



ARIZONA STATE BOARD OF PHYSICAL THERAPY
4205 NORTH 7TH AVENUE, SUITE 208 PHOENIX, ARIZONA 85013
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REGULAR SESSION MEETING MINUTES
January 24, 2017

MEMBERS PRESENT:

Melinda Richardson, PT, MA; President
James E. Miller, PT, DPT, Vice President
Michael S. Clinton, CPA; Member
Nushka Remec, PT, MS, PCS; Member
Peggy Hunter, PTA, CLT; Member

MEMBERS ABSENT:

Whitney Lawrence; Member
Tresha D. Baldwin, PT; Member

**ASSISTANT ATTORNEY GENERAL
PRESENT:**

Mona Baskin, Assistant Attorney General

BOARD STAFF PRESENT IN PERSON:

Charles D. Brown, Executive Director
Monica Crowley, Office Manager
Veronica Cardoza, Licensing Administrator
Karen Donahue, Senior Investigator

- 1) **CALL TO ORDER – 8:30 A.M.;** Ms. Richardson called the meeting to order at 8:34 A.M. (A recording of the meeting is available through the Board Office)

Roll Call - The following Board members were present: Ms. Richardson, Dr. Miller, Ms. Remec, Mr. Clinton and Ms. Hunter.

- 2) **Board Recognition of Exiting Board Member**
 - a) **Al D'Appollonio, PT, MBA**

Mr. D'Appollonio was present and was presented with a recognition certificate for his 4 years of service on the Board.

- 3) **Board Welcome of New Board Member**
 - a) **Tresha Baldwin, PT**

Ms. Baldwin was not present and was announced as the new appointed Board member, replacing Mr. D’Appollonio. Ms. Baldwin had a scheduling conflict and was not able to attend the Board Meeting but will be present for the February 28, 2017 Board Meeting.

4) Review and Approval of Draft Minutes

a) December 13, 2016; Regular Session Meeting Minutes

Ms. Richardson moved the Board approve the December 13, 2016; Regular Session Meeting Minutes. Ms. Hunter seconded the motion. Following review and discussion the motion passed.

Vote	Mr. Clinton	Ms. Baldwin	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence
Aye	X		X	X	X	X	
Nay							
Recused							
Abstained							
Absent		X					X

b) January 6, 2017; Special Session Meeting Minutes

Ms. Richardson moved the Board approve the January 6, 2017; Special Session Meeting Minutes. Dr. Miller seconded the motion. Ms. Hunter abstained. Following review and discussion the motion passed.

Vote	Mr. Clinton	Ms. Baldwin	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence
Aye	X			X	X	X	
Nay							
Recused							
Abstained			X				
Absent		X					X

Let the record reflect that Ms. Remec’s PT applications were reassigned to other Board Member to review. Mr. Brown stated that he spoke with Ms. Lawrence, she had reviewed her cases and had no questions.

5) CONSENT AGENDA: REVIEW, CONSIDERATION and ACTION

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.

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

10 Marcus Ahrens	April Axtell	Katelyn Bakey
David Balzer	Megan Brothen	Tori Brouwer
Steven Burkhardt	Deborah Callaghan	Steven Carlin
Lindsay Colley	L. Charmaine Cooper	Julie Cummings
Carolyn Curry	Robert Doyle	Bruce Dudley
Kenneth “Nick” Fierro	Amanda Ford	Rachel Gnias
Paul Grosshuesch	Shannon Groth	Thomas Groth
J. Mac Hurst	Christopher Hoeflein	Benjamin Jones
Brooke Jones	James Justice	Adeeb Khalfe
Jaclyn Kleman	Ammon Lovell	Allison Marshall
Madison McLeod	Michael McGrath	Khristian Morrell
Tony Naber	Jacob Petersen	Nathan Reber
Devin Reilley	Rachelle Ridge	Emily Rodriguez
Dana Sahd	Netta Sarry	Simone Savage
Brian Simon	Joshua Schrenk	Thomas Sorrell
Kathleen Wagner	Melissa Waters	Quinnesha Winters
Megan Zartman	Abigail Zwierzchowski	Mathew Frederick
Tiffany Hambrick		

Ms. Richardson pulled J. Mac Hurst and Ms. Hunter pulled L. Charmaine Cooper from the above consent agenda for separate consideration. J. Mac Hurst’s last name was misspelled it was corrected to Hirst.

Ms. Richardson moved the Board approve the above applications for Physical Therapist Licensure upon Receipt of Passing Scores on the NPTE/AZLAW and Final Transcript. Dr. Miller seconded the motion. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Baldwin	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence
Aye	X		X	X	X	X	
Nay							
Recused							
Abstained							
Absent		X					X

J. Mac Hirst

Ms. Richardson pulled Mr. Hirst’s application from the consent agenda because we were missing his Washington verification.

The WA verification was not originally sent because Mr. Hirst stated that he did not need it since his license there was expired. Ms. Cardoza did obtain a copy of the WA verification and stated Mr. Hirst had placed the original in the mail.

