



ISSUE MEMORANDUM

DATE	August 26, 2022
TO	Members, California State Board of Optometry (CSBO)
FROM	Terri Villareal, Enforcement Analyst
SUBJECT	Agenda Item #9B – Enforcement Update and Annual Overview

This past year the Enforcement Unit has focused on closing older cases to be more aligned with the Department’s Performance Measures and targeted timelines. The hiring of additional staffing in the enforcement unit will assist with achieving this goal. Also, an Enforcement Bulletin was created to connect with licensees to provide them with up-to-date information regarding enforcement.

The quarterly Bulletin contains frequently asked questions, an “Ask an Analyst” section, and a featured article in every edition. The Bulletin is a helpful tool where licensees can find information on a variety of subjects.

Look for more information to be published in future editions of the News Bulletin regarding the Optician program.

It’s here!! The new reporting format for statistics is included with this Enforcement Report. The new format includes a compilation of four quarters of statistics representing fiscal year 2021 / 2022 and is a comprehensive look at several areas of case statistics.

Two reports include statistics – one for the Optometry program and one for the Optician program.

The new reports show the “Target Dates” which are actions taken within the established “Target Date” to meet the Department’s reporting requirements. The new format also includes percentages for the number of days cases were closed and the overall number of days to complete the entire enforcement process. These are just a few of the new categories the reports detail.

The Board is pleased to welcome Enforcement Manager Joely Walker. Before coming to the Board, Ms. Walker worked in the Enforcement Unit at the Medical Board of California where she investigated enforcement cases filed against physicians and outpatient surgery centers. Before this position, Ms. Walker worked at the Veterinary

Medical Board reviewing enforcement cases and taking action when required. Please join the staff in welcoming Joely Walker!

Below are the most current enforcement actions taken by the Board:

Citations Issued

Boyle, Richard Bernard - Petaluma, CA

Effective May 13, 2022, a \$1,250 a citation was issued to Richard Bernard Boyle, (OPT 5820) for failing to update his optometry license, not retaining patient records for seven years, failed to notify the Board in writing of changes to his primary practice where he is engaged in the practice of optometry, violating any provision of this chapter or any of the rules and regulations adopted by the Board, and for failure to maintain adequate and accurate records (BPC §§ 136(a); 3007; 3070(a); 3110(a); 3110(q)).

Licht, Paul (SLD 310) - Berkeley, CA

Effective June 13, 2022, a \$5,000 citation was issued to Paul Licht (SLD 310) for failing to update his Address of Record for his SLD registration, insurance fraud, fraud by an optician, and failure to return the certificate of registration to the Board no later than 10 calendar days after the change of ownership is completed (BPC §§136(a), 810(a)(2), 2555.5(e), and 2564.94(a)(1)).

Statement of Issues

Mirza, Haris (OPT Applicant)

On July 22, 2022, a Statement of Issues was filed against Haris Mirza following the denial of his application for licensure as an Optometrist. The basis for the denial was Unprofessional Conduct: Unlicensed Practice, Unprofessional Conduct: Advertising/Holding Self out as Optometrist, and Violation of the Optometry Practice Act (BPC §§2540, 3040(a), 3101, 3109(a), 3110, 3110(a), (s), and (t)).

Sharpe, Andre (SLD Applicant)

On July 22, 2022, a Statement of Issues was filed against Andre Sharpe following the denial of his application for registration as a Spectacle Lens Dispenser. The basis for the denial was prior Criminal Convictions for Assault with a Firearm, Lewd and Lascivious Acts with a Child under 14, and False Statement of Material Fact in Connection with Application (BPC §§475(a)(1), 480(a)(1)(A), and 2559.2).

Pending Accusations

Tien, Peter (OPT 33489) Northridge, CA

On July 22, 2022, an Accusation was filed against the license of Peter Tien (OPT 33489), with an address of record in Northridge, CA, for Unprofessional Conduct: Assisting in Unlicensed Practice, Unprofessional Conduct: Unlawful Employment, and Assist/Abet/Conspire to Violate the Optometry Practice Act (BPC §§3040(a), 3101, 3110(a), (s), and (t)).

Statistics Report - Optometry Program

Performance Measures (PM) 1 Volume Convictions/Arrests received

Complaint Intake								
	Fiscal Year 2021/22							
	Q1		Q2		Q3	Q4	YTD	
	Jul	Sep	Oct	Dec	Jan	Mar		Apr
PM1: Total Complaints Received	53		43		58		55	209
PM1: Total Convictions/Arrest Received*	7		3		1		3	14
PM1: Total Received	52		43		59		58	212

*Of the Convictions/Arrests, 1 was received on Applicant and 2 were received on Licensees.

