

JANICE K. BREWER
Governor

LISA AKERS, PT, MS
President



CHARLES D. BROWN
Executive Director

ARIZONA STATE BOARD OF PHYSICAL THERAPY
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REGULAR SESSION MEETING MINUTES
July 16, 2013

MEMBERS PRESENT:

Lisa Akers, PT, MS; President
Melinda Richardson, PT, MA; Vice President
Peggy Hunter, PTA, CLT, Secretary
James E. Miller, PT, DPT; Member
Michael S. Clinton, CPA; Public Member
Al D'Appollonio, PT, MBA, Member

MEMBERS NOT PRESENT:

Fredric B. Zook, Ph.D., Public 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 – 8:30 a.m.

Ms. Akers called the meeting to order at 8:30 a.m. (A recording of the meeting is available through the Board Office)

1) Review and Approval of Draft Minutes

a) June 25, 2013 Regular Session Meeting Minutes

Dr. Miller requested changes on pages 1 and 25. Mr. D'Appollonio requested changes to pages 7 and 32. Ms. Richardson requested changes to the language in the disciplinary actions listed in the minutes to change all findings to definitive statements. Ms. Akers motioned to approve June 25, 2013 as amended. Mr. Clinton seconded the motion. Following review and discussion the motion passed by unanimous vote.

Vote	Mr. D'Appollonio	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) June 25, 2013, 9:24 am to 9:35 am, Executive Session Meeting Minutes

Ms. Richardson moved to approve the June 25, 2013 Executive Session Meeting Minutes with the amendments requested by Mr. D’Appollonio. Ms. Hunter seconded the motion. After review and discussion the motion passed by unanimous vote.

Vote	Mr. D’Appollonio	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) June 25, 2013, 10:37 am to 10:43 am, Executive Session Meeting Minutes

Ms. Akers moved to approve the June 25, 2013 Executive Session Meeting Minutes. Ms. Hunter seconded the motion. After review and discussion the motion passed by unanimous vote.

Vote	Mr. D’Appollonio	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) June 25, 2013 3:30 pm to 3:44 pm, Executive Session Meeting Minutes

Ms. Akers moved to approve the June 25, 2013 Executive Session Meeting Minutes. Mr. Clinton seconded the motion. After review and discussion the motion passed by unanimous vote.

Vote	Mr. D’Appollonio	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

- c) Initial Review, Discussion and Action on Complaint
 - i) Complaint #12-54; Kristine Albrecht, PT

Ms. Albrecht was present and was not represented by legal counsel. Ms. Donahue reviewed the complaint for the Board. Ms. Albrecht answered questions asked by the Board. Ms. Akers moved to dismiss the complaint. Mr. D’Appollonio seconded the motion. After review and discussion the motion carried by unanimous vote.

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

5) BOARD BUSINESS AND REPORTS

c) Review, Discussion, and Action on Request for Acceptance As Monitoring Company, Arizona Professional Monitoring, LLC

Keely Verstegen addressed the Board and answered questions regarding Arizona Professional Monitoring (APM). Ms. Verstegen requested Board approval of APM as a Board approved monitor for licensees and certificate holders placed on probation. Ms. Verstegen stated she would not represent licensees before the Board while operating APM. Ms. Hunter moved to accept APM as monitoring service option for licensees and certificate holders under disciplinary action by the Board. Ms. Akers seconded the motion. After review and discussion the motion carried by unanimous vote.

Vote	Mr. D'Appollonio	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

Alfred, Hailey	Bredeson, Jennifer	Hall, Linda
Howard, Bryant	Lovett, Tracy	Maslowski, Carol
Palumbo, Justin	Patel, Ashish	Peden, Heather
Piotrowski, Leah	Schultz, Sandra	Stockton, Bradley
Young, Amy-Susan		

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

Atlason, Jonas	Margeson, Janine	Mixon, Kali
Roberts, Rebecka	Ropp, Audrey	Vaughan, Amanda

iii) Review, Consideration and Approval of Applications for Physical Therapist Assistant with Documentation Related to Disclosure on "Personal Information" Section of the Applications.