The Board reviewed and discussed the case.

Ms. Richardson moved the Board approve J. Mac Hirst’s application for Physical Therapist Licensure upon Receipt of Passing Scores on the NPTE/AZLAW and Board staff approval of all original documents received. Dr. Miller seconded the motion. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Baldwin	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence
Aye	X		X	X	X	X	
Nay							
Recused							
Abstained							
Absent		X					X

L. Charmaine Cooper

Ms. Hunter pulled Ms. Cooper’s application from the consent agenda for a correction. Ms. Cooper stated she had never taken the NPT exam when in fact she had. Ms. Cardoza stated that Ms. Cooper had answered no because the test was not called the NPT exam at the time that she had taken it.

The Board reviewed and discussed the case.

Ms. Hunter moved the Board approve L. Charmaine Cooper’s application for Physical Therapist Licensure upon Receipt of Passing Scores on the NPTE/AZLAW. Dr. Miller seconded the motion. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Baldwin	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence
Aye	X		X	X	X	X	
Nay							
Recused							
Abstained							

Absent		X					X
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Let the record reflect that Ms. Remec’s PTA’s applications were reassigned to Ms. Richardson to review.

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

Jessica Allen	Justin Bailey	Aaron Donnell
Lori Hadel	Peter Jones	Charles LaPak
Thomas Ochoa	Yessenia Quintero	

Ms. Richardson moved the Board approve the above applications for Physical Therapist Assistant Certification upon Receipt of Passing Scores on the NPTE/AZLAW and Final Transcript. Dr. Miller seconded the motion. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Baldwin	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence
Aye	X		X	X	X	X	
Nay							
Recused							
Abstained							
Absent		X					X

8) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

- b) Review, Discussion, and Action on Initial Review of Complaint
 - vii) Complaint #16-61; Kathy Monda, PT

Ms. Monda was present and was not represented by legal counsel. Ms. Richardson stated that Ms. Monda was there to answer any question the Board had.

Ms. Donahue provided a summary of the case for the Board. Ms. Monda failed to renew her license on or before August 31, 2016 and practiced from September 1, 2016 through November 28, 2016. Ms. Monda reinstated on November 30, 2016.

Ms. Richardson moved the Board follow the matrix and offer a consent agreement to include a ninety (90) day probation with the possibility of early termination, a \$250 civil penalty, take and successfully pass the AZLAW exam, complete ten (10) hours of community service to be preapproved by Board staff and notify employers, all patients and third party payers that she worked on an expired licensed. If consent agreement is not accepted the case will be forwarded to an informal hearing. Dr. Miller seconded the motion. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Baldwin	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence
Aye	X		X	X	X	X	
Nay							
Recused							
Abstained							
Absent		X					X

6) CONSENT AGENDA: Review, Consideration and Action on Applications for Licensure and Certification

a) Substantive Review of Documentation Related to Disclosure on “Personal Information” Section of Application

(1) Physical Therapist Licensure Applications and Approval to take the NPTE and the AZLAW (Jurisprudence) Exam and Possible Licensure.

- (a) Arika Fuell
- (b) Robert Horstman

b) Review, Consideration and Approval of Applications for Physical Therapy 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) Physical Therapist Assistant Certification and Approval to take the NPTE and the AZLAW (Jurisprudence) Exam and Possible Certification.

- (a) Dana Gallagher
- (b) Peighton Correa

Ms. Richardson moved the Board approve the above four (4) applications for Physical Therapy Licensure and Physical Therapy Assistant Certification upon Receipt of Passing Scores on the NPTE/AZLAW and Final Transcript. Ms. Hunter seconded the motion. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Baldwin	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence
Aye	X		X	X	X	X	
Nay							
Recused							
Abstained							
Absent		X					X

Consent Agendas End

8) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

d) Review, Discussion and Action on Request To Modify Board Order

iii) Case No. 15-28; Deborah Gilsmer, PT; Request For Early Termination of Probation

Ms. Gilsmer was present and was not represented by legal counsel. Ms. Gilsmer provided an opening statement and was there to answer any question the Board had for her.

Ms. Gilsmer requested early termination of Board Order #15-25. Ms. Gilsmer was found in violation of A.R.S. 32-2044 (1, 4, 6, 12 and 20). She was required to complete six (6) hours of continuing competency specific to documentation and ethics, pass AZ Law exam and engage in monthly monitoring. Ms. Gilsmer has completed all continuing competency requirements and passed the AZ Law exam. She is currently undergoing monitoring with the previous two reports attached for review. Board Order #15-25 is set to terminate on April 6, 2017. The Board can either elect to terminate Board Order #15-25 or continue with the monthly monitoring until termination on April 6, 21017.

The Board reviewed and discussed the request for termination of probation and determined that Ms. Gilsmer was in compliance with all of the terms of the Board Order.

