

DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE
BOARD OF PHYSICAL THERAPY
GENERAL BUSINESS MEETING
GENERAL RULES REVIEW
FEBRUARY 10, 2023
DRAFT MINUTES

FEBRUARY 10, 2023
HOTEL INDIGO JACKSONVILLE-DEERWOOD PARK
9840 TAPESTRY PARK CIRCLE
JACKSONVILLE, FL 32246

Participants in this public meeting should be aware that these proceedings are being recorded and that an audio file of the meeting will be posted to the Board's website.

FEBRUARY 10, 2023 – 8:00 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. Steve Chenoweth, 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

Mr. Steve Chenoweth, PT
Dr. Ellen K. Donald, PT, PhD
Dr. Andy Koenig, PT, DPT, MHA, OCS
Dr. Paul Kleponis, BSEd, BSPT, DPT, LtCol (Retired)

BOARD COUNSEL

Diane Guillemette, Board Counsel,
Assistant Attorney General

PROSECUTING ATTORNEY

Collie Nolen, Prosecuting Attorney,
DOH Prosecution Services
Christina Shideler, DOH Prosecution Services

STAFF PRESENT

Allen Hall, Executive Board Director
Kayla Karpp, Program Operations
Administrator
Leah Compagnone-Bolt, Program
Operations Administrator

Court Reporter:

Magnolia Court Reporting

407-896-1813

Time Began: 8:00 A.M.

DISCIPLINARY PROCEEDINGS

MOTION FOR DETERMINATION OF WAIVER

1. Wilfred Gino Poc Naluz Ureta, PTA (PCP: Chenoweth, Tasso & Candela)

Respondent was present and represented by counsel Ed Bayo, Esq.

Mr. Chenoweth was recused due to participation in the probable cause panel.

Ms. Nolen summarized the case for the Board. Respondent was charged with the following violation(s): **Count I:** 486.125 (1)(i) Florida Statutes (2020), subjects a licensee to discipline for making or filing a report or record which the licensee knows to be false. Such reports or records shall include only those which are signed in the capacity of a physical therapist. **Count II:** 456.072(1)(m), Florida Statutes (2020), subjects a licensee to discipline for making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession.

MOTION: Dr. Donald made a motion to accept the investigative report into evidence. The motion was seconded by Dr. Koenig and carried 3/0.

MOTION: Dr. Donald made a motion to find that the Respondent was properly served and waived the right to a formal hearing. The motion was seconded by Dr. Koenig and carried 3/0.

MOTION: Dr. Donald made a motion to adopt the findings of fact as set forth in the Administrative Complaint. The motion was seconded by Dr. Koenig and carried 3/0.

MOTION: Dr. Donald made a motion to adopt the conclusions of law as set forth in the Administrative Complaint and find that this constitutes a violation of the Chapters 486 and 456, Florida Statutes. The motion was seconded by Dr. Koenig and carried 3/0.

Count 1:

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

- Fine of \$10,000 to be paid in 2 (two) years, with \$5,000 due each year.
- Submission of quarterly reports and 25% of records review. Must also report time in and out.
- 1 (one) year probation with supervision.
- Submit Supervisor CV/Resume'
- Appear before the board at the last meeting prior to termination of probation.

The motion was seconded by Dr. Kleponis and carried 3/0.

Count 2:

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

- Fine of \$2,000 to be paid within 1 (one) year
- 6 months probation to run concurrent with probation in Count 1.
- Costs of \$1,713.91 to be paid within 1 (one) year.

The motion was seconded by Dr. Kleponis and carried 3/0.

MOTION: Dr. Donald made a motion to assess and accept costs of \$1,713.91. The motion was seconded by Dr. Kleponis and carried 3/0.

Time ended: 08:39 a.m. ET

PROSECUTOR'S REPORT

2. Collie Nolen, Prosecuting Attorney

- **PSU Inventory Reports**

DOH PROSECUTOR'S REPORT: **BOARD OF PHYSICAL THERAPY** **PRACTICE**

Meeting Date: December 9, 2022

TO: Allen Hall, Executive Director
FROM: Collie Nolen, Assistant General Counsel
DATE: January 23, 2023
RE: Current Open / Pending Physical Therapy cases

<u>Case Status</u>	<u>Report</u> Date: 8/1/22	<u>Report</u> Date: 11/16/22	<u>Report</u> Date: 1/23/23
Total cases open/active in Prosecution Services:	40	29	24
Case in Emergency Action Unit:	0	0	1
Cases under legal review:	12	7	8
Cases awaiting supplemental investigation/expert opinion:	0	1	1
Cases with PCP recommendation:	15	8	8
Total cases where probable cause has been found:	1	0	1
Cases where DOAH has been requested:	8	5	3
Cases pending before DOAH:	0	0	1
Cases on Board meeting agenda:	3	8	1

Cases on appeal:	1	0	0
Cases older than one year*:	8	7	8

* Does not include cases already agendaed for final action by the Board.

