



James E. Miller, PT, DPT
President

ARIZONA STATE BOARD OF PHYSICAL THERAPY
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REGULAR SESSION MEETING MINUTES
August 28, 2018

MEMBERS PRESENT:

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

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 – 1:15 P.M.;** Mr. Clinton called the meeting to order at 8:35 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, Mr. Greer, Dr. Cornwall and Dr. Bustillo.

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

- a) June 19, 2018 Executive Session Meeting Minutes

The Board reviewed and discussed the minutes.

Mr. Clinton moved the Board approve the June 19, 2018, Executive 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	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X	X	X	X	X		X
Nay							
Recused							
Abstained						X	

Absent							
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b) July 17, 2018 Regular Session Meeting Minutes

The Board reviewed and discussed the minutes.

Mr. Clinton moved the Board approve the July 17, 2018 Regular Session Meeting Minutes with the suggested changes. Ms. Hunter seconded the motion. Following review and discussion, the motion carried by roll call.

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

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

Nicholas Alvarez del Castillo	Zachary Biesinger	Emmanuel Bonilla-Segura
Caroline Crawford	Daniel Czajkowski	Alex Davies
Ryan Dennehy	Jared Gran	Noreen Harrington
Lynleigh Hughes	Mackenzie McElhaney	Kristen Fisher
Courtney Daman	Rebecca Haug	Linda Huynh
Brett Janssen	Jessica Johnson	Rachel Kelly-Martin
Michael Chen	John Kudreyko	Taylor Kuhn
Kimberly Kujawa	Matthew Latham	Jordan McMillan
Andres Monge	Kurt Neubauer	Ryan Philibert
Monique Pineros	Catherine Printz	Michael Ramirez
Stanton Rehkemper	Dina Sadykov	Leanne Schroeder
Kimberly Scullion	Carlos Sifuentes	William Serediuk
Timothy Budke	Dustin Lind	Brianne Hudak
Jason Roe	Rebecca Andrews	Tracy Arndt
Dustin Byers	Michael Chen	Rebecca Haug
Lynleigh Hughes	Taylor Ramey	Molly Sher
Heather Steimle	Scott Stover	Kayla Stuckey
Jennifer O'Brien	Logan Albaugh	Taylor Albaugh

Ms. Hunter moved the Board the approve 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. Miller	Ms. Remec	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X	X	X	X	X		X
Nay							
Recused							
Abstained						X	
Absent							

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

Ashley Nugen	Adam Klarowski	Rachel Clark
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The Board reviewed and discussed the above applications.

Ms. Hunter moved the Board the approve 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. Miller	Ms. Remec	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X	X	X	X	X		X
Nay							
Recused							
Abstained						X	
Absent							

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

Nicholas Arroyo	Tiffany Banda	Kelly Deinert
Kelsey Dupre	Marcos Gasca	Kaycee Jones
Zachary Kovacic	Yvonne Overson	Oscar Pulido
Jasmin Reyes	Alexander Brown	Kelcey Hook
Jessica Medrano		

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

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

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

Rachel Gardner	Arnel Geyley	
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The Board reviewed and discussed the above applications.

Mr. Clinton moved the Board the approve Applications 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 by roll call.

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

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) Misari Shah, PT

The Board reviewed and discussed the application. Mr. Shah was determined to be substantially equivalent.

Dr. Cornwall moved the Board Approval Mr. Shah Application for Physical Therapist Licensure – Foreign Educated Graduates of Programs Not U.S. Accredited and wave clinical practice. Dr. Bustillo seconded the motion. Following review and discussion, the motion carried by roll call.

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

(2) Eamon Campion, PT-SPCC Facility/ Supervising PT’s Approval

Ms. Hunter moved the Board approve the proposed SCPP supervisors and his submission. Mr. Greer seconded the motion. Following review and discussion, the motion carried by roll call.

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

(3) Kylie Smillie, PT-SPCC Facility/Supervising PT’s Approval

Dr. Cornwall moved the Board approve the proposed SCPP supervisors and her submission. Mr. Clinton seconded the motion. Following review and discussion, the motion carried by roll call.

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

ii) Review of and Possible Licensure of Applicant with Final CPI

(1) John Biggar, PT

The Board found Mr. Biggar application to be complete.

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

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

(2) Jennifer Molyneux, PT

The Board found Ms. Molyneux application to be complete.

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

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

b) Review of and Possible Action on Physical Therapists Previously Licensed in the state of Arizona.

(1) Peter Kolb, PT

The Board reviewed and discussed the above application.

Dr. Cornwall moved the Board Approval Mr. Kolb’s Application for Physical Therapists Previously Licensed in the State of Arizona and issue his license upon receipt of passing scores of AZ Law. Mr. Clinton seconded the motion. Following review and discussion, the motion carried by roll call.

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

(2) Julie Blasius, PT

The Board reviewed and discussed the above application.

Dr. Cornwall moved the Board Approval Ms. Blasius Application for Physical Therapists Previously Licensed in the State of Arizona and issue her license upon receipt of passing scores of AZ Law. Ms. Hunter seconded the motion. Following review and discussion, the motion carried by roll call.

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

c) Review of and Possible Action on Physical Therapist Request to Activate Retired License
(1) Gayle Bedick, PT

The Board reviewed and discussed the above application.

Mr. Clinton moved the Board Approval Ms. Bedick request to go from Retired to Active Physical Therapist. Ms. Hunter seconded the motion. Following review and discussion, the motion carried by roll call.

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

d) Review of and Possible Action on Application for Physical Therapist Licensure from Applicant Requesting ADA Accommodations.
(1) Jeffrey Sedler, PT

The Board reviewed and discussed the above application.

