

**BEFORE THE MINNESOTA
BOARD OF PHYSICAL THERAPY**

In the Matter of
the Physical Therapy License of
Timothy W. Kline, P.T.
Date of Birth: 7/7/66
License Number: 6341

**STIPULATION
AND ORDER FOR
INDEFINITE SUSPENSION**

IT IS HEREBY STIPULATED AND AGREED, by and between Timothy W. Kline, P.T. ("Respondent"), and the Complaint Review Committee of the Minnesota Board of Physical Therapy ("Committee") 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 Committee 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 is represented by Kristine I. Legler Kaplan, 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. In June 1999 the Board was notified that Respondent was arrested on June 3, 1999, for an alleged sexual assault of a minor. The matter was referred to the Attorney General's Office for investigation. The investigation substantiated that Respondent was arrested after he engaged in significant sexual conduct with a 16-year-old girl. In addition to this incident, Respondent pursued contact with four pairs of adolescent girls on that same date. Respondent asked the first set of girls if they were interested in buying drugs or alcohol and they refused. The second set of girls were sunbathing in their backyard when they noticed

Respondent drive by in a jeep several times. Respondent, who claimed to be from Greece and did not speak English very well, invited them for a beer and they refused. Respondent offered a third pair of girls a ride home. Respondent also approached a fourth pair of girls on a beach and asked them if they wanted to party.

b. By letter dated December 16, 1999, the Committee asked Respondent to voluntarily arrange for admission to Rush Behavioral Health Center (“Rush”) in Illinois for an evaluation. Respondent complied with the Committee’s request and was admitted to Rush on January 31, 2000.

c. On January 31, 2000, Respondent was evaluated at Rush. The evaluation results are as follows:

1) During the summer of 1999, with increasing frequency, Respondent stated he fantasized about having sex with a 16-year-old. He stated he first contemplated this activity when he was in college. In June 1999, Respondent stated he went out with the intent of “maybe finding a high school girl to have sex with. I wanted to do it. It was not impulsive. I went out to see who was out and about. I had thought about it for years. I wanted some excitement. I was feeling confident about my ability to seduce someone younger. I knew I could be influential and persuade someone younger. I thought I could seduce and charm a high school girl. I was good at communicating. People were always telling me how charming I was.”

2) Respondent admitted to the evaluator that on June 3, 1999, he approached several pairs of high school girls. When they declined his offers, he continued on his quest.

3) Respondent also admitted he came upon an adolescent girl playing basketball alone, struck up a conversation with her and asked her if he could join in a game of basketball. After the game, he asked her if she would go to the beach and play fetch with his dog. She agreed. Rather than go to the beach, Respondent drove to a secluded campground and parked. When the evaluators asked Respondent’s thoughts and behavior as he was parking the car, Respondent replied, “I was thinking I was going to have a sexual thing with this girl.”

Respondent reported fondling the girl, digitally penetrating her vagina and performing fellatio. Respondent tried to remove the girl's pants, but she refused. When a car drove by, the girl yelled for help.

4) When asked to reflect on his behavior, Respondent stated, "I didn't think there was anything wrong with seducing a young person. I thought it was something we could both benefit from. She would get a sexual experience with an older guy."

5) Respondent's supervisor learned of the arrest and offered Respondent the opportunity to resign. Respondent resigned his employment and moved to the State of Montana.

d. During the evaluation, Respondent also informed the evaluators that he pursued relationships with at least four female co-workers in Montana. This pattern of conduct resulted in accusations of sexual harassment. Respondent provided the following information:

1) Respondent reported that he was fully aware of the disinterest of a co-worker in dating him. Respondent admitted he continued to make contact with her and said, "I wanted to see if she would change her mind." Respondent repeatedly called the co-worker until it was necessary for the co-worker to make it clear she did not want further contact with Respondent.

2) Respondent also asked out two other female co-workers, both of whom communicated their disinterest. Again, Respondent continued to call the two women in hopes of getting them to "change their mind." It was necessary for both women to clearly and firmly tell Respondent they wanted no further contact.

3) Another incident involved a co-worker Respondent had lunch with and attempted to date on two more occasions which she declined. Like the other women, she also asked him not to call her.