Halvorsen, Jennifer

Ms. Akers moved to license or certify all listed applicants upon receipt of passing scores on examinations and final transcript. Ms. Richardson seconded the motion. After review and discussion the motion carried by unanimous vote.

Vote	Mr. D'Appollonio	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

2) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

c) Initial Review, Discussion and Action on Complaint

ii) Complaint #13-09; Tyrone Jones, PTA

Mr. Jones was present via telephone and was not represented by legal counsel. Ms. Donahue reviewed the complaint for the Board. Mr. Jones addressed the Board and answered questions asked by the Board. Ms. Akers moved to create a Consent Agreement to include: random drug testing for 48 months, psychological evaluation, addiction evaluation, direct onsite supervision, reports from Mr. Jones probation officers, reports from Mr. Jones employer. Mr. Brown will draft a Consent Agreement to present to the Board. Ms. Akers moved to table the complaint. Ms. Hunter seconded the motion. After review and discussion the motion carried by unanimous vote.

Vote	Mr. D'Appollonio	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) Informal Hearing and Possible Action on Complaint:

i) Complaint #13-10; Michael Kaler, PT

Mr. Kaler was present and was represented by legal counsel DeeDee Holden, RN, JD. Ms. Akers read informal hearing script of how the proceeding would be conducted and the possible outcomes. Ms. Akers swore in Mr. Kaler. Mr. Brown read factual allegations. Mr. Kaler addressed the Board and answered questions asked by the Board. Following the Board taking testimony Ms. Holden provided a closing statement. The Board entered deliberations.

Ms. Akers moved the Board adopt the following Findings of Fact:

1. The Arizona Board of Physical Therapy is that body politic created and empowered pursuant to A.R.S. §32-2001, *et seq.* to administer the laws of the State of Arizona relating to the practice of physical therapy.

2. Respondent is the holder of **License** No. 8306 to practice as a physical therapist in the state of Arizona.
3. Mr. Kaler engaged in the performance of substandard care by a physical therapist due to a deliberate or negligent act or failure to act regardless of whether actual injury to the patient is established.
 - a. Mr. Kaler's initial evaluation did not assess all of the tests and measures required for a standard evaluation of the lower quarter.
 - b. Mr. Kaler does not document any tests or measurements following the initial evaluation throughout the episode of care.
 - c. Mr. Kaler fails to perform a re-evaluation when the patient's status and symptoms worsen on:
 1. 5/19/10
 2. 6/2/10
 3. 6/11/10
 4. 6/16/10
 5. 6/21/10
 - d. Mr. Kaler's documentation does not enable another therapist (Ms. Woehrle) to assume the patient's care at any point in the course of the therapeutic intervention due to lack of specific parameters of treatment for all interventions.
 - e. Mr. Kaler, in his response, indicates: "On June 11, 2010 MS was treated by Judy Woehrle, PT. Ms. Woehrle had access to my documentation. The chart provided specific information regarding the modalities that had been applied, including muscle energy, stretching, myofascial release and joint mobilization."
 1. Specifics regarding the parameters for modalities were not documented.
 2. Specifics regarding the technique utilized, location and intensity for muscle energy are not documented.
 3. Specifics regarding the technique utilized, location and intensity for myofascial release are not documented.
 4. Specifics regarding segmental location or technique for joint mobilization are not documented.
 - f. Mr. Kaler in his response indicates: "On June 18, 2010 MS reported burning in her lower leg and stated her back was sore. After performing my physical assessment, I added a trial of mechanical traction in an attempt to centralize her leg symptoms."
 1. The record contains no documentation to indicate that Mr. Kaler performed a re-assessment.
 2. The record contains no documentation to indicate that Mr. Kaler performed any neurological testing to determine source of patient's report of burning into the lower leg.
 3. The specific parameters of traction were not documented.
 - g. Mr. Kaler in his response indicates: "On June 21, 2010 because her symptoms had worsen, I told MS that she could stop therapy until she followed up with an MRI. She also agreed that she should try a different therapy approach. My plan was to await MS return from her MRI and advance in accordance with its results."
 1. Mr. Kaler does not document a re-assessment when patients reported symptoms have worsened.
 2. Mr. Kaler does not communicate with the referring physician his recommendation of MRI or MS change in status.
 - h. Mr. Kaler in his response indicates: "MS did not ultimately return to therapy. I have not had any contact with her since June 21, 2010."
 1. Mr. Kaler documents a discharge report of MS on November 7, 2010.
 - i. Mr. Kaler's documents objective tests and measures being performed on 11/7/10.

