

**BEFORE THE MINNESOTA
BOARD OF PHYSICAL THERAPY**

In the Matter of the
Physical Therapy License
of Kimberly A. Mohs P.T.
Year of Birth: 1972
License Number: 6118

STIPULATION AND ORDER

IT IS HEREBY STIPULATED AND AGREED, by and between Kimberly A. Mohs, 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) 296-7575. Licensee and the Committee agree as follows:

FACTS

3. At all times herein, Licensee was employed as a physical therapist with an agency that provides home health care.

4. Between February 19, 2010, and March 30, 2010, Licensee treated patient #1 for a total of eight visits. Licensee noted the following in patient #1's records:

a. On February 24 and 26, 2010, Licensee noted that she taught patient #1's relative how to assist with gait with hand-held assist, perform exercises for patient #1's upper extremities, and use gentle distractions to relieve pain. However, Licensee stated that she had never met patient #1's relative when confronted by her employer.

b. On February 26, 2010, Licensee noted that she taught patient #1 how to use a wheeled walker. However, patient #1 stated that this never occurred.

c. On March 5, 2010, Licensee noted that she arrived to treat patient #1 at 12:30 p.m. and left at 1:00 p.m. However, other records indicate that Licensee arrived to treat patient #1 around 12:00 p.m. and left approximately a few minutes later without providing any physical therapy services.

d. The March 9, 2010, progress note contains a signature, which Licensee purported to be that of patient #1. However, the signature does not match patient #1's signature on any other progress notes or nursing visit notes.

e. On March 30, 2010, Licensee noted that treatment consisted of ambulation on patient #1's driveway. Patient #1, however, indicated that she ambulated on her own at an earlier date, not on March 30, 2010.

5. In March 2010, Licensee was to begin treating patient #2. The following occurred regarding patient #2:

a. On March 11, 2010, orders were issued for patient #2 to begin physical therapy.

b. On March 22, 2010, Licensee documented that she evaluated patient #2.

c. The March 22, 2010, progress note contains a signature, purported to be that of patient #2. However, the signature does not match patient #2's signature on any other progress notes or nursing visit notes.

d. On March 24, 2010, a nurse who visited patient #2 documented that physical therapy had not commenced as of March 24, 2010. When asked why physical therapy had not yet commenced, Licensee stated that she was waiting for orders.

e. On March 30, 2010, Licensee noted that she arrived to treat patient #2 at 1:45 p.m. and left at 2:45 p.m. However, patient #2's social worker noted that Licensee was leaving as the social worker was arriving, around 1:00 p.m., and that they collaborated on patient #2 for approximately ten minutes before Licensee left.

6. Licensee provided two physical therapy sessions to patient #3 and noted the following during both sessions:

a. On March 23, 2010, Licensee noted that she arrived at patient #3's home at 11:45 a.m. and left at 12:15 p.m. However, patient #3 stated that Licensee never arrived or provided physical therapy treatment.

b. The March 25, 2010, progress note contains a signature, purported to be that of patient #3. However, the signature does not match patient #3's signature on any other progress notes or nursing visit notes.

c. Licensee documented administering two additional sessions of physical therapy to patient #3 than were actually administered.

7. On a progress note for patient #4, Licensee noted that she arrived at patient #4's home at 10:00 a.m. and left at 11:15 a.m. However, the nurse who arrived at 10:05 a.m. noted Licensee was only there for approximately 20 minutes.

8. An April 6, 2010, progress note for patient #5 contains a signature, purported to be that of patient #5. However, the signature does not match patient #5's signature on notes from April 1 and 2, 2010.

9. On April 13, 2010, Licensee's employment was terminated for altering or falsifying records and failure to comply with timekeeping requirements.

STATUTES

10. The Committee views Licensee's practices as inappropriate in such a way as to require Board action under Minn. Stat. § 148.75(a)(1), (3), and (6) (2010). Licensee agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify the disciplinary action under these statutes.

REMEDY

11. 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 shall successfully complete the following courses, which must be preapproved by the Complaint Review Committee, within 12 months of the date of this Order:

- 1) MNAPTA Documentation; and
- 2) MNAPTA Essentials for Physical Therapy Practice.

Successful completion shall be determined by the Committee or its designee.

b. Licensee shall submit to and cooperate with semiannual reviews performed by the Problem Identification/Peer Review Committee of the Minnesota Chapter of

the American Physical Therapy Associations (“MNAPTA”). Reviews shall include documentation, including discharge summaries and reevaluations, billing, and supervision of physical therapist assistants. Licensee shall be responsible for ensuring the Board receives semiannual reports from MNAPTA regarding the findings of each review performed.

c. Licensee shall submit to and cooperate with one MNAPTA on-site work evaluation each year.

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

13. This Stipulation and Order shall remain in effect for a minimum of two years. At the end of this period, Licensee may petition for reinstatement of an unconditional license. Upon hearing the petition, the Board may continue, modify, or remove the conditions set out herein.

14. 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.

15. 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.

16. 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.

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.

17. 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.

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 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: 8-14-13

SIGNATURE ON FILE

~~_____~~
KIMBERLY A. MOHS, P.T.
Licensee

Dated: 09-19-13

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 19th day of September, 2013

MINNESOTA BOARD OF
PHYSICAL THERAPY

SIGNATURE ON FILE

~~_____~~
STEPHANIE LUNNING
Executive Director

