



Mark Cornwall, PT, PHD, FAPTA
President

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

**REGULAR SESSION MEETING MINUTES via
Hangout Meet Video Conferencing
April 27, 2021**

BOARD MEMBERS PRESENT:	Mark Cornwall, PT PHD, FAPTA, President Kelly King, PT, DPT, Vice President Karen Bustillo, PT, DPT, OCS, CLT, Secretary Nushka Remec, PT, MS, PCS; Professional Member Peggy Hunter, PTA, CLT; Professional Member Michael S. Clinton, CPA; Public Member
BOARD MEMBERS ABSENT:	Joshua Greer, Public Member
ASSISTANT ATTORNEY GENERAL PRESENT:	Marc Harris, Assistant Attorney General
BOARD STAFF PRESENT:	Karen Donahue, PT, DPT, Executive Director Veronica Cardoza, Administrative Services Officer Judy Chepeus, Customer Service Representative Monica Crowley, Licensing Administrator Mindy Richardson, PT, Investigator

1) CALL TO ORDER – 8:30 A.M.; Dr. Cornwall called the meeting to order at 8:32 A.M. (A recording of the meeting is available through the Board Office)

Roll Call – The following Board Members were present: Dr. Cornwall, Dr. Bustillo, Dr. King, Ms. Hunter and Mr. Clinton.

2) Review and Approval of Draft Minutes
A) March 23, 2021 Regular Board Meeting Minutes

The Board reviewed and discussed the above minutes.

Dr. Bustillo moved the Board to **Approve** the March 23, 2021 Regular Board Meeting Minutes with the suggested changes. Mr. Clinton seconded the motion. Following review and discussion, the motion carried by roll call.

Vote	Mr. Clinton	Ms. Hunter	Dr. King	Ms. Remec	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X	X	X	X		X	X
Nay							
Recused							
Abstained							
Absent					X		

B) March 23, 2021 Executive Session Minutes

The Board reviewed and discussed the above minutes.

Dr. King moved the Board to **Approve** the March 23, 2021 Executive Session Board Meeting Minutes. Dr. Bustillo seconded the motion. Following review and discussion, the motion carried by roll call.

Vote	Mr. Clinton	Ms. Hunter	Dr. King	Ms. Remec	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X		X	X		X	X
Nay							
Recused							
Abstained		X					
Absent					X		

3) REVIEW, CONSIDERATION and ACTION

A) Review of and Possible Action on Application for Physical Therapist Assistant Certification from Applicant Requesting ADA Accommodations.

1) Rachel Piotrowski

The Board reviewed and discussed the above application.

Dr. King moved the Board to **Deny** the above applicant’s request for ADA Accommodations. Application is incomplete. Ms. Hunter seconded the motion. Following review and discussion, the motion carried by roll call.

Vote	Mr. Clinton	Ms. Hunter	Dr. King	Ms. Remec	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X	X	X	X		X	X
Nay							

Recused							
Abstained							
Absent					X		

- B) Review of and Possible Action on the Following Applications for Physical Therapist Licensure – Foreign Educated Graduates of Programs Not U.S. Accredited.
 2) Cristina Mnerie

Dr. Cornwall moved the Board finds Ms. Mnerie Foreign Educated Graduates of Programs not U.S. Accredited substantially equivalent and may pursue the SCPP with Board approved physical therapist. Ms. Hunter seconded the motion. Following review and discussion the motion carried by roll call.

Vote	Mr. Clinton	Ms. Hunter	Dr. King	Ms. Remec	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X	X	X	X		X	X
Nay							
Recused							
Abstained							
Absent					X		

4) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

- B) Review, Discussion and Possible Action for Initial Review:
 1) Case No. 20-08; Ryan Marzetta, PT

Ms. Richardson provided a summary of the case for the Board. On May 12, 2020 Board received a complaint. Complaint #20-08 was opened on May 18, 2020. NB informed Mr. Marzetta that she could not wear a mask during her physical therapy treatment due to her history of panic attacks if her mouth/nose is covered or if her breathing is in anyway restricted. NB alleges Mr. Marzetta caused her to have fear, extreme anxiety, and a panic attack in the course of physical therapy treatment when he placed a towel over her mouth.

