



ARIZONA STATE BOARD OF PHYSICAL THERAPY
4205 NORTH 7TH AVENUE, SUITE 208 PHOENIX, ARIZONA 85013
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REGULAR SESSION MEETING MINUTES
December 18, 2012

MEMBERS PRESENT:

Lisa Akers, PT, MS; Vice President
Melinda Richardson, PT, MA; Member
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:

Mark Cornwall, PT, Ph.D.; President

OTHERS PRESENT IN PERSON:

Charles D. Brown, Executive Director
Paula Brierley, Licensing Administrator
Karen Donahue, Investigator
Veronica Cardoza, Office Manager

CALL TO ORDER – 8:37 a.m.

Ms. Akers called the meeting to order at 8:37 a.m. (A recording of the meeting is available through the Board Office)

- 1) **Review and Approval of Draft Minutes**
 - a) November 27, 2012; Regular Session Meeting Minutes

Ms. Akers moved the Board approved 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						

- b) November 27, 2012; Executive Session Meeting Minutes 9:53 a.m. to 10:00 a.m.

Mr. Brown noted the wrong date on the draft and recommended an amendment. Dr. Zook moved to approve Executive Session Minutes as amended. Mr. Clinton seconded the motion. After 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

a) Review and Possible Action on Complaint Voted to Formal Hearing; Consideration of Consent Agreement:

i) Complaint #12-54; Leopoldo Montesclaros,

Mr. Brown noted the appeal by Mr. Montesclaros was withdrawn. No action was taken on this agenda item.

b) Initial Review, Discussion and Action of Complaint

i) Complaint #12-09; Thomas Benson, PT

Mr. Benson was not present and was not represented by legal counsel. Ms. Donahue reviewed the complaint for the Board. It is alleged Mr. Bensen documented a discussion with a patients change in the plan of care, but the physician denied the change was communicated to him. Due to inconsistencies, lack of appropriate signatures, and improper records Ms. Richardson moved to dismiss complaint. Dr. Miller seconded the motion. During discussion Mr. Benson arrived at the meeting. After further review and discussion Ms. Richardson withdrew her motion. Dr. Miller withdrew his second motion due to Mr. Benson’s late arrival. Ms. Hunter asked Mr. Benson if he showed the emergency report to his employers regarding his reported concussion. Mr. Benson informed her that he did show his employers the report. Mr. Benson confirmed the report included diagnosis of his concussion. Ms. Richardson motioned to dismiss the complaint. Dr. Miller seconded the motion. After 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 #12-21; Darcy Souza, PT

Ms. Souza was not present and was not represented by legal counsel. Ms. Donahue reviewed the complaint for the Board. Complaint states Ms. Souza failed to do O2 saturation reading on a patient. The Board discussed the allegations. Ms. Richardson moved the Board dismiss the complaint and issue a non-disciplinary advisory letter that reminds of the use of O2 saturation machine. 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						

iv) Complaint # 12-53; Raquel Lines, PT

Ms. Lines was not present, and was not represented by legal counsel. Ms. Donahue reviewed the complaint for the Board. Ms. Lines practiced without a current license. Dr. Miller moved for a Consent Agreement to include the appropriate discipline from the Board Matrix. If Consent Agreement is not signed the complaint will be moved to an informal hearing. Dr. Zook 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) Review, Discussion, and Action on Board Order

i) Complaint #11-09: James Wendel, PT

Mr. Wendel was not present and was not represented by legal counsel. Ms. Donahue reviewed the request for extension for the Board. Mr. Wendel requested an extension for a course that will be held 01/12/13. Dr. Miller moved to grant extension of 30 days from end of probation. Ms. Richardson 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						

ii) Complaint #11-44: Lonny Nenadovich, PT

Mr. Nenadovich was not present and was represented by legal counsel. Ms. Donahue reviewed the request for termination for the Board. Ms. Donahue requested an early termination due to all terms of Consent Agreement being met. Ms. Hunter motioned to approve request. 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						

e) Review, Discussion and Action on Notice of Unlawful use of Title and Unlawful Practice of Physical Therapy

i) Dale Southworth

Mr. Southworth was not present and was not represented by legal counsel. Ms. Donahue reviewed the complaint for the Board. Mr. Southworth is not a licensed Physical Therapist as he is listed on Craig's List. Dr. Zook motioned to send complaint to Attorney General's office. Mr. Richardson 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						

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

i) Jerry Friedman, PT

Mr. Friedman was not present and was not represented by legal counsel. Ms. Donahue reviewed complaint for the Board. Complaint states Mr. Friedman was summoned w/a DUI that he was unaware of until the summons. Ms. Hunter moved to take no action. Dr. Zook 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

