Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board
77 South High Street, 16th Floor
Columbus, Ohio 43215-6108

Governor
Ted Strickland
Executive Director
Jeffrey M. Rosa

Before The Ohio
Occupational Therapy, Physical Therapy, and Athletic Trainers Board

Physical Therapy Section

Price Winston
423 Sherman Lane
Cambridge, OH 43725

IN RE:
The eligibility of Price Winston PTA04795, to retain his license as a Physical Therapist Assistant in the State of Ohio

Case No: 09-025-PT

Issue Date: March 17, 2009

Notice of Opportunity for a Hearing

Introduction and Jurisdiction

Section 4755.47(A) of the Ohio Revised Code authorizes the Board to refuse to grant a license to an applicant for an initial or renewed license as a physical therapist or physical therapist assistant or, by an affirmative vote of not less than five members, may limit, suspend or revoke the license of a physical therapist or physical therapist assistant or reprimand, fine or place a license holder on probation, on any of the following grounds:

> (3) Obtaining or attempting to obtain a license issued by the physical therapy section by fraud or deception, including making of a false, fraudulent, deceptive, or misleading statement;
>
> (6) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate sections 4755.40 to 4755.56 of the Revised Code or any order issued or rule adopted under those sections;

In accordance with Chapter 119 and section 4755.47 of the Ohio Revised Code, you are hereby notified that the Physical Therapy Section of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board (hereinafter, "Board") intends to determine whether or not to limit, suspend or revoke your physical therapist assistant license, or reprimand, fine or place you on probation for one or more of the following reason(s):

Count 1

On January 25, 2009, **Winston** falsified his 2009 license renewal application by answering "NO" to the question in the enforcement section which asked: Since your last renewal, have you been: "Disciplined in any state (including Ohio) you currently hold or have ever held a license to practice physical therapy or another healthcare profession?" A review of Board records revealed that that **Winston:**

A. Failed to obtain the required amount of continuing education for his 2008 license renewal.
B. Falsified his 2007 license renewal application by answering "YES" to question one (1) in the continuing education section, which asked, "Did you complete the required amount of continuing education?"
C. Was disciplined in the state of Ohio on September 21, 2007 for the violations listed in A & B above.

Said conduct constitutes a violation of Ohio Revised Code sections 4755.47(A)(3) & & (6), and 4755.48(A).

Ohio Revised Code section 4755.48 (A) states:

"No person shall employ fraud or deception in applying for or securing a license to practice physical therapy or to be a physical therapist assistant."

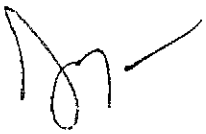
Hearing Procedures

Pursuant to section 119.07 of the Ohio Revised Code, you have the right to request a hearing on these charges, if your written request for a hearing is received by the Board office, located at 77 South High Street, 16th Floor, Columbus, OH 43215, within thirty (30) days of the mailing of this Notice. Further, you are advised that you are entitled to appear at such hearing in person, or by an attorney, or by such other representative who is permitted to practice before the agency. At the hearing, you may present evidence and examine witnesses appearing for or against you. Also, In lieu of personally appearing, you may present your positions, arguments or contentions in writing.

If you do not timely request such a hearing, the Board, upon consideration of the charges cited, may, in your absence, take such disciplinary action it deems appropriate. This action may include, but is not limited to, suspension or revocation of your license.

Please be advised that under section 4755.031 of the Ohio Revised Code, a person sanctioned under section 4755.11, 4755.47, 4755.482, or 4755.64 of the Revised Code shall pay a fee in the amount of the actual cost of the administrative hearing including the cost of the court reporter, the hearing officer, transcripts, and any witness fees for lodging and travel, as determined by the appropriate section of the board. The fee shall be collected by the appropriate section.