Ms. Hunter moved the Board approve the above applicant’s request for ADA Accommodations and Physical Therapist Licensure upon Receipt of Passing Scores on the NPTE/AZLAW and Final Transcript. Dr. Bustillo seconded the motion. Following review and discussion, the motion carried by roll call.

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

Abstained							
Absent							

5) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

- a) Review, Discussion, and Action on Board Order
 - i) Case No. 16-25; David Dorland, PT Request for Early Termination

Ms. Hunter recused herself and stepped away from the Board table at 8:55 A.M.

Mr. Dorland was present and was not represented by legal counsel. Mr. Dorland provided an opening statement to the Board and would answer any question the Board had for him. The Board asked questions of Mr. Dorland.

The Board reviewed and discussed the request for early termination of probation and determined that Mr. Dorland was in compliance with all of the terms of Board Order #16-25.

Dr. Cornwall moved the Board grant the request for Early Termination of Probation of Mr. Dorland’s Board Order #16-25. Dr. Bustillo seconded the motion. Following review and discussion, the motion carried by roll call.

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

Ms. Hunter returned to the Board table at 9:02 A.M.

5) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

- b) Informal Hearing and Possible Action on Complaint: 9:00 a.m.
 - i) Case No. 17-31 Otis Booker, PTA

Mr. Booker was present and was not represented by legal counsel. The Board members and Board staff introduced themselves. Mr. Booker introduced themselves. Mr. Clinton read a summary of how the hearing would be conducted and reviewed the possible outcomes of the hearing. Dr. Donahue and Mr. Booker were sworn-in as witnesses. Dr. Donahue read the allegations against Mr. Booker:

A. Engaged in the performance of substandard care by a physical therapist assistant, including exceeding the authority to perform tasks selected and delegated by the supervising licensee regardless of whether actual injury to the patient is established.

- i. Mr. Booker knew, or should have known, that patient RR had not been evaluated by a

physical therapist prior to engagement in treatment of patient RR. Mr. Booker engages in the provision of therapy services to patient RR on 9/10/17 without a physical therapist performing an evaluation, developing a plan of care or identifying goals for the patient.

- i. This may indicate that Mr. Booker was not delegated to perform physical therapy services by Mr. Brandenburg, PT on this DOS.
 - ii. This may indicate that Mr. Booker did not review the patient record prior to proceeding with the performance of treatment interventions to determine that it was inappropriate for him to engage in treatment prior to evaluation by a physical therapist.
 - iii. Documentation is misleading indicating that patient RR is progressing toward goals. No goals have been documented by a physical therapist due to lack of performance of an initial evaluation.
 - iv. May indicate that on Sundays, while Mr. Booker is engaged in the provision of physical therapy services under general supervision, communication between Mr. Booker and Mr. Brandenburg may not have occurred regarding the acuity of the patient prior to Mr. Booker engaging in treatment.
 - v. Evidence may demonstrate compliancy within the working environment that Mr. Booker's was empowered to provide physical therapy services without daily communication with the supervising physical therapist.
- ii. Mr. Booker documents provision of physical therapy services on 9/11/17.
 - i. Documentation indicates that physical therapy services were provided by Mr. Booker on this DOS. Mr. Booker confirms treatment of patient RR on this DOS.
 1. Mr. Booker nor Mr. Brandenburg signs the documentation
 - ii. Mr. Brandenburg's time stamp of the initial evaluation on this same DOS indicates 5:09:13 PM.
 1. Mr. Booker provided physical therapy services for a second visit prior to Mr. Brandenburg engaging in the provision of the initial evaluation and prior to Mr. Brandenburg arriving at the facility
2. Mr. Booker continues with the provision of physical therapy services on DOS 9/11/17 after determining the acuity of the patient's pain has significantly increased to 8/10.
 - a. Documentation does not indicate that Mr. Booker communicated with Mr. Brandenburg regarding this documented change in status.
 - b. Documentation indicates that Mr. Booker, independently, increased the time, load and activities for performance on this DOS, without communication with Mr. Brandenburg.
 - c. Mr. Booker does not identify that he is working under general supervision.
 3. Mr. Booker's description of patient's gait is in conflict with Mr. Brandenburg's examination of gait at the initial evaluation.
 - a. Mr. Booker documents:
 - 9/10/17 and 9/11/17, "Pt ambulates with steady, step through gait pattern."
 - b. Mr. Brandenburg documents:
 - 9/11/17
 - Patient exhibits inadequate toe clearance, inadequate trunk extension and forward lean of trunk, which are associated with surgical procedure.
 4. Pt exhibits the diminished single limb support time, decreased velocity, decreased vertical displacement and deficits during turning. Mr. Booker exceeded his authority to perform tasks selected and delegated by the supervising licensee when he documented a discharge summary on 9/20/17.

5. Mr. Booker documents the discharge of Mr. R on September 20, 2017.

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

1. Charges for DOS 9/10/17 were reported as not billed. However, Mr. Booker did complete billing for DOS 9/10/17 as indicated by the CPT code documentation.

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

1. Mr. Booker failed to review the patient record to determine that a physical therapist had not performed an initial evaluation prior to Mr. Booker engaging in provision of physical therapy services on 9/10/17.

- i. Mr. Booker documents progress toward goals when goals or a POC had not yet been determined.
- ii. Mr. Booker does not identify that he is being supervised under general supervision on DOS 9/10/17 or 9/11/17.
- iii. Evidence suggests that Mr. Brandenburg did not delegate care or supervise Mr. Booker on this DOS.

2. Mr. Booker documents a discharge summary on 9/20/17.

D. 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 record, a discharge summary and sufficient information to identify the patient.

1. Per Patient Record Review located in the Investigative Report

E. Failed to obtain a patient’s consent before examination and treatment and document the consent in the patient’s record.

