



ARIZONA STATE BOARD OF PHYSICAL THERAPY
4205 NORTH 7TH AVENUE, SUITE 208 PHOENIX, ARIZONA 85013
(602) 274-0236 Fax (602) 274-1378
www.ptboard.az.gov

REGULAR SESSION MEETING MINUTES
April 26, 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: None

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

CALL TO ORDER – 8:32 a.m.

Dr. Cornwall called the meeting to order at 8:40 a.m.

- 1) Review and Approval of Draft Minutes
 - a) March 22, 2011, Regular Session Meeting Minutes

Dr. Cornwall called the Board’s attention to the above agenda item. No Board member requested a correction or modification to the draft minutes. Dr. Cornwall moved the minutes be approved 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	X
Nay						
Recused						
Abstained						
Absent						

- 2) Consent Agenda: Review, Consideration and Action
 - a) Applications for Licensure and Certification
 - i) Substantive Review, Consideration and Approval of Applications of Physical Therapist Licensure

Barrett, James	Bernard, Brandi	Bowers, Stephanie
Caudillo, Amy	Droubay, Jonathan	Hodges, Paul
Johnson, Clark	Kelderhouse, Ronald	Oaxaca, Jessica
Ostrow, Ryan	Reynolds, Elizabeth	Sanna, Stacey
Schrift, Douglas (removed)	Surina, Rebecca	Vander Bloomen, Kelly
Zeeb, Allison	Guymon, Tyler	

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

Becklund, Cynthia	Bibb, Celeste	Brown, Allen
Cherepinsky, Sara	Fowler, Chelsea	Gomez, Isabel
Guillen, Maria	Tellez, Jody	Urquides, Josephina
Walrath, Christopher	Young, David	

Dr. Cornwall called the Board’s attention to the above agenda items. Dr. Cornwall asked if any Board member wanted to remove an applicant from the consent agenda. Mr. Sieveke requested Douglas Schrift be removed from the Consent agenda for discussion. Dr. Cornwall moved the Board approve the consent agenda as present with the exception of Douglas Schrift. 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						

Douglas Schrift:

Mr. Sieveke noted that Mr. Schrift used an expired passport as part of his documentation in his application. Ms. Brierley stated that the expired passport is still valid to establish citizenship for the purpose of the application. Dr. Cornwall moved the Board grant licensure to Mr. Schrift. 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						

2) Complaints, Hearings, Investigations And Compliance

c) Initial Review, Discussion and Action on Complaint

iii) Complaint #10-25; Kevin Eggers, PT

Dr. Cornwall called the Board’s attention to the above agenda item. Mr. Eggers was not present. Ms. Donahue provided a summary of the complaint to the Board. Patient R.A. was being treated by Mr. Eggers for an acute CVA (12/19/09) with left sided UQ and LQ involvement from January 18, 2010 until discharge on

June 9, 2010. R.A. alleges that he was not informed of the decision for discharge, that he was continuing to make progress up to the point of discharge and that Mr. Aragon refused to accept him as cash paying patient following discharge. Ms. Donahue summarized additional allegations resulting from the investigation to include inadequate records, possible substandard care, and failure to adhere to the standard of ethics.

The Board entered discussion on the complaint. Mr. Sieveke noted that there are several discrepancies in the patient record as noted by the investigative report and an issue of patient abandonment. Ms. Hunter noted that it is unclear if a discussion between the patient and Mr. Eggers took place before discharge as it is not documented and she noted the patient's wife was not included in any discharge discussion.

Dr. Cornwall moved the Board forward the complaint to an Informal Hearing. 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						

Dr. Cornwall moved the Board add allegations of violating A.R.S. §32-2041(A), A.R.S. §32-2044(12)(2.1E, 8.1A, and 8.1D), and A.R.S. §32-2044(20). Ms. Richardson seconded the motion. The Board entered discussion. Ms. Akers suggested the Board add an allegation of violating A.R.S. §32-2044(13). Dr. Cornwall amended his motion to include A.R.S. §32-2044(13) and Ms. Richardson maintained her second to the motion. The amended 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 #10-60; David Evans, PT

Dr. Cornwall called the Board's attention to the above agenda item. Mr. Evans was present. Ms. Donahue provided a summary of the complaint to the Board. Mr. Evans was audited for compliance with continuing competence for the 2008-2010 compliance period. Mr. Evans was required to respond to the audit by November 25, 2010, materials were received by the Board office on December 1, 2011. Mr. Evans is in compliance with the 2008-2010 continuing competence period. Mr. Evan stated he was working in the Prescott area at the time of the notice and between addresses. He believes he sent his response one day late.

Dr. Cornwall moved the Board dismiss the complaint against Mr. Evans and issue a non-disciplinary advisory letter stating the Board's concerns related to his failure to timely respond to the Board's Continuing Competency Audit and advise him to respond timely to all board orders. 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						

v) Complaint #10-62; Peter Colla, PT

Dr. Cornwall called the Board’s attention to the above agenda item. Mr. Colla was present. Ms. Donahue provided a summary of the complaint. Mr. Colla was audited for compliance with continuing competency for the 2008-2010 compliance period. Mr. Colla was required to respond by November 19, 2010 and Board staff received his materials on December 17, 2011. After review of his submitted materials, Mr. Colla was found in compliance with the 2008-2010 compliance period. Mr. Colla addressed the Board and stated he was late in his response because he was waiting on a course sponsor to provide him with documentation of his attendance.

