



ARIZONA STATE BOARD OF PHYSICAL THERAPY
4205 NORTH 7TH AVENUE, SUITE 208 PHOENIX, ARIZONA 85013
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REGULAR SESSION MEETING MINUTES
November 17, 2015

MEMBERS PRESENT:

Melinda Richardson, PT, MA; President
James E. Miller, PT, DPT, Vice President
Al D'Appollonio, PT, MBA; Secretary
Nushka Remec, PT, MS, PCS
Michael S. Clinton, CPA; Member

MEMBERS ABSENT:

Peggy Hunter, PTA, CLT; 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 – 8:32 a.m.;** Ms. Richardson called the meeting to order at 8:32 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, Mr. D'Appollonio and Ms. Remec.

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

- a) October 20, 2015; Regular Session Meeting Minutes

Dr. Miller requested minor changes to page 7, and 15 of the minutes. No other changes were requested. Ms. Richardson moved the Board to approve the October 20, 2015, regular session meeting minutes with the suggested changes. Mr. D'Appollonio 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
Nay						
Recused						
Abstained	X					
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

Sana Ali	Lyn Bagnull	Melissa Borst
Jeremy Butz	Laura Crowe	Allison Green
Phillip Hurliman	Cathy Kleinhenz	Debra Leef
James Mendoza	Sarah Rhein	Christopher Stargiotti
Josephine Tetteh	Jerry Westfall	Michelle Whalen

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

Kimberly Copper	Kelly Gousset	Abby Lobo
Cesiah McCulloch	Sandra Tollers	Mary Ann Zamora

Mr. D’Appollonio pulled Kimberly Copper from the consent agenda. Ms. Richardson pulled Sana Ali. Ms. Remec moved the Board approve the above 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			

Sana Ali

Ms. Richardson noted that the documentation verifying citizenship or legal authorization to work was incomplete. Ms. Richardson moved the Board approve Ms. Ali’s application upon confirmation of the correct and complete citizenship or legal authorization to work documentation. 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			

Kimberly Copper

Mr. D’Appollonio noted a gap of employment in Ms. Copper’s work history and asked staff if any consideration needed to be given. Mr. Brown stated the applicant provided the requested past five years of history and there is no requirement for the Board to further verify competency. Mr. D’Appollonio moved the Board approve Ms. Copper’s application for certification upon receipt of passing scores on the NPTE/AZLAW exams and final transcripts.

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

1) 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.
 - (1) Nnabuikem Anaba

Dr. Miller moved the Board find the applicants education substantially equivalent and require the applicant to complete a period of supervised clinical practice (SCPP) under an interim permit. 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			

(2) Mouly Bhatt

Dr. Miller moved the Board approve the applicant’s purposed supervision plan for a 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			

(3) Penny DeJarnette

Ms. Remec moved the Board approve Ms. DeJarnette to take the AZLAW examination and require her to get an updated credential evaluation which includes her complete education. 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) 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) Jenna Maher

Ms. Richardson moved the Board approve Ms. Maher’s application upon receipt of passing scores on the NPTE/AZLAW examinations 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			

(2) Paul Hartman

Mr. D’Appollonio moved the Board approve Mr. Hartman’s application upon receipt of passing scores on the NPTE/AZLAW examinations 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			

c) 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) Douglas Martin

Mr. D’Appollonio moved the Board approve Mr. Hartman’s application upon receipt of passing scores on the NPTE/AZLAW examinations 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			

5) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

- c) Further Investigation/Initial Review, Discussion, and Action on Complaint
 - i) Case #15-18 Edward Hunter, PT

Mr. Hunter was present and was represented by Brent Peugnet. Mr. Peugnet provided a statement. He stated he understood the serious nature of the criminal charges Mr. Hunter faces. Mr. Peugnet stated the court has put in place restrictions that will not allow Mr. Hunter to practice. Mr. Peugnet stated a surrender of licensure as offered by the Board is not necessary. Mr. Hunter will consent to a stayed revocation of his license, which is automatically lifted if he is convicted in the criminal case. If Mr. Hunter is acquitted he would have an opportunity for a hearing before the Board. Mr. Peugnet stated Mr. Hunter cannot testify at a Formal Hearing as anything he says could be used at a criminal trial. Ms. Baskin stated that The Board can question Mr. Hunter, but that it may not be in Mr. Hunter's best interest to answer.

