

**DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE
BOARD OF PHYSICAL THERAPY
GENERAL BUSINESS MEETING
GENERAL RULES REVIEW
FEBRUARY 2-3, 2012
MINUTES**

**Sheraton Fort Lauderdale Airport & Cruise Port
1825 Griffin Rd.
Dania Beach, FL 33004
(954) 920-3500**

February 2, 2012 – 6:30 p.m.

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

Call the Meeting to Order and Roll Call:

Dr. Madeleine Hellman, Chair, called the general business meeting to order at approximately 6:30 p.m. Those present for all or part of the meeting, included the following:

MEMBERS PRESENT

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

BOARD COUNSEL

Dror Lewy, Board Counsel,
Assistant Attorney General Office

STAFF PRESENT

Allen Hall, Executive Board Director
Jessica Sapp, Program Administrator

PROSECUTING ATTORNEY

Manshi Shah, Prosecuting Attorney,
DOH Prosecution Services

In attendance were PTA students from Broward College; Gina Musolino, Associate Professor and Coordinator of Clinical Education with University of South Florida; and Alan Mulcahy with the FPTA Southeast District and FPTA Board of Directors.

RULES REVIEW AND/OR DEVELOPMENT

Tab 1 Rule Discussion

- General Supervision of Physical Therapy Assistants - Rules 64B17-6.001, 6.002

Mr. Lewy discussed Rules 64B17-6.001 and 6.002 in regards to supervision of a physical therapist assistant as it relates to their practice location and employer.

The board agreed that it doesn't matter who the PTA is employed by, the PTA still must have a supervising PT no matter what type of setting.

Dr. Musolino addressed the Board. The American Physical Therapy Association's opinion is that a PTA is a paraprofessional to the PT and they must have a relationship no matter what type of setting or employment.

The board discussed revising rule language to make this clearer.

MOTION: Ms. Acuna-Parker made a motion for board counsel to open Rule 64B17-6.002 for development. The motion was seconded by Dr. Petraglia and carried 5/0.

Mr. Lewy will bring draft language to the next board meeting. Dr. Petraglia requested to use the term "under the direction of" in the draft language.

- Laws and Rules Exam Fee – Rules 64B17-2.001, 3.001, 3.003, 4.001, 4.002, 7.0027, 9.001

In an effort to be consistent with assessing fees for National examinations, Practitioner Reporting and Exam Services (PRES) is modifying their rule to delete any fee assessment for those examinations that are with the Nationals. The department cannot justify assessing an additional fee on top of that in which the candidate pays directly to the National vendor.

This requires the board to amend Rule 64B17-2.001, Fees for Application, Re-Application and Initial Licensure by deleting (4).

64B17-2.001 Fees for Application, Re-Application and Initial Licensure.

(1) Each applicant for licensure shall pay an application fee in the form of a check or money order payable to the Department of Health. The application fee is nonrefundable and may not be used for more than one year from the original submission of the application. After one year from the date of the original submission of an application and application fee, a new application and new fee shall be required from any applicant who desires to be considered for licensure.

(2) The application fee for licensure by endorsement is \$100.

(3) The application fee for licensure by taking the national examination is \$100.

(4) The applicant is responsible for the \$25 application fee for taking the Florida laws and rules examination as prescribed by Rule 64B-1.016, F.A.C.

(5) When the Board certifies the applicant to sit for the examination, it is the applicant's responsibility to complete the examination process with the national vendor. In compliance with the Americans with Disabilities Act, any applicant requesting special accommodations shall comply with the Department of Health's Rule 64B-1.005, F.A.C.

(6) The initial licensure fee is \$75.

(7) The unlicensed activity fee is \$5.00. This fee is in addition to the initial licensure fee.

(8) If an applicant fails to pass the national examination and/or the laws and rules examination, the applicant is responsible to meet the same requirements as prescribed in subsections (2) through (5) of this rule where applicable.

This will also require the amendment of Rules 64B17-3.001, 3.002, 4.001, 4.002, 7.0027, and 9.001 to revise the initial, re-exam, and laws and rules applications reflecting the fee change.

MOTION: Dr. Hellman made a motion to delete (4) to eliminate the \$25 laws application fee. The motion was seconded by Ms. Acuna-Parker and carried 5/0.

