



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

1740 West Adams St., Suite 3004
Phoenix, Arizona 85007
P: (602)542-8151
W: www.podiatry.az.gov

Douglas A. Ducey, Governor

OPEN SESSION MINUTES

June 13, 2018

Members of the Arizona State Board of Podiatry Examiners ("Board") held a meeting at 8:36 a.m. on Wednesday, May 9, 2018 at the Board's office in Board Room C, 1740 West Adams St., Phoenix, Arizona 85007. An executive sessions were held from 8:46 a.m. to 8:48 a.m. and from 10:22 a.m. to 10:31 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
Vacancy..... Public Member

STAFF AND ASSISTANT ATTORNEY GENERAL PRESENT:

- Kristina C. Gomez Executive Director
Frankie Shinn-Eckberg, Esq..... Assistant Attorney General

GUEST(S) PRESENT AND/OR PARTICIPATING

- Jerome A. Cohn, DPM..... Board's Investigator
William Leonetti, DPM Board's Investigator
Brad Hayman, DPM..... Respondent
Brenna J. Gingrich, Esq..... Respondent's Attorney
Complainant..... Investigative Case 18-10-C
Complainant..... Investigative Case 18-18-C
Complainant..... Investigative Case 18-20-C
Joseph Knochel, DPM..... Respondent
Bruce Levin, DPM Respondent
Bruce D. Crawford, Esq..... Respondent's Attorney

OPEN SESSION

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

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

No new conflicts were declared.

The Americans with Disabilities Act: Persons with disabilities may request reasonable accommodations, such as sign language interpreters. Requests should be made as early as possible to allow time to arrange the accommodation. This document is available in alternative format upon request.

ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

Investigation File(s)

18-10-C; Hayman, Brad, DPM

Dr. Hayman and his attorney Ms. Gingrich were both present. The complainant participated by phone. Dr. W. Leonetti was present telephonically and began to summarize his investigator's report. The Board discussed going into executive session to review and discuss a confidential letter submitted by Dr. Hayman's attorney.

EXECUTIVE SESSION

A motion was made by Dr. Campbell, seconded by Dr. Kaplan, and passed unanimously to go into executive session at 8:46 a.m. to discuss information that is specifically required to be maintained as confidential pursuant to A.R.S. § 38-431.03(A)(2) regarding file no. 15-10-C.

After executive session, the Board reconvened in open session at 8:48 a.m.

OPEN SESSION

ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

Investigation File(s)

18-10-C; Hayman, Brad, DPM

Dr. W. Leonetti continued to summarize his investigator's report. Dr. W. Leonetti concluded that Dr. Hayman fell below the standard of care on both allegations of an inappropriate consent form of surgery and his choice of treatment. The complainant summarized the care he received from Dr. Hayman and his current health status. Dr. Hayman and Ms. Gingrich both made closing remarks regarding the matter. The Board continued to discuss the matter further with additional questions for Dr. W. Leonetti, the complainant, and Dr. Hayman.

A motion was made by Dr. Campbell, seconded by Dr. Kaplan, and passed 3 – 0 to offer a consent agreement for non-disciplinary probation. The probation will be for one year during which time Dr. Hayman shall undergo a chart audit by the Board of all patients having undergone an osteotomy procedure of any of the 1st through 5th metatarsals while under his care. Complete patient medical records must be submitted to the Board within ten days of the first post-operative visit and must include signed consent forms, dated radiographs and any other imaging, and all communications related to a patient's physical condition. Dr. Hayman has thirty days to respond to the Board's offer, if he does not accept the terms in the consent agreement then the matter moves to an informal hearing.

Dr. J. Leonetti declared a conflict and did not participate.

