



Arizona State Board of Podiatry Examiners
"Protecting the Public's Health"

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Douglas A. Ducey,
Governor

OPEN SESSION MINUTES

September 9, 2020

Members of the Arizona State Board of Podiatry Examiners ("Board") held a meeting at 8:30 a.m. on Wednesday, September 9, 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
- ☎ 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

- Kamran Farahani, DPM.Licensee
- ☎ G.B.....Complainant
- ☎ Robert Chelle, Esq.....Attorney
- ☎ Michael Dershowitz, DPM.....Licensee
- ☎ Brenna Gingrich, Esq.....Attorney
- ☎ Kimberly Kent, Esq.....Attorney
- ☎ April Glesinger, DPM.....Licensee
- ☎ Katherine Kennedy, DPM.....Licensee
- M.P.....Complainant
- ☎ Dedrie Polakof, DPM.....Investigator
- ☎ Jerome Steck, 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

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.

There were no declarations of conflicts of interest.

TIMED ITEM

Informal Hearing; Complaint No. 20-09-C; Kamran Farahani, DPM

Dr. Campbell summarized Informal Hearing procedures and detailed the allegations against Dr. Farahani. Dr. Farahani was present and his attorney, Robert Chelle, Esq., was present telephonically. Board members and staff introduced themselves. Dr. Campbell confirmed that Farahani has read the materials.

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

The Complainant was present telephonically but, on several occasions, did not answer Board members when asked if she was present and wished to speak.

Dr. Campbell swore Dr. Farahani in. Dr. Farahani and his attorney requested to speak, made statements and answered Board members’ questions. Mr. Chelle provided clarification regarding the billing in this complaint. Mr. Chelle attested that the Complainant’s attorney received the orthotics dispensed by Dr. Farahani. Additionally, Mr. Chelle provided clarification regarding Dr. Farahani’s sign-in sheet. Mr. Chelle acknowledged that Dr. Farahani’s record keeping needs improvement. Board members’ asked Dr. Farahani if he ever gave the patient an injection prior to shock therapy treatment. Dr. Farahani confirmed that he did not give an injection but applied a topical anesthetic instead. Dr. Farahani explained his reasoning for the billing code utilized for the topical anesthetic. Dr. Farahani attested that his notes do not indicate that he administered any injections to the patient. Board members’ asked Dr. Farahani how many personal injury cases he has worked on. Dr. Farahani affirmed that this case is the second personal injury case he has accepted. Dr. Farahani attested that he is no longer be accepting personal injury cases.

At 9:13 a.m. Dr. Campbell made a motion to go into Executive Session to obtain confidential legal advice from the Board’s attorney. Mr. Rhodes seconded the motion. Open session reconvened at 9:23 a.m.

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

Dr. Farahani attested that he consulted in this case and that his intentions were to help the patient. Board members deliberated and expressed concern with Dr. Farahani’s utilization of certain billing codes and with his lack of pertinent information in the medical record. After deliberation, Dr. Campbell made a motion, seconded by Dr. Eulano, to issue a non-disciplinary

Order for continuing education. Dr. Farahani shall complete six hours of continuing education in record keeping. The six hours of continuing education will be in addition to the required continuing education hours required for license renewal. The continuing education may be completed electronically. Additionally, the motion included, to issue Dr. Farahani a Letter of Concern for his use of billing codes 99204, 99213 and 99214. 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

Investigations

20-10-C; Michael Dershowitz, DPM

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

The Complainant was not present. Dr. Dershowitz and his attorney, Brenna Gingrich, Esq., were present telephonically. Board members acknowledged that this Complaint arose because Dr. Dershowitz and his staff did not wear face coverings while interacting with a patient. Board members recognized that the patient was seen in Dr. Dershowitz’s office prior to face coverings being mandated. Board members cautioned Dr. Dershowitz about guidelines that are in effect today and reminded Dr. Dershowitz that he should be following national, state and county guidelines.

After deliberation, Dr. Campbell made a motion, seconded by Mr. Rhodes, to dismiss Complaint No. 20-10-C; Michael Dershowitz, DPM, 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					

20-05-C; April Glesinger, DPM

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

The Complainant was not present. Dr. Glesinger was present, requested to speak, made a statement and answered Board members’ questions. Board members asked Dr. Glesinger which seminar she attended in which it was recommended that written consent no longer be obtained for nail procedures that are performed in office. Dr. Glesinger answered. Board members deliberated and expressed concern that Dr. Glesinger failed to obtain written consent for a procedure that required the use of a surgical billing code. Board members’ affirmed that a procedure that requires the use of a surgical billing code must have written consent. After deliberation, Dr. Campbell made a motion, seconded by Mr. Rhodes, to offer Dr. Glesinger a Letter of Concern for the lack of written consent for a surgical procedure. The motion carried unanimously, 4-0.

