



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

SPECIAL SESSION MEETING MINUTES
February 6, 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
Jeanne Hann, Contract Rules Consultant

CALL TO ORDER – 3:00 p.m.

The meeting was called to order at 3:00 p.m.

Note: the agenda was reordered as follows

4. Review and Discussion of Written Comments to Proposed Revisions to R4-24-303; Patient Care Management and Possible Revision of Proposed Draft Rule

Ms. Kalis introduced the agenda item and asked Ms. Herbst Paakkonen to facilitate the discussion and summarize the comments that were submitted to the proposed revisions to R4-24-303. Ms. Herbst Paakkonen noted that Ms. Hann was present for this portion of the meeting and asked that she advise the Board relative to their responsibility for reviewing the comments, and the types of changes that can be made to a proposed rule revision. Ms. Hann explained that the law in Arizona requires that any rulemaking agency that publishes a proposed rule “adequately address” the public comments. She noted that there are often conflicting comments, and that it is impossible for a rulemaking agency to please everyone as it relates to the proposed rule language. Ms Hann explained that a clarifying change to a proposed rule does not necessitate re-publishing the rule, but substantial changes do. The Board reviewed a comment to R4-24-101(26), the definition of “on call”, but concurred that no change would be made because the subject of the comment was addressed by both the Rules Task Force and the Board previously which resulted in the proposed definition. The Board then discussed the comments to R4-24-101(32) and the members agreed that the definition should be broadened to use the term “communications” rather than only “telephone”; based on the comments received and the fact that the A.R.S. §32-2003(3), requires that the physical therapist be “readily available”, a 15 minute response time is appropriate and warranted. The Board reviewed the comments to R4-

24-303(A)(4) and discussed the need to clarify that this language is intended to address the “physical therapy” record. The Board consulted A.R.S. §32-2043 and noted that the statute stipulates that the physical therapist is responsible for the care that is provided by the physical therapist assistant under his or her supervision.

The Board next reviewed the comments addressing R4-24-303(A)(5) and advised Ms. Hann that physical therapists working in home health settings, among others, do not prepare the actual billing documents that are submitted to the payers. They only have control over their own time logs and whatever completed forms that are submitted to the billing office/department/personnel for purposes of preparing the billing. However, physical therapists who work in home health are aware of the charges that are assigned to each service or treatment, and are responsible for accurately recording the treatments and times that they incur in the course of caring for their patients. The Board directed Ms. Hann to clarify the proposed language such that it requires that a physical therapist must ensure that the services for which the patient is charged are accurate and supported by the documentation in the physical therapy record. After reviewing the comment to R4-24-303(B), the Board also asked Ms. Hann to clarify the language such that the physical therapist makes the determination whether to utilize assistive personnel; the Board also observed that the proposed language is consistent with A.R.S. §32-2043(H). The Board made no changes to R4-24-303(C).

After reviewing the comments to R4-24-303(D)(2), the Board concurred that the 2,000 hours of working under the on-site supervision of a physical therapist prior to being allowed to work under general supervision would remain as drafted due to patient protection considerations. The Board asked that Ms. Hann clarify the language drafted at R4-24-303(E) in order to ensure that it addresses both on-site and general supervision of physical therapist assistants. The Board then reviewed the comments proposed to R4-24-303(F) and discussed the fact that it was redundant and duplicative. The Board revisited the discussion of whether the rule should require a physical therapist assistant to have the burden of documentation certain information while working under general supervision, and the discussion relative to whether the Board might review a complaint where it is unclear who provided supervision to a physical therapist assistant. Following debate, the Board elected to remove the sub-section as it is duplicative and unreasonable which was supported by most of the comments. The Board determined that no changes would be made to R4-24-303(F)(4) as the Board and the Task Force had previously determined that geographic restrictions are not practical. The Board reviewed the comments to the proposed language as R4-24-303(F)(5) and observed that they ranged from requiring the physical therapist to reevaluate and treat the patient every 3rd visit to every 6th visit with support for the existing language. The Board elected to leave the proposed language intact in order to find some compromise among the comments. Following review of the remainder of the comments to R4-24-303(G), the Board directed Ms. Hann to make a clarifying change such that it requires the physical therapist assistant to “document in the patient record” rather than to “make and maintain a record”.

The Board concluded the agenda item with Ms. Hann advising that she will make the revisions to the draft and draft the Economic Impact Statement (EIS) working with Board staff as needed, and that she hopes to have the rule package to the Governor’s Regulatory Review Council (GRRC) by February 20 in order to have the package included on the April agenda of the Governor’s Regulatory Review Council (GRRC). If GRRC approves the package, the rule would be in effect 60 days later.

1. Substantive Review of and Action on the Following Applications for Physical Therapist Licensure:

Andrea A. Alvarez	Rebecca M. Brueggeman	Laura S. Dreckmeier
Rebekah Hagan	Ann W. Leupold	

Ms. Kalis introduced the agenda item and Ms. Loroña clarified for the Board that Ms. Alvarez does not have a professional work history as she has failed the National Physical Therapy Examination (NPTE) on 4 previous occasions and has therefore been spending a significant amount of time preparing for the exam as well as caring for a family member. Ms. Loroña also reported that Ms. Brueggeman had a gap in work history due to maternity leave and relocation. Following discussion Ms. Kalis moved to grant licensure to the listed applicants. Dr. Cornwall seconded the motion. The motion carried by a unanimous vote.

2. Substantive Review of and Action on the Following Applications for Physical Therapist Assistant Certification:

John Ambrose		
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Ms. Kalis introduced the agenda item and the Board noted that the applicant had reported a DUI conviction dating back to 1984, but the documentation concerning that event indicates that he met all of his court ordered requirements. Ms. Kalis offered a motion granting certification to Ms. Ambrose. Mr. Gossman seconded the motion. The motion carried by a unanimous vote.

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

Gregory R. Bustamante, (PTA)

Lorraine M. Sobek (PT)

Ms. Kalis introduced the agenda item and the Board reviewed the documentation the applicants submitted relative to their disclosures on their applications. Following discussion Ms. Kalis moved to allow Mr. Bustamante to take the NPTE for physical therapist assistants and to allow Ms. Sobek to take the NPTE for physical therapists and that they be granted certification and licensure, respectively, upon Board receipt of a passing score. Mr. Robbins seconded the motion. The motion carried by a unanimous vote.

CALL TO THE PUBLIC

None.

ADJOURNMENT

The meeting adjourned at 4:20 p.m.

Prepared by,

Heidi Herbst Paakkonen
Executive Director

Approved by,

Randy Robbins
Secretary