



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

June 11, 2008 8:30 a.m.
1400 West Washington St., B1
Phoenix, AZ 85007

Board Members: 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

Staff: Dee Doyle, Executive Director

Assistant Attorney General: Keely Verstegen

CALL TO ORDER

The regularly scheduled meeting of the Arizona State Board of Podiatry Examiners was called to order at 8:30 A.M., Dr. Polakof presiding.

APPROVAL OF MINUTES

Pursuant to A.R.S. § 38-431.03(A) (2), any discussion of the executive session minutes will take place in executive session.

1. May 14, 2008 Regular Board Meeting Minutes
2. May 14, 2008 Executive Session Minutes
3. May 30, 2008 Telephone Conference Meeting Minutes

MOTION: Ms. Reagan moved to approve the May 14, 2008 regular session minutes, Dr. Kaplan seconded the motion.

VOTE: The Motion Passed unanimously 5 yes, 0 no

MOTION: Dr. Kaplan moved to approve the Executive Session meeting minutes for May 14, 2008, Ms. Reagan seconded the motion.

VOTE: The Motion Passed unanimously 5 yes, 0 no

MOTION: Dr. Leonetti moved to approve the Telephone Conference meeting minutes for May 30, 2008, Dr. Kaplan seconded the motion.

VOTE: The Motion Passed unanimously 5 yes, 0 no

D. REVIEW, DISCUSSION AND POSSIBLE ACTION ON REGULATORY MATTERS.

Pursuant to A.R.S. § 32-852.01 the Board will conduct an Investigate The board on its own motion may investigate any evidence which appears to show that a podiatrist is or may be guilty of a violation of Section 32-852. The Board may vote to go into Executive Session pursuant to A.R.S. § 38-431.03(A) (2) (to discuss confidential information), A.R.S. § 38-431.03(A) (3) (to receive legal advice).

1. INVESTIGATIVE INTERVIEW

- a) **08-01-C KELVIN CREZEE – Requested a continuance until July 9, 2008-Investigative Interview 8:30 am - continued**

Bruce Crawford attorney for Dr. Crezee asked for a continuance of the investigative interview until the July 9, 2008 board meeting.

This matter was tabled until July 9, 2008.

b) **07-37-M BRANDON KIM - Investigative Interview 8:30 am continued from August 13, 2008**

At a previous board meeting documentation for Dr. Kim's case was requested in paper copy form. The documents have not yet been received by the board to review; this matter was tabled and will be held at the August 13, 2008 board meeting per the request of Ed Ladley, Dr. Kim's attorney.

c) **07-38-M MARK GORMAN - Investigative Interview, 8:30 am continued till August 13, 2008**

At a previous board meeting documentation from Dr. Kim's and Dr. Gorman's cases are related to the same mal-practice case, the requested paper copies have not yet been received so this interview had to be continued. Bruce Crawford attorney to Dr. Gorman was not available for the June 11, 2008 meeting and Dr. Gorman is not available for the July 9, this interview will be at the August 13, 2008 board meeting.

2. INITIAL REVIEW

a) **08-06-C SCOTT CRAMPTON** –patient records received, no x-rays

The Board is in receipt of a complaint filed against Scott Crampton, DPM initiated by patient J. G. The Board is also in receipt of the doctor's written response, and the patient medical records.

The complainant alleges he had a pair of therapeutic shoes ordered and received in November, 2007 by Dr. Crampton. In January of 2008 J.G. wanted to get another pair of shoes. Dr. Crampton's office issues one pair of shoes every 12 months, Medicare allows a pair of shoe's per calendar year.

The Board discussed Dr. Crampton summary report and determined a calendar year or once a year is the office policy is not a violation of state law.

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

b) **08-07-C CLARK FULLMER**-patient records received, photo's & x-rays

The Board is in receipt of a complaint filed against Clark Fullmer, DPM initiated by patient Y. C. The Board is also in receipt of the doctor's written response, and the patient medical records and x-ray's.

