BEFORE THE MINNESOTA
BOARD OF OCCUPATIONAL THERAPY PRACTICE

In the Matter of
Katherine Coffee George, OTA
License No. 202111

STIPULATION AND CONSENT ORDER

STIPULATION

Katherine Coffee George, O.T.A. ("Licensee"), and the Minnesota Board of Occupational Therapy Practice Complaint Resolution Committee ("Committee") agree the above-referenced matter may be resolved without trial of any issue or fact as follows:

I.

JURISDICTION

1. The Minnesota Board of Occupational Therapy Practice ("Board") is authorized pursuant to Minnesota Statutes sections 148.6401 to 148.6449 to license and regulate the practice of occupational therapy, and to take disciplinary action as appropriate.

2. Licensee holds a license to practice as an occupational therapy assistant in the State of Minnesota and is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation and Consent Order.

II.

BACKGROUND

3. Following a thorough review of all available information, the Committee determined the matter could be resolved with a Stipulation and Consent Order.

4. Licensee is aware that she may choose to be represented by legal counsel in this matter. Licensee has chosen to appear *pro se*. Nicholas Lienesch, Assistant Attorney General, represents the Committee in this matter.

III.

FACTS

5. The parties agree this Stipulation and Consent Order is based upon the following facts:

a. On March 22, 2016, Licensee was licensed as an occupational therapy assistant ("OTA") in Minnesota.

b. On November 8, 2023, the Board issued a Stipulation and Consent Order ("2023 Order") in which Licensee agreed to limitations and conditions on her license based upon fraudulent billing she conducted in March, April, and May of 2023. One of the limitations of the 2023 Order was that Licensee's practice had to be supervised as specified in the 2023 Order by an occupational therapist in good standing with the Board.

c. On December 1, 2023, Licensee sent the Board a supervisor reporting form, which listed the name of an OT who purportedly agreed to supervise Licensee pursuant to the Stipulation and Consent Order. Licensee later admitted that the supervisor she listed on the form never agreed to supervise her practice, and that Licensee forged the supervisor's name and signature on the form.

IV.

LAWS

6. Licensee acknowledges the conduct described in section III. above constitutes a violation of Minnesota Statutes section 148.6448, subdivision 1(12) (dishonest conduct), and justifies the disciplinary action described in section V. below.

V.

DISCIPLINARY ACTION

The parties agree the Board may take the following disciplinary action and require compliance with the following terms:

a. The Board **REVOKES** Licensee license to practice as an occupational therapy assistant in the State of Minnesota.

b. Licensee shall not practice, attempt to practice, offer to practice, or advertise or hold herself out as authorized to practice occupational therapy in Minnesota and shall not use the title "occupational therapy assistant" or any other designation which indicates licensure in or authorization to practice occupational therapy.

c. Licensee shall not reapply for licensure as an occupational therapy assistant in Minnesota for a period of ten (10) years following the date of this stipulation. Should licensee reapply for licensure, Licensee must comply with the following:

1) Licensee may be required to appear before a Board Complaint Resolution Committee to discuss the issues raised by the complaint giving rise to this Stipulation and Consent Order, as well as any information received subsequent to the revocation of Licensee's license.

2) Licensee must complete all continuing education requirements that were required but not completed, as described above in the facts underlying this Board action.

3) Licensee must meet the requirements for licensure in effect at the time of that application.

e. At the time of application, Licensee shall demonstrate by clear and convincing evidence that she is capable of practicing as an occupational therapy assistant in a fit,

competent, and ethical manner and with reasonable skill and safety to patients. Licensee shall not be relicensed in Minnesota until further order of the Board, which may include conditions and/or restrictions on Licensee's license.

7. In the event the Board in its discretion does not approve this settlement or a lesser remedy than indicated in this settlement, then, and in that event, this Stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced by either party to this Stipulation, except that Licensee agrees that should the Board reject this Stipulation and this case proceeds to hearing, Licensee will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation or of any records relating to this matter.

8. Any appropriate court may, upon application of the Board, enter its decree enforcing this order of the Board.

9. Licensee waives all formal hearings on this matter and all other procedures before the Board to which Licensee may be entitled under the 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.

10. Licensee hereby knowingly and voluntarily waives any and all claims against the Board, the Minnesota Attorney General, and the State of Minnesota and their agents, employees, and representatives which may otherwise be available to Licensee relative to the action taken or authorized against Licensee's license to practice as an occupational therapy assistant under this Stipulation.

