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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 9, 2022

Members of the Arizona State Board of Podiatry Examiners (“Board”) held a meeting at 8:30 a.m. on Wednesday, November 9, 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

- Seth Clark, DPM.....Licensee
- Mandi Karvis, Esq.....Attorney
-  April Glesinger, DPM.....Licensee
- Bruce Crawford, Esq.....Attorney
-  J.P.....Complainant
-  Keith Bangart, DPM.....Licensee
- Kenneth Moskow, Esq.....Licensee
- Christopher Funk, DPM.....Licensee
- Peter Wittekind, Esq.....Attorney
- Paul Shapiro, DPM.....Licensee
- Leah Schachar, Esq.....Attorney
-  Lisa Bivens, Esq.....Attorney
-  Daniel Saunders, DPM.....Investigator
- Kamran Farahani, DPM.....Investigator
- Dedrie Polakof, DPM.....Investigator
-  Appeared telephonically

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OPEN SESSION

Dr. Campbell called the meeting to order at 8:31 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 September 14, 2022, Board meeting

Dr. Campbell made a motion, seconded by Dr. Forman, to approve the September 14, 2022, 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

Investigations

21-24-B; Keith Bangart, DPM

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

At 10:23 a.m. Dr. Campbell made a motion, seconded by Dr. Forman, to move into Executive Session to obtain confidential legal advice from the Board’s attorney. The motion carried unanimously, 3-0.

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

Open session reconvened at 10:31 a.m.

Dr. Campbell made a motion, seconded by Dr. Forman, to dismiss the case as it relates to the malpractice matter. The motion carried unanimously, 3-0.

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

Dr. Bangart was present telephonically and his attorney, Kenneth Moskow, Esq., was present. Mr. Moskow requested to speak and made a statement. Mr. Moskow attested that Dr. Bangart did not discuss the patient with another podiatrist. Dr. Bangart reiterated that he did not discuss confidential information regarding the patient with another podiatrist.

After deliberation, Dr. Forman made a motion, seconded by Dr. Campbell, to dismiss Complaint No. 21-24-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					

20-05-C; Seth Clark, DPM

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

Dr. Clark and his attorney, Mandi Karvis, Esq, were present, requested to speak, made statements and answered Board members’ questions. The Complainant was not present. Ms. Karvis stated that there is clear documentation in the patient record that the patient consented to all procedures. Ms. Karvis stated that the poor outcome was, in part, due to the patient’s non-compliance with postoperative instructions. Ms. Karvis opined that many physicians utilize templates when drafting patient records. Ms. Karvis stated that there is indication that the patient may pursue a malpractice case through the Court. Dr. Clark stated that he recommended orthotics to the patient on multiple occasions. Dr. Clark explained that patient had multiple lab workups prior to surgery. Dr. Clark reviewed the patients care. Dr. Clark attested that he refers patients with wounds to a wound care expert rather than treating the wound himself. Board members asked Dr. Clark why he did not document certain procedures in the patients chart. Dr. Clark indicated that he was transitioning to a new medical record system and acknowledged that

his record keeping was lacking. Dr. Clark stated that the Board previously addressed his record keeping during that timeframe.

At 9:28 a.m. Dr. Campbell made a motion, seconded by Dr. Forman, to go into Executive Session to obtain confidential legal advice from the Board’s attorney. The motion carried unanimously, 3-0.

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

Open session reconvened at 9:38 a.m.

The Board deliberated and expressed concern with Dr. Clark’s record keeping, as there are procedures that are not documented in the patient’s chart. The Board opined that the record keeping is not during the timeframe in which the Board previously took action. After deliberation, Dr. Campbell made a motion, seconded by Dr. Forman, to direct the Board’s Assistant Attorney General to negotiate a Consent Agreement with Dr. Clark and his attorney. The Consent Agreement shall include, but is not limited to, one-year probation and quarterly chart audits. Dr. Clark shall submit ten charts during the one-year probation. If Dr. Clark does not accept the Consent Agreement, Complaint No. 22-05-C will be forwarded to an Informal Hearing. The motion carried unanimously on a roll call vote, 3-0.

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

22-06-C; April Glesinger, DPM

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

Dr. Glesinger was present telephonically and her attorney, Bruce Crawford, Esq., was present. Dr. Glesinger and Mr. Crawford requested to speak and made statements. The Complainant, J.P., was present and made a statement.

