

**BEFORE THE MINNESOTA  
BOARD OF PHYSICAL THERAPY**

In the Matter of the  
Physical Therapy License  
of Marie T. Goihl, P.T.  
Year of Birth: 1966  
License Number: 4696

**STIPULATION AND ORDER**

IT IS HEREBY STIPULATED AND AGREED, by and between Marie T. Goihl, P.T. ("Licensee"), and the Complaint Review Committee ("Committee") of the Minnesota Board of Physical Therapy ("Board") as follows:

1. During all times herein, Licensee has been and now is subject to the jurisdiction of the Board from which she holds a license to practice physical therapy in the State of Minnesota.
2. Licensee has been advised by Board representatives that she may choose to be represented by legal counsel in this matter. Although aware of her right to representation by counsel, Licensee has knowingly and expressly waived that right. The Committee was represented by Bryan D. Huffman, Assistant Attorney General, 445 Minnesota Street, Suite 1400, St. Paul, Minnesota 55101-2131, telephone (651) 757-1439.

**FACTS**

3. At all times herein, Licensee was employed as a physical therapist with a clinic in Minnesota. Licensee's clientele primarily consisted of patients with spinal cord injuries, and many of her patients required wheelchair seating and equipment needs.
4. In or about April 2011, Licensee was placed on a corrective action plan and received formal counseling sessions from her interim supervisor.

5. On or about June 8, 2012, Licensee's supervisor met with her regarding Licensee's documentation, billing, and quality of physical therapy services. Specifically, Licensee's supervisor discussed the following with her:

a. Durable medical equipment, such as wheelchairs, was not provided to patients in a timely manner because Licensee failed to complete all necessary documentation for the vendor to submit to insurance.

b. Licensee copied and pasted notes that did not support the daily treatment provided.

c. On multiple occasions, Licensee charged for physical therapy services without documentation to support the charges.

d. On multiple occasions, Licensee's units and time used to bill patients were not an accurate reflection of the amount of time Licensee actually spent with the patients.

e. Licensee's documentation of total treatment time and time-in codes violated Medicaid rules.

f. Licensee treated multiple patients for several months without documenting any progress notes or updates toward goals for the patients.

g. On multiple occasions, Licensee either failed to send therapy certifications and re-certifications or allowed the certifications to lapse.

6. Licensee exhibited a lack of teamwork. Specifically, Licensee refused to assist other physical therapists with patient care even when she had sufficient time to do so. According to Licensee's March 2012 performance review, she required further development in the areas of teamwork, communication, and mutual respect for others.

7. On June 26, 2012, Licensee signed a Corrective Action Conference Form, which indicated that she received a final warning in lieu of suspending her employment. Licensee signed a Performance Improvement Plan on the same date.

8. On or about November 8, 2012, Licensee's supervisor met with her to discuss continued errors in Medicare documentation.

9. On or about November 13, 2012, Licensee's supervisor and manager met with her after reviewing her documentation. It was revealed that Licensee failed to send Medicare and Medicaid certifications for physician signature. Licensee could articulate the proper documentation process but demonstrated a lack of follow-through.

10. On or about November 15, 2012, Licensee's employment with the clinic was terminated.

11. On February 19, 2013, Licensee attended a conference with the Committee to discuss the facts set forth in this Stipulation and Order. Licensee disclosed that, at the time of the conference, she was seeing a doctor for health-related issues. She also disclosed that she was previously diagnosed with mild to moderate depression.

#### **STATUTES**

12. The Committee views Licensee's practices as inappropriate in such a way as to require Board action under Minn. Stat. § 148.75(a)(1) and (6) (2012), as well as Minn. R. 5601.3200, subp. 3(A). Licensee agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify the disciplinary action under these statutes.

