



Douglas A. Ducey,
Governor

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

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OPEN SESSION MINUTES

August 9, 2017

Members of the Arizona State Board of Podiatry Examiners (“Board”) held a meeting at 8:39 a.m. on Wednesday, August 9, 2017 at the Board’s office in Suite B-1, 1400 West Washington Street, Phoenix, Arizona 85007. Executive sessions were held from 9:26 a.m. to 9:57 a.m. and from 11:14 a.m. to 11:25 a.m.

BOARD MEMBERS:

- Barbara Campbell, DPM..... Board President and Practitioner Member
- John RhodesSecretary and Public Member
- ⌚ Lynn Hamilton Public Member
- Barry Kaplan, DPM. Practitioner Member
- Joseph Leonetti, DPM..... Practitioner Member
- ⌚ Arrived at 8:44 a.m.

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
- Bruce Levin, DPMRespondent
- Mia Horvath, DPMRespondent
- Bruce D. Crawford, Esq.Respondents’ Attorney
- Shahram Askari, DPMRespondent
- J.T. Shoaf, Esq.Respondent’s Attorney

OPEN SESSION

The meeting was called to order at 8:44 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 declared conflicts with agenda items 17-21-B; Askari, Shahram, 17-22-B; Horvath, Mia and VI.A.88.; Leonetti, Joseph.

ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

Investigation File(s)

17-17-C; Levin, Bruce, DPM

Dr. Bruce Levin was present, along with his legal counsel, Bruce D. Crawford. Dr. Jerome Cohn was present to provide a summary of his investigative report. Dr. Cohn summarized his literature review regarding steroid injections. Mr. Crawford summarized his and Dr. Levin's research and opinions regarding the same. The Board discussed Dr. Levin's billing codes used along with a separate modifier.

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 9:26 a.m. to seek legal pursuant to A.R.S. § 38-431.03(A)(3) regarding file no 17-17-C.

After consideration in executive session, the Board reconvened in open session at 9:57 a.m.

OPEN SESSION

ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

Investigation File(s)

17-17-C; Levin, Bruce, DPM

Dr. Bruce Levin was again present, along with his legal counsel, Bruce D. Crawford. Dr. Jerome Cohn was again present. The Board discussed performing an audit regarding Dr. Levin's use of the billing code 99213 and patients who received a cortisone injection.

After the Board discussed options for the audit and the period that the audit should cover, a motion was made by Dr. Joseph Leonetti, seconded by Dr. Barry Kaplan and passed unanimously to table this matter for future action to allow the Board an opportunity to review six months of patient records from a random sample. The random sample shall be conducted with Dr. Levin submitting a patient list of every patient seen in his office between October 1, 2016 and March 31, 2017. The list shall contain every patient who was billed with a 99213-25 billing code, received a cortisone injection or both. Dr. Levin shall provide the aforementioned list to the Board's executive director within 30 days. Dr. Levin shall be subject to a random chart audit by the Board's investigator, Dr. Jerome Cohn, of no more than ten (10) patient charts selected from the list and Dr. Cohn will provide his results for the Board to review at a future board meeting.

17-22-B; Horvath, Mia, DPM

Dr. Mia Horvath was present, along with her legal counsel, Bruce D. Crawford. Dr. Jerome Cohn was present to provide a summary of his investigative report. Dr. Cohn answered questions regarding the progression of the patient's malunion and post-operative treatment with Dr. Horvath. Dr. Horvath described her disagreement with Dr. Cohn's professional opinion her post-operative treatment. Dr. Horvath described the traumatic fracture and that she inherited the patient at 4 weeks post-op from a surgeon who performed the surgery on the traumatic surgery that is known to have malunion.

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

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

17-21-B; Askari, Shahram, DPM

Dr. Shahram Askari was present, along with his legal counsel, J.T. Shoaf. Dr. Jerome Cohn was present to provide a summary of his investigative report.

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

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

The Board took a break from 10:49 a.m. to 11:02 a.m.

The Board called all of the following matters to discuss going into executive session to seek legal advice.

Review Compliance/Non-compliance with Consent Agreement

17-07-C; Wessel, Loren, DPM

Initial Analysis

Wessel, Loren

CONSENT AGENDA

Renewal Applications for Arizona Podiatric License and Dispensing Registration

Wessel, Loren

EXECUTIVE SESSION

A motion was made by Dr. Barbara Campbell, seconded by John Rhodes and passed unanimously to go into executive session at 11:14 a.m. to seek legal pursuant to A.R.S. § 38-431.03(A)(3) regarding file no 17-07-C, initial analysis file regarding Loren Wessel and Loren Wessel's renewal application.

After consideration in executive session, the Board reconvened in open session at 11:25 a.m.

