

ALERT! There should always be a second party (significant other) in the evaluation room. Family member caregiver, etc., because they also observe the vision improvement with the patient, using the various Low Vision aids. They also know what the patient's frustrations are in adapting to them. Hand them a Near Card so that they can actually see the patient's visual improvement. These significant others can also afford excellent counsel by reviewing the exam on the way home or with other family members. The observer in your room is very valuable in helping with acceptance of your findings and additional counsel to the patient at a later time.

▪ The Patient Doesn't Care How Much You know Until They Know How Much You Care: This starts with your staff, from the moment the patient opens your office front door. Many patients and family members are overwhelmed and unsure why their eye Doctor referred them for Low Vision care. In our practice, our office manager handles all initial Low Vision questions, explaining our Low Vision services, including the Low Vision evaluation, initial costs, and the possibility that their medical insurance may partially cover a portion of the evaluation. These questions must be explained to the caller's satisfaction before an appointment is scheduled. Our office manager answers their visual concerns and needs, not as a doctor, but as a knowledgeable and understanding team member. A staff member can also explain other Dr. referred patients' visual successes. Some of you may prefer to take that call yourself. However, having a qualified office person talking to the potential patient as a lay person works very well in our office. We must always remember the patient is very anxious about losing their sight.

And last, but not least, I would remind the clinician,

▪ When Unsure What's Next, Solve the Patient's Main Complaint: Remember, Low Vision is easy! Ask good, direct questions, gather acuity and refractive status quickly. Take lots of time to address your patient's reason for being in your office.

Send a short (not long) report to the referral source.

Sample, one page Thank You Letter to referral source

Dear Dr. _____ :

RE: _____ (patient name)

Thank you for referring your patient, _____ to me for a vision assessment and Low Vision evaluation. (Mr./Mrs./Ms) _____ goal(s) (was) (were): _____

Vision assessment:

(His) (Her) best corrected acuity was: _____

Right:

Left:

The following devices were beneficial and recommended:

1. For reading, a _____ allows (Mr)(Mrs)(Ms) _____ to see _____ print at _____ (inches). Reading skills are _____ (Ex: steady, slow, need training).
2. For distance, a _____ enables (him)(her) to see _____ and will help (him)(her) with (TV, movies, bus and street signs, restaurants, driving).
3. For computer, a _____ allows better clarity at _____ (inches/cms)
4. Etc...

A follow-up visit for(training/further testing) (is/will be) scheduled (on/after) _____.

I have advised (Mr)(Mrs)(Ms) _____ to continue seeing you for all regular eye medical care, and I will continue to re-evaluate functional status and treatment options as needed.

Again, thank you for this referral.

(This takes a short time to fill in the blanks, and it is short enough that the doctor may even read it.)

Remember to be the clinician who cares, not the scientist in a long white lab coat who knows best. Paul Freeman, OD says it best: "It's not 'seeing is believing, it's believing is seeing.'"

Here are some bread-and-butter ideas to address your patients' distance goals:

If a 1.7X spectacle Bioptic Telescope is good for TV and faces, let them compare a 2.2X Bioptic. Chances are, they will like the larger field of view. Let the patient tell you which one is best for their needs.

- For faces and television...spectacle-mounted telescopes. Be careful of weight, distortions and field of view. There may be no peripheral vision through the carrier lens. Some manufacturers allow for the above concerns and can also include refractive error lenses in the telescopic system, improving clarity. The frame which the manufacturer provides is more comfortable than the stock design of opera glasses, which also have no peripheral vision through the carrier. Most seniors have a big smile when they see their family members closer through the Bioptic telescope.

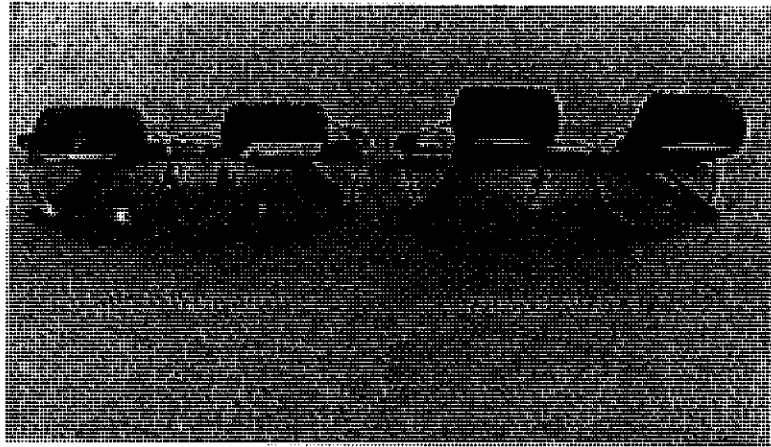
Clinical Tip: Accent closer not clearer! I Recommend 1.7X and 2.2X wide angle Bioptics for testing.

- For bus, business signs, etc., hand-held monoculars are useful. NOTE: Best response is with congenital vision loss patients, not acquired (senior) loss. Show 4X, 6X, 8X, 10X and 14X. This gives a good range of acuity. Monoculars must be held tightly to the eye brow to eliminate shaking, in order to view through them.



1.7X Bioptic-carrier lens has the patient's spectacle correction...Photo courtesy of Designs for Vision

Carrier lens has good
peripheral vision...Photo
courtesy of Designs for Vision



I would recommend that you have the following aids on hand for reading goals:

- **Doublet microscopic trial lenses** to fit in your trial frame. Doublet design has less edge distortion, therefore increasing reading skills and comfort, and you can add high cylinder corrections to the system. Have 2X, 4X, 6X, 8X and 10X.

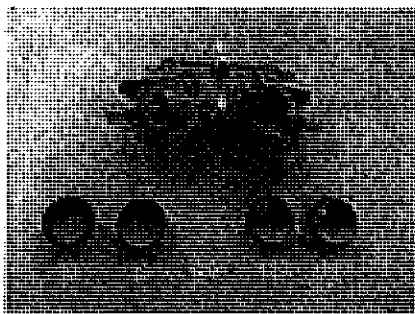
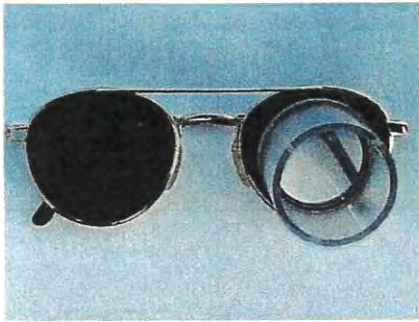


Photo courtesy of Designs for Vision

Remember that seniors are set in their ways. Many have been reading with high plus lenses and have adapted to reading at 10"/25cm with binocularity. Now, for them to read R.S. 50, they need a 6X Microscope focused at 2"/5cm, using only one eye! They also have trouble adapting to the correct focal distance. The use of a focus tube, like the one in the following two photos, automatically focuses at the correct distance. Depending on the microscopic power, this will determine the length of the focus tube designed by your supplier. By the way, good contrast (lighting) should be recommended, to be placed on the side of the eye in question.



6X Clear Image Microscope

Photos courtesy of
Designs for Vision



Reading material automatically
focused, negating any hand
tremor

▪ **Hand/Stand/Illuminated magnifiers...3X, 5X, 7X, 10X...** to use with their glasses on in most cases. Give them choices. For example if a 3X Illuminated magnifier satisfies their need, show them a 5X...let them decide, in their own mind, if field of view or magnification is most important for reading



5X Illuminated Hand Magnifier



10X Illuminated Stand Magnifier

Photos Courtesy of Mattingly Low Vision

- **Prism readers for binocularity...**careful of optical distortions...cheap lenses have poor optical quality. Have +4, +5, +6, +8, +10 on hand.



+5 Prism Readers at 20 cm-
Photo courtesy of Designs
for Vision



Prism Trial Set-Photo
courtesy of Designs for
Vision

For Glare Control:

- Blue Blocker Filters, wrap-around fit-overs, Corning lenses and transitional lenses in your patient's correction might be very helpful.

Other chapters in this book are more specific as to manufacturers' availability of the aids recommended for your in-office evaluation.

