

Consumer Protection and Outreach Committee Meeting - Strategic Plan Goals					
Task	Completion Goal Date	Success Measure?	Committee Discussion/Update	First Progress Report	Goal Met?
5.1 Evaluate outside resources available to expand outreach		Outside resources for expanding outreach have been evaluated.		Q1 2023	
5.1.1 Quarterly reports on social media posts and trends	Q4 2021	Board should see an increase of website hits if social media is increased.	November 19, 2021 presentation to Board shows continuous and greater reach than many other DCA entities.		
5.1.2 Check with the professional associations to see if CSBO can publish articles in their magazines or newsletters, and blog posts	Q1 2023				
5.1.3 Collaborate with stakeholders to determine ideal communication methods	Q1 2023	Knowledgeable Board members relating to the enforcement process.	Develop PowerPoint decks (trainings) explaining enforcement process and how to avoid disciplinary actions. Utilize social media to communicate changes in regulations, updates to optometry and optician professions, and any other changes licensees and registrants should know.	Q2 2022	Continuous
5.2 Improve the utilization and measurement of social media and the Board website to communicate to consumers, licensees, and registrants; provide accurate information on key initiatives (e.g., children's vision, supervision authority, options for deliver of care, and delegation of duties)	Q4 2023	Updated website and accurate social media numbers.		Q4 2023	No
5.2.1 Establish way to track engagement on social media and website	Q2 2022	Number of visits to Board's website should increase; count/measure tweets and retweets on Twitter; look at number of visits to Board's Facebook page.	Continue quarterly report of social media impact @ Board meetings.		
5.2.2 Update website to streamline and make more user friendly	Q4 2023	Comments from users regarding the ease of finding information.	Board in line for website update and reconfiguration. Date has not been identified.	Q4 2023	No
5.3 Collaborate with continuing education providers and associations to disseminate updates to legislation and regulations regarding the current state of practice (i.e., training modules specific to Laws/Regs, Board quarterly updates to precede trainings).		ListServ email is sent out.		Q4 2023	
5.3.1 Reach out to entities to see what information they would like provided regarding legislation updates and how often they would like this information. Make it regular practice to provide this information.	Q2 2023		Staff will get the word out by utilizing YouTube videos and an email in ListServ.	Q2 2022	
5.3.2 Develop yearly review of statutory and regulatory changes and provide to CE providers and stakeholders.	Q4 2023		Sunset clean up work group meeting to review ACT and identify content.	Q1 2022	
5.4 Create and enact an outreach plan with opticianry programs regarding California registration requirements for the use of the title "optician" to enhance compliance with California law and encourage registration.		Created and enacted outreach plan.		Q4 2024	
5.4.1 Determine what type of ListServ associations have and see if possible to use ListServ to disseminate registration requirements for opticians.	Q1 2023				
5.4.2 Create formalized plan to conduct live presentations.	Q2 2023			Q2 2022	
5.4.3 Work with Dispensing Optician Committee to make registration requirements a part of the curriculum being offered to optician students.	Q4 2024				
5.5 Publish and disseminate enforcement actions to illustrate the consequences of infractions (DUI, malpractice, and unlicensed activity).		Enforcement actions published and disseminated.		Q1 2022	
5.5.1 Send out quarterly emails that illustrate the consequences of infractions and post on social media.	Q1 2022-ongoing		February 14, 2022 - first edition sent by ListServ and distributed at the COA meeting and COA House of Delegates.	Q2 2022	

5.6 Develop the communication plan regarding the importance of children's vision health and wellness.				Q4 2024	
5.6.1 Work with DCA Communications staff to create a communication plan.	Q4 2024		Possible partnership with local schools, school PTA's, Dept. of Education, boys and girls clubs, contact decision makers for answers.		
5.7 Evaluate and create better consumer outcomes such as access to care and addressing patient needs for marginalized populations by implementation of a multi-step action plan educating licensees about concepts of diversity, equality, and inclusion.		Resend original survey and achieve better results.		Q1 2023	
5.7.1 Collaborate with the Office of Professional Examination Services to send out surveys to consumers regarding their experiences with eye care.	Q1 2023		Contact the National Association of Optometrists and Opticians and work with them. OPT's need empathy when working with different cultures and patients. Some patients will have med-i-cal as insurance and some will not speak English.		
5.7.2 Evaluate database of licensees to identify any gaps in care.	Q3 2023				
5.7.3 Collaborate with Optometry charity care providers to identify areas needing service.	Q2 2024				
5.7.4 Collaborating with associations to identify areas needing service.	Q2 2024		Contact private companies - VSP, AOA for collaboration and assistance with developing areas most needing service.		



