

Effective June 1, 2004

**BEFORE THE MINNESOTA
DEPARTMENT OF HEALTH
HEALTH OCCUPATIONS PROGRAM**

**In the matter of Lisa Ann Lambrecht
Occupational Therapist Applicant**

Stipulation and Consent Order

0200041

IT IS HEREBY STIPULATED AND AGREED by Lisa Ann Lambrecht, (hereinafter "Practitioner"), and the Minnesota Department of Health, (hereinafter "Department"), and that without trial or adjudication of any issue of fact or law herein:

Except as otherwise specified herein; this Stipulation and Consent Order, investigative reports, and related documents shall constitute the entire record herein upon which this Order is based and shall be filed with the Department. The Stipulation and Consent Order document is public data pursuant to the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13 ("MGDPA"). All other data comprising the record shall not be considered a part of this Stipulation and Consent Order and shall maintain the data classifications to which they are entitled under the MGDPA.

LEGAL AUTHORITY

1. The Minnesota Department of Health has authority to discipline occupational therapists (hereinafter "OT") and occupational therapy assistants for violations of law under Minnesota Statutes, section 148.6448, subd. 3. The type of discipline the Department may impose includes denying applications for licensure, revocation, suspension, conditional licensure, reprimands or restrictions and any other action authorized by statutes, including the assessment of civil penalties.
2. Minnesota Statutes, section 148.6448, subd. 1(3), includes as a ground for discipline, a determination that a licensee has performed services of an OT or OTA in a manner that falls below the community standard of care.
3. Minnesota Statutes, section 148.6448, subd. 1(6), includes as a ground for discipline, a determination that a licensee failed to perform services with reasonable judgment, skill, or safety due to the use of alcohol or drugs, or other physical or mental impairment.
4. Minnesota Statutes, section 148.6448 subd. 1(13), includes as a ground for discipline, a determination that a licensee demonstrated a willful or careless disregard for the health, welfare, or safety of a client.

FACTS

1. Practitioner was initially issued an OT registration on July 10, 1997.
2. On Practitioner's OT renewal application received by the Department on May 15, 2002, Practitioner disclosed that she had been terminated by her former employer. Practitioner stated that "I do not remember the exact details, nor do I have documentation of the termination, however, I do realize that I performed some occupational therapy services in an incompetent manner."
3. The Department requested Practitioner to provide a written explanation regarding the events leading up to her termination. Practitioner stated that In the Fall of 1997, she took a female client, age 40-45 years old, out of a facility for a bus ride to the library because this was the client's primary mode of transportation. The client had hip surgery for an orthopedic condition. When Practitioner attempted to get on the bus, the client shoved her cane and attempted to hit Practitioner with it. The client became verbally abusive and used threatening language towards Practitioner. The client also became physically combative and the bus driver was in a hurry to keep his schedule. Practitioner stated the closer she came to the client, the more agitated the client became. Practitioner stated she had an aide with her.
4. The Practitioner stated she and the aid left the client on the bus and the Practitioner and the aide returned to the facility. Thereafter, Practitioner and the aide drove to the library and found the client there reading. About 45 minutes had elapsed between leaving the client on the bus and locating the client at the library. Practitioner was able to get the client into her car and returned the client to the facility.
5. Practitioner stated this incident was the direct result of having an undiagnosed mental illness. Practitioner stated that at the time of this incident, her condition was incorrectly diagnosed and she was prescribed psychotropic medication that produced undesirable side affects. After her termination in 1997, Practitioner stated that she was correctly diagnosed with Bipolar Disorder and she was prescribed the appropriate medication.
6. The Department obtained a release from Practitioner to obtain her medical records. Practitioner's current psychiatrist stated that Practitioner first received care from him beginning July 16, 1999. Practitioner is being treated for the diagnosis of bipolar disorder, mixed type and Practitioner has been receiving medications prescribed for this condition. Practitioner's doctor stated he has no evidence that Practitioner misused or abused any of the medications he prescribed. Practitioner's doctor does not believe Practitioner poses a risk to patients in an OT situation.
7. The Department met with the Occupational Therapy Advisory Council Competency Review Committee (CRC) and presented the facts in this matter for review. The CRC made the following comments and recommendations:

1. Taking patients out of a facility is acceptable when the function of the activity is to assess or teach the client in a community setting;
2. Practitioner should not have left the client on the bus and should not have left the scene. This is a standard of practice;
3. Practitioner should have notified the facility and her supervisor immediately of the situation;
4. Practitioner made a poor decision, and this action was careless and neglectful;
5. Practitioner put the client at higher risk, because she left a client in a treatment setting;
6. Practitioner's OT practice should be under supervision for a period of time.

