

JANET NAPOLITANO  
Governor



HEIDI HERBST PAAKKONEN  
Executive Director

JONI KALIS, P.T.  
President

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

**REGULAR SESSION MEETING MINUTES**  
**December 18, 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  
Peggy Hiller, P.T., Investigator  
Paula Brierley, Licensing Administrator  
Keely Verstegen, Assistant Attorney General

**CALL TO ORDER – 8:30 a.m.**

**1. Review and Approval of Draft Minutes**  
**November 20, 2008; Regular Session Meeting**

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

**November 25, 2008; Special Session Meeting**

The Board reviewed the draft and noted that no corrections were required. Ms. Kalis moved to approve the draft. Mr. Robbins seconded the motion. The motion carried by a unanimous vote.

**COMPLAINTS, INVESTIGATIONS and COMPLIANCE**

**2. Informal Hearing on Unlawful Practice Case**  
**#08-05-UPI; Brooke Olson, P.T.**

Ms. Kalis opened the informal hearing and Ms. Madelyn Adamoli, Court Reporter, swore in Ms. Olson. The Board staff and members exchanged introductions with the Respondent. Ms. Kalis reviewed the informal hearing procedures and possible outcomes. Ms. Herbst Paakkonen summarized the case noting that on October 28, 2008 the Board conducted an initial review of this unlawful practice case and found that Ms. Olson had filed a renewal application with a postmark date of September 2, 2008 which was after the renewal deadline of August 31, 2008. Ms. Herbst Paakkonen explained that the application was incomplete in that Ms. Olson failed to indicate whether she was employed and, if so, to record her work address, and that the documentation she submitted to show that she is a U.S. citizen did not indicate her current last name (married name). She noted that on September 3, 2008 Kellye Daldrup, the Board's Office Manager, mailed Ms. Olson the appropriate licensure reinstatement application form along with an application deficiency letter that indicated that she had failed to meet the renewal deadline

and therefore was required to file a reinstatement application. Ms. Herbst Paakkonen advised the Board that the reinstatement application was filed on September 12, 2008. She called to the Board's attention the fact that Ms. Olson reported that she had practiced without a license from September 9-11, 2008, and reminded the Board that it then voted to offer Ms. Olson a Consent Agreement adopting findings of fact, conclusions of law, and prescribing certain disciplinary terms to be met under a disciplinary order for the final resolution of #08-05-UPI. Ms. Herbst Paakkonen commented that Ms. Olson elected to decline the consent agreement and to request an informal hearing. Ms. Herbst Paakkonen summarized the documents submitted to the Board relative to this case and noted that Ms. Olson submitted an additional written statement for the Board's consideration. In response to the Board's questions Ms. Olsen stated that she was out of town during the last week of August and prior to leaving on her vacation she assumed she had an active license because she observed that her check had cleared the bank. The Board questioned when her renewal application was mailed and noted that it has a Phoenix postmark of September 2, 2008. Ms. Olson stated that this was impossible because they were out of town at that time. She stated that they have experienced a lot of difficulty with the mail service where she lives in Maricopa. Ms. Herbst Paakkonen explained to the Board that had the application been filed as incomplete on or before August 31, 2008, she would have been notified of that fact in writing as an application deficiency, and the law would have granted her the ability to complete the application without a lapse of her license. Ms. Olson concluded by stating that she never would have practiced on September 9, 10 and 11 of 2008 if she had known that her license was not renewed when she assumed that it was. The Board concluded the informal hearing and discussed the case, noting that while there may have been some problems relative to mail processing by the U.S. Postal Service, the Board must review all cases of unlawful practice consistently. The Board further noted that the postmark date on Ms. Olson's renewal application indicates that she did not file a timely application. The Board discussed the fact that they have no authority or jurisdiction over the post office and that a professional has the sole responsibility for filing a timely renewal application. Ms. Kalis moved to issue a Board order that is identical to the consent agreement in terms of the findings of fact, conclusions of law, and the disciplinary terms with the substitution of 8 hours of community service for the civil penalty. Ms. Akers seconded the motion. The motion carried by a unanimous vote.

