



Douglas A. Ducey,
Governor

Arizona State Board of
Podiatry Examiners
“Protecting the Public’s Health”

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OPEN SESSION MINUTES

December 14, 2016

Members of the Arizona State Board of Podiatry Examiners (“Board”) held a meeting at 8:36 a.m. on Wednesday, December 14, 2016 at the Board’s office in Suite B-1, 1400 West Washington Street, Phoenix, Arizona 85007. An executive session was held from 8:47 a.m. to 9:00 a.m.

BOARD MEMBERS:

- Barbara Campbell, DPM..... Board President and Practitioner Member
- John Rhodes Secretary and Public Member
- Barry Kaplan, DPM. Practitioner Member
- × Joseph Leonetti, DPM..... Practitioner Member
- M. Elizabeth Miles..... Public Member

- × Absent

STAFF AND ASSISTANT ATTORNEYS GENERAL PRESENT:

- Ryan P. Edmonson..... Executive Director
- Frankie Shinn-Eckberg, Esq. Assistant Attorney General

GUEST(S) PRESENT AND/OR PARTICIPATING

- Bruce D. Crawford, Esq..... Respondent’s Attorney

The meeting was called to order at 8:36 a.m. by Dr. Barbara Campbell. The following order of business was then considered:

OPEN SESSION

DECLARATION OF CONFLICTS OF INTEREST – A.R.S. § 38-503

No new conflicts were declared.

ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

Review Compliance/Non-compliance with Consent Agreement

17-07-B; Wessel, Loren, DPM

Dr. Loren Wessel was not present, but was represented by his legal counsel, Bruce D. Crawford.

The Board discussed going into executive session to discuss confidential information.

EXECUTIVE SESSION

A motion was made by Dr. Barbara Campbell, seconded by M. Elizabeth Miles and passed unanimously to go into executive session at 8:47 a.m. to discuss confidential information pursuant to A.R.S. § 38-431.03(A)(2) regarding file no. 17-07-B.

After consideration in executive session, the Board reconvened in open session at 9:00 a.m.

OPEN SESSION

ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

Review Compliance/Non-compliance with Consent Agreement

17-07-B; Wessel, Loren, DPM

Dr. Loren Wessel was again not present, but was represented by his legal counsel, Bruce D. Crawford.

A motion was made by Dr. Barbara Campbell, seconded by John Rhodes and passed unanimously to accept the report from the substance abuse evaluator and allow Dr. Wessel to return to the practice of podiatry under the terms of the probation of the Consent Agreement.

After the Board discussed the drug testing, within the Consent Agreement, Mr. Crawford agreed that the referred to drug testing should be random, but not at the direction of board staff, but rather through a drug testing program. Mr. Crawford stated that he and his client would set-up random drug testing and update the Board.

Investigation Files

16-24-C; Di Nucci, Kris, DPM

Neither Dr. Kris Di Nucci, nor his counsel were present. The complainant was not present as well. Dr. Barbara Campbell summarized the complaint and the investigation, and the Board discussed the file.

After discussion, a motion was made by John Rhodes, seconded by M. Elizabeth Miles and passed unanimously to dismiss the case due to no violations of Board Statutes and Rules.

16-29-C; Di Nucci, Kris, DPM

Neither Dr. Kris Di Nucci, nor his counsel were present. The complainant was not present as well. Dr. Barbara Campbell summarized the complaint and the investigation, and the Board discussed the file.

After discussion, a motion was made by M. Elizabeth Miles, seconded by Dr. Barbara Campbell and passed unanimously to dismiss the case due to no violations of Board Statutes and Rules.

The Board requested that the public record reflect that they would caution any doctor from saying that they can provide exactly the same orthotics that the patient currently has since there is no way of knowing for sure how the orthotics will be manufactured.

REVIEW, DISCUSSION AND POSSIBLE ACTION ON BOARD MEETING MINUTES

Discussion and approval of the Open Session Minutes from the November 9, 2016 board meeting

A motion was made by Dr. Barbara Campbell, seconded by John Rhodes and passed unanimously to approve the Open Session Minutes from the November 9, 2016, board meeting.

