

Effective: May 8, 2014



April 25, 2014

Protecting, maintaining and improving the health of all Minnesotans

Ronald James Bendewald

RE: MDH File Number: OTC14014

Dear Mr. Bendewald:

Based on the facts and law in this matter as described in the enclosed Staff Determination, the Minnesota Department of Health (MDH) has determined that you submitted false and misleading information to MDH in your application for occupational therapy licensure in violation of Minnesota Statutes, section 148.6448, subdivision 1(1); that you provided services in an incompetent manner and in a manner that falls below the community standard of care in violation of section 148.6448, subdivision 1(3); that you pled guilty to a misdemeanor in Pierce County, North Dakota related to the practice of occupational therapy, in violation of Minnesota Statutes, section 148.6448, subdivision 1(7); that you were disciplined by the State of North Dakota for the same or substantially equivalent grounds for disciplinary action in violation of section 148.6448, subdivision 1(9); that you engaged in dishonest, unethical and unprofessional conduct in connection with the practice of occupational therapy that is likely to harm the public in violation of section 148.6448, subdivision 1(12); and that you engaged in conduct with a client that is sexual or may reasonably be interpreted by the client as sexual in violation of section 148.6448, subdivision 1(22). Therefore, MDH is revoking your occupational therapy license in Minnesota. This action is authorized by Minnesota Statutes, section 148.6448, subdivision 3.

This decision will be made final and effective on the date you receive this notice. Under Minnesota Statutes, Chapter 14, you have a 30-day period from the date this Determination is received by you to challenge this decision and request a contested-case hearing. Requests for a hearing should be made in writing and include specific grounds for challenging the Department's decision. If you wish to request a hearing, please send a written hearing request, within 30 days of your receipt of this letter, to:

Anne Kukowski, MS, JD
Assistant Director, Health Occupations Program
Minnesota Department of Health
PO Box 64882
Saint Paul, MN 55164-0882

You may also deliver your request to 85 East Seventh Place, Suite 220, Saint Paul, MN; or fax it to Ms. Kukowski at (651)201-3839. If you have any questions about this matter, please contact Catherine Dittberner Lloyd at (651)201-3706.

Sincerely,

A handwritten signature in cursive script that reads "Darcy Miner".

Darcy Miner, Director
Compliance Monitoring Division

Enclosure

cc: Anne Kukowski, Assistant Director, Health Occupations Program

**HEALTH OCCUPATIONS PROGRAM
MINNESOTA DEPARTMENT OF HEALTH**

**A Determination In the Matter of
Ronald James Bendewald
Occupational Therapy Practitioner**

AUTHORITY

1. The Minnesota Department of Health (MDH) has the authority to discipline Occupational Therapists for violations of Minnesota Statutes, section 148.6448. Pursuant to section 148.6448, subdivision 3, the types of discipline MDH may impose include revocation of the right to practice occupational therapy in Minnesota.
2. Pursuant to Minnesota Statutes, section 148.6448, subdivision 1(1), MDH may take disciplinary action against an occupational therapist who intentionally submits false or misleading information to the commissioner.
3. Pursuant to Minnesota Statutes, section 148.6448, subdivision 1(3), MDH may take disciplinary action against an occupational therapist for providing services in an incompetent manner or in a manner that falls below the community standard of care.
4. Pursuant to Minnesota Statutes, section 148.6448, subdivision 1(7), MDH may take disciplinary action against an occupational therapist for being convicted of violating any state or federal law, rule or regulation which directly relates to the practice of occupational therapy.
5. Pursuant to Minnesota Statutes, section 148.6448, subdivision 1(9), MDH may take disciplinary action against an occupational therapist who has been disciplined in another jurisdiction if any of the grounds for discipline are the same or substantially equivalent to those in sections 148.6401 to 148.6450.
6. Pursuant to Minnesota Statutes, section 148.6448, subdivision 1(12), MDH may take disciplinary action against an occupational therapist for engaging in dishonest, unethical, or unprofessional conduct in connection with the practice of occupational therapy that is likely to deceive, defraud or harm the public.
7. Pursuant to Minnesota Statutes, section 148.6448, subdivision 1(22), MDH may take disciplinary action against an occupational therapist for engaging in conduct with a client that is sexual or may reasonably be interpreted by the client as sexual.

