

**BEFORE THE MINNESOTA
BOARD OF PHYSICAL THERAPY**

In the Matter of the
Physical Therapy License
of Luke W. Hayes, P.T.
Year of Birth: 1967
License Number: 6840

STIPULATION AND ORDER

IT IS HEREBY STIPULATED AND AGREED, by and between Luke W. Hayes, P.T. ("Licensee"), and the Complaint Review Committee ("Committee") of the Minnesota Board of Physical Therapy ("Board") as follows:

1. During all times herein, Licensee has been and now is subject to the jurisdiction of the Board from which he holds a license to practice physical therapy in the State of Minnesota.
2. Licensee has been advised by Board representatives that he may choose to be represented by legal counsel in this matter. Licensee was represented by attorney Timothy Yanacheck. The Committee was represented by Bryan D. Huffinan, Assistant Attorney General, 445 Minnesota Street, Suite 1400, St. Paul, Minnesota 55101-2131, telephone (651) 296-1439.

FACTS

3. On or about October 8, 2013, the Wisconsin Physical Therapy Examining Board ("Wisconsin Board") issued a Final Decision and Order revoking Licensee's license to practice physical therapy in the State of Wisconsin ("Wisconsin Order"). The Wisconsin Order was based on findings of unprofessional conduct and sexual misconduct with patients A and B, both

female. The following facts are representative of the Findings of Fact set forth in the Wisconsin Order:¹

a. Licensee began treating patient A in February 2006. On two separate occasions, Licensee moved patient A's underwear enough to expose her vagina and proceeded to touch her labia. Patient A subsequently made a report to local law enforcement.

b. On or about November 10, 2010, Licensee treated patient B. During the treatment, he pulled patient B toward him, reached into her shorts, and stuck his fingers into her vagina. Licensee proceeded to grab her breast with his other hand and kissed her. Patient B subsequently made a report to local law enforcement.

c. The Division of Legal Services and Compliance recommended that Licensee's license to practice as a physical therapist be revoked, stating "With regard to rehabilitation, it is evident that [Licensee] learned nothing following the incident with Patient A, which included police involvement. He went on to commit similar and more egregious acts of sexual misconduct against Patient B over four and a half years later, despite the serious risk that such conduct posed to his professional license and livelihood." (Wisconsin Order at 23.)

d. The Wisconsin Board revoked Licensee's license based on violations of Wisconsin laws regulating physical therapists.

STATUTES

4. The Committee views Licensee's practices as inappropriate in such a way as to require Board action under Minn. Stat. § 148.75(a)(1) and (19) (2012). Licensee agrees that the

¹ See generally DHA Case No. SPS-12-0055; Division of Legal Services and Compliance Case No. 10 PHT.019.

conduct cited above constitutes a reasonable basis in law and fact to justify the disciplinary action under these statutes.

REMEDY

5. Upon this stipulation and all of the files, records, and proceedings herein, and without any further notice or hearing herein, Licensee does hereby consent that until further order of the Board, made after notice and hearing upon application by Licensee or upon the Board's own motion, the Board may make and enter an order **REVOKING** Licensee's license to practice physical therapy in the State of Minnesota as follows:

a. Licensee must surrender to the Board his physical therapy license within ten days of the date of service of this Order. Licensee must personally deliver or mail the license to the Minnesota Board of Physical Therapy, c/o Stephanie Lunning, Executive Director, 2829 University Avenue S.E., Suite 420, Minneapolis, Minnesota 55414.

b. Licensee may apply for relicensure no sooner than ten years from the date of this Order. Licensee must comply with all requirements for relicensure at the time of his application. Upon application for relicensure, Licensee may be required to meet with a Complaint Review Committee to review his application. Licensee must demonstrate by a preponderance of the evidence that he is fit to return to physical therapy practice in a fit, competent, and ethical manner.

6. In the event the Board in its discretion does not approve this settlement, this stipulation is withdrawn and will be of no evidentiary value and may not be relied upon nor introduced in any disciplinary action by either party hereto except that Licensee agrees that should the Board reject this stipulation and if this case proceeds to hearing, Licensee will assert

no claim that the Board was prejudiced by its review and discussion of this stipulation or of any records relating hereto.

7. Licensee waives any further hearings on this matter before the Board to which Licensee may be entitled by Minnesota or United States constitutions, statutes, or rules and agrees that the order to be entered pursuant to the stipulation shall be the final order herein.

8. Licensee hereby acknowledges that he has read and understands this stipulation and has voluntarily entered into the stipulation without threat or promise by the Board or any of its members, employees, or agents. This stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this stipulation.

Dated: 1-16-14

Dated: 3/27/14

SIGNATURE ON FILE

SIGNATURE ON FILE

LUKE W. HAYES, P.T.
Licensee

FOR THE COMMITTEE

ORDER

Upon consideration of this stipulation and all the files, records, and proceedings herein,
IT IS HEREBY ORDERED that the terms of this stipulation are adopted and
implemented by the Board this 27th day of March, 2014.

MINNESOTA BOARD OF
PHYSICAL THERAPY

SIGNATURE ON FILE

STEPHANIE LUNNING
Executive Director

