



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**

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

Board Members Present: 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

**A. CALL TO ORDER**

The scheduled meeting of the Arizona State Board of Podiatry Examiners was called to order at 8:35 A.M., Dr. Polakof presiding.

**B. ROLL CALL**

Dr. Polakof, President called the roll and all board members were present.

**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. September 10, 2008 Regular Board Meeting Minutes

**MOTION:** Dr. Kaplan moved to approve the September 10, 2008 regular session minutes, Dr. Leonetti seconded the motion.

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

2. September 10, 2008 Executive Session Minutes

**MOTION:** Dr. Kaplan moved to approve the September 10, 2008 executive session minutes, Paula Hollins 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).

**1. INVESTIGATIVE INTERVIEW**

The Investigative Interviews for George Thompson took place due to non-compliance to undergo the psychiatric evaluation ordered by the Board in January and November of 2007 and review to open complaints. The Board is going forward with the investigations.

a) **05-36-C GEORGE N. THOMPSON – Investigative Interview, 8:30 a.m.**

George Thompson was present for the investigative interview and he was not represented by an attorney.

Dr. Polakof summarized the allegation regarding this case; George Thompson was subpoenaed to submit records for patient E.D. in 2005 for Blue Cross Blue Shield (BC BS) and the fee schedule from the patient's insurance company. George Thompson billed the insurance company for the patient and charged \$20.00 more than what he told the patient he was going to be charging. Patient E.D. stated he was in George Thompson's office for an excessive time approximately three hours. Dr. Thompson charged the patient insurance BC BS \$180 for a post-op visit and he received the payment also from the patient. Dr. Thompson had the patient sign a consent form and he stated it was fully explained about his fee schedule and his charges. Dr. Thompson knows the Medicare fee schedule and regulations but he stated he didn't know if they would pay for what he was charging until he submitted the bill. When Medicare states they won't pay for any of the charges Dr. Thompson then lets the patient know how much they owe. Dr. Thompson told this patient he would give him a break but then charged him more than he said he would.

Dr. Kaplan asked Dr. Thompson why he checked the "Accept Assignment" box on the insurance forms. If the box is not checked, then the check from the insurance company is sent to the patient and not the doctor.

In questioning Dr. Thompson regarding the extended time a patient is in his office, Dr. Thompson stated he had not documented what time the patient came in and then left from the appointment. Dr. Thompson, started recording his appointments with his patient because of the complaints he was receiving and for documentation; however the recordings do not give an indication as to the time spent with the patient.

Dr. Leonetti, stated it was hard to determine the time-frame, but there is a billing issue and record keeping must be accurate.

**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 9:20 am.

The Board convened regular session at 9:25 am

**MOTION:** Dr. Polakof moved to issue a Letter of Concern for billing irregularities. Ms. Reagan seconded the motion.

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

b) **06-03-C GEORGE N. THOMPSON – Investigative Interview, 8:30 a.m.**

George Thompson was present for the investigative interview he was not represented by an attorney. Dr. Polakof summarized the allegation by patient N.B. he states he was in the office on the first visit for over five and a half hours. He had a numbness and heaviness in his feet. George Thompson stated he did extensive research on cases like this complaint and wanted to make sure the complaint was not related to something serious. Dr. Thompson told the patient he would be doing an extensive evaluation. The patient records do not reflect a charge and a bill was not submitted for the first visit according to Dr. Thompson, no bill was noted. Dr. Thompson charged the patient 7% for the billing company services, plus office business expenses.

The Board stated Dr. Thompson cannot go outside Medicare fees or there guidelines.

N.B. stated Dr. Thompson had just cut his toenails, Dr. Thompson stated he did a complete evaluation and review. Dr. Thompson stated he did not spend five hours with this patient however he doesn't record the time in the permanent record so he is not sure how long was spent.

The Board advised Dr. Thompson to record the time he spends with his patients and to add the time to every patient record that will be a part of the permanent record.

Dr. Thompson outsourced his billing and charges the patient the 7% that he pays the billing company to the patient, plus office expenses.

