

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 THE LICENSE OF :
: FINAL DECISION AND ORDER
: FOR REMEDIAL EDUCATION
CAROL BARTZ-BENTZ, O.T. : 0004765

Division of Legal Services and Compliance Case No. 15 OTB 003

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

Carol Bartz-Bentz, O.T.
E5551 State Road 161
Manawa, WI 54949

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 Occupational Therapists Affiliated Credentialing Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Occupational Therapists Affiliated Credentialing Board in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Licensee Carol Bartz-Bentz, O.T. (DOB June 30, 1958) is licensed by the state of Wisconsin as an occupational therapist, having license number 20-26, first issued on April 19, 1990 and current through May 31, 2017. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is E5551 State Road 161, Manawa, Wisconsin 54949.
2. Licensee has been the subject of prior disciplinary action by the Board. In March of 2007, the Board reprimanded Licensee based upon her failure to obtain the required number of continuing education credits for the 2004-2005 biennium and was assessed costs.

3. On June 19, 2015, while working at a facility in Clintonville, Wisconsin, (facility) Licensee documented that she administered 148 minutes of occupational therapy (OT) treatment time to residents.

4. The facility received complaints from residents and staff members regarding discrepancies between the actual amount of OT treatment time administered by Licensee and Licensee's documented time.

5. On June 21, 2015, Licensee's employment status with the facility was suspended pending investigation.

6. On June 24, 2015, following investigation of the above-referenced complaints, the facility terminated Licensee's employment based upon their conclusion that the maximum available time Licensee would have had available to provide OT treatment on the date in question was 88 minutes.

7. A counseling/disciplinary notice was issued to Licensee on June 24, 2015, by the facility which provided as follows:

On Monday, June 21, 2015, you were suspended pending an investigation into allegations that you documented administering OT therapy to a resident. That same day, the resident asked if they were going to receive OT treatment, to which it was found that no such therapy was actually provided.

After interviewing multiple witnesses, including extensive discussions with you, the investigation has been concluded. Based on all the information discovered during the investigative process, it was found that your therapy documentation record for June 19, 2015 for the resident was inaccurate and that therapy was not provided as indicated. In addition, minutes were billed for therapy that was not performed. Falsification of any business record is defined as "Gross Misconduct" in the Greentree Health & Rehab employee handbook. This is a direct violation of our code of conduct.

Your employment with Greentree Health and Rehab is terminated for code of conduct violation effective 6/24/2014.

8. The facility reported Licensee's termination to the Department and the Department opened 15 OTB 003.

9. In resolution of this matter, Licensee consents to the entry of the following Conclusions of Law and Order, though she does not admit the truth or accuracy of the allegations made against her by her former employer.

CONCLUSIONS OF LAW

1. The Wisconsin Occupational Therapists Affiliated Credentialing Board is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

ORDER

1. The attached Stipulation is accepted.
2. Within six (6) months of the date of this Order, Carol Bartz-Bentz, O.T. shall at Licensee's own expense take and successfully complete 8 hours of education in ethics or ethics in billing as follows:
 - a. Each course attended in satisfaction of this Order must be pre-approved by the Occupational Therapists Affiliated Credentialing Board or its designee. Licensee shall be responsible for locating course(s) satisfactory to the Occupational Therapists Affiliated Credentialing Board and for obtaining the required approval of the course(s) from the Occupational Therapists Affiliated Credentialing Board or its designee. Licensee must take and pass any exam offered for the course(s).
 - b. Licensee shall submit proof of successful completion of the 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 may not be used in any future attempt to upgrade a credential.
3. Requests for course approval and proof of successful course completion shall be sent by Licensee 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

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

WISCONSIN OCCUPATIONAL THERAPISTS AFFILIATED CREDENTIALING BOARD

by: 
A Member of the Occupational Therapists
Affiliated Credentialing Board

6-22-16
Date

STATE OF WISCONSIN
BEFORE THE OCCUPATIONAL THERAPISTS AFFILIATED CREDENTIALING BOARD

IN THE MATTER OF THE LICENSE OF :
CAROL BARTZ-BENTZ, O.T. :
: STIPULATION
: 0004765

Division of Legal Services and Compliance Case No. 15 OTB 003

Licensee Carol Bartz-Bentz, 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. Licensee consents to the resolution of this investigation by Stipulation.

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

- the right to a hearing on the allegations against Licensee, 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 Licensee;
- the right to call witnesses on Licensee's behalf and to compel their attendance by subpoena;
- the right to testify on Licensee'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 Licensee under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Licensee is aware of Licensee's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation. Licensee is represented by Attorney Nicholas Fairweather.

4. Licensee 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. Licensee 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 Licensee, 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. Licensee 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 Licensee in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Carol Bartz-Bentz, O.T., Licensee
E5551 State Road 161
Manawa, WI 54949
License No. 20-26

6/9/16

Date



Nicholas Fairweather, Attorney for Respondent
Hawks Quindel, S.C.
222 W. Washington Ave., Ste. 450
P.O. Box 2155
Madison, WI 53701-2155

06-09-16

Date



Colleen L. Meloy, Attorney
Division of Legal Services and Compliance
Wisconsin Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

6-9-16

Date