Regular Session Minutes

September 16, 2011

Board Members Present:  Rebecca Grabski, OTA, Chair
                        John Tutelman, Vice – Chair, Public Member
                        Laura Beckman, OTR Member
                        Christine Feltman Rosenberg, OTR Member

Staff Present:         J. Randy Frost, Executive Director

Staff Not Present:    Vicki Egurrola, Administrative Assistant

Legal Representative: Monty Lee, Assistant Attorney General

Call to Order

The regularly scheduled meeting of the Arizona State Board of Occupational Therapy Examiners was called to order at 1:30 p.m. Rebecca Grabski, Chair, presiding.

Roll Call

All Board members were present.

Approval of Minutes

Regular Session Minutes August 12, 2011

Laura Beckman moved to approve the August 12, 2011 regular session meeting minutes as amended. John Tutelman seconded the motion. The motion passed 4-0.

Declaration of Conflicts

None

Review Meeting Schedule

The Board reviewed the meeting schedule for:

a. October 14, 2011
b. November 18, 2011
c. December 9, 2011
d. January 13, 2012
There were no changes made to the meeting schedule.

a. **Initial Review of New Complaints**

1. Donna Montgomery, 11-OT-2812, Ms. Montgomery appeared before the Board and spoke on her behalf. Ms. Montgomery stated that the allegations made against her were incorrect. She stated that the times and number of people she saw was inaccurate. Immediately after Ms. Montgomery spoke the Board called Eric Amiel (the complainant) to explain the complaint and to respond to Ms. Montgomery’s comments. Mr. Amiel presented copies of the billing sheets for Ms. Montgomery. After much discussion with both parties, John Tutelman moved to table the discussion and set a formal interview for the November meeting. Laura Beckman seconded the motion. The motion passed 4-0

2. Kelly Tobin, 11-OT-4115, Ms. Tobin appeared before the Board and spoke on her behalf. Ms. Tobin stated that the complaint against her was without warrant. Ms. Tobin informed the Board that the reason that she left her former employer (the complainant) was due to intimidation and harassment. The complainant was not present so the Board based their decision from the complaint and Ms. Tobin’s testimony. After some discussion, John Tutelman moved to dismiss the complaint. Rebecca Grabski seconded the motion. The motion passed 4-0

b. **Open Complaints/Investigations**

**Formal Hearing Joel Tagle**

Time: 1:30 p.m.

Complaint # 11-OT-4237

Rebecca Grabski, Chair, opened the hearing by stating that this is the date, time, and place where the matter dealing with Complaint # 11-OT-4237, Joel Tagle is scheduled to be heard by the Arizona Board of Occupational Therapy Examiners.

Board Members present for the Hearing: Rebecca Grabski, John Tutelman, Laura Beckman and Christine Feltman Rosenberg.

Rebecca Grabski, Chair, stated let the record show that the Board Members have been furnished with copies of the following:

1. The Complaint and Notice of Hearing
2. The Respondent’s Answer
3. All pleadings of record

Rebecca Grabski, Chair, asked the parties to identify themselves.

Montgomery Lee, Assistant Attorney General, representing the state was present.
Christopher Munns, Solicitor General, representing the Board was present.

Joel Tagle, respondent, was not present.

The Board determined that Mr. Tagle had been sent the notice of the hearing and that the hearing would continue.

Rebecca Grabski, Chair, read the opening statements concerning the proceedings of the hearing.

Rebecca Grabski, Chair, swore in the witness, Board of Arizona Board of Occupational Therapy Examiners, Randy Frost.

Montgomery Lee, Assistant Attorney General, asked that his documents be admitted as evidence.

Rebecca Grabski, Chair, asked Mr. Lee if he would like to make an opening statement. Mr. Lee made a brief opening statement.

Rebecca Grabski, Chair, asked Mr. Lee if he would like to call his first witness.

