

**BEFORE THE MINNESOTA
BOARD OF OPTOMETRY**

In the Matter of
Chad M. Krietlow, OD
License No.: 2821

**STIPULATION AND ORDER
FOR CONDITIONAL LICENSE**

STIPULATION

Chad M. Krietlow, OD ("Licensee"), and the Minnesota Board of Optometry Complaint Review Committee ("Committee") agree the above-referenced matter may be resolved without trial of any issue or fact as follows:

I.

JURISDICTION

1. The Minnesota Board of Optometry ("Board") is authorized pursuant to Minnesota Statutes sections 148.52–148.62, section 214.10, and section 214.103 to license and regulate optometrists and to take disciplinary action when appropriate.

2. Licensee holds a license from the Board to practice optometry in the State of Minnesota and is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation and Order.

II.

BACKGROUND

3. By subpoena and letter dated May 11, 2017, the Committee requested Licensee's written response to allegations regarding his practice of optometry. On June 26, 2017, the Committee received Licensee's written response. Following a thorough review of all available information, the Committee, composed of Board members, Kari Slotten, John Muellerleile, OD,

and Patrick O'Neill, OD, determined that the matter could be resolved by mail with this Stipulation and Order.

4. Licensee was advised by the Board's representatives that he may choose to be represented by legal counsel in this matter. Licensee knowingly waived legal representation. Jennifer C. Middleton, Assistant Attorney General, represents the Complaint Committee in this matter.

III.

FACTS

5. The parties agree this Stipulation and Order is based upon the following facts:

a. In March 2017, Licensee called in a prescription for an antibiotic to treat a family member's sinus infection. Licensee did not examine the family member prior to prescribing the antibiotic, and did not document the treatment in any medical record.

b. Pharmacy records showed that Licensee had previously prescribed the same antibiotic to the same family member.

c. In his response to the Committee, Licensee admitted that he practiced outside his scope of practice when he prescribed antibiotics to his family member to treat a sinus infection.

IV.

LAWS

6. The Complaint Committee concludes that the conduct described in section III. above constitutes a violation of Minnesota Statutes § 148.603(11) and (14) and justifies the action described in section V. below.

V.

DISCIPLINARY ACTION

The parties agree the Board may take the following disciplinary action and require compliance with the following terms:

7. NOW, THEREFORE, IT IS HEREBY ORDERED that Licensee is **REPRIMANDED** for the conduct referenced above.

A. Conditions on Licensee

8. The Board places the following **CONDITIONS** on Licensee's license:

a. Civil Penalty. Within 90 days of the date of this Order, Licensee shall pay a civil penalty in the amount of \$500. The civil penalty shall be paid by cashier's check or money order made payable to the Minnesota Board of Optometry and shall be delivered personally or by mail to the Minnesota Board of Optometry, c/o Randy Snyder, Executive Director, 2829 University Avenue S.E., Suite 403, Minneapolis, Minnesota 55414.

b. Jurisprudence Examination. Within six months of the date of this Order, Licensee shall take and pass the Minnesota jurisprudence examination. Should Licensee not pass the examination, Licensee must wait one month from the date of the examination attempt before taking the examination again. Licensee is responsible for contacting the Board of Optometry to schedule an examination time.

B. Removal of Conditions

9. The limitations upon Licensee's license will be administratively removed after successful completion of the aforementioned conditions and upon written notification to Licensee by the Board of the removal of the conditions.

VI.

CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS

10. Licensee shall comply with the laws or rules of the Board of Optometry. Licensee agrees that failure to comply with the Board's laws or rules shall be a violation of this Stipulation and Order.

11. Licensee shall fully and promptly cooperate with the Board's reasonable requests concerning compliance with this Stipulation and Order.

12. It is Licensee's responsibility to ensure all payments, reports, evaluations, and documentation required to be filed with the Board pursuant to this Stipulation and Order are timely filed by those making the payment or preparing the report, evaluation, or documentation. Failure to make payments or file reports on or before their due date is a violation of this Stipulation and Order. The information contained in the reports, evaluations, and documentation is confidential and shall be submitted to the Board by United States Mail, courier, or personal delivery only.

13. If information or a report required by this Stipulation and Order is not submitted to the Board by the due date, or if Licensee otherwise violates this Stipulation and Order, the Committee may fine Licensee \$100 per late report or other violation. Licensee shall pay the fine and correct the violation within five days after service on Licensee of a demand for payment and correction. If Licensee fails to do so, the Committee may impose additional fines not to exceed \$500 per violation. The total of all fines may not exceed \$5,000. Licensee waives the right to seek review of the imposition of these fines under the Administrative Procedure Act, by writ of certiorari under Minnesota Statutes section 480A.06, by application to the Board, or otherwise.

Neither the imposition of fines nor correction of the violation will deprive the Board of the right to impose additional discipline based on the violation.

