



ARIZONA STATE BOARD OF PHYSICAL THERAPY
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REGULAR SESSION MEETING MINUTES
May 24, 2011

MEMBERS PRESENT:

Mark Cornwall, P.T., Ph.D., President
Lisa Akers, P.T., Vice President
James Sieveke, P.T., O.C.S., Member
Melinda Richardson, P.T., Member
Peggy Hunter, P.T.A., Member

MEMBERS ABSENT:

Randy Robbins, Secretary

OTHERS PRESENT IN PERSON:

Charles D. Brown, Executive Director
Paula Brierley, Licensing Administrator
Karen Donahue, Investigator
Keely Verstegen, Assistant Attorney General

CALL TO ORDER – 8:33 a.m.

Dr. Cornwall called the meeting to order at 8:33 a.m.

- 1) Review and Approval of Draft Minutes
 - a) April 26, 2011, Regular Session Meeting Minutes

Dr. Cornwall called the Board's attention to the above agenda item. Dr. Cornwall asked if any member had changes or corrections to the minutes. Ms. Richardson requested a change to the minutes to reflect her return to the Board meeting. She left the meeting at 1:00 p.m. and returned at 1:20 p.m. Mr. Sieveke moved the Board approve the minutes as amended. Ms. Hunter 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) April 26, 2011, Executive Session Meeting Minutes 9:40 a.m. to 9:42 a.m.

Dr. Cornwall called the Board's attention to the above agenda item. Dr. Cornwall asked if any member had changes or corrections to the minutes. No member requested changes or corrections. Ms. Richardson moved the Board approve the minutes as presented. 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		

c) April 26, 2011, Executive Session Meeting Minutes 10:20 a.m. to 10:29 a.m.

Dr. Cornwall called the Board's attention to the above agenda item. Dr. Cornwall asked if any member had changes or corrections to the minutes. No member requested changes or corrections. Mr. Sieveke moved the Board approve the minutes as presented. 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		

d) April 26, 2011, Executive Session Meeting Minutes 1:47 p.m. to 1:55 p.m.

Dr. Cornwall called the Board's attention to the above agenda item. Dr. Cornwall asked if any member had changes or corrections to the minutes. No member requested changes or corrections. Ms. Richardson moved the Board approve the minutes as presented. 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		

2) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

c) Initial Review, Discussion and Action on Complaint

i) Complaint #10-23; David Lizarraga, PTA

Dr. Cornwall called the Board's attention to the above agenda item. Mr. Lizarraga was present and was represented by Sara Agne. Ms. Donahue provided a summary of the complaint for the Board. The mother (complainant) of patient G.S. alleges that Mr. Lizarraga discharged her son from Life Care Center of Sierra Vista without cause or notice after one year of care. Mr. Lizarraga called her following cancelation of occupational therapy (OT) appointments, stating that he was no longer going to give therapy to G.S effective immediately. The complainant contends that Mr. Lizarraga said if G.S was not going to get OT with Life Center he could not have physical therapy there either. An hour after the phone call with Mr. Lizarraga the secretary from the outpatient therapy department left a voice mail telling her that Mr. Lizarraga asked her to pick up G.S's left hand crutches as Mr. Lizarraga would not be seeing G.S. anymore.

Mr. Lizarraga came forward and made a statement to the Board. He stated that when he contacted the complainant he was calling on behalf of the occupational therapist to discharge G.S. since he could no longer continue OT treatment with the chair available. The complainant was unable to transport G.S.'s chair based on

its weight and felt G.S. would receive better OT care in the home environment. Mr. Lizarraga stated that he never mentioned discharging G.S. from physical therapy services and the complainant had hung up the phone.

The Board entered the questioning and discussion phase of its review. Mr. Sieveke asked if Mr. Lizarraga's supervising physical therapist was involved in the discussion of G.S. prior to him phoning the complainant. Mr. Lizarraga stated he did not contact James Wendel, his supervising physical therapist before contacting the complainant. Mr. Lizarraga also stated he did not document the conversation with the complainant. Dr. Cornwall asked if G.S. was still receiving physical therapy through outpatient services. Mr. stated G.S. is still being seen at outpatient services at his place of practice where he is the Director of Outpatient Rehabilitation.

Ms. Hunter asked how often the supervising physical therapist would see patient at his facility. Mr. Lizarraga stated for the initial evaluation and then again at visit 8 or 10. Dr. Cornwall stated he could see how there may be miscommunication over the phone, but that the investigation has noted issues of documentation deficiencies and work outside the scope of a physical therapist assistant. Dr. Cornwall moved the Board forward the complaint to an informal hearing and add allegation of violating A.R.S. §32-2044(20) and A.A.C. R4-24-304. Ms. Akers seconded the motion. The Board entered discussion. Dr. Cornwall asked if any Board member had an issue with keeping the allegation of working outside of the scope of work. Mr. Sieveke noted that he still has questions and that it would be best to leave the allegation which could be dismissed at the Informal Hearing. Discussion and 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 open a complaint against James Wendel, PT for violating A.R.S. 32-2044(6). Ms. Akers seconded the motion. After review and discussion the motion carried by unanimous vote.

ii) Complaint #10-54; Debbie Meade, PTA

Dr. Cornwall called the Board's attention to the above agenda item. Ms. Meade was not present. Ms. Donahue provided a summary of the complaint for the Board. The complaint was filed by Teresa Brown, OT, Director of Rehabilitation Services for Life Care Center of Sierra Vista. Ms. Brown alleges that Ms. Meade and another worker were involved in horseplay in attempting to trip each other. The horseplay resulted in a patient falling who sustained a pelvic fracture.

