

**TRUE AND EXACT
COPY OF ORIGINAL**

BEFORE THE MINNESOTA
BOARD OF MEDICAL PRACTICE

In the Matter of
the Registration of
Gregory P. Campbell, P.T.
Date of Birth: 2/2/47
Registration Number: 1,133

**AMENDED
STIPULATION
AND ORDER**

IT IS HEREBY STIPULATED AND AGREED, by and between Gregory P. Campbell, P.T. ("Respondent"), and the Complaint Review Committee of the Minnesota Board of Medical Practice ("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 registration to practice as a physical therapist in the State of Minnesota.

FACTS

2. On July 12, 1997, the Board issued a Stipulation and Order ("1997 Order") reprimanding Respondent and conditioning his practice of physical therapy in the State of Minnesota based on inappropriate documentation, billing practices, boundary issues and allowing physical therapy aides and assistants to perform therapy without Respondent being present or reevaluating the patient after treatment. The 1997 Order is attached hereto and incorporated by reference in its entirety except as provided in paragraph 6 below. Since the 1997 Order was approved by the Board, the following concerns have been raised regarding Respondent's practice as a physical therapist:

a. In December 1997, the Department of Human Services, Surveillance and Integrity Review Section ("DHS") completed a second audit of 14 records of physical therapy claims billed to the Minnesota Health Care Program ("MHCP") by Respondent. The review and subsequent investigation identified the following problems that resulted in overpayment of MHCP funds for physical therapy services:

1) The review of medical records showed there was a lack of documentation of services. For example, in the case of one recipient, the entire medical record was missing even though the investigation indicated the recipient had services billed to the MHCP using Respondent's provider number and that physical therapy services were reimbursed, in violation of DHS rules.

2) The medical records of some recipients showed services were provided by a physical therapist other than Respondent even though these services were billed as though Respondent personally provided the services, in violation of DHS rules.

3) An order in one chart was written by a doctor of podiatric medicine, not a medical doctor as required by DHS rules.

4) One medical chart showed Respondent was paid cash for physical therapy on two dates of service. The documentation stated that since any aide services were exhausted for the year, the recipient agreed to pay cash. After the two appointments, the recipient was not able to pay cash. Services were discontinued and a prior authorization request for additional physical therapy services was sent to MHCP for approval. Soliciting, receiving or charging payments from recipients for services that should have been billed to MHCP is a violation of federal regulations and Minnesota statutes. It is the responsibility of the provider to obtain prior authorization for the services.

b. On December 31, 1997, DHS sent a Notice of Agency Action to Respondent seeking recovery of funds for services billed in violation of Program Rules and Respondent's Stipulated Provider Agreement. Respondent mailed a check to DHS in the amount identified in the notice. Respondent appealed the notice on February 13, 1998. DHS responded that by paying the monetary recovery requested, Respondent agreed to the findings of noncompliance and relinquished any appeal rights. DHS ordered suspension for two years, effective March 10, 1998, through March 10, 2000.

c. In July 1997, another complaint was received by the Board involving Respondent's inappropriate boundaries with a female patient. Patient #1 stated Respondent shared personal experiences with her, including the fact he had been abused by his father and that he had been whipped. Patient #1 stated Respondent also told her about and showed her his bullet scar, which was located around his lower back or the upper portion of his buttock. After patient #1's last visit, Respondent left a message on patient #1's answering machine asking her to call him. Patient #1 did not call and never went back to see Respondent. In February 1998, Respondent left another message on patient #1's answering machine. Patient #1 had not planned to return the messages but did so because her husband thought she should call as a courtesy.

d. Respondent completed a boundaries course in October 1997, as required by his 1997 Order. Respondent admitted he did not believe he discussed the boundaries issues related to patient #1 with the instructor.

e. Respondent's practice underwent quarterly reviews by the Quality Improvement Committee and the Judicial Committee of the Minnesota Chapter of the American Physical Therapy Association ("MNAPTA"). The fourth quarterly audit performed on June 29, 1998, revealed Respondent's significant documentation deficiencies continued to be present and

Respondent continued to fail to meet MNAPTA standards of practice criteria and guidelines for physical therapists. Numerous problems with Respondent's knowledge, skills and behavior were identified.

3. On September 4, 1998, Respondent underwent a Forensic Psychological Evaluation. The evaluator made the following conclusions and recommendations:

a. Rehabilitative efforts involving training and education are not likely to be of much use to Respondent until he has received sufficient mental health services.

b. Respondent should begin an extended period of regular psychotherapy that focuses on symptom management.

c. Respondent should then begin a second phase of therapy with such goals as stabilization of his sense of self, reduction of his need to be liked and to please, resolution of history of physical and emotional abuse and increasing his capacity to process information without distortion.

4. In November 1998, Respondent was referred to a licensed psychologist for continued therapy. Respondent's working diagnosis was Adjustment Disorder with Mixed Emotional Features. In a letter to the Board dated May 10, 1999, the psychologist stated Respondent had begun to manage his symptoms, that Respondent had experienced behavior changes in the previous six months and that the public was not at risk. Respondent planned to continue to receive therapy.

