



Kelly King, PT, DPT
President

ARIZONA STATE BOARD OF PHYSICAL THERAPY
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**REGULAR SESSION MEETING MINUTES via
Google Meet Video Conferencing
Virtual Attendance
October 25, 2022**

BOARD MEMBERS PRESENT: Kelly King, PT, DPT, President
Karen Bustillo, PT, DPT, CLT, Vice President
Giovanni Leone, PTA; Secretary
John Heick, PT, DPT, PhD
Joshua Greer, Public Member
Joshua Barton, Public Member

BOARD MEMBERS ABSENT:

**ASSISTANT ATTORNEY
GENERAL PRESENT:** Marc Harris, Assistant Attorney General

BOARD STAFF PRESENT: Judy Chepeus, Executive Director
Veronica Cardoza, Administrative Services Officer
Monica Crowley, Licensing Administrator

BOARD SAFF ABSENT: Mindy Richardson PT, Investigator

1) **CALL TO ORDER – 8:30 A.M.;** Dr. King called the meeting to order at 8:30 A.M. (A recording of the meeting is available on the Board’s website.)

2) **Roll Call** – See Above.

3) **Minutes: Review, consideration, and action:**

A) September 27, 2022, Regular Session

Mr. Barton moved, seconded by Dr. Bustillo to **Approve** the September 25, 2022 Regular Meeting Minutes. The motion passed.

Vote	Dr. King	Dr. Bustillo	Mr. Leone	Mr. Greer	Mr. Barton	Dr. Heick	VACANT
Aye		X	X	X	X		

Nay							
Recused							
Abstained	X					X	
Absent							

5) Consent Agenda:

B) Applications recommended for approval of Physical Therapist Assistant certification upon successful completion of the application, including receipt of transcripts and passage of the NPTE and/or AZLAW. The Board will review, discuss, and may take action on the following applicants who provided an affirmative response to application questions related to their background.

- 1) Alyssa Cuesta
- 2) Trent Gibson

C) Cases recommended for termination of Board Order. The Board will review, discuss, and may vote to take action on the following case(s):

- 1) 17-18, Harold Hoffman, PT

Mr. Greer removed Mr. Trent Gibson’s application from the above consent agenda for separate consideration.

Dr. King moved, seconded by Mr. Barton to **Approve** consent agenda items 5B and 5C. The motion passed unanimously.

Vote	Dr. King	Dr. Bustillo	Mr. Leone	Mr. Greer	Mr. Barton	Dr. Heick	VACANT
Aye	X	X	X	X	X	X	
Nay							
Recused							
Abstained							
Absent							

Trent Gibson

Mr. Greer moved, seconded by Mr. Leone, to enter into **Executive Session** to obtain legal advice. The motion passed unanimously.

Vote	Dr. King	Dr. Bustillo	Mr. Leone	Mr. Greer	Mr. Barton	Dr. Heick	VACANT
Aye	X	X	X	X	X	X	
Nay							
Recused							
Abstained							
Absent							

Executive Session -A from 8:40 A.M. to 9:01 A.M.

Roll call taken after returning from **Executive Session** at 9:01 A.M. by Ms. Chepeus.

Mr. Gibson was present and addressed the Board.

Following discussion, Mr. Greer moved, seconded by Mr. Leone to **Approve** Mr. Gibson application for Physical Therapist Assistant certification upon successful completion of the application, including receipt of transcripts and passage of the NPTE and/or AZLAW. The motion passed unanimously.

Vote	Dr. King	Dr. Bustillo	Mr. Leone	Mr. Greer	Mr. Barton	Dr. Heick	VACANT
Aye	X	X	X	X	X	X	
Nay							
Recused							
Abstained							
Absent							

End of Consent Agenda

1) Informal Hearings

Pursuant to A.R.S. § 32-2046(A) and A.A.C. R4-24-306 the Board will conduct an informal hearing in the following matter. During the informal hearing the Board may go into executive session to discuss confidential records pursuant to A.R.S. § 38-431.03(A)(2) and/or to obtain legal advice pursuant to A.R.S. § 38-431.03(A)(3).

- 1) 21-17, Brelan Lane, PT (9:00 am)

The Board members and Board staff introduced themselves. Dr. King read a summary of how the informal hearing would be conducted and reviewed the possible outcomes of the informal hearing.

Ms. Richardson, Mr. Lane, and Mr. Sloan were sworn-in as witnesses.

Ms. Richardson summarized the Board’s investigation against Mr. Lane as outlined in the investigative report.

Mr. Lane was present and addressed the Board. Complainant, Mr. Sloan, was also present.

The Board questioned Mr. Lane and closing statements were made by Mr. Lane.

The Board deliberated.

Following review and discussion among the Board members Dr. King moved, seconded by Dr. Bustillo, to adopt the Findings of Fact and Conclusions of Law of all violations set forth in the investigative report as supported by the facts provided in the investigative report excluding 32-2044(14).

The motion passed unanimously.

