



Katie Hobbs,
Governor

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

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OPEN SESSION MINUTES

March 13, 2024

Members of the Arizona State Board of Podiatry Examiners (“Board”) held a meeting at 8:00 a.m. on Wednesday, March 13, 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
Tawanda Johnson-Gray.....Public Member

STAFF AND ASSISTANT ATTORNEY GENERAL PRESENT:

Heather Broaddus..... Executive Director
Seamus Monaghan, Esq.....Assistant Attorney General

GUEST(S) PRESENT AND/OR PARTICIPATING

David Lee, DPM.....Licensee
Mark Forman, DPM.....Licensee
Cody Hall, Esq.....Attorney
J.R.....Complainant
☎ Jeffrey McAlister, DPM.....Licensee
☎ Bruce Crawford, Esq.....Attorney
T.S.....Complainant
Frank Fox, Esq.....Attorney
☎ Dedrie Polakof, DPM.....Investigator
☎ 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.

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.

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 February 14, 2024, Board meeting

Dr. Campbell made a motion, seconded by Dr. Forman, to approve the February 14, 2024, Open Session Minutes with the corrections as noted. Ms. Johnson-Gray abstained from voting on the minutes. The motion carried, 4-0-1.

	Dr. Campbell	Dr. Eulano	Dr. Forman	Ms. Broman	Ms. Johnson-Gray
Yay	X	X	X	X	
Nay					
Recused					
Abstained					X
Absent					

ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

Investigations

Complaint No. 23-13-C; George Abdelmessieh, DPM

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

The Complainant, J.R., was present, requested to speak, made a statement and answered Board members’ questions.

Dr. Abdelmessieh was not present.

After deliberation, Dr. Forman made a motion, seconded by Dr. Eulano, to dismiss Complaint No. 23-13-C; George Abdelmessieh, DPM as there were no violations of statute or rule. The motion carried unanimously, 5-0.

	Dr. Campbell	Dr. Eulano	Dr. Forman	Ms. Broman	Ms. Johnson-Gray
Yay	X	X	X	X	X
Nay					
Recused					
Abstained					
Absent					

Complaint No. 23-17-B; David Lee, DPM

The Board’s Investigator, Dr. Saunders, was present telephonically and provided a summary to the Board. Dr. Saunders explained that this complaint was initiated by the Board due to Dr. Lee’s involvement in the care of a patient in a complaint that was previously reviewed by the Board. Dr. Saunders answered Board members’ questions.

Dr. Lee was present, requested to speak, made a statement and answered Board members’ questions. Dr. Lee reviewed his care of the patient.

After deliberation, Dr. Forman made a motion, seconded by Dr. Eulano, to dismiss Complaint No. 23-17-B; David Lee, DPM as there was no violation of statute or rule. The motion carried unanimously, 5-0.

	Dr. Campbell	Dr. Eulano	Dr. Forman	Ms. Broman	Ms. Johnson-Gray
Yay	X	X	X	X	X
Nay					
Recused					
Abstained					
Absent					

Complaint No. 23-18-C; Mark Forman, DPM

Dr. Forman recused from this agenda item.

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

The Complainant, L.S., was not present. Ms. Broaddus stated that L.S. submitted two emails that she would like read to the Board. Board members deliberated and determined that it is not necessary for Ms. Broaddus to read the emails.

Dr. Forman and his attorney, Cody Hall, Esq., were present, requested to speak and made statements.

After deliberation, Dr. Eulano made a motion, seconded by Ms. Broman, to dismiss Complaint No. 23-18-C; Mark Forman, DPM as there were no violations of statute or rule. Dr. Forman recused from voting on this agenda item. The motion carried, 4-1-0.

	Dr. Campbell	Dr. Eulano	Dr. Forman	Ms. Broman	Ms. Johnson-Gray
Yay	X	X		X	X
Nay					
Recused			X		
Abstained					
Absent					

Issuance of Licenses

1. Burk, Reed, DPM

Upon review of Dr. Reed’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. Reed’s application upon payment of the license issuance fee. The motion carried unanimously, 5-0.

	Dr. Campbell	Dr. Eulano	Dr. Forman	Ms. Broman	Ms. Johnson-Gray
Yay	X	X	X	X	X
Nay					
Recused					
Abstained					
Absent					

2. Radcliffe, Michael, DPM

Upon review of Dr. Radcliffe’s application, the Board noted that he will not complete his residency until June 30, 2024, otherwise his application meets requirements of statute and rule. After review, Dr. Campbell made a motion, seconded by Dr. Forman, to approve Dr. Radcliffe’s application upon successful completion of his residency and upon payment of the license issuance fee. The motion carried unanimously, 5-0.

	Dr. Campbell	Dr. Eulano	Dr. Forman	Ms. Broman	Ms. Johnson-Gray
Yay	X	X	X	X	X
Nay					
Recused					
Abstained					
Absent					

REVIEW, DISCUSSION AND POSSIBLE ACTION TO RE-OPEN A DISMISSED COMPLAINT BASED ON THE RECEIPT OF NEW EVIDENCE – CASE NO. 23-08-C

Dr. Campbell provided a summary stating that the Board previously dismissed Complaint No. 23-08-C. After the Board dismissed the complaint, the Complainant submitted additional information and documentation. The complainant claims that the information and documentation was not presented to the Board during its review of Complaint No. 23-08-C.

