

JANET NAPOLITANO
Governor



HEIDI HERBST PAAKKONEN
Executive Director

HELENE FEARON, P.T.
President

ARIZONA STATE BOARD OF PHYSICAL THERAPY
1400 WEST WASHINGTON, SUITE 230 PHOENIX, ARIZONA 85007
(602) 542-3095 Fax (602) 542-3093
E-mail: heidi.herbst-paakkonen@ptboard.state.az.us

REGULAR SESSION MEETING MINUTES
November 21, 2006

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

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

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

CALL TO ORDER – 8:30 a.m.

1. Review and Approval of Draft Minutes:

October 24, 2006; Regular Session Meeting

Ms. Kalis announced the agenda item and the Board reviewed the draft minutes. Ms. Kalis moved the minutes be approved as drafted. Mr. Gossman seconded the motion. The motion carried by a unanimous vote.

October 24, 2006; Executive Session Meeting

Ms. Kalis announced the agenda item and the Board reviewed the draft minutes. Ms. Kalis moved the minutes be approved as drafted. Mr. Gossman seconded the motion. The motion carried by a unanimous vote.

Note: the agenda was reordered as follows

SUBSTANTIVE REVIEWS OF APPLICATIONS FOR LICENSURE & CERTIFICATION

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

Peter A. Philip

Ms. Kalis announced that the Board would conduct the application interview of Mr. Philip as he has an afternoon flight to Connecticut. Mr. Philip was present for the interview and provided an opening statement to the Board noting and explained that he is living and practicing in Connecticut but that he is interested in coming to Arizona in the future to practice. He explained that as a result of his continuing competence audit for the 2002-2004 licensure period he was found out of compliance and was granted 6 months with which to come into compliance. During that time frame he was very busy planning a wedding involving family members coming from abroad, and his computer crashed and he lost the information pertaining to his deadline. He explained that he signed the Board's consent agreement with the understanding that he could in

the future apply for a license. Mr. Philip stated that he is a proponent of higher education and is completing his Sc.D., Doctor of Science, of Physical Therapy at Texas Tech University and is serving as a mentor for students at Quinnipac University. He noted that there was a miscommunication between himself and Board staff relative to how he should answer the question on the application pertaining to whether he has been previously disciplined by a regulatory Board, but that he provided a written explanation relative to that misunderstanding. The Board questioned Mr. Philip concerning his recent continuing education activities. He responded that he had completed a Maitland course and a minimum of two DPT courses per year through Texas Tech University. Additionally he has completed a course in Spanish for Physical Therapists and other courses approved through the Connecticut Physical Therapy Association. He also noted that he has taken some courses on women's health issues, and the staff advised the Board that he had submitted evidence of having taken 44.25 hours from during the 2004-2006 compliance period. The Board asked Mr. Philip why he was unable to complete 20 hours from 2002 to 2004? He cited the personal demands mentioned previously, but replied that he has no excuse. Mr. Philip stated that prior to that period of time and since he has been committed to continuing education. He admitted to not truly understanding the terms of the consent agreement he signed which stipulated the surrender of his license and that he did not understand that a voluntary surrender of licensure was considered disciplinary action. Board staff noted that Mr. Philip did eventually submit a certificate indicating that he had completed 20 hours of continuing competence during April of 2003 which fell within the period for which he was audited. Dr. Cornwall moved to reinstate Mr. Philip's license. Mr. Robbins seconded the motion. The motion carried by a unanimous vote.

COMPLAINTS AND INVESTIGATIONS

2. Initial Review of Complaint

#06-05; Madhu Enjati, P.T.

Ms. Kalis introduced the agenda item and Ms. Hiller summarized the complaint opened against Mr. Enjati in which it was alleged that while treating a home health patient, M.V., he failed to utilize appropriate safety equipment when providing her with bedside treatment. The complainant and daughter of M.V. alleged that Mr. Enjati jeopardized her mother's safety when he failed to utilize a gait belt when he stood M.V. at bedside, he failed to use the available anti-skid socks when he stood M.V. at bedside, and when he failed to utilize a walker when he stood M.V. at bedside. 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."