Vote	Dr. King	Dr. Bustillo	Mr. Leone	Mr. Greer	Mr. Barton	Dr. Heick	VACANT
Aye	X	X	X	X	X	X	
Nay							
Recused							
Abstained							
Absent							

Following review and discussion among the Board members Dr. King moved, seconded by Mr. Leone, to issue a **Board Order** based on the Board’s discussion to include the following items listed below:

- Probation 18 months - Early termination is possible if all terms of the Order are met
- Continuing Education to be pre-approved by staff, may be completed online and to consist of the following. Will not count toward for renewal requirements:
 - 12 hours Pediatrics to be completed in 6 months
 - 6 hours Documentation to be completed in 30 days
 - 3 hours Ethics completed within 18 months
- Successful passage of AZLAW jurisprudence exam
- Clinical monitoring to begin after completion of the Documentation continuing education and to occur on a monthly basis to include a minimum of 3-5 records for a period of 8 months to include initial evaluation and progress notes.

The motion passed unanimously.

Vote	Dr. King	Dr. Bustillo	Mr. Leone	Mr. Greer	Mr. Barton	Dr. Heick	VACANT
Aye	X	X	X	X	X	X	
Nay							
Recused							
Abstained							
Absent							

The Board Recessed from 10:43 A.M. to 10:52 A.M.

Roll call taken after returning back from Recess at 10:52 A.M. by Ms. Chepeus.

9) Complaints and other disciplinary matters: review, consideration, and action.

A) 22-25 Jacob Berndl, PT

Initial review, consideration, and possible action regarding complaint.

Ms. Richardson provided a summary of the Board’s investigation.

Mr. Berndl was present and addressed the Board.

Following review and discussion, Mr. Greer moved, seconded by Dr. Bustillo to **Offer a consent agreement** based on the findings of fact and conclusions of law outlined in the investigative report, for a period of 5 years incorporating the recommendations of the evaluator including counseling and recovery programs as well as incorporating the standard provisions. The Consent Agreement is to be drafted by staff and negotiated with Mr. Berndl, then returned to the Board at the next regularly scheduled Board meeting on November 15, 2022 for approval.

If not signed, case #22-25 will be forwarded to an Informal Hearing.

The motion passed unanimously.

Vote	Dr. King	Dr. Bustillo	Mr. Leone	Mr. Greer	Mr. Barton	Dr. Heick	VACANT
Aye	X	X	X	X	X	X	
Nay							
Recused							
Abstained							

Absent							
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10) Board business and reports:

A) Newly appointed Board Member: Dr. John Heick PT, DPT, PhD, Professional Member

Welcome and introduction

Dr. Heick was welcomed by the Board members and staff.

B) Board President Report

1) Comparison of Consent Agreement and Board Order

Review, discussion, and possible action regarding non-disciplinary and disciplinary Board actions

Dr. King provide an update to the Board.

C) Executive Director’s Report

1) SB1312

Review and discussion regarding passage of SB1312 now chaptered as A.R.S. §§ 32-2001 and 32-2041.01

Ms. Chepeus provided an update regarding SB1312. The Board reviewed and discussed.

2) FSBPT Annual Meeting

Review and discussion regarding FSBPT Annual Meeting attendance October 27 – 30, 2022

Ms. Chepeus provide an update to the Board. The Board reviewed and discussed.

3) Licenses, Certificates, and Registrations

Review and discussion on approvals granted in September 2022

a) 79 Licenses/Certificates Newly Issued

- i. 23 Physical Therapists Endorsement
- ii. 31 Physical Therapists Examination
- iii. 3 Physical Therapist Universal Recognition
- iv. 0 Physical Therapist Foreign Educated
- v. 0 Physical Therapist Military Spouse

- vi. 9 Physical Therapist Assistants Endorsement
- vii. 13 Physical Therapist Assistants Examination
- viii. 0 Physical Therapist Assistant Universal Recognition
- ix. 0 Physical Therapist Assistant Military Spouse

b) 15 Licenses/Certificates Reinstated

- i. 13 Physical Therapists
- ii. 2 Physical Therapist Assistants

c) 0 Business Entity Registrations

- i. 0 Newly Issued
- ii. 0 Reinstated

d) 1 Interstate Telehealth Registrations

- i. 1 Newly Issued PT
- ii. 0 Newly Issued PTA

Board members reviewed the licenses, certifications, and registrations processed in the month of September.

11) Future Agenda Items

N/A

12) Adjournment

Dr. King moved, seconded by Mr. Barton, to **Adjourn**. The motion passed unanimously.

Vote	Dr. King	Dr. Bustillo	Mr. Leone	Mr. Greer	Mr. Barton	Dr. Heick	VACANT
Aye	X	X	X	X	X	X	
Nay							
Recused							
Abstained							
Absent							

Meeting adjourned at 11:52 A.M.

Prepared by,

Board Meeting 9/27/22

Monica Crowley
Licensing Administrator

Approved by,

Giovanni Leone, PTA
Secretary