



ARIZONA STATE BOARD OF PHYSICAL THERAPY
4205 NORTH 7TH AVENUE, SUITE 208 PHOENIX, ARIZONA 85013
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www.ptboard.az.gov

REGULAR SESSION MEETING MINUTES
October 20, 2015

MEMBERS PRESENT:

Melinda Richardson, PT, MA; President
James E. Miller, PT, DPT, Vice President
Al D'Appollonio, PT, MBA; Secretary
Peggy Hunter, PTA, CLT; Member
Nushka Remec, PT, MS, PCS

MEMBERS ABSENT:

Michael S. Clinton, CPA; Member

OTHERS PRESENT IN PERSON:

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

- 1) **CALL TO ORDER – 8:31 a.m.;** Ms. Richardson called the meeting to order at 8:31 a.m. (A recording of the meeting is available through the Board Office)

Roll Call - The following Board members were present: Ms. Richardson, Dr. Miller, Mr. Clinton, Ms. Hunter, Mr. D'Appollonio and Ms. Remec.

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

- a) September 22, 2015; Regular Session Meeting Minutes

Dr. Miller requested minor changes to page 1, 14, and 18 of the minutes. No other changes were requested. Ms. Richardson moved the Board to approve the September 22, 2015, regular session meeting minutes with the suggested changes. Mr. Clinton seconded the motion. 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					

3) 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

Clarisse Baluyot	Michael Barboza	Marshall Berkeley
Jennifer Berwanger	Jerald Bozeman Jr.	Michael DuBois
Kimberly Eschmeyer	Lindsey Fonacier	Cara Goodenough
Chad Hadley	Jessica Hayden	Ginnifer Hernandez
Darralyn Hooker	James Jobin	Kayla Leary
Murphy McCarty	Brandon Merrill	Jack Nelson
Nicole Nichols	Darla Noel	Michele Page
Julie Reagan	Nicole Rowe	Kelsey Schaub
Philip Schaub	Aimee Snyder	Samantha Strebel
Charles Thomas	Michael Tejada	Lane Van Arsdale

Ms. Hunter pulled Lindsey Foncier from the consent agenda. Ms. Richardson moved the Board approve the above applications upon receipt of passing scores on the NPTE/AZLAW exams and final transcripts. 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	X
Nay						
Recused						
Abstained						
Absent	X					

Lindsay Foncier

Ms. Hunter noted that the Social Security number provided on the application and on the transcripts does not match. Ms. Hunter moved the Board approve Ms. Foncier's application upon confirmation of the correct social security number and passing scores. Ms. Remec 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) 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) Savannah Torrez

Ms. Torrez was not present and not represented by an attorney. Ms. Richardson moved the Board approve Ms. Torrez’s application for physical therapist licensure upon receipt of passing scores on the NPTE/AZLAW and final transcript. 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						
Recused						
Abstained						
Absent	X					

(1) Daniel Walden

Walden was not present and was not represented by an attorney. Ms. Hunter moved the Board approve Mr. Walden’s application for physical therapist licensure upon receipt of passing scores on the NPTE/AZLAW and final transcript. 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					

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

Melissa Cleveland	James “Jim” James	Christine Lash
Amy Miner	Alexis Noel	Armando Rivas

Ms. Richardson moved the Board approve the applications upon receipt of passing scores on the NPTE/AZLAW exams and final transcripts. 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					

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

(a) Briana Astorga

Ms. Astorga was not present and not represented by an attorney. Ms. Richardson moved the Board approve Ms. Astorga’s application upon receipt of final transcripts and passing scores on the NPTE/AZLAW examinations. 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
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Aye		X	X	X	X	X
Nay						
Recused						
Abstained						
Absent	X					

(b) Eric Renshaw

Mr. Renshaw was not present and not represented by an attorney. Ms. Richardson moved the Board approve the applications upon receipt of passing scores on the NPTE/AZLAW exams and final transcripts. 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						
Recused						
Abstained						
Absent	X					

Consent Agenda Ends

4) 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.

