

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**  
**June 23, 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  
Paula Brierley, Licensing Administrator  
Keely Verstegen, Assistant Attorney General

CALL TO ORDER – 8:30 a.m.

Ms. Kalis called the meeting to order at 8:31 a.m.

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

**May 26, 2009; Regular Session Meeting**

Ms. Kalis opened the matter for discussion. Mr. Sieveke requested that the minutes be amended under item 3. Matthew Neiberg, P.T. Ms. Kalis moved to approve the draft minutes as amended. 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

**COMPLAINTS, INVESTIGATIONS and COMPLIANCE**

**2. Initial Review, Discussion and Action on Complaint #08-24**  
**Monalisa Knabben, P.T.**

Ms. Kalis opened this matter for discussion. Mr. Brown provided the Board with a summary of the allegations in this case. The Board and staff introduced themselves. Ms. Knabben was accused by her former employer of creating patient records and billing documentation for services not actually performed, which was discovered while Ms. Knabben was observed in a time study of her day.

Ms. Knabben was present and came forward to speak to the Board with her attorney, Ed Ladley. Mr. Ladley expressed that it was his understanding that today's proceedings did not constitute a hearing. Mr. Ladley noted that he and Ms. Knabben had reviewed the records the Board had and felt that there were problems with the time study submitted by the complainant. In addition, Mr. Ladley noted that Ms. Knabben provided her own timeline of the day in question, which differed from the time study.

Dr. Cornwall noted that he saw a big difference between the time study and the records collected by the Board. Mr. Ladley noted for the Board that the person conducting the time study was not always present with Ms. Knabben. The Board discussed the possibility of sending the case to an Informal Hearing. Mr. Sieveke noted that it may be necessary to interview Courtney, the billing staff person mentioned by Ms. Knabben in her response. Ms. Knabben stated that Courtney would review staff billing and make corrections when needed. Mr. Brown stated that if the Board wished subpoenas could be issued to Courtney and the person that conducted the time study. The subpoena would compel them to attend an Informal Hearing.

Dr. Cornwall moved to forward complaint #08-24 against Monalisa Knabben, P.T. to Informal Hearing. Ms. Kalis seconded the motion. The motion carried by unanimous vote. Ms. Kalis instructed Board staff to issue the subpoenas for Courtney and the person who conducted the time study to attend the Informal Hearing.

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 of the meeting agenda.

**5. Initial Review, Discussion and Action on Complaint #09-09  
Marsha Lindsey, P.T.**

Ms. Kalis called the Board's attention to the above matter. Ms. Lindsey came forward to address the Board. Mr. Brown provided the Board with the summary of the case. The Board reviewed a request by Ms. Lindsey to alter her current Board order on February 24, 2009. In Ms. Lindsey's notification, she indicated that she was supervising 2-3 aides while providing hippotherapy, which may be in violation of supervision limitations in law.

Ms. Kalis provided Ms. Lindsey an opportunity to address the Board. Ms. Lindsey stated that she felt the issue was a misunderstanding of the term aide she used in her letter. Ms. Sieveke asked Ms. Lindsey if hippotherapy requires her to perform standard physical therapy procedures such as examinations and interventions, and whether she felt she was practicing physical therapy. Ms. Lindsey stated she did perform standard procedures and was practicing physical therapy.

Ms. Kalis asked Ms. Lindsey if she felt she understood physical therapy laws and the requirements for the use of three assistive personnel. Ms. Lindsey stated she does understand the law and the supervision requirements. Dr. Cornwall asked Ms. Lindsey if she is still using a third person or aide in treatment. Ms. Lindsey stated she does not use a third person at her new place of employment.

Ms. Lindsey explained that when a third person was used, the person would just follow her and the rest of the team to hand them items when asked and to observe, but that no therapeutic service was provided by the third person. The Board entered discussion regarding whether Ms. Lindsey was actually supervising the third person in physical therapy activities. Ms. Kalis noted that Ms. Lindsey's letters do refer to all three persons

working with her as aides. Dr. Cornwall and Mr. Sieveke noted that it did not appear that the third person was working under Ms. Lindsey's supervision.

Mr. Sieveke moved that the complaint #09-09 against Marsha Lindsey, P.T. be dismissed. Ms. Akers seconded the motion. The motion carried with one member voting nay.

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

Ms. Kalis returned to the order of the meeting agenda.

