

JANICE K. BREWER
Governor



CHARLES D. BROWN
Executive Director

MARK CORNWALL, P.T., Ph.D.
President

ARIZONA STATE BOARD OF PHYSICAL THERAPY
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REGULAR SESSION MEETING MINUTES
April 27, 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
Melinda Richardson, P.T., Member

MEMBERS ABSENT:

James Sieveke, P.T., O.C.S., 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 – 8:33 a.m.

Dr. Cornwall called the meeting to order at 8:33 a.m.

- 1. Review and Approval of Draft Minutes
 - a. March 23, 2010; 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. Ms. Akers 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		X
Nay						
Recused						
Abstained						
Absent					X	

COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

- 2. Review and Possible Action on Complaint #09-13 Voted to Formal Hearing; Consideration of Consent Agreement
Louis Rivera, P.T.

Dr. Cornwall called the Board’s attention to the above agenda item. Mr. Rivera was not present. Mr. Brown provided a summary of the previous Board actions regarding the complaint against Mr. Rivera’s license which included allegations of billing for services not rendered and inadequate documentation. Mr. Brown reported that the consent agreement would result in the voluntary surrender of Mr. Rivera’s license to practice physical therapy in Arizona. The Board discussed the proposed consent agreement. Ms. Ohlendorf noted a typographical error in the draft document. Dr. Cornwall moved the Board approve the consent agreement as amended. 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		X
Nay						
Recused						
Abstained						
Absent					X	

3. Review and Possible Action on Complaint #09-26 Voted to Formal Hearing; Consideration of Consent Agreement
 Mark Barnes, P.T.

Dr. Cornwall called the Board’s attention to the above agenda item. Mr. Barnes was not present. Mr. Brown provided a summary of the previous Board actions regarding the complaint against Mr. Barnes’ license which included allegations of failing to complete continuing competence requirements in accordance with law, failing to respond to a Board audit and providing false or misleading information on his application for renewal/reinstatement. Mr. Brown reported that the consent agreement would result in six months probation of Mr. Barnes’ license to practice physical therapy in Arizona, a requirement to take and pass the Board’s AZLAW examination, complete continuing education in ethics and pay a \$250.00 civil penalty. The Board discussed the proposed consent agreement. Ms. Ohlendorf noted a typographical error in the draft document. Dr. Cornwall moved the Board approve the consent agreement as amended. Ms. Ohlendorf 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		X
Nay						
Recused						
Abstained						
Absent					X	

4. Initial Review, Discussion and Action on Complaint #09-38
 Carol Binswanger, P.T.

Dr. Cornwall called the Board’s attention to the above matter. Ms. Donahue provided a summary of the complaint to the Board: Ms. Binswanger P.T. license was granted in 1988. On May 21, 2009 Ms. Binswanger P.T. came before the Board in case #09-02 and was found in violation of A.R.S. §32-2044(1, 3 and 14) for deficiency in continuing competence activity hours because of a course certificate submission that was out of the compliance period. Ms. Binswanger was ordered to complete and pass the Jurisprudence exam by November 21, 2009. She failed the exam on March 12, 2010 and passed the exam on April 9, 2010. Since Ms. Binswanger did not complete the required items of her Board Order in the stipulated time frame, the Board must determine if action is to be taken due to this violation.

The Board discussed Ms. Binswanger’s complaint and compliance with her terms of probation. Ms. Akers noted that Ms. Binswanger had attempted several times to register for the required

examination, but that she had difficulty with the registration process; therefore, she felt the delay in taking and passing the exam was not done to defy the Board's Order. Dr. Cornwall moved the Board terminate Ms. Binswanger's probation in relation to Board Order #09-02. Ms. Akers seconded the motion.

