

REGULAR SESSION MEETING MINUTES
May 23, 2006

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

MEMBERS ABSENT:

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 – 9:00 a.m.

1. Review and Approval of Draft Minutes:
April 25, 2006

Ms. Fearon introduced the agenda item and the Board noted that agenda item #9 should be corrected to reflect that the vote was 3-1. Ms. Kalis moved to approve the correction; Ms. Fearon seconded the motion. The motion carried by a unanimous vote.

COMPLAINTS AND INVESTIGATIONS

2. Initial Review of Complaint:
#05-21; Alina McCampbell, P.T.A.

Ms. Fearon introduced the agenda item and Ms. Hiller summarized the complaint filed by Ms. Janice Morse, a physical therapist who worked with Ms. McCampbell at Desert Sky Health & Rehabilitation Center. The complaint alleged that Ms. McCampbell failed to demonstrate knowledge of cardiac and pulmonary rehabilitation, that several patients with whom she was working have fallen because she did not practice safety precautions during ambulation, that she does not know how to work towards established rehabilitation goals, that she does not maintain documentation appropriately, and that she bills patients working in groups individually rather than as group treatment. No specific patient names or dates of service were identified in the complaint or during subsequent telephone discussions with Ms. Morse. Additionally, a complaint against Ms. McCampbell and Michelle Haney, P.T. was filed by Ms. Kathy Bridges, COTA, who worked with Ms. McCampbell at Desert Sky. Ms. Bridges alleged that Ms. McCampbell was not competent and that she provided inappropriate treatments to the patients assigned to her. The complaint alleged that

Ms. McCampbell failed to document daily treatments and that she wrote treatment notes long after the dates of service and back-dated these notes. Ms. Bridges complaint alleged that Michelle Haney, PT failed to properly supervise Ms. McCampbell. 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 (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(20)** “Failing to maintain adequate patient records. For the purposes of this subsection, “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. § 32-2043 (I)** “A physical therapist assistant must document care provided but may do so without the co-signature of the supervising physical therapist if the therapist complies with the requirements of subsection G and H.”

Ms. Hiller noted that Ms. McCampbell’s written response to the complaint allegations stated in part that it was difficult to defend her conduct when the allegations were of a generic nature. Ms. Hiller also advised the Board that the complaints contained allegations concerning Ms. Michelle Haney, P.T., one of Ms. McCampbell’s supervisors, and a complaint had been opened against Ms. Haney. Ms. McCampbell stated in her response that she did not treat some of the patients identified in the complaint, and with other identified patients she only provided a few treatments which were consistent with the established plan of care and with the treatments already provided to those patients by physical therapists. Ms. Hiller commented that the patient records alone cannot reveal whether Ms. McCampbell provided competent care to the patients, and that they will only indicate whether she provided treatments in accordance with the plan of care established by her supervising physical therapist. She also advised the Board that without specific dates and patient names, it is impossible for her to investigate the allegation that Ms. McCampbell provided “group therapy” and billed each patient for individual services. Ms. Hiller also pointed out a correction to the investigative report in that for the patient E.G., Ms. McCampbell did not provide 12 consecutive treatments; rather she provided 20 of the 25 treatments to this patient. Ms. Hiller advised the Board that she had opted to present this complaint to the Board in order to begin the review and discussion process given the multitude of allegations and the volume of patient records. The Board concurred with Ms. Hiller with respect to the statement that it could be difficult to find incompetence on the part of McCampbell based on the records alone, but that some questions have been raised concerning her supervision. The Board additionally noted that this case could be larger than meets the eye. The Board discussed that although Ms. McCampbell categorically denies the complaint allegations, the explanations she provided were in very general and non-specific terms. Also discussed were some concerns with the clinic’s policies and procedures relating to supervision of assistive personnel, and the Board debated whether the supervising PT should be preparing weekly progress notes or discharge summaries when he or she did not actually see the patient and the treatment was provided by a physical therapist assistant. The Board directed Ms. Hiller to interview Mr. Dennis Netzer, P.T.; Ms. Kathy Bridges, COTA (one of the complainants); and Ms. Rainey Bullington, Director of Rehabilitation in order to gain more information concerning Ms. McCampbell’s competency. Additionally, the Board directed staff to invite Ms. Michelle Haney, P.T. and Ms. Janice Morse, P.T. to an interview before the Board in connection with the on-going review of the case. The Board requested Ms. Hiller specifically request from Ms. Bullington