11. Licensee hereby acknowledges that she has read, understands, and agrees to the Stipulation and has freely and voluntarily signed the Stipulation without threat or promise by the Board or any of its members, employees, or agents. When signing the Stipulation, Licensee

acknowledges she is fully aware the Stipulation is not binding unless and until it is approved by the Board. The Board may either approve the Stipulation and Consent Order as proposed, approve the Stipulation and Consent Order subject to specified change, or reject it. If the changes are acceptable to Licensee, the Stipulation will then take effect and the order as modified will be issued. If the changes are unacceptable to Licensee or the Board rejects the Stipulation, it will be of no effect except as specified herein.

12. This Stipulation and Consent Order constitutes a disciplinary action against Licensee.

13. This Stipulation and Consent Order is a public document and may be sent to all appropriate data banks.

14. This Stipulation contains the entire agreement between the parties there being no other agreement of any kind, verbal or otherwise, which varies this Stipulation.

COMPLAINT RESOLUTION
COMMITTEE

Katherine George
Katherine Coffee George, O.T.A.
Licensee

Dated: 2/27/2024

For the Committee

Dated: 5/8/2024

ORDER

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

IT IS HEREBY ORDERED that the license of Licensee is hereby **REVOKED** and that all other terms of this stipulation are adopted and implemented by the Board this 8 day of May, 2024.

MINNESOTA BOARD OF
OCCUPATIONAL THERAPY PRACTICE

CHRISTINA BOURLAND, OTR/L
Executive Director

BEFORE THE MINNESOTA
BOARD OF OCCUPATIONAL THERAPY PRACTICE

In the Matter of
Katherine Coffee George, OTA
License No. 202111

STIPULATION AND CONSENT ORDER

STIPULATION

Katherine Coffee George, OTA ("Licensee"), and the Minnesota Board of Occupational Therapy Practice Complaint Resolution Committee ("Committee") agree the above-referenced matter may be resolved without trial of any issue or fact as follows:

I.

JURISDICTION

1. The Minnesota Board of Occupational Therapy Practice ("Board") is authorized pursuant to Minnesota Statutes sections 148.6401 to 148.6449 to license and regulate the practice of occupational therapy, and to take disciplinary action as appropriate.

2. Licensee holds a license to practice as an occupational therapy assistant in the State of Minnesota and is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation and Consent Order.

II.

BACKGROUND

3. Following a thorough review of all available information, the Committee determined the matter could be resolved with a Stipulation and Consent Order.

4. Licensee was advised by the Board's representatives that she may choose to be represented by legal counsel in this matter. Licensee has chosen to appear *pro se*. Nicholas Lienesch, Assistant Attorney General, represents the Committee in this matter.

III.

FACTS

5. The parties agree this Stipulation and Consent Order is based upon the following facts:

a. On March 22, 2016, Licensee was licensed as an occupational therapy assistant ("OTA") in Minnesota.

b. The Minnesota Department of Health, which licensed and regulated occupational therapy practitioners prior to January 1, 2018, issued a disciplinary order to Licensee on November 7, 2017, effective December 7, 2017 ("2017 Order"). The 2017 Order was based upon Licensee's conduct of billing for services that she did not provide to patients. The 2017 Order required Licensee to pay a $613 civil penalty and complete several specific continuing education courses.

c. On September 10, 2019, Licensee and the Committee agreed to an Agreement for Corrective Action due to Licensee's conduct of taking two patient charts from the facility where she worked. The Agreement required Licensee to complete coursework in ethics and documentation. Licensee did so, and the complaint giving rise to the case was dismissed but remains public corrective action.

d. In March, April and May, 2023, Licensee was working as an Occupational Therapy Assistant for an organization called Home Health Care, Inc., when she engaged in conduct that included: (1) documenting providing care to a patient, when in fact that patient had left the facility approximately 1.5 weeks prior to the dates Licensee documented and documenting that the patient communicated with her during the alleged therapy session, when in fact the patient is non-verbal; (2) documenting that she provided care to a patient when the patient no longer lived at the facility on that date; and (3) documenting providing care to a patient at the facility when in fact the patient refused to participate in therapy on that date.

IV.

LAWS

6. Licensee acknowledges the conduct described in section III. above constitutes a violation of Minnesota Statutes section 148.6448, subdivision 1(12) (dishonest conduct), and justifies the disciplinary action described in section V. below.

V.

