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Governor

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

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**OPEN SESSION MINUTES**

**May 11, 2016**

Members of the Arizona State Board of Podiatry Examiners (“Board”) held a meeting at 8:33 a.m. on Wednesday, May 11, 2016 at the Board’s office in Suite B-1, 1400 West Washington Street, Phoenix, Arizona 85007. An executive session was held from 9:54 a.m. to 10:05 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
  
- ✘ Absent

**STAFF AND ASSISTANT ATTORNEYS GENERAL PRESENT:**

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

**GUESTS PRESENT AND/OR PARTICIPATING**

- Dedrie Polakof, D.P.M..... Board Investigator
- Bruce D. Crawford, Esq..... Respondents’ Attorney
- Complainant..... Investigative Case 15-16-C

The meeting was called to order at 8:33 a.m. by Dr. Joseph Leonetti. The following order of business was then considered:

**OPEN SESSION**

**REVIEW, DISCUSSION AND POSSIBLE ACTION ON BOARD MEETING MINUTES**

Discussion and approval of the Open Session Minutes from the April 13, 2016 board meeting

After the Board discussed making an amendment, a motion was made by Dr. Barry Kaplan, seconded by M. Elizabeth Miles and passed unanimously to approve the Open Session Minutes from the April 13, 2016, Board meeting as written.

Discussion and approval of the Executive Session Minutes from the April 13, 2016 board meeting

A motion was made by M. Elizabeth Miles, seconded by John Rhodes and passed unanimously to approve the Executive Session Minutes from the April 13, Board meeting.

**ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION**

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

Hesidence, William, DPM

The Board reviewed the submitted application and documents supporting Dr. Hesidence's application for an Arizona podiatry license.

A motion was made by Dr. Joseph Leonetti, seconded by John Rhodes and passed unanimously to direct board staff to request that Dr. Hesidence provide the following:

- A written narrative explaining his previous discipline with the other podiatry state licensing boards he's been licensed with and how he feels it does or does not affect his ability to practice in Arizona;
- A written narrative of why he desires to hold an Arizona podiatry license; and based on Dr. Hesidence's response(s), the Board may also request that he attend a future board meeting to be interviewed prior to the Board granting an Arizona license.

Arbuckle, Keith, DPM

Ellsworth, Matthew, DPM

Jespersen, Wade, DPM

Roskop, Alyssa, DPM

Yousefpour, Makabis, DPM

After the Board reviewed the applications, a motion was made by Dr. Joseph Leonetti, seconded by Dr. Barry Kaplan and passed unanimously to approve of the applicants to sit for the examination.

Investigation Files

14-22-C; Kroleski, Janna, DPM

Neither Dr. Janna Kroleski, nor her attorney were present. The complainant was also not present. Dr. Dedrie Polakof was present and provided a summary of her investigation.

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.

16-15-C; Levin, Bruce, DPM

Dr. Bruce Levin was not present. Dr. Levin's legal counsel, Bruce D. Crawford was present on his behalf. The complainant was also present. Dr. Dedrie Polakof was present and provided a summary of her investigation.

The complainant described her complaint regarding Dr. Levin's prescription for Cephalexin and the complications she suffered from her use of Cephalexin. The Board discussed the dosage of Cephalexin that Dr. Levin's notes say he prescribed and why prescribed it. The Board also discussed the current medications the complainant was already taking, including Omnicef for a sinus infection. Omnicef is also a cephalosporin, similar to Cephalexin. The Board discussed the side effects of both Omnicef and Cephalexin and did not believe Dr. Levin's prescription for Cephalexin was harmful to the patient.

The complainant began to describe her second allegation against Dr. Levin. However, the Board did not allow for discussion or review of the second allegation because it did not appear that her original complaint included both allegations. The Board and staff instructed her to file another complaint for the Board's future consideration.

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

*The Board took a break from 9:33 a.m. to 9:39 a.m.*

16-09-B; Lowy, Andrew, DPM

Dr. Andrew Lowy was not present. Dr. Lowy's legal counsel, Bruce D. Crawford was present on his behalf. Dr. Dedrie Polakof was present to provide a summary of her investigation. Based on the civil litigation in this matter not being complete, the Board discussed tabling this matter until there is a final disposition in the civil matter.

