



MELINDA RICHARDSON, PT, MA  
President

**ARIZONA STATE BOARD OF PHYSICAL THERAPY**  
4205 NORTH 7<sup>TH</sup> AVENUE, SUITE 208 PHOENIX, ARIZONA 85013  
(602) 274-0236 Fax (602) 274-1378  
www.ptboard.az.gov

**REGULAR SESSION MEETING MINUTES**  
**April 18, 2017**

**MEMBERS PRESENT:**

Melinda Richardson, PT, MA; President  
James E. Miller, PT, DPT, Vice President  
Nushka Remec, PT, MS, PCS; Member  
Peggy Hunter, PTA, CLT; Member  
Whitney Lawrence; Member

**MEMBERS ABSENT:**

Michael S. Clinton, CPA; Secretary

**ASSISTANT ATTORNEY GENERAL  
PRESENT:**

Mona Baskin, Assistant Attorney General

**BOARD STAFF PRESENT IN PERSON:**

Charles D. Brown, Executive Director  
Monica Crowley, Office Manager  
Veronica Cardoza, Licensing Administrator  
Karen Donahue, Senior Investigator

- 1) **CALL TO ORDER – 8:30 A.M.;** Ms. Richardson called the meeting to order at 8:35 A.M. (A recording of the meeting is available through the Board Office)

Roll Call – The following Board members were present: Ms. Richardson, Dr. Miller, Ms. Remec, Ms. Hunter and Ms. Lawrence.

2) **Review and Approval of Draft Minutes**

- a) March 28, 2017; Regular Session Meeting Minutes

Ms. Richardson moved the Board approve the March 28, 2017; Regular Session Meeting Minutes with the suggested changes. Ms. Remec seconded the motion. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence	
Aye		X	X	X	X	X	
Nay							
Recused							
Abstained							
Absent	X						

b) March 28, 2017; Executive Session Minutes

Ms. Richardson moved the Board approve the February 28, 2017; Executive Session Minutes. Dr. Miller seconded the motion. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence	
Aye		X	X	X	X	X	
Nay							
Recused							
Abstained							
Absent	X						

3) **CONSENT AGENDA: REVIEW, CONSIDERATION and ACTION**

a) Applications for Licensure and Certification

i) Review, Consideration and Approval of Applications of Physical Therapist Licensure upon Receipt of Passing Scores on the NPTE/AZLAW and Final Transcript

ii)

Kristen Ayres	Dominique Bagby	Amanda Ball
Julie Braden	Michael Davis	Molly Dolan
Justin Embry	<b>Jeffrey Gale</b>	Jose Granados
Marissa Gutknecht	Christopher Heezen	Cody Hernandez
Scott Heward	Gabriella Ibarrola	<b>Janey Jondle</b>
Steven Karstetter	Nicole Larson	Alicia Messer
Heather Moore	Lauren Mueller	Suzanne Patenaude
Stephen Pietzak	Erik Saenz	Blair Smith
Brooke Timothy	Jared Underriner	Krista Watson
Amy Wierzchowski	Welton Wittwer	Clyde Yellowhair Jr.
Erin Zoch		

Ms. Hunter pulled Jeffrey Gale and Ms. Richardson Pulled Janey Jondle from the above consent agenda for separate consideration.

Ms. Richardson moved the Board approve the above applications for Physical Therapist Licensure upon Receipt of Passing Scores on the NPTE/AZLAW and Final Transcript. Dr. Miller seconded the motion. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence	
Aye	X	X	X	X	X	X	
Nay							
Recused							

Abstained							
Absent							

**Jeffrey Gale**

Mr. Brown stated that Mr. Clinton had no issues regarding the review of the cases.

Ms. Hunter’s concern with Mr. Gale’s program director letter was that it didn’t state the date requesting to exam. Ms. Cardoza explained that the date is not required to be on the letter.

The Board reviewed and discussed the case.

