

JANET NAPOLITANO
Governor



HEIDI HERBST PAAKKONEN
Executive Director

JONI KALIS, P.T.
President

ARIZONA STATE BOARD OF PHYSICAL THERAPY
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SPECIAL SESSION MEETING MINUTES
November 25, 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

MEMBERS ABSENT:

OTHERS PRESENT: Heidi Herbst Paakkonen, Executive Director
Paula Brierley, Licensing Administrator
Keely Versteegen, Assistant Attorney General

CALL TO ORDER – 12:30 p.m.

The meeting was called to order by Dr. Cornwall at 12:35 p.m. Ms. Kalis joined the call at 12:40 p.m. at which time she presided over the meeting.

APPLICATIONS FOR LICENSURE & CERTIFICATION

1(A). Substantive Review and Possible Action on Applications for Physical Therapist Licensure

Aubuchon, Andrew	Brackett, Jennifer	Cargill, Stephanie
Cinotto, Jamie	Diaz, Jessica	Fletcher, Diana
Harkey, Christina	Kaler, Michael	Kilburn, Kaja
Lucas, Rosemary	Maxwell, Lynda	McCormick, Leah
McGee, Nancy	Moritz, Robyn	Pierce, Marilyn
Rogers, Jason	Schnepf, Julie	Scharpf, Lori
Shadle, Beth	Shaw, Donald *	Vlach, Andrea *
Vosekalns, Sharon	Weidauer, Kurt	Whitrow, Jodi *
Williams, Stephen		

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

Dr. Cornwall proposed to review the applicants with the exception of Dr. Shaw, Ms. Vlach, and Ms. Whitrow so that they can be discussed separately; the Board members concurred. The Board noted that Ms. Scharpf is an applicant for physical therapist assistant certification and therefore will be reassigned to agenda item 1(B). The Board noted that Ms. McGee has not worked since 2001 as she has been the caretaker for her husband who suffered a stroke. The Board members determined that Ms. McGee's application would also be discussed separately. The Board members noted that the remaining applicants' files were all administratively complete. Dr. Cornwall disclosed that Ms. Diaz was formerly his student but that he is able to vote on her application without bias. Dr. Cornwall moved to grant licensure to the listed individuals with the exception of Dr. Shaw, Ms. Vlach, Ms. Whitrow, Ms. McGee and Ms. Scharpf. Ms. Kalis seconded the motion. The motion carried by a unanimous vote. The Board received affirmation

that Ms. McGee’s license in New York is on active status while the licenses granted by other jurisdictions have expired. Ms. Herbst Paakkonen explained that A.R.S. §32-2028 does not apply to this applicant as it addresses applicants who are applying for reinstatement of a license and have not held an active license in any U.S. jurisdiction for three years or more. She further advised that a Consent Agreement would need to be extended to an applicant to impose any additional requirements such as a Supervised Clinical Practice Period (SCPP) or taking an examination. The other options would be to either grant or deny the license. The Board debated whether the SCPP or the Practice Review Tool would be appropriate options for the applicant. Ms. Kalis moved to offer Ms. McGee a Consent Agreement that would grant her an Interim Permit and require her to complete a SCPP; failure to sign the agreement would result in a denial of the license. Ms. Akers seconded the motion. The motion carried by a unanimous vote. The Board then discussed the application of Dr. Shaw who was present for the review and discussion of his application. He thanked the Board for allowing him to address the members and he referred to the letter he submitted. He stated that 10 years ago he pled guilty to a charge of concealing assets in a bankruptcy proceeding. He explained that during his probation he was allowed by his former employer, a University, to continue teaching and that he has continued to do so since his sentencing. He stated that he received poor advice from an attorney while he was in the process of obtaining a divorce and that this was not a situation of moral turpitude. He explained that he had purchased property while in the process of the divorce and his attorney advised him to put that property in another person’s name until the divorce was final. Later it was discovered that he owned the property and the charges were filed to which he elected to plead guilty. Dr. Shaw explained that he has been hired to serve as a faculty member of the new physical therapy program at Midwestern University and that would like to continue teaching and conducting research. Dr. Shaw stated that while in Texas he had been researching in the area of telehealth. He stated that the Midwestern University has given him a grant to continue his work. The Board discussed the situation and concurred that while this matter constituted a bad decision on a personal matter, it would not have an adverse impact on the public or patients. Ms. Kalis moved to grant licensure to Dr. Shaw. Mr. Robbins seconded the motion. The motion carried by a unanimous vote. Ms. Brierley confirmed that all of the records available for Ms. Whitrow’s DUI have been supplied to the Board. The Board concurred that because this was a one-time event that occurred several years ago she appears to present low risk to the public. Ms. Kalis moved to grant licensure to Ms. Whitrow. Mr. Sieveke seconded the motion. The motion carried by a unanimous vote. The Board noted the DUI for Ms. Vlach occurred in 2003 and that it appears to have been a one-time event. Ms. Brierley affirmed that Ms. Vlach attempted to obtain more complete court records concerning the DUI conviction but that she was advised by the court that the records will not be released to her unless she files a request in the court office in Nebraska. Ms. Herbst Paakkonen explained the Board’s custom of and purpose for, obtaining certain records for criminal convictions but noted that there is no statutory requirement to obtain specific records or documents. The Board noted that the court-ordered evaluation is helpful in that it indicates she is at low risk for substance abuse. Mr. Sieveke moved to grant licensure to Ms. Vlach. Ms. Kalis seconded the motion. The motion carried by a unanimous vote.

