



Mark Cornwall, PT, PHD, FAPTA
President

ARIZONA STATE BOARD OF PHYSICAL THERAPY
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**REGULAR SESSION MEETING MINUTES via
Google Meet Video Conferencing
Virtual Attendance
October 26, 2021**

BOARD MEMBERS PRESENT: Mark Cornwall, PT PHD, FAPTA, President
Kelly King, PT, DPT, Vice President
Karen Bustillo, PT, DPT, OCS, CLT, Secretary
Michael S. Clinton, CPA; Public Member
Joshua Greer, Public Member

BOARD MEMBERS ABSENT: Giovanni Leone, PTA; Professional Member

ASSISTANT ATTORNEY GENERAL PRESENT: Marc Harris, Assistant Attorney General

BOARD STAFF PRESENT: Judy Chepeus, Interim Executive Director
Veronica Cardoza, Administrative Services Officer
Monica Crowley, Licensing Administrator
Mindy Richardson PT, Investigator

- 1) **CALL TO ORDER – 8:30 A.M.;** Dr. Cornwall called the meeting to order at 8:30 A.M. (A recording of the meeting is available On the Board’s website and/or through the Board Office)
- 2) **Roll Call** – The following Board Members were present: Dr. Cornwall, Dr. Bustillo, Dr. King, Mr. Greer and Mr. Clinton. The following Staff were also present: Ms. Cardoza, Ms. Richardson, Ms. Chepeus and Ms. Crowley.
- 3) **Review and Approval of Draft Minutes**
 - A) September 28, 2021 Regular Meeting Minutes

The Board reviewed the above minutes.

Dr. King moved to **Approve** the September 28, 2021 Regular Meeting Minutes. Mr. Clinton seconded the motion. The motion passed unanimously.

Vote	Dr. Cornwall	Dr. King	Dr. Bustillo	Mr. Clinton	Mr. Greer	Mr. Leone	VACANT
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Board Meeting 10/26/21

Aye	X	X	X	X	X		
Nay							
Recused							
Abstained							
Absent						X	

B) September 28, 2021 Executive Session Meeting Minutes -A

The Board reviewed the above minutes.

Dr. King moved to **Approve** the September 28, 2021 Executive Session Meeting Minutes-A. Dr. Bustillo seconded the motion. The motion passed unanimously.

Vote	Dr. Cornwall	Dr. King	Dr. Bustillo	Mr. Clinton	Mr. Greer	Mr. Leone	VACANT
Aye	X	X	X	X	X		
Nay							
Recused							
Abstained							
Absent						X	

C) September 28, 2021 Executive Session Meeting Minutes -B

The Board reviewed the above minutes.

Dr. Bustillo moved to **Approve** the September 28, 2021 Executive Session Meeting Minutes-B. Dr. King seconded the motion. The motion passed unanimously.

Vote	Dr. Cornwall	Dr. King	Dr. Bustillo	Mr. Clinton	Mr. Greer	Mr. Leone	VACANT
Aye	X	X	X	X	X		
Nay							
Recused							
Abstained							
Absent						X	

D) October 6, 2021 Special meeting minutes

The Board reviewed the above minutes.

Dr. King moved to **Approve** the October 6, 2021 Special meeting minutes. Mr. Clinton seconded the motion. The motion passed unanimously.

Vote	Dr. Cornwall	Dr. King	Dr. Bustillo	Mr. Clinton	Mr. Greer	Mr. Leone	VACANT
Aye	X	X	X	X	X		
Nay							
Recused							
Abstained							
Absent						X	

4) Applications for Licensure and Certification:

A) Review, consideration, and possible action on applications for Physical Therapist with documentation related to disclosure on “Personal Information” section of the application.

1) David Egurrola

The Board reviewed the above application.

Dr. Bustillo moved to **Approve** the above Application for Physical Therapist license upon successful completion of the application and passage of all exams. Dr. King seconded the motion. The motion passed unanimously.

Vote	Dr. Cornwall	Dr. King	Dr. Bustillo	Mr. Clinton	Mr. Greer	Mr. Leone	VACANT
Aye	X	X	X	X	X		
Nay							
Recused							
Abstained							
Absent						X	

2) Andrew McClure

The Board reviewed the above application.

Dr. King moved to **Approve** the above Application for Physical Therapist license upon successful completion of the application and passage of all exams. Dr. Bustillo seconded the motion. The motion passed unanimously.

