



ARIZONA STATE BOARD OF PHYSICAL THERAPY
4205 NORTH 7TH AVENUE, SUITE 208 PHOENIX, ARIZONA 85013
(602) 274-0236 Fax (602) 274-1378
www.ptboard.az.gov

REGULAR SESSION MEETING MINUTES
January 26, 2016

MEMBERS PRESENT:

Melinda Richardson, PT, MA; President
Al D'Appollonio, PT, MBA; Secretary
Peggy Hunter, PTA, CLT; Member
Michael S. Clinton, CPA; Member
Nushka Remec, PT, MS, PCS

MEMBERS ABSENT:

James E. Miller, PT, DPT, Vice President

OTHERS PRESENT IN PERSON:

Charles D. Brown, Executive Director
Veronica Cardoza, Licensing Administrator
Karen Donahue, Senior Investigator
Mona Baskin, Assistant Attorney General
Monica Crowley, Office Manager

- 1) CALL TO ORDER – 8:30 a.m.;** Ms. Richardson called the meeting to order at 8:30 a.m. (A recording of the meeting is available through the Board Office)

Roll Call - The following Board members were present: Ms. Richardson, Ms. Nushka, Mr. Clinton, Mr. D'Appollonio and Ms. Hunter.

2) Review and Approval of Draft Minutes

- a) December 15, 2015; Regular Session Meeting Minutes

Ms. Richardson and Mr. D'Appollonio requested minor changes to page 5 of the minutes. Mr. D'Appollonio moved the Board to approve the December 15, 2015, regular session meeting minutes with the suggested changes. Ms. Richardson seconded the motion. Ms. Remec abstained herself from this case as she was not present at the December Board meeting. The motion passed.

Vote	Mr. Clinton	Mr. D'Appollonio	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson
Aye	X	X	X			X
Nay						
Recused						
Abstained					X	
Absent				X		

3) **CONSENT AGENDA: REVIEW, CONSIDERATION and ACTION**

The Board may vote to go into Executive Session pursuant to A.R.S. §38-431.03(A)(2) for purposes of discussing confidential information or §38-431.03(A)(3) to obtain legal advice. The Board may vote to approve all items on a consent agenda; however, any one member of the Board may remove a consent agenda item from the vote, and request discussion at the current meeting or a future meeting.

a) Applications for Licensure and Certification

The Board may vote to go into Executive Session pursuant to A.R.S. §38-431.03(A)(2) for purposes of discussing confidential information or §38-431.03(A)(3) to obtain legal advice.

i) Review, Consideration and Approval of Applications of Physical Therapist Licensure upon Receipt of Passing Scores on the NPTE/AZLAW and Final Transcript

Ellen Americus	Jamie Alexander	Amanda Arbuckle
Jessica Baumetz	Stephen Bowen	Stephanie Bowes
Ovidia Chacon	Melanie Clement	Ashley Contorno
Alisa Cooper	David Dishauzi	Dillon Duvall
Jared Eskew	Dane Frandsen	Jillian Girdner
Lauren Hansen	Jeremy Harris	Jolene Knee
Allison Mackay	Paul Meyer	Rebekah Nilson
Nicolette Owens	Abbey Peterson	Kyle Sandoval
Sasha Schippers	Brooklyn Schrader	Allison Shallcross
Rachel Slovan	Garrett Sneyd	Joseph Sosa
Michelle Stallings	Michelle Tourne	Kathryn Waszak
Amanda Zimmerman		

Ms. Richardson moved the Board approve the above applications upon receipt of passing scores on the NPTE/AZLAW exams and final transcripts Ms. Remec seconded the motion. Following review and discussion the motion passed.

Vote	Mr. Clinton	Mr. D'Appollonio	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson
Aye	X	X	X		X	X
Nay						
Recused						
Abstained						
Absent				X		

- ii) Review, Consideration and Approval of Applications for Physical Therapist Assistant Certification upon Receipt of Passing Scores on the NPTE/AZLAW and Final Transcript.

Leslie Campbell	Kelly Gousset	Amanda Hernandez
Peggy Kapfhamer	Jennifer Reeve	Shannon Redding
Nancy Smith	Anna Wojcik	

Ms. Remec moved the Board approve the above applications upon receipt of passing scores on the NPTE/AZLAW exams and final transcripts. Ms. Richardson seconded the motion. Following review and discussion the motion passed.

Vote	Mr. Clinton	Mr. D'Appollonio	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson
Aye	X	X	X		X	X
Nay						
Recused						
Abstained						
Absent				X		

Consent Agenda Ends

4) Review, Consideration and Action on Applications for Licensure and Certification

The Board may vote to go into Executive Session pursuant to A.R.S. §38-431.03(A)(2) for purposes of discussing confidential information or §38-431.03(A)(3) to obtain legal advice.

- a) Review, Consideration and Approval of Applications for Physical Therapist Assistant Certification upon Receipt of Passing Scores on the NPTE/AZLAW and Final Transcript and with documentation Related to Disclosure on "Personal Information" section of the application
(1) Joseph Castillo

Ms. Richardson reviewed the material Mr. Castillo has submitted but does not see the alcohol screening report. Ms. Richardson moved the Board to request Mr. Castillo to provide additional information regarding the alcohol screening from his 2012 DUI. It will then be brought back to the February or March Board meeting for review.

- (2) Ashley Ercanbrack

Ms. Hunter moved the Board to approve Ms. Ercanbrack application upon receipt of passing scores on the NPTE/AZLAW exams and final transcripts. Ms. Richardson seconded the motion. Following review and discussion the motion passed.

Vote	Mr. Clinton	Mr. D'Appollonio	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson
Aye	X	X	X		X	X
Nay						
Recused						
Abstained						
Absent				X		

(3) Kathryn Laing

Ms. Hunter moved the Board to approve Ms. Laing application upon receipt of passing scores on the NPTE/AZLAW exams and final transcripts. Mr. D'Appollonio seconded the motion. Following review and discussion the motion passed.

