

**BEFORE THE MINNESOTA  
BOARD OF PHYSICAL THERAPY**

In the Matter of the  
Physical Therapist Assistant License  
of Irene Yarnott, P.T.A.  
Year of Birth: 1965  
License Number: A802

**FINDINGS OF FACT,  
CONCLUSIONS,  
AND FINAL ORDER**

The above-entitled matter came on for hearing at a regularly scheduled meeting of the Minnesota Board of Physical Therapy ("Board") on November 8, 2012, convened at 2829 University Avenue S.E., Fourth Floor, Conference Room A, Minneapolis, Minnesota 55414. The Board conducted a hearing pursuant to the procedure set forth in paragraph 9 of the 2012 Stipulation and Order ("2012 Order") issued by the Board to Irene Yarnott, P.T.A. ("Respondent"), on May 24, 2012. At the hearing, the Board's Complaint Review Committee ("Committee") presented by affidavit evidence of Respondent's violations of the 2012 Order. Respondent failed to appear before the Board. Bryan D. Huffman, Assistant Attorney General, appeared and presented oral argument on behalf of the Committee. As members of the Committee that initially reviewed the matter, the following Board members did not participate in deliberations and did not vote in the matter: Kathy Fleischaker, Linda Gustafson, and Barbara Liebenstein. The Board's Executive Director, Stephanie Lunning, did not participate in the deliberations. Gregory J. Schaefer, Assistant Attorney General, was present as legal advisor to the Board.

## FINDINGS OF FACT

The Board has reviewed the record of this proceeding and hereby issues the following Findings of Fact:

1. The Board is authorized pursuant to Minnesota Statutes sections 148.65 to 148.78 to license, regulate, and discipline persons who apply for, petition, or hold licenses as physical therapist assistants and is further authorized pursuant to Minnesota Statutes sections 214.10 and 214.103 to review complaints against physical therapist assistants, to refer such complaints to the Attorney General's Office, and to initiate appropriate disciplinary action.

2. The 2012 Order placed Respondent's license in a conditional status and also required her to fully cooperate with the Health Professionals Services Program ("HPSP").

3. In paragraph 9 of the 2012 Order, Respondent expressly acknowledged and agreed to the procedure the Committee may use to resolve alleged noncompliance with or violation of the 2012 Order. Respondent was put on notice that in the event the Board received evidence that Respondent violated the terms of the 2012 Order, she would be notified of such allegations in writing and, following the opportunity to contest the allegations, the Board could impose additional disciplinary action against Respondent's license.

4. The Board received information that Respondent violated the terms of the 2012 Order and engaged in acts or omissions which would be a violation of Minnesota Statutes section 148.75 as follows:

a. On July 17, 2012, HPSP informed Respondent that she was required to sign and return a revised Monitoring Plan and Participation Agreement ("Monitoring Plan") by July 31, 2012. Respondent failed to sign and return the document until October 1, 2012.

b. Paragraph I.G. of Respondent's revised Monitoring Plan required her to submit specimens for random toxicology screens as requested by HPSP. Respondent failed to comply with this requirement as follows:

1) On or about September 4, 2012, HPSP could not locate a specimen submitted by Respondent for a toxicology screen requested by HPSP.

2) On September 24, 2012, Respondent failed to provide a specimen for a toxicology screen requested by HPSP.

3) On October 10, 2012, Respondent indicated to HPSP that at that time she did not plan to continue calling the toxicology line or submitting specimens for toxicology screens requested by HPSP.

5. Paragraph I.F. of Respondent's revised Monitoring Plan required her to abstain from the use of alcohol, controlled substances, and any mood-altering chemicals, which was also required by paragraph 5.b. of the 2012 Order. Respondent failed to comply with this requirement as follows:

a. On or about May 23, 2012, Respondent submitted a positive toxicology screen.

b. On August 2, 2012, Respondent submitted a positive toxicology screen.

c. On September 21, 2012, Respondent was admitted to the Ramsey County detox facility.

d. On October 9, 2012, HPSP received information that Respondent was struggling with her depression and had relapsed.

e. On October 10, 2012, Respondent admitted to HPSP that she had been drinking. She stated that her drinking was sporadic and that sometimes she would drink four or

five days in a row. Respondent indicated that results from a toxicology screen would be positive were she to submit a specimen.

6. On October 11, 2012, based on Respondent's relapse, HPSP requested that she refrain from practice and filed a report with the Board.

7. On October 16, 2012, Respondent was served with a Notice of Hearing for Alleged Noncompliance With Stipulation and Order ("Notice") by first-class mail at her last known address on file with the Board. The Notice informed Respondent of the alleged violations and of the date, time, and place of the hearing.

Based upon the foregoing Findings of Fact, the Board makes the following Conclusions:

#### CONCLUSIONS

1. The Board has jurisdiction in this matter pursuant to Minnesota Statutes sections 148.75, 148.755, 214.10, and 214.103.