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

(1) Mouly Bhatt

Ms. Richardson moved the Board find Ms. Bhatt’s education substantially equivalent and require her to complete the minimum SCPP. 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	X
Nay						
Recused						
Abstained						
Absent	X					

5) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

The Board may vote to go into Executive Session pursuant to A.R.S. §38-431.03(A)(2) for purposes of discussing confidential information or §38-431.03(A)(3) to obtain legal advice.

- c) Cases Forwarded To Formal Hearing; Request For Approval of Complaint and Notice of Hearing
 - i) Case #14-47; Jeff Carr, PT
 - ii) Case #12-08; Jeff Carr, PT

Mr. Brown reviewed the proposed complaint and notice of hearing. Mr. Brown stated that the allegations are combined from the above cases and would result in any other original allegations not being included will not be part of the case. The allegations excluded are based on staff’s assessment of the evidence. The Board discussed the complaint. Ms. Richardson moved the Board approve the Complaint of the combined cases as presented. Ms. Remec 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					

The Board recessed from 8:54 a.m. to 9:02 a.m.

- d) Initial Review, Discussion and Action on Complaint
 - i) Case #14-29; Sarah Davin, PT

Ms. Donahue provided the Board with a summary of the complaint. Ms. Davin was involved in a DUI criminal case when she applied for licensure in June, 2014. The Board granted Ms. Davin her license and opened a complaint. Instructed Board staff to return to the Board for review after the criminal case had been adjudicated. Ms. Davin’s criminal case is concluded and she has completed all court requirements. Dr. Miller moved the Board dismiss the complaint. 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					

- a) Informal Hearings; 9:00 a.m.
 - i) Case #15-20; Linda Amado, PTA

Ms. Amado was present and was not represented by legal counsel. The Board members and staff introduced themselves to Ms. Amado. Ms. Amado introduced herself. Ms. Richardson reviewed the process of the hearing and the possible outcomes. Ms. Richardson swore-in Ms. Amado and Ms. Donahue as witnesses. Mr. Brown read the allegations of the case.

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

1. On July 21, 2014 Ms. Amado may have been making assessments of the patient’s presentation that may exceed her authority to perform.
 - a. “Patient tight in left periformis and LSPS with STM”
 - b. “Patient at high risk for falls” (no falls assessment is documented throughout the patient record)

2. On August 1, 2014 Ms. Amado documents in the subjective: “patient experiencing right low back pain which might have been from standing extension exercise last treatment.”
 - The documentation does not indicate that Ms. Amado communicated this new finding or source of the symptoms to Ms. Herron.

3. On August 18, 2014 Ms. Amado makes the determination that Ms. LC is ready for discharge and discharges the patient in the POC by documenting:
 - “ Patient ready for discharge”
 - “Discharged to HEP per primary physical therapist”

B) Failed to report to the Board any direct knowledge of an unprofessional, incompetent or illegal act that appears to be in violation of this chapter or board rules.

1. Ms. Amado knew, or should have known the supervision statutes and rules and failed to notify the Board when she continued with treatment beyond the 4th visit under general supervision.

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

- R4-24-303(G): A physical therapist assistant who provides selected treatment intervention under general supervision shall documented in the patient record:

1. The name and license number of the supervising physical therapist.

5. Whether the physical therapist assistant consulted with the supervising physical therapist during the course of the selected treatment intervention and if so, the subject of the consultation and any decision made.

1. As per the specific chart review findings in the investigative report #15-20.

Ms. Amado made an opening statement. Following Ms. Amado’s opening statement the Board asked questions of Ms. Amado. Following the questioning of Ms. Amado, she provided a closing statement. The Board entered deliberations. Following discussion by all Board members Dr. Miller moved the Board adopt the following Findings of Fact;

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

1. On July 21, 2014 Ms. Amado may have been making assessments of the patient’s presentation that may exceed her authority to perform.
 - a. “Patient at high risk for falls” (no falls assessment is documented throughout the patient record)
3. On August 1, 2014 Ms. Amado documents in the subjective: “patient experiencing right low back pain which might have been from standing extension exercise last treatment.”
 - The documentation does not indicate that Ms. Amado communicated this new finding or source of the symptoms to Ms. Herron.

