



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

August 13, 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

Assistant Attorney General: Keely Verstegen

Staff: Dee Doyle, Executive Director

CALL TO ORDER

The regularly scheduled meeting of the Arizona State Board of Podiatry Examiners was called to order at 8:32 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. July 9, 2008 Regular Board Meeting Minutes
2. July 9, 2008 Executive Session Minutes
3. July 14, 2008 Telephone Conference Meeting Minutes

MOTION: Dr. Polakof moved to approve the July 9, 2008 regular session minutes, 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 for July 9, 2008, Dr. Leonetti seconded the motion.

VOTE: The Motion Passed unanimously 5 yes, 0 no

MOTION: Dr. Polakof moved to approve the Telephone Conference meeting minutes for July 14, 2008, Dr. Leonetti 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 Investigate 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 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).

2. INVESTIGATIVE INTERVIEW

- a) **07-38-M MARK GORMAN - Investigative Interview, 8:30 am** continued from March and April till August 13, 2008.

Mark Gorman, DPM was present at the investigative interview and represented by Bruce Crawford his attorney. Bruce Crawford asked that Dr. Leonetti recuse himself from this case because his brother signed an affidavit as an expert witness.

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

VOTE: The motion passed unanimously 5-0

The Board convened Executive Session at 8:53 am

The Board returned to Regular Session at 8:55 am

Dr. Leonetti recuses himself from this case.

The Board stated this case would have to be postponed due to Dr. Leonetti reviewing the case file and the other Board members not having seen them. With this information Dr. Gorman and Bruce Crawford rescinded their request that Dr. Leonetti recuse himself and asked to proceed with the investigative interview.

At a previous meeting, the Board tabled the complaint filed against Mark Gorman, DPM initiated by a report received from the National Practitioner Data Bank and Shawn M. Cunningham of Harris, Powers & Cunningham for a Malpractice Action case. The Board tabled the matter to request a subpoena be sent to Dr. Gorman for copies of all the medical records for the patient and to appear at this meeting.

The Board asked Dr. Gorman to summarize this case for the Board. Dr. Gorman stated his oversight in dictation of his discussion with the patient and the anchor placement was left out of the notes. Dr. Gorman became involved with the case six months after Dr. Kim left his practice.

Following discussion the Board moved to issue a letter of concern.

MOTION: Dr. Polakof moved to issue Dr. Gorman a Letter of Concern pursuant to A.R.S. §32-854.01(11)(20) Unprofessional Conduct, "failing to maintain adequate records on a patient," and "any conduct or practice which is or might be harmful or dangerous to the health of the patient. Ms. Hollins seconded the motion

VOTE: The motion passed unanimously 5 yes, 0 no

b) **08-10-C MARY PETERS- Investigative Interview, 8:30 a.m.**

Dr. Mary Peters was present at the board meeting and represented by her attorney Bruce Crawford.

Dr. Kaplan recuses himself from this case he is a treating physician.

The Board is in receipt of a complaint filed against Mary Peters, DPM initiated by her patient, S.T. 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, patient called Dr. Peters office several times but didn't receive a call back from Dr. Peters only from the office staff. S.T. stated when she spoke with the office staff she was told her MRI didn't show anything but when she picked up the films and took them to another doctor for a second opinion a fracture was seen on the films.

Dr. Kaplan provided x-rays of this patient for the Board to review. Dr. Kaplan explained what his current treatment has been for this patient.

Dr. Polakof read the complaint to Dr. Peters indicating the patient was very upset for not receiving a call back when she had left several messages. Dr. Peters, stated she had tried to return the calls but wasn't able to reach S.T.

Following Board discussion of this case:

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 4 yes, 0 no and 1 recuse

c) **08-16-C BRAD HAYMAN – Investigative Interview, 8:30 a.m.**

Dr. Hayman was present at the board meeting and represented by his attorney Charles Hover, III.

The Board is in receipt of a complaint filed against Brad Hayman, DPM initiated by his patient, R.B. The Board is also in receipt of the doctor's written response, and the patient medical records.

