

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
December 22, 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: Lisa Akers, P.T., Member

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

CALL TO ORDER – 8:32 a.m.

Ms. Kalis called the meeting to order at 8:32 a.m.

- 1. Review and Approval of Draft Minutes
 - a. November 24, 2009; (Teleconference) 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. 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	

- b. November 24, 2009; (Teleconference) Executive Session Meeting Minutes; 9:31 a.m. to 9:35 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. Mr. Robins 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	

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.

5. Initial Review, Discussion and Action on Complaint #09-32 Patricia Dunn, P.T.

Ms. Kalis opened the next item for discussion. Ms. Dunn was not present. Ms. Ohlendorf disclosed she knows Ms. Dunn, but stated her ability to review the matter is not affected by the relationship. Ms. Donahue reported that this complaint was received from Ms. Lapusan (Ms. Dunn's supervisor at Gentiva) alleging that Ms. Dunn P.T, while working for Gentiva Home Health Division, failed to treat two patients for a total of 6 visits. Ms. Dunn submitted paperwork, charges and the patient's signature for each of the dates in question. A personal visit, made by Ms. Lapusan to each of the identified patient's home, was performed in which both patients stated that the signature or initials on the paperwork were not their own.

Ms. Kalis opened the matter for discussion and questions from the Board. Mr. Sieveke asked Ms. Donahue if the record reviewed demonstrated Ms. Dunn followed through with her notations in patient J.W.'s June 30, 2009 progress note. Ms. Donahue stated the record did not demonstrate Ms. Dunn completed the actions claimed in the progress note to include contacting the physician. Dr. Cornwall asked Ms. Donahue if she interviewed the patients. Ms. Donahue stated she did contact two patients and confirmed the information presented in the complaint. Ms. Donahue also confirmed that one patient had a family member present during all visits and the second patient had a third party present during most visits. Ms. Kalis asked Ms. Donahue if she found any indication in the record Ms. Dunn followed up with the patient's physician during treatment. Ms. Donahue said the record does not show Ms. Dunn followed up with the patient's physician. Ms. Ohlendorf asked if Ms. Donahue had investigated whether other patients not included in the complaint had been billed as treated by Ms. Dunn, when not treatment occurred. Ms. Donahue stated she had not expanded the investigation beyond the patients in the complaint.

Mr. Sieveke moved the Board forward the complaint #09-32 regarding Ms. Dunn to an Informal Hearing. Dr. Cornwall seconded the motion. The motion carried by unanimous vote. The Board instructed Ms. Donahue to contact Ms. Dunn's former employer and inform them that if a review of Ms. Dunn's other patients has not been conducted to detect any improper or fraudulent billing, the Board may forward the matter to the proper investigative authority.

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 next agenda item was taken out of order.

CONSENT AGENDA; REVIEW, CONSIDERATION and ACTION

8. Applications For Licensure & Certification

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

Budd, Carrie	Burd, Kerry	Christensen, Nancy
Cohen, Laurie	Hodgson, Daniel	Holubar, Mona
Kinney, Elissa	Lierman, Andrea	Longenecker, Megan
Mayer, Allyson	McKie, Jennifer	Music, Sandra
Pedersen, Anne	Plote, Theresa	Quade, Coeur d'Alene
Schider, Rachel	Schneck, Amy	Schwartz, Marci
Tatge, Laurel	Thomas, Steven	Tatge, Laurel
Webb, Nathaniel	Whitman, Lottie	Willer, Jocinda

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

Arevalo, Yelena	Barrows, Holly	Crane, Tracy
Deitz, Michele	Lautzenheiser, Krystal	Melocheck, Michael
Miller, Amanda	Molina, Ricardo	Price, Mark
Ruiz, Robert		

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 licenses and certificates to the noted 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	

Consent Agenda Ends

APPLICATIONS and CERTIFICATIONS

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

9(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.

The Board took no action on this agenda item.

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

Ms. Kalis called the Board’s attention to the above agenda item. Ms. Achanta was not present. Ms. Kalis stated that the credential evaluation of Ms. Achanta’s education demonstrated she was lacking in content and total hours of general education, and content of professional education. Ms. Kalis moved that the Board find Ms. Achanta’s education not substantially equivalent to a United States graduates education and that the Board not approve Ms. Achanta to take the AZLAW examination. 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	

b. Posada, Cleogene – 2nd review

Ms. Kalis called the Board’s attention to the above agenda item. Ms. Posada was not present. Ms. Kalis stated that Ms. Posada’s application was previously presented to the Board and her education was found not substantially equivalent to a United States graduates education; however, further review showed the credential evaluation tool used was not the proper edition and that Ms. Posada’s education does meet the criteria for substantial equivalency. Ms. Kalis moved the Board find Ms. Posada’s education substantially equivalent to a United States graduates education and approve Ms. Posada to take the AZLAW examination. 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	

3) Review and Determination of Proposal for a Supervised Clinical Practice Period

a. Posada, Cleogene – 2nd review

Ms. Kalis opened the matter for discussion. Ms. Posada was not present. Ms. Kalis moved the Board to allow Ms. Posada to take the AZLAW exam and upon receiving a passing score, issue Ms. Posada an Interim Permit and require Ms. Posada complete a Supervised Clinical Practice Period as outlined in the proposal. 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) Review of Final Clinical Practice Instrument and possible licensure

a. Fnu, Charu

Ms. Kalis opened the matter for discussion. Ms. Fnu was not present. Dr. Cornwall stated Ms. Fnu’s Clinical Practice Instrument was very positive. Ms. Kalis moved the Board approve Ms. Fnu’s application and issue her licensure as a physical therapist in Arizona. 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	

