

**BEFORE THE MINNESOTA
BOARD OF PHYSICAL THERAPY**

In the Matter of the
Physical Therapy License
of Philip Murel Lundquist, P.T.
Year of Birth: 1951
License Number: A2117

STIPULATION AND ORDER

IT IS HEREBY STIPULATED AND AGREED, by and between Philip Murel Lundquist, 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 Eric J. Steinhoff, 1300 AT&T Tower, 901 Marquette Avenue South, Minneapolis, MN 55402, (612) 333-3637. The Committee was represented by Andrew Pettit, Assistant Attorney General, 445 Minnesota Street, Suite 1400, St. Paul, Minnesota 55101-2131, telephone (651) 757-1295.

FACTS

3. For the purpose of this stipulation, the Board may consider the following facts as true:
 - a. Respondent was licensed as a physical therapist ("P.T.") in Minnesota on June 16, 1980.

b. On January 2, 2013, Respondent was hired by a physical therapy corporation ("Employer #1") as a staff P.T. at a nursing home in International Falls, Minnesota ("Facility").

c. On, or about, November 14, 2013, Employer #1 issued Respondent a corrective action because Respondent failed to properly document patient care in a timely manner, failed to properly attend to patients, and missed patient visits.

d. On, or about, December 4, 2013, Employer #1 issued Respondent a corrective action because Respondent failed to properly document patient care in a timely manner, failed to treat patients in accordance with the plan of care, was late to patient appointments, missed patient visits, and improperly ordered electrical stimulation for a patient with a pacemaker.

e. On April 24, 2014, Employer #1 terminated Respondent's employment at the Facility.

f. In his written response to the Committee and during a conference with the Committee on August 10, 2015, Respondent admitted that he struggled to properly and timely document patient care, that he missed patient visits, and that he improperly ordered electrical stimulation for a patient with a pacemaker. Respondent explained that it was his belief that the issues stemmed from his employer's unrealistic productivity requirements and confusing system and procedures.

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)(1) (violated statute), (a)(6) (unprofessional conduct), and (a)(10) (failure to consult provider) (2014), and Minn. R. 5601, subp. 5.C (professional competence) (2012). Although Licensee does not admit violating Minnesota Statutes chapter 148, Licensee agrees that the conduct described in paragraph 3 above, if proven,

would constitute a violation of Minnesota Statutes chapter 148, and because he is retiring agrees to enter into this Stipulation and Consent Order for purposes of settling this matter.

REMEDY

5. The Board accepts the **VOLUNTARY SURRENDER** of Respondent's license.
6. Respondent may not practice, attempt to practice, offer to practice, or advise or hold himself out as authorized to work as a physical therapist in the State of Minnesota and may not use the title of physical therapist or any other designation which indicates authority to work as a physical therapist.
7. Respondent may apply for re-licensure. He can be relicensed if he can demonstrate that he is fit and competent to practice as a physical therapist. Respondent's application may be granted, if at all, as the evidence dictates and based upon the need to protect the public. The burden of proof falls upon Respondent to demonstrate by a preponderance of the evidence that he is capable of conducting himself in a fit and competent manner in the practice of physical therapy.
8. At the time of Respondent's application, he must provide written documentation from any treatment provider he is seeing regarding whether Respondent is physically fit to practice physical therapy and whether any limitations on his practice are recommended.
9. At the time of Respondent's application, Respondent may be required to meet with a Complaint Review Committee to evaluate Respondent's application and any accompanying evidence. The Committee may recommend that the Board deny Respondent's application or grant Respondent's application with or without limitations and/or conditions. The Board will have the final decision regarding Respondent's application.
10. Respondent is responsible for all costs incurred as a result of compliance with this Stipulation and Order.

11. In the event Respondent resides or practices outside the State of Minnesota, Respondent must promptly notify the Board in writing of all work sites and residences. 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.

12. If Respondent fails, neglects, or refuses to fully comply with each of the terms, provisions, and conditions herein, the Committee may schedule a hearing before the Board. The Committee must mail Respondent a notice of the violation alleged by the Committee and of the time and place of the hearing. Respondent must 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 must 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.

13. In the event the Board in its discretion does not approve this settlement, this stipulation is withdrawn and will be of no evidentiary value and may not be relied upon nor introduced in any disciplinary action by either party hereto except that Respondent agrees that

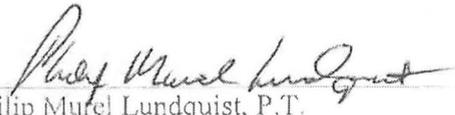
should the Board reject this stipulation and if this case proceeds to hearing, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this stipulation or of any records relating hereto.

14. 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.

15. Respondent has hereby 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: 11/5/15

Dated: November 10, 2015


Philip Murel Lundquist, 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 10th day of November, 2015

MINNESOTA BOARD OF
PHYSICAL THERAPY


MARSHALL SHRAGG, MPT
Executive Director