

**STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
PHYSICAL THERAPISTS**

IN RE:)
GORDON S. GATEWOOD) **Docket No: 2009-103 (PT)**
License No: 040-0003755)

STIPULATION AND CONSENT ORDER

NOW COMES the State of Vermont and the Respondent, Gordon S. Gatewood and hereby enter into the following Stipulation and Consent Order:

Authority

- 1) An Administrative Law Officer (the "ALO") appointed by Secretary of State's Office has jurisdiction to adjudicate cases of unprofessional conduct committed by physical therapists pursuant to 3 V.S.A. §129, 129a; Title 26, Chapter 38 of the Vermont Statutes Annotated; the Administrative Rules for Physical Therapists (ARPT) ; and the Rules of the Office of Professional Regulation.
- 2) Failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct. Failure to practice competently includes a failure to conform to the essential standards of acceptable and prevailing practice. 3 V.S.A. § 129a(b)(2).

Statement of Facts

- 4) The Respondent, Gordon S. Gatewood, is a licensed physical therapist holding license number 040-0003755 issued by the State of Vermont. This license was originally issued on September 12, 2007 and is currently set to expire on September 30, 2012.
- 5) On or about January 26, 2009 the Respondent was terminated from employment with Northern Physical Therapy (the "Facility"), located in Lyndonville, Vermont, based on allegations of sexual harassment of minor female patients.
- 6) During early-Winter 2008 the Respondent treated three 15-year-old female patients at the Facility. During the course of the treatment, the Respondent said things to the female patients that they construed as sexual in nature, felt the comments were inappropriate and as a result made them feel uncomfortable. The Respondent does not agree that he made the statements as represented by the female patients, but for purposes of this Stipulation does agree that he did make some statements and that the statements he made rise to the level of unprofessional conduct and support the charges listed below.

Charges

By committing the above act(s) and/or omission(s) alleged above, the Respondent has committed unprofessional conduct in that the Respondent has failed to conform to the essential standards of acceptable and prevailing practice. 3 V.S.A. § 129a(b)(2).

Understandings

- A. Respondent understands that the ALO must review and accept the terms of the Consent Order. If the ALO rejects any portion, the entire Stipulation and Consent Order shall be null and void.
- B. Respondent specifically waives any claims that any disclosures made to the ALO during the review of this agreement have prejudiced his rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the ALO.
- C. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
- D. Respondent is not under the influence of any drugs or alcohol at the time he signs this Stipulation and Consent Order.
- E. Respondent voluntarily enters into this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation and Consent Order.
- F. Respondent voluntarily waives his right to charges and a contested hearing before the Administrative Law Officer.
- G. Respondent agrees that the State has sufficient evidence for the ALO to find that Respondent has engaged in unprofessional conduct and that the Order set forth below may be entered by the ALO.
- H. This Stipulation is neither an admission of liability by the Respondent nor a concession by the State of Vermont that its charges are not well founded. To avoid delay, uncertainty, inconvenience, and expense of protracted litigation of the charges above the Parties reach a full and final agreement pursuant to this Stipulation and that the Board may impose the Consent Order set forth below.
- I. The Respondent does not admit to all of the alleged facts as outlined above, but does not contest that the State could prove some or all of them by a preponderance of the evidence if this matter went to a merits hearing.

ORDER

Based on the Stipulation above, it is **ORDERED AND ADJUDGED** as follows:

A. The Respondent's license to practice as a physical therapist is hereby **CONDITIONED for a period of ONE (1) Year**. The **CONDITIONS** on the Respondent's license are as follows:

(1) Supervision

During the conditioned period, the Respondent shall only work in a setting where his performance is regularly reviewed by a supervisor. The Respondent is prohibited in working in a home health setting, per diem or as a traveling physical therapist. The Respondent supervisor shall notify the Director of the Office of Professional Regulation as set forth in paragraph (3) below.

(2) Coursework

Within the conditioned license period, the Respondent shall take and successfully complete a minimum of sixteen (16) hours of continuing education credit or similar credits addressing primarily issues of boundaries and ethics. The Director or his designee must approve this course work in advance. Successful completion shall be shown by receiving a passing grade or certificate/document of completion.

(3) Employers

The Respondent is required to notify all current employers of his conditioned status and if he switches employment during the conditioned period, any future employer before the commencement of new employment. Within 30 days of the date of entry below for a current employer or 14 days of new employment, the Respondent's supervisor must notify, on facility letterhead, the Director or his designee that the Respondent is employed and that the supervisor is aware of this Stipulation and Consent Order.

(4) Costs.

The Respondent shall bear all costs of complying with this Consent Order.

(5) Completion of Conditional License Period.

After the conditioned period, the Respondent may petition the Director to remove any and all conditions on his license. The Respondent must present proof that he has fully complied with the terms of this Order.

B. Failure to timely comply with the conditions above shall be grounds for further disciplinary action.

C. Notwithstanding any provision above, the Respondent must continue to meet all requirements for maintaining a license, license renewal and license reinstatement.

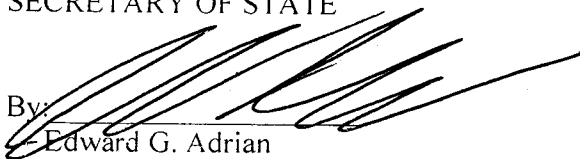
D. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).

E. This Stipulation and Consent Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 10/8/10

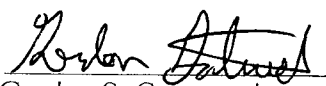
By: 

Edward G. Adrian

State Prosecuting Attorney

GORDON S. GATEWOOD
RESPONDENT

Dated: 10/07/10

By: 

Gordon S. Gatewood

Approved as to form:

Dated: 10/07/10

By: 

Kerry B. DeWolfe, Esq.

Attorney for Respondent

APPROVED AND SO ORDERED:

PHYSICAL THERAPISTS

Dated: October 8, 2010

By: 

George K. Belcher

Administrative Law Officer

Date of Entry: 10/13/10

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