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**CONSUMER PROTECTION COMMITTEE  
TELECONFERENCED MEETING AGENDA**

**MEMBERS OF THE COMMITTEE**

Cyd Brandvein, Chair  
Debra McIntyre, OD  
David Turetsky, OD

**Friday, July 17, 2020  
12:00 p.m. until the close of business**

**This public meeting will be 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-ca.webex.com/dca-ca/onstage/g.php?MTID=edc9e4251aaa2eaef100c390a7cb907ba>**

**NOTICE: Pursuant to Governor Gavin Newsom's Executive Order N-29-20, in response to the COVID-19 pandemic, the meeting is being held entirely telephonically. No physical public location is being made available for public participation. Members of the public may observe or participate using the link above. Due to potential technical difficulties, please consider submitting written comments via email prior to the meeting: [optometry@dca.ca.gov](mailto:optometry@dca.ca.gov)**

**ORDER OF ITEMS SUBJECT TO CHANGE. ACTION MAY BE TAKEN ON ANY ITEM ON THE AGENDA.**

- 1. Call to Order/Roll Call/Establishment of a Quorum**
- 2. Public Comment for Items Not on the Agenda**  
*Note: The committee may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting [Government Code §11125, §11125.7(a)].*
- 3. Discussion and Possible Action on September 13, 2019 Consumer Protection Committee Meeting Minutes**
- 4. Update, Discussion and Possible Action on Adoption of Title 16, California Code of Regulations section 1399.273 and Optician Disciplinary Guidelines Incorporated by Reference**
- 5. Review, Discussion and Possible Action on Optometry Strategic Plan**
  - A. Presentation by SOLID on Strategic Plan
  - B. Existing 2017-2020 Optometry Strategic Plan Items
  - C. Potential 2021 Optometry Strategic Plan Items
- 6. Future Agenda Items**

## 7. Adjournment

The mission of the [California State Board of Optometry](#) is to protect the health and safety of California consumers through licensing, registration, education, and regulation of the practice of Optometry and Opticianry.

Meetings of the California State Board of Optometry are open to the public except when specifically noticed otherwise in accordance with the Bagley-Keene Open Meeting Act. Public comments will generally be taken on agenda items at the time the specific item is raised. Time limitations will be determined by the Chairperson. The Board may take action on any item listed on the agenda, unless listed as informational only. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum.

The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting the Board at 916-575-7170, email [optometry@dca.ca.gov](mailto:optometry@dca.ca.gov) or mailing a written request to Kristina Eklund at the California State Board of Optometry, 2450 Del Paso Road, Suite 105, Sacramento, CA 95834. Providing your request at least five (5) business days before the meeting will help ensure availability of the requested accommodation.



**Consumer Protection Committee  
 Friday, September 13, 2019  
 DRAFT MEETING MINUTES**

**Teleconference Meeting Locations:**

Department of Consumer Affairs 2420 Del Paso Road, 1 <sup>st</sup> Floor, (Yosemite Room) Sacramento, CA 95834	Irvine Civic Center 1 Civic Center Plaza Room L 103 (First Floor) Irvine, CA 92606  California Eye Professionals 41637 Margarita Rd., Ste 100 Temecula, CA 92591	Charter College Oxnard Campus 2000 Outlet Center Dr. #101 Oxnard, CA 93036
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<b>Members Present</b>	<b>Staff Present</b>
Cyd Brandvein, Chair	Shara Murphy, Executive Officer
Martha Garcia, CLD, SLD	Marc Johnson, Policy Analyst
Debra McIntyre, OD	Jessica Swan, Administrative Analyst
David Turetsky, OD	Matt McKinney, Enforcement Analyst
	Cheree Kimball, Acting Assistant Executive Officer
	Anthony Pane, Board Counsel
<b>Members Absent</b>	<b>Guest List</b>
	On File

**Link for audio of Discussion:**

[https://www.optometry.ca.gov/meetings/20190913\\_cpc\\_audio.mp3](https://www.optometry.ca.gov/meetings/20190913_cpc_audio.mp3)

**1. Call to Order/Roll Call/Establishment of Quorum**

*Time of Discussion: 00:00 / 01:04:01*

Ms. Brandvein took roll call and a quorum was established. Ms. Brandvein was present at the Irvine location; Dr. Turetsky was present at the Sacramento, CA location; Dr. McIntyre was present at the Temecula, CA location; Ms. Garcia was present at the Charter College, Oxnard location.

**2. Public Comment for Items Not on the Agenda**

*Time of Discussion: 01:32 / 01:04:01*

There were no public comments.

### 3. Discussion and Possible Action Regarding Meeting Minutes

*Time of Discussion: 01:50 / 01:04:01*

- A. March 23, 2018
- B. January 11, 2019

David Turetsky moved to approve the March 23, 2018 and January 11, 2019 draft meeting minutes. Debra McIntyre seconded. The Committee voted (3-Aye; 0-No; 1-Abstention) and the motion passed.

Member	Aye	No	Abstain	Absent	Recusal
Ms. Brandvein			X		
Ms. Garcia	X				
Dr. McIntyre	X				
Dr. Turetsky	X				

### 4. Review, Discussion and Possible Action on Optometry Disciplinary Guidelines

*Time of Discussion: 04:01 / 01:04:01*

Mx. Kimball provided an overview of the Optometry Disciplinary Guidelines. She reported that this item has come to the Committee a few times, most recently with staff waiting on some language with changes from the Substance Abuse Coordination Committee (SACC). Dr. Turetsky inquired what the SACC is, and who sits on it. Mx. Kimball responded that there was legislation passed (Senate Bill) that directed the Department of Consumer Affairs (DCA) to set up a SACC to look at the specific number of mandatory biological fluid testing occurrences per year. The Executive Officers and Chiefs of all the health boards under DCA made up the committee. Several meetings were held to decide whether they wished to change the number of mandatory biological fluid tests per year. At the end of the evaluation, the committee presented language that was approved by DCA Legal. This language has been incorporated into the Optometry Disciplinary Guidelines.

Dr. McIntyre reported that she and Mr. Morodomi previously went through each item with a fine-tooth comb approximately a year ago. She asked if the other members have any objections to any of the changes or categorizations they made to the different disciplinary items or if they have any questions about the changes. Ms. Garcia commented that the Dispensing Optician Committee (DOC) has worked on the Optician Disciplinary Guidelines for a long time. She asked if work performed by the DOC would assist with the optometry part of the guidelines. Mx. Kimball explained that some formatting issues brought up by the DOC have been incorporated into this document.

Dr. Turetsky asked if the terms and conditions in the document are standard as compared to all the other health professions. Mr. Johnson confirmed that they are similar. Ms. Brandvein requested that staff perform a global search to ensure that the full title of the disciplinary

guidelines is consistent throughout the document. She requested additional formatting and clarifying changes for various items throughout the document.

Members and staff discussed language changes to the Disciplinary Guidelines to clarify the 30-day drug testing requirement, visual impairment, and mental or physical fitness. Dr. Turetsky noted on the “Failure to Follow Infection Control Guidelines” violation that 98% of optometrists have no idea they are required to understand Infection Control Guidelines. He stated that this does not stand out in the regulations. Members and staff discussed methods for reminding optometrists of these requirements.

**Debra McIntyre moved to direct staff to develop a notice, for inclusion in renewal notices, that will be brought to either the next Public Relations and Outreach Committee or the Board for review. Martha Garcia seconded. The Committee voted unanimously (4-0) and the motion passed.**

Member	Aye	No	Abstain	Absent	Recusal
Ms. Brandvein	X				
Ms. Garcia	X				
Dr. McIntyre	X				
Dr. Turetsky	X				

Ms. Brandvein asked why patients are noticed in some sections but not others. In section G, for example, why would the Board not notice a patient if there was a violation of quality? Ms. Murphy explained that the BPC code in that section, regarding standards for prescriptions, are name, date, and are not anything that impacts the larger scale of treatment. Since the BPC is so narrow, staff did not think it was appropriate to have to notify patients. Ms. Murphy explained that a notice to patients can disrupt the patient-doctor relationship; therefore, staff wanted to be thoughtful about the egregiousness of a violation. Ms. Brandvein questioned why the Board would not post that someone has been practicing without a valid license and was concerned this may not be in line with consumer protection. The words “as warranted” were added to allow the Board that flexibility. Ms. Brandvein also asked if the Board should error on the side of consumer protection caution, and draft a blanket notice to patients, if warranted, on each of the items, so that Board Members and staff have discretion over advising the public of egregious or semi-egregious acts.

Dr. Turetsky asked what the method of communicating would be other than posting it; Ms. Brandvein answered that it is on the internet. More importantly, when warranted, it would allow the Board to require that the patients be noticed. Dr. Turetsky asked if the Medical Board is doing something different now with physicians who have been on probation for substance abuse; Mr. Johnson replied that a law passed, which he believes is SB 1441, that required all patients, medical doctors, osteopaths and acupuncturists to provide all patients with a notification of their status. Dr. Turetsky asked if it would be on the practice’s website or would it have to be a written notice; Mr. Johnson stated he believes it had to be given directly to the patients. Ms. Brandvein asked if staff could look into this and if the issue could be discussed at the Board Meeting. She noted that she would rather have it as an option than not have it at all. Ms. Murphy clarified that she believes Ms. Brandvein is saying this should be a condition for all of the models; Dr. Turetsky is bringing up the fact that further back in our description of how

one goes about noticing patients and that there is simply the posting and the website posting; there is not a need nor option for the Board to give a physical notice to each patient.

Dr. Turetsky stated that staff overseeing probation deem it necessary, the Board should have the option of giving patients a written piece of paper, rather than just having it posted on the website, which many people will not look at.

Ms. Garcia asked how that specification would be incorporated into what the Board already has. Ms. Murphy responded by drawing the Members attention to page 27 of 57 of the guidelines where optional conditions are described; number 20 – “Notice to Patients.” She explained that this is where the language would be changed. Mr. Johnson added that it requires full disclosure of the licensee’s probation status, length of probation, practice restrictions, etc. to be given to the patient upon the first visit, which must be signed by the patient then added to the patient’s file. Ms. Murphy asked the Members for their thoughts on the language, which would allow the Board the option of requiring doctors of optometry to give a notice to each patient. Ms. Garcia asked if something could be said to the effect that “the Board reserves the right to request notification to patients in a different form?” Mr. Johnson answered by stating that the language from 1448 could be blended and adapted as an optional condition for number 20. He suggested: “at the discretion of the Board, a signed disclosure from the licensee to the patient shall be maintained in the patient’s file and signed.” Mx. Kimball asked if Members would also request that staff add to number 20, Notice to Patients the language “as warranted” to all of the model violations? Members confirmed that they want it added.