3. On August 18, 2014 Ms. Amado makes the determination that Ms. LC is ready for discharge and discharges the patient in the POC by documenting:

- “Patient ready for discharge”
- “Discharged to HEP per primary physical therapist”

B) Failed to report to the Board any direct knowledge of an unprofessional, incompetent or illegal act that appears to be in violation of this chapter or board rules.

2. Ms. Amado knew, or should have known the supervision statutes and rules and failed to notify the Board when she continued with treatment beyond the 4th visit under general supervision.

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

- R4-24-303(G): A physical therapist assistant who provides selected treatment intervention under general supervision shall documented in the patient record:

1. The name and license number of the supervising physical therapist.

5. Whether the physical therapist assistant consulted with the supervising physical therapist during the course of the selected treatment intervention and if so, the subject of the consultation and any decision made.

1. As per the specific chart review findings in the investigative report #15-20.

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					

Ms. Richardson 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(5)**: “Engaging in performance of substandard care 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.”
3. **A.R.S. §32-2044(17)** “Failing to report to the Board any direct knowledge of an unprofessional, incompetent or illegal act that appears to be in violation of this chapter or board rules.”
4. **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.”
5. **R4-24-303(G)**: A physical therapist assistant who provides selected treatment intervention under general supervision shall documented in the patient record:

1. The name and license number of the supervising physical therapist.

5. Whether the physical therapist assistant consulted with the supervising physical therapist during the course of the selected treatment intervention and if so, the subject of the consultation and any decision made.

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					

The Board discussed option for the Board Order. Following discussion, Ms. Richardson moved The Board order Ms. Amado’s license be placed on probation for one year the ability to request early termination when the terms are complete, require completion of six hours of continuing education in documentation which must be preapproved by Board staff, and take and pass the Board jurisprudence examination. Ms. Hunter seconded the motion. Following review and discussion Ms. Richardson called a roll call vote and 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) Initial Review, Discussion and Action on Complaint

iii) Case #15-15; Paul Gleason, PT

Mr. Gleason was present and was not represented by legal counsel. Dr. Miller stated that he knows Mr. Gleason but has not bias. Mr. D'Appollonio also stated he knows Mr. Gleason but has no bias. Ms. Donahue provided a summary of the complaint for the Board. Ms. BF alleges Mr. Gleason engaged in substandard care when providing physical therapy interventions. Mr. Gleason provided a statement to the Board and answered questions from the Board regarding his treatment of Ms. BF. Mr. Gleason stepped away and Ms. BF came forward to address the Board. Ms. BF answered questions from the Board. Ms. BF stepped away and Mr. Gleason returned before the Board. The Board entered discussion regarding the case. Ms. Remec moved the Board conclude the complaint with an order for non-disciplinary continuing education in documentation and six hour of continuing education in orthopedic evaluation management. All courses must be completed in six months, be preapproved by Board staff and be completed in-person. 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					

The Board Recessed from 11:03 a.m. to 11:12 a.m.

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

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

Ms. Richardson noted that the hearing was scheduled to begin at 10:00 a.m., but Ms. Gardner is still not in attendance. Ms. Richardson stated the Board would move forward with the Hearing. Mr. Brown reviewed the Board's actions to provide Ms. Gardner with notice of the hearing. Ms. Richardson moved the hearing forward. The Board members introduced themselves. Ms. Baskin introduced

herself as present on behalf of the State of Arizona. Ms. Donahue was sworn-in. Ms. Baskin provided an opening statement. Ms. Baskin called Ms. Donahue forward as a witness. Ms. Baskin questions Ms. Donahue and through her testimony presented State Exhibits 1-6. All Exhibits were accepted into the record by Ms. Richardson without objection from any Board member. Ms. Baskin provided a closing statement. Following the closing statement the Board entered deliberations. When discussion was concluded Ms. Richardson opened the matter for motions. Ms. Remec moved the Board adopt the following as Findings of Fact:

1. The Arizona State Board of Physical Therapy is the duly constituted authority for licensing and regulating the practice of physical therapy in the State of Arizona.
2. Kimberly Gardner, P.T. holds License No. 9761, to practice physical therapy in the State of Arizona.
3. On or about February 18, 2015, the Board opened a complaint against Respondent for failing to report criminal charges of theft on December 7, 2014, in Arcadia and Manhattan Beach, California, and on September 21, 2014, in Aspen Colorado as required pursuant to A.R.S. § 32-3208.
4. Following notification of the complaint, on or about March 26, 2015, Respondent filed a written response stating that, "I am fighting the case as it was a matter of being in the wrong place at the wrong time." Respondent also advised the Board that, "So I am hoping after fighting the case nothing will be charged against me as I was not at fault in the matter. My husband at the time committed the crime, I was with him but unaware." Respondent did not provide the Board with any police reports or court records.
5. On or about April 6, 2015, Respondent filed a second written response to the Board. Respondent admitted that criminal charges were pending in Arcadia and Manhattan Beach, California, and that she had separate court dates in January and February. Respondent also stated that she would "forward a copy of the police reports as soon as they are available." Respondent failed to provide the Board with the California police reports as promised or any other related court documents. Respondent advised the Board that, "I did not partake in any events, had no knowledge of the events that occurred in these stores, all of which my husband can attest to." Regarding her interaction with the police officers, Respondent advised that Board that, "I was unaware what he had done and only found out what had happened upon exiting the store and being approached by the police officers. In which I just sat quietly in awe of the events and everything that I was now hearing for the first time, shocked."
6. In the course of the investigation, Board staff reviewed a December 7, 2014, Arcadia California Police Report No. 1405965, documenting the thefts from REI stores in Arcadia and Manhattan Beach, involving Respondent. Police were dispatched to the REI store located in Arcadia, California, in reference to a grand theft report. The REI manager reported that a sensor alarm on the exit doors was activated and the surveillance video depicted a male and female enter the store and take several items into the dressing room and repeat this process several times. The male took a jacket and concealed it in his backpack. They then walked up to a register and returned an item for cash. They left the store and returned. Upon return they selected a few items, re-entered the dressing room, and then exited the store walking past several registers, but they did not make a purchase. The REI manager emailed the surrounding REI stores alerting them of the theft and advised that the suspects may try to return the stolen items. The manager from the Manhattan Beach REI called the Arcadia REI manager and advised him that the two suspects were in his store; in addition to contacting the police. The police contacted Respondent and she voluntarily spoke to the police after waiving her *Miranda* rights. Respondent told police she and her husband went to the REI stores, where she saw him take store

items, conceal the items, and that they left the store without paying for the items. Respondent stated that she did not ever try to stop him. Respondent admitted to the police that they re-entered the store and they stole another jacket after removing the sensors while in the dressing room. The police discovered the stolen items from REI in Respondent’s and her husband’s vehicle. Respondent admitted to stealing the items from the Arcadia REI store. Respondent was subsequently arrested and booked in Los Angeles County for the thefts. Respondent failed to disclose the criminal theft charges to the Board.

7. On or about September 21, 2014, Respondent was arrested for theft, in Aspen, Colorado. Respondent failed to disclose the criminal felony charge to the Board.

8. On or about July 6, 2015, in Case No. 2014CR000037, Respondent was sentenced following her guilty plea to theft (\$2,000-\$5,000), a class 6 felony, in Pitkin County District Court, Aspen, Colorado. Respondent was placed on supervised probation for one year, was ordered to pay costs, fees, write a letter of apology, and was ordered to perform 24 hours of community service.

Mr. D’Appollonio seconded the motion. Following review and discussion Mr. Richardson called a roll call vote and 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					

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

1. The conduct and circumstances set forth in Factual Allegations 2-6 constitutes a violation of: A.R.S. §32-2044(1), violating this chapter, board rules or a written board order; A.A.C. R4-24-321, as required by A.R.S. § 32-3208, an applicant, licensee, or certificate holder who is charged with a misdemeanor involving conduct that may affect patient safety or a felony shall provide written notice of the charge to the Board within 10 working days after the charge is filed; and A.R.S. § 32-3208, an applicant, licensee or certificate holder who is charged with a misdemeanor involving conduct that may affect patient safety or a felony shall provide written notice of the charge to the Board within 10 working days after the charge is filed.