OPEN SESSION

ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

Review Compliance/Non-compliance with Consent Agreement

17-07-C; Wessel, Loren, DPM

Bruce D. Crawford, Esq. was present on behalf of Dr. Loren Wessel. Mr. Crawford proposed that the Board table the matter to allow for him and the Board's Assistant Attorney General to meet and then present the Board with an agreed upon resolution.

A motion was made by Dr. Barry Kaplan, seconded by John Rhodes and passed unanimously to table the matter to allow for the respective attorneys an opportunity to meet and provide the Board with a resolution to this matter.

CONSENT AGENDA

Renewal Applications for Arizona Podiatric License and Dispensing Registration

Wessel, Loren

Bruce D. Crawford, Esq. was present and stated that he has not yet been retained by Dr. Wessel regarding this matter, but wanted to remain present to properly serve Dr. Wessel.

A motion was made by Dr. Barbara Campbell and seconded by Dr. Joseph Leonetti to move this matter to a hearing to deny Dr. Wessel's application for renewal. The motion passed 5 – 0 by the following roll call vote:

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

Initial Analysis

Wessel, Loren

Frankie Shinn-Eckberg provided a brief summary regarding the new federal indictment.

After a brief discussion, a motion was made by Dr. Joseph Leonetti, seconded by Dr. Barry Kaplan and passed unanimously to table this matter until a future meeting to allow for the attorneys to meeting regarding a potentially agreed upon proposal and to allow for a formal hearing to take place regarding the respondent's renewal, which either may make this new matter irrelevant.

REVIEW, DISCUSSION AND POSSIBLE ACTION ON BOARD MEETING MINUTES

Discussion and approval of the Open Session Minutes from the July 12, 2017 board meeting

A motion was made by Dr. Barbara Campbell, seconded by John Rhodes and passed unanimously to approve the Open Session Minutes from the July 12, 2017, board meeting.

ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

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

Benjamin-Swonger, Mary, DPM

Flynn, Zachary, DPM

Gillespie, Steven, DPM

Kayce, Jason, DPM

Megorden, Laura, DPM

O'Bryant, Steven, DPM

Whitford, Lara, DPM

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

CONSENT AGENDA

Renewal Applications for Arizona Podiatric License and Dispensing Registration

62. Leonetti, Michael, DPM

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

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

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

1. Allen, Brian, DPM
2. *Item removed for separate action*
3. Andrews, Boyd, DPM
4. Arbuckle, Keith, DPM
5. Aung, Barbara, DPM
6. Axt, Steven, DPM
7. Barrett, Stephen, DPM
8. Bates, David, DPM
9. Beabes, Justin, DPM
10. Benjamin-Swonger, Mary, DPM
11. Berman, David, DPM
12. Bock, Jr., Raymond, DPM
13. Bodmer, Edward, DPM
14. Brekke, Mark, DPM
15. Brigandi, Catherine, DPM
16. Broadhead, Brian, DPM
17. Brower, Randall, DPM
18. Burns, Ana, DPM
19. Burns, Steven, DPM
20. Caton, Adam, DPM
21. Chiarello, Robert, DPM
22. Choe, Ki, DPM
23. Coffey, Jamie, DPM
24. Cohn, Jerome, DPM
25. Collins, Karl, DPM
26. Cocoran, David, DPM
27. Cornfield, Michael, DPM
28. Costantino, Michael, DPM
29. Cox, Todd, DPM
30. Cox, Samuel, DPM
31. Crampton, Scott, DPM
32. Dahukey, Amram, DPM
33. Daulat, Rajesh, DPM
34. Dechowitz, Brian, DPM
35. DeRose, Joseph, DPM
36. Dimidjian, Carlos, DPM
37. Domanico, Joseph, DPM
38. Donela, Richard, DPM
39. Doyle, Dustin, DPM
40. Erotas, John, DPM
41. Farahani, Kamran, DPM
42. Farkas, Michael, DPM
43. Feinberg, Dale, DPM
44. Fisher, Timothy, DPM
45. Flynn, Zachary, DPM
46. Freed, Lewis, DPM
47. Friedlander, Gary, DPM
48. Fulmer, Daniel, DPM
49. Geller, Stephen, DPM
50. Gillespie, Steven, DPM
51. Glesinger, April, DPM
52. Golub, Ryan, DPM
53. Gooch, David, DPM
54. Granone, Julia, DPM
55. Gross, Arnold, DPM
56. Gunzy, Todd, DPM
57. Hale, Thomas, DPM
58. Hansen, Myron, DPM

