

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**  
**August 30, 2007**

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

**MEMBERS ABSENT:** James Sieveke, P.T., O.C.S., Member

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

**CALL TO ORDER – 8:30 a.m.**

1. Review and Approval of Draft Minutes:

**July 25, 2007; Regular Session Meeting**

After hearing no proposed revisions to the draft minutes, Ms. Kalis moved the minutes be approved as submitted. Mr. Gossman seconded the motion. The motion carried by a unanimous vote.

**August 14, 2007; Special Session Meeting**

After hearing no proposed revisions to the draft minutes, Ms. Kalis moved the minutes be approved as submitted. Mr. Gossman seconded the motion. The motion carried by a unanimous vote.

**COMPLAINTS, INVESTIGATIONS and COMPLIANCE**

**2. Informal Hearing**

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

Ms. Kalis opened the informal hearing and noted that Mr. Domanico was present. The Board allowed members of the public to provide public comment prior to initiating the questioning of Mr. Domanico. Pam Friedlander appeared before the Board and stated that she did fax the progress note that was mentioned in the investigative report to D.W.'s physician. Maurena Howe also appeared before the Board and stated that the patient, D.W., was very defensive and upset when he arrived for his treatment on July 13, 2006 and that she was concerned with how the patient would treat Mr. Domanico. She stated that Mr. Domanico is an excellent physical therapist who is liked and respected by his patients who are mostly senior citizens. Ms. Tanis Eastridge, Court Reporter, swore in Mr. Domanico. Ms. Kalis reviewed the purpose and possible outcome of an informal hearing. Ms. Hiller provided an overview of the case stating

that the Board held its initial review and discussion during the regular session meeting on June 26, 2007. The complaint was filed by D.W., a former patient who was evaluated and treated by Mr. Domanico on July 11, 2006 for low back pain with radiculopathy. In his complaint D.W. alleged that Mr. Domanico made misleading statements that the treatment would “regenerate” his body. D.W. also alleged that at the second and final treatment visit on July 13, 2006 Mr. Domanico failed to provide a treatment explanation despite D.W.’s inquiries. In his written response Mr. Domanico described his attempts to provide an explanation to D.W. at the initial visit and his rationale for discontinuing further treatment due to D.W.’s hostile behavior on July 13, 2006. During the initial review the Board questioned Mr. Domanico about his communication with D.W. and raised concerns about how Mr. Domanico’s billing for D.W.’s initial visit correlates to the treatment documentation. The Board questioned how Mr. Domanico performed an initial evaluation and all of the therapeutic interventions recorded within the 25-minute visit time documented. The Board remanded the case to an informal hearing with the additional possible jurisdiction of A.R.S. §32-2044(13), charging unreasonable or fraudulent fees. The Board asked Mr. Domanico to provide a more detailed description of his treatment to D.W. and explain the terminology that he used to describe D.W.’s treatment. Mr. Domanico stated that he believed this complaint was filed by D.W. in retaliation for his refusal to treat him as he had exhibited hostile behavior that day. The Board questioned Mr. Domanico’s treatment time frames on July 11, 2006 and Mr. Domanico explained that he was evaluating and treating D.W. simultaneously. He stated that he does not note timed procedures for each patient. He explained the manual therapy techniques he used with D.W. and explained his understanding of the benefits to patients who have been treated with the light therapy system. The Board asked that he explain how he billed for therapeutic exercise and manual therapy when there are no notations in the treatment documentation for the progress note on July 11, 2006. He stated that he is now aware that he needs to be more detailed in his notes and that he was a little complacent with his documentation for this patient. He stated that he uses the billing checklist/CPT codes section of his forms where he indicates what treatments he provided; the Board stated that it appears this form is intended to serve as a charge sheet that is submitted for billing. He stated that he is using it for both documentation and billing purposes. Mr. Domanico stated that he is able to use certain CPT billing codes to cover the treatment modalities he is providing even though the payer doesn’t cover a particular treatment (i.e. the light therapy). He bills therapeutic exercise or manual therapy codes when using the light therapy. He described how he provided manual therapy treatment to D.W. The Board concluded the questioning and discussed the case. The Board determined that it could not find that Mr. Domanico made misleading statements to D.W. relative to his treatment outcomes. The Board discussed concerns relative to billing for overlapping timed treatments – as many as three to four items at a time. The Board discussed the fact that Mr. Domanico has provided the Board with a copy of his current treatment consent form, but that the treatment record for D.W. contains no notation that the patient agreed to the treatment. The Board members discussed the need for Mr. Domanico to follow up with the patient – if not immediately than whenever appropriate and that the situation must be documented and other treatment options provided to the patient. The Board members concurred that the treatment records do not contain enough information to support what was billed. The Board discussed the fact that it is difficult to determine the appropriateness of the care given what was documented. The Board members concurred that there was no violation of A.R.S. §32-2044(14), making misleading, deceptive, untrue or fraudulent representations. The Board discussed the evaluation of D.W. and questioned whether it was complete enough to arrive at the appropriate treatment. Ms. Kalis moved to adopt the following proposed finding of fact: On July 11, 2006 Mr. Domanico did not complete an adequate evaluation of D.W. in that the documented evaluation lacked a range of testing necessary to determine an appropriate diagnosis; Mr. Domanico failed to obtain D.W.’s informed consent to the light therapy device used during the

