



ARIZONA STATE BOARD OF PHYSICAL THERAPY
4205 NORTH 7TH AVENUE, SUITE 208 PHOENIX, ARIZONA 85013
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REGULAR SESSION MEETING MINUTES
December 27, 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
Michael S. Clinton, CPA; Public 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 – 8:36 a.m.

Dr. Cornwall called the meeting to order at 8:31 a.m. (A recording of the meeting is available through the Board Office)

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

The Board reviewed the draft minutes. Dr. Miller requested modifications to page five of the draft minutes. Ms. Hunter moved the minutes be approved as amended. 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	Mr. Clinton
Aye	X	X	X	X	X	X	X
Nay							
Recused							
Abstained							
Absent							

- 2) **COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE**
 - a) Initial Review, Discussion and Action on Complaint
 - i. Complaint #11-22; Jeffrey Beran, PT

Mr. Beran was present and was represented by Steve Myers, his legal counsel. Ms. Donahue read a summary of the complaint. The Board opened a complaint against Mr. Beran due to his employment at Achievement Therapy Services. Mr. Beran was the supervising physical therapist for Renee Barrett, PTA, and Jennifer Harmon, PTA. Review of patient records was performed on six records of Mr. Beran's of which Ms. Barrett was under general supervision. The review of records detailed numerous possible violations of law to include matters of substandard care, improper supervision, and inadequate records as detailed in the investigative report.

Mr. Beran provided a statement to the Board regarding his supervision of Ms. Barrett and noted that he is no longer employed at the same place and no longer provides the type of supervision reviewed in the complaint. Ms. Hunter, Dr. Miller, Dr. Cornwall and Mr. Brown all asked questions of Mr. Beran. Ms. Akers moved the Board forward the complaint to a Formal Hearing. 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	Mr. Clinton
Aye	X	X	X	X	X	X	X
Nay							
Recused							
Abstained							
Absent							

iii. Complaint #11-44; Lonny Nenadovich, PT

Mr. Nenadovich was 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 Mr. Nenadovich following his failure to meet the deadlines set forth in Board Order #10-02 and for failing to submit records for audit that were legible.

Mr. Nenadovich provided a statement to the Board that he has completed double the required continuing education and has made changes to increase the legibility of his hand writing. Ms. Richardson asked Mr. Nenadovich why the Board had to contact him to get the audit completed. Mr. Nenadovich stated he did not understand he could accomplish the audit early. Dr. Cornwall moved the Board enter Executive Session to seek legal advice. Ms. Akers seconded the motion. The motion carried by unanimous vote.

The Board entered Executive Session at 9:01 a.m.
The Board reentered Regular Session at 9:05 a.m.

Dr. Cornwall addressed Mr. Nenadovich and explained the Board would like to offer Mr. Nenadovich a consent agreement to resolve the complaint. Dr. Cornwall moved the Board forward the complaint against Mr. Nenadovich's license to an Informal Hearing and offer him a consent agreement in lieu of the hearing. The consent agreement will contain findings of fact and conclusions of law as detailed by staff from the investigative report and would contain an Order as follows:

1. **Probation:** The Arizona Board of Physical Therapy hereby orders that Respondent, holder of License No. 5865, be placed on probation for a period of one year to commence upon the effective date of this Order. The probation may be extended or other enforcement actions taken, after notice and an opportunity for a hearing in the event Respondent violates the Order or violates the Arizona Physical Therapy Practice Act. Respondent may petition the Board for early termination of probation following completion of all terms of probation. Early termination is at the sole discretion of the Board. The Board orders Respondent to comply with the following terms and conditions of probation:

- a. **Patient Records Audit:** Respondent shall undergo audit(s) of his patient records according to the following terms during the period of probation.
1. Respondent shall undergo a minimum of one audit of 3 randomly selected patient records.
 2. The audit of patient records shall be performed by Board staff.
 3. The first audit shall begin not less than 30 days following effective date of the Order.
 4. If Board staff finds deficiencies in the first audit of patient records, Respondent shall undergo one additional audit within three months of the first audit. If a second audit is performed, it will include 3 randomly selected patient records.

