

**BEFORE THE MINNESOTA
BOARD OF OPTOMETRY**

In the Matter of
Gale Stead, O.D.
License No.
1456

**AGREEMENT FOR
CORRECTIVE ACTION**

This Agreement is entered into by and between Gale Stead, O.D. ("Licensee"), and the Minnesota Board of Optometry ("Board") Complaint Resolution Committee ("Committee") based on Minnesota Statutes section 214.103, subdivision 6(a)(2). Licensee and the Committee agree to the following:

FACTS

1. Licensee owned and operated an eye clinic located in Edina, Minnesota until suddenly closing the business without prior warning to any of Licensee's patients. After the closure of Licensee's eye clinic, patients reported difficulty contacting Licensee to request their medical records.

2. On December 13, 2022, the Committee, composed of Board members Eric Bailey, O.D., Sam Villella, O.D., and Shari Koll, met with Licensee to discuss allegations set forth in paragraph 1 above. The Committee was represented by Assistant Attorney General Alex Mountain. Licensee was represented by John R. Neve, Esq., Neve Webb, PLLC, Edina, Minnesota. During the conference, Licensee acknowledged that he needs to address patient communication and patient record access.

CORRECTIVE ACTION

3. The Committee determined that the conduct described in paragraph 1 above does not comply with Minnesota Statutes section 148.603(11), and Licensee agrees that the conduct

cited constitutes a reasonable basis in law and fact to justify corrective action. Licensee agrees to address the conduct by the following corrective action:

a. **Plan of Action.** Within sixty (60) days from the date of this Agreement, Licensee will submit to the Committee a Plan of Action addressing the following topics:

- 1) Former patients' ability/access to communicate with Licensee via telephone, email, and mail;
- 2) Updates to web presence to indicate current employment;
- 3) Plans to transfer patient records and patient notice regarding transfer if applicable; and
- 4) Any other information Licensee believes would be helpful to the Committee.

b. **Report.** Within thirty (30) days of the Committee's approval of Licensee's Plan of Action, Licensee will submit a report confirming that the action items have been successfully implemented. Final determination regarding successful completion of the Plan of Action shall be at the discretion of the Committee.

OTHER INFORMATION

4. It is Licensee's responsibility to ensure all reports required to be filed with the Board pursuant to this Agreement are timely filed by those preparing the report. Failure to file reports on or before their due date is a violation of this Agreement. The information contained in the reports is confidential and shall be submitted to the Board by United States Mail, courier, or personal delivery only. The Board's address is Minnesota Board of Optometry, c/o Britt Heglund, Executive Director, 335 Randolph Avenue, Suite 210, St. Paul, Minnesota 55102.

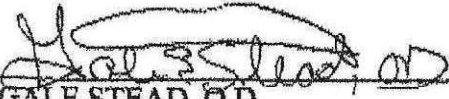
5. Upon Licensee's satisfactory completion of the corrective action referenced in paragraph 3 above, the Committee agrees to dismiss the complaint(s) concerning the matters referenced in paragraph 1. The Committee shall be the sole judge of satisfactory completion. The Committee may reopen this complaint if it receives newly discovered information that was not available to the Committee during the initial investigation or if the Committee receives a new complaint that indicates a pattern of behavior or conduct.

6. If Licensee fails to complete the corrective action satisfactorily, or if the Committee receives additional complaints similar to the allegations described in paragraph 1, the Committee may, in its discretion, reopen the investigation and proceed according to the Board's practice act and Minnesota Statutes chapters 214 and 14. Failure to complete corrective action satisfactorily constitutes failure to cooperate under the Board's practice act. In any subsequent proceeding, the Committee may use as proof of the allegations Licensee's agreements herein.

7. This agreement shall become effective upon execution by the Board's Executive Director and shall remain in effect until the Committee dismisses the complaint, unless the Committee receives additional information that renders corrective action inappropriate.

8. Licensee understands that this agreement does not constitute disciplinary action. Licensee further understands and acknowledges that this agreement is classified as public data and will be available for public review on the Board's website.

9. Licensee hereby acknowledges having read and understood this agreement and having voluntarily entered into it. This agreement contains the entire agreement between the Committee and Licensee, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this agreement.


GALE STEAD, O.D.
Licensee

Dated: 01-30-2023

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BRITT HEGLUND
Executive Director

Dated: 2/1/23