



**BOARD OF CERTIFICATION  
FOR THE ATHLETIC TRAINER**

February 26, 2019

Zackary Pena  
[REDACTED]

Miramar, FL [REDACTED]

Dear Mr. Pena:

Please be advised that the Board of Certification, Inc. (BOC) Professional Practice and Discipline Committee (Committee) has rendered the following decision with respect to the charge that you violated Codes 2.2 and 3.8 of the Code of Professional Responsibility (COPR) section of the BOC Standards of Professional Practice.

In a Charge letter dated January 23, 2019, the BOC informed you that the Committee had determined that good cause existed to believe that you have violated Codes 2.2 and 3.8 of the COPR section of the *BOC Standards of Professional Practice* based on the fact that your 2016-2017 audit was to be completed by November 9, 2018. To date, you still have not yet complied with the audit.

Factual Findings

1. February 23, 2018, you submitted your 2016-2017 CEUs and attested to the following relevant statements:
  - The information contained in this report is a true and accurate statement of my continuing education activities.
  - I am submitting no less than 50 CEUs required for the current reporting period including 10 CEUs in Category EBP on this form.
  - I am in possession of and prepared to present all original documentation confirming participation in reported activities. I am aware I must keep these records for at least 2 years after the reporting period has ended.
  - I am aware that I am required to maintain ongoing certification in Emergency Cardiac Care (ECC) throughout the reporting period and I must keep these records for at least 2 years after the reporting period has ended.
  - I am aware that the BOC reserves the right to audit me at any time and that failure to comply with BOC audit policies may result in the suspension of my BOC certification.
  - I am aware that falsification of this report may result in the suspension of my BOC certification.
2. September 25, 2018, the BOC mailed you an audit notice for the 2016-2017 CEU reporting period. The BOC did not receive a response from you.
3. October 10, 2018, the BOC emailed you a 2<sup>nd</sup> audit notice letter with a deadline of November 9, 2018 to complete your 2016-2017 audit. The BOC did not receive a response from you.
4. October 24, 2018, the BOC emailed you a 3<sup>rd</sup> audit notice with a deadline of November 9, 2018 to complete your 2016-2017 audit. The BOC did not receive a response from you.
5. November 5, 2019, the BOC emailed you a final audit reminder with a deadline of November 9, 2018 to complete your 2016-2017 audit. The BOC did not receive a response from you.
6. November 28, 2018, the BOC mailed you an Investigation Notice as your audit documents had not been received. The BOC did not receive a response from you.
7. December 19, 2018, the BOC sent you a Consent Agreement for suspension of your certification electronically via Eversign giving you thirty business days for a response.

8. December 19, 2018, per Eversign records, you viewed the Consent Agreement. The BOC did not receive a response from you.
9. January 23, 2019, the BOC mailed you a Charge letter giving you thirty business days for a response. The Charge letter was mailed via Certified mail and was signed for as received. The BOC did not receive a response from you.

### Conclusions

Based on the lack of response to BOC notifications, the Committee determined that the facts above are valid and that such actions violate Codes 2.2 and 3.8 of the COPR section of the BOC Standards of Professional Practice:

Code 2.2: The BOC certified athletic trainer complies with the most current BOC recertification policies and requirements.

Code 3.8: The BOC certified athletic trainer ensures that any information provided to the BOC in connection with exam eligibility, certification recertification or reinstatement including but not limited to, exam applications, reinstatement applications or continuing education forms, is accurate and truthful.

As a result, the Committee has issued the following sanctions regarding your certification:

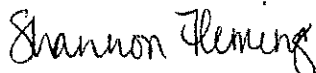
Your certification status is considered Suspended. Suspension of a BOC certification is considered public information and may be published or otherwise disclosed by the BOC. Further, while your certification is Suspended, you are not authorized to do the following:

1. Represent yourself to the public as a practicing Certified Athletic Trainer or use the certification marks "ATC" following your name; or
2. Serve as an item writer for the BOC certification exam; or
3. Serve as a supervisor of students who are satisfying the athletic training requirements for certification eligibility.

You may petition for reinstatement in accordance with Section 12 of the BOC Discipline Procedures. Such petition may be filed upon your ability to provide proof of compliance with the 2016-2017 CE audit or you are prepared to take the BOC Certification Exam for reinstatement. Such petitions may be subject to a background check and panel review. Contact the BOC office for reinstatement fees and procedures.

Mr. Pena, this matter will remain a part of your BOC certification file and may be used for the purpose of determining sanctions in any future matters that come before the BOC Professional Practice and Discipline Committee or other Disciplinary Panels. You have the right to appeal a decision made by the Committee. An appeal must be received by the BOC within thirty (30) days of receipt of this decision. The appeal must be written and addressed to the BOC Executive Director. For details regarding the appeal process, please see the enclosed procedures.

Sincerely,



Shannon Fleming, MA, ATC  
Director of Compliance and Regulatory Affairs

cc: BOC Professional Practice and Discipline Committee  
BOC Counsel  
FL Department of Health Board of Athletic Trainers

Enclosures: *BOC Standards of Professional Practice*  
*Professional Practice and Discipline Guidelines and Procedures*