The consent agreement will be signed and returned by Mr. Nenadovich within 20 days or the complaint will proceed to an Informal hearing. 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	Mr. Clinton
Aye	X	X	X	X	X	X	X
Nay							
Recused							
Abstained							
Absent							

ii. Complaint #11-43; Denise Labriola, PT

Ms. Labriola was present and was represented by Kent Nicholas, her legal counsel. Ms. Donahue provided the Board with a summary of the complaint. The Board opened a complaint against Ms. Labriola's license after review of complaint #11-14 Ashley Millikan, PTA. The Board identified potential violations of law following review of J.A.'s patient record with regards to Ms. Labriola's supervision and treatment of this child. Patient J.A.'s medical record was the source of investigation regarding case #11-14. The review of the records detailed numerous possible violations of law to include matters of substandard care, improper supervision, and inadequate records as detailed in the investigative report.

Mr. Nicholas noted that this is the second complaint against Ms. Labriola and has many similarities to the earlier complaint for which she is already under probation and currently completing the terms of probation. Dr. Cornwall noted that many of the possible violations may be similar in the two case mentioned, but that this case is separate and the involved patient is different. Ms. Akers moved the Board enter Executive Session for the purpose of seeking legal advice. Mr. Robbins seconded the motion. The motion carried by unanimous vote.

The Board entered Executive Session at 9:19 a.m.

The Board reentered Regular Session at 9:28 a.m.

Ms. Hunter moved the Board forward this complaint against Ms. Labriola's license to a Formal Hearing and offer a Consent agreement with findings of fact and conclusions of law with an Order with the following terms:

1. **Suspension:** Respondent's license number 7465 to practice physical therapy in the State of Arizona is suspended for a period of three (3) months from the effective date of this Order.
2. **Probation:** The Arizona Board of Physical Therapy hereby orders that Respondent, holder of License No. 7465, be placed on probation for a period of **6 (six) months** to commence upon the Board's termination of the suspension of Respondent's license. The probation may be extended or other enforcement actions taken, after notice and an opportunity for a hearing, in the event Respondent violates the Order or violates the Arizona Physical Therapy Practice Act. Respondent may petition the Board for early termination of probation following

completion of all terms of probation. Early termination is at the sole discretion of the Board. The Board orders Respondent to comply with the following terms and conditions of probation.

a. **Presentation Development-** During the (6) months of Probation, Respondent shall create a presentation on supervision and documentation requirements for physical therapists and physical therapists assistants in Arizona. The presentation shall include material detailing the circumstances of the complaint #11-43 to include details of the improper supervision, as detailed in the above Findings of Fact, her complaint process before the Board, the disciplinary action she received, and the changes she has made to her work environment since the initiation of the investigation related to Complaint #11-43. The presentation shall be approved by the Board or Board staff.

b. **Presentation-** During the six (6) months of probation and after receipt of approval of Respondent’s presentation, Respondent shall give her presentation to a group(s) of a minimum of fifty (50) physical therapists and physical therapist assistants At least five (5) days prior to the presentation, Respondent shall submit to the Board for approval the date, time and location of the presentation.

The consent agreement will be signed and returned by Ms. Labriola within 20 days or the complaint will proceed to a Formal Hearing. Ms. Akers seconded the motion. The Board entered discussion and considered a two month suspension instead of the three in the motion. Ms. Hunter did not modify her motion. Dr. Cornwall called a vote on the motion. The motion carried.

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

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

- a) Formal Hearing and Possible Action
 - i. Complaint #10-28; Barbra Pontes, PT

Dr. Cornwall called the Board’s attention to the above Formal Hearing. The Board members introduced themselves. Keely Versteegen, Assistant Attorney General was present on behalf of the State of Arizona. Ms. Pontes was not present and was not represented by legal counsel. Mr. Brown reported to the Board the steps taken by Board staff to legally notify Ms. Pontes of the hearing. Christopher Munns, with the Solicitor General’s Office, was present to provide legal advice to the Board. Dr. Cornwall reviewed the procedures the hearing would be conducted under and the possible outcome.

Ms. Versteegen waived her opening statement and called Karen Donahue, Board Investigator and Compliance Specialist to the stand. Dr. Cornwall swore Ms. Donahue in under oath. Ms. Donahue testified regarding her current position with the Board, background on the complaint and the State’s Exhibit’s 1-3. Ms. Versteegen requested the Board accept the Exhibits into the record. Dr. Cornwall accepted the State’s Exhibits 1-3.

