

**BEFORE THE MINNESOTA
BOARD OF PHYSICAL THERAPY**

In the Matter of the
Physical Therapy License of
Alan R. Yeutter, P.T.
Date of Birth: 07/28/48
License Number: 1648

**STIPULATION
AND ORDER**

IT IS HEREBY STIPULATED AND AGREED, by and between Alan R. Yeutter, P.T. ("Respondent"), and the Complaint Review Committee ("Committee") of the Minnesota Board of Physical Therapy ("Board") as follows:

1. During all times herein, Respondent 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. Respondent has been advised by Board representatives that he may choose to be represented by legal counsel in this matter. Respondent has chosen to be represented by Thomas J. Reif, Thornton, Hegg, Reif, Dolan & Bowen, P.A., 1017 Broadway, P.O. Box 819, Alexandria, MN 56308-0819. The Committee was represented by Paul R. Kempainen, Assistant Attorney General, 1400 NCL Tower, 445 Minnesota Street, St. Paul, Minnesota 55101, (651) 296-7575.

FACTS

3. For the purpose of this stipulation, the Board may consider the following facts as true:

a. Respondent is a licensed physical therapist ("P.T.") who practices in Fergus Falls, Minnesota. Respondent has been licensed since June 11, 1977. He is the head of the physical therapy department in the hospital where he works.

b. In February 1993, patient #1 had an abdominal hysterectomy and following surgery experienced pain in her left buttock, leg, and hip. Patient #1 was diagnosed

with Piriformis Syndrome and was referred to Respondent for physical therapy. Respondent provided care to patient #1 from March 1, 1993 to March 28, 1994, at a frequency of approximately three times per week. Respondent admitted that in October, 1993, during physical therapy sessions to have engaged in sexual intercourse with patient #1 on two occasions, and non-intercourse sexual contact on one other occasion.

c. Respondent admitted to engaging in consensual sexual intercourse with patient #1 on at least three other occasions in October 1993 outside of the physical therapy department.

d. From November 1993 through March 1994, Respondent and patient #1 no longer had sexual intercourse, but continued kissing, hugging, and caressing during patient #1's physical therapy appointments.

e. In July 1997, the sexual intercourse relationship between patient #1 and Respondent resumed and continued until August 2000.

f. On November 2, 2000, patient #1 met with an official at the hospital regarding her relationship with Respondent.

g. On November 3, 2000, Respondent called patient #1 and threatened to commit suicide.

h. On December 6, 2000, Respondent self-reported that he engaged in a sexual relationship with patient #1, who was under his care in physical therapy.

Evaluation

i. Pursuant to the Board's request, Respondent admitted himself to Rush Behavioral Health Center, Multidisciplinary Assessment Program Presbyterian-St Luke's Medical Center, Chicago, Illinois, for the purpose of a comprehensive psychiatric evaluation, screen for presence of sexual disorder/paraphilia, and fitness for duty evaluation. The December 19, 2001 report included the following:

(1) Patient's diagnosis included Axis II: Personality disorder, not otherwise specified with narcissistic features. The Rush report stated that "we are of the opinion, to a reasonable degree of medical and psychiatric certainty, as the treater, (Respondent) had the responsibility to establish and maintain professional boundaries."

(2) The report states the team was "troubled by (Respondent)'s failure to take responsibility for the misconduct, misattribution, as well as his poor understanding of the inherent disequilibrium which exists between patient and therapist." And that "Our concerns in this regard are **current and active**."

(3) The report stated: "(W)e did not find him severely personality disordered, nor having demonstrated a pattern of predatory conduct." "His relationship with (patient #1) does not appear to have been part of a larger pattern of sexual misconduct. His relationship with her can best be characterized as opportunity-driven and reflective of having exercised *extremely* poor judgment."

STATUTES

4. The Committee views Respondent's practices as inappropriate in such a way as to require Board action under Minn. Stat. § 148.75(a)(5) (2000) and Minn. Stat. § 148.75(f) (1992). Respondent agrees that the 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, Respondent does hereby consent that until further order of the Board, made after notice and hearing upon application by Respondent or upon the Board's own motion, the Board may make and enter an order **REPRIMANDING** him for the conduct outlined in the above-stated facts, and conditioning and restricting Respondent's license to practice physical therapy in the State of Minnesota as follows:

a. Respondent shall not engage in any conduct with a patient that is sexual or may reasonably be interpreted by the patient as sexual, or in any verbal behavior that is seductive or sexually demeaning to the patient.

b. Respondent shall receive therapy from a psychiatrist or therapist approved in advance by the Committee or its designee. The therapist shall submit quarterly reports to the Board or its designee regarding the Respondent's diagnosis and progress in therapy. Termination of therapy shall be at the recommendation of the approved therapist, with the approval of the Committee.

