

REGULAR SESSION MEETING MINUTES
February 28, 2006

MEMBERS PRESENT: Joni Kalis, P.T., Vice President
Mark Cornwall, P.T., Ph.D., Secretary
Merlin Gossman, Member
Randy Robbins, Member

MEMBERS ABSENT: Helene Fearon, P.T., President

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

CALL TO ORDER

Ms. Kalis called the meeting to order at 8:30 a.m.

COMPLAINTS AND INVESTIGATIONS

1. Review and Approval of Draft Minutes:

January 23, 2006; Regular Session Meeting

Ms. Kalis introduced the agenda item and the Board noted that on page 4 of the draft minutes, the record should be corrected to reflect the fact that the cited EMG/NCV course is part of the physical therapy curriculum that Mr. Larson completed while a physical therapist student at Creighton University. Ms. Kalis moved the minutes be amended to reflect this change. Mr. Gossman seconded the motion. The motion carried by a unanimous vote.

COMPLAINTS AND INVESTIGATIONS

2. Review and Possible Action on Summary Suspension of License:

#06-01; Connie Hardin, P.T.

Ms. Kalis introduced the agenda item and the Board noted that the licensee was not present, nor was she represented by counsel. Ms. Hiller summarized the complaint filed by Mr. Mike Savastio, Executive Director of All At Home Health Care. Ms. Hardin worked as an employee of All At Home in August 2005 and as an independent contractor for All At Home from September 16–December 19, 2005. The complaint alleges that in both August and December 2005 Ms. Hardin failed to provide scheduled home therapy visits to patients of All At Home. On both occasions, Ms. Hardin admitted to Mr. Savastio that she had a problem with alcohol and had been on drinking binges in August and December. Staff members of All At Home, including

Mr. Savastio, reported that they had personally observed or heard Ms. Hardin behaving or talking on the phone and in voice-mail messages as though intoxicated. Patient records reviewed by Ms. Hiller indicated that Ms. Hardin's patients through All At Home were twice reassigned to other physical therapists – in August and again in December – subsequent to Ms. Hardin admitting to agency staff that she failed to keep the treatment appointments while she was on her drinking binges. Additionally Ms. Hiller reported that during the course of the preliminary investigation Ms. Hardin's employment records from All At Home were reviewed, and of note is the fact that on Ms. Hardin's application for employment she answered "yes" to the question: "Have you ever been convicted of a crime?" and provided the following explanation: "DUI–no felony 1998." Ms. Hardin did not report this DUI conviction on her year 2000 license renewal application dated 8/20/00. If true, these allegations may be a violation of:

- A.R.S. § 32-2044 (1) "Violating this chapter, board rules or a written board order."
- A.R.S. § 32-2044(3) "Obtaining or attempting to obtain a license or certificate by fraud or misrepresentation."
- A.R.S. § 32-2044(8) "Practicing as a physical therapist or working as a physical therapist assistant when physical or mental abilities are impaired by disease or trauma, by the use of controlled substances or other habit-forming drugs, chemicals or alcohol or by other causes."
- A.R.S. § 3202044(12) "Failing to adhere to the recognized standards of ethics of the physical therapy profession."
 - *Code of Ethics/Guide for Professional Conduct 1.1 B.* "Physical therapists are to be guided at all times by concern for the physical, psychological, and socioeconomic welfare of those individuals entrusted to their care." [*For failure to provide scheduled home therapy visit or to inform employer of absence to arrange for alternate coverage.*]
 - *Code of Ethics/Guide for Professional Conduct 3.1 D.* "The physical therapist shall not provide physical therapy services to a patient while under the influence of a substance that impairs his or her ability to do so safely." [*For the possibility of providing patient treatments while under the influence of alcohol.*]

