



**ARIZONA STATE BOARD OF PHYSICAL THERAPY**  
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**REGULAR SESSION MEETING MINUTES**  
**January 23, 2007**

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

**MEMBERS ABSENT:**

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

**CALL TO ORDER – 8:30 a.m.**

The meeting was called to order at 8:35 a.m.

**1. Election of Board Officers for 2007**

Secretary: Mr. Gossman nominated Mr. Robbins to serve as Secretary of the Board for 2007. Ms. Kalis seconded the motion.

Vice President: Ms. Kalis nominated Dr. Cornwall to serve as Vice President of the Board for 2007. Mr. Robbins seconded the motion.

President: Mr. Robbins nominated Ms. Kalis to serve as President of the Board for 2007. Mr. Gossman seconded the motion.

The slate of officers were approved by the Board on a unanimous vote.

**2. Review and Approval of Draft Minutes:**

**December 18, 2006; Regular Session Meeting**

Ms. Kalis asked the Board to review the draft and to note any corrections. Hearing none Ms. Kalis moved to adopt the minutes as printed. Mr. Gossman seconded the motion. The motion carried by a unanimous vote.

**January 10, 2007; Special Session Meeting**

Ms. Kalis asked the Board to review the draft and to note any corrections. Hearing none Ms. Kalis moved to adopt the minutes as printed. Mr. Gossman seconded the motion. The motion carried by a unanimous vote.

## COMPLAINTS AND INVESTIGATION

### 3. Informal Hearing

**#06-01-CC; Amy Brill, P.T.**

Ms. Kalis introduced the agenda item and noted Ms. Brill was present for the hearing. Ms. Brill introduced herself to the Board, and the Board, staff and Board counsel were introduced to Ms. Brill. The licensee was sworn in by Ms. Nicola Bauman-Delgado, Court Reporter. Ms. Kalis reviewed the informal hearing process and the potential outcomes of the hearing. Ms. Paakkonen summarized the case noting that Ms. Brill was one of 301 licensees selected at random in September of 2006 to receive a Notice of Continuing Competence Audit for the 2004-2006 licensure period. The Board established that Ms. Brill's notice was received at her address of record on October 5, 2006, however Ms Brill failed to respond to the notice and did not submit any documentation of her continuing competence activities. During its December 18, 2006 regular session meeting the Board discussed the fact that Ms. Brill failed to respond to the notice of audit. The Board adopted a motion offering Ms. Brill a consent agreement with findings of fact that she failed to comply with the Board's continuing competence requirements and with conclusions of law that she violated the following:

- A.R.S. §32-2044(3), Grounds for disciplinary action: "Obtaining or attempting to obtain a license by fraud";
- A.R.S. §32-2044(12), Grounds for disciplinary action: "Failing to adhere to the recognized standards of ethics of the physical therapy profession";
- A.R.S. §32-2044(14), Grounds for disciplinary action: "Making misleading, deceptive, untrue or fraudulent representations in violation of this chapter"; and of
- A.R.S. §32-2044(1), Grounds for disciplinary action: violating this chapter, Board rules or a written Board order [at Arizona Administrative Code R4-24-401(G)(2), "Within 30 days of receipt of a notice of audit, a licensee shall submit evidence to the Board that shows compliance with the requirements of continuing competence"].

The consent agreement offered to Ms. Brill also stipulated a 6 month term of probation during which Ms. Brill would have to take and pass the Board's jurisprudence examination, pay a civil penalty of \$500, and demonstrate compliance with the continuing competence requirements. Ms. Brill received the consent agreement on December 22, 2006 and soon thereafter contacted Ms. Herbst Paakkonen to discuss some questions and concerns relative to that document. On December 28, 2006 Ms. Brill notified the Board in writing that she had elected to decline the Board's offer of the consent agreement and that she was requesting an informal hearing. On January 8, 2007 Ms. Brill submitted an audit reporting form indicating that she completed 16 hours of Category A activities – 6 more than the 10 contact hours of continuing competence required of her. These hours were confirmed to be appropriate for purposes of complying with the continuing competence requirements established in Board rule. Ms. Brill stated to the Board that she first learned that she was selected to the audit upon receiving the consent agreement in the mail in late December. Ms. Brill affirmed that at the time that the notice was delivered to her home, she was in San Diego attending a continuing education seminar. She admitted that it was her husband who signed for the notice although he stated to her that he does not recall receiving it and signing for it. Ms. Brill explained that her husband had learned that morning that he had been laid off from his job and was home only briefly before departing to San Diego to join her. She stated that she and her husband searched their home but never located the original copy of the notice. Ms. Brill also explained that she had learned that the post office allows a spouse to sign for certified mail. She stated to the Board that had she signed for it she would have taken responsibility for responding to it and submitting the materials in a timely fashion. She further noted that she had nothing to hide from the Board because her documentation demonstrates that she completed the required hours. The Board discussed the fact that the hours Ms. Brill

