

JANICE K. BREWER  
Governor



CHARLES D. BROWN  
Executive Director

JONI KALIS, P.T.  
President

**ARIZONA STATE BOARD OF PHYSICAL THERAPY**  
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**REGULAR SESSION MEETING MINUTES**  
**February 24, 2009**

**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

**MEMBERS ABSENT:** Kris Ohlendorf, P.T.A., Member

**OTHERS PRESENT:** Charles D. Brown, Executive Director  
Peggy Hiller, P.T., Investigator  
Paula Brierley, Licensing Administrator  
Keely Verstegen, Assistant Attorney General

CALL TO ORDER – 8:30 a.m.  
The meeting was called to order at 8:30 a.m.

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

January 27, 2009; Regular Session Meeting

Ms Kalis requested that the words “for transfers” be added to line 13, page five and that the words “and why she treated the shoulder without first evaluating the shoulder”. Ms. Kalis moved to approve the draft minutes with the amendments. Mr. Robbins seconded the motion. The motion carried by a unanimous vote.

Vote	Ms. Kalis	Dr. Cornwall	Mr. Robbins	Mr. Sieveke	Ms. Akers	Ms. Ohlendorf
Aye	X	X	X	X	X	
Nay						
Recused						
Abstained						
Absent						X

January 27, 2009; Executive Session Minutes

The Board affirmed the draft required no revisions. Ms. Kalis moved to approve the minutes as drafted. Ms. Akers seconded the motion. The motion carried by a unanimous vote.

Vote	Ms. Kalis	Dr. Cornwall	Mr. Robbins	Mr. Sieveke	Ms. Akers	Ms. Ohlendorf
Aye	X	X	X	X	X	
Nay						
Recused						
Abstained						
Absent						X

**2. BOARD MEMBER CONTINUENCE REVIEW, DISCUSSION, & ACTION**

Mark W. Cornwall, P.T., PhD

Ms. Kalis moved to enter Executive Session. Mr. Robbins seconded the motion. The motion carried by unanimous vote. The Board entered executive session at approximately 8:33 a.m.

Vote	Ms. Kalis	Dr. Cornwall	Mr. Robbins	Mr. Sieveke	Ms. Akers	Ms. Ohlendorf
Aye	X	X	X	X	X	
Nay						
Recused						
Abstained						
Absent						X

The Board returned from executive session at approximately 8:37 a.m. Ms. Kalis called the meeting back to order. Ms. Kalis moved to approve Mark W. Cornwall, P.T., PhD to continue to serve on the Arizona State Board of Physical Therapy in accordance with A.R.S. §32-2002(B). Mr. Sieveke seconded the motion. The motion carried.

Vote	Ms. Kalis	Dr. Cornwall	Mr. Robbins	Mr. Sieveke	Ms. Akers	Ms. Ohlendorf
Aye	X		X	X	X	
Nay						
Recused						
Abstained		X				
Absent						X

Ms Kalis took the next agenda item out of order.

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

<b>Boddie, Micolene</b>	<b>Dardis, Mark</b>	<b>Deskins, Kimberly</b>
<b>Ford, Burton</b>	<b>Edwards Ruelas, Krystal</b>	<b>Elms, Scott</b>
<b>Juraska, Jeffrey *</b>	<b>Kennedy, Matthew</b>	<b>Knees Kern, Katrina</b>
<b>Newman, Cory</b>	<b>Owens, Ashley *</b>	<b>Rivera, David</b>
<b>Robinson, Jessica</b>	<b>Udofia, Ekop</b>	<b>Winslow, Mary</b>

Ms. Kalis removed Ashley Owens and Jeffrey Juraska from the list of applicants for licensure. Ms. Kalis moved to license the remaining applicants on the list for licensure. Dr. Cornwall seconded the motion. The motion carried by unanimous vote.

