

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
March 25, 2014

MEMBERS PRESENT:

(Arrived Late)

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

Members Absent

Melinda Richardson, PT, MA; Vice President

OTHERS PRESENT IN PERSON:

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

CALL TO ORDER – 8:31 a.m.

Mr. Clinton called the meeting to order at 8:31 a.m. (A recording of the meeting is available through the Board Office)

1) Review and Approval of Draft Minutes

- a) February 25, 2014 Regular Session Meeting Minutes

Dr. Miller had a correction regarding his absence for the first part of the meeting. Mr. Clinton moved to approve February 25, 2014 minutes as amended. 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) February 25, 2014 Executive Session Meeting Minutes 10:00 a.m. to 10:05 a.m.

Mr. Clinton moved to approve February 25, 2014 Executive Session Meeting minutes. Mr. D’Appollonio 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) February 25, 2014 Executive Session Meeting Minutes 11:55 a.m. to 11:58 a.m.

Mr. Clinton moved to approve February 25, 2014 Executive Session minutes. Dr. Zook 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) February 25, 2014, Executive Session Meeting Minutes 1:50 p.m. to 1:56 p.m.

Mr. Clinton moved to approve 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	

Ms. Akers arrived at the meeting.

2) CONSENT AGENDA: REVIEW, CONSIDERATION and ACTION

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

(1) Borg, Janelle

Ms. Borg was present and was not represented by legal counsel. Ms. Borg addressed the Board and answered questions asked of her by the Board. Dr. Zook moved to approve the ADA Accommodations request. 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	

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.

Babich, Jessica	Blumberg, Jay,	Cicco, Jodie
Colby, Michael	Crook, Vanessa	Dundas, Kathleen
Fair, Austin	Fly, Jason	Foigelman-Holland, Dorothy
Gordon, Katrine	Hartley, Todd	Hook, Jennifer
Johnidis, Adam	Johnson, Derek	Larson, Ian
Mann, Nathan	Marquez, Joshua	McMahan, Heather
Meyer, Paul	Moe, Danette	Nelson, Ryan
Oelschlager, Victoria	Omler, Colton	Posvenski, Krystyna
Prince, Breana	Ramos, Jennifer	Robenalt, Christine
Roybal, Roland	Schultz, Kristen	Singleton, Justin
Songer, Andrew	Thompson, Karen	Vandenmeerendonk, Jacob
Velazquez, Nathan	Verzal, Lauren	Watkins, Amanda
Lorenz, Peter	Bays, Ryan	

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

Akers, Christian	Ankrom, Holly	Brown, Kenneth
Brown, Natalie	Carli, Mari	Colsch, Rachel
Coughlin, Alyssa	Damron, Kathleen	Dugan, Jonathan
Giles, Jason	Gold, Melissa	Higuera, Angela
Larson, Ann	Lipstate, Amanda	May, Kyla
McGrath, Donald	McGrath, Joanna	Merz, Barbara
Preston, Melissa	Rowan, Margaret	Sortore, Matthew
Triassi, Arianna	Villalobos, Beatriz	Von Oy, Alyssa
Meyer, Amanda		

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

Daley, Sarah	Andrews, Jamie
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iv) Review, Consideration and Approval of Applications for Physical Therapist with Documentation Related to Disclosure on “Personal Information” Section of the Application.

Grigsby, Larissa	Knopp, David
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No Board Member requested anybody to be pulled from list.

