



**State of Arizona  
Board of Podiatry Examiners**

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Phoenix, AZ 85007  
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Regular Session Minutes

May 9, 2007

Members Present: Barry Kaplan, D.P.M., Board President  
Joseph Leonetti, D.P.M., Member  
Jeanne Reagan, Secretary-Treasurer  
Gloria Lederman, Public Representative

Members Absent: Dedrie Polakof, D.P.M., Member

Staff: Linda Wells, Executive Director

Assist. Atty. Gen'l. Beth Campbell

**CALL TO ORDER**

The regularly scheduled meeting of the Arizona State Board of Podiatry Examiners was called to order at 8:30 a.m., Dr. Kaplan presiding.

**APPROVAL OF MINUTES**

A. REGULAR SESSION MEETING MINUTES OF APRIL 11, 2007  
Ms. Reagan moved to approve the April 11, 2007 regular session meeting minutes.  
Ms. Lederman seconded. The motion passed 4-0.

B. EXECUTIVE SESSION MEETING MINUTES OF APRIL 11, 2007  
Ms. Reagan moved to approve the April 11, 2007 executive session meeting minutes.  
Ms. Lederman seconded. The motion passed 4-0.

**COMPLAINTS BEFORE THE BOARD FOR FIRST TIME**

07-10-C SERJIK NAZARIAN

The Board is in receipt of a complaint filed against Serjik Nazarian, DPM initiated by his patient, M.W. The Board is also in receipt of the doctor's written response, and the patient medical records.

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The complainant alleges practice below the standard of care and treatment by Dr. Nazarian following surgery on her right foot. The complainant alleges that her foot is worse than prior to the surgery, and she has continuous pain and discomfort.

The complainant was present at the meeting to discuss her complaint. She waived confidentiality of her name, medical records, and current medical condition.

Following discussion, Dr. Kaplan moved to table the complaint for further investigation, and to hold an investigative interview with Dr. Nazarian pursuant to A.R.S. §32-852.01(A) based on a possible violation of A.R.S. §32-854.01. Dr. Leonetti seconded. The motion passed 4-0. The Board requested:

1. The complete patient medical record from Dr. Nazarian including all x-rays and billings.
2. The patient medical record from Edmond Safarian, M.D.

**07-11-C J. DAVID BROWN**

The Board is in receipt of an anonymous complaint filed against J. David Brown, DPM. The Board is also in receipt of Dr. Brown's written response.

The complainant alleges unprofessional conduct, i.e. Dr. Brown frequently abuses drugs and alcohol.

Dr. Leonetti moved to enter executive session at 8:50 a.m. for the purpose of receiving confidential legal advice from Assistant Attorney General, Beth Campbell. Ms. Lederman seconded. The motion passed 4-0.

The Board left executive session and entered regular session at 9:05 a.m.

Following discussion, Dr. Kaplan moved to table the complaint for further investigation, and to hold an investigative interview with Dr. Brown pursuant to A.R.S. §32-852.01(A) based on a possible violation of A.R.S. §32-854.01. Ms. Lederman seconded. The motion passed 4-0. The Board requested the following:

1. Issue a subpoena to all of the pharmacy's listed in the complaint requesting the last two years of prescription medications prescribed to Dr. Brown.
2. Send a letter to Payam Sarraf, DPM requesting any knowledge he may have of Dr. Brown's alleged drug and alcohol abuse.
3. Issue a subpoena to Raymond P. Roffi, M.D. for copies of Dr. Brown's medical records

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**OPEN COMPLAINTS**

07-03-C RAJESH DAULAT

At a previous meeting, the Board tabled the complaint filed against Rajesh Daulat, DPM for further investigation, and moved to hold an investigative interview with him pursuant to A.R.S. §32-852.01(A) based on a possible violation of A.R.S. §32-854.01.

The complainant alleges practice below the standard of care and treatment i.e., Dr. Daulat amputated his big toe.

Dr. Daulat was present at the May meeting for the investigative interview. The complainant was also present.