PM2 Cycle Time Intake - Average number of complaints intake during the specified time period.

Intake								
Target: 7 Days	Fiscal Year 2021/22							
	Q1		Q2		Q3	Q4	YTD	
	Jul	Sep	Oct	Dec	Jan	Mar		Apr
PM2: Intake/Avg. Days	5		8		6		7	7

PM3 Cycle Time - Average Number of Days to complete the entire enforcement process for complaints investigated and not transmitted to the AG for formal discipline. (Includes intake, investigation, and case outcome or non-AG formal discipline.)

Investigations								
Target: 90 Days	Fiscal Year 2021/22							
	Q1		Q2		Q3	Q4	YTD	
	Jul	Sep	Oct	Dec	Jan	Mar		Apr
PM3: All Investigations Closed	41		64		65		53	223
PM3: Average Cycle Time Investigations	263		536		256		213	317

The percent reflects how many investigation cases were closed in the respective time frames.

	Fiscal Year 2021/22							
	Q1		Q2		Q3	Q4	YTD	
	Jul	Sep	Oct	Dec	Jan	Mar		Apr
Up to 90 Days	24		28		32		28	50%
91 - 180 Days	7		5		6		6	11%
181 Days - 1 Year (364)	1		3		12		5	9%
1 to 2 Years (365-730)	4		11		9		13	17%
2 to 3 Years (731- 1092)	2		3		4		0	4%
Over 3 Years (1093 +)	3		14		2		1	9%

The average time frame reflects the length of time it took to process the citations that were closed within the respective quarter.

Citations								
	Fiscal Year 2021/22							
	Q1		Q2		Q3	Q4	YTD	
	Jul	Sep	Oct	Dec	Jan	Mar		Apr
Final Citations	0		2		1		1	4
Average Days to Close*			1386		1110		569	1022

*The Average Days to Close cells left black report as 0. Should we enter the numerical number 0, the YTD average number reports inaccurately.

PM4 Cycle Time-Discipline Average number of days to close cases transmitted to the AG for formal disciplinary action. This includes formal discipline, and closures without formal discipline. (e.g. withdrawals, dismissals, etc.)

Transmittals to Attorney General (AG)								
Target: 540 Days	Fiscal Year 2021/22							
	Q1		Q2		Q3	Q4	YTD	
	Jul	Sep	Oct	Dec	Jan	Mar		Apr
PM4:Volume AG Cases	1		0		0		2	3
PM4: Total Cycle Time*	1073						1168	1121

*The Total Cycle Time cells left black report as 0. Should we enter the numerical number 0, the YTD average number reports inaccurately.

Fiscal Year 2021/22								
	Q1		Q2		Q3	Q4	YTD	
	Jul	Sep	Oct	Dec	Jan	Mar		Apr
	AG Cases Initiated	2		3		1		2
AG Cases Pending	7		9		8		8	8
SOIs Filed	0		0		0		0	0
Accusations Filed	1		2		0		0	3
Total Closed after Transmission	1		0		0		2	3
Revoked	0		0		0		0	0
Voluntary Surrender	1		0		0		0	1
Probation	0		0		0		2	2
License Denied	0		0		0		0	0
Public Reprimand	0		0		0		0	0
Closed w/out Disciplinary Action	0		0		0		0	0

The percent represents how many cases already assigned for discipline were closed in the specified range.

Total Orders Aging/Final Decision								
	Fiscal Year 2021/22							
	Q1		Q2		Q3	Q4	YTD	
	Jul	Sep	Oct	Dec	Jan	Mar		Apr
Up to 90 Days	0		0		0		0	0%
91 - 180 Days	0		0		0		0	0%
181 Days - 1 Year (364)	0		0		0		0	0%
1 to 2 Years (365-730)	0		0		0		1	33%
2 to 3 Years (731- 1092)	0		0		0		0	0%
Over 3 Years (1093 +)	1		0		0		1	67%

Other Legal Actions								
	Fiscal Year 2021/22							
	Q1		Q2		Q3	Q4	YTD	
	Jul	Sep	Oct	Dec	Jan	Mar		Apr
PC 23 Ordered	0		0		0		0	0
Interim Suspension	0		0		0		0	0

Statistics Report - Opticianry Program

Performance Measures (PM) 1 Volume Convictions/Arrests received

Complaint Intake

	Fiscal Year 2021/22					YTD			
	Q1		Q2		Q3		Q4		
	Jul	Sep	Oct - Dec	Jan	Mar		Apr - Jun		
PM1: Total Complaints Received	15	16	11	19	61				
PM1: Total Convictions/Arrest Received*	15	18	7	17	57				
PM1: Total Received	30	34	18	36	118				

*Of the Convictions/Arrests, 15 were received on Applicants and 2 were received on Licensees.