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

Consent Agenda Ends

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

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

Mr. Basco was not present and was not represented by legal counsel. Mr. Brown explained to the Board that Mr. Basco is missing 3 pieces of required coursework. Dr. Zook moved to deny requested waiver. 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	

- ii) Review and Consideration of Education, Determination of Supervised Clinical Practice Period, Review of Proposal for Supervised Clinical Practice Period and Possible Licensure
 - (1) Gaquing, Jr., Jesus

Mr. Gaquing was not present and was not represented by legal counsel. Ms. Hunter made a correction on the spelling of the secondary supervisor. Mr. D'Appollonio moved to approve the education as substantially equivalent, require a period of supervised clinical practice and approve the proposal for the supervised clinical practice period. 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) Review and Consideration of Final CPI and Possible licensure

(1) Kroese, Juliana

Ms. Kroese was not present and was not represented by legal counsel. Ms. Akers moved to approve for licensure. 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	

b) Review of and Possible Action on the Following Applications for Physical Therapist Licensure – Foreign Educated Graduate of U.S. Accredited Program

(1) Thevathasan, Menaka

Ms. Thevathasan was not present and was not represented by legal counsel. Ms. Akers moved to waive Credential Evaluation and required a Supervised Clinical Practice Period. 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 Applications for Licensure/Military Spouse

- (1) Beachaine, Christine
- (2) Weedman, Carrie

Ms. Beachaine and Ms. Weedman were not present and were not represented by legal counsel. Dr. Zook moved to approve for licensure. Ms. Akers seconded the motion. After review and discussion the vote 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 Application for Licensure of Previously Licensed Physical Therapist

(1) Di Francesco, Cynthia

Ms. Di Francesco was not present and was not represented by legal counsel. Ms. Di Francesco submitted 65 hours of continuing education. Mr. Clinton moved to license upon receipt of passing score on the

AZLAW examination. 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 of and Possible Action on Application for Certification of Previously Certified Physical Therapist Assistant.

(1) Goff, Heather

Ms. Goff was not present and was not represented by legal counsel. Ms. Goff passed the AZLAW. Ms. Hunter moved to accept for certification. Dr. Zook 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	

4) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE

a) Informal Hearing and Possible Action on Complaint:

i) Complaint #13-12; Linda Johnston, PT

Ms. Johnston was present and was not represented by legal counsel. Mr. D'Appollonio disclosed he knows Ms. Johnston personally and professionally, with no bias. Introductions were made and Ms. Akers sworn Ms. Johnston and Ms. Donahue as witnesses. Mr. Brown summarizes complaint for the Board. Ms. Johnston addressed the Board and answered questions asked of her by the Board. Ms. Hunter moved to dismiss complaint. Dr. Zook 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	

ii) Complaint #13-40; Scott Jackson, PT

Mr. Jackson was present and was not represented by legal counsel. Mr. Utz was also present. Introductions were made. Ms. Akers swore in Ms. Donahue, Mr. Jackson and Mr. Utz. Mr. Brown summarized complaint for the Board. Mr. Jackson addressed the Board and answered questions asked of him by the Board. Mr. Utz addressed the Board and answered questions asked of him by the Board. Ms. Hunter moved to go into

Executive Session for legal counsel. Ms. Akers 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	

Executive Session started at 9:54 a.m.
 Executive Session ended at 10:04 a.m.

Mr. D'Appollonio moved for a continuance on the informal hearing and adding the allegations of violating the laws regarding adequate documentation and the standard of care in relation to Dry Needling. Ms. Akers 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
Nay				X	X		
Recused							
Abstained							
Absent						X	

The Board recessed for a break at 10:20 a.m.
 The Board returned from break at 10:32 a.m.

iii) Complaint #13-42; Arnold Gonzales, PT

Mr. Gonzales was present and was not represented by legal counsel. Introductions were made. Ms. Akers sworn in Ms. Donahue and Mr. Gonzales. Mr. Brown summarized complaint for the Board. Mr. Gonzalez addressed the Board and answered questions asked of him by the Board. Following deliberations Ms. Akers moved to accept Findings of Facts as follows:

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. 8660 to practice as a physical therapist in the State of Arizona.
3. Respondent knew, given documentation and billing completed on the 11/19/13 that he did not engage in physical therapy services of patient CB on 11/19/13.
4. I Respondent biledl for the skilled physical therapy minutes given that there is little time allowance/lapse in his start and end time for the first 3 patients on 11/19/13.
5. Respondent in his response was inaccurate when he stated in his response: "I was coordinating medical care of CB and did not officially treat him that day."
6. The following statements made by Respondent are inconsistent with the evidence:
 - a. "In fact, I spent my treatment time with the patient earlier that morning in his room and was coordinating medical care with the nursing staff due to him not feeling well and would require further medical care."
 - b. "I was coordinating medical care of CB and did not officially treat him that day."