MOTION: Dr. Kleponis made a motion to allow prosecution to continue processing any cases over one year old. The motion was seconded by Mr. Chenoweth and carried 4/0.

PETITION FOR REINSTATEMENT OF LICENSE

3. Ivette Cintron-Tamari, PT 19118

Ms. Cintron-Tamari was present.

Alexis Polles a representative for the Professional Resource Network (PRN) spoke with the Board regarding a PRN contract.

MOTION: After discussion, Mr. Chenoweth moved to accept the petition for reinstatement however, by pleading to F.S. 89303(2)(a)4 and 893.13(6)(a) charges, Board cannot reinstate license. The motion was seconded by Dr. Donald and carried 4/0.

Time Ended: 8:57 a.m. ET

*******5 Minute Break*******

Time Began: 9:05 a.m. ET

ADMINISTRATIVE PROCEEDINGS:

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

4. Jeffrey Guild, PT by Endorsement

Mr. Guild was not present.

Applicant did not appear at the December 9, 2022, meeting.

This will be his second appearance before the Board.

MOTION: After discussion, Mr. Chenoweth made a motion to deny Mr. Guild's application for licensure. The motion was seconded by Dr. Donald and carried 4/0.

5. Roopa Desai, PT by Endorsement

Ms. Desai was not present.

Board staff received an FCCPT evaluation for Ms. Roopa Desai. According to FCCPT, her education lacks the required course content in general and professional education.

GENERAL EDUCATION

- Humanities-One course minimum required.

PROFESSIONAL EDUCATION

- Basic Health Science-Pathology
- Related Professional Course Work-Professional Behaviors; Administration; Community Health. Research and Clinical Decision Making; Communication (related to client/patient care); Legal and Ethical Aspects of Physical Therapy Practice

Ms. Desai was not in attendance at the December 9, 2022, meeting, she was sent an order requiring her appearance on January 13, 2023, for the February meeting.

MOTION: After discussion, Mr. Chenoweth made a motion to deny Ms. Desai's application for licensure. The motion was seconded by Dr. Kleponis and carried 4/0.

6. Peter Benjamin, PT by Endorsement

Mr. Benjamin was present.

Appearance was required per the Board Chair

MOTION: After discussion, Mr. Chenoweth made a motion to approve Mr. Benjamin's application for licensure pending the passage of the Florida Physical Therapy Laws and Rules Exam. The motion was seconded by Dr. Koenig and carried 4/0.

7. Leticia Hamilton, PT by Endorsement

Ms. Hamilton was present.

Board Staff received an FCCPT evaluation for Ms. Leticia Hamilton. According to FCCPT, her education lacks the required course content in general education.

GENERAL EDUCATION

- Humanities-One Course Minimum Required

Ms. Hamilton did not respond to her options letter.

Ms. Hamilton requested to waive the 90-day requirement to stop Board Action.

MOTION: After discussion, Mr. Chenoweth made a motion to approve Ms. Hamilton's request to waive the 90-day requirement to allow her time to complete the deficient humanities course. The motion was seconded by Dr. Koenig and carried 4/0.

8. Sharon Candelario, PTA by Endorsement

Ms. Candelario was present.

Ms. Candelario's probation was terminated on December 12, 2009.

Mrs. Candelario was not in attendance at the December 9, 2022, meeting, she was sent an Order requiring her appearance at the February meeting on January 13, 2023.

MOTION: After discussion, Mr. Chenoweth made a motion to approve Ms. Candelario's application for licensure pending the passage of the Florida Physical Therapy Laws and Rules exam. The motion was seconded by Dr. Donald and carried 4/0.

An additional motion was made by Mr. Chenoweth to allow staff to approve any potential forthcoming ACHA exemption related to this case. The motion was seconded by Dr. Donald and carried 4/0.