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

20-07-C; Katherine Kennedy, DPM

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

The Complainant, M.P, was present, requested to speak, made a statement and answered Board members’ questions. Board members asked M.P. if she had pain on the side of her foot prior to seeing Dr. Kennedy. M.P. affirmed she had no pain. Board members asked M.P. if Dr. Kennedy recommended conservative care prior to surgery. M.P. answered.

Dr. Kennedy was present telephonically, requested to speak, made a statement and answered Board members’ questions. Dr. Kennedy clarified that her primary care physician referred M.P. for bunions. Dr. Kennedy stated that at M.P.’s initial appointment, she was complaining of pain but the pain was due to shoe gear. Dr. Kennedy attested that tissue excised from M.P.’s foot was submitted to the lab and the results indicated Bursa. Dr. Kennedy provided a timeline of M.P.’s treatment. Board members asked Dr. Kennedy whether she discussed conservative treatment with M.P. Dr. Kennedy confirmed that conservative treatment was discussed. Board members asked Dr. Kennedy about the x-rays. Dr. Kennedy answered. Board members asked Dr. Kennedy if she takes x-rays after each post-op visit. Dr. Kennedy confirmed that she does. Board members asked about Dr. Kennedy’s record keeping. Dr. Kennedy clarified that she was converting to a new electronic record software therefore some of the notes do not correlate with the day the x-rays were performed. Board members asked Dr. Kennedy if she asked M.P. if there were any

injuries after surgery. Dr. Kennedy stated that she did not ask. Board members asked Dr. Kennedy if she utilizes a billing department for coding of treatment/procedures. Dr. Kennedy stated that the billing department does the coding. Board members deliberated and expressed concern that Dr. Kennedy did not recognize post-surgical complications and did not ask questions of M.P. post-surgery. Board members expressed concern with Dr. Kennedy’s record keeping and her utilization of billing codes. After deliberation, Dr. Campbell made a motion, seconded by Dr. Eulano, to offer Dr. Kennedy a Letter of Concern for not recognizing post-surgical complications and for not discussing those complications with M.P. Additionally, the motion included, to offer Dr. Kennedy a non-disciplinary Order for continuing education. Dr. Kennedy shall complete three hours of continuing education in recognizing post-operative complications and three hours in radiology. The continuing education is in addition to the required continuing education for license renewal. The continuing education shall be Board approved and completed within six months. The continuing education may be completed electronically. 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					

20-10-C; Michael Dershowitz, DPM

The Board’s Investigator, Dr. Cohn was present telephonically and provided a summary to the Board. Dr. Cohn acknowledged that Dr. Polakof was initially assigned to this case. Dr. Cohn affirmed that he did not review Dr. Polakof’s findings.

The Complainant was not present. Dr. Dershowitz and his attorney, Kimberly Kent, Esq., were present telephonically. Dr. Dershowitz clarified his record keeping. Dr. Dershowitz stated that one of the Board’s Investigators, Dr. Polakof, recused from this case at Ms. Kent’s request. Dr. Dershowitz stated that Dr. Polakof’s report did not express concerns regarding billing. The Board’s Assistant Attorney General, Seamus Monaghan, Esq., stated that if Dr. Dershowitz is going to discuss a report that a previous Investigator recused from at his attorney’s request then, the Board will review that report. Board members expressed concern with Dr. Dershowitz’s billing codes.

After deliberation, Dr. Campbell made a motion, seconded by Mr. Rhodes, to offer Dr. Dershowitz a Letter of Concern for the utilization of his billing code, 99204. The motion carried unanimously, 4-0.