Ms. Akers moved the Board dismiss the complaint against Mr. Colla and issue a non-disciplinary advisory letter stating the Board’s concerns related to his failure to timely respond to the Board’s Continuing Competence Audit and advise him to respond timely 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						

vi) Complaint #10-66; Joan Halen, PT

Dr. Cornwall called the Board’s attention to the above agenda item. Ms. Halen was not present but was available by phone if requested. Ms. Donahue provided a summary of the complaint to the Board. Ms. Halen was audited for compliance with continuing competence for the 2008-2010 compliance period. Ms. Halen failed to respond to the Notification of Audit within the required 30 days (November 18, 2010). A complaint was opened on December 14, 2010. Ms. Halen submitted audit materials that were received by Board staff on December 28, 2010. Ms. Halen was found to be in compliance with the 2008-2010 compliance period.

Ms. Richardson noted it took two notices to Ms. Halen to obtain a response to the audit of her continuing competence activities. Dr. Cornwall moved the Board dismiss the complaint against Ms. Halen and issue a non-disciplinary advisory letter stating the Board’s concerns related to her failure to timely respond to the Board’s Continuing Competency Audit and advise him to respond timely 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						

vii) Complaint #10-70; Angela Kennedy, PT

Dr. Cornwall called the Board’s attention to the above agenda item. Ms. Kennedy was not present. Ms. Donahue provided the Board with a summary of the complaint. Ms. Kennedy renewed her application on line on August 4, 2010. In doing so, she affirmed that she had completed the continuing competence requirements for the 2008-2010 compliance period. Ms. Kennedy signed for her audit notice on 10/25/10. On 11/16/2010 Ms. Kennedy sent Mr. Brown an e-mail stating that she had not completed her continuing competence

requirements. A complaint was opened on 12/16/10. Ms. Kennedy did not respond to the complaint and has not provided the Board with any further information.

Dr. Cornwall moved the Board offer Ms. Kennedy a consent agreement for six months probation, a requirement to complete her required 2008-2010 compliance period continuing competence activities, take and pass the AZLAW examination and pay a civil penalty of \$200.00. Ms. Kennedy has 20 days from receipt of the offer to accept the consent agreement or the complaint is forwarded to an Informal Hearing. 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						

viii) Complaint #11-02; Andrew Marchesi, PT

Dr. Cornwall called the Board’s attention to the above agenda item. Mr. Marchesi was not present. Ms. Donahue provided the Board with a summary of the complaint. Mr. Marchesi was audited for compliance with continuing competence for the 2008-2010 compliance period. Mr. Marchesi was required to respond by January 3, 2011 and Board staff received his materials on January 4, 2011. After review of his submitted materials, Mr. Marchesi was found in compliance with the 2008-2010 compliance period.

Dr. Cornwall moved the Board dismiss the complaint against Mr. Marchesi and issue a non-disciplinary advisory letter stating the Board’s concerns related to his failure to timely respond to the Board’s Continuing Competency Audit and advise him to respond timely to all board orders. 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						

ix) Complaint #11-03; Louise Levesque, PT

Dr. Cornwall called the Board’s attention to the above agenda item. Ms. Lavesque was not present. Ms. Donahue provided the Board with a summary of the complaint. Ms. Lavesque was audited for compliance with continuing competence for the 2008-2010 compliance period. Ms. Lavesque was required to respond by January 2, 2011 and Board staff received her materials on February 6, 2011. After review of her submitted materials, Ms. Lavesque was found to be in compliance with the 2008-2010 compliance period.

Dr. Cornwall moved the Board dismiss the complaint against Ms. Levesque and issue a non-disciplinary advisory letter stating the Board’s concerns related to her failure to timely respond to the Board’s Continuing Competency Audit and advise her to respond timely 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 #11-08; Nichole Boy-Swanson, PT

Dr. Cornwall called the Board’s attention to the above agenda item. Ms. Boy-Swanson was present and accompanied by Gordon Bueler, her attorney. Ms. Donahue provided the Board with a summary of the complaint. Patient C.N. alleges that Ms. Boy-Swanson’s office failed to notify her that she could have received physical therapy treatment at another provider without a co-payment/deductible requirement. C.N. also contends that she performed her exercises by herself and she felt she was overbilled for services rendered.

Mr. Bueler addressed the Board on behalf of Ms. Boy-Swanson. Mr. Bueler stated that it is not a requirement or even possible for a treating physical therapist to be able to establish if a patient would receive less costly treatment from another facility. Mr. Bueler stated that the treatment notes of the patient appear complete and the patient’s symptoms were resolving when she discontinued care. He feels the complaint should be dismissed.

Dr. Cornwall asked Ms. Boy-Swanson if she could explain her understanding of the use of the CPT Coding modifier of 52. Ms. Boy-Swanson stated she was not familiar with the modifier; however, when a patient shows that they are capable of performing their therapeutic exercises on their own she only supervises the performance of the exercises. Ms. Boy-Swanson explained that her understanding of one-on-one care under CPT requirements is that it is the only patient being treated by the physical therapist whether the care is supervised or hands on care. Mr. Sieveke asked how she progresses a patient through their exercises on each visit. Ms. Boy-Swanson stated she instructs the patient on what exercises to perform, assigns the sequence of exercises and then observes.

