

BEFORE THE  
BOARD OF OPTOMETRY  
STATE OF OREGON

In the Matter of the License Application of:

HELENE NGUYEN, O.D.,  
Licensee.

FINAL ORDER BY DEFAULT

On or about June 7, 2000, the Board of Optometry (Board), served a Notice of Intent to Revoke a license, Refuse to Issue a License and to Impose Civil Penalties upon Helene Nguyen, O.D. (Licensee). The Notice was sent via certified mail, registered return receipt to Licensee's last registered address.

The Notice stated the intention of the Board to revoke and to refuse to issue a license, and to impose civil penalties upon Licensee for her failure to comply with the continuing education requirements, in violation of ORS 683.140(11); for practicing and offering to practice optometry without having a valid unrevoked license, in violation of ORS 683.180(7) and (8); and for her failure to respond to the Board's request for information and failing to appear before the Board at the designated time, in violation of OAR 852-010-0027(12) and (13). The Notice designated the Board's file on this matter as the record for purposes of proving a *prima facie* case.

The Notice afforded the Licensee an opportunity for hearing if one was requested in writing within 21 days of the mailing of the Notice. No such request for hearing has been received by the Board.

NOW, therefore, the Board enters the following Findings of Fact and Order, imposing sanctions against the Licensee.

**FINDINGS OF FACT**

1. Licensee's renewal application was due on January 1, 2000. The renewal form stated that as a requirement of renewal a report indicating that 22.5 hours of continuing optometric education had been completed was to be submitted with the renewal.

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1           2.       On January 3, 2000, the Board notified Licensee, by letter, that her Oregon  
2 License Renewal Application was incomplete, and therefore, was not considered timely. The  
3 Board advised Licensee that by law her license would be automatically suspended if the  
4 continuing optometric education documentation was not received by January 31, 2000.

5           3.       On February 1, 2000, the Board notified Licensee, by letter, that because she  
6 failed to timely file an application for license renewal, her license to practice optometry  
7 automatically expired on February 1, 2000, pursuant to OAR 852-050-0006(5).

8           4.       On or about February 14, 2000, telephone calls were made to Licensee's SE  
9 Division office and to her East Burnside office inquiring in both instances whether Licensee was  
10 available to see patients the week of February 14, 2000, and whether Licensee performed her  
11 own exams. An office assistant in each office answered in the affirmative.

12          5.       In a letter dated February 16, 2000, the Board reminded Licensee that her license  
13 had been automatically suspended effective January 31, 2000, and that, by law, continuing to  
14 practice optometry without a valid unrevoked license could result in the imposition of civil  
15 penalties, injunctions, or criminal prosecutions. Licensee was further notified that she could be  
16 assessed a \$1,000 penalty for each patient seen since her license expiration, and that in order to  
17 practice optometry again, Licensee would have to meet the license renewal requirements and  
18 have her license reinstated by the Board.

19          6.       On March 7, 2000, the Board acknowledged receipt of Licensee's renewal  
20 application. However, because only 21 hours of the required 22.5 hours of continuing  
21 optometric education documentation were approved by the Board, the application was not  
22 complete, and therefore, not considered timely.

23          7.       On March 30, 2000, the Board advised Licensee that she had met the continuing  
24 optometric requirements for license renewal. Moreover, because Licensee no longer held a valid  
25 unrevoked optometry license in Oregon, Licensee was required to request reinstatement by the  
26 Board in writing.



