



Douglas A. Ducey,
Governor

Arizona State Board of Podiatry Examiners

“Protecting the Public’s Health”

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OPEN SESSION MINUTES

November 13, 2019

Members of the Arizona State Board of Podiatry Examiners (“Board”) held a meeting at 8:30 a.m. on Wednesday, November 13, 2019, at 1740 West Adams St., Boardroom C, Phoenix, Arizona 85007. One Executive Session was held.

BOARD MEMBERS:

Barbara Campbell, DPM.....	Board President and Practitioner Member
John Rhodes	Secretary and Public Member
Mark Forman, DPM.....	Practitioner Member
Joseph Leonetti, DPM.....	Practitioner Member
Vacancy.....	Public Member

STAFF AND ASSISTANT ATTORNEY GENERAL PRESENT:

Heather Broaddus.....	Executive Director
Frankie Shinn-Eckberg, Esq.....	Assistant Attorney General

GUEST(S) PRESENT AND/OR PARTICIPATING

Melissa Galli, DPM.....	Licensee
Scott King, Esq.....	Attorney
D.W.....	Complainant
Mark Forman, DPM.....	Licensee
Kimberly Kent, Esq.....	Attorney
K.K.....	Complainant
M.Z.....	Complainant
Jerome Cohn, DPM.....	Investigator
Albert Eulano, DPM.....	Upcoming Board Member
	Appeared telephonically

OPEN SESSION

Dr. Campbell called the meeting to order at 8:32 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.

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.

REVIEW, DISCUSSION AND POSSIBLE ACTION ON BOARD MEETING MINUTES

Discussion and approval of the Open Session Minutes from the October 9, 2019, Board meeting
 Dr. Campbell made a motion, seconded by Mr. Rhodes, to approve the October 9, 2019, Open Session Minutes as drafted. The motion carried unanimously, 4-0.

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

ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

Investigation Files

19-24-C; Melissa Galli, DPM

The Boards Investigator, Jerome Cohn, DPM, was present telephonically and provided a summary of the Complaint to the Board. Dr. Galli and her attorney, Scott King, Esq, were present, requested to speak, made a statement and answered Board members’ questions. The Complainant, D.W., was present telephonically. Board members deliberated and noted that Dr. Galli did not submit postoperative x-rays or images as part of her complaint response. After deliberation, Dr. Campbell made a motion, seconded by Mr. Rhodes, to table Complaint No. 19-24-C, to obtain the postoperative x-rays and images in this matter. The motion carried unanimously, 4-0.

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

19-26-C; Mark Forman, DPM

Dr. Forman did not participate as a Board member during this complaint.

The Boards Investigator, Jerome Cohn, DPM, was present telephonically and provided a summary of the Complaint to the Board. Dr. Forman and his attorney, Kimberly Kent, Esq, were present, requested to speak, made a statement and answered Board members’ questions. Ms. Kent presented the Board with a written expert opinion regarding Dr. Forman’s conduct in this matter. The Complainant, K.K., was present, requested to speak, made a statement and answered

Board members questions. Board members deliberated and expressed concern with Dr. Forman’s consideration of osteotomy placement during surgery and his timeliness in recognizing potential complications postoperatively. After deliberation, Dr. Campbell made a motion, seconded by Dr. Leonetti, to issue a non-disciplinary Letter of Concern to Dr. Forman. The motion carried 3-0-1, with Dr. Forman abstained.

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

19-35-C; Amram Dahukey, DPM

The Boards Investigator, Jerome Cohn, DPM, was present telephonically and provided a summary of the Complaint to the Board. Dr. Dahukey was not present. The Complainant, M.Z., was present telephonically, requested to speak, made a statement and answered Board members questions. Board members deliberated. After deliberation, Dr. Campbell made a motion, seconded by Dr. Leonetti, to dismiss Complaint No. 19-35-C as there is no evidence of violation of statute or rule. The motion carried unanimously, 4-0.

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

19-28-B; Eric Espensen, DPM

The Boards Investigator, Jerome Cohn, DPM, was present telephonically and provided a summary of the Complaint to the Board. Dr. Espensen was not present. The Board initiated this Complaint after receipt of a National Practitioners Data Bank report. The Board deliberated. After deliberation, Dr. Leonetti made a motion, seconded by Dr. Forman, to dismiss Complaint No. 19-28-B as there is no evidence of violation of statute or rule. The motion carried unanimously, 4-0.