Ms. Hunter moved the Board approve Mr. Gale’s application for Physical Therapist Licensure upon Receipt of Passing Scores on the NPTE/AZLAW and Final Transcript. Ms. Richardson seconded the motion. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence	
Aye	X	X	X	X	X	X	
Nay							
Recused							
Abstained							
Absent							

**Janey Jondle**

Ms. Richardson’s concern with Ms. Jondle’s work history. She has not worked since 2002 and had no continuing education.

The Board reviewed and discussed the case.

Ms. Richardson moved the Board require Ms. Jondle to complete a SCPP under an interim permit and then return to the Board after SCPP has been completed. Dr. Miller seconded the motion. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence	
Aye		X	X	X	X	X	
Nay							
Recused							
Abstained							

Absent	X						
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iii) Review, Consideration and Approval of Applications for Physical Therapist Assistant Certification upon Receipt of Passing Scores on the NPTE/AZLAW and Final Transcript.

Kimberly Bosen	Angela Hardin	Alexandrea Harris
Anna Hedges	Brett Ives	Cristina Kniesly
Matthew Oser	Kevin Christian Vidal	Benjamin Woomer

Ms. Hunter moved the Board approve the above applications for Physical Therapist Assistant Certification upon Receipt of Passing Scores on the NPTE/AZLAW and Final Transcript. Dr. Miller seconded the motion. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence	
Aye		X	X	X	X	X	
Nay							
Recused							
Abstained							
Absent	X						

**4) CONSENT AGENDA: Review, Consideration and Action on Applications for Licensure and Certification**

- a) Substantive Review of Documentation Related to Disclosure on “Personal Information” Section of Application
  - (1) Physical Therapist Licensure Applications and Approval to take the NPTE and the AZLAW (Jurisprudence) Exam and Possible Licensure.
    - (a) Daniel Kaminski

Ms. Richardson stated, Mr. Kaminski was missing his work history for the past 5 years. The Board reviewed and discussed the above application.

Ms. Richardson moved the Board approve Mr. Kaminski for Physical Therapist Licensure upon Receipt of Passing Scores on the NPTE/AZLAW and a complete 5-year work history. Dr. Miller seconded the motion. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence	
Aye		X	X	X	X	X	
Nay							
Recused							

Abstained							
Absent	X						

(b) Daniel Zawada

The Board reviewed and discussed the above application.

Ms. Richardson moved the Board approve Mr. Zawada to take the NPTE and the AZLAW (Jurisprudence) Exam only. Application to be brought back to the Board for final review and approval for licensure with an updated Program Director letter stating he is in good academic standing or Final Transcript. Dr. Miller seconded the motion. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence	
Aye		X	X	X	X	X	
Nay							
Recused							
Abstained							
Absent	X						

b) Review, Consideration and Approval of Applications for Physical Therapy Assistant Certification upon Receipt of Passing Scores on the NPTE/AZLAW and Final Transcript and with documentation Related to Disclosure on “Personal Information” section of the application.

(1) Physical Therapist Assistant Certification and Approval to take the NPTE and the AZLAW (Jurisprudence) Exam and Possible Certification.

(a) Jesse Artus

The Board reviewed and discussed the above application.

Ms. Richardson moved the Board table the above application until next Board Meeting. Ms. Hunter seconded the motion. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence	
Aye		X	X	X	X	X	
Nay							
Recused							
Abstained							
Absent	X						

(b) Craig Keller

The Board reviewed and discussed the above application.

Ms. Richardson moved the Board approve Mr. Keller for Physical Therapist Assistant Certification upon Receipt of Passing Scores on the NPTE/AZLAW and Final Transcript. Dr. Miller seconded the motion. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence	
Aye		X	X	X	X	X	
Nay							
Recused							
Abstained							
Absent	X						

(c) Larry Ortega

Ms. Hunter’s concern with Mr. Ortega’s program director letter regarding was with the date of the exam he was planning on taking.

The Board reviewed and discussed the above application.