There are many near Acuity Cards devoted to the Low Vision evaluation. The reading card pictured below is on 7" X 10" card stock, and I designed this card for educating and training the patient while using strong magnification, to be used close to the reading material. The clinician can evaluate reading ability/skills and also record near acuity at the same time. The card can be taken home with their new reading aid as they re-learn the ability to read comfortably again.

The reverse side of the training card lets the patient and any significant others know that the new reading aid enables the reader to see newsprint and maybe the TV Guide and phone numbers.

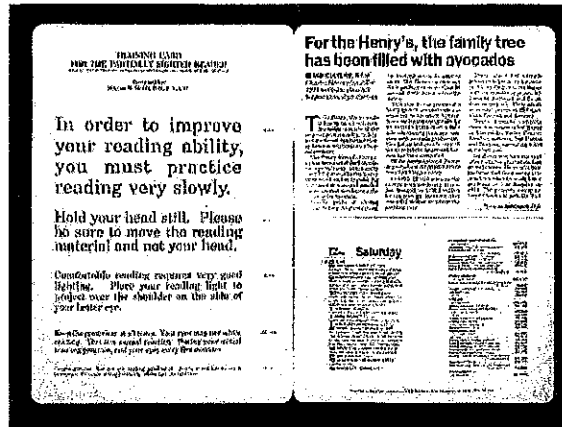


Photo courtesy of Mattingly Low Vision

FINAL THOUGHTS...

- Success is related to motivation...the patient's...not yours. Remember what Dr. Paul Freeman says, "Believing is seeing!"
- Who's the boss? Let the patient decide.
- Older patients do not tolerate big changes well.
- Address the main visual goal, TODAY. Have the patient return for secondary concerns. You might want to loan a reader to improve reading skills or to see if they are able to adapt to the optical challenge.

Wayne W. Hoeft, OD, FAAO

- Professor Emeritus, Southern California College of Optometry
- Past Chairman AOA Low Vision Section
- Past Chairman AAO Low Vision Diplomate Program
- Past Chairman AAO Low Vision Section
- Private Group Practice, Burbank, California

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

In the Matter of the Accusation Against:

Case No. CC 2014-370

WAYNE WHITMER HOEFT
907 N. San Fernando Blvd.
Burbank, CA 91504

Optometrist License No. OPT 4256

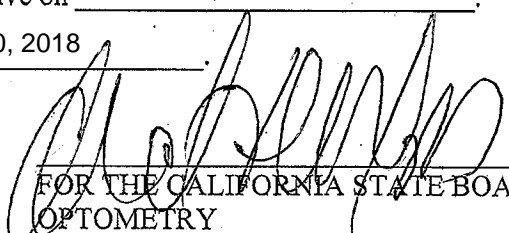
Respondent.

DECISION AND ORDER

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

This Decision shall become effective on March 22, 2018.

It is so ORDERED February 20, 2018.



FOR THE CALIFORNIA STATE BOARD OF
OPTOMETRY
DEPARTMENT OF CONSUMER AFFAIRS

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7 *Attorneys for Complainant*

8 **BEFORE THE**
CALIFORNIA STATE BOARD OF OPTOMETRY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. CC 2014-370

12 **WAYNE WHITMER HOEFT**
907 N. San Fernando Blvd.
13 Burbank, CA 91504

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 **Optometrist License No. OPT 4256**

15 Respondent.

16
17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 PARTIES

21 1. Jessica Sieferman ("Complainant") is the Executive Officer of the California State
22 Board of Optometry ("Board"). She brought this action solely in her official capacity and is
23 represented in this matter by Xavier Becerra, Attorney General of the State of California, by
24 Sheronda L. Edwards, Deputy Attorney General.

25 2. Respondent Wayne Whitmer Hoeft ("Respondent") is represented in this proceeding
26 by attorney Ronald Lamb, Esq., whose address is: Wilke, Fleury, Hoffelt, Gould & Birney, LLP
27 400 Capitol Mall, Twenty-Second Floor, Sacramento, CA 95814.

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3. On or about September 22, 1959, the Board issued Optometrist License No. OPT 4256 to Wayne Whitmer Hoeft. The Optometrist License was in full force and effect at all times relevant to the charges brought in Accusation No. CC 2014-370, and will expire on February 28, 2019, unless renewed.

JURISDICTION

4. Accusation No. CC 2014-370 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 September 12, 2017. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. CC 2014-370 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 2014-370. 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 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 2014-370.

///

10. Respondent agrees that his Optometrist License is subject to discipline and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

RESERVATION

11. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the California State Board of Optometry or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

CONTINGENCY

12. This stipulation shall be subject to approval by the California State Board of Optometry. Respondent understands and agrees that counsel for Complainant and the staff of the California 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 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.

13. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

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15. 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 License No. OPT 4256 issued to Respondent Wayne Whitmer Hoeft is revoked. However, the revocation is stayed and Respondent's license is placed on probation for four (4) 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 applicants 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, governing the practice of optometry in California.

Respondent shall notify the Board in writing within 72 hours of any incident resulting in his arrest, or charges filed against, or a citation issued against Respondent.

CRIMINAL COURT ORDERS: If Respondent is under criminal court orders by any governmental agency, including probation or parole, and the orders are violated, this shall be deemed a violation of probation and may result in the filing of an accusation or petition to revoke probation or both.

OTHER BOARD OR REGULATORY AGENCY ORDERS: If Respondent is subject to any other disciplinary order from any other health-care related board or any professional licensing or certification regulatory agency in California or elsewhere, and violates any of the orders or conditions imposed by other agencies, this shall be deemed a violation of probation and may result in the filing of an accusation or petition to revoke probation or both.

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1 **2. QUARTERLY REPORTS**

2 Respondent shall file quarterly reports of compliance under penalty of perjury to the
3 probation monitor assigned by the Board. Quarterly report forms will be provided by the Board
4 (DG-QR1 (05/2012)). Omission or falsification in any manner of any information on these reports
5 shall constitute a violation of probation and shall result in the filing of an accusation and/or a
6 petition to revoke probation against Respondent's optometrist license. Respondent is responsible
7 for contacting the Board to obtain additional forms if needed. Quarterly reports are due for each
8 year of probation throughout the entire length of probation as follows:

- 9 • For the period covering January 1st through March 31st, reports are to be completed and
10 submitted between April 1st and April 7th.
- 11 • For the period covering April 1st through June 30th, reports are to be completed and
12 submitted between July 1st and July 7th.
- 13 • For the period covering July 1st through September 30th, reports are to be completed and
14 submitted between October 1st and October 7th.
- 15 • For the period covering October 1st through December 31st, reports are to be completed
16 and submitted between January 1st and January 7th.

17 Failure to submit complete and timely reports shall constitute a violation of probation.

18 **3. COOPERATE WITH PROBATION MONITORING PROGRAM**

19 Respondent shall comply with the requirements of the Board's probation monitoring
20 program, and shall, upon reasonable request, report or personally appear as directed.

21 Respondent shall claim all certified mail issued by the Board, respond to all notices of
22 reasonable requests timely, and submit Reports, Identification Update reports or other reports
23 similar in nature, as requested and directed by the Board or its representative.

24 Respondent is encouraged to contact the Board's probation monitoring program
25 representative at any time he/she has a question or concern regarding his terms and conditions of
26 probation.

27 Failure to appear for any scheduled meeting or examination, or cooperate with the
28 requirements of the program, including timely submission of requested information, shall

1 constitute a violation of probation and may result in the filing of an accusation and/or a petition to
2 revoke probation against Respondent's Optometrist license.

3 **4. PROBATION MONITORING COSTS**

4 All costs incurred for probation monitoring during the entire probation shall be paid by the
5 Respondent. The monthly cost may be adjusted as expenses are reduced or increased.
6 Respondent's failure to comply with all terms and conditions may also cause this amount to be
7 increased.

8 All payments for costs are to be sent directly to the Board of Optometry and must be
9 received by the date(s) specified. (Periods of tolling will not toll the probation monitoring costs
10 incurred.)

11 If Respondent is unable to submit costs for any month, he/she shall be required, instead, to
12 submit an explanation of why he/she is unable to submit the costs, and the date(s) he/she will be
13 able to submit the costs, including payment amount(s). Supporting documentation and evidence
14 of why the Respondent is unable to make such payment(s) must accompany this submission.

