

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
(TELECONFERENCE November 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
Kris Ohlendorf, P.T.A., Member

MEMBERS ABSENT: None

OTHERS PRESENT: Charles D. Brown, Executive Director
Paula Brierley, Licensing Administrator
Karen Donahue, Board Investigator
Keely Verstegen, Assistant Attorney General

CALL TO ORDER – 8:30 a.m.

Ms. Kalis called the meeting to order at 8:31 a.m. Ms. Kalis conducted a roll call of all Board members present by phone. All members were present.

- 1. Review and Approval of Draft Minutes
 - a. October 27, 2009; Regular Session Meeting Minutes

Ms. Kalis opened the agenda item for discussion and asked if any Board member had any corrections for the minutes as presented. No Board member expressed any need for corrections to the minutes. Ms. Kalis moved the Board approve the minutes as presented. 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	X
Nay						
Recused						
Abstained						
Absent						

- b. October 27, 2009; Executive Session Meeting Minutes (08:51 a.m. to 8:55 a.m.)

Ms. Kalis opened the agenda item for discussion and asked if any Board member had any corrections for the minutes as presented. No Board member expressed any need for corrections to the minutes. Ms. Kalis moved the Board approve the minutes as presented. 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	X
Nay						
Recused						
Abstained						
Absent						

c. October 27, 2009; Executive Session Meeting Minutes (1:05 p.m. to 1:16 p.m.)

Ms. Kalis opened the agenda item for discussion and asked if any Board member had any corrections for the minutes as presented. No Board member expressed any need for corrections to the minutes. Ms. Kalis moved the Board approve the minutes as presented. Ms. Akers seconded the motion. The motion carried by unanimous vote.

COMPLAINTS, INVESTIGATIONS and COMPLIANCE

Ms. Kalis stated that she would take some matters on the agenda out of order. The next item was taken out of order.

2. Initial Review, Discussion and Action on Complaint #09-20
Gary Derscheid, P.T.

Ms. Kalis opened the next item for discussion. Mr. Derscheid was present and came forward to address the Board. Mr. Brown provided a summary of the complaint to the Board. On May 10, 2009, Mr. Derscheid reported he was arrested on April 30, 2009 for two counts of failing to comply with a court order, which are misdemeanor charges and one count of unlawful imprisonment, a felony. On May 17, 2009 Mr. Derscheid reported an additional charge of aggravated harassment, which was based on a May 13, 2009 arrest. The harassment charge is a felony according to Mr. Derscheid. Mr. Derscheid has reported all of his criminal charges within 10 business days as required by A.R.S. §32-3208 and Board rule. Mr. Derscheid settled the three separate charges by pleading guilty to two misdemeanor counts of interfering with a judicial proceeding. Mr. Derscheid's conviction is not one that is labeled as moral turpitude, which implies that a violation of A.R.S. §32-2044(7) did not occur.

Mr. Derscheid came forward to address the Board and provided a statement of the events. Mr. Derscheid stated that he was in a personal relationship with an employee for a number of years. The relationship ended in 2009. Following the ending of the relationship Mr. Derscheid's employee obtained an order of protection against Mr. Derscheid. When Mr. Derscheid was served with the order of protection he attempted to contact the employee as he felt the order was based on false information. Mr. Derscheid claims that his contacting the employee violated the order which is the basis of one of the charges. Mr. Derscheid further stated that he made subsequent contacts with the employee both intentional and unintentional, which resulted in the additional charges. Mr. Derscheid stated he has plead guilty to two misdemeanors and is serving three years of supervised probation and nine months of domestic violence classes.

Ms. Kalis opened the matter to questions from the Board. Mr. Sieveke questioned whether the convictions Mr. Derscheid reported are considered moral turpitude violations. Mr. Brown stated that the violations related to Mr. Derscheid's convictions are not on the moral turpitude list provided by the Attorney General's Office. Ms. Kalis asked Mr. Derscheid if he has completed all of his classes from his sentencing. Mr. Derscheid stated he has not completed the classes. Ms. Kalis ended the questioning phase of the review.

