

**BEFORE THE MINNESOTA
BOARD OF PHYSICAL THERAPY**

In the Matter of the
Physical Therapy Application
of Andrew F. Reed
Date of Birth: 3/10/77

**FINDINGS OF FACT,
CONCLUSIONS,
AND FINAL ORDER**

The matter came on for consideration by the Minnesota Board of Physical Therapy ("Board") on March 20, 2007, pursuant to the Licensure Committee's ("Committee") notice of petition and petition for an order denying the application for licensure of Andrew F. Reed ("Applicant"). The meeting was held in Conference Room A at University Park Plaza, 2829 University Avenue SE, Minneapolis, Minnesota 55414.

The following members of the Board were present: Kathy Fleischaker, P.T.; Corinne Ellingham, P.T.; Timothy Fedje, P.T.; Bruce I. Idelkope, M.D.; Barbara Liebenstein; Sandra Marden-Lokken, P.T.; Neng Lee; and Elizabeth Schultz, P.T.A. Nathan W. Hart, Assistant Attorney General, appeared and presented oral argument on behalf of the Committee. Tiernee Murphy, Assistant Attorney General, was present as legal advisor to the Board. Sandra Marden-Lokken, P.T., Neng Lee, and Timothy Fedje, P.T., were members of the Committee that initially reviewed this matter, and therefore, they did not participate in deliberations and did not vote in the matter. The Board's Executive Director, Stephanie Lunning, also was not present during and did not participate in the deliberations.

Based on the testimony, records, and arguments in this matter, the Board makes the following:

FINDINGS OF FACT

1. On Applicant's application for licensure as a physical therapist in Minnesota, dated November 26, 2003, Applicant answered "N" (no) to Question 6: "Have you ever been the subject of an investigation by any Federal, State, or Local Agency having jurisdiction over controlled substances?"

2. On March 23, 2003, Applicant was arrested by law enforcement in Edina, Minnesota, for theft of Demerol, a controlled substance.

3. On Applicant's application for licensure as a physical therapist in Minnesota, dated November 26, 2003, Applicant answered "N" (no) to Question 7: "Have you ever been denied licensure/registration by, or the privilege of taking an examination before any examining board, or has a conditioned license/registration ever been issued to you by any state board or other licensing authority?"

4. On December 4, 2003, the Minnesota Board of Nursing adopted a Stipulation and Consent Order suspending Applicant's license to practice nursing in the State of Minnesota.

5. On August 28, 2006, the California Board of Nursing issued a Default Decision and Order, revoking Applicant's California nursing registration.

6. On Applicant's application for licensure as a physical therapist in Minnesota, dated November 26, 2003, Applicant answered "N" (no) to Question 12: "Have there ever been criminal charges filed against you? This includes charges of disorderly conduct, assault or battery, or domestic abuse, whether charges were misdemeanor, gross misdemeanor, or felony. This also includes any offenses which have been expunged or otherwise removed from your record by executive pardon."

7. In addition to Applicant's arrest on March 23, 2003, in Edina, Minnesota, Applicant was convicted in California for the theft of narcotics cabinet keys in August 2004.

8. Applicant cancelled a scheduled interview with an investigator from the Minnesota Attorney General's Office and did not respond to the investigator's subsequent requests to reschedule the interview.

9. On October 11, 2006, Applicant was notified by letter that the Committee would request an order from the Board denying his application for licensure as a physical therapist in the State of Minnesota unless he requested a contested case hearing within 20 days from receipt of the letter. Applicant has not requested a contested case hearing and has not otherwise responded to the letter.

10. By letter dated March 13, 2007, the Board, through its advising attorney, invited Applicant to attend the hearing and/or to submit a written response on his own behalf. Applicant did neither.

CONCLUSIONS

Based on the foregoing Findings of Fact, the Board makes the following conclusions of law:

1. The Board has jurisdiction in this matter pursuant to Minn. Stat. §§ 148.75 and 214.103 (2006).

2. Applicant was given timely and proper notice of the hearing before the Board and of his right to request a contested case hearing to be conducted in accordance with Minn. Stat. ch. 14.

3. The Board has complied with all relevant substantive and procedural requirements of statute and rule.

4. Applicant has the burden of demonstrating compliance with all the requirements of licensure.

5. Minnesota Statutes § 148.75(a)(4) authorizes the Board to refuse to grant a license to any applicant who attempts to obtain the license by fraud or deception.

6. Minnesota Statutes § 148.75(a)(5) and Minn. R. 5601.3200, subp. 4, authorize the Board to refuse to grant a license to any applicant who fails to cooperate with a Board investigation.

ORDER

Based on the foregoing Findings of Fact and Conclusions, the Board issues the following Order:

1. Applicant's application for licensure as a physical therapist in the State of Minnesota is **DENIED**.

2. Applicant may re-apply for licensure no sooner than one year from the date of this Order. Applicant must meet all licensure requirements in effect at the time of any such application. Additionally, any such application must be accompanied by a detailed explanation of Applicant's misrepresentations on his November 26, 2003, application.

3. Within 60 days of any such application, Applicant shall submit to an interview with an investigator from the Minnesota Attorney General's Office.

4. Also within 60 days of any such application, Applicant must undergo, at his expense, a chemical dependency evaluation with an evaluator who must be pre-approved by the Licensure Committee.

5. This Findings of Fact, Conclusions, and Final Order is classified as a public document pursuant to Minn. Stat. § 13.41, subd. 5 (2006).

6. This Findings of Fact, Conclusions, and Final Order constitutes disciplinary action and will be reported to the appropriate data banks.

AG: #1769355-VI

Kathy Fleischer
~~KATHY FLEISCHER, P.T.~~
KATHY FLEISCHER, P.T.

MINNESOTA BOARD OF
PHYSICAL THERAPY

Dated: 4-18, 2007