



ARIZONA STATE BOARD OF PHYSICAL THERAPY
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Complaints and Investigations

Following is a list of Frequently Asked Questions and their answers concerning complaints, investigations and disciplinary actions before the Arizona Board of Physical Therapy. Please note that this information is provided primarily for the public as this is the constituency served by the Board. Ideally, this information is useful to Arizona licensed physical therapists and certified physical therapist assistants as well. Licensees and certificate holders may want to click on the link at the bottom of this page to read a note concerning your rights and responsibilities should a complaint be filed against you.

What is the Board's role regarding complaints?

The Arizona Board of Physical Therapy has jurisdiction over investigation of complaints filed by members of the public against physical therapists (P.T.s) and physical therapist assistants (P.T.A.s). The Board is charged by law with the responsibility to receive and investigate complaints and to conduct investigations, enforce the law, and impose disciplinary action when a violation of the law has occurred.

How long does the process take?

The complainant receives written notification of receipt of a complaint, however, he or she is advised that the investigative process and the Board's final disposition may take a number of months to complete.

How is a complaint filed?

Anyone, including the Board, may file a complaint against a licensed physical therapist or a certified physical therapist assistant for anything he or she believes may constitute a violation of law. A complaint form can be downloaded by clicking the appropriate link at the bottom of this page, by calling the Board office at 602-274-0236, or by e-mailing complaints@ptboard.state.az.us. When completing the form, provide as many details as possible such as a full description of the alleged action, the exact nature of the complaint and any other information that will assist the investigation. The Board may contact you for additional information. Complainants should sign and return an Authorization for Release of Records (see link below) so the investigator may obtain copies of documents necessary to the investigation. The Board may also subpoena records necessary to the investigation. **When a complaint is filed it must have the following information:**

- **The complainant's name, address and phone number:** Although this Board does accept anonymous complaints, the Board cannot guarantee the anonymity of the complainant if the nature of the complaint will require a witness or testimony from the complainant, or if the complainant was or is a patient of the physical therapist.
- **The name of the P.T. or P.T.A. against whom the complaint is being filed:** THE BOARD CANNOT ACCEPT COMPLAINTS FILED AGAINST A CLINIC OR FACILITY WHEN A P.T. OR P.T.A. IS NOT IDENTIFIED IN THE COMPLAINT.
- **The nature of the complaint:** The complaint should provide as much detail as possible. Additional pages and copies of documents/records may be attached to the complaint form. PLEASE DO NOT SEND ORIGINALS.

What will happen once a complaint is filed?

All complaints that are filed with the Board against a licensed physical therapist or a certified physical therapist assistant must be investigated and brought before the Board for action.

1. Board staff analyzes the information received, assigns an intake number, and reviews the information to determine whether jurisdiction for the complaint exists (*i.e. is the complaint against a licensed physical therapist or a certified physical therapist assistant, AND, if the allegations are true, would the matter constitute a violation of law*).
2. If jurisdiction is established a complaint number will be assigned and a file will be opened.

3. A copy of the complaint will be sent to the individual against whom the complaint has been opened with a request for a written response to the allegations within 30 days of receipt. A subpoena requiring the licensee to provide a copy of pertinent records may also be sent with the notification of the complaint.
4. Board staff investigates the allegations using tools including—but not limited to—interviews, expert witness reviews, analysis of patient records, and facility site reviews.
5. Once Board staff determines the case is ready for initial review by the Board, the complaint is scheduled for the next available Board meeting.
6. The Board will then review the complaint for the first time during a regular session public meeting. ***This is not a hearing.*** The Board is reviewing the facts presented in the complaint, the response and the relevant records. There is no assumption that a law was violated. It is simply a review of facts as presented. When the complaint is placed on a Board agenda both the licensee/certificate holder and the complainant receive written notice of the meeting, including the date, time and location. Both parties to the complaint are welcome and encouraged to attend but their presence is not required. At this meeting, both the licensee/certificate holder and the complainant will have an opportunity to briefly address the Board regarding the complaint.

The Board will review the complaint to determine one of the following:

- Is there a basis on which to believe a law may have been violated? If there is not a substantive basis on which to proceed the complaint will be dismissed. If the Board does not have enough information to make a determination the complaint will be held open for further investigation.
- If the Board is concerned that there is a substantive basis to believe a law has been violated they may vote the matter to go to an informal hearing or to a formal hearing.

If the complaint is dismissed or directed to further investigation both the complainant and the licensee/certificate holder will be notified by letter. If further investigation takes place, the Board's staff will keep both parties informed when the matter will be scheduled for Board review again.

What is the difference between an informal hearing and a formal hearing?

The Board's statutes use the term "informal hearing" for an interview before the full Board that may result in resolution of the case other than through a formal hearing. The purpose of the informal interview is to further the Board's investigation toward resolution of the complaint. The complainant should be prepared to act as a witness at the hearing.

Generally, formal hearings are reserved for those cases where unique circumstances exist, and for cases where the allegations are serious to the degree to warrant possible suspension or revocation of the license/certificate if those allegations are proven to be true. If the matter is voted to a formal hearing, the licensee/certificate holder will be noticed through a formal process called a Complaint and Notice of Hearing. The Complaint will identify the date, time and place for the hearing. It will outline the factual allegations and charges made against the licensee/certificate holder by the State of Arizona. The hearing may either be conducted before the Board or before an Administrative Law Judge with the Arizona Office of Administrative Hearings. The complainant should be prepared to act as a witness at the hearing.

With all matters before the Board, the licensee/certificate holder has the right to be represented by an attorney.

What action can the Board take?

If a violation of the law has occurred the Board will impose disciplinary action to include the following:

- Issue a decree of censure
- Prescribe a licensee's scope of practice, place of practice, supervision of practice, the duration of a license or a certificate or the type or condition of patient served by a licensee/certificate holder.
- Suspend a license/certificate for a period prescribed by the Board
- Revoke a license or certificate

The Board may also dismiss a complaint. When a complaint is dismissed it does not necessarily mean that the Board agrees with or condones the actions of the licensee or certificate holder; it means that the Board had no jurisdiction or could not find evidence of a violation of law. If the Board does not find a violation of law, but has concerns with a P.T.'s or P.T.A.'s conduct, the Board may issue an Advisory Letter. An Advisory Letter is a non-disciplinary action but it is part of the public record, as are disciplinary actions. If there is no violation of law, or if the complaint is without merit, the Board will dismiss the case.