



Douglas A. Ducey,
Governor

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

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OPEN SESSION MINUTES

January 11, 2017

Members of the Arizona State Board of Podiatry Examiners (“Board”) held a meeting at 8:38 a.m. on Wednesday, January 11, 2017 at the Board’s office in Suite B-1, 1400 West Washington Street, Phoenix, Arizona 85007. An executive session was held from 10:13 a.m. to 10:18 a.m.

BOARD MEMBERS:

Barbara Campbell, DPM..... Board President and Practitioner Member
John Rhodes Secretary and Public Member
Barry Kaplan, DPM. Practitioner Member
Joseph Leonetti, DPM..... Practitioner Member
M. Elizabeth Miles..... Public Member

STAFF AND ASSISTANT ATTORNEYS GENERAL PRESENT:

Ryan P. Edmonson..... Executive Director
Frankie Shinn-Eckberg, Esq. Assistant Attorney General

GUEST(S) PRESENT AND/OR PARTICIPATING

Joel T. Bowen, DPM..... Respondent
Donn C. Alexander, Esq. Respondent’s Attorney
Complainant..... Investigative Case 14-31-C

The meeting was called to order at 8:38 a.m. by Dr. Barbara Campbell. The following order of business was then considered:

OPEN SESSION

DECLARATION OF CONFLICTS OF INTEREST – A.R.S. § 38-503

No new conflicts were declared.

ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

Investigation Files

14-31-C; Bowen, Joel, DPM

Dr. Joel Bowen was present along with his attorney, Donn C. Alexander. The complainant was also present. Dr. Dedrie Polakof was present and provided a summary of her investigation and explained why the allegations were substantiated. Mr. Alexander spoke about the age of the file making it irrelevant. He described “extra” events that surrounded the relationship between Dr. Bowen and the complainant as the reason for the complaint being filed and that it really had nothing to do with the welfare of the patients. Dr. Bowen described his current and previous record keeping practices. The Board questioned Dr. Bowen regarding the Board’s record requests and his submissions.

The complainant summarized his complaint as mostly being concerned with the health and continuity of care of the patients he previously treated; it had nothing to do with signing off on his record keeping. The complainant described his relationship with Dr. Bowen, the transition of the practice and record keeping. The complainant explained why he filed the complaint and the timing of when he filed the complaint was due to legal advice he received.

The Board discussed Dr. Bowen’s recording keeping and its possible harm to the patients and their continuity of care.

After the Board discussed a violation of A.R.S. § 32-854.01 (20), a motion was made by M. Elizabeth Miles and seconded by Dr. Barry Kaplan to offer a Consent Agreement for a Decree of Censure, to include the completion of 10 hours of continuing medical education (“CME”) in the area of medical recording keeping to be in addition to the statutorily required CME and require pre-approval of the CME and the completion of the CME within 90 days from the effective date of the Consent Agreement. The motion also included providing the doctor 30 days to accept the offer and if not accepted to proceed to file a Complaint and Notice of Hearing. The motion passed 5 – 0 by the following roll call vote:

John Rhodes – Aye
M. Elizabeth Miles – Aye
Dr. Barry Kaplan – Aye
Dr. Barbara Campbell – Aye
Dr. Joseph Leonetti – Aye

The Board took a break from 9:47 a.m. to 9:55 a.m.

Review Compliance/Non-compliance with Consent Agreement

13-02-C; Evans, Robert, DPM

The Board discussed the progression of the audit of Dr. Robert Evans' records and agreed that the record keeping has improved, but believed that a face-to-face discussion with Dr. Evans would help alleviate any lingering issues regarding his records.

A motion was made by Dr. Joseph Leonetti, seconded by Dr. Barry Kaplan and passed unanimously to deny Dr. Evans' request to terminate his probation early.

The Board continued to discuss the audit of Dr. Evans' records, the Board's expectations of good and lawful record keeping, his submitted charts, his improvement and possible outcomes at the end of the probationary period. The Board directed board staff to invite Dr. Evans its February 8, 2017 meeting to discuss audit and verbally help in the rehabilitation phase of the probation.

17-07-B; Wessel, Loren, DPM

Dr. Loren Wessel was not present, nor was he represented by his legal counsel, Bruce D. Crawford.

The Board discussed going into executive session to discuss confidential information and seek legal advice.

EXECUTIVE SESSION

A motion was made by Dr. Barry Kaplan, seconded by Dr. Joseph Leonetti and passed unanimously to go into executive session at 10:13 a.m. to discuss confidential information and seek legal advice pursuant to A.R.S. § 38-431.03(A)(2) & (3) regarding file no. 17-07-B.

After consideration in executive session, the Board reconvened in open session at 10:18 a.m.

OPEN SESSION

ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

Review Compliance/Non-compliance with Consent Agreement

17-07-B; Wessel, Loren, DPM

Dr. Loren Wessel was again not present, nor was he represented by his legal counsel, Bruce D. Crawford.

The Board discussed Dr. Wessel's current compliance with the Consent Agreement and directed board staff to request a new disclosure statement from the treatment facility updating what the facility is granting access to since the facility failed to mark any of the options available.

Investigator for the Arizona State Board of Podiatry Examiners

Di Nucci, Kris, DPM

Dr. Barbara Campbell provided an update and summarized her lack of contact received from Dr. Kris Di Nucci.

A motion was made by Dr. Joseph Leonetti, seconded by John Rhodes and passed unanimously to table any action until Dr. Di Nucci contacts the Board, specifically Dr. Campbell to discuss the expectations of the Board and to answer any questions he may have.

REVIEW, DISCUSSION AND POSSIBLE ACTION ON BOARD MEETING MINUTES

Discussion and approval of the Open Session Minutes from the December 14, 2016 board meeting

After making amendments, a motion was made by M. Elizabeth Miles, seconded by John Rhodes and passed 4 – 0 – 1 to approve the Open Session Minutes from the December 14, 2016, board meeting as amended.

Dr. Joseph Leonetti abstained.

Discussion and approval of the Executive Session Minutes from the December 14, 2016 board meeting

A motion was made by Dr. Barbara Campbell, seconded by M. Elizabeth Miles and passed 4 – 0 – 1 to approve the Executive Session Minutes from the November 9, 2016, board meeting as written.

Dr. Joseph Leonetti abstained.

ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

Board Elections

Nomination and Election of Board President

After the nomination of Dr. Barbara Campbell, a motion was made by Dr. Barry Kaplan, seconded by M. Elizabeth Miles and passed 4 – 0 – 1 to elect Dr. Barbara Campbell as the Board's President for a one-year term.

Dr. Barbara Campbell abstained.

Nomination and Election of Board Secretary

After the nomination of John Rhodes, a motion was made by Dr. Barbara Campbell, seconded by M. Elizabeth Miles and passed unanimously to elect John Rhodes as the Board's Secretary for a one-year term.

John Rhodes abstained.

EXECUTIVE DIRECTOR'S REPORT

The Board reviewed the budget, agency operations and complaint log with Ryan P. Edmonson.

SUMMARY OF CURRENT EVENTS

None were discussed.

DISCUSSION AND POSSIBLE ACTION ITEMS TO BE PLACED ON FUTURE MEETING AGENDAS

The Board reminded board staff of its earlier directive of placing Dr. Evans' matter on the board agenda.

NEXT BOARD MEETING DATE

Wednesday, January 11, 2017 at 8:30 a.m.

CALL TO THE PUBLIC

No one from the public wished to address the Board.

ADJOURNMENT

A motion was made by Dr. Barbara Campbell, seconded by M. Elizabeth Miles and passed unanimously to adjourn at 11:12 a.m.