



ARIZONA STATE BOARD OF PHYSICAL THERAPY
4205 NORTH 7TH AVENUE, SUITE 208 PHOENIX, ARIZONA 85013
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REGULAR SESSION MEETING MINUTES
April 26, 2016

MEMBERS PRESENT:

Melinda Richardson, PT, MA; President
James E. Miller, PT, DPT, Vice President
Al D'Appollonio, PT, MBA; Secretary
Michael S. Clinton, CPA; Member
Peggy Hunter, PTA, CLT; Member
Nushka Remec, PT, MS, PCS; Member
Whitney Lawrence; Member

MEMBERS ABSENT:

N/A

OTHERS PRESENT IN PERSON:

Charles D. Brown, Executive Director
Veronica Cardoza, Licensing Administrator
Karen Donahue, Senior Investigator
Mona Baskin, Assistant Attorney General
Monica Crowley, Office Manager

7) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

b) Initial Review, Discussion and Action on Complaint

i) Case #16-03; James E. Miller, PT

Dr. Miller recused himself and left the Board table. Dr. Miller was present and was represented by legal counsel Mark Sifferman. Mr. Brown stated considering the complaint is against a Board member he asked for a Roll Call to ensure the Board felt they could hear the case without bias. All members stated they could hear the case without bias, which was signified by an Aye vote.

Vote	Mr. Clinton	Mr. D'Appollonio	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson	Ms. Lawrence
Aye	X	X	X		X	X	X
Nay							
Recused				X			

Abstained							
Absent							

Mr. Brown stated that in preparing the Board material to the Board Members he inadvertently provided a copy of his case to Dr. Miller. When he realized he had provide that copy to Dr. Miller, Mr. Brown informed Dr. Miller that, that should've taken place. Mr. Brown collected the material from Dr. Miller. Dr. Miller informed Mr. Brown that he provided the Board material he received regarding his complaint to his attorney Mr. Sifferman. The Board requested that Mr. Sifferman give back all confidential material he received from Dr. Miller. Ms. Donahue provided a summary of the case for the Board. Complainant alleges that Miller Physical Therapy, when they had the opportunity, failed to obtain her consent and inform her of a change of physical therapist to continue with her episode of care. She also alleges that Miller Physical Therapy violated the therapist/patient relationship when Miller Physical therapy did not enable Mr. Ullman, PT an opportunity to inform her of his departure from the practice. Mr. Ullman alleges that Miller Physical Therapy prematurely terminated his contract which resulted in Mr. Ullman being unable to inform his patients of his departure from the practice and adequately transfer the patient's POC or provide alternative choice of providers. Mr. D'Appollonio moved the Board to enter into Executives session to review confidential records and seek legal advice. Ms. Hunter seconded the motion. Following review and discussion the motion passed.

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

Executive Session from 8:55 am to 9:08 am.

Mr. Sifferman provided a statement to the Board and also provided handouts. Dr. Miller also provided a statement to the Board. Mr. Ullman and his attorney were present and provided a statement to the Board. The Board reviewed and discussed the case. Ms. Richardson in her review did not see that any statue, rule or code were violated and found no patient abandonment. Mr. Clinton and Mr. D'Appollonio agreed with Ms. Richardson. Mr. Hunter agreed that there was no patient abandonment but felt that ethically Dr. Miller should have provide the patient with Mr. Ullman's contact information. Mr. D'Appollonio moved the Board dismiss the complaint. Mr. Clinton seconded the motion. Following review and discussion the motion passed.

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