

JANICE K. BREWER
Governor

LISA AKERS, PT, MS
President



CHARLES D. BROWN
Executive Director

ARIZONA STATE BOARD OF PHYSICAL THERAPY
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REGULAR SESSION MEETING MINUTES
May 20, 2014

MEMBERS PRESENT:

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

Members Absent

Fredric B. Zook, Ph.D. Public Member

OTHERS PRESENT IN PERSON:

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

CALL TO ORDER – 8:30 a.m.

Ms. Akers called the meeting to order at 8:30 a.m. (A recording of the meeting is available through the Board Office)

1) Review and Approval of Draft Minutes

a) April 20, 2014 Regular Session Meeting Minutes

Ms. Akers moved to approve April 20, 2014 minutes as amended. Mr. Clinton seconded the motion. Following review and discussion the motion carried by unanimous vote.

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

b) April 22, 2014 Special Session Meeting Minutes

Ms. Akers moved to approve April 22, 2014 Special Session Meeting minutes as amended. Ms. Richardson seconded the motion. Following review and discussion the motion carried by unanimous vote.

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

4) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

- a) Further Investigations of Initial Review, Discussion and Action on Complaint
 - i) Complaint #13-45; Scott Walker, PT

Mr. Walker was not present and was represented by legal counsel, Mr. McDonald. Mr. Brown reviewed complaint for the Board. Mr. McDonald addressed the Board and answered questions asked of him by the Board. Mr. D'Appollonio moved to go to Formal. Dr. Miller seconded the motion. After review and discussion the motion carried by unanimous vote.

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

Ms. Akers moved for a Consent Agreement to prohibit Mr. Walker from practicing PT services until the formal hearing is concluded. Ms. Richardson seconded the motion. After review and discussion the motion carried by unanimous vote.

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

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 and the NPTE/AZLAW and Final Transcript

Davis, Erin	Dindo, Margaret	Edvalson, William
Kingsley, Johnathan	Manganaro, Rebecca	Marshall, Jessica
Woods, Elisabeth	Moore, Justin	Nickerson, Matthew

Quesnel, Helana	Roe, Jason	Williams, Susan
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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.

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

Adkins, Melodie	Cannon, April	McElroy, Megan
Prudhomme, Katharine	Wheeler, Ashley	

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

Kinne, Shannon		
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No Board member requested removal of an applicant from the consent agenda.

Ms. Akers moved to approve for testing and to license/certify upon receipt of passing scores and final transcripts. Ms. Richardson seconded the motion. After review and discussion the motion carried by unanimous vote.

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

Consent Agenda Ends

3) Review, Consideration and Action on Applications for Licensure and Certification

c) Review of and Possible Action on Physical Therapist Applications

(1) Kidwell, Allison

Ms. Kidwell was present and was not represented by legal counsel. Dr. Miller motioned to license. Ms. Akers seconded the motion. After review and discussion the motion carried.

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

d) Substantive Review of Documentation Related to Disclosure on “Personal Information” Section of Application

(1) Physical Therapist Assistant Applications and Approval to take the NPTE and the AZLAW (Jurisprudence) Exam and Possible Certification.

(a) Rosborough, Justin

Mr. Rosborough was present and was not represented by legal counsel. Dr. Miller moved to approve for testing and to certify upon passing and receipt of final transcript. Mr. D’Appollonio seconded the motion. After review and discussion the motion carried by unanimous vote.

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

(2) Physical Therapist Applications and Approval to take the NPTE and the AZLAW (Jurisprudence) Exam and Possible Certification.

(b) Marr, Brent

Mr. Marr was present and was not represented by legal counsel. Ms. Akers moved to approve for testing and to license upon passing and receipt of final transcript. Ms. Hunter seconded the motion. After review and discussion the motion carried by unanimous vote.

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

(a) Davin, Sarah

Ms. Davin was present and was not represented by legal counsel. Ms. Richardson moved to approve for testing require the application to be presented to the Board for consideration of licensure upon receipt of passing scores. Ms. Hunter seconded the motion. After review and discussion the motion carried by unanimous vote.

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

(c) Ramirez, Andrew

Mr. Ramirez was not present and was not represented by legal counsel. Ms. Akers moved to approve for testing and to license upon passing and receipt of final transcript. Ms. Richardson seconded the motion. After review and discussion the motion carried by unanimous vote.

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

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 Education, Determination of Supervised Clinical Practice Period and Possible Licensure
 (1) Santos, Maria

Ms. Santos was not present and was not represented by legal counsel. Ms. Akers moved to find Ms. Santo’s education substantially equivalent, approve for testing and to license upon passing and receipt of final transcript. Dr. Miller seconded the motion. After review and discussion the motion carried by unanimous vote.

