

Effective 02/23/12



Protecting, maintaining and improving the health of all Minnesotans

February 3, 2012

Amy Marie Hodenfield

RE: MDH File Number: OTC12033

Dear Ms. Hodenfield:

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 aided and abetted another person in violating any provision of sections 148.6401 to 148.6450. Therefore, the Department is reprimanding you and assessing you a civil penalty in the amount of \$371. This action is authorized pursuant to Minnesota Statutes, sections 214.131, subdivision 2; and 148.6448, subdivision 3.

This decision will be made final and effective 30 days from the date it is received by you. You may choose to accept the discipline by paying the assessed civil penalty and sending a check, payable to "Treasurer, State of Minnesota" or you may appeal. During that 30-day period, you have the right to challenge this decision in a contested-case hearing, as provided under Minnesota Statutes, Chapter 14. 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:

Tom Hiendlmayr, Director of the 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 Mr. Hiendlmayr at (651)201-3839. If you have any questions about this matter, please contact Kyle Renell at (651)201-3727.

Sincerely,

A handwritten signature in black ink, appearing to read "Darcy Miner", is written over the typed name.

Darcy Miner, Director
Compliance Monitoring Division

Enclosure

cc: Tom Hiendlmayr, Director of the Health Occupations Program

**HEALTH OCCUPATIONS PROGRAM
MINNESOTA DEPARTMENT OF HEALTH**

**A Determination In the Matter of
Amy Marie Hodenfield
Occupational Therapy Practitioner**

AUTHORITY

1. The Minnesota Department of Health (MDH) has authority to discipline occupational therapists and occupational therapy assistants for violations of law under Minnesota Statutes, section 214.131, subdivision 2, and Minnesota Statutes, section 148.6448, subdivision 3. The types of discipline MDH may impose include public reprimands and the assessment of civil penalties.
2. Pursuant to Minnesota Statutes, section 148.6440, subdivision 2, a practitioner must provide documentation of having met the educational and clinical requirements for the use of physical agent modalities (PAMs) and wait until approval is granted, before the use thereof.
3. Pursuant to Minnesota Statutes, section 148.6448, subdivision 1(8), having aided or abetted another person in violating any provision of sections 148.6401 to 148.6450, is a ground for discipline.

FINDINGS OF FACT

1. Amy Marie Hodenfield (Hereinafter "Practitioner") was issued a temporary-new graduate license, effective from May 8, 2007, through July 4, 2007. Practitioner's full occupational therapist license was issued on July 5, 2007, and is currently due to expire on June 30, 2013.
2. Practitioner received approval for PAMs use on February 21, 2008.
3. In November 2011, an investigation was initiated and subsequently determined the use of PAMs prior to approval by an occupational therapy assistant (OTA). During that investigation, Practitioner was identified as the OTA's supervisor by the employer of both Practitioner and the OTA.

CONCLUSION

1. Practitioner did not comply with the requirements under Minnesota Statutes, section 148.6448, subdivision 1(8), because she aided and abetted an unapproved person in the violation of Minnesota Statutes, section 148.6440, subdivision 2.

DETERMINATION

1. Practitioner is hereby reprimanded.
2. Practitioner should pay a civil penalty of \$371, to reimburse MDH for costs of investigations and proceedings to date.