BEFORE THE MINNESOTA
BOARD OF OCCUPATIONAL THERAPY PRACTICE

In the Matter of
Patrick Frigge, OT
License No. 105875

STIPULATION AND CONSENT ORDER

STIPULATION

Patrick Frigge, O.T. ("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 therapist 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 he 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. On May 7, 2020, the Board issued a Stipulation and Consent Order ("2020 Order") related to Licensee's license. The 2020 Order was based upon Licensee's conduct of billing and charting for patient visits that never took place. The 2020 Order required Licensee to pay a $2,500 civil penalty and take three continuing education courses.

6. Licensee failed to make any payments or report taking any courses required by the 2020 Order. Licensee indicated personal and professional difficulties with compliance, and ultimately moved to a different state.

IV.

LAWS

7. Licensee acknowledges the conduct described in section III. above constitutes a violation of Minnesota Statutes section 148.6448, subdivision 1(22) (violated a Board order) 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 accepts Licensee's **VOLUNTARY SURRENDER** of his license to practice as an occupational therapist in the State of Minnesota.

b. Licensee shall not practice, attempt to practice, offer to practice, or advertise or hold himself out as authorized to practice occupational therapy in Minnesota and shall not use

the title "occupational therapist" or any other designation which indicates licensure in or authorization to practice occupational therapy.

c. Licensee shall not reapply for licensure as an occupational therapist 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 surrender of Licensee's license.

2) Licensee shall pay a $2,500 civil penalty for the conduct and violations described herein. Such payment shall be due in full before Licensee may obtain a new license from the Board.

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

4) 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 he is capable of practicing as an occupational therapist 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.

8. 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.

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

10. 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.

11. 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 therapist under this Stipulation.

12. Licensee hereby acknowledges that he 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 he 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.

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

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

15. 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

Patrick Frigge

Patrick Frigge, O.T.
Licensee

Dated: 11/19/21

Samantha Dan OTD, OTR/L

For the Committee

Dated: February 9, 2022

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 **SURRENDERED** and that all other terms of this stipulation are adopted and implemented by the Board this 9th day of February, 2022.

MINNESOTA BOARD OF
OCCUPATIONAL THERAPY PRACTICE

CHRISTINA BOURLAND, OTR/L
Executive Director

BEFORE THE MINNESOTA
BOARD OF OCCUPATIONAL THERAPY PRACTICE

In the Matter of
Patrick Frigge, OT
License No. 105875

STIPULATION AND CONSENT ORDER

STIPULATION

Patrick Frigge, OT ("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 therapist 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 he 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 January 31, 2019, Licensee was licensed as an occupational therapist ("OT") in Minnesota.

b. At all times relevant to the following allegations Licensee worked as an OT at a facility ("Facility") in Winona, Minnesota.

c. On October 20, 2019, Licensee was scheduled to provide occupational therapy services at the Facility, but failed to report for his shift.

d. On October 21, 2019, Licensee documented that he provided occupational therapy services to six patients on October 20, 2019, and charted notes for at least two of the patients, despite not reporting to the Facility or seeing those patients at all on October 20, 2019. Licensee also told his supervisors that he worked five hours on October 20, 2019, and falsified his timesheet to indicate that he worked that day.

IV.

LAWS

6. Licensee acknowledges the conduct described in section III. above constitutes a violation of Minnesota Statutes section 148.6448, subdivision 1(3) (performed services in a manner below the standard of care), 1(12) (unprofessional conduct), and 1(17) (engaged in abusive or fraudulent billing practices), 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:

6. Licensee is **REPRIMANDED** for engaging in the conduct and violations described above.

7. Licensee shall pay a **CIVIL PENALTY** of $2,500 for the violations enumerated above. Licensee may pay the $2,500 civil penalty in monthly installments of no less than $250 per month.

8. Licensee's practice as an OT shall be subject to the following **CONDITIONS**:

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

i. EveryDay Ethics: Core Knowledge for OT Practitioners and Educators, 3rd Edition (0.3 AOTA CEU) (available from American Occupational Therapy Association in online or CD-ROM format).

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. Documenting Occupational Therapy Practice (15 contact hours) (course number 850a located here: https://www.otcourses.com/course.php?id=212).

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 he learned and achieved through the continuing education. Licensee must reflect on the situation described in Facts section above and describe how he will apply his knowledge to his current and future occupational therapy practice.

9. The conditions upon Licensee's license will be administratively removed upon Licensee's satisfaction of the requirements of paragraphs 7 and 8, above. The removal is effective upon written notification to Licensee by the Board of reinstatement of unconditional license.

10. 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

11. 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.

12. 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

13. 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.

14. 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 he becomes employed at any additional agencies or facilities or moves and shall provide the new or additional address and telephone number.

15. 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

16. 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.

17. 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.

18. 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.

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

20. 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.

21. 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.

22. 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

23. 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.

24. 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:

BOARD OF OCCUPATIONAL THERAPY PRACTICE COMPLAINT RESOLUTION COMMITTEE

Patrick Frigge
PATRICK FRIGGE, OT
Licensee

Samantha Olsen OTD, OTR/L
Committee Member Signature

__Samantha Olsen_____
Printed Name

Dated: April 20, 2020

Dated: ___May 7___, 2020

ORDER

Upon consideration of the Stipulation, the Board adopts all of the terms described above on this __7___ day of ___May__, 2020.

MINNESOTA BOARD OF
OCCUPATIONAL THERAPY PRACTICE

CHRISTINA BOURLAND, OTR/L
Executive Director