In his written response to the complaint Mr. Enjati stated that on March 24, 2006 he saw M.V. for an initial evaluation and observed that she was in a weakened debilitated state. M.V.'s daughter, the complainant, arrived at M.V.'s home prior to the end of this visit. Mr. Enjati noted that the daughter's attitude made him uncomfortable and he then notified the Director of Patient Care of Assisted Healthcare Services (his employer) that the daughter might cause a problem in the future due to her unrealistic expectations relative to M.V. Mr. Enjati advised the Board that no problems were identified during the second treatment visit on March 27, and on March 28 he again saw M.V. and they worked on standing balance with the assistance of M.V.'s caregiver. On this day M.V. had on Ted hose with grips, and no walker was used since M.V. was being held by two persons. Mr. Enjati opined that M.V. was not able to ambulate therefore the gait belt, additional socks and walker were unnecessary as using two people was safer for the M.V. at that time. The response also referenced a March 29 telephone conversation between him and M.V.'s daughter about her concerns. Following this call Mr. Enjati stated that he felt that the daughter

had been threatening and verbally abusive toward him; therefore he contacted the Director of Nursing to request he be taken off the case. Assisted Healthcare transferred M.V. to another physical therapist. Ms. Hiller called the Board's attention the fact that his supervisor corroborated Mr. Enjati's recounting of communication with M.V.'s daughter in a letter in which it was noted M.V.'s daughter may have directed her dissatisfaction over her mother's care to Mr. Enjati based on racial sentiments. Ms. Hiller advised the Board that M.V.'s home health physical therapy records for March & April 2006 were reviewed and that Mr. Enjati's treatment records were extremely difficult to read and his signature was often illegible. Finally, Ms. Hiller summarized her discussions with two experienced physical therapists currently practicing in home health who both affirmed that there are no industry standards in home health concerning the use of safety equipment. Mr. Enjati appeared voluntarily before the Board and advised the Board that he believes he did not jeopardize the patient's safety as safety considerations come first in home health. He noted that he practiced entirely in home health. He explained that he did not use the gait belt with M.V. and that she was not difficult to transfer as he provided mostly bedside treatment and there was no walking with her during treatment. He explained that transfers were done giving her full support. In response to the Board's questions he stated that more often than not he elects to not use a gait belt, but it depends on the patient and his or her situation noting that a gait belt does not necessarily prevent a patient from falling. Mr. Enjati stated that he also had the assistance of another person while positioning her. He commented that he has reviewed the notes of the physical therapist who treated her after he did and opined that some weeks later the patient may have shuffled or taken a couple of steps, but at the time he treated her he did not feel that she should be walking. Mr. Enjati commented that it was possible that the therapist following him was more aggressive with her treatment due to the pressure from the daughter which he also felt. He explained to the Board that when he saw M.V. she was unable to use the walker due her dementia and inability to understand how to use the walker. Additionally she was unable to place weight on her arms to use the walker and if he placed her hands on the walker she didn't understand what to do. He admitted that he attempted to use the gait belt on March 24 due to the pressure from M.V.'s daughter. Mr. Enjati stated that M.V.'s therapeutic goals were such that she needed to be in inpatient rehab due to her lack of mobility and that caregiver training would have been most beneficial for M.V.'s safety and transfers. He felt that M.V.'s rehab potential was poor with respect to becoming ambulatory due to her advancing dementia and inability to follow directions according to her daughter following her most recent fall. In response to the Board's questions concerning why this was not documented, Mr. Enjati stated that documentation of M.V.'s major change in cognition should have occurred before she was his patient – perhaps while she was hospitalized. He advised the Board that his employer does not have written policies and procedures concerning the use of gait belts as this decision is left up to the individual physical therapist. The Board discussed the fact that with this type of patient dementia can worsen and then cognition can improve once he or she is home for awhile; therefore, it is entirely possible that the physical therapist who treated M.V. after Mr. Enjati saw an entirely different patient. The Board also noted that the daughter's insistence could have also played a role in the difference in treatment. The Board debated whether use of the gait belt with M.V. might have been more prudent, but determined that the treatment Mr. Enjati provided seemed appropriate. It was also noted that Mr. Enjati's documentation could have been clearer in some instances. Dr. Cornwall moved to dismiss the complaint. Mr. Gossman seconded the motion. The Board concluded that some situations always warrant using a gait belt, such as when large or leaning patients are being treated, but ultimately it is up to the discretion of the therapist whether to use one as in home health there are no industry standards and it is up to the determination of the physical therapist whether to use one. The motion to dismiss the complaint carried by a unanimous vote.

3. Initial Review of Unlawful Practice Case Investigation

#06-13-UPI; Donna Bryant, P.T.A.