Dr. Cornwall moved the Board dismiss complaint #09-20 against Gary Derscheid, P.T. Ms. Ohlendorf seconded the motion. The Board entered discussion on the motion. The Board discussed whether an advisory

letter should be issued regarding the complaint. Ms. Kalis called the motion to a vote with no amendment 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	X	X
Nay						
Recused						
Abstained						
Absent						

The next agenda item was taken out of order.

6. Initial Review, Discussion and Action on Complaint #09-33
Kimberly Durka, P.T.

Ms. Kalis called the Board’s attention to the above matter. Ms. Durka was present and came forward to address the Board. Ms. Donahue provided a summary of the complaint. Complaint 09-33 was opened on September 29, 2009 in response to a written complaint filed by R.M. on behalf of his mother L.M. in regards to a fall sustained while being treated at OPT Physical Therapy. L.M. is an 80 year old woman who was referred to OPT Physical Therapy for treatment for vestibular training in May 2009. The complaint alleges that on 6/15/09 L.M. fell while performing a balance exercise under Ms. Durka’s supervision. R.M. contends that Ms. Durka failed to provide proper supervision and a safe environment. The complaint further alleges that Ms. Durka billed L.M.’s secondary insurance twice using two different provider names.

Ms. Donahue stated in review of the evidence provided it appears that Ms. Durka P.T. is educated to provide vestibular rehabilitation. She was immediately providing direct CGA to L.M. at the time of the fall. She appropriately asked L.M. on several occasions whether she wanted an ambulance or her PCP to be contacted. L.M. refused each request. She provided care following the fall and communication to the physician. She documented an incident report and her call log demonstrates the communication that occurred between her office and L.M.

In discussions with Blue Cross Blue Shield (BCBS) of Arizona (AZ), it appears that the allegation of duplicate billing is specific to BCBS. When secondary insurance is billed different BCBS carriers will pay on behalf of other carriers. Having Medicare recognize their tax id number as S.A.I.J., LLC and BCBS of AZ recognizing the tax id as OPT Rehab did provide for the opportunity of the appearance of duplicate billing and overpayment to L.M. son. Ms. Donahue discussed with Ms. Durka that an easy solution to this problem would be to change the name associated with the tax id for BCBS of Arizona to S.A.I.J., LLC so that each system will more readily be able to pay correctly and recognize when other BCBS carriers have paid. Ms. Donahue noted that Ms. Durka created a new set of progress notes for L.M.’s patient file after L.M. fell during treatment; however, Ms. Durka did not destroy the original notes and provided both sets upon request from the Board.

Ms. Kalis provided Ms. Durka with an opportunity to make a statement to the Board. Ms. Durka stated that L.M. was not wearing a gait belt at the time of the incident because she was in vestibular training and had not demonstrated any loss of balance with this exercise on the day of the incident nor for the previous date that this exercise was performed. Ms. Durka stated she was at the patient’s immediate side with CGA during performance of this exercise. The reason she was unable to assist in “catching” her was that she fell too fast and the fall was unexpected. Ms. Durka stated L.M. was allowed to rest on the ground and then moved to rest and ice her forehead after the fall. Ms. Durka claims L.M. was offered an ambulance or the option of having her primary care physician contacted several time, but L.M. declined each offer. L.M. then completed an additional 30 minutes of treatment and went home. L.M. did contact Ms. Durka’s office that night and L.M. was taken to the hospital that evening and released following x-rays. Ms. Durka stated that L.M. later contacted her office and requested that future care be provided free of charge.

Ms. Kalis opened the matter to questions from the Board. Ms. Kalis asked Ms. Durka to explain the billing in question. Ms. Durka stated that the billing for L.M.'s services was sent to Medicare and the Secondary payor BCBS in Arizona. However, Medicare forwarded the billing to the BlueCross and BlueShield Company in L.M.'s home state also. The problem occurred because while one tax identification number was used, one set of billing went under the corporate name and another went under the corporations DBA. Ms. Durka claims that the issue of different names has been resolved.

