



Douglas A. Ducey,  
Governor

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

1740 West Adams St., Suite 3004  
Phoenix, Arizona 85007  
P: (602)542-8151  
W: [www.podiatry.az.gov](http://www.podiatry.az.gov)

**OPEN SESSION MINUTES**

**March 13, 2019**

Members of the Arizona State Board of Podiatry Examiners (“Board”) held a meeting at 8:31 a.m. on Wednesday, March 13, 2019 at the Board’s office in Boardroom C, 1740 West Adams St., Phoenix, Arizona 85007. The Board met in executive session from 8:33 a.m. to 8:40 a.m and from 8:45 a.m. to 8:51 a.m.

**BOARD MEMBERS:**

- Barbara Campbell, DPM..... Board President and Practitioner Member
- John Rhodes .....Secretary and Public Member
- ✓ Joseph Leonetti, DPM..... Practitioner Member
- Mark Forman, DPM.....Practitioner Member
- Vacancy.....Public Member
- ✓ Absent

**STAFF AND ASSISTANT ATTORNEY GENERAL PRESENT:**

- Kristina C. Gomez ..... Executive Director
- Frankie Shinn-Eckberg, Esq..... Assistant Attorney General
- Heather Broaddus.....New Executive Director

**GUEST(S) PRESENT AND/OR PARTICIPATING**

- ☎ Jerome A. Cohn, DPM.....Board’s Investigator
- ☎ Dedrie M. Polakof, DPM.....Board’s Investigator
- Brenna J. Gingrich, Esq.....Respondent’s Attorney
- Luis Bustemante.....Recruiter, ADOA Human Resources
- ☎ Appeared telephonically

**OPEN SESSION**

The meeting was called to order at 8:31 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 PERSONNEL MATTERS  
REGARDING THE POSITION OF EXECUTIVE DIRECTOR**

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

**EXECUTIVE SESSION**

A motion was made by Dr. Campbell, seconded by Dr. Mark Forman, and passed unanimously to go into executive session at 8:32 a.m. to discuss personnel matters as it relates to filling the Executive Director position pursuant to A.R.S. § 38-431.03(A)(1).

After executive session, the Board reconvened in open session at 8:42 a.m.

**OPEN SESSION**

**REVIEW, DISCUSSION AND POSSIBLE ACTION ON PERSONNEL MATTERS  
REGARDING THE POSITION OF EXECUTIVE DIRECTOR**

Executive Director, Kristina Gomez was instructed by the Board to forward the offer letter of employment to Ms. Heather Broaddus with the effective date March 13, 2019 as was order at the February 5, 2019 special meeting.

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

Investigation File(s)

18-26-C; Farrell, Patrick, DPM

Dr. Patrick Farrell was not present; however, his legal counsel Brenna J. Gingrich was present to respond to board questions. The investigator, Dr. Jerome Cohn participated telephonically to answer questions from the Board.

**EXECUTIVE SESSION**

A motion was made by Dr. Campbell, seconded by Dr. Mark Forman, and passed unanimously to go into executive session at 8:44 a.m. to receive confidential legal advice from the Board's attorney pursuant to A.R.S. § 38-431.03(A)(3) regarding file no. 18-26-C.

After executive session, the Board reconvened in open session at 8:55 a.m.

**OPEN SESSION**

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

Investigation File(s)

18-26-C; Farrell, Patrick, DPM

Assistant Attorney General Frankie Shinn-Eckberg re-read the motion from the February 13, 2019 board meeting regarding the proposed Order for Dr. Patrick Farrell. Ms. Shinn-Eckberg requested that the Board rescind the Order in order to have Dr. Farrell complete a patient chart audit. The Board instructed staff to send a letter with the parameters of the patient chart audit. Ms. Gingrich will communicate with Dr. Farrell the terms reflected in the letter. The matter is tabled until the audit is complete.

A motion was made by Dr. Mark Forman, seconded by Mr. John Rhodes and passed 3 – 0 to table the matter for the audit.

|           | Dr. Campbell | Dr. Leonetti | Dr. Forman | Mr. Rhodes | VACANCY |
|-----------|--------------|--------------|------------|------------|---------|
| Yay       | X            |              | X          | X          |         |
| Nay       |              |              |            |            |         |
| Recused   |              |              |            |            |         |
| Abstained |              |              |            |            |         |
| Absent    |              | X            |            |            |         |

19-13-C; Geller, Stephen, DPM

This was an anonymous complaint. Dr. Stephen Geller was not present. Dr. Jerome Cohn participated telephonically and summarized his investigator’s report concerning the matter. Dr. Cohn responded to the Board’s questions regarding the complaint.

