

**BEFORE THE MINNESOTA
BOARD OF PHYSICAL THERAPY**

In the Matter of the
Physical Therapist Assistant License
of Ross Leonard Pollert, P.T.A.
Year of Birth: 1976
License Number: A711

**AGREEMENT FOR
CORRECTIVE ACTION**

This Agreement is entered into by and between Ross Leonard Pollert, P.T.A. ("Licensee"), and the Complaint Review Committee ("Committee") of the Minnesota Board of Physical Therapy ("Board") pursuant to the authority of Minn. Stat. § 214.103, subd. 6(a) (2014). Licensee has been advised by Board representatives that he may choose to be represented by legal counsel in this matter. Licensee elected to forgo legal representation. The Committee was represented by Nicholas Lienesch, Assistant Attorney General, 1400 Bremer Tower, 445 Minnesota Street, St. Paul, Minnesota 55101, telephone (651) 757-1315. Licensee and the Committee hereby agree as follows:

FACTS

1. Licensee was licensed to practice physical therapy as a physical therapist assistant ("P.T.A.") in Minnesota on May 23, 2008.
2. Licensee was employed as a P.T.A. at a hospital during the time period relevant to the below facts.
3. From approximately March 31, 2014, through April 3, 2014, Respondent performed physical therapy services upon Patient #1, who had undergone a complex back surgery on March 21, 2014.
4. Orthopedic Surgery Progress Notes dated March 29, 2014, regarding Patient #1's activity stated: "No sitting or bending at waist."

5. On, or about, March 31, 2014, Respondent documented a conversation with a medical resident working on Patient #1's case, regarding transitioning Patient #1 to sitting. This activity was not written in any of the Orthopedic Surgery Progress Notes on Patient #1.

6. Respondent failed to request that the supervising Physical Therapist (P.T.) change the treatment plan and provide the initial new treatment, failed to consult or inform the supervising P.T. prior to initiating sitting activity with Patient #1.

7. Respondent conducted sitting activity with Patient #1 on, or about, March 31, April 1, April 2, and April 3. On, or about, April 4, 2014, the Orthopedic Surgery Progress Notes state that the wound was not healing as well as anticipated, and that Patient #1 should no longer be permitted to engage in sitting activities during physical therapy.

8. On March 9, 2015, Licensee met with the Committee to discuss the information set forth above. The Committee views Licensee's conduct as inappropriate under Minnesota Statutes section 148.75(a)(6).

CORRECTIVE ACTION

1. Within nine months of the date of this Agreement, Licensee must provide evidence that he has completed a course on physical therapist assistant roles and responsibilities. The course must be at least three hours in duration and be preapproved by the Committee. Within 30 days of completing the course, Licensee must submit a written report to the Committee discussing his understanding of the physical therapist and physical therapist assistant relationship, roles, and responsibilities set forth in Minn. Stat. § 148.706, subd. 2, and his learning specific to his role, as a physical therapist assistant. Committee approval of this written report is required for successful completion of this requirement.

2. Upon Licensee's satisfactory completion of the corrective action set forth in paragraph 1. above, the Committee agrees to dismiss the complaint referenced in the Facts section above. Licensee agrees that the Committee will be the sole judge of satisfactory completion. Licensee understands and further agrees that if, after dismissal, the Committee receives additional complaints similar to that referenced in the Facts section, the Committee may reopen the dismissed complaint.

3. If Licensee fails to complete the corrective action satisfactorily or if the Committee receives additional complaints similar to that referenced in the Facts section, the Committee may, in its discretion, reopen the investigation and proceed according to Minn. Stat. chs. 148, 214, and 14. Failure to complete the corrective action satisfactorily constitutes failure to cooperate with an investigation of the Board under Minn. R. 5601.3200, subp. 4. In any subsequent proceeding, the Committee may use the Facts section of this Agreement as evidence.

4. This Agreement will become effective upon execution by the Committee and 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 Minn. Stat. chs. 148, 214, and 14.

5. Licensee understands that he is solely responsible for the costs of completing the corrective action set forth above.

6. Licensee understands that this Agreement does not constitute disciplinary action and will not be reported to the National Practitioner Data Bank. Licensee further understands and acknowledges that this Agreement and any letter of dismissal are classified as public data.

7. Licensee hereby acknowledges having read and understood this Agreement and having voluntarily entered 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.

Dated: 04/16, 2015.

Dated: : April 29th, 2015.

Signature on file

ROSS LEONARD POLLERT, P.T.A.
Licensee

Signature on file

~~FOR THE COMMITTEE~~