

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE OCCUPATIONAL THERAPISTS AFFILIATED CREDENTIALING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JAMIE A. KURTZ, O.T.,
RESPONDENT.

:
:
: **FINAL DECISION AND ORDER**
:
: **000973**
:

Division of Legal Services and Compliance Case No. 13 OTB 004

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

Jamie A. Kurtz, O.T.
3380 North 45th Street
Milwaukee, Wisconsin 53216-3327

Wisconsin Occupational Therapists Affiliated Credentialing Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Occupational Therapists Affiliated Credentialing Board (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, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Jamie Anne Kurtz, O.T. (dob February 24, 1977) is licensed in the state of Wisconsin as an occupational therapist, having license number 4077-26, first issued on April 28, 2003 and with registration current through May 31, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 3380 North 45th Street, Milwaukee, Wisconsin 53216-3327. She was formerly licensed in Illinois. At all times described below, Respondent was employed as an occupational therapist at Froedtert Memorial Lutheran Hospital, Wauwatosa, Wisconsin.

2. On July 21, 2009, a “Staff Member Disciplinary Report (Correction Action)” documented that Respondent received a written warning regarding the following three separate incidents:

3. Patient A reported that on July 5, 2009, Respondent had a “bad attitude, told him what he was going to do, barked at him, did not ask.” Patient A reported that on July 8, 2009, Respondent had the same bad attitude. Respondent told him he was going to either shave or comb his hair. Patient A had company in the room and wanted to do therapy later; however, Respondent told him she could not come back.

4. A physical therapist reported she asked Respondent to see Patient B for occupational therapy on July 5, 2009. The patient’s wife was present. Respondent responded in a harsh tone that she was too busy and unable to treat the patient.

5. Patient C reported that during occupational therapy on July 5, 2009, Respondent “was not listening to her and insisted that patient move fast and endure pain when attempting to get out of bed.”

6. In addition to the written warning, Respondent was required to review several video training recordings: Basic Principles of Customer Service, Coworkers as Customers, and Responding to the Difficult Patient, each of which was 30 minutes long.

7. On January 22, 2013, Respondent provided occupational therapy for 73 year old Patient D in the presence of patient’s wife, and a patient care assistant (PCA).

8. Patient D’s wife reported Respondent was abrasive, aggressive, and pushy. She further reported that Patient D became frustrated or angry with Respondent and made an unknown comment to Respondent. She further reported that Respondent replied, “What are you going to do? Punch me? Go ahead? That’s a lawsuit.” Respondent repeated this multiple times. Respondent stated, “What are you going to try to do? Get me fired now?”

9. The PCA reported she saw Respondent trying to help Patient D eat dinner. The patient was resistant to help and was not going to eat. The PCA reported that Respondent got in the patient’s face and was inappropriate. The patient was agitated and confused. When Respondent was trying to assist the patient with eating, the patient raised his hand in the air like he was going to push Respondent’s hand away. Respondent said something like, “If you do that, I can get you.” The PCA stated Respondent was inappropriate, “used a mocking tone throughout the encounter, and wasn’t gentle at all.” After Respondent left the room, the patient became immediately calmer and patient’s wife told the PCA “that was just way too much!”

10. On January 28, 2013, a physical therapy assistant (PTA) co-treated Patient D with Respondent. The PTA reported the patient became clearly agitated with treatment attempts. The PTA discontinued physical therapy because of the patient’s agitation and non-participation. The PTA reported that Respondent was “very assertive in treatment approach.” The PTA left the patient’s room and Respondent continued to attempt occupational therapy.

11. Patient D's wife subsequently requested Respondent be removed from her husband's care.
12. Respondent was discharged from her position as a result of these incidents.
13. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Occupational Therapists Affiliated Credentialing Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 448.968, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).
2. By the conduct described in the Findings of Fact, Jamie A. Kurtz, O.T. committed unprofessional conduct pursuant to Wis. Stat. §448.968(2)(g) by engaging in conduct while practicing occupational therapy that evidences a lack of knowledge or ability to apply professional principals or skills.
3. As a result of the above violations, Jamie A. Kurtz, O.T. is subject to discipline pursuant to Wis. Stat. § 448.968(2).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Jamie A. Kurtz, O.T. is REPRIMANDED.
3. The occupational therapist license issued to Jamie A. Kurtz, O.T. (license number 4077-26) is LIMITED as follows:
 - a. By June 30, 2015, Respondent shall successfully complete six points (as defined in Wis. Admin. Code § OT 3.06) in the area of appropriate management of difficult patients, offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the course(s).
 - b. Respondent shall submit proof of successful completion of the ordered education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.
 - c. This limitation shall be removed from Respondent's license and Respondent will be granted a full, unrestricted license after satisfying the Board or its

designee that Respondent has successfully completed all of the ordered education.

4. Within 120 days from the date of this Order, Jamie A. Kurtz, O.T. shall pay the COSTS of this matter in the amount of \$800.

5. Requests for approval of courses, proof of successful course completion, and costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

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 costs as ordered or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 4077-26) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of costs and completion of the education.

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

Wisconsin Occupational Therapists Affiliated Credentialing Board

by:

A Member of the Board

akt

Date

STATE OF WISCONSIN
BEFORE THE OCCUPATIONAL THERAPISTS AFFILIATED CREDENTIALING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JAMIE A. KURTZ, O.T.,
RESPONDENT.

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STIPULATION

0003773

Division of Legal Services and Compliance Case No. 13 OTB 004

Respondent Jamie A. Kurtz, O.T. and the Division of Legal Services and Compliance,
Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the
Division of Legal Services and Compliance. Respondent consents to the resolution of this
investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily
and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has
the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by
subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral
arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution,
the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code,
and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has
been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by
the Wisconsin Occupational Therapists Affiliated Credentialing Board (Board). The parties to
the Stipulation consent to the entry of the attached Final Decision and Order without further
notice, pleading, appearance or consent of the parties. Respondent waives all rights to any
appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not
be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

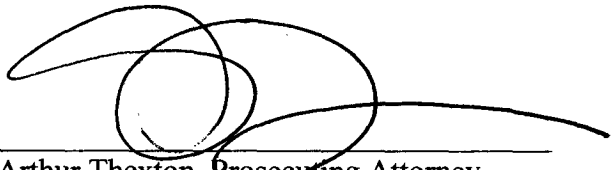
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Jamie A. Kurtz, O.T., Respondent
6380 North 45th Street
Milwaukee, WI 53216-3327
License no. 4077-26

Date 10/10/14



Arthur Thexton, Prosecuting Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

Date 10/14/14