

JANET NAPOLITANO
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REGULAR SESSION MEETING MINUTES
October 24, 2006

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

MEMBERS ABSENT:

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

CALL TO ORDER – 8:30 a.m.

1. Review and Approval of Draft Minutes:

September 26, 2006; Regular Session Meeting

Ms. Fearon introduced the agenda item and Ms. Kalis requested her denial of licensure renewal motion concerning Mr. Todd Lukasik reflect that it was made on the basis of the dishonest statements that he made to the Board on his application. Additionally, the final vote concerning Mr. Lukasik was 4-1. Ms. Fearon moved the minutes be revised as discussed. Mr. Gossman seconded the motion. The motion carried by a unanimous vote.

September 26, 2006; Executive Session Meeting

Ms. Herbst Paakkonen advised the Board that the draft contains two typographical errors. Ms. Fearon moved the draft be revised with the corrections. Mr. Gossman seconded the motion. The motion carried by a unanimous vote.

Ms. Fearon moved the Board meet in Executive Session for purposes of obtaining legal advice from Board counsel. Ms. Kalis seconded the motion. The motion carried by a unanimous vote.

COMPLAINTS AND INVESTIGATIONS

2. Informal Hearing

#05-25; Glenn Brooks, P.T.

Ms. Fearon introduced the hearing and invited Mr. Brooks to appear before the Board. Mr. Brooks explained that his attorney has recently experienced a death in his family and could not be present for the hearing, but Mr. Brooks elected to not request a continuance. Mr. Brooks indicated that it was not necessary for the Board to review the informal hearing procedures. Ms. Hiller summarized the complaint filed by Ms. Susan Stockdell, OTR/L, owner of Southwest Therapy Specialists, and Mr. Kenneth Trzecki, PT, an employee of Southwest Therapy Specialists. The complainants allege various improprieties by Mr. Brooks as the owner of Sunset PT relating to the management of his former Bell Road office, as well as various improprieties

by Ms. Cynthia Wissink, P.T., the treating therapist at Sunset PT, relating to treatment and billing for services provided to Sunset PT patients. Specifically, the complaints allege that patients treated at Sunset PT were treated with unsafe therapy equipment that had not been calibrated or serviced for years. The complaints allege that Mr. Brooks violated practice standards for physical therapy including unsecured storage and transmission of confidential patient information, unsafe treatment modalities and violation of fire codes. During the Board's initial review of this complaint on August 22, 2006 the Board dismissed Ms. Stockdell's allegations that Mr. Brooks advertised in a misleading manner by having a neon 'Chiropractor' sign at the Bell Road office when no chiropractic services were being provided at that location. In his response Mr. Brooks provided service and calibration records for 3 of the 4 modalities alleged to be "unsafe" and asserted that the 4th modalities was not used for patient treatments. He affirmed that fire safety standards were met and that the storage of patient records in unsecured cartons was a function of the sale of the Bell Road office and the transfer of records to the Tempe office. During the initial review of the complaint the Board moved to invite Mr. Brooks to an informal hearing and to add possible violation of A.R.S. §32-2044(13) fraudulent billing for physical therapy services provided by Ms. Wissink, PT. The Board requested that Mr. Brooks submit the history of the maintenance and calibration of the therapy equipment identified in the complaints as well as complete policies and procedures for the former Bell Road office, including patient scheduling procedures, treatment documentation, and billing methodology. Ms. Hiller noted the possible jurisdiction for the complaint includes:

- **A.R.S. § 32-2044 (1)** "Violating this chapter, board rules or a written board order."
- **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."
- **A.R.S. § 32-2044(13)** "Charging unreasonable or fraudulent fees for services performed or not performed."
- **A.R.S. § 32-2044(19)** "Failing to maintain patient confidentiality without prior written consent of the patient or unless otherwise required by law."
- **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 1.2.A*** "Information relating to the physical therapist/patient relationship is confidential and may not be communicated to a third party not involved in that patient's care without the prior written consent of the patient, subject to applicable law."
- ***Code of Ethics Principle 2*** "Physical therapists comply with the laws and regulations governing the practice of physical therapy."

In his opening statement to the Board Mr. Brooks commented that he has been a physical therapist for 13 years and this is the first complaint filed against him. He prides himself on taking care of his patients properly and complying with all requirements and regulations. Mr. Brooks stated that he has an excellent rapport with his patients and the referring physicians. He insisted that all of the equipment in the clinic was serviced and calibrated according to schedule and that none of the equipment was in disrepair. Mr. Brooks explained that he contacted the servicing company for the equipment and received verbal assurance that his equipment was repaired and calibrated on time; however, no written records were maintained by that company to back up the verbal statements. He further explained that he had researched this issue with various sources including the American Physical Therapy Association and received little guidance and mostly learned that the general standard is to follow the manufacturers' recommendations for service and calibration. Mr. Brooks reviewed the service records with the Board and identified the information he had obtained relative to their service. In response to the Board's questions Mr.

Brooks explained that on the Medicare billing form his company uses, each therapist is listed with their own provider number. The Board deduced that Ms. Wissink was assigned her Medicare number to Mr. Brooks' practice for purposes of listing billing for services she provided to her patients. Mr. Brooks affirmed that his billing company made the arrangements for applying for a Medicare number for Ms. Wissink. He admitted that he saw her billing notations from time to time, but didn't review them closely; when she was first hired he reviewed the forms with her and explained outpatient general billing procedures to her because she came from a hospital setting and didn't have that experience. Mr. Brooks stated that he would then check to see that the billing sheets were completed properly and completely, and he would then forward them to the billing company. He stated that he did not review the treatment records against the billing to verify that Ms. Wissink was billing properly. The Board questioned whether Mr. Brooks was aware that Ms. Wissink was billing three patients concurrently for skilled services. Mr. Brooks responded that he was under the impression that she was doing everything correctly. He explained that aside from reviewing the Medicare billing form requirements with her, he did not provide her with billing policies and procedures because his practice was so small. Mr. Brooks commented that he was in his Tempe clinic all day and the Bell Road office was staffed only by Ms. Wissink and two aides who were rarely at the clinic at the same time. In response to the Board's questions, Mr. Brooks replied that Ms. Wissink was compensated with a percentage of the profits from the practice. With respect to the allegations of patient records being placed at risk of breach of confidentiality, he explained the size of the office was only 800 square feet, and he described the storage room and the placement of the charts as being inaccessible to anyone other than clinic staff. Mr. Brooks stated that during the transfer of the office, the active charts in the front of the office were pulled by Ms. Wissink and placed in bankers boxes in the back storage room which was closed off to the rest of the clinic; this door is not locked but the back door to the alley was always locked. In closing, Mr. Brooks stated that this complaint originated from a business deal that the complainant was upset about. He acknowledged that some of the allegations are serious and warrant review by the Board while others are "nit-picky" and involve disputes over the sale of the business. The Board concluded the interview with Mr. Brooks and reviewed the possible jurisdiction for the complaint. The Board concurred that the record fails to establish a violation of A.R.S. §32-2044(4). Following discussion, Mr. Gossman moved to dismiss the allegations concerning the patient records being accessible to public view as a violation of A.R.S. §32-2044(19). Mr. Robbins seconded the motion. The motion carried by a unanimous vote. The Board then discussed whether a violation of A.R.S. §32-2044(12) under the Guide for Professional Conduct at 1.2.A had occurred in light of the fact that the patients were not provided with the opportunity to provide written consent to have their records transferred to another physical therapist. Mr. Brooks was granted permission to explain that the original patient transfer plan was to have him treat the Bell Road office patients in the short term, but on one particular day he did meet with some patients on the same day that they were introduced to Mr. Trzecki, the therapist hired by Ms. Stockdell. In light of the new discussion Mr. Gossman agreed to rescind the motion concerning §32-2044(19). Ms. Fearon seconded the motion. The motion carried by a unanimous vote. The Board discussed issuing an advisory letter to Mr. Brooks addressing the fact that he was not maintaining documentation to support his statements that his equipment was maintained and calibrated properly. The Board discussed the fact that Mr. Brooks allowed Ms. Wissink to fill out her charges and he submitted them to his billing company without having first reviewed them or at the least auditing them. The Board discussed that this inaction reflects a lack of oversight on the part of Mr. Brooks. Ms. Fearon moved to find a violation of A.R.S. §32-2044(13). Ms. Kalis seconded the motion. The motion carried by a unanimous roll call vote. Ms. Fearon moved to find Mr. Brooks in violation of §32-2044(12) under the Guide for Professional Conduct at 1.2.A. Ms. Kalis seconded the motion. The roll call vote was unanimous. The Board discussed the content of an Advisory Letter to

