

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
September 26, 2008

MEMBERS PRESENT:

Joni Kalis, P.T., President
Mark Cornwall, P.T., Ph.D., Vice President
Randy Robbins, Secretary
James Sieveke, P.T., O.C.S., Member
Lisa Akers, P.T., Member
Kris Ohlendorf, P.T.A., Member
Donna Cordova, C.P.A.

MEMBERS ABSENT:

OTHERS PRESENT:

Heidi Herbst Paakkonen, Executive Director
Peggy 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

August 26, 2008; Regular Session Meeting

The Board reviewed the draft and noted two errors. Ms. Kalis moved to approve the minutes as corrected. Dr. Cornwall seconded the motion. The motion carried by a unanimous vote.

August 26, 2008; Executive Session Meeting

The Board reviewed the draft and noted that no revisions were necessary. Ms. Kalis moved to approve the minutes as drafted. Mr. Robbins seconded the motion. The motion carried by a unanimous vote.

COMPLAINTS, INVESTIGATIONS and COMPLIANCE

2. Informal Hearing and Possible Action on Complaint

#08-03; Anthony Granger, P.T.

Ms. Akers announced that she would recuse herself from the consideration and possible action of this case. Mr. Granger was present for the informal hearing and he exchanged introductions with the Board members and staff. Madeline Adamoli, Court Reporter, swore in Mr. Granger. Ms. Kalis reviewed the Board's informal hearing procedures and possible outcomes. Ms. Hiller summarized the investigation noting that it was opened in January of 2008 following receipt of a complaint from J.R., a former patient at Akers Physical Therapy. J.R. alleged that on December 27, 2007 Mr. Granger added traction to her treatment against her physician's orders and that this treatment caused her extreme pain. Ms. Hiller called to the Board's attention the possible jurisdiction for this complaint. In his response to the complaint Mr. Granger provided his justification for adding traction to the patient's treatment plan. He also noted in his response that he was completing a clinical remediation program under the direction of Jeff Peterson, P.T., his employer. Ms. Hiller called to the Board's attention the additional information Mr. Granger

submitted to the Board since the complaint was remanded to the informal hearing. Mr. Granger indicated that he did not have an opening statement to make to the Board at this time. In response to the Board's questions Mr. Granger admitted that he had not reviewed J.R.'s referring physician's protocol prior to treating her on December 27, 2007. He explained that J.R. was complaining of radicular pain at the beginning of the treatment session and accordingly he guided her through some stretching exercises which he stated that he did ascertain were done previously. The Board questioned whether the patient presented as someone who was typical or atypical in terms of being 12-weeks post IDET. He indicated that J.R. was complaining of pain and that her testing indicated muscle weaknesses. He affirmed that he did not contact the physician in advance of initiating the traction treatment and explained that he determined at the time that the traction he used was appropriate. Mr. Granger commented that the manufacturer of the equipment states that the equipment can be used 12 weeks following an IDET procedure. The licensee also stated that the physician had directed J.R.'s physical therapy to involve "modalities as indicated" so he believed adding the traction was an appropriate treatment to address her radicular symptoms at that time. Mr. Granger noted that he advised J.R. that if she felt any discomfort during the treatment she should immediately notify him of that fact. The Board questioned whether the licensee's literature review that he submitted relative to the investigation of this case properly supported that traction was appropriate for this type of patient 12 weeks after an IDET procedure. Mr. Granger admitted that given the outcome with J.R., perhaps it was used too soon as her scar tissue had not completely healed. The Board asked Mr. Granger to read his treatment notes for December 27, 2007. Mr. Granger affirmed that he obtained the patient's informed consent for the traction treatment using a spine model, but admitted that he may not have completely reviewed with her the possible risks involved. In response to the Board's questions Mr. Granger described his 12-week clinical remediation program developed and supervised by Mr. Peterson. Mr. Granger stated that given J.R.'s experience and outcome, if he had another opportunity he would not have used the traction treatment. In closing, Mr. Granger advised the Board that this matter has weighed heavily on him and that he has never had any intent to inflict pain on his patient. He noted that he is pleased the patient is currently doing well. The Board discussed the fact that Mr. Granger has done a great deal of research because of this event, and noted that the patient's procedure warrants a particular treatment approach that probably should not include the type of traction that Mr. Granger elected to use. The Board also noted that Mr. Granger elected to deviate from the plan of care and should have contacted the physician prior to initiating that particular treatment. It was also noted that Mr. Granger did not completely review J.R.'s chart before initiating treatment. The Board discussed the fact that while there was no intent to cause harm to this patient, this was a learning experience relative to properly assessing a patient and reviewing all precautions that were established for physical therapy treatment. The Board discussed some possible findings of fact establishing that Mr. Granger failed to evaluate J.R. prior to initiating traction, failed to review J.R.'s chart prior to initiating the traction, and failed to follow the postoperative protocols prior to initiating the treatment on December 27, 2007. Ms. Kalis moved to adopt the findings as discussed. Dr. Cornwall seconded the motion. The motion carried by a unanimous vote. Mr. Sieveke moved to adopt as conclusions of law A.R.S. §32-2044(1), violating Board statutes or rules, A.R.S. §32-2044(4), providing substandard care, and A.R.S. §32-2044(12), failing to adhere to the recognized standards of ethics of the physical therapy profession. Mr. Robbins seconded the motion. The motion carried by a unanimous vote. Ms. Hiller advised the Board that Mr. Granger was disciplined by the Board in June of 2004 for his actions relating to treating a lumbar surgery patient with mechanical traction that was not ordered by her physician and that resulted in a worsening of her condition and subsequent back surgery. Ms. Hiller commented that the disciplinary action taken by the Board in that case included ordering Mr. Granger to complete coursework in lumbar spine management. Ms. Kalis moved to meet in Executive Session for

