



ARIZONA STATE BOARD OF PHYSICAL THERAPY
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REGULAR SESSION MEETING MINUTES
January 25, 2011

MEMBERS PRESENT: Mark Cornwall, P.T., Ph.D., President
Lisa Akers, P.T., Vice President
Randy Robbins, Secretary
James Sieveke, P.T., O.C.S., Member
Melinda Richardson, P.T., Member
Peggy Hunter, P.T.A., Member

MEMBERS ABSENT:

OTHERS PRESENT IN PERSON: Charles D. Brown, Executive Director
Paula Brierley, Licensing Administrator
Karen Donahue, Investigator
Keely Versteegen, Assistant Attorney General

CALL TO ORDER – 8:30 a.m.

Dr. Cornwall called the meeting to order at 8:30 a.m.
Ms. Richardson was not present for the Call to Order.

1) Welcome of New Board Member Peggy Hunter, PTA

Dr. Cornwall recognized Peggy Hunter, P.T.A. as a newly appointed professional member of the Board replacing Kris Ohlendorf, P.T.A., after an expiration of Ms. Ohlendorf’s term. Ms. Hunter was welcomed by the Board members and Board staff. No action was required or taken on this agenda item.

3) Review and Approval of Draft Minutes
a) December 21 , 2010; Special Session Meeting Minutes

Dr. Cornwall called the Board’s attention to the above agenda item. 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. Hunter	Mr. Robbins	Mr. Sieveke	Ms. Richardson
Aye	X	X	X	X	X	
Nay						
Recused						
Abstained						
Absent						X

b) December 21, 2010; Executive Session Meeting Minutes 8:35 am to 8:37 am

Dr. Cornwall called the Board's attention to the above agenda item. 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. Hunter	Mr. Robbins	Mr. Sieveke	Ms. Richardson
Aye	X	X	X	X	X	
Nay						
Recused						
Abstained						
Absent						X

c) December 21, 2010; Executive Session Meeting Minutes 8:39 am to 8:45 am

Dr. Cornwall called the Board's attention to the above agenda item. 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. Hunter	Mr. Robbins	Mr. Sieveke	Ms. Richardson
Aye	X	X	X	X	X	
Nay						
Recused						
Abstained						
Absent						X

d) December 21, 2010; Executive Session Meeting Minutes 1:21 pm to 1:25 pm

Dr. Cornwall called the Board's attention to the above agenda item. 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. Hunter	Mr. Robbins	Mr. Sieveke	Ms. Richardson
Aye	X	X	X	X	X	
Nay						
Recused						
Abstained						
Absent						X

e) December 28, 2010, Regular Session (Telephonic) Meeting Minutes

Dr. Cornwall called the Board's attention to the above agenda item. 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. Hunter	Mr. Robbins	Mr. Sieveke	Ms. Richardson
Aye	X	X	X	X	X	
Nay						
Recused						
Abstained						
Absent						X

Ms. Richardson arrived at 8:37 a.m.

6) 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. Review of Education, Approval to take the AZLAW (Jurisprudence) Exam, Determination of Supervised Clinical Practice Period (SCPP), and Possible Licensure.
 - b) Davies, Caroline

Dr. Cornwall called the Board’s attention to the above agenda item. Ms. Davies was present. Ms. Richardson recused herself from the matter and left the Board table. Ms. Brierley summarized Ms. Davies application and education for the Board. Ms. Brierley noted that the Board had previously reviewed the application and found Ms. Davies education not substantially equivalent. Ms. Davies has completed the required course content and minimum hours of education in General and Professional education. Ms. Brierley reported to the Board that the credential evaluation had found evidence of Administration in her course work. Mr. Brown addressed the Board regarding the substantial equivalency requirement. Ms. Davies addressed the Board regarding courses she has taken that address administration and her work history. The Board discussed Ms. Davies education. After review and discussion Dr. Cornwall moved the Board find Ms. Davies education substantially equivalent, waive the supervised clinical practice period, approve Ms. Davies to take the AZLAW examination and be licensed upon receipt of a passing score. Ms. Akers seconded the motion. The motion carried by unanimous vote.

