



Douglas A. Ducey,  
Governor

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

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OPEN SESSION MINUTES

December 11, 2019

Members of the Arizona State Board of Podiatry Examiners (“Board”) held a meeting at 8:30 a.m. on Wednesday, December 11, 2019, 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

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

Seth Clark, DPM.....Licensee  
Bruce Crawford, Esq.....Attorney  
☎ Jerome Steck, DPM.....Licensee  
Scott King, Esq.....Attorney  
Alexander Garza, Esq.....Licensee  
S.C.....Complainant  
Dedrie Polakof, DPM.....Investigator  
☎ Jerome Cohn, DPM.....Investigator  
Mary Margaret Hunkele.....Public Guest  
☎ Appeared telephonically

**OPEN SESSION**

Dr. Campbell called the meeting to order at 8:30 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.

**The Americans with Disabilities Act:** Persons with disabilities may request reasonable accommodations, such as sign language interpreters. Requests should be made as early as possible to allow time to arrange the accommodation. This document is available in alternative format upon request.

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

Update of Investigator’s Review of Audit Report

The Boards Investigator, Dedrie Polakof, DPM, was present and provided a summary of the voluntary audit to the Board. Dr. Clark and his attorney, Bruce Crawford, Esq., were present, requested to speak, made statements and answered Board members’ questions. Mr. Crawford reminded the Board that this voluntary audit was due to the Board’s concern regarding billing codes. The Board noted that the surgical consent form pertaining to patient, M.A., was not included in the audit submission. After deliberation, Mr. Rhodes made a motion, seconded by Dr. Forman, to consider this matter complete upon receipt of the surgical consent form pertaining to patient, M.A. The motion carried unanimously, 4-0.

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

Investigation Files

19-20-C; Devin Bland, DPM

The Boards Investigator, Jerome Cohn, DPM, was present telephonically and provided a summary of the Complaint to the Board. Neither Dr. Bland nor the Complainant was present. Board members deliberated. After deliberation, Dr. Campbell made a motion, seconded by Dr. Eulano, to dismiss Complaint No. 19-20-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					

19-27-B; Jerome Steck, DPM

The Boards Investigator, Jerome Cohn, DPM, was present telephonically and provided a summary of the Complaint to the Board. Dr. Cohn reminded the Board that Complaint No. 19-27-B was Board initiated due to a malpractice matter. Dr. Steck was present telephonically, and his attorney, Scott King, Esq, was present. Dr. Steck and Mr. King requested to speak, made a statement and answered Board members’ questions. Board members deliberated. After deliberation, Dr. Campbell made a motion, seconded by Mr. Rhodes, to dismiss Complaint No. 19-27-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					

19-25-C; Seth Clark, DPM

The Boards Investigator, Dedrie Polakof, DPM, was present and provided a summary of the Complaint to the Board. Dr. Clark and his attorney, Bruce Crawford, Esq, were present, requested to speak, made statements and answered Board members’ questions. Dr. Clark and Mr. Crawford reminded the Board that the documentation issues in this complaint are prior to the recent audit. Board members deliberated. After deliberation, Mr. Rhodes made a motion, seconded by Dr. Forman, to dismiss Complaint No. 19-32-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					

Initial Anlysis

Seth Clark, DPM

Dr. Clark and his attorney, Bruce Crawford, Esq, were present. Dr. Clark and Mr. Crawford requested to speak, made a statement and answered Board members’ questions. Mr. Crawford provided an explanation as to the malpractice claim report that the Board received regarding Dr. Clark. Mr. Crawford stated that the malpractice claim was an informal claim and it was due to a manufacturer defect. Dr. Clark chose to settle the case in lieu of undergoing litigation. Mr. Crawford assured the Board that Dr. Clark was not at fault in the malpractice matter. 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					

Investigation Files

19-30-B; Eugene De La Cruz, DPM

The Boards Investigator, Dedrie Polakof, DPM, was present and provided a summary of the Complaint to the Board. Dr. Polakof reminded the Board that Complaint No. 19-30-B was Board initiated due to a malpractice matter. Dr. De La Cruz was not present. The Board expressed concern that Dr. De La Cruz failed to treat the EHL tendon that was noted in the first surgery and that there was no operative report for the second surgery.

At 11:05 a.m. Dr. Campbell made a motion, seconded by Dr. Forman, to go into Executive Session to receive confidential legal advice from the Board’s attorney. The motion carried unanimously, 4-0.

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

Open session reconvened at 11:20 a.m.

The Board determined that this matter requires disciplinary action, as there were violations of statute and rule.

Dr. Eulano made a motion, seconded by Mr. Rhodes, to adopt findings of fact that Dr. De La Cruz failed to treat the EHL tendon rupture noted during the first surgery and that Dr. De La Cruz failed to maintain adequate records due to the fact that there is no operative report for the second surgery. 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. Campbell made a motion, seconded by Dr. Forman to adopt conclusions of law for violation of A.R.S. §§321-854.01(11)(21). 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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Dr. Campbell made a motion, seconded by Mr. Rhodes to offer Dr. De La Cruz a Consent Agreement and Decree of Censure. The Consent Agreement will stipulate the following:

- probation for six months;
- six hours of continuing education in laceration repair that includes the topic of surgical complications in trauma and tendon injury;
- the six continuing education hours are in addition to the twenty-five required continuing education hours;
- the continuing education shall be completed within six months of the effective date of the Consent Agreement; and
- a \$500.00 penalty to be paid within six months of the effective date of the Consent Agreement.

The motion carried unanimously, 4-0 on a roll call vote.

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

Dr. Campbell made a motion, seconded by Mr. Rhodes, to move this matter to an Informal Interview if Dr. De La Cruz does not accept the Consent Agreement within 30 days of receipt. The motion carried unanimously, 4-0.

