



ARIZONA STATE BOARD OF PHYSICAL THERAPY
4205 NORTH AVENUE, SUITE 208 PHOENIX, ARIZONA 85013
(602) 274-0236 Fax (602) 274-1378
www.ptboard.az.gov

REGULAR SESSION MEETING MINUTES
October 26, 2010

MEMBERS PRESENT: Mark Cornwall, P.T., Ph.D., President
Lisa Akers, P.T., Vice President
Kris Ohlendorf, PTA, 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
Keely Versteegen, Assistant Attorney General

CALL TO ORDER – 8:32 a.m.

Dr. Cornwall called the meeting to order at 8:32 a.m.

- 1. Review and Approval of Draft Minutes
 - a. September 28, 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. Ms. Ohlendorf stated she would like an entry under the consent agenda noting she disclosed she had been a clinical instructor for multiple applicants. No other Board member expressed a need for corrections or additions to the minutes. Dr. Cornwall moved the Board approve the minutes 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	

- b. September 28, 2010; Executive Session Meeting Minutes

Dr. Cornwall opened the agenda item for discussion and asked if any Board member had corrections for the minutes as presented. Ms. Ohlendorf noted that she was recused from the agenda item reviewed in Executive Session therefore she should be noted as absent. No 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 with 4 Aye votes, 0 nay votes, 1 member abstained, and one member absent.

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

Dr. Cornwall announced that some agenda items would be taken out of order.

2) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

- b) Initial Review, Discussion and Action on Complaint
 - i) Complaint #10-20; Adi Halili, P.T.

Dr. Cornwall called the Board’s attention to the above agenda item. Mr. Halili was not present. Peter Baron, Mr. Halili’s attorney, was present and came forward to address the Board. Ms. Donahue provided a summary of the complaint and allegations to the Board. An insurance company representative filed a complaint alleging Mr. Halili refused to comply with a requested for records and billing for patient D.J. The complainant later noted the records were provided and withdrew her complaint, the withdrawal was not accepted as the investigation was already initiated. The investigation included a separate review of treatment by John Rhodes, P.T. In addition, the investigation by Ms. Donahue disclosed possible violations of adequate records requirements, possible substandard care, fraudulent or unreasonable fees, and lawful practice violations. Mr. Baron addressed the Board regarding the allegations and the investigation. The Board entered discussion following Mr. Baron’s comments. Following discussion Dr. Cornwall moved the Board send the complaint against Mr. Halili to an Informal Hearing and charge Board staff with collecting three more charts randomly selected for audit by Board staff before the Informal Hearing. Mr. Robbins seconded the motion. The Board entered discussion. Ms. Richardson questioned whether additional allegations of violations of law needed to be added based on the investigative report. Dr. Cornwall noted the allegations in the motion to include all listed in the investigative report as not allegations were removed by the Board. Dr. Cornwall called the motion for a vote. The motion passed 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 addressed the Board regarding adding additional allegations to the complaint regarding supervision of assistive personnel to include students. The Board discussed the information in the investigation relating to supervision. Ms. Richardson moved the Board add an allegation of violating A.R.S. §32-2044(6) to the complaint and require Ms. Donahue to collect 1 to 2 records including treatment by students when she collects records for the audit. 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	

ii) Complaint #10-29 Anna Mercado, P.T.A.

Dr. Cornwall called the Board’s attention to the above agenda item. Ms. Mercado was not present and was not represented by legal counsel. Ms. Donahue provided a summary of the complaint allegations and the investigation. Ms. Mercado indicated a “yes” answer on her PTA renewal to question #1 “Have you been convicted of, pled guilty or no contest to, or entered into diversion in lieu of prosecution for any criminal offense in any jurisdiction of the United States or foreign country?” She was arrested for a DUI on May 10, 2009 and failed to report her charge within 10 days as required under A.R.S. §32-3208 and A.A.C. R4-24-312. The Board discussed the complaint investigation. Ms. Akers moved the Board dismiss the complaint and issue Ms. Mercado a non-disciplinary advisory letter regarding her driving under the influence arrest and to follow all laws including requirements to report such arrests within ten business days. 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	

iii) Complaint #10-31; Jeffery Petersen, P.T.