Mr. D'Appollonio stated he was comfortable with the court ordered restrictions. Ms. Baskin asked if Mr. Hunter was also agreeing to a suspension of practice until the Board case is resolved. Mr. Peugnet stated yes. Dr. Miller moved the Board enter executive session to obtain legal advice. Ms. Richardson seconded the motion.

The Board entered Executive Session at 8:55 a.m.

The Board entered Regular Session at 9:12 a.m.

Ms. Remec asked Mr. Hunter to explain his defense to the allegations. Mr. Hunter invoked his Fifth Amendment rights not to answer. Ms. Remec asked Mr. Hunter to explain his experience with pediatrics and what he plans for the rest of his career. Mr. Hunter stated he would like to continue treating patients in a home health environment or geriatric patients. Ms. Remec asked what percentage of his patients are pediatric patients. Mr. Hunter stated 15%. Mr. Hunter stated parents are present 100 percent of the time from examinations and he lets them decide if they wish to be present for treatment. Dr. Miller asked Mr. Hunter if he ever received any certifications in woman's health. Mr. Hunter stated he completed a prenatal health program in 1984. Mr. D'Appollonio asked why Mr. Hunter does not accept the current offer to surrender his license. Mr. Hunter stated he does not feel he could get the license back. Mr. Hunter stated he wants to explain the matter, but he cannot at this time.

Ms. Richardson moved the Board instruct staff to construct a consent agreement to place a stayed revocation on Mr. Hunter’s license which would be lifted if he is convicted of any charges in his current criminal case and if he is acquitted suspends his license until the Board case is resolved. M. D’Appollonio seconded the motion. Following review and discussion the motion failed.

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

Dr. Miller moved the Board forward the complaint to formal hearing and allow Mr. Hunter to surrender his license before the hearing. M. Remec seconded the motion. In discussion Dr. Miller stated Mr. Hunter has now heard the Board discuss the matter and can consider the discussion in considering his options going forward. Mr. D’Appollonio stated the consent in the previous motion would resolve practice issues until the case is resolved. The motion passed.

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

b) Initial Review, Discussion and Action on Complaint

i) Case #15-13; Erika VanPoorten, PT

Ms. VanPoorten was not present but was represented by Susan McClellan her legal counsel. Ms. Donahue provided a summary of the complaint for the Board. Board opened complaint #15-13 after review of Complaint #15-03 Keith Fisher, PT. The Board alleges that Ms. VanPoorten, PT delegated ice massage to physical therapy aide in which the intervention produced a wound on a patient, failed to appropriately supervise assistive personnel, charged unreasonable or fraudulent fess and failed to maintain adequate patient records. Ms. McClellan made a statement to the Board. The Board discussed the investigative report and the patient records involved. Dr. Miller moved the Board issue a non-disciplinary order for continuing education for six hours of continuing education in documentation, six hours of continuing education in orthopedic diagnosis, evaluation, and treatment. The continuing education must be

preapproved by Board staff and must be completed in six months. Ms. Richardson seconded the motion. In discussion Mr. Clinton asked why this case should be resolved with non-disciplinary action instead of discipline? Dr. Miller stated that the case is limited to one date of service so there is a limited picture of her practice. Dr. Miller stated if there were multiple dates of service to review that showed similar issues then he would be inclined to take more severe action. Mr. D’Appollonio stated he understands that this case provides a very limited look at Ms. VanPoorten’s practice, but noted there was an injury and no incident report was documented along with the documentation and supervision issues. Ms. Richardson called the vote. The motion passed.

