

**STATE OF VERMONT
SECRETARY OF STATE
BOARD OF OPTOMETRY**

IN RE:)
RALPH GUIDULI) **Docket No: OD03-0505**
License No. 030-0000161

STIPULATION AND CONSENT ORDER

NOW COMES the State of Vermont through Robert H. Backus, state prosecuting attorney and the Respondent in person and through counsel, Robert H. Erdman and enter into this following Stipulation and Consent Order.

STIPULATION

Respondent agrees that if a hearing were conducted in this matter the State could introduce evidence from which the Board could conclude that the facts as set out below have been established. Based upon those facts the Board could find that the Respondent has committed unprofessional conduct as alleged and enter the Consent Order below.

Authority

1) The Vermont of Optometry has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by optometrists pursuant to 3 V.S.A. §§129, 129a and 814; 26 V.S.A. §§1708 and 1719; the Administrative Rules of the of Optometry ("ARBO") and the Rules of the Office of Professional Regulation.

Statement of Facts

- 2) The Respondent, Ralph Guiduli, is licensed as an Optometrist by the State of Vermont under license number 030-0000161. The Respondent's license was originally issued on or about July 10, 1974 and is currently set to expire on July 31, 2006.
- 3) At all times relevant to these charges, Respondent was practicing as an optometrist in South Burlington, Vermont.
- 4) In a letter sent to Respondent by patient E.L. dated May 16, 2005, E.L. requested that Respondent send her a written copy of her contact lens prescription. E.L. referred to an appointment she had with Respondent on or about March 15, 2005 during which he fitted her with three different types of lenses. She noted that "despite a written request to [Respondent] more than a month ago," she still had not

received a written prescription for any of the lenses. At the conclusion of the letter, E.L. repeats her request for a written prescription for her contact lenses.

5) During an interview with OPR Investigator Amy Carlson on or about September 12, 2005, Respondent stated that he sent E.L. a copy of her prescription as soon as she paid her bill in full. However, E.L. advised Investigator Carlson that she was unable to get her prescription filled with the prescription that the Respondent sent her.

6) In the letter of May 16, 2005, E.L. also included a request for a copy of her full medical record. Again, she refers to a previous request for her medical records, but notes Respondent had not sent them to her yet.

7) Upon information and belief, to date E.L. has received only partial records from Respondent and not a complete copy of her records.

Charges

8) By not sending his patient a valid contact lens prescription upon repeated requests and by not sending a complete copy of her records upon repeated requests, Respondent has committed unprofessional conduct in violation of:

i. 26 V.S.A. § 1719(3)(A) (Failure to give to the buyer a copy of the buyer's spectacle lens prescription immediately after the eye examination is completed. Provided, an optometrist may refuse to give the buyer a copy of the buyer's prescription until the buyer has paid for the eye examination but only if that optometrist would have required immediate payment from that buyer had the examination revealed that no ophthalmic goods were required. If the buyer requests his or her contact lens prescription before the prescription is complete, the optometrist shall furnish a copy of the buyer's contact lens prescription to the buyer, clearly marked to indicate that it is not a complete contact lens prescription);

ii. 3 V.S.A. § 129a(a)(8) (Failing to make available promptly to a person using professional health care services, that person's representative, succeeding health care professionals or institutions, upon written request and direction of the person using professional health care services, copies of that person's records in the possession or under the control of the licensed practitioner);

Understandings

9) The parties understand that the terms of this Stipulation and Consent Order are contingent upon review and acceptance by the Board and that if the Board

rejects any portion the entire Stipulation and Consent Order shall be null and void.

