



Janet Napolitano
Governor

State Of Arizona Board of Podiatry Examiners
"Protecting the Public's Health"

1400 W. Washington, Ste. 230, Phoenix, AZ 85007; (602) 542-3095; Fax: 542-3093
Barry Kaplan, DPM; Joseph Leonetti, DPM; Dedrie Polakof, DPM; Paula Hollins, Public Member;
Jeanne Reagan, Public Member, Dee Doyle, Executive Director

REGULAR SESSION MINUTES
Board Meeting

January 9, 2008 8:30 a.m.
1400 West Washington St., B1
Phoenix, AZ 85007

A. Call to Order by Presiding Officer

Dr. Kaplan, President called the meeting to order at 8:30 a.m.

Roll call of Board members was done to establish a quorum to conduct the meeting.

Board Members Present: Barry Kaplan, D.P.M., Board President
Joseph Leonetti, D.P.M., Member
Dedrie Polakof, D.P.M., Member
Jeanne Reagan, Secretary-Treasurer
Paula Hollins, Public Representative

Acknowledgement of Board staff and legal council.

Assistant Attorney General: Melissa Cornelius arrived at 8:40 a.m.

Board Staff: Dee Doyle, Executive Director

B. DISCUSSION AND CONSIDERATION AND POSSIBLE ACTION ON APPROVAL OF MINUTES.

- A. Regular Session Meeting Minutes of December 12, 2007
- B. Executive Session Meeting Minutes of December 12, 2007

MOTION: Ms. Reagan moved to approve the minutes A & B as written. Dr. Polakof seconded the motion.

VOTE: The motion passed unanimously 5 yes, 0 no

MOTION: Dr. Kaplan moved to go into Executive Session for confidential audit information, Dr. Polakof seconded the motion.

VOTE: The motion passed unanimously 5 yes, 0 no

The Board convened Executive Session at 8:35 am

The Board returned to Regular Session at 8:45 am

C. DISCUSSION AND CONSIDERATION AND POSSIBLE ACTION ON REGULATORY MATTERS.

p. 07-34-C GREGORY LOO- Investigative Interview 8:30 A.M.

The Board is in receipt of a complaint filed against Gregory Loo, DPM initiated by his patient, S.H. The Board is also in receipt of the doctor's written response and the complete patient medical records.

The complainant alleges practice below the standard of care and treatment, i.e. Dr. Loo initially saw patient on 4/15/03 with right foot pain. Patient was diagnosed with a stress fractured due to overloading from prior bunionectomy. She did not remember when it was preformed. Dr. Loo described in his summary to the Board what his treatment included.

SH the complainant was present to address the Board via telephone, she resides in North Carolina. SH explained to the Board what took place with her ankle and toes while in the care of Dr. Loo. The Board asked SH questions to which she responded regarding the procedures that were done.

Dr. Loo was present and represented by his attorney, Bruce Crawford. The Board asked questions of Dr. Loo to which he responded concerning the patients care.

Following discussion, Dr. Polakof addressed Dr. Loo billing practice and stated they are unacceptable, the codes must be on the bills to show what is being billed.

MOTION: Dr. Leonetti moved to dismiss the complaint finding no apparent violation of the Arizona Revised Statutes governing the practice of podiatry. Dr. Polakof seconded the motion.

VOTE: The motion passed unanimously 5 yes, 0 no

- o. 07-33-C RAJESH DAULAT- Investigative Interview, 8:30 A.M.

At a previous meeting, the Board tabled the complaint filed against Rajesh Daulat, DPM initiated by patient K.J. and M. J. and moved to hold an investigative interview with him pursuant to A.R.S. § 32-852.01(A) based on a possible violation of A.R.S. § 32-852.01.

Dr. Daulat was present at this meeting for the investigative interview. This complaint was in regards to a billing dispute however the Board addressed the timeliness of receiving requested medical records.

Following discussion, the Board found no violation of Arizona State Statutes just a delay in responding to the Boards request for the records; they were not received in a timely manner.

Dr. Daulat stated it took a long time to copy the x-rays but in the future he would contact the Board to let them know what was taking so long to respond.

MOTION: Dr. Leonetti moved to dismiss the complaint finding no apparent violation of the Arizona Revised Statutes governing the practice of podiatry. Dr. Polakof seconded the motion.

VOTE: The motion passed unanimously 5 yes, 0 no

- k. 07-11-C J. DAVID BROWN

At a previous meeting the Board tabled the complaint filed against J. David Brown, DPM initiated by an anonymous complaint, until further investigation could be done and records received.

The Board subpoenaed Dr. Mary Peters who was represented by Mr. Bruce Crawford to answer questions with regards to Dr. Brown and her treatment. Dr. Peters is employed by Dr. Brown. The Board asked Dr. Peters if she had ever written prescription for narcotics for Dr. Brown, to which she replied no, but she had authorized one to be called in for Norco when he was in pain for his knee. Dr. Peters, indicated she had authorized a prescription be called in, enough for one day supply but gave no specific number, she thought a days supply to be 10 to 20 with no refills. Dr. Peters, did not sign off on this called in prescription in her records, nor was their any notation made of the prescription in the patient file for this called in prescription.

