



ARIZONA STATE BOARD OF PHYSICAL THERAPY
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REGULAR SESSION MEETING MINUTES
March 24, 2015

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
Fredric B. Zook, Ph.D., Public Member

MEMBERS ABSENT:

Nushka Remec, PT, MS, PCS, Member

OTHERS PRESENT IN PERSON:

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

CALL TO ORDER – 8:31 a.m.

Ms. Richardson called the meeting to order at 8:31 a.m. (A recording of the meeting is available through the Board Office)

1) REVIEW AND APPROVAL OF DRAFT MINUTES

- a) February 24, 2015, Regular Session Meeting Minutes
- b) February 24, 2015, Executive Session Meeting Minutes
- c) March 11, 2015, Special Session Meeting Minutes

Ms. Richardson moved to approve the February 24, 2015, regular session meeting minutes, the February 24, 2015, executive session meeting minutes, and the March 11, 2014, special session meeting minutes, as amended. Dr. Miller seconded the motion. After review and discussion the motion carried by unanimous vote.

2) 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

Steven Allred	Carrie Astrop	Alexander Benitez
Jessica Brickman	Kenneth D. Brown	Blair Bundy

Jared Butcher	Kelsey Compton	Rebecca Diebel
Jessica Gonzalez Pons	John Graves III	Christina Guisbert
Bradley Hall	Claire Henroid	Nicolas Kenagy
Daniel Kinler	Adam Ladwig	Brelan Lane
Don Larson	Robert LeSueur	Golsa Lotfioff
Tyler Luszeck	Jacqueline Malsch	Katherine Maxwell
Katelyn Metcalf	Abbie Mitchell	Michael Monteiro
Ryan Montgomery	Carly Morgan	Skyler Nerdin
Sarah Newman	Nicole Oberdorf	Gillian Porter
Amanda Rivas	Jennifer Rolfing	Scott Runyon
Andrew Seita	Lisa Schroeder	Kerri Tuttle
Michael Webster	James White	Ryan Whyte
Kelcey Zagas		

Ms. Richardson moved the Board approve all applicants for licensure or certification upon receipt of passing scores and final transcripts. Dr. Miller seconded the motion. Following review and discussion the motion carried by unanimous vote.

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

- ii) Review, Consideration and Approval of Applications for Physical Therapist licensure upon Receipt of Passing Scores on the NPTE/AZLAW and Final Transcript and with Documentation Related to Disclosure on "Personal Information section of the application

Liezl Dacuycuy	Kelan Krohe	Ann Natali
Marcy West		

Board Members requested the removal of Ana Natali and Kelan Krohe from the consent agenda. Ms. Richardson moved the Board approve the remaining applicants for licensure or certification upon receipt of passing scores and final transcripts. Dr. Miller seconded the motion. Following review and discussion the motion carried by unanimous vote.

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

Kelan Krohe

Ms. Richardson noted that Mr. Krohe failed to disclose his previous license in Kansas which was canceled for non-renewal, which was verified by Board staff. Mr. Krohe provided an email that he had forgotten to disclose the license and had not practiced in Kansas once the license was canceled. Ms. Richardson moved the Board approve Mr. Krohe's application. Dr. Miller seconded the motion. Following review and discussion the motion carried by unanimous vote.

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

Ann Natali

Ms. Richardson noted that Ms. Natali's application was reviewed at the February 24, 2015, Board meeting and that additional documentation has been received by the Board since the previous meeting. Ms. Natali's application for licensure in California was denied related to her driving under the influence conviction. Ms. Hunter moved the Board approve Ms. Natali's application. Dr. Miller seconded the motion. Following review and discussion the motion carried by unanimous vote.

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

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

Joseph Crook	Erica Deapen	Raymond Blake III
Rebecca Kovacs	Cesiah McCulloch	Kelsey Murphy
Jesse Salazar	Eric Torgerson	

Ms. Richardson moved the Board approve all applications listed upon receipt of passing scores on the NPTE/AZLAW and final transcript. Dr. Miller seconded the motion. Following review and discussion the motion carried by unanimous vote.

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

Consent Agenda End

3) 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 and Possible Action on the Following Applications for Physical Therapist Licensure – Foreign Educated Graduates of Programs Not U.S. Accredited.
 - (1) Ada Anaeme

Ms. Cardoza provided a summary of Ms. Anaeme's request. Dr. Miller moved the Board find Ms. Anaeme's education to not be substantially equivalent and to waive the SCCP should she provide proof of satisfying the educational requirements. Ms. Richardson seconded the motion. Following review and discussion the motion carried by unanimous vote.

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

- ii) Review of and possible action on a request for an appeal of a decision made on October 28, 2014 meeting and waiving of her SCPP due to her extensive practice in the US.

