



ARIZONA STATE BOARD OF PHYSICAL THERAPY
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REGULAR SESSION MEETING MINUTES
December 15, 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
Michael S. Clinton, CPA; Member

MEMBERS ABSENT:

Nushka Remec, PT, MS, PCS

OTHERS PRESENT IN PERSON:

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

- 1) **CALL TO ORDER – 8:30 a.m.;** Ms. Richardson called the meeting to order at 8:30 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. Hunter.

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

- a) November 17, 2015; Regular Session Meeting Minutes

Dr. Miller requested changes to page 6, 15, 16, 17 and 8 of the minutes. Mr. D'Appollonio moved the Board to approve the November 17, 2015, regular session meeting minutes with the suggested changes. Mr. Clinton seconded the motion. Ms. Hunter abstained herself from this case as she was not present at the November Board meeting. 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	
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b) November 17, 2015, Executive Session Meeting Minutes

Mona Baskin requested her last name be corrected on the minutes. No other changes were requested. Ms. Richardson moved the Board to approve the November 17, 2015, executive session meeting Minutes with the suggested changes. Mr. D’Appollonio seconded the motion. Ms. Hunter abstained herself from this case as she was not present at the November Board meeting. 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

Kelly Albers	David Bengry	Kevin Burciaga
Ruth Burd	Megan Dillon	Marion Davies
Melissa Dontz	David Dunham	Matthew Dupont
April Fajardo	Spencer English	Evan Jones
Benjamin Kissick	Austin Kneip	John Liddell
Katherine Lilley	Lisa Macek	Allison McNamara
Michele Page	Jeremy Pahl	Francisco Perez
Kayla Pope	Kassandra Prutsman	Gayle Schieffer
Marie Schlosser	Steven Schuhman	Brian Smith
Rebecca Hassel	Nipaporn Somyo	Rosemary Suggs
Emily Sumner	Justin Victor	Rachel Wambolt
Joseph Zabek	Ned Zerwick Jr.	

Ms. Hunter pulled Michele Page from the consent agenda. Mr. D'Appollonio moved the Board approve the above applications upon receipt of passing scores on the NPTE/AZLAW exams and final transcripts 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	

Michele Page

Ms. Page claimed a previous Arizona Physical Therapy license. We found no record of license. We will treat as endorsement. Ms. Richardson moved the Board approve Ms. Page application. 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	

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

Dennis Barber	Alexis Bautista	Erica Deapen
Tyler Dodson	Karen Hanrahan	Steven Hughes
Tesla Morgan	Nicole Padilla	Austin Prater
Claudia Ramirez	Elizabeth Richards	Claire Roubal
Claire Sheffler	Kayla Schneider	Lauren Sonnenberg
Rebecca Story	Shannon Tooley	Ramon Villa III
Nicole Wade		

Ms. Richardson pulled Alexis Bautista from the consent agenda. Ms. Hunter moved the Board approve the above applications upon receipt of passing scores on the NPTE/AZLAW exams and final transcripts 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	

Alexis Bautista

Ms. Richardson moved the Board to approve Mr. Bautista application for certification upon receipt and review of her job description and passing scores on the NPTE/AZLAW exams and final transcripts. 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	

Consent Agenda Ends

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.

- b) Initial Review, Discussion and Action on Complaint
 - ii) Case #15-29; Kimberly Lee, PT

Ms. Lee was present and was represented by Scott King. The Board opened complaint 15-29 following review of complaint 15-11 Blain Packard, PTA. Ms. PC alleged substandard care for treatment provided by Mr. Packard. Ms. Lee was Mr. Packard's supervising physical therapist and PC's physical

therapist. Mr. King provided a statement. The Board discussed the investigative report and the patient records involved. Dr. Miller moved the Board issued a consent agreement which includes eighteen months of probation with the possibility of early termination, requirement to take and pass AZ law exam, six continuing education hours in documentation to be taken in person preapproved by Board, six hours in cardio pulmonary to be taken in person preapproved by Board, six hours orthopedic to be taken in person preapproved by Board. All of the Continuing Education and AZ Law exam must be done prior to beginning the monitoring process. Monitoring will be for 6 months. A minimum of 3 months before termination can be requested. They will randomly selected a minimum of five charts for each visit. They will review communication between the PT and assistant personnel, specify review the test and measurements done to areas of symptoms and specifically look at critical thinking and treatment and services that are delegated. If this is not accepted with in the normal time fame it will be referred to informal hearing. Ms. Richardson seconded the motion. Following review and discussion the motion passed.

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

- b) Initial Review, Discussion and Action on Complaint
 - i) Case #15-25; April Heard, PT

Ms. Heard was present and was represented by Steven Pearl. Ms. Donahue provided a summary of the case for the Board Ms. Roberts (supervisor) alleges that Ms. Heard documented treating two patients on July 13, 2015 with overlapping timeframes. Patient YG from 1:05pm until 2:50pm and patient JM from 2:25pm-3:20pm. Mr. Pearl provided a statement He stated out of 15 years of practice this was Ms. Heard first and only complaint. She had 1 error out of 1,300 entries. There is no question Ms. Head made a mistake and she deeply regrets it. There was no ulterior motive and no secondary gain. She just pressed the wrong key on her laptop. Time entry errors are not uncommon at Honor Health. One of Ms. Heads Physical therapist co-workers stated that virtually everyone made them. Physical therapist were notified by email and were permitted to make corrections. The Board discussed the investigative report and the patient records involved. Ms. Hunter moved the Board to dismiss the complaint.

