

Effective 9/15/05



Protecting, maintaining and improving the health of all Minnesotans

September 12, 2005

Ms. Donna R. Knop


RE: MDH File No. OTA 0500063

Dear Ms. Knop:

Based on my review of the facts and law in this matter, I have determined that you represented yourself as being a Minnesota licensed OTA after suspension of your license on January 30, 2002, and that you violated Minnesota Statutes, sections 148.6403, subds. 1 and 2; sections 148.6448, subd. 1(1), (2), (11) and (22). Therefore, I am changing the status of your OTA suspension to a revocation, assessing you a civil penalty of \$3,987.00, and allowing for a petition for reinstatement no sooner than five years from the effective date of this Determination Order provided that all terms within this Order are completed.

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 request by October 17, 2005 to:

Susan Winkelmann, Investigations and Enforcement Manager
Minnesota Department of Health
85 East 7th Place, Suite 300
P.O. Box 64882
St. Paul, MN 55164-0882
Fax: (651) 282-3839

If you choose not to appeal, then this matter will become final and public data when the deadline passes. If you have any questions about this matter, please contact Ms. Susan Winkelmann at (651) 282-5623, but you will still be required to provide a written response by October 17, 2005.

Sincerely,



David J. Giese, Director
Division of Compliance Monitoring

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

Enclosures

**HEALTH OCCUPATIONS PROGRAM
MINNESOTA DEPARTMENT OF HEALTH**

**A Determination In the Matter of Donna Rae Knop
Revocation of License**

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, subd. 2 and Minnesota Statutes, section 148.6448, subd. 3. The type of discipline MDH may impose includes suspensions, revocations, civil penalties, and any lesser action including, but not limited to, a restriction on licensure.
2. Minnesota Statutes, section 148.6403, subds. 1 and 2 mandates that only properly licensed persons are authorized to use protected titles such as, "COTA" or "OTA".
3. Minnesota Statutes, section 148.6448, subd. 1(1) prohibits intentionally submitting false or misleading information to the commissioner or advisory council.
4. Minnesota Statutes, section 148.6448, subd. 1(2) requires practitioners to provide information in response to a written request within thirty days. Minnesota Statutes, section 148.6448, subd. 1 (10) requires practitioners to cooperate with MDH investigations.
5. Minnesota Statutes, section 148.6448, subd. 1(11) prohibits false or misleading advertising.
6. Minnesota Statutes, section 148.6448, subd. 1 (22) requires practitioners to comply with MDH orders.

FINDINGS OF FACT

1. Ms. Donna Rae Knop (hereinafter "Practitioner") was first issued an occupational therapy assistant registration by MDH on February 28, 1997. MDH renewed Practitioner's registration on December 1, 1998 and Practitioner's license in 2000 with an expiration date of November 30, 2002.
2. From June 1999 to January 2002, MDH attempted to obtain Practitioner's response to complaint allegations that she was terminated from her employment in November 1998 for falsifying work hours and receiving over \$9,500.00 in pay for work not performed by Practitioner.

3. Effective January 30, 2002, Practitioner was suspended by MDH for failing to respond to MDH's written requests for information, submitting false information to MDH on her renewal application, and failing to cooperate in an investigation about her conduct as an occupational therapy assistant.
4. The January 30, 2002, MDH Determination Order allowed the suspension to be lifted if Practitioner responded to MDH inquiries dated June 30, 1999, August 12, 1999, August 22, 2001, and October 23, 2001 and cooperated with MDH in its investigation regarding the complaint received against Practitioner. The Determination Order further stated that Practitioner could apply to renew her license, but that conditions imposed with the suspension must be met before licensure may be reinstated.
5. Practitioner never contacted MDH indicating a desire to cooperate with the investigation inquiries referenced in paragraph four above. In February 2002, Practitioner spoke to Terri Vose, Health Care Program Investigator, of MDH and told Ms. Vose that Practitioner would hand-deliver a written explanation to MDH. MDH did not receive any written communication from Practitioner.
6. On February 18, 2005, MDH received an out-of-date renewal application form signed by Practitioner on February 16, 2005. Practitioner noted on the renewal application that from January 2003 to December 2004, she had worked as an occupational therapy assistant at Lake Ridge Health Care Center (hereinafter "Lake Ridge") in the Day Break-Adult Day Program.
7. Practitioner answered "no" to Question 11 E on the February 16, 2005 renewal application that asked whether Practitioner had violated Minnesota Statutes, sections 148.6401 to 148.6450 since the date of her last application to MDH.
8. Practitioner answered "no" to Question 11 J on the February 16, 2005 renewal application that asked whether Practitioner had engaged in false or misleading advertising since the date of her last application to MDH.
9. Practitioner answered "no" to Question 11 U on the February 16, 2005 renewal application that asked whether Practitioner had violated a disciplinary order issued by the Commissioner since the date of her last application to MDH.
10. Practitioner submitted a Continuing Education (CE) reporting form listing five courses she completed while an employee at Lake Ridge Health Care Center in 2003 and 2004. Also, on this CE reporting form, Practitioner included information that she attended the 2004 MOTA Conference.
11. In a letter dated February 22, 2005, MDH staff wrote Practitioner asking for information about her having practiced while under license suspension and whether she represented to

