



Mark Cornwall, PT, PHD, FAPTA
President

ARIZONA STATE BOARD OF PHYSICAL THERAPY
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**REGULAR SESSION MEETING MINUTES via
Hangout Meet Video Conferencing
June 30, 2020**

BOARD MEMBERS PRESENT:

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

BOARD MEMBERS ABSENT:

Karen Bustillo, PT, DPT, OCS, CLT, Secretary

**ASSISTANT ATTORNEY GENERAL
PRESENT:**

Mona Baskin, Assistant Attorney General

BOARD STAFF PRESENT:

Karen Donahue, PT, DPT, Executive Director
Monica Crowley, Licensing Administrator
Veronica Cardoza, Administrative Services Officer
Judy Chepeus, Customer Service Representative
Mindy Richardson, PT, Investigator

1) CALL TO ORDER – 8:30 A.M.; Dr. Cornwall called the meeting to order at 8:33 A.M. (A recording of the meeting is available through the Board Office)

Roll Call – The following Board Members were present: Dr. Cornwall, Dr. Bustillo, Ms. Remec, Mr. Greer, Dr. King, Ms. Hunter and Mr. Clinton.

2) Review and Approval of Draft Minutes

A) May 26, 2020 Regular Session Meeting Minutes

The Board reviewed and discussed the above minutes.

Ms. Hunter moved the Board to approve the May 26, 2020 Regular Session Meeting Minutes. Ms. Remec seconded the motion. Following review and discussion, the motion carried by roll call.

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

3) REVIEW, CONSIDERATION and ACTION

A) Applications for Licensure and Certification

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

Alexis Araza	Ariana Calderon
Sara Eppley	John Howard Hermano
Elijah Lazo	Alexander Simeon

The Board reviewed and discussed the above applications. Dr. Cornwall pulled John Howard Hermano off the Consent Agenda for Separate Consideration.

Ms. Remec moved the Board to approve the above Applications for Physical Therapist Licensure upon Receipt of Passing Scores on the NPTE/AZLAW and Final Transcript. Mr. Greer seconded the motion. Following review and discussion, the motion carried by roll call.

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

John Howard Hermano

The Board reviewed and discussed the above application. Ms. Cardoza provided an update of Mr. Hermano expired license.

Mr. Greer moved the Board to table the above application to allow Mr. Hermano to change his application to Endorsement. Mr. Clinton seconded the motion. Following review and discussion, the motion carried by roll

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

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

Hilary Eagan	Danny Fialko	Mickaela Hooker
Haley O’Leary	Anthony Pla	Daniel Stolfa

The Board reviewed and discussed the above applications.

Dr. Cornwall moved the Board to approve the 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 by roll call.

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

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

Daniel Stolfa
Marissa Thomas

The Board reviewed and discussed the above applications.

Dr. Cornwall moved the Board to approve the above Applications for ADA Accommodations. Ms. Hunter seconded the motion. Following review and discussion, the motion carried by roll call.

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

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

Review/Approval of Final CPI and possible licensure

Jennifer Orr

The Board found Ms. Orr’s application to be complete.

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

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

4) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

B) Review, Discussion and Possible Action for Initial Review

1) Case No. 19-45; Christy Arndt, PTA

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

Board opened complaint #19-45 after review of complaint # 19-16 Carl Malmquist, PT. The Board alleges Ms. Arndt exceeded her authority to perform selected tasks, failed to maintain adequate records, aided and abetted a person who is not licensed in this state and performs activities requiring a license, and failing to report to the board any direct knowledge of an unprofessional, incompetent, or illegal act that appears to be in violation of this chapter or board rules.

The Board reviewed and discussed the above case.

Dr. King moved the Board to **Dismiss** the case. Dr. Cornwall seconded the motion. Following review and discussion, the motion carried by roll call.

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

2) Case No. 19-48; Branden Easley, PTA

Dr. King stated she knew Mr. Easley as PTA student and has no bias to hear the case.

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

Board opened complaint #19-48 after review of complaint # 19-16 Carl Malmquist, PT. The Board alleges Mr. Easley exceeded his authority to perform selected tasks, failed to maintain adequate records, aided and abetted a person who is not licensed in this state and performs activities requiring a license, and failing to report to the board any direct knowledge of an unprofessional, incompetent, or illegal act that appears to be in violation of this chapter or board rules.

The Board reviewed and discussed the above case.

