

**BEFORE THE MINNESOTA  
BOARD OF PHYSICAL THERAPY**

In the Matter of the  
Physical Therapy License  
of BeVan Presley, P.T.  
Year of Birth: 1948  
License Number: 1920

**STIPULATION AND ORDER**

IT IS HEREBY STIPULATED AND AGREED, by and between BeVan Presley, 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 has been advised by Board representatives that he may choose to be represented by legal counsel in this matter. Licensee is aware of his 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. For the purpose of this stipulation, the Board may consider the following facts as true:
  - a. On March 20, 2007, the Board adopted a Stipulation and Order ("2007 Order") conditioning and limiting Licensee's license to practice physical therapy in the State of Minnesota. The Order was based on the following: (1) conduct detrimental to the best interests

of the public; (2) conduct unbecoming of a physical therapist; and (3) gross negligence in the practice of physical therapy as a physical therapist.

b. Beginning in July 2010, Licensee began working as a physical therapist for an agency in Minnesota. The agency provides physical therapy services in a variety of settings, including long-term care facilities and private homes. A majority of the agency's patients are diagnosed with some form of dementia.

c. On August 10, 2010, Licensee and his clinical supervisor visited patient #1's home. Patient #1's wife checked his blood pressure each day. The spouse's blood pressure reading differed from Licensee's reading. Licensee spoke to the patient's spouse in a condescending tone—arguing about the quality and accuracy of her blood pressure cuff. Licensee's clinical supervisor intervened. Licensee and the clinical supervisor subsequently determined that the spouse had been incorrectly placing the blood pressure cuff on the patient's arm.

d. On October 14, 2010, Licensee visited patient #2 in a group home. The patient had a diagnosis of brain damage and was wheelchair-dependent. The patient required the assistance of two for all transfers and was afraid of falling. Licensee told the patient, "I almost dropped you" and "I haven't dropped anyone today." Licensee also told the patient to "stop acting up." The patient's parents were present and observed Licensee's interactions with the patient.

e. On October 14, 2010, Licensee visited patient #3 in a private residence. The patient was a vulnerable adult who was cognitively impaired. Licensee argued with the patient and raised his voice, telling the patient to "behave."

f. On November 11, 2010, Licensee visited patient #4's home. The patient had a diagnosis of epilepsy. Licensee told the patient a "moron" joke, to which the patient responded with a horrified look.

g. On December 13, 2010, Licensee treated patient #5, who is a vulnerable adult. The patient was uncommunicative due to dementia and lived in a residential home. There was a Web camera in the room to monitor the patient's status. Licensee blocked the Web camera during his treatment of the patient. Licensee performed a manual stretching exercise on the patient for five to seven minutes. Licensee performed the exercise with one arm while using his other hand to make a personal call on his cellular phone.

4. On December 13, 2010, Licensee's employment with the agency was terminated.

#### **STATUTES**

5. The Committee views Licensee's practices as inappropriate in such a way as to require Board action under Minn. Stat. § 148.75(a)(1) and (6) (2010) and Minn. R. 5601.3200, subp. (2)(A) (2009). Licensee agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify the disciplinary action under these statutes.

#### **REMEDY**

6. 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 **CONDITIONING** and **LIMITING** Licensee's license to practice physical therapy in the State of Minnesota as follows:

a. Within four months of the date of this Stipulation and Order ("Order"), Licensee must successfully complete a 12-hour individualized boundaries course with Dr. John

Hung. The course must be specifically tailored to address professional issues along with patient management and interaction.

b. Licensee may only practice in a group setting in Minnesota. The group setting must be preapproved, in writing, by the Committee or its designee. Licensee's group practice must include another physical therapist who works at the same facility as Licensee, during the same shift.

c. Licensee remains bound by the conditions of the 2007 Order.

d. Licensee may petition for reinstatement of an unconditional license after 12 months from the date of this Order. Upon hearing the petition, the Board may continue, modify, or remove the conditions of this Order.

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

8. 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.

9. 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.

10. If Licensee fails, neglects, or refuses to fully comply with the terms, provisions, and conditions of this Order, the Committee shall schedule a hearing before the Board. The Committee shall mail Licensee a notice of the violation alleged by the Committee and of the time and place of the hearing. Licensee shall 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.

11. 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.

12. 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.

13. Licensee 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: 7-10-12

Dated: 7-19-2012

SIGNATURE ON FILE

BEVAN PRESLEY, P.T.  
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 19<sup>th</sup> day of July, 2012

MINNESOTA BOARD OF  
PHYSICAL THERAPY

SIGNATURE ON FILE

STEPHANIE LUNNING  
Executive Director

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