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

Ms. Richardson returned to the Board table.

a) Kasi, Madhuri

Dr. Cornwall called the Board’s attention to the above agenda item. Ms. Brierley provided a summary of the application for the Board. The Board discussed the application. Dr. Cornwall moved the Board find Ms. Kasi’s education substantially equivalent, waive the supervised clinical practice period, approve Ms. Kasi to take the AZLAW examination and be licensed upon receipt of a passing score. Mr. Robbins seconded the motion. The Board entered discussion. Mr. Sieveke noted Ms. Kasi had not worked as a physical therapist in the United States. Mr. Sieveke moved the Board amend the motion to require a supervised clinical practice period. Mr. Robbins seconded the motion to amend the motion by Dr. Cornwall. The motion passed by unanimous vote.

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

Recused						
Abstained						
Absent						

Dr. Cornwall called the vote for the motion as amended. The motion carried by unanimous vote.

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

2) Election of Board Officers for 2011

Dr. Cornwall called the Board's attention to the above agenda item and opened the discussion for motions on Board President. Mr. Sieveke nominated Dr. Cornwall as Board president. Mr. Robbins seconded the nomination. The nomination carried by unanimous vote.

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

Mr. Sieveke nominated Ms. Akers as Board Vice President. Ms. Richardson seconded the nomination. The nomination carried by unanimous vote.

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

Mr. Sieveke nominated Mr. Robbins as Board Secretary. Ms. Akers seconded the nomination. The nomination carried by unanimous vote.

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

4) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

b) Initial Review, Discussion and Action on Complaint

i) Complaint # 10-24; Jason Ball, PT

Dr. Cornwall called the Board's attention to the above agenda item. Mr. Ball was not present. Ms. Donahue provided a summary of the complaint to the Board. The complaint was filed by a former patient of Mr. Ball that alleges that she was injured by Mr. Ball during treatment that was performed on June 18, 2010. She was 62 years old and had a stroke. Mr. Ball was made aware of this by her, the first time they met on June 8,

2010. The time they met with Mr. Ball was on June 18, 2010. Mr. Ball told her to lie face down on the table and Mr. Ball put both his hands around her neck and applied pressure on her left side of her neck for approximately 8 minutes. She let Mr. Ball know that he was hurting her, but he continued to apply pressure. Then he continued in the same manner on the right side of her neck. Again, she let Mr. Ball know that he was hurting her, but he continued to apply pressure. When he was done he told her to get up and stated "he was not going to see me anymore." Her pain level was high 10. Her right hand and arm began to tingle and become numb. She felt light headed and unsteady. She let the front receptionist know that Mr. Ball injured her neck. She left the center. She feels Mr. Ball did not engage in the practice of physical therapy with skill and safety.

Ms. Donahue stated a review of the patient record showed possible violation of regarding inadequate records and demonstrated Mr. Ball failed to change his address with the Board within 30 days. Dr. Cornwall opened the matter for discussion. Hearing no questions from the Board Dr. Cornwall moved the Board forward the complaint against Mr. Ball to Informal Hearing and add possible violation of A.R.S. §32-2042(A), A.R.S. §32-2044(20), A.R.S. §32-2044(14) Principle 2.2 to the original allegations in the complaint. Ms. Richardson seconded the motion. The Board entered discussion. Mr. Sieveke stated that the records seem to demonstrate Mr. Ball provided false information to the Board in that amendments to the patient record occurred after he was notified of the complaint. After review and discussion the Board voted on the motion. The motion carried by unanimous vote.

