



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

**MEMBERS PRESENT:**

Mark Cornwall, PT, Ph.D.; President  
Lisa Akers, PT, MS; Vice President  
Randy Robbins, Secretary  
Melinda Richardson, PT, MA; Member  
Peggy Hunter, PTA, CLS; Member  
James E. Miller, PT, DPT; Member (Telephonically)

**MEMBERS ABSENT:**

None

**OTHERS PRESENT IN PERSON:**

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

**CALL TO ORDER – 8:34 a.m.**

Dr. Cornwall called the meeting to order at 8:34 a.m.

**1) Review and Approval of Draft Minutes**

**a) September 27, 2011; Regular Session Meeting Minutes**

Dr. Cornwall called the Board’s attention to the above agenda item. No Board member requested corrections or modifications to the minutes. Dr. Cornwall moved the Board approve the minutes as amended. Ms. Akers seconded the motion. The motion carried by unanimous vote.

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

**2) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE**

- b) Initial Review, Discussion and Action on Complaint**
  - i. Complaint # 11-20; Matthew Noake, PTA**

Dr. Cornwall called the Board’s attention to the above agenda item. Mr. Noake was present and was represented by Paul Giavcola. Ms. Donahue provided a summary of the complaint that alleges Mr. Noake provided false information on his application for licensure when he failed to disclose a 2005 conviction for driving under the influence. Mr. Giavcola addressed the Board. He stated Mr. Noake misunderstood the question on the application and thought he only needed to report convictions of felony crimes.

The Board questioned Mr. Noake about the alleged misunderstanding. Dr. Cornwall moved the Board dismiss the complaint and issue Mr. Noake an advisory letter stating that the Board’s concerns relate to his failure to accurately complete his initial application for licensure. The Board formally advises him to read all applications clearly and seek clarifying information if questions arise as to the intent. Mr. Robbins seconded the motion. Following review and discussion the motion carried with one Board Member voting nay.

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

ii. Complaint #11-29; Eric Powell, PT

Dr. Cornwall called the Board’s attention to the above agenda item. Mr. Powell was not present and was not represented by legal counsel. Ms. Donahue provided a summary of the complaint. Mr. Powell was arrested in July 1986 on felony charges and convicted of reckless driving in August 1990. Mr. Powell did not identify these issues on his application to obtain a physical therapist licensure August 1995 or on his subsequent renewal applications including the renewal application submission following his notification of complaint for the 2010-2012 renewal period.

The Board discussed the investigative report. Ms. Hunter stated she felt there was sufficient information to move the case forward. Ms. Richardson stated she felt this complaint had different circumstances when compared to the complaint against Mr. Noake. The Board discussed what they require of the licensee if the complaint was moved forward and the allegations proven true. Dr. Miller expressed he felt the matter could be address through no-disciplinary action. Mr. Robbins stated he was in favor of non-disciplinary continuing education.

Dr. Cornwall moved the Board dismiss the complaint against Mr. Powell and issue a non-disciplinary order for continuing education. The continuing education is to be at a minimum six (6) hours in ethics preapproved by Board staff and must be completed in six months. Included is an advisory statement that Mr. Powell did not accurately report a past criminal conviction for driving under the influence on his initial application for licensure and failed to disclose the conviction on any subsequent renewal application. The Board formally advises Mr. Powell to provide accurate and truthful information on all applications and follow the laws that govern the practice of physical therapy in Arizona. Ms. Richardson seconded the motion. Following review and discussion the motion carried by unanimous vote.

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

iii. Complaint # 11-36; Lori Zeltwanger, PT

Dr. Cornwall called the Board’s attention to the above agenda item. Ms. Zeltwanger was not present and was not represented by legal counsel. Ms. Donahue provided a summary of the complaint for the Board. The Board opened a complaint against Ms. Zeltwanger, PT due to her failure to comply with the 2008-2010 continuing competence requirements and audit. Ms. Zeltwanger results of her audit indicated that she was 15 deficient for the 2008-2010 compliance period. Ms. Zeltwanger failed to submit evidence of completion of her deficient hours within the six-month grace period. Ms. Zeltwanger did submit a certificate of completion for “Motivational Strategies to Improve Outcomes” for 15 contact hours. This course was completed on September 25, 2011.

Dr. Cornwall moved the Board dismiss the complaint against Ms. Zeltwanger and issue her a non-disciplinary advisory letter stating the Board’s concerns relate to her failure to complete the continuing competence requirements for the 2008-2010 compliance period. The Board formally advises her to construct a mechanism to receive board communication when she is out of the country so that she can respond timely to requests. Mr. Robbins seconded the motion. Following review and discussion the motion carried by unanimous vote.

