

BEFORE THE
OREGON BOARD OF OPTOMETRY
STATE OF OREGON

In the Matter of)	
)	Case # 16-03-03, 16-03-04, 16-03-05
)	
David Biggar, OD,)	ORDER OF
License No.: 3442ATI)	EMERGENCY SUSPENSION
)	NOTICE OF RIGHTS
_____)	

The Oregon Board of Optometry (hereafter “Board”) is the state agency responsible for licensing, regulating and disciplining optometric physicians in the State of Oregon. David Biggar, OD (hereafter “Licensee”), is currently licensed by the Board to practice as an optometric physician in Oregon and is subject to the jurisdiction of the Board. Effective April 4, 2016, Licensee is ordered to immediately stop practicing optometry until further order of the Board. The Board finds that Licensee should be emergency suspended based on the following:

1.

The Board received three complaints about Licensee’s mental health status, ability to care for patients and quality of patient care. The first complainant stated that Licensee admitted to being hospitalized in a mental health facility in November 2015. Licensee also stated that his diagnoses were Bipolar, Narcissistic Personality Disorder and Generalized Misanthropy. Licensee stated that he wants to commit suicide by being an organ donor by having a team of surgeons harvest his organs to save the lives of 9-14 children. Licensee stated that he won’t carry out his plan until August or later after he’s seen all 48 contiguous states and done good deeds for friends. Licensee was harassing another optometrist after the sale of his practice fell through. Licensee threatened to hit a coworker optometrist in the nose and kill him, after terminating the sale of his business. Investigation showed that a glaucoma patient’s chart who’s elevated IOP’s were not treated, nor were there plans to deal with the condition by Licensee. Licensee has failed to document in the

patient chart that patient's ophthalmologist had been notified or consulted.. After the sales of both practices owned by Licensee were unsuccessful, Licensee stated that he now plans to replicate his practice model and build 3 to 300 practices and hire other doctors to see patients, with Licensee only filling in. Licensee sent an email stating "NAME A PERSON AND I'VE FIGURED OUT A WAY TO FUCK UP THE RELATIONSHIP BECAUSE DEEP DOWN I'M A TRUE ASSHOLE."

2.

Another coworker was told by Licensee in writing that he has a genetic brain disease as well as PTSD and emotional mental health struggles that are likely to be terminal. Licensee told the coworker that he has no fear of death and that after committing suicide, his ex-wife and children will receive a \$3 million life insurance payout. Licensee also commented that coworker had mental health issues similar to Licensee's father. Licensee stated his father suffered from a Narcissistic Personality Disorder. Licensee threatened to sue co worker for not meeting with him as requested. Coworker also reported Licensee's alleged failure to appropriately treat a glaucoma patient.

3.

Another coworker reported that Licensee had 61 unsigned patient charts going back to January 2016. Licensee also told coworker on a number of occasions that he was suicidal. Licensee's suicide plan was to be a living organ donor and the donation would be facilitated by doctors in Belgium—like the movie Seven Pounds. Licensee also told coworker that many people in his situation would have picked up a machine gun and gone dancing at the mall by now. Coworker observed licensee physically collapsing at the office in September 2015, before Licensee took an extended leave from the office of approximately 3 months. Coworker also was present when Licensee threatened to kill another optometrist. Coworker was in the Lake Oswego office when Licensee was swearing and using the word "fuck" or it's derivative in a loud voice while a patient was in the clinic.

4.

On April 1, 2016 Licensee had a psychological evaluation with Dr. Les Goldmann, PhD. Dr. Goldmann's report was issued on April 4, 2016 and his opinion is that Licensee is not currently fit to practice optometry.

5.

The allegations include practicing optometry when impaired by a mental health condition that affects patient care and public safety. If proven, these would be violations of ORS 676.303(1).

6.

At a special March 30, 2016 board meeting, the Board found that the acts and conduct of licensee described above constitutes grounds for immediate license suspension and amounts to impaired practice. Licensee's practice, as described above, constitutes a clear and present danger to the health or safety of his patients and the public if allowed to continue before a hearing may be held. The above acts are in violation of ORS 683.140(1)(g). Therefore, the Board is authorized to and does immediately suspend licensee's optometry license pursuant to ORS 183.430(2) and OAR 852-060-0025(1)(b).

