

DOUGLAS A. DUCEY
Governor

MELINDA RICHARDSON, PT, MA
President



CHARLES D. BROWN
Executive Director

ARIZONA STATE BOARD OF PHYSICAL THERAPY
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REGULAR SESSION MEETING MINUTES
June 16, 2015

MEMBERS PRESENT:

Melinda Richardson, PT, MA; President
Al D'Appollonio, PT, MBA; Secretary
Michael S. Clinton, CPA; Member
Peggy Hunter, PTA, CLT; Member
Nushka Remec, PT, MS, PCS

MEMBERS ABSENT:

James E. Miller, PT, DPT, Vice President

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 – 8:30 a.m.

Ms. Richardson called the meeting to order at 8:35 a.m. (A recording of the meeting is available through the Board Office)

1) Review and Approval of Draft Minutes

a) May 19, 2015; Regular Session Meeting Minutes

Ms. Hunter moved the Board to approve the May 19, 2015, regular session meeting minutes with no amendments. Ms. Remec seconded the motion. The motion carried.

Vote	Mr. Clinton	Mr. D'Appollonio	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson
Aye	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 on the NPTE/AZLAW and Final Transcript

Jared Anderson	Patricia Ault	Jarett Axelrod
Michael Bacon	Julie Baker	Cecil Banks
Geoffrey Betz	Tauree Blankenship	Cameron Boldi
Corey Brinton	Julie Brito	Steven Buehring
Liesl Burger	Karl Burris	Shea Campbell
Frank Carrio	Travis Castleberry	Jordan Cavanagh
Jan Cesnek	Jordan Corder	David Cortez
Allison Decker	Samantha Dolin	Brooke Dolberg
Ashley Dougherty	Isaak Duncan	Cody Egan
Vanessa Febles	Derek Gokee	Maribel Gonzalez
Jason Greenwood	Anne Hasenkamp	Miranda Helm
Briana Kaiser	Bryce Kato	Jennifer Katz
Amber Kline	John Kline	Rebecca Koepke
Aaron Kranz	Maura Lacey	Edward Lozzi
Susan MacArthur	Deryk Matheny	Trevor Miner
Freeborn Mondello	Kristen Munden	Maike Meyer
Emily Nava	Benjamin Palmer	Jordan Palmer
Cody Payne	Julianne Payton	Todd Phillips
Kaitlyn Reid	Kenzie Rowda	Alfonso Scandrett
Jordan Schmidt	Kristina Scott	Daniel Seubert
Richard Shirely	Hannah Schonau-Taylor	Kalik Skeete
Kathleen Smith	Jordan Spence	Ashley Spencer
Justin Stein	Cassie Strobl	Erin Surdey
Chelsea Symancyk	Matthew Taylor	Matthew Vandiver
Rose Verbout	Keri Wakabayashi	Kristen Waldron
Ronda Moriarty		

Board Members requested the removal of Ronda Moriarty and Daniel Seubert from the consent agenda. Ms. Remec recused herself from this agenda item. Mr. D'Appollonio moved the Board approve the remaining applicants for licensure or certification upon receipt of passing scores and final transcripts. Ms. Richardson seconded the motion. Following review and discussion the motion carried.

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

Daniel Seubert

Ms. Hunter noted that Mr. Seubert graduated on 05/29/15, but his transcript was not in his file. Ms. Hunter moved the Board approve Mr. Seubert pending receipt of his transcript. Ms. Richardson seconded the motion. Following review and discussion the motion carried.

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

Recused					X	
Abstained						
Absent				X		

Ronda Moriarty

Mr. Brown stated that because this is Ms. Moriarty's second application she doesn't meet the policy to go on the consent agenda or to be preapproved. Ms. Richardson moved the Board to pend Ms. Moriarty's application until passing scores are received. Mr. D'Appollonio seconded the motion. Following review and discussion the motion passed.

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

Ms. Remec returned to the Board table.

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

Michael Bagwell	Timothy Steece	Benjamin Kagen

Board members requested the removal of Michael Bagwell and Benjamin Kagen from the consent agenda. Ms. Richardson moved the Board approve the remaining applicant for licensure upon receipt of passing scores. Ms. Hunter seconded the motion. Following review and discussion the motion carried.

