



**ARIZONA STATE BOARD OF PHYSICAL THERAPY**  
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**REGULAR SESSION MEETING MINUTES**  
**July 21, 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  
Nushka Remec, PT, MS, PCS

**MEMBERS ABSENT:**

None

**OTHERS PRESENT IN PERSON:**

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

**CALL TO ORDER – 8:30 a.m.**

Ms. Richardson called the meeting to order at 8:34 a.m. (A recording of the meeting is available through the Board Office)

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

a) June 16, 2015; Regular Session Meeting Minutes

Dr. Miller suggested a change under Board Business. Ms. Richardson moved the Board to approve the June 16, 2015, regular session meeting minutes with the suggested change. Mr. Clinton seconded the motion. 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	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

Caitlyn Baird	Catherine Beaupain	Alana Bencivengo
Maria Bolger	Marie Boone	Jamie Briski
Alisa Cooper	Michael Crabill	Cecilia Daily
Anthony DiSalvo	Genevieve Elliott	John Epidy
Lorena Everhart	Vanessa Geissler	Jeffrey Gerber
<del>Ademola Giwa</del>	David Hamilton	Steve Hanley
Zachary Hines	Claire Hotaling	Andrea Jennings
Kylie Johnson	Sean Juarez	Jenna Kawashima
Kerry Lane	Christine Layng	Yvonne Lema
Luke Lettinga	Kelly Lucas	<del>Wendy Maciariello</del>
Vicki McNeill	Kelly McQuade	Ryan Mertz
Benjamin Millay	Alex Morse	Jordan Mrosewski
Lindsay Myhre	Brandon Olson	Eileen O'Rourke
Audrey Pinner	Kelly Randolph	Juliana Rehbein
Bryttanie Schultz	Luressa Schultz	Samantha Serwon
Demarkis Smith	Frank Sowa	Katelyn Stahley
Michelle Stiles	Averill Sutchar	Diane Uhri
Marlaina Vance	Stephanie Vonbaldas	Kenneth Wheeler
Matthew Yavorsky	Geneva Kaplan	

Dr. Miller requested the removal of Ademola Giwa and Wendy Maciariello from the consent agenda. Ms. Hunter moved the Board approve the remaining applicants for licensure or certification upon receipt of passing scores and final transcripts. 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
Aye	X	X	X	X	X	X
Nay						
Recused						
Abstained						
Absent						

Ademola Giwa

Dr. Miller questioned the probationary status of Ms. Giwa's driver's license. Dr. Miller moved the Board table Ms. Giwa's application until Board staff can research and report New Jersey's definition of Probationary Driver License to the Board. Ms. Richardson 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	X
Nay						
Recused						
Abstained						
Absent						

Wendy Maciariello

Mr. Clinton questioned whether Ms. Maciarelo should have answered Yes to Good Moral Character question number nine because she was previously under investigation by the California Board of Physical Therapy. Mr. Clinton moved the Board grant her license and instruct Board staff to send a letter to Ms. Maciarelo explaining that she should have answered yes to question number nine because of the past investigation. Dr. Miller 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				X		
Recused						
Abstained						
Absent						

- 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 Gillespie

The Board discussed Mr. Gillespie's pending matter in Texas. Mr. D'Appollonio moved the Board allow Mr. Gillespie to take the AZLAW exam and pending licensure until final resolution of Texas action is received. Ms. Remec 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	X
Nay						
Recused						
Abstained						
Absent						

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

- (a) Stacie Morris

Dr. Miller moved the Board approve Ms. Morris's request. Ms. Remec seconded the motion. Following review and discussion the motion passed unanimously.

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

- (b) Michael Gillespie

Ms. Richardson moved the Board approve Mr. Gillespie's request. Dr. Miller 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	X
Nay						
Recused						
Abstained						
Absent						

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

Ashli Baker	Jaclyn Barcal	Donald Caldwell
Laura Cronin	Margaret Ludington	Pamela Munda
Kristine Shanker	Andrea Thurman	Shelby Wade

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	X
Nay						
Recused						
Abstained						
Absent						

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) Eric Renshaw

Mr. Renshaw disclosed a legal issue that arose during his application process. Mr. Renshaw was previously approved to take the NPTE and AZLAW exams and has since passed the NPTE. Ms. Richardson moved the Board rescind the May 2015 vote to grant licensure upon receipt of passing scores on the AZLAW. 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	X
Nay						
Recused						
Abstained						
Absent						

Dr. Miller moved the Board approve Mr. Renshaw to take the AZLAW and to come to the board for approval of his certificate upon receipt of information regarding the resolution of the Scottsdale case against him. Dr. Miller amended the motion to include the requirement of final transcript submission. Ms. Richardson seconded the motion. Ms. Richardson confirmed that Mr. Renshaw's entire file would be available for review again before approving certification. Following review and discussion the motion passed 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	X
Nay						
Recused						
Abstained						
Absent						

