

**BEFORE THE MINNESOTA
BOARD OF PHYSICAL THERAPY**

In the Matter of
Physical Therapy License
of Cyndi Tyler Bigner, Applicant
Year of Birth: 1963

STIPULATION AND ORDER

IT IS HEREBY STIPULATED AND AGREED, by and between Cyndi Tyler Bigner, (“Respondent”) and the Licensure 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 and has jurisdiction over Board applicants.
2. Respondent is an applicant to 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 Nicholas Lienesch, Assistant Attorney General, 445 Minnesota Street, Suite 1400, St. Paul, Minnesota 55101-2131, telephone (651) 757-1315.

FACTS

4. Respondent applied to the Board for licensure as a Physical Therapist on approximately March 4, 2016.
5. Respondent’s application indicated that she received action on her license to practice physical therapy in Alaska by that state’s Board of Physical Therapy and Occupational Therapy (“Alaska Board”).
6. Respondent received an order from the Alaska Board, dated February 12, 2016, based on the following:

a. On her physical therapist license renewal application, submitted to the Alaska Board in 2014, Respondent stated that she had completed all 24 required hours of continuing education (“CE”) for the most recent reporting period. Respondent certified that the information she furnished was true and correct.

b. Respondent’s CE certification was subjected to a random audit by the Alaska Board. In response to the audit, Respondent submitted proof of completion of 26 CE hours, but 21 of the 26 hours submitted were completed after the concluded licensing period, and were deemed not to satisfy Respondent’s CE requirements.

7. The Alaska Order imposed a civil fine, reprimand, and mandatory audit of Respondent’s compliance with her Alaska CE requirements. In the Alaska Order, the Alaska Board stated it “does not believe Bigner intended to deceive it,” but that Respondent nonetheless failed to meet her CE obligations.

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. § 148.75(a)(19) (has had a license reprimanded or otherwise disciplined in another jurisdiction). 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. The Board **GRANTS** Respondent a license to practice physical therapy in the State of Minnesota.

10. The Board hereby places the following **CONDITIONS** on Respondent’s license:

a. Within 30 days from the date Respondent submits her license renewal application for the period ending December 31, 2018, Respondent must submit to the Committee

documentation of all continuing education meeting attendance completed in satisfaction of Respondent's current two-year continuing education cycle of January 1, 2017 through December 31, 2018. Final determination regarding successful completion of Respondent's continuing education requirement shall be at the discretion of the Committee.

b. Within 30 days from the date Respondent submits her license renewal application for the period ending December 31, 2020, Respondent must submit to the Committee documentation of all continuing education meeting attendance completed in satisfaction of Respondent's current two-year continuing education cycle of January 1, 2019 through December 31, 2020. Final determination regarding successful completion of Respondent's continuing education requirement shall be at the discretion of the Committee.

11. The conditions on Respondent's license will be administratively removed upon successful completion of the requirements contained in paragraphs 10.a and 10.b., above, to the satisfaction of the Committee.

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

13. 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.

14. 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. Respondent is also required to present this Stipulation and Order to all future employers, within ten days of beginning employment, while this Stipulation and Order is in effect.

15. 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.

16. 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.

17. 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.

18. 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: 7/20/16

Dated: 8/4/16

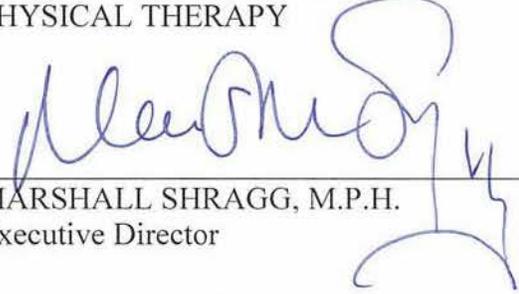

CYNDI TYLER BIGNER
Respondent


FOR THE COMMITTEE

ORDER

Upon consideration of this Stipulation and all the files, records, and proceedings herein,
IT IS HEREBY ORDERED that the Board **GRANTS** Respondent a license to practice physical therapy, **CONDITIONS** Respondent's license, and adopts all of the terms described above on this 4TH day of AUGUST, 2016.

MINNESOTA BOARD OF
PHYSICAL THERAPY


MARSHALL SHRAGG, M.P.H.
Executive Director