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ARIZONA STATE BOARD OF PHYSICAL THERAPY
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REGULAR SESSION MEETING MINUTES
March 23, 2010

MEMBERS PRESENT:

Mark Cornwall, P.T., Ph.D., President
Lisa Akers, P.T., Vice President
Kris Ohlendorf, P.T.A., Secretary
Randy Robbins, Public Member

MEMBERS ABSENT:

James Sieveke, P.T., O.C.S., Member
Melinda Richardson, P.T., Member

OTHERS PRESENT IN PERSON:

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

CALL TO ORDER – 8:49 a.m.

Dr. Cornwall called the meeting to order at 8:49 a.m.

- 1. Review and Approval of Draft Minutes
 - a. February 23, 2010; (Teleconference) Regular Session Meeting Minutes

Dr. Cornwall opened the agenda item for discussion and asked if any Board member had corrections for the minutes as presented. No Board member expressed a need for corrections to the minutes. Dr. Cornwall moved the Board approve the minutes as presented. Mr. Robbins seconded the motion. The motion carried by unanimous vote.

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

COMPLAINTS, INVESTIGATIONS and COMPLIANCE

- 7. Review and Possible Action on Proposed Consent Agreement Case #'s 09-29 & 09-30
William Perry, P.T.

Dr. Cornwall called the Board’s attention to the above agenda item. Mr. Perry and Faren Akins, his attorney, was present. The Board members and staff introduced themselves. Mr. Akins provided a

statement to the Board and stated Mr. Perry was ready to sign the consent agreement as drafted if the Board approved the agreement. Ms. Ohlendorf noted a typographical error in line 24 of page 4 of the agreement. Mr. Akers agreed to the modification. Ms. Akers moved the Board approve the consent agreement as modified. Ms. Ohlendorf seconded the motion. The motion carried with a vote of 3 ayes and 1 nay of the members present.

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

Dr. Cornwall took the next agenda item out of order.

CONSENT AGENDA; REVIEW, CONSIDERATION and ACTION

9. Applications For Licensure & Certification

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

Brady, Robert	Bylsma, Jocelyn	DiStefano, Robert
Fullmer, Chad	Hagar, Martin	McCran, Alistair
Monitto-Webber, Maya	Ochoa, Hannah	O'Donnell, Thomas
Pinamonti, Nicole	Roberts, Alan	Stageberg, Juanita
Timer, John		

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

Boone, Rachael	Distefano, Cristiana	Edwards, Kim
Meza Rochin, Gisel	Murray, Sheralyn	Nideur, Michael
Patty, LeeAnn	Simmons, Kristi	

Dr. Cornwall called the Board's attention to the above agenda item. Dr. Cornwall asked if any Board member wished to remove an applicant from the consent agenda for further discussion. Dr. Cornwall moved the Board approve the Consent Agenda and approve issuing licenses and certificates to the noted applicants. Mr. Robbins seconded the motion. The motion carried by unanimous vote of the members present.

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

Consent Agenda Ends

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

10(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 AZLAW exam, Determination of Supervised Clinical Practice Period, and Possible Licensure.
 Morales, Melissa

Dr. Cornwall called the Board’s attention to the above agenda item. Ms. Morales was not present. The Board discussed Ms. Morales’ education. Dr. Cornwall moved the Board find Ms. Morales’ education substantially equivalent to the education of a United States graduate’s education, approve Ms. Morales to take the AZLAW, and require Ms. Morales to undergo a Supervised Clinical Practice Period of 500 hours in 90 days upon receipt of a passing score on the NPTE examination. Ms. Ohlendorf seconded the motion. The motion carried by unanimous vote of the members present.

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

3) Review of Final Clinical Practice Instrument and possible licensure.
 Kamath, Vidya

Dr. Cornwall called the Board’s attention to the above agenda item. Ms. Kamath was not present. The Board discussed Ms. Kamath’s Final Clinical Practice Instrument. No issues of concern were raised by a Board member. Dr. Cornwall moved the Board approve Ms. Kamath’s Final Clinical Practice Instrument and approve Ms. Kamath’s licensure. Ms. Akers seconded the motion. The motion carried by unanimous vote of the members present.

