



James E. Miller, PT, DPT
President

ARIZONA STATE BOARD OF PHYSICAL THERAPY
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REGULAR SESSION MEETING MINUTES
May 22, 2018

MEMBERS PRESENT:

James E. Miller, PT, DPT, President
Michael S. Clinton, CPA; Vice President
Peggy Hunter, PTA, CLT; Secretary
Nushka Remec, PT, MS, PCS; Member

MEMBERS ABSENT:

Melinda Richardson, PT, MA; Member

**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, PT, DPT, Investigator

- 1) **CALL TO ORDER – 8:30 A.M.;** Dr. Miller 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. Miller, Ms. Hunter, Mr. Clinton and Ms. Remec.

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

- a) April 24, 2018, Regular Session Meeting Minutes

The Board reviewed and discussed the minutes.

Dr. Miller, Ms. Hunter and Mr. Clinton requested minor changes to the minutes. Mr. Clinton moved the Board approve the April 24, 2018, Regular Session Meeting Minutes with the suggested changes. Ms. Hunter seconded the motion. Following review and discussion, the motion carried.

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

Absent					X		
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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

Abby Albers	Reilly Avalos	Steven Bayer
Robert Bedotto	Jordan Cave	Zachary Corns
Erin Dinnie	Sean Giroir	Taylor Hammons
David Hines	Lindsey Hoover	Genevieve Jenkins
Samantha Johnson	Zachary Johnson	Justin Johnston
Suzanne Kelly	Nicholas Lamb	Carol Letner
Mechelle Mayfield	Nathaniel Mosley	Chad Oakley
Christine Palmieri	Mallory Parris	David Pastrana
Emily Perrott	Brandon Pollard	Brent Proctor
Daniel Rhon	Andrew Sacks	Veronica Sandoval
Andrea Sieban	Emilie Talbot	Alyssa Tisconcik
Breana Tomaszewski	Kayla Tuckner	

Ms. Remec moved the Board the approve Applications for Physical Therapist Licensure 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		
Aye	X	X	X	X			
Nay							
Recused							
Abstained							
Absent					X		

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

Nathan Domino	Kenneth Joyce	Tony Kottoor
Michael Treysman	Meghan Zappia	

Ms. Remec moved the Board the approve Applications for Physical Therapist Licensure 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		
Aye	X	X	X	X			
Nay							
Recused							
Abstained							
Absent					X		

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

Kristy Arndt	Ian Cope	Lenny Eriacho
Amy Fortner	Manuella Khoshaba	John Kusik
Tryzia Lage	Victoria Williams	

Ms. Hunter moved the Board all the approve Applications for Physical Therapist Assistant Certification upon Receipt of Passing Scores on the NPTE/AZLAW and Final Transcript. Ms. Remec seconded the motion. Following review and discussion, the motion carried.

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

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

Michael Albrecht	Tiffany Dorris	Audrey Galloway
Christopher Hochuli	Natalia Nelson	Dulce Perez
Tracey Shaw	William Walker	

Dr. Miller pulled Tracey Shaw from the above consent agenda for separate consideration

Ms. Remec moved the Board the approve Applications for Physical Therapist 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		
Aye	X	X	X	X			
Nay							
Recused							
Abstained							
Absent					X		

Tracey Shaw

Dr. Miller pulled the above application because he had to recuse himself and the Board had no quorum. This item was tabled to the next month’s regular Board Meeting.

Consent Agenda End

4) Review, Consideration and Action on Applications for Licensure and Certification

- a) Review of and Possible Action on the Following Applications for Physical Therapist Licensure – Foreign Educated Graduates of Programs Not U.S. Accredited.
 - i) Review of Education, Determination of Supervised Clinical Practice Period, Approval of SCPP Agreement, and Possible Licensure
 - (1) Marek Koziel

The Board reviewed and discussed the application.

Ms. Cardoza stated Mr. Koziel is not substantially equivalent due to applicant lacks 260 hours out of 800 in a clinical setting. The Board will find Mr. Koziel substantially equivalent once he completes his SCPP.

Ms. Hunter moved the Board approve Mr. Koziel for a SCPP minimum of 500 hours. The Board must approve the clinical instructors. Mr. Clinton seconded the motion. Following review and discussion, the motion carried by roll call.

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

Absent					X		
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5) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

- c) Review, Discussion, and Action on Board Order
 - ii) Case No. 16-25; David Dorland, PT

Dr. Miller stated for the record that the above case would not heard because the Board did not have a quorum. Ms. Hunter would be recusing herself.

4) Review, Consideration and Action on Applications for Licensure and Certification

- b) Review of and Possible Action on Application for Physical Therapist Licensure from Applicant Requesting ADA Accommodations.
 - (1) Alan Reuss

The Board reviewed and discussed the above application.

Ms. Remec moved the Board approve the above application for ADA Accommodations. Ms. Hunter seconded the motion. Following review and discussion, the motion carried by roll call.

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

- c) Review of and Possible Action on Physical Therapists Previously Licensed in the state of Arizona.
 - (1) Brad Casselman

Ms. Cardoza stated Mr. Casselman has over 40 hours of CEU's.

The Board reviewed and discussed the above application.

Ms. Hunter moved the Board approve the above application for Physical Therapists Previously Licensed in the state of Arizona. Ms. Remec seconded the motion. Following review and discussion, the motion carried by roll call.

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

Recused							
Abstained							
Absent					X		

(2) Alan Reuss

The Board reviewed and discussed the above application.

Dr. Miller moved the Board approve the above application for Physical Therapists Previously Licensed in the state of Arizona. Ms. Hunter seconded the motion. Following review and discussion, the motion carried by roll call.

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

5) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

- b) Initial Review, Discussion, and Action on Complaint
 - i) Complaint #17-29; Cheri Hodges, PT (2nd Review)

Ms. Hodges and her attorney are not present. Dr. Miller tables items for later in the meeting.