treatment session on July 11, 2006; Mr. Domanico's use of the light therapy device was not clinically indicated for D.W.'s diagnosis in accordance with the device manufacturer's specifications; Mr. Domanico billed D.W.'s insurance company for services provided on July 11, 2006 for an evaluation, one unit of therapeutic exercise, and one unit of neuromuscular re-education, one unit of manual therapy but there is no documentation in the patient's record to support the charges for therapeutic exercise, neuromuscular re-education, or manual therapy; Mr. Domanico documented the length of D.W.'s treatment visit to be from 10:10 a.m. to 10:36 a.m. which is significant in that if the timed charges for the therapeutic exercise, neuromuscular re-education, and manual therapy were performed for the minimally allowed duration of eight minutes each for insurance reimbursement, Respondent could not have completed a complete and appropriate evaluation of D.W. in the remaining two minutes of the 26 minute treatment session and he could not have also provided the gait training documented in the treatment note within this span of time; Mr. Domanico did not bill for the light therapy treatment under an "unlisted" treatment although both Mr. Domanico and D.W. concur that this treatment occurred; and finally Mr. Domanico failed to transfer the care of D.W. to another physical therapist or to coordinate his continued care with D.W.'s primary care physician following the scheduled treatment session of July 13, 2006 when Mr. Domanico asked D.W. to leave the office due to his "rude" and "aggressive" behavior. Ms. Akers seconded the motion. The motion carried by a unanimous roll call vote. Ms. Kalis moved to find Mr. Domanico in violation of A.R.S. §32-2044(1) specific to A.A.C. R4-24-301(C) "A physical therapist shall obtain a patient's informed consent before treatment; in violation of A.R.S. §32-2044(12), failing to adhere to the recognized standards of ethics of the physical therapy profession for Code of Ethics/Guide for Professional Conduct 3.3D "In the event of elective termination of a physical therapist/patient relationship by the physical therapist, the therapist should take steps to transfer the care of the patient, as appropriate, to another provider"; and in violation of A.R.S. §32-2044(13), charging unreasonable or fraudulent fees. Dr. Cornwall seconded the motion. Ms. Kalis offered a friendly amendment to include Code of Ethics/Guide for Professional Conduct 1.4 "A physical therapist shall obtain a patient's informed consent before treatment. The consent shall be in writing or documented in the patient chart and include: (i) the nature of the proposed intervention, (ii) material risk of harm or complication, (iii) reasonable alternative to the proposed intervention, and (iv) goals of treatment under the violation of A.R.S. §32-2044(12). Mr. Robbins seconded the motion. The motion carried by a unanimous roll call vote. Ms. Kalis moved the Board place Mr. Domanico on probation for a period of 12 months during which time he must take and complete a physical therapy billing and coding class and subsequently submit to one audit of three randomly selected patient charts representing three different insurers. If any deficiencies exist in his records, he must submit to an additional review 3 months later. If he completes the probation requirements early he may petition for early termination of his probation. Dr. Cornwall seconded the motion. The motion carried by a unanimous roll call vote.

