

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**  
**October 28, 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  
Fredric B. Zook, Ph.D. Public Member

**Members Absent**

None

**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 – 8:32 a.m.

Ms. Akers called the meeting to order at 8:32 a.m. (A recording of the meeting is available through the Board Office)

Mr. D’Appollonio was present telephonically.

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

- a) August 26, 2014 Regular Session Meeting Minutes
- b) September 23, 2014 Regular Session Meeting Minutes

Dr. Miller requested minor corrections to the August and September minutes. No other changes were requested. Ms. Akers moved the Board approve the amended minutes. 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	X
Nay							
Recused							

Abstained							
Absent							

**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

Julia Anderson	Paul Bernacchi	Keyla Briese
Larissa Buening	Michelle Butts	Adam Carlson
Stephanie Carlson	Tanner Caughey	Blaze Chatham
Judy Cirullo	Caitlin Deshenes	Jaclyn Drumheller
Lindsay Feigitsch	Brittany Gilles	Kevin Girard
Jamie Gunnell	Lindsay Harris	Jordan Hoile
Mark Kargela	Mallory Kargela	John Kindle
Jennifer Lake	Diana LeBran	Arisia Lee
Lisa Lombard	Vasiliki Makkas	<del>David Maldonado</del>
Laura Matson	<del>Gia McDaniel</del>	Robert McEntire
<del>Celina Mejia</del>	Nathan Michels	Veronica Moresi
Kelly Obringer	Richard Orrison	Matthew Pare
Ly Pham	Michael Powers	Melody Rattanapote
Kayanna Reed	Pamela Robinson	Maya Ruffus
Byron Russell	Ariana Seif-Naraghi	Anthony Sobrilsky
Lisa Stewart	Kory Straine	Michael Tejada
Stacy Trice	Michael Urben	Kelli Watkins
<del>Donna White</del>		

- 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

Andrew Hicks		
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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.

Sandra Pollock	Kimberly Copper	Erica Dellinger
Scott Cowan	Kellie Johnson	Nicholas McCombs
Ashley Wright	Christine Miller	

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

Jason Robles		
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Ms. Akers moved the Board approve the applicants listed on the consent agenda be approved for licensure or certification upon receipt of passing scores and final transcripts excluding those removed by Board members. 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	X
Nay							
Recused							
Abstained							
Absent							

Consent Agenda Ends

David Maldonado

Ms. Richardson requested staff verify the applicant's athletic training certificate prior to issuing licensure. Ms. Akers moved the Board approve Mr. Maldonado for licensure upon receipt of passing scores, final transcripts and verification of his athletic training certificate. Ms. Hunter 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	X
Nay							
Recused							
Abstained							
Absent							

Gia McDaniel and Celina Mejia

Mr. D'Appollonio noted that both applicants lacked any significant recent work history and inquired if the Board should consider evaluating the applicant's competency. Mr. Brown reported that the Board lacked the authority to require the applicants to complete any additional competency review since they did not have a previous Arizona license. Ms. Akers moved the Board approve Ms. McDaniel and Ms. Mejia for licensure upon receipt of passing scores and final transcripts. Mr. D'Appollonio 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	X
Nay							
Recused							
Abstained							
Absent							

Ms. Hunter noted that the DOB provided by Ms. White on her application is one digit different than the DOB listed on her transcript. Ms. Hunter requested Board staff verify the difference is an error prior the licensure. Ms. Akers moved the Board approve the licensure of Ms. White upon receipt of passing scores, final transcripts, and verification of the correct DOB. Ms. Hunter seconded the motion. Following review and discussion the motion carried by unanimous vote.