Mr. Sieveke asked Ms. Durka if L.M. was assisted in therapy by a physical therapy aide on the second date of service. Ms. Durka stated L.M. was assisted by a physical therapy aide on the second date of service. Mr. Sieveke noted that it may be against Medicare rules to bill for a service provided by a physical therapy aide. Ms. Kalis noted that if the board had significant questions or issues with the complaint, it may be appropriate to forward the matter to an Informal Hearing. Ms. Akers noted that she felt Ms. Durka supervised L.M.'s treatment well and that the fall was not a result of substandard care. Ms. Kalis opened the matter for discussion.

The Board discussed the issues noted in the investigative report. Ms. Kalis noted there appeared to be several areas of concern to include the recreation of notes and failure to reimburse overpayment by third party payors, and failure to include the required elements of the discharge summary. Ms. Donahue provided a statement clarifying the issues that caused the overpayment to Ms. Durka and verified that Ms. Durka had reimbursed the overpayment.

Dr. Cornwall moved the Board issue Ms. Durka a non-disciplinary Advisory Letter and dismiss the complaint. The Advisory Letter shall state the Board's concerns relating to Ms. Durka's billing practices in relation to BCBS of Arizona having a different business name in the system than that of Medicare, modification of treatment records and utilization of physical therapy aides with Medicare patients. The Board advises Ms. Durka to become more directly involved in the billing and collection aspects of her practice to include being aware of insurance payments made in error and to make an effort to return those funds promptly. In addition, medical records are not to be altered or changed in any manner without proper notation as an addendum and that Medicare regulations restrict the use of physical therapy aides in patient care. 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	X
Nay						
Recused						
Abstained						
Absent						

3. Initial Review, Discussion and Action on Complaint #09-22
Nicki Curella, P.T.

Ms. Kalis called the Board attention to this matter. Ms. Curella was not present. Mr. Brown provided a summary of the complaint for the Board. In February 2009, Board staff received notification from the General Accounting Office of the State that Ms. Curella's renewal payment of \$160.00 was returned for non sufficient funds. Board staff inquired as to why the notification was not sent for five months and GAO indicated the paperwork was misplaced. Board staff communicated with Ms. Versteegen regarding the Board's options since Ms. Curella's renewal was issued and was active for five months. It was determined that staff could not change the status of Ms. Curella's license without some form of process due to the duration of time since the funds were found non sufficient.

On March 3, 2009, Board staff sent Ms. Curella an e-mail notifying her of the return of her check for non sufficient funds and requesting she contact Mr. Brown to resolve the matter. No response was received to the e-mail and Ms. Curella's telephone number was not accepting messages. After several months of failing to make

contact with Ms. Curella, Board staff initiated a complaint against Ms. Curella’s license for providing misleading information to the Board, obtaining a license by fraud, and failing to change her address and/or phone number within 30 days. Ms. Curella eventually responded to the complaint notification and stated she never stopped the payment on her check and had changed her address with the Board at the time of her renewal. Ms. Curella was correct that she did change her address on her renewal form and Board staff failed to change the address in August of 2008. Therefore, it would appear Ms. Curella may not have violated A.R.S. §32-2044(23). Ms. Curella did properly renew her license in 2008 and did submit payment. The State was notified on September 3, 2008 that the check had a stop payment placed and was returned for non sufficient funds. However, Board staff was never properly notified of the non sufficient funds until February of 2009. It appears the State and the Board made errors in processing Ms. Curella’s renewal paperwork. On September 1, 2009, Ms. Curella paid her renewal fee for 2008 of \$160.00 and a \$100.00 late fee.

Ms. Kalis opened the matter for question from the Board. Dr. Cornwall moved the Board dismissed complaint #09-22 against Nicki Curella, P.T. 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	X	X
Nay						
Recused						
Abstained						
Absent						

4. Initial Review, Discussion and Action on Complaint #09-29
William Perry, P.T.
5. Initial Review, Discussion and Action on Complaint #09-30
William Perry, P.T.