Vote	Mr. Clinton	Mr. D'Appollonio	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson
Aye	X	X	X		X	X
Nay						
Recused						
Abstained						
Absent				X		

(4) Stephen Sorensen

Ms. Hunter moved the Board to approve Mr. Sorensen application upon receipt of passing scores on the NPTE/AZLAW exams and final transcripts. Mr. D'Appollonio seconded the motion. Following review and discussion the motion passed.

Vote	Mr. Clinton	Mr. D'Appollonio	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson
Aye	X	X	X		X	X
Nay						
Recused						
Abstained						
Absent				X		

5) Review, Consideration and Action on Applications for Licensure and Certification

The Board may vote to go into Executive Session pursuant to A.R.S. §38-431.03(A)(2) for purposes of discussing confidential information or §38-431.03(A)(3) to obtain legal advice.

- b) Review of and Possible Action on the Following Applications for Physical Therapist Licensure – Foreign Educated Graduates of Programs Not U.S. Accredited.
 - i) Review and Approval of submitted course modification
 - 1) Penny DeJarnette

Ms. DeJarnette was not present and was not represented by legal counsel. Mr. D'Appollonio moved the Board to deny online CEU courses due to the fact they do not meet the Coursework Tool 5 requirements. Ms. Hunter seconded the motion. Following review and discussion the motion passed.

Vote	Mr. Clinton	Mr. D'Appollonio	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson
Aye	X	X	X		X	X
Nay						
Recused						
Abstained						
Absent				X		

6) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

The Board may vote to go into Executive Session pursuant to A.R.S. §38-431.03(A)(2) for purposes of discussing confidential information or §38-431.03(A)(3) to obtain legal advice.

- b) Initial Review, Discussion and Action on Complaint
 - iv) Case #15-30; Michelle Bambenek, PT

Ms. Bambenek was present and was represented by Scott King. Mr. King provided a statement. Ms. Donahue provided a summary of the case for the Board; Board opened complaint 15-29 following review of complaint 15-11 Blain Packard, PTA. Ms. PC alleged substandard care for treatment provided by Mr. Packard. Ms. Bambenek, PT was Mr. Packard's supervising physical therapist on January 15, 2015 and January 22, 2015. Mr. D'Appollonio moved the Board issued a consent agreement which includes one year of probation with the possibility of early termination, requirement to take and pass AZ law exam, six continuing education hours in documentation to be taken in person preapproved by Board, six hours in cardio pulmonary to be taken in person preapproved by Board, six hours in billing to be taken in person preapproved by Board and monitoring for administrative polices. If this is not accepted with in the normal time fame it will be referred to informal hearing. Ms. Hunter seconded the motion. Following review and discussion the motion passed.

Vote	Mr. Clinton	Mr. D'Appollonio	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson

Aye	X	X	X		X	X
Nay						
Recused						
Abstained						
Absent				X		

The Board recessed from 9:50 am to 10:01 am

a) Informal Hearings; 9:00 a.m.

i) Case #15-14; Lori Francoeur, PT

Ms. Francoeur was present and was not represented by legal counsel. The Board members and Board staff introduced themselves. Ms. Baskin recused herself from this case. Ms. Richardson read a summary of how the hearing would be conducted and reviewed the possible outcomes of the hearing. Ms. Donahue and Ms. Francoeur were sworn-in as witnesses. Mr. Brown read the allegations against Ms. Francoeur

A) Engaged in the performance of substandard care by a physical therapist assistant, including exceeding the authority to perform tasks selected and delegated by the supervising licensee regardless of whether actual injury to the patient is established.

- Throughout the episode of care treatment interventions were not able to produce normalized gait. Documentation throughout the episode care documented "Gait: does not achieve full knee extension during stance phase." This finding was documented even when AROM of the left knee indicated full AROM extension.
- On the following DOS electrical stimulation was administered to the patient throughout the episode of care, even when documentation of absence swelling or minimal pain was documented.
 - June 3, 2014 (pain 0/10, swelling not documented)
 - June 6, 2014 (pain 0/10; swelling not documented)
 - June 12, 2014 (pain 0/10; swelling not documented)
 - October 15, 2015 (0/10 pain, swelling normal 40.0 left as compared to 39.9 right)
- On following DOS Manual therapy included patella mobilizations and peripatellar mobilizations. The patient record may not document rationale for performance of patella mobilizations or tests or measures that indicate purpose for the intervention.
 - 32 DOS May 9, 2014 through October 22, 2014.
- On following DOS Manual therapy included stretching to the Adductors and QL. The patient record may not document assessment of the adductors or QL.

- a. May 9, 2014
- b. May 13, 2014
- c. May 16, 2014
- d. May 20, 2014
- e. May 23, 2014
- f. May 27, 2014
- g. May 30, 2014
- h. June 3, 2014
- i. June 6, 2014
- j. June 10, 2014
- k. June 12, 2014
- l. June 17, 2014
- m. June 19, 2014
- n. June 24, 2014
- o. June 27, 2014

5. On the following DOS include hamstring stretching when documentation in objective tests and measures indicates “normal” flexibility.

