



Douglas A. Ducey,  
Governor

# Arizona State Board of Podiatry Examiners

“Protecting the Public’s Health”

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## OPEN SESSION MINUTES

### September 8, 2021

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

#### STAFF AND ASSISTANT ATTORNEY GENERAL PRESENT:

	Boaz Alvarado .....	Executive Director
	Seamus Monaghan, Esq.....	Assistant Attorney General

#### GUEST(S) PRESENT AND/OR PARTICIPATING

☎	Seth Clark, DPM.....	Licensee
	Bruce Crawford, Esq.....	Attorney
☎	R.B.....	Complainant
☎	Boyd Andres, DPM.....	Licensee
☎	Alan Discont, DPM.....	Licensee
☎	Joe Abate.....	Public Participant
☎	Dedrie Polakof, DPM.....	Investigator
☎	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.

## **REVIEW, DISCUSSION AND POSSIBLE ACTION ON BOARD MEETING MINUTES**

### Discussion and approval of the Open Session Minutes from the August 11, 2021, Board meeting

Board members noted a correction regarding Dr. Olsen's matter. After review, Dr. Campbell made a motion, seconded by Dr. Forman, to approve the August 11, 2021, Open Session Minutes with the noted correction. 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. Zhang, Angela, DPM

Upon review of Dr. Zhang'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. Zhang'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. Ham, Michael, DPM

Upon review of Dr. Ham'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. Ham'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. Perry, M. Diana, DPM

Upon review of Perry'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. Perry'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					

4. Penido, Ryan, DPM

Upon review of Dr. Penido'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. Pinedo'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					

5. Ko, Liang-Chieh DPM

Upon review of Dr. Ko'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. Ko'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					

## Investigations

### 21-03-C; Seth Clark, DPM

The Board's Investigator, Dr. Polakof, was present telephonically, provided a summary to the Board and answered Board members' questions.

Dr. Clark was present telephonically and his attorney, Bruce Crawford, Esq, was present. The Complainant, R.B., was present telephonically, requested to speak and made a statement. Dr. Clark and Mr. Crawford requested to speak and made a statement. Mr. Crawford addressed the financial records in which Dr. Clark could not obtain. Dr. Clark summarized his care of the patient. Board members expressed concern with Dr. Clark's care of the patient. After deliberation, Dr. Campbell made a motion, seconded by Dr. Eulano, to forward Complaint No. 21-03-C, Seth Clark, DPM, to an Informal Hearing for possible violations of A.R.S. § 32-854.01(21) for possibly committing conduct or practice that is or might be harmful or dangerous to the health of the patient for the following:

- The multiple times povidine-iodine was used including soaking the swanson double hinge 1<sup>st</sup> MPJ implant in betadine when the patient has an allergy to shell fish;
- Multiple exposures to anesthesia in a short period of time in a patient with multiple conditions;
- Apparent lack of consideration of an allergic reaction, foreign body reaction, sterile abscess, loosened joint implant as a cause of oozing;
- Apparent lack of observation on the x-ray dated 2/17/2020, showing space between the implant and the first metatarsal, indicating or suggesting implant loosening compared to the x-ray taken on 2/3/2020;
- Apparent failure to reevaluate for a necessary change of implant size during the subsequent surgeries. The operative reports indicate implants were removed, cleansed in betadine and reset. It would have been appropriate to request a sizer kit to be sure the proper size implant was placed. This could have prevented further issues and subsequent surgeries particularly since Dr. Clark mentions there were no issues with the right 1<sup>st</sup> MPJ implant. The patient has medical issues that increase the possibility of an implant becoming loose;
- Dr. Clark stated that he recommended removal of the implant on multiple occasions but there was no evidence found supporting this statement in the records;
- Dr. Clark states that the patient missed appointments but there is no documentation supporting this statement in the records;
- Apparent lack of discussion with the patient regarding an x-ray of the left ankle taken at Banner on 3/23/2020, which indicated a nondisplaced oblique fracture of the distal fibular metaphysis. There was no indication of a treatment plan for this fracture or evidence of subsequent x-rays to assess healing of such fracture;
- It was noted on the 3/11/2020, surgery that the left 1<sup>st</sup> MPJ implant was loosening from the stem locations. Again the implant was removed, soaked in betadine, borders freshened up and the implant was re-implanted;

- On 7/14/2020, a cheilectomy surgery was performed but there was no description as to whether the implant was removed prior to performing the surgery or if it was left in place. If the implant was left in place this could damage the implant;
- Dr. Jensen's operative report of the 8/25/2020, noted that the implant was loose within the proximal phalanx base and the first metatarsal. There were also small pockets of fluid and inflammatory tissue. It could not be completely ruled out as an abscess or foreign body type reaction. Two small ulcers were found connecting directly to the implant in the first MPJ.