DISCIPLINARY ACTION

The parties agree the Board may take the following disciplinary action and require compliance with the following terms:

7. Licensee's practice as an OTA shall be subject to the following:

LIMITATIONS

a. The Board places the following **LIMITATIONS** on Licensee's license:

1) For a period of at least five years, Licensee shall not practice in the following practice settings: home health care, school-based settings, or mobile practice settings.

2) Licensee's practice must occur under increased supervision for a minimum of 320 hours following adoption of this agreement. Supervision must occur as follows:

i. The supervisor must be an occupational therapist in good standing with the Board or an occupational therapy assistant in good standing with the Board and with a minimum of 3 years documented practice in the setting.

ii. At a minimum, the supervising practitioner shall be on the premises at all times Licensee is working; be in the room ten (10) percent of the hours worked

each week by Licensee; and provide daily face-to-face collaboration for the purpose of discussing treatment procedures and ensuring provision of occupational therapy services as outlined in the treatment plan.

iii. Minnesota Statutes section 148.6432 still applies to all of Licensee's work as an occupational therapy assistant while this Stipulation and Consent Order is in effect.

Licensee is responsible for obtaining the supervision required under this paragraph and must comply with the board's requirements for supervision during the entire supervised practice. Upon completion of the required hours, the supervisor must submit the signed supervision documentation to the Board office. A sample supervision form will be provided to Licensee upon execution of this Stipulation and Consent Order and upon request.

Removal of Limitations

a. The practice setting restriction on Licensee's license will be administratively removed following five years of successful compliance with the terms of this Stipulation and Consent Order.

b. The supervision requirement will be administratively removed upon receipt of documentation of successful completion of 320 hours of supervised employment and successful compliance with the terms of this Stipulation and Consent Order.

CONDITIONS

12. The Board places the following **CONDITIONS** on Licensee's license:

a. For a period of at least three years, Licensee must obtain preapproval, from the Committee, of any workplace setting before beginning to practice as an occupational therapy assistant in that setting.

b. For a period of at least three years, Licensee must notify each present and future occupational therapy supervisor of this Order within ten days of the date of the order or commencing employment. Licensee must provide the supervisor with a copy of the entire signed Order.

Removal of Conditions

The conditions on Licensee's license will be administratively removed following three years of successful compliance with the terms of this Stipulation and Consent Order.

8. While this Stipulation and Consent Order is in effect, Licensee shall notify each present occupational therapy supervisor of this Stipulation and Consent Order within ten days of the date of the order and shall also notify each future occupational therapy supervisor of this Stipulation and Consent Order within ten days of commencing employment.

VI.

CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS

9. It is Licensee's responsibility to ensure all payments, reports, evaluations, and documentation required to be filed with the Board pursuant to this Stipulation and Consent Order are timely filed by those making the payment or preparing the report, evaluation, or documentation. Failure to make payments or file reports on or before their due date is a violation of this Stipulation and Consent Order. Licensee is responsible for all costs incurred in compliance with this Stipulation and Consent Order.

10. If Licensee fails to comply with or violates this Stipulation and Consent Order the Committee may, in its discretion, seek additional discipline either by initiating a contested case proceeding pursuant to Minnesota Statutes chapter 14 or by bringing the matter directly to the Board pursuant to the following procedure:

a. The Committee shall schedule a hearing before the Board. At least 20 days before the hearing, the Committee shall mail Licensee a notice of the violation(s) alleged

by the Committee. In addition, the notice shall designate the time and place of the hearing. Within ten days after the notice is mailed, Licensee shall submit a written response to the allegations. If Licensee does not submit a timely response to the Board, the allegations may be deemed admitted.

b. The Committee, in its discretion, may schedule a conference with Licensee prior to the hearing before the Board to discuss the allegations and to attempt to resolve the allegations through agreement.

c. Prior to the hearing before the Board, the Committee and Licensee may submit affidavits and written argument in support of their positions. At the hearing, the Committee and Licensee may present oral argument. Argument shall not refer to matters outside the record. The evidentiary record shall be limited to the affidavits submitted prior to the hearing and this Stipulation and Consent Order. The Committee shall have the burden of proving by a preponderance of the evidence that a violation has occurred. If Licensee has failed to submit a timely response to the allegations, Licensee may not contest the allegations, but may present argument concerning the appropriateness of additional discipline. Licensee waives a hearing before an administrative law judge, discovery, cross-examination of adverse witnesses, and other procedures governing hearings pursuant to Minnesota Statutes chapter 14.

