

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
December 17, 2013

MEMBERS PRESENT:

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

MEMBERS ABSENT:

James E. Miller, PT, DPT; Member
Fredric B. Zook, Ph.D. Public Member

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) November 19, 2013 Regular Session Meeting Minutes

Ms. Akers moved to approve November 19, 2013 minutes. Ms. Hunter 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
Nay							
Recused							
Abstained							
Absent				X	X		

b) November 19, 2013 Executive Session Meeting Minutes 9:00 a.m. to 9:16 a.m.

Ms. Richardson moved to approve November 19, 2013 Executive Session Meeting minutes. Mr. Clinton seconded the motion. Following review and discussion the motion carried by unanimous vote.

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

c) November 19, 2013 Executive Session Meeting Minutes 10:50 a.m. to 11:00 a.m.

Ms. Richardson moved to approve November 19, 2013 Executive Session minutes. 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
Nay							
Recused							
Abstained							
Absent				X	X		

d) November 19, 2013 Executive Session Meeting Minutes 1:14 p.m. to 1:26 p.m.

Mr. Richardson moved to approve November 19, 2013 Executive Session Meeting minutes. Mr. D'Appollonio 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
Nay							
Recused							
Abstained							
Absent				X	X		

2) Board Business Presentation

- a) Presentation from the Federation of State Boards of Physical Therapy; Aptitude and Continuing Competence

The Federation of State Board of Physical Therapy gave a presentation. It was presented by Natalie Harms, PT, Board of Directors and Heidi Herbst-Paakkonen. A copy of the presentation is available upon request.

- b) Review, Discussion, and Possible Action on Beginning the Rule Making Process related to Continuing Competence Activities

Mr. Brown reviewed the Board’s progress toward updating the rules related to continuing competence following work with the AzPTA Continuing Competence taskforce. The Board requested the agenda item be on the January agenda for review and consideration.

5) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

b) Initial Review, Discussion and Action on Complaint

ii) Complaint #13-31; Brandy Sanders, PT

Ms. Sanders was present and was represented by legal counsel Mandi Kaiyis. Ms. Sanders made statements and answered questions asked of her by the Board. Ms. Akers moved the complaint be forwarded to an Informal Hearing. 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
Nay							
Recused							
Abstained							
Absent				X	X		

Ms. Hunter moved to open a complaint against Jeff Olsen, PTA as outlined in the Investigative Report in Complaint #13-31. 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							
Abstained							
Absent				X	X		

4) Review, Consideration and Action for Licensure and Certification

b) Review of and Possible Action on Application for Licensure/Previously Licensed

(1) Harte, Jacqueline

Ms. Harte was present and was not represented by legal counsel. Ms. Harte addressed the Board and answered questions asked of her by the Board. Ms. Akers moved to give Ms. Harte the option to choose NPTE or a period of Supervised Clinical Practice Period under an interim permit. If Ms. Harte chooses the NPTE and passes, the Board will license upon receipt of passing scores. 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
Nay			X				
Recused							
Abstained							

Absent				X	X		
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5) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

a) Formal Hearing and Possible Action

i) Complaint #13-23; Marijke Passer-Schupack, PT

Ms. Passer-Schupack (Respondent) was not present and was not represented by legal counsel. Diana Rasner, Assistant Attorney General was present to provide legal advice to the Board. Introductions were made by the Board. Ms. Donahue was sworn in by Ms. Akers. Ms. Baskin reviewed the notice served on the Respondent. Ms. Passer-Schupack has not responded to Ms. Baskin in any way. The state provided an opening statement. Ms. Donahue was called as a witness and questioned by Ms. Baskin. During Ms. Donahue's testimony Ms. Baskin presented State's Exhibits 1-6 which were accepted by the Board. Following Ms. Donahue's testimony Ms. Baskin provided her closing statement and suggested revocation of license, paying the cost of the hearing and a \$500.00 civil penalty.