Mr. Lee called Arizona Board of Occupational Therapy Examiners Executive Director, Randy Frost. Director Frost answered questions concerning the evidence.

Rebecca Grabski, Chair, stated that this concludes the evidentiary portion of the hearing.

Rebecca Grabski, Chair, asked Mr. Lee if he would like to make a closing statement.

Mr. Lee stated that the factual allegations have been proven. Mr. Lee stated that the respondent did violate Board statutes and rules.

Rebecca Grabski, Chair, stated at this time the Board would discuss the case.

On motion by Mr. Tutelman and seconded by Ms. Beckman, the Board unanimously agreed to adopt the factual allegations in the Complaint as findings of fact.

On motion by Mr. Tutelman and seconded by Ms. Beckman, the Board unanimously agreed to adopt all of the alleged violations set forth in the Complaint as the Board’s conclusions of law.

Rebecca Grabski, Chair stated that the Board would now consider the Board’s Order.

On motion by Mr. Tutelman and seconded by Ms. Feltman Rosenberg, the Board unanimously agreed to revoke Mr. Tagle’s license and assess a penalty of $1,500.00 due 60 days of the date of the order. A roll call vote was taken. (Mr. Tutelman – aye, Ms. Feltman Rosenberg – aye, Ms. Beckman – aye and Ms. Grabski – aye)

Rebecca Grabski, Chair, concluded the formal hearing.
c. **Complaint Action Status Report**

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

1. Susan Nesbit, 09-OT-4090, No Change as of 9/16/11.
2. Tracy Schultze, 10-OTA-3712, No Change as of 9/16/11.
4. Melanie Conaster, 11-OT-3009, Copies of her Board ordered documentation were received.
5. Cynthia Gutierrez-Check, 11-OT-3076, Copies of her Board ordered client notification were received.

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

**a. Initial Application**

<table>
<thead>
<tr>
<th>Name</th>
<th>Rachelle Boyce</th>
<th>Gloria Brandt</th>
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<tbody>
<tr>
<td>Elizabeth Bruno</td>
<td>Kathryn Cristofono</td>
<td>Kristel Crofoot</td>
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<tr>
<td>Heather Foerster-Bach</td>
<td>Kelly Grayson</td>
<td>Annie Howell</td>
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<tr>
<td>Nikki Ko</td>
<td>Jodi Koppein</td>
<td>Jennifer Labrie</td>
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<tr>
<td>Maryann Long</td>
<td>Vanessa Magallanes</td>
<td>Julie McLaughlin</td>
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<td>Carrie Miggins</td>
<td>Elyse Naylor</td>
<td>Anita Prins</td>
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<tr>
<td>Emily Reilly</td>
<td>Lauren Rife</td>
<td>Janet Robison</td>
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<tr>
<td>Teri Rupp</td>
<td>Amy Sharp</td>
<td>Jane Smith</td>
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<tr>
<td>Sonya Venitelli</td>
<td>Jennifer Wade</td>
<td>Laurie Wallace</td>
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<td>Rebecca Waters</td>
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John Tutelman moved to approve the 28 initial applications listed. Christine Feltman Rosenberg seconded the motion. The motion passed 4-0.