(2) Amanda Willis

Ms. Hunter moved the Board approve Ms. Willis’s application 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	X
Nay						
Recused						
Abstained						
Absent						

Consent Agenda End

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

b) Review, Discussion, and Possible Action on Consideration of Modification of Board Order

i) Ann Hogan Patriquin, PT

Ms. Patriquin was present and was not represented by an attorney. Mr. Brown provided a summary of Ms. Patriquin’s case. The Board asked questions of Ms. Patriquin and discussed the report from Ms. Patriquin’s health care provider. Ms. Richardson moved the Board amend the previous Board Order/Consent to include one year of probation, abstinence from alcohol and mood altering drugs for one year unless prescribed, a requirement to do random urine drug screening two times per month, maintain an approved primary care physician who will coordinate her medication and medical care as part of a monitoring program which would include a minimum quarterly case management progress evaluation with compliance reporting to the Board, and engage a Board approved monitor within 30 days of entering into the agreement. Dr. Miller seconded the motion. Mr. D’Appollonio made a friendly amendment to change the random testing to one time per month for one year. Ms. Remec seconded the amendment. Following review and discussion of the amended motion failed.

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

Following further review and discussion the original motion passed by roll call vote.

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

Abstained						
Absent						

**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) Peter Apin

Ms. Hunter moved the Board approve upon Board staff verification that Mr. Apin’s place of employment as listed on his application is accurate and completion of a Supervised Clinical Practice Period. Ms. Remec seconded the motion. Ms. Remec made a friendly amendment to the motion, omitting the Supervised Clinical Practice Period requirement. Ms. Hunter accepted the friendly amendment. Following review and discussion the amended motion passed unanimously.

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

ii) Review of and Possible Licensure of Applicant with Final CPI

(1) Irish Doblalr

Ms. Hunter moved the Board approve Ms. Doblalr’s license. Ms. Remec 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	X
Nay						
Recused						
Abstained						
Absent						

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

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

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

a) Initial Review, Discussion and Action on Complaint

i) Complaint #15-05; Kara Koenitzer Tate, PT

Summary: The Board opened complaint against Ms. Tate following review of Complaint #14-27 Robert Miller, PT. The Board alleges that Ms. Tate engaged in substandard care, failed to adhere to the Code of Ethic, failed to properly supervise assistive personnel, made misleading, deceptive, untrue or fraudulent representations, failed to maintain adequate patient records, promoted unnecessary treatment intervention and provided treatment intervention unwarranted by the condition of the patient or treatment beyond a reasonable benefit.

Ms. Tate was present and was represented by her Attorney, Anne McLellan. Ms. McLellan made an opening statement. Ms. Tate made an opening statement. The Board did not require a summary from Mr. Brown. Ms. Tate answered questions from Board members.

Mr. Clinton left the table at 10:25 a.m.

The Board recessed for a break at 10:25.

The Board returned from break at 10:27.

Ms. Richardson moved the Board move the case to an informal hearing to give Ms. Tate an opportunity to review the documents related to the complaint. Dr. Miller 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		X				
Recused						
Abstained						
Absent						

ii) Complaint #15-06; Nichole Stavale, PT

Summary: Board opened complaint against Ms. Stavale following review of Complaint #14-27 Robert Miller, PT. The Board alleges that Ms. Stavale engaged in substandard care, failed to adhere to the Code of Ethic, failed to properly supervise assistive personnel, made misleading, deceptive, untrue or fraudulent representations, failed to maintain adequate patient records, promoted unnecessary treatment intervention and provided treatment intervention unwarranted by the condition of the patient or treatment beyond a reasonable benefit.

Ms. Stavale was present and was represented by her Attorney, Anne McLellan. Ms. McLellan made an opening statement and provided a statement in the form of a letter from Ms. Stavale's current employer. This letter was copied by Board staff and distributed to Board members. Ms. Stavale made an opening statement. The Board did not require a summary from Mr. Brown. Ms. Stavale answered questions from Board members. Dr. Miller stated that he is not related to Ms. Stavale's employer (Robert Miller) and does not know him.

Ms. Richardson moved the Board move the case to an informal hearing. Dr. Miller 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		X			X	
Recused						
Abstained						
Absent						

iii) Complaint #15-16; Jim Roarty, PT

Mr. Brown provided a summary of the complaint to the Board.

Summary: Mr. Roarty failed to complete Board Order 14-43 within the required timeframe. Mr. Roarty failed to successfully pass the jurisprudence exam by April 12, 2015.

