



Douglas A. Ducey,
Governor

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

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OPEN SESSION MINUTES

February 12, 2020

Members of the Arizona State Board of Podiatry Examiners (“Board”) held a meeting at 8:30 a.m. on Wednesday, February 12, 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

- A.K. and L.K..... Complainant
- William Sowders, Esq.....Attorney
- Keith Bangart, DPM.....Licensee
- T.T.....Complainant
- Dedrie Polakof, DPM.....Investigator

☎ Appeared telephonically

OPEN SESSION

Dr. Campbell called the meeting to order at 8:31 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.

REMARKS/ANNOUNCEMENTS

Mr. Rhodes presented Dr. Barbara Campbell with a plaque for her service as a Board member. Dr. Campbell has served two terms. Her second term expired February 1, 2020. Dr. Campbell is continuing to serve on the Board until the Governor’s office makes an appointment.

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.

REVIEW, DISCUSSION AND POSSIBLE ACTION ON BOARD MEETING MINUTES

Discussion and approval of the Open Session Minutes from the January 22, 2020, Board meeting
 Dr. Forman made a motion, seconded by Mr. Rhodes, to approve the January 22, 2020, 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 January 22, 2020, Board meeting
 Dr. Forman made a motion, seconded by Mr. Rhodes, to approve the January 22, 2020, 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					

ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

Investigation Files

19-21-C; Keith Goss, DPM

The Boards Investigator, Dedrie Polakof, DPM, was present and provided a summary of the Complaint to the Board. Neither Dr. Goss nor the Complainant were present. Board members deliberated. After deliberation, Dr. Campbell made a motion, seconded by Dr. Forman, to dismiss Complaint No. 19-21-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					

19-43-C; Jean Kroyn, DPM

The Boards Investigator, Dedrie Polakof, DPM, was present and provided a summary of the Complaint to the Board. Neither Dr. Kroyn nor the Complainant were present. Board members deliberated and noted that Dr. Kroyn failed to have an Advance Beneficiary Notice of Noncoverage signed and that it would have been prudent for Dr. Kroyn to order a shower boot and a surgical boot. After deliberation, Mr. Rhodes made a motion, seconded by Dr. Campbell, to dismiss Complaint No. 19-43-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					

19-41-C; Serrina Yozsa, DPM

The Boards Investigator, Dedrie Polakof, DPM, was present and provided a summary of the Complaint to the Board. The Complainant, L.K. and the Complainants spouse, A.K., were present, requested to speak, made a statement and answered Board members' questions. Dr. Yozsa was not present. Board members deliberated. After deliberation, Mr. Rhodes made a motion, seconded by Dr. Eulano, to dismiss Complaint No. 19-41-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					

19-32-C; Keith Bangart, DPM

The Boards Investigator, Dedrie Polakof, DPM, was present and provided a summary of the Complaint to the Board. The Complainant, T.T., 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 a statement and answered Board members' questions. Board members deliberated.

At 10:32 a.m., Dr. Campbell made a motion, seconded by Mr. Rhodes, to go into Executive Session to obtain confidential legal advice from the Board's Assistant Attorney General. The motion carried unanimously, 4-0. Open session reconvened at 10:51 a.m.

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

Nay					
Recused					
Abstained					
Absent					

Board members’ expressed concern that there currently is no standard of care regarding steroid use. Board members expressed concern with the amount of steroid injections T.T. received. After deliberation, Dr. Campbell made a motion, seconded by Mr. Rhodes, to offer Dr. Bangart a Non-Disciplinary Consent Agreement. The Non-Disciplinary Consent Agreement will stipulate that Dr. Bangart obtain six hours of continuing education in the areas of surgical biomechanics and plantar plate injury. The continuing education shall be completed within six months of the effective date of the Consent Agreement the continuing education shall not count toward the twenty-five hour requirement for license renewal. The Non-Disciplinary Consent Agreement will stipulate that Dr. Bangart undergo a chart audit. The chart audit will be conducted over six months after the effective date of the Non-Disciplinary Consent Agreement. The chart audit will be for patients that receive more than three steroid injections. Dr. Bangart will be required to submit at least three patient files for the chart 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					

Issuance of Licenses

1. Begur, Priyanka, DPM

Upon review of Dr. Begur’s application, the Board noted that Dr. Begur 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. Begur’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. Poulson, Hayden, DPM

Upon review of Dr. Poulson’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. Poulson’s application upon payment of the license issuance fee. The motion carried unanimously, 4-0.

