

STATE OF IOWA  
BEFORE THE BOARD OF OPTOMETRY EXAMINERS

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|------------------------|---|-----------------------|
| IN THE MATTER OF:      | ) | CASE NO. 01-008       |
|                        | ) |                       |
| Richard Charles Bedell | ) | COMBINED STATEMENT OF |
| License No. 152-01584  | ) | CHARGES, INFORMAL     |
|                        | ) | SETTLEMENT AGREEMENT, |
| RESPONDENT             | ) | AND CONSENT ORDER     |

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The Iowa Board of Optometry Examiners (Board) and Richard Charles Bedell, (Respondent) enter into this Combined Statement of Charges, Informal Settlement Agreement, and Consent Order (Agreement) pursuant to Iowa Code sections 17A.10(2), 272C.3(4), and chapter 645 Iowa Administrative Code (IAC) rule 12.1.

1. Respondent presently possesses license number 152-01584 to practice optometry in the State of Iowa. Board records indicate that Respondent was first licensed in Iowa on July 1, 1975 and is currently licensed through June 30, 2006. His address is 1709 Swift Circle, Apt. 302, Midlothian, VA 23114.

2. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 154, and 272C. Licenses issued by the Board are subject to the laws of the State of Iowa and the administrative rules promulgated by the Board.

**STATEMENT OF CHARGES**

**COUNT I**

3. Respondent is charged with substantial deviation from the skill and care ordinarily applied by Optometrists in diagnosis of retinal disease in violation of Iowa Code sections 147.55 and 154.4 and 645 IAC rule 183.2(2)(c)-(d).

## **CIRCUMSTANCES**

4. While at Bettendorf EyeCare Center in Bettendorf, Iowa, he provided services to a patient from April 17, 2000 to May 24, 2000.
5. The patient was suffering from a branch retinal vein occlusion.
6. Despite several visits by the patient, Respondent did not discover her problem but instead prescribed different glasses. Respondent failed to meet the standard of care in investigating the patient's symptoms, and in failing to properly document her history. He provided inadequate diagnostic care and treatment and failed to refer her for proper services.

## **SETTLEMENT AGREEMENT**

7. Respondent agrees not to contest the above stated charge before the Board.
8. Respondent has a right to receive notice of the charge and to request a hearing before the Board on the merits of the charge, but waives its right to notice and a hearing and all attendant rights, including the right to appeal or seek judicial review of the Board's actions, by freely and voluntarily entering into this Agreement. This Agreement shall constitute the final order of the Board in this case.
9. Respondent agrees that the State's counsel may present this Agreement to the Board and may have ex parte communications with the Board while presenting it.
10. This Agreement shall be part of the permanent record of Respondent and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of future violations.

11. Any failure by Respondent to comply with the terms and conditions of this Agreement shall subject Respondent to further licensee disciplinary action which could be initiated by the Board through the filing of a statement of charges with a hearing to be held on the merits.

12. This Agreement is subject to approval by the Board:

- (a) If the Board does not approve this Agreement, it shall be of no force or effect on either party and it shall not be admissible for any purpose in further proceedings in this matter.
- (b) If the Board approves this Agreement, it shall fully dispose of all issues in this case.

13. This Agreement is a public record pursuant to Iowa Code sections 272C.3(4) and 272C.6(4)(2005).

14. This Agreement shall not be binding as to any new complaints received by the Board.

### **CONSENT ORDER**

#### **IT IS THEREFORE ORDERED:**

15. Respondent's license to practice optometry in the state of Iowa shall be placed on probation pending completion of the additional education listed in paragraph

16.

16. Within six months of the signing of the Order by the Board, Respondent shall:

- A. Complete 20 hours of education on Retinal Diseases, ten hours of the twenty hours shall be of "transcript quality".

- B. Complete two hours of tested education related to record keeping and documentation.
- C. The education course(s) shall be approved in advance by the Board.
- D. Provide evidence satisfactory to the Board of his completion of the additional 22 hours.
- E. The 22 hours shall be in addition to the continuing education hours required for biennial renewal of licenses.

17. Upon full compliance with the above terms and conditions, Respondent's license to practice optometry in the state of Iowa shall be restored to its full privileges free and clear of all probationary restrictions.

**WHEREFORE**, the terms of this Statement of Charges, Informal Settlement Agreement, and Consent Order are agreed to and accepted by the Iowa Board of Optometry Examiners and Respondent.

**This Combined Statement of Charges, Informal Settlement Agreement and Consent Order is approved by the Board on April 26, 2005.**