

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
August 25, 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 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 8:38 a.m. (A recording of the meeting is available through the Board Office)

1) Review and Approval of Draft Minutes

a) July 21, 2015; Regular Session Meeting Minutes

Dr. Miller suggested corrections on pages one and two of the Minutes. Ms. Richardson moved the Board to approve the July 21, 2015, regular session meeting minutes with the suggested changes. 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

Katrina Banks	Michael Bresnahan	Andrea Britton
Keyla Briesse	Melanie Gagnon	Ademola Giwa
Julie Kirst	Claire Leiker	Brian Linville
Eric Marie	Amber Mueller	Ethan Paster
Corinne Piotrowski	Stephanie Pryor	Nicholas Rainey
Andrew Roberts	Heather Schradin	Anastasia Schmaltz
Ronda Stiekman	Jennifer Taylor	Anthony Testin
		Dillon VanderLinden

Mr. D'Appollonio requested the removal of Corinne Piotrowski from the consent agenda. Dr. Miller moved the Board approve the remaining applications. 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						

Corinne Piotrowski

Mr. D'Appollonio noted that Ms. Piotrowski had an Arizona physical therapist license until 2006. Mr. D'Appollonio moved the Board pend approval of Ms. Piotrowski's application until Board staff receives and verifies her completion of 80 continuing competence hours. Dr. Miller made a friendly amendment to include verification that 20 hours of continuing education were completed for every renewal period. Mr. D'Appollonio accepted the friendly amendment. Ms. Hunter seconded. 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						

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

(1) Anthony Celio

Mr. D'Appollonio moved the Board pend approval of Mr. Celio's application until his substance abuse evaluation report is received and reviewed by the Board. Ms. Richardson seconded the motion. Following review and discussion the motion failed 2-5.

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

Nay	X		X	X	X	
Recused						
Abstained						
Absent						

Dr. Miller moved the Board approve Mr. Celio's application upon receipt of passing scores and final transcript. Ms. Hunter seconded the motion. Following review and discussion the motion passed 4-2.

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						

(2) Jennifer Henke

Ms. Hunter moved the Board approve Ms. Henke's application upon receipt of passing scores and final transcript. 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						

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

(a) Edward Presser

Ms. Hunter moved the Board approve Mr. Presser's request for ADA accommodations. Mr. Clinton 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						

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

Baby Jane Acutin	John Bajamundi	Logan Berg
Brittany Broberg	Lauretta Carvin	Joshua Cummings

Erick DeLeon	Kevin Derrick	Tyler Dodson
Julie Evans	Zachary Fiore	Michael Filo
Heike Fleuchaus	Anna Harrold	Emmett Heine
Peggy Kapfhamer	Brianna Kennedy	Ruben Loera
Stephanie Monteleone	Elizabeth Nunn	Albert Ochoa
Jigar Patel	Katie Quigley	Fito Rascon
Araceli Ruiz	Nancy Ruiz	Kristopher Saenz
Joshua Smith	Allison Taylor	Dillon Thompson
Sarah Zeltman		

Ms. Hunter requested the removal of Logan Berg from the consent agenda. Dr. Miller moved the Board approve the remaining applications 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						

Logan Berg

Ms. Hunter requested the removal of Logan Berg from the consent agenda because her military identification does not prove citizenship. Ms. Hunter moved the Board approve the Ms. Berg's application upon receipt of acceptable documents proving citizenship, passing scores, and final transcript. 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						

vi) 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

(a) Claire Acuff

Ms. Acuff was present, made a statement, and answered questions from Board members. Ms. Hunter moved the Board approve Ms. Acuff's application upon receipt of passing scores and final transcript. 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						

(b) Andrew Falkenberry

Dr. Miller moved the Board approve Mr. Falkenberry's application upon receipt of passing scores and final transcript. 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						

(c) Angela Garduno

Ms. Hunter noted that the graduation date on Ms. Garduno's application was incorrect. Dr. Miller moved the Board approve Ms. Garduno's application upon receipt of passing scores and final transcript. 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						