include the lack of documentation to establish the equipment was serviced regularly. Ms. Fearon moved to issue the Advisory Letter as stated. Mr. Robbins seconded the motion. The motion carried by a unanimous vote. Ms. Fearon moved to issue a Decree of Censure for violations of §32-2044(12) under the Guide for Professional Conduct at 1.2.A, §32-2044(13) and §32-2044(19). Ms. Kalis seconded the motion. The roll call vote was unanimous.

3. Informal Hearing

#05-26; Cynthia Wissink, P.T.

Ms. Fearon introduced the hearing and invited Ms. Wissink and her attorney, Ms. Lauren Weinsweig, to appear before the Board. The Board members and staff introduced themselves to the licensee and counsel. Ms. Weinsweig stated for the record that Ms. Wissink had agreed to waive the 9:30 a.m. scheduling of the informal hearing and to initiate her hearing prior to that for Glenn Brooks. Ms. Fearon reviewed the informal hearing procedures and possible outcomes of the hearing. Ms. Hiller summarized the complaint filed against Ms. Wissink by Ms. Susan Stockdell, OTR/L and Mr. Ken Trzecki, P.T. in which they alleged improprieties by Ms. Wissink relating to the physical therapy services she provided at the Bell Road office of Sunset Physical Therapy. The complaint allegations relate to Ms. Wissink's treatment of 13 patients in April and May of 2005 at the time of the purchase of Sunset Physical Therapy by Ms. Stockdell. The complaints alleged that Ms. Wissink failed to maintain adequate patient records (lacking progress notes and discharge summaries) and that she failed to advise the patients of her planned departure or their transfer of care to another provider. Ms. Stockdell's complaint further alleged that Ms. Wissink may have billed fraudulently for services provided to patients. Ms. Wissink maintains that she notified both her patients and her referring physicians about her impending departure, although the investigative review of patient records found no documentation of this in the treatment notes. Ms. Wissink affirmed that she complies with Medicare and state billing requirements and that the patient scheduling, billing and treatment documentation support the appropriateness of her charges. With respect to treatment documentation Ms. Wissink asserted that her documentation practices are within the standards set forth in statute and rules. Ms. Hiller reminded the Board that her review of patient treatment and billing records raised questions during the initial review of the complaint concerning whether Ms. Wissink's daily total timed therapist charges might have exceeded the number of hours she could have provided direct one-on-one services to her patients. The treatment notes do not contain sufficient information to support billings for multiple units of timed procedures. If true, the allegations could constitute a violation of:

- **A.R.S. § 32-2044 (1)** "Violating this chapter, board rules or a written board order."
- **A.R.S. § 32-2051. Rights of consumers E.** "A physical therapist shall ensure that each patient understands that the patient has freedom of choice in services and products."
 - ***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."
 - ***Code of Ethics Principle 3*** "Physical therapists accept responsibility for the exercise of sound judgment." ***Guide for Professional Conduct 3.3.A.*** "Physical therapists shall recognize the individual's freedom of choice in selection of physical therapy services."
- **A.R.S. § 32-2044(13)** "Charging unreasonable or fraudulent fees for services performed or not performed."
 - ***Code of Ethics Principle 5*** "Physical therapists seek remuneration for their services that is deserved and reasonable." ***Guide for Professional Conduct 5.1***

“Physical therapists shall never place their own financial interest above the welfare of individuals under their care.”

- **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.”
 - *Code of Ethics Principle 3* “Physical therapists accept the responsibility for the exercise of sound judgment.” *Guide for Professional Conduct 3.1* “Upon accepting a patient/client for provision of physical therapy services, physical therapists shall assume the responsibility for...re-examination and modification of the plan of care; and maintaining adequate records of the case including progress reports.”
- **A.R.S. § 32-2044(12)** “Failing to adhere to the recognized standards of ethics of the physical therapy profession.”

Ms. Hiller noted that Ms. Weinsweig submitted a written response which included different billing calculations than those presented by Ms. Hiller in the initial investigative report; the response also included affirmations from some of Ms. Wissink’s former patients stating that Ms. Wissink had, in fact, informed them of her departure from Sunset Physical Therapy. In her opening statement Ms. Weinsweig advised the Board that Ms. Wissink is a very dedicated physical therapist who is successful in her career and commands respect from her patients and peers. She also indicated that Ms. Wissink exhibits high standards of integrity and ethical behavior. Ms. Weinsweig called to the Board’s attention the written statements from five former patients who affirmed that Ms. Wissink did inform them that she was leaving the practice and that the details of the transition of which she was aware were relayed to them. Ms. Weinsweig also noted that Ms. Wissink had submitted to the Board letters from referring physicians who also stated that they were informed of Ms. Wissink’s impending departure from Sunset Physical Therapy. Ms. Weinsweig refuted the allegation that Ms. Wissink’s patient records were lacking in detail with respect to time notations and details on delivery of skilled services by stating that time notations were required by Medicare in 2005. Ms. Weinsweig admitted that Ms. Wissink’s records are not perfect but stated that there is no basis upon which the Board should adopt findings that warrant severe disciplinary action. She further commented that Ms. Wissink experienced some difficulty responding to the allegations that her records lack sufficient detail because the Board’s statutes don’t provide a clear standard for patient documentation. Ms. Weinsweig stated that there was no intent on the part of Ms. Wissink to violate this statute, that Ms. Wissink provided the appropriate level of one-on-one care according to Medicare standards, and that no payer has concluded that Ms. Wissink ever billed improperly for the care she provided. Finally, counsel stated that Ms. Wissink continues to educate herself on patient care documentation standards and requirements through completion of continuing education courses and indicated a willingness to have her records audited by the Board. The Board noted that while time notations are not required by the statutes, the patient care documentation must establish that the care provided was appropriate to what was billed. The Board clarified with Ms. Wissink that the billing procedures utilized by her while an employee of Sunset Physical Therapy consisted of her completing the charge slips and then giving them to Mr. Brooks for purposes of submission to the company with which Mr. Brooks contracts for performing billing services. In response to the Board’s questions, Ms. Wissink indicated that the number of patients she would typically schedule as three patients to whom she would provide direct care concurrently. The Board reviewed Ms. Wissink’s schedule for April 4, 2005 and Ms. Wissink indicated that all of the patients on the schedule for that date were hers and that she only had an aide assisting her that day. The Board questioned how Ms. Wissink could have provided so

