



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

REGULAR SESSION MEETING MINUTES
July 24, 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
Michael S. Clinton, CPA; Public Member

MEMBERS ABSENT:

James E. Miller, PT, DPT; Member

OTHERS PRESENT IN PERSON:

Charles D. Brown, Executive Director
Paula Brierley, Licensing Administrator
Marc Harris, Assistant Attorney General

CALL TO ORDER – 8:31 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) June 26, 2012; Regular Session Meeting Minutes

Dr. Cornwall moved the Board approve the minutes as presented. Ms. Akers seconded the motion. After review and discussion the motion carried by unanimous vote.

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

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

- a) Review and Possible Action on Complaint Voted to Formal/Informal Hearing; Consideration of Consent Agreement:
 - i. Complaint #10-20; Adi Halili, PT
 - ii. Complaint #10-55; Adi Halili, PT

Mr. Halili was present and was represented by Peter Beran, his attorney. Mr. Beran addressed the Board regarding the proposed consent agreement. Ms. Hunter stated she would like to modify the consent agreement and moved the Board add a civil penalty of \$1,000.00 to the consent agreement. The motion failed for lack of a second. Dr. Cornwall stated he felt the consent agreement accomplishes what he would like. Ms. Richardson stated she would like to have him present the material from the essay to a group. Ms. Richardson moved the Board modify the offered consent agreement to include a requirement that Mr. Halili create a presentation regarding supervision of assistive personnel and present the material after approval by Board staff. Ms. Hunter seconded the motion. The Board entered discussion. Dr. Cornwall stated it should include a requirement to present to 30 physical therapists or physical therapist students, physical therapist assistants or physical therapist assistant students. The presentation must be preapproved and be completed between the 6th and 12 month of Mr. Halili's probation. Ms. Richardson agreed to modify her motion as outlined by Dr. Cornwall and Ms. Hunter maintained her second of the modified motion. After review and discussion the modified motion passed by unanimous vote taken by roll call.

| 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 | | |

Mr. Beran addressed the Board and asked that the Board allow Mr. Halili to complete the presentation as soon as the essay is complete if he wishes so he may ask for early termination of the probation. Dr. Cornwall moved the Board modify the consent agreement to allow the presentation to be presented after completion of the supervision essay. Mr. Robbins seconded the motion. Following review and discussion the motion carried by unanimous vote taken by roll call.

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

c) Initial Review, Discussion and Action on Complaint
 i. Complaint #12-20; Zachary Rathburn, PTA

Mr. Rathburn was not present and was not represented by legal counsel. Mr. Brown provided a summary of the complaint allegations to the Board. Mr. Rathburn applied for licensure in the state of Nevada in which they received information from an FBI report that Mr. Rathburn was convicted in 2000 for obstruction of a peace officer or other public servant, and possession of beer/liquor while under 21 years of age. Mr. Rathburn applied in Arizona for certification as a physical therapist assistant on November 8, 2010 and was granted certification on November 23, 2010. Mr. Rathburn failed to answer "yes" to question #1 and #9 on his application regarding criminal convictions or investigations.

Dr. Cornwall noted that Mr. Rathburn's response stated he could not remember the conviction, which is why he did not report the conviction. Mr. Clinton moved the Board offer Mr. Rathburn a consent agreement to pay a \$500 civil penalty or the matter is forwarded to an Informal Hearing. Ms. Richardson seconded the motion. The Board entered discussion. Ms. Hunter stated she would like to see a one month suspension. Dr. Cornwall stated he would like to change Mr. Rathburn's behavior, which required more than the fine, but not a suspension. Dr. Cornwall stated would like to modify the motion to include 6 hours of continuing education in ethics, and six months of probation to complete the continuing education and pay the civil penalty. Mr. Clinton agreed to a modification of his motion to include the continuing education and six months of probation, and if

Mr. Rathburn does not accept the consent agreement in 20 days or the Informal Hearing the complaint moves to a Formal Hearing. Ms. Richardson accepted the modification and maintained her second of the modified motion. Following review and discussion the motion carried by unanimous vote taken by roll call.