(d) Todd Gobie

Ms. Richardson moved the Board approve Ms. Gobie's application upon receipt of passing scores and final transcript. 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						

(e) Aaron Low

Mr. Low was present and available for Board questions. Ms. Baskin defined the term "Absolute Discharge". Mr. Low answered questions from Board members. Ms. Hunter moved the Board approve Mr. Low's application upon receipt of passing scores and final transcript. 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						

(f) Michael Mossor

Mr. Mossor was present and available for Board member questions. Ms. Hunter moved the Board approve Mr. Mossor's application upon receipt of passing scores and final transcript. 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						

(g) Eric Renshaw

Mr. Renshaw was present and available for questions. Ms. Cardoza stated that Mr. Renshaw's application was reviewed and approved in May, but a legal matter arose after approval. Mr. Renshaw answered questions from the Board. Ms. Hunter moved the Board approve Mr. Renshaw's application upon receipt of passing scores and final transcript. 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						

(h) Katsy Spence

Ms. Spence was present and available for questions. Ms. Richardson moved the Board approve Ms. Spence's application upon receipt of passing scores and final transcript. 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						

(i) Kelli Stockdale

Ms. Richardson moved the Board approve Ms. Stockdale's application upon receipt of passing scores and final transcript. 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						

Consent Agenda End

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

- a) Review of and Possible Action on the Following Applications for Physical Therapist Licensure – Foreign Educated Graduates of Programs Not U.S. Accredited.

- i) Review of Education, Determination of Supervised Clinical Practice Period, and Possible Licensure

(1) Emielyn Abian

Ms. Richardson moved the Board waive the SCCP and approve Ms. Abian's application. 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						

(2) Najmeh Hoseini

Ms. Hoseini was present. Ms. Richardson moved the Board waive the SCCP and approve Ms. Hoseini's application. Mr. Clinton 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						

- ii) Review of and Possible Action on the Following Applications for Physical Therapist Licensure, Previous Arizona Licenses

(1) Colleen Doherty

Ms. Cardoza stated that certificates for continuing competence were received but had not yet been reviewed. Ms. Hunter moved the Board approve Ms. Doherty's application upon Board staff approval of 80 hours of continuing education (20 per renewal period). Ms. Richardson 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						

(2) Cheryl Stangl

Ms. Richardson moved the Board approve Ms. Stangl's application pending Board staff review and approval of 40 CEUs. 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						

iii) 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) Clifton Hoehn

Mr. Hoehn was present and answered questions from the Board. Mr. D'Appollonio moved the Board approve Mr. Hoehn's application upon receipt of passing scores and final transcript. Mr. Clinton 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						

iv) Review, Consideration and Action of Applications for Reinstatement of Physical Therapy License

(1) Mary Brix

Ms. Brix was present and was not represented by an attorney. Ms. Brix made a statement and answered questions from the Board. Ms. Richardson moved the Board approve Ms. Brix's reinstatement application and immediately open a complaint for working on an administratively suspended license. Dr. Miller seconded the motion. Following review and discussion the motion passed 5-1.

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						

Dr. Miller moved the Board open a complaint against Ms. Brix for working on an administratively suspended license and give her the option of a consent agreement based on the 2014 matrix. 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						

The Board recessed for a break at 9:57 a.m.

The Board returned from break at 10:07 a.m.

4) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

a) Formal Hearings; 10:00 a.m.

i) Case #14-45; William Adelman, PT

Summary: Ms. H alleges that she received a burn from a hot pack on September 8, 2014 under the care of Mr. Adelman.

