

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 :
 :
 : FINAL DECISION AND ORDER
DANIELLE A. KAISER, O.T.A., :
RESPONDENT. : **ORDER 0007602**

Division of Legal Services and Compliance Case No. 20 OTB 003

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

Danielle A. Kaiser, O.T.A.
Madison, WI 53705

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 Wisconsin 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. Danielle A. Kaiser, O.T.A. (Respondent), (Year of Birth 1975) is licensed in the state of Wisconsin as an occupational therapy assistant, having license number 5429-27, first issued on August 24, 2017, and current through May 31, 2023. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Madison, Wisconsin 53705.

2. At all times relevant to this proceeding, Respondent was employed as an occupational therapy assistant (OTA) at a hospital and clinic for veterans, located in Middleton, Wisconsin (Facility).

3. On June 19, 2019, Veteran X was admitted to residential treatment at the Facility and discharged on January 30, 2020. Veteran X's treatment involved addiction and mental health issues.

4. During Veteran X's residential treatment, Respondent provided OTA services to Veteran X as part of her job duties at the Facility.

5. On April 5, 2020, the following occurred:

- a. Veteran X's mother contacted the Sauk County Sheriff's Department to perform a welfare check on Veteran X at his residence.
- b. Sauk County deputies arrived at Veteran X's residence and found him lying on a couch, unresponsive.
- c. Sauk County deputies were able to "awaken" Veteran X who admitted to using drugs.
- d. Veteran X was handcuffed and placed in the backseat of a squad car.
- e. Suboxone was found in Veteran X's residence.
- f. Respondent arrived at Veteran X's residence and advised the Sauk County deputy that she and Veteran X had a fight the previous night, at which time she understood they had separated and broke their relationship.
- g. Respondent stated to the deputy(s) that with prior break-ups with Veteran X, he would use drugs to over-dose to attempt suicide or ease his mental pain.
- h. Respondent identified herself to a Sauk County deputy as Veteran X's ex-girlfriend.
- i. Veteran X was transported to the Facility and admitted via Wis. Stat. ch 51.

6. On April 10, 2020, Respondent was discharged from the Facility for engaging in a dual relationship with Veteran X in violation of the Facility's policies and procedures. The Facility, via its investigation, concluded that the dual relationship began during Veteran X's residential treatment with the Facility.

7. On April 24, 2020, Respondent contacted the Sauk County Sheriff's Department and asked that the following amendment be made to the police report:

I am in receipt of your report from an incident on April 5, 2020, where I was named. I would like an amendment for an addendum to that report to include the following: I stated to the officers on scene that [Veteran X] is a four-time combat veteran, who struggles with mental health as a result of that work. It is my view PTSD causes him to sometimes self-medicate with drugs. It is my opinion he gets close to overuse while battling untreated PTSD. [Veteran X] had shared with me he has been considered at risk for

suicide, which is what I said when asked about if he ever told me he wanted to commit suicide. I did not state and do not personally believe [Veteran X] to be suicidal or use drugs to concerns over females.

8. During the Division of Legal Services and Compliance's (Division) investigation of this matter, Respondent advised that she lied to the Sauk County deputy about being Veteran X's ex-girlfriend. Respondent advised that she told the deputy that she was Veteran X's ex-girlfriend in order to get information from law enforcement about Veteran X's condition.

9. During the investigation of this matter by the Facility and the Division, Respondent maintained that her relationship with Veteran X was akin to that of a nurse and patient. However, the Division's investigation established that shortly after January 30, 2020, Respondent and Veteran X began a sexual relationship. By June 2020, Respondent and Veteran X were living together.

10. During the investigation of this matter by the Division, Respondent was untruthful when answering questions posed to Respondent by the Division.

11. Wisconsin Admin. Code § OT 2.02(1) requires OTAs to be certified by the national board for certification in occupational therapy and that the OTA to complete an OTA educational program.

12. The National Board for Certification in Occupational Therapy (NBCOT), professional practice standards for OTAs includes a code of conduct. Compliance with the code of conduct is necessary to retain certification by NBCOT. The code of conduct requires:

- a. Certificants shall be accurate, truthful, and complete in any and all communications, direct or indirect, with any client, employer, regulatory agency, or other parties as they relate to their professional work, education, professional credentials, research and contributions to the field of occupational therapy.
- b. Certificants shall not engage in behavior or conduct, lawful or otherwise that causes them to be, or reasonably perceived to be, a threat or potential threat to the health, well-being, or safety of recipients or potential recipients of occupational therapy services.

13. Respondent neither admits nor denies the above findings but in the interest of resolving this matter without expending additional resources, agrees to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The 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 engaged in unprofessional conduct as defined by Wis. Admin. Code § OT 5.02(7) by engaging in any practice or conduct which may constitute a danger to the health, welfare, or safety of client or public.

3. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § OT 5.02(13) by willfully divulging a privileged communication or confidence entrusted by a client or deficiencies in the character of clients observed in the course of professional attendance, unless lawfully required to do so.

4. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § OT 5.02(12) by knowingly making any false statement, written or oral, in practicing under any license, with fraudulent intent.

5. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § OT 5.02(20) by engaging in inappropriate sexual contact with a client. An adult receiving treatment continues to be a client for 2 years after the termination of professional services.

5. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 448.968(2)(f) and (h).

ORDER

1. The attached Stipulation is accepted.

2. The SURRENDER by Respondent of her license to practice as an OTA in the state of Wisconsin (license number 5429-27), as well as her right to renew such license, is accepted.

3. In the event Respondent petitions the Board for reinstatement of her license to practice as an OTA in the state of Wisconsin or applies for another credential in the state of Wisconsin under Wis. Stat. chs. 440 through 480, Respondent shall pay the costs of this matter in the amount of \$1900.00, before any petition or application for a credential will be considered by the applicable board or Department.

4. In the event Respondent petitions the Board for reinstatement as an OTA, the Board may enter an order denying such application without further notice or hearing. Whether to grant a license and whether to impose any limitations or restrictions on any license granted shall be in the sole discretion of the Board and such decision is not reviewable.


5. Any requests, petitions, payment of costs (made payable to the Department of Safety and Professional Services), and other information required by this Order shall be submitted to:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

Respondent may also submit this information online at: <http://dspsmonitoring.wi.gov>

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

WISCONSIN OCCUPATIONAL THERAPISTS AFFILIATED CREDENTIALING BOARD

By: 
A Member of the Board

14 September 2021
Date

STATE OF WISCONSIN
BEFORE THE OCCUPATIONAL THERAPISTS AFFILIATED CREDENTIALING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

DANIELLE A. KAISER, O.T.A.,
RESPONDENT.

:
:
:
:
:
:

STIPULATION

ORDER 0007602

Division of Legal Services and Compliance Case No. 20 OTB 003

Danielle A. Kaiser, O.T.A. (Respondent) 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 Stacie Rosenzweig.

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.

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 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.

Danielle A. Kaiser
Danielle A. Kaiser, O.T.A., Respondent
Madison, WI 53705
License No. 5429-27

6/22/2021
Date

Stacie Rosenzweig
Stacie Rosenzweig, Attorney for Respondent
Halling & Cayo, SC
320 E. Buffalo St., Ste 700
Milwaukee, WI 53202

06/22/2021
Date

Gretchen Mrozinski
Gretchen Mrozinski, Prosecuting Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

6/23/2021
Date