Vote	Dr. Cornwall	Dr. King	Dr. Bustillo	Mr. Clinton	Mr. Greer	Mr. Leone	VACANT
Aye	X	X	X	X	X		
Nay							
Recused							
Abstained							
Absent						X	

- B) Review, consideration, and possible action on applications for Physical Therapist Assistant with documentation related to disclosure on “Personal Information” section of the application.
 1) Matthew Hertel

The Board reviewed the above application.

Dr. Bustillo moved to **Approve** the above Application for Physical Therapist Assistant certification upon successful completion of the application and passage of all exams. Dr. King seconded the motion. The motion passed unanimously.

Vote	Dr. Cornwall	Dr. King	Dr. Bustillo	Mr. Clinton	Mr. Greer	Mr. Leone	VACANT
Aye	X	X	X	X	X		
Nay							
Recused							
Abstained							
Absent						X	

- A) Review, consideration, and possible action on applications for Physical Therapist with documentation related to disclosure on “Personal Information” section of the application
 3) Kyle Wilkie

The Board reviewed and discussed the above application.

Dr. King moved to **Approve** the above Application for Physical Therapist license upon successful completion of the application and passage of all exams. Dr. Bustillo seconded the motion. The motion passed unanimously.

Vote	Dr. Cornwall	Dr. King	Dr. Bustillo	Mr. Clinton	Mr. Greer	Mr. Leone	VACANT
Aye	X	X	X	X	X		

Nay							
Recused							
Abstained							
Absent						X	

- B) Review, consideration, and possible action on applications for Physical Therapist Assistant with documentation related to disclosure on “Personal Information” section of the Application
 - 2) Susan Romero

The Board reviewed and discussed the above application.

Dr. King moved to **Approve** the above Application for Physical Therapist Assistant certification upon successful completion of the application and passage of all exams. Dr. Bustillo seconded the motion. The motion passed unanimously.

Vote	Dr. Cornwall	Dr. King	Dr. Bustillo	Mr. Clinton	Mr. Greer	Mr. Leone	VACANT
Aye	X	X	X	X	X		
Nay							
Recused							
Abstained							
Absent						X	

3) Tychele Smith

The Board reviewed and discussed the above application.

Dr. Bustillo moved to **Approve** the above Application for Physical Therapist Assistant certification upon successful completion of the application and passage of all exams. Dr. King seconded the motion. The motion passed unanimously.

Vote	Dr. Cornwall	Dr. King	Dr. Bustillo	Mr. Clinton	Mr. Greer	Mr. Leone	VACANT
Aye	X	X	X	X	X		
Nay							
Recused							
Abstained							
Absent						X	

- C) Review, consideration and possible action on application for Physical Therapist Licensure from applicants requesting ADA accommodations.
 - 1) David Egurrola

The Board reviewed the above request.

Mr. Greer moved to **Deny** the above applicant’s Request for ADA Accommodations. Mr. Clinton seconded the motion. The motion passed unanimously.

Vote	Dr. Cornwall	Dr. King	Dr. Bustillo	Mr. Clinton	Mr. Greer	Mr. Leone	VACANT
Aye	X	X	X	X	X		
Nay							
Recused							
Abstained							
Absent						X	

5) CONSENT AGENDA

- A) Cases recommended for early termination of Board Order. The Board will review, discuss, and may vote to take action on the following case(s):
 - 1) 20-34, Mariana Calderin, PTA
 - 2) 20-35, Arlene Phillips, PTA

The Board reviewed the above cases and discussed their understanding of consent agendas.

Mr. Greer moved to **Grant** the Request for Early Termination of Board Order of above consent agenda items. Dr. Bustillo seconded the motion. The motion passed unanimously.

Vote	Dr. Cornwall	Dr. King	Dr. Bustillo	Mr. Clinton	Mr. Greer	Mr. Leone	VACANT
Aye	X	X	X	X	X		
Nay							
Recused							
Abstained							
Absent						X	

- B) Cases recommended for extension of probation. The Board will review, discuss, and may vote

to take action on the following case(s):
 1) 19-30, Ashley Ramirez, PT

The Board reviewed and discussed the case.