Ms. Cardoza explained that she had spoken to the Mr. Irvin, Program Director regarding the wrong date. Ms. Cardoza corrected the date after speaking to Mr. Irvin. A wrong date was accidentally put on the letter. Ms. Cardoza confined she received Mr. Ortega’s Final Transcript after Board material had been scanned. Mr. Ortega graduated March 31, 2017. Board Staff to put Memo in file for clarification.

Dr. Miller moved the Board approve Mr. Ortega for Physical Therapy Assistant Certification upon Receipt of Passing Scores on the NPTE/AZLAW and Final Transcript. Ms. Hunter seconded the motion. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence	
Aye		X	X	X	X	X	
Nay							
Recused							
Abstained							
Absent	X						

**5) Review, Consideration and Action on Applications for Licensure and Certification**

- a) Review of and Possible Action on Physical Therapists Previously Licensed in the State of Arizona.

(1) Heather Ward

The Board reviewed and discussed the application. Ms. Ward submitted 140 hours of CEU's.

Ms. Richardson moved the Board Approval Ms. Ward's Application for Physical Therapists Previously Licensed in the State of Arizona and issue her license. Dr. Miller seconded the motion. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence	
Aye		X	X	X	X	X	
Nay							
Recused							
Abstained							
Absent	X						

d) Review of and Possible Action on Physical Therapists Assistant Previously Licensed in the state of Arizona.

(1) Claudia Garcia-Peguero

The Board reviewed and discussed the application.

Ms. Richardson moved the Board Approval Ms. Garcia-Peguero's Application for Physical Therapists Assistant Previously Licensed in the State of Arizona and issue her certificate. Dr. Miller seconded the motion. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence	
Aye		X	X	X	X	X	
Nay							
Recused							
Abstained							
Absent	X						

c) Review of and Possible Action on the Following Applications for Physical Therapist Licensure – Military Spouse.

(1) Courtney Christ

The Board reviewed and discussed the application.

Ms. Richardson moved the Board Approval Ms. Christ’s Application for Physical Therapist Licensure – Military Spouse and issue her license. Dr. Miller seconded the motion. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence	
Aye		X	X	X	X	X	
Nay							
Recused							
Abstained							
Absent	X						

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

(1) Jennifer Molyneux

The Board reviewed and discussed the application.

Ms. Remec moved the Board finds Ms. Molyneux Foreign Educated Graduates of Programs U.S. Accredited substantially equivalent and sit for the NPTE/AZLaw exam and require the minimum SCPP. Ms. Richardson seconded the motion. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence	
Aye		X	X	X	X	X	
Nay							
Recused							
Abstained							
Absent	X						

e) Review of and Possible Action on Application for Physical Therapist Licensure from Applicant Requesting ADA Accommodations.

(1) Trisha Guerrero

Let the record reflect that Ms. Guerrero is a Physical Therapist Assistant not a Physical Therapist.

The Board reviewed and discussed the application.

Ms. Richardson moved the Board continue this agenda item to next Board meeting to allow Ms. Guerrero time to submit a more complete ADA accommodations report from a qualified provider. Ms. Remec seconded the motion. Following review and discussion the motion carried.



Vote	Mr. Clinton	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence	
Aye		X	X	X	X	X	
Nay							
Recused							
Abstained							
Absent	X						

(2) Hannah Nagin

The Board reviewed and discussed the above application.

Ms. Richardson moved the Board approve the above applicant’s request for ADA Accommodations and Physical Therapist Licensure upon Receipt of Passing Scores on the NPTE/AZLAW and Final Transcript. Dr. Miller seconded the motion. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence	
Aye		X	X	X	X	X	
Nay							
Recused							
Abstained							
Absent	X						

**6) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE**

- d) Review, Discussion and Action on Compliance with A Board Order
  - i) Case No.15-11; Blain Packard, PTA

Mr. Packard was present and was represented by Mr. Scott King. Mr. King provided an opening statement to the Board.