**3. Initial Review, Discussion and Action on Complaint #09-03  
Margaret Smith, P.T.**

Ms. Kalis called the Board's attention to the above agenda item. Ms. Smith was not present. Robert J. Pohlman was present represent Ms. Smith in this matter. Mr. Brown provided the Board with a summary of the case. The Board found Ms. Smith noncompliant with her continuing competence activities on February 24, 2009. The Board disapproved 35 hours submitted of which 22 hours were taken prior to the licensure period. Ms. Smith received approval of 12 hours. In addition, Mr. Brown noted that Ms. Smith has informed the Board she is not practicing based on healthcare reasons, which require her to take medication that was confusion at the time she renewed her license. Mr. Brown stated that Ms. Smith failed to notify the Board of any physical limitation affecting her ability to practice safely and failed to indicate she was taking medication that may affect her ability to practice when she renewed her license.

Mr. Pohlman stated that Ms. Smith has suffered from a seizure disorder since November 2007, at that time she stopped practicing. During Ms. Smith's renewal submission she was taking medication that was causing her problems with organization and confusion. However, Mr. Pohlman stated she is now under proper dosages and could return to practice if she liked, but that she did not intend to practice at this time.

Dr. Cornwall asked Mr. Pohlman if Ms. Smith practiced during her time of confusion caused by the medication. Mr. Pohlman stated she did not and had not practiced since November 2007. Dr. Cornwall expressed that he would consider a consent agreement that required Ms. Smith to provide documentation that she can safely practice before returning to the active practice of physical therapy.

The Board entered discussion regarding the case and the possible action of offering Ms. Smith a consent agreement. Ms. Akers questioned whether Ms. Smith's confusion while renewing her license could be considered fraud since she may not have been competent at the time. Ms. Verstegen reviewed what the Board had discussed in a possible consent agreement to include the requirement of undergoing evaluations to determine Ms. Smith's physical and cognitive ability to practice physical therapy prior to returning to active practice.

Ms. Kalis moved that the Board offer Ms. Smith a consent agreement to include as findings of facts the investigator's analysis in the investigative report and that Ms. Smith failed to indicate on her renewal her physical ability to practice safely and her being under the influence of medication that may affect her ability to practice safely, conclusions of law of A.R.S. 32-2044(1) and A.A.C. R4-24-401(G), and an order that Ms. Smith not practice physical therapy until she has submitted to evaluations of her physical and cognitive ability

to practice safely and the evaluations are approved by the Board. In addition, Ms. Smith must sign the consent agreement and return it to the Board within 20 days from receipt of the consent agreement or the matter will be forwarded to an Informal Hearing. The Board will provide Ms. Smith with an extension to November 9, 2009 to come into compliance with the continuing competence activities. 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

**4. Initial Review, Discussion and Action on Complaint #09-08  
Paulette Olson, P.T.**

Ms. Kalis opened the matter for discussion. Ms. Olson was not present. Mr. Brown provided a summary of the allegations. On March 24, 2009, the Board found Ms. Olson non-compliant with her continuing competence requirements for the 2006-2008 licensure period since she failed to respond to the notice of audit. Dr. Cornwall noted Ms. Olson did answer the Board’s audit on March 2, 2009; however, the response was due by January 6, 2009. Mr. Sieveke noted that Ms. Olson had failed to change her address in accordance with law.

Ms Kalis suggested the Board consider issuing Ms. Olson a new consent agreement. The Board discussed Ms. Olson’s compliance with her continuing competence activities. Ms. Kalis moved that the Board offer Ms. Olson a new consent agreement. The agreement should include the findings of fact as offered in the previous consent agreement adding language regarding her now compliant continuing competence activities and her failure to change her address; conclusions of law of A.R.S. 32-2044(23) and A.R.S. 32-2044(1) and A.A.C. R4-24-401(G); issue an order of six months probation, require her to take and pass the jurisprudence examination and issue a \$500 fine. If Ms. Olson fails to sign the consent agreement within 20 days of receipt of the consent agreement the matter will be forwarded to an Informal Hearing. 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 recessed at 9:20 a.m.

The Board returned to session at 9:35 a.m.

