

**STATE OF CONNECTICUT
CONNECTICUT BOARD OF EXAMINERS FOR OPTOMETRISTS**

Ross Zeldes, OD
107 Lake Shore Boulevard
Stafford Springs, CT 06076-3439

VIA EMAIL (rossezeldes@gmail.com)
Certified Mail 9489-0090-00276139-1251-77

RE: Ross Zeldes, OD - Petition No. 2022-351

By authority of the General Statutes of Connecticut, Section 4-177, you are hereby notified to appear before the **Connecticut Board of Examiners for Optometrists**, for a hearing on the attached Charges to be held on **September 14, 2022 at 9:00 a.m.** The hearing will be held by video conference. The link to connect to the hearing will be provided by email 3-5 days prior to the hearing.

These charges are being brought against you under the provisions of §§ 19a-9, 19a-10, 19a-14, and 20-133 of the Connecticut General Statutes. The hearing will be conducted in accordance with Chapter 54 of the General Statutes of Connecticut and § 19a-9-1, et seq., of the Regulations of Connecticut State Agencies (Public Health Code).

At the hearing you will have the opportunity to present your evidence, including witnesses and documents. It is your responsibility to bring the witnesses and documents you wish to present at the hearing.

Filing an Answer; Failure to File Answer:

Prior to the hearing you are required to file an answer to the attached Charges

Please note: failure to file an Answer could result in the allegations being found to be true as stated, and the possibility that you will not be permitted to submit any evidence concerning the allegations.

Representation by an Attorney:

At the aforementioned hearing you may be represented by an attorney and present evidence on your behalf. Although you may represent yourself (pro se), you are urged to obtain the services of an attorney.

Documents:

If you intend to introduce documents into evidence, **YOU MUST COMPLY WITH THE FOLLOWING REQUIREMENTS:**

Exhibits should be pre-marked for identification (i.e. Department exhibit 1, Respondent exhibit A), page numbered, and properly redacted.

The following information shall be redacted.

- (1) Date of birth
- (2) Mother's maiden name
- (3) Motor vehicle operator's license number
- (4) Social Security Number
- (5) Other government-issued identification number
- (6) Health insurance identification number
- (7) Financial account number
- (8) Security code or personal identification number (PIN)

Order Re: Filings

In preparation for this hearing you must, no later than September 1, 2022, provide the information specified in the attached Notice for Submissions.

All communications to the Board shall be submitted in this fashion. The Department or Respondent shall provide a copy of each document filed to Respondent or Department as the case may be and certify such to the Board.

Parties and/or counsel should stipulate to any exhibits and facts not in dispute, and provide any objections to proposed exhibits. All exhibits also must be provided to the opposing party or counsel.

Please note that pursuant to § 4-177c(b) of the General Statutes, persons who are not parties or intervenors may be given an opportunity to present oral or written statements, at the discretion of the presiding officer(s), and such statements may be required to be given under oath or affirmation.

Failure to Appear:

If you fail to appear at the hearing, upon proof that due notice was served upon you to appear, the Board may proceed in the same manner as though you were present in person

The Department and Respondent are hereby ordered when submitting any pleadings, documents, motions or other papers to the Hearing Panel that such filings shall be made electronically with Jeffrey A. Kardys, agent of the Board and custodian of the record, at phho.dph@ct.gov.

Any request for a continuance of a scheduled hearing shall be made in writing not less than five (5) business days prior to the hearing date and shall state the specific grounds for the requested continuance. All such requests shall include a statement by the moving party that (1) he or she has inquired of the opposing party and there is agreement or objection to the request or that (2) despite diligent effort, he or she cannot determine the opposing party's position on the request.

The presiding officer or panel shall determine whether a continuance is granted or denied. In ruling on a motion for continuance, the following principles will guide the decision. Continuances will be granted only for good cause. **Any request for continuance made less than five (5) business days prior to the hearing date shall be granted only for extraordinary reasons which the party making the request could not reasonably have known about earlier.** The agreement of the parties to a proposed Consent Order shall not be automatic grounds for a continuance. Parties are expected to notify the Board immediately that they have agreed to a proposed Consent Order. Parties should make every effort to make such notification no less than five (5) business days before a scheduled hearing date.

The parties are encouraged to stipulate to facts which are not in dispute in order to narrow the issues to be considered by the hearing panel and to promote the timely resolution of cases. The parties may file, not less than seven (7) days before the first scheduled hearing date, a list of stipulated facts and/or material facts which are not in dispute.

Prior to a scheduled hearing, the parties are encouraged to exchange witness lists, the curriculum vitae of any expert who may be called to testify and other documents which may be offered as evidence. If either party provides a witness list to the other party, the Board Liaison shall be provided a copy of such list.

All communications to the Board shall be submitted in this fashion. The Department or Respondent shall provide a copy of each document filed to Respondent or Department as the case may be, and certify such to the Commission.

