

IN THE MATTER OF
THOMAS AZMAN, O.D.

* BEFORE THE MARYLAND STATE
* BOARD OF EXAMINERS IN
* OPTOMETRY

* * * * *

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

BACKGROUND

Based upon information coming to its attention, the Maryland State Board of Examiners in Optometry (the "Board") determined to charge Thomas Azman, O.D. (the "Respondent") with violating the conditions of probation placed upon him by the Order of the Board dated May 8, 1984. Specifically, the conditions alleged to be violated were as follows:

"2. That upon execution of this Order, Respondent shall arrange and undertake a Board-approved program of continuing education in Optometry satisfying the following criteria:

(a) 50 hours of continuing education in Optometry per year for 2 years (which may include any hours of continuing education taken by Respondent to satisfy Section 10-309 of the Act);

(b) 18 hours per year (of those required under Paragraph 1(a) above) of "Transcript Quality" continuing education, i.e. requiring successful completion of final examination or substantive course work as approved by the Board; and [...]"

Respondent was properly notified of the charges and allegations by letter dated July 10, 1985. A hearing was scheduled for August 28, 1985, a pre-hearing conference was held on July 24, 1985. Present at that pre-hearing conference were Stephen Caplis, Counsel for Respondent; Thomas Azman, O.D., Respondent; Alice D. Ike, Assistant Attorney General, Counsel to the Board; Barbara A. Curtis, Executive Director to the Board; and Sanford Blas, O.D., President and designee of the Board. As a result of discussions and negotiations both at and following the pre-hearing conference, Respondent has agreed to enter into the following Consent Order as proposed by the Board.

FINDINGS OF FACT

The Board finds that:

1. At all time pertinent to the charges, Respondent was an optometrist licensed to practice in Maryland and subject to the jurisdiction of the Board;
2. At all times pertinent to the charges, Respondent practiced Optometry in the State of Maryland;
3. At all times relevant to the above proceedings, Respondent was subject to the conditions of probation placed by the Board in the Order of May 8, 1984, such conditions are incorporated in this document by reference thereto;
4. In the period May 8, 1984, through May 8, 1985, Respondent submitted documentation indicating the completion of 14 hours continuing education alleged by the Respondent to be of

"transcript quality".

5. Subsequent to May 8, 1985, Respondent submitted documentation indicating completion of 11 additional hours of continuing education completed between May 8, 1984 and May 8, 1985 and alleged to be of "transcript quality".

6. The Maryland State Board of Examiners in Optometry has never defined the term "transcript quality" by regulation or statute.

7. Prior to the signing of the original Order signed by the Board on May 8, 1984, the term "transcript quality" was fully explained to counsel for Respondent by Harold S. Glazer, O.D., president of the Board at that time. HB

8. Prior to the submission of the above referenced 14 hours of alleged "transcript quality" continuing education, Respondent did not seek Board approval of the "transcript quality" continuing education courses;

9. Correspondence courses have never received Board approval for continuing education credit;

10. The policy of the Board has been not to approve correspondence courses for continuing education credit because:

- a. Correspondence courses cannot be monitored by the Board.
- b. Examination procedures for correspondence courses cannot be checked by the Board.
- c. The number of hours that the correspondence editors grant for continuing education is arbitrary and capricious.

11. The completion of "transcript quality" continuing education courses is not required by regulation or statute for licensure in the State of Maryland.

12. As of May 24, 1985, the Board approved 4 of the 14 hours submitted by Dr. Azman as "transcript quality" continuing education courses.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board, by unanimous vote of those members considering the above case, hereby concludes as a matter of law that Respondent may have violated condition 2 (b) of the conditions of probation imposed in the Order of the Board of May 8, 1984. In consideration of Respondent's voluntary acceptance of and submission to the following Order, the Board refrains from adjudicating Respondent guilty of violation of probation at this time.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is this 9th day of Septemba., 1985, by unanimous vote of those members of the Board considering the above case:

ORDERED that the stay of revocation and order of probation contained in the Board's order of May 8, 1984 be stricken; and be it further

ORDERED that the revocation of license is and shall be immediately **STAYED**, and Respondent placed on Probation, subject to the following terms and conditions:

1. That Respondent shall be suspended from the practice of Optometry from September 9, 1985 through October 8, 1985; and

2. From September 9, 1985 through October 8, 1985, Respondent will not practice Optometry, act as an optician, adjust glasses, act as a contact lens technician, or do any bookkeeping or recordkeeping associated with his practice as an optometrist and

3. That upon execution of this **Order**, Respondent shall arrange, undertake and continue in the Board's approved program of continuing education in Optometry specified in the Board's order of May 8, 1984 satisfying the following criteria:

- a. 100 hours of continuing education in Optometry to be completed between May 8, 1984 and May 8, 1986 (which may include any hours of continuing education taken by Respondent to satisfy Section 10-309 of the Act);
- b. 36 hours (of those required under paragraph 1a above) of "transcript quality" continuing education i.e. requiring successful completion of a final examination or substantive course work as approved by the Board to be completed no later than May 8, 1986; and
- c. 64 hours (of those required under paragraph 2a above) of continuing education specifically in the evaluation, fitting, care, and management of patients for contact lenses; and

4. That no later than October 18, 1985, Respondent will submit to the Board, official documentation that he has successfully completed at least fourteen hours of "transcript quality" continuing education between August 8, 1985 and

September 9, 1985 or official documentation that he has completed at least fourteen hours of "transcript quality" continuing education between August 8, 1985 and September 9, 1985, but that his official grade has not been assigned.