Ms. Hunter moved the Board to forward the case to an **Informal Hearing**. Dr. King seconded the motion. Following review and discussion, the motion carried by roll call.

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

4) Case No. 19-49; Dylan Bruemmer, PT

Ms. Richardson provided a summary of the case for the Board. Complaint #19-54 was opened on November 26, 2019 after review of complaint #19-16 Carl Malmquist, PT. The Board alleges that Mr. Bruemmer engaged in substandard care, made misleading/deceptive/untrue or fraudulent representations, aided and/or abetted a person who is not licensed or certified in this state and who directly or indirectly performed activities requiring a license or certificate, failed to report to the board any direct knowledge of an unprofessional, incompetent or illegal act, and failed to maintain adequate records.

Dr. Cornwall moved the Board to **Dismiss** the case. Mr. Greer seconded the motion. Following review and discussion, the motion failed by roll call.

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

Dr. King moved the Board to issue a **Non-Disciplinary Oder** to include:

three (3) hours of Board staff pre-approved continuing education in the area(s) of documentation. The continuing education hours shall be obtained via an in-person, live or on-line format. To be completed within six (6) months of the effective date of this Order.

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

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

4) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

A) Review, Discussion and Action for Informal Hearing:

1) Case No. 19-29; Lisa Hall, PT (9:00am)

Ms. Hall was present and was not represented by legal counsel. Ms. Hall introduced herself. The Board members and Board staff introduced themselves. Dr. Cornwall read a summary of how the hearing would be conducted and reviewed the possible outcomes of the hearing. Ms. Richardson and Ms. Hall were sworn-in as witnesses. Dr. Donahue read the allegations against Ms. Hall as listed on the investigative report.

Dr. Donahue provided a summary of the case for the Board. The Board opened complaint #19-29 after review of complaint #18-21 Christopher Martin, PTA. The Board alleges Ms. Hall engaged in substandard care, failed to maintain adequate records, provided treatment beyond the point of reasonable benefit, and failed to secure her electronic signature for three patients, BO, JN and PS.

Ms. Hall provided an opening statement.

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

Ms. Hall provided no closing statement.

The Board deliberated.

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

B. Failed to supervise assistive personnel, physical therapy students or interim permit holders in accordance with this chapter and rules adopted pursuant to this chapter.

- Based on her written statement Ms. Hall stated that she could “guarantee that I did not see any patient, particularly for the first time, without discussing them with any and all available clinicians familiar with the patient, and without reading over the previous evaluations/re-evaluations and, generally, the daily notes preceding my visit.”
- She re-affirms this statement in her 3/20/20 phone interview.

C. Failed to maintain adequate patient records. For the purposes of this paragraph “Adequate patient records” means legible records that comply with board rules and that contain at a minimum an evaluation of objective findings, a diagnosis, the plan of care, the treatment records, a discharge summary and sufficient information to identify the patient.

- Several records are signed by Ms. Hall without her licensing credential listed.
- Based on her written statement Ms. Hall stated that she could “guarantee that I did not see any patient, particularly for the first time, without discussing them with any and all available clinicians familiar with the patient, AND without reading over the previous evaluations/re-evaluations and, generally, the

daily notes preceding my visit.” She re-affirms this statement in her 3/20/20 phone interview. As such, she should have been aware that her signature was being applied by PTA’s.

Dr. King seconded the motion. Following review and discussion the motion failed by roll call.

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

Mr. Greer moved the Board to issue a **Non-Disciplinary Oder** to include:

six (6) hours for each course of Board staff pre-approved continuing education in the area(s) of ethics, documentation and treatment of the geriatric patient population. The continuing education hours shall be obtained via an in-person, live or on-line format. To be completed within six (6) months of the effective date of this Order.

Dr. Cornwall seconded the motion. Following review and discussion, the motion carried by roll call.

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

The Board Recessed from 10:17 A.M. to 10:23 A.M.

2) Case No. 19-30; Ashley Ramirez, PT

Ms. Ramirez was present and was not represented by legal counsel. Ms. Ramirez introduced herself. The Board members and Board staff introduced themselves. Dr. Cornwall read a summary of how the hearing would be conducted and reviewed the possible outcomes of the hearing. Ms. Richardson and Ms. Ramirez were sworn-in as witnesses. Ms. Richardson read the allegations against Ms. Ramirez listed on the investigative report.

No opening statement was provided by Ms. Ramirez.

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

Ms. Ramirez provided no closing statement.

