



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, Secretary-Treasurer, Dee Doyle, Executive Director

REGULAR SESSION MINUTES
Board Meeting

November 14, 2007 8:30 a.m.
1400 West Washington St., B1
Phoenix, AZ 85007

I. Call to Order by Presiding Officer

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

A. 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
Dedrie Polakof, D.P.M., Member
Jeanne Reagan, Secretary-Treasurer
Board Member Absent: Joseph Leonetti, D.P.M., Member

Welcome new public member: Paula Hollins

Dr. Kaplan thanked Gloria Lederman for her long standing with the board she will be missed.

B. Acknowledgement of presence of Board staff and legal council.

Assistant Attorney General: Melissa Cornelius

Board Staff: Dee Doyle, Executive Director

II. APPROVAL OF MINUTES

- A. Regular Session Meeting Minutes Of October 10, 2007
- B. Regular Session Meeting Minutes Of October 24, 2007
- C. Executive Session Meeting Minutes of October 10, 2007
- D. Executive Session Meeting Minutes of October 24, 2007

MOTION: Ms. Lederman moved to accept the minutes as written above. Dr. Polakof seconded the motion.

VOTE: The motion passed 4 ayes, 0 no and 1 absent

III. COMPLAINTS BEFORE THE BOARD FOR THE FIRST TIME

A. Complaints Before The Board For The First Time

1. 07-34-C GREGORY LOO

The Board reviewed this complaint and moved to invite Dr. Loo to an investigative interview at the December 12, 2007 board meeting.

MOTION: Dr. Polakof moved to invite Dr. Loo to an investigative interview at the December 12, board meeting. Ms. Reagan seconded the motion

VOTE: The motion passed 4 ayes, 0 no and 1 absent

2. 07-35-C AMRAM DAHUKEY

The Board reviewed the complaint against Dr. Dahukey.

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

VOTE: The motion passed 4 ayes, 0 no and 1 absent

3. 07-36-B GEORGE THOMPSON

The Board moved to open a complaint against George Thomson, DPM regarding a letter received from K.M. The letter alleges unprofessional conduct with a cease and desists from any further communication with the patient or the family.

Tabled to request records from Dr. Thompson regarding this case.

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

A. OPEN COMPLAINTS

1. 05-27-M ELAINE J. SHAPIRO

Tabled

2. 05-36-C GEORGE N. THOMPSON

The Board reviewed all of the cases open for Dr. Thompson, a doctor was located to perform the evaluation, staff will send out required documentation and a letter to Dr. Thompson.

3. 06-03-C GEORGE N. THOMPSON

Tabled.

6. 06-11-C GEORGE N. THOMPSON

Tabled

8. 06-28-C GEORGE N. THOMPSON

Tabled

MOTION: Dr. Kaplan moved to re-affirm to have Dr. George Thompson undergo a psychiatric evaluation for cases 05-36, 06-03, 06-11, 06-28 and 07-36 by Dr. Henry Schulte M.D. He is to contact Dr. Schulte's office for an appointment within twenty (20) day's from the date of the certified letter sent and have the evaluation completed within forty-five (45) days of setting his appointment. Dr. Polakof seconded the motion.

VOTE: The motion passed 4 aye, 0 no and 1 absent

4. 06-04-C ALAN GAVECK

Melissa Cornelius Assistant Attorney General informed the Board that the file has been submitted to Superior Court.

5. 06-06-C MICHAEL DERSHOWITZ

The Board discussed obtaining an expert witness and setting a date with the Office of Administrative hearings for this case.

7. 06-22-M ANDREW LOWY

Tabled ongoing case.

10. 07-14-C KRIS A. DINUCCI

Tabled

The Board also requested the following:

1. Send a subpoena to obtain complete surgical charts for June, July and August from Dr. DiNucci.

9. 07-11-C J. DAVID BROWN

The Board reviewed documentation received from and regarding Dr. Brown.

The Board requested the following:

1. Send a subpoena to Dr. Mary Peters to come in for an investigative interview at the December 12, 2007 board meeting.
2. Subpoena patients to the people discussed in executive session for an investigative interview at the December 12, 2007 board meeting.
3. Send Dr. Brown a letter regarding failure to maintain adequate medical patient records according to A.R.S. §32-854.1 (11) amend complaint to include this allegation.