Vote	Ms. Kalis	Dr. Cornwall	Mr. Robbins	Mr. Sieveke	Ms. Akers	Ms. Ohlendorf
Aye	X	X	X	X	X	
Nay						
Recused						
Abstained						
Absent						X

Ms. Kalis invited Ms. Owens to come forward and speak to the Board. Ms. Owens came forward and answered the Board’s questions regarding her yes answer to the question regarding good moral character. Ms. Kalis questioned Ms. Owens regarding her reported conviction. Ms. Owens stated that it was a 2005 conviction for reckless driving that was reduced from a DUI based on her community service.

Ms. Kalis moved to license Ms. Owens. Mr. Robbins seconded the motion. The motion carried by unanimous vote.

Vote	Ms. Kalis	Dr. Cornwall	Mr. Robbins	Mr. Sieveke	Ms. Akers	Ms. Ohlendorf
Aye	X	X	X	X	X	
Nay						
Recused						
Abstained						
Absent						X

Ms. Kalis invited Jeffrey Juraska forward to address the Board. Mr. Juraska was not present. Ms. Kalis commented that Mr. Juraska had prior arrests for drug sale and possession. Ms. Versteegen explained to the Board that felony convictions remain and are not reduced over time. Ms. Brierley read to the Board the list of Mr. Juraska’s convictions, which included three felonies.

The Board discussed the fact that they could deny the application based on the applicant’s lack of good moral character. Dr. Cornwall moved to deny Mr. Juraska’s license based on lack of good moral character (A.R.S. §32-2022.A (1)). Ms. Kalis seconded the motion. The Board discussed Mr. Juraska’s current location in Connecticut and possibly requiring the applicant to undergo an evaluation as part of the application process. Mr. Robbins stated that the Board could ask the applicant to appear before them at a future meeting to discuss the convictions. The Board discussed the option of having the applicant appear before the Board at a future meeting. Ms. Akers noted that the criminal matter occurred 12 years ago. Dr. Cornwall noted that Mr. Juraska made the criminal matters seem like simple matters in his written statement to the Board when the record demonstrates the criminal matters were of a serious nature. Ms. Kalis called for a vote on the motion. The motion failed.

Vote	Ms. Kalis	Dr. Cornwall	Mr. Robbins	Mr. Sieveke	Ms. Akers	Ms. Ohlendorf
Aye	X	X				
Nay			X	X	X	
Recused						
Abstained						
Absent						X

The Board continued discussion of Mr. Juraska’s application and the ability to have Mr. Juraska appear before the Board at the March Board Meeting. After further review and discussion, Ms Akers moved that the Board review Mr. Juraska’s application at the March meeting and allow Mr. Juraska to appear over the phone or in person. Mr. Sieveke seconded the motion. The motion carried.

Vote	Ms. Kalis	Dr. Cornwall	Mr. Robbins	Mr. Sieveke	Ms. Akers	Ms. Ohlendorf
Aye		X	X	X	X	
Nay	X					
Recused						
Abstained						
Absent						X

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

<b>Brown, Gregory</b>	<b>Craver, Tami</b>	<b>Goade-Caves, Rene’</b>
<b>Hill, Danny</b>	<b>McMahon, Bartholomew</b>	<b>Patnaud, Amanda</b>
<b>Robles, Brian</b>	<b>Rogers, Jennifer</b>	<b>Slaton, Kristen</b>

The Board discussed the applicants for Physical Therapist Assistant Certification. Ms. Akers noted that Rene` Goade-Caves had not worked for five years. Dr. Cornwall inquired if Board staff had knowledge whether Ms. Goade-Caves completed any continuing education over the last five years. Ms. Brierley stated that staff had no information on the education of the applicant over the last five years. Ms. Kalis stated that Greg Brown had previously worked in Colorado, but noted that there did not

appear to be complete information from Colorado in the file. Ms. Brierley stated that at the time Mr. Brown worked in Colorado, physical therapy assistants were not required to be certified.

Ms. Kalis moved to grant certification to the applicants. Mr. Robbins seconded the motion. The motion carried by unanimous vote.