Ms. Donahue provided testimony regarding the complaint against Ms. Pontes’ license to include the following allegations:

On or about July 8, 2010, Cindy Nelson (“Complainant”) of Nelson Pediatric Therapy (“NPT”) filed a complaint against Respondent with the Board. The Complainant alleged that Respondent failed to maintain adequate patient records for the patients that she treated while contracted with Nelson Pediatric Therapy.

Complainant alleged that repeated attempts were made from 2008 through 2010 to discuss the documentation deficiencies with the Respondent and request that documentation be completed timely, but efforts were not successful. Respondent failed to supply NPT with a significant portion of daily notes, progress reports and discharge summaries of clients she treated while contracted with NPT. Specifically, Respondent failed to provide NPT with required documentation of SOAP notes and Therapy Hours Worked Sheets for May and June, 2010 as well as delinquent reports and discharge summaries of her clients served. NPT terminated its contract with Respondent on or about June 22, 2010 as a result of continued documentation deficiencies. Respondent violated NPT policy which required that a therapist should not see a child (until the progress report is current) if the progress report is past due over one week. On several occasions, NPT was having difficulty in communicating with Respondent as she would not respond to emails, voicemails, etc. Respondent acknowledged to NPT in various emails that she was not able to produce her required physical therapy documentation on each date of service. Respondent acknowledged that she was months behind on her documentation. Respondent asserted to NPT in various emails that she was going through a very rough period of time dealing with personal problems such as health issues, depression and medication issues and that she was trying to get under control. Respondent acknowledged in an email dated June 30, 2010 that she was not able to control her depression. In an email dated June 20, 2010, NPT asserted that families discontinued service with Respondent due to inconsistency in their services. NPT informed Respondent on or about June 22, 2010 that the families and children are not being provided the therapy they deserve and they are hearing complaints. Respondent was notified of the Board's complaint on July 13, 2010, but has failed to provide a response to the Board.

Ms. Verstegen ended her examination of Ms. Donahue. Ms. Hunter questioned Ms. Donahue regarding any response from Ms. Pontes indicating she received Ms. Donahue's e-mail regarding the hearing being conducted. Ms. Donahue stated she had not received a response. No person was present to cross examine Ms. Donahue.

Ms. Verstegen provided a closing statement to the Board that the testimony and exhibits before the Board substantiate the allegations in the Complaint and Notice of Hearing and requests the Board issue an Order that will suspend Ms. Pontes' license to practice physical therapy in Arizona until such time she can comply with any terms the Board sees necessary to ensure Ms. Pontes' competency.

The Board entered deliberations. Dr. Cornwall moved the Board adopt the Factual Allegations in the Complaint and Notice of Hearing as the Board's Findings of Fact. 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	Mr. Clinton
Aye	X	X	X	X	X	X	X
Nay							
Recused							
Abstained							
Absent							

Dr. Cornwall moved the Board adopt the Allegations of Unprofessional Conduct listed in the Complaint and Notice of Hearing as he Board's Conclusions 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	Mr. Clinton
Aye	X	X	X	X	X	X	X
Nay							
Recused							
Abstained							
Absent							

Dr. Miller initiated discussion of a Board order to include a six month suspension. Dr. Cornwall moved the Board issue Ms. Pontes the following Order:

1. **Suspension:** Respondent’s license number 7465 to practice physical therapy in the State of Arizona is suspended for a period of three (3) months from the effective date of this Order.

2. **Probation:** The Arizona Board of Physical Therapy hereby orders that Respondent, holder of License No. 7465, be placed on probation for a period of **6 (six) months** to commence upon the Board’s termination of the suspension of Respondent’s license. The probation may be extended or other enforcement actions taken, after notice and an opportunity for a hearing, in the event Respondent violates this Order or violates the Arizona Physical Therapy Practice Act. Respondent may petition the Board for early termination of probation following completion of all terms of probation. Early termination is at the sole discretion of the Board. The Board orders Respondent to comply with the following terms and conditions of probation:

a. **Presentation Development-** During the (6) months of Probation, Respondent shall create a presentation on supervision and documentation requirements for physical therapists and physical therapists assistants in Arizona. The presentation shall include material detailing the circumstances of the complaint #11-43 to include details of the improper supervision, as detailed in the above Findings of Fact, her complaint process before the Board, the disciplinary action she received, and the changes she has made to her work environment since the initiation of the investigation related to Complaint #11-43. The presentation shall be approved by the Board or Board staff.

