

1 **BEFORE THE ARIZONA STATE BOARD OF**  
2 **PODIATRY EXAMINERS**

3 IN THE MATTER OF:

4 **CHRISTOPHER FUNK, DPM,**

5 **Holder of License No. POD-000542**

6 For the Practice of Podiatry

7 In the State of Arizona.

**Case No.: 22-08-C**

**ORDER FOR CONTINUING  
EDUCATION**

**(NON-DISCIPLINARY)**

8 At its meeting on February 8, 2023, the Arizona State Board of Podiatry Examiners  
9 (Board) voted to issue Christopher Funk, DPM, (Respondent), a non-disciplinary Continuing  
10 Education (CE) Order (Order) to address issues raised in the complaint and the Board's  
11 subsequent investigation. The Board, pursuant to A.R.S. § 32-852.01(C)(3), determined that  
12 while the conduct was not of sufficient seriousness to merit direct action, Respondent would, as  
13 set forth below, benefit from completing a prescribed number of hours of CE in a specific practice  
14 area or areas for purposes of providing him with the necessary understanding of current  
15 developments, skills, procedures or treatment.

16 **FINDINGS OF FACT**

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

21 2. Respondent is the holder of License Number POD-000542 which enables him to  
22 practice podiatry in the State of Arizona.

23 3. The Board initiated this investigation after receiving a complaint from GW on July  
24 6, 2022. The complaint alleged the Respondent was negligent in his care of GW. Specifically, GW  
25 alleged Respondent removed sutures prematurely following a bunionectomy, causing the surgical  
26 site to reopen, exposing the bone and resulting in infection. The complaint also alleged that GW  
told Respondent he had an autoimmune disorder (Rheumatoid Arthritis) and was on oral

1 Prednisone long term and that his wounds healed slowly.

2 4. On December 7, 2021, GW presented to the Respondent with a chief complaint of  
3 pain in the 5<sup>th</sup> metatarsal head on the right foot. GW's record states that the issue had been ongoing  
4 for over a year. At that visit the Respondent injected the 5<sup>th</sup> metatarsal bursa with a combination  
5 of Lidocaine, Marcaine, Kenalog and Dexamethasone.

6 5. On December 20, 2021, GW presented to the Respondent for the same recurring  
7 problem as mentioned above. Respondent indicated in the treatment records that the ulcer on the  
8 5<sup>th</sup> metatarsal head had a slight opening, but no drainage.

9 6. On January 4, 2022, GW again presented to the Respondent. After performing an  
10 x-ray of the 5<sup>th</sup> metatarsal head, the Respondent diagnosed a tailor's bunion in the form of a sharp  
11 bone spur on that metatarsal head. In response to being asked whether he discussed the finding of  
12 Mockberg's sclerosis of the pedal vessels that were noted on the x-ray, Respondent stated he had  
13 not.

14 7. On January 17, 2022, GW contacted the Respondent after going to the emergency  
15 room on January 16, 2022. The emergency room visit determined that the ulcer was worse,  
16 swollen, and red. GW indicated to the Respondent that his pain level measured a 10-out-of-10.  
17 The Board determined that while the Respondent presented consents for surgery on the day of  
18 surgery, there were no preoperative visit consents signed prior to surgery. The Board also  
19 determined that there were no preoperative labs and history and physical completed in the office  
20 record. Respondent indicated that he utilized the labs, as well as the history and physical performed  
21 during the emergency room visit. Respondent indicated that his normal practice is to establish  
22 consent in a preoperative visit, however due to the emergent nature of the situation it was not done.

23 8. On January, 19, 2022, in response to the emergent situation, the Respondent excised  
24 the 5<sup>th</sup> metatarsal head on the right foot. The Board determined that Respondent failed to document  
25 whether he took pulse readings for GW's feet. The Board also determined that Respondent failed  
26 to document the pulse readings for the right foot on January 4<sup>th</sup> and 17<sup>th</sup>. The Respondent should  
have documented this information as part of the preoperative exam. The Board further determined

1 that the Respondent failed to document that cultures were taken and bone sent for pathologic  
2 examination in the operative report. Respondent admitted that it was an emergent situation and he  
3 did not document everything he had done.