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

c) Review of Consent Agreement In Lieu of Informal Hearing  
 i. Complaint #11-16; Tess Bowden, PTA

Dr. Cornwall called the Board’s attention to the above agenda item. Ms. Bowden was not present and not represented by legal counsel. Mr. Brown reported that Ms. Bowden had accepted a consent agreement for disciplinary action against her certificate to work as a physical therapist assistant. However, the consent agreement was negotiated by staff and required Board approval to become effective and vacate the complaint proceeding to hearing. The Board discussed the consent agreement. Dr. Cornwall moved the Board accept the consent agreement. Ms. Akers seconded the motion. Following review and discussion the motion carried by unanimous vote.

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

d) Review and Possible Action of Information for Consideration of Opening a Complaint  
 i. Dana Douglass, PT

Dr. Cornwall called the Board’s attention to the above agenda item. Ms. Douglass was not present and was not represented by legal counsel. Ms. Donahue reported that a complaint notice was received regarding Ms. Douglass; however, during analysis by staff no potential violation of law was noted. The matter was brought before the Board for consideration of opening a complaint. Dr. Miller stated that he failed to identify a possible violation in the information provided. Ms. Akers agreed. Dr. Cornwall moved the Board not open a complaint

for lack of identified allegations of violations of law. Ms. Richardson seconded the motion. Following review and discussion the motion carried by unanimous vote.

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

- a) Formal Hearing and Possible Action
  - i. Time 9:00 a.m. Complaint #11-33; Brian Courcey, PT

Dr. Cornwall called the Board’s attention to the above agenda item. Ms. Verstegen was present on behalf of the State of Arizona. Mr. Courcey was not present and was not represented by legal counsel. Dr. Cornwall verified Mr. Courcey was sent proper notification of the hearing. The Board introduced themselves. Dr. Cornwall reviewed the procedures of the hearing and the possible outcomes. Ms. Verstegen provided an opening statement indicating that Mr. Courcey was audited for his continuing competence activities for the 2008-2010 compliance period and failed to provide documentation of his activities even though he reported them complete on his application for renewal and failed to make-up any hours during the additional six months provided to come into compliance. Mr. Courcey was not present to make an opening statement.

Ms. Verstegen called Karen Donahue, PT, Board Investigator to the stand. Ms. Donahue was sworn in by Dr. Cornwall. Ms. Donahue provided testimony. Mr. Courcey was not present to cross examine Ms. Donahue. Ms. Verstegen rested her case. Mr. Courcey was not present to call witnesses. Ms. Verstegen provided a closing statement and requested the license issued to Mr. Courcey for the practice of physical therapy in Arizona be revoked as he has shown no intent to communicate with the Board.

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

1. On or about July 13, 2010, Respondent renewed his license electronically.
2. On his renewal application, Respondent affirmed that he was in compliance with the continuing competency requirements for the 2008-2010 licensure compliance period.
3. Respondent was randomly selected by the Board for an audit of his continuing competence compliance for the 2008-2010 licensure compliance period.
4. On November 17, 2010, Board staff sent Respondent a letter notifying him that he is deficient twenty hours for the 2008-2010 licensure compliance period.
5. Respondent signed for the deficiency notice on November 24, 2010.
6. Respondent had until May 17, 2011 to complete the required twenty hours of continuing competence for the 2008-2010 licensure compliance period.
7. Respondent failed to provide any further documentation to the Board showing that he completed the required twenty hours of continuing competence for the 2008-2010 licensure compliance period.
8. Board staff sent Respondent a notice of the complaint via certified mail, regular mail and email, but he failed to provide a response to the Board.

Mr. Robbins seconded the motion. Following review and discussion the motion carried by unanimous vote.

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

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

1. The Board has jurisdiction over this matter pursuant to A.R.S. § 32-2001, *et seq.* and the rules promulgated by the Board relating to the practice of physical therapy.
2. The conduct and circumstances explained in the Factual Allegations above constitute a violation of A.R.S. §32-2044(1) (Violating this chapter, board rules or a written board order).
3. The conduct and circumstances explained in the Factual Allegations above constitute a violation of A.R.S. §32-2044(3) (Obtaining or attempting to obtain a license or certificate by fraud or misrepresentation).
4. The conduct and circumstances explained in the Factual Allegations 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 Factual Allegations 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).

Ms. Akers seconded the motion. The motion carried by unanimous vote.