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

19-29-B; Michael Brewer, DPM

The Boards Investigator, Dedrie Polakof, DPM, was present and provided a summary of the Complaint to the Board. Dr. Polakof reminded the Board that Complaint No. 19-29-B was Board initiated due to a malpractice matter. Dr. Brewer was not present. The Board noted that Dr. Brewer was the assistant surgeon in this case. The Board expressed concern that Dr. Brewer, as the assistant surgeon, did not recognize the need to treat the EHL tendon that was noted in the first surgery. Additionally, the Board expressed concern that there was no operative report for the second surgery. After deliberation, the Board determined that this does not rise to a disciplinary

matter due to the fact the Dr. Brewer was the assistant surgeon. Dr. Forman made a motion, seconded by Mr. Rhodes, to offer Dr. Brewer a non-disciplinary Order for continuing education. The Order will stipulate the following:

- six hours of continuing education in laceration repair that includes the topic of surgical complications in trauma and tendon injury;
- two hours of continuing education in record keeping;
- the continuing education hours are in addition to the twenty-five required continuing education hours; and
- the continuing education shall be completed within six months of the effective date of the Consent Agreement

The motion carried unanimously, 4-0.

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

19-34-C; Alexander Garza, DPM

The Boards Investigator, Dedrie Polakof, DPM, was present and provided a summary of the Complaint to the Board. The Complainant, S.C., was present, requested to speak, made a statement and answered Board members' questions. Dr. Garza was present, requested to speak, made a statement and answered Board members' questions. Board members deliberated and expressed concern that Dr. Garza did not order a MRI sooner. After deliberation, Dr. Campbell made a motion, seconded by Dr. Forman, to offer Dr. Garza a non-disciplinary Letter of Concern for failing to recognize the need for a MRI sooner. The motion carried unanimously, 4-0.

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

19-37-C; Shahram Askari, DPM

The Boards Investigator, Dedrie Polakof, DPM, was present and provided a summary of the Complaint to the Board. Neither Dr. Askari nor the Complainant was present. After deliberation, Dr. Forman made a motion, seconded by Dr. Eulano, to dismiss Complaint No. 19-37-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					

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

Discussion and approval of the Open Session Minutes from the November 13, 2019, Board meeting

Dr. Campbell made a motion, seconded by Dr. Forman, to approve the November 13, 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					

Discussion and approval of the Executive Session Minutes from the November 13, 2019, Board meeting

Dr. Campbell made a motion, seconded by Dr. Forman, to approve the November 13, 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					

Issuance of Licenses

1. Crafton, Jordan, DPM

Upon review of Dr. Crafton’s application, the Board noted that Dr. Crafton will not complete his 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. Crafton’s application for licensure upon completion of his 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. Leber, Jared, DPM

Upon review of Dr. Leber’s application, the Board determined that it meets the requirements of statute and rule. After review, Dr. Campbell made a motion, seconded by Dr. Forman, to approve Dr. Leber’s application for licensure 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					

3. Patel, Parth, DPM

Upon review of Dr. Patel’s application, the Board noted that Dr. Patel will not complete his residency until June 2020 otherwise the application meets the requirements of statute and rule. After review, Dr. Campbell made a motion, seconded by Mr. Rhodes, to approve Dr. Patel’s application for licensure upon completion of his 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					

Applications for Registration to Dispense Drugs/Devices

1. Thomas, Benjamin, DPM

After review of Dr. Thomas’ 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					

Limited License Podiatric Radiology Certification For Medical Assistants

Margaret Mary Hunkele, founder of the American Society for Practical Technologist in Radiology, was present and addressed the Board. Ms. Hunkele provided a history of the Medical Radiologic Technical Board of Examiners (MRTBE) and the different levels of testing the MRTBE offered for radiology certification. Ms. Hunkele addressed the issue with the exam process since the dissolution of the MRTBE. Board members thanked Ms. Hunkele for her presentation.

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. 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.

Cebroker

Ms. Broaddus provided a summary stating that at the Board’s October 2019, meeting, the Board heard a presentation by a Cebroker representative, Donald Oliva. The Board requested that the proposed contract from Cebroker be reviewed by the Attorney General’s Office. Subsequently, the Attorney General’s Office reviewed the contract and opined that the contract is sufficient. Board members deliberated and discussed the services that Cebroker provides to licensees. After deliberation, Dr. Campbell made a motion, seconded by Dr. Forman to enter into a contract with Cebroker. The motion carried unanimously, 4-0.

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

### A.R.S. §32-826

Ms. Broaddus provided an update of how the Board has reviewed applications previously in regards to successful completion of a residency program. Ms. Broaddus stated that this issue should be resolved with the Board's 2020 legislation.

### 2020 Legislation

Ms. Broaddus summarized the legislation the Board wishes to run in 2020. Ms. Broaddus asked that the Board review the draft legislation submitted by Legislative Council. Upon review, the Board requested that under A.R.S. §32-826(A) the term "three-year" be replaced with "thirty-six month".

### Board Investigator

Dr. Campbell provided a summary stating that one of the Board's Investigators, Dr. Jerome Cohn, has resigned. Dr. Cohn agreed to follow through with the Complaints he is currently involved in but will not be working on any new Complaints. Board members discussed potential licensees for the Board Investigator position.

## **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 provided an update on the Complaint log.

## **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**

There were no new items for future meetings.

**NEXT BOARD MEETING DATE**

Wednesday, January 22, 2020 at 8:30 a.m.

**ADJOURNMENT**

A motion was made by Dr. Campbell, seconded by Mr. Rhodes, and passed unanimously, 4-0, to adjourn the meeting at 1:27 p.m.

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