



Douglas A. Ducey,  
Governor

# Arizona State Board of Podiatry Examiners

“Protecting the Public’s Health”



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## OPEN SESSION MINUTES

### July 8, 2020

Members of the Arizona State Board of Podiatry Examiners (“Board”) held a meeting at 8:30 a.m. on Wednesday, July 8, 2020, at 1740 West Adams St., Boardroom C, Phoenix, Arizona 85007. One Executive Session was held.

#### BOARD MEMBERS PRESENT:

- Barbara Campbell, DPM..... Board President and Practitioner Member
-  John Rhodes ..... Secretary and Public Member
-  Albert Eulano, DPM. .... Practitioner Member
- Vacancy..... Public Member







#### BOARD MEMBERS ABSENT:

- Mark Forman, DPM.....Practitioner Member

#### STAFF AND ASSISTANT ATTORNEY GENERAL PRESENT:

- Heather Broaddus..... Executive Director
- Seamus Monaghan, Esq.....Assistant Attorney General

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

-  Randall Brower, DPM..... Licensee
-  Kamran Farahani, DPM. ....Licensee
-  Robert Chelle, Esq.....Attorney
-  G.B.....Complainant
-  Ty Taber, Esq.....Attorney
-  Dedrie Polakof, DPM.....Investigator

-  Appeared telephonically

#### OPEN SESSION

Dr. Campbell called the meeting to order at 8:32 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**

2020 Renewal Applications for Arizona Podiatric License and Dispensing Registration

Randall Brower, DPM

Dr. Campbell provided a summary stating that Dr. Brower indicated on his renewal application that he is currently involved in a malpractice matter. Dr. Brower was present telephonically and requested to speak. Dr. Brower stated that deposition is set to begin in August or September 2020. After deliberation, Dr. Campbell made a motion, seconded by Dr. Eulano, to approve Dr. Brower’s renewal and that after each court hearing Dr. Brower provide an update to the Board. The motion carried unanimously, 3-0.

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

Steven Moore, DPM

Dr. Campbell provided a summary stating that Dr. Moore indicated on his renewal application that he was involved in a malpractice matter since his last renewal. Dr. Moore was not present. Dr. Campbell stated that Dr. Moore provided documentation indicating that the malpractice case is closed. After deliberation, Dr. Campbell made a motion, seconded by Dr. Eulano, to approve Dr. Moore’s renewal and to take no action on the malpractice matter. The motion carried unanimously, 3-0.

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

Investigations

20-09-C; Kamran Farahani, DPM

The Board’s Investigator, Dr. Polakof was present telephonically and provided a summary to the Board. Board members questioned Dr. Polakof.

*At 9:10 a.m., Mr. Rhodes made a motion, seconded by Dr. Campbell, to move into Executive Session to receive legal advice from the Board's attorney. The motion carried unanimously, 3-0.*

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

*Open session reconvened at 9:19 a.m.*

The Complainant, G.B., and her attorney, Ty Taber, Esq., were present, requested to speak, made statements and answered Board members' questions. G.B. stated that she never gave informed consent for the shockwave therapy. Mr. Taber and G.B. stated that G.B. never received any pain medications or injections, never received any devices or discharge instructions. Additionally, Mr. Taber and G.B. stated that Dr. Farahani refused to release G.B.'s records to her.

Dr. Farahani and his attorney, Robert Chelle, Esq., were present, requested to speak, made statements and answered Board members' questions. Mr. Chelle stated that the Complainant is involved in a personal injury case and she suddenly stopped going to Dr. Farahani for treatment. Mr. Chelle opines that G.B. received a settlement offer that she was unhappy with therefore she obtained a new personal injury attorney and filed a Complaint with the Board against Dr. Farahani. Additionally, Mr. Chelle stated that Dr. Farahani never submitted an invoice to any insurance company regarding G.B.'s treatment. The invoices in question were submitted to an attorney for settlement purposes. Board members asked Dr. Farahani if he gave G.B. Marcaine injections prior to the shockwave therapy. Dr. Farahani explained that with personal injury cases insurance information from the patient is not necessary. Dr. Farahani provided a timeline of G.B.'s treatment. Dr. Farahani stated that he never gave G.B. injections but instead administered a topical anesthetic before the shockwave therapy. Dr. Farahani stated that G.B. signed a general consent form and explained that because she did not undergo a surgical procedure G.B. did not sign a separate consent form. Dr. Farahani explained the coding he utilized for G.B.'s treatment. Board members' asked Dr. Farahani if he noted in the records that he applied topical anesthetic. Dr. Farahani said he did not indicate that he applied topical anesthetic in the records. Board members asked about devices that were dispensed to G.B. Dr. Farahani answered. Board members noted that the sign-in sheet that Dr. Farahani submitted listed all patient names, which could be a HIPAA violation. Board members asked Dr. Farahani about his use of the title "Board Certified-Foot and Ankle Surgeon" when he is not Board Certified. Dr. Farahani indicated that he is Board Qualified.