15 Respondent understands that failure to submit costs timely is a violation of probation and
16 submission of evidence demonstrating financial hardship does not preclude the Board from
17 pursuing further disciplinary action. However, Respondent understands that by providing
18 evidence and supporting documentation of financial hardship it may delay further disciplinary
19 action.

20 In addition to any other disciplinary action taken by the Board, an unrestricted license will
21 not be issued at the end of the probationary period and the optometrist license will not be
22 renewed, until such time as all probation monitoring costs have been paid.

23 **5. FUNCTION AS AN OPTOMETRIST**

24 Respondent shall function as an optometrist for a minimum of 60 hours per month for the
25 entire term of his probation period.

26 **6. NOTICE TO EMPLOYER**

27 Respondent shall provide to the Board the names, physical addresses, mailing addresses,
28 and telephone number of all employers and supervisors and shall give specific, written consent

1 that the licensee authorizes the Board and the employers and supervisors to communicate
2 regarding the licensee's work status, performance, and monitoring. Monitoring includes, but is
3 not limited to, any violation of any probationary term and condition.

4 Respondent shall be required to inform his employer, and each subsequent employer during
5 the probation period, of the discipline imposed by this decision by providing his supervisor and
6 director and all subsequent supervisors and directors with a copy of the decision and order, and
7 the accusation in this matter prior to the beginning of or returning to employment or within 14
8 calendar days from each change in a supervisor or director.

9 The Respondent must ensure that the Board receives written confirmation from the
10 employer that he/she is aware of the Discipline, on forms to be provided to the Respondent (DG-
11 Form 1 (05/2012)). The Respondent must ensure that all reports completed by the employer are
12 submitted from the employer directly to the Board. Respondent is responsible for contacting the
13 Board to obtain additional forms if needed.

14 7. CHANGES OF EMPLOYMENT OR RESIDENCE

15 Respondent shall notify the Board, and appointed probation monitor in writing, of any and
16 all changes of employment, location, and address within 14 calendar days of such change. This
17 includes but is not limited to applying for employment, termination or resignation from
18 employment, change in employment status, and change in supervisors, administrators or directors.

19 Respondent shall also notify his probation monitor AND the Board IN WRITING of any
20 changes of residence or mailing address within 14 calendar days. P.O. Boxes are accepted for
21 mailing purposes; however the Respondent must also provide his physical residence address as
22 well.

23 8. COST RECOVERY

24 Respondent shall pay to the Board a sum not to exceed the costs of the investigation and
25 prosecution of this case. That sum shall be \$10,721.25 and shall be paid in full directly to the
26 Board, in a Board-approved payment plan, within 6 months before the end of the Probation term.
27 Cost recovery will not be tolled.

28 ///

1 If Respondent is unable to submit costs timely, he/she shall be required instead to submit an
2 explanation of why he/she is unable to submit these costs in part or in entirety, and the date(s)
3 he/she will be able to submit the costs, including payment amount(s). Supporting documentation
4 and evidence of why the Respondent is unable to make such payment(s) must accompany this
5 submission.

6 Respondent understands that failure to submit costs timely is a violation of probation and
7 submission of evidence demonstrating financial hardship does not preclude the Board from
8 pursuing further disciplinary action. However, Respondent understands that by providing
9 evidence and supporting documentation of financial hardship may delay further disciplinary
10 action.

11 Consideration to financial hardship will not be given should Respondent violate this term
12 and condition, unless an unexpected AND unavoidable hardship is established from the date of
13 this order to the date payment(s) is due.

14 **9. TAKE AND PASS CALIFORNIA LAWS AND REGULATIONS**
15 **EXAMINATION**

16 Within 60 calendar days of the effective date of this decision, or within some other time as
17 prescribed in writing by the Board, Respondent shall take and pass the California Laws and
18 Regulations Examination (CLRE). If Respondent fails this examination, Respondent must take
19 and pass a re-examination as approved by the Board. The waiting period between repeat
20 examinations shall be at six-month intervals until success is achieved. Respondent shall pay the
21 established examination fees.

22 If Respondent fails the first examination, Respondent shall immediately cease the practice
23 of optometry until the re-examination has been successfully passed; as evidenced by written
24 notice to Respondent from the Board.

25 If Respondent has not taken and passed the examination within six months from the
26 effective date of this decision, Respondent shall be considered to be in violation of probation.

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1 **10. COMMUNITY SERVICES**

2 All types of community services shall be at the Board's discretion, depending on the
3 violation. Within 30 calendar days of the effective date of this decision, Respondent shall submit
4 to the Board, for its prior approval, a community service program in which Respondent provides
5 free non-optometric or professional optometric services on a regular basis to a community or
6 charitable facility or agency, amounting to a minimum of 16 hours per month of probation. Such
7 services shall begin no later than 15 calendar days after Respondent is notified of the approved
8 program.

9 **11. VALID LICENSE STATUS**

10 Respondent shall maintain a current, active and valid license for the length of the probation
11 period. Failure to pay all fees and meet CE requirements prior to his license expiration date shall
12 constitute a violation of probation.

13 **12. TOLLING FOR OUT-OF-STATE RESIDENCE OR PRACTICE**

14 Periods of residency or practice outside California, whether the periods of residency or
15 practice are temporary or permanent, will toll the probation period but will not toll the cost
16 recovery requirement, nor the probation monitoring costs incurred. Travel outside of California
17 for more than 30 calendar days must be reported to the Board in writing prior to departure.
18 Respondent shall notify the Board, in writing, within 14 calendar days, upon his return to
19 California and prior to the commencement of any employment where representation as an
20 optometrist is/was provided.

21 Respondent's license shall be automatically cancelled if Respondent's periods of temporary
22 or permanent residence or practice outside California total two years. However, Respondent's
23 license shall not be cancelled as long as Respondent is residing and practicing in another state of
24 the United States and is on active probation with the licensing authority of that state, in which
25 case the two-year period shall begin on the date probation is completed or terminated in that state.

26 **13. LICENSE SURRENDER**

27 During Respondent's term of probation, if he/she ceases practicing due to retirement, health
28 reasons, or is otherwise unable to satisfy any condition of probation, Respondent may surrender

1 his license to the Board. The Board reserves the right to evaluate Respondent's request and
2 exercise its discretion whether to grant the request, or to take any other action deemed appropriate
3 and reasonable under the circumstances, without further hearing. Upon formal acceptance of the
4 tendered license and wall certificate, Respondent will no longer be subject to the conditions of
5 probation. All costs incurred (i.e., Cost Recovery and Probation Monitoring) are due upon
6 reinstatement.

7 Surrender of Respondent's license shall be considered a Disciplinary Action and shall
8 become a part of Respondent's license history with the Board.

9 **14. VIOLATION OF PROBATION**

10 If Respondent violates any term of the probation in any respect, the Board, after giving
11 Respondent notice and the opportunity to be heard, may revoke probation and carry out the
12 disciplinary order that was stayed. If an accusation or a petition to revoke probation is filed
13 against Respondent during probation, the Board shall have continuing jurisdiction and the period
14 of probation shall be extended until the matter is final. No petition for modification of discipline
15 shall be considered while there is an accusation or petition to revoke probation or other discipline
16 pending against Respondent.

17 **15. COMPLETION OF PROBATION**

18 Upon successful completion of probation, Respondent's license shall be fully restored.

19 **16. SALE OR CLOSURE OF AN OFFICE AND/OR PRACTICE**

20 If Respondent sells or closes his or her office after the imposition of administrative
21 discipline, Respondent shall ensure the continuity of patient care and the transfer of patient
22 records. Respondent shall also ensure that patients are refunded money for work/services not
23 completed or provided, and shall not misrepresent to anyone the reason for the sale or closure of
24 the office and/or practice. The provisions of this condition in no way authorize the practice of
25 optometry by the Respondent during any period of license suspension.

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1 **17. LENS PRESCRIPTIONS - MAINTAIN RECORDS**

2 Respondent shall maintain patient records for all controlled substance prescriptions
3 dispensed or administered by Respondent during probation, showing all the following:

- 4 1. name and address of the patient;
5 2. date;
6 3. quantity and days' supply of the prescription;
7 4. visual impairment identified for which the prescription was furnished.

8 Respondent shall keep these patient records in a separate file, in chronological order, and
9 shall make them available for inspection and copying by the Board or its designee, upon request.