**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) Jocelyn Love Nazareno

Ms. Richardson moved the Board find Ms. Nazareno’s education substantially equivalent, waive her requirement for a SCPP based on her US experience, and require her to take and pass the AZLAW examination before granting licensure. 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	X
Nay							
Recused							
Abstained							
Absent							

(2) Charles Tan

Ms. Akers moved the Board find Mr. Tan’s education substantially equivalent, require a SCPP and approve his SCPP plan, and require taking and passing the AZLAW examination. Ms. Hunter 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	X
Nay							
Recused							
Abstained							
Absent							

(3) Tarang Jain

Ms. Akers moved the Board find Ms. Tarang’s education substantially equivalent, require a SCPP, and require taking and passing the AZLAW examination. Ms. Hunter 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	X

Nay							
Recused							
Abstained							
Absent							

(4) Mary Borinaga

Ms. Richardson moved the Board find Ms. Borinaga’s education not substantially equivalent and require her to complete education to meet the deficiencies listed in the credential evaluation. Ms. Hunter 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	X
Nay							
Recused							
Abstained							
Absent							

- b) 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) George Corneveaux III

Mr. Corneveaux was present and addressed the Board. Dr. Zook noted the multiple convictions in Mr. Corneveaux’s history and noted that while it had been a number of years since his last conviction Dr. Zook was not comfortable approving the license. Mr. D’Appollonio noted the history of no incident and asked about his background check before is current employment. Ms. Hunter moved the Board approve Mr. Corneveaux to take the AZLAW and NPTE and be certified upon receipt of passing scores and final transcripts. Mr. Clinton seconded the motion. 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	X
Nay				X			
Recused							
Abstained							
Absent							

(b) Todd Gobie

Mr. Gobie was present and was not represented by legal counsel. Mr. Gobie addressed the Board. Ms. Hunter moved the Board approve Mr. Gobie to take the AZLAW and NPTE examination and be certified upon receipt of passing scores and final transcripts. Ms. Richardson seconded the motion. Following 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	X
Nay							

Recused							
Abstained				X			
Absent							

**4) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE**

- a) Informal Hearing and Possible Action on Complaint: 9:00 a.m.
  - ii) Complaint #13-40; Scott Jackson, PT

Mr. Jackson was present and was represented by legal counsel Anne McClellan. Ms. Akers sworn-in witnessed Lilly Garcia, Jeff Taylor, Bob Esperti, Bob Turk, and Karen Donahue, PT. The Board introduced themselves; Mr. Brown provided a summary of the allegations.

Ms. McClellan provided an opening statement and called witnesses. A recording of the hearing and testimony provided is available at the Board office upon request. Following the witness’ testimony and the Board’s questioning Ms. McClellan provided a closing statement. The Board then entered deliberations.

The Board deliberated following taking of testimony. Following deliberation Ms. Akers, made the following motion.

The Board adopt the following factual allegations as Findings of Fact:

**Practiced as a physical therapist or working as a physical therapist when physical or mental abilities are impaired by disease or trauma, by the use of controlled substances or other habit-forming drugs, chemicals or alcohol or by other causes.**

- a. The Clinic Incident Log documents two patients (RG and ZG) complain about the status of Mr. Jackson during their treatment.
- b. Mr. Jackson signs the Performance Improvement Plan. In that document Mr. Jackson affirms:
  - a. The documents identifies 4 instances which he demonstrated a lapse in mental acuity and attention necessary to perform to standards:
    - i. Scott was asleep in his car 10 minutes after his scheduled 1pm patient was waiting in the office. Mr. Utz treated the patient.
    - ii. An established patient complained that he was acting incoherent and disoriented, was staggering. She did not feel that she received any skilled care.
    - iii. A patient requested no charge for a visit that was “a waste of time”.
    - iv. On 10/23/13 A new evaluation complained that Scott was “falling asleep, dozing off and repeating the same questions” during the history. She elected to discontinue the session.
- c. Mr. Jackson was drug tested on October 4, 2013 in which his creatinine levels were determined to be abnormal. The test was negative for other drugs/ prescription medications.
- d. The Clinic Log documents instances in which Mr. Jackson behavior demonstrated an unprofessional standard:
  - v. March 29, 2013
  - vi. October 4, 2013
  - vii. October 17, 2013
  - viii. October 24, 2013
  - ix. November 14, 2013