purposes of obtaining legal advice. Mr. Robbins seconded the motion. The motion carried by a unanimous vote. Upon resuming the meeting in public session the Board discussed whether Mr. Granger would benefit from working with a clinical mentor and surmised that ordering another continuing education course would not constitute effective remediation considering the prior disciplinary action. Ms. Kalis moved to adopt the following disciplinary terms to the Order: Within 30 days Mr. Granger shall submit the name of a clinical mentor to Board staff for approval; within 60 days of approval of the mentor a mentoring plan shall be submitted to the Board that addresses reviewing patient charts for patient care protocol and plans, developing patient diagnoses, communicating information from a patient's tests and evaluations with the referring practitioner, assessing an existing physical therapy plan of care, applying the principles of evidence-based practice, and conducting research and applying research findings to his clinical practice; Mr. Granger shall work with his mentor for a minimum of 15 hours per month in a clinical setting with additional time scheduled for other face-to-face consultation, telephone contacts, and chart reviews as deemed necessary and appropriate by the mentor; and the mentor shall submit reports to the Board on Mr. Granger's compliance with, and progress on, the remediation plan every 60 days with a minimum of 3 reports to be submitted within a 12 month term of probation. Mr. Robbins seconded the motion. The motion carried by a unanimous roll call vote.

3. Initial Review and Possible Action on Complaint

#08-09; Jennifer (McConnell) Berg, P.T.

Ms. Hiller summarized the complaint which was opened in May of 2008 following receipt of a complaint filed by a former patient G.B. who was treated on 2 occasions. G.B. alleges that she failed to receive from Ms. Berg (who was known as Ms. McConnell at the time of the patient's episode of care) the treatment that was ordered by her physician, that she was overcharged for the treatment, and that she was treated rudely by Ms. Berg. In her response to the complaint Ms. Berg affirmed that she treated G.B. on October 3 and 8 of 2007 and acknowledged that G.B. was unhappy that she received some of her treatment from assistive personnel. The response stated that G.B. was thoroughly evaluated and acknowledged that G.B. was unhappy with her explanation as to how the clinic schedules patients and how some treatments are assigned to assistive personnel as opposed to being provided by a physical therapist. Ms. Hiller called to the Board's attention her analysis of the treatments provided by Ms. Berg during the period of time that G.B. was present in the clinic and how the billing for the treatment calls into question the time the licensee spent evaluating and treating G.B. The Board noted that the investigative report identified several additional possible violations; to that end Dr. Cornwall moved to remand the complaint to an informal hearing and to add the following jurisdiction to the case: A.R.S. §32-2043(J), A.R.S. §32-2044(1) [at A.A.C. R4-24-303(A)(5) and A.A.C. R4-24-303(B)(2)], A.R.S. §32-2044(20) and to add Principles 4.1, 4.3 and 8.1 of the American Physical Therapy Association Code of Ethics to the existing jurisdiction of A.R.S. §32-2044(12). The Board discussed concerns relative to whether the treatment procedures and practices in place at Physiotherapy Associates warrant additional investigation into whether this conduct is typically used by all of the physical therapists employed at the clinic. The Board debated whether to expand the investigation given the concerns about the tight scheduling of patients and the apparent overbilling that is occurring as is evidenced by Ms. Berg's patient schedule. The Board elected to focus on this case and determine at a later date whether additional investigations will be initiated. Ms. Akers seconded the motion. The motion carried by a unanimous vote.