Ms. Kalis called the Board’s attention to both of the above complaints and noted for the record that the complaints were very similar and would be discussed together. Mr. Perry was present and came forward to address the Board. Ms. Donahue provided a summary of the complaint #09-30 to the Board. This complaint was received from Ms. Swanigan alleging that, while performing contract physical therapy services through an agency for Agility physical therapy, Mr. Perry admitted that he shreds the charge tickets after entering them into the computer. Ms. Swanigan’s concern is that the charge ticket is the only thing that proves what she actually billed for on the day of service. Further, Ms. Swanigan reports that Mr. Perry has added exercises/activities to flow sheets without her knowledge or consent, and without knowledge of the patient’s status.

Ms. Donahue stated Mr. Perry was unable to provide complete patient records due to his inability to produce all travel/encounter (billing forms) for each selected patient. Of the 128 travel/encounter (billing forms) submitted by Ms. Swanigan P.T., 30 forms (24%) were reviewed from 6 patient files for inconsistencies. Five (5) of the submitted travel/encounter forms submitted by Mr. Perry were altered by Mr. Perry from the original travel/encounter forms submitted by Ms. Swanigan P.T. Overall, 65.33% of all charges reviewed from the sample were altered by Mr. Perry. Overall, from the sample of travel/encounter forms reviewed demonstrated a total \$1520.00 of additional charges were submitted to insurance carriers by Mr. Perry that were in excess of the charges submitted by Ms. Swanigan P.T. and Mr. Barr P.T.A. All six (6) flow sheets that were reviewed in conjunction with the above named patients are alleged to have been altered by Mr. Perry by adding additional exercises to the flow sheet.

Ms. Donahue provided a summary of complaint #09-29 to the Board. Ms. Donahue stated the complaint was opened by Board staff regarding information obtained from Integrity Medical Billing and Practice Management’s report submitted in compliance with Board order for complaint #07-18. Ms. Donahue stated Mr.

Perry was unable to provide, under subpoena, complete patient records due to his inability to produce all travel/encounter (billing forms) for each selected patient. Mr. Perry admitted to altering patient flow sheets while his license was suspended and he did not perform the initial evaluation or develop the plan of care to make such determinations for the patients listed. There were a total of 15 documents submitted in case #09-30 in which Mr. Perry altered the treatment flow sheet. The practice management reports validates and documents the admission of Mr. Perry's actions regarding Ms. Swanigan's complains as identified in case #09-30.

Dr. Cornwall moved the Board enter into executive session for the purpose of obtaining legal advice. 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	X	X
Nay						
Recused						
Abstained						
Absent						

The Board entered Executive Session at 9:31 a.m.

The Board returned to Regular Session at 9:35 a.m.

Ms. Kalis provided Mr. Perry an opportunity to address the Board. Mr. Perry stated he had provided a written response to the complaint, but that he had more information to provide. Mr. Perry stated he did add exercises to patient flow charts while his license was suspended, but noted that he was trying to make suggestions on exercises normally provided in the clinic. Mr. Perry stated in June he held a staff meeting that emphasized the importance of accurate billing. Following the meeting he noticed Ms. Swanigan's billing was decreasing. When he reviewed the records he felt Ms. Swanigan was not billing for all of the time the patient was in the office so he added billing. Mr. Perry felt his actions were appropriate as a business owner and that if patients were staying in the office for more exercises than necessary for their therapy they should be told to leave, but that if they are in the office he should be able to bill for the time.

