



ARIZONA STATE BOARD OF PHYSICAL THERAPY
4205 NORTH 7TH AVENUE, SUITE 208 PHOENIX, ARIZONA 85013
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REGULAR SESSION MEETING MINUTES
February 28, 2012

MEMBERS PRESENT:

Mark Cornwall, PT, Ph.D.; President
Lisa Akers, PT, MS; Vice President
Peggy Hunter, PTA, CLT, Secretary
Randy Robbins, Public Member
Melinda Richardson, PT, MA; 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
Keely Versteegen; Assistant Attorney General

CALL TO ORDER – 8:36 a.m.

Dr. Cornwall called the meeting to order at 8:36 a.m. (A recording of the meeting is available through the Board Office)

Ms. Richardson was not in attendance at the start of the meeting.

- 1) **Review and Approval of Draft Minutes; Previous Approved Minutes**
 - a) January 24, 2012 Regular Session Meeting Minutes

Mr. Brown reported the date needed to be corrected. No Board member requested any changes. Dr. Cornwall moved the Board approve the minutes as amended. Ms. Akers seconded the motion. Following review and discussion the motion passed.

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							
Absent						X	

- b) Review of Board Meeting Minutes October 25, 2011; Modify Minutes and Board Order Regarding Eric Powell, PT; Complaint #11-29

Mr. Brown reported that Mr. Powell received non-disciplinary action at the October 25, 2011 meeting. The action stated he had failed to report a DUI conviction, but that further review shows the conviction was for reckless driving. Mr. Powell is requesting the document and minutes be corrected. Dr. Cornwall moved the Board approve corrections to Mr. Powell's Board Order and the October 25, 2011 meeting minutes. Ms. Akers seconded the motion. Following review and discussion the motion passed 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							
Absent						X	

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

b) Review, Discussion, and Action on Board Order

i. Complaint #10-23; David Lizarraga, PTA; Request to Modify Board Order

Mr. Lizarraga was not present and was not represented by legal counsel. Mr. Brown reported that Mr. Lizarraga is requesting an additional six months to complete the continuing competence requirements of his Board Order. The Board discussed the request. Dr. Cornwall moved the Board approve a three month extension past the original due date for Mr. Lizarraga to complete the continuing competence portion of his Board order. 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
Nay							
Recused							
Abstained							
Absent						X	

ii. Complaint #10-24; Jason Ball, PT; Request to end Probation Tolling

Mr. Ball was not present and was not represented by legal counsel. Mr. Brown reported that Mr. Ball has notified staff that he has returned to practice in Arizona and is now ready to complete the audit requirements of his probation. Mr. Brown requested the Board lift the tolling of Mr. Ball's probation and allow the audits to move forward. Dr. Cornwall moved the Board remove the tolling of Mr. Ball's probation. 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							
Absent						X	

c) Review, Discussion and Action on Consideration of Opening A Board Complaint

i. Clark Johnson, PT

Mr. Johnson was not present and was not represented by legal counsel. Mr. Brown reported that the Board had received notice that Mr. Johnson was disciplined in Oregon with a \$100.00 fine for practicing one day while his license was not renewed. The Board discussed the notice. No motion was made and no action was taken. Dr. Cornwall instructed staff to send Mr. Johnson a notice that the Board was aware of the Oregon action and no action was taken, but that he must still report the action on his next renewal application.

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

a) 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)(3) to obtain legal advice.

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

Alf, Annemarie	Baptiste, Melissa	Batz, Stephanie
Blanchard, Cedar	Burk, Monika	Chughtai, Mahvash
Essner, Malerie	Fangman, Jeanne	Hayes, Joshua
Hughes, Kerry	Jungers, Jessica	Lewer, Brenden
<i>Nissen, Shane</i>	Ricardo, Elizabeth	Summers, Kendrick
<i>Raymond, Douglas</i>		
<i>Milowski, JulieYoung, Noelle</i>		

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

Boags, Allyson	Brown, Paula	Carter, Eric
Curtis, Jessica	Erway, Mandy	Irvine, Margaret
Jacobsen, Carrie	Speirs, Crystal	Thompson, Allison

No Board member requested removal of an applicant's name from the consent agenda. Dr. Cornwall moved the Board approve the applicants listed on the consent agenda for licensure or certification. 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
Nay							
Recused							
Abstained							
Absent						X	

Consent Agenda Ends

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

a) Review of and Possible Action on the Following Applications for Physical Therapist Licensure – Foreign Educated Graduates of Programs Not U.S. Accredited.

i. Review of Education, Approval to take the AZLAW (Jurisprudence) Exam, Determination of Supervised Clinical Practice Period (SCPP), and Possible Licensure.