many units of care on April 4, 2005 relative to the number of patients on the schedule? Ms. Wissink responded that it was her understanding that she could bill as skilled services for all of the services provided to all of the patients she saw that day. The Board reiterated that the treatment notes for April 4, 2005 and for the other dates reviewed do not support all of the billing she prepared. Ms. Wissink advised the Board that if she was treating more than one patient at one time, she could be directing one patient closely while cueing another. The Board asked whether Ms. Wissink had billed for 3 patients concurrently because she had three patients in the clinic at the same time? Ms. Wissink responded in the affirmative noting that at that time she understood that she could do it that way. The Board asked whether Ms. Wissink knew how her billing was reflected after she submitted it to Mr. Brooks; she responded that she did not. Ms. Wissink affirmed that she had her own billing number issued to her for purposes of billing Medicare and that the services that she provided were billed through that number. The Board reviewed the records for the patient C.M. and commented that Ms. Wissink's initial evaluation is lacking certain expected objective measurements such as muscle testing for strength. Ms. Wissink explained that she documented this information "functionally" which to her demonstrated intrinsic weakness on the part of the patient. Ms. Wissink explained her recollection of the patient's symptoms, but admitted that notations of the symptoms are not reflected in her evaluation and treatment notes. The Board reviewed the treatment provided to C.M. on April 18, 2005 and questioned why 2 units of therapeutic exercise were billed, but Ms. Wissink only documented the patient performed calf stretches. Ms. Wissink explained that it is her practice that on the first day of treatment she reviews the patient's home exercise program, observes the patient performing the exercises and then corrects the patient as he or she inevitably performs one or more exercises incorrectly. The Board posed the same question concerning the patient C.R. noting the lack of support for what she is billing because of a paucity of information on both the treatment note and the flow sheet. Ms. Wissink affirmed that her aide was not performing any of the care. The Board also commented that records for the patient S.R. lack a gait assessment and a neurological clearance. In response to the Board's question concerning whether her notation indicate that exercises were performed by a patient on the left or right side, Ms. Wissink explained that if there is a lack of notation of "L" or "R", that means she is treating both. She explained again that on the first visit there is a lot of instruction and that's what her billing was intended to reflect. The Board reviewed the treatment records for the patient N.B., noted that the patient was post-surgical, and questioned the treatment choices made by Ms. Wissink. The licensee explained that she worked with the patient very gently on the exercises, but the Board noted that the record does not reflect that. The Board questioned why she didn't document having provided notification to each patient of her imminent departure in the patients' charts. Ms. Wissink replied that she didn't realize that the notification needed to be in the patients' charts. The Board asked where there is inconsistency with the patients' recollections that she was leaving; she stated that it is her recollection that she informed each patient and that she is fairly certain that no one fell through the cracks. Ms. Wissink noted that she notified the referring physicians as a precautionary measure, and she also went to each physician personally to collect the attestations submitted to the Board. She also explained that she collected the patient statements based on the addresses and telephone numbers to which she still had access. The Board reviewed a treatment note for patient C.R. for April 15, 2005 on which she circled "manual therapy", but didn't indicate specifically what skilled intervention was provided. The Board noted that Ms. Wissink's lack of documentation would be of no help to anyone reviewing her treatment notes such as another physical therapist assuming her patients' care. Ms. Wissink explained to the Board how she completed the billing forms. Ms. Kalis moved to table the hearing for purposes of initiating the informal hearing for complaint #05-25; Glenn Brooks, P.T. Ms. Fearon seconded the motion. The motion carried by a unanimous vote. Upon resuming the informal hearing the Board questioned Ms. Wissink's recollection of how she was established

her as a Medicare provider. Ms. Wissink explained that she recalled working with Mr. Brooks' billing company and signing a lot of paperwork to accomplish this. The Board concluded the questioning and reviewed and discussed the possible jurisdiction relating to the complaint allegations. Dr. Cornwall moved to establish as a finding of fact that Ms. Wissink failed to document in the patients' records that their care was being transferred and that the Board find Ms. Wissink in violation of A.R.S. §32-2051(E) for failing to ensure and document that all her patients at Sunset Physical Therapy were advised of the transfer of their care; this violation will be addressed with a Decree of Censure. Ms. Fearon seconded the motion. The motion carried by a unanimous vote. The roll call vote was unanimous. Ms. Kalis moved to find Ms. Wissink in violation of A.R.S. §32-2044(13), A.R.S. §32-2044(20) and A.R.S. §32-2044(12) and to establish as finding of fact that Ms. Wissink's records for the patients C.M., and S.R. in April of 2005 lack sufficient documentation to support the plan of care established, the amount of time billed, and lack adequate information to support notations that skilled care was provided, and lack adequate information establish that the billing reflected the care that was documented. Ms. Fearon seconded the motion. The roll call vote was unanimous. The Board discussed placing Ms. Wissink on probation for one year while requiring Ms. Wissink to complete a continuing education course of a minimum of 20 hours that would address performing and documenting complete patient evaluations and establishing differential diagnoses. The Board also discussed requiring Ms. Wissink to complete a patient coding and billing course of at least 8 hours. The Board concurred that Ms. Wissink should take and achieve a passing score on the Board's jurisprudence examination, and that she should submit to quarterly audits of her patient records with at least 3 charts reviewed per quarter (if possible one should be a Medicare patient). Ms. Fearon moved to impose the disciplinary terms as discussed and Mr. Gossman seconded the motion. The roll call vote was unanimous.

4. Initial Review of Complaint

#06-03; Cassie Hague, P.T.

Ms. Fearon introduced the agenda item and Ms. Hague indicated she was present for the review of her complaint and prepared to address the Board's questions. Ms. Hiller summarized the complaint filed by K.R., a former patient treated by Ms. Hauge at Welch Physical Therapy in January 2006 who was referred by her physician for treatment of low back and right leg symptoms. The complaint alleges that at the initial evaluation and treatment on February 8, 2006 Ms. Hague performed a stretch to both of K.R.'s legs that resulted in left groin and leg pain that progressively worsened resulting in her hospitalization on February 18, 2006 for intractable pain. 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(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."