QUARTERLY ENFORCEMENT BULLETIN

ESSENTIAL COMPLAINT PROCESS INFORMATION AND RECENT ENFORCEMENT ACTIONS



Welcome to our first edition!

What Is the Purpose of Enforcement?

Many in the industry whisper that the Board works to inconvenience or punish licensees.

In fact, the Board ensures optometrists and opticians are prepared to practice and stay aware of best practices and confirmed health science. We ensure that a few bad actors won't spoil the bunch.

In 2020, of the more than 17,890 optometrists and opticians—less than 1.5% of Board licensees—received a consumer complaint (273). Suppose we can enable communication and help find resolution between an aggrieved patient and an optometrist rather than issue a citation or submit a case to the Office of the Attorney General?

We do just that. The Board resolves complaints with the lowest level of enforcement action. And in 2020, less than .5% of licensees were issued a citation, fine, or action against their license (86).

The Board protects the health and safety of California consumers and supports the work of well-meaning professionals. So, if you hear from an enforcement analyst:

Don't panic!
Complaints are **not** public
information.

Be cooperative with the Board!

Do your best to show
compliance!

Be truthful and accurate!

HOW DO I PREVENT BOARD ENFORCEMENT REVIEW?

Do refer patients to ophthalmologists when appropriate—a failure to refer can be unprofessional conduct or incompetence.

Do not see patients if your license is expired, invalid, or waiting to be renewed.

Do not allow new graduates to see patients before they appear on the DCA License Search (<https://search.dca.ca.gov>).

Do not violate drunk or intoxicated driving laws. Indifference to public safety can be grounds for disciplinary action.

HOW DOES THE BOARD HANDLE COMPLAINTS?

Enforcement analysts investigate complaints and work to identify and substantiate alleged violations. The average investigation takes 186 days and may include reports from

other optometrists and sworn-law enforcement officers. If substantiation is not possible, the case is closed without action.

Analysts recommend substantiated cases for administrative or formal disciplinary action. Possible outcomes include:

- License/registration denial.
- Public reproof and flag within the National Practitioner Database.
- Administrative fine.
- Immediate suspension of practice (PC23, Order to Temporarily Suspend).
- Completion of probation terms.
 - Board members (fellow professionals and members of the public, not state employees) set the length and terms of probation according to the education and time needed to address and correct potential sources of consumer harm. Probation is not a punishment but an opportunity to remember and reintegrate professional standards related to the substantiated facts of the case.

Need Answers? Check Out Some Frequently Asked Questions

Q. I GOT AN ENFORCEMENT LETTER! WHAT DO I DO?

- A.** (1) Carefully read the letter, identify the “respond by” date, and respond in a timely manner.
 (2) Check your BreZE account for license/registration expiration.
 (3) Contact the Board to discuss the issue: (916) 575-7170 Monday through Friday, 8 a.m. to 5 p.m.

Q. HOW LONG DOES IT TAKE TO INVESTIGATE A COMPLAINT?

- A.** Case investigation can vary depending on several factors. The average investigation takes 186 days and may include reports from other optometrists and sworn-law enforcement officers. Another factor can be the release of records from individuals, health care providers, insurance companies, and other governmental agencies.

Q. HOW OFTEN ARE FICTITIOUS NAME PERMITS (FNP) RENEWED?

- A.** FNPs are renewed every year on January 31. As a reminder, any name other than your legal name requires an FNP.

Q. I DID NOT RECEIVE A RENEWAL NOTICE FOR MY LICENSE. WHY NOT?

- A.** It is the responsibility of the licensee to maintain their license, including the correct and current address. Always ensure the Board has your correct address of record (AOR) on file. As a reminder, your AOR should not be your home address.

SEE A **HELPFUL SLIDE SHOW** ON THE BOARD’S WEBSITE ABOUT THE DISCIPLINARY PROCESS.



Recent Disciplinary Actions Taken by the Board

For the **most current list** of citations issued and disciplinary actions, please visit the Board's website: Go to www.optometry.ca.gov, click on the "Consumer" tab, then scroll to "Citations and Disciplinary Actions."