d. Licensee's correction of a violation before the conference, hearing, or meeting of the Board may be taken into account by the Board but shall not limit the Board's authority to impose discipline for the violation. A decision by the Committee not to seek discipline when it first learns of a violation shall not waive the Committee's right to later seek discipline for that violation, either alone or in combination with other violations, at any time while Licensee's license is in a conditional status.

e. Following the hearing, the Board will deliberate confidentially. If the allegations are not proved, the Board shall dismiss the allegations. If a violation is proved, the Board may impose additional discipline, including additional conditions or limitations on Licensee's practice, suspension, or revocation of Licensee's license.

f. Nothing herein shall limit the Committee's or the Board's right to temporarily suspend Licensee's license pursuant to Minnesota Statutes section 214.077, based on a violation of this Stipulation and Consent Order or based on conduct of Licensee not specifically referred to herein.

VII.

ADDITIONAL REQUIREMENTS

11. In the event Licensee should leave Minnesota to reside or to practice outside of the state, Licensee shall give the Board written notification of the new location, as well as dates of departure and return. Periods of residency and practice outside of Minnesota will not apply to the reduction of any period of Licensee's conditional license in Minnesota unless Licensee demonstrates that the practice in another state conforms completely with this Stipulation and Consent Order. If Licensee leaves the state, the terms of this Order continue to apply unless waived in writing.

12. Within ten days of execution of this Stipulation and Consent Order, Licensee shall provide the Board with the addresses and telephone numbers of Licensee's residence and all agencies or facilities and locations at which Licensee has become employed or performs volunteer occupational therapy. Licensee shall inform the Board within ten days if she becomes employed at any additional agencies or facilities or moves and shall provide the new or additional address and telephone number.

13. Within ten days of execution of this Stipulation and Consent Order, Licensee shall provide the Board with the names of all states in which Licensee is licensed to practice occupational therapy or has applied for licensure as an occupational therapist.

OTHER INFORMATION

14. Licensee waives the contested case hearing and all other procedures before the Board to which Licensee may be entitled under the Minnesota and United States constitutions, statutes, or rules.

15. Licensee waives any claims against the Board, the Minnesota Attorney General's Office, the State of Minnesota, and their agents, employees, and representatives related to the investigation of the conduct herein, or the negotiation or execution of this Stipulation and Consent Order, which may otherwise be available to Licensee.

16. This Stipulation and Consent Order, the files, records, and proceedings associated with this matter shall constitute the entire record and may be reviewed by the Board in its consideration of this matter.

17. Either party may seek enforcement of this Stipulation and Consent Order in any appropriate civil court.

18. Licensee has read, understands, and agrees to this Stipulation and Consent Order and has voluntarily signed the Stipulation and Consent Order. Licensee is aware this Stipulation and Consent Order must be approved by the Board before it goes into effect. The Board may approve the Stipulation and Consent Order as proposed, approve it subject to specified change, or reject it. If the changes are acceptable to Licensee, the Stipulation and Consent Order will take effect and the order as modified will be issued. If the changes are unacceptable to Licensee or the Board rejects the Stipulation and Consent Order, it will be of no effect except as specified in the following paragraph.

19. Licensee agrees that if the Board rejects this Stipulation and Consent Order or a lesser remedy than indicated in this settlement, and this case comes again before the Board, Licensee will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation and Consent Order or of any records relating to it.

20. This Stipulation and Consent Order shall not limit the Board's authority to proceed against Licensee by initiating a contested case hearing or by other appropriate action on the basis of any act, conduct, or admission of Licensee which constitutes grounds for disciplinary action, and which is not directly related to the specific facts and circumstances set forth in this document.

VIII.

DATA PRACTICES NOTICES

21. This Stipulation and Consent Order constitutes disciplinary action by the Board and is classified as public data pursuant to Minnesota Statutes section 13.41, subdivision 5. Therefore, employers and other individuals will be able to see this entire Stipulation and Consent Order by searching Licensee's name on the Board's website, or by requesting a copy of this Stipulation and Consent Order from the Board. Data regarding this action will be provided to data banks as required by Federal law and consistent with Board policy. While this Stipulation and Consent Order is in effect, information obtained by the Board pursuant to this Stipulation and Consent Order is considered active investigative data on a licensed health professional, and as such, is classified as confidential data pursuant to Minnesota Statutes section 13.41, subdivision 4.

22. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies this Stipulation.

LICENSEE:

Katherine George

KATHERINE COFFEE GEORGE, OTA
Licensee

Dated: 9-11, 2023

BOARD OF OCCUPATIONAL THERAPY PRACTICE COMPLAINT RESOLUTION COMMITTEE

Committee Member Signature

Printed Name

Dated: _____, 2023

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DATA PRACTICES NOTICES

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22. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies this Stipulation.

