

BEFORE THE PHYSICAL THERAPIST LICENSING BOARD
OF THE STATE OF OREGON

In the Matter of)
)
BYRON D. BAKER, PT,) CONSENT ORDER
) Case No. PT-29
Licensee.)

WHEREAS, Byron D. Baker holds a physical therapist license from the Board;
and

WHEREAS, on October 23, 2000 the Board issued a Notice of Proposed
Disciplinary Action to the licensee in which it is alleged that the licensee inappropriately
touched patients and co-workers while he was employed as a physical therapist at
Tillamook County General Hospital; and

WHEREAS, on January 12, 2001 the Board issued to the licensee an Order of
Immediate License Suspension; and

WHEREAS, the licensee timely requested a hearing regarding both the Notice of
Proposed Disciplinary Action and the Order of Immediate License Suspension; and

WHEREAS, at the request of the Board the licensee voluntarily and at his own
expense underwent an evaluation by Steven E. Mussack, Ph.D., who prepared a report
dated December 18, 2000 that was issued on January 2, 2001; and

WHEREAS, the licensee voluntarily and at his own expense underwent
"boundaries counseling" with Ms. Nancy Huppertz; and

WHEREAS, the licensee denies the allegations contained in the Notice of
Proposed Disciplinary Action and the licensee disputes the substance and the conclusions
in Dr. Mussack's report; and

WHEREAS, the licensee volunteered during the evaluation by Dr. Mussack that during a several week period of time in 1999 he had a consensual sexual relationship with a patient during the time that he was providing ongoing professional physical therapy services; and

WHEREAS, the licensee represents that he advised the patient that she could file a complaint with the Board and the Board has not received a complaint from the patient; and

WHEREAS, the Board and the licensee are desirous of resolving these matters without further proceedings thereon; and

WHEREAS, the licensee is aware of his right to a hearing on these matters with the assistance of counsel and is aware of his right to judicial review of any adverse decision by the Board and he hereby knowingly and voluntarily waives those rights and agrees to the entry of this Consent Order:

NOW THEREFORE IT IS HEREBY ORDERED:

1. The physical therapist license of Byron D. Baker is suspended for an indefinite period of time.
2. The licensee shall obtain treatment from a qualified mental health professional and he shall have his treatment provider make twice-yearly progress reports to the Board as long as he remains in treatment, the first report being due six months from the effective date of this Consent Order.
3. The licensee may not seek reinstatement of his license until he has been reevaluated at his own expense by a psychologist who has been approved by the Board who is experienced in the evaluation and treatment of sexual offenders. The

psychologist conducting the evaluation shall not have been involved in any manner in providing counseling or therapy to the licensee. The licensee shall authorize and the evaluating psychologist shall provide a complete evaluation report to the Board.

4. At such time as the licensee applies for reinstatement he shall waive any privilege with respect to any physical, psychiatric or psychological treatment he has received in favor of the Board for the purpose of determining whether the Board should grant the licensee's request for reinstatement. The licensee shall execute any form of release or waiver upon the request of the Board to accomplish the purposes of this paragraph.

5. At such time as the licensee applies for reinstatement he shall have the burden to establish to the satisfaction of the Board that he can practice physical therapy competently and safely.

6. In the event the Board grants the licensee's request for reinstatement, the

////

////

////

////

////

////

////

////

////

////

Board may impose reasonable restrictions or limitations on his license to protect the public health, safety or welfare.

DATED this 17TH day of ^{MAY 02}~~April~~, 2001.

PHYSICAL THERAPIST LICENSING BOARD

Signature On File

Catherine J. Zarosinski PT
Chair

CONSENT

I hereby certify that I have read and that I understand the provisions of this Consent Order and that I voluntarily agree that the Board enter the Consent Order.

26 APR 01
Date

Signature On File

(Byron D. Baker, PT
Licensee