

## AGENDA

### CONNECTICUT STATE BOARD OF EXAMINERS FOR PHYSICAL THERAPISTS

Tuesday, December 13, 2022 at 8:30 AM  
Department of Public Health  
410 Capitol Avenue, Hartford CT

#### **CALL TO ORDER**

I. **MINUTES**

Adoption of the minutes from September 13, 2022

II. **NEW BUSINESS**

- FSBPT annual conference
- Schedule 2023 meeting dates

II. **OPEN FORUM**

III. **OFFICE OF LEGAL COMPLIANCE**

Jason A. Mussman – Petition No. 2016-1201

*Presentation of Consent Order, Staff Attorney Linda Fazzina*

#### **ADJOURN**

This meeting will be held remotely

**Board of Examiners for Physical Therapist via Microsoft Teams**

Join on your computer, mobile app or room device

[Click here to join the meeting](#)

Meeting ID: 291 127 916 768

Passcode: hSgNbh

[Download Teams](#) | [Join on the web](#)

**Or call in (audio only)**

[+1 860-840-2075](#) - Phone Conference ID: 115 419 167

*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 13, 2022.

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**BOARD MEMBERS PRESENT:** Michael J. Parisi, PT, Chairman  
Laurie Devaney, PT  
Kristin A. Schweizer, PT  
James Ware, MD

**BOARD MEMBERS ABSENT:** None

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

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The meeting was called to order by Mr. Parisi at 8:30 a.m. All participants were present via Microsoft Teams.

**I. MINUTES**

The minutes from the June 14, 2022 meeting were reviewed and approved unanimously on a motion by Dr. Ware, seconded by Ms. Schweizer.

**II. OPEN FORUM**

Mr. Parisi reported that he will attend the annual meeting of the Federation of State Boards of Physical Therapists in October 2022.

**III. OFFICE OF LEGAL COMPLIANCE**

Chang Yoon, PT - Petition No. 2020-912

Linda Fazzina, Staff Attorney, Department of Public Health presented a Reinstatement Consent Order in this matter. Respondent was not present and was not represented by counsel.

Following discussion, Dr. Ware made a motion, seconded by Ms. Devaney, to approve the Consent Order which imposes a reprimand and requires respondent to notify the DPH prior to resuming practice in Connecticut. The motion passed unanimously.

**IV. ADJOURNMENT**

There was no further business, and the meeting was adjourned at 8:41 a.m. on a motion by Ms. Devaney.

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

## CONSENT ORDER COVER SHEET

In Re: Jason A. Mussman, P.T.

Petition No. 2016-1201

1. Jason A. Mussman of New Britain, Connecticut ("respondent") graduated from the University of Hartford in 2014 and was issued license number 010284 to practice physical therapy on August 19, 2014.
2. On November 18, 2016, respondent's physical therapy license was suspended pursuant to an Interim Consent Order.
3. On or about March 29, 2018, respondent was convicted of felony risk of injury to a minor, in violation of Connecticut General Statutes §53-21(a)(2), and felony sexual assault in the second degree, in violation of Connecticut General Statutes §53a-71(a)(1) in *State of Connecticut v. Jason Mussman*, Connecticut Superior Court Docket No. HHB-CR16-0284845-T. Respondent was sentenced to twenty years jail, execution suspended after three years and probation for ten years.
4. At a meeting held by the Connecticut State Board of Examiners for Physical Therapists ("the Board") on June 14, 2022 a motion to deny a proposed Consent Order in this matter was unanimously approved by the Board. The proposed Consent Order under consideration at that meeting included the disciplinary terms outlined below:

Probationary period of three (3) years to include:

- Respondent must practice in an office setting with, and under the direct supervision of an on-site, licensed physical therapist, pre-approved by the Department.
  - Monthly reports from the practice supervisor for the first year of probation and quarterly reports for the remainder of probation.
  - No self-employment or employment for a personnel provider service, assisted living services agency, homemaker – home health aide agency, or home health care agency during probation.
  - Written pre-approval from the Department for all employment or change in employment as a physical therapist.
  - Quarterly reports from respondent's probation officer indicating that respondent is complying with all terms and condition of his sentence.
  - Successful completion, within the first six months of probation of the following courses offered by the American Physical Therapy Association (or an equivalent course pre-approved by the Department):
    - \*Screening for Medical Disorders
    - \*Professionalism Module 3:Ethical Compass
    - \*Cultural Considerations for Clinical Decision Making in Diverse Patient/Client Populations
    - \*Defensible Documentation: A Framework for Physical Therapy Documentation
    - \*Pain, Science and Management: A Series of Hot Topics
5. Respondent has agreed to the following discipline under the attached revised Consent Order (changes to the proposed discipline from the Consent Order previously considered by the Board at its June 14, 2022 meeting have been underlined):

**A permanent restriction on respondent's license that includes:**

- No self-employment as a physical therapist;
- No employment as a physical therapist for a personnel provider service, staffing agency, assisted living services agency, homemaker – home health aide agency, or home health care agency;
- Respondent shall at no time provide physical therapy to a person under the age of eighteen;
- Must practice in an office and practice setting that physically includes other licensed physical therapists; and
- Respondent shall at no time provide physical therapy to any person, regardless of age, who is intellectually disabled as defined in Connecticut General Statutes §1-1g or blind or any person who is physically disabled as defined in Connecticut General Statutes §1-1f.

Probationary period of five (5) years to include:

- Respondent must practice in an office setting with, and under the direct supervision of an on-site, licensed physical therapist, pre-approved by the Department. (NOTE: Paragraph 3(a) of the proposed Consent Order includes a definition of “supervision” which has been modified to include active and continuous direct line of sight between respondent and his practice supervisor.)
- Monthly reports from the practice supervisor for the entire probationary period.
- Written pre-approval from the Department for all employment or change in employment as a physical therapist.
- Quarterly reports from respondent's probation officer indicating that respondent is complying with all terms and condition of his sentence, including, without limitation, the terms of his probation outlined in the letter dated August 17, 2022 and attached as Exhibit A.
- Successful completion, within the first six months of probation of the following courses offered by the American Physical Therapy Association (or an equivalent course pre-approved by the Department):

- \*Screening for Medical Disorders
- \*Professionalism Module 3:Ethical Compass
- \*Cultural Considerations for Clinical Decision Making in Diverse Patient/Client Populations
- \*Defensible Documentation: A Framework for Physical Therapy Documentation
- \*Pain, Science and Management: A Series of Hot Topics

- Provide each new patient the patient disclosure form attached as Exhibit B and document the disclosure in each patient's medical record.

6. The Department and respondent, through his counsel, respectfully request that the Board approve and accept the attached Consent Order to resolve this petition.

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

In re: Jason A. Mussman, P.T.

Petition No. 2016-1201

**CONSENT ORDER**

WHEREAS, Jason A. Mussman of New Britain, Connecticut ("respondent") has been issued license number 010284 to practice physical therapy by the Department of Public Health ("the Department") pursuant to Chapter 376 of the General Statutes of Connecticut, as amended;

WHEREAS, on November 18, 2016, respondent's physical therapy license was suspended pursuant to an Interim Consent Order; and

WHEREAS, respondent admits that:

1. On or about March 29, 2018, respondent was convicted of felony risk of injury to a minor, in violation of Connecticut General Statutes §53-21(a)(2), and felony sexual assault in the second degree, in violation of Connecticut General Statutes §53a-71(a)(1) in *State of Connecticut v. Jason Mussman*, Connecticut Superior Court Docket No. HHB-CR16-0284845-T.
2. The above-described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §§19a-17 and/or 20-73a.