By Order of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board:
Physical Therapy Section



Jeffrey M. Rosa
Executive Director

cc: Yvonne Tertel, Principal Assistant Attorney General

Certified Mail: 7004 2510 0006 9811 4622
Return Receipt Requested

Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board
77 South High Street, 16th Floor
Columbus, Ohio 43215-6108

Governor
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Executive Director
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Before the Ohio
Occupational Therapy, Physical Therapy, and Athletic Trainers Board

Physical Therapy Section

IN RE:
The eligibility of Price Winston PTA04795, to retain his license as a Physical Therapist Assistant in the State of Ohio

Case No: 09-025-PT

Consent Agreement

This Consent Agreement ("Agreement") is entered into by and between **Price Winston** ("**Winston**") and the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board, Physical Therapy Section ("Board").

The Board is a state agency, charged with enforcing relevant provisions of Ohio Revised Code Chapter 4755. **Winston** hereby enters into this agreement being fully informed of her rights pursuant to Chapter 4755 and Chapter 119 of the Ohio Revised Code, including the right to representation by counsel and an adjudication hearing.

In consideration of the forgoing and mutual promises hereinafter set forth, **Winston** and the Board hereby agree as follows:

Jurisdiction and Predicate Facts

1. The Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board, Physical Therapy Section, is empowered by section 4755.47 (A) of the Ohio Revised Code to refuse to grant a license to an applicant for an initial or renewed license as a physical therapist or physical therapist assistant or, by an affirmative vote of not less than five members, may limit, suspend or revoke the license of a physical therapist or physical therapist assistant or reprimand, fine or place a license holder on probation, on any of the following grounds:

   (3) Obtaining or attempting to obtain a license issued by the physical therapy section by fraud or deception, including making of a false, fraudulent, deceptive, or misleading statement;

   (6) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate sections 4755.40 to 4755.56 of

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the Revised Code or any order issued or rule adopted under those sections;

2. On January 25, 2009, **Winston** falsified his 2009 license renewal application by answering "NO" to the question in the enforcement section which asked: Since your last renewal, have you been: "Disciplined in any state (including Ohio) you currently hold or have ever held a license to practice physical therapy or another healthcare profession?" A review of Board records revealed that that **Winston:**
   A. Failed to obtain the required amount of continuing education for his 2008 license renewal.
   B. Falsified his 2007 license renewal application by answering "YES" to question one (1) in the continuing education section, which asked, "Did you complete the required amount of continuing education?"
   C. Was disciplined in the state of Ohio on September 21, 2007 for the violations listed in A & B above.

Said conduct constitutes a violation of Ohio Revised Code sections 4755.47(A)(3) & & (6), and 4755.48(A).

Admissions

1. **Winston** hereby admits and acknowledges that he has received proper notice of his right to a formal hearing pursuant to Ohio Revised Code Chapter 119.

2. **Winston** hereby knowingly waives all rights to a formal hearing in this matter, and agrees that this Consent Agreement shall have the full force and effect of an Order duly entered in accordance with those procedures set forth in Ohio Revised Code Chapter 119 and Chapter 4755 relating to administrative proceedings.

3. **Winston** admits that the facts set forth above are true and accurate and expressly waives all rights to challenge said facts.

4. **Winston** admits that the facts set forth above constitute a violation of Ohio law thereby subjecting him to disciplinary action by the Board pursuant to section 4755.47 of the Ohio Revised Code.

Terms

WHEREFORE, in consideration of the foregoing, and in lieu of any further disciplinary action, **Winston** and the Board, knowingly and voluntarily agree to the following terms:

1. **Winston** shall pay a fine of $200.00 within sixty (60) days of the ratification of this agreement. Acceptable forms of payment include; cashier's check, business check, or money order. Checks and money orders should be made payable to "Treasurer, State of Ohio."

2. **Winston** agrees that this consent agreement serves as a written reprimand.

3. **Winston** shall provide a copy of the consent agreement to any current and future employers during the term of this agreement. **Winston's** employer(s) must send written notification on company letter head to the Enforcement Division indicating that they were provided with a copy of this agreement. **Winston** shall ensure that this notification by his employer is received within (30) days of the effective date of this agreement. If **Winston** changes employers during the course of this agreement, he shall ensure that written notification by his new employer(s) is received within (30) days of his start date.

4. Failure to abide by the terms of this Agreement shall constitute an actionable violation in and of itself without further proof and may subject **Winston** to any and all disciplinary remedies to the Occupational Therapy Section including, but not limited to, revocation.