c. Respondent shall offer all female patients at each visit the opportunity to have a female attendant present during the physical therapy evaluation and intervention, and document in the medical record that the offer was made and whether the patient accepted or declined the offer. Alternatively, the Respondent may submit within 90 days of the date of this Order, for Committee approval, a Physical Therapy Departmental policy offering patients the opportunity to have an attendant present during physical therapy evaluation and intervention (which may cover questions regarding therapy in open settings and multiple visit issues).

d. Respondent shall successfully complete a Committee approved professional boundaries course ("course") within six months of the date of this Order.

e. After completion of the course, Respondent shall write a paper assessing the professional boundaries problems that occurred in this case and specifically describe the appropriate manner for addressing those professional boundary problems. The paper must be submitted to the Committee for its approval within two months of the completion of the course.

f. Respondent shall, within eight months of the date of this Order, submit for approval to the Committee, proposed policies and procedures for his physical therapy department regarding patient-therapist professional boundaries including, but not limited to, inappropriate touch, verbal behavior which is seductive or sexually demeaning to the patient, conduct with a patient which is sexual or may reasonably be interpreted by the patient as sexual, and the appropriate use of chaperones and other safeguarding measures. Alternatively, the Respondent

may submit within the same eight months, for Committee approval, a Physical Therapy Departmental policy on patient-therapist professional boundaries.

g. Respondent shall meet on a quarterly basis with a designated Board Member. Such meetings shall take place at a time mutually convenient to Respondent and the designated Board member. It shall be the Respondent's obligation to contact the designated Board member to arrange each of the quarterly meetings. The purpose of such meetings is to review Respondent's progress under the terms of this Order.

h. Respondent shall within six months of the date of this Order reimburse the Board for its investigational costs in the amount of \$5,000.

i. This Stipulation and Order shall remain in effect for a minimum of three years. At the end of the period, Respondent may petition for reinstatement of an unconditional license. Upon hearing the petition, the Board may continue, modify, or remove the conditions set out herein.

6. Within ten days of the date of this Order, Respondent shall provide the Board with a list of all hospitals and skilled nursing facilities at which Respondent currently has privileges, a list of all states in which Respondent is licensed or has applied for licensure, and the addresses and telephone numbers of Respondent's residences and all work sites. Within seven days of any change, Respondent shall provide the Board with the new address and telephone information. The information shall be sent to Stephanie Lunning, Minnesota Board of Physical Therapy, University Park Plaza, 2829 University Avenue S.E., Suite 315, Minneapolis, Minnesota 55414-3246.

7. In the event Respondent resides or practices outside the State of Minnesota, Respondent shall promptly notify the Board in writing of the location of his residence and all work sites. Periods of residency or practice outside of Minnesota will not be credited toward any period of Respondent's suspended, limited, or conditioned license in Minnesota unless Respondent demonstrates that practice in another state conforms completely with Respondent's Minnesota license to practice physical therapy.

8. If Respondent shall fail, neglect, or refuse to fully comply with each of the terms, provisions, and conditions herein, the Committee shall schedule a hearing before the Board. The Committee shall mail Respondent a notice of the violation alleged by the Committee and of the time and place of the hearing. Respondent shall submit a response to the allegations at least three days prior to the hearing. If Respondent does not submit a timely response to the Board, the allegations may be deemed admitted.

At the hearing before the Board, the Committee and Respondent may submit affidavits made on personal knowledge and argument based on the record in support of their positions. The evidentiary record before the Board shall be limited to such affidavits and this Stipulation and Order. Respondent waives a hearing before an administrative law judge and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

At the hearing, the Board will determine whether to impose additional disciplinary action, including additional conditions or limitations on Respondent's practice, or suspension or revocation of Respondent's license.

9. In the event the Board in its discretion does not approve this settlement, this stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced in any disciplinary action by either party hereto except that Respondent agrees that should the Board reject this stipulation and if this case proceeds to hearing, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this stipulation or of any records relating hereto.

10. Respondent waives any further hearings on this matter before the Board to which Respondent 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.

11. Respondent 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: 1/17/02_____

Dated: 1/17/02_____

SIGNATURE ON FILE _____
Alan R. Yeutter, P.T.
Respondent

SIGNATURE ON FILE _____
For the Committee

ORDER

Upon consideration of this stipulation and all the files, records, and proceedings herein,
IT IS HEREBY ORDERED that Respondent is **REPRIMANDED** for his conduct outlined in the Facts herein, and that the terms of this stipulation are adopted and implemented by the Board this 17th day of January, 2002.

MINNESOTA BOARD OF
PHYSICAL THERAPY

SIGNATURE ON FILE

STEPHANIE LUNNING
Executive Director