



Kelly King, PT, DPT
President

ARIZONA STATE BOARD OF PHYSICAL THERAPY
1470 W. ADAMS ST., STE 2450, PHOENIX, ARIZONA 85007
(602) 274-0236
ptboard.az.gov

**REGULAR SESSION MEETING MINUTES via
Google Meet Video Conferencing
Virtual Attendance
January 24, 2023**

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
Mindy Richardson PT, Investigator

BOARD SAFF ABSENT:

- 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) December 20, 2022, Regular Session

Following review and discussion, Mr. Greer moved, seconded by Dr. King to **Approve** the December 20, 2022 Regular Meeting Minutes. 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							

B) December 20, 2022, Executive Session A

Following review and discussion, Dr. King moved, seconded by Dr. Bustillo to **Approve** the December 20, 2022 Executive Session A Meeting Minutes. 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							

C) December 20, 2022, Executive Session B

Following review and discussion, Dr. Bustillo moved, seconded by Mr. Leone to **Approve** the December 20, 2022 Executive Session B Meeting Minutes. 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							

D) December 20, 2022, Executive Session C

Following review and discussion, Dr. Heick moved, seconded by Dr. Bustillo to **Approve** the December 20, 2022 Executive Session C Meeting Minutes. The motion passed unanimously.

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

Nay							
Recused							
Abstained			X				
Absent							

E) December 20, 2022, Executive Session D

Following review and discussion, Dr. King moved, seconded by Dr. Bustillo to **Approve** the December 20, 2022 Executive Session D Meeting Minutes. The motion passed unanimously.

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

4) Applications for Licensure and Certification:

E) Review, consideration and possible action on Physical Therapist or Physical Therapist Assistant applicants applying under A.R.S. § 32-2032

1) Erin Becker, PT

Following review and discussion, Dr. King moved, seconded by Dr. Bustillo to **Table** the matter and ask Ms. Becker to attend the next meeting so that the Board can ask her questions related to her application. 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							

5) Consent Agenda:

A) Applications recommended for approval of Physical Therapist licensure 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) Hannah Breitweiser

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) Brittany Whisman (a.k.a Williams)

Dr. Bustillo moved, seconded by Mr. Leone to **Approve** consent agenda items 5A and 5B. 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

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

A) 22-24 Jonelle Wartenberg, PTA
 Update regarding compliance with Interim Order

Ms. Chepeus provided the Board with an update on Ms. Wartenberg’s compliance with the Interim Order.

10) Board business and reports:
C) Executive Director’s Report

- 1) **Continuing competence audit process update**
Review and discussion regarding the current status of the 2022 continuing competence audit

Ms. Chepeus provided an update to the Board.

- 2) **Update regarding Thentia**
Review and discussion regarding the current status and anticipated timelines of the Thentia cloud solution implementation

Ms. Chepeus provided an update to the Board. The Board suggested that staff contact the Arizona chapter of the APTA to discuss possible notification support during the software migration.

- 3) **November and December 2022 financials**
Review and possible discussion

Materials were provided for Board review.

7) Informal Hearings

A) 22-14 Stephanie Cottingham, PT (9:00)

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, Ms. Cottingham, and Mr. Newsome were sworn-in as witnesses.

Ms. Richardson provided the Board with a summary of the investigative report.

Ms. Cottingham and her attorney Mr. James Bennett were both present and addressed the Board. Complainant, Mr. Newsome, was also present and provided information.

The Board questioned both Ms. Cottingham and Mr. Newsome. Closing statements were made by Ms. Cottingham.

The Board deliberated.

Following review and discussion, Dr. King moved, seconded by Mr. Greer, to Dismiss the above case. 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 10:11 A.M. to 10:21 A.M.

Roll call taken after returning back from **Recess** at 10:21 A.M. by Ms. Chepeus.

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

A) 21-31 & 22-28 Steven Kempton, PT

Review, discussion, and possible action regarding licensee’s compliance with Amended ICA

Mr. Leone recused himself from the above case.

