

3-9-01

Final Order No. DOH-01-1236- FOF-MOA
FILED DATE - 7/26/01
Department of Health
By: [Signature]
Deputy Agency Clerk

AT

01 JUL 27 PM 3:27
FILED
DIVISION OF ADMINISTRATIVE HEARINGS

**STATE OF FLORIDA
BOARD OF PHYSICAL THERAPY PRACTICE**

**DEPARTMENT OF HEALTH, BOARD OF
PHYSICAL THERAPY PRACTICE**
Petitioner,

vs.

**CASE NO. 99-016431
DOAH CASE NO. 00-4728PL**

**TINE MARIE PATE,
Respondent.**

FINAL ORDER

THIS CAUSE came before the Board of Physical Therapy Practice (Board) pursuant to section 120.569 and section 120.57(1), Florida Statutes, at a duly-noticed public meeting on June 29, 2001, in Fort Lauderdale, Florida, for the purpose of considering the Administrative Law Judge's Recommended Order (attached hereto as Exhibit A). Petitioner was represented by Agency for Health Care Administration attorney M. Denise O'Brien. Respondent was present and represented by attorney Herbert Allen, Jr.

Upon review and consideration of the Recommended Order and after a review of the available record in this case including Petitioners Exceptions to Recommended Order (attached hereto as Exhibit B), the Board arrived at the following findings of fact and conclusions of law:

EXCEPTIONS TO RECOMMENDED ORDER

1. Respondent filed exceptions to specified paragraphs in the findings of fact and conclusions of law portions of the Recommended Order.

2. The Board rejected all of the exceptions filed with regard to the Recommended Order.

FINDINGS OF FACT

3. The findings of fact set forth in the Recommended Order were approved, adopted, and are incorporated by reference herein.

CONCLUSIONS OF LAW

4. The conclusions of law set forth in the Recommended Order are consistent with the findings of fact. They were approved, adopted, and are incorporated by reference herein.

RECOMMENDATION

5. The Administrative Law Judge's Recommendation was adopted by the Board.


WHEREFORE,

IT IS HEREBY ORDERED AND ADJUDGED that Petitioner is found not guilty of having violated section 486.125(1)(b) and section 456.072(1)(w), Florida Statutes, and, accordingly, the charges are hereby **DISMISSED**.

This Final Order shall take effect upon filing with the Clerk of the Department of Health.

DONE AND ORDERED this 16 day of July, 2000.

BOARD OF PHYSICAL THERAPY PRACTICE


Kaye Howerton, Board Executive Director for
Antoinette C. Candela, Board Chair

NOTICE OF RIGHT TO JUDICIAL REVIEW

A party who is adversely affected by this final order is entitled to judicial review pursuant to Section 120.68, Florida Statutes. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a notice of appeal with the agency clerk of the Department of Health and a second copy, accompanied by filing fees prescribed by law, with the District Court of Appeal, First District, or with the District Court of Appeal in the Appellate District where the party resides. The notice of appeal must be filed within 30 days of rendition of the order to be reviewed.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been furnished by U.S. Mail to: Jeff B. Clark, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Pkwy, Tallahassee, Florida 32399-3060; Herbert Allen Jr., Esquire, 2000 Highway A1A, 2nd Floor, Indian Harbour Beach, Florida 32937-3525; Tina Marie Pate, 3731 Hardwood Court, Melbourne, Florida 32935-4732; and by interoffice mail to M. Denise O'Brien, Senior Attorney, Agency for Health Care Administration, General Counsel's Office - MQA, Allied Health, Tallahassee, Florida 32317, and Donna Erlich, Assistant General Counsel, Department of Health, Prather Building, Tallahassee, Florida this 26th day of July, 2001.