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

10(B) Review of Documentation Related to Disclosure on “Personal Information” Section of Physical Therapist Application and Approval to take the AZLAW (Jurisprudence) Exam
 Surette, Elyse

Dr. Cornwall called the Board’s attention to the above agenda item. Ms. Surette was not present. Dr. Cornwall noted Ms. Surette reported a DUI conviction from 2009, but noted that she has completed all sentencing requirements. Dr. Cornwall moved the Board approve Ms. Surette to take the AZLAW examination and grant her licensure upon receipt of a passing score. Ms. Akers seconded the motion. The motion carried by a unanimous vote of the members present.

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

10(C) Review of Documentation Related to Disclosure on “Personal Information” Section of Physical Therapist Assistant Application, Approval to take the AZLAW (Jurisprudence) Exam
 Dall, Bryan

Dr. Cornwall called the Board’s attention to the above agenda item. Mr. Dall was not present. Dr. Cornwall noted Mr. Dall explained his arrest and disciplinary history well in his written statement to the Board. Dr. Cornwall moved the Board approve Mr. Dall to take the AZLAW examination and grant

him licensure upon receipt of a passing score. Ms. Akers seconded the motion. The motion carried by a unanimous vote of the members present.

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

Dr. Cornwall returned to the order of the agenda

COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

Dr. Cornwall called the Board's attention to the above agenda item. Ms. Dunn was present telephonically and was not represented by legal counsel. The Board members introduced themselves to Ms. Dunn. Ms. Ohlendorf reported that she had previously worked with Ms. Dunn, but that she did not feel the work relationship would in any way bias her ability to hear the case. Dr. Cornwall read a summary of how the Informal Hearing will be conducted and the possible actions the Board could take. The allegations in this case were that Ms. Dunn:

1. May have billed for treatment to patients M.P. and J.W. when she did not provide treatment to the patients.
2. May have documented patient care that was not provided to patient M.P. and J.W.
3. May have failed to create and maintain patient records in compliance with law.
4. May be suffering from a physical or mental disability which may limit her ability to safely practice physical therapy.
5. May have provided false or misleading statements to patients, a third party payor, or the Board.

Ms. Dunn provided an opening statement. Ms. Dunn claims the allegations against her in the complaint are false and that she provided a detailed response in a December 18, 2009 letter to the Board. Dr. Cornwall opened the proceeding to questions from the Board. Dr. Cornwall asked why Ms. Dunn believed the patients involved in the case stated they were not treated on the day in question and claim the signatures in their files are not theirs. Ms. Dunn stated patient J.W. was often confused about her treatment and that the patients were not reliable sources. Dr. Cornwall asked Ms. Dunn if she may have initialed for patient J.W. to indicate treatment was provided on some dates. Ms. Dunn stated she did not initial for her patients.

Ms. Ohlendorf asked Ms. Dunn to explain why on some dates of service the note was started the day of treatment, but not completed until days later. Ms. Dunn stated she does not always have time to complete her notes the same day, but that the system requires her to complete the note before beginning the next note. Ms. Ohlendorf asked Ms. Dunn to explain why on most dates Ms. Dunn's daily notes are extensive and then very short and minimal only on the days in questions. Ms. Dunn explained that some dates not much besides her check list is required to be documented.

Ms. Akers noted that Ms. Dunn's time log of the PDA device she uses to complete her notes does not appear to match the notes she states were completed and treatment performed. Ms. Dunn explained the PDA time log system. Ms. Ohlendorf asked Ms. Dunn how she could document patient J.W. as alert and oriented and confused at the same time. Ms. Dunn explained that she was alert and oriented, but often confused about her care. Ms. Dunn stated her notation of alert, oriented and confused may have just been an error. Ms. Akers asked Ms. Dunn if J.W. is alert and sometimes confused, how did the patient J.W. pick dates of service as not received that happen to be the only dates in the record

with a patient initials rather than signatures. Ms. Dunn stated she felt the patient was confused about when Ms. Dunn was there and picked the dates based on the initials.

The Board questioned Ms. Dunn regarding her care of patient M.P. Ms. Dunn stated M.P. was not happy with Ms. Dunn because she would not call one hour in advance of her arrival because company policy only required her to give a three hour window of her arrival. Dr. Cornwall asked Ms. Dunn to explain why the signatures appear so different in the patient record. Ms. Dunn said it is normal as it depends on the stylist used for the electronic signature.

