



Mark Cornwall, PT, PHD, FAPTA  
President

**ARIZONA STATE BOARD OF PHYSICAL THERAPY**  
1470 W. ADAMS ST., STE 2450, PHOENIX, ARIZONA 85007  
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**REGULAR SESSION MEETING MINUTES via  
Hangout Meet Video Conferencing  
May 26, 2020**

**BOARD MEMBERS PRESENT:**

Mark Cornwall, PT PHD, FAPTA, President  
Karen Bustillo, PT, DPT, OCS, CLT, Secretary  
Nushka Remec, PT, MS, PCS; Vice President  
Kelly King, PT, DPT, Professional Member  
Peggy Hunter, PTA, CLT; Professional Member  
Michael S. Clinton, CPA; Public Member  
Joshua Greer, Public Member

**BOARD MEMBERS ABSENT:**

N/A

**ASSISTANT ATTORNEY GENERAL  
PRESENT:**

Mona Baskin, Assistant Attorney General

**BOARD STAFF PRESENT:**

Karen Donahue, PT, DPT, Executive Director  
Monica Crowley, Licensing Administrator  
Veronica Cardoza, Administrative Services Officer  
Judy Chepeus, Customer Service Representative  
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, Ms. Remec, Mr. Greer, Dr. King, Ms. Hunter and Mr. Clinton.

- 2) Review and Approval of Draft Minutes**

- A) April 28, 2020 Regular Session Meeting Minutes**

The Board reviewed and discussed the above minutes.

Dr. Cornwall moved the Board to approve the April 28, 2020 Regular Session Meeting Minutes with the suggested changes. 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	X
Nay							
Recused							
Abstained							
Absent							

**3) REVIEW, CONSIDERATION and ACTION**

**A) Applications for Licensure and Certification**

- 1) Review, Consideration and Approval of Applications for Physical Therapist Assistant Certification with Documentation Related to Disclosure on “Personal Information” Section of the Application.

Maia Fruchthandler

The Board reviewed and discussed the above application.

Dr. King moved the Board to approve the above Application for Physical Therapist Assistant Certification upon Receipt of Passing Scores on the NPTE/AZLAW and Final Transcript. 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	X
Nay							
Recused							
Abstained							
Absent							

Adrienne Frost

The Board reviewed and discussed the above application.

Dr. King moved the Board to approve the above Application for Physical Therapist Assistant Certification upon Receipt of Passing Scores on the NPTE/AZLAW and Final Transcript. Dr. Bustillo seconded the motion. Following review and discussion, the motion carried unanimously 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	X

Nay							
Recused							
Abstained							
Absent							

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

Maia Fruchthandler

The Board reviewed and discussed the above application and requested to have agenda reflect that Ms. Fruchthandler is applying as Physical Therapist Assistant and requesting ADA Accommodations.

Dr. King moved the Board to approve the Application for ADA Accommodations Mr. Clinton seconded the motion. Following review and discussion, the motion carried unanimously 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	X
Nay							
Recused							
Abstained							
Absent							

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

B) Review, Discussion and Possible Action for Initial Review

1) Case No. 19-44; Sarah Daley, PT

Ms. Richardson provided a summary of the case for the Board.

Board opened complaint #19-44 after review of complaint from Mr. Abernethy, PT. Mr. Abernethy, PT alleges that Ms. Daley billed direct patient care time that exceeded the time that the patient was in the treatment center.

The Board reviewed and discussed the above case.

Ms. Hunter moved the Board to forward case to **Informal Hearing** and include **A.R.S. §32-2044(4), A.R.S. §32-2044(20)**. Dr. Bustillo seconded the motion. Following review and discussion, the motion failed unanimously by roll call.

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

The Board reviewed and discussed the above case.

Ms. Hunter moved the Board to issue an Interim Order to obtain a fitness for duty evaluation from a Board approved evaluator and ensure the evaluation is provided to the Board. Ms. Daley was provided with a Stipulated Interim Order. Dr. King seconded the motion. Following review and discussion, the motion carried unanimously 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	X
Nay							
Recused							
Abstained							
Absent							

A) Review, Discussion and Action for Informal Hearing:

- 1) Case No.19-10, Hans Littner, PT (9:00am

Mr. Lettner was present and was not represented by legal counsel. Patient WB and wife TB were also present and were not represented by legal counsel.

The Board members and Board staff introduced themselves. Mr. Lettner and both patient WB and patients wife TB introduced themselves. Dr. Cornwall read a summary of how the hearing would be conducted and reviewed the possible outcomes of the hearing. Dr. Donahue, Mr. Littner and both patient WB and wife TB were sworn-in as witnesses by roll call. Dr. Donahue read the allegations against Mr. Littner.