**3. Review and Possible Action on Complaints to Include Possible Action on Proposed Consent Agreement**

**#07-18; William Perry, P.T.**

**#08-05; William Perry, P.T.**

Ms. Kalis introduced the agenda item and Ms. Verstegen advised the Board that she received a message from Sterling Peterson, Mr. Perry's attorney, stating that he would not be present for the Board's discussion but that he would be available by telephone should the Board have any questions. Ms. Verstegen summarized the draft proposed consent agreement and commented that it was drafted to reflect the Board's discussion at the conclusion of the informal hearing for the two cases. She also noted the major changes to the draft proposed consent agreement that Mr. Peterson had requested on behalf of his client. The Board requested clarification to the findings of fact section to reflect that Tammy Groenwald was a graduate of a physical therapy program. The Board agreed to modify slightly the draft proposed finding of fact #4. The Board reviewed finding of fact #5 and agreed that it should accurately describe the "evaluation" that Ms. Groenwald was allowed by Mr. Perry to perform. The members concurred that finding of fact #6 should not be changed and to add that there were other treatment records for C.S. for which there is no documentation to support the billing for multiple timed charges for all treatment dates. The Board members agreed to adopt the requested language to finding of fact #7. The Board determined that a finding should be added to reflect that Mr. Perry instructed his staff to collect false written statements relative to the status of the Gilbert office, and a finding that indicates Mr.

Perry allowed a physical therapy student to perform an initial evaluation of S.B. and allowed the use of another physical therapist's signature to be placed on that evaluation. The Board determined that finding of fact #10 would remain as drafted and that language should be added to reflect that Mr. Perry recreated records in order to make the treatment record appear complete. The Board agreed to allow the requested language in #12 to be inserted. The Board members agreed to allow the addition of the language requested at the end of the finding of fact section. Ms. Kalis moved to adopt findings of fact as modified. Ms. Akers seconded the motion. The motion carried by a unanimous vote. The Board members concurred that the conclusion of law A.R.S. §32-2044(13), fraudulent billing, must remain in the document. Ms. Kalis moved to adopt the conclusions of law as drafted. Mr. Robbins seconded the motion. The motion carried by a unanimous vote. The Board moved to the Order section of the draft and discussed the request for the delayed suspension. Ms. Herbst Paakkonen and Ms. Versteegen addressed the reasonableness of the request. The Board asked Ms. Versteegen to comment on the "sole discretion of the Board" language. She explained that it does not change the effectiveness of the Order. The Board members concurred that the requested changes to the sections addressing the practice management company would be included. The Board discussed the ethics course requirement and elected to revise that term to reflect that it be an ethics remediation program. Additionally the Board members concurred that the ethics course requirement should be under the probation period. The Board members agreed to keep the probation period at 36 months rather than the requested 24 months. Ms. Kalis moved to offer the consent agreement with the revisions. Mr. Sieveke seconded the motion. The motion carried by a unanimous vote.

#### **4. Initial Review and Possible Action on Complaint #08-11; Craig Blankinship, P.T.**

The Board noted that Mr. Blankinship was not present for the initial review of this case. The Board acknowledged and complimented Karen Donahue, P.T., the Board's contract investigator, on her work relative to this case and on the investigative report. Ms. Hiller summarized the investigation and stated that the complaint was filed by a physical therapist assistant who was on a temporary contract assignment at Mr. Blankinship's clinic in April of 2008. Ms. Hiller explained that the complaint alleges Mr. Blankinship left his clinic on April 17, 2008 with one physical therapist remaining to supervise one physical therapist assistant and three physical therapy aides in violation of Board rule, that on April 17 and 18 of 2008 the complainant witnessed sexually charged discussions and actions by a physical therapy aide ("Pam") towards a patient (R.F.), and that on April 18, 2008 one of the physical therapy aides was allowed by Mr. Blankinship to provide treatment to a Medicare patient. Ms. Hiller noted that the possible jurisdiction for the complaint is listed in the investigative report. She summarized Mr. Blankinship's response to the complaint in which he states that while he did leave the clinic to run an errand at a convenience store next to his clinic, and he also left for a lunch appointment, another physical therapist remained at the clinic and that some of the aides were engaged in activities other than patient care during these events. Ms. Hiller called to the Board's attention Mr. Blankinship's statement that there were no inappropriate comments made by his staff and that he does not tolerate such comments in his clinic, and she noted that the licensee supplied the Board with a written statement from R.F. relative to the alleged event. The Board questioned what the aides are doing in the clinic in terms of patient care activities when Mr. Blankinship, their supervisor, is absent. The Board discussed the fact that further investigation would likely not yield any new information relative to this allegation. The Board members agreed by consensus that if a complaint is received that alleges a violation of Medicare regulations, this Board has an obligation to forward that matter to Medicare for investigation. The Board noted that the specific nature of the described alleged inappropriate and sexually charged actions and statements made by the members of Mr. Blankinship's physical therapy aides are very

