

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE PHYSICAL THERAPY EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST : FINAL DECISION AND ORDER  
:  
NICHOLAS A. BATSON, P.T., :  
RESPONDENT. : ORDER 0001272

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Division of Enforcement Case No. 09PHT015

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Nicholas A. Batson, P.T.  
112 Elizabeth Lane, Unit C  
Genoa City, WI 53128

Wisconsin Physical Therapy Examining Board  
P.O. Box 8935  
Madison, WI 53708-8935

Wisconsin Department of Safety and Professional Services  
Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Nicholas A. Batson, P.T., Respondent herein, (DOB: July 21, 1962) was granted a license to practice physical therapy in the state of Wisconsin (license no. 9814-24) on January 28, 2002.
2. Respondent's address on record with the Wisconsin Physical Therapy Examining Board is 112 Elizabeth Lane, Unit C, Genoa City, WI 53128.

3. At all times relevant hereto, Respondent was licensed to practice physical therapy in the state of Illinois (license no. 70012247).

4. On or about July 17, 2008, Respondent entered into a negotiated plea of guilty and was convicted of Domestic Battery, a criminal misdemeanor involving a former patient, in the Circuit Court of the Nineteenth Judicial Circuit, Lake County, Illinois.

5. On October 3, 2008, Respondent was sentenced by the Nineteenth Judicial Circuit, Lake County, Illinois Judge, to obtain a sex offender and mental health evaluation in return for the Lake County State's Attorney withdrawing its petition to revoke the criminal probation and lift the stayed jail sentence for allegedly violating the original terms of the judgment.

6. On September 18, 2008, an informal disciplinary conference was held with the Respondent, his attorney, a member of the Physical Therapy Examining Committee of the State of Illinois and the attorney for the Department. The Respondent fully cooperated with the proceeding and did not contest the charges in the Lake County criminal matter.

7. On May 11, 2009 the Department of Financial and Professional Regulation of the State of Illinois issued the following Consent Order :

- a. The license will be indefinitely suspended for a minimum period of six (6) months.
- b. The Respondent shall refrain from practicing as a physical therapist in the State of Illinois.

The Respondent may restore his physical therapy license on a probationary basis after the minimum six (6) months of indefinite suspension has elapsed and must comply with the following:

- a. Compliance with all the conditions of his criminal probation in Lake County, Illinois (Case No. 07CF4780) pursuant to the Lake County Court Orders dated July 17, 2008 and October 3, 2008.
  - b. Written proof of which includes a narrative report by a licensed health care professional, preferably a licensed psychiatrist, psychologist, or professional counselor indicating Respondent's fitness to return to the practice of physical therapy.
  - c. Compliance with all statutory requirements for renewal and reinstatement.
  - d. The restoration of Respondent's physical therapy license would warrant the public's trust.
8. In November 2010, Respondent completed his court ordered assessment and treatment.
9. On December 2010, Respondent's probation agent issued a letter indicating Respondent had completed all requirements of his probation.

10. Respondent is currently in compliance with his disciplinary order.
11. Respondent has not requested reinstatement of his Illinois license to practice Physical Therapy as of the date of this Order.

### CONCLUSIONS OF LAW

1. The Wisconsin Physical Therapy Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. § 448.57(2), and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).
2. Respondent having been convicted of a crime substantially related to the practice under his license, as set out above, has committed unprofessional conduct as defined by Wis. Admin. Code § PT 7.02(18) and is subject to discipline pursuant to Wis. Stat. § 448.57.
3. Respondent by having disciplinary action taken against his Illinois license to practice physical therapy by the Illinois State Board of Physical Therapy, as set out above, has committed unprofessional conduct as defined by Wis. Admin. Code § PT 7.02(17) and is subject to discipline pursuant to Wis. Stat. § 448.57.

### ORDER

IT IS HEREBY ORDERED that the stipulation of the parties is approved.

IT IS FURTHER ORDERED that Nicholas A. Batson, P.T. be REPRIMANDED by the Board.

IT IS FURTHER ORDERED that Respondent is LIMITED as follows:

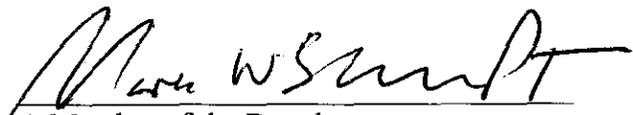
1. Respondent is to maintain full and complete compliance with all terms, limitations, and conditions imposed against his medical license by the Illinois State Board of Physical Therapy.
2. Respondent shall provide the State of Wisconsin Physical Therapy Examining Board with a copy of any document issued by the Illinois State Board of Physical Therapy which alters the conditions of Respondent's continued practice of physical therapy in the State of Illinois, including any document advising reinstatement of full licensure.
3. Respondent shall within 90 days of this Order pay costs of this proceeding in the amount of Three Hundred Sixty Five (\$365.00) dollars. Payment shall be made to the Wisconsin Department of Safety and Professional Services, and mailed to:

Department Monitor  
Department of Safety and Professional Services  
Division of Enforcement  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935  
Telephone: (608) 267-3817  
Fax: (608) 266-2264

4. In the event Respondent fails to timely submit payment of the costs as set forth above, the Respondent's license (#9814-24) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs.

5. This Order shall become effective on the date of its signing.

PHYSICAL THERAPY EXAMINING BOARD

By:  12/8/11  
A Member of the Board Date