

**BEFORE THE MINNESOTA
BOARD OF PHYSICAL THERAPY**

In the Matter of the
Physical Therapist Assistant License
of Dennis J. Mayry, P.T.A.
Year of Birth: 1970
License Number: A699

**AGREEMENT FOR
CORRECTIVE ACTION**

This Agreement for Corrective Action ("Agreement") is entered into by and between Dennis J. Mayry, P.T.A. ("Licensee"), and the Complaint Review Committee ("Committee") of the Minnesota Board of Physical Therapy ("Board") pursuant to the authority of Minn. Stat. § 214.103, subd. 6(a) (2010). Licensee has been advised by Board representatives that he may choose to be represented by legal counsel in this matter. Licensee was represented by Rebecca K. Coffin, Voigt, Rodè & Boxeth, LLC, 2550 University Avenue West, Suite 190 S, St. Paul, Minnesota 55114, telephone (651) 209-6161. The Committee was represented by Bryan D. Huffman, Assistant Attorney General, 1400 Bremer Tower, 445 Minnesota Street, St. Paul, Minnesota 55101-2131, telephone (651) 757-1439. Licensee and the Committee hereby agree as follows:

FACTS

1. Beginning on March 27, 2002, and at all times herein, Licensee was employed as a physical therapist assistant at a facility in St. Paul, Minnesota.
2. Between July 28, 2011, and August 10, 2011, patient #1 received inpatient physical therapy at the facility following knee surgery.
3. Upon discharge, patient #1 was to be seen as an outpatient at the facility for continued physical therapy for her knee. On August 17, 2011, patient #1, accompanied by her daughter, arrived for her first outpatient session. The following occurred at this session:

a. Patient #1 began her evaluation and initial treatment session with a physical therapist.

b. Toward the end of the session, Licensee believed that the physical therapist asked Licensee to initiate a scar massage of patient #1's surgical incision. Licensee applied lotion to the patient's leg and began massaging the incision without asking patient #1's permission.

c. Licensee briefly massaged the incision, although patient #1's daughter repeatedly told him to stop and that there was an infection. Licensee stopped briefly then continued to touch the area of the incision for two to three minutes while discussing the rationale for the massage. Licensee ultimately stopped the massage and wiped away the lotion.

d. Licensee failed to document the patient encounter and his treatment until October 21, 2011, more than two months after the event.

4. On March 6, 2012, Licensee met with the Committee to discuss the information set forth above. Based on the discussion, the Committee views Licensee's conduct as inappropriate under Minn. Stat. § 148.75(a)(1) and (6).

CORRECTIVE ACTION

5. ***Course Work.*** Licensee must successfully complete a Physical Therapist Assistant Role and Responsibilities course within six months from the date of this Agreement. The course must be at least three hours and must be preapproved by the Committee.

6. ***Report.*** Licensee must submit a paper to the Committee documenting his understanding of his ability to accept delegated tasks from a physical therapist, pursuant to Minn. Stat. § 148.706, subd. 2. Committee approval of this report is required for successful completion of this requirement.

OTHER INFORMATION

7. Upon Licensee's satisfactory completion of the corrective action set forth above, the Committee agrees to dismiss the complaint referenced in the facts above. Licensee agrees that the Committee shall be the sole judge of satisfactory completion. Licensee understands and further agrees that if, after dismissal, the Committee receives additional complaints similar to that referenced in the Facts section, the Committee may reopen the dismissed complaint.

8. If Licensee fails to complete the corrective action satisfactorily or if the Committee receives additional complaints similar to that referenced in the Facts section, the Committee may, in its discretion, reopen the investigation and proceed according to Minn. Stat. chs. 148, 214, and 14. Failure to complete the corrective action satisfactorily constitutes failure to cooperate with an investigation of the Board under Minn. R. 5601.3200, subp. 4. In any subsequent proceeding, the Committee may use as proof of the allegations referred to in the facts of this Agreement.

9. This Agreement shall become effective upon execution by the Committee and shall remain in effect until the Committee dismisses the complaint, unless the Committee receives additional information that renders corrective action inappropriate. Upon receipt of such information, the Committee may, in its discretion, proceed according to Minn. Stat. chs. 148, 214, and 14.

10. Licensee understands that he is solely responsible for the costs of completing the corrective action referenced in paragraphs 5 and 6 above.

11. Licensee understands that this Agreement does not constitute disciplinary action and will not be reported to the National Practitioner Data Bank. Licensee further understands and acknowledges that this Agreement and any letter of dismissal are classified as public data.

12. Licensee hereby acknowledges having read and understood this Agreement and having voluntarily entered into it. This Agreement contains the entire agreement between the Committee and Licensee, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.

Dated: April 18 2012

Dated: 5-24-2012

Dennis J. Mayry PTA
DENNIS J. MAYRY, P.T.A.
Licensee

Kathy Fleischaker P.T.
FOR THE COMMITTEE

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