### **3. Discussion and Possible Action, Including Informal Hearing or Summary Suspension, Relative to New Investigative Information**

#### **#06-20; William Sifling, P.T.**

Ms. Kalis stated that in light of information recently received from the licensee the informal hearing will not proceed as scheduled as Mr. Sifling is currently participating in inpatient substance abuse treatment in California. Ms. Herbst Paakkonen noted that the Board held its initial review and discussion of this case during the regular session meeting on July 25, 2007. This complaint against Mr. Sifling was opened after the licensee self-reported in a letter to the Board received on September 29, 2006 that he entered into a plea agreement in Superior Court of Arizona Maricopa County in which he pled guilty to possession of drug paraphernalia (a class 6 undesignated felony) and to DUI (a class 1 misdemeanor). Mr. Sifling did not report his May 23,

2006 arrest that culminated in these charges on his 2006-2008 physical therapist licensure renewal application. Additionally, the Board office was notified that Mr. Sifling was disciplined by the Physical Therapy Board of California (“California Board”) in the form of being placed on an Initial Probationary License in that state as a result of these criminal convictions. Following the initial review of this case the Board voted to remand this case to an informal hearing. Mr. Sifling telephoned the Board office on August 14, 2007 to report that he had relapsed and had subsequently entered an inpatient treatment program for indigent persons. The California Board is aware of Mr. Sifling’s relapse but Mr. Sifling has not been deemed non-compliant with the terms of his Probationary License Order in California as Maximus, the private entity that provides diversion program services to all licensed health professionals in that state, assumes that probationers will likely relapse on at least one occasion while being monitored. As of August 30, 2007 the California Board had not taken any action against Mr. Sifling’s license as Maximus had not concluded that Mr. Sifling was out of compliance with his diversion program. The Board debated whether Mr. Sifling’s conduct and recent events compel the Board to take emergency action in form of issuing a summary suspension of Mr. Sifling’s license. The Board discussed the possibility that Mr. Sifling could leave the treatment facility and come to Arizona and attempt to practice. Ms. Verstegen advised the Board that their options include summary suspension as well as remanding the case to a formal hearing; a summary suspension would require the Arizona Office of Administrative Hearings to schedule a hearing within 20 days while simply voting the case to a formal hearing would result in a docket scheduling within approximately 45 days. Ms. Verstegen also advised the Board that it could vote to continue the informal hearing until Mr. Sifling is able to participate. Dr. Cornwall moved the Board offer Mr. Sifling a consent agreement stipulating that he has 20 days to agree to a suspension of his physical therapist license until he is discharged from treatment and appears before the Board for an informal hearing; if Mr. Sifling refuses to sign the agreement this case will be remanded to a formal hearing. Ms. Kalis seconded the motion. The motion carried by a unanimous vote.

#### **4. Informal Hearing**

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

Ms. Ramsey was present for the informal hearing and was sworn in by Ms. Eastridge. The Board members and staff introduced themselves to the licensee. Ms. Kalis reviewed the informal hearing procedure and possible outcomes. Ms. Herbst Paakkonen summarized the case noting that the Board held its initial review and discussion of Complaint #06-22; Kimberly Ramsey, P.T. during the regular session meeting on June 26, 2007. This complaint against Ms. Ramsey when Board staff learned from the Physical Therapy Board of California (“California Board”) that on March 22, 2004 in Maricopa County Municipal Court Ms. Ramsey was convicted of driving under the influence of alcohol and for failure to control a motor vehicle to avoid an accident. Ms. Ramsey did not disclose on her application for renewal of her Arizona physical therapist license for the 2004-2006 period the criminal investigation, charges and sentencing associated with these offenses. Ms. Ramsey had failed to disclose this conviction on the application for physical therapist licensure she filed with the California Board on May 1, 2006. The California Board learned of the conviction and denied a license to Ms. Ramsey on October 2, 2006. Ms. Herbst Paakkonen reported that following the initial review of the complaint the Board voted to offer Ms. Ramsey a consent agreement stipulating Findings of Fact, Conclusions of Law and a disciplinary Order. Ms. Ramsey declined the consent agreement and requested an informal hearing before the Board. Ms. Ramsey thanked the Board for the opportunity to address the allegations. She stated that did not answer to the question “have you been convicted of a felony or a misdemeanor of moral turpitude” because she believes that she did not commit such a crime. She stated that she also indicated “no” to a similar question on the California application for licensure. Ms. Ramsey stated that prior to these events she didn’t understand why

