



ARIZONA STATE BOARD OF PHYSICAL THERAPY
4205 NORTH 7TH AVENUE, SUITE 208 PHOENIX, ARIZONA 85013
(602) 274-0236 Fax (602) 274-1378
www.ptboard.az.gov

REGULAR SESSION MEETING MINUTES
October 23, 2012

MEMBERS PRESENT:

Mark Cornwall, PT, Ph.D.; President
Lisa Akers, PT, MS; Vice President
Peggy Hunter, PTA, CLT, Secretary
James E. Miller, PT, DPT; Member
Michael S. Clinton, CPA; Public Member
Fredric B. Zook, Ph.D., Public Member

MEMBERS ABSENT:

Melinda Richardson, PT, MA; Member

OTHERS PRESENT IN PERSON:

Charles D. Brown, Executive Director
Paula Brierley, Licensing Administrator
Karen Donahue, Investigator
Mona Baskin, Assistant Attorney General

CALL TO ORDER – 8:36 a.m.

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

Dr. Cornwall introduced and welcomed the Board’s new public member Fredric B. Zook, Ph.D.

- 1) **Review and Approval of Draft Minutes**
 - a) September 25, 2012; Regular Session Meeting Minutes

Dr. Miller requested the minutes be amended on page two under the Executive Session vote to reflect he voted aye. Dr. Cornwall moved the Board adopt the minutes as amended. Mr. Clinton seconded the motion. Following review and discussion the motion carried by unanimous vote.

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

- b) September 25, 2012; Executive Session Meeting Minutes 8:55 a.m. to 8:59 a.m.

Dr. Cornwall moved the Board adopt the minutes as presented. Mr. Clinton seconded the motion. Following review and discussion the motion carried by unanimous vote.

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

c) September 25, 2012; Executive Session Meeting Minutes 9:52 a.m. to 9:58 a.m.

Dr. Cornwall moved the Board adopt the minutes as presented. Mr. Clinton seconded the motion. Following review and discussion the motion carried by unanimous vote.

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

d) September 25, 2012; Executive Session Meeting Minutes 10:21 a.m. to 10:28 a.m.

Dr. Cornwall moved the Board adopt the minutes as presented. Mr. Clinton seconded the motion. Following review and discussion the motion carried by unanimous vote.

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

e) September 25, 2012; Executive Session Meeting Minutes 11:29 a.m. to 11:33 a.m.

Dr. Cornwall moved the Board adopt the minutes as presented. Mr. Clinton seconded the motion. Following review and discussion the motion carried by unanimous vote.

Vote	Dr. Cornwall	Ms. Akers	Ms. Hunter	Dr. Zook	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

The Board may vote to go into Executive Session pursuant to A.R.S. §38-431.03(A)(2) for purposes of discussing confidential information or §38-431.03(A)(3) to obtain legal advice.

- i. Review, Consideration and Approval of Applications of Physical Therapist Licensure upon Receipt of Passing Scores on the NPTE/AZLAW and Final Transcript

Barbara, Mariesa	Blake, Karsten	Cline, Scott
Douglass, Donna	Fletcher, Andrea	Kim, Christy
Lambert, Connie	Leeper, Pamela	McGrath, Deborah
Newton, Amy	Powers, Francis	Reiter, Josh
Shauf, Lawrence	Starr, Laura	Strangos, George
Young, Ann		

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

Dillahunt, Shawna	Gish, Rebekah	Gutowski, Jeffrey
Horning, Richard	Jernigan, Kayla	Kinzer, Justin
Lauer, Kathryn	McClellan, Monica	McGehee, Michael
Meritt, Lauren	Mueller, Jessica	Reyes, Nellie
Spink, Jamie L	Tingey, Diana	Tureaud, Jean
Vagnerova, Lydie	Zegarra, Vanya	

Dr. Cornwall moved the Board license or certify the listed applicants upon receipt of passing scores and transcripts. Ms. Akers seconded the motion. Following review and discussion the motion carried by unanimous vote.

