

STATE OF MINNESOTA
COUNTY OF HENNEPIN

BEFORE THE MINNESOTA
STATE BOARD OF OPTOMETRY

In the Matter of
RONALD A. PETERSON, O.D.

STIPULATION

IT IS HEREBY STIPULATED AND AGREED, by and among Ronald A. Peterson, O.D., (Respondent), Robert Johnson, Attorney at Law, 7100 France Avenue South, Room 209, Edina, Minnesota 55435 (Respondent's Counsel), the Minnesota Board of Optometry (Board), and Robert T. Holley, Special Assistant Attorney General for the Board (Board's Counsel) as follows:

A. During all times material 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.

B. Respondent expressly waives formal hearing on the charges referenced herein and any and all other procedures before the Board to which Respondent might otherwise be entitled by law or rule.

C. In the event the Board in its discretion does not approve this Stipulation, said Stipulation shall be regarded as being withdrawn and of no evidentiary value and shall not be introduced or relied upon by any party hereto.

D. Without any admission of fact herein, Respondent grants that the Board may, for the purpose of this Stipulation and the proceedings of the Board relating hereto, consider the following as true:

1. That on or about and between July 7, 1976, and September 20, 1976, employees and agents of the Board received complaints from the Hennepin County Medical Society, from a private medical practitioner and from three of Respondent's female patients or former patients charging that Respondent did between the year 1972 and May of 1976 at his professional office and during the course of eye examinations or lens fittings,

- a. intentionally touch and hold the clothed breasts of female patients,
- b. kiss such patients, and/or
- c. make suggestive comments thereto.

2. That Respondent did, pursuant to Board Notice of Conference herein, dated September 30, 1976, meet with the Board's Counsel and its Executive Secretary on October 26, 1976, and discuss the aforementioned charges, the circumstances of the conduct they detail, and the Board's statutory responsibility and authority respecting enforcement of the Minnesota optometric practice act as it relates to such conduct.

3. That at said conference of October 26, 1976, Respondent did not deny that between 1972 and May of 1976 he intentionally touched and held the clothed breasts of such female patients at his professional office and during the course of eye examinations or lens fittings, and he admitted that he had kissed such patients and made some "double meaning" comments thereto.

E. Such conduct as is referenced in paragraph D. 1. a-c hereof is contrary to the best interests of the public, is inconsistent with accepted standards of optometric professionalism, and constitutes grounds for license suspension or revocation under Minn. Stat. § 148.57 subd. 3 (1974).

F. IT IS FURTHER STIPULATED AND AGREED that upon this Stipulation and all files, records and proceedings herein, the Board may, without any further notice or hearing hereon, forthwith make and issue an Order in this matter as follows:

Respondent's license to practice optometry in the State of Minnesota is hereby suspended from the date of this Order, provided that the imposition of said suspension is stayed for one year on the following terms and conditions:

1. That Respondent shall commit no violations of the laws of this State or the rules and regulations of the Board governing the practice of optometry relative to such conduct as is set forth at paragraphs D and E of the Stipulation herein of November 19, 1976.

2. That if no such violations occur within one year from the date of this Order, then at its first regularly scheduled meeting following said one-year period the Board shall restore Respondent's license free of conditions.

3. That the existence or non-existence of any such future violations shall be determined at the sole discretion of the Board.

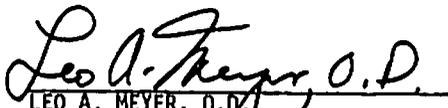
4. That during the above-referenced one-year period, Respondent's professional activities shall be subject to periodic review by the Board.

5. That if Respondent breaches any of the terms or conditions of this Order, the Board may terminate the stay herein provided and order the suspension of Respondent's license to become effective or make such other disciplinary order as it may deem just and necessary.

G. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies this Stipulation.

H. Respondent has voluntarily entered into this Stipulation without threat or promise by the Board or any of its members, employees or agents, and after consultation with and advice from Respondent's Counsel.

Dated at Minneapolis, Minnesota,
this 19 day of November, 1976.


LEO A. MEYER, O.D.
Executive Secretary
Board of Optometry


RONALD A. PETERSON, O.D.
Respondent


ROBERT T. HOLLEY
Special Assistant
Attorney General


ROBERT JOHNSON
Respondent's Counsel

STATE OF MINNESOTA
COUNTY OF HENNEPIN

BEFORE THE MINNESOTA
STATE BOARD OF OPTOMETRY

In the Matter of
RONALD A. PETERSON, O.D.

ORDER

Upon Stipulation dated November 19, 1976, among Ronald A. Peterson, O.D. (Respondent), Robert Johnson, Attorney at Law, 7100 France Avenue South, Room 209, Edina, Minnesota (Respondent's Counsel), the Minnesota State Board of Optometry (Board), and Robert T. Holley, Special Assistant Attorney General (Board's Counsel) and upon all the files, records and proceedings herein:

IT IS HEREBY ORDERED AS FOLLOWS:

Respondent's license to practice optometry in the State of Minnesota is hereby suspended from the date of this Order, provided that the imposition of said suspension is stayed for one year on the following terms and conditions:

1. That Respondent shall commit no violations of the laws of this State or the rules and regulations of the Board governing the practice of optometry relative to such conduct as is set forth at paragraphs D and E of the Stipulation herein of November 19, 1976.
2. That if no such violations occur within one year from the date of this Order, then at its first regularly scheduled meeting following said one-year period the Board shall restore Respondent's license free of conditions.
3. That the existence or non-existence of any such future violations shall be determined at the sole discretion of the Board.
4. That during the above-referenced one-year period, Respondent's professional activities shall be subject to periodic review by the Board.

5. That if Respondent breaches any of the terms or conditions of this Order, the Board may terminate the stay herein provided and order the suspension of Respondent's license to become effective or make such other disciplinary order as it may deem just and necessary.

Dated: November 19, 1976

MINNESOTA STATE
BOARD OF OPTOMETRY

By: *Cora Ruhr, O.D.*
CORA RUHR, O.D.
President

STATE OF MINNESOTA
COUNTY OF HENNEPIN

BEFORE THE MINNESOTA
BOARD OF OPTOMETRY

In the Matter of
RONALD A. PETERSON, O.D.

ORDER

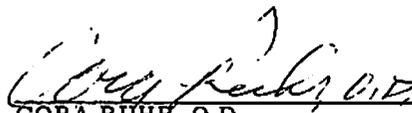
Pursuant to a motion passed by the majority of a quorum present at a meeting of the Minnesota Board of Optometry (hereinafter "Board") held on January 26, 1978,

IT IS HEREBY ORDERED AS FOLLOWS:

Effective January 26, 1978, all terms and conditions by Order of the Board of November 19, 1976, placed upon the license of Ronald A. Peterson, O.D., to practice optometry in the State of Minnesota are discontinued and removed.

Dated: January 26, 1978

MINNESOTA BOARD
OF OPTOMETRY


CORR RUHR, O.D.
President

STATE OF MINNESOTA
COUNTY OF RAMSEY

BEFORE THE MINNESOTA
BOARD OF OPTOMETRY

In the Matter of
Ronald A. Peterson, OD
License No. 1773

SETTLEMENT STIPULATION
FOR ORDER OF SUSPENSION

IT IS HEREBY STIPULATED AND AGREED by Ronald A. Peterson, OD (Licensee), and the Minnesota Board of Optometry (Board) that without trial or adjudication of any issue of fact or law herein:

1. A Notice of Conference With Board of Optometry Complaint Committee was duly served upon Licensee on the 9th day of February, 1989, receipt of which is hereby acknowledged by Licensee;
2. On February 21, 1989, Licensee appeared before the Board's Complaint Committee composed of Lee A. Nelson, OD, and James J. Hess, OD, Board members, to discuss allegations made in the notice referred to in paragraph 1, above. Thomas M. McSteen, Special Assistant Attorney General, represented the Board at the conference. Burton H. Skuza, OD, Executive Director of the Board, was also present at the conference;
3. Licensee was informed of his right to have legal counsel at the February 21, 1989 conference, both by his receipt of the Notice of Conference with Board of Optometry Complaint Committee referred to in paragraph 1, above, and orally by Mr. McSteen at the February 21, 1989 conference;
4. Because Licensee and the Complaint Committee were unable to reach agreement as to how to resolve this matter, the Board, by its Complaint Committee, initiated a contested case hearing by duly serving a Notice of and Order

for Hearing upon Licensee on March 28, 1989, receipt of which is hereby acknowledged by Licensee;

5. The Notice of and Order for Hearing, referred to in paragraph 4, above, notified Licensee that a prehearing conference was scheduled for April 27, 1989, at 1:00 PM, and that a hearing was scheduled for June 22, 1989, at 9:00 AM. Licensee did not appear at the prehearing conference. Licensee informed Mr. McSteen that he had thought the prehearing conference was scheduled for April 28, 1989, and that he would be retaining counsel for his appearance at the hearing. Licensee did not file a Notice of Appearance, stating that he would attend the hearing, as required by Minn. Rule pt. 1400.5700 (1987). Licensee did appear on June 22, 1989, and he asked to have a continuance so that he could then retain counsel. Licensee obtained legal counsel shortly after the scheduled hearing date;

6. Licensee, in the interest of settling this matter and avoiding the necessity of further proceedings, now desires to enter into this Settlement Stipulation for Order of Suspension;

7. Licensee expressly waives the formal hearing and all other procedures before the Board to which Licensee may be entitled under the Minnesota or United States constitutions, statutes, or rules of the Board;

8. This stipulation shall constitute the entire record of this matter and shall be filed with the Board prior to its next meeting;

9. If the Board in its discretion does not approve either this settlement or a lesser remedy than indicated in this settlement, then this stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced by either party to this stipulation, except that Licensee agrees that should the Board reject this stipulation and if this case proceeds to hearing, Licensee will assert no

claim that the Board was prejudiced by its review and discussion of this stipulation or of any records relating to this matter;

10. Licensee grants that the Board may, for the purpose of reviewing the record as indicated in paragraph 8 above, consider the following as true without prejudice to him in any current or future proceedings of the Board with regard to these or other allegations:

a. Licensee has been licensed to practice optometry in the State of Minnesota since approximately 1957;

b. On November 19, 1976, pursuant to Licensee's agreement, without admission, that the Board could consider as true that Licensee touched and held the clothed breasts of female patients during their eye examinations, kissed female patients, and made suggestive comments to female patients, Licensee and the Board executed a stipulation and the Board issued an order suspending Licensee's license and staying the suspension based upon Licensee's agreement not to engage in this conduct. On January 26, 1978, the terms and conditions placed upon Licensee's license were removed based upon Licensee's compliance with the November 19, 1976 order;

c. Licensee treated patient CD from the time she was a child until approximately 1984, at which time she was approximately 22 years old;

d. Licensee admits that during and/or at the end of at least one eye examination of patient CD in late 1979 or early 1980, Licensee put his arm around patient CD and cupped her breast;

e. Licensee does not admit but also does not contest that during at least one eye examination of patient CD in late 1979 or early

1980, Licensee played with patient CD's necklace and caressed the area of her chest and neck surrounding the necklace;

f. Licensee admits that at the end of at least one eye examination of patient CD in late 1979 or early 1980 he embraced patient CD face-to-face. Licensee does not admit but also does not contest that when he embraced patient CD face-to-face, he moved his leg forward between patient CD's legs and made contact with her leg and crotch;

g. Licensee admits that he has hugged and cupped the breast of at least one other patient during the course of providing her an eye examination;

11. Licensee does not contest, for the purposes of this proceeding, that the facts and conduct specified in paragraph 10 above, constitute a violation of Minn. Stat. § 148.57, subd. 3 and justify revocation of or other disciplinary action against his license, and constitute a reasonable basis in law and fact to justify the disciplinary action provided for in the attached order;

12. Licensee does not contest, for the purposes of this proceeding, that proof at hearing of any one or more of the allegations set forth in the notice, including proof by the Board's introduction of admissions made by Licensee at the conference, would empower the Board to revoke or take other action against Licensee's license under Minn. Stat. § 148.57, subd. 3;

13. This stipulation shall not in any way or manner limit or affect the authority of the Board to proceed against Licensee by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or admission of Licensee justifying disciplinary action which occurred before or after the date of this

stipulation and which is not directly related to the specific facts and circumstances set forth in this stipulation;