a) Montesclaros, Adelbert

Mr. Montesclaros was not present and was not represented by legal counsel. Dr. Cornwall moved the Board find Mr. Montesclaros' education substantially equivalent to a US educated physical therapists education, approve him to take the AZLAW examination, waive the supervised clinical practice period, and license him upon receipt of a passing score on the AZLAW examination. 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
Nay							
Recused							
Abstained							
Absent						X	

b) Simpson, Maren

Ms. Simpson was not present and was not represented by legal counsel. Dr. Cornwall moved the Board find Ms. Simpson’s education substantially equivalent to a US educated physical therapists education, approve her to take the AZLAW examination, and require her to complete a 500 hour supervised clinical practice period in 90 days 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	Mr. Clinton
Aye	X	X	X	X	X		X
Nay							
Recused							
Abstained							
Absent						X	

- ii. Review of and Possible Action on Request for Approval of Supervised Clinical Practice Proposal.
 - a) Fay, Selina

Ms. Fay was not present and was not represented by legal counsel. Dr. Cornwall moved the Board approve Ms. Fay’s Supervised Clinical Practice Proposal. 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							
Absent						X	

- b) Substantive Review of Documentation Related to Disclosure on “Personal Information” Section of Application
 - i. Physical Therapist Application and Approval to take the AZLAW (Jurisprudence) Exam and Possible Licensure
 - a) Black, Danny

Mr. Black was not present and was not represented by legal counsel. The Board reviewed Mr. Black’s disclosure. Dr. Cornwall moved the board approve Mr. Black to take the AZLAW examination and to 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
Nay							
Recused							
Abstained							
Absent						X	

- b) Israel, Kay

Ms. Israel was not present and was not represented by legal counsel. The Board reviewed Ms. Israel’s disclosure. Dr. Cornwall moved the Board approve Ms. Israel to take the AZLAW examination and to be licensure upon receipt of a passing score. 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							
Absent						X	

- c) Salamon, Kathleen

Ms. Salamon was present. The Board reviewed Ms. Salamon’s disclosure. Dr. Cornwall moved the Board approve Ms. Salamon to take the AZLAW examination and to 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
Nay							
Recused							
Abstained							
Absent						X	

d) Mitchell, Joshua M

Mr. Mitchell was present. The Board reviewed Mr. Mitchell’s disclosure. Dr. Cornwall moved the Board approve Mr. Mitchell to take the AZLAW examination and to be licensed upon receipt of a passing score. 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
Nay							
Recused							
Abstained							
Absent						X	

5) **BOARD BUSINESS AND REPORTS**

c) Review Discussion and Possible Action; Carrington College request for Review of Timing of NPTE Approval.

Kellye King, PT, representing Carrington College came forward and addressed the Board. Ms. King explained the timing of when her next class of physical therapist assistant students was scheduled to complete their program and graduate. Based on the timing of the NPTE examination in July the students would not be allowed to test until the October examination. The Board and Ms. King discussed the change in testing that will take place if HB 2059 is enacted. No action was taken by the Board on this item.

Ms. Richardson arrived at 9:56 a.m.

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

- a) Initial Review, Discussion and Action on Complaint
 - ii. Complaint #10-58; Zane Larson, PT

Mr. Larson was not present and was not represented by legal counsel. Mr. Brown reported that the Board reviewed the complaint against Mr. Larson during its original filing in 2011 and requested staff to initiate the investigation. As part of the investigation staff was instructed to identify an Arizona Licensed Physical Therapist certified to perform NCV and Needle EMG testing to review a sample of Mr. Larson’s test reports. Mr. Brown reported that no other Arizona licensed physical therapist maintains Mr. Larson’s level of certification. Staff requested the Board either allow a neurologist to be identified to perform the review or a physical therapist licensed in another jurisdiction. The Board discussed the complaint. Dr. Miller noted that Mr. Larson has provided documentation of his national recertification, which included reviews of the tests in question before the Board. Dr. Miller stated that the tests were accepted and Mr. Larson was allowed to renew his notional certification. The Board discussed the documents submitted by Mr. Larson.

Dr. Miller moved the Board dismiss the complaint against Mr. Larson’s license. 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							
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i. Complaint #10-49; Jeffrey Petersen, PT

