



**ARIZONA STATE BOARD OF PHYSICAL THERAPY**  
4205 NORTH 7<sup>TH</sup> AVENUE, SUITE 208 PHOENIX, ARIZONA 85013  
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www.ptboard.az.gov

**REGULAR SESSION MEETING MINUTES**  
**May 22, 2012, 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  
Nancy Beck; Assistant Attorney General

**CALL TO ORDER – 8:32 a.m.**

Dr. Cornwall called the meeting to order at 8:32 a.m. (A recording of the meeting is available through the Board Office)

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

Ms. Hunter noted that the vote listed under James Wendel, PT agenda item on page 6 had her listed as recused, but she was not recused on that agenda item. Ms. Hunter moved the Board approve the minutes as modified. Mr. Clinton 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              | X           |
| Nay       |              |           |            |             |            |                |             |
| Recused   |              |           |            |             |            |                |             |
| Abstained |              |           |            |             |            |                |             |
| Absent    |              |           |            |             |            |                |             |

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

- b) Initial Review, Discussion and Action on Complaint
  - i. Complaint #10-46; Tresha Baldwin, PT

Ms. Baldwin was present and was represented by Kraig J. Marton, her attorney. Dr. Miller disclosed he has known Ms. Baldwin for a number of years through their mutual involvement with the Arizona Physical Therapy Association and their friendships with Dr. Eric Ullman, PT. Additionally, Dr. Miller disclosed that he was aware of some of the complainant’s allegations since similar charges were made by Mr. Baldwin to PTPN. Dr. Miller is a shareholder of PTPN and serves on its Board of Directors., but he holds no conflict or bias in this matter. Ms. Donahue provided a summary of the complaint for the Board. The complaint alleges that Ms. Baldwin, as owner of 360 Physical Therapy, did not refund patient’s overpayments, provided direct compensation to referral sources for each patient referral, up coded therapist charges and failed to notify the Board of her arrests in 2007 and 2009 regarding disorderly conduct.

Ms. Baldwin and her attorney addressed the Board and answered the Board’s questions. The Board discussed the complaint and the Board’s options. Dr. Miller moved the Board enter Executive Session to obtain legal advice. Mr. Clinton seconded the motion. 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 entered Executive Session at 9:00 a.m.  
 The Board reentered Regular Session at 9:09 a.m.

Ms. Hunter moved the Board forward this complaint against Ms. Baldwin’s license to an Informal Hearing and to include all allegations noted in the investigative report. 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    |              |           |            |             |            |                |             |

- a) Formal Hearing and Possible Action
  - i. Complaint #11-41; Leopoldo M. Montesclaros, PTA

Dr. Cornwall called the Board’s attention to the above hearing at 9:12 a.m. Nancy Beck, Assistant Attorney General, was present on behalf of the State. Mr. Montesclaros was not present and was not represented by legal counsel. The Board members introduced themselves. Ms. Beck identified Karen Donahue, PT, Board Investigator, as the State’s only witness. Ms. Donahue was sworn-in by Dr. Cornwall. Ms. Donahue reviewed how Mr. Montesclaros was noticed of the hearing and complaint. The notice was sent to his address of record and signed for by someone with the last name Montesclaros on April 14, 2012.

Ms. Beck made her opening statement. Ms. Donahue was then called forward to testify. Ms. Donahue was questioned by Ms. Beck and Exhibits 1-5 were presented to the Board. Dr. Cornwall accepted the exhibits into the record. Following Ms. Donahue’s testimony no closing arguments were made. The Board entered deliberations.

Dr. Cornwall moved the Board adopt the Factual Allegations listed in the Complaint and Notice of Hearing as the Board’s Findings of Fact. Dr. Miller seconded the motion. Following review and discussion the motion carried by unanimous vote.

Findings of Fact:

Respondent applied for certification as a physical therapist assistant in the State of Arizona on October 13, 2010.