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

Ms. Akers moved the Board dismiss complaint #09-38 against the license of Carol Binswanger, P.T. Ms. Richardson 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		X
Nay						
Recused						
Abstained						
Absent					X	

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

6. Initial Review, Discussion and Action on Complaint #09-42
 Michael Palmieri, P.T.

Dr. Cornwall called the Board's attention to the above matter. Mr. Palmieri was not present. Ms. Donahue provided a summary of the complaint: Mr. Palmieri signed the reinstatement form that he had completed all CEU requirements for the 2006- 2008 compliance period. Mr. Palmieri failed to respond to the Notification of Audit sent to his address of record. Mr. Palmieri failed to respond by the deadline to the Notification of Complaint and request for response. Mr. Palmieri demonstrated deficiency of 15 hours of CEU for the 2006-2008 compliance period. At the time that Mr. Palmieri took a TPI course in 2007, the APTA Sports Section had not approved these courses for CEU hours. APTA Sports section approved PTI Level 1 in 2008 and PTI Level 2 in 2009.

The Board entered discussion regarding the complaint against Mr. Palmieri. Ms. Richardson inquired how long Mr. Palmieri had been licensed. Ms. Donahue reported Mr. Palmieri gained licensure in 1999. Dr. Cornwall stated he felt the Board could not begin the practice of accepting continuing competence courses that received approval after the licensee took the course. However, Dr. Cornwall noted that he did not feel Mr. Palmieri was deceptive when he reinstated his license and indicated that he had completed the required continuing competence.

Dr. Cornwall moved the Board offer Mr. Palmieri a consent agreement with findings of fact a detailed in the investigative report and conclusions of law that Mr. Palmieri violated A.R.S. 32-2044(1) and A.A.C. R4-24-401(G) and order Mr. Palmieri's license be placed on probation for six months with terms that include that he complete continuing competence hours equivalent to the hours he failed to complete during the 2006-2008 continuing competence period and not credit these hours to his 2008-2010 compliance period, take and pass the Board's AZLAW examination, and pay a \$250.00 civil penalty. Mr. Palmieri has 20 days to accept and sign the consent agreement or the case is forwarded to Informal Hearing. Ms. Ohlendorf 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		X
Nay						

Recused						
Abstained						
Absent					X	

7. Initial Review, Discussion and Action on Complaint #10-01
 Joseph Gallegos, P.T.

Dr. Cornwall called the Board’s attention to the above matter. Mr. Gallegos was not present. Ms. Donahue provided a summary of the complaint: Mr. Gallegos pleaded guilty to A.R.S. §28-1383A2 “Driving or being in actual physical control with an alcohol concentration of .20 or more within two hours of driving or being in actual physical control, Class 1 misdemeanor.” Mr. Gallegos was charged with an extreme DUI on 9/29/2000, however was only convicted of reckless driving. Mr. Gallegos failed to notify the Board of his arrest within the 10 day timeframe.

The Board entered discussion regarding the above complaint. Ms. Richardson noted that the Board may wish to use its authority to require Mr. Gallegos to undergo a substance abuse evaluation. Ms. Ohlendorf noted that since the court was ordering such evaluation it may not be necessary for the Board to order a separate evaluation. Ms. Akers read Mr. Gallegos’ sentencing and noted that the Board does not have oversight authority regarding compliance with the sentencing. Ms. Versteegen noted that the Board can require Mr. Gallegos to provide a copy of his court ordered evaluation.

Ms. Akers moved the Board offer findings of fact as detailed in the investigative report and conclusions of law that Mr. Gallegos violated A.R.S. 32-2044(1), A.R.S. 32-3208 and A.A.C. R4-24-312, and Order that Mr. Gallegos’ license be placed on probation for six months with requirements that he submit monthly reports regarding his compliance with his criminal sentencing, provide the Board with a copy of his substance abuse evaluation ordered by the criminal court and appear for interviews before the Board upon request. Ms. Richardson seconded the motion. The Board entered discussion. Ms. Ohlendorf asked how the Board would handle an adverse finding in the evaluation. Ms. Versteegen noted that the Board could open a complaint if it found that the evaluation noted substance abuse issue or the Board could discuss the Board’s Substance Abuse Program with Mr. Gallegos. Dr. Cornwall called the motion to a vote. The motion carried by unanimous vote.