The California State Board of Optometry provides information* regarding administrative disciplinary actions for immediate access and the convenience of interested persons.

You can also access the online license verification at <https://search.dca.ca.gov> to verify if a licensed optometrist has had any disciplinary action taken against their license or to verify the current status of a license.

OPTOMETRY PROGRAM CITATIONS

Huang, Andy Chien Hsun (OPT 11308) Marina Del Rey
Effective December 16, 2021, a \$2,500 citation was issued to Andy Chien Hsun Huang (OPT 11308) for operating business under a fictitious name permit that is expired and practicing optometry under false or assumed names without first obtaining a written permit from the Board. (BPC §§3078 and 3110(a)).

Nabhan, Sara (OPT 33790) Granite Bay
Effective December 16, 2021, a \$1,000 citation was issued to Sara Nabhan (OPT 33790) for actions leading to the unlicensed practice of optometry (BPC § 3110(a)).

OPTICIAN PROGRAM CITATIONS

Alpha Viana Inc. (RDO 71017) El Monte
Effective December 2, 2021, a \$2,500 citation was issued to Alpha Viana Inc., (RDO 71017) for engaging in the practice of optometry without a license (BPC § 3040).

Stanton Optical #31 (RDO 70824) Bakersfield
Effective September 23, 2021, a \$4,500 modified citation was issued to Stanton Optical (RDO 70824) with an address of record in Bakersfield for disseminating misleading and deceptive advertisements, failure to obtain an RDO registration prior to opening for business, advertising optometry services, and for unprofessional conduct: advertising the furnishing of services of an optometrist (BPC §§651, 2551, 2556(a), and CCR §1399.251).

Stanton Optical #76 (RDO 70946) Chula Vista
Effective September 23, 2021 a \$2,500 modified citation was issued to Stanton Optical (RDO 70946) with an address of record in Chula Vista for failure to obtain an RDO registration prior to opening for business (BPC §2551).

Stanton Optical #108 (RDO 70952) East Fresno
Effective September 23, 2021, a \$2,500 modified citation was issued to Stanton Optical (RDO 70952) with an address of record in East Fresno for failing to obtain an RDO registration prior to opening for business (BPC §2551).

* While the Board believes the information to be reliable, human or technical error remains a possibility, as does possible delay in posting or updating information.

Stanton Optical #15 (RDO 7597) Fair Oaks

Effective September 23, 2021, a \$2,400 modified citation was issued to Stanton Optical (RDO 7597) with an address of record in Fair Oaks for disseminating misleading and deceptive advertisements, advertising optometry services, failure to submit an RDO renewal application prior to the expiration date of the RDO registration, and unprofessional conduct: advertising the furnishing of services of an optometrist (BPC §§651, 2556(a), CCR §§1399.222, and 1399.251).

Stanton Optical #18 (RDO 70534) Fresno

Effective September 23, 2021 a \$3,500 modified citation was issued to Stanton Optical (RDO 70534) with an address of record in Fresno for disseminating misleading and deceptive advertisements, advertising optometry services, failure to submit an RDO renewal application prior to the expiration of the RDO registration, and unprofessional conduct: advertising the furnishing of services of an optometrist (BPC §§651, 2556(a), CCR §§1399.222, and 1399.251).

Stanton Optical #67 (RDO 70827) La Mesa

Effective September 23, 2021, a \$4,500 modified citation was issued to Stanton Optical (RDO 70827) with an address of record in La Mesa for disseminating misleading and deceptive advertisements, failing to obtain an RDO registration prior to opening for business, advertising optometry services, and for unprofessional conduct: advertising the furnishing of services of an optometrist (BPC §§651, 2551, 2556(a), and CCR §1399.251).

Stanton Optical #111 (RDO 70985) Lodi

Effective September 23, 2021, a \$2,500 modified citation was issued to Stanton Optical (RDO 70985) with an address of record in Lodi for failure to obtain an RDO registration prior to opening for business (BPC §2551).

Stanton Optical #64 (RDO 70936) Merced

Effective September 23, 2021, a \$2,500 modified citation was issued to Stanton Optical (RDO 70936) with an address of record in Merced for failure to obtain an RDO registration prior to opening for business (BPC §2551).