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

Michael Bagwell

The Board questioned whether Mr. Bagwell completed all of the DUI requirements in his criminal case. Ms. Hunter moved the Board approve Mr. Bagwell's application pending receipt of a copy of the signed diversion agreement and receipt of passing scores. 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
Aye	X	X	X		X	X
Nay						
Recused						
Abstained						

Absent				X		
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Benjamin Kagen

The Board reviewed Mr. Kagen's application and Board policy for Good Moral Character issues. Ms. Remec moved the Board approve Mr. Kagen's application for licensure pending receipt of passing scores. 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
Aye	X	X	X		X	X
Nay						
Recused						
Abstained						
Absent				X		

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

(a) Allison Edwards

Ms. Richardson moved the Board approve Ms. Edwards's request. Mr. D'Appollonio seconded the motion. Following review and discussion the motion carried.

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

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

Ryan Bell	Sara Harding	Cynthia Holland
Sherry Hauser	Kathryn Howell	Kimberly Kish
Michael Leino	Nancy Munteer	Elizabeth Paul
Emilie Pryor	Khara Schelach	April Vander Hulst
Ryan Warinner	David Wolfmeyer	

Ms. Hunter moved the Board approve all applications upon receipt of passing scores and final transcripts. Mr. Clinton 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
Aye	X	X	X		X	X
Nay						
Recused						
Abstained						
Absent				X		

v) Review, Consideration and Approval of Applications for Physical Therapist Assistant Certification 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

(1) Sean Hooper

Ms. Richardson moved the Board approve all applications upon receipt of passing scores and final transcripts. Ms. Remec seconded the motion. Following review and discussion the motion carried.

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

Consent Agenda End

3) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

- c) Initial Review, Discussion and Action on Complaint
 - iii) Complaint #14-55; Andrew Rivera, PTA

Mr. Rivera was present and was not represented by an attorney. Ms. Donahue provided a summary of the complaint against Mr. Rivera. Mr. Rivera made an opening statement. Ms. Richardson moved the Board find A.R.S. §32-2044(20) as Findings of Fact/Conclusions of Law and offer Mr. Rivera a consent agreement which includes six months of probation with the possibility of early termination, successful completion of a six hour course on documentation, and a Board staff audit of three records. If Mr. Rivera does not accept the consent agreement within 21 days, the case will move to an informal hearing. Ms. Hunter seconded the motion.

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

Following review and discussion, the motion passed.

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

- c) Initial Review, Discussion and Action on Complaint
 - i) Complaint #14-52; Patricia Manville, PT

Ms. Manville was present and was represented by her attorney, Lauren Weinzweig. Ms. Donahue provided a summary of the complaint against Ms. Manville. Ms. Manville made an opening statement. Ms. Richardson moved the Board offer Ms. Manville a consent agreement which includes three months of probation with the possibility of early termination, proof of completion of a six hour course on documentation taken previously, and a Board staff audit

of three records. If Ms. Manville does not accept the consent agreement within 21 days, the case will move to an informal hearing. 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
Aye	X	X	X		X	X
Nay						
Recused						
Abstained						
Absent				X		

d) Further Investigation; Secondary Review, Discussion and Action on Complaint

i) Complaint #14-49; Anthony Granger, PT

Mr. Granger was not present and was represented by his attorney, Charles Bassett. Ms. Donahue provided a summary of the complaint against Mr. Granger. Ms. Remec moved the Board issue an advisory letter to Mr. Granger indicating the importance of follow-up with the pediatric patient's family and/or caregivers and consideration of continuing education on the handling of pediatric patients. 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
Aye	X	X	X		X	
Nay						X
Recused						
Abstained						
Absent				X		

The Board recessed for a break at 9:59 a.m.

The Board returned from break at 10:11 a.m.

c) Initial Review, Discussion and Action on Complaint

ii) Complaint #14-54; Paul Paukune, PTA

Mr. Paukune was present and was not represented by an attorney. Ms. Donahue provided a summary of the complaint against Mr. Paukune. Mr. D'Appollonio moved the Board offer Mr. Paukune a consent agreement which includes three months of probation with the possibility of early termination, proof of completion of a six hour course on documentation taken previously, and a Board staff audit of three records. If Mr. Paukune does not accept the consent agreement within 21 days, the case will move to an informal hearing. 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
Aye	X	X	X			X
Nay					X	
Recused						
Abstained						
Absent				X		

a) Formal Hearing

i) Case No. 14-28; Mark Nickel, PT

Mr. Brown notified the Board that Mr. Nickel requested an informal settlement conference, which was conducted by Board staff. A consent agreement was discussed, drafted, and sent to Mr. Nickel for signature. This consent agreement was provided to Board members. Mr. Nickel was not able to be present at the hearing because he lives in Florida. The consent agreement allows nine month probation to complete the requirements, which are six hours of continuing education in documentation and six hours in ethics. In addition, there is a civil penalty of \$2,000.00 which is stayed. Should he violate any of the requirements, the Board could lift the stay and the civil penalty would be due within 30 days of Mr. Nickel being noticed of the lifting of the stay. Ms. Richardson moved the Board accept the consent agreement. Mr. D'Appollonio seconded the motion.