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

8. Initial Review, Discussion and Action on Complaint #10-06
 Beth Barduson, P.T.

Dr. Cornwall called the Board’s attention to the above matter. Ms. Braduson was not present. Ms. Donahue provided a summary of the complaint: Ms. Barduson was arrested for DUI on 1/12/10. Ms. Barduson has no prior history of arrests or abuse of chemical substances. Ms. Barduson reported the incident within 10 days of arrest and the incident did not occur while she was participating in the practice of physical therapy.

Dr. Cornwall noted the DUI was not an extreme DUI and this was her first offense. Dr. Cornwall moved the Board dismiss the complaint against Ms. Braduson and issue a non-disciplinary advisory letter that encourages Ms. Braduson to refrain from future conduct that may result in such criminal convictions and remember that her personal conduct can reflect on her professional license. Ms. Akers 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		X
Nay						
Recused						
Abstained						
Absent					X	

9. Initial Review, Discussion and Action on Complaint #10-08
 Dawn Scotti, P.T.A.

Dr. Cornwall called the Board’s attention to the above matter. Ms. Scotti was not present. Ms. Ohlendorf noted she knows Ms. Scotti and recused herself from the matter and left the Board table. Ms. Donahue provided a summary of the complaint: Ms. Scotti was arrested for DUI on 1/12/10. Ms. Scotti P.T.A. has no prior history of arrests or abuse of chemical substances. Ms. Scotti reported the incident within 10 days of arrest and the incident did not occur while she was participating in the practice of physical therapy.

Dr. Cornwall noted that the DUI was not an extreme DUI and this was her first offense. Dr. Cornwall moved the Board dismiss the complaint against Ms. Scottie and issue a non-disciplinary advisory letter to Ms. Scotti that encourages her to refrain from future conduct that may result in such criminal convictions and remember that her personal conduct can reflect on her professional license. 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			X			
Abstained						
Absent					X	

Ms. Ohlendorf returned to the Board table. Dr. Cornwall took the next agenda item out of order.

5. Initial Review, Discussion and Action on Complaint #09-41
 Mark Balch, P.T.

Dr. Cornwall called the Board’s attention to the above matter. Mr. Balch was present and was accompanied by his attorney William Phillips. Ms. Donahue provided the Board with a summary of the complaint: The complaint was opened by Board staff in response to receiving a medical malpractice payment report from the National Practitioner Data Bank in regards to Mr. Balch. Parties to the case agreed to a compromised settlement of \$45,000 without admission of fault or negligence in order to avoid further litigation and expense. The plaintiff alleged physical therapy treatment performed by Mr. Balch on February 2, 2006 was outside the standard of care and to the extent that it caused injury to her recently surgically repaired left shoulder thus requiring a second procedure to repair. Staff did not identify evidence to suggest that substandard care was performed by the physical therapist on 2/2/06. Treatment provided was within the physician’s prescription and appropriate for given condition. The daily note has a checked box that indicates the patient tolerates treatment appropriately, there is a check box for does not tolerate appropriately which was not checked. There is no documentation of patient reports of a “pop” or altercation during treatment. Neither the patient nor the therapist filed an incident report. The treating physician did not indicate inappropriate treatment, nor imply in any written statement that re-injury occurred in physical therapy. The plan of care was signed by the physician and returned to Mr. Balch.

Ms. Donahue noted that the investigation may have identified possible violations of law not related to the original complaint including: Daily notes and exercise sheet may not meet the standards for documentation in 2006. While a progress note was written on 2/7/10, a discharge was not documented. Mr. Balch in his sworn

deposition (September 14, 2009) admits to an excess of aides beyond the current ratio in 2006 and the current ratio. Mr. Balch, in his sworn deposition, states that written consent from the patient is not obtained following development of the plan of care. Mr. Balch states in his sworn deposition that the physical therapy techs start the patients prior to the physical therapist initiation of treatment.

