

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE OPTOMETRY EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST : FINAL DECISION AND ORDER  
:  
JAMES M. FERRELL, O.D., : LS0211081OPT  
RESPONDENT. :

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**Division of Enforcement Case No. 00 OPT 007**

The parties to this action for the purposes of section 227.53 of the Wisconsin statutes are:

James M. Ferrell, O.D.  
8648 S. Market Place  
Oak Creek, WI 53154

Christine M. Genthner, Atty.  
Jeffrey Leavell, S.C.  
723 S. Main Street  
Racine, WI 53403

Optometry Examining Board  
PO Box 8935  
Madison, WI 53708-8935

Department of Regulation and Licensing  
Division of Enforcement  
PO Box 8935  
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Wisconsin

Optometry Examining Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

### FINDINGS OF FACT

1. James M. Ferrell, O.D. (DOB 01/24/31), is duly licensed to practice optometry in the state of Wisconsin (license #1369). This license was first granted on August 7, 1970.

2. Dr. Ferrell's most recent address on file with the Wisconsin Optometry Examining Board is 8648 S. Market Place, Oak Creek, WI 53154.

3. Patient R.Z., a 51 year old male with a history of glaucoma in his family, has been to Respondent's place of employment for eye exams since 1990.

4. On January 15, 1993, Respondent examined patient R.Z. and the records noted equal IOP's in each eye of "7" and equal pupil sizes of "3" with an irregular left pupil.

5. On November 10, 1993, Respondent examined patient R.Z. and the records noted intraocular pressure's (IOP's) in the right eye of "9" and in the left eye of "8". The pupil size was noted to be "4" in the right eye and "5" in the left eye.

6. On December 21, 1994, Respondent examined patient R.Z. and the records noted IOP's in the right eye of "9" and in the left eye of "10". The pupil size was noted to be "4" in the right eye and "5 awkward shape" in the left eye.

7. On August 7, 1996, Respondent examined patient R.Z. and the records noted IOP's in the right eye of "9" and in the left eye of "22". The pupil size was noted to be "4" in the right eye and "5 awkward shape" in the left eye. It was also noted that the left eye AF "could not refract". Respondent did not inform patient R.Z. of the higher IOP reading and did not refer him to an ophthalmologist for further evaluation.

8. In February 1997 patient R.Z. noticed decreased vision in his left eye. On February 24, 1997, Respondent was seen by an ophthalmologist who diagnosed glaucoma. The right IOP was "12" and the left IOP was "38".

9. In resolution of this matter, Dr. Ferrell consents to the entry of the following Conclusions of Law and Order.

## CONCLUSIONS OF LAW

1. The Wisconsin Optometry Examining Board has jurisdiction to act in this matter pursuant to sec. 449.07, Stats. and is authorized to enter into the attached Stipulation and Order, pursuant to sec. 227.44(5), Stats.

2. The conduct described in paragraphs 3-7, above, constitutes a violation of Wisconsin Administrative Code § Opt 5.15(2).

### **ORDER**

NOW, THEREFORE, IT IS ORDERED that the stipulation of the parties is approved.

IT IS FURTHER ORDERED that James M. Ferrell, O.D., is hereby REPRIMANDED.

IT IS FURTHER ORDERED that within 1 year of the effective date of this Order, Respondent shall participate in and successfully complete 10 hours of continuing education focusing on glaucoma. The course shall include education on all equipment used to test for glaucoma and cover topics such as tonometry, Goldman tonometry, Gonioscopy, stereoscopic examination of the optic nerve, optic nerve photography and automated threshold perimetry. A description of the course content and parameters shall be submitted to the Board, or its designee, for approval prior to commencement of the program.

IT IS FURTHER ORDERED that James M. Ferrell, O.D., will pay the costs of this proceeding in the amount of \$500.00 to the Department of Regulation and Licensing, 1400 E. Washington Avenue, P.O. Box 8935, Madison, Wisconsin, 53708-8935 within 60 days of the date of this final Decision and Order.

IT IS FURTHER ORDERED that the pending investigation, 00 OPT 007, shall be, and hereby is, closed without further proceedings.

The rights of a party aggrieved by this Final Decision and Order to petition the Wisconsin Optometry Examining Board for rehearing and to petition for judicial review are set forth in the attached "Notice of Appeal Information."

This Order shall become effective on the date of its signing.

OPTOMETRY EXAMINING BOARD

By: Chris Hubbell

11-08-02

A Member of the Board

Date