Dr. Turetsky asked if this applies to both optometrists and opticians. Ms. Murphy explained that there will be separate disciplinary guidelines; that some work has been done to the optician guidelines concerning formatting. Staff will go through this process with the DOC to develop optician guidelines separately.

Ms. Brandvein asked for clarification on a requirement that probationers attend a group therapy session; can they have the option of one-on-one counseling? Ms. Murphy stated that staff pulled out “support groups” from 19; however, staff included “individual clinicians” in optional conditions 28. She explained that there could be an instance where a support group might be of help to someone and an instance where it might not be beneficial. For that reason, they have not been grouped but the option is given to assign out each individually. Ms. Brandvein asked if it is necessary to call out that it is a 19(a) and a 19(b) so that people do not feel limited by the order in which this is written? Do we leave it up to the individual, or does the Board determine whether they participate in group support individual support? She feels the language makes it appear that they can only attend a group. Mx. Kimball explained that where it states “optional conditions” on page 27 or 57, it is just a differentiation between those that the Board considers mandatory in every probation order. The first 16 probation terms go in every probation order unless they do not apply. The optional conditions (19-39) are optional. They are options the Board can assign depending upon the violation if it is an appropriate term. If an individual sees the terminology: “It is not optional to participate in a group support meeting,” in their probation, they are required to attend a group counseling program. If it is somebody for whom the Board has assigned both group support and individual therapy, and they are participating in both, and they get to the year mark of their probation and decide (for example) they are making better progress in group support over individual psychotherapy, they can petition the Board to have that term stricken from their probation order.

Dr. Turetsky noted that the language in 27 of 57, number 33, needs to be changed to read "Prescriptions" only. The word "Lens" will be stricken from the text. Staff agreed.

Ms. Brandvein requested clarification of the next-steps. She asked if staff is asking the Members to approve taking this document to next Board meeting, for review and discussion, pending that all edits have been completed. Ms. Murphy confirmed this is correct.

**David Turetsky moved to bring this document to the full Board, pending the completion of all edits that were provided to staff during this discussion. Debra McIntyre seconded. The Committee voted unanimously (4-0) and the motion passed.**

Member	Aye	No	Abstain	Absent	Recusal
Ms. Brandvein	X				
Ms. Garcia	X				
Dr. McIntyre	X				
Dr. Turetsky	X				

Ms. Brandvein asked staff to add the new edits, discussed this day, to the Committee Report. She would like the Committee Report to include most of Mx. Kimball's memorandum of agenda item number 4, with the additions; particularly where Members made notes to clarify that we were taking guidelines as is, such as the "at least 30 days of negative direct tests." She stated that it would be helpful to call out some edits that could not be made due to the following reasons.

## 5. Future Agenda Items

*Time of Discussion: 59:14 / 01:04:01*

Ms. Brandvein asked if, during the last Board meeting, future meeting dates were left as to be determined; Ms. Murphy stated that the Board does not have dates secured yet.

Ms. Brandvein asked how the Committee wishes to pick up some of the strategic plan objectives and noted that a couple of strategic plan items were tabled to bring this forward. Ms. Garcia responded that everything depends on what the Board decides to do regarding the guidelines; if the Board wants the Committee to perform additional work on the guidelines. Dr. McIntyre was uncertain of what items were tabled. Dr. Turetsky asked if online refractions are an issue the Consumer Protection Committee was dealing with and decided to hold off on.

Ms. Garcia responded that the items prioritized for implementation were item 4.1, 4.3. The other two items were considered a low priority; they were item 4.6 and 4.7. Ms. Brandvein announced that these will be included as a future agenda item.

## 6. Adjournment

The meeting was adjourned.



## ISSUE MEMORANDUM

<b>DATE</b>	July 17, 2020
<b>TO</b>	Members, California State Board of Optometry (CSBO)
<b>FROM</b>	Shara P. Murphy, Executive Officer <i>Prepared by Alexander A. Juarez, Enforcement Analyst and Cheree Kimball, Assistant Executive Officer</i>
<b>SUBJECT</b>	Agenda Item 4: Update, Discussion and Possible Action on Adoption of Title 16, California Code of Regulations §1399.273 and Optician Disciplinary Guidelines Incorporated by Reference

### **Summary:**

The proposed Optician Disciplinary Guidelines (Guidelines) are used in disciplinary action against applicants and registrants. The purpose of the Guidelines is to protect the consumers of opticianry services from unsafe, incompetent and/or negligent opticians. The Guidelines are used to impose discipline including conditions of probation for licensees that address the violations charged. The Guidelines are modeled after the Optometry Disciplinary Guidelines but are modified to meet the needs of the Optician Program.

Staff recommends committee discussion on the proposed document and direction to present the Guidelines to the full Board for approval in August.

### **History:**

The Dispensing Optician Committee (DOC) began a review of the Guidelines in August 2017 and completed the review in December 2019. Between 2017 and 2019, staff made minor revisions and restructured the Guidelines where appropriate based in part on the advice of the DOC. The DOC moved to send the Guidelines to the full Board for discussion and approval at the December 2019 meeting. The DOC provided pertinent feedback at the following meetings:

- [August 18, 2017](#)
- [January 4, 2019](#)
- [December 13, 2019](#)

Staff has reviewed the Guidelines with Legal Counsel and incorporated minor changes to the Guidelines.

### **Discussion:**

#### **Attachment 1: Proposed CCR § 1399.273 Regulatory Authority Text**

This attachment contains the proposed text for §1399.273 of Division 13.5 of Title 16 of the California Code of Regulations.



## Attachment 2: Proposed Optician Disciplinary Guidelines

These guidelines are incorporated by reference into §1399.273.

As noted above, the Guidelines are based on the current Optometry Disciplinary Guidelines and modified for the Opticianry program. Throughout several meetings, the DOC made the following changes to Opticianry Disciplinary Guidelines:

- A. Page 3: The introduction was revised to reflect the optician program at the advice of the DOC.
- B. Page 6: The DOC moved the text referring to cost recovery from the introduction section to the model disciplinary terms section. This language specifies when the Board can seek cost recovery. The cost recovery text is more appropriate in the model disciplinary terms section and helps simplify the introduction section.
- C. Page 7: Staff added language in the model probationary orders that allow probationers to apply for a second registration. This option allows the Board to place a probationer's additional application for registration on the same terms of probation as the first registration.
- D. Page 8: The DOC moved to approve keeping standard terms and conditions #1-16 while moving the community service standard and passing the ABO/NCLE exam to the optional probation conditions section. The standard terms and conditions were renumbered to #1-14.
- E. Page 12: Community Service and take and pass ABO and/or NCLE exams were moved to optional probation conditions. it was determined that community service shall be at the Board's discretion depending on the violation. Take and pass ABO and/or NCLE Exams is also at the Board's discretion. The Board doesn't administer these tests, nor does it require registrants to maintain active certification, but in the event of disciplinary action, the Board may require a probationer to retake and pass the exams within twelve months.
- F. Page 13: The DOC and staff agreed that the worksite monitoring should be rewritten for clarification. this section specifies how and when a worksite monitor shall be implemented by the Board. The revised section is written in more general terms which gives the Board flexibility when requiring this condition of probation.
- G. Page 17: A restricted practice condition was added to the optional probation conditions. This condition can specify the client population, specified practice setting, and/or limit procedures a respondent can engage in depending on the nature of the violation.
- H. Page 17: The continuing education condition of the optometry disciplinary guidelines was renamed to professional education and the text was edited to remove all references to optometry related procedures, functions, and renewal requirements.

Specific professional education hours requirement was removed from the text. this gives the Board flexibility in determining the number of hours necessary based on the respondent's violation.

- I. Page 18: The Committee and staff agreed that the abstention from the use of controlled substances/alcohol should be rewritten for clarification. This section specifies the respondent's responsibilities and reporting requirements for abstaining from alcohol and drugs. The revised section removes quarterly reporting requirements which are covered on the Quarterly Report Form. This revision helps condense and simplify that section.
- J. Page 19: The DOC moved to adopt a clinical diagnostic evaluation into the discretionary conditions of probation. the clinical diagnostic evaluation shall set forth whether the registrant has a substance abuse problem, is a threat to themselves or others, and provide recommendations for substance abuse treatment, practice restrictions, or other recommendations related to the registrant's rehabilitation and safe practice.
- K. Staff removed gender pronouns in accordance with [ACR 260](#). This Resolution encourages the use of inclusive language by avoiding gendered pronouns when drafting policies, regulations, and other guidance.

#### Attachments 3 & 4: Forms incorporated into Optician Disciplinary Guidelines

Two forms are incorporated by reference into the Optician Disciplinary Guidelines:

- Quarterly Report of Compliance (Form No. OPTC – QR1) – this form is used by probationers for their quarterly report to the Board
- Notice to Employers (Form No. OPTC – NE1) – During their probation period, probationers are required to inform their employers of the discipline imposed by providing the employer with a copy of the Decision and Order in this matter. The employer will inform the California State Board of Optometry, in writing, that they are aware of the discipline. "Employer" refers to the Registered Dispensing Optician registrant where the probationer practices.

Attachments:

1. Proposed CCR § 1399.273 Regulatory Authority Text
2. Proposed Optician Disciplinary Guidelines
3. Quarterly Report of Compliance (Form No. OPTC – QR1)
4. Notice to Employers (Form No. OPTC – NE1)

**Opticianry Disciplinary Guidelines – Proposed Text**

**Add to California Code of Regulations Title 16, Division 13.5, Article 7, Section 1399.273 as follows:**

**§ 1399.273. Optician Program Disciplinary Guidelines and Uniform Standards Related to Substance Abusing Registrants.**

(a) In reaching a decision on a disciplinary action under the Administrative Procedures Act (Government Code Section 11400 et seq.), the California State Board of Optometry (Board) shall consider the “Opticianry Program Disciplinary Guidelines and Uniform Standards Related to Substance Abusing Licensees (DG 1 05/2020),” which is hereby incorporated by reference. Deviation from these guidelines and orders, including the standard terms of probation, is appropriate where the Board, in its sole discretion, determines that the facts of the particular case warrant such deviation - for example: the presence of mitigating factors; the age of the case; evidentiary problems.

