

1 **BEFORE THE ARIZONA STATE BOARD OF**
2 **PODIATRY EXAMINERS**

3 In the Matter of:) **CASE NO. 18-10-C**
4)
4 **BRAD HAYMAN, DPM**)
5 Holder of License No. **0216**) **CONSENT AGREEMENT**
6) **AND NON-DISCIPLINARY ORDER**
6 For the Practice of Podiatry)
7 In the State of Arizona)
7)

8 **CONSENT AGREEMENT**

9 **RECITALS**

10 In the interest of a prompt and judicious settlement of the above-captioned matter
11 before the Arizona State Board of Podiatry Examiners (“Board”), and in the interest of
12 protecting the people of the State of Arizona, consistent with the statutory requirements
13 and responsibilities of the Board pursuant to A.R.S. § 32-801, *et seq.* and A.R.S. § 41-
14 1092.07 (F)(5), Dr. Brad Hayman, DPM (“Respondent”), holder of license number 0216
15 to practice podiatry in the State of Arizona, and the Board enter into the following Consent
16 Agreement for Findings of Fact, Conclusions of Law, and Non-Disciplinary Order
17 (“Consent Agreement”) as the final disposition of this matter.

18 1. Respondent has the right to consult with an attorney prior to entering into
19 this Consent Agreement. Respondent has read and understands this Consent Agreement
20 as set forth herein, and has had the opportunity to discuss this Consent Agreement with
21 an attorney or has waived the opportunity. Respondent voluntarily enters into this
22 Consent Agreement for the purpose of avoiding the expense and uncertainty of an
23 administrative hearing.

24 2. Respondent understands that he has a right to a public administrative
25 hearing concerning each and every allegation set forth in the above-captioned matter, at
26 which time Respondent could present evidence and cross-examine witnesses. By entering
into this Consent Agreement, Respondent freely and voluntarily relinquishes all rights to

1 such an administrative hearing, as well as all rights of rehearing, review, reconsideration,
2 appeal, judicial review, or any other administrative, and/or judicial action concerning the
3 matters set forth herein. Respondent affirmatively agrees that this Consent Agreement
4 shall be irrevocable and any modifications to this original document are ineffective and
5 void unless mutually approved by the parties in writing.

6 3. Respondent agrees that the Board may adopt this Consent Agreement or any
7 part of this agreement under A.R.S. §§ 32-852 and 32-852.01. Respondent understands
8 that the Board may consider this Consent Agreement or any part of it in any future
9 disciplinary action against him.

10 4. Respondent understands that this Consent Agreement does not constitute a
11 dismissal or resolution of other matters currently pending before the Board, *if any*, and
12 does not constitute any waiver, express or implied, of the Board's statutory authority or
13 jurisdiction regarding any other pending or future investigation, action, or proceeding.

14 5. All admissions Respondent makes in this Consent Agreement are made
15 solely for the final disposition of investigation number 18-10-C, and any related
16 administrative proceedings or civil litigation involving the Board and Respondent.
17 Respondent further understands that acceptance of the Consent Agreement does not
18 preclude any other agency, subdivision, or officer of this state from instituting other civil
19 or criminal proceedings with respect to the conduct that is the subject of this Consent
20 Agreement.

21 6. The Consent Agreement shall be subject to adoption by the Board and shall
22 be effective only when signed by the President of the Board or the Executive Director of
23 the Board, on behalf of the President. In the event that the Board does not adopt this
24 Consent Agreement, it is withdrawn and shall be of no evidentiary value and shall not be
25 relied upon nor introduced in any action by any party. The parties agree that if the Board
26 rejects this Consent Agreement and this case proceeds to hearing, Respondent shall assert

1 no claim that the Board was prejudiced by its review and discussion of this document or
2 any other records relating thereto.

3 7. Respondent understands that this Consent Agreement is a public record that
4 may be publicly disseminated as a formal action of the Board.

5 8. Respondent understands that any violation of this Consent Agreement could
6 be grounds for further disciplinary action by the Board pursuant to A.R.S. § 32-854.01(21).

7
8 DATED: 7/2/2018 4:53:32 PM PDT SIGNED:

DocuSigned by:
Dr. Brad Hayman
AS12A08E14AF484
Brad Hayman, DPM

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10 APPROVED AS TO FORM:

Kimberly Kent for
Kimberly Kent, RN, JD
Attorney for Respondent

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13 **FINDINGS OF FACT**

14 1. The Arizona State Board of Podiatry Examiners is the duly constituted
15 agency for licensing and regulating the practice of podiatric medicine in the State of
16 Arizona and has jurisdiction over Respondent and the subject matter pursuant to A.R.S. §
17 32-801, *et seq.*

18 2. Dr. Brad Hayman, DPM, is the holder of License Number 0216 which
19 enables him to practice podiatry in the State of Arizona.

20 3. Respondent has been continuously licensed to practice podiatry in the State
21 of Arizona since August 8, 1983. Respondent's license to practice podiatry is effective
22 until August 31, 2018.

23 4. On or about September 9, 2017, the Board received a complaint from T.D.
24 alleging that at no time preoperatively did Respondent inform him that surgical treatment
25 may include an osteotomy that would require non-weight bearing or an extended layup
26 time and that postoperatively, Respondent had been instructed to ambulate to tolerance
using a surgical shoe.

1 DATED THIS 17TH DAY OF JULY, 2018.
2 ARIZONA BOARD OF PODIATRY EXAMINERS

3
4 By: *Barbara A. Campbell, D.P.M.*
5 Dr. Barbara Campbell, Board President

6 Original Consent Agreement for Probation
7 filed this 17th day of July, 2018 with the:

8 Arizona State Board of Podiatry Examiners
9 1740 West Adams Street, Suite 3004
Phoenix, Arizona 85007

10 Copy of the foregoing sent by Electronic
and Regular mail this 17th day of July, 2018 to:

11 Brad Hayman, DPM
12 3103 Clearwater, Suite B
13 Prescott, AZ 86305
Hayman_Brad@yahoo.com

14 Copy of the foregoing sent by electronic mail
This 17th day of July to:

15 Frankie Shinn-Eckberg, Assistant Attorney General
16 Office of Arizona Attorney General
17 1275 W. Washington
Phoenix, AZ 85007
Frankie.eckberg@azag.gov

18
19 Kimberly Kent, RN, JD
20 341 East Camelback Road, Suite 100
21 Phoenix, Arizona 85012
kkent@klgaz.com

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23 *K. C. G.*
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