10 **18. CONTINUING EDUCATION**

11 Within 30 calendar days of the effective date of this decision, Respondent shall submit to
12 the Board for its prior approval an educational program or course to be in areas of controlled
13 substances and pain management. The education program or course(s) shall consist of a minimum
14 of eight (8) hours for each practice area.

15 This program or course shall be in addition to the Continuing Optometric Education
16 requirements for renewal, and shall be obtained with all costs being paid by the Respondent.
17 Following completion of each course, the Board or its designee may administer an examination to
18 test Respondent's knowledge of the course. Respondent shall provide written proof of attendance
19 in such course or courses approved by the Board.

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DATED:

Wayne Whitmer Hoeft

DATED:

1/23/2018

Ronald Lomb

RONALD LAMB, ESQ.
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the California State Board of Optometry.

Dated: 1/23/18

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General



SHERONDA L. EDWARDS
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. CC 2014-370

1 XAVIER BECERRA
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 SHERONDA L. EDWARDS
Deputy Attorney General
4 State Bar No. 225404
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2537
6 Facsimile: (213) 897-2804
E-mail: Sheronda.Edwards@doj.ca.gov
7 *Attorneys for Complainant*

8 **BEFORE THE**
CALIFORNIA STATE BOARD OF OPTOMETRY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11
12 In the Matter of the Accusation Against:

Case No. CC 2014-370

13 **WAYNE WHITMER HOEFT**
14 **907 N. San Fernando Blvd.**
Burbank, CA 91504

A C C U S A T I O N

15 **Optometrist License No. OPT 4256**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Jessica Sieferman (Complainant) brings this Accusation solely in her official capacity
21 as the Executive Officer of the California State Board of Optometry, Department of Consumer
22 Affairs.

23 2. On or about September 22, 1959, the California State Board of Optometry issued
24 Optometrist License Number OPT 4256 to Wayne Whitmer Hoeft (Respondent). The Optometrist
25 License was in full force and effect at all times relevant to the charges brought herein and will
26 expire on February 28, 2019, unless renewed.

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1 “(C) Ocular inflammation, nonsurgical in cause except when comanaged with the treating
2 physician and surgeon, limited to inflammation resulting from traumatic iritis, peripheral corneal
3 inflammatory keratitis, episcleritis, and unilateral nonrecurrent nongranulomatous idiopathic iritis
4 in patients over 18 years of age. Unilateral nongranulomatous idiopathic iritis recurring within
5 one year of the initial occurrence shall be referred to an ophthalmologist. An optometrist shall
6 consult with an ophthalmologist or appropriate physician and surgeon if a patient has a recurrent
7 case of episcleritis within one year of the initial occurrence. An optometrist shall consult with an
8 ophthalmologist or appropriate physician and surgeon if a patient has a recurrent case of
9 peripheral corneal inflammatory keratitis within one year of the initial occurrence.

10 “(D) Traumatic or recurrent conjunctival or corneal abrasions and erosions.

11 “(E) Corneal surface disease and dry eyes.

12 “(F) Ocular pain, nonsurgical in cause except when comanaged with the treating physician
13 and surgeon, associated with conditions optometrists are authorized to treat.

14 “(G) Pursuant to subdivision (f), glaucoma in patients over 18 years of age, as described in
15 subdivision (j).

16 “(2) For purposes of this section, “treat” means the use of therapeutic pharmaceutical
17 agents, as described in subdivision (c), and the procedures described in subdivision (e).

18 “(c) In diagnosing and treating the conditions listed in subdivision (b), an optometrist
19 certified to use therapeutic pharmaceutical agents pursuant to Section 3041.3 may use all of the
20 following therapeutic pharmaceutical agents:

21 “(14) Codeine with compounds and hydrocodone with compounds as listed in the
22 California Uniform Controlled Substances Act (Division 10 (commencing with Section 11000) of
23 the Health and Safety Code) and the United States Uniform Controlled Substances Act (21 U.S.C.
24 Sec. 801 et seq.). The use of these agents shall be limited to three days, with a referral to an
25 ophthalmologist if the pain persists.”

26 ///

27 ///

1 7. Section 3110 states:

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

6 “...

7 “(n) Repeated acts of excessive prescribing, furnishing or administering of controlled
8 substances or dangerous drugs specified in Section 4022, or repeated acts of excessive treatment.

9 “...

10 “(y) Failure to refer a patient to an appropriate physician in either of the following
11 circumstances:

12 “(1) Where an examination of the eyes indicates a substantial likelihood of any
13 pathology that requires the attention of that physician.

14 “(2) As required by subdivision (c) of Section 3041.”

15 **COSTS RECOVERY**

16 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
17 administrative law judge to direct a licentiate found to have committed a violation or violations of
18 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
19 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
20 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
21 included in a stipulated settlement.

22 **CONTROLLED SUBSTANCES**

23 9. Section 4021 states:

24 “‘Controlled substance’ means any substance listed in Chapter 2 (commencing with Section
25 11053) of Division 10 of the Health and Safety Code.”

26 ///

27 ///

10. Section 4022 of the Code states, in pertinent part:
“‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for self use,
except veterinary drugs that are labeled as such, and includes the following:

“(a) Any drug that bears the legend: ‘Caution: federal law prohibits dispensing
without prescription,’ ‘Rx only,’ or words of similar import.

“...
“(c) any other drug or device that by federal or state law can be lawfully dispensed
only on prescription or furnished pursuant to Section 4006.”

11. **Hydrocodone/Acetaminophen (Norco)** is a Scheduled III controlled substance as
designated by Health and Safety Code section 11056(e)(4), and a dangerous drug pursuant to
Business and Professions Code section 4022. It is a narcotic indicated for the relief of moderate to
moderately severe pain.

STATEMENT OF FACTS

12. From June 25, 2012 through June 25, 2015, review of the Controlled Substance
Utilization Review and Evaluation System (CURES¹) report for Respondent documented
Respondent prescribed Hydrocodone Bitartrate/Acetaminophen 325mg/10mg, 60 tablets to
patient G.B. for a total of 18 fills/refills, exceeding the three-day limitation, as shown below in a
chart. De Soto Pharmacy filed the prescriptions and refills.

13. See below chart of Respondent’s excessive prescriptions of Hydrocodone
Bitartrate/Acetaminophen 325mg/10mg to patient G.B.:

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¹ The Controlled Substance Utilization Review and Evaluation System (CURES) is a database
containing information on Schedule II through IV controlled substances dispensed in California. It is
a valuable investigative, preventive, and educational tool for the healthcare community, regulatory
boards, and law enforcement. The California Prescription Drug Monitoring Program (PDMP)
maintains the CURES database. The PDMP allows authorized users, including licensed healthcare
prescribers eligible to prescribe controlled substances, pharmacists authorized to dispense controlled
substances, law enforcement, and regulatory boards, to access patient controlled substance history
information maintained in CURES. The PDMP is committed to assisting in the reduction of
pharmaceutical drug diversion without affecting legitimate medical practice or patient care. (From
State of California Department of Justice, Office of the Attorney General, Prescription Drug
Monitoring Program.)

Chart of Excessive Prescriptions:

No.	Date Filled	Qty.	RX No.	Refill No.
1	08/20/2012	60	011573	0
2	11/12/2012	60	011573	1
3	12/28/2012	60	011573	2
4	01/30/2013	60	034877	0
5	03/14/2013	60	034877	1
6	04/13/2013	60	034877	2
7	05/09/2013	60	034877	3
8	09/10/2013	60	067120	0
9	11/11/2013	60	067120	1
10	12/02/2013	60	067120	2
11	02/11/2014	60	067120	3
12	04/14/2014	60	301963	0
13	07/21/2014	60	301963	1
14	09/29/2014	60	304398	0
15	10/29/2014	60	304398	1
16	12/02/2014	50	102435	0
17	02/02/2015	60	103219	0
18	05/26/2015	60	104819	0

14. According to Respondent's prescriptions, Respondent prescribed patient G.B. 180 tablets of Hydrocodone Bitartrate/Acetaminophen 325mg/10mg in 2012; 420 tablets in 2013; 350 tablets in 2014; and 120 tablets in 2015; for a grand total of 1,070 tablets of Hydrocodone Bitartrate/Acetaminophen 325mg/10mg.

