



Mark Cornwall, PT, PHD, FAPTA
President

ARIZONA STATE BOARD OF PHYSICAL THERAPY
1470 W. ADAMS ST., STE 2450, PHOENIX, ARIZONA 85007
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**REGULAR SESSION MEETING MINUTES via
Hangout Meet Video Conferencing
November 24, 2020**

BOARD MEMBERS PRESENT:

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

BOARD MEMBERS ABSENT:

N/A

**ASSISTANT ATTORNEY GENERAL
PRESENT:**

Marc Harris, Assistant Attorney General

BOARD STAFF PRESENT:

Karen Donahue, PT, DPT, Executive Director
Veronica Cardoza, Administrative Services Officer
Judy Chepeus, Customer Service Representative
Monica Crowley, Licensing Administrator
Mindy Richardson, PT, Investigator

1) CALL TO ORDER – 8:30 A.M.; Dr. Cornwall called the meeting to order at 8:37 A.M. (A recording of the meeting is available through the Board Office)

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

2) Review and Approval of Draft Minutes

A) October 27, 2020 Regular Session Meeting Minutes

The Board reviewed and discussed the above minutes.

Ms. Hunter moved the Board to approve the October 27, 2020 Regular Session Meeting Minutes with the suggested changes. Dr. King seconded the motion. Following review and discussion, the motion carried by roll call.

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

B) October 27, 2020 Executive Session -A

The Board reviewed and discussed the above minutes.

Dr. Bustillo moved the Board to approve the October 27, 2020 Executive Session- A Board Meeting Minutes with the suggested changes. Ms. Hunter seconded the motion. Following review and discussion, the motion carried by roll call.

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

C) October 27, 2020 Executive Session -B

The Board reviewed and discussed the above minutes.

Ms. Hunter moved the Board to approve the October 27, 2020 Executive Session- B Board Meeting Minutes with the suggested changes. Dr. Bustillo seconded the motion. Following review and discussion, the motion carried by roll call.

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

Recused							
Abstained				X			
Absent							

3) REVIEW, CONSIDERATION and ACTION

A) Applications for Licensure and Certification

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

- 1) Abigail Niemeyer

The Board reviewed and discussed the above application.

Mr. Greer moved the Board to **Approve** the above Application for Physical Therapist upon Receipt of Passing Scores on the NPTE/AZLAW and Final Transcript. Dr. Bustillo seconded the motion. Following review and discussion, the motion carried by roll call.

Vote	Mr. Clinton	Ms. Hunter	Dr. King	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 Assistant Certification upon Receipt of Passing Scores on the NPTE/AZLAW and Final Transcript

- i. Alana Bondarenk

The Board reviewed and discussed the above application.

Dr. King moved the Board to **Approve** the above Application for Physical Therapist Assistant upon Receipt of Passing Scores on the NPTE/AZLAW and Final Transcript. Dr. Bustillo seconded the motion. Following review and discussion, the motion carried by roll call.

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

Nay							
Recused							
Abstained							
Absent							

ii. Nicholas Novak

The Board reviewed and discussed the above application.

Dr. King moved the Board to **Approve** the above Application for Physical Therapist Assistant upon Receipt of Passing Scores on the NPTE/AZLAW and Final Transcript. Dr. Bustillo seconded the motion. Following review and discussion, the motion carried by roll call.

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

iii. Lindsey Oleck

The Board reviewed and discussed the above application.

Dr. Bustillo moved the Board to **Approve** the above Application for Physical Therapist Assistant upon Receipt of Passing Scores on the NPTE/AZLAW and Final Transcript. Dr. King seconded the motion. Following review and discussion, the motion carried by roll call.

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

iv. Sydney Weseman

The Board reviewed and discussed the above application.

Dr. King moved the Board to **Approve** the above Application for Physical Therapist Assistant upon Receipt of Passing Scores on the NPTE/AZLAW and Final Transcript. Dr. Bustillo seconded the motion. Following review and discussion, the motion carried by roll call.

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

3) 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

i. Christopher Dela Rosa

The Board reviewed and discussed the above application.

