

REGULAR SESSION MEETING MINUTES
February 22, 2005

MEMBERS PRESENT: Helene Fearon, P.T., President
Joni Kalis, P.T., Vice President
Merlin Gossman, Secretary
Donna Borden, P.T., Member

MEMBERS ABSENT:

OTHERS PRESENT: Heidi Herbst Paakkonen, Executive Director
Peggy Hiller, P.T., Program Compliance Specialist (Investigator)
Carol Lopez, Licensing Administrator
Dawn Walton Lee, Assistant Attorney General

CALL TO ORDER – 10:00 a.m.

The meeting was called to order by Helene Fearon, P.T., Board President, at 10:00 a.m.

1. Approval of Minutes:

January 25, 2005; Regular Session Meeting

Ms. Fearon introduced the agenda item and the Board identified 4 corrections to the minutes (three word omissions and one typographical error). Ms. Fearon moved the minutes be approved as corrected. Mr. Gossman seconded the motion. The motion carried by a unanimous vote.

COMPLAINTS AND INVESTIGATIONS

2. Initial Review - CONTINUATION:

#04-13; Suzanne Brown, P.T

Ms. Fearon introduced the agenda item, and Ms. Hiller summarized the supplemental investigative report concerning the complaint as filed by Geert Cuypers, P.T., a student enrolled in the A.T. Still University—Arizona School of Health Sciences (ASHS) on-line Transitional DPT (tDPT) program. Mr. Cuypers alleged that Ms. Brown, as Chair and faculty of the tDPT program, discriminated against him because of his self-diagnosed “social disability” and that she exhibited an attitude of contempt towards non-American Physical Therapy Association (APTA) members and foreign-educated students. In her written response Ms. Brown denied the allegations and presented her description of Mr. Cuypers’ admission into the tDPT program and his performance throughout his course of studies. During the initial review the Board discussed the fact that Mr. Cuypers submitted additional

allegations to the Board office via e-mail on January 20, 2005 and January 21, 2005 for the Board's consideration at the initial review of this complaint. At that time staff had not yet analyzed the additional allegations to determine jurisdiction and status relative to the current complaint before the Board. The Board tabled Complaint #04-13 until staff had an opportunity to analyze and, if indicated and appropriate, further investigate the additional allegations Mr. Cuypers submitted.

Mr. Cuypers made three allegations in his e-mail correspondence of January 20, 2005 and January 21, 2005:

1. The school actively falsified Mr. Cuypers' educational records to cover up for Ms. Brown's activities.
 2. The school produced a bogus report in response to Mr. Cuypers' request for copies of his educational records.
 3. The school requires a greater study load for foreign students than is required of US students.
- All of these allegations were made against the tDPT program at A.T. Still University—ASHS, and none were made directly against Ms. Brown. In his e-mail of January 20, 2005 concerning his allegations of falsification of educational records, Mr. Cuypers wrote "From the information I already have, there is no doubt in my mind that Suzanne Brown is personally implicated in this situation."

Ms. Hiller reported that the new allegations submitted by the complainant via e-mail on January 20, 2005 and January 21, 2005 were analyzed and it was determined that the Board lacked jurisdiction to investigate them. The complainant was interviewed concerning the allegations that Ms. Brown was responsible for falsifying his educational records at A.T. Still University, and he did not offer any specific information to support the allegation that Ms. Brown was directly involved with any falsification of his records. The Board discussed the fact that there was some question as to whether the Board actually had jurisdiction over the allegations, but reviewed A.R.S. §32-2044(12), failure to adhere to the recognized standards of ethics of the physical therapy profession. The Board members discussed the fact that the investigative record could not establish that Ms. Brown's conduct constituted a violation of the Board's statutes. Ms. Kalis moved to dismiss the complaint. Ms. Borden seconded the motion. The motion carried by a unanimous vote.

3. Initial Review:

#04-16; Alicia Austin, P.T.