(b) Notwithstanding subsection (a), if after notice and hearing conducted in accordance with Chapter 5, Part 1, Division 3, Title 2 of the Government Code (commencing with sections 11500 et seq.) or after stipulation of the parties supported by the Attorney General Office’s reasons for recommending the stipulation, the Board finds that the evidence establishes that an individual is a substance-abusing registrant for purposes of section 315 of the Code, then in addition to any and all other relevant terms and conditions contained in the disciplinary guidelines, the terms and conditions that incorporate the Uniform Standards Related to Substance-Abusing Licensees shall apply, without deviation, and be used in any probationary order of the Board affecting that registrant.

(c) Nothing in this Section shall prohibit the Board from imposing additional terms or conditions of probation that are specific to a particular case or that are derived from the Board's guidelines in any order that the Board determines would provide greater public protection.

Note: Authority cited: Sections 2546.3, 2558, and 315, Business and Professions Code; and Section 11400.20, Government Code. Reference: Sections 315, 315.2, 315.4, 480, and 2555, Business and Professions Code; Sections 11400.20 and 11425.50(e), Government Code.



**OPTICIANRY PROGRAM  
DISCIPLINARY GUIDELINES  
&  
UNIFORM STANDARDS RELATED TO SUBSTANCE  
ABUSE  
(DG 1, 05-2020)**

***“Protection of the Public Shall be the Highest Priority”  
Business and Professions Code, §3010.1***

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## **INTRODUCTION**

The mission of the California State Board of Optometry (Board) is to protect the health and safety of California consumers through licensing, registration, education, and regulation of the practice of optometry as well as opticianry. The Board's Optician Program registers and regulates Spectacle Lens Dispensers (SLDs), Contact Lens Dispensers (CLDs), Registered Dispensing Opticians (RDOs), and Non-resident Contact Lens Sellers (NCLS).

In keeping with its mandate to protect the consumers of optometric and opticianry services from unsafe, incompetent and/or negligent optometrists and opticians, the Board adopts the following recommended guidelines for disciplinary orders and conditions of probation for violations of the Business and Professions Code (BPC).

The Board carefully considers the totality of the facts and circumstances in each individual case, with the safety of the public being paramount. Consequently, the Board requests that Administrative Law Judges (ALJ) clearly delineate the factual basis for their decisions. This is especially important if the ALJ deviates from the recommended guidelines. The rationale for the deviation should be reflected in the decision to enable the Board to understand the reasons and to evaluate the appropriateness of the decision.

If, at the time of hearing, the ALJ finds that the Respondent is not capable of safe practice for any reason, the Board favors outright revocation of the registration. If, however, the Respondent has demonstrated a capacity to practice safely, the Board recommends a stayed revocation order with probation.

Suspension of a registration may also be appropriate to protect the public while the Respondent corrects deficiencies in skills and education or participates in rehabilitation.

## REGULATORY AUTHORITY

***These guidelines are incorporated by reference in Section 1399.273 of Article 7 of Division 13.5 of Title 16 of the California Code of Regulations, as follows:***

### **§ 1399.273. Optician Program Disciplinary Guidelines and Uniform Standards Related to Substance Abusing Registrants.**

(a) In reaching a decision on a disciplinary action under the Administrative Procedures Act (Government Code Section 11400 et seq.), the California State Board of Optometry (Board) shall consider the “Opticianry Program Disciplinary Guidelines and Uniform Standards Related to Substance Abusing Licensees (DG 1 05/2020),” which is hereby incorporated by reference. Deviation from these guidelines and orders, including the standard terms of probation, is appropriate where the Board, in its sole discretion, determines that the facts of the particular case warrant such deviation - for example: the presence of mitigating factors; the age of the case; evidentiary problems.

(b) Notwithstanding subsection (a), if after notice and hearing conducted in accordance with Chapter 5, Part 1, Division 3, Title 2 of the Government Code (commencing with sections 11500 et seq.) or after stipulation of the parties supported by the Attorney General Office’s reasons for recommending the stipulation, the Board finds that the evidence establishes that an individual is a substance-abusing registrant for purposes of section 315 of the Code, then in addition to any and all other relevant terms and conditions contained in the disciplinary guidelines, the terms and conditions that incorporate the Uniform Standards Related to Substance-Abusing Licensees shall apply, without deviation, and be used in any probationary order of the Board affecting that registrant.

(c) Nothing in this Section shall prohibit the Board from imposing additional terms or conditions of probation that are specific to a particular case or that are derived from the Board’s guidelines in any order that the Board determines would provide greater public protection.

Note: Authority cited: Sections 2546.3, 2558, and 315, Business and Professions Code; and Section 11400.20, Government Code. Reference: Sections 315, 315.2, 315.4, 480, and 2555, Business and Professions Code; Sections 11400.20 and 11425.50(e), Government Code.

## **FACTORS TO BE CONSIDERED**

In determining whether denial, revocation, suspension, or probation should be imposed in a given case, the following factors should be considered:

1. Nature and gravity of the act(s), offenses, or crime(s) under consideration.
2. The nature and duties of the profession in which the applicant seeks registration or in which the registrant is registered.
3. Actual or potential harm to the public.
4. Actual or potential harm to any patient.
5. Prior disciplinary record.
6. Number and/or variety of current violations.
7. Mitigation evidence.
8. Whether there has been a showing of rehabilitation, if the applicant or registrant completed the criminal sentence at issue without a violation of parole or probation
9. Whether there has been a showing of rehabilitation when applying the Board's rehabilitation criteria.
10. Overall criminal record.
11. The number of years that have elapsed since the date of the offense(s).
12. If applicable, evidence of expungement proceedings pursuant to Penal Code Section 1203.4.



## **INTRODUCTORY LANGUAGE STANDARD PROBATION CONDITIONS**

The following introductory language and all standard probation conditions shall be included in probationary decisions/orders. For applicants, Condition 8, Cost Recovery, does not apply. For registrants, all standard probation conditions apply.

### **PROBATIONARY TERMS AND CONDITIONS**

#### **MODEL DISCIPLINARY ORDERS**

##### **Revocation-Single Cause**

Registration No. \_\_\_\_\_ issued to Respondent \_\_\_ is revoked. Cost recovery in the amount of \_\_\_\_\_ is due within 90 calendar days of the effective date of this decision or as directed by a Board-approved payment plan.

##### **Revocation - Multiple Causes**

Registration No. \_\_\_\_\_ issued to Respondent \_\_\_ is revoked pursuant to Determination of Issues \_\_\_\_\_ separately and for all of them. Cost recovery [if any] in the amount of \_\_\_\_\_ is due within 90 calendar days of the effective date of this decision or within a Board-approved payment plan.

##### **Suspension - Single Cause**

Registration No. \_\_\_\_\_ issued to Respondent \_\_\_ is suspended for a period of \_\_\_\_\_.

##### **Suspension - Multiple Causes (run concurrently)**

Registration No. \_\_\_ issued to Respondent \_\_\_ is suspended pursuant to Determination of Issues \_\_\_\_\_, separately and for all of them. All suspensions shall run concurrently.

##### **Suspension - Multiple Causes (run consecutively)**

Registration No. \_\_\_\_\_ issued to Respondent \_\_\_\_\_ is suspended for \_\_\_ pursuant to Determination of Issues \_\_\_\_\_. These suspensions shall run consecutively, for a total period of \_\_\_\_\_.

##### **Standard Stay Order**

However [revocation/suspension] is stayed and Respondent is placed on probation for \_\_\_\_\_ years upon the following terms and conditions:

##### **Cost Recovery for Revocations and Surrenders**

If and when respondent's registration is reinstated, they shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code

Section 123.5 in the amount of \$\_\_\_\_\_. If requested, Respondent shall be permitted to pay these costs in a payment plan approved by the Board. Nothing in this provision shall be construed to prohibit the Board from reducing the amount of cost recovery upon reinstatement of the registration.

### **MODEL PROBATIONARY ORDERS**

The following introductory language is to be included in decisions that place the Respondent's registration on probation.

**IT IS HEREBY ORDERED** that Registration No. \_\_\_\_\_ issued to Respondent is revoked. However, the revocation is stayed and Respondent's registration is placed on probation for \_\_\_\_\_ years on the following conditions:

#### **Option:**

Should the Board subsequently issue a new registration or license to Respondent during the probationary period, the new registration or license shall be immediately revoked. The revocation of the new registration or license shall be stayed, and the probation imposed by this decision and order will continue. Respondent shall remain subject to the same terms and conditions imposed by this disciplinary order.

In order to provide clarity and consistency in its decisions, the following language should be used in proposed decisions or stipulated agreements for applicants, and for petitioners for reinstatement who are issued a registration that is placed on probation.

#### **Applicants who are placed on probation:**

The application of Respondent \_\_\_\_\_ for registration is hereby granted. Upon successful completion of all registration requirements including payment of all fees and evaluation of the application, a registration shall be issued to Respondent. The registration shall immediately be revoked, the order of revocation stayed, and Respondent's registration placed on probation for a period of \_\_\_\_\_ years on the following conditions:

#### **Reinstatement of registration with conditions of probation:**

The application of Respondent \_\_\_\_\_ for reinstatement of registration is hereby granted. A registration shall be issued to Respondent. The registration shall immediately be revoked, the order of revocation stayed, and Respondent's registration placed on probation for a period of \_ years on the following conditions:

**NOTE:** If cost recovery was ordered in the revocation or surrender of a registration and the petitioner has not paid the costs, a probation condition requiring payment of the original cost recovery on a payment plan must be included in the reinstatement and decision.

## **STANDARD TERMS AND CONDITIONS**

A probationary term is generally issued for a period of between three (3) and five (5) years, dependent upon whether any aggravating or mitigating factors exist. Standard conditions are imposed on each and every probationer regardless of the cause for discipline. For applicants, Condition 8, Cost Recovery, does not apply.

1. Obey all laws
2. Submit Quarterly Reports
3. Cooperate With Probation Monitoring Program
4. Probation Monitoring Costs
5. Function as a Registered Dispensing Optician, Spectacle Lens Dispenser, Contact Lens Dispenser, or Nonresident Contact Lens Seller
6. Notice to Employer
7. Changes of Employment or Residence
8. Cost Recovery
9. Valid Registration Status
10. Tolling for Out-Of-State Residence or Practice
11. Registration Surrender
12. Violation of Probation
13. Completion of Probation
14. Sale or Closure of a Dispensary Location

## **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 opticianry in California.

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

**CRIMINAL COURT ORDERS:** If Respondent is under criminal court orders by any court or other governmental agency, including probation or parole conditions, 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 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.