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

- c) Informal Hearings; 9:00 a.m.
 - i) Case #15-11; Blain Packard, PTA

Mr. Packard was present and was represented by Scott King. The Board members and Board staff introduced themselves. Ms. Richardson read a summary of how the hearing would be conducted and reviewed the possible outcomes of the hearing. Ms. Donahue and Mr. Packard were sworn-in as witnesses. Mr. Brown read the allegations against Mr. Packard.

A) Engaged in the 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. Mr. Packard may have failed to notify his supervising therapist of the following DOS in which the documentation indicates a change in patient status:
 - a. 10/31/14
 - b. 11/5/14
 - c. 11/10/14
 - d. 11/12/14
 - e. 11/14/14
 - f. 11/17/14
 - g. 11/25/14
 - h. 12/17/14
 - i. 12/29/14

- j. 1/15/15
- k. 1/22/15
- l. 1/26/15

2. Mr. Packard may have exceeded his authority to perform tasks when he documented completion of a Progress report on 11/25/14.
3. Mr. Packard may have performed treatment interventions in to which he was not delegated to perform and to regions of the body in which a physical therapist had not performed an evaluation on the following dates of service:
 - a. 11/5/14
 - b. 11/7/14
 - c. 11/12/14
 - d. 11/25/14
 - e. 12/17/14
 - f. 12/29/14
 - g. 1/15/15
 - h. 1/16/15

Mr. Packard confirms in his response that on 12/29/14:

“I determined, through palpation, that the major restriction was in the calf.”

4. Mr. Packard may have exceeded his authority to perform tasks when he documents modification of the patient’s plan of care when he changed the frequency of the patient visits on 1/15/15.
5. Mr. Packard may have exceeded his authority to perform tasks when he failed to notify his supervising physical therapist of the patient request for further evaluation of her cervical spine and UQ. Mr. Packard documents denying her request stating that she first must complete her current episode of care.
6. Mr. Packard may have exceeded his authority to perform tasks when he took Ms. C into a private room to discuss her complaints with the treatment she received from him instead of notifying his supervising physical therapist.
7. Mr. Packard may have exceeded his authority to perform tasks when he continued to provide physical therapy services to Ms. C following her reports of injury to her knee and a greater than two week absence from therapy services on 1/15/15 without a re-evaluation by a physical therapist.

B) Charged unreasonable or fraudulent fees for services performed or not performed.

1. Billing may be inconsistent with documented treatment time/ performance on the following DOS:
 - a. 11/7/14
 - b. 11/21/14
 - c. 12/17/14
 - d. 1/15/15
 - e. 1/16/15
 - f. 1/19/15
 - g. 1/22/15
 - h. 1/26/15

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

1. Mr. Packard's signature does not identify him as a physical therapist assistant.
2. Mr. Packard documents progress report on 11/25/14, his signature does not indicate that he is a physical therapist assistant.
3. Mr. Packard may have mislead/misrepresented the patient on DOS 1/15/15 when he informed the patient the following:
 - Mr. Packard determined that a physical therapist would not perform an evaluation on the patient's cervical spine and shoulders, per patient request, and documents that such an evaluation will not be performed until she has "finished her current episode of care"

D) 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.

1. Per chart review located in Investigative Report #15-11

E) Provided treatment intervention unwarranted by the condition of the patient or treatment beyond the point of reasonable benefit.

1. Mr. Packard confirms in his response that he provided treatment to the knee region on 12/29/14.

- Referral Diagnosis: Deconditioning S/P cardiac code/arrest.
- ICD-9 Code: Difficulty in walking
- Initial evaluation identifies:
 - Patient's chief complaint: LE weakness and left foot drop.
 - Pain location: chest pain due to fractured ribs, and LLE pain that radiates from left lumbar to toes, constant pain ranging from 4/10 in reclined position to 10+/10.
 - Therapist assessment:
 - Decrease strength, decreased endurance/deconditioning state association with current post-operative condition of heart surgery. Additional presence of left ankle strength/foot drop.
 - Knee assessment was not documented by the supervising physical therapist throughout the treatment record.
- Documentation does not indicate that a physical therapist has assessed the knee, specifically, did not assess the knee complaints on this DOS prior to Mr. Packard providing treatment interventions.