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1 15. On September 3, 2015, during a pharmacy audit of DeSoto Pharmacy pertaining to
2 Respondent's prescriptions for Hydrocodone Bitartrate/Acetaminophen prescribed to patient G.B.,
3 Department of Consumer Affairs Investigator J.R., was informed that the indication for Norco
4 was diagnosis code "379.91." According to the Centers for Medicare and Medicaid Services, code
5 "379.91" is "pain in or around eye."

6 16. On September 17, 2015, the pharmacist-in-charge of DeSoto Pharmacy advised the
7 investigator that patient G.B. arrived at the pharmacy with another prescription from Respondent
8 for Hydrocodone Bitartrate/Acetaminophen. The pharmacist-in-charge declined to fill the
9 prescription and suggested to patient G.B. to seek a referral for an ophthalmologist or pain
10 management specialist.

11 17. On September 25, 2015, Investigator J.R. contacted Respondent by phone and
12 summarized to him the Board's concerns regarding his prescribing practices. Respondent said he
13 had patient G.B.'s chart on hand. He said he has treated the patient for several years. Respondent
14 said he prescribed Hydrocodone Bitartrate/Acetaminophen to patient G.B. for her "chronic iritis."
15 He said she has had chronic iritis for at least 10 years and had been seen by an ophthalmologist
16 who prescribed Hydrocodone Bitartrate/Acetaminophen to patient G.B. Respondent said he
17 "concurred with [the] ophthalmologist" and "just continued the medication." Respondent said the
18 iritis continues to "flare up" and he prescribed Hydrocodone Bitartrate/Acetaminophen to help
19 relieve the pain.

20 18. Respondent asked if he was not allowed to prescribe pain medication. The
21 investigator clarified that the concern in this present case was not whether he can or cannot
22 prescribe pain medication but rather the quantity and duration of the pain medication prescription.
23 The investigator referenced Business and Professions Code section 3041(c)(14) and summarized
24 to Respondent that the code section states that Codeine/Hydrocodone with compounds "shall be
25 limited to three days, with a referral to an ophthalmologist if the pain persists."

26 19. Respondent said he was not aware of Business and Professions Code section
27 3041(c)(14) and the limitation of three days. He reiterated that the patient was previously seen by
28 an ophthalmologist and he just continued the pain medication prescription.

1 **FIRST CAUSE FOR DISCIPLINE**

2 (Unprofessional Conduct, Repeated Acts of Excessive Prescribing)

3 20. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
4 Code section 3110, subdivision (n), in conjunction with Code section 3041, subdivision (c),
5 subparagraph (14), in that between June 25, 2012 through June 25, 2015, Respondent prescribed a
6 quantity of 60 Hydrocodone Bitartrate/Acetaminophen 325mg/10mg tablets seventeen times, and
7 on a separate occasion a quantity of 50 Hydrocodone Bitartrate/Acetaminophen 325mg/10mg
8 tablets, for a total of 1,070 tablets, to patient G.B., constituting repeated acts of excessive
9 prescribing beyond the three-day limitation, as set forth above in paragraphs 12 through 19, which
10 are incorporated by reference.

11 **SECOND CAUSE FOR DISCIPLINE**

12 (Unprofessional Conduct, Prescription of Controlled Substances Beyond Limit)

13 21. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
14 Code section 3110, subdivision (y), subparagraph (2), in conjunction with Code section 3041,
15 subdivision (c), subparagraph (14), in that between June 25, 2012 through June 25, 2015,
16 Respondent failed to refer patient G.B. to an appropriate physician and instead prescribed a total
17 of 1,070 Hydrocodone Bitartrate/Acetaminophen 325mg/10mg tablets to patient G.B., exceeding
18 the three-day limitation, as set forth above in paragraphs 12 through 19, which are incorporated by
19 reference.

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PRAYER

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

1. Revoking or suspending Optometrist License Number OPT 4256, issued to Wayne Whitmer Hoeft;
2. Ordering Wayne Whitmer Hoeft to pay the California 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,
3. Taking such other and further action as deemed necessary and proper.

DATED: September 8, 2017


JESSICA SIEFERMAN
Executive Officer
California State Board of Optometry
Department of Consumer Affairs
State of California
Complainant

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CALIFORNIA 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



Certified & Regular Mail

February 20, 2018

Dr. Wayne Hoeft, O.D.
907 N San Fernando Blvd
Burbank, CA 91504

RE: In the Matter of the Accusation Against:
Wayne Whitmer Hoeft, OPT 4256, Case No. CC 2014-370

Dear Dr. Hoeft:

Enclosed is a copy of the Final Stipulated Settlement and Disciplinary Order of the Board of Optometry in the above-referenced matter. Please note that the effective date of the Order is **March 22, 2018**.

The Order calls for your optometry license to be revoked. However, the revocation is stayed, and your license will be placed on probation for four (4) years, subject to certain terms and conditions. Prior to the effective date of this decision, your probation monitor will contact you with the information you need for probation compliance.

If you have any questions regarding this matter, you should contact your probation monitor, Cheree Kimball, at (916) 575-7173 or via email at cheree.kimball@dca.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brad Garding'.

Brad Garding
Enforcement Technician

Enclosures: Stipulated Settlement and Disciplinary Order and Accusation.

Cc: Ronald R. Lamb, Esq., Respondent's Attorney (Certified mail with Enclosures)
Sheronda L. Edwards, Deputy Attorney General (Regular Mail with Enclosures)

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

In the Matter of the Accusation Against:

Case No. CC 2014-370

WAYNE WHITMER HOEFT
907 N. San Fernando Blvd.
Burbank, CA 91504

Optometrist License No. OPT 4256

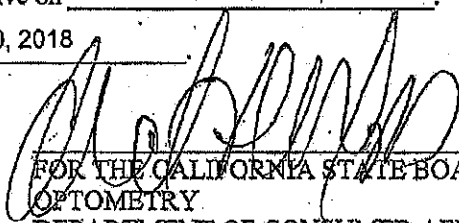
Respondent.

DECISION AND ORDER

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

This Decision shall become effective on March 22, 2018

It is so ORDERED February 20, 2018


FOR THE CALIFORNIA STATE BOARD OF
OPTOMETRY
DEPARTMENT OF CONSUMER AFFAIRS

1 XAVIER BECERRA
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 SHERONDA L. EDWARDS
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7 Attorneys for Complainant

8 **BEFORE THE**
9 **CALIFORNIA STATE BOARD OF OPTOMETRY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. CC 2014-370

12 **WAYNE WHITMER HOEFT**
907 N. San Fernando Blvd.
13 Burbank, CA 91504

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 **Optometrist License No. OPT 4256**

15 Respondent.

16
17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Jessica Sicferman ("Complainant") is the Executive Officer of the California State
22 Board of Optometry ("Board"). She brought this action solely in her official capacity and is
23 represented in this matter by Xavier Becerra, Attorney General of the State of California, by
24 Sheronda L. Edwards, Deputy Attorney General.

25 2. Respondent Wayne Whitmer Hoeft ("Respondent") is represented in this proceeding
26 by attorney Ronald Lamb, Esq., whose address is: Wilke, Fleury, Hoffelt, Gould & Birney, LLP
27 400 Capitol Mall, Twenty-Second Floor, Sacramento, CA 95814.

28 ///

3. On or about September 22, 1959, the Board issued Optometrist License No. OPT 4256 to Wayne Whitmer Hoeft. The Optometrist License was in full force and effect at all times relevant to the charges brought in Accusation No. CC 2014-370, and will expire on February 28, 2019, unless renewed.

JURISDICTION

4. Accusation No. CC 2014-370 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 September 12, 2017. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. CC 2014-370 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 2014-370. 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 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 2014-370.

///

1 10. Respondent agrees that his Optometrist License is subject to discipline and he agrees
2 to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

3 RESERVATION

4 11. The admissions made by Respondent herein are only for the purposes of this
5 proceeding, or any other proceedings in which the California State Board of Optometry or other
6 professional licensing agency is involved, and shall not be admissible in any other criminal or
7 civil proceeding.

8 CONTINGENCY

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

19 13. The parties understand and agree that Portable Document Format (PDF) and facsimile
20 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
21 signatures thereto, shall have the same force and effect as the originals.

