

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

IN RE:	)	Docket No. 2021-90
PETER MAYOCK	)	
License No. 040.0003099	)	Docket No. 2021-⁹³

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney Elizabeth A. St. James, and the Respondent, Peter Mayock, represented by Michael F. Hanley, Esq., who stipulate and agree as follows:

Authority

1. The Administrative Law Officer ("ALO") has jurisdiction to hear matters involving allegations of unprofessional conduct by physical therapists and assistants pursuant to 3 V.S.A. §§127, 129, 129a; 26 V.S.A. Chapter 38; the Administrative Rules for Physical Therapists (the "ARPT"); and the Rules of the Vermont Office of Professional Regulation ("OPR").

Statement of Facts

2. Peter Mayock ("Respondent") of Woodstock, Vermont, is licensed in the State of Vermont as a physical therapist under license number 040.0003099. This license was first issued on March 20, 1997, and expires on September 30, 2022.
3. Respondent was the clinical director of Ottauquechee Physical Therapy in Woodstock, Vermont until approximately August 2021 when he closed his office and retired.
4. On May 21, 2021, Respondent had a physical therapy session with Patient.
5. Patient had been a patient of Respondent's since approximately 1997.
6. On May 21, 2021, Patient was seeing Respondent due to recent hip surgery.
7. Patient had previously seen Respondent due to shoulder problems, but had been discharged from care regarding her shoulder.
8. Towards the end of her appointment on May 21, 2021, Patient was laying on her back on the table, with Respondent standing near her head.

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9. Despite seeing Patient for hip problems, Respondent began working Patient's shoulders.
10. While working on Patient's shoulders, Respondent placed his open palms on Patient's breasts, cupping them, and began massaging her breasts in circular motions several times.
11. Respondent did not ask permission to touch Patient's breasts nor did Respondent inform Patient he was going to touch her breasts.
12. Patient did not give Respondent permission to touch her breasts.
13. When Respondent stopped massaging Patient's breasts, she got up to leave.
14. Prior to leaving the room, Respondent stated something to the effect of, "Friday special" to Patient.
15. On May 24, 2021, Patient called Respondent's office manager to report Respondent's conduct and cancel all future appointments.
16. Respondent was also licensed in New Hampshire as a physical therapist.
17. Respondent's New Hampshire physical therapist license was revoked in 1990 for engaging in sexual misconduct with patients.
18. The New Hampshire Board of Registration denied his re-application for a physical therapy license in December 1995.
19. Respondent's Vermont physical therapist license was disciplined upon issuance in 1997 in Docket No. App-PT22-0569 due to the conduct which led to his license revocation in New Hampshire. His license was conditioned for several years.
20. Respondent's Vermont physical therapist license was disciplined in 2012 in Docket No. 2009-577 for improper billing. His license was warned and he was fined one-thousand dollars (\$1,000).

Violation One: 3 V.S.A. §129a(a)(26) Sexually harassing or exploiting a patient, client, or consumer, or doing so to a coworker in a manner that threatens the health, safety, or welfare of patients, clients, or consumers; failing to maintain professional boundaries; or violating a patient, client, or consumer's reasonable expectation of privacy.

21. The State re-alleges and incorporates Paragraphs 2 through 20 above.
22. As a physical therapist, Respondent shall not sexually harass or exploit a patient, client, or consumer, or do so to a coworker in a manner that threatens the health, safety, or welfare of patients, clients or consumers; fail to maintain professional

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boundaries; or violate a patient, client, or consumer's reasonable expectation of privacy.

23. Paragraphs 2 through 15 above demonstrate Respondent sexually harassed or exploited a patient, client, or consumer, or did so to a coworker in a manner that threatened the health, safety, or welfare of patients, clients or consumers; failed to maintain professional boundaries; or violated a patient, client, or consumer's reasonable expectation of privacy.
24. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of 3 V.S.A. §129a(a)(26).

Violation Two: 26 V.S.A. §2121(b)(1) Sexual harassment of a patient.

