



Mark Cornwall, PT, PHD, FAPTA
President

ARIZONA STATE BOARD OF PHYSICAL THERAPY
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**REGULAR SESSION MEETING MINUTES via
Hangout Meet Video Conferencing
December 15, 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 8:31 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) November 26, 2020 Regular Board Meeting Minutes

The Board reviewed and discussed the above minutes.

Dr. Cornwall moved the Board to approve the November 26, 2020 Regular 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	X
Nay							
Recused							
Abstained							
Absent							

B) November 26, 2020 Executive Session Board Meeting Minutes -A

The Board reviewed and discussed the above minutes.

Ms. Hunter moved the Board to approve the November 26, 2020 Executive Session Board Meeting Minutes - A. 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, 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.

- i. Christopher Greaves

The Board reviewed and discussed the above application.

Ms. Hunter moved the Board to **Approve** the above Application for Physical Therapist 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							

ii. Leah Micek

The Board reviewed and discussed the above application.

Dr. King 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							

3) Review of and Possible Action on the Following Applications for Physical Therapist Licensure – Foreign Educated Graduates of Programs U.S. Accredited.

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

i. Karla Kelly

The Board reviewed and discussed the above application. Ms. Kelly has not practiced in the US.

Dr. Cornwall moved the Board finds Ms. Kelly’s Foreign Educated Graduates of Programs U.S. Accredited substantially equivalent 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.
 - i. Shannon Manning

The Board reviewed and discussed the above application.

Dr. King moved the Board to **Continue** the above Application to allow Ms. Manning to provide additional ADA information. 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							

4) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

- C) Review, Discussion and Possible Action for Initial Review:
 - 1) Case No. 20-16; Susan Connell, PT

Dr. Donahue provided a summary of the case for the Board. Ms. Connell failed to pass the AZ Jurisprudence exam prior to obtainment of her Compact Privilege CP3263T.

The Board reviewed and discussed the above application.

Mr. Greer 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	X	X
Nay							
Recused							
Abstained							
Absent							

2) Case No. 20-31; Scott Richardson, PT

Dr. Donahue provided a summary of the case for the Board. Mr. Richardson failed to renew his license on or before August 31, 2020. Mr. Richardson reinstated his license on October 1, 2020. Mr. Richardson practiced without an active license for 30 days.

The Board reviewed and discussed the above application.

Mr. Greer moved the Board to offer a Consent Agreement to include:

FINDINGS OF FACT

- Respondent knew, or should have known that he was required to renew his license on or before August 31, 2020.
- Respondent failed to renew his license on or before August 31, 2020.
- Respondent reinstated his license on October 1, 2020.
- Respondent practiced thirty (30) days without an active license.

CONCLUSIONS OF LAW

The conduct and circumstances as stated in the above Findings of Fact constitute a violation of A.R.S. §32-2027(A) “A licensee or certificate holder shall renew the license or certificate pursuant to board rules. Except as provided in section 32-4301, a licensee or certificate holder who fails to renew the license or certificate on or before the expiration date shall not practice as a physical therapist or physical therapist assistant in this state.”

ORDER

Probation: The Arizona State Board of Physical Therapy hereby orders that Respondent, holder of License No. LPT-002353, be placed on probation for a period of six (6) months to commence upon the effective date of this Order with the possibility of early termination. 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 October 1, 2020.

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.

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

Civil Penalty: Respondent shall pay a civil penalty of \$360.00 dollars.

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

If not accepted the Board will forward the case to an Informal Hearing 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) Case No. 20-32; Carl McCaughey, PT

Dr. Donahue provided a summary of the case for the Board. Mr. McCaughey failed to complete 7.5/ 10 continuing education hours for the 2018-2020 compliance period.

The Board reviewed and discussed the above application.

Mr. Greer moved the Board to offer a Consent Agreement to include:

FINDINGS OF FACT

- Respondent knew, or should have known that he was required to complete 10 hours of continuing competency for the 2018-2020 compliance period.
- Respondent submission of continuing competence identified a deficiency of 2.5 hours.

CONCLUSIONS OF LAW

The conduct and circumstances as stated in the above Findings of Fact constitute a violation of A.R.S. §32-2022(24) “Failing to complete continuing competence requirements as established by the board by rule.”

ORDER

Probation: The Arizona State Board of Physical Therapy hereby orders that Respondent, holder of Certificate No. PTA-010078, be placed on probation for a period of six (6) months to commence upon the effective date of this Order with the possibility of early termination. 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 \$150.00 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.

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

If not accepted the Board will forward the case to an Informal Hearing 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							

4) Case No. 20-03; Mitchell Allen, PTA

Ms. Richardson provided a summary of the case for the Board. Ms. Ikoh alleges that Mr. Allen documented treating a patient on 12/30/19 when the patient was hospitalized from 12/28/19 to 1/2/20.

The Board reviewed and discussed the above application.