Mr. Phillips provided a statement to the Board noting that Mr. Balch has been a physical therapist for 19 years with no history of complaint or malpractice suit until this matter. Mr. Phillips believes that Mr. Balch's insurance carrier made a business decision to settle the complaint for an amount covering attorney fees and that Mr. Balch had no influence on the decision to settle the matter. Mr. Balch believes that the patient care was not substandard in this case and understands that the investigation has questioned some of his office practices. However, Mr. Balch is an employed physical therapist and was not making some of the decisions relating to scheduling assistive personnel but is now well aware of the regulations and is taking steps to ensure his compliance.

Ms. Richardson noted that the issues noted by the investigation related to supervision of staff and gaining informed consent are patient care matters for which the Board should be concerned. Ms. Ohlendorf asked Mr. Balch how many staff is at his clinic. Mr. Balch indicated there are two physical therapists, two physical therapist assistants and 12 physical therapy aides, but that they do not all work at one time. The Board discussed the allegation of substandard care. Dr. Cornwall moved the Board dismiss the allegation of substandard care and violation of A.R.S. 32-2044(4) from the investigation, forward the complaint to Informal Hearing, and instruct Board staff to further investigate the complaint allegation of inadequate documentation, violations of supervision ratios, and failure to obtain informed consent by subpoenaing patient records, billing documents and work schedules from Mr. Balch's employer. 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		X
Nay						
Recused						
Abstained						
Absent					X	

The Board recessed at 9:35 a.m.

The Board returned to Regular Session at 9:50 a.m.

10. Review, Discussion and Action on Complaint #09-27; Interim Board Order
Christopher O'Donnell, P.T.

Dr. Cornwall called the Board's attention to the above matter. Mr. O'Donnell was present and was accompanied by his attorney, Margaret Dean. Ms. Dean noted that Mr. O'Donnell completed his evaluation ordered by the Board and has admitted he made a mistake in his sexual relationship with the patient identified in the complaint. Mr. O'Donnell stated that the situation has been difficult for him and his family and apologized for his actions. Mr. O'Donnell stated he is in a new practice and the owner is aware of the complaint, but is supportive.

Dr. Cornwall asked Mr. O'Donnell if he had any comment on his evaluation report from Dr. Gray that stated Dr. Gray did not feel Mr. O'Donnell was providing completely truthful answers during the evaluation. Mr. O'Donnell stated he does not know the reason, but that he was honest during the evaluation but was very anxious about the process and its implications. Mr. O'Donnell reported that he was meeting with a mentor at his church on a weekly basis to provide guidance in dealing with the issues before the Board and their affect on his marriage. Ms. Richardson asked if Mr. O'Donnell's employer had restricted his practice. Mr. O'Donnell reported no restrictions in his practice. He stated the practice was primarily one of adult orthopedics.

The Board discussed its options in resolving the complaint against Mr. O'Donnell's license. Dr. Cornwall moved the Board offer Mr. O'Donnell a consent agreement with findings of fact developed by Board staff based on the investigative report and Dr. Gray's evaluation, conclusions of law as identified by the investigative report and Order Mr. O'Donnell's license be placed on probation for five years, restrict Mr. O'Donnell to only treating male patients, Mr. O'Donnell is to hire a monitoring company approved by the Board with equivalent monitoring abilities to that of Affiliated Monitors Inc. of Boston Massachusetts, engage the service of a licensed counselor approved by the Board for the duration of his probation, take and pass the AZLAW examination within six months, pay a \$500 civil penalty within six months, complete within one year the PROBE-PT Ethics course provided through the Federation of State Board's of Physical Therapy. The monitoring company will conduct monthly reviews of Mr. O'Donnell's practice that will review his compliance with his practice restriction, survey all of Mr. O'Donnell's co-workers regarding Mr. O'Donnell's practice and conduct, and report the audit results monthly. In addition, Mr. O'Donnell will come before the Board at three months, six months, 12 months and then annually thereafter to be interviewed. Mr. O'Donnell may petition for modification of the practice restriction after six months, but the request must be accompanied by a report from his approved counselor. Mr. O'Donnell may petition for early termination of the probation after three years. The motion was seconded by Ms. Richardson. The motion carried by unanimous vote.

