BEFORE THE
STATE OF OREGON
BOARD OF OPTOMETRY

IN THE MATTER OF THE LICENSE TO PRACTICE AS AN OPTOMETRIST OF:

DANIEL OGATA, OD,

LICENSEE.

Agency Case No.: 10 - 2017

STIPULATED FINAL ORDER

The State of Oregon, Oregon Board of Optometry (OBO) is charged with the responsibility to regulate optometry practice in this state. Oregon law requires all optometrists providing optometry services be licensed with OBO. OBO licenses and disciplines optometrists.

The practice of optometry is defined in ORS 683.010(3). Optometric scope of practice is defined in OAR 852-020-0050. Continuing education requirements are defined in OAR 852, Division 70. CPR requirements are defined in OAR 852, Division 50.

The Board voted to propose discipline against Licensee for violations of the Board’s statutes and rules. A notice was issued on September 20, 2016. On or about September 30, 2016 Licensee requested to settle the matter. Licensee agrees to resolve the matter as follows:

Findings of Fact

1. On or about April 12, 2017 OBO notified Licensee about the Continuing Education and CPR audit requirements and deadline.

2. The audit deadline was May 3, 2017.

3. On or about April 24, 2017 Licensee mailed the documents to verify compliance with OBO’s continuing education requirement.

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4. On or About May 4, 2017 OBO reviewed documents and found that several documents were not originals as requested in the audit letter. OBO emailed Licensee and verified that the Pacific University CE certificate was a copy. The certificates for the All Docs conference, and the two PCLI programs were all copies as verified by a May 4, 2017 email from Licensee.

5. On or about May 5, 2017 Licensee mailed original CE certificates. Certificates were received by OBO on May 8, 2017.

Conclusions of Law

The Board alleges that the acts and conduct of Licensee described above, if proven, constitute violations of ORS 683.140(1)(k), 683.210, OAR 852-010-0080 and 852-070-0037(5)(a) and (b) for failing to respond to the Continuing Education/CPR audit in a timely manner. The civil penalty is $250.

Stipulations

Licensee agrees to informally dispose of this matter pursuant to ORS 183.415(2) and settle as follows:

1. Licensee will pay the penalty within 30 days of executing this order.

2. Licensee agrees to waive their right to a hearing in this matter.

3. This order is a public document and is reportable to the National Practitioner Data Bank.
Dated this 24th of May 2017.

By: Daniel Ogata, OD

By: Shelley Sneed, Executive Director