3. Brock, Kara, DPM

Dr. Brock was present and available for questions. Upon review of Dr. Brock’s application and subsequent submission, 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. Brock’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					

Compliance Update

Patrick Farrell, DPM

Ms. Broaddus provided a summary stating that Dr. Farrell submitted correspondence indicating that he has not performed any nerve decompression procedures for the month of January. Additionally, Dr. Farrell’s two Board matters have been continued to a future Board meeting. The Board took no action in this matter.

Hayman, Brad, DPM

Ms. Broaddus provided a summary stating that there was no correspondence received from Dr. Hayman. If Dr. Hayman does not provide an update within two weeks Board staff will contact Dr. Hayman. The Board took no action in this matter.

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. Ms. Broaddus stated that the Board's OSPB analyst, Stephanie Spera, contacted the Board office on January 31, 2020, requesting information regarding the temporary license application fee. Ms. Spera provided a timeline that she will be forwarding a decision to the Governor's office regarding the rule making exemption request.

Ms. Broaddus reported that she and Dr. Campbell attended the January 29, 2020, Senate Health and Human Services Committee hearing in which SB1087 was heard. Ms. Broaddus stated that SB1087 passed unanimously. Ms. Broaddus and Dr. Campbell will continue to attend Committee hearings in which SB1087 will be heard.

Ms. Broaddus gave an update regarding podiatric medical assistants.

Ms. Broaddus provided an update on the Complaint log.

Ms. Broaddus provided an updated budget.

2020 Legislation

Ms. Broaddus summarized current legislation. SB1211 mandates that all rules adopted before the effective date of the section will expire on July 1, 2022. The Board will be required to seek approval from the legislature each year if it wishes to extend a rule. SB1212 amends the current statute (32-4302) regarding "Universal Recognition". Currently the statute states "establishes residence", SB1212 proposes changing the language to "is a resident". SB1212 clarifies that an applicant's education, work experience or clinical supervision does not have to meet Arizona's requirements. It provides guidance on the definition of "resident". SB1274 changes the composition of Board members for certain agencies, specifically:

- Board of Technical Registration
- Board of Barbers
- Board of Cosmetology
- Board of Accountancy
- Funeral Board
- Massage Therapy Board

HB2408 allows a medical provider to receive one hour of continuing education credit for each hour of free medical services the provider provides to eligible patients for a maximum of eight credits per renewal. An eligible patient is:

- A person who does not have health insurance and whose annual household income does not exceed two hundred percent of the federal poverty level
- A person eligible under AHCCCS

A health provider includes:

- A Medical doctor licensed by the Medical Board
- An Osteopathic doctor
- A Physician Assistant
- A Chiropractor
- A Podiatrist
- A Registered Nurse
- A Midwife
- A Dentist
- A Dental Hygienist

HB2288 requires a regulatory agency to waive the initial license fee for the following:

- Any active duty military service member and the member's spouse
- Any Veteran

HB2184 requires a regulatory agency to include language on its website and licensing applications. HB2713 mandates that determination of an administratively complete application is an appealable agency action. HB2740 consolidates the Massage Therapy Board, Barber Board and Cosmetology Board. HB2809 requires agencies to reduce, or waive, fees if the agencies fund will exceed 50% of the appropriation for the current fiscal year

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 items for future Board meetings

NEXT BOARD MEETING DATE

Wednesday, March 11, 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 11:24 a.m.

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

Absent					
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