

**(DRAFT)**  
**DEPARTMENT OF HEALTH**  
**MEDICAL QUALITY ASSURANCE**  
**BOARD OF PHYSICAL THERAPY**  
**GENERAL BUSINESS MEETING**  
**TELEPHONE CONFERENCE CALL**  
**SEPTEMBER 17, 2012**  
**MINUTES**

**Dial-In Number: 1-888-607-3525**  
**Public Conference Code: 6808029433**

**September 17, 2012, 9:00 a.m. EST**

The minutes reflect the actual sequence of events rather than the original agenda order.

**Call the Meeting to Order and Roll Call:**

Mr. Clint Lohr, Chair, called the general business meeting to order at approximately 9:03 a.m. Those present for all or part of the meeting, included the following:

**MEMBERS PRESENT**

Clint Lohr, Chair, PT, Cert. MDT  
Dr. Gina Petraglia, Vice Chair, PT  
Dr. Madeleine Hellman PT, MHM, Ed.D  
Jack Rust, PT

**BOARD COUNSEL**

Rachel Clark, Board Counsel,  
Assistant Attorney General Office

**STAFF PRESENT**

Allen Hall, Executive Director  
Amanda Bowen, Board Staff

The Board recognized Dr. Gina Musolino, Associate Professor & Coordinator of Clinical Education with USF, also in attendance on the call.

**PETITION FOR VARIANCE OR WAIVER OF RULE**

**Tab 1            Victoria Jaramillo PT by Examination**

Ms. Jaramillo was present on the call.

- Petition for Variance or Waiver of Rule 64B17-3.001

Ms. Jaramillo has filed a petition for waiver of Rule 64B17-3.001, F.A.C. She requested a waiver from the education requirement(s) in regards to the deficiencies on her FCCPT evaluation. The FCCPT credential evaluation indicates she lacks 3.6 hours of general education.

**MOTION:** After discussion Dr. Petraglia made a motion to accept the Petition for Waiver of Rule 64B17-3.001, approve her application for licensure and to certify her to sit for the National Physical Therapy Exam and the Florida Laws and Rules Exam. Upon a passing score on the exams she shall be licensed. The motion was seconded by Dr. Hellman and carried 4/0.

**Tab 2            Angelica Garcia, PT by Examination**

Ms. Garcia was present on the call.

- Petition for Variance or Waiver of Rule 64B17-3.001

Ms. Garcia has filed a petition for waiver of Rule 64B17-3.001, F.A.C. She requested a waiver from the education requirement(s) in regards to the deficiencies on her FCCPT evaluation. The FCCPT credential evaluation indicates she lacks required content courses in professional education.

**MOTION:** After discussion Dr. Hellman made a motion to accept the Petition for Waiver of Rule 64B17-3.001, approve her application for licensure and to certify her to sit for the National Physical Therapy Exam and the Florida Laws and Rules Exam. Upon a passing score on the exams she shall be licensed. The motion was seconded by Mr. Rust and carried 4/0.

### **Tab 3            Gisella V. Di Mare, PT by Examination**

Ms. Di Mare was present on the call.

- Petition for Variance or Waiver of Rule 64B17-3.001

Ms. Di Mare has filed a petition for waiver of Rule 64B17-3.001, F.A.C. She requested a waiver from the education requirement(s) in regards to the deficiencies on her ICD evaluation. The ICD credential evaluation indicates she lacks 20.5 hours of general education and required content courses in professional education.

The Board discussed their concerns with Ms. Di Mare's educational deficiencies and advised her to complete her professional courses at a CAPTE accredited program and then reapply for licensure.

**MOTION:** Mr. Lohr made a motion to allow Ms. Di Mare to withdraw her application and Petition for Waiver of Rule 64B17-3.001. The motion was seconded by Mr. Rust and carried 4/0.

### **Tab 4            Heather Hartsell, PT by Endorsement**

Ms. Hartsell was present on the call.

- Petition for Variance or Waiver of Rule 64B17-3.003

Ms. Hartsell has filed a petition for waiver of Rule 64B17-3.003, F.A.C. She requested the board accept her ICD credential evaluation completion in 2001 for the state board of Iowa.

**MOTION:** After discussion Dr. Hellman made a motion to accept the Petition for Waiver of Rule 64B17-3.003, approve her application for licensure and to certify her to sit for the Florida Laws and Rules Exam. Upon a passing score on the exam she shall be licensed. The motion was seconded by Dr. Petraglia and carried 4/0.