Ms. Ohlendorf asked Ms. Dunn to explain her August 6, 2009 counseling comments. Ms. Dunn stated she was distraught by the allegations and felt something must be wrong with her if she remembered treating patients and documenting the treatment, but the patients claiming she was not present. Ms. Dunn stated she did see her physician and no cognitive problems were found. Ms. Ohlendorf noted that the counseling happened one day before the alleged missed visits began. Dr. Cornwall closed the Board's questioning of Ms. Dunn. Ms. Dunn provided a closing statement and indicated she felt the allegations from her former employer were personal in nature.

The Board began deliberations. Ms. Ohlendorf noted several inconsistencies in the record to include the shortening of notes on the alleged missed visits, changing from signatures to initials only on the questioned dates and the timing in relation to her counseling. Ms. Akers noted problems with the number of days it was taking Ms. Dunn to complete some of her daily notes and a pattern of changes of signatures of Ms. Dunn's visit dates.

Dr. Cornwall moved the Board adopt the following Findings of Fact:

Ms. Dunn billed patient J.W. on June 30, 2009 and July 3, 8, 10, 2009; patient M.P. July 31, 2009 and August 3, 2009. However, the evidence obtained through the Board's investigation indicates no treatment was provided on those dates and each patient denied being treated by Ms. Dunn on these dates.

Ms. Ohlendorf seconded the motion. The motion carried by unanimous vote of the members present.

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

Dr. Cornwall moved the Board adopt the following Conclusions of Law:

1. 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.
2. The conduct and circumstances as stated above constitute a violation of A.R.S. §32-2044(4) Engaging in the performance of substandard care by a physical therapist due to a deliberate or negligent act or failure to act regardless of whether actual injury to the patient is established.
3. The conduct and circumstances as stated above constitute a violation of A.R.S. §32-2044(12) Failing to adhere to the recognized standards of ethics of the physical therapy profession.
4. The conduct and circumstances as stated above constitute a violation of A.R.S. §32-2044(13) Charging unreasonable or fraudulent fees for services performed or not performed.

Mr. Robbins seconded the motion. The motion carried by unanimous vote of the members present.

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

Dr. Cornwall moved the Board adopt an Order for Ms. Dunn to be placed on probation for six months during which time she will be required to take and pass the Board’s jurisprudence examination (AZLAW). She must also complete eight (8) hours of continuing education in documentation which must be preapproved by Board staff and is in addition to continuing competence activities required for renewal, require Ms. Dunn to request termination of her order, and allow Ms. Dunn to request early termination of her order once all requirements are complete. Mr. Robbins seconded the motion. Dr. Cornwall took a roll call vote of the members present. The motion carried unanimously.

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

3. Informal Hearing and Possible Action on Complaint #09-37; 9:00 a.m.
 Teresa Bryant, P.T.

Dr. Cornwall called the Board’s attention to the above agenda item. Ms. Bryant was present along with her attorney, Hardy Smith. The Board members and Board staff introduced themselves. Dr. Cornwall read a summary of how the Informal Hearing will be conducted and the possible actions the Board could take. The allegations in this case were that Ms. Bryant:

1. May have failed to assess patient R.T. before delegating duties to assistive personnel, Daniel Frisch, P.T.A.
2. May have provided substandard care to patient R.T.
3. May have failed to properly supervise assistive personnel, Daniel Frisch, P.T.A.
4. May have failed to create and maintain patient records in accordance with law.
5. May have failed to conduct and document a reevaluation of patient R.T.
6. May have failed to obtain informed consent for treatment of patient R.T. prior to initiating treatment.

Ms. Bryant was sworn in by Dr. Cornwall. Mr. Smith provided an opening statement. Mr. Smith stated he and Ms. Bryant are present to answer questions, but asked the Board to consider that Ms. Bryant was working in a school environment as an employee of a school district when the alleged incident occurred and the environment is not the standard physical therapy practice environment. Mr. Hardy provided copies of Department of Education Guidelines and policies Ms. Bryant was required to follow. The Board took time to review the documentation presented.