Mr. Clinton questioned the timing of this request and submission of records for review. Ms. Richardson summarized events surrounding the submission of records. The matter was discussed further by the Board and additional information was provided by Ms. Richardson.

Following discussion, Mr. Clinton moved to **Deny** the request for extension of probation and open a new complaint for violation of Board Order #19-30 and failure to meet the record keeping requirements. Dr. King seconded the motion. The motion passed unanimously.

Vote	Dr. Cornwall	Dr. King	Dr. Bustillo	Mr. Clinton	Mr. Greer	Mr. Leone	VACANT
Aye	X	X	X	X	X		
Nay							
Recused							
Abstained							
Absent						X	

END CONSENT AGENDA

6) Complaints and other disciplinary matters: review, consideration, and action.
A) 18-39 Joshua Bitton, PT

Review, consideration, and possible action regarding accepting the proposed monitoring contract

Ms. Chepeus provided a summary of the case for the Board. Board Order #18-39 stipulates that Mr. Bitton complete all continuing education ordered prior to requesting reinstatement of his license. After reinstatement of his license, monitoring by an approved agency will commence for 6 months, dependent upon Mr. Bitton securing employment. Mr. Bitton has completed all requirements of Board Ordered continuing education. Mr. Bitton requests approval of Affiliated Monitors, Inc. to be the monitoring agency.

The Board reviewed and discussed the case. Mr. Harris clarified for the Board that based on the language of the agenda the Board was able only to act regarding the acceptance of the monitoring company. Mr. Harris offered to further review Mr. Bitton’s Consent Agreement to determine if reinstating his license could be delegated to the Board’s Interim Executive Director.

Mr. Greer moved to **Approve** Affiliated Monitors, Inc. Dr. King seconded the motion. Following review and discussion, the motion passed unanimously.

Vote	Dr. Cornwall	Dr. King	Dr. Bustillo	Mr. Clinton	Mr. Greer	Mr. Leone	VACANT
Aye	X	X	X	X	X		
Nay							
Recused							
Abstained							
Absent						X	

C) 21-11, Todd Lyonnais, PT

Initial review, consideration, and possible action regarding complaint

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

Ms. Richardson provided a summary of the case for the Board. The Board opened Complaint #21-11 after reviewing complaint #20-08. The matter involves allegations that Mr. Lyonnais engaged in substandard care and failed to maintain adequate patient records in the care provided to patient NB

The Board reviewed and discussed the above case. Ms. Alyson Kiernan began speaking on the practice processes on behalf of Mr. Lyonnais. Mr. Greer suggested that the Board move on to the next case which involved Ms. Kiernan so that she could address those matters as it related to her complaint.

The Board returned to this case at 9:17am. Following further discussion Mr. Greer moved to **Continue** the above case until the documentation for case 21-12 has been reviewed. Dr. King seconded the motion. The motion passed unanimously.

Vote	Dr. Cornwall	Dr. King	Dr. Bustillo	Mr. Clinton	Mr. Greer	Mr. Leone	VACANT
Aye	X	X	X	X	X		
Nay							
Recused							
Abstained							
Absent						X	

D) 21-12, Alyson Kiernan, PT

Initial review, consideration, and possible action regarding complaint

Ms. Kiernan was present and was not represented by legal counsel. Ms. Richardson provided a summary of the case for the Board. The Board opened Complaint #21-12 after review of complaint #20-08. The matter involves allegations that Ms. Kiernan engaged in substandard care and failed to maintain adequate patient records in the care provided to patient NB.

Ms. Kiernan provided an opening statement to the Board.

The Board reviewed and discussed the case and asked Ms. Kiernan questions.

Dr. King moved to **Continue** the above case for further investigation reviewing 1 record per month per treating therapist (4) for the months May 2021 to October 2021. Mr. Greer seconded the motion. Following review and discussion, the motion passed unanimously.

Vote	Dr. Cornwall	Dr. King	Dr. Bustillo	Mr. Clinton	Mr. Greer	Mr. Leone	VACANT
Aye	X	X	X	X	X		
Nay							
Recused							
Abstained							
Absent						X	

E) 21-01, Danielle Ruff, PT

Review, consideration, and possible action regarding Ms. Ruff’s request to terminate probation

Ms. Ruff was present and was represented by Ms. Anne McClellan. Ms. Richardson provided a summary of the case for the Board. Ms. Ruff’s Board order expired on 10/20/21. Board Order 21-01 was executed on 7/20/21 and stipulated 3 medical record reviews be completed by Board staff. Ms. Ruff submitted the records on 9/28/21. Record review was completed on 10/5/21. The records did not meet statutory requirements as defined in Board Order 21-01.