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

ii) Complaint #10-33; James Putman, PT

Dr. Cornwall called the Board's attention to the above agenda item. Mr. Putman was not present. Ms. Donahue provided a summary of the complaint to the Board. Patient J.L. underwent a Total Knee Replacement for the left LE on June 12, 2008. Following release from the hospital on June 17, 2008 he was sent to La Mesa Rehabilitation and Care Center for continued care. J.L. alleges that the care that he received at La Mesa, June 17, 2008 through June 24, 2008, by Mr. Putnam was substandard for the following reasons:

1. Failing to "instruct me to do any kind of physical therapy".
2. Failing to ensure that his knee was placed in the CPM for 6 hours per day.
3. Physical therapy services were not provided on June 23, 2008 and June 24, 2008.
4. Overdevelopment of scar tissue during his treatment at La Mesa.

Ms. Donahue reported the investigation identified possible violations of law beyond originally noticed to Mr. Putman that included inadequate records. The Board entered discussion. Ms. Akers noted that the patient made claims of not receiving service as he was expected to be discharged but was not discharged as originally planned and he was not treated on all dates billed. Dr. Cornwall inquired if Board staff had attempted to talk to other staff at the facility J.L. was treated at to see if they remember J.L. receiving treatment on each date billed. Ms. Donahue reported she had not contacted the other staff and noted the treatment took place over two years prior.

After review and discussion Dr. Cornwall moved the Board forward the case against Mr. Putman to Informal Hearing and add possible violations of law of A.R.S. §32-2044(13 and 20) to the original allegations in the case. Ms. Richardson seconded the motion. The Board entered discussion. Mr. Sieveke noted that in some cases the records indicate 30 minutes of treatment was provided, but 1 hour was billed. After further discussion, Dr. Cornwall called the motion to a vote. The motion carried by unanimous vote.

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

b) Informal Hearing and Possible Action on Complaint:

i) Complaint #10-39; Gerald Mitchell, PT

Dr. Cornwall called the Board’s attention to the above agenda item. Mr. Mitchell was present telephonically at his request. The Board and staff introduced themselves to Mr. Mitchell. Dr. Cornwall provided a summary of the hearing procedures. Mr. Brown provided a summary of the allegations that Mr. Mitchell:

1. Applied to renew his license to practice physical therapy in Arizona on September 3, 2010 with the application signed on August 16, 2010 and postmarked August 31, 2010.
2. Stated in his renewal application that he was not 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 since last renewing his license to practice physical therapy in Arizona.
3. On September 1, 2010 he signed a Surrender Consent Agreement with the Ohio Occupational Therapy, Physical Therapy and Athletic Trainers Board, which may demonstrate he had knowledge of an investigation by the Ohio Board of Physical Therapy when he renewed his Arizona Physical Therapy license and failed to report the investigation.

Mr. Mitchell provided a statement to the Board. Mr. Mitchell indicated he was not aware of the reporting requirement when he completed his Arizona Renewal Application. In addition, Mr. Mitchell indicated when he completed the application he was not intending to work in Ohio in the future.

Dr. Cornwall opened the matter to questions from the Board. Mr. Sieveke asked Mr. Mitchell if he felt it was necessary to report the investigation to the Board at the time of renewal. Mr. Mitchell stated he did not feel it was the type of investigation that needed to be reported. Mr. Sieveke asked if the investigation was based on a continuing competence audit. Mr. Mitchell stated the continuing competence audit was how the investigation was initiated. Ms. Hunter asked Mr. Mitchell if he was aware that the Ohio matter was not resolved at the time of his application for renewal to Arizona. Ohio matter was not resolved. The Board had no further questions. Dr. Cornwall closed the questioning phase of the hearing. Mr. Mitchell was provided an opportunity to make a closing statement. Mr. Mitchell stated he was planning to retire to Arizona and would like to keep his Arizona license.