her former employer that she had a valid OTA license. The deadline for the written response was March 24, 2005. On April 18, 2005, Practitioner responded in writing, but did not answer all the questions asked and did not sign the document.

12. In Practitioner's April 18, 2005, response, she explained the disclosure of her OTA employment during the period of suspension on the renewal application as follows: "I carelessly stated I was employed at LakeRidge [sic] Health Care center [sic] on line 6. I meant to add this as place of employment only as an Activities Coordinator, I was not employed as a COTA". Practitioner further explained that she only presented her A.A.S. Degree when applying for this position. Practitioner stated that she is not currently employed as an OTA.
13. MDH issued a Subpoena Duces Tecum on Lake Ridge on April 13, 2005, requesting Practitioner's employment file information. On April 22, 2005, MDH received the documents from Lake Ridge.
14. From Practitioner's Lake Ridge employment file, the resume Practitioner submitted when she applied for the position in January 2003 stated " Career Objective: Employment as Certified Occupational Therapy Assistant [COTA]....Qualifications: Certified by AOTCB and State Licensed. MOTA Member since 1989....Activities: Attend yearly Minnesota Occupational Therapy Association [MOTA] Conference besides other education classes pertaining to occupation."
15. The Daybreak Adult Day Program Director at Lake Ridge stated that Practitioner represented herself as being a licensed OTA and Practitioner signed client records as a licensed occupational therapy assistant, "COTA/L" throughout her employment at the facility. The Director stated that being an OTA was not a qualifications requirement for the position, but was a strong reason for having hired Practitioner. In Practitioner's first performance review at Lake Ridge dated February 11, 2004, Practitioner's supervisor stated "you have a background in COTA that gives you the knowledge base."
16. Practitioner received written and verbal warnings from Lake Ridge on March 11, 2004, May 5, 2004, May 18, 2004, July 12, 2004, September 9, 2004, and October 19, 2004, October 29, 2004, for being late for work numerous times and working overtime hours without advance approval. On December 22, 2004, Lake Ridge terminated Practitioner due to more incidences of unauthorized overtime in December 2004.

CONCLUSION

Practitioner did not comply with the requirements under Minnesota Statutes, section 148.6403, subds. 1 and 2, section 148.6448, subds. 1(1), (2), (11) and (22).

DETERMINATION

1. Practitioner's status of OTA license suspension is changed to revocation and Practitioner is assessed a civil penalty. Practitioner's February 18, 2005, renewal application is disregarded since Practitioner was under a 2002 suspension Order by MDH.
2. Practitioner shall pay a civil penalty of \$3,570 representing the economic advantage gained by the violation of illegally practicing plus \$417 for the costs of investigation. The total civil penalty amount is \$3,987, which may be paid in three monthly installments by certified check and made payable to "Minnesota, State Treasurer" and mailed to the Health Occupations Program, Minnesota Department of Health, P.O. Box 64882, St. Paul, MN, 55164-0882 by the first of each month. The penalty may be referred to the Minnesota Collection Enterprise (MCE) in the Minnesota Department of Revenue, or any other source for collection, if Practitioner does not pay by the deadlines. When this Order for a penalty becomes public and the Department refers the matters to MCE, MCE is authorized by Minnesota Statutes, section 16D.17, to obtain a judgment against Practitioner without further notice or proceedings.
3. Practitioner may petition for reinstatement of her OTA license no sooner than five years after the effective date of this Determination Order. Conditions for reinstatement require Practitioner to pay the full civil penalty amount, cooperate with MDH in its investigation of the conduct alleged in November 1998, retake the OTA examination, and submit the CEs as described below.
 - a. Practitioner must submit a letter in writing requesting reinstatement. Practitioner will describe and list how she has complied with this Determination Order and include all necessary documentation.
 - b. Practitioner shall comply with all the terms contained in the January 30, 2002 Determination Order against her. The investigation referenced in the 2002 Determination Order must be completed, and the Practitioner must fully cooperate. Cooperating with the investigation does not ensure that Practitioner is entitled to obtain unconditional licensure. It is possible that the investigation will lead to further disciplinary action including civil penalties, and revocation or suspension if misconduct and violations of law warrant such action.
 - c. Practitioner shall retake the OTA examination and verify to MDH a qualifying score on the examination sponsored by the National Board for Certification in Occupational Therapy for credentialing as a certified occupational therapy assistant practitioner.
 - d. Practitioner shall obtain and submit with her letter requesting reinstatement 18 CEs meeting the requirements contained in Minnesota Statutes, section 148.6443 for each two year period past the January 30, 2002, effective date of Practitioner's suspension. This number represents the number Practitioner would have submitted as part of her regular renewal process had she not been suspended.

