



MELINDA RICHARDSON, PT, MA  
President

**ARIZONA STATE BOARD OF PHYSICAL THERAPY**  
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**REGULAR SESSION MEETING MINUTES**  
**June 27, 2017**

**MEMBERS PRESENT:**

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

**MEMBERS ABSENT:**

Whitney Lawrence; 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, Senior Investigator

- 1) **CALL TO ORDER – 8:30 A.M.;** Ms. Richardson called the meeting to order at 8:30 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 Mr. Clinton

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

- a) May 23, 2017; Regular; Regular Session Meeting Minutes

Ms. Richardson moved the Board approve the May 23, 2017; Regular Session Meeting Minutes with the suggested changes. Mr. Clinton 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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b) May 23, 2017; Executive Session Meeting Minutes

Ms. Richardson moved the Board approve the May 23, 2017; Executive Session Meeting. Mr. Clinton 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) June 2, 2017; Special Session Minutes

Ms. Richardson moved the Board approve the June 2, 2017; Special Session Minutes. Mr. Clinton 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) June 14, 2017, Special Session Meeting Minutes

Ms. Richardson moved the Board approve the June 14, 2017; Special Session Minutes. Mr. Clinton 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

Naquita Ahern	Sarah Backus	Molly Barnes
Brianna Consentino	Daniel Cox	Kathleen Doyle
Jared Egan	Jeffrey Gale	Kaitlin Guillory
Amanda Harper	Emily Hayes	Sara Hohensee
Liana Knight	Kyle Koch	Steven Le
Michael McGrath	Coby Nattier	Bryan Onuselogu
Liisa Perkio	Derek Poulson	Zachary Schniers
Cecilia Thomas	Nicholas Thomas	Chandler Witt
Anna Johanson		

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		
Nay							
Recused							
Abstained							
Absent						X	

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

Nicole Davis	Stephanie Fedy	Kimberly Knight
Krystal Buck		

Ms. Richardson moved the Board approve the above 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	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; Request for Termination

Mr. Packard was present and was represented by Mr. Scott King. Mr. King provide an opening statement.

The Board reviewed and discussed the request for termination and asked questions of Mr. Packard.

Ms. Hunter moved the Board grant the request for Termination. 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		
Nay	X		X				
Recused							
Abstained							
Absent						X	

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

Ms. Bambenek was present and was represented by Mr. Scott King. Mr. King provide an opening statement.

The Board reviewed and discussed the request for termination and asked questions of Ms. Bambenek. Mr. King provide a closing statement. Ms. Baskin, Assistant Attorney General went over options the Board had.

Ms. Richardson moved the Board grant the request for Termination. 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		
Nay			X	X			
Recused							
Abstained							

Absent						X	
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**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) Drew Jenk

The Board reviewed and discussed the case. Ms. Richardson stated that all court requirements have been met by Mr. Jenk but she did not see Mr. Jenk’s license verification letter from the state of IL and FL. Ms. Cardoza, Licensing Administrator confirmed she had received both and was in good standing.

Ms. Richardson moved the Board approve Mr. Jenk’s above application for Physical Therapist Licensure upon Receipt of Passing Scores on the NPTE/AZLAW and Final Transcript. Mr. Clinton 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) Brian Johnson

The above application was tabled from last month’s Board meeting for missing finger print clearance card and memo. The file now has both.

The Board reviewed and discussed the case. Ms. Richardson stated this case has been remedied and dismissed.

Ms. Richardson moved the Board approve Mr. Johnson’s above application for Physical Therapist Assistant 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	

(b) Joel Munoz

The Board reviewed and discussed the case. Mr. Munoz was a preapproval of the February 2017 Board meeting. Ms. Richardson stated she had a note that Mr. Munoz’s GMC form was not correct. Ms. Cardoza, Licensing Administrator stated she requested the applicant submit a new corrected one. New GMC form was received.

Ms. Richardson moved the Board approve Mr. Munoz’s above application for Physical Therapist Assistant 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	

(c) Ruben Simental

The Board reviewed and discussed the case. This case was dismissed.

Ms. Richardson moved the Board approve Mr. Simental’s above application for Physical Therapist Assistant 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 the Following Applications for Physical Therapist Licensure – Approval of S CPP request for Foreign Educated Graduates of Programs Not U.S. Accredited.
  - (1) Rajitha Bharatan

The Board reviewed and discussed the case. Ms. Richardson wants Casey Kruger the 2<sup>nd</sup> clinical instructor to complete the form regarding description on the physical therapy services provide at the facility. Board Staff will obtain a completed form from the clinical instructor.

Ms. Richardson moved the Board approve the above S CPP request. 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	

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

- a) Review and Action; Formal Hearing; 8:30 a.m.
  - i) Case No. 16-59; Morgan Brown, PT  
(Formal Hearing or Consideration of Consent Agreement)

Neither Mr. Morgan Brown nor his attorney Ms. Amanda Chua were present but did communicate to the Board that she could be reach via phone to answer any question the Board had for her regarding her client.