The Board entered deliberation. Dr. Cornwall stated he felt Mr. Mitchell clearly knew of the investigation when he completed his Arizona renewal application and did not inform the Board of the investigation. Ms. Versteegen provided a review of the disciplinary options available to the Board. Dr. Cornwall moved the Board adopt allegations 1, 2 and 3 as Findings of Fact. Ms. Akers seconded the motion. After review and discussion the motion carried by unanimous vote.

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

Recused						
Abstained						
Absent						

Dr. Cornwall moved the Board adopt Conclusions of Law that Mr. Mitchell violated. A.R.S. §32-2044(1, 9, 12 and 14) under A.R.S. §32-2044(12) include principles 2.2 and 6.2. Ms. Akers seconded the motion. After review and discussion the motion carried by unanimous vote.

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

Dr. Cornwall moved the Board issue an Order to Mr. Mitchell that he be placed on probation for six months and complete eight hours of continuing education in ethics. The course(s) must first be approved by Board staff and the entire cost of complying with the Board Order is the responsibility of Mr. Mitchell. Ms. Akers seconded the motion. Dr. Cornwall made a roll call vote. The motion carried by unanimous vote.

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

The Board recessed at 10:44 a.m.

The Board reentered Regular Session at 10:55 a.m.

b) Informal Hearing and Possible Action on Complaint:

- i) Complaint # 10-13a; Jennifer Hawkins, PT
- ii) Complaint #10-13b; Jeffrey Moyer, PT

Dr. Cornwall called the Board's attention to the above agenda item. Mr. Cornwall announced that the above agenda items would be heard together. Mr. Moyer and Ms. Hawkins were both present. Patient C.M., the complainant, was present. Dr. Cornwall provided a summary of the hearing procedures. Mr. Brown provided a summary of the allegations against Ms. Hawkins and Mr. Moyer stating that it is alleged that Ms. Hawkins and Mr. Moyer did the following with the exception of allegation 7, which only applicable to Ms. Hawkins.

1. Was the treating physical therapist for patient C.M. from December 2009 thru January of 2010.
2. Billed patient C.M. for services not rendered or not documented as rendered.
3. Billed patient C.M. a higher fee for services rendered than estimated at the time of treatment.
4. Created inaccurate patient records to include daily notes and evaluations.
5. Failed to create and maintain patient records.
6. Failed to ensure assistive personnel made proper notations in patient records after services were provided by assistive personnel.
7. Failed to submit a change of address to the Board within 30 days.

Ms. Hawkins provided an opening statement to the Board. Ms. Hawkins stated she did provide treatment to patient C.M. and her review of the patient record demonstrated that a services billed were provided and documented. While Ms. Hawkins acknowledged some room for improvement in the patient records she stated

the Board's own review and the initial review of the matter demonstrated the services she performed were properly documented and billed. Ms. Hawkins noted C.M. signed the financial agreement with the clinic and the clinic at no time operated outside the financial agreement. Ms. Hawkins stated that the clinic has taken steps to ensure that services provided by assistive personnel are documented in the patient record in a manner that can demonstrate who provided which intervention. Ms. Hawkins stated that when she left her previous employer she thought he updated her address, but was incorrect. Mr. Moyer provided an opening statement that he did treat patient C.M.

Patient C.M. came forward and addressed the Board. C.M. stated he did receive treatment by someone other than Mr. Moyer or Ms. Hawkins. C.M. stated he never consented to treatment by an unlicensed person which some staff in the office that provided care where not physical therapists. C.M. feels he was originally quoted about \$100 per visit, but that after receiving his first bill he saw the charges were far more than quoted and discontinued care.

Dr. Cornwall opened the matter for questions from the Board. The Board reviewed the record and questioned C.M., Mr. Moyer and Ms. Hawkins. The Board reviewed the financial agreements signed by C.M. With no additional questions, Dr. Cornwall opened the matter for closing statements. No party provided a closing statement.

