



Arizona State Board of Podiatry Examiners
"Protecting the Public's Health"

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Douglas A. Ducey, Governor

OPEN SESSION MINUTES

June 14, 2017

Members of the Arizona State Board of Podiatry Examiners ("Board") held a meeting at 8:30 a.m. on Wednesday, June 14, 2017 at the Board's office in Suite B-1, 1400 West Washington Street, Phoenix, Arizona 85007. Executive sessions were held from 9:19 a.m. to 9:34 a.m., from 10:48 a.m. to 11:02 a.m. and from 12:35 p.m. to 12:50 p.m.

BOARD MEMBERS:

- Barbara Campbell, DPM..... Board President and Practitioner Member
John Rhodes Secretary and Public Member
Lynn Hamilton Public Member
Barry Kaplan, DPM. Practitioner Member
Joseph Leonetti, DPM..... Practitioner Member
Present and observed, but did not participate or vote

STAFF AND ASSISTANT ATTORNEY GENERAL PRESENT:

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

GUEST(S) PRESENT AND/OR PARTICIPATING

- Jerome A. Cohn, DPM..... Board's Investigator
William Leonetti, DPM Board's Investigator
Bruce Werber, DPM Respondent
Daniel Bangart, DPM..... Respondent
Keith Bangart, DPM Respondent
William S. Sowders, Esq. Respondents' Attorney
Complainant..... Investigative Cases 17-03-C & 17-04-C
Kent Peterson, DPM Respondent
Donn C. Alexander, Esq. Respondent's Attorney
Gregory Loo, DPM Respondent

OPEN SESSION

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

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

Dr. Joseph Leonetti reaffirmed his conflict of interest with file nos. 17-03-C; Bangart, Daniel and 17-04-C; Bangart, Keith.

ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

Investigation File(s)

16-23-C; Werber, Bruce, DPM

Dr. Bruce Werber was present, telephonically, along with his legal counsel, William S. Sowders. Dr. Jerome Cohn was present and summarized his investigator's report. Dr. Cohn concluded that the complaint is unsubstantiated due to the surgery being a complex surgery. Stating that performing a complex surgery such as reduction of a cavus foot requires multiple osteotomies and there is always a higher risk of complications, including, but not limited to, such things as incomplete reduction of deformities, difficulty with bone healing, scar tissue formation and neurovascular compromise etc. The complainant was not present. Dr. Werber described the procedure he did, which was a bilateral surgery, along with Dr. Erin Martin, but confirmed that he was the responsible surgeon.

The Board discussed the procedure and images provided and questioned both Dr. Werber and Dr. Cohn regarding the subtalar joint and the patient's continued discomfort. Dr. Cohn reiterated the complexity of the surgery, which never guarantees an optimal outcome.

After discussion, a motion was made by Dr. Joseph Leonetti, seconded by John Rhodes and passed 4 – 0 – 1 to dismiss the case due to no violations of Board Statutes and Rules.

Response to Offered Consent Agreement

15-06-C; Peterson, Kent, DPM

Dr. Kent Peterson was present along with his legal counsel, Donn C. Alexander. Board staff provided a chronological update. Mr. Alexander also provided an update and described his client's position regarding his inability to take a position with the local Veteran's Administration until this matter is cleared up. Mr. Alexander also stated that neither he, nor his client are in objection to the Board performing a chart audit, but they would request that the audit be done outside the conditions of a disciplinarian or non-disciplinarian consent agreement. Dr. Peterson proposed, through his legal counsel, to complete continuing medical education in the area of billing and coding or a chart audit for the past six months similarly, to what the Board would require in a consent agreement.

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

EXECUTIVE SESSION

A motion was made by Dr. Barry Kaplan, seconded by Dr. Barbara Campbell and passed 4 – 0 – 1 to go into executive session at 9:19 a.m. to seek legal advice pursuant to A.R.S. § 38-431.03(A)(3) regarding file no. 15-06-C.

After consideration in executive session, the Board reconvened in open session at 9:34 a.m.