The Complainant, T.S., and her attorney, Frank Fox, Esq., were present.

Dr. McAlister and his attorney, Bruce Crawford, Esq., were present telephonically.

At 8:33 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. The motion carried unanimously, 5-0. Open session reconvened at 8:40 a.m.

	Dr. Campbell	Dr. Eulano	Dr. Forman	Ms. Broman	Ms. Johnson-Gray
Yay	X	X	X	X	X
Nay					
Recused					
Abstained					
Absent					

Dr. Campbell stated that the purpose of this agenda item is for the Board to determine whether Complaint No. 23-08-C should be reopened based on the information provided by the Complainant.

T.S. and Mr. Fox were given two minutes to address the Board.

Dr. McAlister and Mr. Crawford were given two minutes to address the Board.

After deliberation, the Board determined that the information provided would not change its previous adjudication of Complaint No. 23-08-C. Dr. Eulano made a motion, seconded by Dr. Forman, to take no action in this matter. The motion carried unanimously, 5-0.

	Dr. Campbell	Dr. Eulano	Dr. Forman	Ms. Broman	Ms. Johnson-Gray
Yay	X	X	X	X	X
Nay					
Recused					
Abstained					
Absent					

The Board recessed at 8:56 a.m. and returned to open session at 9:04 a.m.

REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING REQUEST FOR INFORMATION FROM THE GOVERNOR’S OFFICE, ACTION MAY INCLUDE THE ADOPTION OF POLICIES AND/OR PROCEDURES RELATED TO COMPLAINT ADJUDICATION

Ms. Broaddus provided a summary stating that health Board’s received a letter from Governor Hobbs on February 15, 2024. The letter is requesting the following information:

- Policy/procedure regarding complaints
- Policy/procedure regarding discipline
- Policy/procedure regarding reporting to other agencies
- Policy/procedure regarding conflicts of interest
- Policy/procedure regarding audit of Board compliance in disciplinary action taken
- Policy/procedure regarding audit of Board compliance for reporting to other agencies

Ms. Broaddus stated that a preliminary response was submitted to the Governor’s Office on February 16, 2024. The letter is requesting that a formal response be submitted to the Governor’s Office by July 1, 2024. The Board is asked to review the disciplinary/sanction guideline matrix and provide appropriate sanctions at a future meeting.

BOARD TO REVIEW, DISCUSS AND TAKE POSSIBLE ACTION ON UPDATE OF THE FEBRUARY 28, 2024, AMERICAN PODIATRIC MEDICAL ASSOCIATION MEETING (MINI SUMMIT)

Dr. Campbell provided a summary stating that the American Podiatric Medical Association meeting focused on the pros and cons of consolidating licensing Boards. There was a consensus at the meeting that autonomous Boards serve the public better. Dr. Campbell provided examples of other jurisdictions Board composition. Dr. Campbell discussed other jurisdictions legislation to consolidate Boards.

LEGISLATIVE UPDATE AND DISCUSSION

Ms. Broaddus provided a brief summary of HB2100, HB2139, HB2169, HB2187, HB2243, HB2308, HB2312, HB2471, HB2477, HB2481, HB2593, HB2686, 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’s Assistant Attorney General, Seamus Monaghan, Esq., reviewed Open Meeting Law and Public Records regarding the following:

- Open Meeting Law Policy;
- Purpose of the Open Meeting Law;
- Application of the Open Meeting Law;
- Actions and Activities that are Covered by the Open Meeting Law;
- Requirements Under the Open Meeting Law;
- Quorums of the Board;
- Executive Session;
- Public Comment or Public Participation;
- Email Communications;
- Violation of the Open Meeting Law;
- Definition of Public Records;
- Email Communications as Public Records;
- Individuals Subject to the Public Records Law;
- Preservation and Maintenance of Public Records;
- Inspection of Public Records;
- Denying Public Inspections;
- Duty to Redact and
- Consequences of Wrongful Refusal to Disclose

Mr. Monaghan answered Board members' questions.

EXECUTIVE DIRECTOR'S REPORT

Ms. Broaddus stated that the Board issued Dr. Seth Clark a non-disciplinary Order for continuing education on October 11, 2023, in resolution of Complaint No. 22-05-C and Complaint No. 23-01-C. on February 7, 2024, Dr. Clark completed the terms of the non-disciplinary Order for continuing education. In consultation with the Board Chair, Dr. Clark was released from the terms of the non-disciplinary Order for continuing education.

Ms. Broaddus stated that Board members will be required to complete a disclosure/conflict of interest form on an annual basis.

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 April 10, 2024.

ADJOURNMENT

A motion was made by Dr. Campbell, seconded by Dr. Forman, and passed unanimously, 5-0, to adjourn the meeting at 10:31 a.m.

	Dr. Campbell	Dr. Eulano	Dr. Forman	Ms. Broman	Ms. Johnson-Gray
Yay	X	X	X	X	X
Nay					
Recused					
Abstained					
Absent					