



State Of Arizona Board of Podiatry Examiners
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REGULAR SESSION MINUTES

September 12, 2007

Members Present: Barry Kaplan, D.P.M., Board President
Joseph Leonetti, D.P.M., Member
Dedrie Polakof, D.P.M., Member
Gloria Lederman, Public Representative
Jeanne Reagan, Secretary-Treasurer

Staff: Diane Rae, Temporary Executive Director

Assistant Attorney General: Terri Sanders

CALL TO ORDER

The regularly scheduled meeting of the Arizona State Board of Podiatry Examiners was called to order at 8:40 a.m., Dr. Kaplan presiding.

APPROVAL OF MINUTES

A. REGULAR SESSION MEETING MINUTES OF August 8, 2007

Ms. Lederman moved to accept the minutes as written. Dr. Polakof seconded the motion. The motion passed 5-0

B. EXECUTIVE SESSION MEETING MINUTES OF August 8, 2007

Jeanne Reagan moved to approve the September 12, 2007 executive session meeting minutes. Ms. Lederman seconded the motion. The motion passed 5-0.

OPEN COMPLAINTS

A. 07-15-C KATHLEEN J. RICHARDS

At a previous meeting the Board tabled the complaint filed against Kathleen J. Richards, DPM. The Board is in receipt of part of the patient medical records from the doctor.

The complaint alleges practice below the standard of care and treatment for an infected toenail.

Following discussion, the Board tabled the complaint for further investigation. The Board requested a subpoena be issued to the physician for the rest of the patient's medical records.

B. 07-16-C M. BARRY ROSENTHAL

The Board is in receipt of a complaint filed against M. Barry Rosenthal, DPM. Initiated by his patient, V.L.

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The complainant alleges Unprofessional Conduct, i.e. Dr. Rosenthal took a photograph of her without her consent.

MOTION: Dr. Leonetti moved to dismiss the complaint finding no violation of Arizona Revised Statutes governing the practice of Podiatry. Ms. Reagan seconded the motion.

VOTE: The motion passed 5-0

B. 07-17-C JEFFREY WEISS

The Board is in receipt of a complaint filed against Jeffrey Weiss, DPM. Initiated by his patient, D.H.

The complainant alleges a Billing dispute.

MOTION: Dr. Kaplan moved to dismiss the complaint finding no violation of the Arizona Revised Statutes governing the practice of Podiatry. Dr. Polakof seconded the motion.

VOTE: The motion passed 5-0

C. 07-18-C JASON HARRILL

The Board is in receipt of a complaint filed against Jason Harrill, DPM. Initiated by his patient, D.F.

The complaint alleges practice below the standard of care and treatment. The complaint alleges the surgery that Dr. Harrill performed was not completed as agreed upon before surgery. Dr. Harrill only did one side of his foot; the other side had to be completed by another doctor.

Following discussion, the Board tabled the complaint for further investigation and requested an investigative interview with Dr. Harrill at the October 10, 2007 board meeting.

The Board also requested the following:

1. Dr. Harrill typed patient charts
2. X-rays from Dr. Harrills patient
4. Subpoena to be sent to Dr. Gustavo Armenderiz for his complete patient records on Dr. Harrills patient.

D. 07-19-C ARTHUR J. TALLIS

The Board is in receipt of a complaint filed against Arthur Tallis, DPM. Initiated by his patient, N. R.

The complaint alleges non-receipt of patient medical records. Patient alleges she has requested her medical records several times, she was told they would be ready by a certain day but so far they have not been made available.

Following discussion, the Board tabled the complaint for further investigation and requested an investigative interview with Dr. Tallis at the October 10, 2007 board meeting.

The Board also requested the following to be received before the October 10, board meeting:

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1. Dr. Tallis to send X-rays on disk
2. Dr. Tallis to send all patient medical records, including a consent form and complete billing record.

E. 07-20-C SCOTT MAILINGS

The Board is in receipt of a complaint filed against Scott Mailings, DPM. Initiated by his patient D.R.

The complaint alleges practice below the standard of care and treatment. The complaint received a burn on her calf which caused the need for plastic surgery.

Following discussion, the Board tabled the complaint for further investigation.

The Board also requested the following:

1. Patient X-rays on disk
2. Subpoena Banner Surgical Center out patient notes

F. 07-21-C SCOTT L EVANS

The Board is in receipt of a complaint filed against Scott Evans, DPM. Initiated by his patient, M.K.

The complaint alleges practice below the standard of care and treatment.

Following discussion, the Board tabled the complaint for further investigation and requested an investigative interview with Dr. Evans at the November 14, 2007 board meeting.

G. 07-22-C STEVEN M BORN *

The Board is in receipt of a complaint filed against Steven Born, DPM. Initiated by his patient, B. J.

The complaint alleges billing dispute.

Following discussion, the Board tabled the complaint for further investigation and requested an investigative interview with Dr. Born at the October 10, 2007 board meeting.

The Board also requested the following:

1. Dr. Born to send complete patient charts and summary
2. Complete billing records to be received by October 1, 2007

H. 07-23-C WILLIAM FISHCO & GLENN SILVERSTEIN *

The Board is in receipt of a complaint filed against William Fishco and Glenn Silverstein, DPM. These are two separate complaints the next complaint number will be issued to Dr. Silverstein 07-29-C, Initiated by his patient, L.L.