14. Upon this stipulation and record as set forth in paragraph 8 above, and without any further notice of proceedings, the Board may in its discretion issue a Consent Order of Suspension to Licensee which is attached to and made a part of this stipulation;

15. IT IS FURTHER STIPULATED AND AGREED that any appropriate court may, upon application of the Board, enter its decree enforcing the order of the Board referred to in paragraph 14 above;

16. Licensee's noncompliance with and/or violation of the conditions listed in this stipulation or the order referred to in paragraph 14 above shall be considered unethical conduct and constitute grounds for further disciplinary action;

17. Licensee and his legal counsel hereby acknowledge that they have read, understand, and agree to this stipulation and attached order and have freely and voluntarily signed the stipulation without threat or promise by the Board or any of its members, employees, or agents. When signing the stipulation and order, Licensee and counsel acknowledge that they are fully aware that the stipulation and order must be approved by the Board. The Board may either approve the stipulation and/or order as proposed, approve the order subject to specified change, or reject it. If the changes are acceptable to Licensee, the stipulation will then take effect and the order as modified will be issued. If the changes are unacceptable to Licensee or the Board rejects the stipulation, it will be of no effect except as specified herein;

18. If the Board receives evidence that Licensee has violated the terms of the stipulation or order and/or receives evidence that Licensee has made misrepresentations to the Board and/or evidence indicating acts or omissions similar to those alleged in this stipulation while the order or subsequent orders issued pursuant to

paragraph 4 of the order are in effect, the Board shall so notify Licensee in writing at his last known address filed with the Board. Licensee shall have the opportunity to contest the allegations by submitting a written request to so contest within 30 days after service of the notice:

a. If Licensee does not submit a written request to contest the allegations within 30 days of service of a Notice Of Opportunity To Contest The Allegations, the issues set forth in the notice may be taken as true or deemed proved without further evidence. Upon a report to the Board of such allegations and of Licensee's failure to contest, the Board may either impose additional disciplinary action, including revocation, or deny any petition submitted by Licensee. Any Board order issued under this paragraph shall be final and binding upon Licensee and shall not be subject to judicial or administrative review or to a judicial stay pending any attempts to seek such review;

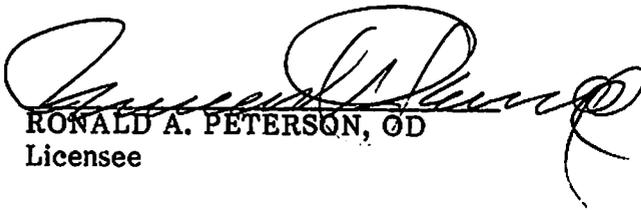
b. If Licensee submits a written request to contest the allegations, the Board may initiate either a proceeding conducted pursuant to Minn. Stat. ch. 214 (1988) or a contested case hearing pursuant to Minn. Stat. ch. 14 (1988) to determine whether Licensee can show cause as to why additional disciplinary action should not be imposed. In any such proceeding, the Board shall have the burden of going forward to provide a sufficient factual basis supporting the allegations. The Board shall provide sufficient evidence to meet the substantial evidence standard used by appellate courts in reviewing administrative actions, that is, evidence demonstrating that the Board is not acting unreasonably, arbitrarily, or capriciously and that some reasonable evidence exists to support the allegations. Upon such a showing by the Board, the burden of proof and

persuasion as to why additional disciplinary action should not be imposed or any petition for reinstatement should not be denied shall rest with Licensee.

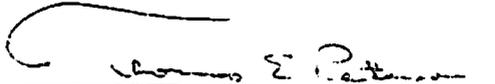
19. This stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies this stipulation.

BOARD OF OPTOMETRY

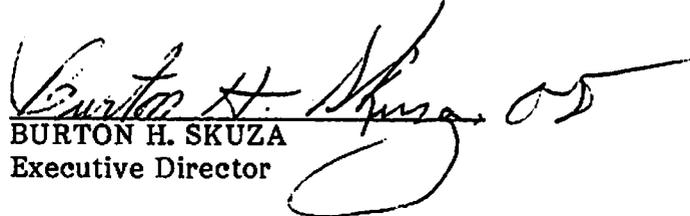
COMPLAINT COMMITTEE


RONALD A. PETERSON, OD
Licensee

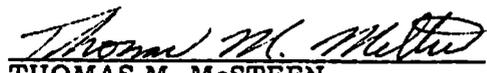
Dated: 1-31-, 198⁹⁰


THOMAS E. PETERSON
Attorney for Licensee

Dated: 1/31, 198⁹⁰


BURTON H. SKUZA
Executive Director

Dated: 2/22, 198⁹⁰


THOMAS M. McSTEEN
Attorney for Board

Dated: 2/27, 198⁹⁰

STATE OF MINNESOTA
COUNTY OF RAMSEY

BEFORE THE MINNESOTA
BOARD OF OPTOMETRY

In the Matter of
Ronald A. Peterson, OD
License No. 1773

CONSENT ORDER
OF SUSPENSION

The Minnesota Board of Optometry (Board), having convened on September 26, 1989, to consider the above-referenced matter and having reviewed the stipulation agreed to by Ronald A. Peterson, OD (Licensee), now issues the following ORDER:

1. IT IS HEREBY ORDERED that the license of Licensee as an optometrist in the State of Minnesota is hereby suspended indefinitely following the approval of this order by the full Board;

2. IT IS FURTHER ORDERED that Licensee may petition the Board for the reinstatement of his license by appearing before the Board and presenting a mental health evaluation performed by a licensed mental health professional approved by the Board's Complaint Committee. Licensee must not have or have had any professional or personal relationship, or any direct or indirect financial or business relationship with the licensed mental health professional. The mental health evaluation shall be comprehensive and include any tests as recommended by the licensed mental health professional in accordance with acceptable community standards. The Board shall reinstate Licensee's license upon receipt of a favorable mental health evaluation. The Board shall conclude that the mental health evaluation is favorable to Licensee if the licensed mental health professional indicates in the evaluation that: 1) s/he has reviewed both this order and the attached stipulation; and 2) s/he concludes that

Licensee no longer has the propensity to engage in the type of conduct referred to in paragraph 10 of the attached stipulation, and the bases for such a conclusion;

3. IT IS FURTHER ORDERED that if the Board reinstates Licensee's license pursuant to paragraph 2, above, then Licensee's retention of his license will be conditional for 24 months following reinstatement of his license in that Licensee 1) must not have any physical contact with patients except contact that is necessary for the practice of optometry, 2) must insure that the door to his examination rooms are open during all times when he is with patients, and 3) must provide services to patients in his office only when another employee is present in the office. If the Board becomes aware that Licensee has not complied with these three conditions during the 24 month period, then the Board may initiate the procedures agreed to by Licensee in paragraph 18 of the attached stipulation;

*female
MAG/R
THUR*

4. IT IS FURTHER ORDERED that if Licensee's mental health evaluation submitted to the Board pursuant to paragraph 2, above, is not favorable, then the Board may, in its discretion and after oral presentation by Licensee and/or Licensee's counsel and by counsel for the Complaint Committee, continue or lift the suspension of Licensee's license and/or impose any restrictions and/or conditions on Licensee's license which are consistent with any recommendations by the licensed mental health professional who performed the evaluation in accordance with paragraph 2, above, and with the Board's responsibility to protect the public and to insure that Licensee's conduct is within acceptable community standards for the practice of optometry. The Board is not limited to the conditions outlined in paragraph 3, above;

5. IT IS FURTHER ORDERED that Licensee shall tender payment to the Board for the Board's costs for the past services of the administrative law judge at the

Office of Administrative Hearings, up to a maximum of \$500 (five hundred dollars). The Board will present Licensee with an accounting of the bills from the Office of Administrative Hearings within one month following the execution of the order. Licensee shall tender payment to the Board within two months following receipt of the accounting from the Board;

6. IT IS FURTHER ORDERED that Licensee may petition the Board at any regularly scheduled meeting to have the conditions imposed pursuant to paragraphs 3 and/or 4, above, removed from his license. At the time of his petition, the burden of proof will be upon Licensee to demonstrate by clear and convincing evidence that he is capable of conducting himself in a fit and competent manner in the practice of optometry. At any regularly scheduled meeting at which Licensee has made a timely petition, the Board may take any of the following actions:

a. Remove the restrictions and/or conditions attached to the license of Licensee upon written request of Licensee together with a presentation by Licensee of evidence satisfactory to the Board that he is capable of conducting himself in a fit and competent manner in the practice of optometry;

b. Amend the restrictions and/or conditions attached to the license of Licensee upon the written request of Licensee;

c. Continue the restrictions and/or conditions attached upon Licensee's failure to meet his burden of proof.

7. IT IS FURTHER ORDERED that Licensee's noncompliance with and/or violation of the Consent Order of Suspension will be considered unethical

conduct and constitute grounds for further disciplinary action in accordance with paragraph 18 of the attached stipulation.

CONSENT:

STATE OF MINNESOTA

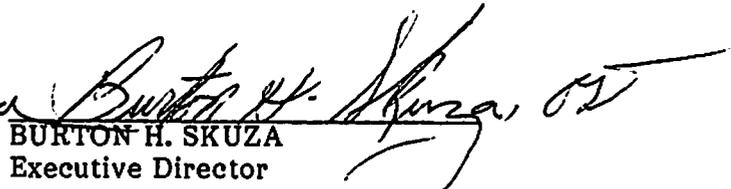
BOARD OF OPTOMETRY



RONALD A. PETERSON

Licensee

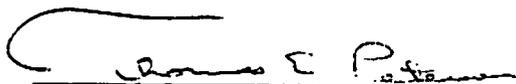
Dated: 1-31-, 198⁹⁰



BURTON H. SKUZA

Executive Director

Dated: 2/27, 198⁹⁰



THOMAS E. PETERSON

Attorney for Licensee

Dated: 1/31, 198⁹⁰



THOMAS M. McSTEEN

Attorney for the Board

Dated: 2/27, 198⁹⁰

STATE OF MINNESOTA

BEFORE THE MINNESOTA

COUNTY OF RAMSEY

BOARD OF OPTOMETRY

In the Matter of
Ronald A. Peterson, OD
License No. 1773

ORDER OF CONDITIONAL
LICENSE

The Minnesota Board of Optometry (Board), having convened on March 20, 1990, to consider the above-referenced matter and having reviewed the Settlement Stipulation for Order of Suspension (Settlement Stipulation) and the Consent Order of Suspension (Consent Order), which were both signed by Ronald A. Peterson, OD (Licensee), on January 31, 1990, now issues the following ORDER:

1. IT IS HEREBY ORDERED that the above-referenced Settlement Stipulation and Consent Order, with the amendments specified in paragraph 3 herein, are approved unanimously by the Board;

2. IT IS FURTHER ORDERED that the suspension of Licensee's license as an optometrist in the State of Minnesota is lifted, effective March 20, 1990, and that Licensee's license is reinstated pursuant to paragraph 2 of the Consent Order, without determination as to whether Licensee's mental health evaluation was favorable, subject to the conditions specified in paragraph 3 of the Consent Order as amended herein in paragraph 3 and the additional conditions specified herein in paragraph 4;

3. IT IS FURTHER ORDERED that paragraph 3 of the Consent Order is, pursuant to stipulation by Licensee, amended as follows:

IT IS FURTHER ORDERED that if the Board reinstates Licensee's license pursuant to paragraph 2, above, then Licensee's retention of his license will be conditional for 24 months following reinstatement of his license in that Licensee and 3) present in the office, 4) must, when providing services to female patients, insure that at least one of his female assistants has occasion to be present in the examination room at least once during each examination, and 5) will be subject to unannounced inspection or monitoring of the terms and conditions of this order by Board members or by Board agents, or by an investigator of the Attorney General's Office.

4. IT IS FURTHER ORDERED that Licensee's license is conditioned, pursuant to stipulation by Licensee, in that Licensee must engage in psychotherapy with a licensed mental health professional approved of by the Board's Complaint Committee who is experienced in treating the type of conduct identified in the Settlement Stipulation and further identified in the psychological evaluation, dated March 6, 1990, which evaluation shall be treated as private data on Licensee.

Licensee shall give the mental health professional a copy of the Settlement Stipulation, the Consent Order, the March 6, 1990 psychological evaluation, and this Order of Conditional License.

