



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**

September 11, 2013; 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: Joseph Leonetti, D.P.M, President  
Barry Kaplan, 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: John Tellier

The Agenda for the meeting is as follows:

- I. Call to Order**
- II. Roll Call**
- III. Approval of Minutes**
  - a. August 14, 2013 Regular Session Minutes.
  - b. August 14, 2013 Executive Session Minutes.
- IV. Review, Discussion and Possible Action –Review of Complaints**

There are no new complaints to review at this time.
- V. Review, Discussion and Possible Action – Probation / Disciplinary Matters**
  - a. 09-17-B – J. David Brown, DPM: Monthly update.
  - b. 11-09-M – Kelvin Crezee, DPM: Review of proposed educational seminar.
  - c. 13-05-B – Kathleen Stone, DPM: Monthly update.
- VI. Review, Discussion and Possible Action on Administrative Matters**
  - a. Review of proposed Substantive Policy Statement regarding fee splitting.

- b. Review and selection of 2014 Board meeting dates and oral licensing exam dates.
- c. Request from Dr. Kerry Zang to review the NIP device for possible use in podiatry.
- d. Review of new license application for Dr. John Cox.
- e. Request from Dr. Peter Bregman to waive license renewal times frames and allow him to renew license.
- f. Review of license renewal and/or dispensing registration renewal for the following podiatrists:

Michael Farkas  
Patrick Farrell  
David Jenkins  
Jacob Jones

Noland Jones  
Anthony Kimball  
Michael Leonetti  
Mark Olsen

Jennifer Pappalardo  
V. Seater-Benson  
Tanya Thoms  
Todd Zang

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

- a. Update on 5-Year Rules Review.
- b. Open complaint status report.
- c. Malpractice case report. (None at this time.)

**VIII. Call To The Public**

Those wishing to address the Board do not need to request permission in advance; however, the Board may limit those persons speaking during this time to a reasonable number on any given public matter. In addition, each person wishing to address the Board will be given five (5) minutes to do so. Pursuant to A.R.S. § 38-431.01(H), the Board can only take action on matters listed on the agenda. Action on public comment matters that are not listed on the agenda will be limited to directing staff to study the matter or to schedule the matter for further discussion at a later date.

**IX. Next Board Meeting Date:**

- a. October 9, 2013 at 8:30 a.m.

**X. Adjournment**

# **PROPOSED DRAFT ONLY**

**ARIZONA STATE BOARD OF PODIATRY EXAMINERS  
SUBSTANTIVE POLICY STATEMENT REGARDING BOARD POLICIES  
AND PROCEDURES NOTIFYING ALL LICENSEES THAT THE BOARD IS ADOPTING THE  
FOLLOWING GUIDELINE AS A MODEL POLICY FOR THE  
INTERPRETATION OF THE TERM “FEE SPLITTING.”**

## **SPS 13-01**

This Substantive Policy Statement is advisory only. A Substantive Policy Statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona administrative procedure act. If you believe that this Substantive Policy Statement does impose additional requirements or penalties on regulated parties you may petition the agency under Arizona Revised Statutes §41-1033 for a review of the document.

A.R.S. §32-954.01(7) provides that “fee splitting under any guise whatsoever” is considered an act of unprofessional conduct. The Arizona Board of Podiatry Examiners hereby adopts the following guideline with regard to the interpretation of the term “fee splitting:”

“Fee splitting” includes, but is not limited to, soliciting patients or potential patients through internet-based marketing systems which utilize vouchers or coupons to secure medical services, or any other paid referral system for the same, where the podiatrist and a third party each keep or receive part of the fee paid by the patient or potential patient for each voucher or coupon.

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**THIS IS A PROPOSED DRAFT ONLY. THIS POLICY STATEMENT HAS NOT BEEN ADOPTED BY THE BOARD AS OF THE TIME OF PUBLICATION OF THIS AGENDA.**