



Katie Hobbs,  
Governor

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


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OPEN SESSION MINUTES

October 11, 2023

Members of the Arizona State Board of Podiatry Examiners (“Board”) held a meeting at 8:00 a.m. on Wednesday, October 11, 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**

- Seth Clark, DPM.....Licensee
- Mandi Karvis, Esq.....Attorney
-  Mark Rosales, DPM.....Licensee
-  Lauren Wurster, DPM.....Investigator
-  Appeared telephonically

**OPEN SESSION**

Dr. Campbell called the meeting to order at 8:02 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 13, 2023, Board meeting

Dr. Campbell made a motion, seconded by Dr. Forman, to approve the September 13, 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

Complaint No. 23-01-C; Seth Clark, DPM

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

Dr. Clark and his attorney, Mandi Karvis, Esq. were present, requested to speak, made statements and answered Board members’ questions. Ms. Karvis attested that Dr. Clark encouraged the complainant to seek a second opinion. Ms. Karvis stated that Dr. Clark’s records support the surgical and procedural interventions. Ms. Karvis affirmed that Dr. Clark went above and beyond by having thorough email correspondence with complainant. Ms. Karvis stated that Dr. Clark is currently a non-surgical podiatrist and has enrolled/registered for the PACE program scheduled for February 2024. Dr. Clark provided a summary of his care of the complainant. Dr. Clark stated that he treated complainant for approximately five years and affirmed that no duplicative surgeries were performed. Dr. Clark stated that complainant did indicate that there was relief with the surgeries. Dr. Clark reviewed the billing for complainant and attested that all billing was accurate. Dr. Clark stated that he is not the owner of the pain center that he works with but is considered the “CEO”. He also indicated that he receives a stipend but that the stipend is not based on patient referrals. Dr. Clark affirmed that he no longer does major surgery. Dr. Clark indicated that he only performs in-house procedures. Dr. Campbell asked Dr. Clark if he still has staff privileges at hospitals. Dr. Clark answered. Dr. Eulano asked Dr. Clark if his intent is to remain a non-surgical podiatrist. Dr. Clark indicated that he does not intend to perform any major surgeries. Dr. Eulano asked Dr. Clark if he received financial gain by performing certain injections. Dr. Clark said there was no financial gain.

The Complainant was not present.

At 8:55 a.m. Dr. Campbell made a motion, seconded by Dr. Forman, to go into Executive Session to receive confidential legal advice from the Board’s attorney. The motion carried unanimously, 3-0. Open session reconvened at 9:03 a.m.

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

Board members deliberated and noted that Dr. Clark is willingly participating in the intensive PACE program. Board members discussed Dr. Clark’s record keeping and noted that the PACE program is an intensive record keeping rehabilitation program. Board members also noted that Dr. Clark is no longer performing major surgeries. After deliberation, Board members determined that the Boards concerns does not warrant disciplinary action at this time. Dr. Campbell made a motion, seconded by Dr. Forman, to combine Complaint No. 22-05-C; Seth Clark, DPM, with Complaint No. 23-01-C; Seth Clark, DPM, to address concerns in both complaints. The motion included to offer a non-disciplinary Consent Agreement to require the February 2024 PACE program that Dr. Clark is registered/enrolled in, to require that PACE submit its findings to the Board and to require that Dr. Clark notify the Board at least thirty (30) days prior to any change of his non-surgical status. The motion carried unanimously, 3-0.

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

Complaint No.23-09-C; Mark Anthony Rosales, DPM

Dr. Campbell provided a brief summary stating that the Board previously reviewed this Complaint at its September 2023, meeting. The Board continued the Complaint to request Dr. Rosales’ presence.

Dr. Rosales was present telephonically, requested to speak, made a statement and answered Board members’ questions. Dr. Rosales reviewed his office procedures and protocols. Dr. Rosales affirmed that a medical assistant will review procedures and costs of the procedures that Dr. Rosales may want to perform with patients prior to the patients seeing him. Dr. Rosales affirmed that no patient is required to agree to any procedure. Dr. Rosales attested that he will discuss his findings with patients and make recommendations. Dr. Rosales further stated that no patient is required to comply with his recommendations.

The Complainant was not present.

After deliberation, Dr. Forman made a motion, seconded by Dr. Eulano, to dismiss Complaint No. 23-09-C; Mark Anthony Rosales, DPM, as there were no violations of rule or statute. 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

- Herrera, Victor, DPM

Upon review of Dr. Herrera’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. Herrera’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 Applications for Arizona Podiatric License and Dispensing Registration

- Harris, Amelia, DPM

Dr. Campbell provided a brief summary stating that Dr. Harris submitted her 2023 renewal timely but did not complete the continuing education requirements by the deadline. Additionally, Dr. Harris completed 1.25 hours of opioid related training therefore she did not meet the 3-hour requirement in opioid related continuing education. Dr. Campbell provided the Board its options.