information concerning how patient assignments are made at the clinic, and how Ms. McCampbell is assigned to a supervising physical therapist. Additionally the Board directed Ms. Hiller to conduct a random review of five patient charts at the facility, noting that of the records that were provided in connection with the initial review of the complaint, every patient receives the same number of treatment sessions and the same frequency. The Board questioned why there was no documentation to indicate that Ms. Morse had given specific instructions to Ms. McCampbell to address the concerns she identified in her complaint. The Board also requested a subpoena for the billing records for the patient records provided with the investigative report. Ms. Fearon moved the Board continue the initial review of the complaint to the June meeting agenda. Mr. Gossman seconded the motion. The motion carried by a unanimous vote.

3. Review and Possible Action on Administrative Law Judge's Recommended Decision and Order:

Penny Halling, P.T.

Ms. Fearon introduced the agenda item and Ms. Herbst Paakkonen advised the Board that on April 12, 2006 a formal hearing was conducted concerning the unlawful practice case of Ms. Penny Halling (#05-03-UPI). The allegations of the case are that Ms. Halling practiced as a physical therapist in Arizona without a license from September 1, 2004 to July 1, 2005. Ms. Halling admitted to this violation in a written affidavit submitted to the Board office along with her licensure renewal and reinstatement application, however she declined the Board's offers of a consent agreement (containing disciplinary terms) and an invitation to an informal hearing as mechanisms intended to resolve the case. Ms. Halling did not attend the formal hearing, but the Board presented its case and arguments despite her failure to appear. The Board reviewed the Administrative Law Judge (ALJ) Recommendations containing Findings of Fact, Conclusions of Law, and Recommend Order. Ms. Herbst Paakkonen advised the Board that she concurs with the Findings of Fact, Conclusions of Law and the recommendation that the Board vote to revoke Ms. Halling's license. She praised the efforts of Ms. Cornelius in arguing the case before the ALJ. Ms. Herbst Paakkonen informed the Board that its options include accepting the recommendation issued by the ALJ, rejecting the recommendation issued by the ALJ and adopting a different action, or accepting the recommendation with modifications. Ms. Cornelius requested on behalf of the State of Arizona that the Board adopt the ALJ recommendation in its entirety, but noted that #6 in the Conclusions of Law section – stating that the Board failed to establish a violation of A.R.S. §32-2044(18), interfering with a Board investigation – wasn't a violation even presented or argued by the State. Ms. Cornelius discussed with the Board the appropriateness of the recommendation for revocation of licensure and noted that Ms. Halling has proved she is a person who cannot be regulated due to her failure to participate in the hearings and her failure to maintain a current address with the Board. Ms. Cornelius advised the Board that Ms. Halling has been afforded her due process throughout the course of the case. Ms. Fearon moved the Board adopt the ALJ Findings of Fact; Dr. Cornwall seconded the motion. The motion carried by a unanimous vote. Ms. Fearon moved the Board adopt the ALJ Conclusions of Law; Mr. Gossman seconded the motion. The motion carried by a unanimous vote. Ms. Fearon moved the Board adopt the ALJ recommendation for revocation of the physical therapist license of Ms. Halling. Mr. Gossman seconded the motion. The roll call vote was unanimous.

4. Review and Consideration of Administrative Law Judge’s Recommended Decision and Order:

Lavrenti Litvinoff, P.T.