(1) Mary Jane Borinaga

Ms. Cardoza provided a summary of Ms. Borinaga's request. Dr. Miller moved the Board deny the request because Ms. Borinaga's education is not substantially equivalent. Additionally, should she have substantial equivalence achieved through review, the SCCP would be waived. Ms. Hunter seconded the motion. Following review and discussion the motion carried by unanimous vote.

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

- iii) Review of and Determination to approve Ms. Akinremi's request for additional time on NPTE Exam and Possible Action on Determination of Licensure

(1) Omolade Akinremi

Ms. Cardoza provided a summary of Ms. Akenremi's request. Dr. Zook moved the Board deny the request. Dr. Miller seconded the motion. Following review and discussion the motion carried by unanimous vote.

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

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

(1) Karlin Schultz

Ms. Richardson moved the Board approve the request. Dr. Miller seconded the motion. Following review and discussion the motion carried by unanimous vote.

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

(2) Don Taylor

Mr. Taylor was present and answered questions from the Board. Dr. Miller moved the Board approve the request. Ms. Hunter seconded the motion. Following review and discussion the motion carried by unanimous vote.

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

4) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

a) Informal Hearing and Possible Action on Complaint:

iii) Complaint #14-59; Shelly Sayman, PT

Ms. Sayman was present and was represented by legal counsel, David Williams. Ms. Richardson called the informal hearing to order. Board members, Board staff, Ms. Sayman, and Mr. Williams introduced themselves. Ms. Richardson provided a review of the proceedings and possible outcomes. Ms. Sayman and Ms. Donahue were sworn in. Mr. Brown summarized the allegation. Mr. Williams made an opening statement. Ms. Sayman, Mr. Williams, and Ms. Donahue answered questions asked of them by the Board. Mr. Williams provided a closing statement. The Board entered deliberations. Following deliberations, Dr. Miller moved the Board issue a non-disciplinary order for six hours of continuing education classes in ethics within six months, and complete the previously scheduled "Kinesiology Taping Techniques – Using Corrective Exercise Strategies to Enhance Therapeuti" course in the upcoming weekend. The motion was seconded by Dr. Zook. Dr. Miller amended the motion with the requirement that none of those CEUs count toward the 2014-2016 compliance period. Dr. Zook withdrew his second based on the amended motion. Ms. Richardson seconded the motion. Following review and discussion the motion failed by roll call vote.

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

Dr. Zook moved the Board issue a non-disciplinary order for six hours of in-person continuing education classes in ethics in-person within six months, and complete the previously scheduled "Kinesiology Taping Techniques – Using Corrective Exercise Strategies to Enhance Therapeuti" course in the upcoming weekend. Mr. D'Appollonio seconded the motion. Following review and discussion the motion failed by roll call vote.

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

Mr. Williams stated that Ms. Sayman had no objection to the original motion, which included the amendment that the CEUs earned as part of the non-disciplinary order would not count toward the 2014-2016

compliance period. Dr. Miller moved the Board issue a non-disciplinary order for six hours of in-person continuing education classes in ethics within six months, and complete the previously scheduled “Kinesiology Taping Techniques – Using Corrective Exercise Strategies to Enhance Therapeuti” course in the upcoming weekend, as part of her compliance for 2012-2014 only. Ms. Richardson seconded the motion. Following review and discussion the motion passed by roll call vote.

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

The Board recessed for a break at 9:44 a.m.
 The Board returned from break at 10:05 a.m.

4) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

a) Informal Hearing and Possible Action on Complaint:

iii) Complaint #14-60; Vincent Peries, PT

Mr. Peries was present and not represented by legal counsel. Board members and staff introduced themselves. Mr. Peries and Ms. Donahue were sworn in. Mr. Peries made an opening statement. Ms. Richardson read the purpose of the hearing and possible outcomes. Mr. Brown provided a summary of the allegations. Ms. Donahue and Mr. Peries answered questions asked by the Board. Dr. Miller moved the Board dismiss the complaint. Dr. Zook seconded the motion. Following review and discussion the motion passed by roll call vote.

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

iv) Complaint #14-65; David Hogarth, PT

Mr. Hogarth was present and was not represented by legal counsel. Board members and staff introduced themselves. Ms. Richardson read the purpose of the hearing and possible outcomes. Mr. Hogarth and Ms. Donahue were sworn in. Mr. Hogarth made an opening statement. Ms. Donahue and Mr. Hogarth were sworn in. Mr. Brown provided a summary of the case. Mr. Hogarth made an opening statement. Mr. Hogarth answered questions asked by the Board. Ms. Hunter moved the Board dismiss the complaint. Dr. Zook seconded the motion. Following review and discussion the motion passed by roll call vote.

