



MELINDA RICHARDSON, PT, MA
President

ARIZONA STATE BOARD OF PHYSICAL THERAPY
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REGULAR SESSION MEETING MINUTES
November 28, 2017

MEMBERS PRESENT:

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

MEMBERS ABSENT:

N/A

**ASSISTANT ATTORNEY GENERAL
PRESENT:**

John Tellier, 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 8:30 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. Hunter, Mr. Clinton, Ms. Lawrence and Ms. Remec.

2) Review and Approval of Draft Minutes

- a) October 24, 2017, Regular Session Meeting Minutes
The Board reviewed and discussed the minutes.

Ms. Hunter moved the Board approve the October 24, 2017; Regular Session Meeting Minutes. Mr. Clinton seconded the motion. Following review and discussion the motion carried.

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

Absent							
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b) November 9, 2017, Special Session Meeting Minutes

The Board reviewed and discussed the minutes.

Ms. Richardson moved the Board approve the November 9, 2017; Special Session Meeting Minutes. Mr. Clinton seconded the motion. Following review and discussion the motion carried.

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

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

a) Applications for Licensure and Certification

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

Sydnie Bahl	Tyler Berry	Brittany Bleichner
Jill Carnahan	Douglas Cox	Taylor Cunningham
Brittany Forster	Joseph Gudel	Jason Heckman
Talya Heckman	Mandy Heintz	Jessica Imholz
Marvin Jacob	Ian Kornbluth	Jamie Kornbluth
Stephanie Leslie	Amanda McClain	Joyce Mills
Tasnim Nafady	Danielle Nonn	Stephanie O'Malley
Danielle Potter	William Quebrado	James Quinn
Holly Reid	Sean Rutherford	Dustin Searer
Megan Shanahan	Cassandra Sharp	Carissa Tilton
Shelby Trosdahl	Trever Wagner	Jared Wayne
Emily White		

Ms. Hunter pulled Douglas Cox and Ms. Richardson pulled Sydnie Bahl from the above consent agenda for separate consideration.

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

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

Sydney Bahl

The Board reviewed and discussed the application.

Ms. Richardson had previously requested a copy of Ms. Bahl job description. Ms. Cardoza confirmed that it was received and stated it was scanned and sent to Ms. Richardson. Ms. Cardoza provided another copy for Ms., Richardson to review. Ms. Richardson concern with Ms. Bahl application is she is currently employed as the Director of Therapy in Flagstaff. Ms. Richardson originally requested a copy of Ms. Bahl jobs description to determine if she was performing in the area of physical therapy. As she is not currently licensed. The job description states she must be licensed as a Physical Therapist.

Ms. Richardson tabled this agenda items to later in the meeting to allow Board Staff to get clarification from Ms. Bahl regarding her work status in AZ and how she is presenting herself to the public.

Douglas Cox

The Board reviewed and discussed the application.

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

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

- ii) 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”.

Paul Arsenault	Allie Finch	Michael Maydell
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The Board reviewed and discussed the above application.

Ms. Richardson moved the Board approve Applications for Physical Therapist licensure upon Receipt of Passing Scores on the NPTE/AZLAW and Final Transcript. Ms. Clinton seconded the motion. Following review and discussion the motion carried.

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

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

Holly Andrews	Lorelie Canady	Anthony Gucciardo
Lisa Hawk	Rayna MacFarlane	Rebekah Miller
Michael Richardson	Rebecca Sowers	Salvador Tena, Jr.
Albert Toma		

Ms. Hunter pulled Lisa Hawk from the above consent agenda for separate consideration.

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

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

Absent							
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Lisa Hawk

Ms. Hunter’s concern with Ms. Hawk’s above application is with her transcripts. Her transcripts are showing she has 7 “F”. Ms. Hunter doesn’t see anywhere that Ms. Hawk was put on academic probation. Ms. Hunter also did not see a marriage certificate with the name change. This applicant was tabled from the October 24, 2017 Board meeting regarding a discrepancy of the two last names.

Ms. Cardoza stated Ms. Hawk did provide a marriage certificate that was scanned to all Board member.