## **2. QUARTERLY REPORTS**

Respondent shall file quarterly reports of compliance under penalty of perjury to the probation monitor assigned by the Board. Quarterly report forms will be provided by the Board (OPTC-QR1 (07/2020)). Omission or falsification in any manner of any information on these reports shall constitute a violation of probation and shall result in the filing of an accusation and/or a petition to revoke probation against Respondent's [Spectacle Lens Dispenser/Contact Lens Dispenser/Nonresident Contact Lens Seller] registration(s)

Respondent is responsible for contacting the Board to obtain additional forms if needed. Quarterly reports are due every quarter for each year of probation throughout the entire length of probation.

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

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

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

Respondent shall claim all certified mail issued by the Board, timely respond to all notices of reasonable requests, and submit reports, Identification Update reports or other reports similar in nature, as requested and directed by the Board or its representative. Respondent is encouraged to contact the Board's Probation Program at any time he/she has a question or concern regarding his/her terms and conditions of probation.

Failure to appear for any scheduled meeting or examination, or cooperate with the requirements of the program, including timely submission of requested information, shall constitute a violation of probation and may result in the filing of an accusation and/or a petition to revoke probation against Respondent's [Registered Dispensing Optician/Spectacle Lens Dispenser/Contact Lens Dispenser/Nonresident Contact Lens Seller] registration(s).

## **4. PROBATION MONITORING COSTS**

All costs incurred for probation monitoring during the entire probation shall be paid by the Respondent. The monthly cost may be adjusted as expenses increase or decrease. Respondent's failure to comply with all terms and conditions of probation may cause increased costs. The Board may consider financial hardship in setting a repayment schedule.

In addition to any other disciplinary action taken by the Board, an unrestricted registration will not be issued at the end of the probationary period and the registration will not be renewed until all probation monitoring costs have been paid.

**5. FUNCTION AS A [REGISTERED DISPENSING OPTICIAN/SPECTACLE LENS DISPENSER/CONTACT LENS DISPENSER/NONRESIDENT CONTACT LENS SELLER]**

Respondent shall function as [a registered dispensing optician/spectacle lens dispenser/contact lens dispenser/nonresident contact lens seller] for a minimum of 60 hours per month for 6 consecutive months.

**6. NOTICE TO EMPLOYER**

Respondent shall provide to the Board the names, physical addresses, mailing addresses, and telephone number of Respondent's employers and supervisors and shall give written consent to the Board for the Board to communicate with Respondent's employers and supervisors regarding the Respondent's work status, performance, and monitoring. Monitoring includes, but is not limited to, any violation of any probationary term and/or condition.

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

The Respondent must ensure that the Board receives written confirmation from the employer that they are aware of the discipline, on forms to be provided to the Respondent (OPTC – NE1 (7/2020) ). The Respondent must ensure that all reports completed by the employer are submitted from the employer directly to the Board. Respondent is responsible for contacting the Board to obtain additional forms if needed.

**7. CHANGES OF EMPLOYMENT OR RESIDENCE**

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

Respondent shall also notify their probation monitor AND the Board IN WRITING of any changes of residence or mailing address within 14 calendar days. P.O. Boxes are acceptable for mailing purposes. Respondent must also provide their physical residence address.

**8. COST RECOVERY**

Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code Section 125.3 in the amount of \$\_\_\_\_. If

requested, Respondent shall be permitted to pay these costs in a payment plan approved by the Board, with payments to be completed no later than six months before the end of any probation term.

If Respondent has not complied with this condition during the probationary term, and Respondent has presented sufficient documentation of their good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of the Respondent's probation period for up to one year without further hearing in order to comply with this condition. During the one-year extension, all conditions of probation will apply.

## **9. VALID REGISTRATION STATUS**

Respondent shall maintain a current, active, and valid registration for the length of the probation period. Failure to pay all fees and meet registration requirements prior to their registration expiration date shall constitute a violation of probation.

## **10. TOLLING FOR OUT-OF-STATE RESIDENCE OR PRACTICE**

Periods of residency or practice outside California, whether the periods of residency or practice are temporary or permanent, will toll the probation period but will not toll the cost recovery requirement, nor the probation monitoring costs incurred. Travel outside of California for more than 30 calendar days must be reported to the Board in writing prior to departure. Respondent shall notify the Board, in writing, within 14 calendar days, upon their return to California and before the commencement of any employment where representation as a [registered dispensing optician/spectacle lens dispenser/contact lens dispenser registration/nonresident contact lens seller] is/was provided.

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

## **11. REGISTRATION SURRENDER**

During Respondent's term of probation, if they cease practicing due to retirement, health reasons, or are otherwise unable to satisfy any condition of probation, Respondent may surrender their registration to the Board. The Board reserves the right to evaluate Respondent's request and exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances, without further hearing. Upon formal acceptance of the tendered registration and wall certificate, Respondent will no longer be subject to the conditions of probation. All costs incurred (i.e., Cost Recovery and Probation Monitoring) are due upon reinstatement.

Surrender of Respondent's registration shall be considered a disciplinary action and shall become a part of Respondent's registration history with the Board.

**12. VIOLATION OF PROBATION**

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

**13. COMPLETION OF PROBATION**

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

**14. SALE OR CLOSURE OF A DISPENSARY LOCATION**

If Respondent sells or closes their dispensary location after the imposition of disciplinary action, Respondent shall ensure that patients are refunded money for work/services not completed or provided and shall not misrepresent to anyone the reason for the sale or closure of the dispensary location. The provisions of this condition in no way authorize the practice of opticianry by the Respondent during any period of registration suspension.

## **OPTIONAL PROBATION CONDITIONS**

The conditions imposed are dependent upon the violation(s) committed.

15. Community Service
16. Participate in Group Support Meeting
17. Notice to Patients (RDOs Only)
18. Alcohol and Drug Treatment
19. Worksite Monitor
20. Direct Supervision
21. Suspension
22. Employment Limitations
23. Psychotherapy or Counseling Program
24. Mental Health Evaluation
25. Medical Health Evaluation
26. Medical Treatment
27. Restitution
28. Audit Required (RDOs Only)
29. Lens Prescriptions – Maintain Records (RDOs Only)
30. Restricted Practice
31. Restrictions as to Advertisement
32. Take and Pass ABO and/or NCLE Exams
33. Professional Education

### **15. COMMUNITY SERVICE**

The type of community service required of Respondent shall be at the Board's discretion, depending on the violation. Within 30 calendar days of the effective date of this decision, Respondent shall submit to the Board, for its prior approval, a community service program in which Respondent provides free services on a regular basis to a community or charitable facility or agency, amounting to a minimum of \_\_ (e.g. 20) hours per month of probation. Such services shall begin no later than 15 calendar days after Respondent is notified of the approved program.

### **16. PARTICIPATE IN GROUP SUPPORT MEETING**

Respondent shall attend at least one (1) group support meeting or equivalent during each week of probation, as approved or directed by the Board. Respondent shall submit dated and signed documentation confirming such attendance to the Board during the entire period of probation.

### **17. NOTICE TO PATIENTS (RDOS ONLY)**

During the period of probation, Respondent shall post a notice in a prominent place in their dispensary location that is conspicuous and readable to the public. The notice shall state the Respondent's registration is on probation and shall contain the telephone number of the



California State Board of Optometry. Respondent shall also post a notice containing this information prominently on any website related to their business. The notice described above shall be approved by the Board before it is posted within 30 calendar days of the effective date of this decision.

### **18. ALCOHOL AND DRUG TREATMENT**

Respondent, at their expense, shall successfully complete a treatment regimen at a recognized and established program for (drugs/alcohol [select one or both]) in California of at least six months' duration and approved by the Board. The treatment program shall be successfully completed within the first nine months of probation. The program director, psychiatrist, or psychologist shall confirm that Respondent has complied with the requirement of this decision and shall notify the Board immediately if they believe the Respondent cannot safely practice. Respondent shall sign a release allowing the program to release to the Board all information the Board deems relevant.

Respondent shall inform the program director, psychiatrist, or psychologist of their probationary status with the Board, and shall request that individual to submit monthly reports to the Board providing information concerning Respondent's progress and prognosis. Such reports shall include results of biological fluid testing.

Positive results shall be reported immediately to the Board and may be used in administrative or disciplinary action.

### **19. WORKSITE MONITOR**

Respondent shall submit the name of a proposed worksite monitor within 30 days of the effective date of the decision. Respondent shall complete any required consent forms and sign an agreement with the worksite monitor and the Board regarding Respondent and the worksite monitor's requirements and reporting responsibilities, including if applicable, as specified in Standard 7 of the Uniform Standards Regarding Substance-Abusing Healing Arts Licensees (April 2011) established by the Substance Abuse Coordination Committee. If the worksite monitor terminates the agreement with Respondent and/or the Board, Respondent shall not practice until another worksite monitor is approved in writing by the Board.

### **20. DIRECT SUPERVISION**

During the period of probation, Respondent shall be under the direct supervision of a registered contact/spectacle lens dispenser holding a current and valid unrestricted registration. "Direct supervision" means assignment to a registered contact/spectacle lens dispenser who is on duty and immediately available in the assigned patient area. The Board shall be informed in writing of and approve the level of supervision provided to the Respondent while they are functioning as a registered contact/spectacle lens dispenser. The appropriate level of supervision must be approved by the Board prior to engaging in practice.

Supervisor quarterly Reports of Performance are due for each year of probation and the entire

length of probation from each employer, as required by the Board or its designee.

Respondent is ultimately responsible for ensuring their supervisor submits complete and timely reports. Failure to ensure each supervisor submits complete and timely reports shall constitute a violation of probation.

## **21. SUSPENSION**

As part of probation, Respondent shall be suspended from the practice of opticianry for a period of \_\_\_\_ (e.g., 90 calendar days) which will begin on the effective date of this decision. If not employed as an optician/dispenser or if currently on any other type of leave from employment, the suspension shall be served once employment has been established or reestablished and prior to the end of the probationary period. Respondent shall ensure that each employer informs the Board in writing that the employer is aware of the dates of suspension.

## **22. EMPLOYMENT LIMITATIONS**

Respondent shall not work in any health care setting as a supervisor of opticians/dispensers. The Board may additionally restrict Respondent from supervising technicians and/or unlicensed assistive personnel on a case-by-case basis.

Respondent shall not work as a faculty member in an approved school of opticianry or as an instructor in a Board-approved continuing education program.

Respondent shall work only in a regularly assigned, identified and predetermined worksite(s) at their address of record.

