



ARIZONA BOARD OF OCCUPATIONAL THERAPY EXAMINERS

4205 N. 7th Avenue, Suite 305
Phoenix, Arizona 85013
(602) 589-8352
FAX: (602) 589-8354

Regular Session Minutes

May 8, 2015

- Board Members Present:** John Tutelman, Chair, Public Member
Quenton McCallister, OT Member
Dana Hutchings, OT Member
Karen Belyan, Public Member
- Board Members Absent:** Dr. Donald Hosenfeld Vice Chair, OT Member
- Staff Present:** J. Randy Frost, Executive Director
Vicki Egurrola, Administrative Assistant
- Legal Staff Present:** Michael Raine, Assistant Attorney General
Sophia Van Langen, Assistant Attorney General
Christopher Munns, Assistant A.G., Solicitor General's Office

Call to Order

The regularly scheduled meeting of the Arizona State Board of Occupational Therapy Examiners was called to order at 1:32 p.m. John Tutelman, presiding.

Roll Call

Four Board members were present for the meeting.

Approval of Minutes

Regular Session Meeting Minutes of April 17, 2015

Quenton McCallister moved to approve the April 17, 2015 regular session meeting minutes as amended. Karen Belyan seconded the motion. The motion passed 4-0.

Executive Session Meeting Minutes of April 17, 2015

John Tutelman moved to approve the April 17, 2015 executive session meeting minutes. Quenton McCallister seconded the motion. The motion passed 4-0

Declaration of Conflict of Interest

No conflicts with any agenda item was declared.

Review Meeting Schedule

The Board reviewed the meetings schedule for:

- June 12, 2015
- July 10, 2015
- August 14, 2015

There were no changes made to the meeting schedule.

Initial Review of New Complaints

Steven Elzinga 15-OT-5950. The Board reviewed the complaint filed by Mile Marker Therapy against Mr. Elzinga, a former employee. The Board also reviewed a response given by Mr. Elzinga. Board Chair John Tutelman discussed options with Board members and counsel. After some discussion and review of state statutes the Board decided that an interview of Mr. Elzinga would be in order. John Tutelman made a motion to invite Mr. Elzinga in for an informal meeting and draft a letter informing him of possible violations, inquiring about his ability to practice and advising him of the possibility of going inactive. Quenton McCallister seconded the motion. The motion passed 4-0.

Open Complaints/Investigations

Administrative Hearing-Margaret Murphy 14-OT-2903. The Board was represented by Christopher Munns, Assistant Attorney General and Ms. Murphy represented herself. The Boards Chair, John Tutelman, read the opening statement to Ms. Murphy and those in attendance. Mr. Tutelman then recognized Michael Raine, Assistant Attorney General, representing the State in the hearing. Mr. Raine called on The Boards Executive Director, Randy Frost and the Defendant, Margaret Murphy to be witnesses. Mr. Tutelman swore in the witnesses.

Assistant Attorney General, Michael Raine, explained to the Board that the case against Ms. Murphy was of a sensitive nature and was based on a mental health competency evaluation ordered by the Board. Mr. Raine stated that he planned to be vague and not read the evaluation verbatim due to its sensitive nature. Mr. Raine opened with a statement regarding the board ordered evaluations' findings. He stated that the evaluation indicated that the Board's concerns were valid and that it gave the Board grounds to take disciplinary actions against the license of Ms. Murphy to protect the public.

The Board then heard from Margaret Murphy who spoke about the mental health competency evaluation and to what she believed were inaccuracies.

Michael Raine called Executive Director, Randy Frost as his first witness. Mr. Raine asked Mr. Frost general questions regarding the Board's previous actions against Ms. Murphy and how it arrived at her having the evaluation and how Ms. Murphy came to choose the evaluator. Mr. Raine then introduced a copy of the evaluation into evidence and provided copies to the Board. After Michael Raine addressed the Board, Ms. Murphy addressed the Board regarding the evaluation. She felt that there were many inaccuracies and attempted to point them out to the Board. Ms. Murphy also pointed out some things that happened in her past that didn't have anything to do with the evaluation. Murphy pointed out some notes she made and informed the Board of events that took place during the evaluation. Mr. Raine cross examined Ms. Murphy and asked her if she was trained as a Psychologist and Ms. Murphy stated she wasn't.