The Board reviewed and discussed the application.

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

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

iv) Review, Consideration and Approval of Applications for Physical Therapist Assistant certification upon Receipt of Passing Scores on the NPTE/AZLAW and Final Transcript and with documentation Related to Disclosure on “Personal Information section of the application”.

Arnel Geyler	David Gossard	Angel Lopez
Shannon Marsh	Matthew Noble	Brittany Wise

Ms. Hunter and Dr. Miller both pulled Matthew Noble from the above consent agenda for separate consideration.

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

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

Please note clerical error on Arnel Geyler attestation regarding GMC statement. It stated his charge was on October 2017 for Shoplifting the actual year was 2003 not 2017.

Matthew Noble

Dr. Miller moved the Board approve Mr. Noble’s above applications for ADA accommodations for additional time. Ms. Richardson seconded the motion.

Ms. Hunter’s concern with the above application was birthday on passport is different from the psych evaluation. Ms. Cardoza stated that was a clerical error. Following review and discussion the motion carried.

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

Matthew Noble

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

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

Consent Agenda End

4) Review, Consideration and Action on Applications for Volunteer Registration Pursuant to ARS §32-3217.

- a) Volunteer Health Services Registration
 - i) Choo Seng Ang

The Board reviewed and discussed the above registration. The AZLAW book will be sent out with the Registration.

Ms. Richardson moved the Board approve the above Application for Volunteer Registration pursuant to ARS §32-3217. Mr. Clinton seconded the motion. Following review and discussion the motion carried

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

- ii) David Daymon

The Board reviewed and discussed the above registration. The AZLAW book will be sent out with the Registration.

Ms. Richardson moved the Board approve the above Application for Volunteer Registration pursuant to ARS §32-3217. Mr. Clinton seconded the motion. Following review and discussion the motion carried

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

- iii) Ladonna Swena

The Board reviewed and discussed the above registration. The AZLAW book will be sent out with the Registration.

Ms. Richardson moved the Board approve the above Application for Volunteer Registration pursuant to ARS §32-3217. Mr. Clinton seconded the motion. Following review and discussion the motion carried

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

iv) Karen Zirkle

The Board reviewed and discussed the above registration. The AZLAW book will be sent out with the Registration.

Ms. Richardson moved the Board approve the above Application for Volunteer Registration pursuant to ARS §32-3217. Mr. Clinton seconded the motion. Following review and discussion the motion carried

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

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

- a) Review of and Possible Action on the Following Applications for Physical Therapist Licensure and Physical Therapist Assistant Certification –Approval for ADA Accommodations.
 - (1) Alexia Adams

The Board reviewed and discussed the above application.

Ms. Richardson moved the Board approve the above applicant’s request for ADA Accommodations and Physical Therapist Licensure upon Receipt of Passing Scores on the NPTE/AZLAW and Final Transcript. Mr. Clinton seconded the motion. Following review and discussion the motion carried.

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

(2) Jay Baumgardner

The Board reviewed and discussed the above application.

Dr. Miller is directing Board Staff to request a new program director letter from the NAU Phoenix Campus with the correct exam date and to make sure all future program director letter be dated.

Ms. Richardson moved the Board approve the above applicant’s request upon receipts of new program director letter for ADA Accommodations and 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. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence	
Aye	X	X	X	X	X	X	
Nay							
Recused							
Abstained							
Absent							

(3) Ellen Fenton (PTA Applicant)

The Board reviewed and discussed the above application.

Ms. Richardson moved the Board approve the above applicant’s request for ADA Accommodations and Physical Therapist Assistant Certification upon Receipt of Passing Scores on the NPTE/AZLAW and Final Transcript. Mr. Clinton seconded the motion. Following review and discussion the motion carried.

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

Recused							
Abstained							
Absent							

b) Review of and Possible Action on Physical Therapists Previously Licensed in the state of Arizona.
 (1) Suzan Rheault

The Board reviewed and discussed the above application.

Dr. Miller moved the Board Approval Ms. Rheault Application for Physical Therapists Previously Licensed in the State of Arizona and issue her license upon Receipt of Passing Scores on the AZLAW. Ms. Lawrence seconded the motion. Following review and discussion the motion carried.