The Board reviewed and discussed the case and asked questions of Mr. Booker. Following the Board’s questioning of Mr. Booker. Mr. Booker provided a closing statement.

Mr. Greer moved the Board issue an Advisory Letter stating “The Board’s concerns relate to your failure to follow the statutes and rules of the Arizona Board of Physical Therapy. The Board formally advises you to read and understand the restrictions on your certificate as a PTA specific to supervision and scope of professionalism when engaging in patient care”. Ms. Remec seconded the motion. Following review and discussion, the motion carried by roll call.

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

Abstained							
Absent							

The Board Recessed from 9:41 A.M. to 9:54 A.M

- b) Informal Hearing and Possible Action on Complaint: 9:00 a.m.
 - ii) Case No. 17-32 Jacob Brandenburg, PT

Mr. Brandenburg was present via phone and was not represented by legal counsel. The Board members and Board staff introduced themselves. Mr. Brandenburg introduced themselves. Mr. Clinton read a summary of how the hearing would be conducted and reviewed the possible outcomes of the hearing. Dr. Donahue and Mr. Brandenburg were sworn-in as witnesses. Dr. Donahue read the allegations against Mr. Brandenburg:

A. 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. Mr. Brandenburg failed to communicate with Mr. Booker that Mr. R had not been evaluated by a physical therapist prior to Mr. Booker’s engagement in treatment on Sunday, September 10, 2017 and Monday, September 11, 2017. Mr. Brandenburg enable Mr. Booker to document at Discharge Summary for patient RR and then co-signed the document. Mr. Brandenburg’s co-signature indicates that he was aware that Mr. Booker engaged in the performance of a Discharge of patient RR.

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.

- 1. Mr. Brandenburg failed to communicate with Mr. Booker that Mr. R had not been evaluated by a physical therapist prior to Mr. Booker’s engagement in treatment on Sunday, September 10, 2017.
- 2. Mr. Brandenburg did not engage in communication with Mr. Booker on the day in which Mr. Booker was being supervised under general supervision for patient RR (September 10, 2017 and September 11, 2017)
 - a. Mr. Brandenburg stated in his interview that if Mr. Booker had a problem with a patient, it was Mr. Booker who would contact Mr. Brandenburg by text or phone.
- 3. Mr. Brandenburg may not have delegated physical therapy interventions on each date of service when Mr. Booker was being supervised under general supervision.
- 4. Mr. Brandenburg stated in his interview that it was Mr. Booker’s responsibility to review the initial evaluation and determine which treatment interventions to occur based upon the evaluating therapist goals.
- 5. Mr. Brandenburg enable Mr. Booker to document at Discharge Summary for patient RR and then co-signed the document. Mr. Brandenburg’s co-signature indicates that he was aware that

Mr. Booker engaged in the performance of a Discharge of patient RR.

C. Failed to adhere to the recognized standards of ethics of the physical therapy profession.

1. (2.1) A physical therapist shall place the patient's/client's interest(s) above those of the physical therapist
2. (3.1) A physical therapist shall comply with laws governing the qualifications, functions and duties of the physical therapist.
3. (4.1A) A physical therapist shall make professional judgements that are in the patient's/client's best interests.
4. (4.1B) Regardless of practice setting, a physical therapist has primary responsibility of the physical therapy care of a patient and shall make independent judgments regarding that care consistent with accepted professional standards.
5. (4.1E) Upon accepting a patient/client for physical therapy services, a physical therapist shall be responsible for the examination, evaluation, and diagnosis of that individual, the prognosis and intervention; re-examination and modification of the plan of care and the maintenance of adequate records, including progress reports. A physical therapist shall establish the plan of care and shall provide and/or supervise and direct the appropriate interventions.
6. (4.2A) The supervising physical therapist has primary responsibility for the physical therapy care rendered to a patient/client.
7. (4.2B) A physical therapist shall not delegate to a less qualified person any activity that requires the professional skill, knowledge and judgment of the physical therapist.

D. Failed 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.

1. Mr. Brandenburg failed to notify the Board following knowledge that Mr. Booker had performed two treatment interventions to patient RR, under general supervision, with knowledge that a physical therapist had not performed the initial examination.

E. Failed to report to the Board a name change or change in business or home address within thirty days after that change.

1. Mr. Brandenburg was notified by the investigator to change his work and home address after learning in the interview that Mr. Brandenburg was now practicing in another state. Mr. Brandenburg has failed to change the address on record with the board as of the date of this notification.

F. Failed to obtain a patient's consent before examination and treatment and document the consent in the patient's record.

1. Mr. Brandenburg failed to obtain consent from the patient prior to delegating physical therapy interventions to Mr. Booker.

G. Failed to maintain responsibility for the scope of patient management in the practice of physical therapy by failing to perform and document an initial evaluation prior to delegation to assistive personnel and by enabling Mr. Booker to perform and document a discharge summary of patient RR.

H. Failed to determine, based on the patient's acuity and treatment plan, whether it is

appropriate to use assistive personnel to perform a selected treatment intervention or physical therapy task for the patient.

1. Mr. Brandenburg failed to communicate with Mr. Booker that Mr. R had not been evaluated by a physical therapist prior to Mr. Booker's engagement in treatment on Sunday, September 10, 2017.
2. Mr. Brandenburg did not engage in communication with Mr. Booker on the day in which Mr. Booker was being supervised under general supervision for patient RR (September 10, 2017 and September 11, 2017)
 - a. Mr. Brandenburg stated in his interview that if Mr. Booker had a problem with a patient, it was Mr. Booker who would contact Mr. Brandenburg by text or phone.
3. Mr. Brandenburg may not have delegated physical therapy interventions on each date of service when Mr. Booker was being supervised under general supervision.