The Board deliberated.

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

1. Respondent failed to fully assess patients JN and PS before establishing treatment plan of care/goals.
2. Respondent did not assess baseline elements in her initial examination of patient JN.
3. Based on the medical records of JN and PS, Respondent failed to establish an initial home exercise program, periodically review the program over the episode of care and determine the patient's response to the program.
4. Based on the medical record of JN and 3/13/20 interview, Respondent does not complete a discharge assessment.
5. Based on the medical record of patient PS, PTA documents left GH joint mobilization on 7/9/18 and 7/11/18 when shoulder ROM was assessed by Respondent as equal and WFL.
6. Based on the medical record of patient JN, PTA initiates manual stretching of the LE's when flexibility, and knee/ankle ROM had not been assessed by Respondent.
7. Respondent failed to provide oversight of daily treatments of patient's PS and JN. This resulted in the PTA initiating treatment interventions that were not indicated, an inability to determine the effectiveness of the POC over time, and failing to re-assess JN after she fell to determine if the fall would require the POC to be modified.
8. Respondent states in her written response, "it was reported by PTA's that Ms. Norton reported several falls that did not appear to result in injuries as documented by the PTA"

9. Based on the medical record of PS, the patient is charged for therapeutic activities when only the education of the patient is documented.
10. Initial evaluation is incomplete for patients JN and PS
11. Baseline assessment in critical areas for patient JN is not documented that would establish some of the goals for the plan of care
12. Treatment interventions proposed for PS and JN are not supported by the findings.
13. Discharge summary for patient PS and JN is incomplete.
14. Patient JN’s hip muscle strength was documented on 7/10/18 (after 25 visits) as worse in some areas as compared to the initial evaluation of 4/10/18. There is no significant change in hip muscle strength after 52 visits when the patient is discharged from service.
15. Based on the 7/16/18 progress note for patient PS, the DASH was unchanged after 8 visits.
16. Based on the medical record of patient JN, PTA initiates manual stretching of the LE’s when flexibility, and knee/ankle ROM had not been assessed.
17. Respondent failed to conduct a re-assessment after reports of a patient fall.

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

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

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

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

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

A.R.S. §32-2044(6) “Failure to supervise assistive personnel, physical therapy students or interim permit holders in accordance with this chapter and rules adopted pursuant to this chapter”.

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

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

A.R.S. §32-2044 (22) “Providing treatment intervention unwarranted by the condition of the patient or beyond the point of reasonable benefit”.

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

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

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

1. **Probation**: The Arizona Board of Physical Therapy hereby orders that Respondent, holder of Physical Therapy License No. LPT-010447, is placed on probation for **twelve (12) months** from the effective date of the order with the possibility of early termination.
2. **Continuing Education**: Respondent shall take and complete continuing education in the area(s) listed below within twelve (12) months from the effective date of this order.

Respondent must submit the course description to Board staff for approval prior to beginning the continuing education course(s). In-person or on-line courses will be considered for pre-approval by Board Staff. Respondent shall provide documentation to Board staff that the course was completed prior to the Board’s consideration of termination of probation.

- a. Respondent shall take and complete a minimum of six (6) hours of continuing education in the area of **documentation**.
- b. Respondent shall take and complete a minimum of 6 hours of continuing education in the area of **treatment of the geriatric population**.
- c. Respondent shall take and complete a minimum of 3 hours of continuing education in the area of **supervision**.

3. **Jurisprudence Exam**: Respondent shall take and pass the Arizona Jurisprudence Examination (AZ Law).

4. **Documentation Review**: Between 90 days and 120 days of the completion of Respondent’s continuing education, the Board's Investigator will perform a minimum of one review of three (3) randomly selected charts for patients treated by Respondent. Respondent must contact the Board’s Investigator and provide the Investigator with a list of patients Respondent has treated during a period of time designated by the Board Investigator. The purpose of the review is to assess compliance with the Board's statutes and rules. If review of the charts described above reveal that the Respondent's records are not in compliance with the Board's statutes and rules, Respondent shall submit to additional reviews of patient charts where the Board's Investigator will perform another review of three (3) randomly selected charts for patients treated by Respondent.