PM2 Cycle Time Intake - Average number of complaints intake during the specified time period.

Intake

Target: 7 Days	Fiscal Year 2021/22					YTD			
	Q1		Q2		Q3		Q4		
	Jul	Sep	Oct - Dec	Jan	Mar		Apr - Jun		
PM2: Intake/Avg. Days	16	2	3	3	6				

PM3 Cycle Time - Average Number of Days to complete the entire enforcement process for complaints investigated and not transmitted to the AG for formal discipline. (Includes intake, investigation, and case outcome or non-AG formal discipline.)

Investigations

Target: 90 Days	Fiscal Year 2021/22					YTD			
	Q1		Q2		Q3		Q4		
	Jul	Sep	Oct - Dec	Jan	Mar		Apr - Jun		
PM3: All Investigations Closed	30	27	22	41	120				
PM3: Average Cycle Time Investigations	243	273	387	350	313				

The percent reflects how many investigation cases were closed in the respective time frames.

	Fiscal Year 2021/22					YTD			
	Q1		Q2		Q3		Q4		
	Jul	Sep	Oct - Dec	Jan	Mar		Apr - Jun		
Up to 90 Days	22	16	7	24	58%				
91 - 180 Days	0	1	4	3	7%				
181 Days - 1 Year (364)	2	3	4	2	9%				
1 to 2 Years (365-730)	1	2	2	4	8%				
2 to 3 Years (731- 1092)	1	4	2	4	9%				
Over 3 Years (1093 +)	4	1	3	4	10%				

The average time frame reflects the length of time it took to process the citations that were closed within the respective quarter. (Intake to Citation effective date)

Citations

	Fiscal Year 2021/22					YTD			
	Q1		Q2		Q3		Q4		
	Jul	Sep	Oct - Dec	Jan	Mar		Apr - Jun		
Final Citations	0	3	0	4	7				
Average Days to Close*		1133		301	717				

*The Average Days to Close boxes left black report as 0. Should we enter the numerical number 0, the YTD average number reports inaccurately.

PM4 Cycle Time-Discipline Average number of days to close cases transmitted to the AG for formal disciplinary action. This includes formal discipline, and closures without formal discipline. (e.g. withdrawals, dismissals, etc.)

Transmittals to Attorney General (AG)								
Target: 540 Days	Fiscal Year 2021/22							
	Q1		Q2		Q3		Q4	YTD
	Jul	Sep	Oct - Dec	Jan	Mar	Apr - Jun		
PM4:Volume AG Cases	1		0		2		0	3
PM4: Total Cycle Time*	914				806			860

*The Total Cycle Time boxes left black report as 0. Should we enter the numerical number 0, the YTD average number reports inaccurately.

Fiscal Year 2021/22								
	Q1		Q2		Q3		Q4	YTD
	Jul	Sep	Oct - Dec	Jan	Mar	Apr - Jun		
AG Cases Initiated	1		2		0		3	6
AG Cases Pending	4		6		4		7	7
SOIs Filed	0		0		0		0	0
Accusations Filed	0		0		0		0	0
Total Closed after Transmission	2		0		2		0	4
Revoked	0		0		0		0	0
Voluntary Surrender	0		0		0		0	0
Probation	1		0		1		0	2
License Denied	0		0		1		0	1
Public Reprimand	0		0		0		0	0
Closed w/out Disciplinary Action	1		0		0		0	1

The percent represents how many cases already assigned for discipline were closed in the specified range.