The complainant alleged that Ms. Hague had her sit at the end of the treatment table with her legs hanging over the edge while leaning back, and that Ms. Hague held my ankle back and pushed on her knee firmly stretched each leg under the table. The following day K.R. worked with her weight trainer on upper body activities but she declined to perform squats since her leg was bothering her; her left groin pain continued to worsen. At her next scheduled physical therapy treatment on February 15, 2006 K.R. described her worsened symptoms to Ms. Hague. The following day K.R. reported her pain intensified so she saw her doctor for pain medication. On February 18 K.R. was taken to Scottsdale Healthcare Shea emergency room where she was admitted and spent the next eight days hospitalized for pain management; She was discharged from the hospital on February 26, 2006. In her written response Ms. Hague described her initial evaluation and treatment of K.R. who was diagnosed with chronic low back pain. Treatment that

day included testing for muscle flexibility in the Thomas Test position with both of K.R.'s legs testing positively for iliopsoas tightness. Ms. Hague then stretched K.R.'s legs in the Thomas Test position by applying moderate pressure to the ankle of the leg being stretched. Ms. Hague advised K.R. of the possibility of increased soreness after an initial evaluation and scheduled her return appointment for the following week. Ms. Hague acknowledged that during the second treatment visit K.R. reported severe left groin pain. Ms. Hague performed a reassessment and concluded K.R. may have had some type of nerve/disc involvement. Treatment that date consisted of passive modalities and gentle active and passive stretching. Ms. Hague advised K.R. to contact her physician if her pain became worse and that was the last time she had contact with the patient. Ms. Hague noted that K.R.'s description of the stretch is not the same as the techniques she customarily utilizes, K.R. admits seeing her personal trainer the day after her initial visit and there is no way of assuring what exactly occurred during the training session, K.R.'s left groin pain began five days after her initial visit whereas pain from an initial evaluation would have been expected immediately or after 24–48 hours, K.R.'s hospitalization did not occur until ten days after her initial treatment; and Iliopsoas muscle tightness can increase lumbar forces and lead to a presentation similar to K.R.'s. Ms. Hague concludes that the treatment she provided K.R. was completely justified by her initial evaluation and the referring diagnosis. Ms. Hiller noted that her review of the physical therapy treatment records indicate that they meet the minimum standards and that the treatment record is consistent with Ms. Hague's narrative response. A note dated March 7, 2006 signed by Guy Welsh, P.T. documents his conversation with K.R.'s referring physician concerning her hospitalization and a March 8 note signed by Mr. Welsh documents his subsequent conversation with K.R. Ms. Hiller advised the Board that K.R.'s hospitalization records contain a discharge diagnosis of a Femoral nerve stretch injury of the left groin. Ms. Hiller advised the Board that Ms. Hague's objective findings and assessment support her choice of the Thomas test for iliopsoas tightness, which led to her choice of stretching for tight iliopsoas muscles bilaterally, but this does not address the question of how the stretching was performed relative to position and intensity or the possibility that the treatment intervention resulted in an irritation of the left Femoral nerve that resolved over several months. In response to the Board's question Ms. Hague explained how she performed the Thomas Test; the patient was prone and she helped the patient lie back on the table. She had the patient hold her knees to her chest and helped her drop her legs down one at a time. The patient reported tightness in her thigh during the stretch. She also noted that the stretching she was performing was gentle. She would not have performed this stretch on someone who reported with radicular pain; that day the patient presented having no discomfort or pain. Ms. Hague affirmed that she did not communicate with K.R. after her second treatment session, but that Mr. Welch did a very good job with documenting his communications with the patient. Ms. Hague explained that following K.R.'s second visit she scheduled another and was advised by Ms. Hague that she should contact her physician if the pain persists or worsened. The discharge summary was written on the basis of a phone call from the patient reporting that the patient was going to see a neurologist – she was not aware of the hospitalization at the time she prepared the discharge summary. Ms. Hague explained the billing that she prepared for this patient. Ms. Hague stated that K.R. never reported pain or discomfort during the stretch, but she did not force any of her stretches. The Board concluded the questions and discussed dismissing the case on the basis that Ms. Hague made an appropriate treatment choice, K.R. did not complain of pain during the procedure, finally there is no causal link between the treatment and the pain experienced by K.R. several days later. The Board noted that it is farfetched that a groin pull could come from a Thomas Test. Ms. Fearon moved to dismiss and to issue an advisory letter addressing the Board's concerns that Ms. Hague did not follow up with K.R. and the physician. Mr. Robbins seconded the motion. The motion carried by a unanimous vote.

5. Initial Review of Unlawful Practice Case Investigation

#06-06-UPI ; Ellen Furr, P.T.

Ms. Fearon introduced the agenda item and Ms. Furr was granted permission to address the Board. Ms. Furr explained that she simply overlooked paying her renewal fee on time. She stated that she is a dedicated physical therapist who recently completed her DPT; additionally she is currently supervising a student completing her clinical internship. Ms. Furr further noted that she travels to 8 different schools for her job with the school district in Flagstaff. She offered some possible mitigating circumstances for the Board's consideration: she suspects that her mail may have not been delivered properly as she lives in a rural area and she has experienced other problems with accurate mail delivery. Ms. Furr also questioned why she did not receive a notification that her license was not due to lapse. She also explained that her father's medical needs have been very demanding and she has been very occupied with his care. Finally, Ms. Furr requested leniency with respect to disciplinary action. Ms. Fearon reviewed the jurisdiction for the unlawful practice case to include A.R.S. §32-2044(1), Grounds for disciplinary action: "violating this chapter, Board rules, or a written order of the Board"; A.R.S. §32-2027, License or certificate renewal: "A licensee or certificate holder shall renew the license or certificate pursuant to board rules. A licensee or certificate holder who fails to renew the license or certificate on or before its expiration date shall not practice as a physical therapist or work as a physical therapist assistant in this state; and A.R.S. §32-2048(A), Unlawful practice: "it is unlawful for any person to practice or in any manner claim to practice physical therapy or for a person to claim the designation of a physical therapist unless that person is licensed pursuant to this chapter". Ms. Kalis moved to find Ms. Furr in violation of the listed statutes and identified the findings of fact as Ms. Furr practicing without a license for 4 days. Ms. Fearon moved the Board place Ms. Furr on probation for 6 months and to impose a \$100 civil penalty, require her to take the jurisprudence examination and to complete 20 hours of community service. Mr. Gossman seconded the motion. The motion carried by a unanimous vote. The Board motion also stipulated that if the consent agreement is not signed within 10 days the case will be scheduled for an informal hearing.

#06-07-UPI ; Tarrin Walz, P.T.

Ms. Fearon introduced the agenda item and the Board noted that in addition to the admission of practicing without a license Mr. Walz also admitted in written correspondence to failing to change his address with the Board. The Board clarified that Mr. Walz's unlawful practice was for 10 days in the month of September. Ms. Fearon reviewed the jurisdiction for the unlawful practice case to include A.R.S. §32-2044(1), Grounds for disciplinary action: "violating this chapter, Board rules, or a written order of the Board"; A.R.S. §32-2027, License or certificate renewal: "A licensee or certificate holder shall renew the license or certificate pursuant to board rules. A licensee or certificate holder who fails to renew the license or certificate on or before its expiration date shall not practice as a physical therapist or work as a physical therapist assistant in this state; and A.R.S. §32-2048(A), Unlawful practice: "it is unlawful for any person to practice or in any manner claim to practice physical therapy or for a person to claim the designation of a physical therapist unless that person is licensed pursuant to this chapter". Ms. Fearon moved to find Mr. Walz in violation of the listed statutes and identified the findings of fact as Mr. Walz practicing without a license for 4 days. Ms. Kalis seconded the motion. The motion carried by a unanimous vote. Mr. Gossman moved the Board place Mr. Walz on probation for 6 months and to impose a \$200 civil penalty, require him to take the jurisprudence examination and to complete 20 hours of community service. Ms. Kalis seconded the motion. The motion carried by a unanimous vote. The Board motion also stipulated that if the consent agreement is not signed within 10 days the case will be scheduled for an informal hearing.