Vote	Ms. Kalis	Dr. Cornwall	Mr. Robbins	Mr. Sieveke	Ms. Akers	Ms. Ohlendorf
Aye	X	X	X	X	X	
Nay						
Recused						
Abstained						
Absent						X

**9(C). Review and Possible Action on Application for Licensure/Certification:  
Approval to Take National Physical Therapist Examination; Review of Documentation Related to Disclosure on “Personal Information” Section of Application**

Thomas Arnold  
Anna Demos  
Kelli O’Connor

Ms. Kalis opened the matter for discussion and asked if Mr. Arnold was present. Mr. Arnold did not come forward. The Board discussed a 2003 charge for assault reported by Mr. Arnold. The Board discussed that Mr. Arnold spent time in jail, underwent a year of counseling and completed his sentencing in 2004. Ms. Kalis moved to grant Mr. Arnold approval to take the National Physical Therapy Assistant Examination and to grant him certification upon receipt of a passing score. Dr. Cornwall seconded the motion. The motion carried by a unanimous vote.

Vote	Ms. Kalis	Dr. Cornwall	Mr. Robbins	Mr. Sieveke	Ms. Akers	Ms. Ohlendorf
Aye	X	X	X	X	X	
Nay						
Recused						
Abstained						
Absent						X

Ms. Kalis invited Anna Demos to come forward and address the Board. Ms. Demos stated she was present to request the Board to approve her request to take the required examination and answer Board questions. The Board questioned Ms. Demos regarding her reported DUI. Ms. Demos stated she had no problems since the DUI and that it occurred when she was under the age of 21. Ms. Kalis moved to grant Ms. Demos approval to take the National Physical Therapy Examination and grant her licensure upon receipt of a passing score. Mr. Robbins seconded the motion. The motion carried by unanimous vote.

Vote	Ms. Kalis	Dr. Cornwall	Mr. Robbins	Mr. Sieveke	Ms. Akers	Ms. Ohlendorf
Aye	X	X	X	X	X	
Nay						
Recused						
Abstained						
Absent						X

Ms. Kalis invited Kelli O’Connor forward to address the Board. Ms. O’Connor was present and addressed the Board. Mr. Sieveke questioned Ms. O’Connor about her DUI. Ms. O’Connor stated that it happened in 2007 when she was going through a custody dispute. Ms. O’Connor also stated she was working as a physical therapy tech since December 2008 and has been working with Suzanne Brown.

Dr. Cornwall asked Ms. O'Connor about controls she has in place regarding drinking. Ms. O'Connor stated she is in counseling once per month and has a support network established. Ms. Kalis moved to grant Ms. O'Connor approval to take the National Physical Therapy Examination and grant her licensure upon receipt of a passing score. Dr. Cornwall seconded the motion. The motion carried by unanimous vote.

Vote	Ms. Kalis	Dr. Cornwall	Mr. Robbins	Mr. Sieveke	Ms. Akers	Ms. Ohlendorf
Aye	X	X	X	X	X	
Nay						
Recused						
Abstained						
Absent						X

The Board returned to the order of the agenda.

### COMPLAINTS, INVESTIGATIONS and COMPLIANCE

#### 3. Initial Review and Possible Action on Complaint

#08-12; Patrick Domanico, P.T.

Ms. Kalis invited Mr. Domanico to come forward if he was present. Mr. Domanico was not present and was not signed-in. Ms. Hiller provided the Board with a summary of the allegations in the complaint against Mr. Domanico to include: Mr. Domanico causing patient K.M. a worsening of her condition after treating with Mr. Domanico for two treatments related to degenerative disk disease and arthritis of the spine. Ms. Hiller also summarized Mr. Domanico's response to the allegations in the complaint.

Ms. Kalis opened the matter to the Board for discussion. Dr. Cornwall noted that the patient was not providing the Board with access to her patient records from other healthcare providers before seeing Mr. Domanico. Ms. Hiller noted that the lack of access to the records prevents staff from providing a comparison of K.M.'s condition prior to and following Mr. Domanico's treatments. Mr. Sieveke noted that it is difficult to appreciate the patient's condition without access to the records.

Ms. Kalis questioned staff about how Mr. Domanico's records were obtained for this complaint. Ms. Hiller stated that he provided his records with his written response to the Board. Dr. Cornwall explained how he felt that the issue might be an issue of communication. The Board then discussed Mr. Domanico's records for K.M.