## **23. PSYCHOTHERAPY OR COUNSELING PROGRAM**

Within 30 calendar days of the effective date of this decision, Respondent shall submit to the Board for its prior approval the name and qualifications of a psychotherapist, or counselor of Respondent's choice. Upon approval, Respondent shall undergo and continue treatment, at Respondent's cost, until such time as the Board releases the Respondent from this requirement and only upon the recommendation of the treating psychotherapist or counselor.

The treating psychotherapist or counselor must submit quarterly reports to the Board. Reports are due each year of probation and the entire length of probation from the treating psychotherapist or counselor as required by the Board or its designee.

Respondent is ultimately responsible for ensuring their treating psychotherapist or counselor submits complete and timely reports. Failure to ensure each submission of complete and timely reports shall constitute a violation of probation.

The Board may require Respondent to undergo psychiatric or psychological evaluations by a Board-approved psychiatrist or psychologist.

**NOTE:** This condition is for those cases where the evidence demonstrates that the Respondent had impairment (mental illness, alcohol abuse, and/or drug abuse) related to the violations but is not presently a danger to patients.

## **24. MENTAL HEALTH EVALUATION**

Respondent shall, within 30 calendar days of the effective date of this decision, and on a periodic basis thereafter as may be required by the Board or its designee, to submit to a mental health evaluation, including psychological testing as appropriate, to determine their capability to perform the duties of a dispenser/optician. The evaluation will be performed by a psychiatrist, psychologist, or other licensed mental health practitioner approved by the Board. An immediate suspension may be imposed by the Board until further notification if the results from the mental health evaluation show the Respondent is unsafe to practice.

If Respondent fails to have the above evaluation submitted to the Board within 30 calendar days, Respondent shall immediately cease practice and shall not resume practice until notified by **the Board or its designee**. This period of suspension will not apply to the reduction of the probationary time period. The Board may waive or postpone this suspension only if significant documented evidence of mitigation is provided. Such evidence must establish good faith efforts by Respondent to obtain the evaluation, and the Respondent must provide a specific date by which they will comply. Only one such waiver or extension may be permitted.

Following the evaluation, Respondent shall comply with all restrictions or conditions recommended by the evaluator within 15 calendar days after being notified by the Board or its designee. If Respondent is required by the Board or its designee to undergo treatment, Respondent shall, within 30 calendar days of the requirement notice, submit to the Board for prior approval the name and qualifications of a licensed psychiatrist, psychologist, or other licensed mental health practitioner of Respondent's choice. Upon approval of the treating psychiatrist, psychologist, or other licensed health practitioner, Respondent shall within 15 calendar days undergo treatment and shall continue such treatment until further notice from the Board or its designee.

The treating psychiatrist, psychologist, or other licensed mental health practitioner shall consider the information provided by the Board or any other information the treating psychiatrist, psychologist, or other mental health practitioner may deem pertinent prior to the commencement of treatment. Respondent shall have the psychiatrist, psychologist, or other health practitioner submit quarterly reports to the Board indicating whether or not the Respondent is capable of practicing opticianry safely. The quarterly reports are due each year of probation and the entire length of probation from the psychiatrist, psychologist, or other licensed mental health practitioner as required by the Board or its designee.

Respondent is ultimately responsible for ensuring their psychiatrist, psychologist, or other licensed mental health practitioner submits complete and timely reports. Failure to ensure each submission of complete and timely reports shall constitute a violation of probation.

Respondent shall provide the Board with any and all medical records pertaining to treatment deemed necessary by the Board or its designee.

If, prior to the completion of probation, Respondent is found to be mentally incapable of resuming the practice of opticianry without restrictions, the Board shall retain jurisdiction over Respondent's license and the period of probation shall be extended until the Board determines that Respondent is mentally capable of resuming practice of opticianry without restrictions. Respondents shall pay the cost of the evaluation(s) and treatment.

**(OPTIONAL):** Respondent shall not engage in fitting and adjusting lenses or dispensing until notified by the Board of its determination that Respondent is mentally fit to practice safely.

**NOTE:** This condition is for those cases where the evidence demonstrates that mental illness or disability was a contributing cause of the violations.

## **25. MEDICAL HEALTH EVALUATION**

Within 30 calendar days of the effective date of this decision, and on a periodic basis thereafter as may be required by the Board or its designee, Respondent shall undergo a medical evaluation, at Respondent's cost, by a physician selected by Respondent and approved by the Board, who shall furnish a medical report to the Board. Based on the medical evaluation, the Board or its designee may require Respondent to undergo medical treatment.

If Respondent is required by the Board or its designee to undergo medical treatment, Respondent shall within 30 calendar days of notice of the requirement submit to the Board for its prior approval the name and qualification of a physician of Respondent's choice. Upon approval of the treating physician, Respondent shall undergo and continue medical treatment at Respondent's cost until further notice from the Board. Respondent shall have the treating physician submit quarterly reports to the Board. Quarterly reports are due each year of probation and the entire length of probation from the treating physician as required by the Board or its designee.

Respondent is ultimately responsible for ensuring their physician submits complete and timely reports. Failure to ensure each submission of complete and timely reports may constitute a violation of probation and may result in further disciplinary action.

**(OPTIONAL):** Respondent shall not engage in fitting and adjusting lenses or dispensing until notified by the Board of its determination that Respondent is medically fit to practice safely.

**NOTE:** This condition is for those cases where the evidence demonstrates that medical illness or disability was a contributing cause of the violations.

## **26. MEDICAL TREATMENT**

Within 30 calendar days of the effective date of this decision, Respondent shall submit to the Board for its prior approval the name and qualifications of a physician of Respondent's choice.

Upon approval, Respondent shall undergo and continue treatment at Respondent's cost until the Board deems that no further medical treatment is necessary. Respondent shall have the treating physician submit quarterly status reports to the Board. Quarterly status reports are due each year of probation and the entire length of probation from the treating physician as required by the Board or its designee.

Respondent is ultimately responsible for ensuring their physician submits complete and timely reports. Failure to ensure each submission of complete and timely reports shall constitute a violation of probation.

The Board may require Respondent to undergo periodic medical evaluations by a Board-approved physician.

### **27. RESTITUTION**

Within 90 calendar days of the effective date of this decision, Respondent shall provide to the Board or its designee proof of restitution in the amount of \$\_\_\_paid to\_\_\_.

### **28. AUDIT REQUIRED (RDOS ONLY)**

The Board shall require quarterly audits of patient visits, billings, and payments as a condition of probation.

Within 30 calendar days of the effective date of this decision, Respondent shall provide to the Board the names and qualifications of three third party auditors. The Board shall select one of the three auditors to audit Respondent's billings. During the audit, randomly selected client billing records shall be reviewed in accordance with accepted auditing/accounting standards and practices.

The Board shall provide the approved auditor with copies of the decision(s) and accusation(s), and a proposed auditing plan. Within 15 calendar days of receipt of the decision(s), accusation(s), and proposed monitoring plan, the auditor shall sign an affirmation that they have reviewed the terms and conditions of the Respondent's disciplinary order, fully understands the role of auditor, and agrees or disagrees with the proposed auditing plan set forth by the Board. If the auditor disagrees with the proposed auditing plan, the auditor shall submit a revised auditing plan with the signed affirmation for approval by the Board.

Within 60 calendar days of the effective date of this decision, and continuing throughout probation, Respondent's patient visits, billings, and payments shall be audited by the approved auditor. Respondent shall make all of these records available for immediate inspection and copying on the premises by the auditor at all times during business hours and shall retain the records for the entire term of probation.

If Respondent fails to obtain Board approval of an auditor within 60 calendar days of the effective date of this decision, Respondent shall receive a notification from the Board to cease the practice of opticianry within three (3) calendar days after being so notified. Respondent

shall cease practice until an auditor is approved to provide auditing responsibility.

The Board shall be advised of the results of the audit and may obtain any and all copies of any documents audited or the results of the audit. The cost of the audits shall be borne by Respondent. Failure to pay for the audits in a timely fashion within ten (10) calendar days from receipt of an invoice for the cost of the audit shall constitute a violation of probation.

Quarterly reports of the audit results are due each year of probation and the entire length of probation from the auditor as required by the Board or its designee.

Respondent is ultimately responsible for ensuring their auditor submits complete and timely reports. Failure to ensure each auditor submits complete and timely reports shall constitute a violation of probation

If the auditor resigns or is no longer available, Respondent shall, within five (5) days of such resignation or unavailability, submit to the Board, for prior approval, the names and qualifications of a replacement third party auditor who will assume that responsibility within 15 calendar days. If Respondent fails to obtain approval of a replacement auditor within 60 calendar days of the resignation or unavailability of the auditor, Respondent shall receive a notification from the Board to cease the practice of opticianry within three (3) calendar days.

After being so notified, Respondent shall cease practice until a replacement auditor is approved and assumes auditing responsibility.

### **29. LENS PRESCRIPTIONS - MAINTAIN RECORDS (RDOS ONLY)**

Respondent shall maintain patient records of all lens prescriptions dispensed or administered by Respondent during probation, showing all the following:

1. Name and address of the patient;
2. Date dispensed;
3. Price of the services and goods involved in the prescription;

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

### **30. RESTRICTED PRACTICE**

[Respondent shall practice only with a specified client population, in a specified practice setting, and/or engage in procedures specified in paragraphs [ ] to [ ] of the decision. These restrictions shall be specifically defined in the decision and be related to the violation. Respondent shall be required to document compliance in the manner required by the Board.]

### **31. RESTRICTIONS ON ADVERTISEMENTS**

During the entire period of probation, the Respondent shall, prior to any publication or public dissemination, submit any and all advertisement of professional services in the field of opticianry to the Board for its prior approval. Such advertisement may be published or disseminated to the public only after written approval by the Board.

### **32. TAKE AND PASS ABO AND/OR NCLE EXAM**

Respondent shall take and pass part(s)\_of the American Board of Opticianry (ABO) Examination and/or the National Contact Lens Examination (NCLE). Respondent shall pay the established examination fees. If Respondent has not taken and passed the examination within twelve months from the effective date of this decision, Respondent shall be considered to be in violation of probation.

### **33. PROFESSIONAL EDUCATION**

Within 30 calendar days of the effective date of this decision, Respondent shall submit to the Board for its prior approval an educational program or course in areas of\_\_\_\_. The education program or course(s) shall consist of a minimum of \_\_\_hours in each area.

Respondent is responsible for all costs associated with completing continuing education requirements. Following completion of each course, the Board or its designee may administer an examination to test Respondent's knowledge of the course. Respondent shall provide written proof of attendance in such course or courses approved by the Board.