completed were done so in a timely fashion well before the August 31, 2006 deadline. The Board advised Ms. Brill that the agency met its responsibility of providing her with adequate notice of her selection for audit by sending the notice to the address of record. Ms. Brill commented that she is surprised that this has not occurred more frequently with other licensees. The Board discussed the fact that Ms. Brill's conduct did not rise to a violation of A.R.S. §32-2044(12) nor of §32-2044(14). Ms. Fearon moved to dismiss the case. Mr. Robbins seconded the motion. The Board discussed whether to issuing an Advisory Letter to Ms. Brill was appropriate and warranted and determined that it was neither. The motion carried by a unanimous vote.

**4. Review, Consideration and Possible Action on Request for Review of Board Order:  
#05-26; Cynthia Wissink, P.T.**

Ms. Kalis introduced the agenda item and offered a motion to meet in Executive Session. Dr. Cornwall seconded the motion. The motion carried by a unanimous vote. Upon resuming the meeting Ms. Herbst Paakkonen informed the Board that shortly after issuing the Board order for complaint #05-26; Cynthia Wissink, P.T. the Board office received a request for Review of Board Decision for Complaint #05-26; Cynthia Wissink, P.T. Ms. Wissink – through her attorney, Ms. Lauren Weinzweig – filed the request in accordance with Board rule at A.A.C. R4-24-307(A). Ms. Herbst Paakkonen noted that Ms. Wissink states four reasons for requesting the review of the order as outlined in the attached request, and offered her arguments as to why her request for review should be granted. Ms. Herbst Paakkonen advised the Board that its options include granting the request for review of the Board's decision and that the review could either take place today or during a future regular or special session meeting, or the Board could deny the request for review of the Board's decision which would leave Ms. Wissink with the option of filing a motion in Superior Court requesting judicial review. Ms. Weinzweig was present for the discussion and agreed to summarize the request for review stating that her client is requesting some inaccuracies in the Order be corrected. Ms. Weinzweig stated that Ms. Wissink did not realize that her billing activities were unlawful under A.R.S. §32-2044(14) and that the Board should have adopted a rule or a substantive policy statement that advises licensees that billing patients for one-on-one care that is provided at the same time is considered fraudulent under the statute. Ms. Weinzweig advised the Board that the filing of the Board's action with the Health Integrity Practitioners Data Bank will have a negative impact on Ms. Wissink and her ability to maintain her credentialing to bill for her services. Ms. Weinzweig also stated that Ms. Wissink is concerned that the order does not reference the fact that there was evidence in the investigative record that Ms. Wissink did demonstrate that she notified her former patients of their transfer of care. She noted that 5 letters were submitted to show this, and commented that some patients were scheduled new appointments in anticipation of receiving on-going treatment by another therapist. Ms. Weinzweig commented that Ms. Wissink was not a party to the business transactions of the sale of the practice and it was unfair to reprimand her for circumstances into which she did not have any insight. She further asserted that Ms. Wissink is very willing to comply with the disciplinary terms of the order, but that there are elements of the order that should be corrected. She again advised that her client understands what A.R.S. §32-2044(14) says, but stated that it is vague and does not put the licensee on notice that what Ms. Wissink was doing relative to her billing was unlawful. The Board noted that the record demonstrates that there were many examples where Ms. Wissink failed to document the services that she was providing; she also billed for 2-3 patients where care was provided concurrently as if the care was provided one-on-one. The Board also pointed out that on multiple occasions Ms. Wissink billed for multiple units when the treatment provided should have required only 2-3 minutes of the therapist's

time. The Board advised Ms. Weinzweig that understanding the law is part of a licensee's professional responsibility and that it is inherent to lawful practice to bill accurately. Evidence was lacking that Ms. Wissink informed all of her patients that the transfer of their care was arranged. The Board acknowledged the fact that while some patients stated they were informed of the transfer, it was a small minority of the patients reviewed; furthermore the transfer was not documented in any of the patient charts reviewed by the Board. Ms. Kalis moved to deny the request for review of the order. Dr. Cornwall seconded the motion. The motion carried by a unanimous roll call vote.