- a. May 16, 2014
- b. May 20, 2014
- c. May 23, 2014
- d. May 27, 2014
- e. May 30, 2014
- f. June 3, 2014
- g. June 6, 2014
- h. June 10, 2014
- i. June 12, 2014
- j. June 17, 2014
- k. June 19, 2014
- l. June 24, 2014
- m. June 27, 2014
- n. August 13, 2014
- o. August 18, 2014
- p. August 20, 2014
- q. August 25, 2014
- r. August 29, 2014
- s. September 3, 2014
- t. September 5, 2014
- u. September 9, 2014
- v. September 10, 2014
- w. September 19, 2014
- x. September 24, 2014
- y. October 1, 2014
- z. October 3, 2014

- aa. October 10, 2014
 - bb. October 15, 2014
 - cc. October 22, 2014
6. On following DOS Manual therapy included PROM left knee flexion on DOS in which documentation indicates full (within 0-1 degrees as compared to right) AROM.
- a. May 23, 2014 (-1 degree as compared to right)
 - b. May 30, 2014 (-1 degree as compared to right)
 - c. June 10, 2014 (0-140 degrees bilaterally)
 - d. June 12, 2014 (0-140)
 - e. June 19, 2014 (0-140)
 - f. August 18, 2014 (134 left) right 135
 - g. August 20, 2014 (134)
 - h. August 25, 2014 (0-134)
 - i. August 29, 2014 (134)
 - j. October 15, 2014 (0-135)
 - k. October 22, 2014 (0-135)
7. On the following DOS Manual therapy included STM to the left quad as being performed when objective tests and measures document flexibility as being “normal”:
- a. August 29, 2014
 - b. September 5, 2014
 - c. September 9, 2014
 - d. September 10, 2014
 - e. September 19, 2014
 - f. September 24, 2014
 - g. October 1, 2014
 - h. October 3, 2014
 - i. October 10, 2014
 - j. October 15, 2014
 - k. October 22, 2014
8. On following DOS stretching for the calf is documented as being performed when objective tests and measures document flexibility as being “normal”
- a. May 9, 2014
 - b. May 13, 2014
 - c. May 16, 2014
 - d. May 20, 2014
 - e. May 23, 2014
 - f. May 27, 2014
 - g. May 30, 2014
 - h. June 3, 2014
 - i. June 6, 2014
 - j. June 10, 2014

- k. June 12, 2014
- l. June 17, 2014
- m. June 19, 2014
- n. June 24, 2014
- o. June 27, 2014
- p. September 3, 2014

9. On the following DOS passive knee extension with and without weight is performed when documentation in objective tests and measures indicates 0/ -1 degrees of knee extension.
 - a. May 13, 2014 (-1 degree)
 - b. May 16, 2014 (0 degree)
 - c. May 20, 2014 (0 degree)
 - d. May 23, 2014 (0 degree)
 - e. May 30, 2014 (0 degree)
 - f. June 10, 2014 (0 degree)
 - g. June 12, 2014 (0 degree)
 - h. June 19, 2014 (0 degree)
 - i. August 25, 2014 (0 degree)
 - j. September 3, 2014 (0 degree)
 - k. September 19, 2014 (0 degree)
 - l. October 1, 2014 (0 degree)
 - m. October 15, 2014 (0 degree)
 - n. October 22, 2014 (0 degree)
10. On the following DOS posterior femoral glides III/IV are documented when AROM of the left knee is WNL with objective tests or measures indicating left knee AROM to be within -1 degree or less as compared to the right LE.
 - a. May 23, 2014 (0-139) right 0-140
 - b. May 30, 2014 (0-139)
 - c. June 10, 2014 (0-140)
 - d. June 12, 2014 (0-140)
 - e. June 19, 2014 (0-140)
 - f. August 25, 2014 (0-134) right 0-135
 - g. October 15, 2014 (0-135 bilaterally)
 - h. October 22, 2014 (0-135)
11. On the following DOS Heel slides are performed when documentation in objective tests and measures indicates full left knee flexion AROM.
 - a. May 23, 2014 (-1 degree as compared to right)
 - b. May 30, 2014 (-1 degree as compared to right)
 - c. June 10, 2014 (0-140 degrees bilaterally)
 - d. June 12, 2014 (0-140)
 - e. June 19, 2014 (0-140)
 - f. October 15, 2014 (0-135)

g. October 22, 2014 (0-135)

12. June 19, 2014; Documentation of pain at pes anserine insertion. No assessment is documented of the pes anserine. STM to pes anserine:

- a. June 19, 2014
- b. June 24, 2014
- c. June 27, 2014

B) Charged unreasonable or fraudulent fees for services performed or not performed.

1. Billing may be inconsistent with documented treatment time/ performance on the following DOS:

- a. May 6, 2014
- b. May 23, 2014
- c. May 27, 2014
- d. May 30, 2014
- e. June 3, 2014
- f. June 6, 2014
- g. June 10, 2014
- h. June 12, 2014
- i. August 13, 2014
- j. August 18, 2014
- k. August 25, 2014
- l. August 29, 2014
- m. September 3, 2014
- n. September 5, 2014
- o. September 9, 2014
- p. September 10, 2014
- q. September 19, 2014
- r. September 24, 2014
- s. October 1, 2014
- t. October 3, 2014
- u. October 10, 2014
- v. October 15, 2014
- w. October 22, 2014

D) Failed to maintain adequate patient records. For the purposes of this paragraph, “adequate patient records” means legible records that comply with board rules and that contain at a minimum an evaluation of objective findings, a diagnosis, the plan of care, the treatment record, a discharge summary and sufficient information to identify the patient.

- 1. Per chart review located in Investigative Report #15-14

E) Provided treatment intervention unwarranted by the condition of the patient for treatment beyond the point of reasonable benefit.

