

**BOARD OF OPTOMETRY
FORMAL HEARING**

TIME AND PLACE: The meeting of the Board was called to order at 9:18 a.m. on Thursday, January 11, 2007, at the Department of Health Professions, 6603 West Broad Street, 5th Fl., Room 4, Richmond, Virginia.

PRESIDING OFFICER: David H. Hettler, O.D.

MEMBERS PRESENT: Gregory P. Jellenek, O.D.
Jacquelyn Thomas
William T. Tillar, O.D.

STAFF PRESENT: Jack Kotvas, Assistant Attorney General, Board Counsel
Elizabeth A. Carter, Ph.D., Executive Director
Wayne Halbleib, Assistant Attorney General
Cynthia Gaines, Senior Adjudication Analyst
Carol Stamey, Administrative Assistant

OTHERS PRESENT: No others were present.

QUORUM: With four members of the Board present, a quorum was established.

FORMAL HEARING: A quorum of the Board held a formal hearing regarding **ALLAN G. DOSIK, O.D., License No. 0601-000973**. David H. Hettler, O.D. presided. Wayne Halbleib, Assistant Attorney General, represented the Commonwealth. Assistant Attorney General, Jack Kotvas, represented the Board. Dr. Dosik was present and not represented by Counsel. A copy of the formal hearing notice is incorporated into the minutes as Attachment 1.

CLOSED MEETING: On properly seconded motion by Ms. Thomas, the Board moved to convene in a closed meeting pursuant to § 2.1-344(A)(15) of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of **ALLAN G. DOSIK, O.D.** Additionally, it was moved that Elizabeth Carter, Executive Director for the Board and Jack Kotvas, Assistant Attorney General, attend the closed meeting because their presence in the closed meeting was

deemed necessary to aid the Board in its deliberations.

OPEN MEETING AND ACTION:

On properly seconded motion by Ms. Thomas, the Board certified that only public business matters lawfully exempted from open meeting requirements and only such business matters as were identified in the motion for the closed meeting were heard, discussed or considered during the closed meeting just concluded.

Action

During the closed session, the Board offered a Consent Order to settle the matter and Dr. Dosik agreed to accept a negotiated Consent Order. The Consent Order is incorporated into the minutes as Attachment 2.

ADJOURNMENT:

The meeting adjourned at 1:24 p.m.

David H. Hettler, O.D., Chair

Elizabeth A. Carter, Ph.D., Executive Director

December 6, 2006

Alan G. Dosik, O.D.
6200 North 28th Street
Arlington, Virginia 22207

CERTIFIED MAIL

RE: Amended Notice of Formal Hearing
(Date Revision)

Dear Dr. Dosik:

Enclosed are a Notice of Hearing and Statement of Particulars informing you that the Virginia Board of Optometry (“Board”) will convene a formal administrative hearing to receive and act upon evidence that you may have violated the terms and conditions imposed in the Board’s Order entered July 13, 2005, and certain laws and regulations governing the practice of optometry in Virginia. The hearing is scheduled for **January 11, 2007, at 9:00 a.m.**, at the Department of Health Professions, 6603 West Broad Street, 5th Floor, Room 4, Richmond, Virginia. Arrangements should be made for you to be at the hearing at 8:45 a.m.

You have the following rights, among others: to be accompanied by and represented by counsel; to submit oral and documentary evidence and rebuttal proofs; to conduct such cross-examination as may elicit a full and fair disclosure of the facts; and to have the proceedings completed and a decision made with dispatch. Should you wish to subpoena witnesses, requests for subpoenas must be made, in writing, in accordance with the enclosed Instructions for Requesting Subpoenas. Further, you have the right to receive a copy of the investigative report and supporting documents which will be used as evidence at your hearing. Enclosed with the letter sent to you by certified mail are Commonwealth’s Exhibits 1 - 3 for your review.