- 10) The Respondent has read and reviewed this document fully and agrees that it contains the entire agreement between the parties.
- 11) This Stipulation and Consent Order is entered into voluntarily by the Respondent after the opportunity to consult with legal counsel. The Respondent has not been coerced by anyone into signing this Stipulation and Consent Order.
- 12) The Respondent is voluntarily waiving any right to a contested hearing before the Board.
- 13) The Respondent agrees that the Order set forth below may be entered by the Board.
- 4) The Respondent waives any right to appeal from any order entered pursuant to this stipulation.
- 15) WHEREFORE, the parties agree that the following constitutes a reasonable resolution given the above violations:

CONSENT ORDER

A. The parties have agreed that they may find that the above facts are true and may form the basis of a finding of unprofessional conduct as set out above. The Board so finds.

B. Based on the above stipulation and findings of this Board, it is **ORDERED** as follows:

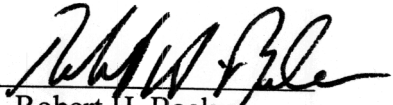
The Board hereby **REPRIMANDS** the Respondent. Additionally, the Board hereby imposes an **ADMINISTRATIVE PENALTY** in the amount of **FIVE HUNDRED DOLLARS (\$500.00)** against the Respondent. This penalty shall be paid within ninety (90) days of the date of entry of this Order.

C. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).

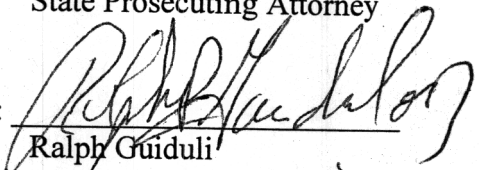
D. This Stipulation and Consent Order will remain part of the Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

AGREED TO:

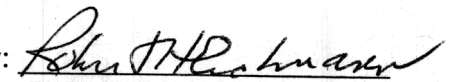
Dated: 5/18/06

By: 
Robert H. Backus
State Prosecuting Attorney

Dated: 5/18/06

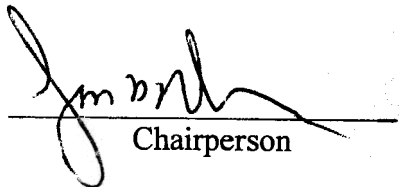
By: 
Ralph Guiduli
Respondent

Dated: 5/18/2006

By: 
Robert H. Erdmann
Attorney for Respondent

APPROVED AND SO ORDERED: VERMONT BOARD OF
OPTOMETRY

Dated: 6/7/06

By: 
Chairperson

Date of Entry: 6/12/06

**STATE OF VERMONT
SECRETARY OF STATE
BOARD OF OPTOMETRY**

IN RE:
RALPH GUIDULI
License No. 030-0000161

)
Docket No: OD03-0505

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Ralph Guiduli:

Board Authority

1) The Vermont Board of Optometry ("Board") has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by optometrists pursuant to 3 V.S.A. §§129, 129a and 814; 26 V.S.A. §§1708 and 1719; the Administrative Rules of the Board of Optometry ("ARBO") and the Rules of the Office of Professional Regulation.

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**Prosecuting Attorney
Office of
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05609-1107**

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ii. 3 V.S.A. § 129a(a)(8) (Failing to make available promptly to a person using professional health care services, that person's representative, succeeding health care professionals or institutions, upon written request and direction of the person using professional health care services, copies of that person's records in the possession or under the control of the licensed practitioner);

iii. 3 V.S.A. § 129a(b)(2) (Failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct. Failure to practice competently includes failure to conform to the essential standards of acceptable and prevailing practice); and

iv. 3 V.S.A. § 129a(a)(3) (Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession).

Relief Requested

WHEREFORE, the license of Ralph Guiduli should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

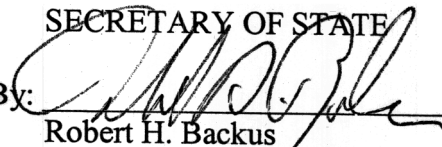
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9 Baldwin Street
Montpelier, VT
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DATED at Montpelier, Vermont this 10th day of January 2006.

STATE OF VERMONT
SECRETARY OF STATE

By: 

Robert H. Backus
State Prosecuting Attorney

od.guiduli.soc

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