

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, 445 Minnesota Street, Suite 1400, 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 March 1, 2004, the Board issued Findings of Fact, Conclusions, and Final Order ("2004 Order") indefinitely suspending Respondent's license to practice optometry in the State of Minnesota for his failure to comply with a Stipulation and Order adopted by the Board on September 4, 2003. The 2004 Order allowed Respondent to petition the Board for

reinstatement of his license upon submission of satisfactory evidence consisting of at least one year of documented, uninterrupted recovery, which included random urine and/or blood screens, satisfactory completion of a chemical dependency treatment program, written documentation of regular attendance and participation at meetings of a self-help group in support of recovery, and a report from a treating physician that Respondent was fit and competent to resume practice.

b. On April 18, 2007, Respondent petitioned the Board for reinstatement of his license providing evidence of one year of documented, uninterrupted recovery, completion of random urine screens, completion of a chemical dependency treatment program, regular attendance at AA meetings, a letter from his primary physician, and an attendance record of continuing education classes.

c. On July 10, 2007, the Committee met to discuss Respondent's petition. The Committee recommended the Board reinstate Respondent's license to practice optometry in the State of Minnesota, subject to the terms and conditions as outlined herein.

STATUTES

4. Respondent acknowledges the conduct described in paragraph 3 above constitutes a violation of 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 as follows. The suspension of

Respondent's license to practice optometry in the State of Minnesota as set forth by the Board's 2004 Order is hereby **STAYED** so long as Respondent complies with the following requirements:

a. Respondent shall abstain completely from alcohol and all other 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 seven days of the date of this Order, Respondent shall sign and enter into a Participation Agreement and Monitoring Plan with the Health Professionals Services Program ("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 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: 10/16/07, 2007


STEVEN C. BLASHILL, O.D.
Respondent

Dated: 11/13, 2007


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 13 day of November, 2007.

MINNESOTA BOARD OF OPTOMETRY

By: Laurie Mickelson

AG: #1847582-v1