Ms. Hiller advised the Board that the case is presented to the Board in a preliminary investigative stage for purposes of granting the Board the opportunity to consider whether to take action to summarily suspend Ms. Hardin's license based on the gravity of the allegations. Ms. Cornelius advised the Board that if a summary suspension is issued, the case will be remanded to formal hearing which must be conducted within 30 days in order to allow Ms. Hardin her due process rights as her ability to work and earn a living would be affected by the Board's decision to summarily suspend her license. The Board was informed that Ms. Hardin has not contacted the Board to indicate whether she will submit to an evaluation, and that she has not indicated whether she will surrender her license. The Board also commented that if her license is not summarily suspended, Ms. Hardin could potentially continue to practice as a physical therapist unmonitored if she continues to be employed in a home health capacity. Dr. Cornwall moved to summarily suspend the license of Ms. Hardin. Mr. Robbins seconded the motion. The motion carried by a unanimous roll-call vote. The Board reviewed the draft Interim Factual Findings in the Consent Agreement that was offered to Ms. Hardin and noted that the summary suspension findings of fact should include that Ms. Hardin made verbal admissions of her drinking problem, she failed to remain in contact with the Board, and she stated that she is in treatment for her alcohol dependency. Additionally, the Board concurred that a finding should be adopted stating

that the Board takes this action on the basis that Ms. Hardin poses an imminent threat to the health and safety of the public. Dr. Cornwall moved to make these additions to the Order of Summary Suspension, and Mr. Robbins seconded the motion. The motion carried by a unanimous vote. The Board ordered that the license of Ms. Connie Hardin is hereby suspended and Ms. Hardin shall cease to practice until the case is resolved through a formal hearing.

3. Initial Review of Complaint:

#05-24; Lora Davis, P.T.

Ms. Kalis introduced the agenda item and Ms. Hiller summarized the allegations of the complaint as filed by Da.B. (spouse) on behalf of his wife D.B., a patient at Mi Casa Nursing Center. The complainant alleges that on August 8, 2005 he participated in a telephone conversation with Ms. Davis concerning the discontinuation of his wife's therapy at Mi Casa due to insurance limitations, and that Ms. Davis behaved unprofessionally during that telephone conversation. The complainant alleged that Ms. Davis provided conflicting information, that she used inappropriate language and that she was insensitive to his concerns about his wife's status and need for therapy. Ms. Hiller noted that Ms. Davis did not evaluate or provide physical therapy services to D.B. during her stay at Mi Casa; Ms. Davis is the Rehabilitation Services manager at Mi Casa and does not provide direct patient services. Her only contact with the complainant was during the telephone conversation on August 8, 2005 concerning the termination of D.B.'s therapy during her transfer from insured skilled nursing therapy coverage to private pay. If true, these allegations may be a violation of:

- A.R.S. § 32-2044 (1) "Violating this chapter, board rules or a written board order."
- A.R.S. § 32-2044(12) "Failing to adhere to the recognized standards of ethics of the physical therapy profession."
 - *Code of Ethics* Principle 1 "Physical therapists respect the rights and dignity of all individuals." *Guide for Professional Conduct* 1.1 B Physical therapists are to be guided at all times by concern for the physical, psychological, and socioeconomic welfare of those individuals entrusted to their care."

Ms. Hiller summarized Ms. Davis' response noting that D.B.'s insurer had notified Mi Casa that D.B.'s skilled nursing coverage would end on August 2, 2005 and that facility medical and rehab staff hoped for acute rehab placement for D.B. by August 3. According to Ms. Davis this information was all explained in depth to the complainant beginning on July 28. The complainant was also advised that, per Life Care Policy, rehab needed to discharge D.B. from therapy under the HMO plan of care, but could re-evaluate her under a new physician's order. The complainant was further advised that he would need to sign an agreement stating that he would pay privately for all rehab services; this agreement was signed on August 4, 2005, and this change of coverage was noted in the patient record on August 8. Ms. Davis explained in her response that even with the paperwork in place, no therapy services would have been provided to D.B. until rehab orders were written by her physician. Accordingly, D.B. did not receive skilled therapy from August 3 to August 9, which equates with four days of treatment since she was not scheduled for therapies on weekends. Ms. Davis noted in her response that she had no indications from rehab staff, social services or the complainant that he was unhappy with his wife's rehab situation until the August 8 telephone conversation. Ms. Davis' admitted that she did lose her patience with the complainant during this conversation, and that she may have been unprofessional with the complainant. However, she stressed that neither the conversation nor her perceived behavior with the complainant affected the treatment and care of D.B. Ms. Davis was