MOTION: Dr. Hellman made a motion to open Rules 64B17-2.001, 3.001, 3.002, 4.001, 4.002, 7.0027, and 9.001 for development. The motion was seconded by Ms. Acuna-Parker and carried 5/0.

MOTION: Dr. Petraglia made a motion that the proposed rule changes do not have an adverse impact on small businesses. The motion was seconded by Dr. Hellman and carried 5/0.

MOTION: Dr. Petraglia made a motion that the proposed rule changes will not likely directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within 1 year after the implementation of this rule. The motion was seconded by Dr. Hellman and carried 5/0.

RULE STATUS REPORT

Tab 2 Dror Lewy, Assistant Attorney General

Mr. Lewy discussed the status of the Board's rules which are currently undergoing revisions. He also discussed the letters from the Joint Administrative Procedures Committee (JAPC) regarding the current rule changes.

- Rule 64B17-7.001, Disciplinary Guidelines

Mr. Lewy presented his proposed revision to Rule 64B17-7.001(1)(gg). This revision is needed so that the disciplinary guidelines will track the implementing statute.

64B17-7.001 Disciplinary Guidelines.

(1) No Change

(a)-(ff) No Change

(gg) Section 456.072(1)(II), F.S., Being convicted of, or entering a plea of guilty or nolo contendere to a crime related to health care fraud. If the crime is a felony under Chapters 409 and 817, F.S., 21 U.S.C. ss. 801-970, or 42 U.S.C. ss. 1395-1396 the minimum penalty shall be a ~~minimum~~ fine of \$10,000 ~~\$1,000~~ and revocation. Otherwise the penalty range is from a minimum of a reprimand, six months probation and a fine of \$10,000 ~~\$5,000~~ to a maximum of revocation and a fine of \$10,000. For a second offense, a fine of \$10,000 and revocation.

(2) No Change

MOTION: Dr. Petraglia Made a motion to approve the revised language and proceed with rule making procedures. The motion was seconded by Mr. Lohr and carried 5/0.

MOTION: Ms. Acuna-Parker made a motion that the proposed rule change will not have an adverse impact on small businesses. The motion was seconded by Dr. Petraglia and carried 5/0.

MOTION: Mr. Lohr made a motion that the proposed rule changes will not likely directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within 1 year after the implementation of this rule. The motion was seconded by Dr. Petraglia and carried 5/0.

- Rule 64B17-9.001, Continuing Education

At the November 2011 Board meeting, the Board request Mr. Lewy present draft language regarding continuing education for clinical instructors.

MOTION: Dr. Petraglia made a motion to revise the proposed language as stated below. The motion was seconded by Ms. Acuna-Parker and carried 5/0.

64B17-9.001 Continuing Education.

(1)-(5) No Change.

(6) Clinical Instructors shall receive 1 contact hour for every 160 hours of clinical internship limited to a maximum of 6 contact hours per instructor per bienium. Clinical instructors must be credentialed by the American Physical Therapy Association (APTA) to receive clinical continuing education credits.

(7) (6) The Board approves for continuing education credit:

(a)-(f) No Change

(8) (7) The Board shall make exceptions for licensees from the continuing education requirements including waiver of all or a portion of these requirements or the granting of an extension of time in which to complete these requirements upon a finding of good cause by majority vote of the Board at a public meeting following receipt of a written request for exception based upon emergency or hardship. Emergency or hardship cases are those: 1) involving long term personal illness or illness involving a close relative or person for whom the licensee has care-giving responsibilities; 2) where the licensee can demonstrate that the required course(s) are not reasonably available; and 3) other demonstrated economic, technological or legal hardships that substantially relate to the ability to perform or complete the continuing education requirements.

(9) (8) The licensee must retain such receipts, vouchers, certificates, or other papers as may be necessary to document completion of the appropriate continuing education offerings listed on the renewal form for a period of not less than four years from the date the offering was taken.

MOTION: Mr. Lohr made a motion to open Rule 64B17-9.001 for development. The motion was seconded by Ms. Acuna-Parker and carried 5/0.

MOTION: Dr. Petraglia made a motion that the proposed rule change will not have an adverse impact on small businesses. The motion was seconded by Mr. Lohr and carried 5/0.