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

b) Review of and Possible Action on Physical Therapist Previously Licensed in the state of Arizona.
 (1) Anderson, Ora

Ms. Anderson was not present and was not represented by legal counsel. Ms. Akers moved accept continuing competence activities as verifying competency under A.R.S. 32-2028 and to grant Ms. Anderson a license. Mr. D’Appollonio seconded the motion. After review and discussion the motion carried by unanimous vote.

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

c) Review of and Possible Action on Physical Therapist Applications
 (2) Ybarra, Bernadette

Ms. Ybarra was not present and was not represented by legal counsel. Mr. Clinton moved to require AZLAW and license upon receipt of a passing score. Ms. Akers seconded the motion. After review and discussion the motion carried by unanimous vote.

Vote	Mr. D’Appollonio	Ms. Akers	Ms. Hunter	Dr. Zook	Dr. Miller	Ms. Richardson	Mr. Clinton
Aye	X	X	X		X	X	X
Nay							

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

e) Review of and Possible Action on Application for Physical Therapist Assistant Certification from Applicant Requesting ADA Accommodations.

(a) Sloan, Scott

Mr. Sloan was not present and was not represented by legal counsel. Ms. Akers moved to allow accommodations as requested. Ms. Richardson seconded the motion. After review and discussion the motion carried by unanimous vote.

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

4) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

b) Initial Review, Discussion and Action on Complaint

i) Complaint #13-45; Michael Rich, PTA

Mr. Rich was present and was not represented by legal counsel. Ms. Donahue summarized complaint for the Board. Mr. Rich addressed the Board and answered questions asked of him by the Board. Ms. Richardson moved to go to a Formal Hearing. Ms. Richardson seconded the motion. After review and discussion the motion carried by unanimous vote.

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

Mr. D'Appollonio moved to open a complaint on all PT's/PTA's working in the same facility. Mr. Clinton seconded the motion. After review and discussion the motion carried by unanimous vote.

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

ii) Complaint #14-08; Larry Gruver, PT

Mr. Gruver was not present and was not represented by legal counsel. Ms. Donahue summarized complaint for the Board. Ms. Hunter moved to go to an Informal Hearing if Consent Agreement is not accepted. The Consent Agreement is to include: probation for one year, Jurisprudence exam, a 1 page essay on Supervision and a 30 minute presentation to be presented to 20 PT's/PTA's, notice to all patients and insurance companies with proof of the unlicensed work by a PTA under his supervision, and add failing to report change of address to the allegations. Dr. Miller seconded the motion. Following review and discussion the motion carried by unanimous vote.

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

iii) Complaint #14-12; Pamela Kane, PT

Ms. Kane was present and was not represented by legal counsel. Ms. Donahue summarized complaint for the Board. Ms. Kane addressed the Board and answered questions asked of her by the Board. Ms. Akers moved for a Consent Agreement to include: a 6 hour course in Documentation to be done within 6 months, a random audit of 3 files to be done 60-90 days after course is completed, and a probationary period of 18 months, with the chance of early release of probation if all terms of Consent Agreement are met. If Consent Agreement is not accepted within 20 days, then move to an informal hearing. Ms. Hunter seconded the motion. After review and discussion the motion carried by unanimous vote.

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

Abstained							
Absent				X			

The Board recessed for a break at 10:50a.m
 The Board returned from break at 11:05a.m

4) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

- c) Review of Consent Agreement and Possible Action of Request for Termination of Board Order
 - i) Complain #10-52 & #13-05; Denise Labriola, PT

Ms. Labriola was not present and was not represented by legal counsel. Ms. Akers moved to allow for early termination of Board Order. Mr. D’Appollonio seconded the motion. After review and discussion the motion carried.

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

- ii) Complaint #12-13 Holly Booros, PT

Ms. Booros was not present and was not represented by legal counsel. Ms. Akers moved to allow for early termination of Board Order. Ms. Richardson seconded the motion. After review and discussion the motion carried by unanimous vote.

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

- d) Review, Discussion and Action on Consideration of Opening A Complaint
 - ii) Amber Enright, PT

Ms. Enright was not present and was not represented by legal counsel. Ms. Akers moved to not open a complaint. Ms. Hunter seconded the motion. After review and discussion the motion carried by unanimous vote.