In Closing, Michael Raine stated that Ms. Murphy isn't qualified to address the outcome of the evaluation, however she did acknowledge that the report was the result of the evaluation given by the psychologist. Mr. Raine pointed to the assessment results and that the evaluator had concluded that there was cognitive impairment that would affect Ms. Murphy's abilities to work as an occupational therapist. Mr. Raine asked the Board to relook at the evaluation outcomes and conclude that there were grounds for suspension or revocation of her license.

Ms. Murphy was given one last opportunity to address the Board. Ms. Murphy informed the Board of some events that occurred in her past that she felt the Board should know and that she felt proved her abilities. After some discussion, Board Member Quenton McCallister moved to go into executive session. Karen Belyan seconded the motion. The Motion passed 4-0. The Board went into executive session at 2:30 p.m.

Upon the Board's return from executive session at 2:35 p.m., Board Chair, John Tutelman asked if there was any further discussion from Board members. Mr. McCallister had some discussion regarding the final disposition of Ms. Murphy's license. The Assistant Attorney General, Christopher Munns, reminded the Board that it needed to adopt findings of fact. Mr. Tutelman pointed to the summary suspension order and asked the Board members if they wanted to adopt the factual allegations as the findings of fact. Quenton McCallister moved to adopt the factual allegations as findings of fact. Karen Belyan seconded the motion. The motion passed 4-0.

Next the Board discussed the conclusions of law and whether the allegations in the findings of facts violated the Boards' laws. Mr. McCallister moved to adopt the alleged violations as conclusions of law. Karen Belyan seconded the motion. The Motion passed 4-0.

Finally the Board discussed what the Board's order should be. After discussing all the rulings available to the Board, Quenton McCallister moved to revoke the license of Margaret Murphy. Board Chair, John Tutelman asked if Mr. McCallister would be willing to amend his motion to a two year and one day suspension. Mr. McCallister agreed to amend the motion and added that at the end of the suspension, if Ms. Murphy could prove self-competency, that she could request reinstatement. Karen Belyan seconded the motion. Mr. Tutelman than called for a roll call vote; Ms. Hutchings, aye; Mr. Tutelman, aye; Ms. Belyan, aye; Mr. McCallister aye. The motion passed unanimously.

Beth Williamson 15-OT-4442 B. Dr. Williamson was in attendance accompanied by counsel. Michael Schwartz and Melissa Ho, counsel for Dr. Williamson, addressed the Board regarding the second complaint filed against Dr. Williamson by Joann Zuniga. Ms. Ho provided the Board with a background on Dr. Williamson's practice related to the billing and administrative side of her practice. Ms. Ho pointed out that contained in the complaint were 3 billing issues out of many. She explained to the Board that Dr. Williamson was not involved in the billing process at the time. Billing was handled by an outside company, the principal of which is related to the complainant. Ms. Ho talked about the employee and employer relationship between Dr. Williamson and Ms. Zuniga, the complainant. Ms. Ho concluded that the issue at hand was a personnel issue and not one that should be before the Board.

The Board had several questions of Dr. Williamson. Dana Hutchings asked Dr. Williamson to explain the inaccuracy of late patient records contained in documents supplied to the Board. Dr. Williamson explained that paper documents were used and how the distribution of the documents was handled. Karen Belyan and other members of the Board had questions regarding the billing process. Melisa Ho, counsel for Dr. Williamson, pointed out to the Board

that the billings in question were “cherry-picked” by the complainant and aren’t a true representation of the accuracy of billing by Dr. Williamson’s practice, Fiesta Pediatrics. Board Chair, John Tutelman, summarized the position made by the defense. Mr. Tutelman stated “in a nut shell” that the records under review were supplied by someone that the defense believes obtained them illegally. Because the documents were not in control of Dr. Williamson, there is a possibility that they were altered. He further summarized that the defense pointed out that even if the documents weren’t altered, the amount of the discrepancy was about \$50.00, which the defense felt didn’t reflect an intent to defraud.