1. On his application, Respondent disclosed criminal convictions for driving under the influence and felony endangerment.
2. Respondent entered into a Consent Agreement with the Board for Certification and Order of Probation (“Consent Agreement”) on January 11, 2011.
3. According to the terms of the Consent Agreement, Respondent was required to obtain a substance abuse/addiction evaluation within sixty days from the date of the Order.
4. According to the terms of the Consent Agreement, Respondent was required to comply with all recommendations made by the evaluator for treatment.
5. Respondent was evaluated by Mary Desch, M.D. on March 7, 2011.
6. Dr. Desch found that Respondent met the diagnostic criteria for Alcohol Abuse Disorder and recommended that Respondent abstain from alcohol and potentially habituating chemicals.
7. Dr. Desch further recommended that Respondent attend twelve chemical dependency counseling sessions and twelve Alcoholic Anonymous meetings over six months in addition to random urine screens, notification to employer regarding probationary status and participation in alcohol/substance abuse treatment program if he violates any of the requirements set forth.
8. An amendment to the Consent Agreement incorporating Dr. Desch’s recommendations was issued to Respondent on March 29, 2011.
9. Respondent has failed to provide the Board with any evidence that he has complied with the recommendations made by Dr. Desch and the Board’s Order in violation of the Consent Agreement.

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

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).

| 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 an order revoking certificate #9219A issued to Leopoldo M. Montesclaros. Dr. Miller seconded the motion. Following review and discussion the members voted by roll call. 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) Initial Review, Discussion and Action on Complaint  
 i. Complaint #12-05; Sean Flannagan, PT

Dr. Flannagan was present. Ms. Donahue provided a summary of the complaint. The Arizona Society of Oriental Medicine and Acupuncture, (ASOMA) alleges that Dr. Flannagan is offering to practice acupuncture in the technique of “dry needling”. Dr. Flannagan addressed the Board and described the training he has completed related to “Dry Needling”. Dr. Flannagan answered the Board’s questions.

Catherine Niemiec, JD, L.Ac. came forward on behalf of ASOMA. Ms. Niemiec addressed the Board regarding the concerns she has for public safety when an unlicensed acupuncturist such as Dr. Flannagan treats patients with “Dry Needling” which is actually a form of acupuncture and has not undergone the training and education of a licensed acupuncturist. Ms. Niemiec noted that a licensed acupuncturist will have over 1,000 hours of education and training compared to Dr. Flannagan’s training at a three day course. Ms. Niemiec explained the ASOMA’s position regarding Dr. Flannagan illegally practicing acupuncture without a license and reviewed the definition of acupuncture placed in statute by the legislature. Ms. Niemiec also noted that other professions that are allowed to practice acupuncture have such authorization in statute.

John Rhodes, PT, L.Ac. came forward and addressed the Board regarding his concerns with physical therapist offering “Dry Needling”, which he feels is a form of acupuncture when they are not a licensed acupuncturist. The Board discussed whether the definition of the practice of physical therapy in A.R.S. §32-2001(12) may include treatments such as “Dry Needling”. Dr. Cornwall 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 | Mr. Clinton |
|-----------|--------------|-----------|------------|-------------|------------|----------------|-------------|
| Aye       | X            | X         | X          | X           | X          | X              | X           |
| Nay       |              |           |            |             |            |                |             |
| Recused   |              |           |            |             |            |                |             |
| Abstained |              |           |            |             |            |                |             |
| Absent    |              |           |            |             |            |                |             |

The Board entered Executive Session at 10:05 a.m.  
 The Board reentered Regular Session at 10:17 a.m.

Mr. Clinton moved the Board table the complaint to allow further time for review. Ms. Richardson seconded the motion. The Board entered discussion. Dr. Miller discussed how the practice of physical therapy has expanded in the areas of treatment for a number of years that included terms not always listed in law. Dr. Miller stressed that it is not best for the public or the profession for the Board to delay a decision on the matter. Mr. Clinton noted a concern for public protection since the Board lacks the authority to require a minimum education for using ‘Dry Needling’. Mr. Robbins noted he did not see a violation in this case but is concerned and feels the Board needs a formal policy on the matter. Dr. Cornwall called the vote. The motion failed.

