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**ARIZONA STATE BOARD OF PHYSICAL THERAPY**  
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**REGULAR SESSION (TELEPHONIC) MEETING MINUTES**  
**June 22, 2010**

**MEMBERS PRESENT OVER PHONE:** Mark Cornwall, P.T., Ph.D., President  
Randy Robbins, Public Member  
James Sieveke, P.T., O.C.S., Member  
Melinda Richardson, P.T., Member

**MEMBERS PRESENT IN PERSON:** Kris Ohlendorf, PTA, Secretary

**MEMBERS ABSENT:** Lisa Akers, P.T., Vice President

**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 – 8:35 a.m.

Dr. Cornwall called the meeting to order at 8:35 a.m.

- 1. Review and Approval of Draft Minutes
  - a. May 25, 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. Mr. Robbins noted a typographical error on page six of the minutes. No additional Board member expressed a need for corrections or additions to the minutes. Dr. Cornwall moved the Board approve the minutes as amended. 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				

**2) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE**

- a) Review and Possible Action on Complaint; Consideration of Consent Agreement:
  - i) Complaint # 10-15; David Guy, P.T.

Dr. Cornwall called the Board’s attention to the above matter. Mr. Guy was not present. Mr. Brown provided a summary of the matter for the Board. On August 25, 2009, the Board held an Informal Hearing regarding Case #08-25. The Board found Mr. Guy in violation of law for failure to refer, substandard care, violation of the Code of Ethics, making misleading statements, and failure to create adequate records. Mr. Guy was ordered to complete six months of probation to include 18-20 hours of continuing education. Mr. Guy failed to complete his continuing education as required in the Board Order. Board staff opened a complaint for non-compliance on May 5, 2010. Mr. Guy requested to surrender his license on May 12, 2010. Board staff has drafted a consent agreement for surrender of Mr. Guy’s license to practice physical therapy for the Board’s consideration. Mr. Brown reported that Mr. Guy has signed the draft consent agreement.

Dr. Cornwall opened the matter for discussion by the Board. Mr. Sieveke questioned Mr. Guy’s use of “CPT USA Retired” on his letterhead. Board staff noted it was a reference to Mr. Guy’s military service. No other Board member presented questions. Dr. Cornwall moved the board accept the consent agreement 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	X
Nay						
Recused						
Abstained						
Absent		X				

b) Initial Review, Discussion and Action on Complaint

i) Complaint # 10-09; Gregory Sonntag, P.T.

Dr. Cornwall called the Board’s attention to the above matter. Mr. Sonntag was not present. Ms. Donahue provided the Board with a summary of the complaint filed by C.H., a patient of Mr. Sonntag’s, alleging that charges were excessive, communication to his physician was not timely and he was requested to take off his shirt for ultrasound treatment in front of other patients. C.H. has indicated he is legally blind. Ms. Donahue stated Mr. Sonntag had responded to the complaint and summarized the complaint for the Board. Ms. Donahue also noted that the investigation appeared to identify several additional allegations to included, inadequate records, unreasonable fees, failure to adhere to recognized standards of ethics and substandard care.

Mr. Sonntag arrived at the Board meeting while Ms. Donahue concluded her report. Mr. Sonntag came forward and addressed the Board. Mr. Sonntag stated he felt the complaint was baseless; however, the investigation caused him to look at his practice operations and patient care and has made changes. Mr. Sonntag concluded his statement.

Dr. Cornwall opened the matter to questions from the Board. Mr. Sieveke asked Mr. Sonntag to explain the meaning of the handwritten numbers next to patient names on his treatment schedule. Mr. Sonntag stated they are interoffice numbers he uses to identify the total effort used in servicing the patient that day and do not reflect the total units of billing. Ms. Ohlendorf asked Mr. Sonntag if he sees every patient when they arrive or after they begin treatment. Mr. Sonntag stated he sees each patient at least briefly when they arrive. Dr. Cornwall asked how many hours Mr. Sonntag works on his busiest days. Mr. Sonntag stated he works 10-11 hours with two techs on his busiest days. Mr. Sieveke asked Mr. Sonntag what percentage of his patients are Medicare patient. Mr. Sonntag stated it varies, but that when it’s busy between November and March about 25% to 30% of patients are Medicare patients. Mr. Sonntag stated that he treats in an open environment and sometimes his aides help with Medicare patients, but that time is not billed. Mr. Sonntag indicated only his time with Medicare patients is billed. Mr. Sonntag stated his aide Emilia would do some manual therapy, but only the therapies he performed where billed.

The Board ended their questions for Mr. Sonntag. Dr. Cornwall asked if any Board member had any issues for discussion. No Board member identified an issue. Dr. Cornwall moved the Board forward this complaint to an Informal Hearing. Mr. Sieveke seconded the motion. The Board entered discussion. Mr. Sieveke asked if Ms. Donahue had interviewed the aide identified as Emilia. Ms. Donahue stated she did not. Dr. Cornwall stated he did not feel it was needed. Ms. Richardson also stated she did not feel Emilia needed to be interviewed. 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				

ii) Complaint #10-10; James Miller, P.T.