Mr. D'Appollonio stated this was abuse of the complaint system and that this was a solely internal matter and just an honest error that many people probably make that was easily correctable. We are not their billing company and we are not interested in whether or not they lost revenue for whatever reasons. Mr. D'Appollonio would like the staff to send out a letter to the complainant informing them of the inappropriate use of the complaint system.

Dr. Miller stated that humanity is flawed and there will be administrative errors made. In his practice when a mistakes or errors is made and that error is discovered they get paid for it, they send a letter with a refund check to the insurance company and then they resubmit the claim. All the insurance companies they work with are all comfortable with that process. Dr. Miller do not know why that type of thinking is not employed there. He does not understand how a single episode would rise to the level of the type of meeting she went through and were she felt compel to resign or a person felt compel to file a complaint. This was clearly abuse of positional power of a person who then wanted to for whatever reason fill vendetta and get another whack at this women. Ms. Richardson abstained from this case as she is an employee of Honor Health. 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		
Nay						
Recused						
Abstained						X
Absent					X	

- b) Initial Review, Discussion and Action on Complaint
 - iii) Case #15-38; Kimberly Lewis, PT

Ms. Lewis was present and was not represented by legal counsel. Ms. Donahue provided a summary of the case Ms. Lewis was arrested for super extreme DUI, leaving the scene of an accident and failure to control speed on October 7, 2015. Ms. Lewis stated she pled no contest to extreme DUI. All other charges were dismissed. Ms. Lewis stated she received 3 days in Maricopa County jail, she was granted work release, she was ordered to serve 11 days on Home Detention, monitored by Chandler Municipal Court and any motor vehicle she operates must be equipped with a certified ignition interlock devise for 12 months. Ms. Hunter motioned to go into executive session. The Board discussed the complaint. Ms. Hunter motioned to withdraw her motion to go executive session. All questions have been answered. Ms. Richardson moved the Board issued a consent agreement for Ms. Lewis review that will require her to submit to the Board a fitness for duty assessment to be completed by qualified provider in the area of addictionologist or someone in the area of substance abuse. Ms. Lewis is to voluntary suspend her license to practice until the Board has time to review the results of that assessment. It will then be brought back to the Board for fuller action. Followed by a period of probation based on the recommendations of the evaluator. If the consent agreement is not accepted with in the normal time fame it will be referred to formal hearing. Ms. Hunter seconded the motion. Following review and discussion the motion passed.

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

The Board recessed from 10:15 am to 10:27 am

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

- a) 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) Kevin Chu

Ms. Richardson moved the Board to approve Mr. Chu application after verifying SSN. 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	

(2) Travis Craig

Ms. Richardson moved the Board to approve Mr. Craig application. 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) Lucas Petkewitz

Ms. Richardson moved the Board to approve Mr. Petkewitz application. 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	

(4) Patricia Pohl

Ms. Richardson moved the Board to approve Ms. Pohl application. 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) 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) Barbara Arney

Ms. Richardson moved the Board to approve Ms. Arney application. Mr. D’Appollonio seconded the motion. Following review and discussion the motion passed.

Vote	Mr. Clinton	Mr.	Ms. Hunter	Dr. Miller	Ms. Remec	Ms. Richardson

		D'Appollonio				
Aye	X	X	X	X		X
Nay						
Recused						
Abstained						
Absent					X	

(2) Joseph Castillo

Ms. Richardson moved the Board to request Mr. Castillo to provide a substantive request for a copy of his alcohol assessment from his 2012 DUI. It will then be brought back to the Board for review. 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) Nicole Garcia

Ms. Hunter moved the Board to approve Mr. Garcia's application. Ms. Richardson seconded the motion. Following review and discussion the motion passed.

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

(4) Destiny Stanz

Ms. Richardson moved the Board to approve Mr. Stanz's application. 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) Dori West

Ms. West was not present and was not represented by legal counsel. Ms. Richardson noted Ms. West has not practiced since graduating in 1996. The Board discussed their option of requiring a period of supervised clinical practice. Ms. Baskin stated she would need time to review the law. Ms. Richardson moved the Board to approve Ms. West to sit for the NPTE & AZLAW and upon passing scores come to the Board for review of an opinion rendered by our Assistant Attorney General and also follow up with the school to see if Ms. West participated in any clinical. 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

- a) Formal Hearings; 10:00 a.m.
 - i) Case #12-08 and 14-47; Jeff Carr, PT

Mr. Carr was not present and was not represented by legal counsel. We have received a signed consent agreement in lieu of a formal hearing. Mr. D'Appollonio moved the Board to accept the consent agreement. 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	

6) BOARD BUSINESS AND REPORTS

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

Mr. Brown provided verbal review of the written reports on the above topics. No action was taken or required.

- b) Review and Discussion of Attorney General Opinion
 - i) Opinion No. I15-012, Issued December 2, 2015

Blain Packard and Cynthia Dryskell both made a statement to the Board and asked what actions the Board may take based on the opinion. Ms. Baskin explained that the opinion provides guidance to the public and other Boards on how to interpret the use of the term “physiotherapy”. The opinion does not change the actions or procedures of this Board. No action taken.

7) CALL TO THE PUBLIC

No person came forward for the call to the public.

8) ADJOURNMENT

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

Meeting adjourned at 11:26 a.m.

Prepared by,

Monica Crowley

Office Manager

Approved by,

Al D'Appollonio, PT, MBA