

AGENDA

CONNECTICUT STATE BOARD OF EXAMINERS FOR PHYSICAL THERAPISTS

Tuesday, December 1, 2020 at 9:00 AM
Department of Public Health
410 Capitol Avenue, Hartford CT

CALL TO ORDER

I. MINUTES

Adoption of the minutes from September 15, 2020

II. NEW BUSINESS

- A. Reinstatement Application Review – Todd Roberts, PT
Presented by Stephen Carragher, Public Health Service Manager, DPH
- B. Schedule meeting dates for 2021

ADJOURN

This meeting will be held by video conference at the link below,

Board of Examiners for Physical Therapists via Microsoft Teams
Join on your computer or mobile app
[Click here to join the meeting](#)

Or call in (audio only)

[+1 860-840-2075](#) - Phone Conference ID: 366 903 519#

The Department of Public Health is an equal opportunity provider and employer.

*If you require aid/accommodation to participate fully and fairly,
please contact the Public Health Hearing Office at 860-509-7566*

The following minutes are draft minutes which are subject to revision and which have not yet been adopted by the Board.

The **Connecticut State Board of Examiners for Physical Therapists** held a meeting on September 15, 2020.

BOARD MEMBERS PRESENT: Laurie Devaney, PT
Michael J. Parisi, PT
James Ware, MD

BOARD MEMBERS ABSENT: Andrea O'Brien, PT
Mary Lou Sanders, MS, BSN

ALSO PRESENT Stacy Schulman, Esq., Hearing Officer, DPH
Jeffrey Kardys, Board Liaison

The meeting was called to order by Mr. Parisi at 9:03 a.m. All participants were present via Microsoft Teams.

I. MINUTES

The minutes from the April 7, 2020 meeting were reviewed. Ms. Devaney made a motion, seconded by Dr. Ware, to adopt the minutes. The motion passed.

II. OFFICE OF LEGAL COMPLIANCE

Keikhosrow Aboulian, P.T. - Petition No. 2018-1481

Brittany Allen, Staff Attorney, Department of Public Health presented a Consent Order in this matter. Attorney Jacqueline Maulucci was present on behalf of respondent. Ms. Devaney made a motion, seconded by Dr. Ware, to approve the Consent Order which imposes a reprimand and probation for a period of six months.

III. ADJOURNMENT

There was no further business and the meeting was adjourned at 9:10 a.m.

Respectfully submitted,
Michael J. Parisi, PT
Connecticut State Board of Examiners for Physical Therapists

TO: Connecticut Board of Examiners for Physical Therapists

FROM: Steve Carragher
Public Health Services Manager
Practitioner Licensing and Investigations Section

RE: **Todd Roberts, License # 005897, Reinstatement of a Lapsed License**

Pursuant to the Regulations of Connecticut State Agencies, the Department shall refer applicants for reinstatement to the Board and seek its recommendation regarding the suitability of the applicant for reinstatement.

Please accept this as a summary of the documentation submitted in support of Mr. Roberts' reinstatement application.

History:

1. Applicant graduated from the physical therapy program at the University of Connecticut in June, 1997.
2. Applicant was issued Connecticut physical therapist license September 12, 1997. Applicant voluntarily surrendered his license effective January 20, 2016. Applicant does not hold a physical therapist license in any other state.
3. Applicant's last date of practice as a physical therapist was in May 2015.
4. Applicant entered into a consent order (attached) with the Department on October 1, 2014, due to a federal conviction for obstructing a federal audit and improper billing during the time frame between April 2007-March 2010. Based on the terms of the consent order, the license was reprimanded, fined and put on probation for 18 months. The terms of the probation included quarterly reviews of 20% of his patient records and within the first 4 months of probation he was required to successfully complete a course in professional ethics.
5. The Board issued a Memorandum of Decision (attached) on November 24, 2015, due to applicant's violation of probation. Applicant's license was suspended until he retained an approved supervisor. Following the suspension of his license, he remained on probation until September 30, 2016.
6. January 20, 2016- Mr. Roberts did not retain a supervisor. Applicant voluntarily surrendered his license effective January 20, 2016 (document attached).
7. Mr. Roberts completed 28.5 continuing education hours in May 2020 (certificates attached).

The Department is seeking a recommendation from the Board solely regarding the continuing education completed and whether any additional educational or examination requirement should be considered as part of the reinstatement application.

Applicant's disciplinary history will be reviewed further by the Department and a determination will be made by the Department whether to reinstate the license pursuant to the terms of a reinstatement consent order.