Ms. Fearon introduced the agenda item, and Ms. Hiller summarized the complaint filed against Alicia Austin, P.T. by E.P., a former patient who was treated at HealthSouth by Ms. Austin in April 2004. E.P. alleges that at her initial visit on April 16, 2004 Ms. Austin was inattentive when she performed a "massage and neck manipulation" that worsened her condition and that continued to increase over the next 2 days resulting in her visit to the emergency room on April 18, 2004 for severe neck pain. Ms. Austin proposed a treatment plan of moist heat and stretching and, when pressed by E.P., agreed to work on her neck as well. E.P. alleges that she had to request pillowing and positioning on a different table which Ms. Austin responded to with "...that 'sigh' that sort of says I was bothering her." E.P. further alleges that following the moist heat Ms. Austin began "...hand massaging and manipulating my neck in a sort of 'stripping motion' that hurt and had me wincing," and that during the treatment Ms. Austin was speaking to and looking at Veronica Serna (HealthSouth Area Manager) who was standing nearby so she didn't observe her discomfort during the treatment. Following instruction in exercises E.P. claims to have reported her discomfort but, without offering heat or ice packs, Ms. Austin said she could go. After overhearing Ms. Austin offer ice packs to another patient, E.P. wondered if she was being treated differently because she was an AHCCCS patient. After treatment, discussed with Ms. Serna (Ms. Austin's supervisor) Ms. Austin's attitude and seeming inattention

during treatment. E.P. requested a different therapist but didn't mention her increased neck pain to Ms. Serna. Over the next two days E.P. stated she experienced worsening neck pain until, on April 18, 2004, she went to the Scottsdale Healthcare Osborn emergency room because of the severe pain. E.P. was sent home following medication for pain relief and advised to consult her physician. On April 20, 2004 E.P. saw her primary care physician who discontinued manipulative care in physical therapy since this aggravated her neck.

In her written response Ms. Austin noted she treated E.P. during a previous episode of care from October 28, 2003 through December 1, 2003 for low back pain. E.P. was referred for physical therapy in April of 004 by Shawn Sullivan, D.O. for evaluation and treatment of tension headache. At the initial visit on April 16, 2004 Ms. Austin proposed a plan of care including simple stretches and exercises and noted "I make it standard practice to educate my patients about what is going to take place in the session as well as ask that they indicate if any part of the examination or treatment becomes uncomfortable." E.P. requested a hot pack, which was provided, and she also requested a neck massage. Ms. Austin advised her that a massage might lead to soreness later that day or the next but at the patient's insistence she provided a neck massage as well. Ms. Austin denied that she performed a manipulation of E.P.'s neck, describing her treatment as soft tissue mobilization that was not aggressive. She followed the massage with instruction in a home program of stretches and range of motion exercises. She states that she offered E.P. an ice pack but it was declined. Ms. Austin refutes the complainant's allegations of inattention and lack of information about treatment. "On the contrary, I performed a thorough initial evaluation and explained everything I was going to do...I asked her if she was comfortable throughout her treatment and if she was doing okay." Ms. Austin denied that her conversation with other individuals during E.P.'s treatment was indicative of inattention. Ms. Austin summarized that the treatment provided to E.P. was appropriate for her condition and would not have made her worse.

Ms. Austin requested and was granted approval to appear before the Board for questions and clarification. The Board reviewed the investigative record and noted that Ms. Austin's documentation was complete and supported the statements she made in her response to the complaint. The Board also discussed the jurisdiction for the complaint: A.R.S. § 32-2044 (1) "Violating this chapter, board rules or a written board order", and 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." In response to the Board's questions, Ms. Austin stated that she never performs manipulations, and she advises her patients of that fact. She does tell her patients that she uses soft tissue mobilization. Ms. Austin commented that she was not aware that there was a problem with E.P. during the day in question. She had treated E.P. previously without incident. Once she learned that E.P. has complained to Ms. Serna, Ms. Austin learned that E.P. had accused her of discrimination because she was overweight. Ms. Austin said she is very sensitive to accusations of discrimination as she is Native American. The Board noted that E.P.'s visit to the emergency room was for treatment for severe headaches – an affliction from which she has previously suffered. Ms. Fearon moved to dismiss the complaint. Ms. Borden seconded the motion. The motion carried by a unanimous vote.

