

BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION  
OF THE STATE OF OREGON

In the Matter of the )  
Teaching License of )  
KRISTIN LARAE SHIMEK )

On October 12, 2010, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Kristin LaRae Shimek (Shimek) in which the Commission charged her with Gross Neglect of Duty pursuant to OAR 584-050-0006(3)(a), OAR 584-020-0040 (4)(c), and OAR 584-050-0006(3)(d). The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7010 0290 0001 6831 4503 to the address on file with the Commission. The Certified Mail was returned to the Commission as unclaimed. The regular mail was not returned to the Commission. The Notice of Opportunity of Hearing, dated October 12, 2010, and signed by Victoria Chamberlain, Executive Director, stated:

**"IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING OR IF YOU FAIL TO APPEAR AT A HEARING, THE COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER DISCIPLINE."**

Shimek did not request a hearing. The Commission, therefore, finds Shimek to be in default and enters the following findings of fact, conclusions of law and order, based on the files and records of the Commission concerning this matter.

## FINDINGS OF FACT

1. On August 18, 2008, and May 7, 2009, Kristin LaRae Shimek submitted a PA-1 Application for Student Teaching or Practicum form. On each form Shimek accurately answered "yes" to the following questions regarding her previous discipline by a licensing agency;

- 1 a. 4. *Have you ever had a professional certificate, credential or license (of any*  
2 *kind) revoked or suspended or have you been placed on probationary status*  
3 *for any alleged misconduct or alleged violation of professional standards of*  
4 *conduct?*
- 5 b. 7. *Have you ever been disciplined by any public agency responsible for*  
6 *licensure of any kind, including but not limited to educational licensure?*
- 7 c. Shimek's "yes" answers relate to discipline she received by the Oregon Board  
8 of Physical Therapists. Shimek did not begin a student teaching program  
9 following her August 2008 submission.
- 10 2. With Shimek's August 18, 2008, PA-1 form she submitted an explanation for her  
11 "yes" answers to questions 4 and 7 above. In this letter Shimek explained that  
12 her Physical Therapy license had been suspended due to the misfeasance of two  
13 of her former employees who engaged in credit card theft, fraud, and identity  
14 theft, against one of her patients. Shimek also wrote that these former  
15 employees made threats against her and retaliated against her by filing  
16 complaints with various state agencies. This information was false. The former  
17 employees Shimek wrote of did not engage in the crimes listed, nor were there  
18 complainants to the Physical Therapy Board. The Physical Therapy took action  
19 against Shimek's licensure for unrelated actions.
- 20 3. The Physical Therapy Board issued several actions against Shimek as follows;
- 21 a. Notice of Proposed Disciplinary Action, issued December 6, 2005: Shimek  
22 allowed an untrained employee to act as a physical therapist aide by placing  
23 electrodes on two patients. Shimek was fined \$500.00.
- 24 b. Order for Physical, Mental and Chemical Addiction Evaluation, issued August  
25 17, 2006: Allegations by confidential complainants that Shimek appeared  
26 intoxicated at work. Shimek was directed to undergo an evaluation for  
27 addiction.

- 1 c. Interim Stipulated Agreement issued November 7, 2006: In lieu of suspension  
2 of license, Shimek agreed not to practice physical therapy during formal  
3 investigation by the Physical Therapy Board.
- 4 d. Amendment to Interim Stipulated Order, issued November 9, 2006: The  
5 Physical Therapy Board modified the earlier agreement to state that Shimek  
6 could terminate the Interim Stipulated Agreement by first providing a 30 day  
7 notice.
- 8 e. Notice of Proposed Disciplinary Action, issued February 9, 2007: Physical  
9 Therapy Board to take action against Shimek for failing to complete a board-  
10 ordered evaluation; sexual conduct involving a patient and failure to maintain  
11 an appropriate patient-therapist relationship; failure to maintain appropriate  
12 patient-therapist relationships and engaging in inappropriate conversations  
13 with patients; addiction or dependency on controlled substances and/or  
14 psychological condition negatively affecting practice of physical therapy;  
15 practices behind the scope of physical therapy; obtaining a fee by  
16 misrepresentation/failure to adequately bill for services provided/moral  
17 turpitude; providing substandard care as a physical therapist by failing to be  
18 available for treatment; inappropriate use of aides and failure to properly train  
19 aides; failure to properly document aide training; failure to complete and  
20 perform required re-assessments; inadequate treatment records; interference  
21 with another person's cooperation with the Physical Therapy Board; failure to  
22 cooperate with the Physical Therapy Board.
- 23 f. Stipulated Agreement and Final Order, issued August 6, 2007, Shimek  
24 admitted to some of the complaints in the previous notice and thereafter lost  
25 her license to practice for one year, requiring that she complete a  
26 psychological/chemical addiction evaluation and course of treatment, have a  
27 plan of action for patient treatment at your clinic while she was unable to  
28 practice, submit quarterly written progress reports, keep the Board informed  
29 of all personnel changes at clinic, refrain from performing any activity

1 requiring a license, pay a fine of \$5,000, cooperate with the Board, cannot  
2 contest alleged violations in the notice, and must comply with all sanctions in  
3 a timely manner.