The Board Recessed from 8:58 A.M. to 9:03 A.M

- a) Informal Hearing and Possible Action on Complaint: 9:00 a.m.
 - i) Case No. 17-01; Marleen Zuhl, PT

Ms. Zuhl was present and was represented by legal counsel, Ms. Kylie Mote. The Board members and Board staff introduced themselves. Both Ms. Zuhl and Ms. Mote introduced themselves. Dr. Miller read a summary of how the hearing would be conducted and reviewed the possible outcomes of the hearing. Mr. Brown read the allegations against Ms. Zuhl:

- A. Violated this chapter, Board rules or a written board order.**
- B. Engaged 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.**

1. Patient LB Dx of toe contusion, patient was provided treatment for 11 visits (2/27/15 through 4/15/15), 10 visits documented on August 8, 2016 between the time period of 4:38pm and 4:43pm. Ms. Zuhl's recollection of the details of each visit could not have been documented with clarity approximately 1 year post treatment.
2. Patient LB the subjective in all 10 daily notes are identical with the documentation "patient with less pain."
3. Patient LB documentation of treatment may not enable another therapist to assume the patient's care at any point in the therapeutic intervention.
4. Patient LB documentation of ankle objective tests and measures indicate no impairment, manual therapy for the ankle is documented as being performed.
5. Patient LB exercises provided are not documented in the patient record. Minor variances noted in manual therapy interventions documented as performed over the course of the episode of care.
6. Patient GJ initial examination was incomplete.
 - a. Cervical special testing was not documented
 - b. Neurological assessment was not documented
 - c. Rationale for therapeutic interventions selected was not documented
 - d. Physical therapist interpretation of the results of the examination was not documented.
7. Patient GJ documentation is identical for 24 DOS.
8. Patient GJ twenty-eight (28) daily intervention notes and one discharge summary was written on October 27, 2016 between the period of 5:18pm and 6:04pm (42 minutes total). Ms. Zuhl's recollection of the details of each visit could not have been documented with clarity approximately 3 years post treatment.
9. Episode of care of patient's LB and GJ demonstrate failure to properly re-evaluate, provide appropriate treatment interventions and failed to modify the plan of care.

C. Charged unreasonable or fraudulent fees for services performed or not performed."

1. Ramses Briones
 - a. The billing documents sent to the attorney's office (Hastings and Hastings) with date signed of May 2, 2016. The request for payment with subsequent documentation may not be representative of the services performed/provided or the patient's progress toward goals given the length of time between the documentation and dates of service.
 - b. The patient record may not accurately capture the episode of care given that the documentation was time stamped > 6 months after services were rendered.
2. Quentin Thompson

- a. The billing documents sent to the attorney's office (James F Brook) with date signed of August 11, 2016. The request for billing with subsequent documentation may not be representative of the services performed or the patient's progress toward goals given the length of time between the documentation and dates of service. The patient record may not be an accurate depiction of the episode of care.
- b. The patient record may not accurately capture the episode of care given that the documentation was time stamped > 6 months after services were rendered.
3. 58 patients were identified as having all or a portion of the documentation created > 6 months after the documented date of service for a total of 613 DOS notes.
 - Sixty-six (66) DOS notes were documented as being written on 10/27/16.
 - Seventy-seven (77) DOS notes were documented as being written on 8/8/16
 - One hundred and twenty-one (121) DOS notes were documented as being written on 8/12/16

The patient records identified may not represent the episode of care and thus receipt of reimbursement for services may have been fraudulently acquired.

4. An estimated total payment received for documentation produced > 6 months from the DOS is \$44,800.

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

1. The following patient records demonstrate that the documentation for the episode of care was completed substantially after the DOS, utilized standardized sentences within the EMR system, and may not be reflective of the actual care provided or a reliable record of the episode of care.
 - a) Ray Ageloff
 - Initial evaluation was performed on January 2, 2014 and documented as completed on June 20, 2016.
 - All 6 DOS were completed on June 20, 2016 between the time of 7:12 am through 8:56 am.
 - b) Rames Briones
 - Initial evaluation was performed on November 20, 2015 and documented as completed on May 1, 2016.
 - 22 DOS were completed on May 1, 2016 between the time of 7:43am through 9:56 am.
 - Therapeutic exercise load or repetitions are identical for 15 consecutive visits from 12/9/2015 through 2/3/2016.
 - Ms. Zuhl dates the discharge summary one month following the last DOS. Since all of the records are timed stamped as completing documentation on the same date of service and the patient's discharge indicates that he did not return for further care, the post-dating of the discharge may be deceptive and misleading.
 - Ms. Zuhl requests payment from attorney's office on May 2, 2016. The patient record may not be reflective of the actual episode of care and thus may be fraudulently represented as such to receive reimbursement.

c) Lester Bruno

- 10 daily interventions notes and the discharge summary were documented on August 8, 2016 between the time period of 4:38 pm and 4:43 pm.
- The subjective in all 10 daily intervention notes are identical.
- 6/10 daily intervention notes the assessment states “Pt with more motion” or “Pt with less pain.”
- Ms. Zuhl dates the discharge summary 14 days following the last DOS. Since all of the patient record, with the exception of the initial evaluation, are timed stamped as completing documentation on the same date of service the post-dating of the discharge may be deceptive and misleading.

d) Antonio Furno

- Initial evaluation was performed on April 19, 2012 and documented as completed on July 20, 2012.
- 17 daily intervention notes and one discharge summary was documented as completed on August 11, 2016 between the time period of 1:15pm and 1:26 pm.
- DOS 6/26/2012 the time stamp for Ms. Zuhl’s signature at 11:57 am was signed 11 minutes after the time stamp indicated completion of the initial evaluation.
- Only 5 dates of service include information regarding the performance of therapeutic exercise.

e) Glenn Jakiewicz

- Initial evaluation date January 9, 2013, the time stamp for Ms. Zuhl’s signature is January 25, 2013, 16 days after the date of service.
- The remaining patient record, including 28 daily intervention notes and one Discharge Summary was written on October 27, 2016 between the time period of 5:18 pm and 6:04 pm.
- Documentation is identical for 24 DOS: 1/14/2013; 1/18/2013; 1/21/2013; 1/23/2013; 1/25/2013; 1/28/2013; 1/30/2013; 2/4/2013; 2/6/2013; 2/8/2013; 2/13/2013; 2/15/2013; 2/18/2013; 2/20/2013; 2/25/2013; 2/27/2013; 3/4/2013; 3/6/2013; 3/11/2013; 3/15/2013; 3/18/2013; 3/20/2013; 3/22/2013; 4/1/2013;
- Documentation of initial evaluation of low back performed on 2/22/2013 was documented 2 years and 8 months later on October 27, 2016 at 6:01 pm.
 1. This note was completed after documentation of DOS 2/25/2013; 3/6/2013; 3/11/2013; 3/15/2013; 3/18/2013; 3/20/2013; 3/22/2013; 4/1/2013; 4/17/2013 Discharge

f) Matthew King

- Initial evaluation date December 30, 2013, the time stamp for Ms. Zuhl’s signature is October 20, 2016 at 9:38 am 2 years and 10 months after the date of service.
- All 12 dates of service are time stamped on October 20, 2016 between 9:38 am through 9:52 am.
- Ms. Zuhl documents a Discharge summary approximately 4 months following the last DOS. Ms. Zuhl wrote all the notes for this patient record on October 20, 2016. Since all of the records were written on the same DOS it may demonstrate Ms. Zuhl’s

deliberate attempt at making this patient record appear to have been documented at the time of service.

g) Quentin Thompson

- Initial evaluation date February 24, 2014, the time stamp for Ms. Zuhl’s signature is August 11, 2016 at 1:31 pm 2 years and 6 months after the date of service.
- All 7 dates of service are time stamped on August 11, 2016 between 1:31 pm through 1:37 pm.
- The billing documents sent to the attorney’s office (James F Brook) with date signed of August 11, 2016. The request for billing with subsequent documentation may not be representative of the services performed or the patient’s progress toward goals given the length of time between the documentation and dates of service. The patient record may not be an accurate depiction of the episode of care.
- Ms. Zuhl documents a Discharge summary approximately 14 days following the last DOS. Ms. Zuhl wrote all the notes for this patient record on August 11, 2016. Since all of the records were written on the same DOS it may demonstrate Ms. Zuhl’s deliberate attempt at making this patient record appear to have been documented at the time of service.