The Board received the 10<sup>th</sup> monitoring report dated April 11, 2017 which was the most recent. The Board discussed future options. Ms. Baskin, Assistant Attorney General stated that once Ms. Packard has meet all his monitoring requirement; he has the option to request early termination.

The Board reviewed and discussed the case and asked questions of Mr. Packard.

The Board feels it will be up to Mr. Packard and his attorney to request any changes and request to come before the Board.

No action was required or taken.

ii) Case No. 15-30; Michelle Bambenek, PT

Ms. Bambenek was present and was represented by Mr. Scott King. Mr. King provided an opening statement to the Board.

The Board reviewed and discussed the case and asked questions of Ms. Bambenek. Ms. Baskin, Assistant Attorney General reviewed Ms. Bambenek order to the Board.

Ms. Richardson moved the Board approve request for Early Termination. Ms. Hunter seconded the motion. Following review and discussion the motion failed by roll call vote.

Vote	Mr. Clinton	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence	
Aye					X		
Nay		X	X	X		X	
Recused							
Abstained							
Absent	X						

**6) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE**

a) Review and Action; Informal Hearing; 9:00 a.m.

i) Case No. 16-41; Andrew Gamboa, PTA

Mr. Gamboa was present and was represented by legal counsel Mr. Blake Mayes. The Board members and Board staff introduced themselves. Ms. Baskin, Assistant Attorney General stepped away from the table and was replaced by Mr. Mark Harris, Assistant Attorney General. Mr. Harris was there as the Board’s legal adviser.

Ms. Richardson read a summary of how the hearing would be conducted and reviewed the possible outcomes of the hearing. Ms. Donahue and Mr. Gamboa were sworn-in as witnesses. Mr. Brown read the allegations against Mr. Gamboa:

**A) Engaged 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.**

1. Ms. Humble states that Mr. Gamboa represented himself as a PTA when engaging in wellness services with clients.
2. The Wellness program description on the Fisher Institute web page acknowledges the following:
  - a. Program is for former Fisher Institute Patients
    - i. Ms. Humble confirms that Mr. Gamboa provided physical therapy interventions to some of the same patients in both billed physical therapist services and for wellness services.

- b. Program will be tailor made specifically for you by the Fisher Medical Staff who knows your health needs the best.
  - i. Indicates that wellness participants are receiving care by medical staff. Mr. Gamboa would be considered professional medical staff as a physical therapist assistant.
3. The Informed Consent and Waiver for the wellness program indicates:
  - a. That an evaluation will be conducted.
    - i. If an evaluation is conducted, and wellness services are within the scope of practice of the physical therapist, then the services would be deemed as physical therapy services under a cash payment system. Mr. Gamboa's involvement in the treatment of patients in the wellness program would be as a physical therapist assistant.
  - b. "You are fully responsible for disclosing such information when requested by one of our professional staff."
    - i. This statement indicates that the person guiding the client through the wellness session is a medical professional and thus, Mr. Gamboa, would perform these services as a physical therapist assistant.

**B) Made misleading, deceptive, untrue or fraudulent representations in violation of this chapter or in the practice of the profession.**

1. Mr. Gamboa, in his response, confirms that he retained payment made by a personal training client in which the funds were to be deposited with Fisher Institute.
2. Mr. Gamboa acknowledges, in his response, that he breeched his agreement with Mr. Fisher.
3. Mr. Gamboa was hired as a physical therapist and employment contract indicated his position as PTA.
4. Mr. Gamboa did not have a separate contract to provide wellness services.

Mr. Mayes provided an opening statement. The Board reviewed and discussed the case and asked questions of Mr. Gamboa.

Following the Board's questioning of Mr. Gamboa both Mr. Mayes and Mr. Gamboa provide a closing statement. The Board deliberated and discussed the case.