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

Re: Todd Roberts, PT
License Number: 005897


Petition Number: 2015-1441

VOLUNTARY SURRENDER OF LICENSE AFFIDAVIT

Todd Roberts, being duly sworn, deposes and says:

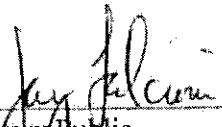
1. I am over the age of majority and understand the obligations of an oath.
2. I make this affidavit on the basis of personal knowledge.
3. I am licensed by the Department of Public Health (hereinafter "the Department") to practice physical therapy. I presently hold license number 005897.
4. I hereby voluntarily surrender my license to practice as a physical therapist in the State of Connecticut as provided pursuant to Section 19a-17(d) of the General Statutes.
5. I understand and agree that if I seek a new license or to reinstate my license at any time in the future, the allegations contained in Petition Number 2015-1441 shall be deemed true. I further understand that any such application must be made to the Board (hereinafter "the Board") and the Department, and that the Board shall be a signatory to any order reinstating my license or granting me a new license.
6. I hereby waive any right to a hearing I may have regarding any request that my license be reinstated or that a new license be issued and also waive any right that I may have to appeal or otherwise challenge the disposition of any such request.
7. I understand and agree that this affidavit and the case file in Petition Number 2015-1441 are public documents, and I am executing this affidavit in settlement of the allegations contained in the above-referenced petition.
8. I understand that this surrender of my license is reportable to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank maintained by the United States Department of Health and Human Services and is public information.
9. I understand that this document has no effect unless and until it is executed by the Department; and that, upon execution, the Department will dismiss Petition No. 2015-1441.
10. I understand that I have the right to consult with an attorney prior to signing this affidavit.


11. I understand that the execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the Bureau Chief of the Division of Criminal Justice's Statewide Prosecution Bureau.
12. I understand that the purpose of this agreement is to resolve the pending matter against my license and is not intended to affect any claim of civil liability that might be brought against me.
13. If applicable, I agree to comply with the provision of Section 19a-14-44 Regulations Connecticut State Agencies.


Todd Roberts, Physical Therapist

Subscribed and sworn to before me this 14 day of January, 2016.

JAY R. FALCIONI
NOTARY PUBLIC
MY COMMISSION EXPIRES 10-21-20


Notary Public
Commissioner of Superior Court

Accepted: 
Christian Andresen, Section Chief
Practitioner Licensing and Investigations
Healthcare Quality and Safety Branch

1-20-16
Date

STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

Jewel Mullen, M.D., M.P.H., M.P.A.
Commissioner



Dannel P. Malloy
Governor
Nancy Wyman
Lt. Governor

PUBLIC HEALTH HEARING OFFICE

November 30, 2015

Michael Neubert, Esq.
Neubert, Pepe & Monteith, PC
195 Church Street, 13th Floor
New Haven, CT 06510

**Via E-Mail
and Certified Mail 91 7199 9991 7035 3415 6433**

Matthew Antonetti, Principal Attorney
Department of Public Health
410 Capitol Avenue, MS #12LEG
PO Box 340308
Hartford, CT 06134-0308

VIA EMAIL ONLY

RE: Todd Roberts, PT - Petition No. 2015-235

Dear Attorney Neubert and Attorney Antonetti:

Enclosed please find a signed copy of the Memorandum of Decision issued by the **Connecticut State Board of Examiners for Physical Therapists** in the above-referenced matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeffrey A. Kardys".

Jeffrey A. Kardys
Administrative Hearings Specialist/Board Liaison
Public Health Hearing Office

c: Tanya DeMattia, Assistant Attorney General
Christian Andresen, Section Chief, Practitioner Licensing and Investigations
Joelle Newton, Staff Attorney, Department of Public Health
Olive Tronchin, Health Program Associate, Department of Public Health



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**STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR PHYSICAL THERAPISTS**

**Todd Roberts
License No.: 005897**

Petition No. 2015-235

MEMORANDUM OF DECISION

I. BACKGROUND

On July 2, 2015, the Department of Public Health (“Department”) presented the Board of Examiners for Physical Therapists (“Board”) with a Statement of Charges (“Charges”) against physical therapy license number 005897 held by Todd Roberts (“Respondent”). Board Exhibit (“Bd. Ex.”) 2. The Charges allege that Respondent’s license is subject to disciplinary action under Connecticut General Statutes (“Statutes” or “Conn. Gen. Stat”) §§ 19a-17 and 20-73a(a) because the Respondent violated certain provisions of a Consent Order, effective October 1, 2014, in Petition Number 2013-209. Bd. Ex. 2.

