

**BEFORE THE MINNESOTA
BOARD OF PHYSICAL THERAPY**

In the Matter of the
Physical Therapy License
of Paul Tembrock, P.T.
Year of Birth: 1952
License Number: 1478

STIPULATION AND ORDER

IT IS HEREBY STIPULATED AND AGREED, by and between Paul Tembrock, 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. After a thorough review of the file, the Committee has decided this matter can be resolved by mail. Licensee has been advised by Board representatives that he may choose to be represented by legal counsel in this matter. Licensee has elected to forgo legal representation. The Committee was represented by Bryan D. Huffman, Assistant Attorney General, 445 Minnesota Street, Suite 1400, St. Paul, Minnesota 55101-2131, telephone (651) 296-7575.

FACTS

3. On April 13, 2012, Licensee signed a Participation Agreement with the Health Professionals Services Program ("HPSP"). Licensee enrolled in the HPSP due to a cross-addiction to opioids.

4. On July 3, 2013, Licensee was unsatisfactorily discharged from the HPSP due to noncompliance. In particular, he refused to comply with the HPSP's request that he obtain a comprehensive chemical health evaluation and a pain specialist.

STATUTES

5. The Committee views Licensee's practices as inappropriate in such a way as to require Board action under Minn. Stat. § 148.75(a)(2) (2012). Licensee agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify the disciplinary action under these statutes.

REMEDY

6. The Board accepts Licensee's **VOLUNTARY SURRENDER** of his license to practice as a physical therapist in the State of Minnesota.

7. Within 30 days of the date the terms of this Stipulation and Order are adopted and implemented by the Board, Licensee must surrender his physical therapy license to the Board by delivering it personally or by first-class mail to Stephanie Lunning, Minnesota Board of Physical Therapy, University Park Plaza, 2829 University Avenue S.E., Suite 420, Minneapolis, Minnesota 55414-3664.

8. Licensee may not practice, attempt to practice, offer to practice, or advise or hold himself out as authorized to practice physical therapy in the State of Minnesota and may not use the title of physical therapist or any other designation which indicates authority to practice physical therapy.

9. 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 physical therapy.

10. 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. The Committee shall 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 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 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.

11. 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.

12. 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.

13. 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: 2/1/14

Dated: 3/27/14

SIGNATURE ON FILE

SIGNATURE ON FILE

PAUL TEMBROCK, P.T.
Licensee

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 27th day of March, 2014.

MINNESOTA BOARD OF
PHYSICAL THERAPY

SIGNATURE ON FILE

STEPHANIE LUNNING
Executive Director