



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**

May 14, 2008 8:30 a.m.  
1400 West Washington St., B1  
Phoenix, AZ 85007

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

Staff: Dee Doyle, Executive Director

Assistant Attorney General: Keely Verstegen

**CALL TO ORDER**

The regularly scheduled meeting of the Arizona State Board of Podiatry Examiners was called to order at 8:33 A.M., Dr. Polakof presiding.

**APPROVAL OF MINUTES**

Pursuant to A.R.S. § 38-431.03(A) (2), any discussion of the executive session minutes will take place in executive session.

1. April 9, 2008 Regular Board Meeting Minutes
2. April 9, 2008 Executive Session Minutes

**MOTION:** Dr. Kaplan moved to approve the April 9, 2008 regular session minutes with the following amendment:

1. Add the word thigh to paragraph five, page two regarding complaint No. 07-11-C.

Ms. Reagan seconded the motion.

**VOTE:** The Motion Passed unanimously 5 yes, 0 no

**MOTION:** Dr. Polakof moved to approve the Executive Session meeting minutes as written for April 9, 2008, Dr. Kaplan seconded the motion.

**VOTE:** The Motion Passed unanimously 5 yes, 0 no

**D. REVIEW, DISCUSSION AND POSSIBLE ACTION ON REGULATORY MATTERS.**

Pursuant to A.R.S. § 32-852.01 the Board will conduct an investigation. The board on its own motion may investigate any evidence which appears to show that a podiatrist is or may be guilty of a violation of Section A.R.S. § 32-852. The Board may vote to go into Executive Session pursuant to A.R.S. § 38-431.03(A) (2) (to discuss confidential information), A.R.S. § 38-431.03(A) (3) (to receive legal advice).

**1. INVESTIGATIVE INTERVIEW**

1. 05-36-C GEORGE N. THOMPSON
2. 06-03-C GEORGE N. THOMPSON
3. 06-11-C GEORGE N. THOMPSON
4. 06-28-C GEORGE N. THOMPSON
5. 07-36-B GEORGE N. THOMPSON

At a previous meeting, the Board moved to table the investigative interview on cases 05-36-C, 06-03-C, 06-11-C, 06-28-C and 07-36-B with Dr. George N. Thompson, DPM to give him time to obtain legal counsel.

Dr. Thompson was present at the Board meeting he was not represented by a legal advisor.

The investigative interview was for the purpose to inquire into the facts and circumstances involving the non-compliance with Board order(s) to under go a psychiatric evaluation by a psychiatrist pursuant to A.R.S. §32-852.01(F). Also for non-compliance to produce medical records in a timely matter pertaining to the cases listed above.

Dr. Thompson addressed the Board regarding complaint # 05-36-C regarding non-compliance with a Board Order to produce the medical records in a timely manner. Dr. Thompson, stated this complainant agreed to the services provide and the fee. Dr. Thompson has an email from the patient stating they were very satisfied with the service they received.

Dr. Thompson responded to questions from the Board asking, why he has not responded to the subpoenas in a timely manner. Dr. Thompson stated according to him, there is a conflict with HIPPA regulations with a fine if he produces the requested 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 8:52 am

The Board returned to Regular Session at 8:56 am

Dr. Polakof asked, Dr. Thompson about his non-compliance with a subpoena's sent on various dates for the above listed complaints, the Board had a time line for the cases of when subpoenas have been sent and responses have not been received.

Dr. Thompson reflected on his first evaluation in 2002, he stated the Board has not given him a reason to have The Board ordered evaluation. He didn't know when he could sent an appointment with Dr. Schulte, because of all the things he needed to do, he was under extreme difficulty because he was uncertain he could maintain his livelihood at that office. Due to expenses he couldn't ascertain weather or not he could continue at his office. He didn't think under this circumstance that Dr. Schulte could do a proper evaluation, he felt he wouldn't get an appropriate assessment of him.

**MOTION:** Dr. Kaplan moved to take these cases to an Informal Hearing at the July 9, 2008 Board meeting, Ms. Reagan seconded the motion.

**VOTE:** The motion passed with a roll call vote, Paula Hollins, Jeanne Reagan, Joseph Leonetti, Dedrie Polakof and Barry Kaplan all voted yes, 0 no.

Following discussion the Board instructed Dr. Thompson they would be holding an Informal Interview and he was welcome to bring witnesses to the hearing. There will be a court reporter present to record the hearing.

#### 6. **07-37-M BRANDON KIM**

At a previous meeting, the Board tabled the investigative interview complaint against Brandon Kim to obtain the hard copy of the complete file.

