



Douglas A. Ducey,
Governor

Arizona State Board of Podiatry Examiners

“Protecting the Public’s Health”



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OPEN SESSION MINUTES


January 13, 2021

Members of the Arizona State Board of Podiatry Examiners (“Board”) held a meeting at 8:30 a.m. on Wednesday, January 13, 2021, at 1740 West Adams St., Boardroom C, Phoenix, Arizona 85007. One Executive Sessions was held.






BOARD MEMBERS PRESENT:

- Barbara Campbell, DPM..... Board President and Practitioner Member
- John Rhodes Secretary and Public Member
-  Albert Eulano, DPM. Practitioner Member
-  Mark Forman, DPM.....Practitioner Member
- Vacancy.....Public Member

STAFF AND ASSISTANT ATTORNEY GENERAL PRESENT:

- Heather Broaddus..... Executive Director
-  Seamus Monaghan, Esq.....Assistant Attorney General

GUEST(S) PRESENT AND/OR PARTICIPATING

-  Bruce Crawford, Esq.....Attorney
-  Thomas Schoaf.....Attorney
- Daniel Bangart, DPM.....Licensee
- Kenneth Moskow, Esq.....Attorney
-  S.W.....Complainant
-  Jared Leber, DPM.....Licensee
-  Dedrie Polakof, DPM.....Investigator
-  Appeared telephonically

OPEN SESSION

Dr. Campbell called the meeting to order at 8:31 a.m. The Board considered the following order of business.

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

There were no declarations of conflicts of interest.

ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

Correspondence received from Bruce Crawford, Esq., in regards to Complaint No. 20-23-C

Dr. Campbell provided a summary stating that Complaint No. 20-23, Seth Clark, DPM, was submitted to the Board. The Complaint was opened and the licensee and complainant were notified of the complaint. Subsequently, the Board received correspondence from the licensee’s attorney, Bruce Crawford, Esq. Mr. Crawford is objecting to the complaint claiming that the Board previously reviewed and adjudicated the complaint. Additionally, Mr. Crawford requested that the Board stay the complaint until the underlying litigation is resolved if the Board proceeds with hearing the complaint. Dr. Campbell noted that there are new allegations in Complaint No. 20-23-C.

Mr. Crawford was present telephonically, requested to speak and made a statement. Mr. Crawford explained that the Board previously reviewed this complaint. The Board disciplined the licensee and the licensee successfully completed the terms of the Consent Agreement and Order. Mr. Crawford explained that there is underlying litigation and that the complain is a litigation tactic. Mr. Crawford requested that the Board stay the complaint until the litigation is resolved if the Board determines to move forward with the complaint.

The Complainant, Thomas Schoaf, Esq., on behalf of L.D., was present telephonically, requested to speak and made a statement. Mr. Schoaf argued that the complaint is not duplicative. He explained that there are new allegations that the Board did not previously consider. He requested that the Board move forward with the complaint.

At 8:48 a.m., Dr. Campbell made a motion, seconded by Mr. Rhodes, to go into Executive Session to obtain confidential legal advice from the Board’s Assistant Attorney General. The motion carried unanimously, 4-0.

	Dr. Campbell	Dr. Eulano	Dr. Forman	Mr. Rhodes	VACANCY
Yay	X	X	X	X	
Nay					
Recused					
Abstained					
Absent					

Open session reconvened at 9:00 a.m.

Board members considered the underlying litigation. After review, Dr. Campbell made a motion, seconded by Mr. Rhodes, to stay Complaint No. 20-23-C until the underlying litigation is completed. The motion carried unanimously, 4-0, on a roll call vote.

	Dr. Campbell	Dr. Eulano	Dr. Forman	Mr. Rhodes	VACANCY
Yay	X	X	X	X	
Nay					

Recused					
Abstained					
Absent					

Investigations

20-18-C; Daniel Bangart, DPM

The Board’s Investigator, Dr. Polakof, was present telephonically and provided a summary to the Board. Dr. Polakof answered Board member questions.

The Complainant, S.W., was present telephonically, requested to speak, made a statement and answered Board members’ questions. S.W. went over the timeline of her treatment. Board members asked S.W. if she signed a Consent Form. S.W. answered. Board members asked if Dr. Bangart offered conservative treatment prior to the procedure. S.W. answered.

Dr. Bangart and his attorney, Kenneth Moskow, Esq. were present, requested to speak, made a statement and answered Board members’ questions. Mr. Moskow presented due process issues. Mr. Moskow attested that S.W. signed a Consent Form. Mr. Moskow outlined periods in which the complaint was submitted, when S.W. consulted with an attorney and when S.W. filed a lawsuit. Dr. Bangart went over the timeline of his treatment of S.W. Dr. Bangart reviewed the x-rays and the procedure performed. Dr. Bangart presented the signed Consent Form and other documents to the Board. Board members recognized that those Board members appearing telephonically could not review the documents Dr. Bangart submitted.

