

MEMBERS OF THE BOARD

Alejandro Arredondo, OD, President
Alexander Kim, MBA, Secretary
Cyd Brandvein
Donna Burke
Madhu Chawla, OD
Frank Giardina, O.D.
Bruce Givner, Esq.
Glenn Kawaguchi, OD
William Kysella, Jr.
Kenneth Lawenda, OD
David Turetsky, O.D.



QUARTERLY BOARD MEETING AGENDA

Western University of Health Sciences - College of Optometry
Vision Science Lab 2205
(HEC Building, 2nd Floor)

Health Education Center
701 E. Second Street
Pomona, CA 91766

Friday, January 24, 2014
9:30 a.m. – 5:00 p.m.
(or until conclusion of business)

ORDER OF ITEMS SUBJECT TO CHANGE

FULL BOARD OPEN SESSION

1. Call to Order and Establishment of a Quorum
2. Welcome – President's Report
3. Approval of Board Meeting Minutes
 - A. September 13, 2013
 - B. November 1, 2013
 - C. December 2, 2013
4. Review and Possible Approval of the 2014-2018 Strategic Plan
5. Petition for Reinstatement of License
 - A. Dr. Sharon Samski, O.D.
6. Petition for Reduction of Penalty or Early Termination of Probation
 - A. Dr. Wyman Chan, O.D.

FULL BOARD CLOSED SESSION

7. Pursuant to Government Code Section 11126(c)(3), the Board Will Meet in Closed Session for Discussion and Possible Action on Disciplinary Matters

FULL BOARD OPEN SESSION

8. Discussion and Possible Action Pertaining to Granting Continuing Education Credits for Pro Bono Comprehensive Eye Examinations
9. Discussion and Possible Action on Regulations Affecting the Board of Optometry
 - A. Update on rulemaking package pertaining to CCR Section 1524. Retired License Status Fees

- B. Update on rulemaking package pertaining to CCR Sections 1516. Applicant Medical Evaluations and 1582. Unprofessional Conduct Defined
- 10. Discussion and Possible Action on Legislation Affecting the Board of Optometry
 - A. Legislation Signed by the Governor and Effective January 1, 2014
 - 1. Assembly Bill 258 (Chávez) State agencies: veterans
 - 2. Assembly Bill 480 (Calderon) Service contracts
 - 3. Assembly Bill 512 (Rendon) Healing arts: licensure exemption
 - 4. Assembly Bill 1057 (Medina) Professions & vocations: licenses: military service
 - 5. Senate Bill 305 (Lieu) Healing arts: boards - optometry sunset bill
 - 6. Senate Bill 724 (Emmerson) Liability: charitable vision screenings
 - 7. Senate Bill 809 (DeSaulnier) Controlled substances: reporting
 - 8. Senate Bill 821 (Committee on Business, Professions & Economic Development) Healing arts
 - B. Legislation That Will Continue to be Monitored in 2014
 - 1. Assembly Bill 186 (Maienschein) Professions & vocations: military spouses: temporary licenses
 - 2. Assembly Bill 213 (Logue) Healing arts: licensure/certification requirement: military experience
 - 3. Senate Bill 430 (Wright) Pupil health: vision examination: binocular function
 - 4. Senate Bill 492 (Hernandez) Optometrist: practice: licensure
 - 5. Senate Bill 723 (Correa) Veterans (Vetoed)
- 11. Executive Officer's Report
 - A. Budget
 - B. Personnel
 - C. Examination and Licensing Programs
 - D. Enforcement Program
 - E. Strategic Planning
 - F. BreEZe
- 12. Public Comment for Items Not on the Agenda

Note: The Board 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 Sections 11125, 11125.7(a)]
- 13. Suggestions for Future Agenda Items
- 14. Adjournment

PUBLIC COMMENTS: Public comments will 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.

NOTICE: 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 Krista Eklund at (916) 575-7170 or sending a written request to that person 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.

2450 Del Paso Road, Suite 105
Sacramento, CA 95834
(916) 575-7170, (916) 575-7292 Fax
www.optometry.ca.gov

To: Board Members

Date: January 24, 2014

From: Alejandro Arredondo O.D.
Board President

Telephone: (916) 575-7170

Subject: **Agenda Item 1 – Call to Order and Establishment of Quorum**

Dr. Alejandro Arredondo, O.D., Board President, will call the meeting to order and call roll to establish a quorum of the Board.

Alejandro Arredondo, O.D., Board President, Professional Member

Alexander Kim, MBA, Board Secretary, Public Member

Cyd Brandvein, Public Member

Donna Burke, Public Member

Madhu Chawla, O.D., Professional Member

Frank Giardina, O.D., Professional Member

Bruce Givner, Esq., Public Member

Glenn Kawaguchi, O.D., Professional Member

William Kysella, Jr., Public Member

Kenneth Lawenda, O.D., Professional Member

David Turetsky, O.D., Professional Member

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To: Board Members

Date: January 24, 2014

From: Alejandro Arredondo, O.D.
Board President

Telephone: (916) 575-7170

Subject: Agenda Item 2 – Welcome – President's Report

Welcome by President Alejandro Arredondo, O.D.

A. Introduction of new Board Members, Dr. Frank Giradina, O.D. and Dr. David Turetsky

Memo

2450 Del Paso Road, Suite 105
Sacramento, CA 95834
(916) 575-7170, (916) 575-7292 Fax
www.optometry.ca.gov

To: Board Members

Date: January 24, 2014

From: Krista Eklund
Office Technician

Telephone: (916) 575-7170

Subject: Agenda Item 3 – Approval of Board Meeting Minutes

- A. September 13, 2013
- B. November 1, 2013
- C. December 2, 2013

**STATE BOARD OF OPTOMETRY**

2450 DEL PASO ROAD, SUITE 105, SACRAMENTO, CA 95834
 P (916) 575-7170 F (916) 575-7292 www.optometry.ca.gov



Friday, September 13, 2013

DRAFT

Western University of Health Sciences,
 College of Optometry
 309 E. Second Street
 Health Education Center (HEC) Building
 2nd Floor, Vision Science Lab 2205
 Pomona, CA 91766

And Via Teleconference at:
 140 C Tower Street
 Beaconsfield, Quebec H9W682

<u>Members Present</u>	<u>Staff Present</u>
Alejandro Arredondo, O.D., Board President	Mona Maggio, Executive Officer
Alexander Kim, MBA, Board Secretary, Public Member	Andrea Leiva, Policy Analyst
Donna Burke, Public Member	Jessica Sieferman, Enforcement Lead
Madhu Chawla, O.D., Professional Member	
Fred Dubick, O.D., MBA, FAAO, Professional Member	Michael Santiago, Senior Legal Counsel
Glenn Kawaguchi, O.D., Professional Member	
William Kysella, Jr., Public Member	
Kenneth Lawenda, O.D., Professional Member	
<u>Excused Absence</u>	<u>Guest List</u>
Monica Johnson, JD, Vice President, Public Member	On File

10:00 a.m.

FULL BOARD OPEN SESSION

1. Call to Order and Establishment of a Quorum

Board President, Alejandro Arredondo, O.D. called roll and a quorum was established. The meeting was called to order at 10:00 a.m.

Dr. Arredondo welcomed the Board's newly appointed Member, Mr. Bruce Givner, and invited him to introduce himself. Mr. Givner has been a tax attorney for 37 years. His practice is located in West Los Angeles. He graduated from the University of California Los Angeles (UCLA) and Columbia Law School.

Dr. Arredondo invited Executive Officer, Mona Maggio to introduce staff present. Ms. Maggio introduced herself, Policy Analyst, Andrea Leiva, Enforcement Lead, Jessica Sieferman, and Senior Legal Counsel, Michael Santiago.

2. Petitions for Reinstatement of License

Administrative Law Judge (ALJ) Chris Ruiz presided over the hearings. Board members heard the following petitions:

- A. *Dr. Gregory Tom, O.D., License Number 10427,
Case Number: CC 2003-125*
- B. *Dr. Stephen Schroeder, O.D., License Number 8321,
Case Number: CC 2008-13*
- C. *Dr. Larry Thornton, License Number 6369,
Case Number: CC 2011-165*
- D. *Dr. Lawrence Young, O.D., License Number 8618,
Case Number: CC 2004-59*

FULL BOARD CLOSED SESSION

3. Pursuant to Government Code Section 1126(c)(3), the Board will Meet in Closed Session for Discussion and Possible Action on Disciplinary Matters

Pursuant to Government Code Section 1126(c)(3), the Board met in Closed Session for Discussion and Possible Action on Disciplinary Matters.

FULL BOARD OPEN SESSION

4. Discussion and Possible Action on Newsletter Article Regarding Co-location and Business and Professions Code Section 655.

Ms. Maggio reported on this agenda item.

On August 26, 2013, Ms. Maggio met with Department of Consumer Affairs (DCA) Administrators. Due to concerns voiced by the retail eyewear industry, the DCA Administration requested that the Board remove from its website (to be revisited at a later time) the article summarizing the litigation that affected the Board's authority to enforce Business and Professions Code (BPC) section 655. On August 29, 2013, the Board complied with this request and the DCA's Office of Public Affairs offered to re-write the article. Two other versions of the article were drafted (long and short versions) which Ms. Maggio provided to the Members in handouts.

Ms. Maggio attended another meeting where there was further discussion regarding how to present this information in a manner that does not cause concern to optometrists of job loss; rather would educate licensee that the litigation is now over, what is occurring with the Attorney General's Office and retailers (bringing business models into compliance), what the Board's action will be during this time; as well as what the Board might do at the finalization. At this meeting, other options besides an article were proposed. For example, the Board might consider issuing a statement about the litigation, providing a Frequently Asked Questions page (living document that would be updated) and send email blasts to, in addition to revisions of the article. Ms. Maggio explained that the long version of the article was re-visited and redlined with track changes. At this time she requests the Board members review all of the articles and choose one of the following options:

- The original version (knowing there are some concerns with it),
- The long version of the article,
- The short version of the article,
- The revised draft of the long version (Mona's recommendation),

- Posting a Frequently Asked Questions page which is based off the original article,
- Wait and do nothing now. If questions arrive, Board staff (Mona Maggio, Andrea Leiva or Jessica Sieferman) would handle the inquiries until a later time when information from the Attorney General's Office provides guidelines of what the Board's next steps may be,
- Refer to the Board's Public Relations Committee to work with staff on revising article further.

Public Member, William Kysella, inquired as to whether there is confidence that the proposed version will be acceptable to those who were concerned with the original version. DCA Chief Deputy Director, Awet Kidane, responded that DCA has not yet signed off on this third version.

Mr. Kidane reported on the Department's concerns with the original version. He explained that although the original newsletter was factually correct, his perception upon reading the newsletter was that it was very aggressive. He asked the question, for a licensee working in this type of business model prior to issuance of the article (due to no fault of their own), how would they receive and respond to this news as it is written?

Mr. Kidane's advice to Ms. Maggio (when they met) was that the Board provide additional context to prevent confusion and panic and to avoid any perception that the Board is taking jobs away when the economy is rebounding. Ms. Maggio agreed to pull down the newsletter article with the proviso that Mr. Kidane's Deputy Director of Communications would provide an alternative in collaboration with Board staff. The result of the collaboration was the two documents (long and short) are presented to the Members today.

Mr. Kidane's opinion (absent general counsel) is in disagreement with Ms. Maggio's recommendation. He asks the Board to look at the long and short article options, or any other venue with which the Board wishes to transmit this message, with the proviso that the same tenure presented in the long and short documents be in any other transmittal.

Deputy Director of Board and Bureau Relations, Christine Lally, added her agreement with Mr. Kidane stating that the message the Board needs to convey to the public and licensees is that the parties are at the table with the Attorney General's (AGs) Office. The AGs Office is recognizing that this is the law and leading people to a path of compliance. She urges the Board to choose either the long or short version.

Mr. Kysella questioned what troubles Mr. Kidane about the new revised version. Mr. Kidane reiterated his opinion that his concern is with the tenure of the article. He stated that the Department, and the Board, does not want to portray the image of coming after individuals and taking away jobs.

Ms. Burke asked and Mr. Kidane confirmed that the revised version still sounds to him as though it is underscoring enforcement rather than a pathway to compliance.

Ms. Burke asked Mr. Kidane to point out two or three other areas where he believes the tenure is harsh. Mr. Kidane provided his opinions.

Dr. Lawenda stated his belief (in agreement with Mr. Kidane) that the wording presents the wrong message. He suggested not stating all of the dos and don'ts at this time and focus on the process towards compliance.

Mr. Kysella interjected that the process he is concerned about is some "tail wagging the dog" process. Something else is motivating this concern. All of a sudden there are a bunch of complaints when the Board's office has not received any complaints. Mr. Kysella suggested that an aggressive tenure is appropriate as the Board suspended enforcement for 10 years while litigation was in process. Additionally, he suggested that perhaps the Board might add a statement that no action will be taken against anyone

during negotiations, but making it clear at the same time that once negotiations are finalized, everyone must comply with the laws to avoid enforcement action.

There was a question as to who suspended enforcement proceedings. Was it the Board?

Supervising Deputy Attorney General of the San Diego Office of the AG, Linda Schneider responded. Ms. Schneider clarified that enforcement was suspended when an injunction was issued in the National Association of Optometrists and Opticians (NAOO) case. This was the case where Lenscrafters and the NAOO filed suit against the state to challenge existing laws as being unconstitutional. The first phase was at the District Court level. In December 2006, the District Court initially made the decision that existing laws were unconstitutional and issued an injunction preventing the state from enforcing laws regarding co-location and Business and Professions Code (BPC) Sections 655. The state, the AGs Office and the Director of the DCA appealed to the Ninth Circuit Court of Appeals. The Ninth Circuit Court of Appeals overturned the District Court's injunction. Then the case went back to the District Court for reconsideration because the District Court had used the wrong standard of review in determining that the laws were unconstitutional. The court re-analyzed the case and found the laws constitutional. At that point, the plaintiff (Lenscrafters) appealed again to the Ninth Circuit Court in an attempt to overturn the ruling. They lost, and then they petitioned the U.S. Supreme Court for review, and they lost again. Ms. Schneider summarized by stating that a lot of litigation and a lot of appeals transpired to arrive at the end result that the laws are constitutional. Additionally, she explained when the District Court's initial decision was overturned, the injunction also dissolved because that ruling was gone. However, it then became more of a Board and policy decision of whether the Board can enforce these laws while the litigation is still pending. So although the injunction was dissolved, no enforcement action was taken due to the policy decision that the Board would not aggressively go after these laws while they were still in limbo with the court system.

Ms. Snyder and Ms. Maggio clarified that it is the Board's decision to enforce BPC section 655.

Ms. Burke brought the discussion back to the long, short and new versions of the article. She inquired and Mr. Kidane confirmed that his concern with tenure involves the paragraphs that were struck, and that he believes additional information will relieve people of fear that the Board is heavy handed and is beginning enforcement actions immediately.

Ms. Burke stressed that in her review of the three, she does not see where the short version does not capture this essence in a manner that is comfortable for everyone.

Dr. Arredondo suggested that if DCA and the Board are comfortable with one of the two drafts, possibly one can be placed on the website while the Board tries to figure out the rest with a Public Relations Committee.

Ms. Burke stated that she believes the question is whether the Board wants to move forward with an article, or delay it, or consider other options.

Ms. Maggio advised that if an article is posted, it should not be necessary to go to Committee. Staff would post and update a Frequently Asked Questions (FAQ). This would be the living document continually updated for the doctors.

Public Member, Alexander Kim stated his belief that it is important to have something posted on the website. Otherwise, the Board is not fulfilling its duty to the public and professional members.

Public Member, Bruce Givner contended that, from a timing standpoint, it does not make sense to post a living document, or FAQ sheet, when the Board is admitting that the document will be modified over time. The very fact that it is subject to change can strike fear in the optometry profession.

Discussion ensued regarding the number of California licensed optometrists and whether there exists a method for narrowing down a precise number. Ms. Leiva and Ms. Maggio explained that the number of licensees includes those who are not practicing or who have moved out of state and staff does not have a system for filtering them out. Therefore it is informally estimated that about half of the approximately 9,000 licensed optometrists may be affected by the co-location rule (about 4,500).

Donna Burke moved to use draft 2, the short version of the article, adding the suggested drafted paragraph, and posting the article to the Board's website. Bruce Givner seconded. A vote was not taken.

Lobbyist for Lenscrafters, Kathryn Austin-Scott, Attorney at Law for Hooper, Lundy & Bookman, Kitty Juniper, and President of First Sight Vision Services (Knox-Keene) Vision plan, Robert Patten, each shared their concerns with the Board's posting of the article.

Vice President of Advanced Eye Care, David Turetsky, O.D., reported that Advanced Eye Care, Professional Corporation is the largest provider of vision care services to skilled nursing facilities in the state. Additionally, he reported that virtually every one of their doctors considered the article to be extremely beneficial.

Kenneth Moss, an attorney who represents Advanced Eye Care, stated that he has not heard anybody say that the original article is not 100 percent factually correct. He expressed shocking disbelief that the Board should be requested to retract anything in the original article.

Ms. Schneider stated that it is the Board's duty to inform and educate its licensees. Each of the articles states the law as it is. She emphasized that the AGs Office has no interest in taking action against companies who have come to the table willing in an effort to work out their business models and ensure compliance. The talks will come to an end and there will be a conclusion, and it is the Board's duty to enforce BPC section 655.

Board Members debated using the short version with an FAQ versus using the long version.

Donna Burke moved to adopt the short version, adding the suggested redlined paragraph, striking the ensuring compliance sentence, and posting the article to the Board's website. Bruce Givner seconded. The Board voted 5-Aye, 4-No; 0-Abstention to pass the motion.

Member	Aye	No	Abstention
Dr. Arredondo	X		
Mr. Kim	X		
Dr. Lawenda		X	
Dr. Chawla		X	
Mrs. Burke	X		
Mr. Kysella		X	
Dr. Dubick		X	
Dr. Kawaguchi	X		
Mr. Givner	X		

Mr. Kysella requested that the original article be posted with the FAQ clarifying what the debate was all about.

Mr. Givner suggested having the Public Relations Committee review the FAQ before posting it to the Board's website. Dr. Dubick disagreed stating this is staff work at the cost of time and he trusts staff to interact with all interested parties and perform the job properly.

Mr. Kysella agreed except for the conclusion. He believes staff will need the protection of the Board. DCA will need to know that at least a committee is on board with the comments.

Ms. Burke also supported sending the FAQ to the committee stating that a second set of eyes would be beneficial.

Members expressed their support and disagreement of the suggestion.

Bruce Givner moved that the FAQ be reviewed by the Public Relations Committee prior to posting the FAQ on the website. Glenn Kawaguchi seconded. The Board voted 6-Aye; 3-No; and 0-Abstention to pass the motion.

Member	Aye	No	Abstention
Dr. Arredondo		X	
Mr. Kim	X		
Dr. Lawenda	X		
Dr. Chawla		X	
Mrs. Burke	X		
Mr. Kysella	X		
Dr. Dubick		X	
Dr. Kawaguchi	X		
Mr. Givner	X		

Dr. Arredondo appointed Dr. Chawla to the Public Relations Committee.

5. Future Board Meeting Dates and Locations, and Suggestions for Future Agenda Items

Ms. Maggio announced the future Board meeting dates and locations:

- October 25, 2013; Sacramento – STRATEGIC PLANNING ONLY
- November 1, 2013; TBD (Bay area)
- January 10, 2014; TBD (Southern California)

There were no suggestions for future agenda items.

6. Public Comment for Items Not on the Agenda

Note: The Board 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 Sections 11125, 11125.7(a)]

There were no comments.

7. Adjournment

Kenneth Lawenda moved to adjourn the meeting. Madhu Chawla seconded. The Board voted unanimously (9-0) to pass the motion.

Member	Aye	No	Abstention
Dr. Arredondo	X		
Mr. Kim	X		
Dr. Lawenda	X		
Dr. Chawla	X		
Mrs. Burke	X		
Mr. Kysella	X		
Dr. Dubick	X		
Dr. Kawaguchi	X		
Mr. Givner	X		

The meeting was adjourned at 5:00 p.m.

**STATE BOARD OF OPTOMETRY**

2450 DEL PASO ROAD, SUITE 105, SACRAMENTO, CA 95834
P (916) 575-7170 F (916) 575-7292 www.optometry.ca.gov



Friday, November 1, 2013

DRAFT

UC Berkeley School of Optometry
Minor Hall, Room 491
Berkeley, CA 94720-2020

And Via Teleconference at:
140 C Tower Street
Beaconsfield, Quebec H9W682

<u>Members Present</u>	<u>Staff Present</u>
Alejandro Arredondo, O.D., Board President	Andrea Leiva, Policy Analyst
Alexander Kim, MBA, Board Secretary, Public Member	Jessica Sieferman, Enforcement Lead
Donna Burke, Public Member	Michael Santiago, Senior Legal Counsel
Madhu Chawla, O.D., Professional Member	Anahita Crawford, Deputy Attorney General Liaison
Fred Dubick, O.D., MBA, FAAO, Professional Member	
Glenn Kawaguchi, O.D., Professional Member	<u>Staff Absent</u>
William Kysella, Jr., Public Member	Mona Maggio, Executive Officer
Kenneth Lawenda, O.D., Professional Member	
Bruce Givner, Esq., Public Member	
Cyd Brandvein, Public Member	

9:30 a.m.

FULL BOARD OPEN SESSION

1. Call to Order and Establishment of a Quorum

Board President, Alejandro Arredondo, O.D. called roll and a quorum was established. The meeting was called to order at 9:45 a.m.

2. Welcome – President's Report

Dr. Arredondo welcomed everyone in attendance. He thanked Dr. Dennis Levi, O.D., Ph.D, Dean of the Berkeley School of Optometry for hosting the meeting. He reported that after 13 years as Dean, Dr. Levi will be stepping down and continuing on as Professor of Optometry and Vision Science as well as continuing his work in the etiology of Amblyopia.

A. Welcome by Dennis Levi, O.D., Ph.D, Dean, Berkeley School of Optometry

Dr. Levi welcomed everyone in attendance. He continued by praising the Berkeley School of Optometry students as typically scoring 10 percent higher on the national exam scores. Dr. Levi reported that their students are provided incredible exposure to clinical training and by graduation, have experienced an average of 2500 patient encounters.

B. Executive Officer Status and Staff Update

Dr. Arredondo announced that Executive Officer, Mona Maggio is out on medical leave for a few months. Policy Analyst, Andrea Leiva is leaving the Board of Optometry as she has accepted a promotional position with the Bureau of Security and Investigation. Dr. Arredondo wished Ms. Leiva the best and he and Board and staff members provided congratulatory applause for Ms. Leiva.

Ms. Leiva introduced the staff members present.

Dr. Arredondo thanked the public for attending and announced that former Public Board Member, Monica Johnson's term ended and she was thanked for her service by the Governor. Dr. Arredondo stated that Ms. Johnson was a great asset to the Board with her legal mind, her advocacy for consumer protection and she will be missed. He thanked her for her service on the Board.

Next, Dr. Arredondo welcomed the Board's recently appointed Member, Public Member, Cyd Brandvein and invited her to introduce herself. Ms. Brandvein reported that she has started her 25th year as Senior Vice President for AECOM Technology, a Fortune 500 architectural engineering company, working in the Office of Americas. She serves by working on senior operations project initiatives to help drive performance, succession pipeline, and revenue.

C. Sunset Date Extension

Dr. Arredondo announced that Senate Bill 305 known as the "Sunset Bill" was signed by the Governor extending the review date from January 1, 2014 to January 1, 2018. Dr. Arredondo thanked Members and staff for their efforts in getting the bill passed.

D. Resolution by Senator Ed Hernandez Commemorating Board's Centennial

Dr. Arredondo announced a resolution by Senator Ed Hernandez. He thanked Senator Hernandez for recognizing the Board for 100 years of service (since 1903). Senator Hernandez is an optometrist, licensed in California and a former Board member as well as a former Board President. The framed resolution will be displayed in the lobby of the Board's office.

3. Discussion and Possible Action on Senate Bill 1111; Provision 720.10 Pertaining to revocation for Sexual Misconduct or Sexual Contact with a Patient, Which May Not be Stayed

Ms. Leiva provided an overview of Senate Bill 1111; Provision 720.10 and the discussion and possible action pertaining to sexual misconduct.

The Senate Business, Professions and Economic Development Committee is requesting that the Board consider adopting the remainder of Provision 2 as a regulation and to direct staff to begin the regulatory process.

After review of the nine provisions at its May 2013 and August 2013 Board meetings, the Board voted, unanimously, to not implement this provision. However, the Legislature is pushing towards stronger consumer protection, and therefore added some provisions to the Board's sunset bill which will become law. The provisions added are as follows:

- Provision 3 - Implemented by Senate Bill 305 (Lieu, Chapter 516, Statutes of 2013). This provision becomes effective January 1, 2014 and requires the Board to deny the application for licensure of a registered sex offender.
- Provision 7 – Implemented by Senate Bill 305 (Lieu, Chapter 516, Statutes of 2013). Defines sexual misconduct as unprofessional conduct.
- Provision 2 – Partial Implementation by Senate Bill 305 (Lieu, Chapter 516, Statutes of 2013). Strengthens the Board's authority to revoke a license for sexual misconduct. The non-adopted portion made revocation mandatory for such acts and removed all discretion from the Board and an Administrative Law Judge. That section was considered controversial and will be discussed by the Board today for possible adoption. The Committee continues to recommend that this provision be fully adopted. The California Optometric Association (COA) is opposed and the Board originally rejected adopting the entire provision at its August 2013 meeting.

Ms. Leiva explained that provision 2 was only partially implemented and discretion by the Board remains since this is a controversial bill. The Committee wanted to give the Board another opportunity to discuss and consider their requests to adopt the entire provision. Ms. Leiva provided Members with copies of a letter from Senator Ted Lieu, explaining their reasons for wanting the Board to adopt this as regulation. She also provided copies of a letter from the COA who continues to have concerns and remain opposed to adoption of the remainder of the provision. Additionally, Ms. Leiva announced that staff has received letters of opposition from optometrists.

Ms. Leiva opened the floor for discussion.

Ms. Leiva, Professional Members, Drs. Kenneth Lawenda and Fred Dubick, and Public Members, Bruce Givner and William Kysella discussed a most recent listing of boards who have adopted this provision, boards that have not, and boards whose regulations are pending adoption. For the benefit of the two new Board members, Dr. Arredondo explained that this discussion is simply about whether the Board has discretion in cases of sexual misconduct, or if they go directly to the Office of Administrative Hearings for scheduling of a hearing before an Administrative Law Judge (ALJ).

Mr. Givner inquired, and Members and staff discussed the fact that this provision removes the Board's discretion in making a decision on setting discipline against a licensee convicted of a crime that is defined as sexual misconduct. If passed, this provision would require revocation of the optometrist's license. Legal Counsel, Michael Santiago clarified that the Senate Business, Professions, and Economic Development Committee wishes to modify the language to make it mandatory for the Board to automatically revoke a license if a sexual misconduct crime is committed and the licensee may not petition for reinstatement until a year has passed since the revocation. The revocation cannot be stayed.

Dr. Lawenda inquired and Mr. Santiago clarified that sexual misconduct accusations would still go to hearing. The optometrist would still be able to practice until the order is final, as in all cases which go to hearing.

Mr. Kysella shared his belief that mandatory sentencing provisions are inefficient for the process. They tie the hands of the bench officer, and yield bad results including prisons full of individuals with various levels of drug charges because the judge has no other option but to send them there.

Ken Lawenda moved to not seek any legislative amendments or promulgate any regulatory rulemaking changes to adopt provision 2 of SB 1111. William Kysella seconded. The Board voted 8-Aye; 2- No; 0-Abstention to pass the motion.

Member	Aye	No	Abstention
Dr. Arredondo	X		
Mr. Kim	X		
Mrs. Burke	X		
Dr. Chawla	X		
Dr. Dubick	X		
Dr. Kawaguchi		X	
Mr. Kysella	X		
Dr. Lawenda	X		
Mr. Givner		X	
Cyd Brandvein	X		

4. Approval of the August 16, 2013 Board Meeting Minutes

Ken Lawenda moved to approve the August 16, 2013 Board Meeting Minutes as amended. William Kysella seconded. The Board voted 9-Aye; 0-No; 1-Abstention to pass the motion.

Member	Aye	No	Abstention
Dr. Arredondo	X		
Mr. Kim	X		
Mrs. Burke	X		
Dr. Chawla	X		
Dr. Dubick	X		
Dr. Kawaguchi	X		
Mr. Kysella	X		
Dr. Lawenda	X		
Mr. Givner	X		
Cyd Brandvein			X

5. Petition for Reduction of Penalty or Early Termination of Probation – Dr. James Herzman, O.D., OPT 10935

FULL BOARD CLOSED SESSION

6. Pursuant to Government Code Section 11126(c)(3), the Board will Meet in Closed Session for Discussion and Possible Action on Disciplinary Matters
7. Pursuant to Government Code Section 11126(a)(1), the Board will meet in Closed Session to discuss the continued employment of the Executive Officer unless the Executive Officer exercises her right to have this agenda item heard in open session. If the matter is heard in open session, the Board may still meet in closed session to conduct its deliberations pursuant to Government Code Section 11126(a)(4)
8. If necessary, depending on the action of Agenda Item 7, the Board will meet in closed session pursuant to Government Code section 11126(a)(1) to discuss and take possible action regarding the appointment of an Acting or Interim Executive Officer.

FULL BOARD OPEN SESSION

9. Process for Selection of a New Executive Officer (if necessary, depending on the action of Agenda Item 7)

10. Executive Officer's Report

Ms. Leiva reported on behalf of Ms. Maggio.

A. Budget

Ms. Leiva reported that the Board's budget for fiscal year (FY) 2012-2013 was \$1,433,044. The budget report reveals expenditures as of September 30, 2013 as \$478,881 or 51% of the budget. As of September 30, 2013 the surplus is \$157,208 or 8.5%. The analysis of the Board's fund condition reveals 7.9 months reserve in FY 2012-13 and 6.8 months in FY 2013-14.

B. Personnel

Staff will be working to recruit new staff for the following vacancies:

- 1) Associate Government Analyst (Policy),
- 2) Office Assistant (Receptionist),
- 3) Two Temporary employees to assist when current staff is out of the office working on BreEZe.

C. Examination and Licensing Programs

Ms. Leiva stated that the statistics were distributed and opened the floor to questions. Dr. Lawenda inquired as to how much was budgeted for facilities operations. Ms. Leiva agreed to seek clarification from Ms. Maggio regarding this.

D. Enforcement Program

Enforcement Lead, Jessica Sieferman provided an update.

Ms. Sieferman announced, as previously reported in May 2013, that the National Practitioners Data Bank (NPDB) and the Healthcare Integrity & Protection Data Bank (HIPDB) merged.

The 2012 Sunset Legislative Committee recommended that the Board work with the Department of Consumer Affairs to ensure the Board is provided funds to apply to the NPDB and HIPDB.

While the funding may be unclear, Ms. Sieferman stated she has been working with NPDB staff to explore the feasibility of implementing a continuous query, given the Board's current staffing resources. She explained that initially staff was told they would have to manually input every license into the database. However, it has been discovered that there exists a way to perform a mass import into their database. Ms. Sieferman reports that although she and NPDB staff are currently working out incompatible formats, they are very close to completion.

Ms. Sieferman reported that in the beginning of October, the Enforcement Unit set a goal to meet the DCA's Performance Measures by the end of the fiscal year. Knowing the Board will soon be involved in Release 2 for BreEZe and resources will be pulled thin, the Unit has cracked down hard on our pending cases in order to still meet our goal. With the benefit of a fully staffed Unit, we were able to close a record 70 cases. The Enforcement Unit went from 138 cases pending in the beginning of October to 89.

Mr. Givner and Ms. Sieferman discussed what it means to close a case, and the various reasons they are closed.

E. Strategic Planning

Ms. Leiva announced that the strategic planning meeting for the full Board has been re-scheduled to December 2, 2013. This will be a public meeting in Sacramento at the Department of Consumer Affairs. Ms. Leiva explained that the Board's strategic planner, Dennis Zanchi has already completed a survey of stakeholders, one-on-one interviews with the Members and Executive Officer, and a strategic planning session with staff. At the December 2 meeting, the Board will have the chance to review the results of all the collected information in an environmental scan report, and review the mission, vision, and values. The Board will also review and possibly approve the staff's suggested objectives and/or develop new objectives for each of the Board's major functions of licensing, exams, outreach, enforcement, and legislation/regulation.

F. BreEZe

Ms. Sieferman provided an update on BreEZe.

She reported that Release 1, comprised of ten Department of Consumer Affairs Boards, went live on October 8, 2013. The Board of Optometry is currently in Release 2. The schedule for Release 2 and Release 3 Boards has not been released, but it is estimated to become available shortly.

Once Release 2 begins, Board staff will be heavily involved in BreEZe's design, testing, and implementation for several months to ensure the Board has a system that will meet its needs. The devotion of staff to BreEZe during this period, may have an impact on licensing and enforcement cycle times.

Dr. Arredondo asked Ms. Sieferman to explain BreEZe to the new Members. Ms. Sieferman explained that currently the Board has two databases: The Applicant Tracking System (ATS) which is primarily for licensing, and the Consumer Affairs Systems (CAS) which is used for both licensing and enforcement purposes. Both databases are over 20 years old. BreEZe will provide a more efficient database (in one form) for the entire Department of Consumer Affairs.

11. Discussion and Possible Action on Regulations Affecting the Board of Optometry

A. California Code of Regulations (CCR) Section 1570. Educational Equivalency – Addition of Newly Accredited Optometry Schools

Ms. Leiva reported on CCR Section 1570. It is requested that the Board consider this regulatory proposal for the addition of the newly accredited optometry schools. Business and Profession Code (BPC) Section 3023, states: “For the purpose of this chapter, the board shall accredit schools, colleges and universities in or out of this state providing optometric education, that it finds giving a sufficient program of study for the preparation of optometrists.” The Board uses the audits and reporting by the Accreditation Council on Optometric Education (ACOE) for the purpose of determining approval for accreditation of the schools/colleges of optometry.

The ACOE has accredited or pre-accredited 21 schools and colleges of optometry, three of which are in California.

Ms. Leiva explained that regulation CCR Section 1570, which lists the accredited schools/colleges of optometry, needs to have the following added:

- Inter-American University of Puerto Rico, School of Optometry
Bayamon, Puerto Rico (Full Accreditation),
- University of Montreal, Ecole d Optometrie
Montreal, Quebec (Full Accreditation),
- MCPHS University, School of Optometry
Worcester, Massachusetts (Preliminary Accreditation),
- Midwestern University Arizona, College of Optometry
Glendale, Arizona (Preliminary Accreditation),
- University of the Incarnate Word Rosenberg, School of Optometry
San Antonio, Texas (Preliminary Accreditation).

The above schools/colleges should be listed in the CCR Section 1570. This will ensure optometry students graduating from these schools can practice in California if they choose to and not have to re-take equivalent courses in California.

Donna Burke moved to approve the proposed language to begin a regulation for CCR 1570. Fred Dubick seconded. The Board voted unanimously (10-0) to pass the motion.

Member	Aye	No	Abstention
Dr. Arredondo	X		
Mr. Kim	X		
Mrs. Burke	X		
Dr. Chawla	X		
Dr. Dubick	X		
Dr. Kawaguchi	X		
Mr. Kysella	X		
Dr. Lawenda	X		
Mr. Givner	X		
Cyd Brandvein	X		

B. CCR Section 1506. Certificates Posting – Clarification of SOL Expiration Date

Ms. Leiva explained that prior to beginning the practice of optometry, an optometrist must obtain a Statement of Licensure (SOL) from the Board to be placed in all practice locations other than their principal place of practice. The SOL must be renewed biennially, on the same date as an optometrist (OPT) license. The SOL renewal date was tied to the OPT license renewal date to ensure renewals are completed timely.

It is not clear to licensees that their SOL must be renewed on the same day that their OPT license is renewed. Although sections of law (BPC Section 3152 and CCR Section 1524(j)(1)) state that SOLs must be renewed biennially, nothing in current law explicitly states that an SOL must be renewed on the same date as an OPT license. This has resulted in licensees purchasing new SOLs when they did not have to because they did not know a renewal form was on its way and licensees completely disregarding the SOL renewal form because they did not know renewal was mandatory. Also, not having this language explicitly in law creates enforcement difficulties due to the lack of clarity.

Ms. Leiva advised that to ensure clarity that a SOL is renewed on the same date as an OPT license, CCR Section 1506, the regulation that specifies the requirements of a SOL, should also include language stating the specific renewal time. Fictitious Name Permits, Branch Office, and OPT licenses all have language within the regulations that describe what is required to obtain such a license or permit, stating specifically when the permit or license must be renewed. For consistency with other optometrist licenses and permits, it is recommended that CCR Section 1506 be amended to include information that a SOL is renewed at the same time as an OPT license.

William Kysella moved to authorize staff to perform a CCR 1506 amendment to include recommended language. Madhu Chawla seconded. The Board voted unanimously (10-0) to pass the motion.

Member	Aye	No	Abstention
Dr. Arredondo	X		
Mr. Kim	X		
Mrs. Burke	X		
Dr. Chawla	X		
Dr. Dubick	X		
Dr. Kawaguchi	X		
Mr. Kysella	X		
Dr. Lawenda	X		
Mr. Givner	X		
Cyd Brandvein	X		

C. Update on rulemaking package pertaining to CCR Section 1524. Retired License Status Fees

Ms. Leiva reported that this package is currently being reviewed by the Department of Finance. Staff anticipates that it will be approved. Once the Department of Finance approves this package, it will be returned to the Board, and the Board can submit it to the Office of Administrative Law for final consideration.

D. Update on rulemaking package pertaining to CCR Sections 1516. Applicant Medical Evaluations and 1582. Unprofessional Conduct Defined

Ms. Leiva provided an update. The rulemaking action was printed in the California Regulatory Notice Register on October 18, 2013. The hearing will be on December 2, 2013 in Sacramento at the Department of Consumer Affairs. A report on the hearing will take place at the Board's January 2014 meeting and next steps will be determined then. The Board has until October 18, 2014 to complete this rulemaking package.

12. Discussion About Senate Bill 492 Workgroup to Expand the Scope of Practice of Optometrists

Ms. Leiva provided an update on this agenda item. No action is requested.

Assembly member Susan A. Bonilla and Senator Ed Hernandez, O.D. have developed a working group, to collaborate with stakeholders for the purpose of creating a scope expansion bill.

The working group is chaired by Assembly member Bonilla and is comprised of the following stakeholders:

- Senator Ed Hernandez and staff;
- California Optometric Association;
- California Academy of Eye Physicians and Surgeons;
- California Medical Association;
- Representatives from a California accredited school or college of optometry;
- Representatives from a Department of Ophthalmology in California;
- An expert in educational curricula;
- Senate Business, Professions and Economic Development Committee;
- Board of Optometry;
- Department of Consumer Affairs; and
- Other participants, as needed, to provide additional expertise.

The working group began meeting on October 15, 2013 and will continue to meet every Tuesday until January 7, 2014. Board staff is providing advice and expertise in the areas of consumer protection, what will be required on the Board's end to implement the bill if signed by the Governor (i.e., regulations, costs, staffing needs, BreZE, etc.), and best practices of healing arts regulatory entities. Board staff's main concerns are as follows:

- 1) If the bill will outline the number of pathways that may be needed for currently licensed optometrist to become certified to perform the new advanced procedures;
- 2) If the bill will address the appropriate number of training hours needed to ensure competency and consumer protection; and
- 3) If the Legislature will consider the Board's staffing needs to implement the bill in a timely manner.

So far, the first two meetings staff has attended have been very collaborative. The working group is very data based, and they are enforcing this to make certain everyone has the numbers needed.

Dr. Arredondo asked Ms. Leiva to explain the steps involved in a scope expansion bill for the new Members. Ms. Leiva explained that when a profession wishes to expand its scope of practice, the association working with the stakeholders brings it before the Legislature. There may be years of discussions and disagreements. Finally a bill is crafted, written, and introduced to the Legislature. If discussions on the backend (before the introduction of legislation) were successful, then the bill goes through the process. She explained that this is a very complicated and difficult process.

Dr. Arredondo asked Dr. Dubick to provide an overview of the scope of practice expansion bill and the states that are currently performing some of the procedures.

Dr. Dubick reported, for full disclosure, as well as being the President of the California Optometric Association (COA), that he is the lead negotiator for the association in this work group; therefore, he is more knowledgeable than most concerning this issue.

Dr. Dubick explained that Senator Hernandez is the author of SB 492. The sponsoring organization of the bill is the COA. Anytime there is a scope of practice expansion, in any profession; there is a give and take and a pull between the profession that wishes to expand their practice and organized medicine that wishes to resist the expansion. SB 492 has passed through the Senate and is currently sitting in Assembly Business and Professions Committee, where it will be heard at the beginning of the year.

What SB 492 accomplishes, as currently written, is as follows:

- The bill cleans up the language of current law which lists diseases optometrists can treat, drugs optometrists can prescribe, and procedures optometrists can perform (i.e., if a drug is government approved and relates to the eyes, optometrists may use that drug);
- Most of the random protocols for referral have been removed because they do not have scientific background, and in collaborative efforts of negotiations, ophthalmologists have agreed to revisit them;
- SB 492 creates an “advanced practice” optometrist. Currently, the Board has diagnostic certified optometrists, therapeutic certified optometrists, and glaucoma certified optometrists. Only glaucoma certified optometrists would be able to obtain an advanced practice certification. These optometrists would be able to perform immunizations and perform small superficial procedures around the eye and lid (i.e., remove benign skin tags, ext.). They would be able to perform limited laser procedures, and some anterior segment glaucoma procedures.

13. Discussion and Possible Action of Legislation Affecting the Board of Optometry

Ms. Leiva provided updates on legislation affecting the Board of Optometry as follows:

A. Legislation Signed by the Governor and Effective January 1, 2014

1. Assembly Bill 258 (Chavez) State agencies: veterans

Staff will work to update its applications and forms to include the question of whether a person is a veteran by July 1, 2014.

2. Assembly Bill 480 (Calderon) Service contracts

Staff will monitor this bill to see how it will affect licensed optometrists, if at all. If necessary, educational materials will be created to provide guidance to affected optometrists.

3. Assembly Bill 512 (Rendon) Healing arts: licensure exemption

The Board has already completed its regulations for implementation, and has information and instructions on its website so out-of-state practitioners can apply.

4. Assembly Bill 1057 (Medina) Professions & vocations: licenses: military service

Staff will work to update its applications and forms to include the question of whether the individual applying for licensure is serving in, or has previously served in the military by January 1, 2015.

5. Senate Bill 305 (Lieu) Healing arts: boards – optometry sunset bill

No action is necessary. Staff will work to familiarize themselves with the new enforcement language so it can be utilized appropriately.

6. Senate Bill 724 (Emmerson) Liability: charitable vision screenings

Staff will work to familiarize themselves with this new section of law and add it to its law book. Staff will also work to add educational materials on its website for consumers and licensees focusing on both parties' rights.

7. Senate Bill 809 (DeSaulnier) Controlled substances: reporting

Staff will be working with the Department of Consumer Affairs (Department) to finalize implementation of this bill. The Department has already established a Controlled Substance Utilization Review and Evaluation System (CURES) fund in preparation for the collection of the \$6 annual fee required by this bill. About 5,200 optometrists are affected at this time, but this number will change as new doctors become licensed and others cancel their license. This fee will be assessed regardless of whether a TPA certified optometrist exercises their authority to prescribe the scheduled drugs specified in the optometry practice act. The Department will be meeting with all health boards affected to obtain feedback and come to agreement on how the fee will be displayed on the renewal forms so the fee can begin to be assessed by April 1, 2014.

8. Senate Bill 821 (Committee on Business, Professions & Economic Development) Healing Arts

In existing law, the Optometry Practice Act refers to the authorization to practice optometry issued by the Board as a certificate of registration. This bill would instead refer to that authorization by the Board as an optometrist license and would make other technical and conforming changes.

There is no action required of the Board.

B. Legislation That Will Continue to be Monitored in 2014

Ms. Leiva reported that the following legislation will be revisited at the January 2014 meeting when the legislative session begins again, and can be discussed further at that time.

- 1. Assembly Bill 186 (Maienschein) Professions & vocations: military spouses: temporary licenses**
- 2. Assembly Bill 213 (Logue) Healing Arts: licensure/certification requirement: military experience**
- 3. Senate Bill 430 (Wright) Pupil health: vision examination: binocular function**
- 4. Senate Bill 492 (Hernandez) Optometrist: practice: licensure**
- 5. Senate Bill 723 (Correa) Veterans (Vetoed)**

C. Legislative Proposals

Ms. Leiva announced that the following legislative proposals would not be discussed during this meeting because additional research is required before presenting to the full Board.

- 1. Clarification of Licensure Requirement – Treatment and Management of Ocular Disease Component of the National Board of Examiners in Optometry Examination**
- 2. Clarification of License Reinstatement Requirements – Fees**
- 3. Clarification of Retired License Status Provisions**
- 4. Define as Unprofessional Conduct, the Failure to Provide Services Purchased by a Patient**
- 5. Other Non-Substantive Amendments**

14. Tour of UC Berkeley Optometry Clinic (4:00 p.m. approximately)

The Board was not able to tour the clinic due to the lateness of the meeting.

15. Public Comment for Items Not on the Agenda

(The Board 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 Sections 11125, 11125.7(a)]

Dr. Arredondo opened the floor to public comment for items not on the agenda. There were no comments.

16. Suggestions for Future Agenda Items

Dr. Arredondo requested that the subject of school eye exams be discussed. He explained that in his practice he sees a lot of cases where children report that their eyes were examined at school and they were given glasses. Dr. Arredondo would personally like to know exactly what they are doing and by whose authority.

Public Member, Alexander Kim announced that he will be attending a vision fair with a free mobile vision clinic for the children in the Westchester area of Los Angeles. Mr. Kim has been asked to speak on behalf of the Board and he considers this a great opportunity for outreach and promote what the Board is doing.

17. Adjournment

Donna Burked moved to adjourn the meeting. Madhu Chawla seconded. The Board voted unanimously (10-0) to pass the motion. The meeting adjourned at 2:10 p.m.

Member	Aye	No	Abstention
Dr. Arredondo	X		
Mr. Kim	X		
Mrs. Burke	X		
Dr. Chawla	X		
Dr. Dubick	X		
Dr. Kawaguchi	X		
Mr. Kysella	X		
Dr. Lawenda	X		
Mr. Givner	X		
Cyd Brandvein	X		



STATE BOARD OF OPTOMETRY
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Monday, December 2, 2013

DRAFT

**Department of Consumer Affairs
 SOLID Training Center
 1747 N. Market Blvd.
 Emerald Room, Suite 184
 Sacramento, CA 95834**

<u>Members Present</u>	<u>Staff Present</u>
Alejandro Arredondo, O.D., Board President	Mona Maggio, Executive Officer
Alexander Kim, MBA, Board Secretary, Public Member	Jessica Sieferman, Enforcement Lead
Donna Burke, Public Member	Rob Stephanopoulos, Enforcement Analyst
Madhu Chawla, O.D., Professional Member	Jeff Robinson, Licensing Analyst
Fred Dubick, O.D., MBA, FAAO, Professional Member	Michael Santiago, Senior Legal Counsel
Glenn Kawaguchi, O.D., Professional Member	
William Kysella, Jr., Public Member	
Kenneth Lawenda, O.D., Professional Member	
Bruce Givner, Public Member	<u>Guest List</u>
Cyd Brandvein, Public Member	On File

9:30 a.m.

FULL BOARD OPEN SESSION

1. Call to Order and Establishment of a Quorum

Board President, Alejandro (Alex) Arredondo, O.D. called roll and a quorum was established. The meeting was called to order at 9:32 a.m.

2. Strategic Planning Session

The Strategic Planning Session was facilitated by Dennis Zanchi and Shelly Menzel from the Department of Consumer Affairs, SOLID Training Solutions.

A. Reviewed 2013 Environmental Scan

This document includes input from stakeholders, Board staff, and interviews with DCA's Strategic Planning unit. The purpose of the Environmental Scan is to provide a better understanding of stakeholder, Board member, and Board staff thoughts about Board performance, which provides insight to assist the Board in developing goals and objectives for the upcoming strategic plan.

B. Exercises

A series of exercises were performed by Board members and staff to develop goals for the 2014-2018 Strategic Plan.

C. Goals

The following were identified by Board members and staff as key goals on which to focus:

1. Licensing

2. **Examination**
3. **Laws and Regulations**
4. **Enforcement**
5. **Outreach**
6. **Organizational Effectiveness**

D. Mission, Vision, and Values

Board members and staff revised the Board's Mission Statement, Vision Statement, and Values.

1. **Mission Statement**

To protect the health and safety of California consumers through licensing, education, and regulation of the practice of Optometry

2. **Vision Statement**

To ensure excellent optometric care for every Californian

3. **Values:**

Consumer protection - We make effective and informed decisions in the best interest and for the safety of Californians

Integrity - We are committed to honesty, ethical conduct, and responsibility

Transparency - We hold ourselves accountable to the people of California. We operate openly so that stakeholders can trust that we are fair and honest

Professionalism - We ensure qualified, proficient, and skilled staff provides excellent service to the State of California

Excellence - We have a passion for quality and strive for continuous improvement of our programs, services, and processes through employee empowerment and professional development

E. Develop Strategic Plan

Mr. Zanchi was tasked with taking the information from today's meeting and drafting a strategic plan to be provided to Ms. Maggio in mid-December. The draft would be disseminated to Board members for their review and suggested edits, due by late December. The plan will be presented to the Board at its meeting on January 24, 2014 for review and possible approval.

3. Public Comment for Items Not on the Agenda

Note: The Board 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 Sections 11125, 11125.7(a)]

Laurie McCarty and Joe Gessel of Nicox, Inc., asked the Board to determine if California optometrists can use "Sjö," which, according to Ms. McCarty and Mr. Gessel, is a diagnostic blood test for the early detection of Sjögren's Syndrome for patients with dry eye. Ms. Maggio advised Ms. McCarty and Mr. Gessel that because this issue was not an item on the agenda, the Board could not make a determination at that time, but staff would review the information and materials provided and respond at a later date.

4. Adjournment

The meeting was adjourned at 5:00PM

Memo

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www.optometry.ca.gov

To: Board Members

Date: January 24, 2014

From: Mona Maggio
Executive Officer

Telephone: (916) 575-7170

Subject: Agenda Item 4 – Review and Possible Approval of the 2014-2018 Strategic Plan

Background:

On December 2, 2013, the Board met for Strategic Planning in Sacramento at the Department of Consumer Affairs (DCA). DCA's strategic planners, Dennis Zanchi and Shelly Menzel from SOLID Training and Planning Solutions, facilitated the meeting. During this meeting, the Board reviewed the results of all the collected information in an environmental scan, and was given the opportunity to improve and/or update the Board's mission, vision, and values. The Board developed new objectives for each of the Board's major functions of licensing, exams, outreach, enforcement, and legislation/regulation.

Board members will be given an opportunity to review and possibly approve the final version of the 2014-2018 Strategic Plan during Agenda Item 4 of this meeting (January 24, 2014).

Action Requested:

Members are asked to please review, make edits, if any, and approve the Board's draft 2014-2018 Strategic Plan.

See attached to read the Strategic Plan in its entirety.

Comments from SOLID

All minor edits received from the members were made and are included in the attached draft. Dennis Zanchi requested the Board review the following: bullets:

- Page 5: suggested edit: delete this sentence or write it in a less gobbledygook-gook manner: whenever the protection of the public is inconsistent with other interests....perhaps: in instances of competing interests, protection of the public will remain paramount. Dennis said he is hesitant to re-write this because it's consistent with other areas of the Board's website and other DCA boards. Are you okay with the strategic plan being worded differently in the plan and website (and possibly other areas?)
 - Current sentence: Whenever the protection of the public is inconsistent with other interests, the protection of the public is paramount.
 - Revised Sentence: In instances of competing interests, protection of the public will remain paramount.
- Used PSI....explain the acronym. Dennis asked and looked on the PSI Exams website and PSI doesn't have an acronym definition. Perhaps we can say "with PSI Exams Online" so that the reader will know that PSI is a vendor.
- Pages 10, 11, 12: question by Board Member: will public be familiar with acronyms; ATS, CURES, CAS used CURES....explain acronym – Made changes using the following wording with footnotes at the bottom of page.
 - ^[1] BreEZe is the Board's new licensing and enforcement tracking system. (objective 1.1)
 - ² ATS is the Board's legacy licensing tracking system. (objective 1.1)
 - ³ CURES is a prescription drug monitoring database administered by the California Department of Justice. (objective 4.1)
 - ⁴ CAS is the Board's legacy enforcement tracking system. (objective 4.2)
See pages 10 and 12 to see how it looks in the plan.

2014 - 2018 Strategic Plan



Prepared by
SOLID Planning Solutions
Department of Consumer Affairs
Add Adopted when approved January 24, 2014



Table of Contents

CALIFORNIA BOARD OF OPTOMETRY MEMBERS	3
MESSAGE FROM THE BOARD PRESIDENT	4
ABOUT THE CALIFORNIA BOARD OF OPTOMETRY	5
STRATEGIC PLANNING OVERVIEW	7
2010 STRATEGIC PLAN ACCOMPLISHMENTS	8
MISSION, VISION, VALUES.....	9
GOAL 1: LICENSING.....	10
GOAL 2: EXAMINATION	10
GOAL 3: LAW AND REGULATION.....	11
GOAL 4: ENFORCEMENT.....	12
GOAL 5: OUTREACH	13
GOAL 6: ORGANIZATIONAL EFFECTIVENESS.....	13

California Board of Optometry Members

Alejandro Arredondo, OD, President

Alexander Kim, MBA, Secretary

Donna Burke, Public Member

Madhu Chawla, OD

Bruce Givner, Esq., Public Member

Glenn Kawaguchi, OD

William Kysella, Jr., Public Member

Kenneth Lawenda, OD

Cyd Brandvein, Public Member

Frank Giardina, OD

David Turetsky, OD

EDMUND G. BROWN, JR., GOVERNOR

ANNA M. CABALLERO, SECRETARY, BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY

DENISE D. BROWN, DIRECTOR, DEPARTMENT OF CONSUMER AFFAIRS

MONA MAGGIO, EXECUTIVE OFFICER, BOARD OF OPTOMETRY

Message From the Board President



The California State Board of Optometry (Board) is pleased to present its 2014-2018 Strategic Plan. Development of this Strategic Plan has been a collaborative effort between Board Members, Board staff, and the public and we thank everyone for their input and support throughout the process.

This plan reflects the Board's continued commitment to work closely with stakeholders (optometric professionals, professional associations, California colleges, and others who expressed interest in the strategic direction of the Board) to meet its mission to protect the health and safety of California consumers through licensing, education and regulation of the practice of optometry.

We are proud to have accomplished many goals from the 2009-2013 Strategic Plan and with this new blueprint we will continue to move forward as an effective and efficient organization. This document identifies key issues, and goals for which the Board will be accountable and the actions we will take.

Assisting with the implementation of the Affordable Care Act is the biggest issue we will focus on in 2014-2018. The Board expects to see a broad expansion in the scope of practice of this profession, including optometrists performing some primary care procedures to meet the high health care demands. While this will result in a period of growth and change in the regulation of California optometrists, we are confident this new Strategic Plan will help us meet the challenges and opportunities that lie ahead.

