

JANICE K. BREWER
Governor



CHARLES D. BROWN
Executive Director

JONI KALIS, P.T.
President

ARIZONA STATE BOARD OF PHYSICAL THERAPY
4205 NORTH 7TH AVENUE, SUITE 208 PHOENIX, ARIZONA 85013
(602) 274-0236 Fax (602) 274-1378
www.ptboard.az.gov

REGULAR SESSION MEETING MINUTES
(Telephonic Meeting)
July 28, 2009

MEMBERS PRESENT: 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: Joni Kalis, P.T., President

OTHERS PRESENT: Charles D. Brown, Executive Director
Paula Brierley, Licensing Administrator
Keely Versteegen, Assistant Attorney General

CALL TO ORDER – 8:30 a.m.

Dr. Cornwall called the meeting to order at 8:32 a.m. Dr. Cornwall made a role call of all members present.

- 1. Review and Approval of Draft Minutes
 - a. June 23, 2009; Regular Session Minutes

Dr. Cornwall opened the matter for discussion. Ms. Ohlendorf requested that the minutes be amended under item 7. Robin Christie, P.T.A. Dr. Cornwall moved to approve the draft minutes as amended. 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					

- b. June 23, 2009; 11:22 a.m. to 11:29 a.m.; Executive Session Minutes

Dr. Cornwall opened the matter for discussion. No Board member noted any needed changes to the minutes presented. Dr. Cornwall moved to approve the Executive Session minutes as presented Ms. Ohlendorf seconded the motion. The motion carried by a unanimous vote.

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

COMPLAINTS, INVESTIGATIONS and COMPLIANCE

2. Review, Discussion and Action on Complaint #09-12
Sarah Nemec, P.T.

Dr. Cornwall opened this matter for discussion and requested that Mr. Brown provide a summary of the situation surrounding this case. Mr. Brown stated that the Board reviewed the case against Ms. Nemec license on June 23, 2009. Ms. Nemec was selected as part of a random audit of r continuing competence activities. She failed to respond in 30 days as required by law, but when she did respond, she provided 15 hours of Category A continuing competence. Staff found Ms. Nemec in compliance with her continuing competence requirement based on the Board’s Substantive Policy Statement regarding continuing competence which states a licensee licensed for less than two years but more than one year during their initial licensure period is only required to take 10 hours of continuing competence activities rather than the required 20 hours.

Mr. Brown stated that after the June 23, 2009 Board meeting it was found that the policy statement regarding continuing education conflicts with A.A.C. R4-24-401, which requires a licensee in their initial license period to complete 20 hours of continuing competence activities unless the licensee is licensed for one year or less in which they would complete 10 hours of continuing competence activities. Mr. Brown stated this matter is before the Board to consider rescinding the earlier finding by Board staff that Ms. Nemec is in compliance with continuing competence activities and modifying the findings of fact of the offered consent agreement to reflect the finding of non-compliance.

The Board discussed their options regarding the consent agreement and audit findings. Dr. Cornwall moved that the Board rescind the finding that Ms. Nemec is in compliance with her continuing competence for the 2006-2008 licensure period and find her not in compliance and provide her six months to demonstrate compliance as required by law. 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					

Dr. Cornwall moved that the Board modify the consent agreement approved at the June 23, 2009 meeting to reflect the finding of noncompliance with continuing competence activities for the 2006-2008 licensure period. The new consent agreement will be offered under the same conditions as determined at the June 23, 2009 Board meeting. The motion was seconded by Mr. Sieveke. 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					

CONSENT AGENDA; REVIEW, CONSIDERATION and ACTION

Dr. Cornwall offered Board members an opportunity to remove any applicant or item from the consent agenda before considering a motion. Board members identified the following applicants for removal from the consent agenda: **Moller, Allison**

Dr. Cornwall noted for the record that he knew some of the applicants as his students, but had no conflict of interest.

Dr. Cornwall moved that the Board approve the consent agenda item **3. A** as amended. 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					

Ms. Ohlendorf noted that an application was provided in Board material for review but was not on the agenda. Dr. Cornwall directed Mr. Brown to schedule another teleconference Board meeting as soon as possible to review the application that had been left off the agenda.