MOTION: Dr. Hellman made a motion that the proposed rule change will not likely directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within 1 year after the implementation of this rule. The motion was seconded by Mr. Lohr and carried 5/0.

At the last board meeting, it was requested of counsel to research the authority to require the Florida laws and rules exam for renewal. After thorough research, counsel found that no statutory authority exist to propose this requirement.

Mr. Lewy discussed the change in standards with the Americans with Disabilities Act (ADA). He advised the Board that any discussion regarding changes currently applies

only to those states in the Ninth Circuit, the District of Columbia and Vermont. No changes have been made in regards to Florida's Statutes and standards.

APPLICANT/LICENSEE RATIFICATION LISTS

Tab 3 CAPTE Accredited Applicants

- Examination/Endorsement Applicants – PT

MOTION: Dr. Petraglia made a motion to ratify the list of physical therapists for licensure by examination/endorsement (Exhibit A), 129 in number starting with Abigail Abbott and ending with Kyle Willets. Upon successful completion of the National Physical Therapy Exam and/or the Florida Laws and Rules Exam, shall be licensed. The motion was seconded by Mr. Lohr and carried 5/0.

- Examination/Endorsement Applicants – PTA

MOTION: Dr. Petraglia made a motion to ratify the list of physical therapist assistants for licensure by examination/endorsement (Exhibit B), 182 in number starting with Vishakha Agarwal and ending with Bryan Ziegenfuss. Upon successful completion of the National Physical Therapy Exam and/or the Florida Laws and Rules Exam, shall be licensed. The motion was seconded by Ms. Acuna-Parker and carried 5/0.

Tab 4 Foreign Trained Applicants

- Examination Applicants

MOTION: Dr. Petraglia made a motion to ratify the list of foreign trained candidates for licensure by examination (Exhibit D), 46 in number starting with Jay-Ar Abitang and ending with Jaison Yacob. Upon successful completion of the National Physical Therapy Exam and the Florida Laws and Rules Exam, shall be licensed. The motion was seconded by Ms. Acuna-Parker and carried 5/0.

- Endorsement Applicants

MOTION: Dr. Petraglia made a motion to ratify the list of foreign trained candidates for licensure by endorsement (Exhibit D), 26 in number starting with Komal Acharya and ending with Sree Yenuga. Upon successful completion of the Florida Laws and Rules Exam, shall be licensed. The motion was seconded by Dr. Hellman and carried 5/0.

Tab 5 Current Licensees

- Voluntary Relinquishment

MOTION: Dr. Petraglia made a motion to ratify the voluntary relinquishment list of physical therapists and physical therapist assistants, 18 in number starting with Stephen Wirth and ending with Ricardo Franca. The motion was seconded by Ms. Acuna-Parker and carried 5/0.

REPORTS

Tab 6 Chair/Vice Chair Report

The Chair or Vice Chair did not have a report for this meeting.

Tab 7 Executive Director Report - INFORMATIONAL

- Application Fee Scenarios

Mr. Hall advised the Board of the projected fee scenarios. At this time, reducing fees are not recommended by the Department's Budget Analyst.

- Cash Balance Report - Informational
- Board Expenditures – Informational
- Senate Bill 1228
- House Bill 799

Mr. Hall provided the board with an update on the current status of SB 1228 and HB 799. The most recent amendments include: Corrected the statute site and added an effective date of July 1, 2012. There was a third amendment to add ARNPs as a practitioner of record but this was recently withdrawn.

Dr. Petraglia shared her opinions with the board regarding temporary permits. Her concerns are as follows: In respect to the timeline, if the temporary permit is even worth it considering the work put into this; direct supervision concerns. What happens if supervisor isn't available? Doesn't feel it is enforceable; the public perception of qualified practitioners; and employment repercussions if the PT begins work then fails exam.

Dr. Musolino addressed Dr. Petraglia's concerns.

- FSBPT Board Training

At this time, most members have already attended and non are interested in attending again this year. Ms. Sapp may attend as the Administrator.

Mr. Hall made the board aware of the Budget Liaison training on February 20. Mr. Lohr is interested in attended.

NEW BUSINESS

Tab 8 General Education- Natural Science

Board staff requested a discussion among the board members to decide whether or not to continue accepting the Natural Science CLEP exam to satisfy a deficiency in Physics. Currently, when a foreign trained applicant is deficient in Physics, the board accepts Natural Science to fulfill the deficiency. This CLEP is no longer being accepted by the credentialing agencies.