ORDER

Upon this Stipulation record, and without any further notice of proceedings, the Division Director hereby ORDERS:

1. Practitioner should pay a civil penalty of \$423.00 for reimbursement to the Department for costs of investigations and proceedings up to this date. Practitioner can pay the civil penalty in four installments over four months after the effective date of the Stipulation. Each check must be received by the last day of the month. The personal check must be made payable to the "Treasurer, State of Minnesota" and mailed to Susan Winkelmann, Investigations and Enforcement Manager, Minnesota Department of Health, Health Occupations Program, P.O. Box 64975 St. Paul, Minnesota 55164-0975, or another address as directed.
2. At least one week before returning to OT employment in Minnesota, Practitioner must notify the Department about her future employment and disclose the organization name, employer's (and supervisor's) name, address and telephone numbers.
3. Practitioner must provide any employer who hires her as an OT with a copy of this Stipulation and Consent Order.
4. Practitioner's practice as an OT will be supervised for a period of 12 months by the same supervisor in the following activities: daily and weekly treatment plans and updates, review current problems, upcoming problems, and identify approaches for problem solving difficult situations. If the supervisor leaves prior to 12 months, Practitioner must obtain a new supervisor and obtain supervision for 12 continuous months by the new supervisor.

5. After 12 months of continuous supervision by the same supervisor, the supervisor will provide the Department with verification that Practitioner completed 12 months of continuous supervision and provide a narrative summary of the level and areas of supervision that Practitioner was provided.

6. After 12 months of continuous supervision, Practitioner must provide The Department with a statement from her current psychiatrist of her safety to practice OT. Practitioner must provide to her psychiatrist and the psychiatrist must confirm the receipt and review of the following information:

- a. Copy of this Stipulation and Consent Order;
- b. Practitioner's job description;
- c. Statement from Practitioner to her psychiatrist stating:
 - i. Types of clients she is serving
 - ii. Types of treatments she is providing
 - iii. Number of treatments she is providing each week.
 - iv. Frequency of seeing patients.

7. Practitioner shall sign whatever releases are necessary for the supervisor and her psychiatrist to submit their respective reports directly to the Department. Practitioner shall cooperate fully during the process of Department's enforcing and monitoring compliance with this Stipulation.

8. Practitioner must comply with Minnesota Statutes, section 148.6401 to 148.6450.

9. This Stipulation and Consent Order shall not in any way or manner limit or affect the authority of the Commissioner to proceed against Practitioner by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or admission of the Practitioner, justifying disciplinary action which occurred before or after the date of this stipulation and which is not directly related to specific acts and circumstances set forth herein;

10. If the Department receives evidence that Practitioner has made a misrepresentation to the Department, a client or employer, or has engaged in acts or omissions that would constitute a violation of Minnesota Statutes, section 148.6401 to 148.6450, the Department shall notify Practitioner in writing at her last known address filed with the Department. Practitioner shall have the opportunity to explain the alleged violation or misrepresentation. If Practitioner fails to submit an explanation within 30 days of the Department's notice or if the explanation is unsatisfactory, the Division Director may suspend Practitioner's license;

11. In the event the Division Director in his discretion does not approve this settlement or a lesser remedy than specified herein, this Stipulation and Order shall be of no evidentiary value and shall not be relied upon or used for any purpose by either party. If this should occur and thereafter an administrative contested case is initiated pursuant to Minnesota Statutes, chapter 14,

Practitioner agrees she will assert no claim that the Division Director was precluded by his review and consideration of this Stipulation or any records relating hereto;

12. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies this Stipulation. Practitioner understands that this agreement is subject to the Division Director's approval. If the Division Director either approves the Stipulation or makes changes acceptable to the Practitioner, an Order will be issued by the Division Director, upon this Stipulation and Consent Order and all other evidence made available to the Division Director, once the Division Director has approved it, the Division Director may issue the Stipulation and Consent Order to Practitioner at any time without further notice;

13. A copy of the Stipulation and Consent Order when issued and signed by the Division Director, shall be served by first class mail on Practitioner, at Practitioner's last known address. Service via first class mail shall be considered personal service upon Practitioner, at which time this Stipulation and Consent Order shall become effective. Any appropriate federal or state court shall, upon application of the Department, enter its decree enforcing the Order of the Department.

CONSENT: Practitioner hereby acknowledges that she has read, understood, and agreed to this Stipulation and Consent Order and has freely and voluntarily signed it.

Dated: 24, 2004 Lisa Ann Lambrecht
Lisa Ann Lambrecht, Practitioner

Dated: May 25, 2004 Susan Winkelmann
Susan Winkelmann, Investigations and Enforcement Manager
Health Occupations Program

Upon consideration of this stipulation and all the files, records and proceedings herein by the Division Director, IT IS HEREBY ORDERED that the terms of this stipulation are adopted and implemented by the Division Director on this 25th day of May, 2004.

STATE OF MINNESOTA
DEPARTMENT OF HEALTH

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