4. Request for Early Termination of Probation **Robert Dominic Affuso, P.T.**

Ms. Fearon introduced the agenda item, and Ms. Herbst Paakkonen summarized the matter, consisting of Mr. Affuso's application for renewal of licensure for 2002-2004, being granted on August 26, 2004 contingent upon him agreeing to sign a Consent Agreement that placed him on probation and required

him to submit quarterly reports relative to his court-ordered probation. Mr. Affuso had answered yes to the question, “have you been convicted of, pled guilty or no contest to, or entered into diversion in lieu of prosecution for any criminal offense in any jurisdiction of the United States or foreign country and if so, an explanation. Mr. Affuso was charged with domestic violence by the City of Gilbert and pled guilty to that charge on November 10, 2003. Prior to the due date of his first quarterly report to the Board, Mr. Affuso was granted early termination of his probation, and his sentence was vacated. The Board discussed the fact that Mr. Affuso had requested a waiver for his appearance for the consideration of his request. The Board agreed by consensus that it was necessary for Mr. Affuso to appear as they had questions to pose to him. Board staff was directed to notify Mr. Affuso of the requirement to appear, and the agenda item will be continued to the March regular session meeting.

Note: the agenda was reordered as follows

6. Request for Voluntary Surrender of Licensure

Dayna Taylor, P.T.

Ms. Fearon introduced the agenda item and Ms. Herbst Paakkonen summarized the matter consisting of Ms. Taylor’s failure to submit her continuing competence documentation in response to a notice of audit that she received on November 12, 2004. Ms. Taylor had affirmed on her licensure renewal application that she had met the requirement, but did not submit any documentation in response to the Board’s notice of selection of audit. During its regular session Board meeting on December 21, 2004 the Board discussed this fact, and voted unanimously to find her in violation of A.R.S. §32-2044(1), violating this chapter, Board rules or a written Order of the Board relative to A.A.C. R4-24-401(G)(2), “within 30 days of receipt of a notice of audit, a licensee shall submit evidence to the Board that shows compliance with the requirements of continuing competence”. Ms. Taylor was offered a Consent Agreement establishing the findings of fact and conclusions of law, and containing disciplinary terms; the Board offered Ms. Taylor the opportunity to sign the Agreement in lieu of conducting a hearing relative to the alleged violations of law. Ms. Taylor contacted Ms. Herbst Paakkonen by telephone after receiving a Consent Agreement in the mail. She indicated to Ms. Herbst Paakkonen that because she lived in rural Texas and was not practicing physical therapy, she would likely submit a request for voluntary surrender of her license. Ms. Herbst Paakkonen advised Ms. Taylor that she would suspend the deadline for signing the Consent Agreement while the Board considered her request. The Board office received her letter requesting the Board accept her voluntary surrender of licensure on February 9, 2005. The Board reviewed and discussed A.R.S. §32-2047(7) which states that the Board may accept a voluntary surrender of licensure if approved by the Board. Ms. Fearon moved the Board send Ms. Taylor a Consent Agreement that would accept her voluntary surrender of licensure with the following findings: Ms. Taylor failed to submit her continuing competence documentation in response to a notice of audit in violation of A.R.S. §32-2044(1), violating this chapter, Board rules or a written Order of the Board, and a violation of A.R.S. §32-2044(3), obtaining or attempting to obtain a license or certificate by fraud or misrepresentation. Mr. Gossman seconded the motion. The motion carried by a unanimous vote.

