



ARIZONA STATE BOARD OF PHYSICAL THERAPY
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REGULAR SESSION MEETING MINUTES
February 22, 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

MEMBERS ABSENT: Peggy Hunter, P.T.A., Member

OTHERS PRESENT IN PERSON: Charles D. Brown, Executive Director
Paula Brierley, Licensing Administrator
Karen Donahue, Investigator
Keely Verstegen, Assistant Attorney General
James Barton, II; Assistant Attorney General

CALL TO ORDER – 8:38 a.m.

Dr. Cornwall called the meeting to order at 8:38 a.m.

- 1) Review and Approval of Draft Minutes
 - a) January 25, 2011; Regular 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. Mr. Sieveke 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			

2) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

- a) Formal Hearings and Possible Action
 - i) Request for Rehearing;
 - (1) Case #09A-09-31A-PTE; Mandy Aldous
 - (2) Case #09A-09-31B-PTE; James Coleman

Dr. Cornwall called the Board's attention to the above agenda items. James Barton, Assistant Attorney General was present to provide legal advice to the Board. Dr. Cornwall moved the Board enter Executive Session to seek legal advice. Mr. Sieveke 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			

The Board entered Executive Session at 8:40 a.m.

The Board reentered Regular Session at 8:50 a.m.

Dr. Cornwall called the Board's attention to the above agenda item and Dr. Cornwall announced each party would be allowed 10 minutes to address the Board regarding the Request for Rehearing. Scott Gibson for Mandy Aldous came forward to address the Board. Ms. Aldous was not present. Mr. Gibson stated he would not reiterate all points in his motion. Mr. Gibson discussed an issue of deference. He stated the State says the Board does not need to default to Administrative Law Judge (ALJ). The Board must give greater weight to ALJ. Mr. Gibson stated the ALJ has stated the creditable probative evidence supports a position and ALJ decisions cannot be overcome without substantial objective evidence. Further, the Board changes distorted testimony of patients. According to Mr. Gibson the State claims Respondents want a do over in testimony. However, he patients testified clearly and Board findings do not support the testimony. The patient affidavits presented use different language because it was the patients' own words. Mr. Gibson claims the investigation was guided by a saboteur former employee. The patients feel their testimony does not support Board findings. In addition, Mr. Gibson claims, there is no evidence of fraudulent billing. He stated Ms. Donahue testified spending up to 500 hours on the investigation and could find only a few common minor billing errors. Mr. Gibson asked at a minimum the Board stagger suspensions of Mr. Coleman and Ms. Aldous to allow Ms. Aldous to serve her suspension while on maternity leave and not force the Respondents to report the billing matters to the insurance industry.

Bradley Weech came forward to address the Board on the behalf of James Coleman. Mr. Coleman was present. Mr. Weech stated he would like to adopt Mr. Gibson's statements. Mr. Weech stated he would like to discuss what the Board can do vs. what the Board should do. Mr. Coleman is an employee of Ms. Aldous. Within the justice system there are safeguards to balance justice. The rules of procedure are there for protection. The rules of evidence and procedure are set aside for hearing and every opportunity was given to present the case. The ALJ painted a picture of what she found and the Board changed that picture. Deference at the court of appeals is given to the adjudicator of the case. These cases would not have been tried together at the Superior Court. Do you treat the employee the same as the employer. Right or wrong he did not have control or knowledge. The ALJ hears cases every day and has no dog in the fight. She did not have to issue a 40 page decision, but she did. Mr. Weech states that arguments have been made about what the Board can do; however, incorrect application of the law applies to the ALJ and Board. Mr. Weech stated the findings of fact are wrong. Mr. Weech stated James Coleman is the father of three children. He is following his father's footsteps and patients stated they are better because of Mr. Coleman or Ms. Aldous. Deference is an issue and the Board should consider what should be done rather than what it can do.

Ms. Verstegen addressed the Board on behalf of the State. Ms. Verstegen stated that with respect to the Superior Court and Appeals Court they all have different decisions to make. The ALJ made recommendation and the Board can change Findings of Fact if it is supported by the record. Ms. Verstegen stated the Board is not limited to the ALJ findings. Ms. Verstegen stated she does not feel the motion by the Respondents meets the criteria for rehearing or review.

