



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
February 28, 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) January 24, 2023, Regular Session

Dr. King moved, seconded by Mr. Greer to **Approve** the January 24, 2023 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							

4) Applications for Licensure and Certification:

A) Review, consideration, and possible action on Physical Therapist applicants requesting ADA accommodations.

1) Christopher Anderson

The Board reviewed and discussed the above request. Mr. Anderson was present and addressed the Board.

Following review and discussion, Dr. Bustillo moved, seconded by Dr. Heick to **Approve** the request for ADA accommodations. The motion failed.

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

Mr. Greer moved, seconded by Dr. Heick to table this matter to a future meeting to allow Mr. Anderson to seek additional medical documentation supporting his request. 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) Review, consideration, and possible action on Physical Therapist applicants who graduated from foreign educational programs.

- 1) Review, consideration, and possible action regarding educational equivalence, option to license or require a supervised clinical practice period and/or eligibility for NPTE/ AZLAW exams for applicants who graduated from a Non-U.S. Accredited foreign educational program.

a. Ian Miguel R Ayson

Following review and discussion, Dr. King moved, seconded by Dr. Bustillo to **Approve** eligibility for the NPTE and AZLAW exams and to require a supervised clinical practice period. 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							

- 2) Review, consideration, and possible action regarding educational equivalence, option to license or require a supervised clinical practice period and/or eligibility for NPTE/ AZLAW exams for applicants who graduated from a U.S. Accredited foreign educational program.

a. Mark Packwood

Following review and discussion, Dr. King moved, seconded by Dr. Heick to **Approve** licensure following successful completion of the AZLAW jurisprudence exam and waive the requirement of a supervised clinical practice period.

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							

- 4) Review, consideration, and possible action regarding the completed

Supervised Clinical Practice Period (SCPP) and possible licensure of Foreign Educated Physical Therapist applicant.

a. Erini Guirguis

Dr. King moved, seconded by Mr. Leone to **Approve** Erin Guirguis’ Completed Supervised Clinical Practice and approve the above application for Physical Therapist Licensure. 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. John Fagan

Dr. King moved, seconded by Dr. Bustillo to **Approve** John Fagan’s Completed Supervised Clinical Practice and approve the above application for Physical Therapist Licensure. 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) Review, consideration and possible action on Physical Therapist or Physical Therapist Assistant applicants applying under A.R.S. § 32-2032

- 1) Erin Becker, PT

Mr. Leone recused himself from the above case.

Ms. Becker was present and addressed the Board.

Following review and discussion, Dr. King moved, seconded by Dr. Bustillo to **Approve** Ms. Becker’s reinstatement of her license to active status once she passes of the AZLAW 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			X				
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) Deborah Jones
- 2) Benjamin Wood

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) Michael Klinesmith

E) Cases recommended for opening a complaint and issuing an advisory letter related to continuing competence audit. The Board will review, discuss, and may vote to take action on the following case(s):

- 1) Elizabeth Rubalcava, PTA
- 2) Tanya R. Stenhouse, PT
- 3) Timothy A Scheierman, PT

F) Cases recommended for opening a complaint and offering a consent agreement related to continuing competence audit deficiency. The Board will review, discuss, and may vote to take action on the following case(s):

- 1) Adam Stehlin, PT
- 2) Lisa Schultz, PTA

Dr. King pulled Deborah Jones 5.A.1.a. from the consent agenda for individual consideration.

Mr. Barton moved, seconded by Mr. Greer to **Approve** consent agenda items 5A, 5B, 5E. and 5F. 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							

Deborah Jones

Ms. Jones was present and addressed the Board.

Following review and discussion, Dr. King moved, seconded by Mr. Barton to **Approve** Deborah Jones for licensure 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

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 an update to the Board regarding Mr. Kempton’s compliance with his Amended Interim Consent Agreement.

Following review and discussion, Dr. King moved, seconded by Dr. Bustillo to continue to monitor Mr. Kempton’s compliance with the Amended Interim Consent Agreement. 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) 21-31 & 22-28 Steven Kempton, PT

Review, discussion, and possible action regarding counsel’s request to issue subpoena

Mr. Leone recused himself from the above case.

Ms. Chepeus provided a summary of Mr. Kempton’s request to subpoena records submitted through his attorney Ms. Kimberly Kent.

Mr. Phillip Lapointe, Esq, was present as counsel for Mr. Kempton and addressed the Board.