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

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

Recused							
Abstained							
Absent							X

3) Case No. 19-31; Shari Allen-Neiberg, PT

Ms. Allen-Neiberg was present and was not represented by legal counsel. Ms. Allen-Neiberg introduced herself. The Board members and Board staff introduced themselves. Dr. Cornwall read a summary of how the hearing would be conducted and reviewed the possible outcomes of the hearing. Ms. Richardson and Ms. Allen-Neiberg were both sworn-in as witnesses. Ms. Richardson read the allegations against Ms. Ramirez as listed on the investigative report.

Ms. Allen-Neiberg provided an opening statement.

The Board reviewed and discussed the case and asked questions of Ms. Allen-Neiberg.

Ms. Allen-Neiberg provided a closing statement.

The Board deliberated.

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

A. Engaged in the performance of substandard care by a physical therapist due to deliberate or negligent act or failure to act regardless of whether actual injury to the patient is established.

- Based on the medical record of JN and Ms. Allen’s written response, she did not fully assess and/or document an assessment of the new complaint of wrist pain after the patient fell.
- Please refer to Medical Record review summary for patient JN.

B. Failed to maintain adequate patient records. For the purposes of this paragraph “Adequate patient records’ ’ means legible records that comply with board rules and that contain at a minimum an evaluation of objective findings, a diagnosis, the plan of care, the treatment records, a discharge summary and sufficient information to identify the patient.

- Ms. Allen’s written response states that for treatment visit 9/25/18 she “did not chart a proper note.” She states that she did not make any adjustments to the note from 9/20/18 written by C. Martin, PTA, “but rather signed the visit note.”
- Please refer to Medical Record review summary for patient JN.
- Ms. Allen’s treatments occurred within her first week of her employment with Summit/Royal Oaks.

- She completed the PROtec documentation course in November 2019.

C. Providing treatment intervention unwarranted by the condition of the patient or beyond the point of reasonable benefit.

- After 44 treatment visits, Ms. Allen’s 10/2/18 re-evaluation documents no significant improvement in function as evidenced by BERG balance scoring, and Hip ROM and Strength assessments. The BERG balance assessment is scored as 35/49 which was unchanged from 8/9/18. The patient’s STG’s and LTG’s were unchanged from the re-evaluation of 6/4/18.
- Ms. Allen’s written response states that when she re-evaluated JN on 10/2/18, she “should have discharged her or put a plan in effect to prepare for her discharge in the very near future”.

Dr. King seconded the motion. Following review and discussion the motion failed by roll call.

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

Ms. Remec moved the Board to issue a **Non-Disciplinary Oder** to include:

six (6) hours for each course of Board staff pre-approved continuing education in the area(s) of ethics and treatment of the geriatric population. The continuing education hours shall be obtained via an in-person, live or on-line format. To be completed within six (6) months of the effective date of this Order.

Dr. Cornwall seconded the motion. Following review and discussion, the motion carried by roll call.

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

4) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

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

3) Case No. 19-46; Joshua Brant, PTA

Ms. Richardson provided a summary of the case for the Board. The Board opened complaint #19-46 after review of complaint # 19-16 Carl Malmquist, PT. The Board alleges Mr. Brant exceeded his authority to perform selected tasks, failed to maintain adequate records, aided and abetted a person who is not licensed in this state and performs activities requiring a license, and failing to report to the board any direct knowledge of an unprofessional, incompetent, or illegal act that appears to be in violation of this chapter or board rules.

The Board reviewed and discussed the above case.

Dr. Cornwall moved the Board to **continue the investigation** and obtain additional records and bring back to the Board for another initial review of the case. Mr. Clinton seconded the motion. Following review and discussion, the motion carried by roll call.

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

5) Case No. 19-50; Brian Chin, PT

Ms. Richardson provided a summary of the case for the Board. Complaint #19-50 was opened on November 26, 2019 after review of complaint #19-16 Carl Malmquist, PT. The Board alleges that Mr. Chin engaged in substandard care, made misleading/deceptive/untrue or fraudulent representations, aided and/or abetted a person who is not licensed or certified in this state and who directly or indirectly performed activities requiring a license or certificate, failed to report to the board any direct knowledge of an unprofessional, incompetent or illegal act, and failed to maintain adequate records.

The Board reviewed and discussed the above case.

Dr. King moved the Board to **Dismiss** the case. Dr. Cornwall seconded the motion. Following review and discussion, the motion failed by roll call.

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

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

Dr. King moved the Board to **continue the investigation** and obtain additional records and bring back to the Board for another initial review of the case. Mr. Clinton seconded the motion. Following review and discussion, the motion carried by roll call.

