

**PHYSICAL THERAPY GOVERNING BOARD
OFFICE OF LICENSED ALLIED HEALTH PROFESSIONALS
CONCORD, NEW HAMPSHIRE**

In The Matter Of:

Docket #01-2015

Edision A. Bono
(Application for Licensure)

DECISION AND ORDER

By the Board: Lea Bruch, Public Member, Chair, Gillian Cavezzali, PT, Martha Aguiar, Public Member, and Nicole Lavoie, PT

Also present: Tina M. Kelley, Administrator to the Board

Appearances: Meghan E. Kane, Immigration & Licensing Associate, Passport USA

On February 18, 2015, the New Hampshire Physical Therapy Governing Board (“Board”) voted to DENY a request for licensure filed by Edison A. Bono (“Mr. Bono”). See Order on Application Denial (“First Order”), dated March 18, 2014. Mr. Bono petitioned the Board for a hearing on the denial of his licensure and the Board issued a “Notice of Hearing, Order to Show Cause” on April 20, 2015.

On May 20, 2015, the hearing was held in accordance with RSA 328-F: 23 and 328-F:24; Ahp 200 and Phy 200. Mr. Bono appeared *pro se*.

Background

On July 10, 2014 Mr. Bono provided the Board with a completed application for licensure as a Physical Therapist.

On November 17, 2014 the Board received a letter from Meghan E. Kane, Immigration & Licensing Associate, Passport USA. This letter stated “In response to the Missing Documents List dated November 6, 2014, enclosed, on behalf of Mr. Edison Abadia Bono, PT, please find a copy of his Current Resume, Jurisprudence Exam, and Criminal Offender Record Report...”. The Jurisprudence exam submitted by Ms. Kane was marked on the bottom “Scanned by CamScanner”.

On November 19, 2014 Mr. Bono provided Tina Kelley (“Ms. Kelley”), Administrator of the Office of Licensed Allied Health Professionals with an e-mail clarifying his phone numbers and mailing addresses. In response to that e-mail Ms. Kelley informed Mr. Bono that there was an issue with providing the jurisprudence exam and having copied that exam. The e-mail further instructed Mr. Bono to submit the original exam to the Office of Licensed Allied Health Professionals immediately.

On December 2, 2014 Mr. Bono submitted the original jurisprudence exam.

A hearing was commenced on May 20, 2015, the specific issues to be determined included:

- A. Whether or not Mr. Bono engaged in professional misconduct by copying the jurisprudence exam and providing it to a third party in violation of RSA 328-F:23, II., (c), RSA 328-F:23, II., (j), Phy 405.01(d), Phy 405.01(k), and the APTA Code of Ethics for Physical Therapist, Principle 5A.

At the hearing the Board reviewed numerous exhibits submitted with the Order on Application Denial. The following exhibits were entered into evidence:

Board Exhibits:

Exhibit #1 – Application for Initial Licensure or Certification

Exhibit #2 – November 17, 2014 letter from Meghan E. Kane, Immigration & Licensing Associate, PassportUSA.

Exhibit #3 – Physical Therapist Jurisprudence Exam Scanned by CamScanner

Exhibit #4 – November 24, 2014 e-mail between Edison Bono and Tina Kelley

Exhibit #5 – The Original Physical Therapist Jurisprudence Exam

Testimony:

Mr. Bono admitted to the allegations set forth in the First Order and the Board acknowledges that he has been forthcoming and cooperative throughout this process. It is clear from the record and Mr. Bono’s own admissions that he personally completed and signed the exam attesting to the following:

“Under penalty of perjury and disciplinary action pursuant to the Boards statutes and rules I swear the following:

I have not mechanically copied, hand copied, or reproduced the questions contained on this exam in any way.

I have not provided this exam to anyone else for review or copying.

I personally took this exam without the help of any other individual.”

Mr. Bono further admitted that even though he read and understood the statement at the end of the exam he then scanned the exam and provided it by electronic means to Meghan E. Kane, Immigration & Licensing Associate at PassPortUSA.