Dr. Cornwall noted that based on the investigation all but one witness stated they felt the fall was an accident. Mr. Sieveke noted for the record that he knows one witness to the incident, but that he has no bias in the matter. Dr. Cornwall moved the Board dismiss the complaint. Ms. Akers seconded the motion. The Board entered discussion. Mr. Sieveke noted that the investigation identified issue of deficient documentation. Dr. Cornwall withdrew his motion. Dr. Cornwall moved the Board forward the complaint against Ms. Meade to an Informal Hearing and add allegations of possibly violating A.R.S. §32-2044(20) and A.A.C. R4-24-304. Ms. Akers seconded the motion. The Board entered discussion. Mr. Sieveke asked if were best to deal with the possible violation of A.R.S. §32-2044(5) now or at a hearing. No further motion was made. 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 moved the Board open a complaint against James Wendel, PT for possible violation of A.R.S. §32-2044(6 and 20) and A.A.C. R4-24-304. 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		

a) Formal Hearing and Possible Action

i) 9:00 a.m.; Complaint #10-52; Denise Labriola, PT

Dr. Cornwall called the Board's attention to the above agenda item. Ms. Verstegen was present on behalf of the State of Arizona. Ms. Labriola was present and came forward to address the Board. Ms. Labriola stated that her attorney was called for jury duty today and was not present. She requested a continuance of the hearing. Ms. Verstegen stated she had no objection and it was only fair to grant a continuance. Dr. Cornwall moved the Board Continue the hearing to the next available hearing date. Ms. Richardson seconded the motion. The motion carried by unanimous vote.

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

ii) 9:00 a.m.; Complaint #10-53; Lori Miles, PTA

Dr. Cornwall called the Board's attention to the above agenda item. Ms. Verstegen was present on behalf of the State of Arizona. Ms. Miles was present and was represented by Jeff Hunter. Ms. Verstegen stated the State and defense counsel had reached a proposed consent agreement. Ms. Verstegen requested the Board review the proposed agreement. Dr. Cornwall recessed the Board to allow time to review the consent agreement.

The Board recessed at 9:12 a.m.

The Board reentered Regular Session at 9:23 a.m.

Mr. Sieveke, Ms. Richardson, Ms. Akers, and Dr. Cornwall all expressed agreement with the proposed consent agreement. The Board discussed the consent agreement and possible modifications to eliminate the required PROBE course and add a requirement to provide a presentation on ethics and jurisprudence to PTA students within the first year of probation. Dr. Cornwall moved the Board accept the consent agreement as presented with the noted modifications and allow Ms. Miles 20 days to accept the consent agreement or reset the 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		
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i) 9:00 a.m.; Complaint #10-68; Emmerson Salamat, PT

Dr. Cornwall called the Board's attention to the above agenda item. Ms. Verstegen was present on behalf of the State of Arizona. Ms. Donahue was listed as the State's witness. Mr. Salamat was present and was not represented by counsel. Christopher Munns, Assistant Attorney General was available by phone to advise the Board, but was not present. Ms. Verstegen provided the Board with a correction to the complaint to reflect that Mr. Salamat had additional hours of continuing competence to receive credit, but was still deficient. Mr. Salamat provided documentation of completing the hours he was deficient.

Dr. Cornwall reviewed the procedures of the hearing and detailed the possible outcomes of the hearing. Dr. Cornwall placed Ms. Donahue and Mr. Salamat under oath as witnesses. Ms. Verstegen came forward to address the Board with her opening statement. Ms. Verstegen stated that the case against Mr. Salamat is related to his failure to complete continuing competence activities before renewal of his license in 2010. Mr. Salamat falsely stated on his 2010 renewal application that he completed the required continuing competence activities when they were not completed. Mr. Salamat was randomly selected for audit of his continuing competence activities and he failed to respond to the notice of audit in the thirty days allowed, but did respond in January 2011. The Board then opened a complaint against Mr. Salamat's license. In Mr. Salamat's response to the audit and complaint he provided documentation of continuing competence activities he had used to correct deficiencies in his continuing competence activities from an audit of the 2006-2008 compliance period. Therefore, Mr. Salamat has been found deficient in continuing competence activities for 2006-2008 and 2008-2010 compliance periods. Ms. Verstegen stated the multiple occurrences of falsifying his renewal applications are an issue of him being regulated. Ms. Verstegen closed her opening statement.

Mr. Salamat was offered time to make an opening statement. Mr. Salamat declined to make an opening statement. Ms. Verstegen called Karen Donahue, PT, Board Investigator as the State witness. Ms. Donahue explained her duties as the Board Investigator and the continuing competence audit process at the Board. Ms. Donahue testified that Mr. Salamat was placed on probation after an audit of his 2006-2008 continuing competence activities showed a deficiency. Ms. Donahue review State's Exhibit 1, 2, and 3. Dr. Cornwall took the Exhibits into the record. Ms. Donahue testified regarding the investigation of Mr. Salamat and his failure to respond to the notice of audit until after the Board opened a complaint. Ms. Donahue testified to the number of hours Mr. Salamat was deficient in his 2008-2010 continuing competence activities. Ms. Donahue testified that Mr. Salamat stated on his 2008 renewal application he was complete with all continuing competence activities which was found to be untrue and received Board disciplinary action. She also testified that Mr. Salamat also falsely claimed to be complete with his continuing competence activities on his 2010 renewal application. Ms. Verstegen ended her direct examination of Ms. Donahue. Mr. Salamat declined to cross examine Ms. Donahue.