The Board is in receipt of a letter from Mr. Edward Ladley, Dr. Kim's attorney requesting additional time to get the requested copies to the Board.

The Board requested another letter be sent to Mr. Ladley requesting the complete copy of the file.

Dr. Leonetti stated that he will not recuse himself from the investigation, and will be fair and impartial in judging the complaint.

The Investigative Interview was tabled until the June 11, 2008 Board meeting.

#### 7. **07-38-M MARK GORMAN**

At a previous meeting, the Board tabled the investigative interview at the request of Mr. Bruce Crawford until the May 14, 2008 meeting.

The investigative interview had to be tabled again pending receipt of the complete record copies from Mr. Edward Ladley, Dr. Kim's attorney. The investigative interview is scheduled for the June 11, 2008 Board meeting.

## **2. INITIAL REVIEW**

### **a) 08-04-C GREG KRAHN**

The Board is in receipt of a complaint filed against Greg Krahn, DPM initiated by E.M. parent to patient H.M. The Board is also in receipt of the doctor's written response, and the patient medical records including the x-rays.

The complainant alleges practice below the standard of care and billing, i.e. Dr. Krahn's office couldn't provide an approval from her insurance company for the orthotics she received. She feels she shouldn't have to pay for them.

The Board discussed Dr. Krahn summary from his office which stated "his office, called the insurance company and were told the orthotics would be covered, when they were made and give to the patient the insurance claim came back denied." The patient's own insurance card states "pre-authorization does not guarantee coverage."

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

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

### **b) 08-05-C JERRY COHN**

The Board is in receipt of a complaint filed against Jerry Cohn, DPM initiated by his patient J.C. The Board is also in receipt of the doctor's written response and the patient medical records including the x-rays.

The complainant alleges practice below the standard of care and treatment, i.e. Dr. Cohn office didn't appear to be clean it made her wonder about the condition of the instruments used during her surgery. The patient had a nail surgery, infection afterwards, multiple visits for urgent care and time off from work.

In Dr. Cohn response to the Board he stated he discussed the procedure with the patient and she decided to go forward with the surgery. This is not a care issue, sometime healing is slow. An unfortunate post-op infection occurred, the patient refused to come back to the office for a follow-up.

Following discussion the Board moved to dismiss for finding no apparent violation of the Arizona Revised Statutes.

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

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

### **c) 08-09-B MARY PETERS**

At the April 9, 2008 Board meeting the Board opened a complaint against Dr. Mary Peters for possible violation according to A.R.S. §32-871(A) (2), 32- 854.01(11) (20), for prescription charting, treating outside scope of practice and practices harmful to patient.

The Board instructed staff to send a complaint letter requesting copies of J. David Brown complete file and to have Dr. Peters in for an investigative interview at the July 9, Board meeting.

## **3. OPEN COMPLAINTS**

**MOTION:** Dr. Polakof moved to go into executive session to obtain legal advice, Dr Kaplan seconded the motion.

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

The Board convened Executive Session at 9:17 am  
The Board returned to Regular Session at 9:19 am

a) **07-11-C J. DAVID BROWN**

The Board may enter Executive Session to conduct a confidential investigative interview with witnesses A.W and SW. Pursuant to A.R.S. § 32- 852.01(M), information gathered during this investigative interview is not available to the public."

At a previous meeting the Board tabled the anonymous complaint filed against J. David Brown, DPM to investigate the complaint further.

The Board subpoenaed AW and SW to come before the board to be interviewed. AW attended the meeting to be interviewed by the Board. SW did not contact the Board or attend the meeting.

The Board, asked AW if she had been threatened or received any phone calls from J. David Brown, DPM regarding attending the interview or were you told not to attend the interview before the Board today? AW responded that J. David Brown called SW on Sunday May 11 and also Monday, May 12, 2008 and spoke with him. She didn't know what the exact conversation was however SW asked her not to attend the board meeting. AW did not speak with Dr. Brown directly, she was just advised by SW not to attend the board meeting.

AW stated, Dr. Brown called SW and told him he had filled a prescription for Norco using his name, when confronted by AW he said he wouldn't do it again. AW was aware that Dr. Brown had used other patient's names to fill prescriptions; some patients had not been seen by Dr. Brown for a long time. Dr. Brown had a person from his office go and pick-up the prescriptions and pay cash or use gift a card to pay for them, he also would use his own personal credit cards. There were several other peoples names Dr. Brown used to fill Norco and Ambian prescriptions, he used his ex-wife and in laws names.

AW was very concerned that Dr. Brown was impaired while working, he smelled of alcohol, on several occasions' employees and patient had complained of this. Dr. Brown, hands also shook; he did not appear very alert. AW had also cancelled some surgical procedures that Dr. Brown was scheduled to do the day of surgery due to his impairment.

