

**BEFORE THE MINNESOTA  
BOARD OF PHYSICAL THERAPY**

In the Matter of the  
Physical Therapy License of  
Kristen A. Fuglestad, P.T.  
Date of Birth: 5/8/1963  
License Number: 4293

**AMENDED STIPULATION  
AND ORDER**

IT IS HEREBY STIPULATED AND AGREED, by and between Kristen A. Fuglestad, 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. Although aware of her right to representation by counsel, Respondent has knowingly and expressly waived that right. The Committee was represented by Paul R. Kempainen, Assistant Attorney General, 1400 NCL Tower, 445 Minnesota Street, St. Paul, Minnesota 55101, (651) 296-7575.

**FACTS**

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

a. Respondent is a licensed physical therapist who has been in possession of a license to practice physical therapy in Minnesota since July 9, 1988, although her license is currently suspended based on the Board's action described in paragraph 3.d. below.

b. Following a civil commitment hearing in Hennepin County District Court on March 8, 2002, Respondent was determined to be mentally ill and was committed to the head

of the Anoka-Metro Regional Treatment Center and to the head of the Hennepin County Medical Center, as evidenced by an Order for Commitment as Mentally Ill filed on March 15, 2002.

c. By operation of Minn. Stat. § 148.75(b), any license to practice physical therapy in the State of Minnesota “is suspended if . . . (2) the physical therapist is committed by order of a court pursuant to chapter 253B. The license remains suspended until the physical therapist is restored to capacity by a court and, upon petition by the physical therapist, the suspension is terminated by the board of physical therapy after a hearing.”

d. On March 28, 2002, the Board, through its Executive Director, issued an Order for Statutory Suspension ordering that Respondent’s license to practice physical therapy in the State of Minnesota be statutorily suspended pursuant to Minn. Stat. § 148.75(b) (2000), and further ordering that during the period of suspension, Respondent shall not in any manner practice physical therapy in this state. On May 16, 2002, the full Board ratified this Order. A copy of this Order is attached as Exhibit A. and is incorporated herein by reference in its entirety except as provided in paragraph 5 below.

e. On July 11, 2002, the Hennepin County District Court issued an Order Terminating Proceedings and Discharging Patient which approved the direct discharge of Respondent from commitment as of July 3, 2002, by Order of the Medical Director.

f. The Respondent met with the Committee on August 12, 2002, to discuss her petition to lift the suspension of her license. She acknowledged to the Committee that she was following the recommendations of her psychiatrist and therapist regarding medication and therapy.

g. The Respondent also acknowledged to the Committee that her work experience as a physical therapist since 1997 has been limited in scope, duration, and total numbers of hours worked, thus additional education and the supervision of her practice may be needed to update her professional knowledge and skills.

## STATUTES

4. The Minnesota Board of Physical Therapy (“Board”) is authorized pursuant to Minn. Stat. §§ 148.65 through 148.78 (2000) to license, regulate, and set conditions upon persons who apply for, petition, or hold licenses to practice physical therapy in the State of Minnesota, including persons who seek release from an Order for Statutory Suspension under Minn. Stat. § 148.75(b) (2000). Respondent agrees that the facts cited above constitutes a reasonable basis in law and fact to justify the regulatory 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 **AMENDING THE ORDER OF STATUTORY SUSPENSION** of Respondent's license to practice physical therapy in the State of Minnesota lifting the suspension and setting out conditions and restrictions of practice. The March 28, 2002 Order for Statutory Suspension is hereby incorporated by reference in its entirety with the exception of paragraphs 1 and 2 (under the section titled ORDER on page 2 of that document), which is rescinded and replaced with the following language:

a. Respondent shall enroll in the Minnesota Health Professionals Services Program (“HPSP”) and comply with all requirements of the HPSP monitoring plan established for her.

b. Respondent shall practice in a setting approved in advance by the Committee. To obtain approval, the Respondent must make a written request to the Committee, describing the proposed practice setting. Any approval by the Committee must be communicated to the Respondent in writing.

