



Janice K. Brewer
Governor

State Of Arizona Board of Podiatry Examiners
"Protecting the Public's Health"

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Barry Kaplan, DPM; Joseph Leonetti, DPM; Dedrie Polakof, DPM;
Jeanne Reagan, Public Member; Jose Villanueva, Public Member; Sarah Penttinen, Executive Director

**TELECONFERENCE
BOARD MEETING MINUTES**

April 23, 2010; 12:30 p.m.
1400 West Washington St., Ste. 230
Phoenix, AZ 85007

Board Members: Dedrie Polakof, D.P.M., President
Joseph Leonetti, D.P.M., Member
Barry Kaplan, D.P.M., Member
Jose Villanueva, Secretary-Treasurer
Jeanne Reagan, Public Member

Staff: Sarah Penttinen, Executive Director

Assistant Attorney General: Keely Versteegen

I. Call to Order

Dr. Polakof called the meeting to order at 12:33 p.m.

II. Roll Call

Dr. Polakof noted for the record that she, Dr. Kaplan and Ms. Reagan were present by phone. Dr. Leonetti and Mr. Villanueva did not participate in the teleconference. Ms. Penttinen and Ms. Reagan participated from the Board's office.

III. Review, Discussion and Possible Action –Review of Complaints

a. 10-15-C – Corina Hollander: Diversion of controlled substances for personal use; providing prescriptions for controlled substances for a reason other than an accepted therapeutic purpose. Ms. Penttinen summarized the case as follows: On April 20, 2010 she received a call from a DEA agent in Tucson advising that they had conducted an inspection of Dr. Hollander's office on April 19, 2010. During that inspection they found drug paraphernalia in the form of syringes and needles which they stated Dr. Hollander admitted using for purpose of injecting herself with Oxycodone. DEA staff also advised Ms. Penttinen that they discovered information via pharmacy records and admissions from Dr. Hollander and at least one member of her staff indicating that they had engaged in prescription fraud for the purpose of obtaining Oxycodone for their own personal use.

Ms. Penttinen explained that she spoke by phone with Dr. Hollander on April 21 at which time Dr. Hollander admitted that she had been providing prescriptions for Oxycodone to a member of her staff who also resided with her at home. Dr. Hollander stated she had been taking Oxycodone from that person for her own personal use and that she did not have a valid prescription for her use of that medication. Dr. Hollander admitted she and a member of her office staff had used the syringes found in her office to inject themselves with Oxycodone but stated this was only done after hours and not while treating patients. Dr. Hollander stated her first use of that medication was in December 2009 and she denied any other illegal drug use or alcohol abuse.

Ms. Penttinen summarized the allegations in this case as stated in the investigation report: engaging in the personal use / abuse of narcotic medication not lawfully prescribed to her; providing prescriptions for narcotic medication with the knowledge that the medication would be used for recreational purposes including her own use; and providing fraudulent prescriptions for narcotic medication for personal use. The alleged Statute violations stated in the report include A.R.S. §32-852 (2)(5)(6) and A.R.S. §32-854.01(12)(13)(15)(20).

Ms. Penttinen advised the Board members that just prior to the start of the meeting she received a letter from Dr. Hollander's attorney David Hill, summarized as follows: Dr. Hollander had been admitted to a substance abuse treatment facility on April 21, 2010. Both Dr. Hollander and Mr. Hill had intended to notify the Board of this situation after the primary concern of Dr. Hollander's health was addressed. Dr. Hollander intends to cooperate with all legal authorities including the Board and has no intention of practicing until she is reasonably competent to do so. Dr. Hollander's roommate (and now-former staff member) has been removed from her residence. Her ex-husband, who also is a licensed podiatrist, has agreed to take over care of Dr. Hollander's patients until she is able to return to practice. Mr. Hill stated Dr. Hollander has been practicing for 29 years and this is the first blemish she has had on her career. He stated her recent behavior is out of keeping with her as a person and professional.

Dr. Kaplan asked how long Dr. Hollander's treatment program would be. Ms. Penttinen advised that at this time we cannot even confirm that she has been admitted to for treatment of any kind because Dr. Hollander has not provided an authorization to release records. Ms. Penttinen believes that a treatment program would begin with three to five days of detoxification followed by a recommendation for either an inpatient or an intensive-outpatient treatment program, but at this time we have no idea of the outcome. Dr. Kaplan asked if Dr. Hollander would be able to practice if she were to go into an outpatient program. Dr. Polakof clarified that right now Dr. Hollander still has her license. Ms. Penttinen confirmed for Dr. Kaplan that Dr. Hollander's ex-husband has agreed to take over her patients' care until she is able to return to practice. Ms. Reagan asked if Dr. Hollander's ex-husband was the roommate with whom Dr. Hollander had been using the narcotics, which Ms. Penttinen stated he was not.

MOTION: Dr. Polakof moved to immediately suspend Dr. Hollander's license and place this matter on the agenda for the May 12, 2010 Board meeting to consider further action. Ms. Penttinen asked Dr. Polakof to clarify if her motion includes a finding that Dr. Hollander's conduct and circumstances as described in the investigation report constitute eminent danger to public health, safety and welfare. Dr. Polakof stated yes. Ms. Penttinen asked if it would be Dr. Polakof's motion to then issue a finding of public emergency and order the summary suspension of Dr. Hollander's license pending formal hearing or other action from the Board. Dr. Polakof stated yes. There was discussion among the Board members, Ms. Penttinen and Ms. Verstegen regarding the process of formal hearing and the proposed consent agreement drafted by Ms. Penttinen in this matter. Dr. Polakof stated she wanted to take her motion off the table.

MOTION: Dr. Polakof made a new motion to offer Dr. Hollander the proposed consent agreement as drafted by Ms. Penttinen. There was brief discussion about the procedure during which Ms. Verstegen advised that if the Board finds Dr. Hollander is unsafe to practice what they should do is issue a summary suspension which would be immediate, then offer the consent agreement. If Dr. Hollander accepts the consent agreement her license would still be suspended, it would just eliminate the need for a formal hearing. Ms. Penttinen asked to clarify the motion as follows: issue a finding of public emergency and order of summary suspension pending formal hearing or other action from the Board; offer the consent agreement as drafted; if Dr. Hollander accepts the consent agreement the formal hearing can be vacated. Dr. Polakof agreed with that clarification. Ms. Reagan seconded the motion. There was no further discussion.

VOTE: The motion passed unanimously by roll call vote.

Ms. Penttinen asked Dr. Polakof for permission to execute the summary suspension order on the Board's behalf so that it could be effective immediately. Dr. Polakof agreed.

IV. Call To The Public

There were no requests to speak during the Call to the Public.

V. Next Regularly-Scheduled Board Meeting Date:

a. May 12, 2010, 8:30 a.m.

VI. Adjournment

There being no other business before the Board the meeting was adjourned at 12:51 p.m.