

BEFORE THE KANSAS BOARD OF EXAMINERS IN OPTOMETRY

*In The Matter Of* )  
 )  
TIMOTHY J. SMITH, O.D. ) File No.  
\_\_\_\_\_ )

**FINAL AGENCY ORDER**

On July 16, 2010 The Kansas Board of Examiners in Optometry (the "Board") conducted a hearing regarding the Kansas license to practice of Optometry of Timothy J. Smith, O.D. (the "Respondent"). After hearing evidence on the matter, the Board makes the following findings and conclusions.

1. Prior to May 31, 2010, the Respondent held a valid license to practice optometry in the State of Kansas.

2. K.S.A. 65-1505 (h) provides, in pertinent part, that "[t]o be entitled to practice optometry in Kansas after May 31, 2010, an optometrist must have met: (1)The requirements of and become a therapeutic licensee and (2) the requirements of and become a glaucoma licensee.

3. As of May 31, 2010, the Respondent had not met the requirements of and become a glaucoma licensee.

4. The Respondent was advised by the Board's staff that his license was cancelled pursuant to K.S.A. 65-1505 (h) and Respondent requested a hearing.

5. At the hearing, the Respondent presented evidence that since May 31, 2010 he had completed the requirements to become a glaucoma licensee.

6. The Board finds that the Respondent should be granted a glaucoma license upon payment of an administrative fine in the amount of \$750.00.

THEREFORE, the Board orders that upon Respondent paying to the Board an administrative fine in the amount of \$750.00 he shall be issued a glaucoma license. Until that time, his Kansas license to practice optometry shall remain cancelled.

NOTICES

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. 6<sup>th</sup> Street, Suite B  
Lawrence, KS 66049

IT IS SO ORDERED.

9/8/10

Date

  
\_\_\_\_\_  
DOUGLAS D. AYRE  
President  
Kansas Optometry Board

**CERTIFICATE OF SERVICE**

I hereby certify that I did, on the 13<sup>th</sup> day of September, 2010, deposit in the United States mail, postage prepaid, a copy of the foregoing FINAL AGENCY ORDER, properly addressed to the following:

Timothy J. Smith  
112A Westwood Drive  
Liberty, MO 64068

Randall J. Forbes  
FRIEDEN, UNREIN, FORBES & BIGGS LLP  
555 S. Kansas Avenue, Suite 303  
Topeka, KS 66603



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Penny Bowie  
Executive Officer  
Kansas Optometry Board

# KANSAS

MARK PARKINSON, GOVERNOR

Timothy J Smith, OD  
1327 Campbell Ci  
Liberty MO 64068

Dear Dr. Smith:

## ORDER

You are hereby notified that your license to practice optometry in the State of Kansas has been canceled for the reason: (1)FAILURE TO OBTAIN GLAUCOMA LICENSE STATUS BY MAY 31, 2010.

If you would like to request a hearing on this order, you must do so in writing addressed to the Secretary-Treasurer of the KS State Board of Examiners in Optometry within fifteen (15) days of the service of this order on you, pursuant to the provisions of the Kansas Administrative Procedures Act. The time to make your written request is extended three (3) additional days if the Order is served upon you by mail.

You are also notified that if no timely written request for a hearing is made, this order shall become effective upon the expiration of the time to make such a request.



Executive Officer  
KS State Board of Examiners in Optometry

## CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of June 2010, I forwarded a true and correct copy of the foregoing ORDER through the U.S. Mail, postage prepaid, certified mail, return signature requested, addressed as follows:

Timothy J Smith, OD  
1327 Campbell Ci  
Liberty MO 64068



Executive Officer  
KS State Board of Examiners in Optometry

**BOARD OF EXAMINERS  
IN OPTOMETRY**  
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