14. If Licensee fails to comply with or violates this Stipulation and Order the Committee may, in its discretion, seek additional discipline either by initiating a contested case proceeding pursuant to Minnesota Statutes chapter 14 or by bringing the matter directly to the Board pursuant to the following procedure:

a. The Committee shall schedule a hearing before the Board. At least 20 days before the hearing, the Committee shall mail Licensee a notice of the violation(s) alleged by the Committee. In addition, the notice shall designate the time and place of the hearing. Within ten days after the notice is mailed, Licensee shall submit a written response to the allegations. If Licensee does not submit a timely response to the Board, the allegations may be deemed admitted.

b. The Committee, in its discretion, may schedule a conference with Licensee prior to the hearing before the Board to discuss the allegations and to attempt to resolve the allegations through agreement.

c. Prior to the hearing before the Board, the Committee and Licensee may submit affidavits and written argument in support of their positions. At the hearing, the Committee and Licensee may present oral argument. Argument shall not refer to matters outside the record. The evidentiary record shall be limited to the affidavits submitted prior to the hearing and this Stipulation and Order. The Committee shall have the burden of proving by a preponderance of the evidence that a violation has occurred. If Licensee has failed to submit a timely response to the allegations, Licensee may not contest the allegations, but may present argument concerning the appropriateness of additional discipline. Licensee waives a hearing

before an administrative law judge, discovery, cross-examination of adverse witnesses, and other procedures governing hearings pursuant to Minnesota Statutes chapter 14.

d. Licensee's correction of a violation before the conference, hearing, or meeting of the Board may be taken into account by the Board but shall not limit the Board's authority to impose discipline for the violation. A decision by the Committee not to seek discipline when it first learns of a violation shall not waive the Committee's right to later seek discipline for that violation, either alone or in combination with other violations.

e. Following the hearing, the Board will deliberate confidentially. If the allegations are not proved, the Board shall dismiss the allegations. If a violation is proved, the Board may impose additional discipline, including additional conditions or limitations on Licensee's practice, suspension, or revocation of Licensee's license.

f. Nothing herein shall limit the Committee's or the Board's right to temporarily suspend Licensee's license pursuant to Minnesota Statutes section 214.077 based on a violation of this Stipulation and Order or based on conduct of Licensee not specifically referred to herein.

VII.

ADDITIONAL REQUIREMENTS

15. In the event Licensee should leave Minnesota to reside or to practice outside of the state, Licensee shall give the Board written notification of the new location, as well as dates of departure and return. If Licensee leaves the state, the terms of this Order continue to apply unless waived in writing.

16. If while residing or practicing in Minnesota, Licensee should become employed at any other optometry clinic or facility or move, Licensee shall notify the Board in writing of the new address and telephone number within ten days.

17. Within ten days of execution of this Stipulation and Order, Licensee shall provide the Board with the names of all states in which Licensee is licensed to practice optometry or has applied for licensure as an optometrist.

VIII.

OTHER INFORMATION

18. Licensee waives the contested case hearing and all other procedures before the Board to which Licensee may be entitled under the Minnesota and United States constitutions, statutes, or rules.

19. Licensee waives any claims against the Board, the Minnesota Attorney General's Office, the State of Minnesota, and their agents, employees, and representatives related to the investigation of the conduct herein, or the negotiation or execution of this Stipulation and Order, which may otherwise be available to Licensee.

20. This Stipulation and Order, the files, records, and proceedings associated with this matter shall constitute the entire record and may be reviewed by the Board in its consideration of this matter.

21. Either party may seek enforcement of this Stipulation and Order in any appropriate civil court.

22. Licensee has read, understands, and agrees to this Stipulation and Order and has voluntarily signed the Stipulation and Order. Licensee is aware this Stipulation and Order must be approved by the Board before it goes into effect. The Board may approve the Stipulation and

Order as proposed, approve it subject to specified change, or reject it. If the changes are acceptable to Licensee, the Stipulation and Order will take effect and the order as modified will be issued. If the changes are unacceptable to Licensee or the Board rejects the Stipulation and Order, it will be of no effect except as specified in the following paragraph.

23. Licensee agrees that if the Board rejects this Stipulation and Order or a lesser remedy than indicated in this settlement, and this case comes again before the Board, Licensee will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation and Order or of any records relating to it.

24. This Stipulation and Order shall not limit the Board's authority to proceed against Licensee by initiating a contested case hearing or by other appropriate action on the basis of any act, conduct, or admission of Licensee which constitutes grounds for disciplinary action and which is not directly related to the specific facts and circumstances set forth in this document.

IX.

DATA PRACTICES NOTICES

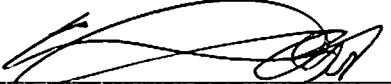
25. This Stipulation and Order constitutes disciplinary action by the Board and is classified as public data pursuant to Minnesota Statutes section 13.41, subdivision 5. Therefore, employers and other individuals will be able to see this entire Stipulation and Order by searching Licensee's name on the Board's website, or by requesting a copy of this Stipulation and Order from the Board. Data regarding this action will be provided to data banks as required by Federal law and consistent with Board policy. While this Stipulation and Order is in effect, information obtained by the Board pursuant to this Stipulation and Order is considered active investigative data on a licensed health professional, and as such, is classified as confidential data pursuant to Minnesota Statutes section 13.41, subdivision 4.

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


CONSENT:

BOARD OF OPTOMETRY

COMPLAINT COMMITTEE


CHAD M. KRIETLOW, OD
Licensee

Dated: 9-12, 2017

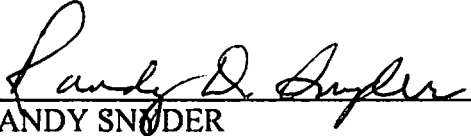

PATRICK O'NEILL, OD
Board Member

Dated: 29 Sept., 2017

ORDER

Upon consideration of the Stipulation, the Board issues Licensee a **REPRIMAND** and **CIVIL PENALTY** and **CONDITIONS** Licensee's license and adopts all of the terms described above on this 27th day of September, 2017.

MINNESOTA BOARD
OF OPTOMETRY


RANDY SNYDER
Executive Director