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

Consent Agenda Ends

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

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

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

a) Eggman, Travis

Mr. Eggman was not present and was not represented by legal counsel. The Board discussed Mr. Eggman’s personal disclosures related to alcohol use. Ms. Hunter noted Mr. Eggman had multiple convictions and would consider licensure upon entering into a consent agreement. Dr. Cornwall stated that based on the two convictions in the past three years a consent agreement for licensure was warranted. Ms. Akers expressed her concern in licensing Mr. Eggman.

Dr. Miller moved the Board approve Mr. Eggman to take the AZLAW examination and offer Mr. Eggman a consent agreement of probation for six month with a requirement he undergo a substance abuse evaluation by a Board approved evaluator. Mr. Eggman has 30 days to schedule an appointment and the appointment must be within 3 months of the effective date of the Board order. Mr. Eggman must comply with all recommendations of the evaluator and the period of probation will be extended for the time necessary to complete all of the evaluator’s recommendations. Mr. Eggman has 20 days from receipt of the consent

agreement to sign and return the consent agreement. If the consent agreement is not signed and returned within the twenty days Mr. Eggman’s application for licensure as a physical therapist in Arizona is denied based on A.R.S. §32-2023(B)(5) and A.R.S. §32-2044(12). Ms. Hunter seconded the motion. Following review and discussion the motion carried by unanimous vote.

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

b) Watters, Melanie

Ms. Watters was not present and was not represented by legal counsel. The Board discussed Ms. Watters' personal disclosure. Dr. Cornwall moved to approve Ms. Watters to take the AZLAW examination and be licensed 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	Dr. Zook	Dr. Miller	Ms. Richardson	Mr. Clinton
Aye	X	X	X	X	X		X
Nay							
Recused							
Abstained							
Absent						X	

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

b) Initial Review, Discussion and Action on Complaint

i. Complaint #12-23; David Barr, PTA

Dr. Cornwall and Ms. Akers recused from this agenda item and left the Board table. Mr. Barr was present. Ms. Donahue provided a summary of the complaint for the Board. A complaint was filed by the Board in regards to findings and evidence based on case #10-49; Jeffrey Petersen. It is alleged that Mr. Barr:

1. Knowingly entered into general supervision without knowing/documenting which physical therapist was providing the supervision or documenting a physical therapist that was not providing general supervision.
2. Failed to communicate with the supervising physical therapist in regards to POC and patient’s reported change in acuity
3. Delegated interventions to physical therapist aides when a physical therapist was not present in the facility
4. Continued to provide treatment to patients under general supervision when a physical therapist had not evaluated the patient
5. Continued to provide treatment to patients under general supervision when a physical therapist had failed to perform a re-evaluation and the entire treatment on the fourth visit
6. Engaged in substandard care
7. Produced inadequate patient records.

Mr. Barr addressed the Board. Dr. Miller asked Mr. Barr to explain his failure to follow supervision requirements. Mr. Barr stated that he always had an idea in his head of who was supervising him. Ms. Hunter asked Mr. Barr if techs were present when he was working under general supervision He stated they were present, but he did not express his concern to his employer.

Dr. Miller moved the complaint against Mr. Barr be forwarded to an Informal Hearing. Ms. Hunter seconded the motion. Following review and discussion the motion failed.

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

Mr. Clinton moved the Board forward the complaint to a Formal Hearing. Ms. Hunter seconded the motion. Following review and discussion the motion failed.

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

The Board further discussed its options in resolving the complaint. Dr. Miller moved to forward the complaint to an Informal Hearing. Mr. Zook seconds the motion. Following review and discussion the motion carried.

