

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

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IN THE MATTER OF

PHILIPPE VEETERS

LICENSE NO. 01437F

CONSENT ORDER

NUMBER: 2018-I-014

CONSENT ORDER

Philippe Veeters, a physical therapist licensed by the Louisiana Physical Therapy Board ("Board"), as evidenced by license number 01437F, has practiced physical therapy at various locations in Baton Rouge, Louisiana, including Dutch Physical Therapy-Siegen located at 10343 Siegen Ln.

The Board received a complaint against Mr. Veeters on June 7, 2018 from L. J., a female patient, whose initial visit with Mr. Veeters had occurred earlier that same date. L. J., with a family history of scoliosis, had made an appointment with Mr. Veeters for a physical therapy assessment of a curvature of her spine in the mid back region. The complaint asserted that, during the examination, Mr. Veeters had L. J. lay on her back on the table and pulled up her dress to press on side areas outside L. J.'s underwear. The complaint also asserted that suddenly, without notice, explanation, obtaining a consent or having anyone in the room, Mr. Veeters pulled down L.J.'s underwear and, with an un-gloved hand, pushed on the left side of the patient's labia in contact with pubic hair.

Mr. Veeters attended an Informal Conference with an Investigative Committee and provided L. J.'s treatment records and information which he claimed supported the examination and procedure from his clinical assessment. Mr. Veeters acknowledged to the Committee that he had not obtained L. J.'s confirmed verbal consent prior to palpating the pubic region. During its investigation of the complaint, the Committee took into consideration additional materials provided by Mr. Veeters and, after evaluation of all of the information, concluded that L. J.'s presenting complaints did not provide Mr. Veeters with a clinical basis to assess or palpate L.J.'s pubic region and, accordingly, concluded that the procedure was clinically unnecessary and needlessly invasive of the patient's privacy.

Although Mr. Veeters told the Committee that he performed this pelvic test because the patient had a condition called sacroiliac joint dysfunction, the Committee's opinion was that a

pelvic symphysis test should not have been performed for such a condition and further the patient had no documented leg length discrepancy. The Committee also concluded that if there had been a clinical basis for making an assessment of the pubic symphysis, the patient should have been told in advance the nature of the condition being assessed, given a description of the proposed procedure, obtained a consent and the patient should have been advised as to the findings of the procedure. In addition, the Committee concluded that the patient should have been draped appropriately and the assessment made over the patient's undergarments and in the presence of another individual.

The Committee, after evaluating the patient's treatment records, concluded that Mr. Veeters' documentation of the patient's initial visit failed to record information of specific tests and measures which Mr. Veeters, at the Informal Conference, claim to have performed.

In assessing the subject matter of L. J.'s complaint, the Committee also considered an earlier Complaint (#2012-I-020) related to the manner in which Mr. Veeters performed this test on patient J. K. The Investigative Committee on the earlier complaint did not recommend disciplinary action, but on January 18, 2014, placed Mr. Veeters on notice that the information reviewed by the Committee indicated that some of the components of his interactions with J. K. were ill-advised, showed poor clinical judgment and were perceived by the patient as possibly inappropriate. The notice provided Mr. Veeters the opportunity to meet with that Committee for the Committee to provide instruction and recommendations, including, but not limited to, obtaining consent prior to performing such tests, educating patients on tests involving the pubic region, taking safety and privacy measures such as using gloves, providing covering for the patients and having another individual in the room when performing such tests, especially with female patients.

Throughout the investigation of this complaint, Mr. Veeters has maintained that his conduct was professional and conformed to the standards of acceptable practice. He denies failing to use sound professional judgment or engaging in any sexual misconduct. He further denies failing to comply with appropriate documentation standards. Nevertheless, in order to resolve the pending Administrative Complaint, Mr. Veeters is willing to enter into this Consent Order for presentation to the Board.

FACTUAL BASIS FOR CONSENT ORDER

The above described evidence, reviewed by the Investigative Committee, has established to the Committee's satisfaction that the Respondent, Philippe Veeters, PT, in his evaluation of patient L. J., failed to adhere to appropriate standards of physical therapy practice.

Predicated upon the above information, the Committee has determined that reasonable cause exists for recommending that a formal Administrative Complaint be filed against Philippe Veeters, PT charging him with the following violations of the Physical Therapy Practice Act and Board Rules.