16-16-M; Jacoby, Richard, DPM

Dr. Richard Jacoby was not present. Dr. Jacoby's legal counsel, Bruce D. Crawford was present on his behalf. Dr. Dedrie Polakof was present and began to provide a summary of her investigation. The Board discussed not having both the pre and post-op sets of x-rays. The Board was concerned that because Dr. Jacoby's office did not take the x-rays that he was somewhat not responsible to fulfill the subpoena for all records, including all x-rays.

A motion was made by Dr. Joseph Leonetti, seconded by John Rhodes and passed unanimously to table any action until the Board receives a complete set x-rays and a secondary investigative report.

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

11-16-C; Nakra, Aprajita, DPM

Dr. Aprajita Nakra was not present. Dr. Nakra's legal counsel, Bruce D. Crawford was present on her behalf. The Board requested to go into executive session to confidentially discuss the proposed settlement.

**EXECUTIVE SESSION**

A motion was made by M. Elizabeth Miles, seconded by John Rhodes and passed unanimously to go into executive session at 9:54 a.m. to discuss or consult with the attorney(s) regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation pursuant to A.R.S. § 38-431.03(A)(4) regarding file no. 11-16-C.

After consideration in executive session, the Board reconvened in open session at 10:05 a.m.

**OPEN SESSION****ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION****Review, Consider, Discuss and Take Action on a Proposed Settlement Offer****11-16-C; Nakra, Aprajita, DPM**

Bruce D. Crawford was again present on behalf of his client, Dr. Aprajita Nakra. Frankie Shinn-Eckberg, on behalf of the state, recommended that the Board issue an Administrative Letter of Concern (LOC) in lieu of moving forward to a formal hearing in this matter.

A motion was made by M. Elizabeth Miles, seconded by Dr. Barry Kaplan to issue an LOC for failure to maintain adequate records on a patient.

Prior to the vote and during the discussion, Dr. Leonetti expressed his concern regarding how a file can go through an investigation, the Board make a motion to move the matter to a formal hearing and then end up with a LOC. Ms. Shinn-Eckberg described the unfortunate circumstances during the Board's personnel matter and the inopportunity for Dr. Nakra to have her requests denied to be heard.

After discussion, the vote passed 3 – 1 in favor of issuing the LOC.

*John Rhodes voted against the motion.*

**CONSENT AGENDA****Renewal Applications for Arizona Podiatric License and Dispensing Registration**

A motion was made by M. Elizabeth Miles, seconded by Dr. Joseph Leonetti and passed unanimously to approve of the following doctors' renewal applications and dispensing registrations, if applicable:

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|--|---|
| 1. Abraham, Suzanne, DPM                         | 13. Friedman, Erwin, DPM                          |
| 2. Abrams, Steven, DPM                           | 14. Frykberg, Robert, DPM                         |
| 3. Allen, Jason, DPM                             | 15. Hamilton, Jarrett, DPM                        |
| 4. Bocian, Darin, DPM                            | 16. Hatch, Daniel, DPM                            |
| 5. Bui, Alex, DPM                                | 17. Hegewald, Kenneth, DPM                        |
| 6. <i>Item removed for separate action below</i> | 18. <i>Item removed for separate action below</i> |
| 7. <i>Item removed for separate action below</i> | 19. Kelly, Edward, DPM                            |
| 8. DiNucci, Kris, DPM                            | 20. Klebe, Lester, DPM                            |
| 9. Discont, Alan, DPM                            | 21. Kluger, Barbara, DPM                          |
| 10. Eulano, Albert, DPM                          | 22. <i>Item removed for separate action below</i> |
| 11. Evans, Scott, DPM                            | 23. Krahn, Morten, DPM                            |
| 12. Fridrich, Robert, DPM                        | 24. Kratzer, Duane, DPM                           |

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| 25. <i>Item removed for separate action below</i> | 34. Polakof, Dedrie, DPM    |
| 26. Levin, Bruce, DPM                             | 35. Rand, III, Richard, DPM |
| 27. Little, Mark, DPM                             | 36. Roemer, Andrea, DPM     |
| 28. Mansdorf, Neil, DPM                           | 37. Sarraf, Payam, DPM      |
| 29. Nakra, Aprajita, DPM                          | 38. Shumway, Don, DPM       |
| 30. Novack, Robert, DPM                           | 39. Warner, Paul, DPM       |
| 31. <i>Item removed for separate action below</i> | 40. Woodward, Paul, DPM     |
| 32. Panahi, Kaveh, DPM                            | 41. Yamada, Wesley, DPM     |
| 33. Peters, Mary, DPM                             | 42. Young, Susan, DPM       |

18. Kaplan, Barry, DPM

A motion was made by Dr. Joseph Leonetti, seconded by M. Elizabeth Miles and passed unanimously to approve of the doctor's renewal application and dispensing registration, if applicable.