Dr. Cornwall called the Board's attention to the above matter. Mr. Miller was present and the complainant V.K. was present. Ms. Donahue provided the Board with a summary of the complaint. V.K. alleges that Mr. Miller performed a manipulation on her neck without consent that caused injury to her neck, jaw and left arm with episodes of near fainting. The treatment occurred on 10/22/09. V.K. claimed that she requested Mr. Miller to stop the procedure several times, but he failed to stop until after she felt a pop in her neck followed by pain. V.K. claims Mr. Miller explained it was scar tissue causing the pain when they discussed the symptoms at a later visit. V.K. has provided documentation from other health care providers following her care with Mr. Miller. V.K. originally presented to Mr. Miller after a referral for continued physical therapy following a motor vehicle accident.

Dr. Cornwall invited V.K. forward to address the Board. V.K. stated she would like the Board to know she does have a healthcare background. V.K. stated she saw two other physical therapists before treating with Mr. Miller. All three physical therapists were seen in connection with injuries she received as a result of a motor vehicle accident.

V.K. stated her treatment with Mr. Miller originally went well and she progressed to a point of 85-90% relief in her pain and was ready for release from care. However, Mr. Miller suggested an additional month of care. On October 22, 2009 Mr. Miller performed a manipulation on V.K.'s neck by pushing her neck to one side. V.K. stated Mr. Miller had never done that treatment in any other session and had never asked for her consent to perform the treatment. V.K. stated her physician, Dr. Huston, stated there was no necessity to perform the manipulation. V.K. stated she previously believed only chiropractors could perform manipulations and would not have consented to Mr. Miller's manipulation of her neck.

V.K. stated that she requested Mr. Miller stop the manipulation multiple times, but he did not acknowledge her request and she was required to yell before he stopped the manipulation. V.K. claims Mr. Miller stated he must have hit a nerve when she complained of the pain. V.K. stated when she returned on October 29, 2009; Mr. Miller stated she had an acute strain at C2-3 of her neck that was due to scare tissue breaking up. V.K. has been on a soft food diet since the incident and has been diagnosed with TMJ and continues to have spasms pulsing in her ear. V.K. provided the Board with various copies of her medical records from other healthcare providers and finished her statement.

The Board invited Mr. Miller to come forward and make a statement. Mr. Miller stated he had provided his response and was available to answer the Board's questions. Dr. Cornwall asked Mr. Miller if V.K. had asked him to stop the treatment. Mr. Miller stated he had no recollection of such a request. Mr. Sieveke asked V.K. if treatment changed at previous visits. V.K. stated the treatment was the same until October 22, 2009. The Board continued their questions of V.K. and Mr. Miller. Dr. Cornwall concluded the Board's questions and

asked if any Board member had any motions. Mr. Sieveke moved that the Board forward the complaint against Mr. Miller to an Informal Hearing. Ms. Richardson seconded the motion. The Board entered discussions. Dr. Cornwall asked if any further investigation was needed. Mr. Sieveke stated he did not, but wanted to review the information provided in greater detail. Dr. Cornwall called the 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				

iii) Complaint # 10-11; Nicholas Lane, P.T.

Dr. Cornwall called the Board’s attention to the above agenda item. Mr. Lane was not present. Mr. Brown provided a summary for the Board. Mr. Lane reported a conviction for Driving Under the Influence (DUI) within 10 days after his conviction, but failed to report the arrest to the Board within ten days of being charged as required by A.R.S. §32-3208.

The Board discussed previous actions taken in similar cases. Ms. Donahue reported in the previous three cases regarding failure to report two cases were first offences resulting in non-disciplinary advisory letters and one was a multiple offences resulting in a disciplinary order for probation. Ms. Richardson moved that the Board dismiss this complaint, and issue Mr. Lane a non-disciplinary advisory letter advising Mr. Lane that he is responsible to understand Arizona Statute and Rules, and that it is his responsibility, not his lawyers, to know the requirements of reporting arrests to the Board office within ten days. 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) CONSENT AGENDA: REVIEW, CONSIDERATION and ACTION**

a) Applications for Licensure and Certification

i. Substantive Review, Consideration and Approval of Applications of Physical Therapist Licensure

Castelein, Andrew	Cole, Jennifer	Cook, Len
Gagliano, Paul	Goodman, Holly	Graham, Kerilyn
Hardcastle, Lacey	Hess, Adam	Hunter, Nicholas
Isaac, Elena	Kappes, Beth	La Shot, Jacob
Lyons, Daniel	Montgomery, Victoria	Payne, Ashley
Rich, Divina	Roarty, Jim	Salzwedel, Christa
Schmidt, Chelsey	Shafer, Lauren	Shook, Kayley
Straub, Jared	Walker, Sheila	Watkins, Kate
Zukowski, Brian	Whitman, Staci	

ii. Substantive Review, Consideration and Approval of Applications for Physical Therapist Certification

Blum, Penny	Boynton, Mark	Cook, Stacy
Eberle, Darlene	Hooch, Zachary	Hudson, Brian
Tice, Christina	White, Joseph	White, Michelle
Wise, Sabrina	Novak, Brett	