- ii. Mr. Kaler documents changes in the patient status even though there is no evidence I in the medical record that objective tests and measures were recorded throughout the episode of care after the initial evaluation.
- iii. Mr. Kaler’s response indicates that he had no contact with MS after her last visit on June 21, 2010, however the documentation in the discharge report indicates changes in outcome.

4. Mr. Kaler failed to adhere to the recognized standards of ethics of the physical therapy profession.

a. Mr. Kaler did not provide care to uphold the following standards:

- 1. “If the diagnosis process reveals findings that are outside of the scope of the physical therapist’s knowledge, experienced, or expertise, the physical therapist shall so inform the patient/ client and refer to an appropriate practitioner.”
- 2. When the patient has been referred from another practitioner, the physical therapist shall communicate pertinent findings and or information to the referring practitioner.

5. Mr. Kaler failed 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 an evaluation of objective findings, a diagnosis, the plan of care, the treatment record, a discharge summary and sufficient information to identify the patient.

Dr. Miller seconded the motion. Following review and discussion the motion carried by unanimous vote.

Vote	Mr. D’Appollonio	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 moved the Board adopt the following 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 Findings of Fact above constitute a violation of A.R.S. §32-2044(1) (“Violating this chapter, board rules or a written board order.”).
- 3. The conduct and circumstances explained in the Findings of Fact above constitute a violation of A.R.S. §32-2044(4) (“Engaging in the performance of substandard care by a physical therapist due to a deliberate or negligent act or failure to act regardless of whether actual injury to the patient is established.”)
- 4. The conduct and circumstances explained in the Findings of Fact above constitute a violation of A.R.S. §32-2044(12)(“Failing to adhere to the recognized standards of ethics of the physical therapy profession.”)
- 5. The conduct and circumstances explained in the Findings of Fact above 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”.)
- 6. The conduct and circumstances explained in the Findings of Fact above constitute a violation of A.A.C. R4-24-303 (A. A physical therapist is responsible for the scope of patient management in the practice of physical therapy as defined by A.R.S. § 32-2001. For each patient, the physical therapist shall: 3. Document a discharge summary and the patient's response to the course of treatment at discharge; B. On each date of

service, a physical therapist shall: 1. Perform and document each therapeutic intervention that requires the expertise of a physical therapist;

7. The conduct and circumstances explained in the Findings of Fact above constitute a violation of A.A.C. R4-24-301(A): "A physical therapist shall provide the referring practitioner, if any, with information from the patient assessment, diagnosis, and plan of care.)

8. The conduct and circumstances explained in the Findings of Fact above constitute a violation of A.A.C. R4-24-304: Adequate Patient Records

A. A physical therapist shall ensure that a patient record meets the following minimum standards: 3. The patient record contains sufficient information to:

- a. Identify the patient on each page of the patient record,
- b. Justify the therapeutic intervention,
- c. Document results of the therapeutic intervention,
- d. Indicate advice or cautionary warnings provided to the patient,
- e. Enable another physical therapist to assume the patient's care at any point in the course of therapeutic intervention, and
- f. Describe the patient's medical history.