Ms. Verstegen rested the State's case. Mr. Salamat declined to call any witness. Ms. Verstegen provided a closing statement. Mr. Salamat declined a closing statement. The Board entered deliberations. Ms. Akers stated that it appears Mr. Salamat is not arguing or denying any of the allegation. Dr. Cornwall expressed concern regarding the deficiencies in 2008 and again in 2010 and a willingness to be misleading on an application. Mr. Sieveke noted a pattern in Mr. Salamat's behavior and a need for possible restriction. The Board ended deliberations.

Dr. Cornwall moved the Board adopt the Findings of Fact as follows:

1. On or about August 9, 2010, Respondent renewed his license electronically.
2. On his renewal application, Respondent affirmed that he was in compliance with the continuing competency requirements.

3. Respondent was randomly selected by the Board for an audit of his continuing competence compliance during the 2008-2010 licensure period.
4. On or about October 22, 2010, Respondent received notice from the Board that he was selected for the audit.
5. Respondent did not submit a response to the audit within the required thirty day time frame and submitted his response on January 10, 2011.
6. Respondent was also randomly selected by the Board for an audit ("previous audit") of his continuing competence compliance during the 2006-2008 licensure period.
7. During the previous audit, Respondent was found to be deficient in his continuing competence hours and utilized additional courses taken on September 1, 2008 to satisfy the deficiency for the 2006-2008 time period.
8. The courses taken on September 1, 2008 and applied to the 2006-2008 renewal period were: Pain 104, Rehab 101-G and An Overview of Carpal Tunnel Syndrome for a total of five hours.
9. In his response to the Board on January 10, 2011, Respondent submitted documentation of continuing education that was taken during the 2008-2010 time period.
10. Respondent failed to submit any documentation that he completed the required ten hours of continuing competence in Category A.
11. Respondent submitted documentation and was approved for five hours in relation to two courses: "In-service related to Sleep Disorder", September 11, 2009 (3 hours) and "CPR Certification", April 12, 2010 (2 hours).
12. Respondent again submitted documentation for the courses (Pain 104, Rehab 101-G and An Overview of Carpal Tunnel Syndrome for a total of five hours) he took on September 1, 2008 that were applied to the 2006-2008 renewal period.
13. Respondent is deficient 12 hours (seven hours of category A) for the 2008-2010 compliance period.

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		

Dr. Cornwall moved the Board adopt the following Conclusions of Law:

1. The conduct and circumstances explained in the Findings of Fact above 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 explained in the Findings of Fact above constitute a violation of A.R.S. §32-2044(14) (Making misleading, deceptive, untrue or fraudulent representations in violation of this chapter or in the practice of the profession).
3. The conduct and circumstances explained in the Findings of Fact above constitute a violation of A.R.S. §32-2044(24) (Failing to complete continuing competence requirements as established by the Board by rule) as it relates to:
 - a. A.A.C. R4-24-401 (A) (a licensed physical therapist shall earn 20 contact hours of continuing competence activities for each compliance period to be eligible for renewal of license).
 - b. A.A.C. R4-24-401 (D) (a licensee shall not carry over contact hours from one compliance period to another).
 - c. A.A.C. R4-24-401 (G)(2) (Within 30 days of receipt of notice of audit, a licensee shall submit evidence to the Board that shows compliance with the requirements of continuing competence).

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 issue an Order to Mr. Salamat of a suspension of his license to practice physical therapy in Arizona for six (6) months, complete 8 hrs of continuing competence in ethics, completion of the Federation of State Board's of Physical Therapy PROBE course, serve two years of probation after serving the suspension, and undergo an audit of his 2010-2012 continuing competence activities before probation can be terminated. Mr. Sieveke seconded the motion. The Board entered discussion. Ms. Hunter expressed concern over the suspension period. Ms. Richardson stated the six months may be too long. Ms. Akers stated she would rather see 3 months suspension. Mr. Sieveke moved to amend the motion to three months of suspension and the jurisprudence exam. Ms. Akers seconded the motion. After review and discussion the motion to amend the original motion carried with three aye votes and two nay votes.

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

Dr. Cornwall called the vote on the amended motion. After review and discussion the Board took a roll call vote. The motion carried.

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 concluded the hearing.

The Board recessed at 10:12 a.m.

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

b) Informal Hearing and Possible Action after 9:00 a.m.

i) Complaint #10-21; Travis Browne, PT

Dr. Cornwall called the Board's attention to the above agenda item. Mr. Browne was present but was not represented by legal counsel. Patient E.E. was present. The Board and staff introduced themselves. Dr. Cornwall reviewed the procedures of the hearing and the possible outcomes. Mr. Brown provided a summary of the allegations in the case.

Based on the investigation by Board staff and the Board's Initial Review of this complaint it is alleged that Mr. Browne:

1. Allowed a physical therapy aide to provide a treatment intervention to patient E.E. prior to the patient being evaluated, before initiating a treatment plan, and before assessing the patient's acuity on June 9, 2010.

