



Minnesota
Department
of Health

PROTECTING, MAINTAINING & IMPROVING THE HEALTH OF ALL MINNESOTANS

October 28, 2016

Alyssa Norenberg

SUBJECT: MDH File Numbers: OTC15014

Dear Ms. Norenberg:

Based on the facts and law in this matter as described in the enclosed Determination, the Minnesota Department of Health has determined that you practiced occupational therapy in an incompetent manner, or in a manner that falls below the community standard of care in occupational therapy, in violation of Minnesota Statutes, section 148.6448, subdivision 1(3) and 1(5), when you:

- Failed to complete case notations and documentation of occupational therapy you provided to clients in a timely manner;
- Removed the patient records from the employer's place of business and then failed to return all the patient records;
- Abruptly terminated your employment without sufficient notice to assist your employer in developing a care plan for your patients.

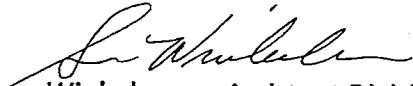
Therefore, the Department is reprimanding you and placing conditions on your occupational therapy license. In addition, the Department is issuing you a civil penalty of \$358.51 for the cost of investigation and ordering that you successfully complete 2 continuing education (CE) courses. You may petition MDH, in writing, for an unconditional license upon successful completion of the two continuing education (CE) courses. This action is authorized under Minnesota Statutes, sections 148.6448, subdivision 3 and 214.313, subdivision 2.

This decision will be made final and effective 30 days from the date it is received by you. 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:

Anne Kukowski
Manager, 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 Ms. Anne Kukowski at (651) 201-3839. If you have any questions about this matter, please contact Kevin Reinke at (651) 201-5468.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Susan Winkelmann', written in dark ink.

Susan Winkelmann, Assistant Division Director
Health Regulation Division

Enclosure

cc: Anne Kukowski, Manager, Health Occupations Program

HEALTH OCCUPATIONS PROGRAM
MINNESOTA DEPARTMENT OF HEALTH

Effective
3/29/17

A Determination In the matter of
Alyssa Jeanne Norenberg
Occupational Therapist, License No. 103458

AUTHORITY

1. The Minnesota Department of Health (MDH) has the statutory authority to discipline occupational therapists under Minnesota Statutes, section 148.6448, subdivision 1, and 214.131, subdivision 2. The types of disciplinary action MDH may include a civil penalty that deprives the licensee of any economic advantage gained by the violation, or that reimburses the Department for the costs of the investigation and proceedings or both; and any reasonable action including, but not limited to, reprimand or continuing education, upon proof that the individual has violated sections 148.6401 to 148.6450. Pursuant to Minnesota Statutes, Section 13.41, disciplinary actions are public data.
2. Pursuant to Minnesota Statutes, section 148.6448, subdivision 1(3), MDH may take disciplinary action against an occupational therapist for performing the services of an occupational therapist in an incompetent manner or in a manner that falls below the community standard of care.
3. Pursuant to Minnesota Statutes, section 148.6448, subdivision 1(5), MDH may take disciplinary action against an occupational therapist for violating sections 148.6401 to 148.6450.

FINDINGS OF FACT

1. On May 15, 2007, Alyssa Jeanne Norenberg (hereinafter "Practitioner") was licensed as an occupational therapist in the State of Minnesota by the Department of Health, under license number 103458. Practitioner has renewed her license biennially and has a current license to practice occupational therapy.
2. Beginning on May 20, 2014, and through November 4, 2014, Practitioner was employed to provide outpatient occupational therapy at _____ (hereinafter "Employer"),
3. On March 22, 2015, MDH received a complaint alleging Practitioner "demonstrated unprofessional and incompetent behavior befitting an occupational therapist" when she:
 - a. Removed patient files and private health information from her employer and failed to return all the files upon employer's request;