Dr. Cornwall called the Board’s attention to the above agenda item. Ms. Akers disclosed her previous business relationship with Mr. Petersen and her filing of the complaint against Mr. Petersen. Therefore, she recused herself from the matter. Ms. Akers left the Board table and room. Mr. Petersen was not present and was not represented by legal counsel. Ms. Donahue provided a summary of the case. The complaint alleges Mr. Petersen refused to remove Ms. Akers’ name from the building and business since her last date of employment in 2008. Since the filing of the complaint Mr. Petersen he has removed Ms. Akers’ name from the office and all signage. The Board entered discussion. Ms. Richardson noted it had taken two years for Mr. Petersen to correct the sign. Mr. Petersen arrived at the Board meeting during the Board discussion and came forward to address the Board. Mr. Petersen said he provided his written statement which addressed the issues in the complaint and that he would answer questions. Ms. Richardson questioned Mr. Petersen about the time it took to correct the sign in question. Mr. Petersen stated it was based on his perception of what it may cost and the fact the office was not profitable at that time. The Board entered discussion. Following discussion Ms. Richardson moved the Board dismiss the complaint and issue Mr. Petersen a non-disciplinary advisory letter regarding the importance of representing his practice accurately to the public. No second was provided. Dr. Cornwall inquired if Ms. Richardson felt the complaint may rise to the level of a Decree of Censure. Ms. Richardson amended her motion to dismiss the complaint and instead forward the complaint to an 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
Nay						
Recused		X				
Abstained						
Absent					X	

The Board entered discussion. Ms. Ohlendorf questioned if allegations regarding violating the Code of Ethics is needed. Ms. Ohlendorf moved the Board add the allegation of violating A.R.S. §32-2044(12) and the Code of Ethics 2.2 and 8.2(D) to the complaint against Mr. Petersen. 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. Akers returned to the Board room and Board table.

- a) Informal Hearing and Possible Action on Complaint: (A Recording of this Board meeting and this Hearing is available upon request)
 - i) Complaint #10-10; James Miller, P.T.

Dr. Cornwall called the Board’s attention to the above agenda item. Mr. Miller was present and was represented by Mark Sifferman, his attorney. Mr. Miller and Mr. Sifferman came forward to address the Board. Dr. Cornwall summarized how the proceeding would be conducted and the possible actions the Board may take. The Board members and staff introduced themselves. Mr. Brown read a summary of the allegations as follows: It is alleged that Mr. Miller:

1. Was the treating physical therapist for patient V.K. from September 2009 thru November 2009.
2. V.K. received cervical manual mobilization (grade IV), traction and and/or passive inter-vertebral joint movements to rotation and side-bending at each physical therapy session as documented on: 9/30/09; 10/1/09; 10/5/09; 10/7/09; 10/13/09; 10/16/09; 10/21/09; 10/22/09; 11/2/09 and 11/10/09.
3. Treated V.K. on October 22, 2009, and caused injury to V.K. in providing substandard care in the assessment of V.K.’s condition and performance of manual therapy or manipulation to the cervical spine of V.K.
4. Created inaccurate patient records to include daily notes and evaluations.
5. Failed to create and maintain patient records.

Mr. Sifferman providing an opening statement for Mr. Miller relating to how Mr. Miller conducted his treatment of V.K. and how the treatment was not the cause of V.K.’s current diagnosis., but was caused by some means other than Mr. Miller’s care. Mr. Miller answered questions from the Board regarding his treatment of V.K. and gaining of informed consent before treatment. Mr. Miller and Mr. Sifferman left the Board table following questioning.

Dr. Cornwall stated for the record that he has known Mr. Miller for twenty years professionally in that Mr. Miller assists the interviewing of potential students to the physical therapy program at the school in which Dr. Cornwall works. However, that the professional relationship will in no way bias his review of the case.

Dr. Cornwall called Mark Heisler, M.D., forward to address the Board. Dr. Heisler stated he was V.K.’s previous primary care physician and referred her to Dr. Miller for care. Dr. Heisler stated he was present to answer questions of the Board. The Board questioned Dr. Heisler regarding his care for V.K. and interaction with Mr. Miller. Dr. Heisler left the Board table following the Board completion of questioning.

Dr. Cornwall called patient V.K. before the Board. V.K. came forward and addressed the Board and was accompanied by Glenn Gilcrease her attorney. V.K. provided documents for the Board’s review. V.K. made a statement to the Board regarding her care under Mr. Miller, her reaction to the adjustment of her cervical spine on October 22, 2009, the care, testing and episodes of emergency care needed following her reaction to Mr. Miller’s treatment on October 22, 2009. V.K. answered the Board’s questions and left the Board table.