- e. “Mr. Utz’s attacks on me have caused me enormous pain, mental fatigue, and a number of physiological issues in the past that I am totally recovered from.”
  - i. “Utz purposely ignored or was negligently oblivious to Dr. Jackson’s need for sleep directly caused by Mr. Utz’s relentless abuses and demands as Dr. Jackson’s employer.”
  - ii. “Dr. Jackson was systemically overworked, abused, and deprived of rest, sleep and sustenance by Mr. Utz.”
- f. Mr. Jackson’s testimony was that he was not feeling well and indicated he was emotionally impaired. Mr. Jackson stated he would have made different choices looking back. Mr. Jackson admitted to being ill, he was losing significant weight, and was taking medication,

**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 and evaluation of objective findings, a diagnosis, the plan of care, the treatment record, and discharge summary and sufficient information to identify the patient.**

1. Patient LS:

- i. Manual therapy treatment may not be able to be duplicated by another therapist as it may lack specific information regarding location, duration, intensity
  1. For Dates of service:
    - a. 10/8/13
    - b. 10/10/13
    - c. 10/17/13
    - d. 10/19/13
    - e. 10/21/13
  - ii. Dry needling/acupressure are documented to the splenius cervicis, capitus and suboccipitals. Duration, number of needles utilized is not documented.
    1. For date of service 10/10/13

2. Patient RG

- i. Manual therapy treatment may not be able to be duplicated by another therapist as it may lack specific information regarding location, duration, intensity
  1. For dates of service:
    - a. 8/3/13
    - b. 8/13/13
    - c. 9/17/13
    - d. 9/19/13
    - e. 9/26/13
  - ii. Dry needling/acupressure are documented. Duration, number of needles utilized is not documented.
    1. For dates of service:
      - a. 8/13/13

3. Patient ZG

- i. Manual therapy treatment may not be able to be duplicated by another therapist as it may lack specific information regarding location, duration, intensity
  1. For dates of service:
    - a. 10/14/13
    - b. 10/28/13
    - c. 11/6/13

**Failed to notify the Board in writing within 10 days after the charge is filed for a misdemeanor involving conduct that may affect patient safety or a felony.**

1. Mr. Jackson failed to notify the Board of his charge for DUI on December 2, 2013.

Ms. Hunter seconded the motion. The Board entered discussion. Mr. Clinton stated he did not feel discipline was necessary and would be voting nay. Dr. Zook stated he agreed with Mr. Clinton. Dr Miller explained his reason for voting "nay". All alleged evidence for the substandard of care was entirely supplied by the complainant, Mr Utz. There is no collaborative testimonies from any other person for any of his alleged evidence at either the opening of the complaint several months ago or today. He supplied 3 patients statements. One patient at her last visit performed a FOTO survey which rated Dr Jackson with the following: highest grades for her functional activities; rated pain at "zero"; and rated his interactive performance at the highest level with 8 different categories. A second patient was a teenager, whose capacity to judge clinical competence is questionable. The complainant provided photos of licensee sleeping, but there is no verification that this was during patient treatment times. The licensee volunteered and consented to drug testing, which tested negative. Additionally, Dr Jackson provided 3 contemporaneous patients who all judged the licensee to be competent and skillful. Mr Taylor, one of the three patients and the most arbitrarily of any witness, served as Dr Jackson's Christian Counselor at the request of Mr Taylor's friend Mr Utz, the complainant. The motion carried.

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

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

1. A.R.S. §32-2044(1): “Violating this chapter, board rules or a written board order.”
2. A.R.S. §32-2044(8) “Practicing as a physical therapist or working as a physical therapist when physical or mental abilities are impaired by disease or trauma, by the use of controlled substances or other habit-forming drugs, chemicals or alcohol or by other causes.”
3. A.R.S. §32-2044(20) “Failing to maintain adequate patient records. For the purposes of this paragraph, “adequate patient records” means legible records that comply with board rules and that contain at a minimum and evaluation of objective findings, a diagnosis, the plan of care, the treatment record, and discharge summary and sufficient information to identify the patient.”
4. A.R.S. §32-3208 (A)(C):
  - i. A. “A health professional who has been charged with a misdemeanor involving conduct that may affect patient safety or a felony after receiving or renewing a license or certificate must notify the health professional’s regulatory board in writing within 10 days after the charge is filed.

