

**BEFORE THE MINNESOTA
BOARD OF PHYSICAL THERAPY**

In the Matter of
of David J. Wieber, P.T.
Year of Birth: 1963
License Number: 4148

STIPULATION AND ORDER

IT IS HEREBY STIPULATED AND AGREED, by and between David J. Wieber, P.T. (“Respondent”) and the Complaint Review Committee (“Committee”) of the Minnesota Board of Physical Therapy (“Board”), as follows:

1. Pursuant to Minn. Stat. §§ 148.65 through 148.78 and 214.103, the Board has the authority to license and regulate physical therapists.
2. Respondent holds a license from the Board and is subject to the Board’s jurisdiction.
3. Although advised by the Board of the option to be represented by legal counsel, Respondent has elected to forgo legal representation. The Committee was represented by Andrew Pettit, Assistant Attorney General, 445 Minnesota Street, Suite 1400, St. Paul, Minnesota 55101-2131, telephone (651) 757-1315.

FACTS

4. Respondent was licensed by the Board as a physical therapist (“P.T.”) in Minnesota on June 26, 1987.
5. On, or about, December 31, 2015, Respondent’s Minnesota P.T. license expired.
6. On, or about, January 20, 2016, Respondent renewed his Minnesota P.T. license.
7. Respondent informed the Committee that during the period when his license was inactive, he continued to work as a physical therapist treating patients during 68 visits.

STATUTES

8. The Committee views Respondent's conduct as inappropriate in such a way as to require Board action under Minn. Stat. § 148.75(a)(1) (violation of a Board statute or rule) and Minn. Stat. § 148.73 (requiring renewal on or before January 1 of every year). Respondent agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify the disciplinary action under these statutes.

REMEDY

9. Respondent is hereby **REPRIMANDED** for the conduct referenced above.
10. Respondent shall pay to the Board a **CIVIL PENALTY** of \$500 within six months of the date this Stipulation and Order is adopted by the Board.
11. Respondent is responsible for all costs incurred as a result of compliance with this Stipulation and Order.
12. In the event Respondent resides or practices outside the State of Minnesota, Respondent must promptly notify the Board in writing of all work sites and residences.
13. Within ten days of the date of this Stipulation and Order, Respondent is required to present the executed Stipulation and Order to all employers for all places of employment where respondent practices as a physical therapist.
14. If Respondent 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. The Committee must mail Respondent a notice of the violation alleged by the Committee and of the time and place of the hearing. Respondent must 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 must 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 conditions or limitations on Respondent's practice, or suspension or revocation of Respondent's license.

15. 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 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.

16. 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.

17. Respondent has hereby 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: 4-12-16

Dated: 5/12/16

David J. Wieber P.T.
DAVID J. WIEBER, P.T.
Respondent

Debra Seelheim
FOR THE COMMITTEE

ORDER

Upon consideration of this Stipulation and all the files, records, and proceedings herein,

IT IS HEREBY ORDERED that the Board **REPRIMANDS** and orders a **CIVIL PENALTY** upon Respondent's license and adopts all of the terms described above on this 12th day of MAY, 2016.

MINNESOTA BOARD OF
PHYSICAL THERAPY

Marshall Shragg
MARSHALL SHRAGG, M.P.H.
Executive Director