



ARIZONA STATE BOARD OF PHYSICAL THERAPY
1470 W. ADAMS ST., STE 2450, PHOENIX, ARIZONA 85007
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www.ptboard.az.gov

REGULAR SESSION MEETING MINUTES
October 23, 2018

BOARD MEMBERS PRESENT:

James E. Miller, PT, DPT, President
Michael S. Clinton, CPA; Vice President
Peggy Hunter, PTA, CLT; Secretary
Nushka Remec, PT, MS, PCS; Member
Joshua Greer, Public Member
Mark Cornwall, PT PHD, FAPTA
Karen Bustillo, PT, DPT, OCS, CLT

BOARD MEMBERS ABSENT:

N/A

**ASSISTANT ATTORNEY GENERAL
PRESENT:**

Mona Baskin, Assistant Attorney General

BOARD STAFF PRESENT IN PERSON:

Karen Donahue, PT, DPT, Interim Executive Director
Monica Crowley, Office Manager
Veronica Cardoza, Licensing Administrator

1) CALL TO ORDER – 8:30 A.M.; Dr. Miller called the meeting to order at 8:38 A.M. (A recording of the meeting is available through the Board Office)

Roll Call – The following Board members were present: Dr. Miller, Ms. Hunter, Mr. Clinton, Ms. Remec, Mr. Greer, Dr. Cornwall and Dr. Bustillo.

2) Review and Approval of Draft Minutes

a) September 25, 2018; Regular Session Meeting Minutes

The Board reviewed and discussed the minutes.

Mr. Greer moved the Board approve the September 25, 2018, Regular Session Meeting Minutes with the suggested changes. Mr. Clinton seconded the motion. Following review and discussion, the motion carried unanimously by roll call.

Vote	Mr. Clinton	Ms. Hunter	Dr. Miller	Ms. Remec	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X	X	X	X	X	X	X

Nay							
Recused							
Abstained							
Absent							

b) September 25, 2018; Executive Session (a) Meeting Minutes

The Board reviewed and discussed the minutes.

Mr. Greer moved the Board approve the September 25, 2018, Executive Session (a) Meeting Minutes. Mr. Clinton seconded the motion. Following review and discussion, the motion carried unanimously by roll call.

Vote	Mr. Clinton	Ms. Hunter	Dr. Miller	Ms. Remec	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X	X	X	X	X	X	X
Nay							
Recused							
Abstained							
Absent							

c) September 25, 2018; Executive Session (b) Meeting Minutes

The Board reviewed and discussed the minutes.

Mr. Greer moved the Board approve the September 25, 2018, Executive Session (b) Meeting Minutes. Mr. Clinton seconded the motion. Following review and discussion, the motion carried unanimously by roll call.

Vote	Mr. Clinton	Ms. Hunter	Dr. Miller	Ms. Remec	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X	X	X	X	X	X	X
Nay							
Recused							
Abstained							
Absent							

3) CONSENT AGENDA: REVIEW, CONSIDERATION and ACTION

A) Applications for Licensure and Certification

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

Sofia Abrate	Jaxon Arave	David Barr
Patricia Barrack	Matthew Bennett	Marti Bradbury
Lisa Britton	Eric Brown	Sarah Buschmann
Kristopher Chang	Helen Clark	Emily Cline
Allison Connolly	Clint Copeland	Catherine Costello
Kaitlyn DiJohn	Bill Fullen	Morgan Geimer
Louise Gill	Stephanie Gilboy	Emily Graham
Samantha Harrigal	Willie Harrison	Katelyn Hayes
Lyndsey Hubbard	Ashley Hwang	Denali Jepsen
Diamond Jones	Katrina Kaehr	Nicole Mallery
Jennifer Martinez	Maria Matson	Michael McAdie
Sheree Meere	Christopher Melcher	Brittany Milcarek
Michael Mitchell	Amena Nausheen	Tyler Pino
Kelly Reed	Luis Rivas	Alexander Robinson
Katie Samuels	Darby Shipman	Stephen Schwartz
Ian Stover	Amanda Sweig	Benjamin Taylor
Emily Thornton	Dillon Trahan	Michelle Unruh
Ashley Warner	Eric Wessel	Hannah Williams
Emily Wirdzek	Victoria Woo	Linda Fitzgerald

Ms. Remec moved the Board the approve Applications for Physical Therapist Licensure upon Receipt of Passing Scores on the NPTE/AZLAW and Final Transcript. Dr. Cornwall seconded the motion. Following review and discussion, the motion carried unanimously by roll call.

Vote	Mr. Clinton	Ms. Hunter	Dr. Miller	Ms. Remec	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X	X	X	X	X	X	X
Nay							
Recused							
Abstained							
Absent							

- 2) Review, Consideration and Approval of Applications for Physical Therapist Licensure with Documentation Related to Disclosure on “Personal Information” Section of the Application.