At the conclusion of the Board’s questions, Mr. Tutelman moved to dismiss the complaint against Dr. Williamson. Quenton McCallister seconded the motion. The motion passed 4-0.

Status of Compliance with Board Order/Approval of Board Ordered CE

The Board discussed the Complaint Action Status Report of the following licensees:

1. Amy Ryan 14-OT-0933, Staff reported that Ms. Ryan has completed the Board required CEUs and had her Board ordered health evaluation. The evaluation was forwarded to Board staff afterward. She will remain on probation until October 2015.
2. Michelle Bowman 14-OT-5246, The Board staff reported that Ms. Bowman requested a 90 day extension to complete her CEs. She cited extenuating circumstances for the request. The Board voted to grant a 90 day extension.
3. Sharon Bisbing 15-OT-4321 Board staff reported that there hasn’t been any communication from Ms. Bisbing regarding her discipline.

Substantive Review, Discussion, and Vote Re: Applications for Licenses as Follows:

a. Initial Applications

Amber Bass	Rebecca Bugg	Kristi Gindt	Kelly Kaiser-Borning
Sarah Khan	Timothy Lewis	Timothy Muldoon	Joanna Murray
Lidia Nuszer	Kimberely Odendahl	Paula Palubicki	Prescilla Stovall
Courtney Strzelczyk	Kristine Van Genderen		

Karen Belyan moved to approve the 14 initial applications. Quenton McCallister seconded the motion. The motion passed 4-0.

b. Renewal of Licenses

Nora lee Brown	Kelli Coleman	Lu De Guzman	Shelby Donahoo
Kimberly Dupre	Jody Goudreau	Nadine Haluszczak	Sally Hamilton
Kathleen Hanson	Deanne Heitzman	Dana Hendrix	Donald Hosenfeld
Steven Huft	Mary Jurgens	Jason Kneip	Anne Knoop
Linda Korengold	Steven Kremer	Erin Linard	Autumn Marshall
Melissa Miller	Amy Miltenberger	Daniel Naone	Dallas Nelson
Finesse Nelson	Erica Palacios	Kavita Parikh	Steven Rogers
Pamela Scott	Leslie Sperry	Sarah Stauffer	Bryan Stiverson
Elisabeth Stuewe	Kyri Van Voorst	Laura Vigil	Scott Weber
Abigail Wool-Biringer			

Dana Hutchings made a motion to approve the 37 renewal license applications. Karen Belyan seconded the motion. The motion passed 4-0.

C. Limited Licenses

There were no requests for limited licenses for the Board to review.

Review, Discussion, and Possible Action on Administrative Matters

- a. Revenue and Expenditure Report. Executive Director, Randy Frost provided the Board with an updated revenue and expenditure report. Mr. Frost stated that a new report was not available but that the Board is well within its budget. Mr. Frost also provided the Board with a deposits report.
- b. Administrative Projects Status Report. Mr. Frost updated the Board on the following administrative projects:
 - Policies and Procedures- Mr. Frost updated the Board that the policies and procedures approved at the last meeting are in the process of being implemented.
 - Updating the Boards licensing program, Staff informed the Board that the new hardware and software have been installed.
 - Legislative Updates, There were no updates to report.
 - Rule Revisions, Mr. Frost updated the Board on the status of the request for an exemption from The Governor's moratorium on all rule making.
 - Required Board Member Training, Mr. Frost informed the members that staff is exploring additional training opportunities. Board Member, Karen Belyan agreed to provide training at a future Board meeting. The Assistant AG, Sophia Van Langen, also agreed to provide input and guidance from the AGs Office.

Review, Discussion and Possible Action, Other Board Business and Reports

Agenda items for next meeting – if any

There were no new items for next meeting

Call to the Public

Members of ArizOTA were in attendance and introduced themselves.

Adjournment

There being no further business before the Board, the meeting adjourned at 4:10 p.m.

Respectfully submitted,

J. Randy Frost

J. Randy Frost, Executive Director