

BEFORE THE
OREGON BOARD OF OPTOMETRY
STATE OF OREGON

In the Matter of)	
)	Case # 07-05-02
Johnathan A. Rogers, Respondent)	
)	FINAL DEFAULT ORDER
)	

The Oregon Board of Optometry (hereafter “Board”) is the state agency responsible for licensing, regulating and disciplining Optometrists in the State of Oregon. Johnathan A. Rogers, (hereafter “Respondent”), is not currently licensed by the Board to practice as an optometrist in Oregon and is subject to the jurisdiction of the Board.

FINDINGS OF FACT

1.

It is alleged from January 2007 to June 5, 2007, Respondent engaged in the unlicensed practice of optometry by offering eye examinations, by refracting patients and providing diagnosis and treatment in the human eye at a business entitled Hub Optix located at 7367 SW Bridgeport Road, Tigard, Oregon. In addition, from at least May 2007 to September, 2007, Respondent engaged in the unlicensed practice of optometry by offering eye examinations, by refracting patients and providing diagnosis and treatment in the human eye at licensed optometric physicians’ offices for the following: Master Eye Associates, Clackamas Town Center, Daryn W. Derstine, O.D., Portland, OR; Lena Barghouti & Associates, P.C., Lena R. Barghouti-Afranji, O.D., Hillsboro, OR; Master Eye Associates, Marie Pearson, O.D., Albany, OR; Sears Optical, Anna M. Moran, O.D., Roseburg, OR; 20/20 Eyecare Professionals, Wayne L. Gerig, O.D., Tigard, OR.

This conduct occurred while Respondent was not in possession of a current and valid Oregon license to practice Optometry. Respondent has not applied for an Oregon license.

2.

During the Board investigation, it was discovered that Respondent did not have an optometric education as he had indicated to the investigator initially. Respondent stated he had graduated from the University of Montreal, School of Optometry. This is not the case.

3.

During the investigation, the Board obtained custody of copies of prescriptions made on an optometric prescription pad with the name “Johnathan Rogers, O.D., Optometrist” at the Hub Optix location. Respondent was signing the prescriptions as an O.D. and providing those to patients after their eye examinations. During the investigation, the Board investigator also received an eye examination by Respondent at the Hub Optix location on June 5, 2007. In addition, Respondent signed and issued prescriptions at the other practice locations referenced in 1. above. The Board also found a letter regarding Ocular Health authored by Mr. Rogers signed as “optometrist” on the internet. Respondent was clearly impersonating as a licensed optometrist in the state of Oregon. During the investigation, on June 7, 2007, Respondent agreed to sign a Temporary Stipulated Order wherein he agreed not to practice optometry. Since signing that document, Respondent has accepted employment as an optometrist at five additional eye care businesses.

4.

On October 29, 2007, a Proposed Notice of Civil Penalty was sent by certified mail to both known addresses of Respondent. On November 19, 2007 the Board received one of the return receipt cards unsigned with an indication that it was not deliverable. The other certified return card indicated that an attempt was made to deliver on October 30, 2007 and a notice left at the address which has been unclaimed. The 21-day period in which Respondent could request a hearing expired on November 20, 2007. Respondent has failed to request a hearing and is now in default.

CONCLUSIONS OF LAW

5.

The above conduct includes practicing optometry without a valid Oregon license and representing to be an optometrist. These are violations of ORS 683.180(7)(8), 683.020, and OAR 852-60-025(2)(b). Respondent also willingly attempted to deceive the Board, employees of the Board, in the matter under investigation by the Board. This is a violation of OAR 852-60-027(10). In addition, Respondent blatantly failed to comply with the Temporary Stipulated Order of the Board dated June 7, 2007 in which he agreed not to practice optometry or represent himself as an optometrist. This is a violation of OAR 852-60-027(21).

ORDER

6.

The Board assesses against Respondent a \$20,000 civil penalty pursuant to ORS 683.140(2)(e). This is payable within 30 days of the date of this order.

SO ORDERED DATED this 5th day of December 2007.

OREGON BOARD OF OPTOMETRY

By: David Plunkett
David W. Plunkett, Executive Director

A party is entitled to judicial review of the Final Order. Judicial review is by the Oregon Court of Appeals pursuant to the provisions of ORS 183.482. Judicial review may be obtained by filing a petition for review with the Office of State Court Administrator, Supreme Court 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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