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

11. Review, Discussion, and Action on Board Order #08-10
 Laurie Stratton, P.T.

Dr. Cornwall called the Board's attention to the above matter. Ms. Stratton was present and addressed the Board regarding her compliance with the terms of her Board Order. Dr. Cornwall noted Ms. Stratton appeared to be working diligently on her documentation issues identified in the Board Order. Ms. Stratton noted her employer is still reviewing her request to purchase documentation software as suggested by Ms. Stratton's mentor. Dr. Cornwall moved the Board grant Ms. Stratton early termination of her Board Ordered probation. Ms. Ohlendorf 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		X
Nay						
Recused						
Abstained						
Absent					X	

CONSENT AGENDA; REVIEW, CONSIDERATION and ACTION

12. Applications For Licensure & Certification

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

Ashbaucher, Dean	Hunt, Lindsey	French-Kaldawy, Blair
Koutsouvanos, George	Petersen, Von	Pitts, Janice
Scott, Megan	Shane, Matthew	Villano, Michael

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

Dockery, Connie	Erickson, Tessa	Hudson, Judith
Acosta (Karns), Stephanie	Lozanovski, Robert	Reynolds, Megan
Rocobado, Erica	Sparacino, Pamela	Spotts, Crystal
Wisniewski, Nicole		

Consent Agenda Ends

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. No Board member requested to remove an applicant from the consent agenda. 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		X
Nay						
Recused						
Abstained						
Absent					X	

APPLICATIONS and CERTIFICATIONS

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

13(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, Determination of Supervised Clinical Practice Period, and Possible Licensure

Sharma, Anju

Dr. Cornwall called the Board’s attention to the above agenda item. Ms. Sharma was not present. Dr. Cornwall noted that Ms. Sharma’s credential evaluation stated she was deficient in General Education in the areas of Mathematics and Professional Education by missing Integumentary Evaluation, Musculoskeletal Evaluation, Neuromuscular Evaluation, and Cardiopulmonary Evaluation. Dr. Cornwall moved the Board find Ms. Sharma’s education not substantially equivalent and allow her to correct the deficiencies by completing the required courses or passing equivalency tests. Ms. Akers seconded the motion. The motion carried by a unanimous vote.

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

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

a. Disamburun, Noraida

Dr. Cornwall called the Board’s attention to the above agenda item. Ms. Disamburun was not present. Dr. Cornwall noted that Ms. Disamburun’s credential evaluation stated she was deficient in Professional Education in the areas of Cultural Competency, Screening and Delegation, and 3.75 total hours. Dr. Cornwall moved the Board find Ms. Disamburun’s education not substantially equivalent and allow her to correct the deficiencies by completing the required courses or passing equivalency tests. The Board did not approve Ms. Disamburun’s request to take the AZLAW examination. Ms. Ohlendorf seconded the motion. The motion carried by a unanimous vote.

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

b. Davies, Caroline

Dr. Cornwall called the Board’s attention to the above agenda item. Ms. Richardson stated Ms. Davis is her employee and recused herself from the matter and left the Board table. Ms. Davies was present. Dr. Cornwall noted that Ms. Davies credential evaluation stated she was deficient in General Education a total of 32 hours and in areas of Humanities and Physical Sciences, and Professional Education in the areas of Emergency Procedures and Cultural Competency. Ms. Davis addressed the Board with her co-worker Karen Rike, P.T. Ms. Davis presented documentation for the Board to consider regarding her education in the United Kingdom from her Secondary Education, and her transcripts for her Degree in Interior Design. Ms. Davis reported that none of the education she presented was considered by her credential evaluation company even though the school she earned her design degree from was accredited by an organization recognized by the United States Department of Education. The Board discussed Ms. Davis presented documentation. Dr. Cornwall moved the Board enter Executive Session for the purpose of obtaining legal advice. 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						X
Abstained						
Absent					X	

The Board entered Executive Session at 10:59 a.m.

The Board reentered Regular Session at 11:05 a.m.

