

BEFORE THE
 PHYSICAL THERAPIST LICENSING BOARD
 STATE OF OREGON

In the Matter of the Physical Therapist License of:) JOSEPH KURTYKA, III, PT) Licensee.) <hr style="width: 100%;"/>	CASE NO: PT-203-10/05 LICENSE NO: 2150 SECOND STIPULATED AGREEMENT AND FINAL ORDER
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The Oregon Physical Therapist Licensing Board (Board) is the state agency responsible for licensing, disciplining and regulating the practice of physical therapy in the State of Oregon pursuant to ORS 688.140 and 688.160. Joseph Kurtyka, III, PT (Licensee) is licensed by the Board to practice as a physical therapist (PT) in Oregon.

The Board issued a Notice of Proposed Disciplinary Action on August 8, 2006, an Amended Notice of Proposed Disciplinary Action on June 27, 2007 and a Second Amended Notice of Proposed Disciplinary Action on February 13, 2008. The Board and Licensee agreed to resolve all of the issues raised by the three documents through a Stipulated Agreement and Final Order (Stipulation) dated May 27, 2008.

The terms of the Stipulation included imposition of a \$5,000 civil penalty, with \$2,500 stayed if Licensee satisfied the conditions of the Stipulation. The Stipulation allowed for payment of the \$2,500 civil penalty in installments of \$250 a month with the payment being due on the fifteenth of each month.

STIPULATIONS

1. Licensee paid to the Board the \$250 payment due June 15, 2008. The Board and Licensee stipulate that Licensee was late in paying the July and August civil penalty payments, the licensee only paid \$100 of the September 2008 payment and the licensee did not contact the Board to make other arrangements for the payments.

2. Licensee and the Board stipulate to the assessment of \$250 of the \$2,500 portion of the civil penalty that was conditionally stayed, reducing the stayed amount to \$2,250. Thus,

1 Licensee agrees to the total revised civil penalty payment of \$2,750, less \$850 for receipt of the
2 June, July, August, 2008 payments and partial payment for September, 2008.

3 3. Licensee agrees to pay the balance of the imposed civil penalty amount of \$1,900
4 in monthly installments of \$100 to be received by the Board by the 15th of each month,
5 commencing on October 15, 2008 with the final payment due April 15, 2010.

6 4. Licensee agrees that any violation of the terms of this Order or the Stipulation
7 shall be grounds for further disciplinary action under ORS 688.140.

8 5. Licensee is aware of his right to notice, to be represented by counsel, to a hearing
9 where she should call witnesses and cross-examine witnesses called by the Board, and the
10 Licensee hereby waives these rights and agrees to entry of this Stipulation and Final Order.

11 6. The Board and Licensee stipulate that the terms of this Stipulation and Final
12 Order become effective on the date this Order is signed by the Board's Executive Director.

13 **ORDER**

14 IT IS SO ORDERED this 29th day of OCTOBER, 2008.

15 OREGON PHYSICAL THERAPIST
16 LICENSING BOARD

SIGNATURE ON FILE

17 B

18 ~~James D. Heider~~
19 Executive Director

20 I HEREBY CERTIFY that I have read and understand the provisions of this Stipulation

21 and Final Order. I agree to the Board entering **SIGNATURE ON FILE**

22 10-27-08
23 Date

24 Joseph Kurtyka, III, PT
25 Licensee