Dr. Cornwall moved the Board finds Mr. Dela Rosa Foreign Educated Graduates of Programs Not U.S. Accredited substantially equivalent and issue licensure upon Receipt of Passing Scores on the NPTE/AZLAW and Final Transcript. Dr. King seconded the motion. Following review and discussion the motion carried.

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

ii. Suchi Desai

Dr. Cornwall moved the Board finds Ms. Desai Foreign Educated Graduates of Programs Not U.S. Accredited substantially equivalent. The Board granted approval to take AZ Law Exam and may pursue a 6-month SCPP with Board approved Physical Therapist. Ms. Hunter seconded the motion. Following review and discussion the motion carried.

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

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

- 1) ReyAnn Rivera

The Board reviewed and discussed the above application.

Dr. Bustillo moved the Board to **Approve** the above Application for ADA Accommodations for time and a half for both exams. Ms. Hunter seconded the motion. Following review and discussion, the motion carried by roll call.

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

4) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

A) Review, Discussion and Possible Action for Initial Review:

- 1) Case No. 19-62; Pamela Pino, PT

Ms. Richardson provided a summary of the case for the Board. On November 4, 2019 Board received complaint. Complaint #19-62 was opened on December 4, 2019. Ms. CA alleges Ms. Pino caused an increase in her pain as a result of physical therapy.

Ms. Pino and patient CA were both present. Ms. Pino provided an opening statement to the Board.

The Board reviewed and discussed the above application and asked questions of Ms. Pino.

Patient CA provided an opening statement to the Board. The Board asked questions of Ms. CA.

Ms. Hunter moved the Board to **issue a Non-Disciplinary Order:**

Respondent shall complete a total of six (6) hours of Board staff pre-approved continuing education in the area(s) of documentation. CEU’s can be completed online. The course(s) shall be preapproved in writing by Board staff and Respondent shall provide documentation of successful completion of the course(s) to Board staff. The continuing education hours shall be in addition to the hours required for the renewal of licensee’s physical therapy license. A.A.C. R4-24-401.

Ms. Remec seconded the motion. Following review and discussion, the motion carried by roll call.

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

2) Case No. 19-63; Jeffrey Gale, PT

Ms. Richardson provided a summary of the case for the Board. Complaint #19-63 was opened on December 18, 2019 following notification of adverse action taken by the Texas Board of Physical Therapy. Mr. Gale was issued a Board Order by the Texas Board of Physical Therapy suspending his license for 30 days and pay fines. The Board Order asserts that Mr. Gale violated Section 453.51 of the Texas Physical Therapy Practice Act and Chapter 322.4(b)(17) of the board rules when he abandoned his patients.

The Board reviewed and discussed the above application.

Dr. Cornwall moved the Board to **Dismiss** the above complaint. Mr. Clinton seconded the motion. Following review and discussion, the motion carried by roll call.

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

Absent							
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3) Case No. 20-01; Randy Whittle, PT

Ms. Richardson provided a summary of the case for the Board. On January 8, 2020 Board received complaint. Complaint #20-01 was opened on January 22, 2020. Ms. MR alleges Mr. Whittle caused bruising as a result of physical therapy and did not inform her to expect bruising.

The Board reviewed and discussed the above application.

Dr. King moved the Board to **Dismiss** the above complaint. Dr. Bustillo seconded the motion. Following review and discussion, the motion **failed** by roll call.

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

Ms. Hunter moved the Board to **issue a Non-Disciplinary Order:**

Respondent shall complete a total of six (6) hours of Board staff pre-approved continuing education in the area(s) of documentation. CEU’s can be completed online. The course(s) shall be preapproved in writing by Board staff and Respondent shall provide documentation of successful completion of the course(s) to Board staff. The continuing education hours shall be in addition to the hours required for the renewal of licensee’s physical therapy license. A.A.C. R4-24-401.

Dr. Bustillo seconded the motion. Following review and discussion, the motion carried by roll call.

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

Absent							
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4) Case No. 20-02; Lindsey Hoover, PT

Ms. Richardson provided a summary of the case for the Board. On February 1, 2020 Board received complaint. Complaint #20-02 was opened on February 3, 2020. Ms. CE alleges Ms. Hoover caused ongoing pain/injury as a result of dry needling in the course of physical therapy treatment.

Ms. Hoover and patient CE were both present and neither were represented by legal counsel.