Dr. Cornwall noted that the documentation provided states Ms. Bryant worked off of educational referrals and not physician referrals. Ms. Bryant explained her job duties and noted she normally sees the children on a monthly, bi-monthly (2 months), or quarterly review basis. The Board reviewed patient R.T.’s IEP with Ms. Bryant. Ms. Bryant explained the goals of the physical therapy portion of the plan to include transfers to bean bags for R.T.’s comfort considering she was always in a back brace.

Ms. Bryant explained that on the day in question, she was not working for the school district, but providing general supervision to Mr. Frisch as needed. Mr. Frisch called and stated he has been asked to go to R.T.'s school to help with complaints of discomfort by R.T. Ms. Bryant instructed him to evaluate R.T. for redness in certain areas and tell the nurse, if no redness is present then it is ok to go along with the IEP plan of care to transfer her to a bean bag for 10 minutes. Dr. Cornwall asked if Ms. Bryant had evaluated Mr. Frisch's skills prior to giving him instruction that day Ms. Bryant stated she was aware of his skill and had evaluated him previously. Ms. Bryant stated R.T. and her nurse did not refuse the transfer and the transfer was completed which alleviated the patient's discomfort. Ms. Donahue addressed the Board and summarized Mr. Frisch's statement that the transfer was refused initially because of an injury R.T, suffered a week earlier during a transfer. Ms. Bryant stated that is not what was explained to her the following day when she visited R.T.'s school. The nurse stated the initial refusal was based on R.T.'s mother not wanting R.T. to be away from the classroom.

Mr. Robbins noted that Ms. Bryant is one member of a large team of health professionals that provide different levels of care to children in the school environment. The care Ms. Bryant provided is not the standard care provided in a physical therapy clinic. Dr. Cornwall agreed with Mr. Robbins assessment of Ms. Bryant's work environment, but noted that Ms. Bryant is not documenting in detail her interactions with her patients in school environment. Dr. Cornwall ended the Board's questioning of Ms. Bryant. Mr. Smith provided a closing statement.

The Board entered deliberations. Board members agreed Ms. Bryant's school work environment is not the standard physical therapy environment. The Board noted in such an environment the P.T. and P.T.A. are not always treating, but consulting and observing. On the day in question, Ms. Bryant was not required to come to the school and Mr. Frisch did not actually provide treatment intervention. Ms. Akers moved the Board dismiss the complaint against Ms. Bryant. Mr. Robbins seconded the motion. The motion carried by a unanimous vote of the members present.

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

The Board recessed at 11:00 a.m.

The Board returned to regular session at 11:10 a.m.

Dr. Cornwall called the following agenda items to be heard together.

4. Initial Review, Discussion and Action on Complaint #09-31b
James Coleman, P.T.
5. Initial Review, Discussion and Action on Complaint #09-31a
Mandy Aldous, P.T.

Dr. Cornwall called the Board's attention to the above agenda items. Mr. Coleman was present and Ms. Aldous was present and accompanied by her attorney, Scott F. Gibson. Dr. Cornwall asked if Mr. Coleman or Ms. Aldous wished to make a statement. Mr. Gibson stated they would not be providing a statement at this time. Ms. Donahue provided a summary of the investigation to the Board as follows:

The complaint filed by a former employee of Ms. Aldous alleges that Mandy Aldous P.T. and James Coleman P.T. supervise physical therapy assistive personnel in excess of the ratio stated in R4-24-303(C). Ms. Donahue reported that as the investigation was conducted the case expanded into additional allegations to include the possible violations of law listed below.

