

## 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 DISCIPLINARY  
PROCEEDINGS AGAINST

CURT S. GILLILAN, P.T.A.,  
RESPONDENT.

:  
:  
: FINAL DECISION AND ORDER  
:  
:

0004235

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Division of Legal Services and Compliance Case No. 15 PHT 012

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

Curt S. Gillilan, P.T.A.  
4045 Oak Road  
Potosi, WI 53820

Wisconsin Physical Therapy Examining 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 Wisconsin Physical Therapy Examining 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 Curt S. Gillilan, P.T.A. (dob December 13, 1983) is licensed in the state of Wisconsin as a physical therapist assistant, having license number 2180-19, first issued on July 24, 2014 and current through February 28, 2017. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 4045 Oak Road, Potosi, WI 53820.

2. At all times relevant, Respondent was employed as a physical therapist assistant performing physical therapy services on an outpatient basis in both Dubuque and Waterloo, IA.

3. On or about April 8, 2015, Respondent began treating Patient A, an adult female for a reported knee injury at the Dubuque location. Respondent continued to treat Patient A until May 28, 2015.
4. At some time between April 8, 2015 and July 6, 2015, Respondent exchanged text and photographic messages with Patient A via Facebook and Facebook Messenger.
5. Some of the photographic messages Respondent sent to Patient A included images of the Respondent demonstrating full frontal nudity.
6. One of the text messages Respondent sent to Patient A asked if she wanted to “hook up” with “no strings attached.”
7. Patient A interpreted Respondent’s message as a request to engage in sexual contact or intercourse with the Respondent.
8. Respondent, by sending sexually explicit images of himself to Patient A, and otherwise making sexual advances toward Patient A, engaged in sexual misconduct with a patient.
9. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

#### 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 pursuant to Wis. Stat. § 227.44(5).
2. Respondent Curt S. Gillilan, P.T.A., by engaging in sexual misconduct with a patient, committed unprofessional conduct as defined by Wis. Admin. Code § PT 7.025(16).
3. As a result of the above violation, Curt S. Gillilan, P.T.A., is subject to discipline pursuant to Wis. Stat. § 448.57(2).

#### ORDER

1. The attached Stipulation is accepted.
2. The PERMANENT SURRENDER of the license by Curt S. Gillilan, P.T.A., (license no. 2180-19) to practice as a physical therapy assistant in the State of Wisconsin and the right to renew or re-apply for that license is hereby accepted, effective the date of this Order.
3. If Respondent ever seeks any license under Wis. Stat. chs. 440-480, he shall, as a prerequisite to application, pay COSTS of this matter in the amount of \$ 483.33 If Respondent never again seeks licensure in Wisconsin, the Department waives the above-stated costs.

4. If applicable, payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent 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  
DPSMonitoring@wisconsin.gov

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

WISCONSIN PHYSICAL THERAPY EXAMINING BOARD

by: Janet Damyik, PT, MS  
A Member of the Board

9/10/2015  
Date

STATE OF WISCONSIN  
BEFORE THE PHYSICAL THERAPY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

CURT S. GILLILAN, P.T.A.,  
RESPONDENT.

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STIPULATION

0004235

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Division of Legal Services and Compliance Case No. 15 PHT 012

Respondent Curt S. Gillilan, P.T.A., 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 Physical Therapy Examining 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

Stipulation  
In the matter of disciplinary proceedings against  
Curt S. Gillilan, P.T.A., Case No. 15 PHT 012

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 or Respondent's attorney, 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.

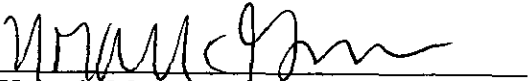
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.



Curt S. Gillilan, P.T.A., Respondent  
4045 Oak Road  
Potosi, WI 53820  
License No. 2180-19

9/11/15  
Date



Yolanda McGowan, Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

9/11/15  
Date