#06-08-UPI ; Antoinette Munoz, P.T.

Ms. Fearon introduced the agenda item and the Board reviewed the documentation indicating that Ms. Munoz admitted to practicing physical therapy for a period of time in the month of September. Ms. Fearon reviewed the jurisdiction for the unlawful practice case to include A.R.S. §32-2044(1), Grounds for disciplinary action: “violating this chapter, Board rules, or a written order of the Board”; A.R.S. §32-2027, License or certificate renewal: “A licensee or certificate holder shall renew the license or certificate pursuant to board rules. A licensee or certificate holder who fails to renew the license or certificate on or before its expiration date shall not practice as a physical therapist or work as a physical therapist assistant in this state; and A.R.S. §32-2048(A), Unlawful practice: “it is unlawful for any person to practice or in any manner claim to practice physical therapy or for a person to claim the designation of a physical therapist unless that person is licensed pursuant to this chapter”. Ms. Fearon moved to find Ms. Munoz in violation of the listed statutes and identified the findings of fact as Ms. Munoz practicing without a license for 14 days. Mr. Gossman seconded the motion. The motion carried by a unanimous vote. The Board discussed imposing a civil penalty in unlawful practice cases of \$200 plus \$50 for every day over 10 days. Ms. Fearon moved the Board place Ms. Munoz on probation for 6 months and to impose a \$400 civil penalty, require her to take the jurisprudence examination and to complete 20 hours of community service. Mr. Gossman seconded the motion. The motion carried by a unanimous vote. The Board motion also stipulated that if the consent agreement is not signed within 10 days the case will be scheduled for an informal hearing.

#06-09-UPI ; Kenneth Lamm, P.T.

Ms. Fearon introduced the agenda item and the Board noted that Mr. Lamm had submitted a letter to the Board indicating that he is unable to attend this meeting as he is in Hawaii. The Board discussed the fact that Mr. Lamm’s affirmation of employment form indicates that he practiced without a license from September 1 through September 20, but because he listed the dates as a range it is unclear whether he also practiced on weekends. Ms. Fearon moved to find Mr. Lamm in violation of A.R.S. §32-2044(1), Grounds for disciplinary action: “violating this chapter, Board rules, or a written order of the Board”; A.R.S. §32-2027, License or certificate renewal: “A licensee or certificate holder who fails to renew the license or certificate on or before its expiration date shall not practice as a physical therapist or work as a physical therapist assistant in this state; and A.R.S. §32-2048(A), Unlawful practice: “it is unlawful for any person to practice or in any manner claim to practice physical therapy or for a person to claim the designation of a physical therapist unless that person is licensed pursuant to this chapter.” Ms. Kalis seconded the motion. The motion carried by a unanimous vote. Ms. Fearon offered a motion directing Board staff to obtain a corrected written statement from Mr. Lamm confirming the number of days that he practiced without a license and to calculate the civil penalty as follows: \$200 for the first 10 days of unlawful practice and \$50 per day for every day he worked beyond 10 days. The consent agreement will also include the terms of 20 hours of community service and taking and passing the Board’s jurisprudence examination. Finally, the consent agreement will reflect that if Mr. Lamm practiced more than 15 days he must report the period of unlawful practice to all insurance payers who were billed for his services. Mr. Robbins seconded the motion. The motion carried by a unanimous vote. Additionally the Board stipulated that Mr. Lamm would be granted 30 days to sign the agreement as he will not return from Hawaii for approximately one month. Ms. Fearon moved to issue a Decree of Censure with the Consent Agreement to address the fact that Mr. Lamm knowingly continued to treat 2 patients after being informed of the lapse of his license. Ms. Kalis seconded the motion. The motion carried by a unanimous vote.

#06-10-UPI; Christopher Reynolds, P.T.

Ms. Fearon introduced the agenda item and Mr. Reynolds was granted permission to address the Board. He advised the Board that he takes his professional responsibilities very seriously and that he strives to comply with all laws and regulations relating to the practice of physical therapy. He characterized his failure to file a timely renewal application as a “stupid mistake” and that he is prepared to accept the Board’s disciplinary action. He asked that the Board consider in the future to use electronic mail to inform licensees of the impending renewal deadline. Ms. Fearon reviewed the jurisdiction for the unlawful practice case to include A.R.S. §32-2044(1), Grounds for disciplinary action: “violating this chapter, Board rules, or a written order of the Board”; A.R.S. §32-2027, License or certificate renewal: “A licensee or certificate holder shall renew the license or certificate pursuant to board rules. A licensee or certificate holder who fails to renew the license or certificate on or before its expiration date shall not practice as a physical therapist or work as a physical therapist assistant in this state; and A.R.S. §32-2048(A), Unlawful practice: “it is unlawful for any person to practice or in any manner claim to practice physical therapy or for a person to claim the designation of a physical therapist unless that person is licensed pursuant to this chapter”. Mr. Reynolds clarified for the Board that he practiced without a license for a total of 14 days. Ms. Fearon moved to find Mr. Reynolds in violation of the listed statutes and identified the findings of fact as Mr. Reynolds practiced without a license for 14 days. Ms. Kalis seconded the motion. The motion carried by a unanimous vote. Ms. Fearon moved the Board place Mr. Reynolds on probation for 6 months and to impose a \$400 civil penalty, require him to take the jurisprudence examination and to complete 20 hours of community service. Mr. Gossman seconded the motion. The motion carried by a unanimous vote. The Board motion also stipulated that if the consent agreement is not signed within 10 days the case will be scheduled for an informal hearing.

#06-11-UPI; Scott English, P.T.

Ms. Fearon introduced the agenda item and Mr. English was granted approval to address the Board. Mr. English apologized to the Board for his failure to file his licensure renewal application in a timely fashion. He stated to the Board that he was on vacation for a few days in the month of September and that he did not indicate as such on his affirmation of employment form. Mr. English also offered to submit a correction to reflect the actual dates that he practiced as a physical therapist without a license in September and stated that the number of days totaled 14. Ms. Fearon moved the Board place Mr. English on probation for 6 months and to impose a \$400 civil penalty, require him to take the jurisprudence examination and to complete 20 hours of community service. Mr. Gossman seconded the motion. The motion carried by a unanimous vote. The Board motion also stipulated that if the consent agreement is not signed within 10 days the case will be scheduled for an informal hearing.

#06-12-UPI; Michael Webster, P.T.