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

1. 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 under La. R.S. 37:2420A (1) and Board Rule §343.
2. By conducting the evaluation/assessment of patient L.J. in the manner herein above alleged, Respondent violated La. R. S. 37:2420 A (7) by unprofessional conduct, including, but not limited to, departure from, or failure to conform to, the minimal standards of acceptable and prevailing physical therapy practice, including violations of Board Rules §345 B and §373 A, including the Code of Ethics of the APTA as hereinafter alleged.
3. By violating Board Rule §345 B(1) (a) -Failure to use sound professional judgment;
4. By violating Board Rule §345 B(4) (b) -By exercising influence over a patient in such a manner as to abuse or exploit the physical therapy provider/patient relationship;
5. By violating Board Rule §345 B (5) -By sexual misconduct in the form of inappropriate intimate contact with the patient that is sexual or reasonably may be construed by the patient as sexual;
6. By violating Board Rule §345 B. (6) -By aberrant behavior manifested by personal interaction with a physical therapy patient in such a manner that interferes with patient care or could reasonably be expected to interfere with the process of delivering quality care or jeopardizing patient safety;
7. By violating Board Rule §373 A (6) -By causing emotional injury to the patient or depriving the patient of her individual dignity;
8. By violating Board Rule §373 A (8) -Practicing in a manner which evidences the failure to perform on a continuing basis in compliance with the Minimal Standards of Acceptable and Prevailing Physical Therapy Practice as defined in Board Rules §123;
9. By failing to adhere to the Documentation Standards for the initial physical therapy evaluation required by Board Rule §341 A (2) ;
10. By failing to adhere to Code of Ethics Principle #2: Physical therapist shall be trustworthy and compassionate in addressing the rights and needs of patients/clients; including

violation of Principle #2 C which requires physical therapist to provide the information necessary to allow patients or their surrogates to make informed decisions about physical therapy care; and

11. By failing to adhere to Code of Ethics Principle #1 Physical therapists shall respect the inherent dignity and rights of all individuals.

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 physical therapy license is suspended for a minimum period of nine (9) months from the date of acceptance of the Consent Order by the Louisiana Physical Therapy Board and until the requirements of Paragraphs "2" "3" and "5" are satisfied. Respondent shall submit to the Board Executive Director in writing no less than thirty (30) calendar days prior to completion of the suspension period or fifteen (15) days following successful completion of the requirements of Paragraphs "2" "3" and "5", whichever is later, documentation of successful completion of all requirements found within Paragraphs "2" "3" and "5" and 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 and upon review at the board meeting following completion of the suspension period dated from the acceptance of the Consent Order by the Board.
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. Respondent's license shall be on probation for a minimum of five (5) years. 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 and final exit interview with the Board to be scheduled by the Board Executive Director;
5. Respondent shall begin an Ethics and Boundaries Assessment Examination through Ethics and Boundaries Services, LLC ("EBAS") at his expense within thirty (30) days of acceptance of the Consent Order by the Louisiana Physical Therapy Board, providing documentary evidence of registration to the Board Executive Director within seven (7) days of such event. Respondent shall successfully complete the EBAS Examination prior to the conclusion of his suspension period. Respondent shall submit to the Board Executive Director documentation evidencing successful completion of the EBAS Examination within seven (7) days of receipt of successful completion and prior to the conclusion of his suspension period;
6. Following successful completion of EBAS and prior to completion of his suspension period, 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 learned as a result of the disciplinary process. Upon request by the Board Executive Director, Respondent shall present his essay to the Board at a scheduled Board meeting;
7. During the five (5) year probationary period Respondent shall not provide physical therapy services to female patients outside of the presence of another responsible person.
8. 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;
9. 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;
10. 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 an aggregate over the month that is at *least twenty (20)* hours per week. If Respondent ceases to be regularly employed as a physical therapist in Louisiana, he shall notify

the Executive Director in writing within *ten (10) 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 *ten (10) calendar days* of his return to practice;

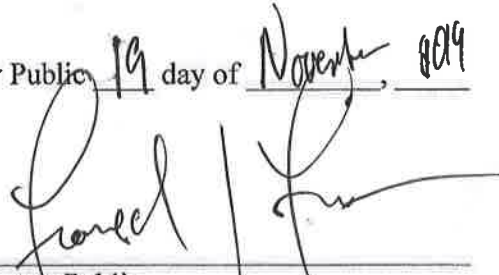
11. Prior to the completion of the probationary period, Respondent shall complete the live 3 day PBI Professional Boundaries and Ethics Course (Essential Edition). Respondent shall provide documentation in the form of a course completion certificate to the Executive Director within five (5) calendar days of receipt of such documentation;
12. Respondent shall pay the Board the sum of \$7,000.00 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 the minimum 18 months and 5 years of his suspension and probation. In the event that the Respondent reimburses the Board in monthly installments, payment shall be submitted to the Board Executive Director no later than the 15th day of the month. Failure to provide payment by the 15th day of the month three times is a basis for further disciplinary action by the Board;
13. Respondent shall comply with La R.S. 37:2415.B. 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 "12" 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 in such meetings;
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. Respondent shall reply to Board emails and telephone calls within four (4) hours of such communication. Respondent shall notify the Executive Director in writing of any change to their preferred telephone number and/or email address immediately upon change;
16. Respondent declares that, before signing this Consent Order, he is of sound mind 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. As is his right, he has been represented by legal counsel;
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; and
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.



Philippe Veeters, PT

SWORN TO and subscribed before me, Notary Public 19 day of November, 2018
Robert Rouse, Louisiana.


Notary Public
Floyd J Falconer
#5424

AGREED AND ACCEPTED by official action of the Board, the 5th day of
December, 2018, at Lafayette, Louisiana.

Louisiana Physical Therapy Board


Chairman of the Board