Ms. Kalis thanked Mr. Perry for his statement and opened the matter for questions. No questions were posed by Board members. Ms. Kalis opened the matter for discussion. Ms. Kalis noted she felt the allegations are similar or the same as the matters that placed Mr. Perry's license on suspension and that they may rise to the level of criminal matters. Ms. Kalis moved that the Board forward Complaint #09-29 and complaint #09-30 to Formal Hearing and combine the complaints for the purpose of the 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	X
Nay						
Recused						
Abstained						
Absent						

7. Review, Discussion and Action on Compliance with Final Consent Agreement and Order;
Request for Termination of Probation
Trent Tripp, P.T.

Ms. Kalis called the Board's attention to the above matter. Ms. Ohlendorf disclosed that she works with Mr. Tripp and was recusing from the matter. Mr. Tripp was not present. Mr. Brown provided a summary of Mr. Tripp's compliance with his Board Order and the request to terminate Mr. Tripp's probation. Ms. Kalis moved to terminate Mr. Tripp's probation under his Final Consent Agreement and Order. 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						X
Abstained						
Absent						

Ms. Kalis took the next agenda item out of order.

Ms. Ohlendorf returned to participation in the Board meeting.

10. Review, Discussion and Action on Consent Agreement and Order #07-16 and 08-05; Request to Lift Suspension
William Perry, P.T.

Ms. Kalis called the Board’s attention to the above matter. Mr. Perry was present and came forward to address the Board. Ms. Donahue provided a summary of Mr. Perry’s request to lift the suspension of his license. Ms. Donahue noted Mr. Perry had served six months of suspension, provided documentation of sending the required letters to patients and third party payors, and that the Board had received two reports from Mr. Perry’s practice monitoring company. However, Ms. Donahue noted that Mr. Perry is to ensure monthly reports are received from the company and only two reports have been received.

Mr. Perry provided a statement to the Board. Mr. Perry stated that he felt he had complied with the requirements to lift his suspension and that he was trying to show the Board he is complying. Mr. Perry stated he understood based on the previous Board matters that the Board may not feel he is trying to work within the law, but that he is trying to work in accordance with his order.

Mr. Sieveke moved the Board deny Mr. Perry’s request to lift the suspension of his license to practice physical therapy in Arizona. Ms. Kalis seconded the motion. The Board entered discussion. Ms. Kalis noted that Mr. Perry is not in substantial compliance with the provisions of his Board order; therefore, Mr. Perry does not qualify for lifting of the suspension. 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	X
Nay						
Recused						
Abstained						
Absent						

8. Review, Discussion and Action on Compliance with Final Consent Agreement and Order #09-14; Request for Early Termination of Probation
Robin Christie, P.T.A.

Ms. Kalis called the Board’s attention to the above matter. Ms. Kalis noted that Ms. Christie has completed all the terms of her probation early and is requesting early termination of her probation. Mr. Brown confirmed that all terms are complete. Ms. Kalis moved the Board terminate Robin Christie’s, probation in Order #09-14. 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	X
Nay						
Recused						

Abstained						
Absent						

9. Review, Discussion and Action on Compliance with Final Consent Agreement and Order#08-21;
Request for Extension to Complete Terms of Probation
Jared Kitamura, P.T.

Ms. Kalis called the Board’s attention to the above matter. Mr. Kitamura was not present. Mr. Brown reported that Mr. Kitamura is requesting an extension to complete his presentations and continuing education required in the above order. Mr. Brown stated Mr. Kitamura reported that he had his presentations scheduled, but they were canceled for lack of participation and rescheduled for January 22, 2010. The Board discussed Mr. Kiamura’s request. Dr. Cornwall noted Mr. Kitamura has three requirements left to complete by January 9, 2010 and is asking for a two week extension.