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

Abstained					
Absent					

20-13-C; Paul Woodward, DPM

Ms. Broaddus summarized this Complaint stating that a podiatrist, Sina Safar, DPM, submitted the Complaint. Dr. Safar alleges that Dr. Woodward is treating patients without consent. Dr. Woodward responded and refuted the allegations. Dr. Woodward stated that if he receives referrals from hospice and group homes. Dr. Woodward stated that if he treats a patient that is not in hospice or a group home he obtains consent directly from the patient. After deliberation, Dr. Forman made a motion, seconded by Mr. Rhodes, to dismiss Complaint No. 20-13-C; Paul Woodward, DPM, 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					

Issuance of Licenses

1. Dugal, Naresh, 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. Forman, to approve Dr. Naresh’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					

2. Loya, Rosabel, DPM

Upon review of Dr. Loya’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. Loya’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. Cooper, Candice, DPM

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

Application(s) for Registration to Dispense Drugs/Devices

1. Walker, Scott, DPM

Upon review of Dr. Walker’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. Walker’s 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					

2020 Renewal Applications for Arizona Podiatric License and Dispensing Registration

Shylaja Arya, DPM

Dr. Campbell provided a summary stating that Dr. Arya is requesting a waiver of the late renewal penalty fee. Board members determined that it does not have the authority to waive fees. After deliberation, Dr. Campbell made a motion, seconded by Mr. Rhodes, to deny Dr. Arya’s request for waiver of the late renewal penalty 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					

Arezu Izad, DPM

Dr. Campbell provided a summary stating that Dr. Izad is requesting that the Board extend the deadline for her to submit documentation of her continuing education. Dr. Campbell explained that Dr. Izad completed the continuing education within the statutory time frame but has been unable to obtain her certificate of completion from the organization. After deliberation, Dr. Campbell made a motion, seconded by Dr. Forman, to approve Dr. Izad’s renewal upon receipt of documentation of her continuing education. The motion carried unanimously, 4-0.

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

Cameron McKay, DPM

Dr. Campbell provided a summary stating that Dr. McKay is requesting a waiver of the continuing education requirements due to absence from the continental United States. After deliberation, Dr. Campbell made a motion, seconded by Dr. Forman, to approve Dr. McKay’s request and to approve his renewal. The motion carried unanimously, 4-0.

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

Absent					
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Glenn Silverstein, DPM

Dr. Campbell provided a summary stating that Dr. Silverstein is requesting a waiver of the late renewal penalty fee. Board members determined that it does not have the authority to waive fees. After deliberation, Dr. Campbell made a motion, seconded by Mr. Rhodes, to deny Dr. Silverstein’s request for waiver of the late renewal penalty 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					

Jeffery Schabler, DPM

Dr. Campbell provided a summary stating that Dr. Schabler is requesting a waiver of the late renewal penalty fee and a sixty-day extension to complete the continuing education requirements. Board members determined that it does not have the authority to waive fees. The Board determined that it has the authority to grant a sixty-day extension for completion of the continuing education requirements. After deliberation, Dr. Campbell made a motion, seconded by Dr. Forman, to deny Dr. Schabler’s request for waiver of the late renewal penalty fee and to grant his request for a sixty extension of the continuing education deadline. The motion carried unanimously, 4-0.

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

Leonard Wagner, DPM

Dr. Campbell provided a summary stating that Dr. Wagner is requesting a waiver of the continuing education requirements. Board members determined that Dr. Wagner does not meet the requirements for waiver of the continuing education requirements pursuant to A.R.S. 32-829(C). After deliberation, Dr. Campbell made a motion, seconded by Mr. Rhodes, to deny Dr. Wagner’s request for waiver of the continuing education requirements and to grant him a sixty-day extension to complete the continuing education requirements. 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 August 12, 2020, Board meeting

Dr. Campbell noted a correction under the item pertaining to approval of continuing education. After review, Dr. Campbell made a motion, seconded by Mr. Rhodes, to approve the August 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 August 12, 2020, Board meeting

Dr. Campbell made a motion, seconded by Mr. Rhodes, to approve the August 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

Legislation the Board may pursue for the 2021 legislative session

Ms. Broaddus provided a summary stating that the Board’s legislation was stalled in 2020 due to the current health crisis. Ms. Broaddus reviewed the legislation that was stalled and explained that the Board may wish to modify the language regarding fingerprinting. Board members also

discussed the definition of “podiatrist”. It was the consensus of the Board to pursue legislation in 2021.

EXECUTIVE DIRECTOR’S REPORT

Ms. Broaddus provided an update on renewals.

Ms. Broaddus provided an update on the Board’s 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.

CALL TO THE PUBLIC

There was no call to the public.

DISCUSSION AND POSSIBLE ACTION ITEMS FOR FUTURE MEETING AGENDAS

There were no items for future Board meetings

NEXT BOARD MEETING DATE

Wednesday, October 21, 2020 at 8:30 a.m. The Board discussed the November date and determined the meeting will be held on November 17, 2020.

ADJOURNMENT

A motion was made by Dr. Campbell, seconded by Mr. Rhodes, and passed unanimously, 4-0, to adjourn the meeting at 12:15 p.m.

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