

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

Minnesota Board of Physical Therapy,

Case Type: Other Civil
(Consumer Protection)
Court File No. 27-CV-13-17961
Judge Regina M. Chu

Plaintiff,

vs.

CONSENT JUDGMENT AND ORDER

Tanya Batts d/b/a/ Functional Training Systems,

Defendant.

WHEREAS, the Minnesota Board of Physical Therapy ("Board") filed and served a Complaint against Tanya Batts d/b/a Functional Training Systems ("Defendant") in this matter on October 7, 2013 ("Complaint"); and

WHEREAS, the Board and Batts desire to resolve fully the claims set forth in the Complaint by this Consent Judgment and Order; and

WHEREAS, Batts is the owner of Functional Training Systems, LLC, located at 6545 Flying Cloud Drive, Eden Prairie, Minnesota. According to its website, Functional Training Systems was founded in 2006 and offers a range of services, including physical therapy. Functional Training Systems has never been a registered entity in Minnesota, according to the Minnesota Secretary of State's website.

WHEREAS, Batts purports to have a degree in physical therapy from Northern Arizona University, but the Board has been unable to substantiate this representation.

WHEREAS, Batts purports to have a bachelor's degree in exercise science and psychology from Arizona State University. However, Arizona State University has no record of her earning a degree from the university.

WHEREAS, Batts uses the letters "DPT" in connection with her name, indicating that she holds a doctor of physical therapy degree.

WHEREAS, Batts leads patients and healthcare practitioners to believe that she is a licensed physical therapist. However, Defendant has never been licensed by the Board.

WHEREAS, Batts previously possessed a fraudulent certificate of licensure from the Board.

WHEREAS, Batts held herself out as a licensed physical therapist to obtain employment with a Minnesota chiropractic clinic. Batts administered physical therapy to patients in this role.

WHEREAS, Batts is listed as a physical therapist on multiple health-focused websites, including alltherapist.com and healthgrades.com. Patients rely on these websites to seek information regarding healthcare practitioners. Batts' alltherapist.com page includes a patient testimonial regarding the therapy rendered by Defendant.

WHEREAS, Batts obtained a National Provider Identification ("NPI") number by holding herself out as a physical therapist. An NPI number is used to identify a health care provider in standard transactions, such as health care claims; in coordination of benefits between health plans; in patient medical record systems; and in program integrity files, among other things.

WHEREAS, on June 6 and July 26, 2012, the Board sent letters to Batts asking her to supply information about her practice and cease any illegal activities. Batts did not respond to the letters.

WHEREAS, Batts agrees that the conduct described above, if proven by the Board, constitutes a violation of Minnesota Statutes section 148.76, subdivision 1(1), (2), (3), and (5). This Consent Judgment is not an admission of facts, except as set forth above.

NOW, THEREFORE, Batts and the Board hereby agree to entry of an order with the following terms and conditions:

I. INJUNCTIVE RELIEF

1. Batts will not engage in the unauthorized practice of physical therapy.
2. Batts will not use the letters "DPT" in connection with her name, or otherwise falsely indicate that she has training and/or education as a physical therapist.
3. Batts will not indicate that she is a physical therapist to consumers, insurers, health care professionals, or anyone else.
4. Batts will not engage in any practice which constitutes a violation of the Minnesota Physical Therapy Practice Act.
5. Nothing in this Consent Judgment relieves Batts of her obligation to comply with all applicable Minnesota and federal laws and regulations.

II. GENERAL TERMS

6. In consideration of the stipulated relief, the sufficiency of which is acknowledged, the Board, by execution of this Consent Judgment, hereby fully and completely releases Batts of any and all claims of the Board connected with or arising out of the allegations in the Board's Complaint in the above-captioned action, up to and including the date of this Consent Judgment. The Board through this Consent Judgment does not settle, release, or resolve any claim against Batts or any other person or entity involving any private causes of action, claims, and remedies, including but not limited to private causes of action, claims, or remedies provided for under Minnesota Statutes section 8.31. This release does not apply in any way to claims of any other Minnesota state agency, department, official, or division, including but not limited to law enforcements agencies. This release does not apply in any way to and the Board retains any and all claims it may have against any parties associated with Batts.

7. Within ten (10) business days of the Court's entry of an order approving this Consent Judgment and payment of the Settlement Sum, whichever occurs later, the Attorney General and Batts will file a Stipulation of Dismissal with Prejudice, dismissing the matter with prejudice and without additional costs and fees (other than the payments required herein) to either party.

8. Batts neither admits nor denies the allegations in the Complaint.

9. This Consent Judgment may be executed in counterparts, each of which constitutes an original, and all of which shall constitute one and the same agreement. This Consent Judgment may be executed by facsimile or electronic copy in any image format.

10. This Consent Judgment constitutes the full and complete terms of the agreement entered into by Batts and the Board.

11. The Court will retain jurisdiction of this matter for purposes of enforcing the Order for Judgment. Batts understands that failure to abide by the injunctive relief set forth above may constitute contempt of court.

12. Service of notices required by this Settlement Agreement shall be served on the following persons, or any person subsequently designated by the parties to receive such notices:

Bryan D. Huffman
Assistant Attorney General
Office of the Minnesota Attorney General
445 Minnesota Street, Suite 1400
St. Paul, Minnesota 55101-2131

Tanya Batts d/b/a Functional Training Systems
Evolution Wellness
5151 Edina Industrial Boulevard, Suite 600
Edina, Minnesota 55439-3013

13. The failure of a party to exercise any rights under this Consent Judgment will not be deemed to be a waiver of any right or any future rights.

14. This Consent Judgment, including any issues relating to interpretation or enforcement, shall be governed by the laws of the State of Minnesota.

15. Nothing in this Consent Judgment may be construed to limit the power or authority of the State of Minnesota or the Board except as expressly set forth herein.

16. Both parties participated in the drafting of this Consent Judgment and agree that the Consent Judgment's terms may not be construed against or in favor of any of the parties by virtue of draftsmanship.

17. Both parties must perform such further acts and execute and deliver such further documents as may reasonably be necessary to carry out this Consent Judgment.

CONSENT:

...
SIGNATURE ON FILE

Dated: 1.8.14

TANYA BATTIS
D/B/A FUNCTIONAL TRAINING SYSTEMS
Defendant

...
SIGNATURE ON FILE

Dated: 1/13/14

BRYAN D. HUFFMAN
Assistant Attorney General
Atty. Reg. No. 0392255

445 Minnesota Street, Suite 1400
St. Paul, Minnesota 55101-2131
(651) 757-1439 (Voice)
(651) 297-7206 (TTY)

ATTORNEY FOR THE MINNESOTA
BOARD OF PHYSICAL THERAPY

ORDER

IT IS SO ORDERED THAT:

The foregoing Consent Judgment is approved.

Dated: _____, 2014

BY THE COURT:

SIGNATURE ON FILE

1/15/14

Regina M. Chu
Judge of District Court