



Janice K. Brewer
Governor

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

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Barry Kaplan, DPM; Joseph Leonetti, DPM; Dedrie Polakof, DPM;
Jeanne Reagan, Public Member; Jose Villanueva, Public Member; Sarah Penttinen, Executive Director

BOARD MEETING AGENDA

December 1, 2009, 8:30 a.m.
1400 West Washington St., B1
Phoenix, AZ 85007

Notice is hereby given to the general public and to the members of the State of Arizona Board of Podiatry Examiners (Board), that the Board will hold a regular meeting open to the public at the Board's offices located at 1400 W. Washington, Phoenix, Arizona. A.R.S. § 38-431.02. The Board, upon a majority vote of a quorum of the members, may hold an *Executive Session* on any of the listed agenda items to discuss or consider records exempt by law from public inspection, including the receipt and discussion of information or testimony that is specifically required to be maintained as confidential by state or federal law, or to obtain legal advice. A.R.S. § 38-431.03(A) (2) and (3). Those wishing to address the Board need to request permission in advance; however, the Board may limit those persons speaking during the "Call to the Public" at three (3) per side on any one issue. A.R.S. § 38-431.01(G). The Board can only take action on matters listed on the agenda and other matters related thereto. A.R.S. § 38-431.02(H). If appropriate, actions on public comment matters that are not listed on the agenda will be limited to directing staff to study the matter or schedule the matter for further discussion at a later date. A.R.S. § 38-431.01(G).

The Board reserves the right to change the order of items on the agenda, except for matters set for a specific time. The President of the Board reserves the right to call cases in random order. Please note that the recommendations listed on the agenda are merely suggested Board actions. These recommendations do not become final until adopted by the Board. The Board has the authority to accept, reject or modify any recommendation listed in the agenda.

Americans with Disabilities Act: Persons with disabilities may request reasonable accommodations by contacting Executive Director Sarah Penttinen at (602) 542-3095. Requests should be made as early as possible to allow time to arrange the accommodation.

Board Members: Joseph Leonetti, D.P.M., President
Dedrie Polakof, D.P.M., Member
Barry Kaplan, D.P.M., Member
Jeanne Reagan, Secretary-Treasurer
Jose Villanueva, Public Member

Staff: Sarah Penttinen, Executive Director

Assistant Attorney General: Keely Verstegen

The Agenda for the meeting is as follows:

I. Call to Order

II. Roll Call

III. Approval of Minutes

- a. November 12, 2009 Regular Session Minutes.
- b. November 12, 2009 Executive Session Minutes.

IV. Informal Interviews (Time specific agenda items scheduled for the noted times): (NOTE: The subject matter listed for each agenda item represents the allegation(s) being investigated. The presence of allegations does not automatically indicate violation of Statute or Rule in connection with the practice of podiatry.)

- a. 09-02-C – J. David Brown: Improper surgery. (8:30 a.m.)
- b. 09-04-C – J. David Brown: Charging / collecting an excessive fee. (8:45 a.m.)

- V. Review, Discussion and Possible Action –Review of Complaints** (NOTE: The subject matter listed for each agenda item represents the allegation(s) being investigated. The presence of allegations does not automatically indicate violation of Statute or Rule in connection with the practice of podiatry.)
- a. 09-10-M – Michael Dershowitz: Improper surgery and failing to disclose a malpractice action on a license renewal application.

- VI. Status Updates: No Board Action – Information Only**
- a. 07-28-C – Kent Peterson: Monthly status update.
 - b. Status of appeal filed by Dr. Gaveck in case number 06-04-C.

- VII. Review, Discussion and Possible Action – Probation / Disciplinary Action Status Reports**
- a. 06-04-C – Alan Gaveck: Monthly update.
 - b. 08-03-C – Elaine Shapiro: Monthly update and review of consent agreement terms.
 - c. 08-18-C – David Laurino: Monthly update.
 - d. 09-17-B – J. David Brown: Monthly update.

- VIII. Review, Discussion and Possible Action on Administrative Matters**
- a. CME review request from Dr. Don Shumway (with additional information submitted regarding Genomics course).
 - b. CME review for Dr. Noland Jones.
 - c. Request from Drs. Elaine Shapiro and Robin Myers to amend the minutes from the Board’s March 11, 2009 meeting.
 - d. Review and approval of new procedure for staff absence(s) and associated notifications and time-reporting.
 - e. Review of revisions proposed by the Council on Podiatric Medical Education regarding residency documentation.
 - f. Consideration of purchasing new CPT and/or ICD-9 code books – 2010 edition.
 - g. Request from Dr. Blair Sandall for exception to oral exam requirements.

- IX. Executive Director’s Report**
- a. Open complaint status report.
 - b. Complaint filed against the Board with the Ombudsman’s Office by D.W. (patient and complainant in the Board’s investigation case number 08-45-C for Dr. Travis Reber).

X. Call To The Public

Citizens who want to address the Board do not need to request permission in advance, but they do need to complete a “Citizen’s Request to Speak to the Board” form so that the Board is aware that they are here and that they want to speak to the Board. Each person who wants to address the Board will be given five (5) minutes to do so. However, the Board may limit the number of persons speaking on each issue to a reasonable number of persons. Pursuant to A.R.S. § 38-431.02(H), the Board can discuss or take action ONLY on matters that are listed on the Agenda. Board action on issues that are not listed on the Agenda is limited to directing staff to study the matter or to schedule the matter for further discussion at a future Board Meeting.

- XI. Next Board Meeting Date:**
- a. January 13, 2010, 8:30 a.m.

XII. Adjournment