



Douglas A. Ducey,
Governor

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

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OPEN SESSION MINUTES

April 8, 2020

Members of the Arizona State Board of Podiatry Examiners (“Board”) held a meeting at 8:30 a.m. on Wednesday, April 8, 2020, at 1740 West Adams St., Boardroom C, Phoenix, Arizona 85007. No Executive Sessions were 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

- ☎ Peter Wittekind, DPM..... Attorney
- Patrick Farrell, DPM.....Licensee
- ☎ Aaron Hall, Esq.....Attorney
- ☎ M.G.....Complainant
- ☎ Devin Bland, DPM.....Licensee
- ☎ Flynn Carey, Esq.....Attorney
- ☎ Bogdan Baragau, DPM.....Applicant
- ☎ Dedrie Polakof, DPM.....Investigator
- ☎ Jerome Cohn, DPM.....Investigator
- ☎ Appeared telephonically

OPEN SESSION

Dr. Campbell called the meeting to order at 8:33 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 for Patrick Farrell, DPM; Complaint No. 18-26-C

The Boards Investigator, Jerome Cohn, DPM, was present telephonically 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. Dr. Farrell indicated that he is working on updating his electronic record keeping system and has been diligently working with his IT department. Board members expressed concern with the timeframe in which it has taken Dr. Farrell to implement his new electronic record keeping system. After deliberation, Dr. Campbell made a motion, seconded by Dr. Forman, to extend this matter for 30 days to allow Dr. Farrell to implement his new electronic record keeping system. In addition, Dr. Farrell shall update the Board’s Executive Director each week on the progress of implementing his new electronic record keeping system. The motion carried unanimously on a roll call vote, 4-0.

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

Board to Review, Discuss, and Take Possible Action Regarding Respondent’s Request for Continuation of Informal Hearing for Complaint No. 19-30-B; Eugene De La Cruz, DPM

Ms. Broaddus provided a summary stating that at its December 11, 2019, meeting, the Board voted to offer Dr. De La Cruz a Consent Agreement. In February 2020, the Board office received correspondence from Dr. De La Cruz’s attorney, Peter Wittekind, Esq., indicating that Dr. De La Cruz is unwilling to sign the Consent Agreement and requested that this matter be moved to an Informal Hearing. Subsequently, a notice of Informal Hearing was sent to Dr. De La Cruz indicating that the Informal Hearing would be agendized for the Board’s April 8, 2020, meeting. On April 6, 2020, the Board office received a continuance request from Mr. Wittekind and the request is before the Board.

Mr. Wittekind was present telephonically, requested to speak, made a statement and answered Board members’ questions. Mr. Wittekind indicated that due to the current health crisis he has not been able to meet with Dr. De La Cruz to prepare for the Informal Hearing. Additionally, Mr. Wittekind indicated that both he and Dr. Dr. De La Cruz prefer to be in-person at the meeting in which the Informal Hearing will take place. Board members stated that due to the current health crisis, the Board may not meet in-person for an extended period of time. Board members asked Mr. Wittekind if he and Dr. De La Cruz are willing to participate in the Informal Hearing telephonically in the event that the Board cannot meet in-person. Mr. Wittekind indicated that both he and Dr. De La Cruz are willing to participate telephonically if the Board cannot meet in-person. After deliberation, Dr. Forman made a motion, seconded by Mr. Rhodes, to table this matter until the Board’s June meeting. The motion carried unanimously on a roll call vote, 4-0.

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

Informal Hearing; Complaint No. 19-30-B; Eugene De La Cruz, DPM

This matter was tabled to a future meeting.

Investigations

19-40-C; Devin Bland, DPM

The Boards Investigator, Dedrie Polakof, DPM, was present telephonically and provided a summary of the Complaint to the Board. The Complainant, M.G., and her attorney, Aaron Hall, Esq., were present telephonically. M.G. and Mr. Hall requested to speak, made statements and answered Board members' questions. Dr. Bland and his attorney, Flynn Carey, were present telephonically. Dr. Bland and his attorney requested to speak, made statements and answered Board members' questions. Board members expressed concern with Dr. Bland's lack of cooperation with the Board during the initial phase of the investigative process. After deliberation, Mr. Rhodes made a motion, seconded by Dr. Eulano, to dismiss Complaint No. 19-40-C as there was no 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					

Malpractice Matter Submitted with 2019 Renewal Application

Steven Moore, DPM

Ms. Broaddus provided a summary stating that Dr. Moore submitted information with his 2019 renewal application that he was involved in a malpractice matter. After initial review of the matter, the Board voted to table the matter due to lack of information to make an informed decision. The Board requested that Dr. Moore update the Board once a month until the malpractice matter was resolved. Dr. Moore provided evidence that the malpractice matter was resolved and it is before the Board for review. Dr. Moore was not present. After deliberation, Dr. Campbell made a motion, seconded by Dr. Eulano, 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					

Investigator’s for the Arizona State Board of Podiatry Examiners

Daniel Saunders, DPM

Ms. Broaddus provided a summary stating that the Board is actively looking for Board Investigators. Dr. Saunders submitted his CV and correspondence expressing his interest in the Board Investigator position. Dr. Saunders was not present. After deliberation, it was the consensus of the Board to table this matter to a future meeting. Additionally, the Board requested that Dr. Saunders be present at the meeting in which the Board reviews this matter.