OPEN SESSION

ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

Response to Offered Consent Agreement

15-06-C; Peterson, Kent, DPM

Dr. Kent Peterson was again present with his legal counsel, Donn C. Alexander. The Board discussed the history of the respondent's billing practices, and more specifically, the amount of time it has taken to conclude this matter stems mostly because of the respondent's failure to timely comply and respond. The Board stated that even with the improved billing practices over the past few months that there are still concerns, and therefore, the most prudent thing to do is to conduct a chart audit versus dismissing the case or offering continuing medical education.

A motion was made by Dr. Joseph Leonetti, seconded by John Rhodes and passed 4 – 0 – 1 to table this matter for future action to allow the Board an opportunity to review six months of patient records from a random sample beginning in December 2016 and concluding in May 2017.

Investigation File(s)

17-03-C; Bangart, Daniel, DPM

17-04-C; Bangart, Keith, DPM

Drs. Daniel Bangart and Keith Bangart were both present, along with their legal counsel, William S. Sowders. Dr. William Leonetti was present, telephonically, and summarized his investigator's report. Dr. Leonetti concluded that the complaint regarding the failure to provide medical records was unsubstantiated, and although it was untimely, the complainant ultimately received her records. Dr. Leonetti also concluded that the complaint regarding the appropriate care and treatment was substantiated. Dr. Leonetti's investigation concluded that the total number of injections provided, regardless of the time frame involved, indicates that it's apparent that the injection therapy, both sclerotherapy and the use of steroidal injections, was below the standard of care for this community regarding the total number of injection treatments provided. The complainant was present, telephonically, and stated that she originally went to see the doctors due to heel pain, but now cannot even walk and feels that her life has been severely altered by the multiple injections she received over an 11-year period.

Dr. Daniel Bangart provided the philosophy he uses in his practice and stated that the complainant was pain free for at least five years due to the injections. Both Drs. Bangart disagreed with any opinion that sclerotherapy causes soft tissue damage.

A motion was made by John Rhodes to dismiss the cases due to no violations of Board Statutes and Rules.

Motion failed for lack of a second and a vote.

Dr. Joseph Leonetti declared a conflict and did not participate.

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

EXECUTIVE SESSION

A motion was made by Dr. Barry Kaplan, seconded by Dr. Barbara Campbell and passed 2 – 1 – 1 to go into executive session at 10:48 a.m. to seek legal advice pursuant to A.R.S. § 38-431.03(A)(3) regarding file nos. 17-03-C and 17-04-C.

John Rhodes voted against the motion.

Dr. Joseph Leonetti declared a conflict and did not participate.

After consideration in executive session, the Board reconvened in open session at 11:02 a.m.

OPEN SESSION

ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

Investigation File(s)

17-03-C; Bangart, Daniel, DPM

17-04-C; Bangart, Keith, DPM

Drs. Daniel Bangart and Keith Bangart were both again present, along with their legal counsel, William S. Sowders. Dr. William Leonetti was again present, telephonically, as well as the complainant. The complainant made closing remarks about her health and the doctors made her 100% worse that when she started. Drs. Daniel and Keith Bangart stated that they believe she was getting better and believed they can prove that. They wished the outcome could have been better, but believe, strongly, that something else, including possibly Multiple Sclerosis is causing her acute pain.

A motion was made by Dr. Barbara Campbell, seconded by Dr. Barry Kaplan and passed 3 – 0 – 1 to issue Administrative Letters of Concern regarding the number of steroid and/or sclerotherapy injections (“injections”) used to treat certain conditions, and include that the Board strongly recommends that the doctors thoroughly educate their patients about frequent use and potential adverse effects associated with these types of injections and provide a consent form to each patient prior to using these types of injections as a form of treatment.

Dr. Joseph Leonetti declared a conflict and did not participate.

The Board took a break from 11:13 a.m. to 11:26 a.m.