1. **A.R.S. §32-2044(1)** “Violating this chapter, board rules or a written board order.”
2. **A.R.S. §32-2044(4)** “Engaging in the performance of substandard care by a physical therapist due to a deliberate or negligent act or failure to act regardless of whether actual injury to the patient is established.”
3. **A.R.S. §32-2044(6)** “Failing to supervise assistive personnel, physical therapy students or interim permit holders in accordance with this chapter and rules adopted pursuant to this chapter.”
4. **A.R.S. §32-2043 (C)** “A physical therapy aide and other assistive personnel shall perform designated routine tasks only under the on-site supervision of the licensed physical therapy who is present in the facility.”
5. **A.R.S. §32-2043(G)** “A physical therapist must verify the qualifications of physical therapist assistants and other assistive personnel under the physical therapist’s direction and supervision.”
6. **A.R.S. §32-2043(H)** “For each patient on each date of service, a physical therapist must provide and document all of the therapeutic intervention that requires the expertise of a physical therapist and must determine the use of physical therapist assistants and other assistive personnel to ensure the delivery of care that is safe, effective and efficient. Documentation for each date of service must be as prescribed by the board by rule.”
7. **A.R.S. §32-2043(J)** “A physical therapist’s responsibility for patient care management includes accurate documentation and billing of the services provided.”
8. **A.A.C. R4-24-303(B) 2** “Determine, based on a patient’s acuity and treatment plan, whether it is appropriate to use assistive personnel to perform a selected treatment intervention or physical therapy task for a patient.”
9. **A.A.C. R4-24-303(C)** “A physical therapist shall not supervise more than three assistive personnel at any time. If a physical therapist supervises three assistive personnel, the physical therapist must ensure that at least one of the assistive personnel is a physical therapist assistant.”
10. **A.A.C. R4-24-303(E)** “Before delegating performance of a selected physical therapy intervention or physical therapy task to assistive personnel working under general or onsite supervision, the supervising physical therapist shall ensure that the assistive personnel is qualified by education or training to perform the selected physical therapy interventions or physical therapy tasks in a safe, effective and efficient manner.”
11. **A.R.S. §32-2044(11)** “Making misleading, deceptive, untrue or fraudulent representations in violation of this chapter or in the practice of the profession.”
12. **A.R.S. §32-2044(12)** “Failing to adhere to the recognized standards of ethics of the physical therapy profession.”

Code of Ethics

- a. Principle 2 “A physical therapist shall act in a trustworthy manner toward patients/clients, and in all other aspects of physical therapy practice.”

- b. Principle 3 “A physical therapist shall comply with laws and regulations governing physical therapy and shall strive to effect changes that benefit patients/clients.”
 - c. Principle 4 “A physical therapist shall exercise sound professional judgment.”
 - d. Principle 6 “A physical therapist shall maintain and promote high standards for physical therapy practice, education and research.”
 - e. Principle 7: “A physical therapist shall seek only such remuneration as is deserved and reasonable for physical therapy services.”
 - f. Principle 9: “A physical therapist shall protect the public and the profession from unethical, incompetent and illegal acts.”
13. **A.R.S. §32-2044(13)** “Charging unreasonable or fraudulent fees for services performed or not performed.”
 14. **A.R.S. §32-2044(18)** “Interfering with an investigation or disciplinary proceeding by failing to cooperate, by willful misrepresentation of facts or by the use of threats or harassment against any patient or witness to prevent the patient or witness from providing evidence in a disciplinary proceeding or any legal action.”
 15. **A.R.S. §32-2044(20)** “Failing to maintain adequate patient records. For the purposes of this subsection, “adequate patient records” means legible records that comply with board rules and that contain at a minimum an evaluation of objective findings, a diagnosis, the plan of care, the treatment record, a discharge summary and sufficient information to identify the patient.”
 16. **A.A.C. R4-24-303(A) 4:** “Ensure that the patient’s physical therapy record is complete and accurate.”
 17. **A.A.C. R4-24-303(A) 5** “Ensure that services reported for billing, whether billed directly to the patient or through a third party, are accurate and consistent with information in the patient’s physical record.”
 18. **A.A.C. R4-24-304 Adequate Patient records: (the entire section)**
 19. **A.R.S. §32-2044(21)** “Promoting an unnecessary device, treatment intervention or service for the financial gain of the practitioner or of a third party.”
 20. **A.R.S. §32-2044(22)** “Providing treatment intervention unwarranted by the condition of the patient or treatment beyond the point of reasonable benefit.”
 21. **A.R.S. §32-2042(A)** “ A physical therapist shall use the letters “P.T.” in connection with the physical therapist’s name or place of business to denote licensure under this chapter.”

Ms. Donahue concluded her summary of the investigations regarding Mr. Coleman and Ms. Aldous. Dr. Cornwall asked if either licensee had any comment. Mr. Coleman stated that the summary indicated he instructed a staff person to leave the office when Ms. Donahue presented to the office to serve a subpoena. Mr. Coleman stated he did not send a staff member home. The Board entered discussion. Dr. Cornwall moved the Board forward the cases against Mr. Coleman and Ms. Aldous to Formal Hearing. Ms. Ohlendorf seconded the motion. The motion carried by unanimous vote of the members present.