Ms. Kalis introduced the agenda item and Ms. Herbst Paakkonen summarized the case stated that on October 13, 2006 the office of the Arizona Board of Physical Therapy received the certification renewal and reinstatement application of Ms. Donna Bryant. Ms. Bryant indicated on the Reinstatement and Renewal Affirmation of Employment Status form that accompanies the reinstatement application that she worked as a physical therapist assistant with a lapsed certificate on 20 days in the months of September and October (she was on vacation twice during this period of time and therefore worked fewer days than the date range indicated). Ms. Bryant's certificate was reinstated on October 13, 2006. Ms. Herbst Paakkonen noted that the jurisdiction for the complaint includes:

- 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.
- 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. §32-2048(A), "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. A person who engages in an activity requiring a license pursuant to this chapter to who uses any word, title or representation in violation of section 32-2042 that implies that the person is licensed to engage in the practice of physical therapy is guilty of a class 1 misdemeanor."

Ms. Bryant was granted permission to address the Board, and she explained that the post office changed her address but that she did not move. She did not receive her certification renewal application form, and due to the fact that she was taking several vacations she forgot to file her renewal. Ms. Kalis moved to find Ms. Bryant in violation of the listed statutes. Mr. Robbins seconded the motion. The motion carried by a unanimous vote. Ms. Kalis moved to offer Ms. Bryant a consent agreement containing the terms of 6 months probation, 20 hours community service, taking and achieving a passing score on the Board's jurisprudence examination, and imposing a \$350 civil penalty; failure to sign the agreement within 20 days will result in the case being scheduled for an informal hearing. Mr. Robbins seconded the motion. The motion carried by a unanimous vote.

#06-14-UPI; Sean Flannagan, P.T.

Ms. Kalis introduced the agenda item and Ms. Herbst Paakkonen summarized the case stated that on October 30, 2006 Ms. Hiller placed a call to the office of Harvest Physical Therapy in Casa Grande, Arizona to inquire whether Mr. Sean Flannagan was currently practicing physical therapy. Ms. Hiller had placed that call in response to receiving a letter and a copy of a telephone directory advertisement indicating that Mr. Flannagan was a physical therapist practicing at Harvest Physical Therapy. This letter stated that Mr. Flannagan's name was not found on the search feature of active licensees on the Board's web-site. Ms. Hiller had reviewed the Board's data-base and found a record for Mr. Flannagan which indicated that his license #5696 had lapsed on August 31, 2006. Ms. Hiller spoke with Mr. Flannagan on October 30 and he admitted during their conversation that he had failed to renew his physical therapist license and had continued to practice after August 31, 2006. Mr. Flannagan filed the attached licensure renewal and reinstatement application form in person in the Board office on October 31, 2006. Mr. Flannagan indicated on the Reinstatement and Renewal Affirmation of Employment Status form that accompanies the reinstatement application that he practiced as a physical therapist with a lapsed license on 21 days in the months of September and October. Mr. Flannagan's license was reinstated on October 31, 2006. The possible jurisdiction for this case includes:

- 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.
- 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. A person who engages in an activity requiring a license pursuant to this chapter to who uses any word, title or representation in violation of section 32-2042 that implies that the person is licensed to engage in the practice of physical therapy is guilty of a class 1 misdemeanor.”

The Board noted that Mr. Flannagan was not present for the review of this case. Ms. Kalis moved the Board find Mr. Flannagan in violation of the listed statutes and that the findings of fact reflect that he practiced as a physical therapist without a license for 21 days. Mr. Gossman seconded the motion. The motion carried by a unanimous vote. Dr. Cornwall moved to offer Mr. Flannagan a consent agreement containing the terms of 6 months probation, 20 hours community service, taking and achieving a passing score on the Board’s jurisprudence examination, imposing a \$750 civil penalty, and providing evidence of having reported the period of his lapsed license to all insurance payers billed during the 21 days; failure to sign the agreement within 20 days will result in the case being scheduled for an informal hearing. Mr. Robbins seconded the motion. The motion carried by a unanimous vote.

