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BEFORE THE ARIZONA STATE BOARD OF  
PODIATRY EXAMINERS

In the Matter of:	)	CASE NO. 15-06-C
	)	
KENT PETERSON, DPM	)	
Holder of License No. 0261	)	CONSENT AGREEMENT
	)	AND ORDER
For the Practice of Podiatry	)	
In the State of Arizona	)	

CONSENT AGREEMENT

RECITALS

In the interest of a prompt and judicious settlement of the above-captioned matter before the Arizona State Board of Podiatry Examiners ("Board"), and in the interest of protecting the people of the State of Arizona, consistent with the statutory requirements and responsibilities of the Board pursuant to A.R.S. § 32-801, *et seq.* and A.R.S. § 41-1092.07 (F)(5), Dr. Kent Peterson, DPM ("Respondent"), holder of license number 0261 to practice podiatry in the State of Arizona, and the Board enter into the following Consent Agreement for Findings of Fact, Conclusions of Law, and Order ("Consent Agreement") as the final disposition of this matter.

1. Respondent has the right to consult with an attorney prior to entering into this Consent Agreement. Respondent has read and understands this Consent Agreement as set forth herein, and has had the opportunity to discuss this Consent Agreement with an attorney or has waived the opportunity. Respondent voluntarily enters into this Consent Agreement for the purpose of avoiding the expense and uncertainty of an administrative hearing.

2. Respondent understands that he has a right to a public administrative hearing concerning each and every allegation set forth in the above-captioned matter, at which time Respondent could present evidence and cross-examine witnesses. By entering into this Consent Agreement, Respondent freely and voluntarily relinquishes all

1 rights to such an administrative hearing, as well as all rights of rehearing, review,  
2 reconsideration, appeal, judicial review, or any other administrative, and/or judicial  
3 action concerning the matters set forth herein. Respondent affirmatively agrees that this  
4 Consent Agreement shall be irrevocable and any modifications to this original document  
5 are ineffective and void unless mutually approved by the parties in writing.

6 3. Respondent agrees that the Board may adopt this Consent Agreement or  
7 any part of this agreement under A.R.S. §§ 32-852 and 32-852.01. Respondent  
8 understands that the Board may consider this Consent Agreement or any part of it in any  
9 future disciplinary action against him.

10 4. Respondent understands that this Consent Agreement does not constitute a  
11 dismissal or resolution of other matters currently pending before the Board, *if any*, and  
12 does not constitute any waiver, express or implied, of the Board's statutory authority or  
13 jurisdiction regarding any other pending or future investigation, action, or proceeding.

14 5. All admissions Respondent makes in this Consent Agreement are made  
15 solely for the final disposition of investigation number 15-06-C, and any related  
16 administrative proceedings or civil litigation involving the Board and Respondent.  
17 Respondent further understands that acceptance of the Consent Agreement does not  
18 preclude any other agency, subdivision, or officer of this state from instituting other  
19 civil or criminal proceedings with respect to the conduct that is the subject of this  
20 Consent Agreement.

21 6. The Consent Agreement shall be subject to adoption by the Board and  
22 shall be effective only when signed by the President of the Board or the Executive  
23 Director of the Board, on behalf of the President. In the event that the Board does not  
24 adopt this Consent Agreement, it is withdrawn and shall be of no evidentiary value and  
25 shall not be relied upon nor introduced in any action by any party. The parties agree that  
26 if the Board rejects this Consent Agreement and this case proceeds to hearing,


1 Respondent shall assert no claim that the Board was prejudiced by its review and  
2 discussion of this document or any other records relating thereto.


3 7. Respondent understands that Probation and a Civil Penalty constitute  
4 disciplinary actions. Respondent further understands that any disciplinary action taken  
5 against a licensee by the Board must be reported to the National Practitioner Data Bank,  
6 in accordance with federal regulations.

7 8. Respondent understands that this Consent Agreement is a public record  
8 that may be publicly disseminated as a formal action of the Board.

9 9. Respondent understands that any violation of this Consent Agreement could  
10 be grounds for further disciplinary action by the Board pursuant to A.R.S. § 32-  
11 854.01(21).

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DATED: Mar 7, 2013 SIGNED:   
Kent Peterson, DPM

APPROVED AS TO FORM:   
Donn Alexander, Esq.  
Attorney for Respondent

**FINDINGS OF FACT**

1. The Arizona State Board of Podiatry Examiners is the duly constituted  
agency for licensing and regulating the practice of podiatric medicine in the State of  
Arizona and has jurisdiction over Respondent and the subject matter pursuant to A.R.S. §  
32-801, *et seq.*

2. Dr. Kent Peterson, DPM, is the holder of License Number 0261 which  
enables him to practice podiatry in the State of Arizona.

1           3.       Respondent has been continuously licensed to practice podiatry in the State  
2 of Arizona since September 11, 1985. Respondent's license to practice podiatry is  
3 effective until August 31, 2018.

4           4.       In 2016, the Board received a complaint from A.M. that expressed a  
5 concern regarding Respondent's billing practices for orthotics. Although the allegation  
6 involving A.M. was unsubstantiated, the Board noted at its November 9, 2016 regular  
7 meeting that Respondent's documentation and billing records required further evaluation.

8           5.       Respondent submitted additional records to the Board on February 25, 2017  
9 and at its March 8, 2017 meeting, the Board reviewed twenty electronic patient charts,  
10 including superbills and EOBs, on twelve of those patients. Although there was marked  
11 improvement in the detail of Respondent's documentation from 2013-2014 to records  
12 reviewed from 2015 and beyond, it was alleged that Respondent's use of certain billing  
13 codes was not always supported by the medical documentation present and the Board  
14 requested that Respondent voluntarily submit to a period of monitoring. No allegations  
15 were made regarding Respondent's actual care and treatment of the patients whose  
16 records were reviewed.

