

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

**STATE OF WISCONSIN
BEFORE THE PHYSICAL THERAPISTS
AFFILIATED CREDENTIALING BOARD**

**IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST**

Case Number 96 PHT 1

**ARBON LEE REED, P.T.,
Respondent.**

FINAL DECISION AND ORDER

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

Arbon Lee Reed, P.T.
1462 Servais Street
Green Bay, Wisconsin 54304

Wisconsin Physical Therapist Affiliated Credentialing Board
P.O. Box 8935
Madison, Wisconsin 53708-8935

Department of Regulation and 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 decision of this matter, subject to the 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. Arbon Lee Reed, P.T., the Respondent herein, was born on October 27, 1925. Mr. Reed's latest address on file with the Department of Regulation and Licensing is 1462 Servais Street, Green Bay, Wisconsin 54304.

2. Mr. Reed is licensed in the state of Wisconsin as a physical therapist pursuant to license number 476. This license was first granted on September 15, 1960.

3. On January 10, 1996, Mr. Reed was arguing with a patient. The patient had been complaining that Mr. Reed was urging him to attempt therapy that the patient said he could not perform.

4. During that argument, the patient began pointing his finger at Mr. Reed. Mr. Reed then slapped the patient's hand.

5. Mr. Reed was performing physical therapy services at a nursing home when the above incident took place.

6. Slapping a patient's hand under the above circumstances constitutes abuse of a patient.

7. Mr. Reed has never been the subject of any other complaint, investigation or disciplinary action. He has cooperated with staff from the Division of Enforcement.

8. Mr. Reed does not admit that he slapped the patient's hand or otherwise abused the patient. He has signed the attached Stipulation and consents to entry of this Final Decision and Order to resolve this matter.

CONCLUSIONS OF LAW

1. The Physical Therapist Examining Board has jurisdiction over this matter pursuant to Wis. Stats. Sec. 448.57.

2. The Physical Therapist Examining Board has authority to enter into this stipulated resolution pursuant to Wis. Stats. Sec. 227.44(5).

3. The Board finds that Arbon Lee Reed violated Wis. Stats. Sec. 448.57(2)(f).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the Stipulation of the parties is accepted.

IT IS FURTHER ORDERED that the Respondent is hereby REPRIMANDED.

IT IS FURTHER ORDERED that the Respondent's license to practice as a physical therapist in the state of Wisconsin, license number 476, is LIMITED in that he shall submit to the Board or the Board's designee, within one-hundred-eighty (180) days after the effective date of this Order, proof that he has attended in their entirety and successfully completed a minimum of eight (8) hours of continuing education in the area of patients' rights. The continuing education may be in a course that is directed toward physical therapists or toward any other health care professionals. Training sponsored by the Ombudsman Program in the Wisconsin Department of Health and Family Services (formerly known as the Department of Health and Social Services)

may count toward satisfaction of this order. Any other course or training shall be pre-approved by the Board or the Board's designee.

IT IS FURTHER ORDERED that the Respondent shall pay to the Department the costs of this investigation pursuant to Wis. Stats. Sec. 440.22 in the amount of \$100.00, not later than one-hundred-eighty (180) days following the effective date of this Order

IT IS FURTHER ORDERED that the expense of complying with the terms and conditions of this Order shall be the sole responsibility of the Respondent.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".

This Order shall become effective five (5) days following the date of its signing.

Wisconsin Physical Therapist Board

By: Barbara Dlabaty
A Member of the Board

Sept. 17, 1996
Date

reed1 fdo

**STATE OF WISCONSIN
BEFORE THE PHYSICAL THERAPISTS
AFFILIATED CREDENTIALING BOARD**

**IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST**

Case Number 96 PHT 1

**ARBON LEE REED, P.T.,
RESPONDENT.**

STIPULATION

The Respondent, Arbon Lee Reed, P.T., personally on his behalf and Peter Sammataro, Attorney for the Department of Regulation and Licensing, Division of Enforcement, stipulate as follows that:

1. The parties entered into this Stipulation as a result of a pending Division of Enforcement investigation into Mr. Reed's conduct as a physical therapist. Mr. Reed consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Mr. Reed is aware of his right to seek legal representation and has had an opportunity to obtain legal advice prior to signing this stipulation.

3. Mr. Reed understands that by signing this Stipulation he voluntarily and knowingly waives his rights, including:

- The right to a hearing on the allegations against him, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- The right to confront and cross-examine the witnesses against him;
- The right to call witnesses on his behalf and to compel their attendance by subpoena;
- The right to testify himself;
- The right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- The right to petition for rehearing; and
- All other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin statutes, and the Wisconsin Administrative Code.

4. Mr. Reed voluntarily and knowingly waives all of the rights set forth in paragraph three (3) above.

5. Mr. Reed has read the attached Final Decision and Order, understands its, and agrees to agrees its adoption by the Physical Therapists Affiliated Credentialing Board. The parties to the Stipulation voluntarily and knowingly consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance by the parties. Mr. Reed voluntarily and knowingly waives all rights to any appeal of the Board's order, if adopted in the form as attached.