Ms. Richardson provided a summary to the Board. Mr. Kempton was present and provided an opening statement.

Following review and discussion, Dr. King moved, seconded by Dr. Bustillo to memorialize the Board’s expectation with respect to verifying that the chaperone was present when Mr. Kempton treats female patients. Specifically the Board expects to see the Chaperone’s signature on the flow chart which shall be part of the patient’s medical record and Mr. Kempton is to document in each patient’s chart that a chaperone was present during the session for each patient on each date of service. The motion passed unanimously.

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

B) 22-03 Brenden Lewer, PT

Initial review, consideration, and possible action regarding complaint

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

Mr. Lewer and his attorney Ms. Stark were present and addressed the Board.

Following review and discussion, Dr. King moved, seconded by Mr. Leone to issue a **Non-Disciplinary Order** to include:

- Three hours of continuing education in the area of Ethics
- Six hours of continuing education in the area of Documentation

To be completed within 6 months, courses must be pre-approved, may be completed online, and do not count toward renewal requirements. Respondent may submit continuing education he completed after receiving the notice of complaint in satisfaction of these requirements. 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							

D) 22-52 Blair Bundy, PT

Initial review, consideration, and possible action regarding complaint

Ms. Richardson provided a summary of the Board’s investigation for cases 22-52 through 22-57 due to the case similarities.

Mr. Bundy was present and addressed the Board.

Dr. King moved, seconded by Mr. Greer to issue a Consent Agreement for practicing with an administratively suspended license to include:

- Decree of Censure
- Notification to Employer/Payer/Patients
- Three hours of continuing education in the area of Ethics

To be completed within six months, courses must be pre-approved, may be completed online, and do not count toward renewal requirements. Following review and discussion, Mr. Greer withdrew his second.

Mr. Leone seconded the motion.

The Motion fails.

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

Mr. Greer moved, seconded by Mr. Leone to offer an advisory letter to inform Mr. Bundy to renew his license on time. 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							

E) 22-53 Katherine Crocker, PTA

Initial review, consideration, and possible action regarding complaint

Dr. King moved, seconded by Mr. Leone to offer Consent Agreement to include:

- Decree of Censure
- Notification to Employer/Payer/Patients
- Three hours of continuing education in the area of Ethics

To be completed within 90 days, courses must be pre-approved, may be completed online, and do not count toward renewal requirements. Following review and discussion, 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							

F) 22-54 Makenzi Hoffine, PT

Initial review, consideration, and possible action regarding complaint

Dr. King moved, seconded by Mr. Greer to offer Consent Agreement to include:

- 90 days Probation with early termination possible if all terms of the agreement are satisfied
- Successful passing of the AZ LAW/Jurisprudence Exam
- Notification to Employer/Payer/Patients
- Three hours of continuing education in the area of Ethics
- \$250 Civil Penalty

Following review and discussion, 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							

G) 22-55 Anthony Henderson, PT

Initial review, consideration, and possible action regarding complaint

Mr. Leone moved, seconded by Dr. King to offer Consent Agreement to include:

- Decree of Censure
- Notification to Employer/Payer/Patients
- Three hours of continuing education in the area of Ethics

To be completed within 90 days, courses must be pre-approved, may be completed online, and do not count toward renewal requirements. Following review and discussion, 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 12:15 P.M. to 12:21 P.M.

Roll call taken after returning back from Recess at 12:21 P.M. by Ms. Chepeus.

H) 22-56 Sarah Davis, PTA

Initial review, consideration, and possible action regarding complaint

Mr. Greer moved, seconded by Mr. Leone to offer an advisory letter to inform Ms. Davis to renew her license on time. 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							

I) 22-57 David Curtis, PT

Initial review, consideration, and possible action regarding complaint

Dr. King moved, seconded by Dr. Bustillo to offer Consent Agreement to include:

- 90 days Probation with early termination possible if all terms of the agreement are satisfied
- Successful passing of the AZ LAW/Jurisprudence Exam
- Notification to Employer/Payer/Patients

- Three hours of continuing education in the area of Ethics
- \$450 Civil Penalty

Following review and discussion, 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							

Let the record reflect Mr. Greer and Ms. Richardson left the Board meeting at 12:50 P.M.