a licensure Board would be concerned with her conduct that does not relate to her clinical skills, but she has since studied the law and has developed an understanding for why a regulatory Board would be concerned with her having been convicted of a DUI. Ms. Ramsey indicated that she has filed another application for licensure in California and that application is pending. She stated to the Board that it is her hope that her physical therapist license is not suspended. The Board concluded the questioning and discussed the investigative record. Ms. Kalis moved the Board adopt the following proposed findings of fact: Ms. Ramsey failed to disclose on her licensure renewal application filed on August 19, 2004 that on March 22, 2004 she was convicted of driving under the influence of alcohol and of failure to control a motor vehicle to avoid an accident; Ms. Ramsey signed an affirmation statement on her licensure renewal application indicating that “Under penalties of perjury, I declare and affirm that the statements made in this license renewal application are complete and correct and that any false or misleading information may be cause for denial or disciplinary action . . . to the best of my knowledge and belief I am not in violation of the provisions of the Arizona physical therapy law”; Ms. Ramsey was denied a physical therapist license by the Physical Therapy Board of California on the basis of omitting a material fact (the DUI conviction) on her application for licensure, of committing fraud while attempting to procure a license and of committing a crime that if done by a licensee would be grounds for suspension or revocation of the license; Ms. Ramsey did not notify the Arizona Board of Physical Therapy of her change of address from the Phoenix address (current as of June 29, 2006 when she completed her 2006 licensure renewal application) to the address in Santa Barbara, California and the Arizona Board obtained her change of address information from the Colorado Physical Therapy Licensure Division within that state’s Department of Registrations. Dr. Cornwall seconded the motion. The motion carried by a unanimous vote. Ms. Kalis moved to find Ms. Ramsey in violation of A.R.S. §32-2044(1), violating this chapter, board rules or a written board order”; A.R.S. §32-2044(3), obtaining or attempting to obtain a license or certificate by fraud or misrepresentation”; A.R.S. §32-2044(12), failing to adhere to the recognized standards of ethics of the physical therapy profession [Principle 2: “Physical therapists comply with the laws and regulations governing the practice of physical therapy” (American Physical Therapy Association Code of Ethics, June 1991)]; A.R.S. §32-2044(9), having had . . . an application for licensure or certification refused, revoked or suspended by the proper authorities of another state, territory or country; and A.R.S. §32-2044(23) “Failing to report to the board a name change or a change in business or home address within thirty days after that change. Dr. Cornwall seconded the motion. The motion carried by a unanimous roll call vote. Ms. Kalis moved the Board place Ms. Ramsey on probation for 6 months during which time she is required to take and pass the Board’s jurisprudence examination, complete a Board-approved health care professional ethics course, develop and submit to the Board a professional ethical behavior in-service training module which shall include a content outline and a list of resources cited, and write and submit an original essay to the Board addressing the importance of regulation of ethical behavior of physical therapists (to include a list of resources cited). Mr. Robbins seconded the motion. The motion carried by a unanimous vote.

## **5. Initial Review of Complaint**

### **#07-01; Paul Kempton, P.T.**

Ms. Hiller summarized the complaint filed by S.S. against Kempton Physical Therapy for services provided by Ms. Sara Hill, P.T. from November 7, 2005 through January 25, 2006. Ms. Hiller advised the Board that Ms. Hill’s Arizona physical therapist license #6997 lapsed on September 1, 2006 as she is now residing and working in Illinois which means that at the time this complaint was filed Ms. Hill was no longer under the jurisdiction of the Arizona State Board of Physical Therapy. Board staff opened the complaint against Paul Kempton, P.T. as the owner