22 14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
23 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
24 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
25 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
26 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
27 writing executed by an authorized representative of each of the parties.

28 ///

15. 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 License No. OPT 4256 issued to Respondent Wayne Whitner Hoefft is revoked. However, the revocation is stayed and Respondent's license is placed on probation for four (4) 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 applicants 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, governing the practice of optometry in California.

Respondent shall notify the Board in writing within 72 hours of any incident resulting in his arrest, or charges filed against, or a citation issued against Respondent.

CRIMINAL COURT ORDERS: If Respondent is under criminal court orders by any governmental agency, including probation or parole, and the orders are violated, this shall be deemed a violation of probation and may result in the filing of an accusation or petition to revoke probation or both.

OTHER BOARD OR REGULATORY AGENCY ORDERS: If Respondent is subject to any other disciplinary order from any other health-care related board or any professional licensing or certification regulatory agency in California or elsewhere, and violates any of the orders or conditions imposed by other agencies, this shall be deemed a violation of probation and may result in the filing of an accusation or petition to revoke probation or both.

III

1 **2. QUARTERLY REPORTS**

2 Respondent shall file quarterly reports of compliance under penalty of perjury to the
3 probation monitor assigned by the Board. Quarterly report forms will be provided by the Board
4 (DG-QR1 (05/2012)). Omission or falsification in any manner of any information on these reports
5 shall constitute a violation of probation and shall result in the filing of an accusation and/or a
6 petition to revoke probation against Respondent's optometrist license. Respondent is responsible
7 for contacting the Board to obtain additional forms if needed. Quarterly reports are due for each
8 year of probation throughout the entire length of probation as follows:

- 9 • For the period covering January 1st through March 31st, reports are to be completed and
10 submitted between April 1st and April 7th.
11 • For the period covering April 1st through June 30th, reports are to be completed and
12 submitted between July 1st and July 7th.
13 • For the period covering July 1st through September 30th, reports are to be completed and
14 submitted between October 1st and October 7th.
15 • For the period covering October 1st through December 31st, reports are to be completed
16 and submitted between January 1st and January 7th.

17 Failure to submit complete and timely reports shall constitute a violation of probation.

18 **3. COOPERATE WITH PROBATION MONITORING PROGRAM**

19 Respondent shall comply with the requirements of the Board's probation monitoring
20 program, and shall, upon reasonable request, report or personally appear as directed.

21 Respondent shall claim all certified mail issued by the Board, respond to all notices of
22 reasonable requests timely, and submit Reports, Identification Update reports or other reports
23 similar in nature, as requested and directed by the Board or its representative.

24 Respondent is encouraged to contact the Board's probation monitoring program
25 representative at any time he/she has a question or concern regarding his terms and conditions of
26 probation.

27 Failure to appear for any scheduled meeting or examination, or cooperate with the
28 requirements of the program, including timely submission of requested information, shall

1 constitute a violation of probation and may result in the filing of an accusation and/or a petition to
2 revoke probation against Respondent's Optometrist license.

3 **4. PROBATION MONITORING COSTS**

4 All costs incurred for probation monitoring during the entire probation shall be paid by the
5 Respondent. The monthly cost may be adjusted as expenses are reduced or increased.
6 Respondent's failure to comply with all terms and conditions may also cause this amount to be
7 increased.

8 All payments for costs are to be sent directly to the Board of Optometry and must be
9 received by the date(s) specified. (Periods of tolling will not toll the probation monitoring costs
10 incurred.)

11 If Respondent is unable to submit costs for any month, he/she shall be required, instead, to
12 submit an explanation of why he/she is unable to submit the costs, and the date(s) he/she will be
13 able to submit the costs, including payment amount(s). Supporting documentation and evidence
14 of why the Respondent is unable to make such payment(s) must accompany this submission.

15 Respondent understands that failure to submit costs timely is a violation of probation and
16 submission of evidence demonstrating financial hardship does not preclude the Board from
17 pursuing further disciplinary action. However, Respondent understands that by providing
18 evidence and supporting documentation of financial hardship it may delay further disciplinary
19 action.

20 In addition to any other disciplinary action taken by the Board, an unrestricted license will
21 not be issued at the end of the probationary period and the optometrist license will not be
22 renewed, until such time as all probation monitoring costs have been paid.

23 **5. FUNCTION AS AN OPTOMETRIST**

24 Respondent shall function as an optometrist for a minimum of 60 hours per month for the
25 entire term of his probation period.

26 **6. NOTICE TO EMPLOYER**

27 Respondent shall provide to the Board the names, physical addresses, mailing addresses,
28 and telephone number of all employers and supervisors and shall give specific, written consent

1 that the licensee authorizes the Board and the employers and supervisors to communicate
2 regarding the licensee's work status, performance, and monitoring. Monitoring includes, but is
3 not limited to, any violation of any probationary term and condition.

4 Respondent shall be required to inform his employer, and each subsequent employer during
5 the probation period, of the discipline imposed by this decision by providing his supervisor and
6 director and all subsequent supervisors and directors with a copy of the decision and order, and
7 the accusation in this matter prior to the beginning of or returning to employment or within 14
8 calendar days from each change in a supervisor or director.

9 The Respondent must ensure that the Board receives written confirmation from the
10 employer that he/she is aware of the Discipline, on forms to be provided to the Respondent (DG-
11 Form 1 (05/2012)). The Respondent must ensure that all reports completed by the employer are
12 submitted from the employer directly to the Board. Respondent is responsible for contacting the
13 Board to obtain additional forms if needed.

14 **7. CHANGES OF EMPLOYMENT OR RESIDENCE**

15 Respondent shall notify the Board, and appointed probation monitor in writing, of any and
16 all changes of employment, location, and address within 14 calendar days of such change. This
17 includes but is not limited to applying for employment, termination or resignation from
18 employment, change in employment status, and change in supervisors, administrators or directors.

19 Respondent shall also notify his probation monitor AND the Board IN WRITING of any
20 changes of residence or mailing address within 14 calendar days. P.O. Boxes are accepted for
21 mailing purposes; however the Respondent must also provide his physical residence address as
22 well.

23 **8. COST RECOVERY**

24 Respondent shall pay to the Board a sum not to exceed the costs of the investigation and
25 prosecution of this case. That sum shall be \$10,721.25 and shall be paid in full directly to the
26 Board, in a Board-approved payment plan, within 6 months before the end of the Probation term.
27 Cost recovery will not be tolled.

28 ///

1 If Respondent is unable to submit costs timely, he/she shall be required instead to submit an
2 explanation of why he/she is unable to submit these costs in part or in entirety, and the date(s)
3 he/she will be able to submit the costs, including payment amount(s). Supporting documentation
4 and evidence of why the Respondent is unable to make such payment(s) must accompany this
5 submission.

6 Respondent understands that failure to submit costs timely is a violation of probation and
7 submission of evidence demonstrating financial hardship does not preclude the Board from
8 pursuing further disciplinary action. However, Respondent understands that by providing
9 evidence and supporting documentation of financial hardship may delay further disciplinary
10 action.

11 Consideration to financial hardship will not be given should Respondent violate this term
12 and condition, unless an unexpected AND unavoidable hardship is established from the date of
13 this order to the date payment(s) is due.

14 **9. TAKE AND PASS CALIFORNIA LAWS AND REGULATIONS**
15 **EXAMINATION**

16 Within 60 calendar days of the effective date of this decision, or within some other time as
17 prescribed in writing by the Board, Respondent shall take and pass the California Laws and
18 Regulations Examination (CLRE). If Respondent fails this examination, Respondent must take
19 and pass a re-examination as approved by the Board. The waiting period between repeat
20 examinations shall be at six-month intervals until success is achieved. Respondent shall pay the
21 established examination fees.

22 If Respondent fails the first examination, Respondent shall immediately cease the practice
23 of optometry until the re-examination has been successfully passed; as evidenced by written
24 notice to Respondent from the Board.

25 If Respondent has not taken and passed the examination within six months from the
26 effective date of this decision, Respondent shall be considered to be in violation of probation.