J) SG

Review, consideration, and possible action regarding opening a complaint and possibly offering a consent agreement consistent with the continuing education disciplinary matrix.

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

Dr. King moved, seconded by Mr. Leone to open a complaint against **Sanford A Goldstein, PT** license #LPT-007411 for failure to comply with continuing competence requirements and offer a Consent Agreement to include the following. If the consent agreement is not signed, Mr. Goldstein will be invited to an Informal Hearing.

- 6 months Probation with early termination possible if all terms of the agreement are satisfied
- \$100 Civil Penalty
- Successful passing of the AZ LAW/Jurisprudence Exam

The motion passed unanimously.

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

Abstained							
Absent				X			

Let the record reflect Dr. Bustillo left the Board meeting at 1:02 P.M.

K) PR

Review, consideration, and possible action regarding opening a complaint and possibly offering a consent agreement consistent with the continuing education disciplinary matrix.

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

Dr. King moved, seconded by Mr. Leone to open a complaint against **Pablo Ruiz Jr, PT** license # LPT-001078 for failure to comply with continuing competence requirements and offer a Consent Agreement to include the following. If the consent agreement is not signed, Mr. Goldstein will be invited to an Informal Hearing.

- 6 months Probation with early termination possible if all terms of the agreement are satisfied
- Successful passing of the AZ LAW/Jurisprudence Exam
- Six hours of continuing education in the area of Ethics
- \$150 Civil Penalty

The motion passed unanimously.

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

L) KC

Review, consideration, and possible action regarding opening a complaint and possibly offering a consent agreement consistent with the continuing education disciplinary matrix.

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

Dr. King moved, seconded by Mr. Leone to open complaint against **Kyle E Cherney, PT** license # LPT-009968 for failure to respond to the continuing competence audit and issue an advisory letter outlining the requirements for continuing competence audit. The motion passed unanimously.

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

10) Board business and reports:

A) Board Elections (President, Vice-President, Secretary)

Review, consideration, and possible action regarding Board Elections pursuant to A.A.C. R4-24-103

Mr. Barton moved, seconded by Mr. Leone to table Board Elections until the next meeting. The motion passed unanimously.

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

B) FSBPT Delegate Election (Delegate and Alternate)

- 1) Leadership Issues Forum (LIF) July 15-16, 2023; Alexandria, VA
- 2) Annual Meeting October 19-21, 2023; Jacksonville, FL

Mr. Barton moved, seconded by Mr. Leone to table FSBPT Delegate Elections until the next meeting. The motion passed unanimously.

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

Nay							
Recused							
Abstained							
Absent		X		X			

C) Executive Director’s Report

4) Licenses, Certificates, and Registrations

Review and discussion on approvals granted in December 2022

a) 65 Licenses/Certificates Newly Issued

- i. 34 Physical Therapists Endorsement
- ii. 18 Physical Therapists Examination
- iii. 2 Physical Therapist Universal Recognition
- iv. 0 Physical Therapist Foreign Educated
- v. 1 Physical Therapist Military Spouse
- vi. 7 Physical Therapist Assistants Endorsement
- vii. 3 Physical Therapist Assistants Examination
- viii. 0 Physical Therapist Assistant Universal Recognition
- ix. 0 Physical Therapist Assistant Military Spouse

b) 5 Licenses/Certificates Reinstated

- i. 1 Physical Therapists
- ii. 4 Physical Therapist Assistants

c) 2 Business Entity Registrations

- i. 2 Newly Issued
- ii. 0 Reinstated

d) 0 Interstate Telehealth Registrations

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

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

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	
Nay							
Recused							
Abstained							
Absent		X		X			

Meeting adjourned at 1:30 P.M.

Prepared by,

Monica Crowley
Licensing Administrator

Approved by,

Giovanni Leone, PTA
Secretary