Ms. Hunter stated that it appeared the patient was sometimes observed from a distance while performing exercise which may have been exercises that the patient could have performed at home or at the gym. Mr. Sieveke stated there are some issues, but that they appear to be issues with another physical therapist’s billing. Mr. Sieveke moved the Board dismiss the complaint against Ms. Boy-Swanson. Dr. Cornwall seconded the motion. The Board entered discussion. Dr. Cornwall stated he would like to see a non-disciplinary advisory letter issued regarding the Board’s concerns related to the billing of skilled services when direct one-on-one care may not have been provided and advising her to become familiar and use the appropriate modifiers for coding that would demonstrate a reduced skill level in these instances. Mr. Sieveke modified his motion to include the advisory letter as requested by Dr. Cornwall. Dr. Cornwall maintained his second of the amended motion. After review and discussion the amended 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						

a) Informal Hearing and Possible Action on Complaint:

i) Complaint #10-19; Lacey Hardesty, PT

Dr. Cornwall called the Board’s attention to the above agenda item. Ms. Hardesty was present. The Board members and staff introduced themselves. Dr. Cornwall provided a summary of how the hearing would be conducted and the possible outcomes of the hearing. Mr. Brown provided a summary of the allegations against Ms. Hardesty.

The complaint alleges that Ms. Hardesty:

1. Failed to create and maintain adequate patient records for patient records of D.O. to include inadequate initial evaluations, daily treatment notes, reevaluations, and discharge.
2. Failed to use the initial "PT" after her name to denote licensure.
3. Failed to manage patient care to include supervision of assistive personnel and delegation of tasks or interventions provided to patient D.O.
4. Failing to ensure all billing is accurate and only includes services provided and documented in the patient record of patient D.O.

Ms. Hardesty provided an opening statement. She stated the clinic is open (as opposed to locked up and closed or as in has an open floor plan, and patients can see and be seen at all times. She stated she was working with one other physical therapist and a physical therapist assistant. Ms. Hardesty stated this was her first experience with the form of documentation then being used by the office and her first experience with supervision. Ms. Hardesty admitted errors and issues with documentation. She noted the documentation was less than the standard, and does not reflect care patient received. She is aware of the proper use of the initials "PT" after signature. She stated the records sent to the patient's physician were different and used "DPT" after her name because she was trying to market herself to the physician. Ms. Hardesty stated the billing was accurate, but because of documentation problems the billing appears wrong. Ms. Hardesty concluded her opening statement. Dr. Cornwall opened the matter to questions from the Board.

Mr. Sieveke noted Ms. Hardesty appeared to have done some examination of the patient shoulder during the initial evaluation, but did not evaluate the lumbar spine or pelvis even though both areas received treatment. Ms. Hardesty stated that she would normally do a full spine assessment but at that time she was not documenting her negative findings. Ms. Hardesty stated she also performed strength tests but did not document findings within normal limits. Dr. Cornwall asked Ms. Hardesty why she had the patient perform exercises in those areas if the findings were within normal limits. Ms. Hardesty stated it was to try and get the muscles in the area to move better since the patient was muscle guarding. Ms. Hardesty stated she did not document the guarding. Dr. Cornwall asked if Ms. Hardesty had reevaluated the patient prior to referring the patient back to her physician. Ms. Hardesty stated her reevaluation was in the November 09, 2010 progress note. See my paper note

Mr. Sieveke asked Ms. Hardesty why the patient was not reevaluated on December 7, 2010 after a month lapse in care. Ms. Hardesty stated that she did document some assessment on December 10, 2010. Ms. Hardesty admitted she did get a new referral on the patient from a specialist on December 7, 2010. Ms. Hardesty stated she did perform an additional evaluation, but did not document the evaluation in the patient record. Ms. Richardson asked Ms. Hardesty if the electronic documentation system she was using allowed for her to copy and paste her previous days' note. Ms. Hardesty stated the system was setup to carry forward notes, but that she failed to properly alter the notes. Ms. Hardesty stated she is now auditing her records. Ms. Hardesty also noted that she has taken courses from Helen Fearon, PT on documentation and billing, which included some direct instruction by the complainant in the case.

Ms. Akers noted that the notes for patient D.O. only document services provided in the objective part of the note. Ms. Hardesty stated that she has changed the objective part of her intervention notes. Ms. Hardesty stated she is using a new documentation system and has a much better understanding of its use and operation. Ms. Hardesty admitted under questioning that she was billing for ultrasound and electrical stimulation when the service was being provided simultaneously by the same machine, but that that process has been corrected. Dr. Cornwall asked Ms. Hardesty to explain her relationship with physical therapist assistants in her office. Ms. Hardesty stated they work together or hand and hand under direct supervision. She has the physical therapist assistant demonstrate competence on her before delegating a service to be performed on a patient.

Ms. Akers asked Ms. Hardesty to explain her discharge summary and her short and long goals. Ms. Hardesty stated at that time of the complaint they were just a list of set goals, but now she notes when the goals are imputed or established, met, and the percentage being met. The Board ended their questions of Ms. Hardesty.