Dr. Cornwall moved the Board to **forward** the above case to an **Informal Hearing**. 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
Nay		X	X				
Recused							
Abstained							
Absent							

Ms. Hunter moved the Board to **open a complaint** against Ms. Kaja Ikoh, PT. Dr. King seconded the motion. Following review and discussion, both Ms. Hunter and Dr. King withdrew their 1st and 2nd motions.

B) Review, Discussion and Possible Action for **Informal Hearing**:

- 1) Case No. 19-64: Louis Bartlo, PT (9am)

Mr. Bartlo was present and was represented by Mr. James Bennett. The Board members and Board staff introduced themselves. Mr. Bartlo and his attorney Mr. Bennett 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 Mr. Bartlo were sworn-in as witnesses. Dr. Donahue read the allegations against Mr. Bartlo.

Mr. Bennett provided an opening statement.

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

Mr. Bennett provided a closing statement.

The Board deliberated.

Dr. Cornwall moved the Board to issue a **Non-Disciplinary Order** to include

IT IS HEREBY ORDERED that within six (6) months of the effective date of this Order, Respondent shall complete a total of three (3) hours of Board staff pre-approved continuing education in the area of supervision. 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. The licensee understands that any violation of this Board Order constitutes unprofessional conduct pursuant A.R.S. § 32-2044(1) and may result in disciplinary action. A.R.S. § 32-2047.

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	
Nay	X	X					X
Recused							
Abstained							
Absent							

1) Case No. 19-39: Drew Giardina, PT (9:30am)

Mr. Giardina was present and was represented by Ms. Susan McLellan. The Board members and Board staff introduced themselves. Mr. Giardina and his attorney Ms. McLellan 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 Mr. Giardina were sworn-in as witnesses. Dr. Donahue read the allegations against Mr. Giardina.

Ms. McLellan provided an opening statement.

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

Ms. McLellan provided a closing statement.

The Board deliberated.

Dr. Cornwall moved the Board to **DISMISS** the above case. 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							

The Board Recessed from 10:38 A.M. to 10:48 A.M.

Roll call taken after returning back from **Recesses** at 10:48 A.M. by Dr. Donahue.

A) Review, Discussion and Possible Action for Formal Hearing:

1) Case No. 17-16: Keith Fandry, PT (10:30am)

Mr. Fandry was present and was represented by Mr. Flynn Carey. Dr. Cornwall called the formal hearing to order. The Board members introduced themselves. Ms. Richardson provided a review of

the proceedings and possible outcomes. Mona Baskin, Assistant Attorney General representing the State of Arizona, introduced herself. Ms. Jeanne Galvin, Assistant Attorney General, was there to advise the Board. Mr. Fandry, Mr. Carey and Ms. Kathleen Brody introduced themselves. Dr. Donahue reviewed process by which the respondent was served with the Notice of Hearing.

Ms. Baskin reviewed and went over the Consent Agreement that was negotiated between the State and Mr. Fandry and his attorneys.

Dr. Cornwall moved the Board to enter into **Executive Session** to obtain legal advice and review confidential information. 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							

Executive Session -A from 10:59 A.M. to 11:22 A.M.

Roll call taken after returning back from **Executive Session -A** at 11:22 A.M. by Dr. Donahue.

Mr. Greer moved the Board to accept and approve the **Finding of Facts, Conclusions of Law, Consent agreement and ORDER FOR VOLUNTARY SURRENDER OF LICENSE.** 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
Nay		X					
Recused							
Abstained							
Absent							

Dr. Cornwall moved the Board to Vacate Mr. Keith Fandry’s Formal 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
Nay		X					
Recused							
Abstained							
Absent							

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

5) Case No. 20-04; John Lewis, PT

Ms. Richardson provided a summary of the case for the Board. On April 10, 2020 Board received complaint. Complaint #20-04 was opened on May 6, 2020. Mr. RW alleges Mr. Lewis caused injury to his right phrenic nerve as a result of Physical Therapy treatment he received in December 2018.

The Board reviewed and discussed the above application and asked questions of Mr. Lewis.

Dr. Cornwall moved the Board to **Dismiss** the above complaint. 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		X					
Recused							
Abstained							
Absent							

5) BOARD BUSINESS AND REPORTS

A) Recognition of Ms. Mona Baskins for Service to the Board (Dr. Cornwall)

B) 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) 65 Individuals Licensed October 1- October 31, 2020
 - (1) 18 Physical Therapists Endorsement
 - (2) 11 Physical Therapists Examination
 - (3) 17 Physical Therapist Assistants Endorsement
 - (4) 8 Physical Therapist Assistants Examination
 - (5) 10 Business Entity
 - (6) 1 Military Spouse Endorsement

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

6) ADJOURNMENT

Dr. King moved the Board to **Adjourn**. 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							

Meeting adjourned at 11:50 A.M.

Prepared by,

Monica Crowley
Licensing Administrator

Approved by,

Karen Bustillo, PT, DPT, OCS, CLT
Secretary