

**BEFORE THE MINNESOTA
BOARD OF PHYSICAL THERAPY**

In the Matter of the Application
of Nkechi K. Ogbodo
Date of Birth: 2/27/72

STIPULATION AND ORDER

IT IS HEREBY STIPULATED AND AGREED, by and between Nkechi K. Ogbodo (“Respondent”) and the Complaint Review Committee (“Committee”) of the Minnesota Board of Physical Therapy (“Board”) as follows:

1. During all times herein, Respondent has been and now is subject to the jurisdiction of the Board from which she applied for a license to practice physical therapy in the State of Minnesota.

2. Respondent has been advised by Board representatives that she may choose to be represented by legal counsel in this matter. Respondent has chosen to be represented by Susan M. Gallagher, Gallagher Law Office, L.L.C., 700 Lumber Exchange Building, 10 South Fifth Street, Minneapolis, Minnesota 55402, telephone (612) 305-4477. The Committee was represented by Nathan W. Hart, Assistant Attorney General, 1400 Bremer Tower, 445 Minnesota Street, St. Paul, Minnesota 55101, telephone (651) 296-7575.

FACTS

3. For the purpose of this stipulation, the Board may consider the following facts as true:

a. Respondent is a foreign-educated physical therapist, licensed to practice physiotherapy by The Medical Rehabilitation Therapists Board of Nigeria.

b. The Minnesota Board of Medical Practice (“Medical Board”) received Respondent’s initial Application to Practice Physical Therapy in the State of Minnesota on December 4, 1997. Respondent’s supervised traineeship was approved on December 17, 1997. Respondent was issued a temporary permit with an expiration date of August 9, 1998. An extension of the temporary permit expiration date was granted until November 14, 1998, due to a medical leave. The State of Minnesota requires a minimum passing score of 600 on the National Physical Therapy Examination. Respondent took the examination on July 29, 1999, December 10, 1999, and April 12, 2000, and did not achieve a minimum score. On August 10, 2000, Respondent passed the examination.

c. In December 1998, Respondent submitted an altered Minnesota temporary permit to a prospective employer, as evidenced by the following:

1) Respondent’s initial temporary permit to practice physical therapy in the State of Minnesota issued to her by the Medical Board stated:

This temporary permit is valid only for those categories checked below:

- N/A 1. To practice physical therapy without supervision.
- N/A 2. To practice physical therapy under supervision. The supervision must be direct, immediate, and on site.
- XX 3. To participate in a six month traineeship program under the supervision of a licensed or registered physical therapist.

Temporary permits are non-renewable and your permit will expire at the August 09, 1998 Board meeting.

2) The copy of the temporary permit Respondent submitted to a prospective employer in December 1998 was altered to read:

This temporary permit is valid only for those categories checked below:

- 1. To practice physical therapy without supervision.

2. To practice physical therapy under supervision. The supervision must be direct, immediate, and on site.

Temporary permits are non-renewable and your permit will expire at the August 09, 1999 Board meeting.

[Emphasis added.]

d. Respondent violated the terms of her temporary permit by continuing her traineeship for one month beyond the extension of the expiration date on her temporary permit. The permit expired on November 14, 1998, and Respondent completed her traineeship on December 14, 1998.

e. Respondent admitted during the Complaint Review Committee meeting on May 7, 2001, that in February 2000 she submitted two forged letters of Clinical Experience Reference along with her application to the College of St. Catherine's Master's in Physical Therapy Program.

STATUTES

4. The Committee views Respondent's practices as inappropriate in such a way as to require Board action under Minn. Stat. § 148.71, subd. 3, and Minn. Stat. § 148.75(a)(4) and (5) (2006). Respondent agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify the disciplinary action under these statutes.

REMEDY

5. Upon this stipulation and all of the files, records, and proceedings herein, and without any further notice or hearing herein, Respondent does hereby consent that until further order of the Board, made after notice and hearing upon application by Respondent or upon the Board's own motion, the Board may make and enter an order **CONDITIONING** and **RESTRICTING** Respondent's license to practice physical therapy in the State of Minnesota as follows:

a. Respondent is hereby **REPRIMANDED** for the conduct referenced above.

b. Respondent shall successfully complete an APTA Online Ethics Course, approved in advance by the Committee. Successful completion of the course shall be determined by the Committee or its designee.

c. For the first 2000 hours of her practice of physical therapy in Minnesota, Respondent shall only practice in a group setting, approved in advance by the Committee or its designee. At the time of her petition for an unconditional license pursuant to paragraph 6 below, Respondent shall submit documentation satisfactory to the Committee that she has completed the 2000 hours of practice.

6. Upon successful completion of the requirements in paragraphs 5.b. and 5.c. above, Respondent may petition for an unconditional license. Upon hearing the petition, the Board may continue, modify, or remove the conditions set out herein.

7. Within ten days of the date of this Order, Respondent shall provide the Board with a list of all hospitals and skilled nursing facilities at which Respondent currently has privileges, a list of all states in which Respondent is licensed or has applied for licensure, and the addresses and telephone numbers of Respondent's residences and all work sites. Within seven days of any change, Respondent 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.

8. In the event Respondent resides or practices outside the State of Minnesota, Respondent shall promptly notify the Board in writing of the location of her residence and all

work sites. Periods of practice outside of Minnesota will not be credited toward any period of Respondent's suspended, limited, or conditioned license in Minnesota.

9. If Respondent 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 Respondent a notice of the violation alleged by the Committee and of the time and place of the hearing. Respondent shall submit a response to the allegations at least three days prior to the hearing. If Respondent does not submit a timely response to the Board, the allegations may be deemed admitted.

At the hearing before the Board, the Committee and Respondent 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. Respondent 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 Respondent's practice, or suspension or revocation of Respondent's license.

10. 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 Respondent agrees that should the Board reject this stipulation and if this case proceeds to hearing, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this stipulation or of any records relating hereto.

11. Respondent waives any further hearings on this matter before the Board to which Respondent 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.

12. Respondent 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: 22nd, December, 2006

Dated: January 18, 2007

SIGNATURE ON FILE

SIGNATURE ON FILE

NKECHI K. OGBODO
Respondent

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 18th day of January, 2007.

MINNESOTA BOARD OF
PHYSICAL THERAPY

SIGNATURE ON FILE

STEPHANIE LUNNING
Executive Director