Ms. Hardesty declined a closing statement. The Board entered deliberations. Ms. Akers noted that the documentation in the patient record was terrible and Ms. Hardesty admitted it was not within the standard. Ms. Richardson stated she agreed with Ms. Akers and noted that Ms. Hardesty has taken steps to correct the problems identified in the investigation. Dr. Cornwall moved the Board enter Executive Session to obtain legal advice. Mr. Sieveke seconded the motion. The motion carried by unanimous vote.

The Board entered Executive Session at 09:40 a.m.
 The Board reentered Regular Session at 09:42 a.m.

Dr. Cornwall moved the Board adopt the following Findings of Fact:

1. Ms. Hardesty was the treating physical therapist for patient D.O. from November 2009 thru December 2009.
2. Ms. Hardesty failed to document or cause to be documented the activities delegated to assistive personnel on November 10, 2009. In addition, Ms. Hardesty failed to cause the daily intervention note on November 10, 2009 to include documentation of the communication between Ms. Hardesty and assistive personnel, the patient's functional status, and progression toward treatment goals.
3. Ms. Hardesty treated patient D.O.s lumbar and pelvic regions during the course of treatment, but failed to complete and document an assessment of the areas treated.
4. Ms. Hardesty's initial evaluation did not document strength measurements and Ms. Hardesty failed to complete and document an adequate discharge summary.
5. Ms. Hardesty provided treatment to patient D.O. on November 5, 6, 9, 10, 2009 but failed to document any change in the patient plan of care or perform a reevaluation.
6. On dates of service November 5, 6, 9, 10, 12, 2009 and December 7, 14, 2009 Ms. Hardesty billed for electrical stimulation and ultrasound services, but they were not adequately documented in the treatment record.
7. Ms. Hardesty signed her name to a progress notes on November 9, 17, 2009 using the initial "DPT" or "DPT", "ATC" and not using the initial "PT" to denote licensure as required by law.

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 the following Conclusions of Law:

1. The conduct and circumstances described in the Findings of Fact constitute a violation of A.R.S. §32-2044(1) "Violating this chapter, board rules or a written board order".
2. The conduct and circumstances described in the Findings of Fact constitute a violation of A.R.S. §32-2044(4) "Engaging in the performance of substandard care by a physical therapist due to a deliberate or negligent act or failure to act regardless of whether actual injury to the patient is established."
3. The conduct and circumstances described in the Findings of Fact constitute a violation of A.R.S. §32-2044(20) "Failing to maintain adequate patient records. For the purposes of this subsection, "adequate

patient records" means legible records that comply with board rules and that contain at a minimum an evaluation of objective findings, a diagnosis, the plan of care, the treatment record, a discharge summary and sufficient information to identify the patient."

4. The conduct and circumstances described in the Findings of Fact constitute a violation of A.R.S. § 32-2042(A), "a physical therapist shall use the letters 'PT' in connection with the physical therapist's name or place of business to denote licensure under this chapter."

5. The conduct and circumstances described in the Findings of Fact constitute a violation of A.R.S. §32-2043. Supervision; patient care management "A. A physical therapist is responsible for patient care given by assistive personnel under the physical therapist's supervision. A physical therapist may delegate to assistive personnel and supervise selected acts, tasks or procedures that fall within the scope of physical therapy practice but that do not exceed the education or training of the assistive personnel." "F. A physical therapist is responsible for managing all aspects of the physical therapy care of each patient. A physical therapist must provide: 2. Periodic reevaluation of and documentation for a patient."

6. The conduct and circumstances described in the Findings of Fact constitute a violation of R4-24-304. Adequate Patient Records; B. Initial evaluation. As required by A.R.S. § 32-2043(F)(1), a physical therapist shall perform the initial evaluation of a patient. The physical therapist who performs an initial evaluation shall make an entry that meets the standards in subsection (A) in the patient record and document:

1. The patient's reason for seeking physical therapy services;
2. The patient's medical history;
3. The patient's relevant medical diagnoses or conditions;
4. The patient's signs and symptoms;
5. Objective data from tests or measurements;
6. The physical therapist's interpretation of the results of the examination;
7. Clinical rationale for therapeutic intervention;
8. A plan of care that includes the proposed therapeutic intervention, measurable goals, and frequency and duration of therapeutic intervention; and
9. The patient's prognosis.

The entire section on r4 24 etc gives me pause. Please see my paper notes and please check it.

D. Re-evaluation. As required by A.R.S. § 32-2043(F)(2), a physical therapist shall perform a re-evaluation when a patient fails to progress as expected, progresses sufficiently to advance the plan of care, or in accordance with R4-24-302(F)(4). A physical therapist who performs a re-evaluation shall make an entry that meets the standards in subsection (A) in the patient record and document:

1. The patient's subjective report;
2. The patient's response to the therapeutic intervention;
3. Assessment of the patient's progress;
4. The patient's current functional status;
5. Objective data from tests or measures, if collected;
6. Rationale for continuing therapeutic intervention; and
7. Any change in the plan of care required under subsection (B)(8).

E. Discharge summary. As required by A.R.S. § 32-2043(F)(3), a physical therapist shall document the conclusion of care in a patient's record regardless of the reason that care is concluded.