E. 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, and the plan of care, the treatment record, a discharge summary and sufficient information to identify the patient.”

1. Overall, 58 patients were identified as having all or a portion of the documentation created > 6 months after the documented date of service for a total of 613 DOS notes.

- Sixty-six (66) DOS notes were documented as being written on 10/27/16.
- Seventy-seven (77) DOS notes were documented as being written on 8/8/16
- One hundred and twenty-one (121) DOS notes were documented as being written on 8/12/16

❖ RA	DOS 1/3/2014 through 1/24/2014	6 visits	Documentation completed for all DOS 6/20/2016
❖ RB	DOS 11/26/2014 through 2/11/15	10 visits	Documentation completed for all DOS 8/8/2016
❖ RBR	DOS 11/20/15 through 1/25/2016	21 visits	Documentation completed for all DOS 5/1/2016
❖ JB	DOS 3/4/2015 through 4/1/2015	7 visits	Documented completed for all DOS 8/8/2016
❖ LB	DOS 3/2/15 through 4/1/2015	10 visits	Documented completed for all DOS 8/8/2016
❖ DC	DOS 10/2/2013 through 11/27/2013	11 visits	Documented completed for all DOS 8/8/2016
❖ MC	DOS 1/27/2016 through 2/29/2016	10 visits	Documented completed for all DOS 5/3/2016
❖ MC	DOS 3/2/2016 through 3/28/2016	9 visits	Documented completed for all DOS 5/13/2016
❖ SC	DOS 4/10/2015 through 4/20/2015	4 visits	Documented completed for all DOS 11/16/2016
❖ VC	DOS 8/21/2015	1 visit	Documentation completed on 10/28/2016

- ❖ SC DOS 1/6/2016 through 1/15/2016 5 visits Documentation completed for all DOS 6/20/2016
- ❖ NDG DOS 10/24 2014 and 11/19/2014 2 visits Documented completed for both DOS 10/6/2016
- ❖ AD DOS 6/22/2015 1 visit Documented completed 11/16/2016
- ❖ DD DOS 2/10/2016 through 3/16/2016 6 visits Documented completed for all DOS 8/8/2016
- ❖ DT DOS 2/12/2016 through 4/13/2016 11 visits Documented completed for all DOS 8/8/2016
- ❖ CF DOS 10/2/2013 through 11/27/2013 13 visits Documented completed for all DOS 8/11/2016
- ❖ FA DOS 4/26/2012 through 8/28/2012 18 visits Documented completed for all DOS 8/11/2016
- ❖ DF DOS 6/7/2012 through 6/27/2012 8 visits Documented completed for all DOS 8/12/2016
- ❖ CG DOS 6/18.2014 through 9/2/2014 23 visits Documented completed for all DOS 10/27/2016
- ❖ IG DOS 9/17/2014 through 11/19/2014 22 visits Documented completed for all DOS 10/19/2016
- ❖ GG DOS 4/18/2014 through 5/2/2014 3 visits Documented completed for all DOS 8/12/2016
- ❖ TG DOS 12/2/2015 through 12/30/2015 8 visits Documented completed for all DOS 10/18/2016
- ❖ MH DOS 4/18/2016 1 visit Documented completed on 10/18/2016
- ❖ SH DOS 4/8/2015 through 2/10/2015 2 visits Documented completed on all DOS 11/16/2016
- ❖ AH DOS 11/30/2015 through 1/25/2016 7 visits Documented completed on all DOS 8/8/2016
- ❖ NH DOS 10/7/2015 through 11/30/2015 15 visits Documented completed on all DOS 10/27/2016
- ❖ GJ DOS 1/11/2013 through 4/17/2013 28 visits Documented completed on all DOS 10/27/2016
- ❖ HJK DOS 12/28/2015 through 1/21/2016 7 visits Documented completed on all DOS 10/20/2016
- ❖ MK DOS 12/30/2013 through 3/5/2014 12 visits Documented completed on all DOS 10/20/2016
- ❖ SL DOS 8/3/2012 through 8/17/2012 3 visits Documented completed on all DOS 8/12/2016
- ❖ GM DOS 2/21/2014 through 2/24/2014 2 visits Documented as completed on all DOS 8/12/2016
- ❖ AM DOS 10/23/2015 through 11/20/2015 7 visits Documented as completed on all DOS 8/9/2016
- ❖ MM DOS 8/14/2015 through 9/30/2015 15 visits Documented as completed on all DOS 4/25/2016
- ❖ BN DOS 4/27/2012 through 5/4/2012 4 visits Documented as completed on all DOS 8/12/2016
- ❖ NO DOS 4/27/2012 through 5/4/2012 4 visits Documented as completed on all DOS 10/19/2016
- ❖ JO DOS 1/17/2014 through 1/27/2014 4 visits Documented as completed on all DOS 10/18/2016
- ❖ VO DOS 6/11/2012 through 5/30/2013 52 visits Documented as completed on all DOS 10/21/2016
- ❖ KO DOS 3/12/2012 through 6/6/2012 22 visits Documented as completed on all DOS 10/20/2016
- ❖ JR DOS 10/7/2013 through 10/21/2013 6 visits Documented as completed on all DOS 10/7/2016