**MOTION:** Dr. Polakof moved to issue George Thompson a Letter of Concern for improper billing of Medicare and billing statement irregularity. She recommended that George Thompson document the time frame spent with his patients. Dr. Leonetti seconded the motion.

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

c) **06-11-C GEORGE N. THOMPSON - Investigative Interview, 8:30 a.m.**

George Thompson was present for the investigative interview and was not represented by an attorney. Allegation by patient G.T. states he was misdiagnosed and did not receive a proper evaluation; he was given information by trial and error. Chief complaint by the patient was heel pain on the left heel.

Dr. Thompson, stated after a through evaluation it was determined he had plantar fasciitis and heal pads were made up for him. Dr. Thompson stated the patient's wife was in and out of the office during the examination. Dr. Thompson did not record the time he spent with the patient. Dr. Thompson stated he billed Blue Cross Blue Shield but he did not receive payment for the treatment. The check that the patient wrote was cancelled by the patient. No x-rays were taken by Dr. Thompson.

Dr. Leonetti explained why x-rays are needed on a patient before a diagnosis is done. The patient complained that the office was dirty.

Dr. Thompson stated housekeeping cleaned his office every night.

**MOTION:** Dr. Kaplan moved case 06-11-C to an Informal Interview for the December board meeting and to invite the complainant for the standard of care procedure. Dr. Leonetti seconded the motion.

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

d) **06-28-C GEORGE N. THOMPSON - Investigative Interview, 8:30 a.m.**

George Thompson was present for the investigative interview and was not represented by an attorney. Dr. Polakof summarized this case for the Board by patient S.B. the patient stated Dr. Thompson spent one hour preparing a file with information not needed for her consult of a deformed big toe and one hammertoe on her left foot. She asked what Dr. Thompson recommended and he told her it would cost \$1,800 to cover orthotics and his services for the next visit.

Dr. Thompson, stated the patient didn't need surgery she needed orthotics, he advised her on surgery. He told her what it would cost and that she was happy with his work.

The Board asked Dr. Thompson where he has hospital privileges, Dr. Thompson would not answer the question so the Board asked again if he had privileges at any hospital he said no and no to any out patient surgery center.

**MOTION:** Dr. Polakof moved case 06-28-C to an Informal Interview for the December board meeting for quality of care and treatment. Dr. Kaplan seconded the motion.

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

e) **07-36-B GEORGE N. THOMPSON - Investigative Interview, 8:30 a.m.**

George Thompson was present for the investigative interview and was not represented by an attorney. Dr. Polakof summarized this allegation by patient K.M for her son A.A. regarding this case, Dr. Thompson called K.M. at her home at 8:51 a.m. on October 10, 2007, he was rude, this was out of normal business practice and conflicts with what a reasonable person would perceive to be social interaction. During initial consultation to address her son's toe issue, Dr. Thompson questions and overall demeanor left her with no confidence in his abilities as a Podiatrist. K.M stated she wouldn't pay and left his office without treatment on her son. She explained to Dr. Thompson that he was notified that the business was finished with her son and she would be seeking help elsewhere.

The Board reviewed the transcript provided by George Thompson on this case. Dr. Thompson said, he called K.M. at her home because he noted in her son's file that she worked for a shoe company and he is always interested in finding new companies. Dr. Thompson stated, he would send in the bill on her behalf, he did not treat the child but he gave an assessment of the cost for treatment.

Dr. Leonetti informed George Thompson it is inappropriate to go through a patients file to see where someone works and then contact them for a business opportunity. This was totally out of line as a doctor.

George Thompson stated he called for business only he had no other agenda.

**MOTION:** Dr. Leonetti moved this case 07-36-B to an Informal Interview to evaluate for unprofessional conduct. Dr. Polakof seconded the motion.

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

The Board instructed staff to send a subpoena to the complainant to appear at the Informal Interview.

