



Douglas A. Ducey,
Governor

Arizona State Board of Podiatry Examiners

“Protecting the Public’s Health”


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OPEN SESSION MINUTES

January 22, 2020

Members of the Arizona State Board of Podiatry Examiners (“Board”) held a meeting at 8:30 a.m. on Wednesday, January 22, 2020, at 1740 West Adams St., Boardroom C, Phoenix, Arizona 85007. One Executive Session was held.





BOARD MEMBERS:

- Barbara Campbell, DPM..... Board President and Practitioner Member
-  John Rhodes Secretary and Public Member
- Albert Eulano, DPM. Practitioner Member
- Mark Forman, DPM.....Practitioner Member
- Vacancy.....Public Member

STAFF AND ASSISTANT ATTORNEY GENERAL PRESENT:

- Heather Broaddus..... Executive Director
- Marc Harris, Esq. Assistant Attorney General
- Seamus Monaghan, Esq.....Assistant Attorney General

GUEST(S) PRESENT AND/OR PARTICIPATING

-  K.F..... Complainant
- David Lee, DPM.....Licensee
- William Sowders, Esq.....Attorney
- Keith Bangart, DPM.....Licensee
- S.B.....Complainant
- Devin Bland, DPM.....Licensee
-  M.G.....Complainant
- Flynn Carey, Esq.....Attorney
- Patrick Farrell, DPM.....Licensee
- Michael Brewer, DPM.....Licensee
- Peter Wittekind, Esq.....Attorney
- Kara Brock, DPM.....Applicant
- Dedrie Polakof, DPM.....Investigator
-  Jerome Cohn, DPM.....Investigator
-  Appeared telephonically

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OPEN SESSION

Dr. Campbell called the meeting to order at 8:34 a.m. The Board considered the following order of business.

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

There were no declarations of conflicts of interest.

ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

Investigation Files

19-36-C; Serjik Nazarian, DPM

The Boards Investigator, Jerome Cohn, DPM, was present telephonically and provided a summary of the Complaint to the Board. Dr. Nazarian was not present. The Complainant, K.F., was present telephonically, made a statement and answered Board members’ questions. Board members deliberated. After deliberation, Dr. Forman made a motion, seconded by Dr. Eulano, to move Complaint No. 19-36-C to an Informal Hearing for further investigation. The motion carried unanimously, 4-0.

	Dr. Campbell	Dr. Eulano	Dr. Forman	Mr. Rhodes	VACANCY
Yay	X	X	X	X	
Nay					
Recused					
Abstained					
Absent					

19-33-B; David Lee, DPM

The Boards Investigator, Dedrie Polakof, DPM, was present and provided a summary of the Complaint to the Board. Dr. Lee was present, and his attorney, William Sowders, Esq, were present. Dr. Lee and Mr. Sowders requested to speak, made a statement and answered Board members’ questions. Board members deliberated. After deliberation, Dr. Forman made a motion, seconded by Mr. Rhodes, to dismiss Complaint No. 19-33-B as there is no evidence of violation of statute or rule. The motion carried unanimously, 4-0.

	Dr. Campbell	Dr. Eulano	Dr. Forman	Mr. Rhodes	VACANCY
Yay	X	X	X	X	
Nay					
Recused					
Abstained					
Absent					

19-39-C; Keith Bangart, DPM

The Boards Investigator, Dedrie Polakof, DPM, was present and provided a summary of the Complaint to the Board. The Complainant, S.B., was present, requested to speak, made a

statement and answered Board members’ questions. Dr. Bangart and his attorney, William Sowders, Esq, were present, requested to speak, made statements and answered Board members’ questions. Board members deliberated and expressed concern that Dr. Bangart did not direct treatment towards S.B.’s primary complaint. After deliberation, Dr. Campbell made a motion, seconded by Dr. Eulano, to offer Dr. Bangart a Letter of Concern for not directing treatment toward S.B.’s primary complaint. The motion carried unanimously, 4-0.

	Dr. Campbell	Dr. Eulano	Dr. Forman	Mr. Rhodes	VACANCY
Yay	X	X	X	X	
Nay					
Recused					
Abstained					
Absent					

19-23-C; Devin Bland, DPM

Dr. Bland and his attorney, Flynn Carey, Esq, were present, requested to speak, made statements and answered Board members’ questions. Board members deliberated and recognized that the Court dismissed Dr. Bland’s DUI. After deliberation, Dr. Forman made a motion, seconded by Dr. Eulano, to dismiss Complaint No. 19-23-C as there is no evidence of violation of statute or rule. The motion carried unanimously, 4-0.