MOTION: After discussion, Ms. Acuna-Parker made a motion to continue accepting the Natural Sciences CLEP to satisfy a deficiency in one course of Physics. The motion was seconded by Dr. Petraglia and carried 5/0.

Tab 9 Election of Officers

BOARD CHAIR: Clint Lohr

VICE CHAIR: Gina Petraglia

LEGISLATIVE LIAISON: Violet Acuna-Parker

BUDGET LIAISON: Jack Rust

UNLICENSED ACTIVITY LIAISON: Violet Acuna-Parker

EDUCATION LIAISON: Madeleine Hellman

ENFORCEMENT LIAISON: Gina Petraglia

MOTION: After discussion, Ms. Acuna-Parker made a motion to approve the above mentioned elections. The motion seconded by Mr. Lohr and carried 5/0.

Mr. Lohr will attend the budget liaison training.

Tab 10 Delegation of Authority

Staff proposed a revision to the current delegation. This revision would allow staff to approve exemption applications only if the applicant has previously been approved for a level 1 exemption and there no new criminal history is present.

After discussion, the following action was taken:

MOTION: Dr. Hellman made a motion to approve the proposed change and approve the Delegation of Authority as presented. The motion was seconded by Ms. Acuna-Parker and carried 5/0.

OLD BUSINESS

Tab 11 Board of Physical Therapy Minutes

- November 3-4, 2011 Board Meeting

MOTION: Ms. Acuna-Parker made a motion to approve the minutes as presented. The motion was seconded by Dr. Hellman and passed with a 5/0 vote.

Tab 12 Florida School Exam Statistics - Informational

OTHER BUSINESS AND INFORMATION

Tab 13 Board Staff Update

Board staff informed the board of the team addition of Robert Lane and the new team leader, Amanda Townsley.

Tab 14 FSBPT 2012 Budget- Informational

Tab 15 Exam Statistics- Informational

Tab 16 Staff Recognition

Mr. Lohr suggested the board discuss increasing the amount of continuing education credit awarded for licensees who take the laws and rules exam. This item will be placed on the May meeting agenda.

Being no further business the meeting adjourned at 9:10pm.

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MINUTES**

**Sheraton Fort Lauderdale Airport & Cruise Port
1825 Griffin Rd.
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(954) 920-3500**

February 3, 2012 – 8:00 a.m.

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

Call the Meeting to Order and Roll Call:

Dr. Madeleine Hellman, Chair, called the general business meeting to order at approximately 8:00 a.m. Those present for all or part of the meeting, included the following:

MEMBERS PRESENT

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

BOARD COUNSEL

Dror Lewy, Board Counsel,
Assistant Attorney General Office

STAFF PRESENT

Allen Hall, Executive Board Director
Jessica Sapp, Program Administrator

PROSECUTING ATTORNEY

Manshi Shah, Prosecuting Attorney,
DOH Prosecution Services

COURT REPORTER

Apex Reporting Group
Fernando Subirats
12 S.E. 7th Street, Suite 702
Ft. Lauderdale, Florida 33301

Dr. Hellman welcomed the PTA students in attendance from Broward College and Indian River College.

DISCIPLINARY PROCEEDINGS

MOTION TO ASSESS COSTS

**Tab 1 Marly Cueto, PT15759
 DOH Case Nos. 2008-19847; 2009-23150
 DOAH Case Nos. 11-1271PL; 11-1272PL
 (PCP – Trittschuh, Hellman, Candela, Hughes)**

Dr. Hellman was recused due to participation in the Probable Cause Panel.

Respondent was present and sworn in by the court reporter.

Ms. Shah briefly summarized the case as it was presented at the November 2011 board meeting. The only board action on this agenda was to assess costs.

MOTION: Dr. Petraglia made a motion to assess the costs of \$27,537.54 to be paid within five years. The motion was seconded by Mr. Lohr and passed with a 4/0 vote.

MOTION FOR SETTLEMENT AGREEMENT

**Tab 2 Patricia Gazal, PTA381
Case No. 2010-12281
(PCP – Petraglia, Belser, Candela)**

Dr. Petraglia was recused due to participation in the Probable Cause Panel.

