

Schedule 2

Amended Citation Issued July 2, 2009

IN THE MATTER OF THE *HEALTH PROFESSIONS ACT*, R.S.B.C. 1996, c. 183

AND

**IN THE MATTER OF A HEARING INTO THE CONDUCT OF
MOHAMMAD DASHT KIAN
(a member of the College of Opticians of British Columbia)**

ORDER

BEFORE THE INQUIRY COMMITTEE) FRIDAY, THE 4TH
OF THE COLLEGE OF OPTICIANS) DAY OF DECEMBER, 2009
OF BRITISH COLUMBIA)

THE PROPOSAL of the registrant, Mohammad Dasht Kian (the “Registrant”), submitted to the Inquiry Committee this day pursuant to subsection 37.1(5) of the *Health Professions Act* (the “Proposal”); and on reading the Proposal and the Amended Citation attached as Schedule “A” thereto; and with the consent of counsel for the College of Opticians of British Columbia; and on the Inquiry Committee having resolved to accept the Proposal;

THE INQUIRY COMMITTEE ORDERS, pursuant to subsection 37.1(6) of the *Health Professions Act*, that:

1. The Registrant will serve a suspension for a term of two weeks (the “Suspension”);
2. The Suspension may be served, at the option of the Registrant, in two one-week segments, both of which must be completed no later than January 31, 2010;

3. The Registrant elects to serve the Suspension during the following weeks: December 21, 2009 to January 3, 2010 (the “Period of Suspension”);
4. During the Period of Suspension, the following limitations will apply to the Registrant:
 - a. The Registrant shall not participate or be involved in any way with the filling of a prescription for eyeglasses or contact lenses, the dispensing or duplication of eyeglasses or the refilling of contact lenses, even under supervision;
 - b. The Registrant shall not participate in or be involved in any way with the service of clients or customers or the sale of goods or services – including non-prescription goods and services – at his place of business at Pro Vision Optical at 3827 Sunset Street in Burnaby, British Columbia (the “Store”), or at any other establishment where eyeglasses or contact lenses are sold or dispensed;
 - c. If the Registrant elects to continue operations at the Store during the Period of Suspension, he will provide the College in advance with a document prepared or approved by the College and executed by a licensed

optician other than the Registrant (the “Responsible Registrant”), confirming the following:

- i. The Responsible Registrant has reviewed this Order and understands the limitations imposed on the Registrant during the Period of Suspension;
- ii. The Responsible Registrant will undertake all aspects of the operations of the Store which the Registrant is precluded from undertaking by virtue of the terms of this Order or, where appropriate, will supervise others, not including the Registrant, in carrying out such responsibilities;
- iii. The Responsible Registrant will forthwith report to the College any breach by the Registrant of any of the terms of this Order;
- iv. The days and hours during which the Store will be operating during the Period of Suspension; and
- v. The days and hours during which the Responsible Registrant will be at the Store during the Period of Suspension;

5. The Store may be subject to inspection during the Period of Suspension, or at any other time at the discretion of the College;
6. The Registrant expressly undertakes not to fill or refill contact lenses or to fit contact lenses, until he has completed a training program, passed the National Contact Lens Examinations and registered with the College as a contact lens fitter;
7. The Registrant will pay a fine of \$1,000 (the "Fine");
8. In recognition of his limited financial means, the Registrant may pay the Fine in consecutive monthly installments of no less than \$250, to be paid as follows: January 15, 2010, February 15, 2010, March 15, 2010 and April 15, 2010;
9. The Proposal, or a summary thereof, will be published on the College's website and in the College's newsletter;
10. If the Registrant breaches any of the terms of this Order, the College shall be at liberty to proceed to a hearing of the allegations contained in the Amended Citation or to bring a further or amended citation alleging breach of said terms, or both.

By the Chair.
