

• **BEFORE THE MINNESOTA**
BOARD OF PHYSICAL THERAPY

In the Matter of the
Physical Therapy License
of Lars T. Gustafson, P.T.
Year of Birth: 1976
License Number: 6561

STIPULATION AND ORDER

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

1. During all times herein, Licensee 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. Licensee has been licensed in Minnesota since April 27, 2000.

2. Licensee 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, Licensee 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 March 4, 2011, the Board referred Licensee to the Health Professionals Services Program ("HPSP") to determine whether he was eligible for monitoring due to his mental health history. HPSP determined that Licensee was eligible and received his signed Enrollment Form and Participation Agreement on March 31, 2011. Licensee was discharged from HPSP on November 23, 2011, prior to completing his Participation Agreement.

4. Beginning on February 14, 2011, Licensee was employed as a physical therapist at a health care facility in Montevideo, Minnesota. The following incidents occurred during Licensee's employment with the facility:

a. Licensee was counseled for inadequate and incomplete documentation that did not meet minimum standards of practice.

b. Licensee would frequently leave patients in treatment rooms unattended while he left the building. Licensee also used his cellular phone while treating patients.

c. Beginning in May 2011, staff noticed that Licensee seemed distracted and began disregarding others' personal space. Staff also noted that he exhibited behavioral changes and erratic schedule management.

d. During the period of October 27, 2011, through November 2, 2011, Licensee failed to document 11 patient visits.

5. On November 2, 2011, Licensee resigned his employment at the facility. After Licensee departed from the facility, one of his patients was found alone in a treatment room hooked up to a traction machine.

STATUTES

6. The Committee views Licensee's practices as inappropriate in such a way as to require Board action under Minn. Stat. § 148.75(a)(2) and (6) (2010). Licensee agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify the disciplinary action under these statutes.

REMEDY

7. Upon this stipulation and all of the files, records, and proceedings herein, and without any further notice or hearing herein, Licensee does hereby consent that his license to

practice physical therapy in the State of Minnesota is hereby **REPRIMANDED** for the conduct referenced above.

8. Licensee further consents that until further order of the Board, made after notice and hearing upon application by Licensee or upon the Board's own motion, the Board may make and enter an order **CONDITIONING** Licensee's license to practice physical therapy in the State of Minnesota as follows:

a. Licensee shall initiate re-enrollment in HPSP within 14 days from the date the Board adopts this Stipulation and Order. Licensee shall sign a new Participation Agreement and Monitoring Plan within 60 days from the date the Board adopts this Order. This Order shall remain in effect until Licensee successfully completes HPSP. Upon successful completion of HPSP, Licensee may petition the Board for an unconditional license. Upon hearing the petition, the Board may continue, modify, or remove the conditions set out herein. Licensee may be required to meet with a Complaint Review Committee upon his petition for an unconditional license.

b. Licensee must cooperate with quarterly reviews of his physical therapy records by the Complaint Review Committee or its designee. He shall be subject to these quarterly reviews for 12 months, commencing on the date the Board adopts this Stipulation and Order.

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

10. Within ten days of the date of this Order, Licensee shall provide the Board with a list of all work sites and locations at which Licensee currently has privileges, a list of all states in which Licensee is licensed or has applied for licensure, and the addresses and telephone numbers

of Licensee's residences and all work sites. Within seven days of any change, Licensee 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.

11. In the event Licensee resides or practices outside the State of Minnesota, Licensee 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 Licensee's suspended, limited, or conditioned license in Minnesota unless Licensee demonstrates that practice in another state conforms completely with Licensee's Minnesota license to practice physical therapy.

12. If Licensee 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 Licensee a notice of the violation alleged by the Committee and of the time and place of the hearing. Licensee shall submit a response to the allegations at least three days prior to the hearing. If Licensee does not submit a timely response to the Board, the allegations may be deemed admitted.

At the hearing before the Board, the Committee and Licensee 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. Licensee 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 Licensee's practice, or suspension or revocation of Licensee's license.

13. 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 Licensee agrees that should the Board reject this stipulation and if this case proceeds to hearing, Licensee will assert no claim that the Board was prejudiced by its review and discussion of this stipulation or of any records relating hereto.

14. Licensee waives any further hearings on this matter before the Board to which Licensee 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.

15. Licensee 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: 11-01-12

Dated: 11-08-2012

SIGNATURE ON FILE

LARS T. GUSTAFSON, P.T.
Licensee

SIGNATURE ON FILE

FOR THE COMMITTEE

PT.

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 8th day of November, 2012.

MINNESOTA BOARD OF
PHYSICAL THERAPY

SIGNATURE ON FILE

STEPHANIE LUNNING
Executive Director



AG: #3068657-v1