LICENSEE:

KATHERINE COFFEE GEORGE, OTA
Licensee

Dated: _____, 2023

BOARD OF OCCUPATIONAL THERAPY PRACTICE COMPLAINT RESOLUTION COMMITTEE

Samantha Olsen OTD, OTR/L

Committee Member Signature

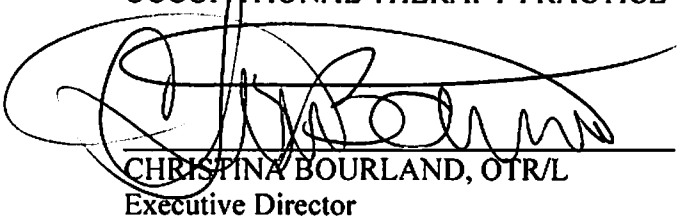
Samantha Olsen, OTD, OTR/L
Printed Name

Dated: November 8, 2023

ORDER

Upon consideration of the Stipulation, the Board adopts all of the terms described above on this 8 day of November 2023.

MINNESOTA BOARD OF
OCCUPATIONAL THERAPY PRACTICE



CHRISTINA BOURLAND, OTR/L
Executive Director

MINNESOTA BOARD OF OCCUPATIONAL THERAPY PRACTICE

Protecting the Public

November 19, 2019

Katherine Coffee George
4259 West Broadway Avenue # 305
Robbinsdale, MN 55422

Dear Ms. Coffee George

This letter is in response to the complaint filed against you with the Board of Occupational Therapy Practice. Following the investigation of this complaint by the Complaint Resolution Committee (CRC) of the Board, you entered into an Agreement for Corrective Action (ACA) effective September 10, 2019.

You submitted the required materials to the CRC on October 10, 2019. The CRC finds that the materials you submitted satisfactorily completed the requirements of the ACA. Based upon this, the complaint outlined in the ACA is now closed.

Minnesota Statute 214.103 requires that an Agreement for Corrective Action be a public document and that it remain on the Board's website and a permanent part of a licensee's file. All other material related to the complaint is classified under the Minnesota Government Data Practice Act as "private" after the closure of a complaint.

This letter is included in your public licensure file to reflect your completion of the Agreement for Corrective Action and as such is posted on the Board's website.

Please contact me with any questions regarding this matter.

Regards,

Christina Bourland
Executive Director

2829 University Ave SE
Suite 415
Minneapolis, MN 55414

Phone 612-548-2179
Email Occupational.therapy@state.mn.us
Website https://mn.gov/boards/occupational-therapy/

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Board of Occupational Therapy Practice

BEFORE THE MINNESOTA
BOARD OF OCCUPATIONAL THERAPY PRACTICE
COMPLAINT RESOLUTION COMMITTEE

In the Matter of
Katherine Coffee George, OTA
License No. 202111

AGREEMENT FOR CORRECTIVE ACTION

This Agreement is entered into by and between Katherine Coffee George, OTA ("Licensee"), and the Minnesota Board of Occupational Therapy Practice Complaint Resolution Committee ("Committee") pursuant to the authority of Minnesota Statutes section 214.103, subdivision 6(a)(2). Licensee and the Committee hereby agree as follows:

FACTS

1. On August 8, 2019, Licensee met with the Committee to discuss allegations regarding Licensee's occupational therapy practice contained in a Notice of Conference dated July 11, 2019. Greg Schaefer, Assistant Attorney General, represented the Committee at the conference. Nicholas Lienesch, Assistant Attorney General has also represented the Committee in this matter. Licensee was advised by the Committee that she may choose to be represented by legal counsel in this matter. Although aware of this opportunity, Licensee waived representation by counsel. Licensee and the Committee have agreed to enter into an Agreement for Corrective Action to address the concerns identified below.

2. On January 24, 2019, Licensee was scheduled to work as an on-call occupational therapy assistant at a long term care center ("Facility") in West Saint Paul, Minnesota. On that date, the following took place:

a. Licensee had four patients on her schedule to see for occupational therapy services on that date.

b. Licensee clocked in for work at 9:39 a.m. and left the facility at 10:13 a.m.

c. Licensee did not see any patients during the time that she was at the Facility, and did not enter the Facility's patient care units.

d. Licensee took two patient charts with her from the Facility, and left the charts in her car.

e. Licensee did not immediately respond to Facility efforts to locate the charts.

f. Licensee did not promptly respond to Board inquiries about this matter.

