

**THE DISCIPLINE COMMITTEE OF THE COLLEGE  
OF OPTOMETRISTS OF ONTARIO**

Panel: Dr. Jim Hoover, Chair      Professional Member  
      Dr. Linda Bathe              Professional Member  
      Dr. Patrick Quaid          Professional Member  
      Ms. Shoshana Gladstone    Public Member of Council  
      Mr. John Van Bastelaar    Public Member of Council

**BETWEEN**

The College of Optometrists	)	
of Ontario	)	Ms. Julia Martin
	)	Counsel for the College
	)	of Optometrists of Ontario
	)	
-and-	)	
	)	
	)	
	)	
	)	
Dr. Emad Eskander	)	
Dr. Kar Man Cheung	)	Mr. Neil Abramson
Dr. Suzan Sarkies	)	Counsel for the Members
Dr. Vivian Li	)	
	)	
	)	Ms. Alexandra Wilbee
	)	Independent Legal Counsel
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	)	
	)	

**ORDER**

This matter came before a panel of the Discipline Committee of the College of Optometrists of Ontario on April 5<sup>th</sup>, 2016 in Toronto, Ontario, at 10:00 am at 65 St. Clair Ave. E.

- 1. THE DISCIPLINE COMMITTEE FINDS** Dr. Emad Eskander, Dr. Kar Man Cheung, Dr. Suzan Sarkies, and Dr. Vivian Li guilty of professional misconduct as set out in paragraphs 14 and 24 of section 1 of Ontario Regulation 119/94 made under the *Optometry Act*, 1991, S.O. 1991, c. 35.

2. **THE DISCIPLINE COMMITTEE FINDS** Dr. Kar Man Cheung, Dr. Suzan Sarkies, and Dr. Vivian Li guilty of professional misconduct as set out in paragraph 39 of section 1 of Ontario Regulation 119/94 made under the *Optometry Act*, 1991, S.O. 1991, c. 35.
3. **THE DISCIPLINE COMMITTEE ORDERS** that the members be reprimanded.
4. **THE DISCIPLINE COMMITTEE ORDERS** that the members each pay the College's costs in the amount of \$5000 payable to the College of Optometrists of Ontario within six months of the date of this Order by postdated cheque delivered to the Registrar on or before April 5, 2016.
5. **THE DISCIPLINE COMMITTEE ORDERS** that the members' certificates of registration shall be suspended for a period of two weeks.
6. **THE DISCIPLINE COMMITTEE ORDERS** that all of the two week suspension referred to in paragraph 5, above, will be suspended for each member who successfully completes the condition that he or she submit a written essay to the Registrar of the College ("Registrar") as follows:
  - a. The essay shall reflect:
    - (i) The appropriate documenting and maintaining of patient records with an emphasis on documenting patients' health and oculo-visual history;
    - (ii) Follow-up protocols including the importance of being accessible to patients following examination
    - (iii) For Drs. Cheung, Li and Sarkies only, the storing of records in a secure manner that protects patients' privacy and allows for an easy access to their records.
  - b. The essay shall be completed within six (6) months of the date of this Order.
  - c. The Registrar shall determine whether or not each essay is acceptable, if it is not, the members will be required to correct it to the Registrar's satisfaction.
  - d. If a member fails to successfully complete the above condition within the six (6) months following the date of the Order of the Discipline Committee then his or her certificate of registration will be suspended for two weeks.
7. **THE DISCIPLINE COMMITTEE ORDERS** that a condition be imposed on the members' certificates of registration that they each complete a minimum of twenty (20) hours of continuing education (CE) activities as follows:
  - a. A minimum of ten (10) hours must be in the management of patients with binocular vision disorders, including assessment and treatment;
  - b. A minimum of five (5) hours must be in ocular health

assessment;

- c. A minimum of five (5) hours must be in refraction; and
- d. All CE shall be of category A (Continuing Education Equivalency is not acceptable), as per the *College of Optometrists of Ontario Continuing Education Policy January 1, 2015-December 31, 2017*;
- e. All CE must be pre-approved by the Registrar;
- f. The members shall be responsible for the cost of the CE;
- g. The CE shall be completed within twelve (12) months of the date of the Order of the Discipline Committee and the members shall provide proof of completion of the CE to the Registrar; and
- h. The CE shall be in addition to the mandatory CE requirements of the Quality Assurance Program.

**8. THE DISCIPLINE COMMITTEE ORDERS** that a condition be imposed on each member's certificate of registration that he or she shall undergo a practice inspection within fifteen (15) months of the date of this Order. The details of which are as follows:

- a. The Registrar shall assign an assessor to conduct an inspection of twenty-five (25) patient records for each member for patients whom the members treated following the completion of the CE referred to in paragraph 7: fifteen (15) of the patient records shall be for patients under the age of fourteen (14), and the other ten (10) shall be for patients over the age of fourteen (14);
- b. The assessor shall review the records in the areas that are relevant to the allegations only and report the results of the inspection to the Registrar;
- c. In the event that any deficiencies are noted in the report of the inspection, the Registrar shall make a report to the Inquires, Complaints and Reports Committee;
- d. The members shall be given five (5) business days' notice prior to the College representative attending their respective practices to obtain the records; and
- e. The practice inspection shall be conducted at no cost to the members.

Dated this 5th day of April, 2016 at Toronto, Ontario.

signed

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Dr. Jim Hoover  
Chair