

BEFORE THE MINNESOTA  
BOARD OF MEDICAL PRACTICE  
COMPLAINT REVIEW COMMITTEE

**TRUE AND EXACT  
COPY OF ORIGINAL**

In the Matter of  
the License of  
Scott R. Bierscheid, A.T.  
Birth Date: 02/11/70  
License Number: 1081

**AGREEMENT FOR  
CORRECTIVE ACTION**

This agreement is entered into by and between Scott R. Bierscheid, A.T. ("Respondent") and the Complaint Review Committee of the Minnesota Board of Medical Practice ("Committee"). Respondent has been advised by Board representatives that Respondent may choose to be represented by legal counsel in this matter. Respondent has chosen to be represented by David Bunde, Fredrikson & Byron, P.A., 1100 International Centre, 900 Second Avenue South, Minneapolis, Minnesota 55402-3397. The Committee was represented by Steven Gunn, Assistant Attorney General, 1400 NCL Tower, 445 Minnesota Street, St. Paul, Minnesota 55101-2131, telephone (651) 296-7575.

**FACTS**

1. This agreement is based upon the following facts:

a. On July 5, 2001, Respondent attended a conference with the Minnesota Board of Medical Practice's Medical Coordinator and a representative of the Board's Athletic Trainer Advisory Council to discuss the allegations involving:

1) Failure to adequately supervise student athletic trainers and certified athletic trainers;

- 2) Lack of a clearly defined decision-making process in a supervisory role as Head Athletic Trainer;
- 3) Inadequate communication and contact with a supervising physician;
- 4) Failure to have and follow an appropriate protocol regarding clearance for return to practice or competition by an athlete who is injured or affected by an illness; and
- 5) Failure to adequately assess injuries to four student athletes.

### **STATUTES**

2. Based on the discussion, the Committee views Respondent's conduct as inappropriate under Minn. Stat. § 148.7813, subd. 2(2) and Respondent agrees the conduct above constitutes a reasonable basis in law and fact to justify corrective action under this statute. Specifically, the Committee's concerns, which Respondent acknowledges and agrees to address, are his inadequate supervision and communication with student and certified athletic trainers, as Head Athletic Trainer; his inadequate communication with his supervising physician and other licensed health care professionals; and his failure to implement appropriate guidelines for allowing an injured or ill athlete to return to athletic competition or practice.

### **CORRECTIVE ACTION**

3. Respondent agrees to address the concerns referred to in paragraph 1 by taking the following corrective action:
  - a. Within 30 days of approval of this Agreement for Corrective Action, Respondent shall submit for Committee review and approval, written protocols addressing the following:

1) The supervision of athletic trainers. The protocol shall conform to the guidelines set forth in the National Athletic Trainers Association Education Council - Guidelines for the Clinical Education of Students Enrolled in Accredited Athletic Trainer Education programs. If in a clinical setting, then clinical supervision guidelines will be used. If in a field experience setting, then field experience guidelines will be used.

2) The process for clearance of athletes, unable to compete or participate in athletic activities due to illness or injury, to return to performing in or practicing for such athletic activities. The protocol shall include a description of the method of communication between the athletic trainer and the physician advising on patient care and how this communication is documented.

3) The communication between the Head Athletic Trainer and the supervising physician and how this communication is documented.

b. Within 30 days of the approval of this Agreement for Corrective Action, the Respondent shall submit for Committee review an organizational schema that describes the following:

1) Administrative responsibilities of the Head Athletic Trainer;

2) Reporting responsibilities of the student athletic trainers, certified athletic trainers, and other support personnel (i.e. school nurse) to the Head Athletic Trainer;

3) The relationship between the Head Athletic Trainer and the coaches of sports teams as it relates to the supervision of the student athletic trainers and certified athletic trainers;

4) The relationship of the Head Athletic Trainer and administrative personnel (i.e. Dean of Students) as it relates to care provided by the Head Athletic Trainer and persons supervised by the Head Athletic Trainer;

5) The relationship between the Head Athletic Trainer and non-team physicians caring for athletes whose ability to participate or practice in athletic activities are affected by illness or injury;

6) The relationship between the Head Athletic Trainer and the supervising physician.

c. After receiving written notification of approval of the written protocols in a.(1-3) and the verification of the receipt of the schema in b., he shall submit to the Committee or its designee, for review every 65 days for a period of ten months, copies of assignment schedules for student athletic trainers and certified athletic trainers for the preceding 60 days. The schedule shall include:

1) The name of the supervising trainer and student athletic trainer and certified athletic trainer supervised.

2) A description of the activity (i.e. football.)

3) Name and address of the site of the athletic activity.

4) Indication of designating whether the site is on or off campus.

5) A description of the distance of the activity site that the student athletic trainer or certified athletic trainer is attending from the location of the Head Athletic Trainer or other supervising trainer.

6) Method of communication between the student athletic trainer or certified athletic trainer and the Head Athletic Trainer or other designated supervising trainer.

d. Respondent agrees to on-site audits of 15 charts in April 2002 and October 2002, respectively, by designee(s) of the Complaint Review Committee, for the purpose of addressing Respondent's compliance with protocols set forth in paragraph a.(1-3).

4. The agreement shall become effective upon execution by the Committee and shall remain in effect until Respondent successfully completes the terms of the agreement. Successful completion shall be determined by the Committee. Upon Respondent's signature and the Committee's execution of the Agreement for Corrective Action, the Committee agrees to close the complaint(s) resulting in the information referred to in paragraph 1. Respondent understands and further agrees that if, after the matter has been closed, the Committee receives additional complaints similar to the information in paragraph 1, the Committee may reopen the closed complaints(s).

5. If Respondent fails to complete the corrective action satisfactorily or if the Committee receives additional complaints similar to the allegations described in paragraph 1, the Committee may, in its discretion, reopen the investigation and proceed according to Minn. Stat. chs. 147, 214, and 14. Failure to complete corrective action satisfactorily constitutes failure to cooperate under Minn. Stat. § 147.131. In any subsequent proceeding, the Committee may use as proof of the allegations of paragraphs 1 and 2 Respondent's agreements herein.

6. Respondent understands that this agreement does not constitute disciplinary action. Respondent further understands and acknowledges that this agreement and any letter of satisfaction are classified as public data.

7. Respondent hereby acknowledges having read and understood this agreement and having voluntarily entered into it. This agreement contains the entire agreement between the

Committee and Respondent, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this agreement.

Dated: 2-21, 2002

Date: 2-22, 2002

Scott Bierscheid

Scott Bierscheid, A.T.  
Respondent

B. LeGouneau MD

For the Complaint Review Committee

AG: 532735, v. 01

AFFIDAVIT OF SERVICE BY MAIL

Re: In the Matter of the License of Scott R. Bierscheid, A.T.  
License No. 1081

STATE OF MINNESOTA )  
 ) ss.  
COUNTY OF RAMSEY )

JANE REGAN, being first duly sworn, hereby deposes and says that at the City of Saint Paul on February 28, 2002, she served the attached **Agreement for Corrective Action** by depositing in the United States mail at said City of St. Paul, a true and correct copy thereof, properly enveloped, with first-class postage prepaid, and addressed to:

David Bunde  
Fredrikson & Byron  
1100 International Centre  
900 Second Avenue South  
Minneapolis, MN 55402-3397

*Jane Regan*

Subscribed and sworn to before  
me on February 28, 2002

*Mary T. Ivy*  
Notary Public

AG: 552724, v. 01