After discussion, a motion was made by Mr. John Rhodes, seconded by Dr. Mark Forman, and passed 3 – 0 to dismiss the case due to no violations of Board Statutes and Rules.

|           | Dr. Campbell | Dr. Leonetti | Dr. Forman | Mr. Rhodes | VACANCY |
|-----------|--------------|--------------|------------|------------|---------|
| Yay       | X            |              | X          | X          |         |
| Nay       |              |              |            |            |         |
| Recused   |              |              |            |            |         |
| Abstained |              |              |            |            |         |
| Absent    |              | X            |            |            |         |

Update of Investigator’s Review of Audit Report

Clark, Seth, DPM

Dr. Polakof participated telephonically and summarized her audit report of the patient chart audit. She stated that there has been some improvement in some areas of concern; however, billing records were missing. Dr. Polakof would like to review more patient charts each month to see if there is a pattern of improvement. The Board agreed that Dr. Polakof can ask Dr. Seth Clark for more patient charts each month pursuant to the terms in the Consent Agreement.

Consent Agreement and Order Request for Approval of Continuing Medical Education (“CME”)

Clark, Seth, DPM

The Board reviewed and discussed the letter and supporting documentation submitted by Dr. Seth Clark concerning the approval of continuing medial education (“CME”) pursuant to the Consent Agreement.

After discussion, a motion was made by Dr. Barbara Campbell, seconded by Dr. Mark Forman, and passed 3 – 0 that the submitted CMEs satisfy the terms pursuant to the Consent Agreement.

|           | Dr. Campbell | Dr. Leonetti | Dr. Forman | Mr. Rhodes | VACANCY |
|-----------|--------------|--------------|------------|------------|---------|
| Yay       | X            |              | X          | X          |         |
| Nay       |              |              |            |            |         |
| Recused   |              |              |            |            |         |
| Abstained |              |              |            |            |         |
| Absent    |              | X            |            |            |         |

Update of Consent Agreement and Order

15-06-C; Peterson, Kent, DPM

Dr. Kent Peterson signed and submitted his Addendum to the initial Consent Agreement. Dr. Peterson will continue his probation and patient chart audit pursuant to his Consent Agreement.

15-06-C; Hayman, Brad, DPM

Dr. Brad Hayman continues to check in monthly with board staff regarding the terms in his consent agreement. Dr. Hayman has not performed any osteotomies.

18-08-C; Farrell, Patrick, DPM

Dr. Patrick Farrell has not performed any nerve decompression procedures on patients under his care.

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

Discussion and approval of the Open Session Minutes from the February 13, 2019 board meeting

After the Board made an amendment, a motion was made by Dr. Barbara Campbell, seconded by Dr. Mark Forman, and passed 3 – 0 to approve the Open Session Minutes from the February 13, 2019 Board meeting as written.

|           | Dr. Campbell | Dr. Leonetti | Dr. Forman | Mr. Rhodes | VACANCY |
|-----------|--------------|--------------|------------|------------|---------|
| Yay       | X            |              | X          | X          |         |
| Nay       |              |              |            |            |         |
| Recused   |              |              |            |            |         |
| Abstained |              |              |            |            |         |
| Absent    |              | X            |            |            |         |

Discussion and approval of the Executive Session Minutes from the February 13, 2019 board meeting

A motion was made by Dr. Mark Forman, seconded by Mr. John Rhodes, and passed 3 – 0 to approve the Executive Session Minutes from the February 13, 2019 Board meeting as written.

|           | Dr. Campbell | Dr. Leonetti | Dr. Forman | Mr. Rhodes | VACANCY |
|-----------|--------------|--------------|------------|------------|---------|
| Yay       | X            |              | X          | X          |         |
| Nay       |              |              |            |            |         |
| Recused   |              |              |            |            |         |
| Abstained |              |              |            |            |         |
| Absent    |              | X            |            |            |         |

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

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

After a review of the application, a motion was made by Dr. Barbara Campbell, seconded by Dr. Mark Forman and passed 3 – 0 to issue licenses to the following applicants to practice podiatry, to be issued on the condition that the required license issuance fee shall be paid within 12 months from the date of Board approval:

|           | Dr. Campbell | Dr. Leonetti | Dr. Forman | Mr. Rhodes | VACANCY |
|-----------|--------------|--------------|------------|------------|---------|
| Yay       | X            |              | X          | X          |         |
| Nay       |              |              |            |            |         |
| Recused   |              |              |            |            |         |
| Abstained |              |              |            |            |         |
| Absent    |              | X            |            |            |         |

1. Whiting, Trevor, DPM

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

After review of the applications, a motion was made by Dr. Barbara Campbell, seconded by Dr. Mark Forman and passed 3 – 0 to grant the applicant(s) a registration to dispense drugs/devices contingent upon receipt of a copy of the applicants’ DEA certificate.