## **UNIFORM STANDARDS FOR SUBSTANCE ABUSING LICENSEES**

Pursuant to Business and Professions Code section 315, the Department of Consumer Affairs Substance Abuse Coordination Committee formulated Uniform Standards Regarding Substance Abusing Healing Arts Licensees (rev. 4/20/11) (SACC). The Board's Uniform Standards not otherwise incorporated into the Standard or Optional Conditions are found in Required Conditions of Probation 34 and 35, and Discretionary Conditions of Probation 36, 37, and 38.

The Uniform Standards apply when dealing with substance-abusing registrants. If, after notice and hearing, the evidence establishes that the registrant is a substance abusing registrant, then Conditions of Probation 34 and 35 shall be imposed without deviation.

Conditions of Probation 36, 37, and 38 shall be considered where the registrant is found to be a substance abuser, and if the nature and circumstances of the particular case warrant, shall be imposed as probation conditions.

The Board may impose more restrictive conditions, if necessary, to protect the public.

### **REQUIRED CONDITIONS OF PROBATION**

#### **34. ABSTENTION FROM USE OF CONTROLLED SUBSTANCES/ALCOHOL**

Respondent shall abstain completely from the use or possession of alcohol, any and all other mood-altering drugs or substances, and their associated paraphernalia. Respondent shall identify for the Board a single physician, nurse practitioner, or physician assistant who shall be aware of Respondent's history of substance abuse and will coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled substances, or mood-altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report to the Board on a quarterly basis. Quarterly reports are due for each year of probation throughout the entire length of probation as required by the Board or its designee.

Respondent is ultimately responsible for ensuring their physician, nurse practitioner, or physician assistant submits complete and timely reports. Failure to ensure each submission of complete and timely reports shall constitute a violation of probation.

The Board may require a single coordinating physician, nurse practitioner, or physician assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive medicine.

Respondent shall execute a release authorizing the release of pharmacy and prescribing records as well as physical and mental health medical records to the Board. Respondent shall also provide information of treating physicians, counselors, or any other treating professional as requested by the Board or its designee.

Respondent shall ensure that they are not in the presence of or in the same physical location



as individuals who are using illegal substances, even if Respondent is not personally ingesting the drug(s). Any positive result that registers over the established laboratory cut-off level shall constitute a violation of probation and shall result in the filing of an accusation and/or a petition to revoke probation against Respondent's opticianry registration.

Respondent also understands and agrees that any positive result that registers over the established laboratory cut-off level shall be reported to each of Respondent's employers.

### **35. BIOLOGICAL FLUID TESTING**

Respondent, at their expense, shall participate in random testing, including but not limited to biological fluid testing (i.e. urine, blood, saliva), breathalyzer, hair follicle testing, or any drug screening program approved by the Board. Testing shall be required during the entire probation period. The Respondent will be randomly drug-tested at the frequency outlined in Uniform Standards for Substance Abuse #4.

Respondent shall make daily contact with the testing provider to determine if they are required to submit a specimen for testing, including weekends and holidays, at a lab approved by the Board. Board representatives may also appear unannounced at any time to collect a specimen. All collections will be observed.

At all times Respondent shall fully cooperate with the Board or any of its representatives and shall appear for testing as requested and submit to such tests and samples for the detection of alcohol, narcotics, hypnotic, dangerous drugs or other controlled substances. All alternative testing sites, due to vacation or travel outside of California, must be approved by the Board prior to the vacation or travel.

If Respondent is unable to provide a specimen in a reasonable amount of time after the request, Respondent understands that, while at any work site, any Board representative may request that the supervisor, manager, or director on duty observe Respondent in a manner that does not interrupt or jeopardize patient care in any manner until such time as Respondent provides a specimen acceptable to the Board.

If Respondent tests positive for a prohibited substance in violation of a probationary order, Respondent's license shall be automatically suspended. The Board will contact the Respondent and their employers, supervisors, managers, work site monitors, and contractors and notify them that Respondent's license has been suspended as a result of a positive test. Thereafter, the Board may contact the specimen collector, laboratory, Respondent, treating physician, treatment provider and support group facilitators to determine whether the positive test is in fact evidence of prohibited use. If the Board determines the positive test is not evidence of prohibited use, the Board shall immediately reinstate the license and inform the Respondent and others previously contacted, that the license is no longer suspended.

Failure to submit to testing on the day requested or appear as requested by any Board representative for testing shall constitute a violation of probation and result in the filing of an accusation and/or a petition to revoke probation against Respondent's registration.

## **DISCRETIONARY CONDITIONS OF PROBATION**

### **36. CLINICAL DIAGNOSTIC EVALUATION**

Within 30 days of the effective date of the decision and at any time upon order of the Board, Respondent shall undergo a clinical diagnostic evaluation. Respondent shall provide the evaluator with a copy of the Board's decision prior to the clinical diagnostic evaluation being performed. The clinical diagnostic evaluation shall be conducted in accordance with acceptable professional standards for conducting substance abuse clinical diagnostic evaluations. The evaluator shall not have a financial, personal, or business relationship with the registrant within the last 5 years.

The clinical diagnostic evaluation report shall set forth whether the registrant has a substance abuse problem, is a threat to themselves or others, and provide recommendations for substance abuse treatment, practice restrictions, or other recommendations related to the registrant's rehabilitation and safe practice. If the evaluator determines during the evaluation process that a registrant is a threat to themselves or others, the evaluator shall notify the Board within 24 hours of the determination.

Any time Respondent is ordered to undergo a clinical diagnostic evaluation, Respondent shall cease practice for a minimum of 30 days pending the results of the evaluation. During such time, Respondent shall submit to random drug testing a minimum of 2 times per week.

Respondent shall request the evaluator submit to the Board a written clinical diagnostic evaluation report within 10 days from the date the evaluation is complete, unless the Board grants the evaluator an extension, which shall not exceed 30 days.

Respondent shall not return to practice until the Board determines that they are able to safely practice either full-time or part-time and has had at least 30 days of negative drug test results. In deciding what if any work limitations to place on a registrant, the Board will consider the factors set forth in the Uniform Standards Regarding Substance-Abusing Healing Arts Licensees (April 2011) established by the Substance Abuse Coordination Committee (SACC).

Respondent shall comply with any restrictions or recommendations made as a result of the clinical diagnostic evaluation. If a registrant is restricted to less than full-time practice, before requesting a modification to work full time, Respondent shall meet the criteria found in Standard No. 11 of Uniform Standards Regarding Substance-Abusing Healing Arts Licensees (April 2011) established by the SACC.

Failure to undergo a clinical diagnostic evaluation when ordered to do so shall subject Respondent's license to further disciplinary action.

### **37. PARTICIPATE IN GROUP SUPPORT MEETINGS WITH QUALIFIED FACILITATOR**

Respondent shall participate in group support meetings led by a facilitator who meets the

qualifications and requirements as set forth in Standard No. 5 of the Uniform Standards Regarding Substance-Abusing Healing Arts Licensees (April 2011) established by the Substance Abuse Coordination Committee. Respondent shall submit dated and signed documentation confirming meeting attendance to the Board during the entire period of probation.

### **38. WORKSITE MONITOR UNDER UNIFORM STANDARDS**

Within 30 days of the effective date of the Decision, Respondent shall submit for the Board's approval the name of a proposed worksite monitor. Once approved, Respondent shall complete any required consent forms and sign an agreement with the worksite monitor and the Board regarding Respondent and the worksite monitor's requirements and reporting responsibilities as specified in Standard No. 7 of the Uniform Standards Regarding Substance-Abusing Healing Arts Licensees (April 2011) established by the Substance Abuse Coordination Committee. If the worksite monitor terminates the agreement with Respondent and/or the Board, Respondent shall not practice until another worksite monitor is approved in writing by the Board.

## **RECOMMENDED DISCIPLINE BASED ON VIOLATION**

Below the Board provides recommended ranges of penalties for violations of statutes and regulations under the jurisdiction of the California State Board of Optometry. Each recommended discipline corresponds with the number assigned to the terms, conditions and standards referenced herein:

Probationary Terms and Condition – Standard Terms and Conditions;  
Optional Conditions; and Uniform Standards for Substance Abusing Licensees

Examples are given for illustrative purposes, but no attempt is made to list all possible violations. Optional conditions listed are those the Board deems most appropriate for the particular violation.

**Conviction of a Substantially Related Crime** Business and Professions Code (BPC) sections [490](#), [2555.1](#), 16 California Code of Regulations (CCR) [1399.270](#))

**Maximum Discipline:** Revocation

**Minimum Discipline:** Stayed Revocation, 3-5 years' probation

**Required:**

1-14. Standard Conditions

**If Warranted:**

15. Community Service
16. Participate in Group Support Meeting
17. Notice to Patients (RDOs Only)
18. Alcohol and Drug Treatment
19. Worksite Monitor
20. Direct Supervision
21. Suspension
22. Employment Limitations
23. Psychotherapy or Counseling Program
24. Mental Health Evaluation
25. Medical Health Evaluation
26. Medical Treatment
27. Restitution
28. Audit Required (RDOs Only)
29. Lens Prescriptions – Maintain Records (RDOs Only)
30. Restrictions as to Advertisement
31. Take and Pass ABO and/or NCLE Exams
32. Professional Education
33. Abstention From Use of Controlled Substances/Alcohol
34. Biological Fluid Testing
35. Clinical Diagnostic Evaluation
36. Participate in Group Support Meetings with Qualified Facilitator
37. Worksite Monitor Under Uniform Standards

**Dishonesty, False Statement of Application** (BPC sections [475](#), [480](#))

**Maximum Discipline:** Revocation

**Minimum Discipline:** Stayed Revocation, 3-5 years' probation

**Required:**

1-14. Standard Conditions

**If Warranted:**

21. Suspension

33. Professional Education - Ethics

**Prohibited Arrangements with Optometrists** (BPC section [655](#))

**Maximum Discipline:** Revocation

**Minimum Discipline:** Stayed Revocation, 3-5 years' probation

**Required:**

1-14. Standard Conditions

**If Warranted:**

19. Worksite Monitor

21. Suspension

31. Restrictions on Advertisements

**Disseminating False, Fraudulent, Misleading, or Deceptive Information** (BPC section [651](#))

**Maximum Discipline:** Revocation

**Minimum Discipline:** Stayed Revocation, 3-5 years' probation

**Required:**

1-14. Standard Conditions

30. Restrictions on Advertisements

**If Warranted:**

15. Community Service

19. Worksite Monitor

21. Suspension

27. Restitution

**Dispensing Lenses Below Industry Standard** (BPC section [2541.3](#))

**Maximum Discipline:** Revocation

**Minimum Discipline:** Stayed Revocation, 3-5 years' probation

**Required:**

1-14. Standard Conditions

**If Warranted:**

- 15. Community Service
- 19. Worksite Monitor
- 20. Direct Supervision
- 21. Suspension
- 27. Restitution
- 32. Take and Pass ABO and/or NCLE Exams
- 33. Professional Education



