



Douglas A. Ducey
Governor

State Of Arizona Board of Podiatry Examiners

"Protecting the Public's Health"

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Barry Kaplan, DPM; Joseph Leonetti, DPM; Barbara Campbell, DPM;
M. Elizabeth Miles, Public Member; John Rhodes, Public Member; Sarah Penttinen, Executive Director

BOARD MEETING MINUTES

February 11, 2015; 8:30 a.m.
1400 West Washington St., B1
Phoenix, AZ 85007

Board Members: Barbara Campbell, D.P.M, President
Barry Kaplan, D.P.M., Member
Joseph Leonetti, D.P.M., Member
John Rhodes, Secretary-Treasurer
M. Elizabeth Miles, Public Member

Staff: Sarah Penttinen, Executive Director

Assistant Attorneys General: John Tellier
Frankie Shinn-Eckberg

The items listed below were not reviewed in the order in which they appear in the agenda or minutes.

I. Call to Order

The meeting was called to order at 8:42 a.m.

II. Roll Call

All Board members were present as well as Ms. Penttinen, Mr. Tellier and Ms. Shinn-Eckberg.

III. Approval of Minutes

a. January 14, 2015 Regular Session Minutes.

MOTION: Dr. Kaplan moved to approve the minutes. Mr. Rhodes seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

MOTION: Ms. Miles moved to re-open review of the minutes based on corrections noted by Dr. Kaplan. Dr. Kaplan seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

MOTION: Dr. Kaplan moved to approve the minutes with the corrections he offered. Mr. Rhodes seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

IV. Review, Discussion and Possible Action – Probation / Disciplinary Matters

a. 11-01-C – Kevin O’Brien, DPM: Update on CME approval request related to consent agreement.

The Board members reviewed the status of Dr. O’Brien’s CME to date. There was previous approval for the Superbones conference for 15.75 hours. Dr. O’Brien had completed a CPEP course but did not obtain pre-approval; the Board will allow him to obtain additional hours in CPEP. Dr. O’Brien also completed 18 hours at the Desert Foot Conference, 25 hours at the Podiatry Institute conference, and a two-day seminar on medical documentation. However, not all completion certificates have been submitted. Also, it is unclear which practice area(s) Dr. O’Brien wants to restore and whether he intends the Podiatry Institute conference to apply to his consent agreement or his upcoming license renewal. Ms. Penttinen will contact Dr. O’Brien to obtain this information,

It was noted that Dr. O’Brien had been represented by an attorney for this case. Ms. Penttinen had tried to get in touch with that attorney regarding Dr. O’Brien’s CME but after multiple attempts learned that the attorney is no longer working in the same office and apparently is no longer representing Dr. O’Brien. The Board advised Ms. Penttinen that in the future any correspondence to a licensee’s attorney should be copied and sent directly to the licensee as well. Also, due to Dr. O’Brien not returning messages left with his staff, phone calls of this nature should be minimized and all communication should be in writing.

b. 14-09-B – Janna Kroleski, DPM: Monthly update.

Ms. Penttinen reviewed the follow-up information she received from Dr. O’Connell.

MOTION: Ms. Miles moved to go into Executive Session for the purpose of discussing Dr. Kroleski’s personal health information. Dr. Leonetti seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote and the Board adjourned into Executive Session at 9:06 a.m.

The Board returned to Regular Session at 9:13 a.m.

c. 14-18-B – Mark Pipher, DPM: Monthly update.

Ms. Penttinen reviewed that at the January meeting the Board voted to allow Dr. Pipher 60 days to complete all court-ordered requirements. Dr. Pipher completed such in 30 days and has submitted proof of completion. Ms. Penttinen spoke with Dr. Pipher who said he would be available to appear before they Board if there are any continuing questions about his court compliance. Dr. Kaplan stated he feels this case can be dismissed at this time. Ms. Penttinen confirmed that Dr. Pipher reported this incident properly per A.R.S. §32-3208, and the evaluation report from his substance abuse evaluation states this appears to have been a one-time incident and there are no concerns regarding Dr. Pipher’s fitness to practice. Dr. Leonetti stated he would be more comfortable if the Board had the ability to monitor Dr. Pipher in some fashion in

order to endure his continued fitness to practice. There was brief discussion regarding how that monitoring would be done and what the violation would be, via a consent agreement, in order to necessitate the monitoring.

MOTION: Dr. Kaplan moved to go into Executive Session for the purpose of obtaining legal advice. Mr. Rhodes seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote and the Board adjourned into Executive Session at 9:20 a.m.

The Board returned to Regular Session at 9:30 a.m.