Mr. Brandenburg provided an opening statement. The Board members asked questions of Mr. Brandenburg. Following the Board's questioning of Mr. Brandenburg; Mr. Brandenburg provided a closing statements. Ms. Richardson guided the Board through each allegation for discussion. Following discussion on the allegations Mr. Clinton moved the Board adopt the following Findings of Fact:

1. The Arizona Board of Physical Therapy is that body politic created and empowered pursuant to A.R.S. §32-2001 *et seq.* to administer the laws of the State of Arizona relating to the practice of physical therapy.
2. Respondent holds License No. 11421 to practice as a physical therapist in the State of Arizona.
3. Respondent failed to communicate with Mr. Booker that Mr. R had not been evaluated by a physical therapist prior to Mr. Booker's engagement in treatment on Sunday, September 10, 2017 and Monday, September 11, 2017.
4. Respondent enabled Mr. Booker to document a Discharge Summary for patient RR and then co-signed the document. Mr. Brandenburg's co-signature indicates that he was aware that Mr. Booker engaged in the performance of a Discharge of patient RR.
5. Respondent did not engage in communication with Mr. Booker, PTA on the day in which Mr. Booker, PTA was being supervised under general supervision for patient RR (September 10, 2017 and September 11, 2017)
6. Respondent did not delegate physical therapy interventions on each date of service when Mr. Booker was being supervised under general supervision.

7. Respondent failed to adhere to the standards of ethics of the physical therapy profession. Regardless of the practice setting, Respondent failed to take primary responsibility of the physical therapy care of patient RR.

8. Respondent failed to notify the Board following knowledge that Mr. Booker had performed two treatment interventions to patient RR, under general supervision, with knowledge that a physical therapist had not performed the initial evaluation.

9. Respondent failed to change his mailing address and work address on record with the Board.

10. Respondent failed to obtain consent from the patient prior to delegating physical therapy interventions to Mr. Booker.

11. On January 12, 2017, Respondent delegated the performance of the re-evaluation of Patient EM to a physical therapist assistant employed at Back In Action.

12. Respondent failed to delegate physical therapy interventions on each date of service when Mr. Booker was being supervised under general supervision.

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

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

Mr. Clinton moved the Board adopt the following Conclusions of Law:

1. The Board has jurisdiction over the issuance and renewal of physical therapist licensure in the State of Arizona pursuant to A.R.S. §32-2001 *et seq* and the rules promulgated by the Board relating to the practice of physical therapy.

2. The conduct and circumstances described constitutes a violation of A.R.S. §32-2044(1) “Violating this chapter, board rules or a written board order.”

3. The conduct and circumstances described constitutes a violation of 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.”

4. The conduct and circumstances described constitutes a violation of A.R.S. §32-2044(6) “Failing to supervise assistive personnel, physical therapy students or interim permit holders in accordance with this chapter and rules adopted pursuant to this chapter.”

5. The conduct and circumstances as stated above constitute a violation of A.R.S. §32-2044(12) “Failing to adhere to the recognized standards of ethics of the physical therapy profession.”

6. The conduct and circumstances as stated above constitute a violation of A.R.S. §32-2044(17) “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.”

7. The conduct and circumstances described constitutes a violation of A.R.S. §32-2044(23). Failing to report to the board a name change or a change in business or home address within thirty days after that change.

8. The conduct and circumstances described constitutes a violation of R4-24-301(D). A physical therapist shall obtain a patient’s consent before examination and treatment and document the consent in the patient’s record.

9. The conduct and circumstances described constitutes a violation of R4-23-303 (A). A physical therapist is responsible for the scope of patient management in the practice of physical therapy.

10. The conduct and circumstance described constitutes a violation of R4-24-303(B). On each date of service, a physical therapist shall: determine, based on a patient’s acuity and treatment plan, whether it is appropriate to use assistive personnel to perform a selected treatment intervention or physical therapy task for the patient.

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

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

Recused							
Abstained							
Absent							

The Board discussed possible disciplinary action against Mr. Brandenburg 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 License No. 11421, is placed on probation for **twelve (12) months**. The probation may be extended or other enforcement actions taken in the event Respondent is found in violation this Order or violates the Arizona Physical Therapy Practice Act. Respondent may petition the Board for early termination of probation if the Board determines all requirements of the Order have been met. The Board orders Respondent to comply with the following terms and conditions:

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

- a.** Respondent shall take and complete a minimum of three (3) hours of continuing education in the area of Ethics.
- b.** Respondent shall take and complete a minimum of three (3) hours of continuing education in the area of Supervision/Documentation.

3. Jurisprudence Exam: Respondent shall take and pass the Arizona Jurisprudence Examination (AZ Law) within six (6) months from the effective date of this order.

4. Costs: Respondent shall be responsible for any and all costs associated with the terms and conditions of this Order.

5. It shall be Respondent’s affirmative duty to seek termination of probation ordered herein.

- 6. This Order shall be effective on the date of entry below.
- 7. This Order is conclusive evidence of the matters described herein and may be considered by the Board in determining appropriate sanctions in the event a subsequent violation occurs.

