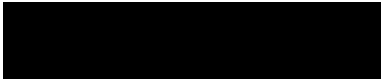




Effective January 10, 2005

Protecting, maintaining and improving the health of all Minnesotans

December 7, 2004

Ms. Nancy Kretchmer


RE: Suspension of your OT license

Dear Ms. Kretchmer:

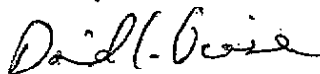
Based on my review of the facts and law in this matter, I have determined that you have failed to comply with an investigation of the Department, failed to comply with a Department order against you and failed to submit 48 CE's in violation of Minnesota Statutes, section 148.6448, subds. 1 (2), (10), (5), and (22). Therefore, I am suspending your OT license until you pay the full civil penalty amount now owed and submit 48 CE's in compliance with state law. This action is authorized under Minnesota Statutes, section 148.6448, subd. 3.

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
85 East Seventh Place, Suite 300
P.O. Box 64882
St. Paul, MN 55164-0882
Fax (651) 282-3839

If you have any questions about this matter, contact Ms. Susan Winkelmann, at (651) 282-5623.

Sincerely,



David J. Giese, Director
Health Policy, Information and Compliance Monitoring 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 Nancy Kretchmer
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, subd. 2 and Minnesota Statutes, section 148.6448, subd. 3. The type of discipline the Department may impose includes suspensions and revocations.
2. 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 investigations of MDH.
3. Minnesota Statutes, section 148.6448, subd. 1 (5) requires practitioners to comply with all sections 148.6401 to 148.6450 which includes the Continuing Education (CE) requirements.
4. Minnesota Statutes, section 148.6448, subd. 1 (22) requires practitioners to comply with MDH orders.

FINDINGS OF FACT

1. Ms. Kretchmer (hereinafter "Practitioner") was subject to an MDH order effective on December 31, 2003 for having failed to submit 24 hours of CE and was assessed a civil penalty of \$741. Practitioner chose to pay the civil penalty in installments over twelve months with her first payment of \$61.75 due on February 2, 2004.
2. After the February 2, 2004 deadline passed, MDH staff wrote Practitioner on February 11, 2004 advising Practitioner to submit the check and that not complying could result in additional disciplinary action.
3. Practitioner made two payments on February 17, 2004 and March 15, 2004 and paid a total of \$247. In a letter dated July 8, 2004, MDH wrote Practitioner and advised her to pay the installments owed and stated that not complying with the civil penalty order is grounds for suspension or revocation of her license.
4. On May 18, 2004, Practitioner submitted her OT renewal application but did not submit

any CE's at all despite owing 24 CE's from the previous reporting period and 24 CE's from the current reporting period. There was a fee holiday for this renewal so Practitioner did not have to pay a renewal fee.

5. As per MDH policy, Practitioner's renewal was processed on May 28, 2004 with a caveat about her not having supplied any record of CE's and to submit CE's taken as soon as possible and before her license expiration date of June 30, 2004. Practitioner did not submit any CE's in response to this request. In a letter dated July 2, 2004, MDH credentialing unit staff wrote Practitioner requesting that she submit her CE's by August 1, 2004 or face possible disciplinary sanctions.
6. In a letter dated October 19, 2004, MDH staff addressed both the issue of Practitioner not paying her civil penalty since March 2004 and the new CE violation and requested that she respond by November 19, 2004 or face possible suspension or revocation of her license. To date, Practitioner has not responded to any MDH staff.

CONCLUSION

Practitioner did not comply with the requirements under Minnesota Statutes, section 148.6448, subs. 1 (2), (5), (10), and (22) because she failed to comply with an MDH order for a civil penalty and she failed to submit 48 CE's owed.

DETERMINATION

Practitioner's OT license is suspended until the following occurs:

1. Practitioner submits a written request to MDH staff that her suspension be lifted, and
2. Practitioner pays in full the civil penalty balance of \$555.75 by certified check and made payable to "Minnesota, State Treasurer" and mailed to Health Occupations Program, 85 East 7th Place, Suite 300, P.O. Box 64882, St. Paul, MN, 55164-0882, and
3. Practitioner submits a total of 48 CE's as per the statutory requirements contained in Minnesota Statutes, section 148.6443. The 48 CE's must be approved by staff before Practitioner's suspension will be lifted.