#06-15-UPI; John Tuitele

Ms. Herbst Paakkonen summarized the investigation of this case involving Mr. Tuitele stating that on October 10, 2006 he visited the Board office to file a licensure renewal and reinstatement application. Mr. Tuitele had failed to renew his physical therapist license on or before August 31, 2006 and had learned of the lapsed status of his license after reviewing a list of lapsed licensees at the Arizona Physical Therapy Association meeting the prior weekend. While completing his application Mr. Tuitele discussed with Ms. Herbst Paakkonen and Ms. Hiller the fact that he has not been employed for several months, including from September 1 through October 10. He explained that he had sold his previous physical therapy practice and had spent some time completing his DPT and engaging in various self-designed clinical continuing education endeavors including “shadowing” Dr. Carl DeRosa, P.T., a professor in the physical therapy department at Northern Arizona University. He admitted that he was introduced to patients in Dr. DeRosa’s clinic as a physical therapist, and that he has been involved in hands-on care. Mr. Tuitele indicated that his services were not billed. Mr. Tuitele reviewed with Board staff the definition of “Practice of physical therapy” found at A.R.S. §32-2001(11) and acknowledged that subsection (d) includes “engaging in administration, consultation, education and research”. Mr. Tuitele stated that he is not currently employed and therefore if he completed the Reinstatement and Renewal Affirmation of Employment Status form that accompanies a reinstatement application he would appropriately indicate that he is not currently employed. However, Mr. Tuitele indicated that the form’s design does not accurately capture a description of the physical therapy related activities in which he engaged from September 1 through October 10, 2006 and therefore he was uncertain how he should complete the form. Mr. Tuitele was advised to submit a written explanation of these activities for the Board’s review under an Unlawful Practice Case for purposes of deciding whether he did in fact practice physical therapy from the date of the lapse of his license until it was reinstated on October 10. He e-mailed a statement admitting to having provided uncompensated and unbilled treatment to the patients at Dr. DeRosa’s clinic and having been introduced to the patients as a “physical therapist”. Ms. Herbst Paakkonen advised the Board to consider whether Mr. Tuitele has violated:

- 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.
- 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. A person who engages in an activity requiring a license pursuant to this chapter to who uses any word, title or representation in violation of section 32-2042 that implies that the person is licensed to engage in the practice of physical therapy is guilty of a class 1 misdemeanor.”

Ms. Cornelius advised the Board that it should established that Mr. Tuitele is in violation of this listed statutes because the activities in which he engaged do fall under the definition of A.R.S. §32-2001(11) and because he did introduce himself to patients as a physical therapist. The Board noted that the patients perceived and understood that Mr. Tuitele was a physical therapists and that his patients were likely unaware of the fact that he was unpaid and not billing for his services. Dr. Cornwall moved to find him in violation of the listed statutes and moved to offer Mr. Tuitele a consent agreement containing the terms of 6 months probation, 20 hours community service, taking and achieving a passing score on the Board’s jurisprudence examination, imposing a \$450 civil penalty; failure to sign the agreement within 10 days will result in the case being scheduled for an informal hearing. Ms. Kalis seconded the motion. The motion carried by a unanimous vote.

4. Review and Possible Action on Request for Termination of Probation #04-11; Lorri Bentley, P.T.

Ms. Kalis introduced the agenda item and Ms. Hiller summarized the request filed by Ms. Lorri Bentley, P.T. in which she requested termination of probation as stipulated by Order of Probation Ms. Bentley was placed on probation by the Arizona Board of Physical Therapy for 12 months beginning February 10, 2005 for violations of A.R.S. §32-2044(12) unethical conduct, §32-2044(13) charging fraudulent fees, §32-2044(20) inadequate patient records, and §32-2044(23), violating statute or rules. Ms. Hiller noted that on August 23, 2005 the Board granted Ms. Bentley a 3-month extension of her probationary timeframe through a Consent Agreement (effective October 18, 2005) to allow her to complete the required documentation course. Ms. Bentley again appeared before the Board on October 25, 2005 to address the Board’s concerns that she required additional remediation terms to comply with documentation and billing requirements established by statute and identified in the original Order of Probation. Through an Amended Consent and Order dated December 6, 2006 the Board required Ms. Bentley to serve an additional 12 months probation to complete a documentation mentorship with a Board approved mentor. Ms. Hiller advised the Board that during her term of probation Ms. Bentley left her previous practice setting and is currently employed at Concentra. Ms. Hiller stated that Ms. Bentley has completed the terms of all the orders and consent agreements, and she noted improvements in all areas of Ms. Bentley’s documentation. The Board reviewed the summary of the patient records reviewed by Ms. Hiller; she clarified that while Ms. Bentley performed a reevaluation of W.B. due to a strain she experienced and her subsequent reporting of increased pain, this reevaluation was not billed. The Board also noted that Ms. Bentley’s mentor had determined Ms. Bentley had met the goals of her program. Ms. Kalis moved to terminate Ms. Bentley’s probation. Mr. Gossman seconded the motion. The motion carried by a unanimous vote.