Anderson, Jennifer	Barstow, Nathan	Beard, Monica
Biscontini, Carl	Burns, Micah	Byerly, Lita
Chandler, Ashley	Christensen, Eric	Christensen, Russell
Dahlgren, Kristina	Dorsey, Rachel	Elliott, Shannon
Foxe, Russell	Frankland, Lacey	Gardner, Jeffrey
Gest, Colleen	Haeflinger, Kristen	Hagener, Kristin
Hamirani, Almira	Hansen, Ethan	Herrera, Victor
Hoffman, Harold	Howard, Sharon	Janitz, II, Karl
Johnston, Kristen	Kazar, Manar	Knott, Celeste
Lake, Warren	Leshner, Jessica	Liu, Corina
Lodge, Cara	Magri, Francesca	Mansor, Kadeen
Matos, Gladys	McNeil, Patricia	Means, Stephenie
	Nicholson, William	Nicoll, Denise
Overturf, Brooke	Rasheed, Batul	Sanchez, Luisa
Simon, Michael	Smith, Cheryl	Taylor, Victoria
Thompson, Megan	Vaia, Matthew	Werchau, Loren
Wick, Jessica		

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

Dr. Cornwall opened the matter for discussion. Mr. Sieveke noted that Ms. Moller applied for a license as a physical therapist, but failed the NPTE several times. He further noted that her passing score was on the NPTE for a physical therapist assistant. Mr. Sieveke inquired if the applicant was now applying for certification as a physical therapist assistant rather than a licensed physical therapist. The Board discussed the statutory requirements for applying for certification as a physical therapist assistant. Ms. Versteegen noted that the Board would first need Ms. Moller to submit an application for certification. Ms. Versteegen stated that the Board could vote to approve Ms. Moller’s application for licensure as a physical therapist pending receipt of a passing score

on the NPTE before the end of the substantive review period and failure to present a passing score will result in denial of the license.

The Board discussed its options regarding Ms. Moller’s application. Dr. Cornwall moved that the Board approve Ms. Moller’s application for licensure pending receipt of a passing score on the NPTE for a physical therapist before the end of the substantive review period and failure to present a passing score will result in denial of the license. The motion was seconded by Mr. Robbins. 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					

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

Dr. Cornwall offered Board members an opportunity to remove any person or item from the 3(B) section of the consent agenda before considering a motion. No member requested removal of any applicant. Dr. Cornwall moved that the Board approve the Consent Agenda Item **3(B)**. 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					

Consent Agenda Ends

Mr. Robins disconnected from the conference call and left the meeting at 8:58 a.m.

4. Review, Consideration and Action on Applications for Licensure and Certification

4(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
 - a. Engracia, Ramon

Dr. Cornwall opened this matter for discussion. The Board discussed the above applicant and his practice of physical therapy in another jurisdiction. Dr. Cornwall moved that the Board issue Mr. Engracia an interim permit for a Supervised Clinical Practice Period with Havasu Nursing Center. 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
Nay						
Recused						
Abstained						
Absent	X		X			

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

a. Kamath, Vidya K

Dr. Cornwall opened the matter for discussion. Dr. Cornwall inquired what the current minimum requirement for substantially equivalent general education hours. Ms. Ohlendorf asked if the credential evaluation company accepted the CLEP examinations included in the application packet. Ms. Brierley noted that the company did not evaluate them, but did provide the documentation of the classes.

Dr. Cornwall moved that the Board accept the CLEP examinations and find Ms. Kamath’s education substantially equivalent to a United States educated applicant. 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
Nay						
Recused						
Abstained						
Absent	X		X			

Dr. Cornwall moved that the Board require Ms. Kamath to participate in a Supervised Clinical Practice Period for 500 hours. 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
Nay						
Recused						
Abstained						
Absent	X		X			

4(B) Substantive Review of and Possible Action on the following Applications for Physical Therapist Licensure Related to Disclosure on “Personal Information” Section of Application, and Possible Licensure.

1) Meyrose, Douglas

Dr. Cornwall reviewed the circumstances surrounding Mr. Meyrose’s application. Dr. Cornwall noted Mr. Meyrose had his license to practice physical therapy in Missouri revoked for failing to pay taxes, but he also has an active Illinois license. Dr. Cornwall moved to grant Mr. Meyrose 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
Nay						
Recused						
Abstained						
Absent	X		X			

2) Okoye, Otoume

Dr. Cornwall inquired if Mr. Okoye was present. Mr. Brown stated he was not present although he indicated he was planning to attend. Dr. Cornwall opened the matter for discussion and outlined his finding of a

timeline of Mr. Okoye’s licensure history. In 2003 Mr. Okoye received disciplinary action against his Arizona license by the Arizona State Board of Physical Therapy. In addition, he received disciplinary action in the State of Florida. The Board noted that Mr. Okoye failed to complete the terms of the order in Arizona and the order in Florida. Further, the Board noted two criminal matters disclosed during Mr. Okoye’s application process.

The Board discussed Mr. Okoye’s licensing history and his requirement to demonstrate good moral character. Dr. Cornwall moved the Board to deny Mr. Okoye’s application for licensure and cited that the applicant must “be of good moral character” and that Mr. Okoye’s history of discipline in Arizona and Florida demonstrated a lack of good moral character as defined in Arizona law and that the disciplinary actions on Mr. Okoye’s licensing history would be violations of A.R.S. §32-2044. 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
Nay						
Recused						
Abstained						
Absent	X		X			

3) Price, Gerald

Dr. Cornwall opened this matter for discussion. Mr. Price was present and introduced himself to the Board. Dr. Cornwall noted that Mr. Price was previously licensed in Arizona and had disclosed a driving under the influence conviction. Mr. Price confirmed the criminal matter and that he has not practiced physical therapy in five years.