Morgan Brown	Adam Copp	Troy Ewing
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The Board reviewed and discussed the above applications. Mr. Clinton pulled Morgan Brown and Ms. Hunter pulled Troy Ewing from the above consent agenda for separate consideration.

Dr. Bustillo moved the Board the approve Applications for Physical Therapist Licensure upon Receipt of Passing Scores on the NPTE/AZLAW and Final Transcript. Ms. Remece seconded the motion. Following review and discussion, the motion carried unanimously by roll call.

Vote	Mr. Clinton	Ms. Hunter	Dr. Miller	Ms. Remece	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X	X	X	X	X	X	X
Nay							
Recused							
Abstained							
Absent							

Morgan Brown

Mr. Clinton pulled the above application. Mr. Brown provided an opening statement.

The Board review and discussion the above application and asked questions of Mr. Brown.

Dr. Miller moved the Board Deny the approve Application for Physical Therapist Licensure. Mr. Clinton seconded the motion. Following review and discussion Ms. Baskin, Assistant Attorney General provided the Board legal advice and information regarding the reason for denying application. Following review and discussion Dr. Miller requested a friendly amendment to include legal reason for denial of Mr. Brown’s application as stated by Ms. Baskin. Mr. Clinton accepts the friendly amendment. Following review and discussion, the motion carried unanimously by roll call.

Vote	Mr. Clinton	Ms. Hunter	Dr. Miller	Ms. Remece	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X	X	X	X	X	X	X
Nay							
Recused							
Abstained							
Absent							

Troy Ewing

Ms. Hunter pulled the above application because she did not see a letter for Mr. Ewing explaining why he was suspended from school nor an explanation of his name change.

Ms. Cardoza stated that during Mr. Ewing undergrad he missed too many days of school and as a result was suspended from school for a short time. Ms. Cardoza also stated that she received an email from Mr. Ewing letting the Board know he had changed his name for personal issues.

The Board reviewed and discussed the above application.

Ms. Hunter moved the Board approve the above applications for Physical Therapist Licensure upon Receipt of Passing Scores on the NPTE/AZLAW and Final Transcript. Mr. Greer seconded the motion. Following review and discussion, the motion carried unanimously by roll call.

Vote	Mr. Clinton	Ms. Hunter	Dr. Miller	Ms. Remece	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X	X	X	X	X	X	X
Nay							
Recused							
Abstained							
Absent							

5) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

A. Informal Hearing and Possible Action on Complaint: 9:00 a.m.

1) Case No. 18-11; Scott Kushner, PT

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

Dr. Donahue read the allegations against Mr. Kushner:

A. Violated this chapter, board rules or a written Board Order.

1. Mr. Kushner acknowledges that MR signed her initials to the SAA sheet that was submitted to the board to validate Mr. Kushner’s attendance.
2. Mr. Kushner states that MR signed because she was able to confirm his attendance or went with him to the meetings.
3. Ms. MR states that Mr. Kushner did not attend any of the meetings to which she signed her initials.
4. Investigator reviewed Mr. Kushner’s personnel file and identified e-mail dated Wednesday, September 20, 2017 to Jude Tarris from Mr. Kushner in which the e-mail identification at the bottom of the e-mail identifies the following:

Scott Kushner, PT, MS, Cert, MDT
 Business Development Manager
 Valley of the Sun Homecare
 8603 East Royal Palm Rd, Suite 200
 Scottsdale, AZ 85258
 P: (480) 435-0686
 F: (480) 656-1158

www.ValleyOfTheSunHomeCare.com

5. Mr. Kushner submitted a resume to Valley of Sun Home Care with an interview on August 15, 2018 in which Mr. Kushner identifies himself as a “Physical Therapist (Full Time)”
6. Mr. Tarris produced Mr. Kushner’s Business Cards, utilized by Mr. Kushner when employed at Valley of the Sun Home Care which identifies the following:

Scott Kushner PT, MS, Cert. MDT
Community Liaison
8603 East Royal Palm Rd
Suite 200
Scottsdale, AZ 85258
T: (480) 264-5252
F: (480) 656- 1158
C: (480) 435- 0686

Scott@ValleyOfTheSunHomeCare.com

And

Scott Kushner PT, MS, Cert MDT
Business Development Manager
8603 East Royal Palm Rd
Suite 200
Scottsdale, AZ 85258
T: (480) 264-5252
F: (480) 656- 1158
C: (480) 435- 0686

Scott@ValleyOfTheSunHomeCare.com

7. Mr. Tarris produces documentation indicating that the business cards were ordered on September 7, 2017.
8. Mr. Tarris confirms in his interview that Mr. Kushner requested that his PT credentials be placed on his business cards.
9. Mr. Tarris, in his interview, states that Mr. Kushner identified himself as a physical therapist and offered to be physical therapist to provide physical therapist service to

the client’s power of attorney when both Mr. Tarris and Mr. Kushner were joint marketing.