5. Review and Possible Action on Request for Extension of Probation Time Frame

Byran Hannley

Ms. Kalis introduced the agenda item and announced that she would recuse herself from the consideration of this agenda item. Dr. Cornwall requested a summary of the request from Ms. Hiller who noted that Mr. Hannley is currently on probation for violations of A.R.S. §32-2044(4) substandard care, A.R.S. §32-2044(12) unethical conduct, and A.R.S. §32-2044(20) inadequate patient records. The Order issued to him under Complaint #05-11 stipulates that his probation is to end on December 7, 2006. Subsequent to a scheduled compliance review of records Mr. Hannley came before the Board during its regular session meeting on September 26, 2006 to address the Board's concerns that he was having difficulty complying with the requirements of his Order as they relate to A.R.S. §32-2043, Supervision, patient care management; A.A.C. R4-24-301, Lawful practice and A.A.C. R4-24-303, Patient care management. After interviewing Mr. Hannley and reviewing the probation compliance record for this case, the Board determined that Mr. Hannley should work with a physical therapist mentor who would counsel and guide him in understanding the legal and ethical responsibilities of patient care management and supervision of assistive personnel. Following this review Mr. Hannley entered into an Amended Consent Agreement and Amended Order of Probation with an effective date of October 23, 2006 which required Mr. Hannley to work with a mentor and complete a mentorship program developed with his approved mentor. Mr. Hiller advised the Board that Mr. Hannley requested approval for Valerie Phelps, PT, OCS, FAAOMPT to serve as his mentor. Ms. Hiller noted that following a discussion with Ms. Phelps (who divides her time between her practice in Anchorage, Alaska and Tucson) in order to ascertain her experience in mentoring and supervision and her understanding of the professional issues relating to Mr. Hannley's need for corrective action in the areas of patient care management and delegation to assistive personnel, she determined that Ms. Phelps is a highly qualified mentor who has the depth of experience and professionalism to serve in this role. Ms. Hiller noted that she has approved Ms. Phelps to serve as Mr. Hannley's mentor and that she has received the mentoring plan developed by Ms. Phelps. Mr. Hannley has also submitted the timeline for completion of the plan which extends until the end of January 2007. Accordingly, Mr. Hannley elected to request the Board grant an extension of his probation to complete the proposed mentoring plan. Ms. Hiller recommended that the Board approve three additional months of probation such that Mr. Hannley's probation terminates on March 7, 2007 pending successful completion of the plan. She stated that the mentorship program proposed is very comprehensive and that requires an extension of his term of probation by 3 months. Ms. Phelps alternates her time between Alaska and Arizona; the plan includes phone conference every Friday for two hours and monthly face-to-face meetings. In response to the Board's questions concerning Mr. Hannley working with a mentor long-distance, Ms. Hiller commented that most of what he needs to do is study and reflection under her direction which can be delivered during periodic scheduled telephone calls. Dr. Cornwall moved to extend Mr. Hannley's probation until March 7, 2007. Mr. Gossman seconded the motion. Ms. Cornelius advised the Board that this could be accomplished by issuing an amended order as opposed to offering him a consent agreement. The motion carried by a unanimous vote.

6. Review and Possible Action Concerning Misdemeanor Conviction and Substance Abuse Evaluation

Lisa Roloff

Ms. Kalis introduced the agenda item and Ms. Herbst Paakkonen summarized reminded the Board that on August 22, 2006 it reviewed the licensure renewal application form filed by Lisa Roloff, P.T. Ms. Roloff answered "yes" to the question "Since your last licensure renewal, have you been the subject of any criminal investigation by a federal, state or local agency or had criminal charges filed against you?" She attached a written statement noting that, among other charges, she

