

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
November 19, 2013

MEMBERS PRESENT:

Lisa Akers, PT, MS; President
Melinda Richardson, PT, MA; Vice President
James E. Miller, PT, DPT; Member
Michael S. Clinton, CPA; Public Member
Fredric B. Zook, Ph.D., Public Member
Al D’Appollonio, PT, MBA, Member

MEMBERS ABSENT:

Peggy Hunter, PTA, CLT, Secretary

OTHERS PRESENT IN PERSON:

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

CALL TO ORDER – 8:34 a.m.

Ms. Akers called the meeting to order at 8:34 a.m. (A recording of the meeting is available through the Board Office)

1) Review and Approval of Draft Minutes

- a) October 22, 2013 Regular Session Meeting Minutes

Dr. Miller requested a change on page 4, there was a double vote. Dr. Miller requested the initials CAN be changed to CAN on page 10. Ms. Akers motioned to approve October 22, 2013 as amended. 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				

2) BOARD BUSINESS

a) Review, Discussion, and Action on Adoption of Dry Needling Discussion Points

The Board reviewed the Draft list of Discussion Points presented by staff. Each Board member provided their input on the discussion points. Following discussion Ms. Akers moved to go into Executive Session to seek legal advice and discuss confidential information. 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				

Executive Session began at 9:00am
Executive Session ended at 9:20am

The Board continued their discussion on the Discussion Points related to Dry Needling. Sean Flannagan, PT came forward and addressed the Board regarding the Board's consideration of educational requirements for physical therapists using the technique Dry Needling. Ms. Akers moved for the Dry Needling to be moved with a scheduled work session to a future Agenda. The work session will include all of Agenda Item 2 from this meeting. Individual Board members will revise their suggestions for the Draft Discussion Points for review by the Board on the future meeting agenda. 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				

Mr. Brown stated he would call the Executive Director for the Acupuncture Board and let him know the Board will be reviewing their letter again in December.

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, Abigail	Boone, Lora	Brumbach, Kristen
Coleman, Tamra	Curry, Melisa	Daly, Kelly
Dunovan, Kent	Flippin, Brandon	Funke, Crystal

Graeve, Jenna	Graeve, Nicholas	Kintz, Shahnaz
Love, Brooke	Martin, Ryan	Onowu, Nneka
Ross, Victoria	Sirotin, Anna	Stickel, Andrew
Thomas, David	Webb, Jacob	Williams, David

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

Bancale, Jennifer	Benton, Lisa	Martin, Fern
Morkert, David	Ralston, Lucia	Roberts, Chelsea
Tucker, Kimberly	Weigand, Patrick	

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

Barnes, Jeffrey	Christenson, Allen	Fluitt, Marcus
Gavel, David	Johnson, Deborah	Lopez, Claudia
Martin, Chelse		

Ms. Akers moved to license or certify the applicants listed upon receipt of passing NPTE/AZLAW scores and receipt of Final Transcripts. 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

5) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

a) Informal Hearing and Possible Action on Complaint:

i) Complaint #12-36; Caroline Hillier, PT

Ms. Hillier was present and was represented by legal counsel Ms. Fulton-Cabot. All parties were sworn in. Mr. Brown summarized complaint for the Board. Ms. Hillier is being accused of rendering sub-standard care. Ms. Hillier answered questions asked of her by the Board. The complainant, Ms. Gibson was present and wanted to address the Board. Ms. Akers swore in Ms. Gibson. Ms. Gibson addressed the Board. Ms. Fulton-Cabot returned to the table. Dr. Miller moved to go into Executive Session to seek legal advice and discuss confidential information. 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				

Executive Session began at 10:50am
Executive Session ended at 11:00am

Mr. Clinton moved to dismiss complaint. Dr. Miller 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 for a break at 11:03am
The Board returned from break at 11:10am

ii) Complaint #13-13; Scott Gilbert, PT

Mr. Gilbert was present and was not represented by legal counsel. Ms. Donahue and Mr. Gilbert were sworn in by Ms. Akers. Mr. Brown summarized complaint for the Board. Mr. Gilbert passed out 2 documents for the Board's review. Mr. Gilbert addressed the Board and answered questions asked by the Board. Mr. D'Appollonio moved to dismiss the complaint. Dr. Miller 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 #13-26; Malory Huff, PT

Ms. Huff was present and was represented by legal counsel Fred Cummings. Ms. Donahue and Ms. Huff were sworn in by Ms. Akers. The Board members introduced themselves. Mr. Brown summarized complaint for the Board. Ms. Huff addressed the Board and answered questions asked by the Board. After the Board heard all testimony and allowed all parties to make statements. The Board entered deliberation. Following deliberation Ms. Akers moved to accept the following Findings of Facts:

A. Respondent failed to supervise assistive personnel, physical therapy students or interim permit holders in accordance with this chapter and rules adopted pursuant to this chapter.”

