



Douglas A. Ducey,  
Governor

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

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OPEN SESSION MINUTES

August 10, 2016

Members of the Arizona State Board of Podiatry Examiners (“Board”) held a meeting at 8:35 a.m. on Wednesday, July 13, 2016 at the Board’s office in Suite B-1, 1400 West Washington Street, Phoenix, Arizona 85007. Executive sessions were held from 8:49 a.m. to 9:01 a.m., from 9:12 a.m. to 9:16 a.m. and from 10:24 a.m. to 10:28 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  
Scott Donald, Esq..... Assistant Attorney General

**GUESTS PRESENT AND/OR PARTICIPATING**

Patrick Farrell, DPM.....Respondent  
Kimberly A. Kent, Esq.....Respondent’s Attorney  
Dedrie Polakof, DPM.....Board Investigator  
Kent Peterson, DPM .....Respondent  
Erin Martin, DPM .....Respondent  
Jeffrey S. Hunter, Esq. ....Respondent’s Attorney  
Complainant.....Investigative Case 16-25-C  
Complainant.....Investigative Case 16-26-C  
Ronald Killian, DPM .....Respondent

The meeting was called to order at 8:35 a.m. by Dr. Barbara Campbell. The following order of business was then considered:

**OPEN SESSION**

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

Investigation Files

16-28-M; Farrell, Patrick, DPM

Dr. Patrick Farrell was present along with his legal counsel, Kimberly A. Kent. Ms. Kent provided information regarding the matter and her client's ultimate settlement.

After the Board discussed the matter, a motion was made by M. Elizabeth Miles, seconded by John Rhodes and passed unanimously to assign an investigator to complete an investigation and to request copies of depositions, which were taken for the civil hearing.

14-31-C; Bowen, Joel, DPM

Board staff provided an update to the Board regarding the inability of receiving subpoenaed documents. Board staff also read a statement by the recently hired legal counsel for the above-referenced doctor. Dr. Dedrie Poloakof was also present to address her inability to provide a complete investigation report without receipt of the subpoenaed documents.

After discussion, the Board directed Board staff to write a letter to Dr. Joel Bowen and his attorney regarding the necessity to comply with the subpoena or the Board will move forward to seek enforcement.

15-06-C; Peterson, Kent, DPM

Dr. Kent Peterson was present. The complainant was not present. Dr. Dedrie Polakof was present and provided an update of her investigation and stated that there is some missing documentation supporting the billing codes used by Dr. Peterson. M. Elizabeth Miles expressed his concern of a large-scale billing record review. Dr. Barry Kaplan requested to go into executive session to seek legal advice.

**EXECUTIVE SESSION**

A motion was made by Dr. Barry Kaplan, seconded by Dr. Joseph Leonetti and passed unanimously to go into executive session at 8:49 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 9:01 a.m.

**OPEN SESSION**

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

Investigation Files

15-06-C; Peterson, Kent, DPM

Dr. Kent Peterson was again present as was Dr. Dedrie Polakof. The complainant was not present. M. Elizabeth Miles again questioned the depth of the investigative review. Board staff reminded the Board of its previous motion to have the investigator, which was Dr. Jerome Cohn at the time, to conduct an audit of approximately 40-patient billing charts. Dr. Polakof completed the audit upon Dr. Cohn's retirement. Once explained, the Board granted additional time for Dr. Peterson

to produce the missing documents and provide them to Dr. Polakof for her to complete her investigative report.

16-19-C; Cox, John, DPM

Dr. John Cox was not present, nor was the complainant. Dr. Dedrie Polakof was present and provided a summary of her investigation.

After discussion, a motion was made by M. Elizabeth Miles, seconded by John Rhodes and passed unanimously to dismiss the case due to no violations of Board Statutes and Rules.

16-22-B; Martin, Erin, DPM

Dr. Erin Martin was present along with her legal counsel, Jeffrey S. Hunter. The Board discussed going into executive session to discuss confidential information.

**EXECUTIVE SESSION**

A motion was made by M. Elizabeth Miles, seconded by Dr. Joseph Leonetti and passed unanimously to go into executive session at 9:12 a.m. to discuss confidential information pursuant to A.R.S. § 38-431.03(A)(2) regarding file no. 16-22-B.

After consideration in executive session, the Board reconvened in open session at 9:16 a.m.

**OPEN SESSION**

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

Investigation Files

16-22-B; Martin, Erin, DPM

Dr. Erin Martin was again present along with her legal counsel, Jeffrey S. Hunter.

