

BEFORE THE KANSAS BOARD OF EXAMINERS IN OPTOMETRY

In The Matter Of)
) File No.
MICHAEL CALHOUN, O.D.)
_____)

FINAL AGENCY ORDER

On July 16, 2010, the Board held a hearing on the summary order cancelling Dr. Calhoun's ("Calhoun") license to practice optometry in the State of Kansas. Calhoun appeared in person and through counsel, Larry Bolton. Justin L. McFarland of Frieden, Unrein, Forbes & Biggs, LLP acted as the Board's counsel. After considering the evidence admitted at the hearing, the Board enters the following final agency order.

I. FINDINGS OF FACT

1. On June 1, 2010, The Board's executive officer, Penny Bowie, entered a summary order cancelling Dr. Calhoun's license to practice optometry in the State of Kansas for failure to obtain glaucoma license status by May 31, 2010. In the Order, Dr. Calhoun was notified he had the right to request a hearing on the order.

2. Dr. Calhoun, through his attorney, timely requested a hearing.

3. At the hearing, Dr. Calhoun informed the Board that in his practice, he has co-managed for a period of at least 24 months and not less than 20 diagnoses of suspected or confirmed glaucoma, of which no fewer than 10 are confirmed diagnoses of glaucoma. Dr. Calhoun did not provide any documentary evidence to support this claim.

4. Dr. Calhoun has not completed annual report on a form approved by the board, providing all information required by the board regarding each co-managed case.

5. Dr. Calhoun has not completed a course of instruction approved by the board that includes at least 24 hours of training in the treatment and co-management of adult open-angle glaucoma.

II. CONCLUSIONS OF LAW AND FACT

6. To be entitled to practice optometry in Kansas after May 31, 2010, a licensee must meet the requirement to become a glaucoma licensee. K.S.A. 65-1505(h). To obtain glaucoma licensure, a licensee must submit evidence satisfactory to the board of: (1) Professional liability insurance in an amount acceptable to the board, (2) completion of a course of instruction approved by the board after consultation with the interprofessional advisory committee which includes at least 24 hours of training in the treatment and co-management of adult open-angle glaucoma and (3) co-management for a period of at least 24 months and not less than 20 diagnoses of suspected or confirmed glaucoma. K.S.A. 65-1505(d).

7. As of the date of this Order, Dr. Calhoun has not provided evidence to the Board that he has met the requirements to become a glaucoma licensee. Specifically, Dr. Calhoun has not provided evidence of the required professional liability insurance, satisfactory completion of the course of instruction approved by the board that includes at least 24 hours of training in the treatment and co-management of adult open-angle glaucoma and proof that he has co-managed for a period of at least 24 months and not less than 20 diagnoses of suspected or confirmed glaucoma, of which no fewer than 10 are confirmed diagnoses of glaucoma.

III. FINAL ORDER

Based upon the evidence introduced at the hearing held on July 16, 2010 and the foregoing findings and conclusions, Calhoun's license to practice optometry in the State of Kansas is hereby revoked, subject to the period of stay.

The Board's Order revoking Calhoun's license is stayed, subject to Dr. Calhoun complying with the following Orders of the Board:

a. The Board orders Calhoun to provide, within 10 days of the effectiveness of this order, an approved intent to manage glaucoma patients form to the Board; and

b. The Board further orders Calhoun to provide, within 60 days of the effectiveness of this order: professional liability insurance in an amount of at least \$1,000,000; proof that he has completed an approved course of glaucoma instruction, evidence that he has completed a comanagement period of at least 24 months; and evidence that the applicant has comanaged no fewer than 20 diagnoses of suspected or confirmed glaucoma, of which no fewer than 10 are confirmed diagnoses of glaucoma. Evidence that Calhoun has comanaged the cases of suspected or confirmed glaucoma shall comply with K.A.R. 65-5-10; and

c. The Board further orders Calhoun to contact Board member Jeanne Klopfenstein, O.D, within 30 days of the effectiveness of this Order to provide an update on his progress in completing the comanagement treatment plan reports.

d. The Board further orders Calhoun to pay to the Board, within 60 days of the effectiveness of this order, an administrative fine of \$750.

In the event Calhoun fails to perform any of the acts Ordered by the Board, the stay may be lifted and Dr. Calhoun's Kansas license to practice optometry will be revoked.

Within fifteen (15) days after service of this Final Agency Order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.

Within the time limits established in K.S.A. 77-613, either party may seek judicial review of this Final Agency Order, pursuant to said statute. The agency officer designated to receive service of a petition for judicial review is:

Penny Bowie
Executive Officer
Kansas Board of Examiners in Optometry
3109 W. 6th St. Suite B
Lawrence, Kansas 66049

IT IS SO ORDERED.

9/8/10
Date



DOUG AYRE, O.D.
President
Kansas Board of Examiners in Optometry

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **FINAL AGENCY ORDER** was served by depositing same in the United States mail, postage prepaid, this 14th day of September, 2010, addressed to:

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Penny Bowie
Executive Officer
Kansas Board of Examiners in Optometry