4. If Practitioner satisfies all the terms of this Order and the January 2002 Order and is issued an OTA license, Practitioner shall remain on conditional licensure status for a period of one year. Practitioner will notify MDH of every employment name, address and telephone number during that year within five days of obtaining the employment. Practitioner shall also notify MDH of any verbal and written warnings about any performance issue including suspensions and terminations by all Practitioner's employers within five days of each event. Practitioner shall mail written notification of this information to the Health Occupations Program, Minnesota Department of Health, P.O. Box 64882, St. Paul, Minnesota, 55164-0882, or other address as specified by MDH.



Effective 1/30/02

Protecting, maintaining and improving the health of all Minnesotans

January 24, 2002

Ms. Donna R. Knop
[REDACTED]

RE: MDH File Number OTA-99044

Dear Ms. Knop:

Based on my review of the recommendation by Department staff, a copy of which is attached, I have determined that you have failed to cooperate with an investigation of the commissioner, in violation of Minnesota Statutes, § 148.6448, Subd. 1(2); failed to respond to the Department's written request for information in violation of Minnesota Statutes, § 148.6448, Subd. 1(2); and submitted false information to the commissioner on your renewal application in violation of Minnesota Statutes, § 148.6448 Subd. 1(1). I am, therefore, suspending your license as an occupational therapy assistant. The suspension of your license can be lifted and you may reapply for licensure upon meeting the terms set forth in the enclosed Staff Recommendation. This action is authorized pursuant to Minnesota Statutes, § 148.6448, Subd. 3(4).

In addition, Minnesota Statutes, § 148.6448, Subd. 4, states that upon suspension of your license, you are no longer entitled to practice occupational therapy and use the occupational therapy and licensed titles, and you must cease to practice occupational therapy, to use titles protected by section 148.6401 to 148.6450, and represent to the public that you are licensed by the commissioner.

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, deliver, or fax a written hearing request, within 30 days of the date 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

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

**HEALTH OCCUPATIONS PROGRAM
STAFF RECOMMENDATION
RE: In the Matter of Donna Rae Knop**

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, §148.6448, Subd. 3(4).
2. Minnesota Statutes, §148.6448, Subd. 1(10) requires a licensee to cooperate with the commissioner or advisory council in an investigation conducted according to Minnesota Statutes, §148.6448, Subd. 2.
3. Minnesota Statutes, §148.6448, Subd. 1(2) states that failure, within 30 days, to provide information in response to a written request by the commissioner or advisory council is grounds for denial of licensure or discipline.
4. Minnesota Statutes, §148.6428 states that a licensee must inform the commissioner, in writing, of the change of address within 30 days. All notices or other correspondence mailed to a licensee by the commissioner at the licensee's address on file shall be considered as having been received by the licensee.
5. Minnesota Statutes, §148.6448, Subd. 1(12) and Minnesota Rules Part 4666.1300, Subpart 1.L states that a licensee 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 is grounds for discipline.
6. Minnesota Statutes, §148.6448, Subd. 1(17) and Minnesota Rules Part 4666.1300, Subpart 1.Q states that a licensee engaging in abusive or fraudulent billing practices, including violation of federal Medicare and Medicaid laws, Food and Drug Administration regulations, or state medical assistance laws is grounds for discipline.
7. Minnesota Statutes, §148.6448 Subd. 1(1) states that a licensee who intentionally submitted false or misleading information to the commissioner is grounds for discipline.

