

**BEFORE THE MINNESOTA
BOARD OF OPTOMETRY**

In the Matter of
Scott M. Wright, O.D.
License No. 2844

STIPULATION AND ORDER

IT IS HEREBY STIPULATED AND AGREED, by and between Scott M. Wright, O.D. ("Respondent"), and the Discipline Committee ("Committee") of the Minnesota Board of Optometry ("Board") as follows:

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

2. Respondent has been advised by Board representatives that he may choose to be represented by legal counsel in this matter. Although aware of his right to representation by counsel, Respondent has knowingly and expressly waived that right. The Committee was represented by Nathan W. Hart, Assistant Attorney General, 1400 Bremer Tower, 445 Minnesota Street, St. Paul, Minnesota 55101, telephone (651) 296-7575.

FACTS

3. For the purpose of this stipulation, the Board may consider the following facts as true:

- a. Respondent was licensed as a licensed optometrist on January 11, 2002.
- b. Client #1 (male; DOB 8/31/54) presented to Respondent on October 17, 2009, for evaluation of his vision. His chief complaint was that his left eye was hazy and dim.

Respondent prescribed new glasses, despite the fact that client #1 did not feel he needed new glasses, nor did he feel Respondent had fully evaluated his symptoms.

c. Client #1 began to experience tingling in his hand and presented to Hennepin County Medical Center. There he was diagnosed with pituitary adenoma and underwent surgery on December 3, 2009. Upon discharge, his hemianopsia remained, and the surgeon noted that his vision may not improve due to the time that the optic chiasm had been compressed.

d. The original version of client #1's chart completed by Respondent for the October 17, 2009, evaluation contained no fundoscopic examination, no assessment, no plan, and no additional tests and was not signed by Respondent. However, when a copy was requested on December 10, 2009, the entry for October 17, 2009, had been amended to include significantly more information than in the original record.

e. Respondent met with the Committee on June 23, 2010, to discuss the above conduct. At that time, Respondent admitted altering the chart and stated that the new information did not reflect the actual results of the examination; rather, Respondent entered information to make it appear that the examination results were "normal."

STATUTES

4. The Committee views Respondent's practices as inappropriate in such a way as to require Board action under Minn. Stat. § 148.57, subd. 3, and Respondent agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify the disciplinary action under these statutes.

REMEDY

5. Upon this Stipulation and all of the files, records, and proceedings herein, and without any further notice or hearing herein, Respondent does hereby consent that until further order of the Board, made after notice and hearing upon application by Respondent or upon the Board's own motion, the Board may make and enter an order **CONDITIONING** and **RESTRICTING** Respondent's license to practice in the State of Minnesota as follows:

a. Respondent's license is **REPRIMANDED** for the conduct referenced above.

b. Respondent shall pay a **CIVIL PENALTY** in the amount of \$2,500.00 within six months of the date the stipulation and order is adopted by the Board.

6. Upon receipt of payment of the civil penalty, the Board may, at the next regularly scheduled Board meeting following receipt of payment, issue an order for unconditional license.

7. Respondent shall comply with the laws and rules of the Board. Respondent agrees that failure to comply with the Board's laws and rules shall be a violation of this stipulation and order.

8. Respondent shall fully and promptly cooperate with the Board's reasonable requests concerning compliance with this stipulation and order, including requests for explanations, documents, office inspections, and/or appearances at conferences.

9. Within seven days of any change, Respondent shall provide the Board with his current address and telephone information. The information shall be sent to Laurel E. Mickelson at the Board of Optometry, University Park Plaza, 2829 University Avenue S.E., Suite 550, Minneapolis, Minnesota 55414-3222.

10. In the event Respondent resides or practices outside the State of Minnesota, Respondent shall promptly notify the Board in writing of the location of his residence and all work sites. Periods of residency or practice outside of Minnesota will not be credited toward any period of Respondent's limited, or conditioned license in Minnesota unless Respondent demonstrates that practice in another state conforms completely with this Stipulation and Order.

11. This stipulation, related investigative reports, and other documents shall constitute the entire record of the proceeding upon which this order is based. The investigative reports, other documents, or summaries thereof, may be filed with the Board with the stipulation. Any reports or other material related to this matter which are received after the date the Board approves the stipulation and order shall become a part of the record and may be considered by the Board in future aspects of this proceeding.

12. In the event the Board in its discretion does not approve this settlement, this stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced in any disciplinary action by either party hereto except that Respondent agrees that should the Board reject this stipulation and if this case proceeds to hearing, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this stipulation or of any records relating hereto.

13. Respondent waives any further hearings on this matter before the Board to which Respondent may be entitled by Minnesota or United States Constitutions, statutes, or rules and agrees that the order to be entered pursuant to the stipulation shall be the final order herein.


14. Respondent hereby acknowledges that he has read and understands this stipulation and has voluntarily entered into the stipulation without threat or promise by the Board or any of its members, employees, or agents. This stipulation contains the entire agreement between the

parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this stipulation.

15. Under the Minnesota Government Data Practices Act, this stipulation and order is classified as public data. Minn. Stat. § 13.41, subd. 4. All documents in the record shall maintain the data classification to which they are entitled under the Minnesota Government Data Practices Act, Minn. Stat. ch. 13. They shall not, if they are not already public documents, become public merely because they are referenced herein. Pursuant to federal rule (45 C.F.R. part 60), the Board must report the disciplinary action contained in this stipulation and order to the National Practitioner Data Bank.

Dated: 07/16/2010

Dated: 12/16/2010


SCOTT M. WRIGHT, O.D.
Respondent


FOR THE COMMITTEE

ORDER

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

IT IS HEREBY ORDERED that the terms of this stipulation are adopted and implemented by the Board this 16 day of December, 2010.

MINNESOTA BOARD OF OPTOMETRY

By: Laurie Mickelson