



State Of Arizona Board of Podiatry Examiners
1400 W. Washington, Ste. 230
Phoenix, AZ 85007
(602) 542-3095
Fax: 542-3093

AGENDA FOR REGULAR SESSION MEETING
Scheduled to begin at 8:30 a.m. on January 14, 2009
1400 West Washington St., B1, Phoenix, AZ 85007

Notice is hereby given to the general public and to the members of the State of Arizona Board of Podiatry Examiners (Board), that the Board will hold a regular meeting open to the public at the Board's offices located at 1400 W. Washington, Phoenix, Arizona. A.R.S. § 38-431.02. The Board, upon a majority vote of a quorum of the members, may hold an *Executive Session* on any of the listed agenda items to discuss or consider records exempt by law from public inspection, including the receipt and discussion of information or testimony that is specifically required to be maintained as confidential by state or federal law or to obtain legal advice. A.R.S. § 38-431.03(A) (2) and (3). Those wishing to address the Board need to request permission in advance; however, the Board may limit those persons speaking during the "Call to the Public" at three (3) per side on any one issue. A.R.S. § 38-431.01(G). The Board can only take action on matters listed on the agenda and other matters related thereto. A.R.S. § 38-431.02(H). If appropriate, actions on public comment matters that are not listed on the agenda will be limited to directing staff to study the matter or schedule the matter for further discussion at a later date. A.R.S. § 38-431.01(G).

The Board reserves the right to change the order of items on the agenda, except for matters set for a specific time. The investigative interviews are scheduled to be heard during specific time blocks. However, the President of the Board reserved the right to call cases in random order. Please note that the recommendations listed on the agenda are merely suggested Board actions. These recommendations do not become final until adopted by the Board. The Board has the authority to accept, reject or modify any recommendation listed in the agenda.

Americans with Disabilities Act: Persons with disabilities may request reasonable accommodations by contacting Dee Doyle at (602) 542-3095. Requests should be made as early as possible to allow time to arrange the accommodation.

THE BOARD WILL CONSIDER, DISCUSS AND MAY TAKE ACTION ON ANY AGENDA ITEM.

Board Members

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

Staff: Sarah Penttinen, Executive Director

Assistant Attorney General: Keely Verstegen

The Agenda for the meeting is as follows:

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF MINUTES

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. December 10, 2008 Regular Board Meeting Minutes.
2. December 10, 2008 Executive Session Meeting Minutes.

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).

1. **INVESTIGATIVE INTERVIEW**

- a. 08-21-C SERJIK NAZARIAN: **Investigative Interview 8:30 a.m.**
Re-interview requested per Dr. Nazarian.
- b. 08-31-C APRAJITA NAKRA: **Investigative Interview 8:30 a.m.**
- c. 08-35-M GLENN NELSON: **Investigative Interview 8:30 a.m.**
- d. 08-36-C JAMES WILSON: **Investigative Interview 8:30 a.m.**

2. **INITIAL REVIEW**

- a. 08-43-C Darin Bocian: Alleged practice below the standard of care.
- b. 08-44-C Alex Bui: Alleged billing irregularities.

3. **OPEN COMPLAINTS**

- a. 05-27-M ELAINE J. SHAPIRO: Litigation is complete. Kevin Nichols, attorney to Dr. Shapiro, previously requested and was granted a continuance until the January 14, 2009 board meeting due to a conflict with scheduling from Dr. Shapiro and his office.
- b. 08-12-C ELAINE SHAPIRO: Update on hospital action.
- c. 08-38-C CLARK FULLMER: Alleged practice below standard of care.

4. **STATUS UPDATES – No board action; information only.**

- a. 06-22-M ANDREW LOWY: Litigation still pending.
- b. 07-28-C KENT PETERSON: Monthly report update.
- c. 08-34-B STANTON COHEN: Litigation still pending.
- d. 08-39-M SCOTT MALING: Board Review, Insurance claim response received same as Harrill –tabled at November 08 meeting quarterly reports required.
- e. 08-40-M JASON HARRILL: Board Review, Insurance claim response received same as Maling - tabled at November 08 meeting quarterly reports required.

5. **PROBATIONARY STATUS REPORTS**

- a. 07-32-B SERJIK NAZARIAN: Monthly review of records for consent agreement.
- b. 06-04-C ALAN GAVECK: Monthly report update.
- c. 08-03-C ELAINE SHAPIRO – Quarterly report update.

E. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON CORRESPONDENCE

- 1. Advertisement in Arizona Daily Star newspaper by Elaine Shapiro, DPM.
- 2. Advertisement from Laser Nail Center, office of Richard Jacoby, DPM.
- 3. Advertisement from Footcare Physicians of Scottsdale, office of Steven Burns, DPM.

F. 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. Election of Officers
- 2. Executive Director Report
 - a. Health Committee Meeting on December 15, 2008 and legislation update.
 - b. Recommendations for investigation procedures.
 - c. Update on procedures for publicly available complaint and disciplinary action information.

G. 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.

H. FUTURE AGENDA ITEMS.

Vacant

ADJORNMENT

NOTE: Next Meeting Date: February 11, 2009