Meghan E. Kane testified on Mr. Bono’s behalf stating that she had received the exam at PassPortUSA’s office. Mr. Bono provided this address as his home mailing address. Ms. Kane also testified that she scanned the original and sent it electronically to Mr. Bono instructing him to take the exam, scan the exam, and send it back to her electronically. She then provided it to the Board’s office as part of Mr. Bono’s application packet. Ms. Kane acknowledges that PassPortUSA made a mistake in instructing Mr. Bono to send the exam to her and not directly to the Physical Therapy Governing Board’s office.

Findings of Fact and Rulings of Law:

- Mr. Bono applied for licensure with the New Hampshire Physical Therapy Governing Board by submitting a completed application for licensure on November 4, 2014.
- Meghan E. Kane, Immigration and Licensing Associate, Passport USA submitted the jurisprudence exam taken by Mr. Bono under a cover letter received in the Board’s office on November 17, 2014.
- The jurisprudence exam submitted by Meghan E. Kane for Mr. Bono was marked at the bottom “Scanned by CamScanner”.
- Mr. Bono submitted the original jurisprudence exam on December 2, 2014 after being instructed to do so by the Board’s Administrator.
- Mr. Bono signed the jurisprudence exam under the statement:
“Under penalty of perjury and disciplinary action pursuant to the Boards statutes and rules I swear the following: I have not mechanically copied, hand copied, or reproduced the questions contained on this exam in any way. I have not provided this exam to anyone else for review or copying. I personally took this exam without the help of any other individual.”

- Mr. Bono admitted to the allegations that he read and signed the jurisprudence exam and knowingly scanned the New Hampshire jurisprudence exam and provided a copy it to Meghan E. Kane, Immigration & Licensing Associate at PassportUSA in violation of RSA 328-F:23, II., (c), RSA 328-F:23, II., (j), Phy 405.01(d), Phy 405.01(k), and the APTA Code of Ethics for Physical Therapist, Principle 5A.

Relevant Law:

RSA 328-F:23, II., (c):

“Violation of the ethical standards adopted by the governing board.”

RSA 328-F:23, II., (j):

“Violation of any provision of this chapter, of any governing board’s practice act or rule adopted pursuant to RSA 541-A, or of any state or federal law reasonably related to the licensee’s authority to practice or ability to practice safely.”

Phy 405.01(d):

“(d) Violation of Phy 500”

Phy 405.01(k):

“(k) Violation of:

- (1) Any provision of RSA 328-F;
- (2) Any provision of RSA 328-A;
- (3) Any rule adopted by the board; or
- (4) Any state or federal law reasonably related to the licensee’s authority to practice or the licensee’s ability to practice safely.”

APTA Code of Ethics for Physical Therapist, Principle 5A.

“Principle 5A. Physical therapists shall comply with applicable local, state, and federal laws and regulations.”

THEREFORE, IT IS HERBY ORDERED that Mr. Bono is **REPRIMANDED**.

IT IS FURTHER ORDERED that Mr. Bono be issued full unrestricted license to practice as a Physical Therapist in the State of New Hampshire once he has completed the on-line jurisprudence exam administered by the Federation of State Boards of Physical Therapy.

IT IS FURTHER ORDERED that Mr. Bono shall bear all costs of complying with the terms of this Decision and Order, but he shall be permitted to share such costs with third parties.

IT IS FURTHER ORDERED that the Board may consider Mr. Bono's compliance with the terms and conditions herein in any subsequent proceeding before the Board.

IT IS FURTHER ORDERED, that Mr. Bono provide a copy of this Decision and Order, as further defined below to any employer for whom he performs services as a Physical Therapist and to any agency or authority which licenses, certifies or credentials Physical Therapists, with which Ms. Eggleston is affiliated with for one (1) year from the date this Order becomes effective.

IT IS FURTHER ORDERED that Mr. Bono's breach of any terms and conditions of this Decision and Order shall constitute unprofessional conduct pursuant to RSA 328-F:23, II.

IT IS FURTHER ORDERED that this Decision and Order shall become a permanent part of Mr. Bono's file, which is maintained by the Board as a public document.

IT IS FURTHER ORDERED that this Decision and Order shall take effect as a final Order of the Board on the date it is signed by an authorized representative of the Board.

BY ORDER OF THE BOARD

Date: June 17, 2015



Tina M. Kelley, Administrator
Authorized Representative of the New Hampshire
Physical Therapy Governing Board