On July 14, 2015, at a meeting of the Board, the Department presented to the Board a Motion for Summary Suspension (“Motion”) and the Charges to the Board. Bd. Ex.1. Based on the allegations in the Charges accompanying the Motion, the Board found that Respondent’s continued practice in physical therapy presented a clear and immediate danger to public health and safety and, on July 14, 2015, ordered pursuant to Conn. Gen. Stat. § 4-182(c) and § 19a-17(c), that Respondent’s license be summarily suspended pending a final determination by the Board of the allegations contained in the Charges (“Order”). Bd. Ex. 1.

On July 15, 2015, the Charges and Notice of Hearing (“Notice”) and Order were mailed to Respondent, by certified and first class mail to 2 Wildwood Road, Old Saybrook, CT 06475, Respondent’s address of record on file with the Department. Bd. Ex. 3 [Ex. 3 shows service by facsimile and email, not first class mail?]. The Notice instructed Respondent to appear before the Board on August 6, 2015, for a formal hearing to adjudicate the Charges. Bd. Ex. 3.

On July 20, 2015, a State Marshal served Respondent at usual place of abode with the Charges, Notice and Order. Bd. Ex. 3. On August 1, 2015, the certified mail was returned to the Department, stamped “return to sender,” “unclaimed,” and “unable to forward.” Bd. Ex. 3.

On August 3, 2015, Respondent filed a Motion for Continuance, to which the Department did not object. Bd. Ex. 4. On August 3, 2015, the Board granted Respondent's Motion for a Continuance and rescheduled the hearing to August 13, 2015. Bd. Ex. 5.

On August 10, 2015, the Department filed a Motion to Deem Allegations Admitted based on Respondent's failure to file a timely Answer to the Charges. Bd. Ex. 6; Transcript ("Tr.") pp. 5-6.

On August 12, 2015, Respondent filed an Answer to the Charges and filed an Objection to the Department's Motion to Deem Allegations Admitted. Bd. Exs. 7, 8; Tr. p. 6.

On August 13, 2015, the Board denied the Department's Motion to Deem Allegations Admitted (Tr. pp. 6-8) and held an administrative hearing, in accordance with Conn. Gen. Stat. § 4-166 et seq. and Conn. State Agencies § 19a-9-1 et seq. ("Regulations"), to adjudicate Respondent's case. Respondent was present and was represented by Attorney Michael Neubert; Attorney Joelle Newton represented the Department. Both parties were afforded the opportunity to present witnesses and evidence, examine witnesses, and provide argument on all issues.

All Board members involved in this decision received copies of the entire record and attest that they have either heard the case or read the record in its entirety. The Board's decision is based entirely on the record and the specialized professional knowledge of the Board in evaluating the evidence. *See*, Conn. Gen. Stat. § 4-178; *Pet v. Department of Health Services*, 228 Conn. 651, 666 (1994). To the extent the findings of fact actually represent conclusions of law, they should be so considered, and vice versa. *SAS Inst., Inc., v. S & H Computer Systems, Inc.*, 605 F.Supp. 816 (Md. Tenn. 1985).

II. ALLEGATIONS

1. In paragraph one of the Charges, the Department alleges that Respondent, of Old Saybrook, Connecticut, is, and has been at all times referenced in the Charges, the holder of Connecticut physical therapy license number 005897.
2. In paragraph two of the Charges, the Department alleges that on September 30, 2014, the Board ordered a Consent Order in Petition Number 2013-209, effective on October 1, 2014, based on Respondent's guilty plea to obstructing a federal Medicare audit. The Consent Order placed Respondent's license on probation for 18 months and required him, in part, to obtain the services of an approved supervisor to conduct quarterly random reviews of his patient records, including patient billing records, and to provide written supervisor reports quarterly to the Department.

3. In paragraph three of the Charges, the Department alleges that to date, Respondent has failed to obtain the services of an approved supervisor to conduct any review of his patient records and has failed to provide any written supervisor reports to the Department as required pursuant to the Consent Order.
4. In paragraph four of the Charges, the Department alleges that the Consent Order further requires Respondent to refrain from practicing as a physical therapist, upon request by the Department, for a period not to exceed 45 days in the event Respondent violates a term of the Consent Order.
5. In paragraph five of the Charges, the Department alleges that on one or more occasions during the course of approximately March through June 2015, Respondent continued to practice as a physical therapist despite the Department's requests to refrain from such practice.
6. In paragraph six of the Charges, the Department alleges that Respondent's conduct as described above constitutes violations of the terms of probation as set forth in the Consent Order, and subjects Respondent's license to revocation or other disciplinary action authorized by Conn. Gen. Stat. § 19a-17 and § 20-73a(a).