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

(2) Barry Wood

The Board reviewed and discussed the above application.

Dr. Miller moved the Board Approval Mr. Woods Application for Physical Therapists Previously Licensed in the State of Arizona and issue his license upon Receipt of Passing Scores on the AZLAW. Mr. Clinton seconded the motion. Following review and discussion the motion carried.

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

6) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

- a) Informal Hearing and Possible Action on Complaint: 9:00 a.m.
 - i) Complaint #17-11; Jay Goodfarb, PT

Let the record reflect Dr. Miller has recused himself and has stepped away from the Board table.

Mr. Goodfarb was present and was represented by Ms. Donna McDaniel. The Board members and Board staff introduced themselves. Mr. Goodfarb introduced himself and his attorney Ms. Donna McDaniel.

Ms. Richardson read a summary of how the hearing would be conducted and reviewed the possible outcomes of the hearing. Ms. Donahue and Mr. Goodfarb were sworn-in as witnesses.

Mr. Brown read the allegations against Mr. Goodfarb:

A. 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.

- a. Initial evaluation documents ROM measurements that exceed normative values.
- b. Initial evaluation documents strength measurements that indicate less than full AROM against gravity for the shoulder, as a result, strength measurements cannot exceed 2-/5. Mr. Goodfarb documents strength as 3/5 for muscles in which full AROM may not be documented.
- c. Initial evaluation documents all left UE muscle testing as 3/5. It may be unlikely that all muscles demonstrated identical strength measurements.
- d. Initial evaluation does not document standardized balance assessment. Only balanced testing documented was for sitting and standing.
- e. Initial evaluation assessment statements may be in conflict with documented objective tests and measures.
- f. Initial evaluation treatment goals may be in conflict with assessment and objective tests and measures.
- g. Initial evaluation treatment identifies the following:
 - i. Treatment:
 1. Ther ex
 - a. *Specific exercises are not described or documented.*
 - ii. Hip pre-caution training
 1. *This may be in conflict with the identified DX as humeral fracture*
 2. *This may be in conflict with documentation that does not indicate that this patient underwent hip replacement surgery.*
 3. *This may be in conflict with objective tests and measures, which identified all muscles in the hip as 5/5 and no documented limitation in ROM.*
 - iii. Gait Training:
 1. *Specific regarding assistive device, distance or quality of gait is not documented.*
 2. *May be in conflict with assessment of level surface gait as independent X 80 ft.*
 - iv. Balance Training
 1. *Specific training was not documented; duration or task was not identified.*
 - v. Muscle Re-education
 1. *Specific exercises are not described or documented.*

- vi. Ultrasound
 - 1. *Location, parameters, duration and rationale are not documented.*
- h. Daily Intervention notes deficiencies may include:
 - i. Patient's current status is identified in only one date of service (9/22/15).
 - ii. Documentation of LE weakness noted on the following DOS: (Initial evaluation documented 5/5 strength for all LE muscles:
 - 1. 8/18/5
 - 2. 8/25/15
 - 3. 8/27/15
 - iii. Patient's response to treatment is documented with post treatment pain scale.
 - iv. The majority of progress toward goals documentation on each date of service may be in conflict with the documentation of strength and ROM of the shoulder on the following dates of service:
 - 1. 8/18/15
 - 2. 8/20/15
 - 3. 8/27/15
 - 4. 9/1/15
 - 5. 9/3/15
 - 6. 9/8/15
 - 7. 9/15/15
 - v. The majority of documented treatment failed to identify:
 - 1. Specific exercise, load, duration
 - 2. Ultrasound parameters or location, when ultrasound was documented as being performed, may not be documented.
 - 3. Identification of specific stretching techniques, location, intensity and duration may not be documented.
 - 4. Specific rationale, location, technique for deep tissue massage may not be documented.
 - vi. Subjective statements may be incoherent.
- i. Discharge summary documents marked change in strength and ROM as compared to the previous visit.
- j. Discharge summary skilled interventions indicates ultrasound and gait were performed despite documentation of independence with gait, stairs and transfers.
- k. Location of ultrasound, parameters may not have been documented.
- l. Discharge summary indicates "all goals met" may be in conflict with shoulder flexion ROM only documented in the episode of care as a maximum of 130 degrees.
- m. Discharge summary does not document any objective tests or measurements, specifically, ROM and strength.
- n. DOS 9/15/15 does not document treatment interventions as being performed.