	Dr. Campbell	Dr. Eulano	Dr. Forman	Mr. Rhodes	VACANCY
Yay	X	X	X	X	
Nay					
Recused					
Abstained					
Absent					

19-40-C; Devin Bland, DPM

Dr. Bland and his attorney, Flynn Carey, Esq, were present. Mr. Carey requested that the Board continue Complaint No. 19-40-C for at least sixty days to allow time for a more thorough response to the allegations. Additionally, Mr. Carey requested that the Board obtain additional records from Tuba City Regional Health Care Corporation, as neither he nor Dr. Bland believe that the records submitted were complete records. Board members deliberated. After deliberation, Dr. Campbell recognized Complainant, M.G., was present telephonically. Dr. Campbell noted that the Board will be continuing this matter and that M.G. will receive communication from the Board. Dr. Campbell made a motion, seconded by Dr. Forman, to continue Complaint No. 19-40-C for at least sixty days. The motion carried unanimously, 4-0.

	Dr. Campbell	Dr. Eulano	Dr. Forman	Mr. Rhodes	VACANCY
Yay	X	X	X	X	
Nay					
Recused					
Abstained					

Absent					
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Update of Investigator’s Review of Audit Report; Complaint No. 18-08-C; Patrick Farrell, DPM
 The Boards Investigator, Dedrie Polakof, DPM, was present and provided a summary of the audit to the Board. Dr. Farrell was present, requested to speak, made a statement and answered Board members’ questions. Board members deliberated and expressed concern with Dr. Farrell’s documentation and billing codes, specifically billing code 99215. Additionally, Board members noted that Dr. Farrell performs full body physical exams, including breast exams.

At 10:53 a.m. Dr. Campbell made a motion, seconded by Dr. Forman, to go into Executive Session. The motion carried unanimously, 4-0. Open session reconvened at 11:15 a.m.

	Dr. Campbell	Dr. Eulano	Dr. Forman	Mr. Rhodes	VACANCY
Yay	X	X	X	X	
Nay					
Recused					
Abstained					
Absent					

After deliberation, Dr. Campbell made a motion, seconded by Dr. Forman, to continue the audit. The motion carried unanimously, 4-0.

	Dr. Campbell	Dr. Eulano	Dr. Forman	Mr. Rhodes	VACANCY
Yay	X	X	X	X	
Nay					
Recused					
Abstained					
Absent					

Michael Brewer, DPM; Non-Disciplinary Order for Continuing Education

Ms. Broaddus provided a summary to the Board. Dr. Brewer and his attorney, Peter Wittekind, Esq., were present, requested to speak, made statements and answered Board members’ questions. After deliberation, Dr. Campbell made a motion, Seconded by Dr. Forman, to rescind the Non-Disciplinary Order for Continuing Education. The motion carried unanimously, 4-0.

	Dr. Campbell	Dr. Eulano	Dr. Forman	Mr. Rhodes	VACANCY
Yay	X	X	X	X	
Nay					
Recused					
Abstained					
Absent					

Dr. Forman made a motion, seconded by Dr. Eulano, to dismiss Complaint No. 19-29-B, as there were no violations of rule or statute. The motion carried unanimously, 4-0.

	Dr. Campbell	Dr. Eulano	Dr. Forman	Mr. Rhodes	VACANCY
Yay	X	X	X	X	
Nay					
Recused					
Abstained					
Absent					

Initial Analysis

Jamie Coffey, DPM

Ms. Broaddus provided a summary to the Board. Dr. Coffey was not present, The Board deliberated and noted that the matter was an informal claim and that Dr. Coffey answered questions on his renewal application appropriately. After deliberation, Dr. Campbell made a motion, seconded by Dr. Forman, to take no action in this matter. The motion carried unanimously, 4-0.

	Dr. Campbell	Dr. Eulano	Dr. Forman	Mr. Rhodes	VACANCY
Yay	X	X	X	X	
Nay					
Recused					
Abstained					
Absent					

Issuance of Licenses

1. Barlow, Megan, DPM

Upon review of Dr. Barlow’s application, the Board noted that Dr. Barlow will not complete her residency until June 2020 otherwise the application meets the requirements of statute and rule. After review, Dr. Campbell made a motion, seconded by Dr. Forman, to approve Dr. Barlow’s application for licensure upon completion of her residency and payment of the license issuance fee. The motion carried unanimously, 4-0.