4. Initial Review and Possible Action on Request for Modification to Board Order

#06-21; Melissa Hourihan, P.T.

Ms. Hourihan was present for the review of her request and explained to the Board that prior to learning about this complaint she had committed to opening her own practice which has proved

to be very demanding and challenging. She stated that she originally intended to work on implementing the documentation improvements in compliance with the terms of the Board's Order early in her term of probation. However, she explained that her parents' protracted illnesses and the death of her father, combined with the challenges of getting her practice off of the ground, hampered her ability to make significant progress in terms of meeting the requirements. Ms. Hourihan further noted that she had identified the mentor (Lora Davis, P.T.) that was required under the Order, but then she encountered some challenges this past summer relative to the mentor's availability and schedule. The Board questioned Ms. Hourihan as to why she didn't make any progress with her requirements early in the terms of probation. The licensee explained that her time was very consumed with her business. Ms. Hourihan explained how Ms. Davis anticipates working with her in her clinic, and noted that Ms. Davis' schedule doesn't allow her to begin that process until November. The Board discussed whether any extension of the probation should include periodic reporting deadlines relative to establishing the remediation plan and providing timely reports to the Board. The Board debated a reasonable and appropriate time-frame for an extension. Ms. Verstegen advised the Board that an extension of the probation and any additional terms would be offered through the auspices of a consent agreement. Ms. Kalis moved to offer Ms. Hourihan a consent agreement that would continue her term of probation for 9 months, require that her remediation plan be submitted to the Board in time for review during its next regular session meeting, require that she work with the mentor for a minimum of 6 months, stipulate that her mentor submit monthly reports and a final report to the Board, and that the licensee submit to a random review of 3 patient charts at the midpoint of the remediation program and another review of 3 charts just prior to the anticipated termination of the term of probation at the agreement. Dr. Cornwall seconded the motion. The motion carried by a unanimous vote.

Sharon Louthan, P.T.

Ms. Herbst Paakkonen reminded the Board that during the substantive review of the application for physical therapist licensure for Ms. Louthan it was noted that the applicant disclosed that she was previously convicted of driving under the influence of alcohol on three occasions. Ms. Herbst Paakkonen noted that the Board voted to grant Ms. Louthan a license contingent upon her agreeing to submit to a substance abuse evaluation within 90 days and to follow any treatment recommendations issued by the evaluator; Ms. Louthan signed the agreement on July 22, 2008 and promptly contacted Board staff to request a list of approved substance abuse evaluators. Ms. Herbst Paakkonen called to the Board's attention Ms. Louthan's request for an extension until October 31, 2008 to fulfill the requirement that she undergo the substance abuse evaluation, citing her husband's emergency surgery and distance to Board-approved evaluators as her bases for the request. Finally, Ms. Herbst Paakkonen called to the Board's attention the list of counselors, a psychologist and a physician supplied by the licensee for purposes of requesting Board approval to perform the evaluation. Ms. Herbst Paakkonen stated that while she was able to verify that Dr. Bruce Allen is a licensed psychologist in good standing with the State of Arizona Board of Psychologist Examiners and that Dr. Roglio Naranja is a psychiatrist in good standing with the Arizona Medical Board, Ms. Louthan did not provide any information upon which the Board could determine whether these individuals are qualified to perform, and have experience with, conducting substance evaluations. Following discussion Dr. Cornwall moved to grant the requested extension until October 31, 2008 for obtaining the evaluation and to advise Ms. Louthan that she must submit additional information relative to the experience and qualifications of the proposed evaluators she identified in order for Ms. Herbst Paakkonen to approve them. Ms. Kalis seconded the motion. The motion carried by a unanimous vote.