Ms. McDaniel's declined an opening statement. The Board members asked questions of Mr. Goodfarb. Following the Board's questioning of Mr. Goodfarb Ms. McDaniel provided a closing statements.

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:

A. 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.

- a. Initial evaluation documents ROM measurements that exceed normative values.
- b. Initial evaluation documents strength measurements that indicate less than full AROM against gravity for the shoulder, as a result, strength measurements cannot exceed 2-/5. Mr. Goodfarb documents strength as 3/5 for muscles in which full AROM may not be documented.
- c. Initial evaluation documents all left UE muscle testing as 3/5. It may be unlikely that all muscles demonstrated identical strength measurements.
- d. Initial evaluation does not document standardized balance assessment. Only balanced testing documented was for sitting and standing.
- e. Initial evaluation assessment statements may be in conflict with documented objective tests and measures.
- f. Initial evaluation treatment goals may be in conflict with assessment and objective tests and measures.
- g. Initial evaluation treatment identifies the following:
 - i. Treatment:
 1. Ther ex
 - a. *Specific exercises are not described or documented.*
 - ii. Hip pre-caution training
 1. *This may be in conflict with the identified DX as humeral fracture*
 2. *This may be in conflict with documentation that does not indicate that this patient underwent hip replacement surgery.*
 3. *This may be in conflict with objective tests and measures, which identified all muscles in the hip as 5/5 and no documented limitation in ROM.*
 - iii. Gait Training:
 1. *Specific regarding assistive device, distance or quality of gait is not documented.*
 2. *May be in conflict with assessment of level surface gait as independent X 80 ft.*
 - iv. Balance Training
 1. *Specific training was not documented; duration or task was not identified.*
 - v. Muscle Re-education
 1. *Specific exercises are not described or documented.*
 - vi. Ultrasound
 1. *Location, parameters, duration and rationale are not documented.*
- h. Daily Intervention notes deficiencies may include:
 - i. Patient's current status is identified in only one date of service (9/22/15).
 - ii. Documentation of LE weakness noted on the following DOS: (Initial evaluation documented 5/5 strength for all LE muscles:
 1. 8/18/5

- 2. 8/25/15
- 3. 8/27/15
- iii. Patient’s response to treatment is documented with post treatment pain scale.
- iv. The majority of progress toward goals documentation on each date of service may be in conflict with the documentation of strength and ROM of the shoulder on the following dates of service:
 - 1. 8/18/15
 - 2. 8/20/15
 - 3. 8/27/15
 - 4. 9/1/15
 - 5. 9/3/15
 - 6. 9/8/15
 - 7. 9/15/15
- v. The majority of documented treatment failed to identify:
 - 1. Specific exercise, load, duration
 - 2. Ultrasound parameters or location, when ultrasound was documented as being performed, may not be documented.
 - 3. Identification of specific stretching techniques, location, intensity and duration may not be documented.
 - 4. Specific rationale, location, technique for deep tissue massage may not be documented.
- vi. Subjective statements may be incoherent.
 - i. Discharge summary documents marked change in strength and ROM as compared to the previous visit.
 - j. Discharge summary skilled interventions indicates ultrasound and gait were performed despite documentation of independence with gait, stairs and transfers.
 - k. Location of ultrasound, parameters may not have been documented.
 - l. Discharge summary indicates “all goals met” may be in conflict with shoulder flexion ROM only documented in the episode of care as a maximum of 130 degrees.
 - m. Discharge summary does not document any objective tests or measurements, specifically, ROM and strength.
 - n. DOS 9/15/15 does not document treatment interventions as being performed.

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

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

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 (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.