Dr. Cornwall moved that the Board grant an extension to Mr. Kitamura in order for him to complete the terms of his probation by January 25, 2010 and require that Mr. Kitamura’s Order be placed on the Board’s January 26, 2010 Board Meeting Agenda for review of compliance. 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	X
Nay						
Recused						
Abstained						
Absent						

CONSENT AGENDA; REVIEW, CONSIDERATION and ACTION

APPLICATIONS and CERTIFICATIONS

11. Applications For Licensure & 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, Consideration and Action on Applications for Physical Therapist Licensure

Cano, Marianne	Cherney, Carla	Cody, Christie
Dominick, Carrie	Dudley, Mary	Evans, David
Felege, Caralynn	Fisher, Heidi	Gogan, Michelle
Granger, Jennifer	Granger, Todd	Hall, Angela
Jones, Mary	Lacanlale, Joshua	Lane, Nichalas
Leininger, Michael	Levesque, Louise	Lumpkin, Kenya
Michaelson, Lawrence	Mroczkowski, Stefan	Scheierman, Timothy
Stevens, Clara	Thompson, Marcia	Woehrle, Judith

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

Berg, Allysun	DeLorme, Sarah	Goodwin, Laurie
Kuhns, Wendy	Larson, Christina	Poitra, Clinton
Spiker, Ansley	Valdez, Yuriko	Yuill, Tiffany
Zagaroli, Jeffrey	Overman, Shayna	Figueroa, Luis

Ms. Kalis called the Board’s attention to the above agenda items. Ms. Kalis asked if any Board member wished to remove an applicant from the consent agenda for further discussion. No member requested an applicant’s removal from the consent agenda. Ms. Kalis moved the Board approve the Consent Agenda as presented and approve license and certificates to the noted applicants. 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	X
Nay						
Recused						
Abstained						
Absent						

APPLICATIONS and CERTIFICATIONS

12. 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

12(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) Review of Education, Approval to take the NTPE and AZLAW exam, Determination of Supervised Clinical Practice Period, and Possible Licensure
 - a. Marzan, Leah

Ms. Kalis called the Board’s attention to the above matter. Ms. Kalis noted Ms. Marzan has substantially equivalent education according to the report received by the Board. Ms. Kalis moved the Board find Ms. Marzan’s education substantially equivalent in education, approve Ms. Marzan to take the NPTE and AZLAW examinations, and undergo a supervised clinical practice period following receipt of passing scores on the examinations. 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	X
Nay						
Recused						
Abstained						
Absent						

- 2) Review of Education, Approval to take the AZLAW exam, Determination of Supervised Clinical Practice Period, and Possible Licensure
 - a. Posada, Cleogene

Ms. Kalis called the Board’s attention to the above matter. Ms. Kalis noted that the applicant is missing several content areas in physical therapy education. Ms. Kalis moved the Board find Cleogene Posada not substantially equivalent and not allow the applicant to take the AZLAW exam or participate in a supervised clinical practice period. 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	X
Nay						
Recused						
Abstained						
Absent						

3) Review and Determination of Proposal for a Supervised Clinical Practice Period
a. Kamath, Vidya

Ms. Kalis called the Board’s attention to the above matter. Ms. Kalis moved the Board approve applicant Vidya Kamath’s request for approval of Supervised Clinical Practice Period 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	X
Nay						
Recused						
Abstained						
Absent						

b. Posada, Cleogene

Ms. Kalis called the Board’s attention to the above matter. Ms. Kalis moved the Board deny applicant Cleogene Posada’s request for approval of supervised clinical practice period plan as the applicant’s education was found not substantially equivalent and does not qualify for an interim permit at this time. 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	X
Nay						
Recused						
Abstained						
Absent						

4) Review of Final Clinical Practice Instrument and Possible Licensure
a. Engracia, Jr, Ramon

Ms. Kalis called the Board’s attention to the above matter. The Board discussed Mr. Engracia’s final report on his supervised clinical practice period. Ms. Kalis moved to grant Ramon Engracia licensure as a physical therapist in Arizona. 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	X
Nay						
Recused						
Abstained						
Absent						

12(B) Review of Documentation Related to Disclosure on “Personal Information” Section of Application, And possible licensure

1) Whitlock, Amanda

Ms. Kalis called the Board’s attention to the above matter. Ms. Kalis noted that Ms. Whitlock reported a conviction for minor in possession in 1998. Ms. Kalis moved the Board grant Ms. Whitlock 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	X
Nay						
Recused						
Abstained						

Absent						
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12(C) Review of Documentation and Possible Action on Application for Physical Therapist Licensure Not Appearing in the Consent Agenda.

