



Janice K. Brewer
Governor

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

1400 W. Washington, Ste. 230, Phoenix, AZ 85007; (602) 542-3095; Fax: 542-3093

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

DRAFT BOARD MEETING MINUTES

May 12, 2010; 8:30 a.m.
1400 West Washington St., B1
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 Verstegen

The Agenda for the meeting is as follows:

I. Call to Order

Dr. Polakof called the meeting to order at 8:34 a.m.

II. Roll Call

Dr. Polakof noted that she, Dr. Kaplan and Ms. Reagan were present, as were Ms. Penttinen and Ms. Verstegen. Dr. Leonetti and Mr. Villanueva were absent.

III. Approval of Minutes

a. April 14, 2010 Regular Session Minutes.

Dr. Kaplan requested three changes in the minutes. The first was to change page 1, agenda item IV(a), to reflect that he did not review complete patient charts for the 39 additional patients, just the billing records. The word "charts" should be changed to "patients." The second change was on page 4, agenda items VI(c)(d). Dr. Kaplan clarified that he did not speak with the coordinators for the AAPP seminar; he spoke with meeting planners for AzPMA. The last change is a spelling error in the last paragraph of this agenda item.

MOTION: Ms. Reagan moved to approve the minutes with the stated changes. Dr. Polakof seconded the motion. There was no further discussion.

VOTE: The motion passed unanimously by voice vote.

b. April 23, 2010 Teleconference regular Session Minutes.

MOTION: Dr. Polakof moved to approve the minutes as written. Ms. Reagan seconded the motion. Dr. Kaplan asked to change the wording in agenda item III(a), paragraph (4) at the top of page two to take out the word "instant." Dr. Polakof and Ms. Reagan agreed to the change. There was no further discussion.

VOTE: The motion passed unanimously by voice vote.

IV. Status Updates: No Board Action – Information Only

a. 07-28-C – Kent Peterson: Monthly status update.

Dr. Polakof reviewed the most recent correspondence from Dr. Peterson's attorney which indicates that the doctor is still in settlement negotiations with the U.S. Attorney's office.

V. Review, Discussion and Possible Action – Probation / Disciplinary Action Status Reports

a. 08-03-C – Elaine Shapiro: Monthly update.
Ms. Penttinen advised that the most recent report from Dr. Sucher was received on May 7, 2010 and indicates that Dr. Shapiro is in compliance with all monitoring requirements.

b. 08-18-C – David Laurino: Monthly update.

c. 08-47-B – Antonius Su: Monthly update.

Agenda items V(a) and (b) were reviewed simultaneously. Ms. Penttinen advised she had received email notification from Dr. Leonetti that the last monthly records he reviewed for both doctors appear to be in order. There was brief discussion among the Board members regarding the termination of probation for Dr. Laurino. His probation period was scheduled to end but he has not yet completed the CME requirement. The Board previously voted to allow him an extension to complete the CME. Dr. Kaplan stated that Dr. Laurino should be required to continue to send his charts every month until his CME is completed. Ms. Reagan stated she agrees. Ms. Penttinen will send a letter to Dr. Laurino's attorney in this regard.

d. 09-17-B – J. David Brown: Monthly update.

Ms. Penttinen advised she has not received any reports from Dr. Sucher of non-compliance. Dr. Brown's next quarterly report is due in July.

VI. Review, Discussion and Possible Action on Administrative Matters

a. New License Applications

- i. Keith Bangart, DPM
- ii. Randall Brower, DPM
- iii. Sheharyar Chaudhry, DPM
- iv. Dennis DiMatteo, DPM
- v. James Garber, DPM
- vi. Patricia Kirk, DPM
- vii. Jeffrey Rager, DPM
- viii. Thomas Shields, DPM
- ix. Mark Wolley, DPM

The Board reviewed all applications. With regard to Dr. Kirk, Ms. Penttinen explained that the only outstanding item was the license verification from the State of New York. Dr. Kirk has shown proof of her request sent to NY in April. Both Dr. Kirk and Ms. Penttinen have made extensive efforts to obtain the verification but NY has delayed it for an unknown reason. Dr. Kaplan also noted that more information is needed from Dr. Chaudry regarding a malpractice action he reported, and page 3 of his application form needs to be corrected.