The complainant alleges he did not receive a complete bill for services rendered and asked that one be sent from Dr. Hayman's office several times.

The Board asked Dr. Hayman to summarize this case, Dr. Hayman stated he was in the process of cleaning up accounting issues, he found they had not been done properly. He stated R.B. had requested a billing history be sent to him several times.

Following discussion the Board moved to issue a letter of concern for inadequate recorded keeping.

MOTION: Dr. Polakof moved to issue Dr. Hayman a Letter of Concern pursuant to A.R.S. §32-854.01(11)(20) Unprofessional Conduct, "failing to maintain adequate records on a patient," and "any conduct or practice which is or might be harmful or dangerous to the health of the patient. Ms. Reagan seconded the motion

VOTE: The motion passed unanimously 5 yes, 0 no

d) **08-18-C DAVID LAURINO- Investigative Interview, 8:30 a.m.**

Dr. Laurino was present at the board meeting.

The Board is in receipt of a complaint filed against David Laurino, DPM initiated by his patient, J.W. The Board is also in receipt of the doctor's written response, and some of the patient medical records.

The complainant alleges excessive billing and charging for a follow-up visit after surgery. Also for billing her insurance for treatment he hadn't done.

The Board asked Dr. Laurino if he had a signed consent form to perform the toenail removal. Dr. Laurino presented an unsigned consent form to the Board stating that his office forgot to have the patient sign the consent form.

The Board asked Dr. Laurino to summarize his treatment to patient J.W. Dr. Laurino, stated J.W. refused to pay co-payments when coming in for an appointment. He stated a skin sample had been sent to the Sonora Lab who had not picked up the sample, no lab order was in the file for this test. Dr. Laurino has limited time in this office.

The Board asked, Dr. Laurino what code he used to bill for this procedure, he stated which one he used and Dr. Polakof looked up the number in her CPT code book which indicated he used the highest billing number for this procedure.

Dr. Polakof stated for this treatment it clearly shows over charging of a patient on the procedure that was done.

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

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

The Board convened Executive Session at 10:30 a.m.

The Board returned to Regular Session at 10:35 a.m.

Dr. Polakof tabled this Investigative Interview and requested the following records be subpoenaed:

1. Billing records for the past twelve months from 1000 Cranes on all nail surgery records completed from July 1, 2007 to July 1, 2008 for both offices.
2. Form showing a liver function test had been requested and completed
3. Request all records charts on billing for nail surgery procedures completed and consent forms within the past 13 months including x-rays and all of the records to be included from both office locations.

4. Billing records for the past two months from KMB billing on all nail surgery records completed for both offices.

MOTION: Dr. Polakof moved to request the billing records from Dr. Laurino, billing companies and his office as noted above. Ms. Reagan seconded the motion.

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

This investigative interview was tabled pending further investigation and records requested to be received.

e) **08-15-C JEFFERY COPOLOFF – Investigative Interview, 8:30 a.m.**

Dr. Copoloff was present at the board meeting.

The Board is in receipt of a complaint filed against Jeffery Copoloff, DPM initiated by J.P. parent to patient, D.P. The Board is also in receipt of the doctor's written response, and complete copy of the patient medical records including x-rays.

The complainant alleges billing for 'electrical stimulation' was not covered by BCBS insurance carrier. They were billed for four treatments at \$84 each session. J.P. wrote the board on May 29, 2008 withdrawing the complaint stating Dr. Copoloff had resolved the matter.

The Board must follow through with all complaints received to determine if there are any violations to Arizona state law.

Following discussion the board moved to dismiss this case.

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

3. INITIAL REVIEW

a) **08-21-C SERJIK NAZARIAN**

The Board is in receipt of a complaint filed against Serjik Nazarian, DPM initiated by patient, R.H. The Board is also in receipt of the doctor's written response, and complete copy of the patient medical records including x-rays.

The complainant alleges Practice below standard of care and treatment after surgery, states Dr. Nazarian did not use gloves when treating post-op patient and toe became infected.

Following Board discussion they asked that Dr. Nazarian attend the September 10, board meeting for an investigative interview.

