

# QUARTERLY ENFORCEMENT BULLETIN

ESSENTIAL COMPLAINT PROCESS INFORMATION AND RECENT ENFORCEMENT ACTIONS

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

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

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

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

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

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

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

Examples of minor or technical violations are:

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

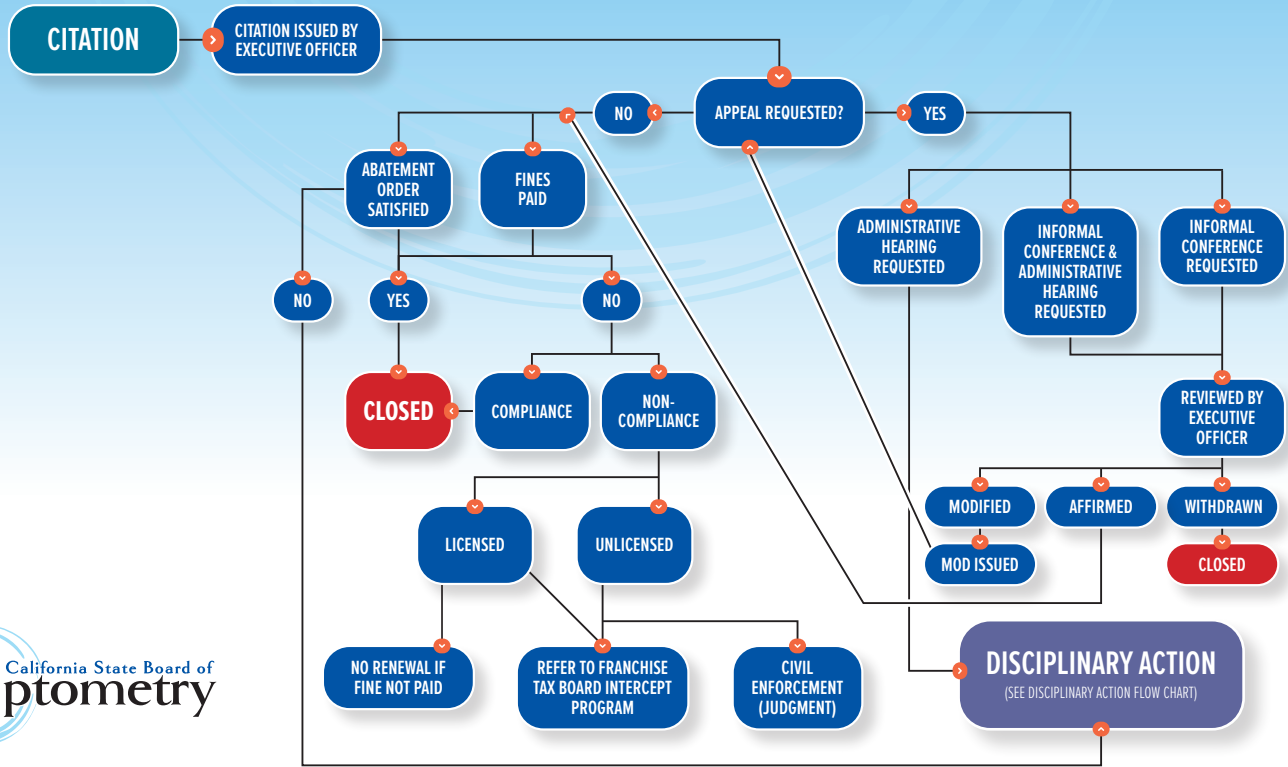
- Failure to apply for a Statement of Licensure.
- Failure to notify the Board of an address of record change within 30 days.
- Failure to cooperate with a Board investigation.
- Failure to post your license in public view.
- Practicing with an expired license or registration.
- Failure to provide a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