Vote	Dr. Cornwall	Ms. Akers	Ms. Ohlendorf	Mr. Robbins	Mr. Sieveke	Ms. Richardson
Aye	X	X	X	X		

Nay						
Recused						
Abstained						
Absent					X	X

6. Initial Review, Discussion and Action on Complaint #10-03
 Barbara Capone, P.T.

Dr. Cornwall called the Board’s attention to the above matter. Ms. Capone was present. Ms. Donahue provided a summary of the investigation to the Board. Ms. Donahue reported the allegation in this case came from a patient that alleges that Ms. Capone did not follow the prescription from her physician when Ms. Capone performed the initial evaluation on 10/10/09 and rendered treatment that was too aggressive. Ms. Donahue reported she did not identify evidence to suggest that substandard care was rendered by Ms. Capone for this evaluation; however, she noted Ms. Capone created two discharge summaries for the patient that contained different information.

Ms. Capone provided a statement to the Board. Ms. Capone stated she provided the initial evaluation of the patient alone, but that another staff member was in close proximity and the other staff member has stated nothing out of the ordinary occurred. Ms. Capone stated the two discharge summaries are a result of her not understanding a computerized documentation system. She started one note and thought she erased it and started over, but they were both created the same date.

The Board discussed the case and the investigation presented by staff. Dr. Cornwall moved the Board dismiss the complaint against Ms. Capone. Mr. Robbins seconded the motion. The motion carried by unanimous vote of the members present.

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

8. Review, Discussion, and Action on Request for Rehearing
 Informal Hearing of Case #09-28; Lonny Nenadovich, P.T.

Dr. Cornwall called the Board’s attention to the above matter. Mr. Nenadovich was not present or signed in to speak. Dr. Cornwall noted for the Board that the Board had received a letter from Mr. Nenadovich explaining his request for a rehearing of the above case. Dr. Cornwall reviewed the grounds to request a rehearing. Ms. Versteegen stated she reviewed the applicable law and Mr. Nenadovich’s letter. Ms. Versteegen stated that since Mr. Nenadovich is not present the Board is left to interpret his grounds for requesting the rehearing and stated she did not find grounds to grant the request in her review of the material. The Board discussed Mr. Nenadovich’s letter and request for rehearing. Ms. Akers moved the Board deny Mr. Nenadovich’s request for rehearing based on the fact he has failed to establish action during the case proceedings that allows the Board to consider rehearing under A.A.C. R4-24-308. Mr. Robbins seconded the motion. The motion carried by unanimous vote of the members present.

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

APPLICATIONS and CERTIFICATIONS

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

- 2) Review of Education, Approval to take the NPTE (PES Scores), Determination of Supervised Clinical Practice Period and possible licensure
 Sherman, Laurian

Dr. Cornwall called the Board’s attention to the above agenda item. Ms. Sherman was not present. The Board discussed Ms. Sherman’s education credential evaluation which shows deficiencies in her general and professional education requirements, her PES examination scores came from her directly and not the Federation of State Boards of Physical Therapy or another State, and that she failed to report a disciplinary action on her application. Dr. Cornwall noted Ms. Sherman had explained the disciplinary action and her failure to report it with the initial application. The Board discussed Ms. Sherman’s application.

Dr. Cornwall moved the Board find Ms. Sherman’s education not equivalent in general education hours and professional education substance and allow Ms. Sherman to take the missing education through CLEP testing or course work. Mr. Robbins seconded the motion. The motion carried by unanimous vote of the members present. Dr. Cornwall instructed staff to inform Ms. Sherman that they wish to have her PES scores sent from another jurisdictional State before the Board considers her application again.

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

10(D) Review of and Possible Action on Application for Licensure, Determination of Supervised Clinical Practice Period (Applicant Previously Licensed in Arizona), and Possible Licensure
 Fowler, Sarah

Dr. Cornwall called the Board’s attention to the above agenda item. Ms. Fowler was not present. Dr. Cornwall noted Ms. Fowler held a previous license in Arizona, but that it lapsed over three years ago. The Board discussed requiring Ms. Fowler to undergo a Supervised Clinical Practice Period in a NICU Hospital and taking continuing education. Dr. Cornwall moved the Board require Ms. Fowler to complete a Supervised Clinical Practice Period in an inpatient setting consisting of 500 hours and suggesting a NICU in a hospital, complete 30 hours of continuing education, and take the Federation of State Boards of Physical Therapy’s General Practice Review Tool as conditions to be completed before granting Ms. Fowler licensure in Arizona. Ms. Ohlendorf seconded the motion. The motion carried by a unanimous vote of the members present.