Dr. Cornwall summarized that the motion is for rehearing. Dr. Cornwall moved the Board end public comment. 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			

The Board entered discussion. Ms. Akers stated that her review of the materials presented does not alter her view of the Findings of Fact or Order issued by the Board and that she is inclined to deny the motion. Ms. Richardson stated that in review of the ALJ decision the Board was careful in review and very thorough. Ms. Richardson does not feel she will discover anything additional in a rehearing. Mr. Robbins stated nothing in motion changes what he found in his review of the case, but rather supported the issued findings. Dr. Cornwall asked if any Board member would consider changing the parameters of the suspensions in the Board Order. Mr. Sieveke stated the ALJ had no dog in the fight and as a Board we have no dog in fight other than public protection. Mr. Sieveke stated he felt the evidence provided by Respondents in the motion for rehearing confirmed the appropriateness of the Order. Mr. Sieveke stated he is willing to stagger the suspensions.

Dr. Cornwall moved the Board deny respondents motion for rehearing and amend the Board Order to stagger the suspensions of Mr. Coleman and Ms Aldous with Ms. Aldous' suspension beginning after Mr. Coleman's suspension in completed. Ms. Akers seconded the motion. After review and discussion the Board voted by 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
Nay						
Recused						
Abstained						
Absent			X			

b) Informal Hearing and Possible Action on Complaint:
i) Complaint #10-31; Jeffrey Petersen

Dr. Cornwall called the Board's attention to the above agenda item. Mr. Petersen was present and represented by his legal counsel Dennis Wilenchek. Ms. Akers recused herself from the case and left the Board room. The Board introduced themselves. Mr. Brown provided a summary of the allegations against Mr. Petersen. Based on the investigation by Board staff and the Board's Initial Review of this complaint it is alleged that Mr. Petersen:

1. Made false representations to the public by advertising another physical therapists name (Lisa Akers, PT) in his clinic sign and the exterior of his building after the physical therapist was no longer employed or associated with the clinic.
2. Failed to remove or alter a business sign indicating a physical therapists association with the clinic when requested by the physical therapist and did not alter the sign until after receipt of a Board complaint.
3. Provided untrue, false or misleading information to the public and his patients.

Dr. Cornwall asked if Mr. Petersen would like to make an opening statement. Mr. Wilenchik came forward and stated he was appalled by the complaint since he formerly served on this Board. It is sad when this complaint must be heard by the Board. This is a minor or insignificant issue which could have been resolved

with a phone call from someone at the Board. Mr. Wilenchik stated the sign questioned in Ms. Akers complaint was not changed immediately after Ms. Akers resigned because Mr. Petersen had an arrangement with Ms. Akers and when she left the company the company was not was not in a financial position to change the sign. There was a cost issue with changing the sign. Mr. Petersen offered to allow her to pay for changing the sign, but Ms. Akers refused. Mr. Wilenchik stated that if someone felt misled and did come to the clinic they would have been informed Ms. Akers was no longer part of the organization. Mr. Petersen did pay to change the sign after Ms. Akers filed the complaint with the Board. Mr. Wilenchik stated he felt the Board would not have heard this complaint if Ms. Akers was not on the Board.

Dr. Cornwall opened the matter for questions from the Board. Mr. Sieveke asked Mr. Petersen if the conversation Ms. Akers and he had regarding the changing of the sign was only at the time of her resignation and departure. Mr. Petersen stated it was the only communication regarding the changing of the sign and that Ms. Akers did not mention it to his office manager even though they have seen each other on multiple occasions since Ms. Akers left the practice. Mr. Petersen said he had other priorities and the practice had financial problems. The original estimate to change the sign was \$1,000. With no further questions being asked Dr. Cornwall closed the questioning phase of the hearing. Dr. Cornwall asked if Mr. Petersen would like to make a closing statement. Mr. Petersen said he was sad that they are here; it has taken time to respond to the complaint and cost him money to defend himself. Mr. Petersen stated he felt the investigation and hearing has been punishment enough.