Dr. Miller moved the Board grant the request for Early Termination of Probation of Ms. Gilsmer’s Board Order #15-25. Ms. Hunter seconded the motion. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Baldwin	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence
Aye			X	X		X	
Nay	X				X		
Recused							
Abstained							
Absent		X					X

a) Review and Action; Informal Hearing;

i) Case No. 16-08; Scott Gilbert, PT

Mr. Gilbert was present and was not represented by legal counsel. The Board members and Board staff introduced themselves. Mr. Gilbert introduced himself. Ms. Richardson read a summary of how the hearing would be conducted and reviewed the possible outcomes of the hearing. Ms. Donahue and Ms. Gilbert were both sworn-in as witnesses. Mr. Brown read the allegations against Mr. Gilbert:

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

A.R.S. §32-2044(12): “Failing to adhere to the recognized standards of the physical therapy profession.”

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

A.R.S. §32-2044(14): “Making misleading, deceptive, untrue or fraudulent representations in violation of this chapter or in the practice of the profession.”

R4-24-304 A (2) “If an electronic signature is used to sign and entry, the electronic signature is secure.”

1. Mr. Scotts co-signature and NPI number, following the conclusion of care and closing of the patient DOS by Ms. Gulledge, were utilized in the following patient DOS in which charges, and resultant billing, may be inconsistent with Ms. Gulledge’s schedule and documentation of physical therapy services provided:
 - a. JB 1/25/16 Initial Evaluation
 - b. WP 1/28/16 Daily Progress note
 - c. KS 1/25/16 Daily Progress note
 - d. SF 1/25/16 Daily Progress note
 - e. BS 1/25/16 Initial Evaluation
 - f. SB 1/25/16 Initial Evaluation

2. Mr. Scotts co-signature is identified in the following patient records, in which charges were added, as indicated by Mr. Scott’s name, to the patient billing following Ms. Gulledge’s closing of the documentation for that DOS:
 - a. SB DOS 1/26/16
 - b. SB DOS 1/25/16

Mr. Gilbert did not provide an opening statement.

The Board reviewed and discussed the case. The Board asked questions of Mr. Gilbert.

Mr. Gilbert provided a closing statement. The Board deliberated.

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:

1. Mr. Scotts co-signature and NPI number, following the conclusion of care and closing of the patient DOS by Ms. Gullede, were utilized in the following patient DOS in which charges, and resultant billing, may be inconsistent with Ms. Gullede’s schedule and documentation of physical therapy services provided:
 - a. JB 1/25/16 Initial Evaluation
 - b. WP 1/28/16 Daily Progress note
 - c. KS 1/25/16 Daily Progress note
 - d. SF 1/25/16 Daily Progress note
 - e. BS 1/25/16 Initial Evaluation
 - f. SB 1/25/16 Initial Evaluation

2. Mr. Scotts co-signature is identified in the following patient records, in which charges were added, as indicated by Mr. Scott’s name, to the patient billing following Ms. Gullede’s closing of the documentation for that DOS:
 - a. SB DOS 1/26/16
 - b. SB DOS 1/25/16

Ms. Remec seconded the motion. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Baldwin	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence
Aye	X		X	X	X	X	
Nay							
Recused							
Abstained							
Absent		X					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(12): “Failing to adhere to the recognized standards of the physical therapy profession.”

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

A.R.S. §32-2044(14): “Making misleading, deceptive, untrue or fraudulent representations in violation of this chapter or in the practice of the profession.”

R4-24-304 A (2): “If an electronic signature is used to sign and entry, the electronic signature is secure.”

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

Vote	Mr. Clinton	Ms. Baldwin	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence
Aye	X		X	X	X	X	
Nay							
Recused							
Abstained							
Absent		X					X

The Board discussed possible disciplinary action against Mr. Gilbert’s license. Ms. Brown, the Executive Director, provided options to the Board regarding Informal and Formal Hearing. Following discussion, Ms. Hunter moved the Board move this case to a Formal Hearing. Ms. Remec seconded the motion. Following review and discussion the motion carried by roll call vote.

Vote	Mr. Clinton	Ms. Baldwin	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence
Aye	X		X	X	X	X	
Nay							
Recused							
Abstained							
Absent		X					X

The Board Recessed from 10:40 A.M. to 10:50 A.M

i) Case No. 16-34; Gary Smith, PT

Mr. Smith was present and was not represented by legal counsel. The Board members and Board staff introduced themselves. Mr. Smith introduced himself. Ms. Richardson read a summary of how the hearing would be conducted and reviewed the possible outcomes of the hearing. Ms. Donahue and Ms. Smith were both sworn-in as witnesses. Mr. Brown read the allegations against Mr. Smith:

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.

1. Mr. Smith's examination may have not documented/performed comprehensive tests and measures in which to determine a DX.
 - a. Initial evaluation failed to document:
 - i. Neurological screening is not documented.
 - ii. Balance/Fall risk testing is not documented.
 - iii. No documentation of testing of the bilateral hip
2. Mr. Smith in his response indicates he identified the DX of "lower back pain due to a fall which was also referring pain to her left hip." Mr. Smith's documented DX indicates "Facet arthropathy/Facet joint stiffness causing trigger points in the gluteus medius muscle"
 - a. Specific documentation of facet joint stiffness may not be documented
 - b. Resistive strength testing of the gluteus medius is not documented as being performed, thus determination of impairment to the gluteus medius is not substantiated.
3. Mr. Smith's diagnosis of facet joint stiffness/arthropathy may be in conflict with his treatment and evaluation. Mr. Smith instructs a 68 y/o women in lumbar extension exercises that included: SLR, bridging, prone extension and prone hip extension. Rationale for performance of extension exercises are not documented in the patient record.