5) Review and Determination of Adding a Supervisor to an approved Supervised Clinical Practice Period.

a. Kamath, Vidya

Ms. Kalis opened the above matter for discussion. Ms. Kalis moved the Board approve Ms. Kamath’s request to add an additional supervisor to her 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
Nay						
Recused						
Abstained						
Absent					X	

9(B) Review of Documentation Related to Disclosure on “Personal Information” Section of Application, Approval to take the AZLAW exam and Possible Certification

1) Wingarter, Benjamin

Ms. Kalis opened the matter for discussion. Ms. Kalis stated Mr. Wingarter has disclosed a criminal charge for obstructing a police officer. Ms. Kalis moved the Board approve Mr. Wingarter to take the AZLAW examination and be certified upon completion of the exam with a passing score. 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	

9(C) Review of Documentation Related to Disclosure on “Personal Information” Section of Application, Approval to take the AZLAW exam and Possible Licensure

1) Edwards, Steven

Ms. Kalis opened the matter for discussion. Ms. Kalis noted Mr. Edwards has reported he received past discipline in the State of Nevada for practicing while his license was not active. Ms. Kalis moved the Board approve Mr. Edwards to take the AZLAW examination and be licensed upon completion of the exam with a passing score.

9(E) Review of Documentation and Possible Action on Application for Physical Therapist Assistant Certification Not Appearing in the Consent Agenda

1) Poschner, Christina

Ms. Kalis opened the matter for discussion. Ms. Poschner was not present. Ms. Kalis noted that Ms. Poschner has provided documentation she was scheduled to graduate with her Physical Therapist Assisting Degree on December 18, 2009, however, she has not provided a transcript stating she has graduated. Ms. Poschner has graduated from an accredited physical therapist assistant program. Dr. Cornwall moved the Board approve Ms. Poschner’s application for certification upon receipt of official documentation 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 agenda item out of order.

COMPLAINTS, INVESTIGATIONS and COMPLIANCE

7. Review of Consent Agreement and Possible Action on Request for Termination of Board Order Timothy Borden, P.T.

Ms. Kalis called the Board attention to the above matter. Ms. Kalis reported she knows Mr. Borden and that she has recused herself from all of the Board’s review of this matter in the past. Ms. Kalis recused herself from this matter and left the Board table. Dr. Cornwall took over the meeting. Mr. Borden was not present. Mr. Brown reported that Mr. Borden has completed all terms related to his consent agreement and probation, and that Mr. Borden had remained compliant with the terms of his consent agreement through the entire probationary period. Mr. Brown reported staff is recommending the Board grant Mr. Borden’s request to terminate the consent agreement and the probationary period. Dr. Cornwall moved the Board approve Mr. Borden’s request to terminate the consent agreement and the probationary period. 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
Nay						
Recused	X					
Abstained						
Absent					X	

Ms. Kalis returned to the Board table.

Ms. Kalis recessed the meeting at 8:55 a.m.

The Board returned to session at 9:00 a.m.

2. Formal Hearing and Possible Action on Complaint #CC-08-02; 9:00 a.m. Jennifer Johnson, P.T.

Ms. Kalis called the Board’s attention to the above matter. Christopher Munns, Assistant Attorney general was present to provide advice to the Board. Ms. Kalis conducted a roll call of all members present. Ms. Kalis stated it was the time and place to hear the matter of Jennifer Johnson, P.T. Case #CC-08-02. Ms. Kalis read a summary of how the proceeding would be conducted and the possible actions of the Board. Ms. Kalis asked the parties to identify themselves. Keely Versteegen reported on behalf of the State of Arizona. Ms. Johnson was not present. Ms. Kalis requested staff report how Ms. Johnson was notified of the proceeding. Mr. Brown stated Ms. Johnson was sent the complaint notice of hearing to her address of record with the Board by certified mail; however, it was later returned with a notation from the United States Postal Service (USPS) indicating there was a past forwarding request for that address, but that the forwarding time had expired and that the address of past forwarding was provided on the returned envelope. Mr. Brown stated staff mailed another copy of the complaint notice

to Ms. Johnson to the address provided by the USPS in Oregon. Mr. Brown stated Ms. Johnson signed for the complaint notice on December 2, 2009.

Ms. Kalis requested the court reporter swear in any witnesses. Mr. Brown was sworn in by the court reporter. Ms. Kalis stated it was time for opening statements. Ms. Verstegen provided an opening statement. Ms. Kalis stated if Ms. Johnson was present she would be provided with the opportunity to make an opening statement. Ms. Kalis asked Ms. Verstegen to call her first witness. Ms. Verstegen called Charles Brown, Executive Director for the Arizona State Board of Physical Therapy. Mr. Brown provided testimony under direct examination. Mr. Brown described the States exhibits:

1. Renewal form for Jenifer Johnson dated July 29, 2008.
2. Notice of Audit to Jennifer Johnson.
3. Letter to Jennifer Johnson dated December 23, 2008.

