



Karen Bustillo, PT, DPT, CLT
President

ARIZONA STATE BOARD OF PHYSICAL THERAPY
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**REGULAR SESSION MEETING MINUTES via
Google Meet Video Conferencing
Virtual Attendance
May 21, 2024**

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

BOARD MEMBERS ABSENT: Joshua Greer, Public Member

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

BOARD STAFF PRESENT: Judy Chepeus, Executive Director
Monica Crowley, Administrative Services Officer
Phoenix Bryant, Licensing Specialist
Mindy Richardson PT, Investigator
Liz Sinish PT, Investigator

BOARD STAFF ABSENT:

1) **CALL TO ORDER – 8:30 A.M.:** Dr. Bustillo called the meeting to order at 8:31 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) April 23, 2024 Regular Session

Dr. King moved, seconded by Mr. Leone, to **Approve** the April 23, 2024 Regular Session Meeting Minutes. The motion passed unanimously.

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

B) March 26, 2024 Executive Session A

Mr. Leone moved, seconded by Dr. King, to **Approve** the April 23, 2024 Executive Session -A Meeting Minutes. The motion passed unanimously.

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

4) Applications for Licensure and Certification:

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

1) Kara Behr

Ms. Behr was present and addressed the Board.

Following review and discussion, Dr. Bustillo moved, seconded by Mr. Leone, to **Approve** Ms. Behr’s request for ADA accommodations to include:

- Additional Time – Time and a half
- Zoom Text
- Screen Magnifier

The motion passed unanimously.

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

2) Caitlin Murray

Ms. Murray was present and addressed the Board.

Following review and discussion, Mr. Barton moved, seconded by Dr. Bustillo, to **Approve** Ms. Murray’s request for ADA accommodations to include access to:

- Insulin Pump
- Snacks
- Water
- Restroom

The motion passed unanimously.

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

C) Review, consideration, and possible action on Physical Therapist applicants who graduated from foreign educational programs.

- 1) Review, consideration, and possible action regarding the completed Supervised Clinical Practice Period (SCPP) and possible licensure of Foreign Educated Physical Therapist applicant.

- a. Minor Augusto Santamaria Alfaro

Ms. Chepeus provided a summary of the above application to the Board.

Mr. Minor Augusto Santamaria Alfaro was present.

Following review and discussion, Dr. King moved, seconded by Mr. Barton, to accept Mr. Santamaria Alfaro’s SCPP reports and **APPROVE** his application for PT licensure. The motion passed unanimously.

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

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) Lindsay Kirlin

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) Lauren Cross
- 2) Omar Casillas

Following review and discussion, Dr. Bustillo moved, seconded by Dr. King, to **APPROVE** Consent Agenda items 5A and 5B. The motion passed unanimously.

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

End of Consent Agenda

12) Board business and reports:

A) Update regarding informed consent task force

Review and discussion regarding FSBPT informed consent task force

Dr. King provided an update to the Board regarding the FSBPT informed consent task force.

E) Executive Director’s Report

2) PT Compact Notice of Proposed Rulemaking

Review, discussion and possible action regarding the PT Compact notice of proposed rulemaking

Ms. Chepeus provided a summary to the Board. The Board reviewed and discussed the PT Compact notice of proposed rulemaking published on its website.

7) Informal Hearings

A) 23-84 Noah Abrahams, PT (9:00 a.m.)

Dr. Bustillo provided a review of the proceedings and possible outcomes.

Dr. Sinish, Mr. Abrahams and complainant AH were sworn in as witnesses.

Dr. Sinish provided a summary of the Board’s investigation

Mr. Abrahams and his counsel Mr. Cody Hall, Esq. were present and addressed the Board. Patient AH was also present and addressed the Board.

The Board deliberated.

Following review and discussion, Dr. King moved, seconded by Dr. Bustillo, to adopt **Findings of Fact and Conclusions of Law** set forth in the Investigative report regarding A.R.S. § 32-2044(4). The motion passed unanimously.

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

Following review and discussion, Dr. King moved, seconded by Dr. Bustillo, to adopt **Findings of Fact and Conclusions of Law** set forth in the Investigative report regarding A.R.S. § 32-2044(25). The motion passed.

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

Following review and discussion, Dr. King moved, seconded by Dr. Bustillo, to adopt **Findings of Fact and Conclusions of Law** set forth in the Investigative report regarding A.R.S. § 32-2044(20) as it relates to R4-24-304. The motion passed unanimously.

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

Following review and discussion, Dr. King moved, seconded by Mr. Barton, to adopt **Findings of Fact and Conclusions of Law** set forth in the Investigative report regarding A.R.S. § 32-2044(13) as it relates to R4-24-303. The motion passed.