CORRECTIVE ACTION

3. Based on the available information and the discussion at the conference, the Committee views Licensee's practice as failing to meet minimum standards of occupational therapy practice under Minnesota Statutes section 148.6448, subdivision 1(12) (unprofessional conduct) and Licensee agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify corrective action. Licensee agrees to address the concerns identified by taking the following corrective actions:

a. Within twelve months of the effective date of this Agreement, Licensee shall successfully complete the following continuing education (CE) courses:

i. Every Day Ethics: Core Knowledge for OT Practitioners and Educators, 3rd Edition (0.3 AOTA CEU; 3 contact hours) (available from American Occupational Therapy Association at aota.org).

ii. Skilled Nursing Facilities 101: Documentation, Reimbursement, and Ethics in Practice, 2nd. Edition (.3AOTA CEU; 3 contact hours) (available from the American Occupational Therapy Association at aota.org).

iii. Current Ethical Trends in Occupational Therapy (0.2 AOTA CEU; 2 contact hours) (available from Summit Professional Education at summit-education.com).

b. Licensee must provide the Board with a copy of the certificates demonstrating successful completion.

c. Such credits shall be in addition to the continuing education requirements of Minnesota Statutes, section 148.6443.

d. Within one month of completion of all of the CE courses listed above, Licensee must submit to the Board a typewritten report at least three pages in length addressing what she learned and achieved through the continuing education. Licensee must reflect on the situation described in Facts section above, and describe how she will apply her knowledge to her current and future occupational therapy practice.

OTHER INFORMATION

4. Upon Licensee's satisfactory completion of the corrective action referred to above, the Committee agrees to dismiss the complaint(s) concerning the matters referred to in paragraph 2, above. Licensee agrees that the Committee will be the sole judge of satisfactory completion. Licensee understands that if, after dismissal, the Committee receives additional complaints alleging conduct similar to that referred to in the facts above, the Committee may reopen the dismissed complaint(s).

5. If Licensee fails to complete the corrective action satisfactorily or if the Committee receives additional complaints alleging conduct similar to that referred to in the facts above, the Committee may, in its discretion, reopen the investigation and proceed according to Minnesota Statutes chapters 14, 148.6401 to 148.6449, and 214. Licensee agrees that failure to complete corrective action satisfactorily constitutes failure to cooperate under Minnesota Statutes section 148.6448, subdivision 1(10) and may subject Licensee to disciplinary action by the Board.

6. The effective date of this Agreement is the date it is executed by the Committee. The Agreement will remain in effect until the Committee dismisses the complaint, unless the Committee receives additional information that renders corrective action inappropriate. Upon

receipt of such information, the Committee may, in its discretion, proceed according to Minnesota Statutes chapters 14, 148.6401 to 148.6449, and 214.

7. Licensee understands this Agreement does not constitute disciplinary action. Licensee further understands and acknowledges this Agreement and the dismissal letter issued upon successful completion of the corrective action are classified as public data pursuant to Minnesota Statutes section 13.41, subdivision 5.

8. Licensee hereby acknowledges she has read and understands this Agreement and has agreed to enter into it. This Agreement contains the entire agreement between the Committee and Licensee, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.

Katherine Coffee George

KATHERINE COFFEE GEORGE, O.T.A.
Licensee

Dated: August 31, 2019

Samantha Olson

For the Committee

Dated: 9/10/2019, 2019

DEPARTMENT OF HEALTH

Protecting, Maintaining and Improving the Health of All Minnesotans

January 31, 2018

Katherine Marie Coffee George
4259 West Broadway Avenue N.
Apartment 305
Robbinsdale, MN 55422

RE: MDH File Number: OTC17010

Dear Ms. Coffee:

The Minnesota Department of Health has received your letter dated January 25, 2017 regarding the Department's Determination, which became effective and public on December 7, 2017. In your letter, you requested the Department remove the conditions on your occupational therapist license as you have complied with the terms of the Determination. This letter confirms you have met the conditions of the November 14, 2017 Determination, including payment of a civil penalty and completion of the continuing education requirements. Therefore, the conditions on your occupational therapy assistant license are hereby removed.

Thank you for your cooperation in the matter. If you have any questions, you can contact me (651) 201-3706.