The Board is committed to providing the highest level of service possible as we embark on these endeavors.

A handwritten signature in black ink that reads "Alejandro M. Arredondo, OD." The signature is written in a cursive, flowing style.

Alejandro Arredondo, OD
Board President

About the California Board of Optometry

The Board was created by the California Legislature in 1913 to safeguard the public's health, safety, and welfare through regulation of the practice of optometry. Protection of the public is the highest priority for the Board when exercising its licensing, regulatory and disciplinary functions. Whenever the protection of the public is inconsistent with other interests, the protection of the public is paramount. The Board meets its public protection mandates by regulating the practice of optometry in California and providing public information about its licensees. Board operations are funded entirely by fees collected from applicants and licensees.

Today, the Board is one of numerous boards, bureaus, commissions, and committees within the Department of Consumer Affairs (DCA), part of the State and Consumer Services Agency under the aegis of the Governor. The DCA is responsible for consumer protection and representation through the regulation of licensed professions and the provision of consumer services. While the DCA provides administrative oversight and support services, the Board has policy autonomy and sets its own policies and procedures and initiates its own regulations.

The Board is presently comprised of eleven members. By law, five must be public members and six must be optometry professionals. The Governor appoints three public members and six of the professional members. The Senate Rules Committee and the Speaker of the Assembly each appoint one public member.

With approximately 7,500 practicing optometrists, the largest population of optometrists in the United States, the Board is charged with the following duties and responsibilities:

- Accrediting schools and colleges providing optometric education.
- Establishing educational requirements for admission to the examination for certificates of registration as California licensed optometrists.
- Establishing examination requirements to ensure the competence of individuals licensed to safely practice optometry in California.
- Setting and enforcing standards for continued competency of existing licensees.
- Establishing educational and examination requirements for licensed optometrists seeking certification to use and prescribe authorized therapeutic pharmaceutical agents.

- Promulgating regulations governing:
 - Procedures of the Board.
 - Admission of applicants for examination for certificate of registration as Optometrists.
 - Minimum standards governing the optometric services offered or performed, the equipment, or the sanitary conditions.
- Licensing branch offices and issuing fictitious name permits.
- Providing for redress of grievances against licensees by investigating allegations of substance and patient abuse, unprofessional conduct, incompetence, fraudulent action, or unlawful activity.
- Instituting disciplinary action for violations of laws and regulations governing the practice of optometry when warranted.

The Board currently has the following four committees, all composed of professional and public members.

- Legislation and Regulation
Responsible for recommending legislative and regulatory priorities to the Board and assisting staff with drafting language for Board-sponsored legislation and recommending official positions on current legislation. The committee also recommends regulatory additions and amendments.
- Practice and Education
Advises Board staff on matters relating to optometric practice, including standards of practice and scope of practice issues. Reviews staff responses to proposed regulatory changes that may affect optometric practice. Also reviews requests for approval of continuing education courses, and offers guidance to Board staff regarding continuing education issues.
- Consumer Protection
Oversees the development and administration of legally defensible licensing examinations and consults on improvements/enhancements to licensing and enforcement policies and procedures.
- Public Relations – Outreach
Assists with the development of outreach and development of educational materials.

Strategic Planning Overview

The DCA's SOLID Planning Solutions unit developed this strategic plan by conducting a preliminary meeting with the Executive Officer and Board staff to learn about the Board's background, to identify key focus areas, define roles and responsibilities, and establish a customized strategic planning schedule.

To understand the environment in which the Board operates and identify factors that could impact the Board's success, SOLID conducted an environmental scan and analysis of the internal and external environments by collecting information through the following methods:

- An online survey sent to 2,500 stakeholders, comprised of optometric professionals, professional associations, California colleges, and others who expressed interest in the strategic direction of the Board. The online survey received 208 responses.
- Telephone interviews with Board members during September 2013.
- Focus group discussion with Board staff on October 3, 2013.

The most significant themes and trends identified from the environmental scan were discussed by the Board during a strategic planning session facilitated by SOLID on December 2, 2013. This information guided the Board in development of its mission, vision, and values, while directing the strategic goals and objectives outlined in this 2014 – 2018 strategic plan.

2010 Strategic Plan Accomplishments

The strategic planning process encompassed an evaluation of the Board's previous strategic plan. The Board accomplished the following 12 goals since the adoption of the 2010 strategic plan.

1. Implemented a more streamlined certification process for the treatment of glaucoma which increased access to care for consumers.
2. Established a retired license status and a volunteer retired license status; giving retired optometrists a designation they can be proud of, save them money, and eliminate the risk of going into a delinquent status.
3. Established requirements for the practice of optometry at nursing homes. These much needed requirements clarified the law, and set minimum standards for this new, non-traditional optometric practice setting.
4. Participated in the Sunset Review Process and extended the Board's Sunset date to January 1, 2018.
5. Re-designed the website and leveraged it as a source of education and outreach.
6. Implemented Uniform Standards Related to Substance Abuse as directed by the legislature to better protect consumers from substance abusing licensees.
7. Started using social media to reach more licensees and consumers through its Facebook and Twitter pages.
8. Participated in the accreditation of Western University of Health Sciences, College of Optometry. Now there are three schools/colleges of optometry in California.
9. Implemented computer-based testing with PSI Exams Online and performed ongoing exam development and validation workshops for California Law and Regulation Examination. Extended the Board's subject matter expert pool from 20 doctors to 60.
10. Updated and revised the Board's Administrative Procedures Manual to provide guidance to future and incumbent Board Members regarding the general processes involved with their position on the Board of Optometry. In addition to the Bagley- Keene Open Meeting Act and the Administrative Procedures Manual, which provide public meeting laws, the handbook serves as a guide to help Board Members understand further meeting requirements and Board procedures.
11. Implemented an online customer service survey which assists in determining if the Board is meeting the needs of its constituents, what areas need improvement and in what areas the Board meets its goals of customer service and satisfaction.
12. Updated the Board's law book to capture the additions and amendments to statutes and regulations affecting the profession of optometry.

Mission

To protect the health and safety of California consumers through licensing, education, and regulation of the practice of Optometry.

Vision

To ensure excellent optometric care for every Californian.

Values

Consumer protection - We make effective and informed decisions in the best interest and for the safety of Californians.

Integrity - We are committed to honesty, ethical conduct, and responsibility.

Transparency - We hold ourselves accountable to the people of California. We operate openly so that stakeholders can trust that we are fair and honest.

Professionalism - We ensure qualified, proficient, and skilled staff provides excellent service to the State of California.

Excellence - We have a passion for quality and strive for continuous improvement of our programs, services, and processes through employee empowerment and professional development.

Goal 1: Licensing

The Board provides applicants and licensees a method for obtaining and maintaining license registration, business licenses, and certifications required to practice optometry in California.

The objectives to meet this goal are listed below in order of priority.

- 1.1 Work with DCA to ensure successful implementation of the BreEZe¹ system including ATS² data clean-up to prepare for migration.
- 1.2 Inform licensees about the new online services that will be available with the launch of BreEZe.
- 1.3 Evaluate effectiveness of existing multi-level license structure to determine if current structure adequately meets needs of the profession and consumers.

Goal 2: Examination

The Board works to provide a fair, valid and legally defensible licensing exam (California Law and Regulation Examination) and exam process to ensure that only qualified and competent individuals are licensed to provide optometric services in California.

The objectives to meet this goal are listed below in order of priority.

- 2.1 Perform an occupational analysis to ensure examination integrity and address possible scope-of-practice expansion.
- 2.2 Evaluate the benefit and cost of increasing the frequency of offering the California Law and Regulations Examination.

¹ BreEZe is the Board's new licensing and enforcement tracking system.

² ATS is the Board's legacy licensing tracking system.

Goal 3: Law and Regulation

The Board works to establish and maintain fair and just laws and regulations that provide for the protection of consumer health and safety and reflect current and emerging, efficient and cost-effective practices.

The objectives to meet this goal are listed below in order of priority.

- 3.1 Actively engage in the evaluation and/or development of scope-of-practice issues and any associated legislation. If required:
 - a. Promulgate regulations to implement legislative changes.
 - b. Identify Board functions that may be impacted by legislative changes.
 - c. Develop and implement a plan to manage the increased workload created by legislative changes.
- 3.2 Sponsor legislation to expand or clarify the Optometric Practice Act.
- 3.3 Review regulations to determine need for clarity then revise and/or amend as needed.
- 3.4 Inform and educate licensees and interested stakeholders about new or unfamiliar laws and regulations.
- 3.5 Explore the feasibility of transferring regulation authority for Registered Dispensing Opticians (RDO) from the Medical Board of California to the Board of Optometry.

Goal 4: Enforcement

The Board protects the health and safety of consumers of optometric services through the active enforcement of the laws and regulations governing the safe practice of Optometry in California.

The objectives to meet this goal are listed below in order of priority.

- 4.1 Submit a Budget Change Proposal (BCP) to request additional enforcement analysts and clerical positions to support the CURES³ implementation, improve investigative processing times, and streamline the enforcement process.
- 4.2 Work with DCA to ensure successful implementation of the BreEZe system including CAS⁴ data clean-up to prepare for migration.
- 4.3 Identify and implement process improvements in the Enforcement unit to reduce enforcement and discipline cycle times.
- 4.4 Create inspection authority to enable the Board to inspect practice locations to proactively identify areas of non-compliance.
- 4.5 Increase enforcement efforts to address optometry practice in unlicensed locations.
- 4.6 Increase communication to administrators of community and school clinics to educate administrators about the Board's complaint process.

³ CURES is a prescription drug monitoring database administered by the California Department of Justice.

⁴ CAS is the Board's legacy enforcement tracking system.

Goal 5: Outreach

The Board proactively educates, informs and engages consumers, licensees, students and other stakeholders on the practice of optometry and the laws and regulations which govern it.

The objectives to meet this goal are listed below in order of priority.

- 5.1 Create a Budget Change Proposal (BCP) to request one additional position to support expansion of the Board's outreach program.
- 5.2 Develop a communications plan that includes the following:
 - a. Include inserts with renewal notices to optometrists with reminders about the requirement to make consumer protection information available to patients.
 - b. Research the feasibility of using free public service announcements to disseminate optometric health information to consumers.
 - c. Identify public relations agencies that could provide pro bono work to assist the Board with expanding outreach to consumers.
 - d. Work with DCA's Office of Publications, Design and Editing to create multi-language consumer education materials.
 - e. Expand social media by using more frequent messages and exploring additional online opportunities.
 - f. Explore having a Board representative attend major optometric continuing education events for direct outreach to licensees.

Goal 6: Organizational Effectiveness

The Board works to develop and maintain an efficient and effective team of professional and public leaders and staff with sufficient resources to improve the Board's provision of programs and services.

The objectives to meet this goal are listed below in order of priority.

- 6.1 Document all internal Board procedures and processes to ensure successful succession planning of Board staff and Board members.
- 6.2 Conduct a job analysis for all Board programs to identify areas for resource allocation and enhancement.
- 6.3 Use the Individual Development Plan (IDP) process to increase professional development of Board staff.



This strategic plan is based on stakeholder information and discussions facilitated by SOLID for the California State Board of Optometry from September to December 2013. Subsequent amendments may have been made after Board adoption of this plan.

2450 Del Paso Road, Suite 105
Sacramento, CA 95834
(916) 575-7170, (916) 575-7292 Fax
www.optometry.ca.gov

To: Board Members

Date: January 24, 2014

From: Jessica Sieferman
Enforcement Lead

Telephone: (916) 575-7170

Subject: Agenda Item 5 - In the Matter of the Petition for Reinstatement

Dr. Sharon Mary Samski, O.D. (Petitioner) was issued Optometrist License Number 9351 by the Board on August 17, 1989. On December 13, 2004, the Board filed an Accusation against Petitioner charging her with violations of laws and regulations based on working while under the influence of alcohol, disciplinary action by another state, DUI, unlawfully advertising with an optical business, and failure to notify the Board of a current address. On March 19, 2005, by Default Decision, Petitioner's license was revoked.

On February 19, 2005, Petitioner filed a written motion to vacate the Default Decision. On March 18, 2005, the Board vacated the Default Decision. On September 18, 2005, Petitioner's license was revoked, the revocation was stayed and Petitioner was placed on eight (8) years probation.

On or about June 18, 2009, Petitioner filed a Petition for Reduction of Penalty or Early Termination of Probation. On March 27, 2010, the Board denied the Petition.

On May 23, 2011, the Board filed a Petition to Revoke Probation. On April 11, 2012, Petitioner voluntarily surrendered her license.

The Petitioner is requesting the Board to grant her Petition for Reinstatement.

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

1. Petition for Reinstatement
2. Copies of Stipulated Surrender of License and Order, Petition to Revoke Probation, Decision In the Matter of the Petition for Reduction of Penalty or Early Termination of Probation, Stipulated Settlement and Disciplinary Order, Order Vacating Default Decision, Default Decision and Order, First Amended Accusation
3. Certification of Non-Licensure

November 14, 2013

Jessica Sieferman
Enforcement Officer

California Board of Optometry
2420 Del Paso Road #255
Sacramento CA 95834

From:
Sharon Samski, O.D.
License 9351T

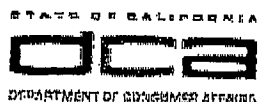
Petition for Reinstatement of Probation

Fax number of pages including cover 53

TABLE OF CONTENTS

- Initial Petition 2 pages
- Questions 7-20 11 pages
- Letters of Recommendation: 7 pages, more to follow
- Volunteer Work 10 pages
- Physician Medical Reports with Urinalysis (Drug Screening) 22 pages
- Continuing Education 12 pages

State of California — State and Consumer Services Agency



Board of Optometry

2450 Del Paso Road, Suite 105

Sacramento, CA 95834

Tel: (916) 575-7170 / (866) 585-2666

www.optometry.ca.gov

Edmund G. Brown, Governor



PETITION FOR REINSTATEMENT

A person whose certificate of registration has been revoked or suspended for more than one year may petition the Board to reinstate the certificate of registration after a period of not less than one year has elapsed from the date of the revocation or suspension. In determining whether the disciplinary penalty should be set aside and the terms and conditions, if any, which should be imposed if the disciplinary penalty is set aside, the Board may investigate and consider all activities of the petitioner since the disciplinary action was taken, the offense for which discipline was imposed, activity during the time the certificate of registration was in good standing and the petitioner's general reputation for truth, professional ability and good character.

PLEASE TYPE OR PRINT LIGIBLY

1. NAME	(FIRST)	(MIDDLE)	(LAST)	CERTIFICATE OF REGISTRATION NO.
	Sharon	Mary	Samski	9351
2. ADDRESS	(NUMBER)	(STREET)	DATE OF BIRTH	
	3639	San Remo Dr. #33	01-16-1960	
	(CITY)	(STATE)	(ZIP CODE)	TELEPHONE
	Santa Barbara	Ca.	93105	(805) 689-9432
3. PHYSICAL DESCRIPTION	(HEIGHT)	(WEIGHT)	(EYE COLOR)	(HAIR COLOR)
	5'5"	140	Blue	Blonde
4. EDUCATION: NAME(S) OF SCHOOL(S) OR COLLEGES OF OPTOMETRY ATTENDED				
NAME OF SCHOOL				
Pacific University College of Optometry				
ADDRESS (NUMBER) (STREET)				
2043 College way				
(CITY) (STATE) (ZIP CODE)				
Forest Grove, Oregon 97116				
5. ARE YOU CURRENTLY LICENSED IN ANY OTHER STATE? YES ☐ NO ☒				
STATE	LICENSE NO.	ISSUE DATE	EXPIRATION DATE	LICENSE STATUS

6. List locations, dates, and types of practice for 5 years prior to discipline of your California license.

LOCATION	DATE FROM	DATE TO	TYPE OF PRACTICE
Fashion Optical	5/2003	5/2009	Private

7. Are you or have you ever been addicted to the use of narcotics or alcohol? ☒ YES ☐ NO
8. Are you or have you ever suffered from a contagious disease? YES ☒ NO
9. Are you or have you ever been under observation or treatment for mental disorders, alcoholism or narcotic addiction? ☒ YES ☐ NO
10. Have you ever been arrested, convicted or pled no contest to a violation of any law of a foreign country, the United States, any state, or a local ordinance? you must include all convictions, including those that have been set aside under Penal Code Section 1203.4 (which includes diversion programs) ☒ YES ☐ NO
11. Are you now on probation or parole for any criminal or administrative violations in this state or any other state? (Attach certified copies of all disciplinary or court documents) YES ☒ NO
12. Have you ever had disciplinary action taken against your optometric license in this state or any other state? ☒ YES ☐ NO

IF YOU ANSWERED YES TO ANY OF THE ABOVE QUESTIONS, YOU MUST ATTACHMENT A STATEMENT OF EXPLANATION GIVING FULL DETAILS.

ON A SEPARATE SHEET OF PAPER PROVIDE THE FOLLOWING INFORMATION

13. List the date of disciplinary action taken against your license and explain fully the cause of the disciplinary action.
14. Explain fully why you feel your license should be restored, or the disciplinary penalty reduced.
15. Describe in detail your activities and occupation since the date of the disciplinary action; include dates, employers and locations.
16. Describe any rehabilitative or corrective measures you have taken since your license was disciplined to support your petition.
17. List all post-graduate or refresher courses, with dates, location and type of course, you have taken since your license was disciplined.
18. List all optometric literature you have studied during the last year.
19. List all continuing education courses you have completed since your license was disciplined.
20. List names, addresses and telephone numbers of persons submitting letters of recommendation accompanying this petition.

I declare under penalty of perjury under the laws of the State of California that the answers and information given by me in completing this petition, and any attachments, are true and I understand and agree that any misstatements of material facts will be cause for the rejection of this petition.

Date

11/14/2013

Signature

Sharm Sanski O.D.

All items of information requested in this petition are mandatory. Failure to provide any of the requested information will result in the petition being rejected as incomplete. The information will be used to determine qualifications for reinstatement, reduction of penalty or early termination of probation. The person responsible for information maintenance is the Executive Officer of the Board of Optometry at 2450 Del Paso Road, Suite 105, Sacramento, California, 95834. This information may be transferred to another governmental agency such as a law enforcement agency, if necessary to perform its duties. Each individual has the right to review the files or records maintained on them by our agency, unless the records are identified confidential information and exempted by Section 1798.3 of the Civil Code.

#7 HAVE YOU EVER BEEN ADDICTED TO THE USE OF NARCOTICS OR ALCOHOL?

Alcohol prior to the proper diagnosis of Bipolar Disorder and proper medications for this disorder.

#9 HAVE YOU EVER BEEN UNDER OBSERVATION OR TREATMENT FOR MENTAL DISORDERS, ALCOHOLISM OR NARCOTIC ADDICTION?

Current ongoing treatment with Dr. Wexler for Bipolar Disorder with medication, Depakote 500mg QID. The medications are also monitored with therapeutic blood levels.

#10. HAVE YOU EVER BEEN ARRESTED, CONVICTED OR PLEAD NO CONTEST TO A VIOLATION OF ANY LAW.

Dates of Conviction	Section Violated
11/15/2004 11/2004	23152B VC DUI

#12 HAVE YOU EVER HAD DISCIPLINARY ACTION TAKEN AGAINST YOUR OPTOMETRY LICENSE IN THIS STATE OR ANY OTHER STATE?

Failed to comply with the terms of eight year probation beginning on September 18, 2005- 2013. On April 19, through April 23, 2011 for a brief time I did not abstain from use of alcohol. Six years into my eight year probation term, I experienced a slip and declined to meet with Mr. Felton on April 20, 2011 upon his request to come to the field office. On April 26, 2011 I met with the Senior Probation monitor, Mr. Felton at the Department of Consumer Affairs and discussed my brief and limited slip. I submitted to a drug and alcohol screening and the results came back negative.

State of Colorado

February 2000. 12-40-118 habitual intemperance in the use of alcohol while having a mental disability, not involving any patients and failure to comply with treatment. I have been licensed to practice as an optometrist in the State of Colorado at all times relevant to this disciplinary action. Disciplinary Action 3090 and 141. The Stipulated agreement between myself and the State of Colorado.

State of California

November 14, 2003. Disciplinary Action 3090. Unprofessional conduct violation section 3105. Dr. Pazen, Optometrist. Use of alcohol over a lunch hour. Returned to work and notified staff I would not be returning to the office for the afternoon schedule. Immediately removed myself from the situation. This occurrence happened prior to the proper diagnosis of Bipolar Disorder and appropriate medication.

November 14, 2003. Disciplinary Action: Failure to notify Board of Current address. My temporary 1 week vacation relief work for an optometrist at Dr. Pazen's office. I am currently aware this is a requirement for the State of California. This was my first employment opportunity after moving to here. I am fully verse in the California Optometry Laws.

Section 3090 Violating 2556. Practicing optometry at an optical location. The Senior Investigator for the California State Department of Consumer Affairs, Mark Felton inspected the premise on numerous occasions found a separate back entrance for myself opposite of the front State Street Optical entrance. My office entrance was on Micheltorena Street. The back office has two independent suites separated by a wall. This separate entrance and separate business is not a violation per the investigation by Mr. Felton. Please refer to his report you have on file. The previous Optometrist advertised Eye Exam's \$45.00. My fee was always \$69.00. I maintained a separate business per California laws.

#13. LIST THE DATE OF DISCIPLINARY ACTION TAKEN AGAINST YOUR LICENSE AND EXPLAIN FULLY THE CAUSE OF THE DISCIPLINARY ACTION.

Failed to comply with the terms of eight year probation beginning on September 18, 2005- 2013. On April 19, through April 23, 2011 for a brief time I did not abstain from use of alcohol. Six years into my eight year probation term, I experienced a brief slip and declined to meet with Mr. Felton on April 20, 2011 upon his request to come to the field office. On April 26, 2011 I met with the Senior Probation monitor, Mr. Felton with the Department of Consumer Affairs and discussed my situation. I submitted to a drug and alcohol screening and the results came back negative.

#14. EXPLAIN FULLY WHY I FEEL MY LICENSE SHOULD BE RESTORED OR THE DISCIPLINARY PENALTY REDUCED.

The circumstance on April 19, 2011 and the slip in my refraining from the use of alcohol for four days is a part of the brain disorder of alcoholism. This slip is inconsequential in my ability to maintain and achieve my sobriety. I am capable of the probationary terms requested by the Board and the ability to maintain my sobriety has been demonstrated over the past 10 years. My sobriety has and will continue to be maintained and achieved. Also please note that my probation monitor Senior Investigator Mark Felton with the California Department of Consumer Affairs strongly recommends that my probation be reinstated. Mr. Felton would like the Board members to please contact him for his recommendation for probation.

For the past 10 years I have completed all of the rehabilitation programs enrolled, Project Recovery, Calle Real Outpatient Dual Diagnosis Program, and The Council of Alcoholism and Drug Abuse, a 2 year program as well as regular ongoing attendance of AA meetings and the 12 Step Program.

The most influential difference in my recovery today is the active involvement and fellowship at the Santa Barbara Community Church. Volunteering with the Church as well as my strong friendships with the members has been the greatest impact for my recovery which enables me to conduct my behavior in a Christian fashion. Despite my understanding of why this happened I know that the Lord can bless and also take away. There is a plan greater than myself and turning to God not only in good times but in times of hardship and trials has increased my faith, obedience and perseverance. My faith holds me up in times of trials.

The proper diagnosis of Bipolar Disorder and Depakote medication has made a significant impact in controlling my behavior. With the treatment programs as well as my

counselor Bill Pierce at the Council of Alcohol and Drug Abuse has been instrumental in assisting me to understand the nature of the disease of alcoholism. With my regular attendance at AA and Church I have developed a network of support.

With every random drug testing I have not failed one screening in the past 10 years. I have been randomly tested by.

1. Mark Felton Senior Investigator California Department of Consumer Affairs
2. Project Recovery, Bernard Hicks, twice random weekly
3. Bill Pierce, counselor at Counsel of Alcohol and Drug Abuse
4. Calle Real Outpatient Dual Diagnosis Program
5. Santa Barbara Mental Health Clinic, through psychiatrist appointments.

07/2004-12/2006 Koegler, M.D.

12/2006-12/2008 Lisa McDuffy, M.D.

12/2008-10/2011 Norman Schornstein, M.D.

10/20011-10/2013 James Stewart, M.D.

10/13-Present Wexler, M.D.

Again, let me make the point perfectly clear that over the course of 10 years all random drug testing revealed negative results. Also, without exception, every report discussing the individual medical appointments and evaluations were very favorable as to my ability to practice optometry.

My volunteer work speaks volumes to the integral part I play in the community. I currently volunteer at Casa Esperanza Homeless Shelter serving meals, offering free vision screenings to the underprivileged children and families in the community including the Santa Barbara Kids Day Health Fair, and the Neighborhood Clinic. I have also volunteered one day a week at SEE International as well as school screenings each year for the Carpinteria School District.

My request with the Board is that we can continue to move this case forward. I am willing and capable of complying with any terms of probation you feel is necessary and

fair. Regardless of how harsh the terms of the probation is, I have been compliant with one brief exception for the past eight plus years. My goal is to remain vigilant in my sobriety, healthy, and to continue to strive to be a productive member of the Optometric profession.

#15. DESCRIBE IN DETAIL YOUR ACTIVITIES AND OCCUPATION SINCE THE DATE OF DISCIPLINARY ACTION; DATES, EMPLOYERS, LOCATION

Grant Williams, M.D.
Internist
115 E. Micheltorena
Santa Barbara, Ca.
February 2006 - August 2006
Receptionist

Cottage Hospital
PO Box 689
Santa Barbara, CA 93102
January 1, 2007 - May 31, 2007
Surgical Coordinator

Fashion Optical
1433 State Street
Santa Barbara, CA 93101
2006-5/1/2011
Assisting Front Office

Express Employment Agency
1025 Chapala Suite 206
Santa Barbara, CA 93101

Ian Motes Temporary Employment

8/2009-12/2011

Temp. Employment: Catering Bacara Resort, etc

Barry Family Chiropractic

30 W. Mission #2

Santa Barbara, CA. 93101

January - June 2013 (Part-time)

Receptionist

Robert Kolarczyk, M.D.

1801 State St.

Santa Barbara, CA. 93101

January-June 2013 (Part-time)

#16. DESCRIBE ANY REHABILITATIVE OR CORRECTIVE MEASURES YOU HAVE TAKEN SINCE YOUR LICENSE WAS DISCIPLINED TO SUPPORT YOUR PETITION.

Project Recovery

133 E. Haley

Santa Barbara, CA 93121

December 19, 2005-March 31, 2006

Cost: \$830.00

Program included bi-weekly random urinalysis screenings, acupuncture four times a week and weekly group counseling sessions. The counselor is Bernard Hicks.

Santa Barbara County Mental Health Clinic

4444 Calle Real

Santa Barbara, CA 93110

Dates: 07/2004-12/2006 Koegler, M.D.
12/2006-12/2008 Lisa McDuffie, M.D.
12/2008-12/2010 Norman Schornstein, M.D.
12/2010-12/20013 Steward, M.D.
12/2013-Present Michael Wexler, M.D.

The primary purpose of the clinic is for bipolar and medication reports by the physicians to the Board of Optometry for monitoring my progress. Each report over the course of 10 years has one consistent theme. That I am capable of practicing optometry.

Council on Alcoholism and Drug Abuse

PO Box 28

Santa Barbara, CA 93102

April 16, 2006-October 7, 2007

Cost: \$1790.00

Please refer to the letter of recommendation to practice optometry by the center director Janice Beaty. Weekly group sessions for one year, then monthly group session. Bi-monthly individual sessions with the program counselor, Bill Pierce. Please note I continued voluntarily to continue my individual counseling sessions with Mr. Pierce once I completed the program. I can schedule sessions with Mr. Pierce when necessary.

Alcoholics Anonymous

Meeting throughout Santa Barbara, Carpinteria, and Northern California

Completed the 12 Step program over the course of 18 months.

Calle Real Outpatient Clinic

Dual Diagnosis Program

County of Santa Barbara

4444 Calle Real

Santa Barbara, CA 93110

Date: May 27, 2011 - October 2011

Counselor Francisco Palencia, CADC III ADP Service Specialist

Please refer to Mr. Palencia's letter of recommendation including my positive and constructive contributions to the program. Three times a week, Monday, Wednesday and Friday along with random drug screenings. All results of the drug testing are negative.

All rehabilitation efforts A.A, Project Recovery, The Council on Alcohol and Drug Abuse, Calle Real Outpatient Program and my ongoing physician monitoring have all been voluntary.

Note that since surrendering my license two years ago I have voluntarily submitted to random drug testing and continued to fax the results of these tests as well as my physician progress reports to the board. I did this on my own as a good faith effort to demonstrate to the Optometry Board that I am serious about maintaining my sobriety and again would agree to the terms of continuing my probation. I can not stress enough that I achieved 10 years of sobriety.

#17. LIST ALL POST GRADUATE REFRESHER COURSES WITH DATES, LOCATION AND TYPE OF COURSE TAKEN SINCE YOUR LICENSE WAS DISCIPLINED.

Please see the attached documentation dated 2006-2013 I currently subscribe to The Journal of the American Optometric Association, Review of Optometry, The Contact Lens Spectrum and Optometric Management.

#18. LIST ALL OPTOMETRIC LITERATURE YOU HAVE STUDIED IN THE LAST YEAR.

1. Review of Optometry
 - A. Advanced Glaucoma Diagnosis and Management
 - B. Annual Co-Managed Report
 - C. Annual Diagnostic Technology
 - D. Retinal Disease Various Articles

The Corneal Atlas

Clinical Ophthalmology Kanski, M.D.

Manual of Ocular Diagnosis and Therapy Pavan-Langston, M.D.

Journal of American Optometric Association

Various articles of diagnosis and treatment of retinal and macular degeneration (wet/dry)

Report of MRSA

Pharmaceutical Issue / Cornea

Contact Lens Solutions

Exploring the Latest Treatment for Glaucoma

#19. LIST ALL CONTINUING EDUCATION COURSES YOU HAVE COMPLETED
SINCE YOUR LICENSE WAS DISCIPLINED.

Please see the attached continuing education pages.

#20. LIST NAMES, ADDRESSES AND TELEPHONE NUMBERS OF PERSONS
SUBMITTING LETTERS OF RECOMMENDATION ACCOMPANYING THIS
PETITION.

1. State of California Department of Consumer Affairs

Division of Investigation

21601 Devonshire Street Suite 212

Chatsworth CA 91311

Mark Felton

Senior Investigator

(818) 885-2000

Mr. Felton requests that you contact him for the recommendation of reinstating my
probation status

2. Michael Wexler, M.D.

Current treating physician

County Mental Health

4444 Calle Real

Santa Barbara, CA. 93111

(805) 689-5190

Dr. Wexler requested you contact him if you have any further questions.

3. William Pierce

Counselor The Council on Alcoholism and Drug Abuse

PO Box 28

Santa Barbara, CA 93102

(805) 963-1433

4. Bernard Hicks

Project Recovery Counselor

133 E. Haley

Santa Barbara, CA 93101

(805) 564-6057

Mr. Hicks now is employed with:

CARES Mental Health Facility

2034 De La Vina

Santa Barbara, CA 93101

(805) 884-6850

5. Greg Sobiech

3727 Magnolia #482

Burbank, CA 91505

(818) 209-0447

6. Janice Beaty

Center Director of The Council on Alcoholism and Drug Abuse

PO Box 28

Santa Barbara, CA 9310

7. Enrique Alvarez Supervisor

Santa Barbara Parks & Recreation

610 Mission Canyon Road

Santa Barbara, CA

(805) 403-5780



COUNTY OF SANTA BARBARA
Making a Difference Since 1962
Alcohol, Drug & Mental Health Services
Santa Barbara Adult Services -
4444 Calle Real, Santa Barbara, CA 93110-1316
Telephone: (805) 681-5190 Facsimile: (805) 681-5239

Takashi Wada, MD
Interim Director

November 8th, 2013

To whom it may concern:

This letter is to verify that Sharon Samelski (DOB: 1-16-1960) has been receiving treatment at this Outpatient Mental Health Clinic since September of 2006. She has been and continues to be adherent with treatment and her mood is stable. She also continues to be clean and sober for many years now.

Sincerely,

A handwritten signature in black ink, reading "M. Wexler MD".

Michael J. Wexler, M.D.
Board Certified Psychiatrist

Ted Myers
Chief Operating Officer
Systems Change

Ole Behrendtsen, MD
Medical Director
Assistant Director

John Doyel, MA, CADC-II
Program Manager
Alcohol & Drug Programs

Michael Evans
Assistant Director
Finance

November 5, 2014

Jessica Siefferman
Enforcement Lead
California State Board of Optometry
2450 Del Paso Road, Suite 105
Sacramento, CA. 95834

Dear Ms. Siefferman,

RE: Sharon Samski, O.D.
License 9351

This is a letter of recommendation for Dr. Samski's reinstatement of her Optometry license. I have known Dr. Samski for 23 years now and we began our business partnership at Eye Care Plus in Colorado in 1991.

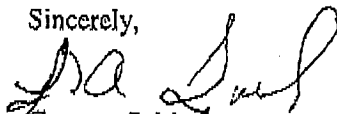
In 2003, I began business calls to Dr. Samski on a consistent basis. Throughout these spontaneous business interactions over the course of 10 years I never once witnessed Dr. Samski in a impaired state. She has always been of sound mind. These business appointments were not pre-planned, and I always found her to be the consummate professional. She provides nothing less than excellent and caring patient services, especially in educating about the profession of Optometry. She is a great asset to your profession.

Our discussions have involved her active participation with the Santa Barbara Community Church. I know her fellowship with the church is the priority in her life. She volunteers for countless activities, and if she is asked for help, she always participates. Her continued active involvement with the church as well as her ongoing treatment program speaks highly of her continued progress. Dr. Samski remains an active part of the community and believes in giving back.

Dr. Samski is looking forward to putting her present situation of the harsh terms of her inactive license in the past and she has mentioned she is willing to agree to any terms of on going probation the Board recommends to continue to move forward.

If you have any questions, please do not hesitate to contact me.

Sincerely,


Gregory Sobiech
3727 W. Magnolia #482
Burbank, CA. 91505
(818)209-0447



COUNTY OF SANTA BARBARA

Making a Difference Since 1962

Alcohol, Drug & Mental Health Services

Santa Barbara Adult Services -

4444 Calle Real, Santa Barbara, CA 93110-1316

Telephone: (805) 681-5190 Facsimile: (805) 681-5239

Ann Detrick, PhD
DirectorExecutive Officer Mona Maggio
Board of Optometry
Del Paso Rd. Suite 255
Sacramento CA 95834

2420

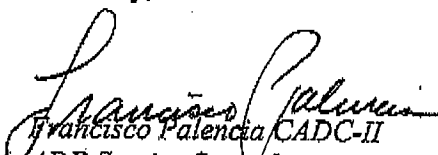
This letter is to confirm that Sharon Samski has been attending the Dual Diagnosis Program (Program that deals with clients that have mental illness and substance abuse issues) three times a week; Monday, Wednesday and Friday. She started on May 27, 2011.

Ms Samski's participation in-group has been positive and constructive. From the beginning she showed great motivation to learn how to deal with her addiction that has been affecting her mental health stability as her personal life. Besides attending her DDX group sessions, Ms Samski has been attending at least three AA (Alcoholics Anonymous) meetings a week. She has been drug tested at random and the results have been negative.

Overall, Ms Samski has been complying with our requirements but, the most important fact, is that she is changing her lifestyle to obtain a trustful position in the community again.

If you have any questions, please feel free to call me at 805-681-4746 or e-mail me at fpalencia@co.santa-barbara.ca.us.

Sincerely,


Francisco Palencia, CADC-II
ADP Service Specialist
Calle Real Outpatient Clinic
County of Santa Barbara
Phone 805-681-4746Marlaine Garrity, R.N.
Deputy Director
AdministrationTom Alvarez, CPA
Assistant Director
FinanceEdwin Feliciano, MD
Medical Director
Assistant DirectorJohn Doyel, MA, CADC-II
Program Manager
Alcohol & Drug Programs



The Council on Alcoholism and Drug Abuse

*Building a safer, healthier community by preventing
and treating alcoholism and drug abuse*

January 11, 2011

Board of Optometry
2420 Del Paso Road, Suite 255
Sacramento, CA. 95834

Re: Sharon Samski, O.D.

To the Board of Optometry,

I have known Dr. Samski for over five years. Our initial introduction was with the Council on Alcoholism and Drug Abuse program as well as visiting her at her office. She has always been professional and I have found her to be extremely competent in her business and personal affairs. I know she is doing an outstanding job with the community and her volunteer efforts, most recently her participating in school screening at the Carpinteria school districts, SEE international, and serving meals at the Casa Esperanza Homeless Shelter. She has established an excellent reputation for helping in the community. She is committed to her involvement in the Santa Barbara and surrounding communities and assists when ever she is needed.

I know you have a duty to the public, but Dr. Samski's inability to practice solo due to the terms of her probation is extreme and does not in any way reflect the responsible behavior I have witnessed these last number of years. I feel this hardship is unwarranted and the community would be better served if she is allowed to practice solo. It is my recommendation that her current probationary terms be modified, if not eliminated to give Dr. Sanski the second chance she has earned.

If you have any further questions, please do not hesitate to contact me.

Sincerely,

Janice Beaty
Program Director
Council on Alcoholism and Drug Abuse



The Council on Alcoholism and Drug Abuse
*Building a safer, healthier community by preventing
and treating alcoholism and drug abuse*

December 15, 2008

To Whom It May Concern:

Re: Sharon Samski

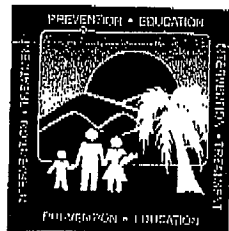
Ms. Samski enrolled in the Multiple Offenders Drinking Driver Program on 4/19/06, and completed the program on 10/19/07.

Her attendance and participation were excellent and she paid the full program fee of \$1,790.00 in a timely manner.

If I may be of any other assistance please contact me or her counselor, William Pierce, at 805-963-1433.

Yours Truly,

Janice Beaty, Director DDP



The Council on Alcoholism and Drug Abuse

*Building a safer, healthier community by preventing
and treating alcoholism and drug abuse*

February 20, 2009

Re: Sharon Samski

To Whom It May Concern:

Ms. Samski saw me for individual counseling sessions bi-monthly from May '06 through July '07. We both decided it would be beneficial for her to continue individual counseling beyond the program requirements.

Ms. Samski made significant progress addressing alcoholism and mental health issues. She developed a support system in recovery, kept appointments with mental health professionals, and took her medications as prescribed.

Ms. Samski managed many stressful situations very successfully during her enrollment with us at the Council on Alcoholism and Drug Abuse. I am optimistic about Sharon Samski's ability to manage her health challenges and perform professionally in her career.

Sincerely,

William Pierce, Counselor



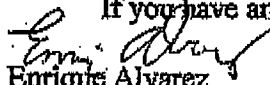
Board of Optometry
2420 Del Paso Rd., suite 255
Sacramento, CA 95834

Re: Dr Sharon Samski

To Whom It May Concern:

I met Dr. Samski during her community service in 2006. I was her Supervisor at the Santa Barbara Parks & Recreation Department. I found Dr. Samski to be the most reliable community participant to date. She was one of the hardest workers that I have had privilege of monitoring. She was very dependable, always on time, and developed a reputation for truth and an excellent character. I am fully aware of her probation status with the Board of Optometry, and I am also aware of the hardship the strict requirements imposed by the Board have left her without employment in the career choice that brings her so much joy. Dr. Samski deserves to have a second chance. We have kept in touch and I also know the effort she puts forth to maintain her rehabilitation process.

If you have any further questions, please feel free to contact me.


Enrique Alvarez

City of Santa Barbara Parks & Recreation Supervisor
(805) 403-5780

Ruth Rech, M.A.
Director of Special Education
Kristin Mayville, M.A.
Administrator of Pupil Services

Arianna Lopez, M.S.
Alex Serrano, M.S.

Amy Smith, M.A.
District Psychologists

Teresa Koontz, M.A.
Gate Program Coordinator



Programs
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Health Program

Carpinteria Unified School District

Pupil Services

11-4-13

Dear Dr. Sharon Samski,

Each year the Carpinteria Unified School District is fortunate to have local Optometrists help with the vision screening of our students. You are one of our long time volunteer Doctors (for over 10 years) and we appreciate the time and energy you bring to support our students. During the screening you are able to identify the children with vision issues efficiently and accurately. The District then alerts families of the potential vision problem their child may have. Numerous children have been outfitted with glasses thanks to Doctors like yourself.

As they say, it takes a village to raise a child. We are so thankful that you are part of our "village".

Thank you,

Ruth Rech M.A.
Health Coordinator

1400 Linden Ave. • Carpinteria, CA 93013 • (805) 684-7657 • FAX (805) 684-7408

Committed to quality education for all.

Aliso Elementary School • Canalizo Elementary School • Summerland Elementary School • Carpinteria Family School
Carpinteria Middle School • Carpinteria High School • Bishop High School • Goodwill High School

Ruth Rech, M.A.
Director of Special Education
Kristin Mayville, M.A.
Administrator of Pupil Services
Arianna Lopez, M.S.
Alex Serrano, M.S.
Amy Smith, M.A.
District Psychologists
Teresa Koontz, M.A.
Gate Program Coordinator



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Carpinteria Unified School District

Pupil Services

October 22, 2012

Dr. Sharon Samski, O.D.
3639 San Remo Dr. #33
Santa Barbara, CA 93121

RE: School Vision Screening 2013-2014

Dear Dr. Samski,

Thank you for volunteering for our district's vision screening. You will be testing students at *Aliso School on Monday, November 18th, Carpinteria High School on Tuesday, November 19th, Canalino School on Wednesday, November 20th, and Carpinteria Middle School on Thursday, November 21st.*

Aliso School begins at 8:00 a.m. Your contact person at Aliso School is Cindy Husted, school secretary, 684-4539. The address of Aliso School is 4545 Carpinteria Ave., Carpinteria.

Carpinteria High School begins at 7:45 a.m. Your contact person at Carpinteria High School is Nellie Galvez, school secretary, 684-4107. The address of CHS is 4810 Foothill Rd., Carpinteria.

Canalino School begins at 8:05 a.m. Your contact person at Canalino School is Leti Garcia, school secretary, 684-4141. Canalino School is located at 1480 Linden Ave., Carpinteria

Middle School begins at 8:30 a.m. Your contact person at Carpinteria Middle School is Sonia Rodriguez, school secretary, 684-4544. The address of the school is 5351 Carpinteria Ave., Carpinteria.

Please plan to arrive at school 15 minutes before school begins so that we can make sure the equipment is set up properly and we can begin on time.

1400 Linden Ave. • Carpinteria, CA 93013 • (805) 684-7657 • FAX (805) 684-7408

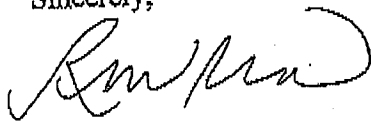
Committed to quality education for all.

Aliso Elementary School • Canalino Elementary School • Summerland Elementary School • Carpinteria Family School
Carpinteria Middle School • Carpinteria High School • Foothill High School

The Carpinteria Lions Club will be providing volunteer assistance with the screening. Lunch will be provided by the school cafeteria should there be the need to continue the screening into the afternoon.

Please feel free to contact Pupil Services at 684-7657 if you have any questions, or will be requiring any additional supplies.

Sincerely,



Ruth Rech
Health Coordinator

Surgical Eye Expeditions International



SEE

INTERNATIONAL
RESTORING SIGHT
TRANSFORMING LIVES

Certificate of Appreciation

Presented to

Sharon Samski, OD

*In appreciation of the invaluable services rendered
in the fight against world blindness.*

George B. Primbs MD FACS

George B. Primbs, M.D., F.A.C.S.
Chairman of the Board



Ruth Rech, M.A.
Coordinator of Special Education
Steve Powell, M.A.
Administrator of Pupil Services
Rondi Campbell, M.A.
Julie Albitre, M.S.
Amy Smith, M.A.
District Psychologists
Teresa Koontz, M.A.
Gate Program Coordinator



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Carpinteria Unified School District

Pupil Services

October 26, 2007

Sharon Samski, O.D.
P.O. Box 23815
Santa Barbara, CA 93121

RE: School Vision Screening 2007 – 2008

Dear Dr. Samski,

Thank you for volunteering for our district's vision screening. You will be testing students at Canalino School Tuesday, December 4, 2007

As school begins at 8:05 a.m., please plan to arrive by 7:45 a.m., so that we can make sure the equipment is set up properly and we can begin on time. Your contact person at Canalino School is Leti Garcia, school secretary, 684-4141. Canalino School is located at 1480 Linden Ave., Carpinteria. Please check in with the Canalino office on the day of the screening and they will direct you to the room where the testing will take place.

The Carpinteria Lions Club will be providing volunteer assistance with the screening. Lunch will be provided by the school cafeteria should there be the need to continue the screening into the afternoon.

Please feel free to contact Pupil Services at 684-7657 if you have any questions, or will be requiring any additional supplies. JMR

Sincerely,

Ruth Rech
Health Coordinator

Cc: Leti Garcia

Ruth Rech, M.A.
Coordinator of Special Education
Steve Powell, M.A.
Administrator of Pupil Services

Rondi Campbell, M.A.

Julie Albitre, M.S.

Amy Smith, M.A.
District Psychologists

Teresa Koontz, M.A.
Gate Program Coordinator



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Carpinteria Unified School District

Pupil Services

October 29, 2007

Sharon Samski, O.D.
P.O. Box 23815
Santa Barbara, CA 93121

RE: School Vision Screening 2007-- 2008

Dear Dr. Samski,

Thank you for volunteering for our district's vision screening. You will be testing students at Aliso School on Thursday, November 29, 2007.

As school begins at 8:00 a.m., please plan to arrive by 7:45 a.m., so that we can make sure the equipment is set up properly and we can begin on time. Your contact person at Aliso School is Cindy Husted, school secretary, 684-4539. The address of Aliso School is 4545 Carpinteria Ave., Carpinteria. Please check in with the Aliso office on the day of the screening and they will direct you to the room where the testing will take place.

The Carpinteria Lions Club will be providing volunteer assistance with the screening. Lunch will be provided by the school cafeteria should there be the need to continue the screening into the afternoon.

Please feel free to contact Pupil Services at 684-7657 if you have any questions, or will be requiring any additional supplies.

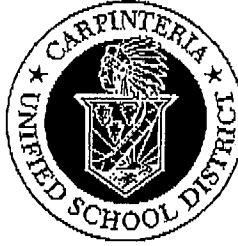
Sincerely,

Ruth Rech
Health Coordinator

RR:ck

Cc: Cindy Husted, Aliso School

Ruth Rech, M.A.
Coordinator of Special Education
Steve Powell, M.A.
Administrator of Pupil Services
Rondi Campbell, M.A.
Julie Albitre, M.S.
Amy Smith, M.A.
District Psychologists
Teresa Koontz, M.A.
Gate Program Coordinator



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Carpinteria Unified School District Pupil Services

November 19, 2007

Sharon Sarnski, O.D.
P.O. Box 23815
Santa Barbara, CA 93103

RE: School Vision Screening 2007 – 2008

Dear Dr. Mayhew,

Thank you for volunteering for our district's vision screening. You will be testing students at Carpinteria High School on Tuesday, November 27, 2007.

As school begins at 7:50 a.m., please plan to arrive by 7:35 a.m., so that we can make sure the equipment is set up properly and we can begin on time. Your contact person at Carpinteria High School is Nellie Galvez, school secretary, 684-4107. The address of CHS is 4810 Foothill Rd., Carpinteria. Please check in with the CHS office on the day of the screening and they will direct you to the room where the testing will take place.

The Carpinteria Lions Club will be providing volunteer assistance with the screening. Lunch will be provided by the school cafeteria should there be the need to continue the screening into the afternoon.

Please feel free to contact Pupil Services at 684-7657 if you have any questions, or will be requiring any additional supplies.

Sincerely,

A handwritten signature in black ink, appearing to read "Ruth Rech", is written over a large, loopy flourish.

Ruth Rech
Health Coordinator

RR:ck

Cc: Nellie Galvez, CHS

Ruth Rech, M.A.
Coordinator of Special Education
Steve Powell, M.A.
Administrator of Pupil Services

Rondi Campbell, M.A.

Julie Albitre, M.S.

Amy Smith, M.A.

District Psychologists

Teresa Koontz, M.A.

Gate Program Coordinator



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Carpinteria Unified School District

Pupil Services

December 1, 2008

Dr. Sharon Samski, OD
P.O. Box 23815
Santa Barbara, CA 93121

RE: School Vision Screening 2008- 2009

Dear Dr. Samski,

Thank you for volunteering for our district's vision screening. You will be testing students at Aliso School on Friday, December 5, 2008 and Friday, December 12, 2008.

As school begins at 8:00 a.m., please plan to arrive by 7:45, so that we can make sure the equipment is set up properly and we can begin on time. Your contact person at Aliso School is Cindy Husted, school secretary, 684-4539. The address of Aliso School is 4545 Carpinteria Ave., Carpinteria. Please check in with the Aliso School office on the day of the screening and they will direct you to the room where the testing will take place.

The Carpinteria Lions Club will be providing volunteer assistance with the screening. Lunch will be provided by the school cafeteria should there be the need to continue the screening into the afternoon.

Please feel free to contact me if you are requiring any additional information.

Sincerely,

Ruth Rech
Health Coordinator



1400 Linden Ave.

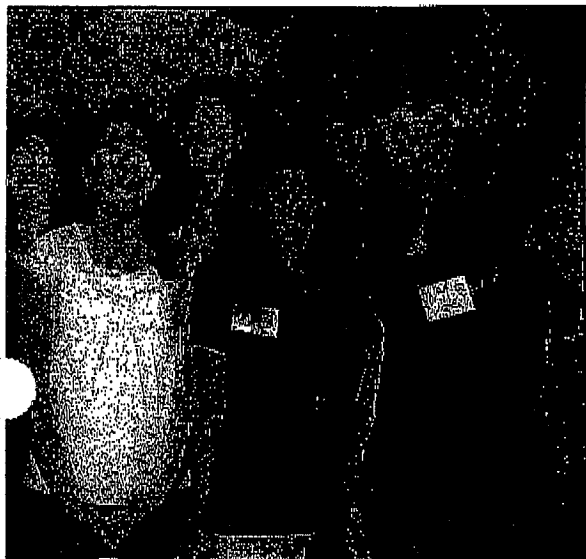
Aliso Elementary School •
Carpinteria Middle School

San Juan High School • Port Hill High School

Scene

Club seeks board members

Lions Club is looking for dedicated community members to join the Council Board, which governs the club. Locals who want to be encouraged to apply. Month to guide policies and plan future programs for the club. Participate in club activities. For more information, call 684-1568 or 964-8974.



SUBMITTED PHOTO

z, Karina Jougla, president of Regency Television, and senior vice president of Lifetime Television, Maria Grasso celebrated at the Beverly Hilton Hotel.

ers meet entertainment execs

ated of Carpinteria recently participated in a Los Angeles event, where women and men in the entertainment industry gathered to support the development of girls and women through their professional careers.

Beverly Hilton Hotel, honored Sarah Tomassi Lindman, a television network executive; Jenny Bicks, who has produced the hit TV series "Army Wives"; and Maria Grasso, who produced the hit TV series "Army Wives".

ana Elizalde, a 2007 national scholarship recipient, presented the award to Lindman.

Girls from Carpinteria met up with entertainment industry executives to learn how to inspire girls to challenge stereotypes and achieve their dreams.

ert Janklow, MD
DERMATOLOGIST

Lions Club rings in donations for Salvation Army

The week of Sunday, Dec. 2, Lions Club members took turns ringing the characteristic bell and gathering donations for the Salvation Army in front of local businesses.

On Saturday, Dec. 8, it was the Lions Club's day to turn out in force to man the Salvation Army Red Kettles at the local super markets. Twenty-eight Lions gave one hour of their time to help the Army in raising funds to be used this holiday season.

Captain Bob Steiner, with the Salvation Army, thanked the club members for their help.

"It's good to have all of the local clubs come together to help the Army in this way. Their efforts are greatly appreciated."

** Volunteered 1 week for school screenings*



SUBMITTED PHOTO

The Canalino School vision screenings were conducted by local physicians, Dr. Groff, Dr. Samski and Dr. Mast and Carpinteria Lions Don LaFever, Mark Bartholomew, Art Overgaag, Jack Herold and Bruce Evans.

Lions Club offers vision screening at schools

The Carpinteria Lions Club completed their 21st year of vision screening of local students. The club partnered with Carpinteria schools to offer the screening, which helps identify children who are at risk for eye disease. More than 800 students received a vision screening this year.



SUBMITTED PHOTO

Lions Club President Jim Lesh, left, and First Vice President Mark Bartholomew did their share for the Salvation Army this past week.

Santa Barbara County

PUBLIC Health

DEPARTMENT

MICHAEL WEXLER, MD

ADMHS

**SANTA BARBARA COUNTY
CLINICAL LABORATORY**315 Camino Del Remedio Santa Barbara, CA 93110
Phone (805) 681-5380
Fax (805) 681-4756

PAGE: 2

LABORATORY REPORT

ROUTINE

PATIENT: SAMSKI, SHARON
AGE: 53 Y SEX: F
DATE OF BIRTH: 01/16/60
PATIENT MRN: 2474443
PATIENT PHONE: (805) 689-9432SAMPLE ID: 201362797
COLL: 10/14/13 14:06
ORD: 10/14/13 14:06
PRNT: 10/15/13 10:30
PRINT LOC: S
CLINIC: CROP

** COMPLETE REPORT **

ORDERING: MICHAEL WEXLER, MD

TEST NAME	IN RANGE	OUT OF RANGE	UNITS	REF RANGE	LAB
-----------	----------	--------------	-------	-----------	-----

NON FASTING

L.D. 10-13-13 @ 1700

mzw
10-22-13**HEMOGRAM**

WBC	5.9		K/uL	4.5 - 10.0	
RBC	3.98	L	M/uL	4.10 - 4.90	
HEMOGLOBIN	11.9	L	G/DL	12.0 - 15.0	
HEMATOCRIT	35.7	L	%	37.0 - 43.0	
MCV	89.8		FL	82.0 - 99.0	
MCH	29.9		PG	26.0 - 32.0	
MCHC	33.3		G/DL	31.0 - 36.0	
PLATELET COUNT	120	L	K/uL	150 - 450	

**MANUAL DIFFERENTIAL
COUNTS**

LYMPH	41		%	25-45	
SEGS		45	L	%	50-70
BAND	4		%	0-10	
MONO	10		%	1-12	
TOTAL	100		%		

RBC MORPHOLOGY NORMAL

OCCASIONAL SMALL PLATELET CLUMPS

PLATELET ESTIMATE DECREASED

MANUAL DIFF REFLECTS ADULT REFERENCE RANGES ONLY

End of Report

DIRECTOR: TIMOTHY P. CLOHERTY, M.D.

