

**BEFORE THE MINNESOTA**

**BOARD OF OPTOMETRY**

In the Matter of  
Steven C. Blashill, O.D.  
License No. 2073

**STIPULATION AND ORDER**

IT IS HEREBY STIPULATED AND AGREED, by and between Steven C. Blashill, O.D. ("Respondent"), and the Discipline Committee ("Committee") of the Minnesota Board of Optometry ("Board") as follows:

1. During all times herein, Respondent has been and now is subject to the jurisdiction of the Board from which he holds a license to practice optometry in the State of Minnesota.

2. Respondent has been advised by Board representatives that he may choose to be represented by legal counsel in this matter. Although aware of his right to representation by counsel, Respondent has knowingly and expressly waived that right. The Committee was represented by Nathan W. Hart, Assistant Attorney General, 1400 NCL Tower, 445 Minnesota Street, St. Paul, Minnesota 55101, telephone (651) 296-7575.

**FACTS**

3. For the purpose of this stipulation, the Board may consider the following facts as true:

a. On October 2, 2002, the Board referred Respondent to the Health Professionals Services Program ("HPSP") for evaluation and monitoring of his chemical dependency, after receiving reports alleging Respondent had practiced optometry under the

influence of alcohol. On December 26, 2002, Respondent signed a participation agreement with HPSP.

b. On November 11, 2002, Respondent underwent a chemical dependency evaluation. At intake, Respondent reported he had undergone chemical dependency treatment in 1999 and had 14 months of sobriety. However, currently he relapses one time every two to three months for one to two weeks. Respondent agreed to begin a relapse prevention program on December 2, 2002.

c. On December 2, 2002, Respondent began the relapse prevention program. He reported being sober for 30 days, with a sobriety date of approximately November 1, 2002. However, Respondent's urine screen tested positive for alcohol. Respondent denied using alcohol and then admitted he had used Nyquil at night for cold symptoms.

d. On December 13, 2002, Respondent was discharged from the program. The discharge summary noted Respondent returned to active use on December 10, 2002. It was recommended Respondent obtain inpatient treatment for a higher level of care.

e. On January 6, 2003, Respondent began outpatient chemical dependency treatment. He completed treatment on February 13, 2003. Respondent's discharge summary noted he appeared to be accepting treatment, and his potential for relapse was minimal, provided he followed through with his personal recovery and relapse prevention plans.

f. On February 26, 2003, Respondent began to undergo urine screenings for compliance with his HPSP participation agreement. Respondent failed to report for screens on March 17 and 18, 2003. Respondent reported he had difficulty remembering to call the HPSP ToxLine each day to see if he was to report for a screen. Respondent was also provided releases

to allow his work monitor and psychiatrist to communicate with HPSP. These releases were due on April 15, 2003.

g. On April 14, 2003, Respondent failed to submit to another required urine screen.

h. On April 30, 2003, Respondent was discharged from HPSP for failing to comply with random urine screen requirements and failing to allow communication between HPSP and his work monitor and psychiatrist.

i. On July 18, 2003, Respondent met with the Committee to discuss the allegations listed in paragraphs 3.a. through 3.h. Respondent admitted the allegations and further informed the Committee of a one-day relapse in April 2003. He has maintained sobriety since that date and is committed to his recovery.

#### **STATUTES**

4. The Committee views Respondent's practices as inappropriate in such a way as to require Board action under Minn. Stat. § 148.57, subd. 3, and Respondent agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify the disciplinary action under these statutes.

#### **REMEDY**

5. Upon this stipulation and all of the files, records, and proceedings herein, and without any further notice or hearing herein, Respondent does hereby consent that until further order of the Board, made after notice and hearing upon application by Respondent or upon the Board's own motion, the Board may make and enter an order **SUSPENDING** Respondent's license to practice optometry in the State of Minnesota. The suspension is **STAYED** so long as Respondent complies with the following requirements:

a. Respondent shall abstain completely from alcohol and all mood-altering chemicals unless they are prescribed by a physician or dentist who has first been informed of Respondent's alcohol dependence history.

b. Within 30 days of the date of this order, Respondent shall sign and enter into a participation agreement and monitoring plan with HPSP.

c. Respondent shall fully comply with all terms and conditions of his HPSP participation agreement and monitoring plan.

d. Respondent may petition for an unconditional license upon proof satisfactory to the Board that he has complied with and successfully completed his participation agreement and monitoring plan with HPSP. Upon hearing the petition, the Board may continue, modify, or remove the conditions set out herein.