**6. Initial Review, Discussion and Action on Complaint #09-12  
Sarah Nemeč, P.T.**

Ms. Kalis opened the matter for discussion. Ms. Nemeč was not present. Mr. Brown provided the Board with a summary of the allegations. Ms. Nemeč failed to respond to her audit of continuing competence activities in 30 days as required by A.A.C. R4-24-401(G). Ms. Nemeč claims she did send the information, but has nothing to substantiate the mailing. The documentation presented by Ms. Nemeč for 15 hours of continuing competence through the Board of Certification Inc. (BOC) appears to meet Category A requirements as the

BOC is the accrediting body for athletic trainers. In addition, Ms. Nemeč was licensed on September 26, 2006, which according to the Board’s substantive policy statement means she is only required to complete 10 hours of continuing education.

The Board entered discussion regarding Ms. Nemeč’s compliance with her continuing competence activities. Ms. Kalis moved that the Board offer her a consent agreement with findings of fact that she failed to respond to her notice of audit within 30 days as required, but that when she did respond she demonstrated compliance with continuing competence activities; conclusions of law to include violation of A.R.S. 32-2044(1) and A.A.C. R4-24-401(G); issue an order for six months probation during which time she is to take and pass the jurisprudence examination and pay a \$500 fine. In addition, if Ms. Nemeč fails to sign the consent agreement in 20 days from receipt the matter will be voted to Informal Hearing. 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

**7. Initial Review, Discussion and Action on Complaint #09-14  
Robin Christie, P.T.A.**

Ms. Kalis opened this matter for discussion. Ms. Christie came forward to address the Board. Mr. Brown provided a summary of the allegation in this case. Ms. Christie failed to reinstate her certification to work as a physical therapy assistant by the deadline of August 31, 2008. When filing her reinstatement application in April of 2009, Ms. Christie provided notice that she had worked at Banner Thunderbird Medical Center while her certificate was lapsed from September 1, 2008 thru April 7, 2009.

Ms. Christie stated that she had believed that she would not need to renew in August 2008 since she was certified in July 2008 and would be grandfathered into the next licensure period. Ms. Kalis asked why Ms. Christie had such a belief. Ms. Christie stated that Board staff had stated that during a presentation at her school prior to her graduation and she believed she was told that she would be grandfathered in. However, when this issue came forward she realized that she was recalling something related to her fees. Ms. Kalis then noted that Ms. Christie had treated 117 patients while her certification was lapsed. Ms. Kalis noted the Board may need to consider if Ms. Christie should be required to notify payors of her period of work when she was uncertified.

Mr. Sieveke asked Ms. Christie if her certificate was posted at her work place. Ms. Christie stated it is now, but did not know if it was at the time of her lapsing. Ms. Christie further stated that she did provide copies of her certificate when she was hired. Ms. Brierley noted that a renewal card with an expiration date is issued with every initial certificate and it is the card that is replaced during renewal.

The Board entered discussion regarding offering Ms. Christie a consent agreement or sending the matter to informal hearing. Ms. Kalis moved that the Board offer Ms. Christie a consent agreement to include as findings of fact the analysis in the Board’s investigative report; conclusions of law all statutes listed as possible violations in the investigative report with the exception of A.R.S. 32-2048; issue an order for Ms. Christie to place Ms. Christie’s certificate on probation for six months and require Ms. Christie to present two in-service teaching presentations one of which must be to students and another must be to coworkers or to students in a college environment. Each must include 10 or more attendees and must be documented with sign-in sheets. The presentations must be approved by Board staff. In addition, Ms. Christie must sign the consent agreement

within 20 days of receipt of the agreement or the matter will be forwarded to an Informal Hearing. Mr. Sieveke 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 inquired about the proper means to address the fact that Ms. Christie was supervised by eight licensed physical therapists while her certificate was in a lapsed status. The Board discussed the requirement of a licensed physical therapist to verify the qualifications of assistive personnel under A.R.S. 32-2043. Ms. Kalis moved to open a complaint against all eight physical therapist identified in the investigative documents. Mr. Sieveke seconded the motion. The motion failed by a vote of 2 ayes to 3 nays.

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

**8. Initial Review, Discussion and Action on Complaint #09-16  
 Caleb Lionberger, P.T.A.**

Ms. Kalis opened the matter for discussion. Mr. Lionberger came forward to address the Board. Mr. Brown provided the Board with a summary of the allegations. Mr. Lionberger was employed and working from December 2008, thru April 15, 2009. Mr. Lionberger’s supervising physical therapists were Eric Percy-Fine, P.T.; Laura Yee, P.T.; and an unknown therapist he worked with in December 2008. Mr. Lionberger had 159 patient encounters during the above period.