9. Diana Jewel Wyatt, PTA by Endorsement

Ms. Wyatt was not present.

Mrs. Wyatt was not in attendance at the December 9, 2022, meeting, she was sent an order requiring her appearance on January 13, 2023, for the February meeting.

MOTION: After discussion, Mr. Chenoweth made a motion to deny Ms. Wyatt's application for licensure. The motion was seconded by Dr. Donald and carried 4/0.

10. Melia Edmondson, PTA by Examination with a Temporary Permit

Ms. Edmondson was present.

Ms. Edmondson enrolled in the KSTAR Nursing program. Staff pulled updated license verification to show action was removed from her TX Nursing license.

MOTION: After discussion, Mr. Chenoweth made a motion to approve Ms. Edmondson's application for licensure pending the passage of the Florida Physical Therapy Laws and Rules exam. The motion was seconded by Dr. Koenig and carried 4/0.

11. Justin Lee Gochenauer, PTA by Examination

Mr. Gochenauer was present.

Mr. Gochenauer paid all costs and fines of his 2018 order on August 23, 2021.

MOTION: After discussion, Dr. Kleponis made a motion to approve Mr. Gochenauer's application for licensure pending the passage of the Florida Physical Therapy Laws and Rules exam. The motion was seconded by Dr. Koenig and carried 4/0.

PETITION FOR WAIVER OF RULE & CONSIDERATION OF APPLICATION FOR LICENSURE BY ENDORSEMENT AS A PHYSICAL THERAPIST

12. Lawrence Haley for Shayna Haley

Mr. Haley was present, along with Ms. Haley's mother and Shayna Haley.

Mr. Haley has petitioned the Board on behalf of his daughter Shayna Haley.

He cites for a variance and waiver of Rule 64B17-13.001(4), F.A.C., this rule does not exist.

Ms. Haley passed the NPTE examination on her seventh attempt in New York on January 28, 2008.

The Board heard and denied Ms. Haley's petition on May 14, 2021.

Ms. Haley withdrew her application during the meeting.

The June 8, 2021, order and minutes are provided in the materials.

After discussion, Mr. Haley's petition for waiver of Rule 64B17-13.001(4), F.A.C., was dismissed due to lack of standing.

ADDENDUM

CONSIDERATION OF WAIVER OF CONTINUING EDUCATION FOR REACTIVATION

33. Cynthia Trautmann PT 20364

After discussion, Ms. Trautmann withdrew her waiver request.

REQUEST FOR CONSIDERATION OF EXEMPTION FROM EMPLOYMENT DISQUALIFICATION

13. Aaron Scott, PTA 20205

Mr. Scott was not present nor represented by counsel.

Mr. Scott's license is Clear/Active, with an expiration date of November 30, 2023.

MOTION: After discussion, Mr. Chenoweth made a motion to grant Mr. Scott's exemption for disqualification from employment application. The motion was seconded by Dr. Kleponis and carried 4/0.

***** 5 Minute break*****

APPLICANT RATIFICATION LISTS

19. Ratification Lists for Approved Applicants

- Physical Therapist Applicants

MOTION: Mr. Chenoweth made a motion to ratify the list of physical therapists for licensure by examination/endorsement (Exhibit A), 191 in number starting with PT 39639 and ending with PT 39846. 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 Dr. Kleponis and carried 4/0.

- Physical Therapist Assistant Applicants

MOTION: Mr. Chenoweth made a motion to ratify the list of physical therapist assistants for licensure by examination/endorsement (Exhibit B), 86 in number starting with PTA 32453 and ending with PTA 32540. 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 Dr. Donald and carried 4/0.

20. Five Time Failure Denial Ratification List

Applicants who have not passed the NPTE exam within five (5) attempts are precluded from licensure. Notifications were sent to allow applicants to withdraw and no response has been received. The following applicants are being presented for denial by the Board.

<u>Name</u>	<u>PT Applicant file number</u>
Lindsey Boyd	9031
Valerie Davis	9956
Shelly Fisher	10945
Felipe Gaitan	10259
William Grimes	10612
Tanya Harris	11062
Christopher House	10188
Thomas Salter	10447
Jose Santiago	11004
Michael Saylor	11054
Tatiana Velez-Santos	11091

MOTION: Mr. Chenoweth made a motion to deny the list of physical therapist Assistants who failed to pass the National Physical Therapy Examination for Physical Therapist Assistants by or on the fifth attempt, due to being precluded from licensure. The motion was seconded by Dr. Kleponis and carried 4/0.

