

JANET NAPOLITANO
Governor



HEIDI HERBST PAAKKONEN
Executive Director

JONI KALIS, P.T.
President

ARIZONA STATE BOARD OF PHYSICAL THERAPY
4205 NORTH 7TH AVENUE, SUITE 208 PHOENIX, ARIZONA 85013
(602) 274-0236 Fax (602) 274-1378
www.ptboard.state.az.us

SPECIAL SESSION MEETING MINUTES
March 12, 2008

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
Kris Ohlendorf, P.T.A., Member

MEMBERS ABSENT:

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

CALL TO ORDER – 10:15 a.m.

1. Review and Possible Action on Complaint to Include Possible Action on Proposed Consent Agreement

#08-02; Margaret Gurnett, P.T.

Ms Kalis acknowledged Elizabeth Campbell and Keely Verstegen for drafting this consent agreement. Mr. Hill was granted permission to address the Board and he requested the Board include in the Findings of Fact section additional statements to include that while Ms. Gurnett admits to failing to submit to the drug test on December 15, 2007 she was unable to do the test because she could not afford the testing fee. Additionally, Mr. Hill requested the conclusion of law #2 state that "The Board asserts" that Ms. Gurnett violated this statute. Mr. Hill stated that he had hoped to persuade the Board to take this case back to the status that existed just prior to the Board's determination in December that Ms. Gurnett had violated a Board order. He further asked the Board to reconsider its position on the stayed revocation and noted that an evidentiary hearing has not been held relative to the case. He also stated that the document does not comport with the impression he was left with after the Board's review of this case on February 26, 2008. Mr. Hill questioned whether three AA meetings plus a counseling meeting each week is realistic for his client. He indicated that due to lack of financial resources Ms. Gurnett has been unable to secure a primary care physician. Mr. Hill questioned whether a neuropsychological evaluation with a Board-approved evaluator is the most appropriate type of evaluation. He also asked the Board reconsider whether to

prohibit Ms. Gurnett from working for a staffing agency. The Board noted that Ms. Gurnett was directed back in October to obtain a primary care physician but has failed to do so. Mr. Hill stated that the stayed revocation is harsh; the Board noted that as long as Ms. Gurnett is in compliance with the terms of the order the revocation is stayed and that she would have due process in the form of a hearing if the Board receives evidence to suggest that she may be out of compliance with the order. The Board debated whether prohibiting Ms. Gurnett from working with a staffing company is in her best interest. Mr. Hill questioned whether Ms. Gurnett could petition for removing the stay of revocation after a certain period of time. Ms. Verstegen noted the agreement as drafted allows for a petition of early termination after 36 months. The Board discussed allowing Mr. Hill to work with Ms. Verstegen on the points of contention in the draft agreement – particularly the stay of revocation. Ms. Verstegen advised the Board that both a term of probation and a stayed revocation would have the same effect in the end, but the stayed revocation has a bit more “punch”. Ms. Verstegen suggested she work with Mr. Hill on the issues raised and this matter be rescheduled for the March 25 agenda. Ms. Kalis moved to table action on the draft consent agreement to allow Ms. Verstegen and Mr. Hill work on resolving the points of contention. Mr. Gossman seconded the motion. The Board agreed by consensus that Ms. Verstegen can revise the document such that the number of AA meetings be reduced from three to two per week. The motion carried by a unanimous vote.

2. Review and Possible Action on Proposed Revisions to the Following Sections of the Arizona Administrative Code

R4-24-201. Application for a Physical Therapist License

R4-24-203. Foreign Educated Applicant Requirements

R4-24-204. Supervised Clinical Practice

R4-24-207. Application for a Physical Therapist Assistant Certificate

R4-24-208. License or Certificate Renewal; Address Change

Article 3. Regulation of Physical Therapy

The Board reviewed the most recent draft of the suggested revisions to the administrative rules and Ms. Herbst Paakkonen noted the changes that Jeanne Hann, the Board’s contract rule writer, incorporated following the February 26, 2008 review of the draft. The Board discussed the suggested language at R4-24-304(E)(2)(g) and agreed by consensus to alternative language regarding a patient’s discharge summary. The Board also discussed and R4-24-308(C) with respect to whether to define the terms “rehearing” and “review” and determined that doing so was not necessary as those terms are addressed in the Arizona Revised Statutes. The Board members agreed by consensus that the suggested language at R4-24-309(B) be changed such that the Board is not required to appoint a licensee to supervise a restricted licensee or certificate holder. Ms. Herbst Paakkonen advised the Board relative to a possible time-line for these proposed rules once the Notice of Proposed Rulemaking is filed. The Board members noted that this rulemaking package will likely elicit many comments from licensees and certificate holders. Ms. Hiller and Ms. Herbst Paakkonen mentioned the various ways that the proposed rule package and the opportunity to comment will be publicized. Ms. Kalis moved to request Ms. Hann make the identified changes and file the Notice of Proposed Rulemaking. Mr. Robbins seconded the motion. The motion carried by a unanimous vote.

CALL TO THE PUBLIC

None

ADJOURNMENT

The meeting adjourned at 11:00 a.m.

Prepared by,

Heidi Herbst Paakkonen
Executive Director

Approved by,

Randy Robbins,
Secretary