Ms. Richardson guided the Board through each allegation for discussion. Following discussion of the allegations Ms. Richardson moved the Board adopt the following Findings of Fact:

**(B) Made misleading, deceptive, untrue or fraudulent representations in violation of this chapter or in the practice of the profession.**

1. Mr. Gamboa, in his response, confirms that he retained payment made by a personal training client in which the funds were to be deposited with Fisher Institute.
2. Mr. Gamboa acknowledges, in his response, that he breeched his agreement with Mr. Fisher.

3. Mr. Gamboa was hired as a physical therapist and employment contract indicated his position as PTA.
4. Mr. Gamboa did not have a separate contract to provide wellness services.

Ms. Hunter seconded the motion. Following review and discussion the motion carries.

Vote	Mr. Clinton	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence	
Aye		X	X	X	X	X	
Nay							
Recused							
Abstained							
Absent	X						

Ms. Richardson moved the Board adopt the following Conclusions of Law:

**A.R.S. §32-2044(1)** “Violating this chapter, Board rules or a written board order.”

**A.R.S. §32-2044(14)** “Making misleading, deceptive, untrue or fraudulent representations in violation of this chapter or in the practice of the profession.”

Dr. Miller seconded the motion. Following review and discussion the motion carries

Vote	Mr. Clinton	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence	
Aye		X	X	X	X	X	
Nay							
Recused							
Abstained							
Absent	X						

The Board discussed possible disciplinary action against Mr. Gamboa certificate. Following discussion Ms. Hunter moved the Board adopt the following Order:

Mr. Gamboa was issued a Non-Disciplinary order to include six (6) hours of Board approved Continuing Education in Ethics to be completed within four (4) months. Dr. Miller seconded the motion. Following review and discussion the motion carried by roll call vote.

Vote	Mr. Clinton	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence	

Aye		X	X	X	X	X	
Nay							
Recused							
Abstained							
Absent	X						

The Board Recessed from 10:45 A.M. to 10:56 A.M

- b) Review and Action; Formal Hearing 10:00 a.m.
  - i) Case No. 11-14; Jeffrey Beran, PT  
(Formal Hearing or Consideration of Consent Agreement)

Mr. Mark Harris, Assistant Attorney General was there as the Board’s legal adviser. Ms. Mona Baskin, Assistant Attorney General was there on behalf of the State of Arizona.

This was schedule for a Formal Hearing but the Board was presented with a possible Consent Agreement. The Consent Agreement was provided to all Board member for consideration in lieu of Formal Hearing.

Mr. Beran was present and was represented by legal counsel, Mr. Andy Sniegoski. Mr. Sniegoski provided an opening statement. Ms. Baskin, Assistant Attorney General provided an overview of the Consent Agreement.

Ms. Richardson moved the Board approve the consent agreement that included Mr. Beran be placed on eighteen (18) months’ probation with the possibility of early termination, complete ProBe Ethics & Boundaries Course program to be completed within twelve (12) months and complete six (6) hours of continuing education in Documentation, take and successfully pass the AZLaw exam and complete a minimum of one (1) documentation review audit. Dr. Miller seconded the motion. Following review and discussion the motion carried by roll call vote.

Vote	Mr. Clinton	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence	
Aye		X	X	X	X	X	
Nay							
Recused							
Abstained							
Absent	X						

**6) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE**

- a) Review and Action; Informal Hearing; 9:00 a.m.
  - ii) Case No. 16-56; Timothy Scheierman, PT

Mr. Scheirman was present and was not represented by legal counsel. The Board members and Board staff introduced themselves. Ms. Richardson read a summary of how the hearing would be conducted and reviewed the possible outcomes of the hearing. Ms. Donahue and Mr. Scheirman were sworn-in as witnesses. Mr. Brown read the allegations against Ms. Scheierman:

**A.R.S. §32-2044(24) “Failing to complete continuing competence requirements as established by the Board by rule.**

1. Mr. Scheierman failed to respond to the 2014-2016 Continuing Competency Audit.
2. Mr. Scheierman’s response confirms that he failed to pick up 3 certified mailed letters from the Board of Physical Therapy.
  - a. Notification of 2014-2016 Continuing Competency Audit
  - b. Notification of Non-Compliance of 2014-2016 Continuing Competency Audit
  - c. Notification of Complaint #16-56
3. Mr. Scheierman’s response is in conflict with the evidence in that the Letter of Notification of Audit was sent regular mail to Mr. Scheierman on October 22, 2016 and he was notified in that letter that he had 30 days to comply with the Audit. Mr. Scheierman failed to submit his continuing education in the required timeframe. Mr. Scheierman confirmed on November 18, 2016 that his home address, in which the letters were sent, was his current home address.
4. Mr. Scheierman did submit CEU completion certificates and has completed the 2014-2016 Continuing Competency Audit.

Mr. Scheirman provided an opening statement to the Board. The Board reviewed and discussed the case and asked questions of Mr. Scheirman. Following the Board’s questioning of Mr. Scheirman. Mr. Scheirman provided a closing statement to the Board. The Board deliberated and discussed the case. Ms. Richardson guided the Board through each allegation for discussion. Following discussion on the allegations Ms. Richardson moved the Board adopt the following Findings of Fact:

**A.R.S. §32-2044(24) “Failing to complete continuing competence requirements as established by the Board by rule.**

1. Mr. Scheierman failed to respond to the 2014-2016 Continuing Competency Audit.
2. Mr. Scheierman’s response confirms that he failed to pick up 3 certified mailed letters from the Board of Physical Therapy.
  - a. Notification of 2014-2016 Continuing Competency Audit
  - b. Notification of Non-Compliance of 2014-2016 Continuing Competency Audit
  - c. Notification of Complaint #16-56
3. Mr. Scheierman’s response is in conflict with the evidence in that the Letter of Notification of Audit was sent regular mail to Mr. Scheierman on October 22, 2016 and he was notified in that letter that he had 30 days to comply with the Audit. Mr. Scheierman failed to submit his

continuing education in the required timeframe. Mr. Scheierman confirmed on November 18, 2016 that his home address, in which the letters were sent, was his current home address.

4. Mr. Scheierman did submit CEU completion certificates and has completed the 2014-2016 Continuing Competency Audit.

Dr. Miller seconded the motion. Following review and discussion the motion carries.

Vote	Mr. Clinton	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence	
Aye		X	X	X	X	X	
Nay							
Recused							
Abstained							
Absent	X						

Ms. Richardson moved the Board adopt the following Conclusions of Law:

**A.R.S. §32-2044(1)** “Violating this chapter, Board rules or a written board order.”

**A.R.S. §32-2044(24)** “Failing to complete continuing competence requirements as established by the Board by rule.

Dr. Miller seconded the motion. Following review and discussion the motion carries.

Vote	Mr. Clinton	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence	
Aye		X	X	X	X	X	
Nay							
Recused							
Abstained							
Absent	X						

The Board discussed possible disciplinary action against Mr. Scheierman’s license. Following discussion Ms. Richardson moved the Board adopt the following Order:

Mr. Scheierman shall pay a \$500 Civil Penalty within thirty (30) days. Dr. Miller seconded the motion. Following review and discussion the motion carried by roll call vote.

Vote	Mr. Clinton	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence	
Aye		X	X	X	X	X	

Nay							
Recused							
Abstained							
Absent	X						

- e) Review, Discussion, and Action on Request for Rehearing
  - i) Case No. 16-22; Chad Reilly, PT

Let the record reflect that Mr. Reilly is no longer being represented by legal counsel Mr. Shelly.

Mr. Reilly was present and was not represented by legal counsel. The Board members and Board staff introduced themselves. Ms. Richardson read a summary of how the hearing would be conducted and reviewed the possible outcomes of the hearing.

