

JANET NAPOLITANO  
Governor



HEIDI HERBST PAAKKONEN  
Executive Director

JONI KALIS, P.T.  
President

**ARIZONA STATE BOARD OF PHYSICAL THERAPY**  
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**REGULAR SESSION MEETING MINUTES**  
**June 26, 2007**

**MEMBERS PRESENT:** Joni Kalis, P.T., President  
Mark Cornwall, P.T., Ph.D., Vice President  
Randy Robbins, Secretary  
Merlin Gossman, Member  
James Sieveke, P.T., O.C.S., Member  
Lisa Akers, P.T., Member

**MEMBERS ABSENT:**

**OTHERS PRESENT:** Heidi Herbst Paakkonen, Executive Director  
Peg Hiller, P.T., Investigator  
Paula Brierley, Licensing Administrator  
Keely Verstegen, Assistant Attorney General

**CALL TO ORDER – 8:30 a.m.**

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

**May 22, 2007; Regular Session Meeting**

The Board reviewed the draft minutes and it was noted that Mr. Gossman was not present for this meeting and his name should be removed from the header and from page 5 of the draft. Ms. Kalis moved the minutes be approved as corrected. Mr. Gossman seconded the motion. The motion carried by a unanimous vote.

**May 30, 2007; Special Session Meeting**

The Board reviewed the draft and concurred no corrections were needed. Ms. Kalis moved the minutes be approved as drafted. Mr. Robbins seconded the motion. The motion carried by a unanimous vote.

**COMPLAINTS, INVESTIGATIONS and COMPLIANCE**

**2. Informal Hearing**

**#06-16; Dana Kernan, P.T.**

Ms. Kalis introduced the informal hearing and it was noted that Ms. Kernan was present for the proceeding. Ms. Hiller summarized the status of the case noting that the Board held its initial review and discussion of complaint #06-16 during the regular session meeting on April 24, 2007. The complaint was filed by Z.M., a former patient of Ms. Kernan's who alleged that she engaged in various acts of unprofessional conduct including maintaining illegible and inaccurate records, providing excessive treatment, failing to obtain informed consent for certain aspects of the treatment, making false statements concerning his treatment, billing for services not rendered, and failing to provide him with copies of his complete treatment and billing records. Ms. Hiller stated that Z.M. was treated by Ms. Kernan over the course of 36 visits at Physiotherapy

Associates from March 2–May 26, 2006. In her written response Ms. Kernan stated that Z.M.’s plan of care and treatment was warranted and appropriate and she refuted that her records were illegible or inaccurate with respect to her documentation and the charges billed. Ms. Kernan also described her efforts to provide Z.M. with copies of his records. Ms. Hiller noted that Z.M.’s complaint included a billing dispute that does not fall under the Board’s jurisdiction. Ms. Kernan issued an additional response to the Board concerning her clinical rationale for her diagnosis and plan of care for Z.M. which referred to the APTA “Guide to Physical Therapist Practice”. Ms. Kalis reviewed the informal hearing procedures and the potential outcomes of the proceeding. Ms. Nicola Bauman-Delgado, Court Reporter swore in Ms. Kernan and the Board members and staff were introduced to the licensee. Ms. Kernan indicated that she didn’t have an opening statement in addition to the written comments that she provided. Ms. Kernan addressed the Board’s questions relative to how she diagnosed Z.M. and how she developed his plan of care based on her clinical determinations. In response to the Board’s questions Ms. Kernan stated that she does not transfer a patient’s care to a physical therapist assistant if she determines that the patient would not receive an appropriate level of care. She explained that the treatment area is an open gym environment where she can monitor Mr. Robert Sand, the physical therapist assistant she supervises. Mr. Kernan stated that the clinic does not have a policy under which the physical therapist must see the patient a prescribed frequency. She stated that after reviewing the records she does feel that Z.M. should have been seen by her more frequently and that the management of his care got away from her a bit. She explained that after treatment Z.M. would schedule his next visit at the front desk and this was typically done with Mr. Sand. Ms. Kernan stated that if she was absent from the clinic other physical therapists would be present and she believed that they understood they were responsible for that patient’s care. She admitted to incomplete documentation relative to a re-evaluation; she would ask Z.M. how he was doing but she didn’t document the information she received as a re-evaluation. The Board asked how she was updating Z.M.’s physicians with progress notes as it appeared that none were present in the record. She admitted that she was not as vigilant then as she is now relative to recording progress notes. Ms. Kernan explained that Z.M. was a difficult patient in that he was not an effective communicator and obtaining information on his condition was difficult and hindered her ability to maintain information in a progress note. She explained her rationale for how she formed her diagnosis of Z.M. based on his activity and subsequent pain duration. She explained that her rationale for using ultrasound related to the inflammation in the area and to bring blood flow; she treated first one foot and then the other as they improved. Iontophoresis was also used to try to reduce the swelling but it was not as effective although tenderness did decrease over time. The Board asked her to clarify her treatment note on April 12, 2006 but because the treatment was done by an A.T.C. she wasn’t certain what specific mobilizations were used. Ms. Kernan explained that she does give her assistive personnel instructions and that the aides generally look back on the chart to see what she had done previously. She acknowledged co-signing the notes made by Mr. Sand and by the A.T.C. She stated that she had worked with this A.T.C. for several months prior to working with him and knows his work, and while she doesn’t know whether he has been formally trained in joint mobilization she has observed him performing them in the past. The Board noted that on March 2, 2006 during Z.M.’s initial evaluation his pain was noted as a 5/10 and 3 months later his progress note indicates 90% improvement on one side and 60% on the other; the Board then questioned whether she ever re-evaluated her diagnosis or treatment plan. Ms. Kernan responded that she did not because her plan focused first on one foot and then the other while phasing out the first. She stated that the process took so long because Z.M. was doing so many other activities (e.g. trying to lose weight, seeing other health care professionals) that interfered with his physical therapy treatment. She recalled discussing concerns with him relative to his other activities, but she realized that he was going to do as he pleased. Ms. Kernan specifically recalled a conversation where she told him