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

ii. Complaint #12-27; John Perrin, PTA

Mr. Perrin was not present and was not represented by legal counsel. Mr. Brown provided the Board with a summary of the complaint allegations. Mr. Perrin failed to notify the Board within 10 days of his arrest for DUI that occurred on May 1, 2012. Dr. Cornwall stated he would like to offer Mr. Perrin a consent agreement for Censure of his license, Mr. Clinton suggested a \$250.00 civil penalty. Dr. Cornwall stated that the censure would be regarding failure to report criminal charges to the Board, urge him to pay attention to all statutes and rules, and urge him to make positive ethical decisions. Dr. Cornwall moved the Board offer the consent agreement with the censure he described, the \$250.00 civil penalty to be accepted in 20 days or the matter is forwarded to an Informal hearing and if the informal hearing is not accepted, the complaint is forwarded to a Formal Hearing. Ms. Hunter seconded the motion. Following review and discussion the motion carried by unanimous vote taken by roll call.

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

b) Informal Hearing and Possible Action on Complaint:

i. Complaint #10-50; Anthony Granger, PT

Mr. Granger was present and was not represented by legal counsel. Ms. Akers recused from this agenda item and left the Board table. Dr. Cornwall provided the opening summary. The Board members introduced themselves. Mr. Brown provided a summary of the allegation against Mr. Granger. It is alleged that Mr. Granger failed to properly supervise and delegate physical therapy tasks and procedures to David Barr, PTA on July 6, 2010.

Mr. Granger provided an opening statement to the Board. Mr. Granger admitted he spoke to Mr. Barr on July 6, 2010 and agreed to answer questions for Mr. Barr, but maintained he was never asked to provide general supervision to Mr. Barr. The Board members questioned Mr. Granger regarding the allegations. Mr. Granger requested the Board call David Barr, PTA to provide testimony. Mr. Barr came forward and was sworn in by Dr. Cornwall. Mr. Barr was questioned by Mr. Granger. Mr. Barr stated he did contact Mr. Granger with the intention of getting Mr. Granger to provide him with general supervision, but cannot recall if he actually asked Mr. Granger to provide general supervision. The Board questioned Mr. Barr. The Board concluded their questioning of witnesses. Mr. Granger provided a closing statement.

The Board entered deliberations regarding the complaint. In discussion each Board member commented on their impression of the complaint and investigation. Ms. Hunter moved the Board dismiss the complaint against Mr. Granger. Mr. Clinton seconded the motion. In discussion Dr. Cornwall stated he would like the

motion modified to include a non-disciplinary advisory letter that advises Mr. Granger to ensure he understands all supervision laws in the future and maintains the minimal supervision requirements. Ms. Hunter modified her motion to include the non-disciplinary advisory letter. Mr. Clinton seconded the modified 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 | | | | | |
| Abstained | | | | | | | |
| Absent | | | | | X | | |

Ms. Akers returned to the Board table.

ii. Complaint #11-13; Renee Barrett, PTA

Ms. Barrett was present and was not represented by legal counsel. Dr. Cornwall provided an opening summary of the proceedings and the possible outcomes of the hearing. The Board introduced themselves. Mr. Brown provided a summary of the complaint alleging Ms. Barrett:

1. Worked as a physical therapist assistant under the supervision of Jeffrey Beran, PT while working for Achievement Therapy Services for the period of June 2009 through August 2011.
2. Engaged in substandard care by:
 - a. Initiating treatment of patients without appropriate delegation from her supervising physical therapist and without a recent or current evaluation of the patient.
 - b. Routinely treating patients following surgical procedures when the patient was not reevaluated by a physical therapist before initiating treatment intervention.
 - c. Continuing to treat patients when she was aware that her supervising physical therapist was not completing the required fourth treatment reevaluation and intervention on patients seen while she worked under general supervision.
 - d. Completed quarterly reports, evaluation, for patient's you treated while under the general supervision of Jeffrey Beran, PT.
 - e. Completed discharge summaries for patients.
3. Failed to report to the Board possible violations of A.R.S. §32-2044 to include:
 - f. Failing to notify the Board when her supervising physical therapist was not completing the fourth treatment visit and reevaluation on patients treated under general supervision.
 - g. Failing to notify the Board that her supervising physical therapist was allowing her to treat patients under general supervision when the supervising physical therapist was not delegating the tasks and procedures to be performed on each patient on each date of service.
 - h. Failing to notify the Board that her supervising physical therapist was not performing evaluations on patient before delegating to you to perform treatment intervention.
4. Failed to maintain adequate patient records to include legible, records complying with A.A.C. R4-24-304 and A.A.C. R4-24-303(G):
 - i. See enclosed summaries of record reviews for patients.
5. Failed to appropriately communicate with her supervising physical therapist regarding patients she treated while working under general supervision.