4 9. On January 31, 2022, GW presented to the Respondent for an initial post-operative  
5 visit, 12 days after surgery. Respondent's treatment records indicate that the incision site was  
6 intact. The notes also indicate that there was some dehiscence and swolleness around the site, but  
7 no indication of drainage. The Respondent also noted that the skin was fragile and thin. The  
8 Respondent then removed the sutures, even though he noted the patient was on Prednisone and  
9 understood the patient had trouble healing. The Respondent prescribed antibiotics and dressed the  
10 wound for protection.

11 10. The Board determined that due to the condition of the skin, years of Rheumatoid  
12 arthritis steroids and known healing issues that it was foreseeable that the wound would have  
13 reopened. The Board took into account that GW was noncompliant and ambulating on his right  
14 foot, but also determined that Respondent should have considered or discussed healing  
15 enhancements such as a wound VAC with GW. The Respondent stated that he did not discuss a  
16 wound VAC with GW. The Board also determined that Respondent did not discuss the use of a  
17 walker or scooter with GW, which could have aided in the healing process.

18 11. On February 3, 2022, the Respondent set up home-health wound care to assist  
19 Respondent with healing.

20 12. On February 7, 2022, GW presented to the Respondent for the last time.  
21 Respondent's treatment records for GW indicate that GW was upset due to the pain and the open  
22 ulcer. Respondent also indicated that the wound had dehisced at the surgical site showing fibrous  
23 tissue. The Respondent placed three more sutures in the incision site to assist with healing and  
24 closure.

25 13. At the Board's February 8, 2023, monthly meeting it discussed the allegations in  
26 the investigative report. Respondent and his attorney were present in-person. Respondent admitted  
that GW had thin skin when he was removing the sutures on January 31, 2022, but that there was

1 no dehiscence and/or drainage from the incision site.

2 14. 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 listed below in the Order.

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 **EIGHT** total hours of Board pre-approved CE.  
16 Respondent shall complete **TWO** hours of CE in each of the following areas: patient  
17 communication, surgical methods for enhanced wound healing, documentation/record keeping and  
18 post-operative care. The CE hours shall be in addition to the hours required for the annual renewal  
19 of his podiatry license.

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

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

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

1           5.       The effective date of the Order is the date it is signed by the Board's Executive  
2 Director on behalf of the Board President.

3  
4                                       **RIGHT TO APPEAL**

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

13  
14   DATED THIS 17<sup>TH</sup> DAY OF FEBRUARY, 2023,

15  
16   ARIZONA BOARD OF PODIATRY EXAMINERS

17   By: *Barbara A. Campbell, D.P.M.*  
18   Barbara A. Campbell, D.P.M., Board President

19   Original of the foregoing was e-filed  
20   this 17th day of February, 2023 with the:  
21   Arizona State Board of Podiatry Examiners  
22   1740 West Adams Street, Suite 3004  
23   Phoenix, Arizona 85007  
24   Copies of the foregoing sent by Electronic,  
25   Certified and Regular mail  
26   this 17th day of February, 2023 to:  
   Dr. Christopher Funk, DPM  
   Address of Record  
   Respondent

1 Peter Wittekind, Esq.  
2 909 E. Missouri Ave.  
3 Phoenix, AZ 85014  
4 *Attorney for the Respondent*

5 Copy of the foregoing sent via Electronic mail  
6 this 17th day of February, 2023 to:

7 Seamus Monaghan  
8 Assistant Attorney General  
9 2005 N. Central Avenue, SGD/LES  
10 Phoenix, Arizona 85004  
11 *Attorney for the Board*

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