

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE PHYSICAL THERAPY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

NKECHI K. OGBODO, P.T.,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0006567

Division of Legal Services and Compliance Case No. 17 PHT 030

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

Nkechi K. Ogbodo, P.T.

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 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 Nkechi K. Ogbodo, P.T. (born in 1972) is licensed by the state of Wisconsin as a physical therapist, having license number 9762-24 first issued on November 28, 2001, and expired on February 28, 2019. Respondent retains the right to renew her license until February 27, 2024.

2. Respondent is also licensed to practice physical therapy by the State of Minnesota, and at all times pertinent to this matter practiced in Minnesota.

3. In 2007 the Minnesota Board of Physical Therapy (MN Board) issued a Stipulation and Order which reprimanded Respondent and imposed certain terms and conditions on her license (2007 MN Order).

4. Respondent violated terms and conditions of the 2007 MN Order, and in 2009 the MN Board reprimanded Respondent and imposed additional limitations on her license (2009 MN Order).

5. In 2010, the Board reprimanded Respondent based on the 2007 MN Order and 2009 MN Order.

6. In November 2017, the MN Board disciplined Respondent for failure to comply with the 2009 MN Order. Respondent was reprimanded and certain conditions and limitations were imposed on her Minnesota license (2017 MN Order).

7. Respondent failed to realize the 2017 MN Order had to be reported to the Board and did not do so.

8. Respondent complied with the 2017 MN Order and on August 9, 2018, the MN Board issued an Order of Unconditional License, lifting all conditions and limitations on Respondent's license to practice physical therapy in Minnesota.

9. To resolve 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. By the conduct described in the Findings of Fact, Respondent Nkechi K. Ogbodo, P.T., engaged in unprofessional conduct as defined by Wis. Admin. Code § PT 7.025(23) by having any credential pertaining to the practice physical therapy result in adverse action by any agency of this or another state, or by any agency or authority within the federal government, which results in any disciplinary action, including limitation, restriction, suspension, revocation, or any other disciplinary action.

3. By the conduct described in the Findings of Fact, Respondent Nkechi K. Ogbodo, P.T., engaged in unprofessional conduct as defined by Wis. Admin. Code § PT 7.025(24) by failing, within 30 days, to report to the board any adverse action, whether final or temporary, taken against the licensee's authority to practice physical therapy.

4. As a result of the above violations, Nkechi N. Ogbodo, P.T., is subject to discipline pursuant to Wis. Stat. § 448.57(2).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Nkechi K. Ogbodo, P.T., is REPRIMANDED.

3. The physical therapy license issued to Nkechi K. Ogbodo, P.T., (license number 9762-24) and the appurtenant right to renew it is LIMITED as follows:

a. Prior to any attempt to renew her Wisconsin physical therapy license, Respondent shall submit a petition consisting of a sworn statement disclosing any complaints filed regarding her practice of physical therapy in Minnesota or any other state between the date of this Order and the date of the petition, regardless of whether the complaint is pending, was dismissed, or resulted in professional discipline.

b. As a prerequisite to any petition to renew her Wisconsin physical therapy license, Respondent shall pay COSTS of this matter in the amount of \$1,425.00.

4. The Board shall have full discretion to grant, conditionally grant, or deny any petition for reinstatement, in full or in part, based on disclosures made under Order paragraph 3 above.

5. Any petition and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be 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

You may also submit payment online via DSPS' Monitoring Case Management System, here: <https://app.wi.gov/DSPSMonitoring>

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

WISCONSIN PHYSICAL THERAPY EXAMINING BOARD

by: Shari Berry
A Member of the Board

12-4-2019
Date

STATE OF WISCONSIN
BEFORE THE PHYSICAL THERAPY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

NKECHI K. OGBODO, P.T.,
RESPONDENT.

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STIPULATION

ORDER 0006567

Division of Legal Services and Compliance Case No. 17 PHT 030

Respondent Nkechi K. Ogbodo, P.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. Respondent is represented by Attorney Patricia J. Epstein Putney.


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 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.

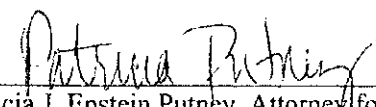
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes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

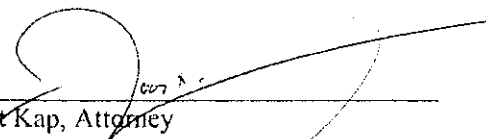
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Nkechi K. Ogbodo, P.T., Respondent
License no. 9762-24

11/07/2019
Date


Patricia J. Epstein Putney, Attorney for Respondent
Bell, Moore & Richter, S.C.
345 West Washington Avenue, Suite 302
Madison, WI 53703

11/7/19
Date


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

11/8/19
Date