## 5. Initial Review of Complaint

### #06-06, Tonya Bunner, P.T.

Ms. Kalis introduced the agenda item and Ms. Hiller summarized the complaint filed by Ms. Bunner's former patient H.W. who alleged that Ms. Bunner discouraged her from seeking a neurological evaluation despite a worsening of her symptoms. The complainant further alleged that Ms. Bunner told her that she teaches other therapists to inflate their bills and that she intentionally keeps sparse records. Ms. Hiller noted that the complainant also described a billing dispute that does not fall under the jurisdiction of the Board's statutes or rules. 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. § 32-2041.A.** "A physical therapist shall refer a client to appropriate health care practitioners if the physical therapist has reasonable cause to believe symptoms or conditions are present that require services beyond the scope of practice or if physical therapy is contraindicated."
- **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(12)** "Failing to adhere to the recognized standards of ethics of the physical therapy profession."
  - ***Code of Ethics Principle 1/Guide for Professional Conduct 1.1 C.*** "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."
- **A.R.S. § 32-2044(20)** "Failing to maintain adequate records. For the purpose 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."

Ms. Hiller noted that in her response to the complaint Ms. Bunner provided an overview of the plan of care for and treatment provided to H.W. Ms. Bunner stated in her response that at no point during her treatment which spanned several months did H.W. express any dissatisfaction in the care Ms. Bunner provided. Ms. Bunner further stated that she does not inflate her billing. Ms. Hiller called to the Board's attention the records that were subpoenaed from H.W.'s referral sources for purposes of the investigation and noted that the massage therapy records for H.W. are also included with the investigative report as those services were provided under T.B.'s supervision. In response to the Board's questions Ms. Cornelius clarified the responsibilities and role of the certified nurse midwife that referred H.W. to Ms. Bunner for her physical therapy care. The Board discussed the fact that the investigative record identifies several documentation issues including notations that are somewhat illegible, and the fact that the daily notes lack detail that would support billings for multiple units of timed procedures. The Board also expressed concerns that some tests and measurements Ms. Bunner reasonably would have performed are

missing from the records. The Board confirmed with Ms. Hiller that the manual therapy charges all correlate to the massage therapy treatments and she affirmed that the massage therapy services are billed under Ms. Bunner's provider number. The Board questioned why Ms. Bunner did not address the issue of what information she is actually teaching relative to physical therapy billing and coding. In response to the Board's questions Ms. Hiller affirmed that she did discuss with H.W. her complaint allegations relating to fraudulent billing; H.W. had stated that she does not believe that she was fraudulently billed by Ms. Bunner or that she bills others fraudulently, but did reiterate that she Ms. Bunner informed her that she teaches other physical therapists how to "play the system". The Board discussed the fact that none of the treatment records describe any worsening of H.W.'s neurological symptoms. Ms. Hiller explained that she requested Ms. Bunner to submit more legible copies of the records. Her second set of records contained a few embellishments as compared to the original records and when Ms. Hiller compared them word-for word; these additional notations were redacted for the Board's review. Ms. Hiller informed the Board that T.B is not currently treating patients due to health reasons. The Board reviewed H.W.'s medical history leading up to and including the physical therapy care provided by Ms. Bunner and noted that it is not clear from Ms. Bunner's records when H.W.'s medical status changed. Ms. Kalis offered a motion to send the case to an informal hearing. Ms. Fearon seconded the motion. The motion carried by a unanimous vote. The Board concurred that Ms. Hiller should interview H.W., request Ms. Bunner describe or submit her course curriculum, and prepare a time-line of H.W.'s significant medical events as they relate to her physical therapy care. Board staff noted that the informal hearing will be scheduled when Ms. Bunner's health permits her to travel to Phoenix.