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

- e) Review, Discussion and Action on Formal Hearing
 - i) Complaint #13-11; William Riopelle, PT

Mr. Riopelle was not present and was not represented by legal counsel. Introductions were made. Ms. Donahue was sworn in. Ms. Baskin represented the state. Ms. Baskin documented into the record the notices sent to Mr. Riopelle’s address of record notifying of the time and place of the hearing. Ms. Baskin gave an opening statement. Ms. Donahue was called as a witness answered questions asked of her by Ms. Baskin. Exhibit 1-5 was accepted. Ms. Baskin gave her closing statements. Ms. Akers moved to accept Factual Allegations Findings of Facts 1-12. Mr. Clinton seconded the motion. After review and discussion the motion carried unanimously by a roll call vote.

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

FINDINGS OF FACT

1. Patient RW, a 68 year old woman who lived alone, received home physical therapy from Kingman Regional Medical Center, Kingman, Arizona, from December 2011 through August 2012. Respondent was one of the physical therapists who provided home care to Patient RW during her course of treatment.

2. On or about December 30, 2011, Respondent wrote an admission note for Patient RW following a home visit. Patient RW reported a decline in strength and function secondary to a slow healing abdominal wound. Respondent documented in his objective findings that Respondent would benefit from physical therapy to address deficits in muscle strength, bilateral lower extremity range of motion, transfers, ambulation, balance, and safety awareness. Respondent documented her neurological status as alert, oriented, with no problems identified in her thought process, communication, or coordination. Respondent identified home care services and goals. Respondent assessed Patient RW’s rehabilitation potential as good.

3. On or about April 20, 2012, Respondent wrote a physical therapy admission note for Patient RW following a home visit. Patient RW had recently been hospitalized for several weeks and had become weak from decreased physical activity. Respondent documented her neurological status as alert, oriented, with no problems identified in her thought process, communication, or coordination. Following Respondent’s evaluation, he documented that Patient RW verbalized an understanding and agreement with the physical therapy plan of care and under pain assessment he documented no problems identified. Respondent documented a care plan to address balance deficit/fall prevention, home exercise program, and gait impairment. Respondent assessed Patient RW’s rehabilitation potential as good.

4. On or about August 16, 2012, Respondent wrote a physical therapy discharge note for Patient RW from home health care, following a home care visit through Kingman Regional Medical Center, Kingman, Arizona. Respondent documented that Patient RW had met her goals and had the ability to meet her care needs. Specifically, Respondent documented no problems identified with Patient RW’s muscle strength, overall joint range of motion, and gait/balance. Respondent also documented that Patient RW was alert, oriented, and had no problems with her thought process or communication or pain. Respondent documented that he provided teaching regarding a home exercise program and that Patient RW was, “motivated/willing to learn; able to learn.” He documented that no discharge plan arrangements were needed, that Patient RW was discharged with all outcomes met, and described her rehabilitation potential as good.

5. On or about February 27, 2013, Patient RW contacted the Kingman Police Department, in Kingman, Arizona, to report that Respondent, her former physical therapist had just tried to purchase prescription medications from her. At 2:10 p.m., Officer Doughty spoke with Patient RW at her apartment. Patient RW reported that around 1:00 p.m., she was asleep in her recliner and was awoken because she felt a draft. Patient RW noted that her front door was open and when she called out to find out who was there,

Respondent walked out of her kitchen carrying her dog. Respondent was laughing. Respondent stated that he came by to check on her and asked her if she had any pain pills left. Patient RW told Respondent that she did not have any pain pills left. She told Officer Doughty that she had hidden her pain pills because Respondent had stopped by her home earlier that week and she believe that he had taken some of her pain pills. Patient RW told Respondent that she was getting a prescription filled later in the day. Respondent offered to pick up the prescription and asked her if she would sell him a few of the pills. Patient RW stated she was shocked by Respondent's request and told him that she would not sell him any of her pain pills. Respondent left her apartment after approximately 30 minutes. Patient RW advised the officer that she was in the habit of keeping her front door unlocked during the day and that Respondent came to her home unannounced and uninvited.

Patient RW advised Officer Doughty that Respondent also came to her apartment uninvited, earlier that week on February 25, 2013, at approximately 2:00 p.m. Respondent had stopped by her home uninvited and he stated that he came by to check on her. While Respondent was in her home, he went into her kitchen, retrieved a bottle of pain pills (hydrocodone-acetaminophen 10-325 mg), opened the bottle, turned it over in his hand, replaced the lid, and then placed his hand in his pocket. Patient RW was completely surprised by Respondent's actions and she did not know what to do, so she did nothing. Respondent then left her home. Patient RW looked inside the pain pill container and believed that approximately 10-15 pills were missing.

Patient RW told Officer Doughty that she was very upset by Respondent's actions and that she wanted him to tell Respondent not to return to her apartment. Patient RW did not want to seek prosecution because she feared retribution from Respondent.