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

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

- b) Informal Hearing and Possible Action on Complaint: 9:00 a.m.
 - iii) Case No. 18-08 Antwan Faraj, PT

Mr. Faraj was present via phone and was represented by Mr. Charles Struble. The Board members and Board staff introduced themselves. Mr. Faraj and his attorney Mr. Struble introduced themselves. Mr. Clinton read a summary of how the hearing would be conducted and reviewed the possible outcomes of the hearing. Dr. Donahue and Mr. Faraj were sworn-in as witnesses. Dr. Donahue read the allegations against Mr. Faraj:

A. 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. Mr. Faraj documents initial evaluation on 3/15/17:
 - a. Mr. Faraj documents “T-spine mobility limited 75%”
 - i. Direction of limitation or joint assessment is not documented.
 - b. Mr. Faraj documents all strength measures in the bilateral LE as 3+/5
 - i. It may be unlikely that every muscle in the bilateral LE produced a muscle grade of 3+/5
 - ii. Manual muscle testing of the abdominals or hip musculature is not documented.
 - i. Documentation of “Rib/T-spine mobs P/a”
 - a. May not enable another therapist to assume the patients care at any point in the course of the therapeutic intervention.
 - ii. Performance of “Rib/T-spine mobs P/a”
 - i. Rib and/or thoracic joint mobility was not documented as assessed
 - iii. Mr. Faraj documents diagnosis as: “Pt presents to PT with signs and symptoms consistent of lumbar, thoracic and cervical sprain following a recent MVA.”
 - i. Documentation does not indicate assessment of the cervical spine.
 - ii. Documentation does not indicate assessment of the thoracic spine with the exception of “mobility limited 75%”.

2. Mr. Faraj documents re-evaluation on 4/12/17
 - iv. Objective tests and measures:
 - i. Observation is identical to initial evaluation
 - ii. ROM is identical to initial evaluation
 - iii. LE MMT grossly 4-/5 with pain in low back during resistive tests and poor neuromuscular control
 1. It may be unlikely that every muscle in the bilateral LE produces a muscle grade of 4-/5.
 2. MMT of the abdominals/ hip musculature is not documented.
 - iv. Goals were not identified or addressed in the documentation

B. Failed to adhere to the recognized standards of ethics of the physical therapy profession.

1. Mr. Faraj knew or should have reviewed the patient record to know, that Mr. Hodge was providing massage services for regions of the body in which rationale was not documented. Mr. Faraj was not the supervising therapist on the DOS in which Mr. Hodge engaged in treatment. Supervising physical therapist was Keith Fandry, PT.

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

1. DOS 3/15/17; Charges of 3 units of manual therapy may not be supported in the documentation.
2. DOS 3/24/17
 - i. 3 unit manual therapy
 1. Documentation identifies 25 minutes of manual therapy. Documentation does not support units billed.
 - ii. 1 unit E-stim unattended
 1. Documentation does not indicate that E-stim was provided at this DOS. Documentation does not support units billed.
 - iii. Supplies: Electrodes
 1. Documentation does not indicate that E-stim was provided at this DOS. Documentation does not support electrodes being billed.
3. DOS 4/12/17 Daily Treatment log was not identified in the subpoenaed records. As a result, billing of 4 units of manual therapy and 1 unit of E-stim are not supported in the documentation.
4. DOS 4/19/17 Daily Treatment log was not identified in the subpoenaed records. As a result, billing of 4 units of manual therapy and 1 unit of E-stim are not supported in the documentation.
5. DOS 5/3/17 Daily Treatment log was not identified in the subpoenaed records. As a result, billing of 3 units of manual therapy and 1 unit of E-stim are not supported in the documentation
6. DOS 5/11/17
 - i. Daily Treatment log was not identified in the subpoenaed records. As a result, billing of 3 units of manual therapy, 1 unit of therapeutic exercise and 1 unit of E-stim are not supported in the documentation
 - ii. Documentation indicates only 55 total minutes of treatment. Minimum of 63 minutes required to bill 3 units of manual therapy and 1 unit of therapeutic exercise if the E-stim

unattended was calculated at 0 minutes.

7. DOS 5/23/17

- i. Daily Treatment log was not identified in the subpoenaed records. As a result, billing of 3 units of manual therapy, 1 unit of therapeutic exercise are not supported in the documentation
- ii. Documentation indicates only 55 total minutes of treatment. Minimum of 63 minutes required to bill 3 units of manual therapy and 1 unit of therapeutic exercise.

D. 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 record, a discharge summary and sufficient information to identify the patient.

1. Initial evaluation contained the following: “Documentation has been reviewed and services provided by the PTA were administered under the direct supervision of a therapist.”
 - i. Undetermined rationale since Mr. Faraj, PT documents performance of the initial evaluation and treatment.
2. For the majority of DOS, documentation of performance of manual therapy may not enable another therapist to assume the patients care at any point in the therapeutic intervention.

3. DOS 3/24/17

- i. A second set of initials are identified on the Daily treatment log. Undetermined who provided which treatment interventions.
- ii. “Documentation has been reviewed and services provided by the PTA were administered under the direct supervision of a therapist.”
- iii. Undetermined rationale since Mr. Faraj, PT documents performance of the initial evaluation and treatment.

4. DOS 4/12/17

- i. “Documentation has been reviewed and services provided by the PTA were administered under the direct supervision of a therapist.”

5. DOS 5/3/17

1. Undetermined rationale since Mr. Faraj, PT documents performance of the re- evaluation and treatment.
 - i. “Documentation has been reviewed and services provided by the PTA were administered under the direct supervision of a therapist.”
 1. Undetermined rationale since Mr. Faraj, PT documents performance treatment.

6. DOS 5/11/17

- i. Documentation has been reviewed and services provided by the PTA were administered under the direct supervision of a therapist.”
 1. Undetermined rationale since Mr. Faraj, PT documents performance treatment.

7. DOS 5/23/17

- i. Documentation has been reviewed and services provided by the PTA were administered under the direct supervision of a therapist.”
 1. Undetermined rationale since Mr. Faraj, PT documents performance treatment

E. Failed to report to the Board a name change or change in business or home address within thirty days after that change.

1. Mr. Faraj had not submitted a change of address from for either his home or business address as of April 2, 2018.
2. Mr. Faraj changed both business and home address on May 1, 2018.

Mr. Struble did not provide an opening statement. Mr. Faraj asked the Board to correct initials for a patient he was notice on.

The Board reviewed and discussed the case.

