

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE PHYSICAL THERAPY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

THOMAS C. CASEY, P.T.,
RESPONDENT.

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:
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:

FINAL DECISION AND ORDER

ORDER 0006638

Division of Legal Services and Compliance Case No. 19 PHT 007

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

Thomas C. Casey, P.T.
7904 W. Lorraine Pl.
Milwaukee, WI 53222

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 Thomas C. Casey, P.T. (DOB December 5, 1956), is licensed in the state of Wisconsin to practice as a physical therapist, having license number 5490-24, first issued on January 3, 1997, with registration current through February 28, 2021. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 7904 West Lorraine Place, Milwaukee, Wisconsin 53222.

2. At all times relevant, Respondent was employed as a physical therapist at a facility located in Thiensville, Wisconsin (Facility).

3. Respondent provided physical therapy to Patient A in 2015 for treatment of upper and lower back pain.

4. Following a therapy session, Patient A complained to the Facility that Respondent touched the bottom of her breasts during therapy. Respondent admits providing treatment below/under Patient A's breasts but denies any inappropriate or direct contact with Patient A's breasts.

5. Respondent provided physical therapy to Patient B between September 2018 and May 2019 for treatment of low back and hip pain.

6. Following a therapy session on May 14, 2019, Patient B filed a complaint with the Facility alleging that Respondent placed his hand under her undergarment (bra) while performing therapy. Respondent admits making contact with Patient B's undergarment; however, he denies any inappropriate contact. Respondent subsequently resigned his employment with the Facility.

7. Respondent has not been previously disciplined by the Board.

8. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

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 Thomas C. Casey, P.T., engaged in unprofessional conduct as defined by Wis. Admin. Code § PT 7.025(2) by committing any act that constitutes a violation of the "Code of Ethics," effective July 1, 2010, as approved by the American Physical Therapy Association.

3. By the conduct described in the Findings of Fact, Respondent Thomas C. Casey, P.T., engaged in unprofessional conduct as defined by Wis. Admin. Code § PT 7.025(12) by performing any act constituting the practice of physical therapy on any patient without the patient's informed consent or after the patient has withdrawn informed consent, whether verbally or in writing.

4. As a result of the above conduct, Thomas C. Casey, P.T., is subject to discipline pursuant to Wis. Stat. § 448.57(2).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Thomas C. Casey, P.T., is REPRIMANDED.

3. The license to practice as a physical therapist issued to Thomas C. Casey, P.T., (license number 5490-24) is LIMITED as follows:

a. Within eight (8) months of the date of this Order, Respondent shall at Respondent's own expense take and successfully complete the *Medical Ethics, Boundaries, and Professionalism* course offered by the Case Western Reserve University School of Medicine, or an equivalent course that has been pre-approved by the Board or its designee.

b. Respondent shall submit proof of successful completion of the education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department.

4. Within ninety (90) days from the date of this Order, Thomas C. Casey, P.T., shall pay COSTS of this matter in the amount of \$1,650.00.

5. Requests for course approval, proof of successful course completion, and payment of 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

You may also submit this information and payment online via DSPS' Monitoring Case Management System, here: <https://app.wi.gov/DSPSMonitoring>

6. In the event Respondent violates any term of this Order, Respondent's license (no. 5490-24), or Respondent's right to renew his license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

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

WISCONSIN PHYSICAL THERAPY EXAMINING BOARD

by: Shari Berry, PT
A Member of the Board

2-5-2020
Date

STATE OF WISCONSIN
BEFORE THE PHYSICAL THERAPY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

THOMAS C. CASEY, P.T.,
RESPONDENT.

STIPULATION
ORDER 0006638

Division of Legal Services and Compliance Case No. 19 PHT 007

Respondent Thomas C. Casey, 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 Heather Fields.

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 or Respondent's attorney, 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.

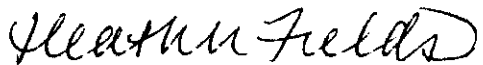
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.



Thomas C. Casey, P.T., Respondent
7904 W. Lorraine Pl.
Milwaukee, WI 53222
License no. 5490-24

December 18, 2019
Date



Heather Fields, Attorney for Respondent
Reinhart Boerner Van Deuren, SC
1000 N. Water St., Ste 1700
Milwaukee, WI 53202

December 18, 2019
Date



Collen L. Meloy, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

December 18, 2019
Date