

**BEFORE THE MINNESOTA  
BOARD OF PHYSICAL THERAPY**

In the Matter of the  
Physical Therapy License of  
Curtis A. Johnson, P.T.  
Date of Birth: 12/31/58  
License Number: 2267

**STIPULATION  
AND ORDER**

IT IS HEREBY STIPULATED AND AGREED, by and between Curtis A. Johnson, 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. Respondent has chosen to be represented by David Wulff, Suite D, 2575 Hamline Avenue North, Roseville, Minnesota 55113. The Committee was represented by Paul Kempanien and Susan E. Damon, Assistant Attorneys 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 was licensed to practice physical therapy in Minnesota on June 15, 1981.

b. On May 13, 1994, Respondent entered into an Agreement for Corrective Action (“Agreement”) regarding his practice as a physical therapist. The Agreement was based, in part, on Respondent’s inappropriate delegation of non-delegable functions. Respondent successfully completed the terms of his Agreement on June 1, 1995.

c. On October 8, 2001, Respondent met with the Complaint Review Committee (“Committee”) based on a complaint alleging substandard care by the Respondent. Medical records were obtained that showed the following documentation deficiencies:

- Documentation lacked tracking of ongoing functional progress, timely re-examination/re-evaluation, and measurable, functional, and time specific goals/outcomes.
- Documentation did not support billing of multiple time units of exercise.
- Documentation indicated that Respondent allowed Occupational Therapists (“OTs”) and Certified Occupational Therapy Assistants (“COTAs”) to provide physical therapy re-evaluations and treatment as part of a physical therapy plan of care, inappropriately co-mingling physical therapy and occupational therapy.

d. The Committee decided that further investigation was required. Eleven patient records were obtained and reviewed by a consultant. The consultant indicated a number of deficiencies in Respondent’s practice in the following areas:

- Co-mingling of physical therapy with occupational therapy resulting in a failure to provide physical therapy treatment

planning, evaluation and reevaluation with regard to patients 1, 5, 8, and 11.

- With patients 1, 2, 3, 4, 5, 6, 7, 8, 9, and 11, documentation did not always support billing for multiple, 15 minute, units of CPT codes. Also, the documentation did not support all of the billing of CPT codes that require direct, one to one, therapist-patient contact.
- Standards regarding modification or termination of treatment that is not beneficial to the patient were not met with patients 1, 2, 3, 5, 6, 7, 8, 9, and 11 based on Respondent's minimal to no documentation of initial limitations in functional status, functional goals/outcomes, or functional progress to substantiate the benefit of care provided for extended periods of time.

### **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) (2000) and Minn Rules, Parts 5601.1400 and 5601.2000. 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 shall submit to and cooperate with quarterly reviews performed by Problem Identification/Peer Review Committee of the Minnesota Chapter of the American Physical Therapy Associations (“MNAPTA”). Reviews shall include chart audits, billing reviews, and on-site observation of practice. Respondent shall be responsible for ensuring the Board receives quarterly reports from MNAPTA regarding the findings of each review performed.

b. Respondent shall successfully complete, within one year of the date of this Order, the following courses approved in advance by the Complaint Review Committee:

- 1) Physical Therapist Documentation.
- 2) CPT Coding.
- 3) Guide to Physical Therapist Practice.
- 4) Essentials for Physical Therapy.
- 5) Ethics.

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

c. Respondent shall meet monthly with a mentor/work quality assessor. The mentor/work quality assessor shall be pre-approved by the Committee. The mentor/work quality assessor shall provide quarterly reports to the Board addressing Respondent’s overall work performance.

d. Respondent shall pay a civil penalty of \$2,700.00 within one year of the date of this Order to reimburse the Board for the costs of the investigation and consultant review of records.

e. Respondent shall meet on a quarterly basis with a designated Board member. Such meetings will take place at a time mutually convenient to Respondent and the

designated Board member. It shall be Respondent's obligation to contact the designated Board member to arrange each of the quarterly meetings. The purpose of such meetings is to review Respondent's progress under the terms of this Order.

f. Respondent shall pay all costs of complying with paragraph 5.a, b, and c.

g. This Order shall remain in effect for a minimum of two 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 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.

8. The provisions of this paragraph shall apply in the event information is received by the Board that Respondent has failed, neglected or refused to comply with paragraphs 5.a-e

set forth herein. The provisions of this paragraph shall not apply in the event a complaint is received by the Board concerning other alleged misconduct.

If information is received by the Board alleging that Respondent has failed, neglected or refused to comply with paragraphs 5.a-e set forth herein, the Committee may attempt to resolve the allegations through the procedures of Minn. Stat. § 214.103, subd. 6, or the Committee may schedule a hearing before the Board. The Committee shall mail Respondent written notice of the time and place of the hearing at least 30 days prior to the hearing. The notice shall explain in detail the violation(s) alleged by the Committee and shall include copies of all evidence the Committee intends to present at the hearing. Respondent shall file a response to the alleged violations, including copies of all evidence he intends to introduce at the hearing, 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.

The hearing shall be recorded and all evidence considered by the Board shall be properly marked and preserved for the purposes of possible appeal. At the hearing, the Committee and Respondent may present affidavits made on personal knowledge and verified, relevant documentary evidence. The Committee and Respondent may also present legal argument based on the record in support of their positions. The record before the Board shall be limited to such affidavits, verified documentary evidence and a copy of this Stipulation and Order. Both the Committee and Respondent shall have the right to object to the consideration by the Board of any evidence that would not be admissible in a contested case proceeding at the State Office of Administrative Hearings.

Following the hearing, the Board shall determine whether grounds exist to impose additional disciplinary action, including additional civil penalties, educational requirements,

probationary periods or conditions/limitations on Respondent's license to practice physical therapy. If the Board determines that additional disciplinary action is appropriate, it shall issue written findings of fact, conclusions of law and order.

Except as provided herein, Respondent waives a hearing before an administrative law judge and waives discovery, cross-examination of adverse witnesses and other procedures governing administrative hearings. Nothing herein shall be construed as a waiver of Respondent's right to appeal the decision of the Board. Nothing herein shall limit the Committee's right to initiate a contested case proceeding under Minn. Stat. ch. 14 based on an alleged violation of this Stipulation and Order.

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 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: 3/19/03

Dated: 3-20-03

SIGNATURE ON FILE

SIGNATURE ON FILE

\_\_\_\_\_  
Curtis A. Johnson, P.T.  
Respondent

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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 20th day of March, 2003.

MINNESOTA BOARD OF  
PHYSICAL THERAPY

SIGNATURE ON FILE

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STEPHANIE LUNNING  
Executive Director