The Board entered discussion on the matter. Mr. Sieveke moved the Board to dismiss the complaint against Mr. Petersen as the matter has been resolved. Dr. Cornwall seconded the motion. The Board entered discussion. After review and discussion Dr. Cornwall called the motion to a vote. The motion carried by unanimous vote of the members present.

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

Ms. Akers returned to the Board table.

ii) Complaint #10-45; Linda Kammerer

Dr. Cornwall called the Board's attention to the above agenda item. Ms. Kammerer was present and was not represented by legal counsel. The Board introduced themselves. Mr. Brown provided a summary of the allegations. Based on the investigation by Board staff and the Board's Initial Review of this complaint it is alleged that Ms. Kammerer:

1. Had two separate patients complain that she smelled of alcohol while providing treatment on October 11 and 12, 2010.
2. Tested positive for alcohol on October 19, 2010 at 4:57 pm after her employer requested she submit to an alcohol test. She practiced physical therapy by treating patients on October 19, 2010 until she left work at 3:45 pm.
3. Have treated patients while under the influence of alcohol.
4. Violated the standards of ethics of a physical therapist.

Dr. Cornwall asked Ms. Kammerer if she would like to make an opening statement. Ms. Kammerer stated that she would like to address the timeline in the investigative report. Ms. Kammerer noted the first patient that complained of the smell of Alcohol was treated October 11, 2010, but did not complain of the smell

on that day. She complained of aggressive care. It was the following day when she reported the smell of alcohol. The second patient that reported on October 12, 2010 stated the smell was there but that Ms. Kammerer was acting properly and had no issue with care. Ms. Kammerer feels that the smell was because of consuming alcohol the night before and not eating breakfast. On October 19, 2010 which was 7 days after last complaint of the smell of alcohol she left work at 3:40 p.m. not 3:45 p.m. Her time sheet requires reporting by the 1/4 hour. Ms. Kammerer states the alcohol testing was done one hour and 20 minutes after she left work. She stated she had a glass of wine after work and used mouth wash that contained alcohol. Ms. Kammerer stated that she had a previous complaint of the smell of alcohol while practicing 7 years earlier, but she believed that was because of a perfume she was using at the time. She stated none of the complaints are in regard to her administration of therapy or allegations of substandard care. She admits she consumed alcohol before the test but after leaving work. Ms. Kammerer noted the facility she was assigned too did not complain of her work or her care of patients. She has addressed her nightly habit of drinking wine to address her neck spasms by eliminating the alcohol and using massage. She would like to resolve this matter and seek employment.

Dr. Cornwall opened the matter for questions by the Board. Ms. Richardson asked Ms. Kammerer if when she was called on October 19th was an option provided to test or not. Ms. Kammerer stated no option was provided and she felt if she did not go she would have been subject to discipline. Ms. Akers asked if the 2004 alcohol issue was because of her nightly habit. Ms. Kammerer stated it was not and that she was a smoker at the time and used perfume to mask the smell. She feels the perfume smell was mistaken for alcohol. Mr. Sieveke asked Ms. Kammerer when she changed her nightly habit of consumption. Ms. Kammerer stated she made changes that night after taking the test on October 19th. Ms. Akers and Dr. Cornwall inquired if Ms. Kammerer had ever had a drinking problem or been asked to undergo counseling related to her alcohol use. Ms. Kammerer stated that she has never had a drinking problem or undergone counseling. Mr. Sieveke noted that the investigation included an interview with the testing laboratory physician which stated the claimed consumption of alcohol would not have produced the test results recorded. Ms. Kammerer stated he was not aware of the mouth wash that contained over 21% alcohol. Dr. Cornwall closed the questioning phase of the hearing. Horst Kammerer came forward and provided comment to the Board. Ms. Kammerer provided no closing statement.

The Board entered deliberation on the matter. Mr. Robbins moved the Board enter Executive Session. 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			

The Board entered Executive Session at 10:16 a.m.
The Board reentered Regular Session at 10:21 a.m.

