

**BEFORE THE MINNESOTA
BOARD OF PHYSICAL THERAPY**

In the Matter of the
Physical Therapy License
of Wageed A. Girgis, P.T.
Date of Birth: March 27, 1956
License Number: 5775

STIPULATION AND ORDER

IT IS HEREBY STIPULATED AND AGREED, by and between Wageed A. Girgis, 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 he holds a license to practice physical therapy in the State of Minnesota.
2. Respondent 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, Respondent has knowingly and expressly waived that right. 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. Respondent was licensed to practice physical therapy in the State of Minnesota on July 13, 1996. Respondent has a long history of actions against his physical therapy license, including the voluntary surrender of his license in Florida in 2000 and Hawaii in

2006; indefinite suspension in South Carolina in 1997 and Indiana in 2006; revocation in Michigan in 1998, Montana in 1998, and Pennsylvania in 2004; and suspension for five months in New Hampshire in 1997 and then an additional five years in 2006. The above actions are related to Respondent's failure to practice with a license and subsequent failure to report the above actions to other state boards when applying for his license.

b. In October 2006, the Board received a complaint with regard to Respondent's substandard care. The Board obtained 14 patient records for review in November 2007. Records were chosen with regard to home care and hospital care. Significant deviations from minimal standards of practice were evident in the home care records, and failure to provide the sixth-visit supervision of physical therapist assistants was evident in the hospital records. In November 2008, Respondent submitted to the Board additional records for several of the patients. The additional records failed to meet minimal requirements for physical therapy documentation and standards of practice.

c. On April 20, 2009, Respondent met with the Committee to discuss the above allegations.

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)(5) and (11) (2006) and Minn. R. 5601.1500 (2005). 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 **CONDITIONING** and **RESTRICTING** Respondent's license to practice physical therapy in the State of Minnesota as follows:

a. Respondent's is hereby **REPRIMANDED** for the conduct referenced above.

b. Respondent shall submit to and cooperate with semiannual peer reviews by the Minnesota Chapter of the American Physical Therapy Association ("MN APTA") Problem Identification/Peer Review Committee, including on-site review of Respondent's practice, physical therapy records, and billing procedures.

c. Respondent shall successfully complete the following coursework, approved in advance by the Complaint Review Committee, within 18 months of the date of this Order:

1) Peer Reviewer Training course offered by MN APTA and participate in peer review as a member on a three-member panel of the MN APTA Problem Identification/Peer Review Committee;

2) Essentials of Physical Therapy offered by MN APTA; and

3) A documentation course, approved in advance by the Committee.

Successful completion shall be determined by the Committee or its designee.

d. Respondent shall obtain a mentor/work quality assessor, approved in advance by the Board, who will meet biweekly with Respondent to assess Respondent's communication, documentation, appropriateness of care, and overall work performance. The mentor/work quality assessor shall provide written quarterly reports to the Board or its designee.

e. Respondent shall ensure that the Board, or its designee, receives the semiannual reports from MN APTA regarding peer review performed and the quarterly reports from the mentor/work quality assessor.

6. Respondent is responsible for all costs incurred as a result of compliance with this Stipulation and Order.

7. This Stipulation and Order shall remain in effect for a minimum of three (3) year(s). 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.

8. Within ten days of the date of this Order, Respondent shall provide the Board with a list of all hospitals, skilled nursing facilities, clinics, home care agencies, and any other physical therapy employment 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 420, Minneapolis, Minnesota 55414-3664.

9. In the event Respondent resides or practices outside the State of Minnesota, Respondent shall promptly notify the Board in writing of the location of his residence and all work sites. Periods of residency or practice outside of Minnesota will not be credited toward any period of Respondent's suspended, limited, or conditioned license in Minnesota unless

Respondent demonstrates that practice in another state conforms completely with Respondent's Minnesota license to practice physical therapy.

10. 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.

11. 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.

12. 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.

13. Respondent 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: 08-24-09

Dated: 9-17-09

SIGNATURE ON FILE

SIGNATURE ON FILE

WAGEED A. GIRGIS, P.T.
Respondent

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 17th day of September, 2009.

MINNESOTA BOARD OF
PHYSICAL THERAPY

SIGNATURE ON FILE

STEPHANIE LUNNING
Executive Director