

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE PHYSICAL THERAPISTS AFFILIATED  
CREDENTIALING BOARD  
IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST:

TRACY L. KIENER,	FINAL DECISION AND ORDER
RESPONDENT	LS011127PHT

Division of Enforcement Case No. 01 PHT 011

The parties to this action for the purposes of section 227.53 of the Wisconsin statutes are:

Tracy L. Kiener  
908 Goodman Court N.,  
Sparta, WI 54656

Physical Therapists Affiliated Credentialing Board  
PO Box 8935  
Madison, WI 53708-8935

Department of Regulation and Licensing  
Division of Enforcement  
PO Box 8935  
Madison, WI 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 Physical Therapists Affiliated Credentialing Board (hereafter 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. Tracy L. Kiener (D.O.B. 06-24-68), the Respondent, is duly licensed as Physical Therapist in the State of Wisconsin (Lic. # 24-4188). Respondent's license was first granted on December 23, 1991, and has been renewed through October 31, 2001.
2. On September 25, 2001, the Physical Therapists Affiliated Credentialing Board issued an Order requiring the Respondent to obtain education and to complete a rehabilitation review by the Department of Health and Family Services (DHFS). The Order further provided that prior to completion of the review, the Respondent could not work in a DHFS licensed facility.
3. Respondent worked as a Physical Therapist at the St. Mary's Hospital campus in Sparta, Wisconsin. Franciscan Skemp Health Care owns St. Mary's Hospital; both the parent corporation and the hospital are DHFS licensed facilities.
4. Respondent gave a copy of the portion of the Order, describing the restriction on her employment, to her immediate supervisor, Ralph Tyler. Respondent's supervisor did not indicate to Respondent that the facility was licensed by DHFS or that the Respondent was ineligible to work at the facility.
5. Respondent was not aware that St. Mary's Hospital is a DHFS licensed facility and she believed that only nursing homes or extended care facilities are licensed and regulated by DHFS. Respondent did not work at any nursing homes or extended care facilities after the Order was issued.
6. On November 6, 2001, Respondent was discharged from employment at St. Mary's Hospital on the basis that she had not completed her DHFS Rehabilitation Review. Respondent has not worked at a licensed facility since the date of her discharge.

**CONCLUSIONS OF LAW**

1. The Wisconsin Physical Therapists Affiliated Credentialing Board has jurisdiction over this matter, pursuant to s. 15.085 (5) (b), Stats., and is authorized to enter into the attached stipulation, pursuant to sec. 227.44(5), Stats.
2. The conduct described in paragraphs above constitutes a violation of Paragraph C of the Order dated September 25, 2001.

**ORDER**

**NOW, THEREFORE, IT IS HEREBY ORDERED** that the license of Tracy L. Kiener to practice as a physical therapist in the State of Wisconsin (Lic.# 24-4188) is REPRIMANDED for having violated the terms of a Board Order. Respondent shall be required to abide by all terms of the original Board Order, and she will ineligible to work in DHFS licensed facility until she successfully completes her rehabilitation review. No additional suspension shall be imposed for violation of the Board Order.

WISCONSIN PHYSICAL THERAPISTS AFFILIATED CREDENTIALING BOARD

By: Shirley Mook	11-27-01
On behalf of the Board	Date