1(B). Substantive Review and Possible Action on Applications for Physical Therapist Assistant Certification

Colombo, Michael	Deaton, Stormy	Fritz, Michelle
Hutchinson, Lamont	Nast, James	Perkins, Carrie *
Peters, Kerry	Rainey, Crystal	Ruiz, Elizabeth
Ruiz, Melissa	Symak, Luke	

**Applicant disclosure on “Personal Information” section of application*

Ms. Ohlendorf disclosed for the record that she was formerly a Clinical Instructor for Mr. Hutchinson, Mr. Symak and Mr. Colombo but that the instructor-student relationship no longer

exists and she is able to vote on their applications without bias. The Board directed Ms. Brierley to obtain clarification regarding Ms. Deaton's work history as she indicated on her application that she worked as a physical therapist assistant prior to obtaining her initial licensure. The Board asked that Ms. Brierley also clarify the dates that she tested for the National Physical Therapy Examination. Ms. Perkins was present for the review of her application and advised the Board that while working in Ohio she experienced an on-the-job injury which resulted in her being placed under work restrictions until she healed. She explained that her physician has been hesitant to release her from the restriction because of the lifting requirements for physical therapist assistants. Ms. Perkins noted that she is working on her Bachelors degree, helping to establish a new physical therapist assistant program at Fort Mohave Community College, and that she also plans to teach at the College. She noted she will continue to have some lifting restrictions although not at stringent. Ms. Perkins stated that only yesterday did she receive the statement from her physician which was sent electronically to the Board members. Ms. Perkins further explained that her new physician in Arizona believes that she should be on a temporary lifting restriction pending additional tests and evaluation. She stated that the Commission on Accreditation of Physical Therapy Education requires that for her to be an instructor in a physical therapist assistant program she must have a certain amount of clinical experience, but that currently she is concentrating on assisting Fort Mohave Community College with the accreditation process and that by the time she resumes patient care her lifting restriction will be minimal. Ms. Perkins commented that she worked for 120 days in the state of Ohio with a lifting restriction and that she knows her limitations and would never put herself in a clinical situation that would compromise herself or a patient. Ms. Perkins noted that she instructs her students to be aware of their own restrictions and therefore she must be cognizant of her own. The Board debated whether to offer Ms. Perkins a Consent Agreement that would grant her a physical therapist assistant certificate imposing a lifting restriction. Ms. Kalis moved to grant an unrestricted certificate to Ms. Perkins. Dr. Cornwall seconded the motion. The motion carried by a unanimous vote. Ms. Kalis moved to offer certification to the remaining applicants with the addition of Ms. Scharpf. Dr. Cornwall seconded the motion. The motion carried by a unanimous vote.

**1(C). Request for Approval to Take National Physical Therapist Examination; Review of Documentation Related to Disclosure on "Personal Information" Section of Application
Upshaw, Carmelita**

Ms. Brierley advised the Board that Ms. Upshaw was present and wished to address the Board. Ms. Brierley also noted that Coconino County Court forwarded a statement to the Board office indicating the case of which Ms. Upshaw was the defendant was closed in 1999 and according to their records retention schedule the court records have been destroyed. Ms. Upshaw explained to the Board that her shoplifting conviction was a silly and immature mistake that she made back in 1999 and that every day she is working to become a better person. She stated that she intends to put that event in her past and that she hopes to be able to practice as a physical therapist. Dr. Cornwall disclosed for the record that Ms. Upshaw was formerly his student but that the relationship no longer exists and that he is able to vote on her application without bias. Ms. Kalis moved to allow Ms. Upshaw to take the exam and that she be granted licensure upon receipt of a passing score. Ms. Akers seconded the motion. The motion carried by a unanimous vote.

CALL TO THE PUBLIC

None.

ADJOURNMENT

The meeting adjourned at 1:15 p.m.
Prepared by,

Heidi Herbst Paakkonen
Executive Director

Approved by,

Randy Robbins
Secretary