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

Dr. Miller moved to dismiss the complaint against Dr. Flannagan. Mr. Robbins seconded the motion. The Board entered discussion. Dr. Cornwall noted that nobody can identify the rate of injury in other jurisdictions when the procedure is performed by a physical therapist or acupuncturist. Ms. Akers stated she feels the Board needs to work on a policy statement in the future. Dr. Miller stated he feels the Board needs to rely on the professionalism of the physical therapist to get sufficient training. Dr. Cornwall called the vote. The vote 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. Complaint #12-06; Nathan Koch, PT

Mr. Koch was present. Ms. Donahue provided a summary of the complaint for the Board. Ms. Donahue stated that the Arizona Society of Oriental Medicine and Acupuncture, (ASOMA) alleges that Mr. Koch is offering to practice acupuncture in the technique of “dry needling”. Ms. Donahue reported that the investigation demonstrated that Mr. Koch does not provide or offer to provide “Dry Needling“ services, rather another practitioner in his office provides the service. Dr. Cornwall moved the Board dismiss the complaint against Mr. Koch. 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    |              |           |            |             |            |                |             |

iv. Complaint #12-07; Sara Strawn, PT

Ms. Strawn was present and was represented by Jerry Gaffaney, her attorney. Ms. Donahue provided a summary of the complaint for the Board. The Arizona Society of Oriental Medicine and Acupuncture, (ASOMA) alleges that Ms. Strawn is offering to practice acupuncture in the technique of “dry needling”. Mr. Gaffaney addressed the Board and noted that in the past the Board has made findings related to scope of practice matters on procedures not listed in A.R.S. §32-2001(12) to include the use of NCV and Needle EMG testing, which means the Board has found that with certain additional training it can be appropriate for a licensed physical therapist to puncture the skin of a patient with a needle. Ms. Strawn reviewed her training for the Board to include over 108 hours of education and practical application of what she learned, and testing.

Catherine Niemiec, JD, L.Ac. came forward on behalf of ASOMA and addressed the Board. Ms. Niemiec restated the position of the ASOMA and noted that while many states do not prohibit the use of “Dry Needling” by physical therapists it may be because they have not had to address the issue. It does not mean that it is accepted in all of the 43 jurisdictions not prohibiting the practice. She again stated that the concern is a lack of required training and protection of the public. John Rhodes, PT, L.Ac. came forward and addressed the Board

again. He stated his concern is a physical therapist's lack of knowledge and training about the physiological response one is attempting to get or is getting when performing acupuncture or "Dry Needling".

The Board entered discussion. Mr. Clinton voiced his concern with allowing a physical therapist to perform such techniques without a credible amount of training and education. Dr. Miller moved the Board dismiss the complaint against Ms. Strawn. 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    |              |           |            |             |            |                |             |

The Board Recessed at 11:15 a.m.

The Board returned to Regular Session at 11:23 a.m.

v. Complaint #12-12; Megan Wilson, PTA

Ms. Wilson was present and was not represented by legal counsel. Ms. Akers recused herself from the agenda item and left the Board's table. Ms. Donahue provided the Board with a summary of the complaint. ASBOPT opened a complaint against Ms. Wilson in regards to complaint #10-49; Jeffrey Petersen PT. Ms. Wilson is alleged to have failed to provide adequate documentation while under general supervision and produced inadequate documentation in patient records. Ms. Wilson is alleged to have been under general supervision while 3-4 PT aides worked in the same facility, and failed to notify the employer or Board, of the illegal nature of such arrangements. Ms. Wilson also continued to treat patients under general supervision without the therapist performing a re-evaluation and the entire treatment on the 4<sup>th</sup> visit.

Ms. Wilson addressed the Board about changes she has made to documentation and stated she completed continuing education at the AzPTA's Spring Conference. Ms. Wilson acknowledged that she did work at times with no supervising physical therapist in the office and physical therapy aides were present, but noted the aides did not provide any patient care. Dr. Cornwall moved the Board forward the complaint against Ms. Wilson's certification to an Informal 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           |
| Nay       |              |           |            |             |            |                |             |
| Recused   |              | X         |            |             |            |                |             |
| Abstained |              |           |            |             |            |                |             |
| Absent    |              |           |            |             |            |                |             |

Ms. Akers returned to the Board table.

vi. Complaint #12-16; Debbie Dees, PTA

Ms. Dees was not present and was not represented by legal counsel. Ms. Donahue provided the Board with a summary of the complaint. Ms. Dees failed to complete 6 hours of continuing education, specific to documentation, for Non-Disciplinary Order #10-54. Dr. Cornwall moved the Board forward the complaint against Ms. Dees' certification 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    |              |           |            |             |            |                |             |

vii. Complaint #12-17; Kimberly Baer, PT

Ms. Baer was not present and was not represented by legal counsel. Mr. Brown provided a summary of the complaint to the Board. On April 16, 2012, the Board received notice from Teresa A. Brown, Rehabilitation Services Manager for Life Care Center in Sierra Vista that Ms. Baer was photographed posing as a patient's daughter and filing a prescription for a narcotic.

