



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; Barbara Campbell, DPM;  
Jeanne Reagan, Public Member; Jose Villanueva, Public Member; Sarah Penttinen, Executive Director

**BOARD MEETING MINUTES**

July 14, 2010; 8:30 a.m.  
1400 West Washington St., B1  
Phoenix, AZ 85007

Board Members: Joseph Leonetti, D.P.M., President  
Barry Kaplan, D.P.M., Member  
Barbara Campbell, 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. Leonetti called the meeting to order at 8:36 a.m.

**II. Roll Call**

Dr. Leonetti noted for the record that he, Dr. Kaplan, Dr. Campbell and Ms. Reagan were present. Mr. Villanueva was absent. Ms. Penttinen and Ms. Verstegen were present.

**III. Approval of Minutes**

a. June 9, 2010 Regular Session Minutes.

MOTION: Dr. Kaplan moved to approve the minutes as written. Dr. Campbell seconded the motion. There was no discussion.

VOTE: The motion passed unanimously by voice vote.

b. June 9, Executive Session Minutes

MOTION: Ms. Reagan moved to approve the minutes as written. Dr. Leonetti seconded the motion. There was no discussion.

VOTE: The motion passed unanimously by voice vote.

**IV. Review, Discussion and Possible Action –Review of Complaints**

a. 09-33-M – Stephen Barrett: Practice Below the standard of care.

Dr. Barrett was present with attorney Robert Goldstucker. Dedrie Polakof, DPM was the investigator for this case and reviewed her findings. The patient in this case came to Dr. Barrett for left foot pain and nerve entrapment. After Dr. Barrett performed surgery the patient had increased strength in the foot but continued pain. An MRI of the patient's spine was performed and revealed problems at the L4/L5 level. Dr. Barrett referred the patient for pain management and spinal care. Dr. Polakof found no deviations from the standard of care provided to this patient by Dr. Barrett.

Dr. Barrett addressed the Board and explained his course of treatment with this patient. The patient had an extensive history and had been seen by two other physicians prior to coming to him. There were complications with the worker's compensation coverage for the patient which caused delays going to surgery. There was brief discussion among the Board members and Dr. Barrett regarding the referrals he made to other physicians to treat the patient's ongoing pain. Dr. Leonetti stated he feels Dr. Barrett

did his due diligence and treated the patient appropriately, including the surgical course and referrals to other specialists. He has one possible concern with the PSSD testing method Dr. Barrett used, but does not think there was any violation or deviation from the standard of care. Dr. Kaplan and Ms. Reagan stated they agreed with Dr. Leonetti.

**MOTION:** Dr. Leonetti moved to dismiss this case finding no violations. Ms. Reagan seconded the motion. There was no further discussion.

**VOTE:** The motion passed unanimously by voice vote.

b. 10-10-B – Serjik Nazarian: Disciplinary action taken by California Podiatry board for failure to disclose Arizona disciplinary action on license application.

Dr. Nazarian was present. Ms. Penttinen was the investigator on this case and reviewed her investigation as follows: Dr. Nazarian applied for a podiatry license in California and answered “no” to the application question, “Has any disciplinary action ever been taken regarding any healing arts license which you now hold or have ever held?” California discovered via the National Practitioner Data Bank that disciplinary action was taken against Dr. Nazarian in Arizona, effective date March 12, 2008. When California asked him about it, he submitted an explanation admitting the Arizona action. Ultimately, California issued Dr. Nazarian’s license which was immediately revoked with a stay of revocation. His license there is subject to probation for 18 months with various terms and requirements.

Dr. Nazarian addressed the Board and stated he had submitted an explanation with his initial California application but they did not receive it. He stated he did not understand the question on their application but he knew his report from the National Practitioner Data Bank would show the Arizona action. Dr. Leonetti asked Dr. Nazarian if he has licenses in any other states and Dr. Nazarian stated, “No.” There was brief discussion among the Board members and Dr. Nazarian regarding the terms of his probation including a requirement that he practice in California at least one day per month. Dr. Leonetti stated he feels the California Board has sufficiently addressed this issue with the action they took against Dr. Nazarian.

