

**VIRGINIA BOARD OF OPTOMETRY
SPECIAL CONFERENCE COMMITTEE
MAY 9, 2008**

TIME & PLACE: The meeting was called to order on May 9, 2008 at 12:50 p.m., at the Department of Health Professions, 9960 Mayland Drive, 2nd Floor, Room 1, Richmond, Virginia.

MEMBERS PRESENT: David H. Hettler, O.D.
W. Ernest Schlabach, Jr., O.D.

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

MATTER SCHEDULED: **Tonya D. Long, O.D., 0618-001095**
Case No.: 113998
Dr. Long was present and represented by Counsel, Keith T. Shiner.

PRELIMINARY MATTER: The conference was conducted to discuss allegations that she may have violated portions of the laws and regulations governing the practice of optometry in the Commonwealth of Virginia. The allegations are contained in a notice of informal conference and are incorporated into the minutes as Attachment 1.

After discussing the allegations in the Notice with Dr. Long, the Committee convened in closed session for deliberations pursuant to Section 2.2-3711.A (15) 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 reconvened and announced its decision.

DECISION: After consideration of the evidence and statements concerning the allegations, the Committee voted to dismiss the allegations and close the case with a finding of no violation.

ADJOURNMENT: The conference adjourned at 9:30 a.m.

David H. Hettler, O.D.
Chair

Elizabeth A. Carter, Ph.D.
Executive Director

Attachment 1

November 6, 2007

Tonya D. Long, O.D.
P.O. Box 14306
Newport News, Virginia 23608

RE: NOTICE OF INFORMAL CONFERENCE
License No.: 0618-001095
Case No.: 113998

Dear Dr. Long:

This is an official notification that an Informal Conference will be held before a Special Conference Committee of the Board of Optometry ("Committee") on **December 6, 2007 at 2:00 p.m.**, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Room, 1, 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 2006, 2005 and 2004.

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 allegations that you may have violated certain laws governing the practice of optometry in the Commonwealth of Virginia. Specifically, during the course of your treatment of a patient to February 2007:

1. You may have violated § 54.1-3215(3), (16) and (17) of the Code, and 18 VAC 105-20-40(2) and (4) of the Board of Optometry Regulations ("Regulations"), in that you failed to maintain all records for the patient in question, you failed to state your reasons for altering the contact lens prescription for the patient and you failed to ensure that the physician providing care was designated on exam forms and receipts.

2. You may have violated § 54.1-3215(3), (16) and (17) of the Code, and 18 VAC 105-20-40(3) of the Regulations in that you failed to have a directory of all optometrists practicing at your location conspicuously posted.

2. You may have violated § 54.1-3215(3), (16) and (17) of the Code, and 18 VAC 105-20-45(A)(1),(2), (3) and (4) of the Regulations in that you failed to assess the patient's visual acuity through the contact lens, you failed to the contact lens/corneal relationship, you failed to take corneal curvature measurements and you failed to provide instructions to wear and care for the patient's contact lenses. Finally, by your own admission, you failed to perform a proper contact lens examination when you wrote in the prior results of the contact lens exam.

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 enclose a copy of the additional documents that 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 veterinary medicine 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 **November 26, 2007**. Only one such motion will be considered. Absent exigent circumstances, such as personal or family illness, a request for a continuance after **November 26, 2007**, 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 **November 26, 2007**. 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

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
Charlotte Hudson, Senior Investigator (113998)

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**VIRGINIA BOARD OF OPTOMETRY
SPECIAL CONFERENCE COMMITTEE
MAY 9, 2008**

TIME & PLACE: The meeting was called to order on May 9, 2008 at 1:55 p.m., at the Department of Health Professions, 9960 Mayland Drive, 2nd Floor, Room 1, Richmond, Virginia.

MEMBERS PRESENT: Paula H. Boone, O.D.
Gregory P. Jellenek, O.D.

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

MATTER SCHEDULED: **William Wills, O.D., 0618-000420**
Case No.: 117798
Dr. Wills was present and not represented by Counsel.

PRELIMINARY MATTER: The conference was conducted to discuss allegations that she may have violated portions of the laws and regulations governing the practice of optometry in the Commonwealth of Virginia. The allegations are contained in a notice of informal conference and are incorporated into the minutes as Attachment 1.

After discussing the allegations in the Notice with Dr. Wills, the Committee convened in closed session for deliberations pursuant to Section 2.2-3711.A (15) 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 reconvened and announced its decision.

DECISION: After consideration of the evidence and statements concerning the allegations, the Committee voted to adopt findings of fact and conclusions of law and issued an Order with a reprimand and a seven hundred and fifty dollar (\$750.00) monetary penalty.

As provided by law, this decision shall become a final Order thirty days after service of such Order on Dr. Wills unless a written request to the Board for a formal hearing on the allegations made against him is received from Dr. Wills 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 2:40 p.m.

Paula H. Boone, O.D.
Chair

Elizabeth A. Carter, Ph.D.
Executive Director

Attachment 1

April 9, 2008

William O. Wills, III, O.D.
1823 Charles Street
Fredericksburg, Virginia 22401

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RE: NOTICE OF INFORMAL CONFERENCE
License No.: 0618-000420
Case No: 117798

Dear Dr. Wills:

This is an official notification that an Informal Conference will be held before a Special Conference Committee of the Board of Optometry ("Committee") on **May 9, 2008 at 1:30 p.m.**, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, 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 allegations that you may have violated certain laws and regulations governing the practice of optometry in the Commonwealth of Virginia. Specifically, you may have violated § 54.1-3215(3) of the Code, and 18 VAC 105-20-46 and 18 VAC 105-20-47(A) of the Regulations of the Board of Optometry in that, on October 9, 2007, you wrote a prescription for a patient for 30 Lipitor (atorvastatin, Schedule VI), which is not an accepted medication for treatment of the eye.

In its deliberations, the Committee may utilize the Sanctions Reference Points System, as contained in the Sanction Reference Manual. The manual, which is a guidance document of the Board, may be accessed at <http://www.dhp.virginia.gov/Optometry/>. Please click on *guidance documents*, then *select #105-28*.

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 that will be relied upon by the Board in making a decision. Therefore, I enclose a copy of the documents that 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 veterinary medicine 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 April 30, 2008. Only one such motion will be considered. Absent exigent circumstances, such as personal or family illness, a request for a continuance after April 30, 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 April 30, 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
Nan Dunaway, Pharmacy Inspector (117798)

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