disconcerting, but acknowledged that it would be difficult or perhaps impossible to get to the bottom of the allegations. The Board also noted that when Mr. Blankinship leaves the office, that leaves Chris Young, P.T. as the responsible physical therapist and questioned whether he is tacitly or willingly accepting responsibility for all of the assistive personnel present in the clinic. The Board questioned why R.F.'s signed statement, and Mr. Blankinship's response to the complaint, are both erroneously addressed to the "APTA" and not to the Arizona Board of Physical Therapy; the Board speculated that Mr. Blankinship prepared the statement for R.F. to sign. The Board discussed the fact that R.F.'s statement indicates that he was not offended by the conduct of the staff at the clinic, but the Board noted that conduct that is not offensive to one person may still be offensive to another and in the process establish a hostile work environment. Ms. Akers moved to issue a non-disciplinary order to Mr. Blankinship requiring him to complete an Arizona physical therapy jurisprudence course (minimum 2 hours), and a physical therapy coding and billing course (minimum 6 hours) within 6 months. The motion also included issuance of an advisory letter stating the following concerns: statements in his complaint response reflect a lack of understanding of Arizona law as it relates to use of assistive personnel in the delivery of physical therapy services; statements made in the course of the investigation reflect a possible lack of understanding on the part of the licensee of Medicare regulations relative to unattended passive modalities; Mr. Blankinship demonstrates a lack of understanding of the distinction between the American Physical Therapy Association and the Arizona Board of Physical Therapy; the detailed description in the complaint of the alleged inappropriate and sexually-charged behavior suggests that this type of behavior is reflective of the culture of the licensee's physical therapy clinic and be indicative of a hostile workplace environment; and finally a statement that strongly encourages Mr. Blankinship to reeducate his staff on inappropriate versus appropriate workplace behaviors and professional-patient boundaries. Ms. Kalis seconded the motion. The Board debated whether to open an investigation into whether Mr. Young is supervising too many assistive personnel, but determined that such an investigation would likely not yield any findings indicative of a violation as the physical therapy aides may be performing duties unrelated to patient care. The motion carried by a unanimous vote.

## **5. Initial Review and Possible Action on Complaint**

### **#08-13; Allan Jay Billyard, P.T.**

Ms. Kalis introduced the agenda item and noted that Mr. Billyard and his attorney, David Derickson, were present. Ms. Hiller summarized the investigation noting that the complaint was filed by Mr. Billyard's former employer who alleged that the licensee had engaged in an unprofessional sexual relationship with a patient K.M. Ms. Hiller stated that in his written response to the complaint Mr. Billyard did admit to an inappropriate relationship with the patient. She called to the Board's attention the possible jurisdiction that relate to the allegations as listed in the investigative report. The Board received affirmation from Board staff that Mr. Billyard was sent notice of the complaint prior to the lapse of his license on August 31, 2008. She further noted that the statute A.R.S. §32-3202 enables the Board to retain jurisdiction over the licensee although Mr. Billyard did not file a licensure renewal application on or before August 31, 2008 and currently has a lapsed license. Mr. Derickson advised the Board that his client did not have new information to bring forward and that he would stand on his original statements previously provided. Ms. Hiller reviewed for the Board A.R.S. §32-2044(10) which establishes as grounds for disciplinary action engaging in sexual misconduct while a provider-patient relationship exists. The Board discussed the fact that K.M. was still Mr. Billyard's patient during the time of the admitted sexual relationship. Mr. Derickson explained to the Board that his client had elected to not renew his license while this case was still pending. Mr. Billyard affirmed to the Board that he is not practicing as a physical therapist at this time. Ms. Verstegen advised the Board that placing Mr. Billyard on probation without taking other action may not be

appropriate as it is difficult to probate a licensee when the license is in lapsed status as essentially there is no license. Ms. Kalis moved to meet in Executive Session in order to obtain legal advice from Board counsel. Dr. Cornwall seconded the motion. The motion carried by a unanimous vote. Upon resuming the meeting in public session Ms. Akers moved to offer Mr. Billyard a consent agreement reinstating his physical therapist license conditional on his agreement with the following terms: a three-year term of probation during which he must complete a psycho-sexual evaluation by a Board-approved evaluator, comply with all treatment recommendation issued by that evaluator, and complete a provider-patient boundaries course of a minimum of 8 hours. The motion also included a provision that Mr. Billyard's failure to sign the consent agreement will result in the case being remanded to a formal hearing for revocation of the license. Ms. Kalis seconded the motion. The motion carried by a unanimous vote.