## **6. Initial Review of Complaint**

### **#06-07; Denise Sladek, P.T.**

Ms. Kalis introduced the agenda item and Ms. Hiller summarized the complaint concerning Ms. Sladek's treatment of a home health patient L.J. whose wife, the complainant, alleged that Ms. Sladek was abusive and endangered the patient when she repeatedly "hit" his knee during ambulation activities. The complaint further alleged that Ms. Sladek lied about obtaining physician permission to work on ambulation and that Ms. Sladek was rude during a telephone discussion of the patient's therapy. 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."
- **A.R.S. § 32-2044(14)** "Making misleading, deceptive, untrue or fraudulent representations in violation of this chapter or in the practice of the profession."
- **A.R.S. § 32-2044(12)** "Failing to adhere to the recognized standards of ethics of the physical therapy profession."
  - ***Code of Ethics Principle 1*** "Physical therapists respect the rights and dignity of all individuals."
  - ***Guide for Professional Conduct 1.1 B.*** Physical therapists are to be guided at all times by concern for the physical, psychological, and socioeconomic welfare of those individuals entrusted to their care."

Ms. Hiller called to the Board's attention the very comprehensive response to the complaint submitted by Ms. Sladek calling to the Board's attention the communication between the referring physician and herself, the plan of care, the ambulation technique she used with L.J. when she commented that she blocked his knee as opposed to hitting it. Finally, Ms. Sladek described the concerns that the professionals who were treating L.J. had discussed relative to his

inability to care for himself when his wife was gone from the home for work in the mornings which culminated in a report being filed with Adult Protective Services (APS). The Board discussed the fact that Ms. Sladek obviously took this complaint very seriously given her thorough response supported with copious amounts of records. Board staff advised that Ms. Sladek was unable to reschedule her patients but provided her cellular telephone number should the Board have any questions during this initial review of the complaint. The Board commented that Ms. Sladek had maintained very good documentation to support her follow-through and communications concerning this patient. The Board also noted that the gait session, including the blocking of the knee technique Ms. Sladek described, is entirely plausible. Finally, the Board discussed the likelihood that the complainant filed this complaint after learning of the APS report. Ms. Kalis moved the Board dismiss the complaint. Mr. Robbins seconded the motion. The motion carried by a unanimous vote.

## **7. Initial Review of Complaint**

### **#06-08; Julie Parish, P.T.**

Ms. Kalis introduced the agenda item and Ms. Herbst Paakkonen asked the Board to recall the continuing competence case 04-05-CC involving Ms. Parish that was sent to formal hearing by when Ms. Parish failed to appear for an informal hearing scheduled for December 20, 2005 to answer to allegations that she had failed to establish that she had met the Board's continuing competence requirements for the 2002-2004 licensure period. This hearing was conducted on May 26, 2006 in the Arizona Office of Administrative Hearings (OAH). The Board asked the Administrative Law Judge (ALJ) presiding over the hearing to recommend a short term suspension of Ms. Parish's Arizona physical therapist license and a civil penalty. The ALJ's recommendation did include a 30-day suspension of licensure and a \$500 civil penalty. On June 27, 2006 the Board reviewed the recommendation and voted to adopt it without modification. Accordingly, Ms. Parish was issued a disciplinary order by the Board effective June 27, 2006. A copy of the Board's decision was sent to Ms. Parish via U.S. Certified Mail the same day and she received the order on July 5, 2006 according to the certified mail receipt. The deadline for submission of the civil penalty was therefore established as August 4, 2006. Ms. Parish presumably complied with the licensure suspension term as the Board has no indication or evidence to show that Ms. Parish that she was living and working anywhere other than in Vermont. Following the August 4, 2006 deadline for payment of the civil penalty which Ms. Parish failed to submit, Board staff opened complaint #06-08; Julie Parish, P.T. If true, these allegations may be a violation of A.R.S. §32-2044(1) Grounds for disciplinary action: "Violating this chapter, board rules or a written board order." Ms. Herbst Paakkonen advised the Board that on August 29, 2006 notification of the complaint was mailed to Ms. Parish's address of record via U.S. certified mail. This is significant given that Ms. Parish did not file a licensure renewal application on or before August 31, 2006. However, the Board retains jurisdiction over Ms. Parish pursuant to A.R.S. §32-3202 License or certificate suspension. This notification was returned to the Board office in late September stamped as unclaimed but with the appearance of possibly having been tampered with, opened, resealed and returned. On October 3, 2006 the Board office received a letter from Ms. Parish in which she states that she is making a "formal complaint" against the Arizona Board of Physical Therapy. She takes issue in this letter with the actions of the Board relative to her continuing competence compliance case, and she recounts her version of the history and facts of the case. The Board office issued a response to this letter on October 19, 2006 and enclosed the Notification of Complaint that had come back to the office. Ms. Parish received these materials as evidenced by a certified mail receipt bearing her signature. Ms. Parish left Ms. Herbst Paakkonen a voice-mail message the previous week inquiring into the purpose of the "hearing" on January 23, 2007 and requesting the name of an attorney in the

