



Douglas A. Ducey,
Governor

Arizona State Board of Podiatry Examiners

“Protecting the Public’s Health”


1740 West Adams St., Suite 3004
Phoenix, Arizona 85007
P: (602)542-8151
W: <https://podiatry.az.gov>

OPEN SESSION MINUTES

June 10, 2020

Members of the Arizona State Board of Podiatry Examiners (“Board”) held a meeting at 8:30 a.m. on Wednesday, June 10, 2020, at 1740 West Adams St., Boardroom A, 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

- Eugene De la Cruz, DPM..... Licensee
- Peter Wittekind, Esq.Attorney
- Devin Bland, DPM.....Licensee
- Flynn Carey, Esq.....Attorney
-  Steven O’Bryant, DPM.....Licensee
-  K.N,.....Complainant
- Kamran Farahani, DPM.....Licensee
-  Mark Gorman, DPM.....Licensee
-  Karyn Sallus, DPM.....Licensee
-  Kimberly Kent, Esq.....Attorney
-  Christopher Sullivan, DPM.....Applicant
-  Dedrie Polakof, DPM.....Investigator
-  Jerome Steck, 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.

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

TIMED ITEM

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

Dr. Campbell summarized Informal Hearing procedures and detailed the allegations against Dr. De la Cruz. Dr. De la Cruz and his attorney, Peter Wittekind, Esq., were present. Board members and staff introduced themselves. Dr. Campbell confirmed that Dr. De la Cruz has read the materials.

The Board’s Investigator, Dedrie Polakof, DPM, was present telephonically and provided a summary of the Complaint to the Board.

Dr. Campbell swore Dr. De la Cruz in. Dr. De la Cruz and his attorney requested to speak, made statements and answered Board members’ questions. Dr. De la Cruz provided a summary of his education and experience. Board members noted that the second surgery report was not included in the materials. Additionally, Board members noted that the hospital indicated that there is no report for the second surgery. Board members asked who dictates the surgery reports. Dr. De la Cruz indicated that a staff person or a resident dictate the reports. Board members asked if the hospital alerted Dr. De la Cruz that the second surgery report was not completed. Dr. De la Cruz indicated that he was not alerted by the hospital therefore assumed the report had been completed. Board members asked about the injury the patient suffered after the surgery. Dr. De la Cruz indicated that the patient was not 100% compliant with post-operative instructions. Board members noted that the patient had a high blood glucose pre-operatively and asked Dr. De la Cruz to explain who cleared the patient for surgery. Dr. De la Cruz indicated that the patient was a very active and healthy individual and indicated that the patient’s primary care physician cleared the patient for surgery. Board members noted that there are two surgery reports for the first surgery and noted that there are discrepancies between the two reports. Dr. De la Cruz explained that the first surgery report was a draft report and the second surgery report was the final report. Board members asked why specific tendons were not repaired. Dr. De la Cruz explained that the tendons were more than 50% intact and it is standard practice to not repair tendons that are 50% or more intact.

At 9:23 a.m. Mr. Rhodes made a motion to go into Executive Session to obtain confidential legal advice from the Board’s attorney. Dr. Forman seconded the motion. Open session reconvened at 9:32 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 is no surgery report for the second surgery. Mr. Wittekind requested to speak and stated that this case went through litigation and the biggest concern during the litigation was the lack of the second surgery report. Mr. Wittekind also explained that neither he nor Dr. De la Cruz attended the initial review of this Complaint because the Board Investigator did not substantiate the allegations at the time. Board members deliberated and continued to express concern that there is no surgery report for the second surgery. Board members noted that as the primary surgeon Dr. De la Cruz is responsible in making sure that the report(s) are completed. After deliberation, Dr. Campbell made a motion, seconded by Dr. Forman, to issue a Letter of Concern to Dr. De la Cruz for lack of a second surgery report. 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					

ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

UNTIMED ITEMS

Investigations

19-44-B; Devin Bland, DPM

Ms. Broaddus and Dr. Campbell provided a summary of the Complaint. The Board opened this Complaint due to a self-report by Dr. Bland and subsequent correspondence received from Tuba City Regional Medical Center regarding Dr. Bland’s conduct. The Board Ordered Dr. Bland to undergo a substance abuse evaluation and the substance abuse evaluation report is before the Board for review. Dr. Bland and his attorney, Flynn Carey, were present. Board members noted that Dr. Bland has been compliant with the Board’s requests. Board members noted that the substance abuse evaluation report indicated that Dr. Bland is safe to practice. After deliberation, Dr. Campbell made a motion, seconded by Dr. Forman, to release Dr. Bland from the terms of the Interim Consent Agreement and Order and to dismiss Complaint No. 19-44-B as there were no violations of statute or rule. 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					

