

College of Physical Therapists of British Columbia
Public Notice under s. 39.3 of the Health Professions Act

Stephen Witvoet, RPT

Location: Vernon, BC

Date of Action: July 2, 2019

Date Action Ended: March 26, 2020

Limits, conditions and suspensions ordered by the Inquiry Committee under section 35(1) of the Act, or by the Discipline Committee under section 38(8), are made to protect the public during an investigation, pending a hearing, or during a hearing. Measures taken under sections 35(1) or 38(8) of the Act pertained to matters which are and remain unproven unless admitted by a registrant or determined by the Discipline Committee. Actions under sections 35(1) and 38(8) of the Act are subject to appeal by the registrant to the court.

Update: The Inquiry Committee ultimately made a disposition decision under s. 33(6)(c) and 36(1) of the Act to enter into a consent agreement. For further information, please see the public notice dated March 26, 2020. The s. 35 interim order ceased to have any effect at that point.

Nature of Action: Pursuant to section 35(1)(a) of the *Health Professions Act* (the “Act”), a panel of the Inquiry Committee made an interim order imposing limits and conditions on Stephen Witvoet’s practice of physical therapy pending investigation and until such time as the investigation is resolved under ss. 33(6)(a), (b) or 36(1) of the Act, and pending any hearing of the discipline committee in the event of a citation under s. 36(6)(d) of the Act. The terms and conditions of the interim order are as follows:

1. the Registrant is prohibited from treating female patients (of any age);
2. the Registrant is prohibited from holding himself out or acting in his capacity as a physical therapist outside the clinical setting towards females;
3. the Registrant must keep a door or curtain open at all times when treating male patients;
4. the Registrant must notify the College of all locations used to provide physical therapy services to male patients;
5. the Registrant, whenever he provides physical therapy services to male patients, must post a notice in a conspicuous place in the reception area and treatment room(s) confirming his prohibition from providing treatment to female patients by virtue of this s. 35 Order;



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6. the Registrant must submit a monthly list to the College of patient names and confirm the male genders to whom he has provided physical therapy services; and
7. the Registrant must submit to, and cooperate with, random site-based audits, at the College's discretion, to ensure his ongoing compliance with the terms of the s. 35 Order.

Reasons: The College received notice from the Vernon RCMP that Mr. Witvoet was charged with two counts of sexual assault in relation to two female patients for conduct that occurred while he was engaged in the practice of physical therapy, which alleged conduct would, if proven, constitute professional misconduct. The Inquiry Committee is currently investigating the matters.

The Inquiry Committee was satisfied that there is a *prima facie* case of professional misconduct as well as a real risk to the public, which requires that the public be protected by an interim order during the investigation. The Inquiry Committee was satisfied that the risk to the public will be protected in a sufficient and proportionate manner through the imposition of practice limits and conditions as described above.

Important Note: Limit and conditions ordered by the Inquiry Committee under section 35(1) of the Act are made to protect the public during an investigation or pending a hearing of the Discipline Committee if a citation issued. Measures taken under section 35(1) of the Act pertain to allegations, which are and remain unproven unless admitted by a registrant or determined by the Discipline Committee.