

**BEFORE THE MINNESOTA
BOARD OF PHYSICAL THERAPY**

In the Matter of the
Physical Therapy License of
Nancy Hinnenkamp, P.T.
Date of Birth: 10/30/52
License Number: 1361

**STIPULATION
AND ORDER**

IT IS HEREBY STIPULATED AND AGREED, by and between Nancy Hinnenkamp, 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 received a Bachelor of Science degree from the University of Minnesota in Physical Therapy in 1975, and was licensed by the Board on June 16, 1975.

4. Respondent has practiced as a physical therapist in Minnesota in multiple settings and locations until September 2001, when she was placed on unpaid leave by her employer. She is now working part-time for another employer.

5. Respondent was employed as a home care physical therapist for Patient #1. In October 2001, the Board received a report that on September 12, 2001, five Vicodin pills were missing from the home of Patient #1. Again on September 13, 2001, five Vicodin pills were missing from the home of Patient #1. Respondent was the only person to enter Patient #1's apartment on those dates. Further investigation found, according to the report, that an additional 13 Vicodin pills were missing. Respondent was placed on an unpaid leave of absence by her employer on September 14, 2001.

6. Respondent, in an interview with an investigator of the Attorney General's Office, admitted that she began taking Patient #1's Vicodin while performing home care physical therapy. Respondent later admitted that she often visited Patient #1 when she did not have an appointment and during some of those visits obtained more Vicodin. Also, Respondent admitted to the investigator that she was taking Vicodin from Patient #1 for approximately three to four weeks before it was noticed.

7. On May 6, 2002, Respondent appeared for a conference with the Committee to discuss the allegations of Vicodin theft from Patient #1 and matters relating to the Respondent's impairment. During this Committee conference, Respondent admitted to stealing a number of Vicodin pills for her own use from Patient #1, although Respondent could not recall the exact number taken. Respondent agreed that her actions constituted conduct unbecoming a physical therapist.

8. On or about October 3, 2001, Respondent underwent a chemical dependency evaluation at Fairview Recovery Services. The evaluation listed diagnoses of Axis I Opioid Dependence; Axis III high blood pressure, migraines; and Axis IV Anxiety and Depression. The evaluation follow-up recommendations were chemical dependency treatment, medical management of blood pressure, and pain management.

9. On page 5 of the Fairview Recovery Services Adult Chemical Dependency intake questionnaire, Respondent answered yes to the question: "Have you ever been arrested or charged with: Stealing/forging prescriptions?" She went on to answer the question: "How many times?" with the response: "2," and she then added "10 years ago." At Respondent's conference with the Committee on May 6, 2002, it was clarified that Respondent was arrested only once, on October 1, 1993, for using a forged prescription to obtain pain medication (Darvocet) under a false name, at a Walgreens in Maple Grove, MN. However, she was also subsequently charged with a second count of obtaining Darvocet with a forged prescription at the K-Mart in Maple Grove after further investigation revealed this forgery happened in September 1993. Respondent was put into a drug diversion program, which she successfully completed, and thereafter the charges were dismissed.

10. On December 7, 2001, Respondent went to the Minnesota Health Professionals Services Program ("HPSP") in response to a pamphlet she received in a Board mailing. Respondent participated in the intake process, but did not sign and return a HPSP Participation Agreement. Respondent was subsequently discharged from HPSP on March 13, 2002.

11. On January 9, 2002, an Intake/Assessment Summary was completed by the Counseling Center of Monticello. The data received for this assessment was provided only by

Respondent. The Summary listed the diagnosis as: 305.50, Opiate Abuse, possibly 304.00, Opiate Dependence.

12. On January 10, 2002, Respondent was evaluated at the Headache Clinic by neurologist Dr. Fredrich Taylor. She reports suffering from migraines since her teenage years, which require pain medication when they reach severe levels.

STATUTES

13. 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 possibly Minn. Stat. § 148.73(a)(1). Respondent agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify the disciplinary action under these statutes.

REMEDY

14. 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 license to practice physical therapy is **SUSPENDED for sixty days** for the conduct unbecoming evidenced by the facts contained in paragraphs 5-7, and 9, above. Said suspension shall begin the second day after the Board's approval of this Stipulation and Order.

b. During the period of suspension, Respondent shall not in any manner practice physical therapy in Minnesota.

c. Respondent shall undergo, within 30 days of the date of this Order, a Multi-disciplinary Assessment evaluation at the Rush Behavioral Health Center ("Rush") in Chicago, Illinois, to assess the full extent of the problems evidenced in paragraphs 8, and 10-12, above. The evaluation will include, but not be limited to, a psychiatric evaluation, physical

examination, psychological testing, psychosocial history and chemical use assessment. The Board shall bear the cost of the evaluation. The evaluation shall be set up by the Board staff with Respondent's cooperation. The Respondent shall be responsible for all other expenses she incurs attending the evaluation including travel, meals and lodging.

d. Respondent shall sign all necessary releases allowing the Board access to all medical, mental health, evaluation, therapy, chemical dependency, or other records from any treating health professional or evaluator, including Rush. Respondent shall allow the Board or its designee to communicate with all treating or evaluating health professionals, including Rush.

e. The Respondent agrees to follow the treatment recommendations set out by Rush Behavioral Health Center until the Board approves conditions and restrictions on the Respondent's license deemed necessary to protect the health and safety of the public.

f. Following the evaluation and assessment, a copy of the Rush report shall be provided to the Committee. The Committee may require the Respondent to reappear before the Committee to discuss the results of the evaluation.

15. 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 55414-3246.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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: __May 23_____, 2002

Dated: __6-10_____, 2002

SIGNATURE ON FILE

SIGNATURE ON FILE

NANCY HINNENKAMP, 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 __10_ day of __June____, 2002.

MINNESOTA BOARD OF
PHYSICAL THERAPY

SIGNATURE ON FILE

STEPHANIE LUNNING
Executive Director