	Dr. Campbell	Dr. Eulano	Dr. Forman	Mr. Rhodes	VACANCY
Yay	X	X	X	X	
Nay					
Recused					
Abstained					
Absent					

2. Brock, Kara, DPM

Dr. Brock was present, requested to speak, made a statement and answered Board members' questions. Dr. Brock acknowledged that she will not graduate from her residency program until June 2020. Dr. Brock requested that the Board issue her a license a number prior to her graduation date. Board members deliberated and determined that pursuant to A.R.S. 32-826(A) it cannot issue a license number prior to the completion of residency. After review, it was the consensus of the Board to continue Dr. Brock's application until such time that she has completed her residency requirements.

3. Gorman, Catlea DPM

Upon review of Dr. Catlea's application, the Board noted that the application meets the requirements of statute and rule. After review, Dr. Campbell made a motion, seconded by Dr. Forman, to approve Dr. Catlea's application upon payment of the license issuance fee. The motion carried unanimously, 4-0.

	Dr. Campbell	Dr. Eulano	Dr. Forman	Mr. Rhodes	VACANCY
Yay	X	X	X	X	
Nay					
Recused					
Abstained					
Absent					

Applications for Registration to Dispense Drugs/Devices

1. Goodeill, Andrew, DPM

After review of Dr. Goodeill's application, Dr. Campbell made a motion, seconded by Dr. Forman, to approve his application for registration to dispense drugs and devices. The motion carried unanimously, 4-0.

	Dr. Campbell	Dr. Eulano	Dr. Forman	Mr. Rhodes	VACANCY
Yay	X	X	X	X	
Nay					
Recused					
Abstained					
Absent					

2. McGhan, John, DPM

After review of Dr. McGhan's application, Dr. Campbell made a motion, seconded by Dr. Forman, to approve his application for registration to dispense drugs and devices. The motion carried unanimously, 4-0.

	Dr. Campbell	Dr. Eulano	Dr. Forman	Mr. Rhodes	VACANCY
Yay	X	X	X	X	
Nay					
Recused					
Abstained					
Absent					

REVIEW, DISCUSSION AND POSSIBLE ACTION ON BOARD MEETING MINUTES

Discussion and approval of the Open Session Minutes from the December 11, 2019, Board meeting

Dr. Campbell noted a correction under the agenda item for Benjamin Thomas, DPM. Dr. Forman made a motion, seconded by Dr. Campbell, to approve the December 11, 2019, Open Session Minutes with the correction as noted. The motion carried unanimously, 4-0.

	Dr. Campbell	Dr. Eulano	Dr. Forman	Mr. Rhodes	VACANCY
Yay	X	X	X	X	
Nay					
Recused					
Abstained					
Absent					

Discussion and approval of the Executive Session Minutes from the December 11, 2019, Board meeting

Dr. Forman made a motion, seconded by Mr. Rhodes, to approve the December 11, 2019, Executive Session Minutes as drafted. The motion carried unanimously, 4-0.

	Dr. Campbell	Dr. Eulano	Dr. Forman	Mr. Rhodes	VACANCY
Yay	X	X	X	X	
Nay					
Recused					
Abstained					
Absent					

Discussion and approval of the Open Session Minutes from the December 19, 2019, Board meeting

Dr. Forman made a motion, seconded by Mr. Rhodes, to approve the December 19, 2019, Open Session Minutes as drafted. The motion carried unanimously, 4-0.

	Dr. Campbell	Dr. Eulano	Dr. Forman	Mr. Rhodes	VACANCY
Yay	X	X	X	X	
Nay					

Recused					
Abstained					
Absent					

Investigator Position

1. Steck, Jerome, DPM

Dr. Steck was present telephonically. Board members noted Dr. Steck’s CV and discussed the Investigator position with Dr. Steck. Dr. Steck indicated his availability to conduct investigations. Ms. Broaddus discussed the procedure for contracting with a Board Investigator. After discussion, Dr. Campbell made a motion, seconded by Dr. Forman, to offer the Investigator position to Dr. Steck and instructed Ms. Broaddus to send him a letter and the Investigator contract. The motion carried unanimously, 4-0.