Mr. Brown testified regarding his position with the Board and the process when a licensee is selected for audit of their continuing competence activities. Mr. Brown testified Ms. Johnson was selected for audit and notified of the audit as confirmed in exhibit 2; however, Ms. Johnson never responded to the notice of audit. Mr. Brown stated the Board opened a complaint against Ms. Johnson in December 2008 for failure to respond to the audit as required by law and for failure to demonstrate compliance with continuing competence activities for the 2006 thru 2008 licensure period. Mr. Brown stated Ms. Johnson was provided with notice of the complaint and the six months required by law to demonstrate compliance. Mr. Brown stated the complaint against Ms. Johnson was first heard at an Informal Hearing in April 2009. The matter was tabled when Ms. Johnson did not appear for the hearing. At this time the six months provided to demonstrate compliance had not expired. Mr. Brown stated the Board held an Informal Hearing on August 25, 2009 regarding the complaint against Ms. Johnson. She did not appear and did not provide a response to the Board or documentation of continuing competence activities. Mr. Brown stated the Board forwarded the case to a Formal Hearing at the August 25, 2009 meeting. Mr. Brown testified that Ms. Johnson has never responded to her audit or this complaint although Board records demonstrate she has received notices. Ms. Verstegen concluded her examination of Mr. Brown.

Ms. Kalis stated that if Ms. Johnson was present she would be provided an opportunity to cross examine Mr. Brown. Ms. Kalis stated the Board could now ask questions of Mr. Brown. Board members asked questions of Mr. Brown. Mr. Brown testified Ms. Johnson was noticed of the audit, provided six months to demonstrate compliance with continuing competence activities and noticed of all the hearings the Board conducted including the hearing today. Mr. Brown further testified that Ms. Johnson has not communicated with Board staff regarding her audit or the complaint. Mr. Brown's testimony ended.

Ms. Kalis asked Ms. Verstegen if she had any additional witnesses. Ms. Verstegen indicated she had no further witnesses. Ms. Kalis stated if Ms. Johnson was present she would have the opportunity to call witnesses. Ms. Kalis asked Ms. Verstegen to give her closing argument.

Ms. Verstegen stated Ms. Johnson has received several notices of the proceedings with and before the Board to include the audit, Informal Hearings and Formal Hearing, but has ignored all notices and never communicated with the Board. Ms. Verstegen stated Ms. Johnson's lack of communication and willingness to ignore Board requests demonstrates she is not a regulatable person and requests the Board revoke Ms. Johnson's license as a physical therapist in Arizona.

Ms. Kalis stated that since Ms. Johnson is not present to provide a closing argument, the Board would enter deliberations. Ms. Kalis noted that the record shows Ms. Johnson received all notices

throughout the complaint process and given the six months to demonstrate compliance with continuing competence activities. Ms. Kalis asked if any other Board member had a matter for discussion. No member responded.

Ms. Kalis moved the Board adopt as findings of fact paragraphs 4 thru 13 in the notice of hearing and add a paragraph 14:

4. On or about July 29, 2008, Respondent submitted her application for renewal of license number 2061 for the period of September 1, 2008 through August 31, 2010.

5. On the renewal, Respondent affirmed that she had completed the required contact hours of continuing competence in accordance with A.A.C. Title 4, Chapter 24, Article 4.

6. On the renewal, Respondent affirmed that she understood that she was subject to audit for verification of continuing competence hours.

7. On the renewal, Respondent further declared and affirmed, under the penalty of perjury, that the statements made in the license renewal application were complete and correct and that any false or misleading information may be cause for denial or disciplinary action.

8. A notice of continuing competence audit was sent by the Board via certified mail to Respondent's address of record, which was signed for by her on October 16, 2008.

9. The audit notice required that Respondent provide evidence demonstrating compliance with the continuing competence requirements for the period September 1, 2006 through August 31, 2008 within thirty days of receipt of the notice.

10. Respondent failed to submit any evidence demonstrating compliance with the continuing competence requirements for the period September 1, 2006 through August 31, 2008 within the thirty day time period.

11. On or about December 18, 2008, the Board voted to find Respondent in non-compliance with her continuing competence requirements, which also allowed her an addition six months to complete her continuing competence requirements.

12. On or about December 23, 2008, the Board sent Respondent notice that she was not in compliance with the continuing competence requirements.

13. Respondent failed to submit any evidence demonstrating compliance with the continuing competence requirements for the period September 1, 2006 through August 31, 2008.

14. Respondent was given six months to complete her continuing competence requirements. Respondent was invited to an Informal Hearing in April 2009, which was tabled. Respondent was invited to an Informal Hearing August 25, 2009, which she did not appear for and the matter was forwarded to an Formal Hearing. On December 2, 2009 Respondent signed for notice of the Formal Hearing; however as of the date of the Formal Hearing Respondent has not communicated with the Board.

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 Kalis moved the Board adopt as conclusion of law paragraphs 14 thru 17 as outlined in the notice of hearing:

14. The Board has jurisdiction over this matter pursuant to A.R.S. § 32-2001, *et seq.* and the rules promulgated by the Board relating to the practice of physical therapy.

15. The conduct and circumstances as stated above constitute a violation of A.R.S. §32-2044(1) (violating this chapter, Board rules or a written Board order) as it relates to A.A.C. R4-24-401(G)(2) (within 30 days of receipt of a notice of audit, a licensee shall submit evidence to the Board that shows compliance with the requirements of continuing competence).