Ms. Fearon introduced the agenda item and Ms. Herbst Paakkonen advised the Board that on April 12, 2006 a formal hearing was conducted concerning complaint #05-04; Lavrenti Litvinoff, P.T. The allegations of the case are that Mr. Litvinoff failed to complete 20 hours of continuing competence – a requirement of licensure renewal – for the 2002-2004 compliance period in contradiction to the affirmation statement to which he signed his name on the renewal application. Mr. Litvinoff admitted to this violation in an e-mail communication submitted to the Board office, but rejected the Board’s offers of consent agreements (voluntary surrender of licensure) and an invitation to an informal hearing as mechanisms intended to resolve the case. Mr. Litvinoff did not attend the formal hearing, but the Board presented its case and arguments despite his failure to appear. The Board reviewed the Administrative Law Judge (ALJ) Recommendations containing Findings of Fact, Conclusions of Law, and Recommend Order. Ms. Herbst Paakkonen advised the Board that she concurs with the Findings of Fact, Conclusions of Law and the recommendation that the Board vote to revoke Mr. Litvinoff’s license. She praised the efforts of Ms. Cornelius in arguing the case before the ALJ. Ms. Herbst Paakkonen informed the Board that its options include accepting the recommendation issued by the ALJ, rejecting the recommendation issued by the ALJ and adopting a different action, or accepting the recommendation with modifications. Ms. Cornelius requested on behalf of the State of Arizona that the Board adopt the ALJ recommendation in its entirety. Ms. Fearon moved the Board adopt the ALJ Findings of Fact; Ms. Kalis seconded the motion. The motion carried by a unanimous vote. Ms. Fearon moved the Board adopt the ALJ Conclusions of Law; Ms. Kalis seconded the motion. The motion carried by a unanimous vote. Ms. Fearon moved the Board adopt the ALJ recommendation for revocation of the physical therapist license of Mr. Litvinoff. Mr. Robbins seconded the motion. The roll call vote was unanimous.

SUBSTANTIVE REVIEWS OF APPLICATIONS FOR LICENSURE & CERTIFICATION

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

Karen A. Blich	Douglas G. Bordan	Sarah N. Burge
Christine L. Byers	Brad C. Casselman	Joli M. Czamara
Elizabeth A. Dempster	Heidi M. Edwards	Cindy K. Fretwell
Kelsey A. Gardipee	Charlene L. Gaubis	Amy M. Herzog
Rahsaunia D. Johnson	Emil J. Palensar	Robert D. Patton
Ritchie B. Roberts	Bengta L. Sahlberg	Brandy L. Sanders
Jessica M. Titus	Susan R. Tyree	Gil A. Uy
Kelly A. Vitz	Alon E. Wier	

Ms. Fearon introduced the agenda item and the Board performed a substantive review of the application files. Ms. Fearon moved to grant licensure to the listed applicants. Ms. Kalis 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:

Nora C. Duca	Melisa R. Howard	
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Ms. Fearon introduced the agenda item and the Board performed a substantive review of the application files. Ms. Kalis moved to grant certification to the listed applicants. Mr. Robbins seconded the motion. The motion carried by a unanimous vote.

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

a. Substantive Review and Determination of Education

Maria C. Sy

Ms. Fearon read the name of the applicant and asked Board staff to comment on the status of the application file. Ms. Lopez asked that the Board address the determination of whether Ms. Sy's education is substantially equivalent to that of a graduate of a U.S. accredited program. Ms. Kalis moved to find Ms. Sy's education substantially equivalent. Mr. Gossman seconded the motion. The Board directed staff to advise the applicant that further action on the application would be tabled pending receipt of notification of a passing score on the iBT.

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

Crisel Fleur Sia

Ms. Fearon read the name of the applicant and asked Board staff to comment on the status of the application file. Ms. Lopez advised the Board that Ms. Sia's file was administratively complete, and the Board discussed the fact that the applicant's credential evaluation report indicates that her education is substantially equivalent to that of a graduate of a U.S. accredited program. Ms. Kalis moved to find Ms. Sia's education substantially equivalent and to approve her to take the NPTE. Dr. Cornwall seconded the motion. The motion carried by a unanimous vote.

