

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

ABBIGAIL J. MERTIG, O.T.,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0006421

Division of Legal Services and Compliance Case No. 16 OTB 001

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

Abbigail J. Mertig, O.T.
42 Stone Harbor Place
Hudson, WI 54016

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 Abbigail J. Mertig, O.T., (DOB January 13, 1978) is licensed by the State of Wisconsin as an occupational therapist, having license number 5388-26 first issued on September 5, 2013 and current through May 31, 2019. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 42 Stone Harbor Place, Hudson, Wisconsin 54016.

2. At all times relevant hereto, Respondent provided occupational therapy services to students attending several K-12 schools.

3. Between November 2015 and February 2016, school staff complained to district administrators that Respondent was not completing occupational therapy sessions as required and as reflected in her therapy records.

4. The school district undertook an investigation which revealed evidence that Respondent was involved in an inappropriate relationship with a male co-worker who was neither her supervisor nor her subordinate.

5. Respondent and the male co-worker pursued the relationship during work hours and while doing so, Respondent was not providing scheduled occupational therapy services, but created false records showing that the therapy had in fact been completed.

6. The school district confronted Respondent with its findings which she denied them at first. Respondent subsequently admitted the conduct and agreed to tender her resignation.

7. 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, 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, Abbigail J. Mertig is subject to discipline pursuant to Wis. Stat. §448.968(2)(f).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Abbigail J. Mertig, O.T., is REPRIMANDED.

3. The occupational therapy license issued to Abbigail J. Mertig, O.T., (license number 5388-26) is LIMITED as follows:

a. Within nine (9) months of the date of this Order, Respondent shall successfully complete four (4) hours of education on the topic of professional ethics.

b. Respondent shall be responsible for obtaining the course(s) required under this Order, for providing adequate course(s) descriptions to

the Department Monitor, and for obtaining pre-approval of the course(s) from the Wisconsin Occupational Therapists Affiliated Credentialing Board, or its designee, prior to commencement of the course(s).

c. The Board or its designee may reject any course(s) and may accept a course(s) for less than the number of hours for which Respondent seeks approval.

d. Within thirty (30) days of completion of each educational component, 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.

e. Respondent is responsible for all costs associated with compliance with this educational requirement.

f. None of the education completed pursuant to this requirement may be used to satisfy any other continuing education requirements that have been or may be instituted by the Board or Department.

4. Within one hundred-eighty (180) days from the date of this Order, Abbigail J. Mertig, O.T., shall pay COSTS of this matter in the amount of \$630.00


5. Proof of successful course completion and payment of 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. In the event Respondent violates any term of this Order, Respondent's license (5388-26), 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.

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

WISCONSIN OCCUPATIONAL THERAPISTS
AFFILIATED CREDENTIALING BOARD

by: 
A Member of the Board

9/10/19
Date

STATE OF WISCONSIN
BEFORE THE OCCUPATIONAL THERAPISTS
AFFILIATED CREDENTIALING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ABBIGAIL J. MERTIG, O.T.,
RESPONDENT.

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STIPULATION

ORDER 0006421

Division of Legal Services and Compliance Case No. 16 OTB 001

Respondent Abbigail J. Mertig, 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.

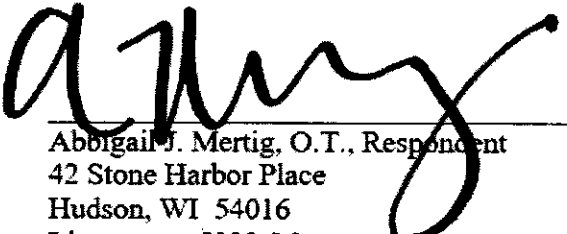
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Medical Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent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

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.


Abigail J. Mertig, O.T., Respondent
42 Stone Harbor Place
Hudson, WI 54016
License no. 5388-26


Date

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

Date

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.

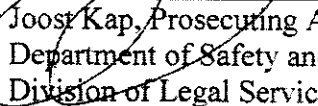
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes 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.

Abbigail J. Mertig, O.T., Respondent
42 Stone Harbor Place
Hudson, WI 54016
License no. 5388-26

Date



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

2/13/18

Date