6. For each date of service there is an accurate record of the physical therapy services provided and billed.

B. Initial evaluation. As required by A.R.S. § 32-2043(F) (1), a physical therapist shall perform the initial evaluation of a patient. The physical therapist who performs an initial evaluation shall make an entry that meets the standards in subsection (A) in the patient record and document:

1. The patient's reason for seeking physical therapy services;
2. The patient's relevant medical diagnoses or conditions;
3. The patient's signs and symptoms;
4. Objective data from tests or measurements;
5. The physical therapist's interpretation of the results of the examination;
6. Clinical rationale for therapeutic intervention;
7. A plan of care that includes the proposed therapeutic intervention, measurable goals, and frequency and duration of therapeutic intervention; and
8. The patient's prognosis.

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).

D. Re-evaluation. As required by A.R.S. § 32-2043(F)(2), a physical therapist shall perform a re-evaluation when a patient fails to progress as expected, progresses sufficiently to warrant a change in the plan of care, or in accordance with R4-24-303(F)(4). A physical therapist who performs a re-evaluation 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. Assessment of the patient's progress;
3. The patient's current functional status;
4. Objective data from tests or measures, if collected;
5. Rationale for continuing therapeutic intervention; and
6. Any change in the plan of care required under subsection (B) (7).

E. Discharge summary. As required by A.R.S. § 32-2043(F) (3), a physical therapist shall document the conclusion of care in a patient's record regardless of the reason that care is concluded.

1. If care is provided in an acute-care hospital, the entry made under subsection (C) on the last date that a therapeutic intervention is provided constitutes documentation of the conclusion of care if the entry is made by a physical therapist.

2. If care is not provided in an acute-care hospital or if a physical therapist does not make the entry under subsection (C) on the last date that a therapeutic intervention is provided, a physical therapist shall make an entry that meets the standards in subsection (A) in the patient record and document:

- a. The date on which therapeutic intervention terminated;
- b. The reason that therapeutic intervention terminated;
- c. Inclusive dates for the episode of care being terminated;
- d. The total number of days on which therapeutic intervention was provided during the episode of care;

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

Vote	Mr. D'Appollonio	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 moved the Board issue the following Order:

1. **Probation:** The Arizona Board of Physical Therapy hereby orders that Respondent, holder of License No. 8306, be placed on probation for a period two (2) years 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 after one year and 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:

a. **Continuing Education:** Respondent shall complete continuing education courses as prescribed below within eight (8) months of the effective date of this order. 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.

1. **Differential Diagnosis-** Respondent shall complete a minimum of sixteen (16) hours of continuing education in differential diagnosis. Respondent shall request preapproval in writing. The course(s) must be preapproved in writing by Board staff and Respondent must provide documentation of completing the course to Board staff upon completion. Board staff will not approve any course that is given online.

2. **Documentation-** Respondent shall complete a minimum of eight (8) hours of continuing education in documentation. Respondent shall request preapproval in writing. The course(s) must be preapproved in writing by Board staff and Respondent must provide documentation of completing the course to Board staff upon completion. Board staff will not approve any course that is given online.

b. **Documentation Review:** Between 90 days and 120 days of the completion of Respondent's continuing education, the Board's Investigator will perform a minimum of one review of three (3) randomly selected charts for patients treated by Respondent. Respondent must contact the Board's Investigator and provide the Investigator with a list of patients Respondent has treated during a period of time designated by the Board Investigator. The purpose of the review is to assess compliance with the Board's statutes and rules. If review of the charts described above reveal that the Respondent's records are not in compliance with the Board's statutes and rules, Respondent shall submit to additional reviews of patient charts where the Board's Investigator will perform another review of three (3) randomly selected charts for patients treated by

Respondent. The purpose of the reviews is to assess compliance with the Board's statutes and rules. Respondent may petition the Board for relief of the reviews if respondent disagrees with the Board Investigator's findings.

