

September 1, 2021

Investigative Report

Notes:

On May 19, 2021 the US Virgin Island Physical Therapy Board received a complaint filed by licensed Physical Therapist Dr. Erin Gauthier, PT, DPT on behalf of Continuum Care Home Health LLC regarding alleged fraudulent reports of Physical Therapy services rendered by their employee, Physical Therapist Dr. Shanon Tonin, PT, DPT.

Dr. Gauthier alleged that visits submitted by Dr. Tonin on April 2, 3, 6, & 8 2021 were documented as conducted but in fact were not.

The VI Board of Physical Therapy (Board) commenced an investigation on the matter and requested the following information:

1. Please send an affidavit from the owner and or manager detailing what happened;
2. Submit copies of any timesheets / documents submitted by the PT for time worked;
3. Submit copies of un-redacted bills submitted for processing; and,
4. Submit documentation from the patient that services were not rendered.

On June 3, 2021 Tracy Sanders, Administrator of Continuum Care, provided information pertinent to the alleged visits as evidence (the below listed documents are attached).

1. Owner Attestation
2. Patient Affidavit
3. Termination Letter
4. Timesheets submitted by Dr. Tonin
5. Medicare Claims.

Further, Director Deborah Richardson-Peter was instructed to send correspondence via certified mail return receipt to Dr. Tonin on behalf of the Board in an effort to secure notification and request for a response to the allegations. Please see the below list of efforts made as per Ms. Richardson-Peter.

1. Monday, August 2, 2021: Per the Board's request, I drafted and mailed a letter certified mail, return receipt to Dr. Tonin on August 2, 2021.
2. Friday, August 13, 2021: No return receipt or returned correspondence at the post office.
3. Monday, August 16, 2021: Went to Beeston Hill Rehab; Dr. Tonin was off-island and due back to work today but was running a fever; she also just returned to the island and must take a Covid 19 test before she can return to work on Wednesday.
4. Wednesday, August 16, 2021: I went to Beeston Hill Rehab and hand-delivered the letter to Dr. Tonin at 4:00 PM. She said she was on her way to the post office however, there was an accident on the by-pass so she did not get to retrieve the mail. I

was curious how she knew she had mail from the Board there but didn't ask. I told her that a response is due in 7 days; Dr. Tonin said she was traveling the next day to New York but will be back next week and she'd take care of it. I gave her my cell number.

5. Monday, August 23, 2021 - Returned a missed call, no answer. Texted, no answer.
6. Tuesday, August 24, 2021- Received a text message from Dr. Tonin that she was flying home today and very concerned about the matter. I told her I can meet her to get her response tomorrow.
7. Wednesday, August 25, 2021: Sent 2 texts with office schedule and availability to get correspondence; no response
8. Thursday, August 26, 2021: Call, texted, email: No response.

Tools Used:

- Review of submitted documents
- Federation of State Boards of Physical Therapy (FSBPT) Model Disciplinary Guidelines
- Title 27 VI Code Section 165k (a) Subsection (5) & (6)

165k. Discipline and enforcement (a) Grounds for denial and revocation of a license.

(5) Acting in a manner inconsistent with generally accepted standards of physical therapy practice, regardless of whether actual injury to the patient is established;

(6) Failing to adhere to the recognized standards of ethics of the physical therapy profession as established by rule;

Findings:

Dr. Shanon Tonin filed fraudulent documentation for services rendered to patient, Carlos Sanabria Gonzalez, on April 2, 3, 6, 8, 2021. Although other dates and patients were referred to, no such evidence was presented to substantiate additional claims.

Title 27 VI Code Section 165b. Powers and duties of Board gives the power to the Board in Subsection (4) to "Regulate the practice of physical therapy by interpreting and enforcing this subchapter".

Section 165k. Discipline and enforcement (a) Grounds for denial and revocation of a license – Subsection (5) Acting in a manner inconsistent with generally accepted standards of physical therapy practice, regardless of whether actual injury to the patient is established; (19) Charging fraudulent fees for services performed or not performed; (20) Making misleading, deceptive, untrue or fraudulent representations in violation of this subchapter or in the practice of the profession.

Section 165k. Discipline and enforcement (b) Investigative powers; emergency action; hearing officers. Subsection (A) Receive complaints filed against licensees; and (B) Conduct an investigation at any time and on its own initiative without receipt of a written complaint if the Board has reason to believe that there may be a violation of this subchapter. (6) The Board may take emergency action ordering the summary suspension of a license or the restriction of a physical therapist's practice or a physical therapist assistant's employment pending proceedings by the Board. (8) If the Board finds that the information received in a

complaint or an investigation merits disciplinary action against a licensee it may take the following actions or combination thereof: (A) Issue a censure; (B) Restrict a license. The Board may require a licensee to report regularly to the Board on matters related to the grounds for the restricted license. (C) Suspend a license for a period prescribed by the Board. (D) Suspend or restrict a license while the licensee seeks treatment for impairment. (E) Revoke a license;

FSBPT Model Disciplinary Guidelines

There are two options for discipline based on FSBPT Model Disciplinary Guidelines (Attached) under the following:

- **An offense of action - potential for harm is expected to be primarily financial or ethical (green on the grid)**
 1. Type II Multiple Infraction 3 & B; or
 2. Type III Multiple Infraction 3 & C

I recommend Type II Multiple Infraction 3 & B

Recommended Outcome:

- Punitive Actions - Class 3 (Attached)
 - **\$500 Monetary Fine**
 - **3 Months Suspended License**
 - **6 Months Restricted License Following Suspension**
 - **Clinician must work within a facility with On-site Direct Supervision by a Licensed Physical Therapist requiring Co-Signature for all patient encounters**
- Remedial Actions - Class B
 - **1 Year Supervised Clinical Practice**

Dr. Shanon Tonin be given 7 business days to appeal the ruling. If said appeal is filed, a hearing is to be scheduled as per the VI Code Title 27 165k (b) Investigative powers; emergency action; hearing officers at a time recommended by the Board.



Dr. Jerry R. Smith, PT, DPT, ATC
Member, VI Board of Physical Therapy