2. Mr. Packard documents treatment performed to the left foot without documentation to indicate an assessment of the left foot prior to treatment intervention or delegated treatment by the supervising documentation on the following DOS:

- 11/5/14

3. Mr. Packard documents treatment performed to the left gastroc/soleus region without documentation to indicate an assessment of the left gastroc/soleus region prior to treatment intervention or delegated treatment by the supervising documentation on the following DOS:

- 11/12/14
- 11/15/14
- 12/17/14
- 12/29/14

Mr. Packard and Mr. King declined making an opening statement. The Board members asked questions of Mr. Packard. Following the Board's questioning of Mr. Packard, Mr. King and Mr. Packard made closing statements. Ms. Richardson guided the Board through each allegation for discussion. Following discussion on the allegations Dr. Miller moved the Board adopt the following conclusions of law:

A) Engaged in the 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. Mr. Packard failed to notify his supervising therapist of the following DOS in which the documentation indicates a change in patient status:
 - a. 10/31/14
 - b. 11/5/14
 - c. 11/10/14
 - d. 11/12/14
 - e. 11/14/14
 - f. 11/17/14
 - g. 11/25/14
 - h. 12/17/14
 - i. 12/29/14
 - j. 1/15/15
 - k. 1/22/15
 - l. 1/26/15

2. Mr. Packard exceeded his authority to perform tasks when he documented completion of a Progress report on 11/25/14.

3. Mr. Packard performed treatment interventions in to which he was not delegated to perform and to regions of the body in which a physical therapist had not performed an evaluation on the following dates of service:
 - a. 11/5/14
 - b. 11/7/14
 - c. 11/12/14
 - d. 11/25/14
 - e. 12/17/14
 - f. 12/29/14
 - g. 1/15/15
 - h. 1/16/15

Mr. Packard confirms in his response that on 12/29/14:

“I determined, through palpation, that the major restriction was in the calf.”

4. Mr. Packard exceeded his authority to perform tasks when he documents modification of the patient’s plan of care when he changed the frequency of the patient visits on 1/15/15.

5. Mr. Packard exceeded his authority to perform tasks when he failed to notify his supervising physical therapist of the patient request for further evaluation of her cervical spine and UQ. Mr. Packard documents denying her request stating that she first must complete her current episode of care.

6. Mr. Packard exceeded his authority to perform tasks when he took Ms. C into a private room to discuss her complaints with the treatment she received from him instead of notifying his supervising physical therapist.
7. Mr. Packard exceeded his authority to perform tasks when he continued to provide physical therapy services to Ms. C following her reports of injury to her knee and a greater than two week absence from therapy services on 1/15/15 without a re-evaluation by a physical therapist.

B) Charged unreasonable or fraudulent fees for services performed or not performed.

1. Billing is inconsistent with documented treatment time/ performance on the following DOS:
 - a. 11/7/14
 - b. 11/21/14
 - c. 12/17/14
 - d. 1/15/15
 - e. 1/16/15
 - f. 1/19/15
 - g. 1/22/15
 - h. 1/26/15

C) 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.

1. Per chart review located in Investigative Report #15-11

D) Provided treatment intervention unwarranted by the condition of the patient for treatment beyond the point of reasonable benefit.

1. Mr. Packard confirms in his response that he provided treatment to the knee region on 12/29/14.
 - Referral Diagnosis: Deconditioning S/P cardiac code/arrest.
 - ICD-9 Code: Difficulty in walking
 - Initial evaluation identifies:
 - Patient’s chief complaint: LE weakness and left foot drop.
 - Pain location: chest pain due to fractured ribs, and LLE pain that radiates from left lumbar to toes, constant pain ranging from 4/10 in reclined position to 10+/10.
 - Therapist assessment:
 - Decrease strength, decreased endurance/deconditioning state association with current post-operative condition of heart surgery. Additional presence of left ankle strength/foot drop.

