

**BEFORE THE MINNESOTA
BOARD OF PHYSICAL THERAPY**

In the Matter of the
Physical Therapy License
of Charles W. Moulton, P.T.
Year of Birth: 1953
License Number: 2308

STIPULATION AND ORDER

IT IS HEREBY STIPULATED AND AGREED, by and between Charles W. Moulton, 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 he holds a license to practice physical therapy in the State of Minnesota.

2. Licensee has been advised by Board representatives that he may choose to be represented by legal counsel in this matter. Licensee has chosen to be represented by Tracy A. Schramm of Bateman & Schramm, P.A., 600 East Superior Street, Suite 203, Duluth, Minnesota 55802, telephone (218) 491-7899. 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.

FACTS

3. On August 17, 1981, Licensee was licensed as a physical therapist in the State of Minnesota.

4. Beginning on or around March 24, 1998, and at all times herein, Licensee has been employed as a physical therapist at a hospital in Duluth, Minnesota. He primarily works on the orthopedic floor.

5. Between March 15, 2011, and December 17, 2011, Licensee treated numerous patients recovering from orthopedic surgeries. The following occurred during this time:

a. On March 15, 2011, Licensee began treating patient A after knee-replacement surgery. Licensee documented that he completed an initial evaluation; however, it is alleged that he did not fully complete the evaluation or provide initial treatment. Licensee's documentation of the initial evaluation was brief and incomplete, failing to identify the objective physical status, treatment rendered, or patient response to treatment.

b. On March 24, 2011, the Board received a complaint report alleging that Licensee inappropriately delegated initial treatment to a physical therapist assistant ("PTA") and failed to meet the minimal standards of care in his evaluation and documentation of the evaluation.

6. The Board subpoenaed Licensee's records for recently discharged patients as a part of its investigation of the complaint received on March 24, 2011. Fourteen patient records were submitted to the Board. The records indicated that four patients were primarily treated by a student physical therapist ("SPT") under Licensee's supervision. The records further showed that Licensee's documentation and practice failed to meet minimum professional standards with regard to the records reviewed. Specifically, patient records indicate that:

a. Licensee's initial evaluations lacked specific functional requirements and goals/functional outcomes specific to multiple patients.

b. With regard to multiple patients, Licensee failed to document whether patients demonstrated compliance and understanding with specific precautions. He also failed to provide final documentation or discharge summaries for eight patients. Licensee failed to complete discharge summaries on multiple occasions.

c. Licensee improperly delegated initial treatment to the PTAs.

d. Licensee failed to establish direct contact with four patients during at least every second treatment session conducted by SPTs.

STATUTES

7. The Committee views Licensee's practices as inappropriate in such a way as to require Board action under Minn. Stat. § 148.75(a)(6) and (11) (2010). Licensee agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify the disciplinary action under these statutes.

REMEDY

8. Upon this stipulation and all of the files, records, and proceedings herein, and without any further notice or hearing herein, Licensee does hereby consent 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 shall successfully complete the following courses, which must be preapproved by the Complaint Review Committee:

- 1) Documentation; and
- 2) Essentials of Physical Therapy.

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

b. Licensee shall submit to and cooperate with peer reviews performed by the Problem Identification/Peer Review Committee of the Minnesota Chapter of the American Physical Therapy Associations ("MNAPTA"). Reviews shall be conducted every four months while this Order is in effect and shall include chart audits, billing reviews, on-site observation of practice, and verification of proper supervision of PTAs and SPTs. Licensee shall be responsible

for ensuring that the Board receives reports from MNAPTA once every four months regarding the findings of each review performed.

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

10. This Stipulation and Order shall remain in effect for a minimum of 12 months. At the end of this period, Licensee may petition for reinstatement of an unconditional license. Upon hearing the petition, the Board may continue, modify, or remove the conditions set out herein.

11. 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.

12. In the event Licensee resides or practices outside the State of Minnesota, Licensee 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 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.

13. If Licensee shall fail, neglect, or refuse to fully comply with each of the terms, provisions, and conditions herein, 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.

14. 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.

15. 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.

16. Licensee 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: Aug 29, 2012

Dated: 9-13-2012

SIGNATURE ON FILE

CHARLES W. MOULTON, 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 13th day of September, 2012

MINNESOTA BOARD OF
PHYSICAL THERAPY

SIGNATURE ON FILE

STEPHANIE LUNNING
Executive Director

AG: #3035295-v1