

MINNESOTA BOARD OF OPTOMETRY

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July 12, 2018

Gale Stead, OD
Fifth Avenue Eye Clinic and Optical
3549 Galleria
Edina, MN. 55435

Dear Dr. Stead:

The Complaint Resolution Committee of the Minnesota Board of Optometry met and reviewed your Agreement for Correction Action (ACA) and documentation you submitted in support of satisfaction of the terms contained therein. The Committee concluded that the Agreement has been satisfied. You have now met the requirements of the Agreement for Corrective Action.

The Committee reminds you that the Agreement for Correction is non-disciplinary and the intent is to focus education to current contemporary standards of practice. The original ACA and this letter are classified as public documents.

Again, thank you for your cooperation in this matter.

Minnesota Board of Optometry



Randy D. Snyder
Executive Director

**BEFORE THE MINNESOTA
BOARD OF OPTOMETRY**

In the Matter of
Gale Stead, OD
License No. 1456

**AGREEMENT FOR
CORRECTIVE ACTION**

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

FACTS

1. This agreement is based on the following facts:
 - a. Licensee is employed as an Optometrist at Fifth Avenue Eye Clinic, Edina, Minnesota.
 - b. A review of the medical records indicate a lack a comprehensive medical record, as evidenced by the following:
 - 1) A lack of “K-readings”;
 - 2) No follow up on patients with elevated pressures;
 - 3) Signatures and/or initials missing on exam forms;
 - 4) No record of contact lens trial fittings;
 - 5) No variance in A/V ratios among different patients; and
 - 6) Lack of phoria testing.

c. On September 27, 2017, the Committee, composed of Board members Patrick O'Neill, O.D., John Muellerleile, O.D., and Kari Slotten, met with Licensee to discuss allegations set forth in paragraph 1 above. The Committee was represented by Assistant Attorney General Jennifer C. Middleton. Licensee was represented by Tim Webb, Esq., Neve Webb, PLLC, Edina, Minnesota. During the conference, Licensee acknowledged that he did not document all of his optometric examination findings in patient medical records. Licensee stated that he does not write contact lenses prescriptions with more than a one-year expiration date, despite state law requiring two-year expiration dates absent a medical reason that warrants a shorter expiration date.

CORRECTIVE ACTION

2. The Committee determined that the conduct described in paragraph 1 above does not comply with Minnesota Statutes sections 145.712 and 148.603(11) and (14) and necessitates the following corrective action as described below.

a. Jurisprudence Examination. Within six months of the effective date of this Agreement, Applicant shall successfully pass the state law examination on the Minnesota Statutes and Rules related to the practice of optometry. Successful passage requires a score of 65 percent or better. Licensee shall contact the National Board of Examiners in Optometry directly to complete the online jurisprudence examination. Licensee may retake the examination up to two times in order to obtain a passing score. Should Licensee not obtain a passing score after three attempts, Licensee shall wait three months from the date of the last attempt prior to taking the examination again. Licensee is responsible for all costs associated with this requirement.

b. Written Report for Coursework. Within six months of the effective date of this Agreement, Licensee shall submit to the Committee a report on the Minnesota law(s) pertaining to contact lenses expiration dates, examples of diagnoses that would warrant a one-year contact lenses prescription expiration date, how to adequately document said diagnoses, and how Licensee will comply with Minnesota law regarding contact lenses prescription expiration dates in the future. The report shall be in Licensee's own words, double-spaced, at least three pages in length but no more than four pages, and shall list references used to prepare the report. The report submitted by Licensee is subject to review and approval by the Committee.

c. Continuing Education. Within six months from the date of this Agreement, Licensee will submit to the Committee evidence of completion of at least six hours of interactive continuing education on the topics of glaucoma and/or corneal eye disease, treatment, and diagnosis. This continuing education must be preapproved by the Committee. To do so, Licensee shall submit course information, including presenter credentials, to the Committee.

d. Medical Record Audit. At quarterly intervals from the date of this Agreement and for a period of twelve months, Licensee will submit five complete medical records for review by the Committee. The Committee will specify the dates from which the records should be provided. The records must meet the approval of the Committee.

OTHER INFORMATION

3. Upon Licensee's satisfactory completion of the corrective action referenced in paragraph 2 above, the Committee agrees to dismiss the complaint(s) concerning the matters referenced in paragraph 1. The Committee shall be the sole judge of satisfactory completion. The Committee may reopen this complaint if it receives newly discovered information that was

not available to the Committee during the initial investigation, or if the Committee receives a new complaint that indicates a pattern of behavior or conduct.

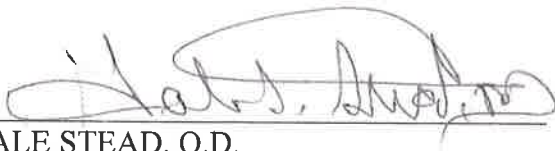
4. If Licensee fails to complete the corrective action satisfactorily, the Committee may, at its discretion, reopen the investigation and proceed according to Minnesota Statutes sections 148.52-62 and Minnesota Statutes chapters 214 and 14. Licensee agrees that failure to complete the corrective action satisfactorily is failure to cooperate under Minnesota Statutes section 148.603(6) and may subject Licensee to disciplinary action by the Board.

5. Licensee has been advised by Committee representatives that Licensee may choose to be represented by legal counsel in this matter. Licensee is represented by Tim Webb, Esq., Neve Webb, PLLC, Edina, Minnesota.

6. This agreement shall become effective upon execution by the Board's Executive Director and shall remain in effect until the Committee dismisses the complaint, unless the Committee receives additional information that renders corrective action inappropriate. Upon receiving such information, the Committee may, at its discretion, proceed according to Minnesota Statutes sections 148.52-62 and Minnesota Statutes chapters 214 and 14.

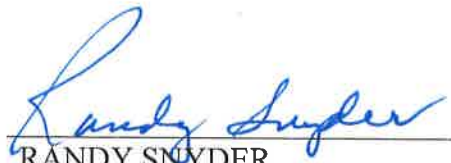
7. This agreement is not disciplinary action. *See* Minnesota Statutes section 214.103, subdivision 6. However, this agreement is classified as public data pursuant to Minnesota Statutes section 13.41, subdivision 5. The intent of the Agreement for Corrective Action is focused education.

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



GALE STEAD, O.D.
Licensee

Dated: Nov 17, 2017



RANDY SNYDER
Executive Director

Dated: January 26, 2018
RS