was charged with driving under the influence of alcohol on May 17, 2006 in Tempe, Arizona. Ms. Roloff was present for the Board's review and discussion of her application on August 22 at which time she advised the Board that she had pled guilty to one charge of DUI on August 21, 2006 and that all other charges against her were dropped. The Board voted to renew Ms. Roloff's license and directed her to submit a copy of her substance abuse evaluation as ordered by her sentencing for the DUI for purposes of making a determination whether to open an investigation concerning whether Ms. Roloff has a substance abuse problem. On November 7, 2006 Ms. Roloff personally submitted to the Board office copies of documentation relating to her DUI conviction and probation terms, including a copy of the Plea Agreement in which she entered with the Tempe Municipal Court. The Plea Agreement includes terms requiring that Ms. Roloff participate in an alcohol/drug screening session and serve 30 days in jail with 28 days suspended upon successful completion of the screening. Additionally Ms. Roloff was ordered to pay incarceration costs and a court fee of \$1,987. She submitted evidence that she served the required two days in the Tempe City Jail on September 10/11, 2006 and on September 17/18, 2006. Additionally, she completed a course in Traffic Survival School as directed by the Arizona Department of Transportation, Motor Vehicles Division as that agency placed her drivers license under restriction relative to the DUI conviction. Finally, as directed by the Board Ms. Roloff also submitted a copy of an Order for Substance Abuse Screening and Treatment requiring her to report to the Tempe Substance Abuse Screening Service on September 15, 2006. The outcome of the screening was to assign Ms. Roloff to 36 hours of substance abuse education to be completed by January 31, 2007. Ms. Roloff provided a copy of her contract with Dynamic Living Counseling which describes the terms with which Ms. Roloff must comply while participating in the education and group therapy sessions delivered through Dynamic Living Counseling. This agency submitted to the Board office a letter dated October 12, 2006 in which its Office Manager affirms that Ms. Roloff was referred to Dynamic Living Counseling for "20 hours of group treatment, 16 hours of substance abuse education and two individual sessions." In a written statement to the Board Ms. Roloff explained that she has experienced difficulty obtaining a statement from the Tempe Substance Abuse Screening Service that explicitly indicates that following her substance abuse screening on September 15, 2006 she was ordered to complete an educational program as the results did not indicate that substance abuse treatment was warranted. Ms. Roloff requests that the Board determine that based on the information she has submitted that it is not necessary to open a complaint to investigate whether she has a substance abuse problem and is an impaired physical therapist. Ms. Herbst Paakkonen explained that the Board is looking for information relative to making a determination whether an investigation is necessary to discover whether she has a substance abuse problem. Ms. Roloff was present for the Board's review and explained that she has nearly completed the court ordered requirements and has only one group session remaining. She further noted that her counselor has not spent any one-on-one time with her and she anticipates that her exit interview will consist of general questions intended to discover whether additional treatment is required. She insists that she doesn't require any treatment and noted that this experience has only taught her that she would not want to repeat the events of that evening. Ms. Roloff noted that her plea negotiations resulted in the charge of extreme DUI being dropped to simply a DUI. She stated that event was the last time that she consumed alcohol. Ms. Cornelius advised the Board that Ms. Roloff's evaluation was only for the level one treatment program and the court could have ordered her to a higher level and more intensive program but apparently chose not to. She further advised that the Board could order Ms. Roloff to an independent evaluation during which she would be asked many questions and that would be more comprehensive in scope. The Board concurred there is no basis upon which to open an investigation and advised Ms. Roloff that the review of her had concluded.

SUBSTANTIVE REVIEWS OF APPLICATIONS FOR LICENSURE & CERTIFICATION

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

Lisa M. Achterkirch	Judith A. Badenoch	Frieda Tracy Ann Beltran
Stacy M. Biddle	Colter R. Bothwell	Brian L. Bugalski
Jennifer L. DiSalvo	Clayton C. Dyke III	Wesley B. Eberlin
John K. Fischer	Cheryl A. Frank	Joseph E. Grabicki
Daaron P. Guay	Sarah A. Holst	Raymond J. Ibarra
Kathryn Joyce	Barbara A. Judd	Jared M. Kitamura
Evan C. Kittredge	Jolyn L. Kittredge	Timothy M. Komazec
Rachel K. Landstrom	Naya M. Lyons	Molly T. Meadows
Amy E. McMullen	Shannon K. Murphy	Peter A. Philip *
Jason S. Pointer	John O. Tucker	Emma L. Woodworth

** Application interview scheduled*

Ms. Kalis introduced the agenda item and noted that the files of the listed applicants would be acted upon with the exception of Mr. Philip who was reviewed earlier in the meeting. Dr. Cornwall disclosed that Mr. Bothwell was formerly his student but at this time no student-professor relationship exists and he is able to vote on the application without bias. Ms. Kalis moved to granted licensure to the listed applicants. Mr. Gossman seconded the motion. The motion carried by a unanimous vote.