**MOTION:** Dr. Leonetti moved to dismiss this matter finding no violations. Dr. Kaplan seconded the motion. There was no discussion.

**VOTE:** The motion passed unanimously by voice vote.

**V. Motion for Re-Hearing or Review:**

a. 06-04-C – Alan Gaveck.

Dr. Gaveck was not present. His attorney Bruce Crawford would be participating by phone. Prior to calling Mr. Crawford, the Board advised they would like to obtain legal advice.

**MOTION:** Dr. Leonetti moved to go into Executive Session for the purpose of obtaining legal advice. Dr. Kaplan seconded the motion. There was no discussion.

**VOTE:** The motion passed unanimously by voice vote and the Board went into Executive Session at 9:12 a.m.

The Board returned to Regular Session at 9:18 a.m. Board staff contacted Mr. Crawford and he was placed on speaker-phone. Mr. Crawford stated that when the Board discussed this matter two months ago he did not explain his position as well as he wanted to. Now the only issue up for discussion is not whether the Board had authority to take disciplinary action, but rather what that action should be. Mr. Crawford stated the only violation was lack of written consent for the second surgical procedure. In his experience and this and other regulatory boards, the consistent action for similar cases is a Letter of Concern. Mr. Crawford feels a Decree of Censure and probation is too harsh in this case. He also stated that Dr. Gaveck exercising his right to appeal the Board’s previous action should not be held against him.

Dr. Leonetti said he feels the Board would be willing to amend their Order to eliminate the probation and continuing medical education requirements but not the Decree of Censure. There have been other cases

where the only violation was lack of a surgical consent form, but each case must be reviewed on its own merits, along with any aggravating or mitigating circumstances, and the total outcome of the patient's condition. This particular patient ended up with an amputation. Dr. Kaplan stated he agrees with Dr. Leonetti's suggestion to drop the probation and CME, but keep the Decree of Censure. Dr. Campbell stated her agreement with this as well. The Board briefly discussed options with Ms. Verstegen.

Mr. Crawford stated he was convinced that he would not change the Board's decision but if they are willing to change the discipline then he would like them to grant his request for review. He stated a Decree of censure is considered a severe punishment. He added that the patient knew what the surgical procedure was going to be even though there was no signed consent. Mr. Crawford stated the Board should be consistent and treat doctors the same for similar violations.

**MOTION:** Dr. Leonetti moved to grant a review of the disciplinary action and to issue an order for only a Decree of Censure. Dr. Kaplan seconded the motion. There was no discussion.

**VOTE:** The motion passed unanimously by roll-call vote.

**VI. Status Updates: No Board Action – Information Only**

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

Ms. Penttinen advised that the last quarterly progress report was submitted in May 2010. The next report is due in August.

**VII. 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 progress report from Dr. Sucher was received in May 2010. The next report is due in August. Ms. Penttinen has not received any notifications of non-compliance.

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

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

Agenda items VII(b) and (c) were reviewed together. Dr. Leonetti advised that all billing records submitted and reviewed to date are in order with no problems.

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

Ms. Penttinen advised that she has just received a progress report from Dr. Sucher dated July 8, 2010. The report indicates that Dr. Brown is in compliance with all monitoring and probation requirements. Ms. Reagan asked when the last time was that Dr. Brown appeared before the Board for an interview / progress report as permitted in his consent agreement. Ms. Penttinen advised it was in January 2010. Dr. Leonetti stated Dr. Brown should be invited to appear at the August 2010 Board meeting. There was brief discussion among the Board members and Ms. Verstegen regarding whether or not licensees have any duty to disclose their disciplinary action(s) to their employees. There are no requirements in disciplinary actions or consent agreements to date for any such disclosure; however, the Board's actions are public record and available on the Board's website or in the Board's office.

