

## 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 LICENSE OF	:	
	:	
MAURICE DUMIT, P.T.,	:	FINAL DECISION AND ORDER
LICENSEE.	:	FOR REMEDIAL EDUCATION
	:	<b>ORDER 00078 20</b>

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Division of Legal Services and Compliance Case No. 21 PHT 002

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

Maurice Dumit, P.T.  
Bayside, WI 53217

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, Conclusion of Law, and Order.

FINDINGS OF FACT

1. Licensee Maurice Dumit, P.T., (Year of Birth 1962) is licensed in the state of Wisconsin to practice physical therapy, having license number 6247-24, first issued on May 7, 1999, with registration current through February 28, 2023. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Bayside, Wisconsin 53217.
2. At all relevant times, Licensee practiced as a physical therapist at his own clinic in Milwaukee, Wisconsin.
3. On January 11, 2021, Patient A (a 17-year-old female) presented to Licensee with her father with complaints of headaches and dizziness. Licensee evaluated Patient A and developed a treatment plan to address her previously diagnosed cervicalgia and cluster headaches with

associated trigger points and temporomandibular disorder. Licensee charted “[f]ollowing the evaluation and extensive patient education regarding diagnosis, prognosis, and treatment goals, the patient (parent/guardian, power of attorney holder) actively participated in the creation of the current goals and agrees to the current treatment plan.”

4. Licensee charted that the treatment plan included “Myofascial Release, STM/MRF:C-Tpsm, SCM, Scaler, pecs, SO’s, arm pulls.”

5. Licensee maintains that he explained to Patient A and her father that he would be performing deep tissue work to her neck, shoulders, back and chest, and the Patient A should wear a tank top to the therapy sessions. Licensee did not chart this conversation or document that he discussed the specific technique of myofascial release of the pectoral muscles with Patient A’s father and received informed consent to perform it on Patient A.

6. On January 15, 2021, Patient A returned to Licensee without her father. Licensee proceeded to treat Patient A in a treatment room that was semi-private, sharing a half-wall with an adjacent treatment room, with an opaque glass door.

7. Licensee asked Patient A if she was wearing anything under her sweatshirt, and Patient A confirmed she was. Licensee then asked Patient A to remove her sweatshirt to initiate treatment and did not leave the room or otherwise provide her with privacy. Patient A was not wearing a tank top underneath, just a sports bra. Licensee maintains he draped Patient A’s chest with a towel immediately.

8. Licensee began treatment using a variety of physical therapy techniques pursuant to the treatment plan. Prior to initiating the SCM/pecs technique, Licensee asked Patient A for consent to place his hand on her chest just below the clavicle to perform a myofascial release of her pectoral muscles, to which she agreed. Licensee charted performing the technique but did not chart his conversation with Patient A.

9. On January 21, 2021, Patient A’s parents met with Licensee to discuss Patient A’s accusation that Licensee had put his hand on her chest, under her shirt, and in her cleavage.

10. Licensee admitted that in performing the myofascial release, he placed his hand on Patient A’s chest, below her clavicle, simultaneously on her lateral face and under her front bra strap in order to have direct contact with the tissue. Licensee denies placing his hand under Patient A’s sports bra or in her cleavage.

11. Licensee denies any unprofessional conduct or deviation in the Standard of Care, but to resolve this matter, Licensee consents to the entry of the following Conclusion of Law and Order.

#### CONCLUSION OF LAW

1. The Wisconsin Physical Therapy Examining Board is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

## ORDER

1. The attached Stipulation is accepted.
2. Within six (6) months of the date of this Order, Licensee shall at his own expense take and successfully complete four (4) hours of continuing education on the topic of the sensitive examinations and treatment of minor patients, as follows:
  - a. Each course attended in satisfaction of this Order must be pre-approved by the Board or its designee. Licensee shall be responsible for locating course(s) satisfactory to the Board and for obtaining the required approval of the course(s) from the Board or its designee. Licensee must take and pass any exam offered for the course(s).
  - b. Licensee 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 and may not be used in any future attempt to upgrade a credential.
  - c. The Board's monitoring liaison may change the number of credit hours and/or education topics in response to a request from Licensee. The monitoring liaison may consider the topic availability and/or hours of education when determining if a change to the ordered education should occur.
3. Requests for course approval and proof of successful course completion shall be sent by Licensee 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) 266-2112; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

Licensee may also submit this information online at: <https://dpsmonitoring.wi.gov>.

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

WISCONSIN PHYSICAL THERAPY EXAMINING BOARD

By: Shari Berry, PT  
A Member of the Board

2/9/2022  
Date

STATE OF WISCONSIN  
BEFORE THE PHYSICAL THERAPY EXAMINING BOARD

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IN THE MATTER OF THE LICENSE OF

MAURICE DUMIT, P.T.,  
LICENSEE.

STIPULATION

**ORDER 0007820**

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Division of Legal Services and Compliance Case No. 21 PHT 002

Licensee Maurice Dumit, 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. Licensee consents to the resolution of this investigation by Stipulation.

2. Licensee understands that by signing this Stipulation, Licensee voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Licensee, 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 Licensee;
- the right to call witnesses on Licensee's behalf and to compel their attendance by subpoena;
- the right to testify on Licensee'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 Licensee under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Licensee is aware of Licensee's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation. Licensee is represented by Attorney Lori Gendelman.

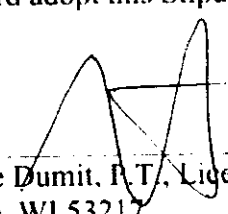
4. Licensee agrees to the adoption of the attached Final Decision and Order by the Wisconsin Physical Therapy Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Licensee 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 Licensee or Licensee'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. Licensee 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 Licensee in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
Maurice Dumit, P.T., Licensee  
Bayside, WI 53217  
License No. 6247-24

11/20/2021  
Date

\_\_\_\_\_  
Lori Gendelman, Attorney for Licensee  
Otjen Law Firm, S.C.  
20935 Swenson Drive, Suite 310  
Waukesha, WI 53186

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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 Licensee or Licensee'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. Licensee 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 Licensee in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

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Maurice Dumit, P.T., Licensee  
Bayside, WI 53217  
License No. 6247-24

\_\_\_\_\_  
Date

  
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Lori Gendelman, Attorney for Licensee  
Otjen Law Firm, S.C.  
20935 Swenson Drive, Suite 310  
Waukesha, WI 53186

11/19/21  
\_\_\_\_\_  
Date

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

11/30/2021  
\_\_\_\_\_  
Date