III. FINDINGS OF FACT

1. Respondent, of Old Saybrook, Connecticut is, and has been at all times referenced in the Charges, the holder of Connecticut physical therapy license number 005897. Bd. Ex. 7.
2. On September 30, 2014, the Board ordered a Consent Order in Petition Number 2013-209, effective on October 1, 2014, based on Respondent's guilty plea to obstructing a federal Medicare audit. The Consent Order placed Respondent's license on probation for 18 months and required him, in part, to obtain the services of an approved supervisor to conduct quarterly random reviews of his patient records, including patient billing records, and to provide written supervisor reports quarterly to the Department. Tr. pp. 31-32, 77-78, 89-90, 97.
3. To date, Respondent has failed to obtain the services of an approved supervisor to conduct any review of his patient records and has failed to provide any written supervisor reports to the Department as required pursuant to the Consent Order. Dept. Ex. 2, pp.1, 3-6, 13-16; Tr. pp. 32-34, 47, 49-54, 81-83, 100-109, 112, 114, 119.
4. The Consent Order further requires Respondent to refrain from practicing as a physical therapist, upon request by the Department, for a period not to exceed 45 days in the event Respondent violates a term of the Consent Order. Bd. Ex. 7; Dept. Ex. 1, p. 6; Dept. Ex. 2, pp. 7-9; Tr. pp. 34-37, 54-59.

5. The evidence is insufficient to establish that on one or more occasions during the course of approximately March through June 2015, Respondent continued to practice as a physical therapist despite the Department's requests to refrain from such practice. Dept. Ex. 2, pp. 11-12; Tr. pp. 43-44, 112-113, 116-118, 121-122.

IV. DISCUSSION AND CONCLUSIONS OF LAW

Pursuant to Conn. Gen. Stat. § 20-73a, the Board may take any of the actions set forth in Conn. Gen. Stat. § 19a-17 for conduct that fails to conform to the accepted standards of practice of physical therapy brought against any person licensed as a physical therapist. In this administrative proceeding, the Department bears the burden of proving its case by a preponderance of the evidence. *Jones v. Connecticut Medical Examining Board*, 309 Conn. 727, 739-740 (2013).

As discussed below, the Board finds that the Department met its burden of proof with respect to paragraphs one through four of the Charges (Findings of Fact, ("FF") 1-4), but the Department failed to sustain its burden of proof with respect to paragraph five of the Charges. FF 5.

Respondent admits to paragraphs one through four of the Charges, but denies the allegation that from approximately March through June 2015, he continued to practice as a physical therapist despite the Department's request that he refrain from such practice. Bd. Ex. 7; Tr. pp. 43-44.

The evidence establishes and Respondent admits that he violated paragraph 4a of the Consent Order which requires Respondent to obtain the services of an approved supervisor to conduct quarterly reviews of his patient records and provide written reports of such reviews to the Department.

To prove its case, the Department relied on the testimony of Olive Tronchin, Health Program Assistant for the Department; Kathleen Boulware, Public Health Services Manager the Department's investigative report, comprised of correspondence from Ms. Tronchin to Respondent regarding Respondent's non-compliance with the Consent Order; and affidavits from the following individuals: Kathleen Boulware, Christian Andresen, Public Health Section Chief, and Jay Falcioni, Department Special Investigator. Dept. Ex. 2.

Ms. Tronchin testified regarding her responsibilities as Respondent's monitor pursuant to the Consent Order, and about the numerous attempts she made to communicate with Respondent by letter, email and telephone regarding his non-compliance with the Consent Order. Tr. pp. 31-35. Ms. Tronchin testified that under the terms of the Consent Order, Respondent was required to retain the services of a practice monitor to review his patient records on a quarterly basis and submit such reports to the Department. The first quarterly report was due on or before December 31, 2014, and the subsequent quarterly reports were due on March 31, 2015 and June 30, 2015. Tr. pp. 32-33. Ms. Tronchin testified that, to date, Respondent had not submitted such reports to the Department. *Id.*

Ms. Tronchin further testified that after an attempt in late January, 2015 to reach the Respondent by telephone, she again attempted to reach Respondent by way of letters dated February 3, 2015 and March 1, 2015, sent by certified and first class mail. Dept. Ex. 2, pp. 5-6; Tr. pp. 33-34. These letters notified him of his non-compliance with the Consent Order, to date, and requested that Respondent refrain from practicing for a period of 45 days because of his non-compliance. After receiving no response from Respondent, Ms. Tronchin and Mr. Andresen were able to reach Respondent by telephone on March 19, 2015, during which conversation Respondent informed them that he had not received either "45 day time out letter," so he was not aware that he was to refrain from practicing as instructed. Tr. pp. 35-37. On March 19, 2015, Ms. Tronchin transmitted a new "45 day time out letter" by facsimile to Respondent's office) and Respondent acknowledged receipt of the same by email. Dept. Ex. 2, pp. 8-9.