Prior to the hearing, copies of these exhibits will be distributed to the members of the Board, who will conduct the hearing. If you have any objections to the exhibits, please contact Wayne T. Halbleib, Assistant Attorney General at (804) 225-4878, or Cynthia E. Gaines, Adjudication Specialist, at (804) 662-7135 before **December 27, 2006**. If you do not object to the proposed distribution before December 27, 2006, these exhibits will be distributed to the Board for review prior to the hearing. Failure to object to the distribution prior to the hearing will not affect your right to contest any information contained in these documents at the hearing.

If you obtain counsel, you should do so as soon as possible because absent good cause to support a request for a continuance, the formal hearing will be held on **January 11, 2006**. A request to continue this proceeding must state in detail the reason for the request and must establish good cause. Such request must be made, in writing, to me at the address listed on this letter or it may be sent via facsimile transmission to (804) 662-7098.

Please inform this office, in writing, of your intention to be present for the hearing by **December 27, 2006**, and provide a telephone number where you can be reached. Further, the Board requests that you provide to Carol Stamey, Administrative Specialist, Board of Optometry, 6603 West Broad Street, Richmond, Virginia 23230, fifteen (15) copies of any additional documents you wish to introduce into evidence by **December 27, 2006**. Documents submitted after that date may not be considered by the Board. If you have any questions, please do not hesitate to contact me at (804) 662-9910.

Sincerely,

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

cc: Members, Board of Optometry
Sandra Ryals, Director, Department of Health Professions
Jack E. Kotvas, Assistant Attorney General
James Banning, Executive Director, Administrative Proceedings Division
Wayne T. Halbleib, Assistant Attorney General (with enclosures)
Cynthia E. Gaines, Adjudication Specialist
Marta Ishmael, Inspector (#105250)

Enclosures

Notice of Hearing & Statement of Particulars
Commonwealth's Exhibits 1 - 3
Instructions for Requesting Subpoenas

Attachment 2

VIRGINIA:

BEFORE THE BOARD OF OPTOMETRY

IN RE:ALAN G. DOSIK, O.D.
License No. 0601-000973

NOTICE OF HEARING

Pursuant to § 2.2-4020, § 2.2-4021, § 54.1-110, and § 54.1-2400 of the Code of Virginia (1950), as amended ("Code"), Alan G. Dosik, O.D., is hereby given notice that in accordance with § 2.2-4024.F and § 54.1-2400(11) of the Code, a formal administrative hearing will be convened before a panel of the Virginia Board of Optometry ("Board"). The hearing will be held on **January 11, 2007, at 9:00 a.m.** at the Department of Health Professions, 6603 West Broad Street, Richmond, Virginia, Conference Room 4, at which time Dr. Dosik will be afforded the opportunity to be heard in person and be represented by counsel.

The purpose of the hearing is to receive and act upon evidence that Dr. Dosik may have violated the terms and conditions imposed in the Board's Order entered July 13, 2005 ("Board's Order"), and certain laws and regulations governing the practice of optometry in the Commonwealth of Virginia, as more fully set forth in the Statement of Particulars below.

AMENDED STATEMENT OF PARTICULARS

The Board alleges that:

1. Dr. Dosik may be in violation of Term 1 of the Board's Order, in that he was required to obtain four hours of continuing education in recordkeeping no later than November 1, 2005. The Board granted Dr. Dosik an extension to complete this requirement by March 31, 2006. Dr. Dosik did not complete this requirement until April 5, 2006.

2. As required in Term 3 of the Board's Order, Dr. Dosik's office was to be the subject of an unannounced inspection. On February 10, 2006, an unannounced inspection was conducted at his practice. As part of the inspection, twenty (20) patient records were randomly selected for review. The following deficiencies were identified:

a. Dr. Dosik may be in violation of § 54.1-3215 (16) and (17) of the Code, and 18 VAC 105-20-45 (A) (1) (a) of the Regulations of the Board of Optometry, in that records for Patients E, G, L, R, and T did not include a case history.

b. Dr. Dosik may be in violation of § 54.1-3215 (16) and (17) of the Code, and 18 VAC 105-20-45 (A) (1) (b) of the Regulations of the Board of Optometry, in that the records for Patient G, did not include acuity measurements.