The Board entered deliberations. Following deliberations, Ms. Akers moved to accept 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. Marijke Passer-Schupack, Respondent, holds License Number 2174 for the practice of physical therapy in the State of Arizona. Respondent's license is renewed through August 31, 2014.
3. On about October 19, 2012, the Board notified Respondent by certified letter at her address of record that she had been randomly selected for an audit of her continuing competence compliance for the 2010-2012 licensure period in accordance with A.A.C. R4-24-401(G). Respondent was required to submit evidence of her compliance within 30 days of receipt of the letter. On or about October 22, 2012, Respondent signed for the certified letter.
4. On or about December 14, 2012, Respondent was notified by certified mail at her address of record that the documentation she submitted in response to the audit failed to meet the continuing competence compliance requirements. Respondent was informed that she had six months from the notice of non-compliance to satisfy the continuing competence requirements pursuant to A.A.C. R4-24-401(J). On or about December 15, 2012, Respondent signed for the certified letter.
5. Respondent did not provide proof of competence prior to the June 15, 2013, deadline and has not done so as of this date.
6. On or about July 9, 2013, Respondent was notified by certified mail at her address of record that a complaint was opened against her license for noncompliance and was requested to submit a response by August 8, 2013. On or about July 17, 2013, the certified mail letter was returned to the Board marked, "Unable to forward." On or about July 30, 2013, the Board resent Respondent the notification of the complaint by regular mail and email. Respondent did not provide a written response to the complaint by the August 8, 2013 deadline.
7. On or about August 13, 2013, Board staff notified Respondent by email and regular mail at her business and home addresses of record that her case would be considered by the Board for an initial review at the August 27, 2013, Board meeting.
8. In an August 13, 2013, email to the Board, Respondent indicated that she had received the notice of the Board meeting and that she would not be attending the meeting because she had permanently relocated outside of Arizona.

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							
Recused							
Abstained							
Absent				X	X		

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

1. The conduct and circumstances set forth in the Findings of Fact constitutes a violation of A.R.S. § 32-2044 (1), “Violating this chapter, board rules or a written board order.” and A.R.S. §32-2044(24), “Failing to complete continuing competence requirements as established by rule.”
2. The conduct and circumstances set forth in the Findings of Fact constitutes a violation of A.R.S. §32-2044(23), “Failing to report to the board a name change or a change in business or home address within thirty days after that change.”

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
Nay							
Recused							
Abstained							
Absent				X	X		

Ms. Akers moved for a Board Order to include: Ms. Passer-Schupack’s license is revoked, a \$500.00 penalty, and a requirement to pay the cost of the hearing. 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
Nay							
Recused							
Abstained							
Absent				X	X		

b) Initial Review, Discussion and Action on Complaint

i) Complaint #11-60; Kimberly Deering, PT

Ms. Deering was present and was represented by legal counsel, Stephanie McCoy. Ms. Donahue summarized complaint for the Board. Ms. McCoy addressed the Board. Ms. Deering addressed the Board and answered questions asked of her by the Board. Ms. Akers moved to go to an informal hearing. Ms. Richardson seconded the motion. In discussion, Ms. Hunter expressed a wish to hear the case at a Formal Hearing. Ms. Akers and Ms. Richardson withdrew their motions. Ms. Akers moved to go into Executive Session. 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
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Aye	X	X	X			X	X
Nay							
Recused							
Abstained							
Absent				X	X		

Executive Session began at 11:20 a.m.
Executive Session ended at 11:31 a.m.

