

**BEFORE THE MINNESOTA
BOARD OF PHYSICAL THERAPY**

In the Matter of the
Physical Therapy License
of Michelle Moynan, P.T.A.
Year of Birth: 1970
License Number: A839

STIPULATION AND ORDER

IT IS HEREBY STIPULATED AND AGREED, by and between Michelle Moynan, P.T.A. ("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 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

3. Beginning on or about July 6, 2009, Licensee was employed as a physical therapist assistant at a rehabilitation facility in Minnesota ("Facility").

4. Licensee's employment with the Facility was suspended due to discrepancies between the therapy minutes she documented and the actual time she spent with patients.

5. During an interview with Facility representatives, Licensee admitted that, beginning in summer 2012, she may have estimated her time instead of using a handheld electronic device as required by company policy.

6. Licensee's employment was ultimately terminated for failing to properly record therapy times at point of services, resulting in inaccuracy of documented therapy minutes.

7. On May 14, 2014, Licensee participated in a conference with the Committee. Licensee stated that the conduct described above may have been related to issues with her mental health.

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)(1), (2), and (6) (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 Licensee's **VOLUNTARY SURRENDER** of her license to practice as a physical therapist assistant in the State of Minnesota.

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

11. 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 physical therapy.

12. 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.

13. 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.

14. 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.

15. 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: July 16

SIGNATURE ON FILE

Dated: 08/7/2014

SIGNATURE ON FILE

MICHELLE MOYNAN, P.T.A.
Licensee

FOR THE COMMITTEE

PT

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

STEPHANIE LUNNING
Executive Director