**5. Review and Possible Action on Request for Termination of Probation
#06-17; Roger Surette, P.T.**

Ms. Hiller advised the Board that Mr. Surette, P.T. is seeking termination of his one-year term of probation which began on August 27, 2007 for violation of A.R.S. §32-2044(20), failing to maintain adequate patient records. This conclusion of law was based on findings that Mr. Surette's documentation for a patient he treated lacked a complete evaluation as well as for deficiencies identified in the re-evaluation, daily treatment notes and discharge summary. Ms. Hiller reminded the Board that the terms of Mr. Surette's probation included a review of five randomly selected charts for patients he treated and discharged and that if the review revealed that his records were not in compliance with A.R.S. §32-2044(20) he was required to submit to a second review of five charts. Ms. Hiller noted that during its April 23, 2008 regular session meeting the Board reviewed the results of Mr. Surette's first audit of records and identified significant improvements; the Board found several deficiencies and directed staff to communicate their findings to the licensee and to conduct a second review of records. Ms. Hiller reported that she subpoenaed and reviewed five additional patient charts and that all of the records demonstrate improvements in patient documentation, and reflect compliance with statute and rules and corrections in the deficiencies identified by the Board. The Board reviewed Mr. Surette's records and discussed how it appears that he assesses whether his patients' goals were met. The Board also reviewed and discussed Mr. Surette's discharge summaries and deliberated whether his documentation now meets acceptable standards. Ms. Akers moved to terminate Mr. Surette's probation. Mr. Sieveke seconded the motion. The motion carried by a unanimous vote.

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

Ms. Hiller advised the Board that pursuant to the terms of Mr. Domanico's Board Order of Probation she recently made a site visit to Sunwest Physical Therapy Associates to obtain copies of records for three randomly selected discharged patients treated by Mr. Domanico representing different insurance payers. She reminded the Board that the purpose of the review was to determine whether the licensee had made improvements in the areas identified in his Order since his first compliance review of records. Ms. Hiller stated that following the initial review of Mr. Domanico's records the Board noted improvements, but found additional deficits including failure to document a plan of care at the time of the initial evaluation and treatment, failure to include sufficient subjective information in the daily treatment notes, and failure to link the objective findings with the treatment plan. She also summarized for the Board its findings of fact, conclusions of law and all of the terms of his Order. Ms. Hiller described for the Board her review of Mr. Domanico's records and noted where she found his records to comply with the Board's documentation standards. The Board discussed the fact that some of Mr. Domanico's treatment notes indicate he is providing care for 3 timed units when the timed notations indicate he is only treating for the equivalent of 2 units. The Board debated whether Mr. Domanico's choice of billing codes is appropriate, whether he is billing under the codes accurately, and whether his documentation demonstrates any improvement over the records reviewed previously during the course of the investigation and his term of probation. The Board identified some questions relative to whether he alone, or his assistive personnel under his supervision, delivered some of the treatments. Dr. Cornwall moved to invite Mr. Domanico to appear before the Board to explain how he is charging for care under timed units. Ms. Cordova seconded the motion. The Board determined that no additional records need to be reviewed at this time, but directed Ms. Hiller to advise Mr. Domanico relative to what information the Board is requesting in order to make a final determination on whether to terminate his term of probation. The motion carried by a unanimous vote.

6. Initial Review and Possible Action on Unlawful Practice Case Investigation

#08-01-UPI: Cynthia Guth, P.T.