Wendello L. Tanael

Ms. Fearon read the name of the applicant and asked Board staff to comment on the status of the application file. Ms. Lopez advised the Board that the file was complete for purposes of the education review, and that his credential evaluation report indicated that he had completed the equivalent of the required semester credit hours. The Board questioned the authenticity of the Philippine verification of licensure document, and Board staff assured that the credential evaluation agency authenticates the document. Ms. Kalis moved to find Mr. Tanael's education substantially equivalent to that of a graduate of a U.S. accredited program and to approve him to take the NPTE. Mr. Gossman seconded the motion. The motion carried by a unanimous vote.

Sheenam Arora *

Ms. Fearon read the name of the applicant and Board staff commented that the file was complete for purposes of the education review as the applicant had completed her educational deficiency by passing CLEP examinations and completing college level coursework. The Board reviewed Ms. Arora's credential evaluation report and noted that she had completed the equivalent of the required semester credit hours. Dr. Cornwall moved to find Ms. Arora's education substantially equivalent to that of a graduate of a U.S. accredited program and to approve her to take the NPTE. Mr. Gossman seconded the motion. The motion carried by a unanimous vote.

Ranjini R. Munagala *

Ms. Fearon read the name of the applicant and Board staff commented that the file was complete for purposes of the education review as the applicant had completed her educational deficiency by completing college level coursework. The Board reviewed the credential evaluation report and

noted that the applicant had completed the equivalent of the required semester credit hours, and commented favorably that the general education semester credit hours were primarily in the sciences. Ms. Kalis moved to find Ms. Mungala's education substantially equivalent to that of a graduate of a U.S. accredited program and to approve her to take the NPTE. Mr. Robbins seconded the motion. The motion carried by a unanimous vote.

** Has Completed Educational Deficiencies as Previously Identified and Directed by the Board*

c. Substantive Review of Education and Review of Request for Approval for Supervised Clinical Practice Period (SCCP)

Ruthelyn A. Jiminez

Ms. Fearon read the name of the applicant and request Ms. Lopez comment on the status of the applicant's file. Ms. Lopez advised the Board that Ms. Jiminez's file was administratively complete. Of note, she has taken and achieved a passing score of 112 on the Internet Based Test of English as a Foreign Language (iBT) examination, but the Board's rules will not recognize that score until early August when the changes to R4-24-203 become final. Ms. Lopez asked that the Board consider reviewing her proposal for the SCCP, and if it is approved, Ms. Jiminez will appear on the Board's August agenda for purposes of reviewing the completion of the SCCP at which time the Board's rules will recognize her iBT score. The Board reviewed the credential evaluation report and noted that the applicant had completed the equivalent of the required semester credit hours, and reviewed the proposal submitted by Ms. Jiminez and concurred that it was an appropriate setting for the SCCP. Ms. Kalis moved to find Ms. Jiminez's education substantially equivalent to that of a graduate of a U.S. accredited program and to approve her SCCP proposal. Mr. Robbins seconded the motion. The motion carried by a unanimous vote.

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

Purvi R. Desai

Ms. Fearon read the name of the applicant and Ms. Lopez reviewed with the Board Ms. Desai's previous application history with the Board from 2003-2004. Ms. Desai had failed to satisfactorily complete a SCCP with her previous application, and had apparently relocated to Colorado to practice there for a time as she held a physical therapist license in that state. Ms. Desai's current application with the Board included a request for waiver of the SCCP as her supervisor at Glenwood Springs Hospital had completed the Interim Period Evaluation form indicating that he had approved of her skills in all of the required areas with the exceptions of hydrotherapy and CPR. The Board discussed whether Ms. Desai has established that she possess the clinical skills to hold an Arizona physical therapist license, and discussed whether to interview the applicant. Ms. Cornelius advised the Board that the focus of the review should be on the information Ms. Desai presented with her current application. Ms. Kalis moved to grant licensure to Ms. Desai. Mr. Robbins seconded the motion. The motion carried by a vote of 3-2.