Sincerely,

Catherine Dittberner Lloyd, Manager
Health Occupations Program
Minnesota Department of Health
PO Box 64882
Saint Paul, MN 55164-0882

cc: Grace Rauchwarter, Occupational Therapist Assistant Credentialing Coordinator

Protecting, maintaining and improving the health of all Minnesotans

November 7, 2017 *Effective 12/07/2017*

Katherine Marie Coffee

RE: MDH File Number: OTC17010

Dear Ms. Coffee:

Based on the facts and law in this matter as described in the enclosed Staff Determination, the Minnesota Department of Health (MDH) has determined that you performed services of an occupational therapy assistant (OTA) in an incompetent manner or in a manner that falls below the community standard of care in violation of Minnesota statutes, section 148.6448, subdivision 1(3); that you violated sections 148.6401 to 148.6450 in violation of Minnesota Statutes, section 148.6448, subdivision 1(5); that you engaged in dishonest, unethical, or unprofessional conduct in connection with the practice of occupational therapy that is likely to deceive, defraud, or harm the public in violation of Minnesota statutes, section 148.6448, subdivision 1(12); and engaged in fraudulent billing practices in violation of Minnesota statutes, section 148.6448, subdivision 1(17). Therefore, MDH is issuing you a conditional license and requiring that you successfully complete continuing education in occupational therapy ethics and billing. Further, MDH is assessing you a civil penalty in the amount of $613.00 The conditions on your license, including the assessment of a civil penalty, are authorized by Minnesota Statutes, sections 214.131, subdivision 2 and 148.6448, subdivision 2.

This decision will be made final and effective 30 days from the date it is received by you. During that 30-day period, you have the right to challenge this decision in a contested-case hearing, as provided under Minnesota Statutes, Chapter 14. Requests for a hearing should be made in writing and include specific grounds for challenging the Department's decision. If you wish to request a hearing, please send a written hearing request, within 30 days of your receipt of this letter, to:

Catherine Lloyd
Manager, Health Occupations Program
Minnesota Department of Health
PO Box 64882
Saint Paul, MN 55164-0882

You may also deliver your request to 85 East Seventh Place, Suite 220, Saint Paul, MN; or fax it to Ms. Lloyd at (651)201-3839. If you have any questions about this matter, please contact Patricia Forsberg at (651)201-3721.

Sincerely,

Susan Winkelmann, Assistant Division Director
Health Regulation Division

Enclosure
cc: Catherine Lloyd, Manager of the Health Occupations Program

HEALTH OCCUPATIONS PROGRAM
MINNESOTA DEPARTMENT OF HEALTH

A Determination in the Matter of
Katherine Marie Coffee
Occupational Therapy Assistant, License No. 202111

AUTHORITY

1. The Minnesota Department of Health (MDH) has the statutory authority to discipline occupational therapy assistants under Minnesota Statutes, section 214.131, subdivision 2, and section 148.6448, subdivision 3. The types of disciplinary action MDH may impose include a civil penalty that deprives the licensee of any economic advantage gained by the violation, or that reimburses the Department for the costs of the investigation and proceedings or both; and any reasonable lesser action against an individual upon proof that the individual has violated sections 148.6401 to 148.6450. Pursuant to Minnesota Statutes, Section 13.41, disciplinary actions are public data.

2. Pursuant to Minnesota Statutes, section 148.6448, subdivision 1(3), MDH may take disciplinary action against an occupational therapy assistant for performing the services of an occupational therapy assistant in an incompetent manner or in a manner that falls below the community standard of care.

3. Pursuant to Minnesota Statutes, section 148.6448, subdivision 1(5), MDH may take disciplinary action against an occupational therapy assistant for violating sections 148.6401 to 148.6450.

4. Pursuant to Minnesota Statutes, section 148.6448, subdivision 1(12), MDH may take disciplinary action against an occupational therapy assistant for engaging in dishonest, unethical, or unprofessional conduct in connection with the practice of occupational therapy that is likely to deceive, defraud, or harm the public, is a ground for disciplinary action.

5. Pursuant to Minnesota Statutes, section 148.6448, subdivision 1(17), MDH may take disciplinary action against an occupational therapy assistant for engaging in abusive or fraudulent billing practices, including violations of federal Medicare and Medicaid laws, Food and Drug Administration regulations, or state medical assistance laws.

FINDINGS OF FACT

1. On March 22, 2016, Katherine Marie Coffee (hereinafter "Practitioner") was licensed as an occupational therapy assistant in the State of Minnesota by the Department of Health, under license number 202111. Practitioner has renewed her license biennially and has a current license to practice occupational therapy.