20-02-c; Steven O’Bryant, DPM

The Board’s Investigator, Jerome Steck, DPM, was present telephonically and provided a summary of the Complaint to the Board. The Complainant, K.N. was present telephonically, requested to speak, made a statement and answered Board members’ questions. Board members asked K.N. if she signed a consent form for her daughter before the procedure. K.N. affirmed that she did not sign a consent form. Dr. O’Bryant was present telephonically, requested to speak, made a statement and answered Board members’ questions. Board members asked Dr. O’Bryant about his consent form policies. Dr. O’Bryant indicated that he only requires verbal consent for minor in-office procedures. Board members noted that Dr. O’Bryant was unable to perform the procedure because the patient would not hold still for a lidocaine injection. Board members asked whether Dr. O’Bryant applied any topical medication to the area before attempting to inject the area with lidocaine. Dr. O’Bryant explained that, in his experience, topical medication does not help when injecting an area with lidocaine. Additionally, Dr. O’Bryant indicated that he offered the patient to have the procedure done at the surgery center under general anesthesia. Board members noted that Dr. O’Bryant did not indicate the areas of the patient’s condition in the chart. Board members deliberated and expressed concern that Dr. O’Bryant did not obtain written consent for the procedure he attempted to perform and that he did not indicate the areas of the patient’s condition in the chart. After deliberation, Dr. Campbell made a motion, seconded by Dr. Forman, to issue Dr. O’Bryant a Letter of Concern for lack of written consent and lack of documentation regarding the patient’s condition. The motion carried unanimously, 4-0.

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

20-03-C; Kamran Farahani, DPM

The Board’s Investigator, Jerome Steck, DPM, was present telephonically and provided a summary of the Complaint to the Board. The Complainant was not present. Dr. Farahani 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. 20-03-C as there were no violations 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					

20-06-C; Mark Gorman, DPM

The Board’s Investigator, Dedrie Polakof, DPM, was present telephonically and provided a summary of the Complaint to the Board. The Complainant was not present. Dr. Gorman was present telephonically, requested to speak, made a statement and answered Board members’ questions. After deliberation, Dr. Forman made a motion, seconded by Dr. Eulano, to dismiss Complaint No. 20-06-C as there were no violations 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					

2020 Renewal Applications for Arizona Podiatric License and Dispensing Registration

Mark Olsen, DPM

Dr. Campbell provided a summary stating that Dr. Olsen indicated on his renewal application that he is currently involved in a malpractice matter. The Court is currently reviewing the malpractice matter. After deliberation, Dr. Campbell made a motion, seconded by Dr. Forman, to approve Dr. Olsen’s renewal and that after each court hearing Dr. Olsen provide an update to 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					

REVIEW, DISCUSSION AND POSSIBLE ACTION ON BOARD MEETING MINUTES

Discussion and approval of the Open Session Minutes from the May 13, 2020, Board meeting

Board members noted a correction on page five under Dr. Campbell’s report of the annual meeting of the Federation of Podiatric Medical Boards. Dr. Campbell made a motion, seconded

by Dr. Forman, to approve the May 13, 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					

ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

Compliance Update

Patrick Farrell, DPM

Ms. Broaddus provided a summary stating that Dr. Farrell has not provided an update as to whether he has performed any nerve decompression procedures in the last month. Ms. Broaddus noted that the Board’s Investigator, Dr. Polakof, is working on the last chart that was audited and once Dr. Polakof completes her report, it will be forwarded to the Board.

Issuance of Licenses

1. Aviles-Vargas, Hilda, DPM

Upon review of Dr. Aviles-Vargas’ application, the Board noted that her application meets requirements of statute and rule. After review, Dr. Campbell made a motion, seconded by Dr. Forman, to approve Dr. Aviles-Vargas’ 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					

2. Eltahir, Mohanad, DPM

Upon review of Dr. Mohanad’s application, the Board noted that his application meets requirements of statute and rule. After review, Dr. Campbell made a motion, seconded by Dr.

