



Mark Cornwall, PT, PHD, FAPTA
President

ARIZONA STATE BOARD OF PHYSICAL THERAPY
1470 W. ADAMS ST., STE 2450, PHOENIX, ARIZONA 85007
(602) 274-0236
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REGULAR SESSION MEETING MINUTES
December 17, 2019

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

BOARD MEMBERS ABSENT:

ASSISTANT ATTORNEY GENERAL PRESENT: Mona Baskin, Assistant Attorney General

BOARD STAFF PRESENT IN PERSON: Karen Donahue, PT, DPT, Executive Director
Monica Crowley, Licensing Administrator
Veronica Cardoza, Administrative Services Officer
Mindy Richardson, PT, Investigator

1) CALL TO ORDER – 8:30 A.M.; Dr. Cornwall called the meeting to order at 8:33 A.M. (A recording of the meeting is available through the Board Office)

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

2) Review and Approval of Draft Minutes

A) November 19, 2019 Regular Session Meeting Minutes

The Board reviewed and discussed the minutes.

Dr. Cornwall moved the Board to approve the December 19, 2019 Regular Session Meeting Minutes with the suggested changes. 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	

Nay							
Recused							
Abstained				X			X
Absent							

B) November 19, 2019 Executive Session Meeting Minutes-A

The Board reviewed and discussed the minutes.

Mr. Clinton moved the Board to approve the November 19, 2019 Executive Session Meeting Minutes-A with the suggested changes. 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	X	
Nay							
Recused							
Abstained				X			X
Absent							

C) November 19, 2019 Executive Session Meeting Minutes-B

The Board reviewed and discussed the minutes.

Ms. Hunter moved the Board to approve the November 19, 2019 Executive Session Meeting Minutes-B with the suggested changes. 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	
Nay							
Recused							
Abstained				X			X
Absent							

D) November 19, 2019 Executive Session Meeting Minutes-C

The Board reviewed and discussed the minutes.

Ms. Hunter moved the Board to approve the November 19, 2019 Executive Session Meeting Minutes-C with the suggested changes. 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	
Nay							
Recused							
Abstained				X			X
Absent							

3) CONSENT AGENDA: REVIEW, CONSIDERATION and ACTION

A) Applications for Licensure and Certification

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

Susan Blum	Cassidy Cooney
Mary McHugh	Emily Shapland
Tyler Torres	

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

Zachary Enyeart	Jessica Horvatich
Jason Peak	

Mr. Greer moved the Board to approve the above Applications for Physical Therapist Licensure and Physical Therapist Assistant Certification 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							

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

1) Physical Therapist Application

(a) Reannon Horton

Dr. King moved the Board to approve the above Application for Physical Therapist Licensure and Approval for ADA Accommodations, upon Receipt of Passing Scores on the NPTE/AZLAW and Final Transcript. 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							

(b) Justin Jarrel

Ms. Hunter moved the Board to approve the above Application for Physical Therapist Licensure and Approval for ADA Accommodations, 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) Physical Therapist Assistant Application

(a) Savannah Flores

Dr. King moved the Board to approve the above Application for Physical Therapist Assistant Certification and Approval for ADA Accommodations, upon Receipt of Passing Scores on the NPTE/AZLAW and Final Transcript. 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							

C) Substantive Review of Documentation Related to Disclosure on “Personal Information” Section of Previously Certified in AZ.

(a) Patrick Weigand

Dr. Cornwall moved the Board to approve the above Application for Physical Therapist Assistant Certification upon Receipt of Passing Scores on the AZLAW. 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
Nay				X			
Recused							
Abstained							
Absent							

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

(a) James Molyneux

The Board reviewed and discussed the application.

Dr. Cornwall moved the Board finds Mr. Molyneux Foreign Educated Graduates of Programs not U.S. Accredited substantially equivalent and may pursue the SCPP with Board approved physical therapist. Ms. Remec 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) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

D) Review, Discussion and Possible Action for Request for Early Termination of Probation:

1)Board Order 17-01; Marlene Zuhl, PT

Ms. Hunter stated she knows Ms. Zuhl has no bias to hear the case.