2. The Committee gave proper notice of the alleged violations to Respondent, pursuant to paragraph 9 of the 2012 Order.

3. The Committee has proved by a preponderance of the evidence that Respondent has violated Minnesota Statutes section 148.75(a)(1) and the 2012 Order.

4. As a result of the violations set forth above and pursuant to the terms of the 2012 Order, the Board has the authority to impose additional disciplinary action against Respondent's license to practice as a physical therapist assistant.

## ORDER

Based on the foregoing Findings of Fact and Conclusions, the Board issues the following Order:

1. NOW, THEREFORE, IT IS HEREBY ORDERED that the 2012 Order issued to Respondent on May 24, 2012, is hereby **RESCINDED** and has no future force or effect.
2. IT IS FURTHER ORDERED that the license of Respondent as a physical therapist assistant in the State of Minnesota is **SUSPENDED** immediately for an indefinite period of time.
3. IT IS FURTHER ORDERED that during the period of suspension Respondent shall not engage in any conduct that constitutes the practice of a physical therapist assistant as defined in Minnesota Statutes section 148.65, subdivision 3, and shall not imply to any person by words or conduct that Respondent is authorized to practice as a physical therapist assistant in the State of Minnesota.
4. IT IS FURTHER ORDERED that Respondent surrender to the Board her physical therapist assistant license. Respondent shall 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.
5. IT IS FURTHER ORDERED that Respondent may petition the Board to have the suspended status removed from her license at such time as she is willing to respond to the Findings of Fact set forth above and can provide documentation of 12 months of uninterrupted sobriety. However, Respondent may not petition the Board for reinstatement any sooner than 12 months from the date of this Order. Her license may be reinstated, if at all, as the evidence

dictates and based upon the need to protect the public. The burden of proof shall be upon Respondent to demonstrate by a preponderance of the evidence that she is capable of conducting herself in a fit and competent manner in the practice of a physical therapist assistant. At the time of Respondent's petition, Respondent may be required to meet with a Board Complaint Review Committee to review her response to the Findings of Fact. In petitioning for removal of the suspension, Respondent must comply with or provide the Board with, at a minimum, the following:

- a. A response to each separate fact contained in the Findings of Fact.
- b. Documentation of 12 months of uninterrupted sobriety.
- c. Evidence of compliance with the provisions of this Order., As part of the

proof of compliance, Respondent shall submit the following in support of her petition:

- 1) A report from Respondent's employment supervisor(s), if any, during the 12 months preceding the petition. This report shall provide and address:

- a) Respondent's sobriety;
- b) Respondent's attendance and reliability;
- c) Respondent's ability to carry out assigned functions;
- d) Respondent's ability to handle stress; and
- e) Any other information the supervisor believes would assist

the Board in its ultimate review of this matter.

- 2) A report from Respondent herself. This report shall provide and address:

- a) Respondent's employment, if any;

b) Respondent's future plans as a physical therapist assistant and the steps she has taken to prepare herself to return to practice as a physical therapist assistant;

c) Evidence Respondent has maintained the knowledge, skills, and ability to safely practice as a physical therapist assistant; and

d) Any other information Respondent believes would assist the Board in its ultimate review of this matter.

3) Any additional information relevant to Respondent's petition reasonably requested by the Board Complaint Review Committee.

6. IT IS FURTHER ORDERED that Respondent shall meet all licensure requirements in effect at the time of her petition, including but not limited to completing the appropriate application, paying the requisite fees, and completing any necessary continuing education requirements.

7. IT IS FURTHER ORDERED that Respondent's violation of this Order will constitute violation of a Board order for purposes of Minnesota Statutes section 148.75(a)(1) and provide grounds for further disciplinary action.

8. IT IS FURTHER ORDERED that nothing herein limits the Committee's or the Board's right to take disciplinary or corrective action against Respondent's license based on conduct by Respondent not specifically referred to herein.

9. IT IS FURTHER ORDERED that this Order constitutes disciplinary action and will be sent to all appropriate data banks.

10. IT IS FURTHER ORDERED that the Board may, at any regularly scheduled meeting following Respondent's petition for reinstatement of her license and her meeting with a Board Complaint Review Committee, take any of the following actions:

- a. Issue a physical therapist assistant license to Respondent.
- b. Issue a physical therapist assistant license to Respondent with limitations placed upon the scope of Respondent's practice and/or conditional upon further reports to the Board.
- c. Continue the suspension of Respondent's license upon Respondent's failure to meet the burden of proof.

Dated: Nov. 29, 2012

MINNESOTA BOARD  
OF PHYSICAL THERAPY

< SIGNATURE ON FILE

Sandra Marden-Lokken  
SANDRA MARDEN-LOKKEN, P.T.  
Vice President

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