

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 October 25, 2016

MEMBERS PRESENT: James E. Miller, PT, DPT, Vice President

Al D'Appollonio, PT, MBA; Secretary Michael S. Clinton, CPA; Member, Peggy Hunter, PTA, CLT; Member, Nuchka Pamaa, PT, MS, PCS; Member

MEMBERS PRESENT VIA PHONE: Nushka Remec, PT, MS, PCS; Member

MEMBERS ABSENT: Whitney Lawrence; Member

Melinda Richardson, PT, MA; President

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.; Dr. Miller called the meeting to order at 8:35 A.M. (A recording of the meeting is available through the Board Office)

Roll Call - The following Board members were present: Mr. D'Appollonio, Mr. Clinton, Dr. Miller, Ms. Hunter and Ms. Remec by telephone.

Dr. Miller made a correction to the following October 25, 2016, agenda item:

- 5) Review, Consideration and Action on Applications for Licensure and Certification
 - b) Review of and Possible Action on the Following Applications for Physical Therapist Licensure –Military Spouse.
 - 1) Tiffany Isreal

Tiffany Isreal is a Physical Therapist Assistant not a Physical Therapist.

Ms. Hunter also made a correction to agenda items # 5ai for Lauren Connors

- 5) Review, Consideration and Action on Applications for Licensure and Certification
 - a) Review of and Possible Action on Application for Physical Therapist Licensure from Applicant Requesting ADA Accommodations.

1) Lauren Connors

Lauren Connors is a Physical Therapist Assistant not a Physical Therapist.

2) Review and Approval of Draft Minutes

a) September 27, 2016; Regular Session Meeting Minutes

Ms. Hunter moved the Board to approve the September 27, 2016; Regular Session Meeting Minutes. 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 | Ms. Lawrence |
|-----------|-------------|---------------------|------------|------------|-----------|-------------------|--------------|
| Aye | X | X | X | X | X | | |
| Nay | | | | | | | |
| Recused | | | | | | | |
| Abstained | | | | | | | |
| Absent | | | | | | X | X |

b) October 7, 2016, Special Session Meeting Minutes

Ms. Hunter moved the Board approve the October 7, 2016, Special Session Meeting Minutes, 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 | Ms. Lawrence |
|-----------|-------------|---------------------|------------|------------|-----------|-------------------|--------------|
| Aye | X | X | X | X | X | | |
| Nay | | | | | | | |
| Recused | | | | | | | |
| Abstained | | | | | | | |
| Absent | | | | | | X | X |

6) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

- d) Review, Discussion, and Action on Consideration of Opening Complaints iii) Austin Ream, PT
- Mr. Ream was present and was not represented by legal counsel. Dr. Miller provided a summary of the case to the Board. Mr. Austin Ream, PT notified Board Staff of a DUI in March 2013. He has completed all of the court requirements. He plead guilty pursuant to ARS 28-1381(A) (1), a Class 1 Misdemeanor. His blood alcohol level was 0.124%. Mr. Ream failed to notify the Board of the charge within the 10 day requirement pursuant to A.R.S. § 32-3208. The Board will determine whether to open a complaint or take no action.

Mr. Ream provided an opening statement to the Board. The Board reviewed and discussed the case.

Ms. Hunter moved the Board open a complaint for failure to report a DUI within the 10 day requirement pursuant to A.R.S. § 32-3208. 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 | Ms. Lawrence |
|-----------|-------------|---------------------|------------|------------|-----------|-------------------|--------------|
| Aye | X | X | X | X | X | | |
| Nay | | | | | | | |
| Recused | | | | | | | |
| Abstained | | | | | | | |
| Absent | | | | | | X | X |

Ms. Hunter moved the Board to offer Mr. Ream a consent agreement for six (6) months' probation to include a civil penalty of \$250 and complete six (6) hours of continuing education in ethics with the possibility of early termination upon successful completion of all the terms. If the consent agreement is not accepted the case will be forwarded to an informal hearing. 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 | Ms. Lawrence |
|-----------|-------------|---------------------|------------|------------|-----------|-------------------|--------------|
| Aye | X | X | X | X | X | | |
| Nay | | | | | | | |
| Recused | | | | | | | |
| Abstained | | | | | | | |
| Absent | | | | | | X | X |