Total Orders Aging/Final Decision								
	Fiscal Year 2021/22							
	Q1		Q2		Q3		Q4	YTD
	Jul	Sep	Oct - Dec	Jan	Mar	Apr - Jun		
Up to 90 Days	0		0		0		0	0%
91 - 180 Days	0		0		0		0	0%
181 Days - 1 Year (364)	0		0		0		0	0%
1 to 2 Years (365-730)	0		0		0		0	0%
2 to 3 Years (731- 1092)	1		0		2		0	100%
Over 3 Years (1093 +)	0		0		0		0	0%

Other Legal Actions								
	Fiscal Year 2021/22							
	Q1		Q2		Q3		Q4	YTD
	Jul	Sep	Oct - Dec	Jan	Mar	Apr - Jun		
PC 23 Ordered	0		0		0		0	0
Interim Suspension	0		0		0		0	0



QUARTERLY ENFORCEMENT BULLETIN

ESSENTIAL COMPLAINT PROCESS INFORMATION AND RECENT ENFORCEMENT ACTIONS

You Have Received an Administrative Citation From the Board What Should You Do?

Citations can affect your professional license in ways you may not realize. You may be denied loans, your professional insurance coverage may increase or be canceled, and citation information is added to the Board's website and is visible to all.

If you receive a citation, should you call the Board? Will you still be able to practice optometry or opticianry if you receive a citation?

If you receive an administrative citation, you do not need to call the Board. You should read the citation documents carefully, follow all instructions, and meet the required deadlines listed in the citation. In most instances, you may be able to continue working as an optometrist or optician if you are issued a citation, unless cited for unlicensed practice.

It's important to know that citations are administrative actions that are not formal discipline and do not seek to suspend or revoke a license. A citation may or may not impose a monetary fine (fine amounts vary based on the violation) and may or may not include an order of abatement.

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

- There is potential for patient harm but is easily correctable.
- The act does not demonstrate potential unfitness to practice.
- Violations may not be ongoing and are minor or technical.

Examples of minor or technical violations are:

- Failure to apply for a fictitious name permit (FNP) or practicing without a posted FNP.

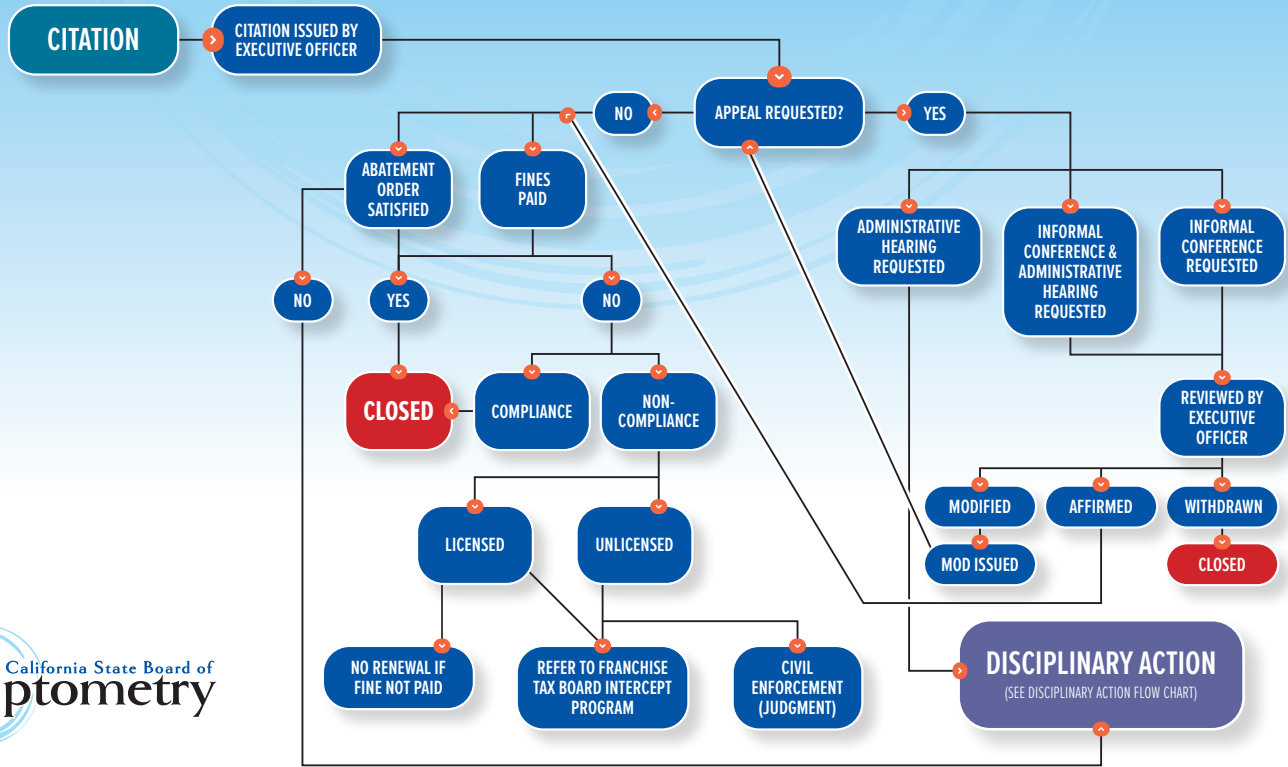
- Failure to apply for a Statement of Licensure.
- Failure to notify the Board of an address of record change within 30 days.
- Failure to cooperate with a Board investigation.
- Failure to post your license in public view.
- Practicing with an expired license or registration.
- Failure to provide a prescription at the end of an examination or final contact lens fitting.
- Failure to provide a receipt for services rendered.
- Advertising.
- Misrepresentation—using "Dr." without using "O.D."
- Failing a continuing education audit.