Respondent was not present nor represented by legal counsel.

Ms. Shah summarized the case for the Board. Respondent was charged with the following violation: Section 456.072(1)(x), Florida Statutes and Section 486.125(1)(k) Florida Statutes (2009) by failing to report to the Board within 30 days that she was found guilty of one or more crimes.

The case was presented as a Settlement Agreement that would impose the following:

- Letter of concern
- Costs in the amount of \$1,204.88 to be paid within 365 days of the Final Order date.
- \$1000.00 fine to be paid within 365 days of the Final Order date.

MOTION: After discussion, Mr. Lohr made a motion to accept the Settlement Agreement. The motion was seconded by Dr. Petraglia and carried 4/0.

MOTION FOR BOARD'S FINAL ORDER ACCEPTING VOLUNTARY RELINQUISHMENT

**Tab 3 Perry Milan Gordon, PT23142
Case No. 2010-04844
(PCP – Acuna-Parker, Watson, Stoff)**

Ms. Acuna-Parker was recused due to participation in the Probable Cause Panel.

Respondent was not present nor represented by legal counsel.

Ms. Shah summarized the case for the Board. Respondent was charged with the following violation: Section 486.125(1)(g) Florida Statutes (2007) by having a license revoked or suspended or by having had other disciplinary action taken against him by the licensing authority of another state.

The case was presented as a Voluntary Relinquishment of licensure, in lieu of further disciplinary proceedings.

MOTION: Dr. Hellman made a motion to accept the Voluntary Relinquishment. The motion was seconded by Dr. Petraglia and passed with a 4/0 vote.

MOTION FOR FINAL ORDER BY HEARING NOT INVOLVING DISPUTED ISSUES OF MATERIAL FACT

**Tab 4 John Mulfinger, PT18909
 Case No. 2011-00687
 (PCP – Lohr, Clendenin)**

Mr. Lohr was recused due to participation in the Probable Cause Panel.

Respondent was not present nor represented by counsel.

Ms. Shah summarized the case for the Board. Respondent was charged with the following violation: Section 486.125(1)(h), Florida Statutes (2010) by violating a lawful order of the Board previously entered in a disciplinary proceeding.

MOTION: Dr. Hellman made a motion finding that the Respondent was properly served and requested an informal hearing. The motion was seconded by Dr. Petraglia and passed with a 4/0 vote.

MOTION: Ms. Acuna-Parker made a motion to find that the material facts, as alleged in the Administrative Complaint, are not in dispute, and to adopt the allegations of fact in the Administrative Complaint, as the Board's conclusions of fact in this proceeding. The motion was seconded by Mr. Rust and passed with a 4/0 vote.

MOTION: Dr. Hellman made a motion to accept the findings of fact and the conclusions of laws as set forth in the Administrative Complaint. The motion was seconded by Dr. Petraglia and passed with a 4/0 vote.

MOTION: Dr. Hellman made a motion to accept into the record and evidence the Department's investigative file inclusive of all documentation provided to the Board both through their material as provided. The motion was seconded by Mr. Rust and passed with a 4/0 vote.

MOTION: After discussion, Dr. Hellman made a motion to impose the following penalties:

- Reprimand
- Fine \$1000.00 to be paid within 365 days
- Costs 291.99 to be paid within 365 days

The motion was seconded by Ms. Acuna-Parker and carried 4/0.

REPORT

Tab 5 Prosecuting Attorney Report

Board of Physical Therapy Practice Minutes
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Total Cases open/active in PSU:	29
Total Pre –Probable Cause Cases:	19
Cases under legal review:	19
Cases where PC Recom made:	6
Total Cases where PC has been found:	1
Cases in holding status:	2
Cases awaiting supp. invest.:	1
Cases in which AC has been filed:	5
Cases pending before DOAH:	0
Total Cases open/active in PSU:	29
Cases in intake status:	0

At the request of the board, Ms. Shah explained to the students and audience the probable cause process.

REQUEST FOR MODIFICATION OF FINAL ORDER

Tab 6 Kerry Fitzgerald, PTA15531

Ms. Fitzgerald was not present and sworn in by the court reporter.

