



Effective 4/21/03

Protecting, maintaining and improving the health of all Minnesotans

April 18, 2003

Ms. Linda Zimmerman

Re: MDH File Number: OTA-0200021

Dear Ms. Zimmerman:

Based on my review of the facts and law in this matter, I have determined that you have failed, within 30 days, to provide information in response to a written request by the commissioner or advisory council in violation of Minnesota Statutes, Section 148.6448, Subd. 1(2). Therefore, I am suspending your license as an occupational therapy assistant; however, the suspension will be lifted and your license will be reinstated upon the following:

1. Receipt of 18 hours of continuing education for the reporting period between December 1, 1999, and November 30, 2001, and payment of \$68.00 for reimbursement for the Department's cost of investigation in this matter to date, OR;
2. Your request for a CE waiver, pursuant to Minnesota Statutes, Section 148.6443, Subd. 7.

Upon suspension, you shall cease to practice occupational therapy under Minnesota Statutes, Section 148.6403, Subd. 1, or use protected titles under Minnesota Statutes, Section 148.6403, Subd. 2, and shall cease to represent to the public that you are licensed by the commissioner.

Further, Minnesota Statutes, Section 148.6448, Subd. 5 states that a licensee who has had their license suspended may request and provide justification for reinstatement following the period of suspension specified by the commissioner. The requirements of sections 148.6423 and 148.6425 for renewing licensure, and any other conditions imposed with the suspension, must be met before licensure may be reinstated.

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:

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RE: MDH File No: OTA 0200021

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
Susan Winkelmann, Investigations and Enforcement Manager

**HEALTH OCCUPATIONS PROGRAM
MINNESOTA DEPARTMENT OF HEALTH**

**A Determination In the Matter of Linda Zimmerman
Occupational Therapy Practitioner**

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, Section 148.6448, Subd. 3(4).
2. A determination that a licensee has failed, within 30 days, to provide information in response to a written request by the commissioner or advisory council by Minnesota Statutes, Section 148.6448, Subd. 1(2) is ground for disciplinary action by the commissioner.

FINDINGS OF FACT

3. Ms. Zimmerman (hereinafter "Practitioner") has been a registered and licensed Occupational Therapy Assistant (OTA) since December 13, 1996.
4. On October 15, 1999, the Department notified Practitioner that she would need to report 18 hours of continuing education (CE) with her next renewal and provided her with CE materials for her next renewal.
5. The Department received Practitioner's application to renew her license on November 30, 2001. On her application, Practitioner stated that she was not employed as a COTA, but would be in the future and wished to renew her license. Practitioner did not submit any hours of CE.
6. The Department renewed Practitioner's OTA license with an effective date of December 1, 2001, and an expiration date of November 30, 2003, and in its issuance letter, the Department informed Practitioner that she had not satisfied her CE requirements, and the processing of her renewal did not exclude her from meeting the CE requirements.
7. By letter dated January 31, 2002, the Department requested Practitioner's response regarding her failure to report CE for the reporting period ending November 30, 2001.
8. The Department received Practitioner's response on February 11, 2002, in which Practitioner stated she was on a leave of absence and she was taking a physical and mental break from COTA work and requested the Department keep her licensed status without reporting CE.
9. By letter dated February 15, 2002, the Department informed Practitioner that she owed 18

hours of CE and provided her with the current laws regulating occupational therapy practitioners and referred her to the provision allowing practitioner to request a CE waiver.

10. By letter dated May 23, 2002, the Department notified Practitioner that it had not received her 18 hours of CE or her request for a CE waiver, and requested her written response no later than June 23, 2002.

11. By letter dated October 9, 2002, the Department sent Practitioner a second notice requesting her response regarding her failure to report CE and requested her response no later than November 9, 2002.

12. By letter dated January 29, 2003, the Department sent Practitioner a third notice requesting her response regarding her failure to report CE and requested her response no later than March 1, 2003. Practitioner has not responded to the Department as of April 11, 2003.

CONCLUSION

Practitioner failed, within 30 days, to respond to the Department's written request for information, which is ground for discipline under Minnesota Statutes, Section 148.6448, Subd. 1(2).

DETERMINATION

Practitioner's license should be suspended by Minnesota Statutes, Section 164.6448, Subd. 3(4). The suspension of Practitioner's license will be lifted upon the Department's receipt of 18 hours of CE or her CE waiver request. The waiver request must include the circumstances that prevented her from obtaining CE for the entire reporting period between December 1, 1999, and November 30, 2001, and Practitioner must also include what type of alternative measure she will take to obtain the 18 hours of CE and the time period she will need.

Practitioner shall pay a civil penalty of \$68.00 to reimburse the Department for costs of investigations and proceedings to date.