The Board reviewed, discussed the case.

Dr. Cornwall moved the Board to forward the case to an **Informal Hearing** and include **A.R.S. §32-2042(A)** and **A.R.S. § 32-2044(14)(20)(22)**. Dr. Bustillo seconded the motion. Following review and discussion the motion carried by roll call.

Vote	Mr. Clinton	Ms. Hunter	Dr. King	Ms. Remec	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X	X	X	X		X	X

Nay							
Recused							
Abstained							
Absent					X		

Dr. Cornwall moved the Board open a complaint against **Todd Lyonnais, PT and include A.R.S. §32-2044(4)(20) and R4-24-304**. Dr. Bustillo seconded the motion. Following review and discussion the motion carried by roll call.

Vote	Mr. Clinton	Ms. Hunter	Dr. King	Ms. Remec	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X	X	X	X		X	X
Nay							
Recused							
Abstained							
Absent					X		

Ms. Hunter moved the Board open a complaint against **Alyson Kiernan, PT and include A.R.S. §32-2044(4)(20) and R4-24-304**. Dr. King seconded the motion. Following review and discussion the motion carried by roll call.

Vote	Mr. Clinton	Ms. Hunter	Dr. King	Ms. Remec	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X	X	X	X		X	X
Nay							
Recused							
Abstained							
Absent					X		

2) Case No. 20-09; Donald Dodson, PT

Ms. Richardson provided a summary of the case for the Board. On May 18, 2020 Board received complaint. A settlement against Mr. Dodson was reached after injury resulted to patient MS that occurred on 7/6/2016 while under Mr. Dodson’s care. Ms. Knopp states that during pool therapy, PT Dodson allowed patient to enter pool without assistance. Patient MS fell and suffered a leg fracture. Mr. Dodson was not present and was represented by Mr. Jim Kaucher. Mr. Kaucher provided an opening statement. Complainant Mr. Knopp was also present and provided an opening statement to the Board.

The Board reviewed, discussed the case.

Dr. Bustillo moved the Board to **Dismiss** the above case. Ms. Remec seconded the motion. Following review and discussion the motion carried by roll call.

Vote	Mr. Clinton	Ms. Hunter	Dr. King	Ms. Remec	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X		X	X		X	X
Nay		X					
Recused							
Abstained							
Absent					X		

A) Review, Discussion and Possible Action for Informal Hearing:

1) Case No. 20-40; Melinda Coy, PTA (9am)

Ms. Coy was present and was not represented by legal counsel. The Board members and Board staff introduced themselves. Ms. Coy introduced herself. Dr. Cornwall read a summary of how the hearing would be conducted and reviewed the possible outcomes of the hearing. Dr. Donahue and Ms. Coy were sworn-in as witnesses. Dr. Donahue read the allegations against Ms. Coy.

Ms. Coy provided an opening statement. The Board reviewed and discussed the case and asked questions of Ms. Coy.

Ms. Coy provided a closing statement.

The Board deliberated.

Dr. Cornwall guided the Board through each allegation for discussion. Following discussion on the allegations Mr. Clinton moved the Board adopt the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

The Arizona Board of Physical Therapy is that body politic created and empowered pursuant to A.R.S. §32-2001 *et seq.* to administer the laws of the State of Arizona relating to the practice of physical therapy.

Respondent holds Certificate PTA-012665 to work as a physical therapist assistant in the State of Arizona.

Respondent failed to complete the 10 hours of required continuing competence hours for the 2018-2020 compliance period.

CONCLUSIONS OF LAW

Respondent is the holder of Certificate No. PTA-012655 to work as a physical therapist assistant in the State of Arizona.