SAMSKI, SHARON

MRN# 2474443

Santa Barbara County

PUBLIC Health

DEPARTMENT

MICHAEL WEXLER, MD

ADMHS

**SANTA BARBARA COUNTY
CLINICAL LABORATORY**

315 Camino Del Remedio Santa Barbara, CA 93110

Phone (805) 681-5380

Fax (805) 681-4756

PAGE: 1

LABORATORY REPORT

PATIENT: SAMSKI, SHARON

AGE: 53 Y SEX: F

DATE OF BIRTH: 01/16/60

PATIENT MRN: 2474443

PATIENT PHONE: (805) 689-9432

SAMPLE ID: 201362743

COLL: 10/14/13 11:40

ORD: 10/14/13 11:43

PRNT: 10/15/13 10:30

PRINT LOC: S

CLINIC: CROP

ROUTINE

** COMPLETE REPORT **

ORDERING: MICHAEL WEXLER, MD

TEST NAME	IN RANGE	OUT OF RANGE	UNITS	REF RANGE	LAB
-----------	----------	--------------	-------	-----------	-----

URINE DRUG ABUSE PANEL

PLEASE NOTE

MTW
10-22-13

sa

* These results are for medical treatment only. *

* Analysis was performed as non-forensic testing. *

AMPHETAMINES	NEGATIVE	sa
BARBITURATES	NEGATIVE	sa
BENZODIAZEPINES	NEGATIVE	sa
COCAINE METABOLITES	NEGATIVE	sa
MARIJUANA METABOLITES	NEGATIVE	sa
METHADONE	NEGATIVE	sa
METHAQUALONE	NEGATIVE	sa
OPIATES	NEGATIVE	sa
PHENCYCLIDINE	NEGATIVE	sa
PROPOXYPHENE	NEGATIVE	sa
ENDNOTE	*****	sa

THE SUBMITTED URINE SPECIMEN WAS TESTED AT THE LISTED CUTOFFS AND
CONFIRMED BY A SECOND INDEPENDENT CHEMICAL METHOD.

DRUG CLASS

INITIAL TEST

LEVEL

AMPHETAMINES	1000 ng/mL
BARBITURATES	300 ng/mL
BENZODIAZEPINES	300 ng/mL
COCAINE METABOLITES	300 ng/mL
MARIJUANA METABOLITES	50 ng/mL
METHADONE	300 ng/mL
METHAQUALONE	300 ng/mL
OPIATES	300 ng/mL
PHENCYCLIDINE	25 ng/mL
PROPOXYPHENE	300 ng/mL

-sa=PERFORMED AT: QUEST DIAGNOSTICS-WEST HILLS

8401 FALLBROOK AVENUE

WEST HILLS CA 91304-3226

Continued on next page

DIRECTOR: TIMOTHY P. CLOHERTY, M.D.

SAMSKI, SHARON

MRN# 2474443

Santa Barbara County

PUBLIC Health

DEPARTMENT

MICHAEL WEXLER, MD

ADMHS

SANTA BARBARA COUNTY**CLINICAL LABORATORY**

315 Camino Del Remedio Santa Barbara, CA 93110

Phone (805) 681-5380

Fax (805) 681-4756

PAGE: 2

LABORATORY REPORT

ROUTINE

PATIENT: SAMSKI, SHARON

AGE: 53 Y SEX: F

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PRNT: 10/15/13 10:30

PRINT LOC: S

CLINIC: CROP

** COMPLETE REPORT **

ORDERING: MICHAEL WEXLER, MD

TEST NAME

IN RANGE OUT OF RANGE

UNITS

REF RANGE

LAB

GORDON L. LOVE, MD

End of Report

DIRECTOR: TIMOTHY P. CLOHERTY, M.D.

SAMSKI, SHARON

MRN# 2474443

Santa Barbara County

PUBLIC Health

DEPARTMENT

MICHAEL WEXLER, MD

ADMHS

**SANTA BARBARA COUNTY
CLINICAL LABORATORY**315 Camino Del Remedio Santa Barbara, CA 93110
Phone (805) 681-5380
Fax (805) 681-4756**COPY**

PAGE: 1

LABORATORY REPORT

PATIENT: SAMSKI, SHARON
 AGE: 53 Y SEX: F
 DATE OF BIRTH: 01/16/60
 PATIENT MRN: 2474443
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 CLINIC: CROP

ROUTINE

** COMPLETE REPORT **

ORDERING: MICHAEL WEXLER, MD

TEST NAME	IN RANGE	OUT OF RANGE	UNITS	REF RANGE	LAB
-----------	----------	--------------	-------	-----------	-----

NON-FASTING

L.D. 10-13-13 @ 1700

COMPREHENSIVE WITH GFR

SODIUM	135	L	MEQ/L	136 - 145	
POTASSIUM	4.4		MEQ/L	3.5 - 5.1	
CHLORIDE	99		MEQ/L	98 - 107	
CARBON DIOXIDE	29		MEQ/L	21 - 31	
ANION GAP	11.4		MEQ/L	10.0 - 20.0	
UREA NITROGEN	10		MG/DL	7 - 25	
CREATININE, SERUM	0.85		MG/DL	0.60 - 1.30	
GFR ESTIMATE	>60		mL/min	>OR = 60	

GFR-REFERENCE RANGE: >OR=60 mL/min/1.73m2

IF RESULT OF GFR IS <60 AND THE PATIENT IS
 AFRICAN AMERICAN, MULTIPLY RESULT BY 1.210.
 CALCULATION UPDATED 09/03/2010

REFERENCE: NKDEP 06/30/2010

GLUCOSE	80		MG/DL	FAST < 100	
CALCIUM	9.5		MG/DL	8.2 - 10.0	
BILIRUBIN, TOTAL	0.5		MG/DL	0.3 - 1.0	
ALKALINE PHOSPHATASE	33		U/L	33-130	
SGPT/ALT	11		U/L	7 - 52	
SGOT/AST	17		U/L	13 - 39	
TOTAL PROTEIN	6.3	L	G/DL	6.4 - 8.9	
ALBUMIN	4.2		G/DL	3.5 - 5.7	
GLOBULIN	2.1		G/DL	2.0 - 4.1	
A/G RATIO	2.0			1.1 - 2.2	

THYROID FUNCTION PANEL

TSH, ULTRA SENS.	1.029		UIU/ML	0.55-4.78	
------------------	-------	--	--------	-----------	--

REFERENCE RANGE NOT AVAILABLE

FOR AGES: NEWBORN TO 23 MONTHS

FREE THYROXINE	1.06		NG/DL	0.89-1.76	
----------------	------	--	-------	-----------	--

ADULT RANGES

VALPROIC ACID (DEPAKENE)

86.2

MCG/ML

THERAPEUTIC RANGE: EPILEPSY: 50-100 MCG/ML, MANIA: 50-125 MCG/ML
 REFERENCE: FACTS AND COMPARISONS, WOLTERS KLUWER, 2010

Continued on next page

DIRECTOR: TIMOTHY P. CLOHERTY, M.D.

SAMSKI, SHARON

MRN# 2474443

Santa Barbara County

PUBLIC Health

DEPARTMENT

MICHAEL WEXLER, MD

ADMHS

**SANTA BARBARA COUNTY
CLINICAL LABORATORY**

315 Camino Del Remedio Santa Barbara, CA 93110

Phone (805) 681-5380

Fax (805) 681-4756

COPY PAGE: 2
LABORATORY REPORT

PATIENT: SAMSKI, SHARON
 AGE: 53 Y SEX: F
 DATE OF BIRTH: 01/16/60
 PATIENT MRN: 2474443
 PATIENT PHONE: (805) 689-9432

SAMPLE ID: 201362797
 COLL: 10/14/13 14:06
 ORD: 10/14/13 14:06
 PRNT: 10/15/13 10:30
 PRINT LOC: S
 CLINIC: CROP

ROUTINE

** COMPLETE REPORT **

ORDERING: MICHAEL WEXLER, MD

TEST NAME	IN RANGE	OUT OF RANGE	UNITS	REF RANGE	LAB
-----------	----------	--------------	-------	-----------	-----

NON FASTING

L.D. 10-13-13 @ 1700

mtw
10-22-13

HEMOGRAM					
WBC	5.9		K/uL	4.5 - 10.0	
RBC	3.98	L	M/uL	4.10 - 4.90	
HEMOGLOBIN	11.9	L	G/DL	12.0 - 15.0	
HEMATOCRIT	35.7	L	%	37.0 - 43.0	
MCV	89.8		FL	82.0 - 99.0	
MCH	29.9		PG	26.0 - 32.0	
MCHC	33.3		G/DL	31.0 - 36.0	
PLATELET COUNT	120	L	K/uL	150 - 450	

**MANUAL DIFFERENTIAL
COUNTS**

LYMPH	41	%	25-45
SEGS	45	L	50-70
BAND	4	%	0-10
MONO	10	%	1-12
TOTAL	100	%	

RBC MORPHOLOGY NORMAL

OCCASIONAL SMALL PLATELET CLUMPS

PLATELET ESTIMATE DECREASED

MANUAL DIFF REFLECTS ADULT REFERENCE RANGES ONLY

End of Report

DIRECTOR: TIMOTHY P. CLOHERTY, M.D.

SAMSKI, SHARON

MRN# 2474443

Santa Barbara County

PUBLIC Health

DEPARTMENT

MICHAEL WEXLER, MD

ADMHS

**SANTA BARBARA COUNTY
CLINICAL LABORATORY**315 Camino Del Remedio Santa Barbara, CA 93110
Phone (805) 681-5380
Fax (805) 681-4756**COPY** PAGE: 1
LABORATORY REPORT

ROUTINE

PATIENT: SAMSKI, SHARON
AGE: 53 Y SEX: F
DATE OF BIRTH: 01/16/60
PATIENT MRN: 2474443
PATIENT PHONE: (805) 689-9432SAMPLE ID: 201362743
COLL: 10/14/13 11:40
ORD: 10/14/13 11:43
PRNT: 10/15/13 10:30
PRINT LOC: S
CLINIC: CROP

** COMPLETE REPORT **

ORDERING: MICHAEL WEXLER, MD

TEST NAME	IN RANGE	OUT OF RANGE	UNITS	REF RANGE	LAB
-----------	----------	--------------	-------	-----------	-----

URINE DRUG ABUSE PANEL

PLEASE NOTE

MSW
10-22-13

sa

* These results are for medical treatment only. *

* Analysis was performed as non-forensic testing. *

AMPHETAMINES	NEGATIVE	sa
BARBITURATES	NEGATIVE	sa
BENZODIAZEPINES	NEGATIVE	sa
COCAINE METABOLITES	NEGATIVE	sa
MARIJUANA METABOLITES	NEGATIVE	sa
METHADONE	NEGATIVE	sa
METHAQUALONE	NEGATIVE	sa
OPIATES	NEGATIVE	sa
PHENCYCLIDINE	NEGATIVE	sa
PROPOXYPHENE	NEGATIVE	sa
ENDNOTE	*****	sa

THE SUBMITTED URINE SPECIMEN WAS TESTED AT THE LISTED CUTOFFS AND
CONFIRMED BY A SECOND INDEPENDENT CHEMICAL METHOD.

DRUG CLASS

INITIAL TEST
LEVEL

AMPHETAMINES	1000 ng/mL
BARBITURATES	300 ng/mL
BENZODIAZEPINES	300 ng/mL
COCAINE METABOLITES	300 ng/mL
MARIJUANA METABOLITES	50 ng/mL
METHADONE	300 ng/mL
METHAQUALONE	300 ng/mL
OPIATES	300 ng/mL
PHENCYCLIDINE	25 ng/mL
PROPOXYPHENE	300 ng/mL

sa=PERFORMED AT:

QUEST DIAGNOSTICS-WEST HILLS
8401 FALLBROOK AVENUE
WEST HILLS CA 91304-3226

Continued on next page

DIRECTOR: TIMOTHY P. CLOHERTY, M.D.

SAMSKI, SHARON

MRN# 2474443

Santa Barbara County

PUBLIC**Health**

DEPARTMENT

MICHAEL WEXLER, MD

ADMHS

SANTA BARBARA COUNTY**CLINICAL LABORATORY**

315 Camino Del Remedio Santa Barbara, CA 93110

Phone (805) 681-5380

Fax (805) 681-4756

COPY

PAGE: 2

LABORATORY REPORT

ROUTINE

PATIENT: SAMSKI, SHARON

AGE: 53 Y SEX: F

DATE OF BIRTH: 01/16/60

PATIENT MRN: 2474443

PATIENT PHONE: (805) 689-9432

SAMPLE ID: 201362743

COLL: 10/14/13 11:40

ORD: 10/14/13 11:43

PRNT: 10/15/13 10:30

PRINT LOC: S

CLINIC: CROP

** COMPLETE REPORT **

ORDERING: MICHAEL WEXLER, MD

TEST NAME

IN RANGE OUT OF RANGE

UNITS

REF RANGE

LAB

GORDON L. LOVE, MD

End of Report

DIRECTOR: TIMOTHY P. CLOHERTY, M.D.

SAMSKI, SHARON

MRN# 2474443

STATE OF CALIFORNIA - STATE AND CONSUMER SERVICES AGENCY

Arnold Schwarzenegger, Governor



BOARD OF OPTOMETRY
 400 R Street, Suite 4090
 Sacramento, CA 95814-6200
 (916) 323-8720 / (800) 547-4576
 www.optometry.ca.gov

COPY

ON - GOING TREATMENT VERIFICATION

Name of Probationer: Sharon Samski OD License No. 9351

The probationary optometrist named above, is serving a probation term with this Board and has chosen you to provide mandatory on-going treatment. The optometrist must continue in treatment until you recommend that the treatment be modified or discontinued.

As required by the conditions of probation, the optometrist must have the treating professional send a progress summary to the Board's Probation Monitor upon request. The summary is necessary to determine if the nurse is in compliance with his/her probation requirements, and is capable of safe and competent optometric practice. As such, please provide your responses to the questions below no later than _____.

1. What is this optometrist seeing you for? (Provide specifics)

medication prescribing & monitoring for Bipolar Disorder.

2. How many treatment sessions does this optometrist attend on a regular basis?

med review / Follow-up w/ every 3 months

3. How long will the treatment plan for this optometrist last?

Indefinite

4. Has the optometrist regularly attended all treatment appointments?

☒ Yes: _____

☐ No: (Explain) _____

5. Has the optometrist shown improvement as a result of your sessions?

☒ Yes: _____

☐ No: (Explain) _____

COPY

6. Have you prescribed any medication for this optometrist?

☒ Yes: (Identify the medication, when & why prescribed, and how long it is needed)Depakote ER 2000mg po qhs for Bipolar Disorder☐ No:

7. Do you believe this optometrist is capable of safely performing the functions of a licensed optometrist?

☒ Yes:☐ No: (Explain)

8. What is your current prognosis or recommendation for this optometrist? (Please attach your current diagnosis for this optometrist using DSM criteria).

Prognosis is good. Stable 2 med. Clean + Sober for years now.
Bipolar Disorder (296.20)
Alcohol Dependence in Sustained Full Remission.

9. Has the optometrist completed your recommended treatment plan?

☒ Yes:☐ No: (Explain)

COUNTY OF SANTA BARBARA

4444 CALLE REAL

SANTA BARBARA, CALIF. 93110

Examiner's Name:	<u>Michael J. Wexler, M.D.</u>	License #	<u>A61110</u>
Specialty, if any:	<u>Psychiatry</u>		
Address:		Phone	<u>(805) 681-5190</u>
Signature:	<u>Michael J. Wexler MD</u>	Date:	<u>10-22-13</u>

RETURN THE COMPLETED FORM TO:

State of California

Department of Consumer Affairs
Division of Investigation
Chatsworth Field Office
21601 Devonshire Street, Suite 212
Chatsworth, CA 91311



Mark Felton
Senior Investigator

Field Office (818) 885-2000
FAX (818) 885-2006

**HEALTH CARE
CENTERS****PUBLIC HEALTH DEPARTMENT
SANTA BARBARA COUNTY****Santa Barbara Health Care Center**345 Camino del Remedio Santa Barbara, CA 93110-1332
805-681-5488 Fax: 805-681-5404

March 20, 2013

Page 1

For : SHARON SAMSKI MRN 2474443

DOB: 01/16/1960

***Patient Instructions**

The below contains confidential patient information. If you choose not to keep this information for your own personal use please discard in a safe/secure shredding receptacle or give back to your Care Team and they will destroy this for you.

Reason for your visit:

Thyroid FU

Based on this visit, your provider recommended the following:

- 1) go to lab now
- 2) limit coffee to 2 8oz cups daily

Problems associated with your visit include:

Assessed FATIGUE as comment only - Jane McClenahan, MD

Complete Problems list:

FATIGUE (ICD-780.79)
ROUTINE GYN EXAM (ICD-V72.31)
PREVENTIVE HEALTH CARE (ICD-V70.0)
Hx of BIPOLAR AFFECT D/O (ICD-296.7)

Most recent Vitals observed:

Weight: 147 pounds
Temperature: 97.7 degrees F
Pulse Rate: 81 beats/minute
Respiration Rate: 13 breaths/minute
Blood Pressure: 116 / 80 mm Hg

Scheduled Appointments:

<None>

Procedures and Services:

Office Visit Est Detailed (25 min) [CPT-99214]

Labs and Tests ordered (this is not a lab requisition - please utilize PHD's internal clinical lab for

**Santa Barbara Health Care Center**

345 Camino del Remedio Santa Barbara, CA 93110-1332
805-681-5488 Fax: 805-681-5404

*March 20, 2013*Page 2**For : SHARON SAMSKI MRN 2474443****DOB: 01/16/1960*****Patient Instructions**

your services as they already have your lab order on file):

Comprehensive with GFR (CMP) [0061]
Lipid Panel [0077]
Thyroid Function Panel (TSH/FT4) [0165]
Complete Blood Count (CBC) [0499]
Vitamin B12/Folate [2224]
T3 Free [2007]

Labs and Tests received in the past 3 days:

No lab results.

Your current medications include:

1) DEPAKOTE 500 MG TBEC (DIVALPROEX SODIUM)

Your new medications include:

Please contact us if you have any questions or concerns 805-681-5488.

SANTA BARBARA COUNTY
DEPARTMENT OF
Alcohol, Drug & Mental Health Services
Santa Barbara Adult Services - Adult
4444 Calle Real, Santa Barbara, CA 93110-1316
Telephone: (805) 681-5190 Facsimile: (805) 681-5239

The information contained in this facsimile message is privileged and confidential information intended for use of the addressee listed. If you are neither the intended recipient, nor the employee or agent responsible for delivering this information to the intended recipient, you are hereby notified that any use, disclosure, copying, distribution or taking of any action in reliance on the content of this telecopied protected health information is strictly prohibited. If you have received this fax in error, please shred it immediately or take any steps necessary to ensure permanent deletion.

Sender's Name: _____

Notified recipient of transmission via telephone at _____ o'clock _____ (initials)

Verified receipt via telephone at _____ o'clock & Transmission Report Attached _____ (initials)

FAX TRANSMITTAL

Date: 02/12/2013 Time: 2:25 pm No. of Pages: 3 (including cover sheet)

TO: Jessica Sieferman - Enforcement Analyst

State Board of Optometry

Telephone: (818) 885-2000

Fax: (818) 885-2006

FROM: Dr. James Stewart - Staff Psychiatrist

ADMHS County of Santa Barbara

Telephone: (805) 681-5190

Fax: (805) 681-5239

COMMENTS:

FAXED
2/12/13

2:26 pm

(gm)

STATE OF CALIFORNIA - STATE AND CC JMWER SERVICES AGENCY

Arnold Schwarzenegger, Governor



BOARD OF OPTOMETRY
400 R Street, Suite 4090
Sacramento, CA 95814-6200
(916) 323-8720 / (800) 547-4576
www.optometry.ca.gov

ON - GOING TREATMENT VERIFICATIONName of Probationer: Sharon Samski OD License No. 9351

The probationary optometrist named above, is serving a probation term with this Board and has chosen you to provide mandatory on-going treatment. The optometrist must continue in treatment until you recommend that the treatment be modified or discontinued.

As required by the conditions of probation, the optometrist must have the treating professional send a progress summary to the Board's Probation Monitor upon request. The summary is necessary to determine if the nurse is in compliance with his/her probation requirements, and is capable of safe and competent optometric practice. As such, please provide your responses to the questions below no later than _____

1. What is this optometrist seeing you for? (Provide specifics)
Medication prescribing and monitoring. Supervision of treatment of bipolar mood disorder.
2. How many treatment sessions does this optometrist attend on a regular basis?
She has been keeping regular appointments every 6 to 12 wks
3. How long will the treatment plan for this optometrist last?
Indefinitely
4. Has the optometrist regularly attended all treatment appointments?
☒ Yes: _____

No: (Explain) _____

5. Has the optometrist shown improvement as a result of your sessions?
☒ Yes: _____

No: (Explain) _____

6. Have you prescribed any medication for this optometrist?

☒ Yes: (Identify the medication, when & why prescribed, and how long it is needed)

Depakote 400mg, 4at night for stabilization of her Bipolar Disorder
Started treatment 7-2-07, will continue indefinitely.
No:

7. Do you believe this optometrist is capable of safely performing the functions of a licensed optometrist?

☒ Yes:

No: (Explain)

8. What is your current prognosis or recommendation for this optometrist? (Please attach your current diagnosis for this optometrist using DSM criteria).

Prognosis good. Diagnosis Axis I 296.40 Bipolar Disorder 303.90
Alcohol Dependence in sustained and full remission

9. Has the optometrist completed your recommended treatment plan?

☐ Yes:

☒ No: (Explain) Her treatment is ongoing. She is doing well.

Examiner's Name: James H. Stewart MD

License # C 36241

Specialty, if any: Psychiatry

Address: 4444 Calle Real, Santa Barbara, CA 93111

Phone (818) 681-5790

Signature: James H. Stewart MD

Date: 2-12-2013

RETURN THE COMPLETED FORM TO:

State of California

Department of Consumer Affairs
Division of Investigation
Chatsworth Field Office
21601 Devonshire Street, Suite 212
Chatsworth, CA 91311



Mark Felton
Senior Investigator

Field Office (818) 885-2000
FAX (818) 885-2006

Santa Barbara County

PUBLIC Health

DEPARTMENT

JAMES STEWART, MD

ADMHS -CROP

ROUTINE

10:36 AM.
FAXED
6/4/13
TO: Board of Opt.**SANTA BARBARA COUNTY****CLINICAL LABORATORY**

315 Camino Del Remedio Santa Barbara, CA 93110

Phone (805) 681-5380

Fax (805) 681-4756

PAGE# 1

LABORATORY REPORT

PATIENT: SAMSKI, SHARON

AGE: 53 Y SEX: F

DATE OF BIRTH: 01/16/60

PATIENT MRN: 2474443

PATIENT PHONE: (805) 689-9432

SAMPLE ID: 201333203

COLL: 05/28/13 14:51

ORD: 05/28/13 15:32

PRNT: 05/29/13 10:30

PRINT LOC: S

CLINIC: CROP

** COMPLETE REPORT **

ORDERING: JAMES STEWART, MD

TEST NAME	IN RANGE	OUT OF RANGE	UNITS	REF RANGE	LAE
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URINE DRUG ABUSE PANEL

PLEASE NOTE

sa

* These results are for medical treatment only. *

* Analysis was performed as non-forensic testing. *

AMPHETAMINES	NEGATIVE	sa
BARBITURATES	NEGATIVE	sa
BENZODIAZEPINES	NEGATIVE	sa
COCAINE METABOLITES	NEGATIVE	sa
MARIJUANA METABOLITES	NEGATIVE	sa
METHADONE	NEGATIVE	sa
METHAQUALONE	NEGATIVE	sa
OPIATES	NEGATIVE	sa
PHENCYCLIDINE	NEGATIVE	sa
PROPOXYPHENE	NEGATIVE	sa
ENDNOTE	*****	sa

THE SUBMITTED URINE SPECIMEN WAS TESTED AT THE LISTED CUTOFFS AND
 CONFIRMED BY A SECOND INDEPENDENT CHEMICAL METHOD.

DRUG CLASS

INITIAL TEST
LEVEL

AMPHETAMINES	1000 ng/mL
BARBITURATES	300 ng/mL
BENZODIAZEPINES	300 ng/mL
COCAINE METABOLITES	300 ng/mL
MARIJUANA METABOLITES	50 ng/mL
METHADONE	300 ng/mL
METHAQUALONE	300 ng/mL
OPIATES	300 ng/mL
PHENCYCLIDINE	25 ng/mL
PROPOXYPHENE	300 ng/mL

sa=PERFORMED AT:

QUEST DIAGNOSTICS-WEST HILLS

8401 FALLBROOK AVENUE

WEST HILLS-CA 91304-3226

Continued on next page

DIRECTOR: TIMOTHY P. CLOHERTY, M.D.

SAMSKI, SHARON

MRN# 2474443

STATE OF CALIFORNIA - STATE AND CONSUMER SERVICES AGENCY

Arnold Schwarzenegger, Governor



BOARD OF OPTOMETRY

400 R Street, Suite 4090
 Sacramento, CA 95814-6200
 (916) 323-8720 / (800) 547-4576
 www.optometry.ca.gov

COPY

ON - GOING TREATMENT VERIFICATION

Name of Probationer: Sharon Samson OD License No. 9351

The probationary optometrist named above, is serving a probation term with this Board and has chosen you to provide mandatory on-going treatment. The optometrist must continue in treatment until you recommend that the treatment be modified or discontinued.

As required by the conditions of probation, the optometrist must have the treating professional send a progress summary to the Board's Probation Monitor upon request. The summary is necessary to determine if the nurse is in compliance with his/her probation requirements, and is capable of safe and competent optometric practice. As such, please provide your responses to the questions below no later than _____.

1. What is this optometrist seeing you for? (Provide specifics)

Medication monitoring, evaluation and supervision of
her treatment for Bipolar Mood Disorder

2. How many treatment sessions does this optometrist attend on a regular basis?

She has been keeping regular appointments
every 6 to 12 weeks

3. How long will the treatment plan for this optometrist last?

Indefinitely

4. Has the optometrist regularly attended all treatment appointments?

✓ Yes:

No: (Explain)

5. Has the optometrist shown improvement as a result of your sessions?

✓ Yes:

No: (Explain)

COPY

6. Have you prescribed any medication for this optometrist?

☒ Yes: (Identify the medication, when & why prescribed, and how long it is needed)Depakote 400mg - 4at night for stabilization of her Bipolar Disorder. Started 7-2-07, will continue indefinitely

No:

7. Do you believe this optometrist is capable of safely performing the functions of a licensed optometrist?

☒ Yes:

No: (Explain)

8. What is your current prognosis or recommendation for this optometrist? (Please attach your current diagnosis for this optometrist using DSM criteria).

Prognosis is good. Diagnosis Axis I: 296.20 Bipolar Disorder 309.90 Alcohol Dependence in remission and full remission

9. Has the optometrist completed your recommended treatment plan?

Yes:

☒ No: (Explain) Her treatment is ongoing. She is doing well.

Examiner's Name:	<u>James H Stewart MD</u>	License #	<u>36241</u>
Specialty, if any:	<u>Psychiatry - Board Certified</u>		
Address:	<u>4444 Calle Regal, Santa Barbara, CA 93110</u>	Phone	<u>(805) 681-5190</u>
Signature:	<u>James H Stewart MD</u>	Date:	<u>9-25-2012</u>

RETURN THE COMPLETED FORM TO:

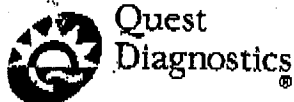
State of California

Department of Consumer Affairs
 Division of Investigation
 Chatsworth Field Office
 21601 Devonshire Street, Suite 212
 Chatsworth, CA 91311



Mark Felton
 Senior Investigator

Field Office (818) 885-2000
 FAX (818) 885-2006



Quest Diagnostics Incorporated

 PATIENT INFORMATION
SAMSKI, SHARON

 REPORT STATUS **Final**

QUEST DIAGNOSTICS INCORPORATED

 DOB: 01/16/1960 Age: 50
 GENDER: F

 ORDERING PHYSICIAN
STEWART, JAMES H

 CLIENT INFORMATION
 76065523
 COUNTY OF SANTA BARBARA
 HEALTH CARE CLINICAL LAB
 315 CAMINO DEL REMEDIO FL 1
 SANTA BARBARA, CA 93110-1332

SPECIMEN INFORMATION

SPECIMEN: EN828278B

REQUISITION: 0016455

LAB REF NO: 201033823/ CROP

ID: 2474443

 COLLECTED: 09/20/2010 08:32
 RECEIVED: 09/20/2010 21:50
 REPORTED: 09/21/2010 05:08

Test Name	In Range	Out of Range	Reference Range	Lab
DRUG ABUSE PANEL 10-50				EN

 * These results are for medical treatment only. *
 * Analysis was performed as non-forensic testing. *

AMPHETAMINES	NEGATIVE
(1000 ng/mL SCREEN)	
BARBITURATES	NEGATIVE
BENZODIAZEPINES	NEGATIVE
COCAINE METABOLITES	NEGATIVE
MARIJUANA METABOLITES	NEGATIVE
(50 ng/mL SCREEN)	
METHADONE	NEGATIVE
METHAQUALONE	NEGATIVE
OPIATES	NEGATIVE
PHENCYCLIDINE	NEGATIVE
PROPOXYPHENE	NEGATIVE

 THE SUBMITTED URINE SPECIMEN WAS TESTED AT THE LISTED CUTOFFS AND
 CONFIRMED BY A SECOND INDEPENDENT CHEMICAL METHOD.

DRUG CLASS	INITIAL TEST LEVEL
------------	-----------------------

AMPHETAMINES	1000 ng/mL
BARBITURATES	300 ng/mL
BENZODIAZEPINES	300 ng/mL
COCAINE METABOLITES	300 ng/mL
MARIJUANA METABOLITES	50 ng/mL
METHADONE	300 ng/mL
METHAQUALONE	300 ng/mL
OPIATES	300 ng/mL
PHENCYCLIDINE	25 ng/mL
PROPOXYPHENE	300 ng/mL

Performing Laboratory Information:

EN Quest Diagnostics-West Hills 8401 Fallbrook Ave West Hills CA 91304 Laboratory Director: Lee H Wilborns M.D.

MSKI, SHARON - EN828278B

Page 1 - End of Report

Printed by Care350 AutoReceive on 09/21/10 at 08:00am.

STATE OF CALIFORNIA - STATE AND CONSUMER SERVICES AGENCY

Arnold Schwarzenegger, Governor



BOARD OF OPTOMETRY

400 R Street, Suite 4000
 Sacramento, CA 95811-8200
 (916) 323-8720 / (800) 547-4576
 www.optometry.ca.gov

ON - GOING TREATMENT VERIFICATION

Name of Probationer: Sharon Samse OD License No. 9351

The probationary optometrist named above, is serving a probation term with this Board and has chosen you to provide mandatory on-going treatment. The optometrist must continue in treatment until you recommend that the treatment be modified or discontinued.

As required by the conditions of probation, the optometrist must have the treating professional send a progress summary to the Board's Probation Monitor upon request. The summary is necessary to determine if the nurse is in compliance with his/her probation requirements, and is capable of safe and competent optometric practice. As such, please provide your responses to the questions below no later than _____

1. What is this optometrist seeing you for? (Provide specifics)

medication monitoring of a Bipolar Mood Disorder

2. How many treatment sessions does this optometrist attend on a regular basis?

This is my first appointment with Sharon. She has been seen every 12 wks for medication monitoring only for 5+ yrs

3. How long will the treatment plan for this optometrist last?

Ongoing, no termination date

4. Has the optometrist regularly attended all treatment appointments?

Yes: Her last psychiatrist at this Clinic noted "she has never missed or rescheduled an appointment"

No: (Explain)

5. Has the optometrist shown improvement as a result of your sessions?

Yes: She is currently stable and was stable while being seen by previous psychiatrist since 2008

No: (Explain)

6. Have you prescribed any medication for this optometrist?

☒ Yes: (Identify the medication, when & why prescribed, and how long it is needed)

Depakote 500 mg. - 4 in P.M. - prescribed to stabilize
mood disorder. She will be on it long term.
No:

7. Do you believe this optometrist is capable of safely performing the functions of a licensed optometrist?

☒ Yes: I see no reason she could not safely perform the
No: (Explain) functions of a licensed optometrist.

8. What is your current prognosis or recommendation for this optometrist? (Please attach your current diagnosis for this optometrist using DSM criteria).

Her prognosis is excellent Diagnosis Axis I 296.20
Bipolar Disorder

9. Has the optometrist completed your recommended treatment plan?

Yes:

☒ No: (Explain) Her illness requires long term maintenance
therapy and monitoring which she understands and agrees with.

Examiner's Name: James H. Stewart MD License # C 36241
Specialty, if any: Psychiatrist
Address: Calla Reat MHOPE 4444 Calle Real Santa Barbara Phone (805) 681-5190
Signature: James H. Stewart MD CA 93109 Date: 9-21-10

RETURN THE COMPLETED FORM TO:

State of California

Department of Consumer Affairs
Division of Investigation
Chatsworth Field Office
21601 Devonshire Street, Suite 212
Chatsworth, CA 91311



Mark Felton
Senior Investigator

Field Office (818) 885-2000
FAX (818) 885-2006

SANTA BARBARA COUNTY
CLINICAL LABORATORY
315 CAMINO DEL REMEDIO
SANTA BARBARA, CA 93110
(805)681-5380

PAGE: 1

JAMES STEWART, MD
() -
ADMHS -CROP

PATIENT: SAMSKI, SHARON

AGE: 52 Y SEX: F

DATE OF BIRTH: 01/16/60

PATIENT MRN: 2474443

PATIENT PHONE: (805)689-9432

SAMPLE ID: 201248689

COLL: 09/21/12 09:51

ORD : 09/21/12 09:51

PRNT: 09/24/12 10:30

PRINT LOC: S

CLINIC: CROP

ROUTINE

** COMPLETE REPORT **

ORDERING: JAMES STEWART, MD

TEST NAME	IN RANGE	OUT OF RANGE	UNITS	REF RANGE	LAB
999001100					

URINE DRUG ABUSE PANEL
PLEASE NOTE

sa

* These results are for medical treatment only. *
* Analysis was performed as non-forensic testing. *

AMPHETAMINES	NEGATIVE	sa
BARBITURATES	NEGATIVE	sa
BENZODIAZEPINES	NEGATIVE	sa
COCAINE METABOLITES	NEGATIVE	sa
MARIJUANA METABOLITES	NEGATIVE	sa
METHADONE	NEGATIVE	sa
METHAQUALONE	NEGATIVE	sa
OPIATES	NEGATIVE	sa
PHENCYCLIDINE	NEGATIVE	sa
PROPOXYPHENE	NEGATIVE	sa
ENDNOTE	*****	sa

THE SUBMITTED URINE SPECIMEN WAS TESTED AT THE LISTED CUTOFFS AND
CONFIRMED BY A SECOND INDEPENDENT CHEMICAL METHOD.

DRUG CLASS	INITIAL TEST LEVEL
------------	-----------------------

AMPHETAMINES	1000 ng/mL
BARBITURATES	300 ng/mL
BENZODIAZEPINES	300 ng/mL
COCAINE METABOLITES	300 ng/mL
MARIJUANA METABOLITES	50 ng/mL
METHADONE	300 ng/mL
METHAQUALONE	300 ng/mL
OPIATES	300 ng/mL
PHENCYCLIDINE	25 ng/mL
PROPOXYPHENE	300 ng/mL

sa-PERFORMED AT: QUEST DIAGNOSTICS-WEST HILLS

Continued on next page

SAMSKI, SHARON

MRN# 2474443

DIRECTOR: TIMOTHY P. CLOHERTY, M.D.

PAGE: 1

SANTA BARBARA COUNTY
CLINICAL LABORATORY
315 CAMINO DEL REMEDIO
SANTA BARBARA, CA 93110
(805)681-5380

JAMES STEWART, MD
() -
ADMHS -CROP

PATIENT: SAMSKI, SHARON

AGE: 52 Y SEX: F

DATE OF BIRTH: 01/16/60

PATIENT MRN: 2474443

PATIENT PHONE: (805)689-9432

SAMPLE ID: 201228626

COLL: 06/12/12 08:53

ORD : 06/12/12 08:56

PRNT: 06/12/12 10:30

PRINT LOC: S

CLINIC: CROP

ROUTINE

** COMPLETE REPORT **

ORDERING: JAMES STEWART, MD

TEST NAME	IN RANGE	OUT OF RANGE	UNITS	REF RANGE	LAB
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NON-FASTING

LD: 6/11 AT 1700 HRS

VALPROIC ACID (DEPAKENE)

99.5

MCG/ML

THERAPEUTIC RANGE: EPILEPSY:50-100 MCG/ML, MANIA:50-125 MCG/ML

REFERENCE:FACTS AND COMPARISONS, WOLTERS KLUWER, 2010

*** REFERENCE COPY ONLY ***

End of Report

SAMSKI, SHARON

MRN# 2474443

DIRECTOR: PETER L. MORRIS, M.D.

SANTA BARBARA COUNTY
CLINICAL LABORATORY
315 CAMINO DEL REMEDIO
SANTA BARBARA, CA 93110
(805) 681-5380

PAGE: 2

JAMES STEWART, MD
() -
ADMHS -CROP

PATIENT: SAMSKI, SHARON

AGE: 52 Y SEX: F

DATE OF BIRTH: 01/16/60

PATIENT MRN: 2474443

PATIENT PHONE: (805) 689-9432

SAMPLE ID: 201248689

COLL: 09/21/12 09:51

ORD: 09/21/12 09:51

PRNT: 09/24/12 10:30

PRINT LOC: S

CLINIC: CROP

ROUTINE

** COMPLETE REPORT **

ORDERING: JAMES STEWART, MD

TEST NAME	IN RANGE	OUT OF RANGE	UNITS	REF RANGE	LAB
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8401 FALLBROOK AVENUE
WEST HILLS CA 91304-3226
LEE H. HILBORNE, MD

*** REFERENCE COPY ONLY ***

End of Report

SAMSKI, SHARON

MRN# 2474443

DIRECTOR: TIMOTHY P. CLOHERTY, M.D.

MRIN# 2474443

STATE OF CALIFORNIA - STATE AND CONSUMER SERVICES AGENCY

Arnold Schwarzenegger, Governor



BOARD OF OPTOMETRY

400 R Street, Suite 4090
Sacramento, CA 95814-6200
(916) 323-8720 / (800) 547-4576
www.optometry.ca.gov

ON - GOING TREATMENT VERIFICATIONName of Probationer: Shara Samski OD License No. 9351

The probationary optometrist named above, is serving a probation term with this Board and has chosen you to provide mandatory on-going treatment. The optometrist must continue in treatment until you recommend that the treatment be modified or discontinued.

As required by the conditions of probation, the optometrist must have the treating professional send a progress summary to the Board's Probation Monitor upon request. The summary is necessary to determine if the nurse is in compliance with his/her probation requirements, and is capable of safe and competent optometric practice. As such, please provide your responses to the questions below no later than _____

1. What is this optometrist seeing you for? (Provide specifics)

medication monitoring, evaluation and supervision
of treatment for her Bipolar Mood Disorder

2. How many treatment sessions does this optometrist attend on a regular basis?

Appointments every 6 to 12 weeks

3. How long will the treatment plan for this optometrist last?

Indefinitely

4. Has the optometrist regularly attended all treatment appointments?

☒ Yes:

☐ No: (Explain)

5. Has the optometrist shown improvement as a result of your sessions?

☒ Yes:

☐ No: (Explain)

6. Have you prescribed any medication for this optometrist?

☒ Yes: (Identify the medication, when & why prescribed, and how long it is needed)

Depakote 400mg - 4at night for mood stabilization of her Bipolar Disorder Started 7/207 will continue indefinitely.

No:

7. Do you believe this optometrist is capable of safely performing the functions of a licensed optometrist?

☒ Yes:

No: (Explain)

8. What is your current prognosis or recommendation for this optometrist? (Please attach your current diagnosis for this optometrist using DSM criteria).

Prognosis is good for employment Diagnosis Anis 296.40 Bipolar Disorder 303.90 Alcohol Dependence in sustained full remission

9. Has the optometrist completed your recommended treatment plan?

Yes:

☒ No: (Explain) Her treatment is ongoing. She is doing well in our Dual Diagnosis Treatment Program

Examiner's Name:	<u>James H Stewart MD</u>	License #	<u>C 36241</u>
Specialty, if any:	<u>Board certified in Psychiatry</u>		
Address:	<u>4444 Calle Real Santa Barbara, CA</u>	Phone	<u>(805) 681-5190</u>
Signature:	<u>James H Stewart MD</u>	Date:	<u>4-25-2012</u>

RETURN THE COMPLETED FORM TO:

State of California

Department of Consumer Affairs
Division of Investigation
Chatsworth Field Office
21601 Devonshire Street, Suite 212
Chatsworth, CA 91311



Mark Felton
Senior Investigator

Field Office (818) 885-2000
FAX (818) 885-2006

Santa Barbara County

PUBLIC Health

DEPARTMENT

SANTA BARBARA COUNTY CLINICAL LABORATORY

315 Camino Del Remedio Santa Barbara, CA 93110
Phone (805) 681-5380
Fax (805) 681-4756

Page: 1

LABORATORY REPORT

JAMES STEWART, MD

()
ADMHS -CROP

PATIENT: SAMSKI, SHARON
AGE: 52 Y SEX: F
DATE OF BIRTH: 01/16/60
PATIENT MRN: 2474443
PATIENT PHONE: (805) 689-9432

SAMPLE ID: 201216936
COLL: 04/10/12 08:54
ORD: 04/10/12 08:54
PRNT: 04/11/12 13:00
PRINT LOC: S
CLINIC: CROP

ROUTINE

** COMPLETE REPORT **

ORDERING: JAMES STEWART, MD

TEST NAME

IN RANGE OUT OF RANGE

UNITS REF RANGE LAB

999001100

NON-FASTING

URINE DRUG ABUSE PANEL

PLEASE NOTE

* These results are for medical treatment only. *

* Analysis was performed as non-forensic testing. *

AMPHETAMINES	NEGATIVE	SA
BARBITURATES	NEGATIVE	SA
BENZODIAZEPINES	NEGATIVE	SA
COCAINE METABOLITES	NEGATIVE	SA
MARIJUANA METABOLITES	NEGATIVE	SA
METHADONE	NEGATIVE	SA
METHAQUALONE	NEGATIVE	SA
OPIATES	NEGATIVE	SA
PHENCYCLIDINE	NEGATIVE	SA
PROPOXYPHENE	NEGATIVE	SA
ENDNOTE	*****	SA

THE SUBMITTED URINE SPECIMEN WAS TESTED AT THE LISTED CUTOFFS AND
CONFIRMED BY A SECOND INDEPENDENT CHEMICAL METHOD.

DRUG CLASS

INITIAL TEST
LEVEL

AMPHETAMINES	1000 ng/mL
BARBITURATES	300 ng/mL
BENZODIAZEPINES	300 ng/mL
COCAINE METABOLITES	300 ng/mL
MARIJUANA METABOLITES	50 ng/mL
METHADONE	300 ng/mL
METHAQUALONE	300 ng/mL
OPIATES	300 ng/mL
PHENCYCLIDINE	25 ng/mL
PROPOXYPHENE	300 ng/mL

Continued on next page

SAMSKI, SHARON

DIRECTOR: PETER L. MORRIS, M.D.

MRN# 2474443

Santa Barbara County

PUBLIC Health
DEPARTMENT

JAMES STEWART, MD

() -

ADMHS -CROP

ROUTINE

**SANTA BARBARA COUNTY
CLINICAL LABORATORY**

315 Camino Del Remedio Santa Barbara, CA 93110

Phone (805) 681-5380

Fax (805) 681-4756

PAGE: 2

LABORATORY REPORT

PATIENT: SAMSKI, SHARON
AGE: 52 Y SEX: F
DATE OF BIRTH: 01/16/60
PATIENT MRN: 2474443
PATIENT PHONE: (805) 689-9432

SAMPLE ID: 201216936
COLL: 04/10/12 08:54
ORD: 04/10/12 08:54
PRNT: 04/11/12 13:00
PRINT LOC: S
CLINIC: CROP

*** COMPLETE REPORT ***

ORDERING: JAMES STEWART, MD

TEST NAME

IN RANGE

OUT OF RANGE

UNITS

REF RANGE

LAB

NON-FASTING

sa=PERFORMED AT:

QUEST DIAGNOSTICS-WEST HILLS

8401 FALLBROOK AVENUE

WEST HILLS CA 91304-3226

LEE H. HILBORNE, MD

End of Report

DIRECTOR: PETER L. MORRIS, M.D.

SAMSKI, SHARON

MRN# 2474443

STATE OF CALIFORNIA - STATE AND CONSUMER SERVICES AGENCY

Arnold Schwarzenegger, Governor



BOARD OF OPTOMETRY

400 R Street, Suite 4090
Sacramento, CA 95814-8200
(916) 323-8720 / (800) 547-4576
www.optometry.ca.gov

ON - GOING TREATMENT VERIFICATION

Name of Probationer: Sharon Samski OD License No. 9351

The probationary optometrist named above, is serving a probation term with this Board and has chosen you to provide mandatory on-going treatment. The optometrist must continue in treatment until you recommend that the treatment be modified or discontinued.

As required by the conditions of probation, the optometrist must have the treating professional send a progress summary to the Board's Probation Monitor upon request. The summary is necessary to determine if the nurse is in compliance with his/her probation requirements, and is capable of safe and competent optometric practice. As such, please provide your responses to the questions below no later than _____

1. What is this optometrist seeing you for? (Provide specifics)

medication monitoring, evaluation and supervision
of treatment of Bipolar Mood Disorder

2. How many treatment sessions does this optometrist attend on a regular basis?

Now on a schedule of every 4 weeks with the option of
earlier appointments if needed

3. How long will the treatment plan for this optometrist last?

Indefinitely

4. Has the optometrist regularly attended all treatment appointments?

☒ Yes:

☐ No: (Explain)

5. Has the optometrist shown improvement as a result of your sessions?

☒ Yes:

☐ No: (Explain)

6. Have you prescribed any medication for this optometrist?

☒ Yes: (Identify the medication, when & why prescribed, and how long it is needed)

Depakote 400mg - 4at night for mood stabilization.
Started 7-2-00, will continue indefinitely
No:

7. Do you believe this optometrist is capable of safely performing the functions of a licensed optometrist?

☒ Yes:

No: (Explain)

8. What is your current prognosis or recommendation for this optometrist? (Please attach your current diagnosis for this optometrist using DSM criteria).

Prognosis is good for employment. Diagnosis Axis I
296.90 Bipolar Disorder 303.90 Alcohol Dependence
in full, sustained, remission

9. Has the optometrist completed your recommended treatment plan?

Yes:

☒ No: (Explain) Treatment is ongoing. She is doing well.

Examiner's Name: <u>James Stewart MD</u>	License # <u>C-36241</u>
Specialty, if any: <u>Psychiatry</u>	
Address: <u>4449 Calle Real, Santa Barbara, CA 93110</u>	Phone <u>(805) 581-5190</u>
Signature: <u>James Stewart MD</u>	Date: <u>6-13-2012</u>

RETURN THE COMPLETED FORM TO:

State of California

Department of Consumer Affairs
Division of Investigation
Chatsworth Field Office
21601 Devonshire Street, Suite 212
Chatsworth, CA 91311



Mark Felton
Senior Investigator

Field Office (818) 885-2000
FAX (818) 885-2006

SANTA BARBARA COUNTY
CLINICAL LABORATORY
315 CAMINO DEL REMEDIO
SANTA BARBARA, CA 93110
(805) 681-5380

PAGE: 1

JAMES STEWART, MD

() -
ADMHS -CROP

PATIENT: SAMSKI, SHARON

AGE: 52 Y SEX: F

DATE OF BIRTH: 01/16/60

PATIENT MRN: 2474443

PATIENT PHONE: (805) 689-9432

SAMPLE ID: 201228627

COLL: 06/12/12 08:58

ORD: 06/12/12 08:58

PRNT: 00/00/00 00:00

PRINT LOC: S

CLINIC: CROP

ROUTINE

** COMPLETE REPORT **

ORDERING: JAMES STEWART, MD

TEST NAME	IN RANGE	OUT OF RANGE	UNITS	REF RANGE	LAB
NON-FASTING					

URINE DRUG ABUSE PANEL

PLEASE NOTE

sa

* These results are for medical treatment only. *

* Analysis was performed as non-forensic testing. *

AMPHETAMINES	NEGATIVE	sa
BARBITURATES	NEGATIVE	sa
BENZODIAZEPINES	NEGATIVE	sa
COCAINE METABOLITES	NEGATIVE	sa
MARIJUANA METABOLITES	NEGATIVE	sa
METHADONE	NEGATIVE	sa
METHAQUALONE	NEGATIVE	sa
OPIATES	NEGATIVE	sa
PHENCYCLIDINE	NEGATIVE	sa
PROPOXYPHENE	NEGATIVE	sa
ENDNOTE	*****	sa

THE SUBMITTED URINE SPECIMEN WAS TESTED AT THE LISTED CUTOFFS AND
CONFIRMED BY A SECOND INDEPENDENT CHEMICAL METHOD.

DRUG CLASS

INITIAL TEST
LEVEL

AMPHETAMINES	1000 ng/mL
BARBITURATES	300 ng/mL
BENZODIAZEPINES	300 ng/mL
COCAINE METABOLITES	300 ng/mL
MARIJUANA METABOLITES	50 ng/mL
METHADONE	300 ng/mL
METHAQUALONE	300 ng/mL
OPIATES	300 ng/mL
PHENCYCLIDINE	25 ng/mL
PROPOXYPHENE	300 ng/mL

sa=PERFORMED AT: QUEST DIAGNOSTICS-WEST HILLS

Continued on next page

SAMSKI, SHARON

MRN# 2474443

DIRECTOR: PETER L. MORRIS, M.D.

Santa Barbara County

PUBLIC Health
DEPARTMENT

JAMES STEWART, MD

ADMHS -CROP

**SANTA BARBARA COUNTY
CLINICAL LABORATORY**

315 Camino Del Remedio Santa Barbara, CA 93110

Phone (805) 681-5380

Fax (805) 681-4756

PAGE: 1

LABORATORY REPORT

ROUTINE

PATIENT: SAMSKI, SHARON
AGE: 52 Y SEX: F
DATE OF BIRTH: 01/16/60
PATIENT MRN: 2474443
PATIENT PHONE: (805) 689-9432

SAMPLE ID: 201228426
COLL: 06/12/12 08:53
ORD: 06/12/12 08:56
PRNT: 06/12/12 10:30
PRINT LOC: S
CLINIC: CROP

9606 COMPLETE REPORT 9606

ORDERING: JAMES STEWART, MD

TEST NAME	IN RANGE	OUT OF RANGE	UNITS	REF RANGE	LAB
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NON-FASTING

LD: 6/11 AT 1700 HRS

VALPROIC ACID (DEPAKENE)

99.5

MCG/ML

THERAPEUTIC RANGE: EPILEPSY 50-100 MCG/ML, MANIA 50-125 MCG/ML

REFERENCE: FACTS AND COMPARISONS, WOLTERS KLUWER, 2010

End of Report

DIRECTOR: PETER L. MORRIS, M.D.

SAMSKI, SHARON

MRN# 2474443

PAGE: 1

JAMES STEWART, MD
() -
ADMHS -CROP

SANTA BARBARA COUNTY
CLINICAL LABORATORY
315 CAMINO DEL REMEDIO
SANTA BARBARA, CA 93110
(805)681-5380

PATIENT: SAMSKI, SHARON
AGE: 52 Y SEX: F

DATE OF BIRTH: 01/16/60

PATIENT MRN: 2474443

PATIENT PHONE: (805)689-9432

SAMPLE ID: 201204801

COLL: 01/31/12 10:20

ORD : 01/31/12 09:53

PRNT: 02/01/12 10:30

PRINT LOC: S

CLINIC: CROP

ROUTINE

** COMPLETE REPORT **

ORDERING PHYS: JAMES STEWART, MD

TEST NAME	IN RANGE	OUT OF RANGE	UNITS	REF RANGE	LAB
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999001100

NON-FASTING

URINE DRUG ABUSE PANEL
PLEASE NOTE

SA

* These results are for medical treatment only. *
* Analysis was performed as non-forensic testing. *

AMPHETAMINES	NEGATIVE	SA
BARBITURATES	NEGATIVE	SA
BENZODIAZEPINES	NEGATIVE	SA
COCAINE METABOLITES	NEGATIVE	SA
MARIJUANA METABOLITES	NEGATIVE	SA
METHADONE	NEGATIVE	SA
METHAQUALONE	NEGATIVE	SA
OPIATES	NEGATIVE	SA
PHENCYCLIDINE	NEGATIVE	SA
PROPOXYPHENE	NEGATIVE	SA
ENDNOTE	*****	SA

THE SUBMITTED URINE SPECIMEN WAS TESTED AT THE LISTED CUTOFFS AND
CONFIRMED BY A SECOND INDEPENDENT CHEMICAL METHOD.

DRUG CLASS	INITIAL TEST LEVEL
------------	-----------------------

AMPHETAMINES	1000 ng/mL
BARBITURATES	300 ng/mL
BENZODIAZEPINES	300 ng/mL
COCAINE METABOLITES	300 ng/mL
MARIJUANA METABOLITES	50 ng/mL
METHADONE	300 ng/mL
METHAQUALONE	300 ng/mL
OPIATES	300 ng/mL
PHENCYCLIDINE	25 ng/mL
PROPOXYPHENE	300 ng/mL

SAMSKI, SHARON

Continued on next page

MRN# 2474443

DIRECTOR: PETER L. MORRIS, M.D.

Page 1 of 1

PAGE

SANTA BARBARA COUNTY
CLINICAL LABORATORY
315 CAMINO DEL REMEDIO
SANTA BARBARA, CA 93110
(805) 681-5380

JAMES STEWART, MD

ADMHS -CROP

PATIENT: SAMSKI, SHARON
AGE: 52 Y SEX: F

DATE OF BIRTH: 01/16/60

PATIENT MRN: 2474443

PATIENT PHONE: (805) 689-9432

SAMPLE ID: 201204800

COLL: 01/31/12 09:51

ORD : 01/31/12 09:51

PRNT: 01/31/12 12:14

PRINT LOC: S

CLINIC: CROP

ROUTINE

** COMPLETE REPORT **

ORDERING PHYS: JAMES STEWART, MD

TEST NAME

IN RANGE OUT OF RANGE

UNITS

REF RANGE

LAB

999001100

NON-FASTING

PER PATIENT INFO LD TAKEN: 01/30/12 @ 6PM.

VALPROIC ACID (DEPAKENE) 101.5

MCG/ML

THERAPEUTIC RANGE: EPILEPSY: 50-100 MCG/ML, MANIA: 50-125 MCG/ML

REFERENCE: FACTS AND COMPARISONS, WOLTERS KLUWER, 2010

*** REFERENCE COPY ONLY ***

End of Report

AMSKI, SHARON

MRN# 2474443

DIRECTOR: PETER L. MORRIS, M.D.

Tri-County Optometric Society
1255 14th St.
Los Osos, CA 93402
805-801-5567

Certificate of Participation in Continuing Education

Participant Information:

Name Sharon Samyk
Address 3634 San Remo #33 Santa Barbara Ca. 93105
Lic# 9351 T SS# 563-33-0773

Course Information:

Location: Braille Institute of Santa Barbara
2031 De La Vina St
Santa Barbara, CA 93105

Date: Sunday, May 20, 2012

Course Title

Credit Hours

"Vision ICL: What Every Optometrist Needs to Know"
Paul Dougherty, M.D.

1.0

"Update on Ocular Allergy"
Myron Liebhaber, M.D.

1.0

"Braille Institute of Santa Barbara"
Michael Lazarovits, M.S.W.