## **2. INITIAL REVIEW**

f) **08-30-C GEORGE THOMPSON** – Board review – no records received

The Board is in receipt of a complaint filed against George Thompson, DPM initiated by patient S. C. The Board issued a subpoena for the medical records on August 5, 2008, George Thompson signed the return receipt on August 12, 2008. The records were to be sent to the Board's office by August 25, 2008, the board did not receive the subpoenaed records from George Thompson by the date stated nor was any written or verbal response received from George Thompson regarding the records until September 4, 2008 stating he was ill.

Dr. Kaplan informed George Thompson he had not complied with a board issued subpoena in a timely manner to submit records according to A.R.S. 32-854.01(17) refusing to divulge, records have not been received.

**MOTION:** Dr. Kaplan moved case 08-30-C George Thompson to an Informal Interview for Non-compliance of a Board issued subpoena according to state statutes. Dr. Polakof seconded the motion.

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

f) **08-21-C SERJIK NAZARIAN – Investigative Interview, 8:30 a.m. re-scheduled for November 12, 2008 board meeting**

## **2. INITIAL REVIEW**

a) **08-22-C MICHAEL SEKOSKY** – Board review - records received and x-rays

Dr. Leonetti recused himself from this case, the complainant was a patient of his.

The Board is in receipt of a complaint filed against Michael Sekosky, DPM initiated by patient A.K. The Board is in receipt of the doctor's written response, and the x-rays with the patient medical records.

The complainant was present at the board meeting and addressed the board regarding her complaint; she alleges her records are inaccurate. She had surgery on a hammer toe and Dr. Sekosky took too much bone and she now cannot lay her toes flat on the floor. She returned the orthotics to Dr. Sekosky's office and asked for her x-rays but he wouldn't release her x-rays to her.

Following discussion the Board requested the following records be obtained:

1. Subpoena x-rays from Dr. Campbell
2. Subpoena x-rays from Dr. Leonetti

**MOTION:** Dr. Polakof moved to have Dr. Sekosky come to the November 12 board meeting for an investigative interview, Ms. Hollins seconded the motion.

**VOTE:** The motion passed unanimously 5 yes, 0

## **3. OPEN COMPLAINTS**

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

Elaine Shapiro was present at the board meeting for case 08-03-C however the attorney that represented her for this case was not present. This matter was tabled until the November 12 board meeting to allow her attorney to be present.

b) **08-03-C ELAINE SHAPIRO** – review case info received

Elaine Shapiro was present and represented by her attorney Edwin M. Gaines.

Mr. Gaines summarized for the board that Elaine Shapiro is willing to sign a consent agreement so she can return to practicing. Elaine Shapiro signed an agreement with Dr. Sucher and is in early recovery; Dr. Sucher has indicated that Elaine is able to return safely to her practice. The agreement with Dr. Sucher is for five years and she must comply with the agreement the Board will be notified of all the test and group reports quarterly.

Dr. Leonetti, stated this has been on going for a long time and is concerned for the public health, he is willing to accept a consent agreement and have Elaine Shapiro return to practice on a limited basis, to restrict her from doing any surgery for a period of six months.

**MOTION:** Dr. Polakof moved to allow Elaine Shapiro to return to practice after she signs a consent agreement, she is restricted from surgery for a period of six months she is limited to treat the skin and soft tissue in office procedures only. She is not allowed to perform surgery and is limited to in-office minor procedure. She also must complete ten hours of additional Continuing Medical Education (CME) units on surgical procedure, at a hands on work shop within six months of the consent agreement is signed. This is in addition to the required 25 hours that must be done for renewal of her license. This will take place when the consent agreement is signed and dated by the Board. Dr. Kaplan seconded the motion.

**VOTE:** The motion passed unanimously 5 yes, 0

c) **08-12-C ELAINE SHAPIRO** – review case

This case was tabled until the investigation is complete at Northwest Medical Center the board requested staff to send a subpoena requesting an update and to follow-up.

d) **08-18-C DAVID LAURINO** – Objection filed by Bruce Crawford

David Laurino was not present at the board meeting or his attorney Bruce Crawford.