Ms. Akers moved to go to an informal hearing. 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
Nay							
Recused							
Abstained							
Absent				X	X		

v) Complaint #13-36; Sean McQueeney, PT

Mr. McQueeney was present and was not represented by legal counsel. Ms. Donahue summarized complaint for the Board. Mr. McQueeney addressed the Board and answered questions asked of him by the Board. Ms. Akers moved to dismiss complaint. Mr. Clinton 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
Nay			X				
Recused							
Abstained							
Absent				X	X		

iii) Complaint #13-34; Tinoy Matamana, PT

Mr. Matamana was not present and was not represented by legal counsel. Ms. Donahue summarized complaint for the Board. Ms. Richardson moved for a Consent Agreement to include: 8 hours of continuing education in Documentation to be done within a 6 month period, a minimum of one random audit of 3 charts to be done no earlier than 30 days after course is completed, 1 year probation with the possibility of early termination if all requirements are met. If terms are not accepted the matter is to 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
Nay			X				
Recused							
Abstained							
Absent				X	X		

iv) Complaint #13-35; Jodi Proctor, PTA

Ms. Proctor was not present and was not represented by legal counsel. Ms. Donahue summarized the complaint for the Board. Ms. Akers moved to issue a non-disciplinary order for continuing education to include, 6 hours of continuing education each in Ethics and Documentation. These hours are to be taken within a 6 month period. 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
Nay			X				
Recused							
Abstained							
Absent				X	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.

Bebawy, Monica	Campbell, Owen	Chebra, Elizabeth
Cook, Christa	Cook, Ryan	Frost, Danielle
Gardner, Dean	Kim, Jisun	Kline, Daniel
Leon, Christine	Mannon, Kori	Mehigen, Bryan
Morales, Monica	Norton, Tyler	Owsley, Corrie
Pelton, Natalie	Renahan, Daniel	Rizer, Lucaas
Shek, Raymond	Smith, Joseph	Valencia, Nicholas
Van Wagoner, Aaron	Wesely, Linda	

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

Arbon, Timothy	Banek, Regan	Bell, Jacqueline
Covert, Susan	Decker, Parisa	Doggett, Tomica
Heine, Emmett	Nolan, Christopher	Reyes, Derek
Ritchey, Richard	Walker, Aaron	Wear, Pamela
Wyatt, Chelsea		

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

Nguyen, Quyet

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

Toone, Tara

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

Nay							
Recused							
Abstained							
Absent				X	X		

Consent Agenda Ends

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

a) Review of and Possible Action on the Following Applications for Physical Therapist Licensure-Foreign Educated Graduates of Programs Not U.S. Accredited.

i) Review of Education, Determination of Supervised Clinical Practice Period, and Possible Licensure
(1) Krishnamurthy, Niveditha

Ms. Richardson moved to accept Ms. Krishnamurthy’s education as substantially equivalent and to require a Supervised Clinical Practice Period. 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							
Abstained							
Absent				X	X		

(2) Dimakiling, Olga

Ms. Akers moved to waive Supervised Clinical Practice Period based on the applicants work experience in the United States and to license upon receipt of passing scores. 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
Nay							
Recused							
Abstained							
Absent				X	X		

b) Review of and Possible Action on Application for Licensure / Previously Licensed

(2) Shoap, Lisa

Ms. Shoap was not present and was not represented by legal counsel. The Board reviewed Ms. Shoap’s work history. Ms. Akers moved the Board require Ms. Shoap submit 80 hours of continuing competence activities since allowing his license to lapse and pass the AZLAW examination and receive her new license upon receipt of a passing score.

5) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

c) Review, Discussion, and Action on Board Order

i) Complaint #11-53; Arnold Gonzales, PT

Mr. Gonzales was not present and was not represented by legal counsel. Ms. Donahue reviewed Ms. Gonzales request for a 90 day extension of probation. Ms. Akers moved to grant a 90 day extension. 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
Nay							
Recused							
Abstained							
Absent				X	X		

The Board recessed at 12:15p.m.

The Board returned at 12:37p.m.

7) BOARD WORK SESSION

- a) Review, Discussion, and Action on Adoption of Dry Needling Discussion Points
- b) Review, Discussion, and Action on October 23, 2013 Letter from the State of Arizona Acupuncture Board of Examiners
- c) Review, Discussion, and Action on Competence Regulations; Dry Needling
- d) Review, Discussion, and Action on The Definition of the Practice of Physical Therapy (Scope of Practice)
- e) Review, Discussion, and Action on Letter Regarding Dry Needling and Violations of the U.S. Food, Drug, and Cosmetic Act and Food and Drug Administration Rules

Ms. Akers moved to go into Executive Session to receive legal advice and discuss confidential information on agenda item 7. 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
Nay							
Recused							
Abstained							
Absent				X	X		

Executive Session began at 12:37p.m.