- ❖ JR DOS 10/24/13 through 1/9/2015 9 visits Documented as completed on all DOS 10/18/2016
- ❖ RR DOS 2/15/2011 through 7/7/2011 82 visits Documented as completed on all DOS 8/12/2016
- ❖ AR DOS 10/13/2014 through 12/17/2014 12visits Documented as completed on all DOS 10/28/2016
- ❖ RM DOS 1/27/16 through 3/2/2016 11 visits Documented as completed on all DOS 10/18/2016
- ❖ TR DOS 6/1/2015 through 6/22/2015 3 visits Documented as completed on all DOS 10/18/2016
- ❖ AS DOS 12/30/2013 through 1/8/2014 3 visits Documented as completed on all DOS 10/28/2016
- ❖ ES DOS 5/16/2014 1 visit Documented as completed on 8/10/2016
- ❖ RS DOS 8/24/2012 through 9/24/2012 3 visit Documentation as completed on all DOS 8/12/2016
- ❖ RS DOS 3/12/2014 through 11/12/2014 3 visit Documentation completed on all DOS 8/12/2016
- ❖ BS DOS 9/15/2014 through 10/31/2014 6 visits Documentation completed on all DOS 8/8/2016
- ❖ SS DOS 5/29/2015 through 6/17/2015 6 visits Documentation completed on all DOS 8/12/2016
- ❖ TS DOS 9/14/2012 through 10/29/2012 18 visits Documentation completed on all DOS 6/8/2016
- ❖ KS DOS 5/4/2012 through 7/5/2012 7 visits Documentation completed on all DOS 8/12/2016
- ❖ SS DOS 1/9/2012 through 5/18/2012 26 visits Documentation completed on all DOS 10/21/2016
- ❖ JS DOS 4/22/2015 and 4/24/2015 2 visits Documentation completed on all DOS 8/11/2016
- ❖ QT DOS 2/24/2014 through 3/10/2014 7 visits Documentation completed on all DOS 8/11/2016
- ❖ HT DOS 6/19/2013 through 7/12/2013 9 visits Documentation completed on all DOS 8/8/2016
- ❖ RT DOS 2/18/2015 and 2/20/2015 2 visits Documentation completed on all DOS 11/16/2016
- ❖ RW DOS 5/27/15 through 6/15/15 3 visits Documentation completed on all DOS 11/16/2016

Ms. Donahue and Ms. Zuhl were sworn-in as witnesses. Both Ms. Zuhl and her attorney Ms. Mote provided an opening statement to the Board.

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

Both Ms. Zuhl and her attorney Ms. Mote provided a closing statement. The Board Deliberated.

Dr. Miller guided the Board through each allegation for discussion. Following discussion on the allegations

Dr. Miller moved the Board adopt the following Findings of Fact as amended:

- B. Engaged 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.**

1. Patient LB Dx of toe contusion, patient was provided treatment for 11 visits (2/27/15 through 4/15/15), 10 visits documented on August 8, 2016 between the time period of 4:38pm and 4:43pm. Ms. Zuhl’s recollection of the details of each visit could not have been documented with clarity approximately 1 year post treatment.
2. Patient LB the subjective in all 10 daily notes are identical with the documentation “patient with less pain.”
3. Patient LB documentation of treatment may not enable another therapist to assume the patient’s care at any point in the therapeutic intervention.
4. Patient LB documentation of ankle objective tests and measures indicate no impairment, manual therapy for the ankle is documented as being performed.
5. Patient LB exercises provided are not documented in the patient record. Minor variances noted in manual therapy interventions documented as performed over the course of the episode of care.
6. Patient GJ initial examination was incomplete.
 - e. Cervical special testing was not documented
 - f. Neurological assessment was not documented
 - g. Rationale for therapeutic interventions selected was not documented
 - h. Physical therapist interpretation of the results of the examination was not documented.
7. Patient GJ documentation is identical for 24 DOS.
8. Patient GJ twenty-eight (28) daily intervention notes and one discharge summary was written on October 27, 2016 between the period of 5:18pm and 6:04pm (42 minutes total). Ms. Zuhl’s recollection of the details of each visit could not have been documented with clarity approximately 3 years post treatment.
9. Episode of care of patient’s LB and GJ demonstrate failure to properly re-evaluate, provide appropriate treatment interventions and failed to modify the plan of care.

Ms. Hunter seconded the motion. Following review and discussion, the motion carries by roll call.

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

Dr. Miller moved the Board adopt the following Findings of Fact as amended:

C. Charged unreasonable or fraudulent fees for services performed or not performed.”

1. Ramses Briones

- a. The billing documents sent to the attorney’s office (Hastings and Hastings) with date signed of May 2, 2016. The request for payment with subsequent documentation may not be representative of the services performed/provided or the patient’s progress toward goals given the length of time between the documentation and dates of service.
- b. The patient record may not accurately capture the episode of care given that the documentation was time stamped > 6 months after services were rendered.

2. Quentin Thompson

- a. The billing documents sent to the attorney’s office (James F Brook) with date signed of August 11, 2016. The request for billing with subsequent documentation may not be representative of the services performed or the patient’s progress toward goals given the length of time between the documentation and dates of service. The patient record may not be an accurate depiction of the episode of care.
- b. The patient record may not accurately capture the episode of care given that the documentation was time stamped > 6 months after services were rendered.

3. 58 patients were identified as having all or a portion of the documentation created > 6 months after the documented date of service for a total of 613 DOS notes.

- Sixty-six (66) DOS notes were documented as being written on 10/27/16.
- Seventy-seven (77) DOS notes were documented as being written on 8/8/16
- One hundred and twenty-one (121) DOS notes were documented as being written on 8/12/16

The patient records identified may not represent the episode of care and thus receipt of reimbursement for services may have been fraudulently acquired.

This was limited to unreasonable based on lack of records indication complete description of services provided.

Ms. Hunter seconded the motion. Following review and discussion, the motion carries by roll call.

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

Dr. Miller moved the Board adopt the following Findings of Fact as:

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

1. The following patient records demonstrate that the documentation for the episode of care was completed substantially after the DOS, utilized standardized sentences within the EMR system, and may not be reflective of the actual care provided or a reliable record of the episode of care.
 - a. Ray Ageloff
 - Initial evaluation was performed on January 2, 2014 and documented as completed on June 20, 2016.
 - All 6 DOS were completed on June 20, 2016 between the time of 7:12 am through 8:56 am.
 - b. Rames Briones
 - Initial evaluation was performed on November 20, 2015 and documented as completed on May 1, 2016.
 - 22 DOS were completed on May 1, 2016 between the time of 7:43am through 9:56 am.
 - Therapeutic exercise load or repetitions are identical for 15 consecutive visits from 12/9/2015 through 2/3/2016.
 - Ms. Zuhl dates the discharge summary one month following the last DOS. Since all of the records are timed stamped as completing documentation on the same date of service and the patient's discharge indicates that he did not return for further care, the post-dating of the discharge may be deceptive and misleading.
 - Ms. Zuhl requests payment from attorney's office on May 2, 2016. The patient record may not be reflective of the actual episode of care and thus may be fraudulently represented as such to receive reimbursement.
 - c. Lester Bruno
 - 10 daily interventions notes and the discharge summary were documented on August 8, 2016 between the time period of 4:38 pm and 4:43 pm.
 - The subjective in all 10 daily intervention notes are identical.
 - 6/10 daily intervention notes the assessment states "Pt with more motion" or "Pt with less pain."
 - Ms. Zuhl dates the discharge summary 14 days following the last DOS. Since all of the patient record, with the exception of the initial evaluation, are timed stamped as completing documentation on the same date of service the post-dating of the discharge may be deceptive and misleading.
 - d. Antonio Furno
 - Initial evaluation was performed on April 19, 2012 and documented as completed on July 20, 2012.
 - 17 daily intervention notes and one discharge summary was documented as completed on August 11, 2016 between the time period of 1:15pm and 1:26 pm.

