



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

December 12, 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
Joseph Leonetti, D.P.M., Member
Dedrie Polakof, D.P.M., Member
Jeanne Reagan, Secretary-Treasurer
Paula Hollins, Public Representative

Acknowledgement of Board staff and legal council.

Assistant Attorney General: Melissa Cornelius

Board Staff: Dee Doyle, Executive Director

II. DISCUSSION AND CONSIDERATION AND POSSIBLE ACTION ON APPROVAL OF MINUTES.

- A. Regular Session Meeting Minutes of November 14, 2007
B. Executive Session Meeting Minutes of November 14, 2007

MOTION: Ms. Reagan moved to approve the minutes A & B as written. Dr. Polakof seconded the motion.

VOTE: The motion passed unanimously 5 ayes, 0 no

III. DISCUSSION AND REVIEW TO AMEND PAST MINUTES

- A. Amend the Regular Session Meeting Minutes of July 11, 2007, a correction to page 9 under correspondence to read "Board discussion of the letter is tabled until the next meeting in August" instead of July.

MOTION: Ms. Reagan moved to approve the amended regular session minutes of July 11, 2007 with the corrections as stated in A above. Dr. Polakof seconded the motion.

VOTE: The motion passed unanimously 5 ayes, 0 no

- B. Amend the Regular Session Meeting Minutes of August 8 to Read approval of July 11, 2007 meeting minutes instead of June 13, 2007.

MOTION: Dr. Leonetti moved to approve the amended regular session minutes of August 8, 2007 with the corrections as stated in B above. Dr. Polakof seconded the motion.

VOTE: The motion passed unanimously 5 ayes, 0 no

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

- A. Complaints Before The Board For The First Time

1. 07-39-C Elaine Shapiro
This complaint was TABLED to obtain copies of the records.

2. 07-40-C Bradley A. Whitaker
This complaint was TABLED to obtain copies of the records.

3. 07-41-C Joyce N. Ratner
This complaint was TABLED to obtain copies of the records.

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

A. OPEN COMPLAINTS

1. 05-27-M ELAINE J. SHAPIRO

This complaint was Tabled it is still in litigation

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 ordered evaluation, staff sent out the required documents by certified mail and a letter to Dr. Thompson and his attorney. The certified return receipt was received back from Dr. Thompson's attorney but has not been received back from Dr. Thompson nor has the letter been returned to the Board's office.

3. 06-03-C GEORGE N. THOMPSON
Tabled.

5. 06-06-C GEORGE N. THOMPSON
Tabled

6. 06-11-C GEORGE N. THOMPSON
Tabled

8. 06-28-C GEORGE N. THOMPSON
Tabled

17. 07-36-B GEORGE N. THOMPSON
This complaint was TABLED to obtain copies of the records.

The Board directed staff to contact Tom Kelley, Dr. Thompson's attorney to see if he has been in touch with Dr. Thompson regarding the psychiatric evaluation information that was sent to Dr. Thompson by certified mail. Mr. Kelley received a copy of the letter sent to Dr. Thompson his certified receipt was returned.

The Board also requested the following:

1. Send a subpoena to obtain complete medical records for complaint 07-36-B.
2. Add to allegation notice to Dr. Thompson that he is in violation of Order to undergo a psychiatric evaluation within the given time frame.

4. 06-04-C ALAN GAVECK

Melissa Cornelius Assistant Attorney General updated the Board on the briefing schedule for this case in Superior Court.

5. 06-06-C MICHAEL DERSHOWITZ

This case has been referred to the Office of Administrative Hearing.

7. 06-22-M ANDREW LOWY

This matter was Tabled an update on this case was received in November.

10. 07-14-C KRIS A. DINUCCI

This matter was Tabled to review the records received by Dr. DiNucci.

18. 07-37-M BRANDON KIM

19. 07-38-M MARK GORMAN

The Board Tabled 07-37-M and 07-38-M to review the records received by Ed Ladley, Dr. Kim's attorney Bruce Crawford was present and addressed the Board regarding records from Dr. Gorman.