Stanton Optical #05 (RDO 7570) Modesto

Effective September 23, 2021, a \$4,500 modified citation was issued to Stanton Optical (RDO 7570) with an address of record in Modesto for disseminating misleading and deceptive advertisements, advertising optometry services, failure to submit an RDO renewal application prior to the expiration date of the RDO registration, and for unprofessional conduct: advertising the furnishing of optometry services (BPC §§651, 2556(a), CCR §§1399.222, and 1399.251).

Stanton Optical #79 (RDO 70937) National City

Effective September 23, 2021, a \$2,500 modified citation was issued to Stanton Optical (RDO 70937) with an address of record in National City for failing to obtain an RDO registration prior to opening for business (BPC §2551).

Stanton Optical #89 (RDO 70909) Oceanside

Effective September 23, 2021, a \$2,500 modified citation was issued to Stanton Optical (RDO 70909) with an address of record in Oceanside for failure to obtain an RDO registration prior to opening for business (BPC §2551).

Stanton Optical #13 (RDO 7575) Roseville

Effective September 23, 2021, a \$4,500 modified citation was issued to Stanton Optical (RDO 7575) with an address of record in Roseville for disseminating misleading and deceptive advertisements, advertising optometry services, failure to submit an RDO renewal application prior to the expiration date of the RDO registration, and unprofessional conduct: advertising the furnishing of services of an optometrist (BPC §§651, 2556(a), CCR §§1399.222, and 1399.251).

Stanton Optical #14 (RDO 7572) Sacramento

Effective September 23, 2021, a \$2,200 modified citation was issued to Stanton Optical, (RDO 7572) with an address of record in Sacramento for disseminating misleading and deceptive advertisements, advertising optometry services, failing to obtain an RDO registration prior to opening for business, and unprofessional conduct: advertising the furnishing of the services of an optometrist (BPC §§651, 2556(a), CCR §§1399.222, and CCR §1399.251).

Stanton Optical #63 (RDO 70826) Salinas

Effective September 23, 2021, a \$4,500 modified citation was issued to Stanton Optical (RDO 70826) with an address of record in Salinas for disseminating misleading and deceptive advertisements, failing to obtain an RDO registration prior to opening for business, advertising optometry services, and for unprofessional conduct: advertising the furnishing of the services of an optometrist (BPC §§651, 2551, 2556, and CCR §1399.251).

Stanton Optical #113 (RDO 70958) San Diego

Effective September 23, 2021, a \$2,500 modified citation was issued to Stanton Optical (RDO 70958) with an address of record in San Diego (Stonecrest) for failing to obtain an RDO registration prior to opening for business (BPC §2551).

Stanton Optical #66 (RDO 70951) Santa Maria

Effective September 23, 2021, a \$2,500 modified citation was issued to Stanton Optical (RDO 70951) with an address of record in Santa Maria for failure to obtain an RDO registration prior to opening for business (BPC §2551).

Stanton Optical #62 (RDO 70828) Santee

Effective September 23, 2021, a \$4,500 modified citation was issued to Stanton Optical (RDO 70828) with an address of record in Santee for disseminating misleading and deceptive advertisements, failing to obtain an RDO registration prior to opening for business, advertising optometry services, and unprofessional conduct: for advertising the furnishings of services of an optometrist (BPC §§651, 2551, 2556(a), and CCR §1399.251).

Stanton Optical #32 (RDO 70825) Stockton

Effective September 23, 2021 a \$4,500 modified citation was issued to Stanton Optical (RDO 70825) with an address of record in Stockton for disseminating misleading and deceptive advertisements, failing to obtain an RDO registration prior to opening for business, advertising optometry services, and unprofessional conduct: for advertising the furnishing of services of an optometrist (BPC §§651, 2551, 2556(a), and CCR §1399.251).

Stanton Optical #19 (RDO 70535) Visalia

Effective September 23, 2021, a \$3,500 modified citation was issued to Stanton Optical (RDO 70535) with an address of record in Visalia for disseminating misleading and deceptive advertisements, advertising optometry services, and failure to submit an RDO renewal application prior to the expiration date of the RDO registration, and unprofessional conduct: for advertising the furnishings of services of an optometrist (BPC §§651, 2556(a), CCR §§1399.222, and 1399.251).

Stanton Optical #94 (RDO 70953) Vista

Effective September 23, 2021, a \$2,500 modified citation was issued to Stanton Optical (RDO 70953) with an address of record in Vista for failure to obtain an RDO registration prior to opening for business (BPC §2551).