1.0

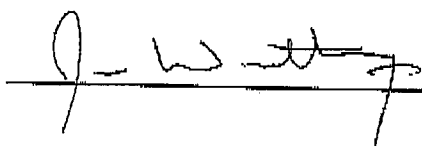
"Scary and Not-so-Scary Retinal Findings"
Dante Pieramici, M.D.

2.0

TOTAL HOURS

5.0

Official certificate or record when signature and seal are affixed.

Approving Officer: 

Official Seal

Year 2012

Course Title: New Advancements in Antibiotic Treatment
2 credit hours

Course Title: Glaucoma Diagnosis and Management
2 credit hours

Course Title: Astigmatic IOL's. The Latest and Greatest
2 credit hours

Course Title: Lid Trauma
2 credit hours

Course Title: What's New in Keratoconus and Pterygium Surgery
2 credit hours

Course Title: Pediatric Ophthalmology and Glaucoma review
2 credit hours

Course Title: Current Surgical Techniques of the Retina
2 credit hours

Braille Institue of Santa Barbara

Visian ICL: What Every Optometrist Needs to Know.
Paul Dougherty, M.D.

Update on Ocular Allergy
Myron Liebhaber, M.D.

Braille Institute of Santa Barbara

Michael Lazarovitis MSW

Scary and Not-so-Scary Retinal Findings
Dante Pieramici, M.D.

Year 2013
Glaucoma, Don't feel Pressure
Charles Aldridge, O.D.
2 credit hours

Primary Care of the Macula
Charles Aldridge, O.D.
2 credit hours

What's New in Contact Lenses
Pat Caroline
2 credit hours

Retina Update
Peter Win, M.D.
2 credit hours

Course Title: Diagnostic Dilemma of the Optic Nerve
2 credit hours

Course Title: Retinal Update
2 credit hours

2011

Course Title: AMD to OCT
2 credit hours

Course Title: Glaucoma
2 credit hours

Course Title: Medical Coding & Reimbursement
2 credit hours

Course Title: Lids, Lids, and more Lids
2 credit hours

Course Title: What's new in Keratoconus and Pterygium Surgery
1 credit hour

Course Title: Pediatric Ophthalmology and glaucoma review
1 credit hour

Course Title: Current Surgical Techniques and Management (retina)
1 credit hour

Course Title: Laski & Cataract Surgery Update 2011
1 credit hour

8th Annual Educational Meeting: The Latest in the Management of Retinal Diseases. Sponsored by the California Retina Research Foundation
4 credit hours

Course Title: Anterior Uveitis-Clinical Practice Guideline
2 credit hours

Course Title: Top Ten Reasons to Request a Retinal Consult
2 credit hours

Course Title: First Line Glaucoma Medications
2 credit hours

Course Title: Laser treatment of floaters
2 credit hours

2010

Course Title: The Diagnosis and Management of Glaucoma-A review
2 credit hours

Course Title: The Road to the Future: 10 Clinical Pearls in Glaucoma Management
2 credit hours

Course Title: AMD to OCT
2 credit hours

Course Title: Retinal Unknown
2 credit hours

Course Title: Diabetic Update
2 credit hours

Course Title: Medicare Coding & Billing, Part 1
2 credit hours

Course Title: Medicare Coding & Billing, Part 2
2 credit hours

Course Title: Retina-My Favorite Cases
2 credit hours

Course Title: Management of Common Eye Diseases in Kids
2 credit hours

Course Title: Contacts for Kids
2 credit hours

Course Title: Grand Rounds Style
2 credit hours

Course Title: Advancing Glaucoma Diagnosis and Management
4 credit hours

Course Title: New Frontiers in Antibiotic Therapy
2 credit hours

Course Title: Fixed-Combination Drugs in Glaucoma Part 11, Fixed combinations: A Pro Patient Choice
2 credit hours

Course Title: Protect Patient's Eyes Against UV Radiation
2 credit hours

Course Title: The Golden Age of Dry Eye Management
1 credit hour

Course Title: The New IOL's: Co manage with Confidence
1 credit hour

Course Title: Develop Your Specialty Contact Lens Practice
2 credit hours

Course Title: Ride the Presbyopic Wave
1 credit hour

Course Title: Targeting Patient Types in Contact Lens Wear
1 credit hour

Hepatitis C: Interferon Retinopathy
Hydroxychloroquine Retinopathy

1 hour of CE credit.

- Course Title: Contact Lens Update- What you ought to know
2 hours of CE credit

- Course Title: Residents' Cases Presentations
Pellucid Marginal Degeneration
Systemic Management of Retinal Emboli
Parkinson's Plus Disorder
1 hour of CE credit.

- Course Title: Side Effects of Commonly Used Medications
1 hour of CE credit

- Course Title: "Revisiting Daily Disposables"
2 hours of CE credit.

- Course Title: Fresh Perspectives on Treating Dry Eye
2 hours of CE credit.

- Gaining on Glaucoma
2 hours of CE credit.

- Preserving Presbyopic Vision
2 hours of CE credit.

- Course Title: Orbital Disorders: When to Refer or Watch
1 hour of CE credit.

OCULAR DISEASE PART 1 MARCH 8, 2009

- Course Title: Clinical Uses of Fourth Generation Fluoroquinolones.
1 hour of CE credit.

- Course Title: Oh the Pressure! When to Treat and with What for Glaucoma.
1 hour of CE credit.

- Course Title: Imagine Using NFLA for Glaucoma in your Practice
1 hour of CE credit.

- Course Title: Neuro-Ophthalmic Grand Rounds.
1 hour of CE credit.

- Course Title: Retina-My Favorite Cases
2 hours of CE credit.

- Course Title: Management of Common Eye Diseases in Kids.
1 hour of CE credit.

- Course Title: Contacts for Kids
1 hour of CE credit.

- Course Title: Covering the Lids: Grand Rounds Style.
1 hour of CE credit.

- Course Title: New Approaches for Reducing Risk Macular Degeneration.
1 hour of CE credit.

- Course Title: MF IOL's/ ECP
1 hour of CE credit.

- Course Title: Lasik/ Intra-Lase
1 hour of CE credit.

- Course Title: Retinal Vascular Lesions
1 hour of CE credit

COURSE TITLE: SCCO at SOUTH BAY; THERAPUTIC CE HOURS
7 hours of CE credit.

COURSE TITLE: TREATMENT AND MANAGEMENT OF OCULAR DISEASE,
4th Annual CE Program.
8 hours of CE. Credit

COURSE TITLE: 6th ANNUAL EDUCATIONAL MEETING; THE LATEST in the
MANAGEMENT OF RETINAL DISEASE.
4 hours of CE credit.

OCULAR DISEASE PART 1

MARCH 7, 2009

- Course Title: The Epidemic of Skin Cancer-New Information for the Optometric Practice.
2 hours of CE credit.

- Course Title: The Skinny on Narrow Angles.
1 hour of CE credit.

CONTINUING EDUCATION 2006-2008

- Course Title: Innovations in Lens Care Science: Understanding Corneal Barrier Integrity- The cornea, The Contact Lens, and the Solutions.
2 hours of CE credit.
- Course Title: Application of New Technology and New Therapies in the Management of Glaucoma: A Roundtable Symposium at AOA 2007.
2 hours of CE credit.
- Course Title: SOS: Ultraviolet Radiation and the Eye.
2 hours of CE credit.
- Course Title: The Battle of Resistance.
2 hours of CE credit.
- Course Title: Application of the New Technology and New Therapies in the Management of Glaucoma: A Roundtable Symposium at AOA 2007.
2 hours of CE credit.
- Course Title: Growing Your Practice with a Focus on Ocular Allergy.
1 hour of CE credit.
- Course Title: Comprehensive Management of the Ocular Surface.
1 hour of CE credit.
- Course Title: Understanding Ocular Allergy: Experts discuss the Latest research on the diagnosis and treatment...
1 hour of CE credit.
- Course Title: Taking a Fresh Approach to Dry Eye Treatment.
1 hour of CE credit.
- Course Title: Specialty Applications of Silicone Hydrogel Contact Lenses.
2 hours of CE credit.
- Course Title: Maximize Contact Lens Success During Allergy Season.
2 hours of CE credit.
- Course Title: Prescribe the Best Solution for Silicone Hydrogel Contact Lenses.
2 hours of CE credit.
- Course Title: Soft Multifocal Contact Lenses.
2 hours of CE credit.

- Course Title: Patient Sees Nothing & You See Very Little!
1 hour of CE credit.

- Course Title: IOL'S: Intricacies Of Lens Selection
1 hour of CE credit.

- Course Title: Who wants to be an Optometrist?
2 hours of CE credit.

- Course Title: Current Field Enhancement Strategies
1 hour of CE credit.

2nd ANNUAL ALL TECHNOLOGY CE PROGRAM

- Course Title: New and emerging technologies for the care of glaucoma including the latest developments in perimetry, imaging, medications and surgeries with a billing primer for glaucoma patients.
2 hours of CE credit.

- Course Title: HRT & Glaucoma Detection Management
1 hour of CE credit.

- Course Title: The Integration of Wavefront into an Optometric Practice
1 hour of CE credit.

- Course Title: Incorporating Advanced Fundus Imaging Into Your Office
1 hour of CE credit.

- Course Title: New Technology in Refractive Surgery
1 hour of CE credit.

- Course Title: Correction of High Order Aberrations w/Wavefront Optimized Spectacles
1 hour of CE credit.

- Course Title: Office of the Future, Marchon-OfficeMate Software
1 hour of CE credit.

CLINICAL TOPICS IN OPTOMETRY

- Course Title: Update on Current Trends in Diabetes & Hypertension Therapy
2 hours of CE credit.

- Course Title: Residents' Case Presentations
Lacquer Crack and Development of CNVM in Pathological Myopia

CONTINUING EDUCATION

- Course Title: Contact Lens Options For the Presbyope
1 hour of CE credit.

- Course Title: Techniques of Precision Toric Soft Lens Fitting
1 hour of CE credit.

- Course Title: Scratching Below the Surface of Ocular Allergies.
1 hour of CE credit.

- Course Title: Flouroquinolone Fever: Methodology or Madness.
1 hour of CE credit.

OCULAR DISEASE, PART 1

- Course Title: Update on Diabetes and ARMD
2 hours of CE credit.

- Course Title: Corneal Refractive Surgery.
1 hour of CE credit.

- Course Title: Corneal Disease-Some Favorite Cases.
1 hour of CE credit.

- Course Title: Anterior Segment Disease-"And the Oscar Goes To..."
1 hour of CE credit.

- Course Title: You've Got Some Nerve!! "The Funny Looking Disc"
1 hour of CE credit.

- Course Title: "ReZoom"- A New Multi-Focal Intraocular Lens
1 hour of CE credit.

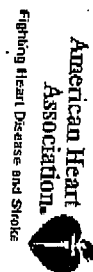
- Course Title: Female Health Issues in the Optometric Practice
2 hours of CE credit.

- Course Title: How NOT to Look Bad with your RX Pad
1 hour of CE credit.

- Course Title: How NOT to Look Bad in the Lab
1 hour of CE credit.

- Course Title: Seeing the Whole Picture
1 hour of CE credit.

Heartsaver CPR



Sharon Samski, O.D.

This card certifies that the above individual has successfully completed the national cognitive and skills evaluations in accordance with the curriculum of the AHA for the Heartsaver CPR Program. Adult CPR / Child CPR / Infant CPR
3/08

Issue Date

Recommended Renewal Date

Western States

AHA

Region

Community

Training Center

Training

Site BR Network

Instructor: Jim Emerson

Holder's

Signature

American Heart Association

Imagery with this card will alter its appearance. 70-069

Jessicia Sieferman

Enforcement Analyst

Board of Optometry

2420 Del Paso Rd #255

Sacramento, CA. 95834

RE: Sharon Samski, O.D. Lic 9351

Hello Ms. Sieferman,

Please find enclosed the faxed reports from the psychiatrist Dr. Stewart along with the random urinalysis screenings that have been faxed to Mark Felton over the past 2 years. The enclosed pages are for your records. *22 Pages*

I would like to put myself on the calendar for the next Los Angeles meeting for reinstatement of my license. What date do I need to notify you to be placed on the calendar? If you would like you can e-mail the information to Sharon.samski@yahoo.com (all lower case letters)

Thank you,

Sharon Samski, O.D.

3639 San Remo Dr. #33

Santa Barbara, CA. 93105

 **HEALTH CARE
CENTERS**
PUBLIC HEALTH DEPARTMENT
SANTA BARBARA COUNTY

Santa Barbara Health Care Center

345 Camino del Remedio Santa Barbara, CA 93110-1332
805-681-5488 Fax: 805-681-5404

March 20, 2013

Page 1

For : SHARON SAMSKI MRN 2474443

DOB: 01/16/1960

***Patient Instructions**

The below contains confidential patient information. If you choose not to keep this information for your own personal use please discard in a safe/secure shredding receptacle or give back to your Care Team and they will destroy this for you.

Reason for your visit:

Thyroid FU

Based on this visit, your provider recommended the following:

- 1) go to lab now
- 2) limit coffee to 2 8oz cups daily

Problems associated with your visit include:

Assessed FATIGUE as comment only - Jane McClenahan, MD

Complete Problems list:

FATIGUE (ICD-780.79)
ROUTINE GYN EXAM (ICD-V72.31)
PREVENTIVE HEALTH CARE (ICD-V70.0)
Hx of BIPOLAR AFFECT D/O (ICD-296.7)

Most recent Vitals observed:

Weight: 147 pounds
Temperature: 97.7 degrees F
Pulse Rate: 81 beats/minute
Respiration Rate: 13 breaths/minute
Blood Pressure: 116 / 80 mm Hg

Scheduled Appointments:

<None>

Procedures and Services:

Office Visit Est Detailed (25 min) [CPT-99214]

Labs and Tests ordered (this is not a lab requisition - please utilize PHD's internal clinical lab for



HEALTH CARE CENTERS

PUBLIC HEALTH DEPARTMENT
SANTA BARBARA COUNTY

Santa Barbara Health Care Center

345 Camino del Remedio Santa Barbara, CA 93110-1332
805-681-5488 Fax: 805-681-5404

March 20, 2013
Page 2.

For : SHARON SAMSKI MRN 2474443
DOB: 01/16/1960

***Patient Instructions**

your services as they already have your lab order on file):

Comprehensive with GFR (CMP) [0061]
Lipid Panel [0077]
Thyroid Function Panel (TSH/FT4) [0165]
Complete Blood Count (CBC) [0499]
Vitamin B12/Folate [2224]
T3 Free [2007]

Labs and Tests received in the past 3 days:

No lab results.

Your current medications include:

1) DEPAKOTE 500 MG TBEC (DIVALPROEX SODIUM)

Your new medications include:

Please contact us if you have any questions or concerns 805-681-5488.

SANTA BARBARA COUNTY
DEPARTMENT OF
Alcohol, Drug & Mental Health Services
Santa Barbara Adult Services - Adult
4444 Calle Real, Santa Barbara, CA 93110-1316
Telephone: (805) 681-5190 Facsimile: (805) 681-5239

The information contained in this facsimile message is privileged and confidential information intended for use of the addressee listed. If you are neither the intended recipient, nor the employee or agent responsible for delivering this information to the intended recipient, you are hereby notified that any use, disclosure, copying, distribution or taking of any action in reliance on the content of this telecopied protected health information is strictly prohibited. If you have received this fax in error, please shred it immediately or take any steps necessary to ensure permanent deletion.

Sender's Name: _____

Notified recipient of transmission via telephone at _____ o'clock _____ (initials)

Verified receipt via telephone at _____ o'clock & Transmission Report Attached _____ (initials)

FAX TRANSMITTAL

Date: 02/12/2013 Time: 2:25 pm No. of Pages: 3 (including cover sheet)

TO: Jessica Sieferman - Enforcement Analyst

State Board of Optometry

Telephone: (818) 885-2000

Fax: (818) 885-2006

FROM: Dr. James Stewart - Staff Psychiatrist

ADMHS County of Santa Barbara

Telephone: (805) 681-5190

Fax: (805) 681-5239

COMMENTS:

FAXED
2/12/13

2:26 pm

ym



JAMES STEWART, MD

() -
ADMHS -CROPSANTA BARBARA COUNTY
CLINICAL LABORATORY

315 Camino Del Remedio Santa Barbara, CA 93110

Phone (805) 681-5380

Fax (805) 681-4756

PAGE: 1

LABORATORY REPORT

 PATIENT: SAMSKI, SHARON
 AGE: 52 Y SEX: F
 DATE OF BIRTH: 01/16/60
 PATIENT MRN: 2474443
 PATIENT PHONE: (805) 689-9432

 SAMPLE ID: 201214934
 COLL: 04/10/12 08:54
 ORD: 04/10/12 08:54
 PRNT: 04/11/12 13:00
 PRINT LOC: 6
 CLINIC: CROP

ROUTINE

 ** COMPLETE REPORT **
 ORDERING: JAMES STEWART, MD
 TEST NAME IN RANGE OUT OF RANGE UNITS REF RANGE CAP

999001100

NON-FASTING

URINE DRUG ABUSE PANEL

PLEASE NOTE

SA

* These results are for medical treatment only. *

* Analysis was performed as non-forensic testing. *

AMPHETAMINES	NEGATIVE	SA
BARBITURATES	NEGATIVE	SA
BENZODIAZEPINES	NEGATIVE	SA
COCAINE METABOLITES	NEGATIVE	SA
MARIJUANA METABOLITES	NEGATIVE	SA
METHADONE	NEGATIVE	SA
METHAQUALONE	NEGATIVE	SA
OPIATES	NEGATIVE	SA
PHENCYCLIDINE	NEGATIVE	SA
PROPOXYPHENE	NEGATIVE	SA
ENDNOTE	*****	SA

 THE SUBMITTED URINE SPECIMEN WAS TESTED AT THE LISTED CUTOFFS AND
 CONFIRMED BY A SECOND INDEPENDENT CHEMICAL METHOD.

DRUG CLASS

INITIAL TEST
LEVEL

AMPHETAMINES	1000 ng/mL
BARBITURATES	300 ng/mL
BENZODIAZEPINES	300 ng/mL
COCAINE METABOLITES	300 ng/mL
MARIJUANA METABOLITES	50 ng/mL
METHADONE	300 ng/mL
METHAQUALONE	300 ng/mL
OPIATES	300 ng/mL
PHENCYCLIDINE	25 ng/mL
PROPOXYPHENE	300 ng/mL

Continued on next page

DIRECTOR: PETER L. MORRIS, M.D.

SAMSKI, SHARON

MRN# 2474443

PUBLIC Health
DEPARTMENT



JAMES STEWART, MD

()
ADMHS -CROP

ROUTINE

**SANTA BARBARA COUNTY
CLINICAL LABORATORY**

315 Camino Del Remedio Santa Barbara, CA 93110
Phone (805) 681-5380
Fax (805) 681-4756

PAGE: 2

LABORATORY REPORT

PATIENT: SAMSKI, SHARON
AGE: 52 Y SEX: F
DATE OF BIRTH: 01/16/40
PATIENT MRN: 2474443
PATIENT PHONE: (805) 689-9432

SAMPLE ID: 201216936
COLL: 04/10/12 08:54
ORD: 04/10/12 08:54
PRNT: 04/11/12 13:00
PRINT LOC: S
CLINIC: CROP

* COMPLETE REPORT *		ORDERING: JAMES STEWART, MD	
TEST NAME	IN RANGE	OUT OF RANGE	UNITS REF RANGE

NON-FASTING

SA#PERFORMED AT: QUEST DIAGNOSTICS-WEST HILLS
8401 FALLBROOK AVENUE
WEST HILLS CA 91304-3224
LEE M. MILBORNE, MD

End of Report

DIRECTOR: PETER L. MORRIS, M.D.

SAMSKI, SHARON

MRN# 2474443

SANTA BARBARA COUNTY
DEPARTMENT OF
Alcohol, Drug & Mental Health Services
Santa Barbara Adult Services - Adult
4444 Calle Real, Santa Barbara, CA 93110-1316
Telephone: (805) 681-5190 Facsimile: (805) 681-5239

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Sender's Name: Laura

Notified recipient of transmission via telephone at _____ o'clock _____ (initials)

Verified receipt via telephone at _____ o'clock & Transmission Report Attached _____ (initials)

FAX TRANSMITTAL

Date: 09/17/2013 Time: 10:55 am No. of Pages: 5 (including cover sheet)

TO: Jessica Sieferman

Enforcement Analyst Board of Optometry

Telephone: (916) 575-7170

Fax: (916) 575-7292

FROM: Dr. James Stewart - Staff Psychiatrist

County of Santa Barbara - ADMHS

Telephone: (805) 681-5190

Fax: (805) 681-5239

COMMENTS:

Re: Sharon Samski

O.D. Lic 9351

On-Going Treatment Verification (2 pages)

Labs from 8/26/13 (2 pages)

STATE OF CALIFORNIA - STATE AND CONSUMER SERVICES AGENCY

Arnold Schwarzenegger, Governor



BOARD OF OPTOMETRY

400 R Street, Suite 4090
Sacramento, CA 95814-6200
(916) 323-8720 / (800) 547-4576
www.optometry.ca.gov

ON - GOING TREATMENT VERIFICATIONName of Probationer: Sharon Samski OD License No. 9351

The probationary optometrist named above, is serving a probation term with this Board and has chosen you to provide mandatory on-going treatment. The optometrist must continue in treatment until you recommend that the treatment be modified or discontinued.

As required by the conditions of probation, the optometrist must have the treating professional send a progress summary to the Board's Probation Monitor upon request. The summary is necessary to determine if the nurse is in compliance with his/her probation requirements, and is capable of safe and competent optometric practice. As such, please provide your responses to the questions below no later than _____.

1. What is this optometrist seeing you for? (Provide specifics)
Medication Monitoring and supervision of her treatment for Bipolar Mood Disorder and abstaining from alcohol.
2. How many treatment sessions does this optometrist attend on a regular basis?
She has been keeping regular appointments ever 6 to 12 weeks
3. How long will the treatment plan for this optometrist last?
Indefinitely
4. Has the optometrist regularly attended all treatment appointments?
☒ Yes: _____
No: (Explain) _____
5. Has the optometrist shown improvement as a result of your sessions?
☒ Yes: She is maintaining well, no alcohol consumption
No: (Explain) _____

6. Have you prescribed any medication for this optometrist?

☒ Yes: (Identify the medication, when & why prescribed, and how long it is needed)

Depakote 400mg - 4at night for stabilization of her Bipolar
Disorder. Started 7-2-07, will continue indefinitely.

☐ No:

7. Do you believe this optometrist is capable of safely performing the functions of a licensed optometrist?

☒ Yes:

☐ No: (Explain)

8. What is your current prognosis or recommendation for this optometrist? (Please attach your current diagnosis for this optometrist using DSM criteria).

Prognosis is good. Diagnosis Axis I - 296.40 Bipolar Disorder
303.90 Alcohol Dependence in sustained remission

9. Has the optometrist completed your recommended treatment plan?

☐ Yes:

☒ No: (Explain) Her treatment is ongoing. She is doing well.

Examiner's Name:	<u>James H Stewart MD</u>	License #	<u>C 36241</u>
Specialty, if any:	<u>Psychiatry</u>		
Address:	<u>4444 Calle Real Santa Barbara CA 93110</u>	Phone	<u>(805) 681-5190</u>
Signature:	<u>James H Stewart MD</u>	Date:	<u>8-13-13</u>

RETURN THE COMPLETED FORM TO:

State of California

Department of Consumer Affairs
Division of Investigation
Chatsworth Field Office
21601 Devonshire Street, Suite 212
Chatsworth, CA 91311



Mark Felton
Senior Investigator

Field Office (818) 885-2000
FAX (818) 885-2006

Santa Barbara County

PUBLIC

Health

DEPARTMENT

JAMES STEWART, MD

ADMHS -CROP

SANTA BARBARA COUNTY
CLINICAL LABORATORY315 Camino Del Remedio Santa Barbara, CA 93110
Phone (805) 681-5380
Fax (805) 681-4756

PAGE: 1

LABORATORY REPORT

ROUTINE

PATIENT: SAMSKI, SHARON
AGE: 53 Y SEX: F
DATE OF BIRTH: 01/16/60
PATIENT MRN: 2474443
PATIENT PHONE: (805) 689-9432SAMPLE ID: 201352560
COLL: 08/26/13 09:03
ORD: 08/26/13 09:03
PRNT: 08/27/13 08:00
PRINT LOC: S
CLINIC: CROP

** COMPLETE REPORT **		ORDERING: JAMES STEWART, MD			
TEST NAME	IN RANGE	OUT OF RANGE	UNITS	REF RANGE	LAB

~~URINE DRUG ABUSE PANEL~~
~~PLEASE NOTE~~

sa

* These results are for medical treatment only. *

* Analysis was performed as non-forensic testing. *

AMPHETAMINES	NEGATIVE	sa
BARBITURATES	NEGATIVE	sa
BENZODIAZEPINES	NEGATIVE	sa
COCAINE METABOLITES	NEGATIVE	sa
MARIJUANA METABOLITES	NEGATIVE	sa
METHADONE	NEGATIVE	sa
METHAQUALONE	NEGATIVE	sa
OPIATES	NEGATIVE	sa
PHENCYCLIDINE	NEGATIVE	sa
PROPOXYPHENE	NEGATIVE	sa
ENDNOTE	*****	sa

~~THE SUBMITTED URINE SPECIMEN WAS TESTED AT THE LISTED CUTOFFS AND~~
~~CONFIRMED BY A SECOND INDEPENDENT CHEMICAL METHOD.~~

DRUG CLASS	INITIAL TEST LEVEL
AMPHETAMINES	1000 ng/mL
BARBITURATES	300 ng/mL
BENZODIAZEPINES	300 ng/mL
COCAINE METABOLITES	300 ng/mL
MARIJUANA METABOLITES	50 ng/mL
METHADONE	300 ng/mL
METHAQUALONE	300 ng/mL
OPIATES	300 ng/mL
PHENCYCLIDINE	25 ng/mL
PROPOXYPHENE	300 ng/mL

~~sa~~ ~~PERFORMED AT:~~ ~~QUEST DIAGNOSTICS WEST HILLS~~
~~8401 FALLBROOK AVENUE~~
~~WEST HILLS CA 91304-3226~~

Continued on next page

DIRECTOR: TIMOTHY P. CLOHERTY, M.D.

SAMSKI, SHARON

MRN# 2474443

Santa Barbara County

PUBLIC



Health

DEPARTMENT

JAMES STEWART, MD

ADMHS -CROP

SANTA BARBARA COUNTY
CLINICAL LABORATORY

315 Camino Del Remedio Santa Barbara, CA 93110

Phone (805) 681-5380

Fax (805) 681-4756

PAGE: 2

LABORATORY REPORT

ROUTINE

PATIENT: SAMSKI, SHARON
AGE: 53 Y SEX: F
DATE OF BIRTH: 01/16/60
PATIENT MRN: 2474443
PATIENT PHONE: (805) 689-9432

SAMPLE ID: 201352560
COLL: 08/26/13 09:03
ORD : 08/26/13 09:03
PRNT: 08/27/13 08:00
PRINT LOC: S
CLINIC: CROP

** COMPLETE REPORT **

ORDERING: JAMES STEWART, MD

TEST NAME

IN RANGE OUT OF RANGE

UNITS

REF RANGE

LAB

GORDON L. LOVE, MD

End of Report

DIRECTOR: TIMOTHY P. CLOHERTY, M.D.

SAMSKI, SHARON

MRN# 2474443

SANTA BARBARA COUNTY
DEPARTMENT OF
Alcohol, Drug & Mental Health Services
Santa Barbara Adult Services - Adult
4444 Calle Real, Santa Barbara, CA 93110-1316
Telephone: (805) 681-5190 Facsimile: (805) 681-5239

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Sender's Name: Laura

Notified recipient of transmission via telephone at _____ o'clock _____ (initials)

Verified receipt via telephone at _____ o'clock & Transmission Report Attached _____ (initials)

FAX TRANSMITTAL

Date: 10/28/2013 Time: 3:20 pm No. of Pages: 7 (including cover sheet)

TO: Jessica Sieferman
Enforcement Analyst with the Board of Optometry

Telephone: (916) 575-7170 Fax: (916) 575-7292

FROM: Dr. Michael Wexler - Staff Psychiatrist
County of Santa Barbara - ADMHS

Telephone: (805) 681-5190 Fax: (805) 681-5239

COMMENTS:

Re: Sharon Samski
OD: Lic 9351
On-Going Treatment; Verification (2 pages)
Labs from 10/14/13 (4 pages)

Santa Barbara County
PUBLIC Health
DEPARTMENT
MICHAEL WEXLER, MD
ADMHS

SANTA BARBARA COUNT
CLINICAL LABORATORY

315 Camino Del Remedio Santa Barbara, CA 93110
Phone (805) 681-5380
Fax (805) 681-4756

PAGE: 1

LABORATORY REPORT

PATIENT: SAMSKI, SHARON
AGE: 53 Y SEX: F
DATE OF BIRTH: 01/16/60
PATIENT MRN: 2474443
PATIENT PHONE: (805) 689-9432

SAMPLE ID: 201362797
COLL: 10/14/13 14:06
ORD : 10/14/13 14:06
PRNT: 10/15/13 10:30
PRINT LOC: S
CLINIC: CROP

ROUTINE

** COMPLETE REPORT **

ORDERING: MICHAEL WEXLER, MD

TEST NAME	IN RANGE	OUT OF RANGE	UNITS	REF RANGE	LAB
NON FASTING					
L.D. 10-13-13 @ 1700					

MTW
10-22-13

COMPREHENSIVE WITH GFR

SODIUM	135	L	MEQ/L	136 - 145
POTASSIUM	4.4		MEQ/L	3.5 - 5.1
CHLORIDE	99		MEQ/L	98 - 107
CARBON DIOXIDE	29		MEQ/L	21 - 31
ANION GAP	11.4		MEQ/L	10.0 - 20.0
UREA NITROGEN	10		MG/DL	7 - 25
CREATININE, SERUM	0.85		MG/DL	0.60 - 1.30
GFR ESTIMATE	>60		mL/min	>OR = 60

GFR REFERENCE RANGE: >OR=60 mL/min/1.73m2
IF RESULT OF GFR IS <60 AND THE PATIENT IS
AFRICAN-AMERICAN, MULTIPLY RESULT BY 1.210
CALCULATION UPDATED 09/03/2010
REFERENCE: NKDEP 06/30/2010

GLUCOSE	80		MG/DL	FAST < 100
CALCIUM	9.5		MG/DL	8.2 - 10.0
BILIRUBIN, TOTAL	0.5		MG/DL	0.3 - 1.0
ALKALINE PHOSPHATASE	33		U/L	33 - 130
SGPT/ALT	11		U/L	7 - 52
SGOT/AST	17		U/L	13 - 39
TOTAL PROTEIN	6.3	L	G/DL	6.4 - 8.9
ALBUMIN	4.2		G/DL	3.5 - 5.7
GLOBULIN	2.1		G/DL	2.0 - 4.1
A/C RATIO	2.0			1.1 - 2.2

THYROID FUNCTION PANEL

TSH, ULTRA-SENS.	1.029		uIU/ML	0.55 - 4.78
REFERENCE RANGE NOT AVAILABLE FOR AGES: NEWBORN TO 23 MONTHS.				
FREE THYROXINE	1.06		NG/DL	0.89 - 1.76
ADULT RANGES				

VALPROIC ACID (DEPAKENE)	86.2		MCG/ML	
THERAPEUTIC RANGE: EPILEPSY: 50-100 MCG/ML, MANIA: 50-125 MCG/ML REFERENCE: FACTS AND COMPARISONS, WOLTERS KLUWER, 2010				

Continued on next page

DIRECTOR: TIMOTHY P. CLOHERTY, M.D.

SAMSKI, SHARON

MRN# 2474443

Santa Barbara County

PUBLIC

Health

DEPARTMENT

MICHAEL WEXLER, MD

ADMHS

SANTA BARBARA COUNTY
CLINICAL LABORATORY

315 Camino Del Remedio Santa Barbara, CA 93110

Phone (805) 681-5380

Fax (805) 681-4756

PAGE: 2

LABORATORY REPORT

PATIENT: SAMSKI, SHARON
 AGE: 53 Y SEX: F
 DATE OF BIRTH: 01/16/60
 PATIENT MRN: 2474443
 PATIENT PHONE: (805) 689-9432

SAMPLE ID: 201362797
 COLL: 10/14/13 14:06
 ORD: 10/14/13 14:06
 PRNT: 10/15/13 10:30
 PRINT LOC: S
 CLINIC: CROP

ROUTINE

** COMPLETE REPORT **

ORDERING: MICHAEL WEXLER, MD

TEST NAME	IN RANGE	OUT OF RANGE	UNITS	REF RANGE	LAB
NON FASTING					
L.D. 10-13-13 @ 1700					

mjh
10-22-13

HEMOGRAM					
WBC	5.9		K/uL	4.5 - 10.0	
RBC		3.98 L	M/uL	4.10 - 4.90	
HEMOGLOBIN		11.9 L	G/DL	12.0 - 15.0	
HEMATOCRIT		35.7 L	%	37.0 - 43.0	
MCV	89.8		fL	82.0 - 99.0	
MCH	29.9		pg	26.0 - 32.0	
MCHC	33.3		G/DL	31.0 - 36.0	
PLATELET COUNT		120 L	K/uL	150 - 450	
MANUAL DIFFERENTIAL					
COUNTS					
LYMPH	41		%	25-45	
SEGS		45 L	%	50-70	
BAND	4		%	0-10	
MONO	10		%	1-12	
TOTAL	100		%		

RBC MORPHOLOGY NORMAL

OCCASIONAL SMALL PLATELET CLUMPS

PLATELET ESTIMATE DECREASED

MANUAL DIFF REFLECTS ADULT REFERENCE RANGES ONLY

End of Report

DIRECTOR: TIMOTHY P. CLOHERTY, M.D.

SAMSKI, SHARON

MRN# 2474443

Santa Barbara County

PUBLIC

Health

DEPARTMENT

MICHAEL WEXLER, MD

ADMHS

SANTA BARBARA COUNTY
CLINICAL LABORATORY

315 Camino Del Remedio Santa Barbara, CA 93110

Phone (805) 681-5380

Fax (805) 681-4756

PAGE: 1

LABORATORY REPORT

PATIENT: SAMSKI, SHARON
 AGE: 53 Y SEX: F
 DATE OF BIRTH: 01/16/60
 PATIENT MRN: 2474443
 PATIENT PHONE: (805) 689-9432

SAMPLE ID: 201362743
 COLL: 10/14/13 11:40
 ORD: 10/14/13 11:43
 PRNT: 10/15/13 10:30
 PRINT LOC: S
 CLINIC: CROP

ROUTINE

** COMPLETE REPORT **

ORDERING: MICHAEL WEXLER, MD

TEST NAME

IN RANGE

OUT OF RANGE

UNITS

REF RANGE

LAB

~~URINE DRUG ABUSE PANEL~~

PLEASE NOTE

MJW
10-22-13

sa

* These results are for medical treatment only. *

* Analysis was performed as non-forensic testing. *

~~AMPHETAMINES~~

NEGATIVE

sa

~~BARBITURATES~~

NEGATIVE

sa

~~BENZODIAZEPINES~~

NEGATIVE

sa

~~COCAINE METABOLITES~~

NEGATIVE

sa

~~MARIJUANA METABOLITES~~

NEGATIVE

sa

~~METHADONE~~

NEGATIVE

sa

~~METHAQUALONE~~

NEGATIVE

sa

~~OPIATES~~

NEGATIVE

sa

~~PHENCYCLIDINE~~

NEGATIVE

sa

~~PROPOXYPHENE~~

NEGATIVE

sa

~~ENDNOTE~~

sa

~~THE SUBMITTED URINE SPECIMEN WAS TESTED AT THE LISTED CUTOFFS AND
 CONFIRMED BY A SECOND INDEPENDENT CHEMICAL METHOD.~~

DRUG CLASS

INITIAL TEST
LEVEL~~AMPHETAMINES~~

1000 ng/mL

~~BARBITURATES~~

300 ng/mL

~~BENZODIAZEPINES~~

300 ng/mL

~~COCAINE METABOLITES~~

300 ng/mL

~~MARIJUANA METABOLITES~~

50 ng/mL

~~METHADONE~~

300 ng/mL

~~METHAQUALONE~~

300 ng/mL

~~OPIATES~~

300 ng/mL

~~PHENCYCLIDINE~~

25 ng/mL

~~PROPOXYPHENE~~

300 ng/mL

sa PERFORMED AT: QUEST DIAGNOSTICS WEST HILLS

8401 FALLBROOK AVENUE

WEST HILLS CA 91304-3226

Continued on next page

DIRECTOR: TIMOTHY P. CLOHERTY, M.D.

SAMSKI, SHARON

MRN# 2474443

Santa Barbara County

PUBLIC Health

DEPARTMENT

MICHAEL WEXLER, MD

ADMHS

**SANTA BARBARA COUNTY
CLINICAL LABORATORY**

315 Camino Del Remedio Santa Barbara, CA 93110

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ROUTINE

** COMPLETE REPORT **

ORDERING: MICHAEL WEXLER, MD

TEST NAME

IN RANGE OUT OF RANGE

UNITS

REF RANGE

LAB

GORDON L. LOVE, MD

End of Report

DIRECTOR: TIMOTHY P. CLOWERTY, M.D.

SAMSKI, SHARON

MRN# 2474443

CARMEL MOUNTAIN VISION CARE

WWW.CARMELMOUNTAINVISIONCARE.COM

CARMEL
MOUNTAIN
VISION CARE
OPTOMETRY

Doctors of Optometry
Joel L. Cook, O.D.
Kevin M. Reeder, O.D.
Earl Sandler, O.D.
Barbara H. Bytowski, O.D.

9320 CARMEL MOUNTAIN RD., STE E

SAN DIEGO, CA 92129

(858) 4841500 PHONE

(858) 484-9143 FAX

TO: <i>Board of Optometry</i>	FROM: <i>Barbara H. Bytowski, OD</i>
COMPANY: <i>CMVC - optometry</i>	DATE: <i>10-28-13</i>
RE: <i>license renewal</i>	PAGES: <i>2</i>

☐ URGENT ☒ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

STATE OF CALIFORNIA



DEPARTMENT OF CONSUMER AFFAIRS

BOARD OF OPTOMETRY
2450 DEL PASO ROAD, SUITE 105
SACRAMENTO, CALIFORNIA 95834
TELEPHONE (916)575-7170
www.optometry.ca.gov

EDMUND G. BROWN JR., GOVERNOR



BARBARA HANNA BYTOMSKI
9320 CARMEL MOUNTAIN RD STE E
SAN DIEGO CA 92129

LICENSE NO: OPT 00008206

RECEIPT NO: 32870721

EXP. DATE: 10/31/13

Your application for renewal has been received and the payment cashiered. However, your license is being held because you did not properly complete the renewal form. Please complete the RENEWAL REQUIREMENTS (below). In order to release the hold on your license, you must complete this form and return it within 10 days. You may fax a signed copy of this form to the Board office at (916)575-7292.

Your renewed license will be mailed to you approximately 2 weeks after this letter is returned to the Board, providing the requirements are met.

Failure to return the required documentation within 10 days from the date of this letter may result in the inactive renewal of your license to practice optometry. An optometrist holding an inactive license may not engage in any activity for which an active license is required and must cease and desist from the practice of optometry until the license is reinstated to active status.

RENEWAL REQUIREMENTS (Please complete this section)

License Status - Continuing Education - Conviction/Disciplinary History Information

I wish to renew my license as: A. ☒ Active B. ☐ Inactive

C. ☒ I have completed the required hours of CE within the last two years or have been granted an exception or extension by the Board. (See the BOARD website to determine your with eligibility for CE exception/extension)

D. ☐ I have not completed the required CE and/or please renew my license with an inactive status.

FOR ALL LICENSEES: Subsequent to the issuance of your license -or- since you last renewed your license, have you had any license disciplined by a government agency or have you been convicted of my crime in any state, of the United States and its territories, military court or a foreign country? G. YES ☐ H. NO ☒

FINGERPRINT REQUIREMENT (See the BOARD website for further details or see back of your original renewal application) Have you complied with the fingerprint requirements?

I. YES ☒ J. NO ☐

I certify, under penalty of perjury under the laws of the State of California that the foregoing information is true and correct.

Barbara H. Bytowski, on
SIGNATURE

10-28-13
Date

Your anticipated cooperation is appreciated. If you have any questions regarding this matter, please contact the Board at (916) 575-7170 or the Board website.

Date: 11/14/13
Re: Dr. Sharon Samski
To: California Board of Optometry

Dear Board of Optometry,

This letter is in regards to Dr. Samski's reinstatement on probation.

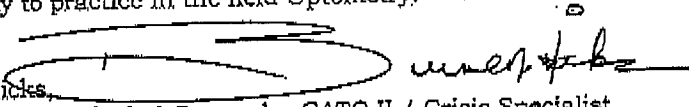
My first encounter with Sharon was at Project Recovery Outpatient Treatment Facility in 2006, as I was her drug and alcohol counselor during her treatment. During Dr. Samski's treatment history at Project Recovery, she displayed a positive attitude, gained insightful understanding of her addiction as evidence by preparing and presenting a step 1 worksheet on how alcohol impacted her life, and how it affects the brain and body. Dr. Samski also gave evidence of the use of relapse prevention skills by attending weekly Alcohol Anonymous (AA) 12-step meetings and presenting to her peers a relapse prevention plan on healthy ways to cope with feelings, thoughts, and behaviors that increase risk for relapse.

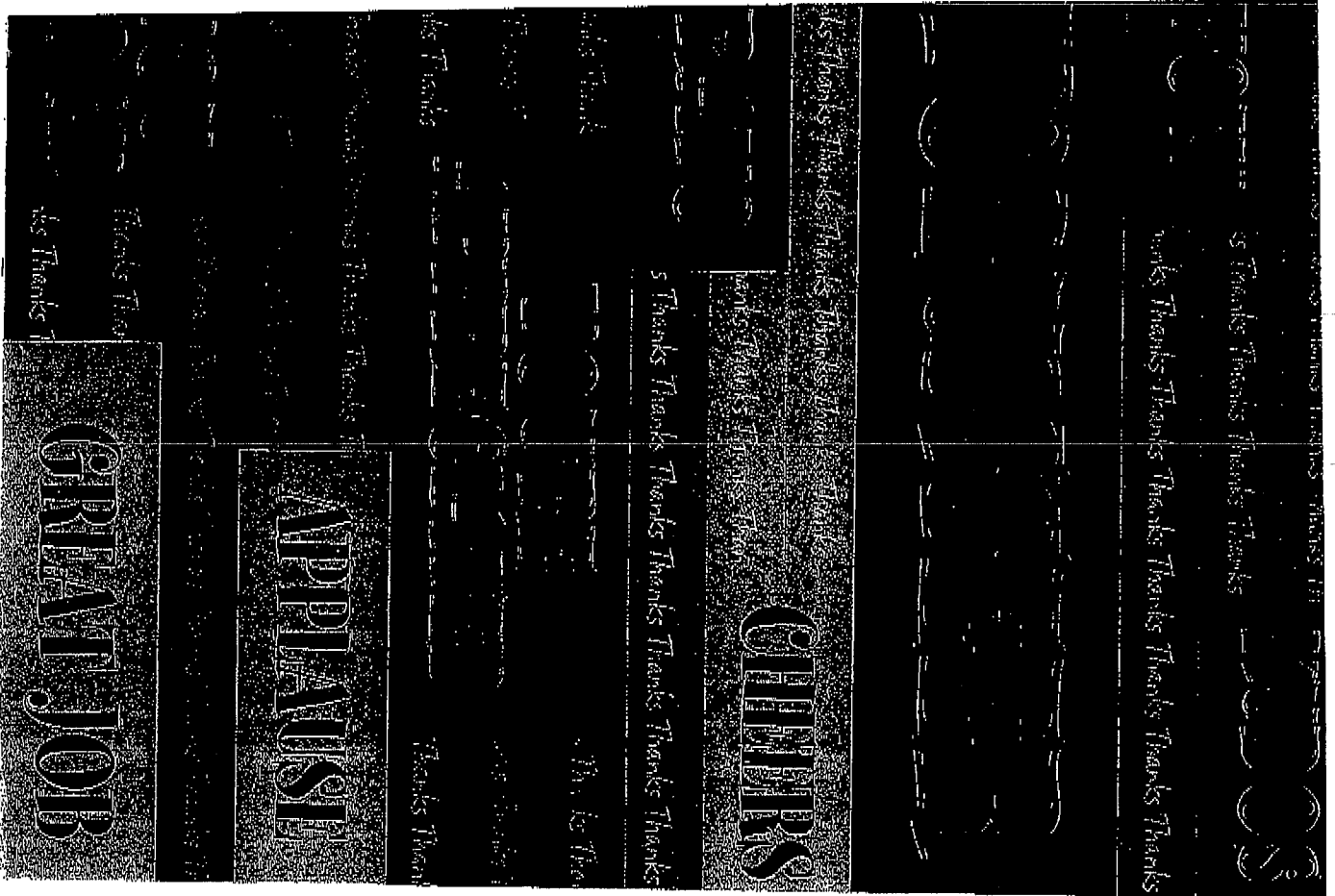
Dr. Samski demonstrated the effectiveness of treatment by remaining clean and sober during her entire time in program and completing all goals on her treatment plan.

Addiction is a brain disease and not a moral issue. It is the result of the chemical changes in the brain due to continued use of drugs that impair judgment and healthy choices. I speak this from experience, as I am a recovering addict myself who went through the pitfalls of this disease, and, with support, relapse prevention skills, and abstinence I now live a clean and sober lifestyle and work in the field of addiction. This is the experience that Dr. Samski is going through and has now learned the necessary tools and skills to live a clean and sober lifestyle. For most people recovering from drugs and alcohol relapse is part of the recovery process due to the healing of the brain and adaptation to a whole new lifestyle.

Since Dr. Samski completion of Project Recovery Outpatient Clinic, I have ran into her randomly at Starbuck's and the grocery store, and I can attest that she has been of sound mind and sober, has a vibrant outlook on life, developed and utilizes healthy coping skills to maintain her sobriety, and gracefully gives back to others who struggle with the same disease.

Lastly, allowing Dr. Samski to be reinstated on probation will greatly benefit her recovery, permit her continued endeavor to help others who struggle with alcoholism, and grant her the opportunity to practice in the field Optometry.


Bernard Hicks,
Certified Drug & Alcohol Counselor CATC II / Crisis Specialist



Volunteer Card: Vision Screenings

Dr. Sawicki

**We just couldn't decide
which of the many ways
to express to you
our heartfelt praise,
but regardless of the wording,
THANKS for brightening our days!**

Thanks for all you do.

Choir & Ruth

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

In the Matter of the Petition for Reduction of
Penalty Against:

Case No. CC 2009 71

SHARON MARY SAMSKI
3639 San Remo #33
Santa Barbara, CA 93105
Optometry License No. 9351

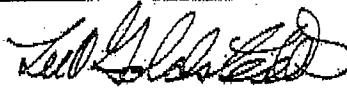
Respondent.

DECISION AND ORDER

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

This Decision shall become effective on April 11, 2012.

It is so ORDERED March 12, 2012.



FOR THE STATE BOARD OF OPTOMETRY
DEPARTMENT OF CONSUMER AFFAIRS

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 MICHELLE MCCARRON
Deputy Attorney General
4 State Bar No. 237031
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2544
6 Facsimile: (213) 897-2804
Attorneys for Complainant

7
8 **BEFORE THE**
STATE BOARD OF OPTOMETRY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Petition to Revoke
12 Probation Against:

13 **SHARON MARY SAMSKI**
14 **3639 San Remo #33**
Santa Barbara, CA 93105
Optometry License No. 9351

15 Respondent.

Case No. CC 2009 71

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

16
17 In the interest of a prompt and speedy resolution of this matter, consistent with the public
18 interest and the responsibility of the State Board of Optometry of the Department of Consumer
19 Affairs the parties hereby agree to the following Stipulated Surrender of License and Order which
20 will be submitted to the Board for approval and adoption as the final disposition of the Petition to
21 Revoke Probation.

22 **PARTIES**

23 1. Mona Maggio (Complainant) is the Executive Officer of the State Board of
24 Optometry. She brought this action solely in her official capacity and is represented in this matter
25 by Kamala D. Harris, Attorney General of the State of California, by Michelle McCarron, Deputy
26 Attorney General.

27 2. Sharon Mary Samski (Respondent) is representing herself in this proceeding and has
28 chosen not to exercise her right to be represented by counsel.

3. On or about August 17, 1989, the State Board of Optometry issued Optometry License No. 9351 to Sharon Mary Samski (Respondent). The Optometry License is in full force and effect and will expire on January 31, 2013, unless renewed.

JURISDICTION

4. Petition to Revoke Probation No. CC 2009 71 was filed before the State Board of Optometry (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Petition to Revoke Probation and all other statutorily required documents were properly served on Respondent on May 27, 2011. Respondent timely filed her Notice of Defense contesting the Petition to Revoke Probation. A copy of Petition to Revoke Probation No. CC 2009 71 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Petition to Revoke Probation No. CC 2009 71. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Petition to Revoke Probation; the right to be represented by counsel, at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Petition to Revoke Probation No. CC 2009 71, agrees that cause exists for discipline and hereby surrenders her Optometry License No. 9351 for the Board's formal acceptance.

///

9. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Optometry License without further process.

RESERVATION

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

CONTINGENCY

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

12. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

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

///

///

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Optometry License No. 9351, issued to Respondent Sharon Mary Samski, is surrendered and accepted by the State Board of Optometry.

1. The surrender of Respondent's Optometry License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the State Board of Optometry.

2. Respondent shall lose all rights and privileges as an optometrist in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board her pocket license and, if one was issued, her wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Petition to Revoke Probation No. CC 2009 71 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition. Respondent may petition the Board for reinstatement no sooner than one year from the effective date of the disciplinary decision.

5. If and when Respondent's license is reinstated, Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$2,100.00 prior to issuance of a new or reinstated license. Respondent shall be permitted to pay these costs in a payment plan approved by the Board.

6. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Petition to Revoke Probation, No. CC

2009 71 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Optometry License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the State Board of Optometry.

DATED:

11/16/2011
Sharon Samski

Sharon Samski
SHARON MARY SAMSKI
Respondent

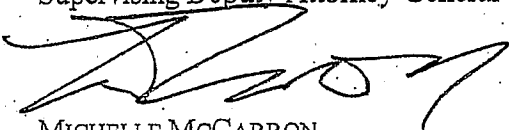
ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the State Board of Optometry of the Department of Consumer Affairs.

Dated: December 14, 2011

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
MARC D. GREENBAUM
Supervising Deputy Attorney General


MICHELLE MCCARRON
Deputy Attorney General
Attorneys for Complainant

LA2011600453
Stipulation.rtf

Exhibit A

Petition to Revoke Probation No. CC 2009 71

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 MICHELLE MCCARRON
Deputy Attorney General
4 State Bar No. 237031
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2544
6 Facsimile: (213) 897-2804
Attorneys for Complainant

7
8 **BEFORE THE**
STATE BOARD OF OPTOMETRY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Petition for Reduction of
11 Penalty Against,

Case No.

12 **SHARON MARY SAMSKI**
13 **3639 San Remo #33**
Santa Barbara, CA 93105
14 **Optometry License No. 9351**

PETITION TO REVOKE PROBATION

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Mona Maggio (Complainant) brings this Petition to Revoke Probation solely in her
19 official capacity as the Executive Officer of the State Board of Optometry, Department of
20 Consumer Affairs.

21 2. On or about August 17, 1989, the State Board of Optometry issued Optometry
22 License Number 9351 to Sharon Mary Samski (Respondent). The Optometry License expired on
23 January 31, 2010, and has not been renewed.

24 3. In a disciplinary action entitled "In the Matter of Accusation Against Sharon Mary
25 Samski," Case No. 2003-71, the State Board of Optometry, issued a decision, effective May 31,
26 2005, in which Respondent's Optometry License was revoked. However, the revocation was
27 stayed and Respondent's Optometry License was placed on probation for a period of eight (8)
28

1 years with certain terms and conditions. A copy of that decision is attached as Exhibit A and is
2 incorporated by reference.

3 **FIRST CAUSE TO REVOKE PROBATION**

4 **(Alcohol - Abstain from Use)**

5 4. At all times after the effective date of Respondent's probation, Condition 10 stated:

6 Respondent shall abstain completely from the use of alcoholic beverages.

7 5. Respondent's probation is subject to revocation because she failed to comply with
8 Probation Condition 8, referenced above. On or between April 18 through 23, 2011, Respondent
9 failed to abstain from the use of alcohol. On or about April 19, 2011, the Board received a
10 complaint from Respondent's customer. When the customer went to pick up his eyeglasses, he
11 immediately noticed that Respondent was unable to stand upright, looked extremely disheveled
12 and appeared highly disoriented and confused. Respondent's speech was extremely slurred and at
13 times incomprehensible. The customer said Respondent was under the influence of alcohol.

14 6. After receiving the customer complaint on April 19, 2011, Respondent's probation
15 monitor immediately telephoned Respondent. On or about April 20, 2011, after several attempts
16 to contact Respondent, the probation monitor was able to speak with Respondent via telephone.
17 During their phone conversation, the probation monitor noted that Respondent's voice was
18 extremely slurred. The probation monitor ordered Respondent to use public transportation and
19 report to Division of Investigation for drug / alcohol screening. Respondent said she was busy
20 and refused to do so.

21 7. On or about April 25, 2011, Respondent contacted the Division of Investigation and
22 spoke with her probation monitor over the phone. Respondent admitted to him that she consumed
23 numerous glasses of whiskey throughout the week.

24 8. On or about April 26, 2011, Respondent met with her probation monitor at the
25 Division of Investigation field office. Respondent again admitted to consuming whisky during
26 the week. Respondent told her probation monitor that she last drank alcohol on April 23, 2011.
27 Respondent then submitted to a drug and alcohol screen, and the results came back negative.

28 ///

1 stayed. If an accusation or petition to revoke probation is filed against Respondent during
2 probation, the board shall have continuing jurisdiction until the matter is final, and the period of
3 probation shall be extended until the matter is final.

4 14. Respondent's probation is subject to revocation because she failed to comply with
5 Probation Condition 7, referenced above. The facts and circumstances regarding this violation
6 are as follows: On or between April 18 through April 23, 2011, Respondent violated the terms
7 and conditions of her probation. Complainant's allegations, as set forth in paragraphs 5 through 8,
8 10 and 12, are incorporated by reference as though fully set forth.

9
10
11
12 **PRAYER**

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

15 1. Revoking the probation that was granted by the State Board of Optometry in Case
16 No. 2003-71 and imposing the disciplinary order that was stayed thereby revoking Optometry
17 License No. 9351 issued to Sharon Mary Samski;

18 2. Revoking or suspending Optometry License No. 9351, issued to Sharon Mary
19 Samski; and

20 3. Taking such other and further action as deemed necessary and proper.
21

22 DATED: May 23, 2011

Mona C. Maggio
MONA MAGGIO
Executive Officer
State Board of Optometry
Department of Consumer Affairs
State of California
Complainant

23
24
25
26
27 LA2011600453
28 pet revoke prob.rtf

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

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

OAH No. 2010010623

SHARON SAMSKI, O.D.,

Optometrist License No. 9351,

Petitioner.

