

**BEFORE THE MINNESOTA
BOARD OF OPTOMETRY**

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

**FINDINGS OF FACT,
CONCLUSIONS,
AND FINAL ORDER**

The above-entitled matter came before Administrative Law Judge (“ALJ”) Amy J. Chantry pursuant to the Notice and Order for Hearing on Temporary Suspension (“Notice of Hearing”) issued by the Minnesota Board of Optometry (“Board”) Discipline Committee on December 10, 2014. Jennifer C. Middleton, Assistant Attorney General represented the Board Discipline Committee. Respondent was represented by Robert E. Oleisky, Oleisky and Oleisky, P.A.

By letter dated January 30, 2015, the parties filed with the ALJ a fully executed copy of an agreed upon Stipulation to Facts and Violations. On February 17, 2015, the ALJ issued Findings of Fact, Conclusions of Law, and Recommendation (“ALJ’s report”), recommending the Board take disciplinary action against the optometry license of Respondent. (A true and accurate copy of the ALJ’s report is attached hereto and incorporated herein as Exhibit A.)

The Board convened to consider the matter on July 8, 2015, in Conference Room A on the fourth floor of University Park Plaza, 2829 University Avenue S.E., Minneapolis, Minnesota. Jennifer C. Middleton, Assistant Attorney General, appeared and presented oral argument on behalf of the Board Discipline Committee. Respondent appeared and was represented by Robert E. Oleisky who presented oral argument on Respondent’s behalf. Board members Patrick O’Neill and Roger Pabst did not participate in deliberations and did not vote in the matter. Hans Anderson, Assistant Attorney General, was present as legal advisor to the Board.

FINDINGS OF FACT

The Board has reviewed the record of this proceeding and hereby accepts the February 17, 2015, ALJ's report and accordingly adopts and incorporates by reference the Findings of Fact therein. The facts from the ALJ's report are as follows:

1. On July 21, 1986, Respondent was issued a license to practice optometry in the State of Minnesota.

2. Respondent worked at a clinic located in Savage, Minnesota, until July 2014.

3. On May 12, 2011, Respondent was charged with Indecent Exposure. On August 4, 2011, Respondent pleaded guilty and was convicted of misdemeanor Disorderly Conduct. Investigative documents reflect that on May 7, 2011, Respondent was observed walking through a grocery store with his pants zipper down and his penis exposed.

4. On November 26, 2012, Respondent was charged with Indecent Exposure. On April 25, 2013, Respondent pleaded guilty to misdemeanor Disorderly Conduct. Investigative reports reflect that a manager of a gas station reported that Respondent exposed himself to a female clerk while making a purchase.

5. On June 19, 2014, Respondent performed an eye exam on a female patient. Respondent was not wearing underwear, and his genitals were exposed during the exam. Respondent continued with the examination, and his movements caused his genitals to become increasingly exposed. The patient noticed that Respondent looked down at his groin area several times. The patient felt uncomfortable and left the clinic.

6. On July 1, 2014, Respondent was charged with Indecent Exposure regarding the June 19, 2014, incident. On August 15, 2014, Respondent pleaded not guilty. On December 1,

2014, Respondent amended his plea and pleaded guilty. Respondent was convicted of Indecent Exposure, a misdemeanor.

7. Police investigative records of the June 19, 2014, Indecent Exposure incident revealed the following:

a. A former employee of Respondent's clinic stated that during her employment she experienced several incidents of Respondent exiting the bathroom with his zipper down. The former employee stated that Respondent's penis was exposed during each of these incidents.

b. A second former employee of Respondent's clinic stated that during her employment she experienced several incidents of Respondent exiting the bathroom with his zipper down. The former employee stated that there were daily occasions when Respondent would walk around the office with his zipper down. She stated that Respondent never wore underwear, and his penis was exposed during the times that Respondent's zipper was down. The former employee also stated that she told Respondent that his zipper was down at least one time per week.

c. A patient of Respondent's clinic stated that when she went to pick up a pair of eyeglasses during normal business hours she encountered Respondent standing inside his office naked.

8. Based on Respondent's multiple convictions, the Discipline Committee issued an order temporarily suspending Respondent's license on December 10, 2014.

9. As acknowledged in their Stipulation to Facts and Violations, the parties agree that the conduct referenced above in Finding 7 constitutes violations of Minnesota law as follows:

a. Conviction of a criminal offense in violation of Minn. Stat. § 148.57, subd. 3.

b. Unprofessional conduct in violation of Minn. Stat. § 148.57, subd. 3.

CONCLUSIONS

The Board accepts the February 17, 2015, ALJ's report and accordingly adopts and incorporates the Conclusions therein. The conclusions from the ALJ's report are as follows:

1. The Board and the Administrative Law Judge have jurisdiction to consider this matter under Minn. Stat. §§ 14.50, .52, .57, and 214.077 (2014).

2. Respondent received due, proper, and timely noticed of the allegations against him, and this matter is properly before the Board and the Administrative Law Judge.

3. Minnesota Statutes section 148.57, subdivision 3, authorizes the Board to:

Revoke the license or suspend or restrict the right to practice of any person who has been convicted of any violation of sections 148.52 to 148.62 or of any other criminal offense, or who violates any provision of sections 148.571 to 148.576 or who is found by the board to be incompetent or guilty of unprofessional conduct.

4. Based on the stipulated facts, the Committee demonstrated that Respondent was convicted of misdemeanor Indecent Exposure. Misdemeanor Indecent Exposure constitutes a criminal offense for which the Board may impose discipline under Minn. Stat. § 148.57, subd. 3 (2014). Respondent engaged in unprofessional conduct by exposing his genitalia, conduct for which the Board may impose discipline under Minn. Stat. § 148.57, subd. 3 (2014).