Kathleen Boulware testified that on March 25, 2015, she called Respondent's office regarding his non-compliance with the Consent Order and his receptionist her that Respondent was with a patient, contrary to the Department's instructions, received by the Respondent on March 19, 2015, to refrain from practicing. Dept. Ex. 2, pp. 8-10; Tr. p. 41. Ms. Boulware left a message for Respondent to return her call, but Respondent did not return Ms. Boulware's phone call until April 6, 2015. Tr. p. 42. Respondent denied at that time that he was still seeing patients and he assured Ms. Boulware that he would keep his word and start to comply with the Consent Order. Tr. pp. 41-42.

Respondent testified in his own defense. As stated previously, Respondent admitted that he was in violation of paragraph 4a of the Consent Order by failing to obtain the services of an approved supervisor to conduct quarterly reviews of his patient records and provide written

reports of such reviews to the Department. Respondent expressed regret for not being more diligent in complying with this condition of this Consent Order, and he also testified that he did not realize how difficult it was to retain the services of a Department-approved supervisor. Tr. pp. 49-54, 81-84, 97-98, 103-109, 114, 119-120. As of the date of the hearing, Respondent was still in the process of referring names of potential supervisors to the Department for approval. Tr. pp. 52-53, 84-85, 112.

With respect to the allegation that Respondent continued to practice during the “45 day time out period,” Respondent adamantly denied that this was true. Tr. p. 44, 59. Respondent testified that as soon as he was made aware of the restriction, he stopped practicing as a physical therapist and, as the owner of the practice, performed only administrative work during that time. FF 5; Tr. pp. 44, 58-59. Furthermore, Respondent’s testimony is corroborated by the report submitted by the Department investigator, Jay Falcioni, who did not find any evidence that Respondent was practicing as a physical therapist during his unannounced inspection of Respondent’s practice on April 9, 2015. Dept. Ex. 2, pp. 11-12.

Respondent also testified that prior to this “45 day time out period,” he and the other practitioners in his office believed that it was more professional for the receptionist to inform callers that he was with a patient rather than respond that he was busy. Tr. pp. 56-57, 112-113, 117. However, Respondent failed to give his receptionist alternative instructions regarding how to answer the phone when he was not practicing. Respondent conceded that instructing his staff to inform callers that he was with a patient when he was not, was not truthful and was not the best way to handle that situation. Tr. pp. 121-122.

Although Respondent’s violations of the Consent Order constitute conduct subject to disciplinary action in accordance with Conn. Gen. Stat. § 19a-17 and § 20-73a(a), the Board finds that Respondent demonstrated remorse and candor through his testimony, and has also accepted responsibility for his failure to be more diligent in complying with all of the terms and conditions of the Consent Order. As such, the Board finds that Respondent can resume practice as a physical therapist with reasonable skill and safety to public health, under the terms and conditions of the following order.

ORDER

Based upon the record in this case, the above findings of fact and the conclusions of law, and pursuant to the authority vested in it by Conn. Gen. Stat. §19a-17 and § 20-73a(a), the Board orders the following in the case of Petition No. 2015-235, concerning license number 005897 to practice physical therapy held by Todd Roberts:

1. The suspension of Respondent's license shall remain in place until Respondent has retained the services of a supervisor approved by the Department.
2. Following such suspension, Respondent's license shall remain on probation under the same terms and conditions of the Consent Order in Petition No. 2013-209 (Dept. Ex. 1), dated September 30, 2014, and effective on October 1, 2014.
3. Such Consent Order shall remain in full force and effect until September 30, 2016.
4. All correspondence and reports are to be addressed to:

Olive Tronchin, HPA
Practitioner Licensing and Investigation Section
Department of Public Health
410 Capitol Avenue, MS #1HSR
P.O. Box 340308
Hartford, CT 06134-0308

This Memorandum of Decision has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control or the Bureau Chief of the Division of Criminal Justice's Statewide Prosecution Bureau.

Connecticut Board of Examiners of Physical Therapists

Nov. 24, 2015
Date

Mary Lou Sanders
By: Mary Lou Sanders, MS, BSN Chairperson

uc

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

In re: Todd Roberts, P.T.