5. **Winston** agrees to abide by all federal, state, local laws, and all laws and rules governing the practice of physical therapy in the State of Ohio.

6. **Winston** hereby releases the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board, its members, employees, agents and officers jointly and severally from any and all liability from the within matter.

7. All parties to this agreement understand that this document is a public record pursuant to Ohio Revised Code section 149.43.

8. All parties to this agreement understand that this information will be sent to the Federal Department of Health and Human Services' Healthcare Integrity and Protection Data Bank (HIPDB), pursuant to 42 U.S.C. §1320a-7e(b), 5 U.S.C. §5525a, and 45 C.F.R. pt. 61

9. By his signature on this consent agreement, **Winston** agrees that in the event the Board, in its discretion, does not approve this consent agreement, this settlement offer is withdrawn and shall be of no evidentiary value and shall not be relied upon or introduced in any disciplinary action or appeal by either party. **Winston** agrees that should the Board reject this consent agreement and if this case proceeds to hearing, he will assert no claim that the Board was prejudiced by its review and discussion of this consent agreement or of any information relating thereto.

10. By adopting and executing this consent agreement, the Board hereby acknowledges that this consent agreement is a full and final settlement of the within matter and agrees that it will not pursue further action against **Winston** resulting from the aforementioned conduct.

11. This Agreement contains the entire agreement between the parties, there being no

other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.

By his signature **Winston** acknowledges that he has carefully read the above Agreement and enters into it freely and voluntarily with full knowledge of its force and effect, and full knowledge of his rights under Ohio law. By executing this Agreement, **Winston** recognizes that if, in the discretion of the Board it appears that he has breached any terms or conditions of this Agreement, the Board may initiate formal disciplinary proceedings which may be based solely upon a breach of the Agreement. If the Board finds a breach of this Agreement, it may impose any disciplinary remedy available under Ohio law.

The terms and conditions of this agreement shall not become effective until approved by the Board and executed pursuant to its approval.

Price Winston PH 4/7/09

Price Winston

4/7/09

DATE

Jeffrey M. Rosa
Executive Director

5-7-09

DATE

Counsel to Price Winston
(If represented)

DATE

Yvonne Tertel

Yvonne Tertel
Principal Assistant Attorney General

5/7/2009

DATE

OTPTAT BD 04/15/09 AM

Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board
77 South High Street, 16th Floor
Columbus, Ohio 43215-6108

Governor
Ted Strickland
Executive Director
Jeffrey M. Rosa

Before The Ohio
Occupational Therapy, Physical Therapy, and Athletic Trainers Board

Physical Therapy Section

Price W. Winston
1103 Beatty Ave.
Cambridge, OH 43725

IN RE:
The eligibility of Price W. Winston PTA-4795 to retain his license as an Physical Therapist Assistant in the State of Ohio

Case No: 07-022-PT

Issue Date: 6-22-07

Notice of Opportunity for a Hearing

In accordance with Chapter 119 and section 4755.47 of the Ohio Revised Code, you are hereby notified that the Board intends to determine whether or not to suspend or revoke your physical therapy assistant license, or reprimand, fine or place you on probation.

Introduction and Jurisdiction

Section 4755.47(A) of the Ohio Revised Code authorizes the Board to refuse to grant a license to an applicant for an initial or renewed license as a physical therapist or physical therapist assistant or, by an affirmative vote of not less than five members, may limit, suspend, or revoke the license of a physical therapist or physical therapist assistant or reprimand, fine, or place a license holder on probation, on any of the following grounds:

(3) Obtaining or attempting to obtain a license issued by the physical therapy section by fraud or deception, including making of a false, fraudulent, deceptive, or misleading statement;

(6) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate sections 4755.40 to 4755.56 of the Revised Code or any order issued or rule adopted under those sections;

(22) Failure to complete continuing education requirements as prescribed in section 4755.51 or 4755.511 of the Revised Code or to satisfy any rules applicable to continuing education requirements that are adopted by the physical therapy section;

In accordance with Chapter 119 and section 4755.47 of the Ohio Revised Code, the Board is considering taking action on your license for one or more of the following reason:

Count 1

On January 4, 2007, **Winston** falsified his online 2007 license renewal application by answering "YES" to question one (1) in the continuing education section, which asked, "Did you complete the required amount of continuing education?" A random audit revealed that he failed to complete any of the required 12 hours of continuing education. Said conduct constitutes a violation of Ohio Revised Code sections 4755.47(A)(3) & (6), and 4755.48(A).

