



Janice K. Brewer  
Governor

## State Of Arizona Board of Podiatry Examiners

"Protecting the Public's Health"

1400 W. Washington, Ste. 230, Phoenix, AZ 85007; (602) 542-3095; Fax: 542-3093

Barry Kaplan, DPM; Joseph Leonetti, DPM; Barbara Campbell, DPM;  
M. Elizabeth Miles, Public Member; John Rhodes, Public Member; Sarah Penttinen, Executive Director

### **NOTICE OF BOARD MEETING AND AGENDA**

January 11, 2012; 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, **I through X**, 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 do not 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(H).

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: Barry Kaplan, D.P.M, President  
Joseph Leonetti, D.P.M., Member  
Barbara Campbell, D.P.M., Member  
M. Elizabeth Miles, Secretary-Treasurer  
John Rhodes, Public Member

Staff: Sarah Penttinen, Executive Director

Assistant Attorney General: Montgomery Lee

The Agenda for the meeting is as follows:

**I. Call to Order**

**II. Roll Call**

**III. Approval of Minutes**

- a. December 14, 2011 Regular Session Minutes.
- b. December 14, 2011 Executive Session Minutes
- c. December 30, 2011 Teleconference Regular Session Minutes.

**IV. Informal Hearing: Review, Discussion and Possible Action:** (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. 10-29-C – Kathleen Richards, DPM: Charging or collecting an excessive fee / charging for services not rendered; inaccurate record keeping.

**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. 09-42-C – Kevin O'Brien, DPM: Inappropriate surgery.

- b. 10-05-C – Kevin O'Brien, DPM: Practice below the standard of care for poor surgical outcome on two procedures for the same patient.
- c. 10-06-C – M.A. Rosales, DPM: Previously reviewed at 11/09/11 Board meeting for allegation of failure to properly diagnose and treat a soft tissue foot condition. Second allegation added at that time for lack of informed consent for a matrixectomy.
- d. 10-27-C – Jason Harrill, DPM: Practice below the standard of care.
- e. 11-01-C – Kevin O'Brien, DPM: Practice below the standard of care for improper surgery.

**VI. Review, Discussion and Possible Action – Probation / Disciplinary Matters**

- a. 07-28-C – Kent Peterson, DPM: Monthly update.
- b. 08-03-C – Elaine Shapiro, DPM: Monthly update.
- c. 08-44-C – Alex Bui, DPM: Monthly update.
- d. 09-17-B – J. David Brown, DPM: Monthly update.

**VII. Review, Discussion and Possible Action on Administrative Matters**

- a. Election of Board officers.
- b. CME approval request from the Southern Arizona V.A. Medical Center.
- c. Discussion regarding drug testing for impaired or allegedly impaired podiatrists
- d. Review of new license application for Adam Isaac, DPM.

**VIII. Executive Director's Report – Review, Discussion and Possible Action**

- a. Open complaint status report.
- b. Request for approval for Executive Director to expend Board funds to attend a seminar sponsored by the Arizona State Bar.
- c. Malpractice case report.
  - i. Robert Fridrich, DPM: Claim filed by parents on behalf of patient A.P. Board investigation case already opened. (Dr. Fridrich reported this claim on his 2011 license renewal application.)

**IX. 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.

**X. Next Board Meeting Date:**

- a. February 8, 2012 at 8:30 a.m.

**XI. Adjournment**