Office of the Arizona Attorney General to represent her. Ms. Herbst Paakkonen left Ms. Parish a voice-mail message informing her of the basis for this complaint and advising her that the Attorney General's Office is the law firm that represents only the agencies of the State of Arizona. Ms. Herbst Paakkonen also noted that Ms. Parish was offered the opportunity to propose to the Board an acceptance of a voluntary surrender of her physical therapist license, but she never contacted the Board office to pursue that option. The Board asked staff to address some of the points that Ms. Parish made in her letter of complaint that was received by the Board on October 3. Board staff commented that Ms. Parish's version of the facts differ from the records maintained by the Board, and indicated that Ms. Parish had two opportunities at which to present her facts and circumstances – the informal hearing in December of 2005 and the formal hearing in May 2006. The Board is now presented with an established allegation that Ms. Parish failed to comply with a Board order. Ms. Fearon moved to send the case to a formal hearing for purposes of revoking Ms. Parish's physical therapist license. Ms. Kalis seconded the motion. The motion carried by a unanimous vote.

## **8. Review and Possible Action on Request for Termination of Probation**

### **#05-13; Timothy Borden, P.T.**

Ms. Kalis introduced the agenda item and announced that she would recuse herself from this agenda item. Dr. Cornwall asked Board staff to summarize the report concerning Mr. Borden's request. Ms. Herbst Paakkonen reported that Mr. Borden was placed on probation by the Board for 12 months beginning on December 20, 2005 for violations of A.R.S. § 32-2044(1), violating statute or rules, A.R.S. §32-2044(7), committing a felony, whether or not involving moral turpitude, or a misdemeanor involving moral turpitude, and A.R.S. §32-3208(A), a health professional who has been charged with a misdemeanor involving conduct that may affect patient safety or a felony after receiving or renewing a license or certificate must notify the health professional's regulatory board in writing within 10 working days after the charge is filed. These conclusions of law were based on findings that on May 10, 2005 Mr. Borden self-reported that he was addicted to prescription pain medications and had just completed a 30-day inpatient drug rehabilitation program on May 5, 2006. He also notified the Board that on April 4, 2006 (36 days prior to the receipt of his letter) he had been notified that a former patient had accused him of theft of prescription pain medications and that he would be criminally charged; the Tucson City Court later dismissed the charge following a civil compromise between Mr. Borden and the City. Following an initial review of this case the Board and Mr. Borden entered into a Consent Agreement and Order of Probation consisting of a substance abuse monitoring program. Ms. Herbst Paakkonen advised the Board that Mr. Borden had complied in timely fashion with all of the terms of his Order of Probation. One of his requirements was that he submit to a relapse prevention evaluation. On January 3, 2007 the Board office received Mr. Borden's relapse prevention evaluation report submitted by Gail Norman Shultz, M.D. Dr. Shultz holds a valid and unrestricted license to practice allopathic medicine in Arizona; his curriculum vitae lists a number of employment posts, appointments and trainings in the area of chemical dependency and he was approved by Ms. Herbst Paakkonen to perform the evaluation. Ms. Herbst Paakkonen called to the Board's attention the fact that Dr. Shultz has recommended that it is in both his patients' and his own best interest that he continue to be monitored for 3-5 years on a recovery program to include the biological fluid collections (twice monthly), submission of list of prescriptions, continued participation in AA/NA (2-3 meetings per week), and continued restriction from practicing in a home health setting. Ms. Herbst Paakkonen pointed out that A.R.S. §32-2050 grants the Board authority to establish substance abuse recovery programs for licensees in lieu of imposing disciplinary action. Finally, Ms. Herbst Paakkonen advised the Board that a new consent agreement would need to be negotiated with Mr. Borden as the consent