Mr. Clinton Move the Board continue the Informal Hearing to properly notice Mr. Faraj & Mr. Struble of the correct patient until next Board meeting. Mr. Greer seconded the motion. Following review and discussion, the motion carried by roll call.

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

- d) Review, Discussion, and Action on Board Order
 - ii) Case No. 16-34; Gary Smith, PT Request for Early Termination

Mr. Smith was present and was not represented by legal counsel. Mr. Smith provided an opening statement t was there to answer any question the Board had for him.

The Board reviewed and discussed the request for early termination of probation and determined that Mr. Smith was in compliance with all of the terms of Board Order #16-34.

Dr. Cornwall moved the Board grant the request for Early Termination of Probation of Mr. Smith’s Board Order #16-34. Mr. Clinton seconded the motion. Following review and discussion, the motion carried by roll call.

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

- c) Initial Review, Discussion, and Action on Complaint
 - i) Complaint #18-05; Caleb Lionberger, PTA

Ms. Hunter recused herself and stepped away from the Board table at 11:02 A.M.

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

Ms. Donahue provided a summary of the case for the Board. Mr. Lionberger, PTA misrepresented himself as a physical therapist in an advertisement.

Mr. Lionberger provided an opening statement. The Board reviewed and discussed the case and asked questions of Mr. Lionberger.

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

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

Ms. Hunter returned to the Board table at 11:09 A.M.

- ii) Complaint #18-06; Carla Lempert, PT

Mr. Struble represent Mr. Lempert and he is not present. Mr. Clinton tabled Ms. Lempert case to later in the meeting to allow Mr. Lambert to contact her attorney.

- iii) 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. Roskopf 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. Roskopf also alleges that Mr. Kushner continued to provide physical therapy services while on suspension for Board Order #16-65.

Mr. Kushner did not provide an opening statement.

Ms. Hunter 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 by roll call.

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

Executive Session from 11:16 A.M. to 11:42 A.M.

The Board reviewed and discussed the case.

Mr. Greer move the Board forward case to Informal Hearing. Mr. Clinton seconded the motion. Following review and discussion, the motion carried by roll call.

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

5) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

- c) Initial Review, Discussion, and Action on Complaint
 - i) Complaint #18-06; Carla Lempert, PT

Ms. Lempert was unable to contact her attorney. The Board reviewed and discussed the case.

Mr. Clinton move the Board continue this case to a later date. Ms. Hunter seconded the motion. Following review and discussion, the motion carried by roll call.

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

The Board Recessed from 11:47 A.M. to 12:03 P.M.

- a) Formal Hearing and Possible Action on Complaint: 10:00 a.m.
- iii) Case No. 16-08 Scott Gilbert, PT

Mr. Scott Gilbert was not present and was not represented by legal counsel. Mr. Clinton called the formal hearing to order. The Board members introduced themselves. Mr. Clinton provided a review of the proceedings and possible outcomes. All Board members had been furnished with copies of the Complaint and Notice of Hearing. Mona Baskin, Assistant Attorney General representing the State of Arizona. Mr. John Tellier, Assistant Attorney General, was there to advise the Board.

Dr. Donahue reviewed process by which the respondent was served with the Notice of Hearing. Mr. Brown stated that Ms. May was served Notice of mail by certified mail on July 12, 2018 to the address of record. Certified mail shows unclaimed according to the USPS tracking #. The notice of hearing was also sent regular mail to the address of record on July 12, 2018 and was not returned.

Ms. Baskin had a PowerPoint to present was unable to, so she passed out the PowerPoint handouts instead. Ms. Baskin made an opening statement. Ms. Baskin entered Exhibits 1 through 14 into evidence. The Board accepted the Exhibits.

Karen Donahue, PT Investigator was sworn in.

Ms. Donahue provided testimony. Ms. Baskin went over Exhibit 1 through 14. Ms. Baskin requested the Board accept Exhibit 2 through 14 underseal as it contained confidential information. The Board accepted the Exhibit 2 underseal.

Ms. Baskin provided a closing statement.

The Board reviewed and discussed the case. Following review and discussion Dr. Cornwall moved the Board accept Allegations 1 through 11 as Findings of Fact.

PARTIES

1. The Arizona Board of Physical Therapy is that body politic created and empowered pursuant to A.R.S. §32-2001, *et seq.* to administer the laws of the State of Arizona relating to the practice of physical therapy.
2. Respondent is the holder of License No. 5904 to practice as a physical Therapist in the State of Arizona.

FINDINGS OF FACT

1. In 2016, Respondent was the CEO and Director of Marketing for Canyon

Physical Therapy in Glendale, Arizona. On or about April 18, 2016, the Board received a complaint from a physical therapist (“the physical therapist”), previously employed by Respondent, who alleged and provided documentation that indicated Respondent had modified and increased her billing charges.

2. The Board’s investigation revealed that Respondent’s co-signature and National Provider Identifier (“NPI”) were used to add charges following the conclusion of care and after the physical therapist employee completed and closed her documentation for the patient treated on the date of service. The additional charges were inconsistent with the physical therapist employee’s work schedule and documented services provided by the physical therapist employee in the following patient records: Patient JB, January 25, 2016, initial evaluation; Patient WP, January 28, 2016, daily progress note; Patient KS, January 25, 2016, daily progress note; Patient SF, January 25, 2016, daily progress note; Patient BS, January 25, 2016, initial evaluation and Patient SB, January 25, 2016, initial evaluation.

3. Respondent’s co-signature is identified in the following patient records, in which charges were added to the patient billing following the physical therapist employee’s closing of the documentation for that date of service: Patient SB1 date of service January 26, 2016, and Patient SB2, date of service January 25, 2016.