Mr. Reilly provided additional information to all Board Members. Ms. Baskin, Assistant Attorney General advised the Board regarding the handouts. Ms. Donahue confirmed that the additional handouts was newly discovered information and was not included at the Informal Hearing. Mr. Reilly provided an opening statement and reviewed the handouts he provided to the Board. Ms. Baskin, Assistant Attorney General stated they held a meeting with Mr. Reilly prior to the Board Meeting to try to come to a resolution, but were not successful.

The Board reviewed and discussed the case and asked questions of Mr. Reilly.

Ms. Richardson moved the Board deny request for re-hearing but amend the Board Order based on the statements provided. Dr. Miller seconded the motion. Following review and discussion both Ms. Richardson and Dr. Miller withdrew their first and second motion.

Ms. Hunter moved the Board deny request for re-hearing. Dr. Miller seconded the motion. Following review and discussion the motion carried by roll call vote.

Vote	Mr. Clinton	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence	
Aye		X	X	X	X	X	
Nay							
Recused							
Abstained							
Absent	X						

Let the record reflect at 11:57 A.M. Ms. Remec left the Board Table.

- c) Review, Discussion, and Action on Initial Review of Complaint
  - i) Complaint #16-59; Morgan Brown, PT



Mr. Brown was present and was not represented by legal counsel.

Ms. Donahue provided a summary of the case for the Board. Ms. Ward, Mr. Brown’s supervisor, filed a complaint after receiving and investigating a report that Mr. Brown exposed his genitals to patient SH, a 95-year-old woman, on November 18, 2016 during a treatment session in her apartment at the assisted living center.

Mr. Brown did not provide an opening statement. The Board reviewed and discussed the case and asked questions of Mr. Brown. Following the Board’s questioning of Mr. Brown. Ms. Hunter moved the Board issue a summary suspension evaluation by a professional. Ms. Richardson seconded the motion. Ms. Baskin, Assistant Attorney General requested break to gather her thoughts.

**The Board Recessed from 12:35 P.M. to 1:05 P.M**

Following review and discussion both Ms. Hunter and Ms. Richardson withdrew their first and second motion.

Ms. Richardson moved the Board enter into Executive Session to obtain legal advice regarding facts of the case. Dr. Miller seconded the motion. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence	
Aye		X	X		X	X	
Nay							
Recused							
Abstained							
Absent	X			X			

**Executive Session from 1:07 P.M. to 1:18 P.M.**

Ms. Richardson moved the Board hold a special meeting Friday April 21, 2017 in-person and provide complaint notice of hearing for possible suspension. Notice to include the below possible violations.

**A.R.S. §32-2044(1)** “Violating this chapter, Board rules or a written board order.”

**A.R.S. §32-2044(4)** “Engaging in the performance of substandard care by a physical therapist due to a deliberate or negligent act or failure to act regardless of whether actual injury to the patient is established.”

**A.R.S. §32-2044(10)** “Engaging in sexual misconduct. Making sexual advances, requesting sexual favors or engaging in other verbal or physical contact of a sexual nature with patients.”

**A.R.S. §32-2044(12)** “Failing to adhere to the recognized standards of ethics of the physical therapy profession.”

- **1.1(b)** “A physical therapist shall be guided at all times by concern for the physical, psychological, and socioeconomic welfare of patients/clients. C. A physical therapist shall not harass, abuse, or discriminate against others.”
- **1.1(c)** “A physical therapist shall not harass, abuse, or discriminate against others.”
- **2.1(a)** “A physical therapist shall place the patient’s/client’s interest(s) above those of the physical therapist. Working in the patient/client’s best interest requires knowledge of the patient’s/client’s needs from the patient’s/client’s perspective. Patients/Clients often come to the physical therapist in a vulnerable state and normally will rely on the physical therapist’s advice, which they perceive to be based on superior knowledge, skill, and experience. The trustworthy physical therapist acts to ameliorate the patient’s/client’s vulnerability, not to exploit it.”
- **2.1(c)** “A physical therapist shall not engage in any sexual relationship or activity, whether consensual or nonconsensual, with any patient while a physical therapist/patient relationship exists.”
- **2.2** “A physical therapist has an obligation to provide accurate and truthful information. A physical therapist shall not make statements that he/she knows or should know are false, deceptive, fraudulent, or misleading.”
- **7.1(b)** “A physical therapist shall never place her/his own financial interest above the welfare of individuals under his/ her care.”