AW checked the files and the computer records for a file or billing record for SW. SW had toe surgery by Dr. Brown in 2001/2002; which could have been in storage. Records are normally purged after two years.

The employee's all liked Dr. Brown but were very concerned about his actions and working under the strained conditions of drugs and alcohol use. The twelve employees' and one associate doctor left because of his erratic behavior. They all want to see Dr. Brown get help.

The Board recessed at 10:10 A.M.  
The Board resumed regular session at 10:15 A.M.

**08-03-C ELAINE SHAPIRO**

At a previous meeting the Board tabled the complaint filed against Elaine Shapiro, DPM to investigate the complaint further.

**MOTION:** Dr. Polakof moved to go into Executive Session to review confidential medical records.  
Dr. Kaplan seconded the motion.

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

The Board convened Executive Session at 10:15 am  
The Board returned to Regular Session at 10:18 am

Following discussion, Dr. Leonetti moved to hold an investigative interview with Dr. Elaine Shapiro at the July 9<sup>th</sup> Board meeting.

For the record the Board requested the following subpoenas be sent to appear at the July 9<sup>th</sup> Board meeting and for the following documents to be received.

1. Subpoena Elaine Shapiro's office manager
2. Subpoena both complainants
3. Records from primary care physician with notes
4. Elaine Shapiro list of all hospital and surgery centers she is on staff with
5. Hospital outpatient records for per review, quality of care issue
6. Name of all physicians Elaine Shapiro has seen besides PCP.
7. List of all pain medications she has received from every doctor she has seen in the past three years.

#### **08-01-C KELVIN CREZEE**

At a previous meeting the Board tabled the complaint filed J.K. against Kelvin Crezee, DPM to investigate the complaint further.

The Board is in receipt of the requested medical records from Mary Peters, DPM, J. David Brown, DPM and John Kozak, MD.

Following discussion, Dr. Leonetti requested to following records be obtained from Dr. Crezee;

1. Copy of all of the ultra sounds

**MOTION:** Dr. Leonetti, moved to have Dr. Crezee come to the June 11 board meeting for an investigative interview, Dr. Kaplan seconded the motion

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

#### **4. STATUS UPDATES – no action information only**

- a) 05-27-M ELAINE J. SHAPIRO – in litigation, court date set for May
- b) 06-04-C ALAN GAVECK – Superior Court decision

Keely Verstegen, Assistant Attorney General informed the Board that the consent agreement Alan Gavek signed is in effect, Superior Court decision was ruled in the Boards favor. The condition of the consent agreement goes into effect.

- d) 06-22-M ANDREW LOWY- in litigation,
- e) 07-28-C KENT PETERSON – monthly report update

#### **D. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON CORRESPONDENCE -**

1. Arnold Gross, DPM, CME copies, review question for his CME requirement for renewal

**MOTION:** Dr. Polakof moved to approve the submitted continuing medical education submitted by Arnold Gross, DPM for the upcoming renewal of his license. Dr. Kaplan seconded the motion.

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

2. American Podiatric Medical Association (APMA) request for approval for continuing education for the Annual Scientific Meeting, Honolulu, HI July 24-27, 2008

**MOTION:** Dr. Leonetti moved to approve the continuing medical education program for 26 hours by the American Podiatric Medical Association (APMA) for the Annual Scientific Meeting in Honolulu, HI on July 24-27, 2008. Dr. Polakof seconded the motion.

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

#### **E. DISCUSSION AND CONSIDERATION AND POSSIBLE ACTION ON ADMINISTRATIVE MATTERS**

The Board may vote to go into Executive Session pursuant to A.R.S. § 38-431.03(A) (2) (to discuss confidential information), A.R.S. § 38-431.03(A) (3) (to receive legal advice).

Jeanne Hann, rule writer for the Board made inquiry of the Board on Board standards for continuing medical education so that she might implement them in the future rule writing plan.

**MOTION:** Dr. Polakof moved to go into Executive Session to view confidential exam information and for legal advice, Ms. Reagan seconded the motion.

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

The Board convened Executive Session at 11:10 am  
The Board returned to Regular Session at 11:20 am

1. Executive Session to discuss confidential dispensing and podiatric entrance exam.

The Board members will divide up into each room so as not to have a quorum; the exam will be oral and posted as such. The Board will hold a teleconference meeting within the next two weeks to ratify the exam given on December 4, 2007.