b. **Presentation-** During the six (6) months of probation and after receipt of approval of Respondent’s presentation, Respondent shall give her presentation to a group(s) of a minimum of fifty (50) physical therapists and physical therapist assistants At least five (5) days prior to the presentation, Respondent shall submit to the Board for approval the date, time and location of the presentation.

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	Mr. Clinton
Aye	X	X	X	X	X	X	X
Nay							
Recused							
Abstained							
Absent							

ii. Complaint #11-34; Nichole Gagnaire, PT

Dr. Cornwall called the Board’s attention to the above Formal Hearing. The Board members introduced themselves. Keely Verstegen, Assistant Attorney General was present on behalf of the State of Arizona. Ms. Gagnaire was not present and was not represented by legal counsel. Ms. Donahue reported to the Board the steps taken by Board staff to legally notify Ms. Gagnaire of the hearing. Christopher Munns, with the Solicitor General’s Office was present to provide legal advice to the Board. Dr. Cornwall reviewed the procedures the hearing would be conducted under and the possible outcome.

Ms. Verstegen waived her opening statement and called Karen Donahue Board Investigator and Compliance Specialist to the stand. Dr. Cornwall reminded Ms. Donahue she remained under oath. Ms. Donahue testified regarding her current position with the Board, background on the complaint and the State’s Exhibit’s 1-5. Ms. Verstegen requested the Board accept the Exhibits into the record. Dr. Cornwall accepted the State’s Exhibits 1-5.

Ms. Donahue provided testimony regarding the complaint against Ms. Gagnaire’s license to include the following allegations:

On or about August 4, 2010, Respondent renewed her license electronically. On her renewal application, Respondent affirmed that she was in compliance with the continuing competency requirements for the 2008-2010 licensure compliance period. Respondent was randomly selected by the Board for an audit of her continuing competence compliance for the 2008-2010 licensure compliance period. On November 17, 2010, Board staff sent Respondent is letter notifying her that she was deficient six hours for the 2008-2010 licensure compliance period. The deficiency notice was signed for on or about November 18, 2010. Respondent had until May 17, 2011 to complete the required six hours of continuing competence for the 2008-2010 licensure compliance period. Respondent failed to provide any further documentation to the Board showing that she completed the required six hours of continuing competence for the 2008-2010 licensure compliance period. Board staff sent Respondent notice of the complaint via certified mail, regular mail and email, but she has failed to provide a response to the Board.

Ms. Verstegen concluded her examination of Ms. Donahue. No person was present to cross examine Ms. Donahue. Ms. Verstegen provided a closing statement that Ms. Gagnaire has failed to respond to Board communication and the State requests the Board suspend her license until she demonstrates compliance with her deficient continuing competence activities.

Dr. Cornwall moved the Board adopt the Factual Allegations in the Complaint and Notice of Hearing as the Board’s Findings of Fact noting that the deficiency in continuing competence was six hours not eight hours. 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	Mr. Clinton
Aye	X	X	X	X	X	X	X
Nay							
Recused							
Abstained							
Absent							

Dr. Cornwall moved the Board adopt the Allegations of Unprofessional Conduct listed in the Complaint and Notice of Hearing as the Board’s Conclusions of Law. 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	Mr. Clinton
Aye	X	X	X	X	X	X	X
Nay							
Recused							
Abstained							
Absent							

Dr. Cornwall moved the Board issue Ms. Gagnaire the following Order:

1. **Suspension:** Respondent’s license number 7308 to practice physical therapy in the State of Arizona is suspended for not more than nine (9) months from the effective date of this Order. During the period of suspension Respondent shall complete the following terms before the Board will consider reinstatement of Respondent’s license.

a. 2008-2010 Continuing Competence Activities: Respondent shall complete and provide to the Board documentation of completing six (6) hours of continuing competence activities during or after the 2008-2010 compliance period.

b. Respondent may petition the Board before the expiration of the 9-month suspension period to reinstate her license to practice physical therapy in Arizona after providing the required documentation of continuing competence activities.