Stanton Optical #57 (RDO 70945) Yuba City

Effective September 23rd, 2021, a \$2,500 modified citation was issued to Stanton Optical (RDO 70945) with an address of record in Yuba City for failing to obtain an RDO registration prior to opening for business (BPC §2551).

UNLICENSED PRACTICE CITATIONS

Sire's Crown, Luxury Eco Optical LLC dba Sire's Eyewear (Unlicensed) Baldwin Park

Effective October 27, 2021, a \$5,000 citation was issued to Sire's Crown, Luxury Eco Optical LLC dba Sire's Eyewear (Unlicensed), for failure to obtain an RDO registration before opening for business, failure to display each certificate in a conspicuous place at the certified place of business, and for engaging in the business of filling prescriptions of physician and surgeons or optometrists prior to obtaining a registration (BPC §§2551, 2553, and 2556.5).

PENDING ACCUSATIONS

Fausset, Thomas Mark (OPT 8223) Los Angeles

On August 17, 2021, a second amended accusation was filed against the license of Thomas Mark Fausset (OPT 8223), with an address of record in Los Angeles for failure to comply with order to compel mental examination, convictions of substantially related crimes, and dangerous use of alcohol (BPC §§490, 821, 3110(k), (l), and CCR title 16 §1517).

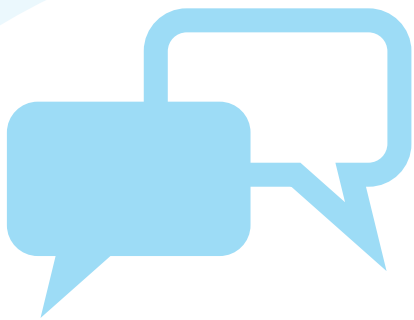
Haghverdian, Argina (OPT 33807) Northridge

On July 30, 2021, an accusation was filed against the license of Argina Haghverdian (OPT 33807), with an address of record in Northridge for unprofessional conduct and employing unlicensed optometrist (BPC §§ 3110 (a) and (t)).

Ask an Analyst Is Here!

Do you have a general question?

Submit your questions to optometry@dca.ca.gov and look for the answer in the next edition of the *Enforcement Bulletin*! Be sure to include *Enforcement Bulletin* in the subject line.



How Are We Doing?

The California State Board of Optometry strives to provide the best possible customer service. Please help us by taking a few minutes to complete our brief customer service satisfaction survey [here](#). Your participation is greatly appreciated.



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California State Board of Optometry Committee Meeting

Friday, February 18, 2022

Enforcement Presentation – Citations



Enforcement Program

A Presentation to the Committee about Administrative Citations

Presented by Cricket Borges, Enforcement Analyst



What is an Administrative Citation?

- An Administrative Citation is an enforcement action that is not discipline, does not seek to suspend or revoke a license; merely imposes a monetary fine and/or an order of abatement.
- They are public and posted to website



Authority to Issue Administrative Citations

Business and Professions Code section 125.9 authorizes agencies within the Department of Consumer Affairs to issue citations for violations of their respective licensing laws or regulations.

These citations may include an administrative fine up to \$5,000.



CA State Board of Optometry Authority

Optometry Program:

- B&P section 2556.2 (h)(1)
- B&P section 3095
- CCR section 1576 – licensed optometrist
- CCR section 1577 - unlicensed practice of optometry



CA State Board of Optometry Authority

Opticianry Program:

- B&P section 2556.2 (h)(1)
- CCR section 1399.275 – registered opticians
- CCR section 1399.278 – unlicensed practice of opticianry



Issue an Administrative Citation When:

Citations bridge the gap between education letters and the initiation of formal disciplinary action when:

- There is no real potential for client/patient harm
- The act does not demonstrate potential unfitness to practice
- Violation may not be an ongoing
- Minor or technical violations



Minor or Technical Violations

- Failed to register fictitious name
- Failed to apply for a Statement of Licensure
- Failed to notify Board of address of record change w/in 30 days
- Failed to cooperate with board investigation
- Failed to post license in public view
- Practicing with an expired license/registration
- Failed to provide prescription
- Failed to provide a receipt for services rendered
- Advertising
- Misrepresentation – using “Dr.” without using “OD”
- Failing a continuing education audit



Burden of Proof

The burden of proof to issue a citation is the preponderance of evidence.