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

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

- a) Informal Hearing and Possible Action on Complaint:
 - i. Complaint #10-46; Tresha Baldwin, PT

Ms. Baldwin was present and was represented by her legal counsel, Kraig Marton. The Board members introduced themselves. Dr. Cornwall reviewed the hearing process and possible outcomes. Ms. Baldwin was sworn-in. Mr. Brown read the complaint allegations. Based on the investigation by Board staff and the Board's Initial Review of this complaint it is alleged that Ms. Baldwin:

1. Provided financial incentive to receive patient referrals from healthcare providers or their staff in the form of gift cards, televisions or other goods.
2. Failed to inform patients that healthcare providers or their staff was receiving financial benefit from the patient's referral to Ms. Baldwin's clinics (360PT).
3. Failed to notify the Board, within 10 days, of criminal charges being filed as required under A.R.S. §32-3208 and A.A.C. R4-24-312(A).
4. Failed to disclose on her 2010 application for licensure that she was subject to criminal investigation since her last renewal in 2008. She submitted her renewal application online on July 19, 2010. In order to complete an online renewal application, a licensee or certificate holder must answer no to all 13 good moral character questions. If the licensee or certificate holder answers yes to any of the 13 questions and try to submit the application, the process is automatically halted and the individual is told they cannot complete the process, and must submit a paper application to the Board office. Therefore, her

completion of the online process means she answered no to question number 9. “9) Have you been the subject of any criminal investigation by a federal, state, or local agency or had criminal charges filed against you?” when you had been subject to criminal investigation July 29, 2009. In addition, she failed to report an August 29, 2007 investigation for disorderly conduct on her 2008 online renewal application by answering no to the good moral character question number 9 “9) Have you been the subject of any criminal investigation by a federal, state, or local agency or had criminal charges filed against you?”

Ms. Baldwin provided an opening statement. The Board questioned Ms. Baldwin and provided Mr. Marton with an opportunity to address the Board and present evidence.

Dr. Miller moved the Board enter Executive Session for the purpose of seeking legal advice and discussing confidential information. Ms. Hunter seconded the motion. The motion carried.

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

The Board entered Executive Session at 9:26 a.m.

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

The Board questioned Ms. Baldwin regarding each allegation. Ms. Baldwin and Mr. Matron provided closing statements. The Board concluded their questioning phase of the hearing and entered discussion.

Following review and discussion Dr. Cornwall moved the Board issue a non-disciplinary advisory letter for failing to disclose a criminal investigation on her renewal application and for providing monetary reward for patient referrals, and dismiss the complaint. Dr. Miller seconded the motion. The Board entered discussion. Following discussion Dr. Cornwall withdrew his motion and Dr. Miller withdrew the second of the motion. Mr. Clinton requested the Board enter executive Session for the purpose of obtaining legal advice or discussing confidential information. Ms. Hunter seconded the motion. The motion carried.

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

The Board entered Executive Session at 10:49 a.m.

The Board reentered regular Session at 11:02 a.m.

Dr. Cornwall moved the Board issue Ms. Baldwin a non-disciplinary advisory letter instructing her to abide by the professions Code of Ethics and Arizona statutes related to patient referrals and reporting criminal investigations to the Board. In addition, the Board issue Ms. Baldwin a non-disciplinary order for continuing education requiring her to complete 6 hours of continuing education in ethics, which must be preapproved by Board staff, is in addition to the standard required continuing competence required for renewal and may only be taken live and in person. The ethics continuing education must be completed within six months. Dr. Miller seconded the motion. After discussion Dr. Cornwall amended his motion to include A.R.S. §32-2044(12) and Code of Ethics Principle 4.4 in the advisory letter. Dr. Miller maintained his second. Following review and discussion the amended motion carried.

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

The Board recessed at 11:05 a.m.

The Board reentered Regular Session at 11:19 a.m.

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

Ms. Akers recused herself from this agenda item and left the Board table. Ms. Wilson was present and was represented by her legal counsel, Ross Meyer. The Board introduced themselves. Dr. Cornwall reviewed procedures for how the hearing would be conducted. Ms. Wilson was sworn-in by Dr. Cornwall. Based on the investigation by Board staff and the Board's Initial Review of this complaint it is alleged that Ms. Wilson:

1. Failed to recognize that a physical therapist had not evaluated patient O.D. and continued treatment per the plan of care without a physical therapist delegating care.