of the practice. The complaint alleges S.S. was overcharged for the time she spent at Kempton P.T. and that on certain days there was a difference in the charges for manual therapy and therapeutic exercise although the treatments were the same. S.S. noted that her usual treatment times included approximately 22 minutes of exercise for which she was customarily billed for two 15 minute units, 15 minutes of manual therapy for which she was customarily billed for three 15 minute units, 8 minutes of ultrasound, and 15 minutes of cool pack for which she was customary charges for three units manual therapy and two units of therapeutic exercise. In his response to the complaint Mr. Kempton stated that he did not personally treat, document or bill for any services rendered to S.S. Mr. Kempton was contacted by S.S. in January 2006 about her concerns regarding overcharges; subsequent to this conversation Mr. Kempton and Ms. Hill reviewed the documentation and billing for S.S.'s treatments. Mr. Kempton recalled that Ms. Hill affirmed that she accurately documented and billed for the procedures that she performed. He noted that he had concerns about the time in minutes that Ms. Hill documented for exercise and manual therapy proved to S.S. and that Ms. Hill admitted that she did not keep close track of the time. Mr. Kempton determined that the insurance company should be reimbursed and he directed his billing department to resubmit the bills for S.S. based on two units of exercise, one unit of manual therapy, and the actual modalities performed. Mr. Kempton admitted to failing to provide S.S. with this information and to ensuring that his billing department followed through. When a new employee of his billing department discovered the outstanding bill for S.S. several months later, S.S. was sent a follow-up bill, Mr. Kempton was not informed of S.S.'s attempts to contact him. Mr. Kempton has since resolved the problems in his office and has communicated with S.S. and resolved all of her concerns. Additionally Mr. Kempton noted that he has implemented a new SOAP documentation format to capture better treatment detail including time spent, and has developed a new sign-in sheet for patients to document their arrival and departure times. Ms. Hiller advised the Board that Mr. Kempton did not provide her with an explanation of the billing charges for S.S. and that he directed her to his office staff for clarification. Ms. Hiller noted that while the billing methodology was not clear, in the end the patient's balance was "zeroed out" to the satisfaction of S.S. The Board discussed the fact that while Mr. Kenpton did not record the treatment provided to S.S., the billing was prepared using his insurance provider number through his office. The Board discussed the fact that Ms. Hill should be investigated based on the information in the record, but that it lacks the jurisdiction to do so as her license lapsed prior to the receipt of the complaint. Ms. Akers moved to issue an advisory letter stating that unclear and possibly fraudulent billing was prepared and submitted to the patient's insurance company by Mr. Kempton's office and using his insurance provider number, and a licensed physical therapist must comply with A.R.S. §32-2044(J) "a physical therapist's responsibility for patient care management includes accurate documentation and billing of the services provided" which includes ensuring that the billing is supported by the treatment documentation. Ms. Kalis seconded the motion. The motion carried by a unanimous vote.

## **6. Initial Review of Licensee Continuing Competence Non-Compliance**

### **#07-03-CC; Charlynn Darrah**

Ms. Herbst Paakkonen advised the Board that when Ms. Darrah, P.T. renewed her physical therapist license for the 2004-2006 licensure compliance period she signed a statement affirming that she had completed the continuing competence requirements of R4-24-401 through R4-24-403. In September of 2006 Ms. Darrah was selected at random for audit and the notice was sent via certified mail to her home address of record on or about October 2, 2006. Her submission was received by the Board office on November 17, 2006 which was within the 30-day deadline established by Board rule. Ms. Darrah's initial audit documentation submission was found out of compliance by the Board based on the fact that one of the two courses she submitted as a

Category A course lacked sufficient documentation rendering her deficient a total of 13.5 hours (of which 3.5 hours must be Category A). In accordance with R4-24-401(J), the Board granted her 6 months with which to come into compliance with the requirement and her 6-month deadline was established as June 30, 2007. Ms. Darrah submitted an audit resubmission form and additional documentation which was received by the Board on July 6, 2007 – 6 days after the deadline. These materials were reviewed by the Continuing Competence Audit Committee on July 11, 2007; the Committee found that Ms. Darrah had failed to provide documentation to support all of the activities listed which leaves her deficient a total of 5.5 contact hours of which 0.5 hours must be Category A contact hours. Ms. Darrah stated in a telephone conversation to Ms. Herbst Paakkonen on August 13, 2007 that she believed she failed to submit all of the documents that she had in her possession. On August 14, 2007 the Board office received some continuing competence documentation from Ms. Darrah consisting of both previously submitted and new materials. Board staff reviewed the documents and found that had Ms. Darrah submitted all of these materials within her 6-month extension for continuing competence compliance, the Audit Committee would likely have recommended that the Board find the licensee in compliance with the requirements for the 2004-2005 licensure period. Ms. Darrah was present for the Board's review and discussion of the case and explained that when she received the notice that the Board was considering this matter of non-compliance, she re-reviewed her materials and elected to resend all of them. She indicated that she was not aware that she needed to submit supporting documentation such as a proof that she completed her CPR recertification. The Board discussed the fact that even though Ms. Darrah eventually supplied the required information, she did violate Board statute and rule relative to complying with the continuing competence requirements. Ms. Kalis moved to offer Ms. Darrah a consent agreement stipulating findings of fact that she failed to meet the continuing competence submission and compliance deadline, but that she provided evidence of having met the requirements after the Board imposed deadline. The motion also stipulated that Ms. Darrah be found in violation of A.R.S. §32-2004(1), violating Board rule specific to A.A.C. R4-24-401 through R4-24-403, and that the disciplinary term be a \$500 civil penalty; failure on the part of Ms. Darrah to accept the consent agreement within 20 days will result in the case being remanded to an informal hearing. Dr. Cornwall seconded the motion. The motion carried by a unanimous vote.

