



ARIZONA STATE BOARD OF PHYSICAL THERAPY
4205 NORTH 7TH AVENUE, SUITE 208 PHOENIX, ARIZONA 85013
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SPECIAL SESSION MEETING MINUTES
January 6, 2017

MEMBERS PRESENT:

Melinda Richardson, PT, MA; President
Michael S. Clinton, CPA; Member,
Nushka Remec, PT, MS, PCS; Member
James E. Miller, PT, DPT, Vice President
Al D'Appollonio, PT, MBA; Secretary
Whitney Lawrence; Member

MEMBERS ABSENT:

Peggy Hunter, PTA, CLT; Member

OTHERS PRESENT IN PERSON:

Charles D. Brown, Executive Director
Monica Crowley, Officer Manager,
Marc Harris, Assistant Attorney General,
Independent Advisor

- 1) **CALL TO ORDER – 4:00 P.M.;** Ms. Richardson called the meeting to order at 4:02 P.M. (A recording of the meeting is available through the Board Office)

Roll Call - The following Board members were present via phone conference: Ms. Richardson, Dr. Miller, Mr. D'Appollonio, Mr. Clinton, Ms. Remec and Ms. Lawrence.

- 2) **Review, Discussion and Action on Case Pending Formal Hearing; Consideration of Settlement/Consent Agreement**

- a) Case #11a-50-PTE; Lowell Hicks, PT

Mr. Brown, Executive Director provided a summary of the case for the Board. The Board has a scheduled hearing to resolve complaint 11-50 (11a-50-PTE) against the license of Lowell Hicks, PT. The hearing is scheduled for January 20, 2017. The involved parties are presenting the enclosed consent agreement as a proposed resolution of the case in lieu of proceeding to the scheduled Formal Hearing. Attached to this memo is the proposed consent agreement, which Mr. Hicks and his attorney have agreed to as a resolution, the Complaint and Notice of Hearing, and copies of courses Mr. Hicks has completed following the filling of this complaint. The Board has the option of accepting or rejecting the proposed agreement. If the agreement is rejected the matter will proceed to the formal hearing. The State of Arizona will be represented by John Tellier, Assistant Attorney General. The Board will also have Marc Harris, Assistant Attorney General available for legal advice.

John Tellier, Assistant Attorney General representing the State of Arizona and Marc Harris, Assistant Attorney General, Independent Advisor were present. Mr. Hicks was present and was represented by legal counsel, Teresa Sanzio.

John Tellier, Assistant Attorney General provided an opening statement. Ms. Sanzio also provided an opening statement and provided additional mitigating information for the Board to consider.

The Board reviewed and discussed the case and asked questions of Mr. Hicks. Marc Harris, Assistant Attorney General provided legal advice to the Board.

Ms. Richardson and Dr. Miller requested minor changes to the consent agreement.

Dr. Miller moved the Board accept the proposed consent agreement with the following modifications amending it to include a twelve (12) month probation period with possibility of early termination, six (6) hours of CEU's in documentation, six (6) hours of ethics, which must be preapproved and taken in person; take and pass the AZLaw exam. CEU's to be completed within twelve (12) months and would not count towards renewal and cannot be completed online. If the consent agreement is not accepted Board will move to Formal Hearing.

Mr. D'Appollonio seconded the motion. Following review and discussion the motion carried by roll call.

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

Marc Harris, Assistant Attorney General, IA advised Board to allow Mr. Hicks and his attorney, Ms. Sanzio to allow feedback regarding changes.

Ms. Sanzio needs time to discuss the new consent agreement with Mr. Hicks and requested some time to discuss the changes. Ms. Richardson agreed to come back to agenda item # 11a-50-PTE to allow Mr. Hicks and his attorney, Ms. Sanzio to address the Board.

3) CONSENT AGENDA: REVIEW, CONSIDERATION and ACTION

- a) Applications for Licensure and Certification

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

Melaku Akele	Michael Alcorn	Melissa Cascio
Kelsey Planter		

Note that Kelsey Planter’s name was misspelled on the agenda should be Kelsey Platner.

Ms. Richardson moved the Board approve the above applications 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	Mr. D’Appollonio	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence
Aye	X	X		X	X	X	X
Nay							
Recused							
Abstained							
Absent			X				

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

Sarah May		
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Ms. Richardson moved the Board approve the above applications for Physical Therapist Assistant Certification 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	Mr. D’Appollonio	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence
Aye	X	X		X	X	X	X
Nay							
Recused							
Abstained							
Absent			X				

4) CALL TO THE PUBLIC

No person came forward to address the Board.

Ms. Richardson reopens agenda item # 2(a) case #11a-50-PTE; Lowell Hicks, PT.

2) Review, Discussion and Action on Case Pending Formal Hearing; Consideration of Settlement/Consent Agreement

The Board may vote to go into Executive Session pursuant to A.R.S. §38-431.03(A)(2) for purposes of discussing confidential information or §38-431.03(A)(3) to obtain legal advice.

a) Case #11a-50-PTE; Lowell Hicks, PT

Ms. Sanzio addressed the Board stating Mr. Hicks agreed to the proposed consent agreement with minor changes. That the censure and civil penalty be removed. The Board reviewed and discussed the case.

Ms. Richardson move the Board amend the consent agreement to remove censure and civil penalty and keep twelve (12) month probation period with early termination following successful completion of CEU’s, six (6) hours of CEU’s in documentation, six (6) hours of ethics, which must be preapproved and taken in person; take and pass the AZLaw exam. CEU’s to be completed within twelve (12) months and would not count towards renewal and cannot be completed online. If the consent agreement is not accepted Board will move to Formal Hearing.

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

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

5) ADJOURNMENT

Ms. Richardson moved to adjourn the meeting. Dr. Miller seconded the motion. The motion carried.

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

Meeting adjourned at 4:45 P.M.

Prepared by,

Monica Crowley

Office Manager

Approved by,

Al D'Appollonio, PT, MBA