5. That upon execution of this Order, Respondent shall continue to submit to supervision of his practice by a Board-approved licensed Optometrist, satisfying the following criteria:

- a. Direct, on-site supervision of Respondent's practice by the supervisor on a quarterly basis;
- b. Quarterly reports to the Board by said supervisor, evidencing that Respondent's practice, including but not limited to his contact lense practice, is fully competent and consistent with the standards of the Act;
- c. The cost, if any, of such supervision shall be borne by the Respondent; and

6. That Respondent agrees to refund all fees received from or on behalf of patients C.S., P.S., and J.C. for the contact lenses and optometric services relating to said lenses, referred to in paragraph 4 of the Findings of Fact; and

7. The Respondent agrees that should new charges pertaining to improper follow-up care for contact lens patients arise against the Respondent, evidence from any party regarding the cases of patients C.S., P.S., and J.C. may be utilized in any subsequent proceedings, subject to said evidence being properly admissible; and

8. That the Board will limit any public dissemination of this Order to the inclusion of that action in the list of disciplinary actions taken in the Board's newsletter; however, it

is understood that this Order is public information, and that the Board will not attempt to control the use made of the Order by other agencies,

9. That Respondent shall permanently refrain from applying to Medicaid for provider status or from otherwise seeking any benefits from Medicaid as a health care provider;

10. Respondent shall submit, in the period of time from May 9, 1985 through May 8, 1986, a total of 32 additional hours of "transcript quality" continuing education, i.e. requiring successful completion of a final examination or substantive coursework as approved by the Board; and

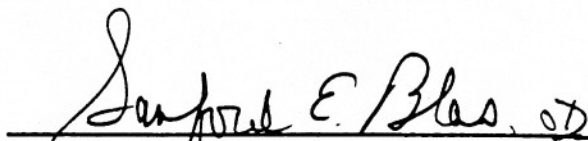
11. Respondent agrees that should the Board believe in good faith, that Respondent has further violated condition 2b of the conditions of probation placed upon him by the Order of the Board dated May 8, 1984, ^Pthe Board may take immediate action, including, but not limited to revocation or suspension or impose any other disciplinary sanction available to it under the Act, without first providing Respondent with an opportunity for a hearing. In accordance with the Administrative Procedure Act, State Government Article §10-201 et seq., Respondent shall have a right to a hearing within thirty (30) days after notifying the Board of his desire for such a hearing regarding the Board's action;

12. That Respondent shall otherwise fully comply with and conduct his practice fully in accordance with the provisions of the Act;

13. That this Order is a full and final resolution of all matters known to this Board prior to July 24, 1985; and be it

further

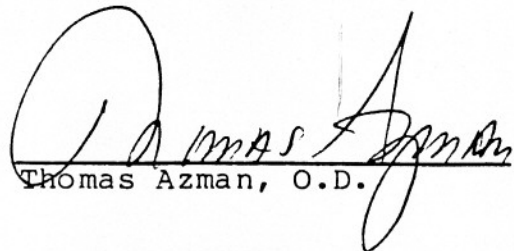
ORDERED that on or after May 9, 1986, the Board, on petition from Respondent demonstrating his full compliance with and satisfaction of all the aforesaid probationary terms and conditions, shall terminate the above probation and reinstate Respondent's license to practice Optometry in Maryland without conditions or restrictions. The Board may, only for good cause shown, maintain the probation, or reduce or eliminate one or more of the aforesaid probationary terms and conditions.

A handwritten signature in cursive script that reads "Sanford E. Blas, O.D." is written over a horizontal line.

Sanford Blas, O.D.
President
State Board of Examiners in
Optometry

CONSENT

By this Consent, I agree to accept and submit to this Order. I admit the Findings of Fact and Conclusions of Law preceeding the Order. I acknowledge the validity of the Order as if made after a hearing at which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by law. I also recognize that I am waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing. By this Consent, I waive all such rights. I sign this Consent after consulting with my attorney and without reservation, and I fully understand its meaning.


Thomas Azman, O.D.

STATE OF MARYLAND
CITY OF BALTIMORE

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ss:

I HEREBY CERTIFY that on this 4th day of ~~August~~ September,
1985, before me, a Notary Public for the State and City
aforesaid, personally appeared Thomas Azman, O.D. and he made
oath in due form of law tha the foregoing Consent was his
voluntary act and deed.

AS WITNESS my hand and notarial seal.

Monica Roucamp

Notary Public

My Commission Expires: 7-1-86