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JOHNNY BEL EDWARDS  
GOVERNOR

CHARLOTTE F. MARTIN, M.P.A.  
EXECUTIVE DIRECTOR

State of Louisiana  
DEPARTMENT OF HEALTH AND HOSPITALS  
**Louisiana Physical Therapy Board**

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**IN THE MATTER OF**

**EDWIN SALUTILLO, PT**

**LICENSE NO. 04132F**

**CONSENT ORDER**

**NUMBER: 2017-I-038**

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Mr. Edwin Salutillo, PT, ("Mr. Salutillo" or "Respondent") initially came to the attention of the Louisiana Physical Therapy Board ("LPTB" or "Board") on October 30, 2017, when the Louisiana Physical Therapy Board received a complaint regarding the practice of physical therapy. The complaint alleged that while working in a nursing home setting Mr. Salutillo attempted to kiss and on several occasions inappropriately touched a former patient. The complaint further alleged that Mr. Salutillo verbally admitted to the Director of Nursing that he did in fact attempt to kiss and inappropriately touch a former physical therapy patient. Upon receipt of this information a formal complaint was initiated, and an investigative committee was formed in accordance with Board Rule §123. Mr. Salutillo complied with the Board request and entered into an *Agreement to Abstain* on or about December 12, 2017. On January 29, 2018, the Investigative Committee of the Board sent a letter to the Respondent requesting his participation in an Informal Conference scheduled for February 9, 2018 at the Board Office in Lafayette, LA. Respondent attended the Informal Conference and cooperated fully.

### **FACTUAL BASIS FOR CONSENT ORDER**

1. At all times pertinent hereto, Respondent was a licensed physical therapist with license number 04132F.
2. On or about October 30, 2017, a complaint was submitted to the Board therein alleging that while working in a nursing home setting as a physical therapist Mr. Salutillo attempted to kiss and inappropriately touch a nursing home resident and former patient. The complaint further alleged that Mr. Salutillo verbally admitted to the director of nursing that he did in fact attempt to kiss and inappropriately touch a former physical

therapy patient.

3. Upon receipt of the complaint an Investigative Committee ("Committee") was created in accordance with Board Rule §123 which Committee consisted of Charlotte Martin, Executive Director of the Board; JulieAnn Harris, Investigating Board Member; Courtney Newton, Board Attorney and George Papale, Board Attorney.
4. Following the formation of the Committee, a confidential investigation was conducted which included witness interviews and review of subpoenaed documents. Witness interviews revealed that Mr. Salutillo, while working as a physical therapist in the nursing home setting, attempted to kiss and touch the breasts, upper thigh, and vaginal area of a nursing home resident and former patient on multiple occasions despite repeatedly being asked to stop.
5. On December 7, 2017, the Investigative Committee requested that the Respondent voluntarily agree to abstain from practicing physical therapy until such time as all formal disciplinary matters had concluded either by dismissal, signed and accepted Consent Order, or Formal Hearing. Respondent voluntarily agreed to and entered into an *Agreement to Abstain* on or about December 12, 2017.
6. On January 29, 2018, the Investigative Committee of the Board sent a letter to the Respondent requesting his participation in an Informal Conference scheduled for February 9, 2018 at the Board office in Lafayette, LA.
7. Respondent participated in the Informal Conference at the Board Office in Lafayette, LA. Those in attendance at the Informal Conference were Charlotte Martin; Julie Harris; Courtney Newton; Stephanie Boudreaux, Board Compliance Officer; Respondent and Respondent's Attorney.
8. During the Informal Conference, Respondent cooperated fully with all requests of the Investigative Committee.
9. Following the completion of the investigation, the Respondent was offered this Consent Order.

## **VIOLATIONS RELATED TO RESPONDENT'S CONDUCT**

Respondent's conduct described above and otherwise reviewed in this action is subject to and/or in violation of the following provisions of law regarding his practice of physical therapy:

- A. The Board has the authority to suspend or revoke a professional license which it has issued, or place probationary conditions upon such license, upon proof that the licensee has practiced physical therapy in violation of the Practice Act, Board Rules, or standards of practice. La. R.S. 37:2420.A(1) and Board Rule §343.

- B. By inappropriately touching the breasts, upper thigh, and vaginal area of a nursing home resident and former patient, Mr. Salutillo engaged in unprofessional conduct and sexual misconduct in violation of La. R.S. 37:2420. A. (7), as further interpreted by Board Rule §345. B. (1)(a), failure to use sound professional judgement; Board Rule §345. B. (4)(b), exercising influence over a patient in such a manner as to abuse or exploit the physical therapy provider/patient or client relationship; Board Rule §345 B. (5), sexual misconduct; and Board Rule §345. B. (6), disruptive behavior.
- C. In addition, by inappropriately touching his former patient and nursing home resident and continuing to do so after being asked to stop such activities, Mr. Salutillo violated Board Rule § 373.A.(6), causing [ . . . ] physical or emotional injury to the patient, or depriving the patient of his individual dignity, and Board Rule § 373.A.(8), practicing in a manner which evidences failure to perform on a continuing basis in compliance with the Minimal Standards of Acceptable and Prevailing Physical Therapy Practice as defined in §123.