Following the interview, Dr. Leonetti moved to dismiss the complaint finding no apparent violation of the Arizona Revised Statutes governing the practice of podiatry. Ms. Lederman seconded. The motion passed 4-0.

The Board based their decision to dismiss the complaint following review of the complete patient medical record, and hearing testimony from the complainant and Dr. Daulat. The Board concluded that the quality of care and treatment rendered was within the standard of care.

07-07-C STEPHEN L. BARRETT

At a previous meeting, the Board tabled the complaint filed against Stephen L. Barrett, DPM, and moved to hold an investigative interview with him pursuant to A.R.S. § 32-852.01(A) based on a possible violation of A.R.S. §32-854.01.

The complainant alleges practice below the standard of care and treatment, i.e., Dr. Barrett performed a surgery that was not medically necessary, and tests were not performed to determine necessity. The complainant also alleges that Dr. Barrett was not qualified to perform the surgery.

Dr. Barrett was present with his attorney, Bruce D. Crawford for the investigative interview. The complainant was present via teleconference call.

Following the investigative interviews, the Board tabled the complaint for further investigation. The Board requested:

1. Patient billing records from Dr. Barrett
2. Issue a subpoena to the patient's physicians in New Jersey for the patient records

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05-27-M ELAINE J. SHAPIRO

At a previous meeting, the Board tabled the malpractice complaint filed against Elaine J. Shapiro, DPM until final disposition is reached in Superior Court. The complaint was filed in the Pima County Superior Court by plaintiff, Carrie Marshall. The Board requested a monthly update on the status of the pending matter from Dr. Shapiro.

The plaintiff alleges negligent care, and as a result incurred lost wages and medical expenses in the past, and expects to incur further such losses in the future.

The complaint is tabled until final resolution is reached at the superior court.

05-36-C GEORGE N. THOMPSON

At a previous meeting, the Board tabled the complaint filed against George N. Thompson pending further investigation. It was reported at a previous meeting that Dr. Thompson did not comply with the Board order requiring him to undergo an independent psychiatric evaluation by a psychiatrist of the Board's choice pursuant to A.R.S. §32-852.01(F).

The complainant alleges unprofessional conduct, and excessive billing, i.e. Dr. Thompson received payment twice for services rendered, and billed an excessive fee.

The Board is in receipt of a letter from Attorney, Thomas F. Kelley on behalf of Dr. Thompson. The letter informed the Board that Dr. Thompson is willing to undergo an independent psychiatric evaluation provided that the examining physician is selected randomly.

Following discussion, the Board requested a letter be sent to Dr. Thompson and his attorney stating that the Board is willing to allow Dr. Thompson another opportunity to comply with the order to undergo a mental evaluation. The letter will indicate a timeframe for compliance along with the name of the physician who will perform the evaluation.

06-03-C GEORGE N. THOMPSON

At a previous meeting, the Board tabled the complaint filed against George N. Thompson, DPM for further investigation. It was reported at a previous meeting that Dr. Thompson did not comply with the Board Order requiring him to undergo an independent psychiatric evaluation by a psychiatrist of the Board's choice pursuant to A.R.S. §32-852.01(F).

The complainant alleges practice below the standard of care and treatment, i.e. excessive length of time spent for an office visit, and billing an excessive fee.

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The Board is in receipt of a letter from Attorney, Thomas F. Kelley on behalf of Dr. Thompson. The letter informed the Board that Dr. Thompson is willing to undergo an independent psychiatric evaluation provided that the examining physician is selected randomly.

Following discussion, the Board requested a letter be sent to Dr. Thompson and his attorney stating that the Board is willing to allow Dr. Thompson another opportunity to comply with the order to undergo a mental evaluation. The letter will indicate a timeframe for compliance along with the name of the physician who will perform the evaluation.

**06-11-C GEORGE N. THOMPSON**

At a previous meeting, the Board moved to table the complaint and Investigative Interview with Dr. Thompson pending further investigation. It was reported at a previous meeting that Dr. Thompson did not comply with the Board order requiring him to undergo an independent psychiatric evaluation by a psychiatrist of the Board's choice pursuant to A.R.S. §32-852.01(F).