Count 2

On April 13, 2007, in response to a random audit of continuing education hours, **Winston** submitted verification of continuing education credits earned for the renewal period of January 1, 2005 through December 31, 2006. A review of the submitted information revealed that **Winston** accounted for 0 of the 12 hours of continuing education required for his 2007 license renewal. Said conduct constitutes a violation of Ohio Revised Code sections 4755.47(A)(6) & (22), 4755.511 and Ohio Administrative Code rule 4755-23-08.

Ohio Revised Code section 4755.48(A) states in pertinent part:

No person shall employ fraud or deception in applying for or securing a license to practice physical therapy or to be a physical therapist assistant.

Ohio Revised Code section 4755.511 states in pertinent part:

Except in the case of a first license renewal, a physical therapist assistant is eligible for renewal of the physical therapist assistant's license only if the physical therapist assistant has completed twelve units of continuing education in one or more courses, activities, or programs approved by the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board.

On request of the physical therapy section, an applicant for license renewal shall submit evidence satisfactory to the section of completion of the required continuing physical therapist assistant education.

Ohio Administrative Code rule 4755-23-08 states in pertinent part:

Pursuant to division (A) of section 4755.52 of the Revised Code, no person shall qualify for license renewal as a physical therapist or physical therapist assistant unless the individual completed the required continuing education units (CEU's) outlined in paragraph (A) of this rule. A "unit" is one clock hour spent in a continuing education activity meeting the requirements for licensure renewal under

section 4755.52 of the Revised Code.

(A) Physical therapists and physical therapist assistants shall participate in continuing education activities that meet the requirements outlined in division (B) of section 4755.52 of the Revised Code

(1) A physical therapist must complete twenty-four units of continuing education activities within the two year period, ending December thirty-first, preceding the January thirty-first expiration of their license.

(2) A physical therapist assistant must complete twelve units of continuing education activities within the two year period, ending December thirty-first, preceding the January thirty-first expiration of their license.

(B) All continuing education activities must meet the criteria established in sections 4755.52 and 4755.53 of the Revised Code.

(C) A ccumulated CEU's may not be carried over from one renewal period to another.

(D) Pursuant to sections 4755.52 and 4755.53 of the Revised Code, the physical therapy section may contract with the Ohio physical therapy association (OPTA) to assist the section with the performing of its continuing education duties. The OPTA shall accept, review, approve, or deny proposals for professional workshops, seminars, and/or conferences for continuing education units or for other continuing education activities reported by physical therapists and physical therapist assistants who qualify under section 4755.53 of the Revised Code. The OPTA shall perform any other duties agreed upon by the section and the OPTA necessary for the approval, maintenance, and/or reporting of continuing education activities for physical therapist and physical therapist assistants.

(E) A license shall not be renewed unless the licensee meets the requirements of paragraph (A) of this rule. Completed continuing education activities shall have a current Ohio approval number.

(F) The physical therapy section shall conduct an audit of the continuing education records of a number of the licensees to be determined by the section each renewal year. The section will notify licensees who are selected for the audit to determine compliance with the continuing education requirement specified in this rule.

(1) Licensees chosen for the audit shall submit to the board by the date specified by the board copies of all records and documentation of proof of completion of the continuing education activities used to meet the continuing education requirements of this rule.

(2) Failure to provide proof of the required number of continuing education hours for the specified time period will result in the commencement of disciplinary action.

(3) Failure to respond to or acknowledge receipt of an audit notice will result in the commencement of disciplinary action.

(G) A physical therapist or physical therapist assistant license shall not be renewed unless the licensee certifies that the individual completed the required number of continuing education hour specified in paragraph (A) of this rule.

