

**VIRGINIA BOARD OF OPTOMETRY
SPECIAL CONFERENCE COMMITTEE
APRIL 1, 2008**

TIME & PLACE: The meeting was called to order April 1, 2008 at 11:15 a.m., at the Department of Health Professions, 9960 Mayland Drive, 2nd Floor, Room 3, Richmond, VA.

MEMBERS PRESENT: David H. Hettler, O.D.
Jonathan R. Noble, O.D.

STAFF PRESENT: Elizabeth A. Carter, Ph.D., Executive Director
Cynthia Gaines, Adjudication Analyst, APD
Carol Stamey, Operations Manager

MATTER SCHEDULED: **Sidney H. Slavin, O.D., 0601000505**
Case No.: 113765
Dr. Slavin was present and not represented by Counsel.

PRELIMINARY MATTER: The conference was conducted to review the allegations in a notice of informal conference dated February 22, 2008. The notice is incorporated into the minutes as Attachment 1.

After discussing the allegations in the Notice with Dr. Slavin, the Committee convened in closed session for deliberations pursuant to Section 2.2-3711.A.28 of the Code of Virginia. Having certified that the matters discussed in the preceding closed session met the requirements of Section 2.1-3712 of the Code, the Committee re-convened and announced its decision.

DECISION: After consideration of the evidence and statements concerning the allegations, the Committee voted to adopt the following findings of fact, conclusions of law, and terms and conditions in its Order.

Findings of Fact and Conclusions of Law

- 1) Sidney H. Slavin, O.D., holds license number 0601-000505 issued by the Virginia Board of Optometry.
- 2) Dr. Slavin violated § 54.1-3215(3), (16) and (17) of the Code, and 18 VAC 105-20-40(4) of the Regulations of the Board of Optometry, in that on

or about December 14, 2006, Patient A presented to his practice for an eye examination to include dilation. Dr. Slavin failed to perform a dilated eye examination and glaucoma testing on Patient A, who is a diabetic, at her initial appointment.

3) Dr. Slavin stated to Committee that he does not routinely document the cup to disc ratio in his patient's record.

4) The Committee found that Dr. Slavin did not document or schedule follow-up care for Patient A.

Terms and Conditions

1) Dr. Slavin was issued a REPRIMAND.

2) Within thirty (30) days from entry of his Order, Dr. Slavin shall provide the Board with a copy of his criteria for referral of patients with Diabetes and Glaucoma.

3) Within three months from entry of his Order, Dr. Slavin shall enroll in and successfully complete not less than three continuing education contact hours in record-keeping. Prior to registration, Dr. Slavin shall submit to the Board a syllabus or course outline and receive approval from the Board for said course. Such requests for approval shall be submitted to the Board at least fifteen (15) days before the beginning of said course. These continuing education hours shall be completed through face-to-face, interactive sessions (i.e., no home study, journal or Internet courses). Further, Dr. Slavin shall submit documentation to the Board of satisfactory completion of the course. This course shall be in addition to the sixteen (16) continuing education hours required for renewal of his license.

4) Within six months from entry of the Order, Dr. Slavin shall enroll in and successfully complete not less than twelve (12) continuing education contact hours in diagnosis and treatment of glaucoma. Prior to registration, Dr. Slavin shall submit to the Board a syllabus or course outline and receive approval from the Board for said course. Such requests for approval shall be submitted to the Board at least fifteen (15) days before the beginning of said course. These continuing education hours shall be completed through face-to-face, interactive sessions (i.e., no home study, journal or Internet courses). Further, Dr. Slavin shall submit documentation to the Board of satisfactory completion of the course. This course shall be in addition to the sixteen (16) continuing education

hours required for renewal of his license.

5) Within three months following completion of the above ordered record-keeping course, Dr. Slavin's practice shall be the subject of an unannounced inspection by an inspector/investigator of the Department of Health Professions. Such inspection shall be conducted during normal business hours and shall include a review of Dr. Slavin's office and equipment, and may include an interview with staff. Dr. Slavin shall make his patient records available to the inspector/investigator. The inspector/investigator shall obtain and copy a random sample of fifteen (15) of Dr. Slavin's patient records for review by a special conference committee. Dr. Slavin is solely responsible for the payment of an inspection fee to be paid to the Board within thirty (30) days of the inspection. In the event that any such inspection reveals a possible violation of the laws or regulations pertaining to the practice of optometry in Virginia, or Chapter 34 of Title 54.1 (§§ 54.1-3400 et seq. Virginia Drug Control Act) of the Code.