SUBSTANTIVE REVIEWS OF APPLICATIONS FOR LICENSURE & CERTIFICATION

7. Substantive Review and Possible Action on the Following Applications for Physical Therapist Licensure:

Gavin E. Baugh	Catherine E. Covell	Kristen L. DeBlois
Marcia C. Ehle	Alison A. Ferrara	Heidi E. Giroux
David H. Glovinsky	Craig P. Goldberg	Michelle J. Henessey

Amber L. Higgs	Caroline G. Humberston	Rebecca A. Jacewicz
Sara L. Johnson	Maureen A. Kenney	Elisa A. Koch
John A. Lewis	Samantha Lopez	James V. Lynskey
John R. Martinez	Kurt W. Moss	Lynh M. Nuygen
Matthew A. Scheib	Ted J. Schwabenbauer	Cheryl A. Sereno
Laura C. Simpson	Jason B. Smith	Lisa M. Streich
Carmelo D. Tenuta	Jane A. White	Kevin J. Wilhite
Sara E. Wilhite	Timothy A. Williams *	Jennifer M. Zanni

* *Invited for interview*

The Board elected to conduct the interview of Mr. Williams prior to performing the substantive review of the remaining applications. The Board initiated the review of Mr. Williams' application by first interviewing via telephone Dr. Kelly Krietsch, Ph.D., the psychologist who conducted the evaluation of the applicant as a requirement of his application for licensure. In response to the Board's questions, Dr. Krietsch stated that Mr. Williams was able to correctly iterate why having sex with his patients is problematic, and that Mr. Williams is able to intellectualize about it. However, Dr. Krietsch noted that Mr. Williams has difficulty integrating this information into his ability to maintain self-control. Mr. Williams struggles with regulating his impulses to engage in sexual contact. Dr. Krietsch advised the Board that there is a potential for Mr. Williams to re-offend; he is not considered to be a pathological sex offender, but some risk exists that he will engage in sexual contact with a patient again. While the current level of risk is relatively low, over time that risk will likely increase as Mr. Williams moves away from the current legal and administrative proceedings. Dr. Krietsch also stated that Mr. Williams is not an ideal candidate for on-going therapy because he is not likely to experience any "epiphanies" concerning his problem and his treatment. The Board questioned Dr. Krietsch's assessment that according to the evaluation Mr. Williams' personality traits include impulsiveness, a tendency to blame others for problems, and a tendency to exploit others, and asked whether these traits are ingrained in personality, or are they treatable with counseling. Dr. Krietsch replied that during the evaluation process there is a tendency for the patient to become defensive, but in this case these traits are engrained in Mr. Williams' personality. Dr. Krietsch also advised the Board that Mr. Williams was quite defensive throughout the evaluation process, and that this is clinically significant. He noted that if a license were to be granted to Mr. Williams, it would be imperative to include a mechanism for him to be closely monitored, perhaps indefinitely, such that this oversight would continue to be in the forefront of Mr. Williams' mind. The level of monitoring that would be appropriate would consist of Board contact with Mr. Williams once every three to four weeks with the possibility of reducing that contact to once every four to six weeks over time. The Board should also require cognitive behavior therapy, structured therapy, and submission of detailed progress reports; such a monitoring program would serve as a constant reminder to Mr. Williams that he is being monitored which would potentially keep the risk of re-offending lower. Dr. Krietsch stated that Mr. Williams does not believe that he has a problem.

The Board concluded the interview with Dr. Krietsch, and initiated the interview with Mr. Williams. Mr. Bruce Griffin, attorney for Mr. Williams, accompanied his client. Mr. Williams stated to the Board that he would love to have his physical therapist license reinstated, and that he misses the opportunity to treat patients. He noted that his court-ordered counseling was mostly intended to address impulse control for individuals who have substance abuse problems. He was able to glean some useful information from the counseling, but it was not very helpful. In response to the Board's questions, Mr. Williams stated that he did not pursue a more appropriate course of counseling because he did nothing wrong – A.A. was not his patient, nor was she a client. Mr. Williams commented that

the relationship between a patient and therapist is a “sacred contract”, and he does not believe that he violated that “sacred trust”. On behalf of Mr. Williams, Mr. Griffin advised the Board that Mr. Williams’ case is well-known in Flagstaff, and that Mr. Williams is very popular and is supported by the community. Mr. Griffin further noted that he believes that Mr. Williams was convicted of the crime of sexual abuse (A.R.S. §13-1404) due to disapproval of the marital violation that occurred; he also stated that the judge disagreed with the guilty finding of the jury in the criminal case. Mr. Griffin described Mr. Williams as a successful businessman, husband and community member – not a person with impulse problems. Both Mr. Griffin and Mr. Williams were surprised with the outcome of the evaluation performed by Dr. Krietsch, but they are considering the opportunity to work through his counseling needs. Mr. Griffin asked that the Board create a structured environment in which to monitor Mr. Williams, or else consider tabling his application. Mr. Griffin assured the Board that Mr. Williams will comply with the Board’s requirements while supported in a therapeutic situation.

