

**IN THE MATTER OF
SANDI BLANEY
RESPONDENT
(UNLICENSED)**

*** BEFORE THE
* MARYLAND STATE BOARD
* OF EXAMINERS IN OPTOMETRY
* CASE NUMBER: 2017-024**

* * * * *

FINAL CONSENT ORDER

The Maryland State Board of Examiners in Optometry (the “Board”) charged Sandi Blaney, an unlicensed individual (the “Respondent”), with violating certain provisions of the Maryland Optometry Act (the “Act”), Md. Code Ann., Health Occ. §§ 11-101, *et seq.* (2014 Repl. Vol.). Specifically, the Board charged the Respondent with violating the following provisions of the Act:

§ 11-101.

(a) In this title the following words have the meanings indicated.

...

(d) “License” means, unless the context requires otherwise, a license issued by the Board to practice optometry.

(e) “Licensed optometrist” means, unless the context requires otherwise, an optometrist who is licensed by the Board to practice optometry.

(f) “Optometrist” means an individual who practices optometry.

(g)(1) “Practice optometry” means:

(i) Subject to §§ 11-404 and 11-404.2 of this title, to use any means known in the science of optics or eye care, except surgery:

1. To detect, diagnose, and subject to §§ 11-404 and 11-404.2 of this title, treat, subject to this title, any optical or diseased condition in the human eye; or

2. To prescribe eyeglasses, lenses, or contact lenses to correct any optical or visual condition in the human eye.

§ 11-301.

- (a) Except as otherwise provided in this title, an individual shall be licensed by the Board before the individual may practice optometry in this State.

§ 11-501.

Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice optometry in this State unless licensed by the Board.

§ 11-504.

- (a) Knowingly selling or dispensing contact lenses or replacement contact lenses without a valid and unexpired prescription or replacement contact lens prescription shall be considered a violation of this title.

§ 11-505.

...

- (2) A person who violates § 11-501, § 11-502, or § 11-504 of this subtitle is subject to a civil fine not exceeding \$50,000 to be assessed by the Board in accordance with regulations adopted by the Board.

Code Md. Regs, 10.28.04 (2001)

.11 Imposition of Penalties.

The Board may impose a civil monetary penalty in lieu of or in addition to a disciplinary sanction authorized by Health Occupations Article, § 11-313, Annotated Code of Maryland as provided in COMAR § 10.28.13.

On or about January 30, 2019, the Respondent attended a case resolution conference (“CRC”) at the Board’s offices to determine if the Board’s charges against the Respondent could be resolved without an evidentiary hearing. The Respondent was represented by

counsel during the CRC. An administrative prosecutor from the Maryland Office of the Attorney General represented the State. The Respondent and the State have agreed to, and the Board hereby accepts, the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

The Board finds that:

1. The Respondent was never licensed to practice optometry in the State of Maryland.
2. At all times relevant, the Respondent was the manager of a chain optical sales store located in Gambrills, Anne Arundel County, Maryland,¹ hereinafter “Optical Store.”
3. The Board received a complaint from a Licensee, employed at the Optical Store, which led to an investigation in which the following was disclosed.
 - A. The Licensee had examined a Patient in October or November 2016. The Licensee prescribed contact lenses for the Patient who never came back for follow up.
 - B. On or about June 19, 2017, the Licensee discovered that, a week before, the Respondent had issued a written contact lens prescription to the Patient without the Licensee’s required authorization under the Licensee’s information and signature.
 - C. On June 19, 2017, the Patient came into the office with a visual problem with her left eye.

¹ Certain individuals and facilities shall remain confidential in this public order, but are known to the parties.

