

FILED

By:

Lillemichael
Deputy Agency Clerk

2008 APR 22 A 11: 26

DIVISION OF
ADMINISTRATIVE
HEARINGS

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

TERRY BUCKLEY,
Petitioner,

vs.

DOAH Case No.: **07-3370**

**BOARD OF PHYSICAL THERAPY
PRACTICE,**
Respondent.

FINAL ORDER

This matter came before the Board of Physical Therapy Practice at a duly-noticed public meeting on March 6-7, 2008 in Orlando, Florida, for consideration of the recommended order issued by the Division of Administrative Hearings.

On October 11, 2007 a formal hearing was held before William Quattlebaum, Administrative Law Judge. On January 16, 2008, a Recommended Order was filed in this matter. A copy of the Recommended Order is attached and made a part of this Order.

At the formal hearing, Petitioner was represented by Patrick Geraghty, Esq. The Respondent was represented by Reginald Dixon, Esq.

At the Board meeting to consider the Recommended Order, the Board was represented by Diane L. Guillemette, Esq. Petitioner was not present.

EXCEPTIONS

1. Petitioner's Exception to Recommended Order was furnished by facsimile and U.S. mail to Diane Guillemette, Counsel for the Board on January 31, 2008.
2. The Petitioner's Exception to Recommended Order was not filed with the agency responsible for rendering final agency action, the Department of Health, as required by Rule 28-106.217, F.A.C.
3. The Board did not consider the Exception.

FINDINGS OF FACT

4. The findings of fact set forth in the Recommended Order are approved, adopted and incorporated herein by reference.
5. There is competent substantial evidence to support the findings of fact.

CONCLUSIONS OF LAW

6. The Board has jurisdiction over this matter pursuant to Section 120.57(1), Florida Statutes, and Chapter 458, Florida Statutes.
7. The conclusions of law set forth in the Recommended Order are hereby accepted, adopted and incorporated herein.

DISPOSITION

Upon a complete review of the record in this case, the Board determines that the disposition recommended by the Administrative Law Judge is to be ACCEPTED.

THEREFORE, Petitioner's request for variance from, or waiver of, the provisions of Florida Administrative Code Rule 64B17-3.003 is **DENIED**.

This Final Order shall become effective upon filing with the Clerk of the

Department of Health.

DONE AND ORDERED this 9 day of April, 2008.

BOARD OF PHYSICAL THERAPY PRACTICE

Allen Hall

ALLEN HALL
Executive Director for
DAVID BUMGARNER, MPT, GCS, Chair
Board of Physical Therapy Practice

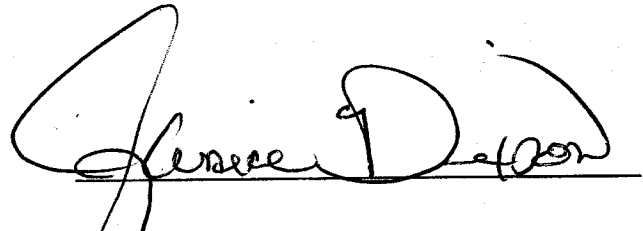
NOTICE OF APPEAL RIGHTS

Pursuant to Section 120.569, Florida Statutes, the parties are hereby notified that they may appeal this Final Order by filing one copy of a notice of appeal with the clerk of the department and by filing a filing fee and one copy of a notice of appeal with the District Court of Appeal within thirty days of the date this Final Order is filed.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to: **TERRY BUCKLEY**, 13151 Chesterton Avenue, Fort Myers, FL 33919; **TERRY BUCKLEY**, c/o Patrick Geraghty, Esq., Geraghty Dougherty & Edwards, P.A., Post Office Box 1605, Fort Myers, FL 33902-1605; **William Quattlebaum**, Administrative Law Judge, 1230 Apalachee Parkway, Tallahassee, FL 32399-3060; and

by interoffice mail to **Diane L. Guillemette**, Senior Assistant Attorney General, PL-01
The Capitol, Tallahassee, Florida 32399-1050; on this 21 day of April,
2008.



Deputy Agency Clerk