25. The State re-alleges and incorporates Paragraphs 2 through 20 above.
26. As a physical therapist, Respondent shall not sexually harass a patient.
27. Paragraphs 2 through 15 above demonstrate Respondent sexually harassed a patient.
28. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of 26 V.S.A. §2121(b)(1).

Violation Three: 3 V.S.A §129a(b)(1) Failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct, whether actual injury to a client, patient, or customer has occurred. Failure to practice competently includes: (1) performance of unsafe or unacceptable patient or client care.

29. The State re-alleges and incorporates Paragraphs 2 through 20 above.
30. As a physical therapist, Respondent has an obligation to provide safe and acceptable patient care.
31. Paragraphs 2 through 15 above demonstrate that Respondent provided unsafe and unacceptable patient care.
32. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent has committed unprofessional conduct in violation of 3 V.S.A. §129a(b)(1).

Violation Four: 3 V.S.A §129a(b)(1) Failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct, whether actual injury to a client, patient, or customer has occurred. Failure to practice competently includes: (2) failure to conform

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to the essential standards of acceptable and prevailing practice.

33. The State re-alleges and incorporates Paragraphs 2 through 20 above.
34. As a physical therapist, Respondent has an obligation to conform to the essential standards of acceptable and prevailing practice for physical therapists.
35. The essential standards of acceptable and prevailing practice require physical therapists to refrain from harassing anyone verbally, physically, emotionally, or sexually. *See* The American Physical Therapy Association's Code of Ethics for the Physical Therapist, Principal 4D.
36. Paragraphs 2 through 15 above demonstrate that Respondent failed to refrain from harassing anyone verbally, physically, emotionally, or sexually.
37. The essential standards of acceptable and prevailing practice require physical therapists to refrain from exploiting persons over whom they have supervisory, evaluative, or other authority (eg, patients/clients, students, supervisees, research participants, or employees). *See* The American Physical Therapy Association's Code of Ethics for the Physical Therapist, Principal 4B.
38. Paragraphs 2 through 15 above demonstrate that Respondent failed to refrain from exploiting persons over whom they have supervisory, evaluative, or other authority (eg, patients/clients, students, supervisees, research participants, or employees).
39. The essential standards of acceptable and prevailing practice require physical therapists to provide the information necessary to allow patients to make informed decisions about their physical therapy care. *See* The American Physical Therapy Association's Code of Ethics for the Physical Therapist, Principal 2C.
40. Paragraphs 2 through 15 above demonstrate that Respondent to provide the information necessary to allow patients to make informed decisions about their physical therapy care.
41. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent has committed unprofessional conduct in violation of 3 V.S.A. §129a(b)(2).

Violation Five: 3 V.S.A. §129a(a)(15) Failing to exercise independent professional judgment in the performance of licensed activities when that judgment is necessary to avoid action repugnant to the obligations of the profession.

42. The State re-alleges and incorporates Paragraphs 2 through 20 above.
43. As a physical therapist, Respondent is required to exercise independent professional judgment in the performance of licensed activities.

44. Paragraphs 2 through 15 above demonstrate Respondent failed to exercise independent professional judgment in the performance of licensed activities when that judgment is necessary to avoid action repugnant to the obligations of the profession.
45. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of 3 V.S.A. §129a(a)(15).

Understandings

46. This Stipulation and Consent Order fully resolves the above-captioned docket numbers between the parties in this administrative licensing matter only. The Respondent neither admits nor denies the accuracy of the Statement of Facts and Violations. This Stipulation and Consent Order is not a concession by the State that its charges are not well-founded. To avoid the delay, inconvenience, and the expense of protracted litigation, Respondent does not dispute that the State could prove the Specification of Charges by a preponderance of the evidence if this matter went to a hearing and agrees to the Order below.
47. Respondent understands that the ALO must review and accept the terms of the Stipulation and Consent Order. If the ALO rejects any portion, the entire Stipulation and Consent Order shall be null and void.
48. Respondent specifically waives any claims that any disclosures made to the ALO during its review of this agreement have prejudiced his rights to a fair and impartial hearing in future hearings if this agreement is not accepted.
49. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
50. Respondent is not under the influence of any drugs or alcohol at the time he signs this Stipulation and Consent Order.
51. 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.
52. Respondent voluntarily waives his right to a contested hearing before an ALO and waives any right to appeal from this Stipulation and Consent Order.
53. Respondent agrees that the Order set forth below may be entered.