Ms. Ruff through her attorney, Anne McClellan provided a written response to the chart review completed by the investigator.

Ms. McClellan provided an opening statement to the Board.

The Board reviewed and discussed the case and asked Ms. Ruff questions.

Dr. Cornwall moved to **Extend probation for 6 months** with the option for early termination and

review one initial and one follow-up record for the same patient. Dr. Bustillo seconded the motion. Following review and discussion, the motion passed unanimously.

Vote	Dr. Cornwall	Dr. King	Dr. Bustillo	Mr. Clinton	Mr. Greer	Mr. Leone	VACANT
Aye	X	X	X	X	X		
Nay							
Recused							
Abstained							
Absent						X	

F) MP

Review, consideration, and possible action regarding opening a complaint and possible final action regarding failure to report

Ms. Richardson provided a summary of the case for the Board.

Mr. Clinton moved to **Open a complaint** and offer a Consent Agreement for failure to report within the 10-day requirement and issue a \$250.00 Civil Penalty. If not accepted the case will be forwarded to an Informal Hearing. Dr. Bustillo seconded the motion. Following review and discussion, the motion passed unanimously.

Vote	Dr. Cornwall	Dr. King	Dr. Bustillo	Mr. Clinton	Mr. Greer	Mr. Leone	VACANT
Aye	X	X	X	X	X		
Nay							
Recused							
Abstained							
Absent						X	

B) 21-23 Grant Cerie, PTA

Review, consideration, and possible action regarding Mr. Cerie’s request to surrender his PTA certificate

Mr. Cerie was not present and was represented by Mr. David Williams. Ms. Chepeus provided a summary of the case for the Board. Interim Consent Agreement #21-23 required Mr. Cerie to complete a hair follicle drug test within 48 hours of the fully executed Interim Consent Agreement. It was supposed to be at a pre-approved lab and the Interim Consent Agreement was to be presented to the lab at the time of the test. Results were to be sent directly to the Board. Since that time the test was

performed, it was done anonymously, the lab was not pre-approved, it was completed after the required 48 hours, the Interim Consent Agreement was not presented to the lab and the results were not sent directly to the Board.

Mr. Williams, Mr. Cerie attorney, indicated that Mr. Cerie has elected to voluntarily surrender his PTA certificate.

Ms. Richardson provided to the Board additional summary information regarding allegations included in the complaint against Mr. Cerie related to his clinical practice.

Mr. Greer moved to Accept Mr. Cerie’s request to surrender his PTA certificate. Dr. King seconded the motion. Discussion ensued.

Ms. Enright addressed the Board with her concerns. Mr. Williams objected to Ms. Enright’s involvement. Mr. Harris clarified that these proceedings are relative to Mr. Cerie’s request to surrender his PTA certificate.

Dr. Cornwall moved to enter into **Executive Session** to obtain legal advice. Mr. Clinton seconded the motion. The motion passed unanimously.

Vote	Dr. Cornwall	Dr. King	Dr. Bustillo	Mr. Clinton	Mr. Greer	Mr. Leone	VACANT
Aye	X	X	X	X	X		
Nay							
Recused							
Abstained							
Absent						X	

Executive Session -A from 9:49 A.M. to 10:03 A.M.

Roll call taken after returning back from **Executive Session** at 10:03 A.M. by Ms. Chepeus

Dr. Cornwall reminded the Board that there was a motion on the table. Mr. Greer and Dr. King each withdrew their 1st and 2nd motion.

Mr. Greer moved to **offer a Consent Agreement** for voluntary surrender to include Findings of Facts and Conclusions of Law as outlined in the investitive report and agreed upon by the parties. If not signed the matter will be remanded to a Formal Hearing. Dr. King seconded the motion. Following review and discussion, the motion passed.

Vote	Dr. Cornwall	Dr. King	Dr. Bustillo	Mr. Clinton	Mr. Greer	Mr. Leone	VACANT
Aye		X	X	X	X		
Nay	X						
Recused							
Abstained							
Absent						X	

After the vote, Mr. Harris clarified that if he and Mr. Williams draft a consent agreement that Mr. Cerie signs, the signed consent agreement will be brought back to the Board for final approval.