that a 2-hour cardiovascular workout was excessive and could be detrimental to his rehabilitation. She reiterated that he was very difficult to communicate with. The Board questioned whether she communicated with his physician given these challenges; she stated that at the time it did not occur to her to do so but now as a more mature physical therapist she would have contacted the Board more frequently. Ms. Kernan commented that at that time she didn't have the experience to be effective with him and she admitted to not having consulted with a more experienced physical therapist on this case. Ms. Kernan indicated that her progress note of May 26, 2006 should have indicated an intention to discharge Z.M. in approximately 2 weeks. She stated that she examined Z.M.'s orthotics and she assessed them to be appropriate. She also noted that Z.M. continued to improve with physical therapy care under another physical therapist, but once he stopped his pain returned and he was referred to an orthopedic specialist. Ms. Kernan stated that while she still believes her evaluation was appropriate, she may have incorporated additional conclusions in her evaluation. She recalled that she handed Z.M. a packet on at least one occasion that contained copies of his records, and she recalled the office manager reviewing the billing with him several times. She pointed out to the Board that Z.M. refers in his complaint to his treatment records so the Board should conclude that he did indeed receive them. She stated that Z.M. wanted to "work the system" and that when he realized that he had to pay his bill he filed the complaint in retaliation. Ms. Kernan explained that in a typical day she would see 10-12 patients in 8 hours which is not excessive. Mr. Sand would see between 5-10 patients in a day. In closing, Ms. Kernan stated that she has learned as a result of this process and that she spends a lot of time evaluating her own practice in order to do better. She cares about her patients and values this profession. The Board concluded the questioning and discussed the fact that the notes were not quite illegible, but in the absence of complete notes there are no re-evaluations and the discharge is incomplete. The Board noted that the treatment plan is impacted by the lack of clinical rationale for her selected treatments, there is no link between the diagnosis and the treatment plan, and Ms. Kernan never re-visited her clinical rationale. The Board discussed the fact that the home exercise instructions are not clearly documented and that more communication with the physician was necessary. Additionally Ms. Kernan's documentation doesn't indicate whether objective measurements support Z.M. achieving established rehabilitation goals and doesn't support her choices to change her treatment approaches. The Board questioned whether over-utilization had occurred in that after 3 months of care Ms. Kernan did not re-evaluate her plan of care and the members concurred that better documentation may have established that there was no over-utilization of care. The Board reviewed the possible jurisdiction for the complaint and concurred that there were no violations of A.R.S. §§ 32-2043, 32-2044(22), 32-2044(14), 32-2044(4) and 32-2044(13). The Board discussed the need for Ms. Kernan to be more cognizant of assuming responsibility of the patient's care including the care provided by assistive personnel, as well for providing more frequent and complete progress notes to the physician. Ms. Kalis moved the Board adopt as Findings of Fact that Ms. Kernan did not re-evaluate Z.M. over the 3-month and 36-visit episode of care; and that her discharge summary did not have objective findings. Additionally the motion stated that Ms. Kernan did not document any communications with the referring podiatrist, any rehabilitation goals or range of motion measurements, her clinical rationale for the plan of care as it relates it to the evaluation, the home instructions she provided to the patient, and her rationale for moving from medial to lateral treatment of the ankle. Finally, the motion also stated that Ms. Kernan did not coordinate her plan of care with the other health care professionals she knew to be working with Z.M. Dr. Cornwall seconded the motion. The motion carried by a unanimous vote. Ms. Kalis moved to find Ms. Kernan in violation of A.R.S. § 32-2044(20), failing to maintain adequate patient records and of A.R.S. 32-2044(12), failing to adhere to the recognized standards of ethics of the physical therapy profession. Mr. Gossman seconded the motion. The motion carried by a unanimous vote. Ms. Kalis moved the Board place Ms. Kernan on a six month term of probation