17           6.       At the Board's June 14, 2017 regular meeting, Respondent proposed that in  
18 lieu of monitoring, the Board review an additional thirty electronic patient charts,  
19 including superbills and EOBs, from a list of 120 patients seen by Respondent between  
20 December 2016 and May 2017. Respondent submitted patient records to the Board on  
21 July 24, 2017, with EOBs submitted on January 2, 2018. The Board's consultant  
22 reviewed the records and alleged that more than half of the patient charts reviewed lacked  
23 sufficient documentation to support some of the billing codes used. No allegations were  
24 made regarding Respondent's actual care and treatment of the patients whose records  
25 were reviewed.

26           7.       Respondent presented the Board with a proposed five step improvement  
plan, which included the following: subscribing to the APMA coding line, attending an

1 online seminar in billing and coding, attending a podiatry specific billing and coding  
2 seminar in person, seeking a personal consultation with a billing and coding expert, and  
3 upgrading the dictation software and EMR system in his practice.

4 8. Respondent's disciplinary history with the Board includes previous  
5 discipline in 2011 for billing related issues that occurred between 2000 and 2007.

6 **CONCLUSIONS OF LAW**

7 The conduct described in the Findings of Fact above, if proven true, constitutes  
8 grounds for disciplinary action pursuant to A.R.S. §§ 32-852 and 32-852.01 and violates  
9 the provisions of A.R.S. § 32-854.01(11) which states, "Failing or refusing to maintain  
10 adequate records on a patient for at least seven years or failing or refusing to make the  
11 records available to a physician or another podiatrist within twenty-one days after request  
12 and receipt of proper authorization."

13 **ORDER**

14 Based upon the foregoing Findings of Fact and Conclusions of Law, **IT IS**  
15 **HEREBY ORDERED THAT** Dr. Kent Peterson, DPM, holder of license number  
16 0261, shall be subject to the following:

- 17 1. **PROBATION.** Respondent shall be placed on Probation for the term of two  
18 (2) years, during which time:
- 19 a. Respondent shall be required to provide the Board a list of patients  
20 Respondent has treated each month, to be submitted by the 10<sup>th</sup> day of  
21 each following month.
  - 22 b. Respondent shall be subject to a random chart audit by the Board of no  
23 more than ten (10) patient medical records selected from the list of  
24 patients submitted by Respondent each month. Patient medical records  
25 must be submitted within ten (10) days of being requested by the  
26 Board or the Board's designee and must include all communications  
related to a patient's physical condition that are recorded in any form or

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medium and that are maintained for purposes of patient diagnosis or treatment, including medical records that are prepared by Respondent or by other providers. Patient medical records must also include EOBs, superbills, patient billing records, ancillary records, Medicare billing records, and records from third party vendors who performed a service for the patient on Respondent's order or at Respondent's request.

2. **CIVIL PENALTY.** Respondent shall pay a Civil Penalty in the amount of **TWO THOUSAND AND 00/100 DOLLARS (\$2,000.00)**. This Civil Penalty shall be paid to the Arizona State Board of Podiatry Examiners by no later than one (1) year from the effective date of this Order. Payment may be in the form of a lump sum or payments over time, but the total amount must be paid no later than one (1) year from the effective date of this Order.

3. **CONTINUING EDUCATION.** Respondent shall take and complete at least ten (10) hours of Board approved CONTINUING MEDICAL EDUCATION ("CME") in the areas of (1) billing and coding, and (2) medical recordkeeping and documentation. Respondent shall complete the ordered CME hours within one (1) year from the effective date of this Order. These CME hours cannot have been completed prior to the date of this Order and shall be in addition to the twenty five (25) hours required by the Board for license renewal.

This Order shall remain effective for two (2) years from the effective date; and, after one (1) year, Respondent may apply to the Board in writing to seek modification or termination of the Order upon showing satisfactory compliance with the Order during the period of Probation. Respondent bears all costs associated with complying with the terms of this agreement. This Order becomes effective as of the date stated below.

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1 DATED THIS 9TH DAY OF MARCH 2018.  
2 ARIZONA BOARD OF PODIATRY EXAMINERS

3 By: Barbara A. Campbell, D.P.M.  
4 Dr. Barbara Campbell, Board President

5 Original Consent Agreement for Probation  
6 filed this 9th day of March 2018 with the:

7 Arizona State Board of Podiatry Examiners  
8 1740 West Adams Street, Suite 3004  
9 Phoenix, Arizona 85007

10 Copy of the foregoing send by Electronic, Certified  
11 and Regular mail this 9th day of March 2018 to:

12 Dr. Kent Peterson, DPM  
13 1206 Rolling Hills Cir.  
14 Prescott, AZ 86303  
15 [prescottfoot@cableone.net](mailto:prescottfoot@cableone.net)

16 Donn C. Alexander, Esq.  
17 Jones, Skelton & Hochuli, PLC  
18 2901 North Central Avenue  
19 Phoenix, Arizona 85012

20 Copy of the foregoing sent by inter-  
21 Agency mail this 9th day of March 2018 to:

22 Frankie Shinn-Eckberg, Assistant Attorney General  
23 Office of Arizona Attorney General  
24 1275 West Washington Street  
25 Phoenix, AZ 85007  
26

Frankie Shinn-Eckberg