



Douglas A. Ducey,
Governor

Arizona State Board of Podiatry Examiners

“Protecting the Public’s Health”

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OPEN SESSION MINUTES

July 14, 2021

Members of the Arizona State Board of Podiatry Examiners (“Board”) held a meeting at 8:30 a.m. on Wednesday, July 14, 2021, at 1740 West Adams St., Boardroom C, Phoenix, Arizona 85007. No Executive Sessions were held.

BOARD MEMBERS PRESENT:

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

STAFF AND ASSISTANT ATTORNEY GENERAL PRESENT:

	Margaret Whelan.....	Interim Executive Director
	Seamus Monaghan, Esq.....	Assistant Attorney General

GUEST(S) PRESENT AND/OR PARTICIPATING

☎	Alan Shih, DPM.....	Licensee
	Kenneth Moskow, Esq.....	Licensee
☎	Ron Olsen, DPM.....	Licensee
☎	Kimberly Kent, Esq.....	Attorney
	Scott King, Esq.....	Attorney
☎	S.W.....	Complainant
	Arthur Tallis, DPM.....	Licensee
	Dr. Farahani.....	Investigator
☎	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.

Informal Hearing; Complaint No. 21-06; Alan Shih, DPM

This was an Informal Hearing from a complaint regarding big toe pain and fungus with an ingrown toenail.

Dr. Shih was present telephonically and his attorney, Kenneth Moskow, Esq., were present. Mr. Moskow requested clarification on the Informal Hearing process. The Complainant, J.P., was not present. Board members' introduced themselves. Dr. Campbell reviewed the Informal Hearing process.

The Board's Investigator, Dedrie Polakof, DPM, was present telephonically and provided a summary to the Board.

Dr. Campbell swore Dr. Shih in. Dr. Shih and Mr. Moskow requested to speak, made a statement and answered Board members' questions. Dr. Shih stated the patient presented with toenail fungus and pain. Dr. Shih stated that he pre-ordered a vascular test before seeing the patient. Board members' asked Dr. Shih to provide his definition of Informed Consent. Dr. Shih answered. Board members' asked Dr. Shih if he pre-orders vascular testing on all patients. Dr. Shih stated he does not. Board members' asked Dr. Shih why he chose not to inject the ankle before taking the x-ray. Dr. Shih stated it is not his normal practice. Board members' asked Dr. Shih to explain why he gave the cortisone injection when there was no apparent need for it. Dr. Shih answered. Board members' asked about the patient's pain and whether he addressed the patient's pain with the patient. Dr. Shih answered. Board members' indicated that Dr. Shih should be performing more nerve examinations. Board members' asked Dr. Shih if the patient was given other options other than cortisone injections. Board members expressed concern that Dr. Shih did not sign the patients February 22, 2021, record until March 5, 2021. Dr. Shih explained that he had handwritten notes and other entries to be added to the February 22, 2021, record. Board members expressed concern that Dr. Shih gave the patient a lot of information without explaining everything resulting in a lack of communication. Dr. Shih opined that his care of the patient was within the standards of care.

The Board deliberated and expressed concern with Dr. Shih's record keeping and documentation, Informed Consent and lack of communication.

After deliberation, Dr. Campbell made a motion, seconded by Dr. Eulano, to issue a Non-disciplinary Order for continuing education for nine (9) hours with three of those hours in record-keeping and documentation, with three of those hours in communication and with three of those hours in Informed Consent. The nine (9) hours of continuing education are in addition to the required continuing education hours for license renewal. The nine (9) hours shall be completed within six (6) months from the date of the Order. 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					

ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

Investigation Files

Complaint No. 21-04-C; Ron Olsen, DPM

The Board's Investigator, Kamran Farahani, DPM, was present and provided a summary to the Board.

Dr. Olsen, and his attorney, Kimberly Kent, Esq., were present telephonically. The Complainant, J.M., was not present. Dr. Olsen requested to speak, made a statement and answered Board members' questions. Dr. Olsen explained the timeline surrounding his practice closure. Dr. Olsen affirmed that he believes all patient needs are a priority. Additionally, he stated that he did offer the patient three referrals. Furthermore, he sent letters to all of his patients regarding the closure of his practice. Dr. Olsen explained that he did go over the process of taking care of the injury to the patient.

After deliberation, Dr. Campbell made a motion, seconded by Mr. Rhodes, to dismiss Complaint No. 21-04-C; Ron Olsen, DPM, as there were no violation of statute or rule. The motion carried unanimously, 4-0.

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

Complaint No. 21-07-C; Glenn Silverstein, DPM

The Board's Investigator, Kamran Farahani, DPM, was present and provided a summary to the Board.