Ms. Barrett provided an opening statement to the Board. She stated she completed continuing education at the AzPTA Spring conference and has learned a great deal about supervision and documentation requirements. Ms. Barrett answered questions from the Board regarding her process of receiving supervision from Mr. Beran, her supervising physical therapist at the time of the allegations. Ms. Barrett explained the process of meeting monthly with Mr. Beran to review patient progress. Ms. Barrett admitted that Mr. Beran

would not see the patients treated by her under general supervision of Mr. Beran on every fourth visit or every thirty days. She stated she would continue to see patients even if she knew the revaluation was not complete. Ms. Barrett stated she did not discharge patients but did complete documentation for the Department of Economic Security when she was required to stop seeing a patient in the DDD program.

The Board concluded their questioning of Ms. Barrett and entered deliberations. After review and discussion by the Board Ms. Hunter moved the Board adopts the Complaint Allegations 1-5 in the Invitation to Informal Hearing as Findings of Fact. Ms. Richardson seconded the motion. In discussion the Board discussed removing allegation 2(d), but no request to modify the motion was made. Dr. Cornwall called the vote. 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 | | |

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

1. The conduct and circumstances as stated in the above Findings of Fact constitute a violation of **A.R.S. §32-2044(1)**: “Violating this chapter, board rules or a written board order.”
2. The conduct and circumstances as stated in the above Findings of Fact constitute a violation of **A.R.S. §32-2044(5)**: “Engaging in the performance of substandard care by a physical therapist assistant, including exceeding the authority to perform tasks selected and delegated by the supervising licensee regardless of whether actual injury to the patient is established.”
3. The conduct and circumstances as stated in the above Findings of Fact constitute a violation of **A.R.S. §32-2044(17)**: “Failing to report to the board any direct knowledge of an unprofessional, incompetent or illegal act that appears to be in violation of this chapter or board rules.”
4. The conduct and circumstances as stated in the above Findings of Fact constitute a violation of **A.R.S. §32-2044(20)**: “Failing to maintain adequate patient records. For the purposes of this paragraph, “adequate patient records” means legible records that comply with board rules and that contain at a minimum and evaluation of objective findings, a diagnosis, the plan of care, the treatment record, a discharge summary and sufficient information to identify the patient”.
 - i. **A.A.C. R4-24-303. Patient Care Management:**

G. A physical therapist assistant who provides a selected treatment intervention under general supervision shall document in the patient record:

 1. The name and license number of the supervising physical therapist;
 2. The name of the patient to whom the selected treatment intervention is provided;
 3. The date on which the selected treatment intervention is provided;
 4. The selected treatment intervention provided; and
 5. Whether the physical therapist assistant consulted with the supervising physical therapist during the course of the selected treatment intervention and if so, the subject of the consultation and any decision made.
 - ii. **A.A.C. R4-24-304. Adequate Patient Records:**

C. Therapeutic-intervention notes. For each date that a therapeutic intervention is provided to a patient, the individual who provides the therapeutic intervention shall make an entry that meets the standards in subsection (A) in the patient record and document:

 1. The patient's subjective report of current status or response to therapeutic intervention;
 2. The therapeutic intervention provided or appropriately supervised;
 3. Objective data from tests or measures, if collected;

4. Instructions provided to the patient, if any; and
5. Any change in the plan of care required under subsection (B)(7).

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 | | |

The Board discussed a potential order for disciplinary action. Dr. Cornwall stated he would like to see a period of probation with a requirement to complete a presentation on the supervision roles of the PT vs. the PTA. Ms. Hunter stated she would like to see a \$500 civil penalty. Ms. Richardson stated she felt a patient record audit would be appropriate. Dr. Cornwall moved the Board Order Ms. Barrett on six month probation, a requirement to complete a presentation on the supervision roles of a physical therapist versus a physical therapist assistant to minimum of a 25 person audience of physical therapists, physical therapist assistants, student physical therapists or student physical therapist assistants. A requirement to pay a civil penalty of \$500 in the six month probation period and a requirement to complete a minimum of one audit of a minimum of 2 patient records that are of patients treated under the general supervision of a physical therapist. The audit must be completed in the six month probation period. Ms. Akers seconded the motion. Following review and discussion the motion carried by unanimous vote taken by roll call.