13. Ms. MB was provided physical therapy services for 33 visits. Dates range from May 6, 2014 until October 22, 2014.
14. The treatment record may demonstrate that patient MB experienced a medial meniscus tear, confirmed by MRI, in which the joint derangement continued to produce knee swelling, variations in left knee joint AROM throughout the episode of care until discharge. It may be likely, given the objective variations in tests/measures throughout the episode of care that the goals for pain-free activities may have been unachievable.
15. Throughout the episode of care treatment interventions were not able to produce normalized gait. Documentation throughout the episode care documented "Gait: does not achieve full knee extension during stance phase." This finding was documented even when AROM of the left knee indicated full AROM extension.
16. On the following DOS electrical stimulation was administered to the patient throughout the episode of care, even when documentation of absence swelling or minimal pain was documented.
 - a. June 3, 2014 (pain 0/10, swelling not documented)
 - b. June 6, 2014 (pain 0/10; swelling not documented)
 - c. June 12, 2014 (pain 0/10; swelling not documented)
 - d. October 15, 2015 (0/10 pain, swelling normal 40.0 left as compared to 39.9 right)
17. On following DOS Manual therapy included patella mobilizations and peripatellar mobilizations. The patient record may not document rationale for performance of patella mobilizations or tests or measures that indicate purpose for the intervention.
 - a. 32 DOS May 9, 2014 through October 22, 2014.
18. On following DOS Manual therapy included stretching to the Adductors and QL. The patient record may not document assessment of the adductors or QL.
 - a. May 9, 2014
 - b. May 13, 2014
 - c. May 16, 2014
 - d. May 20, 2014
 - e. May 23, 2014
 - f. May 27, 2014
 - g. May 30, 2014
 - h. June 3, 2014
 - i. June 6, 2014
 - j. June 10, 2014
 - k. June 12, 2014
 - l. June 17, 2014
 - m. June 19, 2014
 - n. June 24, 2014
 - o. June 27, 2014

19. On the following DOS include hamstring stretching when documentation in objective tests and measures indicates “normal” flexibility.
- a. May 16, 2014
 - b. May 20, 2014
 - c. May 23, 2014
 - d. May 27, 2014
 - e. May 30, 2014
 - f. June 3, 2014
 - g. June 6, 2014
 - h. June 10, 2014
 - i. June 12, 2014
 - j. June 17, 2014
 - k. June 19, 2014
 - l. June 24, 2014
 - m. June 27, 2014
 - n. August 13, 2014
 - o. August 18, 2014
 - p. August 20, 2014
 - q. August 25, 2014
 - r. August 29, 2014
 - s. September 3, 2014
 - t. September 5, 2014
 - u. September 9, 2014
 - v. September 10, 2014
 - w. September 19, 2014
 - x. September 24, 2014
 - y. October 1, 2014
 - z. October 3, 2014
 - aa. October 10, 2014
 - bb. October 15, 2014
 - cc. October 22, 2014
20. On following DOS Manual therapy included PROM left knee flexion on DOS in which documentation indicates full (within 0-1 degrees as compared to right) AROM.
- a. May 23, 2014 (-1 degree as compared to right)
 - b. May 30, 2014 (-1 degree as compared to right)
 - c. June 10, 2014 (0-140 degrees bilaterally)
 - d. June 12, 2014 (0-140)
 - e. June 19, 2014 (0-140)
 - f. August 18, 2014 (134 left) right 135
 - g. August 20, 2014 (134)
 - h. August 25, 2014 (0-134)
 - i. August 29, 2014 (134)
 - j. October 15, 2014 (0-135)

k. October 22, 2014 (0-135)

21. On the following DOS Manual therapy included STM to the left quad as being performed when objective tests and measures document flexibility as being “normal”:

- a. August 29, 2014
- b. September 5, 2014
- c. September 9, 2014
- d. September 10, 2014
- e. September 19, 2014
- f. September 24, 2014
- g. October 1, 2014
- h. October 3, 2014
- i. October 10, 2014
- j. October 15, 2014
- k. October 22, 2014

22. On following DOS stretching for the calf is documented as being performed when objective tests and measures document flexibility as being “normal”

- a. May 9, 2014
- b. May 13, 2014
- c. May 16, 2014
- d. May 20, 2014
- e. May 23, 2014
- f. May 27, 2014
- g. May 30, 2014
- h. June 3, 2014
- i. June 6, 2014
- j. June 10, 2014
- k. June 12, 2014
- l. June 17, 2014
- m. June 19, 2014
- n. June 24, 2014
- o. June 27, 2014
- p. September 3, 2014

23. On the following DOS passive knee extension with and without weight is performed when documentation in objective tests and measures indicates 0/ -1 degrees of knee extension.

- a. May 13, 2014 (-1 degree)
- b. May 16, 2014 (0 degree)
- c. May 20, 2014 (0 degree)
- d. May 23, 2014 (0 degree)
- e. May 30, 2014 (0 degree)
- f. June 10, 2014 (0 degree)
- g. June 12, 2014 (0 degree)

- h. June 19, 2014 (0 degree)
 - i. August 25, 2014 (0 degree)
 - j. September 3, 2014 (0 degree)
 - k. September 19, 2014 (0 degree)
 - l. October 1, 2014 (0 degree)
 - m. October 15, 2014 (0 degree)
 - n. October 22, 2014 (0 degree)
24. On the following DOS posterior femoral glides III/IV are documented when AROM of the left knee is WNL with objective tests or measures indicating left knee AROM to be within -1 degree or less as compared to the right LE.
- a. May 23, 2014 (0-139) right 0-140
 - b. May 30, 2014 (0-139)
 - c. June 10, 2014 (0-140)
 - d. June 12, 2014 (0-140)
 - e. June 19, 2014 (0-140)
 - f. August 25, 2014 (0-134) right 0-135
 - g. October 15, 2014 (0-135 bilaterally)
 - h. October 22, 2014 (0-135)
25. On the following DOS Heel slides are performed when documentation in objective tests and measures indicates full left knee flexion AROM.
- a. May 23, 2014 (-1 degree as compared to right)
 - b. May 30, 2014 (-1 degree as compared to right)
 - c. June 10, 2014 (0-140 degrees bilaterally)
 - d. June 12, 2014 (0-140)
 - e. June 19, 2014 (0-140)
 - f. October 15, 2014 (0-135)
 - g. October 22, 2014 (0-135)
26. June 19, 2014; Documentation of pain at pes anserine insertion. No assessment is documented of the pes anserine. STM to pes anserine:
- a. June 19, 2014
 - b. June 24, 2014
 - c. June 27, 2014
27. AROM and strength as documented as full ROM and normal strength in all muscles tested with 0/10 pain:
- a. June 12, 2014
28. August 29, 2014 the following is documented:
- a. "Patient reports she is able to perform about 180 stairs each day at work but going down remains most challenging."
29. September 3, 2014

- a. "She states she performs over 150 steps per day and is able to use reciprocal gait although going down is more difficult than going up."