16. The conduct and circumstances as stated above constitute a violation of A.R.S. §32-2044(3) (Obtaining or attempting to obtain a license or certificate by fraud or misrepresentation).

17. The conduct and circumstances as stated above constitute a violation of A.R.S. §32-2044(14) (Making misleading, deceptive, untrue or fraudulent representations in violation of this chapter or in the practice of the profession).

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 opened the discussion of issuing an order by reviewing the possible actions the Board may take at a formal hearing. Dr. Cornwall moved the Board revoke the license of Jenifer Johnson, P.T. License #2061. Mr. Sieveke seconded the motion. Ms. Kalis called a roll call vote which passed with 5 aye votes, 0 nay votes, and one member absent.

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 concluded the hearing and stated the party's appeal rights will be noticed when staff reduces the Board's actions to a written order, which will be sent to the party.

A transcript of this Formal Hearing is available upon request from Driver and Nix Court Reporting. The cost of the transcript will be assessed to the requestor. Any member of the public can contact Driver and Nix at (602)266-6525.

The Board recessed 9:24 a.m.

The Board returned to session at 9:32 a.m.

3. Informal Hearing and Possible Action on Complaint #09-01; 9:00 a.m.
Matthew Fryberger, P.T.

Ms. Kalis called the Board' attention to the above matter. Mr. Fryberger came forward accompanied by his attorney Jeffrey A. Bernick. The Board members and staff introduced themselves. Mr. Fryberger and Mr. Bernick introduced themselves. Ms. Kalis stated it was the time and place for the Informal Hearing of Matthew Fryberger, P.T. Ms. Kalis provided a review of how the proceeding would be conducted and the Board's available options at the Informal Hearing. Mr. Brown provided a summary of the allegations in the case.

Based on the investigation by Board staff and the Board's Initial Review of this complaint it is alleged that Mr. Fryberger:

1. Treated patient D.T. from 6/27/05 until 9/14/05.
2. Settled a malpractice case with patient D.T. on December 3, 2008. Patient D.T. alleged the respondent was negligent in treating a torn Achilles tendon.
3. Documented a possible tear to the Achilles tendon of D.T. in the respondent's initial evaluation, but failed to follow-up or refer D.T. for further testing.
4. Created illegible patient records that required dictation to review the records for the investigation of the above complaint. His documentation may not meet the 2005 standards and he failed to perform a discharge summary.
5. Failed to take action when patient D.T.'s signs and symptoms did not improve as expected in his plan of care over the course of treatment. (14 visits for 10 weeks of care)
6. Failed to communicate any of his findings for any date of service to the referring physician.
7. Documented an intention to refer the patient for further evaluation; however, there is no evidence in the record to indicate that such a communication or referral was performed/made.

Ms. Kalis provided Mr. Fryberger and Mr. Bernick the opportunity to make a statement. Mr. Bernick stated that he provided a response to the original allegations in the case which the Board has received and that Mr. Fryberger had recently provided a separate response to the allegations in the Informal Hearing Invitation.

Mr. Fryberger stated that when he was treating patient D.T. he felt he was getting a positive response to the therapy in subjective relief of pain for short periods of time after treatment. Mr. Fryberger stated he did communicate with D.T.'s physician in the same facility regarding referring D.T. for an MRI. In addition, Mr. Fryberger reported that he and the physician shared the same patient file. Mr. Fryberger stated he felt he had good communication with the physician; however, the physician resisted Mr. Fryberger's suggestions of sending the patient for an MRI to evaluate the condition of D.T.'s Achilles tendon. Mr. Fryberger stated he was prepared to answer questions.

Ms. Kalis asked Mr. Fryberger to explain why he stated in his response that the malpractice settlement was wrongly attributed to him. Mr. Bernick explained that the physician's part of the facility, MICA, was covered by a liability policy, but that the therapy company operating in the facility, ORPT, did not have a policy. Therefore, when the settlement was reached Mr. Fryberger was included as an individual under the MICA policy. However, Mr. Bernick stated Mr. Fryberger was never noticed in the lawsuit, which indicates it was improperly attributed to Mr. Fryberger. Mr. Brown noted that the right or wrong nature of how Mr. Fryberger was brought into the malpractice settlement may be irrelevant since the Board was noticed and initiated a complaint, which is the reason for the current proceeding. Mr. Bernick noted that the settlement in no way demonstrates an acceptance of liability on the part of Mr. Fryberger.

Dr. Cornwall asked Mr. Fryberger why he did not document his conversations with the physician. Mr. Fryberger stated while he currently does, in 2005 he was documenting only his treatment and took for granted his close relationship and proximity with the physician. Ms. Kalis asked Mr. Fryberger why he did not document performing the Thompson test in the patient record. Mr. Fryberger stated when he treated D.T. he did not normally document a negative test, but stated he conducted the Thompson test on almost every visit.

Ms. Kalis discussed the patient work and treatment goals with Mr. Fryberger. Mr. Sieveke asked Mr. Fryberger if his summaries just provided to the Board were provided to the physician. Mr. Fryberger stated they are all provided to the physician and the physician keeps them on the physician's side of the shared patient

chart. Ms. Kalis asked if all of his notes are hand written. Mr. Fryberger stated the notes are hand written, but are always transcribed upon request.