**6. Initial Review and Possible Action on Complaint  
#08-17; Maria Moran-Rios, P.T.**

Ms. Kalis introduced the complaint and Ms. Kalis and Mr. Sieveke disclosed for the record that they both know the complainant but that they are able to preside over this case without any bias. Ms. Herbst Paakkonen summarized the case noting that it was filed by Lou Ann Negrete, P.T., Clinical Director at Pima Medical Institute (PMI), and that it alleges that on July 9, 2008 Ms. Moran-Rios left La Colina Care Center while the physical therapist assistant student she was supervising was still working with patients and while there were no other physical therapists on site at the facility. Ms. Herbst Paakkonen summarized Ms. Moran-Rios' response to the complaint in which she states that on the morning of July 9, 2008 she announced she would be leaving the facility early for an appointment and that patient care activities must be completed by 2:00 p.m.; additionally, the licensee stated that she stopped by the facility gym to inform her assistive personnel and the student that she was departing. Ms. Herbst Paakkonen called to the Board's attention the possible jurisdiction for the case and summarized the interviews that she conducted with the Respondent, the complainant, the physical therapist assistant who was working under Ms. Moran-Rios' supervision on the day in question, and an administrator of La Colina Care Center who affirmed that the licensee terminated her employment from the facility which was not related to the alleged events of July 9, 2008. She noted that the accounts of the timing of key events reported in the complaint events vary. The Board questioned whether an interview was conducted of the PMI student in order to ascertain what she knew about Ms. Moran-Rios' intentions to leave the facility early for her appointment and what arrangements were made. Ms. Herbst Paakkonen stated that the student was not interviewed because the issue is to what degree Ms. Moran-Rios should be held responsible for the actions of a student who failed to comply with her instructions as those instructions were affirmed by other witnesses to the events. The Board reviewed the statutes and noted that there is no language that addresses supervision of students other than the requirement in A.R.S. §32-2043 that required the physical therapist to provide onsite supervision of a student. The Board debated whether Ms. Moran-Rios' actions reflect that she did enough to ensure that the PMI student stopped the patient care activities in which she was engaged when the licensee informed her that she was leaving the facility. Ms. Ohlendorf moved to issue an advisory letter to Ms. Moran-Rios stating that as a student's Clinical Instructor she is responsible for ensuring that the student follows through – and actually adheres to – her directives which includes a student stopping all patient care activities when she leaves the facility, and that while the licensee had given instruction to the student to cease all patient care activities at a designated point in time, she should have taken more affirmative action to ensure that the student actually stopped performing patient care activities and was appropriately redirected prior to her departure. Mr. Robbins seconded the motion. The motion carried by a unanimous vote.

**7. Initial Review and Possible Action on Complaint  
#08-20; Tammy Groenwald, P.T.**

At the Board's request Ms. Hiller provided a brief summary of the case noting that it was opened by the Board on October 28, 2008 at the conclusion of the informal hearing for #07-18; William Perry, P.T. Ms. Hiller noted that the complaint alleges that during an investigative interview on April 30, 2008 Ms. Groenwald provided false statements to the Board relative to #07-18 and in the process hindered the Board's investigation of that case. Ms. Hiller noted that Ms. Groenwald later recanted her false statements while under oath during the informal hearing for #07-18. Ms. Hiller called to the Board's attention the possible jurisdiction for this complaint, and commented that in her written response to the complaint Ms. Groenwald admits to making the false statements during the April 30, 2008 interview, that she thoroughly regrets making these false statements, and that she is willing to accept the consequences for this action. Ms. Groenwald was present for the Board's review of the case and stated to the Board that she should have made a better decision when she was directed by William Perry, P.T. to make a false statement to the Board under complaint #07-18. The Board discussed the fact that the licensee had admitted to the alleged conduct and therefore a possible resolution to the case – in lieu of remanding the case to an informal hearing to pursue disciplinary action – could come in the form of offering Ms. Groenwald a consent agreement that would include findings of fact from the investigative report, list the conclusions of law identified, and prescribe corrective or punitive action. The Board discussed requiring that Ms. Groenwald develop a presentation for delivering to physical therapist and physical therapist assistant students based on this experience and the resultant Board action. Ms. Groenwald stated that she would be very happy to educate students about her error in judgment and how while new graduates are susceptible to negative influences from other physical therapists they should always follow the law and the ethical standards of the physical therapy profession. Ms. Akers offered a motion directing Board staff to draft a consent agreement that adopts findings of fact and conclusions of law as listed in the investigative report for this complaint, and that places Ms. Groenwald on probation for 12 months during which time she shall develop a syllabus that outlines a one hour (minimum) course for presentation to physical therapist and physical therapist assistant students on the subject of truthful and ethical behavior, and that addresses the ramifications of making fraudulent statements, interfering with an investigation and failure to adhere to the recognized standards of ethics of the physical therapy profession. The motion also stipulated that Ms. Groenwald deliver the course presentation to the students of one physical therapist and one physical therapist assistant education program in the State of Arizona. Ms. Ohlendorf seconded the motion. The motion carried by a unanimous vote. The Board thanked Ms. Groenwald for coming forward to tell the truth and acknowledged how that action must have been difficult.

