

## 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 DISCIPLINARY  
PROCEEDINGS AGAINST

VINCENT J. KABBAZ, P.T.,  
RESPONDENT.

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FINAL DECISION AND ORDER

**0004738**

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Division of Legal Services and Compliance Case No. 15 PHT 026

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

Vincent J. Kabbaz, P.T.  
2034 S. Stoughton Road  
Madison, WI 53716-2850

Wisconsin Physical Therapy Examining Board  
P.O. Box 8366  
Madison, WI 53708-8366

Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190  
Madison, WI 53707-7190

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Physical Therapy Examining Board (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, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Vincent J. Kabbaz, P.T. (DOB November 15, 1969), is licensed by the state of Wisconsin as a physical therapist, having license number 5161-24, first issued on November 17, 1995 and current through February 28, 2017. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2034 S. Stoughton Road, Madison, Wisconsin 53716-2850.

2. Respondent was previously the subject of Division of Legal Services and Compliance (DLSC) Case No. 13 PHT 005 in which he admitted to kissing a female patient on March 19, 2013.

3. DLSC Case No. 13 PHT 005 resolved on September 26, 2013, when the Board entered Final Decision and Order no. 0002647. Respondent was reprimanded, ordered to successfully complete eight hours of remedial education on professional boundaries, and ordered to pay costs of \$500, for engaging in unprofessional conduct as defined by Wis. Admin. Code § PT 7.02(19)<sup>1</sup> by engaging in inappropriate sexual contact, exposure, gratification, or other sexual behavior with or in the presence of a patient.

4. Respondent complied with Final Decision and Order no. 0002647, and his license to practice physical therapy (no. 5161-24) was reinstated in full without restrictions on April 7, 2014.

5. On January 21, 2016, the Department opened DLSC Case No. 15 PHT 026 to investigate allegations that Respondent engaged in a consensual sexual relationship with a female patient between 2006 and 2007, prior to the misconduct at issue in 13 PHT 005.

6. In his written response to the Department, Respondent admitted to having a consensual sexual relationship with a female patient between 2006 and 2007.

7. Respondent acknowledges his conduct violated professional rules of conduct which apply to physical therapists, but believes the discipline ordered in 13 PHT 005 sufficiently impressed upon him that such behavior is wrong, and detrimental to patients and the profession of physical therapy. Nevertheless, Respondent is willing to complete additional professional education, and to undergo an evaluation by a qualified mental health provider to satisfy the Board he is not a risk to the public or his patients.

8. Respondent therefore consents to entry of the following Conclusions of Law and Order to resolve this matter.

#### CONCLUSIONS OF LAW

1. The Wisconsin Physical Therapy Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 448.57, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § PT 7.02(19) by engaging in inappropriate sexual contact, exposure, gratification, or other sexual behavior with or in the presence of a patient.

3. As a result of the above violation, Vincent J. Kabbaz, P.T., is subject to discipline pursuant to Wis. Stat. § 448.57(2).

#### ORDER

1. The attached Stipulation is accepted.

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<sup>1</sup> Wisconsin Administrative Code references are to the version in effect at the time of the conduct at issue.

2. The physical therapist license issued to Vincent J. Kabbaz, P.T., (no. 5161-24) is LIMITED as follows:

a. Within six (6) months of the date of this Order, Respondent shall successfully complete ten (10) hours of education on the topic of professional boundaries.

b. Respondent shall be responsible for identifying the course(s) required under this Order, for providing adequate course descriptions to the Department Monitor, and for obtaining pre-approval of the course(s) from the Board, or its designee, prior to commencement of the course(s).

c. The Board or its designee may reject any course and may accept a course for less than the number of hours for which Respondent seeks approval.

d. Within thirty (30) days of completion of each educational component, Respondent shall file an affidavit with the Department Monitor stating under oath that he has attended, in its entirety, the course(s) approved for satisfaction of this requirement along with supporting documentation of attendance from the sponsoring organizations.

e. Respondent is responsible for all costs associated with compliance with this educational requirement.

f. None of the education completed pursuant to this requirement may be used to satisfy any other continuing education requirements that have been or may be instituted by the Board or Department.

3. The physical therapist license issued to Vincent J. Kabbaz, P.T. (no. 5161-24) is further LIMITED as follows:

a. Within six (6) months of the date of this Order, Respondent shall undergo an evaluation by a mental health professional, who is preapproved by the Board's designee, and qualified to assess Respondent for any condition or disorder which in any way inhibits his ability to maintain appropriate physical therapist-client boundaries.

b. Before undergoing the evaluation, Respondent shall submit to the Department Monitor a copy of the evaluator's curriculum vitae, and copies of professional licenses and certifications held.

c. The evaluator must be a licensed doctorate-level psychologist who is certified in a relevant field of practice by the American Board of Professional Psychology or a licensed psychiatrist who is certified in a relevant field of practice by the American Board of Psychiatry and Neurology. At the discretion of the Board's designee, additional experience in a relevant field of practice may be substituted for Board certification. At the discretion of the Board's designee, alternate Board

recognitions, such as fellowships, may also be substituted for Board certification.