17-02-C; Loo, Gregory, DPM

Dr. Gregory Loo was present. Dr. Jerome Cohn was present and summarized his investigator’s report. Dr. Cohn concluded that the complaint is unsubstantiated regarding the surgical procedure, stating that the care provided was appropriate and the procedures were performed to reduce the digital deformities. Unfortunately, the complainant developed vascular compromise associated with a long-standing deformity. The complication is not due to failure to recognize issues such as poor vascular status or systemic morbidities, and therefore, the development of a gangrenous digit and the treatment falls within the standards of care for the community. The complainant was not present.

The Board discussed Dr. Loo’s coding and billing as well and Dr. Loo agreed that since this was his first procedure of this type he billed incorrectly.

After discussion, a motion was made by Dr. Barry Kaplan, seconded by John Rhodes and passed 4 – 0 – 1 to dismiss the case due to no violations of Board Statutes and Rules.

17-18-C; Shih, Alan, DPM

Dr. Alan Shih was not present. Dr. Jerome Cohn was present and summarized his investigator's report. Dr. Cohn concluded that the complaint is unsubstantiated due to several facts that he felt were concerning, but mostly agreed that it is possible there may have been issues with the communication during the August 8, 2016, visit. However, with previous history of the patient receiving an injection from Dr. Shih, the disagreement over charges for records, the lack of findings by the subsequent physician and the duration of time that passed before filing a complaint, Dr. Cohn did not find any information that would indicated a substandard treatment. The complainant was not present.

After discussion, a motion was made by Dr. Barbara Campbell, seconded by John Rhodes and passed 4 – 0 – 1 to dismiss the case due to no violations of Board Statutes and Rules.

Termination of Consent Agreement and Order

14-31-C; Bowen, Joel T., DPM

A motion was made by Dr. Barbara Campbell, seconded by Dr. Barry Kaplan and passed 4 – 0 – 1 to terminate Dr. Bowen's Consent Agreement and Order.

Recommendation for the Reissuance of an Arizona Podiatry License due to a Name Change
License No. 771 issued to Nicole L. Kessel, DPM to be reissued to Nicole L. Adams, DPM

A motion was made by Dr. Barbara Campbell, seconded by John Rhodes and passed 4 – 0 – 1 to grant the reissuance of license no. 771 to Nicole L. Adams, DPM.

Request for Approval of Continuing Medical Education ("CME")

After review of the courses, a motion was made by Dr. Barbara Campbell, seconded by Dr. Barry Kaplan and passed 4 – 0 – 1 to approve of the course(s) submitted by Arizona Regenerative Collective.

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

Hui, Eve, DPM

Hunchak, Derek, DPM

Hunchak, Whitney, DPM

Prebish, Jessica, DPM

Reber, Travis, DPM

After review of the applications, a motion was made by Dr. Barbara Campbell, seconded by John Rhodes and passed 4 – 0 – 1 to grant the applicants a registration to dispense drugs/devices.

REVIEW, DISCUSSION AND POSSIBLE ACTION ON BOARD MEETING MINUTES

Discussion and approval of the Open Session Minutes from the May 10, 2017 board meeting

After making amendments, a motion was made by Dr. Barbara Campbell, seconded by John Rhodes and passed 4 – 0 – 1 to approve the Open Session Minutes from the May 10, 2017, board meeting as amended

Discussion and approval of the Executive Session Minutes from the May 10, 2017 board meeting
A motion was made by Dr. Barbara Campbell, seconded by Dr. Barry Kaplan and passed 4 – 0 – 1 to approve the Executive Session Minutes from the May 10, 2017, board meeting as written.

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

CONSENT AGENDA

Issuance of Licenses – A.R.S. § 32-826

A motion was made by Dr. Barbara Campbell, seconded by John Rhodes and passed 4 – 0 – 1 to issue licenses to the following applicants for their successful passing of the jurisprudence examination and after the receipt of their license issuance fees:

- | | |
|------------------------------|-----------------------------|
| 1. Abrebaya, Alberto, DPM | 8. O’Bryant, Steven, DPM |
| 2. Butcher, Jamila, DPM | 9. Rowe, Gregory, DPM |
| 3. Garza, Alexander, DPM | 10. Samoy, Valerie, DPM |
| 4. Ghandhari, Vanousheh, DPM | 11. Whitford, Lara, DPM |
| 5. Larson, David, DPM | 12. Wong, Fai, DPM |
| 6. Lewis, W. Kreig, DPM | 13. Zelichowski, James, DPM |
| 7. Maker, Jared, DPM | |

Renewal Applications for Arizona Podiatric License and Dispensing Registration

34. Harrill, Jason, DPM

The Board reviewed Dr. Jason Harrill’s renewal application, his answers to the professional conduct questions and his supporting documentation regarding a malpractice claim.