Dr. Cornwall moved to dismiss the complaint against Mr. Domanico and issue a non-disciplinary Advisory Letter reminding Mr. Domanico of the need for clear communication with the patient regarding expectations and treatment goals. In addition, the Advisory Letter is to express the need to link evaluation findings to the plan of care in a patient record. Ms. Kalis seconded the motion. The motion carried by unanimous vote.

Vote	Ms. Kalis	Dr. Cornwall	Mr. Robbins	Mr. Sieveke	Ms. Akers	Ms. Ohlendorf
Aye	X	X	X	X	X	
Nay						
Recused						
Abstained						
Absent						X

Ms. Kalis took the next item out of order.

**7. Review and Discussion Investigation and Purposed Consent Agreement  
#08-14 Allan Wade, P.T.**

Ms. Kalis invited Mr. Wade or his representative to come forward and address the Board. Mr. Wade was not present, but Gordon Bueler, attorney for Mr. Wade came forward. Mr. Brown summarized for the Board that the Board had previously reviewed the complaint against Mr. Wade and offered a consent agreement for surrender of his license. Mr. Bueler informed the Board that his client wished to enter into the Board’s consent agreement for voluntary surrender of his license following the Board’s investigation of a complaint that he had admitted to, inappropriate physical contact with patient’s, in a family counseling session during a child custody dispute. Mr. Bueler informed the Board that his client did not sign the first consent agreement offered by the Board because he did not agree with some of the language in the Findings of Fact. Mr. Bueler stated he had worked with staff to establish acceptable language for the Board and his client. Mr. Bueler then requested the Board add “during divorce proceedings” language to the Findings of Fact paragraph 9 offered by staff.

The Board discussed the consent agreement, the new language presented by staff and the purposed addition from Mr. Bueler. Mr. Sieveke questioned why the original consent agreement was not signed and Mr. Bueler stated that it was because of his client’s disagreement with some of the language.

Ms. Kalis moved that the Board again offer Mr. Wade the consent agreement to surrender his license, but modified with the purposed changes to the Findings of Fact paragraph 9 and 10, and with the additional language requested by Mr. Bueler; Mr. Wade will have 20 days to sign the agreement from the day of his receipt of the agreement. Dr. Cornwall seconded the motion. The motion carried by unanimous vote.

Vote	Ms. Kalis	Dr. Cornwall	Mr. Robbins	Mr. Sieveke	Ms. Akers	Ms. Ohlendorf
Aye	X	X	X	X	X	
Nay						
Recused						
Abstained						
Absent						X

The Board returned to the order of the agenda.

**4. Initial Review and Possible Action on Complaint  
#08-18; Francis St. Laurent, P.T.A.**

Ms. Kalis invited Mr. St. Laurent to come forward and address the Board. Mr. St. Laurent did not come forward and was not signed-in as present. Ms. Hiller provided a summary of the allegations against Mr. St. Laurent to include; Mr. St. Laurent repeatedly performed a shoulder range of motion exercise in a manner that caused his hand to keep rubbing against patient K.R.B.’s left breast.

Ms. Kalis opened the matter up for discussion. Ms. Kalis noted that she could understand how such a thing can happen in practice based on her own experience and the nature of the exercise being performed. The Board reviewed and discussed the case together and noted that any documentation issues noted were of records prepared by Lisa Alexander, P.T. The Board discussed issuing an advisory letter or dismissing the case. Dr. Cornwall moved to dismiss the complaint against Mr. St. Laurent. Mr. Robbins seconded the motion. The motion carried by unanimous vote.

Vote	Ms. Kalis	Dr. Cornwall	Mr. Robbins	Mr. Sieveke	Ms. Akers	Ms. Ohlendorf
Aye	X	X	X	X	X	
Nay						
Recused						
Abstained						
Absent						X

Dr. Cornwall then recused from the remaining discussion on this agenda item after stating he knows Ms. Alexander. The Board discussed the records of Ms. Alexander. Ms. Kalis noted several documentation and billing issues found in the record of patient K.R.B. Ms. Kalis moved to open a complaint against Lisa Alexander, P.T. regarding inadequate documentation and improper billing regarding the record of patient K.R.B. Mr. Sieveke seconded the motion. The motion carried.