2. **Probation:** Immediately after reinstatement of Respondent’s license, it shall be placed on probation for a period of one (1) year. Respondent may petition the Board for **early** termination or modification of probation once Respondent has complied with the requirements listed below. If the Board determines that Respondent has not complied with all the requirements of this Order, the Board, at its sole discretion, may continue the probation. Respondent is subject to the following terms and conditions during the period of probation:

a. 2010-2011 Compliance Period Audit of Continuing Competence Activities: Respondent shall undergo audit(s) of her 2010-2012 continuing competence activities. The audit must be completed and demonstrate compliance with A.A.C. R4-24-401 prior to the Board considering any request from respondent to terminate the probationary status of her 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	Dr. Miller	Ms. Richardson	Mr. Clinton
Aye	X	X	X	X	X	X	X
Nay							
Recused							
Abstained							
Absent							

The Board Recessed at 10:43 a.m.

The Board reentered Regular Session at 10:56 a.m.

b) Initial Review, Discussion and Action on Complaint

iv. Complaint #11-51; Ashley Lehman, PT

Ms. Lehman was not present and was not represented by legal counsel. Ms. Donahue provided a summary of the complaint to the Board. On October 18, 2011, Ms. Lehman notified the Board office of an arrest for DUI on February 20, 2011. Ms. Lehman failed to notify the Board of her arrest within the required timeframe of 10 days. Ms. Lehman was convicted of DUI on October 11, 2011.

Dr. Cornwall moved the Board dismiss the complaint and issue a non-disciplinary advisory letter stating the Board’s concerns related to her decision to drive while impaired. The Board formally encourages her to refrain from future conduct that may result in such criminal convictions and remember that her personnel conduct can reflect on her professional license. Mr. Clinton 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	Mr. Clinton
Aye	X	X	X	X	X	X	X
Nay							
Recused							
Abstained							
Absent							

v. Complaint #11-52; Robert Doty, D.C. & Stacey DeWolf, D.C

Dr. Doty and Dr. DeWolf were not present and were not represented by legal counsel. Ms. Donahue provided a summary of the complaint for the Board. A complaint was filed on behalf of BCBS due to Dr. Doty

identifying himself as the provider rendering services, and identifying himself on the claim forms as “Ehren Doty, PT/DC”. From August 19, 2011 through September 30, 2011 71 claims from Body Mechanics Physical Therapy PLLC were submitted. Dr. DeWolf is employed at the same facility.

The Board discussed its options regarding action available when investigating a person not under their jurisdiction. Dr. Cornwall moved to administratively close the case and instruct staff to send a letter to Dr. Doty and Dr. DeWolf requesting they cease any use of wording or initials indicating they provide or practice physical therapy or are licensed to do so. 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	Mr. Clinton
Aye	X	X	X	X	X	X	X
Nay							
Recused							
Abstained							
Absent							

vi. Complaint #11-54; Ashley McGurl, PT

Ms. McGurl was not present and was not represented by legal counsel. Ms. Donahue provided the Board with a summary of the complaint. The Board opened a complaint against Ms. McGurl for failure to notify the Board within 10 days of her arrest for disorderly conduct on October 1, 2011.

Dr. Cornwall moved the Board dismiss the complaint against Ms. McGurl and issue a non-disciplinary advisory letter stating The Board’s concerns related to her failure to report her arrest within the ten day requirement. The Board formally advises her that she responsible to understand Arizona Statute and Rules. The Board further emphasized that it is her responsibility to know the requirements of reporting an arrest to the Board office within ten days. Board also advises that the surrendering of her license, as suggested in her response, would have resulted in disciplinary action against her license and may have affected her ability to be licensed in other jurisdictions. 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	Mr. Clinton
Aye	X	X	X	X	X	X	X
Nay							
Recused							
Abstained							
Absent							

vii. Complaint #11-55; Tracey Harvey, PT

Ms. Harvey was not present and was not represented by legal counsel. Ms. Donahue provided the Board with a summary of the complaint. The Board opened a complaint against Ms. Harvey for failure to notify the Board within 10 days of her arrest for disorderly conduct on October 1, 2011.