1. If care is provided in an acute-care hospital, the entry made under subsection (C) on the last date that a therapeutic intervention is provided constitutes documentation of the conclusion of care if the entry is made by a physical therapist.
2. If care is not provided in an acute-care hospital or if a physical therapist does not make the entry under subsection (C) on the last date that a therapeutic intervention is provided, a physical therapist shall make an entry that meets the standards in subsection (A) in the patient record and document:
 - a. The date on which therapeutic intervention terminated;
 - b. The reason that therapeutic intervention terminated;

- c. Inclusive dates for the episode of care being terminated;
- d. The total number of days on which therapeutic intervention was provided during the episode of care;
- e. The patient's current functional status;
- f. The patient's progress toward achieving the goals in the plan of care required under subsection (B)(7); and
- g. The recommended discharge plan.

7. The conduct and circumstances described in the Findings of Fact constitute a violation of R4-24-303. "Patient Care Management A. A physical therapist is responsible for the scope of patient management in the practice of physical therapy as defined by A.R.S. § 32-2001. For each patient, the physical therapist shall:

- 2. Perform and document periodic reevaluation;
- 4. Ensure that the patient's physical therapy record is complete and accurate;

Ms. Akers seconded the motion. Following review and discussion the motion carried by a 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 Ms. Hardesty an Order the probation for one year with possible early termination, a requirement to complete eight hours of continuing education in documentation within six months with possible credit for previously taken continuing education taken after the filing of the complaint, a minimum of one audit of patient records by Board staff with one possible additional audit. Ms. Akers seconded the motion. Following review and discussion the Board voted by roll call. 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						

e) Review, Discussion, and Action on Board Order

i) Complaint #09-31a; Mandy Aldous, PT; Request for Modification of Board Order

Dr. Cornwall called the Board's attention to the above agenda item. Ms. Aldous was not present. Scott Gibson, Ms. Aldous' attorney was present and came forward to address the Board. Mr. Gibson stated his client is requesting that the Board Order for her suspension be modified to allow her to begin her suspension on August 1, 2011 or sooner if she gives birth. The request is to help ensure Ms. Aldous' practice and her patients are not negatively impacted any more than necessary. Currently, the suspension is set to begin June 3, 2011 and then Ms. Aldous would be absence after her suspension ends because of her maternity leave. Mr. Gibson concluded his statements.

Ms. Akers stated that when the Board granted the staggering of Ms. Aldous and Mr. Coleman's suspension in February they were aware of the pregnancy and the request for the suspension to take place in August, but did not think it was a request that should be granted. Ms. Akers noted the suspension should not be done as a matter of convenience for Ms. Aldous. Mr. Sieveke stated that he is concerned about delaying the suspension further as it further delays the requirements of the probation to cause changes to take place in the

practice. Mr. Sieveke stated he is not inclined to go beyond the staggering granted in February. Mr. Sieveke moved to deny the request to modify the Board order. Ms. Akers seconded the motion. Following 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						

ii) Complaint#09-31b; James Coleman, PT; Review of Compliance with Board Order; Request for Modification

Dr. Cornwall called the Board’s attention to the above agenda item. Mr. Coleman was not present. Mr. Coleman was represented by his attorney Mr. Bradley Weech. Mr. Weech reviewed emails he sent describing Mr. Coleman’s various requests and issues as related to his Board Order. Mr. Weech explained a misunderstanding in when the suspension would begin for Mr. Coleman. Mr. Weech noted that it appeared the suspension would begin April 1, 2011, but after Mr. Coleman received notice and Mr. Weech contacted Ms. Verstegen and Mr. Brown he found that the suspension began March 3, 2011. Mr. Weech stated it was a misunderstanding on when the timeframe began and his client should not be held accountable for the misunderstanding as he immediately stopped working upon notice of the suspensions effect on March 24, 2011. See my paper notes

Mr. Weech stated his second request or issue is regarding Mr. Coleman’s requirement to notify third party payors of the billing errors found by the Board. Mr. Weech explained that based on the different timing of when the requirement is due for Ms. Aldous and Mr. Coleman they will be notifying the payors twice which may cause confusion. In addition, Mr. Weech asked for the Board to clarify what activities Mr. Coleman could engage in while suspended. Mr. Weech stated that attorney’s can engage in paralegal work when they are suspended and wondered if Mr. Coleman could act as a physical therapy aide while suspended. Mr. Weech noted he discussed the matter with Mr. Brown and was informed that Mr. Coleman could not work as a physical therapy aide while suspended because he would then be engaged in the practice of physical therapy by definition; however, a direct statute to say that Mr. Coleman could not work as a physical therapy aide could not be noted by Mr. Brown. Mr. Weech concluded his statement.

Dr. Cornwall moved the Board enter Executive Session to obtain 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	X
Nay						
Recused						
Abstained						
Absent						

The Board entered Executive Session at 10:20 a.m.
 The Board reentered Regular Session at 10:29 a.m.

Dr. Cornwall stated the Board would address each request or issues separately. Mr. Sieveke moved the Board modify the Board Order related to Mr. Coleman to have his suspension begin March 24, 2011 and run through June 24, 2011. Ms. Hunter seconded the motion. Following 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						

Mr. Sieveke moved the Board modify Mr. Coleman’s Order to allow him to complete the notification to third party payors during the same time period as Ms. Aldous. Ms. Hunter seconded the motion. Following review and discussion the motion failed with three aye votes and three nay votes.

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

The Board entered discussion regarding the request to notify payors during the same time period as Ms. Aldous. Dr. Cornwall moved the Board deny the request. Ms. Richardson seconded the motion. Following 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 discussed the issue of Mr. Coleman working as a physical therapy aide while his license is suspended. The Board made no motion on the matter and did not provide any guidance that reflected an error in Mr. Brown’s statement to Mr. Weech that a licensee with a suspended license may not work as a physical therapy aide while the license is suspended.