Petition No. 2013-209

CONSENT ORDER

WHEREAS, Todd Roberts of Old Saybrook, Connecticut (hereinafter "respondent") has been issued license number 005897 to practice physical therapy by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 376 of the General Statutes of Connecticut, as amended; and,

WHEREAS, the Department alleges that:

1. On or around September 25, 2012, respondent pleaded guilty to one count of obstructing a federal audit, in violation of 18 U.S.C. §1516, in the United States District Court, District of Connecticut, *United States v. Todd Roberts*, Case No. 3:12-CR-211. The allegations against respondent involved attempts to improperly delay a 2009 Medicare audit and inappropriate billing and/or documentation of physical therapy services rendered during the course of approximately April 2007 through March 2010.
2. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-73a, including, but not limited to:
 - a. §20-73a(1);
 - b. §20-73a(2); and/or,
 - c. §20-73a(7).

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest this matter and agrees that for purposes of this or any future proceedings before the Connecticut State Board of Examiners for Physical Therapists (hereinafter "the Board"), this Consent Order shall

have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-10, 19a-14, 19a-17 and 20-73a of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14, 19a-17 and 20-73a of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives his right to a hearing on the merits of this matter.
2. Respondent's license number 005897 to practice as a physical therapist in the State of Connecticut is hereby reprimanded.
3. Respondent shall pay a civil penalty of five-thousand dollars (\$5,000.00) by certified or cashier's check payable to "Treasurer, State of Connecticut." The check shall reference the Petition Number on the face of the check, and shall be payable at the time respondent submits the executed Consent Order to the Department.
4. Respondent's license shall be placed on probation for a period of eighteen months under the following terms and conditions:
 - a. Respondent shall obtain at his own expense, the services of a physical therapist, pre-approved by the Department (hereinafter "supervisor"), to conduct a quarterly random review of twenty percent (20%) or twenty of respondent's patient records, including patient billing records, whichever is the larger number. In the event respondent has twenty (20) or fewer patients, the supervisor shall review all of respondent's patient records, including patient billing records.
 - (1) Respondent shall provide a copy of this Consent Order to his practice supervisor. Respondent's supervisor shall furnish written confirmation to the Department of his or her engagement in that capacity and receipt of a copy of this Consent Order within fifteen (15) days of the effective date of this Consent Order.

- (2) Respondent's supervisor shall conduct such review and meet with him not less than once every quarter for the duration of his probationary period.
 - (3) The supervisor shall have the right to monitor respondent's practice by any other reasonable means which he or she deems appropriate. Respondent shall fully cooperate with the supervisor in providing such monitoring.
 - (4) Respondent shall be responsible for providing written supervisor reports directly to the Department quarterly for the duration of the probationary period. Such supervisor's reports shall include documentation of dates and duration of meetings with respondent, number and a general description of the patient records and patient billing records reviewed, additional monitoring techniques utilized, and statement that respondent is practicing with reasonable skill and safety and with appropriate billing practices.
- b. Within the first four months of the probationary period, respondent shall attend and successfully complete a course in professional ethics, pre-approved by the Department. Within fourteen days of the completion of such coursework, respondent shall provide the Department with proof, to the Department's satisfaction, of the successful completion of such course.
5. All correspondence and reports are to be addressed to:
- Practitioner Compliance and Monitoring Unit
Department of Public Health
410 Capitol Avenue, MS #12HSR
P.O. Box 340308
Hartford, CT 06134-0308
6. All reports required by the terms of this Consent Order shall be due according to a schedule to be established by the Department of Public Health.

7. Respondent shall comply with all state and federal statutes and regulations applicable to his licensure.
8. Respondent shall pay all costs necessary to comply with this Consent Order.
9. Any alleged violation of any provision of this Consent Order may result in the following procedures at the discretion of the Department:
 - a. The Department shall notify respondent in writing by first-class mail that the term(s) of this Consent Order have been violated, provided that no prior written consent for deviation from said term(s) has been granted.
 - b. Said notification shall include the acts or omission(s) which violate the term(s) of this Consent Order.
 - c. Respondent shall be allowed fifteen (15) days from the date of the mailing of notification required in paragraph 9a above to demonstrate to the satisfaction of the Department that he has complied with the terms of this Consent Order or, in the alternative, that he has cured the violation in question.
 - d. If respondent does not demonstrate compliance or cure the violation within the fifteen (15) days specified in the notification of violation to the satisfaction of the Department, he shall be entitled to a hearing before the Board which shall make a final determination of the disciplinary action to be taken.
 - e. Evidence presented to the Board by either the Department or respondent in any such hearing shall be limited to the alleged violation(s) of the term(s) of this Consent Order.
10. In the event respondent is not employed as a physical therapist for periods of thirty (30) consecutive days or longer, respondent shall notify the Department in writing. Such periods of times shall not be counted in reducing the probationary period covered by this Consent Order and such terms shall be held in abeyance. During such time period,