- d. The evaluator must have had no previous personal or professional relationship with Respondent, and may not have previously evaluated or treated Respondent.
- e. The evaluator shall have had a minimum of ten (10) years of experience in the practice of psychology or psychiatry, and may not have been previously disciplined by any credentialing authority.
- f. While the evaluator remains responsible for the final evaluation, the evaluator may delegate testing or other components of the evaluation to other mental health professionals who the evaluator deems competent to conduct those tests or perform the delegated task.
- g. The evaluations methods are within the discretion of the evaluator. However, the evaluation must include a comprehensive interview of the individual and the use of rating scales, neuropsychological testing, and personality tests.
- h. The evaluator shall identify restrictions on the nature of practice or practice setting or requirements for supervision of practice, if any, which are necessary to render Respondent able to practice physical therapy with reasonable skill and safety.
- i. The evaluator shall identify specific mental health treatment goals, if any, which must be met before Respondent is able to practice physical therapy with reasonable skill and safety.
- j. The evaluator's opinions and conclusions shall set forth in a final report and rendered to a degree of reasonable professional certainty.
- k. Respondent must provide the evaluator with copies of the Board's Final Decision and Order in DLSC Case No. 13 PHT 005 and this Order.
- l. Respondent shall authorize release directly to the evaluator of records of mental health evaluations, diagnosis, treatment and treatment summaries that Respondent has undergone, and such other records that the evaluator determines are necessary to a competent evaluation.
- m. Respondent is responsible for the costs associated with the evaluation.
- n. Respondent shall authorize the evaluator to discuss the results of the evaluation with the Board or its designee, and to provide the Board with a certified copy of the evaluator's final report.

- o. Respondent shall successfully complete all additional evaluations, testing and/or treatment, as may be recommended by the evaluator, under the same terms set forth above.
- 4. Within three (3) months from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$350.00.
- 5. Requests for educational course approval, affidavits, proof of course completion, evaluator approval materials, and costs made payable to the Wisconsin Department of Safety and Professional Services, shall be sent to the Department Monitor at the address below:

Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190, Madison, WI 53707-7190  
Telephone (608) 267-3817; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

6. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of the costs as ordered or fails to submit proof of successful completion of the ordered education and evaluation as set forth above, Respondent's license (no. 5161-24) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the payment of costs and completion of the education and evaluation.

- 7. This Order is effective on the date of its signing.

WISCONSIN PHYSICAL THERAPY EXAMINING BOARD

by: *Lori Dominguez, PT*  
A Member of the Physical Therapy Examining Board

5/26/2016  
Date

STATE OF WISCONSIN  
BEFORE THE PHYSICAL THERAPY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

VINCENT J. KABBABZ, P.T.,  
RESPONDENT.

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STIPULATION

**0004738**

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Division of Legal Services and Compliance Case No. 15 PHT 026

Respondent Vincent J. Kabbaz, P.T., and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

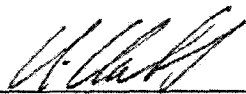
1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.
2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:
  - the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
  - the right to confront and cross-examine the witnesses against Respondent;
  - the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
  - the right to testify on Respondent's own behalf;
  - the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
  - the right to petition for rehearing; and
  - all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.
3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation. Respondent is represented by Attorney Kevin Milliken.
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Physical Therapy Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

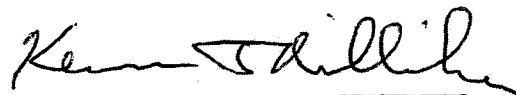
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

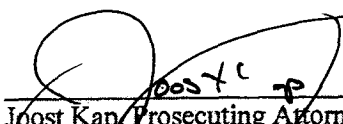
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
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Vincent J. Kabbaz, P.T., Respondent  
2034 S. Stoughton Road  
Madison, WI 53716-2850  
License no. 5161-24

May 12<sup>th</sup> 2016  
Date

  
\_\_\_\_\_  
Kevin Milliken, Attorney for Respondent  
Relles & Milliken, LLP  
301 N. Broom Street  
P.O. Box 5216  
Madison, WI 53703-5216

MAY 13, 2016  
Date

  
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Joost Kap, Prosecuting Attorney  
Department of Safety and Professional Services  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

5/13/16  
Date