



Douglas A. Ducey,
Governor

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

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OPEN SESSION MINUTES

May 8, 2019

Members of the Arizona State Board of Podiatry Examiners (“Board”) held a meeting at 8:30 a.m. on Wednesday, May 8, 2019, at 1740 West Adams St., Boardroom C, Phoenix, Arizona 85007. One Executive Session was held.

BOARD MEMBERS:

Barbara Campbell, DPM..... Board President and Practitioner Member
John Rhodes Secretary and Public Member
Joseph Leonetti, DPM..... Practitioner Member
Mark Forman, DPM Practitioner Member
Vacancy..... Public Member

STAFF AND ASSISTANT ATTORNEY GENERAL PRESENT:

Heather Broaddus..... Executive Director
Frankie Shinn-Eckberg, Esq..... Assistant Attorney General

GUEST(S) PRESENT AND/OR PARTICIPATING

Thomas Chambers, DPM.....Licensee
☎ Bruce Crawford, Esq.....Attorney
☎ Jeffrey McAlister, DPM.....Licensee
John McGhan, DPMApplicant

☎ Appeared telephonically

OPEN SESSION

Dr. Campbell called the meeting to order at 8:30 a.m. The following order of business was considered.

DECLARATION OF CONFLICTS OF INTEREST – A.R.S. § 38-503

Dr. Forman recused from voting on the items on the Consent Agenda.

REVIEW, DISCUSSION AND POSSIBLE ACTION ON BOARD MEETING MINUTES

Discussion and approval of the Open Session Minutes from the April 10, 2019, Board meeting
Dr. Campbell made a motion, seconded by Dr. Forman, to approve the April 10, 2019, Open Session Minutes as written. The motion passed unanimously, 4-0.

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.

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

ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

Compliance Update

Hayman Brad, DPM

Board members reviewed Dr. Hayman's correspondence. The Board did not take action on this item.

Farrell, Patrick, DPM

Board members reviewed Dr. Farrell's correspondence. Ms. Broaddus provided additional information stating that Dr. Farrell is sending the requested records to the Board office. The Board did not take action on this item.

Peterson, Kent, DPM

Board members reviewed Dr. Peterson's correspondence. The Board did not take action on this item.

Investigation Files

19-14-C; Pappalardo, Jennifer, DPM

The Board's Investigator, Dedrie Polakof, DPM, was present and provided a summary of the Complaint to the Board. Dr. Pappalardo and her attorney, Michele Thompson, were present and requested to speak. Board members discussed the Complaint. After deliberation, Mr. Rhodes made a motion, seconded by Dr. Leonetti, to dismiss Complaint No. 19-14-C, as there are no violations of statute or rule. The motion carried unanimously, 4-0.

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

Update of Investigator’s Review of Audit Report

Clark, Seth, DPM

The Boards Investigator, Dedrie Polakof, DPM, was present and provided a summary of the audit to the Board. Dr. Polakof indicated that it appears that Dr. Clark works with a high-risk patient population. Dr. Polakof reviewed concerns with record keeping, coding, diagnoses, and medications utilized in treatment. Board members asked Dr. Polakof to explain the definitions for some of the coding that Dr. Clark utilized. Board members noted that Dr. Clark did not indicate amounts of medications given. Board members expressed concern with Dr. Clark’s record keeping, coding, diagnoses, medications utilized in treatment and that there appears to be a high complication rate with patient care.

.. At 9:05 a.m., Dr. Leonetti made a motion, seconded by Mr. Rhodes, to go into Executive Session to obtain confidential legal advice from the Board’s attorney. The motion carried unanimously, 4-0.

	<i>Dr. Campbell</i>	<i>Dr. Leonetti</i>	<i>Dr. Forman</i>	<i>Mr. Rhodes</i>	<i>VACANCY</i>
<i>Yay</i>	<i>X</i>	<i>X</i>	<i>X</i>	<i>X</i>	
<i>Nay</i>					
<i>Recused</i>					
<i>Abstained</i>					
<i>Absent</i>					

Open Session reconvened at 9:17 a.m.

The Board directed Dr. Polakof to request that Dr. Clark submit his employment contract, the agencies reimbursement policy and an explanation as to whether he gets incentives or reimbursement for products used/dispensed. Additionally, the Board asked Dr. Polakof to inquire whether podiatry notes are separate from other patient notes within Dr. Clark’s agency. Board members expressed concern that Dr. Clark is not submitting complete patient files. After deliberation, it was the consensus of the Board to direct Ms. Broadus to send correspondence to Dr. Clark requesting that he appear in-person, for a probationary interview, at the Board’s June 12, 2019, meeting.

Initial Analysis

Chambers, Thomas, DPM

The Board reviewed and discussed the information/documentation submitted to the Board. Dr. Chambers was present, requested to speak, made a statement and answered Board members’ questions. Board members noted that the ad in question could be a potential violation. Dr. Chambers explained that his associate performs the procedure and since the Board’s inquiry, he has removed the ad. Board members noted that as long as Dr. Chambers name is not associated with the ad there is no violation. Board members indicated Dr. Chambers took corrective action by removing the ad. After deliberation, it was the consensus of the Board to take no action in this matter.

Issuance of Licenses

McGhan, John, DPM

Dr. McGhan was present, requested to speak, made a statement and answered Board members' questions. Board members discussed statutory requirement regarding completion of residency prior to issuing a license. Board members noted that Dr. McGhan does not complete his residency until June 30, 2019 otherwise his application meets requirements. After deliberation, Dr. Leonetti made a motion, seconded by Dr. Forman, to approve Dr. McGhan's application for licensure pending receipt of verification that he successfully completed his residency and upon payment of the license issuance fee. The motion carried unanimously, 4-0.