DECISION

This matter was heard on January 21, 2010, in Los Angeles by a quorum of the Board of Optometry as follows: Lee Goldstein, O.D. M.P.A., President; Alejandro Arredondo, O.D., Vice-President; Kenneth Lawenda, O.D., Member; Edward Rendon, M.A., Member; Katrina Semmes, Member; and Susy Yu, O.D., M.B.A., F.A.A.Q., Member.

Vincent Nafarrete, Administrative Law Judge of the Office of Administrative Hearings, presided over the hearing. Char Sachson, Deputy Attorney General, appeared under the authority of Government Code section 11522. Petitioner Sharon Samski, O.D., was present and represented herself.

Documentary and oral evidence having been received in the hearing and the matter submitted and considered in closed session, the Board of Optometry finds and decides as follows:

FACTUAL FINDINGS

1. On or about August 15, 1989, the Board of Optometry, Department of Consumer Affairs, State of California (Board of Optometry) issued optometrist license no 9351 to Sharon Mary Samski, O.D. (petitioner). Said optometrist license will expire on or about January 31, 2011, unless renewed.

2. (A) Effective on September 18, 2005, and pursuant to a Decision and Order and a Stipulated Settlement and Disciplinary Order in Case No. 2003-71, the

Board of Optometry revoked petitioner's optometrist license, stayed the revocation, and placed petitioner on probation for eight years on certain conditions, including the actual suspension of her license for 30 days (condit. no. 1). The Board also ordered petitioner to undergo a psychiatric or psychological evaluation and, if required, treatment at her own expense; petitioner was ordered not to engage in the practice of optometry until the Board notified her that she was mentally fit to practice safely (condit. nos. 2 and 12). In addition, the Board ordered, in part, that petitioner abstain from the use or possession of controlled substances and alcohol (condit. nos. 8 – 10), submit to biological fluid testing upon request of the Board or its designee (condit. no. 11), not engage in the solo practice of optometry (condit. no. 14), cooperate with probation surveillance program (condit. no. 4), undergo medical evaluations and/or treatment (condit. no. 13), and receive drug and alcohol counseling (condit. no. 15). The Board did not order petitioner to pay any costs as part of its disciplinary order.

(B) Under the terms of the Stipulated Settlement and Disciplinary Order, petitioner admitted the charges and allegations contained in the First Amended Accusation in Case No. 2003-71 and agreed that her optometrist license be subject to discipline. Petitioner's optometrist license was disciplined for having engaged in unprofessional conduct by using or consuming alcoholic beverages in a dangerous manner or to such extent that she was impaired and could not practice optometry safely in violation of Business and Professions Code section 3105.1; having her Colorado optometrist license subjected to discipline in violation of Business and Professions Code section 3090; having been convicted of substantially related crimes in violation of Business and Professions Code sections 3090, 490, and 2555.1; for engaging in unlawful advertising in violation of Business and Professions Code section 2556; and for failing to notify the Board of Optometry of her place of optometry practice in violation of Business and Professions Code, section 3070.

(C) The facts and circumstances of petitioner's violations were that, first, on or about November 14, 2003, she consumed alcohol, became intoxicated, and was not able to treat her patients. Second, in October 2000, petitioner had her optometrist license in Colorado placed on probation for practicing optometry while under the influence of alcohol. In December 2000, petitioner violated her Colorado probation by failing to participate in a peer assistance program for alcohol dependency. In April 2001, her Colorado license was indefinitely suspended for violating her probation. Third, in November 2004, petitioner was twice convicted in Santa Barbara County Superior Court of driving a motor vehicle with a greater than 0.08 percent blood alcohol in her system. Fourth, in April 2004, she advertised her optometry practice, which was located at the rear of a Santa Barbara optical store, by placing an advertisement for eye examinations in the front of the optical store. Fifth, from October 2003 through November 2003, and from March 2004 through June 2004, petitioner failed to notify the Board of Optometry of her optometry business or practice locations in Ventura and Santa Barbara, respectively.

3. On or about June 18, 2009, after being on probation for almost four years, petitioner filed a Petition for Reduction of Penalty or Early Termination of Probation with the Board of Optometry, seeking termination of her eight-year term of probation. Petitioner testified at the hearing and presented a letter from her treating psychiatrist and the results of a recent drug test (Exh. A). She has complied with many of the terms of her probation.

4. (A) Condition No. 1—Petitioner's license to practice optometry was suspended and she did not practice optometry for 30 days from September 18, 2005, through October 18, 2005.

(B) Conditions Nos. 8 – 11—Petitioner has abstained from using or consuming non-prescribed drugs and alcohol and has been sober for over five years now. She does not associate with people who drink and relies upon her family for daily support. For additional support in her recovery, she engages in prayer and attends meetings of Alcoholic Anonymous three times weekly. For the past four years, petitioner has undergone periodic biological fluid testing or screening for drugs, marijuana, and alcohol. The results of all of her tests have been negative. Her last drug screening occurred on November 10, 2009, at the Santa Barbara County Health Care Clinical Lab and the results of the drug tests of her urine specimen were negative (Exh. A).

(C) Condition No. 14—From December 8, 2004, through October 19, 2007, petitioner participated in and successfully graduated from the alcohol and addiction recovery program at the Council on Alcoholism and Drug Abuse in Santa Barbara. She received group and individual counseling and attended alcohol education classes in this program approved by the Board of Optometry. Earlier, from December 2005 through March 2006, petitioner also participated in the substance abuse program of Project Recovery in Santa Barbara.

(D) Condit. No. 13—Petitioner has received regular medical evaluations and treatment from her primary care physician. She exercises frequently and is in excellent physical health.

(E) Condit. No. 4—Petitioner has complied with the Board of Optometry's probation surveillance program. She has met with and/or reported to her probation investigator or monitor and provided records and documents when requested to do so. She filed Quarterly Reports of Compliance.

5. On September 4, 2006, petitioner completed her criminal probation for her two November 2004 convictions for driving under the influence of alcohol. She has had no other arrests or convictions.

6. Psychiatric or Psychological Evaluation and Therapy (A) Soon after her optometrist license was placed on probation, petitioner was referred to and began

receiving psychiatric treatment from psychiatrists Ronald Koegler, M.D., Lisa McDuffie, M.D., and Herman Schornstein, M.D., at the County of Santa Barbara Alcohol, Drug, and Mental Health Services department. Since late 2005 and continuing to the present, petitioner has received continuous psychiatric treatment at the county mental health services department, whose doctors have regularly filed On-Going Treatment Verification forms with the Board of Optometry for the past four years. In 2005, petitioner was diagnosed with bipolar disorder and substance and alcohol abuse disorder. Since then, she has been prescribed and been taking Depakote for treatment of her conditions. Psychiatrists at the county mental health services department verify that petitioner has been taking her medication and attended all scheduled appointments. Over the past four years, she has been emotionally stable, the prognosis of her mental health has been excellent, and she requires therapy only to maintain her mental status.

(B) In November 2008, petitioner's care and treatment at the county mental health services department was transferred to Dr. Schornstein. In December 2008, Dr. Schornstein was interviewed by petitioner's probation monitor and verified that petitioner was being treated and monitored for bipolar mood disorder and prescribed normal dosages of Depakote. The psychiatrist indicated that petitioner needed on-going and long-term treatment but her mental health was completely stable, her alcoholism was under control, and her prognosis was excellent. Petitioner was cooperative and positive in her treatment program and wanted to properly manage her bipolar disorder. Dr. Schornstein opined that petitioner was mentally healthy enough to continue or resume her profession as an optometrist and perform the duties of her professional license.

(C) On November 17, 2009, Dr. Schornstein reported to petitioner's probation monitor that he sees petitioner every 12 weeks to monitor her medication Depakote for treatment of her bipolar mood disorder. Her illness requires long-term maintenance therapy and monitoring. Dr. Schornstein indicated that petitioner needs long-term maintenance therapy and monitoring due to her illness but she continues to be stable due to her insight and compliance with treatment. Based on his treatment of petitioner for 11 months and her compliance with treatment and absence of relapses, Dr. Schornstein opined that petitioner's prognosis is excellent and she is capable of safely performing the functions of a licensed optometrist. Three months earlier, in August 2009, Dr. Schornstein indicated he believed petitioner is ready to return to work as an optometrist.

7. (A) On an undetermined date in late 2006, petitioner asked her probation monitor, an investigator with the Department of Investigation, for approval to work part-time at the Ventura and Santa Barbara optometrist offices of Christian Wilson, O.D. In October 2006, the probation monitor interviewed Dr. Wilson who stated he was aware of the petitioner's past substance abuse and mental health issues, was willing to hire her to work 15 to 25 hours per week in his two offices, and would supervise her practice in both offices. On November 13, 2006, Dr. Wilson signed an

agreement to observe and monitor petitioner during her probationary period and petitioner was given approval to work for him. Subsequently, Dr. Wilson filed monitoring reports with the probation monitor and indicated that petitioner maintained professional protocols and skills.

(B) In February 2008, the probation monitor granted approval to petitioner to work one day each week at the Costco optometric facility in Oxnard and under the supervision of a Costco optometrist. Petitioner advised her probation monitor that she continued to work on an on-call basis at Dr. Wilson's office in Santa Barbara office.

(C) In April 2008, the probation monitor began an investigation as to whether petitioner was engaged in an independent or solo optometry practice at Dr. Wilson's office in Santa Barbara. The Board of Optometry had determined that the Santa Barbara office had not been registered by Dr. Wilson as one of his optometry offices. In May 2008, the probation monitor interviewed Dr. Wilson and found that Dr. Wilson did not see patients or practice optometry from the Santa Barbara location. He practiced only in Ventura and Commerce and considered himself to be petitioner's supervising monitor and mentor. Dr. Wilson insisted that he regularly supervised petitioner at the Santa Barbara office. Upon instructions of the probation monitor and after being advised that petitioner may be in violation of her probationary condition that she not engage in a solo practice, Dr. Wilson agreed to instruct petitioner not to see patients in the Santa Barbara office and to see patients only at his Ventura office.

(D) In May 2008, the probation monitor visited the Santa Barbara office and interviewed petitioner. The Santa Barbara office was comprised of 180 square feet with a waiting area and one examination room. The office was located next door to the optical store, Fashion Optical. In the office, petitioner displayed her educational certificates and optometrist license on the wall and her business cards. She kept approximately 70 patient files in the office. Since late 2006, she had worked 10 hours per week in this office. She stated that she saw about two patients each week and another 10 to 15 hours per week in Dr. Wilson's Ventura office. She was subleasing the Santa Barbara office herself and paying \$525 per month in rent. Petitioner told her probation monitor that she did not think that she was engaged in an independent or solo practice because she was regularly supervised by Dr. Wilson. She thought she was following the rules of her probation and stated she did not intend to violate her probation or to deceive the Board of Optometry. She added she only wanted to maintain her optometry skills and contacts in the Santa Barbara community. She was not making enough money to pay the rent. Petitioner promised probation monitor that she would work only at Dr. Wilson's office in Ventura.

(E) On May 13, 2008, petitioner filed a request with her probation monitor to modify the terms of her probation to allow her to work in a solo practice in the Santa Barbara office. She complained that she could not find a job or make a living and was suffering a financial hardship. It was not established that petitioner's

request to engage in a solo practice was considered or granted by the Board of Optometry. On an undetermined date shortly after May 2008, petitioner closed her optometry office in Santa Barbara.

(F) In July 2008, the Board of Optometry found that Fashion Optical was advertising its optical business on the internet in conjunction with petitioner's optometrist. In August 2008, the probation monitor verified that petitioner had closed her office. After the probation monitor contacted him, the owner of Fashion Optical removed petitioner's name from his internet advertisement. Both the optical store owner and petitioner stated that petitioner did not give permission or know that the owner was using her name in the advertisement.

8. (A) In June 2008, petitioner entered into a two-year agreement to lease the business premises of Fashion Optical, which is located next door to her closed optometrist office in Santa Barbara, and to open her own optical store selling eyewear or eyeglasses to the public.

(B) On July 11, 2009, petitioner notified her probation monitor and the Board of Optometry that she was starting an optical store business at the address of Fashion Optical and planned to sell and dispense eyewear. She indicated that she does not have any optometric equipment on the eyewear premises and does not perform any eye examinations.

(C) Petitioner is not a registered dispensing optician. During the hearing on petition to terminate her probation, petitioner testified that she only sells eyeglasses at the premises and does not perform any eye examinations, write any prescriptions, or make any diagnoses. She indicated that she uses prescriptions written by other optometrists to fit and sell her eyewear. Petitioner testified that she is not making much money from her optical store business.

9. (A) Petitioner assumed the lease and opened the optical dispensing or eyewear store in Santa Barbara because she does not have any source of income. She is currently unemployed and is not receiving any unemployment benefits. She has not been able to work as employee-optometrist for any extended period of time over the past six years. Petitioner seeks either early termination of her probation or elimination of the probationary condition prohibiting her from engaging in a solo practice.

(B) In 2007, petitioner worked as a surgical coordinator at a hospital for seven months. She also worked as a receptionist for seven months. She testified in a sincere manner and indicated that she learned a lot about the laws and regulations governing her license by attending the petition hearings of the Board of Optometry.

10. For the years 2006 through 2009, petitioner has completed a number of continuing education courses as outlined in her petition and for which she has

submitted certificates of participation and/or of continuing education credit. In the past year, she has also reviewed and studied optometric literature.

11. Petitioner is an active volunteer in her community. She has served meals in a homeless shelter and conducted free vision screenings for children and families and at a neighborhood clinic and at schools.

12. Petitioner has been licensed as an optometrist in this state for 20 years and lives in Santa Barbara. She attended the College of Optometry at Pacific University in Oregon. Her optometrist license in Colorado is inactive.

* * * * *

Based on the foregoing findings of fact, the Board of Registered Nursing makes the following determination of issues:

LEGAL CONCLUSIONS

1. Grounds do not exist to grant the petition for penalty reduction or early termination of probation pursuant to Government Code section 11522, in that it was not established that petitioner is rehabilitated from her violations under the criteria of California Code of Regulations, title 16, section 1516, as set forth in Findings 1 – 12 above.

2. Discussion—Petitioner has been on probation for over four years and complied with many of the terms and conditions of her probation, including abstinence from the use of drugs and alcohol, completion of a substance recovery program, and treatment of her bipolar mood disorder. She continues to receive psychiatric treatment to maintain her stability and monitor her medication. Her prognosis is excellent. She has attained continuing education credits and participated in community activities. She completed the probation for her convictions for driving with an illegal amount of alcohol in her blood system. As such, petitioner has presented significant evidence of her rehabilitation from the violations that resulted in her optometrist license to be placed on probation.

However, petitioner did not submit sufficient evidence of rehabilitation under the criteria of California Code of Regulations, title 16, section 1516, to warrant granting her petition for reduction of penalty or early termination of probation at this time. First, petitioner did not present evidence of having worked as an optometrist for any extended period of time during her probation. The Board of Optometry recognizes that it is not altogether easy for an optometrist on probation to find employment, but petitioner has been approved to work for Dr. Christian Wilson in his Ventura office and for the optometrist at the Costco in Oxnard. While Dr. Wilson

submitted a letter of recommendation for petitioner in this matter, his letter as well as his earlier reports to the probation monitor have less probative value and are not persuasive as to petitioner's optometric skills and knowledge inasmuch as Dr. Wilson did not see patients in Santa Barbara. The evidence was not clear as to how much petitioner actually worked under Dr. Wilson's supervision at his Ventura office or at the optometry department at Costco. Part-time employment as an optometrist for approximately one year with supervision by an employing optometrist will help to establish petitioner's rehabilitation.

Second, petitioner did not demonstrate sufficient knowledge of the laws and regulations governing the practice of optometry in this state or the probationary terms and conditions that limit her practicing of her profession. After receiving approval to work for Dr. Wilson, petitioner failed to understand that she had to be personally supervised by Dr. Wilson in one of his offices. Dr. Wilson was not supposed to be merely her practice monitor or mentor. Approval to work in his offices did not mean that she could unwittingly engage in the solo practice of optometry in her own office in Santa Barbara. Petitioner must also show she is proactive and diligent in consulting with her probation monitor and personnel of the Board of Optometry before embarking on ventures such as opening an office or the optical store. Because she is on probation, it behooves petitioner to confirm that she is able or has the authority to operate an optical store or to act as a dispensing optician based on her holding of an optometrist license. Petitioner candidly admitted that she learned a lot about the pertinent laws and regulations by attending the petitioner hearings but she must demonstrate that she is familiar with the laws and regulations and has the ability to abide by them. As a matter of public protection and safety, petitioner's request to either reduce her penalty or to have her probation terminated early must be denied at this time.

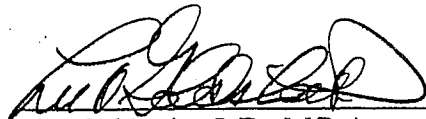
* * * * *

Wherefore, the following Order is hereby made:

ORDER

The Petition for Reduction of Penalty or Early Termination of Probation filed by petitioner Sharon Samski, O.D., is denied, based on Conclusions of Law 1 and 2 above, jointly and for all.

Dated: February 26, 2010



Lee Goldstein, O.D., M.P.A.
President
Board of Optometry

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

In the Matter of the Accusation)
Against:)
Sharon Mary Samski)
Post Office Box 23815)
Santa Barbara CA 93121)
Respondent.)

No. 2003 71

OAH No. 2005040605

DECISION AND ORDER

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

This Decision shall become effective September 18, 2005.

It is so ORDERED August 18, 2005


EDWARD P. HERNANDEZ, O. D.
PRESIDENT
BOARD OF OPTOMETRY

1 BILL LOCKYER, Attorney General
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6 Attorneys for Complainant

7
8 **BEFORE THE**
9 **STATE BOARD OF OPTOMETRY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2003 71

13 SHARON MARY SAMSKI
649 D Verde Mar Drive
Santa Barbara CA 93103

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 Optometry No. 9351,
15

Respondent.

16
17
18 In the interest of a prompt and speedy settlement of this matter, consistent with the
19 public interest and the responsibility of the Board of Optometry the parties hereby agree to the
20 following Stipulated Settlement and Disciplinary Order which will be submitted to the Board for
21 approval and adoption as the final disposition of the Accusation.

22 **PARTIES**

23 1. Taryn Smith (Complainant) is the Executive Officer of the State Board of
24 Optometry (Board). She brought this action solely in her official capacity and is represented in
25 this matter by Bill Lockyer, Attorney General of the State of California, by Kimberlee D. King,
26 Deputy Attorney General.

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1 2. Respondent SHARON MARY SAMSKI (Respondent) is representing
2 herself in this proceeding and has chosen not to exercise her right to be represented by counsel.

3 3. On or about August 17, 1989, the Board issued Certificate of Registration
4 No. 9351 to SHARON MARY SAMSKI (Respondent). The Certificate of Registration was in
5 full force and effect at all times relevant to the charges brought in Accusation Case No. 2003 71
6 and will expire on January 31, 2005, unless renewed.

7 4. On or about July 20, 2004, the Board issued Statement of Licensure No.
8 4438 to Sharon Mary Samski for an additional place of employment with Christian Wilson, O.D.
9 at 4051-A East Main Street, Ventura, CA 93101. The statement was in full force and effect at all
10 times relevant to the charges brought herein and will expire on January 31, 2005, unless renewed.

11 JURISDICTION

12 5. Accusation Case No. 2003 71 was filed before the Board of Optometry,
13 and is currently pending against Respondent. The Accusation and all other statutorily required
14 documents were properly served on Respondent on November 17, 2004. Respondent did not
15 timely file her Notice of Defense contesting the Accusation. A copy of Accusation Case No.
16 2003 71 is attached as Exhibit A and incorporated herein by reference. Amended Accusation
17 Case No. 2003 71 was filed on December 13, 2004. The amended accusation and all other
18 statutorily required documents were properly served on Respondent on January 4, 2005.

19 ADVISEMENT AND WAIVERS

20 6. Respondent has carefully read, and understands the charges and allegations
21 in Accusation Case No. 2003 71. Respondent has also carefully read, and understands the effects
22 of this Stipulated Settlement and Disciplinary Order.

23 7. Respondent is fully aware of her legal rights in this matter, including the
24 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
25 counsel at her own expense; the right to confront and cross-examine the witnesses against her;
26 the right to present evidence and to testify on her own behalf; the right to the issuance of
27 subpoenas to compel the attendance of witnesses and the production of documents; the right to
28 reconsideration and court review of an adverse decision; and all other rights accorded by the

1 California Administrative Procedure Act and other applicable laws.

2 8. Respondent voluntarily, knowingly, and intelligently waives and gives up
3 each and every right set forth above.

4 CULPABILITY

5 9. Respondent admits the truth of each and every charge and allegation in
6 Accusation Case No. 2003 71.

7 10. Respondent agrees that her Certificate of Registration and Statement of
8 Licensure are subject to discipline and she agrees to be bound by the Board of Optometry's
9 imposition of discipline as set forth in the Disciplinary Order below.

10 CONTINGENCY

11 11. The parties understand and agree that facsimile copies of this Stipulated
12 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
13 force and effect as the originals.

14 12. In consideration of the foregoing admissions and stipulations, the parties
15 agree that the Board of Optometry may, without further notice or formal proceeding, issue and
16 enter the following Disciplinary Order:

17 DISCIPLINARY ORDER

18 IT IS HEREBY ORDERED that Certificate of Registration No. 9351 and
19 Statement of Licensure No. 4438 issued to Respondent SHARON MARY SAMSKI
20 (Respondent) are revoked. However, the revocation are stayed and Respondent is placed on
21 probation for eight (8) years on the following terms and conditions.

22 1. **Actual Suspension.** Certificate of Registration No. 9351 and Statement
23 of Licensure No. 4438 issued to Respondent Sharon Mary Samski are suspended for a period of
24 thirty (30) days.

25 2. **Actual Suspension - Pending Psychiatric Evaluation (run**
26 **concurrently).** Certificate of Registration No. 9351 and Statement of Licensure No. 4438 issued
27 to Respondent Sharon Mary Samski are suspended commencing from the effective date of this
28 decision for such time as it is necessary for Respondent to be in full compliance with Condition

1 No. 12. This suspension shall run concurrently with the suspension set forth in Condition No. 1.

2 3. **Obey All Laws.** Respondent shall obey all federal, state and local laws,
3 and all rules governing the practice of optometry in California.

4 4. **Cooperate with Probation Surveillance.** Respondent shall comply with
5 the board's probation surveillance program; including but not limited to allowing access to the
6 probationer's optometric practice(s) and patient records upon request of the board or its agent.

7 5. **Tolling of Probation If Respondent Moves Out-of-State.** The period of
8 probation shall not run during the time Respondent is residing or practicing outside the
9 jurisdiction of California. If, during probation, Respondent moves out of the jurisdiction of
10 California to reside or practice elsewhere, Respondent is required to immediately notify the board
11 in writing of the date of departure, and the date of return, if any.

12 6. **Completion of Probation.** Upon successful completion of probation,
13 Respondent's certificate will be fully restored.

14 7. **Violation of Probation.** If Respondent violates probation in any respect,
15 the board, after giving Respondent notice and opportunity to be heard, may revoke probation and
16 carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is
17 filed against Respondent during probation, the board shall have continuing jurisdiction until the
18 matter is final, and the period of probation shall be extended until the matter is final.

19 8. **Drugs & Alcohol/Abstain From Use.** Respondent shall abstain
20 completely from the personal use or possession of controlled substances as defined in the
21 California Uniform Controlled Substances Act, and dangerous drugs as defined by Section 4211
22 of the Business and Professions Code, or any drugs requiring a prescription.

23 9. **Drugs - Exception for Personal Illness.** Orders forbidding Respondent
24 from personal use or possession of controlled substances or dangerous drugs do not apply to
25 medications lawfully prescribed to Respondent for a bona fide illness or condition by a licensed
26 physician.

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1 10. **Alcohol - Abstain From Use.** Respondent shall abstain completely from
2 the use of alcoholic beverages.

3 11. **Biological Fluid Testing.** Respondent shall immediately submit to
4 biological fluid testing, at Respondent's cost, upon the request of the board or its designee.

5 12. **Psychiatric or Psychological Evaluation/Psychotherapy.** Within 30
6 days of the effective date of this decision, and on a periodic basis thereafter as may be required
7 by the board or its designee, Respondent shall undergo a psychiatric or psychological evaluation
8 (and psychological testing, if deemed necessary) by a board-appointed psychiatrist or
9 psychologist, at Respondent's cost, who shall furnish a psychiatric or psychological report to the
10 board or its designee.

11 If Respondent is required by the board or its designee to undergo psychiatric or
12 psychological treatment, Respondent shall within 30 days of the requirement notice submit to
13 the board for its prior approval the name and qualifications of a psychiatrist or psychologist of
14 Respondent's choice. Upon approval of the treating psychiatrist or psychologist, Respondent shall
15 undergo and continue psychiatric or psychological treatment, at Respondent's cost, until further
16 notice from the board. Respondent shall have the treating psychiatrist or psychologist submit
17 quarterly status reports to the board.

18 Respondent shall not engage in the practice of optometry until notified by the
19 board of its determination that Respondent is mentally fit to practice safely.

20 Should Respondent, undergo psychiatric or psychological treatment pursuant to
21 this stipulation, and for any reason, cease treatment with the approved psychotherapist,
22 Respondent shall notify the Board immediately and, within 30 days of ceasing treatment, submit
23 the name of a replacement psychotherapist of Respondent's choice to the Board for its prior
24 approval. Upon approval of the replacement psychotherapist, Respondent shall continue
25 treatment at Respondent's cost until the Board deems that no further psychotherapy is necessary
26 and Respondent shall have the new psychotherapist submit quarterly status reports to the board.

27 13. **Medical Treatment.** Within 60 days of the effective date of this decision,
28 Respondent shall submit to the board for its prior approval the name and qualifications of a

1 physician of Respondent's choice. Upon approval, Respondent shall undergo and continue
2 treatment, at Respondent's cost, until the board deems that no further medical treatment is
3 necessary. Respondent shall have the treating physician submit quarterly status reports to the
4 board. The board may require Respondent to undergo periodic medical evaluations by a board-
5 appointed physician.

6 Should Respondent, undergo medical treatment pursuant to this stipulation, and
7 for any reason, cease treatment with the approved physician, Respondent shall notify the Board
8 immediately and, within 30 days of ceasing treatment, submit the name of a replacement
9 physician of Respondent's choice to the Board for its prior approval. Upon approval of the
10 replacement physician, Respondent shall continue treatment at Respondent's cost until the Board
11 deems that no further medical is necessary and Respondent shall have the new physician submit
12 quarterly status reports to the board.

13 14. **Restricted Practice** - During probation, Respondent is prohibited from
14 engaging in solo practice.

15 15. **Drug, Alcohol, or Other Chemical Abuse Counseling and**
16 **Treatment.** Within 15 days of the effective date of this decision, Respondent shall submit the
17 name, business address and business telephone number of three persons who are professionally
18 qualified to provide counseling and treatment for drug, alcohol or other chemical abuse
19 appropriate to the case. Thereafter the board through its staff shall select one of these persons to
20 provide the necessary counseling and treatment. Within 30 days of written notification of this
21 selection to the Respondent the Respondent shall, in consultation with this counselor and treating
22 professional, prepare and submit to the board for its approval, a counseling and treatment
23 program all costs of which shall be paid by the Respondent. Respondent shall successfully
24 complete this counseling and treatment program as a condition of probation.

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1 ACCEPTANCE

2 I have carefully read the Stipulated Settlement and Disciplinary Order. I
3 understand the stipulation and the effect it will have on my Optometry. I enter into this
4 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree
5 to be bound by the Decision and Order of the Board.

6 DATED: 5/2/05

7 Sharon Samski
8 SHARON MARY SAMSKI (Respondent)
9

10
11
12 ENDORSEMENT

13 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
14 submitted for consideration by the Board.

15
16 DATED: 5/21/05

17 BILL LOCKYER, Attorney General
18 of the State of California

19 Kimberlee King
20 KIMBERLEE D. KING
21 Deputy Attorney General

22 Attorneys for Complainant
23
24
25
26

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

In the Matter of the Amended Accusation
Against:

Case No. 2003-71

SHARON MARY SAMSKI, O.D.
649 D Verde Mar Drive
Santa Barbara, CA 93103

ORDER VACATING DEFAULT
DECISION

Certificate of Registration No. 9351
Statement of Licensure No. 4438

Respondent.

A default decision was ordered in the above-captioned matter on February 17, 2005, with an effective date of March 19, 2005, and served upon Respondent on February 25, 2005 to her last known address of record. On February 19, 2005, Respondent submitted a letter to the Attorney General advising that she was homeless and could not respond to her mail. She asked for an extension of time to file a notice of defense in order to find an attorney to explain the correspondence sent to her by the Attorney General, as she did not understand it.

On March 14, 2005, Respondent submitted a written request to set aside the default decision due to her lack of timely notice of communications sent to her by Attorney General. This letter shall be treated as a motion to vacate the default decision.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

Complainant does not oppose the motion.

ORDER

IT IS SO ORDERED that good cause exists to vacate the default decision in this matter for the reasons stated in respondent's motion. The motion to vacate the default decision is granted and the default decision is hereby vacated.

It is so ORDERED. March 18, 2005.


EDWARD P. HERNANDEZ, O.D., PRESIDENT
FOR THE STATE BOARD OF OPTOMETRY
DEPARTMENT OF CONSUMER AFFAIRS

Comment [1]: 6 Within California Procedure (4th ed. 1996) Proceedings Without Trial, § 153, pp. 570-571.

(b) [§153] Conclusive Admission of Material Facts.

The judgment by default is said to "confess" the material facts alleged by the plaintiff, i.e., the defendant's failure to answer has the same effect as an express admission of the matters well pleaded in the complaint. The judgment is, in consequence, res judicata on the issue of the right to the relief awarded. "The judgment which follows upon this sort of admission is, in contemplation of law, a complete adjudication of all the rights of the parties embraced in the prayer for relief and arising from the facts stated in the complaint, including the facts in his favor as well as those against him. The defendant here is presumed to have acceded to the proposition embraced in the complaint and to have consented that plaintiff should obtain the relief therein prayed for, upon the conditions and facts set forth in the complaint." (*Brown v. Brown* (1915) 170 C.1 5, 147 P. 1168; see *Horton v. Horton* (1941) 18 C.2d 579, 585, 116 P.2d 605; *Fitzgerald v. Herzer* (1947) 78 C.A.2d 127, 131, 177 P.2d 364.) "A judgment by default is as conclusive as to the issues tendered by the complaint as if it had been rendered after answer filed." (*Christiana v. Rowe* (1950) 100 C.A.2d 46, 50, 222 P.2d 891; *O'Brien v. Appling* (1955) 133 C.A.2d 40, 42, 283 P.2d 289; 7 Cal. Proc. (4th) Judgment, § 385; *In re Circusia* (1963) 219 C.A.2d 777, 786, 33 C.R. 514, 4 Cal. Proc. (4th) Pleading, § 389 [defendant deemed to confess that true copies of regulation and order were attached to complaint]; *Mallin v. General Finance Co.* (1966) 239 C.A.2d 438, 443, 48 C.R. 773; *People v. Sims* (1982) 32 C.3d 468, 481, 186 C.R. 77, 651 P.2d 321 [quoting *Fitzgerald v. Herzer*, supra]; 7 Cal. Proc. (4th) Judgment, §§ 315, 384 et seq.). Even where the cause of action and parties are different, and the default judgment is not res judicata, the essential allegations of the complaint have evidentiary value in a subsequent proceeding as judicial admissions. (*Bohn v. Wilson* (1954) 130 C.A.2d 24, 33, 278 P.2d 454, 5 Cal. Proc. (4th) Pleading, § 667; see 1 Cal. Evidence (3d) § 646.)

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5 **BEFORE THE**
6 **STATE BOARD OF OPTOMETRY**
7 **DEPARTMENT OF CONSUMER AFFAIRS**
8 **STATE OF CALIFORNIA**

9 In the Matter of the Amended Accusation
10 Against:

Case No. 2003-71

11 SHARON MARY SAMSKI, O.D.
12 1433 State Street
13 Santa Barbara, CA 93101

**DEFAULT DECISION
AND ORDER**

14 4051-A East Main Street
15 Ventura, CA 93101

16 Certificate of Registration No. 9351
17 Statement of Licensure No. 4438

18 Respondent.

19 **FINDINGS OF FACT**

20 1. On or about November 2, 2004, Complainant Taryn Smith, in her official
21 capacity as the Executive Officer of the State Board of Optometry, Department of Consumer
22 Affairs, filed Accusation No. 2003-71 against Sharon Mary Samski (Respondent) before the
23 State Board of Optometry. On or about December 13, 2004, Complainant Taryn Smith, in her
24 official capacity as the Executive Officer of the State Board of Optometry, Department of
25 Consumer Affairs, filed First Amended Accusation No. 2003-71.

26 2. On or about August 17, 1989, the State Board of Optometry (Board)
27 issued Certificate of Registration No. 9351 to Respondent. The Certificate of Registration
28 expired on January 31, 2005, and has not been renewed.

3. On or about July 20, 2004, the State Board of Optometry issued Statement
of Licensure No. 4438 to Respondent. The Statement of Licensure expired on January 31, 2005,
and has not been renewed.

1 4. On or about November 17, 2004, Rebeca Garcia, an employee of the
2 Department of Justice, served by Certified and First Class Mail a copy of Accusation No.
3 2003-71, Statement to Respondent, Notice of Defense, Request for Discovery, and Government
4 Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board,
5 which was and is 1433 State Street, Santa Barbara, CA 93101. A copy of the Accusation and
6 accompanying documents is attached as Exhibit "A" and incorporated by reference.

7 5. On or about December 22, 2004, respondent sent a letter to the board
8 wherein she detailed her attempts at rehabilitation and stated that she would cooperate with the
9 board. She did not request a hearing. In response to that letter, Deputy Attorney General
10 Kimberlee King sent a letter to respondent on January 10, 2005 advising her that she must file a
11 Notice of Defense within ten days to avoid a default decision. The letter was accompanied by
12 two additional Notice of Defense forms. A copy of each letter is attached collectively as Exhibit
13 "B" and incorporated by reference.

14 6. On or about January 4, 2005, a copy of First Amended Accusation No.
15 2003-71, with supporting documents, was served on Respondent at 1433 State Street, Santa
16 Barbara, CA 93101, 4051-A East Main Street, Ventura, CA 93101, and 649 D Verde Mar Drive,
17 Santa Barbara, CA 93103 (respondent's new address). On or about January 26, 2005, respondent
18 signed a return receipt for these documents. A copy of the First Amended Accusation together
19 with service documents is attached and is incorporated by reference.

20 7. On or about February 2, 2005, Deputy Attorney General Kimberlee King
21 sent another letter dated February 1, 2005 to respondent advising her that she must file a Notice
22 of Defense within seven days to avoid a default decision. A copy of this letter is attached as
23 Exhibit "D" and incorporated by reference.

24 8. Service of the Accusation and First Amended Accusation were effective as
25 a matter of law under the provisions of Government Code section 11505, subdivision (c).

26 9. Government Code section 11506 states, in pertinent part:

27 "(c) The respondent shall be entitled to a hearing on the merits if the respondent
28 files a notice of defense, and the notice shall be deemed a specific denial of all parts of the

1 accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of
2 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

3 10. Respondent failed to file a Notice of Defense within 15 days after service
4 upon her of the Accusation and First Amended Accusation, and therefore waived her right to a
5 hearing on the merits of First Amended Accusation No. 2003-71 and Accusation No. 2003-71.

6 11. California Government Code section 11520 states, in pertinent part:

7 "(a) If the respondent either fails to file a notice of defense or to appear at the
8 hearing, the agency may take action based upon the respondent's express admissions or upon
9 other evidence and affidavits may be used as evidence without any notice to respondent."

10 12. Pursuant to its authority under Government Code section 11520, the Board
11 finds Respondent is in default. The Board will take action without further hearing and, based on
12 Respondent's express admissions by way of default and the evidence before it, contained in
13 exhibit A finds that the allegations in First Amended Accusation No. 2003-71 are true.

14 13. The total costs for investigation and enforcement are \$3,109.25 as of
15 January 28, 2005.

16 DETERMINATION OF ISSUES

17 1. Based on the foregoing findings of fact, Respondent Sharon Mary Samski
18 has subjected her Certificate of Registration No. 9351 and Statement of Licensure No. 4438 to
19 discipline.

20 2. A copy of the Accusation and First Amended Accusation are attached.

21 3. The agency has jurisdiction to adjudicate this case by default.

22 4. The State Board of Optometry is authorized to revoke Respondent's
23 Certificate of Registration and Statement of Licensure based upon the following violations
24 alleged in the First Amended Accusation:

25 a. Business & Professions Code section 3105.1 - practicing
26 optometry under the influence of alcohol.

27 b. Business & Professions Code section 3090 and section 141 -
28 disciplined by the State Board of Optometry, State of Colorado.

1 c. Business & Professions Code section 490 and California Code of
2 Regulations, title 16, section 1517 - conviction of substantially related crimes.

3 d. Business & Professions Code section 2556 - unlawfully advertised
4 with an optical product business.

5 e. Business & Professions Code section 3070 - failed to notify the
6 Board in writing of all locations where Respondent practiced optometry.

7 ORDER

8 IT IS SO ORDERED that Certificate of Registration No. 9351 and Statement of
9 Licensure No. 4438, heretofore issued to Respondent Sharon Mary Samski are revoked.

10 Pursuant to Government Code section 11520, subdivision (c), Respondent may
11 serve a written motion requesting that the Decision be vacated and stating the grounds relied on
12 within seven (7) days after service of the Decision on Respondent. The agency in its discretion
13 may vacate the Decision and grant a hearing on a showing of good cause, as defined in the
14 statute.

15 This Decision shall become effective on March 19, 2005.

16 
17 EDWARD HERNANDEZ, O.D., PRESIDENT
18 FOR THE STATE BOARD OF OPTOMETRY
19 DEPARTMENT OF CONSUMER AFFAIRS

20 It is so ORDERED February 17, 2005.

21 Attachments:

22 Exhibit A: Accusation No. 2003-71
23 Exhibit B: Letters dated 12/22/04 and 1/10/05
24 Exhibit C: First Amended Accusation No. 2003-71
25 Exhibit D: Letter dated 2/1/05

Exhibit A

Accusation No. 2003 71

1 BILL LOCKYER, Attorney General
of the State of California
2 KIMBERLEE D. KING, State Bar No. 141813
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2581
5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

7
8 **BEFORE THE**
9 **STATE BOARD OF OPTOMETRY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2003-71

13 SHARON MARY SAMSKI, O.D.
14 1433 State Street
Santa Barbara, CA 93101

**FIRST AMENDED
ACCUSATION**

15 4051-A East Main Street
16 Ventura, CA 93101

17 Certificate of Registration No. 9351
Statement of Licensure No. 4438,

Respondent.

18 Complainant alleges:

19 **PARTIES**

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

23 2. On or about August 17, 1989, the State Board of Optometry issued
24 Certificate of Registration No. 9351 to Sharon Mary Samski (Respondent). The Certificate of
25 Registration was in full force and effect at all times relevant to the charges brought herein and
26 will expire on January 31, 2005, unless renewed.

27 3. On or about July 20, 2004, the State Board of Optometry issued Statement
28 of Licensure No. 4438 to Sharon Mary Samski for an additional place of employment with

1 Christian Wilson, O.D., at 4051-A East Main Street, Ventura, California 93101. The Statement
2 of Licensure was in full force and effect at all times relevant to the charges brought herein and
3 will expire on January 31, 2005, unless renewed.

4
5 JURISDICTION

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

9 5. Business and Professions Code section 118, subdivision (b) states:

10 "The suspension, expiration, or forfeiture by operation of law of a license issued
11 by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or
12 by order of a court of law, or its surrender without the written consent of the board, shall not,
13 during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board
14 of its authority to institute or continue a disciplinary proceeding against the licensee upon any
15 ground provided by law or to enter an order suspending or revoking the license or otherwise
16 taking disciplinary action against the licensee on any such ground."

17 6. Section 141 of the Code states:

18 "(a) For any licensee holding a license issued by a board under the jurisdiction of
19 the department, a disciplinary action taken by another state, by any agency of the federal
20 government, or by another country for any act substantially related to the practice regulated by
21 the California license, may be a ground for disciplinary action by the respective state licensing
22 board. A certified copy of the record of the disciplinary action taken against the licensee by
23 another state, an agency of the federal government, or another country shall be conclusive
24 evidence of the events related therein.

25 "(b) Nothing in this section shall preclude a board from applying a specific
26 statutory provision in the licensing act administered by that board that provides for discipline
27 based upon a disciplinary action taken against the licensee by another state, an agency of the
28 federal government, or another country."

7. Section 3090 of the Code states:

"The certificate of registration of any person registered under this chapter [chapter 7, commencing with section 3000], or any former act relating to the practice of optometry, may be revoked or suspended for a fixed period by the board for any of the following:

.....
"(b) Unprofessional conduct."

8. Section 490 of the Code states:

"A board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction.

9. Section 2555.1 of the Code states:

"[A] certificate issued hereunder may be suspended or revoked if an individual certificate holder or persons having any proprietary interest who will engage in dispensing operations, have been convicted of a crime substantially related to the qualifications, functions, and duties of a dispensing optician. The record of conviction or a certified copy thereof shall be conclusive evidence of the conviction."

10. Section 2555.11 further states:

"A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions and duties of a dispensing optician is deemed to be a conviction within the meaning of this article. The board may order the certificate suspended or revoked, or may decline to issue a certificate, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

11. Section 2556 of the Code states

"It is unlawful to do any of the following: to advertise the furnishing of, or to furnish, the services of a refractionist, an optometrist, or a physician and surgeon; to directly or indirectly employ or maintain on or near the premises used for optical dispensing, a refractionist, an optometrist, a physician and surgeon, or a practitioner of any other profession for the purpose of any examination or treatment of the eyes; or to duplicate or change lenses without a prescription or order from a person duly licensed to issue the same.

12. Section 3070 of the Code states:

"Before engaging in the practice of optometry, each registered optometrist shall notify the board in writing of the address or addresses where he is to engage, or intends to engage, in the practice of optometry and, also, of any changes in his place of practice. The practice of optometry is the performing or the controlling of any of the acts set forth in Section 3041. Any notice required to be given by the board to any registered optometrist may be given by United States mail to this address, postage thereon prepaid."

13. Section 3105.1 of the Code states:

"The use or consumption of alcoholic beverages or a narcotic drug by a person holding a certificate under this chapter to the extent or in a manner that is dangerous or injurious to the person or to any other person or to the public or to an extent that the use or consumption impairs the ability of the person holding the certificate to conduct with safety to the public the practice authorized by the certificate constitutes unprofessional conduct. Section 3120 shall apply to a violation of this section."

14. California Code of Regulations, title 16, section 1517 states:

"For the purpose of denial, suspension, or revocation of the certificate of registration of an optometrist pursuant to Division 1.5 (commencing with Section 475) of the Code, a crime or act shall be considered to be substantially related to the qualifications, functions, and duties of an optometrist if to a substantial degree it evidences present or potential unfitness of an optometrist to perform the functions authorized by his/her certificate of

///

1 registration in a manner consistent with the public health, safety, or welfare. Such crimes or acts
2 shall include, but not be limited to, those involving the following:

3
4 "(a) Any violation of the provisions of Article 2, Chapter 1, Division 2 of the
5 Code (Sections 525 et seq. of the Code).

6 "(b) Any violation of the provisions of Article 6, Chapter 1, Division 2 of the
7 Code (Sections 650 et. seq. of the Code) except Sections 651.4 and 654.

8 "(c) Any violation of the provisions of Chapter 5.4, Division 2 of the Code
9 (Sections 2540 et seq. of the Code).

10 "(d) Any violation of the provisions of Chapter 7, Division 2 of the Code
11 (Sections 3000 et seq. of the Code)."

12 16. Section 125.3, subdivision (a), states, in pertinent part:

13 "Except as otherwise provided by law, in any order issued in resolution of a
14 disciplinary proceeding before any board within the department . . . the board may request the
15 administrative law judge to direct a licentiate found to have committed a violation or violations
16 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
17 enforcement of the case."

18
19 FIRST CAUSE FOR DISCIPLINE

20 (Working Under the Influence of Alcohol)

21 17. Respondent is subject to disciplinary action under section 3090 of
22 the Code on the grounds of unprofessional conduct for violating section 3105.1, as defined in
23 California Code of Regulations, title 16, section 1517, in that Respondent was under the
24 influence of alcohol while practicing optometry. The circumstances are as follows:

25 a. On or about November 14, 2003, Respondent was the optometrist at the
26 offices of Robert Pazen, an optometrist, while Dr. Pazen was on vacation. After Respondent
27 returned from lunch, the office manager noticed that Respondent was intoxicated and unable to
28 treat her patients. Respondent was observed staggering, having difficulty maintaining her

1 balance, and smelled of alcohol. Respondent admitted to the office manager that she had gone to
2 a nearby Ralph's market, purchased the alcohol, and had consumed it before returning to the
3 office.

4 SECOND CAUSE FOR DISCIPLINE

5 (Disciplinary Action By Another State - State of Colorado)

6 9. Respondent is subject to disciplinary action under sections 3090 and 141
7 of the Code on the grounds that Respondent was disciplined by the State Board of Optometry,
8 State of Colorado. Effective April 16, 2001, "In the Matter of Disciplinary Proceedings
9 Regarding the License to Practice Optometry in the State of Colorado of Sharon M. Samski,
10 O.D., License No. 1448", the Colorado State Board of Optometry entered into a First Amended
11 Stipulation and Final Agency Order, placing Respondent's Colorado optometry license on an
12 indefinite suspension. The circumstances are as follows:

13 a. On or about October 2, 2000, "In the Matter of Disciplinary Proceedings
14 Regarding the License to Practice Optometry in the State of Colorado of Sharon M. Samski,
15 O.D., License No. 1448, the Colorado State Board of Optometry entered into a Stipulation and
16 Final Agency Order, suspending Respondent's license for six (6) months and placing her on
17 probation for a period of five (5) years. On or about November 10, 1999, Respondent was
18 practicing optometry while under the influence of alcohol.

19 b. As a condition of her probation, Respondent was required to participate in
20 Peer Assistance Services for alcohol dependency. As of December 2000, Respondent failed to
21 participate in the Peer Assistance Services program and Respondent's license was placed under
22 indefinite suspension.

23 c. The facts and circumstances surrounding the State Board of Optometry for
24 the State of Colorado's disciplinary actions are set forth in the Stipulation and Final Agency
25 Order and First Amended Stipulation and Final Agency Order, true and correct copies of which
26 are attached hereto as Exhibits A and B, respectively, and which are incorporated herein by
27 reference.

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1 the front of the location, a banner under Fashion Optical's sign was an advertisement for "Eye
2 Exams \$45", which advertisement referred to Respondent's business.

3
4 FIFTH CAUSE FOR DISCIPLINE

5 (Failure to Notify Board of Current Address)

6 12. Respondent is subject to disciplinary action under section 3090 of the
7 Code for violating section 3070 in that Respondent failed to notify the Board in writing of all
8 locations where she practiced optometry, as follows:

9 a. From about October, 2003 to keep about November 14, 2003, Respondent
10 was practicing optometry at the offices of Robert Pazen, O.D., 801 South Victoria Avenue, Suite
11 206, Ventura, California. Respondent failed to notify the Board of this business address.

12 b. From about March 2004 to about June, 2004, Respondent was practicing
13 optometry at 1433 State Street, Santa Barbara, California. Respondent failed to notify the Board
14 of this business address.

15
16
17 PRAYER

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

20
21 1. Revoking or suspending Certificate of Registration No. 9351, issued to
22 Sharon Mary Samski, O.D.;

23 2. Revoking or suspending Statement of Licensure No. 4438, issued to
24 Sharon Mary Samski, O.D.;

25 ///

26 ///

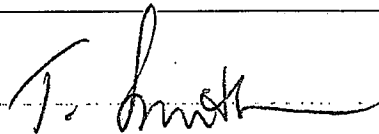
27 ///

28 ///

1 3. Ordering Sharon Mary Samski, O.D., to pay the State Board of Optometry
2 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and
3 Professions Code section 125.3;

4 4. Taking such other and further action as deemed necessary and proper.

5 DATED: December 13, 2004



TARYN SMITH
Executive Officer
State Board of Optometry
Department of Consumer Affairs
State of California
Complainant

20 LA2004601582
21 samski.amendedacc.wpd



STATE BOARD OF OPTOMETRY
2450 DEL PASO ROAD, SUITE 105, SACRAMENTO, CA 95834
P (916) 575-7170 F (916) 575-7292 www.optometry.ca.gov



CERTIFICATION OF NON-LICENSURE

The undersigned, Mona Maggio hereby certifies as follows:

That she is the duly appointed, acting and qualified Executive Officer of the California State Board of Optometry (Board), and that in such capacity she has custody of the official records of the Board.

On this 7th day of January 2014, the Executive Officer examined said official records of the Board and found that **Sharon Mary Samski** graduated from Pacific University in Forest Grove, OR in 1987, and is the holder of Certificate of Registration to Practice Optometry No. 9351, which was granted to her effective August 17, 1989. Said Certificate of Registration was voluntarily surrendered effective April 11, 2012. The current address of record for said Certificate of Registration is 3639 San Remo #33, Santa Barbara, CA 93105.

Said records further reveal that on or about July 20, 2004, Statement of Licensure No. 4438 was issued to **Sharon Mary Samski** authorizing her to practice at 4051-A E Main Street, c/o Chistian Wilson OD, Ventura, CA 93103. Said Statement of Licensure was expired effective January 31, 2005.

Said records further reveal that on or about December 13, 2004, the Board filed an Accusation against **Sharon Mary Samski**. The Board, by Decision and Order effective July 14, 2003 adopted a Default Decision resolving said Accusation. Optometry License No. 9351 and Statement of Licensure 4438 were revoked.

Said records further reveal that on or about February 19, 2005, **Sharon Mary Samski** filed a written motion to vacate the Default Decision. The Board, by Order effective March 18, 2005 vacated said Default Decision and Order.

The Board, by Decision and Order effective September 18, 2005, adopted a Stipulated Settlement and Disciplinary Order resolving said Accusation. Optometry License No. 9351 and Statement of Licensure 4438 were revoked, the revocations were stayed and the license was placed on probation for eight (8) years.

Said records further reveal that on or about January 13, 2009, **Sharon Mary Samski** became certified to utilize Therapeutic Pharmaceutical Agents and is authorized to diagnose and treat the conditions listed in subdivision (b), (d), and (e) of Section 3041.

Said records further reveal that on or about June 18, 2009, **Sharon Mary Samski** filed a Petition for Reduction of Penalty or Early Termination of Probation (Petition). The Board, by Decision effective March 27, 2010 denied said Petition.

Said records further reveal that on or about May 23, 2011, the Board filed a Petition to Revoke Probation (Petition) against **Sharon Mary Samski**. The Board, by Decision and Order effective April 11, 2012 adopted a Stipulated Surrender of License resolving said Petition. Optometry License No. 9351 was **voluntarily surrendered effective April 11, 2012.**

Given under my hand and the seal of the State Board of Optometry, at Sacramento, California, this 7th day of January 2014.


Mona Maggio, Executive Officer

2450 Del Paso Road, Suite 105
Sacramento, CA 95834
(916) 575-7170, (916) 575-7292 Fax
www.optometry.ca.gov

To: Board Members

Date: January 24, 2014

From: Jessica Sieferman
Enforcement Lead

Telephone: (916) 575-7170

Subject: Agenda Item 6 - In the Matter of the Petition for Reduction of Penalty and Early Termination of Probation

Dr. Wyman Gene Chan, O.D. (Petitioner) was issued Optometrist License Number 5017 by the Board on July 27, 1968. On May 21, 2002, the Board filed an Accusation against Petitioner charging him with violations of laws and regulations based on professional inefficiency in treating a patient. On July 14, 2003, Petitioner's license was revoked, the revocation was stayed and was placed on three (3) years probation, subject to certain terms and conditions.

On October 31, 2005, the Board filed a Petition to Revoke Probation against Petitioner charging him with failure to pass an examination as required by a condition of probation. On March 10, 2006, the revocation of Petitioner's license was reimposed, and probation was extended for a period of two (2) years. A condition of probation included the surrender of Petitioner's license if the NBEO examination was not passed.

On or about July 19, 2006, the Board sought the surrender of said license for failure to pass the NBEO examination pursuant to a probation condition. On or about September 29, 2006, Petitioner surrendered his license.

On or about October 24, 2008, Petitioner filed a Petition for Reinstatement. On January 28, 2009, the Board denied the Petition.

On or about February 28, 2010, Petitioner filed a Petition for Reinstatement. On October 27, 2010, the Board denied the Petition, however the denial would be stayed based on the Conditions Precedent as set forth in the Decision. On September 19, 2012, Petitioner met the Conditions Precedent and Petitioner's license was placed on three (3) years probation.

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

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

1. Petition for Reduction of Penalty and Early Termination of Probation
2. Copies of Decision In the Matter of the Petition for Penalty Relief for Reinstatement of Revoked License, In the Matter of the Petition for Reinstatement, Stipulated Settlement and Disciplinary Order, Petition to Revoke Probation, Stipulated Settlement and Disciplinary Order, Accusation
3. Certification of Licensure

State of California - State and Consumer Services Agency

Governor Edmund G. Brown Jr.



Board of Optometry
 2480 Del Paso Road, Suite 105
 Sacramento, CA 95834
 (916) 575-7170/(888) 585-2666
www.optometry.ca.gov

**PETITION FOR REDUCTION OF PENALTY
 OR EARLY TERMINATION OF PROBATION**

No petition for reduction of penalty or early termination of probation will be entertained until one year after the effective date of the Board's disciplinary action. The decision of the petition will be made by the full Board and in accordance with the attached standards for reinstatement or reduction of penalty. Early release from probation or a modification of the terms of probation will be provided only in exceptional circumstances, such as when the Board determines that the penalty or probationary terms imposed have been excessive, considering both the violation of law charged and the supporting evidence, or when there is substantive evidence that there is no more need for the degree of probationary supervision as set forth in the original terms and conditions. As a rule, no reduction of penalty or early termination of probation will be granted unless the probationer has at all times been in compliance with the terms of probation.