Case Number: \_\_\_\_\_

Registration Numbers: \_\_\_\_\_

Year:			
1 <sup>st</sup>		3 <sup>rd</sup>	
2 <sup>nd</sup>		4 <sup>th</sup>	

## Quarterly Report of Compliance

(Return to address shown above)

**Please Print or Type**

List name exactly as it appears on your current registration.			
Last		Middle I.	First
Number	Street	State	
Number	Street	State	

1. Been arrested, charged, or convicted of any violation of Federal, State, and local laws?		Yes	No
2. Complied with all opticianry laws?		Yes	No
3. Been disciplined by any other health-care related board or professional licensing or certification regulatory agency in California or elsewhere?		Yes	No

1. Do you understand that omission or falsification in any manner of any information on your quarterly reports shall constitute a violation of probation?							Yes	No
2. Do you understand that failure to submit complete and timely reports shall constitute a violation of probation?							Yes	No
1. Complied with all requirements of probation?							Yes	No
2. Appeared for meetings when requested?							Yes	No
3. Claimed all certified mail, responded to all notices, and submitted reports as directed?							Yes	No
4. Contacted your probation monitor with any questions or concerns regarding probation?							Yes	No
<b>January</b>		<b>April</b>		<b>July</b>		<b>October</b>		
<b>February</b>		<b>May</b>		<b>August</b>		<b>November</b>		
<b>March</b>		<b>June</b>		<b>September</b>		<b>December</b>		
1. Since the last quarterly report, have you had any problem meeting the minimum number of hours?							Yes	No
2. If yes, please explain:								
3. Since the last quarterly report, please indicate the number of hours worked per month:								
<b>First Quarter</b>		<b>Second Quarter</b>		<b>Third Quarter</b>		<b>Fourth Quarter</b>		
<b>Month</b>	<b>Hours</b>	<b>Month</b>	<b>Hours</b>	<b>Month</b>	<b>Hours</b>	<b>Month</b>	<b>Hours</b>	
<b>January</b>		<b>April</b>		<b>July</b>		<b>October</b>		
<b>February</b>		<b>May</b>		<b>August</b>		<b>November</b>		
<b>March</b>		<b>June</b>		<b>September</b>		<b>December</b>		



1. Does the Board have the names, addresses, and telephone numbers of all employers?			Yes	No											
<table border="1"> <tr> <td colspan="4"></td> </tr> <tr> <td>Last Name</td> <td>First Name</td> <td>Middle I.</td> <td>License #</td> </tr> <tr> <td colspan="2">Phone Number</td> <td colspan="2">Email Address</td> </tr> </table>								Last Name	First Name	Middle I.	License #	Phone Number		Email Address	
Last Name	First Name	Middle I.	License #												
Phone Number		Email Address													
2. If no, please provide the following information:															
3. Have you provided your employer a copy of the decision and order and the accusation or statement of issues in this matter?			Yes	No											
4. Have you provided the Board with written confirmation from each employer that they are aware of your Discipline?			Yes	No											
If no, please have your employer submit a completed "Notice to Employer" form immediately.															
1. Since the last quarterly report, has there been any changes of employment, location, address of record, and/or residence?			Yes	No											
2. If yes, have you submitted written notification your monitor and the Board within 14 calendar days of change?			Yes	No											
3. If NO, please explain															
1. Have you paid the total cost recovery amount in full?			Yes	No											
2. If NO, are you participating in a Board approved payment plan?			Yes	No											
3. If YES, have you been able to make every payment on time since your last quarterly report?			Yes	No											
4. If NO, please explain (include dates you're able to submit payments, amounts, and documentation of why you are unable to make payments):															
1. Since your last quarterly report, have you maintained a current, active, and valid registration?			Yes	No											
2. If NO, please explain:															

1. Since your last quarterly report, have you resided or practiced outside of California for over 30 calendar days?		Yes	No
2. If YES, please explain:			
If you cease to practice due to retirement, health reasons, or are otherwise unable to satisfy any condition of probation, you may surrender your registration. Do you wish to surrender your registration at this time?		Yes	No
If YES, please explain:			
Do you acknowledge that if the Board files an Accusation or Petition to Revoke Probation, the Board shall have continuing jurisdiction and the period of probation shall be extended until the matter is final?		Yes	No
Do you acknowledge that no petition for modification of discipline shall be considered while there is an Accusation or Petition to Revoke Probation or other discipline pending against you?		Yes	No
Do you acknowledge that, upon successful completion of probation, your registration shall be fully restored?		Yes	No
1. Since your last quarterly report, have you sold or closed your dispensary location?		Yes	No
2. If YES, please explain how you have ensured the continuity of patient care and the transfer of patient records. In addition, state if and when you plan to refund patients for any work/services not completed or provided.			
1. Since your last quarterly report, have you been able to meet the required minimum number of hours of community service?		Yes	No
2. If NO, please explain:			

<b>16</b>	<b>Participate in Group Support Meetings</b>		
	1. Since your last quarterly report, have you attended at least one group support meeting per week?	Yes	No
	2. If YES, have you attached the required documentation confirming such attendance?	Yes	No
	3. Explain any NO answers to questions 1 and 2:		
<b>17</b>	<b>Notice to Patients (RDO Only)</b>		
	1. Have you had your "Notice to Patients" approved by the Board?	Yes	No
	2. If NO, please explain:		
	3. If YES, where is this notice posted in your office?		
<b>18</b>	<b>Alcohol and/or Drug Treatment</b>		
	1. Have you successfully completed a Board approved treatment program?	Yes	No
	2. Have you submitted proof of completion to the Board?	Yes	No
	3. Please explain any NO answers:		
<b>19</b>	<b>Worksite Monitor</b>		
	1. Do you currently have a Board approved worksite monitor?	Yes	No
	Monitor's Name:	Registration #:	Phone #:
	2. If YES, has the monitor been able to follow the Board approved monitoring plan since your last quarterly report?	Yes	No
	3. To the best of your knowledge, has the worksite monitor submitted the required quarterly reports to the Board?	Yes	No
	4. Explain any NO answers to questions 1-3:		

<b>20</b>	<b>Direct Supervision</b>		
	1. Since your last quarterly report, have you been under direct supervision of a registered contact and/or spectacle lens dispenser?	Yes	No
	Supervisor's Name:	Registration #:	Phone# :
	2. If YES, is the supervisor able to follow the Board approved level of supervision?	Yes	No
	3. To your knowledge, has the supervisor submitted the required quarterly reports to the Board?	Yes	No
	4. Explain any NO answers to questions 1-3:		
<b>21</b>	<b>Suspension</b>	<b>Dates of Suspension:</b>	
	1. Have you completely ceased the practice of opticianry during the period indicated above, pursuant to your Order?	Yes	No
	2. If NO, please explain, including periods of practice and why:		
<b>22</b>	<b>Employment Limitations</b> Since your last quarterly report, have you:		
	1. Worked in any health care setting as a supervisor of opticians?	Yes	No
	2. Worked as a faculty member in a school of opticianry or as an instructor in a CE program?	Yes	No
	3. Worked in a "float" capacity?	Yes	No
	4. Explain any NO answers to questions 1-3:		
<b>23</b>	<b>Psychotherapy or Counseling Program</b>		
	1. Since your last quarterly report, have you participated in treatment by a Board approved psychotherapist or counselor?	Yes	No
	Therapist/Counselor:	License#:	Phone#:
	2. To the best of your knowledge, has your psychotherapist/counselor submitted the required quarterly reports to the Board?	Yes	No
	3. Please explain any NO answers to questions 1 and 2:		

24 Mental Health Evaluation				
1. Since your last quarterly report, have you undergone a mental health evaluation?			Yes	No
Evaluator:	License#:	Date(s) of Evaluation(s):		
2. If applicable, have you continued the evaluator's recommended restrictions, conditions, and/or treatment plan?			Yes	No
3. To the best of your knowledge, has the evaluator submitted all required quarterly reports to the Board?			Yes	No
4. Please explain any NO answers to questions 1-3:				
25 Medical Health Evaluation				
1. Since your last quarterly report, have you undergone a medical health evaluation?			Yes	No
Physician:	License#:	Date(s) of Evaluation(s):		
2. If applicable, have you continued the physicians recommended treatment?			Yes	No
3. To the best of your knowledge, has the evaluator submitted all required quarterly reports to the Board?			Yes	No
4. Please explain any NO answers to questions 1-3:				
26 Medical Treatment				
1. Since your last quarterly report, have you participated in treatment by a Board approved physician?			Yes	No
Physician:	License #:	Phone #:		
2. To the best of your knowledge, has your physician submitted the required quarterly reports to the Board?			Yes	No
3. Please explain any NO answers to questions 1 and 2:				

<b>27</b>	<b>Restitution</b>	<b>Amount Due:</b>	<b>Paid To:</b>		
	1. Have you paid the required restitution amount above, pursuant to your Order?			Yes	No
	2. If NO, explain:				
<b>28</b>	<b>Audit Required (RDO Only)</b>				
	1. Do you currently have a Board approved auditor?			Yes	No
	Auditor's Name:	License #:	Phone #:		
	2. If YES, has the auditor been able to follow the Board approved auditing plan since your last quarterly report?			Yes	No
	3. To the best of your knowledge, has the auditor submitted the required quarterly reports to the Board?			Yes	No
	4. Explain any NO answers to questions 1-3:				
<b>29</b>	<b>Lens Prescriptions – Maintain Records (RDO Only)</b>				
	1. Are you maintaining patient records of all lens prescriptions dispensed or administered by you?			Yes	No
	2. Are these patient records available for inspection and copying by the Board or its designee?			Yes	No
	3. Explain any NO answers to questions 1 and 2:				
<b>30</b>	<b>Restricted Practice</b>				
	1. Since your last quarterly report, have you practiced in the areas specified in this condition of probation?			Yes	No
	2. If YES, explain:				
<b>31</b>	<b>Restrictions as to Advertisement</b>				
	1. Since your last quarterly report, have you had all advertisements of professional services approved prior to public publishing/dissemination?			Yes	No
	2. If NO, explain:				

