

**BEFORE THE MINNESOTA
BOARD OF PHYSICAL THERAPY**

In the Matter of the
Physical Therapy License
of Melissa Thiry, P.T.
Year of Birth: 1977
License Number: 8043

STIPULATION AND ORDER

IT IS HEREBY STIPULATED AND AGREED, by and between Melissa Thiry, 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 she holds a license to practice physical therapy in the State of Minnesota.
2. Licensee has been advised by Board representatives that she may choose to be represented by legal counsel in this matter. Although aware of her right to representation by counsel, Licensee has knowingly and expressly waived that right. The Committee was represented by Bryan D. Huffman, Assistant Attorney General, 445 Minnesota Street, Suite 1400, St. Paul, Minnesota 55101-2131, telephone (651) 757-1439.

FACTS

3. Licensee became licensed as a physical therapist in Minnesota on October 4, 2007.
4. On March 8, 2012, the Board adopted a Stipulation and Order indefinitely suspending Licensee's license to practice physical therapy ("March 2012 Order"). The March 2012 Order was based on Licensee's history of alcohol abuse and related criminal history.

5. On October 2, 2012, Licensee petitioned to have her license reinstated by the Board.

6. On November 8, 2012, the Board adopted a Stipulation and Order ("November 2012 Order") reinstating Licensee's license and suspending her license for a minimum of 24 months. The suspension was stayed so long as Licensee complied with various conditions set forth in the November 2012 Order, including compliance with monitoring by the Health Professionals Services Program ("HPSP").

7. Licensee's HPSP Monitoring Plan required her to: (a) abstain from all mood-altering chemicals; (b) submit random toxicology screens as requested by the HPSP, the collection of which had to be visually observed; and (c) submit reports from her therapist and sponsor. The HPSP also required Licensee to have a work-site monitor.

8. On or about March 15, 2013, Licensee's work-site monitor called the HPSP and reported that Licensee had been exhibiting erratic behaviors and had recently left a patient unattended on a bike. The work-site monitor also reported that staff had noted Licensee's red, glossy eyes during her shift.

9. On or about March 18, 2013, Licensee was discharged from the HPSP due to: (a) her failure to submit toxicology screens on multiple occasions; (b) her failure to submit reports from her therapist and sponsor; and (c) the concerns expressed by her work-site monitor. As a result, Licensee failed to comply with the terms of the November 2012 Order.

STATUTES

10. The Committee views Licensee's practices as inappropriate in such a way as to require Board action under Minn. Stat. § 148.75(a)(1) and (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

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 **INDEFINITELY SUSPENDING** Licensee's license to practice physical therapy in the State of Minnesota.

12. During the period of suspension, Licensee shall not engage in any conduct which constitutes the practice of physical therapy as defined by Minn. Stat. § 148.65, subd. 1. Licensee shall not imply to any persons by words or conduct that she is authorized to practice physical therapy in the State of Minnesota.

13. Licensee shall surrender her physical therapy license to the Board. Licensee shall personally deliver or mail the license to the Minnesota Board of Physical Therapy, c/o Stephanie Lunning, Executive Director, 2829 University Avenue S.E., Suite 420, Minneapolis, Minnesota 55414, within ten days of the date of service of this Order.

14. Licensee may petition for reinstatement of her physical therapy license no sooner than 24 months from the date of this Order. 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 shall be upon Licensee to demonstrate by a preponderance of the evidence that she is capable of conducting herself in a fit and competent manner in the practice of physical therapy and has been sober and free from all mood-altering chemicals during the 24 months immediately preceding the petition for reinstatement.

15. At the time of Licensee's petition, Licensee must meet with the Board's Complaint Review Committee to review her response to the Facts above and provide documentation of 24 months of uninterrupted sobriety. If requested by the Committee, Licensee

must undergo a chemical dependency evaluation performed by a chemical dependency treatment professional. Licensee must submit, or cause to be submitted, the credentials of the chemical dependency evaluator for review and preapproval by Board staff for purposes of this evaluation. The results of the evaluation shall be sent directly to the Board and must include a statement verifying the evaluator has reviewed this Stipulation and Order. Upon hearing the petition, the Board may deny Licensee's petition for reinstatement or reinstate Licensee's license with conditions and/or limitations imposed on her license. Licensee may submit the following in an effort to demonstrate 24 months of uninterrupted sobriety:

a. Proof of attendance and participation in a chemical dependency treatment program; mutual support group meetings, such as Alcoholics Anonymous; or meetings with mutual support group sponsors; and

b. Any other documentation Licensee would like to submit in order to meet her burden of proof.

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

17. In the event Licensee resides or practices outside the State of Minnesota, Licensee 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 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.

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 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: 4.14.13

Dated: 5/16/2013

SIGNATURE ON FILE

MELISSA THIRY, 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 16th day of May, 2013

MINNESOTA BOARD OF
PHYSICAL THERAPY

SIGNATURE ON FILE


STEPHANIE LUNNING
Executive Director

BEFORE THE MINNESOTA

BOARD OF PHYSICAL THERAPY

In the Matter of the
Physical Therapy License
of Melissa Thiry, P.T.
Year of Birth: 1977
License Number: 8043

**ORDER OF REMOVAL OF
STAY OF SUSPENSION**

This matter came before the Complaint Review Committee ("Committee") of the Minnesota Board of Physical Therapy ("Board") in accordance with the terms of a Stipulation and Order adopted on November 8, 2012 ("November 2012 Order"), and issued to Melissa Thiry, P.T. ("Respondent").

Pursuant to the November 2012 Order, Respondent's license was suspended, but the suspension was stayed on the condition that Respondent fully comply with monitoring by the Health Professionals Services Program ("HPSP"). Paragraph 10 of the November 2012 Order authorizes the Committee to issue an Order of Removal of Stay of Suspension ("Order of Removal") if it has probable cause to believe Respondent has failed to comply with any of the requirements for staying the suspension. The Committee has probable cause to believe Respondent has failed to comply with one or more of the requirements for staying the suspension.

ORDER

1. NOW, THEREFORE, IT IS HEREBY ORDERED that the stay of suspension set forth in the November 2012 Order is **REMOVED**, and the license of Respondent as a physical therapist in the State of Minnesota is **SUSPENDED** immediately.

~~2. IT IS FURTHER ORDERED that Respondent's license as a physical therapist in~~
the State of Minnesota shall remain suspended until the Board makes a final determination in this matter.

3. IT IS FURTHER ORDERED that Respondent surrender to the Board her physical therapy license. Respondent shall personally deliver or mail the certificate to the Minnesota Board of Physical Therapy, c/o Stephanie Lunning, Executive Director, 2829 University Avenue S.E., Suite 420, Minneapolis, Minnesota 55414, within ten days of the date of this Order.

4. IT IS FURTHER ORDERED that Respondent's violation of this Order shall provide grounds for further disciplinary action pursuant to Minnesota Statutes section 148.75, subdivision (a)(1).

Dated: April 2, 2013

MINNESOTA BOARD OF
PHYSICAL THERAPY

SIGNATURE ON FILE

STEPHANIE LUNNING
Executive Director