

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



## Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

### Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscqa>.
- Records not open to public inspection by statute are not contained on this website.

**By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.**

**Correcting information on the DRL website:** An individual who believes that information on the website is inaccurate may contact the webmaster at [web@drl.state.wi.gov](mailto:web@drl.state.wi.gov)

STATE OF WISCONSIN  
BEFORE THE PHYSICAL THERAPISTS AFFILIATED CREDENTIALING BOARD

---

IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 :  
 : FINAL DECISION AND ORDER  
NANCY J. LINSLEY, P.T., : LS0807102PHT  
RESPONDENT. :

---

[Division of Enforcement Case # 04 PHT 001]

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Nancy J. Linsley, P.T.  
P.O. Box 532  
Janesville, WI 53547

Division of Enforcement  
Department of Regulation and Licensing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

Physical Therapists Affiliated Credentialing Board  
Department of Regulation & Licensing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

PROCEDURAL HISTORY

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 Wisconsin Physical Therapists Affiliated Credentialing Board. The Board has reviewed the attached Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Nancy J. Linsley, P.T., Respondent herein, whose date of birth is September 18, 1951, is duly licensed by the Wisconsin Physical Therapists Affiliated Credentialing Board as a physical therapist in the State of Wisconsin pursuant to license number 2243, which was first granted on October 17, 1980.
2. Respondent's last address reported to the Department of Regulation and Licensing is P.O. Box 532, Janesville, WI 53547.
3. For approximately three years beginning in June 2000, Respondent was employed as a per diem physical therapist by Team Rehab Inc., a rehabilitation agency in Milwaukee, Wisconsin, that contracts with different work sites and individuals for physical therapy. During that time, Respondent worked less than 300 hours providing fill-in coverage.
4. On June 12, 2000, Respondent signed a form acknowledging receipt of the Team Rehab employee handbook. The handbook included:
  - a. "Company Property" which included the following: "While employed with Team Rehab, Inc., you will have access to and/or control of various kinds of company property. This may include computers, fax machines, files, lockers, beepers, manual, documents, equipment, medical supplies and more.... Team Rehab, Inc. reserves the right to inspect, review or recall company property at any time. Additionally, upon separation from the

company, all property must be promptly returned to your Supervisor/Manager or their designee.”

b. “Ethics and Conduct” which included the following: “To ensure orderly operations and provide the best possible work environment, Team Rehab, Inc., expects employees to follow rules of conduct that will protect the interests and safety of all employees and the organization. It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment: · Theft or inappropriate removal or possession of property. . .”

5. On June 14, 2000, Respondent signed the “Non-Compete and Confidentiality Agreement” which included the following: “Employee also promises and agrees to treat as confidential the contents of any of Company’s contracts correspondence, memorandum, manuals, policies, procedures, customer information, or other written materials. Upon termination of professional services, Employee agrees to return all such documents or information to Company.”

6. On June 6, 2003, Team Rehab sent Respondent a documentation checklist and requested her to submit the identified patient files and paperwork within five working days. The checklist included the following:

- a. April 2003 billing for patient MK.
- b. May 2003 billing for patient MK.
- c. March 24, 28 and 31 daily notes for patient MK.
- d. April 2003 billing for patient AP.
- e. May 2003 billing for patient AP.
- f. March 24, 28 and 31 daily notes for patient AP.
- g. “Soft” therapy chart for patient RW.
- h. “Soft” therapy chart for patient SC.
- i. A green binder for daily notes and treatment records.

7. On June 11, 2003, Respondent informed Team Rehab that she would drop off the patient files and records at their therapy department on June 13. Respondent did not deliver the records.

8. On June 20, 2003, Team Rehab sent Respondent a certified letter and checklist which was returned on July 14 as unclaimed. Team Rehab tried to contact Respondent approximately 14 times by phone, and even spoke with her mother and daughter, with no results. The certified letter was again mailed to Respondent on January 15, 2004 and was again returned unclaimed on February 9.

9. In June 2006, Respondent returned the requested records to Team Rehab.

10. Respondent’s failure to return the patient records to her employer upon request was a failure to maintain the records in a manner which would make them accessible to other health care providers thereby creating the risk that the patients’ treatment continuity would be affected.

11. No actual harm occurred to patients as a result of Respondent’s failure to turn in the records.

12. On June 9, 2008, Respondent submitted documentation of having obtained four (4) hours of continuing education in ethics on October 8, 2007, by successfully completing “Ethics and Jurisprudence – Wisconsin PT,” sponsored by Innovative Educational Services, WPTA Approval #12238.

13. This is the only complaint about Respondent’s practice received by the Board or the Department in the almost 28 years Respondent has been licensed and practicing in Wisconsin.

#### CONCLUSIONS OF LAW

1. The Wisconsin Physical Therapists Affiliated Credentialing Board has jurisdiction to act in this matter, pursuant to Wis. Stat. § 448.57(2), and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

2. Respondent, by failing to create and maintain appropriate patient records as required pursuant to Wis. Stat. § 448.56(5), engaged in conduct which constitutes a violation of Wis. Stat. § 448.57(2)(h) and Wis. Admin. Code § PT 7.02(1).

ORDER

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

IT IS FURTHER ORDERED that:

1. Respondent, Nancy J. Linsley, P.T., is REPRIMANDED for the above conduct.

2. Respondent having completed the relevant continuing education set out in Finding of Fact 12, no further education is required.

3. Respondent shall, within six (6) months of the date of this Order, take and successfully complete the open book examination entitled "Physical Therapist Wisconsin Statutes and Rules Examination." The costs of administration of the examination shall be the responsibility of the Respondent.

4. Respondent shall, within 90 days of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$741.00 pursuant to Wis. Stat. § 440.22(2).

5. Payment shall be mailed or delivered to:

Department Monitor  
Department of Regulation and Licensing  
Division of Enforcement  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935  
Fax (608) 266-2264  
Telephone (608) 267-3817

6. In the event that Respondent fails to pay costs or successfully complete the examination as ordered, Respondent's license (#2243) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

7. This Order is effective on the date of its signing.

Wisconsin Physical Therapists Affiliated Credentialing Board

By: Mark Shropshire  
A Member of the Board

7/10/08  
Date