1. Ms. Huff's written responses are in conflict with her telephone interview:
 - a. (*Response*) The PTA would call this PT to discuss patient care and patient's progress.

- i. (*Interview*) Ms. Huff in her phone interview stated that she generally did not talk to Mr. Spillman by phone, but rather left notes on various patients at the end of the day for him to provide treatment the following day.
- b. (*Response*) When this PT was on-site, PTA and PT discussed the patients and how the patients were progressing with the plan of care.

- i. June 29, 2013

1. (*Interview*) Ms. Huff is in the building. Mr. Spillman documents that he talked with you on the phone. Mr. Spillman thinks you are not in the facility. Did you talk to him? How does he not know you are in the facility on this day? "I do not know"
2. (*Patient Record*) Mr. Spillman, PTA indicates he is under general supervision by Ms. Huff.
3. (*Interview*) Ms. Huff is working in the same facility on this date of service.

- ii. July 6, 2013

1. (*Patient Record*) Ms. Huff is in the facility. Mr. Spillman does not document that he is aware that Ms. Huff is in the facility.

- iii. July 9, 2013

1. (*Interview*) Ms. Huff is in the facility on this date. Were skilled services provided by the therapist? Did you treat her this day? "No" I think Mr. Spillman is indicating that I was on-site. I did not delegate traction to the right hip." Did Mr. Spillman inform you of the hip pain? "No"
2. (*Patient Record*) Mr. Spillman, PTA documents that he is under general supervision of Ms. Huff. Ms. Huff is in the facility on this date of service.

- c. (*Response*) All patient evaluations and plans of care were provided by a physical therapist and treatment was carried out according to the plan of care.

- i. June 27, 2013 (*Interview*)

1. Did you delegate traction? "No I did not."
2. How did the PTA that you are supervising perform a treatment intervention that you did not delegate?
 - a. Ms. Huff's response: "When I talked to him about the patient I said "what did you do" he said "manual traction" and I asked for what? I said do not do that- Mr. Spillman stated that she was saying that she was having pain.
 - b. Where was traction provided? I do not know.
 - c. Did you ask him to stretch or provide myofascial release? "No"
 - d. None of the manual treatment I delegated.

- ii. June 27, 2013 (*Patient Record*)

1. Mr. Spillman, PTA indicates he is under general supervision by Ms. Huff.
2. Mr. Spillman documents manual therapy:
 - a. Stretching of shortened connective tissue (does not identify tissue or technique)
 - b. Myofascial release (does not identify tissue or technique)
 - c. Manual traction (no parameters, does not indicate joint)

- iii. July 2, 2013 (*Interview*)

1. I did not delegate myofascial release to the both shoulders

2. Second time in the same week Mr. Spillman is performing non-delegated treatment. If you are reviewing notes at the end of the day how did you miss this? “I did not look at notes on this day”
 3. Why does Mr. Spillman document increasing ROM and flexibility activities? “I do not know what that is, I do not know if it is part of a preset sentence or not.”
- iv. July 2, 2013 (*Patient Record*)
1. Manual Therapy: Myofascial release to both shoulders to decrease pain. Shoulders were not assessed in the patient record.
 2. No documentation that Mr. Spillman communicated with Ms. Huff the change in status of the patient or his change in the plan of care to provide myofascial release to the shoulders.
 - July 3, 2 Mr. Spillman documents manual therapy again. You already have told him not to perform. What do you believe he is putting traction on or stretching? “I do not know, I did not delegate it”
- v. July 3, 2013 (*Interview*)
1. Mr. Spillman documents manual therapy again. You already have told him not to perform. What do you believe he is putting traction on or stretching? “I do not know, I did not delegate it”
- vi. July 3, 2013 (*Patient Record*)
1. Manual Therapy: Manual traction and stretching of shortened tissue to entire LLE.
- vii. July 4, 2013 (*Interview*)
1. The only treatment provided is manual therapy. Documents that a manipulation was performed. Did you read the notes? “No”
- viii. July 4, 2013 (*Patient Record*)
1. Documents that he performed manipulation techniques.
 2. Documents stretching of shortened connective tissue.
 3. Documents myofascial release
- ix. July 5, 2013 (*Interview*)
1. Manual therapy with traction to the low back. There does not seem to have any communication between you and Mr. Spillman. “I do not understand why he is doing that for pain relief.”
- x. July 5, 2013 (*Patient Record*)
1. Manual therapy
 - a. Stretching, myofascial release and manual traction to patient’s low back for pain relief.
 - b. Documentation does not indicate the Mr. Spillman communicated with MS. Huff regarding the patient’s change in status or Mr. Spillman’s change in the plan of care for treatment.
- xi. July 9, 2013 (*Interview*)
1. Mr. Spillman documents performance of manual traction to right hip. Ms. Huff has not evaluated the right hip
 - i. Were skilled services provided by the therapist? Did you treat her this day? “No” I think Mr. Spillman is indicating that I was on-site. I did not delegate traction to the right hip.” Did Mr. Spillman inform you of the hip pain? “No”