- b. Failed to notify her supervisor the location of the patient records;
 - c. Repeatedly failed to return her employer's phone calls and other attempts to communicate with Practitioner;
 - d. Terminated her employment by sending a text message to her supervisor;
 - e. Failed to give her employer a notice of her intent to resign; and
 - f. Failed to complete the required documentation for her clients, including: client evaluation reports, treatment plans, progress notes and daily treatment notations.
4. On April 23, 2015, MDH sent Practitioner a request for information and asked that she respond to the allegation on or before May 22, 2015.
5. On May 22, 2015, MDH received Practitioner's response. Practitioner explained that she provided occupational therapy for patients in an outpatient clinic who required rehabilitation after an illness or surgery to increase their strength and activities of daily living (ADLs) skills. Practitioner explained that she was getting behind in her patients' paperwork, making mistakes and did not feel she could perform her job to the best of her ability. Practitioner stated it was her understanding the Employer authorized practitioners to take home case files to complete occupational therapy notes. In early November 2014, Practitioner ended her employment with . In response to the allegations in this matter, Practitioner stated she takes her professional responsibility seriously and regrets the circumstances that led to ending her employment with .
6. On April 29, 2016, MDH sent a letter to Practitioner's employer and asked whether occupational therapists were allowed to take patient files off site, or work at home. On May 18, 2016, the Employer responded and stated employees are allowed to take their computer and working files home if they are unable to complete the necessary work at " . The Employer stated they expect employees to return their computer and working files on the employees' next scheduled work day.

CONCLUSION

Practitioner violated Minnesota Statutes, section 148.6448, subdivision 1(3) and 1(5) when she failed to complete her case notations and documentation of occupational therapy she provided to her clients in a timely manner; when she removed the patient records from the employer's place of business and then failed to return the patient records; and when she abruptly terminated her employment without sufficient notice to assist her employer in developing a care plan for her patients. While Practitioner recognized the her ability to perform, the manner in which conducted herself falls below the community standard of care in occupational therapy and put her patients' at risk of harm.

DETERMINATION

Practitioner's occupational therapy license is conditioned as follows:

1. Practitioner should pay a civil penalty of \$358.51 to reimburse MDH for costs of investigation and proceeding to date.
 - a. Practitioner may pay the \$358.51 civil penalty in monthly installments of up to three months after the effective date of this action. If Practitioner chooses to make installments, she must notify MDH in writing about her intentions, including how many installments she intends to make, in what amount, and over which time period. Practitioner must send this information to: Investigation and Enforcement Unit, Health Occupations Program, MDH, PO Box 64882, Saint Paul, MN 55164-0882.
 - b. The payment must be made by check or money order payable to "State of Minnesota Treasurer" and mailed to: Investigation and Enforcement Unit, Health Occupations Program, MDH, PO Box 64882, Saint Paul, MN 55164-0882.
 - c. Before a debt becomes 121 days past due, MDH may refer the debt to the Department of Revenue for collection at any time after a debt becomes delinquent and uncontested and the debtor has no further administrative appeal of the amount of the debt. When a debt owed to MDH becomes 121 days past due, MDH must refer the debt to the Department of Revenue for collection which can also assess up to 25 percent of the amount referred in collection costs. MDH may file and enforce the penalty as a judgment without further notice or additional proceedings under Minnesota Statutes, section 16D.17.
2. Within 12 months of the effective date of this Determination, Practitioner shall successfully complete the following continuing education (CE) courses, sponsored by the American Occupational Therapy Association, and available in online or CD-ROM format:
 - a. Skilled Nursing Facilities 101: Documentation, Reimbursement, and Ethics in Practice (.3 AOTA CEU).
 - b. Ethics Topic-Organizational Ethics: Occupational Therapy Practice in a Complex Health Environment (.1 AOTA CEU).
 - c. Practitioner is responsible for any costs associated with taking the continuing education course and Practitioner must provide MDH with a copy of the certificate demonstrating successful completion.
3. Upon completion of the conditions in paragraph one (1) and two (2) of this Determination, Practitioner may petition MDH, in writing, for an unconditional license. Practitioner must send her request to: Health Occupations Program, Investigation and Enforcement Unit, PO Box 64882, Saint Paul, MN 55164-0882.