Ms. Herbst Paakkonen summarized the case noting that Ms. Guth had contacted the Board to report that she had practiced without a license on September 1, 2008 and that when she filed her licensure reinstatement application she affirmed the same. Ms. Herbst Paakkonen called to the Board's attention the possible jurisdiction for this unlawful practice case and reviewed the options available to the Board relative to resolving it. Additionally she reviewed a proposed matrix of possible disciplinary terms that have been adopted by the Board in the past for similar cases of unlawful practice. She explained that she had analyzed disciplinary terms that the Board had imposed in previous years for unlawful practice and that the matrix could serve as a guidance document for purposes of imposing consistency. Ms. Kalis moved to offer to Ms. Guth a consent agreement that adopts the proposed findings of fact and conclusions of law, and that imposes a 90-day terms of probation with the following terms: a civil penalty of \$100, a passing score on the Board's jurisprudence examination, and submission of evidence of having notified her employer, patients and third-party payers of her period of unlicensed practice. Also included in the motion was an allowance of 20 days to review and accept the consent agreement, otherwise the case would be scheduled for an informal hearing. Ms. Akers seconded the motion. Dr. Cornwall offered a motion to amend the previous motion in the form of removing the requirement of the jurisprudence examination. The motion did not receive a second. The motion carried by a vote of 5-2.

#08-02-UPI; Madilyn Slade, P.T.

Ms. Slade was present and stated to the Board that she realized on September 4, 2008 that she had failed to renew her physical therapist license on or before August 31, 2008. She further stated that she reported this to the Board office, and then promptly came to the office to file her reinstatement application on which she disclosed she practiced for 4 hours on September 2, 2008. Mr. Sieveke moved to offer Ms. Slade a consent agreement that adopts the proposed findings of fact and conclusions of law, and that imposes a 90-day terms of probation with the following terms: a civil penalty of \$100, a passing score on the Board's jurisprudence examination, and submission of evidence of having notified her employer, patients and third-party payers of her period of unlicensed practice. Also included in the motion was an allowance of 20 days to review and accept the consent agreement, otherwise the case would be scheduled for an informal hearing. Mr. Robbins seconded the motion. The motion carried by a unanimous vote.

#08-03-UPI; Gary Smith, P.T.

Ms. Herbst Paakkonen summarized for the Board the unlawful practice case concerning Mr. Smith, noting that he admitted to failing to notify the Board of his change of his address and that he made the statement that he mailed his licensure renewal application on August 28, 2008 when the postmark date on the renewal application indicated it was actually mailed on September 2, 2008 – after the renewal deadline. She noted that Mr. Smith indicated on his practice affirmation form that he practiced without a license September 2-4, 2008. The Board discussed whether to add the jurisdiction of A.R.S. §32-2044(14), making fraudulent or misleading statements, relative to his assertion that his licensure renewal application was mailed on August 28, 2008 when the postmark date on the envelope proves otherwise. Dr. Cornwall moved to offer Mr. Smith a consent agreement that adopts the proposed findings of fact and conclusions of law, and that imposes a 90-day terms of probation with the following terms: a civil penalty of \$100; a passing score on the Board's jurisprudence examination; submission of evidence of having notified his employer, patients and third-party payers of her period of unlicensed practice; and decree of censure for his failure to notify the Board of his change of address. Mr. Sieveke seconded the motion. The motion carried by a unanimous vote.

#08-04-UPI; Dianne Smith, P.T.A.

Ms. Smith was present for the Board's review and discussion and noted that while she was aware of the renewal deadline of August 31, 2008, she was occupied with preparing her daughter to go to college and failed to file her renewal application on time. She advised the Board that when she

realized her error she immediately notified her employer and the Board office, and came to the office to file the reinstatement application. Ms. Ohlendorf moved to offer Ms. Smith a consent agreement that adopts the proposed findings of fact and conclusions of law, and that imposes a 90-day terms of probation with the following terms: a civil penalty of \$50, a passing score on the Board’s jurisprudence examination, and submission of evidence of having notified her employer, patients and third-party payers of her period of unlicensed practice. Also included in the motion was an allowance of 20 days to review and accept the consent agreement, otherwise the case would be scheduled for an informal hearing. Mr. Robbins seconded the motion. The motion carried by a unanimous vote.

APPLICATIONS FOR LICENSURE & CERTIFICATION

7. Review and Possible Action on Disclosure on Licensure or Certification Renewal Application

Susan Wynsma-Best, P.T.A.

Ms. Herbst Paakkonen advised the Board that Ms. Wynsma-Best’s application for renewal of her physical therapist assistant certificate is before the Board for another review along with the additional information the Board had requested – the update on the status of her domestic violence case and her written explanation of the charges that were made against her. The Board discussed the fact that the court records indicated that the charges involved her mother-in-law attempting to interfere in a child custody matter and that the charges against Ms. Wynsma-Best were ultimately dropped. Dr. Cornwall moved to renew the certification of Ms. Wynsma-Best. Ms. Ohlendorf seconded the motion. The motion carried by a unanimous vote.