PLEASE TYPE OR PRINT LEGIBLY

1. NAME (FIRST) (MIDDLE) (LAST)		CERTIFICATE OF REGISTRATION NO.		
WYMAN GENE CHAN		50174		
2. ADDRESS (NUMBER) (STREET)		DATE OF BIRTH		
5635 STRATFORD CIR. #C46		3-21-44		
(CITY) (STATE) (ZIP CODE)		TELEPHONE		
STOCKTON CALIF. 95207		204 478-5888		
3. PHYSICAL DESCRIPTION (HEIGHT) (WEIGHT) (EYE COLOR) (HAIR COLOR)				
5' 7" 121 lbs BROWN BLK (WITH GRAY)				
4. EDUCATION: NAME(S) OF SCHOOL(S) OR COLLEGE(S) OF OPTOMETRY ATTENDED				
NAME OF SCHOOL				
UNIVERSITY OF CALIFORNIA SCHOOL OF OPTOMETRY				
ADDRESS (NUMBER) (STREET)				
(CITY) (STATE) (ZIP CODE)				
BERKELEY CALIF. 94720-2020				
5. ARE YOU CURRENTLY LICENSED IN ANY OTHER STATE? ☐ YES ☒ NO				
STATE	LICENSE NO.	ISSUE DATE	EXPIRATION DATE	LICENSE STATUS
CALIF	50174	10-30-68	3-31-14	ACTIVE

6. List locations, dates, and types of practice for 5 years prior to discipline of your California license.

LOCATION	DATE FROM	DATE TO	TYPE OF PRACTICE
5635 STRATFORD CIR STOCKTON, CALIF 95207	9-1998	9-2003	SOLE PROPRIETOR

7. Are you or have you ever been addicted to the use of narcotics or alcohol?
8. Are you or have you ever suffered from a contagious disease?
9. Are you or have you ever been under observation or treatment for mental disorders, alcoholism or narcotic addiction?
10. Have you ever been arrested, convicted or pled no contest to a violation of any law of a foreign country, the United States, any state, or a local ordinance? you must include all convictions, including those that have been set aside under Penal Code Section 1203.4 (which includes diversion programs)

☐ YES ☒ NO☐ YES ☐ NO☐ YES ☒ NO☒ YES ☐ NO

11. Are you now on probation or parole for any criminal or administrative violations in this state or any other state? (Attach certified copies of all disciplinary or court documents)

☒ YES ☐ NO

12. Have you ever had disciplinary action taken against your optometric license in this state or any other state?

☒ YES ☐ NO

IF YOU ANSWERED YES TO ANY OF THE ABOVE QUESTIONS, YOU MUST ATTACHMENT A STATEMENT OF EXPLANATION GIVING FULL DETAILS.

ON A SEPARATE SHEET OF PAPER PROVIDE THE FOLLOWING INFORMATION

13. List the date of disciplinary action taken against your license and explain fully the cause of the disciplinary action.
14. Explain fully why you feel your license should be restored, or the disciplinary penalty reduced.
15. Describe in detail your activities and occupation since the date of the disciplinary action; include dates, employers and locations.
16. Describe any rehabilitative or corrective measures you have taken since your license was disciplined to support your petition.
17. List all post-graduate or refresher courses, with dates, location and type of course, you have taken since your license was disciplined.
18. List all optometric literature you have studied during the last year.
19. List all continuing education courses you have completed since your license was disciplined.
20. List names, addresses and telephone numbers of persons submitting letters of recommendation accompanying this petition.

I declare under penalty of perjury under the laws of the State of California that the answers and information given by me in completing this petition, and any attachments, are true and I understand and agree that any misstatements of material facts will be cause for the rejection of this petition.

Date

9-27-13

Signature

Herman G. Chao, Jr.

All items of information requested in this petition are mandatory. Failure to provide any of the requested information will result in the petition being rejected as incomplete. The information will be used to determine qualifications for reinstatement, reduction of penalty or early termination of probation. The person responsible for information maintenance is the Executive Officer of the Board of Optometry at 2450 Del Paso Road, Suite 105, Sacramento, California, 95834. This information may be transferred to another governmental agency such as a law enforcement agency, if necessary to perform its duties. Each individual has the right to review the files or records maintained on them by our agency, unless the records are identified confidential information and exempted by Section 1798.3 of the Civil Code.

DR. WYMAN G. CHAN
OPTOMETRIST

5635 STRATFORD CIRCLE, SUITE 46 • STOCKTON, CALIFORNIA 95207
TELEPHONE (209) 478-5888

8. I HAD CHICKENPOX AS A YOUNGSTER

10. GIVEN A TRAFFIC TICKET FOR MAKING A RIGHT TURN
AS A SIGNAL LIGHT WAS TURNING RED

11. OPTOMETRY PROBATION

12. & 13

MY LICENSE WAS SUSPENDED FOR 15 DAYS WITH 3 YEARS
PROBATION IN JULY 2003 BECAUSE ^{ALTHOUGH} THE BOARD FELT
THAT I DID NOT CAUSE THE PATIENT'S PROBLEM,
NEVERTHELESS I PERFORMED A NON DILATED INSTEAD OF
A DILATED FUNDUS EXAM AND DID NOT DO PUPILLARY
TESTS ONE AND A HALF YEARS PRIOR TO THE PATIENT
EXPERIENCING A RETINAL DETACHMENT. (THE PATIENT
LATER DROPPED HIS LAWSUIT WITHOUT ME OR MY
LIABILITY CARRIER HAVING TO PAY ANY MONIES)

ON 9-29-06 I SURRENDERED MY LICENSE
SINCE I DID NOT PASS THE NBEO CLINICAL
SKILLS EXAM.

14. MY DISCIPLINARY PENALTY SHOULD BE REDUCED BECAUSE
I HAVE COMPETENTLY PROVIDED STANDARD OF CARE
FOR MY OPTOMETRIC PATIENTS SINCE 9-19-12.
MOREOVER I HAVE CONSCIENTIOUSLY FULLFILLED
MY PROBATION REQUIREMENTS. (i.e. I've MET AND
COMMUNICATED WITH MY BOARD MONITOR, OBTAINED A
COLLEAGUE MONITOR, PAID MONITORING COSTS, MADE QUARTERLY
REPORTS, REPORTED BUSINESS ADVERTISING, REPORTED CEs.
(FROM 9-17-12 TO 9-19-13 I COMPLETED 74 HRS OF CEs
EVEN THOUGH MY REQUIREMENT IS 65 HRS).

D.R. WYMAN G. CHAN
OPTOMETRIST

5635 STRATFORD CIRCLE, SUITE 46 • STOCKTON, CALIFORNIA 95207
TELEPHONE (209) 478-5888

15. I HAVE ONLY WORKED AT MY OWN OPTOMETRIC PRACTICE SINCE 9-19-12.

I SUFFERED A LEG INJURY ON 1/1/13 WHEN CHASING A BURGLAR OUT OF MY HOME. (WHICH REQUIRED MONTHS OF MEDICAL TREATMENT)

SINCE 9-19-12 I HAVE ATTENDED SUNDAY CHURCH SERVICES MORE REGULARLY.

IN APRIL 2013 I VOLUNTEERED AT THE STOCKTON ASPARAGUS FESTIVAL.

ON MAY 29, 2013 I MADE A DONATION TO THE BRANDRETH OPTOMETRIC EQUIPMENT FUND.

IN JUNE 2013 I HELPED START THE PROCESS TO INSTALL A DIRECTIONAL STREET SIGN FOR MY AMERICAN LEGION POST (OF WHICH I AM A LIFE MEMBER.)

I HAVE MAINTAINED MY OVER 44 YRS OF CONTINUOUS AOA-COA MEMBERSHIP.

16. I HAVE PERFORMED MORE THOROUGH CASE HISTORIES, VAS & PUPILLARY TESTS SINCE 9-19-13. I ALSO PROVIDE DILATED FUNDUS EXAMS (WHEN NECESSARY)

20. MARLESSE YOUNG, 3169 HARPERS FERRY, STOCKTON, CALIF 95219
(209) 951-8057.

ROBERT PEDERSEN, O.D., 255 E. WEBER AVE, STOCKTON, CALIF. 95203
(209) 466-5566

BRIAN TRACY, O.D., 3000 L. ST., #100, SACRAMENTO, CALIF 95816
(916) 454-5729

17. THE ACCIDENTAL LEADER: LEADERSHIP SKILLS FOR LICENCED PROFESSIONALS AND THEIR TEAMS, NOV. 7, 2012, SACRAMENTO, CALIF., PRACTICE MANAGEMENT.

18. a. LOW VISION REHABILITATION: HOW REHABILITATION CAN IMPROVE THE QUALITY OF LIFE IN THE LOW VISION CLIENT (T. MACDONALD, O.D.) (CALIFORNIA OPTOMETRY) 9-17-12)

b. HUNGRY EYES: THE WEIGHT EYE SEE IT (C. BERGIN, O.D.) (CALIFORNIA OPTOMETRY) 12-12-12)

c. PEDIATRIC CEREBRAL VISUAL IMPAIRMENT (D. MAINO, O.D.)

(CALIFORNIA OPTOMETRY) 4-9-13)

d. BUST THE BUGS, ETC.... (DR. PAUL KARPECKI) (OPTOMETRY TIMES) (MEDICUS) (6-4-13)

e. UNDERSTANDING & MANAGING ALLERGIC CONJUNCTIVITIS (M. BROZIC, O.D.) (CALIFORNIA OPTOMETRY) (6-17-13)

f. Ocular Allergy; A scientific Review & Expert Case Debate (M. RAIZMAN, M.D.) (Review of Optometry) (6-18-13)

g. Nutrition & AMD: Sorting Through the Mix: Which supplement for which patient? (JEFF GERSON, O.D.) (MEDICUS) (8-2-13)

h. Meibomian Gland Dysfunction e..... (Kelly Nichols, O.D.) (8-13-13) (MEDICUS)

i. The case of the suddenly-monocular patient (GARY ASANO, O.D.) (CALIFORNIA OPTOMETRY) (8-15-13)

j. TREATMENT OF CONVERGENCE INSUFFICIENCY (DEBORAH LEE CHEN, O.D.) (CALIFORNIA OPTOMETRY) (9-13-13)

1.9. NEW THINKING IN BINOCULAR VISION (DR. CORINNA SHAWLEY, O.D.)
(SAN JOAQUIN OPTOMETRIC SOCIETY) (9-17-12)

b. SAN JOAQUIN OPTOMETRIC SOCIETY ANNUAL FALL CE
(DRS. D. MOLINE, J. ZEITER, J. ING, J. NARVAEZ)
(9-14-12)

c. 62ND ANNUAL ALL-ALUMNI REUNION & CE CONFERENCE
(UNIVERSITY OF CALIFORNIA, BERKELEY SCHOOL OF OPTOMETRY)
(11-3-12)

d. BUILDING A TRUST BASED PRACTICE (CLEINMAN PERFORMANCE PARTNERS)
(TIM ROBERTS) (11-7-12)

e. A CLEAR PERSPECTIVE OF FREEDOM (M. MATTISON-SHUPNICK
(CLEINMAN PERFORMANCE PARTNERS) (11-7-12)

f. The accidental leader, Leadership Skills for licensed professionals
& their teams. (Alvin Cleinman) (Cleinman Performance
Partners) (11-7-12)

g. OCULAR HYPERTENSION & OCT OF MACULA & OPTIC NERVE (KEITH LIANG, M.D.)
(11-18-12)

h. 24th ANNUAL BERKELEY PRACTICUM (JAN. 13, 2013.)

i. 26th ANNUAL OCULAR SYMPOSIUM (SACRAMENTO VALLEY
OPTOMETRIC SOCIETY)

j. 28th ANNUAL MORRAN / SARVER SYMPOSIUM (3-3-13)
(4-28-13)

k. THYROID EYE DISEASE, FLOPPY EYELID SYNDROME
(SAN JOAQUIN OPTOMETRIC SOCIETY) (DR. KIMBERLY COCKERHAM)
(5-5-13)

IS THERE ANYTHING NEW IN CORNEAL DISEASES? THE 7 C'S OF
SUCCESS WITH MULTIFOCAL IOLS...

HERPES ZOSTER OPHTHALMICUS

(SAN JOAQUIN OPTOMETRIC SOCIETY) (J. NARVAEZ, M.D.)

l. GLAUCOMA: DECISIONS & CHOICES, TREATMENT FOR MACULA DEGENERATION
(KEITH LIANG, M.D.) (5-5-13)

m. DRY EYE & MGD (DAVID MOLINE, O.D.) (SAN JOAQUIN OPTOMETRIC
SOCIETY)
(9-9-13)

June 20, 2013

Dear Mr. Chan,

Thank you for making a contribution to the "Brandt's Optometric Equipment Fund."

This is a wonderful way to honor my husband and support the profession he loved so much.

Sincerely,
Karen Brandt



Board of Optometry
2420 Del Paso Road, Suite 255
Sacramento, CA 95834
(916) 575-7170
www.optometry.ca.gov



September 27, 2010

Wyman Chan, O.D.
5635 Stratford Circle #C46
Stockton, CA 95207

Re: In the Matter of the Petition for Penalty Relief-
Petition for Reinstatement of Revoked License of:
Wyman Chan, O.D.

Dear Dr. Chan:

Enclosed is a copy of the **final** Decision of the Board of Optometry in the above-referenced matter. Please note that the effective date of the Order is **October 27, 2010**.

The Order calls for the Petition for Reinstatement to be denied. However, the denial shall be stayed upon successful completion and satisfaction of a Clinical Training Program as described in the Conditions Precedent, and then you are to be placed on probation for three (3) years, with various terms and conditions.

The clinical training program is to include the following:

- Instruction in Binocular Indirect techniques
- Dilated Fundus examination
- Goldman Tonometry
- Comprehensive assessment of basic clinical and communication skills and procedures
- Optometric knowledge, skill and judgment
- 40-hour program of clinical education in areas of practice of which have been failed on previous exams

Further, the Order indicates that you will be allowed the use the student exemption for all training conducted under the direct supervision of the approved instructor/trainer. If you decide to participate in the clinical program, you will be required to meet with a board representative so that an outline of the training requirements and clear written guidelines of the Board's expectations and minimum requirements, as well as guidance



BRIAN D. TRACY, O.D.
OPTOMETRY

September 27, 2013

California Board Of Optometry
2450 Del Paso Road, Suite 105
Sacramento, CA 95834

30TH & L MEDICAL BUILDING
3000 L STREET, SUITE 100
SACRAMENTO, CA 95816
(916) 454-5729

re: Chan, Dr. Wyman G. License #5017

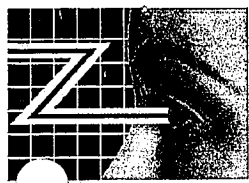
To Whom It May Concern:

I worked with Dr. Chan to help him learn some of the skills which were not taught when he attended Optometry school and to improve in areas which the Board thought he needed to improve. During the time that I worked with him he dutifully applied himself to learning and practicing his skills. He complied with everything that I was aware of that the Board and I asked of him. I was happy and satisfied with the work he performed while he was here. During that time he performed fourteen (14) and a half hours of instruction and twenty-six (26) hours of supervised patient care. He did a total fifteen comprehensive eye examinations on volunteer indigent patients. I rechecked each of the patients whom he saw. He was extremely thorough in his case histories. He was very accurate on the refractions and was able to use the non-contact fundus lens to view the fundus. He was able to accurately describe what he was seeing inside the eye. In general we agreed on the treatment plans. Any differences we had were due to individual preferences not fundamental issues. The patients were happy with the service that they received from him.

If I can be of any further assistance please feel free to call me.

Sincerely,

Brian D. Tracy, O.D.
BDT/bt



ZEITER EYE
MEDICAL GROUP, INC.
EYE DISEASES AND SURGERY

www.zeitereye.com

Sept. 25, 2013

Henry J. Zeiter, M.D.
Founder

Joseph T. Zeiter, M.D.
Refractive Surgery
Cataract Surgery

John H. Zeiter, M.D.
Cataract Surgery

John C. Canzano, M.D.
Retina Specialist
Cataract Surgery

Richard M. Wong, M.D.
Glaucoma Specialist
Cataract Surgery

Kimberly Cockerham, M.D.
Oculofacial Plastic
Orbit and Adult Strabismus

Harold Hand, M.D.
General Ophthalmology

STOCKTON
255 E. Weber Ave.
Stockton, CA 95202
(209) 466-5566
(209) 466-0535 fax

STOCKTON
1801 E. March Lane
Suite C-350
Stockton, CA 95210
(209) 951-1178
(209) 951-1274 fax

LODI
421 S. Ham Lane
Suite A
Lodi, CA 95242
(209) 366-0446
(209) 334-2234 fax

MANTECA
1630 W. Yosemite Ave.
Suite 3
Manteca, CA 95337
(209) 239.3880
(209) 239.3862 fax

TRACY
36 W. 10th St.
Tracy, CA 95376
(209) 834-0700
(209) 464-6950 fax

Re: Wyman Chan, O.D.

To Whom It May Concern;

I have been monitoring Dr Wyman Chan, O.D. during his probation for the last 8 months. I have spent more than 20 hours each quarter reviewing his examination records and observing him interacting with patients.

In my judgment, Dr. Chan keeps very thorough records and is a competent optometrist.

Sincerely,

Robert Pedersen, O.D.

Robert Pedersen, O.D.

September 26, 2013

To Board of Optometry,

I'm a previous patient of Mr. Chan. I have had exams from him and my prescription for glasses filled and I am satisfied with his services.

In recent years he has added new test. Therefore, I feel he is a competent optometrist.

Sincerely yours.
Marlesse Yung

STATE BOARD OF OPTOMETRY

2450 Del Paso Road, Suite 105, Sacramento, CA 95834

P [916] 575-7170 F [916] 575-7292 web: www.optometry.ca.gov



CERTIFICATION OF PARTICIPATION IN CONTINUING EDUCATION

THIS WILL CERTIFY THAT:

Chan Wyman G.
Last Name (Please Print) First MI
5635 STRATFORD CIR, #C46
Address (Practice Location) Street Number and Name

STOCKTON CA 95207
City State Zip Code

California License No. 50177

Wyman G. Chan, OD
Signature of Licensee

ATTENDED: Ocular Hypertension and OCT of Macula & Optic Nerve
(Course Title)

SPONSORED BY: Keith Liang, MD @ Center for Sight
(Name of Sponsoring Organization)

AT: 3160 J Street Sacramento CA 95816
Location where course(s) were provided

ON: Nov 18, 2012, FOR: 4 / #9092, #9093
Date(s) Hours Course ID #

COURSE INSTRUCTOR(S): Keith Liang, MD

Signature of Instructor

Signature of Instructor

NOTE: This ENTIRE form MUST be complete. Please DO NOT send any records of continuing education attendance to the board office unless requested to do so.



California Optometric Association

2415 K Street, Sacramento, CA 95816
Tel: (916) 441-3990 Toll-Free: (800) 877-5738 Fax: (916) 448-1423

License Number: 05017

Wyman G. Chan, O.D.
5635 Stratford Circle, Ste. 46
Stockton, CA 95207-5000

CONTINUING EDUCATION TRANSCRIPT

California Optometric Association
CE@home

Code Listing

G - GLAUCOMA
OI - OCULAR INFECTION
I - INFLAMMATION
SM - SYSTEMIC MEDS
P - PAIN MEDICATIONS
O - OTHER
PM - PRACTICE MANAGEMENT

Date	COURSE TITLE	CE HRS	CAT
12/12/12	• "Hungry Eyes: the Weigh Eye See it" by Cheryl Lynn Bergin, OD appearing in the September/October 2012 issue of the CO Magazine	1.00	Other



BETTER PERSPECTIVE, BETTER RESULTS

RECORD OF ATTENDANCE FOR CONTINUING EDUCATION CREDIT

Please provide all information requested. On completion of the course identified below, the room monitor will validate and immediately return this form to you. Keep it as your validated record of attendance. Cleinman Performance Partners will not notify any licensing board, or any other agency of your attendance unless specifically required by your state board. Cleinman Performance Partners does not guarantee that the course you have attended has been approved for continuing education credit by your licensing board.

PARTICIPANT INFORMATION			COURSE INFORMATION
LAST NAME	FIRST	MI	NUMBER OF CE HOUR
CHAN	WYMAN	G	1.0
CITY	STATE	ZIP	TITLE
STOCKTON	CALIF	95207	Building a Trust Based Practice
LIC. NO.	STATE ISSUED	INSTRUCTOR (S):	
50177	CA	Tim Roberts	
COURSE EVALUATION			COPE ID NUMBER
Please return the yellow copy of this to the Cleinman information desk. Thank You			31885-PM
Poor Fair Good <u>Excellent</u>			
Cleinman Performance Partners 343 Main Street Oneonta, NY 13820 Phone: 607-431-1001 Fax: 607-431-1093			NOT VALID UNLESS STAMPED
EVENT ID: 104216			Sheraton Grand Sacramento 1230 J Street Sacramento, CA 95814 November 7, 2012



BETTER PERSPECTIVE. BETTER RESULTS

RECORD OF ATTENDANCE FOR CONTINUING EDUCATION CREDIT

Please provide all information requested. On completion of the course identified below, the room monitor will validate and immediately return this form to you. Keep it as your validated record of attendance. Cleinman Performance Partners will not notify any licensing board, or any other agency of your attendance unless specifically required by your state board. Cleinman Performance Partners does not guarantee that the course you have attended has been approved for continuing education credit by your licensing board.

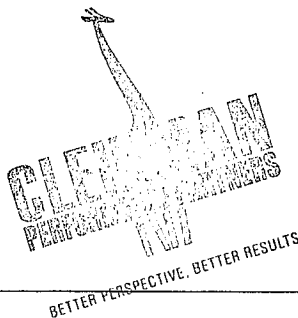
PARTICIPANT INFORMATION			COURSE INFORMATION	
LAST NAME	FIRST	MI	NUMBER OF CE HOUR	
CHAN	WYMAN	G	1.0	
CITY	STATE	ZIP	TITLE	
STOCKTON	CA	95207	A Clear Perspective of Freeform	
LIC. NO.	STATE ISSUED		INSTRUCTOR (S):	
50177	CA		Mark Mattison-Shupnick	
COURSE EVALUATION			COPE ID NUMBER	
Please return the yellow copy of this to the Cleinman information desk. Thank You			32034-PM	
Poor Fair Good <u>Excellent</u>			NOT VALID UNLESS STAMPED	
Cleinman Performance Partners 343 Main Street Oneonta, NY 13820 Phone: 607-431-1001 Fax: 607-431-1093				
EVENT ID: 104216			Sheraton Grand Sacramento 1230 J Street Sacramento, CA 95814 November 7, 2012	



BETTER PERSPECTIVE, BETTER RESULTS

RECORD OF ATTENDANCE FOR CONTINUING EDUCATION CREDIT

Please provide all information requested. On completion of the course identified below, the room monitor will validate and immediately return this form to you. Keep it as your validated record of attendance. Cleinman Performance Partners will not notify any licensing board, or any other agency of your attendance unless specifically required by your state board. Cleinman Performance Partners does not guarantee that the course you have attended has been approved for continuing education credit by your licensing board.

PARTICIPANT INFORMATION			COURSE INFORMATION
LAST NAME <i>CHAN, WYMAN</i>	FIRST <i>WYMAN</i>	MI <i>G</i>	NUMBER OF CE HOUR 2.0
CITY <i>Stockton, CA</i>	STATE <i>CA</i>	ZIP <i>95207</i>	TITLE <i>The Accidental Leader: Leadership Skills for Licensed Professionals and Their Teams</i>
LIC. NO. <i>50111</i>	STATE ISSUED		INSTRUCTOR (S): <i>Alan Cleinman</i>
COURSE EVALUATION Please return the yellow copy of this to the Cleinman information desk. Thank You <i>Poor Fair Good <u>Excellent</u></i>			COPE ID NUMBER <i>31873-PM</i>
Cleinman Performance Partners 343 Main Street Oneonta, NY 13820 Phone: 607-431-1001 Fax: 607-431-1093			NOT VALID UNLESS STAMPED 
EVENT ID: 104216			Sheraton Grand Sacramento 1230 J Street Sacramento, CA 95814 November 7, 2012

San Joaquin Optometric Society Continuing Education Receipt
4th Annual Fall CE Harvest

Attendee: WYMAN G. CHAN, O.D. License # 50177

Speakers: Drs. David Moline, John Zeiter, Jeffrey Ing, and Julio Narvaez

Date of Course: October 14th, 2012

CE Units: 6 CE units in the category of TPA, approved by COA

Doris Wong
SJOS Education Chairperson Doris Wong, O.D.

San Joaquin Optometric Society Continuing Education Receipt
September 9, 2013

Attendee: WYMAN G. CHAN, O.D. License # 50177

Title: Dry Eye and MGD

Speaker: Dr. David Moline, O.D., F.A.A.O

2 CE credits approved by COA in the category of TPA

Devinder Grewal
SJOS CE Chairperson, Devinder Grewal, O.D.

Doris Wong
SJOS CE Chair, Doris Wong, O.D.

CE Units: 2 hours approved by COA

Date of Course: September 17th, 2012

Speaker: Dr. Corinna Shelley, O.D.

Topic: New Thinking in Binocular Vision

Attendee: WYMAN G. CHAN, O.D. License # 50177
San Joaquin Optometric Society Continuing Education Receipt

UNIVERSITY OF CALIFORNIA, BERKELEY

BERKELEY • DAVIS • IRVINE • LOS ANGELES • RIVERSIDE • SAN DIEGO • SAN FRANCISCO



SANTA BARBARA • SANTA CRUZ

DENNIS M. LEVI, O.D., PH.D.
DEAN

SCHOOL OF OPTOMETRY
BERKELEY, CALIFORNIA 94720-2020

University of California, Berkeley School of Optometry
62nd Annual All-Alumni Reunion & CE Conference

Saturday, November 3, 2012 8:30am - 4:30pm
Stanley Hall, UC Berkeley Campus

This is to certify that *Wyman Chan, OD*

State CALIF License No. 5017T State _____ License No. _____

attended the following lectures on **Saturday, November 3, 2012.**

SPEAKER

LECTURE TITLE

Don Mutti, OD, PhD

*What Berkeley Taught Us About Emmetropization and
Orinda Taught Us About Myopia*

Karla Zadnik, OD, PhD

*How the Collaborative Longitudinal Evaluation of
Keratoconus (CLEK) Study Affects Patient Care*

David Yang, OD

Interpreting Visual Field Defects: Case Studies

Bernard Dolan, OD, MS

*Pathogenesis, Diagnosis, and Management of Diabetic
Maculopathy and Clinical Insights in Glaucoma
Management*

Total: 5 TPA, 2 Misc. CE Hours

Attendance Certified
University of California
School of Optometry

DENNIS M. LEVI, O.D., PH.D.
DEAN

UNIVERSITY OF CALIFORNIA, BERKELEY

BERKELEY • DAVIS • IRVINE • LOS ANGELES • RIVERSIDE • SAN DIEGO • SAN FRANCISCO



SANTA BARBARA • SANTA CRUZ

DENNIS M. LEVI, O.D., PH.D.
DEAN

SCHOOL OF OPTOMETRY
BERKELEY, CALIFORNIA 94720-2020

January 15, 2013

To Whom It May Concern:

This is to certify that **Wyman Chan, OD**, attended the following lectures on January 12 - 14, 2013, at the 24th Annual Berkeley Practicum. The continuing education program was presented by the School of Optometry, University of California, Berkeley.

State _____ License No. 50171 State CA License No. _____

January 13, 2013

8 TPA Hours

Paul Karpecki, OD

What Went Wrong With This Patient and Why?

H. George Tanaka, MD

What's New in Glaucoma Surgery?

Blair Lonsberry, OD, MS, MEd

Ocular Manifestations of Autoimmune Diseases

Joel Pearlman, MD, PhD

Retinal Jeopardy

Attendance Certification
University of California
School of Optometry

Patsy L. Harvey, O.D., M.P.H.
Continuing Education Director

SACRAMENTO VALLEY OPTOMETRIC SOCIETY

CERTIFICATION OF PARTICIPATION IN CONTINUING EDUCATION

CALIFORNIA LICENSE NO. 50177

THIS WILL CERTIFY THAT

CHAN, WYMAN GENE
(Last Name) (First) (Middle)

5635 STANFORD CIR. #46 STOCKTON CALIF 95207
(Address of Practice Location) (City) (State) (Zip)

Social Security Number

5487 00017

Matthew G. Chan, OD
(Signature of Licensee)

ATTENDED: 26th Annual Ocular Symposium

PLACE: Marriott Sacramento Rancho Cordova Hotel

DATE: March 3rd, 2013

CE UNITS: Eight (8) hours ☒ (Other) ☐

COURSE INSTRUCTORS:

Title	Speaker	CE Hrs
Adventures in Anterior Segment Disease	Blair Lonsberry, OD	2
Contact Lenses Utilizing Hybrid Lens	James Kirchner, OD	1
My Doctor Said I Needed an Eye Exam	Bruce Onofrey, OD	2
Diabetes Update and Top 5 Nutritional Supplements for Diabetic Retinopathy	Paul Chous, OD	3

Matthew Earhart, O.D.

Matthew Earhart, O.D.
Program Director

***ENTIRE FORM MUST BE COMPLETE** Please **DO NOT** send any records of Continuing Education attendance to the board office until requested to do so.



California Optometric Association

2412 R Street, Sacramento, CA 95816
Tel: (916) 443-3590 Toll-Free: (800) 877-5738 Fax: (916) 443-1423

License Number 05017

Wyman G. Chan, O.D.
5635 Stratford Circle, Ste. 4B
Stockton, CA 95207-5000

CONTINUING EDUCATION TRANSCRIPT

California Optometric Association
CE@Home

Course Number
01 - GLAUCOMA
02 - CONTACT LENS FITTING
03 - REFRACTION
04 - VISION THERAPY
05 - PAIN MANAGEMENT
06 - OTHER
07 - PRACTICE MANAGEMENT

Date	COURSE TITLE	CERHS	CAT
4/9/13	"Pediatric Cerebral Visual Impairment," by Dominick M. Maino, OD, Med, FAAO, FCCVD-A, Appearing in the Nov/Dec 2012 issue of the CO Magazine.	1.00	Other

This is your verification of credit received for COA's CE@Home.
Please keep for your records.



STATE BOARD OF OPTOMETRY

2450 Del Paso Road, Suite 105, Sacramento, CA 95834

P [916] 575-7170 F [916] 575-7292 web: www.optometry.ca.gov

CERTIFICATION OF PARTICIPATION IN CONTINUING EDUCATION

THIS WILL CERTIFY THAT:

CHAN,

WYMAN

E

Last Name (Please Print)

First

MI

5635 STRATFORD CIR. # C46

Address (Practice Location) Street Number and Name

STOCKTON,

CALIF

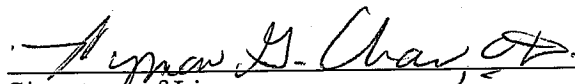
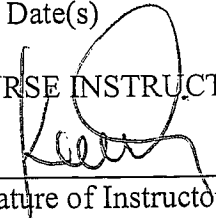
95207

City

State

Zip Code

California License No. 50177


Signature of LicenseeATTENDED: Glaucoma: Decisions & Choices, Treatment for Macular Degeneration
(Course Title)SPONSORED BY: Keith Liang, MD @ Center for Sight
(Name of Sponsoring Organization)AT: 3160 J Street Sacramento CA 95816
Location where course(s) were providedON: May 19, 2013, FOR: 4 / 4
Date(s) Hours Course ID #COURSE INSTRUCTOR(S): Keith Liang, MD
Signature of Instructor

Signature of Instructor

NOTE: This ENTIRE form MUST be complete. Please DO NOT send any records of continuing education attendance to the board office unless requested to do so.

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DENNIS M. LEVI, O.D., PH.D.
DEAN

SCHOOL OF OPTOMETRY
BERKELEY, CALIFORNIA 94720-2020

April 29, 2013

To Whom It May Concern:

This is to certify that **Wyman Chan, OD**, attended the following lectures on April 28, 2013, at the 28th Annual Morgan/Sarver Symposium. The continuing education program was presented by the School of Optometry, University of California, Berkeley.

State CALIF. License No. 5017 T State _____ License No. _____

April 28, 2013

8 TPA Hours

Brad Sutton, OD

Sleep Apnea: Is There a Connection Between Snoring and Glaucoma?

Long Tran, OD

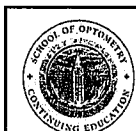
Corneal Dystrophies and Degenerations

Byron Lee, MD, MS

Heart to Heart: Understanding Cardiovascular Diseases and Treatments

Steve Ferrucci, OD

Posterior Segment Disease: Case Challenges



Attendance Certification
University of California
School of Optometry

A handwritten signature in cursive script, reading 'Patsy L. Harvey'.

Patsy L. Harvey, O.D., M.P.H.
Continuing Education Director

BUST THE BUGS CE MONOGRAPH

CERTIFICATE OF CREDIT

NAME: Wyman Chan

DATE: 6/4/2013

STATE OF LICENSE: CA OE TRACKER # 530760

COURSE TITLE: BUST THE BUGS; CURRENT MANAGEMENT OF OCULAR
BACTERIAL & VIRAL INFECTIONS - A SUPPLEMENT TO OPTOMETRY TIMES

COURSE ID #: 31574-AS

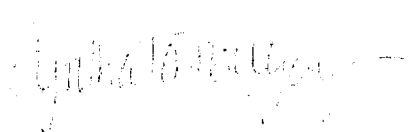
EVENT ID#: 103108

FACULTY CHAIR: PAUL KARPECKI, O.D.

THIS COURSE HAS BEEN ACCREDITED FOR 2.0 HOURS OF CONTINUING
EDUCATION CREDIT BY COPE

Cynthia Tornallyay, CE Administrator for MedEdicus

ADMINISTRATOR NAME & TITLE



ADMINISTRATOR SIGNATURE

Nutrition and AMD: Sorting Through the Mix: Which Supplement for Which Patient?**CERTIFICATE OF CREDIT**

Name: **Wyman Chan**
Date: **August 02, 2013**
State of
License: **Ca**
OE tracker #: **530760**
LIC #: **5017T**

Course Title: **Nutrition and AMD: Sorting Through the Mix: Which Supplement for Which Patient?**

Course ID #: **33451-PS**

Event ID #: **103415**

Faculty Chair: **Jeff Gerson, O.D.**

THIS COURSE HAS BEEN ACCREDITED FOR 2 HOURS OF CONTINUING EDUCATION
CREDIT BY COPE

Cynthia Tornallyay, CE Administrator for MedEdicus

ADMINISTRATOR NAME & TITLE

ADMINISTRATOR SIGNATURE



California Optometric Association

2415 K Street, Sacramento, CA 95816
Tel: (916) 441-3990 Toll-Free: (800) 877-5738 Fax: (916) 448-1423

License Number: 05017

Wyman G. Chan, O.D.
5635 Stratford Circle, Ste. 46
Stockton, CA 95207-5000

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SM - SYSTEMIC MEDS
P - PAIN MEDICATIONS
O - OTHER
PM - PRACTICE MANAGEMENT

Date	COURSE TITLE	CE HRS	CAT
8/15/13	• "The case of the suddenly-monocular patient," by Gary W. Asano, OD, appearing in the May/June, 2013 issue of California Optometry Magazine	1.00	TPA

[Print](#)

Meibomian Gland Dysfunction Understanding and Implementing the New Consensus Definition and Treatment Regimens Into Your Optometric Practice

CERTIFICATE OF CREDIT

Name: Wyman Chan

Date: August 13, 2013

State of Ca

License:

OE tracker #: 530760

LIC #: 5017T

Course Title: Meibomian Gland Dysfunction Understanding and Implementing the New Consensus Definition and Treatment Regimens Into Your Optometric Practice

Course ID #: 34224-AS

Event ID #: 103808

Faculty
Chair: KELLY NICHOLS, O.D.

THIS COURSE HAS BEEN ACCREDITED FOR 3 HOURS OF CONTINUING EDUCATION CREDIT BY COPE

Cynthia Tornallyay, CE Administrator for MedEdicus

ADMINISTRATOR NAME & TITLE

ADMINISTRATOR SIGNATURE



California Optometric Association

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O - OTHER
PM - PRACTICE MANAGEMENT

Date	COURSE TITLE	CE HRS	CAT
9/13/13	• "Treatment of convergence insufficiency," by Debora Lee Chen, OD, FAAO, appearing in the July/August issue of California Optometry Magazine	1.00	TPA

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REVIEW
OF OPTOMETRY**SALUS University**

Center for Continuing and Post-Graduate Education

8360 Old York Road
Elkins Park, PA 19027
(215) 780-1380

This is to certify that the below named individual has attained 2.00 Internet/Online Continuing Education credits for a course offered by the Optometric Study Center.

Course Title: Ocular Allergy: A Scientific Review and Expert Case Debate by Michael B. Raizman, MD, Jodi Luchs, MD, Joseph Shovlin, OD, and Raoul L. Wolf, MD

COPE ID and Event Number: 34174-AS - Event # 103698

Date: 6/18/2013

Score: 90%

Wyman Chan

**5635 Stratford Circle
46
Stockton, CA 95207 USA**

QUESTIONS ANSWERED INCORRECTLY: 4-A, 7-E



California Optometric Association

2415 K Street, Sacramento, CA 95816
Tel: (916) 441-3990 Toll-Free: (800) 877-5738 Fax: (916) 448-1423

License Number: 05017

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Stockton, CA 95207-5000

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O - OTHER
PM - PRACTICE MANAGEMENT

Date	COURSE TITLE	CE HRS	CAT
6/17/13	• "Understanding and Managing Allergic Conjunctivitis" by Mile Brujic, OD appearing in the March/April 2013 Issue	1.00	Other

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San Joaquin Optometric Society Continuing Education Receipt
6th Annual Spring Fling Charity Golf Tournament and Wine Tour
May 5th, 2013

Attendee: WYMAN G. CHAN, O.D. License # 50177

Titles: 1. Thyroid eye disease, 2. Floppy eyelid syndrome, 3. Eyelid oncology

Speaker: Dr Kimberly Cockerham, M.D, F.A.C.S.

Pending 3 CE credits in the category of 'TPA'

Titles: 1. Is There Anything New In Corneal Diseases?, 2. The Seven C's Of Success with Multifocal IOLs, 3. Herpes Zoster Ophthalmicus.

Speaker: Julio Narváez MD

Pending 3 CE credits in the category of 'TPA'


SJOS CE Chairperson, Devinder Grewal, O.D.



California Optometric Association

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Tel: (916) 441-3990 Toll-Free: (800) 877-5738 Fax: (916) 448-1423

License Number: 05017

Wyman G. Chan, O.D.
5635 Stratford Circle, Ste. 46
Stockton, CA 95207-5000

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Date	COURSE TITLE	CE HRS	CAT
9/17/12	• "Low Vision Rehabilitation: How Rehabilitation Can Improve the Quality of Life in the Low Vision Client," by Chris Nelms, OTR/L, MLVR, and Tina MacDonald, OD appearing in the July/August 2012 issue of California Optometry Magazine.	1.00	Other

San Joaquin Optometric Society Continuing Education Receipt
The 5th Annual Fall CE Harvest
October 13th, 2013

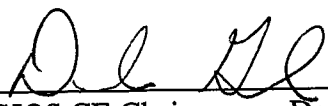
Attendee: WYMAN CHAN, O.D. License # 50177

Title: Femtosecond Cataract Surgery: The Path to Emmetropia
Speaker: Dr. John Zeiter MD

Title: Early Detection of Glaucoma using the Diopsys ERG Module
Speaker: Dr. David Moline OD

Title: Neuro-Ophthalmology Review
Speaker: Dr. Brian Lenser MD

6 CE credits approved by COA in the category of TPA


SJOS CE Chairperson, Devinder Grewal, O.D.

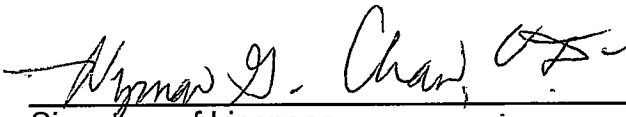
**STATE BOARD OF OPTOMETRY**

2450 DEL PASO ROAD, SUITE 105, SACRAMENTO, CA 95834

P [916] 575-7170 F [916] 575-7292 www.optometry.ca.gov



THIS WILL CERTIFY THAT:

Chan	Wyman	G.
Last Name (Please Print)	First	MI
5635 Stratford Cir #C46		
Address (Practice Location) Street Number and Name		
Stockton	CA	95207
City	State	Zip Code
California License No.	5017T	
	 Signature of Licensee	

ATTENDED: **The Technology that's "Driving" Eye Surgery**SPONSORED BY: **NVISION LASER EYE CENTERS**AT: **CALIFORNIA AUTOMOBILE MUSEUM, SACRAMENTO**ON: **OCTOBER 29, 2013**FOR: **2 (TWO) HOURS**Course ID **# 9445**COURSE INSTRUCTORS(S): Richard Meister, MD; Tom Tooma, MD; Mitra Ayazifar, MD;
Thomas Fleischmann, OD

Signature of Instructor

**NOTE:** THIS ENTIRE form MUST be complete. Please DO NOT send any records of continuing education attendance to the board office unless requested to do so.**NVISION**
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2450 Del Paso Road, Suite 105, Sacramento, CA 95834

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CERTIFICATION OF PARTICIPATION IN CONTINUING EDUCATION

THIS WILL CERTIFY THAT:

CHAN,

WYMAN

G.

Last Name (Please Print)

First

MI

5635 STRATFORD CIR. #C46

Address (Practice Location) Street Number and Name

STOCKTON

CALIF

95207

City

State

Zip Code

California License No. 5017T

Wyman G. Chan, Jr.
Signature of Licensee

ATTENDED: Ocular Hypertension & OCT: Macula & Optic Nerve
(Course Title)

SPONSORED BY: Keith Liang, MD @ Center for Sight
(Name of Sponsoring Organization)

AT: 3160 J Street Sacramento CA 95816
Location where course(s) were provided

ON: NOV 10, 2013, FOR: 4 / 9291 & 9292
Date(s) Hours Course ID #

COURSE INSTRUCTOR(S): Keith Liang, MD

Signature of Instructor

Signature of Instructor

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California Optometric Association

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O - OTHER
PM - PRACTICE MANAGEMENT

Date	COURSE TITLE	CE HRS	CAT
11/15/13	• "Age related macular degeneration and primary care optometry," by Stanley Woo, OD, MS, MBA, FAAO and Robert Yacoub, OD, appearing in the September/October, 2013 issue of California Optometry magazine.	1.00	TPA

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"Setting the standard in eyecare"

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

In the Matter of the Petition for Penalty)
Relief-Petition for Reinstatement of Revoked)
License of:)

Agency Case No. 2000-71

OAH No. 2010040142

Wyman Chan, O.D.)
5635 Stratford Circle #C46)
Stockton, CA 95207)

Optometrist License No. 5017,)

Respondent.)
_____)

DECISION

The attached Decision is hereby adopted by the Board of Optometry, Department of Consumer Affairs, as its Decision in the above-entitled matter.

This Decision shall become effective **October 27, 2010**.

It is so ORDERED September 27, 2010.



LEE A. GOLDSTEIN, O.D. MPA
PRESIDENT
BOARD OF OPTOMETRY

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

In the Matter of the Petition for Penalty
Relief-Petition for Reinstatement of Revoked
License of:

WYMAN CHAN, O.D.,
Stockton, California 95207

Surrendered Registration to Practice
Optometry No. 5017

Petitioner.

Case No. 2000-71

OAH No. 2010040142

DECISION

A quorum of the Board of Optometry of the State of California heard this matter in Sacramento, California, on July 28, 2010. Administrative Law Judge Stephen J. Smith, Office of Administrative Hearings, State of California, presided over the proceedings, but did not participate in the making of the Decision.

Wyman Chan, O.D., appeared and was represented by Craig S. Steinberg, Attorney at Law.

Char Sachson, Deputy Attorney General, Department of Justice, represented the People of the State of California.

The matter was heard in open session. The record was closed, the matter was submitted and the Board adjourned to Executive Session, where it deliberated and decided the matter.

FACTUAL FINDINGS

1. The Board issued Wyman Chan, O.D., (petitioner) Certificate of Registration number 5017 (certificate) to practice Optometry in the State of California on July 15, 1968.

2. The Board and petitioner entered into a Stipulated Settlement and Disciplinary Order effective July 14, 2003, resolving allegations made by the Board against petitioner set forth in an Accusation filed against petitioner.

3. Petitioner agreed as part of the Stipulated Settlement and Disciplinary Order that there was a factual and legal basis for imposing discipline upon his certificate. Petitioner acknowledged that he engaged in unprofessional conduct with respect to four patients as alleged in the accusation; including failing to perform dilated fundus examinations, failing to document or obtain health histories, failure to obtain visual acuities for the patients, and failing to refer one patient to a physician.

4. As part of the Stipulated Settlement and Disciplinary Order, petitioner agreed to the revocation of his certificate, with a stay of the revocation for a period of three years, during which time the petitioner agreed to be placed on three years probation to the Board, subject to numerous terms and conditions. Those terms and conditions of probation included a 15 day actual suspension, taking and completing 40 hours of continuing education, taking and passing a re-examination, having his practice monitored, agreeing to certain restrictions of practice, and making payment of costs of investigation and prosecution in the amount of \$12,461.94.

5. Petitioner failed in four separate attempts to successfully complete the re-examination condition of his probation. The Board brought a Petition to Revoke Probation against petitioner in October 2005, on the grounds that petitioner had violated his probation by failing to successfully complete the re-examination condition of probation.

6. Petitioner entered into another Stipulated Settlement and Disciplinary Order, effective March 10, 2006, with the Board, resolving the allegations in the October 2005 Petition to Revoke Probation.

7. The second Stipulated Settlement and Disciplinary Order extended petitioner's existing and incomplete probation two years, subject to additional terms and conditions. One of those additional terms and conditions included that petitioner pass the clinical portion of the National Board of Examiners in Optometry (NBEO) exam within a specified period of time. Petitioner agreed that if he should fail to pass the examination and thus comply with the re-examination requirement on a timely basis, he would surrender his certificate to the Board. Petitioner further agreed that all of the allegations contained in the Accusation and Petition to Revoke Probation previously brought against petitioner would be deemed to be true, should petitioner seek to reinstate his certificate in the event he ended up surrendering the certificate as a result of this term and condition of probation.

8. Petitioner took the NBEO examination more than once within the required time period set forth in the additional probationary conditions. Petitioner failed the examinations. Although petitioner passed some individual components of each clinical examination in at least one of the exams, he did not succeed in passing all of the required

components together in any one session, and therefore was not found by the NBEO have successfully passed any of the three clinical skills examinations.

9. Petitioner filed an administrative appeal against the determination by NBEO that he failed the April 22, 2006 examination, for the same reasons he attacked the examination as unfair and not reflective of his skills and abilities in these proceedings (discussed below). The appeal of the examination outcome and petitioner's claims of unfairness in the examination itself and in the manner in which it was administered to him were found by NBEO as lacking merit and his appeal was denied.

10. Based upon the fact that petitioner failed to comply with the additional term and condition of probation requiring him to pass the NBEO examination, the Board sought the surrender of petitioner's Certificate. Petitioner surrendered his Certificate and wall and pocket certificates to the Board on September 29, 2006.

11. Petitioner filed a Petition for Reinstatement of his surrendered certificate with the Board on October 24, 2008, a little more than two years after the surrender of his certificate. Petitioner had previously submitted a Petition for Reinstatement in October 2007, which petitioner later withdrew.

12. It was not disputed that during the period of time that petitioner was on probation to the Board, petitioner complied with all material terms and conditions of his probation, with the notable exception of his failure to comply with the re-examination condition and his failure to pass the NBEO examination. At the time of his first Petition for Reinstatement, it was uncertain whether petitioner had paid all of the cost recovery provision of his probation, but it was undisputed that he had paid a portion of it.

13. In his first Petition for Reinstatement petitioner contended that his Certificate should be reinstated because he believed he had corrected the deficiencies that led to the disciplinary action. He contended that he was now able to provide a better standard of care for his patients. He also contended that his fluency in Cantonese allowed him to provide service to a portion of the population in his area where few optometrists were able to serve, due to the fact that there is a sizable Cantonese speaking portion of the population in his area.

14. As of the time of the hearing on his first Petition, petitioner had not been regularly employed since surrendering his Certificate. He worked for a brief period of time as an enumerator for the United States Census Bureau, and otherwise had volunteered his time for various local community activities.

15. As of the time of his first Petition for Reinstatement, petitioner had completed approximately 69 hours of continuing education. He had also been tutored by various optometrists in clinical skills and had studied various publications devoted to the practice of optometry.

16. Petitioner testified during the hearing on his first Petition for Reinstatement that he did not agree with the allegations made against him in the initial Accusation that led to the first disciplinary action imposed against his Certificate. Petitioner also testified that he did not believe the examinations administered to him while he was on probation were fair, and he claimed the examinations were not scored fairly. He also testified that he would not be agreeable to any restrictions placed on his practice, should his certificate be reinstated.

17. Petitioner acknowledged at the hearing on his first Petition for Reinstatement that he had not practiced optometry since December 2003. He acknowledged that nevertheless, he still maintained his optometry office and all his equipment. He admitted that signage outside his office on the building that includes his office identified him as an optometrist, and that he still has an active telephone line in his office with an answering machine message that indicated that he is an optometrist. He also acknowledged that he was still listed in the local Yellow Pages as an optometrist, and that he has not told many of his long-term patients that he was required to surrender his Certificate or that he is no longer permitted to practice optometry.

18. Petitioner's first Petition for Reinstatement was denied by the Board, effective January 28, 2009. The Board found that petitioner failed to meet his burden of proving that he was rehabilitated at that time or that cause existed to reinstate his Certificate.

19. Petitioner filed this instant Second Petition for Reinstatement on February 28, 2010.

20. Petitioner appended a lengthy statement to this Petition, enumerating why he feels reinstatement of his Certificate is appropriate and warranted. Petitioner's statement paralleled his testimony at the hearing. It consisted of an attack on the fairness and accuracy of the original findings against him in the initial 2003 Decision placing him on probation, and upon the lack of fairness in the NBEO examinations he was required to take and failed to pass that were conditions of his probations. Petitioner also claimed later in his statement to have "corrected the deficiencies"¹ that led to the disciplinary action, and therefore, he is able to provide a "better up to date standard of care" for his patients. He noted that he takes the practice of optometry very seriously, and wants to contribute to the good reputation of the profession. He noted that although his practice is not large, he is still able to contribute to the practice community. He understands and speaks Cantonese, and enjoys meeting, helping and growing with the diversity of patients his city has to offer, and he accepts Medi-Cal patients. He observed that he has tried his best to cooperate with the Board throughout the disciplinary process, including obtaining the cooperation of a colleague to monitor his practice, taken the proficiency examinations, paid \$12,461.94 in costs and fines, faithfully filed all his quarterly reports, had his office and patient records repeatedly inspected by the Board and completed 286 hours of continuing education between July 2003 and February 2010.

¹ This is a curious claim, in light of the fact that petitioner has never acknowledged, other than in the Stipulations, that there was any factual or legal basis for the original disciplinary action against him, and in fact disputed the validity of the factual basis for that action in his testimony during this hearing.

21. Petitioner particularly took issue with the April 22, 2006 clinical examination he was required to pass, or surrender his license, as briefly referenced above. He claimed the examination was "quite unfair." He wrote that he was allowed only one partial attempt to pass the Goldman Tonometry test, and claimed that his scores on several skills tested were "definitely not commensurate with the actual performance."

22. Petitioner wrote that since November 2008, he has been tutored in clinical skills by Dr. Jennee Lee of Stockton, and in Goldman Tonometry and non-contact fundus examination by Dr. Eldon Risenow and Dr. Sean West of Modesto and in Goldman Tonometry and Biomicroscopy by Dr. Robert Felderstein of Stockton.

23. Petitioner's counsel challenged the Board's authority in the first instance to have ordered the petitioner to pass a clinical competency examination as a condition of practice on probation and/or as a condition that must be satisfied in order to continue on probation or surrender his license. The contention ignores the fact that petitioner was represented by counsel at every stage of the proceedings against him, both initially in response to the Accusation, and upon the Violation of Probation proceedings, and stipulated and agreed to these conditions. Any claim petitioner may have had that the Board was acting in excess of its authority in adding the clinical examination conditions as terms of the mutually agreed upon stipulations and Disciplinary Orders has long since been waived. A similar fate awaits petitioner's legal claim that petitioner never agreed to be required to demonstrate clinical proficiency in skills he had not been trained in and are not commonly used. Petitioner's claim that requiring him to demonstrate clinical proficiency in such skills was "outside the agreement" is also waived. The time to raise such objections was at the time the conditions were imposed and when it became evident that petitioner was being required to demonstrate clinical proficiency in areas outside what he understood he had agreed to demonstrate.

24. Petitioner's claim that it is very difficult for him to learn and demonstrate clinical proficiency in skills he was not taught during his education and training, which took place in the late 1960s and early 1970s, because he is barred from practicing on live patients does present a dilemma. Several times petitioner has requested permission to practice on actual patients or volunteers under the supervision of a tutor, but permission has been consistently denied. Petitioner contends this prohibition has significantly hampered his ability to learn and improve skills required to pass the clinical skills examinations. He points out that he has satisfied faithfully every other condition imposed upon him, and in 30 years of practice, these disciplinary actions are the only blemishes. Petitioner's claims that the patient's civil complaint that was the focus of the first Accusation action against him was dropped by the patient, and there never has been any other patient complaint against him in all his years of practice were not disputed.

25. Additionally, petitioner contends he has taken steps to address the Board's concerns expressed in the Decision following his First Petition for Reinstatement. He has taken his name off the building exterior and changed his telephone message, all in an effort to make certain no one gets the wrong impression that he is still actively practicing. The

Yellow pages advertisement has evidently expired and did not appear in the most recent book.

26. Petitioner finally claims that he does not need to perform Goldman Tonometry or dilated fundus examinations in his practice. He contends these tests are uncommon and that there are acceptable alternatives to needing to be able to perform these procedures. He contends these procedures are more recent developments in optometry, and he was not taught how to perform them in school. Thus, he reasons that his failure to pass a skills test on these procedures is not indicative of whether he is a safe and competent practitioner in his practice as he contemplates it going forward. Any patient who might need Goldman Tonometry or dilated fundus examination would be promptly referred to a colleague able to perform these tests; and he would consult with the referral optometrist in working out a treatment plan in the best interests of the patient and the patient's needs.

27. Dr. Robert Pedersen, an optometrist practicing in Stockton, and President of the San Joaquin Optometric Society, has mentored petitioner and tried to help him with his clinical skills directed toward passing the NBEO examinations. Petitioner has frequently shadowed Dr. Pedersen, and has tried to train petitioner in Goldman Tonometry, using himself as a patient as well as a few volunteers. Dr. Pedersen expressed his opinion that petitioner is a safe and competent practitioner who poses no danger to the public if allowed to return to active practice.

28. Petitioner's own testimony regarding the clinical skills testing in the NBEO examinations was enlightening. Although he accepted "fault" for his failure to pass certain portions, he noted that he was not familiar with the type of slit lamp used in one of the tests, and he ran out of time before he was able to become comfortable with it. It appeared that the biggest problem with petitioner's performance in the examinations was time. The tests are timed and the requisite clinical skills must be successfully demonstrated within a fixed period. Petitioner is slow and deliberate in his practice, and his common complaint was that he "ran out of time" before he was able to complete the tests. The skill not demonstrated within the requisite time period earns the same "fail" as does the skill fully demonstrated within the time period allotted but not competently performed.

29. Petitioner has not treated a patient since 2003. He is presently unemployed. He spends his time involved in several voluntary community service activities, and in keeping up with his continuing education and journal reading, as well as shadowing in the practices of those willing to have him present, as noted above. In response to questions, petitioner confirmed he has modern equipment. He contends he is presently competent to treat patients. He has kept his skills current by shadowing, observing and discussing treatment of various patients, watching testing and joining in the discussion of results, discussing cases with those mentoring him, and through continuing education and journal reading. He contends he is "careful all the time." He offered in response to questions about his struggle with Goldman Tonometry, that he would treat a patient with non-contact tonometry, dilate the patient to check for "floaters," check with biomicroscopy and then refer the patient to a colleague if necessary.