The Board entered deliberations. Ms. Akers noted that the investigation and her review of the records indicated the billing was accurate and that the licensees are self improving on documentation of what duties assistive personnel perform. Ms. Akers did not see a reason for discipline. Dr. Cornwall noted that he felt there could have been better communication with C.M. from the time he signed the estimate of cost after it was known what service would actually be provided so he could see the actual cost of treatment. After further review and discussion, Dr. Cornwall moved the Board dismiss the case against Ms. Hawkins and Mr. Moyer and issue a non-disciplinary advisory letter advising the Board's concerns relating to communication with patients regarding billing of services rendered and estimates of cost prior to initiating treatment, and proper identification of assistive personnel in patient records. The Board requests that he continue his efforts to improve documentation of services provided by assistive personnel and identification of which assistive personnel provided which service in each patient record and on each date of service. Further, the Board requests that he make changes to his operations that ensures patients to understand service cost estimates, and actual service costs as treatment progresses or changes, and for Ms. Hawkins only to ensure that she keep the Board informed of her current address and phone number as required by law. Mr. Sieveke seconded the motion. After review and discussion the motion carried by unanimous vote.

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

b) Initial Review, Discussion and Action on Complaint

iii) Complaint # 10-42; Patricia Dunn, PT

Dr. Cornwall called the Board's attention to the above agenda item. Ms. Dunn was not present. Ms. Donahue provided a summary for the Board. Ms. Dunn was disciplined by the Board with Board Order #09-32 for violation of 32-3044(4) Engaging in the performance of substandard care, 32-3044(12) Failing to adhere to recognized standards of ethics of the physical therapy profession and 32-2044(13) Charging unreasonable or fraudulent fees for services performed or not performed. On April 1, 2010 the Board issued Order 09-32 which required Ms. Dunn to be placed on 6 months' probation and completion of 8 hours of continuing education

specifically related to documentation. Ms. Dunn’s probation expired on October 6, 2010 in which Ms. Dunn failed to complete the CEU requirements of her Order. Complaint 10-42 was opened on October 7, 2010 for violation of a written board Order. Ms. Dunn has since completed her continuing education requirement. Dr. Cornwall opened the matter for discussion. There were no questions. Dr. Cornwall moved the Board dismiss the complaint against Ms. Dunn and issue her a non-disciplinary advisory letter advising the Board’s concerns relating to failure to complete Board Order 09-32 within the specified time period. The Board formally advises her to ensure that all requirements of a Board Order are completed within the mandated timeframe and to use due diligence to comply with all Board Orders. Mr. Robbins seconded the motion. The motion carried by unanimous vote.

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

iv) Complaint #10-47; Kathi Layne, PT

Dr. Cornwall called the Board’s attention to the above agenda item. Ms. Layne was not present. Ms. Donahue provided a summary for the Board. Notification of an Adverse Action Initial Report was filed against Ms. Layne by the Oregon Physical Therapist Licensing Board on October 5, 2010 for failure to complete the mandatory one hour, online pain management course offered by the Oregon Pain Commission, within the time period of January 1, 2006 through March 31, 2010 as required by law. The Board entered discussion. Mr. Sieveke moved the Board dismiss the complaint against Ms. Layne. Ms. Richardson seconded the motion. After review and discussion the motion carried by unanimous vote.