**#07-04-CC; Kimberly Ramsey, P.T.**

Ms. Herbst Paakkonen advised the Board that Ms. Ramsey renewed her physical therapist license for the 2004-2006 licensure compliance period and accordingly she signed a statement affirming that she had completed the continuing competence requirements of R4-24-401 through R4-24-403. In September of 2006 Ms. Ramsey was selected at random for audit and the notice was sent via certified mail to her home address of record on or about October 2, 2006. Ms. Ramsey's submission was received by the Board office on October 5, 2006 which was within the 30-day deadline established by Board rule. Her initial audit documentation submission was found out of compliance by the Board on December 18, 2006 based on the fact that one of the courses she submitted as a Category A course lacked sufficient documentation rendering her deficient a total of 4 hours; the Board voted to grant her 6 months with which to come into compliance with the requirement pursuant to R4-24-401(J). Ms. Ramsey received notification of the Board's determination on January 27, 2006, however she failed to submit any new documentation to demonstrate that she came into compliance before her July 27, 2007 deadline. Ms. Ramsey was present for the Board's discussion. She stated that she had been advised by a member of the Board staff that she could resubmit the course as a Category C course and had mistakenly assumed that she took care of the transfer of the course over the phone and that she didn't need to follow through by submitting anything. Ms. Ramsey commented that she now understands that it was her responsibility to re-submit her documentation for review. The Board discussed the information presented and the Board staff provided some procedural information

relative to the audit process. Ms. Kalis moved to offer a consent agreement to Ms. Ramsey stipulating findings of fact that she failed to meet the continuing competence submission and compliance deadline. The motion also stipulated that Ms. Ramsey be found in violation of A.R.S. §32-2004(1), violating Board rule specific to A.A.C. R4-24-401 through R4-24-403, and that the disciplinary terms consist of a \$500 civil penalty and that within 90 days she either submit evidence that the course rejected by the Audit Committee is Category A approved or that she complete a 4 contact hour course that is Category A approved. Failure on the part of Ms. Ramsey to accept the consent agreement within 20 days will result in the case being remanded to an informal hearing. Mr. Robbins seconded the motion. The motion carried by a unanimous vote.

**APPLICATIONS FOR LICENSURE & CERTIFICATION**

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

<b>Badiola, Christine</b>	<b>Kish, Erica</b>	
<b>Cook, Jamie</b>	<b>Petrucci, Melanie</b>	
<b>Denney, Robyn</b>	<b>Sibilia, Kristine</b>	
<b>Escalante, Luis</b>	<b>West, Leah</b>	
<b>Garcia, Steven</b>	<b>Young, Everett</b>	
<b>Hedenschoug, Karen</b>	<b>Andrade, Wendy</b>	
<b>Jackson, Cheriesse</b>		
<b>Jones, Aaron</b>		

Dr. Cornwall stated for the record that Mr. Garcia and Mr. Jones were formerly his students but the professor-student relationship no longer exists and that he is able to vote on their applications without bias. The Board noted that Ms. Denney’s application indicates that she worked as a physical therapist prior to passing the National Physical Therapy Examination and becoming licensed in Ohio. Ms. Kalis moved the Board grant licensure to the listed applicants with the exception of Ms. Denney; Dr. Cornwall seconded the motion. The motion carried by a unanimous vote. Ms. Kalis moved to direct Board staff to request of Ms. Denney an explanation of her work history as it relates to her licensure and that Board staff confer the license if she provides an explanation that does not require Board review. Mr. Robbins seconded the motion. The motion carried by a unanimous vote.