Dr. Cornwall moved the Board enter Executive Session to obtain legal advice. 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    |              |           |            |             |            |                |             |

The Board entered Executive Session at 11:36 a.m.  
 The Board returned to Regular Session at 11:40 a.m.

Ms. Akers moved to offer Ms. Baer a consent agreement to suspend her license to practice physical therapy in Arizona until complaint #12-17 is adjudicated by the Board and forward the complaint to a Formal Hearing. 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    |              |           |            |             |            |                |             |

c) Review, Discussion, and Action on Board Order, request for Termination of Probation  
 i. Complaint #10-22(b); Jason Wheeler, PT

Mr. Wheeler was not present and was not represented by legal counsel. Ms. Donahue reported Mr. Wheeler has completed all terms of his probation and is requesting termination of his probation under the above Order. Dr. Cornwall moved the Board terminate the probation of Mr. Wheeler's 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    |              |           |            |             |            |                |             |

d) Review, Discussion and Action on Consideration of Opening a Complaint

i. David Barr, PTA

Mr. Barr was not present and was not represented by legal counsel. Ms. Akers and Dr. Cornwall recused themselves from this agenda item. Ms. Akers and Dr. Cornwall left the Board table. Ms. Hunter chaired this agenda item. Ms. Donahue provided a summary of the matter for the Board. Ms. Donahue stated that in review of a complaint against Anthony Granger, PT, the Board noted some possible issues related to Mr. Barr’s supervision as a PTA and asked Board staff to conduct an interview with Mr. Barr and report to the Board. Ms. Hunter stated she felt the interview disclosed sufficient information to warrant a full investigation. Ms. Hunter moved the Board open a complaint against Mr. Barr related to possible violations for working beyond his delegated authority, and failure to document adequate patient records. 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           |
| Nay       |              |           |            |             |            |                |             |
| Recused   | X            | X         |            |             |            |                |             |
| Abstained |              |           |            |             |            |                |             |
| Absent    |              |           |            |             |            |                |             |

Dr. Cornwall and Ms. Akers returned to the Board table.

ii. Monali Roy, PT

Ms. Roy was not present and was not represented by legal counsel. Mr. Brown provided a summary of the matter for the Board. Mr. Brown stated that Ms. Roy was licensed in 2005. She provided a transcript of graduating from the University of Indianapolis in May of 2005 with a Master’s of Science in Physical Therapy. However, after receipt of information from the Nevada Board of Physical Therapy, it was found that Ms. Roy graduated from a post professional program in May 2005 which was not an accredited physical therapy program as required by A.R.S. 32-2022 in order to qualify for licensure as a physical therapist. Mr. Brown clarified that Ms. Roy attended her first professional physical therapy program in India; therefore, she obtain her license in Arizona without being qualified for licensure. Ms. Roy’s license is currently administratively suspended for failure to renew.

Dr. Cornwall moved the Board open a complaint against Ms. Roy’s license for providing misleading or untrue information and obtaining a license through fraud or deceit. In addition, the complaint should go straight to Formal Hearing after Ms. Roy is provided her 30 days to respond to the complaint. 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    |              |           |            |             |            |                |             |

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

|               |  |  |
|---------------|--|--|
| Elchert, John |  |  |
|---------------|--|--|



ii) Review and Determination of Preapproval of Applications for Physical Therapist Licensure pending receipt of passing scores on the NPTE and the AZLAW exams and Final Transcript

|                   |                     |                   |
|-------------------|---------------------|-------------------|
| Como, Kim         | Bradosky, Ann Marie | Canter, Sarah     |
| Clark, Rebecca    | DeGhetto, Kenneth   | Heinrich, Michael |
| Nicholson, Tamara | Pini, Kristine      | Simonds, Sean     |
| Sondreal, Marc    |                     |                   |

