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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:01-07-012
LINDSAY C. CLUNES, O.D.)	STIPULATED ORDER GRANTING A LIMITED LICENSE
Applicant.)	
_____)	

TO: LINDSAY C. CLUNES, 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 in Oregon. Lindsay C. Clunes, O.D. (Applicant) is an applicant for licensure before the Board to practice as an optometrist in the State of Oregon and is currently subject to the Jurisdiction of the Board.

The Board received Applicant's application for an optometry license on May 12, 2008.

Findings of Fact

Applicant was previously licensed with the Board and was disciplined by the Board when, on October 10, 2002, a Proposed Notice of Discipline was issued stating allegations of practicing below the standard of care. On April 16, 2003 that matter was resolved in a Stipulated Order requiring Licensee to complete certain requirements. That Stipulated Order was amended on April 9, 2004. In the Amended Stipulated Order of April 9, 2004, Licensee was to complete a list of requirements, and subsequently failed to fulfill them. As a result, on August 3, 2004 the Board issued a second Notice of Proposed Disciplinary action seeking revocation for Licensee's failure to pass the tests and failure to complete the Stipulated Order requirements of the Amended Stipulated Order dated April 9, 2004. On September 20, 2004, Licensee resolved that matter by way of another Stipulated Order and agreed that if, after two years from the date the order was entered into, he had not successfully passed certain tests, that he would voluntarily surrender his Oregon optometry license. Applicant did not fulfill the obligations in the September 20, 2004 Stipulated Order and on October 13, 2006, the Board accepted the voluntary surrender of his license.

1 Since October 2006, Applicant has successfully passed Part III and the TMOD of the
2 National Board of Examiners in Optometry examinations and has met the other requirements for
3 licensure under ORS 683.040 – 060.

4 Due to Applicant’s discipline history and his two-year period of surrender without a
5 license, wherein Applicant has not been actively engaged in the practice of Optometry, the Board
6 will grant a limited license to Applicant with the following conditions:

7 1. Applicant will have a limited license with the Oregon Board of Optometry for a
8 period of three years, to commence on the date of this Stipulated Order. During that three-year
9 period Applicant will be on probation.

10 2. For no less than a one-year period from the date of the Stipulated Order,
11 Applicant must be exclusively employed with Dr. Darek Huggett, Optometric physician. During
12 this period, Applicant will be supervised and mentored by Dr. Huggett. Supervision includes,
13 but is not limited to, evaluating the examination of patients, reviewing patient charts and
14 directing Applicant to assure his competency. Dr. Huggett will assure that there has been a
15 responsible diagnosis, determination of assessment and plan on all patients.

16 3. During the first six months of the one-year period of supervision, the Board
17 requires that Applicant is under the complete and direct supervision that occurs on site, of Dr.
18 Darek Huggett who will review in detail the examinations provided by Applicant, and sign off
19 approval on each and every exam. Dr. Huggett will check all pertinent significant findings on
20 each patient, which includes looking into their eye(s). This supervision will occur during and/or
21 following each patient examination. Weekly meetings between Applicant and Dr. Huggett
22 where the patients’ care is discussed will be held. During that six-month period, Applicant will
23 perform examinations on a minimum of 500 patients (examinations will include medical
24 evaluations under CPT code 99202 or higher or 99212 or higher). The intent of the Board is that
25 this six-month period is comparable to that of a 3rd year optometry college intern, and the level of
26

1 supervision should equal that level. The cost of providing this supervision of Applicant by Dr.
2 Darek Huggett is to be born by Applicant.

3 4. During the one-year period that Applicant is employed with Dr. Huggett, Dr.
4 Huggett will be available to meet with the Board on at least two occasions. Applicant authorizes
5 Dr. Huggett to share with the Board his progress and supervision and agrees not to interfere with
6 that.

7 5. Applicant is required to dilate every patient during the probationary period and
8 the Board will randomly review these patient records.

9 6. Applicant agrees to complete one hour of ethics or Oregon law and administrative
10 rules coursework in each year of the three-year probationary period.

11 7. Applicant authorizes the Board or its agents, to request, at random, records that he
12 has authored during the probationary period for patients on which he has performed
13 examinations, and select records, at random, for review by the Board. Applicant is obligated to
14 cooperate with the Board in their request for these patient records and in his production of them
15 to the Board.

16 8. Applicant agrees to this limited optometry license by his signature below and
17 hereby waives any rights he may have to a contested case hearing under ORS 183. Applicant
18 agrees that he has been advised of his right to request a hearing in this matter pursuant to ORS
19 183.415(2)(a) and to be represented at hearing by an attorney and waives that right.

20 9. If any part of this limitation of the license is violated, the Board may, upon proper
21 notice and rights to a hearing, further discipline Applicant, up to and including revocation of the
22 limited license for any violations of this Order.

23 10. The limitation on Applicant's license will expire at the termination of this three-
24 year probationary period.

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11. This stipulated order is a public record.

DATED this 31st day of October 2008.

OREGON BOARD OF OPTOMETRY

By: David Plunkett
David W. Plunkett, Executive Director

By: _____
Lindsay C. Clunes, O.D., Applicant