**VIII. Review, Discussion and Possible Action on Administrative Matters**

a. Review of application file for Sheharyar Chaudry, DPM. (Previously approved pending receipt of malpractice information which has now been received.)

The Board members reviewed the supplemental information received from Dr. Chaudry regarding a malpractice settlement. The amount of the settlement was \$7,000.00. The Board feels this was a "nuisance value" settlement and not indicative of any wrong-doing by the doctor.

**MOTION:** Dr. Leonetti moved to approve Dr. Chaudry's license application and issue his license. Dr. Kaplan seconded the motion. There was no discussion.

**VOTE:** The motion passed unanimously by voice vote.

b. Review of agency financial reports and discussion of fee increases to support investigation staff.

Ms. Penttinen advised that she was not able to have her financial staff present today but she is in the process of preparing a comprehensive financial report to present to the Board at the August 11 meeting. Ms. Penttinen asked to clarify if the consultant payment of \$200.00 per case would be all-encompassing for each case. The Board stated that was correct. Ms. Penttinen asked which cases would be sent to the outside consultants and which would be completed by a Board member. There was discussion among the Board members, Ms. Penttinen and Ms. Versteegen. It was decided that Ms. Penttinen will continue to investigate conduct-related complaints. For other cases, Ms. Penttinen will contact Dr. Leonetti to discuss the nature of the allegations and he will decide whether to send the case to an outside consultant.

**IX. 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:

Suzanne Abraham  
William Accomando  
Brian Allen  
Jason Allen  
Gary Almas  
Jason Anderson  
Shahram Askari  
Mark Barinque  
Stephen Barrett  
Daron Barrus  
David Bates  
Justin Beabes  
Carl Beecroft  
M. Benjamin-Swonger  
Randy Bernstein  
Douglas Birch  
Kenneth Blocher  
Eric Bock  
Raymond Bock, Jr.  
Joseph Borreggine  
Steven Born  
Raymond Botte  
Mark Brekke  
Brian Broadhead  
Alex Bui  
Maria Buitrago  
William Burke  
Ana Burns  
Barbara Campbell  
Garald Campbell  
Alan Carlson  
Sandra Chaison-Kaye  
Allison Cheney  
Sanford Chesler  
Donald Chudy  
John Chiakmakis  
Luke Cicchinelli  
Dean Clement  
Jamie Coffey  
Richard Cohen  
Stanton Cohen  
Jerome Cohn  
Karl Collins  
Charles Connell  
Heather Couch  
Samuel Cox  
Scott Crampton  
Kelvin Crezee  
Donald Curtis  
Evan Cwass  
Amram Dahukey  
Paul Daines  
Rajesh Daulat  
Joseph DeRose  
John DiMaggio

Carlos Dimidjian  
Marvin Dobkin  
Joseph Dobrusin  
Samuel Dolnick  
Richard Donella  
Peyman Elison  
Veidra Elison  
John Erotas  
Susan Erredge  
Albert Eulano  
Robert Evans  
Michael Farkas  
Patrick Farrell  
John Ferguson  
Barton Fink  
John Fiorino  
Edward Flake  
Mark Forman  
Michael Fox  
Lewis Freed  
Gary Friedlander  
Robert Frykberg  
Daniel Fulmer  
Christopher Funk  
Todd Galle  
Louis Geller  
Stephen Geller  
W. Joseph Gelling  
Kelly Gillroy  
April Glesinger  
Ike Gorman  
Mark Gorman  
Julia Granone  
Douglas Griffin  
Arnold Gross  
Tod Gunzy  
Marisa Haddad  
Todd Haddon  
Thomas Hale  
Jared Hall  
Jarrett Hamilton  
John Harlan  
William Harrant  
Jason Harrill  
Carrie Hess  
Corina Hollander  
Steven Hollander  
Daniel Hsu  
Erika Huston  
Richard Jacoby  
David Jaffe  
David Jenkins  
Traveis Jensen  
Gail Johnson  
Matthew Jones