4. On January 28, 2016, Patient WP was seen by the physical therapist for treatment of psoriatic arthritis left ankle. The physical therapist stated that after she had provided care and completed her documentation Respondent increased the treatment time and associated billing. The physical therapy record contains Respondent’s electronic signature at 11:10 a.m. on the date of service. The treatment time in the medical record was increased to almost two hours, 115 minutes, which does not reflect the actual treatment time.

5. On January 26, 2016, Patient SB1 was seen by the physical therapist at 5:00 p.m. for treatment of a left fractured femur. The physical therapist stated that after she had provided care and completed her documentation Respondent increased the treatment time and associated billing. The physical therapy record contains Respondent’s electronic signature on January 28, 2016, at 9:47 a.m., which is after the physical therapist completed her note. The treatment time documented in the medical record was increased to over an hour, 85 minutes, which does not reflect the actual treatment time. In addition to increasing the treatment time, Respondent added 15 minutes of neuromuscular re-

education which was not performed. The physical therapist ended her work day at 6:00 p.m. and could not have provided the additional amount of care reflected in the physical therapy note added by the Respondent..

6. On January 25, 2016, Patient JB, an 84-year-old female Medicare patient, was seen by the physical therapist for an initial evaluation of her gait disturbance, balance, and low back pain. The physical therapist stated that after she had provided care and completed her documentation Respondent increased the treatment time and associated billing. The physical therapy record contains Respondent's electronic signature on January 28, 2016, at 9:39 a.m., which is after the physical therapist completed her note documenting the initial evaluation. The physical therapy record contains additional billing for therapeutic exercise (30 minutes) and therapeutic activity (30 minutes) that the physical therapist did not perform or document. The physical therapist stated that Patient JB was seen 30 minutes after her husband Patient SB 2, who was also a patient, and that it would have been impossible for her to perform the initial evaluation in addition to another 60 minutes of treatment.

7. On January 25, 2016, Patient SB 2, an 87-year-old male Medicare patient, the husband of JB, was seen by the physical therapist for an initial evaluation of his low back pain. The physical therapist stated that after she had provided care and completed her documentation Respondent increased the treatment time and associated billing. The physical therapy record contains Respondent's electronic signature on January 28, 2016, at 9:41 a.m., which is after the physical therapist completed her note documenting the initial evaluation. The physical therapy record contains additional billing by Respondent for the following treatments that were not performed: therapeutic exercise (15 minutes), neuromuscular re-education (15 minutes), manual stretching (15 minutes), and therapeutic activity (15 minutes). The physical therapist stated that based on her schedule and the initial evaluation of Patient JB, she would not have been able to complete the additional treatments.

8. On January 25, 2016, at 5:00 p.m., Patient SF was seen by the physical therapist for low back pain, muscle weakness, and an open calf wound. The physical therapist stated that after she had provided care and completed her documentation Respondent increased the treatment time and associated billing. The physical therapy record contains Respondent's electronic signature on January 28, 2016, at 10:26 a.m., which is two days after the physical therapist completed her note. The treatment time documented in the medical record was increased by almost two hours, 105

minutes, which does not reflect the actual treatment time. The physical therapist ended her work day at 6:00 p.m. and could not have provided the additional care as reflected in the physical therapy note entered by the Respondent.

9. On January 25, 2016, at 5:00 p.m., Patient KS, a 66-year-old female Medicare patient, was seen by the physical therapist for neck pain. The physical therapist stated that after she had provided care and completed her documentation Respondent increased the treatment time and associated billing. The physical therapy record contains Respondent’s electronic signature on January 28, 2016, at 12:21 p.m., which is after the physical therapist completed her note documenting the initial evaluation. The physical therapy record contains additional billing for almost 2 hours (115 minutes) of treatment that the physical therapist did not perform or document. The physical therapist ended her work day at 6:00 p.m. and could not have provided the additional care as reflected in the physical therapy note entered by the Respondent.

10. On January 25, 2016, at 5:00 p.m., Patient BS, a 67-year-old female Medicare patient, was seen by the physical therapist for low back pain. The physical therapist stated that after she had provided care and completed her documentation Respondent increased the treatment time and associated billing. The physical therapy record contains Respondent’s electronic signature on January 28, 2016, at 1:22 p.m., which is after the physical therapist completed her note documenting the initial evaluation. The physical therapy record contains additional billing for almost 2 hours (115 minutes) of treatment that the physical therapist did not perform or document.

11. On January 24, 2017, the Board conducted an informal hearing of Case No. 16-08. During the interview Respondent stated that as the physical therapy owner he recognized that he was ultimately responsible for the billing submitted for reimbursement and that he should have kept his electronic password secure. He admitted that he did not do so, but claimed the alterations using his signature were made by someone else. Following consideration of the documentary evidence and testimony the Board voted the case to a formal 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	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X	X	X	X	X	X	X
Nay							

Recused							
Abstained							
Absent							

Dr. Cornwall moved the Board accept as Conclusions of Law, the allegations of unprofessional conduct as outlined in the Allegations of Unprofessional Conduct:

1. The Board has jurisdiction over this matter pursuant to A.R.S. § 32-2001, *et seq.* and the rules promulgated by the Board relating to the practice of physical therapy.
2. The conduct and circumstances as stated above constitute a violation of A.R.S. §32-2044(1), (“Violating this chapter, board rules or a written board order”).
3. The conduct and circumstances as stated in the above Findings of Fact constitute a violation of A.R.S. §32-2044(12). Failing to adhere to the recognize standards of ethics of the physical therapy profession, specifically, Principle 2, A physical therapist shall act in a trustworthy manner toward patients/clients, and in all other aspects of physical therapy practice.
4. The conduct and circumstances as stated in the above Findings of Fact constitute a violation of A.R.S. §32-2044(13). Charging unreasonable or fraudulent fees for services performed or not performed.
5. The conduct and circumstances as stated in the above Findings of Fact constitute a violation of 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.
6. The conduct and circumstances as stated in the above Findings of Fact constitute a violation of A.A.C. R4-24-304(A)(2). A physical therapist shall ensure that a patient record meets the following minimum standards: if an electronic signature is used to sign an entry, the electronic signature is secure.
7. The conduct and circumstances as stated in the above Findings of Fact constitute a violation of A.A.C. R4-24-(A)(6). A physical therapist shall ensure that the patient record meets the following minimum standards: for each date of service there is an accurate record of the physical therapy services provided and billed.