RULE STATUS REPORT

14. Diane Guillmette, Assistant Attorney General

- Rule 64B17-9.001, F.A.C., Continuing Education

REPORTS, IF ANY

15. Board Member Reports, if any

- Mr. Steve Chenoweth, Chair
- Other Board Members

Informational only.

16. Executive Director, Allen Hall

- Expenditures by Function Report
- Cash Balance Report
- Annual Long-Range Planning Meeting Materials
- Physical Therapy Compact Legislation

The above reports were presented as informational only.

17. FSBPT Updates, if any

18. FPTA Updates, if any

At this time the Board has the opportunity to discuss any Florida Physical Therapy Association (FPTA) updates. This will give the Board a chance to discuss any new changes FPTA is implementing in an open forum.

NEW BUSINESS

21. 2023 Delegations of Authority

The Delegation of Authority, reviewed and approved annually, facilitates administrative efficiency and documents when individuals or entities have been delegated to act on behalf of a Board/Council.

Each Board/Council was invited to review, make changes if necessary, and approve the 2023 delegation.

MOTION: After discussion, Dr. Kleponis made a motion to approve the 2023 Delegation of Authority as presented. The motion was seconded by Dr. Donald and carried 4/0.

22. 2023 Conviction Record Guidelines

The Conviction Record Guidelines, reviewed and approved by the Boards/Councils, are used by staff to assist in determining which licensure applications require individual consideration at the quarterly meetings. Board/Council review of every applicant that reports a conviction of any kind, regardless of when the issue occurred, would be an inefficient process. Each Board/Council is invited to review, make changes if needed, and approve the 2023 Conviction Record Guidelines.

MOTION: After discussion, Mr. Chenoweth made a motion to approve the 2023 Conviction Record Guidelines as presented. The motion was seconded by Dr. Donald and carried 4/0.

23. Proposed 2024 Meeting Dates

The following dates are presented for your consideration. These selections have been made in coordination with the other professions in the Medical Therapies/Psychology Board Office to avoid meeting conflicts. Please specify a primary and secondary preference for location. The following cities are common meeting locations where most Boards meet: Orlando, Tampa, Jacksonville. The Board may request other cities.

The following dates are presented for your consideration. These selections have been made in coordination with the other professions in the Medical Therapies/Psychology Board Office to avoid meeting conflicts. Please specify a primary and secondary preference for location. The following cities are common meeting locations where most Boards meet: Orlando, Tampa, Jacksonville. The Board may request other cities.

General Business Meetings:

February 9

Primary Fort Lauderdale

Secondary TBA

May 10

Primary TBA

Secondary TBA

August 16

Primary Tampa

Secondary TBA

December 6

Primary TBA

Secondary TBA

Probable Cause Panel Meetings:

February	7	Chair: Dr. Kleponis
April	10	Chair: Dr. Donald
June	5	Chair: Dr. Koenig
August	7	Chair: Mr. Chenoweth
October	9	Chair: Dr. Kleponis
December	11	Chair: Dr. Donald

24. Financial Reports

The above reports were presented as informational only.

OLD BUSINESS

25. Board of Physical Therapy Minutes

- December 09, 2022, General Business Meeting

MOTION: Mr. Chenoweth made a motion to approve the December 09, 2022, General Business Meeting minutes. The motion was seconded by Dr. Kleponis and carried 4/0.

OTHER BUSINESS AND INFORMATION

26. Florida Prescription Drug Monitoring Program (PDMP) Monthly Report

The above reports were presented as informational only.

27. Dry Needling Report

The above reports were presented as informational only.

28. Electronic Licensing

This was provided for information purposes only.

29. Exam Statistics

The above reports were presented as informational only.

30. Voluntary Withdraw of Accreditation- Lehigh Carbon Community College

This was provided for information purposes only.

31. Staff Recognition

ADDENDUM

32. 2023 FSBPT Delegates

Leadership Issues Forum, July 15-16, Arlington, Virginia

- Voting Delegate: TBA
- Board Administrator: Leah Compagnone-Bolt

Annual Education Meeting, October 19-21, Jacksonville, Florida

- Voting Delegate: Dr. Andy Koenig
- Funded Alternate Delegate: TBA
- Board Administrator: Leah Compagnone-Bolt

With there being no further business meeting adjourned at 11:01 A.M.