## PETITION FOR DECLARATORY STATEMENT

### Tab 5           Rodolfo Freire, MD

- Petition for Declaratory Statement of Sections 486.028, 486.151, 486.161, 486.135, F.S.

Dr. Freire was present on the call. His associate, Laura Stoner, was also present.

Dr. Freire has filed a petition for declaratory statement seeking clarification regarding supervision of a licensed massage therapist and the performance of delegated duties under the direction of a licensed physical therapist and a licensed medical doctor.

Ms. Clark advised the Board not to offer an opinion on the Declaratory Statement as the Board does not have disciplinary jurisdiction over Medical Doctors and Massage Therapists as outlined in the requested statement. Ms. Clark advised Dr. Freire to file his Declaratory Statement with the Board of Medicine as they have jurisdiction over the discipline of Medical Doctors.

**MOTION:** Dr. Petraglia made a motion to deny the Declaratory Statement as the Board does not have jurisdiction over the discipline of other healthcare boards. The motion was seconded by Dr. Hellman and carried 4/0.

## REQUEST FOR RECONSIDERATION

### Tab 6           Glenn Peterson, PTA by Endorsement

Mr. Peterson was present on the call.

Mr. Peterson appeared on the June 15, 2012 Board conference call to discuss an affirmative answer on his initial application for licensure in regards to criminal history. The Board approved his application with conditions on June 15, 2012.

He requested a reconsideration of his licensure application without conditions for PRN.

**MOTION:** Mr. Rust made a motion to reconsider Mr. Peterson's application for licensure by Endorsement. The motion was seconded by Dr. Hellman. The motion did not carry 2/2. Mr. Lohr and Dr. Petraglia opposed.

**MOTION:** After discussion, Mr. Lohr made a motion to deny Mr. Peterson's request for reconsideration of his application for licensure by Endorsement. The motion was seconded by Dr. Petraglia. The motion did not carry 2/2. Mr. Rust and Dr. Hellman opposed.

Ms. Clark discussed the PRN evaluation process with the Board and Mr. Peterson's previous appearance at the June 15, 2012 conference call in which his application was considered. The Board advised Mr. Peterson the evaluation was initially requested as a concern for public safety. Mr. Peterson also failed to file an appeal within the appropriate timeframe as noticed on the Final Order from the June 2012 Board meeting.

**MOTION:** After further discussion, Dr. Petraglia made a motion to deny Mr. Peterson's request for reconsideration of his application for licensure by Endorsement. The motion was seconded by Mr. Lohr and carried 3/1. Mr. Rust opposed.

**PERSONAL APPEARANCE PURSUANT TO §456.013(3)(c), F.S.**

**Tab 7 Ashley Conklin, PTA by Examination**

Ms. Conklin was present on the call. She was requested to appear due to an affirmative answer in the criminal history section of the initial application.

**MOTION:** Dr. Petraglia made a motion to approve Ms. Conklin's application for licensure and to certify her to sit for the National Physical Therapy Exam and the Florida Laws and Rules exam and upon a passing score on the exams she shall be licensed. The motion was seconded by Mr. Rust and carried 4/0.

**Tab 8 Pedro Lopez, PTA by Examination**

Mr. Lopez was present on the call. He was requested to appear due to an affirmative answer in the criminal history section of the initial application.

**MOTION:** After discussion, Mr. Lohr made a motion to approve Mr. Lopez's application for licensure and to certify him to sit for the National Physical Therapy Exam and the Florida Laws and Rules exam. Upon a passing score on the exams, he shall be licensed. The motion was seconded by Dr. Hellman and carried 4/0.

**REQUEST FOR CONSIDERATION OF EXEMPTION FOR DISQUALIFICATION FROM EMPLOYMENT**

**Tab 9 Rosemary Tyree, PTA**

Ms. Tyree was not present on the call.

She has submitted an application for Exemption from Disqualification to seek employment in a health care setting.

**MOTION:** After discussion, Mr. Lohr made a motion to Approve Ms. Tyree's exemption for disqualification from employment. The motion was seconded by Dr. Hellman and carried 4/0.

**Tab 10 Jeremy Adam Beasley, PTA**

Mr. Beasley was present on the call.

He has submitted an application for Exemption from Disqualification to seek employment in a health care setting.