Mona Baskin, Assistant Attorney General representing the State of Arizona provided an opening statement to the Board. Ms. Baskin gave a summary of the case to the Board and stated that Mr. Morgan Brown has agreed to enter into a consent agreement for voluntary surrender of his license. The consent agreement was signed on June 20, 2017. The State’s positions is in the interest of justice that the Board accept Mr. Morgan Brown consent agreement for voluntary surrender of his license.

The Board reviewed and discussed the case.

For the record, on April 21<sup>st</sup> Special Session Board Meeting Ms. Richardson asked Mr. Morgan Brown what options he had available to him. Ms. Richardson also asked him if he understood he had other options before

pursuing the action he took. Mr. Morgan Brown, acknowledge he did. Mr. Morgan Brown stated one option was that he could have just left his zipper down.

Dr. Miller moved the Board accept Mr. Morgan Brown voluntary surrender of his license. 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	Ms. Lawrence	
Aye	X	X	X	X	X		
Nay							
Recused							
Abstained							
Absent						X	

- b) Review and Action; Informal Hearing 9:00 a.m.
  - i) Case No. 16-46; Beth Shadle, PT  
(Informal Hearing or Consideration of Consent Agreement)

Ms. Shadle was not present and was not represented by legal counsel. Mr. Brown provided a summary of the case to the Board. After review of the case Ms. Shadle did have her 20 hours of CE completed she just failed to respond to the CE audit within 30 days. The Board can move to Informal Hearing or Consideration of Consent Agreement offered to Ms. Shadle. The metrics were applied to the consent agreement. Consent agreement includes civil penalty of \$500 to be paid within six (6) months by means of certified funds in the form of cashier’s check or money orders. Payment of the \$500.00 civil penalty in full pursuant to the requirement in the Order shall result in the termination of the Order.

The Board reviewed and discussed the case.

Ms. Richardson moved the Board accept Consent Agreement as outlined. 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	Ms. Lawrence	
Aye	X	X	X	X	X		
Nay							
Recused							
Abstained							
Absent						X	

- c) Review, Discussion, and Action on Initial Review of Complaint
  - i) Complaint #17-01; Marlene Zuhl, PT



Ms. Zuhl was present and was represented by Kylie Mote. Ms. Donahue provided a summary of the case to the Board. Mr. Harland alleges that Ms. Zuhl completed patient initial evaluations, daily notes, progress notes and discharge summaries in 2016 for patients whose date of service was greater than 1 year prior. Mr. Harland states he identified over 700 occurrences of notes being completed between 4/25/16 through 11/21/16.

Ms. Zuhl provide an opening statement to the Board.

**The Board Recessed from 9:33 A.M. to 9:55 A.M.**

On June 14, 2017 Ms. Zuhl provided a substantial response and went through patient by patient and explaining a lot of things. It was determined that several documents was missing for the Board to review. Since at least one Board member did not have it Mr. Brown recommend they table this case to the July 18, 2017 Board Meeting to allow all Board members time to review Ms. Zuhl’s full response.

Ms. Richardson moved the Board table Complaint #17-01; Marlene Zuhl, PT to the July 18, 2017 Board Meeting. Mr. Clinton 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	

ii) Complaint #17-06; Barbara Timmers, PTA

Ms. Timmers was not present and was not represented by legal counsel. Ms. Donahue provided a summary of the case to the Board. Mr. Kavanagh alleges that Ms. Timmers, PTA is providing physical therapy services out of her home without Physical Therapist supervision.

The Board reviewed and discussed the case. Ms. Hunter asked Ms. Donahue, Senior Investigator is she ever had a conversation with Ms. Timmers regarding possibly retiring her PTA certification? Ms. Donahue answer yes, that did come but Ms. Timmers stated she keeps it active just in case she ever want to resume her employment as a Physical Therapist Assistant.

Ms. Richardson moved the Board Dismiss the case. Dr. Miller seconded the motion. Following review and discussion the motion carried.

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

					Richardson		
Aye	X	X	X	X	X		
Nay							
Recused							
Abstained							
Absent						X	

iii) Complaint #17-07; Robin Swanigan, PT

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

Board opened complaint after review of Complaint #16-60; Darren Permenter, PTA. Board alleges substandard care and inadequate patient records for physical therapy services provided to patient JL.

The Board reviewed and discussed the case. Dr. Miller is in favor of possible CEU's.

Dr. Miller moved the Board offer a Non-Disciplinary Order to include six (6) hours if CEU's in documentation and six (6) hours in orthopedic; to be completed within six (6) months. Ms. Richardson seconded the motion. Following review and discussion the motion failed.