Mr. Clinton seconded the motion. Following review and discussion the motion carries.

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

Mr. Brown, Executive Director provide the Board with Mr. Goodfarb’s previous Disciplinary Board Order to review and consider. Ms. Richardson confirmed the signature of Ms. Goodfarb’s on the Board order they received. The Board revived and discussed the timeline that Mr. Goodfarb completed his previous Board Order.

The Board discussed possible disciplinary action against Mr. Goodfarb’s license. Following discussion Ms. Hunter moved the Board adopt the following Order:

Mr. Goodfarb must undergo minimum of six (6) months of Board approved monitoring service. Monitoring shall consist of 3 randomly selected charts with the possibility for early termination. Ms. Remec seconded the motion. Following review and discussion Mr. Clinton requested a friendly amendment to include Mr. Goodfarb be placed on probation for eighteen (18) months with the possibility for early termination after three (3) satisfactory chart reviews with monthly monitoring reviews for a minimum of six (6) months, it will continue if not satisfactory. A stay for continuing education for a minimum of six (6) in the area of documentation must be Board approved. If the stay is lifted CEU’s must be completed within six (6) months. Ms. Hunter and Ms. Remec both accepts friendly amendment. Following review and discussion the motion carried by roll call vote.

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

Abstained							
Absent							

Let the record reflect Dr. Miller has returned to the Board table at 10:07 A.M.

6) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

b) Initial Review, Discussion and Action on Complaint

i) Complaint #16-16; Julia Goodwin, PT

Ms. Julia Goodwin was present and was not represented by legal counsel.

Ms. Donahue provided a summary of the case for the Board. The Board opened complaint #16-16 following Ms. Goodwin’s notification of charges for shoplifting on May 10, 2016. Ms. Goodwin did notify the board within the 10-day requirement.

Ms. Goodwin did not provide an opening statement but was there to answer any question the Board had for her.

The Board reviewed and discussed the case and asked question of Ms. Goodwin.

Ms. Richardson moved the Board Dismiss the case. Dr. Miller seconded the motion. Following review and discussion the motion carried.

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

ii) Complaint #17-01; Marleen Zuhl, PT

Ms. Marleen Zuhl was present and was represented by Mr. John Conley.

Ms. Donahue provided a summary of the case for the Board. Mr. Harland alleges that Ms. Zuhl completed patient initial evaluations, daily notes, progress notes and discharge summaries in 2016 for patients whose date of service was greater than 1 year prior. Mr. Harland states he identified over 700 occurrences of notes being completed between 4/25/16 through 11/21/16.

The Board held its initial review and discussion of Complaint #17-01 at the regular session meeting on July 18,2017. The Board requested further investigation to identify the log audit of records to reveal time/date the

document was initiated and completed. Ms. Zuhl has provided additional response on October 17, 2017. The Board is requested to review the additional response in EXHBIT 2a.

Ms. Zuhl provide an opening statement to the Board and stated she was there to answer any question the Board had for her.

The Board reviewed and discussed the case and asked question of Ms. Zuhl.

Mr. Conley provide a closing statement to the Board. He also pointed out irregularities that Ms. Zuhl had mentioned in her opening statement. He wanted the Board to take into consideration the records seen to have been altered.

Dr. Miller moved the Board enter into Executive Session to obtain legal advice and to review confidential records. Ms. Richardson seconded the motion. Following review and discussion the motion carried.

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

Executive Session from 11:36 A.M. to 11:38 A.M.

The Board Recessed from 11:38 A.M. to 11:45 A.M

Ms. Remec moved the Board forward case to **Informal Hearing**. Dr. Miller seconded the motion. Following review and discussion Dr. Miller requested a friendly amendment to add allegation ARS 32-2044(4). Ms. Remec accepts friendly amendment. After further discussion, the motion carried.

