

**BEFORE THE MINNESOTA
BOARD OF PHYSICAL THERAPY**

In the Matter of the
Physical Therapy License of
Stephen J. Sovada, P.T.
Date of Birth: May 5, 1975
License Number: 6444

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

The above-entitled matter came on for hearing at a regularly scheduled meeting of the Minnesota Board of Physical Therapy ("Board") on Thursday, November 18, 2010, convened at 2829 University Avenue S.E., Conference Room A, Minneapolis, Minnesota 55414. The Board conducted a hearing pursuant to the procedure set forth in paragraph 9 of the Stipulation and Order ("2004 Order") issued by the Board to Stephen J. Sovada, P.T. ("Respondent"), on July 15, 2004. At the hearing, the Complaint Review Committee ("Committee") presented by affidavit evidence of Respondent's violations of the 2004 Order. Nathan W. Hart, Assistant Attorney General, appeared on behalf of the Committee. Respondent did not appear. Daphne A. Lundstrom, Assistant Attorney General, was present as legal advisor to the Board. As members of the Committee that initially reviewed the matter, Kathy Fleischaker, P.T.; Linda Gustafson, P.T.; and Barbara Liebenstein did not participate in deliberations and did not vote in the matter. The Board's Executive Director, Stephanie Lunning, also was not present and did not participate in deliberations.

FINDINGS OF FACT

Based upon the evidence submitted by Respondent and obtained by the Board, the Board makes the following Findings of Fact:

1. The Board is authorized pursuant to Minnesota Statutes sections 148.65 to 148.78 (2008) to license, regulate, and discipline persons who apply for, petition, or hold licenses as

licensed physical therapists and is further authorized pursuant to Minnesota Statutes sections 214.10 and 214.103 (2008) to review complaints against physical therapists, to refer such complaints to the Attorney's General's Office, and to initiate appropriate disciplinary action.

2. Respondent agreed to and signed the 2004 Order. In paragraph 9 of the 2004 Order, Respondent expressly acknowledged and agreed to several procedures the Committee may use to resolve alleged noncompliance with or violation of the 2004 Order, pursuant to Minnesota Statutes section 148.75. The 2004 Order remained in full force and effect at the time the conduct described in paragraph 5 below occurred.

3. Respondent expressly acknowledged and agreed in paragraph 9 of the 2004 Order that if Respondent violates the 2004 Order, the Committee may seek additional disciplinary action.

4. Respondent expressly acknowledged and agreed in paragraph 9 of the 2004 Order that in the event the Board received evidence Respondent violated the terms of the 2004 Order, Minnesota Statutes section 148.75, or Minnesota Rules 5601, he would be notified of such allegations in writing and, following the opportunity to contest the allegations, the Board may impose additional disciplinary action against Respondent's license.

5. The Board received information Respondent violated the terms of the 2004 Order and engaged in acts or omissions which would be in violation of Minnesota Statutes section 148.75 as follows:

a. Pursuant to paragraph 5.d. of the 2004 Order, upon Respondent's return to practice, Respondent shall obtain a mentor/work quality assessor, preapproved by the Board,

who will meet weekly with Respondent and provide quarterly reports to the Board, or its designee, addressing Respondent's overall work performance.

b. Pursuant to paragraph 5.b. of the 2004 Order, Respondent was required to complete the following courses within two years of the date of the Order:

1) "Essentials of Physical Therapy" offered by the Minnesota Chapter of the American Physical Therapy Association.

2) "Guide to Physical Therapy Practice" offered by the Minnesota Chapter of the American Physical Therapy Association.

3) A documentation course preapproved by the Board.

