Effective 01-24-02

MINNESOTA MDH DEPARTMENT OF HEALTH

Protecting, maintaining and improving the health of all Minnesotans

January 23, 2002

Ms. Mary Imes
[redacted]

RE: MDH File Number SPA0100039

Dear Ms. Imes:

Based on my review of the recommendation by Department staff, a copy of which is attached, I have determined to revoke your registration as a Speech-Language Pathologist. This decision is based on my conclusion that you have failed to cooperate with an investigation of the Commissioner, pursuant to Minnesota Statutes, Section 148.5195, Subd.3(9). I am, therefore, revoking your registration as a Speech-Language Pathologist. This action is authorized pursuant to Minnesota Statutes, Chapter 148.5195, Subd.4(3).

You have the right to challenge this decision in a contested-case hearing as provided under the Minnesota Statutes, Chapter 14. Requests for a hearing should be made in writing and include specific grounds for challenging the Department's decision. Please find enclosed information about contested-case proceedings. If you wish to request a hearing, please send, deliver, or fax a written request, within 30 calendar days of receipt of this letter to:

Susan Winkelmann, Investigations and Enforcement Manager
Minnesota Department of Health
121 East Seventh Place, Suite 400
PO Box 64975
Saint Paul, MN 55164-0975
Fax: 651/282-5628

If you have any questions about this matter, please contact Kyle Renell at 651/282-5625.

Sincerely,

David J. Giese, Director
Health Policy and Systems Compliance Division

Enclosures

HEALTH OCCUPATIONS PROGRAM
STAFF RECOMMENDATION
RE: In the Matter of Mary Imes

AUTHORITY

1. The Minnesota Department of Health (MDH) has the statutory authority to impose disciplinary action for violations of law pursuant to Minnesota Statutes, Sections148.5195, Subd.4. The types of discipline MDH may impose include revocation of registration.

2. A determination that a registrant has not cooperated with the commissioner or advisory council in an investigation conducted according to subdivision 1, is a ground for revocation of registration, pursuant to Minnesota Statutes, Section 148.5195, Subd.3(9).

FINDINGS OF FACT

1. By letter dated December 9, 1993, MDH staff notified Ms. Imes that her application for registration as a Speech-Language Pathologist had been approved. A copy of the rules had been enclosed with the application sent Ms. Imes.

2. Ms. Imes' registration as a Speech-Language Pathologist was renewed on April 5, 1994; April 7, 1995; April 10, 1996; and April 2, 1997. Ms. Imes failed to renew during 1998.

3. Ms. Imes' renewal application for the year 1997 was received March 26, 1997. The renewal application included Question 7, which asked for places of employment under which her practice of speech-language pathology had taken place during the last year, to which Ms. Imes answered "none–not working".

4. By letter dated April 7, 1998, MDH staff notified Ms. Imes that her application for renewal had not been received.

5. By letter dated December 15, 1999, MDH staff provided Ms. Imes with a renewal application, a continuing education reporting form, and a packet of continuing education material.

6. On March 23, 2001, Ms. Imes telephonically spoke with MDH staff, at which time she requested clarification concerning continuing education requirements.

7. On March 30, 2001, MDH staff received a renewal application from Ms. Imes, variously dated March 1, and March 29, 2001.

8. On May 2, 2001, via facsimile, Ms. Imes provided copies of course completion certificates for classes taken between August 2, 2000, and March 30, 2001.

9. By letter dated May 8, 2001, Ms. Imes was notified that her renewal application was approved. In that letter, MDH staff also advised that, while her continuing education reporting form had been received, her file was being referred for investigation since the hours she reported were earned during an incorrect time period. Ms. Imes was also informed that the processing of her renewal did not affect the pending investigation.

10. By letter dated June 29, 2001, MDH staff informed Ms. Imes that she must submit 30 contact hours to comply with the 30 contact hour requirement for the continuing education reporting period ending March 31, 1998; and 1.2 contact hours for the reporting period ending January 31, 2001. MDH staff explained that Ms. Imes had submitted 46.8 contact hours after the January 31, 2001, reporting period. Ms. Imes was asked to either explain why she failed to comply with the continuing education requirements or provide proof of valid contact hours. MDH staff requested Ms. Imes respond by July 30, 2001.

11. On July 11, 2001, MDH staff received information that during 1997 Ms. Imes had been fined by the Minnesota Department of Human Services for medicaid fraud.

12. On July 26, 2001, Ms. Imes telephonically contacted MDH staff to discuss the continuing education issue and any penalties MDH might assess. Ms. Imes also inquired as to what action would be taken if she failed to respond to MDH staff requests. MDH staff informed Ms. Imes that failure to respond would be a separate violation and subject to action.

13. By letter dated July 26, 2001, and received July 30, 2001, Ms. Imes stated that she had telephonically contacted MDH staff during December, 1999, regarding the conditions under which she would be allowed to renew her registration. Ms. Imes concluded that she had misunderstood MDH staff during the telephone conversation.

14. By letter dated November 15, 2001, MDH staff informed Ms. Imes that her response to the June 29th letter had not been received. Ms. Imes was asked to respond by December 17, 2001.

15. On November 19, 2001, Ms. Imes telephonically notified MDH staff that she had submitted the continuing education information on July 30, 2001.

16. On November 21, 2001, MDH staff received a copy of Ms. Imes' continuing education materials.

17. By letter dated November 28, 2001, MDH staff questioned Ms. Imes about an employment which she apparently failed to list on her 1997 renewal application. Ms. Imes was also asked to sign a release of information form, addressed to the unlisted employer, provide an explanation as to why she did not provide the information, and to provide a complete listing of all employment. Ms. Imes was asked to provide her response on or before December 28, 2001.

18. By letter dated December 20, 2001, and received December 31, 2001, Ms. Imes notified MDH staff of her new residential address and telephone number.

19. By letter dated December 28, 2001, and received December 31, 2001, Ms. Imes notified MDH staff that she was unable to assemble the information requested in the November 28th letter. Ms. Imes further stated "[u]pon reflection, and since I have not worked as a Speech Pathologist for 4½ years, I have concluded That [*sic*] I am simply not interested in keeping my Speech Pathology registration". Ms. Imes then requested that her registration be withdrawn, and enclosed her Speech-Language Pathologist Registration wallet card.

CONCLUSION

1. Ms. Imes did not cooperate with an investigation of the commissioner, which is a ground for discipline pursuant to Minnesota Statutes, Section 148.5195, Subd. 3(9).

STAFF RECOMMENDATION

Ms. Imes' registration should be revoked.