Citation fines for optometrists are separated into three classifications (classes). Each class has its own fine range. A Class A fine range is \$1,500–\$2,500 for each violation. A Class B fine range is \$500–\$2,500 for each violation, and A Class C fine range is \$250–\$2,500. A fine may also range from \$2,501–\$5,000 if special circumstances apply.

Citation fines for the optician program range from \$100 to \$5,000 for each violation depending on the circumstances.

How can you avoid the issuance of a citation? Visit the Board's website at www.optometry.ca.gov and click on either the "Optometry" or "Optician" tab and become familiar with the Laws and Regulations that govern your license or registration. If you have any questions, please email them to optometry@dca.ca.gov.

View the chart on the following page for an explanation of the process a citation goes through once it is issued.



Need Answers? Check Out Some Frequently Asked Questions

Q. I WORK AT MORE THAN ONE OPTOMETRY OFFICE. DO I NEED A SPECIAL LICENSE FOR WORKING AT MORE THAN ONE OFFICE LOCATION?

A. Yes. If you practice five or more calendar days during a 30-day period, and not more than 36 days within a calendar year at a location other than your Address of Record, you are required to have a Statement of Licensure on file with the Board.

If you intend to practice optometry at a secondary location apart from your Address of Record, you must first apply and obtain a Statement of Licensure prior to engaging in any practice. The application and renewal fee are \$40 per location. Please log in to your BreZE account, complete the appropriate application, and pay the required fee.

Q. I HAVE RETIRED FROM THE OPTOMETRY PROFESSION. WHAT SHOULD I DO WITH MY LICENSE?

A. If you are retiring from the optometry profession and wish to place your license in “retired status,” please complete a **Retired Optometrist License Application** form and mail it to the Board with the required fee.

Q. WHAT IS A RETIRED VOLUNTEER?

A. You may put your license in “retired voluntary status,” meaning that you are limited to providing voluntary, unpaid optometric services to health fairs, vision screenings, and public service eye programs. This “license” does not include being able to practice optometry beyond that in any capacity, including friend and family member exams. If you are retired and wish to provide optometry services on a voluntary basis, please complete a **Retired—Volunteer Service Designation Application** form and mail it to the Board with the required fee.

Q. A COMPLAINT WAS FILED AGAINST MY LICENSE, BUT THE CASE WAS CLOSED. WILL THIS INFORMATION BE ADDED TO THE BOARD’S WEBSITE?

A. No. Only complaints that result in the issuance of a citation or formal discipline (Probation, Public Reprimand, Interim Suspension Order, PC23 Order, Accusation, Statement of Issues, Petition to Revoke Probation, or the Surrender of a License) are posted to the Board’s website. Otherwise, complaint information remains confidential.