Dr. Cornwall asked the Board if they wished to question witnesses D.K., F.S. and C.A. which have provided written statements to the Board. No Board member requested to question the witnesses. Dr. Cornwall called Tim Fearon, P.T. forward to address the Board. Mr. Fearon provided a statement and summary of his written report provided to the Board regarding his review of V.K.'s treatment with Mr. Miller, Dr. Heisler, and Dr. Huston. Mr. Fearon stated that in his opinion it is clear V.K. has real identifiable problems and symptoms, but that he does not feel it can be caused by Mr. Miller's care as described by the patient record and by V.K. Mr. Fearon questioned if the damage to V.K. was caused on October 22, 2009 and stated he does not feel Mr. Miller adjusted or manipulate V.K.'s neck based on Mr. Miller's testimony and V.K.'s statements. The Board did not question Mr. Fearon and he left the Board table.

Dr. Cornwall allowed Susan Miller to come forward and address the Board. Mrs. Miller is the wife of James Miller, P.T., and the Office Manager of his clinic. Ms. Miller testified regarding her interactions with V.K. and that of the other office staff. Ms. Miller also testified regarding the professionalism of Mr. Miller. The Board did not question Mrs. Miller and she left the Board table.

Dr. Cornwall allowed D.K. to come forward and address the Board. D. K. is not a patient of Mr. Miller's but is the husband of V.K. D. K. testified regarding the validity of V.K.'s claims of her symptoms starting on October 22, 2009 and the incidents reported regarding V.K.s need for emergency care. The Board did not question D.K. and he left the Board table.

Mr. Sifferman and Mr. Miller came forward and provided a closing statement to the Board. The Board did not question Mr. Miller any further. Dr. Cornwall closed questioning and opened the matter for discussion and deliberation.

Dr. Cornwall noted that the symptoms V.K. has following the treatment Mr. Miller and she described on October 22, 2009 do not make sense, but that he saw no indication that the care provided was substandard. Dr. Cornwall stated that adverse reactions to treatment can happen even when care is provided properly. Ms. Richardson noted the patient record shows a defined pathology and an attempt to treat in the best interest of the patient. Dr. Cornwall noted the record did not show that it was altered in anyway. However, there may have been an issue of failure to properly document informed consent. The Board discussed the allegations. Dr. Cornwall moved the Board dismiss allegation of violating A.R.S. §32-2044(1, 4 and 20). 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	

Ms. Richardson offered a question of whether a complaint for failure to document informed consent is required. The Board discussed opening a new complaint. Ms. Richardson moved to open a complaint against Mr. Miller for failure to document informed consent. No member seconded the motion. Ms. Akers asked if a complaint was opened would it result in anything other than an advisory letter. Ms. Richardson amended her motion to issue Mr. Miller an advisory letter to also include his failure to document his informed consent of V.K. in accordance with A.A.C. R4-24-301(C) at the time of treatment in 2009. 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	

The Board recessed at 11:22 a.m.

The Board reentered Regular Session at 11:30 a.m.

i) Complaint #09-41; Mark Balch, P.T.

Dr. Cornwall called the Board's attention to the above agenda item. Mr. Balch was present and accompanied by his attorney William Phillips. Dr. Cornwall summarized how the proceeding would be conducted and the possible actions the Board may take. The Board members and staff introduced themselves. Mr. Brown read a summary of the allegations as follows: It is alleged that Mr. Balch:

1. Was the treating physical therapist for patient J.K. in January and February of 2006.
2. Failed to create and maintain patient records in accordance with law.
3. Failed to properly supervise assistive personnel to include supervision of assistive personnel beyond the maximum number of assistive personnel allowed to be under physical therapists supervision at any one time.
4. Failed to gain J.K.'s consent for treatment.
5. Failed to determine based on the patient acuity that it was safe, effective and efficient to delegate intervention to assistive personnel.

Mr. Phillips made an opening statement on behalf of Mr. Balch. Mr. Phillips reminded the Board that the complaint was initiated based on the settlement of a malpractice claims, but that no fault was admitted or assigned. Mr. Phillips also noted that the Board had ordered a further review of Mr. Balch's patient records and practice based on his depositions in the malpractice case that indicated he may not properly supervise assistive personnel. Mr. Phillips concluded his statement. The Board questioned Mr. Balch regarding his supervision of assistive personnel and his delegation of treatment to assistive personnel. Mr. Balch admitted that he is not always aware of the patient's acuity before delegating intervention tasks to assistive personnel.

