

**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**  
**March 25, 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  
Paula Brierley, Licensing Administrator  
Keely Versteegen, Assistant Attorney General

**CALL TO ORDER – 8:30 a.m.**

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

**February 26, 2008; Regular Session Meeting**

Hearing no revisions to the minutes as they were prepared, Ms. Kalis moved to approve them as drafted. Dr. Cornwall seconded the motion. The motion carried by a unanimous vote.

**February 26, 2008; Executive Session**

Hearing no revisions to the minutes as they were prepared, Ms. Kalis moved to accept them as drafted. Mr. Gossman seconded the motion. The motion carried by a unanimous vote.

**COMPLAINTS, INVESTIGATIONS and COMPLIANCE**

**2. Informal Hearing – Review and Possible Action**

**#07-09; Alicia Peavey, P.T.**

Ms. Kalis introduced the hearing and Dr. Cornwall announced that he would recuse himself from this agenda item. Ms. Peavey was present for the hearing and the Board members and staff exchanged introductions with the licensee. Nicola Bauman-Delgado swore in Ms. Peavey and Ms. Kalis reviewed the informal hearing procedures and possible outcomes. Ms. Hiller summarized the status of the investigation and described the allegations of the complaint which was filed by S.B., a former patient treated at Agility Physical Therapy in late 2006 and early 2007 primarily by Ms. Peavey. Ms. Hiller noted that the complainant was happy with her care but asserted that she was overcharged. In her response to the complaint Ms. Peavey stated that during the treatment sessions she provided for S.B. she directly supervised the patient's care and

she affirmed that the billing was accurate and reasonable. Ms. Hiller noted that in her response to the invitation to informal hearing Ms. Peavey reported that the owner of Agility Physical Therapy, William Perry, P.T. provided a written statement indicating he recreated several entries in S.B.'s treatment notes when he discovered records were stolen from his office. In her opening statement Ms. Peavey advised the Board that on several dates she did not provide the treatment to S.B. but that Mr. Perry placed her signature stamp on the recreated notes. She also commented that Mr. Perry was utilizing billing students in his other clinic and their errors likely resulted in many of the overcharges. She further stated to the Board that she had changed her documentation practices as she believes she was taught some things that were incorrect and she has since resigned from Agility. Ms. Peavey indicated that based on her recent experience working as a contractor in several clinics, she believes that her patient supervision practices are consistent with what other physical therapists do. Ms. Peavey advised the Board that Mr. Perry's student actually performed the evaluation of S.B. and she commented that she was not the student's supervisor. Ms. Peavey explained that the student performed S.B.'s evaluation but that her signature on the evaluation was placed there as a default because the student used her Dictaphone. The Board noted that Ms. Peavey indicated many differences between the notes and what Ms. Peavey states the notes should accurately reflect. Melanie Balestra, Esq. introduced herself as Ms. Peavey's attorney and advised the Board that her client came to the realization that the documentation and billing for S.B. had not been done correctly which compelled her to leave the employ of Agility. In response to the Board's questions Ms. Peavey indicated she was a new graduate when she came to work at Agility and that she did not have a proper orientation to coding and billing practices. In response to the Board's questions Ms. Peavey stated that she was not given any written procedures for coding and billing for physical therapy services at Agility. She explained that she was merely shown how to enter information into the computer programs used at the clinic; she later insisted that some changes be made to this system which were implemented but not to the extent that she wanted. Ms. Peavey asserted that she did not have enough control over the documentation and noted that the charge sheets were sent to the billing office at the other clinic and were never seen by the treating therapist after that time. She admitted that she didn't document whether S.B.'s treatment was bi-lateral, but indicated that she would rely on the diagnosis to make this determination. In response to the Board's questions, Ms. Peavey explained that she was trained on the utilization of billing codes and in that process may have received some erroneous guidance. She stated that she can't believe that she would have overcharged by a significant amount but that the charges may have been added without her knowledge or consent. She admitted she has enrolled in a documentation billing class and hopes to improve her understanding of these practices. The Board requested some clarification in the treatment notes and how the notes correlate to the billing, but Ms. Peavey was unable to explain them as she noted her original charge sheets were shredded and she cannot refer to them. She stated that Mr. Perry would add or subtract units based on how long the patient was in the clinic without referring to the treatment notes to confirm the actual services that were provided. Ms. Peavey stated that Mr. Perry admitted to having recreated some notes – including several of those being reviewed for this complaint – when he realized they were missing after the theft in his office. The Board discussed the dates of service Ms. Peavey appears to be wholly responsible for the charges. The Board questioned the laser treatment billing in that on a number of the dates that modality does not appear on the flow sheets. Ms. Peavey affirmed that she did not treat S.B. on the identified dates. Ms. Peavey described the "team approach" to treating patients at Agility which required all of the therapists to assume responsibility for the care of all patients so that on any given day a patient saw whoever was available. She explained how at the end of the day the therapists take the flow sheets, create the charge sheets, and then send them to billing,