The Board discussed the possible use of the provisions available under A.R.S. §32-2028, which would allow them to require Mr. Price to complete continuing competence courses before granting him a license. Dr. Cornwall moved that Mr. Price be granted a license to practice physical therapy following the Board receiving and staffs approval of documentation that he has completed 40 hours of continuing competence activities. Mr. Sieveke seconded the motion. The Board entered discussion. Mr. Sieveke asked if the Board wanted to request Mr. Price complete the Federation of State Board of Physical Therapy’s Practice Review Tool (PRT) as part of the continuing competence activities. Mr. Brown noted that the PRT usually is accepted for 10 hours of continuing competence activities. Dr. Cornwall modified his motion to include that Mr. Price is required to first complete the general PRT for credit of 10 hours of continuing competence and then complete an additional 30 hour of continuing competence. Mr. Sieveke maintained his second to 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
Nay						
Recused						
Abstained						
Absent	X		X			

4) Tickner, Colleen

Dr. Cornwall opened the matter for discussion and noted that Ms. Tickner had reported a driving under the influence conviction in 2005. No other Board members had comments or questions. Dr. Cornwall moved to grant Ms. Tickner a license to practice physical therapy. 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
Nay						
Recused						
Abstained						
Absent	X		X			

4(C) Request for Approval to Take National Physical Therapist Examination; Review of Documentation Related to Disclosure on “Personal Information” Section of Application and possible licensure.

1) Severson, Kristen

Dr. Cornwall opened the matter for discussion. Ms. Severson was present and introduced herself to the Board, but indicated she had no statement and was willing to answer questions. Dr. Cornwall moved that the Board approve Ms. Severson to take the National Physical Therapist Examination and grant licensure upon receipt of a passing score. 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
Nay						
Recused						
Abstained						
Absent	X		X			

4(D) Review of Documentation Related to Disclosure on “Personal information” Section of Application and possible licensure.

Mr. Brown stated the Board had no need to hear business under this agenda item as the matter was discussed and resolved under item 4(C).

BOARD BUSINESS AND REPORTS

5. Executive Director’s Report – Discussion and Possible Action

a. Financial Report - Summary provided by Mr. Brown. No new information other than provided in report.

b. Board Staff Activities - Summary provided by Mr. Brown. Mr. Brown noted that the Board’s volunteer program has been approved by the Department of Risk Management. Mr. Brown also noted that the Board has been approached to consider entering an ISA with the Board of Occupational Therapy and the Board of Athletic Trainers to share a Board room. Mr. Brown stated the currently known cost would be approximately \$1,500 a year. The Board directed staff to gather as much information as possible and bring the matter forward again on a future agenda.

c. Legislative Update - Summary provided by Mr. Brown. No new information other than provided in report.

d. Rule Making - Summary provided by Mr. Brown. No new information other than provided in report.

The Board was not required to and did not take any action on the above agenda item.

6. Review Discussion and Action on Amending Substantive Policy Statements

- a. 2006-01 Requests for Accommodations under the Americans with Disabilities Act (ADA) to the National Physical Therapist Examination (NPTE) and to the Arizona Jurisprudence (Laws) Examination

Dr. Cornwall stated that the recommended modification to the above substantive policy statement was based on changes made regarding accommodations offered for exams provided by the FSBPT. Dr. Cornwall moved that the revised version to the 2006-01 Requests for Accommodations under the Americans with Disabilities Act (ADA) to the National Physical Therapist Examination (NPTE) and to the Arizona Jurisprudence (Laws) Examination Substantive Policy Statement be adopted. Ms. Ohlendorf 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
Nay						
Recused						
Abstained						
Absent	X		X			

- b. 2008-01 Arizona Physical Therapist Continuing Competence Requirements

Dr. Cornwall stated that the recommended modification to the above substantive policy statement was based on contradictions the policy has with Board laws regarding continuing competence as noted in the review of item 2., on this agenda. Dr. Cornwall stated that the revision the Board members had is staff's recommendation to amend the policy to conform to current law. Dr. Cornwall moved that the Board adopt the revision to the 2008-01 Arizona Physical Therapist Continuing Competence Requirements substantive policy statement. Ms. Akers seconded the motion. The motion carried by unanimous vote.

CALL TO THE PUBLIC

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

ADJOURNMENT

The meeting adjourned at approximately 9:37 a.m.

Prepared by,

Charles D. Brown
Executive Director

Approved by,

Randy Robbins
Secretary