30. September 19, 2014

- a. "Patient reports that she feels like she is plateauing and is ready to be pushed more even if she does not want to be."

31. October 10, 2014

- a. "Patient reports her left knee has been primarily pain free all week. She has been massaging it at night, but doing her normal walking and stair climbing at work."

32. October 15, 2014

- a. "Patient reports her left knee continues to be primarily pain free."

33. October 22, 2014

- a. "She has been able to return performing stairs and walking longer distances with minimal knee complaints."

Ms. Francoeur provided a statement. The Board members asked questions of Ms. Francoeur. Following the Board's questioning of Ms. Francoeur. Ms. Francoeur declined to give a closing statements. Ms. Richardson moved the Board enter into executive session to obtain legal advice from Ms. Williams, Assistant Attorney General. Ms. Hunter seconded the motion.

The Board entered Executive Session at 10:41 a.m.

The Board entered Regular Session at 10:50 a.m.

Ms. Richardson guided the Board through each allegation for discussion. Following discussion on the allegations Ms. Richardson moved the Board adopt the following findings of fact:

B) Charged unreasonable or fraudulent fees for services performed or not performed.

1. Billing may be inconsistent with documented treatment time/ performance on the following DOS:

- m. September 3, 2014
- n. September 5, 2014
- o. September 9, 2014
- p. September 10, 2014
- q. September 19, 2014
- r. September 24, 2014
- s. October 1, 2014
- t. October 3, 2014
- u. October 10, 2014
- v. October 15, 2014
- w. October 22, 2014

D) Failed to maintain adequate patient records. For the purposes of this paragraph, “adequate patient records” means legible records that comply with board rules and that contain at a minimum an evaluation of objective findings, a diagnosis, the plan of care, the treatment record, a discharge summary and sufficient information to identify the patient.

1. Per chart review located in Investigative Report #15-14

E) Provided treatment intervention unwarranted by the condition of the patient for treatment beyond the point of reasonable benefit.

13. 1. Ms. Brougham was provided physical therapy services for 33 visits. Dates range from May 6, 2014 until October 22, 2014.
14. The treatment record may demonstrate that patient MB experienced a medial meniscus tear, confirmed by MRI, in which the joint derangement continued to produce knee swelling, variations in left knee joint AROM throughout the episode of care until discharge. It may be likely, given the objective variations in tests/measures throughout the episode of care that the goals for pain-free activities may have been unachievable.
15. Throughout the episode of care treatment interventions were not able to produce normalized gait. Documentation throughout the episode care documented “Gait: does not achieve full knee extension during stance phase.” This finding was documented even when AROM of the left knee indicated full AROM extension.
16. On the following DOS electrical stimulation was administered to the patient throughout the episode of care, even when documentation of absence swelling or minimal pain was documented.
 - a. June 3, 2014 (pain 0/10, swelling not documented)
 - b. June 6, 2014 (pain 0/10; swelling not documented)
 - c. June 12, 2014 (pain 0/10; swelling not documented)
 - d. October 15, 2015 (0/10 pain, swelling normal 40.0 left as compared to 39.9 right)
17. On following DOS Manual therapy included patella mobilizations and peripatellar mobilizations. The patient record may not document rationale for performance of patella mobilizations or tests or measures that indicate purpose for the intervention.
 - a. 32 DOS May 9, 2014 through October 22, 2014.
18. On following DOS Manual therapy included stretching to the Adductors and QL. The patient record may not document assessment of the adductors or QL.
 - a. May 9, 2014
 - b. May 13, 2014
 - c. May 16, 2014
 - d. May 20, 2014
 - e. May 23, 2014
 - f. May 27, 2014
 - g. May 30, 2014

- h. June 3, 2014
- i. June 6, 2014
- j. June 10, 2014
- k. June 12, 2014
- l. June 17, 2014
- m. June 19, 2014
- n. June 24, 2014
- o. June 27, 2014

19. On the following DOS include hamstring stretching when documentation in objective tests and measures indicates "normal" flexibility.

- a. May 16, 2014
- b. May 20, 2014
- c. May 23, 2014
- d. May 27, 2014
- e. May 30, 2014
- f. June 3, 2014
- g. June 6, 2014
- h. June 10, 2014
- i. June 12, 2014
- j. June 17, 2014
- k. June 19, 2014
- l. June 24, 2014
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- n. August 13, 2014
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- p. August 20, 2014
- q. August 25, 2014
- r. August 29, 2014
- s. September 3, 2014
- t. September 5, 2014
- u. September 9, 2014
- v. September 10, 2014
- w. September 19, 2014
- x. September 24, 2014
- y. October 1, 2014
- z. October 3, 2014
- aa. October 10, 2014
- bb. October 15, 2014
- cc. October 22, 2014

20. On following DOS Manual therapy included PROM left knee flexion on DOS in which documentation indicates full (within 0-1 degrees as compared to right) AROM.