Ms. Zuhl was present and was not represented by legal counsel. Ms. Zuhl provided an opening statement to the Board.

The Board reviewed and disused the case.

Dr. Cornwall moved the Board to Grant request for Early Termination of Probation. 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							

C) Review, Discussion and Possible Action for Review of Initial Review:

1)Case No. 19-13; Justin Newman, PT

Ms. KZ alleges that Mr. Newman multiple time clock clockings prior to and after his start/end times at locations that did not match his assigned facility and multiple patients have reported that care was not provided when Mr. Newman documented care as being provided.

Mr. Newman was present via phone and was represented by Mr. Charles Struble.

Mr. Struble provided an opening statement to the Board and stated Mr. Newman was there to answer any question the Board had for him. The Board reviewed, discussed the investigation, and asked questions of Mr. Newman.

Dr. King moved the Board to Dismiss the above case. 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							

E) Review, Discussion and Possible Action Potential Opening of Complaint:
 1) JG, PT

The Board reviewed and discussed the above case.

Mr. Greer moved the Board to Open a complaint. Ms. Remec 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							

The Board Recessed from 9:08 A.M. to 9:15 A.M.

A) Review, Discussion and Possible Action on Formal Hearing in the following case:
 1) Case No. 19-21; Ashley Burton, PTA (9:00 am)

At 10:00 A.M. Ms. Mona Baskin Assistant Attorney General stepped away from the Board table. Ms. Elizabeth Campbell, Assistant Attorney General proceeded to sit at the table and was there to advise the Board.

Dr. Cornwall moved the Board enter into Executive Session to obtain legal advice and to review confidential records. 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	X
Nay							
Recused							
Abstained							
Absent							

Executive Session-A from 9:16 A.M. to 9:26 A.M.

The Board reviewed and discussed the case.

Dr. Cornwall moved the Board to table the above case to the January Board Meeting for possible consent agreement. Mr. Greer seconded the motion. Following review and discussion Mr. Greer added a friendly amendment to instruct staff to contact Ms. Burton to seek voluntary surrender of her AZ PT Compact Privilege. Dr. Cornwall accepted the friendly amendment. 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							

Ms. Elizabeth Campbell, Assistant Attorney General left the Board table at 9:44 A.M. and Ms. Baskin, Assistant Attorney General returned to the Board table at 9:44 A.M.

- C) Review, Discussion and Possible Action for Review of Initial Review:
 - 2)Case No. 18-46; Atalie Ho Lem, PT

The Board Recessed from 9:45 A.M. to 9:46 A.M.

Ms. Ho Lem was present and was represented by Ms. Tracy Olson.

Ms. Richardson provided a summary of the case for the Board. On December 10, 2018 Board received complaint. Complaint #18-46 was opened on December 28, 2018. Dr. KM alleges that Ms. Ho Lem was discriminatory toward their child based on his disability and that she did not provide treatment that respected their son’s individuality, choices, strengths, and abilities.

Ms. Ho Lem provided an opening statement. Patients mother Dr KM and her witness both provided an opening statemen to the Board. The Board reviewed and discussed the case and asked questions of both Ms. Ho Lem and Dr. KM.

Ms. Hunter moved the Board to Dismiss the above case. 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
Nay	X						
Recused							
Abstained							
Absent							

The Board Recessed from 10:22 A.M. to 10:30 A.M.

B) Review, Discussion and Possible Action on Informal Hearing in the following case:

1) Case No. 18-14; Amy Brannon, PT (10:00 am)

Ms. Brannon was present and was represented by Mr. Nick Meza. The Board members and Board staff introduced themselves. Dr. Cornwall read a summary of how the hearing would be conducted and reviewed the possible outcomes of the hearing. Ms. Richardson and Ms. Brannon were both sworn-in as witnesses.