Mr. Roarty was not present and was not represented by an attorney. Ms. Richardson asked if Mr. Roarty has taken the jurisprudence exam since April 12, 2015. Mr. Brown verified that Mr. Roarty took and passed the exam on May 2, 2015. Ms. Baskin and Mr. Brown stated that a letter is sent to the licensee with the effective date of the probation and the time frames for compliance. Ms. Hunter asked Mr. Brown to speak to the statement from Mr. Roarty that Board staff did not return his phone calls. Mr. Brown stated that he had spoken with Mr. Roarty on many occasions regarding registering for the exam. Ms. Cardoza confirmed that she also assisted him at one point. Mr. D’Appollonio asked to clarify that online registration was through the Federation (FSBPT). Mr. Brown confirmed and provided a brief overview of the registration process. Ms. Cardoza stated that the exam is available seven days a week.

Dr. Miller moved the Board offer a consent agreement to include probation of 90 days and a civil penalty of \$500 to be paid within 60 days. If the consent agreement is not accepted within three weeks, the case will be forwarded to a formal hearing. Ms. Hunter seconded the motion. Ms. Richardson made a friendly amendment to add the requirement for Mr. Roarty to do a 30-minute presentation within 90 days to 30 Physical Therapists/Physical Therapist Assistants, professional Physical Therapists/Physical Therapist Assistants, or student Physical Therapists/Physical Therapist Assistants on the issues of his two cases (15-16 and 14-43) before the Board. The content of this presentation must be reviewed and approved by the Board. Dr. Miller accepted the friendly amendment. Mr. D’Appollonio made a friendly amendment to change the number of participants to 20. Dr. Miller accepted the friendly amendment. Following review and discussion the motion passed unanimously.

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

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

i) Jennifer Lowry, PTA

Mr. Brown provided a brief summary of the case. Ms. Richardson moved the Board open a complaint. Dr. Miller seconded the motion. Following review and discussion the motion passed unanimously.

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

**5) BOARD BUSINESS AND REPORTS**

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

i) Financial Report

Mr. Clinton left the table at 11:17 a.m.



- ii) Review Recent Board Staff Activities

Mr. Clinton returned to the table at 11:19 a.m.

- iii) Review of Current Legislative Activity- No update to provide.
- iv) Rule Activity- No update to provide
- v) FSBPT- No update to provide
- vi) Update of Formal Hearing Discussion 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 Possible Action on Dry Needling Rules Effective July 1, 2015; Action on Staff Process of Review

Mr. Brown presented three options for handling Dry Needling submissions that are received after August 1, 2015, which did not meet the thirty day reporting requirement. Ms. Richardson moved the Board to establish a procedure as outlined in Option 3.

Option 3:

The Board instructs staff to process submissions regardless of timing of the submittal until August 31, 2016 (or a separate date). If the staff identifies the issue of late submittal in any investigation, the late submittal is added to the underlying allegations. This process is similar to how the Board deals with failure to change an address in 30days.

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
Aye	X	X	X	X	X	X
Nay						
Recused						
Abstained						
Absent						

- c) Review and Discussion, Response to Executive Order 15-01; September 1, 2015 Report on Rulemaking Activity

Mr. Brown summarized his proposed response the Executive Order 15-01, in which he does not recommend amending or deleting any of the agency's rules. The Board will be provided with a copy of his response once it is complete.

- d) Review, Discussion, and Action on Board Member Training Under A.R.S. § 32-3218

Mr. Brown provided a status of Board Member Training hours and presented options for completing the remaining hours. Board members agreed they would like to attend training given by Mona Baskin, Assistant Attorney General and supplement with online training if necessary. Board staff was directed to send an email to all Board members with a list of available online courses.

- e) Review, Discussion, and Action on Written Criticism of Rule A.A.C. R4-24-303

Mr. Brown summarized how the criticism of Rule A.A.C. R4-24-303(f) came about and provided a copy of his response to the criticism. This criticism will be included the next time R4-24-303 is opened for review or at the next 5-year rule review.

**6) CALL TO THE PUBLIC**

No additional public figures came forward to address the Board.

The Board recessed for a break at 11:58.

The Board returned from break at 12:15.

**5) BOARD BUSINESS AND REPORTS**

f) Board Training

i) Board Case Resolution

Ms. Baskin presented a one-hour training session on Board Case Resolution. During discussion, the Board requested that staff provide a brief case review for each complaint discussed at Board meetings.

**6) CALL TO THE PUBLIC**

Peggy Hiller, PT, made a statement regarding information included in meeting minutes.

**5) BOARD BUSINESS AND REPORTS**

f) Board Training

i) Board Case Resolution

Ms. Baskin continued the one-hour training session on Board Case Resolution.

Dr. Miller left the meeting at 1:40 p.m..

ii) Practice Tips for Board Members in Conducting More Effective Board Meetings

This item will appear on the agenda for the August 25, 2015, Board meeting.

Ms. Richardson moved to adjourn the meeting. Mr. Clinton 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		

Meeting adjourned at 1:42 p.m.

Prepared by,

Charles D. Brown  
Executive Director

Approved by,

Al D'Appollonio, PT, MBA  
Secretary