Mr. Robbins commented that .02 on a breathalyzer test isn't anything to worry about. Ms. Richardson stated she felt the result is not significant. Dr. Cornwall stated he agreed, but he was still concerned about the problem. Ms. Richardson stated concern because of the two separate reports and noted it is not uncommon for a patient not to complain directly to their caregiver. Ms. Akers stated there is a pattern as Ms. Kammerer admitted, but she now claims she does not drink nightly. Dr. Cornwall moved the Board dismiss the complaint against Ms. Kammerer and issue a non-disciplinary advisory letter advising Ms. Kammerer that while there was no evidence of working while impaired, the multiple complaints of the smell of alcohol are concerning and that she do all that is necessary to prevent the ability of such accusations from coming forward in the future. 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
Nay						
Recused						
Abstained						
Absent			X			

The Board recessed at 10:25 a.m.

The Board returned to Regular Session at 10:31 a.m.

- c) Initial Review, Discussion and Action on Complaint
 - i) Complaint #10-21; Travis Browne

Dr. Cornwall called the Board’s attention to the above agenda item. Mr. Browne was not present. Patient E.E. was present. Ms. Donahue provided a summary of the allegations to the Board. Patient E.E. states that prior to being evaluated a hot pack was placed on her neck by a technician. As the evaluation by Mr. Browne began she reported her pain level and Mr. Browne indicated that he would not record her pain level as she reported. Mr. Browne did not perform an evaluation prior to determination that he would not provide treatment to E.E. E.E. came forward and addressed the Board. E.E. stated she is a clinical social worker and has an understanding of behavior. She stated Mr. Browne was argumentative and unprofessional. He refused to call her doctor when her pain level did not match the doctor’s referral. Mr. Browne refused to record her pain level as she reported. Mr. Browne asked her to leave for refusing treatment. E.E. stated she did not refuse treatment. Dr. Cornwall asked E.E. to what extent she was examined. E.E. stated there was no exam.

Dr. Cornwall ended public commenting of the matter. The Board entered discussion. Dr. Cornwall moved the Board forward this matter to an informal hearing. Mr. Sieveke 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			

Dr. Cornwall moved the Board add violations of A.R.S. §32-2044(13, 14) and 32-2042(A) to the allegations in the complaint. 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
Nay						
Recused						
Abstained						
Absent			X			

- ii) Complaint #10-52; Denise Labriola

Dr. Cornwall called the Board’s attention to the above agenda item. Ms. Labriola was present and was not represented by legal counsel. Ms. Donahue provided a summary of the allegations to the Board. The complaint was filed by the registered nurse of patient C.R. Ms. Cress in her complaint alleges that Ms. Labriola has failed to provide onsite treatment and visits for patient C.R., a 3-year-old male child with Down Syndrome, Congenital Cardiac Anomaly and Asthma who since July 2007 has been receiving weekly physical therapy services. Ms. Cress reports that “the last documented onsite visit made by Denis Labriola was on 4/24/2009”.

Ms. Cress alleges that Ms. Labriola set” unrealistic goals for skipping- knowing that the average child does not learn to skip until they are 5-7 years old.”

Ms. Labriola came forward to address the Board. Ms. Labriola stated the case was not filed by the parents of the patient. Ms. Labriola stated she feels she has properly supervised the treatment of patient C.R. and that while the record keeping may have had issues they were already being addressed.

Dr. Cornwall moved the Board enter Executive Session in order to seek legal advice. 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
Nay						
Recused						
Abstained						
Absent			X			

The Board entered Executive Session at 10:47 a.m.

The Board reentered Regular Session at 10:49 a.m.

Dr. Cornwall opened the matter to questions. Mr. Brown asked Ms. Labriola if she could elaborate on her written response about the laws regarding general supervision changing in 2009. Ms. Labriola stated that she heard or read the laws changed in 2009 and that she was no longer required to see a patient being treated under general supervision on every fourth visit. She claimed she called the Board office and confirmed the change in the law and that she could just meet with her supervised PTA’s every month to cover her supervision requirements. Ms. Labriola stated she changed this practice because her visit with the patient took away one of the four visits her patients get each month. Mr. Brown noted that Ms. Labriola made her change and alleged Board contact around July 9, 2009. Mr. Brown stated that at that time Ms. Donahue was only employed at the Board office for one week and was not taking questions regarding the application of the law. Mr. Brown stated he was the only person in the Board office answering the type of questions Ms. Labriola described and noted that the he has never told anyone that they are not required to perform the mandatory fourth treatment reevaluation and treatment when working with general supervision and that there was no such law change in 2009.