- ii. Did you look at this note afterwards? “No” Did Mr. Spillman tell you he performed traction to the hip? “No”
 - xii. July 9, 2013 (*Patient Record*)
 1. Manual therapy:
 - a. Stretching – tissue and technique not identified
 - b. Myofascial release: tissue and technique not identified
 - c. Manual traction to right hip (Right hip was not assessed in the initial evaluation)
 2. Mr. Spillman does not document communication with Ms. Huff when he changes the treatment plan to include traction of the right hip.
 - xiii. July 10, 2013 (*Interview*)
 1. “Too painful 9/10 R LE” Mr. Spillman provided traction to the hip the day before and now the patient is reporting 9/10 pain. Did Mr. Spillman inform you of this change of status? “No”
 2. Did you look at this note? “Not this date”
 3. Why do you continue to delegate to Mr. Spillman? “I do not have an answer, I do not know”
 - xiv. July 10, 2013 (*Patient Record*)
 1. Mr. Spillman documents that the patient has a significant change in status with reports of 9/10 pain to the RLE. (Same extremity that he documented performing traction the day prior)
 2. Mr. Spillman documents he performs manual therapy on this date of service that includes traction, stretching and myofascial release.
 - xv. July 16, 2013 (*Interview*)
 1. Did you delegate joint mobilization? “No”
 2. Did you talk to him on this day “I do not know”
2. Ms. Huff failed to maintain responsibility for patient care of MN given by Mr. Spillman under her supervision.
 - a. Ms. Huff states that she may not have communicated or delegated on a daily basis.
 - b. Ms. Huff failed to remove Mr. Spillman from the care of MN when she determined that Mr. Spillman as not following her plan of care or delegation.
 - c. Ms. Huff failed to review the patient record when Mr. Spillman provided treatment to NM
 - d. Ms. Huff failed to provide any treatment to MN following the initial evaluation
 - e. Ms. Huff does not document after the initial evaluation in the patient record that she was involved in the care of NM.
 - f. Ms. Huff failed to re-assess MN when her current functional status changed, PTA reported an increase in symptoms or when required by law under the general supervision rules.
3. Ms. Huff failed to determine on each date of service, based on MN acuity and treatment plan, whether it was appropriate to use assistive personnel to perform selected treatment interventions.
 - a. Ms. Huff confirms in her interview:
 - i. She did not delegate to Mr. Spillman on a daily basis.
 - ii. She was unaware of any change in status of MN throughout the course of treatment.
 - iii. She continued to delegate physical therapy services of MN to Mr. Spellman, even though she was aware the Mr. Spillman was not following her delegation.
 - b. The patient record fails to document any specific delegation that Ms. Huff provided to Mr. Spillman.

4. Ms. Huff failed to perform a re-evaluation and provide each therapeutic intervention for MN on the forth and subsequent visits.
 - a. Mr. Spillman provides physical therapy services to MN for 12 visits, under general supervision, without documentation of Ms. Huff engaging in the care of MN after the initial evaluation.
5. Ms. Huff failed to ensure that the physical therapy services provided ensured that the delivery of care was safe, effective and efficient.

B. Respondent engaged in the performance of substandard care by a physical therapist due to deliberate or negligent act or failure to act regardless of whether actual injury to the patient is established.