Ms. Fitzgerald submitted a request to modify her Final Order of Case Numbers 2008-03741; 2008-20591; 2009-02741 and 2009-11718.

Case No. 2008-03741: Ms. Fitzgerald failed a continuing education audit for biennium 2005-2007 which resulted in fine, costs and the completion of all CE hours. She failed to pay her fine and costs by the deadline of 8/6/2008 so a second case was opened by the Department.

Case No. 2008-20591: This case is a result of non-compliance with the fine and costs from the previous case. Additional fine and costs were incurred, due in full to the Department by 4/27/2009.

Case No. 2009-02741: This case is a result of non-compliance with Case No. 2008-03741 in regards to the required CE hours. The case was heard by the Board in November 2009. Additional costs and the Florida law exam were imposed with a due date of 11/24/2010.

Case No. 2009-11718: This case is a result of non-compliance with Case No. 2008-20591 and was heard by the Board in May 2010. The Board imposed Suspension until Ms. Fitzgerald submitted proof of her CE hours and passed the Florida law exam.

Ms. Fitzgerald passed the law exam and submitted proof of her CE hours. Her suspension has been lifted though no payment has been received for any of the fines or costs.

\$1150.00 fine (total): OUTSTANDING
\$2134.02 costs (total): OUTSTANDING
Laws and Rules Exam: Passed

She has requested a reduction of her fines and costs due to financial hardships.

MOTION: After discussion, Dr. Hellman made a motion to grant a modification of Ms. Fitzgerald's Final Order. Ms. Fitzgerald must pay the total fine of \$1150.00 within two years from the date of the new Final Order. The motion was seconded by Ms. Acuna-Parker and carried 5/0.

MOTION: After discussion, Dr. Hellman made a motion to grant a modification of Ms. Fitzgerald's Final Order. Ms. Fitzgerald must pay the total costs of \$2134.02 within two years from the date of the Final Order. The motion was seconded by Mr. Lohr and carried 5/0.

PETITION FOR DECLARATORY STATEMENT

Tab 7 GMAC Indemnity Corporation

- Rule 64B17-6, Florida Administrative Code

Scott Dutton, Esquire was present to address the Board. In his petition for Declaratory Statement, he was seeking the following clarification from the board:

In the state of Florida, to what extent may a licensed massage therapist operating in a clinic with no direct supervision from a medical doctor or chiropractor other than a written prescription for therapy, assess the patient for medical necessity and perform and bill for physical therapy modalities?

MOTION: After discussion, Dr. Petraglia made a motion to deny the declaratory statement due to not being based on a set of circumstances pertaining to one individual. The declaratory statement does not meet the requirements set forth in Section 120.565, F.S. The motion was seconded by Ms. Acuna-Parker and carried 5/0.

PETITION FOR VARIANCE OR WAIVER OF RULE

Tab 8 Katarzyna Skladanowski, Physical Therapist by Endorsement

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

Ms. Skladanowski was present and sworn in by the court reporter.

Ms. Skladanowski has filed a petition for waiver of Rule 64B17-3.003, F.A.C. seeking a waiver from the education requirement(s) in regards to the deficiencies on her FCCPT evaluation in professional education.

MOTION: After discussion, Ms. Acuna-Parker made a motion to grant the Petition for Variance or Waiver of Rule 64B17-3.003. The motion was seconded by Dr. Hellman and carried 4/1. Dr. Petraglia opposed.

b.) Application by Endorsement

MOTION: After discussion, Acuna-Parker made a motion to approve Ms. Skladanowski's application for licensure and to certify her to sit for the Florida Laws and Rules Exam. Upon a passing score on the exam shall be licensed. The motion was seconded by Dr. Hellman and carried 4/1. Dr. Petraglia opposed.

Tab 9 Chirag Vegda, Physical Therapist by Endorsement

a) Petition for Variance or Waiver of Rule 64B17-3.001(3)

Mr. Vegda was not present.

Mr. Vegda has filed a petition for waiver of Rule 64B17-3.001(3), F.A.C. Mr. Vegda is requesting a waiver from the education requirement(s) in regards to the deficiencies on his FCCPT evaluation in general education.

MOTION: After discussion, Ms. Acuna-Parker made a motion to grant the Petition for Variance or Waiver of Rule 64B17-3.001(3) and approve the application. The motion was seconded by Dr. Petraglia and carried 5/0.