B) Failed to adhere to the recognized standards of ethics of the physical therapy profession.

1. Mr. Smith documents in the initial evaluation that he is aware that patient LC was cognitively impaired and that Ms. AM was her legal guardian. Mr. Smith in his response states the following:
 - o "I explained in a firm manner that I would love to help her but cannot do so if she did not show up to therapy. When the patient left my treatment office she was not crying."
 - Mr. Smith knew or should have known that LC cognitive impairments may have prevented her understanding the tone and directions which Mr. Smith gave to the patient regarding compliance and may have produced confusion and anxiety with the patient.
 - Mr. Smith knew or should have known that any instruction regarding compliance, given that the patient was unable to independently attend therapy, should have been directed to AM as her legal guardian and as the person providing LC's transportation.

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

1. Review of charges may indicate that the documentation is not supportive of the billing on the following DOS:
 - a. April 15, 2016
 - b. April 19, 2016
 - c. April 22, 2016
 - d. May 2, 2016
 - e. May 4, 2016
 - f. May 10, 2016
2. Ms. MA states in her complaint that JC did not attend physical therapy services on May 10, 2016. Documentation and billing was produced on this DOS.

D) Make misleading, deceptive, untrue or fraudulent representations in violation of this chapter or in the practice of the profession.

R4-24-304 (1) (c) “A physical therapist shall ensure that a patient records meets the following minimum standards: (c) “Signed with the name and legal designation of the individual making the entry.”

1. Ms. AM states in her complaint that Mr. Smith utilized assistive personnel in the delivery of physical therapy services. She identifies Mr. Smith’s son as assisting in patient care in regards to the performance of exercise. Mr. Smith knew or should have known, that non-PTA assistive personnel, are not permitted by Medicare reimbursement policy to engage in patient care. Mr. Smith’s omission of his delegation of aspects of physical therapy services to LC, to non-PTA assistive personnel, in the patient record may have been deceptive and fraudulent in order to bill for services rendered by assistive personnel.
2. Patient schedule indicates multiple patient’s receiving care on each DOS by Mr. Smith. The direct patient time that was billed for one-on-one services may not be represented accurately in the patient record.
3. The patient schedule may indicate potential multiple Medicare patients being treated during the same time as Ms. Calosio. a. Ms. Calosio’s billing for each DOS may not be representative of the actual one-on-one time spent with the patient.

E) 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 records review with deficiencies identified in the investigative report.

Mr. Smith did not provide an opening statement.

The Board reviewed and discussed the case. The Board asked questions of Mr. Smith.

Mr. Smith provided a closing statement. The Board deliberated.

Ms. Richardson guided the Board through each allegation for discussion. Following discussion on the allegations Dr. Miller moved the Board adopt the following Findings of Fact:

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.

1. Mr. Smith's examination may have not documented/performed comprehensive tests and measures in which to determine a DX.
 - a. Initial evaluation failed to document:
 - i. Neurological screening is not documented.
 - ii. Balance/Fall risk testing is not documented.
 - iii. No documentation of testing of the bilateral hip
2. Mr. Smith in his response indicates he identified the DX of "lower back pain due to a fall which was also referring pain to her left hip." Mr. Smith's documented DX indicates "Facet arthropathy/Facet joint stiffness causing trigger points in the gluteus medius muscle"
 - a. Specific documentation of facet joint stiffness may not be documented
 - b. Resistive strength testing of the gluteus medius is not documented as being performed, thus determination of impairment to the gluteus medius is not substantiated.
3. Mr. Smith's diagnosis of facet joint stiffness/arthropathy may be in conflict with his treatment and evaluation. Mr. Smith instructs a 68 y/o women in lumbar extension exercises that included: SLR, bridging, prone extension and prone hip extension. Rationale for performance of extension exercises are not documented in the patient record.

B) Failed to adhere to the recognized standards of ethics of the physical therapy profession.

1. Mr. Smith documents in the initial evaluation that he is aware that patient LC was cognitively impaired and that Ms. AM was her legal guardian. Mr. Smith in his response states the following:
 - o "I explained in a firm manner that I would love to help her but cannot do so if she did not show up to therapy. When the patient left my treatment office she was not crying."

- Mr. Smith knew or should have known that LC cognitive impairments may have prevented her understanding the tone and directions which Mr. Smith gave to the patient regarding compliance and may have produced confusion and anxiety with the patient.
- Mr. Smith knew or should have known that any instruction regarding compliance, given that the patient was unable to independently attend therapy, should have been directed to AM as her legal guardian and as the person providing LC's transportation.