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 ("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 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 respondent's right to a hearing on the merits of this matter.
2. Respondent's license number 010284 to practice physical therapy shall be permanently restricted in that:
  - a. Respondent shall at no time be self-employed as a physical therapist;
  - b. Respondent shall at no time be employed as a physical therapist for a personnel provider service, staffing agency, assisted living services agency, homemaker – home health aide agency, or home health care agency;
  - c. Respondent shall at no time provide physical therapy to a person under the age of eighteen;
  - d. Respondent shall only practice in an office and practice setting that physically includes other licensed physical therapists on-site while respondent is practicing at said office and practice setting; and
  - e. Respondent shall at no time provide physical therapy to any person, regardless of age, who is intellectually disabled as defined in Connecticut General Statutes §1-1g or blind or any person who is physically disabled as defined in Connecticut General Statutes §1-1f.
3. Respondent's license number 010284 to practice physical therapy shall be placed on probation for a period of five (5) years under the following terms and conditions:

- a. During the period of probation, respondent shall only practice under the direct supervision of an on-site, licensed physical therapist (“practice supervisor”) pre-approved by the Department for the entire probationary period. For the purposes of this Consent Order, “supervision” means the on-site overseeing of or the participation in respondent’s practice of physical therapy, including, but not limited to: (i) active and continuous direct line of sight between respondent and his practice supervisor; (ii) active and continuing overview of respondent’s activities to ensure the practice supervisor’s directions are being implemented and to support respondent in the performance of respondent’s physical therapy practice; (iii) a pre-determined plan for emergency situations, including the designation of an alternate in the event of the absence of the practice supervisor; and (iv) review of patient charts and records at least weekly to ensure respondent is practicing with reasonable skill and safety.
- b. Respondent shall provide a copy of this Consent Order to his practice supervisor. Respondent’s practice supervisor shall furnish written confirmation to the Department of receipt of a copy of this Consent Order within fifteen (15) days of the commencement of respondent’s employment.
- c. Respondent shall be responsible for providing reports from his practice supervisor to the Department monthly for the entire probationary period. Such practice supervisor’s reports shall include confirmation that respondent has worked under the direct supervision of the practice supervisor for the reporting period, documentation of dates of on-site supervision of respondent, number and general description of patient charts and records reviewed, additional oversight provided, a statement that respondent’s interactions with patients is professional and ethical, a statement that all patient charts reviewed include a patient disclosure form required by paragraph h



below; and a statement as to whether respondent is practicing with reasonable skill and safety. A report indicating that respondent is not practicing with reasonable skill and safety or that respondent's patient interactions are unprofessional or unethical shall be deemed to be a violation of this Consent Order.

- d. During the probationary period, respondent shall obtain written pre-approval from the Department for all employment and/or change of employment as a physical therapist.
- e. Respondent shall comply with all terms and conditions of his sentencing in *State of Connecticut v. Jason Mussman*, Docket No. HHB-CR16-0284845-T in Connecticut Superior Court, including, but not limited to, the terms of his probation outlined in the letter dated August 17, 2022, attached hereto marked as Exhibit A. Respondent shall provide his Connecticut Superior Court Probation Officer with a copy of this Consent Order within fifteen (15) days of its effective date. Respondent's Probation Officer shall furnish written confirmation to the Department within fifteen (15) days of receipt. Respondent shall be responsible for a written report to the Department not less than once every three months directly from his Connecticut Superior Court Probation Officer to the Department indicating that respondent is complying with all terms and conditions of his sentence. The reports shall be issued to the Department at the address in paragraph 4 below. A report indicating that respondent is not in compliance with all terms and conditions of his sentence, including, without limitation, the terms of his probation outlined in Exhibit A, shall be deemed a violation of this Consent Order and may subject respondent to further disciplinary action.
- f. During the period of probation, respondent shall report any arrest to the Department within three (3) days of such occurrence.