The complaint alleges practice below the standard of care and treatment. The complaint alleges failure to treat an infection.

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Following discussion, the Board tabled the complaint for further investigation.

The Board also requested the following:

1. Dr. Jaffe notes and records
 2. Subpoena all records from Dr. Graves, Dr. John Burge, Dr. John Leonetti and Dr. Embers
DPMs need charts and notes records.
- I. 07-24-C ANTONINUS SU *The Board is in receipt of a complaint filed against Antoninus Su, DPM. Initiated by his patient, H.W.

The complaint alleges practice below the standard of care, treatment and billing dispute.

Following discussion, the Board tabled until the October 10, 2007 board meeting.

The Board also requested the following:

- J. 07-25-C JOHN D MARIN *

The Board is in receipt of a complaint filed against John Marin, DPM. Initiated by his patient, G.W.

The complaint alleges practice below the standard of care, treatment and billing dispute.

Following discussion, the Board tabled the complaint until the October 10, 2007 board meeting. Board is awaiting Dr. Marin's response.

- K. 07-26-C MICHAEL J SEKOSKY

The Board is in receipt of a complaint filed against Michael Sekosky, DPM. Initiated by his patient, M.W.

The complaint alleges practice below the standard of care, treatment and billing dispute.

Following discussion, the Board tabled the complaint until the October 10, 2007 board meeting. Board to review documents received from Dr. Sekosky.

- L. 07-27-C MICHAEL J SEKOSKY *

The Board is in receipt of a complaint filed against Michael Sekosky, DPM. Initiated by his patient, B.M.

The complaint alleges practice below the standard of care, treatment and billing dispute.

Following discussion, the Board tabled the complaint until the October 10, 2007 board meeting. Board to review documents received from Dr. Sekosky.

- M. 07-28-C KENT L PETERSON *

The Board is in receipt of a complaint filed against Kent Peterson, DPM. Initiated by his patient, I. S.

The complaint alleges practice below the standard of care, treatment and billing dispute. Patient alleges falsified records to allow Medicare payment for service that otherwise would not be covered.

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Following discussion, the Board tabled the complaint until the October 10, 2007 board meeting. Board is awaiting Dr. Peterson response.

OPEN COMPLAINTS

A. 05-27-M Elaine J. Shapiro

At a previous meeting, the Board tabled the malpractice complaint filed against Elaine J. Shapiro, DPM. The Board requested a monthly update on the status of the pending matter from Dr. Shapiro.

The Board requested an update on the mal-practice litigation.

B. 05-36-C: George N. Thompson – Tabled

C. 06-03-C: George N. Thompson – Tabled

D. 06-04-C: Alan Gaveck –

Terrie Sanders Assistant Attorney General to respond to Subpoena received 8-27-07.

E. 06-11-C: George N. Thompson – Tabled

F. 06-22-M: Andrew Lowy – Tabled

G. 06-28-C: George N. Thompson – Tabled

H. 07-07-C: Stephen L Barrett – Tabled

The Board convened Executive Session to obtain legal advice
The Board returned to Regular Session

I. 07-11-C: J. David Brown - Tabled

J. 07-12-B: Aprajita Nakra-

The Board Tabled the Investigative Interview Dr. Nakra so they could receive adequate notice to attend the October 10, 2007 Board meeting.

K. 07-13-C: Kris A. DiNucci-

The Board Tabled the Investigative Interview Dr. DiNucci so he could receive adequate notice to attend the October 10, 2007 Board meeting.

L. 07-14-C: Paul K. Woodward-

The Board Tabled the Investigative Interview Dr. Woodward so he could receive adequate notice to attend the October 10, 2007 Board meeting.

MOTION: Dr. Leonetti moved to open a Board complaint against Dr. Nazarian, Dr. Kaplan seconded the motion.

VOTE: The motion passed 5-0

PROBATIONARY STATUS REPORTS

A. 05-02-C: Robert Fridrich

The Board Tabled this matter to request Mr. Crawford Attorney sends a letter regarding missing files of May 10, 2007.

SUBSTANTIVE OF REVIEW & APPROVAL OF THE LICENSEES

Applicants were reviewed and discussion made on late renewals paying the late fee.

MOTION: Dr. Leonetti moved to accept the following late renewal applications.
Dr. Mott, Dr. Fishco, Dr. Collins, Dr. Shapiro, Dr. Cohen and Dr. Mudryi.
Dr. Kaplan seconded the motion.

VOTE: The motion passed 5-0

MOTION: Dr. Polakof moved to accept the following for answering the question regarding late renewal and continuing education, David Armstrong, April Blessing, Anna Smigal, Douglas Birch, Rajesh Daulat and Serjik Nazarian
Ms. Reagan seconded the motion.

VOTE: The motion passed 5-0

CALL TO PUBLIC

No public comment received

ADJORNMENT

There being no further business before the Board, The meeting was adjourned at 11:43AM

Respectfully submitted,

Dee Doyle
Executive Director

APPROVED:
Barry Kaplan, DPM
Board President