

THE SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

\*\*\*\*\*

IN THE MATTER OF THE SOUTH  
DAKOTA BOARD OF MEDICAL AND  
OSTEOPATHIC EXAMINERS LICENSE  
#0392 ISSUED TO  
CHRISTOPHER FOSNESS, RPT

\*  
\*  
\*  
\*  
\*  
\*

ORDER

\*\*\*\*\*

This matter having come on for consideration before the South Dakota State Board of Medical and Osteopathic Examiners (the Board).

The licensee, Christopher Fosness, being represented by Jeffrey Hurd of the law firm of Bangs, McCullen, Butler, Foye & Simmons and the Board being represented by Dennis Duncan of the law firm of Zimmer, Duncan and Cole.

The Board having considered the facts presented by counsel, and having considered the records and files herein, the parties having waived the requirement for the filing of a formal Complaint or Notice of Hearing, and the parties having entered into an Agreement concerning the terms and conditions of the revocation of the physical therapist license of Christopher Fosness, it is hereby ORDERED:

1. The license of Christopher Fosness, RPT to practice physical therapy in the State of South Dakota is revoked effective April 1, 2005.
2. Absent exceptional circumstances being shown by Christopher Fosness, RPT, the South Dakota Board of Medical and Osteopathic Examiners shall not consider an application for a license to practice as a physical therapist submitted pursuant to SDCL 36-10-47 in the State of South Dakota for a period of five (5) years from and after the date of revocation.

3. As a condition to the consideration of any license application submitted by Christopher Fosness following the five (5) year period referred to in Paragraph 2. above, Christopher Fosness shall attend and submit evidence to the Board of Examiners of attendance at a minimum of five (5) education programs relative to reimbursement and/or permissible billing practices for participation in the Medicare and Medicaid programs.

4. Christopher Fosness shall obey all state and federal laws, rules and regulations during the period of revocation.

5. Upon completion and submission of an application for a new license to practice physical therapy in the State of South Dakota, Christopher Fosness shall submit to an interview before a committee designated by the Board of Examiners, which committee shall include one (1) or more physical therapists, at which time inquiry shall be made as to his knowledge and understanding of reimbursement criteria for participation in the Medicaid and Medicare programs.

Dated this 20 day of July, 2005.



Dr. Robert Ferrell  
President of the South Dakota  
State Board of Medical and  
Osteopathic Examiners

JUL 26 2005

THE SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

\*\*\*\*\*


IN THE MATTER OF THE SOUTH	*	
DAKOTA BOARD OF MEDICAL AND	*	NOTICE OF ENTRY
OSTEOPATHIC EXAMINERS LICENSE	*	OF
#0392 ISSUED TO	*	ORDER
CHRISTOPHER FOSNESS, RPT	*	
	*	

\*\*\*\*\*

TO: CHRISTOPHER FOSNESS AND HIS ATTORNEY, JEFFREY G. HURD


You will hereby take notice that an Order has been duly signed on July 20, 2005 by Dr. Robert Ferrell, President of the South Dakota State Board of Medical and Osteopathic Examiners and said Order will be on file at the office of the South Dakota State Board of Medical and Osteopathic Examiners. A copy of said Order is attached hereto.

Dated this 25<sup>th</sup> day of July, 2005.

  
 \_\_\_\_\_  
 Dennis Duncan  
 ZIMMER, DUNCAN AND COLE  
 Attorneys for South Dakota State  
 Medical and Osteopathic Examiners  
 P.O. Box 550  
 Parker, South Dakota 57053  
 (605) 297-4446

**CERTIFICATE OF SERVICE**

I hereby certify that on the 25<sup>th</sup> day of July, 2005, I sent to Jeffrey G. Hurd of Bangs, McCullen, Butler, Foye & Simmons, P.O. Box 2670, Rapid City, SD 57709, Attorneys for Christopher Fosness, by United States first-class mail, postage prepaid, a true and correct copy of the foregoing Notice of Entry of Order.

  
 \_\_\_\_\_  
 One of the Attorneys for South Dakota State  
 Board of Medical and Osteopathic Examiners