Dr. Cornwall moved the Board dismiss the complaint against Ms. Harvey and issue a non-disciplinary advisory letter stating The Board’s concerns relate to her failure to report your arrest within the ten day requirement. The Board formally advises her that she responsible to understand Arizona Statute and Rules. The Board further emphasized that it is her responsibility to know the requirements of reporting an arrest to the Board office within ten days. Board also advises that the surrendering of her license, as suggested in her response, would have resulted in disciplinary action against her license and may have affected her ability to be licensed in other jurisdictions. 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	Mr. Clinton
Aye	X	X	X	X	X	X	X
Nay							
Recused							
Abstained							
Absent							

viii. Complaint #11-58; Brian McDonough, PT

Mr. McDonough was not present and was not represented by legal counsel. Ms. Donahue provided the Board with a summary of the complaint. The Board opened a complaint against Mr. McDonough after receiving Adverse Action Report by the Texas Board of Physical Therapy Examiners. Mr. McDonough was disciplined by the Texas Board for exchanging sexually explicit e-mails with a patient. Mr. McDonough's Arizona license is currently administratively suspended as he failed to renew in August 2010. The AZSBOPT maintains jurisdiction over Mr. McDonough for three years following the start date of Administrative Suspension.

Dr. Miller moved the Board administratively close this complaint and send Mr. McDonough a letter notifying him he must report the discipline in Texas and any future application for reinstatement or licensure and that the Board will address the matter at that time. Dr. Cornwall 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	Mr. Clinton
Aye	X	X	X	X	X	X	X
Nay							
Recused							
Abstained							
Absent							

c) Review, Discussion, and Action on Board Order

i. Complaint #09-29/30; William Perry, PT

Mr. Perry was not present and was not represented by legal counsel. Ms. Donahue reported that Mr. Perry is seeking early termination of the provision of his probation that requires he work under the onsite supervision of a licensed physical therapist. Further, Ms. Donahue reported the Mr. Perry's Board approved monitor has presented a question to the Board regarding Mr. Perry's practice of billing all of his services under the name of his employer, a licensed physical therapist since he is not included in third party payment networks.

The Board discussed the request for termination of Mr. Perry's supervision term of probation. Dr. Cornwall moved the Board deny Mr. Perry's request. Dr. Miller 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	Mr. Clinton
Aye	X	X	X	X	X	X	X
Nay							
Recused							
Abstained							
Absent							

The Board discussed the report from Mr. Perry's monitor regarding his billing practices. Ms. Akers moved the Board require Mr. Perry contact all third party payors he has billing under the name of his employer and notify the third party payor of his billing practices. In addition, Mr. Perry must get written confirmation if his billing practice is acceptable to each third party payor and provide that information to the Board approved monitor. The monitor shall report to the Board the responses from the third party payors. In addition, Board

staff will contact Medicare and AHCCCS and notify them of Mr. Perry’s billing for services under the name of his employer. 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	Mr. Clinton
Aye	X	X	X	X	X	X	X
Nay							
Recused							
Abstained							
Absent							

ii. Complaint #10-24; Jason Ball, PT

Mr. Ball was not present and was not represented by legal counsel. Ms. Donahue reported that Mr. Ball currently has the terms of his probation tolling until he can undergo an audit of patient records. Mr. Ball is currently practicing out of state and is unable to complete his audit. Mr. Ball has collected three records and submitted the records to staff and is requesting they be audited to complete the terms of his probation. The Board discussed the provided records. Ms. Akers noted that the records contain no evaluations or discharges. Dr. Cornwall moved the Board deny the request to accept the provided records and keep the tolling in place until Mr. Ball can supply records that containing, initial and reevaluations treatment and discharge summaries. 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	Mr. Clinton
Aye	X	X	X	X	X	X	X
Nay							
Recused							
Abstained							
Absent							

3) **CONSENT AGENDA: REVIEW, CONSIDERATION and ACTION**

c) Applications for Licensure and Certification

The Board may vote to go into Executive Session pursuant to A.R.S. §38-431.03(A)(2) for purposes of discussing confidential information or §38-431.03(A)(#) to obtain legal advice.