present for the initial review of the complaint, and she requested to appear before the Board to explain her response to the allegations. Ms. Davis admitted that she was highly frustrated with the telephone conversation that occurred between herself and the complainant, and that she did temporarily lose her composure due to a high level of frustration with the conversation and the statements that the complainant was making to her. She reiterated to the Board that the patient's care was not affected by this interaction. Ms. Davis advised the Board that she rarely interacts with patients and their families unless there is a complaint. In response to the Board's questions, she stated that she encounters only a few such instances a year, but she has observed that there has been a slight increase in the number of complaints which she attributes to caps on insurance benefits becoming more prevalent. When asked how the complaint against the facility was resolved, Ms. Davis replied that her recollection is that there was no action on the part of the organization. Ms. Davis explained that the complainant seemed very concerned about the transfer of care of his wife, and that when it did not happen exactly as planned and as quickly as planned, this may have precipitated his reaction and the ensuing complaint. The Board discussed the case and noted that the licensee admittedly lost her composure, there was no finding that Ms. Davis had violated the statutes. The Board also noted that Ms. Davis admitted to not having much experience in dealing with complaints of this nature. Mr. Gossman moved to dismiss the complaint. Ms. Kalis seconded the motion. The motion carried by a unanimous vote.

4. Review and Possible Action on Motion for Rehearing of Complaint:

#04-23; Jenelle Lauchman, P.T.

Ms. Kalis introduced the agenda item and Ms. Herbst Paakkonen provided a status report concerning the case to the Board. On January 30, 2006 the office of the Arizona Board of Physical Therapy received a Motion for Rehearing for Complaint #04-23; Jenelle Lauchman, P.T. filed in accordance with Board rule at A.A.C. R4-24-307. The Board noted that Mr. Michael Golder, attorney for Ms. Lauchman was present for the Board's review and discussion of the motion. Mr. Golder advised the Board that Ms. Lauchman did not have any new information to present to the Board. He summarized his arguments to the Board by stating that Ms. Lauchman was assured by the Board that should she decline the opportunity to enter into a Consent Agreement with the Board, the case would proceed to a formal hearing. Mr. Golder stated that Ms. Lauchman's deliberative process was based on the letter issued from the Board office in August of 2005 that indicated as such. He also called to the Board's attention the transcript of Ms. Lauchman's informal hearing where the motion reflected that the Board would offer Ms. Lauchman a Consent Agreement, and failure to accept it would result in the case being sent to a formal hearing. Mr. Golder advised that should the Board refuse to send the case to a formal hearing, the licensee's option would be to request relief from Superior Court. He further stated that if this relief is not provided, the licensee must accept the factually flawed findings of the Board. The Board discussed each of the arguments posed in the motion. Ms. Kalis addressed the possible conflict of interest posed by her as an occasional contract physical therapist with NovaCare in the two Tucson clinics. She stated that she had worked only a few days for NovaCare prior to learning about the complaint, she noted she had never met Ms. Lauchman prior to the informal hearing, and that she perceives no such conflict as she has never possessed any outside knowledge of this case. Ms. Herbst Paakkonen responded to the argument that Ms. Lauchman had not received notice of the Board's intention to review the status of the case on November 22, 2005 for purposes of possibly rescinding the offer of the Consent Agreement to issue a Board Order. She noted that she mailed the notice on November 14, 2005 to Ms. Lauchman at her temporary residential address, an apartment in Las Vegas, Nevada as

