

**BEFORE THE MINNESOTA  
BOARD OF PHYSICAL THERAPY**

In the Matter of the  
Physical Therapy License  
of Jennifer Mellem, P.T.  
Year of Birth: 1980  
License Number: 8156

**STIPULATION AND ORDER**

IT IS HEREBY STIPULATED AND AGREED, by and between Jennifer Mellem, P.T. ("Licensee"), and the Complaint Review Committee ("Committee") of the Minnesota Board of Physical Therapy ("Board") as follows:

1. During all times herein, Licensee 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. Licensee has been advised by Board representatives that she may choose to be represented by legal counsel in this matter. Licensee is aware of her right to representation and has knowingly and expressly waived that right. The Committee was represented by Bryan D. Huffman, Assistant Attorney General, 445 Minnesota Street, Suite 1400, St. Paul, Minnesota 55101-2131, telephone (651) 757-1439. Licensee and the Committee agree as follows:

**FACTS**

3. In May 2011, Licensee self-referred to the Health Professionals Services Program ("HPSP").

4. On July 14, 2011, Licensee signed a Participation Agreement and Monitoring Plan ("agreement") with HPSP to monitor her psychiatric disorder and substance abuse. The agreement required Licensee to abstain from alcohol and all mood-altering substances.

5. Between November 10, 2011, and December 19, 2011, Licensee had four missed or problematic screens.

6. On January 21, 2012, Licensee self-reported to HPSP that she had submitted a positive screen for marijuana.

7. On February 5, 2012, Licensee submitted a positive screen for alcohol prior to entering into an inpatient treatment program.

8. On March 29, 2012, HPSP discharged Licensee due to noncompliance, based on six problem screens between November 10, 2011, and February 5, 2012.

### STATUTES

9. The Committee views Licensee's conduct as a basis for Board action under Minn. Stat. § 148.75(a)(2) (2010) and Minn. R. 5601.3200, subp. (2)(E) (2009). Licensee agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify the disciplinary action under these statutes.

### REMEDY

10. Upon this stipulation and all of the files, records, and proceedings herein, and without any further notice or hearing herein, Licensee consents that until further order of the Board, made after notice and hearing upon application by Licensee or upon the Board's own motion, the Board may make and enter an order **CONDITIONING** Licensee's license to practice physical therapy in the State of Minnesota as follows:

a. Licensee must contact HPSP and enter into a Participation Agreement and Monitoring Plan within 30 days of the date of this Order. Noncompliance with the Participation Agreement constitutes noncompliance with this Stipulation and Order ("Order").

b. This Order shall remain in effect until Licensee successfully completes the HPSP agreement. Licensee may petition for reinstatement of an unconditional license upon notification from HPSP that Licensee has been discharged for successful completion of the agreement. Upon hearing the petition, the Board may continue, modify, or remove the conditions in this Order.

c. Licensee shall completely abstain from alcohol and all mood-altering chemicals, unless prescribed by a physician or dentist. The prescribing physician or dentist must first be informed of Licensee's chemical dependency history.

11. Licensee is responsible for all costs incurred as a result of compliance with this Order.

12. Within ten days of the date of this Order, Licensee shall provide the Board with a list of all work sites and locations at which Licensee currently has privileges, a list of all states in which Licensee is licensed or has applied for licensure, and the addresses and telephone numbers of Licensee's residences and all work sites. Within seven days of any change, Licensee 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 420, Minneapolis, Minnesota 55414-3664.

13. In the event Licensee resides or practices outside the State of Minnesota, Licensee 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 Licensee's suspended, limited, or conditioned license in Minnesota unless Licensee demonstrates that practice in another state conforms completely with Licensee's Minnesota license to practice physical therapy.

14. If Licensee fails, neglects, or refuses to fully comply with the terms, provisions, and conditions of this Order, the Committee shall schedule a hearing before the Board. The Committee shall mail Licensee a notice of the violation alleged by the Committee and of the time and place of the hearing. Licensee shall submit a response to the allegations at least three days prior to the hearing. If Licensee does not submit a timely response to the Board, the allegations may be deemed admitted.

At the hearing before the Board, the Committee and Licensee 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. Licensee 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 Licensee's practice, or suspension or revocation of Licensee's license.

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

16. Licensee waives any further hearings on this matter before the Board to which Licensee 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.

17. Licensee 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: 4/12/12

Dated: 5-24-2012

SIGNATURE ON FILE

JENNIFER MUELLEM, P.T.  
Licensee

SIGNATURE ON FILE

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 24<sup>th</sup> day of May, 2012.

MINNESOTA BOARD OF  
PHYSICAL THERAPY

SIGNATURE ON FILE

STEPHANIE LUNNING  
Executive Director