

APPROVED
VIRGINIA BOARD OF PHYSICAL THERAPY
SPECIAL CONFERENCE COMMITTEE

The Special Conference Committee of the Virginia Board of Physical Therapy convened on August 28, 2009, 1:00 PM at the Department of Health Professions, 9960 Mayland Drive, 2nd Floor, Henrico, Virginia.

MEMBERS Damien Howell, PT, Chair
PRESENT: Peggy Belmont, PT, Board Member

STAFF PRESENT: Lisa R. Hahn, Executive Director
Mykl Egan, Administrative Proceeding Division
Kathy Truesdale, Compliance Case Manager

CONFERENCE Andrew M. Simmes, PTA
SCHEDULED: Case Number:123366

CALL TO ORDER: Mr. Howell called the conference to order at 1:03 p.m.

DISCUSSION: Mr. Simmes appeared before the Committee in person in accordance with the notice of the Board dated July 16, 2009. Mr. Simmes was not represented by counsel.

The Committee reviewed the allegations in the notice of informal with Mr. Simmes in that he may have violated the laws and/or regulations governing the practice of physical therapy.

CLOSED SESSION: Ms. Belmont moved that the Special Conference Committee of the Board of Physical Therapy convene a closed meeting pursuant to Section §2.2-3711(A)(28) of the *Code of Virginia* for the purpose of deliberation to reach a decision in the matter of Andrew M. Simmes, PTA. Additionally, Ms. Belmont moved that Board staff, Lisa Hahn, Kathy Truesdale, and Mykl Egan attend the closed meeting because their presence in the closed meeting is deemed necessary, and will aid the Board in its consideration in its deliberations. The motion was seconded and carried unanimously.

OPEN SESSION: The Committee reconvened in open session.

Ms. Belmont moved that the Special Conference Committee of the

Board of Physical Therapy certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and carried unanimously.

ACTION:

Mr. Howell moved to have Mr. Egan read the Findings of Fact and Conclusions of Law and the decision adopted by the Committee. The motion was seconded and carried unanimously.

Virginia Board of Physical Therapy, hereby ORDERS that the Board accepts the VOLUNTARY SURRENDER of the license of Andrew M. Simmes to practice as a physical therapy assistant in the Commonwealth of Virginia, and that said license be, and hereby is, INDEFINITELY SUSPENDED. At such time as Andrew M. Simmes is able to practice as a physical therapy assistant with reasonable skill and safety to the public, he may petition for the reinstatement of his license.

ADJOURNMENT:

The Committee adjourn this case at 4:03 p.m.

Damien Howell, PT, Chair

Lisa R. Hahn, Executive Director

Date

Date