Ms. Hunter seconded the motion. Following 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	
Nay				X	X		X

Recused							
Abstained							
Absent							

The Board discussed possible disciplinary actions. Ms. Akers moved the Board adopt disciplinary action in a Board Order for a one year probation period to include terms of six hours of continuing education in documentation that must be preapproved by Board staff and six hours of continuing education in ethics that must be preapproved by Board staff. All continuing education must be completed within six months of the effective date of the order. In addition, Mr. Jackson must complete a minimum of one audit of three randomly selected patient files. The audit will be completed by Board staff after Mr. Jackson completes his continuing education. If staff finds deficiencies in the audit additional audits may be required. Ms. Hunter seconded the motion. Following 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	X		
Recused							
Abstained							
Absent							

i) Complaint #13-16; Jay Goodfarb, PT

Mr. Goodfarb was present and represented by Donna McDaniel. Dr. Miller recused himself from the hearing and left the Board table. The Board members and staff introduced themselves. Ms. Akers reviewed how the hearing would be conducted and the possible outcomes. Mr. D'Appollonio disclosed he knows Mr. Goodfarb, but that he holds no bias in the matter. Mr. Brown provided a summary of the allegations for the Board.

**A) 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, and the plan of care, the treatment record, a discharge summary and sufficient information to identify the patient.”**

**R4-24-304 Adequate Patient Records- entire section**

1. All handwritten DOS reviewed were illegible and required transcription by Mr. Goodfarb.
2. Transcribed notes may have been inconsistent with the handwritten notes as identified in the records review.
3. The majority of daily treatment notes may have failed to document:
  - a. The patient’s subjective report of current status may not be documented.
  - b. The therapeutic intervention provided may not be complete or documented.
4. An initial evaluation was not completed for patient B. M.
5. The discharge notes may have failed to document:

- a. The reason that the therapeutic intervention terminated.
- b. The patient's current functional status.
- c. The patient's progress toward achieving the goals in the plan of care.
- d. The recommended discharge plan.

Ms. Akers swore in witnesses Mr. Goodfarb and Ms. Donahue.

Ms. McDaniel provided an opening statement to the Board to include a review of the actions Mr. Goodfarb has taken since the filing of the complaint to improve upon his documentation and the lengthy complaint processes leading to the hearing. Ms. McDaniel stated she had made a counter offer to the consent agreement offered to the Board and indicated that Mr. Goodfarb was willing to make changes and take steps to improve his documentation, but did not wish to receive disciplinary action. Ms. McDaniel noted he had a fifty year career without such an action.

Ms. Akers moved the Board enter executive session to receive legal advice and discuss confidential information. Mr. Clinton seconded the motion. Following review and discussion the motion carried.

The Board entered Executive Session at 12:03 pm

The Board returned to Regular Session 12:08 pm

The Board question Mr. Goodfarb regarding the changes he has made to his record keeping. Following Mr. Goodfarb's answering of questions. Ms. McDaniel provided a closing statement. The Board then entered deliberations. Dr. Zook moved the Board issue a non-disciplinary advisory letter to Mr. Goodfarb regarding his record keeping and issue a non-disciplinary advisory letter. Mr. Clinton seconded the motion. Mr. D'Appollonio stated he would like to see an audit to confirm the changes to Mr. Goodfarb's recordkeeping. Ms. McDaniel offered a solution of continuing the hearing and subpoenaing some records to verify the changes. Following further review and discussion the motion failed.

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

Ms. Richardson moved the Board table the hearing and instruct staff to subpoena records from Mr. Goodfarb for review and to be presented at a future Board meeting. Ms. Akers seconded the motion. Following review and discussion the motion failed.

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

Absent							
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Ms. Akers moved the Board adopt the following Findings of Fact:

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, and the plan of care, the treatment record, a discharge summary and sufficient information to identify the patient.”