Dr. Cornwall ended the questioning phase of the review after hearing no further questions. The Board entered discussion. Dr. Cornwall moved the Board forward the complaint to Informal Hearing. Mr. Robbins seconded the motion. The Board discussed the motion. Mr. Sieveke and Ms. Akers noted concern over the supervision violations and other allegations identified in the investigation and thought the Board may need to consider a Formal Hearing. Ms. Richardson noted the practices Ms. Labriola described needed to change immediately. Dr. Cornwall called the vote. The motion failed with five nay votes.

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

Mr. Sieveke moved the Board forward the complaint to a Formal Hearing to be heard before the Board. 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						
Nay						
Recused						
Abstained						
Absent						

Aye	X	X		X	X	X
Nay						
Recused						
Abstained						
Absent			X			

Dr. Cornwall moved the Board add all additional allegations listed in the investigative report to the original allegations in the complaint. 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
Nay						
Recused						
Abstained						
Absent			X			

Dr. Cornwall instructed Board staff to open complaints against the other identified physical therapist and physical therapist assistants listed in the investigative report. In addition, Dr. Cornwall instructed Board staff to file a complaint against Amy Gallagher, OT with the Board of Occupational Therapy Examiners.

iii) Complaint #10-53; Lori Miles

Dr. Cornwall called the Board's attention to the above agenda item. Ms. Miles was not present. Ms. Donahue provided a summary of the allegations to the Board. These allegations include the same information provided in the previous Board complaint #10-52. Ms. Miles is the physical therapist assistant working under the general supervision of Ms. Labriola. The Board entered discussion. Mr. Sieveke moved the Board forward the complaint against Ms. Miles to a Formal Hearing. 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
Nay						
Recused						
Abstained						
Absent			X			

Mr. Sieveke moved the Board add all additional allegations listed in the investigative report to the original allegations in the complaint. 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
Nay						
Recused						
Abstained						
Absent			X			

iv) Complaint #10-61; John Antoni

Dr. Cornwall called the Board's attention to the above agenda item. Mr. Antoni was not present. Ms. Donahue provided a summary of the allegations to the Board. Mr. Antoni failed to respond to his Notification of Audit within the required time period. Mr. Antoni was required to respond by November 28, 2010. His response

was received on December 14, 2010. Dr. Cornwall moved the Board dismiss the complaint against Mr. Antoni and issue a non-disciplinary advisory letter advising him to ensure timely response to all Board correspondence and Board Orders. 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
Nay						
Recused						
Abstained						
Absent			X			

v) Complaint #10-63; Lori Falkel

Dr. Cornwall called the Board's attention to the above agenda item. Ms. Falkel was not present. Ms. Donahue provided a summary of the allegations to the Board. Dr. Cornwall moved the Board dismiss the complaint against Ms. Falkel and issue a non-disciplinary advisory letter advising her to ensure timely response to all Board correspondence and Board Orders. 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
Nay						
Recused						
Abstained						
Absent			X			

vi) Complaint #10-68; Emmerson Salamat

Dr. Cornwall called the Board's attention to the above agenda item. Mr. Salamat was not present. Ms. Donahue provided a summary to the Board. Mr. Salamat received his notification for audit of his continuing competencies for the 2008-2010 compliance period on October 22, 2010. He was required to submit a response to the audit by November 22, 2010. Mr. Salamat responded to the Board request for Audit on January 10, 2011. Mr. Salamat was found in non-compliance with a deficiency of 15 hours (10 hour deficient in category A). In addition, the investigation noted that Mr. Salamat had been audited in the previous compliance period and found to have not completed his continuing competence activities; therefore, Mr. Salamat has had issues of claiming compliance, but not having completed required activities for compliance for two consecutive compliance periods Mr. Sieveke moved the Board forward the complaint to Informal Hearing. No Board member provided a second. Dr. Cornwall moved the Board forward the complaint to Formal Hearing and adding allegations of violating A.R.S. §32-2044(1 and 24) and A.A.C. R4-24-401. Ms. Akers seconded the complaint. 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
Nay						
Recused						
Abstained						
Absent			X			

vii) Complaint #10-72; Nicole Saltzman

Dr. Cornwall called the Board's attention to the above agenda item. Ms. Saltzman was not present. Ms. Donahue provided a summary to the Board. Ms. Saltzman failed to submit her response to the Notification of Continuing Competency Audit within required time period. Ms. Saltzman was required to respond by