c. Respondent shall obtain a supervising physical therapist approved in advance by the Committee. The supervising physical therapist shall provide direct, on-premises supervision of the Respondent's practice. The Respondent may practice under

the indirect supervision of the supervising physical therapist where the supervising physical therapist is available by telecommunications. While practicing under indirect supervision, the Respondent shall not perform the following activities: patient evaluation, reevaluation, treatment planning, initial treatment, change of treatment, and initial or final documentation. The supervising physical therapist shall provide on-site observation of this indirectly supervised treatment and documentation of its appropriateness at least every six treatment sessions. The supervising physical therapist shall provide monthly reports to the Committee regarding the quality of care provided by the Respondent.

d. The Respondent shall not supervise a physical therapist, physical therapist student, physical therapist assistant, physical therapist assistant student, or new graduate physical therapist practicing under a temporary permit. After two (2) years from the date of the Order, the Respondent may petition the Committee to modify or remove the restriction. The Committee, at that time, may continue, modify or remove the terms of this provision without further action by the Board.

e. Within nine months of the effective date of this Order, Respondent shall successfully complete coursework, approved in advance by the Committee or its designee, containing the following content:

- 1) Essentials for Physical Therapy Practice;
- 2) Guide to Physical Therapist Practice; and
- 3) Documentation.

Successful completion shall be determined by the Committee.

f. Upon approval of Respondent's practice setting by the Committee, and prior to December 31, 2003, Respondent shall successfully complete 20 hours of physical therapy continuing education related to her practice setting, pre-approved by the Committee. This shall be in addition to the coursework in paragraph 5.e. above.

g. Respondent shall receive therapy from a psychiatrist approved in advance by the Committee or its designee. The psychiatrist shall submit quarterly reports to the

Committee or its designee on Respondent's diagnosis and progress in therapy. Termination of therapy shall be at the recommendation of the approved psychiatrist, with approval of the Committee.

h. Respondent shall receive therapy from a therapist pre-approved by the Committee. The therapist shall submit quarterly reports to the Committee or its designee and to Respondent's psychiatrist about progress in therapy.

i. Respondent shall submit to and cooperate with quarterly practice reviews to be performed by the Minnesota Chapter of the American Physical Therapy Association ("MNAPTA") Problem Identification/Peer Review ("PI/PR") Committee. The reviews shall include chart audits and work quality assessments. The Committee shall receive the quarterly practice review reports directly from MNAPTA PI/PR. It is the responsibility of the Respondent to insure that the reports are submitted to the Committee in a timely manner by MNAPTA.

j. All expenses of complying with paragraphs 5. a, e, f, g, h, and i shall be borne by Respondent.

k. This Stipulation and Order shall remain in effect for a minimum of two (2) years. At the end of this period, Respondent may petition for reinstatement of an unconditional license. Upon hearing the petition, the Board may continue, modify, or remove the conditions set out herein.

6. Within ten days of the date of this Order, Respondent shall provide the Board with a list of all hospitals and skilled nursing facilities at which Respondent currently has privileges, a list of all states in which Respondent is licensed or has applied for licensure, and the addresses and telephone numbers of Respondent's residences and all work sites. Within seven days of any change, Respondent shall provide the Board with the new address and telephone information. The information shall be sent to Stephanie Lunning, Minnesota Board of Physical Therapy, University Park Plaza, 2829 University Avenue S.E., Suite 315, Minneapolis, Minnesota 55414-3222.

7. In the event Respondent resides or practices outside the State of Minnesota, Respondent shall promptly notify the Board in writing of the location of her residence and all work sites. Periods of residency or practice outside of Minnesota will not be credited toward any period of Respondent's conditioned license in Minnesota unless Respondent demonstrates that practice in another state conforms completely with Respondent's Minnesota license to practice physical therapy.

8. 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.

9. 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.

10. 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.

11. 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: \_\_\_ Sept 6 \_\_\_\_\_, 2002.

Dated: \_\_\_ 9-19-02 \_\_\_\_\_, 2002.

\_\_\_\_ SIGNATURE ON FILE \_\_\_\_\_  
KRISTEN A. FUGLESTAD, P.T.  
Respondent

\_\_\_\_ 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 \_\_ 19 \_\_ day of \_\_ September \_\_\_\_\_, 2002.

MINNESOTA BOARD OF  
PHYSICAL THERAPY

SIGNATURE ON FILE

\_\_\_\_\_  
STEPHANIE LUNNING  
Executive Director