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STATE OF WISCONSIN
BEFORE THE PHYSICAL THERAPY EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST : FINAL DECISION AND ORDER
: :
NKECHI K. OGBODO, P.T., : ORDER 0000 274
RESPONDENT. :

Division of Enforcement Case #07 PHT 003

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

Nkechi K. Ogbodo, P.T.
6683 Indigo Court South
Cottage Grove, MN 55016

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

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

PROCEDURAL HISTORY

The Notice of Hearing and Complaint were filed in this matter on March 12, 2010. Prior to the hearing on the formal complaint, the parties in this matter agreed to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Physical Therapy Examining Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Nkechi K. Ogbodo, P.T., (DOB 02/27/1972) is duly licensed as a physical therapist in the State of Wisconsin (license No. 9762-24). This license was first granted on November 28, 2001.

2. Respondent's address on record with the Wisconsin Physical Therapy Examining Board is 6683 Indigo Court South, Cottage Grove, Minnesota 55016.

COUNT I

3. On January 18, 2007, the Minnesota Board of Physical Therapy issued an Order imposing conditions and restrictions on Respondent's Minnesota license. Among other things, the Order:

- a. Reprimanded Respondent.
- b. Required Respondent to complete an APTA Online Ethics Course approved in advance by the Complaint Review Committee ("Committee").
- c. Required that for the first 2000 hours of practice in Minnesota that she practice in a group setting approved in advance by the Committee and submit documentation satisfactory to the Committee of the completion of the hours of practice.

4. The disciplinary action was based on the following:

a. On December 4, 1997, Respondent applied to Practice Physical Therapy in the State of Minnesota. Respondent's supervised traineeship was approved on December 17, 1997. Respondent was issued a temporary permit with an expiration date of August 9, 1998, which only allowed Respondent to participate in a six month traineeship program under the supervision of a licensed or registered physical therapist. An extension of the temporary permit expiration date was granted until November 14, 1998, due to a medical leave. The conditions of practice under the permit were set out on the temporary permit which stated:

"This temporary permit is valid only for those categories checked below:

- | | | |
|------------|----|---|
| <u>N/A</u> | 1. | To practice physical therapy without supervision. |
| <u>N/A</u> | 2. | To practice physical therapy under supervision. The supervision must be direct, immediate, and on site. |
| <u>XX</u> | 3. | To participate in a six month traineeship program under the supervision of a licensed or registered physical therapist. |

Temporary permits are non-renewable and your permit will expire at the August 9, 1998 Board meeting."

b. In December 1998, Respondent submitted an altered Minnesota temporary permit to a prospective employer. The temporary permit had been altered and stated:

"This temporary permit is valid only for those categories checked below:

1. To practice physical therapy without supervision.
2. To practice physical therapy under supervision. The supervision must be direct, immediate, and on site.

Temporary permits are non-renewable and your permit will expire at the August 9, 1999 Board meeting."

c. Respondent's extended temporary permit expired on November 14, 1998. Respondent continued her traineeship beyond that date and did not complete her traineeship until December 14, 1998.

d. Respondent admitted to the Committee on May 7, 2001, that in February 2000 she submitted an application to the College of St. Catherine's Master's in Physical Therapy Program and included two forged letters of Clinical Experience Reference.

5. Respondent has advised the Division of Enforcement that she is truly remorseful for her conduct which resulted in this discipline in Minnesota.

COUNT II

6. On November 13, 2009, the Minnesota Board of Physical Therapy issued another Order imposing conditions and restrictions on Respondent's Minnesota license. Among other things, the Order:

a. Reprimanded Respondent.

b. Required Respondent to complete the 2000 hours of group practice required by the 2007 disciplinary Order.

c. Required Respondent to complete an additional 1000 hours of physical therapy practice in a group setting in Minnesota, preapproved in writing by the Committee. The group practice must include another physical therapist working at the same facility during the same shift.

d. Imposed on Respondent a civil penalty of \$1,000.

7. This disciplinary action was based on the following:

a. In October 2007, Respondent accepted employment at a Minnesota facility as an on-call physical therapist. Respondent did not obtain the required approval from the committee to work at the facility before she worked her first shift there on November 2, 2007.

b. The facility was approved by the Committee in December 2007. In violation of the requirement that Respondent practice in a group setting, Respondent practicing alone at the facility without other physical therapists on two Saturdays in December 2007.

8. Respondent maintains that ambiguity in the language of the Minnesota Board of Physical Therapy's January 18, 2007 Order led to her inadvertent failure to fully comply with it.

ALL COUNTS

9. Neither the Wisconsin Department of Regulation and Licensing nor the Wisconsin Physical Therapy Examining Board has received any complaint about Respondent's practice or conduct in Wisconsin since she became licensed here in 2001.

CONCLUSIONS OF LAW

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

2. Respondent, by being disciplined by the Minnesota Board of Physical Therapy on November 13, 2009, has committed unprofessional conduct as defined by Wis. Admin. Code § PT 7.02(17) and is subject to discipline pursuant to Wis. Stat. § 448.57(2)(f).

ORDER

1. Nkechi K. Ogbodo, P.T. (license #9762-24), is hereby REPRIMANDED.

2. Respondent shall, within one hundred eighty (180) days from the date of this Order, pay costs of this proceeding in the amount of FOUR HUNDRED TWENTY FIVE (\$425.00) dollars. Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

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

3. In the event the Respondent fails to pay the costs as ordered, the Respondent's license SHALL BE SUSPENDED until the Respondent has complied with the terms of this Order.

4. This Order shall become effective on the date of its signing.

PHYSICAL THERAPY EXAMINING BOARD

By: 
A Member of the Board

7/8/10
Date