Mr. Adelman was present and was not represented by an attorney. Mr. Brown stated that Mr. Adelman had requested an informal settlement conference, which had already taken place. During the settlement conference Board staff, working with the Assistant Attorney General, created the consent agreement attached to the Complaint Notice of Hearing. This consent agreement has been signed by Mr. Adelman. Ms. Richardson moved the Board accept the consent agreement. 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						

b) Informal Hearings

i) Case #14-37; Katrina Herron, PT

Summary: Ms. Christie alleges that Ms. Herron failed to adequately supervise Linda Armado, PTA (5851A) when providing home health physical therapy services to Ms. LC. Ms. Christie alleges that Ms. Herron did not adhere to the rule of general supervision and perform a reevaluation and provide each therapeutic intervention for the patient that is done the day of the reevaluation every fourth treatment visit.

Ms. Herron was present and was not represented by an attorney. Mr. Brown listed the allegations. Board members, staff, and Ms. Herron introduced themselves. Ms. Richardson provided a review of the proceedings and possible outcomes. Ms. Herron and Ms. Donahue were sworn in. Ms. Herron made a statement and answered questions from the Board. Ms. Herron made a closing statement. The Board deliberated.

Ms. Richardson moved the Board accept Factual Allegations A-D as outlined in the informal hearing brief as Findings of Fact. Dr. Miller seconded the motion. Following review and discussion the motion passed by unanimous vote.

Findings of Fact

A. Engaged in the performance of substandard care by a physical therapist due to a deliberate or negligent act or failure to act regardless of whether actual injury to the patient is established.”

1. Ms. Herron failed to perform a balance assessment at the initial evaluation or any point in the episode of care for injuries sustained by CL due to a fall.
 - a. Ms. Herron and Ms. Amado document throughout the episode of care Ms. CL high risk for falls.
2. Ms. Herron failed to perform the 4th visit requirement under general supervision in which re-evaluation of her functional status, evaluation of the right hip and lumbar pain and modification to POC/ treatment interventions could have been determined.
3. Ms. Herron delegated the treatment interventions to be performed to a PTA for each of the 15 DOS in CL episode of care.

B. Failed to supervise assistive personnel, physical therapy students or interim permit holders in accordance with this chapter and rules adopted pursuant to this chapter.

1. Ms. Herron failed to perform a re-evaluation and provide each therapeutic intervention for the patient that is done on the day of the reevaluation every fourth treatment visit or every 30 days, whichever occurs first.
2. Ms. Herron failed to determine, based on patient’s acuity and treatment plan, whether it was appropriate to use assistive personnel to perform a selected treatment intervention or physical therapy task for the patient.

C. Failed to adhere to the recognized standards of ethics of the physical therapy profession.

1. Ms. Herron violated the following Principles of the Code of Ethics:
 - a. Principle 2:
 - i. A physical therapist shall act in a trustworthy manner toward patients/clients and in all other aspects of the physical therapy practice.
 - b. Principle 4:
 - i. A physical therapist shall exercise sound professional judgment.

D. Made misleading, deceptive, untrue or fraudulent representations in violation of this chapter or in the practice of the profession.

1. Ms. Herron documents a discharge summary on August 20, 2014 of CL in which she did not perform the re-evaluation or engage the patient on this DOS.
2. On July 18, 2014 Ms. Herron submitted records on September 5, 2014 which demonstrates modification to Ms. Amado’s note with an added sentence at the end of the Assessment and a co-signature of Ms. Herron that was not present on the documentation that was submitted on July 18, 2014 by Ms. Christie.
3. On July 25, 2014, Ms. Herron modified the documentation to indicate that she provided all aspects of care for the patient on this DOS with the removal of Ms. Amado’s signature from the documentation and insertion of her own signature.
 - a. Schedule documents Ms. Amado PTA scheduled to provide treatment interventions to CL at 2pm.
 - b. Schedule documents Ms. Herron PT is scheduled to provide services at 2:30pm. Ms. Herron, who is at CL home, has another patient scheduled for 3pm at a different location. Given a certain amount of time for travel, it is unlikely that Ms. Herron provided treatment as documented for 75 skilled minutes.
 - c. Ms. Amado is scheduled to provide treatment to the patients ½ hour prior