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

<b>Kjeldsen, Deirde</b>		
<b>Martin, Page</b>		

Following discussion of the application files Ms. Kalis moved to grant certification to the listed applicants. Mr. Robbins 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 Programs Not U.S. Accredited**

**a. Review of Education and Determination of Licensure**

**Lea Rodriguez**

The Board reviewed the application file for Ms. Rodriguez and noted that while it is administratively complete, her credential evaluation report indicates that her professional education is lacking coursework in pharmacology and medical terminology. Dr. Cornwall moved the Board find Ms. Rodriguez’s education not substantially equivalent to that of a graduate of a U.S. accredited program and that she be required to complete the coursework



deficiencies identified in the credential evaluation report. Ms. Kalis seconded the motion. The motion carried by a unanimous vote.

**Angelica Hernandez**

The Board reviewed the application file for Ms. Hernandez and noted that it was administratively complete. Ms. Kalis moved to find the applicant's education 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. The Board discussed the fact that Ms. Hernandez's resume indicated that she has only one year of U.S. clinical experience in a facility that does not offer a broad spectrum of physical therapy services. Ms. Kalis moved to require Ms. Hernandez to successfully complete a Supervised Clinical Practice Period. Mr. Gossman seconded the motion. The motion carried by a unanimous vote.

**b. Review of Clinical Performance Instrument Evaluation, Review of Second Supervised Clinical Practice Period Proposal and Possible Final Action on Application**

**Louella Bellon**

The Board discussed the CPI completed by Ms. Bellon's former Supervised Clinical Practice Period supervisor and noted that it was very detailed and complete, and that it indicated that Ms. Bellon possesses knowledge and skill deficiencies in all aspects of physical therapy care. Ms. Kalis moved to deny Ms. Bellon's application for licensure. Dr. Cornwall seconded the motion. The motion carried by a unanimous vote.

**10. Review and Possible Action on Probation, Review of Clinical Performance Instrument Evaluation and Final Action on Application for Licensure**

**Christine Verceles**

Ms. Verceles and Ms. Feth were present to address the Board's questions relative to Ms. Verceles' petition for termination of her probation. Ms. Hiller reported that during the Board's regular session meeting on December 18, 2006 Ms. Verceles came before the Board for an interview relating to the substantive review on her application for physical therapist licensure. At that time the applicant had completed all of the requirements for licensure as a foreign educated applicant with the exception of successfully completing a Supervised Clinical Practice Period (SCPP). Ms. Verceles had begun her SCPP with HealthSouth at Yuma Regional Medical Center but her 90-day Clinical Performance Instrument (CPI) evaluation completed by her supervisor indicated that she required additional time to develop her competencies as identified in the evaluation. After interviewing Ms. Verceles and Barbara Feth, P.T., the proposed supervisor for an additional SCPP, the Board approved a motion offering Ms. Verceles a Consent Agreement conferring to her a physical therapist license and simultaneously placing her on probation for 6 months for purposes of requiring her to complete another SCPP under supervision and to complete a continuing education course addressing evaluations and differential diagnoses for neurological patients. The probation period began on January 18, 2007. On August 18, 2007 Ms. Verceles submitted a request for termination of her probation and provided evidence that she had met the probation requirements; this included a certificate indicating she completed the American Physical Therapy Association's Topics in Physical Therapy Neurology Course as well as monthly reports and a completed CPI from Ms. Feth. Ms. Verceles and Ms. Feth were both present for the Board's review and discussion. Ms. Verceles stated that she believes she has met the requirements imposed by the Board and that she possesses the level of competence that the Board expects of her so that she can practice unrestricted. Ms. Feth concurred and advised the Board that she has no reservations that Ms. Verceles is ready to practice without restriction. Ms. Kalis moved to grant termination of probation to Ms. Verceles. Mr. Gossman 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  
Lori L. Smith**

Ms. Smith was present for the Board’s review and discussion of her application and disclosure of her criminal history. The Board reviewed the court records previously submitted by Ms. Smith as well as new materials relative to her successful petition to the court to vacate her two felony convictions and the restoration of her civil rights. The Board noted that she is to be commended for making positive changes in her life since the criminal charges. Ms. Smith stated that she has significantly changed her life for the better since the criminal charges were filed and that she has been sober for over 5 years. Dr. Cornwall moved to allow Ms. Smith to take the National Physical Therapy 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.