6. Mr. Reed understands and agrees that the proposed Final Decision and Order, if adopted by the Board in the form attached, constitutes discipline against his license as a physical therapist.

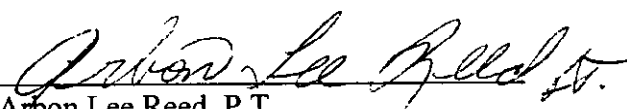
7. Mr. Reed understands that failure to comply with the terms and conditions of the Order, if adopted in the form as attached, may subject his license to practice physical therapy to further disciplinary action. Mr. Reed voluntarily and knowingly agrees to abide by the terms set forth in the attached Order.

8. In the event that this Stipulation is not accepted by the Board, the parties voluntarily and knowingly waive any right to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

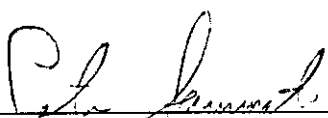
9. The parties to this stipulation agree that the attorney for the Division of Enforcement and the member of the Physical Therapist Affiliated Credentialing Board assigned as an advisor in this investigation may appear before the Board for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have concerning their deliberations on the stipulation.

10. The Division of Enforcement joins Mr. Reed in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.

I, Arbon Lee Reed, P.T., the Respondent herein, having read this Stipulation and the attached Final Decision and Order, voluntarily and knowingly enter into this Stipulation.


Arbon Lee Reed, P.T.
Respondent

9-11-96
Date


Attorney for the Division of Enforcement
reed1.stp

9-12-96
Date

Department of Regulation & Licensing

State of Wisconsin

P O. Box 8935, Madison, WI 53708-8935

(608)

TTY# (608) 267-2416, hearing or speech
TRS# 1-800-947-3529, impaired only

GUIDELINES FOR PAYMENT OF COSTS AND/OR FORFEITURES

On September 17, 1996, the Physical Therapists Affiliated Credentialing Board
took disciplinary action against your license. Part of the discipline was an assessment of costs and/or a
forfeiture.

The amount of the costs assessed is: \$100.00 Case #: 96 PT 1

The amount of the forfeiture is: _____ Case # _____

Please submit a check or a money order in the amount of \$ 100.00

The costs and/or forfeitures are due: March 20, 1997

NAME: Arbon Lee Reed LICENSE NUMBER: 476

STREET ADDRESS: 1462 Servais Street

CITY: Green Bay STATE: WI ZIP CODE: 54304

Check whether the payment is for costs or for a forfeiture or both:

COSTS FORFEITURE

Check whether the payment is for an individual license or an establishment license:

INDIVIDUAL ESTABLISHMENT

If a payment plan has been established, the amount due monthly is:

For Receipting Use Only

Make checks payable to:

**DEPARTMENT OF REGULATION AND LICENSING
1400 E. WASHINGTON AVE., ROOM 141
P.O. BOX 8935
MADISON, WI 53708-8935**

#2145 (Rev. 9/96)
Ch. 440.22, Stats.
G\BDLS\FM2145.DOC

Committed to Equal Opportunity in Employment and Licensing+

BEFORE THE STATE OF WISCONSIN
PHYSICAL THERAPISTS AFFILIATED CREDENTIALING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : AFFIDAVIT OF SERVICE
 :
 ARBON LEE REED, P.T., :
 RESPONDENT. :

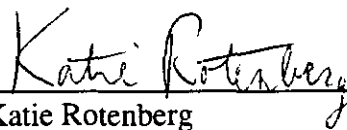
Katie Rotenberg, being first duly sworn on oath deposes and states that she is in the employ of the Department of Regulation and Licensing, and that on September 18, 1996, she served the following upon the respondent:

Final Decision and Order dated September 17, 1996, and Guidelines for Payment of Costs and/or Forfeitures

by mailing a true and accurate copy of the above-described document, which is attached hereto, by certified mail with a return receipt requested in an envelope properly addressed to the above-named respondent at:

1462 Servais Street
Green Bay, WI 54304
Certified P 213 148 299

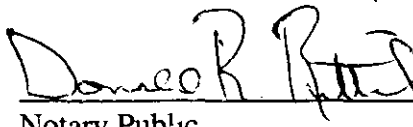
an address which appears in the files and records of the Physical Therapists Affiliated Credentialing Board as the respondent's last known address.



Katie Rotenberg
Department of Regulation and Licensing

Subscribed and sworn to before me

this 18th day of September, 1996.



Notary Public
Dane County, Wisconsin
My Commission is Permanent

NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review. The Times Allowed For Each. And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

STATE OF WISCONSIN PHYSICAL THERAPISTS AFFILIATED CREDENTIALING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

September 18, 1996

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)