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BEFORE THE  
OREGON BOARD OF OPTOMETRY  
STATE OF OREGON

In the Matter of the License to Practice as an Optometrist of:	)	AGENCY CASE NO:04-09-04
David N. Robinson, O.D.	)	
Licensee.	)	DEFAULT
	)	FINAL ORDER
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TO: David N. Robinson, 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 N. Robinson, O.D. (Licensee) was licensed by the Board to practice as an optometrist in the State of Oregon.

The Board noticed the Licensee for Disciplinary Action on October 8, 2004. Licensee failed to respond in writing to request a hearing or make any effort to respond to the Board whatsoever. The Board by default now issues a reprimand to Licensee and issue a civil penalty for violations of the Board's statutes and rules.

Findings of Fact

At all times material herein, Licensee was an optometrist at a practice location called Specs in the City located at 831 Lancaster Drive, NE, Suite 58, Salem, Oregon. In addition, Licensee had an additional practice location at The Optical Shoppe at 1401 SE 1<sup>st</sup> Avenue, Canby, Oregon. The Board received notice that the Specs in the City location was closed effective 6/26/04. The Board also received notice that Licensee terminated his practice at the Optical Shoppe on approximately April 23, 2003. The Board also received information that Licensee began practicing at Specs in the City located at 3000 Gateway St, Springfield, Oregon sometime after July 26, 2003.

On July 1, 2004, the Board became aware of the above information and calls were placed to Licensee on that date to the phone numbers of record for Licensee, with no reply. On July 2, 2004, a letter was mailed to the address of record (PO Box 1016, Oregon City, OR, 97045)

1 advising Licensee of his failure to notify the Board of his changes in practice location pursuant to  
2 rule, and the failure to notify the Board of the location of patient records for those locations  
3 pursuant to rule. Licensee was requested to immediately notify the Board of his practice  
4 locations in writing and include the location of patient records for each location he was no longer  
5 practicing at. On July 22, 2004, another set of phone calls were made to numbers of record  
6 requesting that Licensee immediately contact the Board. Licensee was informed by letter that  
7 he was assessed a fee of \$100.00 for those failures on July 2 and 26, 2004. Licensee was also  
8 informed that if he failed to respond to the Board, it may result in a disciplinary action against  
9 him. Letters mailed to Licensee have not been returned to the Board. To date, Licensee has  
10 failed to respond to calls made or in writing to the inquiries by the Board.

11 Since the Notice of Discipline was issued, on November 4, 2004 and December 8, 2004  
12 Licensee was notified by certified mail, his license would lapse if he failed to pay via letter from  
13 the Board. Since those letters were sent, Licensee has failed to renew his license, pay any  
14 renewal fees or make contact with the Board in any manner. As of December 6, 2004, Licensee  
15 has allowed his license to lapse, thus, David Robinson is not able to lawfully practice optometry  
16 in the State of Oregon.

17 In the notice of discipline issued October 8, 2004, Licensee was informed that if  
18 Respondent fails to request a hearing in writing within 21 days, or fails to appear at the hearing  
19 as scheduled, the Board may issue a final order by default and impose the aforesaid sanction  
20 against Respondent. Respondent's submissions to the Board to-date regarding the subject of this  
21 disciplinary case and all information in the Board's files relevant to the subject of this case  
22 automatically become part of the evidentiary record of this disciplinary action upon default for  
23 the purpose of proving a *prima facie* case. ORS 183.415(6).

24 Conclusions of Law

25 The Board, relying on the record and evidence included in that record, concludes that the acts  
26 and conduct of Licensee described above constitute violations of ORS 683.140(3) (unprofessional

1 conduct, or for gross ignorance or inefficiency in the profession); ORS 683.100 which requires an  
2 optometrist to notify the Board in writing of the address of the place or places where they engage or  
3 intend to engage in the practice of optometry and shall notify the board of any change in place of  
4 practice. In addition, Licensee has violated rules requiring notification to the board in writing of the  
5 place or places of practice before engaging in that location and immediately upon termination at that  
6 location. (OAR 852-50-016) Licensee has committed unprofessional conduct as defined in OAR 852-  
7 10-027 for (12) failure to respond in writing to a Board request for information as required; OAR 852-  
8 10-027 (17) failing to make full payment to the Board for all Board assessed fees, fines and penalties;  
9 and OAR 852-010-027 (20) failing to retain or make appropriate transfer of the care of patient records.  
10 OAR 852-10-051(3) also requires that Licensees notify the Board of the location of patient records for  
11 those locations that the licensee is no longer working. It shall be considered unprofessional conduct for  
12 a doctor of optometry not to retain patient records or to fail to transfer the care of patient records as  
13 required in this rule.

14 Licensee has also allowed his license to lapse and the Board finds that as of the date of  
15 December 6, 2004, David N. Robinson no longer has a valid Oregon license to practice Optometry  
16 pursuant to ORS 683.020, 683.120.

17 The Board hereby reprimands the Licensee's license. In addition, the Board hereby assesses  
18 licensee a \$2,000 civil penalty to be paid within 30 days of the date of this order.

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20 DATED this 23rd day of February, 2005.

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OREGON BOARD OF OPTOMETRY

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By: David Plunkett  
David W. Plunkett, Executive Director

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