

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

**POD
BEFORE THE ARIZONA STATE BOARD OF
PODIATRY EXAMINERS**

IN THE MATTER OF:

CHAD WESTPHAL, DPM,

Holder of License No. POD-000664

For the Practice of Podiatry

In the State of Arizona.

Case No.: 21-15-C

**ORDER FOR CONTINUING
EDUCATION**

(NON-DISCIPLINARY)

At its meeting on May 11, 2022, the Arizona State Board of Podiatry Examiners (Board) voted to issue Chad Westphal, DPM (Respondent), a non-disciplinary Continuing Education (CE) Order (Order) to address issues raised in the complaint and the Board's subsequent investigation. The Board, pursuant to A.R.S. § 32-852.01(C)(3), determined that while the conduct was not of sufficient seriousness to merit direct action, Respondent would, as set forth below, benefit from completing a prescribed number of hours of CE in a specific practice area or areas for purposes of providing him with the necessary understanding of current developments, skills, procedures or treatment.

FINDINGS OF FACT

1. The Arizona State Board of Podiatry Examiners is the duly constituted agency for licensing and regulating the practice of podiatry in the State of Arizona and has jurisdiction over Respondent as a licensee of the Board and the subject matter pursuant to A.R.S. § 32-801, *et seq.*

2. Respondent is the holder of License Number POD-000664 which enables him to practice podiatry in the State of Arizona.

3. At the Board's May 11, 2022, monthly meeting it moved to issue this Order for Continuing Education. The Board found that the Respondent's medical documentation was lacking critical information. The Respondent admitted that the documentation was lacking due to issues and time constraints regarding COVID-19 protocols at treating facilities and their interim-use of templates to keep patient records complete. The Board also found that the Respondent's communication with the complainant was misleading and may have resulted in more confusion

1 for the complainant regarding surgical availability.

2 4. Based on the investigative record and the discussion with the Respondent, including
3 the issues noted above, the Board found that the Respondent would benefit from Continuing
4 Education in the areas of patient communication and medical documentation.

5 **CONCLUSIONS OF LAW**

6 1. The Board possesses jurisdiction over the subject matter and over Respondent
7 pursuant to A.R.S. § 32-801 *et seq.*

8 2. The Board has the authority to issue a non-disciplinary Order for Continuing
9 Education pursuant to A.R.S. § 32-852.01(C)(3), if it believes the Respondent would benefit from
10 completing a prescribed number of hours of CE in a specific practice area for purposes of
11 providing him with the necessary understanding of current developments, skills, procedures or
12 treatment.

13 **ORDER**

14 1. **IT IS HEREBY ORDERED** that within **six months** from the effective date of this
15 Order, Respondent shall complete a minimum of **FIVE** total hours of Board pre-approved CE.
16 Respondent shall complete **THREE** hours of CE in the area of patient communication; and **TWO**
17 hours in the area of medical documentation. The CE hours shall be in addition to the hours required
18 for the annual renewal of his podiatry license.

19 2. **IT IS FURTHER ORDERED** that Respondent shall, within **six months** of the
20 effective date of this Order, provide Board staff with proof of attendance in satisfaction of this
21 requirement.

22 3. Respondent shall within **60 days** of the effective date of this order submit his
23 request for CE to the Board for pre-approval.

24 4. Respondent's failure to timely comply with the Order will subject him to future
25 disciplinary action by the Board. A.R.S. § 32-854.01(21).

26 5. The effective date of the Order is the date it is signed by the Board President.

1
2 **RIGHT TO APPEAL**

3 **NOTICE IS HEREBY GIVEN** that, pursuant to A.R.S. § 41-1092.03(B), you may
4 request a formal hearing by notifying the Board in writing within thirty-five (35) days from date
5 of this Order. If you request a formal hearing, you also have the right to request an informal
6 settlement conference by filing a written request with the Board, pursuant to A.R.S. § 41-
7 1092.06, no later than twenty (20) days before the scheduled hearing. The conference will be
8 held within fifteen (15) days after receipt of your request. Please note that you waive any right
9 to object to the participation of the Board’s representative in the final administrative decision of
10 the matter if it is not settled at the conference.
11

12
13 DATED THIS 17TH DAY OF MAY, 2022,

14
15 ARIZONA BOARD OF PODIATRY EXAMINERS

16
17 By: Barbara A. Campbell, D.P.M.
18 Barbara A. Campbell, D.P.M., Board President
19
20
21
22
23
24
25
26

1 Original of the foregoing was e-filed
this 17th day of May, 2022 with the:

2 Arizona State Board of Podiatry Examiners
3 1740 West Adams Street, Suite 3004
Phoenix, Arizona 85007

4 Copies of the foregoing sent by Electronic,
5 Certified and Regular mail
this 17th day of May, 2022 to:

6 Dr. Chad Westphal, DPM
7 Address of Record
Respondent

8 Robin Burgess, Esq.
9 Sanders & Parks
10 3030 N. Third St., Ste. 1300
Phoenix, AZ 85012
Attorney for the Respondent

11
12 Copy of the foregoing sent via Electronic mail
this 17th day of May, 2022 to:

13 Seamus Monaghan
14 Assistant Attorney General
2005 N. Central Avenue, SGD/LES
15 Phoenix, Arizona 85004
Attorney for the Board

16
17
18
19
20
21
22
23
24
25
26