Under the terms of the 2004 Order, these courses were to be completed by July 15, 2006. To date, the Committee has received no indication from Respondent that he has completed these courses.

c. Respondent was preapproved by the Committee to work at Evergreen Terrace Nursing Home in Grand Rapids, Minnesota, in January 2008. Scott Richards, P.T., was approved as Respondent's mentor/work quality assessor. Respondent's first quarterly report from Mr. Richards was due in May 2008 and every quarter thereafter. Respondent did not cause these reports to be submitted by his mentor/work quality assessor. Mr. Richards did submit a letter dated August 10, 2009; however, it was not submitted on the appropriate form. Respondent was so notified by letter dated September 14, 2009. Respondent never caused Mr. Richards to submit his report on the appropriate form. No subsequent quarterly reports have been received to date.

d. Pursuant to paragraph 5.e. of the 2004 Order, Respondent was required to submit to and cooperate with semiannual peer reviews performed by the Problem

Identification/Peer Review Committee of MNAPTA. Respondent's first semiannual peer review report was received on September 26, 2006. No subsequent reports have ever been submitted.

e. On November 20, 2009, Board staff sent correspondence to Respondent regarding the November 15, 2009, quarterly report and the October 1, 2009, semiannual peer review report. Respondent did not respond to this letter nor did he otherwise attempt to contact the Board regarding his noncompliance.

CONCLUSIONS

Based on the foregoing Findings of Fact, the Board concludes that:

1. The Board has jurisdiction in this matter pursuant to Minnesota Statutes sections 148.75, 214.10, and 214.103 (2008).
2. The Complaint Review Committee gave proper notice of the alleged violations to Respondent pursuant to paragraph 9 of the 2004 Order.

ORDER

Therefore, based on the foregoing Findings of Fact and Conclusions, the Board issues the following order:

1. IT IS HEREBY ORDERED that Respondent is **REPRIMANDED** for the conduct referenced above.
2. IT IS FURTHER ORDERED that Respondent's license to practice physical therapy in the State of Minnesota is hereby **SUSPENDED** immediately for an indefinite period of time.
3. IT IS FURTHER ORDERED that during the period of suspension Respondent shall not engage in any conduct that constitutes the practice of physical therapy as defined in

Minnesota Statutes section 148.65, subdivision 1, and shall not imply to any person by words or conduct that Respondent is authorized to practice physical therapy in the State of Minnesota.

4. IT IS FURTHER ORDERED that within 30 days of the date of this Order, Respondent shall submit, for the Committee's review and approval a written plan outlining how he proposes to become compliant with the 2004 Order.

5. IT IS FURTHER ORDERED that upon acceptance of Respondent's plan, the Committee may, by its own written order, stay the suspension of Respondent's license, allowing him to return to practice.

6. IT IS FURTHER ORDERED that the stay of suspension shall remain in place so long as Respondent remains compliant with his plan, or any modifications thereto, which have been approved in advance by the Committee.

7. IT IS FURTHER ORDERED that Respondent's violation of this Order shall constitute violation of a Board order for purposes of Minnesota Statutes section 148.75(a)(1) and provide grounds for further disciplinary action.

8. IT IS FURTHER ORDERED that if the Committee has probable cause to believe Respondent has failed to comply with or has violated any of the requirements for staying the suspension as outlined in paragraph 6 above, the Committee may remove the stayed suspension pursuant to the procedures outlined in paragraph 8.a. below:

a. The removal of the stayed suspension shall take effect upon service of an Order of Removal of Stayed Suspension ("Order of Removal"). Respondent agrees that the Committee is authorized to issue an Order of Removal, which shall remain in effect and shall have the full force and effect of an order of the Board until the Board makes a final determination pursuant to the procedures outlined in paragraph 9 of the 2004 Order or until the

complaint is dismissed and the order is rescinded by the Committee. The Order of Removal shall confirm the Committee has probable cause to believe Respondent has failed to comply with or has violated one or more of the requirements for staying the suspension of Respondent's license. Respondent further agrees an Order of Removal issued pursuant to this paragraph shall be deemed a public document under the Minnesota Government Data Practices Act. Respondent waives any right to a hearing before removal of the stayed suspension.

b. The Committee shall schedule the hearing pursuant to paragraph 9 of the 2004 Order to be held within 60 days of service of the Order of Removal.

9. IT IS FURTHER ORDERED that nothing herein shall limit the Committee's or the Board's right to take disciplinary or corrective action against Respondent's license based on conduct by Respondent not specifically referred to herein.

10. IT IS FURTHER ORDERED that this Order constitutes disciplinary action and will be sent to all appropriate data banks.

Dated: November 30, 2010

MINNESOTA BOARD
OF PHYSICAL THERAPY

By: < SIGNATURE ON FILE
SANDRA MARDEN-LOKKEN, P.T.
Presiding Board Member

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