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

Caleb J. Lionberger	Gregory Noga	Steven Podzielny
Jodi N. Proctor	Karen C. Wright	

Ms. Kalis introduced the agenda item and the Board reviewed the applications of the listed individuals. Board staff advised that Mr. Podzielny was previously a PTA until 2000 at which time his certificate lapsed and he became a firefighter. The Board reviewed A.R.S. §32-2028; Reinstatement of license or certificate and discussed the options presented in the statute. The Board discussed whether requiring Mr. Podzielny to take courses might be appropriate. The Board reviewed R4-24-202 and R4-24-204 and discussed the option of requiring the applicant to work for a specific time under an interim permit. Ms. Kalis moved to request Mr. Podzielny submit a proposal for a 90 day supervised clinical practice period. Mr. Robbins seconded the motion. The Board members concurred that the proposal should include a well-rounded facility and not focus on just one type of treatment. The motion carried by a unanimous vote. Ms. Lorona then summarized the application of Mr. Noga explaining that he had been allowed to challenge the P.T.A. exam in Kansas even though he did not hold a physical therapist assistant degree, and that he currently only holds a lapsed license in Kansas. Ms. Kalis moved to certify all applicants with the exception of Mr. Podzielny. Mr. Gossman seconded the motion. The motion carried by a unanimous vote.

9. 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 of and Possible Action on Supervised Clinical Practice Period (SCPP) Proposal Armando R. Adano Jr.

Ms. Kalis read the name of the applicant and the Board reviewed his proposed SCPP. It was noted that the facility, The Forum located in Tucson, is a skilled nursing facility and that it appears to offer the applicant a well-rounded practice opportunity. Ms. Loroña advised the Board that the applicant is still in the Philippines. Ms. Kalis moved the Board approve the proposed SCPP. Mr. Robbins seconded the motion. The motion carried by a unanimous vote.

**b. Review of Completion of SCPP and Determination to Grant or Deny License
Hazel Ann Costales**

Ms. Kalis read the name of the interim permit holder and noted that the documentation submitted indicates that Ms. Costales successfully completed her SCPP. Ms. Lorona advised the Board that the applicant need only to take and achieve a passing score on the jurisprudence examination which she has scheduled for December 7. Ms. Kalis moved the Board grant Ms. Costales licensure upon receiving a passing score on the jurisprudence examination. Mr. Gossman seconded the motion. The motion carried by a unanimous vote.

Mary Gloan Macaraeg

Ms. Kalis read the name of the applicant and the Board noted that the evaluation form submitted by Ms. Macaraeg's supervisor indicates that she completed all requirements of the SCPP, and that the evaluation was very complimentary of her skills and included many comments which are helpful to the Board's review. Ms. Kalis moved to grant licensure to Ms. Macaraeg. Mr. Gossman seconded the motion. The motion carried by a unanimous vote.

Christine P. Verceles – Request for additional 90 day extension of SCPP

Ms. Kalis introduced the agenda item and Board staff clarified that the request proposes that the primary supervisor at the Scottsdale HealthSouth facility be Valerie Burr, P.T. with her back-up supervisor being Barbara Feth, P.T. The Board reviewed the Interim Period Evaluation form submitted by Ms. Verceles' existing supervisor, Ms. Alyssa Bauersmith, at HealthSouth and discussed concerns relative to the fact that there were several skill areas that were noted as "not approved". The Board debated whether an additional 90 days would better ensure the applicant could demonstrate she is competent and that she should be granted licensure. The Board also discussed whether an interview would provide additional information. It was noted that according to the fact that there were numerous areas of deficiency, any supervisor would have a lot of work with this applicant. The Board questioned whether a large and busy facility such as the Scottsdale HealthSouth facility was the appropriate place for an interim permit holder who appears to be far from demonstrating competency in so many areas of practice. Ms. Kalis moved the Board invite Ms. Verceles, Ms. Bauersmith, and Ms. Burr for an interview in order to resolve this matter. Mr. Robbins seconded the motion. The motion carried by a unanimous vote. The individuals are encouraged to provide written statements in advance of the meeting.