## ORDER

Pursuant to the foregoing Factual Basis for Consent Order and Violations Related to Respondent's Conduct, and, in order to avoid further administrative and judicial proceedings, Respondent and the Board, by vote of quorum, agree as follows:

1. Respondent's license as a Physical Therapist is hereby suspended for a period of one (1) year, beginning on December 12, 2017 which was the date of the respondent voluntarily agreed to abstain from the practice of physical therapy. For the entirety of the suspension period, Respondent shall not participate in any physical therapy patient care services. Respondent shall submit to the Board Executive Director in writing not less than thirty (30) calendar days prior to completion of suspension period a request for a letter from the Board formally acknowledging the close of the suspension period. Respondent's suspension period concludes upon receipt by Respondent of the Board a letter acknowledging the close of the suspension period;
2. Prior to the conclusion of the suspension period, Respondent submits, at his own expense to a Fitness for Duty Evaluation by a Board recognized provider. The evaluation report must be sent directly to the Louisiana Physical Therapy Board upon completion for review. The respondent's license will remain suspended until receipt of the evaluation report stating that Respondent is safe to return to the practice of physical therapy with reasonable skill and safety to the public.
3. Respondent agrees to follow all treatment recommendations resulting from the Fitness for Duty evaluation. If individual therapy is recommended in the Fitness for Duty evaluation, the individual therapy provider must meet the LPTB Criteria for Individual Treatment Providers. Participant shall sign all necessary medical release forms for the full initial evaluation report, Fitness for Duty evaluation report and any treatment discharge

summaries released directly to the individual therapy provider. Participant agrees to allow the LPTB to send a copy of the Consent Order to the individual therapy provider. Individual therapy reports shall be sent directly to the LPTB from the individual therapy provider on a quarterly basis, to be received no later than the 15th of January, April, July, and October.

4. Upon receipt by Respondent of the Board letter acknowledging the close of the suspension period specified in Paragraph "1", Respondent's physical therapy license shall be on probation for a minimum period of five (5) years beginning on the date the suspension period concludes as specified in said letter. Respondent shall submit to the Board Executive Director in writing not less than thirty (30) calendar days prior to completion of probationary period a request for a letter from the Board formally acknowledging the close of the probationary period. Respondent's probationary period concludes upon receipt by respondent of the Board a letter acknowledging the close of the probationary period;
5. For the duration of the probationary period, Respondent shall not seek or accept work in the home health or nursing home setting. Furthermore, Respondent shall submit to the Board Executive Director a request for approval of any work setting prior to accepting work. Once the setting is approved, Respondent shall notify the Executive Director in writing of all employment and/or contractual service arrangements which he has to work as a physical therapist and shall update the Executive Director in writing within five (5) calendar days of any and all changes in such arrangements.
6. During the five (5) year probationary period, Respondent shall fully cooperate with the Board representatives making random unannounced monitoring visits to his work sites and shall provide complete access to his place of employment, employment and/or business records, patient treatment and billing records, and all other documentation necessary for a full legal compliance review. Respondent shall reimburse the Board \$150.00 for each such monitoring visit by the deadline provided for payment following each visit;
7. During the five (5) year probationary period, Respondent shall provide a copy of this Consent Order to his employer(s), direct supervisor(s), and any physical therapist(s), physical therapist assistant(s), or physical therapy technician(s) who are supervised by, work for, or contract with Respondent at any business, including, but not limited to, any business(es) Respondent owns, operates or manages before providing physical therapy services and shall have such person(s) notify the Executive Director in writing that he has received and reviewed a copy of this Consent Order prior to Respondent providing physical therapy services. Respondent shall do this also with any new or subsequent employer(s), direct supervisor(s), physical therapist(s), physical therapist assistant(s), or physical therapy technician(s) during the probationary period;
8. The five (5) year probation period shall be extended for any period of time in which Respondent is not employed as a physical therapist within the State of Louisiana and regularly working at least *twenty (20) hours* each week as such. If Respondent ceases to be

regularly employed as a physical therapist in Louisiana, he shall notify the Executive Director in writing within *five (5) calendar days* of the last date he has practiced physical therapy in Louisiana. Likewise, if Respondent returns to work as a physical therapist within the State of Louisiana, he shall notify the Executive Director in writing within *five (5) calendar days* of his return to practice;