c. **Professional Mentor:** Respondent shall engage a documentation mentor who is pre-approved by Board staff and shall cause that mentor to develop a remediation program to address the Board's findings in this case and any audits conducted by Board staff. Respondent shall cause his/her mentor to issue a report to the Board every month for the duration of Respondent's probation. The reports shall be relative to Respondent's progress toward addressing her documentation deficiencies and completing the established remediation program. The requirement for the professional mentor is stayed until the completion of the first documentation review. If the documentation review done by staff identifies deficiencies in respondent's documentation practices, Board staff shall place the audit results before the Board for review and consideration of lifting the stay on the Professional Mentor requirement for the duration of the probation period.

2. **Costs:** Respondent shall be responsible for any and all costs associated with his compliance with this Order. If Respondent fails to timely comply with any of the provisions of this Order, the Board may direct that the matter proceed to a noncompliance hearing for revocation of Respondent's license.

3. **Obey All Laws:** Respondent shall obey all state, federal and local laws, and all rules governing the practice of physical therapy in Arizona.

4. **Tolling:** In the event Respondent should leave Arizona to reside or practice outside the State or for any reason should Respondent stop practicing physical therapy in Arizona, Respondent shall notify the Board in writing within ten days of departure and return or the dates of non-practice within Arizona. Non-practice is defined as any period of time exceeding thirty days during which Respondent is not engaging in the practice of physical therapy. Periods of temporary or permanent residence or practice outside Arizona or of non-practice within Arizona, will not apply to the reduction of the probationary period.

Dr. Miller seconded the motion. Following review and discussion the motion carried by unanimous roll call vote.

Vote	Mr. D'Appollonio	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 for break at 10:42 am

The Board returned from break at 10:48 am

iii) Complaint #13-17; Leann Holt, PT

Ms. Holt is present and was not represented by legal counsel. Ms. Donahue summarized complaint for the Board. Ms. Holt addressed the Board. Ms. Holt informed the Board she will be attending a course in documentation in October. Mr. D'Appollonio moved for a Consent Agreement to include: a probation period of 2 years with a possibility of early termination after 1 year if all terms are met. A CEU course in ethics and professional responsibility. A 24 hour CEU course concerning Professional Boundaries or a similar course to be approved by Mr. Brown. A one time audit of 3 random charts. A presentation to 20 PT students after an 8 hour course on Ethics and an 8 hour course on Differential Diagnosis is taken. The Presentation is to include: Ethics and boundaries on supervision. After Consent Agreement is signed forward to DO Board, Massage Therapy Board, and Chiropractic Board. If the consent agreement is not signed then the complaint is forwarded to an

informal hearing. Mr. Clinton seconded the motion. After review and discussion the motion passed by unanimous vote.

Vote	Mr. D'Appollonio	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

b) Time 11:00 a.m. Review, and Discussion on Sunset Review Process; Legislative Discussion for 2014

Stuart Goodman and Brandy Petrone were present. The Board discussed the Sunset process for the upcoming legislative session with Mr. Goodman and the possibility of running legislation in the 2014 session. Mr. Goodman suggested the Board decide soon if it wishes to run legislation for the 2014 session. The Board instructed staff to put a discussion matter on the August agenda for consideration. No action was taken by the Board.

2) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

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

ii) Complaint #10-20; Adi Halili, PT

Mr. Halili was present and was not represented by legal counsel. The Board discussed Mr. Halili's request and the results of his most recent audit. Mr. Halili addressed the Board.

Ms. Akers moved to go into Executive Session. Ms. Richardson seconded the motion. After review and discussion the motion to go into Executive Session carried by unanimous vote.

Vote	Mr. D'Appollonio	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 12:50 p.m.

The Board reentered Regular Session at 12:56 p.m.

Dr. Miller moved to deny the request for early termination of the Board Order and offer Mr. Halili an extension to his consent agreement for extension of his probation and another audit to be concluded within six months. After review and discussion the motion carried by unanimous vote.