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

- c) Review, Discussion, and Action on Board Order
 - ii) Case #16-65; Scott Kushner, PT- Request Lifting Suspension

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

Mr. Brown provided a summary of the case for the Board. Mr. Kushner is requesting Lifting Suspension. Mr. Kushner has completed the re-evaluation as required under Order #16-65. The report is attached along with the with Mr. Kushner’s e-mails. In addition, a copy of the Order is included for your review. The evaluation recommended the suspension continue until Mr. Kushner see a neurologist and undergo a complete neuropsychological evaluation. Depending on the results, the evaluator has proposed some options for returning to practice. The Board must review the report and determine how you may wish to implement the recommendations and the remaining parts of the Order.

Mr. Brown did not see a follow up evaluation from Mr. Kushner treating therapist. He went through emails and didn’t find one. The email he had only stated she was not ready to make any recommendations. Mr. Kushner stated he sent Mr. Brown the email where his treating therapist made recommendations.

Ms. Richardson tabled this agenda items to later in the meeting to allow Mr. Kushner time to find the emails and forward then to Mr. Brown and the Board to review and consider.

6) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

- b) Initial Review, Discussion and Action on Complaint
 - vi) Complaint #17-26; Douglas Rice, PT

Mr. Douglas Rice was present and was not represented by legal counsel.

Ms. Richardson stated she knows Mr. Douglas Rice professional and has no bias.

Ms. Donahue provided a summary of the case for the Board. Ms. HG alleges that her daughter received treatment without her consent and inappropriately touched her during the treatment session.

Mr. Rice provided an opening statement to the Board and was there to answer any question the Board had for him.

The Board reviewed and discussed the case and asked question of Mr. Rice.

Dr. Miller moved the Board issue a Non-Disciplinary order to include six (6) hours of continuing education in the area of Documentation (can take online), six (6) hours in Ethics (can take online) and six (6) hours in Orthopedic testing and measurements (in person only) to be completed within twelve (12) months. Ms. Richardson seconded the motion. Following review and discussion the motion failed.

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

Abstained							
Absent							

The Board reviewed and discussed the case.

Ms. Hunter moved the Board Dismiss the case. Ms. Richardson seconded the motion. Following review and discussion the motion carried by roll call.

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

- c) Review, Discussion, and Action on Board Order
 - iii) Case #16-65; Scott Kushner, PT- Request Lifting Suspension

This case was tabled from earlier in the meeting to later in the allow Mr. Kushner time to find the emails and forward then to Mr. Brown and the Board to review and consider.

The Board received and discussed the emails. The emails that Mr. Kushner forward to Mr. Brown are the same ones he had already received. The email he stated she was not ready to make any recommendations. No final plan was provided by his therapist.

Mr. Brown asked the Board to review Board Ordered psychological evaluation and MRI report to see if they feel comfortable to be able to Lift Suspension.

Mr. Kushner provide a statement to the Board.

Ms. Richardson moved the Board Table the case until the next Board meeting pending receipts of additional information from his treating psychologist. Mr. Clinton seconded the motion. Following review and discussion the motion carried.

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

Absent							
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3) CONSENT AGENDA: REVIEW, CONSIDERATION and ACTION

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

Sydney Bahl

Ms. Richardson tabled this agenda items earlier in the meeting to allow Board Staff to get clarification from Ms. Bahl regarding her work status in AZ and how she is presenting herself to the public.

Ms. Cardoza confirmed Ms. Bahl is currently in the state of Arizona but she is not currently working. Ms. Cardoza was able to get in contact with Ms. Bahl and she stated that the Call Center office will not be opening until the spring 2018.

Ms. Richardson moved the Board approve Application 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. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence	
Aye	X	X	X	X	X	X	
Nay							
Recused							
Abstained							
Absent							

6) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

- d) Initial Review, Discussion and Action on Complaint
 - iii) Complaint #17-21; Dale Bryan, PT

Mr. Dale Bryan was present and was not represented by legal counsel.

Ms. Donahue provided a summary of the case for the Board. Mr. Maillard, owner of the practice alleges that Mr. Dale Bryan, PT documented, signed and billed for services to patient MA in which he did not perform due to her being in the emergency room at the time of treatment.

Mr. Bryan provided an opening statement to the Board and was there to answer any question the Board had for him.

The Board reviewed and discussed the case and asked question of Mr. Bryan.