A licensee who falsifies a renewal application may be disciplined by the physical therapy section for violating section 4755.48 of the Revised Code.

Hearing Procedures

Pursuant to section 119.07 of the Ohio Revised Code, you have the right to a hearing on these charges if your written request for a hearing is received by the Board office, located at 77 South High Street, 16th Floor, Columbus, OH 43215, within thirty (30) days of the mailing of this Notice. Further, you are advised that you are entitled to appear at such hearing in person, or represented by an attorney, or by such other representative who is permitted to practice before the agency. At the hearing, you may present evidence and examine witnesses appearing for or against you. Also, In lieu of personally appearing, you may present your positions, arguments or contentions in writing.

If you do not timely request such a hearing, the Board, upon consideration of the charges cited, may, in your absence, conduct an evidentiary review and take such disciplinary action it deems appropriate. This action may include, but is not limited to, suspension or revocation of your license.

Please be advised that under section 4755.031 of the Ohio Revised Code, a person sanctioned under section 4755.11, 4755.47, 4755.482, or 4755.64 of the Revised code shall pay a fee in the amount of the actual cost of the administrative hearing including the cost of the court reporter, the hearing officer, transcripts, and any witness fees for lodging and travel, as determined by the appropriate section of the board. The fee shall be collected by the appropriate section.

By Order of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board:
Physical Therapy Section

Jeffrey M. Rosa
Executive Director

cc: Melinda Snyder Osgood, Assistant Attorney General

Certified Mail: 7004 2510 0001 7352 0320
Return Receipt Requested

Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board
77 South High Street, 16th Floor
Columbus, Ohio 43215-6108

Governor
Ted Strickland
Executive Director
Jeffrey M. Ross

OTPTAT BD 09/17/07 AM

Before the Ohio
Occupational Therapy, Physical Therapy, and Athletic Trainers Board

Physical Therapy Section

IN RE:
The eligibility of **Price W. Winston** PTA-4795 to retain his license as a physical therapist assistant in the State of Ohio

Case No: 07-022 PT

Consent Agreement

This Consent Agreement ("Agreement") is entered into by and between **Price W. Winston**, ("**Winston**") and the OHIO OCCUPATIONAL THERAPY, PHYSICAL THERAPY, AND ATHLETIC TRAINERS BOARD, PHYSICAL THERAPY SECTION ("Board").

The Board is a state agency, charged with enforcing relevant provisions of Ohio Revised Code Chapter 4755 and all rules promulgated thereunder. **Winston** currently holds a license to practice as a physical therapist assistant in the State of Ohio, and is subject to all laws and rules of Ohio regulating the practice of physical therapy. **Winston** hereby enters into this Agreement being fully aware of his rights, including those under Chapter 4755 and Chapter 119, Ohio Revised Code, including the right to representation by counsel and an adjudication hearing.

In consideration of the mutual promises hereinafter set forth, **Winston** and the Board agree as follows:

Jurisdiction and Predicate Facts

1. The Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board, Physical Therapy Section, is empowered by section 4755.47(A) of the Ohio Revised Code to refuse to grant a license to an applicant for an initial or renewed license as a physical therapist or physical therapist assistant or, by an affirmative vote of not less than five members, may limit, suspend, or revoke the license of a physical therapist or physical therapist assistant or reprimand, fine, or place a license holder on probation, on any of the following grounds:

(3) Obtaining or attempting to obtain a license issued by the physical therapy section by fraud or deception, including making of a false, fraudulent, deceptive, or misleading statement;

(6) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate sections 4755.40 to 4755.56 of the Revised Code or any order issued or rule adopted under those sections;

(22) Failure to complete continuing education requirements as prescribed in section 4755.51 or 4755.511 of the Revised Code or to satisfy any rules applicable to continuing education requirements that are adopted by the physical therapy section;

2. **Winston** has been licensed as a physical therapist assistant in the State of Ohio since August 31, 2000.

3. On January 4, 2007, **Winston** falsified his online 2007 license renewal application by answering "YES" to question one (1) in the continuing education section, which asked, "Did you complete the required amount of continuing education?" A random audit revealed he failed to complete any of the required hours of continuing education. Said conduct constitutes a violation of Ohio Revised Code sections 4755.47(A)(3) & (6), and 4755.48(A).