A motion was made by Dr. Barbara Campbell, seconded by John Rhodes and passed 4 – 0 – 1 to approve of Dr. Jason Harill’s renewal application and to also reserve the right to pursue action, in the future, based on the outcome of the malpractice claim. The reason for not opening a complaint file now is due to previous civil/criminal claims in which the Board immediately opened complaint files, wasted several months in investigating, stymied by the legal process and ultimately the doctor was absolved of any wrongdoing and prevailed at the civil/criminal hearing.

46. Kaplan, Barry, DPM

A motion was made by Dr. Barbara Campbell, seconded by Dr. Joseph Leonetti and passed 3 – 0 – 2 to approve of Dr. Barry Kaplan’s renewal application.

Dr. Barry Kaplan declared a conflict and did not participate.

51. Leonetti, William, DPM

A motion was made by Dr. Barbara Campbell, seconded by Dr. Barry Kaplan and passed 3 – 0 – 2 to approve of Dr. William Leonetti’s renewal application.

Dr. Joseph Leonetti declared a conflict and did not participate.

A motion was made by Dr. Barbara Campbell, seconded by Dr. Barry Kaplan and passed unanimously to approve of the following doctors’ renewal applications and dispensing registrations, if applicable:

- | | |
|-----------------------|----------------------|
| 1. Adams, Nicole, DPM | 2. Allen, Jason, DPM |
|-----------------------|----------------------|

3. Bangart, Daniel, DPM
4. Black, Trevor, DPM
5. Blocher, Kenneth, DPM
6. Boggs, Scott, DPM
7. Bui, Alex, DPM
8. Chesler, Sanford, DPM
9. Chudy, Donald, DPM
10. Clark, Seth, DPM
11. Clement, Dean, DPM
12. Connell, Charles, DPM
13. Cota, Lauren, DPM
14. Curtis, Donald, DPM
15. Dancho, James, DPM
16. Discont, Alan, DPM
17. Dobrusin, Joseph, DPM
18. Duggan, Jessica, DPM
19. Ellsworth, David, DPM
20. Espensen, Eric, DPM
21. Evans, Robert, DPM
22. Evans, Scott, DPM
23. Fiorino, John, DPM
24. Fishco, William, DPM
25. Freestone, Darick, DPM
26. Friedman, Erwin, DPM
27. Galli, Melissa, DPM
28. Garber, James, DPM
29. Griffin, Douglas, DPM
30. Haddad, Marisa, DPM
31. Haddon, Todd, DPM
32. Hall, Jared, DPM
33. Harant, Jr., William, DPM
34. *Item removed for separate action*
35. Hatch, Daniel, DPM
36. Hayman, Brad, DPM
37. Hess, Carrie, DPM
38. Hollander, Steven, DPM
39. Holmes, Jeffrey, DPM
40. Hua, Natalie, DPM
41. Hunchak, Derek, DPM
42. Hunchak, Whitney, DPM
43. Jarman, Mikkel, DPM
44. Jay, Kristina, DPM
45. Jeppesen, Nathan, DPM
46. *Item removed for separate action*
47. Kelly, Eward, DPM
48. Kennedy, Katherine, DPM
49. Kenrich, Robert, DPM
50. Krahn, Morten, DPM
51. *Item removed for separate action*
52. Lerner, Amanda, DPM
53. Levin, Bruce, DPM
54. Little, Mark, DPM
55. Maling, Scott, DPM
56. Mansdorf, Neil, DPM
57. Marshall, Verlan, DPM
58. Moyer, Wayne, DPM
59. McAlister, Jeffrey, DPM
60. McKay, Cameron, DPM
61. McLaws, Ivan, DPM
62. Montes, Eduardo, DPM
63. Nakra, Aprajita, DPM
64. Nazarian, Serjik, DPM
65. Nelson, Jacob, DPM
66. Nguyen, Vu, DPM
67. Nixon, Brent, DPM
68. Novack, Robert, DPM
69. Palmquist, Roland, DPM
70. Paul, Marie, DPM
71. Peterson, Kent, DPM
72. Pfitzer, Tawnya, DPM
73. Pipher, Mark, DPM
74. Polakof, Dedrie, DPM
75. Presbish, Jessica, DPM
76. Price, Jess, DPM
77. Reber, Travis, DPM
78. Richer, Lee, DPM
79. Robinson, Richard, DPM
80. Robison, Glen, DPM
81. Roemer, Andrea, DPM
82. Rosales, Mark, DPM
83. Rowe, Kenneth, DPM
84. Rowland, Roberta, DPM
85. Sallus, Karyn, DPM
86. Sarraf, Payam, DPM
87. Saunders, Daniel, DPM
88. Sekosky, Timothy, DPM
89. Scott, Ryan, DPM
90. Shapiro, Paul, DPM
91. Shih, Alan, DPM
92. Shumway, Don, DPM
93. Sidoriak, Peter, DPM
94. Su, Antonius, DPM
95. Tallis, Arthur, DPM
96. Taxier, Wesley, DPM