Ms. Hoover provided an opening statement to the Board. The Board reviewed and discussed the above complaint and asked questions of Ms. Hoover.

Patient CE provided an opening statement to the Board. The Board asked questions of Ms. CE.

Dr. Cornwall moved the Board to forward the above case to an **Informal Hearing**. Ms. Hunter seconded the motion. Following review and discussion, the motion **failed** by roll call.

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

Ms. Hunter moved the Board to **Dismiss** the above complaint. Dr. King seconded the motion. Following review and discussion, the motion carried by roll call.

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

The Board Recessed from 9:50 A.M. to 9:57 A.M.

Roll call taken after returning back from **Recesses** at 9:57 A.M. by Dr. Donahue.

5) Case No. 20-23; Caitlin Palmer, PT

Dr. Donahue provided a summary of the case for the Board. Ms. Palmer failed to complete 2.5/ 20 continuing education hours for the 2018-2020 compliance period.

The Board reviewed and discussed the above complaint.

Dr. Cornwall moved the Board to offer a **Consent Agreement to include:**

Probation: The Arizona State Board of Physical Therapy hereby orders that Respondent, holder of License No. LPT-030592, be placed on probation for a period of six (6) months to commence upon the effective date of this Order. Failure to comply with the terms of probation shall be subject to the Noncompliance term of the Order. The Board orders Respondent to comply with the following terms and conditions of probation:

Civil Penalty: Respondent shall pay a civil penalty of \$100.00 dollars.

Jurisprudence Exam: Respondent shall take and pass the Arizona Jurisprudence Examination (AZ Law).

If the consent agreement is not accepted the Board will forward the case to an Informal Hearing. Ms. Hunter seconded the motion. Following review and discussion, the motion carried by roll call.

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

6) Case No. 20-24; Kimberly King, PTA

Dr. Donahue provided a summary of the case for the Board. Ms. King failed to complete 3 of 10 continuing education hours for the 2018-2020 compliance period.

The Board reviewed and discussed the above complaint.

Ms. Hunter moved the Board to offer a **Consent Agreement to include:**

Probation: The Arizona State Board of Physical Therapy hereby orders that Respondent, holder of Certificate No. PTA-010152, be placed on probation for a period of six (6) months to commence upon the effective date of this Order. Failure to comply with the terms of probation shall be subject to the Noncompliance term of the Order. The Board orders Respondent to comply with the following terms and conditions of probation:

Civil Penalty: Respondent shall pay a civil penalty of \$100.00 dollars.

Jurisprudence Exam: Respondent shall take and pass the Arizona Jurisprudence Examination (AZ Law).

Continuing Education: Respondent shall take and complete continuing education in the areas listed below within six (6) months from the effective date of this order. Respondent must submit to Board staff for approval prior to beginning the continuing education courses, a syllabus of each course. Respondent shall provide documentation to Board staff that the course was completed prior to any termination of probation is considered.

Respondent shall take and complete a minimum of six (6) hours of continuing education in the area of **Ethics.**

If the consent agreement is not accepted the Board will forward the case to an Informal Hearing. Mr. Greer seconded the motion. Following review and discussion, the motion carried by roll call.

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

7) Case No. 20-26; Brad Kempton, PT

Dr. Donahue provided a summary of the case for the Board. Mr. Kempton, PT failed to renew his license on or before August 31, 2020. Mr. Kempton’s license was reinstated on September 24, 2020. Mr. Kempton worked 24 days (September 1-24, 2020) without a license.

The Board reviewed and discussed the above complaint.

Ms. Hunter moved the Board to offer a **Consent Agreement to include:**

Probation: The Arizona State Board of Physical Therapy hereby orders that Respondent, holder of License No. LPT-009936, be placed on probation for a period of thirty (30) days to commence upon the effective date of this Order. Failure to comply with the terms of probation shall be subject to the Noncompliance term of the Order. The Board orders Respondent to comply with the following terms and conditions of probation:

Notification to Employer(s), Patients and Third-Party Payers: Respondent shall submit evidence of having notified his employer(s), patient(s) and payor(s) of the administrative suspension of his license from September 1, 2020 through September 2, 2020.