MOTION: Dr. Polakof moved to invite Dr. Nazarian to the next scheduled board meeting for an investigative interview regarding this case and Ms. Reagan seconded the motion.

VOTE: The motion passed unanimously 5 yes, 0 no

b) **08-22-C MICHAEL SEKOSKY – Board review**

The Board is in receipt of a complaint filed against Michael Sekosky , DPM initiated by patient, A.K. The Board received the doctor's written response August 11 and the x-rays were received the day of the board meeting. Dr. Polakof, Tabled this matter until the September 10, 2008 board meeting to give the Board time to review the medical records.

c) **08-23-C PAUL SHAPIRO – Board review – X-rays and records received**

The Board is in receipt of a complaint filed against Paul Shapiro , DPM initiated by patient, A.R. The Board received the doctor's written response.

The complainant alleges Practice below standard of care and treatment when a prescription was prescribed to treat the infection before surgery could be done. Patient had a reaction to the prescribed medication. Following discussion the Board moved to issue a letter of concern for record keeping.

The medical records submitted were lacking in content and below standard of care for quality.

MOTION: Dr. Kaplan moved to issue Dr. Paul Shapiro a letter of concern pursuant to A.R.S. pursuant to A.R.S. §32-854.01(11) Unprofessional Conduct, "failing to maintain adequate records on a patient," and history keeping. Dr. Polakof seconded the motion

VOTE: The motion passed unanimously 5 yes, 0 no

d) **08-24-C MICHAEL SEKOSKY** – Board review

The Board is in receipt of a complaint filed against Michael Sekosky, DPM initiated by patient, A.K. The Board received the doctor's written response August 11 and the x-rays were received the day of the board meeting. Dr. Polakof, Tabled this matter until the September 10, 2008 board meeting to give the Board time to review the medical records.

e) **08-27-C MICHAEL PORTER** – non license DPM

The Board is in receipt of an anonymous complaint and nurse issued complaint regarding Michael Porter who is a DPM but is not licensed to practice in the state of Arizona. The complainant sent in a copy of the phone book yellow pages showing Michael Porter is advertising in the Podiatry section as a DPM and has a phone number to call for home care. Michael Porter also has a business card that indicates he is a DPM.

Following discussion the Board directed staff to send a Cease and Desist to Michael Porter for the following:

1. Stop all advertising and phone number listings in the yellow and white pages of the phone book.
2. Stop representing himself as a licensed doctor of podiatry in practice.

MOTION: Dr. Leonetti moved to have staff send a Cease and Desist to Michael Porter to cancel all ads and phone numbers for all form of advertising as a podiatrist; this includes the phone book, business card and to submit proof of compliance of disconnection within thirty days. Send a copy to the Attorney General Office regarding this class 2 misdemeanor. Ms. Reagan seconded the motion.

VOTE: The motion passed unanimously 5 yes, 0 no

4. OPEN COMPLAINTS

a) **05-27-M ELAINE J. SHAPIRO** – litigation completed – Board review of case

Dr. Polakof tabled this matter to further review the records received since this case was settled.

b) **07-11-C J. DAVID BROWN** – review letter received from Quarles & Brady regarding Board decision

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

VOTE: The motion passed unanimously 5 yes, 0 no

The board convened executive session at 11:50 am.

The board returned to regular session at 11:52 am.

Dr. Polakof, tabled this matter until they hear back from the DEA on the investigation.

5. STATUS UPDATES – no board action information only

a) **06-22-M ANDREW LOWY**- in litigation,

This matter is still in litigation to be heard in November.

b) **07-28-C KENT PETERSON** – monthly report update

The Board heard from Dr. Peterson's, attorney at the July 9 board meeting on what is currently being done on this case.

c) **08-03-C ELAINE SHAPIRO** – information only

This matter is Tabled pending further information from Dr. Shapiro attorney and the board's assistant attorney general.

d) **08-13-C GEORGE THOMPSON** – update

The Board received a phone message on the update of this complaint. Dr. Thompson has contacted the patient with requests for money because he is strapped.

