

**BEFORE THE MINNESOTA
BOARD OF PHYSICAL THERAPY**

In the Matter of the
Physical Therapy License
of Randy Olson, P.T.
Year of Birth: 1958
License Number: 4761

STIPULATION AND ORDER

IT IS HEREBY STIPULATED AND AGREED, by and between Randy Olson, 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 he holds a license to practice physical therapy in the State of Minnesota.
2. Licensee was represented by Michelle E. Moren, Law Offices of Patrick D. Moren, 309 Third Street Northwest, Roseau, Minnesota 56751. 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 September 15, 1990, the Board licensed Licensee as a physical therapist in Minnesota.
4. In October 2006, Licensee and the Committee entered into an Agreement for Corrective Action based on Licensee's substandard documentation, including (a) a lack of patient histories; (b) failure to document specific information related to functional progress; and (c) inadequate discharge summaries.
5. At all times henceforward, Licensee was the sole owner of Step Ahead Therapy ("Step Ahead") in Roseau, Minnesota. Licensee also owned Restore Therapy, operating under

the Step Ahead Therapy name. In or about January 2012, Licensee opened a Restore Therapy location in Thief River Falls, Minnesota.

6. As a licensed physical therapist and the owner of Step Ahead and Restore Therapy, Licensee provided physical therapy services.

7. On or about October 4, 2012, Licensee participated in an interview with a third-party payer as part of an investigation concerning his practice at Step Ahead. The following information relates to the investigation:

a. Licensee improperly delegated physical therapy treatment and failed to properly supervise a physical therapy aide as follows:

1) Licensee was the only physical therapist employed at Step Ahead, but he utilized a contract worker. Licensee identified the contract worker as a myofascial release therapist ("MFR") and massage therapist. Licensee stated that he would describe the contract worker as a physical therapy aide.

2) Licensee indicated that he delegated myofascial release therapy to the contract worker. Licensee, however, did not provide direct supervision. Licensee stated that he specializes in treating pain and chronic pain. He stated that he does not have equipment and does not use any standard physical therapy modalities other than JFB myofascial release therapy.

3) Licensee stated he did not observe every patient before and after the contract worker provided treatment to the patient.

4) The clinic was open on Tuesday and Thursdays. Licensee was typically present on Tuesdays, but not always present on Thursdays. He allowed the contract worker to treat patients on her own when he was not present.

5) Licensee advised the contract worker not to document the treatment she administered. Licensee indicated that he was responsible for documenting services rendered to the contract worker's patients.

6) Licensee did not discuss patients' treatment plans with the contract worker, and did not see patients before and/or after their treatments with the contract worker.

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), (6), (8), and (11) (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. 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 must submit to and cooperate with peer reviews performed by the Peer Review Committee of the Minnesota Chapter of the American Physical Therapy Association ("MN APTA). Reviews will be conducted quarterly for the first year and then semiannually until the Committee determines the Licensee has successfully met the peer review criteria. Reviews must include on-site observation of practice, chart audits, billing reviews, billing review, and verification of proper supervision of PTAs and aides. Reviews must also include a selection of recently discharged patient records from all practice locations. Licensee is

responsible for ensuring that the Board receives reports from MN APTA regarding the findings of each review.

b. This Stipulation and Order will remain in effect for a minimum of 24 months.

c. No sooner than 24 months from the dates of this Stipulation and Order, Licensee may petition the Board for an unconditional license upon satisfactory completion with the terms of this Stipulation and Order. Licensee's petition for an unconditional license may be granted, if at all, as the evidence dictates and based upon the need to protect the public. The burden of proof falls upon Licensee to demonstrate by a preponderance of the evidence that he has sufficiently improved his physical therapy practices based on the peer reviews required by this Stipulation and Order and is capable of conducting himself in a fit and competent manner in the practice of physical therapy.

e. At the time of Licensee's petition, Licensee may be required to meet with the Committee to evaluate Licensee's petition and any accompanying evidence. Upon hearing the petition, the Committee may recommend that the Board continue, modify, or remove the conditions set out herein.

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

11. 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.

12. In the event Licensee resides or practices outside the State of Minnesota, Licensee shall promptly notify the Board in writing of the location of his 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.

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.

14. 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.

15. 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.

16. 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.

17. Licensee hereby acknowledges that he 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: 4/24/14

SIGNATURE ON FILE

RANDY OLSON, P.T.
Licensee

Dated: 5/15/2014

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 15th day of May, 2014.

MINNESOTA BOARD OF

PHYSICAL THERAPY

SIGNATURE ON FILE

STEPHANIE LUNNING
Executive Director

A handwritten signature in black ink, appearing to be 'S. Lunning', written over a horizontal line.