Discussion and approval of the Executive Session Minutes from the November 9, 2016 board meeting

A motion was made by Dr. Barbara Campbell, seconded by John Rhodes and passed unanimously to approve the Executive Session Minutes from the November 9, 2016, board meeting.

ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

Issuance of Licenses – A.R.S. § 32-826

Abrahamson, Hal, DPM

Arrhenius, Daniel, DPM

Bland, Devin, DPM

Chrisman, Melissa, DPM

Demidowich, Lisa, DPM

Gifford, Michael, DPM

Heigh, Evelyn, DPM

Hirschi, Jordan, DPM

Hui-Seidenstricker, Eve, DPM

Kimble, Brandi, DPM

Lernor, Amanda, DPM

Levitt, Andrew, DPM

Megorden, Laura, DPM

Morse, Mevelyn, DPM

Patel, Naren, DPM

Rader, Andrew, DPM

Seidenstricker, Chad, DPM

Udall, Craig, DPM

Vuong, Khoa Duy, DPM

A motion was made by Dr. Barbara Campbell, seconded by M. Elizabeth Miles and passed unanimously to issue licenses to the applicants for their successful passing of the examination and after the receipt of their license issuance fees.

LEGISLATIVE UPDATE, DISCUSSION AND POSSIBLE ACTION

Board staff provided the Board a summary of the proposed legislation of re-defining the scope of podiatry to include amputation.

The Board continued to agree that the proposed legislative amendments to A.R.S. § 32-801(9) & (10) should be amended from, "...but does not include amputation of the foot, toe or leg..." to "...but does not include amputation of the leg or entire foot...".

ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

Initial Analysis

Board staff provided the Board a summary of the complaint sent to the Board and its allegations. The Board discussed the seriousness of the allegations. The Board agreed that its best to complete an onsite review of the doctor's practice simultaneously while providing the doctor with an open complaint letter and the opportunity to respond to prevent any destruction of evidence.

A motion was made by M. Elizabeth Miles, seconded by John Rhodes and passed unanimously to open a complaint file, assign an investigator and direct the investigator to conduct an onsite review of the doctor's practice.

Investigator for the Arizona State Board of Podiatry Examiners

Di Nucci, Kris, DPM

A motion was made by M. Elizabeth Miles and seconded by John Rhodes to approve Dr. Di Nucci as one of its investigative consultants.

Prior to the vote and during the discussion, the Board discussed its expectations and what might be Dr. Di Nucci's expectations. The Board agreed that it might be best to have a board member contact Dr. Di Nucci to discuss both. Dr. Barbara Campbell agreed to contact Dr. Di Nucci.

M. Elizabeth Miles withdrew her motion and John Rhodes withdrew his second to the motion and the Board agreed to table the matter until the Board's January meeting.

Review Compliance/Non-compliance with Consent Agreement

13-02-C; Evans, Robert, DPM

The Board discussed Dr. Robert Evans' compliance, specifically his compliance with the audits of his patient records. The Board was concerned about his lack of documentation, including but not limited to injection amounts. Dr. Evans' notes state the strength of the injection, but he does not list the amount of cubic centimeters given.

A motion was made by Dr. Barbara Campbell, seconded by John Rhodes and passed unanimously to table any action regarding the consent agreement audit of the doctor's practice until the Board's January board meeting.

After the Board reviewed Dr. Evans' CME pre-approval request, a motion was made by Dr. Barbara Campbell, seconded by Dr. Barry Kaplan and passed unanimously to pre-approve of Dr. Evans' CME request.

EXECUTIVE DIRECTOR'S REPORT

The Board reviewed the budget, agency operations and complaint log with Ryan P. Edmonson.

SUMMARY OF CURRENT EVENTS

None were discussed.

DISCUSSION AND POSSIBLE ACTION ITEMS TO BE PLACED ON FUTURE MEETING AGENDAS

Ryan Edmonson mentioned the research he conducted regarding other podiatry boards' fees and the Board requested to review the research at its January meeting.

NEXT BOARD MEETING DATE

Wednesday, January 11, 2017 at 8:30 a.m.

CALL TO THE PUBLIC

No one from the public was present.

ADJOURNMENT

A motion was made by Dr. Barbara Campbell, seconded by John Rhodes and passed unanimously to adjourn at 10:59 a.m.