- DOS 6/26/2012 the time stamp for Ms. Zuhl's signature at 11:57 am was signed 11 minutes after the time stamp indicated completion of the initial evaluation.
 - Only 5 dates of service include information regarding the performance of therapeutic exercise.
- e. Glenn Jakiewicz
- Initial evaluation date January 9, 2013, the time stamp for Ms. Zuhl's signature is January 25, 2013, 16 days after the date of service.
 - The remaining patient record, including 28 daily intervention notes and one Discharge Summary was written on October 27, 2016 between the time period of 5:18 pm and 6:04 pm.
 - Documentation is identical for 24 DOS: 1/14/2013; 1/18/2013; 1/21/2013; 1/23/2013; 1/25/2013; 1/28/2013; 1/30/2013; 2/4/2013; 2/6/2013; 2/8/2013; 2/13/2013; 2/15/2013; 2/18/2013; 2/20/2013; 2/25/2013; 2/27/2013; 3/4/2013; 3/6/2013; 3/11/2013; 3/15/2013; 3/18/2013; 3/20/2013; 3/22/2013; 4/1/2013;
 - Documentation of initial evaluation of low back performed on 2/22/2013 was documented 2 years and 8 months later on October 27, 2016 at 6:01 pm.
 1. This note was completed after documentation of DOS 2/25/2013; 3/6/2013; 3/11/2013; 3/15/2013; 3/18/2013; 3/20/2013; 3/22/2013; 4/1/2013; 4/17/2013 Discharge
- f. Matthew King
- Initial evaluation date December 30, 2013, the time stamp for Ms. Zuhl's signature is October 20, 2016 at 9:38 am 2 years and 10 months after the date of service.
 - All 12 dates of service are time stamped on October 20, 2016 between 9:38 am through 9:52 am.
 - Ms. Zuhl documents a Discharge summary approximately 4 months following the last DOS. Ms. Zuhl wrote all the notes for this patient record on October 20, 2016. Since all of the records were written on the same DOS it may demonstrate Ms. Zuhl's deliberate attempt at making this patient record appear to have been documented at the time of service.
- g. Quentin Thompson
- Initial evaluation date February 24, 2014, the time stamp for Ms. Zuhl's signature is August 11, 2016 at 1:31 pm 2 years and 6 months after the date of service.
 - All 7 dates of service are time stamped on August 11, 2016 between 1:31 pm through 1:37 pm.
 - The billing documents sent to the attorney's office (James F Brook) with date signed of August 11, 2016. The request for billing with subsequent documentation may not be representative of the services performed or the patient's progress toward goals given the length of time between the documentation and dates of service. The patient record may not be an accurate depiction of the episode of care.
 - Ms. Zuhl documents a Discharge summary approximately 14 days following the last DOS. Ms. Zuhl wrote all the notes for this patient record on August 11, 2016. Since all of the records were written on the same DOS it may demonstrate Ms. Zuhl's

deliberate attempt at making this patient record appear to have been documented at the time of service.

Ms. Hunter seconded the motion. Following review and discussion, the motion carries by roll call.

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

Dr. Miller moved the Board adopt the following Findings of Fact as:

E. 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, and the plan of care, the treatment record, a discharge summary and sufficient information to identify the patient.”

1. Overall, 58 patients were identified as having all or a portion of the documentation created > 6 months after the documented date of service for a total of 613 DOS notes.
 - Sixty-six (66) DOS notes were documented as being written on 10/27/16.
 - Seventy-seven (77) DOS notes were documented as being written on 8/8/16
 - One hundred and twenty-one (121) DOS notes were documented as being written on 8/12/16

- ❖ RA DOS 1/3/2014 through 1/24/2014 6 visits Documentation completed for all DOS 6/20/2016
- ❖ RB DOS 11/26/2014 through 2/11/15 10 visits Documentation completed for all DOS 8/8/2016
- ❖ RBR DOS 11/20/15 through 1/25/2016 21 visits Documentation completed for all DOS 5/1/2016
- ❖ JB DOS 3/4/2015 through 4/1/2015 7 visits Documented completed for all DOS 8/8/2016
- ❖ LB DOS 3/2/15 through 4/1/2015 10 visits Documented completed for all DOS 8/8/2016
- ❖ DC DOS 10/2/2013 through 11/27/2013 11 visits Documented completed for all DOS 8/8/2016
- ❖ MC DOS 1/27/2016 through 2/29/2016 10 visits Documented completed for all DOS 5/3/2016
- ❖ MC DOS 3/2/2016 through 3/28/2016 9 visits Documented completed for all DOS 5/13/2016
- ❖ SC DOS 4/10/2015 through 4/20/2015 4 visits Documented completed for all DOS 11/16/2016
- ❖ VC DOS 8/21/2015 1 visit Documentation completed on 10/28/2016
- ❖ SC DOS 1/6/2016 through 1/15/2016 5 visits Documentation completed for all DOS 6/20/2016