agreement under which Mr. Borden is currently monitored stipulates that he is to be monitored for a one year period only and there is no language in the agreement that allows the Board to extend this agreement. Mr. Borden was present for the review and discussion of his request and acknowledged that he has reviewed the evaluation. He advised the Board that prior to the evaluation he had intended to continue the biological fluid screenings, and he stated that he has learned from his recovery program that it is important to continue these recovery-based activities. Dr. Cornwall moved to offer Mr. Borden a non-disciplinary consent agreement incorporating Dr. Shultz's recommendation for a monitoring period of 3 years. Mr. Robbins seconded the motion. The motion carried by a unanimous vote. Mr. Borden thanked Ms. Herbst Paakkonen for working with him during a difficult period. He further commented that he has come to realize that the Board is relatively young in terms of dealing with licensees who have substance abuse issues, but he would like to offer the knowledge that he has acquired as well as his assistance to the Board with any related issues in the future.

## **SUBSTANTIVE REVIEWS OF APPLICATIONS FOR LICENSURE & CERTIFICATION**

### **9. Review and Possible Action on Disclosure on Licensure Renewal Application**

**Chad Parrett, P.T.**

Ms. Kalis introduced the agenda item and Ms. Herbst Paakkonen advised the Board that a licensure renewal and reinstatement application was submitted by Mr. Chad Parrett on December 22, 2006. Mr. Parrett had been granted license #7060 by the Board on October 25, 2005, but had allowed this license to lapse on September 1, 2006. On his renewal and reinstatement application Mr. Parrett answered "yes" to the question "Have you been convicted of, pled guilty or no contest to, or entered into diversion in lieu of prosecution for any criminal offense in any jurisdiction of the United States or foreign country?" Mr. Parrett did not attach any documentation to support this "yes" answer and therefore was issued by the Board office a letter requesting those materials. On Monday, January 8 Ms. Jennifer Parson, Licensing Coordinator for CompHealth contacted Ms. Lorona on Mr. Parrett's behalf to inquire if the Board could accept the documentation that he had submitted in conjunction with his application for initial licensure in July of 2005 which indicated that he had a misdemeanor conviction in 2002. Ms. Lorona checked Ms. Parrett's licensure file and found that there was no such documentation in his file, and noted that Mr. Parrett had failed to answer the same question on his application for initial licensure in the affirmative. Mr. Parrett telephoned Ms. Herbst Paakkonen and was advised to submit the documentation he failed to supply to the Board with his initial application and to provide a written explanation; he sent these materials via facsimile on January 10, 2007 and they indicate two misdemeanor convictions – one for "Open Intoxicant in Public" and another for "Malicious Destruction of Personal Property". Ms. Herbst Paakkonen noted that Mr. Parrett states that he has never practiced as a physical therapist in Arizona. Ms. Herbst Paakkonen advised the Board that several options for resolving this case are available to the Board including denial of the application. Ms. Fearon moved to offer Mr. Parrett a consent agreement that would reinstate his license and impose a Decree of Censure for failure to disclose his misdemeanor criminal history on his initial applications for licensure; he will be allowed 30 days to sign the agreement and failure to do so will result in denial of the application. Mr. Robbins seconded the motion. The Board discussed the fact that if Mr. Parrett's application is denied, he does have the right to appeal the Board's decision. The motion carried by a unanimous vote.



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

<b>Erica L. Anderson</b>	<b>Kristal J. Martin</b>	<b>Thomas E. Rizzo</b>
<b>Kenneth P. Sargent</b>	<b>Amber L. Welbes</b>	<b>Christopher J. Williams</b>

Ms. Kalis introduced the agenda item and called for questions on the application files. Hearing none Ms. Kalis moved to grant licensure to the listed applicants. Mr. Gossman seconded the motion. The motion carried by a unanimous vote.