30. Petitioner's claims have a little merit, but largely lack it. Petitioner's constant complaint has been that the examinations that he was to pass to prove he is clinically safe to practice are unfair, problematic, and so forth with a variety of additional excuses. There may be some merit to some of his complaints, but none in and of themselves are persuasive, and all miss the essential point that the Board sought an independent third party assessment and acknowledgement of petitioner's clinical skills before permitting him to continue to practice. Despite petitioner's alternative approach to work around patients who might need dilated fundus examinations or Goldman Tonometry, by using non dilated fundus examination, biomicroscopy and referral to a colleague for Goldman Tonometry, this again avoids the central issue of petitioner's consistent failure to demonstrate these essential optometric clinical skills to an independent third party. The Board takes exception to petitioner's claims that skill and ability in performing Goldman Tonometry or dilated fundus examinations is collateral and uncommon in a successful daily clinical practice. These skills are essential. Petitioner's problem of consistent failure to successfully demonstrate reasonable clinical familiarity and competence with these skills has continued to date.

LEGAL CONCLUSIONS

1. Government Code section 11522 provides:

A person whose license has been revoked or suspended may petition the agency for reinstatement or reduction of penalty after a period of not less than one year has elapsed from the effective date of the decision or from the date of the denial of a similar petition. The agency shall give notice to the Attorney General of the filing of the petition and the Attorney General and the petitioner shall be afforded an opportunity to present either oral or written argument before the agency itself. The agency itself shall decide the petition, and the decision shall include the reasons therefor, and any terms and conditions that the agency reasonably deems appropriate to impose as a condition of reinstatement. This section shall not apply if the statutes dealing with the particular agency contain different provisions for reinstatement or reduction of penalty.

2. California Code of Regulations (CCR), title 16, section 1516, provides:

[¶] ... [¶]

(b) When considering the suspension or revocation of a certificate of registration on the grounds that the registrant has been convicted of a crime, the Board, in evaluating the rehabilitation of such person and his/her present eligibility for a license, will consider the following criteria:

- (1) Nature and severity of the act(s) or offense(s).
- (2) Total criminal record.
- (3) The time that has elapsed since commission of the act(s) or offense(s).
- (4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.
- (5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.
- (6) Evidence, if any, of rehabilitation submitted by the licensee.

(c) When considering a petition for reinstatement of a certificate of registration under Section 11522 of the Government Code, the Board shall evaluate evidence of rehabilitation submitted by the petitioner, considering those criteria of rehabilitation specified in subsection (b).

3. Full compliance with all terms and conditions of probation is expected, and satisfactory compliance with all required terms and conditions of probation does not necessarily constitute rehabilitation. Relief from the requirements of probation generally, from any of the individual terms and conditions, or cause for reinstatement is reserved for one or a combination of the following:

- a. Exemplary probationary performance by proof of exceptional compliance with the existing terms to date; or
- b. Substantial and compelling evidence of rehabilitation; and/or
- c. Compelling circumstances beyond the control of the petitioner.

4. The purpose of a disciplinary proceeding is to afford protection to the public upon the rationale that the respect and confidence of the public is merited by eliminating from [or preventing the entry or reentry into] the ranks of practitioners those who are dishonest, amoral, disreputable, or incompetent.² The quality and quantity of proof of rehabilitation must be sufficient to overcome the board's former adverse determination.

² *Fahmy v. Medical Board of California* (1995) 38 Cal. App.4th 810, 817.

Therefore, the quality and quantity of rehabilitation must be commensurate with the nature and gravity of the conduct resulting in the previous disciplinary action.³

5. Petitioner contends the Board should "consider alternatives" to continuing the revocation of petitioner's certificate. Petitioner contends such "alternatives" should be crafted to both give petitioner a chance to prove his competence, and protect the public at the same time. But petitioner failed to offer much in the way of assistance to the Board in drafting the specifics of a proposal containing such alternatives and protections, or providing the Board with a reasonable proposal containing anything more in the way of reasonable assurances of competence and protection for the public beyond petitioner's unsupported promises. In light of repeated failures upon opportunities to prove his clinical skills to the national examining body, petitioner's unsupported promises of his own safety and competence are devoid of substance. Petitioner thus offered the Board nothing substantive in support of his proposal for the Board to grasp and implement. In fact, the contention was rather vague, and left it entirely to the Board to figure out just what alternatives and protections petitioner was suggesting should be implemented.

6. Petitioner's rehabilitation is incomplete and insufficient to support reinstatement. Nevertheless, the Board offers petitioner here an alternative opportunity to obtain and produce the independent assurances of clinical skills, safety and competence it formerly sought through previous probationary requirements that petitioner take and successfully pass the NBEO clinical skills examination. It will also seek to remove the impediment to petitioner obtaining the hands on training he needs in order to learn or upgrade the skills he needs to pass the examination. The Order here allows petitioner the opportunity to obtain the training needed and prove through an independent third party that he has the requisite clinical skills needed to be reinstated with minimum safety standards for the public adequately met. Petitioner must obtain this training at a Board approved and recognized optometric institution, or through a Board approved third party practitioner/trainer willing to teach and train petitioner and who is willing to certify to the Board that petitioner has actually demonstrated to the practitioner/trainer or institution the requisite clinical skills to competently and safely practice optometry consistent with current standards of care and practice.

ORDER

The Petition for Reinstatement of Surrendered Certificate of Wyman Chan, O.D., is DENIED. However, the denial shall be STAYED upon the successful completion of the requirements and satisfaction of the Conditions Precedent (below) to returning to probationary practice set forth below.

If the Board, upon satisfactory proof made by petitioner that the Conditions Precedent have been successfully completed and satisfied according to their terms, the stay of the

³ *Housman v. Board of Medical Examiners* (1948) 84 Cal.App.2d 308, 315-316.

denial shall take effect, and petitioner shall be admitted to probation for a period of three (3) years, during which time petitioner shall be on probation to the Board of Optometry, subject to the terms and conditions set forth below.

If the Board has not certified in writing that the Condition Precedent have been successfully completed and satisfied upon presentation of satisfactory proof to the Board during the period of two (2) years from the effective date of this Decision, unless the Board, for good cause shown in the exclusive discretion of the Board, extends the period, the stay shall not lift, and petitioner shall not be admitted to probation, and the probationary conditions set forth below shall not take effect, and the denial of this Petition shall become permanent.

Condition Precedent

1. Clinical Training Program

Petitioner shall successfully complete a program of Board approved clinical training from a Board approved and recognized optometric educational institution of higher learning, or from a Board approved clinical instructor. The course of clinical training shall include, but not necessarily be limited to, instruction in binocular indirect techniques, dilated fundus examination and Goldman Tonometry, and any other clinical techniques the Board determines are required for modern clinical practice and were shown to be lacking in the results of the NBEO examinations taken by petitioner. In order to facilitate the training, petitioner shall be entitled to use the student exemption from the proscriptions against unlicensed practice of optometry for all training conducted under the direct supervision of the approved optometric institution of higher learning or any Board approved third party instructor/trainer. The Board's designee shall meet with petitioner to outline the training requirements and shall provide petitioner clear written guidelines of the Board's expectations and minimum requirements for the training, as well as guidance for selection of an institution or trainer the Board will approve for the training.

The clinical training may consist of all or part of the following, in addition to the above mentioned skills and procedures; a comprehensive assessment of petitioner's basic clinical and communication skills common to all clinicians; and optometric knowledge, skill and judgment pertaining to the practice of optometry, and at minimum, a 40 hour program of clinical education in the areas of practice in which petitioner failed in past NBEO examinations. Petitioner shall pay all expenses associated with the clinical training program.

Upon successful completion of the training, the approved clinical trainer or institution shall certify to the Board that petitioner meets minimum standards of care in the clinical skills identified by the Board at the outset of the training. Upon receipt and acceptance of the certification of successful training by the Board, the Board shall so indicate successful completion to petitioner in writing. Until petitioner successfully completes the training and the trainer or institution has certified that completion to the Board, petitioner may not be admitted to probation unless the Board otherwise approves in writing.

ADMISSION TO PROBATION

Upon written notification from the Board to petitioner that he has successfully completed the Condition Precedent to admission to probationary practice, the stay of the denial of the Petition shall take effect, and petitioner shall be admitted to probation to the Board, subject to the following terms and conditions:

1. Monitored Practice

Within 30 calendar days of the date petitioner is notified in writing by the Board that he has successfully completed the Condition Precedent and has been admitted to probation, petitioner shall submit to the Board or its designee for prior approval as a practice monitor, the name and qualifications of one or more licensed optometrists whose licenses are valid and in good standing. A monitor shall have no prior or current business or personal relationship with petitioner, or other relationship that could reasonably be expected to compromise the ability of the monitor to render fair and unbiased reports to the Board, including but not limited to any form of bartering. The monitor shall be a practitioner with a practice similar to petitioner's practice, and must agree to serve as petitioner's monitor. Petitioner shall pay all monitoring costs, including any costs imposed by the monitor.

The Board or its designee shall provide the approved monitor with copies of this and all previous Decisions of the Board, Accusation and Petition to Revoke Probation (documents), and a proposed monitoring plan. Within 15 calendar days of receipt of the documents and the proposed monitoring plan, the monitor shall submit a signed statement that the monitor has read the documents of the Board's prior actions, fully understands the role of a monitor, and agrees or disagrees with the proposed monitoring plan. If the monitor disagrees with the proposed monitoring plan, the monitor shall submit a revised monitoring plan with the signed statement.

Within 60 calendar days of written notice by the Board that petitioner has been admitted to probation, and continuing throughout probation, petitioner's practice shall be monitored by the approved monitor. Petitioner shall make all records available for immediate inspection and copying on the premises by the monitor at all times during business hours and shall retain the records for the entire term of probation.

The monitor(s) shall submit a quarterly written report to the Board or its designee which includes an evaluation of petitioner's performance, indicating the monitor's independent assessment of whether petitioner's practices are within current optometric standards of practice, and whether petitioner is practicing safely.

It shall be the sole responsibility of petitioner to ensure that the monitor submits the quarterly written reports to the Board or its designee within 10 calendar days after the end of the preceding quarter.

If the monitor resigns or is no longer available, petitioner shall, within 5 calendar days of such resignation or unavailability, so advise the Board in writing and submit to the Board or its designee, for prior approval, the name and qualifications of a replacement monitor who will be assuming that responsibility within 15 calendar days. If petitioner fails to obtain approval of a replacement monitor within 60 days of the resignation or unavailability of the monitor, petitioner shall be suspended from the practice of optometry until a replacement monitor is approved and prepared to assume immediate monitoring responsibility. Petitioner shall cease the practice of optometry within 3 calendar days after being so notified by the Board or designee.

Failure to maintain all records, or to make all appropriate records available for immediate inspection and copying on the premises, or to comply with this condition as outlined above is a violation of probation and may constitute cause for immediate suspension.

Following the expiration of one half of the probationary period, petitioner may petition for the removal of the practice monitor condition. Proof of successful practice monitoring for the first eighteen months of probation shall be a condition precedent to granting of the Petition. Attestation under oath of the current monitor, that, in the monitor's professional opinion, monitoring is no longer required to assure patient safety and accuracy of patient charts and records, shall be prima facie evidence of successful monitoring.

2. Obey All Laws

Petitioner shall obey all federal, state and local laws, all rules governing the practice of optometry in California and remain in full compliance with any court ordered criminal probation, payments, and other orders.

3. Quarterly Declarations

Petitioner shall submit quarterly declarations under penalty of perjury on forms provided by the Board or its designee, stating whether there has been compliance with all the conditions of probation. Petitioner shall submit quarterly declarations not later than 10 calendar days after the end of the preceding quarter.

4. Probation Unit Compliance

Petitioner shall comply with all directions of the Board's probation unit. Petitioner shall, at all times, keep the Board informed of petitioner's business and residence addresses. Changes of such addresses shall be immediately communicated in writing to the Board or its designee.

Petitioner shall not engage in the practice of optometry in petitioner's place of residence. Petitioner shall maintain a current and renewed California Certificate of Registration.

Petitioner shall immediately inform the Board or its designee, in writing, of travel to any

areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty (30) calendar days.

5. Interview with the Division or Designee

Petitioner shall be available in person for interviews either at petitioner's place of business or at the Board's office with the Board's designee, upon request, at various intervals and either with or without prior notice throughout the term of probation.

6. Residing or Practicing Out-of-State

In the event petitioner should leave the State of California to reside or to practice, petitioner shall notify the Board or its designee in writing 30 calendar days prior to the dates of departure and return. Non-practice is defined as any period of time exceeding thirty calendar days in which petitioner is actively engaging in the practice of optometry, as defined in the Business and Professions Code.

All time spent in an intensive training program outside the State of California which has been approved by the Board or its designee shall be considered as time spent in the practice of optometry within the State. A Board-ordered suspension of practice shall not be considered as a period of non-practice, including the period of nonpractice set forth in the Condition Precedent to the return to active practice referred to below. Periods of temporary or permanent residence or practice outside California will not apply to the reduction of the probationary term. Periods of temporary or permanent residence or practice outside California will relieve petitioner of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Obey All Laws; and Probation Compliance.

Petitioner's Certificate shall be automatically cancelled if petitioner's periods of temporary or permanent residence or practice outside California totals two years. However, petitioner's Certificate shall not be cancelled as long as petitioner has satisfied the Condition Precedent to admission to probation and returning to active practice set forth below and is residing and practicing optometry in another state of the United States and is on active probation with the optometry licensing authority of that state, in which case the two year period shall begin on the date probation is completed or terminated in that state.

7. Failure to Practice Optometry - California Resident

In the event petitioner resides in the State of California and for any reason petitioner stops practicing optometry in California, after having successfully satisfied the Condition Precedent to admission to probation and returning to the active practice of optometry, petitioner shall notify the Board or its designee in writing within 30 calendar days prior to the dates of non-practice and return to practice. Any period of non-practice within California, as defined in this condition, will not apply to the reduction of the probationary term and does not relieve petitioner of the responsibility to comply with the terms and conditions of

probation. Non-practice is defined as any period of time exceeding thirty calendar days in which petitioner is not engaging in the active practice of optometry as defined the Business and Professions Code.

All time spent in an intensive training program which has been approved by the Board or its designee shall be considered time spent in the practice of optometry. All time prior to successful satisfaction of the Condition Precedent to be admitted to probation and return to active practice shall not be considered as time not spent in the practice of optometry for the purposes of this provision. For purposes of this condition, non-practice due to a Board-ordered suspension or in compliance with any other condition of probation, shall not be considered a period of non-practice.

Petitioner's Certificate shall be automatically cancelled if petitioner resides in California for a total of two years after successful completion and notification by the Board that petitioner has successfully satisfied the Condition Precedent to admission to probation and return to the active practice of optometry, and fails to engage in California in the active practice of optometry, as described in the Business and Professions Code.

8. Education Program

Within 90 days of the effective date of the written notice from the Board that petitioner is admitted to probation following successful satisfaction of the Condition Precedent, and on an annual basis thereafter, petitioner shall submit to the Board for its prior approval, an educational program or course to be designated by the Board, which shall not be less than 40 hours per year, for each year of probation. This program shall be in addition to the Continuing Optometric Education requirements for re-licensure, and shall be obtained with all costs paid by petitioner. Following the completion of each course, the Board or its designee may administer an examination to test petitioner's knowledge of the course. Petitioner shall provide written proof of attendance in such course or courses as are approved by the Board.

9. Branch Offices

During the period of probation, petitioner shall be restricted to a single office location, and shall be restricted as to the number and location of branch offices which the petitioner may operate or in which the petitioner may have any proprietary interest as designated and approved in writing by the Board.

10. Advertising During Probation

Petitioner shall, during the period of probation, prior to any publication or public dissemination, submit any and all advertisements of professional services in the field of optometry to the Board for prior approval. Such advertisement may be published or disseminated to the public only after written approval by the Board.

11. Probation Monitoring Costs

Petitioner shall pay the costs associated with probation monitoring each and every year of probation, as designated by the Board or its designee, which may be adjusted on an annual basis. Such costs shall be payable to the Board of Optometry and delivered to the Board's designee no later than January 31 of each calendar year. Failure to pay costs within 30 calendar days of the due date is a violation of probation.

12. Violation of Probation

Failure to fully comply with any term or condition of probation is a violation of probation. If petitioner violates probation in any respect, the Division, after giving petitioner notice and the opportunity to be heard, may revoke probation and reimpose the stayed denial of this Petition. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed against petitioner during probation, the Board shall retain continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

13. Completion of Probation

Petitioner shall comply with all financial obligations (e.g., probation costs) not later than 120 calendar days prior to the completion of probation. Upon successful completion of probation, petitioner's Certificate shall be fully restored.

14. License Surrender

Following the effective date of this Decision, and admission to probation following written notice of successful completion of the Conditions Precedent, if petitioner ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the terms and conditions of probation, petitioner may request the voluntary surrender of his certificate. The Board reserves the right to evaluate petitioner's request and to exercise its discretion whether or not to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender, petitioner shall, within 15 calendar days, deliver his wallet and wall certificate to the Board or its designee and petitioner shall cease to practice optometry. Upon the Board's acceptance of such a surrender, petitioner will no longer be subject to the terms and conditions of probation. Surrender of petitioner's

license shall be deemed disciplinary action. If respondent re-applies for a certificate of registration, the application shall be treated as a petition for reinstatement of a revoked

certificate.

DATED: September 27, 2010

A handwritten signature in black ink, appearing to read 'Lee A. Goldstein', written over a horizontal line.

LEE A. GOLDSTEIN, O.D.

President

Board of Optometry

Department of Consumer Affairs

State of California

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

In the Matter of the Petition for Reinstatement of:

WYMAN CHAN, O.D.,

Petitioner.

Case No. 2001-71

OAH No. 2008100872

DECISION

This matter was heard by a quorum of the Board of Optometry (Board) on November 20, 2008, in Los Angeles. Eric Sawyer, Administrative Law Judge, Office of Administrative Hearings, State of California, presided. The record was closed and the matter was submitted for decision, following which the Board met in an executive session and decided the matter on the day of the hearing.

Wyman Chan (Petitioner) was present and represented himself.

Jennifer S. Cady, Deputy Attorney General, California Department of Justice, appeared pursuant to Government Code section 11522.

FACTUAL FINDINGS

1. On or about July 15, 1968, the Board issued Certificate of Registration Number 5017 (certificate) to Petitioner.

2A. The Board, by Decision and Order effective July 14, 2003, in Case No. 2000-71 (OAH No. N-2002090449), adopted a Stipulated Settlement and Disciplinary Order resolving an accusation that had been brought against Petitioner.

2B. Pursuant to the Board's Decision and Order, Petitioner's certificate was revoked, with the revocation stayed while Petitioner was placed on three years probation under conditions including a 15 day suspension, 40 hours of education, reexamination, practice monitoring, practice restriction, and cost recovery in the amount of \$12,461.94.

2C. In the Stipulated Settlement and Disciplinary Order resolving the accusation, Respondent agreed that there was a factual basis for discipline against his certificate for unprofessional conduct with regard to four patients, including his failing to perform proper dilated fundus exams, failing to document or obtain health histories or visual acuities, and failing to refer a patient to a physician.

3A. Petitioner failed in four separate attempts to successfully complete the reexamination condition of his probation. For that reason, in or about October of 2005, the Board brought a petition to revoke Petitioner's probation.

3B. The Board, by Decision and Order effective March 10, 2006, in Case No. 2000-71 (OAH No. N-2005100203), adopted a Stipulated Settlement and Disciplinary Order resolving the petition to revoke probation that had been brought against Petitioner.

3C. Pursuant to the Board's Decision and Order, Petitioner's probation was extended an additional two years under conditions including that he pass the clinical portion of the National Board of Examiners in Optometry (NBEO) exam within a requisite time. It was further agreed that should Petitioner fail to comply with the reexamination condition on a timely basis, he would surrender his certificate to the Board. It was further agreed that all allegations contained in the accusation (which had been amended by agreement of the parties in the Stipulated Settlement and Disciplinary Order described in Finding 2A) and petition to revoke probation previously brought against Petitioner would be deemed as true should Petitioner seek to reinstate his certificate in the event that it had been surrendered by him.

3D. Petitioner failed the NBEO exam that he took within the requisite time frame. His administrative appeal of that exam was denied by the NBEO. The Board therefore requested Petitioner to surrender his certificate. On or about September 29, 2006, Petitioner surrendered to the Board his wall and pocket certificates.

4. The instant Petition for Reinstatement (petition) was received by the Board on October 24, 2008 (a little more than two years after Petitioner surrendered his certificate). Petitioner had previously submitted a similar petition for reinstatement in October of 2007, which he later withdrew.

5. Petitioner had no record of disciplinary action by the Board prior to that described above. While on probation with the Board, Petitioner essentially complied with the conditions of his probation, except for the reexamination condition discussed above and a few other omissions that were not alleged in the petition to revoke his probation. Although Petitioner paid some of the cost recovery, it was not established whether he has paid all of it.

6. Petitioner contends his certificate should be reinstated because he believes he has corrected the deficiencies that led to his discipline described above and he also believes he is now able to provide a better standard of care for his patients. He also believes that his fluency in the Cantonese dialect of the Chinese language would help the situation in his area where few optometrists are able to serve the segment of the population that only speak that language.

7. Petitioner has not been regularly employed since surrendering his certificate. He worked for a brief period as an enumerator for the United States Census Bureau, and otherwise has volunteered his time for various local community activities.

8. In the past two years, Petitioner has completed approximately 69 hours of continuing education, been tutored by various optometrists in clinical skills and has studied various different sources of optometric literature.

9. Petitioner has taken the NBEO clinical skills exam three separate times since surrendering his license. Although he has passed various individual components of that exam in at least one of those exams, he has not passed all of the required components together in any one session and therefore did not pass any of the three clinical skills exams.

10. The petition is supported by the recommendation letters of two optometrists in Petitioner's area, Brian D. Tracy, O.D., and Robert Pedersen, O.D. The petition is also supported by letters from two of Petitioner's past patients.

11. Petitioner testified that he did not agree with the allegations made against him in the initial accusation that led to the discipline imposed against his certificate. Petitioner also testified that he did not think the four exams administered to him while he was on probation with the Board were fair and that he thought they were scored unfairly. He also testified that he would not be in favor of any restrictions placed on his practice should his certificate be reinstated.

12. Petitioner testified that he has not practiced optometry since December of 2003. However, he still maintains his optometry office and attendant equipment, with signage outside identifying him as an optometrist; he still has a telephone in his office with an answering message indicating he is an optometrist; and he is still listed in his local yellow pages as an optometrist. Petitioner also testified that he has not disclosed the surrender of his certificate to several of his long-time patients.

LEGAL CONCLUSIONS

1. *Standard of Review.* The burden in this petition for reinstatement rests with Petitioner. (*Flanzer v. Board of Dental Examiners* (1990) 220 Cal.App.3d 1392, 1398.) The standard of proof is clear and convincing evidence to a reasonable certainty. (*Hippard v. State Bar* (1989) 49 Cal.3d 1084.)

2. *Jurisdiction.* Government Code section 11522 provides that a person whose license has been revoked may petition the disciplining agency for reinstatement of that license after a period of not less than one year has elapsed from the effective date of the discipline. This statute applies in this case because the statutes dealing with the Board do not contain any different provisions for reinstatement. (Gov. Code, § 11522.) However, California Code of Regulations, title 16, section 1516 provides certain criteria to be evaluated when considering a petition for reinstatement under Government Code section 11522 (most of which is related to cases where the petitioner had been previously convicted of a crime), including evaluating "evidence of rehabilitation submitted by the petitioner"

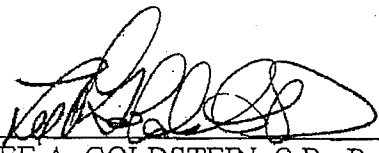
3. *Disposition.* Petitioner failed to meet his burden of establishing by clear and convincing evidence that cause exists to reinstate his certificate. As demonstrated by his failure in three recent attempts to pass the NBEO clinical skills exam, Petitioner has not remedied the deficiencies in his clinical optometric skills that ultimately led to the surrender of his license. The evidence of rehabilitation submitted by Petitioner is substantially outweighed by that fact as well; even with all the continuing education, tutoring and optometric literature consumed by him, Petitioner is still unable to demonstrate his competency by passing a clinical skills exam. This situation indicates to the Board that, at this time, Petitioner cannot be trusted to render safe and competent optometric care to the public. Moreover, Petitioner did not demonstrate during the hearing an attitude consistent with satisfactory rehabilitation, in that he refused to accept responsibility for his past failures and instead blamed others. The Board is also concerned with the potential of Petitioner holding himself out to the public as a practicing optometrist, in that he maintains his office, signage, telephone answering system and advertising in a way that sends out a deceiving message to the public that he is still available to render optometric services. Under these circumstances, it was established that the order below is warranted to protect the public health, safety and welfare. (Factual Findings 1-12.)

ORDER

The petition for reinstate of Wyman Chan is denied.

IT IS SO ORDERED. This Decision shall be effective 01/28/2009, ~~2009~~.

Dated: 01/28/2009



LEE A. GOLDSTEIN, O.D., President
Board of Optometry
Department of Consumer Affairs
State of California

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

In the Matter of the Accusation Against:

) Agency Case No. 2000-71
)
)
) OAH No. N2005 100203
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)

Wyman Gene Chan, O.D.
5635 Stratford Circle, Suite 46
Stockton, CA 95207

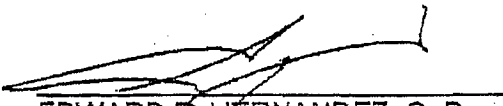
Respondent.

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Optometry as its Decision in the above-entitled matter.

This Decision shall become effective March 10, 2006.

It is so ORDERED February 9, 2006


EDWARD P. HERNANDEZ, O.D.
PRESIDENT
BOARD OF OPTOMETRY

COPY

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Attorneys for Complainant

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

In the Matter of the Accusation and Petition to
Revoke Probation Against:

Wyman Gene Chan

Respondent.

Case No. 2000-71

OAH No. N2005100203

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
proceeding that the following matters are true:

PARTIES

1. Taryn Smith (Complainant) is the Executive Officer of the State Board of
Optometry. She brought this action solely in her official capacity and is represented in this
matter by Bill Lockyer, Attorney General of the State of California, by Elena L. Almanzo,
Deputy Attorney General.

2. Wyman Gene Chan (Respondent) is represented in this proceeding by
attorneys Patricia Tweedy and Glenn Holley, whose address is 2001 I Street, Sacramento, CA
95814

3. On or about July 15, 1968, the State Board of Optometry issued Certificate
of Registration Number 5017 to Wyman Gene Chan (Respondent). The certificate will expire
March 31, 2006, unless renewed.

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1 Board to issue this disciplinary order without further process.

2 CONTINGENCY

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

13 11. The parties understand and agree that facsimile copies of this Stipulated
14 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
15 force and effect as the originals.

16 12. In consideration of the foregoing admissions and stipulations, the parties
17 agree that the (Board) may, without further notice or formal proceeding, issue and enter the
18 following Order:

19 ORDER

20 IT IS HEREBY ORDERED that the revocation of Certificate of Registration
21 number 5017 issued to Respondent Wyman Gene Chan is reimposed, and probation shall be
22 extended for a period of two (2) years on the following terms and conditions of probation:

23 Each condition of probation contained herein is a separate and distinct condition.
24 If any condition of this Order, or any application thereof, is declared unenforceable in part, or to
25 any extent, the remainder of this Order, and all other applications thereof, shall not be affected.
26 Each condition of this Order, and all other applications thereof, shall not be affected. Each
27 condition of this order shall separately be valid and enforceable to the fullest extent permitted by
28 law.

1 1. Respondent shall take and pass the clinical portion of the exam provided by the
2 National Board of Examiners in Optometry offered in April of 2006. Respondent shall only be
3 scored on the following skills of the NBEO exam: Station 1: sections 1 Case History/Patient
4 Communication, 2. Near Cover Test & Extraocular Motility Evaluation, 3. Pupil Testing; Station
5 2: sections 6. Biomicroscopy, 7. Goldmann Applanation Tonometry; Station 3: sections 10.
6 Retinoscopy, 11. Distance Subjective Refraction, 12. Accommodation Testing, 13. Heterophoria
7 and Vergence Testing at Near; Station 5: sections 16. Binocular Indirect Ophthalmoscopy, 17.
8 Non-Contract Fundus Lens Evaluation, 18. Soft Contact Lens Insertion, Evaluation, and
9 Removal, 19. Rigid Gas Permeable Contact Lens Insertion, Evaluation and Removal.

10 2. If respondent fails to take or pass the clinical portion of the exam as described
11 above in paragraph 1, respondent agrees to the surrender of his Certificate of Registration
12 Number 5017 and to conditions 4 through 7. If respondent passes the clinical portions described
13 above in paragraph 1 of the exam offered by the National Board of Examiners in Optometry in
14 April of 2006, conditions numbers 8-20 shall apply.

15 3. Respondent agrees to execute an authorization for the release of a certified copy
16 of his scoring sheets for the April exam to the California Board of Optometry.

17 4. Respondent further agrees that the surrender of Respondent's Certificate of
18 Registration to practice optometry and the acceptance of the surrendered license by the Board
19 shall constitute the imposition of discipline against Respondent. This stipulation constitutes a
20 record of the discipline and shall become a part of Respondent's license history with the Board.

21 5. Respondent further agrees that he shall lose all rights and privileges as an
22 optometrist in California as of the effective date of the Board's Decision and Order.

23 6. Respondent shall cause to be delivered to the Board both his wall and
24 pocket license certificate of Registration to practice optometry within thirty days of being
25 notified of a failed exam.

26 7. Respondent fully understands and agrees that if he ever files an application
27 for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a
28 petition for reinstatement. Respondent must comply with all the laws, regulations and

1 procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all
2 of the charges and allegations contained in Accusation and Petition to Revoke Probation number
3 2000-71 shall be deemed to be true, correct and admitted by Respondent when the Board
4 determines whether to grant or deny the petition.

5 8. Obey all laws: Respondent shall obey all federal and state and local laws. A
6 full and detailed account of any and all violations of law shall be reported by the respondent to
7 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of
8 compliance with this condition, respondent shall submit completed fingerprint forms and
9 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted
10 as part of the licensure application process.

11 Criminal Court Orders: If respondent is under criminal court order, including
12 probation or parole, and the order is violated, this shall be deemed a violation of these probation
13 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

14 9. Comply with the Board's Probation Program: Respondent shall fully comply
15 with the conditions of the Probation Program as set forth by the Board herein and shall cooperate
16 with representatives of the Board in its monitoring and investigation of the respondent's
17 compliance with the Board's Probation Program as set forth herein. Respondent shall inform the
18 Board in writing within no more than 15 days of any address change and shall at all times
19 maintain an active, current license status with the Board including during any period of
20 suspension.

21 Respondent shall comply with the Board's probation surveillance program,
22 including but not limited to, allowing access to the Respondent's optometric practice and patient
23 records upon request of the Board or its agents.

24 Upon successful completion of probation, respondent's license shall be fully
25 restored.

26 10. Report in Person: Respondent, during the period of probation, shall appear in
27 person at interviews/meetings as directed by the Board or its designated representatives.

28 11. Residency, Practice, or licensure outside of state: Periods of residency or

1 practice as an optometrist outside of California shall not apply toward the reduction of this
2 probation time period. Respondent's probation is tolled, if and when he resides outside of
3 California. The respondent must provide written notice to the Board within 15 days of any
4 change of residency or practice outside the state, and within 30 days prior to re-establishing
5 residency or returning to practice in this state.

6 Respondent shall provide a list of all states and territories where he or she has
7 ever been licensed as an optometrist. Respondent shall further provide information regarding the
8 status of each license and any changes in such license status during the term of probation.
9 Respondent shall inform the Board if he applies for or obtains a new optometry license during
10 the period of probation.

11 12. Submit Written Reports: Respondent shall, during the period of probation,
12 submit or cause to be submitted quarterly written reports/ declarations and verifications of
13 actions under penalty of perjury, as required by the Board. These quarterly reports/declarations
14 shall contain statements relative to respondent's compliance with all of the conditions of the
15 Board's Probation Program. Respondent shall immediately execute all release of information
16 forms as may be required by the Board or its representatives.

17 Respondent shall provide a copy of this decision to the optometric regulatory
18 agency in every state and territory in which he has an optometry license.

19 13. Function as an Optometrist: Respondent, during the period of probation, shall
20 engage in the practice of optometry in California for a minimum of 24 hours per week for 6
21 consecutive months, or as determined by the Board.

22 For purposes of compliance with this section, "engage in the practice of
23 optometry" may include, when approved by the Board, volunteer work as an optometrist, or work
24 in any non-direct patient care position that requires licensure as an optometrist.

25 If respondent has not complied with this condition during the probationary term.
26 and the respondent has presented sufficient documentation of his good faith efforts to comply
27 with this condition. and if no other condition has been violated, the Board in its discretion, may
28 grant an extension of the respondent's probation period up to one year without further hearing in

1 order to comply with this condition. During the one year extension, all original conditions of
2 probation shall apply.

3 14. Employment Approval and Reporting Requirements: Respondent shall
4 obtain prior approval from the Board before commencing or continuing in the practice of
5 optometry. Respondent shall cause to be submitted to the Board any available performance
6 evaluations and other employment related reports as an optometrist upon the request of the
7 Board.

8 If working as an employee, Respondent shall provide a copy of this decision to his
9 employer and immediate supervisors prior to the commencement of the practice of optometry.

10 In addition the above, respondent shall notify the Board in writing within seventy-
11 two(72) hours after he obtains any optometric employment. Respondent shall notify the Board
12 in writing within seventy-two(72) hours after he is terminated or separated, regardless of cause,
13 from any optometric employment with a full explanation of the circumstances surrounding the
14 termination or separation.

15 15. Respondent's level of supervision shall be the following:

16 Moderate - The individual providing supervision and/or collaboration is in the
17 patient care unit or in any other work setting at least half the hours Respondent works.

18 Respondent shall practice only under the direct supervision of an optometrist in
19 good standing (no current discipline) with the Board of Optometry.

20 16. Employment Limitations: Respondent shall not work in any health care
21 setting as a supervisor of optometrists. The Board may additionally restrict respondent from
22 supervising technicians and/ or unlicensed assistive personnel on a case-by-case basis.

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

25 If Respondent is working or intends to work in excess of 40 hours per week, the
26 Board may request documentation to determine whether there should be restrictions on the hours
27 of work.

28 17. Complete Optometry Course(s). Respondent, at his own expense, shall enroll

1 and successfully complete 50 hours of continuing education within 18 months of the effective
2 date of this decision. The continuing education shall be in addition to the continuing education
3 required for licensure.

4 Respondent shall obtain prior approval from the Board before enrolling in the
5 continuing education courses. Respondent shall submit to the Board the original transcripts or
6 certificates of completion for the above required course(s). The Board shall return the original
7 documents to Respondent after photocopying them for its records.

8 18. Cost Recovery. Respondent shall pay to the Board costs associated with its
9 investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
10 amount of \$3,000. Respondent shall be permitted to pay these costs in a payment plan approved
11 by the Board, with payments to be completed no later than three months prior to the end of the
12 probation term.

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

19 19. Violation of Probation. If Respondent violates the conditions of his
20 probation, the Board after giving Respondent notice and an opportunity to be heard, may set
21 aside the stay order and impose the stayed discipline revocation of Respondent's license.

22 If during the period of probation, an accusation or petition to revoke probation has
23 been filed against Respondent's license or the Attorney General's Office has been requested to
24 prepare an accusation or petition to revoke probation against Respondent's license, the
25 probationary period shall automatically be extended and shall not expire until the accusation or
26 petition has been acted upon by the Board.

27 20. License Surrender. During Respondent's term of probation, if he ceases
28 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of

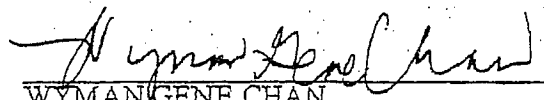
1 probation, Respondent may surrender his license to the Board. The Board reserves the right to
2 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
3 take any other action deemed appropriate and reasonable under the circumstances, without
4 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent
5 will no longer be subject to the conditions of probation.

6 Surrender of Respondent's license during the period of probation shall be
7 considered a disciplinary action and shall become a part of Respondent's license history with the
8 Board. An optometrist whose license has been surrendered may petition the Board for
9 reinstatement no sooner than one year from the effective date of the disciplinary decision.

10
11 ACCEPTANCE

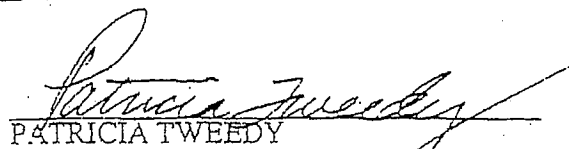
12 I have carefully read the above Stipulated Surrender of License and Order and
13 have fully discussed it with my attorneys, Patricia Tweedy and Glenn Holley. I understand the
14 stipulation and the effect it will have on my Optometrist. I enter into this Stipulated Surrender of
15 License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the
16 Decision and Order of the State Board of Optometry.

17 DATED: 1-19-06

18
19 
20 WYMAN GENE CHAN
21 Respondent

22 I have read and fully discussed with Respondent Wyman Gene Chan the terms
23 and conditions and other matters contained in this Stipulated Settlement and Disciplinary Order.
24 I approve its form and content.

25 DATED: 1-19-06

26
27 
28 PATRICIA TWEEDY
Attorney for Respondent

1 BILL LOCKYER, Attorney General
of the State of California
2 ELENA L. ALMANZO, State Bar No. 131058
Deputy Attorney General
3 California Department of Justice
1300 I Street, Suite 125
4 P.O. Box 944255
Sacramento, CA 94244-2550
5 Telephone: (916) 322-5524
Facsimile: (916) 327-8643

6 Attorneys for Complainant

7
8 **BEFORE THE**
STATE BOARD OF OPTOMETRY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Petition to Revoke Probation
11 Against:

Case No. 2000 71

12 WYMAN GENE CHAN

13 Respondent.

**PETITION TO REVOKE
PROBATION**

14
15 Complainant alleges:

16 **PARTIES**

17 1. Taryn Smith (Complainant) brings this Petition to Revoke Probation solely
18 in her official capacity as the Executive Officer of the Board of Optometry, Department of
19 Consumer Affairs..

20 2. On or about July 15, 1968, the State Board of Optometry issued Certificate
21 of Registration Number 5017 to Wyman Gene Chan (Respondent). The certificate will expire
22 March 31, 2006, unless renewed. On or about March 4, 1998, Wyman Gene Chan became
23 certified to utilize Therapeutic Pharmaceutical Agents.

24 3. Effective July 14, 2003, in the disciplinary action entitled *In the Matter of*
25 *the Accusation Against Wyman Gene Chan*, Case Number 2000-71, the Board revoked his
26 license. The revocation was stayed and Respondent was placed on probation for three(3) years
27 on terms and conditions including condition number nine which follows:

28 ///

1 "Within 60 days of the effective date of this decision or within some other time as
2 prescribed in writing by the board, Respondent shall take and pass an oral or written
3 exam, in a subject to be administered by the board or its designee. If Respondent fails
4 this examination, Respondent must take and pass a re-examination as approved by the
5 board. The waiting period between repeat examinations shall at six month intervals until
6 success is achieved. The Respondent shall pay the cost of any such examination.
7 Respondent shall not practice optometry until Respondent has passed the required
8 examination and has been so notified by the Board in writing. Failure to pass the
9 required examination no later than 100 days prior to the termination date of probation
10 shall constitute a violation of probation."

11 4. Respondent has failed to comply with the following terms and conditions
12 of his probation, the violation of any one of which, in and of itself, constitutes a sufficient basis
13 upon which to revoke Respondent's probation and Certificate to Practice Optometry.

14 5. Section 125.3 of the Code provides, in pertinent part, that the Board
15 may request the administrative law judge to direct a licentiate found to have committed a
16 violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the
17 investigation and enforcement of the case.

18 **FIRST CAUSE TO REVOKE PROBATION**

19 **(Failure to Pass Examination)**

20 6. Respondent has failed to take and pass an examination as required by
21 condition nine of his probation. The circumstances follow:

22 A. On or about September 11, 2003, respondent was administered a safety
23 and skills examination at the University of California at Berkeley School of Optometry which is
24 given to second and third year optometry students to determine their level of skill and safety.
25 Respondent failed the exam in the following areas:

26 1. he performed the Goldmann Tonometry exam below the standard and the
27 test was stopped in the interest of patient safety;

28 ///

1 2. he failed to fasten the tonometry prism in place causing the metal ring to
2 come into contact with the patient's cornea;

3 3. he failed to use the cobalt filter;

4 4. he tried to force the slit lamp up to the patient's eye risking contact with
5 the patient's cornea; and

6 5. the non-fundus lens evaluation was halted for patient safety due to
7 respondent's holding the lens up to the eye such that it would come into contact with the eye.

8 B. On or about March 18, 2004, respondent was administered a safety and
9 skills examination at the University of California at Berkeley School of Optometry which is
10 given to second and third year optometry students to determine their level of skill and safety.
11 Respondent failed the exam in the following areas:

12 1. he failed all sections of the entry level proficiency exam;

13 2. in the binocular indirect ophthalmoscopy he was unable to obtain
14 acceptable views;

15 3. in Goldmann Tonometry he lacked skills to operate the exam in a safe
16 procedure.

17 C. On or about September 24, 2004, respondent was administered a safety
18 and skills examination at the University of California at Berkeley School of Optometry which is
19 given to second and third year optometry students to determine their level of skill and safety.
20 Respondent failed the exam in the following areas:

21 1. in vergence testing, respondent hit a patient in the face with a near point
22 rod;

23 2. the Goldmann Tonometry portion of the exam was halted twice in the
24 interest of patient safety in that he had a tendency to over-applanate the cornea during the
25 adjustment of the slit lamp and used excessive force; and

26 3. in the non-contact fundus lens evaluation, he placed the lens on the eye in
27 contact with the cornea.

28 ///

1 D. On or about March 18, 2004, respondent was administered a safety and
2 skills examination at the University of California at Berkeley School of Optometry which is
3 given to second and third year optometry students to determine their level of skill and safety.
4 Respondent failed the exam.

5 E. Respondent was scheduled to take part III (clinical skills and patient care)
6 of the National Board of Examiners in Optometry Examination in August of 2005. Respondent
7 failed to take the August Exam.

8 PRAYER

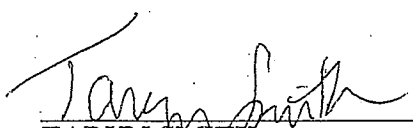
9 WHEREFORE, Complainant requests that a hearing be held on the matters herein
10 alleged, and that following the hearing, the State Board of Optometry issue a decision:

11 1. Revoking the probation that was granted by the Board of Optometry in
12 case number 2000-17 and imposing the disciplinary order that was stayed thereby revoking
13 Certificate of Registration No. 5017 issued to Wyman Gene Chan.

14 2. Ordering Wyman Gene Chan to pay the State Board of Optometry the
15 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
16 Professions Code section 125.3;

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

18 DATED: October 31, 2005

19
20
21 
22 TARYN SMITH
23 Executive Officer
24 State Board of Optometry
25 Department of Consumer Affairs
26 State of California
27 Complainant
28

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

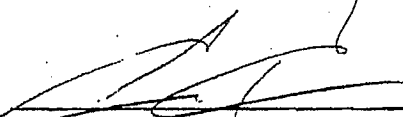
In the Matter of the Accusation	)	No. 2000 71
Against:	)	
	)	OAH No. N-2002090449
Wyman Gene Chan	)	
	)	
Respondent.	)	
_____	)	

DECISION AND ORDER

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

This Decision shall become effective July 14, 2003.

It is so ORDERED June 14, 2003.



EDWARD P. HERNANDEZ, O. D.
PRESIDENT
BOARD OF OPTOMETRY

1 BILL LOCKYER, Attorney General
of the State of California
2 ELENA L. ALMANZO, State Bar No. 131058
Deputy Attorney General
3 California Department of Justice
1300 I Street, Suite 125
4 P.O. Box 944255
Sacramento, CA 94244-2550
5 Telephone: (916) 322-5524
Facsimile: (916) 327-8643
6

7 Attorneys for Complainant

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

10 In the Matter of the Accusation Against:

Case No. 2000 71

11 WYMAN GENE CHAN

OAH No. N-2002090449

12 Respondent.

13 STIPULATED SETTLEMENT AND
14 DISCIPLINARY ORDER

15
16 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
17 above-entitled proceedings that the following matters are true:

18 PARTIES

19 1. Karen L. Ollinger (Complainant) was the Executive Officer of the Board
20 of Optometry. She brought this action solely in her official capacity and is represented in this
21 matter by Bill Lockyer, Attorney General of the State of California, by Elena L. Almanzo,
22 Deputy Attorney General.

23 2. Respondent Wyman Chan (Respondent) is represented in this proceeding
24 by attorney Robert B. Zaro, whose address is Law Offices of Robert B. Zaro, 915 L Street,
25 Suite 1240, Sacramento, CA 95814.

26 3. On or about July 15, 1968, the Board of Optometry issued Certificate of
27 Registration Number 5017 to Wyman Gene Chan, O.D. (Respondent). The Certificate of

28 ///

1 Registration was in full force and effect at all relevant times to the charges brought herein and
2 will expire on March 31, 2002, unless renewed.

3 JURISDICTION

4 4. Accusation No. 2000 71 was filed before the Board of Optometry (Board),
5 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
6 and all other statutorily required documents were properly served on Respondent on June 3,
7 2002. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of
8 Accusation No. 2000 71 is attached as exhibit A and incorporated herein by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, fully discussed with counsel, and
11 understands the charges and allegations in Accusation No. 2000 71. Respondent has also
12 carefully read, fully discussed with counsel, and understands the effects of this Stipulated
13 Settlement and Disciplinary Order.

14 6. Respondent is fully aware of his legal rights in this matter, including the
15 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
16 counsel at his own expense; the right to confront and cross-examine the witnesses against him;
17 the right to present evidence and to testify on his own behalf; the right to the issuance of
18 subpoenas to compel the attendance of witnesses and the production of documents; the right to
19 reconsideration and court review of an adverse decision; and all other rights accorded by the
20 California Administrative Procedure Act and other applicable laws.

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
22 each and every right set forth above.

23 8. The parties agree that the Accusation in Case Number 2000 71 shall be
24 amended as follows:

25 A. Respondent is subject to disciplinary action pursuant to section 3109 in that he failed
26 to perform a dilated fundus exam on patient B.O.

27 B. Respondent is subject to disciplinary action under section 3090 and Title 16 California
28 Code of Regulations section 1510 in that when respondent treated patients O.G. and P.C.

1 respondent was professionally inefficient and was guilty of unprofessional conduct by failing to
2 document or obtain a health history and failed to provide a diagnosis and document visual
3 acuities.

4 CULPABILITY

5 9. Respondent, without making specific admissions, stipulates that there is a
6 factual basis for the imposition of discipline based upon the totality of the matters alleged in the
7 accusation as amended,. Respondent further agrees that in any future disciplinary proceeding the
8 allegations in Accusation No. 2000 71 shall be deemed admitted.

9 10. Respondent agrees that his Certificate of Registration is subject to
10 discipline and he agrees to be bound by the Board of Optometry (Board) 's imposition of
11 discipline as set forth in the Disciplinary Order below.

12 RESERVATION

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

17 CONTINGENCY

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

28 13. The parties understand and agree that facsimile copies of this Stipulated

1 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
2 force and effect as the originals.

3 14. In consideration of the foregoing admissions and stipulations, the parties
4 agree that the Board may, without further notice or formal proceeding, issue and enter the
5 following Disciplinary Order:

6 **DISCIPLINARY ORDER**

7 IT IS HEREBY ORDERED that Certificate of Registration Number 5017 issued
8 to Respondent Wyman Chan is revoked. However, the revocation is stayed and Respondent is
9 placed on probation for three (3) years on the following terms and conditions.

10 1. **Actual Suspension.** Certificate of Registration number 5017 issued to
11 Respondent Wyman Chan is suspended for a period of 15 (fifteen) days.

12 2. **Obey All Laws.** Respondent shall obey all federal, state and local laws,
13 and all rules governing the practice of optometry in California.

14 3. **Cooperate with Probation Surveillance.** Respondent shall comply with
15 the board's probation surveillance program; including but not limited to allowing access to the
16 probationer's optometric practice(s) and patient records upon request of the board or its agent.

17 4. **Tolling of Probation If Respondent Moves Out-of-State.** The period of
18 probation shall not run during the time Respondent is residing or practicing outside the
19 jurisdiction of California. If, during probation, Respondent moves out of the jurisdiction of
20 California to reside or practice elsewhere, Respondent is required to immediately notify the board
21 in writing of the date of departure, and the date of return, if any.

22 5. **Completion of Probation.** Upon successful completion of probation,
23 Respondent's certificate will be fully restored.

24 6. **Violation of Probation.** If Respondent violates probation in any respect,
25 the board, after giving Respondent notice and opportunity to be heard, may revoke probation and
26 carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is
27 filed against Respondent during probation, the board shall have continuing jurisdiction until the
28 matter is final, and the period of probation shall be extended until the matter is final.

1 7. **Lens Prescriptions - Maintain Records.** Respondent shall maintain a
2 record of all lens prescriptions dispensed or administered by Respondent during probation,
3 showing all the following: 1) the name and address of the patient, 2) the date, 3) the price of the
4 services and goods involved in the prescription, and 4) the visual impairment identified for which
5 the prescription was furnished.

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

9 8. **Education Course.** Within 90 days of the effective date of this decision,
10 and on an annual basis thereafter, Respondent shall submit to the board for its prior approval an
11 educational program or course to be designated by the board, which shall not be less than 40
12 hours per year, for each year of probation. This program shall be in addition to the Continuing
13 Optometric Education requirements for re-licensure, and shall be obtained with all costs being
14 paid by Respondent. Following the completion of each course, the board or its designee may
15 administer an examination to test Respondent's knowledge of the course. Respondent shall
16 provide written proof of attendance in such course or courses as are approved by the board.

17 9. **Reexamination.** Within 60 days of the effective date of this decision, or
18 within some other time as prescribed in writing by the board, Respondent shall take and pass an
19 oral or written exam, in a subject to be designated and administered by the board or its designee.
20 If Respondent fails this examination, Respondent must take and pass a re-examination as
21 approved by the board. The waiting period between repeat examinations shall be at six month
22 intervals until success is achieved. The Respondent shall pay the cost of any such examination.

23 Respondent shall not practice optometry until Respondent has passed the required
24 examination and has been so notified by the board in writing. Failure to pass the required
25 examination no later than 100 days prior to the termination date of probation shall constitute a
26 violation of probation.

27 10. **Monitoring.** Within 30 days of the effective date of this decision,
28 Respondent shall submit to the board for its prior approval a plan of practice in which

1 Respondent's practice shall be monitored by another optometrist, who shall provide periodic
2 reports to the board. Any cost for such monitoring shall be paid by Respondent.

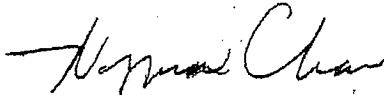
3 11. Practice Restriction. During the period of probation, the Respondent
4 shall be restricted to practice at his office located at 5635 Statford Circle, Suite 46, Stockton,
5 California 95207 unless he obtains prior approval from the board to practice at another location.

6 12. Cost Recovery. Respondent shall reimburse the Board its costs in the
7 amount of \$12,461.94 within two years of the effective date of the Board's decision. Failure to
8 reimburse the Board's cost of its investigation and prosecution shall constitute a violation of the
9 probation.

10 ACCEPTANCE

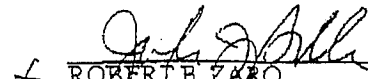
11 I have carefully read the above Stipulated Settlement and Disciplinary Order and
12 have fully discussed it with my attorney, Robert B. Zaro. I understand the stipulation and the
13 effect it will have on my Certificate of Registration Number 5017 I enter into this Stipulated
14 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be
15 bound by the Decision and Order of the Board of Optometry.

16 DATED: 5-13-03

17 
18 WYMAN CHAN
19 Respondent

20
21 I have read and fully discussed with Respondent Wyman Chan the terms and
22 conditions and other matters contained in the above Stipulated Settlement and Disciplinary
23 Order. I approve its form and content.

24 DATED: 5/13/03

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26 
27 ROBERT B. ZARO
28 Attorney for Respondent

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DATED: May 16, 2003

Elena L. Almanzo
ELENA L. ALMANZO
Deputy Attorney General
Attorneys for Complainant

DOJ Docket Number: 03581110-SA2001AE1031

Exhibit A
Accusation No. 2000 71

1 BILL LOCKYER, Attorney General
of the State of California
2 ELENA L. ALMANZO, State Bar No. 131058
Deputy Attorney General
3 California Department of Justice
1300 I Street, Suite 125
4 P.O. Box 944255
Sacramento, CA 94244-2550
5 Telephone: (916) 322-5524
Facsimile: (916) 327-8643

6 Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF OPTOMETRY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2000 71

12 WYMAN GENE CHAN, O.D.
13 WYMAN GENE CHAN, O.D.
5635 Stratford Circle, Suite 46
Stockton, CA 95207

ACCUSATION

14 Certificate of Registration No. 5017

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Karen L. Ollinger (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Optometry, Department of Consumer
21 Affairs.

22 2. On or about July 15, 1968, the Board of Optometry issued Certificate of
23 Registration Number 5017 to Wyman Gene Chan, O.D., Wyman Gene Chan, O.D. (Respondent).
24 The Certificate of Registration was in full force and effect at all times relevant to the charges
25 brought herein and will expire on March 31, 2002, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board of Optometry (Board), under
28 the authority of the following sections of the Business and Professions Code (Code).

1 4. Section 3090 of the Code states, in pertinent part, that the certificate of
2 registration of any person may be revoked or suspended for a fixed period by the Board for any of
3 the following:

4 (a) Violating or attempting to violate, directly or indirectly, or assisting in or
5 abetting the violation, of or conspiring to violate, any provision of Chapter 7 (commencing
6 with Section 3000) of the Business and Professions Code or of the rules and regulations
7 adopted by the Board;

8 (b) Unprofessional conduct;

9 (c) Gross ignorance;

10 (d) Inefficiency in his or her profession.

11 5. Section 3109 of the Code states, in pertinent part that it shall be
12 unprofessional conduct to fail to refer a patient to an appropriate physician where an examination
13 of the eyes indicates a substantial likelihood of any pathology which requires the attention of the
14 appropriate physician.

15 6. Title 16, California Code of Regulations, section 1510, provides in
16 pertinent part that inefficiency in the profession is indicated by the failure to use, or the lack of
17 proficiency in the use of the ophthalmoscope, the retinoscope, the ophthalmometer (or
18 Keratometer), tonometer, biomicroscope, any one of the modern refracting instruments such as
19 the phoropter, refractor, etc., or the phorometer-trial frame containing phoria and duction
20 measuring elements or a multicelled trial frame, trial lenses, and prisms, in the conduct of an
21 ocular examination; the failure to make and keep an accurate record of findings; lack of
22 familiarity with, or neglect to use, a tangent screen or perimeter or campimeter; and the failure to
23 make a careful record of findings when the need of the information these instruments afford is
24 definitely indicated.

25 7. Section 125.3 of the Code provides, in pertinent part, that the Board may
26 request the administrative law judge to direct a licensee found to have committed a violation or
27 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
28 and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

8. Respondent has subjected his license to discipline under section 3090 and Title 16, California Code of Regulations, section 1510 in that when respondent treated patient J.T. he was guilty of unprofessional conduct and was professionally inefficient in the following areas:

A. From approximately January 17, 1995 to October 5, 1998, respondent failed to obtain and/or document general health history and ocular history for patient J.T.. Said failure to obtain a general health history and ocular history constitutes unprofessional conduct. Respondent's failure to document a general health history and ocular history constitutes professional inefficiency.

