



Janet Napolitano  
Governor

State Of Arizona Board of Podiatry Examiners  
"Protecting the Public's Health"

1400 W. Washington, Ste. 230, Phoenix, AZ 85007; (602) 542-3095; Fax: 542-3093  
Barry Kaplan, DPM; Joseph Leonetti, DPM; Dedrie Polakof, DPM; Paula Hollins, Public Member;  
Jeanne Reagan, Public Member, Dee Doyle, Executive Director

**REGULAR SESSION MINUTES**  
**Board Meeting**

February 13, 2008 8:30 a.m.  
1400 West Washington St., B1  
Phoenix, AZ 85007

**A. Call to Order by Presiding Officer**

Dr. Polakof, President called the meeting to order at 8:35 a.m.

Roll call of Board members was done to establish a quorum to conduct the meeting.

Board Members Present: Dedrie Polakof, D.P.M., Board President  
Joseph Leonetti, D.P.M., Member  
Barry Kaplan, D.P.M., Member  
Paula Hollins, Secretary-Treasurer  
Jeanne Reagan, Public Representative

Acknowledgement of Board staff and legal counsel.

Assistant Attorney General: Camilla Alarcon, filled in for Melissa Cornelius  
Absent Melissa Cornelius

Board Staff: Dee Doyle, Executive Director

Auditor General Office Representative: Emily Chipman, Robin Hakes and Dale Chapman

**B. EXECUTIVE SESSION FOR DISCUSSION AND CONSIDERATION AND POSSIBLE ACTION ON ADMINISTRATIVE CONFIDENTIAL AUDIT MATTERS 8: 30 a.m. to 9:30 a.m.**

1. Auditor General update

**MOTION:** Dr. Polakof moved to go into Executive Session for confidential audit general matters at 8:35 am.  
Dr. Leonetti seconded the motion.

**VOTE:** The motion passed unanimously 5 yes, 0 no

The Board convened Executive Session at 8:35 am  
The Board returned to Regular Session at 9:38 am

**C. DISCUSSION AND CONSIDERATION AND POSSIBLE ACTION ON APPROVAL OF MINUTES.**

1. Regular Session Meeting Minutes of January 9, 2008

**MOTION:** Dr. Leonetti moved to approve the minutes of January 9, 2008 as written. Dr. Kaplan seconded the motion.

**VOTE:** The motion passed unanimously 5 yes, 0 no

2. Executive Session Meeting Minutes of January 9, 2008

**MOTION:** Dr. Polakof moved to approve the Executive Session minutes of January 9, 2008 as written. Dr. Leonetti seconded the motion.

**VOTE:** The motion passed unanimously 5 yes, 0 no

3. Telephone Conference Meeting Minutes of February 6, 2008

**MOTION:** Dr. Polakof moved to approve the Telephone Conference Meeting Minutes of February 6, 2008 as written. Dr. Kaplan seconded the motion.

**VOTE:** The motion passed unanimously 5 yes, 0 no

**D. DISCUSSION AND CONSIDERATION AND POSSIBLE ACTION ON REGULATORY MATTERS.**

1. Complaints before the Board for the First Time

**a. Richard E. Wells.**

Dr. Polakof summarized this matter for the board. The Board received a business card with Richard E. Wells, DPM name on it indicating he is practicing in Scottsdale as a DPM; the Board has no records showing he is a Licensed Podiatrist, Richard Wells does not hold a valid state podiatry license.

According to A.R.S. 32-851. **PRACTICING PODIATRY WITHOUT LICENSE PROHIBITED**” It is unlawful for a person to practice podiatry, or to hold himself out to be or assume or attempt to act as a podiatrist, without a valid un-revoked license to practice podiatry.”

According to A.R.S. §32-855 **VIOLATIONS; CLASSIFICATION; INJUNCTIVE RELIEF** A. A person is guilty of a class 2 misdemeanor who:

1. Practices or advertises or holds himself out as practicing or entitled to practice podiatry, or who in a sign or advertisement uses the term chiroprapist, foot specialist, podiatrist, practapedist or other term or letter indicating or implying that he practices podiatry or foot correction, without having at the time a valid un-revoked license to practice podiatry.

**MOTION:** Dr. Polakof moved to issue Richard E. Wells a Cease and Desist order and send a copy to the Assistant Attorney General and County Attorneys office regarding this matter. Dr. Kaplan seconded the motion.

