

**BEFORE THE MINNESOTA
BOARD OF PHYSICAL THERAPY**

In the Matter of the
Physical Therapy License
of Cindy Schlafmann, P.T.
Year of Birth: 1966
License Number: 4637

STIPULATION AND ORDER

IT IS HEREBY STIPULATED AND AGREED, by and between Cindy Schlafmann, P.T. ("Respondent") and the Complaint Review Committee ("Committee") of the Minnesota Board of Physical Therapy ("Board"),

1. During all times herein, Respondent has been and now is subject to the jurisdiction of the Board from which she holds a license to practice physical therapy in the State of Minnesota.

2. Respondent has been advised by Board representatives that she may choose to be represented by legal counsel in this matter. Respondent has chosen to be represented by Gregory Bulinski, Bassford Remele, PA, 33 South Sixth Street, Suite 3800, Minneapolis, Minnesota 55402. The Committee was represented by Nicholas Lienesch, Assistant Attorney General, 445 Minnesota Street, Suite 1400, St. Paul, Minnesota 55101-2131, telephone (651) 757-1315.

FACTS

The parties agree, solely and exclusively for purposes of resolving this matter pending before the Board of Physical Therapy and not for any other purpose, including but not limited to civil litigation and/or criminal prosecution, that the following facts can be considered as true:

3. At all times relevant to the following facts, Respondent was employed as a physical therapist in Minnesota.

4. On March 16, 2006, the Board adopted a Stipulation and Order reprimanding, conditioning, and restricting Respondent's physical therapist license ("2006 Order"). The 2006 Order was based on Respondent's personal relationship with a patient. In response, the 2006

Order required Respondent to successfully complete an individualized professional boundaries course. Respondent satisfied the conditions of the 2006 Order and was issued an unconditional license on July 27, 2006.

5. From approximately September 2008 through December 2009, Respondent provided physical therapy to Patient A.

6. Respondent and Patient A developed a personal relationship while the physical therapist-patient relationship still existed. During this time, Respondent attended social events at Patient A's home and accepted gifts from his family.

7. Near the end or after the conclusion of the physical therapist-patient relationship, Patient A purchased clothing and plane tickets for Respondent and gave her a loan. Respondent and Patient A engaged in an intimate relationship and traveled together.

8. On, or about, September 25, 2014, the Board adopted a Stipulation and Consent Order ("2014 Order") based on the conduct described in paragraphs 4 – 7, above. The 2014 Order suspended Respondent's license to practice physical therapy for an indefinite period of time, and provided Respondent the option to petition for reinstatement of her physical therapy license no sooner than nine (9) months from the date of the 2014 Order. Following that period, Respondent submitted a petition that included a letter of support from Respondent's therapist, who recommended that Respondent maintain her current support structure and practice in a setting with supportive peer review.

9. The Committee reviewed Respondent's petition on August 10, 2015 and determined that Respondent had met the petition requirements for reinstatement of her license, but that Respondent's practice should be limited and conditioned to prevent future violations.

STATUTES

10. The Committee views Respondent's practices as inappropriate in such a way as to require Board action under Minn. Stat. § 148.75(a)(1), and (6) (2014) and Minn. R. 5601.3200, subp. 2., A. and C. (2014). Respondent agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify the disciplinary action under these statutes.

REMEDY

11. The 2014 Order issued is hereby **RESCINDED** and shall have no future force or effect.

12. Upon this stipulation and all of the files, records, and proceedings herein, and without any further notice or hearing herein, Respondent does hereby consent that until further order of the Board, made after notice and hearing upon application by Respondent or upon the Board's own motion, the Board may make and enter an order **LIMITING** and **CONDITIONING** Respondent's license to practice physical therapy in the State of Minnesota as follows:

Limitations

a. Respondent shall not practice physical therapy in a setting in which Respondent is the only physical therapist.

b. Respondent must obtain pre-approval of a work setting from the Committee before beginning employment as a physical therapist following the period of suspension, and prior to changing work settings, at any time while this Order is in effect. Respondent must provide notification to the Committee a minimum of 8 days prior to her anticipated date of employment and must provide a job description and the name and telephone number of the individual who will be her supervisor.

Conditions

c. Respondent shall continue to consult a mental health professional regarding boundary issues arising in Respondent's practice.

d. Respondent shall cause to be submitted to the Board a report from any mental health treatment professional whom Respondent consults while this Order is in effect. A report shall be submitted to the Board every three months. Each report shall provide and address:

1) In the first report, verification the mental health professional has reviewed this Order;

- 2) A statement of the involvement between Respondent and the mental health professional, including the number and frequency of meetings;
- 3) Respondent's progress with therapy and compliance with the treatment plan;
- 4) Respondent's awareness of her personal problems;
- 5) Respondent's ability to maintain an established personal, nonprofessional identity and personal support system;
- 6) The mental health professional's opinion as to Respondent's capacity to understand her professional role and the boundaries of that role and her ability to distinguish between her personal and professional needs, identity, and behavior;
- 7) The mental health professional's conclusion as to the need for continuing therapy and Respondent's discontinuance of therapy; and
- 8) Any other information the mental health professional believes would assist the Board in its ultimate review of this matter.

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

14. This Stipulation and Order shall remain in effect for a minimum of 24 months. At the end of this period, if supported by the most recent report from Respondent's mental health professional, Respondent may petition the Committee for reinstatement of an unconditional license. Respondent may be required to meet with the Committee as part of her petition process, at the Committee's discretion. Upon considering the petition, the Committee may continue, modify, or remove the limitations and conditions set out herein.

15. In the event Respondent resides or practices outside the State of Minnesota, Respondent 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 Respondent's suspended, limited, or conditioned license in Minnesota unless

Respondent demonstrates that practice in another state conforms completely with Respondent's Minnesota license to practice physical therapy.

16. If Respondent shall fail, neglect, or refuse to fully comply with each of the terms, provisions, and conditions herein, the Committee shall schedule a hearing before the Board. The Committee shall mail Respondent a notice of the violation alleged by the Committee and of the time and place of the hearing. Respondent shall submit a response to the allegations at least three days prior to the hearing. If Respondent does not submit a timely response to the Board, the allegations may be deemed admitted.

At the hearing before the Board, the Committee and Respondent 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. Respondent 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.

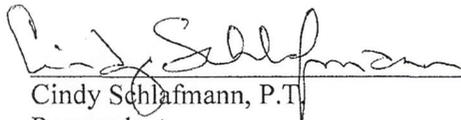
At the hearing, the Board will determine whether to impose additional disciplinary action, including additional conditions or limitations on Respondent's practice, or suspension or revocation of Respondent's license.

17. 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 Respondent agrees that should the Board reject this stipulation and if this case proceeds to hearing, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this stipulation or of any records relating hereto.

18. Respondent waives any further hearings on this matter before the Board to which Respondent 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.

19. Respondent 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: September 29, 2015


Cindy Schlafmann, P.T.
Respondent

Dated: September 29, 2015


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 30th day of SEPTEMBER, 2015.

MINNESOTA BOARD OF
PHYSICAL THERAPY


MARSHALL SHRAGG
Executive Director