- 97. Teasant, Alicia, DPM
- 98. Thomas, Jeffrey, DPM
- 99. Tutnauer, Phillip, DPM
- 100. Walters, Jodi, DPM
- 101. Westerhaus, Lindsey, DPM

- 102. Wiebe, Edward, DPM
- 103. Woodward, Paul, DPM
- 104. Wyant, Scott, DPM
- 105. Zang, Todd, DPM
- 106. Zonis, Larry, DPM

EXECUTIVE DIRECTOR'S REPORT

The Board reviewed the budget, agency operations and complaint log with Ryan P. Edmonson. As part of the agency operations, the Board conducted an executive director performance review. Mr. Edmonson provided the Board with accomplishments for the past 18 months and the new developments within the Board and its operations. The Board also discussed its budget, including its revenues and expenditures. The Board complemented Mr. Edmonson for the positive comments they have heard in the community of podiatrists and for the positive changes that have occurred.

The Board discussed going into executive session to hold a discussion about the executive director's salary.

EXECUTIVE SESSION

A motion was made by Dr. Barbara Campbell, seconded by Joseph Leonetti and passed unanimously to go into executive session at 12:35 p.m. to discuss the executive director's salary pursuant to A.R.S. § 38-431.03(A)(1).

After consideration in executive session, the Board reconvened in open session at 12:50 p.m.

OPEN SESSION

EXECUTIVE DIRECTOR'S REPORT

A motion was made by Dr. Barbara Campbell, seconded by John Rhodes and passed 4 – 0 – 1 to grant a spot incentive of \$2,000.00 to be paid to its executive director in fiscal year 2017.

A motion was made by Dr. Barbara Campbell, seconded by John Rhodes and passed 4 – 0 – 1 to grant a salary increase, as discussed in executive session, to be paid to its executive director beginning in fiscal year 2018— commencing on July 1, 2017.

SUMMARY OF CURRENT EVENTS

None were discussed.

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

The Board discussed placing the number of steroidal/sclerotherapy injections on a future agenda for discussion.

Dr. Joseph Leonetti left the meeting.

CALL TO THE PUBLIC

No one was present from the public.

NEXT BOARD MEETING DATE

Wednesday, July 12, 2017 at 8:30 a.m.

ADJOURNMENT

A motion was made by Dr. Barbara Campbell, seconded by Dr. Barry Kaplan and passed 3 – 0 – 1 to adjourn at 12:58 p.m.