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

1. Review of charges may indicate that the documentation is not supportive of the billing on the following DOS:
 - a. April 15, 2016
 - b. April 19, 2016
 - c. April 22, 2016
 - d. May 2, 2016
 - e. May 4, 2016
 - f. May 10, 2016
2. Ms. MA states in her complaint that JC did not attend physical therapy services on May 10, 2016. Documentation and billing was produced on this DOS.

D) Make misleading, deceptive, untrue or fraudulent representations in violation of this chapter or in the practice of the profession.

R4-24-304 (1) (c) "A physical therapist shall ensure that a patient records meets the following minimum standards: (c) "Signed with the name and legal designation of the individual making the entry."

1. Ms. AM states in her complaint that Mr. Smith utilized assistive personnel in the delivery of physical therapy services. She identifies Mr. Smith's son as assisting in patient care in regards to the performance of exercise. Mr. Smith knew or should have known, that non-PTA assistive personnel, are not permitted by Medicare reimbursement policy to engage in patient care. Mr. Smith's omission of his delegation of aspects of physical therapy services to LC, to non-PTA assistive personnel, in the patient record may have been deceptive and fraudulent in order to bill for services rendered by assistive personnel.
2. Patient schedule indicates multiple patient's receiving care on each DOS by Mr. Smith. The direct patient time that was billed for one-on-one services may not be represented accurately in the patient record.

3. The patient schedule may indicate potential multiple Medicare patients being treated during the same time as Ms. Calosio. a. Ms. Calosio’s billing for each DOS may not be representative of the actual one-on-one time spent with the patient.

E) 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 records review with deficiencies identified in the investigative report.

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

Vote	Mr. Clinton	Ms. Baldwin	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence
Aye	X		X	X	X	X	
Nay							
Recused							
Abstained							
Absent		X					X

Dr. Miller 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(4): “Engaging in the performance of substandard care by a physical therapist due to a deliberate or negligent act or failure to act regardless of whether actual injury to the patient is established.”

A.R.S. §32-2044(12): “Failing to adhere to the recognized standards of ethics of the physical therapy profession.”

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

A.R.S. §32-2044(14): “Making misleading, deceptive, untrue or fraudulent representations in violation of this chapter or in the practice of the profession.”

R4-24-304 (1) (c) “A physical therapist shall ensure that a patient records meets the following minimum standards: (c) “Signed with the name and legal designation of the individual making the entry.”

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.”

Ms. Richardson seconded the motion. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Baldwin	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence
Aye	X		X	X	X	X	
Nay							
Recused							
Abstained							
Absent		X					X

The Board discussed possible disciplinary action against Mr. Smith’s license. Following discussion Dr. Miller moved the Board adopt the following Order:

Mr. Smith be placed on probation for two (2) years with the possibility for early termination. Mr. Smith shall complete a PROBE Course and six (6) hours of continuing education in Orthopedic Clinical Reasoning, he shall take and successfully pass the AZLaw exam to be completed within six (6) months. All continuing education must be preapproved by Board staff. CEU’s will not count towards renewal and cannot be completed online. Following completion of the continuing education courses Mr. Smith must undergo monitoring of two times a month for six months with possibility for early termination after the three (3) months of successfully completion of monitoring. Monitoring shall consist of 5 randomly selected charts. Ms. Hunter seconded the motion. Ms. Remec requested a friendly amendment to include six (6) hours of Documentation. Dr. Miller accepted the friendly amendment and Ms. Hunter also accepted the amendment. Following review and discussion the motion carried by roll call vote.

Vote	Mr. Clinton	Ms. Baldwin	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence
Aye	X		X	X	X	X	
Nay							
Recused							
Abstained							
Absent		X					X

b) Review, Discussion, and Action on Initial Review of Complaint
 iii) Complaint #16-47; Sarah Hanna, PT

Dr. Miller stated he knew Ms. Hanna for years from the PT Community and had no bias.

Ms. Donahue provided a summary of the case for the Board. Ms. G alleges substandard care when receiving physical therapy services. Ms. Hanna was present and was not represented by legal counsel.

Ms. Hanna provided an opening statement to the Board and was there to answer any question the Board had for her. The Board reviewed, discussed the investigation, and asked questions of Ms. Hanna.

Ms. Hanna provided a closing statement.

Dr. Miller moved the Board offer a consent agreement to include twelve (12) months' probation with the possibility of early termination, participate in six (6) hours of continuing education in Documentation and six (6) hours of Orthopedic Reasoning to be completed within six (6) months. Board staff to perform documentation review of patients Ms. Hanna has treated during a period of time designated by the Board Investigator. The documentation review will start Thirty (30) days after the completion of Ms. Hanna continuing education, the Board's Investigator will perform a minimum of one review of five (5) randomly selected charts for patients treated by Ms. Hanna for a minimum of three (3) months; with the possibility of early terminations after three (3) months of successful completion of staff audit. If consent agreement is not accepted the case will be forwarded to an informal hearing. Ms. Hunter seconded the motion. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Baldwin	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence
Aye	X		X	X	X	X	
Nay							
Recused							
Abstained							
Absent		X					X

Ms. Remec moved the Board open a complaint against Kyle Cherney regarding violation A.R.S. §32-2044(4), A.R.S. §32-2044(13), A.R.S. §32-2044(20) and R4-24-301(D). Ms. Hunter seconded the motion. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Baldwin	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence
Aye	X		X	X	X	X	
Nay							
Recused							

Abstained							
Absent		X					X

Ms. Hanna submitted additional documentation regarding CEU’s she recently took preparing for her case.