7. Respondent self documented/submitted Daily Interaction form indicates that he arrived in the facility at 8:30am and initiated treatment of patient ES from 8:33am until 9:51am; to patient DM from 9:52am until 10:47am and NS from 10:50am until 11:45am. The evidence shows that there was little to no opportunity, given the skilled minutes documented and billed, that Respondent engaged in the coordination of medical care with patient CB.

8. The patient record does not provide any evidence of documentation by Respondent or nursing staff regarding Respondent involvement in the coordination of medical care for patient CB.

9. There is no evidence to suggest that Respondent interacted with patient CB in any capacity on 11/19/13.

10. "I documented later in the day during the early afternoon which conflicted with Dr. Burns not being in the building at that specific time."

11. Respondent knew that the time to which the documentation is completed is not the time that he documented as the actual treatment time he submitted for his timesheet and billing.

12. CB patient record indicates that Respondent completed documentation on 11/9/13 at 6:28pm. Respondent statement indicates he believes he documented in the early afternoon.

13. Had Respondent reviewed CB patient record prior to submitting documentation, he would have been aware of the change in patient status and the transport, by ambulance, to St. Joseph's hospital ER as the nursing note was completed in the patient record at 2:38pm on 11/19/13.

14. "Ms. Finney contacted me regarding a documentation error regarding patient CB from the previous day."

15. Respondent knew on 11/20/13, when contacted by Ms. Finney that he did not interact with patient CB on 11/19/13 and that his documentation was not a "documentation error".

16. Respondent documentation for patient CB on 11/19/13 includes specific details that would lend a reviewer to conclude that Respondent had provided skilled physical therapy to CB:

a. "Patient tolerated all activity well."

b. "Patient had decreased tone today with limited amounts of pain with static stretches."

c. Respondent signs an attestation at the bottom of the documentation submitted on 11/19/13 the following:

i. "I agree, and it is my intent, to sign this record/document and affirmation of electronic signature for electronic submission and printed record/document."

ii. "I understand that my signing and submitting this record/document in this fashion is the legal equivalent to having placed my handwritten signature on the submitted record/document and this affirmation."

iii. "I understand and agree that by electronically signing and submitting this record/document in this fashion I am affirming to the truth of the information contained therein."

17. Respondent's Documentation on 11/19/13 for patient CB is false; however, it failed to include:

a. Patient's subjective report of current status

b. Specific exercise/manual therapy to enable another therapist to assume the patient's care at any point in the course of therapeutic intervention

18. Respondent failed to report to the Board a change in home address within 30 days. Respondent statements are inconsistent with the evidence:

c. "My current residence is 7120 West Villa Theresa Drive which was previously 9609 North 52nd Lane."

d. "I continue to receive mail at both addresses; however on November 25, 2013 I put a request through the US postal Service to have future mail forwarded to my address on Villa Theresa drive."

19. Respondent address of record on December 2, 2013 was 9609 North 52nd Lane.

20. Respondent was notified of Complaint #13-42 on December 2, 2013 by certified mail.

21. Certified mail was returned to the Board office as “unable to forward”, indicating the time expiration to forward mail from the 9609 North 52nd lane to the 7120 West Villa Theresa Drive had expired. The post office confirmed that mail is forwarded between addresses for a minimum of 12 months unless the individual elects a shorter period of time.
 - e. “I mailed a change of address form on 12/16/13.”
22. The Board data base indicates that Respondent’s change of address was completed on January 6, 2014.