The complainant alleges excessive length of time spent for the initial office visit, and unsanitary office conditions.

The Board is in receipt of a letter from Attorney, Thomas F. Kelley on behalf of Dr. Thompson. The letter informed the Board that Dr. Thompson is willing to undergo an independent psychiatric evaluation provided the examining physician is selected randomly.

Following discussion, the Board requested a letter be sent to Dr. Thompson and his attorney stating that the Board is willing to allow Dr. Thompson another opportunity to comply with the order to undergo a mental evaluation. The letter will indicate a timeframe for compliance along with the name of the physician who will perform the evaluation.

**06-22-M ANDREW LOWY**

At a previous meeting, the Board tabled the complaint filed against Andrew Lowy, DPM until a final disposition is reached in Superior Court. The complaint originated in the Maricopa County Superior Court by plaintiff, Barbara Rubin and was reported by Dr. Lowy on his license renewal application. The Board requested a quarterly update on the status of the case as it proceeds through the court to its final resolution.

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The plaintiff alleges practice below the standard of care and treatment rendered by Dr. Lowy following surgery to remove a neuroma.

The Board is in receipt of a letter from Attorney, Bruce D. Crawford informing them that discovery is ongoing, and a trial date has not been set.

The complaint is tabled until there is final disposition of the case in superior court.

**06-28-C GEORGE N. THOMPSON**

At a previous meeting, the Board tabled the complaint filed against George N. Thompson, DPM for further investigation. It was reported at a previous meeting that Dr. Thompson did not comply with the Board Order requiring him to undergo an independent psychiatric evaluation by a psychiatrist of the Board's choice pursuant to A.R.S. §32-852.01(F).

The complainant alleges practice below the standard of care and treatment regarding her foot ailments, i.e. Dr. Thompson discussed issues not relevant to her foot conditions, and asked inappropriate questions relating to her deceased husband.

The Board is in receipt of a letter from Attorney, Thomas F. Kelley on behalf of Dr. Thompson. The letter informed the Board that Dr. Thompson is willing to undergo an independent psychiatric evaluation provided that the examining physician is selected randomly.

Following discussion, the Board requested a letter be sent to Dr. Thompson and his attorney stating that the Board is willing to allow Dr. Thompson another opportunity to comply with the order to undergo a mental evaluation. The letter will indicate a timeframe for compliance along with the name of the physician who will perform the evaluation.

**06-30-C LOREN WESSEL**

At a previous meeting, the Board tabled the complaint filed against Loren Wessel, DPM initiated by his patient, H.F. and moved to hold an investigative interview with Dr. Wessel pursuant to A.R.S. § 32-852.01(A) based on a possible violation of A.R.S. §32-854.01.

The complainant alleges practice below the standard of care and treatment rendered by Dr. Wessel following bunion surgery. She also alleges that Dr. Wessel has not released her pre-operative x-rays upon request.

Dr. Wessel was present at the May meeting for the investigative interview.

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Dr. Wessel reviewed his diagnosis and treatment rendered to the patient.

Following the interview, Dr. Kaplan moved to dismiss the complaint finding no apparent violation of the Arizona Revised Statutes governing the practice of podiatry. Ms. Lederman seconded. The motion passed 4-0.

The Board based their decision to dismiss the complaint following review of the complete patient medical record, and hearing testimony from Dr. Wessel. The Board concluded that the quality of care and treatment rendered was within the standard of care.

**06-31-C ELAINE J. SHAPIRO**

At a previous meeting, the Board tabled the complaint filed against Elaine J. Shapiro, DPM initiated by her patient, H.F. and moved to hold an investigative interview with Dr. Shapiro pursuant to A.R.S. §32-852.01(A) based on a possible violation of A.R.S. §32-854.01.

The complainant alleges practice below the standard of care and treatment rendered by Dr. Shapiro following surgery to remove and insert new screws from an initial surgery performed by another podiatrist. The complainant alleges that she continues to have pain and swelling as a result of the surgery.