REVIEW, DISCUSSION AND POSSIBLE ACTION ON BOARD MEETING MINUTES

Discussion and approval of the Open Session Minutes from the March 11, 2020, Board meeting

Dr. Campbell made a motion, seconded by Dr. Forman, to approve the March 11, 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 March 11, 2020, Board meeting

Dr. Campbell made a motion, seconded by Dr. Forman, to approve the March 11, 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. Arneson, Jessica, DPM

Upon review of Dr. Arneson’s application, the Board noted that her residency Program Director indicated that Dr. Arneson will complete her residence training on June 30, 2020, and that she has met her requirements for graduation. After review, it was the consensus of the Board that a letter be sent to Dr. Arneson requesting clarification from her Program Director as to whether Dr. Arneson has met her residency requirements.

2. Baragau, Bogdan, DPM

Dr. Baragau was present telephonically and answered Board members’ questions. Upon review of Dr. Baragau’s application, the Board noted that his residency Program Director indicated that Dr. Baragau is currently in his residency program has met requirements for graduation. After review, Dr. Campbell made a motion, seconded by Dr. Forman, to approve Dr. Baragau’s application upon receipt of verification from his residency Program Director that Dr. Baragau has completed his residency requirements and 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. Barrett, William, DPM

Upon review of Dr. Barrett’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. Barrett’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. Cline, Mathew DPM

Upon review of Dr. Cline’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 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					

Compliance Update

Hayman, Brad, DPM

Ms. Broaddus provided a summary stating that Dr. Hayman has not sent correspondence to the Board. Ms. Broaddus indicated that if Dr. Hayman does not provide an update within a week that Dr. Hayman will be contacted for an update. The Board took no action in this matter.

BOARD TO REVIEW, DISCUSS, AND TAKE POSSIBLE ACTION REGARDING ADMINISTRATIVE ORDER 2020-01 AND TO REVIEW/APPROVE IMPLEMENTATION FOR REGISTRATION OF OUT-OF-STATE LICENSEES

Ms. Broaddus provided a summary stating that the Department of Health Services issued Administrative Order 2020-01 (Order). The Order allows for waiver of licensing requirements during the current health crisis. Ms. Broaddus stated that a plan for registering out-of-state licensees pursuant to the Order is before the Board for review. After deliberation, Mr. Rhodes made a motion, seconded by Dr. Forman, to approve the plan for registering out-of-state licensees and to direct the Board’s Executive Director to submit the plan to the Governor’s Office and to the Department of Health Services. The motion carried unanimously, 4-0.

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

EXECUTIVE DIRECTOR'S REPORT

Ms. Broaddus stated that she filed the Notice of Docket Opening and the Notice of Proposed Rule-Making with the Secretary of State's Office. The record will close on May 18, 2020. Once the record is closed, a Notice of Final Rule-Making will be filed with the Secretary of State's Office. Ms. Broaddus will keep the Board apprised.

Ms. Broaddus provided a summary stating that the legislature only heard essential Bills before adjourning. All other Bills were stalled, including the Board's Bill, SB1094. The legislature may continue hearing Bills once it reconvenes.

Ms. Broaddus provided an update on the COVID-19 crisis as well as the Executive Orders Governor Ducey has issued that affect the Board.

Ms. Broaddus provided an update on Complaint No. 19-44-B; Devin Bland, DPM.

Ms. Broaddus provided an update of the Complaint log.

SUMMARY OF CURRENT EVENTS

Dr. Campbell reported that she has been working with the Federation of Podiatric Medical Boards and the National Board of Podiatric Medical Examiners regarding closures of Prometric testing centers. Dr. Campbell stated that, at this time, no National Exams have been cancelled. Dr. Campbell plans to continue to participate in meetings regarding National Exams. Additionally, individuals applying to podiatric medical schools are unable to take entrance exams due to testing center closures.

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, May 13, 2020 at 8:30 a.m. in Boardroom A.

ADJOURNMENT

A motion was made by Dr. Campbell, seconded by Dr. Forman, and passed unanimously, 4-0, to adjourn the meeting at 10:56 a.m.

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