

**BEFORE THE MINNESOTA
BOARD OF PHYSICAL THERAPY**

In the Matter of the
Physical Therapy Application
of Christopher Fosness
Year of Birth: 1964

STIPULATION AND ORDER

IT IS HEREBY STIPULATED AND AGREED, by and between Christopher Fosness ("Applicant") and the Complaint Review Committee ("Committee") of the Minnesota Board of Physical Therapy ("Board") as follows:

1. During all times herein, Applicant has been and now is subject to the jurisdiction of the Board because he applied for a license to practice physical therapy in the State of Minnesota.
2. Applicant 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, Applicant has knowingly and expressly waived that right. The Committee was represented by Bryan D. Huffman, Assistant Attorney General, 445 Minnesota Street, Suite 1400, St. Paul, Minnesota 55101-2131, telephone (651) 757-1439.

FACTS

3. On January 30, 2012, the Board received Applicant's application seeking licensure as a physical therapist in the State of Minnesota.
4. On his application, Applicant disclosed that his South Dakota license was previously revoked due to a criminal conviction. Specifically, Applicant disclosed the following:

a. On December 12, 1988, Applicant was licensed as a physical therapist in South Dakota by the South Dakota Board of Medical and Osteopathic Examiners ("South Dakota Board").

b. From January 1992 through March 2005, Applicant was employed as a physical therapist at Avera St. Michael's Hospital in Tyndall, South Dakota.

c. Between July 1998 and January 2001, Applicant caused the United States government to overpay St. Michael's Hospital based upon incorrect physical therapy claims submitted by Applicant.

d. On June 21, 2004, in a federal district court in South Dakota, Applicant pled guilty to felony health care fraud in violation of 18 U.S.C. § 641. He was sentenced to one year of probation and ordered to pay a \$1,000 fine and \$13,717 in restitution to the United States government.

e. On April 1, 2005, Applicant's license as a physical therapist was revoked for a minimum of a five-year period by the South Dakota Board, due to his criminal conviction.

f. As of June 20, 2005, Applicant has met his court-ordered financial obligations and completed the conditions of his probation.

g. On August 5, 2011, Applicant's license as a physical therapist was reinstated by the South Dakota Board.

h. On December 21, 2011, the United States Office of the Inspector General, Office of Personal Management issued Applicant a debarment termination.

STATUTES

5. The Committee views Applicant's practices as inappropriate in such a way as to require Board action under Minn. Stat. § 148.75(a)(3) and (6) (2010). Applicant agrees that the

conduct cited above constitutes a reasonable basis in law and fact to justify the disciplinary action under these statutes.

REMEDY

6. The Board **GRANTS** Applicant a license as a physical therapist in Minnesota. However, Applicant's license is hereby **REPRIMANDED** for the conduct referenced above.

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.

8. Applicant waives any further hearings on this matter before the Board to which Applicant 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. Applicant 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.

Dated: 6-22-12

Dated: 7-19-2012

SIGNATURE ON FILE

SIGNATURE ON FILE

CHRISTOPHER FOSNESS
Applicant

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 19th day of July, 2012

MINNESOTA BOARD OF
PHYSICAL THERAPY

SIGNATURE ON FILE

STEPHANIE LUNNING
Executive Director



AG: #3025943-v1