- Preponderance of evidence is the standard required in most civil cases. The standard is met if the assertion of fact is more likely to be true than not. (more than 50%)
- Enforcement staff, as a rule, try to meet the burden of proof at the level of clear and convincing evidence which is substantially more likely to be true than not. (more than 70%)



Fine Amounts

Optometry Program:

Range from \$250 - \$5000

Opticianry Program:

Range from \$100 - \$5000



What is the Process

- **Draft Citation for the Executive Officer's (EO) review/signature**
 - Citations identify the codes that allegedly were violated
 - Contain a summary of the events and circumstances surrounding the alleged violation
 - Include a fine only, an abatement order only , or both a fine and abatement order

- **Service of the Citation**
 - Sent via First Class (Regular) and Certified Mail to Address of Record
 - Track Citation for compliance or appeal
 - Cited individual has 30 days to:
 1. Pay fine imposed
 2. Comply with any abatement order
 3. Appeal the citation



Compliance/Non-Compliance

➤ Compliance:

- Fine paid – case closed
- Abatement order - compliance is met – case closed
- Both fine paid and abatement order complete – case closed

➤ Noncompliance:

- Fine not paid
 1. A hold is placed on the subject's license renewal
 2. Series of Demand for Payment letters is initiated
 3. Referred to the Franchise Tax Board for intercept of outstanding fine
- Abatement order not completed
 1. Transmit to the Attorney General's office for failure to comply with the Abatement Order. (then follows disciplinary process)



Appeal Options

➤ Three options to appeal a citation:

1. Request an informal conference with the EO
2. Request an administrative hearing before an Administrative Law Judge
3. Request both an informal conference and an administrative hearing



Conclusion of Citation Overview

- Thank you for your time.
- Feedback to improve these trainings is helpful and encouraged.





California State Board of Optometry

Committee Meeting

Friday, February 18, 2022

Enforcement Presentation – Advertising Violations



Enforcement Program

A Presentation to the Board about Advertising Violations

Presented by Brad Garding, Enforcement Analyst



What is Advertising?

- Advertising is any form of public communication used to bring the practice of optometry or opticianry to the attention of the public. Advertisements may be found in:
 - Store signs, radio, television, etc.
 - Any representation on the Internet



Advertising Laws - Optometry

- Practicing under a false or assumed name (FNP)
- All O.D.'s listed on an FNP must be included in any advertising
- Use of Dr. requires use of "O.D."
- Holding oneself out as a specialist in eye disease
- Claiming special knowledge of optometry
- Advertising without certificates
- Free exams / price advertisements
- An optometrist is not a "physician"
- False or misleading statements generally
- Notice of practice locations (SOL)
- Registered name only



1. False Advertising

False or misleading advertising:

- Any public communication that contains a false, fraudulent, misleading, or deceptive statement, claim, or image for the purpose of or likely to induce, directly or indirectly, the rendering of professional services or furnishing of products in connection with the professional practice or business for which he or she is licensed.



2. Fictitious Names

Fictitious Names require a Fictitious Name Permit (FNP) when:

- The word “Optometry” or “Optometric” is used
- Advertising the use of the name as it is issued on the FNP
- Any advertisement or public representation of the practice must include all O.D.’s listed on the FNP application



3. Practice Name Violations

- Registered Names Only (CCR title 16 §1513)
 - Signs, cards, stationery or other advertising must clearly and prominently identify the individual optometrist or optometrists.



Optician Advertising Laws

Registered Dispensing Opticians (RDO's) cannot link their advertising to an Optometry practice.

- In a sublease arrangement, an RDO may only state there is an independent doctor of optometry located in the leased space
- Price advertisements must disclose any fees associated

Advertising eye exams

- RDO's are not allowed to advertise or collect fees for eye exams
- RDO's are not allowed to furnish eye exams
- Spectacle Lens Dispensers and Contact Lens Dispensers may not advertise, nor provide optician services, apart from an RDO



How does the Board address advertising violations?

- An enforcement case is opened
- An enforcement analyst sends a letter to the subject alerting them of the violations
- A due date is provided for compliance
- A follow up letter or email is sent as a final warning
- If compliance is obtained the case is closed
- If compliance is not obtained, an administrative citation may be issued



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





Certified & Regular Mail

Date

Dr. Respondent, O.D.
Address
City, State zip code

Re: Case Number:

Dear Dr. Respondent:

The California State Board of Optometry (Board) is investigating possible violations of the Optometry Practice Act.