3) CONSENT AGENDA: REVIEW, CONSIDERATION and ACTION

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

| Dustin Akina | Elizabeth Allen | Kaitlin Amrine |
|----------------------|--------------------|--------------------|
| Elizabeth Baker | Brittany Beasley | Chad Blomquist |
| Thomas Bobic | Holly Carnes | Tiffany Chin |
| Kathleen Clancy | Landon Cole | Thomas Cole |
| Brianne Conrath | Toyotaro Ebato | Katie Elliot |
| Mariangellys Fischer | Samantha Flietstra | Robert Gilles |
| Samuel Hodous | Laura Ladlow | Erin Lee |
| Erin Locicero | Brayan Lopez | Ashley Marchi |
| James McMullen | Kari Micheel | Kimberly Misiaszek |

| Adam Rave | Anthony Salafia | Russell Semmler |
|----------------|-----------------|--------------------|
| Julius Somera | Carrie Walters | Cynthia Weppler |
| Aaron Wheeler | Tracy Williams | Lucas Winterhalter |
| Clifton Sadler | | |

Ms. Hunter pulled Mr. Clifton Sadler from the above consent agenda.

Dr. Miller moved the Board approve the above applications upon Receipt of Passing Scores on the NPTE/AZLAW and Final Transcript. 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 | Ms. Lawrence |
|-----------|-------------|---------------------|------------|------------|-----------|-------------------|--------------|
| Aye | X | X | X | X | X | | |
| Nay | | | | | | | |
| Recused | | | | | | | |
| Abstained | | | | | | | |
| Absent | | | | | | X | X |

Clifton Sadler

Ms. Hunter concerns were regarding Mr. Clifton Sadler's grades. The Board reviewed and discussed the case.

Ms. Hunter moved the Board table Mr. Sadler's application to verify if he was on academic probation. Motion failed for lack of second.

Mr. Clinton moved the Board approve Mr. Sadler's application for Physical Therapist Licensure upon Receipt of Passing Scores on the NPTE/AZLAW. Mr. D'Appollonio seconded the motion. Following review and discussion the motion passed by roll call.

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

| John Bajamundi | Virgil Fruth III | Douglas Gill |
|--------------------|------------------|-----------------|
| Tiffany Gomez | Robin Jaco | Laurie Pass |
| Jonathan Schwinger | Joellyn Smith | Roxanne Solario |
| Chaunna Spears | Kelly Tomaselli | |
| | | |

Ms. Hunter moved the Board approve the above applications for Physical Therapist Assistant Certification upon Receipt of Passing Scores on the NPTE/AZLAW and Final Transcript. 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 | Ms. Lawrence |
|-----------|-------------|---------------------|------------|------------|-----------|-------------------|--------------|
| Aye | X | X | X | X | X | | |
| Nay | | | | | | | |
| Recused | | | | | | | |
| Abstained | | | | | | | |
| Absent | | | | | | X | X |

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

- a) Review, Consideration and Approval of Applications for Physical Therapist Licensure 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) Joey Weber
 - (2) Brian Young

Dr. Miller moved the Board approve the above applications for Physical Therapist Licensure upon Receipt of Passing Scores on the NPTE/AZLAW and Final Transcript. 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 | Ms. Lawrence |
|-----------|-------------|---------------------|------------|------------|-----------|-------------------|--------------|
| Aye | X | X | X | X | X | | |
| Nay | | | | | | | |
| Recused | | | | | | | |
| Abstained | | | | | | | |
| Absent | | | | | | X | X |

End Consent Agendas

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

- a) Review of and Possible Action on Application for Physical Therapist Assistant Certification from Applicant Requesting ADA Accommodations.
 - 1) Lauren Connors

Let the record show Ms. Connors has been changed to reflect Physical Therapist Assistant and not Physical Therapist.

Ms. Hunter moved the Board approve the above application for ADA Accommodations. 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 | 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 Assistant Certification–Military Spouse.
 - 1) Tiffany Isreal

Let the record show Ms. Isreal has been changed to reflect Physical Therapist Assistant and not Physical Therapist.