The complainant alleges practice below standard of care and treatment after surgery. Y.C. First saw Dr. Zobel regarding her feet, after the surgery she followed up with Dr. Fullmer.

Following discussion, Dr. Leonetti requested the following records be obtained from Dr. Fullmer and have him come in for an investigative interview at the July 9, 2008 board meeting.

1. Copy of all billing records
2. Copy of estimation of benefit forms

MOTION: Dr. Polakof, moved to have Dr. Fullmer come to the July 9 board meeting for an investigative interview, Dr. Kaplan seconded the motion

VOTE: The motion passed unanimously 5 yes, 0

d) **08-08-C ROBERT ZOBEL**-patient records received

The Board is in receipt of a complaint filed against Dr. Zobel, DPM initiated by patient Y. C. The Board is in receipt of the doctor's written response, and the patient medical records with x-ray.

The complainant alleges practice below standard of care and treatment after surgery. Y.C. First saw Dr. Zobel regarding her feet, after the surgery she followed up with Dr. Fullmer.

Following discussion, Dr. Leonetti requested the following records be obtained from Dr. Zobel and have him come in for an investigative interview at the July 9, 2008 board meeting.

1. Copy of all billing records
2. Copy of surgical consent form
3. Copy of estimation of benefit form

MOTION: Dr. Kaplan, moved to have Dr. Zobel come to the July 9 board meeting for an investigative interview, Ms. Reagan seconded the motion

VOTE: The motion passed unanimously 5 yes, 0

e) **08-12-C ELAINE SHAPIRO**

The Board is in receipt of a complaint filed against Elaine Shapiro, for altering patient records. Following review of this complaint the board requested the following:

1. A letter will be sent to Elaine Shapiro, DPM regarding this complaint and requesting a detailed explanation of why records were altered for patient W.W. while in your care.
2. Contact complainant and obtain more information as to when the records were altered and any internal peer review, quality of care or review process's that have investigated this matter.

f) **08-13-C GEORGE THOMPSON**

The Board is in receipt of a complaint filed against George Thompson for excessive billing and patient care.

Following Discussion the board directed staff to contact two podiatrists, Dr. Glen Silverstein and/or Dr. Geller to investigate this complaint for the board.

g) **08-14-C H WILLIAM REESE**

The Board is in receipt of a complaint filed against Dr. Reese, initiated by patient R.Y. The Board is in receipt of the doctor's written response, and the patient medical records.

The complainant alleges practice below standard of care and treatment after surgery.

Following discussion the board needs to receive the following records and this matter was tabled until documents are received:

1. Copy of consent form
2. Copy of all billing forms
3. Dates when procedure was done
4. Dates the photos were taken

h) **08-15-C JEFFREY COPOLOFF**

The Board is in receipt of a complaint filed against Dr. Copoloff, initiated by J.P. for her son patient D.P. The Board is in receipt of the doctor's written response, and the patient medical records.

The complainant alleges treatment was not medically necessary.

On May 29, 2008 the Board received an additional letter from complainant J.P. wishing to withdraw the complaint, however once the board receives a complaint they have to proceed with the case.

Following discussion the board needs to receive the following records and this matter was tabled until documents are received:

1. X-rays
2. Copy of all billing records
3. Copy of estimation of benefits
4. Statement from doctor justification as to why electric stimulation was performed on a fresh bone fracture.

i) **08-20-M ROBERT FRIDRICH**

The Board is in receipt of a medical mal-practice submitted by the National Practitioner Data Bank.

Dr. Fridrich's attorney Bruce Crawford sent in the requested records and also specified the Board has already reviewed this case when Dr. Fridrich was on probation and because of this case extended his probation six more months.

Based on the information received the board moved to dismiss this case.

MOTION: Dr. Leonetti moved to dismiss this case has already been determined by the Board. Dr. Kaplan seconded the motion.