commenting that several people would touch each flow sheet. In closing Ms. Peavey acknowledged that the case is confusing and because she started there as a new graduate she wasn't able to make some changes. She stated that she would not have run a clinic the way that Agility was, but commented the patients received good care. Ms. Peavey advised the Board that she did not purposely commit any fraud if any overcharges were made. She explained that she is enrolling in a coding and billing course and she is more conscientious with her documentation. She stated that toward the end of her employ she was spending several extra hours each day to review the accuracy of her billing. The Board discussed opening a complaint against William Perry, P.T. to further explore the new allegations. Ms. Kalis moved to open the investigation and Mr. Sieveke seconded the motion. The motion carried by a unanimous vote. The Board discussed the fact that Ms. Peavey was a new graduate when she began her employ at Agility and appeared to have not received adequate or appropriate orientation to documentation and billing, however as a licensee she must assume responsibility for the management of her patients' care and their billing. The Board noted that she billed under timed codes that exceeded the amount of time that the patient was in the clinic. The Board debated whether the excessive charges were made by Ms. Peavey or by the billing office and whether the licensee should be held culpable. The Board also noted Ms. Peavey admitted to not having referred back to the evaluation to affirm that S.B. was progressing toward her treatment goals. Ms. Kalis moved the Board adopt as findings of fact that for the nine dates of service on which Ms. Peavey treated S.B. the documented and billed treatment times exceeded the amount of time S.B. was in the clinic, that on several dates Ms. Peavey billed S.B. for 4 units of manual therapy when only 45-60 minutes of care was provided and that S.B. was billed for 2 units of manual therapy when only 16-30 minutes of care was provided. Mr. Sieveke seconded the motion. The motion carried by a unanimous vote. The Board reviewed the possible conclusions of law in the investigative report. Ms. Kalis moved to find her in violation of A.R.S. §32-2044(13), fraudulent billing and of §32-2043(J), failing to ensure accurate patient care documentation and billing. Ms. Akers seconded the motion. The motion carried by a unanimous vote. The Board noted that Ms. Peavey has indicated she has enrolled in a coding and billing course. Ms. Kalis moved the Board place her on probation for one year during which she must complete a coding and billing course of at least 6 contact hours that can be approved by Board staff. Mr. Gossman seconded the motion. The motion carried by a unanimous vote.

### **3. Review and Possible Action on Complaint to Include Approval of Proposed Consent Agreement**

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

Ms. Herbst Paakkonen provided an update of the case noting that it remains in formal hearing status but that on February 26, 2008 the parties to this case agreed to attempt to negotiate a consent agreement consisting of a substance abuse recovery program. She also noted that David Hill, Ms. Gurnett's attorney, submitted a description of the relapse prevention program in Tucson in which Ms. Gurnett has enrolled. Mr. Hill urged the Board consider a term of probation versus a stay of revocation in the consent agreement because the revocation is inconsistent with due process and will present Ms. Gurnett with undue hardship. Mr. Hill also advised the Board that the order could be in place for five years and Ms. Gurnett may wish to avail herself to travel to Montana to practice. He noted she needs the flexibility to earn as much income as possible given her financial situation. Mr. Hill also stated that Ms. Gurnett is unable to secure a primary care physician due to system limitations and asked the Board to consider allowing her current treating psychiatrist to serve in the role of monitoring her prescriptions. Ms. Gurnett requested the Board allow her to take responsibility for her own compliance with the terms of the Order. Ms. Kalis