- Knee assessment was not documented by the supervising physical therapist throughout the treatment record.
- Documentation does not indicate that a physical therapist has assessed the knee, specifically, did not assess the knee complaints on this DOS prior to Mr. Packard providing treatment interventions.

2. Mr. Packard documents treatment performed to the left foot without documentation to indicate an assessment of the left foot prior to treatment intervention or delegated treatment by the supervising documentation on the following DOS:

- 11/5/14

3. Mr. Packard documents treatment performed to the left gastroc/soleus region without documentation to indicate an assessment of the left gastroc/soleus region prior to treatment intervention or delegated treatment by the supervising documentation on the following DOS:

- 11/12/14
- 11/15/14
- 12/17/14
- 12/29/14

Ms. Richardson seconded the motion. Following review and discussion the motion carried 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						
Recused						
Abstained						
Absent			X			

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

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

A.R.S. §32-2044(5) “Engaging in the 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.”

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

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

A.R.S. §32-2044(22): “Providing treatment intervention unwarranted by the condition of the patient for treatment beyond the point of reasonable benefit.”

Dr. Miller 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
Nay						
Recused						
Abstained						
Absent			X			

The Board discussed possible disciplinary action against Mr. Packard’s certificate. Following discussion Dr. Miller moved the Board adopt the following Order:

Mr. Packard’s certificate is placed on probation for eighteen months with the possibility for early termination after three months of monitoring visits. Mr. Packard must take and pass the AZLAW examination, within six months of the order Mr. Packard shall complete continuing education in documentation for a total of six hours, cardiopulmonary review and treatment for a total of six hours, and orthopedic treatment for six hours. All continuing education must be preapproved by Board staff. Following completion of the continuing education Mr. Packard must undergo monthly monitoring visits by a Board approved monitor. Each visit will include a five of five randomly select patient charts and include at a minimum a review of documentation of communications between Mr. Packard and his supervising physical therapists, review of tests and measures taken by Mr. Packard related to patient presenting symptoms, and documentation of Mr. Packard’s clinical thinking. Mr. Clinton seconded the motion. In discussion Mr. D’Appollonio advised Mr. Packard to be careful when utilizing electronic records with the ability to copy and paste and to pay careful attention to the billing codes he is using. 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
Nay						
Recused						
Abstained						
Absent			X			

The Board recessed from 12:20pm to 12:32 pm

- e) Request for Termination of Probation
 - i) Case #13-09 Tyrone Jones, PTA

Mr. Jones was present and was present and was not represented by legal counsel. The Board discussed Mr. Jones compliance with the terms of his probation and his successful completion of the terms of his criminal probation. Dr. Miller moved the Board grant Mr. Jones request for early termination of probation. 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			

- c) Initial Review, Discussion and Action on Complaint
 - ii) Case #15-14; Lori Francoeur, PT

Ms. Baskin stated she knows Ms. Francoeur and stepped away from the Board table. Ms. Francoeur was not present and was not represented by legal counsel. Ms. Donahue provided a summary of the case. Board opened complaint #15-14 after review of complaint #14-61 Michael Heinrich, PT. The Board alleges that Ms. Francoeur provided treatment interventions to patient MB that were unwarranted by the condition of the patient or treatment beyond the point of reasonable benefit. Dr. Miller noted the patient received 33 treatments for a meniscal tear and there are several issues noted in the investigative report. Dr. miller stated based on the information the Board has there appears sufficient

information to move the complaint to an informal hearing. Dr. Miller moved the Board move the complaint to an informal hearing and add allegation of violating A.R.S. 32-2044(1, 4, 13, 20 and 22). 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. Basking returned to the Board table.