Mr. Littner provided an opening statement. Both patient WB and wife TB provided an opening statement.

The Board reviewed and discussed the case and asked questions of Mr. Littner and patient WB.

No closing statement was by provided Mr. Littner. Patient WB provided a closing statement to the Board.

The Board deliberated.

Dr. King moved the Board to issue a Non-Disciplinary Oder to include six (6) hours of documentation, three (3) hours of Ethics and (six (6) hours Diagnosis and Treatment of Hip Disorders to include a component related to total hip replacements to be completed within six (6) months. Dr. Bustillo seconded the motion. Following review and discussion, the motion failed.

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

The Board reviewed and discussed the case.

Dr. Cornwall guided the Board through each allegation for discussion. Following discussion on the allegations Ms. Hunter moved the Board adopt the following Findings of Fact:

1. Respondent performed an initial examination on WB on June 26, 2018. WB underwent a left total hip replacement on May 31, 2018.
2. Respondent documentation and statements indicate the WB’s gait was described as having internal rotation of the left hip.
3. Respondent documentation of the initial evaluation was incomplete and inaccurate. Strength measurements were inconsistent with known values. Respondent testified that his assessment of strength was visual and not actually performed according to standard methods.
4. Patient WB sustained a dislocated left hip after performance of heel slide with static strap as instructed by Respondent on June 26, 2018.
5. Respondents billing on June 26, 2018 is not reflective of the documentation of the treatment session.

Dr. Bustillo seconded the motion. Following review and discussion the motion carried unanimously 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	X
Nay							
Recused							
Abstained							
Absent							

Ms. Hunter 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(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.”

Dr. Bustillo seconded the motion. Following review and discussion the motion carried unanimously 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	X
Nay							
Recused							
Abstained							
Absent							

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

Based upon the foregoing Findings of Fact and Conclusions of Law, the Board imposes the following Order:

1. **Probation:** The Arizona Board of Physical Therapy hereby orders that Respondent, holder of Physical Therapy License No. LPT-005202, is placed on probation for **twelve (12) months** from the effective date of the order. 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. The Board orders Respondent to comply with the following terms and conditions:

2. **Continuing Education:** Respondent shall take and complete continuing education in the area(s) listed below within six (6) months from the effective date of this order. Respondent must submit the course description to Board staff for approval prior to beginning the continuing education course(s). Only in-person courses will be considered for pre-approval by Board Staff. Respondent shall provide documentation to Board staff that the course was completed prior to the Board’s consideration of termination of probation.

- a. Respondent shall take and complete a minimum of six (6) hours of continuing education in the area of **Diagnosis and Treatment of Hip Disorders to include a component related to total hip replacements.**
- b. Respondent shall take and complete a minimum of three (3) hours of continuing education in the area of **ethics.**

3. **Documentation Review:** Between 30 days and 90 days after the completion of Respondent’s continuing education, the Board's Investigator will perform a minimum of one review of three (3) randomly selected charts for patients treated by Respondent. Respondent must contact the Board’s Investigator and provide the Investigator with a list of patients Respondent has treated during a period of time designated by the Board Investigator. The purpose of the review is to assess compliance with the Board's statutes and rules. If review of the charts described above reveal that the Respondent's records are not in compliance with the Board's statutes and rules, Respondent shall submit to additional reviews of patient charts where the Board's Investigator will perform another review of three (3) randomly selected charts for patients treated by Respondent. The purpose of the reviews is to assess compliance with the Board's statutes and rules. Respondent may petition the Board for relief of the reviews if respondent disagrees with the Board Investigator’s findings.

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

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

Recused							
Abstained							
Absent							

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

A) Review, Discussion and Action for Informal Hearing:

2) Case No. 19-17; Nicolette Owens, PT (10:00am)

Ms. Nicolette Owens was present and was represented by Ms. Lauren Weinzweig. The Board members and Board staff introduced themselves. Both Ms. Owens and Ms. Weinzweig introduced themselves. Dr. Cornwall read a summary of how the hearing would be conducted and reviewed the possible outcomes of the hearing. Ms. Owen and Ms. Richardson were both sworn-in as witnesses. Ms. Richardson read the allegations against Ms. Owen.

Ms. Owen provided an opening statement.

The Board reviewed and discussed the case and asked questions of Ms. Owen.

Ms. Weinzweig provided a closing statement to the Board.

The Board deliberated.

Dr. Cornwall moved the Board issue a Non-Disciplinary Oder to include six (6) hours of documentation, three (3) hours of assessment of the complex patient to be completed within twelve (12) month with the possibility of early termination. Ms. Remec seconded the motion. Following review and discussion the motion failed.