2. President report on meeting with Tracy Hannah the Policy Advisor, Regulatory Affairs to Governor Janet Napolitano

Dr. Polakof summarized her conversation with Tracy Hannah on the consolidation of the Podiatry Board with several other regulatory licensing boards. Tracy's issue is to pool into one Modern Board, eliminating Executive Director Positions and consolidating the use of investigator and clerical help. Dr. Polakof informed Ms. Hannah that the Podiatry Board is not interested in consolidating at this time.

3. Executive Director up date report –
  - a. Expenditure report
  - b. Question on expiration date of license

Dee Doyle updated the Board on the current expenditure for the board. She asked about the expiration date for the licenses issued. The statutes state the expiration date is June 30 of each year, but there is an automatic extension of 60 days given to each licensee, so the database reflects the extension date of August 31 of each year.

#### **F. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION OF APPLICATIONS FOR THE JUNE 10, 2008 EXAM.**

The Board may vote to go into Executive Session pursuant to A.R.S. § 38-431.03(A) (2) (to discuss confidential information), A.R.S. § 38-431.03(A) (3) (to receive legal advice).

**Erika Huston**

**Daniel Geller**

**MOTION:** Dr. Leonetti moved to approve the applicants listed to take the exam in June, Dr. Kaplan seconded the motion.

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

#### **G. DISCUSSION, CONSIDERATION, REVIEW AND POSSIBLE ACTION OF RENEWAL APPLICATIONS FOR 2008.**

The Board may vote to go into Executive Session pursuant to A.R.S. § 38-431.03(A) (2) (to discuss confidential information), A.R.S. § 38-431.03(A) (3) (to receive legal advice).

1. Renewals Received

Bernstein, Randy  
Charski, John  
Chesler, Sanford  
Copoloff, Jeffrey  
Demaria, Anthony  
Friedman, William  
Gerstman, David

Gorman, Ike  
Kelly, Edward  
Knochel, Joseph  
Kroyn, Jean  
Robison, Laurel  
Shih, Alan

Glasser, Jay  
Novack, Robert  
Mansdorf, Neil  
Rosales, Mark  
Bocian, Darin  
Armstrong, David  
Kuvent, Robert

**MOTION:** Dr. Polakof moved to renew the applicants listed above, Dr Kaplan seconded the motion.

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

2. Renewal Retiring Notice  
William Friedman 6/30/08
3. Doesn't want to Renew  
Evan F. Meltzer

The retiring or non renewal application received does not need to be seen by the Board.

#### **H. CALL TO THE PUBLIC**

Citizens who want to address the Board do not need to request permission in advance, but they do need to complete a "Citizen's Request to Speak to the Board" form so that the Board is aware that they are here and that they want to speak to the Board. Each person who wants to address the Board will be given five (5) minutes to do so. However, the Board may limit the number of persons speaking on each issue to a reasonable number of persons. Pursuant to A.R.S. § 38-431.02(H), the Board can discuss or take action ONLY on matters that are listed on the Agenda. Board action on issues that are not listed on the Agenda is limited to directing staff to study the matter or to schedule the matter for further discussion at a future Board Meeting.

Dr. Polakof gave a call to the public at 11:35 a.m.

Dr. George Thompson, DPM addressed the Board as to why he failed to comply with the Board Order to attend a psychiatric evaluation, no purpose just further scrutiny to comply with Board order to go have a evaluation is unreasonable.

**MOTION:** Dr. Polakof moved to go into executive session for confidential update from the auditor general office. Dr. Kaplan seconded the motion

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

The Board convened Executive Session at 11:40 am

The Board returned to Regular Session at 12:05 am

#### **I. EXECUTIVE SESSION FOR UPDATE DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON ADMINISTRATIVE CONFIDENTIAL AUDIT MATTERS**

The Board may vote to go into Executive Session pursuant to A.R.S. § 38-431.03(A) (2) (to discuss confidential information), A.R.S. § 38-431.03(A) (3) (to receive legal advice).

1. Auditor General update

Emily Chipman addressed the Board in open session regarding past disciplinary history, past file review, how does the Board handle this?

Dr. Polakof stated each case is handled on an individual basis; past discipline would only be reviewed if new discipline was being imposed on a new case. Past discipline may have a bearing on the outcome of a current case being handled.

If necessary the Board would request that a past discipline file be pulled for review at the next upcoming board meeting.

#### **J. FUTURE AGENDA ITEMS.**

Add the current individual cases on probation to the next agenda.

**ADJORNMENT**

There being no further business before the Board, the meeting was adjourned at 12:31 p.m.

**NOTE: Next Meeting Date: June 11, 2008**

Dee Doyle  
Executive Director

APPROVED:  
Dedrie Polakof, DPM  
Board President