The Board recessed at 10:47 a.m.
 The Board reentered Regular Session at 11:00 a.m.

i) Complaint #09-27; Christopher O’Donnell, PT; Request for Modification of Board Order

Dr. Cornwall called the Board’s attention to the above agenda item. Mr. O’Donnell was present. Mr. O’Donnell stated he has complied with all the terms of his probation and completed the counseling sessions. He noted his reports from his monitor show his improvement and lack of compliance issues. Mr. O’Donnell requested the Board remove all terms of probation and only maintain his probation status for the remainder of the Board Order.

The Board entered discussion. Dr. Cornwall noted Mr. O’Donnell’s progress. Dr. Cornwall moved the Board terminate Mr. O’Donnell’s requirement for a monitor, change the practice audits to quarterly audits and require the audits to be completed by Board staff, and discontinue the counseling requirements. Mr. Sieveke seconded the motion. Following review and discussion the motion carries 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) Review, Discussion and Action on Consideration of Opening A Complaint
 i) Michael Palmieri, PT

Dr. Cornwall called the Board’s attention to the above agenda item. Mr. Palmieri was not present. Ms. Donahue stated that Mr. Palmieri had recently sent a letter to the Board that he may have failed to report to the Board a criminal investigation against him in 1972. Ms. Donahue stated a review of Mr. Palmieri’s licensing file failed to show this matter was ever reported during Mr. Palmieri’s initial or renewal applications. The Board discussed the matter and the lack of any court records regarding the matter. The Board took no action on this agenda item.

ii) Joseph Strunce, PT

Dr. Cornwall called the Board’s attention to the above agenda item. Mr. Strunce was not present. Ms. Donahue stated the Board received a complaint against Mr. Strunce regarding care he provided to a patient while employed in New Mexico by the Federal Government with the Indian Health Services Department. Board staff noted there seemed to be an issue of jurisdiction in the matter since Mr. Strunce was working for the Federal Government, in New Mexico, but only holding an Arizona license. Following review and discussion Mr. Sieveke moved the Board refer the complaint to the Indian Health Services Department of the Federal Government. 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						

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) Achanta, Kavitha

Dr. Cornwall called the Board’s attention to the above agenda item. Dr. Cornwall noted that the applicants credential review did not demonstrate completion of all substantial equivalency requirements. Dr. Cornwall moved the Board find Ms. Achanta not substantially equivalent in her education. Ms. Akers seconded the motion. Following 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						

- ii) Review of Education, Approval to take the NPTE and the AZLAW (Jurisprudence) Exam, Determination of Supervised Clinical Practice Period, and Possible Licensure

(a) Feka, Lorete

Dr. Cornwall called the Board’s attention to the above agenda item. Dr. Cornwall noted that the applicants credential review did not demonstrate completion of all substantial equivalency requirements. Dr. Cornwall moved the Board find Ms. Feka not substantially equivalent in her education. Ms. Akers seconded the motion. Following 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						

iii) Review and Determination of Approval of Proposal for a Supervised Clinical Practice Period

(a) Mork, Jan

Dr. Cornwall called the Board’s attention to the above agenda item. Dr. Cornwall moved the Board approve the applicants plan and application for a supervised clinical practice period and issue an interim permit. Ms. Akers seconded the motion. Following 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) Substantive Review of Documentation Related to Disclosure on “Personal Information” Section of Application

i) Physical Therapist Assistant Application and Approval to take the NPTE and the AZLAW (Jurisprudence) Exam and Possible Certification

(a) Juhl, Paul

Dr. Cornwall called the Board’s attention to the above agenda item. Dr. Cornwall noted the applicant disclosed a driving under the influence conviction 13 years ago. Dr. Cornwall moved the Board approve Mr. Paul to take the NPTE and AZLAW examinations and be certified upon receipt of passing scores. Mr. Robbins seconded the motion. Following 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) Holguin, Georgia

Dr. Cornwall called the Board’s attention to the above agenda item. Dr. Cornwall noted the applicant disclosed two criminal convictions relating to contributing to the delinquency of a minor and shoplifting conviction 13 years ago. Dr. Cornwall moved the Board approve Ms. Holguin to take the NPTE and AZLAW examinations and be certified upon receipt of passing scores. Mr. Robbins seconded the motion. Following 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) Barclay, Jennifer

Dr. Cornwall called the Board’s attention to the above agenda item. Dr. Cornwall d the applicant disclosed a criminal speeding ticket. Dr. Cornwall moved the Board approve Ms. Barclay to take the NPTE and AZLAW examinations and be certified upon receipt of passing scores. Mr. Robbins seconded the motion. Following 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) Review of and Possible Action on Application for Licensure from Applicant Previously Licensed in Arizona

(1) Marcheschi, Jack

Dr. Cornwall called the Board’s attention to the above agenda item. Dr. Cornwall noted that Mr. Marcheschi has provided over 100 hours of continuing competence activities for the period his license has been lapsed. Dr. Cornwall moved the Board find Mr. Marcheschi in compliance with A.R.S. §32-2028 and grant Mr. Marcheschi’s licensure. Ms. Akers seconded the motion. Following 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) Substantive Review of Documentation Related of Application for Physical Therapy Licensure

(1) Semenova, Vera

Dr. Cornwall called the Board’s attention to the above agenda item. Ms. Brierley reported that Ms. Semenova has met the qualifications for licensure, but has failed to provide a Social Security Number as required by law. Dr. Cornwall moved the Board grant Ms. Semenova licensure upon receipt of a valid Social Security Number. Mr. Robbins seconded the motion. Following 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						

e) Review of and Possible Action on Application for Certification from Applicant Requesting ADA Accommodations.