1. Ms. Huff performs the initial evaluation for MN on 6/26/13 and does not document any other entry into the patient record indicating that she provides any further treatment over the course of 14 visits in which she was the supervising physical therapist for Mr. Spillman, PTA.
 - a. Ms. Huff is documented as providing general supervision for Mr. Spillman, PTA.
 - i. Ms. Huff confirms in her interview that she did not delegate care of MN on a daily basis to Mr. Spillman.
 - ii. Ms. Huff failed to review the patient's record to determine if Mr. Spillman was providing appropriate treatment as delegated.
 - iii. Ms. Huff, when noted that Mr. Spillman was providing care that was not delegated, specifically manual therapy,
 1. Did not remove Mr. Spillman from MN care.
 2. Did not re-evaluate or perform treatment to MN.
2. Ms. Huff failed to re-evaluate MN when the documentation from Mr. Spillman, PTA indicates that the patient status had changed.
 - a. 6/28/13 Mr. Spillman documents complaints of pain. 0/10 pain was documented at the initial evaluation.
 - b. 7/2/13 Mr. Spillman documents pain in both shoulders. Shoulders were not assessed by Ms. Huff at the initial evaluation.
 - c. 7/4/13 Mr. Spillman documents performance of a manipulation to undefined joint.
 - d. 7/5/13 Mr. Spillman documents performance of manual traction to low back for pain relief. Ms. Huff did not assess the lumbar spine in the initial evaluation.
 - e. 7/9/13 Mr. Spillman documents performance of manual traction to right hip. Right hip was not assessed in the initial evaluation.
 - f. 7/10/13 Mr. Spillman documents 9/10 pain in the right LE.
 - g. 7/16/13 Mr. Spillman documents performance of joint mobilization. Ms. Huff documents LE ROM to be WFL in the initial evaluation.

C. Respondent failed to report to the board any direct knowledge of an unprofessional, incompetent or illegal act that appears to be in violation of this chapter or board rules.

1. Ms. Huff failed to notify the board when the direct supervision rules were not maintained for patients at La Mesa.
2. Ms. Huff failed to notify the board when Mr. Spillman performed non-delegated treatment to MN.

D. Respondent 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 and evaluation of objective findings, a diagnosis, the plan of care, the treatment record, a discharge summary and sufficient information to identify the patient.

1. 6/26/13 Initial Evaluation
 - i. Objective measurements:
 1. LE ROM: BLE ROM=WFL
 2. ABLE strength: 3+/5
 3. Pain: 0/10
 - ii. Goals:
 1. “Increase LE strength to 4-/5 to facilitate improved functional mobility and to decrease risk for falls”
 - a. Is not measurable.
 - b. Specific muscles testing in the LE were not documented (3+/5 for all muscles bilaterally in the LE may not be accurate assessment for strength given that the same test score for every muscle is recorded)
 2. “Increase LE strength to 4/5 to facilitate improved functional mobility and to decrease risk for falls”
 - a. Is not measurable.
 - b. Specific muscles testing in the LE were not documented (3+/5 for all muscles bilaterally in the LE may not be accurate assessment for strength given that the same test score for every muscle is recorded)
 - iii. Specific treatment provided is not documented.
 - iv. The physical therapists interpretation of the results of the examination is not documented.
 - v. Clinical rationale for therapeutic intervention is not documented

Dr. Miller 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				

Dr. Miller moved the Board accept the following Conclusions of Law:

Respondent Violated:

1. A.R.S. §32-2044(1): “Violating this chapter, board rules or a written board order.”
2. A.R.S. §32-2044(4): Engaging in the performance of substandard care by a physical therapist due to deliberate or negligent act or failure to act regardless of whether actual injury to the patient is established.”
3. A.R.S. §32-2044(17) “Failing to report to the board direct knowledge of an unprofessional, incompetent or illegal act that appears to be in violations of this chapter or board rules.”
4. 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 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. Zook seconded the motion. After 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				