**8. Initial Review and Possible Action on Complaint  
#08-21; Jared Kitamura, P.T.**

The Board noted that Mr. Kitamura was not present for the initial review of this case. Ms. Hiller noted that the facts of this case are very similar to those for #08-20; Tammy Groenwald, P.T., in that Mr. Kitamura also admitted to having made false statements relative to the investigation of William Perry, P.T. under complaint #07-18. She noted that the jurisdiction for the case is more extensive for Mr. Kitamura in that he was a licensed physical therapist at the time of the alleged violations and therefore had a higher level of responsibility relative to the issue of his failure to report an unlawful act, aiding an abetting a person who is not licensed, failure to adhere to the recognized standards of ethics of the physical therapy profession and failure to supervise assistive personnel. The Board discussed the similarities to the previous case in terms of the findings of fact and conclusions of law. The Board discussed whether Mr. Kitamura's corrective action should consist of presenting a similar course to that Ms. Groenwald is required to develop to a different audience, namely licensed physical therapists. Ms. Kalis offered a motion directing

Board staff to draft a consent agreement that adopts findings of fact and conclusions of law as listed in the investigative report for this complaint, and that places Mr. Kaitamura on probation for 12 months during which time he shall develop a syllabus that outlines a one hour (minimum) course for presentation to physical therapists on the subject of truthful and ethical behavior, and that addresses the ramifications of making fraudulent statements, interfering with an investigation and failure to adhere to the recognized standards of ethics of the physical therapy profession; the motion also stipulated that Mr. Kitamura deliver the course presentation once to a group of at least 5 Arizona licensed physical therapists and once to a group of at least 20 Arizona licensed physical therapists. The motion also stipulated that Mr. Kitamura complete a professional ethics course of at least 6 contact hours that is pre-approved by Board staff, and that he be issued a Decree of Censure. Dr. Cornwall seconded the motion. The motion carried by a unanimous vote.

## **APPLICATIONS FOR LICENSURE & CERTIFICATION**

### **9. Review and Possible Action Concerning Audited Licensees' Compliance with Continuing Competence Requirements for 2006-2008 Licensure Period**

*List of licensee names available from Board office by request*

Ms. Herbst Paakkonen summarized for the Board the extraordinary effort on the part of the few members of the Continuing Competence Audit Committee who came to the December 2, 2008 meeting. She explained how much was accomplished on that day, and acknowledged the many hours that Ms. Hiller devoted during two additional meetings on December 15, 2008 with four additional auditors in order to complete the audits for all licensees renewing their licenses on or before August 31, 2008 and who were selected at random for the audit. Ms. Herbst Paakkonen also noted that there were approximately 20 licensees who were automatically audited by virtue of the fact that they filed licensure reinstatement applications on or after September 1, 2008, and that the Audit Committee's recommendations will be presented to the Board during its regular session meeting in January. Ms. Herbst Paakkonen explained the grouping of the licensees in four separate tables based on the findings of the Audit Committee. Ms. Kalis moved to adopt a motion finding the licensees in Table 1 in compliance with the continuing competence requirements in accordance with the Committee recommendations, and to issue advisory letters to Dawn Barr, Pamela Baumgardner, Lori Falkel, Jay Goodfarb, Carol Moody, Michael Slaminski, and John Young as they were found in compliance, but failed to submit their materials in accordance with the 30-day deadline established in Board rule. Mr. Sieveke seconded the motion. The motion carried by a unanimous vote. Ms. Herbst Paakkonen summarized the Audit Committee findings for the licensees listed in Table 2 noting that they submitted evidence of at least 20 hours that were completed during the 2006-2008 licensure period, but some or all of the hours did not conform with Board rules (in most or possibly all cases the licensees' documentation did not indicate Category A approval for at least 10 of the required 20 hours). She noted that A.A.C. R4-24-401(J) grants licensees that are found out of compliance six months to come into compliance. Ms. Akers moved to find the licensees listed in Table 2 out of compliance with the continuing competence requirements, to grant them six months with which to come into compliance, and to issue advisory letters to Scott Brown and Andrej Marich for their failure to submit their materials in accordance with the 30-day deadline established by Board rule. Ms. Kalis seconded the motion. The motion carried by a unanimous vote. Ms. Herbst Paakkonen explained that Ms. Hiller composes a very detailed letter to each licensee found out of compliance that lists which courses or activities were rejected and why, and staff noted that the clock starts ticking for each licensee when the certified notice of audit findings is received. Ms. Herbst Paakkonen explained that the licensees listed in Table 3 failed to respond to the notice of audit and failed to submit evidence within 30 days of receiving that notice of having completed 20 contact hours of continuing competence within the 2006-2008 licensure period. Following discussion Ms. Kalis moved to offer a consent agreement to the

