



Janice K. Brewer,
Governor

State Of Arizona Board of Podiatry Examiners
"Protecting the Public's Health"

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Barry Kaplan, DPM; Joseph Leonetti, DPM; Dedrie Polakof, DPM; Paula Hollins, Public Member;
Jeanne Reagan, Public Member, Sarah Penttinen, Executive Director

BOARD MEETING AGENDA

February 11, 2009, 8:30 a.m.
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 President of the Board reserves 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 Sarah Penttinen at (602) 542-3095. Requests should be made as early as possible to allow time to arrange the accommodation.

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

Staff: Sarah Penttinen, Executive Director

Assistant Attorney General: Keely Verstegen

The Agenda for the meeting is as follows:

I. Call to Order

II. Roll Call

III. Approval of Minutes

- a. January 14, 2009 Regular Session Minutes.
- b. January 14, 2009 Executive Session Minutes.

IV. Informal Hearings

- a. 08-41-B – George Thompson: Failure to comply with subpoena issued in case number 08-30-C.
- b. 08-48-B – George Thompson: Failure to comply with Board Order in case number 08-17-B.

- V. Review, Discussion and Possible Action –Review of Complaints** (NOTE: The subject matter listed for each agenda item represents the allegation(s) being investigated. The presence of allegations does not automatically indicate violation of Statute or Rule in connection with the practice of podiatry.)
- a. 08-44-C – Alex Bui: Inappropriate billing practices in relation to patient J.W.
 - b. 08-46-C – Daniel Saunders: Failure to provide records to patient L.D.
- VI. Status Updates: No Board Action – Information Only**
- a. 06-06-C – Michael Dershowitz: Formal hearing is pending; prehearing conference scheduled for February 12, 2009.
 - b. 06-22-M – Andrew Lowy: Litigation still pending on malpractice action. Next report is due in February.
 - c. 07-11-C – J. David Brown: Investigation pending.
 - d. 07-28-C – Kent Peterson: Pacificare / Secure Horizons investigation still pending.
 - e. 08-34-B – Stanton Cohen: Litigation still pending on malpractice action. Next report is due in April.
 - f. 08-39-M – Scott Maling: Litigation still pending on malpractice action. Next report is due in April.
 - g. 08-40-M – Jason Harrill: Litigation still pending on malpractice action. Next report is due in April.
 - h. George Thompson – case numbers 06-11-C, 06-28-C, 07-36-B, and 08-30-C: Referred to formal hearing during December 10, 2008 Board meeting; hearings not yet scheduled.
- VII. Probation / Disciplinary Action Status Reports: No Action – Information Only**
- a. 06-04-C – Alan Gaveck: Monthly report update.
 - b. 07-32-B – Serjik Nazarian: Monthly review of records.
 - c. 08-03-C – Elaine Shapiro: Monthly report update.
 - d. 08-17-B – George Thompson: Update.
 - e. 08-18-C – David Laurino: Consent Agreement offered to Dr. Laurino
- VIII. Assignment of Complaint Investigations to Physician Board Members: No Action – Information Only.** (NOTE: The subject matter listed for each item represents the allegation(s) being investigated. The presence of allegations does not automatically indicate violation of Statute or Rule in connection with the practice of podiatry.)
- a. 05-27-M – Elaine Shapiro: Malpractice settlement.
 - b. 08-12-C – Elaine Shapiro: Alteration of patient medical records.
 - c. 08-42-C – Michael Sekosky: Inappropriate billing / failure to refund overpayment for patient J.H.
 - d. 08-45-C – Travis Reber: Practice below the standard of care for patient D.W.
 - e. 08-47-B – Antonius Su: Inappropriate billing in relation to patients K.G. and H.G.
 - f. 09-01-C – John Charski: Practice below the standard of care for patient H.S.
 - g. 09-03-C – Don Shumway: Charging excessive fee to patient J.H.
- IX. Review, Discussion and Possible Action on Administrative Matters**
- X. Executive Director’s Report**
- a. Update on legislative action and continuation bill.
 - b. Report of new complaints.
 - c. Investigation procedures
 - i. Malpractice investigation procedure.
 - ii. Inquiries and correspondence.
 - iii. Ability to conduct inspections.
- XI. 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.

XII. Next Meeting Date:
a. March 11, 2009, 8:30 am.

XIII. Adjournment