

**BEFORE THE MINNESOTA  
BOARD OF PHYSICAL THERAPY**

In the Matter of the  
Physical Therapy License  
of Jennifer Mellem, P.T.  
Year of Birth: 1980  
License Number: 8156

**STIPULATION AND ORDER**

IT IS HEREBY STIPULATED AND AGREED, by and between Jennifer Mellem, 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. Licensee is aware of her right to representation and 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. Licensee and the Committee agree as follows:

**FACTS**

3. On May 24, 2012, the Board adopted a Stipulation and Order conditioning Licensee's physical therapist license ("2012 Order").
4. The 2012 Order required Licensee to abstain from all mood-altering chemicals and successfully complete monitoring with the Health Professionals Services Program ("HPSP"). Licensee's Participation Agreement and Monitoring Plan with HPSP required her to abstain from

all mood-altering chemicals and submit to random toxicology screens as requested by HPSP. The 2012 Order was based on Licensee's substance dependence.

5. On July 3, 2012, Licensee reported to HPSP that she had recently used non-prescribed mood-altering substances.

6. On September 5, 2012, Licensee submitted a dilute toxicology screen.

7. On July 15, 2013, Licensee submitted a dilute toxicology screen.

8. On August 5, 2013, Licensee failed to submit a toxicology screen as requested by HPSP.

9. On March 4, 2014, Licensee submitted a dilute toxicology screen.

10. On March 15, 2014, Licensee submitted a dilute toxicology screen.

11. On March 31, 2014, Licensee submitted a toxicology screen that was positive for THC.

12. On April 9, 2014, Licensee was unsatisfactorily discharged from HPSP. Her discharged was due to her screen that was positive for THC as well as multiple problematic screens.

#### **STATUTES**

13. The Committee views Licensee's conduct as a basis for Board action under Minn. Stat. § 148.75(a)(2) (2012) and Minn. R. 5601.3200, subp. (2)(E) (2011). Licensee agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify the disciplinary action under these statutes.

#### **REMEDY**

14. Upon this stipulation and all of the files, records, and proceedings herein, and without any further notice or hearing herein, Licensee hereby consents 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 **SUSPENDING** Licensee's physical therapist license in the State of Minnesota for an indefinite period of time.

15. During the period of suspension, Licensee may not engage in any conduct which constitutes the practice of physical therapy as defined by Minn. Stat. § 148.65, subs. 1 and 2. Licensee may not imply to any persons by words or conduct that she is authorized to practice physical therapy in the State of Minnesota.

16. Licensee must surrender her license to the Board. Licensee must personally deliver or mail the license to the Minnesota Board of Physical Therapy, c/o Stephanie Lunning, Executive Director, 2829 University Avenue S.E., Suite 420, Minneapolis, Minnesota 55414, within ten days of the date of service of this Order.

17. Licensee may petition for reinstatement of her physical therapist license no sooner than 12 months from the date of this Order. Licensee's license may be reinstated, if at all, as the evidence dictates and based upon the need to protect the public. The burden of proof will be upon Licensee to demonstrate by a preponderance of the evidence that she is capable of conducting herself in a fit and competent manner as a physical therapist and has been sober and free from all mood-altering chemicals during the 12 months immediately preceding the petition for reinstatement.

18. At the time of Licensee's petition, Licensee may be required to meet with the Board's Complaint Review Committee to review her response to the Facts above and provide documentation of 12 months of uninterrupted sobriety. If requested by the Committee, Licensee must undergo a chemical dependency evaluation performed by a chemical dependency treatment professional. Licensee must submit, or cause to be submitted, the credentials of the chemical

dependency evaluator for review and preapproval by Board staff for purposes of this evaluation. The results of the evaluation must be sent directly to the Board and must include a statement verifying the evaluator has reviewed this Stipulation and Order. Upon hearing the petition, the Board may deny Licensee's petition for reinstatement or reinstate Licensee's license with or without conditions and/or limitations imposed on her license. Licensee may submit the following in an effort to demonstrate 12 months of uninterrupted sobriety:

- a. Proof of attendance and participation in a chemical dependency treatment program; mutual support group meetings or meetings with mutual support group sponsors; and
- b. Any other documentation Licensee would like to submit in order to meet her burden of proof.

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

20. In the event Licensee resides or practices outside the State of Minnesota, Licensee must 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 as a physical therapist.

21. 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. At least 20 days before the hearing, 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 ten days prior to the hearing. If Licensee does not submit a timely response to the Board, the allegations may be deemed admitted.

22. 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.

23. 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.

24. 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.

25. 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: 6-25-14

...  
**SIGNATURE ON FILE**

JENNIFER MELLEEM, P.T.  
Licensee

Dated: 08/7/2014

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**SIGNATURE ON FILE**

[Signature]  
FOR THE COMMITTEE

[Signature]

**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 7th day of August, 2014.

MINNESOTA BOARD OF  
PHYSICAL THERAPY

**SIGNATURE ON FILE**

[Signature]  
STEPHANIE LUNNING  
Executive Director