*Dr. Barry Kaplan declared a conflict and abstained from the vote.*

25. Leonetti, William, DPM

A motion was made by Dr. Barry Kaplan, seconded by M. Elizabeth Miles and passed unanimously to approve of the doctor's renewal application and dispensing registration, if applicable.

*Dr. Joseph Leonetti declared a conflict and abstained from the vote.*

6. Campbell, Barbara, DPM

A motion was made by Dr. Joseph Leonetti, seconded by Dr. Barry Kaplan and passed unanimously to approve of the doctor's renewal application and dispensing registration, if applicable.

*Dr. Campbell was absent from the meeting.*

7. Chesler, Sanford, DPM

After the Board answered Ryan Edmonson's question regarding holding a DEA Certificate, a motion was made by Dr. Joseph Leonetti, seconded by Dr. Barry Kaplan and passed unanimously to approve of the doctor's renewal application and dispensing registration, if applicable.

22. Knochel, Joseph, DPM

The Board reviewed Dr. Joseph Knochel's renewal application, his answers to the professional conduct questions and his supporting documents of a civil matter. It appeared that the matter was found to be in Dr. Knochel's favor, but the Board was unclear as to whether or not he provided the knowledge of this case on his 2015 renewal. The Board requested that board staff inquire as to the same and report back to the Board at its next meeting.

After the discussion, a motion was made by Dr. Joseph Leonetti, seconded by Dr. Barry Kaplan and passed unanimously to approve of the doctor's renewal application and dispensing registration, if applicable.

31. O'Brien, Kevin, DPM

The Board discussed Dr. Kevin O'Brien's renewal and his answers to dispensing questions. The Board was concerned that Dr. O'Brien is dispensing, at a minimum, orthotics, but does not hold an Arizona Dispensing Registration to do so. The Board discussed that they knew he dispensed orthotics because of a complaint case they just reviewed a couple months prior. Although that case was dismissed, it was based on Dr. O'Brien's fees related to orthotics.

While the Board discussed making a separate motion to open an investigation file regarding Dr. O'Brien's unauthorized dispensing of orthotics, they did not wish to hold up Dr. O'Brien's renewal approval. Therefore, a motion was made by Dr. Joseph Leonetti, seconded by M. Elizabeth Miles and passed unanimously to approve of the doctor's renewal application.

A motion was made by Dr. Joseph Leonetti, seconded by Dr. Barry Kaplan and passed unanimously to open a complaint file regarding Dr. O'Brien's unauthorized practice of dispensing of drugs and/or devices without being registered to do so.

**EXECUTIVE DIRECTOR'S REPORT**

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

**FEDERATION OF ASSOCIATIONS OF REGULATORY BOARDS ("FARB")**

After Frankie Shinn-Eckberg described her attendance and expenses at previous FARB Regulatory Law Seminars, a motion was made by Dr. Barry Kaplan, seconded by M. Elizabeth Miles and passed unanimously to approve Ms. Shinn-Eckberg's attendance and 1/3 of her expenses at the 2016 FARB Regulatory Law Seminar held from Thursday, September 29, 2016 – Sunday, October 1, 2016.

**DISCUSSION AND POSSIBLE ACTION REGARDING CURRENT EVENTS**

Based on today's meeting and the tabling of two files for future review, the Board discussed their frustration of reviewing matters that are either incomplete or need additional documents prior to their review. A couple of things discussed were the following:

- Difficulty in reviewing x-rays that have been Xeroxed; and
- Doctors sending only records they have in their physical office locations even though they ordered a third party to perform something regarding their patient(s).

**CALL TO THE PUBLIC**

No one from the public was present.

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

None were discussed.

**NEXT BOARD MEETING DATE**

Wednesday, June 8, 2016 at 8:00 a.m.

**ADJOURNMENT**

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