Ms. Richardson read the allegations against Ms. Brannon. On March 19, 2018 Board received complaint. Complaint #18-14 was opened on April 6, 2018. Ms. Kankelfitz was a Physical Therapy Student at Ms. Brannon’s clinic. Ms. Kankelfitz alleges that Ms. Brannon did not perform an initial examination prior to treatment, asked the student to copy and paste previous evaluations into new patient record, and requested the student to document tests that were not performed as if Ms. Brannon performed them.

Both Ms. Brannon and her attorney Mr. Meza provided an opening statement to the Board.

The Board reviewed and discussed the case and asked questions of Ms. Brannon.

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

Mr. Greer moved the Board to issue an advisory letter: “PT evaluation should be performed and fully documented and a full evaluation needs to be completed even if prior discharge is recorded”. Dr. Bustillo seconded the motion. Following review and discussion the motion failed.

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							

The Board reviewed and discussed the case.

Dr. Cornwall guided the Board through each allegation for discussion. Following discussion on the allegations Dr. Bustillo moved the Board adopt the following Findings of Fact:

1. On or about March 15, 2018, Respondent failed to fully evaluate Patient HR’s cervical, thoracic and lumbar regions prior to initiating therapeutic interventions.
2. Respondent performed a high velocity low amplitude manipulation of Patient HR’s cervical region when the cervical active range of motion was assessed as within normal limits for forward bending, back bending and rotation. Side-bending of the cervical region was not assessed by Respondent.
3. Respondent failed to assess Patient HR’s thoracic spine prior to initiation of a high velocity low amplitude manipulation of the thoracic spine and provision of other therapeutic interventions.
4. Respondent performed a cursory screening exam for Patient HR, instead of performing a comprehensive evaluation prior to provision of therapeutic interventions.

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	X
Nay	X				X		
Recused							
Abstained							
Absent							

Dr. Cornwall moved the Board adopt the following Conclusions of Law:

A.R.S. §32-2044(4): “Engaging in the performance of substandard care by a physical therapist due to a deliberate or negligent act or failure to act regardless of whether actual injury to the patient is established.”

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
Nay	X				X		
Recused							
Abstained							
Absent							

The Board discussed possible disciplinary action against Ms. Brannon license. Following discussion Dr. Bustillo moved the Board adopt the following Order:

Probation: The Arizona Board of Physical Therapy hereby orders that Respondent, holder of Physical Therapy License No. LPT-008042, is placed on probation for **six (6) months** from the effective date of the order with the possibility of early termination. The probation may be extended or other enforcement actions taken in the event Respondent is found in violation this Order or violates the Arizona Physical Therapy Practice Act.

Patient Record Review: After the completion of Respondent’s continuing education course in the area of documentation, the Board's Investigator shall perform a minimum of one review of three (3) randomly selected charts for patients treated by Respondent. Respondent shall contact the Board’s Investigator and provide the Investigator with a list of patients Respondent has treated during a period of time designated by the Board Investigator. The purpose of the review is to assess compliance with the Board's statutes and rules. If review of the charts described above reveal that the Respondent's records are not in compliance with the Board's statutes and rules, Respondent shall submit to additional reviews of patient charts where the Board's Investigator shall perform another review of three (3) randomly selected charts for patients treated by Respondent. The purpose of the reviews is to assess compliance with the Board's statutes and rules. Respondent may petition the Board for relief of the reviews if Respondent disagrees with the Board Investigator’s findings.

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
Nay	X				X		
Recused							
Abstained							
Absent							

The Board Recessed from 11:37 A.M. to 11:57 A.M.

At 11:57 A.M. Ms. Mona Baskin Assistant Attorney General stepped away from the Board table. Ms. Elizabeth Campbell, Assistant Attorney General proceeded to sit at the table and was there to advise the Board.

4) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

A) Review, Discussion and Possible Action on Formal Hearing in the following case:

4)Case No. 19-38; Loxi Siclair, PTA (11:00am)

Ms. Siclair was present and was not represented by legal counsel. Dr. Cornwall called the formal hearing to order. The Board members introduced themselves. Dr. Cornwall provided a review of the proceedings and possible outcomes. All Board members had been furnished with copies of the Complaint and Notice of Hearing. Mona Baskin, Assistant Attorney General representing the State of Arizona. Ms. Elizabeth Campbell, Assistant Attorney General, was there to advise the Board.

