

**VIRGINIA BOARD OF OPTOMETRY  
SPECIAL CONFERENCE COMMITTEE  
FEBRUARY 12, 2008**

**TIME & PLACE:** The meeting was called to order February 12, 2008 at 2:15 p.m., at the Department of Health Professions, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Room 2, Richmond, VA.

**MEMBERS PRESENT:** Gregory P. Jellenek, O.D.  
Jonathan R. Noble, O.D.

**STAFF PRESENT:** Elizabeth A. Carter, Ph.D., Executive Director  
Mykl Egan, Adjudication Analyst, APD  
Carol Stamey, Operations Manager

**MATTER SCHEDULED:** **John R. Williams, O.D., 0618000192**  
**Case No.: 116261**  
Dr. Williams was present and not represented by Counsel.

**PRELIMINARY MATTER:** The conference was conducted to review the allegations in a notice of informal conference dated December 20, 2007. The notice is incorporated into the minutes as Attachment 1.

After discussing the allegations in the Notice with Dr. Williams, 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 findings of fact, conclusions of law and issued an Order imposing terms and conditions. The language is as follows:

Findings of Fact

1. John R. Williams, O.D., holds license number 0618-000192 issued by the Virginia Board of Optometry.

2. Pursuant to Term 2 of the Order of the

Board of Optometry entered December 15, 2005, and inspection of ten randomly chosen patient records was conducted on September 20, 2007, it noted several deficiencies in the records, specifically:

a. Dr. Williams violated § 54.1-3215(3), (16) and (17) of the Code, and 18 VAC 105-20-45(A)(1)(b) of the Regulations of the Board of Optometry (“Regulations”) in that, he failed to perform a corrected acuity measurement on Patients A, D and F, and no initial or corrected acuity measurement on Patients B, C, E and G-I.

b. Dr. Williams violated § 54.1-3215(3), (16) and (17) of the Code, and 18 VAC 105-20-45(A)(1)(c) of the Regulations in that, he failed to perform an internal health evaluation for Patients A and I and he performed an incomplete internal health evaluation for Patients B-H.

c. Dr. Williams violated § 54.1-3215(3), (16) and (17) of the Code, and 18 VAC 105-20-45(A)(1)(d) of the Regulations in that, he failed to perform an external health evaluation for Patients A, C and I, and he performed an incomplete external health evaluation for Patients B, and D-H.

d. Dr. Williams violated § 54.1-3215(3), (16) and (17) of the Code, and 18 VAC 105-20-45(A)(1)(e) of the Regulations in that, he failed to provide Patients A and J with clear recommendations and directions for treatment.

3. Dr. Williams stated to the Committee that when he was hired as a contractor by the Haynesville Correctional Facility, Haynesville, Virginia, he was told by officials at the facility that he was only to perform refractions.

#### ORDER

The terms and conditions are as follows:

1. Within 60 days of the entry of this Order, Dr. Williams shall provide the Board with a list of all

locations where he has worked since August 2006.

2. Within six months of the entry of this Order an unannounced inspection shall be conducted on a random sample of ten (10) of Dr. Williams' Patient Records. Dr. Williams shall be responsible for the cost of said inspection.

***As provided by law, this decision shall become a final Order thirty days after service of such Order on Dr. Williams unless a written request to the Board for a formal hearing on the allegations made against him is received from Dr. Williams 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 3:30 p.m.

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Gregory P. Jellenek, O.D.  
Chair

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Elizabeth A. Carter, Ph.D.  
Executive Director

**December 20, 2007**

John R. Williams, O.D.  
3822 Seminary Avenue  
Richmond, Virginia 23227-4112

**CERTIFIED MAIL**  
RETURN RECEIPT REQUESTED

RE: NOTICE OF INFORMAL CONFERENCE  
License No.: 0618-000192  
Case No: 116261

Dear Dr. Williams:

This is an official notification that an Informal Conference will be held before a Special Conference Committee of the Board of Optometry ("Committee") on **February 12, 2008 at 2:00 p.m.**, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Room 2, Richmond, Virginia. (directions enclosed). If you have any additional documents to be presented on your behalf, please bring five (5) copies with you. Additionally, please bring documentation of all continuing education credits you have completed in the past three renewal years 2007, 2006 and 2005.

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 compliance with the Order of the Board of Optometry entered December 15, 2005, ("Board's Order") and to review allegations that you may have violated certain laws and regulations governing the practice of optometry in the Commonwealth of Virginia. Specifically, Term 2 of the Board's Order required that within six months of your completion of a continuing education class, ten random patient records would be inspected, and you would be responsible for the inspection fee. During the inspection on September 20, 2007, several deficiencies were noted, specifically:

1. You may have violated § 54.1-3215(3), (16) and (17) of the Code, and 18 VAC 105-20-45(A)(1)(b) of the Regulations of the Board of Optometry ("Regulations") in that, you failed to perform a corrected acuity measurement on Patients A, D and F, and no initial or corrected acuity measurement on Patients B, C, E and G-I.
2. You may have violated § 54.1-3215(3), (16) and (17) of the Code, and 18 VAC 105-20-45(A)(1)(c) of the Regulations in that, you failed to perform an internal health evaluation for Patients A and I and you performed an incomplete internal health evaluation for Patients B-H.
3. You may have violated § 54.1-3215(3), (16) and (17) of the Code, and 18 VAC 105-20-45(A)(1)(d) of the Regulations in that, you failed to perform an external health evaluation

for Patients A, C and I, and you performed an incomplete external health evaluation for Patients B, and D-H.

4. You may have violated § 54.1-3215(3), (16) and (17) of the Code, and 18 VAC 105-20-45(A)(1)(e) of the Regulations in that, you failed to provide Patients A and J with clear recommendations and directions for treatment.

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 modify a previous order; or
6. 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 January 11, 2008. Only one such motion will be considered. Absent exigent circumstances, such as personal or family illness, a request for a continuance after January 11, 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 January 11, 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) 367-4400.

Sincerely,

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

Enclosures

cc: Sandra Whitley Ryals, Director, Department of Health Professions  
James L. Banning, Director, Administrative Proceedings Division  
Members, Special Conference Committee  
Mykl D. Egan, Adjudication Specialist  
Susan Beasecker, Compliance case manager (116261)

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