Mary Benkoske, P.T. *

** Licensee also requesting a waiver of the continuing competence requirements for the 2006-2008 licensure period*
Ms. Herbst Paakkonen advised the Board that Ms. Benkoske had filed a licensure renewal application and disclosed on that document that she is not practicing and is on medical leave and is requesting a waiver of her continuing competence requirements for the 2006-2008 licensure period. Ms. Herbst Paakkonen noted that Ms. Benkoske had submitted two letters from physicians stating that she is currently being treated for cancer. Dr. Cornwall moved to offer Ms. Benkoske a consent that would renew her physical therapist license but restrict her from practicing until such time that a physician provides the Board with written clearance, and that waives her continuing competence requirements; failure to sign to agreement will result in denial of the application. Ms. Kalis seconded the motion. The motion carried by a unanimous vote.

8-A. Substantive Review and Possible Action on Applications for Physical Therapist Licensure

Shawn Almaria	Debra Angelo	Nicole Armbrust
Kimberly Baer	Jennifer Berger	Marc Charbonneau
Aisha Correa	Christina Crawford	Wendy DeSanto
Katherine DoVico	Nathaniel Elwell	Christopher Gibbons
Gary Gibson	Ginger Gibson	Nicole Doerry
Crystal Guidice	Jaime Hart	Lindie Hemesath
Milini Holmes	Vicki Jett	Kimberly Kuether
Tinoy Matamana	Larisa Moir	Trung Nguyen
Calvin Noonan	Georgia Norgren	Charles Ohm
Toni Oliver	Jennifer Orr	Neil Paslawski
Raymond Popp	Michelle Romano	Daniel Rosenbaum
Shannon Speagle	Shannon Sperber	Bradley Stevens
Autumn Suckow	Nathan Tanner	Michael Tometczak

**Applicant disclosure on “Personal Information” section of application*
***Special consideration of administratively incomplete file*

The Board members affirmed that the applicant files were administratively complete. Dr. Cornwall disclosed that he previously taught Ms. Hart and Ms. Moir, but the professor-student relationship no longer exists and he is able to vote on their applications without bias. Ms. Kalis moved to license the applicants listed. Mr. Robbins seconded the motion. The motion carried by a unanimous vote.

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

Latramekia Brown *	Heather Cox	Stephen Hennenhoefer
Dahlon Hess	David Kessler	William Rigby**
Karen S. Smith	Lorena Stiles	

** Applicant disclosure on "Personal Information" section of application*

*** Special consideration for administratively incomplete file*

The members of the Board affirmed that the applicant files were administratively complete. Ms. Kalis moved to certify the applicants listed with the exception of Ms. Brown and Mr. Rigby. Mr. Robbins seconded the motion. The motion carried by a unanimous vote. Ms. Brierley explained the limited information available relative to Ms. Brown's application disclosure which concerned writing a check on a closed account. She advised the Board that the court records relative to this case have mostly been purged but that a minute entry document indicated that the charges against Ms. Brown were ultimately dropped. Ms. Ohlendorf moved to grant certification to Ms. Brown. Mr. Sieveke seconded the motion. The motion carried by a unanimous vote. Ms. Brierley explained that the office had received a faxed copy of Mr. Rigby's verification of licensure from the Florida board but that his file is still awaiting receipt of the original verification from Florida. Ms. Kalis moved to grant certification to Mr. Rigby upon receipt of an original copy of his Florida licensure verification. Ms. Ohlendorf seconded the motion. The motion carried by a unanimous vote.

8-C. Review and Possible Action on Application for Foreign Educated Physical Therapist

1. Determination of Substantially Equivalent Education, Administratively Complete File, Determination of Supervised Clinical Practice Period Requirement and Possible Action on Licensure

Delaila Rhoades

The Board reviewed the application file for Ms. Rhoades and noted that the applicant graduated from a school in the Philippines, initially made application for a physical therapist licensure in Missouri (for which she passed the National Physical Therapy Examination) but that she has no U.S. clinical practice experience. Ms. Kalis moved to find Ms. Rhoades' education substantially equivalent to that of a graduate of a U.S. accredited program based on the information in her credential evaluation report, and that she be advised she must complete a Supervised Clinical Practice Period. Ms. Akers seconded the motion. The Board noted that Ms. Rhoades will also be advised by Board staff that it is in her best interest to identify a primary and secondary supervisor in her SCPP proposal. The motion carried by a unanimous vote.