moved to meet in Executive Session for purposes of obtaining legal advice from Board counsel. Ms. Akers seconded the motion. The motion carried by a unanimous vote. The Board resumed meeting in public session and noted that legal counsel would not be available until 11:00 and that this case would be tabled until counsel could be connected via telephone. Upon Mr. Munns' arrival Ms. Kalis moved to meet in Executive Session for purposes of obtaining legal advice. Dr. Cornwall seconded the motion. The motion carried by a unanimous vote. Upon resuming the meeting in public session Mr. Hill and Ms. Gurnett indicated they had no further requests or comments to offer with respect to the consent agreement negotiations. The Board discussed the proposed consent agreement terms. The Board agreed by consensus to approve the new additions to the Findings of Fact that were suggested by Mr. Hill. The Board also agreed by consensus to modify the Conclusion of Law #2 as requested by the licensee. The Board further agreed by consensus to incorporate the probation term as opposed to the stay of revocation, and the Board discussed the option of the Chemical Dependency Recovery Group and agreed that it was appropriate for Ms. Gurnett to complete this requirement through the Compass program in Tucson. The Board noted the proposed reduction from three to two AA meetings per week and concurred that this was acceptable. The Board then discussed the primary care physical issue. Ms. Gurnett explained that she was unable to obtain a primary care physician as she didn't have the financial resources. She noted that she had applied for AHCCCS and was denied benefits; she further noted she was given a list of possible primary care physicians who would accept her on a sliding scale income basis, but she was unable to find one who would also give her mental health care. The Board discussed the fact that the consent agreement as drafted allows any medical provider to serve as the one individual who is responsible for all of her prescriptions and for reporting those to the Board in accordance with the agreement. The Board discussed that the provider's name should not be included in the consent agreement. The Board discussed the fact that it would be important to limit Ms. Gurnett's ability to work as a traveling physical therapist in terms of within the State of Arizona only in order for her to meet other terms of the agreement. The Board arrived at a consensus with the practice restriction language and noted the addition of a requirement that she notify the Board within 20 days in writing if she returns from the state after an absence. Ms. Kalis moved to offer the consent agreement to Ms. Gurnett as amended. Mr. Robbins seconded the motion. The motion carried by a unanimous vote.

**4. Initial Review and Possible Action on Complaint  
#07-13; Steven Campbell, P.T.**

Ms. Hiller summarized the complaint filed by L.B., a former patient of Mr. Campbell who alleged in her June 2007 complaint that his treatment of her right shoulder tendonitis was detrimental and made her worse, that he was unwilling to change her plan of care as she requested, and that he altered her treatment record. Ms. Hiller advised the Board that in his response to the complaint Mr. Campbell denied that he administered forceful care to L.B. that caused her pain. He also indicated that he did modify the patient's plan of care as warranted by her response to his treatment, and he noted that the treatment record supports that L.B. did improve while in his care. Ms. Hiller also called to the Board's attention Mr. Campbell denial that he made changes or made incorrect notations to L.B.'s treatment record. The Board noted that the licensee was not present for the review of the case. The Board reviewed and discussed the treatment record for L.B. and debated whether Mr. Campbell's diagnosis was appropriate and whether the treatments were reasonable. The Board discussed the challenge of ascertaining whether any of the treatments would have been considered particularly aggressive just by reviewing Mr. Campbell's notes. The Board noted that the majority of the subjective reports do not mention any pain or discomfort that can be correlated to L.B's complaint. Mr. Sieveke

moved to dismiss the complaint. Dr. Cornwall seconded the motion. The motion carried by a unanimous vote.