2. Failed to recognize that that on 7/23/12, for patient O.D., was the 4th visit that this patient had been seen under general supervision. She should have referred the patient to treatment with a physical therapist and not continued with treatment. Ms. Wilson did not communicate or get delegation from a physical therapist before treating O.D.

3. Failed to communicate with a physical therapist when she documented that patient O.D. was reporting an increase in pain in the right shoulder on the 4th visit (7/23/12). She did not modify the care provided to the patient and continued with all interventions performed the previous visit with no documented consultation with a supervising physical therapist.

4. Stated in her response: "In regards to patient O.D. I documented that "patient very tender with PROM in ER and there was no documentation to indicate if I had contacted a physical therapist. I did not contact a physical therapist on this day. The initial evaluation performed on 7-16-10 indicates that the patient is tender in the right shoulder area. Based upon the initial evaluation, it did not appear that the tenderness that the patient was experiencing was a new symptom or was a result of any change in patient acuity."

5. Indicated in her response that she was not provided, nor requested, daily delegation by her supervising physical therapist, and she had her own patient schedule relying solely on the patient record to determine treatment on each date of service.

6. There is no evidence to suggest or support that Ms. Wilson knew when she was being generally supervised or who her supervising physical therapist was.

7. Failed to create adequate daily intervention notes for patient C.G. for the dates of service: 6/30/10, 7/2/10, 7/9/10, 7/12/10

8. Do not document that she was under general supervision in any patient record. Specifically, for the following patients:

- o D.H.: July 13, 2010, July 16, 2010, July 27, 2010
- o S.H.: July 15, 2010
- o O.D.: July 19, 2010, July 23, 2010
- o J.N.: July 21, 2010

9. Did not document the parameters for the modalities that she provided to patients in the daily documentation.

10. Should have been aware of the supervision statutes and rules that would have prohibited her supervision (or a lack of physical therapist supervision) of physical therapy aides when a physical therapist was not present in the facility

11. Should have been aware of the general supervision rules that would have required a supervising physical therapist to perform the re-evaluation and all treatment interventions on the 4th visit for patients seen while under the care of a physical therapist providing general supervision.

12. Aided and abetted aides (unlicensed and uncertified persons) who were providing patient care, with no physical therapist in the facility while she was working under general supervision.

Mr. Meyer provided an opening statement and provided an admission to allegations 8 and 9 on behalf of Ms. Wilson. The Board questioned Ms. Wilson. The Board ended the questioning phase of the hearing and entered discussion. Dr. Cornwall moved the Board dismiss the complaint with a non-disciplinary advisory letter to be aware of all statutes and regulations regarding record keeping in the practice of physical therapy. Mr. Zook seconded the motion. The Board entered discussion. Ms. Hunter stated she feels a civil penalty would be appropriate. Dr. Miller noted that the relationship between Ms. Wilson and her supervising physical therapist was not strong which is reflected in her poor care and documentation. Mr. Clinton noted that it appears Ms. Wilson's employer tried to juggle supervision requirements, but the minimum requirements were not followed. The motion failed.

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

Ms. Hunter moved the Board adopt Factual Allegations 8 & 9 as Findings of Fact. Dr. Miller seconded the motion. Following review and discussion the motion carried by roll call vote.

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

Dr. Cornwall moved the Board adopt violations of A.R.S. 32-2044(1), A.R.S. §32-2044(20) and A.A.C. R4-24-304 as Conclusions of Law. Mr. Clinton seconded the motion. Following review and discussion the motion carried by roll call vote.