The Board concluded the interview and Ms. Fearon moved the Board meet in Executive Session in order to obtain legal advice from the Board’s attorney. Ms. Kalis seconded the motion. The motion carried by a unanimous vote. Upon resuming the meeting in public session, Mr. Griffin requested the Board consider allowing Mr. Williams to request that Dr. Krietsch develop a treatment program for him to address the concerns identified by the evaluation. The Board indicated to Mr. Williams that, based on the information obtained in conjunction with Mr. Williams’ application for physical therapist licensure, the inclination is to deny that application. The Board offered Mr. Williams the option of withdrawing his application, otherwise the motion to deny would be made. Mr. Williams advised the Board that he would withdraw his application.

Ms. Fearon read the names of the remaining applicants for the record, and noted that the files were administratively complete. The Board commented that Mr. Moss indicated a closed complaint with no action taken by the physical therapy Board in the State of Washington. The Board also discussed the application of Ms. Giroux – specifically the fact that she has not practiced physical therapy since 1999. Ms. Borden moved the Board delay action on her license and make one additional request for substantive information in the form of an application interview. Ms. Fearon seconded the motion. The motion carried by a unanimous vote. Ms. Fearon moved the Board grant licensure to the remaining listed applicants. Ms. Kalis seconded the motion. The motion carried by a unanimous vote.

8. Substantive Review of and Possible Action on the Following Applications for Physical Therapist Assistant Certification:

Dana L. Belzner *	Michael J. Buckley	Vickie M. Chase
Frank DiSesso, Jr.	Richard J. Eggert	Rachel A. Ruth
Cathy Tibbetts		

** Invited for interview*

Ms. Fearon introduced the agenda item, read the names of the applicants for the record, and noted that the files were administratively complete. Ms. Fearon moved all applicants be granted certification with the exception of Ms. Belzner and Mr. Eggert. Ms. Borden seconded the motion. The motion carried by a unanimous vote. The Board discussed the fact that Mr. Eggert’s application indicated that he has not worked as a physical therapist assistant for three years; he is currently licensed in California, but is working as a flight attendant. The Board directed staff to invite him to an application interview with the Board. The Board initiated the scheduled interview with Ms. Belzner via telephone in an effort to collect additional information concerning her seven year absence from working as a physical therapist assistant. In response to the Board’s questions, she indicated that she had previously worked for a number of years as a traveling physical therapist assistant. She elected to quit working in that

capacity as the number of assignments was diminishing. She then sold her home in California and decided to live near family; during this time period she worked as a nanny while she decided where to relocate. She ultimately decided to move to Arizona. Ms. Belzner advised the Board that she has maintained her skills by staying in contact with her friends in the physical therapy field, and she has completed continuing education for her California nursing license. She indicated that she was interested in some physical therapist assistant positions at Boswell Hospital. Ms. Fearon moved the Board meet in Executive Session in order to obtain legal advice from Ms. Lee. Ms. Kalis seconded the motion. The motion carried by a unanimous vote. Upon resuming the interview and the meeting in public session, Ms. Belzner stated that she has no concerns about returning to the clinic after seven years. She assured the Board that she learns quickly and is accustomed to stressful and challenging situations. She further stated that she is an experienced caregiver, and that she understands the supervision laws in Arizona. The Board concluded the interview, and Ms. Fearon moved certification be granted to Ms. Belzner. Ms. Kalis seconded the motion. The motion carried by a three to one vote.