respondent shall not be responsible for complying with the terms of probation of this Consent Order. In the event respondent resumes the practice of physical therapy, respondent shall provide the Department with thirty (30) days prior written notice. Respondent shall not return to the practice of physical therapy without written pre-approval from the Department. Respondent agrees that the Department, in its complete discretion, may require additional documentation from respondent and/or require respondent to satisfy other conditions or terms as a condition precedent to respondent's return to practice. Respondent understands that any return to the practice of physical therapy without pre-approval from the Department shall constitute a violation of this Consent Order and may subject the respondent to further disciplinary action.

11. If, during the period of probation, respondent practices physical therapy outside Connecticut, he shall provide written notice to the Department concerning such employment. During such time period, respondent shall not be responsible for complying with the terms of probation of this Consent Order, and such time period shall not be counted in reducing the probationary period covered by this Consent Order. Respondent may comply with the terms of probation while practicing outside Connecticut if pre-approved by the Department. In the event respondent intends to return to the practice of physical therapy in Connecticut, respondent shall provide the Department with thirty (30) days prior written notice and agrees to comply with all terms and conditions contained in paragraph 4 above.
12. In the event respondent violates any term of this Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of his license before the Board.
13. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Practitioner Licensing and Investigations Section of the Healthcare Quality and Safety Branch of the Department.

14. This Consent Order is effective on the first day of the month immediately following the date this Consent Order is accepted and ordered by the Board.
15. Respondent understands this Consent Order shall be deemed as a public document and evidence of the above admitted violations shall be deemed true in any proceeding before the Board in which his compliance with this Consent Order or with §20-73a of the General Statutes of Connecticut, as amended, is at issue. Further, respondent understands that any discipline imposed by this Consent Order shall be reported to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank maintained by the United States Department of Health and Human Services.
16. In the event respondent violates a term of this Consent Order, respondent agrees immediately to refrain from practicing as a physical therapist, upon request by the Department, for a period not to exceed 45 days. During that time period, respondent further agrees to cooperate with the Department in its investigation of the violation. Respondent further agrees that failure to cooperate with the Department in its investigation during said 45 day period shall constitute grounds for the Department to seek a summary suspension of respondent's license. In any such summary action, respondent stipulates that failure to cooperate with the Department's investigation shall be considered by the Board and shall, as a matter of law, constitute a clear and immediate danger as required pursuant to Connecticut General Statutes, sections 4-182(c) and 19a-17(c). The Department and respondent understand that the Board has complete and final discretion as to whether a summary suspension is ordered.
17. Any extension of time or grace period for reporting granted by the Department shall not be a waiver or preclude the Department from taking action at a later time. The Department shall not be required to grant future extensions of time or grace periods.

18. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Respondent understands that this Consent Order shall not be subject to modification as a result of any claim that the terms contained herein may result in action by third parties, including, but not limited to, healthcare facilities and/or credentialing or licensure boards. Respondent assumes all responsibility for assessing such actions prior to the execution of this document. Further, this Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any rights that he may have under the laws of the State of Connecticut or of the United States.
19. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
20. Respondent permits a representative of the Department to present this Consent Order and the factual basis for this Consent Order to the Board. Respondent understands that the Board has complete and final discretion as to whether this executed Consent Order is approved or accepted. Respondent hereby waives any claim of error that could be raised that is related to or arises during the course of the Board's discussions regarding whether to approve or reject this Consent Order and/or a Board member's participation during this process, through the Board member's review or comments, including but not limited to bias or reliance on evidence outside the administrative record if this matter proceeds to a hearing on a statement of charges resulting in a proposed decision by the Board and/or a panel of the Board and a final decision by the Board.

21. Respondent understands and agrees that he is responsible for satisfying all of the terms of this Consent Order during vacations and other periods in which he is away from his residence.
22. Respondent has the right to consult with an attorney prior to signing this document.
23. The execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the State's Attorney's Office where the allegation occurred or Bureau Chief of the applicable unit in the Chief State's Attorney's Office. The purpose of this Consent Order is to resolve the pending administrative license disciplinary petition only, and is not intended to affect any civil or criminal liability or defense.
24. This Consent Order embodies the entire agreement of the parties with respect to this case. All previous communications or agreements regarding the subject matter of this consent order, whether oral or written, between the parties are superseded unless expressly incorporated herein or made a part hereof.

