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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

May 11, 2022

Members of the Arizona State Board of Podiatry Examiners (“Board”) held a meeting at 8:30 a.m. on Wednesday, May 11, 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

-  Chad Westphal, DPM.....Licensee
-  Robin Burgess, Esq..... Attorney
-  P.M.....Complainant
- Jonathan Ray, DPM.....Applicant
- Joe Abate.....Public Member
-  Daniel Saunders, DPM.....Investigator
-  Appeared telephonically

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.

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

BOARD TO REVIEW, DISCUSS AND TAKE POSSIBLE ACTION REGARDING AUTHORIZING THE BOARD’S EXECUTIVE DIRECTOR TO DISCUSS THE BOARD’S DRAFT RULE PACKAGE WITH THE DEPARTMENT OF HEALTH SERVICES

Dr. Campbell made a motion, seconded by Dr. Forman, to authorize the Board’s Executive Director to discuss the Board’s draft rule package with the Department of Health Services and to amend the draft rule package as necessary and to continue the Board’s rule package from the Governor’s Regulatory Review Council (GRRC) May 24, 2022, study session to the June 28, 2022, study session, if necessary. The motion carried unanimously, 3-0.

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

TIMED ITEM

Informal Hearing

21-15-C; Chad Westphal, DPM

The Board’s Investigator, Dr. Polakof, was not present. Dr. Campbell explained the Informal Hearing procedures. Dr. Westphal and his attorney, Robin Burgess, Esq., were present telephonically and introduced themselves. Board members introduced themselves. Dr. Campbell provided a summary of the Complaint including possible violations. Dr. Campbell confirmed that Dr. Westphal and his attorney, Robin Burgess, Esq., reviewed the investigative materials.

Dr. Campbell swore Dr. Westphal in. Dr. Westphal made a statement and answered Board members’ questions. Dr. Westphal explained that he initially saw Complainant, P.M., in February 2020, just prior to Arizona’s Governor announcing the State of Emergency due to the COVID pandemic (pandemic). Dr. Westphal attested that prior to the State of Emergency the hospital he works for was already taking precautionary measures such as restricting patient intake and restricting surgeries. Dr. Westphal stated that the hospital was overwhelmed with pandemic cases. During that time, Dr. Westphal confirmed that hospital staff were reassigned to different areas of the hospital and that many hospital staff resigned. Dr. Westphal affirmed that he lost staff, including his scribe, during that time. Dr. Westphal stated that he was allowed minimal hours after seeing a patient to put his notes in the patient file. Dr. Westphal acknowledged that during that time his documentation was lacking as he lost his scribe, had a limited amount of time for documenting his notes and was forced to use templates. Board members asked Dr. Westphal if he could document his notes externally. Dr. Westphal stated he

could not. Board members questioned why Dr. Westphal’s notes indicated he would be in the hospital as needed. Dr. Westphal explained that the hospital would close intermittently during the State of Emergency.

The Complainant, P.M., was present telephonically. Dr. Campbell swore P.M. in. P.M. made a statement and answered Board members’ questions. P.M. stated that in February 2020, the pandemic was not an issue as the hospital was not mandating masks or limiting patient care. P.M. stated that her surgery should have been scheduled shortly after her initial visit with Dr. Westphal. P.M. stated that during her April 2020, visit with Dr. Westphal, Dr. Westphal neglected her condition. Board members asked P.M. how she is doing now. P.M. stated that she is okay but minor tasks are still uncomfortable.

Dr. Westphal stated that at the beginning of the pandemic personal protective equipment was not readily available.

The Board deliberated and acknowledged the challenges during the beginning of the pandemic. The Board expressed concern with Dr. Westphal’s lack of documentation.

After deliberation, Dr. Campbell made a motion, seconded by Dr. Forman, to issue a Non-Disciplinary Order (Order) for continuing education to Dr. Westphal. Dr. Westphal shall take two hours of continuing education in documentation and three hours of continuing education in patient communication within six months of the effective date of the Order. The continuing education shall be Board approved and shall not count toward the continuing education requirement for license renewal. The motion carried unanimously, 3-0.

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

Issuance of Licenses

1. Ray, Jonathan, DPM

Upon review of Dr. Ray’s application, the Board noted that he will not complete his residency until June 2022, otherwise his application meets requirements of statute and rule. Dr. Ray was present, requested to speak and made a statement. Dr. Ray stated that he has met his residency requirements but will not graduate until June 2022. Board members explained that pursuant to A.R.S. §32-826(A) the Board is not authorized to issue a license prior to the completion of a 36-month residency. After review, Dr. Campbell made a motion, seconded by Dr. Forman, to approve Dr. Ray’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					

Investigations

22-01-C; Steven Moore, DPM

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

Neither Dr. Moore nor the Complainant were present. After deliberation, Dr. Campbell made a motion, seconded by Dr. Forman, to dismiss Complaint No. 22-01-C; Steven Moore, 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					

Initial Registration to Dispense Drugs and Devices

1. Dugal, Naresh, DPM

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

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

Request for Waiver of the Continuing Education Requirement for the 2021-2022 Renewal Cycle

1. Tassone, John, DPM

Upon review of Dr. Tassone’s request, the Board noted that his request meets requirements of statute. After review, Dr. Campbell made a motion, seconded by Dr. Forman, to approve Dr. Tassone’s request. 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 April 13, 2022, Board meeting

After review, Dr. Campbell made a motion, seconded by Dr. Forman, to approve the April 13, 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					

BOARD TO REVIEW, DISCUSS AND TAKE POSSIBLE ACTION ON UPDATE OF THE FEDERATION OF PODIATRIC MEDICAL BOARDS AND THE FEDERATION OF STATE MEDICAL BOARDS ANNUAL MEETING

Dr. Campbell provided a summary stating that the annual meeting was April 26 – April 30, 2022. Mark S. Block, DPM from Florida filled the Federation of Podiatric Medical Boards (FPMB) vacancy position. The FPMB is growing and is increasing its engagement with the Federation of State Medical Boards. The PMLexis Part II clinical skills exam is still suspended. The National Board of Podiatric Medical Examiners (NBPME) is looking at ways to reinstate the exam.

EXECUTIVE DIRECTOR'S REPORT

Ms. Broaddus provided a summary regarding requiring fingerprint clearance cards September 1, 2022. Ms. Broaddus stated that before an agency can accept fingerprint clearance cards the agency must have approval from the Federal Bureau of Investigation. Ms. Broaddus explained that the approval process is lengthy and the Board may not be approved to accept fingerprint clearance cards by September 1, 2022. Ms. Broaddus will keep the Board apprised.

Ms. Broaddus provided a summary on renewals

Ms. Broaddus provided a summary of the Board's financial audit. The Auditor General contacted the Board office and indicated that the financial audit is complete and that there were no findings.

Ms. Broaddus provided a summary of the current budget.

Ms. Broaddus provided a summary of the complaint log.

LEGISLATIVE UPDATE AND DISCUSSION

Ms. Broaddus briefly summarized HB2070, HB2371, HB2412, HB2599, HB2612, SB1052, SB1162 and SB1568.

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 June 8, 2022.

ADJOURNMENT

A motion was made by Dr. Campbell, seconded by Dr. Forman, and passed unanimously, 3-0, to adjourn the meeting at 9:55 a.m. The motion carried unanimously, 3-0.

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