Sanford Kaner  
Michael Kates  
Ira Kaufman  
Paul Keller  
Robert Kenrich  
Anthony Kimball  
Lester Klebe  
Barbara Kluger  
Edalyn Ko  
Alan Kravitz  
Bruce Krell  
Ladislav Kuchar  
Robert Kuvent  
Todd Lamster  
David Laurino  
Bjorn Lawson  
Kimberly Leach  
Paul Ledesma  
David Lee  
Joseph Leonetti  
Michael Leonetti  
Howard Lepolstat  
James Longton  
Teresa Losi  
Andrew Lowy  
Frank Maben  
Scott Maling  
Verlan Marshall  
Cameron McKay  
Peter Merrill  
Floyd Miller  
Hartley Miltchin  
Pierre Momjian  
Richard Mott  
Robin Myers  
Peter Myskiw  
Aprajita Nakra  
Ronald Nagy  
Anna Natcher  
Serjik Nazarian  
Brian Neerings  
Katherine Neiderer  
Glenn Nelson  
Vu Nguyen  
Robert Novack  
S. Otero-Quintero  
Jeffrey Page  
Lisa Pallini  
Roland Palmquist  
Jeffrey Pawlowski  
Tawnya Pfitzer  
Mark Pipher  
Jess Price  
Scott Price  
Richard Quint

Deo Rampertab  
Richard Rand  
Terry Ranta  
Joyce Ratner  
Kelly Reber  
Trena Reed  
Jeffrey Resnick  
Gordon Rheaume  
Kathleen Richards  
Richard Robinson  
Glen Robison  
Laurel Robison  
Kenneth Rowe  
Andrea Roemer  
Roberta Rowland  
Karyn Sallus  
Blair Sandall  
Daniel Saunders  
Edward Scates  
Daniel Schulman  
Arthur Seidner  
Michael Sekosky  
Timothy Sekosky  
Paul Selander

Myron Seulean  
Elaine Shapiro  
Paul Shapiro  
Allen Sherman  
James Shoffer  
Don Shumway  
Peter Sidoriak  
Donald Seigel  
Glenn Silverstein  
Martin Smith  
Jerome Steck  
Michael Stegman  
James Stocker  
Antonius Su  
Arthur Tallis  
Selena Tang  
John Tassone  
Wesley Taxier  
Rpbert Taylor  
George Thaler  
Chad Thompson  
Terence Thompson  
Tanya Thoms  
Edward Tierney

Eric Trattner  
Thomas Troy  
Phillips Tutnauer  
Tharesh Udupa  
Jodi Walters  
Jeffrey Weiss  
Mark Weissfeld  
Loren Wessel  
Bradley Whitaker  
Edward Wiebe  
James Wilson  
Lawrence Wissman  
Arnold Wolf  
Paul Woodward  
Scott Wyant  
Serena Yosza  
Susan Young  
Robert Zachow  
Kerry Zang  
Todd Zang  
Robert Zobel  
Larry Zonis

Regarding Dr. Corina Hollander, the Board determined that more information must be obtained regarding the “yes” answers she gave under section 7. Ms. Penttinen will send Dr. Hollander a deficiency notice outlining what information is needed.

Dr. Leonetti recused himself from review of the renewal applications for himself and Dr. Michael Leonetti.

MOTION: Dr. Kaplan moved to approve the renewal applications for Drs. Joseph Leonetti and Michael Leonetti. Ms. Reagan seconded the motion. There was no discussion.

VOTE: The motion passed unanimously by voice vote.

The Board reviewed the additional CME information submitted by Drs. Andrea Roemer and Peter Merrill and found it to be acceptable.

MOTION: Dr. Leonetti moved to approve the renewal applications of Drs. Andrea Roemer and Peter Merrill. Dr. Kaplan seconded the motion. There was no discussion.

VOTE: The motion passed unanimously by voice vote.