Janettha H. Vermeulen

The Board reviewed the application file and Ms. Lopez advised the Board that it was administratively complete. She reviewed with the Board the applicant's general education coursework that she had competed to address the educational deficiencies identified in her credential evaluation form. Ms. Vermeulen was granted permission to address the Board, and in response to questions she indicated that she last worked in as a physical therapist in Indiana in October of 2005, prior to relocating to Arizona. Ms. Vermeulen commented on her previous work experience and noted that she began practicing physical therapy in 1996. Dr. Cornwall moved to find Ms. Vermeulen's education substantially equivalent to that of a graduate of a U.S. accredited

program, waive the requirement of the SCPP and to grant her licensure. Ms. Fearon seconded the motion. The motion carried by a unanimous vote.

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

Eric A. Loiland

Ms. Fearon read the name of the applicant and reviewed the documentation he submitted in conjunction with his disclosure on his physical therapist licensure application that that in 1999 and 2000 he was cited as a minor for consumption of alcohol, and that in 2005 charges were dismissed concerning disorderly conduct. Mr. Loiland submitted to the Board court records to demonstrate that the 2005 charge was dismissed, and records to show that he had made restitution for the other offenses and that his sentence was deferred. The Board reviewed the records and Mr. Loiland’s written explanation of the events. Ms. Fearon moved Mr. Loiland be granted approval to take the NPTE and that he be granted licensure upon receipt of a passing score. Ms. Kalis seconded the motion. The motion carried by a unanimous vote.

9. Executive Director’s Report:

- a. Financial Report:** No additional information to report.
- b. Board Staff Activities:** No additional information to report.
- c. FSBPT Initiatives and News:** No additional information to report.
- d. Rules Revision Update:** Ms. Herbst Paakkonen reported that the preparations for the special session meeting with Chris Larson, Director of Professional Standards for FSBPT, are in process. The Board will be shipped materials to review in advance of this meeting.
- e. Legislative Update:** Ms. Herbst Paakkonen reported that the Legislative session has not yet concluded, and analysts are predicting that the session may run for several more weeks given that the Legislature and the Governor are still negotiating major policy issues including immigration reform, and the fiscal year 2007 budget is not finalized. She also commented that while she is disappointed that while the Board will likely not receive an increase in its appropriation for fiscal year 2007 to address the fiscal impact of the passage of HB 2643; Physical therapist assistants, she is confident that the data and rationale exists to secure the increase during the budget review process that will begin September 1, 2006. She noted that both budget analysts (for the Governor’s Office of Strategic Planning and Budget and for the Joint Legislative Budget Committee) concur with the projected costs that she submitted to them for review. The earliest that the Board’s appropriation could increase is July 1, 2006 – an estimated 9 months following the effective date of the legislation. Ms. Herbst Paakkonen assured the Board that she will continue to document and justify the need for the additional financial resources.

10. Review and Possible Approval of Nominees to Rule Writing Task Force

Ms. Herbst Paakkonen presented the Board with a preliminary list of physical therapists and physical therapist assistants who have either been nominated by the Board of Directors of the Arizona Physical Therapy Association (AzPTA), or have self-nominated to serve on the Rule Writing Task Force that the Board will convene for purposes of providing input to the Board with respect to drafting administrative rules addressing general supervision of physical therapist assistants and patient care documentation standards. She explained that there are inherent challenges in identifying a physical therapist assistant with home health experience as this would have to be acquired while working in another state. The Board noted that the preliminary list included a number of respected and talented individuals. Ms. Herbst Paakkonen informed the

Board that the deadline for self-nominations to the Task Force is June 1, 2006, and that the Board will have opportunity to finalize nominations during the June 13, 2006 special session meeting, or the June 27, 2006 regular session meeting. The Board directed Ms. Herbst Paakkonen to confirm that the AzPTA nominees were asked by the AzPTA Board of Directors that they wanted to participate prior to their names being submitted to the Board.

CALL TO THE PUBLIC

None.

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