Mr. Brown noted that Peggy Hiller, P.T., was the volunteer the Board used to conduct the review of Mr. Miller's employee files and patient records. Ms. Hiller provided the additional report in the written material supplied to the Board. The Board continued their questioning of Mr. Balch to include any changes he has made to his practice since the complaint was opened. The Board concluded their questioning. Mr. Phillips provided his closing statement on behalf of Mr. Balch. The Board began their discussion and deliberation.

Dr. Cornwall noted Mr. Balch admitted to some instances of possibly inadequate supervision and poorly documented informed consent. Ms. Akers noted that the patient records do not meet requirements for documenting interventions provided by assistive personnel. Ms. Ohlendorf noted that even after the collection and comparison of all records by Board staff a review cannot determine who provided what care to a patient or how many assistive personnel were assisting in treatment at any time. Ms. Richardson stated she finds gaps in Mr. Balch's documentation and billing records and his delegation. Mr. Robbins stated that the supervision in Mr. Balch's office is unstructured.

Dr. Cornwall moved the Board dismiss the complaint, and issue Mr. Balch a non-disciplinary advisory letter for failure to create patient records in accordance with law, failure to document informed consent for examination and treatment in accordance with law, and failure to properly supervise assistive personnel. In addition, the Board issue Mr. Balch a non-disciplinary order for continuing education. The continuing education is for six (6) hours in billing and six (6) hours in documentation which must be preapproved by Board staff, completed in nine (9) months, and is in

addition to continuing education required for renewal of licensure. 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	

iv) Complaint #10-36; Tiffany Nall, P.T.

Dr. Cornwall called the Board’s attention to the above agenda item. Ms. Nall was not present and was not represented by legal counsel. Ms. Donahue provided a summary of the complaint and investigation to the Board. Ms. Nall had failed to report a charge for driving under the influence in the 10 days required by law. Dr. Cornwall moved the Board dismiss the complaint and issue Ms. Nall a non-disciplinary advisory letter stating she refrain from future conduct that may result in such criminal convictions and remember that personnel conduct can reflect on a professional license. The Board would inform her to be aware of the statutes and rules that govern her Arizona license, specifically, the required 10 day reporting rule for a health professional who has been charged with a misdemeanor involving conduct that may affect patient safety. 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	

v) Complaint #10-37; Sheryl Viltrakis, P.T.

Dr. Cornwall called the Board’s attention to the above agenda item. Ms. Viltrakis was not present and was not represented by legal counsel. Ms. Donahue provided a summary of the complaint and investigation to the Board. Ms. Viltrakis indicated a “yes” answer to question #9 “Have you been the subject of any criminal investigation by a federal, state or local agency or had criminal charges filed against you?” on her renewal application that was received by the Board office on July 29, 2010. Ms. Viltrakis indicated in her statement that she was arrested for DUI on 4/16/10. Dr. Cornwall moved the Board dismiss the complaint and issue Ms. Viltrakis a non-disciplinary advisory letter stating she refrain from future conduct that may result in such criminal convictions and remember that personnel conduct can reflect on a professional license. The Board would inform her to be aware of the statutes and rules that govern her Arizona license, specifically, the required 10 day reporting rule for a health professional who has been charged with a misdemeanor involving conduct that may affect patient safety. 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	

vi) Complaint #10-39 Gerald Mitchell, P.T.

Dr. Cornwall called the Board’s attention to the above agenda item. Mr. Mitchell was not present. Ms. Donahue provided a summary of the complaint. The Board received Mr. Mitchell’s renewal application on September 3, 2010 in which Mr. Mitchell answered “no” to the following statement:

#3) “Are you currently or have you ever been under investigation, suspension, or restriction by a professional licensing board in any jurisdiction of the United States or foreign country for any act that occurred in that jurisdiction that would be the subject of discipline under this Chapter?”

