

**BEFORE THE MINNESOTA
BOARD OF PHYSICAL THERAPY**

In the Matter of the
Physical Therapy License
of Stephen J. Sovada, P.T.
Date of Birth: 5/5/75
License Number: 6444

STIPULATION AND ORDER

IT IS HEREBY STIPULATED AND AGREED, by and between Stephen J. Sovada, 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. Although aware of his right to representation by counsel, Respondent has knowingly and expressly waived that right. The Committee was represented by Nathan W. Hart, Assistant Attorney General, 1400 NCL Tower, 445 Minnesota Street, St. Paul, Minnesota 55101, telephone (651) 296-7575.

FACTS

3. For the purpose of this stipulation, the Board may consider the following facts as true:

- a. Respondent was licensed to practice physical therapy on August 18, 1999.
- b. The Board received information that Respondent failed to document outpatient physical therapy services in up to 100 charts. Respondent acknowledged failing to

document physical therapy services. On July 15, 2003, the Committee referred the matter for investigation.

c. On December 1, 2003, the Committee subpoenaed ten records from Respondent's current employer and ten records from a previous employer. The contents of the notes from the previous employer's records were difficult to fully review because Respondent's handwriting was very small and difficult to read. The Committee identified the following practice deficiencies with eight patients based on the medical records provided by the previous employer:

1) Patient #1 was seen by Respondent for three visits from August 2 to August 12, 2002. Respondent's goals were not specific measurable functional outcomes, and the documentation failed to define a baseline of physical and functional status.

2) Patient #2 was seen by Respondent from January 24 to January 30, 2002. Three visits were billed, but Respondent failed to document the evaluation and treatment of the patient.

3) Patient #3 was seen by Respondent from April 17 to April 26, 2002. Five visits were billed, but Respondent failed to document the evaluation and treatment of the patient.

4) Patient #4 was seen by Respondent for six visits from January 10 to January 28, 2002. Respondent failed to document the care he provided on January 10 and January 28, 2002. Respondent also failed to document his initial evaluation.

5) Patient #5 was seen by Respondent for seven visits from March 15 to April 1, 2002. Respondent failed to date one entry on the flow sheet and failed to prepare a discharge summary.

6) Patient #6 was seen by Respondent for 17 visits from July 31 to September 13, 2002. Respondent failed to document billing information for August 30, September 4, and September 13, 2002. Respondent provided duplicate billing for September 11, 2002.

7) Patient #7 was seen by Respondent for four visits from March 19 to April 3, 2002. Respondent failed to document a bill for the March 27 treatment. In addition, handwriting contained on the flow sheet did not appear to match Respondent's handwriting.

8) Patient #8 was seen by Respondent for three visits from December 27, 2001, to January 14, 2002. Respondent's evaluation was substandard in content and was not dated or signed. Respondent failed to document treatment of the patient.

d. The treatment records were reviewed for ten of Respondent's patients from his current employer. It was determined that Respondent failed to adequately document changes and progress in the patients' functional status with all ten patients.

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)(5) (2002). Respondent agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify the disciplinary action under these statutes.

REMEDY

5. Upon this stipulation and all of the files, records, and proceedings herein, and without any further notice or hearing herein, Respondent does hereby consent that until further order of the Board, made after notice and hearing upon application by Respondent or upon the Board's own motion, the Board may make and enter an order **CONDITIONING** and

RESTRICTING Respondent's license to practice physical therapy in the State of Minnesota as follows:

a. Respondent shall notify the Board within seven (7) days of receipt of an authorization to return to work from his treating physician and arrange to have the treating physician send a copy of the report and Respondent's medical records to the Board within ten (10) days of Respondent's notice to the Board.

b. Respondent shall successfully complete the following course work within twenty-four (24) months of the date of this Order:

1) "Essentials of Physical Therapy" offered by the Minnesota Chapter of the American Physical Therapy Association ("MNAPTA");

2) "Guide to Physical Therapist Practice" offered by MNAPTA; and

3) A documentation course preapproved by the Board.

c. Respondent shall obtain preapproval from the Board for a group practice work-site location and the practice conditions (hours allowed to work, lifting restrictions, etc.) at that practice site.

d. Upon Respondent's return to practice, Respondent shall obtain a mentor/work quality assessor, preapproved by the Board, who will meet weekly with Respondent and provide quarterly reports to the Board, or its designee, addressing Respondent's overall work performance.

e. After 250 hours of practice or in six (6) months, whichever occurs first, Respondent shall submit to and cooperate with semiannual peer reviews performed by the Problem Identification/Peer Review Committee of MNAPTA. Respondent is responsible to

ensure that the Board, or its designee, receives semiannual reports from MNAPTA regarding the peer reviews performed.

f. All expenses related to compliance with this Order shall be borne by Respondent.

6. This Stipulation and Order shall remain in effect for a minimum of three year(s). At the end of this period, Respondent may petition for reinstatement of an unconditional license. Upon hearing the petition, the Board may continue, modify, or remove the conditions set out herein.

7. Within ten days of the date of this Order, Respondent shall provide the Board with a list of all hospitals and skilled nursing facilities at which Respondent currently has privileges, a list of all states in which Respondent is licensed or has applied for licensure, and the addresses and telephone numbers of Respondent's residences and all work sites. Within seven days of any change, Respondent 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 315, Minneapolis, Minnesota 55414-3222.

8. In the event Respondent resides or practices outside the State of Minnesota, Respondent 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 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.

9. If Respondent 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 Respondent a notice of the violation alleged by the Committee and of the time and place of the hearing. Respondent shall 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 shall 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.

10. 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 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.

11. 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.

12. Respondent 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: June 7th, 2004

Dated: 7-15-04, 2004

SIGNATURE ON FILE

SIGNATURE ON FILE

STEPHEN J. SOVADA, 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 15th day of July, 2004.

MINNESOTA BOARD OF
PHYSICAL THERAPY

SIGNATURE ON FILE

STEPHANIE LUNNING
Executive Director