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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

### November 10, 2021

Members of the Arizona State Board of Podiatry Examiners (“Board”) held a meeting at 8:30 a.m. on Wednesday, November 10, 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
-  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

- Mark Olsen, DPM.....Licensee
- Peter Wittekind, Esq.....Attorney
-  B.M.....Complainant
-  Dedrie Polakof, DPM.....Investigator
-  Appeared telephonically

#### OPEN SESSION

Dr. Campbell called the meeting to order at 8:30 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.

## **TIMED ITEM**

### Informal Hearing; Complaint No. 20-27-C; Mark Olsen, DPM

Dr. Campbell summarized Informal Hearing procedures and detailed the allegations against Dr. Olsen. Dr. Olsen and his attorney, Peter Wittekind, Esq., were present. Board members and staff introduced themselves. Dr. Campbell confirmed that Olsen has read the materials.

The Board's Investigator, Dedrie Polakof, DPM, was present telephonically and provided a summary of the Complaint to the Board. Board members questioned Dr. Polakof.

The Complainant, B.M., was present telephonically, requested to speak, made a statement and answered Board members' questions. B.M. confirmed that his statements to the Board are true and correct. He indicated that due to Dr. Olsen's actions he will be in pain for the remainder of his life. Board members asked B.M. if the wound on his ankle healed. B.M. confirmed that the wound did heal. Additionally, B.M. stated that he was referred by his current podiatrist to undergo a MRI.

Dr. Campbell swore Dr. Olsen in. Dr. Olsen and his attorney, Petter Wittekind, Esq., requested to speak, made statements and answered Board members' questions. Dr. Olsen provided a summary of his care of B.M. Dr. Olsen clarified that intraoperative x-rays were performed and the radiology report was included in the materials submitted to the Board. Dr. Olsen explained that he removed the sutures thirteen days after the procedure because there was no concern with the incision site at that time. Dr. Olsen went over the timeline regarding the dehiscence of the wound. Dr. Olsen provided clarification regarding the debridement of the wound and wound graphs. Dr. Olsen and Mr. Wittekind confirmed that the records were released to B.M. the same day that B.M. signed the release for the records. Dr. Olsen attested to the times he contacted B.M. for follow up care. Board members asked Dr. Olsen if his staff submits billing. Dr. Olsen confirmed that his staff submits the billing codes. Mr. Wittekind addressed each allegation with the Board. Mr. Wittekind confirmed that Dr. Olsen's record keeping meets standards. Mr. Wittekind addressed the signed affidavit submitted by B.M.'s ex-significant other. Mr. Wittekind confirmed that there was no patient abandonment in this matter.

Board members expressed concern with the doctor/patient communication in this matter. Additionally, Board members expressed concern with record keeping and billing codes. After deliberation, Dr. Campbell made a motion, seconded by Dr. Eulano, to issue a Letter of Concern to Dr. Olsen for concerns regarding care of the patient's ankle and potential risk for further complications and to issue a non-disciplinary Order for continuing education. Dr. Olsen shall complete three hours of continuing education in record keeping, three hours of continuing education in coding/billing and three hours of continuing education in patient communication. The continuing education will be in addition to the required continuing education hours required for license renewal. The continuing education shall be completed within six months of the effective date of the non-disciplinary Order for continuing education. The motion carried unanimously, 3-0 on a roll call vote.

	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 Executive Session Minutes from the June 21, 2021, Board meeting

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

Discussion and approval of the Executive Session Minutes from the July 2, 2021, Board meeting

After review, Dr. Campbell made a motion, seconded by Dr. Forman, to approve the July 2, 2021, Executive 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					

Discussion and approval of the Open Session Minutes from the July 14, 2021, Board meeting

After review, Dr. Campbell made a motion, seconded by Dr. Forman, to approve the July 14, 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					

Discussion and approval of the Open Session Minutes from the September 8, 2021, Board meeting

After review, Dr. Campbell made a motion, seconded by Dr. Forman, to approve the September 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					

Discussion and approval of the Open Session Minutes from the September 20, 2021, Board meeting

After review, Dr. Campbell made a motion, seconded by Dr. Forman, to approve the September 20, 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					

**ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION**

Issuance of Licenses

1. Doi, Julia, DPM

Upon review of Dr. Doi’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. Doi’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					

2. Patel, Nilam, DPM

Upon review of Dr. Patel’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. Patel’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. Yousefpour, Makabis, DPM

Upon review of Dr. Yousefpour’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. Yousefpour’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					

Application(s) for Registration to Dispense Drugs/Devices

1. Agha Jafari, Mahsa DPM

Upon review of Dr. Ahga Jafari’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. Agha Jafari’s application. The motion carried unanimously, 3-0.

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

2. Kaumaya, Dylan, DPM

Upon review of Dr. Kaumaya’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. Kaumaya’s application. The motion carried unanimously, 3-0.

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

3. Hardy, Spencer, DPM

Upon review of Dr. Hardy’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. Hardy’s application. The motion carried unanimously, 3-0.

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

4. Ko, Liang-Chieh, DPM

Upon review of Dr. Ko’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. Ko’s application. The motion carried unanimously, 3-0.

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

5. Pajzetovic, Adi, DPM

Upon review of Dr. Pajzetovic’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. Pajzetovic’s application. The motion carried unanimously, 3-0.

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

6. Pandya, Mira, DPM

Upon review of Dr. Pandya’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. Pandya’s application. The motion carried unanimously, 3-0.

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

7. Perry, Diana, DPM

Upon review of Dr. Perry’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. Perry’s application. The motion carried unanimously, 3-0.