Ms. Kalis asked Mr. Fryberger if he thought 28 visits was a significant number of treatment visits when the patient wasn't improving. Mr. Fryberger stated that he felt his treatment was subjectively helping the patient and that he tried several times to get the physician in his office to send D.T. for an MRI and that Mr. Fryberger eventually went to the physicians supervisor to get the test ordered.

Ms. Kalis asked Mr. Fryberger to describe the disruption of the tendon he noted in the patient record on multiple dates of service. Mr. Fryberger stated he could feel a groove in D.T.'s Achilles tendon, which he noted as a partial tear in the initial evaluation. Mr. Fryberger stated he did not feel there was a complete rupture of the tendon until August 29, 2005 when the patient's presentation began declining. Mr. Fryberger stated he did try to speak to an orthopedic surgeon acquaintance about referring D.T. to an orthopedic physician, but could never make contact with his acquaintance. Mr. Fryberger also stated he told the patient to consider getting a second opinion.

Ms. Kalis concluded the Board's questioning of Mr. Fryberger and opened Board discussion. Mr. Sieveke stated he felt the case had two main parts. One part is regarding substandard care and failure to refer and the other part is about inadequate documentation. Ms. Kalis stated Mr. Fryberger documented a gap, edema, partial tear, and disruption of the Achilles tendon in the record, but did not follow through with a referral which is serious and his delay in doing so may have resulted in a less favorable outcome for the patient. Dr. Cornwall stated he felt Mr. Fryberger did try to refer verbally, but failed to document the referral, which makes it a documentation issue.

Ms. Ohlendorf stated she felt the matter could be resolved with an advisory letter regarding the failure to document consultations with physicians and illegible records. Dr. Cornwall stated he was considering a non-disciplinary order for continuing education regarding the same issues. Mr. Sieveke stated he supported the non-disciplinary order. Dr. Cornwall moved the Board dismiss the complaint against Mr. Fryberger and order Mr. Fryberger to complete within 6 months eight hours of continuing education in documentation. The continuing education must be preapproved by Board staff. Mr. Robbins seconded the motion. The Board entered discussion. Ms. Kalis noted she felt that there was a failure to refer to an appropriate provider on the part of Mr. Fryberger. In addition, Mr. Fryberger failed to document any communications with physicians throughout the course of care, failed to document the performance and results of Thompson tests, and failed to document a discharge summary. Therefore, she would be voting Nay. Ms. Kalis called the vote. The motion carried with four aye votes and one nay 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	

The Board recessed 10:34 am.

The Board reentered session at 10:46 a.m.

4. Initial Review, Discussion and Action on Complaint #09-27
Christopher O'Donnell, P.T.

Ms. Kalis called the Board's attention to the above matter. Mr. O'Donnell was present and came forward with his attorney Margaret F. Dean. Ms. Donahue provided a summary of the case. The Board received a complaint alleging that Mr. O'Donnell P.T. was engaged in a sexual relationship with a current patient, M.C.

This information was obtained through a conversation between the complainant and G.C., the husband of the involved patient.

Ms. Kalis invited Mr. O'Donnell to make a statement. Mr. O'Donnell stated he has come before the Board remorseful of his actions and the impact it has had on the patient and his family. Mr. O'Donnell acknowledged his sexual relationship with the patient. Ms. Kalis opened the matter to questions from the Board. No member had questions. Ms. Kalis invited G.C. to come forward and address the Board.

G.C. read a statement to the Board. He stated the relationship Mr. O'Donnell had with M.C. has caused G.C. and M.C. to start divorce proceedings. G.C. stated he found evidence M.C. and Mr. O'Donnell exchanged 306 text messages, mostly between 8:00 p.m. and 10:30 p.m., over a one month period before the sexual encounter and nine more following the complaint being opened. In addition, G.C. stated Mr. O'Donnell made arrangements with M.C. to use a third party to allow Mr. O'Donnell to review M.C.'s statements to the Board before she submitted them and requested M.C. make changes to the statements. G.C. stated he felt Mr. O'Donnell breached his ethics, character and self control.

Ms. Kalis opened the matter for Board discussion. Ms. Kalis stated she felt it was appropriate for the Board to order Mr. O'Donnell to undergo a psychosexual evaluation. Ms. Ohlendorf stated she was concerned about current public protection if Mr. O'Donnell continues to practice while waiting for an evaluation. Ms. Kalis moved the Board enter executive session for legal advice. 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	

The Board entered executive session at 11:05 a.m.

The Board reentered regular session at 11:10 a.m.

Ms. Kalis moved the Board order Mr. O'Donnell to undergo a psychosexual evaluation by a Board approved evaluator. Mr. O'Donnell is to make an appointment within 30 days and have the evaluation completed within 60 days. Mr. O'Donnell is responsible for the cost of the evaluation. 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	

The Board instructed Board staff to continue the investigation and contact Mr. O'Donnell's previous employers to inquire about activities related to the complaint.

6. Initial Review, Discussion and Action on Complaint #09-37
Teresa Bryant, P.T.

Ms. Kalis called the Board's attention to the above matter. Ms. Kalis noted that she recused herself from the complaint against Daniel Frisch P.T.A. which led to the complaint against Ms. Bryant. Ms. Kalis recused herself and left the Board table. Dr. Cornwall assumed control of the meeting. Ms. Bryant was present and came

forward with her attorney Hardy Smith. Ms. Donahue provided a summary of the case to the Board. The Arizona State Board of Physical Therapy opened this complaint against Ms. Bryant P.T. due to her being the supervising physical therapist of Daniel Frisch P.T.A. Mr. Frisch case #09-21 was filed by L.K., mother of a special needs child, in regards to treatment that was performed by Mr. Frisch under the general supervision of Ms. Bryant on April 23, 2009.

