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Governor

Arizona State Board of Podiatry Examiners

“Protecting the Public’s Health”

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OPEN SESSION MINUTES

March 9, 2016

Members of the Arizona State Board of Podiatry Examiners (“Board”) held a meeting at 8:33 a.m. on Wednesday, March 9, 2016 at the Board’s office in Suite B-1, 1400 West Washington Street, Phoenix, Arizona 85007. An executive session was held from 9:18 a.m. to 9:28 a.m.

BOARD MEMBERS:

Barbara Campbell, D.P.M..... Board President and Practitioner Member
John Rhodes Secretary and Public Member
Barry Kaplan, D.P.M. Practitioner Member
Joseph Leonetti, D.P.M..... 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
⌚ Sarah A. Asta, Esq. Assistant Attorney General

⌚ Left at 8:49 a.m.

GUESTS PRESENT AND/OR PARTICIPATING

Dedrie Polakof, D.P.M..... Board Investigator
Jerome A. Cohn, D.P.M..... Board Investigator
Kevin J. O’Brien, D.P.M. Respondent

The meeting was called to order at 8:33 a.m. by Dr. Barbara Campbell. After a brief introduction, the Board welcomed Sarah A. Asta as their newly assigned Assistant Attorney General. 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.

REVIEW, DISCUSSION AND POSSIBLE ACTION ON BOARD MEETING MINUTES

Discussion and approval of the Open Session Minutes from the February 10, 2016 board meeting

After making amendments, a motion was made by Dr. Barry Kaplan, seconded by M. Elizabeth Miles and passed unanimously to approve the Open Session Minutes from the February 10, 2016, Board meeting as amended.

Discussion and approval of the Executive Session Minutes from the February 10, 2016 board meeting

A motion was made by M. Elizabeth Miles, seconded by Dr. Barbara Campbell and passed unanimously to approve the Executive Session Minutes from the January 13, 2016, Board meeting as written.

BOARD TRAINING

Board to meet with Arizona Department of Public Safety Trooper, Frank Ceballos, Jr., for the purpose of Board Training

Sarah A. Asta provided an update regarding the Board's inability to participate in the training. Ms. Asta also provided dates of when the board members could attend the exact same training, which will take place in a different venue.

LEGISLATIVE UPDATE AND DISCUSSION

Board to receive an update regarding Arizona State Legislature bills, which may include HB 2310, HB 2357, HB 2466, HB 2487, HB 2501, SB 1283, SB 1443 and/or any other related legislation

Ryan P. Edmonson provided an update regarding Arizona State Legislature House and Senate proposed legislation that may impact the Board and answered questions from the Board.

ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

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

Clark, Seth, D.P.M.

After the Board reviewed the application, a motion was made by Dr. Barry Kaplan, seconded by John Rhodes and passed unanimously to approve the applicant to sit for the examination.

Investigation Files

11-16-C; Nakra, Aprajita, D.P.M.

Dr. Aprajita Nakra was not present, nor was her attorney.

After discussion and review of the doctor's attorney's request to move the matter to a formal hearing, a motion was made by M. Elizabeth Miles, seconded by Dr. Barry Kaplan and passed unanimously to file a Complaint and Notice of Hearing.

16-11-B; Nakra, Aprajita, D.P.M.

Dr. Aprajita Nakra was not present, nor was her attorney. Dr. Dedrie Polakof was present and provided a summary of her investigation.

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

Termination of Consent Agreement

09-20-C & 11-01-C; O'Brien, Kevin, D.P.M.

Dr. Kevin O'Brien was present to request that his license be reactivated, or at the very least to remove the restrictions pursuant to the Consent Agreement.

EXECUTIVE SESSION

A motion was made by M. Elizabeth Miles, seconded by Dr. Barbara Campbell and passed unanimously to go into executive session at 9:18 a.m. to seek legal advice pursuant to A.R.S. § 38-431.03(A)(3) regarding 09-20-C & 11-01-C; O'Brien, Kevin, D.P.M..

After consideration in executive session, the Board reconvened in open session at 9:28 p.m.

OPEN SESSION

ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

Termination of Consent Agreement

09-20-C & 11-01-C; O'Brien, Kevin, D.P.M.

Dr. Kevin O'Brien was again present. Dr. O'Brien answered the Board's questions regarding the number of hours of CME he has taken and the kinds of procedures he is currently doing and planning on doing.

After discussion, a motion was made by M. Elizabeth Miles and seconded by Dr. Joseph Leonetti to restore Dr. O'Brien's license to perform procedures that were previously restricted as long as he reports, to the Board, any future procedures he performs that were previously restricted. The motion included accepting the already completed CME, but to continue the probation for at least 12 months and up to 18 months.

Prior to the vote, the Board discussed the length of time between the last time Dr. O'Brien performed surgeries that have been restricted and now. Dr. O'Brien stated that he does not have any immediate plan to start performing the surgeries that have been restricted, but if does plan to do so, he has another surgeon who would oversee the surgeries.

After discussion, the vote passed unanimously.

Request for Pre-approval of Continuing Medical Education ("CME")

14-16-C; Saunders, Daniel, D.P.M.

The Board agreed that the conference Dr. Saunders submitted for pre-approval was sufficient to meet the compliance measures of his Consent Agreement,

A motion was made by Dr. Barbara Campbell, seconded by Dr. Barry Kaplan and passed unanimously to approve of the conference that Dr. Saunders submitted for pre-approval.

Review Compliance/Non-compliance with Consent Agreement

14-09-B; Kroleski, Janna L., D.P.M.

The Board discussed the tests that were reported by Dr. Kroleski's evaluator.

The Board did not take any action.

Unaccounted for Complaint Files

Ryan P. Edmonson provided the Board with a summary of two dated files from 2011 and 2012 respectively, which were found, but have not yet been adjudicated. The files were defined as one file being opened by the Board and the other began from a consumer complaint

The Board took a break from 9:58 a.m. to 10:09 a.m.

After discussion, a motion was made by M. Elizabeth Miles, seconded by Dr. Joseph Leonetti and passed unanimously to administratively close file no. 11-28-B due to the staleness of the file and lack of a reasonable ability to investigate given the amount of time passed.

After further discussion, a motion was made by Dr. Joseph Leonetti, seconded by Dr. Barbara Campbell and passed unanimously to assign file no. 12-11-C to Dr. Cohn to complete the investigation and direct staff to determine the proper classification of the complaint with a potential violation for practicing podiatry while under a suspended status.

Anonymous Complaint

The Board discussed the anonymous complaint and did not have any concerns that the doctor was claiming to be a neurologist. The Board did, however, have questions regarding the doctor and his practice regarding neuropathy and prescribing medicinal marijuana. The Board was also concerned with who is/are the prescribers within the doctor's practice. The Board requested staff to invite the doctor to a voluntary interview at the April Board meeting, so that the doctor can answer some of the Board's questions and to provide the doctor with an opportunity to verbalize his position regarding his practice and procedures related to his treatment of neuropathy.

EXECUTIVE DIRECTOR'S REPORT

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

DISCUSSION AND POSSIBLE ACTION REGARDING CURRENT EVENTS

None were discussed.

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

The Board discussed having a future agenda item regarding the update of its statutes and rules.

NEXT BOARD MEETING DATE

Wednesday, April 13, 2016 at 8:30 a.m.

CALL TO THE PUBLIC

No one from the public was present.

ADJOURNMENT

A motion was made by Dr. Barbara Campbell, seconded by Dr. Barry Kaplan and passed unanimously to adjourn at 11:07 a.m.