November 18, 2010 and the Board office received her materials postmarked on December 7, 2010. Mr. Sieveke moved the Board dismiss the complaint against Ms. Saltzman and issue a non-disciplinary advisory letter advising her to ensure timely response to all Board correspondence and 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
Nay						
Recused						
Abstained						
Absent			X			

viii) Complaint #11-01; Betty Irwin

Dr. Cornwall called the Board's attention to the above agenda item. Ms. Irwin was not present. Ms. Donahue provided a summary to the Board. Ms. Irwin failed to respond to her Notification of Audit within the required time period. Ms. Irwin was required to respond by January 6, 2011 and no response was received until after the complaint 11-01 was received. Ms. Akers moved the Board dismiss the complaint against Ms. Irwin and issue a non-disciplinary advisory letter advising her to ensure timely response to all Board correspondence and 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
Nay						
Recused						
Abstained						
Absent			X			

ix) Complaint #11-04; Richard Rapier

Dr. Cornwall called the Board's attention to the above agenda item. Mr. Rapier was present. Ms. Donahue provided a summary to the Board. Mr. Rapier failed to respond to her Notification of Audit within the required time period. Mr. Rapier was required to respond by December 16, 2010 and no response was received until after the complaint 11-04 was received. Mr. Rapier addressed the Board and stated he cannot explain why he did not receive the notice of audit, but once the complaint notice was received he provided documentation of his compliance with the continuing competency requirements the next day. Ms. Donahue confirmed Mr. Rapier's statement. Dr. Cornwall moved the Board dismiss the complaint against Mr. Rapier. 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
Nay						
Recused						
Abstained						
Absent			X			

d) Review, Discussion, and Action on Board Order

i) William Sifling

Dr. Cornwall called the Board's attention to the above agenda item. Mr. Sifling was not present. Mr. Brown reported that Mr. Sifling is on probation under a consent agreement for substance abuse monitoring. Mr. Sifling left Mr. Brown a voice message on January 25, 2011 that he was removing himself from the substance abuse monitoring and

counseling as he was leaving the state to look for work in Florida or California. Mr. Sifling stated he was unable to locate work as a physical therapist since the Board reinstated his license in November. Mr. Brown reported that Mr. Sifling has a stayed revocation of his license in the consent agreement and that the Board can consider lifting the stay at a future meeting if Mr. Sifling is provided notice of the time and place. Dr. Cornwall moved the Board notice Mr. Sifling of the time and place of when the Board will consider lifting the stay of revocation of his license to practice physical therapy. 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
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

Duncan, Lana	Fandry, Keith	Hagerty, Nichole
Henningsen, Beth	Jorgensen, Jon	Kaminska, Michael
Rhein, Kirk	Sanfelippo, Cristin	Stromsmoe, Rachel

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

Arthur, Kiera	Brunner, Karen	Dillenbeck, Pamela
Leach, Jennifer	Maury, Holly	Muro, Marisha
Verbanatz, Kimberly	Zins, Nicole	

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. Hearing no objections 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
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) Review of Education, Approval to take the AZLAW (Jurisprudence) Exam, Determination of Supervised Clinical Practice Period (SCPP), and Possible Licensure.

(a) Mörk, Jan

Dr. Cornwall called the Board attention to the above agenda item. Dr. Cornwall reported that the applicants education is equivalent, but does not met criteria for waiving the SCPP. Dr. Cornwall moved the Board find the applicants education substantially equivalent, approve the applicant to take the NPTE and AZLAW examinations, require the applicant to complete a SCPP and come before the Board upon receipt of passing scores and completion of the SCPP. 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
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) Kudron, Matthew

Dr. Cornwall called the Board’s attention to the above agenda item. Mr. Kurdon was present and was willing to answer questions. Dr. Cornwall reviewed Mr. Kudron’s disclosure on his Good Moral Character questions. Dr. Cornwall moved the Board approve Mr. Kurdon to take the AZLAW and be licensed upon receipt of a passing score. 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
Nay						
Recused						
Abstained						
Absent			X			

