



Douglas A. Ducey,
Governor

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

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OPEN SESSION MINUTES

November 10, 2015

Members of the Arizona State Board of Podiatry Examiners held a meeting at 8:38 a.m. on Wednesday, November 10, 2015 at the Podiatry Board Office in Suite B-1, 1400 West Washington Street, Phoenix, Arizona 85007. No executive session was held.

BOARD MEMBERS:

- Barbara Campbell, D.P.M..... Board President and Practitioner Member
- John RhodesSecretary, Treasurer and Public Member
- Barry Kaplan, D.P.M. Practitioner Member
- × Joseph Leonetti, D.P.M..... Practitioner Member
- M. Elizabeth Miles, Esq.....Public Member
- × Absent

STAFF PRESENT:

- Ryan P. Edmonson..... Executive Director
- Margaret Whelan Interim Executive Director
- Frankie Shinn-Eckberg Assistant Attorney General
- Dee Doyle Administrative Assistant

GUESTS PRESENT AND/OR PARTICIPATING

- Dedrie Polakof, D.P.M.....Board Investigator
- Complainant.....Investigative Case 12-05-C
- Kris A. DiNucci, D.P.M.....Respondent
- Bruce D. Crawford, Esq.....Respondent’s Attorney

The meeting was called to order at 8:38 a.m. by Dr. Barbara Campbell. The following order of business was then considered:

OPEN SESSION

ROLL CALL

All Board Members declared their presence, except for Dr. Joseph Leonetti.

PRESIDENT'S REPORT

Dr. Barbara Campbell welcomed Ryan P. Edmonson as the Board's new Executive Director. Mr. Edmonson thanked the Board.

REVIEW, DISCUSSION AND VOTE ON INVESTIGATIVE REVIEWS/COMPLAINTS: 12-05-C; V. Tracy Marshall, D.P.M.

Complainant, CB was present to discuss her medical condition and treatment of care by Dr. Marshall. The complainant explained all of the unfortunate complications she endured from her surgery.

After the Board discussed the matter, the unfortunate circumstances that occurred and reviewed the file, a motion was made by M. Elizabeth Miles, seconded by Dr. Barry Kaplan and passed unanimously to dismiss the case due to no violations of Board Statutes and Rules.

REVIEW, DISCUSSION AND POSSIBLE APPROVAL OF BOARD MEETING MINUTES:

August 12, 2015 Regular Session Minutes

A motion was made by M. Elizabeth Miles, seconded by Dr. Barry Kaplan and passed unanimously to approve the Open Session Minutes from the August 12, 2015 Board meeting as written.

September 9, 2015 Regular Session Minutes

A motion was made by Dr. Barry Kaplan, seconded John Rhodes and passed 3-0-1 to approve the Open Session Minutes from the September 9, 2015 Board meeting as written.

M. Elizabeth Miles abstained from the vote.

October 14, 2015 Regular Session Minutes

Margaret Whelan provided an update regarding the minutes and stated that the minutes would be available for the Board's review at their December meeting.

REVIEW, DISCUSSION AND POSSIBLE APPROVAL OF ADDICTION SPECIALIST FOR THE PURPOSE OF EVALUATION OF A LICENSEE:

Evaluator – Lawrence Sideman, Ph.D., ABPP

Margaret Whelan provided an update regarding Dr. Lawrence Sideman's credentials. M. Elizabeth Miles stated that Mr. Sideman's curriculum vitae mostly provided work experience in academia. The Board discussed that other evaluator's with addiction work experience would be better qualified as an evaluator.

After discussion, a motion was made by M. Elizabeth Miles, seconded by Dr. Barry Kaplan and passed unanimously to defer action pending the receipt of further information.

REVIEW, DISCUSSION AND VOTE ON INVESTIGATIVE REVIEW/COMPLAINTS:

15-12-C; Scott Evans, D.P.M.

Dr. Dedrie Polakof was present and provided a summary of her investigation.

After discussion and based on the Board's review of the file, a motion was made by Dr. Barbara Campbell, seconded by John Rhodes and passed unanimously to dismiss the case due to no violations of Board statutes or rules.

16-03-B; Mark Rosales, D.P.M.

The Board reviewed and discussed Dr. Rosales' license renewal and his answers to the professional fitness questions.

After discussion, a motion was made by M. Elizabeth Miles, seconded by John Rhodes and passed unanimously to administratively close the file based on the mitigating circumstances and communication between the former executive director and Dr. Rosales.

16-08-B; Tosha Klotzbach-Larios, D.P.M.

The Board reviewed and discussed Dr. Klotzbach-Larios' license renewal and her answers to the professional fitness questions, specifically her guilty plea in a court martial.

After discussion, a motion was made by M. Elizabeth Miles, seconded by Dr. Barry Kaplan and passed unanimously to issue a Letter of Concern for Dr. Klotzbach-Larios' conduct that resulted in her guilty plea for a violation of the Uniform Code of Military Justice, Sub Chapter 10.907. Article 107 and Sub Chapter 10.933. Article 133 and close the file.

14-21-C; Kris DiNucci, D.P.M.

Dr. DiNucci was present along with his legal counsel Bruce Crawford. Dr. Dedrie Polakof was also present to address the Board and to answer their questions. Dr. Polakof summarized her findings, of the Board's specific questions and instructions, from a previous board meeting.

After the Board discussed its previous concerns and Dr. Polakof's summarization that the complaint is unsubstantiated, a motion was made by Dr. Barbara Campbell, seconded by John Rhodes and passed unanimously to dismiss the case due to no violations of Board statutes or rules.

EXECUTIVE DIRECTOR'S REPORT:

Welcome new Executive Director

Margaret Whelan officially introduced Ryan P. Edmonson to the Board as their new Executive Director and thanked the Board for their support as she administered the duties of Executive Director in an interim capacity. The Board welcomed Ryan P. Edmonson to the Board as their new Executive Director. Mr. Edmonson thanked the Board for the opportunity.

Budget

Ms. Whelan reported that the Board's beginning cash balance as of October 31, 2015 was \$181,227 with an ending cash balance of \$166,138. Ms. Whelan stated that the Board's budget is currently healthy and in no danger of overspending.

The Board expressed concern regarding the lack of reporting over the last several years with the Office of the Arizona Governor, Strategic Planning & Budgeting ("OSPB"). Ms. Whelan stated that she believes all reports have been filed with the exception of the strategic plan and she has been in contact with OSPB to discuss the strategic plan and the Board's transition.

Board Office Administrative/Complaint Status Update

Ms. Whelan provided an update regarding the complaint status and stated that the Board's interim staff is taking care of the backlog and that the complaints seem to be dropping. She also indicated that the volume of phone calls and emails has slowed as well, which the Board agreed is a sign of success.

Future Agenda Items

The Board discussed placing the following matters on a future board agenda for review:

- An apparent illegal advertisement for a podiatrist;
- Four informal interviews split into January and February meetings; and
- Mandatory board member training.

CALL TO PUBLIC:

No one from the public was present to address the Board.

NEXT BOARD MEETING DATE:

Wednesday, December 9, 2015 at 8:00 a.m.

MOTION TO ADJOURN:

A motion was made by Dr. Barbara Campbell, seconded by M. Elizabeth Miles and passed to adjourn at 9:52 a.m.