Mr. Petersen was present and was represented by Ross Meyer his legal counsel. Ms. Akers recused herself from the complaint review and left the Board table. Mr. Brown provided a summary of the complaint for the Board. Mr. Petersen addressed the Board. Ms. Hunter asked Mr. Petersen if he allowed Holly Boroos to conduct patient evaluations before she was licensed. Mr. Petersen stated yes as she was conducting the evaluations as a student physical therapist. Dr. Cornwall asked if she was in a physical therapy program at the time. Mr. Petersen stated she was not, she was a graduate waiting to become licensed. Dr. Miller asked Mr. Petersen who own Petersen Physical Therapy. Mr. Petersen stated he does. Mr. Carling is a partner in the clinic that Mr. Carling works at. Dr. Miller asked if it was fair to believe that Mr. Petersen is 100% responsible for the corporate policy and procedures, and decisions regarding personnel, including staff schedules. Mr. Petersen state yes. Dr. Miller asked who performs the Functional Capacity Exams. Mr. Petersen stated he does. Dr. Miller asked Mr. Petersen has any additional education to perform the Functional Capacity Exams. Mr. Petersen stated Work Steps. Dr. Miller asked if the Functional Capacity Exams require the exclusive attention of the physical therapist. Mr. Petersen stated yes. Dr. Miller asked how long the Functional Capacity Exams take to perform. Mr. Petersen stated 4-4.5 hours. Ms. Richardson asked if Mr. Petersen record staff meeting with notes or minutes. Mr. Petersen stated no.

Ms. Hunter asked Mr. Petersen if he was aware that patient V.G. began an evaluation at 5:40 p.m. when Mr. Petersen was the only physical therapist in the clinic and V.G. started exercises at 6:20 p.m. on the same date; how had he conducted the evaluation if he left the clinic at 5:40 p.m. according to the employee time records provided to the Board. Mr. Petersen stated he did not punch in and out of the clinic.

Ms. Hunter moved the Board forward the complaint to a Formal Hearing. Mr. Clinton seconded the motion. During discussion Dr. Cornwall asked for the motion to be modified to include all allegations noted in the investigative report. Ms. Hunter accepted the amendment Mr. Clinton maintained his second with the amendment. Following review and discussion the amended motion carried by unanimous vote of the members present.

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

Dr. Miller moved the Board open complaints against Holly Boroos, PT; Megan Wilson, PTA; and Steve Carling, PT for inadequate records, improper billing, and failing to properly supervise assistive personnel. Dr. Cornwall seconded the motion. Following review and discussion the motion carried by unanimous vote of the members present.

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

Ms. Akers returned to the Board table.

iii. Complaint #11-47; Michael Cormier, D.C.; Previously Tabled

Dr. Cormier was not present or represented by legal counsel. Mr. Brown reported that the Board had previously tabled this complaint review to allow Dr. Cormier to update his website to remove language regarding physical therapy. Mr. Brown reported all references to physical therapy have been removed. Dr. Cornwall moved the Board dismiss the complaint. 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							

iv. Complaint #12-02; Anthony Harden, PT

Mr. Harden was not present and was not represented by legal counsel. Mr. Brown provided a summary of the complaint for the Board. Ms. Akers moved the Board offer Mr. Harden a consent agreement for a 9-month probation period with the following terms: eight hours of ethics continuing education and 10 hours of billing and documentation continuing education to be completed in four months, and a civil penalty of \$2,000. Mr. Harden has 20 days to accept the consent agreement. If the consent agreement is not accepted, the case will be forwarded to a Formal Hearing. 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							

5) **BOARD BUSINESS AND REPORTS**

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

- i. Financial Report- Mr. Brown provided a verbal report. No action was necessary or taken on this agenda item.
- ii. Board Staff Activities- Mr. Brown provided a verbal report. No action was necessary or taken on this agenda item.
- iii. Legislation- Mr. Brown reviewed the Board legislative report. The Board made no change to legislative positions.
- iv. Rule Activity- Mr. Brown provided a verbal report. No action was necessary or taken on this agenda item.
- v. FSBPT- Mr. Brown provided a verbal report. No action was necessary or taken on this agenda item.

b) Review of Application Process; Review Discussion and Possible Action On Processing of Initial Application for Licensure or Certification

Mr. Brown reviewed the Board’s current procedure for presentation of initial applications to the Board for approval. Currently, the Board reviews applications after all documentation is received and the applicant has passed all required examinations unless they request ADA accommodations or are reporting a “yes” answer to a “Good Moral Character” questions. Mr. Brown reported that the current procedure delays timing of administrative completeness to Board review by about two weeks. Mr. Brown requested that the Board change its procedure to allow staff to present only initial applications, which are not requesting accommodations and are not reporting a “Good Moral Character” issue, when the applicant has provided all required documentation except passing exam scores. The Board would then approve the application upon receipt of passing scores. Mr. Brown reported that the change in procedure would most likely shorten the licensing and certification process by two weeks on average and in some cases by a month. The Board discussed the proposed change. Dr. Cornwall moved the Board adopt the proposed change to Board procedures as outlined by staff and delegate to the executive director the ability to license or certify applicants upon receipt of passing scores when previously approved by the Board. 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							

6) **CALL TO THE PUBLIC**

No person came forward to address the Board.

ADJOURNMENT

The meeting adjourned at approximately 10:29 a.m.

Prepared by,

Charles D. Brown
Executive Director

Approved by,

Peggy Hunter, PTA, CLT
Secretary