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		X
Nay							
Recused							
Abstained							
Absent						X	

Mr. D’Appollonio moved to accept Conclusions of Law as follows:

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 (12):“Failing to adhere to the recognized standards of ethics of the physical therapy profession.”
 - a. 2.2 “A physical therapist has an obligation to provide accurate and truthful information. A physical therapist shall not make statements that he/she knows or should know are false, deceptive, fraudulent or misleading.
 - b. 7.1(B) “A physical therapist shall never place his/her own financial interest above the welfare of individuals under his/ her care.
4. The conduct and circumstances explained in the Findings of Fact above constitute a violation of A.R.S. §32-2044(13): “Charging unreasonable or fraudulent fees for services performed or not performed.”
5. The conduct and circumstances explained in the Findings of Fact above constitute a violation of 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.”
6. 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 an evaluation of objective findings, a diagnosis, and the plan of care, the treatment record, a discharge summary and sufficient information to identify the patient.”
7. 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. Akers 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	

Mr. Brown reported that Mr. Gonzales is currently on probation for similar violations of law. Mr. Brown provided the Board with a copy of the current Order.

Ms. Akers moved to go into Executive Session. 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	

Executive Session started at 10:59 a.m.

Executive Session ended at 11:09 a.m.

Ms. Akers moved for the Board Order to require the following:

Based upon the foregoing Findings of Fact and Conclusions of Law, Respondent is subject to the provisions and penalties imposed as follows:

1. **Probation:** The Arizona Board of Physical Therapy hereby orders that Respondent, holder of License No. 8660, 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 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 six 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. Within six (6) months of the effective date of this Order, Respondent shall complete the ProBe Ethics program offered by the Center for Personalized Education for Physicians or the Medical Ethics & Professionalism Physical Therapist Edition offer by Professional Boundaries Inc. Respondent shall submit evidence of completion during the first six (6) months of the probationary period.

b. **Monitoring:** Within thirty (30) days of the effective date of this Order, Respondent shall enter into an agreement with a neutral and objective Board-approved monitor (“Monitor”) and shall submit a copy of the agreement to the Monitor. The Monitor shall provide monitoring services such as those offered by Affiliated Monitors headquartered in Boston, Massachusetts or Arizona Professional Monitoring in Phoenix Arizona, or other organizations with similar monitoring abilities as approved by the Board. The Monitor shall not be owned by or employ any person who (a) is related to Respondent by blood or marriage, (b) has had a social or professional relationship with Respondent prior to the execution of this order, (c) receives compensation of any nature from Respondent except payment for monitoring services, or (d) otherwise has a conflict-of-interest as determined by the Board.

The Board-approved monitor’s recommendations for monitoring of Respondent shall be unilaterally incorporated into this Order and Respondent shall promptly comply with any recommendations that the Board-approved monitor states in writing. Should the Board-approved monitor make recommendations to change Respondent's practice activities, the change will take place within ten (10) days of notice of the recommendation. Respondent may protest the recommendations to the Board; however, such Protest must be submitted to the Board, in writing, within ten (10) days of notice of the recommendations. The Board will determine if the recommendations should be implemented. If Respondent fails to implement the recommended

changes or file protest with the Board within ten (10) days, Respondent may be found in violation of the Board order.

Respondent shall cause the Board-approved monitor to send monthly reports of Respondent’s compliance with this Order and the Board-approved monitor’s recommendations to the Board, which must be received by the Board by the 10th of each month.

If Respondent fails to contact and enter into an agreement with a Board-approved monitor within thirty (30) days from the effective date of this Order, the Board may determine that Respondent has violated this Order and may take additional disciplinary action.