Ms. Fearon introduced the agenda item and the Board noted that Mr. Webster was not present for the review of this case. The Board reviewed the documentation indicating that Mr. Webster admitted to practicing physical therapy for a period of time in the month of September. Ms. Fearon reviewed the jurisdiction for the unlawful practice case to include A.R.S. §32-2044(1), Grounds for disciplinary action: “violating this chapter, Board rules, or a written order of the Board”; A.R.S. §32-2027, License or certificate renewal: “A licensee or certificate holder shall renew the license or certificate pursuant to board rules. A licensee or certificate holder who fails to renew the license or certificate on or before its expiration date shall not practice as a physical therapist or work as a physical therapist assistant in this state; and A.R.S. §32-2048(A), Unlawful practice: “it is unlawful for any person to practice or in any manner claim to practice physical therapy or for a person to claim the designation of a physical therapist unless that person is licensed pursuant to this chapter”. Ms. Fearon moved to find Mr. Webster in violation of the listed statutes and identified the findings of fact as Mr. Webster practiced without a license for

15 days. Ms. Kalis seconded the motion. The motion carried by a unanimous vote. Ms. Fearon moved the Board place Mr. Webster on probation for 6 months and to impose a \$450 civil penalty, require him to take the jurisprudence examination, to complete 20 hours of community service, and to report the fact that he practiced without a license for 15 days to all of the third party payers who were billed for his services during that time. Mr. Gossman seconded the motion. The motion carried by a unanimous vote. The Board motion also stipulated that if the consent agreement is not signed within 10 days the case will be scheduled for an informal hearing.

6. Review of and Possible Action on Substance Abuse Evaluation

Trent Tripp

Ms. Fearon introduced the agenda item and Ms. Herbst Paakkonen reminded the Board that Mr. Tripp last appeared before the Board on August 22, 2006 at which time his criminal history was reviewed relative to his drug possession convictions in January of 2006. Mr. Tripp had self-reported these convictions to the Board in December of 2005 and had indicated the same information on his licensure renewal application. The Board was also informed in August that Mr. Tripp was participating in a substance abuse treatment program in Phoenix. Following the review of Mr. Tripp's application the Board offered him a consent agreement stipulating that Mr. Tripp's license would be renewed, but simultaneously suspended pending completion, submission and Board review of a substance abuse evaluation. Ms. Herbst Paakkonen informed the Board that Mr. Tripp had signed the consent agreement and that the evaluation of Mr. Tripp had been completed earlier in the month. The Board reviewed the evaluation prepared by Julian Pickens, Ed.D, a licensed behavioral health counselor and noted that Dr. Pickens determined that Mr. Tripp has an admitted substance abuse problem. Dr. Pickens recommended in his report that Mr. Tripp be monitored for a period of time and that he be subject to certain recovery based activities. Mr. Tripp appeared before the Board to address questions, indicating that at the present time he is engaged in a treatment program where he is in group treatment in the mornings, and he participates in a vocational rehabilitation program by working in a retail store for 15 hours per week. He also stated that this treatment program offers transitional independent housing. The Board questioned Mr. Tripp's sobriety status at the time he was granted initial licensure in November of 2004; he responded that he was drug free at that time having had 13 years of sobriety and that he was not in treatment at the time he was reviewed for licensure. Ms. Cornelius advised the Board that a monitoring period of 3-5 years is typical for regulatory board to impose in order to allow the licensee to have ample support for his or her recovery and to allow the Board adequate time to monitor that person for purposes of protecting the public. Mr. Tripp stated to the Board that throughout 2006 he has been focused on nothing but his recovery and that he has not practiced physical therapy at all during this time. He also noted that he feels he is ready to return to practice and that he will accept whatever oversight and monitoring that the Board imposes. The Board debated whether Mr. Tripp has been clean and sober long enough to practice physical therapy. Ms. Cornelius noted that one monitoring option for the Board would be to require him to work under the supervision of another physical therapist and to require that supervisor to submit periodic reports to the Board. The Board discussed offering Mr. Tripp a consent agreement placing him on a monitoring program for 3 years during which time he will be allowed to return to the practice of physical therapy under the supervision of another physical therapist with monthly reports to be submitted to the Board by that supervisor, and requiring Mr. Tripp to: submit to a urinalysis two times per month for the duration of the monitoring program, enroll and participate in a group substance abuse counseling program for health care providers, requiring him to meet with an AA/NA sponsor 2 times per month, attend 4 AA/NA meetings per week, participate in interviews with the Board every 6 months, complete an evaluation with Dr. Pickens on an annual basis, provide evidence of having given notification

to his employer of his monitoring program, establish one medical provider to coordinate all of his health care and inform the Board of his prescriptions, and execute all required releases in order for the Board to receive the ordered information and report. Ms. Fearon moved the Board offer a consent agreement with the terms discussed. Mr. Robbins seconded the motion. The motion carried by a unanimous vote. The Board directed that the consent agreement be signed within 10 days; failure on the part of Mr. Tripp to sign the agreement will result in a formal hearing being scheduled.

SUBSTANTIVE REVIEWS OF APPLICATIONS FOR LICENSURE & CERTIFICATION

7. Review and Possible Action on Disclosure on Licensure or Certification Renewal Application

Anna Hill, P.T.

Ms. Fearon introduced the agenda item and Ms. Herbst Paakkonen advised the Board that Ms. Hill filed her licensure renewal application indicating that she had been the subject of a malpractice judgment. Ms. Hill later submitted a copy of a Health Integrity Practitioners Data Bank (HIPDB) report indicating that Ms. Hill's employer settled the case with the employer's insurer paying the majority of the settlement and Ms. Hill's insurer paying a smaller amount. The Board noted that the HIPDP report indicated that neither Ms. Hill nor her employer accepted responsibility for the alleged harm to the patient in the final settlement. Ms. Fearon moved to renew the license of Ms. Hill. Ms. Kalis seconded the motion. The motion carried by a unanimous vote.

Kent Weinrich, P.T.

Ms. Fearon introduced the agenda item and Ms. Herbst Paakkonen advised the Board that Mr. Weinrich had filed a licensure renewal and reinstatement application disclosing that he had not practiced physical therapy for several months as a result of hip replacement surgery in March of 2006 and a period of hospitalization in July of 2006. Mr. Weinrich's physicians submitted letters to the Board describing Mr. Weinrich's inability to practice physical therapy at the present time, and an explanation of the rehabilitation that he must accomplish prior to returning to practice. Ms. Fearon moved the Board offer Mr. Weinrich a consent agreement that would renew his license, but suspend it until he comes before the Board with his physician's written clearance and evidence that he is able to physically practice physical therapy with skill and safety. Mr. Robbins seconded the motion. The motion carried by a unanimous vote.

8. Review and Possible Action on Disclosure on Licensure or Certification Renewal Application and on Request for Waiver of Continuing Competence Requirements

Mary Dawson, P.T.

Ms. Fearon introduced the agenda item and noted that Ms. Dawson was present for the Board's review of her licensure renewal application. Ms. Herbst Paakkonen advised the Board that Ms. Dawson filed her application on August 30, 2006 and noted that she has a physical impairment that affects her ability to practice physical therapy. Ms. Dawson also requested the Board grant her a waiver of her continuing competence requirements for the 2004-2006 licensure period. In late September Ms. Dawson's physician submitted a letter indicating that he is treating Ms. Dawson for Multiple Sclerosis (MS) and that a recent flare up has hindered her ability to complete her continuing competence requirements. Ms. Dawson was granted permission to request the Board and in response to questions indicated that she has been licensed as a physical therapist since 1979, and obtained her Arizona license in 1993. She stated that even though she is no longer capable physically of practicing physical therapy, she wants to stay connected to the physical therapy community and to maintain her identity and licensure as a physical therapist. Ms. Dawson explained that since she was diagnosed with MS she has only practicing minimally, mostly at home. She explained that recent flare-ups of her symptoms have compromised her vision and her hand coordination which has prevented her from completing her continuing

competence requirements. The Board questioned Ms. Dawson as to why didn't she complete her continuing competence requirements earlier in the compliance period. She explained that she has had off and on flares that have left her hospitalized and that have otherwise affected her abilities to complete the requirements. Ms. Dawson noted that due to her inability to drive she must rely on friends or her teenaged children to take her to courses. She further noted that she has experienced problems with her eyes for at least the last year – likely longer than that. Ms. Dawson stated that she did contemplate trying to complete courses on-line, but computer work was very difficult, uncomfortable and tedious even when her vision was better. Dr. Cornwall moved to renew Ms. Dawson's license pursuant to a consent agreement that grants Ms. Dawson the waiver of her continuing competence requirements and that stipulates that she not practice physical therapy until she is cleared by her physician and approved by the Board. Ms. Fearon seconded the motion. The motion was approved on a vote of 4-1 with Ms. Kalis casting the dissenting vote.