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

Adams, Kaitlin	Beard, Cristina	Biondo, Debra
Dzirnis, Emily	Granger, Angela	Grupa, Amy
Grupa, Andrew	Kurczewski, Matthew	Lirette, Joseph
Lopez-Henry, Rebecca	Noel, Douglas	Omole, Margaret
Roberts, Christa	Rosen, Danielle	Rucinski, Susan
Savage, Ashley	Schmidt, Linda	Shepherd, Patricia
Stelmak, Robyn	Van Velzen, Reginald	White, Denise
Yaegle, Sharaya	Zemienieski, Danielle	

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

Arteaga, Gina	Burrer, Joseph	Fore, Rebecca
Gomez-Montes, Michael	Hanson, Renee	Wohlman, Andrew

Workman, Holly		
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- iii. Substantive Review, Consideration and Approval of Application of Physical Therapy Pending Receipt of Government Issued Picture Identification.
 - a) Phan Tien

No Board member requested removal of an applicant’s name from the consent agenda. Dr. Cornwall moved the Board approve the applicants licensed on the consent agenda for licensure or certification. Dr. Miller 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	Mr. Clinton
Aye	X	X	X	X	X	X	X
Nay							
Recused							
Abstained							
Absent							

Consent Agenda Ends

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

- c) 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) Fay, Selina

Dr. Cornwall moved the Board find the applicant’s education substantially equivalent to a U.S. graduates, approve the taking of the AZLAW examination, and require the applicant to complete a 500 hour supervised clinical practice period under an interim permit. Ms. Richardson seconded the motion. After review and discussion the motion carried by unanimous vote.

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

- b) Kulkarni, Survarna

Dr. Cornwall moved the Board find the applicant’s education substantially equivalent to a U.S. graduates, approve the taking of the AZLAW examination, and to waive the requirement that the applicant complete a 500 hour supervised clinical practice period under an interim permit. Ms. Hunter seconded the motion. After review and discussion the motion carried by unanimous vote.

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

- ii. Review and Possible Approval of SCPP Proposal
 - a) Feka, Lorete

Dr. Cornwall moved the Board approve the proposed Supervised Clinical Practice Period plan as presented by the applicant and approve the proposed supervisor. Dr. Miller 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	Mr. Clinton
Aye	X	X	X	X	X	X	X
Nay							
Recused							
Abstained							
Absent							

b) Walsh, Muiris Liam

Dr. Cornwall moved the Board approve the proposed Supervised Clinical Practice Period plan as presented by the applicant and approve the proposed supervisor. Dr. Miller 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	Mr. Clinton
Aye	X	X	X	X	X	X	X
Nay							
Recused							
Abstained							
Absent							

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

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

a) Roma, Glendalyne

Ms. Roma was not present and was not represented by legal counsel. The Board discussed Ms. Roma’s disclosure. Dr. Cornwall moved the Board approve Ms. Roma to take the AZLAW examination and be licensed upon receipt of a passing score. 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	Mr. Clinton
Aye	X	X	X	X	X	X	X
Nay							
Recused							
Abstained							
Absent							

b) Russell, Brent

Mr. Russell was present and was not represented by legal counsel. The Board discussed Mr. Russell’s disclosure. Dr. Cornwall moved the Board approve Mr. Russell to take the AZLAW examination and be licensed upon receipt of a passing score. Dr. Miller 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	Mr. Clinton
Aye	X	X	X	X	X	X	X
Nay							
Recused							
Abstained							

Absent							
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c) Smith, Stephen

Mr. Smith was not present and was not represented by legal counsel. The Board discussed Mr. Smith's disclosure. Dr. Cornwall moved the Board approve Mr. Smith to take the AZLAW examination and be licensed upon receipt of a passing score. 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	Mr. Clinton
Aye	X	X	X	X	X	X	X
Nay							
Recused							
Abstained							
Absent							

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

a) Grant, Stephen

Mr. Grant was present and was not represented by legal counsel. The Board discussed Mr. Grant's disclosure. Dr. Cornwall moved the Board approve Mr. Grant to take the AZLAW and NPTE examinations and be licensed upon receipt of passing scores. Ms. Akers seconded the motion. Following review and discussion the motion carried by majority vote.