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					

Application(s) for Registration to Dispense Drugs/Devices

1. Ham, Michael, DPM

Upon review of Dr. Ham'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. Ham'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. Zhang, Angela, DPM

Upon review of Dr. Zhang'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. Zhang'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. Geller, Louis, DPM

Dr. Campbell provided a summary indicating that Dr. Geller reported a malpractice matter on his renewal application. Dr. Campbell noted that the malpractice was in another jurisdiction and that jurisdiction resolved the matter. After review, Dr. Campbell made a motion, seconded by Dr. Forman, to take no action on the malpractice matter and to approve Dr. Geller'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					

2. Ledezma, Paul, DPM

Dr. Campbell provided a summary indicating that Dr. Ledezma reported a malpractice matter on his renewal application. After review, Dr. Campbell made a motion, seconded by Dr. Forman, to approve Dr. Ledezma'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					

Dr. Campbell made a motion, seconded by Dr. Forman, to open a Complaint regarding the malpractice matter Dr. Ledezma reported on his renewal application and to STAY the Complaint until the underlying litigation is resolved. The motion carried unanimously, 3-0.

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

### 3. Thompson, Chad, DPM

Dr. Campbell provided a summary indicating that Dr. Thompson reported a malpractice matter on his renewal application. After review, Dr. Campbell made a motion, seconded by Dr. Forman, to approve Dr. Thompson'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					

Dr. Campbell made a motion, seconded by Dr. Forman, to open a Complaint regarding the malpractice matter Dr. Thompson reported on his renewal application and to STAY the Complaint until the underlying litigation is resolved. The motion carried unanimously, 3-0.

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

### 4. Harris, Amelia, DPM

Dr. Campbell provided a summary indicating that Dr. Harris is requesting a waiver of the continuing education requirements due to residing out of the country for 12 or more months. After review, Dr. Campbell made a motion, seconded by Dr. Forman, to approve Dr. Harris' renewal application. 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. Forman, to grant Dr. Harris' request to waive the continuing education requirements for renewal. The motion carried unanimously, 3-0.

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

#### Legislative Updates for 2022 Session

Boyd Andrews, DPM, president of the Arizona Foot and Ankle Medical Association (AFAMA), was present telephonically and summarized the pathways that podiatric medical assistants can take to gain certification to take x-rays. Dr. Campbell summarized requesting an exemption that podiatric medical assistants be exempt from taking the radiology exam through the Department of Health Services, Special Licensing Section (DHS). Alan Discont, DPM, was present telephonically and summarized the practice exams that may be available to present to DHS. Mr. Joe Abate, lobbyist for the AFAMA, was present telephonically and stated that he can contact the Deputy Director of DHS to initiate conversations regarding the exemption request for podiatric medical assistants.

#### Board Elections

Dr. Campbell made a motion, seconded by Dr. Eulano, to nominate Dr. Forman as Secretary of the Board. Dr. Campbell rescinded the motion as there will not be a quorum of the Board to vote on the motion.

#### **EXECUTIVE DIRECTOR'S REPORT**

Mr. Alvarado summarized the budget.

Mr. Alvarado provided a summary regarding the removal of the paper application from the Board's website.

Mr. Alvarado provided a summary of the complaint log.

Mr. Alvarado provided a summary of elicense and going completely paperless.

#### **SUMMARY OF CURRENT EVENTS**

There were no current events.

#### **LEGISLATIVE UPDATE AND DISCUSSION**



Dr. Campbell indicated that the Board's Assistant Attorney General will provide a summary of the recent legislation at the next Board meeting.

### **CALL TO THE PUBLIC**

There was no call to the public.

### **DISCUSSION AND POSSIBLE ACTION ITEMS FOR FUTURE MEETING AGENDAS**

There were no items for future meetings

### **NEXT BOARD MEETING DATE**

Wednesday, October 13, 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 10:00 a.m.

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