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

6) Case No. 19-52; Kyle O’Leary, PT

Ms. Richardson provided a summary of the case for the Board. Complaint #19-52 was opened on November 26, 2019 after review of complaint #19-16 Carl Malmquist, PT. The Board alleges that Mr. O’Leary engaged in substandard care, made misleading/deceptive/untrue or fraudulent representations, aided and/or abetted a person who is not licensed or certified in this state and who directly or indirectly performed activities requiring a license or certificate, failed to report to the board any direct knowledge of an unprofessional, incompetent or illegal act, and failed to maintain adequate records.

The Board reviewed and discussed the above case.

Dr. Cornwall moved the Board to **continue the investigation** and obtain additional records and bring back to the Board for another initial review of the case. Mr. Clinton seconded the motion. Following review and discussion, the motion carried by roll call.

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

Abstained							
Absent							X

7) Case No. 19-55; Melissa Slatky, PT

Ms. Richardson provided a summary of the case for the Board. Complaint #19-55 was opened on November 26, 2019 after review of complaint #19-16 Carl Malmquist, PT. The Board alleges that Ms. Slatky engaged in substandard care, made misleading/deceptive/untrue or fraudulent representations, aided and/or abetted a person who is not licensed or certified in this state and who directly or indirectly performed activities requiring a license or certificate, failed to report to the board any direct knowledge of an unprofessional, incompetent or illegal act, and failing to maintain adequate records.

The Board reviewed and discussed the above case.

Dr. Cornwall moved the Board to **Dismiss** the case. Dr. King seconded the motion. Following review and discussion, the motion carried by roll call.

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

8) Case No. 19-51; Natalie Meyer, PT

Ms. Richardson provided a summary of the case for the Board. Complaint #19-51 was opened on November 26, 2019 after review of complaint #19-16 Carl Malmquist, PT. The Board alleges that Ms. Meyer engaged in substandard care, made misleading/deceptive/untrue or fraudulent representations, aided and/or abetted a person who is not licensed or certified in this state and who directly or indirectly performed activities requiring a license or certificate, failed to report to the board any direct knowledge of an unprofessional, incompetent or illegal act, and failing to maintain adequate records.

The Board reviewed and discussed the above case.

Dr. King moved the Board to forward the case to an **Informal Hearing**. Dr. Cornwall seconded the motion. Following review and discussion, the motion carried by roll call.

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

9) Case No. 19-53; Patel Mitali, PT

Ms. Richardson provided a summary of the case for the Board. Complaint #19-53 was opened on November 26, 2019 after review of complaint #19-16 Carl Malmquist, PT. The Board alleges that Ms. Patel engaged in substandard care, made misleading/deceptive/untrue or fraudulent representations, aided and/or abetted a person who is not licensed or certified in this state and who directly or indirectly performed activities requiring a license or certificate, failed to report to the board any direct knowledge of an unprofessional, incompetent or illegal act, and failing to maintain adequate records.

The Board reviewed and discussed the above case.

Dr. Cornwall moved the Board to forward the case to an **Informal Hearing**. Mr. Clinton seconded the motion. Following review and discussion, the motion carried by roll call.

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

10) Case No. 20-14; Jeanie Jarrell, PT

Dr. Donahue provided a summary of the case for the Board. Ms. Jarrell applied and received her Compact Privilege # CP002928T without signing up for or passage of the AZ Jurisprudence Exam on June 8, 2020.

Ms. Jarrell was present and was not represented by legal counsel. Ms. Jarrell provide and opening statement.

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

Mr. Greer moved the Board to forward the case to a **Formal Hearing** to allows Ms. Jarrell the opportunity to contact the PT Compact and request that her Compact Privilege #CP0002928T to practice as a physical therapist in the State of Arizona be voluntarily surrendered. If the Board receives the written proof of voluntary surrender of Compact Privilege #CP0002928T by July 20, 2020, the Board will dismiss Complaint #20-14. If the Board does not receive written proof of voluntary surrender, the Board will proceed with the Formal Hearing of Complaint #20-14 on August 25, 2020. Dr. King seconded the motion. Following review and discussion, the motion carried by roll call.

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

11)Case No. 18-39; Joshua Bitton, PT

Ms. Richardson provided a summary of the case for the Board. On October 17, 2018 Board received complaint. Complaint #18-39 was opened on November 27, 2018. Mr. Kurtz alleges that Mr. Bitton is absent during therapy sessions, relies on untrained techs to “baby-sit” the patients he is being paid to treat, bills for three patients during the same treatment time, and is deficient in his documentation.

