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2 BEFORE THE BOARD OF PODIATRY EXAMINERS

3 STATE OF ARIZONA

4 In the Matter of Podiatry )  
5 License No. 0054 Issued to: ) No. 91025-C  
6 Paul J. Selander, D.P.M. ) DECISION AND ORDER - AMENDED  
7 4350 N. 19th Ave., #3 )  
Phoenix, Arizona 85015 )

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9 On September 10, 1991, the Board of Podiatry Examiners (Board)  
10 received a written complaint from Jay and Martha Lane, patients of  
11 licensee, Paul J. Selander (Dr. Selander). Pursuant to A.R.S.  
12 §32-852.01, the Board requested an informal interview of both Dr.  
13 Selander and patients, Jay and Martha Lane. Both patients waived  
14 confidentiality as to their identities, complaints, medical conditions,  
15 and discussion of their medical records.

16 Jay and Martha Lane appeared for an informal interview before the  
17 Board on October 9, 1991. At the conclusion of that meeting, the  
18 investigation was tabled pending an informal interview of Dr. Selander  
19 which did occur at the regular meeting of the Board on November 15,  
20 1991. Following informal interview, the investigation was tabled  
21 pending an investigation and written report from the Board's  
22 investigator, William Friedman, D.P.M. As a result of Dr. Friedman's  
23 investigation, the Board reconvened an informal interview with Dr.  
24 Selander on April 15, 1992.

25 Following the Board's consideration and review of the evidence  
26 presented at all informal interviews, the Board enters the following  
27 Findings of Fact, Conclusions of Law and Decree of Censure, pursuant to  
28 A.R.S. §32-852.01(C).

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2 FINDINGS OF FACT

3 1. On July 17, 1991, Jay and Martha Lane, husband and wife  
4 established a professional relationship with Dr. Selander for the  
5 purpose of treating their nail conditions. Mrs. Lane presented with a  
6 medical history of thrombosis and phlebitis and documented a recent  
7 hospital stay for pulmonary embolism and deep venous thrombosis in  
8 which her hospital chart referenced her laboratory, vascular studies,  
9 and discharge summary. Mrs. Lane also related to Dr. Selander as being  
10 on coumadin therapy.

11 Dr. Selander performed vascular studies on Mrs. Lane which were  
12 found to be within normal limits. Dr. Selander diagnosed Mrs. Lane as  
13 having diabetic mellitus, mycotic and secondarily infected great toe,  
14 subungual exostosis right first, onychocryptosis and recurring  
15 phlebitis.

16 Mr. Lane presented with a medical history of diabetic neuropathy  
17 and has been an insulin dependent diabetic for 15 years.

18 Dr. Selander performed vascular studies on Mr. Lane which were  
19 found to be within normal limits. Dr. Selander diagnosed Mr. Lane with  
20 diabetes, secondary neuropathy and onychocryptosis left hallux nail.

21 2. On July 24, 1991, Dr. Selander performed plethysmograph and  
22 doppler studies on patients, Jay and Martha Lane. Dr. Selander's  
23 progress notes reflect his knowledge of Mrs. Lane's history of venous  
24 thrombosis and phlebitis and noted her recent hospital stay at Phoenix  
25 General Hospital for pulmonary embolism and deep venous thrombosis. In  
26 view of this, it did not appear that Dr. Selander requested Mrs. Lane's  
27 hospital records to gather more information from the chart which would  
28 have referenced Mrs. Lane's laboratory, vascular studies, and discharge

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2 summary.

3 In view of these findings on Mrs. Lane, vascular studies  
4 performed by Dr. Selander on July 17, 1991, appeared to be unnecessary,  
5 and in view of the fact that Mrs. Lane's vascular studies were within  
6 normal limits, the plethysmograph and doppler studies performed, also  
7 appeared to be unnecessary.

8 In view of the fact that Mr. Lane's vascular studies performed on  
9 July 17, 1991, were within normal limits, the plethysmograph and  
10 doppler studies performed by Dr. Selander, appeared to be unnecessary.

11 Dr. Selander's progress notes reflect the total fee charged for  
12 pre-operative tests on both patients, totaled \$600.00.

