



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

**NOTICE OF BOARD MEETING
AND AGENDA**

April 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 XI**, 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: Marc Harris

The Agenda for the meeting is as follows:

I. Call to Order

II. Roll Call

III. Approval of Minutes

- a. March 14, 2012 Regular Session Minutes.

IV. Review of Administrative Law Judge Decision (NOTE: This is a time-specific agenda item scheduled for 8:30 a.m.)

- a. 11-43-B – Elaine Shapiro, DPM: Review of ALJ recommended decision regarding allegations of habitual substance abuse; use of controlled substances for other than accepted therapeutic purposes; violation of stipulated agreement with Board, and failure to report criminal charges pursuant to A.R.S. §32-3208.

ALL REMAINING AGENDA ITEMS ARE NOT TIME-SPECIFIC AND MAY BE CONSIDERED AT ANY TIME DURING THE MEETING.

- 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. 09-49-C – Stanton Cohen, DPM: Any conduct or practice which may be harmful to a patient due to unprofessionalism and failing to administer local anesthetic during a wound cleaning.
 - b. 10-19-M – Lewis Freed, DPM: Practice below the standard of care for improper surgical correction of a hallux valgus deformity; failure to disclose malpractice lawsuit on license renewal.
 - c. 10-20-M – Luke Cicchinelli, DPM: Practice below the standard of care for performing surgery on the wrong limb.
 - d. 10-25-C – Scott Maling, DPM: Practice below the standard of care for improper treatment of foot pain.
 - e. 11-05-M – Stanton Cohen, DPM: Practice below the standard of care for improper surgery.
- VI. Review, Discussion and Possible Action – Probation / Disciplinary Matters**
- a. 08-03-C – Elaine Shapiro, DPM: Monthly update.
 - b. 08-44-C – Alex Bui, DPM: Monthly update.
 - c. 09-17-B – J. David Brown, DPM: Monthly update.
- VII. Review, Discussion and Possible Action on Administrative Matters**
- a. Correspondence from Leon Cattolico, DO, regarding use of the AZ Board of Pharmacy's prescription monitoring program.
 - b. Review and approval of 2012 license renewal application form.
 - c. CME approval request from the APMA for its 2012 Annual Scientific Meeting.
 - d. CME exemption request from William Accomando, DPM.
 - e. Discussion regarding adding information to the Board's website regarding scope of practice for medical assistants.
 - f. Review of new license applications:
 - i. Mia Horvath, DPM.
 - ii. Jessica Prebish, DPM.
 - iii. Ryan Scott, DPM.
 - iv. Andrew Straley, DPM.
- VIII. Executive Director's Report – Review, Discussion and Possible Action**
- a. Open complaint status report.
 - b. Request to hire part-time temporary administrative staff to assist with processing license renewals.
 - c. Executive Director's annual leave balance and carry-over amount.
 - d. Legislative update.
 - i. HB 2236 (Podiatry services and AHCCCS.)
 - ii. HB 2244 (Composition of boards and commissions.)
 - iii. SB 1189 (Out-of-state practitioners and free medical clinics.)
 - e. Malpractice case report.
 - i. Kevin O'Brien, DPM: Claim from patient J.A. filed on 05/05/2010 and settled on 02/20/2012. (Board case previously investigated under case number 09-42-C and dismissed.)
- 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. May 9, 2012 at 8:30 a.m.
- XI. Adjournment**