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

The Board reviewed and discussed the case.

Ms. Hunter moved the Board forward this case to informal hearing. Ms. Remec seconded the motion. Following review and discussion both Ms. Hunter and Ms. Remec withdrew their first and second motion.

Ms. Hunter moved the Board offer Ms. Swanigan a consent agreement to include six (6) months' probation, complete a minimum of six (6) hours of continuing education in documentation and a minimum of six (6) hours in Orthopedic Evaluation and Treatment; must be preapproved in writing. The completion of Ms. Swanigan 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. 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. If fail to accept the consent agreement the Board will be forwarded the case to an Informal Hearing. 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	

iv) Complaint #17-11; Jay Goodfarb, PT

Let the record reflect that Dr. Miller recused himself from this case because Mr. Goodfarb is a former business partner. Dr. Miller left the Board table.

Ms. Donahue provided a summary of the case to the Board. Mr. Michael Miller alleges that Mr. Goodfarb's documentation is inadequate and has resulted in denied claims for patients CB and AR.

Neither Mr. Goodfarb nor his attorney Ms. Donna McDaniel were present but did communicate via email requesting they table case to July 18, 2017 Board Meeting due to Mr. Goodfarb's having a family emergency out of town.

Ms. Remec moved the Board Table Complaint #17-11; Jay Goodfarb, PT case to July 18, 2017 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	

**Let the record reflect Dr. Miller returned to the Board table at 10:17 A.M**

v) Complaint #17-12; Robert DiStefano, PT

Mr. DiStefano was not present and was not represented by legal counsel. The Board received an email sent in by Mr. DiStefano dated June 26, 2017. The Board members were given time to review email.

Ms. Donahue provided a summary of the case to the Board. Mr. DiStefano failed to complete 20 hours of continuing competency for the 2014-2016 compliance period. Mr. DiStefano was required to complete the 20 hours within 6 months in order to become compliant. Mr. DiStefano failed to complete the 20 hours of continuing education by the April 21, 2017 deadline.

The Board reviewed and discussed the case. Mr. Brown, Executive Director reviewed option with the Board.

Ms. Richardson moved the Board offer a consent agreement to include six (6) months' probation. Complete his 20 hours of continuing education within ninety (90) days and pay a civil penalty of \$500 within six (6) months. If fail to accept the consent agreement the Board will be forwarded the case to an Informal Hearing. 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	

d) Review, Discussion and Action on Compliance with A Board Order

iii) Case No. 16-09; Dina May, PTA; Non-Compliance with Terms of Order

Ms. May was not present and was represented by legal counsel. Ms. Donahue provided a summary of the case to the Board. Ms. Dina May, PTA was on indefinite suspension of her certificate and was ordered to obtain appointment for substance abuse evaluation from a Board approved evaluator within 14 calendar days, with the evaluation concluded within 60 days of signature (April 24, 2016). Ms. Dina May, PTA has not contacted the Board office and has been indefinite suspension since April 24, 2016. Ms. May has failed to produce a substance abuse evaluation or communicate with the Board Staff since April 24, 2016.

Ms. May failed to renew her certificate by August 31, 2016.

The Board is to determine if they elect to have Ms. May continue indefinite suspension or move to Informal Hearing to conclude this matter.

The Board reviewed and discussed the case.

Ms. Richardson moved the Board forward case to Informal Hearing. 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	X			
Recused							
Abstained							
Absent						X	

**7) BOARD BUSINESS AND REPORTS**

- a) Executive Director’s Report – Discussion and Possible Action
  - ii) Board Staff Activities- Review of written report
  - i) Financial Report- 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
  - iv) Rule Activity- Review of Potential Future Rule Making Activity
    - (1) Physical Therapist Assistant Continuing Competence
    - (2) FSBPT Course Work Tool Retro Tool
    - (3) English Language Test Score
    - (4) AZLAW to Jurisprudence Assessment Model (JAM)
    - (5) Supervised Clinical Practice Period Review Tool
    - (6) Compact Privilege Fees
    - (7) Results of Executive Order 17-02 Survey
  - v) Federation of State Boards of Physical Therapy (FSBPT)- Review of written report
  - vi) Physical Therapy Compact Commission (PTLC)
- b) Review, Discussion, and Action on Board Response to Executive Order 17-03; Internal Review of Training Requirements, Continuing Education, Fees, and Process
- c) Review Discussion and Action on Physical Therapy Licensure Compact (PTLC), PTLC Commission
  - i) Arizona Privilege to Practice Fee
  - ii) Arizona Jurisprudence Requirement for Privilege to Practice

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**

Board Meeting 05/23/17

Meeting adjourned at 11:15 A.M.

Prepared by,

Monica Crowley  
Office Manager

Approved by,

Michael S. Clinton, CPA  
Secretary