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

Dr. Cornwall called the Board’s attention to the above agenda item. Ms. Jimenez was not present. Dr. Cornwall reviewed Ms. Jimenez’s disclosure on her Good Moral Character questions. Dr. Cornwall moved the Board approve Ms. Jimenez to take the NPTE and AZLAW examinations and be certified upon receipt of passing scores. 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
Nay						
Recused						
Abstained						
Absent			X			

- c) Review of and Possible Action on Application for Licensure from Applicant Previously Licensed in Arizona
 - i) Danzer, Mark

Dr. Cornwall called the Board’s attention to the above agenda item. Dr. Cornwall noted that Mr. Danzer is a previous licensee in Arizona and under A.R.S. §32-2028 the Board is required to use one of four options to evaluate Mr. Danzer’s competency. Dr. Cornwall noted that staff has already collected Mr. Danzer’s continuing competence material

for the time his license was expired and that the material is sufficient to comply of A.R.S. §32-2028. Dr. Cornwall moved the Board grant Mr. Danzer licensure. 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
Nay						
Recused						
Abstained						
Absent			X			

5) BOARD BUSINESS AND REPORTS

a) Executive Director’s Report

- i) Financial Report- Mr. Brown stated he has provided the Board with a copy of 2011 Budget and Revenues. Revenues did better in the month of January which is a positive sign that applications may do better this quarter as compared to last. There has been no change in the projected fund transfers and our FY 2012 budget is still projected to have a shortfall in funds. However, Mr. Brown was able to make contact with a supervisor at OSPB and he is reviewing budget figures.
- ii) Board Staff Activities- Nothing reported. The public may request a copy of the written report.
- iii) Legislation- Mr. Brown provided a summary of the progress of HB 2194 and reviewed the last legislative liaison report from Stuart Goodman. No action was taken or required.
- iv) Rule Activity- Mr. Brown reported no progress in the Board’s requests for exception to the rule making moratorium.
- v) FSBPT- Mr. Brown reported that a lawsuit injunction in Georgia regarding the suspension of some persons that graduated from programs in foreign countries has been issued and that the effect was not yet known. Mr. Brown stated that there is concern that the FSBPT may decide to move NPTE testing for physical therapists to a fixed date system rather than continuous testing. No action was taken or required on this matter.

b) Presentation by the Arizona Physical Therapy Association, Physical Therapist Assistant SIG, Discussion and Possible Action

Dr. Cornwall called the Board’s attention to the above agenda item. Susan Overman, PTA representing the Arizona Physical Therapy Association Physical Therapist Assistant Special Interest Group came forward and addressed the Board. Ms. Overman submitted the following written statement,

Continuing education/competence requirements for recertification for Physical Therapist Assistants (PTA) is critical to the professional growth and reputation of PTAs in Arizona. It will ensure that PTA’s are keeping abreast of the ever changing demands of healthcare and expanding their knowledge to best provide patient care. Accepting this responsibility demonstrates their commitment to provide quality physical therapy in all settings as well as support their professional association. Just as other professions require continuing education for their professionals and para-professionals, so should the physical therapy profession require continuing education for their para-professionals. It is important to PTAs to earn the respect of physical therapists and demonstrate the ability to provide quality patient care and ensure public safety. These are just some of the reasons PTAs are requesting the implementation of a law that would require continuing education units for recertification.

The Board discussed the Board’s ability to begin requiring physical therapist assistants to complete continuing competence activities. Dr. Cornwall noted the Board was working with the AzPTA taskforce on the subject and it did appear a recommendation was coming to begin such a requirement. Dr. Cornwall thanked Ms. Overman for her comments to the Board. No action was taken or required on this agenda item.

6) CALL TO THE PUBLIC

Dr. Cornwall asked if any member of the public wished to come forward and address the Board.
No person came forward to address the Board.

ADJOURNMENT

The meeting adjourned at approximately 12:17 p.m.

Prepared by,

Charles D. Brown
Executive Director

Approved by,

Randy Robbins
Secretary