

**BEFORE THE MINNESOTA  
BOARD OF PHYSICAL THERAPY**

In the Matter of the  
Physical Therapist Assistant License  
of Darcel M. Rainville, P.T.A.  
Year of Birth: 1958  
License Number: A631

**STIPULATION AND ORDER**

IT IS HEREBY STIPULATED AND AGREED, by and between Darcel M. Rainville, 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 elected 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. At all times relevant to these facts, Licensee was employed as a physical therapist assistant in Minnesota.

4. On or about April 10, 2012, Licensee was counseled by her employer regarding the following:

a. Licensee, on two separate occasions, provided aquatic treatment to a patient before a physical therapist completed an initial evaluation.

b. Licensee provided aquatic treatment to a patient when the patient's resting blood pressure exceeded pool blood pressure guidelines for resting blood pressure.

c. Licensee provided physical therapy to a patient whose blood pressure was close to upper limit during the session. Licensee failed to incrementally monitor the patient's blood pressure during the next session, despite concerns raised during the prior session.

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5. On or about August 28, 2012, Licensee was counseled for providing treatment to a patient whose orders had expired. She was also counseled after providing manual therapy to a patient before a physical therapist completed an initial evaluation.

6. On or about August 5, 2013, 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), (8), and (11) 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 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 as a physical therapist assistant in the State of Minnesota as follows:

a. Within six months from the date of this Order, Licensee must provide the Committee with evidence that she has completed the following courses approved in advance by the Committee:

1) Role and Responsibilities of the Physical Therapist and Physical Therapist Assistant; and

2) An ethics course taught by the Minnesota Chapter of the American Physical Therapy Associations ("MNAPTA"). The Complaint Review Committee will be solely responsible for determining whether Licensee has successfully completed these courses.

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b. Following completion of the coursework, Licensee must submit to and cooperate with a minimum of two quarterly reviews performed by the Peer Professional Practice Review Committee of MNAPTA. Reviews shall include an evaluation of Licensee's documentation and must occur at least 90 days apart. Licensee shall ensure the Board receives quarterly reports from MNAPTA regarding the findings of each review performed.

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

10. This Stipulation and Order will remain in effect for a minimum of 12 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 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 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 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.

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: 2-17-2014

Dated: 3/27/14

**SIGNATURE ON FILE**

DARCEL M. RAINVILLE, P.T.A.  
Licensee

**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 27<sup>th</sup> day of March, 2014.

MINNESOTA BOARD OF  
PHYSICAL THERAPY

**SIGNATURE ON FILE**

STEPHANIE LUNNING  
Executive Director