

**BEFORE THE STATE OF NEW MEXICO
PHYSICAL THERAPY BOARD**

IN THE MATTER OF:

**DANIEL R. KUEMMERLE
License No. PTA-1348,**

Case No. PT-21-07-MAL

**STIPULATED ORDER ACCEPTING VOLUNTARY SURRENDER OF
PHYSICAL THERAPY ASSISTANT LICENSE**

This matter having come before the New Mexico Physical Therapy Board ("Board") regarding the voluntary surrender of the Physical Therapy Assistant license of Daniel R. Kuemmerle ("Respondent"). The Board finds as follows:

Findings of Fact

1. Respondent is currently licensed to practice as a Physical Therapy Assistant pursuant to NMSA 1978 Sections 61-12D-1 et seq. and is therefore subject to the jurisdiction of the Board.
2. On May 13, 2021, the Minnesota Board of Physical Therapy determined that Respondent violated the following Minnesota statutes and rules that relate to the practice of physical therapy:
 - a. Minnesota Statutes section 148.75(a)(1) (violation of a Board statute or rule),
 - b. Minnesota Statutes section 148.75(a)(3) (conduct reflecting adversely on the licensee's ability or fitness to engage in the practice of physical therapy), and
 - c. Minnesota Statutes section 148.75(a)(6) (unprofessional conduct).
3. Respondent signed the Stipulation and Consent Order, which stated that a reasonable basis in law and fact justified the disciplinary action imposed by the Minnesota Board of Physical Therapy because Respondent billed double the amount of time he spent with patients.

This information was provided from the Rainy Lake Medical Center, run by Good Samaritan Society in International Falls, Minnesota, where Respondent worked from November 2019 through November 11, 2020. Respondent's former employer reported that after review of video footage on November 3, 2020 and earlier dates, Respondent sometimes billed for double the amount of time he spent with patients, which resulted in Respondent's termination from employment in November 2020.

4. The May 13, 2021 Stipulation and Order placed the following conditions on Respondent's Minnesota Physical Therapy Assistant license:

- a. To complete at least 2 hours of continuing education on 1) Billing and documentation, and 2) Ethics, within 6 months of the agreement;
- b. Respondent must complete a typewritten paper of no less than 2 pages in length describing what was learned from the events giving rise to the Minnesota Board of Physical Therapy action and from the required continuing education courses, and how his practice has subsequently changed, within 30 days of completing the continuing education courses; and
- c. Respondent may petition the Minnesota Board of Physical Therapy to remove the conditions placed upon Respondent's license.

5. The Board received information about the Minnesota Board of Physical Therapy's Stipulation and Order on Respondent's license on June 10, 2021.

6. Respondent stated that to his knowledge at no time did he or would he disregard the health, welfare or safety of a patient in his care and he would not intentionally violate Physical Therapy statutes or rules.

7. In addition, Respondent stated that he has not nor is he continuing to pursue employment in the practice of physical therapy since these allegations and has requested to surrender his physical therapy license to the Board.

Conclusions of Law

Respondent Daniel R. Kuemmerle has agreed to surrender his Physical Therapy Assistant license no. PTA-1348 to the Physical Therapy Board.

Order of the Board

1. The Board has jurisdiction over this matter.
2. The Board accepts Respondent's voluntary surrender of his Physical Therapy Assistant license no. PTA-1348 and order the current status be reflected in the records of the Board.
3. Respondent agrees that he will not apply for reinstatement for a Physical Therapy license with the Board for a period of three (3) years. If Respondent wishes to reinstate his Physical Therapy license after the expiration of the three (3) year period, Respondent must appear before the Board.
4. Respondent shall not engage in any activity requiring Board licensure until such time as he is properly licensed, and consistent with any Board order.
5. This Order will be included in Respondent's licensing filed and is a public record open to inspection by the public.
6. This Order constitutes disciplinary action by the Board and may be reported to the applicable professional licensing national database, if any. It is noted that other jurisdictions where Respondent possesses a license to practice physical therapy might require Respondent to report this disciplinary action.

Respondent understands and has read this document and hereby agrees to enter into the terms of this Agreement intentionally, knowingly and voluntarily. Respondent affirms that no promises or

representations have been made other than the terms and conditions expressly stated herein. Respondent understands that by stipulating to this Order, Respondent is giving up his rights under the Uniform Licensing Act, NMSA 1978, Sections 61-1-1 et seq. , which includes the right to an evidentiary hearing on the merits of this matter.

Upon stipulation to the terms of this Order, Respondent releases the Board from any and all claims potentially arising out of the Board's decision to investigate and take the actions described herein.

Respondent understands that once the Board accepts and signs this Order, Respondent is required to comply with the terms stated herein, and that failure to comply with the Order may subject Respondent to further discipline.

SO ORDERED on this 10 day of October, 2021.

Bob Pattillo
Bob Pattillo,
Chairman
New Mexico Physical Therapy Board

10-26-21
Date

Approved by:

Daniel R. Kuemmerle
Daniel R. Kuemmerle
Respondent

10/21/2021
Date