**VOTE:** The motion passed unanimously 5 yes, 0 no

**b. 07-44-C RON OLSEN**

The Board is in receipt of a complaint filed against Ron Olsen, DPM initiated by his patient, L.A. The Board is also in receipt of the doctor’s written response, and the complete patient medical records.

The complainant alleges practice below the standard of care and treatment prior to surgery.

Following discussion the Board dismissed this case finding no violation in Arizona State Statutes.

**MOTION:** Dr. Leonetti moved to dismiss the complaint finding no apparent violation of the Arizona Revised Statutes governing the practice of podiatry. Dr. Polakof seconded the motion.

**VOTE:** The motion passed unanimously 5 yes, 0 no

**c. 07-45-C GILBERT SHAPIRO-**

The Board is in receipt of a complaint filed against Gilbert Shapiro, DPM initiated by his patient, A.Z. The Board is also in receipt of the doctor’s written response, and the complete patient medical records.

The complainant alleges practice below the standard of care and treatment prior to and after surgery. Dr. Shapiro performed a bunion surgery on her right foot.

AZ was present to address the Board regarding her complaint. She gave the Board a copy of a foot diagram that Dr. Shapiro had given her showing the area that needed to be addressed.

Following discussion the Board tabled the complaint for further investigation. The Board requested a subpoena be sent to Dr. Chiarello, for copies of the complete patient medical records for the next board meeting including pre and post operation report and notes.

**d. 07-46-C STEVEN ABRAMS-**

The Board is in receipt of a complaint filed against Steven Abrams, DPM initiated by his patient, BM. The Board is also in receipt of the doctor's written response. No medical records were received from the doctor this is not a medical related complaint.

The complainant alleges unprofessional conduct for doctor/patient confidentiality by Dr. Abrams.

Following Discussion the Board dismissed this complaint finding no violation in Arizona State Statutes.

**MOTION:** Dr. Kaplan moved to dismiss the complaint finding no apparent violation of the Arizona Revised Statutes governing the practice of podiatry. Ms. Reagan seconded the motion.

**VOTE:** The motion passed unanimously 5 yes, 0 no

**e. 07-47-C ARLENE POLAKOF-**

The Board is in receipt of a complaint filed against Arlene Polakof, DPM initiated by an anonymous complainant. The Board is also in receipt of the doctor's written response, and the medical records.

The Board tabled the complaint to review the doctors response and for further investigation.

2. Open Complaints

1. **05-27-M ELAINE J. SHAPIRO** – updated February 4, still in litigation

A letter from Dr. Shapiro attorney was received stating this complaint it is still in litigation the matter was tabled.

2. **07-39-C ELAINE SHAPIRO-Investigative Interview 9:30 a.m.**

Dr. Shapiro was present at the Board meeting. The complainant J.B. was not able to attend the meeting.

At a previous meeting, the Board tabled the complaint filed against Elaine Shapiro, DPM initiated by her patient J.B. for further investigation, and moved to hold an investigative interview with the doctor pursuant to A.R.S. §32-852.01 (A) based on a possible violation of A.R.S. §32-32-854.01(20).

The complainant alleges practice below the standard of care and treatment by Dr. Shapiro who performed a phenol matrixectomy surgery that resulted in severe burns on his toe that resulted in severe pain, loss of mobility, and work.

The Board asked questions of Dr. Shapiro to which she responded. Following discussion the Board tabled this investigative interview for further information. The Board requested Dr. Shapiro to send a copy of the consent to operate forms for this patient.

3. **05-36-C GEORGE N. THOMPSON** –Continuance till March 12, 2008 **Investigative Interview 9:30 a.m.**

At a previous meeting, the Board tabled these complaints filed against George Thompson, DPM initiated by his patients for further investigation, and moved to hold an investigative interview with the doctor pursuant to A.R.S. §32-852.01 (A) based on a possible violation of A.R.S. §32-32-854.01(20)(21)and (22)

Tom Kelley, attorney for George Thompson called the Board's office on February 12, 2008 requesting a continuance for this Investigative Interview until the March 12, 2008 board meeting. The continuance was granted by the Board for case 05-36-C, 06-03-C, 06-11-C, 06-28-C and 07-36-B.