Mr. Mitchell signed a Surrender Consent Agreement with the Ohio Occupational Therapy, Physical Therapy and Athletic Trainers Board on September 1, 2010. The Board discussed the investigation. Dr. Cornwall moved the Board forward the complaint to an Informal Hearing, add allegations of violating A.R.S.§32-2044(12) and Code of Ethics Principles 2.2 and 6.2 and subpoena Mr. Mitchell’s continuing competence activities for the 2008-2010 compliance 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	

3) CONSENT AGENDA: REVIEW, CONSIDERATION and ACTION

b) Applications for Licensure and Certification

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

Bitzel, Ryan	Centenera, Raquel	Crocket, Brandon
Cruz, Amy	Hammonds, Yvette	Ho, Lauren
Huddart, Daniel	Kaneshiro, Kimberly	Keegan, Nicole
Kirkaldie, Lindsey	Meyers, Christina	Ori, Keith
Papania, Nicholas	Reed, Candice	Sallus, Suzanne
Sheehan, Mariana	Taylor, Derek	Wagner, Matthew
Weichers, Jared		

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

Bojorquez, Estella	Haberman, Jean	Kaz, Debbie
Lehman, Ashly	Llaneras, Juan	Phillips, Vernie
Roach, Lori	Robertson, Erin	Stricker, Sara
Tashar, Gabi	Thorson, Kelsey	

Dr. Cornwall called the Board’s attention to the above agenda item. Ms. Ohlendorf disclosed her relationship as a clinical instructor for multiple physical therapist assistant applicants. Dr. Cornwall asked if any Board member wished to remove an applicant from the Consent Agenda for further discussion. Ms. Brierley stated Kirk Terry should be removed as he is on the agenda in a different area. Dr. Cornwall removed Kirk Terry from the consent agenda. No other Board member requested the removal of a name. Dr. Cornwall moved the Board grant licensure and certification to the applicants on the consent agenda. Mr. 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	

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.
 - i) Substantive Review of Education, Final Clinical Practice Instrument and Possible Licensure – Foreign Educated Graduate of Program not U.S. Accredited
 - (a) Kwatra, Garima

Dr. Cornwall called the Board’s attention to the above agenda item. Ms. Kwatra was not present. The Board discussed the application. Dr. Cornwall moved the Board grant licensure to Ms. Kwatra. 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) Substantive Review of Documentation Related to Disclosure on “Personal Information” Section of Application
 - i) Physical Therapist Application and Approval to take the AZLAW (Jurisprudence) Exam and Possible Licensure
 - (a) Tucker, Rosanne

Dr. Cornwall called the Board’s attention to the above agenda item. Ms. Tucker was not present. The Board discussed the application and disclosure of working after failing to renew her license in Ohio during the year 2004. Dr. Cornwall moved the Board approve Ms. Tucker to take the AZLAW examination and be licensed after 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	

- (b) Merckle, Troy

Dr. Cornwall called the Board’s attention to the above agenda item. Mr. Merckle was not present. The Board discussed the application and disclosure of a disorderly conduct conviction. Dr. Cornwall moved the Board approve Mr. Merckle to take the AZLAW examination and be licensed upon receipt of a passing score. 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	

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

Dr. Cornwall called the Board's attention to the above agenda item. Mr. Van Tassel was not present. The Board discussed the application and disclosure of a driving under the influence arrest in 2004. Dr. Cornwall moved the Board grant Mr. Van Tassel approval to take the AZLAW and NPTE examinations and be certified upon receipt of passing scores. 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) Review of and Possible Action on Application for Licensure from Applicant Previously Licensed in Arizona
 (a) Goulding, Brandi-Ellen

Dr. Cornwall called the Board's attention to the above agenda item. Ms. Goulding was not present. The Board discussed the application and the previous licensure of Ms. Goulding. Dr. Cornwall moved the Board require Ms. Goulding to provide Board staff with 40 hours of continuing competence activities from 2006 to the present and be issued a license upon staff's receipt of the required continuing competence activities. 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) Terry, Kirk

Dr. Cornwall called the Board's attention to the above agenda item. Mr. Kirk was not present. The Board discussed the application and the previous licensure of Mr. Terry. Dr. Cornwall moved the Board require Mr. Terry to provide Board staff with 60 hours of continuing competence activities from 2000 to the present and be issued a license upon staff's receipt of the required continuing competence activities. 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) Review, Consideration and Action on Applications for Physical Therapist Licensure Renewal / Reinstatement

a) Herman, Janice

Dr. Cornwall called the Board's attention to the above agenda item. The Board discussed the application and Ms. Herman's acceptance of a consent agreement to resolve her practice while her license was not renewed. Dr. Cornwall moved the Board approve Ms. Herman's application for reinstatement and approve the consent agreement as presented. 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	