2. On February 3, 2017, MDH received information alleging her employer terminated her for billing for services not rendered. According to the information:

   A. From December 13, 2016 through January 17, 2017 Practitioner was employed in a skilled nursing facility providing services as an occupational assistant.

   B. In December of 2016, Practitioner attended training on the use of the mobile device for documentation as a transition from paper documentation to her employer's electronic medical records system. The training included group classroom instruction, hands on instruction, as well as collateral material as a reference.

   C. On January 4, 2017, Practitioner was placed on unpaid leave due to an investigation being opened regarding billing for services not rendered.

   D. On January 17, 2017, Practitioner was terminated from her position following an internal investigation that revealed Practitioner billed for 299 minutes of services not rendered.

   E. Practitioner billed for services when she was not actually physically in the building or with a patient at the time she documented occupational therapy services.

3. MDH sent a Notice of Investigation to Practitioner on February 6, 2017. On March 7, 2017, Practitioner responded to the Department's request for information and provided the following explanation of why she was terminated.

   A. Practitioner provided occupational therapy for patients in a skilled nursing facility.

   B. Practitioner was issued an electronic device to document patient services. Practitioner stated she was not provided training because a separate employer at a different facility trained her on the same system.

   C. On January 4, 2017, Practitioner was placed on unpaid leave regarding the treatment times she entered.

   D. Practitioner stated she cooperated with internal investigation.

   E. Practitioner stated she feels she was terminated due to training inconsistencies. Practitioner said she requested feedback related to her performance, "In an attempt to

establish whether or not I in fact did something wrong and if so how I could do better in the future…"

CONCLUSION

Practitioner violated Minnesota Statutes, section 148.6448, subdivision 1(3), 1(5), 1(12), and 1(17) when she failed to accurately document the amount of time she actually spent in patient care. Although Practitioner stated she received poor training regarding electronic records management from her employer, the evidence indicates this is not true. On numerous occasions Practitioner was not with clients at times she documented she had. Practitioner failed to accurately document and bill for occupational therapy services in December 2016 and January 2017, resulting in providing occupational therapy in a manner that falls below the community standard of care.

DETERMINATION

Practitioner's occupational therapy license is conditioned as follows:

1. Practitioner must pay a civil penalty of $613 to reimburse MDH for costs of investigation and the economic advantage received by the practitioner.

    a. Practitioner may pay the $613 civil penalty in monthly installments of up to four months after the effective date of this action. If Practitioner chooses to make installments, she must notify MDH in writing about her intentions, including how many installments she intends to make, in what amount, and over which time period. Practitioner must send this information to: Investigation and Enforcement Unit, Health Occupations Program, MDH, PO Box 64882, Saint Paul, MN 55164-0882.

    b. Each payment must be made by check or money order payable to "State of Minnesota Treasurer" and mailed to: Investigation and Enforcement Unit, Health Occupations Program, MDH, PO Box 64882, Saint Paul, MN 55164-0882. Each payment is due by the last day of each month; however, Practitioner may prepay at any time.

    c. Before a debt becomes 121 days past due, MDH may refer the debt to the commissioner for collection at any time after a debt becomes delinquent and uncontested and the debtor has no further administrative appeal of the amount of the debt. When a debt owed to MDH becomes 121 days past due, MDH must refer the debt to the commissioner for collection. MDH may file and enforce the penalty as a judgment without further notice or additional proceedings under Minnesota Statutes, section 16D.17.

2. Within 12 months of the effective date of this Determination, Practitioner shall successfully complete the following continuing education (CE) courses, sponsored by the American Occupational Therapy Association, and available online or in CD-ROM format:

    a. Managing the Madness: Reimbursable Documentation and Ethical Concerns (.5 CEU) available through HomeCEU at

https://www.homeceuconnection.com/course/managing-the-madness-reimbursable-documentation-and-ethical-concerns/.

b. Medicare Billing: 8371 and Form CMS-1450 available through Medicare Learning Network at https://learner.mlnlms.com/Default.aspx.

c. Practitioner is responsible for any costs associated with taking the continuing education course and Practitioner must provide MDH with a copy of the certificate demonstrating successful completion.

d. Practitioner must complete the continuing education credits in addition to the continuing education requirements in Minnesota Statutes, section 148.6443.

3. Upon completion of the conditions in paragraph one (1) and two (2) of this Determination, Practitioner may petition MDH, in writing, for an unconditional license. Practitioner must send her request to:

Health Occupations Program, Investigation and Enforcement Unit
PO Box 64882
Saint Paul, MN 55164-0882.