**A.R.S. §32-2044(13)** “Charging unreasonable or fraudulent fees for services performed or not performed.”

**A.R.S. §32-2044(20)** “Failing to maintain adequate patient records. For the purposes of this paragraph, "adequate patient records" means legible records that comply with board rules and that contain at a minimum an evaluation of objective findings, a diagnosis, the plan of care, the treatment record, a discharge summary and sufficient information to identify the patient.”

Dr. Miller seconded the motion. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence	
Aye			X		X	X	
Nay		X					
Recused							
Abstained							
Absent	X			X			

ii) Complaint #17-04; Kyle Cherney, PT

Mr. Cherney was present and was not represented by legal counsel.

Ms. Donahue provided a summary of the case for the Board. Board opened compliant #17-04 following review of Complaint 16-47, Sarah Hanna, PT. The Board alleges substandard care, charging unreasonable or fraudulent fees and inadequate documentation

Mr. Cherney did not provide an opening statement. Ms. Richardson accepts the flow sheet that was submitted. The Board reviewed and discussed the case and asked questions of Mr. Cherney. Following the Board’s questioning of Mr. Cherney.

Ms. Richardson moved the Board offer Mr. Cherney a Consent Agreement with allegations outlined in the report. Consent agreement shall place include twelve (12) month) probation with the possibility for early termination. Mr. Cherney shall complete eight (8) hours of continuing education in Documentation to be completed within three (3) months and will not count towards renewal and cannot be completed online. Monitoring shall consist of three (3) consecutive successful reports. If consent agreement is not accepted the case will be forwarded to an informal hearing.

No second, Ms. Richardson withdrew her motion.

Ms. Hunter moved the Board issue a Non-Disciplinary Letter that included Mr. Cherney to complete eight (8) hours of continuing education in Documentation to be completed within six (6) months and will not count towards renewal and cannot be completed online. Dr. Miller seconded the motion. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence	
Aye		X	X			X	
Nay					X		
Recused							
Abstained							
Absent	X			X			

**7) BOARD BUSINESS AND REPORTS**

- a) Executive Director’s Report – Discussion and Possible Action
  - i) Financial Report- Review of written report.
  - ii) Board Staff Activities- Review of written report
  - iii) Legislation- Review of written report
    - (1) Executive Order 17-03; Internal Review of Training Requirements, Continuing Education, Fees, and Process
    - (2) SB1437- Agencies; Review; GRRC; Occupational Regulation
    - (3) SB 1452- Health Profession Regulatory Boards
  - iv) Rule Activity- Review of written report
  - v) FSBPT- Review of written report

Mr. Brown provided verbal summary on the above topics. No action was taken or required. Ms. Cynthia Driskell, PT representing AZ PTA provided an oral statement regarding legislation.

- b) Board Appointment of Delegate and Alternate Delegates for the 2017 Federation of State Boards of Physical Therapy Annual Meeting.

Tabled till next Board Meeting.

- c) Board Appointment of Delegate to The Physical Therapy Licensure Compact Commission

Ms. Hunter moved the Board nominate Ms. Richardson to be a representative for The Physical Therapy Licensure Compact Commission. Dr. Miller seconded the motion. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence	
Aye		X	X		X	X	
Nay							
Recused							
Abstained							
Absent	X			X			

Mr. Brown provided verbal summary on the above topics. No action was taken or required.

**8) CALL TO THE PUBLIC**

Nobody came forward.

**9) ADJOURNMENT**

Meeting adjourned at 2:12 P.M.

Prepared by,

Monica Crowley  
Office Manager

Approved by,

Michael S. Clinton, CPA  
Secretary