❖ NDG	DOS 10/24 2014 and 11/19/2014	2 visits	Documented completed for both DOS 10/6/2016
❖ AD	DOS 6/22/2015	1 visit	Documented completed 11/16/2016
❖ DD	DOS 2/10/2016 through 3/16/2016	6 visits	Documented completed for all DOS 8/8/2016
❖ DT	DOS 2/12/2016 through 4/13/2016	11 visits	Documented completed for all DOS 8/8/2016
❖ CF	DOS 10/2/2013 through 11/27/2013	13 visits	Documented completed for all DOS 8/11/2016
❖ FA	DOS 4/26/2012 through 8/28/2012	18 visits	Documented completed for all DOS 8/11/2016
❖ DF	DOS 6/7/2012 through 6/27/2012	8 visits	Documented completed for all DOS 8/12/2016
❖ CG	DOS 6/18.2014 through 9/2/2014	23 visits	Documented completed for all DOS 10/27/2016
❖ IG	DOS 9/17/2014 through 11/19/2014	22 visits	Documented completed for all DOS 10/19/2016
❖ GG	DOS 4/18/2014 through 5/2/2014	3 visits	Documented completed for all DOS 8/12/2016
❖ TG	DOS 12/2/2015 through 12/30/2015	8 visits	Documented completed for all DOS 10/18/2016
❖ MH	DOS 4/18/2016	1 visit	Documented completed on 10/18/2016
❖ SH	DOS 4/8/2015 through 2/10/2015	2 visits	Documented completed on all DOS 11/16/2016
❖ AH	DOS 11/30/2015 through 1/25/2016	7 visits	Documented completed on all DOS 8/8/2016
❖ NH	DOS 10/7/2015 through 11/30/2015	15 visits	Documented completed on all DOS 10/27/2016
❖ GJ	DOS 1/11/2013 through 4/17/2013	28 visits	Documented completed on all DOS 10/27/2016
❖ HJK	DOS 12/28/2015 through 1/21/2016	7 visits	Documented completed on all DOS 10/20/2016
❖ MK	DOS 12/30/2013 through 3/5/2014	12 visits	Documented completed on all DOS 10/20/2016
❖ SL	DOS 8/3/2012 through 8/17/2012	3 visits	Documented completed on all DOS 8/12/2016
❖ GM	DOS 2/21/2014 through 2/24/2014	2 visits	Documented as completed on all DOS 8/12/2016
❖ AM	DOS 10/23/2015 through 11/20/2015	7 visits	Documented as completed on all DOS 8/9/2016
❖ MM	DOS 8/14/2015 through 9/30/2015	15 visits	Documented as completed on all DOS 4/25/2016
❖ BN	DOS 4/27/2012 through 5/4/2012	4 visits	Documented as completed on all DOS 8/12/2016
❖ NO	DOS 4/27/2012 through 5/4/2012	4 visits	Documented as completed on all DOS 10/19/2016
❖ JO	DOS 1/17/2014 through 1/27/2014	4 visits	Documented as completed on all DOS 10/18/2016
❖ VO	DOS 6/11/2012 through 5/30/2013	52 visits	Documented as completed on all DOS 10/21/2016
❖ KO	DOS 3/12/2012 through 6/6/2012	22 visits	Documented as completed on all DOS 10/20/2016
❖ JR	DOS 10/7/2013 through 10/21/2013	6 visits	Documented as completed on all DOS 10/7/2016
❖ JR	DOS 10/24/13 through 1/9/2015	9 visits	Documented as completed on all DOS 10/18/2016

- ❖ RR DOS 2/15/2011 through 7/7/2011 82 visits Documented as completed on all DOS 8/12/2016
- ❖ AR DOS 10/13/2014 through 12/17/2014 12 visits Documented as completed on all DOS 10/28/2016
- ❖ RM DOS 1/27/16 through 3/2/2016 11 visits Documented as completed on all DOS 10/18/2016
- ❖ TR DOS 6/1/2015 through 6/22/2015 3 visits Documented as completed on all DOS 10/18/2016
- ❖ AS DOS 12/30/2013 through 1/8/2014 3 visits Documented as completed on all DOS 10/28/2016
- ❖ ES DOS 5/16/2014 1 visit Documented as completed on 8/10/2016
- ❖ RS DOS 8/24/2012 through 9/24/2012 3 visit Documentation as completed on all DOS 8/12/2016
- ❖ RS DOS 3/12/2014 through 11/12/2014 3 visit Documentation completed on all DOS 8/12/2016
- ❖ BS DOS 9/15/2014 through 10/31/2014 6 visits Documentation completed on all DOS 8/8/2016
- ❖ SS DOS 5/29/2015 through 6/17/2015 6 visits Documentation completed on all DOS 8/12/2016
- ❖ TS DOS 9/14/2012 through 10/29/2012 18 visits Documentation completed on all DOS 6/8/2016
- ❖ KS DOS 5/4/2012 through 7/5/2012 7 visits Documentation completed on all DOS 8/12/2016
- ❖ SS DOS 1/9/2012 through 5/18/2012 26 visits Documentation completed on all DOS 10/21/2016
- ❖ JS DOS 4/22/2015 and 4/24/2015 2 visits Documentation completed on all DOS 8/11/2016
- ❖ QT DOS 2/24/2014 through 3/10/2014 7 visits Documentation completed on all DOS 8/11/2016
- ❖ HT DOS 6/19/2013 through 7/12/2013 9 visits Documentation completed on all DOS 8/8/2016
- ❖ RT DOS 2/18/2015 and 2/20/2015 2 visits Documentation completed on all DOS 11/16/2016
- ❖ RW DOS 5/27/15 through 6/15/15 3 visits Documentation completed on all DOS 11/16/2016

Ms. Hunter seconded the motion. Following review and discussion, the motion carries by roll call.

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

Ms. Remec 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(13) “Charging unreasonable or fraudulent fees for services performed or not performed.”

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.”

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, and the plan of care, the treatment record, a discharge summary and sufficient information to identify the patient.”

Mr. Clinton seconded the motion. Following review and discussion Both Ms. Remec and Mr. Clinton withdraw their first and second motion.

Ms. Remec moved the Board enter into Executive Session to obtain legal advice Ms. Hunter seconded the motion. Following review and discussion, the motion carried.

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

Executive Session from 11:37 A.M. to 11:54 A.M.

Ms. Remec 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(13) “Charging unreasonable or fraudulent fees for services performed or not performed.”

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.”

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, and the plan of care, the treatment record, a discharge summary and sufficient information to identify the patient.”

Mr. Clinton seconded the motion. Following review and discussion the motion carries by roll call.

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

The Board discussed possible disciplinary action against Ms. Zuhl’s license. Following discussion Dr. Miller moved the Board adopt the following Order:

Ms. Zuhl be placed on probation for twelve (12) months with the possibility for early termination.

Ms. Zuhl shall complete six (6) hours of continuing education in documentation, eighteen (18) hours of orthopedic classes, take and pass the AZLaw exam and complete ProBe or something equivalent. All continuing education must be preapproved by Board staff and completed within six (9) months. CEU’s will not count towards renewal and cannot be completed online. Following completion of the continuing education documentation course Ms. Zuhl must undergo minimum of four months of Board approved monitoring. Monitoring shall consist of 3 randomly selected charts twice a month and pay a \$500 Civil Penalty. Ms. Hunter 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		
Aye	X	X	X				
Nay				X			
Recused							
Abstained							
Absent					X		

7) PERSONNEL MATTERS

- a) Review, Discussion, Action on Executive Director Vacancy Beginning June 15, 2018 (11:00 a.m.)

Effective June 15, 2018 Mr. Charles Brown the Executive Director submitted his resignation to the Board. He contacted the State’s Human Resources Department to help guide the Board through the process of the vacancy, the possible appointment of an Interim Executive Director and possible recruitment for the full position.

Danielle Salomon, Eric Abt and Luis Bustamante with ADOA, Human Resources were present. They provided a summary of the above topics. No Action was taken or needed.

- b) Review, Discuss and Take Action on Appointment of an Interim Executive Director (11:00 a.m.)

The Board reviewed and discussed the above topic asked questions Mr. Salomon, Mr. Abt and Mr. Bustamante regarding the Appointment of An Interim Executive Director.

The Board asked Ms. Donahue if she would consent to appointment of Interim Executive Director. Ms. Donahue consented to the appointment.