**5. Review and Possible Action on Petition for Termination of Probation  
Elliot Wernick, P.T.**

Ms. Herbst Paakkonen reported to the Board that Mr. Wernick is one month shy of the scheduled termination date of his term of probation for his substance abuse recovery program but due to the fact that he is beginning employment at a new facility he is requesting early termination. She noted that Mr. Wernick has been very prompt in completing his requirements, has maintained communication with her consistently, and has met his deadlines. Ms. Herbst Paakkonen advised the Board that in February Mr. Wernick submitted to an evaluation with Dr. Michel Sucher as required by his monitoring program and that Dr. Sucher found the licensee to be in full remission and recommended termination of the probation. Mr. Wernick was present and asked the Board consider his request one month early due to a new employment position. He reported that he is doing well. The Board noted that Mr. Wernick has been successful in meeting his probation requirements over the three year period of monitoring. Ms. Kalis moved to terminate Mr. Wernick's probation. Mr. Gossman seconded the motion. The motion carried by a unanimous vote.

**#05-26; Cynthia Wissink, P.T.**

Ms. Hiller reminded the Board of the findings of fact and conclusions of law relative to this case and summarized the terms of Ms. Wissink's probation. She noted the licensee has made very remarkable progress during the past year with respect to her documentation. Ms. Hiller advised the Board that Ms. Wissink was unable to attend the Board meeting but that her supervisor, Mindy Richardson, P.T. was present for the review and vote. The Board reviewed Ms. Hiller's report and the selected records provided and concurred that Ms. Wissink's improvement with respect to her documentation is very significant and further noted it was apparent Ms. Wissink has worked very hard to improve her documentation skills. Ms. Kalis moved to terminate Ms. Wissink's probation. Dr. Cornwall seconded the motion. The motion carried by a unanimous vote.

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

Ms. Hiller reviewed for the Board the findings of fact and conclusions of law for this case and summarized the terms of Ms. Bunner's probation. She reminded the Board that previously it was determined that the first review of Ms. Bunner's patient charts earlier in her term of probation noted some deficiencies and that in accordance with the Order issued in this case the Board determined Ms. Bunner would be required to complete a documentation course. Ms. Hiller noted Ms. Bunner completed her required documentation course and subsequently additional patient charts were reviewed. Ms. Hiller advised the Board that since completing the course she noted substantial improvement in Ms. Bunner's documentation; the Board concurred with this assessment. Ms. Kalis moved to terminate Ms. Bunner's probation. Dr. Cornwall seconded the motion. The motion carried by a unanimous vote.

**#03-2007-LO; Meghan Warren, P.T.**

Dr. Cornwall announced that he would recuse himself from the consideration and vote of this agenda item. Ms. Hiller summarized for the Board the findings of fact and conclusions of law relative to this case and summarized the requirements of the consent agreement Ms. Warren signed as the resolution of the Board's unlawful practice investigation. Ms Hiller called to the Board's attention the self-study module PowerPoint developed by Ms. Warren; the Board noted the module was well-done and comprehensive of the physical therapy statutes. Ms. Kalis moved

to grant termination of probation to Ms. Warren. Mr. Gossman seconded the motion. The motion carried by a unanimous vote.