Dr. Miller moved the Board adopt an Order that includes a two year probation period with a possibility for early termination if all requirements are met. Six hours of continuing education in a documentation course and six hours in an Ethics course. The courses have to be pre-approved by the Board staff. Both courses have to be attended in person and completed within 6 months. In addition, a random audit of 3 charts with the first one to take place after Continuing Education courses are completed, a 30 minute presentation to be given to 20 PT/PTA students on Supervision, Documentation, and patient care. Dr. Zook seconded the motion. After review and discussion the motion carried by a 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				

iv) Complaint #13-27; Anthony Spillman, PTA

Mr. Spillman was present and was represented by legal counsel David Cohen. Introductions were made and Ms. Donahue and Mr. Spillman were sworn in. Mr. Brown summarized complaint for the Board. Mr. Cohen addressed the Board. Mr. Spillman answered questions asked of him by the Board. Following the hearing of all testimony and allowing all parties to make statements the Board entered deliberations. Following deliberations Ms. Akers moved to adopt Findings of Facts as follows:

A. Respondent engaged in substandard care by a physical therapist assistant, including exceeding the authority to perform tasks selected and delegated by the supervising licensee regardless of whether actual injury to the patient is established.

1. Mr. Spillman, PTA does not document communication with his supervising physical therapist when the patient's status and function are adversely changed for patient MN.
 - a. 7/2/13
 - b. 7/5/13
 - c. 7/9/13
 - d. 7/10/13
2. Mr. Spillman, PTA confirms in his interview that he did not received daily delegation from the supervising physical therapist.
3. Mr. Spillman, PTA confirms in his interview that he independently made treatment intervention decisions without direction by or communication with his supervising physical therapist.

4. Mr. Spillman, PTA by providing manual therapy to patient MN may have provoked a decrease in function and increase in pain when he performed traction to the right hip on 7/9/13.
5. Mr. Spillman, PTA documented progress notes which would have exceeded the authority to perform when he documented: the instruction given by the physical therapist, progress, discharge plan, impairments, rehab potential and clinical impressions sections of the progress note.
6. Mr. Spillman, PTA documents the performance of a manipulation on 7/4/13 which may have exceeded the authority to perform.

B. Respondent charged unreasonable or fraudulent fees for services performed or not performed.

1. Mr. Spillman, PTA charged for services, specifically manual therapy, in which he was not delegated to perform by his supervising physical therapist.
 - a. 7/4/13
 - b. 7/5/13
 - c. 7/6/13
 - d. 7/9/13
 - e. 7/10/13
 - f. 7/11/13
 - g. 7/16/13
2. Mr. Spillman, PTA charged for physical therapy services in which the documentation does not support the billing.
 - a. 6/29/13 wheelchair management

C. Respondent failed to report to the board direct knowledge of an unprofessional, incompetent or illegal act that appears to be in violations of this chapter or board rules.”

1. Mr. Spillman, PTA confirms in his interview that he was not abiding by the general supervision rules when he continued to provide treatment to patient MN after the 3rd visit under general supervision.
2. Mr. Spillman, PTA did not report to the Board the lack of supervision being provided to patient's he performed physical therapy services at La Mesa.

D. Made misleading, deceptive, untrue or fraudulent representations in violation of this chapter or in the practice of the profession.

1. Mr. Spillman, PTA documented he “completed telephone consultation with assistant regarding patient's functional status and POC” with Ms. Huff on the following dates of service. Ms. Huff and Mr. Spillman in their interviews reports minimal, if any, phone communication.
 - a. 6/27/13
 - b. 6/29/13
 - c. 7/2/13
 - d. 7/3/13
 - e. 7/4/13
 - f. 7/5/13
 - g. 7/6/13
 - h. 7/11/13
 - i. 7/13/13
 - j. 7/16/13

E. Respondent failed to maintain adequate patient records.

- a. Consistent throughout the patient treatment record, the record does not document:
 - Justify the therapeutic intervention
 - Enable another physical therapist to assume the patient’s care at any point in the course of therapeutic intervention.
 - When under general supervision, Mr. Spillman does not document the physical therapist’s license number or if Mr. Spillman consulted with the supervising physical therapist during the course of the selected treatment intervention.
 - The patients subjective report of current status or response to therapeutic intervention
 - Any change in the plan of care.
 - Therapeutic interventions are not specifically described as to specific exercises performed, repetitions, duration; manual therapy does not identify tissue, technique, duration or intensity; therapeutic activities are not specific to exercises instructed or performed.

F. Respondent provided treatment intervention unwarranted by the condition of the patient or treatment beyond the point of reasonable benefit.

