

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE PHYSICAL THERAPY EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST

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FINAL DECISION AND ORDER

JOHN L. DIELS, P.T.,  
RESPONDENT.

ORDER 0000949

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Division of Enforcement Case No. 09PHT005

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

John L. Diels, P.T.  
2350 Hwy AB  
McFarland, WI 53558

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 and 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 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. John L. Diels, P.T., Respondent, date of birth June 25, 1954, is licensed by the Physical Therapy Examining Board as a physical therapist in the state of Wisconsin pursuant to license number 2139-24, which was first granted November 6, 1979.

2. Respondent's address of record with the Wisconsin Physical Therapy Examining Board is 2350 Hwy AB, McFarland, Wisconsin 53558.

3. At all times relevant to this action, Respondent was employed as a physical therapist in Madison, Wisconsin.

4. Respondent does not contest that the Board could find that between January 16, 2009 and February 3, 2009, Respondent failed to create and maintain patient health care records as required by Wis. Stat. § 448.56(5). Respondent's record keeping was untimely as evidenced by his failure to meet employer guidelines for timely documentation, failure to thoroughly document skilled intervention, and failure to record medical necessity for the service provided.

5. Respondent's employer audited his physical therapy visits and found 44 incomplete patient documents covering the period indicated in paragraph 4, above. Respondent's employment ended on February 12, 2009, and by that time he brought all but approximately 10 files into compliance.

6. This is the first time Respondent's performance has come before the Board. His responses to the Division have been timely, professional and responsive.

#### 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's conduct, as set forth above, is contrary to Wis. Stat. § 448.56(5), and subjects Respondent to discipline pursuant to Wis. Stats. § 448.57(2)(h).

#### ORDER

IT IS HEREBY ORDERED that the stipulation of the parties is approved.

IT IS FURTHER ORDERED that John L. Diels, P.T., license is LIMITED as follows:

1. Within 9 months of the date of this Final Decision and Order, Respondent shall take and complete 6 hours of continuing education in medical record keeping. The course or courses attended in satisfaction of this Order must be pre-approved by the Physical Therapy Examining Board or its designee. Respondent will be responsible for locating a course or courses satisfactory to the Physical Therapy Examining Board and for obtaining the required approval of the course or courses from the Physical Therapy Examining Board or its designee. The "Intensive Course in Medical Record Keeping," a continuing education activity sponsored by Case Western Reserve University School of medicine has been pre-approved for satisfaction of this Order.

2. Respondent will within 30 days of completion of this educational requirement, file an affidavit with the Physical Therapy Examining Board stating under oath that he has attended in its entirety the course approved for satisfaction of this requirement along with supporting documentation of attendance from the sponsoring organization. Requests for preapproval, the affidavit of attendance and the supporting documentation of attendance will be filed with:

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

All certifications, affidavits or other documents required to be filed with the Physical Therapy Examining Board will be deemed filed upon receipt by the Department Monitor.

3. Respondent will be responsible for paying the full cost of attendance at this course.

IT IS FURTHER ORDERED that:

4. Respondent shall obtain a Professional Mentor acceptable to the Board. The Professional Mentor shall act as an agent of the Board and will be the individual responsible for reviewing and supervising Respondent's medical record keeping for a period of 1 year from the date of this Order. Respondent shall arrange for the Professional Mentor to review five (5) randomly selected patient charts, in which Respondent has provided services in the respective calendar month. Respondent may redact patient names from charts before submitting them to the mentor. The chart reviews shall assess, at a minimum, timeliness, accuracy, and thoroughness. The Professional Mentor shall provide written reports to the Department Monitor on a quarterly basis, unless otherwise ordered.

5. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of six hundred (\$600.00) dollars. Payment shall be made payable to the Wisconsin Department of Regulation and Licensing and mailed to the Department Monitor at the address provided above.


6. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of the costs as ordered or fails to comply with the ordered continuing education, as set forth above, the Respondent's license (No. 2139-24) may, in the discretion of the board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs or completion of the continuing education.

8. Upon successful completion of the course requirements set forth above, Respondent's license shall no longer be limited and will be automatically restored in all aspects.

9. The Division of Enforcement investigation file is hereby closed with prejudice and without further action.

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

PHYSICAL THERAPY EXAMINING BOARD

By:   
A Member of the Board

7/7/11  
Date