Dr. Leonetti stated his main concern is making sure Dr. Pipher is safe to practice and that the Board is making sure the public is protected. He does not feel there is enough information at this time to demonstrate that. There was discussion among the Board members about obtaining copies of the Motor Vehicle Department records in relation to all interlock breathalyzer results. Dr. Pipher has ten months left on that requirement. Mr. Tellier advised that the Board could request the MVD information via a public records request or subpoena if needed and that this case could be table to obtain that information before making a final decision. The Board members agreed to table the case until the April meeting and that there should be enough information at that time to determine if any additional monitoring is necessary.

d. 14-25-B – Kelvin Crezee, DPM: Status update regarding formal hearing.

Ms. Penttinen reviewed that the formal hearing in this matter was originally scheduled for February 17, 2015. However, Dr. Crezee's attorney requested a postponement due to a scheduling conflict. A pre-hearing scheduling conference has been set for February 20, 2015. Based on information already provided by Dr. Crezee's attorney, it is believed that the hearing will be scheduled for some time in March or April.

V. Review, Discussion and Possible Action on Administrative Matters

a. Review of podiatry student rotations for Northwestern University.

Dr. Jeffrey Page was present with attorney Paul Giancola. Dr. Kaplan made a statement to Dr. Page and the Board members regarding a discussion he had with his colleague Dr. Kerry Zang and how this matter came before the Board. He stated that he never represented to Dr. Zang that he was speaking as a Board member and he feels many aspects of this issue have been mischaracterized and misstated. The Board members previously received copies of templates of contracts Northwestern has entered into with various providers and facilities for their podiatry students' externships. The Board is now in receipt of a list of all providers and facilities with whom Northwestern has contracted for that purpose.

Dr. Page addressed the Board and stated this issue came to light during a discussion with one of his students in which there were concerns regarding whether students were allowed to engage in hands-on care during their externship rotations. After discussion with Dr. Zang there was some confusion which has now been clarified.

Dr. Page stated that the student rotations and hands-on involvement has been the same for the last ten years since their podiatry school opened. He believed that he had provided all requested information but then learned about the need for Board approval of the externship programs. He provided copies of all contract templates which were reviewed by the Board. Ms. Penttinen explained that she contacted Dr. Page after that review and requested copies of each of the specific contracts. Dr. Page had advised he needed permission from Midwestern to release those but has now provided a list of all externship affiliations which he states are in conformance with the templates. At this time he is willing to provide any information the Board needs in order to comply with the statutory requirement of Board approval for externship programs or contracts.

There was additional discussion between the Board members and Dr. Page regarding Midwestern's externship programs or contracts. The Board members agreed that hands-on activities are permitted as long as the student is being properly supervised. Of the 89 externship sites in Arizona, Dr. Page stated approximately half are utilized on a regular basis. He also confirmed that CPME has accredited each of the externships sites. The Board also agreed review of specific contracts would not be needed as long as they are in conformance with the contract templates already provided and the programs are approved by CPME. Dr. Page confirmed that Midwestern's CPME accreditation is renewed every seven years and they are currently accredited through 2019. There was brief discussion regarding billing for services provided by students and how many students are sent to each facility / site at the same time.

The Board requested that Dr. Page provide information about Midwestern's vetting process for individual practitioners who are supervising podiatry students. Dr. Page agreed to forward that information.

b. Review of complaint investigation procedures.

The Board members reviewed the complaint investigation procedure proposed by Ms. Penttinen. The procedure provides that the subject of the complaint would be sent a copy of the complaint and asked to provide a written response and copy of the patient records. The complainant also would be notified of receipt of their complaint. Upon receipt of the response from the doctor, the case will then go on the next available Board meeting agenda for a first review. The Board will then determine if a final disposition can be completed at that time or if additional information or records are needed. The Board members also will determine whether each case should be assigned to an investigator or if Board member review would be sufficient and appropriate. The Board members also considered the possibility of future option of having an ad hoc committee to complete a "first review" of complaints prior to full Board review.

c. Review of new license application for Dr. Marcus Yetter.

MOTION: Ms. Miles moved to approve Dr. Yetter to sit for the oral licensing exam and issue his license upon successful completion thereof. Mr. Rhodes seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

d. Malpractice case report. (None at this time.)

VI. Executive Director's Report – Review, Discussion and Possible Action

a. Open complaint status report.

Ms. Penttinen reviewed the report which indicates there are fifty open complaints. She continues to work with the investigators to obtain missing records and assign new cases as they become available.

VII. Call To The Public

There were no requests to speak during the Call to the Public.

VIII. Next Board Meeting Date:

a. March 11, 2015 at 8:30 a.m.

IX. Adjournment

MOTION: Dr. Kaplan moved to adjourn the meeting. Dr. Leonetti seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote and the meeting was adjourned at 10:28a.m.