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

The Board recessed for a break at 10:24 a.m.
 The Board returned from break at 10:36 a.m.

i) Complaint #14-47; Jeff Carr, PT

Mr. Carr was not present and was not represented by legal counsel. Mr. Brown stated that Mr. Carr must be present in order to conduct the informal hearing. Dr. Zook moved the Board table the informal hearing to a future meeting. The motion failed for lack of a second. Dr. Miller moved the Board move to a formal hearing and continue with negotiating a consent agreement. Following review and discussion the motion passed.

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

b) Initial Review, Discussion and Action on Complaint

i) Complaint #14-39; Kurt Draper, PT

Mr. Draper was present and was not represented by legal counsel. Ms. Donahue provided a summary of the complaint. Mr. Draper made an opening statement. Mr. Draper answered questions asked by the Board. Dr. Miller moved the Board move to an informal hearing for the violations listed on page one (A.R.S. §32-2044(1) and A.R.S. §32-2044(4)). Mr. Clinton seconded the motion. Following review and discussion the motion failed.

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

Ms. Richardson moved the Board issue a consent agreement to include probation for one year with possible early termination when Mr. Draper completes six hours of continuing competence in orthopedic assessment and six hours of continuing competence in documentation. All courses must be preapproved by Board staff, cannot be online, and will not count toward the next continuing competence period. Following completion of the continuing competence courses, a minimum of one audit will be performed to include three randomly selected patient records by Board staff. If the records are not found to be in compliance, Mr. Draper's patient records may have to undergo further audits. Dr. Miller made a friendly amendment to include if Mr. Draper does not accept the consent agreement, the complaint will be moved to an informal hearing with violations that were cited, including additional charges on page 9 (A.R.S. §32-2044(6), A.R.S. §32-2044(13), and A.R.S. §32-2044(20)). Ms. Richardson accepted the friendly amendment. Mr. D'Appollonio seconded the motion. Following review and discussion the motion passed by unanimous vote.

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

iii) Complaint #15-01; Emily Schubbe, PT

Ms. Schubbe was present and was not represented by legal counsel. Ms. Donahue provided a summary of the complaint. Ms. Schubbe made an opening statement. Ms. Schubbe and Ms. Tresha Baldwin, PT (owner of 360 Physical Therapy) answered questions asked by the Board. Ms. Richardson moved the Board dismiss the complaint. Mr. Clinton seconded the motion. Following review and discussion the motion passed by unanimous vote.

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

iv) Complaint #15-02; Tresha Baldwin, PT

Ms. Baldwin was present and was not represented by legal counsel. Ms. Donahue provided a summary of the complaint. Ms. Baldwin made an opening statement. Ms. Baldwin answered questions asked by the Board. Ms. Richardson moved the Board dismiss the complaint. Ms. Hunter seconded the motion. Following review and discussion the motion passed by unanimous vote.

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

ii) Complaint #14-45; William Adelman, PT

Mr. Adelman was not present and was not represented by legal counsel. Ms. Donahue provided a summary of the complaint. The Board discussed the complaint and the evidence provided. Ms. Richardson moved the Board present a consent agreement to include probation for one year with the requirement to complete a minimum of six hours of continuing education related to documentation. Upon completion of the continuing education, an audit of a minimum of three records randomly selected by Board staff will be performed. If the records are deficient, further auditing will be performed. Early termination of probation will be granted upon completion of consent agreement requirements. If Mr. Adelman does not accept the consent agreement, the case will move to informal hearing. Dr. Miller seconded the motion. Ms. Richardson amended the motion to add six hours of continuing education in physical modality review. Dr. Miller seconded the amendment. Following review and discussion the motion passed by unanimous vote.

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

The Board recessed for a break at 11:56 a.m.
 The Board returned from break at 12:03 p.m.

5) BOARD BUSINESS AND REPORTS

a) Executive Director’s Report – Discussion and Possible Action

- i) Financial Report
- ii) Board Staff Activities
- iii) Legislation
- iv) Rule Activity
- v) FSBPT
- vi) Update of Formal Hearing Discussion With The Office of The Attorney General

Mr. Brown reviewed the written report for the Board. No action was requested or taken on the Executive Director report.

b) Review and Discussion, Possible Action on Board Appointment of Delegate and Alternate Delegates for the 2015 Federation of State Board of Physical Therapy Annual Meeting

This item was tabled until the April Board meeting in anticipation of remaining Senate confirmations of Board members.

6) CALL TO THE PUBLIC

No public figure came forward to address the Board.

Ms. Richardson moved to adjourn the meeting. Ms. Hunter seconded the motion. After review and discussion the motion carried by unanimous vote.

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

Meeting adjourned at 12:30 pm

Prepared by,

Charles D. Brown
Executive Director

Approved by,

Al D’Appollonio, PT, MBA
Secretary