2. Provided substandard care by failing to assess or evaluate patient E.E. prior to delegating treatment to a physical therapy aide.
3. Charged patient E.E.'s third party payor for an evaluation service on June 9, 2010; however, Mr. Browne discontinued the evaluation prior to completing the patient history and did not examine the patient. The documented evaluation does not provide clinical findings, objective measure, goals, or a plan of care or treatment.
4. Failed or refused to document patient E.E.'s subjective pain level of 10 out of 10 and attempted to document a 9 out of 10.
5. Failed to place the initials "PT" after his signature and used "DPT" to denote licensure.

Mr. Browne came forward to address the Board. Dr. Cornwall placed Mr. Browne under oath. Mr. Browne declined an opening statement. Mr. Sieveke asked Mr. Browne about his procedures when a new patient arrives at the office. Mr. Browne explained the process and noted that based on patient E.E.'s documentation from the referring physician it was proper to have her begin with a hot pack before he saw the patient. Mr. Browne instructed his physical therapy aide to place E.E. on a hot pack. Dr. Cornwall asked Mr. Browne to explain what in the records from the physician indicated a hot pack. Mr. Browne reviewed the documentation and stated the heat would improve her spinal mobility. Ms. Richardson asked how a baseline of mobility was established if he ordered the hot pack before he saw the patient. Mr. Browne stated he used his experience.

Ms. Hunter asked Mr. Browne to explain the 0-10 scale he uses to get the patient subjective pain. Mr. Browne stated that the 0 is no pain and the 10 is emergency room pain. Patient E.E. stated she was a 10, but since she was in his office and not the emergency room he did not want to write a 10, he wanted to write a 9. He stated he wanted the parameters of the scale followed and E.E. was being defiant. Ms. Hunter asked if Mr. Browne suggested E.E. go to the emergency room and Mr. Browne stated yes. Dr. Cornwall asked if Mr. Browne talked to the referring physician. Mr. Browne stated he told the physician of the incident and referred E.E. back for care. Mr. Browne stated no exam was completed at his office.

Ms. Akers asked at what level Mr. Browne would have been comfortable treating patient E.E. Mr. Browne stated he would treat at any level other than a 10 on his scale. Mr. Browne stated he could have made the scale invalid and moved forward, but the situation escalated quickly. Mr. Sieveke asked if he delegated the hot pack before knowing the patient acuity. Mr. Browne stated yes. Ms. Akers asked why E.E. was billed for an exam when it did not occur. Mr. Browne stated he took E.E.'s subjective complaints which start the exam so he felt he should be able to bill for an exam.

Mr. Browne stated he would have done things differently now, but the situation escalated quickly and he was just trying to get E.E. to leave his office. Patient E.E. came forward to address the Board. She stated she worked as a physical therapy aide for 1½ years. She did state that she was having 10 out of 10 pain. Mr. Browne stated it should not be a ten because she is not in the emergency room and she responded that it would be a 12 if that was on the scale. E.E. claims at that point Mr. Browne stated he could not treat her and asked her to leave. He never mentioned the hospital. Mr. Browne told his receptionist E.E. was refusing treatment. E.E. disagreed and Mr. Browne said he was going to call the police. E.E. feels Mr. Browne was unprofessional. Mr. Browne provided a closing statement and stated he understands E.E. is angry and that her statement today was almost verbatim as it was the day of the incident.

The Board entered deliberations. Dr. Cornwall asked if any Board member felt a Formal Hearing was necessary. All Board members stated no. Dr. Cornwall expressed concern with Mr. Browne's logic and clinical decision making. Ms. Richardson stated she did not want to allow more time to elapse to get to a Formal Hearing. Ms. Akers noted concern with his reaction to the situation regarding a subjective pain scale. Ms. Akers

noted that Mr. Browne claims he used the MRI in the patient record to assess for the hot pack but the MRI was not done until after he saw E.E. The Board ended its deliberation.

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

1. Mr. Browne allowed a physical therapy aide to provide a treatment intervention to patient E.E. prior to the patient before assessing the patient's acuity on June 9, 2010.
2. Mr. Browne initiated an evaluation of patient E.E. on June 9, 2010 but discontinued the evaluation after collecting subjective information from the patient. However, Mr. Browne billed for an evaluation of patient E.E. when Mr. Browne knew he had not completed an evaluation. Mr. Browne failed to document clinical findings, objective measures, goals, a plan of care, or treatment which are required components of an examination.
3. Mr. Browne testified that when patient E.E. provided a subjective pain level of 10 out of 10, he informed patient E.E. that he was going to record the pain level as a 9 out of 10. Mr. Browne's documentation shows Mr. Browne did document the subjective pain as 10 out of 10.
4. Mr. Browne failed to use the initials "PT" after his signature to denote licensure.

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		

Dr. Cornwall moved the Board adopt the following conclusions of law:

1. The conduct and circumstances explained in the Findings of Fact above 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 explained in the Findings of Fact above 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 explained in the Findings of Fact above constitute a violation of A.R.S. §32-2044(13) (Charging unreasonable or fraudulent fees for services performed or not performed).
4. The conduct and circumstances explained in the Findings of Fact above constitute a violation of A.R.S. §32-2044(14) (Making misleading, deceptive, untrue or fraudulent representations in violation of this chapter or in the practice of the profession).
5. The conduct and circumstances explained in the Findings of Fact above constitute a violation of A.A.C. R4-24-303(B)(2): (On each date of service, a physical therapist shall determine, based upon the patient's acuity and treatment plan, whether it is appropriate to use assistive personnel to perform a selected treatment intervention or physical therapy task for the patient).
6. The conduct and circumstances explained in the Findings of Fact above 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).