4 g. Notice of Proposed Disciplinary Action, issued August 5, 2008: Shimek failed  
5 to secure outpatient treatment in a timely manner, did not obtain individual  
6 psychotherapy as recommended by the Mayo Clinic, and failed to provide the  
7 Board with quarterly written progress reports. Due to this, Shimek was  
8 notified that the Board intended to revoke her license.

9 h. Emergency Suspension Order and Notice of Rights, issued August 5, 2008:  
10 Shimek failed to comply with the terms of the Interim Stipulated Agreement  
11 and her license was suspended.

12 i. Stipulated Agreement and Final Order, issued March 17, 2009: Shimek failed  
13 to comply with all conditions of the Stipulated Agreement, although she did  
14 partially comply, and her license was suspended for two years, until March  
15 17, 2011.

16 4. As part of the Stipulated Agreements with the Physical Therapy Board Shimek  
17 was required to undergo several evaluations for substance addiction and mental  
18 fitness. A March 17, 2008, doctors evaluation recommended:

19 a. *"An outpatient addiction program...often individuals like Ms. Shimek do not*  
20 *benefit as greatly from a program dealing primarily with alcohol or illicit*  
21 *substance dependence. I recommend a program which includes both group*  
22 *psychotherapy as well as individual sessions."*

23 b. *"...recommend aftercare which is ongoing once weekly individual or group*  
24 *sessions for monitoring of recovery through urine screens and contact with*  
25 *professionals."*

26 c. *"I believe ongoing urine screening for resumption of substance use, as*  
27 *mandated by most state boards, would be a reasonable component..."*

1 5. In the fall of 2008 Shimek was treated for chemical dependency at Addiction  
2 Recovery Center in Medford Oregon. Shimek previously completed a three-  
3 week pain treatment program at the Mayo Clinic where she was treated for opioid  
4 and benzodiazepine use problems, as well as boundary concerns.

5 6. On September 10, 2009, Shimek left a voice message for a Commission staff  
6 person in which she slurred her words and sounded as though she was under  
7 the influence of some substance. Shimek made numerous contacts with  
8 Commission staff as information regarding her application was gathered in which  
9 she was emotional and moody to the point of crying.

### 10 CONCLUSIONS OF LAW

11 Kristin LaRae Shimek's explanation of her "yes" answers on your 2008 PA-1  
12 Form provides grounds for denial of her license application under OAR 584-050-  
13 0006(3)(a), which provides that a license application may be denied if the applicant  
14 submits a falsified application.

15 Shimek's explanation of her "yes" answers on your 2008 PA-1 Form violated  
16 OAR 584-020-0040(4)(c), which provides as follows "Knowing falsification of any  
17 documents or knowing misrepresentation directly related to licensure, employment, or  
18 professional duties," constitutes gross neglect of duty and is a basis for denial of  
19 licensure, as it is incorporated in ORS 342.143, "good moral character."

20 Shimek's false statements relating to the reason for the Physical Therapy taking  
21 action against her license provide the Executive Director basis to deny her application  
22 for educator license pursuant to OAR 584-050-0006(3)(a)) (*Notice of denial and right to*  
23 *a hearing may be issued by the Executive Director when any of the following conditions*  
24 *exist: The applicant submits a falsified application.*)

25 The conduct that became the subject of the Oregon Physical Therapy Board's  
26 actions against Shimek's license provides the Executive Director of evidence of her lack  
27 of fitness to serve as an educator pursuant to ORS 342.143(2); OAR 584-050-  
28 0006(3)(d) (*The Executive Director has evidence that the applicant may lack fitness to*  
29 *serve as an educator*)

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1 The Commission's authority to impose discipline in this matter is based upon  
2 ORS 342.175.

3 **FINAL ORDER**

4 The Commission hereby revokes Kristin LaRae Shimek's Right to Apply for an  
5 Oregon Teaching License.

6 IT IS SO ORDERED THIS 11<sup>th</sup> day of February, 2011.

7  
8 **TEACHER STANDARDS AND PRACTICES COMMISSION**

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11 By:   
12 Victoria Chamberlain, Executive Director  
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17 **NOTICE OF APPEAL OR RIGHTS**

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19 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY  
20 BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE  
21 SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS  
22 OF ORS 183.482 TO THE OREGON COURT OF APPEALS.  
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