Bruce Crawford filed an objection to the subpoena that was sent to Dr. Laurino requiring the past thirteen months of surgical 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 11:35 am

The Board convened regular session at 11:45 am

The Board recessed at 11:45 am

The Board convened regular session at 11:52 am

Following discussion the board agreed to review twenty medical records of David Laurino patients the names will be sent to him for copies of the medical records.

**MOTION:** Dr. Polakof moved to invite David Laurino to the December 10, board meeting for an Investigative Interview and have a subpoena sent to obtain medical records for twenty patients from the records received from Thousand Crane. Dr. Leonetti seconded the motion.

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

## 2. **INITIAL REVIEW**

b) **08-24-C MICHAEL SEKOSKY** – Board review - records received

The Board is in receipt of a complaint filed against Michael Sekosky, DPM initiated by patient L.C. The patient alleges practice below standard of care and treatment.

The Board reviewed the records sent by Michael Sekosky and found they were not complete. Following discussion the board request the following records be obtained:

1. Billing records for 2006 and 2007
2. Paradise Valley Hospital wound care records from Dr. Geller

c) **08-25-C APRAJITA NAKRA** – Board review – records received no-x-rays

The Board is in receipt of a complaint filed against Aprajita Nakra, DPM initiated by patient S.T for her son J.T. The patient alleges practice below standard of care and treatment.

The Board reviewed the records received however the photo copy of the x-rays could not be read. Following discussion the board requested the following records be obtained.

1. The original x-rays

**MOTION:** Dr. Polakof moved to issue Aprajita Nakra a Letter of Concern for improving communication skills to avoid distress of patients in the future. Dr. Leonetti seconded the motion.

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

d) **08-26-C JUDY COLLINS** – same complaint as 08-25

The Board is in receipt of a complaint filed against Judy Collins, DPM initiated by patient S.T for her son J.T. This complaint is related to 08-25-C. The patient alleges practice below standard of care and treatment.

**MOTION:** Dr. Polakof moved to issue Judy Collins a Letter of Concern for improving communication skills to avoid distress of patients in the future. Dr. Leonetti seconded the motion.

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

e) **08-29-C H. WILLIAM REESE** – Board review – records received and x-rays

The Board is in receipt of a complaint filed against H. William Reese, DPM initiated by patient C.L. The patient alleges no vascular test was done before surgery was preformed and he had extreme pain after surgery and his toe had to be amputated.

The Board reviewed the records sent by H. William Reese and found they were not complete. Following discussion the board request the following records be obtained:

Following Discussion the board also needs the following records.

1. Billing records
2. Pain pumps info, declined by patient.

**MOTION:** Dr. Polakof moved to have H. William Reese come to the November 12 board meeting for an Investigative Interview to discuss case results.

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

g) **08-31-C APRAJITA NAKRA** – Board review

The Board is in receipt of a complaint filed against Aprajita Nakra, DPM initiated by patient N.H. The patient alleges standard of care and treatment regarding surgery.

The Board reviewed the records sent by Aprajita Nakra and found they were not complete. Following discussion the board request the following records be obtained:

1. The Board must have a copy of the original x-rays and post op x-rays
2. Complete Billing records explained can't understand them
3. Surgery consent form from 2/19/08

4. Subpoena Jason Harrill for notes, records and x-rays

h) **08-33-C KATHLEEN RICHARDS** – Board review records received and x-rays

The Board is in receipt of a complaint filed against Kathleen Richards, DPM initiated by V.P. for patient E.J. The patient alleges she has requested the medical records from Dr. Richards and has not received them there is a question on how she is billing Medicare for trimming her mothers toe nails.

The Board reviewed the records sent by Kathleen Richards. The medical records copies were requested on July 3, 2008 and July 18, 2008 in writing and the patient has not received them.

**MOTION:** Dr. Polakof moved to have Kathleen Richards come to the November 12, 2008 board meeting for an investigative interview and invite the complainant to attend. Dr. Kaplan seconded the motion.