The Board has jurisdiction over the issuance and renewal of physical therapist licensure in the State of Arizona pursuant to A.R.S. §32-2001 *et seq* and the rules promulgated by the Board relating to the practice of physical therapy.

The conduct and circumstances described constitutes a violation of A.R.S. §32-2044(24) “Failing to complete continuing competency requirements as established by the Board by rule.”

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

Vote	Mr. Clinton	Ms. Hunter	Dr. King	Ms. Remec	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X	X	X	X		X	X
Nay							
Recused							
Abstained							
Absent					X		

The Board discussed possible disciplinary action against Ms. Coy license. Following discussion Mr. Clinton moved the Board adopt the following Order:

Probation: The Arizona Board of Physical Therapy hereby orders that Respondent, holder of Certificate No. PTA-12665, is placed on probation for six (6) months with the possibility of early termination. The probation may be extended or other enforcement actions taken in the event Respondent is found in violation this Order or violates the Arizona Physical Therapy Practice Act. Respondent may petition the Board for early termination of probation if the Board determines all requirements of the Order have been met. The Board orders Respondent to comply with the following terms and conditions:

Continuing Education: Respondent shall take and complete continuing education in the areas listed below within six (6) months from the effective date of this order. Respondent must submit to Board staff for approval prior to beginning the continuing education courses, a syllabus of each course. Respondent shall provide documentation to Board staff that the course was completed prior to any termination of probation is considered.

- a. Respondent shall take and complete a minimum of six (6) hours of continuing education in the area of Ethics. Courses can be taken on-line.

Jurisprudence Exam: Respondent shall take and pass the Arizona Jurisprudence Examination (AZ Law) within six (6) months from the effective date of this order.

Civil Penalty: Respondent shall pay a civil penalty of \$150.00 dollars.

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

Vote	Mr. Clinton	Ms. Hunter	Dr. King	Ms. Remec	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X	X	X	X		X	X
Nay							
Recused							
Abstained							
Absent					X		

B) Review, Discussion and Possible Action for Initial Review:

- 3) Case No. 20-34 Mariana Calderin, PTA

Dr. Richardson provided a summary of the case for the Board. The Board opened complaint #20-34 after review of complaint #19-64 Louis Bartlo, PT. The Board alleges that Ms. Calderin engaged in substandard care in the treatment of patient MF.

Ms. Calderin was present and was not represented by legal counsel. Ms. Calderin provided an opening statement. The Board reviewed and discussed the case and asked questions of Ms. Calderin.

Dr. Cornwall moved the Board issue a **Non-Disciplinary order** to include:

ORDER

Continuing Education: Respondent shall complete continuing education courses as prescribed below within six (6) months of the effective date of this order.

- a. **Documentation-** Respondent shall complete a minimum of three (3) hours of continuing education specific to documentation. The course(s) must be preapproved by Board staff, may be taken online or through any medium that does allow live interaction with the course

instructor for the entirety of the course. Respondent must provide documentation of completing the course to Board staff upon completion. Any course hours approved and credited to the fulfillment of this requirement may not be used for compliance with continuing competence requirements related to the renewal of a physical therapist license in Arizona.

ADVISORY LETTER

The Board issued an Advisory Letter. The Board's concerns relate to the importance of working as a physical therapist assistant within the statutory limits and not to exceed your authority to perform interventions as a physical therapist assistant. The Board formally advises you to become aware and informed statute and rules regarding supervisory and standard of care for the physical therapist assistant. While no violation of law was determined concerning these actions, this letter serves as a formal advisory statement to you that the conduct under scrutiny could result in such a determination by the Board in the future in a different case involving different facts or circumstances. This letter is a non-disciplinary action advising a licensee or certificate holder that particular practices should be modified or eliminated as the continuation of those actions has the potential to result in Board disciplinary action against the licensee or certificate holder. An Advisory Letter is a public document and may be used in future disciplinary actions against a licensee or certificate holder, but it is not appealable.