A motion was made by John Rhodes, 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 July 13, 2016 board meeting

After making amendments, a motion was made by Dr. Joseph Leonetti, seconded by M. Elizabeth Miles and passed unanimously to approve the Open Session Minutes from the July 13, 2016, Board meeting as amended.

Discussion and approval of the Executive Session Minutes from the July 13, 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 July 13, 2016, Board meeting.

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

Investigation Files

16-25-C; Levin, Bruce, DPM

Dr. Bruce Levin was not present, nor was his legal counsel. The complainant was present. Dr. Dedrie Polakof was present and provided a summary of her investigation.

The complainant described her complaint regarding Dr. Levin's surgery and the placement of a pin in her foot during surgery. The complainant alleged that there was never a pin inserted during surgery, and therefore, nothing was ever removed, especially by her. The Board reviewed the x-rays of the procedure and M. Elizabeth Miles assisted the complainant by showing her the images of her foot with the pin visible after the surgery. The complainant stated that there was never a pin in her foot. The Board contended there was a pin used and questioned Dr. Polakof who she thought removed the pin. Dr. Polakof stated that Dr. Levin's office notes indicate that the pin was loose and removed by the patient two days before the follow-up visit.

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

*M. Elizabeth Miles abstained from the vote due to her facilitation of the conversation and assistance to the complainant.*

*The Board took a break from 9:51 a.m. to 10:04 a.m.*

16-26-C; Hayman, Brad, DPM

Dr. Brad Hayman was not present. The complainant was present. Dr. Dedrie Polakof was present and provided a summary of her investigation.

The complainant described the treatment he received from Dr. Hayman for toenail fungus, which was pinpoint laser treatments. He stated that Dr. Hayman prescribed Terbinafine to assist in the treatment. The complainant stated that after the first prescription ran out Dr. Hayman prescribed it again and that it damaged his liver and Dr. Hayman never ordered a liver function test before taking Terbinafine.

The Board questioned whether the complainant had ever received a liver function test. The complainant stated that he receives regular liver function tests from his primary care physician for the blood pressure medication he takes. The complainant stated that his primary care physician explained that by taking Terbinafine it may have damaged his liver. The complainant stated that Dr. Hayman asked him about his liver and the complainant's response to Dr. Hayman was that his liver was good, but was never ordered to have a liver function test prior to taking Terbinafine. Dr. Hayman proceeded to prescribe Terbinafine.

The Board discussed that it is not necessary for Dr. Hayman to order a new liver function test since the patient received them regularly, but that Dr. Hayman must know that the patient's liver is functioning normally before prescribing the medication and then monitor the patient's liver while he is taking the medication. The Board stated that just asking a patient how their liver is is not a sufficient test to know whether someone's liver is functioning properly.

A motion was made by Dr. Barbara Campbell, seconded by Dr. Joseph Leonetti and passed unanimously to issue an administrative letter of concern regarding Dr. Hayman's failure to evaluate his patient's blood lab report(s) or ordering his own blood lab report and that Dr. Hayman relied on a statement from his patient versus confirming or ordering his own liver function test.

16-27-B; Killian, Ronald, DPM

Dr. Ronald Killian was present. Prior to Board staff providing an update, Frankie Shinn-Eckberg requested that the Board go into executive session to obtain legal advice.

**EXECUTIVE SESSION**

A motion was made by M. Elizabeth Miles, seconded by Dr. Barry Kaplan and passed unanimously to go into executive session at 10:24 a.m. to seek legal advice pursuant to A.R.S. § 38-431.03(A)(3) regarding file no. 16-27-B.

After consideration in executive session, the Board reconvened in open session at 10:28 a.m.

**OPEN SESSION**

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

Investigation Files

16-27-B; Killian, Ronald, DPM

Dr. Ronald Killian was again present. Board staff provided an update and a recent board-history regarding the same issue involving two other licensed podiatrists. Dr. Killian discussed his knowledge of holding a dispensing registration. Dr. Killian stated that he immediately rectified the oversight and the Board granted him a dispensing registration in July.

The Board discussed the two similar matters and concluded that this matter was much more similar to the offense of dispensing for multiple years prior to being registered to do so.

A motion was Dr. Barbara Campbell and seconded by John Rhodes to offer a Consent Agreement to include a \$500.00 administrative civil penalty for dispensing devices prior to the Board granting him a Registration to Dispense Drugs/Devices, and if not accepted to move the matter to a formal administrative hearing. The motion passed 5 – 0 by the following roll call vote:

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

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

Kelly, Tyler, DPM

Lernor, Amanda, DPM

Morse, Mevelyn, DPM

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

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

Arbuckle, Keith, DPM

Udupa, Thares, DPM

After review of the applications, a motion was made by M. Elizabeth Miles, seconded by Dr. Barry Kaplan and passed unanimously to grant the applicants a registration to dispense drugs/devices.