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		

Dr. Cornwall moved the Board issue an Order for three (3) years of probation with possible early termination, completion of 6-8 hours of continuing education in ethics and 6-8 hours in billing and documentation all to be completed in the first six months of probation. Completion of a minimum of one audit of three randomly selected patient records by Board staff. Additional audits may be required if the audit finds deficiencies. Completion of a 2000 word essay on ethics, billing, patient communication, the application of the topics to his practice and a description of how he has passed his new education to his employees. The essay must be completed in the first 12 months of probation. Ms. Akers seconded the motion. After review and discussion the motion carried by a roll call 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 ended the hearing.

ii) Complaint #10-27; Dennis St. James, PT

Dr. Cornwall called the Board's attention to the above matter. Mr. St. James was present and was not represented by legal counsel. The Board and staff introduced themselves. Dr. Cornwall provided a description of how the hearing would be conducted and the possible outcomes. Mr. Brown provided a summary of the allegations in the case.

Based on the investigation by Board staff and the Board's Initial Review of this complaint it is alleged that Mr. St. James:

1. Failed to perform and document an evaluation of the thoracic spine for patient R.F., which may be substandard care.
2. Failed to perform and document a re-evaluation of patient R.F. immediately following the report of injury nor at the next visit when the R.F.'s symptoms did not improve, and may have worsened with reports of pain with respiration which may be substandard care.
3. Failed to document communication with R.F.'s physician following the reported injury in response to the manipulation on DOS 4/13/10.
4. Provided the Board with misleading information when in the complaint response Mr. St. James stated "She was scheduled for a follow-up appointment with Dr. Borowsky in a week but it was suggested that she contact him sooner concerning her symptoms and to possibly have X-rays ordered." The documentation in R.F.'s patient record does not support this claim. The documentation on DOS 4/15/10 states "Patient to see Dr. Borowsky next week for follow-up appointment and will have x-rays done of her ribs at that time"
5. Provided the Board with misleading information when Mr. St. James claimed in his complaint response that he did the following: "R.F. was contacted a number of times following this incident and because of her continuing symptoms, she was given the telephone number for HPSO, my malpractice insurance provider, to discuss reimbursement for the cost of her treatments and lost wages." There is no documentation of any attempted or actual communication with R.F. outside of the treatment sessions.
6. Failed to create adequate patient records in that:

- a. The initial evaluation does not document the physical therapist's interpretation of the results of the examination.
- b. The initial evaluation did not document a clinical rationale for therapeutic interventions.
- c. The Plan of Care did not document measurable goals.
- d. The patient's prognosis was not documented.
- e. A discharge report is not documented

Mr. St. James came forward and addressed the Board. Mr. St. James stated that he feels the complaint narrows down to inadequate documentation on his part. He feels his treatment steps were proper and adequate, but he failed to document. He has taken steps to improve the documentation within his office.

Dr. Cornwall asked if Mr. St. James had performed evaluations on the patient. Mr. St. James stated he did initial and reevaluations but did not document the evaluations. Mr. St. James stated the restriction in the patient's neck and low back lead to the treatment provided, but it was documented poorly. Mr. St. James stated that in the future he may consider a bone density test on a similar patient before using manipulation. Mr. Sieveke asked if Mr. St. James explained to the patient when he was transitioning from soft tissue manipulation to manipulation by thrust. Mr. St. James said he does discuss it with the patient and gets consent, but he did not document the discussion. Dr. Cornwall asked if the documentation before the Board is representative of Mr. St. James normal documentation. Mr. St. James stated it was and that he is working to improve his documentation.

Mr. St. James stated that he did follow-up with the patient's physician after the incident, but he failed to document the contact. Mr. Sieveke asked why the patient did not have a discharge summary in the patient record. Mr. St. James stated the patient was set for a follow-up visit but did not return. Ms. Richardson asked if Mr. St. James now has a process to identify patients that do not return for care and to do a discharge. Mr. St. James stated he did not yet have a process. Mr. St. James made his closing statement and indicated he is willing to take a documentation course to improve his documentation process.

The Board entered deliberation. Following discussion, Dr. Cornwall moved the Board adopt the following Findings of Fact:

1. Mr. St. James failed to perform and document an evaluation of the thoracic spine for patient R.F.
The Initial Evaluation:
 - a. The initial evaluation does not document the physical therapist's interpretation of the results of the examination.
 - b. The initial evaluation did not document a clinical rationale for therapeutic interventions.
 - c. The Plan of Care did not document measurable goals.
 - d. The patient's prognosis was not documented.
2. Mr. St. James failed to perform and document a re-evaluation of patient R.F. immediately following the report of injury nor at the next visit when the R.F.'s symptoms did not improve, and may have worsened with reports of pain with respiration which may be substandard care.
3. Mr. St. James failed to document communication with R.F.'s physician following the reported injury in response to the manipulation on DOS 4/13/10.
4. Mr. St. James failed to document a discharge summary for patient R.F.

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
Nay						
Recused						

Abstained						
Absent				X		

Dr. Cornwall moved the Board adopt the following conclusions of law:

1. The conduct and circumstances explained in the Findings of Fact above 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 explained in the Findings of Fact above 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 explained in the Findings of Fact above constitute a violation of A.R.S. §32-2044(20) (Failing to maintain adequate patient records. For the purposes of this paragraph, "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).