Vote	Mr. D'Appollonio	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

d) Review, Discussion, and Action on Board Order; Notice of Stopping Practice

i) Complaint #12-60; Emmerson Salamat, PT

Mr. Salamat is not present and was not represented by legal counsel. Mr. Brown informed the Board of Mr. Salamat’s inability to practice or complete Board Order due to medical reasons. Mr. Clinton moved to stay suspension until September 1, 2013. Ms. Hunter seconded the motion. After review and discussion the motion carried by unanimous vote.

Vote	Mr. D’Appollonio	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 1:48 pm

The Board returned regular Session at 1:54 pm

5) BOARD BUSINESS AND REPORTS

d) Review, Discussion, and Action on Possible Motions for the 2013 Federation of State Board of Physical Therapy Delegate Assembly

Blair Packard, PT was present. Dr. Miller informed the Board he would like to present a motion to the FSBPT Delegate Assembly in October.

“That the FSBPT supports a uniform change in the regulatory designation of physical therapists in all jurisdictions to “DPT” by the year 2020.”

Dr. Miller explained to the Board his explanation for the motion. Mr. Packard addressed the Board in support of the motion.

Support Statement: The Model Practice Act has long anticipated the future use of “DPT” as the uniform regulatory designation of physical therapist by recommending jurisdictional practice act protection of this term (See MPA, **4.02 Use of Titles and Terms; Restrictions; Classification of Violation**). The only letter designations recommended for protection in the Model Practice Act include PT, DPT, LPT and RPT – designations used in the past (LPT, RPT), currently used (PT), or anticipated for future use (DPT). The only remaining questions relate to when to make such a change from PT to DPT and how to apply it.

Regarding when to make the change to DPT, past discussions within the profession have focused on the timing for when a “critical mass” of physical therapist educated at the DPT level is achieved. There has been no consensus on this question but at times numbers like 50,000 physical therapists or 50% of practicing physical therapists have both been suggested.

The Commission on Accreditation in Physical Therapy Education provides the following numbers and projections:

2013 – 52,027 entry level DPT graduates

2014 – 60,889 entry level DPT graduates

2020 – 115,951 projected DPT graduates at current class size and numbers of educational programs (which will likely increase to meet projected healthcare workforce demands)

APTA’s department of education indicates that the current number of post entry-level DPT graduates (t-DPT) is currently over 18,000. If we use a conservative estimate that this number would be 20,000 by 2014 and 25,000 by 2020 there could easily be a professional workforce comprised of 80,000 DPT educated physical therapists by 2014, next year, and over 140,000 DPTs by 2020. Such numbers would achieve the “critical mass” theme of previous professional discussions.

The other question is how to apply such a change – is it applied uniformly to all licensed physical therapists or only applied to those with an entry-level or post entry-level DPT degree or equivalent? One profession’s experience we may look at is that of podiatry, that very soon after uniformly aligning all their educational programs at the professional doctorate degree or DPM, also made the regulatory designation change to DPM. In physical therapy the transition to DPT programs began in the mid 1990’s and has rapidly transitioned now to all but one program in US jurisdictions (208 out of 209 programs, the one being in Puerto Rico) now being at the DPT level.

This motion encourages a uniform application of the regulatory designation to all licensed physical therapist in any jurisdiction that makes the change. It is also important to note that this change to DPT designation does not grand-father a degree, but rather establishes a uniform regulatory designation.

This motion also has a companion motion that relates to strengthening continuing competence requirements to ensure that all licensed physical therapists are periodically assessed for verification of applied professional knowledge that assures minimal but current entry-level competence. If such can be achieved – transition to the DPT professional regulatory designation combined with assurance of current entry-level competence of all physical therapist regardless of academic degree – public access to and confidence in a doctoring profession with uniform minimal competence can be achieved.

Ms. Richardson moved the Board present the motion to the FSBPT Delegate Assembly. Mr. D’Appollonio seconded the motion. Following review and discussion the motion carried.