Mr. Kushner did not provided an opening statement.

The Board members and Board staff introduced themselves. Mr. Kushner, PT introduced himself.

Dr. Miller read a summary of how the hearing would be conducted and reviewed the possible outcomes of the hearing.

Dr. Donahue, Mr. Kushner and Ms. Roskopf were sworn-in as witnesses.

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

Mr. Kushner step away from the Board table to allow Ms. Roskopf to give an opening statement.

Ms. Roskopf provided an opening statement and answered questions the Board had for her.

Dr. Miller asked Ms. Roskopf if she would provide any emails or pictures she had in her possession from June 1, 2017 to March 2018 and Ms. Roskopf stated she would be willing to give the Board any information regarding the case she has in her possession.

Mr. Kushner retuned to the Board table and answered additional questions the Board had for him.

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

Dr. Miller moved the Board continue the case to obtain additional information. Ms. Remec seconded the motion. Following review and discussion Dr. Miller and Ms. Remec both withdrew their first and second motion.

Mr. Greer moved the Board forward case to Formal Hearing. Ms. Remec seconded the motion. Following review and discussion the motion carried unanimously by roll call

Vote	Mr. Clinton	Ms. Hunter	Dr. Miller	Ms. Remec	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X	X	X	X	X	X	X
Nay							
Recused							
Abstained							
Absent							

The Board Recessed from 10:22 A.M. to 10:44 A.M

5) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

B. Review, Discussion and Possible Action on Motion for Rehearing or Review in the following case: (10:30 am)

1) Case No. #13-45 Michael Rich, PTA

Ms. Mona Baskin, Assistant Attorney General representing the State of Arizona. Mr. John Tellier, Assistant Attorney General, was there to advise the Board. Mr. Rich was present and was represented by Mr. Mark Lines.

Dr. Miller read a summary of how the rehearing would be conducted and reviewed the possible outcomes of the rehearing.

Mr. Lines provided his oral arguments regarding motion for motion for granting rehearing. Ms. Baskin provided her oral arguments.

Dr. Miller provided possible options the Board had. The Board reviewed and disused the information.

Mr. Greer moved the Board Deny motion for rehearing. Ms. Remec seconded the motion. Following review and discussion, the motion carried 5/2 by roll call.

Vote	Mr. Clinton	Ms. Hunter	Dr. Miller	Ms. Remec	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X	X		X	X		X
Nay			X			X	
Recused							
Abstained							
Absent							

Mr. Greer instructed Board Staff to discuss a possible consent agreement subject to Board approval with Mr. Rich and his attorney Mr. Lines in lieu of Mr. Rich perusing his right to a judicial review action.

Mr. John Tellier, Assistant Attorney General left the Board table at 11:26 A.M.

3) CONSENT AGENDA: REVIEW, CONSIDERATION and ACTION

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

Landon Carbol	Traycetta Forshee	Stacey Hess
Jayson Majjala	Brooke Swartz	

The Board reviewed and discussed the above applications.

Ms. Remec moved the Board the approve Applications for Physical Therapist Assistant Certification upon Receipt of Passing Scores on the NPTE/AZLAW and Final Transcript. Dr. Bustillo seconded the motion. Following review and discussion, the motion carried unanimously by roll call.

Vote	Mr. Clinton	Ms. Hunter	Dr. Miller	Ms. Remec	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X	X	X	X	X	X	X
Nay							
Recused							
Abstained							
Absent							

Consent Agenda End

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

A) Review of and Possible Action on Physical Therapists/Physical Therapist Assistant Previously Licensed in the State of Arizona.

1) Brittany Haller, PTA

The Board reviewed and discussed the above application.

Mr. Greer moved the Board to approve Ms. Haller’s Application for Physical Therapist Assistant Previously Licensed in the State of Arizona and issue her certification upon receipt of passing scores of AZ Law. Mr. Clinton seconded the motion. Following review and discussion, the motion carried unanimously by roll call.

Vote	Mr. Clinton	Ms. Hunter	Dr. Miller	Ms. Remec	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X	X	X	X	X	X	X
Nay							
Recused							
Abstained							
Absent							

B) Review of and Possible Action on Application for Physical Therapist/Physical Therapist Assistant Licensure/Certification from Applicant Requesting ADA Accommodations.

1) Sarah Mermis, PT

The Board reviewed and discussed the above application.

