MINNESOTA BOARD OF OCCUPATIONAL THERAPY PRACTICE

Protecting the Public

August 10, 2022

Jaqueline Wagner
[redacted]

Dear Ms. Wagner:

This letter is in reference to the complaint filed against you with the Board. Following the investigation by the Complaint Resolution Committee of the Board, you entered an Agreement for Corrective Action (Agreement) effective October 4, 2021.

The Complaint Resolution Committee of the Board has reviewed the documentation you provided regarding completion of the requirements of the Agreement and finds that all conditions of the agreement have been met. As such, the Complaint Resolution Committee has dismissed the complaint and the file is now closed.

Minnesota Statute requires that this letter and the original Agreement remain posted and available to the public on the Board's website.

If you have questions regarding this, don't hesitate to contact me.

Regards,

Daniella Filardo
Assistant Executive Director

335 Randolph Avenue
Suite 240
St. Paul, MN 55102

Phone 612-548-2179
Email Occupational.therapy@state.mn.us
Website https://mn.gov/boards/occupational-therapy/

BEFORE THE MINNESOTA
BOARD OF OCCUPATIONAL THERAPY PRACTICE
COMPLAINT RESOLUTION COMMITTEE

In the Matter of
Jacqueline Wagner, OT
License No. 103369

AGREEMENT FOR CORRECTIVE ACTION

This Agreement is entered into by and between Jacqueline Wagner, OT ("Licensee"), and the Minnesota Board of Occupational Therapy Practice Complaint Resolution Committee ("Committee") pursuant to the authority of Minnesota Statutes section 214.103, subdivision 6(a)(2). Licensee and the Committee hereby agree as follows:

FACTS

1. On September 16, 2021, Licensee met with the Committee to discuss allegations regarding Licensee's occupational therapy practice contained in a Notice of Conference dated August 16, 2021. Nicholas Lienesch, Assistant Attorney General, represented the Committee at the conference. Licensee was advised by the Committee that she may choose to be represented by legal counsel in this matter. Although aware of this opportunity, Licensee waived representation by counsel. Licensee and the Committee have agreed to enter into an Agreement for Corrective Action to address the concerns identified below.

2. Licensee provided occupational therapy services to Client #1 between approximately September 2020 and March 2021.

3. During the period when Licensee provided occupational therapy services to Client #1, Licensee began helping Client #1 remove household items from her home, which was crowded with items, for donation to a local charity or individuals in need. Licensee's assistance created some blurring of professional boundaries, and Licensee did not document the therapeutic reasons for her assistance with Client #1's household items.

4. Licensee's documentation of her therapeutic services with Client #1 lacked specificity and thoroughness, and was overly reliant on template and "checkbox" formatting.

CORRECTIVE ACTION

3. Based on the available information and the discussion at the conference, the Committee views Licensee's practice as failing to meet minimum standards of occupational therapy practice under Minnesota Statutes section 148.6448, subdivision 1(12) (unprofessional conduct), and Licensee agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify corrective action. Licensee agrees to address the concerns identified by taking the following corrective actions:

a. ***Continuing Education.*** Within six months of the effective date of this Agreement, Licensee shall successfully complete (1) at least three hours of preapproved continuing education credits in the area of ethics, and (2) at least three house of preapproved continuing education credits in the area of documentation. Licensee must request approval from the Committee before completing any such courses.

Upon course completion, Licensee must provide the Board with a copy of the certificates demonstrating successful completion. Such credits may count for the continuing education requirements required by Minnesota Statutes, section 148.6443.

OTHER INFORMATION

4. Licensee shall provide a copy of this Agreement to all current occupational therapy employers within 14 days of the execution of the Agreement.

5. Upon Licensee's satisfactory completion of the corrective action referred to above, the Committee agrees to dismiss the complaint(s) concerning the matters referred to in paragraphs 2 and 3, above. Licensee agrees that the Committee will be the sole judge of satisfactory completion. Licensee understands that if, after dismissal, the Committee receives additional complaints alleging conduct similar to that referred to in the facts above, the Committee may reopen the dismissed complaint(s).

6. If Licensee fails to complete the corrective action satisfactorily or if the Committee receives additional complaints alleging conduct similar to that referred to in the facts above, the Committee may, in its discretion, reopen the investigation and proceed according to Minnesota

Statutes chapters 14, 148.6401 to 148.6449, and 214. Licensee agrees that failure to complete corrective action satisfactorily constitutes failure to cooperate under Minnesota Statutes section 148.6448, subdivision 1(10) and may subject Licensee to disciplinary action by the Board.

7. The effective date of this Agreement is the date it is executed by the Committee. The Agreement will remain in effect until the Committee dismisses the complaint, unless the Committee receives additional information that renders corrective action inappropriate. Upon receipt of such information, the Committee may, in its discretion, proceed according to Minnesota Statutes chapters 14, 148.6401 to 148.6449, and 214.

8. Licensee understands this Agreement does not constitute disciplinary action. Licensee further understands and acknowledges this Agreement and the dismissal letter issued upon successful completion of the corrective action are classified as public data pursuant to Minnesota Statutes section 13.41, subdivision 5.

9. Licensee hereby acknowledges she has read and understands this Agreement and has agreed to enter into it. This Agreement contains the entire agreement between the Committee and Licensee, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.

Jacqueline R Wagner, OTR/L

Jacqueline Wagner, OT
Licensee

Dated: September 30, 2021

Samantha Dunn OTD, OTR/L

For the Committee

Dated: 10.4.21, 2021