iii) Case #15-23; Robert McEntire, PT

Ms. Richardson recused herself from the case and left the Board table as she has a professional connection to the complainant. Dr. Miller took responsibility for the management of the Board meeting. Mr. McEntire was not present and was not represented by legal counsel. Ms. Donahue provided a summary of the case for the Board. Ms. D. E. alleges that Mr. McEntire documented treatment on two individuals with overlapping time on June 29, 2015 and July 1, 2015 and Mr. McEntire has failed to return a company laptop when he left their employment. The Board discussed the case. Following discussion Dr. Miller moved the Board vote the complaint to an informal hearing and offer Mr. McEntire a consent agreement to resolve the complaint. The Consent agreement will include probation for six months, continuing education for six hours in documentation and payment of a \$500.00 civil penalty. Mr. Clinton seconded the motion. During discussion Mr. D'Appollonio noted that he has an issue with Mr. McEntire bringing a friend to a treatment session and keeping the laptop and would add six hours of ethics to the consent agreement. Dr. Miller called the vote. 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 returned to the Board table.

iv) Case #15-32; David Fairbourn, PT

Mr. Fairbourn was not present and was not represented by legal counsel. Ms. Donahue provided a summary of the complaint for the Board. Mr. Fairbourn was arrested on October 12, 2015 for suspicion of 10 counts of sexual abuse to patients. The Board discussed the complaint. Dr. Miller moved the Board offer Mr. Fairbourn a consent agreement to surrender his license if not accepted the case is to proceed 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			

d) Consideration of Consent Agreement on Case Pending Informal Hearing

i) Complaint #15-06 Nicole Stavale, PT

Mr. Brown provided a review of the case before the Board. Ms. Stavale was scheduled for an informal hearing in September and the Board tabled the hearing to allow the Board staff to draft a consent agreement with Ms. Stavale. The consent agreement is before the Board for consideration. Ms. Stavale was not present and was not represented by legal counsel. Dr. Miller moved the Board adopt the consent agreement. Mr. D'Appollonio 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
Nay						
Recused						
Abstained						
Absent			X			

c) Review, Discussion and Possible Action on Consideration of Opening a Complaint
 i) Michael Angelo, PT

Mr. Angelo was not present and was not represented by legal counsel. Ms. Richardson moved the Board open a complaint against Mr. Angelo and obtain court records as part of the investigation. 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			

ii) Christopher Harten, PT

Mr. Harten was not present and was not represented by legal counsel. Ms. Richardson moved the Board open a complaint and obtain court records regarding the legal matter. 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			

iii) Kim Lewis, PT

Ms. Lewis was not present and was not represented by legal counsel. The Board discussed the report of a DUI charge. Dr. Miller moved the Board take no action. The motion failed for lack of a second. The Board discussed the charge. Ms. Richardson moved the Board open the complaint and obtain court records and rehabilitation records. 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			

iv) Eric Renshaw, PTA

Mr. Renshaw was not present and was not represented by legal counsel. Ms. Richardson noted that this appeared to be a new licensee arrested for indecent exposure, urinating in public and he mentioned a previous issue. Ms. Baskin advised that the Board could not consider any previous issue at this time. Ms. Richardson moved the Board open a complaint. 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			

Mr. Brown requested the Board reopen the case against Mr. Fairbourn. Ms. Richardson moved to reopen the case. 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			

- b) Initial Review, Discussion and Action on Complaint
 - iv) Case #15-32; David Fairbourn, PT

Mr. Brown requested the Board add an allegation of violating A.R.S. §32-2044(12). Ms. Richardson moved the Board add the allegation of violating A.R.S. §32-2044(12) to the case. 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			

6) BOARD BUSINESS AND REPORTS

- a) Executive Director’s Report – Verbal Report Only, Discussion and Possible Action
 - i) Financial Report- Verbal Report
 - ii) Review Recent Board Staff Activities- Verbal Report
 - iii) Review of Current Legislative Activity- No update to provide.
 - iv) Rule Activity- No update to provide
 - v) FSBPT- Verbal Report

Mr. Brown provided a verbal report on the above topics. No action was taken or required.

7) CALL TO THE PUBLIC

No person came forward for the call to the public.

8) ADJOURNMENT

Mr. D’Appollonio 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						

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Abstained						
Absent			X			

ADJOURNMENT

Meeting adjourned at 1:19 p.m.

Prepared by,

Charles D. Brown
Executive Director

Approved by,

Al D'Appollonio, PT, MBA
Secretary