during which time she must submit to an audit of three patient charts to determine whether she is complying with the law as it relates to establishing a clear rationale for treatment that correlates to the diagnosis, periodic re-evaluations, a complete discharge summary and communications with the referring practitioner. The motion also stipulated that if the review indicates any documentation deficiencies, a second review of three patient charts must be conducted. The Board discussed the fact that Ms. Kernan understands her shortcomings and has taken coursework addressing documentation standards; therefore prescribing a course is not required. Ms. Kalis offered a second motion adding a term to the probation that would require Ms. Kernan draft and submit proposed documentation policies and procedures that also address provider communications as well as submit evidence that she had she delivered an in-service on the proposed policies to the professionals at her facility. Mr. Sieveke seconded the motions. The motions carried by a unanimous vote.

### **3. Initial Review of Complaint**

#### **#06-18; Patrick Domanico, P.T.**

Ms. Kalis introduced the complaint and Ms. Hiller summarized the investigation noting that a former patient D.W. filed this complaint alleging that Mr. Domanico made misleading statements concerning a treatment modality and failed to explain this treatment. In his response Mr. Domanico indicated that he had attempted to explain the modality to D.W. but that the patient was not responsive to that information. Mr. Domanico was present for the review of the case and indicated that he was willing to address questions. Mr. Domanico stated that he used the infrared device on D.W. as he was trained to do and which he had used several times previously. He stated that D.W. didn't initially protest the use of the modality, and during the second treatment visit the patient was so unreceptive to treatment that he elected to discontinue treating the patient. Mr. Domanico commented that D.W. was rude and hostile the day of that second appointment and in his estimation not at all amenable to treatment. He indicated that the initial treatment session was better in that D.W. was somewhat receptive to physical therapy and more pleasant, but still didn't understand the purpose of receiving physical therapy care. The Board commented that there were some questions relative to how the billing correlates to the treatment documentation and determined that the questioning should continue during an informal hearing. Ms. Kalis moved to invite Mr. Domanico for an informal hearing in an effort to resolve the complaint. Mr. Sieveke seconded the motion. The motion carried by a unanimous vote. Dr. Cornwall moved the Board add to the investigation a possible violation of A.R.S. §32-2044(13) as the treatment records for D.W. do not appear to support the charges billed to D.W., and that the Board provide Mr. Domanico an opportunity to respond to this allegation. Ms. Kalis seconded the motion. The motion carried by a unanimous vote.

### **4. Initial Review of Complaint**

#### **#06-22; Kimberly Ramsey, P.T.**

Ms. Kalis introduced the case and Ms. Herbst Paakkonen summarized the investigative report noting that Ms. Ramsey did not disclose on her application for renewal of her physical therapist license for the 2004-2006 period that on March 22, 2004 in Maricopa County Municipal Court she was convicted of driving under the influence of alcohol and for failure to control a motor vehicle to avoid an accident. Additionally Ms. Ramsey failed to disclose this conviction on the application for physical therapist licensure she filed with the Physical Therapy Board of California ("California Board") on May 1, 2006. Ms. Herbst Paakkonen called to the Board's attention the fact that the California Board learned of Ms. Ramsey's conviction and denied her application for licensure on October 2, 2006. The Board posed questions relative to the time line and sequence of events concerning Ms. Ramsey's DUI conviction, her application for licensure renewal in 2004, her application renewal in 2006 and the action of the California Board. The