1. Whiting, Trevor, DPM

|           | Dr. Campbell | Dr. Leonetti | Dr. Forman | Mr. Rhodes | VACANCY |
|-----------|--------------|--------------|------------|------------|---------|
| Yay       | X            |              | X          | X          |         |
| Nay       |              |              |            |            |         |
| Recused   |              |              |            |            |         |
| Abstained |              |              |            |            |         |
| Absent    |              | X            |            |            |         |

Initial Analysis

The Board reviewed and discussed information received regarding advertising for Surgery-Free Bunion Therapy and whether to open an investigation file concerning the matter. The Board discussed whether this is acceptable practice in the community, given that A.R.S. § 32-854.01 (2) states that prescribing, dispensing or pretending to use, in treating any patient, any secret remedial agent, or manifesting or promoting its use in any way, or guaranteeing or implying to guarantee any treatment, therapy or remedy is considered unprofessional conduct.

After discussion, the Board instructed staff to send a letter to the doctor informing him of a potential violation of state statute. The Board would like an explanation on why this is not a secret remedial agent or procedure.

Investigation Files Recommended for Dismissal

This was an anonymous complaint against a doctor. The investigator, Dr. Jerome Cohn summarized his report regarding the matter. The complaint has provided inadequate information to imitate an investigation. There are no dates of service and no specific concerns.

After discussion, a motion was made by Dr. Barbara Campbell, seconded by Mr. John Rhodes, and passed 3 – 0 to note to proceed with the matter due to lack of information.

|           | Dr. Campbell | Dr. Leonetti | Dr. Forman | Mr. Rhodes | VACANCY |
|-----------|--------------|--------------|------------|------------|---------|
| Yay       | X            |              | X          | X          |         |
| Nay       |              |              |            |            |         |
| Recused   |              |              |            |            |         |
| Abstained |              |              |            |            |         |
| Absent    |              | X            |            |            |         |

Review, Discussion and Possible Action for New Investigation File

The Board reviewed and discussed the complaint file regarding an x-ray. The Board’s investigator, Dr. Jerome Cohn contacted the Arizona Department of Health Services Bureau of Radiation Control. Staff from the Bureau of Radiation Control informed Dr. Cohn that the complaint matter is their jurisdiction, and requested the Arizona State Board of Podiatry Examiners to transfer the complaint to their office.

After discussion, a motion was made by Dr. Mark Forman, seconded by Mr. John Rhodes, and passed 3 – 0 to refer the complaint matter to the Arizona Department of Health Services Bureau of Radiation Control.

|           | Dr. Campbell | Dr. Leonetti | Dr. Forman | Mr. Rhodes | VACANCY |
|-----------|--------------|--------------|------------|------------|---------|
| Yay       | X            |              | X          | X          |         |
| Nay       |              |              |            |            |         |
| Recused   |              |              |            |            |         |
| Abstained |              |              |            |            |         |
| Absent    |              | X            |            |            |         |

Request for Approval of Continuing Medical Education (“CME”)

After review and discussion of the submitted CME course, a motion was made by Dr. Barbara Campbell, seconded by Dr. Mark Forman and passed 3 - 0 to approve the CME course submitted by Dr. Amram Dahukey.

|           | Dr. Campbell | Dr. Leonetti | Dr. Forman | Mr. Rhodes | VACANCY |
|-----------|--------------|--------------|------------|------------|---------|
| Yay       | X            |              | X          | X          |         |
| Nay       |              |              |            |            |         |
| Recused   |              |              |            |            |         |
| Abstained |              |              |            |            |         |
| Absent    |              | X            |            |            |         |

**EXECUTIVE DIRECTOR’S REPORT**

The Board reviewed the budget, agency operations, and complaint log with Kristina C. Gomez.

**SUMMARY OF CURRENT EVENTS**

None were discussed.

**CALL TO THE PUBLIC**

No one was present from the public.

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

Dr. Mark Forman would like to discuss possible action of rule regarding CMEs.

**NEXT BOARD MEETING DATE**

Wednesday, April 10, 2019 at 8:30 a.m.

**ADJOURNMENT**

A motion was made by Dr. Barbara Campbell, seconded by Dr. Mark Forman, and passed unanimously to adjourn at 9:54 a.m.

|           | Dr. Campbell | Dr. Leonetti | Dr. Forman | Mr. Rhodes | VACANCY |
|-----------|--------------|--------------|------------|------------|---------|
| Yay       | X            |              | X          | X          |         |
| Nay       |              |              |            |            |         |
| Recused   |              |              |            |            |         |
| Abstained |              |              |            |            |         |
| Absent    |              | X            |            |            |         |