16. 07-34-C GREGORY LOO- Investigative Interview to be continued until the January 9, 2008 Board meeting.

MOTION: Dr. Kaplan moved to go into Executive Session to obtain legal advice and for confidential investigative interview. Dr. Polakof seconded the motion.

VOTE: The motion passed unanimously 5 ayes, 0 no

The Board convened Executive Session at 8:50 am
The Board returned to Regular Session at 9:14 am

9. 07-11-C J. DAVID BROWN

MOTION: Dr. Kaplan moved to issue subpoenas to the people discussed in executive session. Dr. Leonetti seconded the motion.

VOTE: The motion passed unanimously 5 ayes, 0 no

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

At a previous meeting, the Board tabled the complaint filed against Paul K. Woodward, DPM and moved to hold an investigative interview with him pursuant to A.R.S. § 32-852.01(A) based on a possible violation of A.R.S. § 32-852.01.

Dr. Woodward was present at the December meeting for the investigative interview.

The Board interviewed BH who was present to answer questions from the Board.

The Board asked BH questions regarding his association with Dr. Woodward and if he knew the complainant, to which BH answered, Dr. Woodward is a personal friend from school and he did not know the complainant. He has been a patient of Dr. Woodward since 1989.

The Board interviewed DP who was present to answer questions from the Board.

The Board asked DP questions regarding his association with Dr. Woodward to which he responded, DP stated he knew the husband of the complainant but he doesn't know her.

The Board interviewed DW who was present to answer questions from the Board.

The Board asked DW his association with Dr. Woodward to which he responded, he has known him since high school, he broke his ankle and Dr. Woodward treated him. DW doesn't know the complainant.

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 unanimously 5 ayes, 0 no

12. 07-21-C SCOTT L EVANS

At a previous meeting, the Board tabled the complaint filed against Scott L. Evans, DPM initiated by his patient, M.K. and moved to hold an investigative interview with him pursuant to A.R.S. § 32-852.01(A) based on a possible violation of A.R.S. § 32-852.01.

The complainant alleges practice below the standard of care and treatment rendered by Dr. Evans following two office visits with a referral to a physical therapist and plastic surgeon. The complainant alleges that she was not referred in a timely manner to a plastic surgeon and that her daughter had to find one for her.

Dr. Evans was present at the December meeting for the investigative interview and represented by Bruce Crawford. Dr. Evans reviewed his diagnosis and treatment rendered to patient, M.K.

M.K. the complainant and her daughter's were also present to address the Board. M.K. reviewed her treatment received by Dr. Evans.

MOTION: Following the interview Dr. Polakof 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 unanimously 5 ayes, 0 no

13. 07-28-C KENT L PETERSON

At a previous meeting, the Board tabled the complaint filed against Kent L. Peterson, DPM initiated by United Healthcare (Secure Horizons) Monica Mellano, RN, Director of Peer Review and moved to hold an investigative interview with him pursuant to A.R.S. § 32-852.01(A) based on a possible violation of A.R.S. § 32-852.01.

Dr. Peterson was present at the December meeting for the investigative interview and represented by Bruce Crawford and Edwin Gaines Jr. Dr. Peterson reviewed his investigation of the Inspector General that is ongoing a reimbursement issue.

MOTION: Following the interview Dr. Kaplan moved to Table the complaint until the investigation is completed and to have Dr. Peterson notify the board of the completion of the ongoing investigation. Ms. Reagan seconded the motion.

VOTE: The motion passed unanimously 5 ayes, 0 no

21. 07-32-B SERJIK NAZARIAN

At a previous meeting, the Board tabled the complaint filed against Serjik Nazarian, DPM initiated by Joseph Blumberg on behalf of M.B. and moved to hold an investigative interview with him pursuant to A.R.S. § 32-852.01(A) based on a possible violation of A.R.S. § 32-854.11, 16 and 20.