<b>32</b>	<b>Take and Pass ABO and/or NCLE Exams</b>			
	1. Have you passed the ABO and/or NCLE?	Yes	Date Passed:	No
	2. If NO, have you scheduled the exam?	Yes	When:	No
	3. If NO to question 2, please explain:			
<b>33</b>	<b>Professional Education</b>	<b>Required area(s) of study:</b>		
	1. Did you submit an education program/course in the areas indicated above within the required timeframe, pursuant to your Order?	Yes	No	
	2. If NO, explain:			
	3. Since your last quarterly report, have you completed any CE for this condition?	Yes	No	
	Course Name:	Course Provider:	Completion Date (attach certificate):	
<b>Probation Compliance (Standard Alcohol/Drug Conditions)</b>				
<b>34</b>	<b>Abstention from Use of Controlled Substances/Alcohol</b>			
	1. Have you abstained from alcohol and all other mood altering drugs, substances and their associated paraphernalia?	Yes	No	
	2. Have you informed the Board of any prescriptions for mood altering drugs and/or other controlled substances?	Yes	No	
	3. If YES to question 2, have you identified to the Board a single physician, nurse practitioner, or physician assistant who is aware of your substance abuse history and is monitoring your prescriptions?	Yes	No	
	4. If YES to question 3, has the single physician, nurse practitioner, or physician assistant provided the Board with quarterly reports?	Yes	No	
	5. Please explain any NO answers to questions 2-4:			
<b>35</b>	<b>Biological Fluid Testing</b> Since your last quarterly report, have you:			
	1. Made daily contact with the Board's testing vendor to determine if you need to submit to testing?	Yes	No	
	2. Submitted to all testing when selected?	Yes	No	
	3. Explain any NO answers to questions 1 and 2, including when and why:			

**Outstanding Questions, Comments, or Concerns related to your probation**

1. Do you currently have any questions, comments, or concerns that have yet to be addressed by your probation monitor?

Yes

No

2. If YES, please explain, including when you initially brought your concerns to your probation monitor and any response, if any, that you've received.

**Declaration and Signature:**

***I hereby submit this Quarterly Report as required by the California Department of Consumer Affairs, Board of Optometry and its order of probation thereof, and declare under penalty of perjury the laws of the State of California that I have read the foregoing report in its entirety and know its contents and that all statements made are truth in every respect, and understand that misstatements of omissions of material fact may be cause for revocation of probation.***

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Quarter	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Months covered:	January	April	July	October
	February	May	August	November
	March	June	September	December
Due:	April 1 - 7	July 1 - 7	October 1 - 7	January 1 - 7





## Notice to Employer

During their probation period, probationers are required to inform their employers of the discipline imposed by providing the employer with a copy of the Decision and Order in this matter. The employer will inform the California State Board of Optometry, in writing, that they are aware of the discipline. “Employer” refers to the Registered Dispensing Optician registrant where the probationer practices.

Section A: Probationer Information			
Probationer Name		Case Number	
Registration Number(s)		Registration Type <input type="checkbox"/> Spectacle Lens Dispenser <input type="checkbox"/> Contact Lens Dispenser	
Section B: Employer Information			
Business Name		Registration Number	Phone Number
Address	City	State	Zip Code
Date Probationer Began Employment			
<b>Employer Only:</b> I have received a complete copy of the Board Decision and Order, as well as the Statement of Issues or Accusation in the disciplinary case referenced above.			
Employer's Name			
Employer's Signature		Date	

# Board of Optometry Draft Strategic Plan Schedule



Planned Tasks		Tentative Date
<b>Preliminary Meeting/Overview</b>	SOLID works with Optometry Board to gather information about the organization and discuss the strategic planning process.	<b>Mid May 2020</b>
<b>Provide Environmental Scan Survey Draft</b>	SOLID will provide a draft of the environmental scan survey to be sent out to stakeholders.	<b>Mid to late May 2020</b>
<b>Board Member Invitation for Interviews</b>	SOLID will send Optometry Board a draft of the email invitation to be sent to Board members in preparation for the individual phone interviews.	<b>Late May 2020</b>
<b>Determine stakeholders</b>	Optometry Board to determine external stakeholders and obtain stakeholder email addresses for email distribution of survey. <i>Recipient count provided to SOLID.</i>	<b>Late May 2020</b>
<b>Survey Stakeholders and Board Staff</b>	Optometry Board will send the environmental scan survey to external stakeholders and staff.	<b>Early June 2020</b>
<b>Board Member Phone Interviews</b>	SOLID will schedule individual phone interviews with Board members. These interviews last up to 45 minutes and will cover the climate of the industry as well as their views on the Board's strategic focus for the upcoming plan.	<b>Early June 2020</b>
<b>Employee &amp; Management Focus Groups</b>	SOLID will conduct separate (one for employees, one for management) focus group workshops to gather staff's thoughts on the Board's strengths and weaknesses, as well as review (and updated, if needed) mission, vision, and values.	<b>Mid-June 2020</b>
<b>Compiled Results to EO for Review</b>	Upon completion of interviews and surveys, SOLID will compile and analyze the data and produce a trends document to use with our presentation materials. This material will be sent to you for review and approval. The final environmental scan document will be discussed during the Strategic Planning Session.	<b>June/July 2020</b>
<b>Pre-Session Meeting with EO</b>	This meeting, usually held 1 to 2 weeks before the planning session, is designed for the facilitator and Executive Officer to discuss the game plan and materials for the planning session.	<b>Late July/Early August 2020</b>
<b>Strategic Planning Session</b>	SOLID will facilitate the strategic plan development session with the Board. Through discussion, our purpose is to highlight recent accomplishments of the Board, review trends identified from the surveys, interviews, focus groups, and establish a Vision, Mission, Values, Goals, and Objectives for the new plan.	<b>August 13 or 14, 2020</b>
<b>Update Strategic Plan</b>	SOLID will use the information gathered at the planning session to create the Board's strategic plan. A comprehensive draft will be sent to you for review by the target due date.	<b>1 to 2 weeks after planning session</b>
<b>Board Approves Strategic Plan</b>	Strategic plan is approved by the Board and posted on website.	<b>Next Board meeting after strategic planning session</b>
<b>Action Planning Session</b>	After the Board approves the strategic plan, SOLID will facilitate a meeting with Board staff to create an action plan to guide completion of strategic objectives by establishing due dates, identifying major tasks, and assigning responsible parties.	<b>TBD</b>

# CALIFORNIA BOARD OF OPTOMETRY STRATEGIC PLAN DEVELOPMENT ROADMAP



## Facilitator Biographies

**Dennis Zanchi** joined the SOLID team in 2013. Dennis has conducted focus groups for the Department of Justice as well as DCA boards and bureaus. Dennis has worked on strategic plans for the Bureau of Real Estate, Psychology, Optometry and 20+ DCA boards and bureaus. Prior to DCA, Dennis worked with colleges nationwide facilitating interactive sessions on a variety of education-related topics, including sessions designed to draw out opinions, build consensus, and guide groups to discover new solutions. He helped college administrators build a better framework for understanding student loan default prevention, financial literacy, and student retention. He also develops evaluation measurement methods to quantify the success of various initiatives. Prior to working with colleges, Dennis worked with credit unions nationwide to develop consumer research and marketing plans. He is a graduate of CSU, Sacramento.

**Elizabeth Coronel** joined the SOLID team in 2016. She facilitates strategic planning, mission, vision and values workshops, employee satisfaction surveys and focus groups, stakeholder meetings, and trainings. In 2019 she graduated from the DCA's Future Leadership Development program and began implementing the project proposal she co-developed, the DCA Expert Witness Program. Elizabeth joined the DCA in 2014 as an Enforcement Analyst investigating complaints at the Veterinary Medical Board. She created the Board's expert witness manual and developed and facilitated the expert witness training. Elizabeth graduated from California State University Sacramento with a bachelor's degree in Business Administration with concentrations in Entrepreneurship, General Management, and Marketing. She helped local organizations with the development of strategic, marketing, and public relations plans.

**Trisha St. Clair** joined the SOLID team in 2016 as a Change Management Specialist with OCM, working with over eleven Boards/Bureaus to determine their change readiness and facilitate business process mapping workshops to streamline their business processes and determine their business requirements. In 2018, she became a Strategic Planner with SOLID. Prior to DCA, Trisha worked as a Forms Analyst for the Board of Equalization, facilitating meetings with key stakeholders to identify areas for improvement and formulate solutions for new and revised tax forms, as well as independently researching and analyzing tax form data to develop professional quality tax forms. Before coming to the state, she worked for 10 years in the technology industry as an Account Manager and Technical Support Representative. She graduated with a bachelor's degree in Fine Art with a minor in English Literature from the University of Redlands in Redlands, CA.

**Suzanne Mayes** is a strategic and systems thinker who leverages user centered design principles to cultivate empathy and create programs and processes that increase the effectiveness of organizations and their people. Suzanne has demonstrated expertise in strategic planning, meeting design and facilitation, managing organizational change, and stakeholder engagement. During her two decades in the nonprofit sector, Suzanne led large scale, cross-sector initiatives focused on aligning regional economic and workforce development initiatives, increasing access to high quality K-12 education, and expanding the region's philanthropic network. She is a skillful project manager with the proven ability to develop project timelines, enlist and engage key stakeholders, and coordinate numerous moving pieces to deliver high quality results. Suzanne holds a BA in Child Development from Humboldt State University and a Master's in Organizational Learning and Effectiveness from University of the Pacific. She is a Sacramento native and a proud Oak Park resident.

**Sarah Irani** joined DCA in March 2018 with the Organizational Improvement Office where she helped Boards and Bureaus with the Business Modernization effort. She used her expertise in business process documentation to analyze the programs' business processes and look for efficiencies both in and out of a new IT system. Prior to her career with the state, Sarah was a Lead Business Analyst in the technology industry where she led a team in report creation, documentation, and identification of deficiencies in the companies' business processes. Her analytical skills have allowed her to manage marketing projects around the globe. In addition, Sarah has experience training staff, event/meeting facilitation, strategic planning, organizational development, and an extensive knowledge of Excel. Currently with SOLID, she is a Strategic Planner, utilizing her previous experience to conduct Strategic Planning Sessions and Facilitate Organizational Improvement meetings. Outside of work, Sarah loves to play tabletop strategy games, read Shakespeare, and listen to podcasts about theme parks and medical history.