The Board has received information that you are advertising on your website as “Fake Name Optometry”, while not having a current and valid Fictitious Name Permit (FNP). Please note that advertising as such is a violation of Business and Professions Code (BPC) §[3078](#)(b).

Also on your website, on the “SERVICES” page you claim to offer “laser vision correction” indicating that you perform eye surgery, while not having a medical license to do so, is a violation of BPC §[651](#).

On the “ABOUT” page you state that your office “specializes in optometry” which is another violation of BPC §[3099](#) and [3100](#). Further, your name is being displayed using the prefix “Dr.” without the suffix “O.D.” which is a violation of BPC §[3098](#).

Please provide the following no later than **Date**:

- A detailed response to this letter;
- Proof that you are in compliance with all cited statutes and regulations and your plan for compliance; and
- An original business card and copies of your business devices (i.e. prescription pads, invoices, stationary, signage, advertisements) so that the Board may review them for regulatory compliance.

Failure to respond to this letter by **Date** may result in an enforcement action. If you have any questions, you may contact me at phone number or email (email address).

Sincerely,

Name
Enforcement Analyst



Certified, Regular and Electronic Mail

Date

Respondent
Address
City, state zip code

Re: Control Number: 420 2022 000000

Dear Respondent:

The California State Board of Optometry (Board) has received a complaint filed against you by _____ regarding services you provided to them.

In the complaint, the patient states that on or about (Date), he/she/they presented to your office for a patient eye exam for bifocal glasses. Following the exam, the patient went to another dispenser to have the bifocal prescription filled and discovered that the “add power” portion of the bifocal measurement was not on the prescription. The prescription is incomplete.

Please respond with the following:

- A detailed response to the allegations, and
- A complete copy of the patient’s medical record, including billing history.

Failure to respond to the Board by **Date**, may result in enforcement action.

Sincerely,

Enforcement Analyst



PROBATION ORIENTATION MEETING CERTIFIED MAIL and ELECTRONIC

Date

Respondent's Name

Address

City, State Zip

Re: Case No. 420 000 000000

Dear Respondent:

This letter will serve as a notice to you of your probation orientation and will provide you with information and requirements regarding your probation.

Your probation orientation has been scheduled for DATE, @ **9:30 A.M.** and will take place virtually via Microsoft Teams. Please allow two hours for the orientation. You will need to download the Microsoft Teams application to attend the meeting. An email invitation will be sent to the email address we have on record for you, which is _____. If this email is not correct, contact us immediately so we may correct the error.

To expedite the probation orientation, the enclosed documents need your immediate attention. Please complete all documents and submit them on the dates specified on the attached list of "Due Dates". You will need to email or mail all forms to email address. Please note that all forms **must** be received one week (DATE) before your scheduled orientation noted above. If all forms are not received by DATE, the scheduled probation meeting will be rescheduled, and you could be in violation of your probation.

Please feel free to contact the Board with any questions or concerns at phone number.

Sincerely,

Probation Monitor
CA Board of Optometry

Enclosures



Date

Respondent name

Respondent address

City, State, Zip

RE: Complaint Number 420 2021 000000

Dear Respondent:

The California State Board of Optometry (Board) is currently processing your Application for Registration as a Spectacle Lens Dispenser, Registered Dispensing Optician, Contact Lens Dispenser.

On your application and in response to the question “Have you ever been convicted of or plead nolo contendere to a crime?” you checked the box corresponding with the answer “Yes”. The Department of Justice reported the following convictions:

Conviction one;

Conviction two.

While the Board conducts its review of your application, you may present any mitigating information regarding your criminal convictions. Be advised that any evidence submitted subsequent to this request shall be considered voluntary and will be considered to determine your fitness for registration. The following is an example of mitigating evidence you may include:

- A detailed description of the underlying circumstances which lead to each conviction;
- Proof that you are in compliance with your current probation (if applicable);
- Proof that you have completed any court-ordered programs (if applicable);
- An explanation of your efforts at rehabilitation; and
- Certified court and police records.

Please respond to this letter no later than **Date.**

If you have any questions, you may contact me at phone number or email address.

