BEFORE THE INDIANA PHYSICAL THERAPY COMMITTEE
CAUSE NUMBER: 2009 PTC 0004

IN THE MATTER OF THE LICENSE OF)
)
JASON VANDEVENTER, P.T.)
)
LICENSE NO: 05007082A)

FILED
MAR 16 2010
Indiana Professional Licensing Agency

FINAL ORDER

The State of Indiana ("Petitioner"), by counsel Morgan L. Burton, Deputy Attorney General, and Jason Vandeventer, P.T., ("Respondent"), came to a Settlement Agreement ("Agreement") which purports to resolve all issues involved in the action by the Petitioner and the Indiana Physical Therapy Committee ("Committee") regarding Respondent's license, and this Agreement has been submitted to the Committee for approval.

The Committee, after reviewing the Agreement at the March 3, 2010 meeting now finds it has been entered into fairly and without fraud, duress, or undue influence, and is fair and equitable between the parties. The Committee hereby incorporates the Agreement as if fully set forth herein and approves and adopts in full the Agreement as a resolution of this matter. The Committee approved this Agreement by a vote of 4-0-0. Incorporated into the Agreement was the consensus of both parties to the following. The Committee hereby issues the following Order:

BACKGROUND

1. The Respondent's address on file with the Committee is 2688 Isabel Court, Bloomington, Indiana 47403 and he is a licensed Physical Therapist in the State of Indiana holding license number 05007082A.

2. On or about January 29, 2001, Respondent began employment as a physical

therapist with Caregivers Home Health Care Services ("Caregivers") located in Bloomington, Indiana.

3. On or about July 22, 2008, Respondent's employment with Caregivers was terminated for diverting prescription pain medication, five (5) Lortab, from his clients' homes without authorization. Respondent admitted to taking the medication from his patient due to his addiction to pain medications following a 2007 emergency surgery with post-op complications requiring extensive pain medication prescriptions. Subsequently, Respondent was involved in three motor vehicle accidents in which more prescription medications were prescribed. Respondent was truthful and honest with his employer and stated he needed help desperately. Caregivers helped to schedule inpatient addictions treatment and they reported the theft to the Monroe County Police.

4. On or about July 24, 2008, Respondent was charged with Theft, a Class D Felony, in Monroe County. This charge was generated by Monroe County and not by the client who declined to press any charges secondary to Respondent receiving treatment for his addiction.

5. On or about July 26, 2008, Respondent voluntarily entered into Salvation Harbor Lights, an in-patient addictions rehabilitation center in Indianapolis, Indiana where Respondent was diagnosed with opioid dependence. Respondent successfully completed this inpatient program. Upon completion of inpatient care Intensive Outpatient treatment ("I.O.P.") was recommended by his Case Therapist which Respondent successfully completed. Respondent then entered a six (6) month, extended aftercare program which was also completed. Respondent is currently working a 12 Step program of recovery.

6. On September 11, 2008, Respondent pled guilty to Theft in Monroe County as a requirement to voluntarily enter the Monroe County Drug Court Treatment Program. This

program defers any conviction for a period of (2) years based upon the Respondent's performance and completion of the extensive program. Upon Respondent's successful completion of the program, the Class D Felony charge will be dismissed.

7. On or about December 7, 2009, Respondent submitted to an addictionology assessment by Dr. Richard Hinchman. Dr. Hinchman diagnosed the Respondent with opiate dependence in full remission and recommended that Respondent continue with his current 12 Step recovery program. Further, the assessment states:

> "Mr. Vandeventer is currently able to practice as a physical therapist with reasonable skill and safety in delivering patient care and/or making clinical decisions. He is being monitored by the Monroe County Drug Treatment Court Program, and will be until September 11, 2010. In my opinion, he does not need any other monitoring."

ULTIMATE FINDINGS OF FACT

1. Respondent's actions constitute a violation of Ind. Code § 25-1-9-4(a)(1)(B) in that he has engaged in material deception in the course of professional services or activities as evidenced by Respondent's admission that he stole medications from his clients for his own personal use while acting as their physical therapist.