Aye	X	X	X	X		X
Nay						
Recused						
Abstained						
Absent					X	

6) Review, Consideration and Action on Applications for Physical Therapist Licensure Renewal / Reinstatement

a) Bowden, Tess

Dr. Cornwall called the Board’s attention to the above agenda item. Ms. Bowden came forward and addressed the Board. The Board discussed the application and Ms. Bowden’s acceptance of a consent agreement to resolve her work while her certificate was not renewed. Dr. Cornwall moved the Board approve Ms. Bowden’s application for reinstatement and approve the consent agreement as presented. 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) BOARD BUSINESS AND REPORTS

- a) Executive Director’s Report – Discussion and Possible Action
 - i) Financial Report- Mr. Brown reported nothing additional beyond the written report to the Board.
 - ii) Board Staff Activities- Mr. Brown summarized the written report to the Board. Mr. Brown additionally reported Ms. Donahue’s completion of her CLEAR certification examination.
 - iii) Legislation- Nothing reported beyond the written report. No action was taken or necessary on this agenda item.
 - iv) Rule Activity- Nothing reported beyond the written report. No action was taken or necessary on this agenda item.
 - v) FSBPT- Nothing reported beyond the written report. No action was taken or necessary on this agenda item.
- b) Determination of Future Board Meeting Dates; November and December 2010; January thru December 2011.

Dr. Cornwall called the Board’s attention to the above agenda item. The Board discussed Board meeting dates and requested no change to the dates presented by staff. The Board meeting dates for November and December 2010 are unchanged. The dates for 2011 are the fourth Tuesday of every month of 2011. (Please see the Calendar on ptboard.az for Board meeting dates and deadlines)

c) Review, Discussion and Action on New Location for Future Board Meetings; Verbal Report

The Board discussed that all future Board meetings will be held at 4205 N. Avenue, Suite 205 Phoenix, AZ 85013 which is located in the same building as the Board office. The new room is the meeting room for the Board of Dental Examiners, which is being provided for use by the Board. No action was taken or required on this agenda item.

d) Review, Discussion and Action on Staff Review of HB 2149

Dr. Cornwall called the Board’s attention to the above agenda item. The Board discussed the proposed changes by Board staff. No Board member requested a change to the proposed language. The Board moved to the next agenda item with no action taken or required.

e) Review, Discussion and Action on Study Group review of HB 2123

Dr. Cornwall called the Board’s attention to the above agenda item. The Board discussed the proposed changes by the AzPTA workgroup and Board staff. The Board discussed moving forward with the language provided in combination with HB 2149 identified Rule changes. Mr. Brown suggested the Board discussed the proposals with the stakeholders before requesting an exception to the rule making moratorium form the Governor. Dr. Cornwall instructed Board staff to schedule a stakeholder meeting for the November 23, 2010 meeting at 10:00 a.m.

f) Review, Discussion and Action on Legislative Activity Related to Inactive and Retired License Status

Dr. Cornwall called the Board’s attention to the above agenda item. Mr. Brown summarized the statutes the Board reviewed and discussed with the AzPTA earlier this year regarding retired and inactive status. The Board discussed the idea of running legislation regarding retired, inactive statuses and reentry to the profession. Dr. Cornwall moved the Board instruct the Board legislative liaison to secure a legislative folder for the 2011 legislative session and to form a six member committee to complete the language writing process. 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	

Dr. Cornwall and Ms. Richardson volunteered for the committee.

8) CALL TO THE PUBLIC

Dr. Cornwall asked if any member of the public present wished to come forward and address the Board. Peggy Hiller, P.T came forward and addressed the Board. Ms. Hiller stated based on the cases before the Board she wished to remind the Board that in years past when the Board was presented with a case where a licensee or certificate holders conduct required change and possible verification change has taken place, that the Board would use its ability to discipline a licensee or certificate holder and monitor the change through probation and auditing activities. Ms. Hiller suggested the Board again consider these powers when reviewing cases. The Board did not respond and did not schedule the matter for discussion on a future agenda.

ADJOURNMENT

The meeting adjourned at approximately 2:10 p.m.

Prepared by,

Charles D. Brown
 Executive Director

Approved by,

Regular Session Meeting
October 26, 2010

Kris Ohlendorf, P.T.A.
Secretary