Forman, to approve Dr. Eltahir’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					

2020 Renewal Applications for Arizona Podiatric License and Dispensing Registration

Karyn Sallus, DPM

Dr. Campbell provided a summary stating that Dr. Sallus indicated on her renewal application that she was involved in a malpractice matter within the last 12 months. Dr. Sallus was one of many individuals named in a malpractice matter. The malpractice matter was dismissed. After deliberation, Dr. Campbell made a motion, seconded by Dr. Forman, to approve Dr. Sallus’ renewal and to take no action on the malpractice 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

3. Fellner, Dieter, DPM

Upon review of Dr. Dieter’s application, the Board noted that his application meets requirements of statute and rule. After review, Dr. Campbell made a motion, seconded by Dr. Forman, to approve Dr. Dieter’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					

4. Harris, Amelia, DPM

Upon review of Dr. Harris’ application, the Board noted that her application meets requirements of statute and rule. After review, Dr. Campbell made a motion, seconded by Dr. Forman, to approve Dr. Harris’ 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					

5. Kominsky, Stephen, DPM

Upon review of Dr. Kominsky’s application, the Board noted that his application meets requirements of statute and rule. After review, Dr. Campbell made a motion, seconded by Dr. Forman, to approve Dr. Kominsky’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					

6. Patel, Parth, DPM

Upon review of Dr. Patel’s application, the Board noted that his application meets requirements of statute and rule. After review, Dr. Campbell made a motion, seconded by Dr. Forman, to approve Dr. Patel’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					

7. Riniker, Marta, DPM

Upon review of Dr. Riniker's application, the Board noted that her application meets requirements of statute and rule. After review, Dr. Campbell made a motion, seconded by Dr. Forman, to approve Dr. Riniker'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					

8. Stocks, Sophia, DPM

Upon review of Dr. Stock's application, the Board noted that her application meets requirements of statute and rule. After review, Dr. Campbell made a motion, seconded by Dr. Forman, to approve Dr. Stock'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					

9. Sullivan, Christopher, DPM

Upon review of Dr. Sullivan's application, the Board noted that he has not completed his residency requirements; otherwise, his application meets the requirements of statute and rule. Dr. Sullivan was present telephonically, requested to speak and asked the Board for clarification. Board members answered. After review, Dr. Campbell made a motion, seconded by Dr. Forman, to approve Dr. Sullivan's application upon verification from his Program Director that he has successfully completed his residency requirement 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					

10. Tarr, Sondema, DPM

Upon review of Dr. Tarr’s application, the Board noted that she has not completed her residency requirements; otherwise, her application meets the requirements of statute and rule. After review, Dr. Campbell made a motion, seconded by Dr. Forman, to approve Dr. Tarr’s application upon successful completion of her residency 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					

DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING CLARIFICATION OF A.R.S. 32-826(A) AS IT PERTAINS TO SUCCESSFUL COMPLETION OF RESIDENCY

Ms. Broaddus provided an explanation as to the Board’s interpretation of A.R.S. 32-826(A). Ms. Broaddus explained that, at times, Program Directors do not comply with requests from the Board. Ms. Broaddus stated that a letter has been drafted to send to Program Directors in the event that they are non-compliant. Ms. Broaddus asked the Board for direction. After deliberation, Dr. Campbell made a motion, seconded by Dr. Forman, that the Board continue its current interpretation of A.R.S. 32-826(A) and to direct Ms. Broaddus to send a letter to Program Directors in the event of non-compliance. 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 VOTE ON PERSONNEL ISSUES PERTAINING TO EVALUATION OF EXECUTIVE DIRECTOR

At 11:37 a.m., Dr. Campbell made a motion, seconded by Dr. Forman to go into Executive Session to discuss personnel issues. Open session reconvened at 11:54 a.m.

Dr. Campbell made a motion, seconded by Dr. Forman, to approve an 8% salary increase to the Board’s Executive Director, Ms. Broaddus. 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 provided an update on the rulemaking progress stating that on May 19, 2020 the final rule making packet was submitted to the Governor’s Regulatory Review Council (GRRC). The rule package should be reviewed by GRRC at its June 30, 2020, study session. On July 2020, the rule package should be on GRRC’s agenda for final review.

Ms. Broaddus provided an update on renewals

Ms. Broaddus provide an update on CE Broker stating that CE Broker is now live.

Ms. Broaddus provided an update on Board Investigators

Ms. Broaddus provided information regarding the University of Arizona and State of Arizona COVID-19 antibody testing:

Ms. Broaddus provided an update on the Board’s Sunset Audit stating that on June 8, 2020, notification was received that the Board is due for its Sunset Audit.

Ms. Broaddus provided an update of the budget.

Ms. Broaddus provided an update of the Complaint log.

SUMMARY OF CURRENT EVENTS

There were no current events discussed.

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, July 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 12:00 p.m..

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