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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:

Jordan D. Brown, O.D.

Licensee.

TO: Jordan D. Brown, O.D.

) AGENCY CASE NO:06-03-02

) FINAL DEFAULT
) ORDER

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

Findings of Fact

At all times material herein, Licensee was an optometrist at a practice location called Salem Eye Clinic located at 1097 Liberty Street S.E., Salem, Oregon. The Board received notice that on March 6, 2006 Licensee self prescribed the medication Levitra, 20 milligrams at the Fred Meyer North Salem pharmacy. The medication was for Licensee's personal use.

On April 27, 2006, Licensee wrote to the Board and admitted that he had self prescribed this medication so he could "experiment with them and found I rather enjoyed the side effects," stating his patients had complained of red eyes, headaches and nasal congestion.

On June 7, 2006 the Board proposed to issue a reprimand to Licensee and issue a civil penalty for violations of the Board's statutes and rules. That notice was mailed to Licensee and was received. On June 18, 2006, Licensee paid the civil penalty of \$1000. Licensee did not request a hearing. In the Proposed Notice for Discipline, it noted that if respondent failed to request a hearing, a default order would be issued relying on the Board file as the prima facie case in this matter.

Conclusions of Law

The Board finds that the acts and conduct of Licensee described above constitute violations

1 of ORS 683.140(1)(c) (unprofessional conduct, or for gross ignorance or inefficiency in the profession);
2 ORS 683.010(3) prescribing a medication which is outside the scope of optometry, pursuant to that
3 statute which requires an optometrist to only prescribe pharmaceutical agents that are on the non-topical
4 formulary. In addition, Licensee has violated rules requiring prescriptions on the non-topical formulary,
5 noted in OAR 852-80-025 and 852-80-030. Licensee's prescription was outside the formulary noted by
6 statute and rule.

7 Order

8 The Board hereby issues a reprimand of Licensee's license. In addition, the Board assesses
9 licensee a \$1,000 civil penalty, \$500 for prescribing medication not on the non-topical formulary and
10 \$500 for exceeding the scope of optometry by prescribing the medication. The Board notes that
11 Licensee has already paid the civil penalty amount.

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13 So ordered this 25th day of September, 2006.

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OREGON BOARD OF OPTOMETRY

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By: 
David Plunkett, Executive Director

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18 A party is entitled to judicial review of the Final Order. Judicial review is by the Oregon Court
19 of Appeals pursuant to the provisions of ORS 183.482. Judicial review may be obtained by
20 filing a petition for review with the Office of State Court Administrator, Supreme Court
21 Building, Salem, Oregon 97310. ORS 183.482 requires that an appeal is requested by filing a
petition in the Court of Appeals within 60 days following the date the order upon which the
petition is based is served.

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