4. 06-03-C GEORGE N. THOMPSON- **Investigative Interview 9:30 a.m.**
5. 06-11-C GEORGE N. THOMPSON- **Investigative Interview 9:30 a.m.**
6. 06-28-C GEORGE N. THOMPSON- **Investigative Interview 9:30 a.m.**
7. 07-36-B GEORGE N. THOMPSON- **Investigative Interview 9:30 a.m.**
  
8. 06-04-C ALAN GAVECK

The Board tabled this case until the Superior court case has been completed.

9. 06-06-C MICHAEL DERSHOWITZ

The Board tabled this complaint it has been referred to the Office of Administrative Hearing.

10. 06-22-M ANDREW LOWY

The Board tabled this complaint the status report from Bruce Crawford, Attorney for Dr. Lowy, indicated this matter was still in litigation.

11. 07-11-C J. DAVID BROWN

**MOTION:** Dr. Polakof moved to go into Executive Session to obtain legal advice. Dr. Kaplan seconded the motion.

**VOTE:** The motion passed unanimously 5 yes, 0 no

The Board convened Executive Session at 10:33 am

The Board returned to Regular Session at 10:38 am

Christine Cassetta, Attorney handed out a letter to the Board dated February 13, 2008 regarding Dr. Brown investigation and how his name appears on the agenda and the open meeting law concerns. Ms. Cassetta also addressed the Board verbally with her complaint regarding how the Board agenda is set up and the Open Meeting Law procedure. She indicated she is a former Solicitor General from the Attorney Generals office and that other Boards should be looked at to how the agenda items should appear. Specifically the Call to the Public should be first on the agenda and issues should be stated before the Board makes a motion on them.

The Board tabled this matter to review the letter that Ms. Cassetta handed out, and they will consult with the Boards Attorney General.

Following discussion the Board instructed staff to send a subpoena to Dr. Peters for another interview at the next Board meeting.

**MOTION:** Dr. Kaplan moved to subpoena Dr. Mary Peters for another interview with the Board at the March 12, 2008 board meeting. Dr. Leonetti seconded the motion.

**VOTE:** The motion passed unanimously 5 yes, 0 no

12. **07-13-C KRIS A. DINUCCI - Investigative Interview March 12, 2008, 9:30 a.m.**

At a previous meeting, the Board tabled the complaint filed against Dr. DiNucci for further investigation and invited Dr. DiNucci to an Investigative Interview at the March 12, 2008 meeting.

13. **07-28-C KENT PETERSON**

At a previous meeting, the Board Tabled this case until the Medicare investigation is complete.

14. **07-32-B SERJIK NAZARIAN**

At a previous meeting, the Board tabled this complaint and sent Dr. Nazarian a consent agreement to review; the Board has not received the signed agreement back in the office. The Board asked staff to check with our Assistant Attorney General regarding this matter.

15. **07-37-M BRANDON KIM - Investigative Interview March 12, 2008, 9:30 a.m.**  
**Continuance requested and granted until April 9, 2008 board meeting**

The Board is in receipt of a letter from Edward Ladley, Attorney to Dr. Kim, stating Dr. Kim, is medically disabled and no longer practicing podiatric medicine and wishes to voluntarily surrender his license in lieu of going forward with the investigation of this case.

Following discussion, the Board moved to proceed with this complaint and the Investigative Interview, so it will be a matter of record in case Dr. Kim should re-apply for an Arizona license in the future or move to another state, this investigation will be documented. Dr. Kim can surrender his license if he so chooses but the Board will proceed with the investigation, and the interview has been continued until April 9, 2008.

**16. 07-38-M MARK GORMAN - Investigative Interview March 12, 2008, 9:30 a.m.  
Continuance requested and granted until April 9, 2008 board meeting**

The Board tabled this investigation until the April 9, 2008 board meeting at the request of Bruce Crawford, Dr. Gorman's attorney.

**17. 07-41-C JOYCE N. RATNER**

At a previous meeting, the Board tabled the complaint filed against Joyce Ratner, DPM initiated by her patient W. N. for further investigation. The Board is also in receipt of the doctor's written response, and the complete patient medical records.

The complainant alleges practice below the standard of care and treatment for a procedure that was cancelled and orthotic inserts that were made wrong and wants a refund.

The Board is in receipt of the patient medical records from William Fishco, DPM.