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

v) Complaint #10-57; William Adelman, PT

Dr. Cornwall called the Board’s attention to the above agenda item. Mr. Adelman was not present. Mr. Sieveke disclosed that he knows Mr. Adelman, but stated that his judgment is in no way biased and he can hear the matter. Ms. Donahue provided a summary to the Board. Mr. Adelman, P.T., renewed his license on-line on July 29, 2010 in which, by default of the on-line renewal, he affirmed that he had meet the continuing compliance requirements for the 2008-2010 compliance period. Mr. Adelman was randomly selected for audit of his compliance. In review of Mr. Adelman’s response to the audit it was determined that he failed to meet the requirements with only 11 hours of CEU’s reported within the compliance period. Mr. Adelman is now compliant with requirements. The Board entered discussion. Dr. Cornwall moved the Board dismiss the complaint against Mr. Adelman and issue a non-disciplinary advisory to advise Mr. Adelman the Board’s concerns relating to his failure demonstrate compliance with the continuing competency requirements for the 2008-2010 compliance period. The Board formally advises him to be more efficient in his tracking of his continuing competence hours in order to ensure that all submitted hours are completed within the compliance period. The Board also reminds him that the continuing competence hours submitted to ensure his compliance with the 2008-2010 compliance period, cannot be utilized to demonstrate competency for the 2010-2012 compliance period. Mr. Sieveke seconded the motion. After review and discussion the motion carried by unanimous vote.

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

vi) Complaint #10-59; Jennifer Lowry, PTA

Dr. Cornwall called the Board’s attention to the above agenda item. Ms. Lowry was not present. Ms. Richardson disclosed she knows Ms. Lowry but has no bias and is able to hear the matter. Ms. Donahue provided a summary for the Board. Ms. Lowry renewed her certificate on-line and thus answered “no” 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?” and 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?”. Ms. Lowry was arrested, and subsequently convicted of, an extreme DUI on August , 2009. Ms. Lowry self reported on November 29, 2010 after prompting from a co-worker.

Carolyn Matthews, PT came forward and addressed the Board. Ms. Matthews stated she was the coworker that pressured Ms. Lowry to report the charge to the Board. Ms. Matthews is Ms. Lowry’s supervisor. Dr. Cornwall opened the matter for discussion. Dr. Cornwall noted he felt it was clear that Ms. Lowry knew the reporting requirement and failed to report at renewal or within ten days of the charge and did so only because a co-worker indicated she would report her if she did not self report. Dr. Cornwall moved the Board forward the complaint to an Informal Hearing and add possible violations of law of A.R.S. §32-2044(3, 14, and 12 Principal 2.2) to the allegations originally noticed to Ms. Lowry. Mr. Robbins seconded the motion. After review and discussion the motion carried by unanimous vote.

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

vii) Complaint #10-67; Kelly Rutt, PT

Dr. Cornwall called the Board’s attention to the above agenda item. Ms. Rutt was not present. Ms. Donahue provided a summary to the Board. Ms. Rutt failed to respond to her Notification of Audit prior in the required time period. Ms. Rutt was required to respond by November 29, 2010 and response was postmarked on January 6, 2010 following Notification of Complaint for non- response to the audit request. She is now in compliance with her continuing competence requirements. Ms. Akers moved the Board dismiss the complaint against Ms. Rutt and issue a non-disciplinary advisory letter advising the Board’s concerns relate to her failure to respond to the Board Continuing Education Audit. The Board formally advises her to provide to the Board an address in which she can reasonably receive Board correspondence in a timely manner. The Board also recommends that she checks her received mail periodically at the address she has indicated. This will ensure that the Board is able to contact her regarding all Board business in a timely manner. Mr. Robbins seconded the motion. Following review and discussion the motion passed with a vote of 4 ayes and 2 nay votes.

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

viii) Complaint #10-71; Margaret Kane, PT

Dr. Cornwall called the Board’s attention to the above agenda item. Ms. Kane was not present. Ms. Donahue provided a summary of the complaint to the Board. Ms. Kane responded to her Notice of Continuing Competence Compliance on December 7, 2010. Ms. Kane was required to respond by November 16, 2010. Ms. Kane was found to be in compliance with CEU’s for the 2008-2010 compliance period. Mr. Sieveke moved the Board dismiss the complaint against Ms. Kane and issue a non-disciplinary advisory letter advising Ms. Kane to ensure she timely responds to Board requests for information to include continuing competence activities and ensure any change in contact information is reported within 30 days. Dr. Cornwall seconded the motion. After review and discussion the motion carried by unanimous vote.