Ms. Hunter moved the Board Dismiss the case. Dr. Miller seconded the motion. Following review and discussion the motion failed.

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

Ms. Richardson moved the Board issue Disciplinary order to include twelve (12) months’ probation. Mr. Bryan must complete six (6) hours of continuing education in the area of Documentation (can take online), six (6) hours in Ethics (can take online) to be completed within six (6) months. After CEU’s have been completed Mr. Bryan must submit to an external monitoring for six (6) months and complete three (3) successful chart review. 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. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence	
Aye	X	X	X	X	X	X	
Nay							
Recused							
Abstained							
Absent							

v) Complaint #17-23; Chad Reilly, PT

Mr. Chad Reilly was present and was represented by Ms. Teresa Sanzio.

Ms. Donahue provided a summary of the case for the Board. Ms. MS alleges that Mr. Reilly engaged in substandard care when treating her husband that resulted in a lower extremity fracture on May 18, 2017.

Ms. Sanzio declined an opening statement but would answer any question the Board had for her or Mr. Reilly.

The Board reviewed and discussed the case and asked question of Mr. Reilly.

Ms. Richardson moved the Board offer a Consent Agreement in Liew of Informal Heating. Consent Agreement to include twelve (12) months’ probation with the possibility of early termination. Mr. Reilly must complete Board approved continuing education six (6) hours of in the area of Documentation (can take

online), eight (8) hours in treatment in Neurological Defects to include Parkinson (can take online) to be completed within six (6) months. After CEU’s have been completed Mr. Reilly must submit to an Board approved monitoring for a minimum of six (6) months and complete three (3) successful chart review. Dr. Miller seconded the motion. Following review and discussion Dr. Miller requested a friendly amendment to include; if consent agreement is not accepted the case will be forwarded to an informal hearing and violation of ARS 32-2044(4)(14) will be added for R-4-24-304(a)(1)(b). Ms. Richardson accepts the friendly amendment. Following review and discussion the motion carried.

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

viii) Complaint #17-29; Cheri Hodges, PT

Ms. Richardson and Dr. Miller both stated they knew Ms. Cheri Hodges and have no bias.

Ms. Cheri Hodges was present and was not represented by legal counsel.

Ms. Donahue provided a summary of the case for the Board. Ms. Hodges self-reported, on September 18, 2017, DUI charges, which occurred on July 14, 2017. Ms. Hodges was charged with extreme DUI with BAC of 0.267%. Ms. Hodges failed to notify the Board within the 10-day requirement.

Ms. Hodges provided an opening statement to the Board and was there to answer any question the Board had for her.

The Board reviewed and discussed the case and asked question of Ms. Hodges.

Ms. Richardson moved the Board Table the case until January 2018 Board Meeting to allow court proceeding to take place and allow time for Ms. Hodges to submit to the Board a letter from her current counselor regarding her sobriety. Dr. Miller seconded the motion. Following review and discussion the motion carried.

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

Absent							
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The Board Recessed from 2:30 P.M. to 2:45 P.M

- c) Review, Discussion, and Action on Board Order
 - iii) Case #17-09; Kevin Bauer, PT- Request Lifting Suspension

Mr. Kevin Bauer was present and was not represented by legal counsel.

Ms. Richardson provided a summary of the case for the Board. Mr. Bauer’s was granted a certificate to work as a PTA in Arizona on the condition he enter into a consent agreement to complete certain terms of suspension. Mr. Bauer was required to complete the AZLAW examination and Ethics training. He has completed both requirements. If the Board lifts the suspension, Mr. Bauer will be placed on probation for one year, restricted to working under onsite supervision and will undergo monthly monitoring.

The Board reviewed and discussed the case and asked question of Mr. Bryan.

Ms. Richardson moved the Board Lifting Suspension for the above case and complete the terms of his Board Order. Dr. Miller seconded the motion. Following review and discussion the motion carried.

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

- b) Initial Review, Discussion and Action on Complaint
 - iv) Complaint #17-22; Kimberly Hansford, PTA

Ms. Kimberly Hansford was not present and was not represented by legal counsel.