- to Ms. Herron's arrival. Ms. Amado is not documented as providing any services and does not provide a signature in the patient record.
- d. Ms. Herron, in her documentation, indicates that Ms. Amado is present and that Ms. Amado provided treatment interventions to CL.
 - i. "Patient was seen by primary therapist simultaneously today."
 4. On August 7, 2014, Ms. Herron altered the patient record to remove Ms. Amado's signature and affix her own signature to Ms. Amado's documentation.
 - It may appear that Ms. Herron altered the patient record and added the following to Ms. Amado's documentation:
 - "Primary PT present after treatment with PTA. Patient reports that her original pain has improved significantly; she does have pain on the right side and points to the SI joint region. She states this is not a new pain for her, not resulting from the fall that she has prior to starting therapy. Patient notes she is getting better with her ability to ambulate household distances multiple times throughout the day. Her pain levels are manageable."
 - Ms. Herron's documentation is in conflict with the subpoenaed schedule.
 - Ms. Herron would have been the first to provide services at 10:00am as Ms. Amado was not scheduled to provide services until 3:00 pm.
 - "Primary PT present after treatment with PTA."

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						

Ms. Richardson moved the Board accept A.R.S. §32-2044(1), (4), (6), (12), and (14) as Conclusions of Law. Mr. D'Appollonio seconded the motion. Following review and discussion the motion passed by unanimous vote.

Conclusions of Law

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

A.R.S. §32-2044(4): "Engaging in the performance of substandard care by a physical therapist due to a deliberate or negligent act or failure to act regardless of whether actual injury to the patient is established."

A.R.S. §32-2044(6): "Failing to supervise assistive personnel, physical therapy students or interim permit holders in accordance with this chapter and rules adopted pursuant to this chapter."

A.R.S. §32-2044(12) "Failing to adhere to the recognized standards of ethics of the physical therapy profession."

A.R.S. §32-2044(14): "Making misleading, deceptive, untrue or fraudulent representations in violation of this chapter or in the practice of the profession."

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 issue an Order to include one year of probation, six hours of in-person continuing education in ethics pre-approved by Board staff within the first four months, a Board-approved monitoring system of one visit per month for four months beginning after the ethics course is completed, including patient and employee scheduling, supervision, documentation of Mr. Herron and documentation of any assistive personnel. Ms. Richardson seconded the motion. Following review and discussion Dr. Miller withdrew his motion. Ms. Richardson withdrew her second.

Dr. Miller moved the Board issue an Order to include one year of probation, six hours of in-person continuing education in ethics within the first four months, a Board-approved monitoring system of one visit per month for four months beginning after the ethics course is completed, including patient and staff scheduling, supervision, documentation of Mr. Herron and documentation of any assistive personnel. The monitoring system must be secured with 60 days. Early termination of probation would be possible after four monitoring visits. Ms. Richardson seconded the motion. Following review and discussion the motion passed by roll call vote.

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

ii) Case #15-19; Max Allred, PT

Summary: Mr. Allred failed to complete the requirements of Board Order #12-66 within the specified timeframe. Mr. Allred has completed six hours of continuing education specific to documentation, however did not successfully complete the patient record audit on February 20, 2015. Mr. Allred was to have completed all components of Board Order #12-66 by January 28, 2015.

Mr. Allred was present and was not represented by an attorney. Board members, staff, and Mr. Allred introduced themselves. Mr. Brown provided a summary. Ms. Richardson provided a review of the proceedings and possible outcomes. Mr. Allred and Ms. Donahue were sworn in. Mr. Allred made an opening statement. Ms. Donahue and Mr. Allred answered Board member questions. Mr. Allred made a closing statement. The Board discussed the case.

Ms. Richardson moved the Board accept the Factual Allegations as listed in the informal hearing brief as Findings of Fact. Dr. Miller seconded the motion. Following review and discussion the motion passed.

Findings of Fact

A) Violating this chapter, Board rules or a written board order.

1. Mr. Allred failed to complete the requirements of Board Order #12-66 within the specified timeframe.
2. Mr. Allred has not successfully completed the patient record audit.

