



Douglas A. Ducey,
Governor

Arizona State Board of Podiatry Examiners

“Protecting the Public’s Health”

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OPEN SESSION MINUTES

April 12, 2017

Members of the Arizona State Board of Podiatry Examiners (“Board”) held a meeting at 8:30 a.m. on Wednesday, April 12, 2017 at the Board’s office in Suite B-1, 1400 West Washington Street, Phoenix, Arizona 85007. Executive sessions were held from 8:32 a.m. to 8:34 a.m. and from 9:04 a.m. to 9:09 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
- × Absent

STAFF AND ASSISTANT ATTORNEYS GENERAL PRESENT:

- Ryan P. Edmonson..... Executive Director
- Frankie Shinn-Eckberg, Esq. Assistant Attorney General
- Mary DeLaat Williams, Esq Assistant Attorney General
- Scott Donald, Esq..... Assistant Attorney General

GUEST(S) PRESENT AND/OR PARTICIPATING

- Noland Jones, DPM Respondent
- T. Scott King, Esq. Respondent’s Attorney
- Joseph Dobrusin, DPM Respondent
- Victoria Stazio, Esq. Respondent’s Attorney
- Robyn Stiefeld, MD, Complainant Investigative Case 17-10-C
- Complainant..... Investigative Case 15-23-C

The meeting was called to order at 8:30 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

Review, Consider, Discuss and Take Action on a Proposed Settlement Offer

15-23-C; Brown, Jon D., DPM

Dr. Jon D. Brown was not present, nor was his legal counsel. Frankie Shinn-Eckberg and Scott Donald were present and Mary DeLaat Williams was present to provide independent legal advice to the Board. The Board discussed going into executive session to seek legal advice.

EXECUTIVE SESSION

A motion was made by Dr. Barbara Campbell, seconded by Dr. Barry Kaplan and passed unanimously to go into executive session at 8:32 a.m. to seek legal advice pursuant to A.R.S. § 38-431.03(A)(3) regarding file no. 15-23-C.

After consideration in executive session, the Board reconvened in open session at 8:34 a.m.

OPEN SESSION

ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

Review, Consider, Discuss and Take Action on a Proposed Settlement Offer

15-23-C; Brown, Jon D., DPM

Dr. Jon D. Brown was again not present, nor was his legal counsel. Frankie Shinn-Eckberg and Scott Donald were again present and Mary DeLaat Williams was again present to provide independent legal advice to the Board.

After the Board discussed the only amended request of changing the effective date of the revocation to July 31, 2017, a motion was made by Dr. Barbara Campbell and seconded by Dr. Joseph Leonetti to accept the signed proposed settlement offer as written and vacate the formal administrative hearing. The motion passed 4 – 0 by the following roll call vote:

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

Investigation Files

17-05-C; Dobrusin, Joseph, DPM

Dr. Joseph Dobrusin was present along with his legal counsel, Victoria Stazio.

After the Board reviewed the entire patient records, including Dr. Dobrusin's appropriate recommendation that the patient see a wound care specialist because of an ulcerated lesion, a motion was made by Dr. Joseph Leonetti, seconded by Dr. Barry Kaplan and passed unanimously to dismiss the case due to no violations of Board Statutes and Rules.

17-10-C; Jones, Noland, DPM

Dr. Noland Jones was present along with his legal counsel, T. Scott King. The complainant, Robyn Stiefeld, MD, who was not the patient, was also present. The complainant summarized the care her father received from Dr. Jones while he was in an assisted living facility. The complainant stated she did not have a complaint about the care her father received. Her complaint was regarding Dr. Jones' billing, which included bills, which were paid by Medicare for two doctor visits that Dr. Jones did not see the patient.

The Board discussed going into executive session to seek legal advice.

EXECUTIVE SESSION

A motion was made by Dr. Barbara Campbell, seconded by John Rhodes and passed unanimously to go into executive session at 9:04 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 9:09 a.m.

OPEN SESSION**ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION**Investigation Files17-10-C; Jones, Noland, DPM

Dr. Noland Jones was again present along with his legal counsel, T. Scott King. The complainant, Robyn Stiefeld, MD was again present. The Board discussed Dr. Jones' lack of communication with his patients' families, his responsibility as the doctor of patients, as well as the manager of companies he hires to do conduct his billing. The Board believed that his duty is to take more time and responsibility to make certain that his billing service is billing for things Dr. Jones treated patients for and that his duty includes making certain that the billing service is not "up coding" to receive a higher payment.

A motion was made by Dr. Barbara Campbell, seconded by Dr. Joseph Leonetti and passed unanimously issue an Administrative Letter of Concern ("LOC") regarding Dr. Jones' lack of communication with his patients, families of patients and the Board and his lack of documentation and review regarding his billing and its procedures. The motion included that the issuance of the LOC will only occur if the Board office receives proof, within the next 30 days, that Dr. Jones reimbursed Medicare for the overpayment of services not rendered.

Request for Pre-Approval of Continuing Medical Education ("CME")14-31-C; Bowen, Joel, DPM

After review and discussion of the submitted CME course, a motion was made by Dr. Joseph Leonetti, seconded by Dr. Barbara Campbell and passed unanimously to pre-approve the CME course submitted by Dr. Joel Bowen in compliance with his consent agreement.

Application for Examination – A.R.S. § 32-822Ghandhari, Vanousheh, DPMLarson, David, DPMMaker, Jared, DPMO'Bryant, Steven, DPM

Rowe, Gregory, DPM

Samoy, Valerie, DPM

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

Wong, Fai, DPM

After the Board discussed the applicant's answers to the Board's professional fitness questions on the application, a motion was made by Dr. Barbara Campbell, seconded by Dr. Joseph Leonetti and passed unanimously to defer action, direct board staff to request that the applicant provide the paperwork from the employer who suspended his practice privilege and invite the applicant to the May meeting for an interview regarding the same.

Initial Analysis

Frankie Shinn-Eckberg summarized the documents received from the National Practitioner's Data Bank, the action the Board already took against the doctor and the inability to re-review the matter, which the Board already closed with an Administrative Letter of Concern.

REVIEW, DISCUSSION AND POSSIBLE ACTION ON BOARD MEETING MINUTES

Discussion and approval of the Open Session Minutes from the March 8, 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 March 8, 2017, board meeting.

Discussion and approval of the Executive Session Minutes from the March 8, 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 March 8, 2017, board meeting.

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

None were discussed.

CALL TO THE PUBLIC

The complainant for file no. 15-23-C expressed her gratitude for the Board and its diligence to investigate her matter.

NEXT BOARD MEETING DATE

Wednesday, May 10, 2017 at 8:30 a.m.

ADJOURNMENT

A motion was made by Dr. Barbara Campbell, seconded by Dr. Joseph Leonetti and passed unanimously to adjourn at 11:00 a.m.