The course of the psychotherapy shall be consistent with the recommendations of the March 6, 1990 evaluation. The focus and duration of the psychotherapy shall be determined by the licensed mental health professional.

Licensee shall use his best efforts to insure that the licensed mental health professional submits a report to the Board every two months as to the progress of the psychotherapy. The first report shall be due on or before May 20, 1990. In the first report, the licensed mental health professional shall acknowledge receipt of the orders and the evaluation specified above. Further, in each report, the licensed mental health professional shall discuss the issues identified in each therapy session, the progress of the therapy, and the extent of Licensee's participation in the therapy. Licensee shall sign all requested waivers to allow the Board's Complaint Committee to obtain Licensee's records from the licensed mental health professional and/or to review the course of the psychotherapy with the licensed mental health professional.

The licensed mental health professional shall evaluate during the course of psychotherapy whether Licensee presents an immediate risk to female patients. If the licensed mental health professional concludes that Licensee presents an

immediate risk of harm to female patients, then the licensed mental health professional shall report such opinion to the Board as soon as possible. The licensed mental health professional shall state in detail the basis for the opinion and the recommended action to be taken by the Board;

5. IT IS FURTHER ORDERED that Licensee may petition the Board as provided for in paragraph 6 of the Consent Order to have the conditions imposed pursuant to paragraph 4 removed;

6. IT IS FURTHER ORDERED that Licensee's noncompliance with and/or violation of the conditions specified in paragraphs 3 and 4 herein will be considered unethical conduct and constitute grounds for further disciplinary action in accordance with paragraph 18 of the Settlement Stipulation. In addition, Licensee shall be subject to further disciplinary action in accordance with paragraph 18 of the Settlement Stipulation if the licensed mental health professional reports to the Board, as provided for in paragraph 4 herein, that Licensee presents an immediate risk to female patients.

Dated: April 25, 1990.

STATE OF MINNESOTA

BOARD OF OPTOMETRY

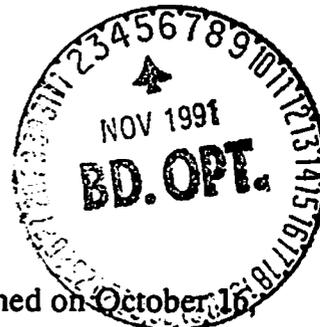

DEAN STENSRUD, O.D.
Vice-President
Board of Optometry

STATE OF MINNESOTA
COUNTY OF RAMSEY

BEFORE THE MINNESOTA
BOARD OF OPTOMETRY

In the Matter of
Ronald A. Peterson, OD
License No. 1773

ORDER



The Minnesota Board of Optometry (Board), having convened on October 16, 1991, hereby issues the following:

FINDINGS OF FACT

1. Pursuant to Minn. Stat. §§ 148.52 to 148.62 (1990), the Board licenses optometrists and regulates the practice of optometry in the State of Minnesota;
2. Ronald A. Peterson, OD (Licensee) was licensed by the Board by reciprocity with the State of Illinois on or about July 11, 1961;
3. On November 19, 1976, Licensee and the Board entered into a stipulation agreement (1976 stipulation) which included the following factual allegations:
 - a. That on or about and between July 7, 1976, and September 20, 1976, employees and agents of the Board received complaints from the Hennepin County Medical Society, from a private medical practitioner and from three of Respondent's [Ronald A. Peterson, OD's] female patients or former patients charging that Respondent did between the year 1972 and May of 1976 at his professional office and during the course of eye examinations or lens fittings:
 - 1) intentionally touch and hold the clothed breasts of female patients;
 - 2) kiss such patients, and/or;
 - 3) make suggestive comments thereto.
 - b. That Respondent did, pursuant to Board Notice of Conference herein, dated September 30, 1976, meet with the Board's Counsel and its Executive Secretary on October 26, 1976, and discuss the aforementioned charges, the circumstances of the conduct they detail, and the Board's statutory responsibility and authority respecting enforcement of the Minnesota optometric practice act as it relates to such conduct;
 - c. That at said conference of October 26, 1976, Respondent did not deny that between 1972 and May of 1976 he intentionally touched and held the clothed breasts of such female patients at his professional office and

during the course of eye examinations or lens fittings, and he admitted that he had kissed such patients and made some "double meaning" comments thereto.

Para. D. A copy of the 1976 stipulation is attached hereto and made a part hereof as Exhibit A.

4. In accordance with the stipulation referenced in finding 3 above, the Board issued an order, dated November 19, 1976 (1976 order), suspending Licensee's license, with the suspension being stayed for one year on certain terms and conditions. A copy of the 1976 order is attached hereto and made a part hereof as Exhibit B.

5. On January 26, 1978, the Board issued an order (1978 order) discontinuing and removing the terms and conditions of the 1976 order. A copy of the 1978 order is attached hereto and made a part hereof as Exhibit C.

6. On February 27, 1990, Licensee and the Board entered into an agreement, entitled Settlement Stipulation for Order of Suspension (1990 settlement stipulation), which included, in part, the following factual allegations:

c. Licensee treated patient CD from the time she was a child until approximately 1984, at which time she was approximately 22 years old;

d. Licensee admits that during and/or at the end of at least one eye examination of patient CD in late 1979 or early 1980, Licensee put his arm around patient CD and cupped her breast;

e. Licensee does not admit but also does not contest that during at least one eye examination of patient CD in late 1979 or early 1980, Licensee played with patient CD's necklace and caressed the area of her chest and neck surrounding the necklace;

f. Licensee admits that at the end of at least one eye examination of patient CD in late 1979 or early 1980, he embraced patient CD face-to-face. Licensee does not admit but also does not contest that when he embraced patient CD face-to-face, he moved his leg forward between patient CD's legs and made contact with her leg and crotch;

g. Licensee admits that he has hugged and cupped the breast of at least one other patient during the course of providing her an eye examination.

Para. 10. A complete copy of the 1990 settlement stipulation is attached hereto and made a part hereof as Exhibit D.

7. On March 20, 1990, the Board approved the 1990 settlement stipulation (Exhibit D) and, in accordance with the stipulation, the Board adopted a Consent Order of

Suspension (1990 consent order of suspension), which indefinitely suspended Licensee's license and, among other things, established procedures by which Licensee's license could be reinstated. A complete copy of the 1990 consent order of suspension is attached hereto and made a part hereof as Exhibit E.

8. On March 20, 1990, the Board also adopted an Order of Conditional License (1990 order of conditional license), which reinstated Licensee's license subject to the following terms and conditions:

[F]or 24 months following reinstatement of his license . . . Licensee

- 1) must not have any physical contact with patients except contact that is necessary for the practice of optometry,
- 2) must insure that the door to his examination rooms are open during all times when he is with patients,
- 3) must provide services to female patients in his office only when another employee is present in the office,
- 4) must, when providing services to female patients, insure that at least one of his female assistants has occasion to be present in the examination room at least once during each examination, and
- 5) will be subject to unannounced inspection or monitoring of the terms and conditions of this order by Board members or Board agents, or by an investigator of the Attorney General's Office.

Paras. 2 and 3. In addition, the 1990 order of conditional license required that Licensee engage in psychotherapy with a licensed mental health professional approved by the Board's Complaint Committee and that, "[i]f the licensed mental health professional concludes that Licensee presents an immediate risk of harm to female patients," it shall be reported to the Board as soon as possible. Para. 4. A complete copy of the 1990 order of conditional license is attached hereto and made a part hereof as Exhibit F.

9. On April 3, 1991, Deborah A. Rohan, an investigator from the Minnesota Attorney General's office presented at Licensee's office for a routine eye examination. Substantially the following occurred:

- 1) When the investigator was in the examination room, Licensee asked the investigator where she got her tan. The investigator stated that she got it from a tanning bed. Licensee told the investigator: "You were

supposed to tell me that you got the tan from Jamaica, Aruba, or someplace like that. I left the door wide open for you to say that and you didn't."

2) When the investigator told Licensee that she does not wear her glasses, Licensee said "you must be a woman" and laughed.

3) During the examination, Licensee placed his hand on both the investigator's right arm and shoulder. He also touched either the investigator's arm or shoulder when he said something funny to the investigator.

4) In response to a question from Licensee about the investigator's interests outside of work, the investigator told Licensee that she played a lot of volleyball. Licensee replied: "Ah yes, you are a tall, lovely lady."

5) When Licensee put drops into the investigator's eyes, the drops ran out of the corners of her eyes down to the top of her cheeks. Licensee said, "Whoops, let me get that," and he reached for a tissue and dabbed the corners of her eyes. Licensee asked, "Do you get this kind of treatment at home?" When the investigator said "Sure," Licensee said: "I hope not. That takes business away from me."

6) When Licensee checked the investigator's eyes for disease, he said: "Where did you get such lovely long lashes?"

7) After making a joke, Licensee held the investigator's upper arm just above her elbow for approximately five seconds. Licensee said: "You don't mind if I pull your chain a little, do you?"

8) Licensee commented several times to the investigator during the examination that she is "a very lovely lady."

9) Licensee lost one of the investigator's contact lenses during the examination. After trying to find it for a few minutes, Licensee told

the investigator that he would get her a new lens. Licensee said: "Do you do this to all the guys?"

10) Licensee tried to sell the investigator contact lenses, after offering "two for the price of one." The investigator challenged Licensee on this and stated that she needed only one lens. Licensee then said: "It'll just cost you twenty smiles."

11) When the investigator expressed uncertainty about the color of the lens, Licensee told the investigator that she should "wait and see if he likes them." The investigator had not mentioned a "significant other."

12) At the end of the examination, Licensee thanked the investigator for coming in, shook her hand, and said: "I thank whoever it was who referred you." He glanced at the chart and exclaimed: "Is your birthday on December 6?" The investigator said that it was. Licensee, still shaking the investigator's hand, then moved toward the investigator's face said "Happy Birthday!" and hugged her cheek to cheek. Licensee then said: "My birthday is December 5th. I'm a day older than you!"

10. On April 10, 1991, investigator Deborah A. Rohan presented at Licensee's office for a second appointment. Substantially the following occurred on that date:

1) When the investigator sat down in the examination chair, Licensee commented: "I love your dress. It is bright and colorful and I love the color red."

2) Licensee approached the investigator, rested his hand on her forearm immediately below her elbow for approximately three seconds and asked her about her contacts. The back of Licensee's fingers were touching her hip bone.

3) When Licensee completed his examination, he moved from the right side of the chair to the front of the chair. Standing directly in front of the investigator, Licensee moved his face toward the investigator's face until he was 5-6 inches in front of her face. He then asked: "Now, how much did I give those contacts to you for?" The investigator said: "Zero." When Licensee did not move, the investigator said: "Twenty smiles." Licensee then said: "That's right, and I'm a great bill collector."

4) Licensee then moved his face to the investigator's right side, but was still in her "personal space," and said: "You really have a way with men, don't you?" Smiling, Licensee then said: "Just kidding. You know we only kid those we like." He then squeezed her upper right arm and made a clicking sound with his tongue.

5) At the end of this visit, Licensee said: "Will you do me one more favor...if you know someone half as neat as you, will you send them my way because I really liked seeing you."

There was no female employee present at any time in the treatment room during the investigator's second appointment;

11. In accordance with paragraph 4 of the 1990 order of conditional license (Exhibit F), Licensee engaged in psychotherapy with John C. Gonsiorek, PhD, LCP, a licensed mental health professional approved by the Board's Complaint Committee.

12. A written report of the occurrences respecting the Attorney General's investigator, set forth in findings 9 and 10 above, was submitted to Dr. Gonsiorek by counsel for the Board's Complaint Committee with a request for his opinion whether Licensee presented a risk to female patients. Dr. Gonsiorek responded to the Complaint Committee's request, in part, as follows:

It is my view that Dr. Peterson does appear to be acting in an inappropriate manner and that he does pose a substantial risk of harm to female patients. I cannot make a determination about

the immediacy of the risk without personally examining Dr. Peterson again.

I would also like to note that a number of the details of his behavior suggest that he has not, in fact, incorporated the material from sessions with me and has not been truthful to me about the changes he made in his behavior.

Copies of Committee counsel's request and Dr. Gonsiorek's response are attached hereto and made parts hereof as Exhibits G and H, respectively.