Sincerely,

Enforcement Analyst

Phone Number



CERTIFIED, REGULAR, AND ELECTRONIC MAIL

[REDACTED]

[REDACTED]

Citation Number [REDACTED]

This citation is being issued in accordance with the California Code of Regulations (CCR) § [1399.278](#) which authorizes the executive officer of the California State Board of Optometry (Board) to issue citations containing orders of abatement and/or administrative fines for unregistered practice. Business and Professions Code (BPC) § [125.9](#) authorizes sanctions for each inspection made with respect to a violation.

BPC § [2546.1](#) provides that no person located outside California shall ship, mail, or deliver in any manner contact lenses at retail to a patient at a California address unless registered with the Board. (\$5,000 fine).

CITATION

An investigation into your business activity at the location identified above has been conducted by the Board. It is determined that, on or about and prior to [REDACTED], [REDACTED], began advertising contact lenses at retail to patients [REDACTED], in violation of BPC § [2546.1](#). The Board conducted two separate inspections of registration status with respect to the violation. [REDACTED] attempted to come into compliance by [REDACTED] however the application expired [REDACTED]. As of this citation, [REDACTED] does not hold a valid registration [REDACTED].

ORDER

(1) Order of Abatement:

The Board orders you to:

Cease and desist unregistered practice.

Obtain and maintain a current, valid, and active registration to practice as a Nonresident Contact Lens Seller at any time that you are engaged in the practice of selling contact lenses to patients with an address in California.

Comply with all statutes and regulations governing the practice of opticianry.

(2) Order to Pay an Administrative Fine:

The Board orders you to pay an administrative penalty (fine) in the amount of \$10,000, within thirty (30) days from the date of this citation but no later than [REDACTED]. This penalty is consistent with BPC § [125.9](#).

Payment of the administrative penalty must be submitted to

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

Note the citation number on the check or money order and complete the enclosed Citation Receipt Acknowledgment and Fine Payment.

You may contest this citation or any portion thereof, by requesting either a formal Administrative Hearing or an Informal Citation Conference. If you request a formal Administrative Hearing before an Administrative Law Judge, it will be held pursuant to the Administrative Procedure Act (Chapter 5 (commencing with Section [11500](#)) of Part 1 of Division 3 of Title 2 of the Government Code); no Informal Citation Conference will be held. If you request an Informal Citation Conference, the Executive Officer shall either, affirm, modify or dismiss the citation. If the citation is affirmed or modified, you may contest it by filing a request for a formal Administrative Hearing before an Administrative Law Judge.

Your request for a hearing or conference must be submitted in writing to the Board no later than [REDACTED]. You may withdraw your request at any time prior to the hearing or conference. Unless contested, this citation shall become a final order of the Board. Compliance with the order of abatement and fine payment is due on or before [REDACTED]. Payment of any fine shall not constitute an admission of the charged violations (BPC § [125.9](#)).

DATED: [REDACTED]

Shara Murphy, Executive Officer
Executive Officer
California State Board of Optometry
Department of Consumer Affairs
State of California
Complainant



Probationer Name

Address

City, State Zip

RE: Probation Complete – Case Number 420 000 000 000

CONGRATULATIONS!

You have successfully completed your probationary! You are no longer required to submit documentation on a regular basis, biological fluid test results, or abide by any other requirements of probation.

You are reminded that while your probation is over, you must continue to abide by all rules and regulations that accompany the reinstatement of your license.

If you have any questions, you may contact me directly at phone number.

Sincerely,

Analyst Name

Title

Phone number



Certified & Regular Mail

Date

Respondent

Address

City, state zip code

Re: Control Number 420 2022 000000

Dear Respondent:

The California State Board of Optometry (Board) has received a notification from the California Department of Justice indicating you were arrested for violating VC §23152(a) – DUI Alcohol on Date.

Pursuant to Business and Professions Code §490, conviction of a crime constitutes grounds for suspension or revocation of your registration to dispense lenses/license to practice optometry.

Please provide the following information to the Board regarding the below incident(s):

- A detailed description of the underlying circumstances that led to your arrest;
- Proof that you are in compliance with your current probation (if applicable);
- Proof that you have completed any court-ordered programs (if applicable);
- A detailed explanation of your efforts at rehabilitation or changes you have made to prevent further occurrences; and
- Certified police and court records.

Failure to respond to the Board by Date may result in an enforcement action. If you have any questions you may contact me at (916) 575-7170 or by email, (email address).

Sincerely,

Name

Enforcement Analyst

Phone Number