- g. Within the first six (6) months of the probationary period, respondent shall attend and successfully complete the following courses offered by the American Physical Therapy Association, or an equivalent course pre-approved by the Department: (i) Screening for Medical Disorders, (ii) Professionalism Module 3: Ethical Compass, (iii) Cultural Considerations for Clinical Decision Making in Diverse Patient/Client Populations; (iv) Defensible Documentation: A Framework for Physical Therapy Documentation; and (v) Pain, Science and Management: A Series of Hot Topics. Within fifteen (15) 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 coursework.
- h. During the probationary period, respondent shall provide the patient disclosure form attached hereto marked as Exhibit B to each new patient and shall document such disclosure in each patient's medical record. The respondent agrees to allow the Department to conduct random, unannounced reviews of patient records to ensure compliance with this provision.
4. 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
5. 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.
6. Respondent shall comply with all state and federal statutes and regulations applicable to respondent's licensure.
7. Respondent shall pay all costs necessary to comply with this Consent Order.

8. 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 8a above to demonstrate to the satisfaction of the Department that respondent has complied with the terms of this Consent Order or, in the alternative, that respondent 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, respondent 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.
9. In the event respondent does not practice 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 a physical therapist 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 agrees 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.

10. If, during the period of probation, respondent practices as a physical therapist outside Connecticut, respondent shall provide written notice to the Department concerning such practice. 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 probationary terms and conditions contained in this Consent Order.
11. 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 respondent's license before the Board.
12. 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.
13. 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.

14. Respondent agrees that this Consent Order is a public record. Respondent understands and agrees that the above admitted violations shall be deemed true in any proceeding before the Board in which respondent's compliance with this Consent Order or with §20-73a of the General Statutes of Connecticut, as amended, is at issue. Further, respondent agrees that any discipline imposed by this Consent Order shall be reported to the National Practitioner Data Bank maintained by the United States Department of Health and Human Services.
15. In the event respondent violates any term of this Consent Order, respondent agrees immediately to refrain from practicing as a physical therapist, upon request by the Department, with notice to the Board, for a period not to exceed forty-five (45) days. During that time period, respondent further agrees to cooperate with the Department in its investigation of the violation, and to submit to and complete a medical, psychiatric or psychological evaluation, if requested to do so by the Department; and, that the results of the evaluation shall be submitted directly to the Department. Respondent further agrees that failure to cooperate with the Department in its investigation during said forty-five (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 agree that the Board has complete and final discretion as to whether a summary suspension is ordered.
16. Any extension of time or grace period for reporting granted by the Department shall not be a waiver or preclude the Department from acting at a later time. The Department shall not be required to grant future extensions of time or grace periods.

17. 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 agrees 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 and respondent waives any right to seek reconsideration or modification of this Consent Order pursuant to §4-181a of the General Statutes of Connecticut without the express consent and agreement of the Department. Respondent assumes all responsibility for assessing such actions prior to the execution of this document. Further, this Consent 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 respondent may have under the laws of the State of Connecticut or of the United States.
18. 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.
19. 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.

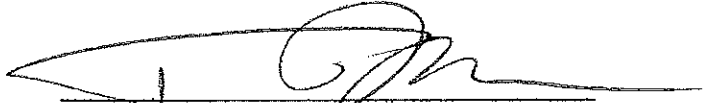
20. Respondent agrees that respondent is responsible for satisfying all the terms of this Consent Order during vacations and other periods in which respondent is away from respondent's residence.
21. Respondent has consulted with his attorney prior to signing this Consent Order.
22. The execution of this Consent Order 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.
23. 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.

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I, Jason A. Mussman, 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.

  
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Jason A. Mussman, P.T.

Subscribed and sworn to before me this 23 day of November 2022.

\_\_\_\_\_  
Notary ~~Public~~ or person authorized  
by law to administer an oath or affirmation  
*Ruh Kappas*

The above Consent Order having been presented to the duly appointed agent of the  
Commissioner of the Department of Public Health on the 1st day of  
December 2022, it is hereby accepted.

*Christian Andresen*

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Christian D. Andresen, MPH, Section Chief  
Practitioner Licensing and Investigations Section  
Healthcare Quality and Safety Branch

The above Consent Order having been presented to the Connecticut State Board of Examiners  
for Physical Therapists on the \_\_\_\_\_ day of \_\_\_\_\_ 2022, it is hereby  
ordered and accepted.

\_\_\_\_\_  
Connecticut State Board of Examiners for Physical Therapists