Vote	Ms. Kalis	Dr. Cornwall	Mr. Robbins	Mr. Sieveke	Ms. Akers	Ms. Ohlendorf
Aye	X		X	X	X	
Nay						
Recused		X				
Abstained						
Absent						X

**5. Initial Review and Possible Action on Complaint**  
#08-22; Mark G. Anderson, P.T.A.

Ms. Kalis invited Mr. Anderson to come forward and address the Board. Mr. Anderson did not come forward and was not signed-in as being present. Ms. Hiller provided the Board with a summary of the allegations in the case to include; Mr. Anderson is alleged to have provided his employer, Osborn Health and Rehabilitation, with a two-week notice of resignation. However, he did not show for work one day causing a disruption of patient care. The complainant later learned Mr. Anderson was employed at another local facility when he had claimed he was moving to California.

Ms. Kalis opened the matter for discussion. Mr. Sieveke noted that there was no information in the complaint about how patient care was actually affected; although, Board staff had requested such information from the complainant. The Board reviewed and discussed the case further to include the possibility of dismissing the case or issuing an advisory letter.

Ms. Kalis moved to dismiss the complaint against Mark Anderson, P.T.A. and issue a non-disciplinary Advisory Letter reminding Mr. Anderson to maintain his professional responsibility by being present for work and patient care for which you have been employed. Mr. Robbins seconded the motion. The motion carries by unanimous vote.

Vote	Ms. Kalis	Dr. Cornwall	Mr. Robbins	Mr. Sieveke	Ms. Akers	Ms. Ohlendorf
Aye	X	X	X	X	X	
Nay						
Recused						
Abstained						
Absent						X

The Board took a break at approximately 9:41 a.m.

The Board returned to session at approximately 9: 49 a.m.

**6. Consideration of Request to Modify A Consent Agreement**

Marsha Lindsey, P.T.

**Review of Compliance with Consent Agreement**

Marsha Lindsey, P.T.

Ms. Kalis invited Ms. Lindsey to come forward and address the Board. Ms. Lindsey did not come forward and was not signed-in as being present. Mr. Brown summarized the matter before the Board to include; Ms. Lindsey is currently under a Board order (consent agreement) to restrict her license to the practice of Hippotherapy. Ms. Lindsey is requesting that the Board modify her consent agreement to include the practice in pediatric home health. Ms. Lindsey provided letters from her physician, physician assistant, and a physical therapist who had recently supervised her as a physical therapist aide.

Ms. Kalis noted that the letter from Ms. Lindsey’s physician was not extensive. The Board discussed the fact that the letter from her physician deferred to the physician assistance findings. Mr. Sieveke noted it was Ms. Lindsey that had suggested the limited practice due to her disability, but is now asking to expand her practice. Ms. Akers expressed concern over Ms. Lindsey’s ability to handle the work level in a pediatric home health environment. Ms. Verstegen noted that the Board could ask for additional information from the physician and for Ms. Lindsey to appear before the Board.

Ms. Kalis noted that Ms. Lindsey stated in her request to modify her consent agreement that she was supervising three physical therapy aides at times, which may be in violation of A.A.C. R4-24-303(C). The Board discussed the appropriateness of Ms. Lindsey supervising assistive personnel as she described in her communication to the Board and the Board’s ability to open a complaint to investigate the matter further.

Ms. Akers moved to have Ms. Lindsey appear before the Board, either in person or by phone, at a future meeting to review her request to modify her consent agreement. In addition, Ms. Lindsey is to provide medical records from her physician detailing her most recent evaluation performed, which lead to the recommendation that Ms. Lindsey was able to practice safely and skillfully. If an evaluation was not performed, Ms. Lindsey is required to have an evaluation performed and must provide copies of the evaluation documents to the Board. Ms. Lindsey is required to provide a letter from Gail Pauly, P.T. detailing Ms. Lindsey’s activities performed under Ms. Pauly’s supervision while Ms. Lindsey was working as a physical therapy aide. Ms. Lindsey will also provide documentation of any continuing competence coursework she has started or completed since her license renewal in 2008. Ms. Kalis seconded the motion. The motion carried by unanimous vote.