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

The Board recessed at 10:15 a.m.

The Board reentered Regular Session at 10:30 a.m.

- d) Review, Discussion, and Action on Board Order
 - i. Complaint #09-29; William Perry, PT

Mr. Perry was not present. Mr. Brown summarized that Mr. Perry is seeking a reduction in the frequency of his monitoring and the elimination of his requirement to work under the supervision of a licensed physical therapist. The Board discussed Mr. Perry's request and his recent progress outlined in the monitoring report. Dr. Cornwall moved the Board modify Mr. Perry's probation terms to reduce his monitoring to once every second month. Ms. Akers seconded the motion. Mr. Clinton noted Mr. Perry was asking for his supervision to be reduced also. Dr. Cornwall modified his motion to include the termination of Mr. Perry's requirement to work under the supervision of a licensed physical therapist. Ms. Akers still maintained her second of the modified 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 #11-42; James Wendel, PT

Mr. Wendel was not present and was not represented by legal counsel. Mr. Brown stated that Mr. Wendel is currently on probation which requires completion of continuing education in documentation and has now received a non-disciplinary order for continuing education in documentation. Mr. Wendel would like courses he takes to count toward fulfilling the requirements of both Board orders. The Board discussed the request. Dr. Cornwall moved the Board deny Mr. Wendel's request. 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 |
| Nay | | | | | | | |
| Recused | | | | | | | |
| Abstained | | | | | | | |
| Absent | | | | | X | | |

e) Review of Consent Agreement and Possible Action of Request for Termination of Board Order

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

Mr. Ball was not present and was not represented by legal counsel. Dr. Cornwall moved the Board terminate the probation status of Mr. Ball's license. 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 #10-27; Dennis St. James, PT

Mr. St. James was not present and was not represented by legal counsel. Dr. Cornwall moved the Board terminate the probation status of Mr. St. James' 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 |
| Nay | | | | | | | |
| Recused | | | | | | | |
| Abstained | | | | | | | |
| Absent | | | | | X | | |

iii. Complaint #12-03; Jennifer Lowry, PTA

Ms. Lowry was present and came forward to address the Board. Ms. Lowry provided the Board with a summary of the course she took with Professional Boundaries Inc. to fulfill her ethics requirement in her Board Order. The Board discussed the online and teleconference based course with Ms. Lowry. Dr. Cornwall moved the Board terminate the probation status of Ms. Lowry's certificate. 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 | | |

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 upon Receipt of Passing Scores on the NPTE/AZLAW and Final transcript

| | | | |
|-----|---------------------|------------------------|-------------------|
| | Boll, Katrina | Bruno, Garret | Clark, Emilene |
| ii. | Crager, Megan | Fjelsted, Erica | Fulton, Kylie |
| | Gough, Ceri | Heidt, Michael | Hoppe, Jeremy |
| | Jarzabek, Andrew | Jin, Janet | Kays, Pamela |
| | Keifer, C Braden | Kempton, Joseph | Ketterhagen, Adam |
| | Kolb, Kimberly | Lambert, Kathryn | Luis, Lisa |
| | Marlow, Bonnie | McCloskey, Christopher | Milchan, Tal |
| | Millikan, Carissa | Moore, Cameron | Morrow, Jacob |
| | Peterson, Jacob | Sellers, Travis | Smith, Colleen |
| | Strickland, Michael | Thomas, Tonya | Sartore, Kristin |

iii. Substantive Review, Consideration and Approval of Applications for Physical Therapist Assistant Certification upon Receipt of Passing Scores on the NPTE/AZLAW and Final Transcript

| | | | |
|--|-----------------|-----------------|----------------|
| | Benton, Lisa | Burdette, Jamie | Elmore, Debbie |
| | Fousse, Hollis | Lay, Angela | Otey, Tami |
| | Paul, Elizabeth | Wright, Richard | |

Dr. Cornwall provided an opportunity for any Board member to remove an applicant from the consent agenda for further discussion. No Board Member requested removal of an applicant from the consent agenda. Dr. Cornwall moved the Board approve the consent agenda as listed and grant licensure or certification to the applicants as listed upon receipt of passing NPTE and AZLAW examination scores, and receipt of transcripts. Ms. Richardson seconded the motion. Following review and discussion the motion carried by unanimous vote.