Q. I CANNOT LOG INTO MY BREEZE ACCOUNT. WHAT SHOULD I DO?

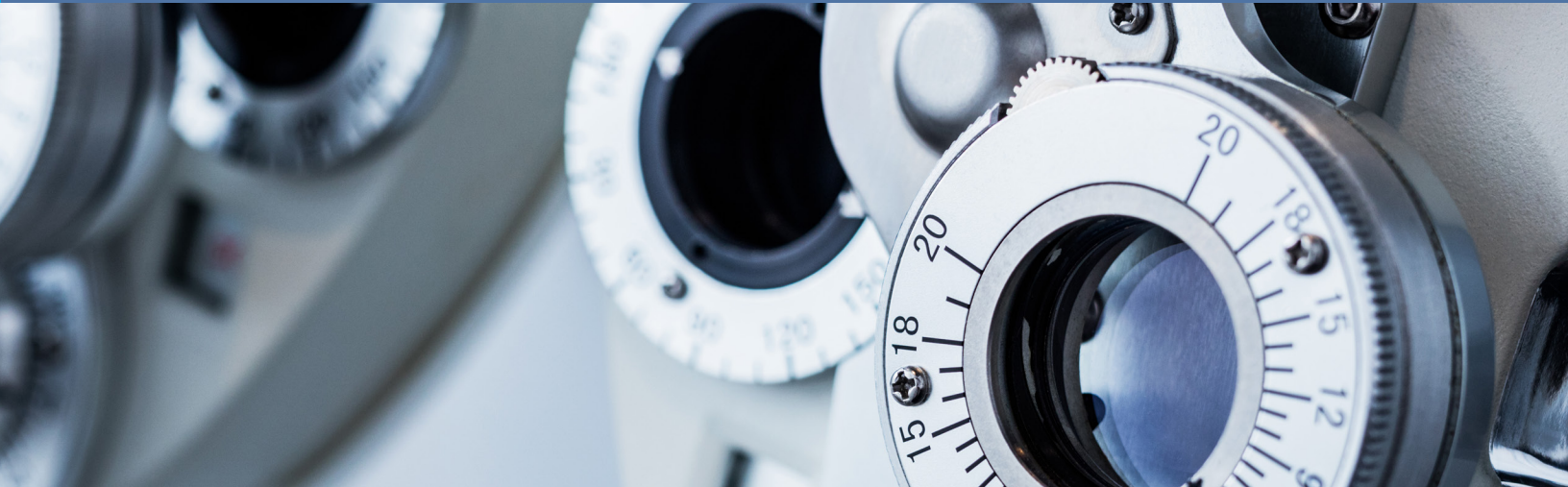
A. You will need to call the BreZE Technical Support Line at (855) 227-9633 for assistance with log-in issues.

DID YOU KNOW?

Optometrists must have all continuing education hours completed before a license can be renewed.

Opticians are not required to provide continuing education hours to the Board. They are only required to report them to the American Board of Opticianry (ABO).

You can find more information on these topics and others at the Board's website: www.optometry.ca.gov.



Recent Administrative and Disciplinary Actions Taken by the Board

For the **most current list** of citations and issued and disciplinary actions, please visit the Board's website, 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 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.

**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.*

CITE AND FINE

Verb Eyewear LLC (Unlicensed) - West Hollywood

Effective October 27, 2021, a \$5,000 citation was issued to Verb Eyewear LLC, (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).

[Click here to obtain a copy of the action.](#)

PENDING ACCUSATIONS

Cahoon, Benjamin Paul (OPT 33877) - Lake Elsinore

On December 30, 2021, an Accusation was filed against the license of Benjamin Cahoon (OPT. 33877), with an address of record in Lake Elsinore for General Unprofessional Conduct, Act Punishable as a Sexually Related Crime, Discipline by a Foreign Jurisdiction, Issuance of a License by Mistake, Acts Which Would Have Warranted Denial of License, and Sexual Misconduct With a Patient (BPC §§ 141, 480, 726, 3090.5, 3110(m)(1)(2)(f) and (i)). [Click here to obtain a copy of the action or to view the doctor's profile.](#)



ASK AN ANALYST

This edition's question:

"I have heard about a scam regarding optometrists receiving calls from people impersonating Board staff. What should I do if I receive one of these calls?"



First and foremost, do not transfer any money or provide any personal information (Social Security number, etc.) to anyone who says they are an employee of the Board. If you think you have been scammed, call the Board at (916) 575-7170 for assistance. In addition, please visit the DCA website regarding scam calls:

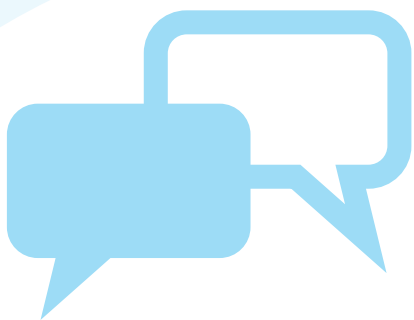
www.dca.ca.gov/licenses/scam_alert.

Do you have general questions for Board staff? Submit your questions to optometry@dca.ca.gov and look for the answer in the next edition of the *Enforcement Bulletin*!

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.



California State Board of
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