18-18-C; Knochel, Joseph, DPM

Dr. Knochel was present telephonically and his attorney Mr. Crawford was present. The complainant participated by phone. Dr. Cohn summarized his investigator's report. Dr. Cohn concluded that the complaint is unsubstantiated. The care and treatment of the complainant was appropriate and the accusations of inappropriate behavior could not be substantiated. The complainant summarized her complaint against Dr. Knochel. Dr. Knochel and Mr. Crawford made brief remarks and answered the Board's questions regarding the matter.

After discussion, a motion was made by Dr. J. Leonetti, seconded by Mr. Rhodes, and passed unanimously to dismiss the case due to no violations of Board statutes or rules.

17-17-C; Levin, Bruce, DPM

Dr. Levin participated telephonically, and his legal counsel Mr. Crawford was present. The Board discussed going into executive session to seek legal advice.

EXECUTIVE SESSION

A motion was made by Dr. Kaplan, seconded by Dr. J. Leonetti and passed unanimously to go into executive session at 10:22 a.m. to seek legal advice pursuant to A.R.S. § 38-431.03(A)(2) regarding file no. 17-17-C.

After executive session, the Board reconvened in open session at 10:31 a.m.

OPEN SESSION

ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

Investigation File(s)

17-17-C; Levin, Bruce, DPM

Dr. Cohn summarized his review of the first month of the audit and the usage of modifier 25. Dr. Cohn asked the Board for additional clarification regarding the audit in order to continue. The Board wants Dr. Cohn to have the appropriate records to continue the investigation to ensure an accurate evaluation. Dr. Levin and Mr. Crawford made remarks related to the audit and their concerns with the audit.

After discussion, a motion was made to amend its original request from February 14, 2018 to allow Dr. Cohn to evaluate six months of patient records voluntarily submitted by Dr. Levin from a random sample. The random sample shall include: a monthly patient list beginning March 1 2018 through August 31, 2018 containing billing codes 99211-25, 99212-25, 99213-25, 99214-25, and 99215-25, as well as patients who received cortisone injections. Dr. Cohn will review the complete medical records on-site at Dr. Levin's office. Dr. Cohn will provide his findings to the Board.

Dr. Campbell declared a conflict and did not participate

The Board took a break from 11:25 a.m. to 11:38 a.m.

OPEN SESSION

ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

Investigation File(s)

18-20-C; Schulman, Daniel, DPM

Dr. Schulman was not present. Dr. Cohn was present and summarized his investigator's report. Dr. Cohn concluded that the complaint is unsubstantiated. The patient experienced unfortunate incident; because of severe peripheral vascular disease associated with diabetes and systemic issues. The complainant summarized his complaint against Dr. Schulman and his concerns.

After discussion, a motion was made by Mr. Rhodes, seconded by Dr. Kaplan and passed 4 – 0 to dismiss the case due to no violations of Board statutes or rules.

18-16-C; O'Brien, Kevin, DPM

This matter will be heard on a later date.

REVIEW, DISCUSSION AND POSSIBLE ACTION ON BOARD MEETING MINUTES

Discussion and approval of the Open Session Minutes from the May 9, 2018 board meeting

After making an amendment, a motion was made by Dr. Campbell, seconded by Dr. Leonetti, and passed unanimously to approve the Open Session Minutes from the May 9, 2018 Board meeting as amended.

CONSENT AGENDA

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

A motion was made by Dr. Leonetti, seconded by Dr. Kaplan and passed 4 – 0 to issue licenses to the following applicants for their successful passing of the jurisprudence examination and after the receipt of their license issuance fees:

- | | |
|---------------------------------------|---------------------------------|
| 1. Baer, Brian, DPM | 12. Mahmood, Sara, DPM |
| 2. Bardin, Joseph, DPM | 13. Rice, Andrew, DPM |
| 3. Cady, Joshua Thomas, DPM | 14. Rottman, Allison Marie, DPM |
| 4. Dameron, Layne, DPM | 15. Sabic, Aldijan, DPM |
| 5. Ghadyary-Khorzooghy, Firoozeh, DPM | 16. Sabic, Jessica, DPM |
| 6. Gillihan, Patrick, DPM | 17. Schabler, Jeffrey, DPM |
| 7. Goss, Mark, DPM | 18. So, Eric, DPM |
| 8. Graeber, Mark Edward, DPM | 19. Song, Jaeha, DPM |
| 9. Jensen, Burkley, DPM | 20. Tallis, Ronald, DPM |
| 10. Jones, Drew, DPM | 21. Walsh, Melissa, DPM |
| 11. Juels, Christopher, DPM | 22. Weintrub, Brent, DPM |

5. Campbell, Barbara, DPM

A motion was made by Dr. Kaplan, seconded by Mr. Rhodes and passed 3 – 0 to approve of Dr. Campbell's renewal application.

Dr. Campbell declared a conflict and did not participate.

46. Kaplan, Barry, DPM

A motion was made by Dr. Campbell, seconded by Mr. Rhodes passed 3 – 0 to approve of Dr. Kaplan's renewal application.

Dr. Kaplan declared a conflict and did not participate.

A motion was made by Dr. Campbell, seconded by Dr. Kaplan and passed unanimously to approve of the following doctors' renewal applications and dispensing registrations, if applicable:

- | | |
|--|---------------------------|
| 1. Allen, Jason, DPM | 6. Carlson, Alan, DPM |
| 2. Barrett, Stephen, DPM | 7. Chrisman, Melissa, DPM |
| 3. Brewer, Michael, DPM | 8. Clark, Seth, DPM |
| 4. Brower, Randall, DPM | 9. Coffey, Jamie, DPM |
| 5. <i>Item removed for separate action</i> | 10. Connell, Charles, DPM |

11. Crampton, Scott, DPM
12. Curtis, Donald, DPM
13. De La Cruz, Eugene, DPM
14. Dershowitz, Michael, DPM
15. Di Nucci, Kris, DPM
16. Discont, Alan, DPM
17. Dobrusin, Joseph, DPM
18. Espensen, Eric, DPM
19. Evans, Scott, DPM
20. Feinberg, Dale, DPM
21. Fiorino, John, DPM
22. Fishco, William, DPM
23. Forman, Mark, DPM
24. Freed, Lewis, DPM
25. Freeman, Denise, DPM
26. Freestone, Darick, DPM
27. Friedlander, Gary, DPM
28. Frykberg, Robert, DPM
29. Garza, Alexander, DPM
30. Goldman, Eugene, DPM
31. Gorman, Mark, DPM
32. Griffin, Douglas DPM
33. Gunzy, Todd, DPM
34. Haddon, Todd, DPM
35. Hall, Jared, DPM
36. Harrill, Jason, DPM
37. Hatch, Daniel, DPM
38. Hayman, Brad, DPM
39. Holgado, Ronaldo, DPM
40. Hua, Natalie, DPM
41. Hunchak, Derek, DPM
42. Hunchak, Whitney, DPM
43. Huish, James, DPM
44. Jaffe, David, DPM
45. Jay, Kristina, DPM
46. *Item removed for separate action*
47. Kelly, Edward, DPM
48. Kennedy, Katherine, DPM
49. Killian, Ronald, DPM
50. King, Jonathan, DPM
51. Klotzbach-Larios, Tosha, DPM
52. Kluger, Barbara, DPM
53. Ko, Edalyn, DPM
54. Kosak, Ruth Aida, DPM
55. Krahn, Morten, DPM
56. Kratzer, Duane, DPM
57. Krell, Bruce, DPM
58. Kroyn, Jean, DPM
59. Lee, David, DPM
60. Maben, Frank, DPM
61. McCarthy, Cathleen, DPM
62. McLaws, Ivan, DPM
63. Mecham, Brandon, DPM
64. Nakra, Aprajita, DPM
65. Niemann, Spencer, DPM
66. Novack, Robert, DPM
67. Sana, Nima
68. O'Bryant, Steven, DPM
69. Olsen, Mark, DPM
70. Panahi, Kaveh, DPM
71. Paul, Marie, DPM
72. Peterson, Kent, DPM
73. Pettengill, Matthew, DPM
74. Pirozzi, Kelly, DPM
75. Polakof, Dedrie, DPM
76. Rand III, Richard, DPM
77. Reed, Trena, DPM
78. Robinson, Glen, DPM
79. Robinson, Richard, DPM
80. Roemer, Andrea, DPM
81. Roth, Bryan, DPM
82. Rowe, Gregory, DPM
83. Rowland, Roberta, DPM
84. Sallus, Karyn, DPM
85. Samoy, Valarie, DPM
86. Sangalang, Maria Melinda, DPM
87. Sarraf, Payam, DPM
88. Saunders, Daniel, DPM
89. Seidner, Arthur Norman, DPM
90. Smith, Martin, DPM
91. Steck, Jerome, DPM
92. Su, Antonius, DPM
93. Tutnauer, Phillip, DPM
94. Ghandhari, Vanousheh Sara, DPM
95. Walters, Jodi, DPM
96. Whitford, Lara, DPM
97. Woodward, Paul, DPM
98. Wyant, Scott, DPM
99. Zachow, Robert, DPM
100. Zelichowski, James, DPM