**BOARD BUSINESS AND REPORTS**

**12. Executive Director’s Report – Discussion and Possible Action**

**a. Financial Report:** no additional information to report.

**b. Board Staff Activities:** Ms. Herbst Paakkonen discussed with the Board the good and not-so-good elements of the office relocation, but reported that in spite of technology problems the computers are working and the office operations are almost back to normal. The office is almost complete and the staff very much enjoys having its own space for the operations of the agency.

**c. FSBPT Initiatives and News:** The Board reviewed the proposed motions to be considered by the Delegate Assembly on September 10, 2007 during the Annual Meeting in Memphis. Ms. Herbst Paakkonen explained the potential implications relative to the motion that, if passed, would require the jurisdictions and not the Federation to fund the cost of accommodations to the National Physical Therapy Examination. Ms. Akers also reported on her participation in the Board member training held at the FSBPT office in July; she stated that the opportunity was very valuable in that she left with a much improved understanding of the scope of the organization. Ms. Akers also stated that her discussions with participants from other states left her with the impression that the Arizona Board faces relatively fewer challenges.

**d. Rule Writing Update:** Ms. Hiller reported that the Documentation Task Force accomplished a great deal of its work in drafting proposed documentation rule language, and that the group will need one final conference call in September prior to presenting its recommendations to the Board – hopefully on the September 25, 2007 regular session meeting agenda.

**e. Legislative Update:** The Board voiced support for Ms. Herbst Paakkonen’s efforts to issue bids for hiring of a Legislative Liaison. Ms. Herbst Paakkonen advised the Board that she would continue to report on her progress relative to the bidding process.

**13. Review and Possible Action on Draft Notice of Proposed Rulemaking – Article 2 Revisions**

The Board reviewed and discussed the draft proposed revisions to A.A.C. R4-24-204, R4-24-208 and Table 1 (time-frames). Ms. Herbst Paakkonen advised the Board that the proposed revisions consist entirely of language that was either unintentionally omitted when Article 2 of the Board’s rules were revised in 2006, or language that needs to be added due to recently passed legislation. The Board suggested one non-substantive revision to the draft. Ms. Versteegen advised the Board that the proposed revision requiring a Supervised Clinical Practice Period to consist of a minimum of 500 hours would give the Board the authority to verify through a reporting form or submission of copies of employment records that this requirement was met by the Interim Permit holder. The Board members agreed by consensus to direct Ms. Herbst Paakkonen to file the Notice of Proposed Rulemaking.

**14. Board Training – Qualifications for Licensure and Review of Applications of Foreign Educated Physical Therapists**

This item is tabled and will be rescheduled at a future regular session meeting.

**15. Discussion and Possible Action on Proposed Revisions to Physical Therapist Qualification Standards by the Centers for Medicare and Medicaid Services (CMS)**

The Board discussed the recently issued communication from the Federation of State Boards of Physical Therapy in which member Boards were notified that the Centers for Medicare and Medicaid (CMS) are announcing proposed rules that would, among other changes, require participating physical therapists to have passed a national exam approved by the American Physical Therapy Association (“APTA”) and that foreign-trained physical therapists would be required to undergo a credentialing process approved by the APTA. The Board directed staff to issue the public comment letter suggested by FSBPT to CMS with all Board member signatures.

**16. Board Tour of and Luncheon at New Office, 4205 N 7<sup>th</sup> Ave, Ste 208**

The members of the Board toured the new office. No discussions were held or actions taken on Board applications, complaints, cases, reports or other matters.

**CALL TO THE PUBLIC**

None

**ADJOURNMENT**

The meeting adjourned at 11:35 a.m.

Prepared by,

Heidi Herbst Paakkonen  
Executive Director

Approved by,

Randy Robbins,  
Secretary