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

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

Probation: The Arizona Board of Physical Therapy hereby orders that Respondent, holder of Certificate No. 777A, be placed on probation for a period of twelve (12) months to commence upon execution of this Order. The probation may be extended or other enforcement actions taken, after notice and an opportunity for a hearing, in the event Respondent violates this Order or violates the Arizona Physical Therapy Practice Act. Respondent may petition the Board for early termination of probation following completion of all terms of probation. Early termination is at the sole discretion of the Board. The Board orders Respondent to comply with the following terms and conditions of probation:

Continuing Education: Respondent shall complete continuing education courses as prescribed below within the period of probation. Any continuing education approved and credited for use in complying with the conditions of the order are in addition to the continuing competence activities required for renewal of an Arizona physical therapist license. Respondent may not request approval of continuing education courses delivered through any means other than live in person instruction.

i. **Ethics--** Respondent shall complete a minimum of six (6) hours of continuing education in ethics. The course(s) must be preapproved by Board staff and Respondent must provide documentation of completing the course to Board staff upon completion.

Presentation Development: During the (12) months of Probation, Respondent shall create a presentation on supervision and documentation from the perspective of a physical therapist assistant to include details of complaint #12-12. The presentation shall be approved by the Board or Board staff.

i. **Presentation:** During the (12) months of probation and after receipt of approval of Respondent's presentation, Respondent shall give her presentation to a group(s) of a minimum of twenty (20) physical therapists assistants and/or physical therapist assistant students. At least five (5) days prior to the presentation, Respondent shall submit to the Board for approval the date, time and location of the presentation.

Dr. Miller asked that the motion include a minimum of thirty minutes for the presentation. Dr. Cornwall added the requirement to the motion. Mr. Clinton seconded the motion. The Board entered discussion. Ms. Hunter moved the motion be amended to include a civil penalty of \$250.00. The motion failed for lack of a seconded. Following review and discussion the motion carried. By roll call vote.

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

Ms. Akers returned to the Board table.

a) Initial Review, Discussion and Action on Complaint

ii. Complaint #12-32; Virginia McGarry, PT

Ms. McGarry was present and addressed the Board. Mr. Brown addressed the Board and noted that Ms. McGarry was the applicant affected by staff failure to meet licensing time frames and was refunded her application fee. Mr. Brown stated that the failure to issue the license timely aided in Ms. McGarry's practicing before her license was actually issued. Ms. Brown stated that had he insured Ms. McGarry's license was issued when she qualified, she would not have practiced before licensure was officially issued.

The Board discussed the complaint allegations. Ms. Brierley verified Ms. McGarry met licensing requirements in April 2012, but the license was not issued until June of 2012. Ms. Akers noted that the Board had some responsibility in the matter. Ms. Akers moved the Board dismiss the complaint against Ms. McGarry. Ms. Hunter seconded the motion. Following review and discussion the motion carried by unanimous vote.

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

iii. Complaint #12-35; Tess Rials, PTA

Ms. Rials was not present and was not represented by legal counsel. Ms. Donahue provided the Board with a summary of the allegations. The Board opened this complaint following complaint #11-16 in which Ms. Rials was disciplined on November 20, 2011. Ms. Rials was disciplined for her involvement with case #10-52; Denise Labriola, PT. Ms. Rials was found in violation of engaging in the performance of substandard care, failing to report to the board any direct knowledge of an unprofessional, incompetent or illegal act and failing to maintain adequate patient records. Ms. Rials Board Order #11-16 stipulated that 8 hours of continuing education related to ethics and documentation as well as a presentation to 20 individuals to be completed by May 11, 2012. Ms. Rials failed to complete any component of her Board order when contacted on August 14, 2012 by the board investigator. Ms. Donahue stated Ms. Rials has since provided documentation of completing her requirements except for her six hours in documentation. Dr. Cornwall moved the Board forward the complaint against Ms. Rials to a Formal Hearing and offer her a consent agreement for a period of three months probation with a requirement to complete the six hours of continuing education in documentation required in the previous order and a civil penalty of \$200.00. Ms. Hunter seconded the motion. Following review and discussion the motion carried by unanimous vote.

