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Douglas A. Ducey,
Governor

Arizona State Board of Podiatry Examiners

“Protecting the Public’s Health”



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OPEN SESSION MINUTES

January 19, 2022

Members of the Arizona State Board of Podiatry Examiners (“Board”) held a meeting at 8:30 a.m. on Wednesday, January 19, 2022, 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
-  Albert Eulano, DPM. Practitioner Member
-  Mark Forman, DPM.....Practitioner Member
- Vacancy.....Public 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

- Kamran Farahani, DPM.....Licensee
- Keith Bangart, DPM.....Licensee
- Darick Freestone, DPM.....Licensee
- Kenneth Moskow, Esq.....Attorney
-  George Abdelmessieh, DPM.....Licensee
- Bruce Crawford, Esq.....Attorney
-  R.M.....Complainant
- Kamran Farahani, DPM.....Investigator
-  Daniel Saunders, DPM.....Investigator
-  Appeared telephonically or virtually

OPEN SESSION

Dr. Campbell called the meeting to order at 8:33 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.

ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

Investigations

21-21-C; Kamran Farahani, DPM

The Board’s Investigator, Dr. Saunders, was present telephonically and provided a summary to the Board.

Dr. Farahani was present and indicated that he was available to answer questions. The Complainant was not present. After deliberation, Dr. Campbell made a motion, seconded by Dr. Eulano, to dismiss Complaint No. 21-21-C, Kamran Farahani, DPM as there were no violations of statute or rule. The motion carried unanimously, 3-0.

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

21-12-B; Daniel Bangart, DPM

The Board’s Investigator, Dr. Saunders, was present telephonically and provided a summary to the Board. Dr. Saunders stated that the opened this Complaint due to a malpractice matter.

Dr. Bangart was not present. Dr. Bangart’s attorney, Kenneth Moskow, Esq., was present and requested to speak. Mr. Moskow clarified that the Court dismissed the malpractice matter with prejudice. After deliberation, Dr. Campbell made a motion, seconded by Dr. Forman, to dismiss Complaint No. 21-12-B, Daniel Bangart, DPM as there were no violations of statute or rule. The motion carried unanimously, 3-0.

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

21-13-B; Keith Bangart, DPM

The Board’s Investigator, Dr. Saunders, was present telephonically and provided a summary to the Board. Dr. Saunders stated that the Board opened this Complaint due to a malpractice matter. Dr. Saunders answered Board member questions.

Dr. Bangart and his attorney, Kenneth Moskow, Esq., were present. Dr. Bangart requested to speak and made a statement. Dr. Bangart stated that he does cut/paste templates in records but only if the treatment is the same. Additionally, he indicated that he understands why a different billing code may be more appropriate for a treatment he provided. After deliberation, Dr. Campbell made a motion, seconded by Dr. Forman, to dismiss Complaint No. 21-13-B, Keith Bangart, DPM as there were no violations of statute or rule. The motion carried unanimously, 3-0.

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

21-14-C; George Abdelmessieh, DPM

The Board’s Investigator, Dr. Farahani, was present and provided a summary to the Board.

Dr. Abdelmessieh was present telephonically and his attorney, Bruce Crawford, Esq., was present. Mr. Crawford made a statement and requested to speak. Mr. Crawford recognized Dr. Abdelmessieh’s record keeping in this matter. The Complainant, R.M., was present telephonically, requested to speak and made a statement. Board members asked R.M. about his non-compliance with follow-up appointments. R.M. answered. Board members asked R.M. if he was compliant with physical therapy. R.M. answered. After deliberation, Dr. Campbell made a motion, seconded by Dr. Eulano, to dismiss Complaint No. 21-14-C, George Abdelmessieh, DPM as there were no violations of statute or rule. The motion carried unanimously, 3-0.

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

REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING A NATIONAL PRACTITIONERS DATA BANK REPORT RECEIVED PERTAINING TO DARICK FREESTONE, DPM

Dr. Campbell provided a summary stating that the Board received a report from the National Practitioners Data Bank indicating that Dr. Freestone was involved in a malpractice matter. Dr. Campbell stated that the malpractice suit was brought against Dr. Freestone because Dr. Freestone did not remove a tourniquet from a patients toe prior to bandaging the toe and discharging the patient. Dr. Campbell stated that the malpractice matter was settled.

Dr. Freestone was present telephonically and his attorney, Kenneth Moskow, Esq., was present. Dr. Freestone and Mr. Moskow requested to speak and made statements.

After deliberation, Dr. Campbell made a motion, seconded by Dr. Eulano, to open a Board Complaint against Dr. Freestone. The motion carried unanimously, 3-0.

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

Dr. Campbell made a motion, seconded by Dr. Eulano, to issue a non-disciplinary Letter of Concern to Dr. Freestone for not removing the tourniquet from the patients toe prior to bandaging the toe and prior to discharging the patient. The non-disciplinary Letter of Concern will resolve the Complaint. The motion carried unanimously, 3-0.

	Dr. Campbell	Dr. Eulano	Dr. Forman	VACANCY	VACANCY
Yay	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 8, 2021, Board meeting

After review, Dr. Campbell made a motion, seconded by Dr. Forman, to approve the December 8, 2021, Open Session Minutes as drafted. The motion carried unanimously, 3-0.

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

ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

Issuance of Licenses

1. Abernathy, Lant, DPM

Upon review of Dr. Abernathy’s application, the Board noted that he will not complete his residency until June 2022 otherwise his application meets requirements of statute and rule. After review, Dr. Campbell made a motion, seconded by Dr. Forman, to approve Dr. Abernathy’s application upon successful completion of his residency and upon payment of the license issuance fee. The motion carried unanimously, 3-0.

