

**BEFORE THE MINNESOTA
BOARD OF PHYSICAL THERAPY**

In the Matter of the
Physical Therapist Assistant License
of Maggie Nygaard, P.T.A.
Year of Birth: 1985
License Number: A1179

STIPULATION AND ORDER

IT IS HEREBY STIPULATED AND AGREED, by and between Maggie Nygaard, 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 as a physical therapist assistant 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 chose 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. On August 7, 2008, Licensee was licensed to practice as a physical therapist assistant in Minnesota.

4. Beginning on or about January 9, 2011, and at all times relevant to this Stipulation and Order, Licensee was employed as a physical therapist assistant at a rehabilitation center in Minnesota.

5. A performance review dated January 26, 2012, documented that Licensee exhibited substandard practice; needed direct supervision; and needed to be reminded to keep progressing patients (i.e., work toward patient goals and advance patient exercises).

6. In February 2013, in response to correspondence from the Board, Licensee informed the Board that the following incidents occurred during her employment at the rehabilitation center:

a. On or about March 16, 2012, Licensee failed to report resident 1's suicide threat in a timely manner.

b. On or about March 27, 2012, Licensee treated resident 2. The resident was required by a physician's order to use a cam boot for all weight bearing; however, Licensee stood resident 2 and transferred the resident without the boot.

c. On or about April 3, 2012, Licensee again transferred resident 2 without a cam boot.

d. On or about November 19, 2012, Licensee changed resident 3's treatment for circulation and hip pain but failed to obtain a physical therapist's approval. Licensee also failed to have the physical therapist provide the initial treatment of short-wave diathermy to the resident's right hip.

e. On or about November 26, 2012, while treating resident 4 for contractures and positioning, Licensee completed gait training without a physical therapist's approval and without the physical therapist providing the initial treatment of gait training.

f. On November 28, 2012, Licensee's employment was terminated.

STATUTES

7. The Committee views Licensee's practices as inappropriate in such a way as to require Board action under Minn. Stat. §§ 148.75(a)(1), (6), and (7) and 148.706, subd. 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

8. 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 **CONDITIONING** and **LIMITING** Licensee's license to practice as a physical therapist assistant in the State of Minnesota as follows:

a. Licensee must obtain a work quality assessor who is a physical therapist preapproved by the Board. For a period of no less than 1,040 hours, Licensee shall be directly supervised by the work quality assessor and other preapproved physical therapist(s). The work quality assessor must communicate with all supervising physical therapists and submit at least two written quarterly reports to the Complaint Review Committee regarding Licensee's practice. The Committee, considering these quarterly reports, will be solely responsible for determining whether Licensee can safely practice without direct supervision.

b. Upon successful completion of the period of direct supervision discussed above, Licensee shall work an additional 2,080 hours with a preapproved physical therapist serving as a mentor and work quality assessor. In particular, Licensee must cause the work quality assessor to submit a minimum of four written quarterly reports to the Committee. The

Committee, considering these quarterly reports, shall deem whether Licensee's practice meets professional standards.

c. Within nine months from the date of this Order, Licensee shall provide the Committee with evidence that she has completed a course on the roles and responsibilities of a physical therapist assistant. The course must be at least three hours and must be preapproved by the Committee.

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

10. This Stipulation and Order shall remain in effect for a minimum of 18 months. 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. Licensee may be required to meet with the Committee upon petitioning.

11. 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.

12. 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 assistant.

13. 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 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.

14. 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.

15. 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.

16. 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: 12/12/13

Dated: 01/09/2014

SIGNATURE ON FILE

MAGGIE NYGAARD, P.T.A.
Licensee

SIGNATURE ON FILE

[Signature]
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 9th day of January, 2014.

MINNESOTA BOARD OF
PHYSICAL THERAPY

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SIGNATURE ON FILE

STEPHANIE LUNNING
Executive Director

[Signature]