Ms. Hunter move the Board appoint Ms. Karen Donahue as the Interim Executive Director as of June 16, 2018. 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		
Aye	X	X	X	X			
Nay							
Recused							
Abstained							
Absent					X		

- c) Review, Discuss And Take Action On Determining Process To Conduct New Executive Director Search, Including But Not Limited To Assigning A Committee, Selection Process And Interviewing. (11:00 a.m.)

Ms. Remec move the Board appoint Ms. Clinton to a committee to craft vacancy notice to fill the Executive Director position. Dr. Miller seconded the motion. Following review and discussion the motion carried.

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

Nay							
Recused							
Abstained							
Absent					X		

Dr. Miller move the Board to have Mr. Brown review the PDQ for the job description. After changes have been made he will inform the Board Members and Mr. Carmichael of his proposal. Dr. Miller seconded the motion. Following review and discussion the motion carried.

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

5) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

- b) Initial Review, Discussion, and Action on Complaint
 - i) Complaint #17-29; Cheri Hodges, PT (2nd Review)

Ms. Hodges was not present but is represented by Mr. Greg Zamora.

Mr. Brown provided a summary of the case for the Board. The Board Ordered Ms. Hodges to undergo a Substance Abuse Evaluation by a Board approved monitor. Ms. Hodges completed the evaluation as ordered. The evaluation and recommendations are attached with the original initial review file.

Mr. Zamora provided an opening statement.

The Board reviewed and discussed the case and asked question of Mr. Zamora, Ms. Hodges attorney.

The Board provided Ms. Hodges and Mr. Zamora a purposed consent agreement. The Board and Mr. Zamora went over it.

Mr. Zamora provided a closing statement. The Board deliberated.

Dr. Miller moved the Board issue the purposed Consent Agreement with minor changes. Striking out section D page 6 line 5 and the word drug from page 6 line 5.

~~d. Biological Fluid Testing: Respondent shall use a Soberlink or equivalent device takes her photograph, has facial recognition software, and immediately reports the results via the internet or~~

~~cellular service to the Board-approved monitor. The device must randomly test Respondent a minimum of three times per business day.~~

e. Within 7 days of entering into the agreement for monitoring Respondent shall enroll in a program that meets Board criteria for random drug and alcohol testing as directed by the monitor. Respondent shall complete random drug and alcohol testing twice per calendar month. Respondent shall notify of the drug and alcohol testing laboratory, and shall seek approval of the Monitor, and the Board, in writing, of unavailability to test before the anticipated absence. If Respondent is unable to submit a specimen on a requested date, due to illness, Respondent shall provide in writing and within 7 days of the missed specimen, documentation from a medical provider who has personally seen Respondent on the day of the requested drug screen confirming that Respondent was not physically able to report to the laboratory for drug testing. In addition, any occurrence of the following conditions constitutes noncompliance: a positive drug test showing evidence of any drug other than an authorized drug; submission of a specimen where the integrity has been compromised, as indicated by the presence of adulterants; failure to submit to a drug test on a day when the Board, its designee or the laboratory has requested one; submission of a urine sample that is below the acceptable volume or temperature to be tested or is diluted.

Order will read:

Probation: The Arizona State Board of Physical Therapy hereby orders that Respondent, holder of License No. 1590, be placed on probation for a period of five (5) years to commence upon the effective date of this Order. Failure to comply with the terms of probation may constitute noncompliance with the Order. The Board orders Respondent to comply with the following terms and conditions of probation:

Monitoring: Within thirty (30) days of the effective date of this Order Respondent shall enter into an agreement with a neutral and objective Board-approved monitor ("Monitor") and shall submit a copy of the Board Order to the Monitor. The Monitor shall provide monitoring services such as those offered by the list of previously approved monitors available at the Board Office. The Monitor shall not be owned by or employ any person who (a) is related to Respondent by blood or marriage, (b) has had a social or professional relationship with Respondent prior to the execution of this order, (c) receives compensation of any nature from Respondent except payment for monitoring services, or (d) otherwise has a conflict-of-interest as determined by the Board.

The Board-approved monitor's recommendations for monitoring of Respondent shall be unilaterally incorporated into this Order and Respondent shall promptly comply with any recommendations that the Board-approved monitor states in writing. Should the Board-approved monitor make recommendations to change Respondent's practice activities, the change will take place within ten (10) days of notice of the recommendation. Respondent may protest the recommendations to the Board; however, such Protest must be submitted to the Board, in writing, within ten (10) days of notice of the recommendations. The Board will determine if the recommendations should be implemented. If Respondent fails to implement the recommended changes or file protest with the Board within ten (10) days, Respondent may be found in violation of the Board order.

Respondent shall cause the Monitor to send monthly reports of Respondent's compliance with this Order and the Monitor's recommendations to the Board. Respondent's failure to contact and enter into an agreement with a Monitor within thirty (30) days from the effective date of this Order, may constitute noncompliance with the Order and subject Respondent to additional disciplinary action.

At a minimum, monitoring of Respondent shall include the following:

Intoxalock Device: Respondent shall use the Intoxalock device for the duration of her probation. Respondent shall provide the Monitor with Intoxalock device reports once per month commencing on the 10th of each month following the effective date of the Order. The Monitor shall review the report and provide the Board with monthly reports regarding compliance. Respondent's failure to submit the monthly report, failure to use and maintain the Intoxalock device for the duration of her probation, or a positive test for alcohol may constitute noncompliance with the Order and subject Respondent to additional disciplinary action.

Random Alcohol Testing: Within 7 days of entering into the agreement for monitoring Respondent shall enroll in a program that meets Board criteria for random alcohol testing as directed by the Monitor. Respondent shall complete random alcohol testing twice per calendar month. Respondent shall notify the alcohol testing laboratory, and shall seek approval of the Monitor, and the Board, in writing, of unavailability to test before the anticipated absence. If Respondent is unable to submit a specimen on a requested date, due to illness, Respondent shall provide in writing and within 7 days of the missed specimen, documentation from a medical provider who has personally seen Respondent on the day of the requested drug screen confirming that Respondent was not physically able to report to the laboratory for alcohol testing. In addition, any occurrence of the following conditions constitutes noncompliance: a positive test showing evidence of alcohol; submission of a specimen where the integrity has been compromised, as indicated by the presence of adulterants; failure to submit to a drug test on a day when the Board, its designee or the laboratory has requested one; submission of a urine sample that is below the acceptable volume or temperature to be tested or is diluted.

Abstain from Alcohol and Drug Use: Respondent shall abstain completely from the use of alcohol. Respondent shall also refrain from the use of any illegal drugs or the use of any narcotic/mood altering drugs without a valid prescription. Respondent's noncompliance with this paragraph may result in additional disciplinary action.