- 1) Seckinger, Kimberly

Ms. Kalis called the Board’s attention to the above matter. Ms. Kalis noted Ms. Seckinger formerly held an Arizona license to practice physical therapy, but allowed the license to lapse in 2002. Ms. Kalis noted that in previous circumstances the Board has required the applicant to complete the Practice Review Tool (PRT) with the Federation of State Boards of Physical Therapy and complete continuing education prior to considering licensure as required by A.R.S. §32-2028. The Board discussed the appropriate number of hours to require Ms. Whitlock to complete. Dr. Cornwall moved the Board order Ms. Whitlock to complete the PRT with the Federation of State Boards of Physical Therapy and to complete an additional 30 hours of continuing education prior to considering licensure. 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	X
Nay						
Recused						
Abstained						
Absent						

12(D) Review of Documentation Related to Disclosure on “Personal Information” Section of Application,

Approval to Take the AZLAW Exam and Possible Licensure

- 1) Hawkins, David.

Ms. Kalis called the Board’s attention to the above matter. Ms. Kalis noted Mr. Hawkins reported disciplinary action against his license in Nevada for failing to change his address in a timely manner. Ms. Kalis moved the Board grant Mr. Hawkins approval to take the AZLAW 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	X	X
Nay						
Recused						
Abstained						
Absent						

BOARD BUSINESS AND REPORTS

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

- a. Financial Report – Mr. Brown reported that he felt the Board will have greater than expected saving in personal services expenditures for fiscal year 2010 and requested the Board give consensus to attempt to acquire legislative liaison services to assist the Board with the Omnibus Bill folder currently at the legislature. The Board discussed Mr. Brown’s request and provided consensus for Mr. Brown to attempt and obtain legislative liaison services for the remainder of FY 2010.
- b. Board Staff Activities- Written report only.
- c. Legislation- Written report only.
- d. Rule Activity- Written report only.

14. Review, Discussion and Possible Action on Executive Director's Report Regarding 15% Cut To The Agency Operating Budget.

Ms. Kalis called the Board's attention to the above matter. Mr. Brown reported that at the request of Ms. Kalis he has provided the Board with a report of the effects of the 15% reduction to the Board's operating budget enacted in October. Mr. Brown reported that the reduction has caused the cancelation or reduction of almost all contract services to include an ISA with the Attorney General's Office, legislative liaison services, reductions in funds for use in conducting hearings at the Office of Administrative Hearings and several others. Mr. Brown report the enacted cuts made by the Board as requested by the Governor have caused the Board to reduce the number of meetings being held in which Informal and Formal Hearings can be conducted and that most services previously done by outside contractors are now being conducted in-house. Therefore, investigations and hearings are slowing, and policy discussions are slowing. Board staff has greatly increased its work load; however, the increased workload is causing delays in services which will continue to increase the longer the cuts are kept in place. The Board discussed the impacts of the 15% budget cuts and compliment Board staff on maintaining a reasonable level of service while recognizing continued services are dependant upon staff workloads. Mr. Brown requested approval to begin communicating the difficulties related to the 15% cuts to the AzPTA and other stakeholders. The Board provided consensus approval to communicate the impacts of the recent budget cuts to stakeholders.

15. Review, Discussion and Possible Action on Proposed 2010 Omnibus.

Mr. Brown reported that Representative Nancy Barto has provided approval to open a bill folder at the Arizona Legislature for the Board's Omnibus Bill. Mr. Brown reported legislative council has made some changes to the language drafted by the Board, but that some of the changes could be reverted at a future time with proper justification. Mr. Brown stated he would keep the Board apprised of developments regarding the Omnibus Bill.

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 10:44 a.m.

Prepared by,

Charles D. Brown
Executive Director

Approved by,

Randy Robbins
Secretary