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

2) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

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

i) Complaint #09-29 & 09-30; William Perry, PT

Mr. Perry was not present and was not represented by legal counsel. Mr. Brown summarized complaint for the Board. Ms. Akers moved to terminate probation under the Board Order. Mr. D’Appollonio seconded the motion. After review and discussion the motion carried by unanimous vote.

Vote	Mr. D’Appollonio	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 #10-52; Denise Labriola, PT

Ms. Labriola was not present and was not represented by legal counsel. Ms. Donahue reviewed complaint for the Board. The Board discussed the serious nature of the violations in the Order. Mr. Clinton moved to deny request to terminate Board Order. Ms. Hunter seconded the motion. After review and discussion the motion carried by unanimous vote.

Vote	Mr. D’Appollonio	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) Lowell Hicks, PT

Mr. Hicks was not present and was not represented by legal counsel. Ms. Hunter recused herself and leaves the table. Ms. Donahue reviewed possible complaint for the Board. Dr. Miller moved that no action be taken. Ms. Akers seconded the motion. After review and discussion the motion carried by unanimous vote.

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

Ms. Hunter returned to the table.

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

a) Review of and Possible Action on the Following Applications and policy discussion and decision regarding FCCPT verification of Ministry of Education documentation, and action regarding for Physical Therapist Licensure-Foreign Educated Graduates of Programs Not U.S. Accredited

i) Review of Education, Determination of Supervised Clinical Practice Period, Possible Licensure and Review and determination of a Policy for the Ministry of Education. Documentation Requirements as verified by FCCPT on the Credential Evaluation for all foreign trained applicants whose credential evaluation is completed by FCCPT.

(1) Aguilar, Chrissie

Ms. Akers moved to accept FCCPT verification from the Ministry of Education in Ms. Aguilar’s country of education and approve to take exam and require completion of a period of supervised clinical practice. Ms. Hunter seconded the motion. After review and discussion the motion carried by unanimous vote.

Vote	Mr. D’Appollonio	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) Jaucian, Edward

Ms. Akers moved to accept FCCPT from the Ministry of Education in Mr. Jaucian’s country of education and approve to take exam ,and require completion of a period of supervised clinical practice. Ms. Hunter seconded the motion. After review and discussion the motion carried by unanimous vote.

Vote	Mr. D’Appollonio	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) Santos, Louie James

Ms. Akers moved to accept FCCPT from the Ministry of Education in Mr. Santos’ country of education and approve to take exam ,and require completion of a period of supervised clinical practice.. Ms. Hunter seconded the motion. After review and discussion the motion carried by unanimous vote.

Vote	Mr. D’Appollonio	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) i) Review and Determination of Supervised Clinical Practice Proposal

(1) Kroese, Julianna

Ms. Akers moved to accept the proposal submitted by Mr. Kroese. Ms. Richardson seconded the motion. After review and discussion the motion carried by unanimous vote.

Vote	Mr. D'Appollonio	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 and Possible Action on Application for Licensure.

(1) Shepherd, Hannah

Ms. Brierley reported the TN verification is on the way even though the TN staff said it was not going to be available until after the mid-August Board meeting. Ms. Shepherd has passed the AZLAW. Ms. Richardson moved to approve for licensure. Ms. Akers seconded the motion. After review and discussion the motion carried by unanimous vote.

Vote	Mr. D'Appollonio	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 and Possible Action on Application for Certification and determination of policy regarding acceptance of faxed or emailed verifications that are sent directly to the Arizona PT Board by the issuing state agency.

(1) Chapman, Coral

Ms. Richardson moved to not accept Ms. Chapman's faxed verification or any other faxed verification unless that is standard procedure for the state agency. Mr. D'Appollonio seconded the motion. After review and discussion the motion carried by unanimous vote.