- a. May 23, 2014 (-1 degree as compared to right)

- b. May 30, 2014 (-1 degree as compared to right)
- c. June 10, 2014 (0-140 degrees bilaterally)
- d. June 12, 2014 (0-140)
- e. June 19, 2014 (0-140)
- f. August 18, 2014 (134 left) right 135
- g. August 20, 2014 (134)
- h. August 25, 2014 (0-134)
- i. August 29, 2014 (134)
- j. October 15, 2014 (0-135)
- k. October 22, 2014 (0-135)

21. On the following DOS Manual therapy included STM to the left quad as being performed when objective tests and measures document flexibility as being “normal”:

- a. August 29, 2014
- b. September 5, 2014
- c. September 9, 2014
- d. September 10, 2014
- e. September 19, 2014
- f. September 24, 2014
- g. October 1, 2014
- h. October 3, 2014
- i. October 10, 2014
- j. October 15, 2014
- k. October 22, 2014

22. On following DOS stretching for the calf is documented as being performed when objective tests and measures document flexibility as being “normal”

- a. May 9, 2014
- b. May 13, 2014
- c. May 16, 2014
- d. May 20, 2014
- e. May 23, 2014
- f. May 27, 2014
- g. May 30, 2014
- h. June 3, 2014
- i. June 6, 2014
- j. June 10, 2014
- k. June 12, 2014
- l. June 17, 2014
- m. June 19, 2014
- n. June 24, 2014
- o. June 27, 2014
- p. September 3, 2014

23. On the following DOS passive knee extension with and without weight is performed when documentation in objective tests and measures indicates 0/ -1 degrees of knee extension.
- a. May 13, 2014 (-1 degree)
 - b. May 16, 2014 (0 degree)
 - c. May 20, 2014 (0 degree)
 - d. May 23, 2014 (0 degree)
 - e. May 30, 2014 (0 degree)
 - f. June 10, 2014 (0 degree)
 - g. June 12, 2014 (0 degree)
 - h. June 19, 2014 (0 degree)
 - i. August 25, 2014 (0 degree)
 - j. September 3, 2014 (0 degree)
 - k. September 19, 2014 (0 degree)
 - l. October 1, 2014 (0 degree)
 - m. October 15, 2014 (0 degree)
 - n. October 22, 2014 (0 degree)
24. On the following DOS posterior femoral glides III/IV are documented when AROM of the left knee is WNL with objective tests or measures indicating left knee AROM to be within -1 degree or less as compared to the right LE.
- a. May 23, 2014 (0-139) right 0-140
 - b. May 30, 2014 (0-139)
 - c. June 10, 2014 (0-140)
 - d. June 12, 2014 (0-140)
 - e. June 19, 2014 (0-140)
 - f. August 25, 2014 (0-134) right 0-135
 - g. October 15, 2014 (0-135 bilaterally)
 - h. October 22, 2014 (0-135)
25. On the following DOS Heel slides are performed when documentation in objective tests and measures indicates full left knee flexion AROM.
- a. May 23, 2014 (-1 degree as compared to right)
 - b. May 30, 2014 (-1 degree as compared to right)
 - c. June 10, 2014 (0-140 degrees bilaterally)
 - d. June 12, 2014 (0-140)
 - e. June 19, 2014 (0-140)
 - f. October 15, 2014 (0-135)
 - g. October 22, 2014 (0-135)
26. June 19, 2014; Documentation of pain at pes anserine insertion. No assessment is documented of the pes anserine. STM to pes anserine:
- a. June 19, 2014
 - b. June 24, 2014

c. June 27, 2014

27. AROM and strength as documented as full ROM and normal strength in all muscles tested with 0/10 pain:

a. June 12, 2014

28. August 29, 2014 the following is documented:

a. "Patient reports she is able to perform about 180 stairs each day at work but going down remains most challenging."

29. September 3, 2014

a. "She states she performs over 150 steps per day and is able to use reciprocal gait although going down is more difficult than going up."

30. September 19, 2014

a. "Patient reports that she feels like she is plateauing and is ready to be pushed more even if she does not want to be."

31. October 10, 2014

a. "Patient reports her left knee has been primarily pain free all week. She has been massaging it at night, but doing her normal walking and stair climbing at work."

32. October 15, 2014

a. "Patient reports her left knee continues to be primarily pain free."

33. October 22, 2014

a. "She has been able to return performing stairs and walking longer distances with minimal knee complaints."

Mr. D'Appollonio seconded the motion. Following review and discussion the motion carries.

Vote	Mr. Clinton	Mr. D'Appollonio	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson
Aye	X	X	X		X	X
Nay						
Recused						
Abstained						
Absent				X		

Ms. Richardson moved the Board adopt the following Conclusions of Law:

A.R.S. §32-2044(1) “Violating this chapter, Board rules or a written board order.”

A.R.S. §32-2044(13): “Charging unreasonable or fraudulent fees for services performed or not performed.”

A.R.S. §32-2044(20) “Failing to maintain adequate patient records. For the purposes of this paragraph, “adequate patient records” means legible records that comply with board rules and that contain at a minimum an evaluation of objective findings, a diagnosis, the plan of care, the treatment record, a discharge summary and sufficient information to identify the patient.”

A.R.S. §32-2044(22) “Providing treatment intervention unwarranted by the condition of the patient or treatment beyond the point of reasonable benefit.”

Ms. Hunter seconded the motion. Following review and discussion the motion carries.

Vote	Mr. Clinton	Mr. D’Appollonio	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson
Aye	X	X	X		X	X
Nay						
Recused						
Abstained						
Absent				X		

Mr. Brown provided 2004 disciplinary order to the Board. The Board discussed possible disciplinary action against Ms. Francoeur license. Following discussion Mr. D’Appollonio moved the Board adopt the following Order:

Ms. Francoeur be placed on probation for twenty-four months with the possibility for early termination. Ms. Francoeur shall complete six hours of continuing education in documentation, six hours of billing, and six hours of orthopedic treatment. All continuing education must be preapproved by Board staff. All CEU’s must be completed within six months. Following completion of the continuing education Ms. Francoeur must undergo minimum of six months Board approved monitoring. Monitoring shall be twice a month. Each visit will include 3 records focusing on documentation, treatment and charges. Ms. Francoeur shall pay a \$500 civil penalty per violation for a total of \$2,000. Ms. Richardson seconded the motion. Following review and discussion the motion passed by roll call vote.