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, TOEFL Score, Determination of Supervised Clinical Practice Period, Approval to take the AZLAW and Possible Licensure

a) Shah, Noopur

The Board reviewed Ms. Shah’s credential evaluation and found it contained deficiencies in her professional education. Dr. Cornwall moved the Board find Ms. Shah’s education not substantially equivalent. 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 |
| Nay | | | | | | | |
| Recused | | | | | | | |
| Abstained | | | | | | | |

| | | | | | | | |
|--------|--|--|--|--|---|--|--|
| Absent | | | | | X | | |
|--------|--|--|--|--|---|--|--|

b) Villanueva, Raymond

The Board reviewed Mr. Villanueva’s credential evaluation. Dr. Cornwall noted Mr. Villanueva was substantially equivalent. The Board discussed Mr. Villanueva’s request the Board accept his IBT TOEFL examination scores. Mr. Brown requested the Board enter Executive Session in order to obtain legal advice. Dr. Cornwall moved the Board enter Executive Session in order to obtain legal advice. 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 |
| Nay | | | | | | | |
| Recused | | | | | | | |
| Abstained | | | | | | | |
| Absent | | | | | X | | |

The Board entered Executive Session a 10:56 a.m.
The Board reentered Regular Session at 11:05 a.m.

Dr. Cornwall moved the Board find Mr. Villanueva’s IBT TOEFL examination score deficient and suggest he appeal the score and if the score is changed to meet the minimum 25 in all categories then Mr. Villanueva’s education is substantially equivalent to a US educated Physical Therapist, then is required to complete a 500 hour SCPP under an interim permit, and must take and pass the AZLAW examination before beginning his period of supervised clinical practice. 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 |
| Nay | | | | | | | |
| Recused | | | | | | | |
| Abstained | | | | | | | |
| Absent | | | | | X | | |

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

- i. Physical Therapist Assistant Application and Approval to take the NPTE and the AZLAW (Jurisprudence) Exam and Possible Licensure
 - a) Willard, Krystal

Ms. Willard was present, but did not address the Board. The Board discussed Ms. Willard’s disclosure. Dr. Cornwall moved the Board authorize Ms. Willard 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 |
| Nay | | | | | | | |
| Recused | | | | | | | |
| Abstained | | | | | | | |
| Absent | | | | | X | | |

c) Review of and Possible Action on Application for Licensure from Applicants Previously Licensed in Arizona

a) Harte, Jacqueline

Ms. Harte was not present and was not represented by legal counsel. The Board discussed Ms. Harte’s continuing education provided. Dr. Cornwall noted the education was primarily in acupuncture. Dr. Cornwall moved the Board accept Ms. Harte’ continuing education as meeting the requirements of A.R.S. §32-2028 and grant her licensure. Mr. Robbins seconded the motion. Following review and discussion the motion failed.

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

The Board discussed additional options to require of Ms. Harte. Dr. Cornwall moved the Board require Ms. Harte to complete the Orthopedic Practice Review Tool through the Federation of State Boards of Physical Therapy and complete a period of supervised clinical practice of 500 hours 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 | | |

b) Scott, Cheryl

Ms. Scott was not present and was not represented by legal counsel The Board discussed Ms. Scott’s continuing education. Dr. Cornwall moved the Board find Ms. Scott’s continuing education meets the requirements of A.R.S. §32-2028 and grant Ms. Scott a 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 |
| Nay | | | | | | | |
| Recused | | | | | | | |
| Abstained | | | | | | | |
| Absent | | | | | X | | |

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

a) Ybarra, Bernadette

The Board reviewed Ms. Ybarra’s request for accommodation. Dr. Cornwall moved the Board approve Ms. Ybarra’s request for double time to take the AZLAW and NPTE examinations. Ms. Richardson seconded the request. 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 | | |
|--------|--|--|--|--|---|--|--|

- e) Review, Discussion, and Action on 2010-2012 License/Certificate Renewal Applications (Personal Information Disclosures)
 - i. Caroline Seronde, PTA

Ms. Seronde was present. The Board discussed Ms. Seronde’s renewal application. Ms. Richardson moved the Board approve Ms. Seronde’s application for renewal and open a complaint against her license for failure to report a criminal charge in 10 days as required by A.R.S. §32-3208. Ms. Hunter seconded the motion. Following review and discussion the motion carried by unanimous vote.