13. Pursuant to paragraph 18 of the 1990 settlement stipulation (Exhibit D), the following procedures were to be followed in the event Licensee violated the stipulation or the 1990 consent order of suspension (Exhibit E):

If the Board receives evidence that Licensee has violated the terms of the stipulation or order and/or receives evidence that Licensee has made misrepresentations to the Board and/or evidence indicating acts or omissions similar to those alleged in the stipulation while the order or subsequent orders issued pursuant to paragraph 4 of the order are in effect, the Board shall so notify Licensee in writing at his last know address filed with the Board. Licensee shall have the opportunity to contest the allegations by submitting a written request to so contest within 30 days after service of the notice:

a. If Licensee does not submit a written request to contest the allegations within 30 days of service of a Notice Of Opportunity To Contest The Allegations, the issues set forth in the notice may be taken as true or deemed proved without further evidence. Upon a report to the Board of such allegations and of Licensee's failure to contest, the Board may either impose additional disciplinary action, including revocation, or deny any petition submitted by Licensee. Any Board order issued under this paragraph shall be final and binding upon Licensee and shall not be subject to judicial or administrative review or to a judicial stay pending any attempts to seek such review;

b. If Licensee submits a written request to contest the allegations, the Board may initiate either a proceeding conducted pursuant to Minn. Stat. ch. 214 (1988) or a contested case hearing pursuant to Minn. Stat. ch. 14 (1988) to determine whether Licensee can show cause as to why additional disciplinary action should not be imposed. In any such proceeding, the Board shall have the burden of going forward to provide a sufficient factual basis supporting the allegations. The Board shall provide sufficient evidence to meet the substantial evidence standard used by appellate courts in reviewing administrative actions, that is, evidence demonstrating that the Board is not acting unreasonably, arbitrarily, or capriciously and that some reasonable evidence exists to support the allegations. Upon such a showing by the Board, the burden of proof and

persuasion as to why additional disciplinary action should not be imposed or any petition for reinstatement should not be denied shall rest with Licensee.

14. Pursuant to paragraph 7 of the 1990 consent order of suspension

(Exhibit E):

Licensee's noncompliance with and/or violation of the Consent Order of Suspension will be considered unethical conduct and constitute grounds for further disciplinary action in accordance with paragraph 18 of the attached stipulation.

15. Pursuant to paragraph 6 of the 1990 order of conditional license

(Exhibit F):

Licensee's noncompliance with and/or violation of the conditions specified in paragraphs 3 and 4 herein will be considered unethical conduct and constitute grounds for further disciplinary action in accordance with paragraph 18 of the Settlement Stipulation. In addition, Licensee shall be subject to further disciplinary action in accordance with paragraph 18 of the Settlement Stipulation if the licensed mental health professional reports to the Board, as provided for in paragraph 4 herein, that Licensee presents an immediate risk to female patients.

16. On June 24, 1991, the Board's Complaint Committee served Licensee with a Notice of Opportunity to Contest Allegations (notice). A copy of the notice, together with an affidavit of its service upon Licensee, is attached hereto and made a part hereof as Exhibit I.

17. Pursuant to paragraph 4 of the notice (Exhibit I) and paragraph 18 of the 1990 settlement stipulation (Exhibit D), Licensee had 30 days within which to request in writing that disciplinary proceedings be initiated to adjudicate his alleged violation of the 1990 settlement stipulation (Exhibit D), the 1990 consent order of suspension (Exhibit E), and/or the 1990 order of conditional license (Exhibit F).

18. Pursuant to paragraph 5 of the notice (Exhibit I) and paragraph 18 of the 1990 settlement stipulation (Exhibit D), if Licensee failed to submit a written request to contest the alleged violations, the allegations may be taken as true or deemed proved without further evidence and the Board may impose additional disciplinary action, including the revocation of Licensee's license.

19. Licensee submitted a written request to contest the allegations against him on August 5, 1991. A copy of his request is attached hereto and made a part hereof as Exhibit J.

Based on the foregoing findings of fact, the Board makes the following:

CONCLUSIONS

1. The Board has jurisdiction in this matter.
2. The Board has complied with all substantive and procedural requirements relative to this case.
3. The 1990 settlement stipulation (Exhibit D), the 1990 consent order of suspension (Exhibit E), and the 1990 order of conditional license (Exhibit F) were in full force and effect during all relevant times herein.
4. Licensee's written request to contest the allegations herein was not submitted within 30 days of service of the Notice of Opportunity to Contest Allegations (Exhibit I).
5. Pursuant to paragraph 18. of the 1990 settlement stipulation (Exhibit D), the allegations set forth in the notice (Exhibit I) are taken as true and deemed proved. Thus, Licensee has committed the following violations:

- a. Licensee's conduct relative to investigator Deborah A. Rohan during her visits to his office on April 3 and April 10, 1991, constitutes acts or omissions similar to those alleged in the 1990 settlement stipulation. See Ex. D, para. 18.

- b. Licensee made physical contact with investigator Deborah A. Rohan which was not necessary for the practice of optometry. Such contact included touching her arm and shoulder with his hand, dabbing her eyes with a tissue, holding her upper arm, hugging her cheek to cheek, resting his hand on her forearm, touching her hip bone with the back of his

fingers, and squeezing her upper right arm. Such contact violates paragraph 3 of the 1990 consent order of suspension (Exhibit E).

c. No female assistant was present in the examination room at any time during investigator Deborah A. Rohan's visit to Licensee's office on April 10, 1991. Said failure violates paragraph 3 of the 1990 order of conditional license (Exhibit F).

d. John C. Gonsiorek, PhD, LCP, is an agent of the Board pursuant to paragraph 4 of the 1990 order of conditional license (Exhibit F). Licensee has been untruthful with Dr. Gonsiorek relative to changes Licensee claimed to have made in his behavior concerning the touching of patients, engaging patients in personal conversation, and behaviors which might be construed as seductive, excessively friendly or compromising. Licensee's lack of truthfulness with Dr. Gonsiorek constitutes misrepresentations to the Board within the meaning of paragraph 18 of the 1990 settlement stipulation (Exhibit D).

e. Licensee presents a risk of harm to female patients which may be immediate, within the meaning of paragraph 4 of the 1990 order of conditional license (Exhibit F).

6. In accordance with paragraph 18 of the 1990 settlement stipulation (Exhibit D), paragraph 5 of the 1990 consent order of suspension (Exhibit E), and paragraph 6 of the 1990 order of conditional license (Exhibit F), the conduct, omissions and circumstances set forth in conclusion 5 above constitute unethical conduct and are grounds for further disciplinary action by the Board, including license revocation.

Based upon the foregoing conclusions, the Board issues the following:

ORDER

1. Licensee's license to practice optometry in the State of Minnesota is hereby **SUSPENDED**, effective seven (7) days after the date of this order. During the

period of suspension, Licensee shall not (a) engage in any procedure or activity which constitutes the practice of optometry, (b) represent to any person that he is authorized to practice optometry, (c) supervise, assist or direct any unlicensed person in the practice of optometry, or (d) engage in any procedure or activity which may constitute the practice of optometry by delegation of authority by another optometrist or physician.

2. The suspension shall terminate without further proceedings sixty (60) days from the date the suspension went into effect pursuant to paragraph 1 above, provided that Licensee has fully satisfied any past due license renewal fee and continuing education requirements. If Licensee voluntarily suspended his practice during the period October 26, 1991, to the date the suspension went into effect pursuant to paragraph 1 above, then those dates of voluntary suspension shall be credited toward the total sixty (60) days of suspension. The Board will notify Licensee in writing of the date the suspension is terminated.

3. Immediately upon termination of the period of suspension pursuant to paragraph 2 above, Licensee shall be on probation with the Board. During the period of probation Licensee's license shall be subject to the limitation and conditions referenced in paragraphs 4 and 5 below.

4. Licensee's license to practice optometry is hereby LIMITED insofar as Licensee is prohibited from providing any optometric service to any female patient.

5. Licensee's retention of his license to practice optometry is CONDITIONAL upon his compliance with the following:

a. Licensee shall be evaluated by a licensed mental health professional at the Golden Valley Mental Health Center or the University of Minnesota Human Sexuality Program (evaluator) for his history of engaging in inappropriate physical and verbal behavior with patients. The evaluator must be approved by the Board prior to the evaluation. Once the evaluator has

been approved by the Board, Licensee shall provide the evaluator with a complete copy of this order, plus all exhibits referenced herein;

b. Licensee shall be responsible for ensuring that within sixty (60) days of completing the evaluation the evaluator submits a report directly to the Board which addresses and/or provides the Board with the following information:

1) Verification that the evaluator was provided with a copy of and did review this order, including exhibits A to J, prior to evaluating Licensee;

2) A summary of the evaluator's findings and conclusions, including the basis for each finding and conclusion;

3) A description of the evaluator's treatment recommendations, if any, including the name and professional credentials of the licensed mental health professional who will be Licensee's primary treating therapist during the course of Licensee's treatment program;

4) The evaluator's assessment as to whether it can be concluded with reasonable certainty that, if Licensee were allowed at that time to provide optometric services to female patients, he would not engage in inappropriate physical or verbal behavior with a female patient;

5) Any other information which would assist the Board in ultimately resolving this matter.

c. If the evaluator makes a recommendation for treatment, Licensee shall successfully complete the treatment program recommended by the evaluator. The issue of whether Licensee has successfully completed the treatment program shall be determined by Licensee's primary treating

therapist at the program and Licensee's evaluator who recommended the treatment program;

d. Licensee shall perform and complete a total of 100 hours of community service in a manner approved by the Board, after consultation with Licensee's evaluator and primary treating therapist, if any;

e. If the evaluator makes treatment recommendations, Licensee shall be responsible for ensuring that Licensee's primary treating therapist in the program submits a report to the Board every three months during the course of the treatment program. Each report shall address and/or provide the following information:

1) In the first report, verification that the therapist has reviewed a copy of this order, including exhibits A to J, and the evaluator's report to the Board referenced in paragraph 5.b. above;

2) In the first report, a description of Licensee's treatment plan. Subsequent reports must describe any changes made to Licensee's treatment plan;

3) Licensee's progress in treatment during the reporting period;

4) The therapist's assessment as to whether it can be concluded with reasonable certainty that, if Licensee were allowed at the time of the report to provide optometric services to female patients, he would not engage in inappropriate physical or verbal behavior with a female patient; and

5) Any other information which would assist the Board in ultimately resolving this matter.

f. Licensee himself shall submit reports to the Board every three months while the limitation and/or conditions are in effect. The first report shall be due April 1, 1992; subsequent reports shall be due every three months thereafter. Each report shall address and/or provide the following information:

1) Licensee's compliance with the limitation referenced in paragraph 4 above;

2) Licensee's compliance with the conditions referenced in paragraph 5;

3) If the evaluator has recommended treatment, Licensee's description of the treatment program and his progress in the program;

4) Licensee's assessment as to whether he can conclude with reasonable certainty that, if he were allowed at the time of the report to provide optometric services to female patients, he would not engage in inappropriate physical or verbal behavior with a patient; and

5) Any other information which would assist the Board in ultimately resolving this matter.

g. The Board or its authorized agents shall have the right to discuss Licensee's mental and/or physical health with, and obtain records and reports from, Licensee's evaluator, primary treating therapist, or any other person whom Licensee has contacted as a result of Licensee being evaluated or examined by or obtaining treatment, counseling or other assistance on his own initiative or otherwise. Licensee shall execute and provide to the Board any record waivers necessary for submission of the reports referenced in this order to enable the Board to obtain the information it deems necessary and to

authorize the testimony of those contacted by the Board in any proceeding related to this matter;

h. Licensee shall be solely responsible for all costs incurred as a result of his being evaluated and treated pursuant to paragraph 5 of this order, and as a result of any reports being submitted to the Board pursuant to paragraph 5 of this order.

6. Licensee's practice premises shall be subject to unannounced visits by the Board and its agents to monitor and observe Licensee's compliance with the foregoing limitation and conditions;

7. If Licensee fails to comply with the terms of this order, the Board may suspend Licensee's license for an indefinite period of time, or take other disciplinary action against Licensee's license:

a. The existence of any failure to comply shall be determined by the Board at a regular or special meeting thereof. Licensee shall be given no less than thirty (30) days notice of the meeting. The notice shall specify all allegations and shall be accompanied by copies of all supporting documents and any written statements to be submitted to the Board. Licensee may likewise submit documents and written statements and shall have the opportunity to address the Board at the meeting. The Board's decision shall be based upon its judgment as to the preponderance of the evidence;

b. Any decision of the Board under this paragraph 7 which suspends or takes other disciplinary action against Licensee's license shall be final and binding upon Licensee and shall not be subject to judicial review or to a judicial stay pending any attempt by Licensee to seek such review.