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

Following review and discussion, Dr. King moved, seconded by Dr. Bustillo, to issue a Board Order to include:

Probation for 18 months with the possibility of early termination after successful completion of the following terms:

Practice restriction: dry needling to the spine between C1-T12 is restricted until ordered dry needling continuing education coursework is completed.

Complete within 18 months:

- Twenty-five hours of **Continuing education** in the area of Dry needling addressing the upper extremity and spinal column; course shall be a hybrid delivery including an online and in person component
- Three hours of **Continuing education** in the area of Billing and Coding
- Six hours of **Continuing education** in the area of Documentation

Continuing education courses must be pre-approved, may be completed online unless otherwise specified, and do not count toward renewal requirements.

Professional monitoring to include a full practice audit as well as clinical monitoring to occur on a monthly basis. Clinical monitoring shall include the review of a minimum of 5 records per month for a period of 6 months. The purpose of the records review is to assess initial evaluations, treatment notes, progress notes, and discharge summaries across multiple 3rd party payors and cash payers. Monitoring reports shall be submitted by the monitoring company to the Board on a monthly basis.

Professional monitoring is eligible for early termination after 3 consecutive monthly reports demonstrate that Mr. Abrahams has met minimum practice requirements and is compliant with the

Board’s statutes and rules.

The motion passed unanimously.

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

The Board Recessed from 10:39 A.M. to 10:51 A.M.

Roll call taken after returning back from Recess at 10:51 A.M. by Ms. Chepeus.

8) Rehearing or Reviews

A) 23-39 Colleen Petras, PT (9:30 a.m.)

Review, discussion, and possible action on Ms. Petras’ request for review or rehearing

Dr. Bustillo provided a review of the proceedings and possible outcomes.

Ms. Petras was present and addressed the Board.

Following review and discussion, Dr. Bustillo moved, seconded by Dr. King, to deny Ms. Petras’ request for a rehearing or review. The motion passed unanimously.

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

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

A) 23-68 Paul Kempton, PT

Continuation of initial review, discussion, and possible action regarding complaint

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

Mr. Kempton and his counsel Teresa Sanzio, Esq. were present and addressed the Board.

The Board deliberated.

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

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

Executive Session -A from 11:25 A.M. to 11:35 A.M.

Roll call taken after returning from **Executive Session** at 11:35 A.M. by Ms. Chepeus.

Following review and discussion, Mr. Barton moved, seconded by Dr. Heick, to remand case # 23-26 Paul Kempton, PT to Formal Hearing and include all alleged violations set forth in the investigative report and supplemental investigative report.

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

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

Executive Session -B from 11:42 A.M. to 11:54 A.M.

Roll call taken after returning from **Executive Session** at 11:54 A.M. by Ms. Chepeus.

The Board was reminded of the motion on the table:

It was moved, seconded to remand case # 23-26 Paul Kempton, PT to Formal Hearing and include all alleged violations set forth in the investigative report and supplemental investigative report. The motion passed unanimously.

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

Dr. Bustillo moved, seconded by Dr. King, to **Open** a complaint against Yesenia Cornejo, PTA with the potential violations of A.R.S. §32-2044(5), (20), (13). The motion passed unanimously.

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

B) 24-11 Kayla Burger, PT

Initial review, discussion, and possible action regarding complaint

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

Ms. Burger was present and addressed the Board.

Following review and discussion, Dr. Bustillo moved, seconded by Mr. Leone, to issue an **Advisory Letter** reminding Ms. Burger of the reporting requirements pursuant to A.R.S. § 32-3208. The motion passed unanimously.

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

Nay							
Recused							
Abstained							
Absent				X			

C) 24-01 Stephenie Ivy, PTA

Initial review, discussion, and possible action regarding complaint

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

Ms. Ivy was present and addressed the Board.

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

- Three hours of **Continuing education** in the area of Supervision
- Three hours of **Continuing education** in the area of Documentation and Billing

Continuing education courses must be pre-approved, may be completed online, do not count toward renewal requirements and must be completed within 6 months. The motion passed unanimously.

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

Dr. King moved, seconded by Dr. Heick, to **Open** a complaint against Alvin Rodgers, PT to include an investigation regarding supervision. The motion passed unanimously.

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

Absent				X			
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D) IB

Review, discussion, and possible action regarding opening a complaint

Dr. Sinish provided a summary of the Board’s investigation

IB and her counsel Ms. Stacy Hyder, Esq. were present and addressed the Board.