R4-24-304 Adequate Patient Records- entire section

1. All handwritten DOS reviewed were illegible and required transcription by Mr. Goodfarb.
2. Transcribed notes may have been inconsistent with the handwritten notes as identified in the records review.
3. The majority of daily treatment notes may have failed to document:
  - a. The patient’s subjective report of current status may not be documented.
  - b. The therapeutic intervention provided may not be complete or documented.
4. The discharge notes may have failed to document:
  - a. The reason that the therapeutic intervention terminated.
  - b. The patient’s current functional status.
  - c. The patient’s progress toward achieving the goals in the plan of care.
  - d. The recommended discharge plan.

Ms. Hunter 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					X		
Abstained							
Absent							

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

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

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

**R4-24-304** Adequate Patient Records- entire section

Ms. Hunter seconded the motion. Following 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					X		
Abstained							
Absent							

Ms. Akers moved the Board adopt and Order to place Mr. Goodfarb's license on probation for one year credit him for completing six hours of continuing education prior to the Board order and require a minimum of one audit of three randomly selected patient files. The audit will be conducted by Board staff and if deficiencies are found additional audits can be requested. Mr. Goodfarb may request early termination of his probation once the audit is complete. Ms. Richardson seconded the motion. Following review and discussion the motion carried by unanimous vote.

The Board recessed at 12:25 pm  
 The Board returned to regular Session at 12:35 pm  
 Dr. Miller returned to the Board table.

iii) Complaint #14-28; Mark Nickel, PT

Mr. Nickel was not present and did not respond to the invitation for the Informal Hearing. The case is automatically forwarded to a Formal Hearing.

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

ii) Review of Proposal for an additional Secondary Supervisor for the SCPP  
 (1) Pooja Joshi

Ms. Joshi was not present and was not represented. Ms. Joshi requested the Board waive her SCPP based on her recent US experience. Ms. Akers moved the Board waive her SCPP and license her upon staff verification of all other licensure requirements. Ms. Hunter 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	X
Nay							
Recused							
Abstained							
Absent							

c) Review of and Possible Action on Application for Physical Therapist Licensure from Applicant Requesting ADA Accommodations.  
 (a) Johnson, Derek

Ms. Akers moved the Board approve Mr. Johnson’s ADA accommodations and license him upon receipt of passing scores and final transcripts. 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	X
Nay							
Recused							
Abstained							
Absent							

**4) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE**

- b) Initial Review, Discussion and Action on Complaint
  - i) Complaint #14-35; James Bogie, PT

Mr. Bogie was not present and was not represented by legal counsel. The Board reviewed the complaint. Ms. Richardson moved to add an allegation of violating A.R.S. §32-2044(6) and offer a consent agreement for one year probation, continuing education in documentation and ethics for six hours each to be done in six months and must be preapproved by Board staff. In addition a minimum of one audit of three randomly select patient records to be completed by Board staff after the continuing education is complete. If the consent agreement is not accepted the case is forwarded to an Informal Hearing. 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	X
Nay							
Recused							
Abstained							
Absent							

Ms. Akers moved the Board open complaints against the following persons:

***Patricia Manville, PT***

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

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

**Nichole Marr, PTA**

**A.R.S. §32-2044(5):** “Engaging in the performance of substandard char 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.”

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

***Paul Paukune, PTA***

**A.R.S. §32-2044(5):** *“Engaging in the performance of substandard char 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.”*

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

***Andrew Rivera, PTA***

**A.R.S. §32-2044(5):** *“Engaging in the performance of substandard char 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.”*

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

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	X
Nay							
Recused							
Abstained							
Absent							

ii) Complaint #14-36; Nichol Marr, PTA

Ms. Marr was present and came forward to address the Board. The Board reviewed the complaint related to failure to report a criminal charge. Mr. Clinton moved the Board offer a consent agreement for six month probation and a requirement to take and pass the AZLAW examination. Ms. Hunter seconded the motion. Following review and discussion the motion failed.