6. PROBATIONARY STATUS REPORTS

a) **07-32-B SERJIK NAZARIAN** – monthly review of records

Dr. Nazarian did not have any surgeries for the month of July, his previous records were ok.

b) **06-04-C ALAN GAVECK** – Stay update.

A letter was received from Bruce Crawford indicating that a decision had not yet been made regarding requesting a stay in court and that records would be forthcoming to comply with the Board Order. He informed the Board that no surgery has been performed.

7. RENEWAL APPLICATIONS

1. Review application received

a) **Sanford Kaner** – documentation received

MOTION: Dr. Polakof moved to approve Dr. Kaner's renewal application for licensure, Dr. Kaplan seconded the motion.

VOTE: The motion passed unanimously 5 yes, 0 no

b) **George Thompson**

The Board reviewed George Thompson renewal application, he failed to answer question # 17 correctly, that he is currently being investigated by the board.

MOTION: Dr. Polakof moved to Deny George Thompson license renewal pursuant to A.R.S. 32-852(6) and A.R.S. 32-854.01(21) for violation of formal Board Order, not complying with psychiatric evaluation and non- compliance to board issued subpoenas. Dr. Kaplan seconded the motion.

VOTE: By roll-call vote, Paula Hollins, Jeanne Reagan, Joseph Leonetti, Dedrie Polakof and Barry Kaplan voted yes, 0 no

c) **Stanton Cohen** – re-review requested mal-practice documentation – received CD also for the mal-practice case

MOTION: Dr. Kaplan moved to approve Stanton Cohen application for renewal and to open a board investigation on the mal-practice case. Dr. Leonetti seconded the motion.

VOTE: The motion passed unanimously 5 yes, 0 no

d) **Susan Young** – re-review mal-practice documentation received

MOTION: Dr. Kaplan moved to approve Susan Young application for renewal and to open a board investigation on the mal-practice case and request monthly updates be sent to the board. Dr. Leonetti seconded the motion.

VOTE: The motion passed unanimously 5 yes, 0 no

2. Request for an extension to complete CME

a) Robert Zachow

b) Jason Harrill

MOTION: Dr. Kaplan moved to approve the request for a 60 day extension to complete the CME for Robert Zachow and Jason Harrill until October 31, 2008. Dr. Leonetti seconded the motion.

VOTE: The motion passed unanimously 5 yes, 0 no

E. CONSENT AGENDA

(Any item under this consent agenda may be removed for independent discussion and action by a Board Member.) (these items can be voted on with one motion and one vote). 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. RENEWAL APPLICATION FOR 2008

