



Douglas A. Ducey,
Governor

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

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OPEN SESSION MINUTES

March 11, 2020

Members of the Arizona State Board of Podiatry Examiners (“Board”) held a meeting at 8:30 a.m. on Wednesday, March 11, 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
- Seamus Monaghan, Esq.....Assistant Attorney General

GUEST(S) PRESENT AND/OR PARTICIPATING

- ☎ Melissa Galli, DPM..... Licensee
- Scott King, Esq.....Attorney
- D.W.....Complainant
- Vanousheh Ghandhari, DPM.....Licensee
- Bruce Crawford, Esq.....Attorney
- ☎ G.E.....Complainant
- Devin Bland, DPM.....Licensee
- Flynn Carey, Esq.....Attorney
- Serjik Nazarian, DPM.....Licensee
- Keith Bangart, DPM.....Licensee
- William Sowders, Esq.....Attorney
- Dedrie Polakof, DPM.....Investigator
- ☎ Jerome Cohn, DPM.....Investigator
- ☎ Appeared telephonically

OPEN SESSION

Dr. Campbell called the meeting to order at 8:30 a.m. The Board considered the following order of business.

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.

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

19-24-C; Melissa Galli, DPM

The Boards Investigator, Jerome Cohn, DPM, was present telephonically and provided a summary of the Complaint to the Board. The Complainant, D.W., was present telephonically, requested to speak, made a statement and answered Board members’ questions. Dr. Galli was present telephonically and her attorney, Scott King, Esq., was present. Dr. Galli and her attorney requested to speak, made statements and answered Board members’ questions. Board members’ deliberated and expressed concern regarding Dr. Galli’s lack of documentation in the patient’s operative report, lack of documentation of informed consent, as well as the signed consent in the patients file, and her lack of control over the billing and coding practices in her place of employment. After deliberation, Dr. Campbell made a motion, seconded by Dr. Forman, to issue Dr. Galli a Letter of Concern regarding the concerns expressed by the Board. The motion carried unanimously, 4-0.

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

19-38-C; Melissa Galli, DPM

The Boards Investigator, Dedrie Polakof, DPM, was present and provided a summary of the Complaint to the Board. The Complainant was not present. Dr. Galli was present telephonically and her attorney, Scott King, Esq., was present. Dr. Galli and her attorney requested to speak, made statements and answered Board members’ questions. Board members’ deliberated and expressed concern regarding Dr. Galli’s lack of documentation in the patient’s operative report, lack of documentation of informed consent, as well as the signed consent in the patients file, and her lack of control over the billing and coding practices in her place of employment. After deliberation, Dr. Eulano made a motion, seconded by Mr. Rhodes, to issue Dr. Galli a Letter of Concern regarding the concerns expressed by the Board. The motion carried unanimously, 4-0.

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

19-42-C; Vanousheh Ghandhari, DPM

The Boards Investigator, Dedrie Polakof, DPM, was present and provided a summary of the Complaint to the Board. The Complainant, G.E., was present telephonically, requested to speak, made a statement and answered Board members’ questions. Dr. Ghandhari and her attorney, Bruce Crawford, Esq., was present, requested to speak, made statements and answered Board members’ questions. Board members deliberated. After deliberation, Mr. Rhodes made a motion, seconded by Dr. Forman, to dismiss Complaint No. 19-42-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					

19-44-B; Devin Bland, DPM

Ms. Broaddus provided a summary of the Complaint to the Board stating that the Board opened this Complaint due to correspondence the Board received from the Hospital that Dr. Bland was employed at. Dr. Bland and his attorney, Flynn Carey, Esq., were present, requested to speak, made statements and answered Board members’ questions. Board members asked if Dr. Bland is currently practicing. Dr. Bland indicated that he is not currently practicing. Board members expressed concern that Dr. Bland consumed alcohol while on call at the Hospital he was employed at. After deliberation, Dr. Campbell made a motion, seconded by Mr. Rhodes, to issue an Interim Consent Agreement Ordering Dr. Bland to undergo a substance abuse evaluation. A medical doctor approved by the Board must perform the substance abuse evaluation. Dr. Bland must complete the substance evaluation within sixty days (60) of the effective date of the Interim Consent Agreement. The substance abuse evaluator must submit a report to the Board within thirty days (30) of completing the substance abuse evaluation. The motion carried unanimously, 4-0 on a roll call vote.

