

BEFORE THE KANSAS BOARD OF EXAMINERS IN OPTOMETRY

In the Matter of)

MICHAEL GORDON, O.D.)
Kansas License No. 1046-3)
_____)

Case No. 2017-3

FINAL AGENCY ORDER

On October 11, 2017, the Kansas Board of Examiners in Optometry (“Board”) held a hearing on the Petition to Revoke, Suspend or Otherwise Limit Licensure (“Petition”) filed in the above-captioned matter. Randall J. Forbes appeared as Disciplinary Counsel for the Board. Michael Gordon, O.D. (“Gordon”) failed to appear.

Based upon the evidence admitted at the hearing, the Board makes the following findings of fact and conclusions of law.

I. FINDINGS OF FACT

1. Gordon currently holds License Number 1046-3 issued to him by the Board, which entitles him to practice optometry in the State of Kansas (“Gordon’s License”).

2. On September 13, 2017, the Board’s Executive Officer mailed Gordon a Notice of Adjudicative Hearing, advising him the Board would conduct a hearing on the Petition at the Law Offices of Frieden, Unrein & Forbes, LLP, 1414 SW Ashworth Place, Suite 201, Topeka, Kansas 66604 beginning at 2:00 p.m.

3. On August 15, 2017, the Board’s Executive Officer, Jan Murray (“Murray”), sent an email to Gordon advising him that she was getting phone calls from his patients wanting to know how they could obtain access to their optometric medical records.

4. On August 15, 2017, Gordon responded to Murray indicating that Gordon’s manager, [REDACTED] was taking calls to help patients with their records.

5. On August 15, 2017, Murray called [REDACTED] and was told that [REDACTED] did not have access to Gordon's patients' records.

6. Later on August 15, 2017, Murray advised Gordon of her conversation with Aarika and he responded he would see what he could do.

7. On September 13, 2017, Murray sent Gordon an email indicating she had received a call from [REDACTED] Gordon's patient, asking for help getting her optometric medical records. Murray gave Gordon Ms. [REDACTED]'s phone number and asked Gordon to call Ms. [REDACTED]. The evidence indicates he never has done so.

8. On September 29, 2017, Murray sent Gordon an email indicating she had received a call from [REDACTED] Gordon's patient, asking for help getting her optometric medical records. Murray gave Gordon Ms. [REDACTED]'s phone number and asked Gordon to call Ms. [REDACTED]. The evidence indicates he never has done so.

9. On August 25, 2017, Rebecca Sparks Dougherty, O.D., the Board's Secretary Treasurer ("Dougherty"), acting on behalf of the Board, wrote Gordon. In the August 25 letter, Dougherty advised Gordon that the Board wanted him to contact his entire patient base by mail to provide the patients information regarding the discontinuance of his optometric practice and how they could obtain their optometric medical records.

10. On October 4, 2017, Murray received a copy of an October 2, 2017 letter from [REDACTED] to Gordon. In that letter, Ms. [REDACTED] indicates she had still received no contact from Gordon and wanted her optometric medical records.

11. Murray last spoke with four of Gordon's patients on September 29, 2017. They were among the patients who had contacted the Board for help obtaining their optometric

medical records. As of that date, a month after Dougherty's letter directing Gordon to contact his patients, the four patients had still not heard from Gordon.

12. As of the date of the hearing, Murray has received no indication that Gordon had contacted his patients as Dougherty had requested.

13. Gordon has abandoned his patients.

II. CONCLUSIONS OF LAW

14. Gordon's abandonment of his patients is professional incompetence, as defined by K.S.A. 65-1516(a)(2) and (a)(3).

15. Pursuant to K.S.A. 65-1517(b), the Board may suspend a licensee's license for professional incompetence.

16. Gordon's license should be suspended for professional incompetence.

III. ORDER

Based upon the foregoing findings of fact and conclusions of law, the Board enters the following orders:

A. Gordon's License is hereby **SUSPENDED** until further order of the Board.

B. Within 30 days of the date of this Order, Gordon shall contact in writing each of the persons who were patients of his at the time he closed his optometry practice advising them how and where to obtain the original or copies of their optometric medical records and shall facilitate the patients timely obtaining those records.

C. After Gordon has completed the requirements in paragraph B above, he may petition the Board to remove the suspended status from his license.

IV. NOTICES

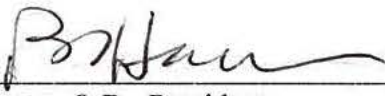
1. Within fifteen (15) days after entry of a final agency order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.

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

Jan Murray
Executive Officer
Kansas Board of Examiners in Optometry
3109 West 6th, Suite B
Lawrence, KS 66049

IT IS SO ORDERED.

10/13/2017
Date


Ron Hansen, O.D., President
Kansas Board of Examiners in Optometry

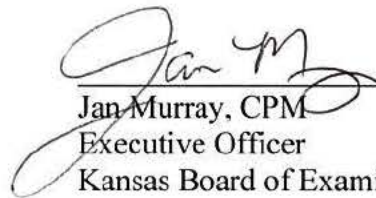
CERTIFICATE OF SERVICE

I hereby certify that I did, on the 18th day of Oct., 2017, deposit in the United States mail, certified return receipt requested and first class mail, postage prepaid, a copy of this FINAL AGENCY ORDER, properly addressed to the following:

Michael Gordon, O.D.
10225 East 71st Street
Derby, KS 67037

Michael Gordon, O.D.
P.O. Box 414
Derby, KSA 67037

Randall J. Forbes
FRIEDEN, UNREIN & FORBES, LLP
1414 SW Ashworth Place, Suite 201
Topeka, KS 66604



Jan Murray, CPM
Executive Officer
Kansas Board of Examiners in Optometry