4. On April 13, 2007, in response to a random audit of continuing education hours, **Winston** submitted verification of continuing education credits earned for the renewal period of January 1, 2005 through December 31, 2006. A review of the submitted information revealed that **Winston** accounted for 0 of the 12 hours of continuing education required for his 2007 license renewal. Said conduct constitutes a violation of Ohio Revised Code sections 4755.47(A)(6) & (22), 4755.511 and Ohio Administrative Code rule 4755-23-08.

5. Ohio Revised Code section 4755.48(A) provides:
No person shall employ fraud or deception in applying for or securing a license to practice physical therapy or to be a physical therapist assistant.

6. Ohio Revised Code section 4755.511 provides:
Except in the case of a first license renewal, a physical therapist assistant is eligible for renewal of the physical therapist assistant's license only if the physical therapist assistant has completed twelve units of continuing education in one or more courses, activities, or programs approved by the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board.
On request of the physical therapy section, an applicant for license renewal shall submit evidence satisfactory to the section of completion of the required continuing physical therapist assistant education.

7. Ohio Administrative Code rule 4755-23-08 provides:
Pursuant to division (A) of section 4755.52 of the Revised Code, no person shall qualify for license renewal as a physical therapist or physical therapist assistant unless the individual completed the required continuing education units (CEU's) outlined in paragraph (A) of this rule. A "unit" is one clock hour spent in a continuing education activity meeting the requirements for licensure renewal under section 4755.52 of the Revised Code.

(A) Physical therapists and physical therapist assistants shall participate in continuing education activities that meet the requirements outlined in division (B) of section 4755.52 of the Revised Code

(1) A physical therapist must complete twenty-four units of continuing education activities within the two year period, ending December thirty-first, preceding the January thirty-first expiration of their license.

(2) A physical therapist assistant must complete twelve units of continuing education activities within the two year period, ending December thirty-first, preceding the January thirty-first expiration of their license.

(B) All continuing education activities must meet the criteria established in sections 4755.52 and 4755.53 of the Revised Code.

(C) Accumulated CEU's may not be carried over from one renewal period to another.

(D) Pursuant to sections 4755.52 and 4755.53 of the Revised Code, the physical therapy section may contract with the Ohio physical therapy association (OPTA) to assist the section with the performing of its continuing education duties. The OPTA shall accept, review, approve, or deny proposals for professional workshops, seminars, and/or conferences for continuing education units or for other continuing education activities reported by physical therapists and physical therapist assistants who qualify under section 4755.53 of the Revised Code. The OPTA shall perform any other duties agreed upon by the section and the OPTA necessary for the approval, maintenance, and/or reporting of continuing education activities for physical therapist and physical therapist assistants.

(E) A license shall not be renewed unless the licensee meets the requirements of paragraph (A) of this rule. Completed continuing education activities shall have a current Ohio approval number.

(F) The physical therapy section shall conduct an audit of the continuing education records of a number of the licensees to be determined by the section each renewal year. The section will notify licensees who are selected for the audit to determine compliance with the continuing education requirement specified in this rule.

(1) Licensees chosen for the audit shall submit to the board by the date specified by the board copies of all records and documentation of proof of completion of the continuing education activities used to meet the continuing education requirements of this rule.

(2) Failure to provide proof of the required number of continuing education hours for the specified time period will result in the commencement of disciplinary action.

(3) Failure to respond to or acknowledge receipt of an audit notice will result in the commencement of disciplinary action.

(G) A physical therapist or physical therapist assistant license shall not be renewed unless the licensee certifies that the individual completed the required number of continuing education hour specified in paragraph (A) of this rule.

A licensee who falsifies a renewal application may be disciplined by the physical therapy section for violating section 4755.48 of the Revised Code.

ADMISSIONS

1. **Winston** hereby admits and acknowledges that he has received proper notice of his right to a formal hearing pursuant to Ohio Revised Code Chapter 119.

