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BEFORE THE  
PHYSICAL THERAPIST LICENSING BOARD  
STATE OF OREGON

In the Matter of the Physical Therapist License of: )  
JOSEPH KURTYKA, III P.T. )  
License # 2150 )  
Licensee. )

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CASE NO: PT 305-1/09

**EMERGENCY SUSPENSION ORDER  
and NOTICE OF RIGHTS**

7 THIS MATTER having come before the Oregon Physical Therapist Licensing Board  
8 (Board) which is the state agency responsible for licensing, disciplining and regulating the practice  
9 of physical therapy in the State of Oregon pursuant to ORS 688.140 and 688.160. Joseph Kurtyka,  
10 P.T. (Licensee) is licensed by the Board to practice as a physical therapist (PT) in Oregon. The  
11 Board being fully advised makes the following findings, conclusions and Order.

12 **FINDINGS OF FACT**

13 On May 27, 2008, the Board disciplined Licensee for documentation violations and  
14 alleged failure to provide adequate treatment as billed and exploiting patients. The Board is  
15 currently investigating additional complaints from another employer regarding the same issues.  
16 On November 12, 2008, Licensee advised the Board that he was being treated for a bipolar  
17 disorder and was receiving psychotherapy and pharmacological intervention. On November 13,  
18 2008, Licensee's treating provider confirmed the treatment and diagnosis of mixed bipolar  
19 disorder.

20 On November 17, 2008, the Board issued a Confidential Advisor Letter requiring  
21 Licensee submit monthly reports to the Board regarding his progress and treatment and required  
22 quarterly reports from his treatment provider. On December 8, 2009, the licensee submitted a  
23 letter to the Board stating that he was in his first month of employment and that he continued his  
24 medication and will plan on seeking counseling in the future pending the start of insurance. On  
25 January 7, 2009, the licensee submitted a letter to the Board stating that he continued to do well,  
26 but had sustained a job loss.

1 On January 13, 2009, the Board received a letter from the licensee's treating provider that  
2 stated he had not seen the licensee or prescribed him medication since September 29, 2008. The  
3 letter further stated that if the licensee was symptomatic, the provider would find it difficult for  
4 the licensee to maintain gainful employment or be functional. The provider indicated to the  
5 Board that the amount of medication provided to the licensee at his last appointment was only  
6 sufficient to maintain the licensee at a functional level for a period of approximately six weeks.

7 On January 20, 2009, after being incarcerated since December 24, 2008, Licensee was  
8 convicted of two counts of Assault in the 4<sup>th</sup> degree, a Class A misdemeanor in the Circuit Court  
9 of the State of Oregon for Linn County. The licensee was placed on bench probation for 24  
10 months and was required to enroll in and successfully complete a domestic violence intervention  
11 program.

12 The Board finds that the allegations of overbilling and patient exploitation coupled with  
13 the conviction for violent crimes and Licensee's untreated mental health condition make the  
14 Licensee a serious risk to the health and safety of the public if he is allowed to practice physical  
15 therapy.

#### 16 CONCLUSIONS OF LAW

17 The above-referenced conduct constitutes a serious danger to the public health and safety  
18 unless his license is immediately suspended pursuant to ORS 183.430(2) and ORS 688.140.

#### 19 ORDER

20 IT IS HEREBY ORDERED that Licensee's license to practice as a physical therapist is  
21 SUSPENDED IMMEDIATELY and that it remain suspended pending further order of the  
22 Board.

23 DATED this 30<sup>th</sup> day of January 2009.

24 PHYSICAL THERAPIST LICENSING BOARD

25 State of Oregon

**SIGNATURE ON FILE**

26 By: James D. Heider, Executive Director