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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

August 10, 2022

Members of the Arizona State Board of Podiatry Examiners (“Board”) held a meeting at 8:30 a.m. on Wednesday, July 13, 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

- Kenneth Moskow, Esq.....Attorney
- Zachary Flynn, DPM.....Licensee
-  Spencer Niemann, DPM.....Licensee
-  William Sowders, Esq.....Attorney
-  Dedrie Polakof, DPM.....Investigator
-  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.

REVIEW, DISCUSSION AND POSSIBLE ACTION ON BOARD MEETING MINUTES

Discussion and approval of the Open Session Minutes from the July 13, 2022, Board meeting

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

ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

Investigations

22-02-C; Seth Clark, DPM

Dr. Campbell opined that Complaint No. 22-02-C; Seth Clark, DPM, requires further investigation in order for the Board to make a determination in the matter.

After deliberation, Dr. Campbell made a motion, seconded by Dr. Forman, to continue Complaint No. 22-02-C; Seth Clark, DPM, for further investigation. The motion carried unanimously, 3-0.

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

20-18-C; Daniel Bangart, DPM

Dr. Campbell stated that at its December 2020, meeting, the Board voted to STAY Complaint No. 20-18-C; Daniel Bangart, DPM, and forward the Complaint to an Informal Hearing. Dr. Campbell stated that since the underlying litigation has been resolved the Board received additional information regarding the malpractice matter. Dr. Campbell opined that there is sufficient information to continue with the Complaint without moving to an Informal Hearing. After deliberation, Dr. Campbell made a motion, seconded by Dr. Forman, to rescind the Board's previous motion to forward Complaint No. 20-18-C; Daniel Bangart, DPM, to an Informal Hearing. The motion carried unanimously, 3-0.

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

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

Dr. Bangart was not present but his attorney, Kenneth Moskow, Esq., was present, requested to speak, made a statement and answered Board members’ questions. Mr. Moskow stated that Dr. Polakof relied solely on Complainant’s, S.W., version of events. Mr. Moskow indicated that S.W. lacks credibility as noted in the Court hearing. Mr. Moskow stated that S.W. misled the Board as to her care with Dr. Leber’s. Mr. Moskow attested that S.W. has neurological and memory issues that were brought to Court’s attention. S.W. did not report her previous neurological issues to Dr. Bangart. Mr. Moskow addressed the Billing issue. Dr. Forman asked why Dr. Bangart billed for a trigger point injection when he gave a neuroma injection.

The Complainant was not present.

The Board deliberated. The Board determined that this matter does not rise to a violation of statute but expressed concern with Dr. Bangart’s documentation, use of steroids, use of billing codes and his surgery selection.

After deliberation, Dr. Campbell made a motion, seconded by Dr. Forman, to issue Dr. Bangart a non-disciplinary Order for continuing education. Dr. Bangart shall complete two hours of continuing education in documentation, two hours of continuing education in coding and billing, two hours of continuing education in updates on use of steroid injections, two hours of continuing education in patient surgery selection including preoperative evaluation. The continuing education shall be pre-approved by the Board. The continuing education shall be completed within six months of the effective date of the non-disciplinary Order. The continuing education shall not count toward the required continuing education for renewal of Dr. Bangart’s license.

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

21-10-C; Zachary Flynn, DPM

The Board’s Investigator, Dr. Farahani was not present. Dr. Campbell provided a summary indicating that the Board previously reviewed this matter and voted to continue the matter to a future meeting to request additional information/documentation. Dr. Campbell stated that, despite Board staff efforts, the Board has been unable to obtain the requested information/documentation.

Dr. Flynn was present, requested to speak, made a statement and answered Board members’ questions. Dr. Flynn reviewed the timeline of his care of Complainant, M.S. Dr. Flynn explained the custodian of records for Complainant. Dr. Flynn stated that he is no longer employed where he treated Complainant therefore, he does not have access to the records. Dr. Campbell asked Dr. Flynn if he communicated to his patients who the custodian of records is. Dr. Flynn explained that he was abruptly terminated from his former employer. Dr. Flynn stated that he retained an attorney during his separation from his former employer and his attorney advised Dr. Flynn to not contact his former employer. As far as Dr. Flynn is aware, his former employer did not notify his patients of his separation or who the custodian of records is. Dr. Campbell asked Dr. Flynn about Complainants missed appointments. Dr. Flynn answered. Dr. Campbell asked about Complainant being non-compliant with recommendations. Dr. Flynn answered stating that he recommended physical therapy and Complainant did not comply.

The Complainant was not present.

After deliberation, Dr. Campbell made a motion, seconded by Dr. Forman, to dismiss Complaint No. 21-10-C; Zachary Flynn, 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					

Issuance of Licenses

1. Cathcart, Gabriel, DPM

Upon review of Dr. Cathcart’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. Cathcart’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. Dooley, George, DPM

Upon review of Dr. Dooley’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. Dooley’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. Fanara, Joseph, DPM

Upon review of Dr. Fanara’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. Fanara’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. Navarette, Ricardo, DPM

Upon review of Dr. Navarette’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. Navarette’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. Oarde, Reisha, DPM

Upon review of Dr. Oarde’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. Oarde’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					

Renewal Application(s)

1. Niemann, Spencer, DPM

Dr. Campbell provided a summary stating that Dr. Niemann reported two separate malpractice matters on his 2022 renewal application. Dr. Campbell noted that Dr. Niemann’s 2022 renewal application is complete but the Board needs to take action on the malpractice matters.

After deliberation, Dr. Campbell made a motion, seconded by Dr. Eulano, to approve Dr. Niemann’s 2022 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. Niemann and his attorney, William Sowders, Esq., were present telephonically.

Dr. Campbell made a motion, seconded by Dr. Forman, to open two Board Complaints regarding each malpractice matter Dr. Niemann reported on his 2022 renewal application

and to Stay the Complaints 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					

EXECUTIVE DIRECTOR'S REPORT

Ms. Broaddus provided a summary on renewals.

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

There were no future agenda items.

NEXT BOARD MEETING DATE

The next Board meeting is September 14, 2022. The Board discussed the October Board meeting date and determined to hold the October meeting on Tuesday, October 25, 2022.

ADJOURNMENT

A motion was made by Dr. Campbell, seconded by Dr. Forman, and passed unanimously, 3-0, to adjourn the meeting at 9:25 a.m. The motion carried unanimously, 3-0.

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