Dr. Miller moved the Board approve the above application for Physical Therapist Assistant Certification—Military Spouse. 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 | 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 Military Spouse
 - 2) Heather Jenkins

Dr. Miller moved the Board approve the above application for Physical Therapist Licensure –Military Spouse. 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 | Ms. Lawrence |
|-----------|-------------|---------------------|------------|------------|-----------|-------------------|--------------|
| Aye | X | X | X | X | X | | |
| Nay | | | | | | | |
| Recused | | | | | | | |
| Abstained | | | | | | | |
| Absent | | | | | | X | X |

- c) Review of Proposal and possible approval for the SCPP Agreement.
 - 1) Donna Macia

Mr. D'Appollonio moved the Board approve the above SCPP Agreement. 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 | Ms. Lawrence |
|-----------|-------------|---------------------|------------|------------|-----------|-------------------|--------------|
| Aye | X | X | X | X | X | | |
| Nay | | | | | | | |
| Recused | | | | | | | |
| Abstained | | | | | | | |
| Absent | | | | | | X | X |

6) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

- a) Review and Action; Formal Hearing; Request for Rehearing 8:30 a.m.
 - i) Case No. 11-17; Clayton Robertson, PTA

Let the record show agenda # 6(a)(i) Request for Rehearing was scheduled for 8:30 A.M., case # 11-17; Clayton Robertson, PTA it was 9:00 A.M. and Ms. Robertson was not present and was not represented by legal counsel. Ms. Carrie Smith, Assistant Attorney General was present to give the Board any legal advice needed. Ms. Smith advised the Board it was 9:00 A.M and the Board was within their right to proceed with the request for hearing scheduled for 8:30 A.M.

On October 5, 2016 the Office of the Arizona Board of Physical Therapy received the petition for Review of Board Decision for Complaint #11-17. Mr. Robertson has filed this request in accordance with Board rule at A.A.C. R4-24 307(A). The entire rule addressing rehearing or review of Board decisions is as follows: R4-24-308. Rehearing or Review of Board Decisions.

Dr. Miller called the case for request for Rehearing. Mona Baskin, Assistant Attorney General was present on behalf of the State of Arizona. Dr. Miller provided a review of the proceedings. Ms. Baskin, Assistant

Attorney General reviewed process by which the respondent was served with the Notice of Hearing. Mr. Brown, Executive Director confirmed the notice of Rehearing was sent to Ms. Robertson's address of record. Board Staff has not had any other communications from Mr. Robertson. Dr. Miller provided a review of the possible outcomes.

Ms. Baskin provided a brief summary and address some issued regarding why he wanted a rehearing. The Board reviewed and discussed the case.

Ms. Hunter moved the Board deny Request for Rehearing or Review. Mr. Clinton seconded the motion. Following review and discussion the motion passed by roll call.

| Vote | Mr. Clinton | Mr. D'Appollonio | 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
 - i) Complaint #16-08; Scott Gilbert, PT

Mr. Gilbert was not present and was not represented by legal counsel. The complainant Ms. Amy Gulledge, PT was present and was not represented by legal counsel. Ms. Donahue provided a summary of the case for the Board. Ms. Gulledge, PT alleges that Mr. Gilbert modified her billing for patients after she provided services and closed the date of service documentation.

Ms. Gulledge 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. Gulledge. Mr. Brown, Executive Director reviewed the options to the Board.

Dr. Miller moved the Board forward the complaint to informal hearing and include A.R.S. §32-2044(1), A.R.S. §32-2044(12), A.R.S. §32-2044(14) and R4-24-304(A) (2). Ms. Gulledge will provide copies of emails she has between the two and also provide a copy of the employee contract. Ms. Remec seconded the motion. Following review and discussion the motion passes.

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

| Absent | | | X | X |
|--------|--|--|---|---|
| | | | | |

ii) Complaint #16-28; Kamoni Cooper, PT

Mr. Cooper was not present and was not represented by legal counsel. Ms. Donahue provided a summary of the case for the Board. Mr. Cooper failed to renew his license on or before August 31, 2016 and practiced from September 1, 2016 until September 6, 2016.

The Board reviewed and discussed the case. Mr. Brown, Executive Director reviewed the disciplinary matrix option to the Board.

Ms. Hunter moved the Board follow the disciplinary matrix and offer Mr. Cooper a consent agreement for a decree of censure, notify employer, patients and payors. If Mr. Cooper does not accept the consent agreement the case will be forwarded to an informal hearing. Mr. Clinton seconded the motion. Following review and discussion the motion passes.

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

iii) Complaint #16-29; Elise Olson, PT

Ms. Olsen was not present and was not represented by legal counsel. Ms. Donahue provided a summary of the case for the Board. Ms. Olson failed to renew her license on or before August 31, 2016 and practiced from September 1, 2016 until September 6, 2016.

The Board reviewed and discussed the case.

Ms. Hunter moved the Board follow the disciplinary matrix and offer Ms. Olson a consent agreement for a decree of censure, notify employer, patients and payors. If Ms. Olsen does not accept the consent agreement the case will be forwarded to an informal hearing. Mr. D'Appollonio seconded the motion. Following review and discussion the motion passes.

