

**BEFORE THE MINNESOTA  
BOARD OF PHYSICAL THERAPY**

In the Matter of the  
Physical Therapy License  
of Steven Spoolman, P.T.  
Year of Birth: 1965  
License Number: 4744

**STIPULATION AND ORDER**

IT IS HEREBY STIPULATED AND AGREED, by and between Steven Spoolman, 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 was represented by David P. Bunde and Andrew F. Johnson, Fredrikson & Byron, P.A., Minneapolis, Minnesota. The Committee was represented by Nicholas Lienesch, Assistant Attorney General.

**BACKGROUND**

3. On March 19, 2015, a Stipulation and Order ("March 2015 Order") was adopted by the Board disciplining Licensee's license for conduct, including inadequate documentation of treatment, which constituted a violation of the Physical Therapy Practice Act. The Order conditioned Licensee's license upon the completion of several continuing education courses and completion of four quarterly peer reviews to be completed by the Minnesota chapter of the American Physical Therapy Association ("MNPTA").

## **FACTS**

4. In approximately July 2012, Licensee helped found and open a physical therapy business in Minneapolis ("Clinic").

5. Licensee performed some initial evaluations of patients without touching the patients, at the request of the patients, due to the patients' cultural customs.

6. Licensee's initial evaluations of patients sometimes lasted no longer than ten minutes and did not involve all of the components of a standard initial evaluation.

7. Licensee had an unlicensed aide perform some exercises on patients while Licensee was present in the room, but on the other side of a curtain where he could not see the patient or aide, due to cultural issues.

8. Licensee delegated to aides duties reserved for a Physical Therapist or Physical Therapist Assistant, including stretches and exercises, at times amounting to nearly the entire treatment session. Licensee documented such sessions as if he completed the work himself.

## **STATUTES**

9. The Committee views Licensee's practices as inappropriate in such a way as to require Board action under Minn. Stat. § 148.75(a)(6) (unprofessional conduct) and (11) (inappropriately delegated or assigned tasks and inadequately supervised) (2014). Licensee agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify the disciplinary action under these statutes.

## **REMEDY**

10. The March 2015 Order is hereby **RESCINDED** and shall have no future force or effect.

11. 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. Within six (6) months of the date of this Order, Licensee shall successfully complete a continuing education course on the topic of ethics, offered by the MNPTA. The course must be approved in advance by the Committee. Successful completion shall be determined by the Committee or its designee.

b. Licensee shall submit to and cooperate with no fewer than five quarterly peer reviews, to begin upon the date of execution of this Order, performed by the Problem Identification/Peer Review Committee of MNPTA. Reviews shall include patient chart audits, patient billing reviews, on-site observation of practice, and verification of proper delegation, task assignment, and supervision of Physical Therapist Assistants and Physical Therapy Aides. Licensee shall be responsible for ensuring that the Board receives quarterly reports from MNPTA regarding the findings of each review performed. Reviews will be scheduled by the MNPTA peer reviewer and coordinated with Licensee. In order to satisfy this requirement, Licensee's most recent two consecutive peer reviews must both demonstrate competent practice.

c. Licensee must submit a plan of action to the Committee regarding any negative findings in each peer review report. The plan of action must be submitted promptly after the negative findings are identified in a peer review report.

d. Licensee must provide physical therapy patient management and maintain patient records which meet physical therapy standards of practice.

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

13. No sooner than 15 months from the date of this Order, and following five quarterly peer reviews, as discussed above, Licensee may petition for removal of the conditions on his license. The conditions set forth in this Order will remain in full force until the Board hears Licensee's petition. At the time of Licensee's petition, he may be required to meet with the Board's Complaint Review Committee to review his response to the Facts above. In addition to any information reasonably requested of Licensee by the Committee, the Committee will evaluate the information discussed in paragraph 11, above, in considering Licensee's petition, including, but not limited to, whether Licensee's peer reviews demonstrate competent, acceptable practice that meets minimum standards. The Committee will make a recommendation to the Board to deny Licensee's petition or grant his petition with or without conditions and/or limitations imposed upon his license. Denial of Licensee's petition may result in continuing the conditions set forth in this Order, including additional peer reviews. The Board, however, will ultimately determine whether to deny Licensee's petition or grant his petition with or without conditions and/or limitations imposed upon his license.

14. The conditions on Licensee's license may be lifted, if at all, as the evidence dictates and based upon the need to protect the public. The burden of proof will be upon Licensee to demonstrate by a preponderance of the evidence that he meets minimum physical therapy standards of practice.

15. 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 Marshall Shragg, M.P.H., Minnesota Board of Physical Therapy, University Park Plaza, 2829 University Avenue S.E., Suite 420, Minneapolis, Minnesota 55414-3664.

16. 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.

17. If Licensee fails, neglects, or refuses to fully comply with each of the terms, provisions, and conditions herein, the Committee shall schedule a hearing before the Board. The hearing will be limited to Licensee's alleged failure to fully comply with these terms, provisions, and conditions. At least 20 days before the hearing, 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 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.

18. 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.

19. 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.

20. 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: 5-11-16

Dated: 5/12/16

Steve Spoolman P.T.  
STEVEN SPOOLMAN, P.T.  
Licensee

Debra Seidman  
FOR THE COMMITTEE

**ORDER**

Upon consideration of this stipulation and all the files, records, and proceedings herein,  
IT IS HEREBY ORDERED that the March 2015 Order is hereby RESCINDED and shall  
have no future force or effect the Board places Respondent's license in a **CONDITIONAL** status  
and adopts all of the terms described above on this 12<sup>th</sup> day of May, 2016.

MINNESOTA BOARD OF  
PHYSICAL THERAPY

  
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MARSHALL SHRAGG, M.P.T.  
Executive Director