

**BEFORE THE MINNESOTA
BOARD OF PHYSICAL THERAPY**

In the Matter of the
Physical Therapy License of
Vicki L. Harringa, P.T.
Date of Birth: 9/10/55
License Number: 2522

STIPULATION AND ORDER

IT IS HEREBY STIPULATED AND AGREED, by and between Vicki L. Harringa, 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 Nathan W. Hart, Assistant Attorney General, 1400 NCL Tower, 445 Minnesota Street, St. Paul, Minnesota 55101, telephone (651) 296-7575.

FACTS

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

a. In accordance with Minn. R. 5601.2100 and 5601.2600, a physical therapist licensed in Minnesota must obtain 20 contact hours of continuing education (“CE”) and submit verification of CE compliance every two years.

b. Respondent represented on her 2003 license renewal application that she had complied with the Board's CE requirements for the period of January 1, 2001, through December 31, 2002. Respondent's renewal application was received 34 days late.

c. On February 3, 2003, in accordance with Board policy, Board staff notified Respondent that an audit of her CE compliance was being conducted and requested that she submit documentation to substantiate her CE report by March 3, 2003. The notice of CE audit was mailed to Respondent along with her 2003 license card. Respondent failed to respond. The letter to Respondent was not returned by the postal service to the Board office. Respondent had been previously audited for CE compliance in 2001 as the result of her late renewal that year.

d. On March 14, 2003, Board staff sent Respondent a second notice, requesting that this information be submitted within two weeks. Respondent failed to respond. The letter to Respondent was not returned by the postal service to the Board office.

e. On July 7, 2003, Board staff sent Respondent a third notice, again requesting that this information be submitted within two weeks. Respondent failed to respond. The letter to Respondent was not returned by the postal service to the Board office.

f. On October 8, 2003, the Board's attorney notified Respondent by letter, with a duplicate copy sent by certified mail, that the Board's Continuing Education Committee had referred the matter to the Board's Complaint Review Committee for investigation. The letter also informed Respondent that the Complaint Review Committee would hold a conference to discuss Respondent's CE compliance unless the required CE documentation was submitted to the Board by October 18, 2003. Respondent failed to respond. The copy of the letter sent by first-class mail to Respondent was not returned to the Attorney General's Office. Only the certified copy of the letter was returned to the Attorney General's Office as unclaimed.

g. On November 6, 2003, a Notice of Conference was served upon Respondent notifying her of the conference scheduled for December 1, 2003. Respondent failed to respond and/or appear.

h. On December 1, 2003, Respondent left a message after business hours at the Board office, stating she had that evening received a letter from Board staff which referenced the Notice of Conference. On December 3, 2003, a second Notice of Conference was mailed to Respondent rescheduling her conference for January 5, 2004.

i. On January 5, 2004, Respondent met with the Committee to discuss her failure to respond to the Board regarding her CE compliance. Respondent produced documentation showing that she was in compliance with the Board's CE requirements for 2001-2002. Respondent denied receiving any of the Board's previous correspondence regarding the CE audit and indicated it was possible her mail was intercepted and discarded, but she provided no evidence to substantiate this explanation.

STATUTES

4. The Committee views Respondent's practices as inappropriate in such a way as to be in violation of Minn. R. 5601.2600 and require Board action under Minn. Stat. § 148.75(a)(5) (2002). 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** Respondent's license to practice physical therapy in the State of Minnesota as follows:

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

b. Respondent shall successfully complete an ethics course, approved in advance by the Committee, within 12 months from the date of this Order.

6. Upon completion of the ethics course as required in paragraph 5.b., 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.

7. Within ten days of the date of this Order, Respondent shall provide the Board with a list of all hospitals, clinics, 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.

8. 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 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.

9. 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.

10. 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.

11. 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.

12. 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: ___February 10_____, 2004

Dated: ___March 16_____, 2004

SIGNATURE ON FILE

SIGNATURE ON FILE

VICKI L. HARRINGA, 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 _16th___ day of ___March _____, 2004.

MINNESOTA BOARD OF
PHYSICAL THERAPY

SIGNATURE ON FILE

STEPHANIE LUNNING
Executive Director

AG: #975508-v1