

STATE OF MAINE  
STATE BOARD OF OPTOMETRY

IN RE:

SHERIDON GOVE

20-OPT-16636

CONSENT AGREEMENT

This Consent Agreement relates to disciplinary action against the license of Sheridan Gove. The parties to this Consent Agreement are: Sheridan Gove ("Licensee"); the State Board of Optometry ("Board"); and the Office of the Attorney General. This Agreement is entered into pursuant to 10 M.R.S. § 8003(5-A).

FACTS

1. Licensee has been a licensed Optometrist since June 15, 2012, License #OPT925.
2. On March 24, 2020, the Governor of Maine, Janet Mills, issued Executive Order 19 FY 19/20 which provided that, "All Essential Businesses and Operations shall continue their activities consistent with the guidance on social distancing set [forth] below." Executive Order 19 FY 19/20 further provided that "non-urgent medical and dental procedures, elective surgeries, and appointments should be postponed based on consultations between individuals and providers; the use of telehealth and telephone consultation is strongly encouraged."
3. On April 10, 2020, the Board staff received a complaint from a former employee of Licensee regarding allegations that Licensee was seeing patients "for routine eye exams," and further alleged that "[Licensee] is not restricting the patients she is seeing for essential care only appointments . . ."
4. In response to the Complaint, Licensee denied that she saw patients for routine eye examinations or for non-urgent care.

5. Licensee cooperated with the Board in providing descriptions of why she saw each of the 150 patients seen between the day after the Executive Order, March 25, 2020, and May 1, 2020. Licensee also cooperated in providing records for a more detailed sampling of 8 patients' de-identified medical records.
6. Starting when Licensee purchased the practice from another Optometrist in late August 2019, Licensee regularly consulted regarding a wide range of practice matters with an experienced Optometrist ("the Consulting Optometrist") who practiced in Maine for 33 years and who served on the Maine Board of Optometry for 9 years until August 27, 2020. The Consulting Optometrist was recused in the Board's review of this case.
7. At the time of issuance of Executive Order 19 FY 19/20 on March 24, 2020, Licensee consulted with the Consultant Optometrist to try to learn whether the Board planned to issue guidance to Maine optometrists for practicing under Executive Order 19 FY 19/20 and also to learn if there was any anticipated guidance from the American Optometry Association about treatment of patients during the coronavirus pandemic.
8. The Consultant Optometrist informed Licensee that the Board was not expected to issue guidance any time soon on seeing patients under Executive Order 19 FY 19/20, but that he understood that there would imminently be guidance from the American Optometry Association ("AOA") about what constituted urgent, emergent, or essential care of optometric patients vs. "Non-Urgent" or routine optometric care that may be postponed to a later date due to the coronavirus pandemic.
9. Almost all of the patients in the practice were unknown to the Licensee since Licensee had only recently purchased the optometry practice from another Optometrist who was



no longer working there, and Licensee had not previously met or examined most of the patients of the practice.

10. In addition to consulting with her Consulting Optometrist, starting on March 25, 2020, Licensee reviewed the prior Optometrist's notes and engaged in a direct telephone or telehealth conversation with the patient in order to determine whether to see the patient. consistent with Executive Order 19 FY19/20.

11. On March 26, 2020, the American Optometric Association issued the "American Optometric Association Essential Care Guidelines for the COVID-19 Pandemic" (the AOA COVID-19 Guidelines") which provided, "Essential visits may include medical visits related to systemic and ocular disease or injury where there is significant risk of permanent vision loss because of any postponement of care, as determined by the treating doctor of optometry . . . Essential visits may also include visits where patients complain about discomfort and other symptoms that significantly interfere or significantly hamper day-to-day function, as assessed through virtual prescreening by the doctor of optometry caring for the individual patient. Added considerations could include patients who lost or broke their glasses or contact lenses; however, this added consideration should only be made by the treating doctor of optometry on an individual basis with consideration given to prescription needs and level of disability without correction."