59. Harlan, John, DPM
60. Hegewald, Kenneth, DPM
61. Huish, James, DPM
62. Farrell, Patrick, DPM
63. Huston, Erika, DPM
64. Hutcheson, Brian, DPM
65. Janowicz, Rachel, DPM
66. Jenkins, David, DPM
67. Jespersen, Wade, DPM
68. Johnson, Gail, DPM
69. Jones, Jacob, DPM
70. Jones, Matthew, DPM
71. Jones, Noland, DPM
72. Kaner, Sanford, DPM
73. Kayce, Jason, DPM
74. Keller, Jr., Paul, DPM
75. Killian, Ronald, DPM
76. Kirk, Patricia, DPM
77. Kleis, Jeffrey, DPM
78. Klotzbach-Larios, Tosha, DPM
79. *Item removed for separate action*
80. Kuchar, Ladislav, DPM
81. Lamster, Todd, DPM
82. Lardizabal, Marisse, DPM
83. Larkin, Kirk, DPM
84. Larson, Jay, DPM
85. Laurino, Jr., David, DPM
86. Ledesma, Paul, DPM
87. Lee, David, DPM
88. *Item removed for separate action*
89. Lew, Eric, DPM
90. Limanowski, John, DPM
91. Losi, Therese, DPM
92. Lowy, Andrew, DPM
93. Mann, Cindy, DPM
94. Mann, Steven, DPM
95. Marquez, Allison, DPM
96. Martin, Richard, DPM
97. Maselli, Mary, DPM
98. McMaster, Paul, DPM
99. Mendicino, Robert, DPM
100. Miller, Floyd, DPM
101. Miller, Lois, DPM
102. Miltchin, Hartley, DPM
103. Momjian, Pierre, DPM
104. Montes, Kara, DPM
105. Mott, Richard, DPM
106. Myers, Robin, DPM
107. Myskiw, Peter, DPM
108. Nagy, Ronald, DPM
109. Newswander, Bradley, DPM
110. Niemann, Spencer, DPM
111. O'Brien, Kevin, DPM
112. O'Connor, Rachel, DPM
113. Otero-Quintero, Sara, DPM
114. Pallini, Lisa, DPM
115. Pettengill, Matthew, DPM
116. Powers, John, DPM
117. Quint, Richard, DPM
118. Rabin, Ralph, DPM
119. Rader, Andrew, DPM
120. Rampertab, Deo, DPM
121. Richards, Kathleen, DPM
122. Roeder, Brett, DPM
123. Rheaume, Gordon, DPM
124. Ripperger, J. Barton, DPM
125. Rosenblum, Michael, DPM
126. Sandall, Blair, DPM
127. Schade, Valerie, DPM
128. Seater-Benson, Vivian, DPM
129. Seidner, Arthur, DPM
130. Sekosky, Michael, DPM
131. Sherman, Allen, DPM
132. Shoffer, James, DPM
133. Short, Timothy, DPM
134. Shumway, Kendall, DPM
135. Simmons, Shaun, DPM
136. Simonson, Evan, DPM
137. Sluiter, Eric, DPM
138. Smith, Martin, DPM
139. Straley, Andrew, DPM
140. Suen, McQueen, DPM
141. *Item removed for separate action*
142. Tager, Steven, DPM
143. Tang, Selena, DPM
144. Tassone, John, DPM
145. Taylor, Robert, DPM
146. Thaler, George, DPM
147. Thomas, Tanya, DPM
148. Tierney, Edward, DPM
149. Thompson, Chad, DPM
150. Trattner, Eric, DPM
151. Vaughn, Kyle, DPM
152. Vella, Joseph, DPM

153. Violand, Melanie, DPM
154. Wagner, Leonard, DPM
155. Warheit, Michael, DPM
156. Wessel, Loren, DPM*

157. Westphal, Chad, DPM
158. Wilde, Troy, DPM
159. Wissman, Lance, DPM
160. Zielsdorf, Lee, DPM

2. Anderson, Robert, DPM

79. Kravitz, Alan, DPM

141. Suykerbuyk, Christopher, DPM

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

After a discussion regarding opening complaint files versus not opening complaint files for Board investigation, a motion was made by Dr. Joseph Leonetti, seconded by Dr. Barbara Campbell and passed unanimously to open investigation files.

Another motion was made by Dr. Barry Kaplan, seconded by Dr. Joseph Leonetti and passed unanimously to request the entire patient chart related to Dr. Suykerbuyk's malpractice matter since no legal documents were provided with his renewal application.

A final motion was also made by Dr. Barbara Campbell, seconded by John Rhodes and passed unanimously to approve of the doctors' renewal applications and dispensing registrations, if applicable.

EXECUTIVE DIRECTOR'S REPORT

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

ASSISTANT ATTORNEY'S GENERAL REPORT

Frankie Shinn-Eckberg provided a summary regarding state legislation that passed in the last legislative session.

CALL TO THE PUBLIC

No one was present from the public.

SUMMARY OF CURRENT EVENTS

None were discussed.

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

None were discussed.

NEXT BOARD MEETING DATE

Wednesday, September 13, 2017 at 8:30 a.m.

ADJOURNMENT

A motion was made by Dr. Barbara Campbell, seconded by John Rhodes and passed unanimously to adjourn at 1:09 p.m.