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						
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Ms. Richardson moved the Board accept 32-2044(1) as Conclusions of Law. Dr. Miller seconded the motion. Following review and discussion the motion passed by unanimous vote.

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

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						

Ms. Richardson moved the Board amend the current Board order to extend the time period to six months for him to successfully complete a minimum of one chart audit of three randomly selected charts with the option of early termination once he has successfully completed the chart audits. Following review and discussion the motion passed by roll call vote.

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

The Board recessed for a break at 11:33 a.m.

The Board returned from break at 11:44 a.m.

5) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

c) Initial Review, Discussion and Action on Complaint

i) Complaint #15-04; Kimberly Gardner, PT

Summary: Board alleges that Ms. Gardner failed to notify the Board of her charges for grand theft 9/21/14 in Aspen, CO; Grand Theft Arcadia California and Petty Theft in Manhattan Beach, CA on 12/7/14.

Ms. Gardner was not present and was not represented by an attorney. Ms. Donahue provided a summary of the complaint. Dr. Miller moved the Board move the case to a formal hearing and add A.R.S. §32-2044(14) to the list of offenses. Ms. Richardson 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						
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ii) Complaint #15-11; Blain Packard, PT

Summary: Ms. C alleges substandard care for treatment provided by Mr. Packard. She alleges that Mr. Packard produced marked increase in symptoms with treatment provided.

Mr. Packard was not present and was not represented by an attorney. Ms. Donahue provided a summary of the complaint. Dr. Miller moved the Board move the case to an informal hearing, citing possible violation of A.R.S. §32-2044(1) and A.R.S. §32-2044(5) as listed on page 1 of the investigative report, and add A.R.S. §32-2044(13), A.R.S. §32-2044(14), A.R.S. §32-2044(20), and A.R.S. §32-2044(22) as listed on page 16 of the same report. Mr. D'Appollonio 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						

Ms. Hunter moved the Board open a complaint against Michelle Bambenek, PT, citing allegations A.R.S. §32-2044(6) and A.R.S. §32-2044(14) from page 17 of the investigative report and against Kim Lee, PT, citing allegations A.R.S. §32-2044(4), A.R.S. §32-2044(6), A.R.S. §32-2044(13), A.R.S. §32-2044(14), and A.R.S. §32-2044(20) from the same investigative report. Mr. Clinton 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						

iii) Complaint #15-18; Edward Hunter, PT

Summary: Patient MS alleges that Mr. Hunter sexually assaulted her in his clinic while she was a patient on four (4) occasions: twice between January 4, 2011 and January 2012; on or about April 10, 2015 and on or about April 16, 2015.

Mr. Hunter was not present and was not represented by an attorney. Ms. Donahue provided a summary of the complaint. Ms. Hunter stated that she does not know Mr. Hunter and is not related to him. The Board discussed the case and asked questions of Ms. Baskin. Ms. Hunter moved the Board move to Executive Session to seek legal advice and to review confidential records. Ms. Richardson seconded the motion. 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						

Executive session began at 12:01

Regular session resumed at 12:15 p.m.

4) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

a) Informal Hearings

iii) Complaint #15-18; Edward Hunter, PT

Ms. Richardson moved the Board offer a consent agreement to Mr. Hunter to voluntarily surrender his license while the Board continues its investigation. If Mr. Hunter does not voluntarily surrender his license, Board staff will present the complaint to the Board again. Ms. Hunter seconded the motion. 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						

iv) Complaint #15-20; Linda Amado, PTA

Summary: Board opened Complaint #15-20 after review of Complaint #14-37 Katrina Herron, PT. Ms. Christie, the complainant alleges that Ms. Amado was inadequately supervised by Ms. Herron. Ms. Amado failed to adhere to the general supervision rules and provided continuous treatment without Ms. Herron performing the re-evaluation and entire treatment every 4th visit regarding patient LC.