Dr. Harris was not present.

After review, Dr. Campbell made a motion, seconded by Dr. Eulano, to grant Dr. Harris a 60-day extension to complete the continuing education requirements pursuant to A.R.S. §32-829(E). If

Dr. Harris does not complete the required continuing education a notice of denial will be sent to her. 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 REGARDING COMPLAINT NO. 22-05-C; SETH CLARK, DPM. THE BOARD’S OPTIONS INCLUDE RESCINDING ITS MARCH 8, 2023, VOTE AND TAKING OTHER ACTION CONSISTENT WITH ITS ADMINISTRATIVE AUTHORITY**

Dr. Campbell provided a brief summary stating that the Board previously reviewed this complaint at its March 2023, meeting. Dr. Campbell noted that the Board’s Executive Director provided a detailed explanation of the Board’s vote.

Dr. Clark and his attorney, Mandi Karvis, Esq., were present.

After review, Dr. Campbell made a motion, seconded by Dr. Forman, to rescind the Board’s March 8, 2023, vote. 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 OCTOBER 5, 2023, FEDERATION OF PODIATRIC MEDICAL BOARDS MEETING**

Ms. Broaddus provided a summary of the meeting stating meeting was to introduce jurisdictions to the podiatry compact that the Federation of Podiatric Medical Boards (FPMB) and other agencies have been working on. Ms. Broaddus stated that the FPMB has created a task force to work on a compact for podiatry. Ms. Broaddus stated that meeting topics included the following:

- Model language for the podiatry compact
- Expedited licensure
- Licensure portability

- Qualifications for a podiatrist to be included in the compact
- Legislative process

Ms. Broaddus stated that the FPMB has asked whether the Board would support a compact for podiatry. It was the consensus of the Board to obtain more information on the podiatry compact before making a determination of support.

**REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING PROPOSED RULE REVISION PERTAINING TO LICENSE RENEWAL FEES**

Ms. Broaddus provided a summary stating that at its September 2023, meeting, the Board requested that this item be brought before the Board for discussion. Ms. Broaddus stated that license renewal fees have not been increased since at least 2003. Ms. Broaddus provided a table of other jurisdictions renewal cycle and fees and other Arizona Board’s renewal cycle and fees.

After deliberation, Dr. Campbell made a motion, seconded by Dr. Forman, to increase the renewal fee by \$100.00. The motion carried unanimously, 3-0. Ms. Broaddus explained that a justification will be sent to the Governor’s Office for approval. The Governor’s Office has to approve the justification before the Board can go through the rulemaking process.

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

**REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING FINGERPRINT CLEARANCE CARD REQUIREMENT AND STATUS, PURSUANT TO A.R.S. §32-823(C)**

Ms. Broaddus provided a summary stating that beginning September 1, 2022, an applicant for initial licensure, license renewal, license reinstatement or temporary licensure shall possess a valid fingerprint clearance card. Ms. Broaddus stated that the Board must have approval from the Federal Bureau of Investigation (FBI) before it can request that applicants or licensees submit a copy of their fingerprint clearance card. To date, the Board has not been granted FBI approval. Currently, a disclaimer is on the Board’s website which states that the Board is unable to enforce the requirement that an applicant or licensee submit a copy of their fingerprint clearance card. Ms. Broaddus stated that the Attorney General’s Office has recently provided a legal opinion regarding fingerprint clearance cards.

At 10:07 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. Open session reconvened at 10:18 a.m.

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

It was the consensus of the Board to have Ms. Broaddus continue her discussion with other Executive Director's and to contact the Governor's Office regarding fingerprint clearance cards.

**EXECUTIVE DIRECTOR'S REPORT**

Ms. Broaddus provided a brief summary of the 2024 Board meeting calendar.

Ms. Broaddus stated that the Board's five-year rule review will be on the Governor's Regulatory Review Council's November 28, 2023, study session agenda and the December 5, 2023, Council meeting agenda.

Ms. Broaddus provided a summary of the current budget.

Ms. Broaddus provided a summary of the complaint log.

**SUMMARY OF CURRENT EVENTS**

Dr. Forman asked for an update on Podiatric Medical Assistants gaining certification to take x-rays. Ms. Broaddus stated that the legislation that exempts a Podiatric Medical Assistant from being required to hold a certification from the Department of Health Services will become effective on October 30, 2023.

**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 November 8, 2023.

**ADJOURNMENT**

A motion was made by Dr. Campbell, seconded by Dr. Forman, and passed unanimously, 3-0, to adjourn the meeting at 10:23 a.m. The motion carried unanimously, 3-0.

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