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

ix) Complaint #10-74; Barbara Feth, PT

Dr. Cornwall called the Board’s attention to the above agenda item. Ms. Feth was not present. Ms. Donahue provided a summary of the complaint for the Board’s review. Ms. Feth failed to respond to her Notification of Audit prior within the required time period. Ms. Feth was required to respond by November 15, 2010 and response was postmarked on November 22, 2010. Ms. Feth was found compliant with her continuing competence activities after her audit. Ms. Richardson moved the Board dismiss the complaint against Ms. Feth and issue a non-disciplinary advisory letter advising Ms. Feth the Board’s concerns relate to her failure to timely respond to the Board’s Continuing Competency Audit. The Board formally advises her to respond in a timely manner to all board Orders. Mr. Robbins seconded the motion. After review and discussion the motion carried by unanimous vote.

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

x) Complaint #10-75; Gerald Foigelman, PT

Dr. Cornwall called the Board’s attention to the above agenda item. Mr. Foigelman was not present. Ms. Donahue provided a summary for the Board. Mr. Foigelman responded to his notice of audit within the appropriate time frame. In review of his continuing competence audit reporting form, it was identified that 12 hours submitted were completed outside of the competency period (September 2010). Mr. Foigelman indicated on his renewal application submitted August 6, 2010 that he had completed his continuing competence activities, but the audit of his continuing competence demonstrates his application contained false information. The Board discussed Mr. Foigelman’s false information on his application. Dr. Cornwall moved the Board forward the complaint against Mr. Foigelman to Informal Hearing and offer Mr. Foigelman a Consent Agreement for an Order of Censure. Mr. Foigelman has 20 days from the receipt of the offer to accept or the complaint is forwarded to Informal Hearing. Mr. Robbins seconded the motion. After review and discussion the motion carried by unanimous vote.

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

5) CONSENT AGENDA: REVIEW, CONSIDERATION and ACTION

b) Applications for Licensure and Certification

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

Buck, Dustin	Crececius, Cory	Kane, Eileen
Mays, Whitney	Merlo, Angela	Ng, Jimsom
Rigney, Colin	Romkey, Duke	Sherpa, Alla
Svensen, Candace		

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

Keller, Janell	Kerver, Jill	Koester, Paula
LeClair, Kirstin	Manion, Regina	Pankratz, Matthew
Ray, Danielle	Schick, Jeremy	Stevens, Suzanne

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. Ms. Richardson noted that one applicant had failed an examination five times before passing and inquired if there was a limit to the number of attempts. Mr. Brown reported that there is no limit to the number of attempts a person may make on any exam in Arizona. Dr. Cornwall moved the Board approve the Consent Agenda and approve issuing licenses and certificates to the noted applicants. Ms. Akers seconded the motion. The motion carried by unanimous vote.

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

Consent Agenda Ends

6) Review, Consideration and Action on Applications for Licensure and Certification

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) Mirarchi, Eric

Dr. Cornwall called the Board’s attention to the above agenda item. Mr. Mirarchi was not present. Ms. Brierley reported that Mr. Mirarchi failed to disclose on his application that he was denied licensure in Indiana

for failing to take and pass the NPTE examination prior to the expiration of a temporary license. The Board discussed Mr. Mirarchi's denial. Dr. Cornwall moved the Board deny Mr. Mirarchi's application for licensure on the grounds he provided false information on his application. Ms. Akers seconded the motion. After review and discussion the motion failed by 1 aye vote and 5 nay votes.

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

The Board continued the discussion. Mr. Sieveke moved the Board table the application until the Board's Regular Session Meeting in March to allow Indiana time to rule on Mr. Mirarchi's appeal to his license denial. Ms. Richardson seconded the motion. The motion carried by unanimous vote.

