



Janice K. Brewer
Governor

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

1400 W. Washington, Ste. 230, Phoenix, AZ 85007; (602) 542-3095; Fax: 542-3093

Barry Kaplan, DPM; Joseph Leonetti, DPM; Barbara Campbell, DPM;
M. Elizabeth Miles, Public Member; John Rhodes, Public Member; Sarah Penttinen, Executive Director

**NOTICE OF BOARD MEETING
AND AGENDA**

November 9, 2011; 8:30 a.m.
1400 West Washington St., B1
Phoenix, AZ 85007

Notice is hereby given to the general public and to the members of the State of Arizona Board of Podiatry Examiners (Board), that the Board will hold a regular meeting open to the public at the Board's offices located at 1400 W. Washington, Phoenix, Arizona. A.R.S. § 38-431.02. The Board, upon a majority vote of a quorum of the members, may hold an *Executive Session* on any of the listed agenda items, **I through X**, to discuss or consider records exempt by law from public inspection, including the receipt and discussion of information or testimony that is specifically required to be maintained as confidential by state or federal law, or to obtain legal advice. A.R.S. § 38-431.03(A) (2) and (3). Those wishing to address the Board do not need to request permission in advance; however, the Board may limit those persons speaking during the "Call to the Public" at three (3) per side on any one issue. A.R.S. § 38-431.01(G). The Board can only take action on matters listed on the agenda and other matters related thereto. A.R.S. § 38-431.02(H). If appropriate, actions on public comment matters that are not listed on the agenda will be limited to directing staff to study the matter or schedule the matter for further discussion at a later date. A.R.S. § 38-431.01(H).

The Board reserves the right to change the order of items on the agenda, except for matters set for a specific time. The President of the Board reserves the right to call cases in random order. Please note that the recommendations listed on the agenda are merely suggested Board actions. These recommendations do not become final until adopted by the Board. The Board has the authority to accept, reject or modify any recommendation listed in the agenda.

Americans with Disabilities Act: Persons with disabilities may request reasonable accommodations by contacting Executive Director Sarah Penttinen at (602) 542-3095. Requests should be made as early as possible to allow time to arrange the accommodation.

Board Members: Barry Kaplan, D.P.M, President
Joseph Leonetti, D.P.M., Member
Barbara Campbell, D.P.M., Member
M. Elizabeth Miles, Secretary-Treasurer
John Rhodes, Public Member

Staff: Sarah Penttinen, Executive Director

Assistant Attorney General: Bridget Harrington

The Agenda for the meeting is as follows:

I. Call to Order

II. Roll Call

III. Approval of Minutes

- a. October 12, 2011 Regular Session Minutes.
- b. October 12, 2011 Executive Session Minutes.

IV. Review, Discussion and Possible Action –Review of Complaints (NOTE: The subject matter listed for each agenda item represents the allegation(s) being investigated. The presence of allegations does not automatically indicate violation of Statute or Rule in connection with the practice of podiatry.)

- a. 10-06-C – M.A. Rosales, DPM: Practice below the standard of care for failure to diagnose and treat a soft tissue condition.
- b. 10-29-C – Kathleen Richards, DPM: Charging or collecting an excessive fee / charging for services not rendered.
- c. 10-33-C – Andrew Lowy, DPM: Charging or collecting an excessive fee.

V. Review, Discussion and Possible Action – Probation / Disciplinary Matters

- a. 07-28-C – Kent Peterson, DPM: Monthly update.

- b. 08-03-C – Elaine Shapiro, DPM: Monthly update.
- c. 08-44-C – Alex Bui, DPM: Monthly update.
- d. 09-17-B – J. David Brown, DPM: Monthly update.

VI. Review, Discussion and Possible Action on Administrative Matters

- a. Discussion regarding “fish pedicures” and any possible official Board opinion thereof.
- b. Review of new license applications and possible approval to sit for oral exam on December 14, 2011:
 - i. Michael Costantino, DPM.
 - ii. Timothy Fisher, DPM.
 - iii. Scott Gordon, DPM.
 - iv. Whitney Hunchak, DPM.
 - v. Kirk Larkin, DPM.
 - vi. Erin Martin, DPM.
 - vii. Alex Stewart, DPM.

VII. Executive Director’s Report – Review, Discussion and Possible Action

- a. Open complaint status report.
- b. Malpractice case report.
 - i. Aprajita Nakra, DPM: Claim filed by patient D.A. Board investigation case already opened.
 - ii. Kris DiNucci, DPM: Claim filed by patient P.P. Board investigation case already opened.
 - iii. Kelvin Crezee, DPM: Claim filed by patient R.R. Board investigation case already opened.
 - iv. Stanton Cohen, DPM: Claim filed by patient P.M., date of occurrence 08/18/10. (Board case not opened yet – this is the first report.)
 - v. Kevin O’Brien, DPM: Claim filed by patient C.D. Board investigation case already opened.

VIII. Call To The Public

Citizens who want to address the Board do not need to request permission in advance, but they do need to complete a “Citizen’s Request to Speak to the Board” form so that the Board is aware that they are here and that they want to speak to the Board. Each person who wants to address the Board will be given five (5) minutes to do so. However, the Board may limit the number of persons speaking on each issue to a reasonable number of persons. Pursuant to A.R.S. § 38-431.02(H), the Board can discuss or take action ONLY on matters that are listed on the Agenda. Board action on issues that are not listed on the Agenda is limited to directing staff to study the matter or to schedule the matter for further discussion at a future Board Meeting.

IX. Next Board Meeting Date:

- a. December 14, 2011 at 8:00 a.m.

X. Adjournment