2. Determination of Substantially Equivalent Education, Approval to Take the National Physical Therapist Examination, Determination of Supervised Clinical Practice Period Requirement and Possible Action on Licensure.

Hussein Karim

The Board reviewed the application file of Mr. Karim and noted that his credential evaluation report was previously reviewed and was found to have educational deficiencies. The Board noted that the updated report indicates that he mostly completed those deficiencies, although there were some deficiencies in the skills checklist where the credentials reviewer was unable to find evidence that those content areas were addressed in Mr. Karim's coursework. The Board reviewed A.R.S. §32-2022(E) which defines "substantially equivalent" education. Ms. Kalis

moved to find Mr. Karim's education substantially equivalent to that of a graduate of a U.S. accredited program. Mr. Sieveke seconded the motion. The Board discussed its options relative to making a determination of "substantially equivalent" and noted that the applicant still needs to take the NPTE and complete a SCPP. The motion carried by a unanimous vote. Ms. Kalis moved to grant approval to Mr. Karim to take the NPTE and that he be advised he must complete an SCPP after having passed the examination. Ms. Akers seconded the motion. The motion carried by a unanimous vote.

3. Review of Clinical Performance Instrument for Completion of Supervised Clinical Practice Period and Possible Determination of Licensure

George Rodriguez

Mr. Rodriguez was present for the Board's review of his Clinical Performance Instrument (CPI) that reports on his recently completed SCPP. He advised the Board that he received excellent mentoring by his SCPP supervisor both clinically and with respect to patient care documentation. The Board noted that the CPI rated him highly and contained sufficient information in the form of written comments on his skills and competency. Ms. Kalis moved to grant licensure to Mr. Rodriguez. Dr. Cornwall seconded the motion. The motion carried by a unanimous vote.

8-D. Review of Clinical Performance Instrument for Completion of Supervised Clinical Practice Period (SCPP), Request for Continuation of SCPP, and Possible Determination of Licensure

Shirley McGeehon

Ms. McGeehon was present for the Board's review and discussion of her request for continuation of her SCPP. She advised the Board that she began the SCPP on June 2, 2008 and while she felt she had a lot of room to grow at the beginning of the process, overall the experience was going well. She explained that she didn't receive very timely evaluations from her supervisor on her performance during the 90-day period, but at the very end of the SCPP she was advised of her weaknesses and received some very helpful and supportive guidance. She stated that Cindy Nelson, P.T., owner of the practice where her SCPP was completed, concurs with her supervisors that she would benefit from an additional supervised clinical practice period that would focus on her evaluative skills. Ms. McGeehon described to the Board what she and her supervisor propose of what an additional SCPP would consist. The Board questioned whether granting an additional SCPP for only 8 more days would actually help in terms of ascertaining whether the Interim Permit holder meets the entry level competency standards. Ms. McGeehon stated that due to family commitments she is unable to spend more than 2 days per week completing an additional SCPP. The Board discussed the fact that the CPI completed by Ms. McGeehon's supervisor specifically indicates that she requires more experience with evaluations. The Board further discussed some options relative to how to accommodate opportunities for Ms. McGeehon to do an adequate number of evaluations in order to assess her competency at the end of a second SCPP. Dr. Cornwall moved to approve continuing Ms. McGeehon's SCPP for 90 days during which she shall spend a minimum of one 8-hour day per week completing physical therapy evaluations. Ms. Kalis seconded the motion. The motion carried by a unanimous vote.

BOARD BUSINESS AND REPORTS

9. Executive Director's Report – Discussion and Possible Action

a. Financial Report: The Board noted that applications for initial licensure are up over the same period as last fiscal year which translates to better than anticipated revenues at this point in the year. Ms. Herbst Paakkonen clarified what the revenue line items actually describe as the new reports provided by the Central Services Bureau are not very clear. She also explained the challenge of exercising prudent fiscal management at the risk of leaving monies vulnerable to future funds sweeps.