Tab 10 Andrea Hall, Physical Therapist Assistant by Examination

a) Petition for Variance or Waiver of Rule 64B17-4.001

Ms. Hall has filed a petition for waiver of Rule 64B17-4.001, F.A.C. She is requesting a waiver from the education requirement(s) in regards to the deficiencies on her ICD evaluation in professional education.

According to ICD, her education is not equivalent to the first professional degree as a physical therapist assistant in the United States.

MOTION: After discussion, Ms. Acuna-Parker made a motion to grant the Petition for Variance or Waiver of Rule 64B17-4.001 and approve the application. The motion was seconded by Mr. Rust and carried 5/0.

Tab 11 Aneta Mozdyniewicz, Physical Therapist by Examination

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

Ms. Mozdyniewicz was present and sworn in by the court reporter.

Ms. Mozdyniewicz is requesting a waiver from the education requirement(s) in regards to the deficiencies on her FCCPT evaluation and the clinical internship.

Ms. Mozdyniewicz completed a clinical internship at Cralle Physical Therapy in Delray Beach, Florida. This internship was not conducted through a CAPTE accredited program

nor has it been evaluated by FCCPT. She has submitted a letter from the supervising PT (Raymond Cralle, PT1043) as a request for the Board to accept the internship in lieu of an educational internship.

MOTION: After discussion, Mr. Rust made a motion to grant the Petition for Variance or Waiver of Rule 64B17-3.001. The motion was seconded by Ms. Acuna-Parker and carried 3/2. Dr. Petraglia and Mr. Lohr opposed.

b) Application by Endorsement

MOTION: After discussion, Ms. Acuna-Parker made a motion to approve Ms. Mozdyniewicz's application for licensure and to certify her to sit for the National Physical Therapy Exam (NPTE) and the Florida Laws and Rules Exam. Upon a passing score on the exams shall be licensed. The motion was seconded by Mr. Rust and carried 3/2.

Ms. Acuna-Parker was excused from the remainder of the meeting.

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

Tab 12 Yusef Alkhabbaz, Physical Therapist by Exam

Mr. Alkhabbaz was present and sworn in by the court reporter.

Mr. Alkhabbaz was asked to appear to discuss his education history.

He was requested to appear at the November 2011 Board meeting but was not present. This tab was tabled to the February 2012 meeting.

After discussion, Mr. Alkhabbaz withdrew his application.

Tab 22 Vincent Forzano, PT5427

Mr. Forzano was present and sworn in by the court reporter. Also in attendance was his employer.

He has submitted an application for Exemption from Disqualification to seek employment in an AHCA regulated facility.

Mr. Forzano requested an Exemption from Disqualification from Employment on March 31, 2010. The Exemption was granted on May 7, 2010.

Due to AHCA's legal changes in August 2010, Mr. Forzano is required to have an Employment Exemption with a level 2 background screening. Therefore, he is re-appearing before the Board to ask for a new Exemption.

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

Tab 13 Maria Dava, Physical Therapist by Endorsement

Ms. Dava was present and sworn in by the court reporter.

She was asked to appear to discuss her discipline history.

Ms. Dava was requested to appear at the November 2011 Board meeting but was not present. This tab was tabled to the February 2012 meeting.

MOTION: After discussion, Dr. Hellman made a motion to approve Ms. Dava's application for licensure and to certify him to sit for the Florida Laws and Rules Exam and upon a passing score on the exam shall be licensed. The motion was seconded by Mr. Rust and carried 4/0.

Tab 14 Mohamed Attya, Physical Therapist by Endorsement

Mr. Attya was not present.

He was asked to appear to discuss his education history.

Mr. Attya was requested to appear at the November 2011 Board meeting but was not present. This tab was tabled to the February 2012 meeting. Per 456.013(3)(c), Florida Statutes: "if the applicant fails to appear before the board at either of the next two regularly scheduled board meetings, or fails to appear before the department within 30 days if there is no board, the application for licensure shall be denied."

MOTION: After discussion, Dr. Petraglia made a motion to deny Mr. Attya's application. The motion was seconded by Mr. Rust and carried 4/0.

