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BEFORE THE
BOARD OF PODIATRY EXAMINERS
STATE OF ARIZONA

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In the Matter of the Podiatry)	
License No. 216 Issued to:)	No. 88006-C
)	
BRAD L. HAYMAN, D.P.M.)	SECOND AMENDED
11361 North 99th Avenue)	ORDER OF SUSPENSION
Suite 106)	AND PROBATION
Peoria, AZ 85345)	
)	

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This matter came before the Board of Podiatry Examiners (Board) for formal hearing pursuant to A.R.S. § 32-852.01 on December 14, 1988, December 21, 1988 and August 9, 1989. The licensee, Brad L. Hayman (Dr. Hayman), personally appeared and was represented by counsel. Following the Board's consideration and review of the evidence presented at the hearing, the Board enters the following Findings of Fact, Conclusions of Law and Order of Suspension and Probation.

Findings of Fact

1. On January 27, 1987, patient L.K. visited Dr. Hayman and complained about the ingrown and painful toenails on her right foot. L.K. asked Dr. Hayman whether her toenails should be removed.

2. On February 11, 1987, Dr. Hayman performed surgical and chemical procedures on patient L.K. to permanently remove her toenails. On February 13, February 23 and March 2,

1 1987, patient L.K. visited Dr. Hayman for post-operative
2 checkups.

3 3. On March 2, 1987, Dr. Hayman removed some dead
4 tissue from L.K.'s toes and prescribed Trental, a circulation
5 enhancing drug, for L.K.

6 4. On March 11, 1987, patient L.K. visited Dr. Hayman
7 for another post-operative checkup. Dr. Hayman removed some
8 dead tissue on L.K.'s right fifth toe. Dr. Hayman concluded
9 that L.K. had developed gangrene in her right fifth toe. Dr.
10 Hayman did not advise L.K. of his conclusion.

11 5. On March 16, 1987, L.K. visited Dr. Hayman for
12 another post-operative checkup. Dr. Hayman advised L.K. that
13 her right fifth toe had developed gangrene. This was the first
14 time Dr. Hayman advised L.K. that she had gangrene. Dr. Hayman
15 also advised L.K. that surgery was necessary. Dr. Hayman
16 performed surgery on L.K. on March 17, 1987 and excised the
17 gangrenous tissue on her right fifth toe.

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19 Conclusions of Law

20 6. The Board has jurisdiction over Dr. Hayman and the
21 subject matter hereof.

22 7. The Board has the legal authority pursuant to
23 A.R.S. § 32-852.01 to issue this Order of Suspension and
24 Probation.

25 8. The conduct described in paragraphs 4 and 5
26 establishes that Dr. Hayman engaged in conduct which

1 disqualifies him from the practice of podiatry with regard to
2 the safety and welfare of the public, in violation of A.R.S.
3 § 32-852(5), in that Dr. Hayman failed to advise L.K. from March
4 11, 1987 until March 16, 1987 that her right fifth toe was
5 infected with gangrene as alleged in Charge 4 of the complaint.
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7 Order of Suspension and Probation

8 9. The Board dismisses Charges 1, 2, 3, 5, 6, 7, 8
9 and 9 of the complaint.

10 10. Based upon the foregoing Findings of Fact and
11 Conclusions of Law, the Board suspends Dr. Hayman's license for
12 30 days for conduct which disqualifies him from the practice of
13 podiatry with regard to the safety and welfare of the public.
14 The suspension period will begin at 12:01 a.m. August 1, 1990
15 and end at 11:59 p.m. August 30, 1990. During the period of
16 suspension, Dr. Hayman may not be present in his offices located
17 at Suite 105 and Suite 106 of 11361 North 99th Avenue, Peoria,
18 Arizona at any time the offices are open to the public or at any
19 time that patients are being seen or are present in the facility
20 offices.

21 11. The Board hereby places Dr. Hayman on probation
22 for a term of three years, to begin on August 1, 1990. During
23 the period of probation, Dr. Hayman is ordered to report monthly
24 to the Board all surgeries he has performed at each facility,
25 identifying the patients by initials and age. Dr. Hayman is
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1 ordered to submit his monthly report to the Board on or before
2 the fifth day of each month.

3 12. It is further ordered that any violation of this
4 Order of Suspension and Probation constitutes unprofessional
5 conduct within the meaning of A.R.S. § 32-854.01(21) and is
6 grounds for further disciplinary action pursuant to A.R.S.
7 § 32-852(6).

8 13. This Second Amended Order of Suspension and
9 Probation is issued pursuant to stipulation between the Board
10 and Dr. Hayman, through his counsel, Angelo Arocho, that the
11 Judicial Review Action pending in Maricopa County Superior
12 Court, No. CV90-05754, would be dismissed provided that Dr.
13 Hayman's suspension and probation would be served as outlined
14 above, said stipulation entered into by the Board by unanimous
15 decision (Dr. Schwartz, absent) at open hearing dated July 25,
16 1990.

17 Dated this 31st day of July, 1990.

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19 ARIZONA BOARD OF PODIATRY EXAMINERS

20
21 By Michael S. Kates, D.P.M.
22 Michael Kates, D.P.M., President
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1 COPY of the foregoing ^{hand delivered} ~~mailed by Certified~~
2 Mail No. _____ this 31st day
of July, 1990, to:

3 Angelo Arocho
4 11070 North 24th Ave., Suite 201
5 Phoenix, Arizona 85029
6 Attorney for Dr. Hayman

7
8 Dr. Brad L. Hayman
9 11361 North 99th Ave., Suites 105 & 106
10 Peoria, Arizona

11
12 Office of the Attorney General
13 James M. McGee, Assistant Attorney General
14 1275 West Washington
15 Phoenix, Arizona 85007

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