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

b) Informal Hearing

i) Case No. 14-45; William Adelman, PT

Ms. Donahue requested time to verify that Mr. Adelman was notified of the correct date since he was not yet present.

e) Review, Discussion, and Possible Action on Consideration of Termination of Probation

i) Complaint #13-16; Jay Goodfarb PT

Mr. Brown summarized that Mr. Goodfarb has complied with all the terms of his consent agreement and he is requesting early termination of his probation. Mr. D'Appollonio moved the Board approve early termination. 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
Aye	X	X	X		X	X
Nay						
Recused						
Abstained						
Absent				X		

ii) Complaint #13-40; Scott Jackson, PT

Mr. Brown summarized that Mr. Jackson has complied with all the terms of his consent agreement and he is requesting early termination of his probation. Mr. D'Appollonio moved the Board approve early termination. 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
Aye	X	X	X		X	X
Nay						
Recused						
Abstained						
Absent				X		

iii) Complaint #114-20; Jessica Gengler, PT

Mr. Brown summarized that Ms. Gengler has complied with all the terms of his consent agreement and she is requesting early termination of his probation. Mr. D'Appollonio moved the Board approve early termination. 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
Aye	X	X	X		X	X
Nay						
Recused						
Abstained						
Absent				X		

f) Review, Discussion, and Possible Action on Consideration of Opening a Complaint

i) Kurt Young

Mr. D'Appollonio recused himself from the discussion. Following review and discussion of the case between the Board and Mr. Brown, Ms. Richardson moved the Board take no action against Mr. Young. Ms. Hunter seconded the motion. Following further review and discussion the motion passed.

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

Mr. D'Appollonio returned to the Board table.

ii) Riley McPherson, LMT

Ms. Donahue provided a summary of the case. Ms. Richardson moved the Board refer the information to the Arizona State Board of Massage Therapy. Mr. Clinton seconded the motion. Following review and discussion the motion passed.

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

b) Informal Hearing

i) Case No. 14-45; William Adelman, PT

Ms. Donahue confirmed that Mr. Adelman was notified of the correct date and time for this hearing and he was not yet present.

c) Initial Review, Discussion and Action on Complaint

iv) Complaint #15-19; Max Allred, PT

Ms. Donahue provided a summary of the complaint to the Board. Ms. Remec moved the Board move the case to an informal hearing. Ms. Richardson seconded the motion. Following review and discussion the motion passed.

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

Nay						
Recused						
Abstained						
Absent				X		

4) 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.

3) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

b) Informal Hearing

i) Case No. 14-45; William Adelman, PT

Mr. Adelman did not appear for the informal hearing. Ms. Donahue verified that Mr. Adelman did not leave a voicemail regarding the hearing. Ms. Hunter moved the Board move the case to a formal hearing. Ms. Richardson seconded the motion. Following review and discussion the motion passed.

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

4) BOARD BUSINESS AND REPORTS

b) Review, Discussion, and Possible Action on Physical Therapy Licensure Compact (Draft)

Mr. Brown gave an overview and answered Board member questions about the licensure compact. Cynthia Driskell, PT from the Arizona Physical Therapy Association made a statement, State Government Affairs Committee Chair. No action was requested or taken.

c) Review and Discussion, Response to Executive Order 15-01

Mr. Brown summarized the information that was reported to the Governor's office regarding our current ability to receive information such as applications and our ability to take payment for those applications.

5) CALL TO THE PUBLIC

No additional public figures came forward to address the Board.

Ms. Richardson moved to adjourn the meeting. Mr. Clinton seconded the motion. The motion carried by unanimous vote.

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

Meeting adjourned at 11:49 p.m.

Prepared by,

Charles D. Brown
Executive Director

Approved by,

Al D'Appollonio, PT, MBA
Secretary