7.

Rational for the suspension is as follows:

The board has received and investigated independent, credible complaints concerning Licensee's mental health. These complaints allege acts of unprofessional and impaired conduct.

In view of the nature of the alleged impaired practice and the Licensee's conduct in his practice setting, there is a high probability of recurrent acts and/or endangerment of patients if the Licensee is to continue to practice optometry prior to completion of a hearing and/or finalization of this investigation. The board has grave concerns that the Licensee is impaired and it is affecting his ability to safely and competently practice optometry. The nature of the complaints and the current behaviors of Licensee place great risk of potential harm to individual patients, the public, and to the Licensee.

8.

Licensee's license is suspended effective April 5, 2016 and Licensee is not permitted to practice optometry in the State of Oregon until formal order of the Board. Based on Dr. Goldmann's psychological evaluation, Licensee must attend treatment with a psychiatrist or psychiatric nurse practitioner who can prescribe and monitor drugs and moods and follow the treatment plan developed. Once deemed stable by the psychiatrist or psychiatric nurse practitioner, and the Board is notified, the Board will consider allowing licensee to practice with license restrictions.

1. Licensee will meet weekly with a mental health practitioner for a period of no less than six months. Practitioner must be approved by the Board and Licensee will continue treatment until released by the mental health practitioner.
2. Licensee will have the mental health practitioner and the psychiatrist/psychiatric nurse practitioner provide monthly reports to the Board on progress and recommendations.
3. Licensee agrees to provide authorization for medical and treatment records to the Board and will execute a Consent for Release of Confidential Information.

9.

Licensee has the right, if Licensee requests, to have a formal contested case hearing pursuant to ORS 183.430(2) and OAR 137-003-0560 as soon as practicable to contest this Emergency Suspension Order. Licensee has a right to demand that a hearing be held as soon as practicable to contest the emergency suspension order. Such a request must be made in writing and must be received in the Board's office no more than 90 days after the effective date of this order. If not so received, Licensee's right to a hearing under ORS chapter 183 will be waived. If Licensee timely requests a hearing, the hearing could be consolidated with any other Board proceeding affecting this license. Licensee may elect to be represented by counsel and to respond and present

evidence and argument on all issues involved. After the hearing, the Board will issue an order confirming, altering or revoking this suspension order.

NOTICE OF RIGHTS

Licensee has the right to a formal hearing, as described in subsection 9 to contest this suspension order. In order to have a hearing, Licensee must request one in writing. Licensee may mail a request for hearing to Oregon Board of Optometry, 1500 Liberty St SE, Suite 210, Salem, OR 97302 or fax a request to 503.399.0705.

If Licensee requests a hearing, the hearing will be held by an administrative law judge from the Office of Administrative Hearings, as required by ORS 183.635. Licensee will be notified of the date, time and place of the hearing. If you wish, you may hire an attorney to represent you in the hearing. At the hearing you have the right to respond to, and to present evidence and argument on all issues. After the hearing, an order confirming, altering or revoking this suspension order will be issued.

If you request a hearing, but later withdraw your request for hearing, fail to appear at the hearing, or notify the Board or the administrative law judge that you do not intend to appear at the hearing, you will have waived your right to a hearing. In that event, the Board designates the relevant portions of its file, including all materials that you have submitted, as the record for purposes of this emergency suspension order.

NOTICE TO ACTIVE DUTY SERVICEMEMBERS

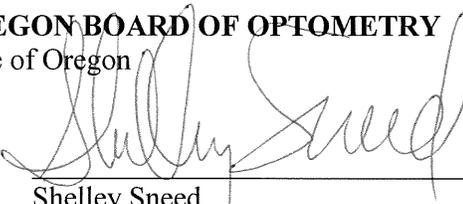
Active duty servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-

8260, the Oregon Military Department at 800-452-7500 or the nearest United States Armed Forces
Legal Assistance Office through <http://legalassistance.law.af.mil/content/locator.php>

IT IS SO ORDERED this 5th day of April, 2016.

OREGON BOARD OF OPTOMETRY
State of Oregon

By:



Shelley Sneed
Executive Director
Oregon Board of Optometry