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

|                 |  |  |
|-----------------|--|--|
| Walter, Whitney |  |  |
|-----------------|--|--|

iv) Review and Determination of Preapproval of Applications for Physical Therapist Assistant pending receipt of passing scores on the NPTE and the AZLAW Exams.

|                  |                 |                 |
|------------------|-----------------|-----------------|
| Bessette, Carmen | Frakes, Melissa | Miller, Vanessa |
| Patrick, Lauri   | Rivera, Sylvia  |                 |

v) Review and Determination of Preapproval for Physical Therapist Assistant Early Testing Applicants and Possible Certification Pending Receipt of Passing Scores on the NPTE and the AZLAW exams and Final Official Transcript

|                    |                   |                  |
|--------------------|-------------------|------------------|
| Greer, Tara        | Herb, Frank       | Huberty, Timothy |
| Husted, Joshua     | Kunselman, Eileen | Morris, Brian    |
| Nwambuonwo, Uche   | Permenter, Darrin | Ralston, Lucia   |
| Randall, Elizabeth | Leone, Giovanni   |                  |

Dr. Cornwall asked if any Board member wished to remove an applicant from the consent agenda. No Board member made a request. Dr. Cornwall moved the above listed applicants be approved or license or certification as listed. 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    |              |           |            |             |            |                |             |

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) Substantive Review of Final Clinical Practice Instrument and Possible Licensure – Foreign Educated Graduate of Program not U.S. Accredited

(1) Feka, Lorete

Dr. Cornwall moved the Board license Ms. Feka upon receipt of all missing VISA and photo identification requirements. 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    |              |           |            |             |            |                |             |

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

ii) Review of Physical Therapist Application and Approval to take the AZLAW and the NPTE Exams and Possible Licensure upon Receipt of Passing Scores and Final Official Transcript.

(1) Exstrom, Jada M

Dr. Cornwall moved the Board approve Ms. Exstrom to take the NPTE and AZLAW examinations and be licensed upon receipt of passing scores and receipt of official transcripts. 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) Petkus, Maegan

Dr. Cornwall moved the Board approve Ms. Petkus to take the NPTE and AZLAW examinations and be licensed upon receipt of passing scores and receipt of official transcripts. 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    |              |           |            |             |            |                |             |

(3) Zapanta, John

Dr. Cornwall moved the Board approve Mr. Zapanta to take the NPTE and AZLAW examinations and be licensed upon receipt of passing scores and receipt of official transcripts. 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    |              |           |            |             |            |                |             |

- iii) Review of Physical Therapist Application and Approval to take the AZLAW exam and Possible Licensure
  - (1) Vance, Diana

Ms. Vance was present and was not represented by legal counsel. The Board discussed Ms. Vance’s disclosure related to her prescription for marijuana in another jurisdiction. Dr. Cornwall moved the Board approve Ms. Vance to take the AZLAW examination and license her 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              | X           |
| Nay       |              |           |            |             |            |                |             |
| Recused   |              |           |            |             |            |                |             |
| Abstained |              |           |            |             |            |                |             |
| Absent    |              |           |            |             |            |                |             |

- iv) Review of Physical Therapy Assistant Application and Approval to take the AZLAW and the NPTE and possible certification upon receipt of passing scores and final official transcript.
  - (1) Godwin, Christina

Dr. Cornwall moved the Board approve Ms. Godwin to take the NPTE and AZLAW examinations and be certified upon receipt of passing scores and receipt of official transcripts. 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    |              |           |            |             |            |                |             |

- (2) Dameron, Cheryl

Dr. Cornwall moved the Board approve Ms. Dameron to take the NPTE and AZLAW examinations and be certified upon receipt of passing scores and receipt of official transcripts. 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) Whitman, Crystal

Dr. Cornwall moved the Board approve Ms. Whitman to take the NPTE and AZLAW examinations and be certified upon receipt of passing scores and receipt of official transcripts. 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    |              |           |            |             |            |                |             |

- v) Review of Physical Therapy Assistant Application and Approval to take the AZLAW and the NPTE and possible certification upon Receipt of passing scores.
  - (1) Rios, Leonard