Dr. Petraglia restated her motion to clarify the denial is due to the applicants' second non-appearance and per the requirements set forth in Section 456.013(3)(c), F.S. The motion was seconded by Mr. Lohr and carried 4/0.

Tab 15 Sheraz Syed, Physical Therapist by Endorsement

Mr. Syed was not present.

Mr. Syed was asked to appear to discuss his education history. He sent an e-mail requested the board to table his application until the May meeting as he was out of the country.

MOTION: Mr. Rust made a motion to table the application until the May meeting. The motion was seconded by Dr. Hellman and carried 4/0.

MOTION: Dr. Hellman made a motion to require his appearance at the May meeting, otherwise his application will be denied. The motion was seconded by Mr. and carried 4/0.

Tab 16 William Sifling, Physical Therapist by Endorsement

Mr. Sifling was present and sworn in by the court reporter.

He was asked to appear to discuss his criminal, personal and discipline history.

MOTION: After discussion, Dr. Petraglia made a motion to approve the application for licensure and authorize Mr. Sifling to sit for the Florida Laws and Rules Exam. Upon successful completion of a PRN evaluation and compliance with their recommendation, licensure is granted. Applicant has 180 days to complete the PRN evaluation and comply with their terms, or licensure is denied. Board staff is delegated to approve licensure once all terms are completed. The motion was seconded by Dr. Hellman and carried 4/0.

Tab 17 Lacey Lahey, Physical Therapist by Endorsement

Ms. Lahey was present and sworn in by the court reporter.

He was asked to appear to discuss her discipline history.

MOTION: After discussion, Mr. Lohr made a motion to approve Ms. Lahey's application for licensure and to certify her to sit for the Florida Laws and Rules Exam and upon a passing score on the exam shall be licensed. The motion was seconded by Mr. Rust and carried 4/0.

REQUEST FOR CONSIDERATION OF EXEMPTION FOR DISQUALIFICATION FROM EMPLOYMENT

Tab 18 Christian Pacheco, PT23488

Mr. Pacheco was present and sworn in by the court reporter.

Christian Pacheco 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. Pacheco's exemption for disqualification from employment. The motion was seconded by Mr. Rust and carried 4/0.

Tab 19 Patrick Fuller, PT23562

Mr. Fuller was not present nor represented by counsel.

Patrick Fuller 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. Fuller's exemption for disqualification from employment. The motion was seconded by Dr. Hellman and carried 4/0.

Tab 20 Oscar Alvarez, PT26790

Mr. Alvarez was present and sworn in by the court reporter.

Oscar Alvarez 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. Alvarez's exemption for disqualification from employment. The motion was seconded by Mr. Lohr and carried 4/0.

Tab 21 Christopher Stone, PTA22990

Mr. Stone was not present nor represented by counsel.

Christopher Stone 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 deny Mr. Stone's exemption for disqualification from employment due to not providing clear and convincing evidence of rehabilitation. The motion was seconded by Dr. Petraglia and carried 4/0.

Tab 23 Suzanne Charneski, PTA20557

Ms. Charneski was present and sworn in by the court reporter.

Suzanne Charneski 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 Ms. Charneski's exemption for disqualification from employment. The motion was seconded by Mr. Rust and carried 4/0.

Tab 24 Matthew Pino, PTA23071

Mr. Pino was present and sworn in by the court reporter.

Matthew Pino 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. Pino's exemption for disqualification from employment. The motion was seconded by Mr. Rust and carried 4/0.

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

Tab 25 Jean Labady, Physical Therapist by Endorsement

Mr. Labady was requested to appear to discuss his exam attempts. Per Section 486.051, applicants are no longer eligible for licensure after five failed exam attempts.

The Board allowed Mr. Labady to withdraw his application.

MOTION: Dr. Hellman made a motion to accept the withdrawal. The motion was seconded by Dr. Petraglia and carried 4/0.

REQUEST FOR CONSIDERATION OF EXEMPTION FOR DISQUALIFICATION FROM EMPLOYMENT

Tab 26 Andrea Guzman, PTA2096

Ms. Guzman was not present not represented by counsel.

Andrea Guzman 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 deny Ms. Guzman's exemption for disqualification from employment due to not providing clear and convincing evidence that she has rehabilitated. The motion was seconded by Mr. Lohr and carried 4/0.

Being no further business, the meeting adjourned at 11:37am.