7) Board business and reports:

A) Newly appointed Board Member: Joshua D. Barton

Welcome and introduction

Dr. Cornwall provided an update of the above agenda item. Mr. Barton was not in attendance. Dr. Cornwall noted that this was Mr. Clinton’s last meeting as a Board member. Mr. Clinton expressed his thoughts and was thanked for his service to the Board.

6) Complaints and other disciplinary matters: review, consideration, and action.

A) 18-39 Joshua Bitton, PT

Review, consideration, and possible action regarding accepting the proposed monitoring contract

Returned to the above agenda item to address reinstatement of licensure for Mr. Bitton.

Dr. Cornwall moved to enter into **Executive Session** to obtain legal advice. Dr. Bustillo seconded the motion. The motion passed unanimously.

Vote	Dr. Cornwall	Dr. King	Dr. Bustillo	Mr. Clinton	Mr. Greer	Mr. Leone	VACANT
Aye	X	X	X	X	X		
Nay							
Recused							
Abstained							
Absent						X	

Executive Session-B from 10:17 A.M. to 10:23 A.M.

Roll call taken after returning back from **Executive Session** at 10:23 A.M. by Ms. Chepeus

Since Mr. Bitton met the requirements for reinstatement under the express terms of the Consent Agreement, the Board directed staff to let Mr. Bitton know that his license has been reinstated and that he was now able to return to the practice of physical therapy under the remaining terms of the Consent Agreement.

7) Board business and reports:

B) Human Resources

Presentation by ADOA Human Resources regarding Board Options for permanent Executive Director position and possible action on selecting an option.

Mr. Shawn McConnell provided information on the Board's options for filling the Executive Director position.

The Board reviewed and discussed the above agenda item and asked questions of Mr. McConnell.

C) MDR Solutions Monitoring Company (Mike Roberson)

Presentation by Mike Roberson, PT regarding MDR Solutions Monitoring Company

Mr. Robertson presented his company and qualification dba Copperstate Monitoring. Mr. Robertson expressed his interest in performing monitoring services.

E) December 28th Meeting Discussion

Review, consideration, and possible action regarding rescheduling the December 28, 2021 Board Meeting

The Board reviewed and discussed the above agenda item and asked staff to re-agendize the matter for November, currently leaving it as 12/28/21.

F) Summary of Federation of State Boards of Physical Therapy Delegate Assembly Weekend and PT Compact Annual Meeting

Summary of the Delegate Assembly Weekend Meeting provided by AZ Delegates Mr. Greer and Dr. King

Both Dr. King and Mr. Greer provided an update.

G) September 2021 Financials

Review and possible discussion

Ms. Chepeus provided an update.

D) APTA Practice Committee

Presentation by APTA Practice Committee regarding wellness in Physical Therapy

Presentation was rescheduled for a future Board Meeting.

H) Licenses / Certificates

Review and discussion on licenses/certifications processed in September 2021

- 1) 44 Individuals Licensed/Certified September 1, 2021- September 30, 2021
 - a. 17 Physical Therapists Endorsement
 - b. 12 Physical Therapists Examination
 - c. 1 Physical Therapist Universal Recognition
 - d. 1 Physical Therapist Foreign Educated
 - e. 0 Physical Therapist Military Spouse
 - f. 1 Physical Therapist Assistants Endorsement
 - g. 11 Physical Therapist Assistants Examination
 - h. 1 Physical Therapist Assistant Universal Recognition
 - i. 0 Physical Therapist Assistant Military Spouse

8) Future Agenda Items

- Board options for filling the Executive Director position and possible action
- APTA Presentation

9) ADJOURNMENT

Mr. Clinton moved to **Adjourn**. Dr. Bustillo seconded the motion. The motion passed unanimously.

Vote	Dr. Cornwall	Dr. King	Dr. Bustillo	Mr. Clinton	Mr. Greer	Mr. Leone	VACANT
Aye	X	X	X	X	X		
Nay							
Recused							
Abstained							
Absent						X	

Meeting adjourned at 11:00 A.M.

Prepared by,

Board Meeting 10/26/21

Monica Crowley
Licensing Administrator

Approved by,

Karen Bustillo, PT, DPT, OCS, CLT
Secretary