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

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| Recused | | | | |
|-----------|--|--|---|---|
| Abstained | | | | |
| Absent | | | X | X |

iv) Complaint #16-30; Jeffrey Sells, PT

Mr. Sells was not present and was not represented by legal counsel. Ms. Donahue provided a summary of the case for the Board. Mr. Sells failed to renew his license on or before August 31, 2016 and practiced from September 1, 2016 until September 6, 2016.

The Board reviewed and discussed the case.

Ms. Hunter moved the Board follow the disciplinary matrix and offer Mr. Sells a consent agreement for a decree of censure, notify employer, patients and payors. If Mr. Sells does not accept the consent agreement the case will be forwarded to an informal hearing. Mr. Clinton seconded the motion. Following review and discussion the motion passes.

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

v) Complaint #16-31; Carl Malquist, PT

Mr. Malquist was not present and was not represented by legal counsel. Ms. Donahue provided a summary of the case for the Board. Mr. Malmquist failed to renew his license on or before August 31, 2016 and practiced September 6, 2016 and September 7, 2016. Mr. Malmquist reinstated on September 16, 2016.

The Board reviewed and discussed the case.

Dr. Miller moved the Board follow the disciplinary matrix and offer Mr. Malquist a consent agreement for a decree of censure, notify employer, patients and payors. If Mr. Malquist does not accept the consent agreement the case will be forwarded to an informal hearing. Mr. Clinton seconded the motion. Following review and discussion the motion passes.

| Vote | Mr. Clinton | Mr. D'Appollonio | Ms. Hunter | Dr. Miller | Ms. Remec | Ms. Richardson | Ms. Lawrence |
|------|-------------|---------------------|------------|------------|-----------|-------------------|--------------|
| Aye | X | X | X | X | X | | |

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| Nay | | | | |
|-----------|--|--|---|---|
| Recused | | | | |
| Abstained | | | | |
| Absent | | | X | X |

vi) Complaint #16-32; Katheryn Steidle, PT

Ms. Steidle was not present and was not represented by legal counsel. Ms. Donahue provided a summary of the case for the Board. Board opened complaint #16-32 after receiving CEU submission for the 2014-2016 compliance period from Ms. Steidle was deficient 7 hours Category A.

The Board reviewed and discussed the case.

Dr. Miller moved the Board follow the disciplinary matrix and offer Ms. Steidle a consent agreement to include a \$300 civil penalty, a six (6) month probation and six (6) hours of continuing education in Ethics. Mr. Clinton seconded the motion. Following review and discussion the motion passes.

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

vii) Complaint #16-36; Angela Ciminiello, PT

Ms. Ciminiello was not present and was not represented by legal counsel. Ms. Donahue provided a summary of the case for the Board. Ms. Ciminiello indicated that she had completed the 2014-2016 continuing educational requirements when she renewed on-line on 7/25/16. Ms. Ciminiello was randomly selected for continuing education competence audit. Ms. Ciminiello was deficient 6 hours

The Board reviewed and discussed the case.

Dr. Miller moved the Board follow the disciplinary matrix and offer Ms. Ciminiello a consent agreement to include a \$300 civil penalty, a six (6) month probation, six (6) hours of continuing education in Ethics and complete the deficiency. Mr. Clinton seconded the motion. Following review and discussion the motion passes.

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

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| Aye | X | X | X | X | X | | |
|-----------|---|---|---|---|---|---|---|
| Nay | | | | | | | |
| Recused | | | | | | | |
| Abstained | | | | | | | |
| Absent | | | | | | X | X |

- c) Review, Discussion, and Action on Board Order
 - i) Request for Termination of Probation
 - (1) Case #Linda Amado, PTA

Ms. Amado was not present and was not represented by legal counsel. Ms. Linda Amado, PTA requests early termination of Board Order #15-20. Ms. Amado was placed on probation for violation of A.R.S. §32-2044(1), A.R.S. §32-2044(5), A.R.S. §32-2044(17), A.R.S. §32-2044(20) and A.A.C. R4-24-303(G). Ms. Amado was required to complete AZ Law Exam and six (6) hours of continuing education specific to documentation. Ms. Amado has completed all requirements of Board Order #15-20. Board Order #15-20 is set to expire on April 30, 2017. The Board will determine to grant early termination or take no action.

The Board reviewed and discussed the case.