ORDER

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

- A. Respondent's physical therapy license is hereby **REVOKED**.

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- B. 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).
- C. 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:

8/16/2021
Dated: _____

STATE OF VERMONT
SECRETARY OF STATE
/s/ Elizabeth A. St. James
By: _____
Elizabeth A. St. James
State Prosecuting Attorney

Dated: 8/16/2021

PETER MAYOCK
RESPONDENT
By: [Signature]
Peter Mayock

APPROVED AS TO FORM ONLY:

Dated: 8/17/2021

MICHAEL F. HANLEY, ESQ.
ATTORNEY FOR RESPONDENT
By: [Signature]
Michael F. Hanley, Esq.

APPROVED AND SO ORDERED:

Dated: 8/18/2021

By: [Signature]
Administrative Law Officer
Michael S. Kupersmith

Entered: 8/18/21

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IN RE:)
PETER MAYOCK) **Docket No. 2021- 90**
License No. 040.0003099)

REQUEST FOR SUMMARY SUSPENSION

NOW COMES the State of Vermont, by and through State Prosecuting Attorney Elizabeth A. St. James, and hereby requests summary suspension of the Physical Therapy license of Respondent Peter Mayock. In support of such request, the State alleges the following:

Authority

1. The Administrative Law Officer (“ALO”) has jurisdiction to hear matters involving allegations of unprofessional conduct by physical therapists and assistants pursuant to 3 V.S.A. §§127, 129, 129a; 26 V.S.A. Chapter 38; the Administrative Rules for Physical Therapists (the “ARPT”); and the Rules of the Vermont Office of Professional Regulation (“OPR”).
2. The ALO is authorized by 3 V.S.A. § 814 to summarily suspend the license of a physical therapist when it finds that the public health, safety, or welfare imperatively requires emergency action.

Statement of Facts

3. Peter Mayock (“Respondent”) of Woodstock, Vermont, is licensed in the State of Vermont as a physical therapist under license number 040.0003099. This license was first issued on March 20, 1997, and expires on September 30, 2022.
4. As of the filing of this Request for Summary Suspension, Respondent is the clinical director of Ottauquechee Physical Therapy in Woodstock, Vermont.
5. On May 21, 2021, Respondent had a physical therapy session with Patient.
6. Patient had been a patient of Respondent’s since approximately 1997.
7. On May 21, 2021, Patient was seeing Respondent due to recent hip surgery.
8. Patient had previously seen Respondent due to shoulder problems, but had been discharged from care regarding her shoulder.
9. Towards the end of her appointment on May 21, 2021, Patient was laying on her back on the table, with Respondent standing near her head.

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10. Despite seeing Patient for hip problems, Respondent began working Patient's shoulders.
11. While working on Patient's shoulders, Respondent placed his open palms on Patient's breasts, cupping them, and began massaging her breasts in circular motions several times.
12. Respondent did not ask permission to touch Patient's breasts nor did Respondent inform Patient he was going to touch her breasts.
13. Patient did not give Respondent permission to touch her breasts.
14. When Respondent stopped massaging Patient's breasts, she got up to leave.
15. Prior to leaving the room, Respondent stated something to the effect of, "Friday special" to Patient.
16. On May 24, 2021, Patient called Respondent's office manager to report Respondent's conduct and cancel all future appointments.
17. Respondent was also licensed in New Hampshire as a physical therapist.
18. Respondent's New Hampshire physical therapist license was revoked in 1990 for engaging in sexual misconduct with patients.
19. The New Hampshire Board of Registration denied his re-application for a physical therapy license in December 1995.
20. Respondent's Vermont physical therapist license was disciplined upon issuance in 1997 in Docket No. App-PT22-0569 due to the conduct which lead to his license revocation in New Hampshire. His license was conditioned for several years.
21. Respondent's Vermont physical therapist license was disciplined in 2012 in Docket No. 2009-577 for improper billing. His license was warned and he was fined one-thousand dollars (\$1,000).