At a minimum, monitoring of Respondent shall include the following:

Documentation Review: During the period of probation, the Monitor shall review Respondent’s charts and billing records on a monthly basis: The reviews shall include a minimum of five randomly selected patient charts with a minimum of four treatments since the previous chart review. One of the chart reviews must include and initial evaluation conducted since the previous chart review if any new evaluations have been conducted. The purpose of the review is to assess compliance with the Board’s statutes and rules regarding billing and coding and medical services documentation. In addition, the Monitor shall verify that all services identified in the selected patient charts were provided by the Respondent. (i.e. The Monitor must confirm Respondent actually treated the patients on each visit and no documentation was falsely created)After the Monitor has completed one year of chart review and the evidence shows that Respondent is in compliance with the Board’s statutes and rules, the Respondent may petition the Board to allow for reduced reviews of the charts and billing records if recommended by the Monitor in writing.

2. **Civil Penalty:** Respondent shall pay a civil penalty of \$1,000.00 dollars. Payment may be made over the course of the first year of probation in increments paid monthly.

3. **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.

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

5. **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.

Ms. Hunter seconded the motion. Following 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	

b) Initial Review, Discussion and Action on Complaint:

ii) Complaint #14-03; Melissa Cincotta, PT

Ms. Cincotta was present and was not represented by legal counsel. Ms. Donahue summarized the complaint for the Board. Ms. Cincotta addressed the Board and answered questions asked of her by the Board.

Ms. Hunter moved for a non-disciplinary order for continuing education for 6 hours in an ethics class, 6 hours in a billing/documentation class all pre-approved by the Board. These courses are to be completed within a 9 month period. Dr. Zook 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	

The Board recessed for a break at 11:45 a.m.
 The Board returned from break at 11:52 a.m.

i) Complaint #14-02; Colleen Cronan, PT

Ms. Cronan was present and was not represented by legal counsel. Dr. Miller recused himself from this matter and left the Board table. Ms. Donahue summarized complaint for the Board. Ms. Cronan addressed the Board and answered questions asked of her by the Board. Ms. Akers moved to dismiss complaint. Dr. Zook 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
Nay	X		X				
Recused					X		
Abstained							
Absent						X	

iii) Complaint #14-05; Robert Whipple, PT

Mr. Whipple was present and was not represented by legal counsel. Ms. Hughes was present and was not represented by legal counsel. Ms. Donahue summarized complaint for the Board. Mr. Whipple addressed the Board and answered questions asked of him by the Board. Ms. Hughes addressed the Board and answered questions asked of her by the Board. Mr. D'Appollonio moved to dismiss complaint. 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	

iv) Complaint #14-06; Cynthia Hudson, PT

Ms. Hudson was not present and was not represented by legal counsel. Ms. Akers moved to dismiss complaint. Ms. 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	

c) Review, Discussion and Action on Board Order
 i) Complaint #13-26; Mallory Huff, PT

Ms. Huff was not present and was not represented by legal counsel. Ms. Akers moved to grant Board staff the authority to work up a Consent Agreement as an alternative to the requirements in the current order that could not be completed with Ms. Huff out of state. 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	

d) Review, Discussion and Possible Action of Request for Termination of Board Order
 i) Complaint #12-41; Kevin Kelly, PT

Mr. Kelly was not present and was not represented by legal counsel. Dr. Zook moved to terminate the Board Order. 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		X
Nay							
Recused							
Abstained							
Absent						X	

e) Review, Discussion and Action on Consideration of Opening A Complaint
 i) Liam Walsh, PT

Mr. Walsh was not present and was not represented by legal counsel. Ms. Akers moved to not open a complaint. 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	

5) BOARD BUSINESS AND REPORTS

- a) Executive Director's Report
- i) Financial Report

- ii) Board Staff Activities
- iii) Legislation- Ms. Driskell addressed the Board re: SB1154
- 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

Ms. Hiller addressed the Board regarding her company’s course related to documentation. Ms. Hiller provided a description of the course for the Board and offered for the Board to review the course at any time. Ms. Hiller further acknowledged that the Board cannot recommend any one continuing competence course. No action was taken on the Call to the Public

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	

Meeting adjourned at 1:17 p.m