**6. Review and Possible Action on Non-Compliance with Board Order  
#06-17-UPI; Jillian Andersen, P.T.**

Ms. Hiller reviewed for the Board the lengthy history of this case beginning with Ms. Andersen's failure to renew her physical therapist license on or before August 31, 2008, her failure to notify the Board of an address change and her 3-month period of unlawful practice. Ms. Hiller stated that following an informal hearing the Board adopted Findings of Fact, Conclusions of Law and issued a disciplinary Order to Ms. Andersen that stipulated she complete certain terms within a 6-month period of probation. Ms. Hiller reminded the Board that it had reviewed the status of Ms. Andersen's probation compliance on December 18, 2007 and granted her an additional 60 days with which to meet her probation requirements as she had relocated to Chicago to care for an ailing relative. Ms. Hiller noted that the Board had directed Ms. Andersen to submit her community service plan for review during the February 26, 2008 meeting, but that the licensee failed to do so and only later e-mailed a statement that she had provided pro bono treatment to an individual which she hoped the Board would accept as community service. The Board noted that pro bono work does not meet the intent of the consent agreement and the staff affirmed that this type of activity has never before been approved as community service. The Board also discussed the fact that Ms. Andersen has been afforded several extensions to complete her requirements. Ms. Kalis moved to remand the case to a formal hearing and to offer Ms. Andersen the opportunity to voluntarily surrender her license through a consent agreement that would come back to the Board for review and possible approval. Dr. Cornwall seconded the motion. The motion carried by a unanimous vote.

**7. Review and Possible Action on Petition for Acceptance of Voluntary Surrender of License  
Susan Hillman, P.T.**

Mr. Robbins announced that he would recuse himself from the consideration and possible action on this agenda item. Ms. Herbst Paakkonen summarized the status of this matter and reviewed the history of Ms. Hillman's continuing competence audit. She noted Ms. Hillman did not respond to the notice of audit sent to her within the 30 day time frame required by Board rule. Mr. Richard Ball, Ms. Hillman's attorney, advised the Board that Ms. Hillman did not ignore the notice of audit and that she had attempted to contact the Board office but the message she left was not returned by the Board staff. Mr. Ball stated that Ms. Hillman is a full-time educator and is not currently treating any patients. Ms. Hillman stated that she is the Director of Anatomy for the students at A.T. Still University. Mr. Ball asked the Board to consider accepting Ms. Hillman's offer to surrender her license. The Board questioned Ms. Hillman relative to whether she remembered affirming on her licensure reinstatement application that she had completed the continuing competence requirements. Ms. Hillman stated that she holds multiple licenses and she doesn't remember doing more than just sending the Board her late fee. She further asserted that she is no longer practicing as a physical therapist and she considers herself an anatomist. Ms. Hillman advised the Board that she has acquired many CEUs for her various licenses. Ms. Kalis moved to offer Ms. Hillman a consent agreement containing a finding of fact that Ms. Hillman failed to respond to the notice of audit, a conclusion of law that she violated the Board's statutes and administrative rules, and that the voluntary surrender is considered a disciplinary action. Mr. Ball stated that his client may not accept such a consent agreement because it may have implications for her California physical therapist license. Ms. Verstegen reviewed with the Board the available options if Ms. Hillman declines the offer of the consent agreement which include

remanding the case to either an informal or a formal hearing. Mr. Ball questioned why the Board would include disciplinary action in the consent agreement. The Board noted that Ms. Hillman affirmed she was in compliance with the continuing competence requirements and failed to respond to the notice of audit. Dr. Cornwall seconded the motion. The motion carried by a unanimous vote.

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

- James Keefe, P.T.**
- Dawn Hunn, P.T.**
- Brian Wunderly, P.T.**
- Matt Loyd, P.T.**
- Aaron Breese, P.T.**
- Jeffrey Weiske, P.T.**

