



Katie Hobbs,  
Governor

# Arizona State Board of Podiatry Examiners

“Protecting the Public’s Health”



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## OPEN SESSION MINUTES

### February 14, 2024

Members of the Arizona State Board of Podiatry Examiners (“Board”) held a meeting at 8:00 a.m. on Wednesday, February 14, 2024, 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
- Vicki Broman.....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

-  Spencer Niemann, DPM.....Licensee
-  Darin Bocian, DPM.....Licensee
-  Dominique Barrett, Esq.....Attorney
-  Joe Abate.....Public Member
- Daniel Saunders, DPM.....Investigator
-  Appeared telephonically

#### OPEN SESSION

Dr. Campbell called the meeting to order at 8:00 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 10, 2024, Board meeting

Dr. Campbell made a motion, seconded by Dr. Forman, to approve the January 10, 2024, Open Session Minutes as drafted. Ms. Broman abstained from voting on the minutes. The motion carried, 3-0-1.

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

Discussion and approval of the Executive Session Minutes from the January 10, 2024, Board meeting

Dr. Campbell made a motion, seconded by Dr. Forman, to approve the January 10, 2024, Executive Session Minutes as drafted. Ms. Broman abstained from voting on the minutes. The motion carried unanimously, 3-0-1.

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

**ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION**

Investigations

Complaint No. 22-12-B; Spencer Niemann, DPM

The Board’s Investigator, Dr. Saunders, was present and provided a summary to the Board. Dr. Saunders stated that this complaint was initiated by the Board due to a malpractice matter Dr. Niemann reported on his 2022 renewal application. Dr. Saunders answered Board members’ questions.

Dr. Niemann and his attorney, Dominique Barrett, Esq. were present telephonically, requested to speak and made statements. Dr. Niemann reviewed his care of the patient. Board members determined that Dr. Niemann’s care of the patient was within standard of care. Board members expressed concern that Dr. Niemann’s record keeping is lacking as there was no documentation

on the operative report regarding the removal of the screws and there was no explanation in the records as to why the second surgery was necessary.

*The Board recessed at 8:45 a.m. and the Board reconvened at 8:50 a.m.*

After deliberation, Dr. Campbell made a motion, seconded by Dr. Forman, to issue Dr. Niemann a letter of concern regarding his record keeping. The motion carried unanimously, 4-0.

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

*The Board recessed at 8:55 a.m. and reconvened at 9:09 a.m.*

Issuance of Licenses

1. Carnett, Jeffrey, DPM

Upon review of Dr. Carnett’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. Carnett’s application upon payment of the license issuance fee. The motion carried unanimously, 4-0.

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

Initial Analysis

1. Bocian Darin

Dr. Campbell provided a summary stating that the Arizona Medical Board forwarded information regarding Dr. Bocian and his affiliation with Modern Vascular. It is alleged that Dr. Bocian has a financial interest in Modern Vascular and did not disclose his financial interest to a patient.

Dr. Bocian was present telephonically to answer Board member questions if necessary.

Board members deliberated and determined that there was no violation of statute and rule. After deliberation, Dr. Campbell made a motion, seconded by Dr. Eulano, to take no action in this matter. The motion carried unanimously, 4-0.

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

**LEGISLATIVE UPDATE AND DISCUSSION**

Ms. Broaddus stated that Mr. Joe Abate with the Arizona Foot and Ankle Medical Association (AFAMA) was present telephonically to discuss HB2726 and HB2686.

Ms. Broaddus and Mr. Abate summarized HB2726. The Bill is a striker Bill. It was the consensus of the Board to take no position on HB2726 at this time. The Board will continue to monitor HB2726.

Ms. Broaddus and Mr. Abate summarized HB2686. The Board took no position on the Bill. Additionally, the Board recognized that Mr. Abate represents the AFAMA and determined that Mr. Abate may support the Bill.

Ms. Broaddus provided a brief summary of HB2100, HB2139, HB2169, HB2187, HB2243, HB2308, HB2312, HB2471, HB2477, HB2481, HB2593, HB2739, HB2740, HB, 2761, SB1021, SB1128, SB1365, SB1562, SB1725, SB1731

**REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING TRAINING AND OVERVIEW OF OPEN MEETING LAW, PRESENTED BY THE ATTORNEY GENERAL’S OFFICE**

The Board tabled this item to a future meeting.

**BOARD TO REVIEW, DISCUSS AND TAKE POSSIBLE ACTION ON UPDATE OF THE JANUARY 18, 2024, FEDERATION OF PODIATRIC MEDICAL BOARDS MEETING**

Dr. Campbell provided a brief summary stating that the meeting discussion pertained to Board composition and the pros and cons of umbrella Boards vs independent Boards. Dr. Campbell provided examples of other jurisdictions Board structures and compositions specifically, New Mexico and Iowa.

**EXECUTIVE DIRECTOR’S REPORT**

Ms. Broaddus stated that the Governor’s Regulatory Review Council (GRRC) met on February 6, 2024, and reviewed the Board’s rule package. GRRC approved the Board’s rule package with an amendment. The amendment was to increase the annual renewal fee by \$50.00 rather than \$100.00.

Ms. Broaddus summarized the new interagency service agreement with central services bureau.

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 items for future meetings.

**NEXT BOARD MEETING DATE**

The Board’s next meeting is scheduled for March 13, 2024.

**ADJOURNMENT**

A motion was made by Dr. Campbell, seconded by Dr. Forman, and passed unanimously, 4-0, to adjourn the meeting at 9:50 a.m.

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