Executive Session ended at 1:07p.m.

Mr. Brown provided the Board with a summary of the Board's work that has caused agenda item 7 to be placed before the Board. Mr. Brown provided a review. In May 2012, the Arizona Board of Physical Therapy reviewed three complaints alleging the illegal use of a service called "Dry Needling" by licensed physical therapists in Arizona. After adjudicating these complaints, the Board set a course for further reviewing the matter of physical therapist performing the treatment known as Dry Needling. The Board's collection and review included statewide stakeholder meetings, numerous periods of collecting written comments, input from select physical therapists and acupuncturists, and a review of all material by this Board. The Board is meeting with the intent of setting its final position on this matter within the current statutes and rules it has jurisdiction to interpret and enforce.

Ms. Akers identified persons in the audience that wished to address the Board regarding agenda item 7. Cynthia Driskell, PT representing the Arizona Physical Therapy Association came forward and addressed the Board and expressed a position against setting competence standards specifically for Dry Needling in law. John Rhodes, PT, L.Ac. came forward and addressed the Board in support of the Board mandating competence requirements in Dry Needling before a physical therapist is allowed to puncture the skin with a needle. Chuck McDevitt came forward and identified himself as a patient that has received Dry Needling from a physical therapist in Arizona and talked in support of physical therapists being allowed to use the technique without a mandated competence requirement in law. The concluded taking public testimony on agenda item 7.

b) Review, Discussion, and Action on October 23, 2013 Letter from the State of Arizona Acupuncture Board of Examiners

The Board discussed the letters from the Arizona Board of Acupuncture Examiners regarding the use of the phrase “certified in dry needling” in some physical therapists advertising. Ms. Akers expressed a lack of understanding on what the Board was being asked. Ms. Baskin stated it was not clear if the Board is being asked to investigate the physical therapists identified or if the Board was being asked for an advisory opinion. The Board discussed the letters. Ms. Akers instructed Mr. Brown to write to the Arizona Board of Acupuncture Examiners and request clarification.

c) Review, Discussion, and Action on Competence Regulations; Dry Needling

The Board discussed options in establishing a requirement for a minimum competence requirement for physical therapist to meet before using the technique dry needling. Ms. Akers noted that the Board has reviewed the concept of mandated competence for the past couple of months and received legal advice on its options. Through consensus the Board announced its finding that it lacks the legal authority to establish a minimum competence requirement in rule for any technique covered in the definition of the “Practice of Physical Therapy”. Mr. D’Appollonio stated while the Board lacks the legal authority any group could seek a legislative solution if they felt a requirement should be in place for the technique dry needling.

d) Review, Discussion, and Action on The Definition of the Practice of Physical Therapy (Scope of Practice)

The Board discussed the definition and not action was taken on this agenda item.

e) Review, Discussion, and Action on Letter Regarding Dry Needling and Violations of the U.S. Food, Drug, and Cosmetic Act and Food and Drug Administration Rules

Ms. Akers opened the agenda item for discussion Mr. Brown provided a review of the letter received by the Board. Ms. Hunter stated the letter was identifying an issue between manufactures and the FDA. Ms. Akers noted that the Board does not endorse any specific advice when making a discussion on techniques identified in the definition of the practice of physical therapy. Ms. Baskin stated that the letter is regarding labeling and the Board is not required to respond to the author of the letter which resides out of Arizona. The Board took no action on this item.

