

**BEFORE THE MINNESOTA
BOARD OF PHYSICAL THERAPY**

In the Matter of the
Physical Therapy License
of Nancy Oelschlager, P.T.
Year of Birth: 1955
License Number: 1711

STIPULATION AND ORDER

IT IS HEREBY STIPULATED AND AGREED, by and between Nancy Oelschlager, 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.

FACTS

3. Licensee has been licensed as a physical therapist in the State of Minnesota since September 6, 1977.
4. On January 6, 2012, Licensee self-reported to the Health Professionals Services Program ("HPSP") to have her Attention Deficit Hyperactivity Disorder ("ADHD") monitored.

5. The HPSP required Licensee to secure a work-site monitor who would observe her practice and submit reports to the HPSP. Throughout 2013 Licensee's work-site monitor noted multiple concerns with her practice, including:

- a. Licensee was behind on her case management, and coworkers expressed concern with her punctuality.
- b. Licensee failed to order a wheelchair for a child in a timely manner.
- c. Licensee struggled with professional duties considered to be essential to her position, including: (1) failure to complete tasks in a timely manner and (2) general disorganization.

STATUTES

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

7. Upon this stipulation and all of the files, records, and proceedings herein, and without any further notice or hearing herein, Licensee 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 limiting and conditioning Licensee's license to practice physical therapy in the State of Minnesota as follows:

Limitation

- a. Licensee may only practice under direct supervision. Licensee must have any current or potential work sites approved by the Committee prior to continuing or beginning

employment. Licensee must secure a preapproved supervisor who will submit quarterly reports to the Committee. The quarterly reports must address: (1) Licensee's ability to complete tasks in a timely manner; (2) Licensee's ability to accurately complete documentation in an accurate and timely manner; and (3) any other information that Licensee's supervisor believes is relevant. Licensee may petition the Committee to have this limitation lifted after completing a minimum of 1,040 hours of supervised practice. The Committee will maintain full discretion in determining whether the limitation should be removed.

Conditions

b. Within six months from the date this Stipulation and Order is adopted by the Board, Licensee must provide the Committee with evidence that she has completed a documentation course taught by the Minnesota Chapter of the American Physical Therapy Association ("MNAPTA"). The Committee will be solely responsible for determining whether Licensee has successfully completed the course.

c. Licensee must continue monitoring with the HPSP and comply with any recommendations made by the HPSP. Discharge from the HPSP for any reason other than successful completion may be considered noncompliance with this Stipulation and Order.

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

9. Licensee may petition the Board for an unconditional license after having the limitation in paragraph 7.a. lifted and after completing the conditions set forth in paragraphs 7.b. and 7.c. Licensee bears the burden of proving that she is fit to practice physical therapy in a safe and competent manner. Licensee may be required to meet with the Committee upon petitioning.

The Committee will make a recommendation to the Board, which will then determine whether to continue, modify, or remove the conditions set out herein.

10. Within ten days of the date of this Order, Licensee must 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 must provide the Board with the new address and telephone information. The information must be sent to Stephanie Lunning, Minnesota Board of Physical Therapy, University Park Plaza, 2829 University Avenue S.E., Suite 420, Minneapolis, Minnesota 55414-3664.

11. 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.

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 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.

13. 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.

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: 06/16/2014

Dated: 08/17/2014

SIGNATURE ON FILE

SIGNATURE ON FILE

NANCY GOELSCHLAGER, P.T.
Licensee

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 7th day of August, 2014.

MINNESOTA BOARD OF
PHYSICAL THERAPY

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SIGNATURE ON FILE

STEPHANIE LUNNING
Executive Director 