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A Note to Licensees and Certificate Holders Concerning Complaints

If a complaint is filed against a licensee (a physical therapist) or a certificate holder (a physical therapist assistant), the Board's statutes, rules and investigative procedures allow that person to have due process throughout the course of the case. This includes the opportunity to issue a written response to the allegations, the right to be represented by an attorney, and the right to have copies of the investigative record if the matter is sent to a hearing after an initial review. Essentially, licensees have the right to offer a defense of the allegations. Members of the public—and the Board itself—can file a complaint against any licensee or certificate holder for anything they believe constitutes a violation of law. The role of Board staff is to analyze the complaint, determine if jurisdiction exists, and open and investigate that case once jurisdiction is established. The test for determining jurisdiction is relatively simple—we determine whether the complaint is filed against a licensed P.T. or certified P.T.A., and we determine whether, *if true*, the allegations constitute a violation of the Arizona physical therapy practice act. Note that Board staff does not actually make a determination of whether a violation has occurred as this action can only be taken by the Board during a public meeting.

The Board's staff investigates the allegations and presents the findings of the investigation to the Board for initial review during a public meeting. The Board has the authority to issue subpoenas to compel the attendance of any witness or the production of any documentation relative to a case. If the Board determines after the initial review that there is no basis for the allegations the complaint or case is dismissed. If the Board believes that there may be a violation of the physical therapy law the matter is sent to either an informal or a formal hearing (the latter is reserved for those allegations that are more serious in nature, or when unique circumstances exist). If a complaint is filed against a licensee/certificate holder and during the course of the investigation we come to learn that another licensee/certificate holder may have violated the physical therapy law, the Board will open a complaint against the other licensee. We have a legal obligation to the public to do so.

Licensees and certificate holders should understand that the Board and Board staff cannot advise them or serve as an advocate for them as a complaint may become a contested matter between the licensee/certificate holder and the Board. If you are a respondent to a complaint you may seek the counsel of an attorney. Board staff will answer any questions you may have relative to procedural matters concerning the case and facilitate the transfer of any information to you as the law allows and requires. **Licensees and certificate holders may not contact individual Board members concerning a case;** any attempt to discuss a case privately with a Board member may result in that Board member having to recuse him or herself from the case due to the possibility that prejudicial information may have been shared outside of a public session Board meeting. Board members may only discuss a case during a public session meeting where that case appears on that meeting's agenda.

Please contact Board staff if you have any questions concerning complaints or the complaint process.