Continuing Education: Respondent shall take and complete continuing education in the areas listed below within thirty (30) days from the effective date of this order. Respondent must submit to Board staff for approval prior to beginning the continuing education courses, a syllabus of each course. Respondent shall provide documentation to Board staff that the course was completed prior to any termination of probation is considered.

Respondent shall take and complete a minimum of six (6) hours of continuing education in the area of **Ethics.**

If the consent agreement is not accepted the Board will forward the case to an Informal Hearing. Mr. Greer seconded the motion. Following review and discussion, the motion carried by roll call.

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

8) Case No. 20-27; Dawn Bybee, PTA

Dr. Donahue provided a summary of the case for the Board. Ms. Bybee failed to report her arrest for DUI on November 22, 2017 within the 10-day required reporting period. She plead guilty on June 26, 2019. Ms. Bybee disclosed her arrest when renewing her certificate for the 2020-2022 licensing period.

The Board reviewed and discussed the above complaint.

Ms. Hunter moved the Board to **issue an Advisory Letter** to include:

“The Board’s concerns relate to your failure to notify the Board within 10-days after charges for DUI. The Board formally advises you to know and comply with the reporting requirement”.

Dr. Cornwall seconded the motion. Following review and discussion, the motion carried by roll call.

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

5) BOARD BUSINESS AND REPORTS

A) Board In-service and discussion: “Practice Management: Supervision” (30 minutes)

1) Peg Hiller, PT

Ms. Hiller provided a “Practice Management: Supervision” presentation to the Board.

B) Discussion: Informative Video(s) posted on PT Board Website

Dr. King moved the Board to enter into **Executive Session** to obtain legal advice. Dr. Cornwall seconded the motion. Following review and discussion the motion carried.

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

Nay							
Recused							
Abstained							
Absent							

Executive Session -A from 11:16 A.M. to 11:39 A.M.

Roll call taken after returning back from **Executive Session** at 11:39 P.M. by Dr. Donahue.

Let the record reflect Mr. Greer has left the Board meeting.

The Board reviewed and discussed the above agenda item.

Dr. Cornwall moved the Board to research methods to provide modules on the Board website with appropriate disclosures and authorize Board staff to finance. Dr. Bustillo seconded the motion. Following review and discussion the motion carried.

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

C) Review and Discussion:

- 1) Provisional Licensure/Certification (As of November 16, 2020)
 - (1) 49 Provisional licenses have been modified to Active Status
 - (2) 25 Provisional Licenses remain in Inactive Status
- 2) 41 Individuals Licensed October 1- October 31, 2020
 - (1) 23 Physical Therapists Endorsement
 - (2) 3 Physical Therapists Examination
 - (3) 1 Physical Therapist Universal Recognition
 - (4) 4 Physical Therapist Assistants Endorsement
 - (5) 8 Physical Therapist Assistants Examination
 - (6) 1 Business Entity
 - (7) 1 Military Spouse Endorsement

D) October Financials

Dr. Donahue provided an updated of the above topic. No action was needed or taken.

3) REVIEW, CONSIDERATION and ACTION

A) Applications for Licensure and Certification

3) 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

ii. Suchi Desai

Dr. Cornwall moved the Board to **Rescind** Ms. Desai previous motion. Dr. King seconded the motion. Following review and discussion, the motion carried by roll call.

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

Ms. Cardoza informed the Board That Ms. Desi has confirmed she has had US experience since 2013 and has received a letter form her previous employer confirming date of employment with then from July 2019 to July 2020

The Board finds Ms. Desai Foreign Educated Graduates of Programs Not U.S. Accredited substantially equivalent.

Dr. Cornwall moved the Board to **Approve** the above Application for Physical Therapist upon Receipt of Passing Scores on the NPTE/AZLAW and Final Transcript. Ms. Hunter seconded the motion. Following review and discussion the motion carried.

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

6) ADJOURNMENT

Dr. King moved the Board to **Adjourn**. Ms. Hunter seconded the motion. Following review and discussion, the motion carried by roll call.

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

Meeting adjourned at 11:54 A.M.

Prepared by,

Monica Crowley
Licensing Administrator

Approved by,

Karen Bustillo, PT, DPT, OCS, CLT
Secretary