Application(s) for Registration to Dispense Drugs/Devices – A.A.C. R4-25-602
Dameron, Layne, DPM

After review of the applications, a motion was made by Dr. Kaplan, seconded by Dr. J. Leonetti and passed 4 – 0 to grant the applicants a registration to dispense drugs/devices.

Nakra, Aprajita, DPM

After review of the applications, a motion was made by Dr. Kaplan, seconded by Mr. Rhodes and passed 4 – 0 to grant the applicant a registration to dispense drugs/devices and follow up with Dr. Nakra inquiring on her dispensing of drugs and devices for the last 2 years.

ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

Quarterly Update

O'Brien, Kevin, DPM

The Board discussed Dr. O'Brien's participation in continuing medical education pursuant to the November 2017 consent agreement. Dr. O'Brien is in compliance with the consent agreement and asked the Board to approve an additional course. A motion was made by Mr. Rhodes, seconded by Dr. Kaplan, and passed unanimously to approve of the 2 hour CME.

Peterson, Kent, DPM

Dr. Peterson is in compliance with the consent agreement and is making payments related to his civil penalty. He will be working with a new investigator on his monthly review per the consent agreement.

EXECUTIVE DIRECTOR'S REPORT

The Board reviewed the budget, agency operations, and complaint log with Executive Director Gomez. The new online system (eLicensing) is live but the state continues to work through technical issues. The Board of Podiatry contributed \$2,500.00 for additional assistance from the original vendor. A brief summary of the complaint log was presented.

EXECUTIVE SESSION

A motion was made by Dr. Kaplan, seconded by Dr. Leonetti and passed unanimously to go into executive session at 12:28 p.m. to discuss Board staff's performance and compensation pursuant to A.R.S. § 38-431.03(A)(1).

After executive session, the Board reconvened in open session at 12:34 p.m.

OPEN SESSION

EXECUTIVE DIRECTOR'S REPORT

A motion was made by Dr. Campbell, seconded by John Rhodes, and passed 4 – 0 to grant a spot incentive for the amount discussed in Executive Session to be paid in fiscal year 2018 to its Executive Director for her extraordinary performance.

SUMMARY OF CURRENT EVENTS

None were discussed.

CALL TO THE PUBLIC

No one was present from the public.

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

None were discussed.

NEXT BOARD MEETING DATE

Wednesday, July 11, 2018 at 8:30 a.m.

ADJOURNMENT

A motion was made by Dr. Campbell, seconded by Mr. Rhodes, and passed unanimously to adjourn at 12:36 a.m.