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		

The Board entered discussion. Following discussion Dr. Cornwall moved the Board issue an Order placing Mr. St. James's license on probation for three (3) years, requiring completion of eight hours of continuing education in documentation to be completed in the first six months of probation, completion of a minimum of one audit of three patient records. In addition, Mr. St. James must obtain a documentation mentor within 30 days as approved by the Board. The first audit must be completed within six months of entering into the mentorship. The mentor shall develop a documentation practice policy with Mr. St. James to correct issues identified in the Findings of Fact, identify patients that discontinue care and ensure discharge summaries are completed. The initial plan from the mentor is due 30 days from entering into the mentorship, and the mentor shall submit quarterly reports of progress to Board staff. Ms. Akers seconded the motion. Following review and discussion the motion carried by roll call 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 concluded the hearing.

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

Dr. Cornwall called the Board's attention to the above agenda item. Ms. Lowry was present. Ms. Richardson disclosed she knows Ms. Lowry, but that she holds no bias in the matter. The Board and Board staff introduced themselves. Dr. Cornwall provided a description of the procedures of the hearing and the possible outcomes. 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. Lowry:

1. Applied to renew her certificate as a physical therapist assistant on August 2, 2010.
2. Stated in her renewal application in response to question #1 "Have you been convicted of, pled guilty or no contest to, or entered into diversion in lieu of prosecution for any criminal offense in any jurisdiction of the United States or foreign country?", "No"
3. Stated in her renewal application in response to question #9: "Have you been the subject of any criminal investigation by a federal, state, or local agency or had criminal charges filed against you?", "No".
4. Informed the Board on November 29, 2010 that she was arrested for driving under the influence on August 28, 2009. She failed to notify the Board of the charge within 10 days.
5. Were convicted of extreme driving under the influence on November 3, 2009. She failed to notify the Board of this conviction on her 2010 certificate renewal application.
6. Failed to report the arrest, charge or conviction for driving under the influence until she was told by her supervising physical therapist that she would report the matter to the Board unless she self reported the arrest and conviction.

Ms. Lowry came forward and addressed the Board. Ms. Lowry stated that she did not read the questions on her renewal application which is why she did not disclose the DUI. She stated her supervisor eventually discovered the DUI when she did not have a driver's license to present when they attended a dinner. Her supervisor then discovered she had not reported the DUI to the Board. After her supervisor contacted the Board she was told if she has knowledge of Ms. Lowry not reporting the DUI then and does not report it to the Board then her license may be in jeopardy. Ms Lowry discussed the matter with her supervisor and reported the DUI to the Board. Ms. Lowry stated she has heard from other physical therapists or physical therapist assistants that they have not reported criminal charges or convictions. She has not reported them to the Board since she does not know now if they have self reported. The Board ended the questioning of Ms. Lowry. Ms. Lowry stated she was wrong and irresponsible and is prepared to be held accountable.

The Board entered deliberations. Following discussion Dr. Cornwall moved to adopt the following Findings of Fact:

1. Ms. Lowry was arrested for driving under the influence on August 28, 2009.
2. Ms. Lowry was convicted of driving under the influence on November 3, 2010. Respondent notified the Board of the arrest and charge on November 29, 2010.
3. Ms. Lowry failed to report her criminal charge for driving under the influence within 10 business days.
4. Ms. Lowry failed to notify the Board of the arrest when renewing her certificate on August 2, 2010.

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 moved the Board adopt the following Conclusions of Law:

1. The conduct and circumstances explained in the Findings of Fact above 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 explained in the Findings of Fact above constitute a violation of A.R.S. §32-2044(3) (obtaining or attempting to obtain a license or certificate by fraud or misrepresentation).
3. The conduct and circumstances explained in the Findings of Fact above constitute a violation of A.R.S. §32-2044(14) (Making misleading, deceptive, untrue or fraudulent representations in violation of this chapter or in the practice of the profession).
4. The conduct and circumstances explained in the Findings of Fact above constitute a violation of A.A.C. R4-24-312: (Mandatory Reporting Requirement; A. As required by A.R.S. § 32-3208, an applicant, licensee, or certificate holder who is charged with a misdemeanor involving conduct that may affect patient safety or a felony shall provide written notice of the charge to the Board within 10 days after the charge is filed).

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
Nay						
Recused						
Abstained						
Absent				X		

The Board entered discussion. Dr. Cornwall moved the Board issue an Order placing Ms. Lowry's certificate on probation for two years with the possibility of early termination. Require her to complete six to eight hours of continuing education within the first six months of probation. Create and receive approval from Board staff of a presentation regarding ethics and jurisprudence. The presentation must be presented to physical therapist assistant students currently enrolled in accredited physical therapist assistant programs and present Board staff with documentation of completing the presentation. Ms. Akers seconded the motion. Following review and discussion the motion carried by roll call 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 as 12:29 p.m.

The Board reentered Regular Session at 12:44 p.m.

