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STATE OF ARIZONA
BOARD OF PODIATRY EXAMINERS

IN THE MATTER OF:

No. 01A-001-POD

GARY FRIEDLANDER, D.P.M.,

**CONSENT AGREEMENT AND
ORDER**

Holder of License No. 0196 for the
Practice of Podiatry in the State of
Arizona,

In the interest of a prompt and judicious settlement of the above-captioned matter before the Arizona State Board of Podiatry Examiners ("Board") and consistent with the public interest, statutory requirements and responsibilities of the Board, and pursuant to A.R.S. §§ 32-852 and 41-1061(D), the undersigned party, Gary Friedlander, D.P.M., holder of License No. 0196 to practice podiatry in the State of Arizona ("Licensee") and the Board enter into this Consent Agreement and Order as the final disposition of these matters.

The parties stipulate to the following General findings, Findings of Facts, Conclusions of Law, and Order as the final disposition of these matters.

GENERAL FINDINGS

1. The Board has jurisdiction over Licensee and the subject matter pursuant to A.R.S. § 32-801, *et seq.*

2. Licensee understands that he has the right to consult with an attorney prior to entering into this Consent Agreement and has done so.

3. Licensee understands that, pursuant to A.R.S. § 32-852.01, he has a right to a

1 public hearing concerning this case. Licensee further acknowledges that such a hearing
2 was held and Licensee's rights with respect to such hearing have been fully satisfied.

3 4. Licensee was provided notice of the complaint and participated freely in
4 informal investigative interviews, a hearing before an administrative law judge, and a
5 formal hearing before the Board.

6 5. Licensee thereafter contested the results of that hearing, in Maricopa County,
7 Arizona, Superior Court, Cause No. CV2001-020558 (the "lawsuit").

8 6. Licensee agrees to dismiss the lawsuit, with prejudice, and with each party
9 bearing their own costs and fees.

10 7. Licensee irrevocably waives any right to rehearing or review, or to any
11 judicial review or any other appeal of these matters.

12 8. Licensee acknowledges that this Consent Agreement and Order will be
13 effective only upon its acceptance by the Board. If the Board does not accept this Consent
14 Agreement, it is withdrawn, and may not be used for any purpose.

15 **FINDINGS OF FACT**

16 9. Licensee acknowledges that the following facts are true:

17 A. Licensee treated patient S. J.

18 B. On December 22, 1998, patient S. J. presented to the Arrowhead
19 Community Hospital emergency room. Upon being called by the emergency room,
20 Licensee scheduled an emergency surgery for incision and debridement of a septic abscess
21 on the patient's left foot.

22 C. During the surgical procedure, Licensee amputated the left foot of S.J.

23 **CONCLUSIONS OF LAW**

24 10. Based upon the uncontroverted evidence before it in Paragraph 9 above, the
25 Board finds that the conduct and circumstances in Paragraph 9 constitutes a violation of
26 A.R.S. § 32-854.01(18) (operating outside the scope of permissible practices as that
27 practice is limited by A.R.S. § 32-801(A)(9) and (10)).

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Licensee from December 22, 1998 to the present, solely in order to determine whether Licensee has at any time acted outside the scope of his license; the cost of that review will not exceed \$500;

- (iv) Licensee is to comply with all laws relating to his license;
- (v) Nothing herein prevents the Board, in its discretion, from reducing or eliminating any of these terms of probation, either upon its own motion or upon the request of Licensee.

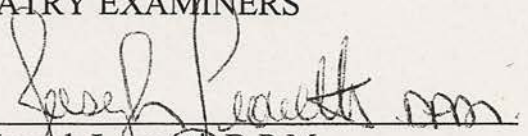
12. The attached statement, signed by Licensee, is to be placed in the minutes of the Board and will be a public document.

13. Any failure to comply with the terms of this Order constitutes unprofessional practice within the meaning of A.R.S. § 32-854.01(21) and is grounds for disciplinary action pursuant to A.R.S. § 32-852(6).

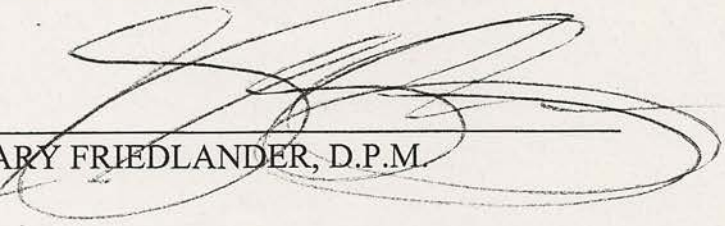
14. This Order supersedes and replaces all prior Findings of Fact, Conclusions of Law, and Orders issued by the Board or Hearing Officer in this case.

ORDERED/ACCEPTED this ____ day of October, 2002.

ARIZONA STATE BOARD OF
PODIATRY EXAMINERS

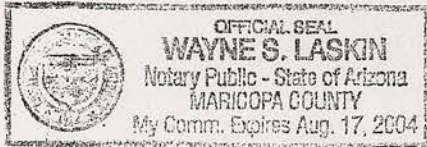
By: 
Joseph Leonetti, D.P.M.
Board President

ACCEPTED this 15 day of October, 2002.


GARY FRIEDLANDER, D.P.M.

1 STATE OF ARIZONA)
2 County of Maricopa) ss.

3 On this 15 day of October, 2002, before me, the undersigned Notary
4 Public, personally appeared Gary Friedlander, D.P.M., and acknowledged the execution of
5 the foregoing instrument to be his free and voluntary act and deed.



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Wayne S. Laskin

Notary Public

13 My Commission Expires:
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16 APPROVED AS FORM:

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Kraig J. Marton

Kraig J. Marton, Esq., Counsel for Licensee

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Terrie Zenoff

Terrie Zenoff, Esq., Counsel for the Board