6. Later, on or about February 27, 2013, Officer Doughty interviewed Respondent, who was working at The Gardens Rehabilitation Center through Synertx Rehabilitation. Respondent stated that he had met Patient RW last year when he was providing home therapy through Kingman Regional Medical Center. He stated that he went to her home on Monday of that week at 2:00 p.m. because she was "a friend." Respondent also stated that it had "been a while" since he had last seen her. According to Respondent, he stayed for approximately 30 minutes and that the entire visit took place at her dining room table and that he did not enter her kitchen.

7. On or about February 27, 2013, Respondent also told the officer that he had stopped by Patient RW's house that afternoon at 1:00 p.m. According to Respondent, he knocked on her door and Patient RW told him to come in. He stated he entered her home, played with her dog, and visited with her for about a half hour. Respondent told the officer that he offered to take her to her doctor's appointment, which was at 2:30 p.m., but Patient RW declined and stated she had a ride. Respondent stated that the conversation he had with Patient RW was geared towards her pain level, that he questioned her about constipation medication, but denied asking her about her pain pills. He also denied asking Patient RW to sell him some pain pills. Officer Doughty stated that when, "I brought the questioning towards the sale of prescription medication he would not make any statements about whether he has sold medications to anyone else." Officer Doughty told Respondent that Patient RW did not want him to return to her residence. Officer Doughty issued Respondent a written warning for trespassing.

8. On or about March 6, 2013, Patient RW filed a complaint with the Board against Respondent. Patient RW attached a copy of the police report, written by Officer Doughty, to the complaint form.

9. Respondent submitted a written response to the complaint. Respondent refers to Patient RW as a "personal friend" and that she reminded him of his recently deceased mother. Respondent stated that he was her physical therapist during 2012 and during this time he noticed changes in her personality and motivation. In his response, he stated that during one of his physical therapy home visits that Patient RW was upset mentioned that she had not eaten anything and he brought her back a meal. Respondent also wrote that during his treatment he was concerned that she had not been eating regularly and was "checking in on her to make sure she was all right with the emotional episodes she was experiencing." Respondent also wrote that even though Patient RW was discharged from physical therapy, "it took place with the thought that perhaps home health physical therapy would be appropriate again at a later time." Respondent's physical therapy notes do not reflect his written statements to the Board.

In his response, he stated that he stopped by Patient RW's residence on February 25, 2013, to say "hello" and sat her kitchen table for about 30 minutes. According to Respondent, Patient RW stated that she

was in “desperate need of some type of exercise program.” He stated that he did not go into her kitchen. He stated that he called her the following day and she requested that he return on Wednesday. When Respondent returned for a second visit, he “could see her through the window, as she was seated in the living room on a recliner about four feet from the door.” Respondent stated that he knocked on the door twice and the door jarred open. He stated that Patient RW did not wish to go for a walk because she had a doctor’s appointment. He stated that, at Patient RW’s request, he went into her kitchen to get ice and water.

10. On or about July 18, 2013, Respondent spoke with Board staff regarding the complaint. Respondent stated that he was terminated from The Gardens Rehabilitation Center on February 27, 2013, the day that he spoke with the Kingman police, and had not worked since that date. Respondent also stated that he had not worked from October 2012 until February 25, 2013. Respondent stated that he stopped by Patient RW’s house on February 25 and 27, 2013, because he considered her a “friend.” Respondent stated that Patient RW reminded him of his mother. Respondent stated to Board staff that he kept Patient RW’s telephone number in his phone after he had discharged her from his care in August 2012 and that he had erased her phone number when the police had told him to not contact her on February 27, 2013. Respondent stated that Patient RW was the only patient that he had visited and maintained a personal phone number following discharge.

11. In the July 18, 2013, interview, Respondent made statements that were not supported by his medical record documentation, that were inconsistent with what he reported to the police, what he wrote in his response to the complaint, and what Patient RW reported to the police. Respondent stated that he continued to visit Patient RW through September 2012, following her discharge on August 16, 2012. He stated that he continued to visit her following her discharge because he felt she was not eating, had emotional difficulties, and that she needed assistance with walking. Respondent’s physical therapy discharge note of August 16, 2012, indicates that she had met her goals regarding mobility and demonstrated a safe gait pattern. Respondent admitted that he failed to report his concerns to health care personnel. Respondent also stated that prior to Patient RW’s discharge and during his treatment of Patient RW, she would often cry, however, his physical therapy notes do not contain any reference to “crying” or emotional instability. Respondent stated that he stopped by Patient RW’s residence unannounced on February 25, 2013, because he lived two miles from her. During that visit, Respondent felt that Patient RW was inappropriately taking pain medication and that she was seeking additional pain medication beyond what was prescribed. He admitted to Board staff that he did not report his concerns to any health care provider. Respondent stated that Patient RW asked him to return and that when he called her on Tuesday, she told him to return the following day. He returned on February 27, 2013, during his lunch hour, and he let himself into her apartment because he was concerned that Patient RW was “semi-conscious” when he arrived. He stated that he observed her through the unlocked screen door. Respondent stated that he put out her cigarette and then aroused her. Respondent admitted that he did not call “911” or contact her medical providers with his concerns. Respondent admitted that his statement to Officer Doughty that he had knocked on the door and Patient RW asked him to come in was inaccurate.

