




*Effective 2/23/06*

*Protecting, maintaining and improving the health of all Minnesotans*

February 21, 2006

Ms. Becky E. Brandt  


RE: MDH File no. SPC060004

Dear Ms. Brandt:

Based on my review of the facts and law in this matter, I have determined that you violated Minnesota Statutes, § § 148.5195, subd. 3(3), (11) and (13) by providing incompetent speech-language pathology care, engaging in conduct likely to harm the public, demonstrating a willful or careless disregard for the health, welfare, or safety of a client, and engaging in abusive or fraudulent billing practices. Therefore, I am revoking your speech-language pathologist license and assessing you a civil penalty to pay for costs of investigation. This action is authorized under Minnesota Statutes, section 148.5195, subd. 4.

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

Susan Winkelmann, Investigations and Enforcement Manager  
Minnesota Department of Health  
85 East Seventh Place  
P.O. Box 64882  
St. Paul, Minnesota 55164-0882  
Fax: 651-282-3839

If you have any questions about this matter, please contact Ms. Winkelmann at (651) 282-5623.

Sincerely,

A handwritten signature in cursive script that reads "David J. Giese".

David J. Giese, Director  
Division of Compliance Monitoring

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: BECKY E. BRANDT  
SPEECH-LANGUAGE PATHOLOGIST PRACTITIONER**

**AUTHORITY AND LEGAL REQUIREMENTS**

**AUTHORITY**

1. Minnesota Statutes, § 148.5195, subd. 3(3) prohibits performing services of a speech-language pathologist (hereinafter "SLP") in an incompetent or negligent manner.
2. Minnesota Statutes, § 148.5195, subd. 3 (11) prohibits engaging in conduct likely to deceive, defraud, or harm the public; or demonstrating a willful or careless disregard for the health, welfare, or safety of a client.
3. Minnesota Statutes, § 148.5195, subd. 3 (13) prohibits engaging in abusive or fraudulent billing practices, including violations of federal Medicare and Medicaid laws, Food and Drug Administration regulations, or state medical assistance laws.
4. Minnesota Statutes, § 148.5195, subd. 4 authorizes the Department to take disciplinary action against practitioners who violate § 148.5195, subd. 3, including refusing to grant or renew licensure, suspension, revocation, and impose a civil penalty for each violation not exceeding \$10,000 that deprives the licensee of any economic advantage gained by the violation and that reimburses the Department for costs of the investigation and proceedings resulting in disciplinary action.

**FINDINGS OF FACT**

1. Becky E. Brandt (hereinafter "Practitioner") initially obtained speech-language pathologist registration from the Minnesota Department of Health (hereinafter "Department") on June 11, 1997. Practitioner has been continuously registered and licensed by the Department until her SLP license expired January 31, 2006.
2. On July 22, 2005, the Department received information that Practitioner had been terminated on July 11, 2005, by her employer, a long-term care facility, (hereinafter "Employer 1"). Practitioner was terminated for failing to provide ordered services for three residents, falsifying charts to indicate services were provided, and billing Medicare for those services. Practitioner admitted wrongdoing to Employer 1 and said she was sorry.
3. Regarding Resident 1, Employer 1's records show that Practitioner charged three 15-minute units of service when Practitioner did not provide services.

4. Regarding Resident 2, Employer 1's records show that Practitioner charged one 15-minute unit when Practitioner did not see the Resident 2. Practitioner made detailed charting notes about Resident 2's ability to swallow liquids, cereal and toast.
5. Regarding Resident 3, Employer 1's records show that Practitioner was ordered to review the discharge summary and evaluate Resident 3's eating and swallowing to confirm that discharge was timely and appropriate. Practitioner did not see Resident 3 at all and instead wrote on Resident 3's chart that Resident 3 was alert, could tolerate thin liquids well, the diet was upgraded, and Resident 3 tolerated the treatment well.
6. In Practitioner's response to the Department on October 17, 2005, Practitioner admitted the conduct and explained that she had overwhelming personal and job-related stress at that time which contributed to her poor decision-making.
7. Practitioner voluntarily let her SLP license expire on January 31, 2006.
8. On December 14, 2005, the Department received notification that the Minnesota Speech-Language and Hearing Association (MSHA) had terminated Practitioner's membership for a minimum period of two years. MSHA determined that Practitioner had documented or billed for services when services were not provided.
9. On January 20, 2006, the Department brought this matter to its SLP Competency Review Committee (CRC) of the Speech-Language Pathologists and Audiologist's Advisory Council. The members concluded the following:
  - a. Practitioner's actions were extremely serious because swallowing therapy was involved. Practitioner's actions could have caused one of the residents to lethally aspirate or choke. Feeding and swallowing are among the most serious types of therapy in SLP because of the possible consequences to patients.
  - b. If Practitioner was experiencing difficulties in her life, Practitioner could have taken a leave of absence instead of continuing to practice.
  - c. Employer 1's action in terminating Practitioner was appropriate.
  - d. Practitioner's license should be revoked with strict petition for reinstatement conditions.

### **CONCLUSION**

Practitioner did not comply with the requirements of Minnesota Statutes, § § 148.5195, subd. 3(3), (11) and (13).

### **DETERMINATION**

Practitioner's SLP license is revoked for a period of no less than five years after the effective date of this Determination Order and Practitioner ordered to pay a civil penalty in the amount of \$365 representing the costs of investigation, to date.

Practitioner may petition for reinstatement if conditions are met. Conditions for reinstatement are as follows.

- a. Practitioner must submit a letter signed by the Practitioner requesting reinstatement. Practitioner will describe and list how she has complied with this Determination Order and include all necessary documentation.
- b. Practitioner will take and achieve a qualifying examination score on the National Examination in Speech-Language Pathology as referenced in Minnesota Statutes, § 148.515, within six months of petitioning for reinstatement.
- c. Practitioner shall submit proof of her current and valid membership in the Minnesota Speech-Language-Hearing Association.
- d. Practitioner will obtain and submit with her petition 30 Continuing Education hours (CEs) for *each* two-year period past the January 30, 2006 SLP license expiration date plus 30 CE hours owed for the January 2006 renewal period. This number represents the number Practitioner would have submitted as part of her regular renewal process had she not been revoked.
  - i) Ten of the above CE hours will be related to charting and billing methods.
- e. If the Department reinstates Practitioner's license, Practitioner will be supervised by a Minnesota licensed SLP for a period of one year. Practitioner is responsible for obtaining such a supervisor, and reporting that person's name, title, address and telephone number to the Department. Practitioner must provide the supervisor with a copy of this Determination Order.
  - i) If Practitioner's employment ceases at any time during the supervision year, the time is tolled until Practitioner begins employment as an SLP with another employer.
  - ii) Practitioner's supervisor must submit monthly reports directly to the Department for the first three months of the one-year supervision specifically addressing Practitioner's record-keeping and charting. Thereafter, Practitioner's supervisor can submit one report every three months. If Practitioner obtains a new supervisor, the new supervisor must supply monthly reports for the first three months directly to the Department.
  - iii) Practitioner shall sign whatever releases are necessary for the supervisor to report Practitioner's work directly to the Department. Practitioner shall cooperate fully during the process of Department's enforcing and monitoring compliance with this Determination.