In review of case # 09-21, L.K. alleged that Mr. Frisch P.T.A. had R.T. transferred from her wheelchair when the child and the nurse had initially refused upon request. R.T. is a special needs child with Spinal Muscular Atrophy Type 1 and is wheelchair and ventilator dependent. L.K. states that she has made it clear that for safety reasons R.T. is not to have any physical therapy at school. L.K. states that Ms. Cynthia Come (Head of Special Education for the Vail School District) was instructed to have any provider "call the mother prior to interacting with" R.T. L.K. alleges that during this treatment R.T. was not on her heated circuit nor pulse oximeter and that her shell was left on while in the beanbag chair. L.K. states that "Dan notified her of the transfer after the incident, not prior." Mr. Frisch, in that phone call on April 23, 2009, suggested that R.T. "get a new shell and new seat cushion." Finally, L.K. alleges that Mr. Frisch was not following the care plan or PT regime that was already in place.

Mr. Smith provided an opening statement to the Board outlining the response submitted to the Board. Mr. Smith stated that Ms. Bryant works for the Vail School System and R. T. was not a patient of hers, but she contracts with the school to provide advice on care of some of the special needs children. Ms. Bryant was contacted by Mr. Frisch after the school contacted him saying R.T. was having problems of discomfort and her nurse could not resolve the problems. Ms. Bryant instructed Mr. Frisch to go to the school and have the nurse evaluate R.T. for areas of concern and suggest a transfer to a bean bag. Mr. Smith stated Ms. Bryant did not treat R.T. and Mr. Frisch did not touch R.T. that day either.

Ms. Bryant explained her activities for the school district to the Board. Ms. Bryant stated her position is required to help school staff with activities to integrate children such as R.T. into the normal class environment and to evaluate equipment. Mr. Brown asked Ms. Bryant if she was aware R.T. experienced an injury during transfer shortly before the date in question. Ms. Bryant said she was aware. Ms. Bryant could not recall if Mr. Frisch was present with R.T. when he contacted her. Ms. Bryant stated that the nurse refused the transfer earlier in the day because the mother was displeased when R.T. missed class during prior transfers. Mr. Brown asked if Ms. Bryant had informed consent from the mother before treatment. Ms. Bryant said she did, which is why she did the initial evaluation. Ms. Bryant stated she does not know where in the record the mother approved the plan of care but she did approve it. Ms. Bryant stated Mr. Frisch convinced the nurse R.T. would only need to be out of her chair for a few minutes so the transfer was done.

Ms. Donahue explained the detail of the record. Ms. Bryant stated the bean bag transfer was part of the daily care plan and it was standard. Ms. Bryant stated the transfer was not medical care. Ms. Bryant stated she watched the nurse do a transfer previously. Ms. Bryant discussed previous issues with the mother involving having school staff properly trained to help with R.T.'s bagging/ventilation when off her respirator. Mr. Sieveke asked Ms. Bryant how often she reevaluates students. Ms. Bryant said they are continually evaluated when they see the patient. Ms. Bryant said that some of the records would be in the nurse's flow sheet. Ms. Bryant said her notes document the continued discussions with the nurse, school staff and other involved persons. Mr. Sieveke asked Ms. Bryant if she discussed the previous hip incident with Mr. Frisch. Ms. Bryant said yes. Mr. Sieveke asked if Ms. Bryant considered doing an evaluation of R.T. prior to sending Mr. Frisch to see R.T. considering the previous hip incident. Ms. Bryant said no as R.T. was prone to hip dislocation. Mr. Sieveke asked if she had encountered a previous dislocation with R.T. and Ms. Bryant stated no. Ms. Bryant said Mr. Frisch was there as support for the nurse to get R.T. off the brace at her direction. Ms. Bryant confirmed Mr. Frisch never touched R.T.

Dr. Cornwall opened the matter for discussion by the Board. Mr. Sieveke stated he had questions regarding Ms. Bryant’s evaluation, reevaluation, delegation, and responsibility toward R.T. Mr. Sieveke moved the Board forward the case to informal hearing. 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	X					
Abstained						
Absent					X	

The Board instructed staff to attempt to collect the nurse’s flow chart and the medical care plan for R.T.

Dr. Cornwall took the next item out of order.

BOARD BUSINESS AND REPORTS

- 17. Board Recognition of Service
Joni Kalis, P.T.

Ms. Kalis returned to the Board table. Dr. Cornwall called the Board’s attention to the above matter. Dr. Cornwall stated Ms. Kalis’ term with the Board would be ending in January although she may serve until replaced. Dr. Cornwall presented Ms. Kalis with a plaque recognizing her service to the State of Arizona and 8 years of service to the Arizona State Board of Physical Therapy.

Ms. Kalis took control of the meeting.

The Board recessed at 11:45 a.m.

The Board returned to session at 11:58 a.m.