Following review and discussion, Dr. Bustillo moved, seconded by Mr. Barton, to **Take No Action**. The motion passed unanimously.

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

E) JH

Review, discussion, and possible action regarding opening a complaint

Dr. Sinish provided a summary of the Board’s investigation

JH was present and addressed the Board.

Following review and discussion, Mr. Barton moved, seconded by Dr. King, to continue this matter and allow JH to submit additional documentation regarding his legal matter. The motion passed unanimously.

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

The Board Recessed from 12:53 P.M. to 1:00 P.M.

Roll call taken after returning from Recess at 12:53 P.M. by Ms. Chepeus. Let the record reflect Ms. Richardson left the Board meeting.

11) Old Business: review, consideration, and action.

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

Review, discussion, and possible action regarding Mr. Kempton's compliance with his Consent Agreement and possible modification of its terms and conditions.

Mr. Leone recused himself from this matter.

Ms. Chepeus provided an update regarding Mr. Kempton's compliance with his Consent Agreement.

Mr. Kempton was present and addressed the Board.

Following review and discussion no action was taken.

Mr. Leone rejoined the Board meeting at 1:42 P.M.

12) Board business and reports:

B) Update regarding Rules committee

Review and discussion regarding the Rules committee

Ms. Hiller provided an update regarding the Rules committee.

C) Update regarding rulemaking in satisfaction of the 2019 five-year rules review

Review, discussion, and possible action regarding rulemaking in satisfaction of the 2019 five-year rules review.

Ms. Chepeus provided an update regarding rulemaking in satisfaction of the 2019 five-year rules review.

E) Executive Director's Report

- 1) **Health professional disciplinary actions letter from Governor Hobbs**
Review, discussion and possible action regarding the health professional disciplinary actions letter from Governor Hobbs and drafted response items

regarding decision making rubrics and/or policies.

Ms. Chepeus provided an update regarding Health professional disciplinary actions letter from Governor Hobbs. The Board reviewed and discussed a draft decision-making rubric and policy regarding referrals to law enforcement and/or regulatory agencies.

D) PT Compact information review

Review, discussion, and possible action regarding information available to PT Compact privilege

The Board reviewed information available to PT Compact privilege seekers.

E) Executive Director’s Report

3) Proposed budget measures to address state budget deficit

Review, discussion and possible action regarding measures to address the current budget deficit.

The Board reviewed and discussed the proposed measures to address the current state budget deficits and anticipated impacts to the Board of Physical Therapy.

4) ADA Accommodations Update from FSBPT

Review, discussion and possible action regarding the Updated ADA Accommodations information from FSBPT

The Board reviewed and discussed updated ADA Accommodations information provided by FSBPT.

Dr. King moved, seconded by Dr. Bustillo, to enter into **Executive Session** to obtain legal advice. The motion passed unanimously.

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

Executive Session -C from 2:11 P.M. to 2:35 P.M.

Roll call taken after returning from **Executive Session** at 2:35 P.M. by Ms. Chepeus. Let the record reflect Mr. Leone has left the Board meeting.

- 5) **April 2024 financials**
Review and possible discussion

Board members reviewed the financial information for the month of April 2024.

- 6) **Licenses, Certificates, and Registrations**
Review and discussion on approvals granted in April 2024

- a) **38 Licenses/Certificates Newly Issued**

- i. 22 Physical Therapists Endorsement
 - ii. 1 Physical Therapists Examination
 - iii. 2 Physical Therapist Universal Recognition
 - iv. 0 Physical Therapist Foreign Educated
 - v. 0 Physical Therapist Military Spouse
 - vi. 8 Physical Therapist Assistants Endorsement
 - vii. 4 Physical Therapist Assistants Examination
 - viii. 1 Physical Therapist Assistant Universal Recognition
 - ix. 0 Physical Therapist Assistant Military Spouse

- b) **2 Licenses/Certificates Reinstated and Reactivated**

- i. 2 Physical Therapists
 - ii. 0 Physical Therapist Assistants

- c) **2 Business Entity Registrations**

- i. 2 Newly Issued
 - ii. 0 Reinstated

- d) **5 Interstate Telehealth Registrations**

- i. 5 Newly Issued PT
 - ii. 0 Newly Issued PTA

Board members reviewed the licenses, certifications, and registrations processed in the month of April 2024.

13)Future Agenda Items

- Potential modification to consent agreement for 21-31 & 22-28, Steven Kempton, PT

14) Adjournment

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

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

Meeting adjourned at 2:39 P.M.

Prepared by,

Monica Crowley
 Administrator Services Officer

Approved by,

Giovanni Leone, PTA
 Secretary