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

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

Dr. Cornwall moved the Board revoke Mr. Scott Gilberts Physical Therapist License, refer this case to the Criminal Division of the Attorney General Office for Medicare and billing fraud and impose a \$5,000 Civil Penalty. Ms. Hunter seconded the motion. Following review and discussion the motion carried by roll call.

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

Mr. John Tellier, Assistant Attorney General, has left the Board table and Board meeting at 1:16 P.M.

The Board Recessed from 1:17 P.M. to 1:55 P.M

6) Review, Discussion and Possible Action Personnel Matters (12:30 pm)

- a) Review, Discussion and Possible Action on Reconsideration of Method of Selection of Executive Director

The Board reviewed and discussed the agenda item and tabled it for later in the meeting.

7) Review, Discussion and Possible Action on E-LICENSING ON-LINE PORTAL

- a) Overview of online license and certificate renewal and related implementation irregularities
- b) Review, Discussion and Possible Action regarding irregularities related to Commingled Data sent to Licensees & Certificate Holders
- c) Review Discussion and Possible Action related to timely received applications and delay in issuance of license/certificate

Dr. Donahue reviewed, discussed and gave an update on the above topics. Ms. Baskin stated there is a statute that gives the licensees the ability not to be placed Admin Suspension if the submitted their renewal before the August 31, 2018 deadline. Which will apply to the paper and online renewals received on or before the renewal deadline.

41-1092.11. Licenses; renewal; revocation; suspension; annulment; withdrawal

- A. If a licensee makes timely and sufficient application for the renewal of a license or a new license with reference to any activity of a continuing nature, the existing license does not expire until the application has been finally determined by the agency, and, in case the application is denied or the terms of the new license limited, until the last day for seeking review of the agency order or a later date fixed by order of the reviewing court.

The current program is designed to put everyone in admin suspension come 8/31/18. Ms. Donahue has asked the web design to remove the automatic switch for a short period of time to allow us to process the paper renewals.

Dr. Donahue asked if the Board would consider sending out a letter or statement referencing the above statute ARS 41-1092.11; anyone who timely and sufficiently submits a renewal application may continue to practice until their renewal application has been processed.

Mr. Baskin, Assistant Attorney General, stated that it was not the advised by the Attorney General’s Office.

No action was taken by the Board.

8) Review, Discussion, and Possible Action on Board Audit for Continuing Competence Compliance A.A.C. R4-24-401(G)

The Board reviewed and discussed the above topic.

Dr. Cornwall move the Board randomly audit no more than 50 people. Ms. Hunter seconded the motion. Following review and discussion the motion carried by roll call.

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

9) Review and Discussion on 2018 Legislative Update

- a) HB 2065, HB 2184, HB 2238, HB 2649, HB 2549, HB 2154, SB 1436, SB 1273, SB 1034

Ms. Baskin revived and discussed the above topic and asked to Table above agenda items until next Board Meeting.

Dr. Cornwall move the Board randomly audit no more than 50 people. Ms. Hunter seconded the motion. Following review and discussion the motion carried by roll call.

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

6) Review, Discussion and Possible Action Personnel Matters (12:30 pm)

- a) Review, Discussion and Possible Action on Reconsideration of Method of Selection of Executive Director

The Board reviewed and discussed the above topic.

Dr. Cornwall move the Board rescind the previous decision of Selection of Executive Director. Ms. Hunter seconded the motion. Following review and discussion the motion carried by roll call.

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

- b) Review, Discussion and Possible Action on Method of Selection of Executive Director
 - 1) Nationwide Search Method
 - (2) In-State Search Method
 - (3) Direct Hire Method

The Board reviewed and discussed the above topic.

Mr. Clinton move the Board Select Direct Hire Method for the Executive Director position. Mr. Greer seconded the motion. Following review and discussion the motion carried by roll call.

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

Nay							
Recused							
Abstained							
Absent							

- c) Review, Discussion and Possible Action on Direct Hire Appointment of Karen Donahue, Interim Executive Director, as Executive Director and Salary Determination A.R.S. § 32-2003 (11)

For the record Mr. Clinton asked Dr. Donahue if the Board would appoint her for the Executive Director position if she would want and accept the position. Dr. Donahue stated that she would accept the position.

Mr. Clinton move the Board contacts Mr. Bustamante with human resources to proceed with Dr. Donahue’s Direct Hire for the Executive Director position. They are requesting to finalize the decision at the September 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	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X	X	X	X	X	X	X
Nay							
Recused							
Abstained							
Absent							

10) BOARD BUSINESS AND REPORTS

- a. Executive Director’s Report – Review, Discussion and Possible Action
 - i) Financial Report- FY 2020 Budget submitted
 - ii) Board Staff Activities- Verbal Report
 - (i) Investigations
 - (ii) Renewals

Dr. Donahue provided a summary of the above topics no action was required or taken.

11) CALL TO THE PUBLIC

No one came forward.

12) ADJOURNMENT

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

Board Meeting 8/28/18

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

Meeting adjourned at 3:35 P.M.

Prepared by,

Monica Crowley
Office Manager

Approved by,

Peggy Hunter, PTA
Secretary