mail sent recently to Ms. Lauchman’s mailing address of record in Spring Grove, Pennsylvania has been returned to the Board office as undeliverable. Ms. Cornelius advised the Board that the statutes clearly state that the licensee has the option of accepting or declining the invitation to the informal hearing; once Ms. Lauchman accepted that invitation, she was not entitled to the option of the formal hearing. She cited the case law establishing this precedent and described this case as establishing that a licensee in an administrative law case does not have the right to take a ‘second bite at the apple’ with respect to informal and formal hearings. She further advised that the informal hearing was Ms. Lauchman’s opportunity to challenge the facts of the case and persuade the Board that she should not have been disciplined. Ms. Cornelius stated that the licensee is not entitled to a formal hearing; clerical errors on the part of the Board office do not entitle the licensee to that formal hearing, and denial of a rehearing leaves the licensee with the option to appeal to Superior Court for judicial review of the case. Board counsel noted that it is a difficult standard for a plaintiff to show that a Board acted arbitrarily and capriciously which is the standard Ms. Lauchman must establish to the Court. Ms. Cornelius noted that the Superior Court appeals process consists of a review of the record only – no testimony is provided. The Board discussed the fact that the transcript of the informal hearing proceedings proves that its findings of fact and conclusions of law were appropriate and are warranted considering the facts of the case. The Board commented that Ms. Lauchman appears to want certain disciplinary terms removed from the Order because she is a traveling physical therapist and she may be presented with some challenges with respect to submitting her records to reviews. The Board discussed that that the Health Insurance Portability and Accountability Act (HIPAA) would not preclude Ms. Lauchman from submitting records, and that any identifying information in the records can be redacted to protect the privacy of the patients. Ms. Cornelius stated that HIPAA allows regulatory Boards an exemption pertaining to records that are involved in an investigation. Ms. Kalis moved to deny the request for the rehearing. Dr. Cornwall seconded the motion. The motion carried by a unanimous roll-call vote.

SUBSTANTIVE REVIEWS OF APPLICATIONS FOR LICENSURE & CERTIFICATION

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

Darrell J. Allen	Christine L. Anderson	Robert C. Burke
Lindsey M. Carey	Lincoln R. Church	Cari A. Dannemiller
George A. Fern	Melissa A. Gaither	Joel Goplin
Maryanne T. Griesbach	Gregg M. Horowitz	Sybil R. Jarrard
Mary K. Jones	Patrick S. Lally	Robert L. Martin
Dustin S. Miller	Stevie M. Mordecai	Eric Munoz
Katherine A. Nelson	Joshua C. Perry	Gina T. Rooney
Dana L. Sampson	Noreen E. Smith	Craig J. Svitek
Erica J. Throneburg	James K. Ware	Justin R. Wilson
Michael J. Zwanziger		

Ms. Kalis introduced the agenda item and asked the Board members if they had any questions concerning the files of the listed applicants. The Board noted the recent DUI conviction of Ms. Jones and discussed the fact that she had met the court ordered requirements associated with this conviction. Ms. Kalis moved licensure be granted to the listed applicants. Mr. Gossman seconded the motion. The motion carried by a unanimous vote.

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

Martha A. Arcon	Maura B. Finnerty	Allan J. Ralston
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Ms. Kalis introduced the agenda item and the Board noted that the files were administratively complete. Ms. Kalis moved certification be granted to the listed applicants. Dr. Cornwall seconded the motion. The motion carried by a unanimous vote.

7. Request for Approval to Take National Physical Therapist Examination; Review of Documentation Related to Disclosure on “Personal Information” Section of Application:

