



Douglas A. Ducey,
Governor

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

1400 West Washington, Suite 230
Phoenix, Arizona 85007
P: (602)542-8151
F: (602)542-3093
W: www.podiatry.az.gov

OPEN SESSION MINUTES

February 8, 2017

Members of the Arizona State Board of Podiatry Examiners (“Board”) held a meeting at 8:33 a.m. on Wednesday, February 8, 2017 at the Board’s office in Suite B-1, 1400 West Washington Street, Phoenix, Arizona 85007. An executive session was held from 9:37 a.m. to 9:46 a.m.

BOARD MEMBERS:

- Barbara Campbell, DPM..... Board President and Practitioner Member
- ✘ John RhodesSecretary and Public Member
- Barry Kaplan, DPM. Practitioner Member
- Joseph Leonetti, DPM..... Practitioner Member
- M. Elizabeth Miles.....Public Member

- ✘ Absent

STAFF AND ASSISTANT ATTORNEYS GENERAL PRESENT:

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

GUEST(S) PRESENT AND/OR PARTICIPATING

- Noland E. Jones, DPM.....Respondent
- Robert T. Evans, DPM.....Respondent
- Gordon Lewis, Esq.....Respondent’s Attorney
- Dedrie Polakof, DPM.....Board Investigator
- Jerome Cohn, DPM.....Board Investigator

The meeting was called to order at 8:33 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

15-06-C; Peterson, Kent, DPM

Dr. Kent Peterson was not present. Dr. Dedrie Polakof was present and provided a summary of her audit. Dr. Polakof also noted that Dr. Peterson has made some improvements in his billing practices. The Board discussed their concern still that Dr. Peterson did not submit any EOBs for review to substantiate his bills. The Board believed that without copies of EOBs that Dr. Peterson could be billing for payment versus billing for treatment.

A motion was made by Dr. Joseph Leonetti, seconded by M. Elizabeth Miles and passed unanimously to direct board staff to issue a subpoena to Dr. Peterson requesting copies EOBs and super bills for the 20 patients who were part of the investigator audit.

17-10-C; Jones, Noland, DPM

Dr. Noland Jones was present. Dr. Dedrie Polakof was present and provided a summary of her investigation. Dr. Jones stated that he had the exact same concern the Board does regarding how his billing practice could have billed for three visits when he only saw the patient one time. Dr. Jones provided a copy of a letter, from his billing company, regarding what the billing company stated was an error and that the staff member who created the error was terminated from employment.

The Board asked Dr. Jones how many Medicare patients may have been effected by the error. Dr. Jones did not have an answer for how his billing company made the error, nor if it affected other patients. The Board discussed going into executive session to seek legal advice.

EXECUTIVE SESSION

A motion was made by Dr. Barbara Campbell, seconded by Dr. Joseph Leonetti and passed unanimously to go into executive session at 9:37 a.m. to seek legal advice pursuant to A.R.S. § 38-431.03(A)(3) regarding file no. 17-10-C.

After consideration in executive session, the Board reconvened in open session at 9:46 a.m.

OPEN SESSION

The Board took a break from 9:47 a.m. to 9:50 a.m.

ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

Investigation Files

17-10-C; Jones, Noland, DPM

Dr. Noland Jones was again present.

A motion was made by Dr. Barbara Campbell, seconded by Dr. Joseph Leonetti and passed unanimously to direct board staff to issue a subpoena to the assisted living facility requesting copies of the entire patient record, issue a subpoena to the billing company requesting copies of all the records they have regarding the patient and notify Dr. Jones that he must comply with the current subpoena issued to him.

The Board stated they would like responses to all subpoenas in time to review at their March meeting.

Review Compliance/Non-compliance with Consent Agreement

13-02-C; Evans, Robert, DPM

Dr. Robert Evans was present along with his legal counsel, Gordon Lewis. Dr. Evans answered the Board questions regarding his audit and the documents he submitted during his probationary period. The Board agreed that Dr. Evans met the terms of the order and Dr. Evans requested the order be terminated early.

After discussion, a motion was made by Dr. Joseph Leonetti and seconded by Dr. Barry Kaplan to terminate Dr. Evans' Board Order. Prior to the vote and during the discussion, M. Elizabeth Miles thanked Dr. Evans for his efforts and his attitude while serving the probation and submitting documents under the audit. The motion passed unanimously.

Investigation Files

17-09-C; Roeder, Brett, DPM

Dr. Brett Roeder was not present, nor was the complainant. Dr. Jerome Cohn was present and provided a summary of his investigation. The investigation revealed that Dr. Roeder provided treatment that included a recommendation for the patient to be placed in a crow boot. The patient's spouse did not want a crow boot placed on her spouse's foot. After this final visit, the patient never returned to see Dr. Roeder. The patient's spouse filed both the complaint with the Board, as well as, Banner Hospital. Dr. Cohn's investigation revealed that the patient, himself did not file any complaint, nor did he know that his spouse filed any complaints. One important factor, reviewed by the investigator, is that Banner's Department of Surgery and Review also completed an investigation and concluded there was no breach of care in this matter.

A motion was made by M. Elizabeth Miles, seconded by Dr. Barry Kaplan and passed unanimously to dismiss the case due to no violations of Board Statutes and Rules.

REVIEW, DISCUSSION AND POSSIBLE ACTION ON BOARD MEETING MINUTES

Discussion and approval of the Open Session Minutes from the January 11, 2017 board meeting

A motion was made by Dr. Barbara Campbell, seconded by Dr. Barry Kaplan and passed unanimously to approve the Open Session Minutes from the January 11, 2017, board meeting.

Discussion and approval of the Executive Session Minutes from the January 11, 2017 board meeting

A motion was made by Dr. Barbara Campbell, seconded by Dr. Barry Kaplan and passed unanimously to approve the Executive Session Minutes from the January 11, 2017, board meeting.

ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

Application for Examination – A.R.S. § 32-822

Garza, Alexander, DPM

After review of the application, a motion was made by Dr. Barbara Campbell, seconded by Dr. Barry Kaplan and passed unanimously to approve of the applicant's applications to sit for the examination.

Application(s) for Registration to Dispense Drugs/Devices – A.A.C. R4-25-602

Lernor, Amanda S., DPM

After review of the application, a motion was made by Dr. Barbara Campbell, seconded by Dr. Barry Kaplan and passed unanimously to grant the applicant a registration to dispense drugs/devices.

EXECUTIVE DIRECTOR'S REPORT

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

CALL TO THE PUBLIC

No one from the public wished to address the Board.

SUMMARY OF CURRENT EVENTS

None were discussed.

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

None were discussed.

NEXT BOARD MEETING DATE

Wednesday, March 8, 2017 at 8:30 a.m.

ADJOURNMENT

A motion was made by Dr. Barbara Campbell, seconded by M. Elizabeth Miles and passed unanimously to adjourn at 10:51 a.m.