4) Respondent's supervisor became aware of Respondent's conduct and allowed him to continue employment with the condition that Respondent not have further contact these women.

e. Rush evaluators determined that Respondent met full diagnostic criteria for Sexual Disorder, not otherwise specified; Major Depressive Disorder, and Personality

Disorder, not otherwise specified with narcissistic and antisocial features. Evaluators were troubled about the premeditated, manipulative, and organized manner in which Respondent exhibited in his attempts to satisfy his sexual urges; Respondent demonstrated a proclivity to engage in highly rationalized behavior. Respondent seemed largely focused on his own needs, with glaring disregard for the “targets” of his pursuits. Evaluators found that Respondent demonstrated a lack of empathy, tendency to exploit those perceived as vulnerable, as well as a capacity to be deceitful. In addition, Respondent was found to lack the capacity to self-monitor and curtail those behaviors that brought him to the attention of the Board. In the opinion of evaluators, Respondent’s sexual pursuits in the workplace, though seemingly more “socialized” than his activities of June 1999, not only reflected exceedingly poor judgment, but were fundamentally similar to those actions that led to his June arrest.

f. Respondent’s diagnoses at discharge included the following:

Axis I: Sexual Disorder, not otherwise specified

Recurrent Major Depressive Disorder, in partial remission

Occupational problem

Axis II: Personality Disorder, not otherwise specified with narcissistic and antisocial features.

g. Respondent’s patient population as a physical therapist may include teen-aged girls. Evaluators recommended in Respondent’s and the public’s best interest that Respondent not work as a physical therapist and that he immediately enter a treatment program approved by Rush for health professionals impaired by sexual disorders (“approved treatment program”). Evaluators opined it would be important for this program to have both individual and group components as well as psychiatric follow-up. After completion of the approved treatment program, Rush recommended that Respondent be transitioned into an outpatient program with specific components to be determined by the approved treatment program. At a minimum, however, the after care should involve psychiatric follow up and implement a system for monitoring once Respondent returns to the workplace.

STATUTES

4. The Board views Respondent's conduct as inappropriate in such a way as to require Board action under Minn. Stat. § 148.75(a)(5) (1998), and 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 suspending Respondent's license to practice physical therapy in the State of Minnesota as follows:

- a. Respondent's license is **INDEFINITELY SUSPENDED**.
- b. During the period of suspension, Respondent shall not in any manner practice physical therapy in Minnesota.
- c. Respondent may petition for modification of the suspension order upon submission of satisfactory evidence that he has successfully completed the approved treatment program for professionals who suffer from sexual disorders as recommended by Rush, and is enrolled in an after care program that incorporates all the recommendations made by the approved treatment program and Rush, including a component for psychiatric follow up.
- d. Upon Respondent's petition for modification of the suspension of his license, he shall appear before the Complaint Committee of the Board to discuss his treatment and progress in aftercare and his ability to resume the practice of physical therapy with reasonable skill and safety to patients. The Committee may recommend that the Board continue, modify, or remove the suspension of Respondent's license or impose additional conditions and restrictions as deemed necessary.

6. Within ten days of the date of this Order, Respondent shall provide the Board with a list of all employers and/or facilities at which Respondent currently has the authorization to practice physical therapy, 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, if not previously provided. The information shall be sent to Jeanne Hoffman, Minnesota Board of Physical Therapy, University Park Plaza, 2829 University Avenue S.E., Suite 400, Minneapolis, Minnesota 55414-3246.

7. In the event Respondent changes his residence or work site, he shall within seven (7) days of any change notify the Board in writing of the location of his residence and all work sites.

8. If Respondent shall fail, neglect, or refuse to fully comply with each of the terms, provisions, and conditions herein, the Board shall schedule a hearing before the Board. The Board shall mail Respondent a notice of the violation alleged by the Board 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 Board 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.

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: 6-26 , 2000

Dated: 7-18 , 2000

SIGNATURE ON FILE

SIGNATURE ON FILE

TIMOTHY W. KLINE, 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 27 day of July , 2000.

MINNESOTA BOARD OF
PHYSICAL THERAPY

SIGNATURE ON FILE

By: _____
For the Board of Physical Therapy