(1) Doucette, Ann

Dr. Cornwall called the Board’s attention to the above agenda item. Ms. Brierley summarized Ms. Doucette’s request. Dr. Cornwall moved the Board approve Ms. Doucette to receive an accommodation of time and a half to take the examination. 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						

The Board recessed at 11:50 a.m.

The Board reentered Regular Session at 12:00 p.m.

c) Initial Review, Discussion and Action on Complaint

i) Complaint #10-22A; Jennifer Hallquist, PT; To Be Heard at or after 12:00 p.m.

Dr. Cornwall called the Board’s attention to the above agenda item. Ms. Hallquist was present and represented by Faren Akins her attorney. Peggy Hiller, PT, Voluntary Investigative Consultant for the Board was present and provided a summary of the case for the Board. Mr. Roberson, Medical Review/Provider Inquiry team, State Compensation Fund Arizona, expressed concerns about the billing and reimbursement for services provided by Body Stabilization Training (“BST”) for patient (“SF”). SF may not have received the care of a physical therapist when documentation and billing make it appear that the care is being directly provided by a physical therapist. Stamped rather than hand-written signatures on most of the bills and notes for services rendered; specifically, on DOS **4/14/10** the signature provided on the notes, Jennifer Hallquist, does not match the signature on the bill or any other documentation. On a number of dates the objective and assessment portions discuss a section that is related to the Kinesiotherapy portion signed stamped by a physical therapist. Beginning 4/9/10 the documentation formatting changes but the same handwriting that appeared under the prior “Kinesiotherapy” portions is present but without any delineation between PT and Kinesiotherapy There is a line described by the words, “KT initials” that sometimes has initials but sometimes does not. In all cases there is the same stamped name of a physical therapist. Ms. Hiller summarized her investigative findings and possible violations noted in her report.

Mr. Akins addressed the Board regarding the complaint. Mr. Akins stated that in April of 2010 Ms. Hallquist discovered her employer was using her signature stamp without her permission in patient records for services she did not provide. Ms. Hallquist reviewed the matter with her employer and requested the practice stop. However, in July 2010 Ms. Hallquist again discovered her signature stamp was being used in patient records for services she did not perform and she resigned from her position. She also made copies of examples of files she identified with the issue and has provided them to the Board. Mr. Akins concluded his statement.

Dr. Cornwall asked Ms. Hallquist if she did an initial evaluation on the patient when she first saw the patient. Ms. Hallquist stated this was a long standing patient in the facility receiving kinesiotherapy and she did review the past record. However, she was told the patient only wanted to see a physical therapist when he had an issue of a flare-up and she just provided treatment. Ms. Richardson asked if there is any record of goals set by Ms. Hallquist in the patient record. Ms. Hallquist stated none where documented. Dr. Cornwall asked Ms.

Hallquist to explain how the Kinesiotherapy was set in the patient’s plan of care. Ms. Hallquist said that patient would get a plan of care from the physical therapist to receive Kinesiotherapy and then would also have a plan to receive services from the physical therapist. The physical therapist would not see the patient for the Kinesiotherapy in the plan of care. Ms. Hallquist admitted she should have been more involved in the supervision of the Kinesiotherapy.

Dr. Cornwall moved the Board forward this complaint to an informal hearing and add possible violation of A.R.S. §32-2044(1, 20) and A.R.S. §32-2042(A). Ms. Akers seconded the motion. Following 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 instructed Board staff to forward this matter to the Attorney General’s Office and the Department of Insurance for review as possible insurance fraud or other criminal matters.

Ms. Richardson left the Board table at 1:00 p.m.

- ii) Complaint #10-22B; Jason Wheeler, PT; To Be Heard at or after 12:00 p.m.

Dr. Cornwall called the Board’s attention to the above agenda item. Mr. Wheeler was present and represented by Faren Akins. Peggy Hiller, PT, Voluntary Investigative Consultant for the Board was present and provided a summary of the case for the Board. Mr. Roberson, Medical Review/Provider Inquiry team, State Compensation Fund Arizona, expressed concerns about the billing and reimbursement for services provided by Body Stabilization Training (“BST”) for patient (“SF”). SF may not have received the care of a physical therapist when documentation and billing make it appear that the care is being directly provided by a physical therapist. Stamped rather than hand-written signatures on most of the bills and notes for services rendered; specifically, on DOS **4/14/10** the signature provided on the notes Jennifer Hallquist does not match the signature on the bill or any other documentation. On a number of dates the objective and assessment portions state discuss a section that is related to the signed (stamped) by a physical therapist. The Board may see dates of service 4/22/09 [Jason Wheeler, PT], 4/24/09 [Jason Wheeler, PT], 4/29/09 [Jason Wheeler, PT], 3/26/10 [Jennifer Hallquist, PT], and 4/2/10 [Jennifer Hallquist, PT] for examples. Beginning 4/9/10 the documentation formatting changes but the same handwriting that appeared under the prior “Kinesiotherapy” portions is present but without any delineation between PT and Kinesiotherapy There is a line described by the words, “KT initials” that sometimes has initials but sometimes does not. In all cases there is the same stamped name of a physical therapist. Ms. Hiller summarized her investigative findings and possible violations noted in her report.