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

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

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

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



## Need Answers? Check Out Some Frequently Asked Questions

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

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

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

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

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

### Q. WHAT IS A RETIRED VOLUNTEER?

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

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

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

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

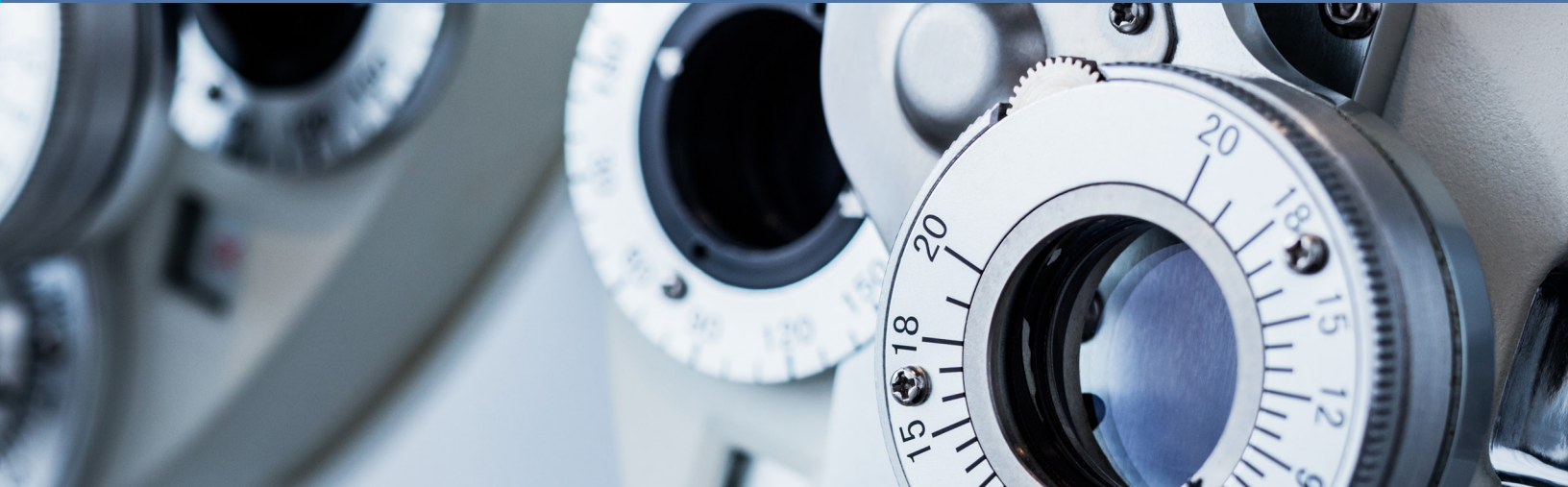
A. You will need to call the BreZE Technical Support Line at (855) 227-9633 for assistance with log-in issues.

### DID YOU KNOW?

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

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

You can find more information on these topics and others at the Board's website: [www.optometry.ca.gov](http://www.optometry.ca.gov).



## Recent Administrative and Disciplinary Actions Taken by the Board

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

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

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

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

### CITE AND FINE

#### **Verb Eyewear LLC (Unlicensed) - West Hollywood**

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

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

### PENDING ACCUSATIONS

#### **Cahoon, Benjamin Paul (OPT 33877) - Lake Elsinore**

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



## ASK AN ANALYST

*This edition's question:*

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



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

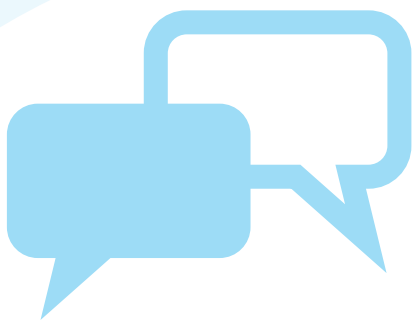
**[www.dca.ca.gov/licenses/scam\\_alert](http://www.dca.ca.gov/licenses/scam_alert).**

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

## Ask an Analyst Is Here!

### Do you have a general question?

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



## How Are We Doing?

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



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