FINDINGS OF FACT

1. MDH received Ronald James Bendewald's (hereinafter "Practitioner") application for licensure as an occupational therapist on March 8, 2013. Practitioner was issued a Minnesota occupational therapy license effective April 10, 2013 through February 28, 2015.
2. In his application for licensure in Minnesota, Practitioner submitted the following information about his licensure and practice as an occupational therapist in other jurisdictions. Practitioner:
 - a. Obtained his initial certification from the National Board for Certification in Occupational Therapy on February 1, 1975;
 - b. Has been licensed by the State of North Dakota as an occupational therapist since 1988 and his license is due to expire in 2014;
 - c. Has been employed in the State of North Dakota as an occupational therapist since 1980 and in long-term care settings;
 - d. Is not employed in Minnesota; and
 - e. Had never been disciplined and no adverse actions had ever been taken against him or his ability or legal right to practice occupational therapy.
3. On March 3, 2014, MDH received a complaint from the North Dakota State Board of Occupational Therapy Practice (NDSBOT) regarding Practitioner. According to the allegation, NDSBOT received a complaint alleging the Practitioner had "inappropriate physical contact with young children" during occupational therapy services. The allegation indicated he was terminated from an employer surrounding a similar complaint.
4. By letter dated March 13, 2014, MDH asked NDSBOT to provide information about Practitioner's license in North Dakota, copies of any Determinations, Orders or Stipulations related to the allegation, a copy of Practitioner's license, and copies of any reports, complaints or data related to the allegations against Practitioner.
5. By letter dated April 7, 2014, MDH sent Practitioner a notice of investigation and requested he answer questions related to the status of his North Dakota license, including: if any action was being taken against him or his legal authorization to practice occupational therapy in North Dakota, a description of the disciplinary action if any, whether he had been convicted of a felony or misdemeanor related to the practice of occupational therapy, if there were pending charges against him, and whether he had ever been disciplined by any of his employers related to the practice of occupational therapy.
6. By letter received April 21, 2014, MDH received a response from Practitioner. Practitioner stated he agreed to the suspension of his North Dakota license and attached a copy of a complaint, his response to the allegation and a settlement agreement. According to the allegation contained in Practitioner's response, he was employed by two agencies as an occupational therapist providing pediatric services to students in local schools and in therapeutic settings. Practitioner was terminated from his employment as an occupational therapist from Treatment Center 1 (employed 11/23/1988 to 11/28/2012) and he resigned from Treatment Center 2 (employed 2/1/2013 to 1/8/2014). Practitioner stated he never

practiced occupational therapy in Minnesota and has retired from practice. Practitioner asked MDH to accept the voluntary surrender of his license.

7. On April 22, 2012, MDH Staff contacted the Pierce County, North Dakota, Clerk of Court. According to court records, on April 16, 2014, Practitioner pled guilty to a Class A Misdemeanor for intentionally providing false reports to law enforcement in violation of North Dakota Criminal Code § 12.1-11-03 and was placed on probation for two years. The charge related to Practitioner providing false information to the North Dakota Bureau of Criminal Investigation stating there had never been a complaint about inappropriate therapy he provided to a client, which was false as Practitioner had been the subject of a criminal investigation surrounding Practitioner's misconduct with an unrelated minor child and related to occupational therapy.
8. On April 22, 2014, MDH received a copy of the final Settlement Agreement, signed by the North Dakota Board of Occupational Therapy and Practitioner on April 13, 2013. According to the Settlement Agreement between the North Dakota State Board of Occupational Therapy Practice (Board) and Practitioner, which became effective April 13, 2013:
 - a. The Board found grounds to support allegations Practitioner violated North Dakota C.C., § 43-40 (f) for engaging in unprofessional conduct by engaging in a pattern of inappropriate practice as an occupational therapist or occupational therapy assistant and § 43-40 (h) for sexual abuse, misconduct, or exploitation related to the licensee's practice of occupational therapy.
 - b. The Board suspended Practitioner's license for sixty days from the effective date of the agreement.
 - c. Practitioner's license to practice occupational therapy in North Dakota will be reinstated if Practitioner fulfills all licensing requirements for issuance of a new license;
 - d. The Board will determine if Practitioner meets the requirements for issuance of a new license.
 - e. Practitioner waived the right to an administrative hearing and appeal.

CONCLUSION

1. Practitioner violated Minnesota Statutes, section 148.6448, subdivision 1(1) when he provided false and misleading information to MDH in his application for licensure related to his employment setting and surrounding disciplinary action taken by a former employer related to his employment as an occupational therapist.
2. Practitioner violated Minnesota Statutes, section 148.6448, subdivision 1(7) when he pled guilty to a misdemeanor in Pierce County North Dakota for providing false information to a law enforcement officer stating he had never been the subject of a complaint alleging inappropriate therapy provided to a client; and that he had never been criminally investigated in reference to misconduct with an unrelated child.

3. Practitioner violated Minnesota Statutes, section 148.6448, subdivision 1(9) when he was disciplined by the State of North Dakota for conduct in the practice of occupational therapy for grounds that are the same or substantially equivalent to those in sections 148.6401 to 148.6448.
4. Practitioner violated Minnesota Statutes, section 148.6448, subdivision 1(3) for providing services in an incompetent manner or in a manner that falls below the community standard of care.
5. Practitioner violated Minnesota Statutes, section 148.6448, subdivision 1(12) for engaging in dishonest, unethical, or unprofessional conduct in connection with the practice of occupational therapy that is likely to deceive, defraud or harm the public.
6. Practitioner violated Minnesota Statutes, section 148.6448, subdivision 1(21) for engaging in conduct with a client that is sexual or may reasonably be interpreted by the client as sexual.

DETERMINATION

1. Practitioner's license to practice occupational therapy in Minnesota is revoked.
2. Practitioner is prohibited from practicing occupational therapy in Minnesota, using the occupational titles protected by sections 148.6401 to 148.6450 and representing to the public that he is licensed to practice occupational therapy in Minnesota.