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

Anderson, Christopher	Bogner, Jeff	Carr, Trevor
Court, Ashley	Dembik, Michael	Greenwood, Jason
Jones, Kurtis	Piegorsch, Karena	Richeson, Sara
Riggins, Annalisa	Schlomer, Sarah	Spearman, Kirsten
Sylvia, Jameson	Stish, Maisie	
Webb, Cassandra	Weible, Kirstin	

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

Bigelow, Teresa	Dunn, Shannon	Flarity, Virginia
Gamboa, Andrew	Gibbs, Jay	Kanefsky, Ilene
Kook, Kimberly	Lisonbee, Russel	Merrill, Kasie
Pinedo, Eric	Romero, Beatriz	Womack, Bianca
Womack, Gabrielle	Youel, Dianna	

Ms. Akers moved to approve all applicants upon receipt of passing test scores and transcript. Dr. Miller seconded the motion. Following discussion and review the motion passed 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 Application 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, the NPTE and Possible Licensure when final transcript and passing scores on all AZLAW and the NPTE are received.

(1) Pearson, Kristin

Ms. Pearson was present and was not represented by legal counsel. There were no questions or discussion from the Board. Ms. Akers moved to approve Ms. Pearson to take exam upon receipt of transcript. Dr. Zook seconded the motion. Following review and discussion the motion passed 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)Trujillo,William

Mr. Trujillo was not present and was not represented by legal counsel. Ms. Akers moved to approve Mr. Trujillo to take exam upon receipt of transcript. Dr. Zook seconded the motion. Following review and discussion the motion passed 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						

ii) Physical Therapist Application and Approval to take the AZLAW (Jurisprudence) Exam and Possible Licensure when passing score on the AZLAW is received.

(1)Lutoria Riechers

Ms. Riechers was not present and was not represented by legal counsel. Ms. Akers moved to approve Ms. Riechers to take exam upon receipt of transcript. Ms. Hunter seconded the motion. Following review and discussion the motion passed 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) Physical Therapy Assistant Application, previously approved to take the AZLAW exam- Second Application.

(1)Diana Vance

Ms. Vance was not present and was not represented by legal counsel. Dr. Zook moved to approve Ms. Vance to take exam. Ms. Akers seconded the motion. Following review and discussion the motion passed by unanimous vote.

2) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

ii) Complaint #12-10; Mandy Aldous, PT

Ms. Aldous was present and was not represented by legal counsel. Ms. Donahue reviewed the complaint for the Board. Ms. Aldous answered various questions from the Board. Ms. Akers moved to send to informal hearing. Ms. Richardson seconded the motion. Following review and discussion motion carried. Dr. Miller voted nay.

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

v) Complaint #12-22, Stephanie Garrison

Ms. Garrison was present and was not represented by legal counsel. Ms. Donahue reviewed the complaint for the Board. Complaint states Ms. Garrison failed to create adequate records and billed for services not documented. Ms. Garrison answered questions asked of her by the Board. Dr. Miller motioned to send complaint to an informal hearing. Dr. Zook seconded the motion. After further discussion Dr. Miller withdrew his motion. Dr. Zook also withdrew his motion of second. Ms Hunter moved to dismiss with an advisory letter to exercise caution when documenting other therapist's pt. chart. Ms. Richardson 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) Review of and Possible Action of Request for Termination of Board Order

i) Complaint #09-31: Mandy Aldous, PT

Ms Aldous was present and was not represented by legal counsel. Ms. Donahue reviewed the complaint for the Board. Ms. Aldous requested an early termination of her probation due to her possible loss of certain insurance contracts. Ms. Aldous answered questions asked of her by the Board. The Board discussed the differences in the Monitoring System as opposed to the audit done by Ms. Donahue. Ms. Richardson requested to see the audit. Ms. Hunter moved the Board deny Ms. Aldous’ request to terminate her probation early. Ms. Akers seconded the motion. Following review a discussion the motion failed based on a lack of majority.

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

The Board continued its discussion. Ms. Richardson moved to table the request and have the request heard at the next meeting with a copy of the records audited by Board staff. Ms. Akers seconded 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	X
Nay			X				
Recused							
Abstained							
Absent	X						

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 purpose 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

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 activity on FSBPT. No action was taken on this agenda item.

- v) FSBPT

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

- 1)Mark Cornwall, PT

Mr. Clinton moved to keep Dr. Cornwall as Chair of the Board until Governor appoints new person. Ms. Akers seconded the motion. Following review and discussion the motion passed 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						

1) CALL TO THE PUBLIC

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

ADJOURNMENT

Dr. Zook moved to adjourn the meeting. Mr. Clinton 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 11:32a.m.

Prepared by,

Charles D. Brown
Executive Director

Approved by,

Peggy Hunter, PTA, CLT
Secretary