Mr. Akins addressed the Board and noted that Mr. Wheeler has a similar problem of his signature stamp being used without his permission as noted in Ms. Hallquist’s complaint. Mr. Akens stated Mr. Wheeler’s signature stamp was used 84 times without his knowledge when he only saw this patient 8 times.

Dr. Cornwall moved the Board forward this complaint to an informal hearing and add possible violation of A.R.S. §32-2044(1, 20) and A.R.S. §32-20402(A). Ms. Akers seconded the motion. Following 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 forward this matter to the Attorney General’s Office and the Department of Insurance for review as possible insurance fraud or other criminal matters.

- xi) Complaint #11-19; William Perry, PT

Ms. Richardson returned to the Board table at 1:20 p.m.

Dr. Cornwall called the Board’s attention to the above matter. Mr. Perry was present and represented by Faren Akins his attorney. Ms. Donahue provided the Board with a summary of the complaint. Mr. Perry on 3/23/11 plead guilty to Count 3 Theft, Class 6 Undesignated Felony. Mr. Perry failed to notify the Board within 5 days when he was charged on September 1, 2010 with felony theft and failed to provide monthly updates or court documentation to the Board regarding the status of the matter as required by his Board order #09-29/30. In addition, Mr. Perry submitted courses for credit toward the continuing education requirements in his Board Order that he did not attend as Ms. Donahue attended the same courses and stated that Mr. Perry was not present.

Mr. Akins addressed the Board. He stated he was not aware of the issue related to the continuing education, but his client admits he made an error in not reporting his criminal conviction. Mr. Perry came forward and addressed the Board. Mr. Perry stated he is aware that he submitted paperwork indicating he took two courses at the same time, but this was based on an error by the course sponsors when they stamped he completed the wrong course and then stamped the course he actually attended.

Mr. Sieveke stated it seems Mr. Perry has not maintained compliance with his order and developing a pattern of errors that do not show and understanding of the connection of his compliance with the terms of his Board Order that allow for suspension or revocation. Dr. Cornwall moved the Board forward the complaint to an informal hearing and notice Mr. Perry of the Board’s consideration of lifting the stay of revocation on his license. Ms. Akers seconded the motion. Following 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						

- e) Review, Discussion, and Action on Board Order

- iv) Complaint #09-29/30; William Perry, PT; Request for Modification of Board Order

Faren Akins, Attorney for Mr. Perry withdrew the request for modification. The Board took no action on this agenda item.

5) BOARD BUSINESS AND REPORTS

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

Dr. Cornwall called the Board's attention to the above agenda item. Mr. Brown provided a summary for the Board.

- i) Financial Report- The Board was provided with a copy of 2011 Budget, Expenditures, and Revenues. There is nothing new to report regarding FY 2011 revenues and expenditures. However, the FY 2012 Budget has been signed by the Governor. The Board will receive an initial appropriation of \$368,700 which is above our FY 2011 of \$355,900. However, the Board will see either some transfers or reductions based on savings required for increases in employee retirement contributions or some required salary savings. The mandatory furloughs for the remainder of FY 2011 and all of FY 2012 have been removed, but the authorization to use the furloughs to meet saving requirements is available. Mr. Brown reported he believes the Board will not need the furloughs to maintain expenditure within the appropriation.
 - ii) Board Staff Activities- Mr. Brown provided a summary of the agencies progress on entering complaint and disciplinary information into the revised database.
 - iii) Legislation- Mr. Brown reported on HB 2194 which will establish retired and inactive statuses for licensed physical therapists and certified physical therapist assistants.
 - iv) Rule Activity- Mr. Brown reported the Board has not received any word from the Governor's Office regarding the two requests to run rule making through the Governor's Regulatory Review Council.
 - v) FSBPT- Mr. Brown reported that he and Dr. Cornwall have received and accepted invitations to attend the NPTE Summit in July 2011 to help establish the future of the examination.
- b) Review Discussion and Action of Election of Delegate and Alternate Delegates to 2011 FSBPT Annual Meeting and Delegate Assembly

The Board tabled this matter to the May 24, 2011 meeting to allow Board members to review their availability to attend the FSBPT Annual Meeting.

- c) Review, Discussion and Possible Action of Executive Director Performance Evaluation.

Dr. Cornwall called the Board's attention to the above matter. Dr. Cornwall moved the Board enter Executive Session to review personnel matters. Mr. Sieveke seconded the motion. The motion carried by unanimous vote.

The Board entered Executive Session at 1:47 p.m.
The Board reentered Regular Session at 1:55 p.m.

Dr. Cornwall reported that Mr. Brown's performance review was complete and instructed Mr. Brown to place a copy of the review in his personnel file. Dr. Cornwall noted that Mr. Brown's review was scored as exceptional.

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 1:57 p.m.

Prepared by,

Regular Session Meeting
April 26, 2011

Charles D. Brown
Executive Director

Approved by,

Randy Robbins
Secretary