listed licensees with findings of fact that they failed to respond to the notice of continuing competence audit, the conclusions of law listed in the audit report, and a disciplinary order with the following terms: 6 months of probation, a \$500 civil penalty, a passing score on the Board's jurisprudence examination, a requirement to come into compliance with the continuing competence requirements, and that failure to complete all of the terms will result in a voluntary surrender of the license. The motion also stipulated that failure to sign the consent agreement within 20 days will result in the case being remanded to an informal hearing. Ms. Akers seconded the motion. The motion carried by a unanimous vote. Ms. Herbst Paakkonen explained that the licensees listed in Table 4 submitted some evidence of having completed 20 continuing competence contact hours, but some of the hours were earned after the 2006-2008 licensure compliance had concluded. The Board questioned whether licensees attempt to carry-over hours from one licensure period to the next if they are ordered to complete additional contact hours in order to come into compliance and are selected for audit for the next licensure period. Board staff assured the Board that licensees are advised in writing that they are not permitted to carry-over the hours in these instances. Dr. Cornwall moved to offer a consent agreement to the listed licensees with findings of fact that they failed to complete the required 20 contact hours of continuing competence during the 2006-2008 licensure period, the conclusions of law listed in the audit report, and a disciplinary order with the following terms: 6 months of probation, a \$750 civil penalty, a passing score on the Board's jurisprudence examination, a requirement to come into compliance with the continuing competence requirements, and that failure to complete all of the terms will result in a voluntary surrender of the license. The motion also stipulated that failure to sign the consent agreement within 20 days will result in the case being remanded to an informal hearing. Ms. Kalis seconded the motion. The motion carried by a unanimous vote.

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

**Cathy Palmer, P.T.**

Ms. Herbst Paakkonen explained the licensure reinstatement application filed by Ms. Palmer on which she reported that she has a physical impairment (a back injury) that impacts her ability to provide physical therapy with skill and safety. She also called to the Board's attention that the statement from Ms. Palmer's physician that she submitted with the application indicates that Ms. Palmer is able to provide effective physical therapy care to her patients, but that she is on a lifting restriction of 50 pounds or more. The Board members concurred that this situation amounts to the licensee using prudent judgment to self-restrict in her lifting and that a Board-ordered restriction of the license is not necessary to protect the public. Ms. Kalis moved to grant an unrestricted reinstatement of licensure to Ms. Palmer. Mr. Robbins seconded the motion. The motion carried by a unanimous vote.

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

<b>Aldous, Kathleen</b>	<b>Allen, Heather *</b>	<b>Chen, Judy</b>
<b>Clipperton, Justin</b>	<b>Dobucki, Jennifer</b>	<b>Froberg, Lisa</b>
<b>Hernandez, Joanna</b>	<b>Hoffman, Kathleen</b>	<b>Hughes, Eric</b>
<b>Jerman, Lindsay</b>	<b>Knight, Ryan *</b>	<b>Lum, Brandon</b>
<b>McGarrigle, Joseph</b>	<b>Neva, Ronald</b>	<b>Potter, Christopher</b>
<b>Potter, Megan</b>	<b>Radochonski, Donna</b>	<b>Rozier, Carla</b>
<b>Shupe, Bret</b>	<b>Smith, Nicholas</b>	<b>Tiedeman, Kristan</b>
<b>Van Blaricom, Desiree</b>	<b>Van Vught, Tracy</b>	<b>Viox, Julie</b>
<b>Ward, Amy</b>	<b>Ward, Richard</b>	