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

2. Danesh, Sahab, DPM

Upon review of Dr. Danesh’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. Danesh’s application upon payment of the license issuance fee. The motion carried unanimously, 3-0.

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

3. Danner, Paige, DPM

Upon review of Dr. Danner’s application, the Board noted that she will not complete her residency until June 2022 otherwise her application meets requirements of statute and rule. After review, Dr. Campbell made a motion, seconded by Dr. Forman, to approve Dr. Danner’s application upon successful completion of her residency and upon payment of the license issuance fee. The motion carried unanimously, 3-0.

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

Recused					
Abstained					
Absent					

4. Duelfer, Keegan, DPM

Upon review of Dr. Duelfer’s application, the Board noted that he will not complete his residency until June 2022 otherwise his application meets requirements of statute and rule. After review, Dr. Campbell made a motion, seconded by Dr. Forman, to approve Dr. Duelfer’s application upon successful completion of his residency and upon payment of the license issuance fee. The motion carried unanimously, 3-0.

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

5. Kaplan, Jason, DPM

Upon review of Dr. Kaplan’s application, the Board noted that he will not complete his residency until June 2022 otherwise his application meets requirements of statute and rule. After review, Dr. Campbell made a motion, seconded by Dr. Forman, to approve Dr. Kaplan’s application upon successful completion of his residency and upon payment of the license issuance fee. The motion carried unanimously, 3-0.

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

6. Korab, Jeff, DPM

Upon review of Dr. Korab’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. Korab’s application upon payment of the license issuance fee. The motion carried unanimously, 3-0.

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

Recused					
Abstained					
Absent					

7. Moffat, Chase, DPM

Upon review of Dr. Moffat’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. Moffat’s application upon payment of the license issuance fee. The motion carried unanimously, 3-0.

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

8. Tocci, Steven, DPM

Upon review of Dr. Tocci’s application, the Board noted that he will not complete his residency until June 2022 otherwise his application meets requirements of statute and rule. After review, Dr. Campbell made a motion, seconded by Dr. Forman, to approve Dr. Tocci’s application upon successful completion of his residency and upon payment of the license issuance fee. The motion carried unanimously, 3-0.

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

9. Toth, Christopher, DPM

Upon review of Dr. Toth’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. Toth’s application upon payment of the license issuance fee. The motion carried unanimously, 3-0.

	Dr. Campbell	Dr. Eulano	Dr. Forman	VACANCY	VACANCY
Yay	X	X	X		
Nay					
Recused					

Abstained					
Absent					

10. Zuniga, Caesar, DPM

Upon review of Dr. Zuniga’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. Zuniga’s application upon payment of the license issuance fee. The motion carried unanimously, 3-0.

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

REVIEW, DISCUSSION AND POSSIBLE ACTION ON ADOPTION OF A FORM PURSUANT TO A.R.S. §36-3606 RELATING TO TELEHEALTH REGISTRATION

Ms. Broaddus provided a brief summary stating that recent legislation requires health Boards to register individuals that are hold a license in another jurisdiction to provide telehealth services in Arizona. An application form is before the Board for review. After deliberation, Dr. Campbell made a motion, seconded by Dr. Forman, to approve the application form for telehealth registration s drafted. The motion carried unanimously, 3-0.

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

REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING SUPERVISION OF HYPERBARIC OXYGEN THERAPY

Dr. Campbell provided a summary stating that at its December 8, 2021, meeting, the Board continued this matter to obtain information from other jurisdictions regarding their policy on supervision of hyperbaric oxygen therapy. Dr. Campbell provided a brief review of the jurisdictions that responded to the request for information. After deliberation, it was the consensus of the Board to direct its Executive Director to remove the Substantive Policy Statement pertaining to supervision of hyperbaric oxygen therapy from the Board’s website. The Board did not provide a formal opinion on supervision of hyperbaric oxygen therapy.

EXECUTIVE DIRECTOR'S REPORT

Ms. Broaddus summarized that at its September 8, 2021, meeting, the Board forwarded Complaint No. 21-03-C; Seth Clark, DPM, to an Informal Hearing. Subsequent to the meeting, Board staff was notified through Dr. Clark's attorney, Bruce Crawford, Esq., that Dr. Clark is requesting to move Complaint No. 21-03-C to a Formal Hearing at the Office of Administrative Hearings. The Board's Assistant Attorney General, Seamus Monaghan, has been in contact with Mr. Crawford to negotiate a settlement in lieu of a Formal Hearing. The Board Chair, Barbara Campbell, DPM, Seamus Monaghan, Mr. Crawford, Dr. Clark and the Board's Executive Director will meet on January 26, 2022, to discuss settling the matter.

Ms. Broaddus summarized that the 2022 legislative session has begun. A summary of Bills that will potentially affect the Board will be on the February 9, 2022, Board agenda.

Ms. Broaddus summarized that on January 6, 2022, the Board office received approval for the exemption from the rulemaking moratorium from the Governor's Office. The draft rules will be published in the Secretary of States register on January 28, 2022. The draft rules will be posted on the Board's website for public comment on January 28, 2022.

Ms. Broaddus summarized stating that Library and Archives approved the retention schedule the Board approved in October 2020.

Ms. Broaddus provided a summary of the complaint log.

Ms. Broaddus provided a summary of the 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 future agenda items.

NEXT BOARD MEETING DATE

The next Board meeting is February 9, 2022

ADJOURNMENT

A motion was made by Dr. Campbell, seconded by Dr. Forman, and passed unanimously, 3-0, to adjourn the meeting at 10:01 a.m.

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