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

Dr. Cornwall guided the Board through each allegation for discussion. Following discussion on the allegations Dr. King moved the Board adopt the following Findings of Fact:

1. Patient Record JD and Incident Report filed indicate that JD was involved in an incident involving a loss of balance and fall onto the right hip on January 24, 2019 which resulted in a fracture.



2. Respondent affirms that a gait belt was not applied to JD at the time of the fall.
3. Respondent’s documentation of the Initial Examination was incomplete. Past Medical History of neurological symptoms were not documented as assessed. The clinical rationale for the proposed treatment interventions were not supported in the documentation.
4. Respondent failed to adequately assess, monitor and respond to JD’s change in signs and symptoms related to his blood pressure.
5. Respondent failed to document that emergency care following the fall on January 24, 2019 was advised or offered.
6. Respondent allowed, without emergency care, JD to proceed home following the fall resulting in a hip fracture.
7. Respondent failed to maintain adequate patient records throughout the episode of care.

Mr. Clinton seconded the motion. Following review and discussion the motion carried unanimously 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	X
Nay							
Recused							
Abstained							
Absent							

Dr. King 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(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(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. Bustillo seconded the motion. Following review and discussion the motion carried unanimously 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	X
Nay							
Recused							
Abstained							
Absent							

The Board discussed possible disciplinary action against Ms. Owens license. Following discussion Dr. Cornwall moved the Board adopt the following Order:

Based upon the foregoing Findings of Fact and Conclusions of Law, the Board imposes the following Order:

**Probation:** The Arizona Board of Physical Therapy hereby orders that Respondent, holder of Physical Therapy License No. LPT-012057, is placed on probation for **twelve (12) months** from the effective date of the order 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. The Board orders Respondent to comply with the following terms and conditions:

**Continuing Education:** Respondent shall take and complete continuing education in the area(s) listed below within six (6) months from the effective date of this order. Respondent must submit the course description to Board staff for approval prior to beginning the continuing education course(s). Only in-person courses will be considered for pre-approval by Board Staff. Respondent shall provide documentation to Board staff that the course was completed prior to the Board’s consideration of termination of probation.

- c. Respondent shall take and complete a minimum of six (6) hours of continuing education in the area of **documentation**.

- d. Respondent shall take and complete a minimum of three (3) hours of continuing education in the area of **assessment of the complex patient that includes a balance assessment component.**

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

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

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

- 2) Case No. 19-47; Deanna Brocard, PTA

Ms. Deanna Brocard was present and was represented by legal counsel.

Ms. Richardson provided a summary of the case for the Board. The Board opened complaint #19-47 after review of complaint # 19-16 Carl Malmquist, PT. The Board alleges Ms. Brocard exceeded her authority to perform selected tasks, failed to maintain adequate records, aided and abetted a person who is not licensed in this state and performs activities requiring a license, and failing to report to the board any direct knowledge of an unprofessional, incompetent, or illegal act that appears to be in violation of this chapter or board rules.

Ms. Brocard provided an opening statement to the Board.

The Board reviewed and discussed the above case.

Dr. Cornwall moved the Board to **Dismiss** the above case. Dr. King seconded the motion. Following review and discussion, the motion carried unanimously 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	X
Nay							
Recused							
Abstained							

Absent							
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C) Review, Discussion and Possible Action for Request for Extension of Probation:

- 1) Case No. 18-16; Mandy Aldous, PT

The Board reviewed and discussed the above request.

Dr. Cornwall moved the Board to **Grant** the above Request for Extension of Probation until 8/31/2020. Dr. Bustillo seconded the motion. Following review and discussion, the motion carried unanimously 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	X
Nay							
Recused							
Abstained							
Absent							

- 2) Case No. 17-17; Kinga Laskay, PTA

The Board reviewed and discussed the above request.

Dr. King moved the Board to **Grant** the above Request for Extension of Probation until 8/31/2020. Dr. Bustillo seconded the motion. Following review and discussion, the motion carried unanimously 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	X
Nay							
Recused							
Abstained							
Absent							

**5) BOARD BUSINESS AND REPORTS**

- A) Review, Discussion
  - 1) Arizona Law Exam 2019 Annual Report
- B) Review, Discussion
  - 1) CE Broker Update
- C) Review and Discussion

- 1) April 2020 Financials
- D) Review and Discussion:
  - 1) Provisional Licensure/Certification

Dr. Donahue provided an updated of the above topic. No action was need or taken.

**6) ADJOURNMENT**

Dr. Cornwall moved the Board to adjourn. Mr. Clinton seconded the motion. Following review and discussion, the motion carried unanimously 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	X
Nay							
Recused							
Abstained							
Absent							

**Meeting adjourned at 12:15 A.M.**

Prepared by,

Monica Crowley  
Licensing Administrator

Approved by,

Karen Bustillo, PT, DPT, OCS, CLT  
Secretary