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

Ms. Fearon advised the Board that it would consider the applications for the listed individuals for physical therapist licensure. The Board noted that Mr. Chavez, Mr. Robinson and Ms. Robinson all made disclosures on their applications; Ms. Robinson was cited with and pled guilty to an open container citation in 2002, Mr. Robinson was cited with and pled guilty to a DUI in 2003, and Mr. Chavez was cited with and pled guilty to charges of minor in possession in 1993 and disorderly conduct in 1997. The Board noted that these applicants had submitted the court records that were available for these convictions as well as written statements addressing their respective good moral character and ability to practice physical therapy with skill and safety. Ms. Fearon moved to grant licensure to the listed applicants. Mr. Robbins seconded the motion. The motion carried by a unanimous vote.

Julie L. Allison	Marissa N. Alnas	Jennifer L. Bertagni
Amy M. Bynum	Fabian M. Chavez	Laura A. Clouser
Clarence B. Coggin	Trent A. Corey	Megan A. Dirnbeck
Robert J. Dirnbeck	Mark R. DiSalvo	Darcey A. Durr
Judy L. Evans	Jessica A. Himler	Joanne K. Ickstadt
Denise C. Labriola	Scott W. Leclerc	Stephanie J. Leclerc
Edward Lee III	Katherine A. Loeb	Joseph E. Logar III
Reginald R. Marquez	James P. Moran	Roxanne M. Pincombe
Jeralyn A. Primerano	Kevin J. Robinson	Kimberly E. Robinson
Stacy A. Samano	Joe R. Schroeder	Laura A. Simenson
Mary Stancu	Antonio Vitto	

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

Sabrina S. Boulay	Sharon Burcar-Flint	William K. Clark
Hilary B. Freund	Ulrica M. Gregg	Lori M. Hardern
Kristin Hylton	Eileen Kelly-Foulston	Anthony F. Mazzitello
Anna C. Mercado	Barbara D. Ogolsky	Jefferson O. Olson
Jason L. Shuster		

Ms. Fearon advised the Board that it would require and consider whether to grant certification to the listed applicants. The Board noted that Ms. Mercado had provided court records related to, and an explanation of, the domestic violence charge she disclosed on her application which was prior to her admission to PTA school. The Board also noted that Ms. Mercado's employers had

submitted a letter attesting to her good moral character. Ms. Fearon moved to grant certification to the listed applicants. Mr. Robbins seconded the motion. The motion carried by a unanimous vote.

11. 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 Determination of Approval to sit for the National Physical Therapy Examination (NPTE)

Shirley B. Apostol

The Board reviewed the credential evaluation report prepared by FCCPT and noted that Ms. Apostol graduated from a physical therapy school in the Philippines in 2000. The report indicates that Ms. Apostol has no education deficiencies. Ms. Kalis moved the Board find Ms. Apostol's education substantially equivalent to that of a graduate of a U.S. accredited program and that she be allowed to sit for the NPTE. Mr. Gossman seconded the motion. The motion carried by a unanimous vote. The Board also noted that Ms. Apostol will also need to take and pass the Board's jurisprudence examination, and upon passing the NPTE she will need to complete a supervised clinical practice period.

Emma Santos

The Board noted that Ms. Santos graduated from a school of physical therapy education in 1999 and that her credential evaluation report was prepared by ICD. The Board discussed the fact that it is unclear whether the evaluation tool used by ICD is the correct version – the 4th edition of the Course Work Tool. The Board directed staff to request additional information from the applicant in the form of written assurance from ICD that the credential evaluation tool used to prepare the report is the correct version.

b. Review for Determination of Substantially Equivalent Education and Determination of Waiver/Completion of Supervised Clinical Practice Period (SCCP)

Jennifer V. Baluyut

The Board reviewed the application file for Ms. Baluyut noting that she graduated in 1993 and has been a co-owner of a private physical therapy practice since 1999. It was discussed that her credential evaluation report indicates that she is missing professional education coursework in community health and that she will need to complete a course in this area for the Board to find her education substantially equivalent to that of a graduate of a U.S. accredited program. The Board also noted that a waiver of the SCPP will be granted once her education is deemed substantially equivalent. Ms. Kalis moved the Board find Ms. Baluyut's education to be not substantially equivalent to that of a graduate of a U.S. accredited program and that she be advised to take the course in community health. Ms. Fearon seconded the motion. The motion carried by a unanimous vote.

Raymund R. Velasco

The Board reviewed the application file and credential evaluation report for Mr. Velasco. The Board discussed that the report indicates the applicant is missing professional education content in the areas of geriatrics, integumentary, and pharmacology and therefore his education is not substantially equivalent to that of a graduate of a U.S. accredited program. Ms. Kalis moved the Board find Ms. Baluyut's education to be not substantially equivalent to that of a graduate of a U.S. accredited program and that she be advised to take the courses in which he has deficiencies as listed on the credential evaluation report. Ms. Fearon seconded the motion. The motion carried by a unanimous vote. The Board noted that Mr. Velasco will be granted a waiver of the SCPP once he has completed the educational deficiencies.

c. Review of and Possible Action on SCPP Proposal

Kiren Jaswal

Ms. Fearon read the name of the applicant and the Board reviewed the proposal submitted by Ms. Jaswal for a SCPP to be completed at Northern Arizona Health Care. The Board discussed that the facility and supervisor would offer Ms. Jaswal a well-rounded experience. Ms. Kalis moved that the Board accept the SCPP proposal. Mr. Gossman seconded the motion. The motion carried by a unanimous vote.

Thelma Caisip

Ms. Fearon read the name of the applicant and the Board reviewed the proposal submitted by Ms. Caisip for a SCPP to be completed at Santa Catalina Villas in Tucson. The Board members concurred that the facility and supervisor would present the applicant with a suitable opportunity to demonstrate her clinical skills. Ms. Kalis moved that the Board accept the SCPP proposal. Mr. Robbins seconded the motion. The motion carried by a unanimous vote.

d. Review of Completion of Supervised Clinical Practice Period and Determination to Grant or Deny License

Pamela G. Guevarra

The Board reviewed the completed Interim Period Evaluation form completed by the supervised clinical practice period supervisor for Ms. Guevarra and noted that the interim permit holder had completed her SCPP within 6 months with positive reviews and comments. Ms. Kalis moved to grant licensure to Ms. Guevarra. Mr. Gossman seconded the motion. The motion carried by a unanimous vote.