c. Dr. Dosik may be in violation of § 54.1-3215 (16) and (17) of the Code, and 18 VAC 105-20-45 (A) (1) (c) of the Regulations of the Board of Optometry, in that Patients A, B, G, H, M, O and T did not include an internal health evaluation.

d. Dr. Dosik may be in violation of § 54.1-3215 (16) and (17) of the Code, and 18 VAC 105-20-45 (A) (1) (d) of the Regulations of the Board of Optometry, in that records for Patients M and O did not include an external health evaluation.

e. Dr. Dosik may be in violation of § 54.1-3215 (16) and (17) of the Code, and 18 VAC 105-20-45 (A) (1) (e) of the Regulations of the Board of Optometry, in that records for Patient I did not include recommendations and directions to the patient.

f. Dr. Dosik may be in violation of § 54.1-3215 (16) and (17) of the Code, and 18 VAC 105-20-45 (A) (2) (b) of the Regulations of the Board of Optometry,

in that records for Patients K, N and R did not include an assessment of the corneal curvature.

g. Dr. Dosik may be in violation of § 54.1-3215 (16) and (17) of the Code, and 18 VAC 105-20-45 (A) (2) (c) of the Regulations of the Board of Optometry, in that records for Patients C, D, J, K, L, N, Q, R, and S did not include an assessment of the corneal/contact lens relationship.

3. Dr. Dosik may be in violation of § 54.1-3215 (16) and (17) of the Code, and 18 VAC 105-20-70(A) and (D) of the Regulations of the Board of Optometry, in that as required in Term 4 of the Board's Order, he was to submit proof of continuing education for the licensure renewal period of January 1, 2005 through December 31, 2005. Dr. Dosik has failed to provide proof of completion of sixteen (16) continuing education hours for his license renewal.

Please see Attachment I for the identity of the patients referenced herein.

FOR THE BOARD

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

Entered: _____

Notary Public
My Commission Expires: _____

VIRGINIA:

BEFORE THE BOARD OF OPTOMETRY

In Re: Allan G. Dosik, O.D
Case No. 105250

CONSENT ORDER

FINDINGS OF FACT

1. Allan G. Dosik, O.D., holds license number 0601-000973 issued by the Board to practice optometry in the Commonwealth of Virginia. Said license is currently active and will expire on December 31, 2007, unless renewed or otherwise restricted.

2. Pursuant to Term 1 of the Board's Order entered July 13, 2005 (Board's Order) Dr. Dosik was required to obtain four hours of continuing education in recordkeeping no later than November 1, 2005. The Board granted Dr. Dosik an extension to complete this requirement by March 31, 2006. Dr. Dosik did not complete this requirement until April 5, 2006.

3. As required in Term 3 of the Board's Order, Dr. Dosik's office was to be the subject of an unannounced inspection. On February 10, 2006, an unannounced inspection was conducted at his practice. As part of the inspection, twenty (20) patient records were randomly selected for review. The following deficiencies were identified:

- a. Records for Patients E, G, L, R, and T did not include a case history.
- b. Records for Patient G did not include acuity measurements.
- c. Records for Patients A, B, G, H, M, O and T did not include an internal health evaluation.
- d. Records for Patients M and O did not include an external health evaluation.

- e. Records for Patient I did not include recommendations and directions to the patient.
 - f. Records for Patients K, N and R did not include an assessment of the corneal curvature.
 - g. Records for Patients C, D, J, K, L, N, Q, R, and S did not include an assessment of the corneal/contact lens relationship.
4. As required in Term 4 of the Board's Order, Dr. Dosik was to submit proof of continuing education for the licensure renewal period of January 1, 2005 through December 31, 2005. Dr. Dosik has failed to provide proof of completion of sixteen (16) continuing education hours for his license renewal.

CONCLUSIONS OF LAW

- 1. Finding of Fact # 2 constitutes a violation of Term 1 of the Board's Order.
- 2. Finding of Fact # 3a constitutes a violation of § 54.1-3215 (16) and (17) of the Code, and 18 VAC 105-20-45 (A) (1) (a) of the Regulations of the Board of Optometry.
- 3. Finding of Fact # 3b constitutes a violation of § 54.1-3215 (16) and (17) of the Code, and 18 VAC 105-20-45 (A) (1) (b) of the Regulations of the Board of Optometry.
- 4. Finding of Fact # 3c constitutes a violation of § 54.1-3215 (16) and (17) of the Code, and 18 VAC 105-20-45 (A) (1) (c) of the Regulations of the Board of Optometry.