Ms. Hunter moved the Board to approve the above applicant’s request for ADA Accommodations and grant Physical Therapist Licensure upon Receipt of Passing Scores on the NPTE/AZLAW and Final Transcript. Mr. Greer seconded the motion. Following review and discussion, the motion carried unanimously by roll call.

Vote	Mr. Clinton	Ms. Hunter	Dr. Miller	Ms. Remec	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X	X	X	X	X	X	X
Nay							
Recused							
Abstained							
Absent							

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

1) Review of Education, Determination of Supervised Clinical Practice Period, and Possible Licensure

A. Olyinka Adeoya, PT

The Board reviewed and discussed the application and tabled until later in the meeting to see how long she has practice in the US.

6) Review, Discussion and Possible Action regarding Semi-Annual Board Newsletter

1) Review Discussion and Possible Action related to creation and dissemination of semi-annual Board Newsletter

A.R.S. 32-2003 Board; powers and duties

(14) Publish, at least annually, board rulings, opinions and interpretations of statutes or rules in order to guide persons regulated pursuant to this chapter.

Ms. Hunter provided a summary of the above topic. The Board reviewed and discussed the Semi-Annual Board Newsletter.

Ms. Hunter motion the Board incorporate a minimum semiannual newsletter annual basis that reflex the cases the Board has had in front of them without names. Dr. Cornwall seconded the motion. Following review and discussion, the motion carried unanimously by roll call.

Vote	Mr. Clinton	Ms. Hunter	Dr. Miller	Ms. Remec	Mr. Greer	Dr. Cornwall	Dr. Bustillo

Aye	X	X	X	X	X	X	X
Nay							
Recused							
Abstained							
Absent							

5) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

B. Review, Discussion, and Action on Review for Potential Opening of Complaint

1) Galloway, Audrey

Ms. Audrey Galloway was not present and was not represented by legal counsel.

The Board reviewed and discussed the above information.

Dr. Miller moved the Board Take No Action. Mr. Greer seconded the motion. Following review and discussion, the motion carried unanimously by roll call.

Vote	Mr. Clinton	Ms. Hunter	Dr. Miller	Ms. Remec	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X	X	X	X	X	X	X
Nay							
Recused							
Abstained							
Absent							

7) Review and Discussion on 2018 Legislative Update and Memorandum (confidential)

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

- A. HB 2065, HB 2184, HB 2238, HB 2649, HB 2549, HB 2154, SB 1436, SB 1273, SB 1034

Ms. Remec moved the Board enter into Executive Session to obtain legal advice and to review confidential information. Mr. Greer seconded the motion. Following review and discussion, the motion carried unanimously by roll call.

Vote	Mr. Clinton	Ms. Hunter	Dr. Miller	Ms. Remec	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X	X	X	X	X	X	X
Nay							
Recused							
Abstained							

Absent							
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Executive Session from 11:48 A.M. to 12:20 P.M.

8) BOARD BUSINESS AND REPORTS

- A) Executive Director’s Report – Review, Discussion and Possible Action
 - 1) Financial Report
 - 2) Board Staff Activities- Verbal Report
 - a) Investigator(s) Position

Dr. Donahue provided a summary of the above topics no action was required or taken.

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

- A. Review of and Possible Action on the Following Applications for Physical Therapist Licensure – Foreign Educated Graduates of Programs Not U.S. Accredited.
 - 2) Review of Education, Determination of Supervised Clinical Practice Period, and Possible Licensure
 - A. Olyinka Adeoya, PT

Ms. Cardoza stated that Ms. Olyinka Adeoya has been practicing in her current position since May.

The Board reviewed and discussed the above information.

Dr. Miller moved the Board find Ms. Olyinka’s credential evaluation substantially equivalent and required her to complete a Supervised Clinical Practice period of 500 hours with a Board approve primary and secondary PT. Ms. Hunter seconded the motion. Following review and discussion, the motion carried 4/3 by roll call.

Vote	Mr. Clinton	Ms. Hunter	Dr. Miller	Ms. Remec	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X	X	X		X		
Nay				X		X	X
Recused							
Abstained							
Absent							

9) CALL TO THE PUBLIC

Ms. Peggy Hiller, PT extend the offer to the Board to participate in the auditing session of the quarterly documentation and juris prudence courses that she teaches.

No action was required or taken.

10) ADJOURNMENT

Mr. Clinton moved the Board adjourn. Dr. Bustillo seconded the motion. Following review and discussion, the motion carried unanimously by roll call.

Vote	Mr. Clinton	Ms. Hunter	Dr. Miller	Ms. Remece	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X	X	X	X	X	X	X
Nay							
Recused							
Abstained							
Absent							

Meeting adjourned at 12:27 P.M.

Prepared by,

Monica Crowley
Office Manager

Approved by,

Peggy Hunter, PTA
Secretary