Vote	Mr. Clinton	Mr. D’Appollonio	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson
Aye	X	X	X		X	X

Nay						
Recused						
Abstained						
Absent				X		

The Board recessed from 11:23 am to 11:32 am

a) Informal Hearings; 9:00 a.m.

ii) Case #15-23; Robert McEntire, PT

Mr. McEntire was not present and was not represented by legal counsel. Ms. Richardson recused herself. Mr. D'Appollonio tabled for later in the meeting to give Mr. McEntire time to appear.

b) Initial Review, Discussion and Action on Complaint

i) Case #15-24; Heather Bily, PT

Ms. Bily was present and was not represented by legal counsel. Ms. Donahue provided a summary of the case for the Board Ms. DT alleges that Ms. Bily, PT engaged in substandard care when providing treatment to her. Ms. Bily provided a statement. Mr. D'Appollonio disclosed that in 2008 he work at the Orthopedic Clinic Associates for 3 weeks and has no bias in looking at this case. The Board members asked questions of Ms. Bily. DT provided a statement. The Board members asked questions of DT. The Board member had additional question for Ms. Bily. Mr. D'Appollonio moved that staff re-contact the clinic and obtain any and all records regarding inform consent and all intake paperwork. Ms. Richardson seconded the motion. Following review and discussion the motion passed.

Vote	Mr. Clinton	Mr. D'Appollonio	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson
Aye	X	X	X		X	X
Nay						
Recused						
Abstained						
Absent				X		

b) Initial Review, Discussion and Action on Complaint

ii) Case #15-25; Christopher Harten, PT

Mr. Harten was present and was not represented by legal counsel. Mr. Harten declined to give a statements. Ms. Donahue provided a summary of the case for the Board. The Board opened a complaint against Mr. Harten following notification of his charges for aggravated assault with a deadly weapon and disorderly conduct with a weapon on October 2, 2015. This case has not yet been adjudicated. There is a pending trial for March 3, 2016. Ms. Remec moved the Board to continue the investigation and will re-present it once we have an update from the criminal proceedings. The Board request that Mr. Harten continuously updates the Board with the ongoing status of the case. Mr. D'Appollonio seconded the motion. Following review and discussion the motion passed.

Vote	Mr. Clinton	Mr. D'Appollonio	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson
Aye	X	X	X		X	X
Nay						
Recused						
Abstained						
Absent				X		

b) Initial Review, Discussion and Action on Complaint

iii) Case #15-28; Deborah Gilsmer, PTA

Ms. Gilsmer was not present and was not represented by legal counsel. Ms. Donahue provided a summary of the case for the Board. The Board opened complaint against Ms. Gilsmer, PT following Review of Records Compliance for Board Order 13-27 Anthony Spillman, PTA. Board opened complaint following review of patient record DM. Board alleges substandard care, failing to supervise assistive personnel and failing to adhere to the standards of ethics. Ms. Remec moved the Board forward the complaint to informal hearing and include 32-2044(20) failure to maintain adequate patient records. Mr. Clinton seconded the motion. Following review and discussion the motion passed.

Vote	Mr. Clinton	Mr. D'Appollonio	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson
Aye	X	X	X		X	X
Nay						
Recused						
Abstained						
Absent				X		

b) Initial Review, Discussion and Action on Complaint

v) Case #15-34; Kevin Bauer, PTA

Mr. Bauer was not present and was not represented by legal counsel. Ms. Donahue provided a summary of the case for the Board. Mr. Bauer engaged in a consent order on June 18, 2015 in which one of the requirements was to engage a monitoring company within 30 days of employment in Arizona. Mr. Bauer failed to obtain a monitoring contract within the specified timeframe. Mr. Bauer just contracted with a monitoring service but was not done within the timeframe. Ms. Remec moved the Board forward the complaint to formal hearing. Ms. Hunter seconded the motion. Following review and discussion the motion passed.

Vote	Mr. Clinton	Mr. D'Appollonio	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson
Aye	X	X	X		X	X
Nay						
Recused						
Abstained						
Absent				X		

b) Initial Review, Discussion and Action on Complaint

vi) Case #15-35; James Bogie, PT

Mr. Bogie was not present and was not represented by legal counsel. Ms. Donahue provided a summary of the case for the Board Mr. Bogie failed to complete the requirements of Board Order 14-35. Mr. Bogie has no current active contact information on file with us. The email, home and business address we have are all being returned. Ms. Hunter moved the Board forward the complaint to formal hearing. Ms. Remec seconded the motion. Following review and discussion the motion passed.

Vote	Mr. Clinton	Mr. D'Appollonio	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson
Aye	X	X	X		X	X
Nay						
Recused						
Abstained						
Absent				X		

b) Initial Review, Discussion and Action on Complaint

vii) Case #15-36; Michael Angelo, PT

Mr. Angelo was present and was not represented by legal counsel. Ms. Donahue provided a summary of the case for the Board. The Board opened a complaint against Mr. Angelo following notification of his charges for disorderly conduct on October 24, 2015. Mr. Angelo did notify the board within the 10 day requirement. Mr. Angelo provided a statement. Ms. Hunter moved the Board to dismiss. Mr. Clinton seconded the motion. Following review and discussion the motion passed.