The Board Recessed from 12:25 P.M. to 12:38 P.M.

iv) Complaint #16-48; Katrina Herron, PT

Ms. Donahue provided a summary of the case for the Board. Mr. Fairey alleges that Ms. Herron, PT, as owner of On the Mend Physical Therapy, promoted policy and procedures that encourage physical therapists to set plans of care for a standard 3X/week for 4 week schedule. Mr. Fairey alleges that this business model places profits over patient needs. Ms. Herron was present and was not represented by legal counsel.

Ms. Herron provided an opening statement to the Board and was there to answer any question the Board had for her. The Board reviewed, discussed the investigation, and asked questions of Ms. Herron.

Mr. Fairey, the complainant, provided a statement to the Board. The Board asked question of Mr. Fairey.

Ms. Herron provided a rebuttal to Mr. Fairey’s statements and provided a closing statement.

Ms. Richardson moved the Board dismiss this case. Dr. Miller seconded the motion. Following review and discussion the motion failed.

Vote	Mr. Clinton	Ms. Baldwin	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence
Aye				X		X	
Nay	X		X		X		
Recused							
Abstained							
Absent		X					X

Ms. Hunter moved the Board forward cases to Informal Hearing. Mr. Clinton seconded the motion. Mr. Brown, Executive Director provided options and clarification to the Board. Following review and discussion Ms. Hunter and Mr. Clinton both withdrew their first and second motion.

Ms. Remec moved the Board issue an advisory letter regarding A.R.S. §32-2045(B)(2) stating: The Board’s concerns relate to policies and procedures regarding productivity of physical therapists that are employed with your company. The Board would like to caution against any policy or procedure in which frequency and duration of treatment is advocated prior to the physical therapists’ evaluation. It is the professional decision

of the physical therapist to determine the plan of care for patients under their care. Ms. Hunter seconded the motion. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Baldwin	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence
Aye	X		X	X	X	X	
Nay							
Recused							
Abstained							
Absent		X					X

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

a) Review of and Possible Action on Physical Therapists Previously Licensed in the State of Arizona.

1) Ryan Marzetta

Board Staff reviewed Mr. Marzetta’s completed 60 hours of CEU’s. Ms. Richardson moved the Board approve the above application for Physical Therapist Licensure. Dr. Miller seconded the motion. Following review and discussion the motion passed.

Vote	Mr. Clinton	Ms. Baldwin	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence
Aye	X		X	X	X	X	
Nay							
Recused							
Abstained							
Absent		X					X

b) Review of and Possible Action on the Following Applications for Physical Therapist Licensure – Foreign Educated Graduates of Programs Not U.S. Accredited.

(1) Maryam Arastoo

Ms. Richardson moved the Board find Ms. Arastoo’s credential evaluation substantially equivalent and required her to submit to a Supervised Clinical Practice period. Dr. Miller seconded the motion. Following review and discussion the motion passed.

Vote	Mr. Clinton	Ms. Baldwin	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence
Aye	X		X	X	X	X	

Nay							
Recused							
Abstained							
Absent		X					X

c) Review of Education, Determination of Supervised Clinical Practice Period -**FINAL** Report
 1) Lindsay Cota

The Board found Ms. Cota’s application to be complete. Ms. Richardson moved the Board approve the above application for Physical Therapist Licensure. Dr. Miller seconded the motion. Following review and discussion the motion passed.

Vote	Mr. Clinton	Ms. Baldwin	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence
Aye	X		X	X	X	X	
Nay							
Recused							
Abstained							
Absent		X					X

8) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

b) Review, Discussion, and Action on Initial Review of Complaint
 i) Complaint #16-45; David Curtis, PT

Mr. Curtis 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 Mr. Curtis for his failure to complete the 20 hour requirements of the 2014-2016 continuing education competency audit. Mr. Curtis submitted CEU’s on October 20, 2016 in which his submissions were dated after August 31, 2016. Given the 6 month period to complete, he was found to be in compliant with the 2014-2016 continuing education requirements.

The Board reviewed and discussed the investigation.

Ms. Richardson moved the Board follow the matrix and offer a consent agreement to include Six (6) month’s probation, a \$500 civil penalty, take and successfully pass the AZLAW exam and complete six (6) hours of CEU’s in ethics to be completed within 6 months. If the consent agreement is not accepted the Board will move to an informal hearing. Dr. Miller seconded the motion. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Baldwin	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence
Aye	X		X	X	X	X	
Nay							
Recused							
Abstained							
Absent		X					X

ii) Complaint #16-46; Beth Shadle, PT

Ms. Shadle was not present and was not represented by legal counsel.

