



Katie Hobbs,
Governor

Arizona State Board of
Podiatry Examiners
“Protecting the Public’s Health”



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OPEN SESSION MINUTES


February 8, 2023

Members of the Arizona State Board of Podiatry Examiners (“Board”) held a meeting at 8:00 a.m. on Wednesday, February 8, 2023, 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

- Christopher Funk, DPM.....Licensee
- Peter Wittekind, Esq.....Attorney
-  G.W.....Complainant
-  D.F.....Complainant
- Dedrie Polakof, DPM.....Investigator
-  Daniel Saunders, DPM.....Investigator
-  Appeared telephonically

OPEN SESSION

Dr. Campbell called the meeting to order at 8:01 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 January 11, 2023, Board meeting

Dr. Campbell made a motion, seconded by Dr. Eulano, to approve the January 11, 2023, 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

22-08-C; Christopher Funk, DPM

Dr. Campbell stated that this Complaint was continued in order to obtain additional records. The Board’s Investigator, Dr. Polakof, was present and provided a summary of the Complaint to the Board. Dr. Polakof answered Board members’ questions.

Dr. Funk and his attorney, Peter Wittekind, Esq., were present, requested to speak, made statements and answered Board members’ questions. Dr. Funk reviewed his care of the patient. Dr. Funk attested that when he removed the sutures postoperatively there was mild irritation but no dehiscence. Dr. Funk stated that he met the standard of care but unfortunately, the patient had a poor postsurgical outcome. Board members asked Dr. Funk if he addressed the low GFI with patient. Dr. Funk said he did not. Board members asked Dr. Funk if he spoke to patient about referral to a wound clinic. Dr. Funk stated that patient discontinued care with him before he could discuss wound care referrals. Board members asked Dr. Funk if he consulted with other health care professionals in this case. Dr. Funk said he did not consult with other health care professionals. Board members asked Dr. Funk if he took nutrition and other factors into consideration before performing surgery. Dr. Funk answered stating that it was an urgent situation therefore he was not able to discuss matters prior to surgery. Board members asked Dr. Funk if he discussed a wound VAC with the patient. Dr. Funk said he did not. Board members noted that Dr. Funk did not notate the cultures and pathology tests in the patient record. Board members noted that there was no preoperative consent in the patient record. Mr. Wittekind affirmed that the surgery was an emergent situation and that the patient followed up with Dr. Funk for two postoperative visits. Mr. Wittekind affirmed that patient decided to discontinue care with Dr. Funk despite Dr. Funk’s efforts to coordinate care for the patient. Mr. Wittekind stated that patient only allowed two home care visits before discontinuing home care.

The Complainant, G. W., was present telephonically, requested to speak, made a statement and answered Board members questions. Board members asked G.W. about his postoperative care and whether he was offered a walker or knee scooter. G.W. affirmed that he was not offered a walker or a knee scooter. Board members asked if Dr. Funk discussed the x-ray results with him. G.W. stated that Dr. Funk did not. Board members asked G.W. if Dr. Funk explained why he was taking out the sutures. Board members confirmed with G.W. that he did not go to a wound clinic but had an in-home nurse.

Board members deliberated. Board members expressed concern with Dr. Funk’s lack of documentation in the patient record. Board members expressed concern with the lack of preoperative consent and postoperative wound care therapy. Board members expressed concern with patient communication.

After deliberation, Dr. Campbell made a motion, seconded by Dr. Forman, to issue a non-disciplinary Order for continuing education. Dr. Funk shall complete two hours of continuing education in patient communication, documentation/record keeping, surgical methods for enhanced wound healing and postoperative care. The continuing education shall not count toward the annual renewal of Dr. Funk’s license. The continuing education shall be Board approved. The continuing education shall be completed within six months of the effective date of the non-disciplinary consent agreement and Order. The motion carried unanimously, 3-0.

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

22-19-C; Brian Hutcheson, DPM

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

Dr. Hutcheson was not present. The Complainant, D.F., was present. Board members noted that Dr. Hutcheson did not see or treat the Complainant. Board members noted that the Complainant was treated by another licensed podiatrist.

After deliberation, Dr. Forman made a motion, seconded by Dr. Eulano, to dismiss Complaint No. 22-19-C; Brian Hutcheson, 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. Brklacich, Braden, DPM

Upon review of Dr. Brklacich’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. Brklacich’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. Desrosiers, Pierre, DPM

Upon review of Dr. Desrosiers’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. Desrosiers’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					

Initial Analysis

3. Brown J. David, DPM

Ms. Broaddus provided a summary to the Board stating that the Board received documentation alleging that Dr. Brown is practicing without a license. Dr. Brown was not present. After

deliberation, it was the consensus of the Board to take no action at this time and, to continue to monitor the case.

REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING TRAINING AND OVERVIEW OF POLICIES/PROCEDURES OF CONFLICTS OF INTEREST, PRESENTED BY THE ATTORNEY GENERAL'S OFFICE

The Board's Assistant Attorney General, Seamus Monaghan, Esq., reviewed conflicts of interest regarding the following:

- Purpose of the Conflict of Interest Laws;
- Bias, Prejudice and Predetermination;
- Appearance of Impropriety;
- Ex Parte Communications and
- Definitions

EXECUTIVE DIRECTOR'S REPORT

Ms. Broaddus stated that the Board issued a non-disciplinary Order for continuing education to Daniel Bangart, DPM in resolution of Complaint No. 20-18-C. Dr. Bangart completed the terms of the non-disciplinary Order for continuing education on January 18, 2023.

Ms. Broaddus provided an update of the new elicense database.

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 HB2144, HB2157, HB2190, SB1020, SB1078, SB1087, SB1239, SB1333, SB1386

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 items for future agendas.

NEXT BOARD MEETING DATE

The Board’s next meeting is scheduled for March 8, 2023.

ADJOURNMENT

A motion was made by Dr. Campbell, seconded by Dr. Forman, and passed unanimously, 3-0, to adjourn the meeting at 9:52 a.m. The motion carried unanimously, 3-0.

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