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

Vote	Mr. Clinton	Ms. Hunter	Dr. King	Ms. Remec	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X	X	X	X		X	X
Nay							
Recused							
Abstained							
Absent					X		

4) Case No. 20-35; Arlene Phillips, PTA

Ms. Richardson provided a summary of the case for the Board. The Board opened complaint #20-35 after review of complaint #19-64 Louis Bartlo, PT. The Board alleges that Ms. Phillips engaged in substandard care in the treatment of patient MF and JQ, and charged unreasonable or fraudulent fees for services performed.

Ms. Phillips was present and was not represented by legal counsel. Ms. Phillips provided an opening statement. The Board reviewed and discussed the case and asked questions of Ms. Phillips.

Dr. Bustillo moved the Board to offer a Consent Agreement and include:

Probation: The Arizona State Board of Physical Therapy hereby orders that Respondent, holder of Certificate No. PTA-10563, be placed on probation for a period of six (6) months to commence upon the effective date of this Order with the possibility of early termination. Failure to comply with the terms of probation shall be subject to the Noncompliance term of the Order. The Board orders Respondent to comply with the following terms and conditions of probation:

Continuing Education: Respondent shall take and complete continuing education in the areas listed below within six (6) months from the effective date of this order. Respondent must submit to Board staff for approval prior to beginning the continuing education courses, a syllabus of each course. Respondent shall provide documentation to Board staff that the course was completed prior to any termination of probation is considered.

- b.** Respondent shall take and complete a minimum of eight (8) hours of continuing education in the area of **Documentation, Supervision and Billing**. The courses may be taken on-line. Pre-approval by Board Staff required.

If not accepted the Board will forward the case to an Informal Hearing. Dr. King seconded the motion. Following review and discussion the motion carried by roll call.

Vote	Mr. Clinton	Ms. Hunter	Dr. King	Ms. Remec	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X	X				X	X
Nay			X	X			
Recused							

Abstained							
Absent					X		

5) Case No. 20-36; Jeffrey Lace, PT

Ms. Richardson provided a summary of the case for the Board. Complaint #20-36 was opened after the Board's review of complaint 19-39 Drew Giardina, PT. The Board alleges that Mr. Lace engaged in substandard care and failed to maintain adequate documentation when he evaluated/treated patient SR.

The Board reviewed and discussed the case.

Dr. Cornwall moved the Board to forward the case to an **Informal Hearing**. Dr. King seconded the motion. Following review and discussion the motion carried by roll call.

Vote	Mr. Clinton	Ms. Hunter	Dr. King	Ms. Remec	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X	X	X	X		X	X
Nay							
Recused							
Abstained							
Absent					X		

6) Case No. 21-02; Savannah Torrez, PT

Ms. Richardson provided a summary of the case for the Board. Patient NB alleges inappropriate billing for physical therapy services received.

Ms. Torrez was present and was not represented by legal counsel. Ms. Torrez provided an opening statement. The Board reviewed and discussed the case and asked questions of Ms. Torrez.

Dr. King moved the Board to **Dismiss** the above case. Ms. Remec seconded the motion. Following review and discussion the motion **failed** by roll call.

Vote	Mr. Clinton	Ms. Hunter	Dr. King	Ms. Remec	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye			X	X			
Nay	X	X				X	X
Recused							
Abstained							

Absent					X		
--------	--	--	--	--	---	--	--

Dr. Bustillo moved the Board to forward the case to an **Informal Hearing and include A.R.S.§32-2044(12) and A.R.S. §32-2044(13)**. Ms. Hunter seconded the motion. Following review and discussion the motion carried by roll call.

Vote	Mr. Clinton	Ms. Hunter	Dr. King	Ms. Remec	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X	X				X	X
Nay			X	X			
Recused							
Abstained							
Absent					X		

C) Review, Discussion and Possible Action for Review of Potential Opening of Complaint:
 1) AE, PTA

Let the record reflect Dr. King recused herself from the above case. AE was a former employee less than a year ago.