After deliberation, Dr. Campbell made a motion, seconded by Mr. Rhodes to continue Complaint No. 20-18-C to a future meeting to allow the Board time to review the additional documents Dr. Bangart submitted. The motion carried unanimously, 4-0.

	Dr. Campbell	Dr. Eulano	Dr. Forman	Mr. Rhodes	VACANCY
Yay	X	X	X	X	
Nay					
Recused					
Abstained					
Absent					

REVIEW, DISCUSSION AND POSSIBLE ACTION ON BOARD MEETING MINUTES

Discussion and approval of the Open Session Minutes from the December 9, 2020, Board meeting

After review, Dr. Campbell made a motion, seconded by Dr. Forman, to approve the December 9, 2020, Open Session Minutes as drafted. The motion carried unanimously, 4-0.

	Dr. Campbell	Dr. Eulano	Dr. Forman	Mr. Rhodes	VACANCY
Yay	X	X	X	X	
Nay					
Recused					
Abstained					
Absent					

ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

Compliance Update

1. Patrick Farrell, DPM

Dr. Campbell summarized stating that Dr. Farrell has not performed any nerve decompression procedures in November or December 2020. The Board took no action on this item.

Issuance of Licenses

1. Bello, Eunis, DPM

Upon review of Dr. Bello’s application, the Board noted that her application meets requirements of statute and rule. After review, Dr. Campbell made a motion, seconded by Dr. Forman, to approve Dr. Bello’s application upon payment of the license issuance fee. The motion carried unanimously, 4-0.

	Dr. Campbell	Dr. Eulano	Dr. Forman	Mr. Rhodes	VACANCY
Yay	X	X	X	X	
Nay					
Recused					
Abstained					
Absent					

2. Lewis, Wesley Kreig, DPM

Upon review of Dr. Lewis’ application, the Board noted that his application meets requirements of statute and rule. After review, Dr. Campbell made a motion, seconded by Dr. Eulano, to approve Dr. Lewis’ application upon payment of the license issuance fee. The motion carried unanimously, 4-0.

	Dr. Campbell	Dr. Eulano	Dr. Forman	Mr. Rhodes	VACANCY
Yay	X	X	X	X	
Nay					
Recused					
Abstained					

Absent					
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3. Pena, Dennis, DPM

Upon review of Dr. Pena’s application, the Board noted that his application meets requirements of statute and rule. After review, Dr. Campbell made a motion, seconded by Dr. Forman, to approve Dr. Pena’s application upon payment of the license issuance fee. The motion carried unanimously, 4-0.

	Dr. Campbell	Dr. Eulano	Dr. Forman	Mr. Rhodes	VACANCY
Yay	X	X	X	X	
Nay					
Recused					
Abstained					
Absent					

4. Stark, Travis, DPM

Upon review of Dr. Stark’s application, the Board noted that his application meets requirements of statute and rule. After review, Dr. Campbell made a motion, seconded by Dr. Forman, to approve Dr. Stark’s application upon payment of the license issuance fee. The motion carried unanimously, 4-0.

	Dr. Campbell	Dr. Eulano	Dr. Forman	Mr. Rhodes	VACANCY
Yay	X	X	X	X	
Nay					
Recused					
Abstained					
Absent					

EXECUTIVE DIRECTOR’S REPORT

Ms. Broaddus provided an update on the podiatry Board Bill stating that Senator Pace agreed to sponsor the Bill. Ms. Broaddus stated that Senate Staff agreed to add the amendment regarding defining medical assistants. Ms. Broaddus stated that a draft Bill has not been submitted.

Ms. Broaddus provided an update on the Sunset Audit stating that the Senate Health and Human Services Committee of Reference (Committee) met on December 17, 2020, to discuss the audit report. The Committee voted to continue the Board for eight years.

Ms. Broaddus provided an update of digitization.

Ms. Broaddus provided an update of the Complaint log.

Ms. Broaddus provided update of the current budget.

SUMMARY OF CURRENT EVENTS

There were no current events.

CALL TO THE PUBLIC

There was no call to the public.

DISCUSSION AND POSSIBLE ACTION ITEMS FOR FUTURE MEETING AGENDAS

There were no items for future meetings

NEXT BOARD MEETING DATE

Wednesday, February 10, 2021 at 8:30 a.m.

ADJOURNMENT

A motion was made by Dr. Campbell, seconded by Mr. Rhodes, and passed unanimously, 4-0, to adjourn the meeting at 10:27 a.m.

	Dr. Campbell	Dr. Eulano	Dr. Forman	Mr. Rhodes	VACANCY
Yay	X	X	X	X	
Nay					
Recused					
Abstained					
Absent					