



James E. Miller, PT, DPT
President

ARIZONA STATE BOARD OF PHYSICAL THERAPY
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REGULAR SESSION MEETING MINUTES
June 19, 2018

MEMBERS PRESENT:

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

MEMBERS ABSENT:

James E. Miller, PT, DPT, President

**ASSISTANT ATTORNEY GENERAL
PRESENT:**

Mona Baskin, Assistant Attorney General

BOARD STAFF PRESENT IN PERSON:

Karen Donahue, PT, DPT, Interim Executive Director
Monica Crowley, Office Manager
Veronica Cardoza, Licensing Administrator

- 1) **CALL TO ORDER – 8:40 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: Ms. Hunter, Mr. Clinton, Ms. Remec and Ms. Richardson.

5) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

- b) Review, Discussion, and Action on Board Order
iii) Case #16-34; Gary Smith, PT (Termination of Probation)

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

Ms. Donahue provided a summary of the case for the Board. Mr. Smith requested early termination of probation of Board Order #16-34. Mr. Smith was paced on one year probation on May 21, 2017 and order to complete six hours of CE specific to documentation and clinical reasoning and order to take an pass AZ Law Exam: Pass ProBe or equivalent course and engage in monthly monitoring.

Mr. Smith has completed all CE requirements for Board Order #16-34. Three monitoring reports were provided to the Board for review and Mr. Smith probation is scheduled to terminate on November 21, 2018 due to a sixth month extension granted by the Board.

The Board can elect to grant early termination of Board Order #16-34 or deny the request for continuance of monitoring service.

The Board reviewed and discussed the case.

Ms. Remec moved the Board deny early termination. Ms. Richardson 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				

Ms. Richardson moved the Board not require Mr. Smith to have an onsite review when performing the monitoring. 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				

The Board asked further questions of Mr. Smith.

6) BOARD BUSINESS AND REPORTS

- b) Review and Discussion of Executive Director Vacancy
 - i) Charles D. Brown

The Board presented Mr. Charles Brown with a plaque for his 9 years of service as the Executive Direct. Mr. Brown stated it was a pleasure and an honor to serve the Board for 9 years.

5) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

- a) Initial Review, Discussion, and Action on Complaint
 - i) Complaint #17-30; Cody Hanson, PTA

Mr. Hanson not was present but was represented by Ms. Michelle Thompson.

Ms. Donahue provided a summary of the case for the Board. Mr. KL alleges substandard care by Mr. Cody Hanson when measuring for knee AROM/PROM following TKR surgery.

Ms. Thompson provided an opening statement to the Board and apologized for Mr. Hanson not being present. He was unable to attend as his schedule did not permit it.

The Board reviewed and discussed the case.

Ms. Hunter moved the Board issue a non-dispensary order to include six hours of CEU’s in documentation; in person, and must be completed within six months. Ms. Richardson 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				

ii) Complaint #18-01; Sean Chua, PT

Mr. Chua was present and was represented by Ms. Emma Isakson.

Ms. Donahue provided a summary of the case for the Board. Mr. Crosslin alleges that Mr. Chua, PT billed for two home health dates of service in which he did not perform treatment.

Mr. Chua and Ms. Isakson both provided an opening statement to the Board.

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

Ms. Remec moved the Board offer Mr. Chua a consent agreement to include six (6) months’ probation with the possibility for early termination. Mr. Chua shall complete six hours of continuing education in documentation in person; six (6) hours in orthopedic in person, a Probe ethics course and must be completed within six (6) months. Mr. Chua must undergo Board approved monitoring for a minimum of six (6) months period. Monitoring shall consist of monthly; 3 randomly selected charts and a \$500 civil penalty.

Ms. Clinton seconded the motion. Following review and discussion, both Ms. Remec and Mr. Clinton withdrew their first and second motion.

The Board further discussed the case.

Ms. Remec moved the Board offer Mr. Chua a consent agreement to include twenty-four (24) months’ probation with the possibility for early termination. Mr. Chua shall complete a Probe ethics course must be completed within six (6) months and pay civil penalty of \$1,000. If consent agreement is not accepted the Board will forward case to an Informal Hearing. 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				

- b) Review, Discussion, and Action on Board Order
 - ii) Case #16-26; Kaja Kilburn, PT (Termination of Probation)

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

Ms. Donahue provided a summary of the case for the Board. Ms. Kilburn came before the last Board meeting requesting early termination. The Board requested a continuance in order to review her May monitoring reports which were provided for the Board to review.

Ms. Kilburn provided an opening statement to the Board.

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

Ms. Remec moved the Board grant termination of probation for Ms. Kilburn. 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				

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

Paige Ahlers	Paulina Codera	Beth Heise
Haley Hooker	Annemieke Martino	Xianhao Peng
Daniel Rudolph	Megan Schwengler	Cameron Stokes
Laura Walker		

Ms. Hunter pulled Laura Walker from the above consent agenda for separate consideration

Mr. Clinton moved the Board the approve Applications for Physical Therapist Licensure upon Receipt of Passing Scores on the NPTE/AZLAW and Final Transcript. Ms. Richardson seconded the motion. Following review and discussion, the motion carried.

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

Laura Walker

Ms. Hunter pulled the above application because she didn't see a marriage certificate for the name change.

Ms. Cardoza confirmed all proper documentation was received.

Ms. Hunter moved the Board the approve 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 by roll call.

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.