Vote	Ms. Kalis	Dr. Cornwall	Mr. Robbins	Mr. Sieveke	Ms. Akers	Ms. Ohlendorf
Aye	X	X	X	X	X	
Nay						
Recused						
Abstained						
Absent						X

The Board discussed possible action related to Ms. Lindsey’s supervision of physical therapy aides. Ms. Kalis moved to open a complaint against Ms. Lindsey’s license to practice physical therapy for possible violations of A.A.C. R4-24-303(C) as related to her supervision of physical therapy aides. Dr. Cornwall seconded the motion. The motion carried by unanimous vote.

Vote	Ms. Kalis	Dr. Cornwall	Mr. Robbins	Mr. Sieveke	Ms. Akers	Ms. Ohlendorf
Aye	X	X	X	X	X	
Nay						
Recused						
Abstained						
Absent						X

**8. 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*

Mr. Brown provided the Board with a summary of the Board's last audit of continuing competence. The findings of the committee audit were provided to the Board in six tables, which divided the audited licensees into categories of compliance.

Table 1:

The Board discussed the findings of the Committee and the suggestion that all licensees listed in Table 1 be found in compliance with continuing competence requirements. Ms. Kalis moved that the Board find all licensees listed in Table 1 in compliance with continuing competence requirements. Dr. Cornwall seconded the motion. The Motion carried by unanimous vote.

Vote	Ms. Kalis	Dr. Cornwall	Mr. Robbins	Mr. Sieveke	Ms. Akers	Ms. Ohlendorf
Aye	X	X	X	X	X	
Nay						
Recused						
Abstained						
Absent						X

Table 2:

The Board discussed the findings of the continuing competence audit of the licensee listed in Table 2, which demonstrated that the licensee submitted 20 or more contact hours (or 10 or more contact hours if only 10 hours were required) of continuing competence activities; however, the Committee found this licensee to be out of compliance due to lack of documentation to support the hours reported. Ms. Kalis moved that the Board find the licensee listed in Table 2 out of compliance with continuing competence requirements and that the licensee be provided 6 months to come into compliance as allowed under A.A.C. R4-24-401(J). Mr. Robbins seconded the motion. The motion carried by unanimous vote.

Vote	Ms. Kalis	Dr. Cornwall	Mr. Robbins	Mr. Sieveke	Ms. Akers	Ms. Ohlendorf
Aye	X	X	X	X	X	
Nay						
Recused						
Abstained						
Absent						X

Table 3:

Ms. Kalis opened the matter for discussion. The Board noted that the licensee listed in Table 3 appears out of compliance with the continuing competence requirement for renewal of licensure in accordance with A.A.C. R4-24-401 as the licensee failed to reply to the notice of audit and failed to provide documentation of continuing competence. The Board noted that the Audit Committee

recommends that the Board grant this licensee 6 months with which to come into compliance with the requirement in accordance with R4-24-401(J).

Mr. Brown reviewed the Board’s complaint process and requirements under A.A.C. R4-24-305 and the Board’s requirement for allowing a licensee or certificate holder an opportunity to respond to allegation in complaints or investigations. Ms. Verstegen reviewed the Board’s complaints and investigation rules and advised the Board of a requirement to open a complaint if it believes there may be a violation of laws governing the practice of physical therapy in Arizona.

Dr. Cornwall moved that the Board find the licensee in Table 3 non-compliant with continuing competence requirements and offer the licensee a consent agreement to surrender her license. The motion was not seconded. The Board further discussed its complaint and investigation requirements according to Board rules and the ability to provide the licensee the six months required by rule to demonstrate compliance with continuing competence requirements while also opening a complaint and providing 30 days to respond as required by rule and also offering a consent agreement concurrently.