Board debated whether to invite Ms. Ramsey for an informal hearing or to attempt to resolve the case in lieu of conducting a hearing as Ms. Ramsey's response to the complaint including an admission of her failure to report the DUI on her 2004-2006 licensure renewal application. Ms. Kalis moved to offer Ms. Ramsey a consent agreement containing the Findings of Fact listed in the investigative report (adding an additional finding that Ms. Ramsey had signed the affidavit on the application form stating that the information on the application was accurate) and containing the Conclusions of Law listed in the investigative report. The motion also imposed an Order within the Consent Agreement placing Ms. Ramsey on 6 months probation during which she must take and pass the Board's jurisprudence examination, pay a \$500 civil penalty, and complete a 60-day suspension of her physical therapist license. Ms. Ramsey will be allowed 15 days to sign the agreement; should she decline the Consent Agreement the case will be remanded to an informal hearing. Mr. Robbins seconded the motion. The motion carried by unanimous vote.

#### **5. Review and Possible Action Concerning Audited Licensees' Compliance with Continuing Competence Requirements for 2004-2006 Licensure Period**

*List of licensee names available from Board office by request*

Ms. Herbst Paakkonen summarized the recommendations of the Continuing Competence Audit Committee's June 12, 2007 meeting during which 5 licensees submitted documentation demonstrating that they had come into compliance with the requirements during their 6-month allotment of time. Ms. Kalis moved the Board find the listed licensees in compliance. Dr. Cornwall seconded the motion. The motion carried by a unanimous vote.

### **APPLICATIONS FOR LICENSURE & CERTIFICATION**

#### **6. Review and Possible Action on Charge of Discrimination Filed with the Equal Employment Opportunity Commission**

##### **Sharon L. Caulder – Applicant for Physical Therapist Licensure**

Ms. Herbst Paakkonen reminded the Board that on July 25, 2006 the licensure application for Sharon Caulder was denied on the basis of the fact that Ms. Caulder was convicted in a federal court of multiple counts of fraud and for failure to report income during a bankruptcy proceeding. Ms. Caulder was advised in writing of the Board's decision and was also informed that she had the right to appeal that decision. Ms. Caulder did not file an appeal, but in April she contacted the office of Governor Janet Napolitano, the Arizona Attorney General's office, and the office of the Arizona Board of Physical Therapy to express her dissatisfaction with the Board's decision and to demand that a license be granted to her. Ms. Caulder alleged the Board discriminated against her in those conversations. Subsequent to those conversations the office received notification that a charge of discrimination against the Board was filed with the Equal Employment Opportunity Commission (EEOC). Ms. Herbst Paakkonen called to the Board's attention the response that she submitted to the EEOC on May 21, 2007 and noted that she has not received any further communications from the investigator assigned to the claim. Ms. Kalis moved the Board meet in Executive Session for purposes of receiving legal advice from legal counsel. Dr. Cornwall seconded the motion. The motion carried by a unanimous vote. Upon resuming the meeting in public session, the Board members concurred that no action was necessary and the discussion was concluded.

#### **7. Review and Possible Action on Interim Permit**

##### **Susan DeForest**

Ms. Kalis introduced the agenda item and Dr. Cornwall announced that he would be recusing himself from the review and discussion of this agenda item. Ms. Kalis moved the Board meet in Executive Session for purposes of receiving legal advice from Board counsel. Mr. Robbins seconded the motion. The motion carried by a unanimous vote. Upon resuming the meeting in

regular session the Board invited Ms. DeForest to appear before the Board for purposes of making a statement concerning her Interim Permit and her recently terminated Supervised Clinical Practice Period (SCPP). Ms. DeForest advised the Board that she is highly motivated and she hopes that she has demonstrated initiative to accomplish the goal of reinstating her physical therapist license. She stated that the environment in which she attempted to complete her SCPP, John C. Lincoln Memorial Hospital, was chaotic and the fact that she was required to report to multiple supervisors did not benefit her. She stated that her mid-term evaluation indicated that her supervisors felt she was demonstrating a lack of understanding of certain concepts but not lacking the competence. Ms. DeForest explained that it was after the mid-term evaluation that Ms. Kim Gatewood, P.T., one of her supervisors, determined that she lacked the academic base of understanding and that the facility could not continue to budget the resources to continue supervising her. Ms. DeForest stated that she believed that she was progressing well and that she was receiving feedback to that extent, but that after May 2, 2007 the consensus was that she lacked some academic background in order to treat more complicated and advanced patients. She noted that she completed about 400 hours or 10 weeks of the supervised clinical practice period. Ms. DeForest advised the Board that she was offered the option to work under Ms. Gatewood for a few more days on evaluations, or conclude the SCPP; she felt the decision had already been made and therefore she elected to end the SCPP. She informed the Board that she has consulted with other physical therapists who have provided supervision to foreign trained physical therapists and she has received recommendations that she take a differential diagnosis continuing education course, an evidence-based practice course, and other introductory level coursework in the physical therapist assistant department at Gateway Community College. Ms. DeForest also noted that Phoenix Baptist Hospital would be interested in offering her a part-time longer-term SCPP. She admitted that due to the length of time she had been away from the practice of physical therapy she believes she would benefit from additional college-level coursework. She also stated that there may have been different levels of expectations from her on the part of the different SCPP supervisors and that the communications between supervisors could have been better; however, she is grateful that they facility and the physical therapists were willing to take her on. The Board noted that the CPI evaluation does indicate that Ms. DeForest has many significant skill deficiencies in virtually all aspects of physical therapy practice. Ms. Kalis moved to revoke Ms. DeForest's Interim Permit based on the conclusions of the CPI. Mr. Sieveke seconded the motion. The motion carried by a unanimous vote.

#### **8. Substantive Review and Possible Action on Applications for Physical Therapist Licensure**

<b>Arreola, Aaron</b>	<b>Levi, Angela</b>	<b>Warren, Meghan *</b>
<b>Eldred, DeAnna</b>	<b>Longo, Karen</b>	<b>Wood, Leonard</b>
<b>Huffman, Kara</b>	<b>Mraz, Sara</b>	<b>Worley, Jeremy</b>
<b>Johnston, Monica</b>	<b>Rogstad, Garrett</b>	<b>Wortley, James *</b>
<b>Kennedy, Katherine</b>	<b>Supowit, Jennifer</b>	
<b>Kerr, Robert</b>	<b>Trujillo, Andrea</b>	

*\* Applicant Interview Scheduled*

Ms. Kalis announced that the Board would review the applications of Ms. Warren and Mr. Wortley separately as application interviews had been arranged. Dr. Cornwall announced that he would recuse himself from the review and vote on Ms. Warren's application, and he indicated that the following individuals were previously his students by that no professor/student relationship exists at this time and accordingly he is able to vote on their applications without bias: Ms. Huffman, Ms. Johnston, Mr. Rogstad, Ms. Supowit, Ms. Trujillo and Mr. Wood. The Board noted that Ms. Eldred was accused of sexual misconduct with a former patient while she was practicing in Wisconsin, but that the case was investigated and dismissed by the Wisconsin Board of Physical Therapy. Ms. Kalis moved to grant licensure to the listed applicants with the exception of Mr. Wortley and Ms. Warren. Mr. Gossman seconded the motion. The motion