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

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

a. Financial Report- Mr. Brown provided a summary of the effect of the legislature’s budget action in the 7th special session. Mr. Brown reported the Board staff will receive a 2.75% pay reduction with the elimination of performance pay and another 2.3% pay reduction with mandatory furloughs in FY 2011 and FY 2012. Mr. Brown reported the Board did not receive an appropriations reduction in FY 2010 and the appropriation in FY 2011 is equal to FY 2010’s minus the staff pay reductions. The savings from any pay reductions will be transferred to the State General Fund. Mr. Brown presented the

Board with some suggested budget changes considering there is no further need to operate at the 15% reduction. The Board approved Mr. Brown to make the suggested spending to include, payment of invoices to the Board's legislative liaison, payment for the Assistant Attorney General ISA for the fourth quarter of FY 2010, purchases of hardware and software to upgrade staff computers and allow the Board to review meeting material electronically.

The Board discussed provided salary increases to Board staff. Mr. Brown reported the Board's current spending on personnel services and projections for reductions in appropriations for transfers in FY 2010 and FY 2011. Mr. Brown reported the FY 2010 and FY 2011 personnel services were budgeted for potential increases and sufficient funds will be available for increases up to 5% per staff member after appropriation reductions are implemented for the FY 2010 and FY 2011 budgets approved by the legislature. The Board, by consensus, instructed Mr. Brown to conclude his research and implement salary increases of Board staff of 5% effective on a date of Mr. Brown's choosing.

b. Board Staff Activities- Nothing in addition to the written report was provided. No action was required on this item.

c. Legislation- Nothing in addition to the written report was provided. No action was required on this item.

d. Rule Activity- Nothing in addition to the written report was provided. No action was required on this item.

12. Review, Discussion and Action on Report from the Supervision Advisory Group To The Executive Director; Continued Review From February 23, 2010.

Dr. Cornwall called the Board's attention to the above matter. Mr. Brown reported the Board had been provided with language requested for consideration regarding supervision of assistive personnel. The Board discussed the suggested language and accepted the suggestion of language to be added to draft changes to Arizona Administrative Code for the purpose of initiating stakeholder discussions.

13. Review, Discussion and Action on Survey of Proposed Definitions of "Routine Physical Therapy Tasks".

Dr. Cornwall called the Board's attention to the above agenda item. Mr. Brown reported that 586 people completed the Board's survey and all responses had been provided to the Board. The Board discussed the response to the survey. Ms. Akers' and Dr. Cornwall volunteered to work with Board staff prior to the April Board meeting to draft a possible definition of "Routine Physical Therapy Tasks" and present the language at the April 27, 2010 Board Meeting. The Board indicated that they will discuss the planning of a stakeholder meeting at the April 27, 2010 Board Meeting and that the stakeholders will need to include representatives of physical therapists and physical therapist assistants in the Arizona school districts.

CALL TO THE PUBLIC

Dr. Cornwall offered a call to the public. Mr. Brown reported he had a request to read a letter from Garima Kwatra a current applicant to the Board. Mr. Brown left the Board table and was seated at the presentation table before the Board. Mr. Brown read the letter dated March 7, 2010 from Ms. Kwatra to the Board. In summary the letter stated the Board approved Ms. Kwatra to complete a Supervised Clinical Practice Period (SCPP) in October 2009; however, Ms. Garima was unable to find someone willing to be her supervisor and was forced to practice in Michigan. Ms. Kwatra would like the Board to consider her practice in Michigan in fulfilling her SCPP. Mr. Brown left the presentation table after reading Ms. Kwatra's letter. The Board

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provided no response consistent with opening meeting law requirements nor did the Board provide instruction to Board staff.

ADJOURNMENT

The meeting adjourned at approximately 1:25 p.m.

Prepared by,

Charles D. Brown
Executive Director

Approved by,

Kris Ohlendorf, P.T.A.
Secretary