Ms. Donahue provided a summary of the case for the Board. Ms. Shadle, PT failed to complete 20 hours of continuing competency requirements for the 2014-2016 compliance period.

The Board reviewed and discussed the investigation.

Ms. Richardson moved the Board follow the matrix and offer a consent agreement to include Six (6) month’s probation, a \$500 civil penalty, take and successfully pass the AZLAW exam and complete six (6) hours of CEU’s in ethics to be completed within 6 months. If the consent agreement is not accepted the Board will move to an informal hearing or Ms. Shadle can voluntary surrender her license. Ms. Hunter seconded the motion. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Baldwin	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence
Aye	X		X	X	X	X	
Nay							
Recused							
Abstained							
Absent		X					X

v) Complaint #16-56; Timothy Scheierman, PT

Mr. Scheierman was not present and was not represented by legal counsel.

Ms. Donahue provided a summary of the case for the Board. Mr. Scheierman, PT failed to respond to the continuing education audit and complete 20 hours of continuing competency requirements for the 2014-2016 compliance period. In December 6, 2016 Board Staff receives CEU submission for the 2014-2016 compliance period. Mr. Scheierman was found to be compliant with continuing education requirements for the 2014-2016 compliance period.

The Board reviewed and discussed the investigation.

Dr. Miller moved the Board follow the matrix and offer a consent agreement to include a \$500 civil penalty, to be paid within 60 days. If the consent agreement is not accepted the Board will move to an informal hearing. Ms. Richardson seconded the motion. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Baldwin	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence
Aye	X		X	X	X	X	
Nay							
Recused							
Abstained							
Absent		X					X

vi) Complaint #16-57; Penny Strissel, PT

Ms. Strissel 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 #16-57 after receiving CEU submission for the 2014-2016 compliance period from which Ms. Strissel was deficient 20 hours.

The Board reviewed and discussed the investigation.

Ms. Richardson moved the Board follow the matrix and offer a consent agreement to include Six (6) month’s probation, a \$500 civil penalty, take and successfully pass the AZLAW exam and complete six (6) hours of CEU’s in ethics to be completed within 6 months. If the consent agreement is not accepted the Board will move to an informal hearing. Ms. Hunter seconded the motion. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Baldwin	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence
Aye	X		X	X	X	X	
Nay							
Recused							
Abstained							
Absent		X					X

viii) Complaint #16-62; Keith Fandry, PT

Mr. Fandry was not present and was not represented by legal counsel.

Ms. Donahue provided a summary of the case for the Board. Ms. PK alleges that she did not receive an initial evaluation or performed exercises during her physical therapy visit on November 10, 2015 due to her being asymptomatic at the time of treatment.

The Board reviewed and discussed the investigation.

The patient identified the treating physical therapist off the billing statement. The Board discovered that Mr. Keith Fandry was not the treating Physical Therapist but was billed under his license. The treating Physical Therapist was Mr. Harold N Hoffman, PT, license #8583.

Ms. Richardson moved the Board dismiss complaint against Mr. Keith Fandry. Ms. Hunter seconded the motion. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Baldwin	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence
Aye	X		X	X	X	X	
Nay							
Recused							
Abstained							
Absent		X					X

Ms. Richardson moved the Board open a complaint against Mr. Harold N Hoffman, PT license #8583 for potential violations of **A.R.S. §32-2044(13) and A.R.S. §32-2044(20)**. Ms. Hunter seconded the motion. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Baldwin	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence
Aye	X		X	X	X	X	
Nay							
Recused							
Abstained							
Absent		X					X

- c) Review, Discussion, and Action on Board Consideration of Opening A Complaint
 - i) Steven Hinkle, PT

Mr. Hinkle was not present and was not represented by legal counsel.

Ms. Richardson provided a summary of the case for the Board. Mr. Steven Hinkle, PT #6998 reported to the Board his summons to Sahuarita Municipal Court for charges of aggravated assault/domestic violence, a class one misdemeanor, a crime of domestic violence on December 28, 2016. Mr. Hinkle’s explanation of the incident and supplemental court documents has\d been provided to the Board for review. The Board is to determine whether to open a complaint or take no action.

The Board reviewed and discussed the information.

Ms. Richardson moved the Board open a complaint against Mr. Steven Hinkle. Dr. Miller seconded the motion. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Baldwin	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence
Aye	X		X	X	X	X	
Nay							
Recused							
Abstained							
Absent		X					X

ii) Lindsey Riege, PTA

Ms. Riege was not present and was not represented by legal counsel.

Ms. Lindsey Riege, PTA #9481A informed the Board of her arrest on December 23, 2016 for DUI. Ms. Riege did notify the Board within the 10-day requirement pursuant to A.R.S. § 32-3208. The Board is to determine whether to open a complaint or take no action.

The Board reviewed and discussed the investigation.