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

**3. OPEN COMPLAINTS**

e) **06-06-C MICHAEL DERSHOWITZ** – Review and possible action on proposed consent agreement.

Ms. Verstegen assistant attorney general addressed the board regarding considering a settlement consent agreement submitted by Bruce Crawford attorney to Michael Dershowitz regarding the case 06-06-C in lieu of the formal hearing.

**MOTION:** Dr. Kaplan 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 12:30 pm  
The Board convened regular session at 12:40 pm

The Board asked Ms. Verstegan to contact Bruce Crawford regarding holding an informal interview for case 06-06-C and invite Dr. Barrett for him to cross examine.

f) **08-27-C MICHAEL PORTER** – non license DPM continued until November 12 board meeting

g) **08-28-C MICHAEL PORTER** – second complaint from nurse goes with 08-27-continued until November 12, meeting

This matter was tabled at Michael Porters request and will be held at the November 12, 2008 board meeting.

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

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

This matter is still in litigation.

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

The monthly report has been received and offers to resolve the matter have been sent but a response has not been received yet.

c) **08-34-C STANTON COHEN** – quarterly report update due January 09

Quarterly report received regarding this case.

**5. PROBATIONARY STATUS REPORTS**

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

Letter received Dr. Nazarian had no surgeries last month for the Board to review.

b) **06-04-C ALAN GAVECK** – update

Report received from Bruce Crawford stating Dr. Gaveck did not perform any surgeries last month.

**E. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION OF APPLICATIONS FOR THE DECEMBER 2, 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).

Andrea Roemer  
Vu Thai Nguyen  
Terence Vanderheiden

**MOTION:** Dr. Polakof moved to approve the applications to take the exam on December 2, 2008. Dr. Kaplan seconded the motion.

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

1. Exam dates for 2009

June 2, 2009 Application deadline - March 2, 2009

December 1, 2009 Application deadline - September 1, 2009

Exam information for the Board.

**F. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON CORRESPONDENCE -**

1. Insurance Notice of claim action suit filed – Scott Maling  
Documentation was requested Tabled until the November 12, 2008 board meeting.

2. Insurance Notice of claim action suit filed – Arthur Tallis  
Information received stating claim was withdrawn.

3. Insurance Notice of claim action suit filed – Mark Brekke faxed info  
This case was dismissed.

4. Insurance Notice of claim action suit filed – James Wilson  
Information was received by James Wilson stating claim was withdrawn.

**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. Provisional license request from Janice Clark – she has applied to take the exam in December

**MOTION:** Dr. Leonetti moved to deny Janice Clark provisional license application pursuant to A.R.S. 32-826.B she has to pass the state exam before a provisional license can be issued. Ms. Reagan seconded the motion.

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

2. Proposed New Board Policy

Dr. Leonetti address the Board regarding a new board policy requiring hospital to report investigation of Podiatrist to the Board. The Board isn't notified from hospital or surgery centers because of negative publicity. This is a serious situation and the Board needs to know when a podiatrist has been investigated or disciplined. Any case that goes before a review committee from a hospital or surgery center the board must be notified before it begins the investigation.

Ms. Verstegen assistant attorney general advised the board that statutory authority is required for a policy statement, it would be best to include it in the board rules if our statute permits. The Board instructed staff to look into the statutes to see if this could be included with the rules being updated.

3. Executive Director up date report –



i. Auditor General final report

Ms. Doyle informed the Board that she has contacted the Health Committee Senators and House of Representative to see if they have any questions regarding the performance audit.

ii. 09-10 Budget

The budget has been submitted.

iii. Personal matters

1. Board discussion on interviewing for the Executive Director position

The Board instructed staff to contact the applicants who have applied for the executive director position to be interviewed at the November 12, 2008 board meeting.

iv. Consolidation information

No new information

v. Miscellaneous

**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

**NOTE: Next Meeting Date: November 12, 2008**

**ADJORNMENT**

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

Respectfully submitted,

Dee Doyle  
Executive Director

APPROVED:  
Dedrie Polakof, DPM  
Board President