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

Initial Analysis

McAlister, Jeffrey, DPM

The Board reviewed and discussed the information/documentation submitted to the Board. Dr. McAlister and his attorney, Bruce Crawford, Esq., were present telephonically, requested to speak, made a statement and answered Board members' questions. Mr. Crawford explained that Dr. McAlister was unaware of the advertisement and, once he became aware of it, he immediately began the process to remove it. Board members noted that a licensed podiatrist should always reference himself or herself as a podiatrist or, use the credential DPM. After deliberation, it was the consensus of the Board to take no action in this matter.

Issuance of Licenses

Corley, Chase, DPM

Board members noted that Dr. Corley does not complete his residency until June 30, 2019 otherwise his application meets requirements. After deliberation, Dr. Leonetti made a motion, seconded by Dr. Forman, to approve Dr. Corley's application for licensure pending receipt of verification that he successfully completed his residency and upon payment of the license issuance fee. The motion carried unanimously, 4-0.

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

Moore, Tanner, DPM

Board members noted that Dr. Moore does not successfully complete his residency until June 30, 2019 otherwise his application meets requirements. After deliberation, Dr. Leonetti made a motion, seconded by Dr. Forman, to approve Dr. Corley’s application for licensure pending receipt of verification that he successfully completed his residency and upon payment of the license issuance fee. The motion carried unanimously, 4-0.

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

Application(s) for Registration to Dispense Drugs/Devices

Moore, Tanner, DPM

It was the consensus of the Board to table this matter to a future Board meeting as Board members’ noted that Dr. Moore has not completed his residency requirement.

Silva, Tonda, DPM

It was the consensus of the Board to table this matter to a future Board meeting as Board members’ noted that Dr. Silva has not completed her residency requirement.

Unlicensed Practitioners and the Governor’s Executive Order 2019-01

Ms. Broaddus provided a summary stating that the Executive Order requires regulatory Boards to submit a policy/protocol for unlicensed practitioners to the Governor’s office by May 31, 2019. Ms. Broaddus requested that the Board review and approve the written policy prior to submission to the Governor’s office. After deliberation, Mr. Rhodes made a motion, seconded by Dr. Leonetti, to approve the Board’s policy on unlicensed practitioners. The motion carried unanimously, 4-0.

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

Update on the Federation of Podiatric Medical Boards and the Federation of State Medical Boards Annual Meeting

Dr. Campbell provided a summary to the Board stating that there were several topics discussed at the meeting. Dr. Campbell stated that a topic of discussion was the national exam; topics

discussed included, validity of the exam, exam structure, and whether the clinical portion of the exam is necessary.

Dr. Campbell stated that discussion took place regarding the “re-entry” program. The program is specific to licensees who have received discipline. The program is designed to educate licensees in specific areas and to prepare licensees for re-entry into the profession.

Other areas of discussion included, interstate compact, occupational license reform, immunity for Board members and round table discussion.

CONSENT AGENDA

Renewal Applications for Arizona Podiatric License and Dispensing Registration

Dr. Forman recused from voting on this item.

1. Allen, Jason, DPM
2. Forman, Mark, DPM
3. Friedman, Erwin, DPM
4. Holgado, Ronald, DPM
5. Howansky, Petrusia, DPM
6. Hunchak, Derek, DPM
7. Hunchak, Whitney, DPM
8. Novack, Robert, DPM
9. O’Brien, Kevin, DPM
10. Sana, Nima, DPM
11. Su, Antonius, DPM

Dr. Joseph Leonetti made a motion, seconded by Mr. Rhodes, to approve the item(s) on the Consent Agenda. The motion carried 3-0-1 with Dr. Forman recused.

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

REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING PROPOSED RULE REVISIONS PERTAINING TO CONTINUING EDUCATION, LICENSE ISSUANCE FEES, LICENSE RENEWAL FEES AND PRORATING THE LICENSE ISSUANCE FEE

Ms. Broaddus provided a summary stating that at its May 8, 2019, meeting the Board directed Board staff to request an exemption from the rule-making moratorium. The request was submitted to the Governor’s office and, to date, a response has not been received. The Board discussed increasing fees. The Board expressed concern with increasing the license issuance fee.

The Board discussed increasing the annual renewal fee. After discussion, it was the consensus of the Board to table the discussion of increasing the renewal fee to a future meeting.

The Board discussed allowing licensees to obtain more, if not all, of the required continuing medical education via electronic means. The Board discussed how it might be difficult for licensees in rural areas to obtain in-person continuing medical education. The Board directed Board staff to work on revising R4-25-502(D) and bring the revision back to the Board for review at a future meeting.

EXECUTIVE DIRECTOR'S REPORT

The Board reviewed the budget, agency operations, complaint log, current legislation, e-licensing and renewals.

SUMMARY OF CURRENT EVENTS

Ms. Broaddus provided a summary stating that HB 2569 was signed by the Governor on April 10, 2019. HB 2569 allows a licensee to apply for licensure in Arizona by reciprocity. Language in HB 2569 requires that an applicant establish residency in order to apply by reciprocity. The Board discussed how it will determine whether an applicant who applies by reciprocity has established residency.

CALL TO THE PUBLIC

There were no requests to speak.

DISCUSSION AND POSSIBLE ACTION ITEMS FOR FUTURE MEETING AGENDAS

Board members requested that the following items be placed on a future agenda:

- Continue discussion pertaining to rule revisions
- residency requirements

NEXT BOARD MEETING DATE

Wednesday, June 12, 2019 at 8:30 a.m.

ADJOURNMENT

A motion was made by Dr. Barbara Campbell, seconded by Dr. Joseph Leonetti, and passed unanimously, 4-0, to adjourn the meeting at 11:04 a.m.

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