Following discussion, Dr. Polakof addressed the boards concern for no actual amount (number of pills) being given for this prescription; it was also for treatment of knee pain which podiatrist is not licensed. She was treating a condition outside of the scope of practice. The Boards concern was with the policy in the office regarding prescriptions called in and no documentation or notation of them in the records.

MOTION: Dr. Polakof moved to go into Executive Session to obtain legal advice, Ms. Reagan seconded the motion.

VOTE: The motion passed unanimously 5 yes, 0 no

The Board convened Executive Session at 9:20 am

The Board returned to Regular Session at 9:23 am

MOTION: Dr. Kaplan moved to go into Executive Session to receive confidential information from the auditor general office, Dr. Polakof seconded the motion

VOTE: The motion passed unanimously 5 yes, 0 no.

The Board convened Executive Session at 9:25 am
The Board returned to Regular Session at 10:20 am

MOTION: Dr. Kaplan moved to go into Executive Session to obtain legal advice, Dr. Polakof seconded the motion.

VOTE: The motion passed unanimously 5 yes, 0 no

The Board convened Executive Session at 10:25 am
The Board returned to Regular Session at 10:28 am

MOTION: Dr. Kaplan moved to go into Executive Session for confidential investigative information according to A.R.S. 32-852.01 (M) "information received and records kept by the board as a result of the investigation procedure outlined in this chapter are not available to the public". Dr. Polakof seconded the motion.

VOTE: The motion passed unanimously 5 yes, 0 no.

The Board convened Executive Session at 10:29 am
The Board returned to Regular Session at 10:20 am

k. 07-11-C J. DAVID BROWN

The Board reviewed and discussed the evaluation received from Dr. Sucher.

The Board tabled this investigation to obtain further information.

C. DISCUSSION AND CONSIDERATION AND POSSIBLE ACTION ON REGULATORY MATTERS.

1. Complaints before the Board for the First Time
 - a) 07-42-C CATHLEEN MCCARTHY
 - b) 07-43-C LAUREEN COTA

The Board is in receipt of a complaint filed against Cathleen McCarthy and, Laureen Cota DPM, initiated by their patient C.A. The Board is also in receipt of the doctor's written response, and the complete patient medical records.

The complainant alleges that practice below the standard of care and, misdiagnosis, resulting in unnecessary treatment after the physicians overlooked a very visible foreign object (shard of glass) in an X-ray which was the root cause of the pain.

MOTION: Dr. Kaplan moved to invite Dr. McCarthy and Dr. Cota to the Board for an investigative interview at the next scheduled board meeting. Dr. Polakof seconded the motion.

VOTE: The motion passed unanimously 5 yes, 0 no.

IV. DISCUSSION AND CONSIDERATION AND POSSIBLE ACTION ON REGULATORY MATTERS.

- A. OPEN COMPLAINTS
 - a. 05-27-M ELAINE J. SHAPIRO

A letter from Dr. Shapiro attorney was received stating this complaint it is still in litigation so the matter was tabled.

- b. 07-39-C ELAINE SHAPIRO

The Board is in receipt of a complaint filed against Elaine Shapiro DPM, initiated by her patient J.B. The Board is also in receipt of the doctor's written response, and the complete patient medical records.

The complainant alleges that practice below the standard of care and, treatment for a routine in-grown toenail removal. It did not feel like the last one he had done at this office, he developed severe blisters and infection.

MOTION: Dr. Kaplan moved to invite Dr. Shapiro to the February Board meeting for an investigative interview. Dr. Polakof seconded the motion.

VOTE: The motion passed unanimously 5 yes, 0 no.

- c. 05-36-C GEORGE N. THOMPSON
- d. 06-03-C GEORGE N. THOMPSON
- e. 06-06-C GEORGE N. THOMPSON
- f. 06-11-C GEORGE N. THOMPSON
- g. 06-28-C GEORGE N. THOMPSON
- h. 07-36-B GEORGE N. THOMPSON

The Board reviewed all of the cases open for Dr. Thompson, a doctor was located to perform the ordered evaluation, staff sent out the required documents by certified mail and a letter to Dr. Thompson and his attorney. Dr. Thompson did not contact the doctor to set up the required evaluation in the time allotted. The Board staff contacted, Dr. Thompson's attorney who was supposed to call the office back upon speaking with Dr. Thompson, but a call or message has not been received regarding the evaluation.

Following discussion: The Board moved to subpoena Dr. Thompson to attend the February 13, 2008 board meeting to address these cases and his non-compliance with the Board ordered evaluation.

MOTION: Dr. Kaplan moved to subpoena Dr. Thompson for an investigative interview to the February board meeting. Dr. Leonetti seconded the motion.

VOTE: The motion passed unanimously 5 yes, 0 no

- h. 06-04-C ALAN GAVECK

Melissa Cornelius, Assistant Attorney General updated the Board on the briefing schedule for this case in Superior Court.