Self-Help or Group-Help Meetings: Respondent shall attend a minimum of one self-help or group-help meeting per week for the duration of the probation period. Respondent shall maintain a log of the meetings attended. The meeting log shall contain the date of the meeting, the name of the meeting, and the location of the meeting. Additionally, Respondent shall obtain a signature and the printed name from the meeting organizer of each meeting, verifying attendance, which shall be maintained in the log. Once per month, Respondent shall provide a copy of her meeting log to the Monitor.

Relapse Prevention Therapy: Respondent shall participate in relapse prevention therapy for the duration of the period of probation. Respondent shall initiate relapse prevention therapy within 30 days of the effective date of this order. Respondent shall cause a monthly report to be provided to the Board approved Monitor that at a minimum documents the number and frequency of relapse prevention therapy sessions attended in the previous month, the current status of therapy and any recommendations the therapist may have.

Early Termination: Respondent may petition the Board for early termination of the Order, including probation provided that Respondent has completed and complied with all requirements of the Order, or probation. Upon receiving Respondent's petition, the Board shall have complete discretion to determine whether Respondent has completed and complied with the requirements of the Order, or probation prior to granting the petition for early termination. Respondent's failure to petition the Board to terminate the Order,

or probation, shall cause the requirements of the Order, or probation to continue beyond the period covered in the Order, or probation until the Order or probation is terminated by the Board.

Ms. Hunter seconded the motion. Following review and discussion, the motion carried by roll call.

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

- b) Initial Review, Discussion, and Action on Complaint
- iv) Complaint #18-11; Scott Kushner, PT

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

Ms. Donahue provided a summary of the case for the Board. Ms. R alleges that she signed several of his SAA classes with her initials that she alleges he did not attend. She alleges that Mr. Kushner only attended the first SAA meeting. Ms. R also alleges that Mr. Kushner continued to provide physical therapy services while on suspension for Board Order #16-65.

Mr. Kushner provided an opening statement.

The Board reviewed and discussed the case and asked question of Mr. Kushner.

Mr. R provided an opening statement to the Board. The Board asked question of Mr. R.

The Board had additional questions for Mr. Kushner.

Mr. Kushner provided a closing statement. The Board deliberated.

Ms. Remec moved the Board continue the investigation to ensure Mr. Kushner has not practice as a PT at Valley of the Sun or at Horizon. Dr. Miller seconded the motion. Following review and discussion, the motion carried.

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

Abstained							
Absent					X		

c) Review, Discussion, and Action on Board Order
 iii) Case No. 16-26; Kaja Kilburn, PT

Ms. Kilburn was present and was not represented by legal counsel.

Ms. Donahue provided a summary of the case for the Board. Ms. Kilburn is requesting early termination of Board Order #16-26.

Ms. Kilburn provided an opening statement.

The Board reviewed and discussed the case and asked question of Ms. Kilburn.

The Board determined that they did not have the most current monitoring report.

Dr. Miller moved the Board table the item until next Board Meeting. Ms. Remec seconded the motion. Following review and discussion, the motion carried.

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

b) Initial Review, Discussion, and Action on Complaint
 ii) Complaint #17-31; Otis Booker, PTA

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

Ms. Donahue provided a summary of the case for the Board. Ms. Negrete alleges that Mr. Booker provided treatment to Mr. RR, under general supervision, on September 10th and 11th 2017 when Mr. Booker had not been evaluated by a physical therapist.

The Board reviewed and discussed the case.

Dr. Miller moved the Board forward case to Informal Hearing. Ms. Hunter seconded the motion. Following review and discussion, Dr. Miller requested a friendly amendment to add allegation **A.R.S. 32-2044(20), R4-**

24-301 and R4-24-304. Ms. Hunter accepts the friendly amendment. Following review and discussion, the motion carried by roll call

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

iii) Complaint #17-32; Jacob Brandenburg, PT

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

Ms. Donahue provided a summary of the case for the Board. Ms. Negrete alleges that Mr. Booker provided treatment to Mr. RR, under general supervision, on September 10th and 11th 2017 when Mr. Booker had not been evaluated by a physical therapist.

The Board reviewed and discussed the case.

Dr. Miller moved the Board forward case to Informal Hearing. Ms. Hunter seconded the motion. Following review and discussion, Ms. Remec requested a friendly amendment to add **R4-24-301 and R4-24-303(g)**. Both Dr. Miller and Ms. Hunter accepted the friendly amendment. Following review and discussion, the motion carried by roll call

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

v) Complaint #18-12; Mychal Leaupepe, PTA

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

Ms. Donahue provided a summary of the case for the Board. Mr. Leaupepe notified the Board of his charges for DUI, which occurred on February 11, 2018. Mr. Leaupepe did notify the Board within the required 10-day notification period.

The Board reviewed and discussed the case.

Ms. Remec moved the Board Dismiss the case. Mr. Clinton seconded the motion. Following review and discussion, the motion carried by roll call.

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

- c) Review, Discussion, and Action on Board Order
 - i) Case No. 16-65; Scott Kushner, PT (Termination of Order)

Mr. Kushner not was present and was not represented by legal counsel. He was previously here for another case but since left.

Ms. Donahue provided a summary of the case for the Board. Mr. Kushner has provided updated treatment reports and is requesting to be released from his Board Order.

The Board reviewed and discussed the case. Ms. Baskin advised the Board of their options.

Ms. Hunter moved the Board Deny Termination of Order. Ms. Remec seconded the motion. Following review and discussion, the motion carried by roll call.

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

For the record, Dr. Miller would like a report back on steps to take if Mr. Kushner contact any Board members in the future. As he has been instructed to send all Board material through Board staff.

- 6) BOARD BUSINESS AND REPORTS**
 - a) Executive Director’s Report – Discussion and Possible Action
 - i) Financial Report- Written Report

- ii) Board Staff Activities- Verbal Report
- iii) Legislation- Verbal Report
- iv) FSBPT- No Report
- v) Physical Therapy Compact Commission (PTLC)- Written Report

Mr. Brown provided verbal summary on the above topics. No action was needed or taken. Ms. Cynthia Driskell, PT was there representing the Arizona Physical Therapy Association provided an update of Bill HR-2088, it passed and they were launching a sports physical therapy pilot program for 2 years.

Ms. Remec thanked Ms. Brown his 9 years of service to the Physical Therapy Board.

8) CALL TO THE PUBLIC

Ms. Cynthia Driskell on behave of the Arizona Physical Therapy Association Thanks Mr. Brown for all he has done and accomplished for the Board.

9) ADJOURNMENT

Dr. Miller moved the Board adjourn. Ms. Hunter seconded the motion. Following review and discussion, the motion carried.

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

Meeting adjourned at 2:27 P.M.

Prepared by,

Monica Crowley
Office Manager

Approved by,

Peggy Hunter, PTA
Secretary