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

Dr. Cornwall moved the Board adopt an Order that License number 8722 issued to Brian Courcey (Respondent) is revoked. Ms. Aker seconded the motion. Following review and discussion the motion carried by unanimous vote taken by roll call.

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

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

DROSSOS, DAWN	ELMQUIST, JOSHUA	HALL, NATALIE
HAWKINS, CONRAD	KELLY, SHAUNA	KLEINER, ALLISON
MILLER, SANDRA	NOE, VINCENT	O'TOOLE, SHANNON
PRICE, MARY	PRUITT, WHITNEY	QUALLS, BRETT
STARR, JUSTIN	WERCHAU, LEE	WOODS, BRIGHAM
MCCANN, PAULA		

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

BALLANCE, MELISSA	BROWN-DINGLEY, NORA	DUTTON, DAVID
GRAVES, BEVERLY	HARRISON, MARON	MILADINOVICH, LISA
ROGERS, JESSICA	THOMPSON, TORY	

Dr. Cornwall called the Board’s attention to the above agenda item. No Board member requested removal of an applicant from the consent agenda. Dr. Cornwall moved the Board grant licensure or certification to the applicants listed on the Consent Agenda. Mr. Robbins seconded the motion. Following review and discussion the motion carried by unanimous vote.

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

Consent Agenda Ends

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

- a) Review of and Possible Action on the Following Applications for Physical Therapist Licensure – Foreign Educated Graduates of Programs Not U.S. Accredited.
  - i. Review of Education, Possible Approval to Take the NPTE and the AZLAW Exam, Determination of Supervised Clinical Practice Period, and Possible Licensure
    - (a) Walsh, Muiris (Updated Credential Evaluation)

Dr. Cornwall moved the Board find the above applicant’s education substantially equivalent, approve authorization for taking the NPTE and AZLAW examinations, and require the applicant to complete a 500 hour supervised clinical practice period under an interim permit. Ms. Richardson seconded the motion. Following review and discussion the motion carried by unanimous vote.

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

(b) Lacson, Maria

Dr. Cornwall moved the Board find the above applicant’s education substantially equivalent, approve authorization for taking the NPTE and AZLAW examinations, and require the applicant to complete a 500 hour supervised clinical practice period under an interim permit. Mr. Robbins seconded the motion. Following review and discussion the motion carried by unanimous vote.

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

ii. Review, of Supervised Clinical Practice Period (SCPP) Request to Change Supervisors.  
 (a) Madhuri, Kasi

Dr. Cornwall noted the applicant’s primary supervisor has changed employment and is requesting the approved secondary supervisor become the primary and a new secondary supervisor be approved. Dr. Cornwall moved the Board request the supervisor changes as requested by the applicant. Ms. Akers seconded the motion. Following review and discussion the motion carried by unanimous vote.

Vote	Dr. Cornwall	Ms. Akers	Ms. Hunter	Mr. Robbins	Dr. Miller	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 AZLAW (Jurisprudence) Exams and Possible Certification  
 (a) Alfonso, Noel

Mr. Alfonso was present and addressed the Board. He reported his child support is in arrears, but is current on the payment plan. Mr. Brown confirmed Mr. Alfonso’s records indicated he is current. Dr. Cornwall moved the Board approve Mr. Alfonso to take the NPTE and AZLAW examinations and be certified upon receipt of passing scores. Ms. Akers seconded the motion. Following review and discussion the motion carried by unanimous vote.

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

(b) Chairs, Douglas

Mr. Chairs was not present. Dr. Cornwall reviewed Mr. Chairs’ disclosure on his application. Dr. Cornwall moved the Board approve Mr. Chairs to take the NPTE and AZLAW examinations and be certified upon receipt of passing scores. Ms. Hunter seconded the motion. Following review and discussion the motion carried by unanimous vote.

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

(c) Perry, Colvin

Mr. Perry was present. Dr. Cornwall reviewed Mr. Perry’s reported conviction. Dr. Cornwall moved the Board approve Mr. Perry 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	Dr. Miller	Ms. Richardson
Aye	X	X	X	X	X	X
Nay						
Recused						
Abstained						
Absent						

- c) Review of and Possible Action on Application for licensure or certification from Applicants Previously licensed or Certified in Arizona
  - i. Application for Physical Therapist Assistant Certification
    - a) Jakubik-Randolph, Betty

Ms. Jakubik-Randolph was not present. Dr. Cornwall reviewed the applicant’s previous certification in Arizona. Ms. Brierley reported that in accordance with A.R.S. §32-2028 the Board must require the applicant to prove competency, but noted the applicant has passed the current AZLAW examination. Dr. Cornwall moved the Board grant certification to Ms. Jakubik-Randolph and find the requirements under A.R.S. §32-2028 complete with the passage of the AZLAW examination. Ms. Hunter seconded the motion. Following review and discussion the motion carried by unanimous vote.