Keith A. Shaull

Ms. Kalis introduced the agenda item and invited Mr. Shaull to appear before the Board for questions and clarification concerning his disclosure that he was placed on academic sanctions by the Arizona School of Health Sciences (ASHS) for fabricating data for his capstone research project – a requirement for completion of the program and for graduation. Mr. Shaull explained that while he was working on his clinical assignments he was overwhelmed with his family and work-related responsibilities. He was facing an impending deadline for his capstone project, and he elected to fabricate some data for the research project in order to relieve some of the stress that he was experiencing. Mr. Shaull stated that he had hoped to correct his actions at some point, but he eventually realized that he would have no such opportunity. When it became apparent to him that the project might be released with the falsified data, he informed Ms. Suzanne Brown, P.T., Director of the physical therapy program at ASHS, of his actions. Mr. Shaull informed the Board that he was given a failing grade, was not allowed to graduate with his class, and received academic sanctions; for a period of time, he was not certain that he would be allowed to graduate. Ultimately, he had to complete an entirely new research project, perform 40 hours of community service and undergo counseling to understand why he made the “poor choice” that he did. Mr. Shaull noted that he voluntarily confessed his actions rather than wait to be caught. He advised the Board that it pained him to have invested so much time in his education only to jeopardize his career. He realized that if he allowed the fabricated data to be presented outside of the school, the problems that it would create would be unacceptable and too difficult to rectify. The Board questioned how Mr. Shaull could provide reassurance that he would not exhibit similar conduct while a physical therapist – particularly with respect to maintaining patient records. He responded that his professional life would have his complete attention during those hours of the day. He also noted that he does not anticipate the same level of stresses as a physical therapist that he did while a student with part-time work and family responsibilities. Mr. Shaull stated that he will do whatever he can to ensure that his patients will receive appropriate care, and that he is unwilling to jeopardize his career and his family’s security again. He noted that while he does anticipate that he will need to complete paperwork after hours, he does not anticipate it will create the level of stress that he experienced while a student completing his clinical education requirements, working part-time and supporting his family. Mr. Shaull stated that he perceives his job as a physical therapist would consist of providing his patients with the best care possible and advocating for their care. He admitted that there may have been opportunities where he elected to spend time with his family when he could have made a different decision to spend more time with his research. He indicated that today he would have made different decisions. The Board discussed whether the fabrication of data while a student could be carried over to his practice; for instance, might he record fabricated patient test results in the charts upon realizing that he had failed to obtain or record that information

previously. Ms. Kalis moved to allow Mr. Shaull to take the NPTE and grant him licensure upon receipt of a passing score. Mr. Robbins seconded the motion. The motion carried by a unanimous vote.

8. Request for Accommodation to the National Physical Therapy Examination In Accordance with the Americans with Disabilities Act

Selene A. Veloz

Ms. Fearon read the name of the applicant for the record, and noted that Ms. Veloz is requesting an accommodation of time-and-a-half with which to take the NPTE as she has previously submitted to the Board a statement from her physician that she has been diagnosed with attention deficit hyperactivity disorder. The Board reviewed the recently submitted letters from Ms. Veloz's physician, Dr. James C. Van Doren (a psychiatrist) and from her former counselors with the Educational Opportunities Program at Oregon State University where the applicant completed her undergraduate degree. The Board discussed the fact that the letter from Dr. Van Doren did not provide all of the information that was requested in that it did not provide any examination or test results indicating Ms. Veloz's diagnosis of attention deficit hyperactivity disorder, did not include any copies of her assessments, and contained scant information addressing the applicant's treatment plan for her disability. The Board questioned whether this information was necessary in order to provide assurance that the requested accommodation will better ensure that the accommodation will be successful. Ms. Cornelius advised the Board that medical professionals will perform their evaluations differently depending on the generally accepted practices of their respective practices; for example, a psychologist will issue a report of this type differently than would an osteopathic medical doctor. After further discussion Dr. Cornwall moved to grant the applicant the accommodation of time and a half with which to take the NPTE and the jurisprudence examination, and that she be granted licensure upon receipt of passing scores on both examinations. Ms. Kalis seconded the motion. The motion carried by a unanimous vote.