8. Licensee may petition the Board to have the limitation referenced in paragraph 4 above lifted whenever Licensee's evaluator or primary treating therapist

reports to the Board that they have determined, with reasonable certainty, that if Licensee were allowed at that time to provide optometric services to female patients, Licensee would not be likely to engage in inappropriate physical or verbal behavior with any female patient. Licensee's petition shall be in writing.

9. Licensee may petition the Board to have the conditions referenced in paragraph 5 above removed following his successful completion of any treatment program recommended by the evaluator, and compliance with all of the other conditions specified in paragraph 5 above. Licensee's petition shall be in writing.

10. Any petition submitted by Licensee in accordance with paragraphs 8 and 9 above shall be considered by the Board at its first regular meeting, or at a special meeting called by the Board, after the Board's receipt of the petition, provided that the petition is received at least fourteen (14) days prior to the meeting. The Board may require Licensee to appear before the Board at the meeting at which the petition is considered. Upon Licensee's petition for removal of the limitation and/or conditions, the burden of proof shall be on Licensee to demonstrate by clear and convincing evidence that he is fully rehabilitated and capable of performing the duties of an optometrist with reasonable skill and safety. At any regularly scheduled meeting at which the Board considers Licensee's petition for removal of the limitation and/or conditions, the Board may take any one of the following actions:

- a. Remove the limitation and/or conditions;
- b. Remove the limitation and/or conditions referenced in this order and subject Licensee's license to other limitations and/or conditions deemed appropriate by the Board;
- c. Continue the limitation and/or conditions upon Licensee's failure to meet his burden of proof that he has complied fully with the terms of this order.

11. The 1990 settlement stipulation (Exhibit D), 1990 consent order of suspension (Exhibit E), and 1990 order of conditional license (Exhibit F) are hereby RESCINDED and shall have no future force or effect.

12. This order is final and binding upon Licensee and shall not be subject to judicial or administrative review or to a judicial stay pending any attempt to seek such review.

13. This order, including all exhibits referenced herein, is and shall be deemed to be a public document.

Dated: November 4, 1991

BEFORE THE MINNESOTA

BOARD OF OPTOMETRY

Laurel Mickelson

LAUREL MICKELSON

Executive Director

**BEFORE THE MINNESOTA
BOARD OF OPTOMETRY**

In the Matter of
Ronald A. Peterson,
License No.1773

**FINDINGS OF FACT,
CONCLUSIONS
AND ORDER**

The Minnesota Board of Optometry (Board), having convened on January 28, 1993, hereby issues the following:

FINDINGS OF FACT

1. Pursuant to an Order of the Board, dated November 4, 1991 (Order), the license of Ronald A. Peterson, OD (Licensee), to practice optometry in the State of Minnesota is limited as follows:

Licensee's license to practice optometry is hereby LIMITED insofar as Licensee is prohibited from providing any optometric service to any female patient.

Paragraph 4.

2. In accordance with paragraph 6 of the Order:

Licensee's practice premises shall be subject to unannounced visits by the Board and its agents to monitor and observe Licensee's compliance with the foregoing limitation. . . .

3. Paragraph 8 of the Order states:

Licensee may petition the Board to have the limitation referenced in paragraph 4 above lifted whenever Licensee's evaluator or primary treating therapist reports to the Board that they have determined, with reasonable certainty, that if Licensee were allowed at that time to provide optometric services to female patients, Licensee would not be likely to engage in inappropriate physical or verbal behavior with any female patient. Licensee's petition shall be in writing.

4. The Order further provides as follows:

Any petition submitted by Licensee in accordance with paragraphs 8 and 9 above shall be considered by the Board at its first regular meeting, or at a special meeting called by the Board, after the Board's receipt of the petition, provided that the petition is received at least fourteen (14) days prior to the meeting. The Board may require Licensee to appear before the Board at the meeting at which the petition is considered. Upon Licensee's petition for removal of the limitation and/or conditions, the burden of proof shall be on

Licensee to demonstrate by clear and convincing evidence that he is fully rehabilitated and capable of performing the duties of an optometrist with reasonable skill and safety. At any regularly scheduled meeting at which the Board considers Licensee's petition for removal of the limitation and/or conditions, the Board may take any one of the following actions:

- a. Remove the limitation and/or conditions;
- b. Remove the limitation and/or conditions referenced in this order and subject Licensee's license to other limitations and/or conditions deemed appropriate by the Board;
- c. Continue the limitation and/or conditions upon Licensee's failure to meet his burden of proof that he has complied fully with the terms of this order.

Paragraph 10.

5. On or about September 16, 1992, the Board received a letter from Licensee's primary treating therapist which, in its entirety, states:

This is to inform you that Dr. Ronald Peterson can see women patients - only with a female workers present in room (sic) at all times.

6. No other correspondence or report from Licensee's evaluator or primary treating therapist relating to the limitation on Licensee's license has been received by the Board.

7. On or about October 15, 1992, the Board received a letter form Licensee which, in its entirety, states:

I am petitioning for the Board of Optometry to allow me to examine female patients with the understanding that one of my assistants must be present during the course of such examination.

Moreover, I ask the Board of Optometry that this restriction be reviewed on a quarterly basis.

8. On January 13, 1993, prior to any consideration of Licensee's petition by the Board, the Board's Executive Director, a female, made an appointment with Licensee's staff to be examined by Licensee on January 18, 1993. The appointment was later rescheduled by telephone to January 19, 1993, and then to January 26, 1993. Each time the appointment was rescheduled, it was confirmed by the Executive Director that the

examination would be conducted by Licensee personally. In each instance the Executive Director used her normal tone of voice when speaking with Licensee's staff and identified herself by her maiden name, Laurel Swartz.

9. On January 25, 1993, the Chief Investigator from the Office of the Minnesota Attorney General made an unannounced visit to Licensee's practice premises and there and then served Licensee with a Board subpoena. In accordance with the subpoena, Licensee provided the Chief Investigator with randomly selected pages from his 1992 and 1993 appointment calendars and randomly selected records of thirteen (13) female patients seen by Licensee in 1992 and 1993.

10. An examination of the materials obtained pursuant to the subpoena and statements made by Licensee to the Chief Investigator disclose that Licensee has regularly been providing optometric services to female patients, beginning at least as early as January 1992.

11. Licensee appeared at the Board meeting on January 28, 1993, and addressed the Board relative to his petition to be allowed to examine female patients.

Based on the foregoing Findings of Fact, the Board makes the following:

CONCLUSIONS

1. The Board has jurisdiction in this matter.
2. The Board has complied with all substantive and procedural requirements relative to this case.
3. The report received from Licensee's primary treating therapist on or about September 16, 1992, fails to indicate with reasonable certainty within the meaning of paragraph 8 of the Order that if the limitation upon Licensee's license is removed he would not be likely to engage in inappropriate physical or verbal behavior with any female patient.

4. The scheduling of appointments with the Board's Executive Director and Licensee's ongoing provision of optometric services to a number of female patients prior to the Board's consideration of his petition constitute clear violations of the Order and indicate that Licensee is not fully rehabilitated within the meaning of paragraph 10 of the Order and that he has not fully complied with the terms of the Order.

5. Licensee has failed to carry his burden of proof relative to his petition by failing to demonstrate by clear and convincing evidence under paragraph 10 of the Order that he is fully rehabilitated and capable of performing the duties of an optometrist with reasonable skill and safety.

Based on the foregoing Conclusions, the Board issues the following:

ORDER

1. Licensee's petition to modify the Order herein of November 4, 1991, to permit Licensee to examine female patients with an assistant present during the course of each such examination is DENIED.

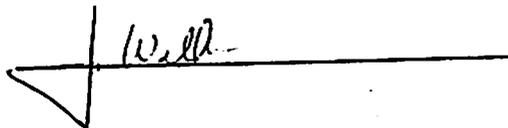
2. Until further order of the Board, the limitation of paragraph 4 of the Order prohibiting Licensee's provision of any optometric service to any female patient under any circumstances, together with all other portions of the Order, shall remain in full force and effect.

3. Nothing herein shall prevent the Board from acting to indefinitely suspend or to take other disciplinary action against Licensee's license under paragraph 7 of the Order on the basis of violations of the Order referenced above.

Dated: July 28, 1993

State of Minnesota

Board of Optometry



**BEFORE THE MINNESOTA
BOARD OF OPTOMETRY**

In the Matter of
Ronald A. Peterson,
License No.1773

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

The Minnesota Board of Optometry (Board), having convened on January 28, 1993, hereby issues the following:

FINDINGS OF FACT

1. Pursuant to an Order of the Board, dated November 4, 1991 (Order), the license of Ronald A. Peterson, OD (Licensee), to practice optometry in the State of Minnesota is limited as follows:

Licensee's license to practice optometry is hereby LIMITED insofar as Licensee is prohibited from providing any optometric service to any female patient.

Paragraph 4.

2. In accordance with paragraph 6 of the Order:

Licensee's practice premises shall be subject to unannounced visits by the Board and its agents to monitor and observe Licensee's compliance with the foregoing limitation. . . .

3. Paragraph 8 of the Order states:

Licensee may petition the Board to have the limitation referenced in paragraph 4 above lifted whenever Licensee's evaluator or primary treating therapist reports to the Board that they have determined, with reasonable certainty, that if Licensee were allowed at that time to provide optometric services to female patients, Licensee would not be likely to engage in inappropriate physical or verbal behavior with any female patient. Licensee's petition shall be in writing.

4. The Order further provides as follows:

Any petition submitted by Licensee in accordance with paragraphs 8 and 9 above shall be considered by the Board at its first regular meeting, or at a special meeting called by the Board, after the Board's receipt of the petition, provided that the petition is received at least fourteen (14) days prior to the meeting. The Board may require Licensee to appear before the Board at the meeting at which the petition is considered. Upon Licensee's petition for removal of the limitation and/or conditions, the burden of proof shall be on

examination would be conducted by Licensee personally. In each instance the Executive Director used her normal tone of voice when speaking with Licensee's staff and identified herself by her maiden name, Laurel Swartz.

9. On January 25, 1993, the Chief Investigator from the Office of the Minnesota Attorney General made an unannounced visit to Licensee's practice premises and there and then served Licensee with a Board subpoena. In accordance with the subpoena, Licensee provided the Chief Investigator with randomly selected pages from his 1992 and 1993 appointment calendars and randomly selected records of thirteen (13) female patients seen by Licensee in 1992 and 1993.

10. An examination of the materials obtained pursuant to the subpoena and statements made by Licensee to the Chief Investigator disclose that Licensee has regularly been providing optometric services to female patients, beginning at least as early as January 1992.

11. Licensee was given due notice of the Board meeting of January 28, 1993, but failed to attend.

Based on the foregoing Findings of Fact, the Board makes the following:

CONCLUSIONS

1. The Board has jurisdiction in this matter.
2. The Board has complied with all substantive and procedural requirements relative to this case.
3. The report received from Licensee's primary treating therapist on or about September 16, 1992, fails to indicate with reasonable certainty within the meaning of paragraph 8 of the Order that if the limitation upon Licensee's license is removed he would not be likely to engage in inappropriate physical or verbal behavior with any female patient.

4. The scheduling of appointments with the Board's Executive Director and Licensee's ongoing provision of optometric services to a number of female patients prior to the Board's consideration of his petition constitute clear violations of the Order and indicate that Licensee is not fully rehabilitated within the meaning of paragraph 10 of the Order and that he has not fully complied with the terms of the Order.

5. Licensee has failed to carry his burden of proof relative to his petition by failing to demonstrate by clear and convincing evidence under paragraph 10 of the Order that he is fully rehabilitated and capable of performing the duties of an optometrist with reasonable skill and safety.

Based on the foregoing Conclusions, the Board issues the following:

ORDER

1. Licensee's petition to modify the Order herein of November 4, 1991, to permit Licensee to examine female patients with an assistant present during the course of each such examination is DENIED.