MOTION: Dr. Leonetti moved to provisionally approve the renewal applications for licensees with deficiencies as noted. The renewals will be approved upon receipt of the deficient information. Ms. Reagan seconded the motion. There was no discussion.

VOTE: The motion passed unanimously by voice mote.

MOTION: Dr. Leonetti moved to approve all remaining renewal applications. Dr. Kaplan seconded the motion. There was no discussion.

VOTE: The motion passed unanimously by voice vote.

Following review of all renewal applications, there was discussion among the Board members regarding the change in the license expiration date which is printed on the renewal cards and posted to the Board's website. Dr. Leonetti stated that the expiration date should be changed back to August 31 for all renewal applications approved today and at future Board meetings. All renewals which were already approved for this year will be changed and replacements cards will be sent to the licensees.

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

a. Open complaint status report.

Ms. Penttinen reviewed the complaint report which indicates the Board currently has 47 open complaints.

b. Review of mandatory furlough days.

Ms. Penttinen reviewed the correspondence she received from the Department of Administration regarding notification to the public regarding the mandatory furlough days in FY 2011 and 2012. The first furlough day is July 23, 2010. DOA presented a few different options for posting information to agency websites, updating voice mail greetings and auto-replies for emails. The Board reviewed this information and decided the following:

- One posting will be made on the Board's website listing all furlough dates for both years. The posting will contain the recommended language from DOA and contact information if the public has questions.
- The Board's office voice mail will be changed for each furlough day to advise callers of the furlough and when the office will re-open.
- The Board's office email account will be changed to send an auto-reply on the furlough days to advise of the furlough and when the office the re-open.

c. Complaint filed with Ombudsman's Office by Dr. Dershowitz.

Ms. Penttinen advised that the Ombudsman's Office inquiry has now been formalized as a complaint investigation. The initial inquiry regarding a previous disciplinary action against Dr. Ralph Rabin which was not posted to the Board's website has been resolved. However, there are remaining questions about alleged disciplinary action taken against Dr. Barry Kaplan and Dr. Michael Kates in approximately 1977. Ms. Penttinen stated she has been working with the Ombudsman's Office to research the matter and it is ongoing at this time. Dr. Kaplan stated that approximately four years ago this same issue was investigated and presented to the Board. Ms. Penttinen stated she had reviewed several years of old Board meeting minutes. She did locate some references to the Ombudsman's Office but nothing that specifically mentions this issue. The Board directed Ms. Penttinen to continue to review the old minutes, try to locate the investigation which was done by an outside consultant hired by the Board, and continue to work with the Ombudsman's Office to resolve this matter.

d. Malpractice case report.

- i. Luke Cicchinelli, DPM. Report received from PICA and NPDB regarding settlement paid for claim filed in 2005. Malpractice suit was filed in 2008 and Dr. Cicchinelli did previously report the case on the appropriate license renewal application.

Ms. Penttinen review the malpractice report received from PICA which indicates a settlement was paid on Dr. Cicchinelli's behalf in the amount of \$300,00.00. The patient is L.H. Dr. Cicchinelli did not report the filing of this case on his previous license renewal application.

MOTION: Dr. Leonetti moved to open a complaint investigation ion Dr. Cicchinelli for this matter and refer the case to Dr. Dedrie Polakof for investigation. Ms. Reagan seconded the motion. There was no discussion.

VOTE: The motion passed unanimously by voice vote.

- ii. Verlan Marshall, DPM. Report received from PICA regarding a claim reported on June 8, 2010 with non-specific allegations of substandard foot surgery and continued pain. After reviewing the information received from PICA the Board decided not to open a complaint investigation at this time. A case will be opened if the patient files a complaint directly with the board.

**XI. Call To The Public**

There were no requests to speak during the call to the public.

**XII. Next Board Meeting Date:**

- a. August 11, 2010, 9:00 a.m.

**XIII. Adjournment**

There being no other business before the Board, the meeting was adjourned at 11:54 a.m.