Request for an Extension to Complete the Required Continuing Medical Education (“CME”) for Annual License Renewal

Broadrick, Kevin, DPM

A motion was made by M. Elizabeth Miles, seconded by Dr. Joseph Leonetti and passed to grant the doctor’s request for a 60-extension to complete the statutorily required CME.

**CONSENT AGENDA**

Renewal Applications for Arizona Podiatric License and Dispensing Registration

Beabes, Justin

Broadrick, Kevin

Farrell, Patrick

The Board reviewed the doctors’ renewal applications, their answers to the professional conduct questions and their supporting documentation.

After the discussion, a motion was made by Dr. Barry Kaplan, seconded by John Rhodes and passed unanimously to approve the doctors’ renewal applications and dispensing registrations, if applicable. The motion included reserving the right to pursue action, in the future, based on the outcome of the malpractice claims. The reason for not opening complaint files 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.

A motion was made by M. Elizabeth Miles, seconded by John Rhodes and passed unanimously to approve of the following doctors’ renewal applications and dispensing registrations, if applicable:

- |   |   |
|---|---|
| 1. Accomando, William                       | 18. Corcoran, David                         |
| 2. Ahmed, Raziuddin                         | 19. Cornfield, Michael                      |
| 3. Allen, Brian                             | 20. Cox, John                               |
| 4. Anderson, Robert                         | 21. Dimidjian, Carlos                       |
| 5. <i>Item removed for separate action</i>  | 22. Dolnick, Samuel                         |
| 6. Berkey, Rodney                           | 23. Donela, Richard                         |
| 7. Berman, David                            | 24. Farahani, Kamran                        |
| 8. Bernstein, Randy                         | 25. <i>Item removed for separate action</i> |
| 9. Bock, Jr., Raymond                       | 26. Feinberg, Dale                          |
| 10. Boggs, Scott                            | 27. Fulmer, Daniel                          |
| 11. Bowen, Joel                             | 28. Glesinger, April                        |
| 12. <i>Item removed for separate action</i> | 29. Golub, Ryan                             |
| 13. Burke, William                          | 30. Gorman, Mark                            |
| 14. Burns, Steven                           | 31. Hale, Thomas                            |
| 15. Chiarello, Robert                       | 32. Hutcheson, Brian                        |
| 16. Cohen, Douglas                          | 33. Jacoby, Richard                         |
| 17. Cohn, Jerome                            | 34. Jenkins, David                          |

- |                             |                             |
|-----------------------------|-----------------------------|
| 35. Jeppesen, Nathan        | 56. Pettengill, Matthew     |
| 36. Johnson, Gail           | 57. Price, Scott            |
| 37. Kaner, Sanford          | 58. Ratner, Joyce           |
| 38. Kaufman, Ira            | 59. Reber, Kelly            |
| 39. Kleis, Jeffrey          | 60. Ripperger, J. Barton    |
| 40. Klotzbach-Larios, Tosha | 61. Roth, Bryan             |
| 41. Kuchar, Ladislav        | 62. Rowland, Roberta        |
| 42. Larson, Jay             | 63. Sandall, Blair          |
| 43. Lawson, Bjorn           | 64. Seater-Benson, Vivian   |
| 44. Lew, Eric               | 65. Shumway, Kendall        |
| 45. Limanowski, John        | 66. Silverstein, Glenn      |
| 46. Miller, Floyd           | 67. Stegman, Michael        |
| 47. Montes, Kara            | 68. Tang, Selena            |
| 48. Myskiw, Peter           | 69. Thompson, Chad          |
| 49. Nazarian, Serjik        | 70. Thoms, Tanya            |
| 50. Newswander, Bradley     | 71. Wagner, Leonard         |
| 51. O'Connor, Rachel        | 72. Warheit, Michael        |
| 52. Olsen, Mark             | 73. West, Holly             |
| 53. Olsen, Ron              | 74. Wissman, Lance          |
| 54. Otero-Quintero, Sara    | 75. Wolfensperger, Kimberly |
| 55. Palmquist, Roland       |                             |

#### **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**

The Board requested that the pool of examination questions be placed on the September agenda for review.

#### **CALL TO THE PUBLIC**

No one from the public was present.

#### **NEXT BOARD MEETING DATE**

Wednesday, September 14, 2016 at 8:30 a.m.

#### **ADJOURNMENT**

A motion was made by Dr. Barbara Campbell, seconded by Dr. Barry Kaplan and passed unanimously to adjourn at 11:10 a.m.