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

The Board noted that the applications were administratively complete but elected to remove Ms. Allen and Mr. Knight for separate discussion. Ms. Kalis moved to grant licensure to the



remaining listed applicants. Ms. Ohlendorf seconded the motion. The motion carried by a unanimous vote. The Board noted that Ms. Allen was cited for being a minor in possession of alcohol in 2001, but discussed the fact that it was an isolated event that occurred several years ago and that there has been not substance abuse related criminal activity since that time. Ms. Kalis moved to grant licensure to Ms. Allen. Mr. Sieveke seconded the motion. The motion carried by a unanimous vote. The Board discussed Mr. Knight’s four misdemeanor citations – some of which included motor vehicle citations and also a citation for urinating in public. The Board discussed the fact that these infractions reflect poor judgment, but noted that none of them were crimes of moral turpitude. Ms. Kalis moved to grant licensure to Mr. Knight. Mr. Robbins seconded the motion. The motion carried by a unanimous vote.

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

<b>Cassin, Leeann</b>	<b>Clark, Ashley *</b>	<b>Mikhail, Paul</b>
<b>Smith, Susan</b>		

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

The Board members affirmed that the files for the listed applicants were administratively complete. The Board elected to vote on the application of Ms. Clark separately. Ms. Kalis moved to grant certification to the listed applicants with the exception of Ms. Clark. Mr. Sieveke seconded the motion. The motion carried by a unanimous vote. Board staff explained that Ms. Clark was previously granted approval to take the National Physical Therapy Examination (NPTE) for physical therapist assistants with an accommodation under the Americans with Disabilities Act, but that the Board was unable to grant her certification upon receipt of a passing score due to how the matter was described previously on the Board’s agenda. Staff indicated that as Ms. Clark has very recently passed the NPTE, her complete file has been presented to the Board for final action on her application for certification. Ms. Kalis moved to grant certification to Ms. Clark. Mr. Robbins seconded the motion. The motion carried by a unanimous vote.

**11(C). Request for Approval to Take National Physical Therapist Examination; Review of Documentation Related to Disclosure on “Personal Information” Section of Application Hernandez, Larry**

Ms. Ohlendorf disclosed for the record that she previous had a student-teacher relationship with the applicant but that she is able to vote on his application without bias. The Board noted that Mr. Hernandez disclosed on his application that he pled guilty to a charge of DUI in 2003, but that he had also submitted evidence of having completed all court-ordered probation terms. The Board discussed the fact that the DUI was a one-time event. Ms. Kalis moved to grant approval to Mr. Hernandez to take the NPTE and that he be certified upon receipt of massing score. Ms. Ohlendorf seconded the motion. The motion carried by a unanimous vote.

**MacFarlane, Ian**

Ms. Kalis announced that she would recuse herself from the consideration and vote of this agenda item as the applicant’s prospective employer contacted her and discussed this matter with her prior to her learning that it would be on this meeting agenda. Dr. Cornwall presided over the agenda item and the Board noted that Mr. MacFarlane disclosed on his application that he pled guilty to a charge of domestic violence which was an isolated event while he was under a high degree of personal and professional stress. The Board discussed the fact that the applicant has completed all of the court ordered requirements, and that his wife also submitted a written statement supporting his good moral character. Dr. Cornwall moved to grant approval to Mr. Hernandez to take the NPTE and that he be certified upon receipt of passing score. Ms. Ohlendorf seconded the motion. The motion carried by a unanimous vote with Ms. Kalis abstaining.

**11(D). Request for Approval of Final Clinical Performance Instrument and Possible Action on Licensure**

**McGeehon, Shirley**

Ms. McGeehon was present for the Board's review of the Clinical Performance Instrument (CPI) for her Supervised Clinical Practice Period (SCPP) extension. In response to the Board's questions Ms. McGeehon stated that her additional SCPP time was very valuable and helpful and that under her supervisor, Jill Falkenberg, P.T., she was able to focus on improving her knowledge and skills relative to completing initial evaluations. She noted that as a result of the additional SCPP time she is able to complete evaluations in under one hour. She stated that she now feels more confidence in her clinical capabilities and in her documentation skills. Ms. McGeehon affirmed that she has the option of accepting employment with her SCPP facility once she is granted licensure. The Board noted that the CPI indicates substantial improvement on the part of Ms. McGeehon relative to her knowledge and skills. Ms. Kalis moved to grant licensure to Ms. McGeehon. Dr. Cornwall seconded the motion. The motion carried by a unanimous vote.