12. Respondent’s statements in his interview, written response, and to the Kingman police are in conflict regarding his contact with Patient RW’s. Regarding his contact with Patient on February 27, 2013, Respondent told the police that he knocked on the door and that Patient RW told him to come in. In his written response he wrote, “I knocked on the door and she did not respond I knocked again, and the door jared [sic] opened and the dog was right there greeting me.” In his interview, Respondent stated that Patient RW was “semi-conscious” and he was so concerned that he let himself in, put out her cigarette and then aroused her. He also stated that he could see through the closed screen door. Additionally, during the interview he stated that he did not enter Patient RW’s kitchen, but in his written response he stated that he did go into her kitchen on February 27, 2013, to get her more ice and water.

Ms. Akers moved to accept the Allegation of Unprofessional Conduct as Conclusions of Law. Ms. Hunter seconded the motion. After review and discussion the motion carried unanimously by a roll call vote.

Vote	Mr. D’Appollonio	Ms. Akers	Ms. Hunter	Dr. Zook	Dr. Miller	Ms. Richardson	Mr. Clinton
Aye	X	X	X		X	X	X

Nay							
Recused							
Abstained							
Absent				X			

Conclusions of Law

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 explained in the Findings of Fact above constitute a violation of A.R.S. §32-2044(1), violating this chapter, Board rules or a written board order; and A.R.S. §32-2044(12), failing to adhere to the recognized standards of ethics of the physical therapy profession: (2) A physical therapist shall act in a trustworthy manner toward patients/clients, and in all other aspects of physical therapy practice; (2.2) A physical therapist has an obligation to provide accurate and truthful information. A physical therapist shall not make statements that he/she knows or should know are false, deceptive, fraudulent or misleading; and (4.1) A physical therapist shall make professional judgments that are in the patient’s/client’s best interests.

3. The conduct and circumstances explained in the Findings of Fact above 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 this profession.

Ms. Akers moved to revoke Mr. Riopelle’s Physical Therapy license. Dr. Miller seconded the motion. After review and discussion the motion carried unanimously by a roll call vote.

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

5) BOARD BUSINESS AND REPORTS

- a) Executive Director’s Report
 - i) Financial Report
 - ii) Board Staff Activities
 - iii) Legislation
 - iv) Rule Activity
 - v) FSBPT

Mr. Brown reviewed the written report for the Board and notified the Board of Ms. Brierley’s retirement on August 30, 2014. Mr. Brown asked if the Board wished to be involved in the process of hiring staff to fill Ms. Brierley’s vacancy. The Board, through consensus, instructed Mr. Brown to conduct the recruitment of filling of the vacant position as he felt appropriate.

- b) Senate Bill 1154; Review, Discussion, and Action on Creating Rules to Establish the Standard of Education and Training for Dry Needling

The Board discussed the requirements for the Board to set standards related to the practice of Dry Needling. The Board determined to take the documents provided by staff related to similar requirements in other jurisdictions and individually works on possible standards and discuss the matter further at the June 24, 2014 Board meeting. No action was taken on the agenda item.

c) Review, Discussion and Action on Continuing Competence Audit; Complaint Resolution Matrix

The Board tabled the review of the draft matrix to the June 24, 2014 Board meeting.

6) CALL TO THE PUBLIC

Susan Brown came forward to address the Board. Ms. Brown wants to help in research of study habits for students not passing the NPTE examination. Ms. Brown made a five minute presentation. The Board instructed Mr. Brown to place the matter on the June 24, 2014 Board meeting Agenda for consideration.

Ms. Akers moved to adjourn the meeting. Mr. Clinton seconded the motion. After review and discussion the motion carried by unanimous vote.

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

Meeting adjourned at 1:25 pm

Prepared by,

Charles D. Brown
Executive Director

Approved by,

Michael S. Clinton, CPA
Secretary