The Board reviewed and discussed the above agenda item.

Dr. Cornwall moved the Board to **Take No Action**. Ms. Remec seconded the motion. Following review and discussion the motion carried by roll call.

Vote	Mr. Clinton	Ms. Hunter	Dr. King	Ms. Remec	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X	X		X		X	X
Nay							
Recused			X				
Abstained							
Absent					X		

D) Review, Discussion and Possible Action: Request for Modification of Board Order:
 1) Board Order 20-06; Todd Holland, PT

Mr. Harris provided a summary of the case for the Board.

Mr. Holland was present and was represented by Heather Macre. Both Mr. Holland and Ms. Macre provided an opening statement. The Board reviewed and discussed the case and asked questions of Mr. Holland.

Dr. Cornwall moved the Board to **issue a Consent Agreement** to include:

Based upon the above Findings of Fact and Conclusions of Law, IT IS HEREBY ORDERED AS FOLLOWS:

Probation

The Board hereby orders that Respondent, holder of License No. LPT-007351, is placed on probation for nine (9) months with the possibility of early termination. The probation may be extended or other enforcement actions taken in the event Respondent is found in violation of this Order or violates the Arizona Physical Therapy Practice Act. Respondent may petition the Board for early termination of probation if the Board determines all requirements of the Order have been met. The Board orders Respondent to comply with the following terms and conditions:

Continuing Education

Respondent shall take and complete continuing education in the areas listed below within six (6) months from the effective date of this Order. Respondent must submit to Board staff for approval prior to beginning the continuing education courses, a syllabus of each course. Respondent shall provide documentation to Board staff that the course was completed prior to any termination of probation is considered.

- c. Respondent shall take and complete a minimum of six (6) hours of continuing education in the area of **Ethics**. Course can be completed on-line.

Jurisprudence Exam: Respondent shall take and pass the Arizona Jurisprudence Examination (AZ Law) within six (6) months from the effective date of this Order.

ProBe or PBI Ethics: Respondent shall take and pass the ProBe or PBI comprehensive ethics course within nine (9) months from the effective date of this Order.

Order remains in effect if not accepted. Ms. Hunter seconded the motion. Following review and discussion the motion carried by roll call.

Vote	Mr. Clinton	Ms. Hunter	Dr. King	Ms. Remece	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X	X	X	X		X	X
Nay							
Recused							
Abstained							
Absent					X		

5) BOARD BUSINESS AND REPORTS

A) Review and Discussion:

1) Provisional Licensure/Certification

- (1) 50 Provisional licenses have been modified to Active Status Licensure
- (2) 24 Provisional Licenses remain in Inactive Status

2) 80 Individuals Licensed March 1, 2021- March 30, 2021

- (1) 23 Physical Therapists Endorsement
- (2) 50 Physical Therapists Examination
- (3) 4 Physical Therapist Assistants Endorsement
- (4) 2 Physical Therapist Assistants Examination
- (5) 1 Physical Therapist Assistant Universal Recognition
- (6) 1 Business Entity Registration

B) March 2021 Financials

C) May 25, 2021 Board Meeting: John Hosterman will present a 90 min presentation on ADA Accommodations starting at 10:30am.

Dr. Donahue provided an update of the above agenda items. No action was taken or needed.

6) ADJOURNMENT

Dr. Cornwall moved the Board to **Adjourn**. Mr. Clinton seconded the motion. Following review and discussion, the motion carried by roll call.

Board Meeting 04/27/21

Vote	Mr. Clinton	Ms. Hunter	Dr. King	Ms. Remec	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X	X	X	X		X	X
Nay							
Recused							
Abstained							
Absent					X		

Meeting adjourned at 11:31 A.M.

Prepared by,

Monica Crowley
Licensing Administrator

Approved by,

Karen Bustillo, PT, DPT, OCS, CLT
Secretary