carried by a unanimous vote. Ms. Herbst Paakkonen informed the Board that she had arranged a telephonic interview of Mr. Wortley as he had indicated on this application that he was the subject of three malpractice investigations while practicing in Utah. In response to the Board's questions Mr. Wortley explained that the first incident he reported concerned a former patient who complained that following her treatment she experienced some pain. He instructed the patient to use an ice pack on her knee but acknowledged that he did not provide her with clear instructions and accordingly her knee was burned. Mr. Wortley stated that he didn't know whether the patient complained to the licensing board, but that she agreed to take a small insurance or malpractice claim offered by his malpractice insurance company in order to "make it go away" as that it was cheaper to settle rather than to litigate the matter. Mr. Wortley noted that the second instance involved a patient who reported a burn on his ankle following his second or third treatment. He found a blister on the patient's ankle and treated it but the patient subsequently went to the emergency room when the wound worsened. Mr. Wortley stated that a physician in the ER dressed the wound and said it would be fine, but the wound worsened. The patient eventually had the wound grafted at a burn center and he was then admitted to a nursing home for care; five to six months later the wound was finally healed to the point that he was discharged from a nursing home to care for the wound at home. Mr. Wortley stated that he believed the heat pack caused the injury so the medical costs were billed to his malpractice insurance in the amount of \$145,000. The third case involved a patient who alleged that Mr. Wortley caused her rotator cuff injury. He stated that he only performed passive range of motion with this patient and that he could not have caused the injury. This matter was reviewed by what he believes is the physical therapy regulatory board in Utah which dismissed the case. Dr. Cornwall moved to grant a physical therapist license to Mr. Wortley. Mr. Gossman seconded the motion. The motion carried by a unanimous vote. The Board invited Ms. Warren to appear before the Board for her application interview. She indicated that she did not have any additional information to present to the Board aside from her letter in which she states that she realized that she erroneously used the protection title "P.T." even though she was not licensed in any state to practice as she believed that completing a degree in physical therapy alone allowed her to use this title. Ms. Warren advised the Board that she last engaged in clinical practice in 2002, but the Board noted that the definition of "practice of physical therapy" includes teaching physical therapy pursuant to A.R.S. §32-2001(11). Ms. Kalis moved to offer Ms. Warren a consent agreement that would grant her licensure and concurrently find her in violation of A.R.S. §32-2001(11), A.R.S. §32-2042 and A.R.S. §32-2048(A) based on the fact that she used the term "PT" and practiced physical therapy without a license. Mr. Robbins seconded the motion. The motion carried by a unanimous vote. Ms. Kalis offered a motion requiring Ms. Warren to develop and provide to the Board a self-study module addressing lawful practice in Arizona during a 6-month term of probation. Ms. Akers seconded the motion. The motion carried by a unanimous vote.

### **9. Substantive Review and Possible Action on Applications for Physical Therapist Assistant Certification**

<b>Alfonsetti, Deena</b>	<b>Medrano, Joel</b>	<b>Reynolds, Nicholle</b>
<b>Beasley, Kristen</b>	<b>Ransom, Jessica</b>	<b>Sullivan, Shanna</b>
<b>Heestand, Daniel</b>	<b>Robinette, Jodi</b>	

The Board discussed the application filed by Ms. Sullivan's application and noted that while she was employed as a physical therapy aide (technician) she indicated that one of her job responsibilities included "charting patient progress". The Board also noted that Mr. Medrano is currently licensed as a PTA in California, that he also holds active licensure as a nurse in both Arizona and California, and that he has not worked as a PTA since July of 2002. The Board discussed his work history as a nurse in Arizona. The Board discussed the fact that Mr. Medrano

has been employed as a health care professional and that as a PTA he is going to be supervised by a physical therapist. Ms. Kalis moved the Board grant certification to the listed applicants. Mr. Robbins seconded the motion. The motion carried by a unanimous vote.

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

**Sean Jordan**

Mr. Jordan appeared before the Board and in response to the Board's question he stated that he did not have any accommodations under the Americans with Disabilities Act (ADA) while in school, but during the process of taking and re-taking the National Physical Therapy Examination (NPTE) he believes that he has developed testing anxiety. The Board noted that his transcripts indicate that he was a good student while studying physical therapy. Mr. Jordan admitted that with his first and second attempts to pass the NPTE he was not as prepared as he should have been, but with the subsequent attempts he was very surprised that he did not pass. He advised the Board that with his most recent attempts he has come within 1-2 questions of passing. He noted that he has modified his approach to preparing for and taking the examinations, he has not found the correct combination for success. Mr. Jordan indicated that if he had additional time to take the NPTE he is more assured that he can pass it. He explained that he has employed stress management techniques in addition to studying with Ms. Suzanne Brown, P.T. twice a week; he had worked with her off-and-on for the past three years. The Board asked whether anxiety was affecting him in other areas of life; he indicated it was possible but it is difficult for him to diagnosis this. He stated that he saw his physician for a stress-management regimen and it was his physician who diagnosed his test-taking anxiety. As a result of his testing anxiety he is considering medication and also seeing a hypnotist. Ms. Suzanne Brown, P.T. was granted permission to address the Board on Mr. Jordan's behalf and she stated that she has worked with licensure and certification applicants for 7-8 years who have had difficulty passing the NPTE. She stated that nothing in the academic experience prepares the candidate for the high stakes examination that is the NPTE. She reported that Mr. Jordan can focus his attention for about 1 hour and then he needs a break to manage his anxiety. She noted that attention deficit has been ruled out as a diagnosis. Ms. Brown commented that Mr. Jordan is a somewhat slow reader and she is training him to read the questions carefully so that he does not rush through the questions to compensate for his normal reading speed. She stated that the knowledge deficits she identified through her tutoring of Mr. Jordan have been addressed. Ms. Brown advocated the Board grant Mr. Jordan additional time to take the NPTE. Mr. Sieveke moved to grant the requested accommodation of time and a half. Mr. Robbins seconded the motion. The Board discussed the ADA Accommodations policy and debated whether Mr. Jordan had submitted enough evidence to demonstrate that he had a qualifying disability. Mr. Sieveke elected to withdraw the motion so that the Board could consider requesting additional information from Mr. Jordan relative to a concrete diagnosis that culminates from a more thorough evaluation as described in the Board's ADA Substantive Policy Statement. Ms. Kalis moved to table further action and to direct Mr. Jordan to submit additional information concerning his diagnosis. Mr. Sieveke seconded the motion. The motion carried on a 5-1 vote.