12. Substantive Review of and Possible Action on the Following Applications for Physical Therapist Licensure (Foreign Educated, Graduates of CAPTE Program)

Donna Wiejkus

Ms. Fearon read the name of the applicant and in response to the Board's questions Ms. Herbst Paakkonen explained that the Hogeschool from which Ms. Wiejkus graduated was accredited by the Commission on Accreditation of Physical Therapy Education (CAPTE) at the time Ms. Wiejkus completed her degree in physical therapy. The Board discussed the fact that the applicant's file was complete. Ms. Kalis moved to grant licensure to Ms. Wiejkus. Ms. Fearon seconded the motion. The motion carried by a unanimous vote.

13. Request for Approval to Take National Physical Therapist Examination; Review of Documentation Related to Disclosure on "Personal Information" Section of Application

Megan Nishihara

The Board reviewed the application disclosure and court records submitted by Ms. Nishihara relative to her DUI conviction and noted that this conviction has since been vacated. Ms. Kalis moved to grant Ms. Nishihara approval to take NPTE (physical therapist examination) and that she be licensed upon receipt of a passing score. Ms. Fearon seconded the motion. The motion carried by a unanimous vote.

Rebecca A. Krantz

The Board reviewed the application file for Ms. Krantz and noted that she pled guilty to theft charges for which she made restitution according to the court records associated with the case. Ms. Krantz also provided a written statement addressing her good moral character. Ms. Kalis moved to grant Ms. Nishihara approval to take NPTE (physical therapist assistant examination) and that she be certified upon receipt of a passing score. Ms. Fearon seconded the motion. The motion carried by a unanimous vote.

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

Jennifer L. Kirby

Ms. Kirby appeared before the Board and stated that she was requesting accommodations to the NPTE as she has been diagnosed with a learning disability for which she received accommodations while in physical therapy school in the form of additional time for her examinations and a private testing area. In response to the Board's questions Ms. Kirby indicated that she has difficulty processing what she reads from a computer and that she needs to read the information aloud in order to process it. She further explained that this disability does not affect her every day – it only affects her when she is taking a test. The Board noted that Ms. Kirby graduated from A.T. Still University with her Doctorate in Physical Therapy in August. The Board reviewed a letter of support submitted by Ms. Suzanne Brown, P.T. and department chair at A.T. Still, and the Board also reviewed and discussed the psychologist's report submitted by Ms. Kirby. The Board expressed concerns that the psychologist's report identified problems with understanding verbal instruction, and the Board also noted that Ms. Kirby's disability is described in very limited terms. Ms. Lori Bordenave, Assistant Professor at A.T. Still requested and was granted permission to address the Board. Ms. Bordenave explained that Ms. Kirby did not demonstrate any problems with understanding verbal instruction in her clinical internships, but that due to the nature of her disability she will have a high degree of difficulty with a high stakes examination. The Board debated whether Ms. Kirby has demonstrated that she has a disability that affects her daily life. Ms. Kalis moved to deny the accommodation request. Dr. Cornwall seconded the motion. The Board further discussed whether Ms. Kirby has provided adequate evidence to demonstrate that she has a disability that entitles her to an accommodation under the ADA. Ms. Bordenave stated to the Board that Ms. Kirby disability relates to learning which is one of the functions for which the ADA does afford her an accommodation. The motion failed. Ms. Fearon moved to grant Ms. Kirby's request for an accommodation of time and ½ and a separate testing room. Mr. Robbins seconded the motion. The motion carried by a vote of 4-1 with Ms. Kalis casting the dissenting vote. The Board directed staff to place on the next agenda a review and discussion of the Board's substantive advisory statement addressing ADA accommodations.

BOARD BUSINESS AND REPORTS

15. Executive Director's Report

a. Financial Report: Ms. Herbst Paakkonen summarized the revised budget submission requested by the Governor's Office of Strategic Planning and Budget and noted that the changes to the submission included increasing the requested additional position from 0.75 FTE to 1.0 FTE, and an upward adjustment to the projected revenues which more closely reflects actual revenues.

b. Board Staff Activities: The Board directed staff to divide and assign the applications for licensure and certification among the Board members for purposes of reviewing them in advance of each meeting. Ms. Kalis will continue to review the applications filed by foreign educated applicants.

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

d. Rules Revision Update: No additional information to report.

e. Legislative Update: Ms. Herbst Paakkonen advised the Board that the web-site will be updated to include information to licensees on the new statute A.R.S. §32-3211, Medical records; protocol; unprofessional conduct; corrective action; exemptions. Licensees will be required to certify that they are in compliance with this statute when they file renewal applications in July and August of 2008.

16. Review and Possible Action Following Presentation on the Federation of State Boards of Physical Therapy's Continuing Competence Pilot Project – Practice Review Continuing Competence Pilot

Chris Larson, P.T., Director of Professional Standards
John Sielert, Consultant

Mr. Sielert and Ms. Larson conducted a presentation on the development, purpose and potential utilization of the Federation's newly developed practice review examination concept. Mr. Sielert discussed the history of the development of the examination concept as a measurement tool for continuing competence that the jurisdictions could use as a requirement for renewal of licensure, reentry into the practice, and remediation. They reported that a number of jurisdictions were approached to consider signing on as a pilot state for purposes of testing the practice review examination in advance of making the examination available to all jurisdictions. Ms. Larson noted that Arizona has in the past participated in the other continuing competence projects that have been developed by the Federation (the jurisprudence examination and the CAPPS project) which renders this state as an ideal one in which to pilot the examination. Mr. Sielert's presentation described the proposed construct and delivery of the examination, but advised the Board that the purpose of the pilot would be to determine whether the plan proposed by the Task Force that was charged with making recommendations concerning the development of the examination would be modified. Mr. Sielert and Ms. Larson commented that each pilot state would be expected to appoint one person to serve on a steering committee that would meet periodically during the pilot period. The Board posed questions to Mr. Sielert and to Ms. Larson and noted the ease with which Arizona could participate. The Board determined that a decision whether to participate would be postponed until such time that all the Board members were present for the discussion as Dr. Cornwall had to sign off from the meeting prior to the presentation.

17. Review, Discussion and Possible Approval of Proposed Revisions to R4-24-303; Patient Care Management

The Board reviewed the first draft of the proposed changes to R4-24-303 relative to requirements for and restrictions to general supervision of physical therapist assistants. Ms. Hiller and Ms. Herbst Paakkonen identified the subsections discussed with Ms. Jeanne Hann, the Board's contract rule writer for purposes of discussion by the Board. The Board requested some minor clarifying language changes and two minor substantive changes to take back to Ms. Hann for purposes of revision. Ms. Herbst Paakkonen was directed to request the edits to be made such that the draft would be next presented to the Board during its regular session meeting of November 21, 2006. The Board also reviewed and discussed a letter from a physical therapist requesting the Board adopt in the rule language that offers a longer period of time between visits by the physical therapist as the writer opined that the current session law requirement of every 6th visit or 14 calendar day, whichever comes first, is too restrictive.

CALL TO THE PUBLIC

None

ADJOURNMENT

The meeting adjourned at 2:50 p.m.

Regular Session Meeting
October 24, 2006

Prepared by,

Heidi Herbst Paakkonen

Approved by,

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