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

8. Pinedo, Ryan, DPM

Upon review of Dr. Pinedo’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. Pinedo’s application. The motion carried unanimously, 3-0.

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

Abstained					
Absent					

Renewal Applications for Arizona Podiatric License and Dispensing Registration

1. Broadhead, Brian, DPM

Dr. Campbell provided a summary indicating that Dr. Broadhead reported a malpractice matter on his renewal application. Dr. Campbell noted that the malpractice matter is in another jurisdiction. After review, Dr. Campbell made a motion, seconded by Dr. Forman, to take no action on the malpractice matter and to approve Dr. Broadhead’s renewal application. 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. §41-1093.04 Relating to Petitions for Criminal History Review

Ms. Broaddus provided a summary stating that recent legislation requires the Board to adopt a form for a potential applicant to petition the Board to review criminal history prior to submitting an application for licensure. The form is before the Board for review. After review, Dr. Campbell made a motion, seconded by Dr. Forman, to accept the petition for criminal history review form as 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 Proposed Rules Pertaining to Podiatric Medical Assistants and Possible Elimination of Outdated Rules

Ms. Broaddus provided a summary stating that the Board’s statute now allows the Board to create rules pertaining to podiatric medical assistant’s scope of practice and education requirements. A section pertaining to podiatric medical assistants was added to rule. Additionally, the Governor’s Executive Order, 2021-02, recommends that for every rule that is added, three rules be eliminated therefore outdated rules have been eliminated. The draft rules



are before the Board for review. Board members deliberated and noted a mistake in Article 1, R4-25-101. Definitions, number 4. Additionally, Board members determined to leave “passport type photographs”, in Article 3, R4-25-301. Application for a Regular Podiatry License, A. 2., and Article 3, R4-25-302. Application for a Podiatrist’s License by Comity, A. 3. After review, Dr. Campbell made a motion, seconded by Dr. Forman, to accept the draft rules with the noted corrections and to direct the Board’s Executive Director to submit the draft rules to the Governor’s office to request an exemption from the rulemaking moratorium. The motion carried unanimously, 3-0.

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

Board Meeting Calendar for Calendar Year 2022

Dr. Campbell provided a brief summary of the meeting calendar. After review, Dr. Campbell made a motion, seconded by Dr. Forman, to accept the meeting calendar for calendar year 2022. The motion carried unanimously, 3-0.

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

Assistant Attorney General Update Regarding Recent Legislation

The Board’s Assistant Attorney General, Seamus Monaghan, provided a brief summary of the recent legislation as follows:

- SB 1063/A.R.S. § 12-910 – Administrative Decisions; Scope of Review
- SB 1066/A.R.S. § 18-104 – State Agencies; Technology Plans; Deadline
- SB 1149/A.R.S. § 32-4302 – Occupational and Professional Licensure; Notice
- SB 1218/A.R.S. §§ 41-2954 and 41-3501 to -3504– Legislative Review of Agencies; Regulations
- SB 1272/A.R.S. § 32-4404 – Non-Health Board Directors; Legislative Advocacy
- SB 1357/A.R.S. §§ 32-3214 and 32-4801- Website Posting of Board Actions
- HB 2067/A.R.S. § 13-905 – Criminal Conviction; Set Aside; Applicability
- HB2162/A.R.S. § 13-604 – Undesignated Offenses; Misdemeanor Status; Exception

- HB2242/A.R.S. §§ 12-348, 41-1001 *et seq.* – Relating to Attorneys’ Fees and Appealable Agency Actions
- HB2265/A.R.S. § 41-1052-Rulemaking; Expedited Process; Rule Expiration
- HB 2319/A.R.S. § 41-1093.06-License Denial; Prohibition; Drug Convictions
- HB2696/A.R.S. § 41-1006 – Government Assistance; Identification and Publication
- HB 2759/A.R.S. §41-1033 – Rulemaking; Petitions; GRRC
- HB 2787/A.R.S. §§ 1-205 and 41-1093.04 – Definition of “Moral Turpitude” and Petition for Review of Criminal Record

Board to Review, Discuss and Take Possible Action on Update of the Federation of Podiatric Medical Boards November 5, 2021, Meeting

Dr. Campbell provided a summary of the meeting. Dr. Campbell provided information on the whitepaper, the joint task force and the American Medical Association resolution regarding podiatrists be able to take the United States Medical Licensing Exam. Additional topics discussed at the meeting were as follows:

- Scope of Practice
- Modernization
- Continuing education
- Board vacancies
- Board composition
- Complaint process in jurisdictions

**EXECUTIVE DIRECTOR’S REPORT**

Ms. Broaddus summarized that there are two public member vacancies on the Board. Ms. Broaddus has been in contact with the Governor’s office regarding the vacancies.

Ms. Broaddus indicated that pursuant to recent legislation, certain documents that are more than five years old have been removed from the Board’s website.

Ms. Broaddus provided a summary on migrating to a new elicense platform, Thentia.

Ms. Broaddus provided an update on the laptops that were ordered for Board members.

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**

A Board member indicated that there might be an item on a future meeting agenda regarding supervision of hyperbaric oxygen therapy.

Ms. Broaddus stated that podiatric medical assistant rules would be an ongoing agenda item.

**NEXT BOARD MEETING DATE**

Wednesday, December 8, 2021, at 8:30 a.m.

**ADJOURNMENT**

A motion was made by Dr. Campbell, seconded by Dr. Forman, and passed unanimously, 3-0, to adjourn the meeting at 10:30 a.m.

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