Ms. Akers stated that the Board cannot accept an applicant’s submission of education not included in the credential evaluation report as the law delegates that the evaluation agency conducts the evaluation in accordance with the credential evaluation tool approved by the Board. Ms. Akers noted that the Board cannot make the decision based on whether they think Ms. Davies will be a good therapist, but based on the requirements listed in law. Ms. Akers moved the Board find Ms. Davies’ education not substantially equivalent and allow her to correct the deficiencies by completing the required courses or passing equivalency tests. The Board did not approve Ms. Davies to take the AZLAW examination. Dr. Cornwall 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						X
Abstained						
Absent					X	

Ms. Richardson returned to the Board table.

- 3) Review of Education, Approval to take the AZLAW exam, Determination of Supervised Clinical Practice Period, Consideration of SCPP Proposal and Possible Licensure.
 - a) Vismanos, Lord Re-A

Dr. Cornwall called the Board’s attention to the above agenda item. Mr. Vismanos was not present. Dr. Cornwall noted Mr. Vismanos’ credential evaluation did not note any deficiencies. Dr. Cornwall moved the Board approve Ms. Vismanos to take the AZLAW exam, require his to complete a Supervised Clinical Practice Period, and approve his SCPP Proposal. Ms. Richardson 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		X
Nay						
Recused						
Abstained						
Absent					X	

b) Gadon, Franklin

Dr. Cornwall called the Board’s attention to the above agenda item. Mr. Gadon was not present. Dr. Cornwall noted Mr. Gadon’s credential evaluation did not note any deficiencies. Dr. Cornwall moved the Board require him to complete a Supervised Clinical Practice Period, and approve his SCPP Proposal. 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		X
Nay						
Recused						
Abstained						
Absent					X	

- 13(B) Review of Documentation Related to Disclosure on “Personal Information” Section of Physical Therapist Application and Approval to take the AZLAW (Jurisprudence) Exam and Possible licensure
 Werner, Brian

Dr. Cornwall called the Board’s attention to the above agenda item. Dr. Cornwall disclosed Mr. Werner was his student many years ago, but that he does not feel he will be biased or influenced in the matter before the Board. Mr. Werner was not present. Dr. Cornwall noted Mr. Werner reported he was once investigated in Nevada when he was involved in a civil suit with a former employer over solicitation of patients. The Nevada Board dismissed the complaint. Dr. Cornwall moved the Board approve Mr. Werner to take the AZLAW examination and grant licensure upon receipt of a passing score. Ms. Ohlendorf 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		X
Nay						
Recused						
Abstained						
Absent					X	

- 13(C) Review of Documentation Related to Disclosure on “Personal Information” Section of Physical Therapist Assistant Application, Approval to take the AZLAW (Jurisprudence) Exam and Possible Certification
 Monje, Kyle

Dr. Cornwall called the Board’s attention to the above agenda item. Mr. Monje was not present. Dr. Cornwall noted Mr. Monje reported a conviction for driving under the influence in 2006 on his application for certification. The Board discussed the disclosure. Dr. Cornwall moved the Board approve Mr. Monje to take the AZLAW examination and the NPTE and be granted certification upon receipt of passing scores on both examinations. Ms. Ohlendorf 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		X
Nay						
Recused						
Abstained						
Absent					X	

13(D) Review of and Possible Action on Application for Licensure and Possible Licensure
 Appleberry, Amanda

Dr. Cornwall called the Board’s attention to the above agenda item. Ms. Appleberry was not present. Dr. Cornwall noted Ms. Appleberry’s verification of licensure from Florida indicated a conditional license for health related reasons, but that the condition was not disciplinary in nature. The Board discussed the options in granting Ms. Appleberry a license with or without conditions. Dr. Cornwall moved the Board approve Ms. Appleberry’s application and grant licensure without condition. 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		X
Nay						
Recused						
Abstained						
Absent					X	

13(E) Review of and Possible Action on Application for Licensure, Determination of Supervised
 Clinical Practice Period (Applicant Previously Licensed in Arizona), and Possible Licensure
 Phillips, Shirley

Dr. Cornwall called the Board’s attention to the above agenda item. Ms. Phillips was not present. Dr. Cornwall noted Ms. Phillips was previously licensed in Arizona, but that the license lapsed in 2002. Therefore, under A.R.S. 32-2028 the Board is required to request Ms. Phillips undergo a test, supervision , and/or education to verify competency.