Violation One: 3 V.S.A. §129a(a)(26) Sexually harassing or exploiting a patient, client, or consumer, or doing so to a coworker in a manner that threatens the health, safety, or welfare of patients, clients, or consumers; failing to maintain professional boundaries; or violating a patient, client, or consumer's reasonable expectation of privacy.

22. The State re-alleges and incorporates Paragraphs 3 through 21 above.
23. As a physical therapist, Respondent shall not sexually harass or exploit a patient, client, or consumer, or do so to a coworker in a manner that threatens the health, safety, or welfare of patients, clients or consumers; fail to maintain professional

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boundaries; or violate a patient, client, or consumer's reasonable expectation of privacy.

24. Paragraphs 3 through 16 above demonstrate Respondent sexually harassed or exploited a patient, client, or consumer, or did so to a coworker in a manner that threatened the health, safety, or welfare of patients, clients or consumers; failed to maintain professional boundaries; or violated a patient, client, or consumer's reasonable expectation of privacy.
25. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for summary suspension because the Respondent has committed unprofessional conduct in violation of 3 V.S.A. §129a(a)(26).

Violation Two: 26 V.S.A. §2121(b)(1) Sexual harassment of a patient.

26. The State re-alleges and incorporates Paragraphs 3 through 21 above.
27. As a physical therapist, Respondent shall not sexually harass a patient.
28. Paragraphs 3 through 16 above demonstrate Respondent sexually harassed a patient.
29. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for summary suspension because the Respondent has committed unprofessional conduct in violation of 26 V.S.A. §2121(b)(1).

Violation Three: 3 V.S.A §129a(b)(1) Failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct, whether actual injury to a client, patient, or customer has occurred. Failure to practice competently includes: (1) performance of unsafe or unacceptable patient or client care.

30. The State re-alleges and incorporates Paragraphs 3 through 21 above.
31. As a physical therapist, Respondent has an obligation to provide safe and acceptable patient care.
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to the essential standards of acceptable and prevailing practice.

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39. Paragraphs 3 through 16 above demonstrate that Respondent failed to refrain from exploiting persons over whom they have supervisory, evaluative, or other authority (eg, patients/clients, students, supervisees, research participants, or employees).
40. The essential standards of acceptable and prevailing practice require physical therapists to provide the information necessary to allow patients to make informed decisions about their physical therapy care. *See* The American Physical Therapy Association's Code of Ethics for the Physical Therapist, Principal 2C.
41. Paragraphs 3 through 16 above demonstrate that Respondent to provide the information necessary to allow patients to make informed decisions about their physical therapy care.
42. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for summary suspension because Respondent has committed unprofessional conduct in violation of 3 V.S.A. §129a(b)(2).

Violation Five: 3 V.S.A. §129a(a)(15) Failing to exercise independent professional judgment in the performance of licensed activities when that judgment is necessary to avoid action repugnant to the obligations of the profession.

43. The State re-alleges and incorporates Paragraphs 3 through 21 above.
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45. Paragraphs 3 through 16 above demonstrate Respondent failed to exercise independent professional judgment in the performance of licensed activities when that judgment is necessary to avoid action repugnant to the obligations of the profession.
46. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for summary suspension because the Respondent has committed unprofessional conduct in violation of 3 V.S.A. §129a(a)(15).

Relief Requested

47. Respondent currently has an unencumbered license. Members of the public, patients, potential patients, and other licensing authorities have no way of learning of Respondent's dangerous behavior and will remain unprotected pending suspension of Respondent's license. The facts as set out above establish that in order to protect the public health, safety, or welfare of the people of the State of Vermont, emergency action is imperative.

WHEREFORE, the State of Vermont respectfully requests that pursuant to 3 V.S.A. § 814(c), the Respondent's physical therapist license, number 040.0003099, be summarily suspended, pending a final hearing on the merits.

DATED this 3rd day of August, 2021.

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SECRETARY OF STATE

By: /s/ Elizabeth A. St. James
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