The Board is in receipt of a letter from Dr. Shapiro requesting a postponement of the investigative interview due to an illness.

Following discussion, the Board granted a postponement, and a letter will be sent to Dr. Shapiro indicating a new date and time for the investigative interview.

**07-04-C KEVIN J. O'BRIEN**

At a previous meeting, the Board tabled the complaint filed against Kevin J. O'Brien, DPM initiated by his patient, A.G. for further investigation, and requested an investigative interview with the doctor pursuant to A.R.S. §32-852.01(A) based on a possible violation of A.R.S. §32-854.01. The Board also requested a subpoena be issued to the second treating physician for copies of the patient x-rays.

The complainant alleges practice below the standard of care and treatment following surgery to remove a bone spur and bunion from her left foot.

The Board is in receipt of the complete patient medical records from the second treating physician.

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Dr. O'Brien was present at the May meeting for the investigative interview. Dr. O'Brien reviewed his diagnosis and treatment rendered to the patient.

Following the interview, Dr. Kaplan moved to dismiss the complaint finding no apparent violation of the Arizona Revised Statutes governing the practice of podiatry. Ms. Lederman seconded. The motion passed 4-0.

The Board based their decision to dismiss the complaint following review of the complete patient medical record, and hearing testimony from Dr. O'Brien. The Board concluded that the quality of care and treatment rendered was within the standard of care.

**PROBATIONARY STATUS REPORTS**

**05-02-C ROBERT FRIDRICH**

Dr. Fridrich is currently on probation for a violation of the Arizona Revised Statutes governing the practice of podiatry. Patient surgical records are monitored monthly for compliance with a signed Consent Agreement and Order. At a previous meeting, the Board accepted the Amended Consent Agreement and Order that extends the probationary period another six months with new terms.

The Board is in receipt of Dr. Fridrich's April, 2007 surgery reports. Dr. Leonetti reported that he reviewed the doctor's surgery reports from February and March, 2007 and that Dr. Fridrich is in compliance with sending complete charts.

**05-19-M MICHAEL DERSHOWITZ**

Dr. Dershowitz is currently on probation for a violation of the Arizona Revised Statutes governing the practice of podiatry. Patient surgical records are monitored monthly for compliance with a signed Consent Agreement and Order.

The Board is in receipt of the March, 2007 surgery report from Dr. Dershowitz.

Dr. Leonetti moved to table discussion of the April, 2007 report until the June meeting. Ms. Reagan seconded. The motion passed 4-0.

**EXECUTIVE DIRECTOR'S REPORT**

**A. Review of April, 2007 Revenue and Expenditure Report**

The Board reviewed the April, 2007 Revenue and Expenditure Report.

**SUBSTANTIVE REVIEW & APPROVAL OF THE FOLLOWING APPLICANTS  
FOR ARIZONA LICENSURE:**

Dr. Kaplan moved to approve the following applicants to sit for the oral examination to be administered on June 5, 2007:

1. Timothy J. Casey
2. Jared A. Hall
3. Carrie Hess
4. Thomas J. MaGrann
5. Jay Glasser

Ms. Reagan seconded. The motion passed 4-0.

**CORRESPONDENCE**

**A. Discussion of anonymous letter Re: possible misleading advertising**

The Board is in receipt of an anonymous letter with an attached advertisement. The writer alleges false advertising.

Following discussion, Dr. Kaplan moved to initiate a complaint and investigation against Kris A. DiNucci, DPM for possible misleading advertising. Ms. Reagan seconded. The motion passed 4-0.

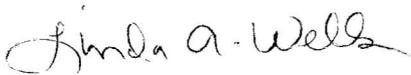
**CALL TO THE PUBLIC**

No public comment was received.

**ADJOURNMENT**

There being no further business before the Board, the meeting was adjourned at 12:06 p.m.

Respectfully submitted,



Linda A. Wells  
Executive Director

APPROVED:



Barry Kaplan, DPM  
Board President