5) **BOARD BUSINESS AND REPORTS**

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.

- a) Executive Director’s Report – Discussion and Possible Action
 - i. Financial Report- Summary of written report. No action was taken or required on this agenda item.
 - ii. Board Staff Activities- Mr. Brown provided a verbal report of recent staff activities. No action was taken or required on this agenda item.
 - iii. Legislation- Summary of written report. No action was taken or required on this agenda item.
 - iv. Rule Activity Summary of written report. No action was taken or required on this agenda item.
 - v. FSBPT- Mr. Brown reported that Dr. Miller will be unable to attend the Annual Meeting in September as the Board’s delegate. Mr. Clinton would be the voting delegate in his absence. The Board provided unanimous consent for Ms. Akers to attend the meeting as the Board’s alternate delegate.
 - vi. 2012-2013 Performance Audit and Sunset Review- Summary of written report. No action was taken or required on this agenda item.

b) Review, Discussion, Action on Interagency Service Agreement, Attorney General’s Office (Verbal)

Mr. Brown reported that the Attorney General’s Office has assigned the Board’s outstanding formal hearings for resolution and that we will be receiving a new permanent Assistant Attorney General in the coming weeks. Mr. Brown reported he would execute the Board’s Interagency Service Agreement with the Attorney General’s Office.

c) Review, Discussion, Action on Statutory Changes from the 2012 Legislative Session; Presented by Marc Harris, Assistant Attorney General

Mr. Harris provided a review of statutory changes from the 50th legislatures Second Regular Session to include laws that may impact the Board. No action was required or taken on this agenda item.

d) Review, Discussion, and Action on Failure to Meet Licensure Time Frames

Mr. Brown provided a review of a failure to issue a license within the Board’s licensing time frames listed in A.A.C. R4-24-208. Mr. Brown stated that while the Board had approved licensure he had failed to have a license issued timely, which resulted in the Board having to refund the application fee of \$190.00 and required the Board to pay a penalty of \$4.75 to the State General Fund.

Mr. Brown provided a review of staff processes for reviewing application files monthly to avoid missing time frames. He noted the vulnerabilities in the staff's process and the new reporting that will take place to ensure such an error is not repeated. No action was taken or required on this agenda item.

e) Review, Discussion, and Action on Dry Needling in the Practice of Physical Therapy; Consideration of Development of Board Policy

The Board discussed its options in developing a policy statement or taking some other course of action to address the Physical Therapy professions trend towards offering Dry Needling services to patients. The Board discussed either forming a committee to address the matter or holding stakeholder meetings. The Board directed Mr. Brown to hold three stakeholders meeting on the topic of "Dry Needling" with one meeting to be held each in Phoenix, Tucson, and Flagstaff.

Review, Discussion and Action on Board Policy for Unlawful Practice Complaints for 2012 Renewal

The Board discussed its matrix for offering consent agreements to licensees and certificate holders that practice or work after September 1, 2012 without renewing their license or certificate. Dr. Cornwall moved the Board adopt the following Matrix:

| Duration of Unlawful Practice | Probation Term | Civil Penalty | Jurisprudence Exam |
|--|--|---------------------------|--------------------|
| 1-5 days | None/ Decree of Censure | None | None |
| 6-14 days | 90 days with early termination option | \$100 (PT) \$50 (PTA) | Yes |
| 15-30 days | 90 days with early termination option | \$150 (PT) \$100 (PTA) | Yes |
| 31-90 days | 90 days with early termination option | \$250 (PT) \$150 (PTA) | Yes |
| 91 days or > All cases must go before the Board for initial review | | | |

Ms. Richardson seconded the motion. Following review and discussion the motion carried.

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

6) **CALL TO THE PUBLIC**

No person came forward to address the Board.

ADJOURNMENT

The meeting adjourned at approximately 12:08 p.m.

Prepared by,

Charles D. Brown
Executive Director

Approved by,

Peggy Hunter, PTA, CLT
Secretary