2. Respondent's actions constitute a violation of Ind. Code § 25-1-9-4(a)(4)(D) in that he has continued to practice although the Respondent has become unfit to practice due to an addiction to, abuse of, or severe dependency on drugs that endanger the public by impairing a practitioner's ability to practice safely as evidenced by Respondent's termination from Caregivers for diversion of pain medication from his patients for personal use and his diagnosis of opioid dependence from Salvation Harbor Lights.

3. Respondent's actions constitute a violation of Ind. Code § 25-1-9-4(a)(8)(A) in that he diverted a legend drug, as evidenced by his admission that he took pain medications from his clients for personal use.

ULTIMATE CONCLUSION OF LAW

Respondent's failure to comply with the above referenced standard is cause for disciplinary sanctions which may be imposed singly or in combination such as censure, a letter of reprimand, probation, suspension, or a revocation of license, and a fine up to the amount of $1,000.00 per violation, as detailed at Ind. Code § 25-1-9-9.

ORDER

Based upon the above, the Committee issues the following Order:

1. The Committee has jurisdiction over the Respondents and the subject matter in this action.

2. Respondent's Indiana Physical Therapist license shall be placed on **INDEFINITE PROBATION** for no less than **ONE YEAR** from the date of the final order.

3. While on probation, the Respondent's practice as a physical therapist shall be governed by the following **TERMS AND CONDITIONS**:

   a. Respondent shall keep the Committee informed of his residential address and telephone number at all times.

   b. Respondent shall keep the Committee informed of any healthcare field employer(s) name, address, and telephone number at all times.

   c. Respondent shall submit a copy of this Order to any employer in the healthcare field and cause said employer to sign the Order and return it to the Committee within seven (7) days of receipt.

d. Respondent shall remain in full compliance with the Monroe County Drug Court Treatment Program referenced above. Any documentation that Respondent sends to the Program shall be copied and sent to the Committee by the Respondent.

e. Respondent will cause any employer for whom he performs duties as a physical therapist to submit reports to the Committee indicating his professional competence, sense of responsibility, work habits, mental attitude, and any signs of impairment. Said reports are to be submitted on a quarterly basis for the duration of the probationary term. If Respondent is not employed as a physical therapist, Respondent shall submit a personal report to the Committee informing them of that status.

f. Respondent shall attend AA/NA meetings at least twice per week and send meeting attendance logs to the Committee on a quarterly basis.

g. Once the Respondent completes the Monroe County Drug Court Treatment Program, Respondent shall obtain a standing order for urine drug screens from his physician and submit that order to the Committee. Respondent agrees to be subject to random urine drug screens as directed by the Committee.

h. Respondent shall comply with all statutes and rules governing the practice of physical therapy.

4. Prior to petitioning for withdrawal of probation, Respondent shall successfully complete the Monroe County Drug Court Treatment Program and provide proof of his successful completion to the Committee.

5. A violation of this Final Order, any non-compliance with the statutes or regulations regarding the practice of physical therapy, or any violation of the Agreement may result in the State requesting an emergency suspension of Respondent's license, an Order to Show Cause as may be issued by the Committee, or a new cause of action pursuant to Ind. Code § 25-1-9-4, any or all of which could lead to additional sanctions, up to and including a revocation of Respondent's license.

6. The discipline imposed shall remain in effect even if the Committee renews the Respondent's physical therapist license at a later date.

SO ORDERED, this 16 day of March, 2010.

INDIANA PHYSICAL THERAPY COMMITTEE

By: _____
Frances L. Kelly
Executive Director
Indiana Professional Licensing Agency

Copies to:

Jason Vandeventer
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Bloomington, Indiana 47403
SENT CERTIFIED MAIL NO. 91 7190 0005 2720 0000 4069
RETURN RECEIPT REQUESTED.

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