Following review and discussion, Mr. Greer moved, seconded by Dr. Bustillo to enter into **Executive Session** to obtain legal advice. The motion passed unanimously.

Board Meeting 2/28/23

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							

Executive Session -A from 9:54 A.M to 10:10 A.M

Roll call taken after returning from Executive Session at 10:05 A.M. by Ms. Chepeus.

Following review and discussion, Dr. King moved, seconded by Dr. Bustillo to **Deny** the request to issue a subpoena. 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							

C) 22-24 Jonelle Wartenberg, PTA

Review, consideration, and possible action regarding substance abuse evaluation report

Ms. Chepeus provided a summary to the Board.

Ms. Wartenberg was present.

Following review and discussion, Dr. King moved, seconded by Mr. Leone to issue an **Advisory Letter** encouraging Ms. Wartenberg to follow the recommendations provided the evaluator. 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 10:16 A.M. to 10:26 A.M.

Roll call taken after returning from Recesses at 10:26 A.M. by Ms. Chepeus.

D) 22-02 Michael Angelo, PT

Initial review, consideration, and possible action regarding complaint

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

Mr. Angelo and his counsel Ms. Sara Stark, Esq, were present and addressed the Board.

Complainants were present and addressed the Board.

Following review and discussion, Mr. Greer moved, seconded by Mr. Leone to issue a **Non-disciplinary Order** to include 6 hours of continuing education in the areas of Ethics. The continuing education shall be completed within 6 months, must be pre-approved, may be completed online, and does not count toward renewal requirements. The motion passed.

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

E) 22-27 Erik Bidinger, PT

Initial review, consideration, and possible action regarding complaint

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

Mr. Bidinger and his counsel Mr. David Williams, Esq, were present and addressed the Board.

Complainant MJ was present and addressed the Board.

Following review and discussion, Dr. King moved, seconded by Dr. Bustillo to Adopt the Findings of Fact and Conclusions of Law listed in the investigative report as it relates to A.R.S. §32-2044(4), A.R.S. §32-2044(6) A.R.S. §32-2043(H) A.R.S. §32-2044(20). 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, Dr. King moved, seconded by Dr. Bustillo to issue a **Consent Agreement** to include:

- **Probation** for 6 months. Early termination of probation may be requested if all of the terms of the Consent Agreement are met
- **Successful completion of the AZLAW jurisprudence exam**
- **Continuing education** in the areas of:
 - 3 hours in Documentation
 - 6 hours in Orthopedic evaluation & treatment of the post-surgical shoulder

Continuing education shall be completed in 6 months; courses must be pre-approved, may be completed online, and do not count toward renewal requirements.

If the agreement is not signed, the case 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							

Mr. Leone moved, seconded by Dr. King to open a complaint against Mark Morelli, PTA to include the following potential violations:

- **A.R.S. §32-2044(5)** “Engaging in the performance of substandard care by a physical therapist assistant, including exceeding the authority to perform tasks selected and delegated by the supervising licensee regardless of whether actual injury to the patient is established.”
- **A.R.S. §32-2044(20)** “Failing to maintain adequate patient records.”

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) 23-04 Jeffrey Branden Sells, PT

Initial review, consideration, and possible action regarding complaint

Ms. Richardson provided a summary to the Board.

Mr. Sells and his counsel Mr. Colin Bell, Esq, were present and addressed the Board.

Following review and discussion, Mr. Greer moved, seconded by Mr. Leone to issue an **Advisory Letter** to remind Mr. Sells of his reporting requirements pursuant to A.R.S. § 32-3208 and to encourage his compliance with the recommendations made by his therapist, counselors, and probation officer. 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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The Board Recessed from 1:05 P.M. to 1:12 P.M.

Roll call taken after returning from Recess at 10:10 P.M. by Ms. Chepeus.

G) GR

Review, consideration, and possible action regarding opening a complaint

Ms. Richardson provided a summary to the Board.

Following review and discussion, Mr. Greer moved, seconded by Dr. Bustillo to **Take No Action**. 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							

H) JN

Review, consideration, and possible action regarding opening a complaint

Mr. Greer recused himself from the above case.

Ms. Richardson provided a summary to the Board.

Following review and discussion, Dr. King moved, seconded by Dr. Bustillo to **Take No Action**. 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							
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J) OR

Review, consideration, and possible action regarding opening a complaint

Ms. Richardson provided a summary to the Board.