27 ///

28 ///

1 10. **COMMUNITY SERVICES**

2 All types of community services shall be at the Board's discretion, depending on the
3 violation. Within 30 calendar days of the effective date of this decision, Respondent shall submit
4 to the Board, for its prior approval, a community service program in which Respondent provides
5 free non-optometric or professional optometric services on a regular basis to a community or
6 charitable facility or agency, amounting to a minimum of 16 hours per month of probation. Such
7 services shall begin no later than 15 calendar days after Respondent is notified of the approved
8 program.

9 11. **VALID LICENSE STATUS**

10 Respondent shall maintain a current, active and valid license for the length of the probation
11 period. Failure to pay all fees and meet CE requirements prior to his license expiration date shall
12 constitute a violation of probation.

13 12. **TOLLING FOR OUT-OF-STATE RESIDENCE OR PRACTICE**

14 Periods of residency or practice outside California, whether the periods of residency or
15 practice are temporary or permanent, will toll the probation period but will not toll the cost
16 recovery requirement, nor the probation monitoring costs incurred. Travel outside of California
17 for more than 30 calendar days must be reported to the Board in writing prior to departure.
18 Respondent shall notify the Board, in writing, within 14 calendar days, upon his return to
19 California and prior to the commencement of any employment where representation as an
20 optometrist is/was provided.

21 Respondent's license shall be automatically cancelled if Respondent's periods of temporary
22 or permanent residence or practice outside California total two years. However, Respondent's
23 license shall not be cancelled as long as Respondent is residing and practicing in another state of
24 the United States and is on active probation with the licensing authority of that state, in which
25 case the two-year period shall begin on the date probation is completed or terminated in that state.

26 13. **LICENSE SURRENDER**

27 During Respondent's term of probation, if he/she ceases practicing due to retirement, health
28 reasons, or is otherwise unable to satisfy any condition of probation, Respondent may surrender

1 **17. LENS PRESCRIPTIONS - MAINTAIN RECORDS**

2 Respondent shall maintain patient records for all controlled substance prescriptions
3 dispensed or administered by Respondent during probation, showing all the following:

- 4 1. name and address of the patient;
5 2. date;
6 3. quantity and days' supply of the prescription;
7 4. visual impairment identified for which the prescription was furnished.

8 Respondent shall keep these patient records in a separate file, in chronological order, and
9 shall make them available for inspection and copying by the Board or its designee, upon request.

10 **18. CONTINUING EDUCATION**

11 Within 30 calendar days of the effective date of this decision, Respondent shall submit to
12 the Board for its prior approval an educational program or course to be in areas of controlled
13 substances and pain management. The education program or course(s) shall consist of a minimum
14 of eight (8) hours for each practice area.

15 This program or course shall be in addition to the Continuing Optometric Education
16 requirements for renewal, and shall be obtained with all costs being paid by the Respondent.
17 Following completion of each course, the Board or its designee may administer an examination to
18 test Respondent's knowledge of the course. Respondent shall provide written proof of attendance
19 in such course or courses approved by the Board.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Ronald Lamb, Esq. I understand the stipulation and the effect it will have on my Optometrist license. 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 California State Board of Optometry.

DATED: 1-23-18

Wayne Whitmer Hoeft
WAYNE WHITMER HOEFT
Respondent

I have read and fully discussed with Respondent Wayne Whitmer Hoeft the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve his form and content.

DATED: 1/23/2018

Ronald Lamb
RONALD LAMB, ESQ.
Attorney for Respondent

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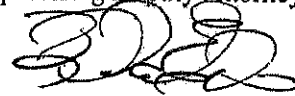
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the California State Board of Optometry.

Dated: 1/23/18

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General



SHERONDA L. EDWARDS
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. CC 2014-370

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7 *Attorneys for Complainant*

8 **BEFORE THE**
CALIFORNIA STATE BOARD OF OPTOMETRY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11
12 In the Matter of the Accusation Against:

Case No. CC 2014-370

13 **WAYNE WHITMER HOEFT**
14 **907 N. San Fernando Blvd.**
Burbank, CA 91504

ACCUSATION

15 **Optometrist License No. OPT 4256**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Jessica Sieferman (Complainant) brings this Accusation solely in her official capacity
21 as the Executive Officer of the California State Board of Optometry, Department of Consumer
22 Affairs.

23 2. On or about September 22, 1959, the California State Board of Optometry issued
24 Optometrist License Number OPT 4256 to Wayne Whitmer Hoeft (Respondent). The Optometrist
25 License was in full force and effect at all times relevant to the charges brought herein and will
26 expire on February 28, 2019, unless renewed.

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1 JURISDICTION

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

5 STATUTORY PROVISIONS

6 4. Section 118, subdivision (b), provides that the suspension/expiration of a license shall
7 not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within
8 which the license may be renewed, restored, reissued or reinstated.

9 5. Section 3090 states:

10 "Except as otherwise provided by law, the board may take action against all persons guilty
11 of violating this chapter or any of the regulations adopted by the board. The board shall enforce
12 and administer this article as to licenseholders, and the board shall have all the powers granted in
13 this chapter for these purposes, including, but not limited to, investigating complaints from the
14 public, other licensees, health care facilities, other licensing agencies, or any other source
15 suggesting that an optometrist may be guilty of violating this chapter or any of the regulations
16 adopted by the board."

17 6. Section 3041, subdivision (a), states:

18 "(a) The practice of optometry includes the prevention and diagnosis of disorders and
19 dysfunctions of the visual system, and the treatment and management of certain disorders and
20 dysfunctions of the visual system, as well as the provision of rehabilitative optometric services,
21 and is the doing of any or all of the following:

22 "...

23 "(b) (1) An optometrist who is certified to use therapeutic pharmaceutical agents, pursuant
24 to Section 3041.3, may also diagnose and treat the human eye or eyes, or any of its or their
25 appendages, for all of the following conditions:

26 "(A) Through medical treatment, infections of the anterior segment and adnexa, excluding
27 the lacrimal gland, the lacrimal drainage system, and the sclera in patients under 12 years of age.

28 "(B) Ocular allergies of the anterior segment and adnexa.

1 “(C) Ocular inflammation, nonsurgical in cause except when comanaged with the treating
2 physician and surgeon, limited to inflammation resulting from traumatic iritis, peripheral corneal
3 inflammatory keratitis, episcleritis, and unilateral nonrecurrent nongranulomatous idiopathic iritis
4 in patients over 18 years of age. Unilateral nongranulomatous idiopathic iritis recurring within
5 one year of the initial occurrence shall be referred to an ophthalmologist. An optometrist shall
6 consult with an ophthalmologist or appropriate physician and surgeon if a patient has a recurrent
7 case of episcleritis within one year of the initial occurrence. An optometrist shall consult with an
8 ophthalmologist or appropriate physician and surgeon if a patient has a recurrent case of
9 peripheral corneal inflammatory keratitis within one year of the initial occurrence.

10 “(D) Traumatic or recurrent conjunctival or corneal abrasions and erosions.

11 “(E) Corneal surface disease and dry eyes.

12 “(F) Ocular pain, nonsurgical in cause except when comanaged with the treating physician
13 and surgeon, associated with conditions optometrists are authorized to treat.

14 “(G) Pursuant to subdivision (f), glaucoma in patients over 18 years of age, as described in
15 subdivision (j).

16 “(2) For purposes of this section, “treat” means the use of therapeutic pharmaceutical
17 agents, as described in subdivision (c), and the procedures described in subdivision (e).

18 “(c) In diagnosing and treating the conditions listed in subdivision (b), an optometrist
19 certified to use therapeutic pharmaceutical agents pursuant to Section 3041.3 may use all of the
20 following therapeutic pharmaceutical agents:

21 “(14) Codeine with compounds and hydrocodone with compounds as listed in the
22 California Uniform Controlled Substances Act (Division 10 (commencing with Section 11000) of
23 the Health and Safety Code) and the United States Uniform Controlled Substances Act (21 U.S.C.
24 Sec. 801 et seq.). The use of these agents shall be limited to three days, with a referral to an
25 ophthalmologist if the pain persists.”

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1 7. Section 3110 states:

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

6 "...

7 "(n) Repeated acts of excessive prescribing, furnishing or administering of controlled
8 substances or dangerous drugs specified in Section 4022, or repeated acts of excessive treatment.

9 "...

10 "(y) Failure to refer a patient to an appropriate physician in either of the following
11 circumstances:

12 "(1) Where an examination of the eyes indicates a substantial likelihood of any
13 pathology that requires the attention of that physician.