**REVIEW, DISCUSSION, AND POSSIBLE ACTION REGARDING
 RECONSIDERATION OF COMPLAINT AND BOARD OFFERED CONSENT
 AGREEMENT**

Complaint No. 19-32-C; Keith Bangart, DPM

At 10:57 a.m. Mr. Rhodes made a motion, second by Dr. Forman, 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 11:05 a.m.

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

Nay					
Recused					
Abstained					
Absent					

Dr. Campbell noted that Dr. Bangart and his attorney, William Sowders, Esq., were present and available for questions. Dr. Campbell provided a summary to the Board and stated that the Board issued Dr. Bangart a non-disciplinary Order for continuing education and a chart audit at its February 12, 2020, meeting. Dr. Campbell stated that the Board is not authorized to require a chart audit in a non-disciplinary Order therefore the matter is before the Board. After deliberation, Dr. Campbell made a motion, seconded by Dr. Forman, to rescind the Board’s February 12, 2020, motion to issue Dr. Bangart a non-disciplinary Order for continuing education and a 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					

After further deliberation, Dr. Campbell made a motion, seconded by Mr. Rhodes, to issue Dr. Bangart a non-disciplinary Order for continuing education. The continuing education shall be Board approved. Dr. Bangart shall complete a minimum of six hours of Board staff pre-approved CE in Bio Mechanics, Surgical Planning, and Plantar Plate Pathogenesis and Treatment. The continuing education hours are in addition to the twenty-five required hours for license renewal. The continuing education may be completed via electronic means. 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 MODIFICATION/CLARIFICATION REGARDING THE BOARD’S MOTION TO FORWARD COMPLAINT TO AN INFORMAL HEARING

Complaint No. 19-36-C; Serjik Nazarian, DPM

Dr. Campbell and Ms. Broaddus provided a summary stating that the Board forwarded Complaint No. 19-36-C to an Informal Hearing at its February 12, 2020, meeting. Ms. Broaddus stated that the Board did not cite violations to move the Complaint to an Informal Hearing. The Board must cite violations in order to move a Complaint to an Informal Hearing. After deliberation, Dr. Campbell made a motion, seconded by Dr. Forman, to rescind the Board’s February 12, 2020, motion to move Complaint No. 19-36-C to an Informal Hearing. 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. Nazarian was present, requested to speak, made a statement and answered Board members’ questions. After deliberation, Dr. Forman made a motion, seconded by Mr. Rhodes, to dismiss Complaint No. 19-36-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 February 12, 2020, Board meeting

Dr. Campbell noted a correction under item VI. A. 4. Complaint No. 19-43-C; Jean Kroyn, DPM. Dr. Campbell made a motion, seconded by Dr. Forman, to approve the February 12, 2020, Open Session Minutes with the noted correction. 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 February 12, 2020, Board meeting

Dr. Forman made a motion, seconded by Mr. Rhodes, to approve the February 12, 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

Issuance of Licenses

1. Cline, Matthew, DPM

Upon review of Dr. Clines’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. Cline’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					

2. Cooper, Candice, DPM

Upon review of Dr. Cooper’s application, the Board noted that she will not complete her residency until June 30, 2020. After review, Dr. Campbell made a motion, seconded by Mr. Rhodes, to approve Dr. Cooper’s application 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					

3. Ibanez, Maria, DPM

Upon review of Dr. Ibanez’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. Ibanez’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					

Application(s) for Registration to Dispense Drugs/Devices

1. Gorman, Catlea, DPM

Upon review of Dr. Gorman’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. Gorman’s application for initial 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. 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 initial 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					

Compliance Update

Patrick Farrell, DPM

Ms. Broaddus provided a summary stating that Dr. Farrell’s last correspondence indicated that he is still in the process of obtaining legal representation. Ms. Broaddus stated that Dr. Farrell has had sufficient time to obtain legal representation therefore his matters will be forwarded to the next available Board meeting. Additionally, Ms. Broaddus stated that the Boards Investigator is still in the process of reviewing the patient chart for the last nerve decompression procedure that Dr. Farrell performed. Dr. Farrell has not performed any nerve decompression procedures since the last procedure he reported. The Board took no action in this matter.