The Board entered discussion regarding Ms. Phillips practice history over the past 10 years. Dr. Cornwall discussed the appropriateness of requiring the NPTE examination verses the Practice Review Tool. Dr. Cornwall moved the Board require Ms. Phillips take the Federation of State Boards of Physical Therapy General Practice Review Tool until she receives a result of “Sufficiently Qualified” and then Ms. Phillips must request approval for a Supervised Clinical Practice Period. 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		X
Nay						
Recused						
Abstained						
Absent					X	

BOARD BUSINESS AND REPORTS

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

Mr. Brown provided a summary of the Executive Director’s report as follows.

- a. Financial Report- Nothing new to report beyond the written report. No action was requested or taken.
- b. Board Staff Activities- Nothing new to report beyond the written report. No action was requested or taken.
- c. Legislation- Nothing new to report beyond the written report. No action was requested or taken.
- d. Rule Activity- Nothing new to report beyond the written report. No action was requested or taken.
- e. Newsletter- Mr. Brown report Board staff has begun preparing the Newsletter for release in June. Staff will present a draft to the Board at the May Board meeting. No action was requested or taken.

15. Review, Discussion and Action on Survey of Proposed Definition of “Routine Physical Therapy Tasks”; Report from the Supervision Advisory Group To The Executive Director; Continued Review From March 23, 2010.

Dr. Cornwall called the Board’s attention to the above agenda item. The Board discussed the proposed definition of “Routine Physical Therapy Tasks”. The Board agreed that they liked the intent of the definition, but that the definition may affect students and may require a statement of position considering impacts it could have on some licensees and assistive personnel. The Board instructed Mr. Brown to work with his previously formed group of volunteers to review all of the work the Board has conducted on supervision since the start of 2010 and report back to the Board with a refined definition of “Routine Physical Therapy Tasks”, a position statement for the definition, and suggested language for addressing students working under the supervision of a physical therapist in all aspects of patient care. The Board suggested Mr. Brown consider expanding the volunteers to include persons from areas of practice not included in the original group of volunteers and ensure they review the survey conducted by the Board. The Board appointed Ms. Richardson to serve as the Board’s representative during the group meetings.

16. Review, Discussion and Action on Board Duties, Operations, and Functions Delegated to Board Staff.

Dr. Cornwall called the Board’s attention to the above agenda item. Mr. Brown provided a summary of the request before the Board which details the duties the Board has delegated to Board staff in the past, which are established in the list provided to the Board. Staff requested the Board approve the list as presented to document the Board’s delegation and approval of the listed actions for future reference. The list will be maintained to ensure any reviewing party can locate the Board’s approval of delegated duties or functions in Board minutes. The Board discussed the list provided by Board staff. Ms. Versteegen reviewed the list provided. Dr. Cornwall moved the Board approve the delegated actions as provided by Board staff. 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		X
Nay						
Recused						
Abstained						

Absent					X	
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(Any member of the public may view the list described above by submitting a public records request to the Board Office.)

The Board recessed at 12:07 p.m.
The Board returned to Regular Session at 12:13 p.m.

17. Staff Presentation and Board Training; Electronic Board Material.

Dr. Cornwall called the Board's attention to the above matter. Mr. Brown provided the Board with a presentation regarding how future Board meeting material would be reviewed by electronic means. The Board discussed the presentation and questioned Board staff on the operations of the new system and training for Board members. No action was taken or required for this agenda item.

CALL TO THE PUBLIC

Dr. Cornwall offered a call to the public. No person from the public came forward.

ADJOURNMENT

The meeting adjourned at approximately 12:27 p.m.

Prepared by,

Charles D. Brown
Executive Director

Approved by,

Kris Ohlendorf, P.T.A.
Secretary