12. Upon review, not all patients seen by Licensee between March 25, 2020 and May 1, 2020, met the full definition of urgent or essential care.

13. Licensee believed that she was at all times acting consistently with Executive Order 19 FY 19/20.

14. On May 1, 2020, the Board issued its first guidance to Maine licensed optometrists, "Guidance for Optometrists Regarding In-Person Vision Care During COVID-19 Pandemic Returning to work safely."

15. Based on the examination of the records provided by Licensee, the Board decided to offer a consent agreement issuing a reprimand for violation of Executive Order 19-FY 19/20 and the standard of care for optometrists.

16. It is the responsibility of all licensees to comply with the law and the Executive Orders carry the force of law.

#### **ALLEGED VIOLATION**

17. Pursuant to 10 M.R.S. § 8003(5)(A-1), the Board may impose discipline as authorized for violating applicable laws, rules or conditions of licensure or registration.

18. / The parties have agreed to resolve this matter pursuant to this Consent Agreement as permitted by 10 M.R.S. §8003(5)(B).

#### **COVENANTS**

19. The Licensee admits the accuracy of the facts set forth above and admits that such conduct constitutes grounds for imposing discipline against her license pursuant to 10 M.R.S. § 8003(5-A)(A).

20. As discipline for the above-admitted violation, Licensee agrees to accept a reprimand.

21. The Licensee may timely accept this Consent Agreement by returning a signed copy to Tina Carpentier, Office Specialist II at 113 State House Station, Augusta, Maine 04330, by October 31, 2020. Absent the Licensee accepting this Consent Agreement, the Board may take further action.



22. In the absence of an agreement, the Board could impose, subsequent to adjudicatory proceedings, greater discipline in this matter.

23. The Board agrees to take no further disciplinary action against the Licensee based upon the conduct described herein, but the Board reserves the right to take action, including disciplinary action, which it deems appropriate and which is allowed by law, if the Licensee fails to comply with the terms of this Consent Agreement. In taking any action, including disciplinary action, based upon any failure to fully comply with this Consent Agreement, the Board may consider the circumstances described in the statement of facts above, and any acknowledgement that the Licensee has made in this Agreement.

24. The Licensee acknowledges that she has read and understands this Consent Agreement, that she was represented by counsel of her choosing or being given the opportunity to consult with counsel failed to do so, that she executed this Consent Agreement of her own free will, and that she agrees to abide by all terms and conditions set forth herein.

25. This Consent Agreement is a public record within the meaning of 1 M.R.S. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S. § 408-A.

26. Nothing in this Consent Agreement shall be construed to affect any right or interest of any person not a party hereto.

27. This Consent Agreement may be signed in counterparts, and all counterparts together constitute one original instrument. Signatures below may be applied and/or saved electronically, with such electronic signatures and this entire document being saved electronically, and given the same effect as a paper document signed in ink.

28. This Consent Agreement is not appealable and is effective until modified or rescinded by the parties hereto.


29. The effective date of this Consent Agreement shall be the date of the last necessary signature date of the fully executed Consent Agreement from the Board.

SIGNATURES

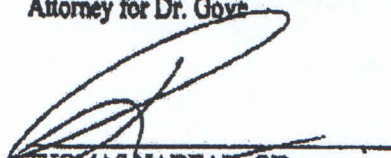
Dated: 10/28/2020

  
SHERIDON GOVE, OD

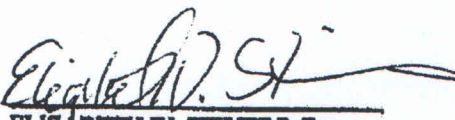
Dated: 10/27/2020

  
KENNETH W. LEHMAN, Esq.  
Attorney for Dr. Gove

Dated: 11/2/2020

  
THOMAS NADEAU, OD  
Acting Board Chairman

Dated: 11-5-2020

  
ELIZABETH W. STIVERS, Esq.  
Assistant Attorney General