Ms. Amado was present and was not represented by an attorney. Ms. Donahue provided a summary of the complaint. Ms. Amado answered questions from the Board. Ms. Hunter moved the Board forward the complaint to an informal hearing. Dr. Miller seconded the motion. Following review and discussion Ms. Hunter withdrew her motion and Dr. Miller withdrew his second. Dr. Miller moved the Board move the case to an informal hearing. Ms. Remec seconded the motion. Following review and discussion the motion passed 4-2.

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						

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

i) Case #14-15; James Kostrewa, PT

Mr. Kostrewa was present and was not represented by an attorney. Ms. Donahue provided a summary of the request. Mr. Kostrewa made an opening statement and answered questions from Board members. Mr. D'Appollonio moved the Board extend the continuing education requirement two months to allow Mr. Kostrewa to complete the in-person continuing education course on documentation and keep the audit

requirement. 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						

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

i) Case #13-29; Brandy Sanders, PT

Mr. Sanders was not present and was not represented by an attorney. Ms. Hunter moved the Board approve the early termination of Mr. Sanders's probation. Dr. Miller seconded the motion. Mr. D'Appollonio stated he did not support the motion because there were no billings to review and he would like to see more reports. Following review and discussion the motion passed 5-1.

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						

f) Review, Discussion, and Possible Action of Non-compliance With Board Order

i) Case #13-27, Anthony Spillman, PTA

Mr. Spillman was present and was not represented by an attorney. Mr. Spillman made an opening statement and answered questions from the Board. Ms. Richardson moved the Board offer a consent agreement to amend the current Board order to extend it for six months to allow the completion of a minimum of one successful audit to include three randomly selected charts chart, to eliminate the requirement for Mr. Spillman to present in front of 20 or more students, physical therapists or physical therapist assistants, to reinstate the restriction of not working under general supervision, and to add the new requirement of monthly monitoring for the remainder of the probation, entering to a contract with the monitor within 30 days of the initiation of the amendment to the order, ad to continue the tolling language in the original order. If Mr. Spillman does not accept the amendment within 20 days, the case will go to an informal hearing. 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						

Dr. Miller moved the Board open a complaint against Deborah Gilsmer, PT (#8381) for inadequate supervision, substandard care, and inadequate documentation. Ms. Richardson seconded the motion.

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						

6) CALL TO THE PUBLIC

Andrea Sauers addressed the Board, asking that they reconsider the requirement of passing the TOEFL exam in one sitting.

5) BOARD BUSINESS AND REPORTS

- b) Presentation on Possible Future Models of Clinical Education
 - i) Cynthia Driskell, PT, Chair of AzPTA State Government Affairs Committee
Ms. Driskell, PT, AzPTA Chair, presented information on the Future Models of Clinical Education panel at the AzPTA Fall Conference.

The Board recessed for a break at 1:50 p.m.

The Board returned from break at 1:55 p.m.

5) BOARD BUSINESS AND REPORTS

- a) Executive Director's Report – Discussion and Possible Action
 - i) Financial Report
 - ii) Review Recent Board Staff Activities
 - iii) Review of Current Legislative Activity- No update to provide.
 - iv) Rule Activity- No update to provide
 - v) FSBPT- Verbal Report on FSBPT Leadership Issues Forum
 - vi) Update of Formal Hearing Discussion With The Office of The Attorney General

Mr. Brown reviewed the written report for the Board. No action was requested or taken on the Executive Director report.
- b) Review, Discussion, and Action on Board Member Training Under A.R.S. § 32-3218
Board members and staff discussed the current status of hours completed to meet the mandatory Board member training requirement.
- c) Board Training
 - i) Practice Tips for Board Members in Conducting More Effective Board Meetings
Ms. Baskin facilitated a one-hour Board member training session.

Ms. Remec left the meeting at 2:30 p.m.

7) ADJOURNMENT

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

ADJOURNMENT

Meeting adjourned at 2:59 p.m.

Prepared by,

Charles D. Brown
Executive Director

Approved by,

Al D'Appollonio, PT, MBA
Secretary