**Sarah Sarsfield**

Ms. Kalis read the name of the applicant and the Board noted that Ms. Sarsfield submitted documentation to show that she was diagnosed with attention deficit disorder in 1999 and that she received accommodations throughout her physical therapist assistant educational program. The Board noted that her evaluation was updated in May of 2007. Dr. Cornwall moved to allow Ms. Sarsfield to take the NPTE with the accommodations of time and a half, a separate testing center, and a paper and pencil examination and that she be granted certification upon receipt of a passing score. Ms. Kalis seconded the motion. The motion carried by a unanimous vote.

**11. Request for Approval to Take National Physical Therapist Examination; Review of Documentation Related to Disclosure on “Personal Information” Section of Application  
Brandon Peñas**

The Board reviewed the application file for Mr. Peñas and discussed his two misdemeanor convictions while he was an undergraduate student. The Board noted that he submitted copies of the court convictions concerning these two events and an explanation of the events and how the events have caused him to modify his conduct. Ms. Kalis offered a motion allowing Mr. Peñas to take the NPTE and that he be granted licensure upon receipt of a passing score. Mr. Gossman seconded the motion. The motion carried by a unanimous vote.

**12. Substantive Review of and Possible Action on the Following Applications for Physical Therapist Licensure – Foreign Educated Graduates of Programs Not U.S. Accredited  
a. Review of Education and Determination of Licensure**

**Raymund Velasco**

The Board reviewed the application of Mr. Velasco and discussed the fact that while his original credential evaluation report indicated that he had coursework deficiencies, the applicant has since completed the required coursework and his revised report indicates that he has no remaining deficiencies. The Board also noted that Mr. Velasco had previously submitted evidence that his work history was sufficient to support his request that the Board waive the requirement he complete a supervised clinical practice period. Ms. Kalis moved the Board find that Mr. Velasco’s education is substantially equivalent to that of a graduate of a U.S. accredited program, that his file is administratively complete, that his supervised clinical practice period requirement be waived, and he be granted a physical therapist license. Dr. Cornwall seconded the motion. The motion carried by a unanimous vote.

**b. Review of Education, Determination of Supervised Clinical Practice Period Requirement and Possible Action on Determination of Licensure**

**Ma. Socorro Castuera**

The Board reviewed the application of Ms. Castuera and noted that it was administratively complete. The Board discussed the fact that the applicant’s resume indicates that she has sufficient experience in a U.S. clinical setting to support her request that the Board waive the requirement that she complete a Supervised Clinical Practice Period (SCPP). Dr. Cornwall to find her education is substantially equivalent to that of a graduate of a U.S. accredited program, that her file is administratively complete, that her supervised clinical practice period requirement be waived, and she be granted a physical therapist license. Mr. Gossman seconded the motion. The motion carried by a unanimous vote.

**c. Review of Clinical Performance Instrument for Completion of Supervised Clinical Practice Period and Determination of Licensure**

**Thelma Caisip**

Ms. Kalis read the name of the Interim Permit holder and the Board noted that Ms. Caisip’s Clinical Performance Instrument (CPI) is complete and that it indicates that she has demonstrated the ability to practice physical therapy with skill and safety. Ms. Kalis moved the Board grant licensure to Ms. Caisip. Dr. Cornwall seconded the motion. The motion carried by a unanimous vote.

**Sunil George**

Ms. Kalis read the name of the Interim Permit holder and the Board noted that Mr. George’s Clinical Performance Instrument (CPI) is complete and that it indicates that he has demonstrated the ability to practice physical therapy with skill and safety. The evaluation also noted that the facility intends to hire Mr. George permanently if the Board grants him licensure. Ms. Kalis moved the Board grant licensure to Mr. George. Dr. Cornwall seconded the motion. The motion carried by a unanimous vote.

