

STATE OF COLORADO

Case No. RG DLVIU

STIPULATION AND FINAL AGENCY ORDER

IN THE MATTER OF DISCIPLINARY PROCEEDINGS REGARDING THE LICENSE TO PRACTICE OPTOMETRY IN THE STATE OF COLORADO OF CRAIG L. NELSON, O.D., LICENSE 1409,

Respondent.

IT IS HEREBY STIPULATED AND AGREED by and between the Colorado State Board of Optometric Examiners ("Board") and Craig L. Nelson, O.D. ("Respondent") as follows:

FINDINGS AND CONCLUSIONS

1. The Board has jurisdiction over the person of Respondent, his license to practice optometry and the subject matter of this Stipulation pursuant to the provisions of title 12, article 40, C.R.S. (2005), otherwise known as the Optometrists Act.
2. Respondent has been licensed to practice as an optometrist in the State of Colorado at all times relevant to this disciplinary action.
3. Respondent hereby admits and waives any further proof in this or any other proceeding before or initiated by the Board that the following facts are true.
4. Respondent's address of record with the Board is: C/O Point of View Eyecare, 2509 Main Street, Alamosa, Colorado 81101.
5. On or about July 20 or 21, 2005, Respondent worked as an optometrist at Point of View Eyecare, 2509 Main Street, Alamosa, Colorado 81101.
6. On or about July 20 or 21, 2005 Respondent treated Patient #1, whose identity is known to Respondent, for complaints of severe eye pain.
7. Respondent prescribed "Percodan" tablets for Patient #1's pain.
8. Percodan is a Schedule II controlled substance.
9. Respondent's prescription for Percodan was beyond Respondent's prescriptive authority as an optometrist, as set forth in § § 12-40-102(1) & (5), C.R.S.
10. Respondent violated § 12-40-118(1)(bb), C.R.S. by prescribing a Schedule II controlled substance which is beyond the prescriptive authority for optometrists as set forth in § § 12-40-102(1) & (5), C.R.S.
11. § § 12-40-102(1) & (5), C.R.S. and § 12-40-118(bb) C.R.S. provide:

12-40-102 Practice of optometry defined.

(1) The practice of the profession of optometry is: The employment of any means other than medicine, surgery, invasive laser surgery, postoperative care management following surgery without referral from an ophthalmologist, unless ninety days have expired from and after the surgery or the physician justifies medically indicated reasons for extending the postoperative period or the patient has been released by the physician, X ray, or drugs, except as provided in subsections (4) and (5) of this section, to diagnose and treat the presence of abnormal conditions of the human eye or its appendages and the accommodative and refractive conditions of the human eye or the scope of its functions in general; except for treatment of posterior uveitis; and the measurement of the powers or range of human vision and the adaptation of lenses and frames to improve the powers or range of human vision. Any person who is engaged in the prescribing of visual training or orthoptics, or the prescribing of any contact lenses, or the fitting or adaptation of such contact lenses to the human eye, or the use of scientific instruments to train the visual system or any abnormal condition of the eyes for the correction or improvement of, or the relief to, the visual function, or who holds oneself out as being able to do so, is engaged in the practice of optometry.

(5) The classes of pharmaceutical agents and the procedures approved for optometric use for treatment of the anterior segment of the eye or its appendages, including prescription, by certified therapeutic optometrists for treatment purposes under this section are as follows: Topical and oral antimicrobials (except oral antifungal agents), topical and oral antihistamines, topical antiinflammatory agents, topical and oral nonscheduled analgesics, and any controlled substance for ocular pain and inflammation except those specified in