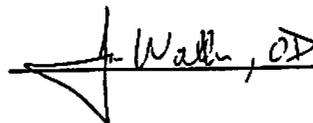
2. Until further order of the Board, the limitation of paragraph 4 of the Order prohibiting Licensee's provision of any optometric service to any female patient under any circumstances, together with all other portions of the Order, shall remain in full force and effect.

3. Nothing herein shall prevent the Board from acting to indefinitely suspend or to take other disciplinary action against Licensee's license under paragraph 7 of the Order on the basis of violations of the Order referenced above.

Dated: 2/2, 1993

State of Minnesota

Board of Optometry



**BEFORE THE MINNESOTA
BOARD OF OPTOMETRY**

In the Matter of
Ronald A. Peterson, OD
License No.1773

**ORDER OF
SUSPENSION**

The above-entitled matter was submitted to the Minnesota Board of Optometry (Board) by Board staff pursuant to the remedial procedures set forth under paragraph 7 of the Board Order, dated November 4, 1991.

The Board met to consider the matter on Thursday, April 29, 1993, at 6:00 PM, in Conference Room A, at the Colonial Office Building, 2700 University Avenue West, St. Paul, Minnesota. The following members of the Board were present: Marlane J. Brown, OD; Jean R. Lemberg; Alan R. Paymar, OD; Joseph Powell; Donald H. Sealock, OD; Dean Stensrud, OD; and Jon S. Walker, OD.

Robert T. Holley, Special Assistant Attorney General, Suite 500, 525 Park Street, St. Paul, Minnesota 55103, presented oral argument on behalf of Board staff. Ronald A. Peterson, OD (Licensee) appeared and presented argument on his own behalf. Special Assistant Attorney General Jacquelyn E. Albright was present as legal advisor to the Board. Alan R. Paymar, OD, did not participate in deliberations and did not vote in the matter.

Based on its review of the record of the proceeding, including the affidavits of Attorney General investigators Susan Fortney Renstrom and Deborah A. Rohan and those of Board Executive Director Laurel E. Mickelson, the Board makes the following:

FINDINGS OF FACT

1. The Board's Order, dated November 4, 1991, has been in full force and effect during all times material herein. See Supplementary Affidavit of Laurel E. Mickelson, para. 2.

2. In accordance with paragraph 4, pg. 11 of the November 4, 1991, Board Order, Licensee's license to practice optometry in the State of Minnesota was at all times material herein limited as follows:

Licensee's license to practice optometry is hereby LIMITED insofar as Licensee is prohibited from providing any optometric service to any female patient.

3. Paragraph 5.a, pg. 11, of the same order requires Licensee to be evaluated by a Board-approved licensed mental health professional.

4. An evaluation report on Licensee from a Board-approved mental health professional was received by the Board on or about December 16, 1991. It includes the recommendations that Licensee be treated in a sexual offender program and that he engage in family therapy. Supplementary Affidavit of Laurel E. Mickelson, para. 6.

5. Paragraph 5.e, pg. 13 of the November 4, 1991, Board Order states:

If the evaluator makes treatment recommendations, Licensee shall be responsible for ensuring that Licensee's primary treating therapist in the program submits a report to the Board every three months during the course of the treatment program. Each report shall address and/or provide the following information:

1) In the first report, verification that the therapist has reviewed a copy of this order, including exhibits A to J, and the evaluator's report to the Board referenced in paragraph 5.b. above;

2) In the first report, a description of Licensee's treatment plan. Subsequent reports must describe any changes made to Licensee's treatment plan;

3) Licensee's progress in treatment during the reporting period;

4) The therapist's assessment as to whether it can be concluded with reasonable certainty that, if Licensee were allowed at the time of the report to provide optometric services to female patients, he would not engage in inappropriate physical or verbal behavior with a female patient; and

5) Any other information which would assist the Board in ultimately resolving this matter.

6. Paragraph 5.f, pg. 14 of the November 4, 1991, Board Order provides as follows:

Licensee himself shall submit reports to the Board every three months while the limitation and/or conditions are in effect. The first report shall be due April 1, 1992; subsequent reports shall be due every three months

thereafter. Each report shall address and/or provide the following information:

1) Licensee's compliance with the limitation referenced in paragraph 4 above;

2) Licensee's compliance with the conditions referenced in paragraph 5;

3) If the evaluator has recommended treatment, Licensee's description of the treatment program and his progress in the program;

4) Licensee's assessment as to whether he can conclude with reasonable certainty that, if he were allowed at the time of the report to provide optometric services to female patients, he would not engage in inappropriate physical or verbal behavior with a patient; and

5) Any other information which would assist the Board in ultimately resolving this matter.

7. Paragraph 7 of the November 4, 1991, Board Order states:

If Licensee fails to comply with the terms of this order, the Board may suspend Licensee's license for an indefinite period of time, or take other disciplinary action against Licensee's license:

a. The existence of any failure to comply shall be determined by the Board at a regular or special meeting thereof. Licensee shall be given no less than thirty (30) days notice of the meeting. The notice shall specify all allegations and shall be accompanied by copies of all supporting documents and any written statements to be submitted to the Board. Licensee may likewise submit documents and written statements and shall have the opportunity to address the Board at the meeting. The Board's decision shall be based upon its judgment as to the preponderance of the evidence;

b. Any decision of the Board under this paragraph 7 which suspends or takes other disciplinary action against Licensee's license shall be final and binding upon Licensee and shall not be subject to judicial review or to a judicial stay pending any attempt by Licensee to seek such review.

8. On or about September 16, 1992, the Board received a letter from Licensee's therapist stating as follows: "This is to inform you that Dr. Ronald Peterson can see women patients - only with a female worker present in room at all times." Affidavit of Laurel E. Mickelson, para. 5.

9. On October 9, 1992, Board Executive Director Laurel E. Mickelson wrote to Licensee to acknowledge receipt of the therapist's letter, to remind Licensee that he continues to be prohibited from providing any optometric service to any female patient, and to inform him of his option to petition the Board to remove the prohibition. Id., para. 6.

10. On or about October 15, 1992, the Board received a letter from Licensee which states as follows: "I am petitioning the Board of Optometry to allow me to examine female patients with the understanding that one of my assistants must be present during the course of such examination." Id., para. 7.

11. On November 20, 1992, Laurel E. Mickelson wrote to Licensee, among other reasons, to confirm that he had not complied with paragraph 5.f of the November 4, 1991, Board Order requiring Licensee's submission of personal quarterly reports. Id., para. 9.

12. On January 13, 1993, Laurel E. Mickelson telephoned Licensee's office and made an appointment for an eye examination for herself with Licensee. She used her maiden name. Id., paras. 10 and 11.

13. On January 14, 1993, Laurel E. Mickelson sent a letter to Licensee reminding him that he is not authorized to treat female patients unless and until the Board grants a petition lifting the limitation. The letter also informed Licensee that the Board was aware that a female was able to call his office and schedule an eye examination for herself to be provided by Licensee. Id., para. 12.

14. On January 19, 1993, Laurel E. Mickelson telephoned Licensee's office to cancel and reschedule the eye examination appointment previously made with Licensee. She again used her maiden name. Id., para. 13.

15. On January 25, 1993, Attorney General investigator Susan Fortney Renstrom met with Licensee at his office at 6121 Wooddale, Edina, Minnesota. Licensee there and then stated to Ms. Renstrom that he does see female patients. See Affidavit of Susan Fortney Renstrom. Clinic appointment calendars and randomly selected patient records

obtained from Licensee by Ms. Renstrom confirm that Licensee has regularly provided optometric services to female patients and was scheduled to provide the same from on or before January 7, 1992, to January 28, 1993. Id.

16. The Board issued an Order, dated February 2, 1993, denying Licensee's petition to permit him to examine female patients with an assistant present. The order confirms that all portions of the Order of November 4, 1991, expressly including the prohibition against Licensee's provision of any optometric service to any female patient, remain in full force and effect. Supplementary Affidavit of Laurel E. Mickelson, para. 2; Amended Findings of Fact, Conclusions and Order, dated February 2, 1993. The Order of February 2, 1993, was served on Licensee on February 4, 1993. Supplementary Affidavit of Laurel E. Mickelson, para. 2.

17. On February 16, 1993, Laurel E. Mickelson, using her mother's maiden name, telephoned Licensee's office and again scheduled an eye examination for herself with Licensee.

18. On March 1, 1993, Attorney General investigator Deborah A. Rohan presented herself at Licensee's office at 6121 Wooddale, Edina, Minnesota. Among other things, Ms. Rohan observed that a female patient arrived for a 2:00 PM appointment and was joined in the examination room by Licensee. A clinic appointment calendar and randomly selected patient charts obtained from Licensee by Ms. Rohan during her visit disclose that Licensee regularly provided optometric services to female patients and was scheduled to provide the same from February 8, 1993, to March 2, 1993.

CONCLUSIONS

1. The Board has jurisdiction in this matter.
2. The Board gave proper notice and has fulfilled all substantive and procedural requirements relative to the case.
3. Licensee has failed to comply with the limitation placed on his license under paragraph 4 of the order herein of November 4, 1991, by repeatedly providing optometric

service to numerous female patients from on or before January 7, 1992, to at least March 1, 1993.

4. Licensee has failed to comply with the conditions set forth under paragraph 5.e of the order of November 4, 1991, by failing to ensure the Board's receipt of all reports required from Licensee's primary treating therapist.

5. Licensee has failed to comply with the conditions set forth under paragraph 5.f of the order of November 4, 1991, by failing to submit to the Board all reports required from himself.

Based upon the foregoing Conclusions, the Board issues the following:

ORDER

1. Licensee's license to practice optometry in the State of Minnesota is hereby **SUSPENDED**, effective seven (7) days from the date of this Order. During the period of suspension, Licensee shall not (a) engage in any procedure or activity which constitutes the practice of optometry, (b) represent to any person that he is authorized to practice optometry, (c) supervise, assist or direct any unlicensed person in the practice of optometry, or (d) engage in any procedure or activity which may constitute the practice of optometry by delegation of authority by another optometrist or physician.

2. The suspension shall be in effect for a minimum of one hundred and eighty (180) days from the date of this Order and shall terminate only after the Board receives an assessment from both Licensee's therapist and an independent mental health professional selected by the Board, that Licensee is capable of providing optometric services to female patients in a fit and competent manner without risk of inappropriate physical or verbal behavior.

3. Upon receiving the favorable assessments required in paragraph 2 above, the suspension shall terminate upon the successful petition of Licensee pursuant to paragraph 7 below, but in no event will it terminate prior to the one hundred and eighty (180) days referenced in paragraph 2 above.

4. Licensee's retention of his license to practice optometry is **CONDITIONAL** upon his compliance with the following:

a. Licensee shall successfully complete the treatment program at the University of Minnesota Program in Human Sexuality which he commenced pursuant to the November 4, 1991, Board Order. When and whether Licensee has successfully completed treatment shall be determined by Licensee's primary treating therapist at the Program and Licensee's evaluator who recommended treatment;

b. Licensee shall be responsible for ensuring that Licensee's primary treating therapist in the Program submits a report to the Board every ninety (90) days during the course of treatment. Licensee shall cause the first report to be received by the Board not later than ninety (90) days from the date of this Order. Each report shall address and/or provide the following information:

1) In the first report, a description of Licensee's treatment plan. Subsequent reports must describe any changes made to Licensee's treatment plan;

2) Licensee's progress in treatment during the reporting period;

3) The therapist's assessment as to whether it can be concluded with reasonable certainty that, if Licensee were allowed at the time of the report to provide optometric services to female patients, he would not engage in inappropriate physical or verbal behavior with a female patient; and

4) Any other information which would assist the Board in ultimately resolving this matter.

c. Licensee himself shall submit reports to the Board every ninety (90) days while the suspension, limitation and/or conditions are in effect. The first report shall be due ninety (90) days from the date of this Order. Each report shall address and/or provide the following information:

1) Licensee's compliance with the limitation referenced in paragraph 4 above;

2) Licensee's compliance with the conditions referenced in paragraph 5;

3) Licensee's description of the treatment program and his progress in the program;

4) Licensee's assessment as to whether he can conclude with reasonable certainty that, if he were allowed at the time of the report to provide optometric services to female patients, he would not engage in inappropriate physical or verbal behavior with a patient; and

5) Any other information which would assist the Board in ultimately resolving this matter;

d. Licensee shall perform and complete a total of 100 hours of community service in a manner approved by the Board, after consultation with Licensee's evaluator and primary treating therapist. The 100 hours shall be completed within 180 days from the date upon which the Board approves the community service proposal submitted by Licensee;

e. The Board or its authorized agents shall have the right to discuss Licensee's mental and/or physical health with, and obtain records and reports from, Licensee's evaluator, primary treating therapist, or any other person whom Licensee has contacted as a result of Licensee being evaluated or examined by or obtaining treatment, counseling or other assistance on his own

initiative or otherwise. Licensee shall execute and provide to the Board any record waivers necessary for submission of the reports referenced in this Order to enable the Board to obtain the information it deems necessary and to authorize the testimony of those contacted by the Board in any proceeding related to this matter;

f. Licensee shall be solely responsible for all costs incurred as a result of his being evaluated pursuant to paragraph 2 of this Order, treated pursuant to paragraph 4 of this Order, and as a result of any reports being submitted to the Board pursuant to paragraph 5 of this Order.