MOTION: Dr. Polakof moved to issue subpoenas to the patients and Dr. Peters to attend an investigative interview at the December 12 board meeting. Ms. Hollins seconded the motion.

VOTE: The motion passed 4 ayes, 0 no and 1 absent.

11. 07-14-C PAUL K. WOODWARD – **Investigative Interview 8:30 a.m.**

Dr. Woodward was present at this meeting, The Board asked questions of Dr. Woodward to which he responded.

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

VOTE: The motion passed 4-0-1

The Board convened Executive Session to obtain legal advice at 9:20 am

The Board returned to Regular Session at 9:35 am

MOTION: Dr. Polakof moved to subpoena patients DW, DP and BH for an investigative interview at the December 12, 2007 board meeting. Ms. Hollins seconded the motion.

VOTE: The motion passed 4 ayes, 0 no and 1 absent.

12. 07-18-C JASON HARRILL – **Investigative Interview 8:30 A.M.**

Dr. Harrill was present with his legal council Bruce Crawford. The complainant DF was also present to address the board.

The Board asked DF and Dr. Harrill questions to which they responded.

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

VOTE: The motion passed 4 ayes, 0 no and 1 absent

13. 07-21-C SCOTT L EVANS

This complaint was Tabled or an investigative interview with Dr. Evans at the December 12, 2007 board meeting.

14. 07-22-C STEVEN M BORN – **Investigative Interview 8:30 a.m.**

Dr. Born was present to answer questions from the board. Mr. BJ the complainant was also present to address the board. The Board asked questions of Dr. Born and Mr. BJ to which they responded.

Dr. Born agreed to send B.J. his medical records after he was presented with a release form from B.J.

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

VOTE: The motion passed 4 ayes, 0 no and 1 absent.

15. 07-23-C WILLIAM FISHCO

The Board discussed this complaint.

MOTION: Dr. Kaplan moved to dismiss complaint 07-23-C finding no violation of Arizona Revised Statutes governing the practice of Podiatry. Ms. Reagan seconded the motion

VOTE: The motion passed 4 ayes, 0 no and 1 absent.

20. 07-29-C GLENN SILVERSTIEN

The Board discussed this complaint.

MOTION: Dr. Polakof moved to dismiss complaint 07-29-C finding no violation of Arizona Revised Statutes governing the practice of Podiatry. Ms. Reagan seconded the motion

VOTE: The motion passed 4 ayes, 0 no and 1 absent.

16. 07-25-C JOHN D MARIN

The Board discussed this complaint.

MOTION: Dr. Kaplan moved to dismiss complaint 07-25-C finding no violation of Arizona Revised Statutes governing the practice of Podiatry. Ms. Reagan seconded the motion

VOTE: The motion passed 4 ayes, 0 no and 1 absent.

17. 07-26-C MICHAEL J SEKOSKY

The Board reviewed the requested advertisement from Paradise Valley Hospital regarding the initiated complaint by M.W. The advertisement indicates a Free Community Education Series nothing is stated regarding a free office visit.

MOTION: Dr. Polakof moved to dismiss complaint 07-26-C and 07-27-C finding no violation of Arizona Revised Statutes governing the practice of Podiatry. Ms. Reagan seconded the motion

VOTE: The motion passed 4 ayes, 0 no and 1 absent.

18. 07-27-C MICHAEL J SEKOSKY

The Board recessed at 10:42 am

The Board reconvened regular session at 10:45 am.

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

VOTE: The motion passed 4-0-1

The Board convened Executive Session to obtain legal advice at 10:47 am

The Board returned to Regular Session at 10:52 am

19. 07-28-C KENT L PETERSON

The Board Tabled this complaint and will hold an Investigative Interview at the December 12, 2007 board meeting. Invite Dr. Peterson to an investigative interview at the December 12, board meeting.

21. 07-32-B SERJIK NAZARIAN

The Board Tabled this complaint and will hold an Investigative Interview at the December 12, 2007 board meeting.

