

**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, Fredrikson & Byron, P.A., 200 South Sixth Street, Suite 4000, Minneapolis, Minnesota 55402-1425, telephone (612) 492-7000. The Committee was represented by Nicholas Lienesch, Assistant Attorney General, 445 Minnesota Street, Suite 1400, St. Paul, Minnesota 55101-2131, telephone (651) 757-1439.

FACTS

3. On September 15, 1990, Licensee was licensed as a physical therapist in the State of Minnesota.

4. From approximately April 2004 through April 2010, Licensee was employed in an outpatient facility in Hopkins, Minnesota. From June 2010 to the present, Licensee has been employed by home care agencies in Minnesota.

5. A Board investigation revealed that Licensee's documentation failed to meet minimum community standards as follows:

a. Licensee failed to thoroughly document: (1) ongoing discharge planning; (2) a need for continued direct and skilled intervention; (3) significant functional progress; and (4) treatment rendered and patient response to treatment.

b. During initial evaluations, Licensee failed to thoroughly document clinical decision making regarding his determination of patient plans of care and the effects of complicating factors. Furthermore, his documentation failed to fully identify and establish the relationships between impairments, objective physical findings, patient subjective reports, and specific functional limitations, with measurable, patient-specific functional demands and projected outcomes.

c. Licensee failed to thoroughly document his delegation and assignment of tasks to physical therapist assistants and aides.

d. Licensee failed to thoroughly document manual therapy units.

e. Licensee's documentation failed to meet minimum American Physical Therapy Association standards.

STATUTES

6. The Committee views Licensee's practices as inappropriate in such a way as to require Board action under Minn. Stat. § 148.75(a)(6) (2010). Licensee agrees that the conduct

cited above constitutes a reasonable basis in law and fact to justify the disciplinary action under these statutes.

REMEDY

7. 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. Licensee shall successfully complete the following courses, approved in advance by the Complaint Review Committee:

- 1) Billing and Coding;
- 2) Roles and Responsibilities of Physical Therapist Assistants and Physical Therapy Aides; and
- 3) Minnesota Chapter of the American Physical Therapist Associations ("MNAPTA") Documentation.

Successful completion shall be determined by the Committee or its designee.

b. Licensee will submit to and cooperate with four quarterly peer reviews performed by the Problem Identification/Peer Review Committee of MNAPTA. Reviews will include patient chart audits, patient billing reviews, onsite observation of practice, and verification of proper delegation, task assignment, and supervision of physical therapist assistants and physical therapy aides. Licensee is responsible for ensuring that the Board receives quarterly reports from MNAPTA regarding the findings of each review performed. Reviews will be scheduled by the MNAPTA peer reviewer and coordinated with Licensee.

c. Licensee must submit a written 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.

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

9. No sooner than 12 months from the date of this Order and following four quarterly peer reviews as discussed above, Licensee may petition for the reinstatement of 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 7 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 force of 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.

10. Licensee's license may be reinstated, 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.

11. In the event Licensee resides or practices outside the State of Minnesota, Licensee must 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 as a physical therapist.

12. 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. At least 20 days before the hearing, the Committee must mail Licensee a notice of the violation alleged by the Committee and of the time and place of the hearing. Licensee must submit a response to the allegations at least ten days prior to the hearing. If Licensee does not submit a timely response to the Board, the allegations may be deemed admitted.

13. 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 must 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. Within ten days of the date of this Order, Licensee must 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 must provide the Board with the new address and telephone information. The information must be sent to Stephanie Lunning, Minnesota Board of Physical Therapy, University Park Plaza, 2829 University Avenue S.E., Suite 420, Minneapolis, Minnesota 55414-3664.

15. In the event the Board in its discretion does not approve this settlement, this stipulation is withdrawn and will be of no evidentiary value and may 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.

16. 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.

17. 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: 2. 27. 15

Dated: March 19, 2015

SIGNATURE ON FILE

STEVEN SPOOLMAN, P.T.
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 19th day of March, 2015

MINNESOTA BOARD OF PHYSICAL
THERAPY

SIGNATURE ON FILE

STEPHANIE LUNNING
Executive Director

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