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

iv. Complaint #12-38; Anna Fern-Buneo, PT

Ms. Fern-Buneo was present. Ms. Donahue provided the Board with a summary of the allegations. Ms. Fern-Buneo failed to renew her license on or before August 31, 2012. Ms. Fern-Buneo practiced without a license five (5) days from September 1, 2012 through September 12, 2012. Ms. Fern-Buneo addressed the Board and stated she was able to stop all billing for the period she practiced before it was sent to patients or third party payors. Dr. Cornwall moved the Board forward the complaint to an Informal Hearing; if the Informal Hearing is not accepted it is forwarded to a Formal Hearings and staff is to offer Ms. Fern-Buneo a consent agreement in accordance with the Board Unlawful Practice Disciplinary Matrix which must be accepted within twenty days of notice. Ms. Hunter seconded the motion. Following review and discussion the motion carried by unanimous vote.

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

v. Complaint #12-40; Laura Markey, PT

Dr. Miller disclosed he has known Ms. Markey for thirty years and they worked together in the past, but he has no bias in this matter. Following advice from Ms. Baskin, Dr. Miller recused himself from the initial review and left the Board table. Ms. Markey was not present. Ms. Donahue reported Ms. Markey failed to renew her license on or before August 31, 2012, practiced 2 days, and treated five patients when her license was administratively suspended. Dr. Cornwall moved the Board forward the complaint to an Informal Hearing; if the Informal Hearing is not accepted it is forwarded to a Formal Hearings and staff is to offer Ms. Markey a consent agreement in accordance with the Board Unlawful Practice Disciplinary Matrix which must be accepted within twenty days of notice. Ms. Akers seconded the motion. Following review and discussion the motion carried by unanimous vote.

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

Dr. Miller returned to the Board table.

vi. Complaint #12-44; Steven Schwab, PT

Mr. Schwab was present. Ms. Donahue provided a summary of the allegations for the Board. Mr. Schwab indicated on his license renewal form that his licensure was disciplined from the State of Idaho Physical Therapy Licensure Board for enabling a graduate, not yet licensed individual to perform physical therapy services without a license and failure to maintain adequate patient records. Mr. Schwab addressed the Board. Dr. Cornwall moved the Board dismiss the complaint against Mr. Schwab. Dr. Miller seconded the motion. Following review and discussion the motion carried by unanimous vote.

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

The Board recessed at 12:38 p.m.

The Board reentered Regular Session at 12:44 p.m.

vii. Complaint #12-46; Richard Colaw, PT

Mr. Colaw was not present. Ms. Donahue provided a summary of the complaint for the Board. Mr. Colaw notified Board Staff that he was arrested for a Class 3 Felony for Aggravated Assault on August 1, 2012 on his renewal application. Mr. Colaw failed to notify the Board within the 10 day required timeframe to report. Mr. Colaw was sentenced on October 2, 2012 an amended Count 1 Endangerment, Class Six Undesignated Offense. Dr. Miller moved the Board dismiss the complaint. Mr. Zook seconded the motion. Following Discussion the motion failed.

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

Dr. Cornwall moved the Board issue Mr. Colaw a non-disciplinary advisory letter addressing the Board's concerns related to reporting investigations or arrests. The Board formally advises Mr. Colaw to read and understand the law requiring reporting of investigations or arrests within the 10 day stipulated time frame. The arrest for a Class 3 Felony for Aggravated Assault should have been reported to the Board within 10 days. In addition, issue a non-disciplinary order for six hours of ethics continuing education that must be taken in person and be preapproved by Board staff. Ms. Akers seconded the motion. Following review and discussion the motion carried by unanimous vote.