#### **REMEDY**

13. Upon this stipulation and all of the files, records, and proceedings herein, and without any further notice or hearing herein, Licensee does hereby consent that until further order of the Board, made after notice and hearing upon application by Licensee or upon the

Board's own motion, the Board may make and enter an order **CONDITIONING** Licensee's license to practice physical therapy in the State of Minnesota as follows:

a. Licensee must initiate contact with the Health Professionals Services Program ("HPSP") and complete an eligibility assessment regarding her physical and mental wellness. If determined to be eligible for the program, Licensee must fully comply with any recommendations made by HPSP, including monitoring.

b. Licensee must successfully complete a six-hour Minnesota Chapter of the American Physical Therapy Association ("MN APTA") Documentation classroom course. The MN APTA course must be preapproved by the Committee.

c. Licensee must cooperate with a minimum of eight quarterly peer reviews conducted by the MN APTA Peer Professional Practice Review Committee. The peer reviews must evaluate Licensee's documentation and billing practices. The initial peer review and each subsequent annual peer review must include on-site observation of Licensee's practice.

d. This Stipulation and Order will remain in effect for a minimum of 24 months.

e. Licensee may petition the Board for an unconditional license upon satisfactory compliance with the terms of this Stipulation and Order, including participation in HPSP if eligible. Licensee's petition for an unconditional license may be granted, if at all, as the evidence dictates and based upon the need to protect the public. The burden of proof falls upon Licensee to demonstrate by a preponderance of the evidence that she has sufficiently improved her documentation and billing practices based on the peer reviews required by this Stipulation and Order and is capable of conducting herself in a fit and competent manner in the practice of physical therapy.

f. At the time of Licensee's petition, Licensee may be required to meet with a Complaint Review Committee to evaluate Licensee's petition and any accompanying evidence. Upon hearing the petition, the Committee may recommend that the Board continue, modify, or remove the conditions set out herein.

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

15. Within ten days of the date of this Order, Licensee shall provide the Board with a list of all work sites and locations at which Licensee currently has privileges, a list of all states in which Licensee is licensed or has applied for licensure, and the addresses and telephone numbers of Licensee's residences and all work sites. Within seven days of any change, Licensee shall provide the Board with the new address and telephone information. The information shall be sent to Stephanie Lunning, Minnesota Board of Physical Therapy, University Park Plaza, 2829 University Avenue S.E., Suite 420, Minneapolis, Minnesota 55414-3664.

16. In the event Licensee resides or practices outside the State of Minnesota, Licensee shall promptly notify the Board in writing of the location of her residence and all work sites. Periods of residency or practice outside of Minnesota will not be credited toward any period of Licensee's suspended, limited, or conditioned license in Minnesota unless Licensee demonstrates that practice in another state conforms completely with Licensee's Minnesota license to practice physical therapy.

17. If Licensee shall fail, neglect, or refuse to fully comply with each of the terms, provisions, and conditions herein, the Committee shall schedule a hearing before the Board. The Committee shall mail Licensee a notice of the violation alleged by the Committee and of the time and place of the hearing. Licensee shall submit a response to the allegations at least three days

prior to the hearing. If Licensee does not submit a timely response to the Board, the allegations may be deemed admitted.

18. At the hearing before the Board, the Committee and Licensee 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. Licensee 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 Licensee's practice or suspension or revocation of Licensee's license.

19. In the event the Board in its discretion does not approve this settlement, this 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 Licensee agrees that should the Board reject this stipulation and if 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 hereto.

20. Licensee waives any further hearings on this matter before the Board to which Licensee 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.

21. Licensee hereby acknowledges that she has 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: 07 June 2013

Dated: 8-08-2013

SIGNATURE ON FILE

MARIE T. GOEHL, P.T.  
Licensee

SIGNATURE ON FILE

FOR THE COMMITTEE

**ORDER**

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

IT IS HEREBY ORDERED that the terms of this stipulation are adopted and implemented by the Board this 8<sup>th</sup> day of August, 2013

MINNESOTA BOARD OF  
PHYSICAL THERAPY

SIGNATURE ON FILE

~~STEPHANIE LUNNING~~  
Executive Director