Dr. Cornwall called the Board’s attention to the Consent Agenda. Dr. Cornwall stated he knows 10 of the physical therapist applicants as former students, but that he is not biased by the relationship and can vote on the matter. Dr. Cornwall asked if any Board member had an applicant they wished removed from the agenda. Ms. Richardson and Mr. Sieveke asked questions of Board staff, but did not remove any applicant from the agenda. Dr. Cornwall moved the Board approve licensure and certification to the applicants on the consent agenda. 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 Ends

**4) Review, Consideration and Action on Applications for Licensure and Certification**

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

- iv) Review of Education, Determination of Approval to take the AZLAW (Jurisprudence) Exam, Determination of Supervised Clinical Practice Period (SCPP), and Possible Licensure.
  - (a) Panda, Moushmita

Dr. Cornwall called the Board’s attention to the above matter. Ms. Panda was not present. Dr. Cornwall noted the applicant’s education is substantially equivalent. Dr. Cornwall moved the Board find the applicants education substantially equivalent, require a 500 hour SCPP and approve her to take the AZLAW examination. Ms. Ohlendorf seconded the motion. Mr. Sieveke asked staff to remind the applicant that her VISA and expiration of application may cause her a problem in completing her application requirements. Dr. Cornwall called the 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				

- v) Substantive Review of Application, Final Clinical Practice Instrument and Possible Licensure – Foreign Educated Graduate of Program not U.S. Accredited
  - (a) Posada, Cleogene

Dr. Cornwall called the Board’s attention to the above agenda item. Ms. Posada was not present. Dr. Cornwall noted the applicant had completed all application requirements. Dr. Cornwall moved the Board approve the applicant for licensure as a physical therapist. Mr. Sieveke 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) Substantive Review of Documentation Related to Disclosure on “Personal Information” Section of Application, Applicant Previously Licensed in Arizona.
  - i) Physical Therapist Application, previously licensed in Arizona and Approval to take the AZLAW (Jurisprudence) Exam and Possible Licensure
    - (a) Macia, Donna

Dr. Cornwall called the Board’s attention to the above agenda item. Ms. Macia was not present. Dr. Cornwall noted Ms. Macia was a previous licensee in Arizona and required action to be taken under A.R.S. §32-2028. The Board discussed Ms. Macia’s application and noted she had not worked as a physical therapist for over five years. The Board discussed what requirements they may wish to use to verify Ms. Macia’s competency. Dr. Cornwall noted that Ms. Macia had asked to have the AZLAW exam waived. Ms. Verstegen stated that is not an option allowed in law; therefore, the Board did not need to address the request. Dr. Cornwall moved that the Board require Ms. Macia to take the AZLAW, the NPTE, and complete a 500 hour SCPP. 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				

- ii) Physical Therapist Assistant Application and Approval to take the NPTE and the AZLAW (Jurisprudence) Exam and Possible Certification
  - (a) Otterson, Chelsea

Dr. Cornwall called the Board’s attention to the above agenda item. The Board reviewed Ms. Otterson’s reported history related to good moral character questions on her application. Dr. Cornwall moved the Board approve Ms. Otterson to take the AZLAW and the NPTE and be certified upon receipt of a passing score on each examination. 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				

- (b) Corrie, Heidi

Dr. Cornwall called the Board’s attention to the above agenda item. The Board reviewed Ms. Corrie’s reported history related to good moral character questions on her application. Dr. Cornwall moved the Board approve Ms. Corrie to take the AZLAW and the NPTE and be certified upon receipt of a passing score 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				

(c) Shepherd, Pamela

Dr. Cornwall called the Board’s attention to the above agenda item. The Board reviewed Ms. Shepherd’s reported history related to good moral character questions on her application. Dr. Cornwall moved the Board approve Ms. Shepherd to take the AZLAW and the NPTE and be certified upon receipt of a passing score on both examinations. 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				

(d) Cisco, Bridget

Dr. Cornwall called the Board’s attention to the above agenda item. The Board reviewed Ms. Cisco’s reported history related to good moral character questions on her application. Dr. Cornwall moved the Board approve Ms. Cisco to take the AZLAW and the NPTE and be certified upon receipt of a passing score on both examinations. 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				

5) BOARD BUSINESS AND REPORTS

Executive Director’s Report – Discussion and Possible Action

- a) Financial Report- Mr. Brown reviewed the Board’s working budget for FY 2011.
- b) Board Staff Activities- No discussion beyond written report.
- c) Legislation- No discussion beyond written report.
- d) Rule Activity- No discussion beyond written report.
- e) FSBPT- No discussion beyond written report.

6) CALL TO THE PUBLIC

Dr. Cornwall called the Board’s attention to the above matter. Dr. Cornwall asked if any person in the audience wished to address the Board. No person came forward. No action was taken or required for this agenda item.

ADJOURNMENT

The meeting adjourned at approximately 10:15 a.m.

Prepared by,

Charles D. Brown  
Executive Director

Approved by,

Kris Ohlendorf, P.T.A.  
Secretary