BEFORE THE VIRGINIA BOARD OF OPTOMETRY

IN RE: HIENT GIA NGUYEN, O.D.
License Number: 0618-000951
Case Number: 179317

ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), a Special Conference Committee of the Virginia Board of Optometry ("Board") held an informal conference on November 2, 2018, in Henrico County, Virginia, to inquire into evidence that Hien Gia Nguyen, O.D., may have violated certain laws and regulations governing the practice of optometry in the Commonwealth of Virginia.

Hien Gia Nguyen, O.D., did not appear at this proceeding and was not represented by legal counsel.

NOTICE

By letter dated September 26, 2018, the Board sent a Notice of Informal Conference ("Notice") to Dr. Nguyen notifying him that an informal conference would be held on November 2, 2018. The Notice was sent by certified and first class mail to the legal address of record on file with the Board. According to the tracking information available on the website for the United States Postal Service, the September 26, 2018 letter was delivered on September 28, 2018. Accordingly, the Committee Chair concluded that adequate notice was provided to Dr. Nguyen and the informal conference proceeded in his absence. By letter dated October 12, 2018, Dr. Nguyen notified the Board that he would not be present for his informal conference, and provided additional information and documentation that the Committee considered during the informal conference.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.
FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Hien Gia Nguyen, O.D., was issued License Number 0618-000951 to practice optometry on July 20, 1999, which is scheduled to expire on December 31, 2018. At all times relevant to the findings contained herein, said license was current and active.

2. Hien Gia Nguyen, O.D., violated Virginia Code § 54.1-3215(1), (8), and (17) and 18 VAC 105-20-40(14) of the Regulations of the Board of Optometry in that during the course of his ownership of and employment with EyeMax, Inc., Gloucester and Newport News, Virginia, in December 2016, he billed a family’s vision care insurance provider, and received payment, for goods that he did not actually provide, including a deluxe frame and contact lenses.

3. Dr. Nguyen did not provide any evidence showing that the family received the deluxe frame or contact lenses for which he billed the vision care insurance provider.

4. The Committee did not find there to be a pattern of fraudulent behavior in Dr. Nguyen’s practice.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Optometry hereby ORDERS as follows:

1. Hien Gia Nguyen, O.D., is REPRIMANDED.

2. Hien Gia Nguyen, O.D., is assessed a MONETARY PENALTY of $750.00. This penalty shall be paid to the Board by certified check or money order made payable to the Treasurer of Virginia within 60 days from the date of entry of this Order. Failure to pay the full monetary penalty by the due date may cause the matter to be sent for collection and constitutes grounds for an administrative proceeding and further discipline.
3. Dr. Nguyen shall comply with all laws and regulations governing the practice of optometry in the Commonwealth of Virginia.

4. Any violation of the foregoing terms and conditions of this Order or any statute or regulation governing the practice of optometry shall constitute grounds for further disciplinary action.

Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

FOR THE BOARD

[Signature]
Leslie L. Knachel, M.P.H.
Executive Director
Virginia Board of Optometry

ENTERED AND MAILED: November 5, 2018

NOTICE OF RIGHT TO APPEAL

Pursuant to Virginia Code § 54.1-2400(10), Dr. Nguyen may, not later than 5:00 p.m., on December 8, 2018, notify Leslie L. Knachel, M.P.H., Executive Director, Board of Optometry, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that he desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated. This Order shall become final on December 8, 2018, unless a request for a formal administrative hearing is received as described above.