Mr. Rios was present and was not represented by legal counsel. Dr. Cornwall moved the Board Mr. Rios 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 | Mr. Clinton |
|-----------|--------------|-----------|------------|-------------|------------|----------------|-------------|
| Aye       | X            | X         | X          | X           | X          | X              | X           |
| Nay       |              |           |            |             |            |                |             |
| Recused   |              |           |            |             |            |                |             |
| Abstained |              |           |            |             |            |                |             |
| Absent    |              |           |            |             |            |                |             |

- vi) Review of Physical Therapy Assistant Application and Approval to Take the AZLAW and the NPTE and possible certification upon Receipt of passing scores and final Official transcript: Early testing
  - (1) Rokuskie, Shawn

Dr. Cornwall moved the Board approve Mr. Rokuskie to take the NPTE and AZLAW examinations prior to graduation and be certified upon receipt of passing scores, and receipt of official transcripts. 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    |              |           |            |             |            |                |             |

- (2) Packard, Blain

Dr. Cornwall moved the Board approve Mr. Packard to take the NTE and AZLAW examinations prior to graduation one time and be certified upon receipt of passing scores, and receipt of official transcripts. 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    |              |           |            |             |            |                |             |

- c) Review of and Possible Action on Application for Licensure from Applicants Previously Licensed in Arizona
  - (1) Seiberlich, Christine

Dr. Cornwall noted that Ms. Seiberlich has provided documentation of 123 hours of continuing education. Dr. Cornwall moved the Board find Ms. Seiberlich meets the requirements of A.R.S. §32-2028(B) and approve her for licensure. Ms. Akers seconded the motion. Following review and discussion the motion carried by unanimous vote.

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

d) Review of and Possible Action on Application for Licensure from Applicant Requesting ADA Accommodations.

(1) Poulin, Nicole

Dr. Cornwall moved the Board approve Ms. Poulin to receive testing accommodations of time and a half to complete the examinations and use of a separate testing room, and approval for licensure upon receipt of passing scores on the NPTE and AZLAW examinations. 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    |              |           |            |             |            |                |             |

5) **BOARD BUSINESS AND REPORTS**

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

i. Financial Report:

Mr. Brown summarized the written report and noted that the salary adjustment for the Executive Director position that was approved by the Board at the April meeting was made effective May 12, 2012. No action was required or taken on this agenda item.

ii. Board Staff Activities:

Mr. Brown provided a summary of recent Board activities. Ms. Donahue addressed the Board about her consideration of seeking the President position on the Arizona Physical Therapy Association Board. Ms. Donahue requested the Board provide their consent before she makes a determination of seeking the position. The Board discussed Ms. Donahue’s request. Ms. Beck stated there was no legal conflict for the Board to consider. Mr. Brown reported that the Board’s legislative liaison does not have any issue of concern or conflict. Mr. Brown stated he would handle any cases in which a conflict may arise based on Mr. Donahue’s Board duties and Association duties should she seek nomination and be elected. Dr. Cornwall moved the Board provide consent for Ms. Donahue to seek office on the AZPTA Board if she so desires. 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. Legislation:

Nothing beyond the written report was noted. The Board took no action on this agenda item.

iv. Rule Activity:

Mr. Brown reported that the rule package regarding reducing the inactive license renewal fee is moving forward and we expect it will be presented in July with immediate effectiveness. No action was taken by the Board on this agenda item.

v. FSBPT

Nothing beyond the written report was noted. No Board action was taken on this agenda item.

b) Review, Discussion, And Action on Substantive Policy Statement; Supervision of Assistive Personnel, Patient Care Management and Documentation Requirements

Blair Packard, PT came forward and addressed the Board. Mr. Packard reviewed concerns he has related to the Board's inclusion of students in the definition of assistive personnel and requirement student be included in any limitation of the number of assistive personnel that can be supervised by one licensed physical therapist. Mr. Packard expressed his concern that the Board was limiting the experience the students can gain and the professional judgment of the licensed physical therapist. The Board and Mr. Packard discussed the Board substantive policy statement to include ratio limitations and the inclusion of student physical therapists participation in examinations and discharges.

The Board took no action on this agenda item.

6) **CALL TO THE PUBLIC**

No person came forward to address the Board.

**ADJOURNMENT**

The meeting adjourned at approximately 12:48 p.m.

Prepared by,

Charles D. Brown  
Executive Director

Approved by,

Peggy Hunter, PTA, CLT  
Secretary