- c) Initial Review, Discussion and Action on Complaint
 - iii) Complaint #10-56; Mark Barnes, PT

Dr. Cornwall called the Board's attention to the above agenda item. Mr. Barnes was not present. Ms. Donahue provided a summary of the complaint to the Board. Mr. Barnes was disciplined for affirming on reinstatement on May 18, 2009 that he had completed his required continuing competency requirements. He was audited on June 1, 2009 in which Mr. Barnes failed to submit materials for review that were approved for the 2008-2010 compliance period. Board opened complaint #09-26 on July 10, 2009 and found Mr. Barnes in violation of A.R.S. §32-2044(1, 3 and 1) as well as R4-24-401(G) (2).

On April 28, 2009 Mr. Barnes signed a consent agreement that required 6 months probation, requirement to complete 20 hours of continuing education to satisfy the 2008-2010 compliance period, 8 hour ethics course, \$250 civil penalty, and passage of the Arizona Jurisprudence Examination. Mr. Barnes was required to complete all of the above order by October 28, 2010. Mr. Barnes failed to complete any of the

requirements of Board Order 09-26 by October 28, 2010. No communication was received from Mr. Barnes by November 3, 2010. On November 3, 2010, complaint #10-56 was opened for violation of Board Order #09-26. Mr. Barnes failed to provide a response to the complaint, which was required by December 3, 2010.

On March 12, 2011, Mr. Barnes contacted Board Staff in regards to his pending complaint. Mr. Barnes verified that he has failed to complete any of the requirements of Board Order #09-26 and provided a response to the complaint on March 18, 2011. In the letter dated March 12, 2011, Mr. Barnes requests a 6-month extension of his Order that expired on October 28, 2010. This request comes 5 months after the deadline to fulfill the requirements of Board Order #09-26. As of April 28, 2011, Mr. Barnes has not completed any requirements of his Board Order.

The Board entered discussion. Following review and discussion, Dr. Cornwall moved the Board forward this complaint to a Formal Hearing and offer Mr. Barnes a consent agreement to surrender his license to practice physical therapy in Arizona in lieu of the Formal Hearing and provide Mr. Barnes 20 days to sign the consent agreement before forwarding the case to Formal Hearing. Ms. Hunter 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 #10-64; Leah Ferrazzi, PT

Dr. Cornwall called the Board's attention to the above agenda item. Ms. Ferrazzi was not present. Ms. Donahue provided a summary of the complaint to the Board. Ms. Ferrazzi did not respond to her notification of audit of her 2008-2010 continuing competence activities within the thirty days required. She provided a response and CEU certificates on April 4, 2011. Ms. Ferrazzi is in compliance with the 2008-2010 Continuing Competency Requirements. Dr. Cornwall moved the Board dismiss the complaint against Ms. Ferrazzi's license and issue a non-disciplinary advisory letter stating, The Board's concerns relate to her failure to timely respond to the Board's Continuing Competency Audit. The Board formally advises her to respond timely to all board orders. Mr. Sieveke seconded the motion. After 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
Nay						
Recused						
Abstained						
Absent				X		

v) Complaint #11-09; James Wendel, PT

Dr. Cornwall called the Board's attention to the above agenda item. Mr. Wendel was not present. Ms. Donahue provided a summary of the complaint to the Board. The complaint alleges Mr. Wendel treated a patient with oxygen when there was not a physician's order for oxygen which is a prescription medication. The Board entered discussion. Following discussion, Dr. Cornwall moved the Board forward the complaint to a Formal Hearing, but to hold the hearing until after the two complaints initiated by the Board today are seen for initial review. Ms. Hunter 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
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Aye	X	X	X		X	X
Nay						
Recused						
Abstained						
Absent				X		

vi) Complaint #11-23; Herb Schillerstrom, D.C.

Dr. Cornwall called the Board's attention to the above agenda item. Dr. Schillerstrom was not present. Ms. Donahue provided a summary of the complaint. The complainant alleges that Dr. Schillerstrom violates the AZ Practice Act by his use of the term "physical therapy" printed on his business cards. Dr. Schillerstrom has provided documentation of removing the term "Physical Therapy" from his business card and letterhead. The Board entered discussion. Following discussion, Dr. Cornwall moved the Board dismiss the complaint against Dr. Schillerstrom. Ms. Hunter 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
vi) Leopoldo Montesclaros, PTA

Dr. Cornwall called the Board's attention to the above matter. Mr. Montesclaros was not present. Mr. Brown provided a summary of Mr. Montesclaros' compliance with his Board Order. Mr. Brown stated the required substance abuse evaluation has been completed, but that the evaluation showed Mr. Montesclaros was drinking three days prior to the evaluation when the terms of his criminal probation forbid his consumption of alcohol. The Board entered discussion. Dr. Cornwall instructed Board staff to notify the proper authorities of Mr. Montesclaros' alcohol use. No formal action of the Board was taken.

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

Boone, Nathan	Cactus, Amy	Cummings, Julia
Fehrer, Steven	Hackler, Meghan	Honour, Erika
Humphrey, Matthew	Liszewski, Wendy	McFarling, Erin
McLaughlin, Ty	Miriovsky, Daniel	Ostrom, Aimee
Ostrom, Jason	Riopelle, William	Scherpf, Sheri

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

de la Garza, Berenice	Hurn, Lisa	Phillips, William
Romola, Diane	Sanchez, Dariel	Staebell, Aileen

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. No Board member requested an applicant's

removal. Dr. Cornwall moved the Board approve the consent agenda and license or certify those applicants listed above. 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		

Consent Agenda Ends

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

a) Review of Possible Action on the Following Applications for Physical Therapist Licensure from Applicants Who have a Letter of Completion.

