

BEFORE THE
BOARD OF OPTOMETRY
STATE OF OREGON

In the Matter of the License to Practice as an Optometrist of:)	AGENCY CASE NOS:	16-03-03
)		16-03-04
)		16-03-05
DAVID A BIGGAR, O.D.)	CONSENT ORDER	
)		
Licensee.)		

TO: DAVID A BIGGAR, O.D.

The Oregon Board of Optometry (Board) is the state agency responsible for licensing and disciplining optometrists and for regulating the practice of optometry. David A Biggar, O.D. (Licensee) is licensed by the Board to practice as an optometrist in the State of Oregon.

Following a difficult and emotional divorce, Licensee voluntarily left practice in the fall of 2015 for approximately three months. The Board received three complaints concerning Licensee's mental health status and ability to care for patients. Licensee voluntarily had a mental health evaluation by Dr. Les Goldmann on April 1, 2016. Dr. Goldmann's opinion was that Licensee should not practice in "the very short term." The Board issued an Emergency License Suspension effective April 5, 2016, as subsequently amended by order dated April 15, 2016 (Emergency Order). Without admitting any particular allegation against him, Licensee consents to entry of this Consent Order in cooperation with the Board and to establish a process for demonstrating his fitness to practice.

It is hereby stipulated and agreed between David A Biggar, O.D. (Licensee) and the Oregon Board of Optometry (Board) that, effective immediately, upon the signing of this Consent Order:

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1. Licensee, aware of his right to a hearing and judicial review, does hereby waive those rights and agrees to the entry of this Consent Order.
2. Licensee is suspended from the practice of optometry until completion of at least one month of continuous mental health treatment and compliance with the mental health provider's treatment plan; including taking recommended medications.
Licensee agrees to see a Board-approved mental health practitioner and won't be allowed to practice optometry until the mental health practitioner deems Licensee fit to practice. While suspended Licensee can: (i) employ or hire licensed optometrists to provide care at either Eyes of Oregon clinic, (ii) complete and sign charts that were created but unsigned as of April 4, 2016 (iii) interpret and enter data relating to tests that were performed by Licensee prior to April 4, 2016, and (iv) perform other business functions such as billing and administrative tasks.
While suspended, Licensee cannot practice optometry as defined in ORS Chapter 683 and OAR Chapter 852.
3. After number 2 above is met, Licensee is approved to return to the practice of optometry under the following conditions:
 - a. Licensee will continue to follow the treatment plan of the Board-approved mental health practitioner, including taking any medications recommended and prescribed. Licensee agrees to provide a written copy of all treatment plans, progress reports and treatment provider notes to the Board on a monthly basis to report compliance with this agreement.

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- b. Licensee shall advise the Board, in writing, of any change or alteration to any mental health treatment plan within 7 days of Licensee's notice of the plan change.
- c. Licensee shall instruct all health care providers to respond promptly to any Board inquiry concerning Licensee's compliance with the treatment plan and to immediately report to the Board any substantial failure to fully participate in the treatment plan by Licensee. Licensee shall instruct the foregoing professionals to make written monthly reports to the Board of Licensee's progress and compliance with the treatment plan during the first year after this Order is entered, and quarterly thereafter unless the Board determines that more frequent reporting is necessary. The periodic reporting will be in the form of a template agreed upon by the Board for ease of reporting.
- d. Licensee shall waive any privilege with respect to any mental health evaluation or treatment in favor of the Board for the purposes of determining compliance with this Order, or the need to modify this Order and shall execute any waiver or release upon request of the Board.

Licensee does not waive any HIPAA or ORS 676.175 protections that may attach to his health records while in the possession of the Board.
- e. Licensee shall appear in person before the Board at the first available scheduled meeting within three months of returning to practice and at other times as required by the Board.

Specifically: Licensee shall, at Licensee's expense:

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- Meet weekly with a Board-approved mental health practitioner for a period of no less than six months, and after that at intervals recommended by the practitioner. If after four weeks the Board-approved mental health practitioner recommends less frequent visits during the first six months, Licensee may request that the Board modify this Order in conformance with the practitioner's recommendation, which request shall not be denied unreasonably. Licensee will continue treatment until released by the Board-approved mental health practitioner.
- Attend treatment with a psychiatrist or psychiatric nurse practitioner who can prescribe and monitor drugs and moods. Licensee will follow the treatment plan of the provider and continue treatment until released by the provider.
- Comply with any other treatment recommendations from the Board-approved mental health practitioner or the psychiatrist/psychiatric nurse practitioner.
- Advise the Board within 7 days of any changes to the treatment plan or lack of compliance.
- Licensee shall, within three days, report to the Board any arrest for any misdemeanor or felony, and within three days, report any conviction for any misdemeanor or felony.
- Licensee shall, within three days, report to the Board any police contact related to alleged harassment that doesn't lead to an arrest.
- Licensee shall ensure that, at all times, the Board has the most current addresses and telephone numbers for residences and offices.

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4. This Consent Order is a full, final and complete settlement of all matters relating to the complaints referenced above. If Licensee violates any provision of this Consent Order, the violation may result in a disciplinary action, up to and including revocation.
5. This Consent Order becomes effective upon signature of the Board's Executive Director. This document will be public record when it is entered into by the Board.
6. This Consent Order will terminate three years from the date it is executed by the Board.
7. The Emergency Order is withdrawn and this Consent Order replaces all previous Board orders, including the Emergency Order.

IT IS SO STIPULATED AND AGREED:

5-5-2016
Date

David Biggar, O.D.
David Biggar, O.D.

IT IS SO ORDERED:

5/6/16
Date

Shelley Sneed
Shelley Sneed
Executive Director
Oregon Board of Optometry