6) Dr. Slavin shall document the results of all test performed, to include, but not limited to inter ocular pressures, dilation, and cup to disc ratio.

As provided by law, this decision shall become a final Order thirty days after service of such Order on Dr. Slavin unless a written request to the Board for a formal hearing on the allegations made against him is received from Dr. Slavin within such time. If service of the Order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of this Special Conference Committee shall be vacated.

ADJOURNMENT:

The conference adjourned at 12:40 p.m.

David H. Hettler, O.D.
Chair

Elizabeth A. Carter, Ph.D.
Executive Director

February 22, 2008

Sidney H. Slavin, O.D.
2105-I Academy Road
Powhatan, Virginia 23139

RE: NOTICE OF INFORMAL CONFERENCE
License No.: 0601-000505
Case No.: 113765

Dear Dr. Slavin:

This is an official notification that an Informal Conference will be held before a Special Conference Committee of the Board of Optometry on April 1, 2008, at 11:00 a.m., at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Richmond, Virginia, Conference Room 3 (directions enclosed). If you have any additional documents to be presented on your behalf, please bring five (5) copies with you.

The conference will be conducted pursuant to § 2.2-4019, § 2.2-4021 and § 54.1-2400(10) of the Code of Virginia (1950) as amended ("the Code"), and is being held to review your allegations that you may have violated certain laws and regulations governing the practice of optometry in the Commonwealth of Virginia. Specifically:

1. You may have violated § 54.1-3215(3), (16) and (17) of the Code, and 18 VAC 105-20-40(4) of the Regulations of the Board of Optometry, in that on or about December 14, 2006, Patient A presented to your practice for an eye exam to include dilation. You failed to perform a dilated eye examination and glaucoma testing on Patient, who is a diabetic, at her initial appointment.

2. You may have violated § 54.1-3215(16) and (17) of the Code, and 18 VAC 105-20-45(A) and (B) of the Regulations of the Board of Optometry, in that the records are illegible and do not contain a diagnosis. Further, the copy of the prescription maintained in Patient A's records does not contain the required information such as a printed name of the prescribing optometrist, and the address and telephone number at which the patient's records are maintained.

3. You may have violated § 54.1-3215(16) and (17) and § 32.1-127.1:03(E) of the Code, in that you failed to provide Patient A with a copy of her records within fifteen (15) days of her written request.

The purpose of an informal conference is to allow the Special Conference Committee, which consists of not less than two members of the Virginia Board of Optometry to inquire into, and discuss with you personally, these allegations. After reviewing the alleged violations with you, the Committee will make a recommendation of appropriate action. The Committee is authorized to take the following actions:

1. The Committee may exonerate you;
2. The Committee may place you on probation with such terms as it may deem appropriate;
3. The Committee may reprimand you;
4. The Committee may impose a monetary penalty pursuant to § 54.1-2401 of the Code; or
5. The Committee may refer the case to the Board of Optometry or a panel thereof for a formal hearing. If the Committee is of the opinion that a suspension or revocation of your license may be justified, the Committee may offer you a consent order in lieu of a formal hearing.

You have the right to information, which will be relied upon by the Board in making a decision. Therefore, I enclosed a copy of the documents, which will be distributed to the members of the Committee and will be considered by the Committee when discussing the allegations with you and when deliberating upon your case. These documents are enclosed only with the original notice sent by certified mail, and must be claimed at the post office. Also, enclosed are copies of the relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as the laws and regulations relating to the practice of optometry in Virginia that are cited in this notice.

A request to continue this proceeding must be made in writing and directed to me at the address listed on this letter. Such request must be received by 5:00 p.m. on March 14, 2008. Only one such motion will be considered. Absent exigent circumstances, such as personal or family illness, a request for a continuance after March 14, 2008, will not be considered.

You may be represented by an attorney at the informal conference. If you obtain counsel, you should do so as soon as possible, as a motion for a continuance due to the unavailability of counsel will not be considered unless received by March 14, 2008. Further, it is your responsibility to provide the enclosed materials to your attorney.

Should you fail to appear at the informal conference the Board may proceed to a formal administrative hearing in order to impose sanctions.

Should you have any questions regarding this notice, please contact me, at (804) 367-4508.

Sincerely,

Elizabeth A. Carter, Ph.D.
Executive Director
Virginia Board of Optometry

cc: Sandra Whitley Ryals, Director, Department of Health Professions
James L. Banning, Director, Administrative Proceedings Division
Members, Special Conference Committee
Cynthia E. Gaines, Adjudication Specialist
Jennifer Challis, Senior Investigator (#113765)