MOTION: Dr. Kaplan moved to invite Dr. Nazarian to an Investigative Interview at the December 12, 2007 board meeting. Ms. Hollins seconded the motion.

VOTE: The motion passed 4 ayes, 0 no and 1 absent

22. 07-33-C RAJESH DAULAT

The board requested records regarding this case but has not received them as of today.

MOTION: Dr. Kaplan moved to hold an investigative interview with Dr. Daulat at the December 12, 2007 board meeting. Dr. Polakof seconded the motion.

VOTE: The motion passed 4 ayes, 0 no and 1 absent

V. REVIEW OF APPLICATIONS FOR DECEMBER 4, 2007 EXAM

Sarah Otero-Quintero	Jared Shapiro	Shahram Askari
Christine White	Kelley Gillroy	Terence Thompson

MOTION: Dr. Kaplan moved to approve the applicants listed above to take the upcoming December 4, 2007 exam. Ms. Reagan seconded the motion.

VOTE: The motion passed 4 ayes, 0 no and 1 absent.

VI. EXECUTIVE DIRECTOR REPORT

Dee Doyle Executive Director updated the board regarding what has been done in the office since she started the position and informed them of the upcoming sun set audit review and the office of strategic budget analyst will be doing a brief presentation at the December 12, 2007 meeting regarding the budget.

VII. CORRESPONDENCE

- A. National Practitioner Data Base Report received for medical mal-practice settlement case for Brandon Kim, DPM and Mark Gorman, DPM
Received 11-7-07 Letter and documents received from Shawn Cunningham Attorney notifying the board of the Malpractice action against Brandon Kim, DPM and Mark Gorman, DPM

The Board discussed opening a complaint on Dr. Kim and Dr. Gorman for the Mal-practice settlement case.

MOTION: Dr. Kaplan moved to open an investigation for the Mal-practice settlement case on Dr. Brandon Kim and Dr. Mark Gorman. Dr. Polakof seconded the motion.

VOTE: The motion passed 4 ayes, 0 no and 1 absent

The Board requested the following documents from Dr. Kim and Dr. Gorman:

1. Medical records for this case from both doctors.
2. Copy of Renewal applications from 05, 06 and 07 on both doctors.

- B. Appeal letter from Dr. Noland Jones DPM

The Board reviewed the request for appeal received from Dr. Jones regarding his late renewal.

MOTION: Dr. Kaplan moved to deny Dr. Jones a re-hearing or review on his late renewal. Dr. Polakof seconded the motion.

VOTE: The motion passed 4 ayes, 0 no and 1 absent.

MOTION: Dr. Kaplan moved to re-opened the October 10 minutes to make the following changes; The Board affirms the denial of Dr. Noland Jones renewal application and denies a re-hearing review. Dr. Polakof seconded the motion.

VOTE: The motion passed 4 ayes, 0 no and 1 absent.

VIII. DISCUSSION AND CONSIDERATION AND POSSIBLE ACTION ON ADMINISTRATIVE MATTERS

- A. Set up a policy addition for model polices on controlled substance for the treatment of pain, guidelines for chronic pain needs and narcotics.

Dr. Polakof addressed the Board regarding adopting the police treatment of pain guidelines for chronic pain needs and narcotics. The Board will do a separate substantive policy statement for inspection and send to the Secretary of State to adopt and post on the Podiatry website.

MOTION: Dr. Polakof moved to adopt the Model Policy for the Use of Controlled Substance for the Treatment of Pain and The Guidelines for Treatment of Chronic Pain from the Federation of State Medical Boards of the United States, Inc. Dr. Kaplan seconded the motion.

VOTE: The motion passed 4 ayes, 0 no and 1 absent.

- B. The Oral Exam Dates for 2008 will be as follows: June 10, 2008 with the application deadline date of March 10, 2008 and December 2, 2008, application deadline is September 2, 2008.

IX. CALL TO THE PUBLIC

No Public was present to address the board

X. ADJORNMENT

There being no further business before the Board, The meeting was adjourned at 11:50 AM

Respectfully submitted,

Dee Doyle
Executive Director

APPROVED:
Barry Kaplan, DPM
Board President