i) Holm, Jefferson

Dr. Cornwall called the Board's attention to the above agenda item. Dr. Cornwall moved the Board license Mr. Holm upon receipt of an official transcript. 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		

b) 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, Determination of Supervised Clinical Practice Period, and Possible Licensure

(a) Montesclaros, Adelbert

Dr. Cornwall called the Board's attention to the above agenda item. Dr. Cornwall noted that the credential review report submitted to the Board showed the applicant's education was not substantially equivalent to a physical therapist educated in the United States. Dr. Cornwall moved the Board find the applicants education not substantially equivalent and ask the applicant to complete the deficient education. 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		

(b) Feka, Lorete

Dr. Cornwall called the Board's attention to the above agenda item. Dr. Cornwall moved the Board find the applicant's education substantially equivalent to a physical therapist educated in the United States, approve the applicant to take the required examinations, and require the applicant to undergo a Supervised Clinical

Practice Period. 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		

c) Substantive Review of Documentation Related to Disclosure on “Personal Information” Section of Application

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

(a) Gorman, Peter

Dr. Cornwall called the Board’s attention to the above agenda item. Dr. Cornwall moved the Board approve the applicant to take the AZLAW and NPTE examinations and be licensed upon receipt of passing scores. Ms. Akers seconded the motion. After review and discussion the motion carried by unanimous vote.

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

(b) Whipple, Lindsey

Dr. Cornwall called the Board’s attention to the above agenda item. Dr. Cornwall moved the Board approve the applicant to take the AZLAW and NPTE examinations and be licensed upon receipt of passing scores and an official transcript. Ms. Akers seconded the motion. After review and discussion the motion carried by unanimous vote.

(c) Wycoff, Sara

Dr. Cornwall called the Board’s attention to the above agenda item. Dr. Cornwall noted that the applicant received disciplinary action while in school related to cheating on an examination. Dr. Cornwall moved the Board deny the application for licensure. The motion failed for lack of a second. The Board entered discussion. Paul Galiano, PT approached the Board and explained the examination and action taken against the applicant. Following discussion Dr. Cornwall moved to approve the applicant to take the AZLAW and NPTE examinations and be licensed upon receipt of passing scores. Ms. Akers seconded the motion. The motion carried by unanimous vote.

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

d) Review of and Possible Action on Application for Licensure from Applicant Previously Licensed in Arizona

i) Sela, Gahl

Dr. Cornwall called the Board's attention to the above agenda item. Ms. Brierley reported the requirements listed in A.R. S. §32-2028 for reinstatement of the license. Dr. Cornwall moved the Board require the applicant to provide documentation of 50 hours of continuing education activities completed since the last license renewal or the applicant care take the NPTE examination and be licensed upon receipt of the continuing education documentation or a passing score on the NPTE. 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		

- e) Review of and Possible Action on Application for Certification from Applicant Requesting ADA Accommodations.
- i) Brodie, Rachel

Dr. Cornwall called the Board's attention to the above agenda item. Dr. Cornwall moved the Board approve the applicant's request for accommodations of 1½ time to take the examinations, use of a separate room, and licensure 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		

5) **BOARD BUSINESS AND REPORTS**

- a) Executive Director's Report – Discussion and Possible Action
- i) Financial Report- Mr. Brown reviewed the Board's current revenues, expenditures and spending plan for the remainder of the year. The Board consented to the continued spending plan.
 - ii) Board Staff Activities- Mr. Brown reviewed the staff's recent activities. No action was required or taken.
 - iii) Legislation- Mr. Brown provided a legislative update to the Board. No action was taken or required.
 - iv) Rule Activity- Mr. Brown reported the lack of response regarding the Board's rule making requests for business entities. The Board provided consent to allow Mr. Brown to release the Board's Business Entity application and continue the rule making efforts. Mr. Brown reported that the passage of HB 2194 creates new license and certificate status' beginning July 20, 2011. The Board consented to the release of applications for retired and inactive status. The Board requested Mr. Brown place a request to conduct a rule making to the Governor to allow for the reduction of renewal fees for licensees and certificate holders on inactive status.
 - v) FSBPT- Mr. Brown provided no summary. No action was taken or required.
- b) Review, Discussion, and Possible Action Regarding NPTE Fixed Date Testing

Linda Duke, PT; President of the Arizona Physical Therapy Association was present and addressed the Board. Ms. Duke noted the membership's concern of fixed date testing and thanked the Board for adding additional meetings to address any issues in license and certification caused by the testing change. The Board and Ms. Duke discussed the association and the Board exploring restricted licensure in the future to address a

long term change in fixed date test. The Board instructed Mr. Brown to work with the association and collect data regarding restricted licensure in other jurisdictions and report back at a later meeting. The Board reviewed a letter submitted by the Phoenix Physical Therapy Directors Association addressing the impact of fixed date testing. No action was taken or required.

c) Review Discussion and Action of Election of Delegate and Alternate Delegates to 2011 FSBPT Annual Meeting and Delegate Assembly

The Board discussed the FSBPT Annual Meeting and its need for delegates. Dr. Cornwall moved Ms. Hunter attend as the Board delegate from Arizona with Ms. Akers and Dr. Cornwall as alternate delegates. Mr. Brown or other staff will attend as the Board administrator. 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		

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 2:20 p.m.

Prepared by,

Charles D. Brown
Executive Director

Approved by,

Randy Robbins
Secretary