Dr. Cornwall moved that the Board find the licensee in Table 3 non-compliant with continuing competence requirements and provide six months to demonstrate compliance, open a complaint against the license of the licensee listed in Table 1 for possible violation of A.R.S. §32-2044(1, 3, 12 and 14) and A.A.C. R4-24-401(G).2; and offer the licensee a consent agreement for the violations in the complaint to include an Order to demonstrate compliance with continuing competence requirements in six months from the date of notice of non-compliance, pay a \$500 civil penalty within six months and pass the Arizona Jurisprudence Examination within six months. Ms. Kalis seconded the motion. The motion carried by unanimous vote.

Vote	Ms. Kalis	Dr. Cornwall	Mr. Robbins	Mr. Sieveke	Ms. Akers	Ms. Ohlendorf
Aye	X	X	X	X	X	
Nay						
Recused						
Abstained						
Absent						X

Table 4:

Ms. Kalis opened discussion on Table 4. The Board reviewed and discussed the audit findings that licensees in Table 4 took courses either before or after the 2006-2008 compliance period (i.e. prior to September 1, 2006, after August 31, 2008, or after the reinstatement date) and failed to establish that they completed the required 20 contact hours during the compliance period. Dr. Cornwall moved that the Board find the licensees in Table 4 non-compliant with continuing competence requirements and provide six months to demonstrate compliance, open a complaint against the licenses of the licensees listed in Table 4 for possible violation of A.R.S. §32-2044(3, 12 and 14) and A.A.C. R4-24-401(C &D), and offer the licensees in Table 4 a consent agreement for the violations in the complaint to include an Order to demonstrate compliance with continuing competence requirements in six months from the date of notice of non-compliance, pay a \$500 civil penalty in six months and pass the Arizona Jurisprudence Examination in six months. Ms. Kalis seconded the motion. The motion carried by unanimous vote.

Vote	Ms. Kalis	Dr. Cornwall	Mr. Robbins	Mr. Sieveke	Ms. Akers	Ms. Ohlendorf
Aye	X	X	X	X	X	
Nay						
Recused						
Abstained						
Absent						X

Table 5:

Ms. Kalis opened the discussion for the Board’s review of compliance with continuing competence for the licensees listed in Table 5. The Board discussed the difference of possible non-compliance for the licensees listed in Table 5 and the licensee listed in Table 2. Ms. Hiller provided a review of the documentation submitted by the licensees in Table 5. Dr. Cornwall moved that the Board find the licensees in Table 5 non-compliant with continuing competence requirements and provide them six months to demonstrate compliance. Mr. Robbins seconded the motion. The Board then entered discussion and noted the need to remain consistent with the complaint and investigation process as with the licensees in Tables 3 & 4. Ms. Verstegen noted that the Board could accomplish the consistency in action through another motion. Ms. Kalis called the motion for a vote. The motion carried by unanimous vote.

Vote	Ms. Kalis	Dr. Cornwall	Mr. Robbins	Mr. Sieveke	Ms. Akers	Ms. Ohlendorf
Aye	X	X	X	X	X	
Nay						
Recused						
Abstained						
Absent						X

Ms. Akers moved that the Board open a complaint against the license of the licensees listed in Table 5 for possible violation of A.R.S. §32-2044(3, 12 and 14); and offer the licensees in Table 5 a consent agreement for the violations in the complaint to include an Order to demonstrate compliance with continuing competence requirements in six months from the date of notice of non-compliance, pay a \$500 civil penalty in six months and pass the Arizona Jurisprudence Examination in six months. Mr. Robbins seconded the motion. The motion carried by unanimous vote.

Vote	Ms. Kalis	Dr. Cornwall	Mr. Robbins	Mr. Sieveke	Ms. Akers	Ms. Ohlendorf
Aye	X	X	X	X	X	
Nay						
Recused						
Abstained						
Absent						X

Table 6:

Ms. Kalis opened Table 6 for discussion by the Board. Ms. Hiller provided the Board with an update regarding compliance with continuing competence requirements for the licensee listed in Table 6. Ms Hiller stated the licensee had provided additional information regarding compliance since the memo reviewed by the Board was drafted and that the licensee now complied with continuing competence requirements. Ms. Kalis moved that the Board find the licensee listed in Table 6 in compliance with continuing competence requirements for the period reviewed. Mr. Robbins seconded the motion. The motion carried by unanimous vote.