Mr. Lionberger stated that he left the country in August 2008 and thought he had submitted his renewal information. He returned in December 2008 and began working. However, he soon switched employment and again began working as a physical therapy assistant. In April 2009, Mr. Lionberger was preparing to apply for work at another facility and was accessing his information on the Board’s website when he discovered he was under a lapsed status. Mr. Lionberger then contacted Board staff and found that he had failed to pay his fee when he submitted his renewal information in 2008.

Ms. Kalis asked Mr. Lionberger if his certificate was displayed when he was working in a lapsed status and Mr. Lionberger stated he could not recall. Dr. Cornwall asked Mr. Lionberger if the facility that hired him asked for his certificate and Mr. Lionberger stated he did not know if he provided a copy to the facility, but that he no longer was working there.

The Board entered discussion regarding Mr. Lionberger’s case. Ms. Kalis moved that the Board offer Mr. Lionberger a consent agreement to include as findings of fact the analysis in the Board’s investigative report; conclusions of law all statutes listed as possible violations in the investigative report with the exception of A.R.S. 32-2048; issue an order to place Mr. Lionberger’s certificate on probation for six months and require Mr. Lionberger to present two in-service teaching presentations one of which must be to students in a college environment and another must be to coworkers. Each must include 10 or more attendees and must be documented with sign-in sheets. The presentations must be approved by Board staff. In addition, Mr.

Lionberger must sign the consent agreement within 20 days of receipt of the agreement or the matter will be forwarded to an Informal Hearing. 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

The Board discussed whether Mr. Lionberger’s case differed from Ms. Christie’s regarding whether the Board should open a compliant. Mr. Brown suggested that if the Board did not wish to open a complaint, the Board may direct staff to draft letters to all facilities involved in Mr. Lionberger’s case and Mr. Christie’s case which would identify and address the Board’s concerns. The Board reached consensus and directed staff to draft the letters for all facilities involved in the above cases for the Board President’s approval.

The Board recessed at 10:35 a.m.

The Board returned to session at 10:46 a.m.

Ms. Kalis stated she would move past agenda item 9 to allow some time for Mr. Sifling to appear.

**CONSENT AGENDA; REVIEW, CONSIDERATION and ACTION**

Ms. Kalis offered Board member an opportunity to remove any person or item from the consent agenda before considering a motion. Board members identified the following applicants for removal from the consent agenda: **George, Jason; Lyonnais, Todd; Edwards, Kimberly.**

Dr. Cornwall noted for the record that he knew some of the applicants as his students, but had no conflict of interest. His students included: **Kempton, Steven; Cox, Benjamin; Fisher, Julia; Schmitz, Brian; Stannard, Anthony; Brown, Morgan; Flake, Derek; Legler, Christopher; and Wiltbank, Carl**

Ms. Akers noted that she knew Kimberly Edwards, but had no conflict of interest.

Ms. Kalis moved that the Board approve the consent agenda as amended. 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(A). Substantive Review, Consideration and Action on Applications for Physical Therapist Licensure**

<b>Anderson, Melissa</b>	<b>Balshaw, Anita</b>	<b>Brown, Morgan</b>
<b>Buck, Matthew</b>	<b>Cox, Benjamin</b>	<b>Dunaway, Justin</b>
<b>Elis, Jesse</b>	<b>Fisher, Julia</b>	<b>Flake, Derek</b>
<b>Foster, Ryne</b>	<b>Fox, Sarah</b>	<b>Gaither, Michaela</b>
<b>Gemma, Joseph</b>	<b>George, Jason</b>	<b>Holt, Crystal</b>

<b>Kempton, Steven</b>	<b>Kensrud, Brady</b>	<b>Kevern, Mark</b>
<b>Kevern, April</b>	<b>Krieger, Karin</b>	<b>Legler, Christopher</b>
<b>Lowney, Stephanie</b>	<b>Lyonnais, Todd</b>	<b>Marschman, Brandon</b>
<b>McCarthy, Megan</b>	<b>Merritt, Alison</b>	<b>Mitchell, Kathleen</b>
<b>Olson, Katie</b>	<b>Schmitz, Brian</b>	<b>Shaver, Rachelle</b>
<b>Smith, Tyler</b>	<b>Stannard, Anthony</b>	<b>Wiltbank, Carl</b>
<b>Wood, Lisa</b>	<b>Yamada, Minoru</b>	