- D. After reviewing the records, the Licensee discovered that the prescription was generated by the in-office system and was given to the Patient. However, it was issued without the Licensee's authorization, since the Licensee had not seen the Patient at that time and had not finalized the prescription.
- E. Because the Licensee realized that the Respondent had issued an unauthorized prescription, she questioned the Patient about her prior visit and learned that the Respondent had waited on her the week before and that the Patient purchased a 90-day supply of contact lenses using the unauthorized prescription issued by the Respondent.
- F. The Licensee confirmed upon examination of the Patient that the Patient had a "giant papillary conjunctivitis"² of her left eye.
- G. The Licensee advised that the Respondent had also issued contact lenses under the name of another licensee. Respondent denies issuing contact lenses under the name of another licensee.
- H. Subsequently, the Board's Investigator interviewed the other licensee who confirmed that she had seen the Respondent dispense a trial set of lenses to a patient. The other licensee stated that she never authorized the Respondent to dispense any lenses to her patients and, by law, the

² Giant papillary conjunctivitis, commonly referred to as GPC, is a condition in which the inner lining of the eyelid (known as the palpebral conjunctiva) becomes inflamed and small bumps develop. These small bumps—known as papillae—often form in response to some type of chronic irritation, like wearing contact lenses. In GPC, the bumps grow and combine, forming very large bumps that sometimes resemble a cobblestone appearance. People with GPC complain of redness, whitish discharge, light sensitivity, and eye itching that is worse when they remove their contact lenses.

Respondent is not authorized to dispense lenses of any types to customers and/or patients.³

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Respondent violated §§ 11-501 and 11-504 of the Act and the Board is authorized to impose a civil monetary penalty under § 11-505 of the Act and COMAR 10.28.04.11.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 27th day of March, 2019, by a majority of the Board hereby:

ORDERED that Respondent shall pay a civil fine in the amount of Seven Thousand Five Hundred Dollars (\$7,500.00) payable to the State Board of Examiners in Optometry no later than five (5) months from the date that this Order is signed by the Board; and it is further

ORDERED that the Respondent is prohibited from practicing optometry in the State of Maryland, or otherwise issuing unauthorized lens prescriptions, without a valid license in accordance the Maryland Optometry Act and all applicable laws and regulations; and it is further

ORDERED that this Final Consent Order is effective as of the date of its signing by the Board; and it is further

³ Neither the Respondent nor the corporation that owns the Optical Store and numerous other facilities in Maryland cooperated with the Board during its investigation. When a subpoena was issued to interview the Respondent, the facility's prior attorney intervened and informed the Board that an internal investigation had been conducted but refused to send the report to the Board despite several requests for same. The Respondent was never made available for an interview and was transferred to another location in Anne Arundel County.

ORDERED that should the Board receive information that the Respondent has violated the conditions of this Order, after providing the Respondent with notice and an opportunity for a hearing, the Board may take further disciplinary action against the Respondent. The burden of proof for any action brought against the Respondent as a result of a breach of the conditions of the Order shall be on the Respondent to demonstrate compliance with the Order or conditions; and it is further

ORDERED that this Final Consent Order is a public document and for purposes of public disclosure, as permitted by Md. Code Ann., General Provisions §§ 4-101, *et seq.* (2014 Vol. and 2019 Supp.), this document consists of the foregoing Findings of Fact, Conclusions of Law, and Order, and that the Board may also disclose same to any national reporting data bank to which it is mandated to report.

FOR THE BOARD



Patricia G. Bennett, M.S.W

Executive Director

Maryland Board of Examiners in Optometry

ENTERED: March 27, 2019

CONSENT

By this Consent, I acknowledge that I have read the foregoing Final Consent Order in its entirety. I admit the truth of the Findings of Fact and accept and submit to the foregoing Final Consent Order and its conditions. I acknowledge the validity of this Final Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to legal counsel authorized to practice law in Maryland, to confront witnesses, to give testimony, to request subpoenas for witnesses, to call witnesses on my own behalf, to introduce testimony and evidence on my own behalf, and to all other substantive and procedural protections provided by law. I waive these rights, as well as any appeal rights under § 10-222 of the Annotated Code of Maryland, State Government Article.

I sign this Consent Order, after having an opportunity to consult with legal counsel, voluntarily and without reservation, and I fully understand and comprehend the language, meaning, terms and effect of this Consent Order.

Sandi Blaney
SANDI BLANEY

NOTARIZATION

STATE OF Maryland

CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 7th day of March, 2019, before me, a Notary Public of the State of Maryland of the City/County aforesaid, personally appeared **Sandi Blaney** and declared and affirmed under penalties of perjury that signing the foregoing Consent Order was the voluntary act and deed of **Sandi Blaney**.

(SEAL)

Cynthia M. Watkins
NOTARY PUBLIC

My commission expires: March 18, 2021.