Vote	Ms. Kalis	Dr. Cornwall	Mr. Robbins	Mr. Sieveke	Ms. Akers	Ms. Ohlendorf
Aye	X	X	X	X	X	
Nay						
Recused						
Abstained						
Absent						X

**10. Review and Possible Action on Application for Licensure and Purposed Consent Agreement**  
Nancy McGee

Ms. Kalis offered Ms. McGee opportunity to come before the Board to be heard. Ms. McGee did not come forward and was not signed-in as being present. Mr. Brown summarized the application process for Ms. McGee which included the Board’s offer of a consent agreement for an Interim Permit based on concerns that Ms. McGee had not practiced physical therapy since 2001, which was offered on November 25, 2008 and was required to be signed in 20 days from notice or the application of Ms. McGee would be denied. The Board discussed the statutes applied to Ms. McGee’s application review in November and the Board’s review of the same statues on January 27, 2009. The Board reviewed its options of denying the license application or approving the license application. Ms. Kalis moved to grant Ms. McGee licensure. Ms. Akers seconded the motion. The motion carried by unanimous vote.

Vote	Ms. Kalis	Dr. Cornwall	Mr. Robbins	Mr. Sieveke	Ms. Akers	Ms. Ohlendorf
Aye	X	X	X	X	X	
Nay						
Recused						
Abstained						
Absent						X

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

- a. Financial Report
- b. Board Staff Activities
- c. Rule Writing Update

Mr. Brown provided the Board with an update of the legislature’s action on the FY 2009 budget appropriations, which included no change to the Board’s budget. Mr. Brown reported that he would provide the Board with an update of the Board’s revenues and expenditures for FY 2009 in March or April to include any changes that may be necessary in budget line items.

Mr. Brown notified the Board that there had not been a great deal of activity at the legislature regarding the Board of Physical Therapy other than H.B. 2210, but that the language regarding the Board of Physical Therapy had been removed in an amendment. Dr. Cornwall asked if the association had communicated why they were interested in facility licensure. Mr. Brown stated that no official stance has been provided, but that he was meeting with members of the association’s State Government Affairs Committee that evening and expected some discussion regarding facilities regulation. The Board discussed putting an agenda item on the March meeting agenda to allow the Board to discuss statutes and possible legislative activity.

Mr. Brown provided the Board with a review of the required halt to the Board’s formal and informal rule making practices, which was put into place by the Governor. The Board reviewed and discussed its current rule making activities. Ms. Kalis moved the discussion into the next agenda item.

**12. Review and Possible Action on 2009 Regular Session Board Meeting Schedule**

Ms. Kalis stated she had a conflict in her schedule that may prevent her from attending the Board’s scheduled July 28, 2009 Board meeting. The Board discussed other dates in July that would allow all Board members to attend. Ms. Brierley noted that because of licensure time frames the Board would still need to meet on July 28, 2009. Ms. Verstegen noted that the Board does have the option of having July 28, 2009 be only a teleconference meeting. The board directed staff to schedule July 28, 2009 as a teleconference Board meeting.

## **CALL TO THE PUBLIC**

Ms. Kalis invited any member of the public to come forward and address the Board. Melinda Tenorio came forward and addressed the Board. Ms. Tenorio explained to the Board that she has been attempting to gain licensure as a physical therapist in Arizona since April of 2006. Ms. Tenorio stated that she is a United States citizen who received her physical therapy education in the Philippines. She stated that because of A.R.S. §32-20022(B).4 she was prevented from becoming licensed. Ms. Tenorio stated that because she is not a citizen in the Philippines she cannot be approved to practice in the Philippines, which did not allow her to prove compliance with A.R.S. §32-20022(B).4. Ms. Tenorio asked that the Board review each applicant on an individual basis.

## **ADJOURNMENT**

The meeting adjourned at 11:30 a.m.

Prepared by,

Charles D. Brown  
Executive Director

Approved by,

Randy Robbins  
Secretary