5. Finding of Fact # 3d constitutes a violation of § 54.1-3215 (16) and (17) of the Code, and 18 VAC 105-20-45 (A) (1) (d) of the Regulations of the Board of Optometry.
6. Finding of Fact # 3e constitutes a violation of § 54.1-3215 (16) and (17) of the Code, and 18 VAC 105-20-45 (A) (1) (e) of the Regulations of the Board of Optometry.
7. Finding of Fact # 3f constitutes a violation of § 54.1-3215 (16) and (17) of the Code, and 18 VAC 105-20-45 (A) (2) (b) of the Regulations of the Board of Optometry.
8. Finding of Fact # 3g constitutes a violation of § 54.1-3215 (16) and (17) of the Code, and 18 VAC 105-20-45 (A) (2) (c) of the Regulations of the Board of Optometry.
9. Finding of Fact # 4 constitutes a violation of 54.1-3215 (16) and (17) of the Code, and 18 VAC 105-20-70(A) and (D) of the Regulations of the Board of Optometry

CONSENT

Allan G. Dosik, O.D., by affixing his signature hereon, agrees to the following:

1. That he acknowledges that he has been advised to seek the advise of counsel prior to the hearing held by the Board;
2. That he acknowledges that he is fully aware the without his consent the provisions of this Consent Order cannot be imposed;
3. That he admits the truth of the Findings of Fact; and
4. That he consents to the following Order affecting his license to practice optometry in the Commonwealth of Virginia:

ORDER

WHEREFORE, on the basis of the foregoing Findings of Fact and Conclusions of Law, it is ORDERED:

1. That the license of Allan G. Dosik, O.D. is hereby suspended for a minimum of ninety days (90) and until verifiable proof of his completion of the Continuing Education (CE) for the years 2005 and 2006 is submitted to the Board;
2. That Dr. Dosik submit to the Board verifiable proof of his completion of the Continuing Education (CE) for the years 2007, 2008, 2009, and 2010;
3. Dr. Dosik pay a fine of two thousand seven hundred dollars (\$2700.00) to the Board. Said penalty is to be paid to the Board by certified check or money order within thirty days (30). If penalty is mailed, it shall be sent of registered or certified mail.
4. When the period of suspension ends, Dr. Dosik shall work under the direct supervision of another optometrist or ophthalmologist approved by the Board for the next four years (4), until December 31, 2010. The supervising practitioner shall attest to compliance in accordance Virginia Regulation 18 VAC 105-20-45, Standards of Practice;
5. That Dr. Dosik's submit to a random inspections at least two (2) times per year for the years 2007, 2008, 2009, and 2010;
6. That Allan G. Dosik, O.D. shall henceforth conduct himself commensurate with the provisions of Chapter 32 of Title 54.1 of the Code of Virginia (1950), as amended, and the Regulations of the Virginia Board of Optometry.

A violation of any term or condition of this Order or of any statute or regulation governing the practice of optometry in Virginia shall constitute grounds for the immediate suspension or

revocation of the license of Allan G. Dosik, O.D., and in such an event, a formal administrative hearing shall be scheduled to determine if Dr. Dosik’s license shall be revoked.

Pursuant to §9-6.14:14 of the Code of Virginia (1950), as amended, the signed original of this ORDER shall remain in the custody of the Department of Health Professions as a public record and shall be made available for the public inspection or copying upon request.

FOR THE BOARD:

David H. Hettler, O.D.

President

Entered: _____

SEEN AND AGREED TO:

Alan G. Dosik, O.D.

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF _____ to wit: _____

Subscribed and sworn to before me, a Notary Public in and for the city/county of _____ this _____ day if _____, 2007,

by Allan G. Dosik, O.D.

Notary Public

My Commission Expires: _____