



Effective: 04-28-03

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Protecting, maintaining and improving the health of all Minnesotans

April 18, 2003

Ms. Wendy Marie Day
[REDACTED]

Re: MDH File Number: OTA-0200021
[REDACTED]

Dear Ms. Day:

Based on my review of the facts and law in this matter, I have determined that you have failed, within 30 days, to provide information in response to a written request by the commissioner or advisory council in violation of Minnesota Statutes, Section 148.6448, Subd. 1(2). Therefore, I am suspending your license as an occupational therapy assistant; however, the suspension will be lifted and your license will be reinstated upon:

1. Receipt of your response to the Department's inquiries regarding your OTA practice prior to your license being issued on June 21, 2002, and,
2. Payment of \$43.00 for reimbursement for the Department's cost of investigation in this matter to date.

Upon suspension, you shall cease to practice occupational therapy under Minnesota Statutes, Section 148.6403, Subd. 1, or use protected titles under Minnesota Statutes, Section 148.6403, Subd. 2, and shall cease to represent to the public that you are licensed by the commissioner.

Further, Minnesota Statutes, Section 148.6448, Subd. 5 states that a licensee who has had their license suspended may request and provide justification for reinstatement following the period of suspension specified by the commissioner. The requirements of sections 148.6423 and 148.6425 for renewing licensure and any other conditions imposed with the suspension must be met before licensure may be reinstated.

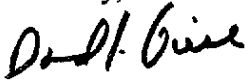
You have the right to challenge this decision in a contested-case hearing as provided under Minnesota Statutes, Chapter 14. Requests for hearing should be made in writing and include specific grounds for challenging the Department's decision. If you wish to request a hearing, please send, deliver, or fax a written hearing request within 30 days of your receipt of this letter to:

Susan Winkelmann, Investigations and Enforcement Manager
Minnesota Department of Health
121 East Seventh Place, Suite 400, P.O. Box 64975
St. Paul, MN 55164-0975
Fax 651/282-5628

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RE: MDH File No: OTA 0200046

If you have any questions about this matter, please contact Ms. Terri Vose at 651/282-6331.

Sincerely,



David J. Giese, Director
Health Policy and Systems Compliance Division

cc: Tom Hiendlmayr, Director of Health Occupations Program
Susan Winkelmann, Investigations and Enforcement Manager

**HEALTH OCCUPATIONS PROGRAM
MINNESOTA DEPARTMENT OF HEALTH**

**A Determination In the Matter of Wendy Marie Day
Occupational Therapy Practitioner**

AUTHORITY

1. The Minnesota Department of Health (MDH) has statutory authority to suspend an occupational therapist or an occupational therapy assistant's license for violation of law under Minnesota Statutes, Section 148.6448, Subd. 3(4).
2. A determination that a licensee has failed, within 30 days, to provide information in response to a written request by the commissioner or advisory council by Minnesota Statutes, Section 148.6448, Subd. 1(2) is ground for disciplinary action by the commissioner.

FINDINGS OF FACT

3. The Department received Ms. Day's (hereinafter "Practitioner") Occupational Therapy Assistant (OTA) license application on April 19, 2002. In her application, Practitioner stated she has worked as an OTA at Nova Care Hand Therapy in Fridley, Minnesota since November 26, 2001.
4. The Department issued Practitioner her OTA license with an effective date of June 21, 2002, and an expiration date of November 30, 2004, and in her issuance letter the Department informed Practitioner that the matter of her OTA practice prior to the issuance of her license was being referred to the Investigation and Enforcement Unit, and the issuance of her license would not affect the pending investigation.
5. By letter dated June 26, 2002, the Department requested Practitioner's response regarding her OTA practice prior to her license being issued on June 21, 2002.
6. By letter dated October 9, 2002, the Department sent Practitioner a second notice requesting her response regarding her OTA practice, and requested her response no later than November 9, 2002.
7. By letter dated January 29, 2003, the Department sent Practitioner a third notice requesting her response regarding her OTA practice, and requested her response no later than March 1, 2003. Practitioner has not responded to the Department as of April 11, 2003.

CONCLUSION

Practitioner failed, within 30 days, to respond to the Department's written request for information, which is ground for discipline under Minnesota Statutes, Section 148.6448, Subd. 1(2).

DETERMINATION

Practitioner's license should be suspended by Minnesota Statutes, Section 164.6448, Subd. 3(4). The suspension of Practitioner's license will be lifted upon the Department's receipt of Practitioner's response regarding her OTA practice prior to her license being issued on June 21, 2002, and a check in the amount of \$43.00 to reimburse the Department for costs of investigations and proceedings to date.