Mr. Bitton was present and was not represented by legal counsel. Mr. Bitton provide and opening statement.

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

Bitton provide a closing statement to the Board.

Ms. Hunter moved the Board to forward the case to a **Formal Hearing** and add additional allegations **A.R.S. §32-2044(20), A.R.S. §32-2044(22), R4-24-304, and R4-24-303 (A.2)**. Dr. King seconded the motion. Following review and discussion, Ms. Remec moved the Board enter into Executive

Session to obtain legal advice and to review confidential records. Dr. King seconded the motion. Following review and discussion the motion carried.

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

Executive Session from 12:52 P.M. to 1:15 P.M. -A

Following the executive session, the Board review and discussion the case and voted on the original motion. The motion **failed** by roll call.

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

Dr. King moved the Board to continue the investigation and request to submit additional billing records. Ms. Hunter seconded the motion. Following review and discussion, the motion carried by roll call.

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

- C) Review, Discussion and Possible Action for Review for Potential Opening of Complaint:
 - 1) CO, PT

Mr. Greer moved the Board to **Open a Complaint**. Dr. King seconded the motion. Following review and discussion, the motion carried by roll call.

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

2) BS, PT

Ms. Hunter moved the Board to **Take No Action**. Dr. Cornwall seconded the motion. Following review and discussion, the motion carried by roll call.

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

D) Review, Discussion and Possible Action for Request for Early Termination of Probation:
1) 19-33; Kelly Delong, PT

The Board review and discussion the case.

Dr. Cornwall moved the Board to **grant** Request for Early Termination of Probation. Dr. King seconded the motion. Following review and discussion, the motion carried by roll call.

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

E)Review, Discussion and Possible Action for request for modification of findings of fact in Benjamin Erbe, PT, Order No. 19-14.

Dr. Cornwall moved the Board enter into Executive Session to obtain legal advice and to review confidential records. Mr. Clinton seconded the motion. Following review and discussion the motion carried.

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

Executive Session from 1:28 P.M. to 1:41 P.M. -B

Dr. Cornwall moved the Board to modify Board Order No. 19-14 and accept redacted information. Ms. Hunter seconded the motion. Following review and discussion the motion carried.

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

F)Review, Discussion and Possible Action for request for modification of August 27, 2019 Board meeting minutes in Benjamin Erbe, PT, Order No. 19-14

Dr. Cornwall moved the Board to accept redacted August 2019 Board minutes and maintained Exhibits 2,3,4,6 and 7 under seal. Mr. Clinton seconded the motion. Following review and discussion the motion carried.

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

Abstained							
Absent							X

5) BOARD BUSINESS AND REPORTS

A) Review, Discussion

- 1) Renewal 2020

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

B) Review, Discussion and Possible Action:

- 1) Request to the Board to Appeal to the FSBPT on her behalf to take the NPTE.
(1) CC

Ms. Richardson has left the Board table and Board meeting at 1:55 P.M.

Dr. Cornwall moved the Board enter into Executive Session to obtain legal advice and to review confidential records. Dr. King seconded the motion. Following review and discussion the motion carried.

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

Executive Session from 1:55 P.M. to 2:08 P.M -C

Dr. Cornwall moved the Board to Take No Action. Mr. Clinton seconded the motion. Following review and discussion the motion carried.

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

C) Review and Discussion

- 1) May 2020 Financials

D) Review and Discussion:

- 1) Provisional Licensure/Certification (As of June 15, 2020)
 - (1) 29 Provisional licenses have been modified to Active Status
 - (2) 45 Provisional Licenses remain in Inactive Status

- 2) Licensing June 1- June 15, 2020
 - (1) 26 Physical Therapists
 - (2) 8 Physical Therapist Assistants

- 3) Licensing May1 -May 30, 2020
 - (1) 15 Physical Therapists
 - (2) 3 Physical Therapist Assistants

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

6) ADJOURNMENT

Dr. Cornwall moved the Board to **Adjourn**. Mr. Clinton seconded the motion. Following review and discussion, the motion carried unanimously by roll call.

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

Meeting adjourned at 2:15 P.M.

Prepared by,

Monica Crowley
Licensing Administrator

Approved by,

Board Meeting 06/30/20

Mark Cornwall, PT PHD, FAPTA
President