

**BEFORE THE MINNESOTA  
BOARD OF PHYSICAL THERAPY**

In the Matter of the  
Physical Therapy License  
of Marny T. Farrell, P.T.  
Date of Birth: 2/10/1976  
License Number: 8229

**STIPULATION AND ORDER**

IT IS HEREBY STIPULATED AND AGREED, by and between Marny T. Farrell, P.T. ("Respondent"), and the Complaint Review Committee ("Committee") of the Minnesota Board of Physical Therapy ("Board") as follows:

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

2. Respondent has been advised by Board representatives that she may choose to be represented by legal counsel in this matter and has chosen to be represented by Gregory P. Bulinski, BASSFORD REMELE, A Professional Association, 33 South Sixth Street, Minneapolis, Minnesota 55402. The Committee was represented by Nathan W. Hart, Assistant Attorney General, 445 Minnesota Street, Suite 1400, St. Paul, Minnesota 55101-2131, telephone (651) 296-7575.

**FACTS**

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

a. Between August 11 and September 10, 2008, Respondent engaged in the practice of physical therapy in Minnesota without a license or a temporary permit to do so.

b. Respondent became licensed as a physical therapist by the Board on November 13, 2008.

c. Between August 11 and September 10, 2008, Respondent was under the mistaken belief that she was practicing physical therapy under a temporary permit.

d. As soon as Respondent learned on September 10, 2008 that she was mistaken in her understanding that she was practicing under a temporary permit and that she, instead, was not licensed as a physical therapist by the Board, she immediately stopped providing direct patient care until the issuance of her license on November 13, 2008.

#### STATUTES

4. The Committee views Respondent's practices as inappropriate in such a way as to require Board action under Minn. Stat. §§ 148.75(a)(1) (violated a statute, rule, or order the Board has issued or otherwise is authorized to enforce), and 148.76(1), (2), (3) (2008). 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 as follows:

- a. Respondent is hereby **REPRIMANDED** for the conduct referenced above.
- b. Respondent shall pay to the Board its investigation costs of \$500.00 within six months.

6. If Respondent shall fail, neglect, or refuse to fully comply with each of the terms, provisions, and conditions herein, the Committee shall schedule a hearing before the Board. The Committee shall mail Respondent a notice of the violation alleged by the Committee and of the time and place of the hearing. Respondent shall submit a response to the allegations at least three days prior to the hearing. If Respondent does not submit a timely response to the Board, the allegations may be deemed admitted.

At the hearing before the Board, the Committee and Respondent may submit affidavits made on personal knowledge and argument based on the record in support of their positions. The evidentiary record before the Board shall be limited to such affidavits and this Stipulation and Order. Respondent waives a hearing before an administrative law judge and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

At the hearing, the Board will determine whether to impose additional disciplinary action, including additional conditions or limitations on Respondent's practice, or suspension or revocation of Respondent's license.

7. 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.

8. 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.

9. Respondent hereby acknowledges that she 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.

Dated: 3/3/09

SIGNATURE ON FILE

MARNY T. FARRELL, P.T.  
Respondent

Dated: 5-21-09

SIGNATURE ON FILE

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 21<sup>st</sup> day of May, 2009.

MINNESOTA BOARD OF PHYSICAL  
THERAPY

SIGNATURE ON FILE

STEPHANIE LUNNING  
Executive Director 