

**BEFORE THE MINNESOTA
BOARD OF PHYSICAL THERAPY**

In the Matter of the
Physical Therapist License
of Cindy Schlafmann, P.T.
Year of Birth: 1966
License Number: 4637

STIPULATION AND ORDER

IT IS HEREBY STIPULATED AND AGREED, by and between Cindy Schlafmann, 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 was represented by Greg P. Bulinski of Bassford Remele. 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. On March 16, 2006, the Board adopted a Stipulation and Order reprimanding, conditioning, and restricting Licensee's physical therapist license ("2006 Order"). The 2006 Order was based on Licensee's personal relationship with a patient. In response, the 2006 Order required Licensee to successfully complete an individualized professional boundaries course.

Licensee satisfied the conditions of the 2006 Order and was issued an unconditional license on July 27, 2006.

4. At all times relevant to the proceeding facts, Licensee was employed as a physical therapist in Minnesota.

5. From approximately September 2008 through December 2009, Licensee provided physical therapy to Patient A.

6. Licensee and Patient A developed a personal relationship while the physical therapist-patient relationship still existed. During this time, Licensee attended social events at Patient A's home and accepted gifts from his family.

7. Near the end or after the conclusion of the physical therapist-patient relationship, Patient A purchased clothing and plane tickets for Licensee and gave her a loan. Licensee and Patient A engaged in an intimate relationship and traveled together.

STATUTES

8. The Committee views Licensee's conduct as a basis for Board action under Minn. Stat. § 148.75(a)(1) and (6) (2012) and Minn. R. 5601.3200, subp. 2 A and C (2013). Licensee agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify the disciplinary action under these statutes.

REMEDY

9. Upon this stipulation and all of the files, records, and proceedings herein, and without any further notice or hearing herein, Licensee hereby 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 **SUSPENDING** Licensee's physical therapist license in the State of Minnesota for an indefinite period of time.

10. During the period of suspension, Licensee may not engage in any conduct which constitutes the practice of physical therapy as defined by Minn. Stat. § 148.65, subs. 1 and 2. Licensee may not imply to any persons by words or conduct that she is authorized to practice physical therapy in the State of Minnesota.

11. Licensee must surrender her license to the Board. Licensee must personally deliver or mail the license to the Minnesota Board of Physical Therapy, c/o Stephanie Lunning, Executive Director, 2829 University Avenue S.E., Suite 420, Minneapolis, Minnesota 55414, within ten days of the date of service of this Order.

12. Licensee may petition for reinstatement of her physical therapist license no sooner than 9 months from the date of this Order. Prior to petitioning, Licensee must provide the Committee with successful documentation that she has satisfied the following:

a. Completion of a preapproved professional boundaries course taught by Dr. John Hung;

b. Completion of 12 hours of ethics courses administered by the Minnesota chapter of the American Physical Therapy Association ("MN APTA"); and

c. Payment of a \$7,500 civil penalty. Licensee must pay the civil penalty by cashier's check or money order made payable to the Minnesota Board of Physical Therapy, 2829 University Avenue S.E., Suite 420, Minneapolis, Minnesota 55414-3664.

13. At least three months prior to petitioning for reinstatement, Licensee must complete a comprehensive mental health evaluation performed by a psychiatrist or a licensed psychologist ("evaluator"). Licensee must submit, or cause to be submitted, the credentials of the evaluator for review and preapproval by the Committee. Licensee is responsible for the cost

of the evaluation. The evaluation must send the results of the evaluation directly to the Committee. At minimum, the evaluation must address and provide the following:

- a. Verification the evaluator has reviewed a copy of the 2006 Stipulation and Order along with this Stipulation and Order;
- b. Diagnosis and any recommended treatment plan;
- c. Any recommendations for additional evaluation or treatment; and
- d. Any other information the evaluator believes would assist the Board in its ultimate review of this matter.

14. Licensee must comply with any of the evaluator's recommendations for additional treatment or services (collectively, "treatment"), in accordance with paragraph 13. Licensee is responsible for any costs associated with complying with the evaluator's recommendations. Any person(s) providing the additional treatment ("person") must be different from the evaluator and must be preapproved by the Committee. The person must submit a report to the Committee at the time Licensee petitions to have her license reinstated. At minimum, the report must provide and/or address:

- a. A statement that the person has received and reviewed a copy of the 2006 Order and this Stipulation and Consent Order;
- b. A statement of the involvement between Licensee and the person, including dates, number, and frequency of meetings;
- c. Licensee's therapeutic progress and compliance with the treatment plan;
- d. The person's opinion as to Licensee's capacity to understand her professional role and the boundaries of that role and his ability to distinguish between her personal and professional needs, identity, and behavior;

e. The person's opinion as to the need for continuing treatment and/or Licensee's discontinuance of treatment; and

f. Any other information the person believes would assist the Board in its ultimate review of this matter.

15. At the time of Licensee's petition, Licensee may be required to meet with the Board's Complaint Review Committee to review her response to the Facts above. In addition to any information reasonably requested of Licensee by the Committee, the Committee will evaluate the information discussed in paragraphs 12 through 14 in considering Licensee's petition. The Committee will make a recommendation to the Board to deny Licensee's petition or grant her petition with or without conditions and/or limitations imposed upon her license. The Board, however, will ultimately determine whether to grant Licensee's to deny Licensee's petition or grant her petition with or without conditions and/or limitations imposed upon her license.

16. Licensee's license may be reinstated, if at all, as the evidence dictates and based upon the need to protect the public. The burden of proof will be upon Licensee to demonstrate by a preponderance of the evidence that she is capable of conducting herself in a fit and competent manner as a physical therapist.

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

18. In the event Licensee resides or practices outside the State of Minnesota, Licensee must 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 as a physical therapist.

19. If Licensee 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. At least 20 days before the hearing, the Committee must mail Licensee a notice of the violation alleged by the Committee and of the time and place of the hearing. Licensee must submit a response to the allegations at least ten days prior to the hearing. If Licensee does not submit a timely response to the Board, the allegations may be deemed admitted.

20. 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 must 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.

21. 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 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.

22. 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.

23. 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: 9/10/14

Dated: 9/25/2014

SIGNATURE ON FILE

CINDY A. SCHLAFMANN, 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 25th day of September, 2014.

MINNESOTA BOARD OF
PHYSICAL THERAPY

SIGNATURE ON FILE

STEPHANIE LUNNING
Executive Director