After deliberation, Dr. Campbell made a motion, seconded by Mr. Rhodes, to move Complaint No. 20-09-C, Kamran Farahani, DPM, to an Informal Hearing for possible violations of A.R.S. 32-854.01(5)(9)(11)(21)(24)(25). The motion carried unanimously on a roll call vote, 3-0.

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

Yay	X	X		X	
Nay					
Recused					
Abstained					
Absent			X		

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

Discussion and approval of the Open Session Minutes from the June 10, 2020, Board meeting

Dr. Campbell made a motion, seconded by Mr. Rhodes, to approve the June 10, 2020, Open Session Minutes as drafted. The motion carried unanimously, 3-0.

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

Discussion and approval of the Executive Session Minutes from the June 10, 2020, Board meeting

Dr. Campbell made a motion, seconded by Mr. Rhodes, to approve the June 10, 2020, Executive Session Minutes as drafted. The motion carried unanimously, 3-0.

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

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

Issuance of Licenses

1. Felice, Seth, DPM

Upon review of Dr. Felice’s application, the Board noted that his application meets requirements of statute and rule. After review, Dr. Campbell made a motion, seconded by Dr. Eulano, to approve Dr. Felice’s application upon payment of the license issuance fee. The motion carried unanimously, 3-0.

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

Application(s) for Registration to Dispense Drugs/Devices

1. Fellner, Dieter, DPM

Upon review of Dr. Fellner’s application, the Board noted that his application meets requirements of statute and rule. After review, Dr. Campbell made a motion, seconded by Mr. Rhodes, to approve Dr. Fellner’s application. The motion carried unanimously, 3-0.

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

Compliance Update

Patrick Farrell, DPM

Ms. Broaddus provided a summary stating that Dr. Farrell provided an update as to which months he performed a nerve decompression procedure in 2020. Additionally, Mr. Broaddus stated that Dr. Polakof completed the report for the two charts that Dr. Farrell performed a nerve decompression procedure. The chart audit will be scheduled for the August Board meeting. The Board took no action on this item.

**EXECUTIVE DIRECTOR’S REPORT**

Ms. Broaddus provided an update on the rulemaking progress stating that on July 7, 2020 the final rulemaking packet was reviewed by the Governor’s Regulatory Review Council (GRRC). GRRC voted to approve the rule package as submitted. On July 8, 2020, the final notice of rulemaking was submitted to the Secretary of State’s Office. The rules will be effective in 60 days.

Ms. Broaddus provided an update on renewals.

Ms. Broaddus provided an update on Complaint No. 19-32-C, Keith Bangart, DPM. Ms. Broaddus stated that Dr. Bangart completed the terms of the Non-Disciplinary Consent Agreement.

Ms. Broaddus provided an update of the budget.

Ms. Broaddus provided an update of the Complaint log.

Ms. Broaddus provided an update on elicense.

### **SUMMARY OF CURRENT EVENTS**

Board members asked if there has been any news on the next legislative session. Ms. Broaddus stated that there has been no news. Ms. Broaddus stated that it is likely that the meetings next legislative session will be virtual.

### **CALL TO THE PUBLIC**

Dr. Campbell informed Board members why Dr. Forman is absent from this meeting.

### **DISCUSSION AND POSSIBLE ACTION ITEMS FOR FUTURE MEETING AGENDAS**

There were no items for future Board meetings

### **NEXT BOARD MEETING DATE**

Wednesday, August 12, 2020 at 8:30 a.m.

### **ADJOURNMENT**

A motion was made by Dr. Campbell, seconded by Mr. Rhodes, and passed unanimously, 3-0, to adjourn the meeting at 10:21 a.m.

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