After deliberation, Dr. Forman made a motion, seconded by Dr. Campbell, to dismiss Complaint No. 22-06-C; April Glesinger, DPM, as there were no violations of statute or rule.

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

The Board recessed at 10:06 a.m. and returned to open session at 10:14 a.m.

22-08-C; Christopher Funk, DPM

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

Dr. Funk and his attorney, Peter Wittekind, Esq. were present, requested to speak, made statements and answered Board members’ questions. Mr. Wittekind stated that Dr. Polakof’s investigative report did not address the concerns that Dr. Polakof raised during her summary. Mr. Wittekind stated that they are only prepared to address the concern of the suture removal. Additionally, Mr. Wittekind stated that there is a possibility that they do not have all of the information/documentation as another podiatrist’s records are indicated in the investigative report. Ms. Broaddus confirmed that Dr. Funk and Mr. Wittekind were provided all of the records that were submitted to the Board. Board members opined that further investigation is necessary to obtain additional records.

After deliberation, Dr. Campbell made a motion, seconded by Dr. Forman, to continue Complaint No. 22-08-C for further investigation and to obtain additional records.

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

22-14-C; Paul Shapiro, DPM

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

Dr. Shapiro and his attorney, Leah Schachar, Esq., were present, requested to speak, made statements and answered Board members’ questions.

After deliberation, Dr. Campbell made a motion, seconded by Dr. Forman, to dismiss Complaint No. 22-14-C; Paul Shapiro, DPM, as there were no violations of statute or rule.

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

The Board recessed at 11:05 a.m. and returned to open session at 11:10 a.m.

Issuance of Licenses

1. Garner, Avery, DPM

Upon review of Dr. Garner’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. Garner’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. Hess, Terrence, DPM

Upon review of Dr. Hess’ 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. Hess’ 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. Hong, Melissa, DPM

Upon review of Dr. Hong’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. Hong’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. Merritt, Gerald, DPM

Upon review of Dr. Merritt’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. Merritt’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. Wander, David, DPM

Upon review of Dr. Wander’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. Wander’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					

DISUCSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING A SELF-REPORT FROM THARESH UDUPA, DPM

Dr. Campbell provided a summary stating that Dr. Udupa submitted a self-report regarding a summons he received for failure to pay tax. Dr. Campbell noted that Dr. Udupa did not submit the self-report in a timely manner pursuant to A.R.S. §32-3208.

Dr. Udupa was not present but his attorney, Lisa Bivens, Esq. was present telephonically. Ms. Bivens requested to speak and updated the Board on new information regarding Dr. Udupa’s case. Ms. Bivens agreed to keep the Board apprised of the matter.

After deliberation, Dr. Campbell made a motion, second by Forman to open a Complaint regarding Dr. Udupa’s failure to timely report and to issue a Letter of Concern to resolve the Complaint and to take no action on the legal matter until the case is disposed. 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 regarding legislation that may affect the Board.

BOARD TO REVIEW, DISCUSS AND TAKE POSSIBLE ACTION ON UPDATE OF THE OCTOBER 28, 2022, FEDERATION OF PODIATRIC MEDICAL BOARDS MEETING

Ms. Broaddus provided a summary stating that the purpose of the meeting was to provide a round table discussion with other jurisdictions. The discussion included Podiatric Medical Assistant’s, Scope of Practice, Board Certification vs. Licensure and Continuing Education requirements. Ms. Broaddus stated that other jurisdictions have issues with podiatric medical assistants being allowed to take x-rays. Ms. Broaddus noted that some Board’s require a podiatrist to be Board certified to perform ankle surgery.

EXECUTIVE DIRECTOR’S REPORT

Ms. Broaddus stated that Dr. Westphal has completed the terms of his non-disciplinary Order for continuing education in Complaint No. 21-15-C.

Ms. Broaddus provided a summary of the Board’s 2023 meeting calendar.

Ms. Broaddus provided a summary of the Board’s website migration.

Ms. Broaddus provided a summary of the current budget.

Ms. Broaddus provided a summary of the complaint log.

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

Ms. Broaddus stated that an item regarding legislation the State Association intends to run would be on the Board’s December 14, 2022, agenda.

NEXT BOARD MEETING DATE

The Board’s next meeting is scheduled for December 14, 2022. The Board agreed to start the meeting at 8:00 a.m.

ADJOURNMENT

A motion was made by Dr. Campbell, seconded by Dr. Forman, and passed unanimously, 3-0, to adjourn the meeting at 11:37 a.m. The motion carried unanimously, 3-0.

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