

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST : FINAL DECISION AND ORDER
: :
: :
KENNETH J. KURT, D.O., : ORDER 0000289
RESPONDENT. :

Division of Enforcement Case No. 10MED186

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

Kenneth J. Kurt, D.O
740 College Avenue
Racine, WI 53403

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

Wisconsin Medical Examining Board
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

On July 21, 2010, the Board issued an Order summarily suspending Respondent's license based on an alleged violation of a prior Order of the Board. A formal complaint was filed in this matter on July 23, 2010. On August 18, 2010, the Board declined to accept a Stipulation which would have resolved the matter and the Board also required Respondent to obtain a neuropsychological evaluation. Prior to the hearing on the formal complaint, the parties have agreed 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 adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Kenneth J. Kurt, D.O., Respondent, date of birth May 26, 1937, is licensed and currently registered by the Wisconsin Medical Examining Board to practice medicine and surgery in the state of Wisconsin pursuant to license number 14968, which was first granted July 1, 1964.

2. Respondent's last address reported to the Department of Regulation and Licensing is 740 College Avenue, Racine, Wisconsin 53403.

3. Since August 18, 2010, Respondent has had two neuropsychological evaluations. The results of the two evaluations are similar and each found mild cognitive impairment. No assessment has been conducted to determine if the deficits prevent Respondent from practicing with reasonable safety to patients.

4. Respondent is 73 years of age and for personal reasons has decided to retire from the practice of medicine and surgery and voluntarily surrender his license to the Board.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 448.02(3), and has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stats. §§ 227.44(5) and 448.02(5).

2. Respondent, by violating the terms of the Board's January 10, 2010 Final Decision and Order, violated Wis. Admin. Code § MED 10.02(2)(b) and Wis. Stat. § 448.02(3).

ORDER

1. The VOLUNTARY SURRENDER by Kenneth J. Kurt, D.O., of his license to practice medicine and surgery in the state of Wisconsin is hereby ACCEPTED.

2. If Respondent ever makes application to the Board for any credential:

a. Respondent shall provide proof sufficient to the Board that he does not suffer from any condition which would interfere with his practicing with reasonable safety and skill. Such proof could include but not be limited to a current neuropsychological assessment and a comprehensive and individualized assessment by the University of Wisconsin School of Medicine and Public Health, Office of Continuing Professional Development in Medicine and Public Health, Physician Assessment Service.

b. Whether to grant a license and whether to impose any limitations or restrictions on any license granted shall be in the discretion of the Board

c. Respondent shall, prior to becoming licensed, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$1,575.00 pursuant to Wis. Stat. § 440.22(2).

3. Applications, proof and 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

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

Wisconsin Medical Examining Board

By: Skiles
A Member of the Board

2/16/11
Date