BEFORE THE MINNESOTA
BOARD OF OCCUPATIONAL THERAPY PRACTICE

In the Matter of
Janet Miller, O.T.A.
License No. 200114

STIPULATION AND CONSENT ORDER

STIPULATION

Janet Miller, 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

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.

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

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

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

On December 29, 2022, Licensee submitted an application for late renewal of her license to practice as an Occupational Therapy Assistant (O.T.A) in Minnesota. The renewal was due November 30, 2022. A routine Board audit associated with the late renewal revealed the licensee was unable to provide evidence of having completed the required continuing education ("CE") hours for the preceding licensure period. The Board assessed a penalty fee, as required by Minnesota Statutes section 148.6445, subdivision 11(c), for failure to complete CE requirements. The Board also required Licensee to complete the CE hours. Licensee informed the Board that she had retired, no longer wished to practice occupational therapy, pay the penalty fee, or complete the missing hours.

IV.

LAWS

Licensee acknowledges the conduct described in section III. above constitutes a violation of Minnesota Statutes section 148.6448, subdivision 1(5) (violated a provision of the practice act) 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 her 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 surrender of Licensee's license.

2) Licensee must complete all continuing education requirements that were not completed and pay any required penalty fees, 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.

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.

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

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.

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.

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.

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

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

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

Janet Miller O.T.A
Janet Miller, O.T.A.
Licensee

Dated: March 24, 2023

OTD, OTR/L
For the Committee

Dated: 5/10/2023

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 10 day of May, 2023.

MINNESOTA BOARD OF OCCUPATIONAL THERAPY PRACTICE

MHA, OTR/L
CHRISTINA BOURLAND, OTR/L
Executive Director