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

<b>Stacey L. Cronin</b>	<b>Michael P. Eggleton</b>	<b>Paul C. Jackson</b>
<b>Mary V. Manz</b>		

Ms. Kalis introduced the agenda item and called for questions on the applicant files. Ms. Loroña clarified for the Board Mr. Jackson’s previous work history. Ms. Kalis moved to grant certification to the listed applicants. Dr. Cornwall 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 Program Not Accredited by CAPTE)**

**a. Review of Supervised Clinical Practice Period Proposal**

**Wendello Tanael**

Ms. Kalis read the name of the applicant and the Board discussed whether Ms. Tanael’s proposed supervisor, Mr. Eric Biglang-Awa, has provided evidence that he is currently practicing physical therapy in addition to being an administrator; the Board did identify on his resume some indication that he is currently engaged in patient care. Ms. Lorona noted that Mr. Tanael must begin his SCPP in February so that he can complete it before his 6 month interim permit lapses. The Board questioned whether it has any latitude with R4-24-304 to establish parameters for the number of hours that the SCPP must encompass each week. Ms. Cornelius advised the Board that it should revise the rule to establish the parameters for the SCPP, or at a minimum adopt a substantive policy statement establishing its clarification of the rule. Ultimately, Ms. Cornelius stated, it is up to the Board to decide what is appropriate with respect to approving a SCPP and because the rule does not prohibit the Board from adopting parameters Ms. Cornelius noted that the Board’s broader authority may allow it to do so. The Board discussed finding some reasonable middle ground for establishing the parameters of a SCPP to involve 540 hours over the 6 month time frame of the interim permit. Ms. Lorona advised the Board that it has previously approved this facility at which Mr. Tanael wishes to complete his SCPP. Ms. Kalis offered a motion to approve Mr. Tanael’s SCPP proposal. Mr. Gossman seconded the motion. The motion carried by a unanimous vote.

**b. Review of Education and Request to take the National Physical Therapy Examination**

**Sunil S. George**

Ms. Kalis read the name of the applicant and Ms. Lorona advised the Board that Mr. George’s education was reviewed by the Board during its meeting on July 26, 2006 and at that time it was determined to be not substantially equivalent to that of a graduate of a U.S. accredited program totaling 50 credit hours. She noted that he has since completed the 50 credit hours through completion of coursework and passing CLEP examinations. Mr. Gossman moved Mr. George be approved to take the NPTE. Mr. Robbins seconded the motion. The motion carried by a unanimous vote.

### **Roland Pinzon**

Ms. Kalis read the name of the applicant and the Board noted that Mr. Pinzon's credential evaluation report indicates that he does not have any coursework deficiencies as indicated by the Coursework Evaluation Tool. Ms. Kalis offered a motion finding Mr. Pinzon's education substantially equivalent to that of a graduate of a U.S. accredited program and that he be approved to take the NPTE. Mr. Gossman seconded the motion. The motion carried by a unanimous vote. The Board discussed the fact that Ms. Lorona may advise the applicant that he will need to submit a proposal for a SCPP after he achieves a passing score on the NPTE.

### **Katrina Wade**

Ms. Kalis read the name of the application and Ms. Lorona advised the Board that because Ms. Wade is from the U.K. so will not have to take the English proficiency examination. The Board reviewed and discussed her credential evaluation report and noted that Ms. Wade's education is lacking in both credit hours and content; additionally, 11 of 23 of the content areas on the checklist portion of the Coursework Evaluation Tool were not met. Ms. Kalis moved the Board find that Ms. Wade's education is not substantially equivalent to that of a graduate of a U.S. accredited program. Mr. Gossman seconded the motion. The motion carried by a unanimous vote.