2. **Winston** hereby knowingly waives all rights to a formal hearing in this matter by entering into this consent agreement. This Agreement shall have the full force and effect of an Order duly entered in accordance with those procedures set forth in Ohio Revised Code Chapter 119 and Chapter 4755 relating to administrative proceedings.

3. **Winston** admits that the facts as set forth above are true and accurate and expressly waives all rights to challenge said facts.

4. **Winston** admits that the facts set forth above constitute a violation of Ohio law thereby subjecting him to disciplinary action by the Board pursuant to section 4755.47 of the Ohio Revised Code.

TERMS

WHEREFORE, in consideration of the foregoing, and in lieu of any further disciplinary action, **Winston** and the Board, knowingly and voluntarily agree to the following terms:

1. **Winston** agrees that this consent agreement will serve as a written reprimand.

2. **Winston** shall satisfactorily complete 12 continuing education hours for the January 1, 2005 through December 31, 2006 renewal period within thirty (30) days of the ratification of this agreement. Verification of completion must be submitted to the attention of the Enforcement Division of the Board no later than 45 days after the ratification of this agreement. Hours earned for this term shall not be counted toward the 12 hours required for the January 1, 2007 through December 31, 2008 renewal period.

3. **Winston** shall develop a personal plan of action, suitable for distribution at the discretion of the Board, which explains how he will ensure that he obtains the required number of continuing education hours in the future and describes a system to monitor hours as they are completed. **Winston** shall submit his personal plan of action to the attention of the Enforcement Division of the Board no later than 45 days after the ratification of this agreement. **Winston** shall submit quarterly progress updates of his continuing education activities to the attention of the Enforcement Division of the Board.

4. **Winston** agrees to be audited for continuing education credits for the 2009 renewal cycle.

5. Failure to abide by the terms of this agreement shall constitute an actionable violation and may subject **Winston** to all disciplinary remedies available to the Physical Therapy Section including, but not limited to, revocation of his license.

6. **Winston** hereby releases the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board, its members, employees, agents and officers jointly and severally from any and all liability from the within matter.

7. All parties to this agreement understand that this document is a public record pursuant to Ohio Revised Code section 149.43.

8. All parties to this agreement understand that this information will be sent to the Federal Department of Health and Human Services' Healthcare Integrity and Protection Data Bank (HIPDB), pursuant to 42 U.S.C. §1320a-7e(b), 5 U.S.C. §5525a, and 45 C.F.R. pt. 61

9. By his signature on this consent agreement, **Winston** agrees that in the event the Board, in its discretion, does not approve this consent agreement, this settlement offer is withdrawn and shall be of no evidentiary value and shall not be relied upon or introduced in any disciplinary action or appeal by either party. **Winston** agrees that should the Board reject this consent agreement and if this case proceeds to hearing, he will assert no claim that the Board was prejudiced by its review and discussion of this consent agreement or of any information relating thereto.

10. By adopting and executing this consent agreement, the Board hereby acknowledges that this consent agreement is a full and final settlement of the within matter and agrees that it will not pursue further action against **Winston** resulting from the aforementioned conduct.

11. This agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this agreement.

12. This agreement will be deemed fulfilled when **Winston** successfully completes terms one (1) through three (3), at which point **Winston** will be released from this agreement.

By his signature **Winston** acknowledges that he has carefully read the above Agreement and enters into it freely and voluntarily with full knowledge of its force and effect, and full knowledge of his rights under Ohio law. By executing this Agreement, **Winston** recognize that if, in the discretion of the Board it appears that he has breached any terms or conditions of this Agreement, the Board may initiate formal disciplinary proceedings which may be based solely upon a breach of the Agreement. If the Board finds a breach of this Agreement, it may impose any disciplinary remedy available under Ohio law.

The terms and conditions of this agreement shall not become effective until approved by the Board and executed pursuant to its approval.

Price W. Winston 9-6-07

Price W Winston

Price W. Winston

9-6-07

DATE

Counsel to Price W. Winston
(If represented)

DATE

Jeffrey M. Rosa
Executive Director

9-21-07

DATE

Melinda Snyder Osgood by Jeanne Seidel

Melinda Snyder Osgood
Assistant Attorney General

9/24/2007

DATE