

## SETTLEMENT AGREEMENT

### **I. PARTIES**

This Settlement Agreement is made by the North Dakota Board of Occupational Therapy Practice (Board) and Kevin Sandness (Sandness).

### **II. RECITALS**

A. The Board is authorized pursuant to North Dakota Century Code (N.D.C.C.) ch. 43-40 to regulate the profession of occupational therapy in the State of North Dakota.

B. N.D.C.C. § 43-40-16 authorizes the Board to take disciplinary action against a license if the licensee has been found guilty of unprofessional conduct as defined by rules adopted by the Board. North Dakota Administrative Code (N.D.A.C.) § 55.5-02-02-01 formally adopts the American Occupational Therapy Associations (AOTA) 2015 Code of Ethics.

C. Sandness is a licensed occupational therapist assistant in the State of North Dakota by the Board, license number 770.

D. The Board received a complaint from Trisha Page alleging unprofessional conduct by Sandness.

E. On June 21, 2022, the Board found grounds to support allegations that Sandness violated N.D.C.C. § 43-40-16(1)(b), N.D.A.C. § 55.5-02-02-01, and the 2015 AOTA Code of Ethics, Principles 2(C) and (F) and voted to initiate a formal disciplinary action against Sandness upon review of the complaint and Sandness's response.

F. Sandness acknowledges he has been informed and understands he has a right to a hearing and appeal pursuant to N.D.C.C. § 43-40-16 and N.D.C.C. ch. 28-32 prior to any adverse action taken against his license.

G. Sandness acknowledges he has been informed and understands he may be advised by legal counsel in this matter.

### III. AGREEMENT

The Board and Sandness agree to resolve this matter as follows:

- A. Sandness waives his right to an administrative hearing and appeal.
- B. Sandness agrees that his license is on probation until such time as he completes, in addition to the regularly required 20-hours, eight-hours of continuing education related to ethical behavior in the workplace. The course(s) must be approved by the board chair prior to Sandness taking the course(s).
- C. Without a hearing or an appeal, the Board will determine if Sandness fulfills the terms, or violates any conditions, of this Agreement. If Sandness fails to fulfill the terms, or violates any conditions, of this Agreement, the Board may take further disciplinary action against his license without a hearing or an appeal.
- D. There are no covenants, promises, undertakings, or understandings outside this Agreement other than as herein specifically set forth.
- E. This Agreement shall be governed by the substantive laws of the State of North Dakota without regard to conflicts of law principles.
- F. This Agreement is effective upon signature by both parties.

Dated this 9<sup>th</sup> day of July, 2022.

By: [Signature]  
Kevin Sandness, OTA

State of North Dakota  
County of Cass

Subscribed and affirmed to before me  
this 9<sup>th</sup> day of July, 2022.

[Signature]  
Notary Public

JOSHUA WECKWERTH  
Notary Public  
State of North Dakota  
My Commission Expires March 17, 2028

Dated this 13 day of July, 2022.

NORTH DAKOTA BOARD OF  
OCCUPATIONAL THERAPY PRACTICE

By: [Signature]  
Janae Hughes  
Chair