Dr. Silverstein was not present but his attorney, Scott King, Esq. was present. The Complainant, S.W., was present, requested to speak and made a statement. Mr. King requested to speak and made a statement. Mr. King indicated that Dr. Silverstein's care of the patient was within the standard of care and that his documentation is up to standard.

After deliberation, Dr. Campbell made a motion, seconded by Mr. Rhodes, to dismiss Complaint No. 21-07-C; Glenn Silverstein, DPM, as there were no violations of statute or rule. The motion carried unanimously, 4-0.

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

Complaint No. 21-09-C; Arthur Tallis, DPM

The Board's Investigator, Dedrie Polakof, DPM, provided a summary to the Board.

Dr. Tallis was present, requested to speak and made a statement. The Complainant, P.D., was not present. Dr. Tallis affirmed that he is fully trained in implants. Dr. Tallis provided a summary of his care of the patient.

After deliberation, Dr. Campbell made a motion, seconded by Dr. Forman, to dismiss Complaint No. 21-09-C; Arthur Tallis, DPM, as there were no violations of statute or rule. 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 June 9, 2021, Board meeting

Dr. Campbell made a motion, seconded by Dr. Forman, to approve the June 9, 2021, 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					

Discussion and approval of the Open Session Minutes from the June 21, 2021, Board meeting

Dr. Campbell made a motion, seconded by Dr. Forman, to approve the June 21, 2021, Open

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.

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

Issuance of Licenses

1. Bennett, Zachary, DPM

Upon review of Dr. Bennett's application, the Board noted his application meets requirements of statute and rule. After review, Dr. Campbell made a motion, seconded by Dr. Eulano, to approve Dr. Bennett'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. Foster, Craig, DPM

Upon review of Dr. Foster's application, the Board noted his application meets requirements of statute and rule. After review, Dr. Campbell made a motion, seconded by Dr. Forman, to approve Dr. Foster'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					

Application(s) for Registration to Dispense Drugs/Devices

1. Chen, Eric, DPM

Upon review of Dr. Chen's application, the Board noted that the application meets the requirements of statute and rule. After review, Dr. Campbell made a motion, seconded by Dr.

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Forman, to approve Dr. Chen's application. 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. Reber, Tyler, DPM

Upon review of Dr. Reber's application, the Board noted that the application meets the requirements of statute and rule. After review, Dr. Campbell made a motion, seconded by Dr. Forman, to approve Dr. Reber's application. The motion carried unanimously, 4-0.

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

Renewal Applications for Arizona Podiatric License and Dispensing Registration

1. Laurino, David DPM

Dr. Campbell provided a summary indicating that Dr. Laurino reported a malpractice matter on his renewal application. After review, Dr. Campbell made a motion, seconded by Dr. Forman, to approve Dr. Laurino's renewal application. The motion carried unanimously, 4-0.

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

Dr. Campbell made a motion, seconded by Dr. Forman, to open a Complaint regarding the malpractice matter Dr. Laurino reported on his renewal application and to STAY the Complaint until the underlying litigation is resolved. 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					

Compliance Update

1. Farrell, Patrick, DPM

There was no update at this time. The Board will review this matter at the next Board meeting.

BOARD TO REVIEW, DISCUSS AND TAKE POSSIBLE ACTION ON UPCOMING STATUTORY CHANGES TO BOARD STATUTES

Dr. Campbell reported that a letter will be sent to all Arizona residency programs notifying them of the new statutory language regarding residency requirements. Dr. Campbell stated that rules need to be addressed regarding podiatric medical assistants. Dr. Campbell summarized some of the statutory changes.

EXECUTIVE DIRECTOR'S REPORT

Ms. Whelan reported a current budget update has not been submitted to the Board as central services bureau has had staffing issues.

Ms. Whelan reported that the new Executive Director, Mr. Boaz Alvarado, will start on July 26, 2021.

Ms. Whelan summarized the complaint log.

Ms. Whelan reported on renewals, phone calls, emails, applications and license issuances.

SUMMARY OF CURRENT EVENTS

There were no current events.

CALL TO THE PUBLIC

There were no calls to the public.

DISCUSSION AND POSSIBLE ACTION ITEMS FOR FUTURE MEETING AGENDAS

Continued discussion regarding rules for podiatric medical assistants.

NEXT BOARD MEETING DATE

The next Board meeting is Wednesday, August 11, 2021.

ADJOURNMENT

A motion was made by Dr. Campbell, seconded by Dr. Forman, and passed unanimously, 4-0, to adjourn the meeting at 11: 09 a.m.

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