VOTE: The motion passed unanimously 5 yes, 0

3. OPEN COMPLAINTS

a) 06-04-C ALAN GAVECK

Keely Verstegan, Assistant Attorney General informed the Board that an appeal has been made regarding the ruling received from Superior Court of Arizona. The Decree of Censure and Order is in place as of May 6, 2008.

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

VOTE: The motion passed unanimously 5 yes, 0 no

The Board convened Executive Session at 9:20 am

The Board returned to Regular Session at 9:28 am

b) 07-11-C J. DAVID BROWN

The Board moved to table this matter and put on the agenda for July 9, 2008.

08-03-C ELAINE SHAPIRO

The Board is in receipt of two complaints filed against Dr. Shapiro for possible unprofessional conduct. The Board at its May 14, 2008 meeting voted to hold an Investigative Interview with Dr. Shapiro at the July 9, 2008 board meeting.

This matter was tabled until the July 9, 2008 meeting.

4. STATUS UPDATES – no action information only

a) 05-27-M ELAINE J. SHAPIRO

The Board received notice from Bruce Smith attorney to Dr. Shapiro for this mal-practice case, the lawsuit against Dr. Shapiro has settled.

The Board will now go forward with there active investigation on this case. Following discussion the following documentation was requested by the board;

1. Request the final case papers from Mr. Smith on this case

b) 06-22-M ANDREW LOWY- in litigation,

This matter was tabled it is still pending litigation.

c) 07-28-C KENT PETERSON – monthly report update

This matter was tabled as the update of records was not received. Board requested a letter to be sent for an update on this case.

- d) 05-36-C GEORGE N. THOMPSON
- e) 06-03-C GEORGE N. THOMPSON
- f) 06-11-C GEORGE N. THOMPSON
- g) 06-28-C GEORGE N. THOMPSON
- h) 07-36-B GEORGE N. THOMPSON
- i) 08-17-B GEORGE N. THOMPSON

The Board will proceed to review these cases at the July 9, 2008 board meeting. Dr. Thompson is scheduled for an Informal Hearing at the July 9, meeting.

5. PROBATIONARY STATUS REPORTS

a) 07-32-B SERJIK NAZARIAN – monthly review of records for consent agreement
Dr. Nazarian is on probation and his records are reviewed and audited each month.

Dr. Kaplan has reviewed the records sent in from April and May; the following records were not received and will be requested from Dr. Nazarian.

1. No chart received for patient L.S. x-rays also
2. No billing or estimation of benefits form for patient P.A.
3. Consent form missing.

MOTION: Dr. Kaplan moved to have Dr. Nazarian in for an Investigative Interview at the July 9, 2008 meeting regarding his probation and file review.

VOTE: The motion passed unanimously 5 yes, 0 no

E. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON CORRESPONDENCE -

1. Information only received from Cathleen McCarthy
The Board reviewed the information received from Dr. McCarthy regarding dispensing of DME devices.

2. Correspondence from Serjik Nazarian on required CME for renewal of license.
The Board approved the continuing medical education certificates sent by Dr. Nazarian.

F. DISCUSSION AND CONSIDERATION AND POSSIBLE ACTION ON ADMINISTRATIVE MATTERS

The Board may vote to go into Executive Session pursuant to A.R.S. § 38-431.03(A)(2) (to discuss confidential information), A.R.S. § 38-431.03(A)(3) (to receive legal advice).

1. Possible Executive Session to discuss confidential podiatric entrance exam.
The oral exam was given on June 10, 2006. A couple of the questions need clarification.

2. Discussion on extending the board meetings to a full day if it's a full agenda and holding the meetings every other month.

Based on the complaint case load this is not possible at this time, the board will continue to have monthly board meetings.

3. Draft Rules review
The Board will be updating there rules within the next year.

4. Proposed Consolidation Plan sent on 5/23/08 from Tracy Hannah
Dr. Polakof stated that a proposed consolidation plan was sent to eleven regulatory boards to review and make comments on. Dr. Polakof will draft a response to Tracy Hannah to state the Arizona Podiatry Board is not interested in this consolidation plan.