Vote	Mr. Clinton	Mr. D'Appollonio	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson
Aye	X	X	X		X	X
Nay						
Recused						
Abstained						
Absent				X		

c) Review, Discussion, and Action on Consent Agreement

i) 15-38; Kim Lewis, PT

Ms. Lewis was present and was not represented by legal counsel. Mr. Brown provided a summary of the case to the Board Ms. Lewis (3394) signed Consent Agreement for Complaint #15-38 in which she found to be in violation of ARS 32-2044 (I). ARS 32-3208 and ARS 32-2044(8). She agreed to indefinite suspension and agreed to obtain a psychological evaluation specializing in the area of substance abuse. The Board is required to review the evaluation, results and recommendations and shall amend the Order based upon the recommendations of the Board approved evaluator. Attached is Board Order #15-38 and the evaluation report for review. Ms. Lewis provided a statement. Ms. Richardson moved the Board to lift Ms. Lewis' suspension of her Physical Therapy license and adopt the recommendations from the Substance Abuse Specialist as outlined in 1, 2 and 3, retain a Board approved monitoring service within 30 days to ensure the compliance of the requirements and to be place on eighteen months' probation. Ms. Hunter seconded the motion. Following review and discussion the motion passed.

Vote	Mr. Clinton	Mr. D'Appollonio	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson
Aye	X	X	X		X	X
Nay						

Recused						
Abstained						
Absent				X		

The Board recessed from 1:11pm to 1:20pm

b) Initial Review, Discussion and Action on Complaint

viii) Case #15-37; Eric Renshaw, PTA

Ms. Renshaw was not present and was not represented by legal counsel. Ms. Donahue provided a summary of the case for the Board Mr. Renshaw notified the board of charges filed for indecent exposure and urinating in public which on November 2, 2015. Ms. Richardson moved the Board to continue the investigation pending the results of the court proceedings. Mr. D'Appollonio seconded the motion. Following review and discussion the motion passed.

Vote	Mr. Clinton	Mr. D'Appollonio	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson
Aye	X	X	X		X	X
Nay						
Recused						
Abstained						
Absent				X		

d) Review, Discussion, and Action on Consideration of Opening Complaints

i) Marcus Fluitt, PTA

Mr. Fluitt was not present and was not represented by legal counsel. Mr. Brown provided a summary of the case for the Board Mr. Fluitt, PTA (10726A) self -reported providing physical therapy services without a supervising physical therapist for three DOS. The Board shall determine if a complaint shall be opened against Mr. Fluitt, PTA or take no action.

Mr. D'Appollonio moved the Board open a complaint against Mr. Fluitt for treating without proper supervision. Ms. Remec seconded the motion. Following review and discussion the motion passed.

Vote	Mr. Clinton	Mr.	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson
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		D'Appollonio				
Aye		X			X	X
Nay	X		X			
Recused						
Abstained						
Absent				X		

d) Review, Discussion, and Action on Consideration of Opening Complaints

ii) Raquel Lines, PT

Ms. Lines was not present and was not represented by legal counsel. Ms. Donahue provided a summary of the case for the Board Ms. Raquel Lines notified Board staff of charges filed for DUI on December 14, 2015. Ms. Lines did notify the Board within the 10 day requirement. The Board shall determine if a complaint shall be opened against Ms. Lines or take no action. Ms. Richardson moved the Board open a complaint against Ms. Lines. Mr. D'Appollonio seconded the motion. Following review and discussion the motion passed.

Vote	Mr. Clinton	Mr. D'Appollonio	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson
Aye	X	X	X		X	X
Nay						
Recused						
Abstained						
Absent				X		

a) Informal Hearings; 9:00 a.m.

ii) Case #15-23; Robert McEntire, PT

Mr. McEntire was not present and was not represented by legal counsel. Ms. Richardson recused herself. Mr. Clinton moved the Board forward the complaint to formal hearing removing allegation A and keeping B and C and include R4-24-303(A)(4) Ensure that the patient's physical therapy record is complete and accurate. Ms. Hunter seconded the motion. Following review and discussion the motion passed.

Vote	Mr. Clinton	Mr. D'Appollonio	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson

Aye	X	X	X		X	
Nay						
Recused						X
Abstained						
Absent				X		

7) BOARD BUSINESS AND REPORTS

a) Executive Director's Report –Verbal Report

- i) Financial Report- Verbal Report
- ii) Review Recent Board Staff Activities - Verbal Report
- iii) Review of Current Legislative Activity (2016) - Verbal Report - No Action requested.
- iv) Rule Activity- No update to provide
- v) FSBPT- No update provide

Mr. Brown provided verbal review on the above topics. No action was taken or required.

b) Elections of Board Officers- Discussion and Action; A.R.S. §32-2003(A)(8)

- i) Board President
- ii) Board Vice-President
- iii) Board Secretary

Ms. Hunter moved the Board to approve Ms. Richardson as Board President. Mr. Clinton seconded the motion. Following review and discussion the motion passed.

Vote	Mr. Clinton	Mr. D'Appollonio	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson
Aye	X	X	X		X	X
Nay						
Recused						
Abstained						
Absent				X		

Mr. D'Appollonio moved the Board to approve Dr. Miller as Board Vice-President. Ms. Richardson seconded the motion. Following review and discussion the motion passed.

Vote	Mr. Clinton	Mr.	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson
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		D'Appollonio				
Aye	X	X	X		X	X
Nay						
Recused						
Abstained						
Absent				X		

Ms. Remec moved the Board to approve Mr. D'Appollonio as Board Secretary. Ms. Richardson seconded the motion. Following review and discussion the motion passed.

Vote	Mr. Clinton	Mr. D'Appollonio	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson
Aye	X	X	X		X	X
Nay						
Recused						
Abstained						
Absent				X		

8) CALL TO THE PUBLIC

No person came forward for the call to the public.

9) ADJOURNMENT

Mr. Clinton moved to adjourn the meeting. Ms. Richardson seconded the motion. The motion carried.

Vote	Mr. Clinton	Mr. D'Appollonio	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson
Aye	X	X	X		X	X
Nay						
Recused						
Abstained						
Absent				X		

Board Meeting 01/26/2016

Meeting adjourned at 2:07 p.m.

Prepared by,

Monica Crowley

Office Manager

Approved by,

Al D'Appollonio, PT, MBA