9. Substantive Review of Education and Possible Action on Application for Physical Therapist Licensure (Foreign Educated, Graduate of Program Accredited by CAPTE):

Heather J. Cracower

Ms. Kalis introduced the agenda item, and asked Board staff to explain the difference between the application requirements for foreign educated physical therapist who are graduates of programs that are accredited by the Commission on Accreditation of Physical Therapy Education (CAPTE) versus the requirements for applicants who are graduates of programs that are not thus accredited. The staff advised the Board that the statutes allow the Board to waive the requirement of the credentials evaluation report for foreign CAPTE accredited program graduates as these educational programs have already been determined by CAPTE to be substantially equivalent to U.S. CAPTE accredited programs. Additionally, the requirement of the supervised clinical practice period may be waived as U.S. clinical training is a requirement of these graduates' educational programs. Finally, the requirement that establishes that the foreign graduates of CAPTE accredited programs must submit evidence that the school from which they graduated is authorized by the ministry of education in that country to grant degrees can also be waived as CAPTE has already confirmed this during the accreditation review process. The Board reviewed the application file of Ms. Cracower and noted that it was administratively complete. Ms. Kalis moved to grant licensure to Ms. Cracower and Dr. Cornwall seconded the motion. The motion carried by a unanimous vote.

10. Substantive Review of and Possible Action on the Following Applications for Physical Therapist Licensure (Foreign Educated, Graduates of Program Not Accredited by CAPTE):

a. Review for Determination of Substantially Equivalent Education and Review of Request to Find Applicant has Met Requirement of Supervised Clinical Practice Period (SCCP)

Debra Ellis

Ms. Kalis read the name of the applicant, and the Board requested Ms. Ellis appear before the Board to address questions concerning her request that the Board find she has met the requirement of the SCPP by virtue of her professional experience. The Board noted that Ms. Ellis' file was complete and concurred that her education is substantially equivalent to that of a graduate of a U.S. accredited program. Ms. Ellis advised the Board that her professional experience has mostly consisted of working in outpatient settings including in a regional medical center in Colorado. The applicant noted that she has also obtained certification in hand therapy, and stated that she has acquired experience as a clinic director. Dr. Cornwall moved to find the applicant's file complete, to find that her education is substantially equivalent to that of a graduate of a U.S. accredited program, to find that she has already met the requirements of the SCPP and that she be granted licensure. Ms. Kalis seconded the motion. The motion carried by a unanimous vote.

Sally Gilbert

Ms. Kalis read the name of the applicant, and Ms. Lopez advised the Board that Ms. Gilbert has completed her 8 semester credit hour general education deficiencies since her file was last reviewed by the Board by completing courses at Rio Salado Community College. The Board reviewed and discussed Ms. Gilbert's request and supporting documentation for waiver of the SCPP requirement. Ms. Kalis moved to find the applicant's file complete, to find that her education is substantially equivalent to that of a graduate of a U.S. accredited program, to find that she has already met the requirements of the SCPP and that she be granted licensure. Mr. Gossman seconded the motion. The motion carried by a unanimous vote.

b. Review for Determination of Substantially Equivalent Education and Possible Action on Approval to Take National Physical Therapist Examination (NPTE)

Lourella Bellon

Ms. Kalis read the name of the applicant, and the Board reviewed and discussed her credential evaluation report, noting that she had met the minimum requirements for both general and professional semester credit hours. Ms. Kalis moved to find Ms. Bellon's education substantially equivalent to that of a graduate of a U.S. accredited program and to allow her to take the NPTE. Dr. Cornwall seconded the motion. The motion carried by a unanimous vote.

Thomas Blaszczyk

Ms. Kalis read the name of the applicant, and Board staff advised that Mr. Blaszczyk's credential evaluation report indicates that he has earned the equivalent of only 32 semester credit hours of general education, but the Board's rules require that he have 58 semester credit hours. The Board questioned whether his academic transcripts indicated that the applicant had obtained some failing grades. Ms. Kalis moved to find Mr. Blaszczyk's education not substantially equivalent to that of a graduate of a U.S. accredited program, and to allow the applicant to address the deficiency through taking CLEP examinations for a maximum of 12 semester credit

hours with the balance to be completed through college level coursework. Mr. Gossman seconded the motion. The motion carried by a unanimous vote.

Cherry Pine

Ms. Kalis read the name of the applicant, and the Board reviewed and discussed her credential evaluation report, noting that she had met the minimum requirements for both general and professional semester credit hours. Dr. Cornwall moved to find Ms. Pine's education substantially equivalent to that of a graduate of a U.S. accredited program and to allow her to take the NPTE. Mr. Gossman seconded the motion. The motion carried by a unanimous vote.