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

The Board recessed at 9:37 a.m.  
 The Board reentered Regular Session at 9:45 a.m.

**5) BOARD BUSINESS AND REPORTS**

- a) Executive Director’s Report – Discussion and Possible Action
  - i. Financial Report- review of written report. No action was taken or necessary.
  - ii. Board Staff Activities- review of written report. No action was taken or necessary.
  - iii. Legislation- review of written report. No action was taken or necessary.
  - iv. Rule Activity- review of written report. No action was taken or necessary.
- b) Review, Discussion and Action on Possible Legislative Activity; Early testing and Interim Licensure

Mr. Brown reported that as requested at the Board’s September 27, 2011 meeting a stakeholder meeting was conducted regarding possible legislation to allow examinations before graduation and on a form of interim licensure to address licensing timeframes affected by fixed date testing of the NPTE examinations. The stakeholder meeting was held on October 18, 2011. Mr. Brown reported the group provided multiple language options regarding possible legislation for early testing and recommended the Board not pursue a form of interim licensure to address problems related fixed date testing. Heather Bernacki with the AzPTA was present and addressed the Board regarding the legislative time frame for the Board to request legislation next session and the possible issues related to interim licensure.

The Board discussed the proposals submitted. Mr. Brown noted that the draft created by staff and the Board legislative liaison had need a few changes or additions. The Board by consensus selected the language



presented by staff. Dr. Cornwall moved the Board authorize staff to seek legislative sponsorship for the changes to A.R.S. §32-2024 to allow for the option of taking required examinations before the applicant graduates from accredited programs if the examinations are the exam nearest and before the expected graduation date, but not more than 120 days prior to the expected graduation and is contingent upon receipt of a letter from the accredited program stating the applicant is on track to graduate. The draft language is available at the Board office. Ms. Akers seconded the motion. Following review and discussion the motion carried by unanimous vote.

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

c) Review, Discussion, and Action on Substantive Policy Statement; Supervision; Inclusion of Students in Supervision Limitations (Ratio)

Mr. Brown presented staff’s draft of changes to the Board Substantive Policy Statement to communicate that students are included in the supervision ratio limitations. Mr. Brown also stated language was presented for consideration to make it clear students of accredited physical therapy programs can participate in evaluations and discharges. Dr. Miller noted that since the policy statement is being updated it would be wise to include interim permit holders in the ratio and those able to participate in evaluations and discharges. The Board instructed staff to make the changes to the draft and present the Policy Statement at the next Board meeting.

d) Review, Discussion, and Action on 2012 Board Meeting Schedule

The Board reviewed the scheduled presented by staff. Following review and discussion the Board instructed staff to schedule meetings for the 2012 year on the fourth Tuesday of every month excluding December and present suggested December dates and possible additional meetings in August at the next Board meeting.

e) Review, Discussion, Action on Educational Tool for Supervision Requirements

Mr. Brown presented a document staff created to assist physical therapists and physical therapist assistants in understanding their lawful requirements when engaged in supervision or supervised activities. The Board by consensus approved the document for release on the Board’s website.

f) Review, Discussion, and Action on Board Deliberations Regarding Disciplinary Action

Mr. Brown reported that following the last Board meeting it was requested the board have an opportunity to discuss its deliberation process when considering disciplinary action. Ms. Hunter moved the Board enter Executive Session to obtain legal advice. Ms. Akers seconded the motion. The motion carried.

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

Regular Session Meeting  
October 25, 2011

The Board entered Executive Session at 10:44 a.m.

The Board reentered Regular Session at 10:54 a.m.

The Board discussed its options of disciplinary action and its ability to seek disciplinary history before voting on disciplinary action. Mr. Brown suggested the Board consider allowing Ms. Verstegen to conduct a training session at a future meeting considering there are several new members on the Board since the last training. Mr. Brown also noted that the Board could consider an after action meeting with staff after cases have been adjudicated completely to review the process. The Board instructed Mr. Brown to set a training at a future meeting and to research the after action meeting concept.

## **ADJOURNMENT**

The meeting adjourned at approximately 11:05 a.m.

Prepared by,

Charles D. Brown  
Executive Director

Approved by,

Randy Robbins  
Secretary