Ms. Herbst Paakkonen reviewed for the Board the status of the licensees listed above following the most recent review of their continuing competence submissions. She noted that the licensees were all audited as they recently reinstated their physical therapist licenses and reminded the Board that the licensees all signed affirmation statements concerning completion of the Board's continuing competence requirements. Ms. Kalis moved to find Mr. Keefe, Ms. Hunn, Mr. Wunderly and Mr. Loyd in compliance with the continuing competence requirements for the 2004-2006 licensure period. Mr. Gossman seconded the motion. The motion carried by a unanimous vote. The Board discussed the circumstances concerning Mr. Breese's failure to submit any of his continuing competence documentation which the licensee indicated is being stored in Pennsylvania. The Board reviewed and discussed the administrative rule A.A.C. R4-24-401(J) which Ms. Versteegen advised grants all licensees found out of compliance with the continuing competence requirements an additional 6 months with which to come into compliance. Dr. Cornwall moved to find Mr. Breese out of compliance with the Board's continuing competence requirements and to grant him the additional time to comply under R4-24-401(J). Mr. Gossman seconded the motion. The motion carried by a unanimous vote. The Board noted that this same rule subsection appears to extend to Mr. Weiske even though his audit submission indicates he failed to complete 20 contact hours during the 2004-2006 licensure period. The Board discussed the fact that after the 6-month period the Board may review this case again and possibly address whether Mr. Weiske violated any provisions of the statutes and rules when he affirmed on his licensure renewal application that he had complied with the Board's continuing competence requirements. Dr. Cornwall moved to find Mr. Weiske out of compliance with the Board's continuing competence requirements and to grant him the additional time to comply under R4-24-401(J). Mr. Gossman seconded the motion. The motion carried by a unanimous vote.

**APPLICATIONS FOR LICENSURE & CERTIFICATION**

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

<b>Amin, Koki</b>	<b>Nordrum, Jon</b>	<b>Brannon, Amy</b>
<b>Brauning, Daniel</b>	<b>Carlton, Bryan</b>	<b>Cox, Craig</b>
<b>Crowell, Sarah</b>	<b>Docter, Collin</b>	<b>Fleck, Amelia</b>
<b>Gehm, Wendy</b>	<b>Grabow, Kathleen</b>	<b>Groenwald, Tammy</b>
<b>Howlett, Charles</b>	<b>Knowles, Brian</b>	<b>Meadows, Michelle</b>
<b>Moncloa, Leonor</b>	<b>Netoskie, Kristin</b>	<b>Potter, Rebecca</b>
<b>Ranelli, Dianna</b>	<b>Roseman, Duane</b>	<b>Ruiter, Dale</b>

<b>Sass, Natalie</b>	<b>Warshay, Dawn</b>	<b>Wells, Nicholas</b>
<b>Wilson, Brian</b>	<b>Yerman, Alana</b>	<b>Ziegelmeier, Julie</b>

The Board reviewed the application files and discussed the work history for Ms. Warshay; the Board noted that while she has served in employment roles that are administrative in nature for several years, she appears to still be involved in patient care. The Board noted that Ms. Amin was present for the review of her licensure application and queried her relative to her immigration status. She explained that she came to the U.S. with her husband who has been working in this country for several years; she indicated that she has been working as a physical therapy aide in Arizona and last worked as a physical therapist in India in 1999. The Board noted that Ms. Amin had completed a degree in physical therapy at Loma Linda University. The Board noted that the Nebraska verification form for Ms. Sass didn't indicate whether she was in good standing. M. Brierley noted that she has observed some verifications issued by other states will only indicate if a physical therapist has a disciplinary history but are silent if the licensee has no such history. The Board discussed the fact that Mr. Brauning graduated from Andrews University which no longer has an accredited program of physical therapy. The Board obtained clarification that Mr. Howlett works for a traveling agency but is not licensed in the state where his staffing company is located as he has not practiced in that state. Ms. Kalis moved to grant licensure to the listed applicants but that licensure to Ms. Sass be conferred only upon verification that she has no disciplinary history in Nebraska. Mr. Sieveke seconded the motion. The motion carried by a unanimous vote.

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

<b>Kay, Jennifer</b>	<b>Kirby, Jennifer</b>	<b>Nealy, Brenda</b>
<b>Perrin, John</b>	<b>Petz, Jason</b>	<b>Walker, Kristin</b>
<b>Willis, Alma</b>		

The Board reviewed the application files for the listed individuals. Hearing no questions or concerns relative to the applicants Ms. Kalis moved to grant them certification. Mr. Robbins seconded the motion. The motion carried by a unanimous vote.