- i. 06-06-C MICHAEL DERSHOWITZ

This case has been referred to the Office of Administrative Hearing.

- j. 06-22-M ANDREW LOWY

This matter was Tabled an update on this case was received in January this matter is still in litigation.

- l. 07-13-C KRIS A. DINUCCI

At a previous meeting the Board tabled the complaint filed against Kris DiNucci, DPM initiated by an anonymous complaint. The Board is in receipt of some of the patient surgical charts requested.

Following review and discussion Dr. Polakof, requested a subpoena be sent to Dr. DiNucci for the missing reports for patients listed and to come in for an investigative interview at the March 12, board meeting.

1. No reports received for 9 patients listed on surgical schedule
2. No billing records received on 1 patient listed on surgical schedule
3. No notes received on 2 patients listed on surgical schedule

MOTION: Dr. Polakof moved to subpoena the records as indicated above and to invite Dr. DiNucci to an investigative interview at the March 12, 2008 board meeting. Ms. Reagan seconded the motion.

VOTE: The motion passed unanimously 5 yes, 0 no

- m. 07-28-C KENT L PETERSON

The Board tabled this matter pending the outcome of the settlement with Medicare and the final disposition regarding money to be re-paid.

- n. 07-32-B SERJIK NAZARIAN

Melissa Cornelius, Assistant Attorney General is negotiating a consent agreement with Dr. Nazarian's attorney; no word has been received back yet.

- q. 07-37-M BRANDON KIM

o. 07-38-M MARK GORMAN

The Board reviewed case 07-37-M and 07-38-M together with the records received by Ed Ladley, Dr. Kim's attorney. Dr. Leonetti did not feel he needed to recuse himself from this case as it pertains to his brother, he can be unbiased with regards to addressing these cases.

Following discussion, the Board moved to invite Dr. Kim and Dr. Gorman to an investigative interview at the March 12, 2008 board meeting.

s. 07-40-C BRADLEY A. WHITAKER

The Board is in receipt of a complaint filed against Bradley Whitaker, DPM, initiated by her patient L.G. The Board is also in receipt of the doctor's written response, and the complete patient medical records.

The complainant alleges that practice below the standard of care and, treatment for a routine trimming of his toenails.

MOTION: Dr. Kaplan moved to dismiss the complaint finding no apparent violation of the Arizona Revised Statutes governing the practice of podiatry. Ms. Reagan seconded the motion.

VOTE: The motion passed unanimously 5 yes, 0 no

t. 07-41-C JOYCE N. RATNER

The Board is in receipt of a complaint filed against Joyce Ratner, DPM, initiated by her patient W. N. The Board is also in receipt of the doctor's written response, and the complete patient medical records.

The complainant alleges that practice below the standard of care, treatment and a breach in patient confidentiality. He is requesting a full refund for unsatisfactory orthotic inserts made in a letter sent on November 16, 2007 to the doctor.

Following discussion the Board requested additional documentation as follows:

1. Subpoena medical records from Dr. William Fishco

This matter was Tabled pending further investigation.

D. DISCUSSION AND CONSIDERATION AND POSSIBLE ACTION ON ADMINISTRATIVE MATTERS

1. Election of Officers

MOTION: Dr. Kaplan moved to nominate Dr. Dedrie Polakof as new Board President for the upcoming year, Dr. Leonetti seconded the motion.

VOTE: The motion passed unanimously 5 yes, 0 no

MOTION: Dr. Kaplan moved to nominate Paula Hollins as new Board Secretary/Treasurer for the upcoming year, Dr. Leonetti seconded the motion.

VOTE: The motion passed unanimously 5 yes, 0 no

3. 2008 Board Meeting Dates

January 9	February 13	March 12	April 9	May 14	June 11	July 9
August 13	September 10	October 8	November 12	December 10		

Exam Dates (deadline March 10) June 10, and (deadline September 2) December 2

4. Executive Director update report

Dee Doyle, Executive Director gave the Board a listing of what has been accomplished by the Board since September 2007.

The Board took a brief recessed at 11:20 a.m.
The Board reconvened regular session at 11:25 a.m.

E. CORRESPONDENCE

A. Correspondence received from Jerome Mooers – Regarding information missing on the website
The Board reviewed the correspondence received from Mr. Mooers.

The Board determined that a website was not a requirement and proposed it be taken down. The Board also stated that “Board” certification is not a requirement. The information he is requesting can be obtained from the Medical Association websites or the physician directly.

F. CALL TO THE PUBLIC

Dr. Leonetti addressed the Board in Call to the Public regarding physicians who let their licenses lapse, the Board in the past have been told they could operate as a Podiatric Assistant, but under the Medicare guidelines only licensed DPM can perform the care on a patient an assistant cannot act as a Podiatry assistant under supervision under their guidelines.

The Board may want to have this as a new policy statement.

G. ADJORNMENT

There being no further business before the Board, the meeting was adjourned at 12:30 p.m.

Respectfully submitted,

Dee Doyle
Executive Director

APPROVED:
Barry Kaplan, DPM
Board President