- a. Manual therapy that was not delegated by the physical therapist:
 - i. 7/4/13
 - ii. 7/5/13
 - iii. 7/6/13
 - iv. 7/9/13
 - v. 7/10/13
 - vi. 7/11/13

Mr. Clinton 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 adopt Conclusions of Law as follows:

Respondent violated the following:

1. A.R.S. §32-2044(1): “Violating this chapter, board rules or a written board order.”
2. A.R.S. §32-2044(5) “Engaging in substandard care by a physical therapist assistant, including exceeding the authority to perform tasks selected and delegated by the supervising licensee regardless of whether actual injury to the patient is established.”
3. A.R.S. §32-2044(13) “Charging unreasonable or fraudulent fees for services performed or not performed.”
4. A.R.S. §32-2044(14) Making misleading, deceptive, untrue or fraudulent representations in violation of this chapter or in the practice of the profession.
5. A.R.S. §32-2044(17) “Failing to report to the board direct knowledge of an unprofessional, incompetent or illegal act that appears to be in violations of this chapter or board rules.”

6. 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 an evaluation of objective findings, a diagnosis, the plan of care, the treatment record, a discharge summary and sufficient information to identify the patient.”
7. A.R.S. §32-2044(22): “Providing treatment intervention that is unwarranted by the condition of the patient or treatment beyond the point of reasonable benefit.”

Ms. Richardson seconded the motion. After 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				

Dr. Miller moved the Board adopt an Order that included a two year probation period with a possibility for early termination if all requirements are met. Six hours in a documentation course and six hours in an Ethics course. The courses have to be pre-approved by the Board staff. Both courses have to be attended in person and completed within 6 months, a random audit of 3 charts with the first one to take place after Continuing Education courses are completed, a 30 minute presentation to be given to 20 PTA students on Supervision and Documentation. Respondent license is restricted from working under General Supervision during probation. Restrictions are to remain in place until the probationary period is over. Dr. Zook seconded the motion. After review and discussion the motion carried by a 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 lunch at 11:49am

The Board returned from lunch at 1:10pm

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

- b) Substantive Review of Documentation Related to Disclosure on “Personal Information” Section of Application
 - i) Physical Therapist Assistant Applications and Approval to take NPTE and the AZLAW (Jurisprudence) Exam and Possible Certification.

(2) Martan, Edgardo

Mr. Martan was present and was not represented by legal counsel. Mr. Martan addressed the Board. Dr. Zook moved to go into Executive Session for the purpose of seeking legal advice and discussion confidential information. 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				

Executive Session began at 1:14pm
Executive Session ended at 1:26pm

Director of Pima Medical Institute in Tucson, Lou Ann Negrete was present and addressed the Board on Mr. Martan's behalf. Mr. Martan addressed Board and answered questions asked of him by the Board. Dr. Zook moved the Board make a request for Mr. Martan to provide minute entries and a presentence report to be produced for the Board to be considered before voting on Mr. Martan's application. Ms. Akers seconded the motion. After review and discussion the motion failed.

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

Mr. D'Appollonio moved to allow Mr. Martan to sit for the NPTE and AZLAW exams, but before Certification is approved the Board will review minute entries and pre-sentencing report relating to Mr. Martan reported criminal convictions. Ms. Akers seconded the motion. After 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							
Recused							
Abstained				X			
Absent			X				

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

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

i) Physical Therapist Assistant Applications and Approval to take NPTE and the AZLAW (Jurisprudence) Exam and Possible Certification.

(1) Balderas, Candelario

Mr. Balderas was present and was not represented by legal counsel. Mr. Balderas addressed the Board and answered questions asked by the Board regarding the personal disclosure. Ms. Akers moved to approve to sit for exams. Mr. D'Appollonio seconded the motion. After 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							
Recused							
Abstained				X			
Absent			X				

c) Review of and Possible Action on Application for certification from Applicant Requesting ADA Accommodations.

(1) Van Alsborg, Stacey

Ms. Van Alsborg was present and was not represented by legal counsel. Ms. Akers moved to approve Ms. Van Alsborg's request for double time and a separate testing room and to license upon receipt of passing scores and final transcript. Dr. Miller 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				

d) Review of and Possible Action on Application for Certification/Military Spouse

(1) Erver, Elizabeth

Ms. Erver was not present and was not represented by legal counsel. Ms. Richardson moved to approve as is. 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				

(2) Spanaus, Kristin

Ms. Spanaus was not present and was not represented by legal counsel. Ms. Richardson moved grant certification with one year of Direct Supervision. 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				

e) Review of and Possible Action on Applicant for Licensure for Previously Licensed Applicant
(1) Mascarenas, Jeremy