9. Substantive Review of Substantially Equivalent Education and Possible Action on Approval to Take National Physical Therapist Examination for Foreign Educated Physical Therapist

Mary M. Strike

Ms. Fearon introduced the agenda item and noted that the application for Ms. Strike was administratively complete. The Board observed that Ms. Strike completed 23 credit hours of general education coursework at Rio Salado Community College in order to address this deficiency that was indicated on her credential evaluation report as prepared by the Foreign Credentialing Commission on Physical Therapy (FCCPT). Ms. Borden moved Ms. Strike's education be found substantially equivalent to that of a graduate from a U.S. accredited program, that Ms. Strike be allowed to take the National Physical Therapist Examination, and that Ms. Strike be sent information by Board staff regarding the supervised clinical practice period requirement. Ms. Kalis seconded the motion. The motion carried by a unanimous vote.

5. Revision to Consent Agreement

Jason Marino

Ms. Fearon introduced the agenda item, and Ms. Herbst Paakkonen summarized the request relative to Mr. Marino's restriction of practice. Ms. Marino came before the Board on August 24, 2004 to discuss his "yes" answer on his licensure renewal application: "since your last licensure renewal have you suffered any impairment to your cognitive, communicative or physical ability to engage in the practice of physical therapy with skill and safety". Mr. Marino advised the Board of the injuries he sustained in a motor vehicle accident on June 23, 2003. After reviewing a neuropsychological consultation report prepared by Kevin O'Brien, Ph.D. and a progress report prepared by his physiatrist, Michael Wolff, M.D. and conducting an interview with Mr. Marino, the Board voted to offer Mr. Marino a Consent Agreement. The Consent Agreement renewed his license with the stipulation that Mr. Marino must first submit written clearance from Dr. Wolff to return to the practice of physical therapy provided he possessed the ability to do so with skill and safety, and that Mr. Marino must work under the supervision of a licensed physical therapist for no more than 4 hours per day for a 90 day period. The effective date for the Agreement was November 15, 2004. On February 9, 2005 Mr. Marino submitted an updated progress report prepared by Dr. O'Brien in which the physician notes improvement in Mr. Marino's rehabilitation status, and he recommends an increase in the number of hours that Mr. Marino may practice. Specifically the report states that Mr. Marino may increase his hours of practice to 30-32 per week for one month, and then 40 hours per week thereafter. Dr. Wolff also recommended that Mr. Marino be allowed to resume full-time practice without restriction. Barbara Feth, P.T. and

supervisor to Mr. Marino, also submitted a letter to the Board commending Mr. Marino's skills and advocating his return to full-time practice without supervision. Mr. Marino requested and was granted approval to appear before the Board. He responded to the Board's questions in the affirmative concerning whether he agrees with the recommendation of increasing his work hours to 30-32 for one month, and 40 hours per week thereafter. Mr. Marino commented that initially he was very fatigued after working a 4 hour day, but that he has steadily increased his endurance and is confident with his skills. Ms. Fearon moved the Board offer Mr. Marino a new Consent Agreement that would restrict his practice hours to 30-32 per week for a one month period, and that would thereafter allow him to work for 40 hours per week; additionally, Mr. Marino would be required to submit an updated report from Dr. O'Brien 90 days after signing the Agreement. Ms. Kalis seconded the motion. The motion carried by a unanimous vote.

BOARD BUSINESS AND REPORTS

10. Update and Possible Action Related to Jurisprudence Examination Development Project

Ms. Fearon introduced the agenda item and Ms. Herbst Paakkonen reported that the pass point committee meeting was successful. All 123 reviewed examination items were weighted by the committee within the time allotted. The volunteers were very dedicated to the task, and were instrumental to its success. At this point in the development process the Board and staff have minimal responsibilities while the Federation staff must perform the bulk of the work preparing the examination forms. Current Board staff assignments consist of verifying citations for some of the items, as well as developing the informational materials for applicants who will be required to take the examination. The Board also discussed the potential timing of the roll-out of the examination relative to the graduating classes in May and August of 2005. Ms. Borden also noted that the option exists for the examination to be field tested prior to its implementation; the Board would have to determine who may take the examination for testing purposes, and must be prepared for the likelihood that testing the examination will likely delay the roll-out date. The Board directed staff to place on the April Board agenda the opportunity to discuss these issues.