**MOTION:** After discussion, Dr. hellman made a motion to approve Mr. Beasley's exemption for disqualification from employment. The motion was seconded by Mr. Rust and carried 4/0.

**Tab 11 Steven Marteeny, PTA**

Mr. Marteeny was present on the call.

He has submitted an application for Exemption from Disqualification to seek employment in a health care setting.

**MOTION:** After discussion, Dr. Petraglia made a motion to approve Mr. Marteeny's exemption for disqualification from employment. The motion was seconded by Dr. Hellman and carried 4/0.

**Tab 12 Rodney Daniels, PTA**

Mr. Daniels was not present on the call.

He has submitted an application for Exemption from Disqualification to seek employment in a health care setting.

**MOTION:** After discussion, Mr. Lohr made a motion to approve Mr. Daniel's exemption for disqualification from employment. The motion was seconded by Dr. Hellman and carried 4/0.

**Tab 13 Joseph Postma, PTA**

Mr. Postma was present on the call.

He has submitted an application for Exemption from Disqualification to seek employment in a health care setting.

**MOTION:** After discussion, Mr. Rust made a motion to approve Mr. Postma's exemption for disqualification from employment. The motion was seconded by Dr. Petraglia and carried 4/0.

**Tab 14 Ned Burrell, PTA**

Mr. Burrell was not present on the call.

He has submitted an application for Exemption from Disqualification to seek employment in a health care setting.

The Board expressed concerns with the recent charge in 2010 on Mr. Burrell's background screening. Ms. Clark advised an appearance for an Exemption hearing cannot be required, however if the Board were to deny the application Mr. Burrell could reapply and be encouraged to appear before the next meeting to address the Board's concerns.

**MOTION:** After discussion, Mr. Lohr made a motion to deny Mr. Burrell's exemption for disqualification from employment. The motion was seconded by Dr. Petraglia and carried 4/0.

## **OTHER BUSINESS**

### **Tab 15 Request to Approve Review Course as Remediation**

Applicant, Michelle Clark, has submitted a request to the Board to approve an online webinar program as remediation training. The course titled Therapy Exam Prep is a three month program designed to emphasize a positive and open mindset when studying for the NPTE.

The Board discussed the course and felt that it provides test taking skills and not a review of the National Physical Therapy Exam which defeats the purpose of the remedial course requirement. There was also concern that once the course is paid for, full participation is not required by the provider.

The Board has previously approved four courses to satisfy the remedial requirement. Board staff explained the remedial course requirement as outlined in Section 486.051, Florida Statutes for the Board.

**486.051 Physical therapist; examination of applicant.**—The examinations of an applicant for licensing as a physical therapist shall be in accordance with rules adopted by the board, to test the applicant's qualifications and shall include the taking of a test by the applicant. If an applicant fails to pass the examination in three attempts, the applicant shall not be eligible for reexamination unless she or he completes additional educational or training requirements prescribed by the board. An applicant who has completed the additional educational or training requirements prescribed by the board may take the examination on two more occasions. If the applicant has failed to pass the examination after five attempts, she or he is no longer eligible to take the examination.

**MOTION:** After discussion, Dr. Petraglia made a motion to deny this course as approved remedial training. The motion was seconded by Dr. Hellman and carried 4/0.

### **REQUEST FOR CONSIDERATION OF EXEMPTION FOR DISQUALIFICATION FROM EMPLOYMENT**

#### **Addendum**

#### **Tab 16 James Walker, PTA**

Mr. Lohr stated that this tab was added to the agenda less than 7 days prior to the meeting date as good cause was shown.

Mr. Walker was present on the call.

He has submitted an application for Exemption from Disqualification to seek employment in a health care setting.

**MOTION:** After discussion, Mr. Lohr made a motion to approve Mr. Walker's exemption for disqualification from employment. The motion was seconded by Dr. Hellman and carried 4/0.

**Tab 14          Ned Burrell, PTA**

Ms. Clark requested the Board to readdress tab 14, Ned Burrell. His exemption from disqualification from AHCA was denied primarily on a criminal charge in 1982 and is unrelated to his arrest in 2010.

**MOTION:** Mr. Lohr made a motion to reconsider the application for exemption from disqualification. The motion was seconded by Dr. Hellman and carried 4/0.

**MOTION:** After discussion, Mr. Lohr made a motion to approve Mr. Burrell's exemption for disqualification from employment. The motion was seconded by Dr. Hellman and carried 4/0.

*Being no further business the meeting adjourned at 10:28am.*