**BOARD BUSINESS AND REPORTS**

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

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

**b. Board Staff Activities:** Ms. Herbst Paakkonen reported that there are very few pending complaints at this time that are waiting for initial review, although Ms. Hiller has recently received some new materials that will likely be opened as complaints before the end of the year. Ms. Herbst Paakkonen noted that the administrative processing time for complaint intake and investigations has been reduced significantly in recent months which is a positive development given that Ms. Hiller is retiring in early 2009. Ms. Hiller assured the Board that she will continue to serve as an Investigator on a contract basis, and that she will stay on as a volunteer continuing competence auditor.

**c. FSBPT Initiatives and News:** Ms. Kalis announced that she has been appointed to serve on the committee that is charged with setting quality assurance standards for credential evaluation agencies, and that the initial meeting will be held on February 13, 2009.

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

**e. Legislative Update:** Ms. Herbst Paakkonen reported that she is in almost daily communication with the Board's Legislative Liaison, Stuart Goodman, and that as of now the Board's fund has not been identified for a possible sweep of any monies. She assured the Board that she is working with Mr. Goodman to ensure that he is ready to begin collaborating with her successor once that person is hired.

**13. Review, Discussion and Possible Action on Executive Director Hiring**

The Board welcomed Tom Kernan and Susan Lawrence from Human Resources with the Arizona Department of Administration to the meeting. Ms. Herbst Paakkonen briefed the Board on the events that occurred from November 25, 2008 (i.e. the lifting of the Executive Director hiring blockade) up to this point in time to include the posting of the position and her willingness to stay on with the Board into January in order to ensure that the Board is not unnecessarily and adversely affected by a lengthy vacancy in that position. Ms. Lawrence explained the process involved in the analysis of the candidates' skills and qualifications, and clarified how the candidates were grouped into tiers based on those skills and qualifications. Mr. Kernan suggested the Board also review and approve the draft proposed interview questions which have been presented for the members' consideration. He also noted that he can perform a preliminary interview screening of the candidates selected for interviews which would include contacting their references and affirming that the salary range is acceptable. Mr. Kernan recommended at

least three candidates be selected for interviews, but noted that interviewing more than six can become arduous. Ms. Kalis moved to meet in Executive Session for purposes of discussing confidential information. Mr. Sieveke seconded the motion. The motion carried by a unanimous vote. Upon resuming the meeting in public session Ms. Kalis offered a motion to interview the following five candidates: Tom Adams, Lori Boncosky, Linda Branch-Dasch, Charles Brown, and Christina Waddell. Mr. Robbins seconded the motion. The motion carried by a unanimous vote. The Board members agreed by consensus to hold a special session meeting on January 7, 2009 to commence at 8:30 a.m. for purposes of conducting the interviews.

**14. Review and Possible Action on Proposed Revision to Substantive Policy Statement: Policy Statement 2006-02 Supervision; Documentation**

Ms. Herbst Paakkonen advised the Board that the proposed draft revisions were prepared in an effort to clarify the law as it relates to the responsibilities of a physical therapist that assumes responsibility for supervising a physical therapist assistant under general supervision. The Board reviewed the draft revisions to the substantive policy statement and discussed revisions to eliminate any mention of facilities, and to clarify the first bullet point in the proposed new language relative to the physical therapist providing general supervision. The Board debated whether the language that refers to tolling the number of treatment visits will be understood by licensees and the public. The Board engaged in a discussion in an attempt to discern what the law actually requires relative to which physical therapist – the onsite supervisor or the one providing general supervision – is responsible for the evaluation and re-evaluation of the patient. Additionally the Board discussed the possibility that the rule R4-24-303. Patient Care Management may require some revision as it may not address the point of law that is of concern. The Board directed staff to continue working on the draft and bring it back on a future meeting agenda for re-consideration.

**CALL TO THE PUBLIC**

Brian Peterson explained that he is an applicant for physical therapist certification in Arizona and is licensed in Texas. He stated that he misunderstood the question on his Texas licensure application that asks whether he has previously taken the NPTE and stated that the ensuing investigation into whether he made a false statement is delaying the completion of his application for certification as a physical therapist assistant in Arizona. He indicated that he understands that nothing can be done by the Board today, but noted that he is in jeopardy of losing his work assignment as a result of missing the December deadline for a complete application.

**ADJOURNMENT**

The meeting adjourned at 1:40 p.m.

Prepared by,

Heidi Herbst Paakkonen  
Executive Director

Approved by,

Randy Robbins  
Secretary