## **BOARD BUSINESS AND REPORTS**

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

**a. Financial Report:** The Board members discussed the substantial decrease in the number of physical therapist by endorsement applications filed in fiscal year 2007 as compared with fiscal year 2006. The Board surmised that economic factors may be the reason behind this dynamic.

**b. Board Staff Activities:** Ms. Herbst Paakkonen conducted a slide show presentation of photographs recently taken of the office space the staff hopes to occupy by August 1, 2007. She reported that a verbal agreement has been reached for the lease terms and that she hopes to have a signed lease before the 4<sup>th</sup> of July holiday. Ms. Herbst Paakkonen will keep the Board informed by e-mail of the office relocation developments.

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

**d. Rule Writing Update:** The Board reviewed the suggested nominees to a proposed Task Force that would develop recommendations to the Board for revisions to Title 4, Chapter 24, Article 4 of the Arizona Administrative Code (the rules that address continuing competence requirements for physical therapists). Mr. Gossman moved to offer appointment to the following individuals: David Guy, P.T.; Betsy Lindsey, P.T.; Yvonne Harrison, P.T.; James Tompkins, P.T.; and Karen Donahue, P.T. Mr. Robbins seconded the motion. The motion carried by a unanimous vote. The Board directed staff to present the name of a potential PTA nominee at a later date to serve on this Task Force in anticipation of the likelihood that continuing competence requirements will be incorporated in the proposed revisions to the rules.

**e. Legislative Update:** Ms. Herbst Paakkonen reported that the 48<sup>th</sup> Arizona State Legislature (First Regular Session) concluded on June 20, 2007. The effective date of HB 2115 Professions; disciplinary action; continuing education (now Laws 2007 Chapter 65) is September 19, 2007.

### **14. Board Training**

#### **a. Administrative Procedures Act**

Ms. Verstegen presented the Board with a handout summarizing several of the statutes in Title 41 of the Arizona Revised Statutes (Administrative Procedures Act or "APA"). She explained the statutes that address administrative adjudications under the APA including contested cases, appealable agency actions and due process. Ms. Verstegen also addressed the issue of fees if a party to an administrative adjudication prevails in a court proceeding.

#### **b. Qualifications for Licensure and Reviewing Applications of Foreign Educated Physical Therapists**

The Board members concurred that this topic will be rescheduled for the September regular session meeting agenda.

### **15. Discussion and Possible Action on Scheduling Regular Session Meeting Dates for November and December 2007**

Following discussion the Board members concurred that the November regular session meeting will be scheduled for the 20<sup>th</sup> and the December regular session meeting will be scheduled for the 18<sup>th</sup>.

### **16. Discussion and Possible Action on Board Member Compensation**

Ms. Herbst Paakkonen reported that during a recent audit by the General Accounting Office (GAO), the state Comptroller determined that the members of the Arizona Board of Physical Therapy were not eligible to receive compensation. She explained that when she began her employment with the Board the Office Manager of the State Boards Office – with whom the Board contracted for payroll services and processing – advised her that A.R.S. §38-611

authorized the members of the Board to receive compensation at the rate of \$30 per day. Ms. Herbst Paakkonen researched the Board's previous statutes and found that A.R.S. §32-2002 granted the members of the Board compensation at the rate established by §38-611; however, that statute changed in August of 1998 such that the compensation authorization language was eliminated – most likely inadvertently. Even though the statute changed in 1998, the State Boards Office did not change the processing of the Board member compensation. Ms. Herbst Paakkonen indicated that audits of the agency's financial transactions did not indicate any anomalies with the payroll. Ms. Versteegen advised the Board that the Office of the Arizona Attorney General is aware of the issue and she informed the Board that she concurs with the determination of the GAO. She further noted that a number of Boards have been affected by the discovery of this issue and that the Attorney General's office and the GAO will continue to work on its resolution. Following discussion Dr. Cornwall moved to suspend the Board members' compensation. Mr. Gossman seconded the motion. The motion passed by a vote of 5-1.

**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**

**CALL TO THE PUBLIC**

None

**ADJOURNMENT**

The meeting adjourned at 2:40 p.m.

Prepared by,

Heidi Herbst Paakkonen  
Executive Director

Approved by,

Randy Robbins,  
Secretary