

BEFORE THE PHYSICAL THERAPIST LICENSING BOARD
OF THE STATE OF OREGON

In the Matter of the)	Case No.: PT 386-3/11
Physical Therapist License of)	
)	
KIMBERLY SMITH, PT)	STIPULATION AND
License # 3309)	FINAL ORDER
)	
Licensee.)	

The Oregon Physical Therapist Licensing Board (Board) is the state agency responsible for licensing and disciplining physical therapists and physical therapist assistants pursuant to ORS 688.160. Kimberly Smith, PT (Licensee) is licensed by the Board to practice as a physical therapist in Oregon. The Board is prepared to file a Notice of Proposed Disciplinary Action for the Licensee's action of practicing physical therapy with a lapsed license.

STIPULATIONS

1. Licensee worked as a physical therapist from April 1, 2010 through March 22, 2011. During that timeframe, Licensee practiced physical therapy after her license had lapsed and prior to its renewal.
2. On December 17, 2009, the Board mailed its winter newsletter, which advised licensees that the renewal forms would be mailed after the first of the year. The Board mailed Licensee's renewal application on January 8, 2010. On March 3, 2010, the Board sent an email to all licensees to remind them that the deadline for renewing was fast approaching. The email contained the names of all the therapists who had not yet renewed their licenses. The Board did not publish a spring newsletter in 2010, which in the previous year listed the individuals whose licenses have lapsed and includes reminders for licensees to renew their licenses.
3. Licensee's license lapsed on March 31, 2010. Licensee's mother died that same day after an eight-month battle with terminal cancer. Licensee's primary focus during the months leading-up to March 31, 2010 was her mother's health and assisting her elderly father in the care of her mother.
4. For several months following March 31, 2010, Licensee was responsible for assisting her elderly father with clearing out her mother's belongings, coordinating her mother's estate and assisting her father in adjusting to life without her mother.
5. Licensee only discovered that she did not have a current license leading-up to the time for renewal of her license in March of 2011. Licensee has timely renewed her license in all other years since 1989. Licensee has instituted multiple calendaring mechanisms to ensure that she renews her license in a timely manner in the future.

6. Licensee stipulates that her actions constitute a violation of OAR 848-045-0020 (2)(f) and is grounds for discipline pursuant to ORS 688-140(2)(a).
7. Licensee stipulates to the assessment of a civil penalty and agrees to pay the civil penalty provided in this Stipulation and Final Order.
8. Licensee agrees and understands that any further violations could result in further disciplinary action.
9. The Board and Licensee agree to resolve this matter through this Stipulation and Final Order.
10. Licensee is aware of her right to notice, to be represented by counsel, to a hearing where she could call witnesses and cross-examine witnesses called by the Board, and the Licensee hereby waives these rights and agrees to entry of this Stipulation and Final Order.

ORDER

IT IS HEREBY ORDERED:

The Licensee shall pay to the Board a civil penalty of \$1000.00. The civil penalty is due and payable upon execution of this Stipulation and Final Order by the Board's representative.

DATED this 23rd day of AUGUST, 2011.

OREGON PHYSICAL THERAPIST LICENSING
BOARD

SIGNATURE ON FILE

[Handwritten Signature]
James D. Heider
Executive Director

I hereby certify that I have read and understand the Stipulation and Final Order. I agree to the Board entering this final order.

Date Aug. 10, 2011

SIGNATURE ON FILE

[Handwritten Signature]
Kimberly Smith, PT
Licensee