

1 **BEFORE THE ARIZONA STATE BOARD OF OPTOMETRY**

2
3 **In the Matter of:**

4 **Kelsie Stevens, O.D.**
5 **License No. OPT-002450,**
6 **For the Practice of Optometry**
7 **In the State of Arizona.**

8 **RESPONDENT**

CASE NO. 202213
CONSENT AGREEMENT AND ORDER

9 In the interest of a prompt and speedy settlement of the above captioned matter, consistent with
10 the public interest, statutory requirements and responsibilities of the Arizona State Board of Optometry
11 (“Board”), and pursuant to A.R.S. §32-1744, Kelsie Stevens, O.D. (“Respondent”), holder of License No.
12 OPT-002450, and the Board enter into this Consent Agreement, Findings of Fact, Conclusions of Law
13 and Order (“Consent Agreement”) as a final disposition of this matter.

14 **RECITALS**

15 Respondent understands and agrees that:

16 1. Any record prepared in this matter, all investigative materials prepared or received by the
17 Board concerning the allegations, and all related materials and exhibits may be retained in the Board’s file
18 pertaining to this matter.

19 2. Respondent has the right to a formal administrative hearing at which Respondent can
20 present evidence and cross examine the State’s witnesses. Respondent hereby irrevocably waives their
21 right to such formal hearing concerning these allegations and irrevocably waives their right to a hearing,
22 rehearing and judicial review relating to the allegations contained in this Consent Agreement. Respondent
23 has the right to consult with an attorney prior to entering into this Consent Agreement.

24 3. Respondent acknowledges and agrees that upon signing this Consent Agreement and
25 returning it to the Board’s Executive Director, Respondent may not revoke their acceptance of this

1 Consent Agreement or make any modifications to it. Any modification of this original document is
2 ineffective and void unless mutually approved by the parties in writing.

3 4. The findings contained in the Findings of Fact portion of this Consent Agreement are
4 conclusive evidence of the facts stated herein between only Respondent and the Board for the final
5 disposition of this matter and may be used for purposes of determining sanctions in any future
6 disciplinary matter.

7 5. This Consent Agreement is subject to the Board's approval, and will be effective only
8 when the Board accepts it. In the event the Board in its discretion does not approve this Consent
9 Agreement, this Consent Agreement is withdrawn and shall be of no evidentiary value, nor shall it be
10 relied upon or introduced in any disciplinary action by any party hereto, except that Respondent agrees
11 that should the Board reject this Consent Agreement and this case proceeds to hearing, Respondent shall
12 assert no claim that the Board was prejudiced by its review and discussion of this document or of any
13 records relating thereto.

14 6. Respondent acknowledges and agrees that the acceptance of this Consent Agreement is solely
15 to settle this Board matter and does not preclude the Board from instituting other proceedings as may be
16 appropriate now or in the future. Furthermore, and notwithstanding any language in this Consent
17 Agreement, this Consent Agreement does not preclude in any way any other state agency or officer or
18 political subdivision of this state from instituting proceedings, investigating claims, or taking legal action
19 as may be appropriate now or in the future relating to this matter or other matters concerning Respondent,
20 including but not limited to violations of Arizona's Consumer Fraud Act. Respondent acknowledges that,
21 other than with respect to the Board, this Consent Agreement makes no representations, implied or
22 otherwise, about the views or intended actions of any other state agency or officer or political subdivision
23 of the state relating to this matter or other matters concerning Respondent. Respondent further waives any
24 and all claims or causes of action, whether known or unknown, that Respondent may have against the
25 State of Arizona, the Board, its members, officers, employees and/or agents arising out of this matter.

1 or evaluation was indicated at this time. Respondent educated Patient PC on the threat of blindness with
2 continued drug use.

3 4. Patient PC called Respondent's office a few days following his appointment to inquire
4 about a referral that he had initially discussed with Respondent. Patient PC was told that the referral was
5 cancelled because nothing could be done.

6 5. Patient PC independently followed up with an ophthalmic retinal specialist ("retinal
7 specialist"). On or about October 29, 2021, Patient PC was examined by the retinal specialist who
8 documented Patient PC's complaint as worsening blurred vision with floaters that had started
9 approximately one month prior. The retinal specialist documented: no evidence of macular edema or
10 subretinal fluid, and foveal thickness of 276 microns. The retinal specialist documented focal
11 chorioretinal inflammation of the posterior pole with left eye greater than the right eye and nuclear
12 sclerosis of both eyes. The retinal specialist did not document findings of talc particles as Respondent had
13 documented. The retinal specialist ordered an extensive systemic evaluation and STAT laboratory blood
14 analysis including testing for syphilis. The plan included a more aggressive steroid therapy if Patient PC
15 was negative for infectious causes.