## **BOARD BUSINESS AND REPORTS**

### **13. Executive Director's Report**

- a. Financial Report:** no additional information to report.
- b. Board Staff Activities:** The Board asked whether the data in the 2006 Report to the Governor represents the continuing trend of key indicators increasing. Ms Herbst Paakkonen stated that while she has not performed a side-by-side analysis, she suspects that is the case.
- c. FSBPT Initiatives and News:** Ms. Herbst Paakkonen clarified the purposes of the Changes in Healthcare Professions Scope publication and the Board recommended that a copy be sent to the Arizona Physical Therapy Association (AzPTA).
- d. Rules Revision Update:** no additional information to report.
- e. Legislative Update:** Ms. Herbst Paakkonen called to the Board's attention the fact that the Joint Legislative Budget Committee did recommend to the Joint Appropriations Committee of the Arizona State Legislature that the agency's 2008-2009 appropriation request be approved with only the minor change that the request for one full-time employee (FTE) be reduced to a 0.8 (FTE). The Board also discussed HB 2115 in the context of whether the bill could be amended to grant the same authority to the Board of Physical Therapy that it does to 16 other health boards with respect to issuing non-disciplinary orders to licensees and certificate holders that would impose completion of continuing education. Dr. Cornwall moved the Board direct Ms. Herbst Paakkonen to contact the bill sponsors to request a floor amendment that would include the Board of Physical Therapy in the bill. Mr. Gossman seconded the motion. The motion carried by a unanimous vote.

### **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 introduced the agenda item and the Board reviewed the ADA accommodations report issued by FSBPT that indicates by jurisdiction the number of accommodations funded and the costs paid by the Federation, for examination candidates for 2005 and 2006. Ms. Herbst Paakkonen advised the Board that every year the Finance Committee of the Federations debates whether to recommend to the Board of Directors discontinuation of the funding of the ADA costs. The Board of Directors has continued to support funding the accommodations, but the

states of Nebraska and New Jersey are contemplating proposing a motion before the 2007 Delegate Assembly that would require the jurisdictions to fund the costs with a delayed implementation so that the jurisdictions could budget for the change in the future. Ms. Herbst Paakkonen advised the Board that the 2007 Delegate Assembly of the FSBPT will likely consider a motion that if passed would eliminate the funding of the costs of ADA accommodations by FSBPT therefore shifting those costs to the jurisdictions. Ms. Cornelius advised the Board that her research of the case law on this subject found that courts have ruled that a learning disability that adversely affects a candidate's ability to take a computer-based examination qualifies for ADA accommodations. She also commented that if someone has learning disability that affects ability to use a computer, the employer may have a responsibility to provide an ADA accommodation if patient record-keeping is done with computers. The Board then reviewed the proposed edits to the SPS; Ms. Herbst Paakkonen noted which suggested revisions were proposed to the Board during its November 24, 2006 meeting and which changes were made to the draft more recently based on the discussion between Board staff and counsel. Ms. Kalis moved to adopt the SPS as revised. Mr. Gossman seconded the motion. The motion carried by a unanimous vote.

**15. Review and Discussion of Written Comments to Proposed Revisions to R4-24-303;  
Patient Care Management,**

Ms. Kalis introduced the agenda item and Ms. Herbst Paakkonen stated that the Board has received copies of all of the comments that have been made to date, but indicated that comments may continue to be filed as the deadline for written comments is Friday, January 26, 2007. Ms. Herbst Paakkonen also noted that the newsletter was delayed at the printers by almost 2 full weeks which means that most licensees and certificate holders will only learn about the opportunity to comment too late to file. Ms. Herbst Paakkonen explained the possible time line for the rule promulgations process should the Board determine that the comments filed by the public warrant revising the proposed language. She also indicated that the Board may continue to accept comments that are filed after January 26 and that she has posted an announcement on the agency web-site to this affect. The Board and staff discussed issuing an e-mail notice to the licensees and certificate holders who have voluntarily shared their e-mail addresses with the Board office and determined this was the best course of action. The Board debated whether to discuss the written comments during the Board's next regular session meeting on February 27, 2007 or to schedule a special session meeting earlier in February. The Board members elected to schedule a special session meeting on Tuesday February 6, 2007 at 3:00 p.m. for purposes of reviewing and discussing the written comments received, and for reviewing applications for licensure and certification that are complete in order to prevent substantive time frame review violations.

**CALL TO THE PUBLIC**

None.

**ADJOURNMENT**

The meeting adjourned at 11:50 a.m.

Prepared by,

Heidi Herbst Paakkonen  
Executive Director

Approved by,

Randy Robbins  
Secretary