Abby Grabowski	Neal Krueger	Frank Tardi
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The Board reviewed and discussed the above applications.

Mr. Clinton moved the Board the approve Applications for Physical Therapist Licensure upon Receipt of Passing Scores on the NPTE/AZLAW and Final Transcript. Ms. Richardson seconded the motion. Following review and discussion, the motion carried 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) Review, Consideration and Approval of Applications for Physical Therapist Assistant Certification upon Receipt of Passing Scores on the NPTE/AZLAW and Final Transcript.

Savannah Flores	Laura Patton	Natalia Piatrova
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The Board reviewed and discussed the above applications.

Mr. Clinton moved the Board the approve Applications for Physical Therapist Assistant Certification upon Receipt of Passing Scores on the NPTE/AZLAW and Final Transcript. Ms. Richardson 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				

Consent Agenda End

2) Review and Approval of Draft Minutes

- a) May 22, 2018, Regular Session Meeting Minutes
- b) May 22, 2018, Executive Session Meeting Minutes

The Board reviewed and discussed the minutes.

The Board tabled the above May 22, 2018 regular and executive session minutes until the next Board meeting because they did not have a quorum.

- c) June 12, 2018, Special Session Meeting Minutes

The Board reviewed and discussed the minutes.

Mr. Clinton moved the Board approve the June 12, 2018, Special Session Meeting Minutes. 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				

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) Orville Hernandez

The Board reviewed and discussed the above application.

Mr. Clinton moved the Board find Mr. Hernandez Foreign Educated Graduates of Programs Not U.S. Accredited substantially equivalent and may pursue an SCPP and Board staff to issue an interim permit upon Receipt of Passing Scores on the AZLAW and Final Transcript. 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				

- b) Review of and Possible Action on Physical Therapists/Physical Therapist Assistants Previously Licensed in the state of Arizona.
 - i) Barbara Rockey

The Board reviewed and discussed the above application.

Ms. Richardson moved the Board Approval Ms. Rockey’s Application for Physical Therapists Assistants Previously Licensed in the State of Arizona and issue her license upon Receipt of Passing Scores on the AZLAW and Final Transcript. 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				

The Board Recessed from 10:00 A.M. to 10:15 A.M

5) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

- a) Initial Review, Discussion, and Action on Complaint
 - iii) Complaint #18-08; Antwan Faraj, PT

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

Ms. Donahue provided a summary of the case for the Board. The Board opened Complaint #18-08 after review of Complaint #17-16 Keith Fandry, PT. The Board alleges that Mr. Faraj engaged in substandard care, charged unreasonable or fraudulent fees, failed to adhere to the recognized standards of ethics and failed to maintain adequate patient records for patient AF.

The Board reviewed and discussed the case.

Ms. Hunter moved the Board forward case to Informal Hearing. Ms. Richardson 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				

- b) Review, Discussion and Action on Superior Court of the State of Arizona Cases
 - i) Keith Fandry, Harold Hoffman and Kinga Laskay vs. State of Arizona Board of Physical Therapy

Mr. Clinton moved the Board enter into Executive Session to review confidential information and 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 10:18 A.M. to 10:55 A.M.

The above case is pending in Superior Court of the State of Arizona Cases, no further discussion or action was taken.

- a) Initial Review, Discussion, and Action on Complaint
 - iv) Complaint #18-10; Chelsea Mieszala, PTA

Mr. Clinton moved the Board table this case to the August Board Meeting. 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				

- b) Review, Discussion, and Action on Board Order

i) Case #11-12; Jeffrey Beran, PT (Termination of Probation)

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

Ms. Donahue provided a summary of the case for the Board. Mr. Beran requested early termination of probation of Board Order #11-12. Mr. Beran was paced on 18 months’ probation on May 13, 2017 and order to complete eight hours of CE specific to documentation take and pass AZ Law Exam: Pass ProBe or equivalent course and complete three record audits by staff.

Mr. Beran has completed all CE requirements for Board Order #11-12. Board Order #11-12 is set to terminate on November 13, 2018.

The Board can elect to grant early termination of Board Order #16-34 or continue probation until November 13, 2018.

The Board reviewed and discussed the case.

Ms. Hunter moved the Board grant early termination of probation. 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				

b) Review, Discussion, and Action On Case Pending Formal Hearing

i) Case #14-27; Robert Miller, PT (Consideration of Consent Agreement)

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

Ms. Mona Baskin, Assistant Attorney General representing the State of Arizona. Ms. Baskin provided a summary of the case to the Board. They offered Mr. Miller a consent agreement.

The Board reviewed and discussed the case and asked question of Ms. Baskin. Ms. Richardson requested several clerical errors be corrected in the consent agreement.

Mr. Clinton moved the Board accept consent agreement as amended. 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				

The Board instructed Ms. Donahue to report it to Medicare.

6) BOARD BUSINESS AND REPORTS

- c) Executive Director’s Report – Discussion and Possible Action
 - i) Website update
 - ii) Google Drive Information
 - iii) Staff Activities
 - iv) Budget

Ms. Donahue provided verbal summary on the above topics. No action was needed or taken.

7) CALL TO THE PUBLIC

No one came forward.

8) ADJOURNMENT

Ms. Hunter moved the Board adjourn. Mr. Clinton 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 11:12 A.M.

Prepared by,

Monica Crowley

Board Meeting 6/19/18

Office Manager

Approved by,

Peggy Hunter, PTA
Secretary