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

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

d. Rule Writing Update: Ms. Herbst Paakkonen briefed the Board on the status of the revisions that need to be made to R4-24-301, Lawful practice and to Article 4 – the continuing competence requirements. She also noted that new statutes and rules books will soon be printed that will include the significant revisions that were made to Article 3 of the Board’s rules and that will be in effect on October 4, 2008.

e. Legislative Update: The Board discussed the lawsuit that was recently filed by the Arizona Farm Bureau Federation against Governor Janet Napolitano and State Treasurer Dean Martin that states the transfer of monies from three dedicated agriculture-related funds into the State of Arizona General Fund is unconstitutional. The Board questioned whether other parties to the lawsuit may emerge and also discussed the possible ramifications of the lawsuit.

f. Executive Director: Ms. Herbst Paakkonen announced that she has decided to resign from her position with the Board in order to have more flexibility for purposes of spending more time with her family. Ms. Verstegen advised the Board that she has had opportunity to observe the support and services that the Arizona Department of Administration (ADOA) Human Resources division has provided to several other Boards who need to replace their Executive Director. She reminded the Board that there is a hiring freeze in place and that the ADOA will need to approve the filling of the position as “mission critical”. Ms. Verstegen explained that the Human Resources division can work with either the entire Board or a committee appointed for the purpose of hiring a new Executive Director, and also can advertise the position, screen and rank the candidates, and identify the necessary qualifications for the position. The Board agreed by consensus that all members will participate in the hiring process. The Board directed Ms. Herbst Paakkonen to draft a proposed position announcement to include qualifications, and to arrange a special session conference call meeting on the afternoon of October 10, 2008 with a representative of ADOA Human Resources.

10. Review of and Possible Action on Response to Proposed “Modern Health Board” Consolidation Plan

Dr. Cornwall reported that the September 4, 2008 meeting organized by Tracy Hannah, Policy Advisor for Governor Napolitano, for the purpose of providing additional information relative to the proposed consolidation plan for eleven health regulatory boards was not productive. He noted that it was implied the boards could not avail themselves to a proposed licensing software program that will soon be developed for Arizona state agencies unless they were consolidated into a single agency; he noted that the software would still need to be customized to work for eleven different sets of statutes and administrative rules so consolidation of the agencies wouldn’t actually streamline that process. The Board reviewed and discussed the draft response that advises Ms. Hannah that the Board has carefully and thoroughly reviewed all of the scant information that has been assembled in an effort to develop a consolidation plan, but is reticent to support the plan in the absence of any evidence that a “Modern Health Board” would better serve and protect the public. The Board discussed the fact that the entire consolidation process was mishandled from the beginning in that the stakeholders were not assembled for their input prior to the consolidation plan announcement, there were no efficiency or organizational studies performed by objective experts that substantiate the need for consolidation, and the concept was proposed at a time when fiscal resources are dwindling and at risk for raids. The Board members concurred that the draft letter appropriately states the Board’s position as compared to those that were issued by other boards that were more strongly worded and critical. Ms. Kalis moved to issue the draft letter to Ms. Hannah. Dr. Cornwall seconded the motion. The motion carried by a unanimous vote.

11. Review of and Possible Action on Draft Revised Jurisprudence Examination Forms

Ms. Herbst Paakkonen advised the Board that the two examination forms had undergone some minor revisions – mostly with respect to the pre-tested items – that she and Susan Layton (Vice President of the Federation of State Boards of Physical Therapy) had coordinated. The Board noted that one of the items required some discussion. Ms. Kalis moved to meet in Executive Session for purposes of discussing confidential information. Mr. Robbins seconded the motion. The motion carried by a unanimous vote. Upon resuming the meeting in public session Ms. Kalis moved to revise the item identified during the Executive Session to be corrected as discussed. Dr. Cornwall seconded the motion. The motion carried by a unanimous vote. Dr. Cornwall moved to approve both examination forms including the form that was revised. Mr. Robbins seconded the motion. The motion carried by a unanimous vote.

CALL TO THE PUBLIC

ADJOURNMENT

The meeting adjourned at 1:40 p.m.

Prepared by,

Heidi Herbst Paakkonen
Executive Director

Approved by,

Randy Robbins
Secretary