	Dr. Campbell	Dr. Eulano	Dr. Forman	Mr. Rhodes	VACANCY
Yay	X	X	X	X	
Nay					
Recused					
Abstained					
Absent					

Compliance Update

Patrick Farrell, DPM

Ms. Broaddus provided a summary stating that Dr. Farrell submitted correspondence indicating that he has performed one nerve decompression procedure in December. Dr. Farrell indicated that he will be submitting the patient file to the Board office. The Board took no action in this matter.

Hayman, Brad, DPM

Ms. Broaddus provided a summary stating that Dr. Hayman submitted correspondence indicating that he has not performed any osteotomies. The Board took no action in this matter.

2020 Legislation

Ms. Broaddus summarized stating that at its December 11, 2019, meeting, the Board requested a change to A.R.S. 32-826(A) to clarify that a residency is thirty-six months. The change was drafted and is before the Board for review. Additionally, Ms. Broaddus advised the Board that the Board’s Bill (SB1087) was dropped and is scheduled to be reviewed by the Senate Health and Human Services Committee on January 29, 2020. Board members discussed the draft legislation and expressed concern with section 32-801(9).The Board requested that language be added to clarify that full body physical exams are appropriate when it is within the podiatrist’s scope of practice.

Board Elections

1. Nomination and Election of Board President

Mr. Rhodes made a motion, seconded by Dr. Forman, to nominate Dr. Campbell for Board President. The motion passed 3-0-1, with Dr. Campbell abstained.

	Dr. Campbell	Dr. Eulano	Dr. Forman	Mr. Rhodes	VACANCY
Yay		X	X	X	
Nay					
Recused					
Abstained	X				
Absent					

2. Nomination and Election of Board Secretary

Dr. Campbell made a motion, seconded by Dr. Forman, to nominate Mr. Rhodes as Board Secretary. The motion carried 3-0-1 with Mr. Rhodes abstained.

	Dr. Campbell	Dr. Eulano	Dr. Forman	Mr. Rhodes	VACANCY
Yay	X	X	X		
Nay					
Recused					
Abstained				X	
Absent					

EXECUTIVE DIRECTOR’S REPORT

Ms. Broaddus provided a summary stating that the Governor’s Office responded to the Board’s June 2019, exemption request from the rule-making moratorium. At this time, the Governor’s Office has not approved the Board’s request to raise the annual renewal fee. The Governor’s Office did approve the Board’s request to allow licensees to obtain all of the required continuing education via electronic means. The Governor’s office did not address whether it would approve prorating the initial license fee. Ms. Broaddus spoke with Ms. Rajakovich and the request to prorate the license issuance fee will be forwarded to the Office of Strategic Planning and Budgeting.

Ms. Broaddus stated that at its September 11, 2019, meeting, the Board voted to implement a fee for the Temporary License Application mandated by SB 1086. The Board voted to charge a \$100.00 fee for the application and, once approved, the issuance of the license. On September 19, 2019, an exemption request from the rule-making moratorium was sent to Ms. Rajakovich. To date, the Board has not received a response.

Ms. Broaddus advised the Board that Emily Rajakovich has taken a new position and Trista Guzman-Glover will be the new Director of Boards and Commissions.

Ms. Broaddus advised the Board that the Cebrocker contract was signed and is now effective. The implementation process takes approximately three months.

Ms. Broaddus advised the Board regarding scam callers. Individuals are calling licensees impersonating Board members, or Board representatives, and asking for credit card information over the phone.

Ms. Broaddus provided an update on the Complaint log.

Ms. Broaddus provided an updated budget.

SUMMARY OF CURRENT EVENTS

There were no items reported.

CALL TO THE PUBLIC

There were no requests to speak.

DISCUSSION AND POSSIBLE ACTION ITEMS FOR FUTURE MEETING AGENDAS

Dr. Campbell requested that the question regarding malpractice matters on the renewal application be revised and placed on a future Board agenda.

NEXT BOARD MEETING DATE

Wednesday, February 12, 2020 at 8:30 a.m.

ADJOURNMENT

A motion was made by Dr. Campbell, seconded by Dr. Forman, and passed unanimously, 4-0, to adjourn the meeting at 12:32 p.m.

	Dr. Campbell	Dr. Eulano	Dr. Forman	Mr. Rhodes	VACANCY
Yay	X	X	X	X	
Nay					
Recused					
Abstained					
Absent					