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

Issuance of Licenses

1. Benjamin Thomas, DPM

Upon review of Dr. Thomas’ application, the Board noted that Dr. Thomas is applying for licensure by Comity. The Board noted that Dr. Thomas successfully completed his residency in June 2016. The Board discussed that applying by Comity requires an individual to have practiced at the independent level for the last five of seven years. The Board determined that Dr. Thomas does not qualify to apply by Comity. Dr. Campbell made a motion, seconded by Mr. Rhodes, that Dr. Thomas’ application be changed to an initial application and that he submit the additional documentation required for an initial application. Once the requested documentation is received and, once he submits the license fee, his application will be approved for licensure. The motion carried unanimously, 4-0.

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

Applications for Registration to Dispense Drugs/Devices

1. Bradley Newswander, DPM
2. Lauren Wurster, DPM

After review of the applications, Dr. Leonetti made a motion, seconded by Dr. Forman, to approve the applications of Bradley Newswander, DPM, and Lauren Wurster, DPM. The motion carried unanimously, 4-0.

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

Compliance Update

Patrick Farrell, DPM

Ms. Broaddus provided a summary stating that Dr. Farrell submitted correspondence indicating that he has not performed any nerve decompression surgeries. Board members asked when the next audit is due. Ms. Broaddus stated that Dr. Farrell is required to submit a list of patients in

mid-December. Once the investigator completes the review, the audit report will be forwarded to the Board. The Board took no action in this matter.

Hayman, Brad, DPM

Ms. Broaddus provided a summary stating that Dr. Hayman submitted correspondence indicating that he has not performed any osteotomies. The Board took no action in this matter.

2020 Legislation

Ms. Broaddus summarized the legislation the Board wishes to run in 2020. Ms. Broaddus indicated that adding fees to A.R.S. §32-830 will cause a Proposition 108 clause. Ms. Broaddus explained that language can be added to the section, instead of delineating fees, that will not cause a Proposition 108 clause. It was the consensus of the Board to add general language to the A.R.S. §32-830 that will allow the Board to create fees in rule.

The Board discussed adding the American Podiatric Medical Association (APMA) Code of Ethics to A.R.S. §32-854.01. After deliberation, it was the consensus of the Board to only include section BE6.0 of the APMA in A.R.S. §32-854.01.

The Board discussed merging the initial application with the initial application to dispense. The Board determined that licensees who do not currently hold a registration dispense will not be required to obtain a registration to dispense.

Limited License Podiatric Radiology Certification for Medical Assistants

At 11:13 a.m., Dr. Campbell made a motion, seconded by Dr. Forman, to go into Executive Session to obtain confidential legal advice from the Board’s Assistant Attorney General. Open session reconvened at 11:22 a.m.

CONSENT AGENDA

Renewal Applications for Arizona Podiatric License and Dispensing Registration

1. Wolf, Arnold, DPM

Dr. Leonetti made a motion, seconded by Mr. Rhodes, to approve the renewal application listed under the Consent Agenda. The motion carried unanimously, 4-0.

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

EXECUTIVE DIRECTOR'S REPORT

Ms. Broaddus provided a summary stating that the Governor's Office responded to the Board's June 2019, exemption request from the rule-making moratorium. At this time, the Governor's Office has not approved the Board's request to raise the annual renewal fee. The Governor's Office did approve the Board's request to allow licensees to obtain all of the required continuing education via electronic means. The Governor's office did not address whether it would approve prorating the initial license fee. Ms. Broaddus spoke with Ms. Rajakovich and the request to prorate the license issuance fee will be forwarded to the Office of Strategic Planning and Budgeting.

Ms. Broaddus stated that at its September 11, 2019, meeting, the Board voted to implement a fee for the Temporary License Application mandated by SB 1086. The Board voted to charge a \$100.00 fee for the application and, once approved, the issuance of the license. On September 19, 2019, an exemption request from the rule-making moratorium was sent to Ms. Rajakovich. To date, the Board has not received a response.

Ms. Broaddus provided an update of the 2020 Board meeting calendar.

Ms. Broaddus provided an updated budget.

Ms. Broaddus provided an update on the Complaint log.

SUMMARY OF CURRENT EVENTS

There were no items reported.

CALL TO THE PUBLIC

There were no requests to speak.

DISCUSSION AND POSSIBLE ACTION ITEMS FOR FUTURE MEETING AGENDAS

There were no new items for future meetings.

NEXT BOARD MEETING DATE

Wednesday, December 11, 2019 at 8:30 a.m.

ADJOURNMENT

A motion was made by Dr. Campbell, seconded by Dr. Leonetti, and passed unanimously, 4-0, to adjourn the meeting at 11:31 a.m.

	Dr. Campbell	Dr. Leonetti	Dr. Forman	Mr. Rhodes	VACANCY
Yay	X	X	X	X	
Nay					
Recused					

Abstained					
Absent					