Following review and discussion, Mr. Greer moved, seconded by Dr. King to **Open a Complaint against Octavia Richardson**, PTA for failure to report pursuant to A.R.S. § 32-3208. 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) KM

Review, consideration, and possible action regarding opening a complaint

Ms. Richardson provided a summary to the Board.

Following review and discussion, Mr. Greer moved, seconded by Mr. Barton to **Take No Action**. 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							

K) CK

Review, consideration, and possible action regarding opening a complaint

Ms. Richardson provided a summary to the Board.

Mr. Christopher Karps, PTA was present and address the Board.

Mr. Barton moved, seconded by Dr. King to **Take No Action**.

Following review and discussion, both Mr. Barton and Dr. King withdrew their 1st and 2nd motion.

Mr. Greer moved, seconded by Dr. King to open a complaint against Christopher Karps, PTA and offer him an **Interim Consent Agreement** to not practice under his certificate until such time he feels he is able to safely and competently practice and receives the Board’s affirmative approval to do so. 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							

10)Board business and reports:

A) Lifetime Fitness DPT Dynamic Personal Training Program Update

Review and consideration regarding Lifetime Fitness DPT Dynamic Personal Training Program.

Ms. Richardson provided a summary to the Board regarding Board staff’s communication with Life Time Fitness’s representatives regarding their DPT Dynamic Personal Training Program as it relates to A.R.S. § 32-2042.

Mr. Ryan McGary, Esq, counsel for Life Time Fitness was present and addressed the Board.

Ms. Cardoza left the Board meeting at 2:01 P.M

B) Unlawful Practice Matrix Review

Review, consideration, and possible action regarding potential changes to the Board Approved Unlawful Practice Matrix

Following discussion, the Board directed staff to update the reinstatement form to clarify the requirement for the duration of time the applicant practiced as a physical therapist or worked as a physical therapist assistant while the applicant’s license/certificate was administratively suspended.

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

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

Mr. Greer nominated Dr. Kelly King for **President**. Dr King accepted.

Following review and discussion, Mr. Greer moved, seconded by Mr. Leone to **Reelect** Dr. Kelly King as President of the AZ State Board of PT for the 2023 annual Board period. 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							

Mr. Greer and Mr. Barton nominated Dr. Karen Bustillo for **Vice-President**. Dr Bustillo accepted.

Following review and discussion, Dr. King moved, seconded by Mr. Leone to **Reelect** Dr. Karen Bustillo as Vice-President of the AZ State Board of PT for the 2023 annual Board period. 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							

Dr. King nominated Mr. Giovanni Leone for **Secretary**. Mr. Leone accepted.

Following review and discussion, Mr. Barton moved, seconded by Dr. Heick to **Reelect** Mr. Giovanni Leone as Secretary of the AZ State Board of PT for the 2023 annual Board period. 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) 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 nominated Dr. John Heick for the **FSBPT Delegate for 2023**. Dr. Heick accepted.

Following review and discussion, Mr. Barton moved, seconded by Mr. Greer to elect Dr. John Heick as the FSBPT delegate for 2023. 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							

Dr. King nominated Mr. Joshua Greer for the **FSBPT Alternate Delegate for 2023**. Mr. Greer accepted.

Following review and discussion, Dr. King moved, seconded by Mr. Leone to elect Mr. Joshua Greer as the FSBPT alternate delegate for 2023. 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) Executive Director’s Report

- 1) **January 2023 financials**
Review and possible discussion

Board members reviewed the financials for the month of January 2023.

- 2) **Licenses, Certificates, and Registrations**
Review and discussion on approvals granted in January 2023

- a) **75 Licenses/Certificates Newly Issued**
 - i. 38 Physical Therapists Endorsement
 - ii. 29 Physical Therapists Examination
 - iii. 2 Physical Therapist Universal Recognition
 - iv. 0 Physical Therapist Foreign Educated
 - v. 0 Physical Therapist Military Spouse
 - vi. 3 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) **2 Licenses/Certificates Reinstated**
 - i. 2 Physical Therapists
 - ii. 0 Physical Therapist Assistants
- c) **1 Business Entity Registrations**
 - i. 1 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

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11) Future Agenda Items

- Bring back the updated “Have Worked” form included in the reinstatement packet.

12) Adjournment

Dr. King moved, seconded by Dr. Bustillo, 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 2:20 P.M.

Prepared by,

Monica Crowley
Licensing Administrator

Approved by,

Giovanni Leone, PTA
Secretary