11. Executive Director's Report:

a. Financial Report: No additional information to report.

b. Board Staff Activities: Ms. Hiller reported to the Board that the Combined Sections Meeting of the American Physical Therapy Association offered a great diversity of courses and several sessions addressing professional ethics. Ms. Hiller advised the Board that the Ethics and Judicial Committee of the APTA and the Ethics and Legislation Committee of the FSBPT will meet together in Alexandria, Virginia during the first week of March to explore collaborative strategies addressing ethical training and guidelines for physical therapists and physical therapist assistants disciplined by their respective Boards.

c. FSBPT Initiatives and News: Ms. Herbst Paakkonen advised the Board that in January FSBPT has sent to the American College of Sports Medicine (ACSM) a letter expressing the Federation's concern with ACSM using the term "cPT" to designate an ACSM Certified Personal Trainer which advised that the term "PT" is protected in many state physical therapy practice acts and that using the term "cPT" may be in violation of those laws. Ms. Herbst Paakkonen noted that the Board office received notification from FSBPT that ACSM responded to this letter and explained that they have "begun the trademark process to use "ACSM Certified Personal Trainer" as a certification designation. The Board concurred that there was no need on the part of the Board to write to ACSM as the issue has been addressed. Ms. Herbst Paakkonen reminded the Board that she and Mr. Robbins will be attending FSBPT training in March for advanced administrators and for new Board members, respectively.

d. Rules Revision Update: Ms. Herbst Paakkonen advised the Board that the rescheduled date for the oral proceeding for the proposed revisions to articles 1 and 2 of the Board's administrative rules is Thursday, April 13, 2006. Mr. Robbins will assist in presiding over the proceeding

e. Legislative Update: Ms. Herbst Paakkonen reported that HB 2643; Physical therapist assistants will be heard by the Committee of the Whole (COW) today.

12. Review and Possible Adoption of Draft Substantive Policy Statement – Supervision; Patient Care Management

Ms. Herbst Paakkonen presented the draft Substantive Policy Statement (SPS) and advised the Board that she had drafted this document as the introduction of HB 2643; Physical therapist assistants has placed A.R.S. §32-2043; Supervision, patient care management under heightened scrutiny and has resulted in some interpretation inquiries being made with Representative Rick Murphy (the bill's sponsor) and with the Board office. The Board and staff discussed with Ms. Cornelius the purpose of an SPS in terms of serving as clarification of a statute or rule for the benefit of the public and licensees. Ms. Cornelius advised the Board that an SPS is not enforceable – only the statutes and rules from which the SPS is generated are enforceable.

However, the SPS serves as a means to provide education and clarification with respect to the statutes or rules. Ms. Cornelius also noted that an SPS can be the impetus for promulgating new administrative rules. The Board discussed the fact that the SPS may have to be revised if HB 2643 is passed by the Legislature and signed into law by the Governor. Ms. Herbst Paakkonen assured the Board that the process of filing an SPS and filing a revised SPS is very simple and is far less complex than filing proposed changes to administrative rules. The Board discussed the language in the draft and suggested some edits. Mr. Gossman moved to table action on the draft and to continue review and possible editing of the document to the next month's meeting. Ms. Kalis seconded the motion. The motion carried by a unanimous vote

CALL TO THE PUBLIC

A physical therapist student asked the Board whether the law allows him to use the designation "SPT" while making notations in patient charts during his clinical rotations. The student was advised that the law does not recognize that term "SPT", and the term could be misconstrued by a patient to mean that a student physical therapist is somehow regulated by the Arizona Board of Physical Therapy. The student was advised to discuss with his clinical supervisors adopting a designation that would not mislead the public and clearly indicates that he is a physical therapist student.

ADJOURNMENT

The meeting adjourned at 10:40 a.m.

Prepared by,

Heidi Herbst Paakkonen
Executive Director

Approved by,

Mark Cornwall, P.T., Ph.D.
Secretary