



Douglas A. Ducey,  
Governor

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

1400 West Washington, Suite 230  
Phoenix, Arizona 85007  
P: (602)542-8151  
F: (602)542-3093  
W: [www.podiatry.az.gov](http://www.podiatry.az.gov)

**OPEN SESSION MINUTES**

**September 13, 2017**

Members of the Arizona State Board of Podiatry Examiners (“Board”) held a meeting at 8:35 a.m. on Wednesday, September 13, 2017 at the Board’s office in Suite B-1, 1400 West Washington Street, Phoenix, Arizona 85007. An executive session was held from 10:10 a.m. to 10:41 a.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

**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  
Complainant..... Investigative Case 17-25-C  
Complainant..... Investigative Case 17-23-C

## **OPEN SESSION**

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

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

No new conflicts were declared.

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

#### **Discussion and approval of the Open Session Minutes from the August 9, 2017 board meeting**

A motion was made by Dr. Barry Kaplan, seconded by Lynn Hamilton and passed unanimously to approve the Open Session Minutes from the August 9, 2017, board meeting.

#### **Discussion and approval of the Executive Session Minutes from the August 9, 2017 board meeting**

A motion was made by Dr. Barry Kaplan, seconded by Lynn Hamilton and passed unanimously to approve the Open Session Minutes from the August 9, 2017, board meeting.

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

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

Chambers, Thomas, DPM

Squire, Chad, DPM

After review of the applications, a motion was made by Dr. Barry Kaplan, seconded by Lynn Hamilton 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**

Butcher, Jamila, DPM

After review of the application, a motion was made by Dr. Barry Kaplan, seconded by Dr. Joseph Leonetti and passed unanimously to grant the applicant a registration to dispense drugs/devices.

#### **Investigation File(s)**

17-25-C; Fishco, William, DPM

Dr. William Fishco was not present. Dr. Jerome Cohn was present to provide a summary of his investigative report. Dr. Cohn summarized his investigative report regarding the allegations raised by the patient. Dr. Cohn concluded that the treatment to provide cortisone injections may result in the progression of a hammertoe and planter plate issues with a subsequent need for surgery. However, a hammertoe was clearly identified on the radiographic films taken by Dr. Fishco prior to any treatment. The complainant was present and read a statement regarding her experience and treatment under the care of Dr. Fishco.

After discussion, a motion was made by John Rhodes, seconded by Dr. Barry Kaplan and passed unanimously to issue an administrative letter of concern regarding the adequacy of patient education being provided prior to an injection of cortisone in the treatment of certain conditions. The motion included notifying Dr. Fishco to thoroughly educate his patients about all of the potential adverse effects associated with this type of injection and provide a consent form to each patient prior using this type of treatment.

17-23-C; Friedlander, Gary, DPM

Dr. Gary Friedlander was not present. Dr. Barbara Campbell provided a summary of the investigator's investigative report. Dr. Campbell summarized the investigative report regarding the allegations raised by the patient. The investigative report concluded the patient present to Dr. Friedlander for aches and pain in her right heel and tender lumps under the skin of both feet. She was diagnosed with plantar fasciitis and biomechanical imbalance and Dr. Friedlander debrided calluses, to rule out other pathologies, and recommended orthotics. In addition, the complainant was told by Dr. Friedlander, which he also admits, that he would send "the lumps to the lab for analysis". However, the specimens were not sent to the lab and the complainant was left waiting to hear from Dr. Friedlander's office regarding the results of the lab test, which never came, but she was still billed for. . The complainant was present and described her experience and treatment under the care of Dr. Friedlander. She did not feel it necessary for Dr. Friedlander to debride her calluses, but certainly did not believe she should pay for lab work when it was not performed.

After the Board discussed its current inability to require Dr. Friedlander to issue a reimbursement pursuant to A.R.S. § 32-3225, a motion was made by Dr. Barry Kaplan, seconded by John Rhodes and passed unanimously to issue an administrative letter of concern regarding the clarity and the lack of communication between the Dr. Friedlander and his patient. More specifically, the Board concluded that Dr. Friedlander did not accurately inform his patient of the procedure he performed and billed for and failed to communicate the discrepancy and/or respond to the patient in a timely manner. Lastly, the motion included strongly recommending that Dr. Friedlander consider making a refund to the patient of the fees collected for the patient's April 26, 2017 office visit.

*The Board took a break from 9:53 a.m. to 10:07 a.m.*

**CONSENT AGENDA**

Renewal Applications for Arizona Podiatric License and Dispensing Registration

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

- |  |                                 |
|--|---------------------------------|
| 1. Accomando, William, DPM                 | 6. Pappalardo, Jennifer, DPM    |
| 2. Cheney, Allison, DPM                    | 7. West, Holly, DPM             |
| 3. Erredge, Susan, DPM                     | 8. Wolf, Arnold, DPM            |
| 4. <i>Item removed for separate action</i> | 9. Wolfensperger, Kimberly, DPM |
| 5. Olsen, Ron, DPM                         | 10. Yousefpour, Makabis, DPM    |

4. Hall, Hugh, DPM

The Board reviewed the renewal application, the doctor's answers to the professional conduct questions and his supporting documentation.

A motion was made by Dr. Barry Kaplan, seconded by John Rhodes and passed unanimously to approve of the doctor's renewal application.

After discussion, a motion was made by Dr. Barry Kaplan, seconded by John Rhodes and passed unanimously to open an investigation file.

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

Review Investigation File and Proposed Settlement Offer

17-07-C; Wessel, Loren, DPM; and

Initial Analysis

Wessel, Loren

The Board called both matters and 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 10:10 a.m. to seek legal pursuant to A.R.S. § 38-431.03(A)(3) & (4) regarding file no 17-07-C and Initial Analysis of a new complaint filed against Dr. Loren Wessel.

After consideration in executive session, the Board reconvened in open session at 10:41 a.m.

**OPEN SESSION**

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

Review Investigation File and Proposed Settlement Offer

17-07-C; Wessel, Loren, DPM; and

A motion was made by Dr. Barbara Campbell and seconded by Dr. Joseph Leonetti to accept the proposed settlement to offer a consent agreement to Dr. Wessel to include a three-year suspension—not to run concurrent with his current civil probation, must complete four hours of ethics each renewal cycle and must renew his Arizona podiatry license during each renewal cycle. 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

Another motion was made by Dr. Barbara Campbell, seconded by Dr. Joseph Leonetti and passed unanimously that if the previous offer is not accepted within 30 days, to consolidate all complaint files and file a complaint and notice of hearing for the revocation of Dr. Wessel's license.

Initial Analysis

Wessel, Loren

A motion was made by Dr. Barbara Campbell, seconded by John Rhodes and passed unanimously to open an additional file based on the current indictment regarding Medicare fraud.

**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**

No one was present from the public.

**NEXT BOARD MEETING DATE**

Wednesday, September 13, 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 11:23 a.m.