Mr. Mascarenas was not present and was not represented by legal counsel. Ms. Richardson moved to license upon receipt of 57 hours of Continuing Education from CO, TX, NM, and NC since 2010 which is the period Mr. Mascarenas did not renew his license in Arizona and a passing score on the AZLAW examination to comply with A.R.S. §32-2028. 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				

5) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

b) Initial Review, Discussion and Action on Complaint
ii) Complaint #13-323; Christine Lalonde, PTA

Ms. Lalonde was present and was not represented by legal counsel. Ms. Donahue summarized complaint for the Board. Ms. Lalonde addressed the Board and answered questions asked of her by the Board. After allowing all parties to provide information to the Board, the Board entered deliberations. Ms. Richardson moved offer a Consent Agreement to include a 6 hour course in Documentation. The course has to be pre-approved by the Board, a 30 minute speech to be given to 30 PTA students, a 1 year probation period with a possibility of early termination if all requirements are met. If the Consent Agreement is not accepted and signed the matter will go to an Informal Hearing. 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 #13-33; John Petrozzi, PT

Mr. Petrozzi was present and was not represented by legal counsel. Ms. Donahue summarized complaint for the Board. Mr. Petrozzi answered questions from the Board. Ms. Akers moved for a Consent Agreement to include a 6 hour course in Documentation. The course has to be pre-approved by the Board, a 30 minute presentation to be given to 30 PT students, a 1 year probation period with a possibility of early termination if all requirements are met. If the Consent Agreement is not accepted and signed the matter will go to an Informal Hearing. Mr. D'Appollonio seconded the motion. After 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				

i) Complaint #13-31; Robert Gilson, PTA

Mr. Gilson was present and was not represented by legal counsel. Ms. Donahue summarized complaint for the Board. Mr. Gilson addressed the Board and denied all allegations. Mr. Gilson answered questions asked of him by the Board. Following deliberation Ms. Richardson moved for a Consent Agreement to be offered to Mr. Gilson excluding the allegation of violating A.R.S. §32-2044(10) and to include a 1 year probation period with a possibility of early termination if all requirements are met. The Consent Agreement is to include a 6 hour course in Documentation which is to be pre-approved by the Board staff. A 30 minute presentation to be given to 30 PTA students. 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
Nay				X			
Recused							
Abstained							
Absent			X				

Ms. Akers moved to open a complaint against Ms. Chin, PT and Mr. Hantla, PT as detailed in the investigative report regarding Mr. Gilson. 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
Nay				X			
Recused							
Abstained							
Absent			X				

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

- a) Review of and Possible Action on the Following Applications for Physical Therapist Licensure- Foreign Educated Graduates of Programs Not U.S. Accredited.
 - i) Review of Education, Determination of Supervised Clinical Practice Period, and Possible Licensure (1) Doshi, Krupa

Ms. Krupa was not present and was not represented by legal counsel. Ms. Richardson made a motion that Ms. Krupa's education was equivalent, to waive SPP/AZLAW, and to license at passing. Dr. Miller 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
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Aye	X	X		X	X	X	X
Nay							
Recused							
Abstained							
Absent			X				

(2) Moffett, Dawn

Ms. Moffett was not present and was not represented by legal counsel. Ms. Richardson made a motion that Ms. Moffett’s education was incomplete as detailed in the credential evaluation she submitted to the Board. Mr. Clinton 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) Murugesan, Mani

Mr. Murugesan was not present and was not represented by legal counsel. Ms. Akers made a motion that Mr. Murugesan’s education was substantially equivalent, to waive the SCPP and require the passing of the AZLAW, and to license upon receipt of passing scores on the AZLAW examination and NPTE examination. Mr. Clinton 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) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

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

i) Walquist, Andrew

Mr. Walquist was not present and was not represented by legal counsel. The Board reviewed the complaint filing request. Following review and discussion Ms. Akers moved to take no action. 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				

6) BOARD BUSINESS AND REPORTS

- a) Executive Director's Report
- i) Financial Report
- ii) Board Staff Activities
- iii) Legislation
- iv) Rule Activity
- v) FSBT

Mr. Brown reviewed the written report for the Board no action was requested or taken on the Executive Director report.

6) CALL TO THE PUBLIC

No person came forward to address the Board in a Call to the Public.

Ms. Akers moved to adjourn the meeting. Mr. Clinton 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				

Meeting adjourned at 2:50pm

