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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:)
William A. Dunn, Jr., O.D., Licensee.)
_____)
TO: WILLIAM A. DUNN, JR., O.D.

AGENCY CASE NO:10-02-01
FINAL ORDER ON DEFAULT

The Oregon Board of Optometry (Board) is the state agency responsible for licensing and disciplining optometrists and for regulating the practice of optometry in Oregon. William A. Dunn, Jr., 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 at 5725 Main Street, Springfield, Oregon. The Board received notice that on October 8, 2009 Licensee prescribed the medication Oseltamivir (Tamiflu) 75 milligrams to a patient who requested the medication because her son had just been diagnosed with the H1N1 flu virus. Licensee hand carried the prescription to the Albertson's Pharmacy in Springfield, Oregon. The pharmacist refused to fill the prescription telling Licensee that his issuing of that prescription was outside of his scope of practice.

On October 8, 2009, Licensee wrote to the Board requesting that the Board educate the pharmacy and that he felt he was owed an apology. During the investigation, the Board obtained a copy of the prescription from the pharmacy and the records from Licensee. Licensee made inconsistent admissions, one time stating that the patient had requested the Tamiflu, and at another time stating that it was he who suggested it.

On May 17, 2010, a Proposed Notice of Disciplinary Action was served on Licensee imposing a reprimand and civil penalty of \$1,000. In that notice, it stated that if Licensee wanted to request a hearing he was required to do so in writing within 21 days; that if respondent failed to request a

1 hearing, a default order may be issued relying on the Board file as the prima facie case in this matter.
2 On June 1, 2010 Licensee wrote a letter to the Board requesting that the Board reconsider the
3 proposed disciplinary action, but specifically did not want a hearing. Licensee is now in default.

4 CONCLUSION OF LAW

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

12 ORDER

13 The Board hereby issues a Reprimand to Licensee's license and assesses licensee a \$1,000 civil penalty,
14 \$500 for prescribing medication not on the non-topical formulary and \$500 for exceeding the scope of
15 optometry by prescribing the medication. The civil penalty must be paid in full no later than 30 days
16 from the date of this order.

17 IT IS SO ORDERED

18 DATED this 12th day of July 2010.

19 OREGON BOARD OF OPTOMETRY

20
21 By: 
22 David W. Plunkett, Executive Director

23 Appeal:

24
25 If you wish to appeal the final order, you must file a petition for review with the Oregon Court of
26 Appeals within 60 days after the final order is served on you. See ORS 183.480 et seq.

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