

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE OCCUPATIONAL THERAPISTS  
AFFILIATED CREDENTIALING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

DAWN MALAJ, O.T.,  
RESPONDENT.

:  
:  
: FINAL DECISION AND ORDER  
:  
:  
:

**0005866**

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Division of Legal Services and Compliance Case No. 16 OTB 002

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

Dawn Malaj, O.T.  
348 E. Ryan Road  
Oak Creek, WI 53154

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 Dawn Malaj, O.T. (DOB May 10, 1973) is licensed by the State of Wisconsin as an occupational therapist, having license number 4386-26, first issued on November 10, 2005 and current through May 31, 2019. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 348 E. Ryan Road, Oak Creek, Wisconsin 53154.

2. At all times pertinent to this matter, Respondent was employed at a healthcare facility located in Milwaukee, Wisconsin.

3. On February 29, 2016, Respondent documented that she provided occupational therapy (OT) services to Patient A at a specified time. Respondent did not create an OT daily treatment note that identified the specific type of treatment/modalities provided to Patient A. During the time in question, other employees observed Patient A, but did not observe Respondent with Patient A. Patient A denied receiving OT services on that date.

4. On March 2, 2016, Respondent documented that she provided OT services to Patient B at a specified time. Respondent did not create an OT daily treatment note that identified the specific type of treatment/modalities provided to Patient B. Witnesses observed Respondent walking into the facility after the time she reported starting her OT session with Patient B.

5. On March 3, 2016, Respondent documented that she provided O) services to Patient C at a specified time. Respondent did not create an OT daily treatment note that identified the specific type of treatment/modalities provided to Patient C. Witnesses observed Respondent leaving the facility during the time she reported providing OT services to Patient C.

6. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

#### CONCLUSIONS OF LAW

1. The Wisconsin 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, Respondent violated Wis. Admin. Code § OT 5.02(12) by knowingly making any false statement, written or oral, in practicing under any license, with fraudulent intent; or obtaining or attempting to obtain any professional fee or compensation of any form by fraud or deceit.

3. As a result of the above violations, Dawn Malaj, O.T., is subject to discipline pursuant to Wis. Stat. § 448.968(2)(f).

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent Dawn Malaj, O.T. is REPRIMANDED.

3. Within 90 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$932.46.

4. 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  
DSPSMonitoring@wisconsin.gov

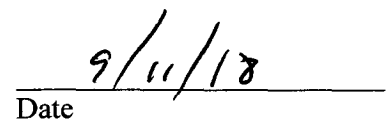
5. In the event Respondent violates any term of this Order, Respondent's license (no. 4386-026), or Respondent's right to renew her license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

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

WISCONSIN OCCUPATIONAL THERAPISTS  
AFFILIATED CREDENTIALING BOARD

by:

  
A Member of the Board

  
Date

STATE OF WISCONSIN  
BEFORE THE OCCUPATIONAL THERAPISTS  
AFFILIATED CREDENTIALING BOARD

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

DAWN MALAJ, O.T.,  
RESPONDENT.

STIPULATION

00053

Division of Legal Services and Compliance Case No. 16 OTB 002

Respondent Dawn Malaj, 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.

**Stipulation**

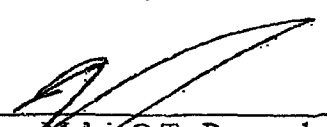
In the matter of disciplinary proceedings against  
Dawn Malaj, O.T., Case No. 16 OTB 002

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.

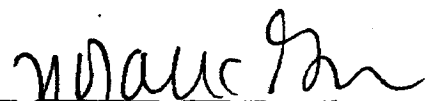
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.

  
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Dawn Malaj, O.T., Respondent  
348 E. Ryan Road  
Oak Creek, WI 53154  
License no. 4386-26

6/10/17  
\_\_\_\_\_  
Date

SIGN  
&  
DATE

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

6/29/18  
\_\_\_\_\_  
Date