11. Executive Director's Report:

a. Financial Report: Ms. Herbst Paakkonen reported that the agency is on track to collect between \$20,000 and \$40,000 in income above the annual projection. However, this unanticipated windfall will not impact the planned fee increase for fiscal year 2007.

b. Board Staff Activities: No additional information to report.

c. FSBPT Initiatives and News: No additional information to report.

d. Legislative Update: Ms. Herbst Paakkonen called to the Board's attention the few bills of interest that she is tracking. The Board briefly discussed SB 1131, Board of Athletic Training relative to whether any trends toward resurrecting temporary licensure may emerge with the anticipated passage of this bill. If any new strike-everything bills of interest are introduced this session, they will be forwarded to the Board.

12. Review, Discussion and Possible Approval of Proposed Revisions to A.A.C. Title 4, Chapter 24, Articles 1 and 2

Ms. Fearon introduced the agenda item, and Ms. Herbst Paakkonen briefed the Board on a few remaining issues on which the Board must make a decision for Kathleen Phillips (the contract rule writer) to make to the draft. The Board agreed by consensus that the Interim Period Evaluation form would be retained in the Board's rules at this time rather than requiring the use of the American

Physical Therapy Association's Clinical Performance Instrument (CPI). At a later date, the Board will convene a Task Force for the purpose of evaluating whether the capacity exists for CPI trained licensees in Arizona to fulfill the demand of Interim Permit holders who are required by the Board to complete a supervised practice period. The Board will then consider the Task Force's recommendations when considering a future rule change. The Board also agreed that there are adequate opportunities for foreign educated physical therapists with professional education deficiencies to complete coursework; A.T. Still University in Mesa, Arizona is one such program where applicants may complete individual course deficiencies. The Board also reviewed the current draft of the rules and suggested some minor changes that Ms. Herbst Paakkonen will forward to Ms. Phillips. Ms. Herbst Paakkonen is anticipating the draft will be submitted to the Board's liaison attorney with the Governor's Regulatory Review Council (GRRC) in March for a courtesy review.

13. Discussion and Possible Action and Possible Proposed Legislation to Modify Supervision Statutes

Ms. Fearon introduced the agenda item, and Ms. Herbst Paakkonen reported that the office had received no response to her letter of invitation to the Arizona Association for Home Health for the purpose of continuing discussion of the proposed bill that would change the supervision statutes to allow physical therapist assistants to work in home health care settings without the on-site supervision of a physical therapist. A telephone message left with the Home Health Association office was not returned. Ms. Herbst Paakkonen advised the Board that she checks daily for new bills and for strike-everything bills in the event that proposed legislation on this subject does materialize; however, she anticipates that she would be contacted by legislative staff if this were to occur. The Board will take no action on this subject at this time and until the Home Health Association provides new information relative to its legislative agenda.

CALL TO THE PUBLIC

Mr. Roger Baldwin was granted approval to address the Board; he identified himself as the husband of an Arizona licensed physical therapist. He expressed concerns that an applicant who was granted licensure by the Board earlier in the meeting has been working as a physical therapist prior to licensure. He stated that he believed that the law did not allow an individual who has graduated from a physical therapist education program to be delegated treatment tasks that only a licensed physical therapist can do. Mr. Baldwin also commented that he has several general concerns with improper delegation in physical therapy care in Arizona, and that he believes there are many facilities at which physical therapists are employed that are using improper personnel to treat Medicaid and Medicare patients. He stated his position that the Board should be required to report violations of Medicaid and Medicare to the appropriate authorities. Mr. Baldwin indicated that he had discussed his concerns with Board staff and understands that he must bring specific allegations of wrong-doing to the Board for possible investigation.

ADJOURNMENT

The meeting adjourned at 1:15 p.m.

Prepared by,

Heidi Herbst Paakkonen
Executive Director

Approved by,

Merle Gossman
Secretary