The complainant alleges practice below the standard of care and treatment by Dr. Nazarian negligently performed a neuroma removal procedure on the patient-decedent's left foot without first obtaining a vascular surgery consult and without first prescribing a pre-operative prophylactic antibiotic. It is alleged that as a result of the surgery performed by Dr. Nazarian, as well as the subsequent care, the patient developed a non-healing surgical wound of the left foot and infection.

Dr. Nazarian was present at the December meeting for the investigative interview and represented by Mark Gove. Dr. Nazarian reviewed his diagnosis and treatment rendered to patient M.B.

Following the interview, Dr. Kaplan instructed a consent agreement be drawn up for Dr. Nazarian to review with possible violation to A.R.S. § 32-854.11, 16 and 20. The consent agreement should indicate the difference in the patient surgical written records written and the typed notes.

Dr. Leonetti reported that Dr. Nazarian exercised poor judgment on doing the surgery to this patient and that ultimately brought harm to the patient.

Following discussion, the Board moved to send this complaint to a Formal Hearing if Dr. Nazarian fails to sign the consent agreement sent to him by the Board and also requested the following:

1. Subpoena complete medical records on three randomly picked patients
2. The consent agreement for Dr. Nazarian to review and sign should include the following:
 - a. Probation for 1 year
 - b. Submit complete patient charts, pre and post-operative x-rays, billings on all surgical patients during his probation.
3. Give the board a list of all hospitals and surgical centers where he performs surgery.

MOTION: Dr. Kaplan moved 07-32-B to a Formal Hearing at the February 13, 2008 board meeting if Dr. Nazarian doesn't sign and agree to the consent agreement sent to him by the board. Dr. Leonetti seconded the motion.

VOTE: The motion passed unanimously 5 ayes, 0 no

The Board recessed at 11:23 a.m.

The Board reconvened regular session at 11:25 a.m.

22. 07-33-C RAJESH DAULAT

At a previous meeting, the Board tabled the complaint filed against Rajesh Daulat, DPM initiated by patient K.J. and M. J. and moved to hold an investigative interview with him pursuant to A.R.S. § 32-852.01(A) based on a possible violation of A.R.S. § 32-852.01.

Dr. Daulat was not present at the December meeting for the investigative interview.

Following discussion, the Board tabled the investigative interview, and requested the following:

1. Subpoena the complete medical records for K.J and M.J.
2. Subpoena Dr. Daulat to attend the January 9, 2008 board meeting.

V. EXECUTIVE DIRECTOR REPORT

A. Ms. Doyle updated the Board on the set up of the policy addition for model polices on controlled substance for the treatment of pain, guidelines for chronic pain needs and narcotics. Has been submitted to the Secretary of States office and will be posted in the register on December 21, 2007.

B. Melissa Harto, Budget Analyst from Arizona Governor's Office of Strategic Planning and Budgeting updated the Board on the current budget.

C. Review State Board Exam of December 4, 2007.

MOTION: Dr. Polakof moved to go into Executive Session regarding confidential Exam review. Ms. Reagan seconded the motion.

VOTE: The motion passed unanimously 5 ayes, 0 no

The Board convened Executive Session at 12:00 noon

The Board returned to Regular Session at 12:10 p.m.

The Board instructed staff to send letters to the applicants notifying them of their pass/fail results.

MOTION: Dr. Kaplan moved to remove question #2 from the exam causing #3 applicants a passing score and to notify them of this. Dr. Polakof seconded the motion.

VOTE: The motion passed unanimously 5 ayes, 0 no

VI. CORRESPONDENCE

A. Correspondence received from the Auditor General

B. Correspondence on new Statewide Travel Policy and Travel Claim Processing Changes

Ms. Doyle updated the Board on the ongoing Audit. And the new changes to the state travel policy.

C. Correspondence received from Erik Kilbo, CPC Coding Auditor AZ Heart Institute

The Board reviewed the correspondence received from Mr. Kilbo.

VII. CALL TO THE PUBLIC

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No Public was present to address the board

X. ADJORNMENT

There being no further business before the Board, The meeting was adjourned at 12:15 PM

Respectfully submitted,

Dee Doyle
Executive Director

APPROVED: 1/9/08
Barry Kaplan, DPM
Board President