**10(B). Substantive Review, Consideration and Action on Applications for Physical Therapist Assistant Certification**

<b>Castle, Tye</b>	<b>Edwards, Kimberly</b>	<b>Eure, Mary</b>
<b>Johnson, Danielle</b>	<b>Lebiedzinski, Katie</b>	<b>Meade, Debbie</b>
<b>Miller, Melissa</b>	<b>Milner, Amber</b>	<b>Reznicek, Lauren</b>

*Consent Agenda Ends*

**10(A). Substantive Review, Consideration and Action on Applications for Physical Therapist Licensure**

**Jason George**

The Board discussed Mr. George’s number of years of not practicing while he was teaching overseas. Ms. Verstegen stated that the status regarding qualifications for licensure does not provide the Board with grounds to deny Mr. George a license. Ms. Kalis moved to grant licensure to Mr. George. 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

**Todd Lyonnais**

The Board discussed Mr. Lyonnais’ prior licensure in Arizona, which lapsed in 1998. Ms. Brierley stated he had been working in another jurisdiction. Ms. Kalis moved to grant licensure to Mr. George. Mr. Sieveke 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

**Kimberly Edwards**

The Board discussed Ms. Edwards’s application and a possible gap in her work history. Ms. Kalis moved to grant certification to Ms. Edwards. 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



**APPLICATIONS and CERTIFICATIONS**

**11. Review, Consideration and Action on Applications for Licensure and Certification**

*The Board may vote to go into Executive Session pursuant to A.R.S. §38-431.03(A)(2) for purposes of discussing confidential information or §38-431.03(A)(3) to obtain legal advice*

**11(A) Substantive Review of and Possible Action on the Following Applications for Physical Therapist Licensure – Foreign Educated Graduates of Programs Not U.S. Accredited**

**1) Supervised Clinical Practice Period Proposal**

**Fatima Basilio**

The Board discussed Ms. Basilio’s application and her request for approval of her SCPP proposal. Ms. Kalis moved the Board approve her SCCP proposal. 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

**2) Review of Education and Determination of Licensure and Possible Supervised Clinical Practice Requirement**

**Ramon Engracia**

The Board discussed Mr. Engracia’s reported three months of physical therapy experience in the United States and the completion of a SCCP. Ms. Kalis moved that the Board request Mr. Engracia to provide documentation showing that he successfully completed a SCCP in another jurisdiction. Once received license will be issued to Mr. Engracia. If documentation does not arrive by the July Board meeting deadline, July 17, 2009, the application will return to the Board for decision on the requirement of an SCPP. 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

**Charu Fnu**

Ms. Fnu was present and addressed the Board. Ms. Kalis moved to approve Ms. Fnu to take the National Physical Therapy Examination (NPTE), find her education substantially equivalent, and approve Charu to participate in SCPP. 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
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**11(B) Request for Approval to Take National Physical Therapist Examination; Review of Documentation Related to Disclosure on “Personal Information” Section of Application, and possible licensure**

**Shane Clatterbuck**

Mr. Clatterbuck was present. Mr. Clatterbuck discussed his arrest and conviction for driving under the influence with the Board. Ms. Kalis moved to approve Mr. Clatterbuck to take the NTPE and grant Mr. Clatterbuck licensure upon notification of a passing score on the NPTE. 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

**Sean Metz**

Ms. Kalis opened the matter for discussion. The Board discussed Mr. Metz disclosure of an arrest and conviction for public intoxication. Ms. Kalis moved to approve Mr. Metz to take the NPTE and to grant Mr. Metz licensure upon notification of a passing score on the NPTE. 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(C) Request for Approval to Take National Physical Therapist Assistant Examination; Review of Documentation Related to Disclosure on “Personal Information” Section of Application and possible certification.**

**Antonio Leyva**

Mr. Leyva was present and did address the Board regarding his arrest. The Board discussed Mr. Leyva’s prior arrests and his denial of certification in California, which Mr. Leyva stated was under appeal.

Ms. Kalis moved the Board enter executive session. Mr. Robbins seconded the motion the motion carried by unanimous vote. The Board entered executive session at 11:22 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 to regular session at 11:29 a.m.

The Board continued their discussion of Mr. Leyva's criminal history. And denial in California. Dr. Cornwall moved to approve Mr. Leyva to take the NPTE and grant Mr. Leyva certification upon receipt of a passing score of the NPTE. Ms. Akers seconded the motion. The motion carried by majority vote.