Hayman, Brad, DPM

Ms. Broaddus provided a summary stating that Dr. Hayman sent correspondence indicating that he did not perform any nerve Osteotomies. The Board took no action in this matter.

Renewal Application

Ms. Broaddus provided a summary stating that it is requested that the Board grant the Board’s Executive Director the authority to approve renewal applications pursuant to A.R.S. 32-3123. Ms. Broaddus clarified that this will not include licensees that reported adverse background information.

Additionally, Ms. Broaddus stated that at the Board’s January 22, 2020, meeting, the Board asked the Executive Director to include a question on the renewal that will provide information as to whether a licensee has had an informal claim or whether any legal action was taken against the licensee within the last twelve months. Ms. Broaddus provided two questions that are before the Board for review.

After deliberation, Dr. Campbell made a motion, seconded by Dr. Forman, to include the second question on the renewal application. The motion carried unanimously, 4-0.

	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 grant the authority to the Board’s Executive Director to approve renewal applications pursuant to A.R.S. 32-3123, excluding those licensees that reported adverse background information. 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, CONSIDERATION AND POSSIBLE ACTION REGARDING PRESENTATION BY THE BOARD’S ASSISTANT ATTORNEY GENERAL, SEAMUS MONAGHAN, REGARDING BOARD OPTIONS FOR TAKING ACTION

The Board’s Assistant Attorney General, Seamus Monaghan, provided a summary of the Board’s options when taking action on a license. Mr. Monaghan outlined the Board’s statutes regarding disciplinary and non-disciplinary action. Mr. Monaghan explained when the statutes apply during the complaint process.

EXECUTIVE DIRECTOR’S REPORT

Ms. Broaddus stated that she is still working on the Board’s April and September 2019, exemption request from the rule-making moratorium. The Board’s request to increase the renewal fee was not approved. The Board’s request to allow licensees to obtain all of the required continuing education via electronic means was approved. On February 27, 2020, the Governor’s office approved the Board’s request to implement a \$100.00 fee for the temporary application/license. Ms. Broaddus stated that the Board’s request to prorate the initial license issuance fee has not yet been addressed. The Board is asked whether it would like to move forward with the rule making process and address the proration of the license issuance fee in future rules. The Board directed Ms. Broaddus to move forward with the rule-making process and that the proration of the license issuance fee will be addressed at a later time.

Ms. Broaddus provided a summary of the Board’s legislation stating that the Podiatry Board Bill (SB1087) was stalled for political reasons. SB1094 was identified as a Striker Bill to place some of the provisions in SB1087. The provisions that are included in SB1094 are as follows:

- Fingerprinting
- Elevating practicing without a license to a Class 5 Felony
- Performing full body physical examinations within the profession’s scope of practice

On February 19, 2020, the Senate Transportation and Public Safety Committee heard SB1094. SB1094 passed, 5-3-0-0. SB1094 is scheduled to be heard at the House Human and Health

Services Committee on March 12, 2020. SB1094 is expected to have amendments heard at the hearing. The potential amendments include the following:

- Combining the initial application and the initial registration to dispense drugs and devices
- Combining the renewal application and the renewal to dispense drugs and devices
- Clarification that a residency is thirty-six (36) months
- Authorization to allow the Board to create fees in rule for duplicate wallet cards, duplicate wall certificates, public record requests, licensee lists and audio files
- Updates the Board's requirements that pertains to record retention to be consistent with state statute.

Ms. Broaddus provided information regarding the licensing and regulation of medical assistants.

Ms. Broaddus provided an update on Complaint No. 19-30-B; Eugene De La Cruz, DPM. At its December 11, 2019, meeting the Board offered Dr. De La Cruz a Consent Agreement and Decree of Censure. Dr. De La Cruz's attorney, Peter Wittekind, indicated that they do not agree with the Board's finding of facts within the Consent Agreement and requested that the matter be forwarded to an Informal Hearing. This matter is scheduled to be reviewed at the Board's April 8, 2020, meeting.

Ms. Broaddus gave an update on the Board Investigator position.

2020 Legislation

Ms. Broaddus summarized legislation. Ms. Broaddus summarized SB1212, SB1275, HB2408, HB2536, HB2740 and HB2809.

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, April 8, 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 12:33 p.m.

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

Recused					
Abstained					
Absent					