Vote	Dr. Cornwall	Ms. Akers	Ms. Hunter	Dr. Zook	Dr. Miller	Ms. Richardson	Mr. Clinton
Aye	X	X	X	X	X		X
Nay							

Recused							
Abstained							
Absent						X	

viii. Complaint #12-47; Scott Madsen, PT

Mr. Madsen was not present and was not represented by legal counsel. Ms. Donahue reported Mr. Madsen failed to renew his license on or before August 31, 2012. Mr. Madsen practiced without a license sixteen (16) days from September 1, 2012 through September 21, 2012. Dr. Cornwall moved the Board forward the complaint to an Informal Hearing; if the Informal Hearing is not accepted it is forwarded to a Formal Hearings and staff is to offer Mr. Madsen a consent agreement in accordance with the Board Unlawful Practice Disciplinary Matrix which must be accepted within twenty days of notice. Dr. Miller seconded the motion. Following review and discussion the motion carried by unanimous vote.

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

ix. Complaint #12-48; Lorraine Deibler, PT

Ms. Deibler was not present. Dr. Miller disclosed that he once interviewed Ms. Deibler as a reference for an applicant for a position in his office, but that he has no bias in the matter. Ms. Donahue reported Ms. Deibler failed to renew her license on or before August 31, 2012. Ms. Deibler practiced without a license thirteen (13) days from September 1, 2012 through September 21, 2012. Dr. Cornwall moved the Board forward the complaint to an Informal Hearing; if the Informal Hearing is not accepted it is forwarded to a Formal Hearings and staff is to offer Ms. Deibler a consent agreement in accordance with the Board Unlawful Practice Disciplinary Matrix which must be accepted within twenty days of notice. Mr. Clinton seconded the motion. Following review and discussion the motion carried by unanimous vote.

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

b) Review of Consent Agreement and Possible Action of Request for Termination of Board Order
ii. Complaint #12-14; Joshua Ringer, PTA

Mr. Ringer was not present. Ms. Donahue reported Mr. Ringer had complied with all the terms of his probation. Dr. Cornwall moved the Board grant termination of Mr. Ringer's probation under the above complaint and Board Order. Dr. Miller seconded the motion. Following review and discussion the motion carried by unanimous vote.

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

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

Mr. Perrin was not present. Ms. Donahue reported Mr. Perrin has completed all the terms of the above Board Order. Dr. Cornwall moved the Board terminate the probation of Mr. Perrin as related to the above complaint and Board Order. Dr. Miller seconded the motion. Following review and discussion the motion carried by unanimous vote.

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

5. BOARD BUSINESS AND REPORTS

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

i. Financial Report

The Board reviewed Mr. Brown’s financial report. No action was taken on this agenda item.

ii. Board Staff Activities

Mr. Brown provided a summary of recent staff activities. No action was taken on this agenda item

iii. Legislation

Mr. Brown reported no legislative activity. No action was taken on this agenda item.

iv. Rule Activity

Mr. Brown reported no rule activity. No action was taken on this agenda item.

v. FSBPT

Mr. Brown reported he has been appointed to serve on the FSBPT Finance Committee. No action was taken or required on this agenda item.

b) Review, Discussion, and Action on FY 2013 Employee Bonuses; Request to Decrease Executive Director Pay

Mr. Brown stated that his attempt to waive his retention bonus approved by the legislature for all uncovered employees of the State was denied since it was a legislative action. Mr. Brown stated that he was going to waive the bonus since the Board did not know it would occur when they approved a salary increase for Mr. Brown in April 2012. Mr. Brown stated the Board can approve a salary decrease to equal the amount of the Bonus for the same period of time as the bonus and Mr. Brown would bring the matter back to the Board at when the bonus period ends and the Board could consider further action at that time. Mr. Brown requested Board approval for the salary reduction. Dr. Miller moved the Board deny the Executive Director’s request for a

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

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

6) CALL TO THE PUBLIC

No person came forward to address the Board. No discussion took place and no action was taken.

ADJOURNMENT

Dr. Cornwall moved the Board adjourn the meeting. Ms. Akers seconded the motion. The motion carried by unanimous vote.

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

The meeting adjourned at approximately 1:06 p.m.

Prepared by,

Charles D. Brown
 Executive Director

Approved by,

Peggy Hunter, PTA, CLT
 Secretary