#### **NONCOMPLIANCE WITH REQUIREMENTS FOR STAY OF SUSPENSION**

6. If the Committee has probable cause to believe Respondent:

a. Has failed to comply with any of the requirements for staying the suspension of his license as set forth in paragraph 5 above; or

b. Is unable to practice optometry with reasonable skill and safety to patients for any reason, including probable cause based on the Committee's receipt of information supplied by HPSP regarding his ability to safely practice, the Committee may remove the stay of suspension pursuant to the procedures outlined in paragraph 7 below, with the following additions and exceptions:

1) The removal of the stay of suspension shall take effect upon service of an Order of Removal of Stay of Suspension ("Order of Removal"). Respondent agrees that the Committee is authorized to issue an Order of Removal, which shall remain in effect and

shall have the full force and effect of an order of the Board until the Board makes a final determination pursuant to the procedures outlined in paragraph 7 below. The Order of Removal shall confirm the Committee has probable cause to believe Respondent has violated one or more of the requirements for staying the suspension of Respondent's license. Respondent further agrees an Order of Removal issued pursuant to this paragraph shall be deemed a public document under the Minnesota Government Data Practices Act. Respondent waives any right to a hearing before removal of the stay of suspension.

2) The Committee shall schedule the hearing pursuant to paragraph 7 below to be held within 30 days of the date of service of the Order of Removal.

#### **NONCOMPLIANCE WITH STIPULATION AND ORDER**

7. If Respondent shall fail, neglect, or refuse to fully comply with each of the terms, provisions, and conditions herein, the Committee shall schedule a hearing before the Board. The Committee shall mail Respondent a notice of the violation alleged by the Committee and of the time and place of the hearing. Respondent shall submit a response to the allegations at least three days before the hearing. If Respondent does not submit a timely response to the Board, the allegations may be deemed admitted.

At the hearing before the Board, the Committee and Respondent may submit affidavits made on personal knowledge and argument based on the record in support of their positions. The evidentiary record before the Board shall be limited to such affidavits and this Stipulation and Order. Respondent waives a hearing before an administrative law judge and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

At the hearing, the Board will determine whether to impose additional disciplinary action, including additional conditions or limitations on Respondent's practice or suspension or revocation of Respondent's license.

8. This stipulation shall not in any way limit or affect the authority of the Board to initiate contested case proceedings against Respondent on the basis of any act, conduct, or omission of Respondent justifying disciplinary action occurring before or after the date of this Stipulation and Order which is not related to the facts, circumstances, or requirements referenced herein.

9. Respondent shall comply with the laws and rules of the Board. Respondent agrees that failure to comply with the Board's laws and rules shall be a violation of this Stipulation and Order.

10. Respondent shall fully and promptly cooperate with the Board's reasonable requests concerning compliance with this Stipulation and Order, including requests for explanations, documents, office inspections, and/or appearances at conferences.

11. Within seven days of any change, Respondent shall provide the Board with his current address and telephone information. The information shall be sent to Laurel E. Mickelson at the Board of Optometry, University Park Plaza, 2829 University Avenue S.E., Suite 550, Minneapolis, Minnesota 55414-3222.

12. In the event Respondent resides or practices outside the State of Minnesota, Respondent shall promptly notify the Board in writing of the location of his residence and all work sites. Periods of residency or practice outside of Minnesota will not be credited toward any period of Respondent's limited or conditioned license in Minnesota unless Respondent demonstrates that practice in another state conforms completely with this Stipulation and Order.

13. This stipulation, related investigative reports, and other documents shall constitute the entire record of the proceeding upon which this order is based. The investigative reports, other documents, or summaries thereof, may be filed with the Board with the stipulation. Any reports or other material related to this matter which are received after the date the Board approves the Stipulation and Order shall become a part of the record and may be considered by the Board in future aspects of this proceeding.

14. In the event the Board in its discretion does not approve this settlement, this stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced in any disciplinary action by either party hereto except that Respondent agrees that should the Board reject this stipulation and if this case proceeds to hearing, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this stipulation or of any records relating hereto.

15. Respondent waives any further hearings on this matter before the Board to which Respondent may be entitled by Minnesota or United States Constitutions, statutes, or rules and agrees that the order to be entered pursuant to the stipulation shall be the final order herein.

16. Respondent hereby acknowledges that he has read and understands this stipulation and has voluntarily entered into the stipulation without threat or promise by the Board or any of its members, employees, or agents. This stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this stipulation.

17. Respondent hereby knowingly and voluntarily waives any and all claims against the Board, the Minnesota Attorney General, the State of Minnesota and their agents, employees and representatives which may otherwise be available to Respondent under the Americans With

Disabilities Act or the Minnesota Human Rights Act relative to the action taken or authorized against Respondent's license to practice optometry under this stipulation.

18. Under the Minnesota Government Data Practices Act, this Stipulation and Order is classified as public data. Minn. Stat. § 13.41, subd. 4. All documents in the record shall maintain the data classification to which they are entitled under the Minnesota Government Data Practices Act, Minn. Stat. ch. 13. They shall not, if they are not already public documents, become public merely because they are referenced herein. Pursuant to federal rule (45 C.F.R. part 60), the Board must report the disciplinary action contained in this Stipulation and Order to the appropriate databanks.

Dated: 08/04, 2003

Dated: 9/4, 2003

  
STEVEN C. BLASHILL, O.D.  
Respondent

  
FOR THE COMMITTEE

#### ORDER

Upon consideration of this stipulation and all the files, records, and proceedings herein,

IT IS HEREBY ORDERED that the terms of this stipulation are adopted and implemented by the Board this 4th day of September, 2003.

MINNESOTA BOARD OF OPTOMETRY

By: 