ORDER

Based on the foregoing Findings of Fact and Conclusions and upon the recommendation of the ALJ, the Board issues the following Order:

1. NOW, THEREFORE, IT IS HEREBY ORDERED that the license of Respondent as an optometrist in the State of Minnesota is **SUSPENDED** immediately for an indefinite period of time.

2. IT IS FURTHER ORDERED that during the period of suspension Respondent shall not engage in any conduct which constitutes the practice of optometry as defined in Minnesota Statutes section 148.56, subdivision 1, and shall not imply to any persons by words or conduct that Respondent is authorized to practice optometry in the State of Minnesota.

3. IT IS FURTHER ORDERED that Respondent may petition the Board to have the suspended status removed from his license following sixty (60) months from the date of this Order. His license may be reinstated, if at all, as the evidence dictates and based upon the need to protect the public. The burden of proof shall be upon Respondent to demonstrate by a preponderance of the evidence that he is capable of conducting himself in a fit and competent manner in the practice of optometry. At the time of Respondent's petition, Respondent shall meet with a Board Discipline Committee. In petitioning for removal of the suspension, Respondent shall comply with or provide the Board with, at a minimum, the following:

a. Report From Mental Health Treatment Professional. Respondent shall cause to be submitted to the Board a report from all mental health treatment professionals whom Respondent consults while this Order is in effect. The reports shall be submitted to the Board at the time Respondent petitions for reinstatement of his license. The reports shall provide and address:

1) Verification the mental health professional has reviewed this Order;

- 2) Identification of a plan of treatment, including any medications, devised for Respondent;
- 3) A statement of the involvement between Respondent and the mental health treatment professional, including the number and frequency of meetings;
- 4) Respondent's progress with therapy and compliance with the treatment plan;
- 5) The mental health treatment professional's conclusion as to the need for continuing therapy and Respondent's discontinuance of therapy; and
- 6) Any other information the mental health treatment professional believes would assist the Board in its ultimate review of this matter.

b. Report From Health Care Professional. Respondent shall cause to be submitted to the Board a report from all health care professionals whom Respondent consults for physical health or mental health, relating to the facts herein, while this Order is in effect. The reports shall be submitted at the time Respondent petitions for reinstatement of his license. The reports shall provide and address:

- 1) Verification the health care professional has reviewed this Order;
 - 2) Identification of diagnoses and any plans of treatment, including medications, devised for Respondent;
 - 3) Respondent's progress with therapy and compliance with the treatment plan;
 - 4) A statement regarding Respondent's mental health status;
 - 5) Recommendations for additional treatment, therapy, or monitoring;
- and

6) Any other information the health care professional believes would assist the Board in its ultimate review of this matter.

c. Report From Probation Officer. Respondent shall cause to be submitted to the Board a report from his probation officer and any other probation officer Respondent is assigned to while this Order is in effect. The report shall be submitted at the time Respondent petitions for reinstatement of his license. The report shall provide information regarding Respondent's compliance with all terms of his probation.

d. Mental Health Evaluation. If requested by the Board, Respondent shall undergo a mental health evaluation performed by a psychiatrist or a licensed psychologist within sixty (60) days prior to petitioning. Respondent shall submit, or cause to be submitted, the credentials of the evaluator for review and preapproval by Board staff for purposes of this evaluation. Respondent is responsible for the cost of the evaluation. The results shall be sent directly to the Board and shall provide and address:

1) Verification the evaluator has reviewed a copy of this Order and any evaluation and/or treatment records deemed pertinent by the Board or the evaluator prior to the evaluation;

2) Diagnosis and any recommended treatment plan;

3) Recommendations for additional evaluation or treatment; and

4) Any other information the evaluator believes would assist the Board in its ultimate review of this matter.

e. Compliance With Evaluator's Recommendations. Respondent shall comply promptly with any recommendations for additional evaluation and treatment made by the mental health evaluator.

f. Additional Information. Any additional information relevant to Respondent's petition reasonably requested by the Board Discipline Committee.

4. IT IS FURTHER ORDERED that Respondent shall meet all reregistration requirements in effect at the time of his petition to reinstate his license, including but not limited to completing the appropriate application, paying the requisite fees, and completing any necessary continuing education requirements, and must meet all renewal requirements, including all fees, while this Order is in effect.

5. IT IS FURTHER ORDERED that Respondent's violation of this Order shall constitute the violation of a Board order for purposes of Minnesota Statutes section 148.57, subdivision 3, and provide grounds for further disciplinary action.

6. IT IS FURTHER ORDERED that the Board's authority to initiate disciplinary action against Respondent on the basis of any act, conduct, or admission of Respondent which constitutes grounds for disciplinary action and which is not directly related to the specific facts and circumstances set forth herein shall not be limited by this Order.

7. IT IS FURTHER ORDERED that the Board may, at any regularly scheduled meeting following Respondent's petition for reinstatement pursuant to paragraph 3 above, take any of the following actions:

- a. Grant optometry licensure to Respondent;
- b. Grant optometry licensure to Respondent with limitations upon the scope of Respondent's practice and/or with conditions for Respondent's practice; or

c. Continue the suspension of Respondent's license upon his failure to meet the burden of proof.

Dated: 20 July 2015

STATE OF MINNESOTA
BOARD OF OPTOMETRY



JOHN MUELLERLEILE, O.D.
Vice President