**10. Review of and Possible Action on SCPP Proposal for a U.S. Educated Physical Therapist
Applying for Licensure Reinstatement**

Susan DeForest

Ms. Kalis introduced the agenda item and Ms. Lonora advised the Board that Ms. DeForest had finally submitted her proposal for a supervised clinical practice period (SCPP) to be completed at two facilities – John C. Lincoln hospital and at Kay Wing's physical therapy practice. She noted that Ms. DeForest's Arizona license lapsed in 1992 and that she has not worked since at least that time and probably longer. Ms. Lorona reminded the Board that it had directed Ms. DeForest to complete a SCPP and to concurrently take a continuing education course in the area in which she intends to return to practice. Dr. Cornwall explained that Ms. DeForest was approved to enroll as a non-matriculating student at Northern Arizona University in order to complete the SCPP at John C. Lincoln. He stated that although he is privy to this information he can vote on the request without bias. Ms. Kalis moved to approve the proposed SCPP. Mr. Gossman seconded the motion. The motion carried by a unanimous vote.

BOARD BUSINESS AND REPORTS

11. 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:** No additional information to report.
- e. Legislative Update:** Ms. Herbst Paakkonen informed the Board that she had learned of several possible bills that may be filed during the 48th Arizona State Legislature, First Regular Session. These bills include one that would prohibit insurance companies from filing complaints with health regulatory boards, one that would grant boards the authority to issue non-disciplinary orders directing a licensee to complete continuing education, and a bill that would limit boards with respect to their subpoena powers due to HIPAA considerations. She will continue to inform the Board of these possible pieces of legislation.

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

Ms. Kalis introduced the agenda item and reminded the Board that it had delayed action on participating in this project following the presentation delivered by Ms. Chris Larson and Ms. John Sielert during the Board's October 24, 2006 regular session meeting. The Board noted that the project might be a better strategy to assess continuing competence as compared to the other projects in which Arizona licensees have participated. The Board also discussed the fact that the practice review project is the third of three continuing competence projects developed by FSBPT, and the Board has supported the previous two projects – the CAPPS portfolio project and the jurisprudence examination. Also discussed is the fact that a practice review examination grants regulatory boards another remediation options for licensees. Dr. Cornwall moved to inform FSBPT of Arizona's willingness to participate in the pilot project. Ms Kalis seconded the motion. The motion carried by a unanimous vote. Mr. Robbins moved to nominate Dr. Cornwall to serve on the steering committee for the project. Mr. Gossman seconded the motion. The motion carried by a unanimous vote.

13. Review and Possible Action on Proposed Revisions to R4-24-303; Patient Care Management

Ms. Herbst Paakkonen advised the Board that the draft before them included many of the changes they had previously requested; she asked the Board to comment on the draft. The Board requested Ms. Herbst Paakkonen discuss with Ms. Jeanne Hann, contract rule writer, some edits including language ensuring that the rule states that physical therapy aides can only perform selected treatment tasks under the on-site supervision of a physical therapist. The Board also noted some instances where the term "each" should be used to ensure that the physical therapist is responsible for all treatments delivered to patients at the specified intervals. The Board questioned whether a rule can also be drafted that describes "care" in very broad terms. Ms. Herbst Paakkonen noted that very soon the Board will need to begin working on revising the rest of Article 3 and that much of that effort will need to focus on a rule that addresses documentation requirements. Ms. Herbst Paakkonen informed the Board that assuming Ms. Hann makes the requested changes and files the proposed rule on or before December 8, it will be published in the Secretary of State's Register on December 22 which will initiate the public comment period. An oral proceeding has been tentatively scheduled for Wednesday, January 24, 2007 at 9:00 a.m.

**14. Review and Possible Action on Proposed Revisions to Substantive Policy Statement
Requests for Accommodations under the Americans with Disabilities Act (ADA) to the
National Physical Therapist Examination (NPTE) and to the Arizona Laws Examination**

Ms. Kalis announced the agenda item and the Board noted that its existing policy was more comprehensive than that of the other four states who have adopted policies. The Board reviewed the proposed changes to the existing substantive policy statement and concurred that the proposed edits offer some additional guidance that may be helpful. Ms. Cornelius reported that she is in the process of researching the law as it relates to regulatory boards granting ADA based accommodations and also learning disabilities and ADA accommodations. The Board members determined that no action would be taken at this time with respect to the preliminary recommendations to revise the substantive policy statement, and that this matter should be placed on a future agenda once additional information and guidance is available for the Board from staff and counsel.

CALL TO THE PUBLIC

Public input is encouraged. Presentations will be limited to five minutes. Please be aware, however, that the Board may not discuss, consider or take action at this meeting on any item not appearing on its agenda. During the Board meeting, additional public comment may be requested, but is generally not allowed.

ADJOURNMENT

Prepared by,

Heidi Herbst Paakkonen
Executive Director

Approved by,

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