

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST

KENNETH J. KURT, D.O.,  
RESPONDENT.

:  
:  
:  
:  
:

FINAL DECISION  
AND ORDER

84 MED 131

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Kenneth J. Kurt, D.O.  
15300 Watertown Plank Road  
Elm Grove, WI 53122

Wisconsin Medical Examining Board  
P.O. Box 8935  
Madison, Wisconsin 53708-8935

Department of Regulation & Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, Wisconsin 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Kenneth J. Kurt, D.O., date of birth 5-26-37, is a physician licensed and registered to practice medicine and surgery in the State of Wisconsin pursuant to license #14968, which was granted July 1, 1964. That Respondent's last business address reported to the Department of Regulation & Licensing is 15300 Watertown Plank Road, Elm Grove, WI 53122.
2. At all times relevant, the Respondent has specialized in the area of Family Practice.
3. On 8-25-82, Patient 1, a 25 year old female, was admitted to Elmbrook Memorial Hospital in Brookfield, Wisconsin, following her taking an overdose of an over-the-counter medication.

4. Patient 1 had not been seeing any physician who was on staff at Elmbrook Memorial Hospital and because Respondent was the physician on call her care was assigned to Respondent, who became her treating physician. Respondent's diagnostic impression of Patient 1 during that hospitalization was that she was suffering from a depressive neurosis.

5. At the time of Patient 1's discharge on 8-27-82, Respondent prescribed her an anti-depressant, recommended out patient counseling, and arranged for Patient 1 to see Respondent at his office. Respondent did not seek a consultation with a psychiatrist or other mental health care provider during that hospitalization.

6. Respondent saw Patient 1 at Respondent's office on 8-30-82 and they continued in a Physician-Patient relationship through 1-19-84.

7. From 9-14-82 through 9-20-82, Patient 1 was an in patient at Elmbrook Memorial Hospital under the care of Respondent. Patient 1 was hospitalized because of emotional problems she was having at that time.

8. During the September 1982 hospitalization, Respondent arranged for Patient 1 to be seen in consultation with a clinical psychologist, who performed psychological testing of Patient 1. During said hospitalization, Respondent also arranged for Patient 1 to have an assessment by the intake counselor for the hospital's Alcoholism and Chemical Dependency Unit. Following the psychological testing and the chemical dependency assessment, the psychologist recommended to Patient 1 that she participate in family counseling, chemical dependency education, and outpatient psychotherapy. Patient 1 refused to participate in family counseling, chemical dependency education, or outpatient psychotherapy with mental health professionals. As a result of Patient 1's refusal to participate in the recommended treatment, the psychologist recommended that she be followed as closely as possible by Respondent, until Patient 1 would agree to other treatment.

9. Patient 1 continued to see Respondent at Respondent's office for consultation.

10. On October 15, 1982, Patient 1 was admitted to Elmbrook Memorial Hospital, under the care of Respondent, because of self inflicted lacerations of her left wrist in an apparent suicide attempt, which required tendon repair. Patient 1 was discharged 10-18-82 by Respondent.

11. From 11-16-82 through 11-20-82, Patient 1 was an inpatient at Elmbrook Memorial Hospital under the care of Respondent. Respondent's diagnosis of Patient 1 was an acute depressive reaction, secondary to marital maladjustment. During that hospitalization, Respondent sought a consultation from a psychiatrist, who also diagnosed Patient 1 as suffering a depressive reaction. During that hospitalization, it was noted that Patient 1 had refused counseling in the past, but that she might be more open to therapy at that time. Upon discharge, Respondent noted that Patient 1 was to have psychiatric consultation and management with the psychiatrist who had seen her during the consultation.

12. Respondent requested that Patient 1 enter the Chemical Dependency Program at Elmbrook Memorial Hospital as an inpatient, and she was hospitalized in that program from 2-2-83 through 3-2-83.

13. During the chemical dependency hospitalization at Elmbrook Memorial Hospital, Patient 1 was under the care of Respondent and also under the care of a psychiatrist, a psychologist, and other mental health care providers. Patient 1 was diagnosed as suffering a chemical dependency and had as a secondary diagnosis anxiety depressive neurosis.

14. Patient 1 continued in the outpatient alcoholism treatment program at Elmbrook Memorial Hospital through May of 1983, and then discontinued attending the program.

15. Patient 1 continued to see Respondent in his office for consultations regarding her depression and anxiety through at least January of 1984.

16. That during the period of time that Respondent was treating Patient 1, Respondent had inappropriate sexual contact with Patient 1, with her stated consent.

17. Respondent's conduct in having inappropriate sexual contact with the Patient falls below the minimal standards of the profession and exposed Patient 1 to unacceptable risks to which a minimally competent physician would not expose a patient.

#### CONCLUSIONS OF LAW

1. That the Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to sec. 448.02(3) Wis. Stats.

2. That the Wisconsin Medical Examining Board has authority pursuant to sec. 227.44(5) Wis. Stats., to resolve this contested case by Stipulation.

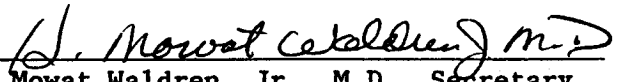
3. That Respondent's conduct in having sexual contact with a patient constitutes a violation of Wis. Stats. sec. 448.02(3) and Wis. Adm. Code sec. Med 10.02(2)(h).

#### ORDER

NOW, THEREFORE IT IS HEREBY ORDERED that the license to practice medicine and surgery of Kenneth J. Kurt, D.O. is hereby suspended for a period of one year to begin March 1, 1990.

IT IS FURTHER ORDERED that at the conclusion of the one-year suspension, the license to practice medicine and surgery of Dr. Kenneth J. Kurt, D.O. shall automatically become operative and effective without restrictions or limitations of any nature.

Dated at Madison, Wisconsin, this 24 day of January, 1990.

  
H. Mowat Waldren, Jr., M.D., Secretary  
Wisconsin Medical Examining Board

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