Vote	Mr. D'Appollonio	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) Formal Hearing and Possible Action

Complaint #12-34; Barbra Pontes, PT

Ms. Pontes was not present and was not represented by legal counsel. Ms. Akers noted that at 10:00 a.m. the original start time the Board asked if Ms. Pontes was present and she was not. Ms. Pontes did not sign-in at any point during the Board meeting. Ms. Donahue verified Ms. Pontes was provided notice of the hearing which was signed for at her address of record. Ms. Baskin represented the State. Ms. Donahue was present to testify on the States behalf. Ms. Donahue was sworn in. Ms. Baskin gave an opening statement which included that Ms. Pontes kept inadequate records, did not comply with Board Order, and never responded to correspondence sent by the Board. Ms. Donahue gave testimony that supported the opening statement. Testimony ended at this time. The Board entered deliberations.

Ms. Richardson moved to adopt the following Findings of Facts:

1. The Arizona State Board of Physical Therapy, is the duly constituted authority for licensing and regulating the practice of physical therapy in the State of Arizona.
2. Barbara Pontes, PT, holds License No. 6225, to practice physical therapy in the State of Arizona.
3. On or about January 6, 2012, the Board issued Findings of Fact, Conclusions of Law, and Order in Case No. 10-28 ("Order"), following a formal hearing, based on significant documentation inadequacies, patient complaints, and Respondent's assertions regarding her personal problems such as health issues and depression.
4. Pursuant to the Board Order, Respondent's license was suspended for 6 months and during that period of suspension Respondent was required to undergo a medical and a psychological evaluation. Following the completion of the evaluations, Respondent was required to petition the Board for reinstatement of her license. The period of suspension was followed by a one year probationary period with terms that included, in part, patient record audits, and continuing education in the areas of documentation, billing and ethics.
5. On or about February 23, 2012, Board staff sent Respondent a letter to her address of record with the Board. The letter outlined the effective date of the Order and compliance timeframes.
6. On or about August 14, 2012, the Board opened a complaint against Respondent's license for failure to obtain the evaluations in violation of the terms of the Order. Respondent failed to provide a response to the complaint.
7. On or about April 8, 2013, Respondent sent an email to the Board, stating that she did not comply with any of the terms required by the Board Order and had not worked since her license was suspended. Responded stated that she had moved to Virginia and no longer wanted to have her license reinstated in Arizona because she was considering obtaining licensure in Virginia.

Mr. D'Appollonio seconded the motion. After review and discussion the motion carried by unanimous vote.

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

Ms. Akers moved to adopt the following Conclusions of Law:

The conduct and circumstances set forth in the Findings of Fact constitute a violation and unprofessional conduct pursuant to A.R.S. § 32-2044 (1), "Violating this chapter, Board rules or a written board order."

Ms. Hunter seconded the motion. After review and discussion the motion carried by unanimous vote.

Vote	Mr. D'Appollonio	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 moved to revoke Ms. Pontes Physical Therapy license. Ms. Richardson seconded the motion. After review and discussion the motion carried by a roll call vote.

Vote	Mr. D'Appollonio	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

i) Financial Report- No action was taken or required.

ii) Board Staff Activities- No action was taken or required.

iii) Legislation- No action was taken or required.

iv) Rule Activity- No action was taken or required. The Board asked Mr. Brown to give a status update at the August 27, 2013 meeting regarding the AzPTA continuing competence task force.

v) FSBPT- No action was taken or required.

e) Review, Discussion, and Action on 2014 ISA With The Office of the Attorney General

The Board discussed the ISA proposal by the Attorney General's Office for FY 2014. Through consensus the Board instructed Mr. Brown to enter into the contract as presented.

6) CALL TO THE PUBLIC

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

Ms. Akers moved to adjourn the meeting. Ms. Hunter seconded the motion. After review and discussion the motion carried by unanimous vote.

Vote	Mr. D'Appollonio	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 2:54 pm

Prepared by,

Charles D. Brown
Executive Director

Approved by,

Peggy Hunter, PTA, CLT
Secretary