Abraham, Suzanne			
Accomando, William	Griffin, Douglas	Sarraf, Payam	Blocher, Kenneth
Allen, Jason	Gronone, Julia	Saunders, Daniel	Losi, Therese
Aung, Barbara	Haddon, Todd	Savage, David	Marshall, Verlan
Bangart, Daniel	Hall, Jared	Scates, Edward	Daines, Paul
Barrus, Darron	Hall, Ryan	Seater-Benson, Vivian	Neerings, Brian
Beabes, Justin	Hollander, Steven	Seidner, Arthur	Cohn, Jerome
Beecroft, Carl	Hsu, Daniel	Sekosky, Michael	
Benjamin-Swonger, Mary	Hutcheson, Brian	Selander, Paul	
Berkey, Rodney	Jacoby, Richard	Shapiro, Paul	
Berman, David	Jenkins, David	Sherman, Allen	
Bock, Erich	Johnson, Joshua	Shumway, Kendall	
Bock, Raymond	Jones, Matthew	Silverstein, Glenn	
Borreggine, Joseph	Keenen, Lee	Stocker, James	
Botte, Raymond	Keller, Paul	Stone, Kathleen	
Brekke, Mark	Kenrich, Robert	Tallis, Arthur	
Brigandi, Catherine	Killian, Ronald	Tang, Selena	
Brown, J David	Kleis, Jeffrey	Taylor, Robert	
Bui, Alex	Ko, Edalyn	Thaler, George	
Burke, William	Lee, David	Troy, Thomas	
Burns, Steven	Leonetti, Joseph	Tutnauer, Phillip	
Campbell, Barbara	Leonetti, Michael	Udupa, Thares	
Campbell, Garald	Lepolstat, Howard	Violand, Melanie	
Chiakmakis, John	Longton, James	Walters, Jodi	
Chiarelli, Teisha			
Chiarello, Robert	Louk, Ernest	Warheit, Michael	
Cohen, Douglas	Maben, Frank	Weissfeld, Mark	
Collins, Karl	Maling, Scott	Werber, Bruce	
Corcoran, David	Mann, Cindy	Wissman, Lance	
Cota, Laureen	Mann, Steven	Withrow, Margaret	
Cox, Samuel	Mason, Samuel	Woodward, Paul	
Crampton, Scott	McCarthy, Cathleen	Wright, Herbert	
Crezee, Kelvin	Mclaws, Ivan	Zachow, Robert	
Cwass, Evan	McMaster, Paul	Zang, Kerry	
Dahukey, Amram	Miller, Floyd	Zobel, Robert	
Daulat, Rajesh	Mudryj, Stefan	Clement, Dean	
Dimidjian, Carlos	Myers, Robin	Gennett, Parker	
DiNucci, Kris	Nagy, Ronald	Loo, Gregory	
Domanico, Joseph	Nazarian, Serjik	Marad, Craig	
Donela, Richard	Neiderer, Katherine	Miller, Lois	
Elison, Peyman	Nelson, Glenn	Miltchin, Hartley	
Elison, Viedra	Niemann, Spencer	Oknaian, John	
Erredge, Susan	Noe, Beth	Ripperger, J Barton	
Esber, Michael	O'Brien, Kevin	Wessel, Loren	
		Wolf, Arnold	

Wyant, Scott

Farrell, Patrick	Palmquist, Roland
	Peterson, Kent
Ferguson, John	Peterson, Raymond
Fink, Barton	Price, Scott
Flake, Edward	Pusateri, Peter
Freed, Lewis	Rampertab, Deo
Funk, Christopher	Ratner, Joyce
Geller, Stephen	Richards, Kathleen
Glesinger, April	Robinson, Richard
Golub, Ryan	Rosenblum, Michael
Goldman, Eugene	Sallus, Karyn

MOTION: Dr. Kaplan moved to open a board complaint on Arthur Tallis for the mal-practice case noted on his renewal application. Dr. Leonetti seconded the motion.

VOTE: The motion passed unanimously 5 yes, 0 no

MOTION: Dr. Leonetti moved to approve the renewal applications listed on the consent agenda, Dr. Polakof seconded the motion.

VOTE: The motion passed unanimously 3 yes, 0 no, 2 absent

Ms. Hollis left the board meeting at 12:50 p.m.

Mr. Reagan left the board meeting at 1:10 p.m.

F. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON CORRESPONDENCE -

1. Correspondence received from Rosalind Franklin University for CME requested approval for a one hour course.

MOTION: Dr. Polakof moved to approve the Rosalind Franklin University request for 1 CME for the course received. Dr. Leonetti seconded the motion.

VOTE: The motion passed 5 yes, 0 no

G. 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).

1. Auditor General Report

The Board discussed the preliminary report to be received from the Auditor General office and the Boards need to respond within ten days.

2. Executive Director up date report –

- a. Expenditure report
- b. Miscellaneous
 - i. JLC letter regarding audit
 - ii. Open Meeting Law Complaint
 - iii. Financial Report
 - iv. Budget
 - v. Email from Tracy Hannah on consolidation – Modern Health Board
 - vi. Resignation letter
 - vii. Executive Director Position

Ms. Doyle updated the Board on all the matter listed above and the Boards need to respond or take action on.

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.

No public was present to address the board.

I. FUTURE AGENDA ITEMS.

Vacant

ADJORNMENT

There being no further business before the Board, the meeting was adjourned at 1:15 a.m.

NOTE: Next Meeting Date: September 10, 2008

Respectfully submitted,

Dee Doyle
Executive Director

APPROVED:
Dedrie Polakof, DPM
Board President