Following discussion, the Board dismissed this complaint.

**MOTION:** Dr. Leonetti moved to dismiss the complaint finding no apparent violation of the Arizona Revised Statutes governing the practice of podiatry. Dr. Kaplan seconded the motion.

**VOTE:** The motion passed unanimously 5 yes, 0 no

**18. 07-42-C CATHLEEN MCCARTHY- Investigative Interview 9:30 a.m.**

Cathleen McCarthy, DPM was present at this meeting to answer questions by the Board. Attorney, Charles Hover, III was present at this meeting representing Dr. McCarthy and Dr. Cota

Mr. Hover, addressed the Board and stated the complainant was not a patient of Dr. McCarthy.

**MOTION:** Dr. Leonetti moved to dismiss the complaint finding no apparent violation of the Arizona Revised Statutes governing the practice of podiatry. Dr. Polakof seconded the motion.

**VOTE:** The motion passed unanimously 5 yes, 0 no

**19. 07-43-C LAUREEN COTA- Investigative Interview 9:30 a.m.**

At a previous meeting, the Board tabled the complaint filed against Laureen Cota, DPM initiated by her patient A. C. for further investigation. The Board moved to hold an Investigative Interview with Dr. Cota pursuant to A.R.S. 32-852.01 (A) based on a possible violation of A.R.S. 32-854.01. The Board is in receipt of the doctor's written response, and the complete patient medical records. The X-rays were sent to the Board by the Patient.

Laureen Cota, DPM was present at this meeting to answer questions by the Board. Attorney, Charles Hover, III was present at this meeting representing Dr. McCarthy and Dr. Cota.

The complainant alleges practice below the standard of care and treatment for overlooking a foreign object in her right foot.

The Board asked Dr. Cota question regarding this case to which she replied.

Following discussion the Board dismissed this complaint finding no violation in Arizona State Statutes.

**MOTION:** Dr. Polakof moved to dismiss the complaint finding no apparent violation of the Arizona Revised Statutes governing the practice of podiatry. Dr. Leonetti seconded the motion.

**VOTE:** The motion passed unanimously 5 yes, 0 no

**E. DISCUSSION AND CONSIDERATION AND POSSIBLE ACTION ON ADMINISTRATIVE MATTERS**

1. Executive Director up date report – Governor’s proposed consolidation of state boards.
  - A. AZ Statement of Citizenship & Alien Status for state public benefits form
  - B. Updated renewal form
  - C. Certificate to Dispense

Ms. Doyle updated the board on the new law and statement requirement for citizenship and alien status for state public benefits form. Also an updated renewal form was handed out for the Board to review. A registration certificate to dispense sample was given to the Board to review.

**G. CORRESPONDENCE**

A. Correspondence received from Anna Natcher, DPM – regarding Endovenous Laser Treatment  
The Board is in receipt of a letter from Anna Natcher, DPM requesting approval to perform Endovenous Laser Treatment.

Following discussion the Board directed staff to send Dr. Natcher a letter and refer her to the statutes according to A.R.S. §32-801. Definitions; 3. “Leg” means that part of the lower limb between the knee and the foot. Also to have Dr. Natcher check with her medical mal-practice policy regarding treatment above the knee, it is not acceptable and is out of the State Scope of practice.

- B. Correspondence email received from Jason Anderson, DPM-regarding fellowship training and an Arizona license.

The Board is in receipt of an email from Jason Anderson, DPM asking about a fellowship training he wished to take under a doctor in Tucson for a three month period.

The Board stated a Fellowship program has to be an approved program by the American Podiatric Medical Association and be registered by them. This program would have to be documented and approved as a Fellowship to determine the time line of this program.

Send a letter to inquire if Dr. Anderson is currently licensed in any other state and if this Fellowship is not an approved program he will have to obtain a state license to qualify.

**F. CALL TO THE PUBLIC**

Dr. Polakof gave a call to the public.

Ms. Z, the patient from Gilbert Shapiro, DPM case addressed the board regarding the diagram copy she gave the Board with instruction, she is trusting it the boards care, to make copies of and return it back to her.

**ADJORNMENT**

There being no further business before the Board, the meeting was adjourned at 11:30 p.m.

**NOTE: Next Meeting Date: March 12, 2008**

Respectfully submitted,

Dee Doyle  
Executive Director

APPROVED:

