



Katie Hobbs,
Governor

Arizona State Board of Podiatry Examiners

“Protecting the Public’s Health”




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OPEN SESSION MINUTES


November 13, 2024

Members of the Arizona State Board of Podiatry Examiners (“Board”) held a meeting at 8:00 a.m. on Wednesday, November 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
-  Mark Forman, DPM.....Practitioner Member
-  Vicki BromanPublic 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

-  Spencer Niemann, DPM.....Licensee
-  Joshua Modlin, DPM.....Licensee
-  A.B.....Complainant
-  Jesse Miller.....Complainant
-  Afshin Najafi.....Complainant

- Arthur Tallis, DPM.....Investigator
- Daniel Saunders, 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.

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 September 11, 2024, Board meeting

Dr. Campbell made a motion, seconded by Dr. Forman, to approve the September 11, 2024, Open Session Minutes as drafted. The motion carried unanimously, 4-0.

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

ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

Investigations

Complaint No. 22-13-B; Spencer Niemann, DPM

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

Dr. Niemann was present telephonically, requested to speak, made a statement and answered Board members’ questions.

After deliberation, Dr. Forman made a motion, seconded by Ms. Johnson-Gray, to dismiss Complaint No. 22-13-B as there were no violations of statute or rule. The motion carried unanimously, 4-0.

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

Complaint No. 24-12-C; Joshua Modlin, DPM

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

The Complainant, A.B., was present telephonically, requested to speak, made a statement and answered Board members’ questions.

Dr. Modlin was present telephonically. Dr. Spencer Niemann was present telephonically and requested to speak as Dr. Modlin’s Medical Director. Dr. Niemann reviewed his knowledge of A.B.’s care. Dr. Niemann clarified his conversation with A.B., Dr. Modlin and the office staff. Board members’ asked Dr. Modlin if he had ever clipped A.B.’s toenails before. Dr. Modlin confirmed that A.B.’s toenails were not clipped at prior visits. Dr. Modlin explained the delay in signing off on the chart.

After deliberation, Board members expressed concern that Dr. Modlin did not review A.B.’s chart prior to her appointment nor did he communicate to A.B. that he would be trimming her toenails. Additionally, Board members expressed concern with Dr. Modlin’s delay in documenting A.B.’s chart. After deliberation, Dr. Campbell made a motion, seconded by Ms. Johnson-Gray, to issue a non-disciplinary Letter of Concern for not reviewing A.B.’s chart prior to the appointment, for Dr. Modlin’s lack of communication with A.B. regarding the treatment provided during the appointment, lack of documentation regarding the treatment provided and for the delay in chart documentation. The motion carried unanimously, 4-0.

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

Complaint No. 24-14-C; Tosha Klotzbach- Larios, DPM

Dr. Campbell and Ms. Broaddus provided a summary stating that representatives from Blue Shield submitted the complaint to the Board. Blue Shield alleges that Dr. Klotzbach-Larios committed fraud, misrepresented her credentials and inappropriately wrote prescriptions.

At 9:39 a.m., Ms. Broman made a motion, seconded by Ms. Johnson-Gray, to go into Executive Session to obtain confidential legal advice from the Boards attorney. The motion carried unanimously, 4-0.

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

Open Session reconvened at 9:45 a.m.

Ms. Broman recused from reviewing this item.

The Complainants, J.M. and A.N., were present telephonically, requested to speak, made statements and answered Board members' questions.

Dr. Klotzbach-Larios was not present.

After deliberation, Dr. Campbell made a motion, seconded by Dr. Forman, to continue this matter to a future meeting to obtain additional documentation and to refer the matter to the criminal division of the Arizona Attorney General's Office. The motion included that the Boards Executive Director contact Des Moines University to verify Dr. Klotzbach-Larios degree and that the Boards Executive Director contact Dr. Klotzbach-Larios to determine if she would be willing to sign a Consent Agreement and Order for voluntary surrender of her license. The motion carried 3-0-1 with Ms. Broman recused.

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

ASSISTANT ATTORNEY GENERAL UPDATE REGARDING RECENT LEGISLATION

The Board's Assistant Attorney General, Seamus Monaghan, provided a brief summary of the 2024 legislation that became effective as follows:

- SB1021: Scope of Practice, Process; Repeal
- SB1367: Disqualifying Criminal Records Petitions
- SB2308: Criminal Offenses
- HB2490: Proper Venue
- HB2243: Fingerprint Clearance Cards; Criminal History; Temporary Authorization

**REVIEW, DISCUSSION AND POSSIBLE ACTION ON UPDATE OF THE
FEDERATION OF PODIATRIC MEDICAL BOARDS OCTOBER 1, 2024, MEETING
REGARDING THE INTERSTATE PODIATRIC MEDICAL LICENSURE COMPACT
AND OF THE OCTOBER 30, 2024, COMMUNITY OF PRACTICE MEETING**

Ms. Broaddus provided a summary of the October 1, 2024, Federation of Podiatric Medical Board (FPMB) meeting. Ms. Broaddus stated that the FPMB is asking jurisdictions if they are interested in running legislation to become a COMPACT state. Ms. Broaddus stated that the FPMB is hosting an additional meeting regarding the COMPACT on November 21, 2024.

Dr. Campbell and Ms. Broaddus provided a summary of the October 30, 2024, FPMB meeting. The meeting went into detail regarding the physician's health program PHP. The PHP program is considered confidential and information is only reported if there is a risk to the public. The PHP program focuses on mental health and substance abuse issues. Currently there are two PHP programs in Arizona.

Ms. Broaddus asked the Board if it would like to partner with either of the programs. Additionally, Ms. Broaddus asked if the Board would like to change the language of the questions that asks if an applicant/licensee has any condition that would impair their practice as a podiatrist on the initial application and the renewal application.

After deliberation, it was the consensus of the Board to table this matter to a future meeting to obtain additional information regarding the PHP program.

EXECUTIVE DIRECTOR'S REPORT

Ms. Broaddus stated that at its May 8, 2024, meeting the Board issued Christopher Suykerbuyk, DPM a non-disciplinary Order (Order) for continuing education in resolution of Complaint No. 24-01-C. On October 18, 2024, Dr. Suykerbuyk completed the requirements of the Order. In consultation with the Board Chair, Dr. Suykerbuyk was released from the Order.

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 were no calls to the public.

DISCUSSION AND POSSIBLE ACTION ITEMS FOR FUTURE MEETING AGENDAS

It was previously determined to place the physician health program on a future Board meeting agenda.

NEXT BOARD MEETING DATE

The Board’s next meeting is scheduled for December 11, 2024.

ADJOURNMENT

A motion was made by Dr. Campbell, seconded by Dr. Forman, and passed unanimously, 4-0, to adjourn the meeting at 10:37 a.m.

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