STATUTES

5. The Board views Respondent's practices as inappropriate in such a way as to require Board action under Minn. Stat. § 148.75, subd. 1(f), (l) and (q) (1996), and Respondent

agrees that the conduct described in the Stipulation and Order incorporated herein constitutes a reasonable basis in law and fact to justify the disciplinary action.

REMEDY

6. 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 amending the 1997 Order. The 1997 Order is hereby incorporated by reference in its entirety with the exception of paragraphs 2 through 9 of the Remedy section, which are rescinded and replaced with the following language:

a. Respondent's registration is hereby suspended. Such suspension to be stayed upon Respondent's full compliance with the following terms and conditions.

b. Respondent shall successfully complete the following preapproved courses within 12 months from the date of this Order or at the earliest date the course is offered:

- 1) MNAPTA Essentials of Physical Therapy; and
- 2) Physical therapy refresher courses in anatomy, orthopedic assessment and biomechanics (or course work deemed similar by the Committee).

c. For a minimum of six months, Respondent shall meet weekly with a mentor/work quality assessor who shall provide quarterly reports to the Board addressing Respondent's overall work performance. At the end of six months, Respondent may petition the Committee to modify this provision.

d. Respondent shall obtain a treating physician, approved in advance by the Complaint Review Committee or its designee, to monitor and/or manage all medical or other care provided to Respondent by all health care professionals. Respondent shall provide all

necessary records releases to enable Respondent's health care professionals to communicate with the treating physician pursuant to this paragraph. The treating physician shall provide quarterly reports to the Board summarizing medical or other care provided to Respondent and addressing Respondent's progress under any terms of this Amended Stipulation and Order relating to Respondent's health status and recovery.

e. Respondent shall provide to the Board and the treating physician a copy of any treatment or aftercare plan in effect at the time of the execution of this Amended Stipulation and Order or that is modified or becomes effective during the time Respondent is subject to this Amended Stipulation and Order. The treatment or aftercare plan and any modifications to it shall be approved by the treating physician and shall include at least the following:

- 1) The treatment or aftercare plan activities; and
- 2) The name, address and telephone number for each provider of treatment or aftercare services.

The terms of any such treatment or aftercare plan or approved modification thereto, to the extent not superseded by this Order are herewith incorporated by reference. Failure to follow the plan or approved modifications shall constitute violation of this Order.

f. Respondent shall meet as recommended but at least quarterly with a preapproved treating therapist and shall comply with all treatment recommendations. The treating therapist shall submit quarterly reports to the Board regarding Respondent's overall mental health and compliance with treatment recommendations.

g. Upon request by the Board, Respondent shall sign releases authorizing the Board to obtain Respondent's medical or mental health records from any treating professional or facility.

h. Respondent shall maintain records in accordance with the MNAPTA standards and which individually reflect the patient's symptoms, evaluation, therapy and goals.

i. Respondent shall not improperly delegate physical therapy assignments to physical therapy assistants, physical therapy aides or other support personnel.

j. Respondent shall undergo an audit of his practice as directed by the Board or its designee, no sooner than six months after the Order is in effect. Subsequent audits may be requested at the discretion of the Complaint Review Committee.

k. Respondent shall meet quarterly with a designated Board member.

l. The stay of the suspension shall be revoked upon receipt of evidence that Respondent is not in full compliance with all terms and conditions of this Amended Stipulation and Order.

m. After one year from the date of this Order, Respondent may petition the Complaint Review Committee to modify the terms of this Order. Respondent shall provide the Committee with documentation of compliance with the Order. The Committee, at its discretion and by its own Order, may reduce the frequency of meetings and reports required by this Order.

n. This Amended Stipulation and Order will remain in effect for a minimum of two years from the date of this Order.

OTHER AGREEMENTS

7. Respondent has been advised by Board representatives that he may choose to be represented by legal counsel in this matter and has chosen Dan O'Connell.

8. If Respondent shall fail, neglect, or refuse to fully comply with each of the terms, provisions, and conditions herein, the Complaint Review 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 revocation of Respondent's license.

9. In the event the Board, in its discretion, does not approve this settlement, this amended 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 the amended stipulation, Respondent will assert no claim that the Board was prejudiced by its review and discussion of the amended stipulation or any records relating hereto.

10. 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 amended stipulation shall be the final order herein.

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11. Respondent hereby acknowledges that he has read and understands this amended stipulation and has voluntarily entered into the amended stipulation without threat or promise by the Board or any of its members, employees, or agents. This amended 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 amended stipulation.

Dated: 6-25-1999, 1999

Dated: 6/30/99, 1999

SIGNATURE ON FILE

SIGNATURE ON FILE

Carroll F. Smith
Respondent

Dated: June 25, 1999

FOR THE COMMITTEE

Dated: 10-28, 1999

SIGNATURE ON FILE

DAN O'CONNELL
Attorney for Respondent

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SIGNATURE ON FILE

JENNIFER M. O'BRIEN
Attorney for Committee

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* * *

ORDER

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

IT IS HEREBY ORDERED that the terms of this amended stipulation are adopted and implemented by the Board this 30th day of June, 1999.

MINNESOTA BOARD OF
MEDICAL PRACTICE,
SIGNATURE ON FILE

B:

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