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

Ms. Akers noted that during the Board recent Committee of reference hearing before the Arizona Legislature, some mention was made of a statewide ban on the technique dry needling by physical therapists. Ms. Akers asked Ms. Baskin if that is something the Board could consider legally. Ms. Baskin stated no. The

Board discussed the Discussion Points as presented by staff at the November 19, 2013 Board meeting and the changes suggested by Board members. Sean Flannagan, PT came forward to address the Board on the proposed discussion points and expressed a wish the Board include a description of dry needling in any published discussion points.

After reviewing the draft and providing staff with changes the Board recessed to allow staff to make the requested changes and bring them back for the Board's review.

The Board recessed at 1:22 p.m.

The Board returned to regular Session at 1:49 p.m.

Ms. Akers opened the discussion points up for editing. Following minor changes by the Board Ms. Richardson moved the Board adopted into the December 17, 2013 meeting minutes the following Discussion Points on Dry Needling:

- The Arizona State Board of Physical Therapy is responsible for interpreting and enforcing the laws that regulate the practice of physical therapy in Arizona. (See A.R.S. §32-2003(A)(4)) As treatment techniques are developed and utilized in the practice of physical therapy, the Board is responsible for determining if specific techniques fall within the definition of physical therapy established in statute.
- In 2012, the Board received and adjudicated complaints related to physical therapists performing the treatment technique, Dry Needling, and that such a technique was outside the definition of the practice of physical therapy. The Board adjudicated the complaints and initiated stakeholder meetings and a research project into the treatment technique Dry Needling.
- In October 2013 the Board concluded that Dry Needling is a modality; which is a broad intervention identified in the definition of the practice of physical therapy. (See A.R.S. §32-2001(12)(a & b)). Further, the definition of the "Practice of Physical Therapy" includes in paragraph b that a physical therapist is responsible for managing, designing, implementing and modifying interventions that include modalities and mechanical modalities. (A.R.S. §32-2001(12)(b)).
- The Arizona Physical Therapy Association Dry Needling taskforce has provided the following definition of Dry Needling. Dry Needling is a skilled intervention performed by a physical therapist (PT) that uses a thin filiform needle to penetrate the skin and stimulate underlying neural, muscular and connective tissues for the evaluation and management of neuromusculoskeletal pain and movement impairments.
- Dry Needling is recognized as a treatment technique within the practice of physical therapy in the majority of states.
- The education within the profession of physical therapy includes the knowledge base and skill set including, but not limited to anatomy, physiology, pathology, and differential diagnosis required to treat myofascial pain, trigger points, and neuromuscular dysfunction. Dry Needling, is a neuromuscular treatment technique that requires effective manual assessment and knowledge of the neuromuscular system. Therefore, such treatment requires the expertise of a physical therapist and should not be delegated to assistive personnel. (See A.R.S. §32-2001(12)(a, b, c, and d)).
- In the delivery of all treatment techniques, including Dry Needling, a physical therapist must maintain a level of competence that ensures the treatment will be safe, effective and efficient. Any physical

therapist delivering treatment in which they are not competent to perform may face discipline for substandard care under A.R.S. §32-2044(4).

- Dry Needling shall be performed in a manner that is consistent with generally accepted standards of practice, including clean needle techniques, and other applicable standards of the Centers for Disease Control and Prevention.
- The Board has concluded lacks the legal authority to establish minimal educational requirements for specific treatment techniques covered under the definition of the “Practice of Physical Therapy.” The Board has authority under A.R.S. §32-2003(A)(7) to establish continuing competence requirements; however, this authority has historically been used to establish continuing competence requirements for the purpose of renewal and not competence requirements for treatment techniques covered under A.R.S. §32-2001(12).
- Physical therapists do not perform acupuncture and may not disseminate to any client, patient, or member of the public that they perform acupuncture unless they are a licensed acupuncturist.
- The Arizona State Board of Physical Therapy does not provide certification in any specialty.

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
Nay							
Recused							
Abstained							
Absent				X	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. Ms. Richardson seconded the motion. After review and discussion the motion carried by unanimous vote.

Regular Session Meeting
December 17, 2013

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							
Absent				X	X		

Meeting adjourned at 3:15 p.m.

DRAFT