FINDINGS OF FACT

8. The Department received Ms Knop's initial application for registration as an occupational therapy assistant on December 30, 1996.
9. The Department issued Ms. Knop's registration with an effective date of February 28, 1997 and an expiration date of November 30, 1998.

10. On October 30, 1998 the Department received Ms. Knop's renewal application and issued her renewal with an effective date of December 1, 1998 and an expiration date of November 19, 2000. On her renewal application, Ms. Knop provided her permanent mailing address as [REDACTED]

11. On February 9, 1999, the Department received a written complaint against Ms. Knop alleging that Ms. Knop was terminated from her employment on November 17, 1998 for falsifying work hours and receiving over \$9500.00 in pay for work not performed by Ms. Knop.

12. By letter dated June 30, 1999, the Department requested Ms. Knop to respond to the allegations by August 2, 1999. The Department mailed said letter to Ms. Knop at her address on file with the Department at [REDACTED]. This letter was not returned to the Department.

13. By letter dated August 12, 1999, the Department notified Ms. Knop that it had not received a response from its June 30, 1999 letter and stated that failure to comply with Minnesota Rules, Part 4666.1300, subpart 1.B is grounds for discipline and discipline could include suspension or revocation of her registration and a second deadline of September 13, 1999 was given. This letter was not returned to the Department.

14. In a letter postmarked on April 26, 2000, the Department notified Ms. Knop that her registration had changed to licensing. On May 2, 2000, the Department's notification was returned to the Department because the forwarding time expired on her address at 7084 Juliet Avenue South in Cottage Grove, Minnesota

15. On October 20, 2000, the Department received Ms. Knop's renewal application. The Department approved Ms. Knop's application with an effective date of November 30, 2000 and an expiration date of November 30, 2002. On Ms. Knop's renewal application signed October 26, 2000, she provided a permanent mailing address of [REDACTED]

16. In response to renewal application, question 11.B which asked whether she had ever failed to provide information within 30 days in response to a written request from the commissioner, Ms. Knop answered "no".

17. In response to renewal application question 11. I which asks whether she had ever failed to cooperate with the commissioner in an investigation of a complaint that alleges violation of law, Ms. Knop answered "no".

18. In response to renewal application question 11.E which asked if she ever violated Minnesota Statutes, §§148.6401-148.6450, Ms. Knop did not answer.

19. By letter dated August 22, 2001, the Department again notified Ms. Knop at 3579 Blue Jay Way, #107, Eagan, Minnesota 55123 that the Department had received a written complaint against her alleging that she was terminated from her employment on November 17, 1998 for falsifying work hours and receiving over \$9500.00 in pay for work not performed by Ms. Knop and a deadline of September 21, 2001 was given to her to respond. On October 23, 2001, the Department gave Ms. Knop a second deadline of November 23, 2001 to respond.

20. As of January 14, 2002, the Department has not received a response, either written or verbal, from Ms. Knop to the Department's inquiries dated June 30, 1999, August 12, 1999, August 22, 2001 and October 23, 2001.

CONCLUSION

1. Ms. Knop failed, within 30 days, to respond to the Department's written request for information, which is ground for discipline under Minnesota Statutes, §148.6448, Subd. 1(2).
2. Ms. Knop violated Minnesota Statutes, §148.6448, Subd. 1(10) because she failed to cooperate with the commissioner in an investigation conducted under Minnesota Statutes, §148.6448, Subd. 2.
3. Ms. Knop violated Minnesota Statutes, §148.6448 Subd. 1(1) because she submitted false information to the commissioner on her renewal application.

STAFF RECOMMENDATION

1. Ms. Knop's license as an occupational therapy assistant should be suspended pursuant to Minnesota Statutes, §148.6448 Subd. 3(4). Ms. Knop shall cease to practice occupational therapy, to use titles protected by Minnesota Statutes, §§148.6401 to 148.6450, and to represent to the public that she is licensed by the commissioner pursuant to Minnesota Statutes, §148.6448, Subd. 4.
2. The suspension of Ms. Knop's license may be lifted by the commissioner upon Ms. Knop responding to the Department's inquiries dated June 30, 1999, August 12, 1999, August 22, 2001 and October 23, 2001 and cooperating with the Department in its investigation regarding the complaint received against Ms. Knop.
3. Upon Ms. Knop's cooperation with the Department, she may apply to renew her license pursuant to the requirements of Minnesota Statutes, §148.6423 and 148.6425 for renewing licensure and any other conditions imposed with the suspension must be met before licensure may be reinstated.