The Board may hold a fact-finding meeting immediately following the close of the record.

Dated at Hartford, Connecticut this 30th day of June 2022.

FOR: CONNECTICUT BOARD OF EXAMINERS FOR OPTOMETRISTS

BY: /s/ Jeffrey A. Kardys

Jeffrey A. Kardys, Administrative Hearings Specialist/Board Liaison
Department of Public Health
410 Capitol Avenue, MS #13PHO
PO Box 340308
Hartford, CT 06134-0308
Tel. (860) 509-7566 FAX (860) 707-1904

c: Board Members - Connecticut Board of Examiners for Optometrists
Daniel Shapiro, Assistant Attorney General
Christian Andresen, Section Chief, Practitioner Licensing and Investigations
Joelle Newton Staff Attorney, Office of Legal Compliance, DPH

Notice for Submissions

The hearing in the matter of **Ross Zeldes, OD** has been scheduled for **September 14, 2022** and will be conducted remotely through Microsoft Teams/teleconference.

On or before **September 1, 2022**, you must provide the following by electronic mail response to the hearing office at **phho.dph@ct.gov**.

1. **Electronically Pre-filed exhibits** – Exhibits should be pre-marked for identification (i.e. Department exhibit 1, Respondent exhibit A), page numbered, and properly redacted. *Parties and/or counsel should stipulate to any exhibits and facts not in dispute, and provide any objections to proposed exhibits.* All exhibits also must be sent to the opposing party or counsel.
2. **Witness List** – identify any persons expected to be called to testify. Be sure to notify your witnesses that they will be required to remain available and in attendance for the full duration of the hearing. (This will eliminate the difficulty of trying to reach witnesses again for rebuttal or additional examination later in the hearing). Witness lists also must be sent to the opposing party or counsel.
3. **Photo Identification**: a copy of a government-issued photo identification of the parties and witnesses.
4. **Electronic Mail (“e-mail”) addresses** for parties, counsel and witnesses. All e-mail addresses must be current and able to receive all notices relating to this matter.
5. **Cellphone numbers** for all parties, counsel, and witnesses at which they can be reached and respond to text message during the hearing (in the event a connection is lost).
6. **A statement whether executive session may be required** to receive testimony containing personal protected information, and if so, what that information may be (treatment records, patient records, therapy reports). Parties or counsel should identify any witnesses listed in response to #2 above who may provide testimony relating to personal protected information requiring executive session.
7. **A statement whether an interpreter will be needed** for the proceeding.

This is a formal public hearing. It will be video recorded and posted on the DPH website for public viewing. All hearing participants should appear in proper attire, in proper surroundings, and remove any potential distractions.

In preparation, please make sure all of your devices are fully functioning and properly charged. All participants are required to have video and audio functions on when testifying or speaking. Our office will contact you again 3 to 5 calendar days prior to the hearing to provide you with any further instructions and a Microsoft Teams link / phone number and code to enter the hearing.

Should you have any question please contact the hearing office at **phho.dph@ct.gov**.

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

In re: Ross Zeldes, OD

Petition No. 2022-351

STATEMENT OF CHARGES

Pursuant to Connecticut General Statutes §§19a-10 and 19a-14, the Department of Public Health ("Department") brings the following charges against Ross Zeldes:

1. Ross Zeldes of Stafford Springs, Connecticut ("respondent") is, and has been at all times referenced in this Statement of Charges, the holder of Connecticut optometrist license number 002162.
2. On or about February 9, 2022, the Connecticut Board of Examiners for Optometrists ordered a Memorandum of Decision in Petition No. 2021-220 ("Order") based, in part, upon respondent's abuse of cocaine in March 2021. The Order suspended respondent's optometrist license for six (6) months and concurrently placed his optometrist license on probation for two-and-one-half (2.5) years. The Order required respondent, in part, to participate in regularly scheduled therapy, attend "anonymous" or support group meetings, and submit to weekly random observed urine screens (collectively "terms of the Order").
3. From approximately February 9, 2022 through the present, respondent failed to comply with the terms of the Order and such failure does and/or may affect his practice of optometry.
4. Respondent's conduct as described above constitutes violations of the probationary terms required by the Order and subjects his license to revocation or other disciplinary action authorized by Connecticut General Statutes §§19a-17 and 20-133.

THEREFORE, the Department prays:

The Connecticut Board of Examiners for Optometrists, as authorized by Connecticut General Statutes §§20-133 and 19a-17, revoke or order other disciplinary action against respondent's license as it deems appropriate and consistent with law.

Dated at Hartford, Connecticut this 3rd day of May, 2022.



Christian D. Andresen, MPH, CPH, Section Chief
Practitioner Licensing and Investigations Section
Healthcare Quality and Safety Branch