13 3. Dr. Selander performed surgery on Mrs. Lane on July 24, 1991  
14 which consisted of a radical nail matrixectomy lateral aspect right  
15 hallux, cleanse, debride and mycolog dressing. Dr. Selander's progress  
16 notes reflect a total fee of \$380.00 charged to patient, Mrs. Lane for  
17 the procedure performed.

18 Surgery was performed on Mr. Lane on July 24, 1991 which consisted  
19 of a radical nail matrixectomy left hallux, mycolog dressing after  
20 total nail debridement and removal. Dr. Selander's progress notes  
21 reflect a total fee of \$330.00 charged to patient, Mr. Lane for the  
22 procedure performed.

23 4. Dr. Friedman's investigative report relates that his  
24 examination of each patient was approximately four months after the  
25 surgery. Examination of Mr. Lane's left hallux nail plate showed full  
26 growth excluding the distal medial aspect.

27 The lateral nail border on Mrs. Lane appeared to have full growth  
28 excluding the distal lateral edge.

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2 Time allowing for the amount of growth to the nail borders was not  
3 within normal nail growth which is 0.1mm to 0.3mm per day. Both  
4 affected nail borders would have had complete recurrent ingrown nail  
5 conditions which would place patients, Jay and Martha Lane in the 3 to  
6 5% normal recurrence rate for this surgery.

7 CONCLUSIONS OF LAW

8 5. The Board has jurisdiction over Dr. Selander and the subject  
9 matter hereof.

10 6. The Board has the legal authority pursuant to A.R.S.  
11 §32-852.01 to issue a decree of censure and to fix a period and terms  
12 of probation best adapted to protect the public health and safety and  
13 rehabilitate the podiatrist concerned.

14 7. Dr. Selander was provided notice of the inquiry and  
15 participated freely in the informal interview pursuant to A.R.S.  
16 §32-852.01(B).

17 8. The conduct and circumstances described in paragraph 2  
18 constitutes a violation of A.R.S. §32-854.01(23) in that Dr. Selander  
19 performed excessive and unnecessary pre-operative testing and charged  
20 or collected a clearly excessive fee from patients, Jay and Martha Lane.

21 9. The conduct and circumstances described in paragraph 3  
22 constitutes a violation of A.R.S. §32-854.01(20) in that Dr. Selander  
23 performed unnecessary surgery which was conduct or a practice harmful  
24 or dangerous to the health of patients, Jay and Martha Lane.

25 ORDER

26 10. Based upon the foregoing Findings of Fact and Conclusions of  
27 Law, the Board hereby:

28 a. Issues a decree of censure with regard to Dr. Selander's

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2 license No. 0054 for the practice of podiatry in the State of Arizona.

3 b. Fixes a period of probation with regard to Dr. Selander's  
4 license No. 0054 for the practice of podiatry in the State of Arizona  
5 for a period of 12 months to become effective at 12:00 a.m. on  
6 November 1, 1992 and end at 11:59 p.m. on October 30, 1993. The terms  
7 of said probation shall include:

8 (i) 10 hours of continuing medical education in pre-operative  
9 surgical work-up to be completed within one year. The 10 hours of  
10 continuing medical education is in addition to the 25 credit hours  
11 required of Dr. Selander each year.

12 (ii) 50% of the payment received on each patient, is to be  
13 refunded to the insurance company, and all correspondence between the  
14 insurance company and Dr. Selander, along with copies of checks issued,  
15 are to be copied to the Board.

16 11. It is further ordered that any violations of this order  
17 constitutes unprofessional conduct within the meaning of A.R.S.  
18 §32-854.01(21) and is grounds for further disciplinary action pursuant  
19 to A.R.S. §32-852(6).

20 DATED this 21<sup>st</sup> day of October, 1992.

21 ARIZONA BOARD OF PODIATRY  
22 EXAMINERS

23  
24 By Michael J. Kates  
25 Michael J. Kates, D.P.M.  
26 President  
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COPY of the foregoing mailed by  
certified mail No. P 906 028 273  
this 21st day of October, 1992, to:

Paul J. Selander, D.P.M.  
4350 N. 19th Ave., #3  
Phoenix, Arizona 85015

Office of the Attorney General  
James M. McGee, Assistant Attorney General  
1275 West Washington  
Phoenix, Arizona 85007