BEFORE THE MINNESOTA

BOARD OF PHYSICAL THERAPY

In the Matter of
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. Pursuant to Minn. Stat. §§ 148.65 through 148.78 and 214.103, the Board has the authority to license and regulate physical therapists and physical therapist assistants.

2. Licensee holds a license from the Board and is subject to the Board's jurisdiction.

3. Although advised by the Board of the option to be represented by legal counsel, Licensee has elected to forgo legal representation. 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

4. On August 8, 2013, the Board adopted a Stipulation and Consent Oder ("2013 Stipulation and Order") conditioning Licensee's license due to her documentation, billing, and quality of physical therapy services. A true and accurate copy of the 2013 Stipulation and Order is attached as Exhibit A. In part, the 2013 Stipulation and Order required Licensee to complete a minimum of eight quarterly peer reviews conducted by the Minnesota Chapter of the American Physical Therapy Association ("MN APTA") and successfully complete a preapproved six-hour MN APTA classroom course on documentation.

5. On January 9, 2014, the Committee preapproved a MN APTA documentation course as required by the 2013 Stipulation and Order. However, at the time this Stipulation and Order was adopted by the Board, the Committee had not received documentation that Licensee had completed the course.

6. At the time this Stipulation and Order was adopted by the Board, Licensee had completed three of the eight quarterly peer reviews required by the 2013 Stipulation and Order.

7. On September 4, 2014, Licensee informed Board she was physically limited in the aftermath of a stroke and was unable to practice physical therapy. As a result, Licensee was unable to complete the remaining peer reviews as required by the 2013 Stipulation and Order.

STATUTES

8. The Committee views Licensee's practices as inappropriate in such a way as to require Board action under Minn. Stat. § 148.75(a)(2) (2012). Licensee agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify the disciplinary action under these statutes.

REMEDY

9. The Board accepts the **VOLUNTARY SURRENDER** of Licensee's license.

10. Licensee may not practice, attempt to practice, offer to practice, or advise or hold himself or herself out as authorized to work as a physical therapist in the State of Minnesota and may not use the title of physical therapist or any other designation which indicates authority to work as a physical therapist assistant.

11. Licensee may apply for relicensure at such time as he or she can demonstrate that he or she is fit and competent to practice as a physical therapist. Licensee's application 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 he or she is capable of conducting himself or herself in a fit and competent manner in the practice of physical therapy.

12. At the time of Licensee's application, he or she must provide written documentation from any treatment provider he or she is seeing at the time of her application regarding whether Licensee is physically fit to practice physical therapy and whether any limitations on his or her practice are recommended.

13. At the time of Licensee's application, Licensee may be required to meet with a Complaint Review Committee to evaluate Licensee's application and any accompanying evidence. The Committee may recommend that the Board deny Licensee's application or grant Licensee's application with or without limitations and/or conditions. Conditions may include, but are not limited to: (1) compliance with 2013 Stipulation and Consent Order by completing, at minimum, the remaining five peer reviews that had yet to be completed at the time this Stipulation and Order was adopted by the Board and (2) providing evidence that MN APTA documentation course has been completed as required by the 2013 Stipulation and Consent Order. The Board will have the final decision regarding Licensee's application.

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

15. In the event Licensee resides or practices outside the State of Minnesota, Licensee must promptly notify the Board in writing of all work sites and residences. 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.

16. If Licensee fails, neglects, or refuses to fully comply with each of the terms, provisions, and conditions herein, the Committee may schedule a hearing before the Board. The Committee must mail Licensee a notice of the violation alleged by the Committee and of the time and place of the hearing. Licensee must 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.

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 must 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.

17. In the event the Board in its discretion does not approve this settlement, this stipulation is withdrawn and will be of no evidentiary value and may 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.

18. 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.

19. Licensee has hereby 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: October 9, 2014

SIGNATURE ON FILE

MARIE T. GOIHL, P.T.
Licensee

Dated: 11-13-2014

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 13th day of November, 2014.

MINNESOTA BOARD OF
PHYSICAL THERAPY

SIGNATURE ON FILE

STEPHANIE LUNNING
Executive Director