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

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

a) Pigorsh, Thomas

Mr. Pigorsh was not present and was not represented by legal counsel. The Board discussed Mr. Pigorsh's disclosure. Dr. Cornwall moved the Board approve Mr. Pigorsh to take the AZLAW and NPTE 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	Mr. Clinton
Aye	X	X	X	X	X	X	X
Nay							
Recused							
Abstained							
Absent							

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

a) Goldstein, Barbara

Ms. Goldstein was not present and was not represented by legal counsel. The Board reviewed the applicant’s previous licensing history and work history. Ms. Akers moved the Board accept Ms. Goldstein’s compliance with A.R.S. §32-2028 and grant her licensure. Dr. Miller 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	Mr. Clinton
Aye	X	X	X	X	X	X	X
Nay							
Recused							
Abstained							
Absent							

- f) Review of and Possible Action on Application for Licensure from Applicant Previously Licensed in Arizona, Review of Documentation Related to Non-disclosure on “Personal Information” Section of Application, approval to take the AZLAW and Possible Licensure.

- a) Matthew, Valerie

Ms. Matthew was not present and was not represented by legal counsel. The Board reviewed the failure of the applicant to disclose a previous disciplinary action in Arizona. Mr. Brown reported that a review of the Board records failed to disclose information indicating if the applicant complied with the terms of her disciplinary action under her previous license. Further the Board reviewed the documentation Ms. Matthew provided regarding her continuing education activities and practice since her previous Arizona license expired. Dr. Cornwall moved the Board require Ms. Matthew to complete a period of supervised practice of 500 hours under an Interim Permit to comply with A.R.S. §32-2028. 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	Mr. Clinton
Aye	X	X	X	X	X	X	X
Nay							
Recused							
Abstained							
Absent							

The Board Recessed at 12:01 p.m.
The Board reentered Regular Session at 12:25 p.m.

5) **BOARD BUSINESS AND REPORTS**

- a) Executive Director’s Report – Discussion and Possible Action
 - i. Financial Report
 - ii. Board Staff Activities
 - iii. Legislation
 - iv. Rule Activity
 - v. FSBPT

Mr. Brown provided a verbal report on the above activities. No information outside the written report was provided. No action was required or taken on this agenda item.

- b) Review, Discussion, & Action on Board Member Continuance, A.R.S. §32-2002(B)
 - i. Randy Robbins, Public Member

Dr. Miller moved the Board approve Mr. Robbins to continue to serve on the Board until he is replaced by the Governor’s appointment of a new Board member. 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	Mr. Clinton
Aye	X	X	X		X	X	X
Nay							
Recused							
Abstained				X			
Absent							

- c) Review, Discussion and Action on Requests for Clarification Regarding Continuing Competence Approval
i. Federation of State Boards of Physical Therapy (FSBPT)

Mr. Brown reported to the Board that the Federation of State Board of Physical Therapy (FSBPT) is requesting clarification from the Board regarding the FSBPT's new continuing competence activity certification program and whether the Board feels the FSBPT is qualified as a Category A approver under A.A.C. R4-24-402(a). Linda Duke, PT, came forward and addressed the Board on behalf of the Arizona Physical Therapy Association. Ms. Duke stated that the Association did not formally object to FSBPT being included as a Category A approver, but did note it may impact the AzPTA's revenues. Dr. Cornwall moved the Board recognize continuing competence activities certified by the FSBPT as meeting Category A approval under A.A.C. R4-24-402(a). Dr. Miller 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	Mr. Clinton
Aye	X	X	X	X	X	X	X
Nay							
Recused							
Abstained							
Absent							

Ms. Richardson left the Board meeting at 12:42 p.m.

- d) Board Member and Staff Training
i. Keely Verstege Assistant Attorney General

Ms. Verstege provided a training presentation to the Board and staff. No Action was taken or required on this agenda item.

- ii. Charles D. Brown, Executive Director

Mr. Brown presented the Board with a new tool for reviewing and analyzing complaints. No Action was taken or required on this agenda item. Dr. Miller requested Board staff provide a copy of the tool on the Board members flash drives for use in preparing for future meetings.

6) CALL TO THE PUBLIC

No person came forward to address the Board.

ADJOURNMENT

The meeting adjourned at approximately 1:31 p.m.

Prepared by,

Charles D. Brown

Regular Session Meeting
December 27, 2011

Executive Director

Approved by,

Randy Robbins
Secretary