16 6. On or about October 29, 2021, Patient PC's STAT laboratory analysis revealed a positive
17 Rapid Plasma Reagin ("RPR") test for syphilis. Respondent was subsequently treated for syphilis. The
18 retinal specialist continued to follow up with Patient PC and documented syphilitic uveitis, left eye
19 greater than the right eye and nuclear sclerosis in both eyes.

20 7. On or about December 14, 2021, the retinal specialist documented that the severity of
21 Patient PC's complaints was moderate but that he was improving. The retinal specialist's plan was to
22 continue follow up.

23 8. On or about December 17, 2021, Patient PC submitted a complaint to the Board alleging
24 that Respondent misdiagnosed his condition and failed to make appropriate referrals. Patient PC stated
25 that Respondent initially intended to refer him to a retinal specialist within a week, however, once she

1 learned of his history of drug addiction she was certain that was the cause. Patient PC stated he followed
2 up with the office a few days later when he did not receive the referral information. Patient PC was
3 advised that the referral was canceled because nothing could be done.

4 9. On or about January 10, 2022, Respondent submitted a written response to the Board and
5 her treatment record for Patient PC from October 5, 2021. Respondent stated in part that Patient PC
6 reported a history of long-standing vision loss. Respondent's statement regarding the length of Patient
7 PC's vision loss is inconsistent with her October 5, 2021, documentation indicating that Patient PC
8 reported a loss in vision in both eyes for one week. Respondent's statement is also inconsistent with the
9 retinal specialist's findings and the subsequent diagnosis of syphilitic uveitis.

10 10. Respondent stated in her response to the Board that there was no evidence of ocular
11 inflammation of the anterior or posterior segment. Respondent also stated that a clear view of the retina
12 revealed talc particles scattered within the posterior pole of both eyes. Respondent concluded by stating,
13 in her professional opinion after evaluation, the most likely diagnosis was crystalline toxic retinopathy
14 secondary to admitted habitual drug use.

15 11. Respondent's documented findings, including the finding of talc particles, and statements
16 regarding the length of Patient PC's vision loss are inconsistent with the retinal specialist's findings and
17 the subsequent diagnosis of syphilitic uveitis. Respondent failed to properly diagnose Patient PC.
18 Respondent failed to order immediate further testing and/or refer Patient PC to retina specialist or a neuro
19 ophthalmologist for further evaluation.

20 **CONCLUSIONS OF LAW**

21 1. The Board has jurisdiction over Respondent pursuant to A.R.S. §32-32-1701 *et seq.* and
22 the rules promulgated by the Board relating to Respondent's professional practice as a licensed
23 optometrist.

1 shall be pre-approved by the Board President or Executive Director. Respondent shall seek approval of
2 the continuing education courses within 60 days of the effective date of the order. Respondent shall
3 complete all required continuing education within the 12-month probationary term. Respondent shall
4 submit a certificate of completion of the required continuing education.

5 b. Practice Monitor: Within 30 days of the effective date of this Order, Respondent shall
6 submit a professional compliance auditor who is an optometrist in good standing and licensed by the
7 Board,. for approval by the Board or its designee. The focus of the audit shall be in the areas of
8 assessment, diagnosis, treatment, and follow up. The auditor shall also monitor Respondent's practice for
9 compliance with the Arizona Optometric Practice Act.

10 Respondent shall submit a random sample of at least ten (10) patient medical records for audit to
11 be completed monthly. The auditor shall provide a quarterly report to the Board with audit findings and a
12 remediation plan addressing any deficiencies found during the audit.

13 Prior to termination of the probationary period, the auditor shall submit a final summary report
14 for review and approval by the Board. The final summary report submitted by the auditor shall address
15 Respondent's compliance with the remediation plan and a recommendation as to whether Respondent
16 should be released from the order.

17 Respondent will not be eligible for release from probation until the remediation plan has been
18 fully complied with.

19 3. Respondent shall bear all costs required to ensure compliance with this Order to include,
20 but not limited to, the cost for the continuing education, practice monitor and all audits.

21 4. The Board retains jurisdiction over Respondent and may take additional remedial or
22 disciplinary action if it determines that subsequent violations of this Order or of the optometric practice
23 act have occurred.

24 5. Respondent shall appear before the Board to respond to questions or concerns regarding
25 compliance with this order when requested.

Signature: *Kelsie Stevens, OD*

KelsieStevens, OD (Mar 11, 2022 08:17 MST)

Email: kelsievstevens@gmail.com

Signature: *M. Whelan*

Email: Margaret.Whelan@optometry.az.gov