Dr. Donahue reviewed process by which the respondent was served with the Notice of Hearing.

Ms. Baskin made an opening statement. Dr. Donahue, Ms. Cardoza and Ms. Siclair were all sworn in. Ms. Siclair provided an opening statement.

The State calls Ms. Cardoza to provided testimony, review and go over states exhibit 6 and 2. Ms. Baskin entered Exhibits 6 and 2 into evidence. The Board accepted the Exhibits.

The State calls Dr. Donahue to provided testimony, review and go over states exhibit 1, 3, 4 and 5. Ms. Baskin entered Exhibits 1, 3, 4 and 5 into evidence. The Board accepted the Exhibits.

The Board asked questions of Dr. Donahue. The State rests.

Ms. Siclair asked questions of Ms. Cardoza.

Mr. Greer moved the Board 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-B from 12:56 P.M. to 1:04 P.M.

Ms. Baskin provide a closing statement to the Board. Ms. Siclair also provided a closing statement to the Board.

Ms. Hunter moved the Board to Dismiss the case. Mr. Greer 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							

2)Case No. 19-22; Melissa Huband, PTA (9:30 am)

Mr. Greer moved the Board to table the above case to the January Board meeting for possible consent agreement and allow staff to contact Ms. Huband to seek voluntary surrender of her AZ PT Compact Privilege. 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							

3)Case No. 19-23; Abiye Oloyede, PT (10:30 am)

Mr. Greer moved the Board to table the above case to the January Board Meeting for possible consent agreement and allow staff to contact Ms. Oloyede to seek voluntary surrender of her AZ PT Compact Privilege. Mr. Clinton 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							

Ms. Elizabeth Campbell, Assistant Attorney General left the Board table at 1:20 P.M. and Ms. Baskin, Assistant Attorney General returned to the Board table at 1:20 P.M.

5) BOARD BUSINESS AND REPORTS

A) Review and Discussion

- 1)FSBPT Alternate Approval Process

Jim Farris was there representing the FSBPT provided an updated of the above topic. No action was needed or taken.

B) Discussion

- 1)AAG Baskin Board Training
 - a) Process and procedure regarding initial reviews, informal and formal hearings.

Tabled to next Board meeting

C) Review and Discussion:

- 1)FSBPT Meeting: 2-day training for investigating and prosecuting sexual assault, child abuse and domestic violence cases.
 - a) 1 paid registration, however all incidentals, including meals, are at the expense of the Board.
 - b) Date to be determined

Dr. Cornwall moved the Board to approve 2 individuals to attend the FSBPT Meeting: 2-day training for investigating and prosecuting sexual assault, child abuse and domestic violence cases. 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							

D) Review and Discussion:

- 1)Applications Submitted November 2019
 - a) 67 Applications Submitted
 - i. 1 Business Entity
 - ii. 27 PT by Endorsement

- iii. 14 PT by Examination
- iv. 2 PT Foreign Educated
- v. 4 PT Universal Recognition
- vi. 2 PTA Universal Recognition
- vii. 5 PTA by Endorsement
- viii. 12 PTA by Examination

2)PT Licensure/ PTA Certification November 2019

- a) 54 Applications Approved
 - i. 1 Business Entity
 - ii. 25 PT by Endorsement
 - iii. 20 PT by Examination
 - iv. 4 PTA by Endorsement
 - v. 2 PTA by Examination
 - vi. 1 PTA by Universal Recognition
 - vii. 1 PT Military Spouse Endorsement

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

6) CALL TO THE PUBLIC

No one came forward.

7) ADJOURNMENT

Dr. Cornwall moved the Board to adjourn. Ms. Hunter seconded the motion. Following review and discussion, the motion carried unanimously 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							

Meeting adjourned at 1:46 P.M.

Prepared by,

Monica Crowley

Board Meeting 12/17/19

Licensing Administrator

Approved by,

Karen Bustillo, PT, DPT, OCS, CLT
Secretary