G. DISCUSSION, CONSIDERATION, REVIEW, APPROVAL AND POSSIBLE ACTION OF RENEWAL APPLICATIONS FOR 2008.

The Board may vote to go into Executive Session pursuant to A.R.S. § 38-431.03(A) (2) (to discuss confidential information), A.R.S. § 38-431.03(A) (3) (to receive legal advice).

1. Renewals Applications Received

Abrams, Steven	Gorman, Mark	Klebe, Lester	Rowe, James W	Hayman, Brad	
Bates, David	Hamilton, Jarrett	Krahn, Morten	Shapiro, Elaine	Gelling, W Joseph	Thompson, Chad
Broadhead, Brian	Hansen, Myron H	Kravitz, Alan B	Short, Timothy	Lu, Adam K	Agoada, David
Cohen, Richard	Harant, William Jr	Levin, Bruce	Smith, Karen	Sidoriak, Peter	Reber, Kelly
Dancho, James	Harlan, J. Timothy	Lubeck, Stanley	Smith, Martin	Su, Antonius	Bodmer, Edward
Dobkin, Marvin	Hatch, Daniel	Noss, Dennis	Steiner, Isidore	Gillroy, Kelley	Zielsdorf, Lee
Evans, Robert	Howansky, Petrusia	Polakof, Dedrie	Warner, Paul	Cicchinelli, Luke	Rabin, Ralph
Forman, Mark	Kaplan, Barry	Powers, John	Westphal, Chad	Miller, Stephen	Rheaume, Gordon
Friedlander, Gary	Kates, Michael	Reber, Travis K	Yamada, Wesley	Nakra, Aprjita	
Frykberg, Robert	Kim, Paul	Richer, Lee D	Zonis, Larry	Lee, Herbert	
		Robison, Glen			

Barry Kaplan and Dedrie Polakof were removed from this list to be voted on separately. Karen Smith, Chad Westphal, Brad Hayman, Adam Lu and Morten Krahn were removed from the list due to more information needed.

MOTION: Dr. Polakof read off the list of renewal applicants to be approved excluding the six mentioned above. Dr. Leonetti seconded the motion.

VOTE: The motion passed 5 yes, 0 no

MOTION: Dr. Leonetti moved to approve the renewal applications for Dedrie Polakof and Barry Kaplan, Ms. Reagan seconded the motion.

VOTE: The motion passed 3 Yes, 0 no, Dr. Polakof and Dr. Kaplan did not vote.

H. CALL TO THE PUBLIC

Citizens who want to address the Board do not need to request permission in advance, but they do need to complete a "Citizen's Request to Speak to the Board" form so that the Board is aware that they are here and that they want to speak to the Board. Each person who wants to address the Board will be given five (5) minutes to do so. However, the Board may limit the number of persons speaking on each issue to a reasonable number of persons. Pursuant to A.R.S. § 38-431.02(H), the Board can discuss or take action ONLY on matters that are listed on the Agenda. Board action on issues that are not listed on the Agenda is limited to directing staff to study the matter or to schedule the matter for further discussion at a future Board Meeting.

No public was present to address the board.

I. EXECUTIVE SESSION FOR UPDATE DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON ADMINISTRATIVE CONFIDENTIAL AUDIT MATTERS

The Board may vote to go into Executive Session pursuant to A.R.S. § 38-431.03(A) (2) (to discuss confidential information), A.R.S. § 38-431.03(A) (3) (to receive legal advice).

MOTION: Dr. Polakof moved to go into executive session for confidential update from the auditor general office. Dr. Kaplan seconded the motion

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

The Board convened Executive Session at 10:20 am

The Board returned to Regular Session at 11:59 am

1. Auditor General update

J. FUTURE AGENDA ITEMS.

Vacant

ADJORNMENT

There being no further business before the Board, the meeting was adjourned at 12:00 noon.

NOTE: Next Meeting Date: July 9, 2008

Dee Doyle
Executive Director

APPROVED:
Dedrie Polakof, DPM
Board President