

BEFORE THE OREGON BOARD OF OPTOMETRY

In the Matter of the License of
Clyde B. Slavin, O.D.

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FINAL ORDER

On September 21, 1994, a NOTICE OF PROPOSED DISCIPLINARY ACTION: Reprimand, Sanction, and Imposition of Civil Penalties was served upon the licensee by certified mail. This notice granted to the licensee an opportunity for a hearing if requested within 21 days from the date of service of the notice. The licensee requested a hearing which was held on January 27, 1995 by the Board.

NOW THEREFORE, after consideration of the records and files of the Oregon Board of Optometry relating to this matter, the Board enters the following order.

FINDINGS OF FACT

- (1.) Clyde B. Slavin, O.D. is a licensee of the Oregon Board of Optometry and practices as an optometrist in Oregon.
- (2.) On September 21, 1994, a NOTICE OF PROPOSED DISCIPLINARY ACTION: Reprimand, Sanction, and Imposition of Civil Penalties was issued by certified mail to Dr. Slavin by the Oregon Board of Optometry. This NOTICE contended that Dr. Slavin was in violation of 683.140(3), OAR 852-10-028 for gross ignorance or inefficiency in the profession in three cases: 93-11-02 Tara L. Sinclair; 93-12-02 Dawn H. Buzzard; 94-06-01 Judith Ann Kluge.
- (3.) A formal contested case hearing before the Board was requested by Dr. Slavin and held on January 27, 1995.
- (4.) 93-11-02 Tara L. Sinclair - Performed an inadequate battery of tests appropriate for this patient:
 - (A.) Failed to notice or record observations regarding corneal clarity, the presence or absence of fluorescein staining, neovascularization, papillary conjunctivitis or endothelial changes.
 - (B.) Failed to notice or record the clarity of the anterior chamber, crystalline lens, vitreous, optic nerve margins, optic cup/disk ratios, arterio/venous ratios, posterior pole and macular integrity.
 - (C.) Failed to determine the most appropriate lens design by trial fitting lenses with different base curves.
 - (D.) Failed to attempt to improve a contact lens fit that was not satisfactory to the patient.
 - (E.) Failed to identify the brand and type of lenses that had been worn successfully on an extended wear basis by the patient.
 - (F.) Dispensed lenses based on what was on sale and not based on what had previously been worn successfully or what would appear to be best for the patient's comfort and eye health.

Lack of appropriate care could reasonably have led to this patient's inability to comfortably wear the provided lenses. Patient's decision to discontinue wearing them could reasonably have prevented more serious complications.

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(5.) 93-12-02 Dawn H. Buzzard - Performed an inadequate battery of tests appropriate for this patient:

(A.) Failed to notice or record observations regarding corneal clarity, the presence or absence of fluorescein staining, neovascularization, papillary conjunctivitis or endothelial changes.

(B.) Failed to notice or record the clarity of the anterior chamber, crystalline lens, vitreous, optic nerve margins, optic cup/disk ratios, arterio/venous ratios, posterior pole and macular integrity.

(C.) Failed to determine the most appropriate lens design by trial fitting lenses with different base curves.

(D.) Failed to attempt to improve a contact lens fit that was not satisfactory to the patient.

(E.) Failed to identify the brand and type of lenses that had been worn successfully on an extended wear basis by the patient.

(F.) Dispensed lenses based on what was on sale and not based on what had previously been worn successfully or what would appear to be best for the patient's comfort and eye health.

(G.) Failed to perform a sphero-cylinder over-refraction or post-refraction at follow-up visit when visual acuity was less than 20/20.

(H.) Failed to make appropriate changes in lens design, care or wearing time at follow-up visit to improve signs and symptoms of potentially serious complications.

Lack of appropriate care could reasonably have led to this patient's inability to wear the provided lenses safely or comfortably and could reasonably have led to this patient's painful and potentially sight-threatening complication that required hospital emergency treatment and follow-up medical care approximately three weeks after an inadequate follow-up exam.

(6.) 94-06-01 Judith Ann Kluge - Performed an inadequate battery of tests appropriate for this patient:

(A.) Failed to notice or record observations regarding corneal clarity, the presence or absence of fluorescein staining, neovascularization, papillary conjunctivitis or endothelial changes during initial visit.

(B.) Failed to notice or record the clarity of the anterior chamber, crystalline lens, vitreous, optic nerve margins, optic cup/disk ratios, arterio/venous ratios, posterior pole and macular integrity during initial visit.

(C.) Failed to thoroughly examine and properly treat or refer corneal infiltrates.

(D.) Failed to instruct patient to discontinue wear of lenses that were causing potentially serious corneal complications at initial visit.

(E.) Failed to note potentially significant 7 mm Hg increase in intraocular pressure.

(F.) Failed to perform appropriate diagnostic tests including optic nerve evaluation with fundus lens or visual field testing to determine whether patient has a potentially sight-threatening disease.

(G.) Failed to re-check intraocular pressure at follow-up visit.

(H.) Failed to perform appropriate testing at follow-up visit to explain 20/30 acuity with over-refraction.

- (I.) Failed to notice or record observations regarding corneal clarity, the presence or absence of fluorescein staining, neovascularization, papillary conjunctivitis or endothelial changes at follow-up visit.
- (J.) Failed to limit or discontinue wear at follow-up visit when visual acuity with contact lenses was poor, when the right eye failed to improve significantly with over-refraction and when fit was noted to be "tight".

Lack of appropriate care could reasonably have led to this patient's painful and potentially sight-threatening complication that required ophthalmological emergency treatment and follow-up medical care approximately one week after an inadequate follow-up exam.

CONCLUSION OF LAW

Pursuant to the provisions of OARS 683.140(3), OAR 852-10-028 the Oregon Board of Optometry may discipline Clyde B. Slavin, O.D. for gross ignorance or inefficiency in the profession in the three cases referenced above.


ORDER

The Oregon Board of Optometry hereby imposes the following disciplinary action due to the aforementioned violations:

- (1.) Reprimand Clyde B. Slavin, O.D. for falling below the accepted standard of practice for Oregon optometrists.
- (2.) Sanction Dr. Slavin by requiring that he complete 10 hours of continuing optometric education acceptable to the Board covering contact lens complications and related pathology during the 1994-96 CE biennium. These 10 hours of continuing optometric education credits are in addition to the hours required to meet the 1994-96 CE biennium requirements.
- (3.) Imposition of civil penalties of \$1,000.00 in each of the three cases against Dr. Slavin, for a total of \$3,000.00.

Dated this the 6th day of April, 1995.

OREGON BOARD OF OPTOMETRY



David W. Plunkett, Administrator

NOTICE: You are entitled to judicial review of this order. Judicial review may be obtained by filing a petition for review within 60 days of the service of this order. Judicial review is pursuant to the provisions of OARS 183.482 to the Oregon Court of Appeals.