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

- 1) Sanchez, Steven; 2nd Review; Reconsideration of Denial of Licensure

Ms. Kalis called the Board’s attention to the above matter. Mr. Sanchez came forward with his attorney Lauren Weinzweig. Mr. Brown reported that the Board had previously reviewed Mr. Sanchez’s application and approved the application on the condition that he sign a consent agreement for a Decree of Censure. Mr. Sanchez stated he indicated on his application he was working since March 2009 as a PT, Rehab Manager for Phoenix Children’s Hospital. Mr. Sanchez stated he has not held himself as a physical therapist to the public or to persons he works with. Mr. Sanchez stated his duties at the hospital are not therapy related but are as a business manager. Ms. Weinzweig stated that it was a misunderstanding when Mr. Sanchez wrote PT on his application. Ms. Weinzweig stated the Board had not had issues previously with persons holding Mr. Sanchez’s position at the hospital when they were not licensed as physical therapists.

Dr. Cornwall asked Mr. Sanchez if business cards ever listed him as a P.T. and if they were distributed. Mr. Sanchez stated the hospital did print business cards when he was hired based on his resume and they did say P.T. Mr. Sanchez stated some of the cards were distributed, but that he has removed them and put them in

his desk where they cannot be accessed. Ms. Kalis moved the Board enter executive session for legal advice. 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 entered executive session at 12:16 p.m.

The Board reentered session at 12:21 p.m.

Mr. Sieveke moved the Board approve Mr. Sanchez’s application for licensure. Dr. Cornwall seconded the motion. Ms. Kalis opened discussion. Ms. Kalis stated that the definition of the practice of physical therapy includes administration, which she feels Mr. Sanchez was doing in his job and that it was clear that until the Board became involved in the matter Mr. Sanchez held himself as a physical therapist and used business cards with P.T. Ms. Kalis stated that she feels the Board should stay with what the law says. Dr. Cornwall stated he did not find any fault in Mr. Sanchez’s activities. Ms. Kalis called the motion for a vote. The motion carried with a vote of four aye notes and one nay 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	

BOARD BUSINESS AND REPORTS

Ms. Kalis took the next item out of order.

13. Review, Discussion and Possible Action on Supervision of Students

Mr. Brown provided the Board with a summary. Several months ago, Board staff received several questions regarding the inclusion of students in the supervision ratio. Staff and the Board’s legal advisor could find no other answers other than students are covered under the definition of assistive personnel, which defaults students into the supervision ratio. During staff’s review, past Board staff was contacted about the issue and told the previous impression was that students were not included; however, we could not provide evidence in support of that belief based on previous Board decisions. Accordingly, staff discussed this matter at the September Supervision Advisory Group Meeting and the issue was identified for further discussion. The Supervision Advisory Group met again in November and provided input. All members stated they spoke to other members of the profession and there were impressions on both sides of the issue. Therefore, it appears some physical therapists feel students have always been included in the supervision ratio and some did not feel they were included. Some recent calls have come from clinic directors regarding the impact of including students in the ratio on facilities that are involved in internships.

Peter Zawicki, P.T., of Gateway Community College; Peggy Hiller, P.T.; Debbie Bierwas, P.T., of Midwestern University; and LouAnn Negrete, P.T., of Pima Medical Institute came forward to participate in the discussion. Mr. Zawicki provided a statement to the Board indicating that in the past, Board staff seemed to communicate to the profession that students have not been included under the definition. Mr. Zawicki provided documentation from the website of the Federation of State Board’s of Physical Therapy to support his statement. Mr. Zawicki explained to the Board his impression of how schools and the availability of facilities

accepting interns will be limited if students are included in the definition of assistive personnel and therefore default into the supervision ratio outline in A.A.C. R4-24-303. Mr. Zawicki also stated he felt the Board’s substantive policy statement regarding supervision may be confusing or inaccurate indicating a physical therapist assistant cannot be a clinical instructor. The Board noted they were prepared to discuss the inclusion of students in the definition of assistive personnel today.

Mr. Brown clarified that this matter was ajenized to allow Mr. Zawicki and others to discuss the matter with the Board based on the fact that currently staff cannot answer public inquiries of the inclusion of students in the definition of assistive personnel based on past Board action related to a case or formally issued opinion. Mr. Brown stated currently staff can only respond that while it appears students can be included in the definition the Board has not heard a case or issued an opinion that clearly states if students are included in the ratio. Ms. Negrete addressed the Board and summarized the importance to the schools to have a clear message of how students will affect a facilities ratio. Ms. Negrete also emphasized the difficulty the schools may have if students cannot be excluded from a supervision ratio. Ms. Bierwas addressed the Board and expressed the importance of having a clear message from the Board and that there will be an impact on internships either way the Board interprets the law. Ms. Hiller came forward and addressed the Board. Ms. Hiller provided a history of how the definition of assistive personnel was created and how it has appeared to some members of the profession students may not be included in the definition. Ms. Kalis moved the Board enter executive session for legal advice. 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 entered executive session at 1:34 p.m.

The Board reentered session at 1:44 p.m.

Ms. Kalis thanked all parties for coming forward to address the Board on the important matter. Ms. Kalis stated the Board will continue to review the matter; however, the Board was not going to state a position on the issue at this time.