MOTION: Dr. Polakof moved to approve all applicants to sit for the oral exam, and to obtain the additional information for Drs. Chaudry and Kirk as stated above. Ms. Reagan seconded the motion. There was no further discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

Dr. Polakof stated she will prepare the exam materials and asked how many applicants will be here for the exam. Ms. Penttinen advised there will be a total of 18. It was agreed to reserve room B-2 so that the exams can be given simultaneously in order to start the Board meeting on time at 8:30 a.m.

b. Article published by the American Podiatric Medical Association regarding off-label use of prescription medications and medical devices.

Dr. Polakof reviewed this article which was submitted by Dr. Kaplan. There was brief discussion among the Board members that the information in this article is the same as information previously provided to the Board directly from the FDA regarding the off-label use of devices, specifically laser devices, for treating fungal toenail infections. There was no action taken.

- c. Notification from the National Board of Podiatric Medical Examiners of their appointment of a new executive director.

Dr. Polakof reviewed this correspondence which announced the appointment of Phil Park as the new Executive Director of the NBPME upon the retirement of current director Charles Gibley. No action was taken.

- d. Request from Dr. H. Ryan Hall for clarification regarding podiatrists assisting in surgeries for lower extremity amputations and post-op follow-up care.

Ms. Penttinen explained that she had received a verbal inquiry from Dr. Hall asking if podiatrists are allowed to assist in surgical procedures for amputations in which an orthopedic physician is the primary surgeon. Dr. Polakof reviewed this written request from Dr. Hall and stated that surgical assistants are licensed. Dr. Kaplan stated podiatrists should be told to contact their insurance carrier and their attorney, and that the Board will not give advice or interpretation on whether or not podiatrists are allowed to provide such surgical assistance. The final resolution of this matter is the Board's determination this Board is not an advisory board and any future inquirers of questions of this nature should be told to contact their attorney and insurance carrier.

The Board recessed from 9:07 a.m. to 9:11 a.m.

VII. Review Discussion and Possible Action on License Renewal Applications: The Board will review, discuss, and take action to approve, deny, or issue a deficiency notice for the following physicians' license renewal applications and/or dispensing registration renewals:

Petrusia Howansky
Edward Kelly
Morten Krahn

Ivan McLaws
Brent Nixon
Travis Reber

MOTION: Dr. Polakof moved to approve the license and/or dispensing renewal applications for all doctors listed above. Ms. Reagan seconded the motion. There was brief discussion regarding Dr. Reber. The Board directed Ms. Penttinen to send a letter to Dr. Reber reminding him that if he wishes to dispense drugs or devices he must have a dispensing registration and may not dispense under the registration of another physician in his office.

VOTE: The motion passed unanimously by voice vote.

VIII. Executive Director's Report – Review, Discussion and Possible Action

- a. Open complaint status report.

The Board reviewed the report which reflects 49 open complaints at this time. Upon review of the specific cases there was brief discussion regarding the status of 09-14-C in which Dr. Brown's attorney filed an objection to the Board's subpoena. Ms. Penttinen reviewed that the Board's previous direction was to issue the subpoena and if an objection was received Ms. Verstegen should take action to enforce the subpoena in court. The objection was received and forwarded to Ms. Verstegen. Ms. Verstegen will take that action now.

There was also discussion regarding the volume of time required to review each investigation case. Drs. Polakof and Kaplan stated the time commitment is very large and has proven to be difficult in light of their full time practice obligations. There will be an agenda item placed on the June Board meeting agenda to discuss possibly restructuring the investigation process and consideration of hiring investigative staff or outside medical consultants to assist in the complaint investigations.

- b. Malpractice case report

- i. Stephen Barrett, DPM (Patient S.H.; claim filed on 02/25/2010; claim pending.)
- ii. Gary Friedlander, DPM (Patient K.L.; claim filed on 11/03/2009; settlement of \$27, 250; not previously reported to Board or investigated.)

The Board reviewed the malpractice reports and determined that investigation cases should be opened on both of them. Ms. Penttinen will begin the administrative process for that and forward to an investigator when the necessary information is received.

c. Status of hiring temporary administrative staff.
Ms. Penttinen introduced Rita Uriarte who was present at the meeting. Ms. Uriarte will be working 10-15 hours per week until the annual license renewals are fully processed.

IX. Call To The Public

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

X. Future Board Meeting Date(s):

- a. June 9, 2010, 8:00 a.m. – Oral examinations
- b. June 9, 2010, 8:30 a.m. – Board Meeting
- c. August 11, 2010 – possible change to August 18.

The Board meeting dates were reviewed and there will be no changes to the previously-established dates.

XI. Adjournment

There being no other business before the Board, the meeting was adjourned at 9:54 a.m.