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

**11(D) Review and Action on Applications for Physical Therapist Licensure Not Appearing in the Consent Agenda.**

**Ann Lee Burch**

Ms. Burch was not present. Mr. Brown provided the Board with a summary of Ms. Burch's application and recent investigation, which resulted in the Board issuing a Cease and Desist letter to Ms. Burch for practicing physical therapy without a license. The Board discussed Ms. Burch's work at a local university in an administration and educational role, which meets the definition of practicing physical therapy according to A.R.S. 32-2001(11).

Ms. Kalis moved that the Board offer Ms. Burch a consent agreement for simultaneous licensure and placement on probation for six months during which time. Ms. Burch will provide two in-service teaching sessions one of which will be to all physical therapy faculty at her employing university and another to 50% of all on campus students. In addition, Ms. Burch must teach the in-service courses with a Board staff approved syllabus and document the sessions by turning in sign-in sheets. In addition, Ms. Burch must sign the consent agreement within 20 days of receipt of the consent agreement or her application for licensure is denied. 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

**BOARD BUSINESS AND REPORTS**

**15. Review, Discussion, and Action of Objection to Rule Based Upon Economic, Small Business or Consumer Impact; A.R.S. §41-1056.01**

Ms. Kalis opened the matter for discussion. Adi Halili, P.T. came forward to address the Board. Mr. Brown stated that Mr. Halili has filed an objection to the Board's impact statements when establishing rules in A.A.C. R4-24-101 and A.A.C. R4-24-203 in accordance with A.R.S. 41-1056-01. Mr. Brown summarized the actions the Board must take in accordance with statute. The Board allowed Mr. Halili to make a statement regarding his objection on file. The Board discussed the TOEFL iBT score requirements in A.A.C. R4-24-203. The Board reevaluated the

above rules and their impact statements and instructed staff to have the objection published in the state register and bring the matter back before the Board after comments are received.

**COMPLAINTS, INVESTIGATIONS and COMPLIANCE**

**9. Review and Possible Action on Request to Modify a Board Order  
 William Sifling, P.T.**

Ms. Kalis opened the matter for discussion. Mr. Sifling was not present. The Board reviewed Mr. Sifling’s request to modify his order. After discussion and consideration, Ms. Kalis moved that the Board approve Mr. Sifling’s request to attend his recovery group meetings every two weeks, allow his sponsor to submit quarterly reports, and work for a travel agency with assignments in the Phoenix and Tucson areas only. In addition, the Board denied his request to work under a physician’s supervision and to work for a temp agency. 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

**BOARD BUSINESS AND REPORTS**

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

- a. Financial Report – Mr. Brown reported and summarized the current budget situation with the Legislature and Governor. Mr. Brown stated Board staff is preparing for a possible shutdown of State government, but little details are known.
- b. Board Staff Activities- No additional information provided.
- c. Legislative Update- No additional information provided.
- d. Rule Making- Mr. Brown summarized the status of the Board’s rule making package, which should be published in a few weeks and is the same as in the November 2008 docket filing.

**13. Review and Discussion Notice of Arizona Administrative Code Title 4, Chapter 24**

Mr. Brown summarized recent staff activities in trying to identify a means to reconcile some of the Board rule regarding licensure. Ms. Verstegen reviewed possible Board action to establish a process to improve the application processes effectiveness and efficiency. The Board requested staff place the matter on a later agenda once the Board has an understanding if or how any future rule making moratoriums will affect future Board rule making.

**14. Review, Discussion, and Action of Draft Five-Year-Review Report: A.A.C. Title 4, Chapter 24, Articles 1-5**

Mr. Brown provided the Board with a summary of the Board’s draft report. Mr. Brown noted the report identifies two sections that will need updating over the next five years to include

patient care management rules and continuing competence activities rules. The Board approved the report to be filed with the Governor's Regulatory Review Council.

**16. Review, Discussion, and Action on Scheduling the Arizona State Board of Physical Therapy Board Meeting for November and December 2009**

The Board agreed by consensus that the November 2009 Board meeting will be held on November 24, 2009 at 8:30 a.m. The Board agreed by consensus that the December 2009 Board meeting will be held on December 22, 2009 at 8:30 a.m.

**CALL TO THE PUBLIC**

Ms. Kalis offered a call to the public, but no member of the public came forward to address the Board.

**ADJOURNMENT**

The meeting adjourned at approximately 1:33 p.m.

Prepared by,

Charles D. Brown  
Executive Director

Approved by,

Randy Robbins  
Secretary