**b. Renewal of Licenses**

<table>
<thead>
<tr>
<th>Name</th>
<th>Michel Alarcon Escobar</th>
<th>Michael Albert</th>
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<tbody>
<tr>
<td>Cayla Anderson</td>
<td>Meredith Andrews</td>
<td>Joanna Atherton-Medina</td>
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<tr>
<td>Christine Banas</td>
<td>Tamara Berridge</td>
<td>Connie Blanco</td>
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<tr>
<td>Kimberly Briggs</td>
<td>Rennetta Brown</td>
<td>Autumn Bruton</td>
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<tr>
<td>Annette Bulat</td>
<td>Darcie Bulger</td>
<td>Katherine Cano</td>
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<tr>
<td>Stephen Carnazzo</td>
<td>Rebecca Carpenter</td>
<td>Diana Chapin-Tsai</td>
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<tr>
<td>Savuth Chhin</td>
<td>Melissa Clark</td>
<td>Mary Clement</td>
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<tr>
<td>Elizabeth Coon</td>
<td>Stewart Crandel</td>
<td>Ruth Decosse</td>
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<td>Tamra Dimond</td>
<td>Robin Dyson</td>
<td>Susan Eckert</td>
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<tr>
<td>Kimberly Enriquez</td>
<td>Christopher Fortine</td>
<td>Jean-Anne Freeman</td>
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<tr>
<td>Aurelia Fuller</td>
<td>Bart Gamble</td>
<td>Brianna Gillies</td>
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<tr>
<td>Kristi Gindt</td>
<td>Rebecca Goldstein</td>
<td>Kathy Gunsolus</td>
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<tr>
<td>Bert Guy</td>
<td>Kathleen Hann</td>
<td>Eileen Hartig</td>
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<tr>
<td>Christine Holder</td>
<td>Suzette Holloway</td>
<td>B. Noelani Hong</td>
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<tr>
<td>Marilyn Hostrawser</td>
<td>Debra Houghton</td>
<td>James Howard</td>
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<tr>
<td>Rachel Iannucci</td>
<td>Tami Johnson</td>
<td>Jeanette Jones</td>
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<tr>
<td>Neelambari Joshi</td>
<td>Donna Kempf</td>
<td>Stephanie Kent</td>
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<tr>
<td>Sangeeta Kiritkar</td>
<td>Tammy Kirton Jennings</td>
<td>Johnston Lajom</td>
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<tr>
<td>Gail Lindahl</td>
<td>Kimberly MacDonald</td>
<td>Lillian Manaloto</td>
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Christine Feltman Rosenberg moved to approve the 99 renewal applications listed. Rebecca Grabski seconded the motion. The motion passed 4-0.

c. Limited Permits

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<tr>
<th>Name</th>
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<th>Name</th>
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<tbody>
<tr>
<td>Lorissa DePalma</td>
<td>Dorothy Hukill</td>
<td>Anthony Rios</td>
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<tr>
<td>Tasha Wiles</td>
<td>Debbie Johnson</td>
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John Tutelman moved to approve the 4 limited permit applicants listed. Laura Beckman seconded the motion. The motion passed 4-0.

Review, Discussion and Possible Action on Administrative Matters

a. Revenue and Expenditure Report

The Board was presented with an update on the revenue picture.

b. Administrative Project Status Report

The Board reviewed and discussed the Administrative Project Status.

c. Correspondence received from Brigit Anderson OT, License # 3741

The correspondence was reviewed and noted by the Board. It was determined that no other action was required.

Other Board Business

a. Proposed state statute revisions.

The proposed statute revisions drafted by the rule/statute work group was presented and discussed. Chris Merchant representing ARIZOTA stated to the Board they supported the proposed revisions. Geri Dewaard OT also spoke to the Board and suggested revisions. After discussions by the Board and the public, The Board Chair, Rebecca Grabski, decided that the Board needed more time to go
over the proposed revisions. It was determined that the Board would have a special meeting open to the public on October 14, 2011 at 9:00 a.m.

b. ARIZOTA 2011 State Conference

Conference materials were distributed to the Board members

c. NBCOT Annual State Regulatory Conference

Conference materials were distributed to the Board members.

**Agenda items for next meeting – if any**

Discussion and possible action on proposed statute revisions.

**Call to the Public**

There weren’t any public members wishing to address the Board.

**Adjournment**

There being no further business before the Board. John Tutelman moved to adjourn the meeting. Christine Feltman Rosenberg seconded the motion. The motion passed 4-0.

The meeting adjourned at 3:36 p.m.

Respectfully submitted,

J. Randy Frost
Executive Director