5. Not later than seven (7) days from the date the suspension of Licensee's license terminates pursuant to paragraph 2, Licensee shall provide a true, complete and exact copy of this Order to any and all persons he employs relative to the provision of optometric services. Likewise, within seven (7) days from the date Licensee may employ any other person relative to his provision of optometric services, he shall provide each such person with a true, complete and exact copy of this Order.

6. If Licensee fails to comply with the suspension under paragraph 1 of this Order, the Board will revoke Licensee's license. If Licensee fails to comply with any other condition, term, or requirement set forth under paragraphs 4 through 6, the Board may revoke or suspend Licensee's license for an indefinite period of time or take other disciplinary action against Licensee's license:

a. The existence of any failure to comply shall be determined by the Board at a regular or special meeting thereof. Licensee shall be given not less than thirty (30) days notice of the meeting. The notice shall specify all allegations and shall be accompanied by copies of all supporting documents and any written statements to be submitted to the Board. Licensee may likewise submit documents and written statements and shall have the

opportunity to address the Board at the meeting. The Board's decision shall be based upon its judgment as to the preponderance of the evidence;

b. Any decision of the Board under this paragraph which revokes, suspends or takes other disciplinary action against Licensee's license shall be final and binding upon Licensee and shall not be subject to judicial review or to a judicial stay pending any attempt by Licensee to seek such review.

7: Licensee may petition the Board to have the suspension referenced in paragraph 1 above terminated upon meeting the requirements set forth in paragraph 2, provided that at least one hundred and eighty (180) days have passed from the date of this Order. Licensee may petition the Board to have the conditions referenced in paragraph 4 above removed following his successful completion of the treatment program and compliance with all of the other conditions specified in paragraph 4 above. Licensee's petition shall be in writing.

8. Any petition submitted by Licensee in accordance with paragraph 7 above shall be considered by the Board at its first regular meeting, or at a special meeting called by the Board, after the Board's receipt of the petition, provided that the petition is received at least fourteen (14) days prior to the meeting. The Board may require Licensee to appear before the Board at the meeting at which the petition is considered. Upon Licensee's petition for termination of the suspension or removal of the conditions, the burden of proof shall be on Licensee to demonstrate by clear and convincing evidence that he is fully rehabilitated and capable of performing the duties of an optometrist with reasonable skill and safety. At any regularly scheduled meeting at which the Board considers Licensee's petition, the Board may take any one of the following actions:

- a. Terminate the suspension/remove the conditions;
- b. Remove the conditions referenced in this Order and subject Licensee's license to other limitations and/or conditions deemed appropriate by the Board;

c. Continue the suspension/continue the conditions upon Licensee's failure to meet his burden of proof that he has complied fully with the terms of this Order.

9. This Order supersedes the order herein, dated November 4, 1991.

10. This Order is final and binding upon Licensee and shall not be subject to judicial or administrative review or to a judicial or administrative stay pending any attempt to seek such review.

11. This Order is and shall be deemed to be a public document.

Dated: 5/12, 1993

BEFORE THE MINNESOTA
BOARD OF OPTOMETRY



JON S. WALKER, O.D.

optso.AA1

**BEFORE THE MINNESOTA
BOARD OF OPTOMETRY**

In the Matter of
Ronald A. Peterson, OD
License No. 1773

**ORDER OF REINSTATEMENT
AND CONDITIONAL LICENSURE**

WHEREAS, pursuant to an order the Minnesota Board of Optometry (Board), dated May 12, 1993, the license of Ronald A. Peterson, OD, (Licensee) to practice optometry in Minnesota was suspended; and

WHEREAS, in accordance with the Order, Licensee was authorized to petition and did petition the Board for reinstatement of his license not earlier than one hundred and eighty (180) days from the date of the Order; and

WHEREAS, at a meeting of the Board on January 26, 1994, upon evidence of Licensee's compliance with the reinstatement requirements and procedures under the Order, the Board granted Licensee's petition subject to the terms and conditions hereinafter set forth;

NOW THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

1. Licensee's license to practice optometry in Minnesota is reinstated, effective immediately;

2. Licensee's retention of his license to practice optometry is **CONDITIONAL** upon his compliance with the following:

a. Until further order of the Board:

1) a) Licensee shall not provide optometric care of any nature to any female patient unless a third person adult is at all times personally present in the same room;

b) Licensee shall cause to be included in the record of each female patient to whom he provides optometric care subsequent to the date of this Order the name of the third person adult present at each visit in accordance with a) above, a

statement indicating whether the third person was present throughout the visit, and the third person's signature verifying the period of their presence. In his discretion, Licensee may prepare and utilize a separate form approved in advance by the Board and maintained in each female patient's file to record the information and signatures required under this part.

2) The conditions of this paragraph shall remain in effect for a period of not less than one hundred and eighty (180) days from the date of this Order. Any alteration or removal of said conditions shall be subject to the petition procedures of paragraphs 5 and 6 below; provided that any petition relative to the conditions of this paragraph shall be accompanied by a pertinent written recommendation from Licensee's primary treating therapist at the University of Minnesota Program in Human Sexuality.

b. 1) Licensee shall not touch any female patient in any manner or for any purpose not clinically essential to the provision of optometric care;

2) Licensee shall not make any statement to any female patient, or engage in any other verbal behavior, which might reasonably be interpreted by the patient as being sexually suggestive, sexually demeaning or flirtatious.

c. Licensee shall successfully complete the treatment program at the University of Minnesota Program in Human Sexuality which he commenced pursuant to an order of the Board, dated November 4, 1991. When and whether Licensee has successfully completed treatment shall be determined by Licensee's primary treating therapist at the Program.

d. Licensee shall be responsible for ensuring that Licensee's primary treating therapist in the Program submits quarterly written reports to the Board during the course of treatment; provided that Licensee shall cause the first report to be received by the Board not later than February 15, 1994. Licensee shall cause the Board to receive subsequent reports by May 15, August 15, November 15 and February 15 each year during

the course of treatment. Each report shall address and/or provide the following information:

- 1) A description of any changes made to Licensee's treatment plan;
- 2) Licensee's progress in treatment during the reporting period;
- 3) The therapist's assessment as to whether it can be concluded with reasonable certainty that Licensee can continue to provide optometric services to female patients without engaging in inappropriate physical or verbal behavior with such patients; and

- 4) Any other information which would assist the Board in ultimately resolving this matter.

e. Licensee himself shall submit quarterly written reports to the Board while the conditions are in effect; provided that Licensee shall cause the first report to be received by the Board not later than February 15, 1994. Licensee shall cause the Board to receive subsequent reports by May 15, August 15, November 15 and February 15 during the term of this Order. Each report shall address and/or provide the following information:

- 1) Licensee's compliance with the conditions referenced in this paragraph;

- 2) Licensee's compliance with the conditions referenced in paragraph 3;

- 3) Licensee's description of the treatment program and his progress in the program;

- 4) Licensee's assessment as to whether he can conclude with reasonable certainty that he can continue to provide optometric services to female patients without engaging in inappropriate physical or verbal behavior with such patients; and

- 5) Any other information which would assist the Board in ultimately resolving this matter.

f. Licensee shall perform and complete a total of 100 hours of community service in a manner approved by the Board, after consultation with Licensee's evaluator and primary treating therapist. The 100 hours shall be completed within 180 days from the date upon which the Board approves the community service proposal submitted by Licensee. Board-approved community service performed by Licensee at any time subsequent to the effective date of the Order herein of May 12, 1993, shall be credited to Licensee relative to his completion of the requirements of this paragraph.

g. The Board or its authorized agents shall have the right to discuss Licensee's mental and/or physical health with, and obtain records and reports from, Licensee's evaluator, primary treating therapist, or any other person whom Licensee has contacted as a result of Licensee being evaluated or examined by or obtaining treatment, counseling or other assistance on his own initiative or otherwise. Licensee shall execute and provide to the Board any record waivers necessary for submission of the reports referenced in this Order to enable the Board to obtain the information it deems necessary and to authorize the testimony of those contacted by the Board in any proceeding related to this matter.

h. Licensee shall permit the Board or its authorized agents, including investigators of the Minnesota Attorney General, to enter and inspect Licensee's place of practice, remove and copy appointment books and patient records and interview Licensee and his staff to monitor Licensee's compliance with the requirements of this Order. Entry, inspection and monitoring under this paragraph shall occur without interference by Licensee, during normal practice hours, without the necessity of additional notice to Licensee and with such frequency as the Board reasonably deems necessary.

i. Licensee shall be solely responsible for all costs incurred as a result of his being assessed pursuant to paragraph 2 of the Order of May 12, 1993, complying with the recommendations of said assessments, treated pursuant to this Order and the Order of

May 12, 1993, and as a result of reports being submitted to the Board under this Order and the Order of May 12, 1993.

3. Not later than seven (7) days from the date of this Order, Licensee shall provide a true, complete and exact copy of this Order to any and all persons he employs or engages as independent contractors relative to the provision of optometric services. Likewise, within seven (7) days from the date Licensee may employ or engage as an independent contractor and any other person relative to his provision of optometric services, he shall provide each such person with a true, complete and exact copy of this Order;

4. If Licensee fails to comply with any condition, term, or requirement set forth under paragraphs 2 and 3 of this Order, the Board may revoke or suspend Licensee's license for an indefinite period of time or take other disciplinary action against Licensee's license:

a. The existence of any failure to comply shall be determined by the Board at a regular or special meeting thereof. Licensee shall be given not less than thirty (30) days notice of the meeting. The notice shall specify all allegations and shall be accompanied by copies of all supporting documents and any written statements to be submitted to the Board. Licensee may likewise submit documents and written statements and shall have the opportunity to address the Board at the meeting. The Board's decision shall be based upon its judgment as to the preponderance of the evidence.

b. Any decision of the Board under this paragraph which revokes, suspends or takes other disciplinary action against Licensee's license shall be final and binding upon Licensee and shall not be subject to judicial review or to a judicial stay pending any attempt by Licensee to seek such review.

c. During any period of revocation or suspension which results from Board action under this paragraph, Licensee shall not (a) engage in any procedure or activity which constitutes the practice of optometry, (b) represent to any person that he is

authorized to practice optometry, (c) supervise, assist or direct any unlicensed person in the practice of optometry, or (d) engage in any procedure or activity which may constitute the practice of optometry by delegation of authority by another optometrist or physician.

5. Licensee may petition the Board for the removal of the conditions referenced in paragraphs 2 and 3 above following his successful completion of the treatment program and compliance with all of the other conditions specified in paragraphs 2 and 3 above. Licensee's petition shall be in writing;

6. Any petition submitted by Licensee in accordance with paragraph 5 above shall be considered by the Board at its first regular meeting, or at a special meeting called by the Board, after the Board's receipt of the petition, provided that the petition is received at least fourteen (14) days prior to the meeting. The Board may require Licensee to appear before the Board at the meeting at which the petition is considered. Upon Licensee's petition for removal of the conditions, the burden of proof shall be on Licensee to demonstrate by clear and convincing evidence that he is fully rehabilitated and capable of performing the duties of an optometrist with reasonable skill and safety. At any regularly scheduled meeting at which the Board considers Licensee's petition, the Board may take any one of the following actions:

- a. Remove the conditions;
- b. Remove the conditions referenced in this Order and subject Licensee's license to other conditions and/or limitations deemed appropriate by the Board;
- c. Continue the conditions upon Licensee's failure to meet his burden of proof.