B. From approximately January 17, 1995 to October 5, 1998, respondent failed to perform an assessment of visual acuity and/or document an assessment of visual acuity for patient J. T. Said failure to perform an assessment of visual acuity constitutes unprofessional conduct. Respondent's failure to document an assessment of visual acuity constitutes professional inefficiency.

C. From approximately January 17, 1995 to October 5, 1998, when respondent treated patient J.T, respondent failed to perform a neurological assessment and or document the performance of a neurological assessment. Said failure to perform an neurological assessment constitutes unprofessional conduct. Respondent's failure to document the performance of a neurological assessment constitutes professional inefficiency.

D. From approximately January 17, 1995 to October 5, 1998, when respondent treated patient J.T, respondent failed to perform a dilated fundus examination. Said failure to perform a dilated fundus examination constitutes unprofessional conduct. Respondent's failure to document the performance of a dilated fundus examination constitutes professional inefficiency.

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1. SECOND CAUSE FOR DISCIPLINE

2. 9. Respondent is subject to disciplinary action under section 3109 for
3 unprofessional conduct in that respondent failed to refer patient J.T. to a physician. The
4 circumstances follow:

5 A. During the entire period when respondent treated J.T. respondent failed to
6 perform an examination of the peripheral retina or to refer J.T. to a physician who could perform such
7 examination.

8 B. On or about June 6, 1998, J.T. reported that respondent discussed a "yellowish
9 fluid like substance around the retina area". However, respondent failed to refer J.T. to a physician
10 to perform an examination of J.T.'s retina.

11 PRAYER

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

14 1. Revoking or suspending Certificate of Registration Number 5017, issued to
15 Wyman Gene Chan, O.D.;

16 2. Ordering Wyman Gene Chan, O.D. to pay the Board of Optometry the
17 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
18 Professions Code section 125.3;

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

20 DATED: May 21, 2002

21
22 
23 KAREN L. OLLINGER
24 Executive Officer
25 Board of Optometry
26 Department of Consumer Affairs
27 State of California
28 Complainant



STATE BOARD OF OPTOMETRY
2450 DEL PASO ROAD, SUITE 105, SACRAMENTO, CA 95834
P (916) 575-7170 F (916) 575-7292 www.optometry.ca.gov



CERTIFICATION

The undersigned, Mona Maggio hereby certifies as follows:

That she is the duly appointed, acting and qualified Executive Officer of the California State Board of Optometry (Board), and that in such capacity she has custody of the official records of the Board.

On this 8th day of January 2014, the Executive Officer examined said official records of the Board and found that **Wyman Gene Chan** graduated from the University of California School of Optometry in Berkeley, CA in 1966, and is the holder of Certificate of Registration to Practice Optometry No. 5017, which was granted to him effective July 27, 1968. Said Certificate of Registration is currently in full force and effect and will expire March 31, 2014, unless renewed. The current address of record for said Certificate of Registration is 5635 Stratford Circle Suite 46, Stockton, CA 95207.

Said records further reveal that on or about March 4, 1998, **Wyman Gene Chan** became certified to utilize Therapeutic Pharmaceutical Agents and is authorized to diagnose and treat the conditions listed in subdivision (b), (d), and (e) of Section 3041.

Said records further reveal that on or about May 21, 2002, the Board filed an Accusation against **Wyman Gene Chan**. The Board, by Decision and Order effective July 14, 2003, adopted a Stipulated Settlement resolving said Accusation. Said license was revoked, the revocation was stayed and said license was placed on probation for three (3) years.

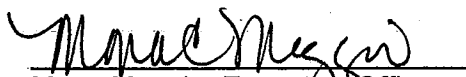
Said records further reveal that on or about October 31, 2005, the Board filed a Petition to Revoke Probation (Petition) against **Wyman Gene Chan**. The Board, by Decision and Order effective March 10, 2006, adopted a Stipulated Settlement resolving said Petition. Said revocation of license was reimposed and probation extended for a period of two (2) years. A condition of probation included the surrender of said license if the NBEO examination was not passed.

Said records further reveal that on or about July 19, 2006 the Board sought the surrender of said license for failure to pass the NBEO examination pursuant to a probation condition. On or about September 29, 2006, **Wyman Gene Chan** surrendered said license.

Said records further reveal that on or about October 24, 2008, **Wyman Gene Chan** filed a Petition for Reinstatement. The Board, by Decision and Order effective January 28, 2009 denied said Petition.

Said records further reveal that on or about February 28, 2010, **Wyman Gene Chan** filed a Petition for Reinstatement. The Board, by Decision and Order effective October 27, 2010, denied said Petition. However, the denial would be stayed based on the Conditions Precedent as set forth in the Decision. **Wyman Gene Chan** met the Conditions Precedent and said license was placed on probation for three (3) years effective September 19, 2012.

Given under my hand and the seal of the State Board of Optometry, at Sacramento,
California, this 8th day of January 2014.


Mona Maggio, Executive Officer

Memo

2450 Del Paso Road, Suite 105
Sacramento, CA 95834
(916) 575-7170, (916) 575-7292 Fax
www.optometry.ca.gov

To: Board Members

Date: January 24, 2014

From: Board Staff

Telephone: (916) 575-7170

Subject: Agenda Item 7 – Full Board Closed Session

Pursuant to Government Code Section 11126(c)(3), the Board Will Meet in Closed Session for Discussion and Possible Action on Disciplinary Matters.

2450 Del Paso Road, Suite 105
Sacramento, CA 95834
(916) 575-7170, (916) 575-7292 Fax
www.optometry.ca.gov

To: Board Members

Date: January 24, 2014

From: Cheree Kimball
Enforcement Analyst

Telephone: (916) 575-7173

Subject: **Agenda Item 8 – Discussion and Possible Action Pertaining to Granting Continuing Education Credits for Pro Bono Comprehensive Eye Examinations**

Dr. David Turestky, O.D. has requested that the Board consider providing continuing education credits to licensees for performing pro-bono comprehensive eye examinations and providing eye glasses when indicated. An amendment would need to be made to California Code of Regulations section 1536 to allow the Board to accept this work for continuing education credit. For the purposes of continuing education credit, only comprehensive eye examinations – not screenings - would qualify for credit, and the examinations would need to be documented and verifiable by the sponsoring organization.

Action Requested: Discuss and possibly refer this issue to the Practice and Education Committee for further research and clarification of questions and issues, including the following:

1. Do any other states or licensing agencies do this, and, if so, what are their procedures and regulations?
2. How does this provide for the ongoing enhancement of a licensee's education?
3. What is an appropriate amount of credit for a certain number of hours served and what would be the maximum hours of credit allowed per renewal cycle?
4. How would the service be verified?

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To: Board Members

Date: January 24, 2014

From: Mona Maggio
Executive Officer

Telephone: (916) 575-7182

Subject: **Agenda Item 9 – Discussion and Possible Action on Regulations Affecting the Board of Optometry**

A. Update on rulemaking package pertaining to CCR Section 1524. Retired License Status Fees

Action Requested: None.

Update: At its December 14, 2012 meeting, the Board voted to initiate rulemaking to establish the retired license status fees. The rulemaking action was printed in the California Regulatory Notice Register on March 1, 2013; the 45-day comment period for the public started on March 1, 2013 and ended on April 15, 2013. The hearing was on April 15, 2013. No comments were received from the public. On May 10, 2013, the Board voted to continue with the rulemaking package.

The package has been approved by the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency and the Department of Finance. It was submitted to the Office of Administrative Law on November 22, 2013 and approved on January 7, 2014. The regulation becomes effective on April 1, 2014. Board staff is working to implement these regulations. Information about the process and the applications will be posted on the Board's website once the vacant policy analyst position is filled. Staff will be ready to process these requests starting April 1, 2014.

Attachments:

- 1) Proposed Language
- 2) Notice of Approval of Regulatory Action

B. Update on rulemaking package pertaining to CCR Section 1516. Applicant Medical Evaluations and 1582. Unprofessional Conduct Defined

Action Requested: Staff is requesting that the Board direct staff to continue with the finalization of the rulemaking package for CCR § 1516 and 1582. Additionally, staff requests that the Board grant the Executive Officer delegation to make non-substantive changes to the rulemaking file as it goes forward in the process.

Update: At its August 16, 2013 meeting, the Board voted to initiate rulemaking to give the Board authority to compel an applicant to submit to a psychological or physical examination, and further define unprofessional conduct. The rulemaking action was printed in the California Regulatory Notice Register on October 18, 2013, and the 45-day comment period for the public started on October 18, 2013 and

ended on December 2, 2013. The hearing was held December 2, 2013 in Sacramento at the Department of Consumer Affairs. No comments were received. The Board has until October 18, 2014 to complete this rulemaking package.

Attachments:

3) Proposed Language

**BOARD OF OPTOMETRY
ORDER OF ADOPTION**

Amend section 1524 in Division 15 of Title 16 of the California Code of Regulations to read as follows:

§1524. FEES

The following fees are established:

(a) Application fee for certificate of registration as an optometrist by examination.....	\$275
(b) Biennial renewal of a certificate of registration as an optometrist.....	\$425
(c) Delinquency fee for failing to renew a certificate of registration timely.....	\$50
(d) Application fee for a branch office license.....	\$75
(e) Annual renewal of a branch office license.....	\$75
(f) Penalty fee for failure to renew a branch office license timely.....	\$25
(g) Issuance fee for a certificate of registration or upon change of name of a person holding a certificate of registration.....	\$25
(h) Application fee for a fictitious name permit.....	\$50
(i) Annual renewal of a fictitious name permit.....	\$50
(1) Delinquency fee for failure to renew a fictitious name permit timely.....	\$25
(j) Application fee for a statement of licensure.....	\$40
(1) Biennial renewal of a statement of licensure.....	\$40
(2) Penalty fee for failure to renew a statement of licensure timely.....	\$20
(k) Application fee for a certificate to use therapeutic pharmaceutical agents.....	\$25
(l) Application fee for approval of a continuing education course.....	\$50
(m) Application fee for a certificate to treat primary open angle glaucoma.....	\$35
(n) Application fee for a certificate to perform lacrimal irrigation and dilation.....	\$25
<u>(o) Application fee for a retired license.....</u>	<u>\$25</u>
<u>(p) Application fee for a retired license with a volunteer designation.....</u>	<u>\$50</u>
<u>(q) Biennial renewal for a retired license with a volunteer designation.....</u>	<u>\$50</u>

Note: Authority cited: Sections 3025, 3044, 3075, 3152 and 3152.5, Business and Professions Code. Reference: Sections 3075, 3078, 3151, 3151.1, 3152 and 3152.5, Business and Professions Code.

BOARD OF OPTOMETRY PROPOSED LANGUAGE

Amend Section 1516 and add Section 1582 in Division 15 of Title 16 of the California Code of Regulations as follows:

§ 1516. Application Review and Criteria for Rehabilitation.

(a) In addition to any other requirements for licensure, whenever it appears that an applicant may be unable to practice optometry safely because his or her ability to practice may be impaired due to mental or physical illness affecting competency, the Board may require the applicant to be examined by one or more physicians and surgeons or psychologists designated by the Board. The applicant shall pay the full cost of the examination. An applicant's failure to comply with the requirement shall render his or her application incomplete. If after receiving the report of the evaluation the Board determines that the applicant is unable to safely practice, the Board may deny the application. The report of the evaluation shall be made available to the applicant.

~~(a)(b)~~ When considering the denial of a ~~certificate of registration~~ license under Section 480 of the Code, the Board, in evaluating the rehabilitation of the applicant and his/her present eligibility for a ~~certificate of registration~~ license, will consider the following criteria:

- (1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.
- (2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the Code.
- (3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).
- (4) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.
- (5) Evidence, if any, of rehabilitation submitted by the applicant.

~~(b)(c)~~ When considering the suspension or revocation of a ~~certificate of registration~~ license on the grounds that the ~~registrant~~ licensee has been convicted of a crime, the Board, in evaluating the rehabilitation of such person and his/or her present eligibility for a license, will consider the following criteria:

- (1) Nature and severity of the act(s) or offense(s).
- (2) Total criminal record.
- (3) The time that has elapsed since commission of the act(s) or offense(s).
- (4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

(6) Evidence, if any, of rehabilitation submitted by the licensee.

~~(e)~~(d) When considering a petition for reinstatement of a ~~certificate of registration~~ license under Section 11522 of the Government Code, the Board shall evaluate evidence of rehabilitation submitted by the petitioner, considering those criteria of rehabilitation specified in subsection (b).

Note: Authority cited: Sections 3023, 3023.1 and 3025, Business and Professions Code.
Reference: Sections 475, 480, 481, ~~and 482,~~ and 3056 Business and Professions Code; and Section 11522, Government Code.

1582. Unprofessional Conduct.

In addition to the conduct described in Section 3110 of the Code, "unprofessional conduct" also includes, but is not limited to the following:

(a) Failure to cooperate and participate in any Board investigation pending against the licensee. This includes, but is not limited to, failure to respond to a Board request for information or evidence within 15 days of receipt of the request or within the time specified in the request, whichever is later, unless the licensee is unable to provide the information within this time period for good cause. This subsection shall not be construed to deprive a licensee of any privilege guaranteed by the Fifth Amendment to the Constitution of the United States, or any other constitutional or statutory privileges. This subsection shall not be construed to require a licensee to cooperate with a request that would require the licensee to waive any constitutional or statutory privilege or to comply with a request for information or other matters within an unreasonable period of time in light of the time constraints of the licensee's practice. Any exercise by a licensee of any constitutional or statutory privilege shall not be used against the licensee in a regulatory or disciplinary proceeding against the licensee.

(b) Failure to report to the Board, within 30 days, any of the following:

(1) The bringing of an indictment or information charging a felony against the licensee.

(2) The conviction of the licensee, including any verdict of guilty, or pleas of guilty or no contest, of any felony or misdemeanor.

(3) Any disciplinary action taken by another licensing entity or authority of this state or of another state or an agency of the federal government or the United States military that is related to the practice of optometry.

(c) Failure or refusal to comply with a court order, issued in the enforcement of a subpoena, mandating the release of records to the Board.

NOTE: Authority cited: Sections 3090 and 3110, Business and Professions Code. Reference: Sections 480, 3010.1, 3010.5, 3024, and 3025, Business and Professions Code.

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www.optometry.ca.gov

To: Board Members

Date: January 24, 2014

From: Robert Stephanopoulos
Enforcement Analyst

Telephone: (916) 575-7185

Subject: **Agenda Item 10 – Discussion and Possible Action on Legislation Affecting the Board of Optometry**

Action Requested: Items A and B are only updates and no action is required.

A. Legislation Signed by the Governor and Effective January 1, 2014

See attached to read these bills in their entirety.

1. Assembly Bill 258 (Chávez) State agencies: veterans

This bill will:

Require, on or after July 1, 2014, every state agency that requests on any written form or written publication, or through its Internet Web site, whether a person is a veteran, to request that information in a specified manner.

Next steps:

Staff will work to update its applications and forms to include the question by July 1, 2014.

2. Assembly Bill 480 (Calderon) Service contracts

This bill will:

Include in the definition of service contract a written contract for the performance of services relating to the maintenance, replacement, or repair of optical products, thereby making administrators and sellers of those contracts subject to registration with the Bureau of Electronic and Appliance Repair, Home Furnishings, and Thermal Insulation and other requirements of the act. By expanding the definition of service contract, the bill would expand the scope of a crime and, thus, would impose a state-mandated local program. The bill would provide that a contract in which a consumer agrees to pay a provider of vision care services for a discount on optical products or contact lenses for a specified duration is not included in the definition of service contract. The bill would also define optical products for purposes of these provisions as prescription and nonprescription eyewear and not contact lenses of any kind.

Next steps:

Staff will monitor this bill to see how it will affect licensed optometrists, if at all. If necessary, educational materials will be created to provide guidance to affected optometrists.

3. Assembly Bill 512 (Rendon) Healing arts: licensure exemption

This bill will:

Existing law provides, until January 1, 2014, an exemption from the licensure and regulation requirements for a health care practitioner, as defined, licensed or certified in good standing in another state or states, who offers or provides health care services for which he or she is licensed or certified through a sponsored event, as defined, (1) to uninsured or underinsured persons, (2) on a short-term voluntary basis, (3) in association with a sponsoring entity that registers with the applicable healing arts board, as defined, and provides specified information to the county health department of the county in which the health care services will be provided, and (4) without charge to the recipient or a 3rd party on behalf of the recipient, as specified. Existing law also requires an exempt health care practitioner to obtain prior authorization to provide these services from the applicable licensing board, as defined, and to satisfy other specified requirements, including payment of a fee as determined by the applicable licensing board.

This bill would delete the January 1, 2014, date of repeal, and instead allow the exemption to operate until January 1, 2018.

Next steps:

None. The Board has already completed its regulations for implementation, and has information and instructions on its website so out-of-state practitioners can apply.

4. Assembly Bill 1057 (Medina) Professions & vocations: licenses: military service

This bill will:

Require each board, commencing January 1, 2015, to inquire in every application for licensure if the individual applying for licensure is serving in, or has previously served in, the military.

Next steps:

Staff will work to update its applications and forms to include the question by January 1, 2015.

5. Senate Bill 305 (Lieu) Healing arts: boards - optometry sunset bill

This bill will:

In addition to various other health boards, this bill would extend the operation of the Board of Optometry until January 1, 2018 (Sunset date).

This bill would also add to the license eligibility requirements under the optometry act that the applicant is not currently required to register as a sex offender, as specified. The bill would make conviction of a crime that currently requires a licensee to register as a sex offender unprofessional conduct and would expressly specify that commission of an act of sexual abuse or misconduct, as specified, constitutes unprofessional conduct, subject to an exception for an optometrist treating his or her spouse or person in an equivalent domestic relationship. The bill would also state that those acts of unprofessional conduct shall be considered crimes substantially related to the qualifications, functions, or duties of a licensee. The bill would also expressly specify that the board may revoke a license if the licensee has been found, in an administrative proceeding, as specified, to have been convicted of sexual misconduct or convicted of a crime that currently requires the licensee to register as a sex offender.

Next steps:

Staff will work to familiarize themselves with the new enforcement language so it can be utilized appropriately.

6. Senate Bill 724 (Emmerson) Liability: charitable vision screenings**This bill will:**

Limit the liability of a nonprofit charitable organization, or participating licensed optometrist, ophthalmologist, or volunteer working with a nonprofit charitable organization for any damage or injury resulting from the provision of vision screening and, if applicable, the provision of donated or recycled eyeglasses, if specified conditions are met. The bill would make the limitation of liability inapplicable if an action is brought by an officer of a state or local government pursuant to state or local law or if the conduct of the nonprofit charitable organization, optometrist, ophthalmologist, or volunteer includes specified types of misconduct.

Next steps:

Staff will work to familiar themselves with this new section of law and add it to its law book. Staff will also work to add educational materials on its website for consumers and licensees focusing on both parties' rights.

7. Senate Bill 809 (DeSaulnier) Controlled substances: reporting**This bill will:**

Will establish the CURES Fund within the State Treasury to receive funds to be allocated, upon appropriation by the Legislature, to the Department of Justice for the purposes of funding CURES, and would make related findings and declarations.

This bill would, beginning April 1, 2014, require an annual fee of \$6 to be assessed on specified licensees, including licensees authorized to prescribe, order, administer, furnish, or dispense controlled substances, and require the regulating agency of each of those licensees to bill and collect that fee at the time of license renewal. The bill would authorize the Department of Consumer Affairs to reduce, by regulation, that fee to the reasonable cost of operating and maintaining CURES for the purpose of regulating those licensees, if the reasonable regulatory cost is less than \$6 per licensee. The bill would require the proceeds of the fee to be deposited into the CURES Fund for the support of CURES, as specified. The bill would also permit specified insurers, health care service plans, qualified manufacturers, and other donors to voluntarily contribute to the CURES Fund, as described.

This bill would require, by January 1, 2016, or upon receipt of a federal Drug Enforcement Administration registration, whichever occurs later, health care practitioners authorized to prescribe, order, administer, furnish, or dispense controlled substances, as specified, and pharmacists to apply to the Department of Justice to obtain approval to access information stored on the Internet regarding the controlled substance history of a patient under their care. The bill would require the Department of Justice, in conjunction with the Department of Consumer Affairs and certain licensing boards, to, among other things, develop a streamlined application and approval process to provide access to the CURES database for licensed health care practitioners and pharmacists. The bill would make other related and conforming changes.

Next steps:

Staff will be working with the Department of Consumer Affairs (Department) to finalize implementation of this bill. The Department has already established a CURES fund in preparation for the collection of the \$6 annual fee required by this bill. It is not anticipated that any statutory or regulatory changes will be required by the Board to accommodate the fee. The Department will be

meeting with all health boards affected to obtain feedback and come to agreement on how the fee will be displayed on the renewal forms so the fee can begin to be assessed by April 1, 2014. Licensed optometrists that are Therapeutic Pharmaceutical Agents (TPA, TPG, TLG) certified will be charged \$12, since renewals are biennial. About 5,200 optometrists are affected at this time, but this number will change as new doctors become licensed and others cancel their license. This fee will be assessed regardless of whether a TPA certified optometrist exercises their authority to prescribe the scheduled drugs specified in the optometry practice act.

Although the bill allows for a reduction of the fee via regulation, the Department of Justice (DOJ) and the Department are not recommending this. The Department is working closely with DOJ and it has been determined that all health practitioners with the authority to prescribe controlled substances must pay the full \$6 annually for successful funding and implementation of the CURES database. Once the revenue begins to come in, considering whether the fee should be reduced will be revisited.

8. Senate Bill 821 (Committee on Business, Professions & Economic Development) Healing arts

This bill will:

Existing law, the Optometry Practice Act, provides for the licensure and regulation of optometrists by the State Board of Optometry. That act refers to the authorization to practice optometry issued by the board as a certificate of registration.

This bill would instead refer to that authorization issued by the board as an optometrist license and would make other technical and conforming changes.

Next steps:

None.

B. Legislation That Will Continue to be Monitored in 2014

Language has not been attached as these bills will be revisited at the January 2014 meeting when the legislative session starts again.

1. Assembly Bill 186 (Maienschein) Professions & vocations: military spouses: temporary licenses

This bill proposes to:

Require the boards within DCA to issue a 12-month temporary license to an applicant who is a military spouse or domestic partner while the license application is being processed, if certain requirements are met.

2. Assembly Bill 213 (Logue) Healing arts: licensure/certification requirement: military experience

This bill proposes to:

Require the State Department of Public Health, upon the presentation of evidence by an applicant for licensure or certification, to accept education, training, and practical experience completed by an applicant in military service toward the qualifications and requirements to receive a license or certificate for specified professions and vocations if that education, training, or experience is equivalent to the standards of the department. If a board within the Department of Consumer Affairs or the State Department of Public Health accredits or otherwise approves schools offering

educational course credit for meeting licensing and certification qualifications and requirements, the bill would, not later than January 1, 2015, require those schools seeking accreditation or approval to have procedures in place to evaluate an applicant's military education, training, and practical experience toward the completion of an educational program that would qualify a person to apply for licensure or certification, as specified.

3. Senate Bill 430 (Wright) Pupil health: vision examination: binocular function

This bill proposes to:

Requires a child at an elementary schools to, upon first enrollment in a private or public elementary school, receive a vision examination for a physician, optometrist, or ophthalmologist and require that screening to include a test for binocular function, refraction and eye health.

4. Senate Bill 492 (Hernandez) Optometrist: practice: licensure

This bill proposes to:

Expand the scope of practice of optometrists (see Agenda Item 12).

5. Senate Bill 723 (Correa) Veterans (Vetoed)

This bill was vetoed by the Governor, so it is back in the Senate where the veto is being considered. The Legislature has 60 days to override a veto with a 2/3 vote in each house.

This bill proposes to:

Require the Employment Development Department (EDD), and the Department of Consumer Affairs (DCA), on or before January 1, 2015, to jointly send a report to the Legislature containing best practices by state government agencies around the nation in facilitating the credentialing/licensing of veterans by using their documented military education and experience.

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To: Board Members

Date: January 24, 2014

From: Mona Maggio
Executive Officer

Telephone: (916) 575-7170

Subject: Agenda Item 11 – Executive Officer’s Report

A. Budget

The Board of Optometry (Board) is a Special Fund California state government agency, which means it supports its operations entirely through fees. The Board’s licensees, pay renewal and application fees that fund operations, including complaint investigation, and licensing examination administration. Renewal fees represent the vast majority of revenue. Application fees and other forms of income (i.e., interest, fines, etc.) make up the remaining balance of the Board’s revenues. The Board does not receive any funds from the state General Fund.

Although categorized as a Special Fund agency, the Board’s budget is incorporated into the Governor’s budget. Upon approval of the Governor’s budget, the Board is permitted to spend its funds. Any increase to the Board’s spending authority is requested through the Budget Change Proposal (BCP) process. BCPs are typically sought for additional staff, to increase in a position’s time base (half time to full time), or funding for a position that was established without funds or to increase spending authority for a special project such as an occupational analysis. BCP requests are prepared a year in advance.

The Board’s expenditures are attributed to three major categories: Personnel, Operating Expenses and Equipment (OE&E), and Enforcement. Personnel expenses include salaries and wages, employee benefits, and board member per diem. Operating Expenses and Equipment (OE&E) includes items such as supplies, postage, examination development, travel, and departmental pro rata (e.g. office rent, IT and data services). Enforcement expenses are comprised of costs associated with the formal disciplinary process and complaint investigations.

2013/2014 Budget

The 2013/2014 budget released for the Board is \$1,901,030.00. As of December 31, 2013, the Board has spent \$933,241.00 reflecting 49% of the total budget. It is projected that the Board will spend \$1,795,566.00, leaving an unencumbered balance of \$99,464.00, a surplus of 5.2%. Any surplus funds are reverted to the Board’s reserve fund. The Board’s fund condition has 7.4 months in reserve.

Ms. Maggio will meet with the Board’s DCA budget analyst in the next few weeks to go over the Governor’s Budget that was released on January 10, 2014.

B. Personnel

Staff is working to recruit for the following vacancies:

- 1) Associate Governmental Analyst (Policy)

2) Office Assistant (Receptionist)

In addition, staff is working to recruit two temporary employees to assist when current staff is out of the office working on BreEZe.

C. Examination and Licensing Programs

Prepared by Jessica Sieferman, Enforcement Lead/Probation Monitor

Effective April 1, 2014, licensed optometrists that are Therapeutic Pharmaceutical Agents (TPA, TPG, TLG) certified will be charged an additional \$12 per renewal cycle, pursuant to Senate Bill (SB) 809. SB 809 established the CURES Fund within the State Treasury to receive funds to be allocated, upon appropriation by the Legislature, to the Department of Justice for the purposes of funding CURES. This fee will be assessed regardless of whether a TPA certified optometrist exercises their authority to prescribe the scheduled drugs specified in the Optometry Practice Act.

Attachments

3. Licensing Statistics

D. Enforcement Program

Prepared by Jessica Sieferman, Enforcement Lead/Probation Monitor

Enforcement Statistics

Complaints				
	2010/11	2011/12	2012/13	2013/14*
Total Received	295	318	254	133
Total Closed	227	282	289	192
Total Pending	134	170	135	76
Citations				
	2010/11	2011/12	2012/13	2013/14*
Issued	2	1	3	10
Discipline				
	2010/11	2011/12	2012/13	2013/14*
Referred to AG	9	14	15	7
Accusations Filed	9	1	18	4
Statement of Issues Filed	0	0	1	0
Pending at AG	13	17	22	15
Disciplinary Decision Outcomes				
Revoked	4	1	2	1
Revoked, Stayed, Probation	4	2	4	7
Surrender	1	1	2	0
Other	0	0	0	0

*July 1, 2012 - December 31, 2013

Attachments

4. Performance Measures – To be provided at the Board Meeting

E. BreEZe

Prepared by Jessica Sieferman, Enforcement Lead/Probation Monitor

As previously reported, BreEZe will replace the existing Consumer Affairs System (CAS), Applicant Tracking System (ATS), and multiple "workaround" systems with an integrated, industry-proven system for use by the DCA organizations.

The goal is for BreEZe to provide all DCA organizations with an enterprise system that supports all applicant tracking, licensing, renewal, enforcement, monitoring, cashiering, and data management capabilities. BreEZe will be web-enabled to allow application, renewal, and payment processing via the Internet for applicants and licensees. Furthermore, BreEZe will allow the public to file complaints and lookup licensee information and complaint status through the Internet. As part of the BreEZe implementation, interfaces to electronically share data with internal and external systems will be established; existing data will be converted and migrated into BreEZe; user training will be conducted; and system documentation will be created.

Release 1, comprised of ten DCA Boards, went live on October 8, 2013. The Board of Optometry is currently in Release 2. The schedule for Release 2 and Release 3 Boards has not been released, but it is estimated to become available shortly.

While the official schedule for Release 2 has not been released, the BreEZe team and Accenture held an informational meeting on December 2, 2013 to provide Release 2 Boards with updates and an overview of expected BreEZe activities. In addition, the Board's enforcement and licensing units have met with the BreEZe team and Accenture for lab sessions and pre-configuration interviews.

Configuration interviews for the Board's licensing unit are scheduled for February 24-26, 2014, and the enforcement unit is scheduled for March 3, 2014.

BOARD OF OPTOMETRY - FUND 0763
BUDGET REPORT
FY 2013-14 EXPENDITURE PROJECTION

December 31, 2013

OBJECT DESCRIPTION	FY 2012-13		FY 2013-14				
	ACTUAL EXPENDITURES (MONTH 13)	PRIOR YEAR EXPENDITURES 12/31/2012	BUDGET STONE 2013-14	CURRENT YEAR EXPENDITURES 12/31/2013	PERCENT SPENT	PROJECTIONS TO YEAR END	UNENCUMBERED BALANCE
PERSONNEL SERVICES							
Salary & Wages (Staff)	351,486	166,597	431,171	181,635	42%	363,012	68,159
Statutory Exempt (EO)	77,956	38,978	81,732	42,090	51%	84,180	(2,448)
Temp Help Reg (907)	25,118	10,011	41,000	12,085	29%	78,626	(37,626)
Temp Help (Exam Proctors)			0				0
Board Member Per Diem	6,800	2,600	7,353	3,700	50%	7,000	353
Committee Members (DEC)			0				0
Overtime	841	553	0				0
Staff Benefits	194,426	92,043	270,353	95,974	35%	191,812	78,541
TOTALS, PERSONNEL SVC	656,627	310,782	831,609	335,484	40%	724,630	106,979
OPERATING EXPENSE AND EQUIPMENT							
General Expense	8,019	4,897	15,519	2,867	18%	7,000	8,519
Fingerprint Report	5,860	1,942	5,306	539	10%	5,000	306
Minor Equipment	10,408	0	6,100	3,170	52%	0	6,100
Printing	8,140	3,576	7,523	9,047	120%	16,000	(8,477)
Communications	5,425	2,164	5,446	1,798	33%	5,000	446
Postage	14,075	6,353	11,056	7,312	66%	17,200	(6,144)
Insurance			0				0
Travel In State	20,833	5,793	7,651	15,712	205%	33,000	(25,349)
Travel, Out-of-State			0				0
Training	737	159	1,037	0	0%	0	1,037
Facilities Operations	105,595	104,171	58,676	107,491	183%	108,960	(50,284)
Utilities			0				0
C & P Services - Interdept.	79	32	2,943	0	0%	0	2,943
C & P Services - External	10,094	34,771	76,000	25,000	33%	25,000	51,000
DEPARTMENTAL SERVICES:							
OIS Pro Rata	119,375	65,350	142,337	76,494	54%	142,337	0
Admin Pro Rata	94,224	51,966	106,494	52,352	49%	106,494	0
Interagency Services	0	0	146	0	0%	0	146
IA w/ OER	24,264	24,264	0	22,520		0	0
DOI-Pro Rata	4,111	2,080	3,409	1,682	49%	3,409	0
Public Affairs Pro Rata	5,097	2,942	4,792	2,366	49%	4,792	0
CCED Pro Rata	6,748	3,610	4,102	2,010	49%	4,102	0
INTERAGENCY SERVICES:							
Consolidated Data Centers	769	488	14,509	452	3%	1,000	13,509
DP Maintenance & Supply	4,435	0	942	1,036	110%	4,500	(3,558)
Central Admin Svc-Pro Rata	80,753	40,377	65,849	32,925	50%	65,849	0
EXAM EXPENSES:							
Exam Supplies			0				0
Exam Freight	0	0	484	0	0%	0	484
Exam Site Rental							0
C/P Svcs-External Expert Administrative	8			98		98	(98)
C/P Svcs-External Expert Examiners	0	4,439	20,703	0	0%	0	20,703
C/P Svcs-External Subject Matter	12,323			2,081		12,000	(12,000)
ENFORCEMENT:							
Attorney General	148,591	41,170	229,055	90,780	40%	264,000	(34,945)
Office Admin. Hearings	13,079	240	37,930	23,040	61%	25,000	12,930
Court Reporters	1,488	143		379		1,500	(1,500)
Evidence/Witness Fees	3,800	12,200	15,017	9,850	66%	6,800	8,217
DOI - Investigations	120,843	61,668	217,895	106,756	49%	217,895	0
Major Equipment			8,500	0		0	8,500
Special Items of Expense							0
Other (Vehicle Operations)							0
TOTALS, OE&E	829,173	474,795	1,069,421	597,757	56%	1,076,936	(7,515)
TOTAL EXPENSE	1,485,800	785,577	1,901,030	933,241	96%	1,801,566	99,464
Reimb. - State Optometry Fund	(5,488)	(1,200)					0
Sched. Reimb. - Fingerprints	(7,252)	(3,381)	(6,000)	(931)	16%	(6,000)	0
Sched. Reimb. - Other	(4,800)	(2,165)		(2,185)			0
Probation Monitoring Fee - Variable				(4,500)			0
Unsched. Reimb. - Investigative Cost Recover	(35,167)	(9,773)		(29,143)			0
Unsch. DOI ICR Administrative Case	(49)						0
Unsched. Reimb. - ICR - Prob Monitor				(100)			0
NET APPROPRIATION	1,433,044	769,058	1,895,030	896,382	47%	1,795,566	99,464
SURPLUS/(DEFICIT):							5.2%

0763 - State Board of Optometry

Analysis of Fund Condition

Prepared 10/24/13

(Dollars in Thousands)

	Actual 2012-13	Budget Act CY 2013-14	BY 2014-15
NOTE: \$1 Million Dollar General Fund Repayment Outstanding			
BEGINNING BALANCE	\$ 961	\$ 1,269	\$ 1,069
Prior Year Adjustment	\$ 13	\$ -	\$ -
Adjusted Beginning Balance	\$ 974	\$ 1,269	\$ 1,069
REVENUES AND TRANSFERS			
Revenues:			
125600 Other regulatory fees	\$ 27	\$ 19	\$ 21
125700 Other regulatory licenses and permits	\$ 153	\$ 137	\$ 144
125800 Renewal fees	\$ 1,538	\$ 1,550	\$ 1,569
125900 Delinquent fees	\$ 10	\$ 11	\$ 11
141200 Sales of documents	\$ -	\$ -	\$ -
142500 Miscellaneous services to the public	\$ 3	\$ 3	\$ 3
150300 Income from surplus money investments	\$ 4	\$ 3	\$ 3
160400 Sale of fixed assets	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ 1	\$ 1	\$ 1
161400 Miscellaneous revenues	\$ 1	\$ 1	\$ 1
Totals, Revenues	\$ 1,737	\$ 1,725	\$ 1,753
Transfers to Other Funds			
GF loan per item 1110-001-0763 BA of 2011	\$ -	\$ -	\$ -
Totals, Revenues and Transfers	\$ 1,737	\$ 1,725	\$ 1,753
Totals, Resources	\$ 2,711	\$ 2,994	\$ 2,822
EXPENDITURES			
Disbursements:			
0840 State Controller (State Operations)	\$ 1	\$ -	\$ -
8880 Financial Information System for CA (State Operations)	\$ 8	\$ 8	\$ -
1110 Program Expenditures (State Operations)	\$ 1,433	\$ 1,841	\$ 1,878
CURES	\$ -	\$ 76	\$ -
Total Disbursements	\$ 1,442	\$ 1,925	\$ 1,878
FUND BALANCE			
Reserve for economic uncertainties	\$ 1,269	\$ 1,069	\$ 944
Months in Reserve	7.9	6.8	5.9

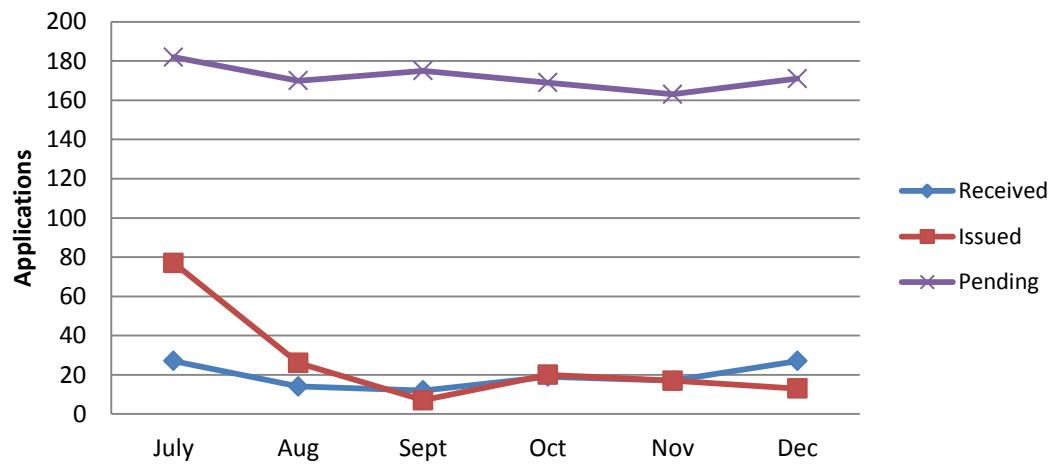
NOTES:

- ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ON-GOING.
- ASSUMES APPROPRIATION GROWTH OF 2% PER YEAR BEGINNING IN BY+1.
- ASSUMES INTEREST RATE AT 0.3%.

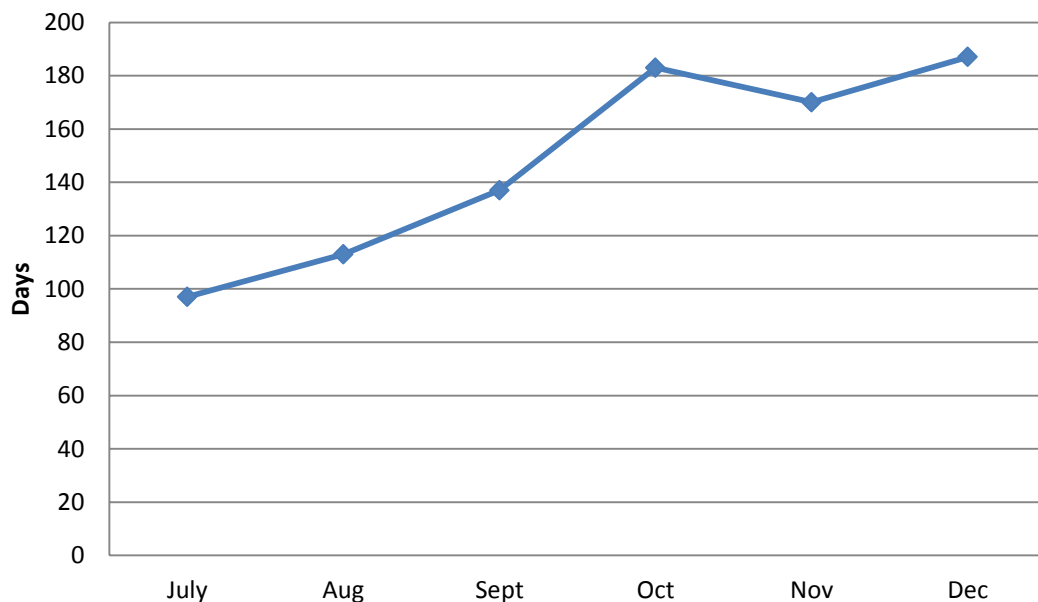
		FY 2013-14						
		Q1			Q2			FY TOTAL
		July	Aug	Sept	Oct	Nov	Dec	
OPTs	Received	27	14	12	19	17	27	116
	Issued	77	26	7	20	17	13	160
	Closed	6	0	3	5	6	6	26
	Pending	182	170	175	169	163	171	171
	Avg. Cycle Time	97	113	137	183	170	187	127

* Closed includes denied, withdrawn, abandoned, etc. applications

OPT Statistics FY 2013-14



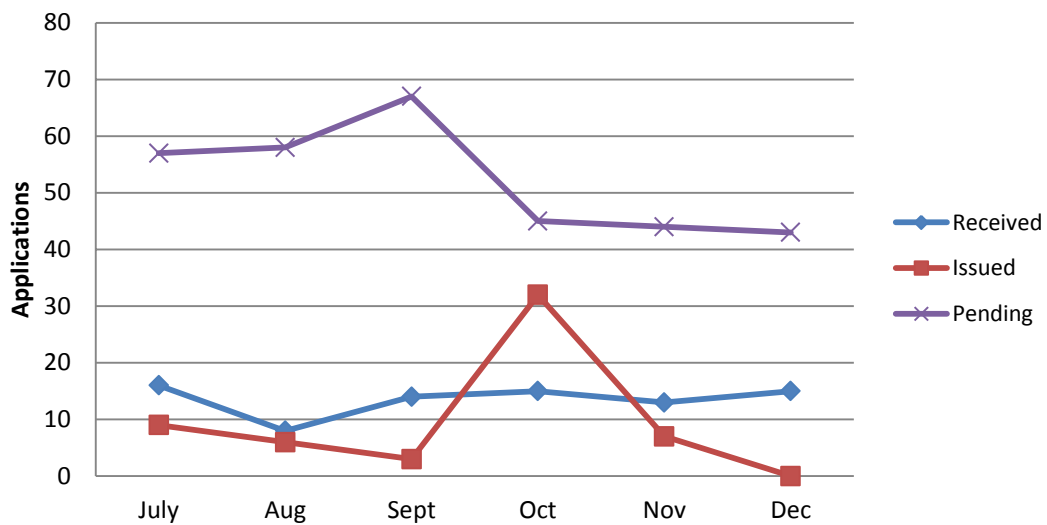
Avg. Cycle Time



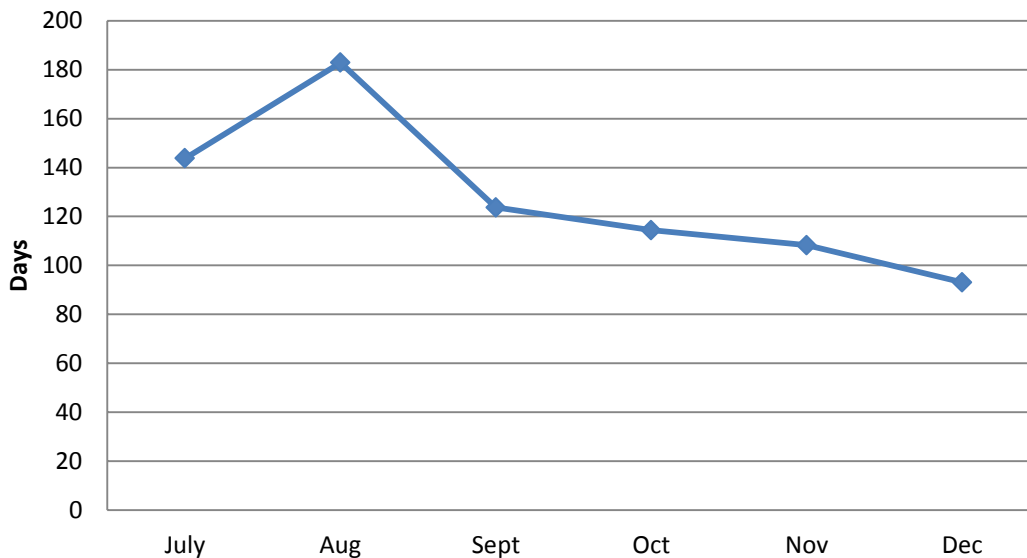
		FY 2013-14						
		Q1			Q2			FY TOTAL
		July	Aug	Sept	Oct	Nov	Dec	
FNPs	Received	16	8	14	15	13	15	81
	Issued	9	6	3	32	7		57
	Closed	0	1	2	5	7	6	21
	Pending	57	58	67	45	44	43	43
	Avg. Cycle Time	144	183	124	114	108	93	140

* Closed includes denied, withdrawn, abandoned, etc. applications

FNP Statistics FY 2013-14

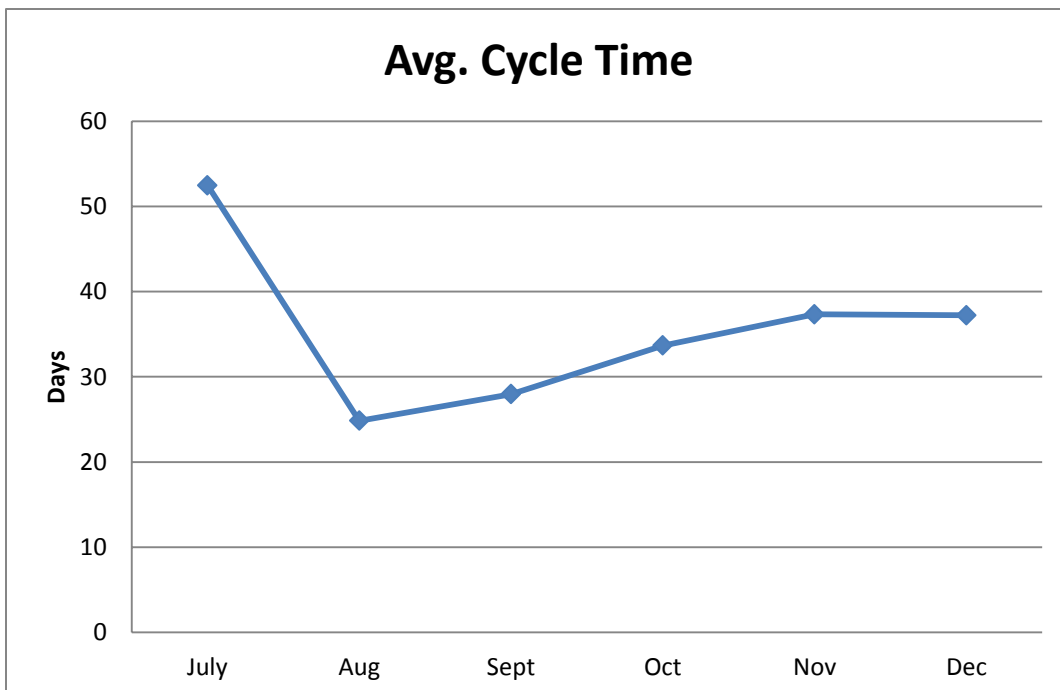
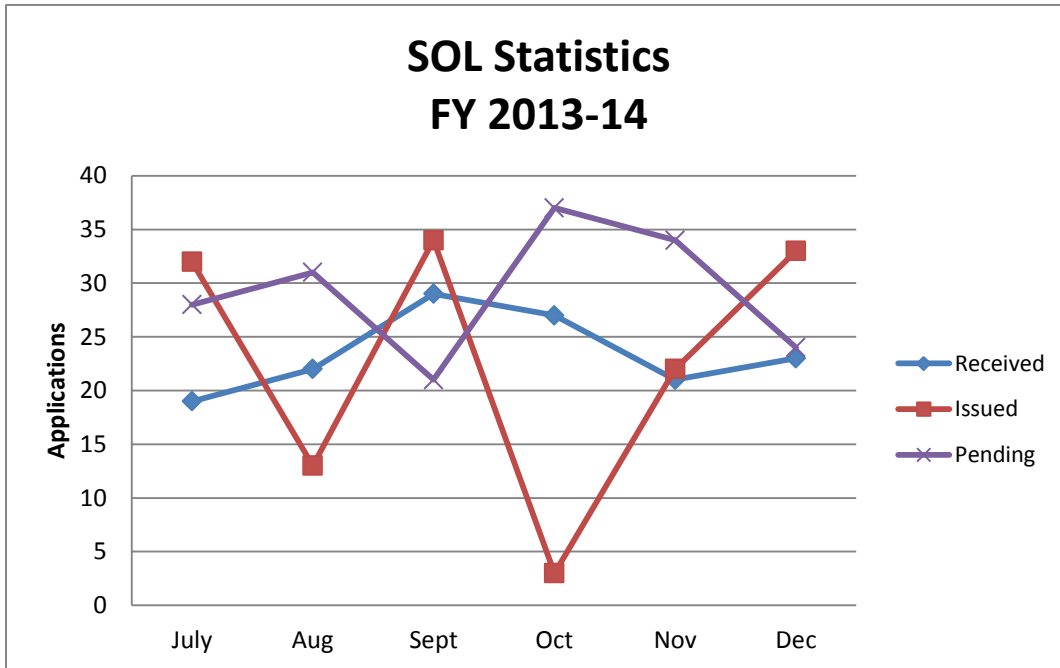


Avg. Cycle Time



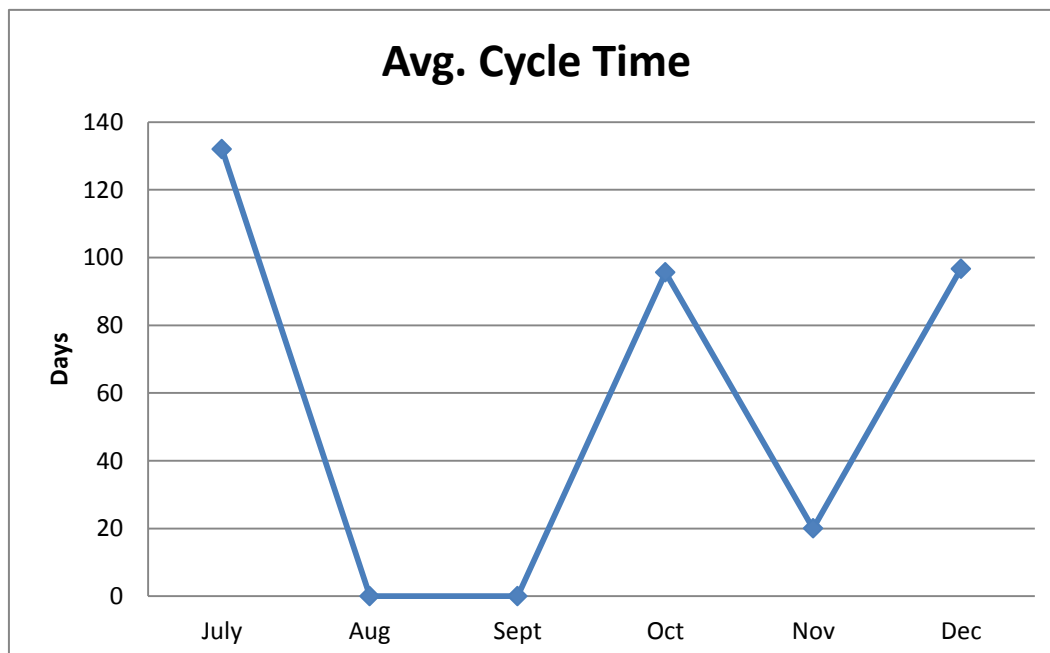
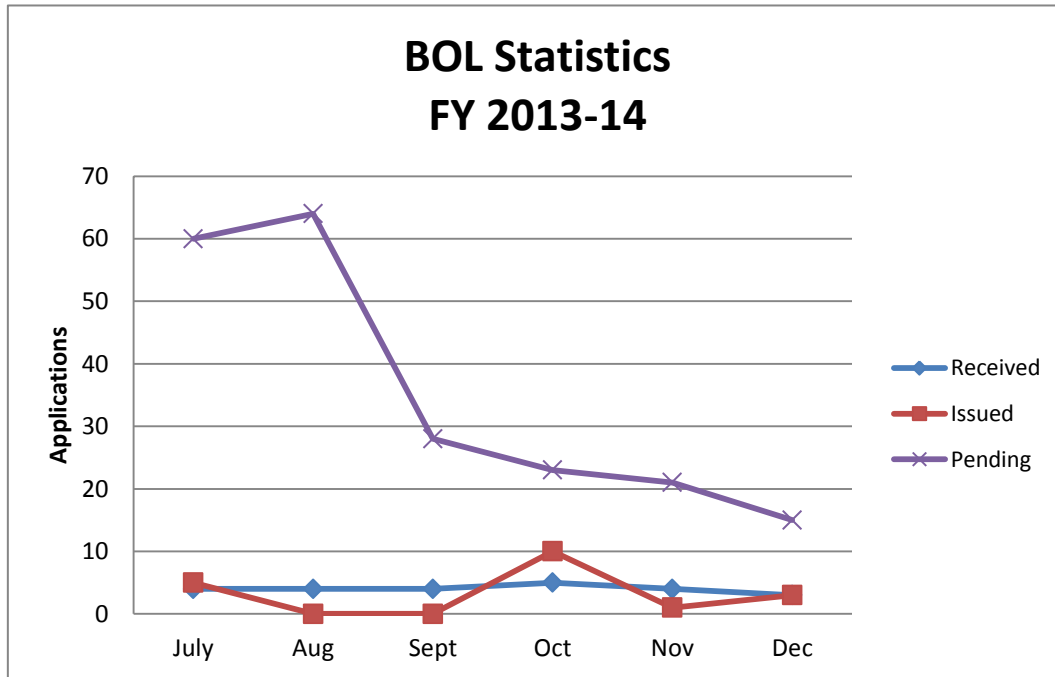
		FY 2013-14						
		Q1			Q2			FY TOTAL
		July	Aug	Sept	Oct	Nov	Dec	
SOLS	Received	19	22	29	27	21	23	141
	Issued	32	13	34	3	22	33	137
	Closed	0	6	5	8	2	0	21
	Pending	28	31	21	37	34	24	24
	Avg. Cycle Time	52	25	28	34	37	37	37

* Closed includes denied, withdrawn, abandoned, etc. applications



		FY 2013-14						
		Q1			Q2			FY TOTAL
		July	Aug	Sept	Oct	Nov	Dec	
BOLS	Received	4	4	4	5	4	3	24
	Issued	5	0	0	10	1	3	19
	Closed	0	0	40	0	5	6	51
	Pending	60	64	28	23	21	15	15
	Avg. Cycle Time	132	0	0	96	20	97	101

* Closed includes denied, withdrawn, abandoned, etc. applications



Memo

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To: Board Members

Date: January 24, 2014

From: Alejandro Arredondo O.D.
Board President

Telephone: (916) 575-7170

Subject: Agenda Item 12 – Public Comment for Items Not on the Agenda

The Board 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 Sections 11125, 11125.7(a)].

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To: Board Members

Date: January 24, 2014

From: Alejandro Arredondo O.D.
Board President

Telephone: (916) 575-7170

Subject: Agenda Item 13 – Suggestions for Future Agenda Items

Members of the Board and the public may suggest items for staff research and discussion at future meetings.

Memo

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www.optometry.ca.gov

To: Board Members

Date: January 24, 2014

From: Alejandro Arredondo O.D.
Board President

Telephone: (916) 575-7170

Subject: Agenda Item 14 – Adjournment