I, Todd Roberts, have read the above Consent Order, and I stipulate and agree to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

Todd M. Roberts
Todd Roberts, P.T.

Subscribed and sworn to before me this 25 day of July 2014.

Matthew A. Costo
Notary Public or person authorized
by law to administer an oath or affirmation
Commissioner of the Court

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 28th day of July 2014, it is hereby accepted.

Kathleen Boulianne RN Kathleen Boulianne
Jennifer Filippone, Section Chief — Public Health Services Manager
Practitioner Licensing and Investigations
Healthcare Quality and Safety Branch

The above Consent Order having been presented to the duly appointed agent of the Connecticut State Board of Examiners for Physical Therapist on the 30th day of September 2014, it is hereby ordered and accepted.

Mary Lou Sanders MSPT
Connecticut State Board of Examiners for
Physical Therapists

Letter from Todd Roberts

On January 14, 2016 I voluntarily surrendered my Physical Therapist license. Earlier I had been involved with an action brought by the Department of Public Health, Pet. No. 2105-235. There had been an order of summary suspension issued for July 14, 2015. Earlier, the Board of Examiners for Physical Therapists, the "board" in the matter 2013-209 on or about October 30, 2014, had placed my license on probation for 18 months, based on my plea of guilty to obstructing a Medicare audit. The Board had put as a condition of probation, in part, that I had to obtain the services of an approved supervisor to conduct random quarterly reviews of my patient records. I failed to get such a supervisor; at the time I did not realize how expensive and how difficult it could be to find such a person, my license was suspended.

There was a second charge that I was practicing while my license was under suspension. I was not doing so. After a full hearing, it was found that there was insufficient evidence that I was practicing; the charge was then dismissed. After the hearing, the Board found that while I was in violation of the consent order by failing to retain the service of a supervisor therapist, it concluded that I "...demonstrated remorse and candor through my testimony". The Board also found that I had accepted responsibility for my failure to timely find a supervisor; I should have, quite frankly, been more diligent in complying with all the terms of and conditions of the Consent Order.. the Board would have reinstated me, according to the Order, if I found someone to supervise my work. I was not successful in doing so. (see November 24, 2015 Memorandum of Decision 2015-235)

As stated, on or about January 14, 2016, after speaking with a DPH employee I signed the paperwork to surrender my license. I believed it best to do this because I wanted to take the time work on different aspects of my life—personal, professional and family. However, it has always been my intention to return to area of practice that I love, being a physical therapist. In the time since my surrender of license, I have come to realize that my talent, passion and mission is to resume my career in the field of physical therapy.

In looking back and reflecting on the events above, I come to realize how much physical therapy meant to me. I have gained much clarity on my situation with the Department, and understand how my actions caused this to happen. In the time away from physical therapy I have worked hard to better myself as a person—in my role as father, professional and contributing citizen to

society. Professionally, I have worked in positions in health and human services and unrelated fields. These experiences have only reinforced my desire to return and contribute the physical therapy field. I feel I have a lot to offer the profession and can continue to help many people in the years ahead lead healthy lives. I sincerely ask the Board to approve my application for reinstatement. Thank you in advance for your consideration.

Todd M. Roberts

55 Stevens Lane, Middletown CT 06457

860-670-1125

t.roberts@comcast.net

Professional Experience

Holiday Retirement Co. , Rocky Hill, CT

Sales Director, 8/2019 to present

- Responsible for the sales and marketing of community apartments.
- Budget and financial projections
- Training associates on job specifics, proprietary software

Near Shore America, Inc. Guilford, CT

Vice President Operations, 1/2016 to 8/2019

- Responsible for the financial health of the business
- Sales and marketing
- Hiring and training

Roberts Physical and Aquatic Therapy, LLC., Old Saybrook, CT

Owner, 6/2004 to 5/2015

- Outpatient physical therapy office
- Administrative responsibilities

Omni Physical and Aquatic Therapy, Inc.

Managing partner, 5/1999 to 6/2004

- Outpatient orthopedic and aquatic therapy practice
- Physical therapist

Industrial HealthCare/NovaCare, Windsor, CT

Physical Therapist, 8/1997 to 5/1999

- Staff physical therapist for multi site workers compensation practice.

Education

- Eastern Connecticut State University, BS Business Administration 1992
- University of Connecticut, BS Physical Therapy 1997
- University of Hartford, MBA 2000

Affiliations, Awards, Memberships

- Economic and Development Commission Old Saybrook, CT 2002-201
- Awarded Xavier High School Hall of Honors, 2009
- Jaycees Middletown CT 1995-2005