2. The conduct and circumstances set forth in Factual Allegation 6 constitutes a violation of A.R.S. §32-2044(7): conviction of a felony, whether or not involving moral turpitude, or a misdemeanor involving moral turpitude. In either case, conviction by a court of competent jurisdiction is conclusive evidence of the commission and the board may take disciplinary action when the time for appeal has lapsed, when judgment of conviction has been affirmed on appeal or when an order granted probation is made suspending the imposition of sentence, irrespective of the subsequent order. For purposes of this paragraph “Conviction” means a plea or verdict of guilty or a conviction following a plea of nolo contendere.

3. The conduct and circumstances set forth in Factual Allegations 2-4 constitutes a violation of A.R.S. § 32-2044(14): making misleading, deceptive, untrue, or fraudulent representations in violation of this chapter or in performance of the profession.

Mr. D’Appollonio seconded the motion. Following review and discussion Mr. Richardson called a roll call vote and 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					

Ms. Richardson moved the Board revoke Ms. Gardner’s license and issue a civil penalty of \$1,000.00 which must be paid before any new application for licensure could be considered. Dr. Miller seconded the motion. Following review and discussion Mr. Richardson called a roll call vote and 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) Initial Review, Discussion and Action on Complaint
 - ii) Case #15-12; Kelly DeLong, PT

Ms. DeLong was not present and was not represented by an attorney. Board staff checked the sign-in sheet as it was believed she was present earlier. Ms. DeLong was not sign-in and could not be located. Ms. Donahue provided a summary of the complaint for the Board. Mr. and Mrs. SM alleges that Ms. DeLong engaged in unprofessional conduct and harassment to their family following engaging in physical therapy services to their child in the home health setting. The Board discussed the investigation. Dr. Miller moved the complaint be forwarded to a Formal hearing and Ms. DeLong be offered a consent agreement to suspend her license,

undergo a psychological evaluation, and enter a period of probation for one year to comply with all recommendations from the evaluation. The suspension will stay in place until she receives an evaluation establishing her fitness for duty. The evaluator must be preapproved by Board staff. If the consent agreement is not signed and returned with-in 14 days of notice the complaint will continue 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					

- c) Initial Review, Discussion and Action on Complaint
 - i) Case #15-26; Jennifer Lowry, PTA

Ms. Lowry was not present and was not represented by an attorney. Ms. Donahue provided a summary for the Board. Ms. Lowry self-reported DUI arrest that occurred on July 4, 2015. Police records indicate PBT of 0.286%. Ms. Lowry did report the charges against her within the 10 day notification period. However, the criminal proceeding is ongoing as there appears to be an issue with the court locating the paperwork documenting the PBT test. Dr. Miller moved the Board table the complaint until the criminal case is resolved. 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					

The Board recessed from 12:15 p.m. to 12:10 p.m.

6) BOARD BUSINESS AND REPORTS

The Board may vote to go into Executive Session pursuant to A.R.S. §38-431.03(A)(3) to obtain legal advice.

- a) Executive Director’s Report – Verbal Report Only, 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 FSBPT Annual Meeting
- vi) Update of Formal Hearing Discussion With The Office of The Attorney General

Mr. Brown provided his report on financial information and no action was required. Mr. Brown reported that Karen Whiteford had taken a position as the Executive Director for the Athletic Training Board and Occupational Therapy Board. Mr. Brown requested the Board continue his delegation to hire staff and identify a replacement. No Board member objected to Mr. Brown hiring a new Office Manager. Mr. Brown, Ms. Hunter, and Mr. D’Appollonio reported on the FSBPT 2015 Annual Meeting. No action was required.

- b) Board Training
 - i) A.R.S. Title 32: Professions and Occupations; Chapter 32 Health Professionals

Ms. Baskin conducted one hour of training for the Board. No action was taken.

- c) Review , Discussion, and Action on 2016 Board Meeting Dates

The Board adopted the Board meeting dates for the 2016 calendar to be the fourth Tuesday of every month with the exception of meeting on July 19, 2016, November 15, 2016, and December 13, 2016 rather than the fourth Tuesday of the month.

7) ADJOURNMENT

Ms. Remec 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 1:42 p.m.

Prepared by,

Charles D. Brown
Executive Director

Approved by,

Al D'Appollonio, PT, MBA
Secretary