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

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

Dr. Cornwall called the Board's attention to the above agenda item. Ms. Brierley noted Mr. Cerie disclosed a previous arrest on his application for certification and that the charges were dismissed. The Board discussed the arrest. Ms. Richardson moved the Board approve Mr. Cerie to take the NPTE and AZLAW examinations and become certified after receipt of passing scores. Mr. Robbins seconded the motion. After review and discussion the motion carried by unanimous vote.

- (b) Garay, Alexander

Dr. Cornwall called the Board's attention to the above agenda item. Ms. Brierley noted Mr. Garay disclosed a previous misdemeanor conviction on his application for certification. The Board discussed Mr. Garay's disclosure and compliance with his sentencing requirements. Dr. Cornwall moved the Board approve Mr. Garay to take the NPTE and AZLAW examinations and become certified after receipt of passing scores. Ms. Akers seconded the motion. After review and discussion the motion carried by unanimous vote.

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

- (c) Nines, Vanessa

Dr. Cornwall called the Board's attention to the above agenda item. Ms. Brierley noted Ms. Nines disclosed a previous misdemeanor conviction on her application for certification. The Board discussed Ms. Nines disclosure and compliance with her sentencing requirements. Dr. Cornwall moved the Board approve Ms.

Nines to take the NPTE and AZLAW examinations and become certified after receipt of passing scores. Ms. Akers seconded the motion. After review and discussion the motion carried by unanimous vote.

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

(d) Miranda, Christine

Dr. Cornwall called the Board’s attention to the above agenda item. Ms. Brierley noted Ms. Miranda’s disclosed a previous misdemeanor conviction on her application for certification. The Board discussed Ms. Miranda’s disclosure and compliance with her sentencing requirements. Dr. Cornwall moved the Board approve Ms. Miranda to take the NPTE and AZLAW examinations and become certified after receipt of passing scores. Ms. Akers seconded the motion. After review and discussion the motion carried by unanimous vote.

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

The Board Recessed at 11:45 a.m.

The Board reentered Regular Session at 11:50 a.m.

7) BOARD BUSINESS AND REPORTS

a) Executive Director’s Report – Discussion and Possible Action

- i) Financial Report- Mr. Brown summarized the written report to the Board. Mr. Brown noted that based on his calculations of the effect of the Executive Budget plan for Fiscal Year 2012 and the fund transfers in Fiscal Year 2011, the Board fund would be completely depleted by June 2013 and not recover for at least one month. Mr. Brown noted that he had communicated the problem to all involved parties. The primary cause of the funding deficiency is the miscalculation of revenues in Fiscal Year 2012 by over \$100,000 in the Executive Budget Plan and the fund transfers of over \$240,000 in Fiscal Year 2011. The Board instructed Mr. Brown to continue to try and communicate the budget problems with members of the Executive and legislative Branch’s
- ii) Board Staff Activities- Mr. Brown summarized the written report.
- iii) Legislation- Mr. Brown summarized the written report and noted the progress of HB 2194.
- iv) Rule Activity- Mr. Brown summarized the written report and noted that on January 24, 2011 he received acknowledgement from the Governor’s Office that the requirement for an exception to the Rule Making Moratorium had been received.
- v) FSBPT- Mr. Brown summarized the written report.

b) Discussion of AZLAW Examination Security

Dr. Cornwall called the Board’s attention to the above agenda item. Mr. Brown reported that there had been a change in the security measures provide by Prometric, the testing company used by FSBPT to administer the AZLAW examination. Mr. Brown reported that there are only two categories to select from and that the Board is currently using the standard security protocols. The cost for Premium protocols would increase the cost of the examination and would require the Board to increase the security measures. After review and discussion the Board took no action and allowed current security protocols to remain in place.

2) CALL TO THE PUBLIC

No person came forward to address the Board.

ADJOURNMENT

The meeting adjourned at approximately 12:19 p.m.

Prepared by,

Charles D. Brown
Executive Director

Approved by,

Randy Robbins
Secretary