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

Nay	X	X	X	X	X	X	
Recused							
Abstained							
Absent							

Mr. D'Appollonio moved the Board issue a non-disciplinary advisory letter for failing to report her DUI charge and insure she reports all future matters as required under A.R.S. §32-3208. 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	X
Nay							
Recused							
Abstained							
Absent							

iii) Complaint #14-38; Jarrod Watson, PT

Mr. Watson was not present and was not represented. Ms. Donahue reviewed the allegation of failing to report a criminal charge. Ms. Akers moved Board issue a non-disciplinary advisory letter for failing to report her DUI charge and insure she reports all future matters as required under A.R.S. §32-3208. 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	X
Nay							
Recused							
Abstained							
Absent							

iv) Complaint #14-40; Dylan Bowker, PTA

Mr. Bowker was not present and not represented. Ms. Donahue reviewed the complaint regarding his work as a PTA for 5 days while he had not renewed. Dr. Miller moved the Board offer a consent agreement in accordance with the discipline matrix for unlawful practice and if it is not accepted the case is forwarded to an Informal Hearing. Mr. Clinton seconded the motion. Following 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	X
Nay	X						
Recused							
Abstained							
Absent							

Ms. Richardson moved the Board open a complaint against Mr. Bowker’s supervisor during the five days Mr. Bowker worked without renewal. Dr. Miller seconded the motion 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	X
Nay							
Recused							
Abstained							
Absent							

v) Complaint #14-41; Dustin Buck, PT

Mr. Buck was not present and not represented. Ms. Donahue reviewed the complaint regarding his practice as a PT for 5 days while he had not renewed. Dr. Miller moved the Board offer a consent agreement in accordance with the discipline matrix for unlawful practice and if it is not accepted the case is forwarded to an Informal Hearing. Ms. Richardson seconded the motion. Following 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	X	X
Nay							
Recused							
Abstained							
Absent							

vi) Complaint #14-42; Marcia Berger, PT

Ms. Berger was not present and not represented. Ms. Donahue reviewed the complaint regarding her practice as a PT for 5 days while she had not renewed. Dr. Miller moved the Board offer a consent agreement in accordance with the discipline matrix for unlawful practice and if it is not accepted the case is forwarded to an Informal Hearing. Ms. Richardson seconded the motion. Following 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	X	X
Nay							
Recused							
Abstained							
Absent							

c) Review, Discussion, and Action on Board Order

i) Complaint #13-33; John Petrozzi, PT

Mr. Petrozzi was not present and was not represented by legal counsel. Ms. Richardson noted Mr. Petrozzi is out of state and cannot present Arizona Law to students in Texas in accordance with the terms of his probation. Ms. Richardson moved the Board modify the terms of the Order for completion of six hours of

continuing education in ethics and extend the term for six months. Ms. Hunter 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	X
Nay							
Recused							
Abstained							
Absent							

- d) Review, Discussion and Action on Consideration of Investigation
  - i) East Valley Institute of Technology

The Board reviewed the website information indicating the institution provided instruction for physical therapist assistants. The Board instructed Mr. Brown to contact the institution by phone and in writing regarding the website content and request it be corrected.

**5) BOARD BUSINESS AND REPORTS**

- a) Executive Director's Report – Discussion and Possible Action (Verbal Report Only)
  - i) Financial Report
  - ii) Board Staff Activities
  - iii) Legislation
  - iv) Rule Activity
  - v) FSBPT
  - vi) Formal Hearings Pending with the Office of the Attorney General

Mr. Brown reviewed the above items for the Board. No action was requested or taken on any item.

- b) Review, Discussion and Action on Rule Making Related to SB 1154; Dry Needling; Review of Public Comments

Mr. Brown stated the public responses to the Board's questions regarding development of Dry needling rules related to SB 1154 have been received. The Board decided not to discuss the responses and take more time to review the input. Mr. Brown was directed to send the Board a survey of the questions put toward the public that would collect the individual Board members opinion on each questions for review at the November 18, 2014 Meeting. The above agenda item was tabled to November 18, 2014.

**4) CALL TO THE PUBLIC**

No person came forward requesting to address the Board.

Ms. Akers moved to adjourn the meeting. 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	X
Nay							
Recused							

Regular Session Meeting  
October 28, 2014

Abstained							
Absent							

Meeting adjourned at 2:22 PM

Prepared by,

Charles D. Brown  
Executive Director

Approved by,

Michael S. Clinton, CPA  
Secretary