Ms. Richardson moved the Board take no action. Ms. Remec seconded the motion. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Baldwin	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence
Aye	X		X	X	X	X	
Nay							
Recused							
Abstained							
Absent		X					X

- d) Review, Discussion and Action on Request To Modify Board Order
 - i) Case No. 12-60; Emmerson Salamat, PT; Lifting of Suspension

Mr. Salamat was not present and was not represented by legal counsel.

Mr. Charles Brown, Executive Director received an email from Mr. Salamat requesting to pend the case until next Board Meeting. Mr. Salamat feels he needed more time to prepare for the review of his case.

Ms. Richardson pended the case until next Board Meeting.

- ii) Case No. 15-38; Kim Lewis, PT; Modification of Testing

Ms. Lewis has submitted a request for the Board to consider reducing or eliminating the mandatory biological fluid testing she must undergo as a condition of her Board order. Ms. Lewis was present to answer questions from the Board. The last two months of testing results, last monitoring report and the Board Order were provided to the Board to review.

Ms. Richardson moved the Board grant modification of testing to monthly drug screening. Dr. Miller seconded the motion. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Baldwin	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence
Aye	X		X	X	X	X	
Nay							
Recused							
Abstained							
Absent		X					X

- iv) Case No. 15-29; Kimberly Lee, PT; Request for Early Termination of Probation

Ms. Kimberly Lee, PT (10583) requests early termination of Board Order #15-29. Ms. Lee was found in violation of A.R.S. 32-2044 (1, 4, 6, 13, 14 and 20). She was required to complete 6 hours of continuing competency specific to documentation, cardiopulmonary and orthopedic assessment, pass the AZ law exam and engage in monthly monitoring. Ms. Lee has completed all continuing competency requirements and passed the AZ law Exam. She is currently undergoing monitoring with the previous three reports attached for review. Board Order #15-29 is set to terminate on October 6, 2017. Board can either elect to terminate Board Order #15-29 or continue with the monthly monitoring until termination on October 6, 2017.

Dr. Miller moved the Board grant request for early termination of probation. Ms. Hunter seconded the motion. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Baldwin	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence
Aye	X		X	X	X	X	
Nay							
Recused							
Abstained							
Absent		X					X

v) Case No. 16-32; Katheryn Steidle, PT; Request For Early Termination of Probation

Ms. Katheryn Steidle, PT (1775) requests early termination of Board Order #16-32.

Ms. Steidle was found in violation of A.R.S. 32-2044 (1 and 24). She was required to complete 6 hours of continuing competency specific to ethics and pay a \$300 civil penalty. Ms. Steidle has completed all continuing competency and paid the civil penalty. Board Order #16-32 is set to terminate on June 3, 2017. The Board can either elect to terminate Board Order #16-32 or continue or wait to terminate on June 3, 2017.

Dr. Miller moved the Board grant request for early termination of probation. Ms. Richardson seconded the motion. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Baldwin	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence
Aye	X		X	X	X	X	
Nay							
Recused							
Abstained							
Absent		X					X

9) BOARD BUSINESS AND REPORTS

The Board may vote to go into Executive Session pursuant to A.R.S. §38-431.03(A)(3) to obtain legal advice.

a) Executive Director’s Report –Verbal and Written Report

- i) Financial Report- Report
- ii) Review Recent Board Staff Activities –Report
- iii) Review of Current Legislative Activity (2017) –Report
 - (1) Senate Folder 65 Health Profession Regulatory Boards
 - (2) Senate Folder 70 Agencies; Administrative Review; GRRC
- iv) Rule Activity- Report
- v) FSBPT- Report

b) Review and Discussion; Northern Arizona University; Graduation Verification By Letter

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

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

i) Board President

Dr. Miller moved the Board nominate Ms. Richardson as Board President. Ms. Remec seconded the motion. Ms. Richardson accepted the nomination. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Baldwin	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence
Aye	X		X	X	X	X	
Nay							
Recused							
Abstained							
Absent		X					X

ii) Board Vice-President

Ms. Hunter moved the Board nominate Dr. Miller as Board Vice-President. Mr. Clinton seconded the motion. Dr. Miller accepted the nomination. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Baldwin	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence
Aye	X		X	X	X	X	
Nay							
Recused							
Abstained							
Absent		X					X

iii) Board Secretary

Ms. Hunter moved the Board nominate Mr. Clinton as Board Secretary. Ms. Richardson seconded the motion. Mr. Clinton accepted the nomination. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Baldwin	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence
Aye	X		X	X	X	X	
Nay							

Recused							
Abstained							
Absent		X					X

10) CALL TO THE PUBLIC

Nobody came forward.

11) ADJOURNMENT

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

Vote	Mr. Clinton	Ms. Baldwin	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence
Aye	X		X	X	X	X	
Nay							
Recused							
Abstained							
Absent		X					X

Meeting adjourned at 2:20 P.M.

Prepared by,
 Monica Crowley
 Office Manager

Approved by,
 Michael S. Clinton, CPA