Ms. Donahue provided a summary of the case for the Board. This complaint against Ms. Hansford, PTA was opened on July 11, 2017. Ms. Hansford failed to notified the Board of charges filed for Trafficking in Stolen Property- First degree, a Class 2 Felony and Theft a Class 5 Felony on January 31, 2017. This was a 2nd initial review. The Board had tabled this case to allow all court proceeding to take place. All felony counts were dismissed. Ms. Hansford did plead guilty of disorderly conduct.

The Board reviewed and discussed the case.

Ms. Remec moved the Board issue an Non-Disciplinary Advisory Letter reminding Ms. Hansford of **R4-24-312(A) Mandatory Reporting Requirement** pursuant to **ARS 32-3208**. Dr. Miller seconded the motion. Following review and discussion the motion carried.

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

vii) Complaint #17-28; Miriam Brodar, PT

Ms. Miriam Brodar was not present and was not represented by legal counsel.

Ms. Donahue provided a summary of the case for the Board. Ms. Norsworthy alleges that Ms. Brodar took a patient by the chin, turned her face toward her own and told her to stop yelling touching the patient inappropriately in a stressful situation

The Board reviewed and discussed the case.

Ms. Richardson moved the Board issue an Non-Disciplinary Order to include minimum of four (4) hours Board approved continuing education in the area of Professional Boundaries specific to Defusing and De-Escalating dealing with difficult patients to be completed within three (3) months. Ms. Lawrence seconded the motion. Following review and discussion the motion carried.

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

- c) Review, Discussion, and Action on Board Order
 - i) Case #16-34; Gary Smith, PT- Request Extension

Mr. Gary Smith was not present and was not represented by legal counsel.

Ms. Donahue provided a summary of the case for the Board. Mr. Gary Smith, PT (3899) requests extension of Board Order #16-34 until May 31, 2018. Mr. Smith was found in violation of A.R.S. 32-2044 (1), (4), (12), (13), (14) and (20). He was required to complete 6 hours of continuing competency specific to documentation and Orthopedic Clinical Reasoning, pass AZ Law examination and engage in monitoring. Mr. Smith has not completed the continuing competency requirements, but has indicated he has signed a contract with the monitoring company. Mr. Smith was required to complete the continuing education and AZ Law exam by November 1, 2017. He requests an extension of the continuing education, ProBe and AZ Law until May 31, 2018. Board Order #16-34 is set to terminate on May 1, 2019. Mr. Smith did contact Board office, requesting an extension, prior to the November 1, 2017 deadline. Board can either elect to extend Board Order #16-34 or find Mr. Smith not in compliance with Board Order #16-34.

The Board reviewed and discussed the case.

Ms. Hunter moved the Board open a complaint for non-compliance of Board Order #16-34. Ms. Remec seconded the motion. Following review and discussion Both Ms. Hunter and Ms. Remec withdrew their motions.

Ms. Richardson moved the Board **Grant Extension**. Dr. Miller seconded the motion. Following review and discussion the motion carried.

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

7) BOARD BUSINESS AND REPORTS

- a) Executive Director’s Report – Discussion and Possible Action
 - i) Financial Report- Written Report.
 - ii) Board Staff Activities- Written Report
 - iii) Legislation- No Report
 - iv) Rule Activity- Verbal Report
 - v) Federation of State Boards of Physical Therapy (FSBPT)- No Report
 - vi) Physical Therapy Compact Commission (PTLC)- Verbal Report
- b) Review, Discussion and Action of Board Operations
 - i) Review of 2018 Board Meeting Dates

Mr. Brown provided verbal summary on the above topics. The Board agreed to move Board meeting date to the 3rd Tuesday of the month for June and December 2018.

Ms. Donahue discussed online continuing education for Remediation. No action was taken.

8) CALL TO THE PUBLIC

Ms. Peggy Hiller, PT also provide a statement regarding the online continuing education for Remediation.

9) ADJOURNMENT

Meeting adjourned at 4:30 P.M.

Prepared by,

Monica Crowley
Office Manager

Approved by,

Michael S. Clinton, CPA
Secretary