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

- a. Financial Report- Mr. Brown provided the Board with a summary of the Legislatures 5th Regular Session over the past week.
- b. Board Staff Activities- Mr. Brown presented Peggy Hiller, P.T. with a certificate recognizing her volunteer service to the Board of over 10 hours. Ms. Hiller came forward and accepted her certificate. Mr. Brown also recognized Kirsten Berdahl, P.T. for over ten hours of volunteer service. Ms. Berdahl was not present.
- c. Legislation- Mr. Brown reported the Board omnibus bill folder is open and work is progressing to obtain a sponsor.
- d. Rule Activity- No verbal information presented.

11. Review, Discussion and Possible Action on Board Ordered Continuing Education

Ms. Kalis called the Board’s attention to the above matter. Mr. Brown provided a summary of the matter for the Board. Board staff is seeking direction from the Board regarding Board ordered continuing education. Staff requests instruction regarding appropriate approval of continuing education courses. As the continuing education field continues to grow the prominence of online, video, and other

home study courses continues to find its way into requests for approval when a Board order is involved. Online continuing education courses and home study courses can pose a problem for staff in their review for approval.

An increasing number of courses fail to indicate how many contact hours are offered with the course if the licensee taking the course is using a home study or online format because the licensee is reviewing material at their leisure; therefore, the course sponsor does not know the amount of time the licensee spends actually reviewing the material. Staff is requesting direction from the Board.

Staff requests the Board identify whether online continuing education or home study continuing education is ever acceptable for a licensee or certificate holder completing the activity under a Board order. If the Board decides that online is sometimes acceptable, staff requests that the Board state in the Board orders when they will accept continuing education in a distance learning format. If the Board does not wish for distance learning to ever count for continuing education, staff will implement internal practices so only class room and on-on-one education is approved.

The Board discussed their intent when ordering continuing education in the past and whether they intended for the education to be in a class setting or one-on-one verses distant learning. After review the Board concluded that all persons subject to continuing education from a Board order should have the same expectations. Mr. Sieveke moved the Board require all continuing education completed under a disciplinary or non-disciplinary Board order be completed in a physically attended class setting or one-on-one setting. 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
Nay						
Recused						
Abstained						
Absent					X	

12. Review, Discussion and Possible Action on Public Reporting of Complaints After Five Years

Ms. Kalis called the Board’s attention to the above matter. Mr. Brown provided a summary for the Board. On October 29, 2009, staff received a request from Pauline Mahoney, P.T. to remove any reference of her past complaint which was dismissed more than five years prior. Ms. Mahoney had previously requested such action, which staff denied based on reading of the referenced statute A.R.S. §32-3209 and budgetary restrictions. Ms. Mahoney is now claiming she will take legal action if the Board does not remove the notation of having a complaint from the Board website.

Staff has informed Ms. Mahoney of the Board’s review of this matter and invited her to attend the meeting and address the Board. Ms. Mahoney was not present. Ms. Mahoney has referenced A.R.S. §32-3209 as the basis for her claim that the Board should not post dismissed complaints on the website after five years. Mr. Brown requested that if the Board wishes to consider removing information regarding complaints from the website after five years, the Board provide staff with time to research the cost of programming the website and the Board’s database to perform the action.

The Board discussed the statute and Ms. Mahoney’s request. The Board did not vote on the matter, but instructed staff to research the costs and options of making changes to the website to remove dismissed complaints after five years and to place the matter on a later Board agenda. The Board stated they believe their current process follows law, but would like to research the cost of implementing the requested change.

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

Ms. Kalis called the Board's attention to the above matter. Mr. Brown provided a summary for the Board. In November, the Supervision Advisory Group met to review supervision laws. One recommendation the group has suggested staff bring to the Board is the incorporation of the APTA's Guide for Conduct of the Physical Therapist Assistant and the Standards of Ethical Conduct for the

Physical Therapist Assistant. However, the group felt that in order to ensure rules could be updated to allow the Board to incorporate the PTA standards of ethics, the Board may need a statutory revision to A.R.S. §32-2041(B), which currently only discussed standards of ethics for physical therapists. Mr. Brown checked with Stuart Goodman, the Board's legislative liaison, who feels there is sufficient time for the Board to add statutory language to the omnibus bill if the Board would like to make the change.

The Board discussed adding changes to the Board's current omnibus bill that would require physical therapist assistants to follow a standard of ethics. Ms. Hiller came forward and addressed the

Board regarding the AzPTA's current lobbying status and hiring of a legislative liaison. The Board gave consensus approval to Mr. Brown to add language to the Board's draft omnibus bill to establish a standard of ethics for physical therapy assistants.

15. Review, Discussion and Possible Action on AZLAW Examination Questions.

Ms. Kalis pended the above matter to a later Board meeting.

16. Review, Discussion, & Action on Board Member Continuance, A.R.S. §32-2002(B)
Joni Kalis, P.T.

Ms. Kalis called the Board's attention to the above matter. Mr. Brown reported that Ms. Kalis' term as a Board member would expire in January and staff has not received word that the Governor is prepared to appoint a replacement. Under A.R.S. §32-2002(B) the Board may vote to allow a Board member to continue serving on the Board until the member is replaced. Mr. Robbins moved the Board approve Joni Kalis, P.T. to continue to serve until the Governor appoints a replacement. Ms. Ohlendorf seconded the motion. The motion carried with 4 aye votes and 1 abstained vote.

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

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 2:34 p.m.

Prepared by,

Charles D. Brown
Executive Director

Approved by,

Randy Robbins
Secretary