**11. 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, Administratively Complete File and Supervised Clinical Practice Period Proposal**

None

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

**Frandioben Saez**

The Board reviewed the application file and noted it was administratively complete and that the education Mr. Saez obtained in the Philippines is substantially equivalent to that of a graduate of a U.S. accredited program. The Board further noted that the applicant's English proficiency examination scores were excellent. Ms. Kalis moved to grant licensure to Mr. Saez. Mr. Sieveke 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**

**Zsa Zsa Punay**

The Board reviewed the completed Clinical Performance Instrument for the Interim Permit holder and noted that in several instances Ms. Punay's supervisor rated her below entry level on the scale. The Board further discussed that her supervisor's comments indicate that she is "becoming" skilled in certain areas of clinical practice. However, the Board noted that the final comment by the evaluator indicated he would support the Interim Permit holder being granted her physical therapist license. The Board debated whether to request additional information from Ms. Punay's supervisor or require an additional 90 days of supervised practice. The Board further debated whether it could infer that the evaluator's intent was to indicate that Ms. Punay possesses the necessary skills to practice physical therapy. Mr. Sieveke moved to grant licensure to Ms. Punay. Mr. Gossman seconded the motion. The motion carried by a vote of 6-1.

**d. Review of Education, Determination of Supervised Clinical Practice Period Requirement, Request for Approval to Take the NPTE and Possible Action on Determination of Licensure**

**Hussein Karim**

The Board reviewed the application file for Mr. Karim and noted that he graduated from the University of Queensland in Australia in 2006. The Board discussed the fact that his credential evaluation report indicates he is lacking a year of physics, including a laboratory, as well as a humanities course. Ms. Kalis moved to find Mr. Karim's education not substantially equivalent to that of a graduate of a U.S. accredited program. Mr. Robbins seconded the motion. The motion carried by a unanimous vote.

**Ameet Karia**

The Board noted the applicant's file is administratively complete and that his credential evaluation report indicates his education is substantially equivalent to that of a graduate of a U.S. accredited program. The Board reviewed A.R.S. §32-2022(E)(2) and discussed the fact that that Mr. Karia's school of physical therapy appears to be recognized by the appropriate ministry of education in India. The Board questioned his work experience in North Carolina as he indicates he was a physical therapist but worked there prior to being granted a license; the Board concurred that the applicant reported his employment as a physical therapist because that was the position he last held. The Board discussed the fact that Mr. Karim's English proficiency scores are all passing and that he has adequate U.S. clinical practice experience. Ms. Kalis moved to grant licensure to Mr. Karia. Dr. Cornwall seconded the motion. The motion carried by a unanimous vote.

**12. Request for Approval to Take National Physical Therapist Examination; Review of Documentation Related to Disclosure on "Personal Information" Section of Application**

**Frances Vasquez Wright – Applicant for Physical Therapist Assistant Certification**

Ms. Brierley advised the Board that she and Ms. Verstegen reviewed all of the information obtained relative to this application and distilled the applicant's criminal history records down to those most relevant for the Board's review. Ms. Brierley further noted the chart she prepared of Ms. Wright's criminal history indicates whether she disclosed those cases on her application for certification. Ms. Brierley called to the Board's attention the most recent case for which there is not yet a final resolution. Ms. Verstegen advised the Board that conviction of a felony or a misdemeanor of moral turpitude constitute unprofessional conduct – both of which the applicant has committed as noted on the chart. Ms. Verstegen further advised that combined with her failure to disclose her entire criminal history on the application, the Board may find that Ms.

Wright lacks the good moral character necessary to hold certification as a physical therapist assistant in Arizona. Ms. Kalis moved to deny Ms. Wright approval to take the National Physical Therapy Examination. Ms. Verstegen noted the manner in which this item is described on the agenda precludes the Board from taking final action on the application. Ms. Kalis withdrew her motion and the Board directed staff to present this application on a future meeting agenda such that the Board acts within the required application time frames.