7. Except as otherwise set forth above, this Order supersedes the Order herein, dated May 12, 1993;

8. This Order is final and binding upon Licensee and shall not be subject to judicial or administrative review or to a judicial or administrative stay pending any attempt to seek such review;

9. This Order is and shall be deemed to be a public document.

Dated: Feb 2, 1994

BEFORE THE MINNESOTA
BOARD OF OPTOMETRY


LAUREL E. MICKELSON
Executive Director

**BEFORE THE MINNESOTA
BOARD OF OPTOMETRY**

In the Matter of
Ronald A. Peterson, O.D.
License No. 1773

STIPULATION AND ORDER

WHEREAS, pursuant to an order issued by the Minnesota Board of Optometry (Board), dated February 2, 1994 (the order), the license of Ronald A. Peterson, O.D. (Licensee), to practice optometry in Minnesota was reinstated and placed in a conditional status; and

WHEREAS, in accordance with the order, Licensee was authorized to petition and did petition the Board for removal of all of the conditions placed on his license not earlier than one hundred eighty (180) days from the date of the order; and

WHEREAS, Licensee and a complaint panel of the Board met and agree that Licensee's petition should be granted in part and denied in part in accordance with the terms and conditions hereinafter set forth;

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between Licensee and the Board as follows:

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

B. In the event the Board in its discretion does not approve this Stipulation, it shall be deemed withdrawn and of no evidentiary value and shall not be introduced or relied on by either party; except that Licensee agrees that, should the Board reject this Stipulation and if this case proceeds to hearing or litigation, Licensee shall assert no claim that the Board was prejudiced by its review and discussion of this Stipulation or of any records relating hereto.

C. Licensee expressly waives formal hearing and judicial proceedings on all facts and legal conclusions referenced herein and any and all procedures before the Board and any court relative to said facts and conclusions to which he might otherwise be entitled by law.

D. Licensee does not contest the facts and conclusions hereinafter following and grants that the Board may, for purposes of its proceedings relating to this Stipulation consider the following as true:

1. Licensee has completed treatment at the University of Minnesota's Program in Human Sexuality (PHS) as required under paragraph 2.c of the order and presently participates in monthly "Phase After" group meetings at PHS.

2. On or about May 4, 1995, Licensee's therapist at PHS submitted a report to the Board stating that Licensee should continue to have an assistant with him in the examination room when seeing female patients between 18 and 30 years of age.

3. Licensee has complied or substantially complied with the order, except that four of five quarterly reports due from Licensee himself under paragraph 2.e of the order were not submitted in a timely manner by Licensee.

4. In accordance with paragraph 4 of the order, Licensee's failure to comply with any condition, term or requirement of the order authorizes the Board to revoke, indefinitely suspend or take other disciplinary action against Licensee's license.

E. NOW, THEREFORE, IT IS FURTHER STIPULATED AND AGREED that upon this Stipulation the Board may forthwith adopt and implement the following Order:

1. Licensee's retention of his license to practice optometry is hereby conditioned upon his compliance with the following:

a. Until further order of the Board:

1) Licensee shall not provide optometric care of any nature to any female patient aged 18 to 30 years unless a third person adult is at all times personally present in the same room;

2) Licensee shall cause to be included in the record of each female patient aged 18 to 30 to whom he provides optometric care subsequent to the date of this Order the name of the third person adult present at each visit in accordance with a) above, a statement indicating whether the third person was present throughout the visit, and the third

person's signature verifying the period of their presence. In his discretion, Licensee may prepare and utilize a separate form approved in advance by the Board and maintained in each 18 to 30 year old female patient's file to record the information and signatures required under this part.

b.1) Licensee shall not touch any female patient in any manner or for any purpose not clinically essential to the provision of optometric care;

2) Licensee shall not make any statement to any female patient or engage in any other verbal behavior, which might reasonably be interpreted by the patient as being sexually suggestive, sexually demeaning or flirtatious.

c. Licensee shall successfully complete the Phase After program at PHS in which he presently participates. When and whether Licensee has successfully completed Phase After shall be determined by professional staff at PHS.

d. Licensee shall be responsible for ensuring that professional staff at PHS submits quarterly written reports to the Board until Licensee successfully completes Phase After. Licensee shall cause the first report to be received by the Board not later than August 12, 1995. Licensee shall cause the Board to receive subsequent reports by November 12, February 12, May 12, and August 12 each year for the duration of the program. Each report shall address and/or provide the following information:

1) The dates of all Phase After meetings attended by Licensee and the name of each PHS staff person at each meeting;

2) Licensee's progress during the reporting period;

3) The reporter's assessment as to whether it can be concluded with reasonable certainty that Licensee can provide optometric services to female patients without engaging in inappropriate physical or verbal behavior with such patients; and

4) Any other information which would assist the Board in ultimately resolving this matter.

At such time as Licensee may successfully complete Phase After, he shall cause professional staff at PHS to so inform the Board in writing. At a minimum, any such written notice shall address subparts 1) - 3), immediately above, and state the basis for any conclusion that Licensee has successfully completed Phase After. Upon the Board's receipt of any such written notice, no further reports under this paragraph shall be required.

e. Licensee himself shall submit quarterly written reports to the Board. Licensee shall cause the first report to be received by the Board not later than August 12, 1995. Licensee shall cause the Board to receive subsequent reports every three months thereafter, by the twelfth day of the month. Each report shall address and/or provide the following information:

- 1) Licensee's compliance with the conditions of this order;
- 2) Licensee's participation and progress in Phase After;
- 3) Licensee's assessment as to whether he can conclude with reasonable certainty that he can continue to provide optometric services to female patients without engaging in inappropriate physical or verbal behavior with such patients; and
- 4) Any other information which would assist the Board in ultimately resolving this matter.

f. The Board or its authorized agents shall have the right to discuss Licensee's mental and/or physical health with and obtain records and reports from PHS or any other entity or person seen by Licensee relative to Licensee being evaluated or examined by or obtaining treatment, counseling or other assistance on his own initiative or otherwise. Licensee shall execute and provide to the Board any waivers necessary for the Board's receipt of such records and reports to enable the Board to obtain the information it deems necessary and to authorize the testimony of those contacted by the Board in any proceeding related to this matter.

g. Licensee shall permit the Board or its authorized agents, including investigators of the Minnesota Attorney General, to enter and inspect Licensee's place of

practice, remove and copy appointment books and patient records and interview Licensee and his staff to monitor Licensee's compliance with the requirements of this Order. Entry, inspection and monitoring under this paragraph shall occur without interference by Licensee, during normal practice hours, without the necessity of additional notice to Licensee and with such frequency as the Board reasonably deems necessary.

h. Licensee shall be solely responsible for any and all costs incurred as a result of his Phase After program and as a result of reports being submitted to the Board under this Order.

2. Not later than seven (7) days from the date of this Order, Licensee shall provide a true, complete and exact copy of this Order to PHS and to any and all persons he employs or engages as independent contractors relative to the provision of optometric services. Likewise, within seven (7) days from the date Licensee may employ or engage as an independent contractor any other person relative to his provision of optometric services, he shall provide each such person with a true, complete and exact copy of this Order;

3. If Licensee fails to comply with any term, condition or requirement set forth under paragraphs 1 and 2 of this Order, the Board may revoke or suspend Licensee's license for an indefinite period of time or take other disciplinary action against Licensee's license:

a. The existence of any failure to comply shall be determined by the Board at a regular or special meeting thereof. Licensee shall be given not less than thirty (30) days notice of the meeting. The notice shall specify all allegations and shall be accompanied by copies of all supporting documents and any written statements to be submitted to the Board. Licensee may likewise submit documents and written statements, shall have the opportunity to address the Board at the meeting, and may be represented thereat by legal counsel. The Board's decision shall be based upon its judgment as to the preponderance of the evidence.

b. Any decision of the Board under this paragraph which revokes, suspends or takes other disciplinary action against Licensee's license shall be final and binding

upon Licensee and shall not be subject to judicial review or to a judicial stay pending any attempt by Licensee to seek such a review.

c. During any period of revocation or suspension which results from Board action under this paragraph, Licensee shall not (1) engage in any procedure or activity which constitutes the practice of optometry, (2) represent to any person that he is authorized to practice optometry, (3) supervise, assist or direct any unlicensed person in the practice of optometry, or (4) engage in any procedure or activity which may constitute the practice of optometry by delegation of authority by another optometrist or physician.

4. Not earlier than one hundred eighty (180) days from the date of this Order, Licensee may petition the Board for the removal of the conditions referenced in paragraphs 1 and 2. Any such petition shall be in writing and shall include the following:

a. An affidavit from Licensee stating whether he has complied with all terms, conditions and requirements of this Order;

b. Copies of all quarterly reports previously submitted under paragraphs 1.d and 1.e hereof;

c. A copy of the notice required under paragraph 1.e, whether or not previously submitted, relative to Licensee's successful completion of Phase After; and

d. A current report from PHS professional staff stating whether, with reasonable certainty, Licensee is capable without monitoring of providing optometric care to female patients between 18 and 30 years of age, or whether the presence of a third person continues to be required to ensure that Licensee will not inappropriately touch any patient or engage in inappropriate verbal behavior.

5. Any petition submitted by Licensee in accordance with paragraph 4 above shall be considered by the Board at its first regular meeting or at a special meeting of the Board, provided that the petition is complete and is received at least fourteen (14) days prior to the meeting. The Board may require Licensee to appear before the Board at the meeting at which the petition is considered. Upon Licensee's petition for removal of the conditions, the

burden of proof shall be on Licensee to demonstrate by clear and convincing evidence that he is fully complied with all terms, conditions and requirements of this Order and that he is fully rehabilitated and capable of performing the duties of an optometrist with reasonable skill and safety. At any meeting at which the Board considers Licensee's petition, the Board may take any one of the following actions:

- a. Remove the conditions;
- b. Remove the conditions referenced in this Order and subject Licensee's license to other conditions and/or limitations deemed appropriate by the Board;
- c. Continue the conditions upon Licensee's failure to meet his burden of proof.

F. IT IS FURTHER STIPULATED AND AGREED that this Stipulation shall not in any way limit or affect the authority of the Board to initiate administrative contested case proceedings against Licensee on the basis of any act, conduct or omission of Licensee occurring before or after the date of this Stipulation which is not related to the facts, circumstances or requirements referenced in paragraphs D and E hereof.

G. Licensee was advised of his right to legal counsel prior to executing this Stipulation. The Stipulation was read in its entirety by Respondent prior to its execution; he understands all of its provisions; and he affirms that it was entered into freely and voluntarily by him.

H. Except as otherwise set forth above, this Order supersedes the order herein, dated February 2, 1994. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies this Stipulation.

I. This Order and the Stipulation of which it is a part is and shall be deemed to be a public document.

Dated: 5-10-95, 1995


RONALD A. PETERSON, O.D.
LICENSEE

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

IT IS HEREBY ORDERED that the terms of this Stipulation are adopted and implemented by the Board this 12th day of May, 1995.

MINNESOTA BOARD OF OPTOMETRY


LAUREL E. MICKELSON
Executive Director

BEFORE THE MINNESOTA
BOARD OF OPTOMETRY

In the Matter of
Ronald A. Peterson, O.D.
License No. 1773

ORDER OF
UNCONDITIONAL LICENSURE

WHEREAS, pursuant to an order of the Minnesota Board of Optometry (Board), dated May 12, 1995, the license of Ronald A. Peterson, O.D. (Licensee) to practice optometry in the State of Minnesota was conditioned for not less than 180 days; and

WHEREAS, in accordance with the order, Licensee was authorized to petition and did petition the Board for removal of the conditions; and

WHEREAS, at a meeting of the Board on January 5, 1996, the Board granted Licensee's petition.

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

1. All conditions previously imposed by the Board upon Licensee's license to practice optometry in Minnesota are removed and the license is restored to full status, effective on the date of this Order.
2. This Order supersedes the order herein of May 12, 1995.
3. This Order is and shall be deemed to be a public document.

Dated: Jan 5, 1996.

MINNESOTA BOARD OF OPTOMETRY



LAUREL E. MICKELSON
Executive Director