9. Prior to the completion of the probationary period, Respondent shall complete the live 3 day PBI Professional Boundaries and Ethics Course (Essential Edition). Respondent shall provide documentation in the form of a course completion certificate to the Executive Director within five (5) calendar days of receipt of such documentation;
10. Respondent shall write an essay of no fewer than 750 words explaining how his conduct violated the Practice Act and Board Rules and what he has learned as a result of the disciplinary process. The essay shall be submitted to Board Executive Director no later than May 22, 2018.
11. Respondent shall pay the Board the sum of \$1,600.00 in partial reimbursement for legal and administrative expenses incurred in this matter, this amount may be paid in a lump sum, or monthly installments, if arranged in writing in advance with the Executive Director, over a five (5) year period to begin on the date of acceptance of this Consent Order by the Board. Failure to provide payment by the deadlines set forth in the written payment agreement may result in further disciplinary action by the Board;
12. By signing this document Respondent waives his physician-patient privilege with regard to the Board and its agents and authorizes his treating physician(s), mental health or substance abuse professionals, or any other persons providing care related to the course and scope of this Consent Order to provide information on diagnosis, treatment, and prescriptions.
13. Respondent shall comply with Board Rule §363 and notify the Executive Director of the Louisiana Physical Therapy Board in writing and prior to a change of residence to another country, state, or jurisdiction. Upon relocation, all provisions of this Consent Order, except Paragraph "11" pertaining to reimbursement of legal and administrative expenses, are suspended until Respondent again resides within Louisiana, notifies the Executive Director of his Louisiana residence, and receives written confirmation from the Executive Director;
14. Respondent shall meet with the Board, or with the Board's representative, whenever requested during the suspension and probationary period, and shall fully cooperate in providing information and documents requested by the Board, or the Board's representative;

15. Respondent shall have reliable access to a computer, internet, and telephone. In accordance with Board Rule §385 Respondent shall provide to the executive director their preferred telephone number and/or email address in writing for expedited communications regarding compliance with board order within forty-eight (48) hours of signing the Consent Order and within forty-eight (48) hours following any such change throughout the entirety of the suspension and probationary period. Respondent shall reply to Board emails and telephone calls within four (4) hours of such communication in accordance with Board Rule § 385.
16. Respondent declares that, before signing this Consent Order, he is of sound mind and has carefully read this document, understands the contents, and freely consents to it as valid and binding upon him. He is aware of his right to a notice of hearing, to a formal administrative hearing and to judicial review of an administrative finding, and freely waives those rights;
17. Respondent acknowledges that his failure to comply with any term of this Consent Order is a basis for immediate summary suspension of his license and for further disciplinary action by the Board;
18. Respondent acknowledges that this Consent Order only addresses the specific violations outlined above;
19. Respondent authorizes the Investigating Board Member, Julie Harris, PT, and legal counsel assisting the Investigating Board Member, to present this Consent Order to the full Board for its consideration and to fully disclose and discuss with the Board the nature and results of the investigation. Respondent waives any objection to such disclosures under La. R.S. 49:960 and expressly acknowledges that the disclosure of such information to the Board shall be without prejudice to the Investigative Board Member's authority to file a formal Administrative Complaint against him, or to the Board's capacity to adjudicate such Complaint, should the Board decline to approve this Consent Order. Should the Board decline to approve this Consent Order, Respondent retains all rights to due process including, but not limited to, his right to have notice of any allegations or charges against him, to administrative adjudication of such allegations or charges, and to a subsequent final decision rendered upon written findings of fact and conclusions of law;
20. Respondent acknowledges that presentation to and consideration by the Board of this Consent Agreement, including presented documentary evidence and information, shall not unfairly or illegally prejudice or preclude the Board, or any of its members, from further participation in hearings or resolution to these proceedings;
21. Respondent acknowledges that this Consent Order becomes effective only upon signature by the Board Chair; and
22. Respondent acknowledges that all communication regarding compliance with and/or fulfillment of the requirements of this Consent Order shall be in writing between

Respondent and the Board Executive Director. No verbal communication shall be considered proof of compliance or commitment. Respondent acknowledges that it is the responsibility of the Respondent to fully comply with the Consent Order and proactively communicate with the Board Executive Director.

Edwin Salutillo  
Edwin Salutillo, PT

SWORN TO and subscribed before me, Notary Public 7<sup>th</sup> day of March, 2018  
Lake Charles, Louisiana.



**ERIN MEAGAN MOORE**  
Notary Public ID No. 56848  
State of Louisiana  
Parish of Calcasieu  
My Commission Is For Life

Erin Meagan Moore  
Notary Public

AGREED AND ACCEPTED by official action of the Board, the 22<sup>nd</sup> day of March,  
2018, at Lafayette, Louisiana.

Louisiana Physical Therapy Board  
Patrick Cook, P.T.  
Patrick Cook, P.T., Chairman