**Katie Wilson – Applicant for Physical Therapist Assistant Certification**

The Board reviewed the application and noted that Ms. Wilson disclosed two DUI convictions, the most recent being in 2005. The Board discussed the fact that she has also submitted information to show that she is now living a sober life and that she is not at risk to reoffend. Mr. Sieveke moved to allow Ms. Wilson to take the National Physical Therapy Examination and to grant her certification upon receipt of a passing score. Ms. Akers seconded the motion. The motion carried by a unanimous vote.

**BOARD BUSINESS AND REPORTS**

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

**a. Financial Report:** Ms. Herbst Paakkonen reviewed the Board’s revenue and expenditure projections through 2014 and compared the figures with and without the \$100,000 fund sweep that is planned to help resolve the general fund deficit for fiscal year 2008.

**b. Board Staff Activities:** No additional information to report.

**c. FSBPT Initiatives and News:** Ms. Herbst Paakkonen reported that she has been appointed to serve on the Federation’s Disciplinary Categories Task Force and that she has also been selected to be the Chair of the group.

**d. Rule Writing Update:** No additional information to report.

**e. Legislative Update:** Dr. Cornwall and Ms. Kalis advised the remainder of the Board that the Governor’s administrative consolidation meeting they attended on March 20, 2008 communicated that the small health boards would become “efficient” and “accountable” if their administrative functions were consolidated, but the attendees were not given any information to demonstrate whether and where the boards are inefficient and how they are lacking in accountability. Dr. Cornwall and Ms. Kalis noted that the plan for consolidation of the administrative functions of the boards appears to be less than fully developed which made asking questions and responding to the proposal very difficult. They also noted that some of the components of the consolidation plan would involve considerable cost – particularly with respect to remodeling office space – which seems like an ill-advised idea given the current State of Arizona’s general fund budget crisis and the anticipated sweep of funds from many of the small health boards. Dr. Cornwall, Ms. Kalis and Ms. Herbst Paakkonen noted that it wasn’t clear what the boards – and most importantly, the public – would stand to gain from what little information was given about the consolidation plan. They stated that it was announced at the meeting that boards would have the option of participating in the plan. Ms. Herbst Paakkonen noted that the meeting attendees were advised that in the next two weeks more details about the plan will be forthcoming, but she indicated that she has not since been contacted by anyone working on the development of the plan. She commented that she is interested in learning more about the common licensing software program, but noted that it will be at least three years before the program is available to the small health boards. The Board discussed the fact that consolidating investigative functions would potentially be a sticking point for the boards as investigations are professional and not administrative in nature.

**14. Review and Possible Action on Written Criticism of Board Rule A.A.C. R4-24-203(A)(4).  
Foreign-educated Applicant Requirements**

Ms. Herbst Paakkonen advised the Board that she brought this written criticism of rule to the Board for review and discussion as her attempt to respond to Anna Thorstad, foreign educated applicant for physical therapist licensure, was unsatisfactory to the applicant. Ms. Herbst Paakkonen called to the Board's attention the letters that were exchanged between herself and Ms. Thorstad. She further advised the Board that its options include revising the administrative rule that establishes the English proficiency requirements for a foreign educated physical therapist or affirming its previous policy decision to establish the passing scores on the internet Test of English as a Foreign Language (iBT). The Board discussed the fact that the United States Citizenship and Immigration Services adopted minimum passing scores on the iBT for immigration purposes, but this Board elected to require scores that reflect a higher level of English proficiency for purposes of treating physical therapy patients in the State of Arizona and better ensuring their safety and protection in the process. The Board directed Ms. Herbst Paakkonen to communicate its sincere appreciation to Ms. Thorstad for bringing this matter to the Board's attention, to assure her that her comments and this matter were discussed and considered by the Board, but that the required passing scores on the iBT will not be changed.

**CALL TO THE PUBLIC**

None

**ADJOURNMENT**

The meeting adjourned at 1:45 p.m. The Board scheduled a special session teleconference meeting for Wednesday, April 2 at 3:00.

Prepared by,

Heidi Herbst Paakkonen  
Executive Director

Approved by,

Randy Robbins,  
Secretary