14 "(2) As required by subdivision (c) of Section 3041."

15 COSTS RECOVERY

16 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
17 administrative law judge to direct a licensee found to have committed a violation or violations of
18 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
19 enforcement of the case, with failure of the licensee to comply subjecting the license to not being
20 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
21 included in a stipulated settlement.

22 CONTROLLED SUBSTANCES

23 9. Section 4021 states:

24 "'Controlled substance' means any substance listed in Chapter 2 (commencing with Section
25 11053) of Division 10 of the Health and Safety Code."
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1 10. Section 4022 of the Code states, in pertinent part:

2 "'Dangerous drug' or 'dangerous device' means any drug or device unsafe for self use,
3 except veterinary drugs that are labeled as such, and includes the following:

4 "(a) Any drug that bears the legend: 'Caution: federal law prohibits dispensing
5 without prescription,' 'Rx only,' or words of similar import.

6 "...

7 "(c) any other drug or device that by federal or state law can be lawfully dispensed
8 only on prescription or furnished pursuant to Section 4006."

9 11. Hydrocodone/Acetaminophen (Norco) is a Scheduled III controlled substance as
10 designated by Health and Safety Code section 11056(e)(4), and a dangerous drug pursuant to
11 Business and Professions Code section 4022. It is a narcotic indicated for the relief of moderate to
12 moderately severe pain.

13 STATEMENT OF FACTS

14 12. From June 25, 2012 through June 25, 2015, review of the Controlled Substance
15 Utilization Review and Evaluation System (CURES¹) report for Respondent documented
16 Respondent prescribed Hydrocodone Bitartrate/Acetaminophen 325mg/10mg, 60 tablets to
17 patient G.B. for a total of 18 fills/refills, exceeding the three-day limitation, as shown below in a
18 chart. De Soto Pharmacy filed the prescriptions and refills.

19 13. See below chart of Respondent's excessive prescriptions of Hydrocodone
20 Bitartrate/Acetaminophen 325mg/10mg to patient G.B.:

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24 ¹ The Controlled Substance Utilization Review and Evaluation System (CURES) is a database
25 containing information on Schedule II through IV controlled substances dispensed in California. It is
26 a valuable investigative, preventive, and educational tool for the healthcare community, regulatory
27 boards, and law enforcement. The California Prescription Drug Monitoring Program (PDMP)
28 maintains the CURES database. The PDMP allows authorized users, including licensed healthcare
prescribers eligible to prescribe controlled substances, pharmacists authorized to dispense controlled
substances, law enforcement, and regulatory boards, to access patient controlled substance history
information maintained in CURES. The PDMP is committed to assisting in the reduction of
pharmaceutical drug diversion without affecting legitimate medical practice or patient care. (From
State of California Department of Justice, Office of the Attorney General, Prescription Drug
Monitoring Program.)

Chart of Excessive Prescriptions:

No.	Date Filled	Ow.	Rx No.	Refill No.
1	08/20/2012	60	011573	0
2	11/12/2012	60	011573	1
3	12/28/2012	60	011573	2
4	01/30/2013	60	034877	0
5	03/14/2013	60	034877	1
6	04/13/2013	60	034877	2
7	05/09/2013	60	034877	3
8	09/10/2013	60	067120	0
9	11/11/2013	60	067120	1
10	12/02/2013	60	067120	2
11	02/11/2014	60	067120	3
12	04/14/2014	60	301963	0
13	07/21/2014	60	301963	1
14	09/29/2014	60	304398	0
15	10/29/2014	60	304398	1
16	12/02/2014	50	102435	0
17	02/02/2015	60	103219	0
18	05/26/2015	60	104819	0

14. According to Respondent's prescriptions, Respondent prescribed patient G.B. 180 tablets of Hydrocodone Bitartrate/Acetaminophen 325mg/10mg in 2012; 420 tablets in 2013; 350 tablets in 2014; and 120 tablets in 2015; for a grand total of 1,070 tablets of Hydrocodone Bitartrate/Acetaminophen 325mg/10mg.

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1 15. On September 3, 2015, during a pharmacy audit of DeSoto Pharmacy pertaining to
2 Respondent's prescriptions for Hydrocodone Bitartrate/Acetaminophen prescribed to patient G.B.,
3 Department of Consumer Affairs Investigator J.R., was informed that the indication for Norco
4 was diagnosis code "379.91." According to the Centers for Medicare and Medicaid Services, code
5 "379.91" is "pain in or around eye."

6 16. On September 17, 2015, the pharmacist-in-charge of DeSoto Pharmacy advised the
7 investigator that patient G.B. arrived at the pharmacy with another prescription from Respondent
8 for Hydrocodone Bitartrate/Acetaminophen. The pharmacist-in-charge declined to fill the
9 prescription and suggested to patient G.B. to seek a referral for an ophthalmologist or pain
10 management specialist.

11 17. On September 25, 2015, Investigator J.R. contacted Respondent by phone and
12 summarized to him the Board's concerns regarding his prescribing practices. Respondent said he
13 had patient G.B.'s chart on hand. He said he has treated the patient for several years. Respondent
14 said he prescribed Hydrocodone Bitartrate/Acetaminophen to patient G.B. for her "chronic iritis."
15 He said she has had chronic iritis for at least 10 years and had been seen by an ophthalmologist
16 who prescribed Hydrocodone Bitartrate/Acetaminophen to patient G.B. Respondent said he
17 "concurred with [the] ophthalmologist" and "just continued the medication." Respondent said the
18 iritis continues to "flare up" and he prescribed Hydrocodone Bitartrate/Acetaminophen to help
19 relieve the pain.

20 18. Respondent asked if he was not allowed to prescribe pain medication. The
21 investigator clarified that the concern in this present case was not whether he can or cannot
22 prescribe pain medication but rather the quantity and duration of the pain medication prescription.
23 The investigator referenced Business and Professions Code section 3041(c)(14) and summarized
24 to Respondent that the code section states that Codeine/Hydrocodone with compounds "shall be
25 limited to three days, with a referral to an ophthalmologist if the pain persists."

26 19. Respondent said he was not aware of Business and Professions Code section
27 3041(c)(14) and the limitation of three days. He reiterated that the patient was previously seen by
28 an ophthalmologist and he just continued the pain medication prescription.

1 **FIRST CAUSE FOR DISCIPLINE**

2 (Unprofessional Conduct, Repeated Acts of Excessive Prescribing)

3 20. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
4 Code section 3110, subdivision (n), in conjunction with Code section 3041, subdivision (c),
5 subparagraph (14), in that between June 25, 2012 through June 25, 2015, Respondent prescribed a
6 quantity of 60 Hydrocodone Bitartrate/Acetaminophen 325mg/10mg tablets seventeen times, and
7 on a separate occasion a quantity of 50 Hydrocodone Bitartrate/Acetaminophen 325mg/10mg
8 tablets, for a total of 1,070 tablets, to patient G.B., constituting repeated acts of excessive
9 prescribing beyond the three-day limitation, as set forth above in paragraphs 12 through 19, which
10 are incorporated by reference.

11 **SECOND CAUSE FOR DISCIPLINE**

12 (Unprofessional Conduct, Prescription of Controlled Substances Beyond Limit)

13 21. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
14 Code section 3110, subdivision (y), subparagraph (2), in conjunction with Code section 3041,
15 subdivision (c), subparagraph (14), in that between June 25, 2012 through June 25, 2015,
16 Respondent failed to refer patient G.B. to an appropriate physician and instead prescribed a total
17 of 1,070 Hydrocodone Bitartrate/Acetaminophen 325mg/10mg tablets to patient G.B., exceeding
18 the three-day limitation, as set forth above in paragraphs 12 through 19, which are incorporated by
19 reference.

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1 PRAYER


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

4 1. Revoking or suspending Optometrist License Number OPT 4256, issued to Wayne
5 Whitmer Hoeft;

6 2. Ordering Wayne Whitmer Hoeft to pay the California State Board of Optometry the
7 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
8 Professions Code section 125.3; and,

9 3. Taking such other and further action as deemed necessary and proper.

10
11 DATED: September 8, 2017


JESSICA SIEFERMAN
Executive Officer
California State Board of Optometry
Department of Consumer Affairs
State of California
Complainant

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