Dr. Miller moved the Board grant request for early termination of probation. Mr. D'Appollonio seconded the motion. Following review and discussion the motion passes.

| Vote | Mr. Clinton | Mr. D'Appollonio | 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 Consideration of Opening Complaints
 - i) Craig Schmaltz, PT

Board staff received complaint from Ms. Cassandra Heizler, PT on October 6, 2016 against Mr. Craig Schmaltz, PT. Board staff was unable to determine the allegations of Ms. Heizler's complaint. Ms. Heizler provided the treatment records from the two visits to which she engaged in services with Mr. Schmaltz. Review of patient records may indicate contradiction with Ms. Heizler's statements. The documentation clearly indicates pain rankings as well as detailed treatment provided. The treatment provided may have been appropriate for the diagnosis. The Board is to determine whether to open a complaint or take no action. The Board reviewed and discussed the case.

Dr. Miller moved the Board take no action. Mr. D'Appollonio seconded the motion. Following review and discussion the motion passes.

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

ii) Katrina Herron, PT

The complaint was sent to the Board Office by Caleb Fairey, PT employee of On the Mend Physical Therapy. The Board is to determine whether to open a complaint or take no action.

The Board reviewed and discussed the case. Mr. D'Appollonio suggested Board Staff refer OTR to the Board of Occupational Therapy for investigation for violations of the code of ethic principal 7(1)(a)(b).

Dr. Miller moved the Board open a complaint against Ms. Herron regarding violation A.R.S. §32-2044(12). Mr. D'Appollonio seconded the motion. Following review and discussion the motion passes.

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

iv) Sarah Hanna, PT

The complaint was sent to the Board Office by Ms. AG along with supporting information. Upon review, Board staff was unable to determine if AG was filing a complaint against Ms. Hanna for treatment she received or requesting an investigation of the facility (not within Boards jurisdiction). The Board is to review the complaint and determine whether to open a complaint or take no action.

Dr. Miller moved the Board open a complaint against Ms. Hanna and subpoena Ms. AG's full records. Ms. Hunter seconded the motion. Following review and discussion the motion passes.

| Vote | Mr. Clinton | Mr. | Ms. Hunter | Dr. Miller | Ms. Remec | Ms. | Ms. Lawrence |
|------|-------------|-----|------------|------------|-----------|-----|--------------|
| | | | | | | | |

| | | D'Appollonio | | | | Richardson | |
|-----------|---|--------------|---|---|---|------------|---|
| Aye | X | X | X | X | X | | |
| Nay | | | | | | | |
| Recused | | | | | | | |
| Abstained | | | | | | | |
| Absent | | | | | | X | X |

v) Gary Smith, PT

Ms. Long filed a complaint against Mr. Gary Smith, PT. The Board is to review the complaint and determine whether to open a complaint or take no action.

Dr. Miller moved the Board take no action. Ms. Hunter seconded the motion. Following review and discussion the motion passes.

| Vote | Mr. Clinton | Mr. D'Appollonio | 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 10:00 A.M. to 10:13 A.M.

7) 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 Report/Review of Written Report
 - i) Financial Report- Verbal Report
 - ii) Review Recent Board Staff Activities -Verbal Report
 - iii) Review of Current Legislative Activity (2016) No Report
 - iv) Rule Activity- No Report
 - v) FSBPT- No Report

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

b) Review, Discussion and Possible Action on Request for Approval of Online Continuing Education Courses Approved for Continuing Education required By Board Order; Helene Fearon, PT Ms. Helene Fearon, PT addressed the Board regarding the opportunity for approval of online continuing education courses. The Board asked questions of Ms. Fearon. The Board would like to see what the Federation of State Boards of Physical Therapy Member Boards and other Arizona Health Boards are doing. Mr. Brown will survey the other PT and instate Health Boards. Mr. Brown will collect the information and Ms. Fearon will be notified when it comes back to the Board.

c) Review, Discussion and Possible Action on 2018 Board Meeting Schedule

No discussion was made, moved to next Board Meeting to discuss the 2017 Board Meeting Schedule.

d) Review, Discussion and Possible Action on Executive Director Performance Evaluation.

Item was tabled for next Board Meeting.

8) CALL TO THE PUBLIC

Cynthia Driskell, PT with the Arizona Physical Therapy Association thanked Mr. D'Appollonio for participating in the State Chapter meeting that took place earlier in October and for representing on current and pending issues coming before the Board.

9) ADJOURNMENT

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

| Vote | Mr. Clinton | Mr. D'Appollonio | 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 10:32 A.M.

Prepared by, Monica Crowley Office Manager

Approved by, Al D'Appollonio, PT, MBA